

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

APPLICANT: **WARREN AT BAY URBAN RENEWAL LLC**

FOR: **PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL
WITH DEVIATIONS**

PROPERTY: **124-142 Bay Street
Block 11504, Lot 2**

CASE NO. **P19-123**

WHEREAS, application has been made by Warren at Bay Urban Renewal 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 (Eugene T. Paolino, Esq. appearing) for Preliminary and Final Major Site Plan Approval with Deviations filed under case no. P19-123 for Applicant’s premises located at 124-142 Bay Street, designated as Block 11504, Lot 2 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 Rehabilitation Zone of the Powerhouse Arts District Redevelopment Area (the “Area”) and governed by the Powerhouse Arts District Redevelopment Plan (the “Plan”); and

WHEREAS, the Property is the former Great Atlantic & Pacific Auxiliary Building and Bakery, a contributing historic building in the Area that contains two (2) joined structures of two (2) to six (6) stories which formerly contained a combination of office and industrial uses; and

WHEREAS, the Applicant proposes to rehabilitate and adaptively re-use the existing structure and to add an interconnected addition to create a six (6) story 85 ft. structure for office

and ground floor commercial retail use, improved streetscape, on-site space for the placement of permanent public art and other on-site improvements (the “Project”); and

WHEREAS, on October 28, 2019 the Applicant appeared before the City of Jersey City Historic Preservation Commission and obtained a Certificate of Appropriateness for the Project; and

WHEREAS, on January 29, 2020 the Applicant appeared before the City of Jersey City Historic Preservation Commission and obtained an amended Certificate of Appropriateness for the Project

WHEREAS, the Applicant has submitted proof that it has complied with the Plan and applicable procedural requirements, including (without limit) the payment of fees; and

WHEREAS, due notice of the Tuesday, February 18, 2020, hearing for the above-described Application was provided in accordance with the Municipal Land Use Law 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, Joseph Mele of Dresdner Robin (civil-engineering), Richard Garber of GRO Architecture (architecture), Charles Heydt of Dresdner Robin (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 Property is the former Great Atlantic & Pacific Auxiliary Building and Bakery, a designated contributing historic building in the Area that contains two (2) joined masonry structures of two (2) to six (6) stories which formerly contained a mixed use of office and industrial.

3. The Applicant is the owner of the Property and proposes rehabilitate and adaptively re-use the existing structure and to add an interconnected addition to create a six (6) story 85 ft. structure for office and ground floor commercial retail use, improved streetscape, on-site space for the placement of permanent public art and other on-site improvements (the "Project");

4. The Property is currently vacant.

5. The Property is located within the Rehabilitation Zone of the Area and governed by Sections VII and VIII (A) of the Plan.

6. The Applicant appeared before the City of Jersey City Historic Preservation Commission on two (2) occasions and received a Certificate of Appropriateness for the Project.

7. The Applicant's representatives have met with and presented the proposed Project (as hereafter described) to various community groups including the Jersey City Arts Council and the Powerhouse Arts District Neighborhood Association.

8. Joseph Mele of Dresdner Robin was called and testified as to the civil-engineering aspects of the proposed Project.

9. Mr. Mele testified that the structure is located on the eastern half of Tax Block 11504 and has frontages on First Street, Bay Street and Warren Street.

10. He testified that the frontage along First Street presently contains a four foot (4') elevated platform occupying the entire sidewalk so that essentially, there is no sidewalk, landscaping and street trees. Pedestrian access is thus awkward.

11. Mr. Mele further testified that along Warren Street there is a ten foot (10') wide sidewalk but contains no landscaping, street trees or other improvements.

12. Along Bay Street on the south side of the Property, there is some 10-foot-wide sidewalks present but no landscaping, street trees or other improvements. Existing vehicular access is located on this side of Property.

13. Mr. Mele described that the Property is located approximately 700 feet from the Harsimus Cove Light Rail Station and 1,300 feet from the Harborside Light Rail Station and has existing utilities for electrical and cable located both overhead and underground and within the 100-year floodplain.

14. The existing structure occupies the entire lot and contains no parking. The Project will continue to occupy the entire lot and does not propose any parking. However, the Project proposes the installation of eight (8) outdoor bicycle spaces and ten (10) indoor spaces which exceeds the minimum bicycle parking required by the applicable ordinance.

15. Regarding streetscape improvements, Mr. Mele testified that the Project proposes all new sidewalks to be installed along each of the frontages which will be a minimum of ten feet (10') in width, four (4) street trees planted along the Bay Street frontage and four (4) street trees to be planted along the First Street frontage for a total of eight (8) street trees.

16. Mr. Mele said that in addition to the street trees and the 10' sidewalks that will be installed, the existing platform on First Street will remain in place with revisions in order to provide ADA access to the elevated platform.

17. With respect to the loading dock area, PSE&G required a 25' by 25' transformer room with access at grade. Mr. Mele said that the transformer room was not able to be elevated four feet (4') off the ground and therefore the size of the loading dock had to be reduced to accommodate the required PSE&G access into the transformer vault room.

18. In closing Mr. Mele reviewed the City of Jersey City Engineering Department's comment letter and that all items set forth therein will be complied with and addressed.

19. Richard Garber of GRO Architecture was next called and testified regarding the architectural aspects of the Project.

20. Mr. Garber testified that the existing building is situated on a through-lot with the main frontage being on Warren Street and is one of eight (8) contributing historical buildings in the Area.

21. Mr. Garber described that the lot size as 26,271 sf. The gross building area is 99,639 sf. The proposed addition seeks to add 25,529 sf of building area. The Project with the addition will be a total of 125,168 sf of gross building area.

22. Mr. Garber testified that the Project will be six (6) stories high with a maximum height of 85' 5" and contain 9,249 sf of restaurant space fronting on Warren Street, 12,600 sf of commercial retail use on the ground floor and 86,129 sf office use.

23. Regarding the existing loading dock on the First Street side of the Property, Mr. Garber testified that the existing raised loading deck will be relocated with an ADA ramp for

accessibility while the awning of the loading dock will remain with a polycarbonate infill to be installed within the restored steel canopy above the loading dock.

24. The entry points for the loading dock will be along Warren Street which will be dropped to street level and will contain a platform lift for ADA accessibility.

25. Since the proposed office space is more than the permitted 50% of the space in the building Mr. Garber noted that a deviation from the Plan will be required since the proposed office use is 70% of the proposed Project.

26. Mr. Garber testified the Applicant is also seeking a deviation for the non-residential space requirement which requires 20% of the gross floor area of the building to dedicated and designed principally for the practice, display and sale of performing visual arts.

27. The one additional deviation being requested by the Applicant, Mr. Garber discussed is the requirement that 10% of the ground floor area be dedicated to “permanent public art.”

28. Regarding both of these requirements Mr. Garber said that the Applicant is proposing 6.7% of the ground floor office lobby which is approximately 1,540 sf, for the location of a permanent public art.

29. In further testimony regarding the lobby and the locations of art, Mr. Garber testified that there will be a dedicated four foot (4’) wide floor to ceiling display panel that will show both the building directory as well as a rotating series of video installations. On the left side of the lobby there will an approximately eighty foot (80’) long location for a mural that will be completed by a local Jersey City artist and will be protected and framed in glass.

30. Mr. Garber testified that the proposed addition is industrial in nature and complements the existing building by inserting a circulation slot and a rooftop addition within the existing two (2) structures.

31. Above the first floor Mr. Garber testified the remaining upper floors will all be used as office space. The second floor will be L-shaped while floors three through five will have normalized floor plates. The circulation core addition will contain a staircase, three (3) elevators and bathrooms. As the floors go up the circulation core provides dedicated elevator lobbies to each of the remaining floors.

32. At the fifth floor the proposed addition is setback which creates a double-height office space floor to ceiling heights.

33. The Applicant proposes a rooftop deck that will also contain generator, condenser and will be hidden on the top of the existing structure.

34. With regards to the façade, Mr. Garber testified that the Applicant is proposing extensive and detailed repairing and repointing of the existing brick masonry and stucco. The stucco is a cream color to match the existing structure.

35. The Project proposes the installation of new aluminum windows, which were approved by HPC, that will contain a black window frame, clear anodized aluminum addition.

36. The circulation core addition will be constructed used Kalwall, a curtain wall product manufactured by a company called “Vertikal”, which is a translucent product that will provide a full spectrum of natural light without distorting color rendition.

37. Retail signage will be located primarily on the corners of the Project where the proposed vestibules will be dropped to access the restaurant and retail uses.

38. Mr. Charles Heydt, a licensed professional planner testified as to the deviations being requested as part of the Project.

39. Mr. Heydt testified the Applicant seeks the following deviations from the Plan:

- a. Section VII B(9) of the Plan regarding permitted principal uses wherein the Plan requires that a limited amount of office uses per building shall be permitted but shall not exceed 50% of the gross floor area of such building.
- b. Section VII(D)(2) of the Plan regarding the require that a minimum of 10% of ground floor square footage be used as art gallery.
- c. Section VII H of the Plan regarding non-residential space requirements requiring structures which are predominately non-residential in use have at least 20% of Gross Floor Area (“GFA”) designed and dedicated principally to the practice, display, sale and/or production of the performing/visual arts. The artistic space shall be used contemporaneously with the first principal user to occupy the building.

40. With regards to the deviations, Mr. Heydt remarked that in reviewing the Plan there needs to be a balancing since the Project proposes adaptively reusing a historic building which presents certain challenges.

41. Regarding the proposed office space of 70%, Mr. Heydt testified that a majority of the projects approved in this Area are residential in nature and the Project contemplates introducing a primarily office use which helps balance the Area and is consistent with the intent of the Plan.

42. With regards to the other two (2) deviations, Mr. Heydt testified this was one of the challenges with adaptively re-using an existing structure and complying with the Plan that requires the placement of art to be in a publicly accessible space.

43. Since there are limited publicly accessible areas for art, the Project targeted lobby space since the Applicant has attempted to maximize spaces that are publicly accessible in a creative way to provide for artistic spaces.

44. As Mr. Heydt testified the Project strikes the right balance when considering the overall development in the Area. Several of the historic elements of the existing structure are being preserved and rehabilitated.

45. In his professional opinion, Mr. Heydt concluded that the requested deviations do not impose any substantial detriment to the public welfare, advances the intent of rehabilitating and adaptively reusing the existing structure and does not create any substantial impairment of the redevelopment plan or Ordinance.

46. The Project reactivates the street and meets with street frontage requirements and proposes the planting of eight (8) street trees.

47. Additionally, the Project will meet all ADA accessibility requirements innovatively by redoing the one ramp system currently onsite while also contributing permanent public art.

48. In sum, Mr. Heydt testified that the Project achieves several land use goals in terms of desirable aesthetic improvements and guiding development in an appropriate matter which is purpose A of the applicable statute.

49. Following Applicant's testimony, public comment was taken and the staff report of the Planning Division of the City of Jersey City was elicited. On behalf of the City, Mallory Clark was satisfied with the testimony regarding the proposed deviation and recommended approval of the Project with Conditions.

50. 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 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, provides adequate light, air and open space pursuant to N.J.S.A. 40:55D-2c. 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.

51. 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 office and commercial retail.

52. The Board finds that granting of 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 develop a vacant building and maintaining an contributing historic structure to 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 adjustments, variances or deviations from any bulk criteria.

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

- a. Section VII B(9) of the Plan regarding permitted principal uses wherein the Plan requires that a limited amount of office uses per building shall be permitted but shall not exceed 50% of the gross floor area of such building.
- b. Section VII(D)(2) of the Plan regarding the require that a minimum of 10% of ground floor square footage be used as art gallery.
- c. Section VII H of the Plan regarding non-residential space requirements requiring structures which are predominately non-residential in use have at least 20% of Gross Floor Area ("GFA") designed and dedicated principally to the practice, display, sale and/or production of the performing/visual arts. The

artistic space shall be used contemporaneously with the first principal user to occupy the building.

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 P19-123, for Preliminary and Final Major Site Plan with Deviations to rehabilitate and adaptively re-use the existing contributing historic structure and to add an addition to create a six (6) story 85 ft. structure for office and ground floor commercial retail use, improved streetscape, on-site space for the placement of permanent public art and other on-site improvements (the "Project") subject to the following conditions:

1. All conditions set forth in the Certificate of Appropriateness issued by the City of Jersey City Historic Preservation are incorporated as part of this Approval;
2. The Applicant will install proper signage in the front of the lobby so as to provide notice that the space is publicly accessible for the viewing and enjoyment of art;
3. 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 and approval by planning board;
4. All street trees and landscaping shall be installed in accordance with 345-66 and the City's Forestry Standards, prior to an issuance of a Certificate of Occupancy;
5. The Owner of the property must submit a signed Certification with the Division of City Planning, certifying the construction costs of the approved project and the associated amount of permanent public arts contributions required by the Powerhouse Arts District RDP prior to issuance of Certificate of Occupancy or Temporary Certificate of Occupancy.

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Block 11504, Lot 2**

CASE NO. **P19-123**

DATE OF HEARING: February 18, 2020

VOTE: 6-0

**VOTING IN FAVOR:
COMMISSIONERS**

1. Chairman Christopher Langston
2. Vice-Chairman Orlando V. Gonzalez
3. Commissioner Edwardo Torres
4. Commissioner John Seborowski
5. Commissioner David Cruz
6. Commissioner Vidya Gangadin



Christopher Langston (May 20, 2020 10:20 EDT)

**CHRISTOPHER LANGSTON, Chairman
JERSEY CITY PLANNING BOARD**



Matt Ward (May 19, 2020 13:48 EDT)

**MATT WARD, Secretary
JERSEY CITY PLANNING BOARD**

APPROVED AS TO LEGAL FORM:



Santo T. Alampi (May 20, 2020 08:52 EDT)

**SANTO T. ALAMPI, ESQ.
JERSEY CITY PLANNING BOARD**

DATE OF MEMORIALIZATION: May 19, 2020