

# **EXHIBIT A**

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

**APPLICANT: 88 REGENT STREET, LLC**  
**FOR: PRELIMINARY MAJOR SITE PLAN APPROVAL AND FINAL**  
**MAJOR SITE PLAN APPROVAL WITH DEVIATIONS**  
**88 REGENT STREET, JERSEY CITY, NJ**  
**BLOCK 14002, Lot 1.06 & 1.02**  
**CASE NO.: P17-094**

**WHEREAS**, the applicant, 88 REGENT STREET, LLC, (the "Applicant"), per Marjorie M. McInerney, Esq., (Marjorie M. McInerney, Esq., appearing) made application to the Planning Board of the City of Jersey City, County of Hudson and State of New Jersey, for Preliminary Major Site Plan and Final Major Site Plan Approval, to wit: Calendar No. P17-094 to approve plans for a mixed use 392 residential unit building with ground floor commercial and retail space to be located on the corner of Jersey Avenue and Regent Street, Jersey City, New Jersey, identified as 88 Regent Street, Jersey City, New Jersey, specifically known as Block 14002, Lot 1.06 and 1.02 (the "Property"); and

**WHEREAS**, notice of a hearing on the above said application before the Planning Board of the City of Jersey City, on November 14, 2017 at 5:30 p.m., was published as prescribed in the Land Development Ordinance 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**, all testimony having been formally heard for this application; and

**WHEREAS**, after consideration of the application and the testimony presented at the meeting, the Planning Board has made the following findings of fact:

## FINDINGS OF FACT

1. Applicant is seeking Preliminary Major Site Plan and Final Major Site Plan, approval to allow the construction of new thirty two (32) story building plus a cupola on the corner of Jersey Avenue and Regent Street (known as Block 14002, Lot 1.06 and a portion of 1.02). The development will consist of 392 residential units and approximately 9,110 square feet of retail commercial space, 5,595, square feet of office space, and 305 parking spaces. The property is located within The Liberty Harbor North Redevelopment Plan ("Redevelopment Plan") where the proposed project is a permitted use.
2. The Property currently contains an interim surface parking.
3. Prior to appearing before the Jersey City Planning Board, the Attorney, on behalf of the Applicant, has indicated that a meeting was held with the Van Vorst Park Neighborhood Association committee and the community responded to the project favorably.
4. The first witness on behalf of the Applicant was Mr. Jeffrey Zak, a representative of the Applicant. Mr. Zak indicated that the applicant has been working with the Division of City Planning staff.
5. The next witness on behalf of the Applicant was Mr. Dean Marchetto, a licensed architect in the State of New Jersey, who was sworn and qualified as an expert in this field. Mr. Marchetto described the project as iconic and a gateway for the western end of Liberty Harbor North. The building will have a round curved front, a base and top in a classical order with a modern setting. The 13th floor amenity floor with its set back and light configuration, functions as a break between the base and the tower that creates a consistent feel with the adjacent 12 story 333 Grand Building to the North.

6. Further, Mr. Marchetto went on to testify that the proposed building handles all the back of house facility services and trash removal in the middle of the block through the centrally located multi-level, open parking garage, with outdoor amenity space on the roof. This allows all service work to be handled off the street.
7. 88 Regent Street as presented is a permitted use under the Liberty Harbor North Redevelopment plan and complies with its provisions except for 3 minor deviations.
8. According to Mr. Marchetto, the first floor retail space fronting the corner of Jersey Avenue and Regent Street, is directly opposite the light rail stop. Upper stories will be residential. The roof will include indoor and outdoor amenity space. The proposed unit break down is three hundred ninety two units: 45 studio units, 199 one-bedroom units, 75 one-bedroom plus den units, and 73 two-bedroom units for a total of 392 residential units.
9. Mr. Marchetto has explained the design of the building as being a traditional approach with a base and a tower, clad in glass with a stylish curved front; a classical word with a modern setting. He further explained how the various systems and services would function in the interior of the block, off of the street.
10. Mr. Marchetto explain that this site plan is compliant with the redevelopment plan with the exception of three minor deviations regarding the design of the cupola and the maximum floor to ceiling height for the first story and its mezzanine. The deviations requested are minor in nature and improve the quality of the project.
11. Mr. Marchetto explained that the deviations were needed in order to comply with FEMA, the various utilities and systems needed in the building, and the thirteenth story, while the overall building height is still less than the maximum allowable

heights under the Plan. Later in the proceedings, Charles Heydt, a licensed planner, testified at length regarding the three deviations (see paragraph 17 *infra.*).

12. Mr. Marchetto explained the permitted cupola in the redevelopment plan is a conical style cupola on the top floor with a setback that results total 9,910 square feet. The proposed plans seeks a deviation to bring the cupola to the front of the façade in order to create a more architecturally iconic tower; this actually results in less buildable square footage than permitted. The proposed cupola is 7,000 square feet, versus the conforming Cupola would use 9,910 square feet.
13. The next witness on behalf of the Application was Mr. Barry Yanku, a license architect in the State of New Jersey, who was sworn and qualified as an expert in this field. He described the materiality of the facade. The façade has a glass exterior in a curvilinear form along Jersey Avenue, flanked with a masonry component at the building edges to address the transition from the adjacent buildings. The glass at the ground floor and at the 13<sup>th</sup> story amenity level is very clear to preserve visibility into the public spaces of the building. The remainder of the building will be a light gray glass with accents of a darker color so that the entire structure appears glass, with spandrel glass covering beams and columns.
14. The next witness on behalf of the Applicant was Mr. Eric Ballou, a licensed engineer in the State of New Jersey, who was sworn and qualified as an expert in this field. Mr. Ballou described the completion of the block along the Jersey Avenue streetscape will include a 15 foot wide sidewalk, an 8 foot wide bike lane along the curb, and then an 8 foot wide parking lane, with the travel lane outside of that. The sidewalks will have bluestone pavers and scored grey concrete, street trees, and decorative lights.
15. Mr. Ballou has explained the minimum parking per the Redevelopment Plan is 211 spaces (at .5 spaces per unit), where the maximum permitted is 407 spaces (at .8 spaces per unit). The 88 Regent proposal is providing for 305 parking spaces,

which is within the permitted range.

16. The next witness on behalf of the Applicant was Mr. Charles Heydt, a licensed professional planner in the State of New Jersey, holding a master's degree in city and regional planning, who was sworn and qualified as an expert in this field. Mr. Heydt explained that there are three deviations.
17. The first deviation for the first floor height. Where a 20 foot height is permitted, the application is requesting 23 feet. The site is a Flood Hazard Area and in order to meet elevation requirements for mechanical equipment and provide for an appropriate flow of mechanical equipment out of the building on the ground floor and in the mezzanine of the building and retail space. This additional mezzanine space is needed because of a hardship due to the ground floor topography of the site and being in a flood hazard area whose rules do not allow basements. Mr. Heydt maintained that granting the deviation due to the hardship would be appropriate.
18. Mr. Heydt explained the second requested deviation on the 13th floors is also related to the mechanical equipment and structures. The space needs to accommodate the design requirements for an amenity floor while also providing sufficient space for the mechanical equipment and structure elements of the tower because that the 13<sup>th</sup> floor is a transfer floor between the base of the building and the tower structure. The deviation is requested because it is a physical hardship for the structural and mechanical needs, and design element, where the benefits do outweigh negatives of the deviation.
19. Mr. Heydt explained that the third request is a deviation related to the rooftop cupola features, which is permitted to be two stories. The deviation requested is for the cupola setback. The Redevelopment plan refers to ratio height to building edge resulting in around a 45 degree angle; the application is encroaching the setback with a zero foot setback at the corner principal edge of this building for

design purposes which outweigh the detriments.

20. Mr. Heydt concluded that the project furthers the purposes and policy statement of the redevelopment plan and the public good, while it generally conforms to all building and safety codes applicable to properties of this nature.
21. Mr. Heydt explained the goals of the redevelopment plan, which include the desire to speak to completing the city blocks in a traditional city setting as opposed to urban sprawl. The proposed plan improves street frontage and roadways as well as accommodating an appropriate mix of commercial use and ground floor retail space. Another goal under the Plan is to promote a beneficial design consistent with the redevelopment plan, but for the Applicant's minor requested deviations the Applicant complies with all other bulk requirements along with design elements.
22. Maryann Bucci- Carter, PP, AICP, Senior Planner from the Division of City Planning's memo was marked into the record. Ms. Bucci-Carter recommended approval. The comments in the memo were addressed by the architects and engineers prior to the site plan approval with the exception of the redesign of the façade and materiality of the cupola. The applicant agreed to work with planning to accomplish the redesign of the cupola.
23. Members of the public appeared or participated in the public hearing as to the Application.
24. Shades will be placed on the building windows.
25. Ms. Marion concludes the final tally of the vote, five in favor, none opposed, none abstained.

**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 Major Site Plan Approval and Final Major Site Plan Approval with minor deviations, to wit; Calendar No. P17-094, to build a new 392 unit residential building to be located on the corner of Jersey Avenue and Regent Street, Jersey City, New Jersey, identified as 88 Regent Street, Jersey City, New Jersey, specifically known as Block 14002, Lot 1.06 and Lot 1.02 in accordance with the plans and testimony submitted to the Planning Board of the City of Jersey City, subject to the following conditions:

1. The extent of repaving roads and the Jersey Avenue streetscape shall be determined between Planning, Engineering and the Applicant at a later point in time, and
2. The Applicant will work with the Planning Department to revise the cupola;
3. Bonds shall be estimated and posted for the completion of Regent Street. The amount(s) are to be verified by the City Engineer; and
4. Subject to conditions of the city agencies and all existing ordinances.
5. All staff recommendations provided in the memo written by Maryann Bucci-Carter dated November 13, 2017 will be addressed and verified by the Division of City Planning and the Division of Engineering, Traffic & Transportation.



RESOLUTION OF THE PLANNING BOARD OF THE

CITY OF JERSEY CITY

---

In the Matter of the Application of 88 Regent Street LLC for approval to construct a 392 unit mixed-use building with residential, commercial, and parking including three (3) deviations from the Liberty Harbor North Redevelopment Plan to be located on the corner of Jersey Avenue and Regent Street, Jersey City, New Jersey, identified as 88 Regent Street, Jersey City, New Jersey is permitted. The subject property is located at Block 14002, Lot 1.06 and Lot 1.02 Jersey City, New Jersey:

A motion to approve the application was made by Vice Chairman Gonzales and seconded by Commissioner Solowsky:


Commissioners approved the application by the following vote:

<b>BOARD MEMBERS:</b>	<b><u>AYE</u></b>	<b><u>NAY</u></b>	<b><u>ABSTAIN</u></b>
Christopher Langston	x		
Dr. Orlando V. Gonzales	x		
Joyce Watterman	x		
John Seborowski	x		
Allison Solowsky	x		

Approved: 5 in favor, none opposed.

  
\_\_\_\_\_  
CHRISTOPHER LANGSTON, CHAIRMAN

  
\_\_\_\_\_  
MATTHEW WARD, SECRETARY

  
\_\_\_\_\_  
SANTO T. ALAMPI, ESQ.  
APPROVED AS TO LEGAL FORM

DATE PROPOSAL APPROVED: NOVEMBER 14, 2017

DATE PROPOSAL MEMORIALIZED: JANUARY 8, 2019