

RESOLUTION
City of Jersey City
Planning Board
In the Matter of TFJ Jersey City, LLC

80 and 112 Thomas McGovern Drive
Block 21506, Lots 3 and 4

P21-020
Decided on June 8, 2021
Memorialized on June 22, 2021
Application for Major Preliminary and Final Site Plan with Deviations

WHEREAS, on February 19, 2021, TFJ Jersey City, LLC (“Applicant”) made application to the Jersey City Planning Board (“Planning Board”) for major preliminary and final site plan approval with deviations in connection with properties located at 80 and 112 Thomas McGovern Drive, which properties are designated as Block 21506, Lots 3 and 4 on the Tax Map of the City of Jersey City (collectively the “Property”); and

WHEREAS, the Property is located in a redevelopment area and its zoning is governed by the Liberty Harbor Redevelopment Plan (“Redevelopment Plan”); and

WHEREAS, the Property is currently entirely impervious and is utilized as a parking lot/materials storage facility for construction materials and vehicles, which is a non-conforming use under the terms of the Redevelopment Plan; and

WHEREAS, the Applicant seeks to remove the non-conforming use and replace it with a new self-storage facility; and

WHEREAS, self-storage facilities are expressly permitted within the Industrial sub-district of the Redevelopment Plan where the Property is located; and

WHEREAS, a public hearing was conducted before the Planning Board on June 8, 2021; and

WHEREAS, the Applicant was represented by Lisa A. John-Basta of the law firm Chiesa Shahinian & Giantomasi PC; and

WHEREAS, the Planning Board has reviewed all supporting materials submitted by the Applicant in advance of the public hearings, including but not limited to the following that are incorporated herein by reference along with all other application materials and submissions filed by the Applicant:

- a. City of Jersey City General Development Application with application attachment, Planning Board Resolution for Case No. P21-020, and checklists.
- b. Preliminary and Final Land Development Plans for TFJ Jersey City, LLC, prepared by Bohler Engineering NJ, LLC consisting of 24 sheets, last revised April 7, 2021.
- c. Proposed Land Use Exhibit, Sheet Number E-01, prepared by Bohler Engineering NJ, LLC, last revised April 7, 2021.
- d. Stormwater Management Facility Operations and Maintenance Manual prepared for TFJ Jersey City, LLC, prepared by Bohler Engineering NJ, LLC, dated February 2021.
- e. Stormwater Management Report prepared for TFJ Jersey City, LLC, prepared by Bohler Engineering NJ, LLC, dated February 2021.
- f. Architectural Plans for the Proposed Self Storage Facility for: TFJ Jersey City, LLC, prepared by Arco Murray, consisting of 7 sheets, last revised April 6, 2021.
- g. Traffic Impact Statement for TFJ Jersey City, LLC Proposed Self-Storage Facility, prepared by Dolan & Dean Consulting Engineer, LLC, dated February 17, 2021.
- h. Report of Geotechnical Investigation, prepared for TFJ Jersey City, LLC, prepared by Whitestone Associates, Inc., dated February 15, 2021.

WHEREAS, the Planning Board has also heard and considered the sworn testimony of the Applicant's witnesses who were accepted as experts in their respective fields by the Planning Board:

- a. Timothy Aguilar, P.E., Bohler Engineering
- b. Louis Vandeloecht, A.I.A., Arco Murray
- c. Samuel Bellamy, P.P., Dresdner Robin.

WHEREAS, the Planning Board further considered the evidence presented by the Applicant and accepted into evidence as follows:

- a. Exhibit A-1: Proof that notice of the hearing was duly published and mailed in accordance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. ("MLUL").
- b. Exhibit A-2: Ariel Exhibit, prepared by Bohler Engineering, dated June 8, 2021.
- c. Exhibit A-3: Overall Site Layout Plan (colorized), prepared by Bohler Engineering, dated June 8, 2021.
- d. Exhibit A-4: Building Rendering View from South West, prepared by Arco Murray, dated February 16, 2021.
- e. Exhibit A-5: Building Rendering View from South East, prepared by Arco Murray, dated February 16, 2021.

NOW, THEREFORE, the Planning Board makes the following findings of fact based upon the filed materials as well as the evidence and testimony presented at the aforesaid public hearings:

- 1. The Applicant seeks major preliminary and final site plan approval with deviations to construct a six (6) building on the Property along with associated improvements for use

as a self-storage facility. The proposed use is expressly permitted on the Property pursuant to the terms of the Redevelopment Plan.

2. The Applicant's first witness was Timothy Aguilar, a licensed civil engineer in the State of New Jersey, who was sworn and qualified as an expert in civil engineering testified as to the existing and proposed site conditions of the Property.
3. Mr. Aguilar testified that the Property measured approximately 2.072 acres. The existing lot area is undersized per the terms of the Redevelopment Plan whereas a minimum of 5 acres is required. The lot is irregularly shaped in that the lot is very long and narrow. In its current condition the Property is entirely impervious, occupied by several one-story buildings, and is utilized for the storage of construction materials and vehicles, which is not a permitted use under the terms of the Redevelopment Plan. Furthermore, the site features existing non-conforming conditions whereas buildings are required to be setback from the street a minimum of 15 feet and 10 feet exists, and buildings are required to setback from parking lots 10 feet whereas 0 feet exists. Other elements which do not comply with Redevelopment Plan include street trees and decorative street lighting along property frontage.
4. The Property has frontage along Thomas McGovern Drive, it is bounded by an unused railroad line to the north, an undeveloped parcel that is part of Liberty State Park property to the west and a cement company to the east. Developed sites immediately surrounding the Property are generally industrial in nature. The City's Planning Staff Report also indicated that this Property was the last developable property on the north side of Thomas McGovern Drive.

5. The Applicant proposes a building footprint of approximately 266,558 square feet and a building height of six (6) stories. The proposed building satisfies the minimum yard setback requirements of the Redevelopment Plan. The first floor is proposed to contain a self-storage office and 99 understory parking spaces. Additional surface parking lots are proposed on either side of the building with approximately 18 parking spaces on the west side, inclusive of 4 handicap accessible spaces, and 11 parking spaces on the east side of the building. The standard parking stall sizes are a minimum of 9 feet wide and 18 feet long, which complies with the stall dimensions as set forth within the City's Code.
6. The Applicant does request a deviation from the Redevelopment Plan requirement to permit the proposed building to be setback less than 10 feet from the surface parking lots whereas five feet is proposed on the west side of the building. Mr. Aguilar testified that the deviation was necessitated due to the unique and narrow shape of the lot and the need to place handicap accessible parking spaces in close proximity to the self-storage building. Similarly, the City's Planning Staff Report recognized that the proposed arrangement of parking and internal traffic flow is responding to the irregular shape and constrained depth of the site, and therefore Staff feels the proposal has responded to the existing geometry of the site in the most efficient way, with emphasis on preserving operations onsite and internally in the structure.
7. The Applicant also proposes to comply with the City Planning Staff's recommendation to provide a total of twenty (20) bicycle parking spaces on-site. This is a number greater than the bicycle parking space requirements for warehouse uses as set forth in Code Section 345-70, which would equate to a total of 6 spaces.

8. Access to the site is provided by means two ingress/egress drives on the east and west side of the building. The driveway widths are 24 feet wide and of sufficient width to provide sufficient and safe ingress/egress to the site.
9. Six interior loading spaces are proposed at 12 feet wide and 42 feet, 9 inches long, which is in excess of the City's Code requirements. The loading spaces will be accessed along Thomas McGovern Drive. The City's Planning Staff recommended that no trucks beyond 40 feet in length be permitted to utilize the loading spaces and at no time may loading operations block the sidewalk or jeopardize the safety of pedestrians along Thomas McGovern Drive. The Applicant agreed to the recommendation. The Applicant will appropriately sign the loading areas to not block the sidewalk to address the Planning Staff's comments.
10. Mr. Aguilar discussed the proposed landscaping plan for the site, which in his opinion is one of the greatest enhancements on the Property. The landscape plan adds 28% green space to a site that is currently 100% impervious. Landscaping is proposed along the perimeter of the building and surface parking lots, which includes 26 shade trees, 13 ornamental trees, 104 deciduous trees, 177 evergreen trees, and 121 perennials, inclusive of 23 street trees.
11. The Applicant requested a deviation from the City Code requirement to install 1 street tree for every 25 feet of frontage which would equal 26 trees where the Applicant is proposing 23 street trees. Mr. Aguilar testified that the need for the deviation was the result of existing improvements located along the street frontage, such as utility poles and existing utilities, as well as the restrictions on driveway placement along Thomas

- McGovern Drive. The Applicant agreed to make payment into the City's tree fund for those trees which cannot be placed onsite.
12. Mr. Aguliar address the proposed lighting plan for the project and indicated that the lighting will comply with the City's Code standards except that a design waiver is requested to exceed the maximum foot candles at the property lines. A maximum of 0.5 footcandles is permitted and 2.0 footcandles is proposed. The reason why the project will exceed the illumination levels, Mr. Aguliar explained, was due to the increased lighting levels near the loading areas and driveway locations, which he believed were necessary for safe vehicle maneuvering.
 13. Mr. Aguliar testified that one monument site identification sign was proposed near the westerly ingress point of the building. The proposed sign will measure approximately 72 square feet in area whereas a maximum of 12 square feet is permitted. The height of the sign will measure 2.75 feet where 4 feet permitted. Mr. Aguliar testified that in his professional opinion the area of the proposed sign was appropriate for safe site identification for the travelling public. Further, the sign is pedestrian in scale and will enhance the landscaping and lighting plan.
 14. Mr. Aguliar also testified with respect to the Applicant's compliance with minimum green area ratio dictated by City Code. While a variance was first identified by City Planning Staff, the Applicant amended its application and submitted an updated green area ratio calculation to the Board in advance of the hearing and testified that the project would comply with the minimum requirements.
 15. Lastly, Mr. Aguliar testified that he had reviewed by the City Engineering review letter and the City Planning Staff review letter with dates of June 2, 2021 and that the

Applicant would work with the City's professionals to comply with the comments and recommendations contained therein.

16. The Applicant's next witness was Louis Vandeloecht, its project architect who was qualified and accepted by the Board. Mr. Vandeloecht testified to the exterior elements of the building and proposed materials, including stone, brick, block, panel, glazing and blade louvers. He indicated the elements incorporated into the building for visual interest and to break up the massing of the building. Mr. Vandeloecht further testified to the proposal's compliance with the design elements of the Redevelopment Plan and how the building will be attractive from all vantage points, the height variations of the building, and how the building creates a pedestrian environment on the street level. Mr. Vandeloecht also testified that the main entrance to the building will be located along Thomas McGovern Drive and a secondary entrance will be provided from the parking areas. The first floor will contain office space and the upper floors, floors two through six, would contain self-storage units.
17. Mr. Vandeloecht indicated one wall identification sign was proposed along the southern building façade. The permitted sign area is up to 695 square feet or 10% of the first floor façade and the proposed sign is compliant at 189.9 square feet or 2.7% of the first floor façade. The Applicant also proposes directional signs at the entrances to the understory parking area that read "Parking" each at 18.23 square feet.
18. The last witness called by the Applicant was its professional planner Samuel Bellamy, P.P. who was duly qualified and accepted by the Board. Mr. Bellamy testified with respect to the deviations from the Redevelopment Plan that were requested by the Applicant in connection with its development proposal.

19. Mr. Bellamy explained the positive and negative criteria required to be satisfied for the Planning Board to grant such relief is the traditional hardship c(1) or substantial benefits c(2) criteria set forth in the MLUL at N.J.S.A. 40:55D-70(c)(1) and –(c)(2).
20. Mr. Bellamy reiterated that the Property is a uniquely shaped long and narrow lot with approximately 817 feet of frontage on Thomas McGovern Drive. The Property has an existing nonconforming lot size of 2.07 acres where a minimum of 5 acres is required. To that end, the lot area cannot be increased as there are not any contiguous developable properties. The subject Property is the only developable parcel on the north side of Thomas McGovern Drive.
21. Mr. Bellamy indicated that the proposal will eliminate a non-conforming use. The proposed use and configuration will utilize the interior ground floor to accommodate the majority of loading/unloading needs and has been designed to mitigate the impacts of the undersized lot in order to maintain traffic flow and minimize disruption to the surrounding properties.
22. Mr. Bellamy indicated a deviation from the Redevelopment Plan was required to provide a 5-foot setback between the southwest corner of the building and the surface parking lot where a minimum setback of 10 feet is required. The proposed building meets or exceeds the minimum 10-foot setback from the parking lots at all other points. The portion of the parking lot within 10-feet of the proposed building provides for four handicap accessible parking spaces including one handicap accessible van parking space. The parking lot is located in the side yard of the Property and is surrounded with landscaping. Both parking lots meet the Circulation and Open Space Requirements, Off-Street Parking and Loading Requirements, and Landscape Requirements of the

Redevelopment Plan. Therefore, Mr. Bellamy opined that the deviation for the 5-foot setback from the parking lot to the building is di minimis and will have no substantial detriment.

23. Mr. Bellamy further indicated that the Applicant is seeking a deviation related to its proposed monument for sign area. 72 square feet is proposed and a maximum monument sign area of 12 square feet is permitted. The Redevelopment Plan permits one wall sign, not to exceed the first story portion of the wall to which it is attached. The project is proposing one wall sign, approximately 190 square feet in area (“Public Storage”) on the south side façade. The total combined signage proposed is 261.9 square feet (approximately 3.8%), including the wall sign (189.9 square feet (2.7%)) and the monument sign (72 square feet (1.1%)). Therefore, the proposed signage is consistent with the intent of the signage requirements of the Redevelopment Plan. Mr. Bellamy opined that the proposed signage is appropriate signage for a self-storage facility and will not have any substantial impacts. The proposed signage fronts onto McGovern Drive and the surrounding area is industrial and commercial in nature.

24. Mr. Bellamy also discussed the deviates related to the proposed number of street trees. He indicated that the deviation was requested due to the proposed loading and driveways along McGovern Drive and existing utilities. There is simply no room for additional street trees. The Applicant has provided the maximum number of street trees while providing for appropriate and required spaces at the drives and loading areas for safety.

25. Mr. Bellamy found that the granting of the deviations will advance the purposes of the Municipal Land Use Law and promote the general welfare. Specifically, granting the

requested deviations will guide the appropriate use and development of the property in a manner that will promote the general welfare consistent with N.J.S.A. 40:55D-2.a. It will be replacing a non-conforming use with an expressly permitted use. Additionally, the Property provides sufficient space in an appropriate location for the proposed self-storage facility consistent with N.J.S.A. 40:55D-2.g. The proposal will promote a more desirable visual environment consistent with N.J.S.A. 40:55D-2.i by replacing the non-conforming use and structures with a new self-storage facility. The proposed development will also promote the conservation of energy resources and natural resources, by providing sustainable landscape elements consistent with N.J.S.A. 40:55D-2.j.

26. With respect to the negative criteria, Mr. Bellamy opined that the granting of the deviations will not result in a substantial detriment to the general welfare. The proposed self-storage facility is a permitted use in the Industrial District of the Redevelopment Plan and is consistent with the surrounding area and uses. The proposed project also meets the required green area ratio of the City's Code. The provided sustainable landscape elements improves the resiliency of the Property and addresses any environmental concern.

27. Additionally, Mr. Bellamy found that the granting the deviations will not result in a substantial detriment to the zoning ordinance or zone plan. The proposed self-storage facility is a permitted use within the Industrial District of the Redevelopment Plan. With the exception of the di minimis setback and signage deviation requested the proposal is compliant with all bulk and design requirements of the Redevelopment Plan. The proposed building meets the 15-foot setback from McGovern Drive, is

setback approximately 7 feet from the rear lot line, is setback 121 feet from the west side lot line, and approximately 66 feet from the east side lot line. Moreover, the Project will promote the Redevelopment Plan objectives including, the “creation of major new employment opportunities within a modern industrial park, including provision for new manufacturing, warehousing, distribution, office, and recreational activities and opportunities.” The proposal also advances the Jersey City Master Plan by continuing to develop regional economic engines within the City that support local economic development objectives.

28. No members of the public appeared at the hearing to question the Applicant’s witnesses or present comments or objections related to the application.

29. Mr. Matthew Ward the City’s Principal Planner commented on the project. He testified that he concurred with testimony related to the deviations and indicated Planning Staff recommends approval of the project.

NOW, THEREFORE BE IT RESOLVED by the Planning Board that it has reviewed all the evidence and testimony presented in connection with the subject Application and the Planning Board finds the testimony of the Applicant’s witnesses to be credible and reliable.

NOW, THEREFORE BE IT FURTHER RESOLVED that the Applicant has met the requirements of the Municipal Land Use Law, case law and City Ordinances so as to grant the relief requested for preliminary and final major site plan approval along with the requested deviations from the terms of the Redevelopment Plan based on the reasons articulated and presented by the Applicant’s professional planner and affirmed by the Planning Board’s Principal Planner. Specifically, the Planning Board finds that the Applicant has satisfied its burden of proof and has demonstrated that relief from the Redevelopment Plan requirements related to the existing

lot area, the minimum building setback from parking lots, and minimum number of street streets are warranted under the hardship criteria due to the unique shape of the Property and the location of existing improvements and utilities along Thomas McGovern Drive. Thus, due to the unique conditions affecting the Property and by reason of the structures lawfully existing thereon, the strict application of the terms of the Redevelopment Plan provisions would result in peculiar and exceptional practical difficulties and would cause an exceptional and undue hardship upon the Applicant.

Additionally, the Applicant has demonstrated that multiple purposes of the MLUL will be advanced by the deviations requested (i.e. minimum building setback from parking lots, maximum monument sign area, and minimum number of tree streets), as indicated by the Applicant's Planner, and the benefits of such deviations will substantially outweigh any detriment.

The Applicant has further demonstrated, and the Planning Board finds, that all of the deviations may be granted without causing a substantial detriment to the public good. The Applicant is seeking to eliminate a non-conforming use, nonconformity impervious and non-conforming building setback conditions. The new proposal will redevelop the Property with a conforming use and will bring the Property into greater conformity with the development regulations of the Redevelopment Plan and applicable provisions of the City Code. The Applicant will also be increasing the landscaping and green area while, minimizing the impervious coverage. Therefore, the surrounding neighborhood will not be negatively affected by the development proposal. To the contrary, the proposal will enhance the neighborhood by redeveloping the Property with a new conforming use. The development proposal will also upgrade the aesthetic appeal of the site with enhanced landscaping from its current condition. Further, the deviations will not cause a substantial detriment to the intent and purposes of the Redevelopment Plan or

Master Plan. The Applicant has demonstrated, and the Planning Board finds, that purposes of the Redevelopment Plan and the City's Master Plan are advanced by the project.

The Planning Board also finds that the design waivers requested by the Applicant to exceed the light levels along Thomas McGovern Drive are warranted to provide safe ingress and egress from the loading areas and driveways.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the City of Jersey City that the application of TFJ Jersey City, LLC seeking preliminary and final major site plan approval with deviations for the aforesaid Property, is approved as follows:

1. Preliminary and final major site plan pursuant to the Redevelopment Plan and N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-50.
2. Deviations from the terms of the Redevelopment Plan as described above are approved pursuant to N.J.S.A. 40:55D-70(c)(1) and -(c)(2).
3. Design waivers from the lighting requirements.

BE IT FURTHER RESOLVED by the Planning Board of the City of Jersey City that the application approved herein is subject to the following terms and conditions.

1. The Applicant shall be bound by the representations it made on the record with respect to the application.

**RESOLUTION OF THE PLANNING BOARD OF THE CITY OF JERSEY CITY
APPROVING THE APPLICATION OF TFJ JERSEY CITY, LLC FOR MAJOR
PRELIMINARY AND FINAL SITE PLAN APPROVAL WITH DEVIATIONS FOR
PROPERTY LOCATED AT 80 AND 112 THOMAS MCGOVERN DRIVE AND
DESIGNATED AS BLOCK 21506, LOTS 3 AND 4**

FOR: Major Preliminary and Final Site Plan Approval with Deviations for Property located at 80 and 112 Thomas McGovern Drive and designated as Block 21506, Lots 3 and 4

DATE OF HEARING: June 8, 2021

VOTE: June 22, 2021

COMMISSIONER	YES	NO	ABSTAIN	ABSENT
Christopher Langston, Chairman				
Dr. Orlando V. Gonzalez, Vice Chair				
Council President Joyce Watterman				
Commissioner David Cruz				
Commissioner Harkesh Thakur				
Commissioner Dr. Vijay Desai				
Commissioner Vidya Gangadin				
Commissioner Edwardo Torres				
Commissioner Peter Horton				
Commissioner Geoffrey Allen				


Christopher Langston (Jun 23, 2021 14:29 EDT)
CHRISTOPHER LANGSTON, Chairman
JERSEY CITY PLANNING BOARD


Cameron Black (Jun 23, 2021 10:42 EDT)
CAMERON BLACK, Secretary
JERSEY CITY PLANNING BOARD

APPROVED AS TO LEGAL FORM:


Santo T. Alampi (Jun 23, 2021 09:11 EDT)
SANTO ALAMPI, ESQ.
JERSEY CITY PLANNING BOARD

DATE OF MEMORIALIZATION: JUNE 22, 2021