

PRIOR RESOLUTIONS

**RESOLUTION
PLANNING BOARD
CITY OF BAYONNE**

APPLICANT: THE BARBERI GROUP

APPLICATION NO.: P-08-019

**PREMISES: 80-84 East 25th Street
Block 442, Lot 14**

WHEREAS, THE BARBERI GROUP (“Applicant”) has applied to the Planning Board of the City of Bayonne (“Board”), for preliminary and final major site plan approval and bulk variance relief to construct an additional three stories onto the existing building located at 80-84 East 25th Street in City Block 442, Lot 14 for ten residential units; and

WHEREAS, the applicant, through his attorney, William M. Feinberg, Esq., appeared before the Board at a regular meeting held on March 10, 2009; and

WHEREAS, Pietro Barberi, principal of The Barberi Group, LLC and Joseph Staigar, P.E., traffic engineer provided testimony on behalf of the application; and

WHEREAS, the applicant submitted evidence that he has made the application in conformity with the City of Bayonne Ordinance and that he has complied with all of the procedural requirements of the City of Bayonne Ordinance, including the payment of fees; and

WHEREAS, the Board, after carefully considering the evidence, proofs and testimony of the applicant and arguments of counsel presented at the hearings in this matter, has made the following findings of fact and conclusions of law:

1. The Planning Board has the jurisdiction to act upon this application with a majority vote required for approval of all matters; and
2. The subject property is an existing 6,579 square foot property located at 80-84 East 25th Street between Prospect Avenue and Avenue F. The lot contains a vacant one-story building that was formerly used as a commercial laundry and warehouse; and
3. The applicant proposes a multi-family residential development that would retain the existing building and add three (3) stories. The multi-family residential use would consist of ten (10) dwelling units, two (2) one-bedroom; and eight (8) two-bedroom units. The site design incorporates a twelve (12) space parking garage and 100% lot coverage, limited setback, drainage and utility connections as well as a new sidewalk with two (2) street trees and an 18 foot wide curb cut on East 25th Street. The proposed building has an overall height of four stories and 49.3 feet above grade with a total floor area of 19,911 square feet. The building incorporates an upper floor setback of 5 feet one inch (5'1") on both side yards and a ten- foot six inch (10'6") at the rear yard to reduce the bulk/mass of the proposed addition. The proposed architectural design may be characterized as a podium building with a mix of contemporary and traditional design elements; and
4. The subject property is located in the TDO, Transit Development Overlay District and the proposed multi-family residential development is a permitted use in this district. The proposed project requires preliminary and final major site plan approval, bulk variances and design waivers for size of dwelling units, usable open space, unoccupied open space, curb cut size and deviations from the Residential Site Improvement Standards (RSIS) for parking; and
5. Pietro Barberi, a principal of the applicant, testified that the site was formerly occupied by a laundry. He described the project as well as projects he has worked on and advised the Board that the applicant was in the process of receiving a "No Further Action" letter from the New Jersey Department of Environmental Protection. He briefly outlined what he intended to do at the site; and
6. Al Sambade, A.I.A., P.P., P.E., of DAL Design, described the various drawings that were submitted as part of the application prepared by his firm. Mr. Sambade indicated that the building was designed to accommodate the unique characteristics of the site. In addition, Mr. Sambade testified as to the functional use of the building proposed and how the design was indicated to minimize the effect on the surrounding area. The surrounding area was described as primarily residential with one- and two- families as well as multi-family residential properties along 25th Street, Prospect Avenue and Avenue

- F. Mr. Sambade testified as to the design characteristics of the site plan. He said he reviewed the building area and the use that will be developed as part of the proposed plan. He discussed the parking for the area and advised the Board as to why the applicant would comply with the parking requirements for the development on the site. Mr. Sambade testified with respect to the lot and building coverage and said the applicant used its best efforts to address the site constraints; and
7. Mr. Sambade, P.P., in his capacity of Planner, testified as to the unique characteristics of the site relative to the variance required. Mr. Sambade discussed how the proposed project compares with previous uses of the property and the potential uses. Mr. Sambade testified that the applicant could not acquire property in the immediate vicinity of the property because this is a fully developed area and there is no additional means for the applicant to acquire additional property to increase the size of the property to conform with the current Zoning Ordinance. The plan provides adequate parking for the area for the building including adequate dimensions that will permit residents to use the parking area. Mr. Sambade testified there is usable open space in the immediate vicinity and there are no additional means that the applicant could provide for any additional open space at the site. He further testified as to off-street parking and said that the project would have minimal effect on parking conditions in the area. He noted there is adequate availability of mass transit with the Broadway bus and the Hudson-Bergen Light Rail Transit system located in the immediate area. Mr. Sambade discussed the historic significance of the structure and his client's willingness to save the name of the laundry on the façade. He advised that the ability to retain this faint sign would be as the result of the structural difficulties and this could not be determined until further engineering investigation was completed. He did not guarantee that it would be saved, but that the applicant would use its best efforts to do so. The applicant would be willing to place signage to its past use in the lobby; and
8. Joseph Staigar, P.E., a Traffic Engineer provided expert testimony. Mr. Staigar testified regarding the traffic study as well as the safety and efficiency of the parking design. He described the area and intersecting local street and testified that the proposed site driveway would be located along 25th Street. He testified there would be no change in the level of service in the area of the proposed project. It was Mr. Staigar's opinion, that even under the worst case projections, adequate service levels would continue to be provided in the immediate neighborhood with adequate capacity available to accommodate the minor traffic increase. He further testified that with regard to the Residential Site Improvement Standards twenty (20) spots would be required; however, these general standards were not applicable throughout the state and local conditions could control. He noted the characteristics of the area that

deflate demand inclusive of mass transit, that it is a pedestrian accessible location and the Zoning Ordinance had set the parking requirements in accordance with local standards; and

9. Mr. Stanley Marco, a neighbor of the project, testified he was concerned about the height on this side street and would consider the building more appropriate along north/south streets such as Avenue F or Prospect Avenue. He was concerned about the parking because the project did not adequately address this issue, especially in light of the Residential Site Improvement Standards. He was also concerned about the affordable housing requirement of the project. Mr. Robert Dodd, another neighbor, was concerned about the height and parking and described how the project, because of its height, would affect his property with regard to sun shading during the day. Mr. Dodd indicated he would find the project acceptable if the building were one story lower. Mrs. Kathy Smith, who resides across the street from the project said she was torn with regard to this project. She knew the project would be an aesthetic upgrade for the site but she was concerned about shadowing. She knew the builder and considered him a good developer but that the traffic would be a problem for the neighborhood children and the building was too big; and
10. The Planning Board makes the following conclusions of law based upon the foregoing findings of fact:
 - A. The Board members discussed the project relative to the requested variances. There were comments about the size of the lot and its conformity to the Zoning Ordinance. The proposed project was substantially conforming with the exception of setbacks to the fully developed area and the applicant was unable to acquire additional property to enlarge the size of the lot. The Board members also discussed setbacks, driveway and parking issues as well as the open space issue. The opinion of the Board members is that the project is a good project in light of the limited ability the applicant had to develop the property in any other manner. The project was as conforming as the site would allow the applicant to make it. The Board was satisfied the property was being developed in conformity with the residential neighborhood and eliminating a non-conforming commercial use. The Board was also concerned about the historic aspect of the building and that the builder would make efforts to preserve the historic features of the building if feasible. The Board was concerned with the parking and driveway issues but was satisfied that the applicant had used its best efforts to satisfy same in light of the Ordinance provisions; and
 - B. Accordingly, the Board finds that based on the record before it, the variances sought by the applicant would not substantially impair the

intent and purpose of the Zoning Ordinance of the City of Bayonne. The variances that the applicant needs to develop the property as proposed would not have any detrimental impact upon the overall enjoyment of the neighboring properties. The applicant has demonstrated that the development of this type of multi-family housing on East 25th Street could not be done with any less variance relief. The fact that the applicant has used its best efforts and satisfied the Ordinance conditions, constitutes a hardship that justifies the granting of the variances in this instance. Furthermore, the proposed benefits of the deviation outweigh the detriment. The proofs offered by the applicant meet the standards that granting variance relief would not have a substantial detrimental effect or substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance. The applicant has offered sufficient proof to meet these tests; and

- C. As has been stated by the New Jersey Supreme Court by definition, no "c" 2 variance should be granted when only the purpose of the owner would be advanced. Grant of approval must actually benefit the community and that it represents a better zoning alternative for the property. The focus of a "c" 2 case will not be on the characteristics of the land in light of the current zoning requirements, create a hardship on the owner warranting a relaxation of standards, but on the characteristics of the land that present an opportunity for improved Zoning and Planning and will benefit the community. Kaufmann vs the Planning Board for Warren Township 110 N.J. 551,563 (1988). As has been noted by the courts, generally speaking, more is to be feared from a breakdown of the Zoning Plan by ill-advised grants of variance than by refusals thereof. Cummings vs the Board of Adjustment of Leonia 39 N.J. Super 452,460 (App. Div) Sert Denied. 21 N.J. 550 (1956). In the case before the Board the applicant has demonstrated the proposed variances present an opportunity for improved zoning and planning that will benefit the community and will effectuate the goals of the City as reflected in the Zoning Ordinance and the 2000 Master Plan. The benefits to the community outweigh the detriments of these variances in this matter and will not negatively affect the future residents of such a development or the city as a whole. The applicant has met it's burden of proof with regard to satisfying the positive and negative criteria as required to secure the "c" variances sought in the application as set forth above; and
- D. The Planning Board hereby determines the applicant has met its burden of proof to the satisfaction of the Planning Board for site plan approval and variance relief and the applicant must satisfy the

conditions listed on Schedule "A" attached hereto and made a part hereof.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the City of Bayonne, hereby **GRANTS THE BARBERI GROUP** preliminary and final major site plan approval and bulk variance relief to construct an additional three stories onto the existing building located at 80-84 East 25th Street in City Block 442, Lot 14 for ten residential units, subject to the approval of all pertinent Federal, State, County and municipal rules and regulations, statutes, codes and ordinances and other conditions listed on Schedule "A" attached hereto.

BE IT FURTHER RESOLVED, that the Chairman of the Planning Board has hereby authorized his signature to this Resolution and the Land Use Administrator is authorized to advertise the action taken by way of Resolution in a local newspaper; and

BE IT FURTHER RESOLVED, that the Land Use Administrator is authorized to send copies of this Resolution to the following City Officials: City, Clerk, Construction Official, Zoning Officer, Fire Sub-Code Official, City Planner and City Consulting Engineer.

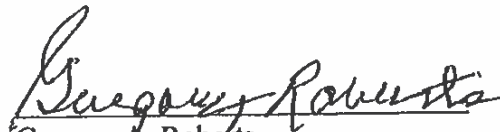
RECORDED VOTE:

Commissioners	Aye	Nay	Abstain	Not Voting	Not Present
Garelick	[X]	[]	[]	[]	[]
LaPelusa	[]	[]	[]	[]	[X]
Lotosky	[X]	[]	[]	[]	[]
Roberts	[]	[]	[]	[]	[X]
Gallo	[X]	[]	[]	[]	[]
Pineiro	[X]	[]	[]	[]	[]
Birtwistle	[X]	[]	[]	[]	[]
Mayor Smith	[]	[]	[]	[]	[X]
Jason O'Donnell	[X]	[]	[]	[]	[]

WHEREAS, the application having received six (6) AYE votes is hereby

APPROVED.

The above Resolution was adopted by the Planning Board of the City of Bayonne at a special meeting held on March 25, 2009.


Gregory A. Roberts
Chairman

RNC/lg

SCHEDULE A
The Barberi Group
P-08-019

1. The applicant shall comply with the reports and recommendations of the City's Consulting Engineer and City Planner dated February 18, 2009 and March 3, 2009, respectively, except as those recommendations have been specifically modified as reflected in the minutes of the proceedings before the Board on this application; and
2. The applicant shall maintain the property specifically including all landscaping, parking and environmental controls in accordance with the approved plan; and
3. The applicant shall submit revised plans for final approval by the City's Planner and Engineer satisfying all conditions; and
4. The applicant shall establish and maintain an escrow account with the City of Bayonne to pay for the professional review and inspection fees related to this application and construction required in conjunction therewith; and
5. The applicant shall submit cost estimates to the City Engineer to determine the cost of the Performance Bond and Inspection Escrow fees; and
6. Approval of this application is further conditioned on full compliance with all applicable Federal, State and Local Ordinances, rules and regulations and all required permits and approvals and certificates. Copies of all other permits and approvals shall be provided; and
7. Approval of this application is further conditioned upon the payment of all taxes, fees and required escrow deposits to the City of Bayonne. The applicant shall pay any additional fees or escrow deposits which may be due and owing within 30 days from the date of the adoption of this resolution. Copies of all other permits; and
8. All documents required to be prepared by the applicant by virtue of the terms or provisions any condition set forth in this resolution shall, before execution, be submitted to and approved by the Board Attorney and Engineer; and
9. If any other governmental agency grants a waiver or variance of a regulations, then this Board shall have the right to review that issue as it relates to this approval granted by this Board and modify to amend same; and

10. The applicant shall start the construction in accordance with the plans as approved and herewith submitted, within twelve (12) months from the date of publication of the legal notice of the Board's decision in this application.



DEPARTMENT OF COMMUNITY DEVELOPMENT
OFFICE OF PLANNING AND ZONING

CITY OF BAYONNE

630 AVENUE C • BAYONNE, NJ 07002-3898
TEL. (201) 436-5088 • FAX (201) 858-6185



MARK SMITH
MAYOR

JOHN D. FUSSA, P.P.
CITY PLANNER


TO: Bayonne Planning Board
FROM: John Fussa, P.P.; City Planner 
RE: Calendar #P-08-019;
Application of The Barberi Group, L.L.C.;
80-84 East 25th Street; Block 442, Lot 14;
P/F Major Site Plan, Bulk Variance(s) and RSIS Waiver

Exhibit - A-12
The Barberi Group
P-08-019
(03-10-09- lg)

DATE: March 3, 2009

I have reviewed the above-referenced application and have the following comments:

Technical Review Committee

The applicant appeared before the Technical Review Committee (TRC) on May 14, 2008 and presented their conceptual development plan for the subject property. The proposed multi-family residential development was found to be substantially consistent with the master plan recommendation for the 22nd Street station area and the TDO Transit Development Overlay zoning designation as to use. The TRC identified several issues to be addressed including the height of the proposed building, bulk/mass of development, buffering of adjacent residential properties, parking and traffic impacts as well as architectural design. The submitted plans appear substantially similar to the conceptual plan presented to TRC but have been revised to address several comments including those made about architectural design, parking layout and curb cut width.

Project Description

The proposed application is for an existing 6,579 square foot property located at 80-84 East 25th Street between Prospect Avenue and Avenue F. The subject property contains a vacant one (1) story building that was formerly used as a commercial laundry and warehouse. The applicant proposes a multi-family residential development that would retain the existing building while adding three (3) stories and consisting of the following elements:

- **Use:** A multi-family residential use consisting of 10 dwelling units; two (2) one-bedroom units and 8 two-bedroom units.
- **Site Plan:** The site design incorporates 12 off-street parking spaces, 100 percent lot coverage, limited setbacks, drainage and utility connections as well as a new sidewalk with two (2) street trees and an 18-foot wide curb cut on East 25th Street.
- **Architectural Design:** The proposed building has an overall height of four (4) stories and 49.3-feet above grade with a total floor area of 19,911 s.f. The building incorporates an upper floor step-back of 5-feet, 1-inch at both side yards and 10-feet, 6-inches at the rear yard to reduce the bulk/mass of the proposed addition. The proposed architecture design may be characterized as a podium building with a mix of contemporary and traditional design elements.

Approvals, Variances and Waivers Required

The subject property is located in the TDO Transit Development Overlay District and the proposed multi-family residential development is a permitted use in the District. The proposed project requires preliminary and final major site plan approval, bulk variances and design waivers as follows:

1. Section 35-5.15e(7): The proposed project incorporates dwelling units that range in size from 850 s.f. to 1,480 s.f. The TDO District requires a minimum gross habitable floor area of 1,000 s.f. per unit.
2. Section 35-5.15e(9): The proposed project does not incorporate unoccupied open space such as a rear yard or

passive open space. The TDO District requires minimum unoccupied open space equal to 10 percent of total lot size.

3. Section 35-5.26k: The proposed project incorporates 1,834 s.f. of usable open space in the form of balconies and terraces. The City zoning ordinance requires usable open space at the rate of 200 s.f. per one (1) bedroom unit and 250 s.f. per two (2) bedroom unit. This translates into a requirement for 2,400 s.f. of usable open space.
4. Section 35-17.5a: The proposed project incorporates a driveway curb cut that is 18-feet in width per TRC recommendation. The City zoning ordinance requires a maximum driveway curb cut width of 10-feet.
5. N.J. Residential Site Improvement Standards (RSIS, N.J.A.C. 5:21-4.14b): The proposed project incorporates 12 off-street parking spaces in the ground floor parking garage. The RSIS requires off-street parking at the rate of 1.8 spaces per one (1) bedroom unit and two (2) spaces per two-bedroom unit for a total State requirement of 20 parking spaces.

Planning Comments

1. The applicant must summarize the proposed project and should provide the Planning Board with information about existing conditions at the site, reuse of the existing laundry building, type of residential units proposed (rental v. for-sale), site plan improvements, project schedule, etc....
2. The applicant must address the required bulk variances for nonconforming habitable floor area, unoccupied open space, usable open space and driveway curb cut width. The applicant shall address the positive and negative criteria associated with each variance and discuss the planning rationale for each element of relief. From a planning perspective, the proposed variances are minor in nature and limited in their extent with the exception of the unoccupied open space variance. The potential impacts upon adjacent properties and the East 25th Street neighborhood will be limited and are mitigated by the relatively large size of the dwelling units, proximity to open space at Halecky/IMTT Park and safety benefits of the oversized curb cut.
3. The applicant shall address the required waiver from the RSIS standard for off-street parking and discuss whether the proposed parking is sufficient to support the 10 residential dwelling units that are planned. The applicant must discuss the adequacy of the proposed parking, availability of on-street parking in the neighborhood, proximity to mass transit service and any unique characteristics that would mitigate the need for additional parking. We take no issue with the proposed parking count from a planning perspective based upon the transit-oriented zoning for the site.
4. The applicant shall address City Environmental Specialist James Monkowski's January 23, 2009 report to the Planning Board including the extent of site contamination, status of clean-up activities, receipt of a no further action (NFA) letter from the NJDEP and clarification about the type of documents that have been submitted to the NJDEP. The applicant shall confirm the status of submittals to the NJDEP, provide copies of the required NFA letter and clarify the schedule for remaining site remediation activities. It is recommended that the Board condition any approval upon the recommendations outlined in Mr. Monkowski's report.
5. Our site inspection indicates that the eastern side yard contains a small shed-like structure that abuts the existing building on the subject property and the house on adjacent Lot 13. This structure is not shown on the property survey or existing conditions plan but I assume it will be removed during site development. The applicant should confirm that this is the case.
6. Our site inspection indicates that the existing houses that border the subject property on Lot 13 to the east and Lot 15 to the west may have windows that open into the side yard. The applicant has done a good job of mitigating the loss of light, air and open space by incorporating a 5-foot, 1-inch side yard step-back on the upper floors but I am concerned that the proposed staircase risers will block windows because they would be constructed to a zero (0) lot line. The applicant shall address this issue and ensure that the windows on existing houses that border the subject property will not be blocked by the staircase risers.
7. The proposed project is subject to the City's growth share ordinance for affordable housing and any approval shall be conditioned upon compliance with the requirements of the ordinance. The applicant is advised that the affordable housing obligation for the project is 1.11 dwelling units based upon a total project yield of 10 dwelling units (10 d.u. / 9 d.u. = 1.11 affordable d.u.).
8. The applicant shall address the comments and recommendations of the City Engineer, Bayonne Municipal Utilities Authority (BMUA), Hudson-Essex-Passaic Soil Conservation District, NJDEP and other governmental

agencies with jurisdiction.

9. The applicant shall be required to schedule a post-approval resolution compliance meeting with Board staff and a pre-construction meeting with City agencies prior to the start of construction should the Board approve the proposed project.
10. The following conditions are recommended if the Board approves the proposed project:
 - A. The proposed project shall comply with the permitted residential uses of the TDO District.
 - B. The proposed project shall be constructed in accordance with the approved plans except as modified by the Board or by recommendation of the Board professionals.
 - C. Revise the site plan to cut back the proposed fence in the eastern side yard to the northwest corner of the existing house on adjacent Lot 13 with an access gate. Consider eliminating the fence in the eastern side in its entirety and installing a gate for joint access to the side yard for maintenance and emergency access.
 - D. Revise the landscape details Sheet C2.2 to incorporate a construction detail or manufacturer's cut sheet of the proposed decorative tree grate. Said grate shall be of cast steel construction or equivalent.
 - E. Revise the ground floor plan at Sheet A1.1 to indicate that the trash/recycling room shall be ventilated with a floor drain for cleaning.
 - F. Revise the south elevation fronting East 25th Street to incorporate additional brick masonry and increase the ratio of brick to stucco on the upper floors such that masonry is a predominant material and stucco is a secondary material used to accent or lighten the appearance of the building. We have no objection to the use of synthetic stucco as a primary façade material on the upper floors of the east, west and north elevations.
 - G. Revise the architectural plans to incorporate a manufacturer's cut-sheet of the proposed garage door that will be installed so that we may confirm it is consistent with the approved project design. In the alternative, the applicant may provide a shop drawing or cut-sheet for review and approval prior to installation. Said door shall incorporate a window band and have an architectural character that complements the building design.
 - H. Provide a sample materials board and color scheme for review and approval prior to the start of construction.
 - I. Schedule a post-approval resolution compliance meeting and preconstruction meeting with Board staff and City agencies. Provide 48 hours advance notice prior to the start of construction.
 - J. Satisfy the City's growth share ordinance for affordable housing as referenced above.
 - K. Address the comments of the City Engineer, BMUA, Soil Conservation District, NJDEP and other agencies with jurisdiction. Provide approval letters from each of the above offices prior to start of construction.
 - L. Address the report of the City's Environmental Specialist regarding site contamination, clean-up and the required NJDEP NFA documentation.

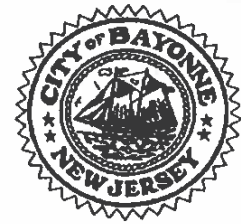
I will be present at the public hearing to address any comments or questions regarding the proposal or this report.

/jf

cc: Lillian Glazewski; City Land Use Administrator
Don Schlachter, P.E.; City Engineer
Richard Campisano, Esq.; Board Attorney
John Zgola; City Zoning Officer
Stephen Gallo/John Rolak, P.E.; Executive Director and Engineer for BMUA
William Feinberg, Esq.; Attorney for Applicant
Al Sambade, P.E., R.A., P.P.; Engineer, Architect and Planner for Applicant
Antonio and Pietro Barberi; Applicant



City of Bayonne
DIVISION OF ENGINEERING
MUNICIPAL BUILDING
630 AVENUE C
BAYONNE NJ 07002
TEL 201-858-7182
FAX 201-858-6185



MEMORANDUM

TO: Lillian Glazewski, Land Use Administrator
FROM: Don Schlachter, City Engineer
DATE: 18 FEB 09
RE: **The Barberi Group (P 08-019)**
80-84 East 25th Street
Block 442 Lot 14

Exhibit - A-13
The Barberi Group
P-08-019
(03-10-09- lg)

The referenced application is for the renovation of the existing building on East 25th Street between Prospect Avenue and Avenue F. The existing one-story building is currently vacant and was formerly used as a warehouse with street access via a central front door and driveway. The proposed project will create off-street parking for 12 cars on the existing ground floor level. Additionally, the drawings show the addition of upper stories to the existing building, resulting in a four-story high structure, with 10 residential units on the three upper floors, consisting of eight units with two bedrooms and two units with one bedroom.

The documents reviewed include:

- Application dated 07 AUG 08;
- Applicant's Statement;
- Deed dated 23 JAN 06;
- Tax Status Certification dated 30 JUL 08;
- Zoning Report dated 17 JUL 08;
- List of property owners within 200 feet of the property in question dated 30 JUL 08;
- Site and Architectural plans prepared by DAL Design Group, consisting of 11 sheets dated 09 JUL 08, unrevised, entitled PROPOSED RESIDENTIAL DEVELOPMENT, 80-84 East 25th Street, Block 442 Lot 14, Bayonne, NJ containing:
 - T0.1 "Title and Information Sheet"
 - C1.1 "Existing Site Conditions and Proposed Site Construction Layout"
 - C1.2 "Proposed Site Grading and Utilities Plans"
 - C1.3 "Proposed Site Lighting, Landscaping & Traffic Control Plans"
 - C1.4 "Proposed Soil Erosion and Sediment Control Plan"
 - C2.1 "Site Details"
 - C2.2 "Landscape Details"
 - A1.1 "Building Floor Plans"
 - A1.2 "Building Floor Plans"
 - A2.1 "Building Elevations"
 - A2.2 "Building Elevations"

- Traffic Impact Statement for 80-84 East 25th Street prepared by Joseph Staigar Engineering, LLC dated 17 DEC 08
- Report of Hatch Mott MacDonald dated 11 FEB 09

After review of the referenced documents and an inspection of the site, I offer the comments set forth below.

1. The zoning officer's report shows variances required for:
 - Lot Coverage
 - Open Space Unoccupied
 - Open Space Useable
 - Lot Frontage
 - Front yard setback
 - Rear yard setback
 - Lot Area
 - Curb cut

Unclear in the application documents is the proposed type of unit ownership. If the units are townhouse style units, an additional variance will be required for building height. If they are rentals, it appears that four stories are permitted. This office defers to the City Planner for further analysis.

In the building elevations, a planter is proposed along portions of the front of the building that will encroach into the City's right-of-way for East 25th Street. If this application is approved, the encroachment may require an additional variance and/or action by the City Council.

2. The proposed building height is greater than the adjacent buildings. Any approval granted to this applicant should be conditioned upon the required proofs that there will be no impact on those buildings either as a result of the taller building or the construction process in such close proximity to existing buildings.
3. Examination of the building on lot 15 (adjacent property to the west) revealed that the building appears to extend much deeper into that lot than shown on the "Existing Conditions Plan" on drawing number C1.1. Although there is reference on the drawing to a survey prepared by Behar Surveying, there is no copy of the survey provided to confirm the existing conditions. The applicant should provide a certified copy of the property survey.
4. The applicant is proposing to install new curb and sidewalk along the entire frontage of the project. Included is an 18-foot wide curb opening and driveway area from the street to the door of the off-street parking area. Since the proposed driveway and the existing access door will not be wide enough to accommodate two-way traffic, the applicant must provide justification for exceeding the maximum curb opening requirement where it appears unnecessary.
5. The concrete curb detail must be changed to show a standard 9" x 18" curb in lieu of the proposed 8" x 18" curb.

6. All utilities and stormwater management must conform to the requirements of the MUA as outlined in the report from Hatch Mott McDonald dated 11 FEB 09.
7. The parking area on the ground level of the proposed structure provides 12 conforming parking spaces and adequate aisle space for proper operation under the City requirements. RSIS standards require more parking spaces than does the City ordinance for apartments and townhouses. The Traffic Impact Statement does not address the RSIS requirements and testimony must be provided to address this deficiency.
8. Comparison of the "project north" to the architectural elevations drawings revealed that the identification of the elevations (north, west, etc.) are reversed.

Should the Board approve this application, the following will be considered part of the approval resolution:

- a. The applicant must comply with all comments of the City Planner, the Office of Planning and Zoning, and the Bayonne Municipal Utilities Authority.
- b. The applicant must obtain the approvals of all other agencies having jurisdiction and as they may apply including, but not limited to, such agencies as the BMUA, the Bayonne Fire Department, the County of Hudson, Hudson County Soil Conservation District, NJDEP, etc.
- c. Two (2) sets of the final plans as approved by the Board, including all required revisions, must be submitted to the City Engineer in addition to those sets required by the Office of Planning and Zoning.
- d. The applicant must submit a unit price construction cost estimate for review by this office. This estimate will be the basis for determining the amount of the Performance Bond and Inspection Escrow.
- e. The applicant must provide the City Engineer and the City Planner with written notice of the start of construction no less than 72 hours in advance and shall contact this office to discuss the scheduling of a preconstruction meeting.
- f. The applicant shall immediately replenish an escrow account that has been depleted. It is the applicant's responsibility to check with the Office of Planning and Zoning as to the status of the escrow account balance and maintain a positive balance therein.
- g. In the event this application requires a road opening permit, the applicant must complete any and all openings as soon as possible. It is the applicant's responsibility to ascertain if the street that requires a road opening is scheduled for repaving by checking with the City Engineer or the Director of Public Works. All road openings **must** be completed prior to any paving of a road by the City.

I trust this provides information that is useful in your review of the proposed project. I intend to be in attendance at the Board's meeting should you have any questions about the foregoing.

cc: John Fussa, City Planner

**RESOLUTION
ZONING BOARD OF ADJUSTMENT
CITY OF BAYONNE**

APPLICANT: 40 COTTAGE ST., LLC

APPLICATION NO.: Z-20-011

**PREMISES: 80-84 East 25th Street
Block 442, Lot 14**

WHEREAS, 40 COTTAGE STREET, LLC (applicant) has applied to the Zoning Board of Adjustment in the City of Bayonne (Board) seeking preliminary and final site plan approval, use and bulk variance relief, to allow the use of the existing warehouse for the storage of non-hazardous housewares and furniture on property located at 80-84 East 25th Street in City Block 442, Lot 14; and

WHEREAS, the applicant, represented by Paul Weeks, Esq., appeared before the Board at a regular meeting held on September 21, 2020; and

WHEREAS, the applicant has submitted proof of notification by mail and personal services, at least ten (10) days prior to the date set forth for public hearing to property owners within 200 feet of the extreme limits of the property, in accordance with the Zoning Ordinance of the City of Bayonne as amended and supplemented in accordance with N.J.S.A. 40:55D-1 et. seq. has been completed and the application has been deemed complete for review; and

WHEREAS Stephen M. Kawalek, R.A., P.P., Louis Felix, proposed tenant for the applicant's property and Michael Riela, a principle of the applicant, presented testimony in support of the application for variances before the Zoning Ordinance; and

WHEREAS the applicant submitted evidence and has made the application in conformity with the City of Bayonne Ordinance and has complied with all procedural requirements of the Ordinance including the giving of notice and the payment of fees; and

WHEREAS, after carefully considering the evidence, proofs and testimony of the applicant presented at the hearing in this matter the Board has made the following findings of fact and conclusions of law:

1. The Zoning Board of Adjustment has jurisdiction to act upon the application with a majority vote required for approval of all matters with the exception of a “use” variance under the provisions of N.J.S.A. 40:55D-70(d) for which five affirmative votes are required; and
2. The applicant, 40 Cottage St., LLC is seeking a use variance and preliminary and final major site plan approval to utilize an existing building as a warehouse in the R-2 Detached/Attached Residential District. The building was approved for conversion of the property to a ten-unit residential building. After that the site was used as a carpet warehouse, however, never received a use permit, thereby not establishing the use of the premises as a warehouse. Currently the building is vacant; and
3. Since, warehousing is not permitted in the R-2 Detached/Attached Residential District, a use variance and preliminary and final site plan approval is required. The property identified as Block 442, Lot 14 is located at 80-84 East 25th Street between Avenue F and Prospect Avenue. The subject site is located within the R-2 Detached/Attached Residential District and the Transit Development Overlay District. The site is approximately 6,578 square feet (0.15 ac.) with 69.75 feet frontage on East 25th Street. The site is an interior lot adjacent to one- and two-family residential units. The site is developed with a one-story building with one overhead door fronting on East 25th Street. The building occupies the entire site and is approximately 6,318.86 square feet. The building is situated on the front, rear and westside property line and is approximately 2.72 feet off the eastside property line. Windows are located along both sides of the building. The front windows are currently boarded up as the site is currently vacant; and
4. The applicant is proposing to use the existing 6,300 square feet building as a storage warehouse of nonhazardous housewares and furniture. No improvements to the building or the site are proposed. The subject site is located in the R-2 Detached/Attached Residential District which permits detached single-family dwellings, detached two family dwellings, home occupations, family daycare homes and essential services. Warehousing is not a permitted use in the R-2 Detached/Attached Residential District or the Transit Development Overlay District, therefore, a use variance commonly known as a d(1) variance is required. As the proposed use is not permitted within the zone, the applicant must seek a “Special Reasons” use variance pursuant to N.J.S.A. 40:55D-70d, per the State Supreme Court’s decision in the case of Medici v. BPR Co., the applicant must be prepared to provide testimony demonstrating that there are special reasons to allow

the prohibited use and that the site in question is particularly suited to the use. The use should be appropriate and especially beneficial based on the unique conditions of the site and its surrounding area; and

5. In the City Planner's Report dated September 21, 2020, it is pointed out that the applicant is responsible to show how the application complies with the below listed goals and objectives. The City of Bayonne Master Plan was updated in 2017. The Master Plan identifies the subject site as residential land use and issues a series of goals and objectives in support of the designation. The applicable goals and objectives are as follows: For existing residential neighborhoods, recommendation to protect and preserve the size, scale and character of existing residential neighborhoods by eliminating the encroachment of commercial and multi-family uses in these areas; Encourage high quality adaptive reuse and development of single-family, duplexes and town homes in existing residential neighborhood; Provide architectural and neighborhood design standards for any proposed development in single family zoning districts; Create standards on commercial properties and enforcement when standards are not met by abandoned properties or absentee owners; Recommendation for a street tree program to help develop, promote, sustain and regulate new and existing street trees; Recommend strengthening the existing zoning to require rehabilitation and redevelopment that is appropriate to the existing residential neighborhoods in terms of scale and density that will add to the City of Bayonne tax base; To protect and promote health, safety and welfare of residents by restoring properties to a sound condition and productive use.; and
6. Stephen M. Kawalek, RA, PP, was sworn and qualified as an expert witness. He described the site located in the R-2 Zone as well as the existing building. He testified that the structure would not change. The structure was designed to be a warehouse and would remain a warehouse if the Board granted approval. He described the site access being an existing driveway that was to be retained. He indicated that the structure itself could hold three to four trucks. Mr. Kawalek advised the Board that information regarding the operation of the site would be provided by other witnesses. He testified that no new signs were proposed. Mr. Kawalek testified that the building was built as a warehouse and as such it satisfied the site suitability standard. He advised that the applicant did not intend to provide any changes to the façade of the warehouse. Mr. Kawalek reviewed the history of the use at the site that by continuing with the warehouse use at this site there would be no substantial change to the area. The proposal was in keeping with the goals and objectives of the City's Master Plan. The application satisfied the positive and negative criteria; and
7. Louis Felix, Vice President of Sica Moving Company, was sworn and testified that it was the intention of his company to use the site for long term storage of furniture and household items. He indicated that the facility would not be in use every day. There would be no on-site employees. It was not to be used for public storage and

no sales would be conducted on site. All loading and unloading would occur on site with the truck being parked inside of the warehouse. There would be no permanent employees working at the warehouse on a daily basis. He testified that the hours of operation would be business hours. The largest truck would be a 26-foot box truck and all trucks would be stored at the main operation in Brooklyn New York.; and

8. Michael Riela, a principle of the property, was sworn and testified that the property was acquired in 2018. Mr. Riela described the property at time of acquisition and how it is presently. He indicated that the applicant would be willing to paint the façade. The property has no water or sprinklers for fire prevention. The only on-site utility is electric. He described the proposed user's operation and hours of operation. There would be no on-street loading or unloading and no tractor trailers. Mr. Riela did agree to repair the windows; and
9. The Board makes the following findings and conclusions with respect to this application:
 - a. Under the Municipal Land Use Law, a Zoning Board of Adjustment, when considering a "d" variance, cannot grant relief unless sufficient special reasons are shown and there is no substantial impairment to the Zone Plan and Zoning Ordinance. In addition, the burden of proof is upon the applicant to establish the above criteria. It the Board's responsibility, acting in a quasi-judicial manner, to weigh the evidence presented before it by the applicant and all objectors and reach a decision that is based upon the findings of fact and conclusions of law that is not arbitrary, unreasonable or capricious; and
 - b. The New Jersey Courts have been willing to accept the showing of extreme hardship as sufficient to constitute special reasons. The Courts have indicated there is no precise formula as to what constitutes special reasons unless the use is determined inherently beneficial and that each case must be heard on its own circumstances. Yet, for the most part hardship is usually not sufficient criteria upon which the Board can grant the variance. In addition, special reasons have been found where a variance would serve any other purpose of zoning as set forth in N.J.S.A. 40:55d-2. However, in the last analysis, a variance should only be granted if the Board, on the basis of the evidence presented before it, feels that the public interest as distinguished from the purely private interest of the applicant would be best served by permitting the proposed use. In this instance the Board must also find that granting the variance will not create an undue burden on the owners of the surrounding properties. The Board also notes

that the special reasons requirement may be satisfied if the applicant can show the proposed use is particularly suited for the particular piece of property. With regard to the question of the public good, the Board's focus is on the effect of the surrounding properties and whether such effect will be substantial. Furthermore, in most "d" variance cases, the applicant must satisfy an enhanced quality of proof and support it by clear and specific findings by this Board that the variance sought is not inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance. The burden of proof is upon the applicant to establish the above criteria; and

- c. The comments of the Commissioners who voted against the application are set forth below: Chairman Urban stated "the applicant's proposed warehouse use is too intense for this residential area. In his opinion, it was not a suitable use and did not meet the goals and objectives of the City's Master Plan. Commissioner Adams stated "that this is a changing neighborhood and the proposed use conflicts with the residential character". Commissioner Piniero was not in favor for the reasons expressed above. Commissioner Calcaterra felt if approved, it would negatively affect the neighborhood in question. Commissioners Iapicca and Gamal did not see any benefits to the area if approved. Commissioner DiLullo was in favor if the conditions that were discussed with the applicant were made a part of the approval; and
- d. Accordingly, the Board finds that based upon the record before it, that the variances sought by the applicant would substantially impair the intent and purpose of the Zoning Ordinance of the City of Bayonne. The variances that the applicant needs to develop the property as proposed would have a detrimental impact upon the overall use and enjoyment of the neighboring properties. Further, the proposed benefits of the deviation do not outweigh the detriments. The proof offered by the applicant does not meet the standard for granting these variances. The application would have a substantial detrimental effect and substantially impair the intent and purposes of the Master Plan and Zoning Ordinance; and
- e. The Board has considered the testimony on behalf of the applicant and finds that the applicant has not satisfied the criteria for a use variance as set forth in Medici v. BPR Co.; and

- f. The Zoning Board hereby determines that the applicant has not met its burden of proof to the satisfaction of the Zoning Board for use/bulk variances and site plan approval.

NOW THEREFORE BE IT RESOLVED that the Zoning Board of Adjustment of the City of Bayonne hereby **DENIES** 40 Cottage St., LLC (applicant) preliminary and final major site plan approval, use and bulk variance relief to allow the use of the existing warehouse for the storage of non-hazardous housewares and furniture at the property located at 80-84 East 25th Street in City Block 442, Lot 14; and

BE IT FURTHER RESOLVED that the Chairman of the Zoning Board of Adjustment has hereby authorized his signature to this Resolution denying approval and Zoning Board Secretary is authorized to advertise the action taken by way of Resolution in a local newspaper; and

BE IT FURTHER RESOLVED, that the Zoning Board Secretary is authorized to send copies of this Resolution to the following City Officials: City, Clerk, Construction Official, Zoning Officer, Fire Sub-Code Official, City Planner and City Consulting Engineer.


RECORDED VOTE:

<u>Commissioner:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Not Voting</u>	<u>Not Present</u>
Urban	[]	[X]	[]	[]	[]
Adams	[]	[X]	[]	[]	[]
Lombari	[]	[]	[]	[]	[X]
DiLullo	[X]	[]	[]	[]	[]
DeRos, Jr.	[]	[]	[]	[]	[X]
Pineiro	[]	[X]	[]	[]	[]
Calcaterra	[]	[X]	[]	[]	[]
Iapicca	[]	[X]	[]	[]	[]
Gamal	[]	[X]	[]	[]	[]

WHEREAS, the application having received 6 nay votes is hereby

 APPROVED X DENIED

The above Resolution was adopted by the
Zoning Board of Adjustment of the City
of Bayonne at a regular meeting held on
October 19, 2020



MARK URBAN
Chairman

RNC/akl

JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME



TIMOTHY W. GILLEN, PE, PP, CME
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

MEMO TO: City of Bayonne Zoning Board

FROM: Malvika Apte, PP/AICP *MAK*
Consulting Planner

DATE: September 21, 2020

RE: **40 Cottage St., LLC**
Preliminary & Final Major Site Plan & Use Variance
Planning Report # 1
Block 442 Lot 14
80-84 East 25th St.
Bayonne, New Jersey
Our File: PBYZ0442.02
Application # Z-20-011

Exhibit - A-15
40 COTTAGE ST., LLC
Z-20-011
(09-21-2020- akl)

As per your request, our office has reviewed the above referenced application for major site plan approval.

The following documents were reviewed for this application:

- Application Form and Checklist;
- One (1) sheet of survey prepared by JY Land Surveying, Inc dated October 19, 2019; and
- Sheet A.100, "Plans, Maps, Images, Details and Zoning Data" prepared by Kawalek & Kawalek Architects, LLC, February 11, 2019.

We offer the following comments for the Board's consideration:

1. Summary of Application

The applicant, 40 Cottage St., LLC is seeking a use variance and preliminary and final major site plan approval to utilize an existing building as warehouse in the R-2 Detached/Attached Residential District. The building was previously used for warehousing, however in 2009 a Planning Board application was approved for conversion of the property to a ten-unit residential building. After that the site was used as a carpet warehouse however never received a use permit, thereby not establishing a continuous use of premises as a warehouse. Currently the building is vacant.

Since, Warehousing is not permitted in the R-2 Detached/Attached Residential District, use variance and preliminary and final site plan approval is required.

S:\Bayonne\PBYZ0442.02-40 Cottage St. LLC\2020.09.16-(Z-20-011)-40 Cottage St. LLC - Planning Review#1.docx



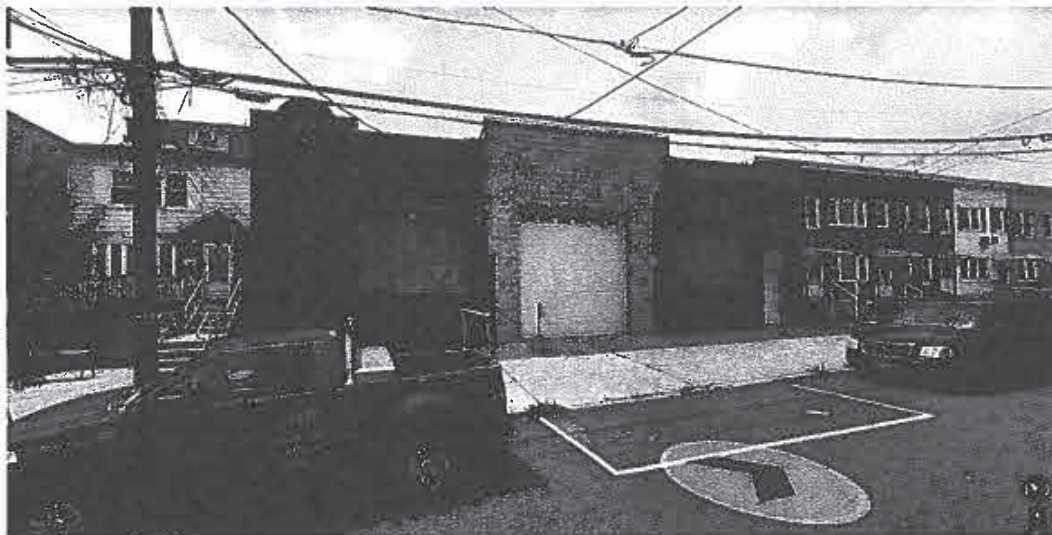
City of Bayonne Zoning Board
Re: 40 Cottage St., LLC (Z-20-011)
Use Variance, Preliminary & Final Major Site Plan
Planning Review #1

September 21, 2020
PBYZ0442.01
Page 2

The property identified as Block 442 Lot 14 and is located at 80-84 East 25th St, which is situated between Avenue F and Prospect Avenue. The subject site is located within the R-2 Detached/Attached Residential District with Transit Development Overlay District.

The site is approximately 6,578 square feet (0.15 ac.) with 69.75 feet frontage on East 25th Street. The site is an interior lot adjacent to one- and two-family residential units. The site is developed with a one-story building with one overhang door front on East 25th Street. The building occupies the entire site and is approximately 6,318.86 square feet. The building is situated on the front, rear and westside property line and is approximately 2.72 feet off the eastside property line. Windows are located along the both sides of the building. The front windows are currently boarded up as the site is currently vacant.

The applicant is proposing to use the existing 6,300 square feet building as a storage warehouse of nonhazardous housewares and furniture. No improvements to the building or the site are proposed.



Source: Google Maps



City of Bayonne Zoning Board
Re: 40 Cottage St., LLC (Z-20-011)
Use Variance, Preliminary & Final Major Site Plan
Planning Review #1

September 21, 2020
PBYZ0442.01
Page 3

2. Zoning and Bulk Variances:

(a) Use:

The subject site is located in the R-2 Detached/Attached Residential District with . The zone permits detached single family dwellings, detached two family dwellings, home occupations, family day care homes and essential services. Warehousing is not a permitted use in the R-2 Detached/Attached Residential District or the Transit Development Overlay District, **a use variance commonly known as a d (1) variance is required.**

As the proposed use is not permitted within the zone, the applicant must seek a "Special Reasons" Use Variance pursuant to NJSA 40:55D-70d. Per the State Supreme Court's decision in the case of *Medici v. BPR Co.*, the applicant must be prepared to provide testimony demonstrating that there are special reasons to allow the prohibited use and that the site in question is particularly suited to the use. The use should be appropriate and especially beneficial based on the unique conditions of the site and its surrounding area.

The City of Bayonne Master Plan was updated in 2017. The Master Plan identifies the subject site as Residential land use and issues a series of goals and objectives in support of the designation. The applicable goals and objectives are as follows:

- For existing residential neighborhoods, recommendation to protect and preserve the size, scale and character of existing residential neighborhoods by eliminating the encroachment of commercial and multi-family uses in these areas;
- Encourage high quality adaptive reuse and development of single family, duplexes and town homes in existing residential neighborhoods;
- Provide architectural and neighborhood design standards for the any proposed development in single family zoning districts;
- Create standards on commercial properties and enforcement when standards are not met by abandoned properties or absentee owners;
- Recommendation for a street tree program to help develop, promote, sustain and regulate new and existing street trees;
- Recommend strengthening the existing zoning to require rehabilitation and redevelopment that is appropriate to the existing residential neighborhoods in terms of scale and density that will add to the City of Bayonne's tax base;
- To protect and promote health, safety and welfare of residents by restoring properties to a sound condition and productive use.



City of Bayonne Zoning Board
Re: 40 Cottage St., LLC (Z-20-011)
Use Variance, Preliminary & Final Major Site Plan
Planning Review #1

September 21, 2020
PBYZ0442.01
Page 4

The Applicant should testimony demonstrating how this proposal meets the above concerns, goals and objectives of the master plan.

The applicant should be prepared to provide testimony on the following to support the requested variance relief:

a) Positive Criteria

- i) That the site is particularly suited to the use; and
- ii) There are special reasons that allow a departure from the zoning regulations in this particular case. In general, to show special reasons, the granting of a variance must be shown to implement one or more of the purposes of the Municipal Land Use Law (NJSA 40:55D(1), and should promote the purposes of the municipality's Master Plan and the State Development and Redevelopment Plan.

b) Negative Criteria

- i) That the variance can be granted without substantial detriment to the public good. This requires an evaluation of the impact of the proposed use on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.
- ii) That the variance can be granted without substantially impairing the Master Plan, Zone Plan or Zoning Ordinance.



City of Bayonne Zoning Board
 Re: 40 Cottage St., LLC (Z-20-011)
 Use Variance, Preliminary & Final Major Site Plan
 Planning Review #1

September 21, 2020
 PBYZ0442.01
 Page 5

(b) Bulk regulations:

The following table notes the proposed development's compliance/non-compliance with the zone regulations:

Bulk and Yard Standards: R-2 Detached/Attached Residential District			
	Requirements	Existing	IL-B
Minimum Lot Area (sq. ft.)	3,000 sq. ft.	6,578 sq. ft.	20,000
Minimum Lot Frontage (ft.)	30 ft.	69.75 ft.	100
Maximum Front Yard Setback (ft.)	20 ft.	0 (e)	30
Minimum Rear Yard Setback (ft.)	20 ft.	0 (e)	20
Minimum Side Yard Setback (ft.)			20/50
One/combined	3 ft./ 6 ft.	2.72 (e) / 2.72 (e)	
Maximum Height (ft./ sty)	35 ft. / 2.5	24 ft. / 1	50/4
Maximum Lot Coverage (%)	90	100 (e)	

(V) Variance

(e) Existing Non-conformity

The Applicant should provide testimony regarding the applicability of "prevailing" setback dimensions. As per Case Law in *Puleo v. North Brunswick Board of Adjustment* found that generally the bulk requirements designed for the that zone cannot be applicable to the proposed non-permitted use. The Court found that a "c" variance and a "d" variance cannot co-exist if the application for a use that is not permitted in the zone is proposed.

In this case a warehouse use was not contemplated for this zone, therefore bulk requirements for a warehouse use in R-2 zone do not exist, however, the Zoning Board, is permitted to consider different bulk standards from the current district standards when considering a use variance application. The Board at its discretion, may determine bulk standards that it feels would be appropriate for a warehouse on this site.

(c) Parking:

Type of Use	Requirement	Required Number	Proposed
Warehousing	1 parking space/1,000 sq. ft.	6 parking spaces	0 (V)

(V) Variance

Per section 35-17.6b4, a parking variance is required for the number of parking spaces. The applicant is not proposing to provide any off-street parking spaces. With this proposal, the proposed warehouse



City of Bayonne Zoning Board
Re: 40 Cottage St., LLC (Z-20-011)
Use Variance, Preliminary & Final Major Site Plan
Planning Review #1

September 21, 2020
PBYZ0442.01
Page 6

is creating an additional need for parking with no additional solutions to provide parking. The applicant should provide a thorough review of the on-street parking conditions, if there are any public parking lots in close proximity to the subject site and other site proximity features such as a light rail station that would benefit the lack of parking on site.

(d) **Signage:** Signage does not appear to be proposed, however, in accordance with section 35-25.3g one (1) building mounted sign identifying a permitted nonresidential use, not exceeding one (1) square foot in area would be allowed should the Board approve this application. No details on type of sign, its lighting and other such details is provided. **This is required to determine conformance.**

3. Review:

- (a) **Proposed Use:** The applicant should describe the proposed use including the type of goods to be warehoused, the number of employees, the hours of operation, etc.
- (b) **Parking:** The applicant should discuss the availability of parking for the proposed warehouse. Six parking spaces are required by code and none are provided.
- (c) **Loading:** The applicant should provide testimony as to the time and frequency of deliveries regarding the warehouse space. In addition, the applicant should also address whether the on-street loading will impact the parking condition within the vicinity of the subject property and if the overhead door will be used. Per §35-17.8C, a warehouse use of approximately 6,300 square feet would not require loading space.
- (d) **Landscaping:** As per 33-10.17.c.1, street trees shall be required on all development applications. Trees shall be approximately forty (40) feet apart and located between the setback line and the street right-of-way line. The applicant should discuss whether any street trees are proposed.
- (e) **Trash/Recycle Area:** The applicant should discuss the operations of trash storage, collection and recycling will occur for the proposed warehouse use.
- (f) **Performance Standards:** Applicant should provide testimony on compliance with §35-5.27 in terms of noise, smoke, dust, odors and waste generation.
- (g) **Utilities:** The applicant should indicate if there will be any necessary utility improvements or modifications required for the proposed warehouse. All utilities should be indicated on the plan. All modifications and/or improvements will require approval from the appropriate authority.



City of Bayonne Zoning Board
Re: 40 Cottage St., LLC (Z-20-011)
Use Variance, Preliminary & Final Major Site Plan
Planning Review #1

September 21, 2020
PBYZ0442.01
Page 7

- (h) **Affordable Housing:** The applicant should provide a statement regarding compliance with the City's Fair Share ordinance.
- (i) **Architecture:** The applicant should provide testimony regarding any proposed improvement to the existing building. Will any windows, doors be replaced? Detailed elevation and proposed façade improvements of the existing structure should be provided.
- (j) **Signage:** The applicant should prove details for any proposed signs. Any signs should conform to code requirements.

If you should have any questions with regard to the above matter, please do not hesitate to call.

cc: Land Use Administrator
Board Attorney
City Engineer
Zoning Officer
City Planner

**RESOLUTION
CITY OF BAYONNE PLANNING BOARD
RECOMMENDING ADOPTION OF A PRELIMINARY INVESTIGATION
NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT
80-84 East 25th Street
Block 442, Lot 14**

WHEREAS, on December 12, 2020 the City Council of the City of Bayonne adopted a resolution that authorized the Planning Board of the City of Bayonne to conduct a Preliminary Investigation to determine whether 80-84 East 25th Street, Block 442 Lot 14 was an area in need of Redevelopment without power of Condemnation; and

WHEREAS, the Preliminary Investigation was presented to the Planning Board of the City of Bayonne on April 13, 2021; and

WHEREAS, the Preliminary Investigation Area In Need of Redevelopment required map and statement of intent have been on file with the City Clerk of the City of Bayonne as required by law; and

WHEREAS, the area in need investigation was presented to the Planning Board at a regular meeting on April 13, 2021, at which time Malvika Apte, P.P., A.I.C.P., was sworn in and qualified as an expert in her field, she proceeded to present the contents of this Preliminary Investigation Area In Need of Redevelopment Report and to respond to questions from the Board; and

WHEREAS, an opportunity was afforded to members of the public and/or interested persons or parties to be heard, ask questions and participate in the Board's consideration of the Investigative Report; and

WHEREAS, as a result of the Investigative Report submitted, the testimony of Ms. Apte, and in due consideration thereof, the Planning Board has determined that it will recommend by way of this aforesaid Resolution, that the findings in this Investigation Report be adopted and the property designated as a non-condemnation area in need of redevelopment; and

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the City of Bayonne, County of Hudson, State of New Jersey that the Non-Condemnation Redevelopment Investigation of Block 442, Lot 14, 107 80-82 East 25th Street as prepared by Malvika Apte, P.P., A.I.C.P., be endorsed and it is hereby recommended for consideration and adoption by the City Council, City of Bayonne for the property as set forth herein.

The undersigned certifies that the within Resolution was adopted by this Board on April 13, 2021 and memorialized herein pursuant to N.J.S.A. 40:55-D-10(g).

RECORDED VOTE:

<u>Commissioner</u>	<u>Favorable</u>	<u>Unfavorable</u>	<u>Not Present</u>
Karen Fiermonte	[X]	[]	[]
Maria I. Valado	[]	[]	[X]
Sharon Nadrowski	[X]	[]	[]
Mitesh Patel	[X]	[]	[]
George Becker	[X]	[]	[]
Michael Quintela	[X]	[]	[]
Friday Mathews	[X]	[]	[]
Demyana Youssef	[X]	[]	[]
Mayor James Davis	[]	[]	[X]
Ramon Veloz (Mayoral Designee)	[X]	[]	[]

The above Resolution was adopted by the Planning Board of the City of Bayonne at a virtual meeting held on April 13, 2021.


KAREN FIERMONTE
Chairperson

RNC/akl

RESOLUTION
CITY OF BAYONNE PLANNING BOARD
80-82 East 25th Street Redevelopment Plan (P-21-001)
Block 442, Lot 14

WHEREAS, the Municipal Council of the City of Bayonne by Resolution authorized the Planning Board of the City of Bayonne to prepare 80-82 East 25th Street Redevelopment Plan for the property located in the City of Bayonne, known as Block 442; Lot 14 identified in that Resolution; and

WHEREAS, Brian Slaugh, PP, AICP the consulting City Planner prepared the Redevelopment Plan of the aforesaid property; and

WHEREAS, the Municipal Council, by Resolution adopted on June 16, 2021 to determine whether Block 442, Lot 14 (the subject property) should be recommended; and

WHEREAS, on September 12, 2023, the Planning Board of the City of Bayonne conducted a public hearing on the Redevelopment Plan; and

WHEREAS, the Plan and studies, the required map and statement of intent have been on file with the City Clerk of the City of Bayonne as required by law; and

WHEREAS, the Plan was presented to the Planning Board at a regular meeting on September 12, 2023 at which time Brian Slough, P. P., A.I.C.P., C.T.P. was sworn in and qualified as an expert in her field and proceeded to present the contents of the plan and responded to questions from the board; and

WHEREAS, an opportunity was afforded to members of the public and/or interested persons or parties to be heard as questions and participate in the Board's consideration of the Plan; and no person came forward when the meeting was opened to the public; and

WHEREAS as a result of the Plan submitted, the testimony of Mr. Slough and in due consideration thereof, the Planning Board has determined that it will recommend by way of the aforesaid Resolution, that the Plan be adopted by the Municipal Council.

NOW THEREFORE BE IT RESOLVED, by the Planning Board of the City of Bayonne, County of Hudson, State of New Jersey that the 80-82 East 25th Street Redevelopment Plan for Block 442, Lot 14 identified herein be adopted, and is hereby recommended for consideration and adoption by the Municipal Council of the City of Bayonne for the Subject Property as set forth herein.

The following vote to approve the application was taken at the hearing on September 12, 2023:

RECORDED VOTE:

<i>Commissioners</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>	<i>Recuse</i>	<i>Absent</i>	<i>Not Voting</i>
Karen Fiermonte	[X]	[]	[]	[]	[]	[]
Maria I. Valado	[]	[]	[]	[]	[X]	[]
Loyad Booker Jr.	[]	[]	[]	[]	[X]	[]
George Becker	[X]	[]	[]	[]	[]	[]
Jack Beiro	[]	[]	[]	[]	[X]	[]
Ahmed Lack	[X]	[]	[]	[]	[]	[]
Thomas Maiorano	[]	[]	[]	[]	[X]	[]
Mikel Lawandy	[X]	[]	[]	[]	[]	[]
James Davis, Mayor	[]	[]	[]	[]	[X]	[]
Ramon Veloz (Mayoral Designee)	[X]	[]	[]	[]	[]	[]

The following vote to memorialize the resolution was taken at the hearing on September 12, 2023:

RECORDED VOTE:

<i>Commissioners</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>	<i>Recuse</i>	<i>Absent</i>	<i>Not Voting</i>
Karen Fiermonte	[X]	[]	[]	[]	[]	[]
Maria I. Valado	[]	[]	[]	[]	[X]	[]
Loyad Booker Jr.	[]	[]	[]	[]	[X]	[]
George Becker	[X]	[]	[]	[]	[]	[]
Jack Beiro	[]	[]	[]	[]	[X]	[]
Ahmed Lack	[X]	[]	[]	[]	[]	[]
Thomas Maiorano	[]	[]	[]	[]	[X]	[]
Mikel Lawandy	[X]	[]	[]	[]	[]	[]
James Davis, Mayor	[]	[]	[]	[]	[X]	[]
Ramon Veloz (Mayoral Designee)	[X]	[]	[]	[]	[]	[]

WHEREAS , the application is hereby X APPROVED DENIED.

The above Resolution was adopted by the Planning Board of the City of Bayonne at an in-person meeting held on September 12, 2023.


KAREN FIERMONTE, Chairperson

RNC/akl