

RESOLUTION OF THE PLANNING BOARD OF THE CITY OF JERSEY CITY

APPLICANT: NEWPORT ASSOCIATES DEVELOPMENT COMPANY

**FOR: AMENDED PRELIMINARY AND FINAL MAJOR SITE PLAN
APPROVAL, INTERIM USE APPROVAL, AND EXTENSION OF
PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL**

**BLOCK 7302, LOTS 3.04, 3.05, 3.06, 3.07, 3.08 & 3.10 (formerly part
of Block 7302, Lots 3.01 & 3.02, formerly known as Block 20, Lot
3.21)**

700 WASHINGTON STREET; 40 14TH STREET

CASE: P10-070.1

WHEREAS, NEWPORT ASSOCIATES DEVELOPMENT COMPANY (the "Applicant") represented by **Connell Foley, LLP**, Harborside Financial Center, 2510 Plaza Five, Jersey City, NJ 07311-4029 (James C. McCann, Esq. and Nancy A. Skidmore, Esq. appearing), made application to the Planning Board of the City of Jersey City, County of Hudson and State of New Jersey for Amended Preliminary and Final Major Site Plan Approval for the project to wit: Calendar No. P10-070.1, to develop a 181-space surface parking lot with parking for 186 bicycles as an interim use to serve a building to be constructed on the adjacent Block 7302, Lot 3.09; revise previously approved roadway and waterfront walkway improvements to accommodate the development of the building on Block 7302, Lot 3.09; revise previously approved site improvements and landscaping to accommodate the development of the building on Block 7302, Lot 3.09; and confirm that although there are changes to the Property dimensions resulting from the creation of the roadway lots and Lot 3.9 the Project remains in compliance in all respects with the use and bulk zoning requirements of the redevelopment plan; all located on property commonly known as 700 Washington Boulevard and 40 14th Street and identified on the Jersey City Tax Maps as Block 7302, Lots 3.04, 3.05, 3.06, 3.07, 3.08 & 3.10, formerly a part of Block 7302, Lots 3.01 & 3.02 (the "Property"), which is situated in the Residential District of the Newport Redevelopment Plan area. The Applicant also seeks a ten-year extension of the previously approved preliminary and final site plan approval for the Property which expires on June 30, 2017.

WHEREAS, it appears that due notice of a hearing on the above said application before the Planning Board of the City of Jersey City, on May 16, 2017, which was carried to May 30,

2017, at 5:30 p.m., was duly published as prescribed in the Land Development Ordinance of the City of Jersey City; and

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

WHEREAS, the Applicant and witnesses first having been sworn and all testimony having been formally heard for this application; and

WHEREAS, after consideration of the application and the testimony presented at the meeting as well as the comments and recommendations of the Planning Board staff, the Planning Board has made the following findings of fact:

FINDINGS OF FACT

1. The Property is located within the Residential District of the Newport Redevelopment Plan (the "Plan"). The Property and adjacent parcels were established by a subdivision granted by the Planning Board in Case No. P17-022.

2. A preliminary and final site plan approval from the Jersey City Planning Board by Resolution memorialized November 30, 2010 (Site Plan Approval), permitting the construction of a 790-unit residential development with a 40-story east tower, a 31-story west tower, 5 levels of apartments in front of a 6-level parking garage containing 794 parking spaces, approximately 15,000 square feet of retail and/or restaurant space, a segment of the Hudson River Waterfront Walkway, 16th Street, 18th Street, North Boulevard and River Drive, utilities, landscaping and site work to serve the development and other future development within Newport's Northeast Quadrant (the "Project").

3. The approved segment of the waterfront walkway was constructed; however, construction of the remainder of the Project has not yet commenced.

4. The Site Plan Approval for the Project remains in full force and effect; however, it expires on June 30, 2017.

7. The Applicant, Newport Associates Development Company, has filed an application for amended preliminary and final major site plan approval to: develop a 181-space surface parking lot with parking for 186 bicycles as an interim use to serve a building to be constructed on the adjacent Block 7302, Lot 3.09; revise previously approved roadway and waterfront walkway improvements to accommodate the development of the building on Block 7302, Lot 3.09; revise previously approved site improvements and landscaping to accommodate the development of the building on Block 7302, Lot 3.09; and confirm that although there are changes to the dimensions of the land where the Project is located resulting from the creation of

the roadway lots and Lot 3.09 the Project remains in compliance in all respects with the use and bulk zoning requirements in the Plan.

8. The surface parking lot with bicycle parking will be used, on an interim basis, to satisfy the parking requirements for an adjacent development on Lot 3.09 until a permanent parking garage can be constructed on a nearby future development site. The Applicant has requested that the interim use approval for the surface parking lot with bicycle parking be for an initial term of three (3) years.

9. The development of adjacent Lot 3.09 requires that the Applicant make a number of minor revisions to the previously approved roadway, sidewalk, and landscaping improvements on Lots 3.05, 3.08, and 3.07 and waterfront walkway improvements on Lots 3.10 and 3.06. These revisions to the previously approved roadway, sidewalk, and landscaping improvements and waterfront walkway improvements will complement the design and architecture of the east and west frontages of the building being approved on new established Lot 3.09.

10. The development of Lot 3.09 requires that the Applicant make a number of minor revisions to the previously approved site improvements, walkways and landscaping on the northeasterly section of Lot 3.04. These revisions to the previously approved landscaping and site improvements will complement the landscaping on northeast section of Lot 3.09, create a walkway inviting users of the waterfront walkway to explore the retail/commercial space in the building approved on Lot 3.09, and enhance the aesthetics of the northeasterly corner of the Property and newly established Lot 3.09.

11. There are no changes to the 40-story east tower, a 31-story west tower, 5 levels of apartments in front of a 6-level parking garage containing 794 parking spaces, approximately 15,000 square feet of retail and/or restaurant space all of which were approved pursuant to the Site Plan Approval; however, the establishment of roadway lots and Lot 3.09 immediately adjacent to Lot 3.04 changes the configuration of the lot where the Project is located and creates new boundary lines for the Property. The changes to the Property resulting from the creation of the roadway lots and Lot 3.09 do not impact the Project as it remains in compliance in all respects with the use and bulk zoning requirements in the Plan and the Jersey City Land Development Ordinance, and it continues to promote the objectives and purposes of the Plan, the Jersey City Master Plan, and the Municipal Land Use Law.

12. The vesting period of the Site Plan Approval remains in effect through June 30, 2017 via the Permit Extension Act (N.J.S.A. 40:55D-136.4A). The Applicant has requested a ten (10) year extension of the vesting period of the Site Plan Approval bringing its expiration date to June 30, 2027.

13. Specifically, Section 52.e of the MLUL (N.J.S.A. 40:55D-52.e) authorizes the Planning Board to grant extensions beyond the one year extensions authorized under Section 52.a (N.J.S.A. 40:55D-52.a) for developments with 100 or more residential dwelling units and taking into consideration: (1) the number of dwelling of units and non-residential floor area

permissible under the final approval; (2) the number of dwelling units and non-residential floor area remaining to be developed; (3) economic conditions; and (4) the comprehensiveness of the development. Section 52.e (see attached) sets no maximum extended vesting period; therefore, a ten (10) year extension is within the discretion of the Planning Board.

12. Under the unique circumstances presented a ten (10) year extension to June 30, 2027 of the Site Plan Approval is warranted. The land area covered by the Site Plan Approval is ___ acres. The Project is 794 dwelling units as presently approved; however, Site Plan Approval and includes three (3) future major mixed use development sites including the Project as well as the construction of 16th Street, 18th Street, River Drive and North Blvd, utilities and infrastructure all of which is a comprehensive and complex development justifying an additional ten (10) year vesting period.

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the City of Jersey City, County of Hudson, State of New Jersey for the foregoing reasons as well as those stated on the record by the Board members and Planning staff, which are incorporated herein by reference, approves the within application for Amended Preliminary and Final Major Site Plan Approval for the Project to wit: Calendar No. P10-070.1 for three (3) year interim use for a 181-space surface parking lot with parking for 186 bicycles for the use of the proposed building at the adjacent Block 7302, Lot 3.09; revised previously approved roadway and waterfront walkway improvements to accommodate the development of the building on Block 7302, Lot 3.09; revised previously approved site improvements and landscaping to accommodate the development of the building on Block 7302, Lot 3.09; and confirm that although there are changes to the dimensions of the land where the Project is located resulting from the creation of the roadway lots and Lot 3.09 the Project remains in compliance in all respects with the use and bulk zoning requirements in the Plan; all for property commonly known as 700 Washington Boulevard and 40 14th Street and identified on the Jersey City Tax Maps as Block 7302, Proposed Lots 3.04, 3.05, 3.06, 3.07, 3.08 & 3.10, which are part of existing Block 7302, Lots 3.01 & 3.02, which is situated in the Residential District of the Newport Redevelopment Plan area. The Planning Board also approves a ten-year extension of the Preliminary and Final Approval for the Property to extend the vesting period to June 30, 2027. This Amended Preliminary and Final Major Site Plan Approval is subject to the following conditions of approval:

1. The 181-space surface parking lot with parking for 186 bicycles for the proposed building at Block 7302, Lot 3.09 is approved as an interim use for a period of three (3) years, commencing with the date of issuance of the first temporary certificate of occupancy for the building on Lot 3.09.

2. The Target parking lot entrance shall be realigned with the construction of the 16th Street and River Drive as required by the site plans approved as part of the Preliminary & Final Major Site Plan Approval memorialized on November 30, 2010 as Case No. P10-70.

3. The Applicant shall address the comments of the Jersey City Engineering Department as set forth in its May 8, 2017 memorandum.

4. The Applicant shall comply with all prior conditions of the Preliminary and Final Major Site Plan Approval memorialized on November 30, 2010 as Case No. P10-70.

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APPLICANT: NEWPORT ASSOCIATES DEVELOPMENT COMPANY

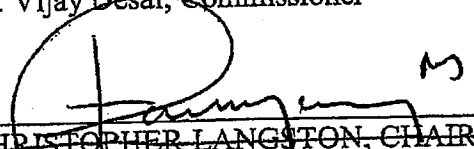
FOR: AMENDED PRELIMINARY AND FINAL MAJOR SITE PLAN
APPROVAL WITH 10 YEAR EXTENSION OF SITE PLAN
APPROVAL

BLOCK 7302, LOTS 3.04, 3.05, 3.06, 3.07, 3.08 & 3.10 (formerly part
of Block 7302, Lots 3.01 & 3.02, formerly known as Block 20, Lot 3.21)

CASE: P10-070.1

VOTE: 9-0

COMMISSIONER	YES	NO	ABSTAIN	ABSENT
Christopher Langston, Chairman	X			
Harkesh Thakur, Commissioner	X			
Joyce Watterman, Councilwoman	X			
Eric Fleming, Commissioner	X			
John Seborowski, Commissioner	X			
Michael Sims, Commissioner	X			
Allison Solowsky, Commissioner	X			
Eduardo Torres, Commissioner	X			
Dr. Vijay Desai, Commissioner	X			


CHRISTOPHER LANGSTON, CHAIRMAN
JERSEY CITY PLANNING BOARD
Dr. Orlando V. Gonzalez
APPROVED AS TO LEGAL FORM:


MATT WARD, SECRETARY
JERSEY CITY PLANNING BOARD


FLORIO AND KENNY, LLP
DENNIS LILOIA, ESQ.

DATE OF HEARING: May 30, 2017
DATE OF MEMORIALIZATION: June 13, 2017