



**City of Bayonne**  
**DEPARTMENT OF MUNICIPAL SERVICES**  
**DIVISION OF PLANNING & ZONING**  
**MUNICIPAL BUILDING**  
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**JAMES M. DAVIS**  
**MAYOR**

**TO:** Zoning Board of Adjustment

**FROM:** Tracey Tuohy  
Zoning Officer

**DATE:** August 23, 2021

**RE:** *Appeal to the Zoning Officer's Decision*  
Fly Jet Ski, LLC  
50 Marina Drive  
Block 47, Lot 8  
Bayonne, New Jersey  
Application # Z-21-008



The above-referenced matter has been scheduled for hearing before the Zoning Board of Adjustment on Monday, September 20, 2021. Attached please find documents from my office regarding how I came to my decision in this matter.

I have reviewed the letter from Jason R. Tuvel, Esq. dated July 14, 2021 relative to the above referenced application. The following comments are offered with regard to the same for your review:

**A. GENERAL SITE OVERVIEW**

1. The site, located at North Lane and Schuyler Place West (renamed 50 Marina Drive) in the City of Bayonne in the R-3 (Medium Density Residential District), contains a marina facility consisting of sixty-two (62) boat slips and a small boathouse.
2. Baker Residential, L.P. received site plan approval to redevelop the property from the Planning Board at a special meeting held on July 9, 2002. The Planning Board specifically found and determined that the existing site was currently used as a marina and boat storage area.
3. In accordance with Section 33-2.2 of the City of Bayonne Planning and Development Regulations, a marina by definition, shall mean a facility for storing, servicing, fueling, berthing and securing of pleasure boats and which may include eating, sleeping and retail facilities for **owners, crews and guests**.

4. The proposed use of the boathouse as a secondary commercial business apart from the use as a marina facility is not a permitted use. In addition, there is no record of a Change of Use Zoning permit on file for this use of this property. Therefore, in accordance with Section 35-5.4 of the City of Bayonne Zoning Ordinance, the commercial use of a Jet Ski rental business is not a permitted use in this zone.
  
5. Although Section 35-5.4 (c)(6) of the City of Bayonne Zoning Ordinance references recreation facilities associated with multifamily developments as Permitted Accessory Uses and Section 33-2.2 defines a recreation facility as one that shall mean a place where “sports, leisure time activities and **customary** and **usual** recreational activities are carried out”, the Resolution of Approval on July 9, 2002 from the approval received from the Planning Board to Baker Residential L.P. supersedes the Zoning Ordinance.

I remain reliant upon the determination set forth in my letter dated June 24, 2021 wherein I concluded an application to the Zoning Board of Adjustment for a d(1) Use variance is required.

Tracey Tuohy  
Zoning Officer  
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Attachments

cc: Honorable James M. Davis, Mayor  
John F. Coffey II, Esq., Law Department Director