

Connell Foley LLP
Harborside Financial Center
2510 Plaza Five
Jersey City, NJ 07311
P 201.521.1000 F 201.521.0100

Thomas P. Leane
Of Counsel
Tleane@connellfoley.com

December 7, 2021

VIA FEDEX AND EMAIL

Cameron Black, Planning Board Secretary
Jersey City Division of Planning
360 MLK Drive aka One Jackson Square
Jersey City, NJ 07305

**Re: NNJ Properties, LLC
428-434 Central Avenue
Block 2202, Lots 1 and 2
Extension Final Major Site Plan w/ variances approved under Case No. P19-106**

Dear Mr. Black:

Please be advised, this office represents NNJ Properties, LLC ("Applicant") the owner of the above-referenced property. Please allow this letter to serve as a formal request to extend the land use approvals obtained under Case No. P19-106 (the "Approval") for the period of one (1) year pursuant to N.J.S.A. 40:55D-52(a) and Section 345-24(E)(1) of the Jersey City Land Development Ordinance.

The Approval, in summary, was for a five (5) story mixed-use development containing thirty-two (32) dwelling units, seven (7) parking spaces and ground floor commercial space (2,437 sq. ft.) (the "Project") with regard to the property located at 428-434 Central Avenue and described on the Official Tax Map of the City of Jersey City as Block 2202, Lots 1 and 2. The deviations granted related to rear yard setback minimum and driveway aisle width.

The Approval was obtained for the above-referenced property on January 21, 2020 and memorialized by way of resolution on February 4, 2020 (see enclosed resolution). Effectively, the statutory protection afforded to the approval will expire on February 4, 2022. The applicant now requests a one (1) year extension of these approvals in order to develop the property in accordance with the Final Site Plan with "c" variances as submitted and approved by the Jersey City Planning Board. The extensions of the approvals and the corresponding protections can be requested of the Jersey City Planning Board pursuant to N.J.S.A. 40:55D-52(a) and Section 345-24(E)(1) of the Jersey City Land Development Ordinance. Pursuant to N.J.S.A. 40:55D-52(c) an application may be made for extension after the initial two year period has ended, but in that event the date from which the extensions shall be the date on which the initial two year period expired. See Friends of Peapack Gladstone v. Borough, 407 N.J. Super. 404, 427 (App. Div. 2009).

December 7, 2021

Page 2

Accordingly, if the extension were to be provided, the approval would receive statutory protection until February 4, 2023.

In support of this extension I offer the following: the development has not moved forward because of the developer has been working to clear the property and obtain the necessary permits to begin construction. As such, the Applicant will require a one (1) year extension to complete the project as approved and requests the same from the Planning Board.

I enclose herewith a check in the amount of \$150.00. The additional \$150.00 fee will be submitted upon the processing of this submission.

Please advise as to when this request can be presented to the Planning Board.

Very truly yours,

Thomas P. Leane

Thomas P. Leane

TPL

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

APPLICANT: NNJ PROPERTIES, LLC

FOR: PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH
VARIANCES
428-434 CENTRAL AVENUE
JERSEY CITY, NEW JERSEY
BLOCK 2202, LOTS 1 AND 2

CASE NO.: P19-106

WHEREAS, the Applicant, **NNJ PROPERTIES, LLC**, 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 variances (rear yard setback minimum; driveway aisle width), to wit: Calendar No. P19-106, for approval to construct a five (5) story mixed-use development containing thirty-two (32) dwelling units, seven (7) parking spaces and ground floor commercial space (2,437 sq. ft.) with regard to the property located at 428-434 Central Avenue and also designated as Block 2202, Lots 1 and 2 on the Official Tax Map of the City of Jersey City which is located within the boundaries of the NC- Neighborhood Commercial zoning district and is subject to the regulations found within the Jersey City Land Development Ordinance ("JC LDO"); and

WHEREAS, it appears that due notice of a hearing on the above said application before the Planning Board of the City of Jersey City, on January 21, 2020 at 5:30 p.m., was duly published as prescribed in the JC LDO and the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.); 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, the Planning Board has made the following findings of fact:

FINDINGS OF FACT

1. The applicant, NNJ Properties, LLC ("Applicant") filed an application for Preliminary and Final Major Site Plan Approval with variances (rear yard minimum setback; driveway aisle width) for approval to construct a five (5) story mixed-use development containing thirty-two (32) dwelling units, seven (7) parking spaces and ground floor commercial space (2,437 sq. ft.) (the "Project") with regard to the property located at 428-434 Central Avenue and also designated as Block 2202, Lots 1 and 2 (the "Property").

2. All the Recitals hereinabove set forth are incorporated herein by reference and all the exhibits, drawings and documents, including the site plans prepared by MVMK Architecture & Design with a final revision date of December 13, 2019, the Applicant's General Development Application and supporting documents (collectively, the "Applicant's Supporting Documents") and City planner's testimony and reports, if any are hereby incorporated by reference.

3. The Property is located within the boundaries of the NC-Neighborhood Commercial zoning district ("NC Zone") and is governed by the JC LDO. Specifically, the Property fronts onto Central Avenue at the northeast corner of South Street.

4. The Applicant is the owner of the Property. The Property currently contains two (2) mixed-use commercial/residential buildings.

5. The Board heard testimony from two (2) witnesses: Anthony Vandermark, a licensed architect from MVMK Architecture & Design, and Ed Kolling, a licensed professional planner from Dresdner Robin. Both were qualified and determined to be experts in their respective fields by the Planning Board.

6. Mr. Vandermark testified as to the design of the Project and its compliance with the requirements of the Redevelopment Plan. Specifically, Mr. Vandermark identified the ingress and egress for the Project's garage, commercial space and residential lobby. He testified that the Project would contain a mix of units including twenty-eight (28) 1 bedroom units and four (4) 2 bedroom units. Mr. Vandermark testified that a variance would be required from the required rear-yard setback as the Property is a corner lot and both parking and

commercial space are required at the ground floor. In order to comply with this requirement, the Project will utilize 100% of the ground floor while stepping back at the rear northeast corner to provide light and air to neighboring properties. Mr. Vandermark described the proposed rear yard balconies located above the first floor, the proposed roof deck amenity including the green roof design and landscaping. The proposed materials were also presented to the Planning Board. Finally, Mr. Vandermark testified that though the Applicant noticed for a parking variance, the latest amendments to the NC-Neighborhood Commercial ordinance within the JC LDO brought the proposed seven (7) into compliance.

7. Mr. Kolling next testified as to the compliance of the Project with the JC LDO and the two requested variances. A rear yard setback of 15' is required within the NC Zone. For the purposes of determining the rear yard for a corner lot, the JC LDO references the front yard as being the "lot line with lesser frontage." The rear lot line is the lot line opposite and most distant from the front lot line. Accordingly, the rear lot line is measured from South Street and abuts Block 2202, Lot 3. Compliance would create a 15' alleyway or negative space on Central Avenue which would be contrary to the intent of the zone to create a commercial street wall for pedestrians. Further, the requested variance is a function of the need to provide parking at the ground floor. The building steps back above the ground floor providing light and air to properties to the east and north. Without the proposed coverage at the ground floor, the project would provide either very little parking or much less commercial space.

8. Mr. Kolling addressed the required variance for the drive aisle width which does not meet the required 24' for a two way aisle with 90 degree parking radius. At the entrance/egress the drive aisle is 15'-8" which pinches to 14'-4" as cars enter garage. In the parking lot the aisle increases to 22'. While the aisle does not meet the requirements, the parking area is limited both by the size of the Property, the need to provide retail and the shape of the Property as a corner lot. Additionally, because there are so few cars who will utilize the garage, there will be limited traffic and activity in the garage which would necessitate the larger aisle width. Drivers within the garage will be familiar with the layout and parking procedure as the garage will be limited to tenants of the building. The garage will not be utilized for commercial purposes which will limit daily ingress/egress.

9. The proposed development of the Property is an appropriate development of the property that will benefit the immediate neighborhood and will promote the general

welfare, promote appropriate population densities, and a desirable visual environment. The development will promote a desirable visual environment by redeveloping a residential use appropriate for the neighborhood. The proposed use and the bulk of the project is an appropriate use of the land and an appropriate build out of the land, and the proposed project will not affect any permitted uses in the neighborhood.

10. The proposed variances will not cause a substantial detriment to the public good, nor impairment to the intent and purpose of the Jersey City Zone Plan and Zoning Ordinance.

11. The Applicant has met the procedural requirements of the Ordinance, including the payment of fees, and in all other respects the application conforms to the requirements of the Ordinance and the Redevelopment Plan for approval of the Preliminary and Final Major Site Plan application.

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 or Preliminary and Final Major Site Plan Approval with variances (rear yard setback minimum; driveway aisle width), to wit: Calendar No. P19-106, for approval to construct a five (5) story mixed-use development containing thirty-two (32) dwelling units, seven (7) parking spaces and ground floor commercial space (2,437 sq. ft.) with regard to the property located at 428-434 Central Avenue and also designated as Block 2202, Lots 1 and 2 on the Official Tax Map 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 facade 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.
2. All testimony given by the applicant and their expert witnesses shall be binding.
3. Applicant shall provide an affidavit from the architect of record representing that the constructed project is consistent with final approved plans.
4. Applicant is to revise plans to relocate the proposed outdoor bike rack onto the South St frontage of the property.
5. Applicant is to revise plans to provide male ginkgo trees in conformance with Jersey City Forestry Standards with an annotation that the finalized sidewalk design as specific to new trees is pending coordination with the Div. of Engineering and the Div.

of Forestry.

6. Applicant will work with the Division of Engineering, their future Central Avenue Corridor consultant, and the Division of Forestry to coordinate tree plantings with the upcoming streetscape plan to be produced for the larger Central Avenue Corridor. Once finalized, the Applicant will submit a revised streetscape plan signed by the Division of Engineering and the Division of Forestry, to be finalized and implemented prior to issuance of a Certificate of Occupancy.

APPLICANT: NNJ PROPERTIES, LLC

FOR: PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH
VARIANCES
428-434 CENTRAL AVENUE
JERSEY CITY, NEW JERSEY
BLOCK 2202, LOTS 1 AND 2

CASE NO.: P19-106

VOTE: 7-0


COMMISSIONER:	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
---------------	------------	-----------	----------------	---------------

Christopher Langston, Chairman	X			
Dr. Orlando Gonzalez, Vice-Chairman	X			
Edward Torres, Commissioner	X			
David Cruz, Commissioner	X			
John Seborowski, Commissioner	X			
Dr. Vijaya Desai, Commissioner	X			
Vidya Gangadin, Commissioner	X			


CHRISTOPHER LANGSTON, CHAIRMAN
JERSEY CITY PLANNING BOARD


MATT WARD, SECRETARY
JERSEY CITY PLANNING BOARD

APPROVED AS TO LEGAL FORM:


SANTO ALAMPI, ESQ.

DATES OF HEARING:

January 21, 2020

DATE OF MEMORIALIZATION:

February 4, 2020