

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

**APPLICANT: KRE/SILVERSTEIN 808 PAVONIA LLC**

**FOR: PRELIMINARY AND FINAL MAJOR SUBDIVISION APPROVAL WITH  
DEVIATION**

**BLOCK 9404, EXISTING LOTS 34, 35, AND 41; BLOCK 10601,  
EXISTING LOTS 38 AND 39**

**BLOCK 9404, PROPOSED LOT 34.01; BLOCK 10601, PROPOSED LOT  
34.02**

**808 PAVONIA AVENUE, 132-140 VAN REIPEN AVENUE, 12 BRYAN  
PLACE, 813 PAVONIA AVENUE, 270 MAGNOLIA AVENUE**

**CASE NO.: P22-136**

**WHEREAS, KRE/SILVERSTEIN 808 PAVONIA LLC (the "Applicant")** represented by **Connell Foley, LLP**, Harborside Financial Center, 2510 Plaza Five, Jersey City, NJ 07311-4029 (James C. McCann, 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 Subdivision Approval with a Deviation to wit: Calendar No. P22-136, to subdivide five (5) existing lots commonly known as 808 Pavonia Avenue, 132-140 Van Reipen Avenue, 12 Bryan Place, 813 Pavonia Avenue, and 270 Magnolia Avenue and identified on the Jersey City Tax Maps as Block 9404, Lots 34, 35, and 41 and Block 10601, Lots 38 and 39 into two (2) proposed lots described as proposed Lot 34.01 in Block 9404 and proposed Lot 34.02 in Block 10601 (the "Property"), which are situated in Zone 10 of Journal Square 2060 Redevelopment Plan area; and

**WHEREAS**, due notice of a hearing on the application before the Planning Board of the City of Jersey City, on September 6, 2022 at 5:30 p.m., was duly published in the Jersey Journal and mailed to property owners within 200 feet of the Property as required by the Land Development Ordinance of the City of Jersey City and the Municipal Land Use Law; and

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

**WHEREAS**, consideration of the Application, sworn testimony and other evidence was presented in support of and against the Application at the September 6, 2022 hearing, public comments to the Application were heard, recommendations were made by the Planning Board staff and counsel, and as a result thereof, the Planning Board voted unanimously to close the public comment portion of the hearing, carry the Application with preservation of notice to the October 11, 2022 Planning Board hearing, give the Applicant time to review an objection to the Applicant's site plan application (Case # P22-137) from an adjacent property owner, and give the Applicant the option of re-opening the hearing for the purpose of providing additional testimony and evidence in connection with the objection; and

**WHEREAS**, on October 11, 2022 the Board re-opened the hearing to allow the Applicant to address the objection of the adjacent property owner; and

**WHEREAS**, additional sworn testimony and other evidence was presented by the Applicant to address the objection to the site plan application, further comments were heard from the public on the adjacent property owner's objection, and a final recommendation was made by the Planning Board staff; and

**WHEREAS**, the public hearings were conducted virtually utilizing the Zoom service in accordance with the "Senator Byron M. Baer Open Public Meetings Act" of 2020, which permits a public body to conduct a meeting electronically during a state of emergency. Governor Murphy issued Executive Orders 103 and 107 declaring a "Public Health Emergency and State of Emergency" and directing residents to quarantine and practice social distancing; and

**WHEREAS**, after consideration of the application and the testimony and other evidence presented at the hearings 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 Zone 10 of Journal Square 2060 Redevelopment Plan (the "Plan").

2. The Applicant, KRE/Silverstein 808 Pavonia LLC has filed an application for Preliminary and Final Major Subdivision Approval with Deviation for the Property. The purpose of the application is to subdivide five (5) existing lots into two (2) new lots. The five (5) existing lots are commonly known as 808 Pavonia Avenue, 132-140 Van Reipen Avenue, 12 Bryan Place, 813 Pavonia Avenue and 270 Magnolia Avenue and identified on the Jersey City Tax Maps as Block 9404, Lots 34, 35 and 41 and Block 10601, Lots 38 and 39.

3. The proposed new lots are as follows, as more particularly shown on the Preliminary and Final Major Subdivision Plans prepared by Langan Engineering, dated as of July 21, 2022 and presented to the Board:

- a. Block 9404, Proposed Lot 34.01 – 1.02 acres (approx. 420.54' x 181.66')
- b. Block 10601, Proposed Lot 34.02 – 1.19 acres (approx. 392.42' x 193.21')

4. Proposed Lot 34.02, Block 10601 will be utilized for the development of Phase 1 of a two-phase mixed use project that will permit a combined total of approximately 1,189 residential units, parking for approximately 365 vehicles, approximately 6,194 square feet of gallery and café space, and 47 signs, in addition to various publicly accessible improvements, all of which is the subject of a separate application for Preliminary and Final Major Site Plan Approval with Deviations filed simultaneously by the Applicant with the present application ("Project"). In particular, Phase 1 will include 595 residential units, approximately 6,194 square feet of gallery and café space, 237 parking spaces, 26 signs, and construction of publicly accessible improvements.

5. Proposed Lot 34.01, Block 9404 will be utilized for the development of Phase 2 of the Project. In particular, Phase 2 will contain 594 residential units, 128 parking spaces, 21 signs, and construction of publicly accessible improvements.

6. The Applicant seeks a deviation from Section III.A.3 of the Plan to permit relief from the requirement that any newly created lot or development site through subdivision or consolidation shall have a maximum shape factor of 28, where the proposed Phase 2 lot, i.e., Lot 34.01, will have a shape factor of 35.05.

7. A deviation from this requirement will allow for a lot size that is consistent with the Map 2 – Site Phasing requirements of Zone 10 of the Plan (“Map 2”). In particular, the existing five lots are irregular in shape due to the fact that each Bryan Place, Van Reipen Avenue, and Pavonia Avenue terminates to the immediate west. As shown on Map 2, the intent of Zone 10 of the Plan is to merge these five irregular lots into two phases or lots. Consequently, given the irregularity of the existing lots and the Plan’s intent to create two phases, compliance with the shape factor requirement represents a hardship to the Applicant. Further, while there is no substantial detriment due to this deviation, the benefits of the deviation and overall Project, which includes significant publicly accessible improvements across each Phase, substantially outweigh any detriment.

8. The requested deviation and overall development advance the objectives and purposes of the Plan, which include the integration of open space into the area by incorporating a system of parks, plazas, and natural amenities and making walking and biking an easy, safe, desirable, and convenient mode of transport. Advancement of these objectives likewise advances the purposes of the Municipal Land Use Law, as these objectives promote safety and the general welfare. The requested deviation will not cause a substantial detriment to the public good nor impairment to the intent and purpose of the Master Plan or the Plan. The deviation will enable and enhance the Project’s design and is consistent with the spirit of the Plan.

9. Apart from the requested deviation, the new lots and proposed subdivision comply in all other respects with the Plan, the Jersey City Land Development Ordinance, the Jersey City Subdivision Ordinance, the Jersey City Master Plan, and the Municipal Land Use Law.

**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 Preliminary and Final Major Subdivision Approval with Deviation to wit: Calendar No. P22-136, to subdivide five (5) existing lots commonly known as 808 Pavonia Avenue, 132-140 Van Reipen Avenue, 12 Bryan Place, 813 Pavonia Avenue, and 270 Magnolia Avenue and identified on the Jersey City Tax Maps as Block 9404, Lots 34, 35, and 41 and Block 10601, Lots 38 and 39 into two (2) lots described as proposed Lot 34.01 in Block 9404 and proposed Lot 34.02 in Block 10601, which are situated in Zone 10 of Journal Square 2060 Redevelopment Plan area, subject to the following conditions:

1. All testimony given by the Applicant and their expert witnesses in accordance with this Application shall be binding.

2. Provide the property rights required at Site 6 in accordance with the executed Redevelopment Agreement.

3. The Applicant shall take such actions required by the Redevelopment Agreement to transfer not less than 6,400 square feet of the southerly portion of existing Lot 39 in Block 10601/proposed Lot 34.02 to the Jersey City Redevelopment Agency for the City's use as a loading dock to service the Loew's Theater.

4. The Applicant will work with the Jersey City Engineering Division to address the comments in its email dated September 1, 2022.

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**FOR: PRELIMINARY AND FINAL MAJOR SUBDIVISION APPROVAL WITH DEVIATION**

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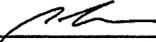
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**CASE NO.: P22-136**

**VOTE: 8 - 0**

COMMISSIONER	YES	NO	ABSTAIN	ABSENT
Christopher Langston, Chairman	x			
Dr. Orlando Gonzalez, Vice-Chairman	x			
Vidya Gangadin, Commissioner	x			
Steve Lipski, Commissioner	x			
Edwardo Torres, Commissioner	x			
Darlene Green, Commissioner	x			
Dr. Vijaya Desai, Commissioner	x			
David Cruz, Commissioner	x			
Joyce Watterman, Commissioner				x
Jessica Ramirez, Commissioner				x

  
Christopher Langston (Oct 17, 2022 20:06 EDT)

CHRISTOPHER LANGSTON, CHAIRMAN  
JERSEY CITY PLANNING BOARD

  
Cameron Black (Oct 17, 2022 11:19 EDT)

CAMERON BLACK, SECRETARY  
JERSEY CITY PLANNING BOARD

APPROVED AS TO LEGAL FORM:

  
Santo T. Alampi (Oct 18, 2022 09:10 EDT)

SANTO T. ALAMPI, ESQ.

DATE OF HEARING: September 6, 2022 and October 11, 2022  
DATE OF MEMORIALIZATION: October 11, 2022