

**RESOLUTION OF THE PLANNING BOARD OF THE CITY OF JERSEY CITY
APPROVING PRELIMINARY AND FINAL MAJOR SITE PLAN WITH DEVIATIONS AND
CONDITIONS**

APPLICANT: SKYWAY REALTY LLC

FOR: PRELIMINARY AND FINAL MAJOR SITE PLAN WITH
DEVIATIONS

PROPERTY: 124-126 Martin Luther King Dr.
Block 25603, Lots 3 & 4

CASE NO. P20-124

WHEREAS, application has been made by Skyway Realty LLC (hereinafter the “Applicant”) to the Planning Board of the City of Jersey City, County of Hudson and State of New Jersey by Genova Burns LLC (Gerard Pizzillo, Esq. appearing) for approval of a Preliminary and Final Major Site Plan with Deviations, filed under case no. P20-124, for the Applicant’s premises located at 124-126 Martin Luther King Drive, designated as Block 25603, Lots 3 & 4 on the official Tax Map of the City of Jersey City, County of Hudson, State of New Jersey (the “Property”); and

WHEREAS, the Property is located within the Jackson Hill Redevelopment Area (the “Area”) and is governed by the Jackson Hill Redevelopment Plan (the “Plan”); and

WHEREAS, the Applicant is seeking to construct a mixed-use project consisting of a five (5) story approximately 56’ 3” structure, containing approximately 1,900sf of ground floor commercial retail space, twenty-five (25) residential dwelling units, 1,500sf of cellar space, and streetscape improvements (the “Project”).

WHEREAS, the Applicant has submitted proof that it has complied with the Plan and applicable procedural requirements including the payment of fees; and,

WHEREAS, due notice of the Tuesday, April 6, 2021 virtual hearing for the above-described application was provided in accordance with the Municipal Land Use Law, the recent Executive Orders issued by Governor Phil Murphy due to the COVID-19 pandemic and as prescribed in the land development ordinance of the City of Jersey City (“Ordinance”); and

WHEREAS, the Board has formally heard and considered the evidence presented by Applicant in support of the within application including the sworn testimony of its expert witnesses: Mark Chisvette of Chisvette Engineering (civil engineering), Eli Martin of LWDMR Architects (architecture), Edward Kolling of Dresdner Robin (professional planning), the comments of the public and the comments and recommendations of Planning Staff; and

WHEREAS, having considered the within application, all supporting documents, the sworn testimony in support of the application, and the comments and recommendations of Planning Staff, and having heard public comment, the Planning Board of the City of Jersey City hereby makes the following findings of fact and conclusions thereon:

FINDINGS OF FACT

1. All the Recitals hereinabove set forth are incorporated herein by reference and all exhibits, drawings and documents, including Applicant's General Development Application and Supporting Documents and City planner's testimony and reports, if any, are hereby incorporated by reference.

2. The Applicant is the owner of the Property, currently vacant and consisting of two (2) irregularly shaped lots totaling 6,394sf.

3. The Applicant is proposing to construct a mixed-use project consisting of a five (5) story 56' 3" structure containing approximately 1,900sf of ground floor commercial retail space, twenty-five (25) residential dwelling, 1,500sf of cellar space, and streetscape improvements (the "Project")

4. The Property is located within the Jackson Hill Redevelopment Area (the "Area") and is governed by the Jackson Hill Redevelopment Plan (the "Plan").

5. Mark Chisvette of Chisvette Engineering, a licensed New Jersey civil engineer testified as to the civil engineering aspects of the Project.

6. Mr. Chisvette orientated the Board with the Property and testified that it is two (2) irregularly shaped lots located on the southeast corner of Martin Luther King Jr. Drive and Fulton Avenue.

7. Mr. Chisvette testified that the Project will be setback along the corner of Martin Luther King Drive and Fulton Avenue to allow for a larger ground floor commercial entry space and to accommodate the existing traffic signals and other equipment along that frontage.

8. In addition, Mr. Chisvette testified that the Project will be set back eight-feet and five inches 8' 5" to accommodate an existing an existing five-foot (5') wide easement serving neighboring Lot 5 for ingress and egress purposes.

9. Regarding streetscape improvements, Mr. Chisvette testified that the Project meets all forestry standards and proposes the planting of three (3) new street trees along Martin Luther King Jr. Drive and the existing street tree along Fulton Street will remain.

10. Additionally, Mr. Chisvette testified five (5) standard post-top lantern type streetlights fixtures will be installed along both Martin Luther King Jr. Drive and Fulton Street. All sidewalk improvements will utilize the standard Scofield grey with 5 x 5 scoring.

11. As for utilities, Mr. Chisvette testified that the water, sewer and electric service will all connect from the lines on Martin Luther King Jr. Drive.

12. Mr. Chisvette testified that he has reviewed the comments received from the City of Jersey City Engineering Division and the Jersey City Municipal Utilities Authority and will work with both agencies to comply with all comments.

13. Mr. Chisvette further testified that the Project, as a result of the lot size, does not trigger any stormwater retention requirements and the Applicant is not proposing any stormwater management detention basin.

14. Eli Martin of LWDMR Architects, a licensed architect in the State of New Jersey, testified regarding the architectural aspects of the Project.

15. Mr. Martin testified that the Project proposes a total of twenty-five (25) residential units with six (6) units on each of the four (4) upper levels and one (1) residential unit in the rear of the ground

floor which will include a small deck and a ten-foot (10') rear yard area. The unit matrix will be as follows a total of eight (8) studios and seventeen (17) one-bedroom units.

16. Mr. Martin further testified that the ground floor will contain two (2) retail totaling approximately 1,900sf and will also include a residential lobby area, bike room, refuse area, elevator and stairway.

17. Mr. Martin testified that the Project also includes 1,500sf of cellar space where building mechanical equipment, utilities and tenant storage will be located.

18. Concerning the upper floors, Mr. Martin testified that the floor plan will primarily be a single-loaded corridor design and that the one-bedroom unit on the corner and the one-bedroom unit in the center of the Martin Luther King Drive façade will have bay windows which extend from the façade to provide a better aesthetic appearance and improve the units within the Project.

19. Mr. Martin testified that the Project will have a common roof deck as tenant amenity space totaling approximately 565 sf (ten percent (10%) of the gross roof area), green elements and elevator lobby.

20. Mr. Martin also testified that there will be a prefabricated water plant on the roof each unit will have a forced hot air system using hot water for heating and cooling.

21. As for the materials, Mr. Martin testified that the Project will use a combination of two (2) distinct grey corrugated steel siding and standard brick cladding on the bays and stair bulkhead carrying down to the ground floor where the storefront column will be wrapped in aluminum to match the wood clad aluminum windows.

22. Finally, Mr. Martin testified that the ground floor will project ninety feet (90') from the Martin Luther King Drive property line and the upper floors will project eighty feet (80') which is Plan compliant.

Mr. Edward Kolling of Dresdner Robin, a licensed New Jersey professional planner, testified as to that the Applicant is requested the following deviations from the Plan:

- a. Section IX(A)(8)(d) of the Plan which requires that lots of this size shall have a maximum building height of fifty-five feet (55')The Applicant is proposing a maximum building height of fifty-six feet and three inches (56' 3").
- b. Section IX(A)(9)(c)(i) of the Plan wherein the ground floor level of any rear yard shall not extend greater than ninety-five feet (95') from any right of way fronting the subject property. The Applicant is proposing the ground floor rear level yard of the portion of the structure fronting on Fulton Street to extend one-hundred and twenty-five feet (125') from the right of way.
- c. Section IX A)(9)(c)(ii) of the Plan wherein all floor levels above the ground floor shall not extend greater than eighty-five (85') feet from any right of way fronting the subject property. The Applicant is a proposing that all floor levels above the ground floor level of the portion of the structure fronting on Fulton Street to extend one-hundred and twenty-five feet (125') from the right of way.

23. With regard to the deviation for the irregular shape of the lot, Mr. Kolling testified that the preexisting Lot 4 is an unusual L-shaped lot and Applicant has consolidated that lot with a deeper conforming lot meeting the redevelopment plan goal of encouraging consolidation of lots to provide for more comprehensive development and creates no substantial detriment.

24. Mr. Kolling further testified that with regard to the building height deviation, Applicant is proposing a structure only fifteen (15) or sixteen (16) inches above the maximum permitted height resulting from providing an increased ceiling height at the ground floor commercial retail spaces..

25. Although the Applicant requested deviations from Section IX(A)(9)(c)(i) and Section IX(A)(9)(c)(ii) of the Plan, during testimony it was determined that those listed deviations, although noticed as being required, were not required and the Project as proposed complies with these sections of the Plan.

26. Mr. Kolling testified that a minor deviation or design waiver is required for the percentage of glass along the ground floor. This is being requested to protect the residential side of the building from increased pedestrian activity caused by the ground floor commercial retail uses.

27. Mr. Kolling concluded the in applying the C(2) standard to the proposed deviations being requested there is no substantial detriment to the public good or a substantial impairment to the intent or purpose of the zone plan and that the deviations have met the proof standard and are justified.

28. Following Applicant's testimony, public comment was taken and the staff report of the Planning Division of the City of Jersey City was presented by Cameron Black. Mr. Black concluded his report by recommending approval of the Project, subject to the standard conditions.

29. The Board finds that the Project and its proposed improvements will benefit the community through the promotion of the intent and purpose the Municipal Land Use Law. Specifically, the proposed Project meets the intent of the Plan, and, therefore, the granting of the deviations will guide the appropriate use and development of this site in a manner that will promote the general welfare consistent with N.J.S.A. 40:55D-2a. The Project meets the required setbacks and stepbacks of the Plan. Finally, the Project will promote a desirable visual environment through creative development techniques and good civic design and arrangement, consistent with N.J.S.A. 40:55D-2i.

30. The Board finds that the proposed improvements will benefit the community through the promotion of the intent and purpose of the Plan in that the Property will be developed as a primarily residential mixed-use project with ground floor commercial retail space.

31. The Board finds that granting the deviations will not result in a detriment to the public good. The Project is consistent with the purpose and intent of the Plan, the Ordinance and the City's Master Plan and will advance the purposes and intent of the Plan. The granting of the requested deviations will not substantially impair the intent and purpose of the Plan. Accordingly, the requested deviations can be granted in that the positive and negative criteria of the Municipal Land Use Law have been satisfied. Moreover, the benefits of granting the requested deviations would substantially outweigh any detriments relative to any deviations from any bulk criteria.

32. The Board hereby grants relief and deviations from the following sections of the Plan as to the Current Project:

- a. Section IX(A)(8)(d) of the Plan which requires that lots of this size shall have a maximum building height of fifty-five feet (55'), whereas the Applicant proposes a maximum building height of fifty-six feet and three inches (56' 3") which is an increase of less than ten feet (10') and ten percent (10%) of the permitted maximum height.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Jersey City, County of Hudson and State of New Jersey, for the foregoing reasons, as well as those reasons stated on the record herein, which reasons are incorporated herein by reference, having heard Applicant's testimony, public comment and the report of the staff of the Jersey City Planning Division, approves the within application, Case P20-124, for Preliminary and Final Major Site Plan with Deviations to construct mixed-use project consisting of a five (5) story 56' 3" structure containing approximately 1,900sf of ground floor commercial retail space, twenty-five (25) residential dwelling, 1,500sf of cellar space, and streetscape improvements (the "Project"), subject to the following conditions:

1. Architect of record shall be retained during construction and shall submit a signed and sealed letter representing that site construction was consistent with work approved before the issuance of the Certificate of Occupancy;
2. All material and color selections shall be shown on the final plans. No change to the façade and site design, including materials as well as any changes that may be required by the Construction Code Official, shall be permitted without consultation and approval by the Planning Staff;
3. Engineer of record shall submit a signed and sealed affidavit confirming that the final building was constructed as approved, prior to issuance of the Certificate of Occupancy.
4. All testimony given by the applicant and their expert witnesses in accordance with this application shall be binding.
5. All street trees and landscaping shall be installed in accordance with 345-66 and the City's Forestry Standards, prior to the issuance of a Certificate of Occupancy.

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PROPERTY: 124-126 Martin Luther King Dr.
Block 25603, Lots 3 & 4

CASE NO. P20-124

DATES OF HEARING: April 6, 2021

VOTE: 7-0

**VOTING IN FAVOR:
COMMISSIONERS**

1. Chairman Christopher Langston
2. Vice Chairman Dr. Orlando V. Gonzalez
3. Commissioner Dr. Vijaya Desai
4. Commissioner Edward Torres
5. Council President Joyce Waterman
6. Commissioner Geoffrey Allen
7. Commissioner Peter Horton



Christopher Langston (May 20, 2021 18:30 EDT)

CHRISTOPHER LANGSTON, Chairman
JERSEY CITY PLANNING BOARD



Cameron Black (May 21, 2021 09:09 EDT)

ERICA BAPTISTE, Secretary
JERSEY CITY PLANNING BOARD

APPROVED AS TO LEGAL FORM:



Santo T Alampi (May 21, 2021 11:15 EDT)

SANTO ALAMPI, ESQ.
JERSEY CITY PLANNING BOARD

DATE OF MEMORIALIZATION: May 18, 2021