



**City of Bayonne**  
**DEPARTMENT OF MUNICIPAL SERVICES**  
**DIVISION OF PLANNING & ZONING**  
**MUNICIPAL BUILDING**  
**630 AVENUE C**  
**BAYONNE, NJ 07002**  
**TELEPHONE: 201-858-6110 Fax: 201-858-6185**  
**E-MAIL: TTuohy@BAYNJ.org**



**JAMES M. DAVIS**  
**MAYOR**

**SENT VIA REGULAR MAIL AND EMAIL TO JZUCKER@ROSEZUCKERLAW.COM**  
August 4, 2021

John A. Zucker, Esq.  
Rose & Zucker, LLC  
613 Broadway  
Bayonne, NJ 07002

**Re: 112 Kennedy Boulevard**  
**Block 335, Lot 16**

Dear Mr. Zucker:

I am writing in response to our July 23, 2021 Zoom meeting with regard to the above referenced matter.

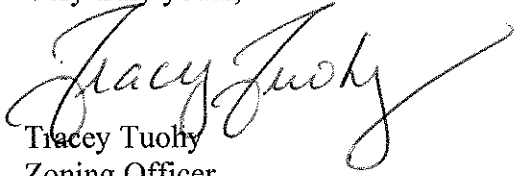
As you know the property is located in the R-2 Detached/Attached Residential District which permits only detached one and two-family dwellings. I have reviewed the available records on file with the City of Bayonne which indicate that this property is listed as two buildings on one lot and that the detached unit was once a commercial use; therefore, the subject property is a preexisting nonconformity.

On July 29, 2021 I personally inspected the current use of the property as a ground floor commercial use with two (2) dwelling units above and a detached residential unit for a total of one (1) commercial and three (3) residential units. A change of use permit was never obtained for the conversion of the detached commercial unit to residential. Furthermore, a Certificate of Nonconformity was never obtained for the use of the principal structure. For these reasons, I am unable to approve the continuation of a preexisting, nonconformity. Section 35-16.2.d of the City of Bayonne Zoning Ordinance states, "No nonconforming use shall be substituted with another nonconforming use."

If you are able to certify that the above use of this property existed prior to the adoption of the City ordinance on May 23, 1995 rendering that use nonconforming, your client may apply to the Zoning Board of Adjustment for a Certificate of Nonconformity. If this is not applicable, your client may submit an application to the Zoning Board of Adjustment for a d(1) use variance along with site plan review and approval.

Upon review of a complete application and plans by the Board professionals, it may be determined that additional relief is required. Please contact Alicia Losonczy, Planning Board/Zoning Board of Adjustment Secretary, at 201-858-6182 to begin the application process.

Very truly yours,

A handwritten signature in cursive script that reads "Tracey Tuohy". The signature is written in black ink and is positioned above the typed name and title.

Tracey Tuohy  
Zoning Officer  
/tt

cc: Mr. Mitchell Burakovsky  
Alicia Losonczy, Planning Board/Zoning Board of Adjustment Secretary