

**RESOLUTION OF THE PLANNING BOARD OF THE CITY OF JERSEY CITY**

**APPLICANT:** MYNENI PROPERTIES, LLC

**FOR:** PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH DEVIATIONS  
682 ROUTE 440 AND 11 BENNETT STREET  
JERSEY CITY, NEW JERSEY  
BLOCK 20403, LOTS 1 AND 2

**CASE NO.** P20-175

**WHEREAS**, the Applicant, MYNENI PROPERTIES, LLC (the "Applicant"), per CONNELL FOLEY, LLC, (Charles J. Harrington, III, Esq., appearing) made application to the Planning Board of the City of Jersey City, County of Hudson and State of New Jersey, for Preliminary and Final Major Site Plan approval with deviations (height in stories; commercial floor to ceiling height; parking between building and street; number of parking spaces) pursuant to N.J.S.A. 40:55D-70(c), to wit, Calendar No. P20-175, to construct a new fifteen (15) story mixed-use building with two hundred eighteen (218) residential units, one hundred five (105) vehicle parking spaces initially (87 of which will be permanent interior parking spaces for residents, while 18 spaces will be exterior), and eighty-seven (87) residential spaces upon development of the "Rte 440 Boulevard" (the "Project"), with regard to the property located at 682 Route 440 and 11 Bennett Street, Jersey City, New Jersey, also known on the Jersey City Tax Maps as Block 20403, Lots 1 and 2 (the "Property"), which is located within the Highway Mixed-Use (High Rise) district of the Water Street Redevelopment Plan ("Redevelopment Plan") Area; and

**WHEREAS**, due notice of a hearing before the Planning Board of the City of Jersey City, February 15, 2022 at 5:30 P.M. was duly published as prescribed in the Jersey City Land Development Ordinance ("JC LDO") of the City of Jersey City; and

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

**WHEREAS**, the Applicant and its 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 on behalf of the Applicant, and the oral and written comments and recommendations of the Division of Planning professional staff, and the testimony of members of the public, the Planning Board has made the following findings of fact:

## FINDINGS OF FACT

1. The Applicant, Myneni Properties, LLC filed an application with the Planning Board for Preliminary and Final Major Site Plan approval with design waivers and deviations pursuant to N.J.S.A. 40:55D-70(c), , to construct a new fifteen (15) story mixed-use building with two hundred eighteen (218) residential units, one hundred five (105) vehicle parking spaces initially (87 of which will be permanent interior parking spaces for residents, while 18 spaces will be exterior), and eighty-seven (87) residential spaces upon development of the "Rte 440 Boulevard" ("Project"), for the property located at 682 Route 440 and 11 Bennett Street, Jersey City, New Jersey, also known on the Jersey City Tax Maps as Block 20403, Lots 1 and 2, ("Property").
2. The property is located within the Highway Mixed-Use (High Rise) district of the Water Street Redevelopment Plan ("Redevelopment Plan") Area. The Applicant was named the designated redeveloper of this Property by the Jersey City Redevelopment Agency.
3. The Property is currently used as a one story commercial building and surface parking lot and is approximately 29,755 square feet in area.
4. The proposed use is permitted in the Redevelopment Plan area.
5. The Project is proposed to be fifteen (15) stories and 170'—8" tall, with a 15-foot-tall rooftop bulkhead.
6. Robert Costa, P.E. of Costa Engineering Corporation was accepted as an expert in the field of civil engineering. He testified on behalf of the Applicant. Mr. Costa testified as to the existing site conditions and the stormwater management techniques proposed by the Project. He presented the Stormwater Management Report, prepared by Costa Engineering Corporation, and explained the mitigation effects of the on-site detention tank, the green roof, and the landscaped areas of the Project. There will be approximately 4,600 square feet of green roof area, a stormwater detention tank, and a permeable paver system installed as part of the Project.
7. Anthony Vandermark, AIA on behalf of MVMK Architecture, was accepted as an expert in the field of architecture for the Project. Mr. Vandermark presented the overall design of the Project, and his presentation was supported by Exhibit A-2. He testified as to façade design, materials, and color. He then described the floor plan and layout for the retail, parking, and residential uses in the Project, as well as the function of the parking stackers used to increase the number of parking spaces provided. The Project is proposing a gym on the second floor, a daycare, and a rooftop amenity area with a pool. Finally, he presented a visual impact / shadow study to show the impact that the Project will have on surrounding properties. Based on this study, Mr. Vandermark concluded that the shadows would have minimal impact on the surrounding properties as the shadows would be primarily cast onto Route 440.
8. Mr. Vandermark testified that the Applicant was utilizing creative development techniques that will fit within the context of the surrounding neighborhood, will activate the pedestrian streetscape, as

well as to be a signature building in the Redevelopment Plan area. The Planning Board accepted this testimony.

9. Mr. Vandermark also testified as to the proposed Route 440 Boulevard. Pursuant to the requirements of JC LDO § 345-60.2, the Project is providing a 60' front yard setback to accommodate a planned future "Route 440 Boulevard." The setback requirements for the planned Route 440 Boulevard were not contemplated in the Redevelopment Plan and the Project had to be designed to accommodate the required setback area. The Project is proposing eighteen (18) interim use surface parking spaces in front of the building, which will provide additional parking spaces for the Project until the Route 440 Boulevard is completed.

10. There will be two retail spaces, of approximately 840 square feet and 1,185 square feet. There will also be a loading bay to accommodate move-in / move-out, loading, and any retail deliveries. Mr. Vandermark presented two possible locations for the loading zone. The Applicant will finalize the location of the loading zone with the Department of Transportation. It is anticipated that rideshare vehicles will be picking up and dropping off on the Route 440 side of the building, within the front interim parking lot. This will be the least intrusive solution and will minimize the traffic impact of the Project.

11. Matthew J. Seckler, P.E., P.T.O.E. of Stonefield Engineering & Design, LLC was accepted as an expert in the field of traffic engineering. Mr. Seckler prepared a traffic study to assess the impact of the Project on the traffic in the area. Based on the traffic study completed, Mr. Seckler concluded that the Project would not have a significant impact on the traffic operations of the local roadway network. The proposed driveways and Project layout were designed to provide for effective access to and from the Property. The parking supply will be sufficient to support this Project. The Jersey City Division of Engineering was consulted throughout the design process and the Project satisfied their concerns.

12. Edward Kolling, PP of Dresdner Robin was accepted as an expert in the field of urban planning. He testified that the following deviations from the Redevelopment Plan are being requested by the Project:

- a. A deviation to permit a fifteen (15) story structure (within the permitted building height), where twelve (12) stories is the maximum number of permitted stories;
- b. A deviation to permit a commercial floor to ceiling height of 22' where 15' is the maximum permitted height;
- c. A deviation to permit eighteen (18) exterior temporary parking spaces between the building line and the street, and to permit eighteen (18) proposed temporary parking spaces to be located outside the building envelope; and
- d. A deviation to permit eighty-seven (87) residential parking spaces, where one hundred nine (109) is the minimum required for the proposed Project.

13. The Redevelopment Plan permits a maximum of twelve (12) stories in height. The Redevelopment Plan does not list a maximum height in feet, but Mr. Kolling testified that the implied maximum height is 175 feet. The permitted building height is calculated by taking the maximum permitted floor to ceiling height for a compliant project and adding the maximum permitted floor to ceiling height for the residential

and commercial levels. The maximum permitted floor to ceiling height on a residential floor is 12 feet, with a 1-foot ceiling to floor structure. Eleven total residential stories are permitted, meaning the implied maximum height for the residential portion of the building is 143 feet. The maximum commercial floor to ceiling height is 15 feet. A mezzanine is permitted on commercial floors. Adding 1-foot of ceiling to floor structure for the main commercial floor and for the permitted mezzanine level yields a permitted height of 32 feet for the commercial portion of the building. Adding the permitted commercial height (32 feet) and the permitted residential height (143 feet) results in a maximum permitted building height of 175 feet. The Project is proposing a height of 170'—8", which is less than the implied maximum height in the Redevelopment Plan.

14. The Applicant is seeking a deviation to permit a fifteen (15) story building (within the maximum permitted building height) where a twelve (12) story building is the maximum permitted. The redevelopment of this Property as a mixed-use high-rise building is consistent with the objectives of the Redevelopment Plan. As part of the Project, the Applicant is providing a 60' front yard setback to accommodate the planned "Route 440 Boulevard" in compliance with Jersey City Land Development Ordinance ("JC LDO") § 345-60.2. The Redevelopment Plan contemplates a 0' front yard setback. The required setback forces the building to be built on a smaller footprint. This provision of the JC LDO constitutes an extraordinary and exceptional situation uniquely affecting the potential development of this Property, making the Project eligible for a c(1) hardship deviation.

15. There are special reasons to grant this deviation. The positive criteria involve redeveloping a pre-existing non-conforming use to develop a new mixed-use high rise tower consistent with the goals of the Redevelopment Plan. The Project will not create any detrimental effects to light and air, because the Project is consistent with the Redevelopment Plan's requirements for maximum height in feet. The Project complies with the maximum permitted Floor Area Ratio of 7.7. The Project is providing a large on-site stormwater detention tank as well as two separate green roof elements. The Applicant is further proposing to install twelve (12) street trees.

16. As for the negative criteria, granting this deviation will advance the purposes of the Redevelopment Plan and the Jersey City Master Plan by providing a compliant use, with permitted building height and bulk, while providing for the future creation of a Route 440 Boulevard. The Project advances the purposes of the Redevelopment Plan and the Jersey City Master Plan. For these reasons, the deviation may be granted because of the hardship imposed by providing a front yard setback greater than what is required by the Redevelopment Plan.

17. This Property is located in a flood hazard area, and as such the Project will be providing substantial stormwater management elements as a part of the benefits of the Project. There will be an underground detention tank, extensive green roof elements, and landscaped area to help manage stormwater runoff. The existing use of the Property has almost 100% lot coverage, so the Project will be a substantial improvement over existing conditions. The Project also provides space for the planned "Route 440 Boulevard," which will be a substantial public benefit. There will be no substantial detriments because the height in feet and the bulk of the Project are compliant with the requirements of the Redevelopment Plan.

Therefore, the benefits outweigh any substantial detriments and the deviation for relief from the maximum permitted number of stories may be granted.

18. The maximum permitted commercial floor to ceiling height in the Redevelopment Plan area is 15 feet, but the Project is seeking relief to permit a floor to ceiling height of 22 feet. This deviation may be granted because the Project advances the purposes of the Redevelopment Plan and the Municipal Land Use Law (the "MLUL") as outlined elsewhere, and because the benefits of granting it outweigh any substantial detriments. There are a number of benefits to granting the floor to ceiling height deviation. First, the increased height is necessary to accommodate the proposed mechanical parking system which will allow the Project to maximize the number of parking spaces available while still providing the required 60' front yard setback to accommodate the proposed Route 440 Boulevard. The additional floor to ceiling height will also make the commercial space more visually appealing and will help to attract pedestrians to the retail uses proposed for this space. This benefit will be even more pronounced upon the completion of the Route 440 Boulevard. The additional space will also help house transitional stairs, structural elements, and utility areas. There will not be any substantial detriments associated with granting this deviation because the Project will still be complying with the maximum permitted building height in feet. The Project advances the purposes of the MLUL, the Redevelopment Plan, and the Jersey City Master Plan, and the benefits of granting the deviation outweigh any substantial detriments. Therefore, the deviation may be granted.

19. The Project is seeking a deviation to permit exterior parking between the building line and the street. Parking is not permitted between the building line and the street, nor is it permitted outside of the building envelope. The Project proposes eighteen (18) vehicle parking spaces outside of the building envelope in front of the building between the building line and the street. This is an interim use, as these spaces will be eliminated when work begins on the Route 440 Boulevard. The deviation may be approved because it will advance the purposes of the MLUL, the Redevelopment Plan, and the Jersey City Master Plan, as described above. Further, the benefits outweigh any substantial detriments. Therefore, the requested deviation may be granted. The interim nature of this proposed parking area helps to mitigate any detriments associated with the proposed parking configuration. In anticipation of the future Route 440 Boulevard, the Project is providing a 60-foot front yard setback. Since the construction of the Route 440 Boulevard has not yet commenced, that front yard setback area will be underutilized space until such time as the Route 440 Boulevard begins construction. Therefore, it is an appropriate use of that space to provide additional parking spaces. Currently, much of the area surrounding the Property is zoned as Highway-Commercial and exhibits the characteristics of this zoning, which includes parking in front of retail uses. These parking spaces will help support the ground floor retail uses at the Project, as well as to provide additional residential parking. This temporary condition will not create any substantial detriments because the surrounding neighborhood has several buildings with similar conditions. Any detriments will be mitigated by the temporary nature of the front yard parking. The benefits outweigh any substantial detriments, and therefore the deviation may be granted.

20. The Applicant is proposing eighty-seven (87) permanent parking spaces using mechanical stackers, where the Redevelopment Plan requires one hundred nine (109) spaces. The Applicant is further proposing eighteen (18) temporary parking spaces that will be located exterior to the building between

the building and street. This deviation may be granted because of the hardship presented by the required front yard setback to accommodate future construction of the Route 440 Boulevard. This limits the area available for a ground floor parking garage and puts a cap on the number of parking spaces that can be accommodated by the building footprint. This required setback creates a hardship. The positive criteria are met in that this Project will replace an incompatible single story retail building with a conforming mixed-use tower in accordance with the Redevelopment Plan. The Project is providing a setback to accommodate the anticipated future development of the Route 440 Boulevard. Granting the deviation will not impair the zone plan, because a total of one hundred three (103) residential parking spaces along with the maximum two (2) permitted commercial retail spaces will be provided when the Project is completed. The residents of the Project will likely make use of the West Side Avenue Light Rail Station, located 0.6 miles from the Property, as well as bus stops along West Side Avenue and Communipaw Avenue. The deviation is minor when the eighteen (18) exterior parking spaces are taken into account. Given the hardship associated with complying with the front yard setback requirements to accommodate the Route 440 Boulevard, both the positive and negative criteria have been satisfied and the deviation may be granted. Further, by the time that the Route 440 Boulevard is completed and the interim parking spaces are eliminated, the character of the neighborhood (which envisions an expansion of the Hudson Bergen Light Rail system) will have changed drastically by virtue of the Route 440 Boulevard, and the demand from residents and retail customers for parking will not be as great as it is today. For these reasons, the deviation for minimum number of parking spaces may be granted.

21. The Project as a whole advances the purposes of the Municipal Land Use Law (the "MLUL") and the benefits of approving the requested deviations outweigh any substantial detriments. Specifically, this Project advances the following purposes of the MLUL, as outlined in N.J.S.A. 40:55D-2:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- b. To secure safety from fire, flood, panic and other natural and man-made disasters;
- c. To provide adequate light, air, and open space;
- e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions, and preservation of the environment; and
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement.

The Project will advance the purposes of the MLUL as well as the JC LDO and the Redevelopment Plan.

21. In summary, Mr. Kolling testified that the requested deviations are appropriate for the Project will benefit the immediate neighborhood, and will promote the general welfare. He concluded that all requested deviations were justified, and must be viewed in their totality as part of the Project, and that the benefits of granting them outweighed any substantial detriments, and all requested deviations advance the purposes of the Redevelopment Plan and the Jersey City Master Plan. The Project will also promote a desirable visual environment by developing a creative and appropriate mixed-use development for the neighborhood to meet the needs of the growing population and to accommodate the future Route

440 Boulevard. The proposed deviations will not cause any substantial detriments to the public good, or impair the intent and purpose of the Jersey City Zoning Plan, the Redevelopment Plan or the JC LDO, and accordingly, all of the requested deviations can be granted. The Planning Board accepted this testimony. The Planning Board also accepted the testimony of Elizabeth Oppen, P.P. of the Division of Planning, and her report dated January 31, 2022.

**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, approves the within application for Preliminary and Final Major Site Plan approval with deviations pursuant to N.J.S.A. 40:55D-70(c), to wit, Calendar No. P20-175, to construct a new fifteen (15) story mixed-use building with two hundred eighteen (218) residential units, one hundred five (105) vehicle parking spaces initially (87 of which will be permanent interior parking spaces for residents, while 18 spaces will be exterior), and eighty-seven (87) residential spaces upon development of the "Route 440 Boulevard," for the property located at 682 Route 440 and 11 Bennett Street, Jersey City, New Jersey, also known on the Jersey City Tax Maps as Block 20403, Lots 1 and 2, which is located within the Highway Mixed-Use (high rise) district in the Water Street Redevelopment Plan area, and in accordance with the plans and testimony submitted to the Planning Board of the City of Jersey City, subject to the following conditions:

1. All materials and color selections shall be shown on Final Plans. No change to the façade and site design, including materials as well as any changes that may be required by the Office of Construction Code, shall be permitted without consultation with planning staff or approval by planning board.
2. Applicant shall provide an affidavit from the architect of record representing that the constructed project is consistent with final approved plans.
3. All street trees and landscaping shall be installed in accordance with the Jersey City Forestry Standards prior to the issuance of a Certificate of Occupancy (CO) or Temporary Certificate of Occupancy (TCO).
4. In response to the Engineering memo dated 12/1/2021, the Applicant shall coordinate with Engineering and revise plans accordingly. Specifically, the memo from Engineering indicates that the direction of travel within the parking area may need to be reverse. It is also important to note that state DOT will need to weigh in on this application due to its location. A memo shall be provided by the applicant documenting their communications with City Engineering and DOT on decisions made regarding the travel direction of the parking area and the agreed upon solution shall be represented on signature sets. All other Engineering Comments shall be addressed on signature sets.

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RESOLUTION OF THE PLANNING BOARD OF THE CITY OF JERSEY CITY

APPLICANT: MYNENI PROPERTIES, LLC

FOR: PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH DESIGN WAIVERS  
AND DEVIATIONS  
682 ROUTE 440 AND 11 BENNETT STREET  
JERSEY CITY, NEW JERSEY  
BLOCK 20403, LOTS 1 AND 2

CASE NO. P20-175


VOTE: 6-0

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COMMISSIONER:	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
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Dr. Orlando V. Gonzalez, Commissioner	X		
Edwardo Torres, Commissioner	X		
Steve Lipski, Commissioner	X		
Dr. Vijay Desai, Commissioner	X		
Vidya Gangadin, Commissioner	X		
Geoffrey Allen, Commissioner	X		


  
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Christopher Langston (Mar 11, 2022 15:14 EST)

CHRISTOPHER LANGSTON, CHAIRMAN  
JERSEY CITY PLANNING BOARD  
OF THE CITY OF JERSEY

  
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Cameron Black (Mar 14, 2022 09:35 EDT)

CAMERON BLACK, SECRETARY  
JERSEY CITY PLANNING BOARD  
OF THE CITY OF JERSEY CITY

APPROVED AS TO LEGAL FORM:

  
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Santo T. Alampi (Mar 11, 2022 09:28 EST)

SANTO T. ALAMPI, ESQ.

DATE OF HEARING:  
DATE OF MEMORIALIZATION:

February 15, 2022  
March 8, 2022