

—LAW OFFICES—  
**DECOTIIS**  
DeCotiis, FitzPatrick, Cole & Giblin, LLP

NEW JERSEY  
NEW YORK

61 SOUTH PARAMUS ROAD  
PARAMUS, NEW JERSEY 07652

TELEPHONE: (201) 928-1100  
TELEFAX: (201) 928-0588  
WWW.DECOTIISLAW.COM

**DIRECT**  
FRANCIS X. REGAN, ESQ.  
FREGAN@DECOTIISLAW.COM  
201.907.5280

April 11, 2022

**VIA E-MAIL AND REGULAR MAIL**

Timothy Krehel, Principal Planner  
Division of City Planning  
City of Jersey City  
City Hall Annex  
1 Jackson Square aka 360 MLK Drive  
Jersey City, NJ 07305-3717

**Re: P20-041 / 201 Erie Street / Block 8603, Lot 3**

Dear Tim:

This firm represents H.P. Lincoln Urban Renewal, LLC, the owner and applicant for the above referenced property and application (the "Owner").

On August 11, 2020, the Jersey City Planning Board (the "Planning Board") granted preliminary and final major site plan approval and with deviations for the Property (the "Approvals"), which Approvals were memorialized in a resolution adopted by the Planning Board on September 8, 2020, which resolution was corrected by adoption of a corrective resolution by the Planning Board on January 4, 2022. A copy of the corrective resolution is enclosed herewith.

The Owner hereby requests a one-year extension of the Approvals by the Planning Board due to the COVID-19 pandemic and a change in market conditions delaying the project's ability to move forward.

If you have any questions or require additional information, please feel contact me. Please advise when the request will be scheduled for consideration by the Planning Board. Thank you in anticipation of your cooperation.

Very truly yours,  
**DeCotiis, FitzPatrick, Cole & Giblin, LLP**

By:   
Francis X. Regan

Enclosure

Cc: Joey-Ann Morales Coordinator of Monitoring Evaluation, Division of City Planning  
Spencer Rothwell, H.P. Lincoln Urban Renewal, LLC

**RESOLUTION OF THE PLANNING BOARD OF  
THE CITY OF JERSEY CITY  
APPROVING PRELIMINARY AND FINAL MAJOR SITE PLAN AND DEVIATIONS  
# P20-041  
SUBMITTED BY H.P. LINCOLN URBAN RENEWAL, LLC  
(201 Erie Street)  
(Block 8801, Lots 3 and 4)**

**WHEREAS**, an application has been filed with the Planning Board of the City of Jersey City (hereinafter referred to as the “Planning Board”) by H.P. Lincoln Urban Renewal, LLC (the “Applicant”) with respect to the property located at 201 Erie Street and identified as Block 8801, Lots 3 and 4 on the tax maps of the City of Jersey City (the “Subject Property” or “Property”) for Preliminary and Final Major Site Plan Approval and deviations; and

**WHEREAS**, the Applicant was represented by Francis X. Regan, Esq. of the law firm DeCotiis, FitzPatrick, Cole & Giblin, LLP; and

**WHEREAS**, the Property is currently improved with a surface parking lot with 94 parking spaces which provides parking for the Lincoln apartment building located at 204 Tenth Street (Block 8801, Lot 6) located to the south of the Subject Property; and

**WHEREAS**, the Applicant proposes the construction of a two level parking structure which will increase the number of spaces on the Property by 62 for a total of 156 spaces (the “Project”); and

**WHEREAS**, the Subject Property is located in the Jersey Avenue Tenth Street Redevelopment Area, specifically Commercial Strip District, and is subject to the requirements of the Jersey Avenue Tenth Street Redevelopment Plan, adopted on March 14, 2007, last amended on February 13, 2013 (the “Redevelopment Plan”); and

**WHEREAS**, the Planning Board considered the application at its regular meeting on August 11, 2020, as more fully set forth herein; and

**WHEREAS**, the Applicant provided notice of the Planning Board meeting by publication in the Jersey Journal and mailing notices to property owners located within 200 feet of the Subject Property, both at least ten (10) days prior to the August 11, 2020 regular meeting; and

**WHEREAS**, the Planning Board did consider the application and plans submitted, the one exhibit in evidence identified as A-1, notices to property owners and newspapers , Memorandum from Lichuan Wang, Jersey City Division of Engineering, Traffic & Transportation, dated June 3, 2020, Memorandum from Timothy Krehel, Principal Planner, Jersey City Division of City Planning, dated August 7, 2020 and the testimony of the applicant's witnesses, to wit William Kavanagh, The Harman Group, a licensed architect in the State of New Jersey, who was sworn and qualified as an expert in the field of architecture; Adolf Montana, PE, PS&S, a licensed professional engineer in the State of New Jersey, who was sworn and qualified as an expert in the field of civil engineering; and Brian McPeak, AICP/PP, PS&S, a licensed professional planner in the State of New Jersey, who was sworn and qualified as an expert in the field of urban planning; and

**WHEREAS**, the Planning Board also considered City staff recommendations and the comments of applicant's counsel, all of which were reflected in the record of the hearing;

**WHEREAS**, all witness being were duly sworn prior to providing testimony; and

**WHEREAS**, all procedures have been followed as required by the Municipal Land Use, N.J.S.A. 40:55D-1, et seq. and the Code of the City of Jersey City; and

**WHEREAS**, the public was afforded an opportunity to be heard at the hearing on August 11, 2020; and

**WHEREAS**, the Planning Board, having considered the advice and comments of its staff, hereby finds the following:

**A. FINDINGS OF FACT**

**NOW THEREFORE BE IT RESOLVED**, by the Planning Board of the City of Jersey City that the following facts are hereby made and determined at the Planning Board's hearing on August 11, 2020:

1. All real estate taxes due for the Subject Property are current.
2. Application and all other fees were paid;
3. The application has been deemed complete;
4. The application was opened to the public for comment with one member of the public asking a question unrelated to the application;
5. The witnesses for the applicant, the Board professionals and any members of the public providing comment were sworn according to law;
6. The Applicant is the owner of the Subject Property.
7. The Subject Property is located in the Jersey Avenue Tenth Street Redevelopment Area and is subject to the requirements of the Redevelopment Plan.
8. The property is currently improved with surface parking lot with 94 spaces which provide parking for the Lincoln apartments located at 204 Tenth Street.
9. The Applicant proposes the construction of a two level parking structure which will increase the number of spaces on the Property by 62 for a total of 156 spaces (the "Project").
10. The Applicant has proposed to redevelop the Subject Property in accordance with the Redevelopment Plan. The Board specifically finds that the elements and

requirements of the application, as set forth herein, as proposed by the Applicant are in conformance with the Redevelopment Plan, except as to:

Section X.B.4. Area, Yard and Bulk Requirements:

- a) Front yard setback – 5 feet required; 1.7 feet proposed;
- b) Side Yard – 2 feet required; 1.3 feet proposed;
- c) Both Side Yards – 5 feet required; 3 feet proposed;
- d) Maximum Impervious Coverage – 75 % permitted; 94.9% proposed;

All of which require deviations from the requirements of the Redevelopment Plan.

A design waiver for aisle width due to the parking space angle is required from the Jersey City Land Development Ordinance Section 345-70.A.

11. William Kavanagh, a licensed professional architect, employed by the Harman Group provided testimony and has knowledge of the project and substance of the application since he was involved in the preparation of the plans for the parking structure proposed for the Subject Property. Mr. Kavanagh's testimony focused on size and narrowness of the Subject Property, constrained by the viaduct to the north and the access from Erie Street to the west and Manila Avenue to the east. Mr. Kavanagh described the proposed two level parking structure which is a functional design for the Subject Property consisting of two flat bays of parking with two rows of parking each, two ramps to/from the second level of the structure on the north side with all traffic being one way circulation. Entrance to the parking structure will be from Manila Avenue and egress will be to Erie Street. Mr. Kavanagh stated because parking will be also on the second lever of the structure it will appear as a one-story building and the elevations on each

street will be mesh panels. The parking structure will be access controlled to limit access to residents only. The parking structure will be a modular parking system called the More Park System and be steel framed construction and comply with the local building code.

12. Adolf Montana, PE, a license professional engineer, employed by PS&S provided testimony and has knowledge of the Subject Property and substance of the application since he was involved in the preparation of the site plans for the Subject Property. Mr. Montana's testimony focused on reviewing the surrounding properties and existing conditions of the Subject Property, which is currently used as a surface parking lot consisting of 94 spaces with access from both Manila Avenue and Erie Street. Mr. Montana described the proposed parking structure and the applicable zoning requirements and need for variances for front yard and side yard setbacks as well as impervious coverage. Mr. Montana described the existing and proposed drainage on the Subject Property, proposed landscaping along the street frontage and along the north side of the site between the ramps to the second level. Mr. Montana discussed the June 3, 2020 memorandum from City Engineering and his response of June 12, 2020 addressing each comment point by point including compliance with many and advising of maintaining existing conditions as to the sidewalks and curbing since they are in good condition and will be repaired as may be required after construction of the parking structure.
13. Brian McPeak, AICP/PP, a licensed professional planner, employed by PS&S provided testimony relying on the prior testimony of the Applicant's experts and

has knowledge of the Subject Property and substance of the application for the Subject Property. Mr. McPeak's testimony focused on the proposed plans for the Subject Property and deviations required, including the reasons for the Planning Board to grant the relief requested by the Applicant. According to Mr. McPeak's testimony, per Section X.B.4. Area, Yard and Bulk Requirements of the Redevelopment Plan, the Planning Board can grant the bulk "c" deviation for front yard setback, side yard setbacks and impervious coverage pursuant to N.J.S.A. 40:55D-70.c.(2), wherein the benefits of the proposed project would substantially outweigh any detriment. The narrowness of the Subject Property does not allow for its maximum use for parking to serve the adjacent residential use and for the relocation of residential spaces from the Newport Mall parking lot without the granting of the deviations from area and bulks standards under the Redevelopment Plan but the location of the Subject Property north of the existing residential neighborhood, south of the commercial strip on 12<sup>th</sup> Street and constrained by the viaduct providing access to the Newport development, all support the granting of such deviations since the benefits of the proposed project would substantially outweigh any detriment. Granting the requested deviations will guide the appropriate use and development of the Subject Property in a manner that will promote the general welfare consistent with N.J.S.A. 40:55D-2.a. through the provision of a parking to support the residential uses in the surrounding neighborhood. In conclusion, Mr. McPeak stated that the granting of the deviations will advance the purposes of the Municipal Land Use Law, the Jersey City Master Plan, the goals and objectives of the Redevelopment Plan.

14. Timothy Krehel, PP, AICP, Principal Planner from the City Division of City Planning, a license professional planner provided testimony on behalf of the City on the application. Mr. Krehel advised that the Applicant has addressed his only concern by revising the plans and showing how the parking structure would function, including movements in the structure. Mr. Krehel recommended approval of the application.
15. The Planning Board incorporates by reference herein the Application, plans, documents and information submitted in support thereof, reports of various City departments and agencies, the transcript of the hearing and testimony of witnesses heard at the Planning Board's meeting on August 11, 2020.

## **B. CONCLUSION**

The Planning Board having considered all of the evidence and testimony produced which is incorporated herein by reference hereby makes the following conclusions of law, based upon the foregoing findings of fact:

**NOW THEREFORE BE IT RESOLVED** that the application for Preliminary and Final Major Site Plan Approval and deviations, #P20-041 submitted by H.P. Lincoln Urban Renewal, LLC with respect to the property located at 201 Erie Street and identified as Block 8801, Lots 3 and 4 for the construction of a two level parking structure which will increase the number of spaces on the Property by 62 for a total of 156 spaces, is hereby approved and granted as follows:

1. The application has met the requirements of preliminary and final major site plan approval pursuant to the authority of N.J.S.A. 40:55D-46.



2. The deviations from the requirements of the Redevelopment Plan as noted herein as well as the design waiver from the City Land Development Ordinance can be granted since they will not result in a substantial detriment to the surrounding properties, nor will there be a substantial impairment to the master plan, redevelopment plan or zoning ordinance.

3. The purposes and goals/objectives of the Redevelopment Plan are advanced by the application.

4. The approval is subject to the applicant complying with the following conditions as set forth below, as same were imposed by the Planning Board by its approval on August 11, 2020.

### **C. CONDITIONS**

The Planning Board's approved is hereby subject to the following conditions:

1. Those conditions set forth in the August 7, 2020 memorandum on the Application P20-41 from Timothy Krehel, Principal Planner, PP AICP to the Planning Board Commissioners.

**APPLICANT:** HP LINCOLN URBAN RENEWAL LLC

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

**PROPERTY:** 201 ERIE STREET, JERSEY CITY, NEW JERSEY  
BLOCK 8801 LOTS 3 AND 4

**CASE NO.** P20-041

**VOTE:**

COMMISSIONER:	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Christopher Langston, Chairman	<u>X</u>	—	—	—
Dr. Orlando V. Gonzalez, Vice Chair	<u>X</u>	—	—	—
Harkesh Thakur, Commissioner	<u>X</u>	—	—	—
Geoffrey Allen, Commissioner	<u>X</u>	—	—	—
Joyce E. Watterman, Councilwoman	<u>X</u>	—	—	—
David Cruz, Commissioner	<u>X</u>	—	—	—
Peter Horton, Commissioner	<u>X</u>	—	—	—

  
Christopher Langston (Jan 5, 2022 13:04 EST)  
CHRISTOPHER LANGSTON, CHAIRMAN  
JERSEY CITY PLANNING BOARD

  
Cameron Black (Jan 6, 2022 09:04 EST)  
CAMERON BLACK, BOARD SECRETARY  
JERSEY CITY PLANNING BOARD

APPROVED AS TO LEGAL FORM

  
Santo T Alampi (Jan 5, 2022 13:50 EST)  
SANTO ALAMPI, ESQ.

DATE OF HEARING: August 11, 2020

DATE OF MEMORIALIZATION: September 8, 2020

DATE OF CORRECTIVE MEMORIALIZATION: January 4, 2022