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November 24, 2020

MEMO TO: City of Bayonne Zoning Board

FROM: Malvika Apte, PP/AICP  
Consulting City Planner

*MAK*

DATE: November 20, 2020

RE: Nazim Naeem  
Bulk Variances  
Planning Report # 1  
Block 226 Lot 36  
418 Broadway  
Bayonne, New Jersey  
Our File: PBYP0226.07  
Application # P-20-029

As per your request, we have reviewed the aforementioned referenced application for bulk variances

The following documents were reviewed for this application:

- Application form and Statement;
- One (1) sheet of Survey prepared by Behar Surveying Associates, PC dated June 10, 2016
- One (1) sheet of Site plan titled "Existing Commercial Store 418 Broadway", prepared by Alan Feld Architect, dated October 30, 2020

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

1. Summary of Application

The applicant, Nazim Naeem, is seeking a parking variance for the change of use permit to locate a retail store on the first floor of the existing three story mixed use building. The property 418 Broadway is located on a corner lot south of E 19<sup>TH</sup> St. and Broadway. The applicant is proposing

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to use the first floor of the building as commercial retail space. Per the prior resolution P-16-035, the second floor contains offices and third floor contains two (2) residential units comprising of one (1) three-bedroom unit and one (1) two-bedroom unit. Applicant should confirm the existing uses on the upper two stories.



Subject Site E19th and Broadway intersection  
Source: Google Maps 2019



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2. Zoning and Bulk Variances:

(a) Use:

The proposal includes to use the ±2,953 square feet of first floor as retail commercial use. This is a permitted use within CBD- Central Business District.

(b) Bulk Standards:

The following table notes the proposed development's compliance/non-compliance with the R-2 Zoning District regulations

Bulk Standards: CBD		
Design Standards	Requirements	Proposed
Minimum Lot Area (sq. ft.)	3,000	3,000
Minimum Lot Frontage (ft.)	30	30
Minimum Lot Width (ft.)	30	30
Minimum Lot Depth (ft.)	100	100
Minimum Front Yard Setback (ft.)	0	0
Minimum Side Yard Setback (ft.) (one/combined)	0	0
Minimum Rear Yard Setback (ft.)	20	<b>1.8 (e)</b>
Maximum Building Height (sty/ft.)	5/55	3/ to be provided
Maximum Impervious Coverage (%)	80%	<b>100% (e)</b>

(e)- pre-existing non-conformity



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(c) Parking Standards:

Design Standards	Requirement	Proposed
Minimum Off-Street Parking - Residential Uses	$1.5 + 1.25 = 2.75$	
Office use	$1/400 = 7.38$	
Commercial Use	$1/300$ above 2,000 square feet = 3.17	
Total	13	0 (V)

With the proposed retail commercial use a minimum of 3 parking spaces are required, none are being proposed. **A variance is required.**

3. Additional Comments:

- (a) Signage: No details on signage are provided. This is required to determine compliance.
- (b) Loading : Applicant should provide details regarding loading for the proposed use. Details regarding delivery timing, type of truck and frequency of delivery should be discussed.
- (c) The applicant should be prepared to discuss whether any additional permits/approvals are required by outside agencies.

4. Statutory Criteria

Bulk Variances: Bulk variances are required. These are commonly known as C variances. The Board has the power to grant c (1) hardship variance or a c (2) benefits vs. detriments variance.

An applicant requesting a c(1) variance must show that (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or structure lawfully existing thereon, the strict application of any would result in particular and exceptional practical difficulties or undue hardship upon the developer of such property.



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An applicant requesting a c (2) variance must prove that granting of the variance will advance the intent and purposes of the Municipal Land Use Law and that benefits of granting of the variance will substantially outweigh the detriments.

In both negative criteria must be addressed, no variance may be granted without showing that such a variance can be granted without substantial detriment to public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

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

cc: Board Secretary  
Board Attorney  
City Engineer  
Zoning Officer  
City Planner  
Applicant's Attorney