

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

**APPLICANT:** 503-509 COMMUNIPAW AVE, LLC  
**FOR:** PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH  
VARIANCES  
503-509 COMMUNIPAW AVENUE  
JERSEY CITY, NEW JERSEY  
BLOCK 18703, LOTS 1 AND 2

**CASE NO.:** P19-055

**WHEREAS**, the Applicant, **503-509 COMMUNIPAW AVE LLC**, per **CONNELL FOLEY, LLP** (Charles J. Harrington, III, Esq., appearing) made application to the City of Jersey City Planning Board, County of Hudson and State of New Jersey, for a Preliminary and Final Major Site Plan Approval with variances pursuant to N.J.S.A. 40:55D-70(c)(minimum parking spaces; minimum rear yard setback), to wit, Calendar No. P19-055, to construct a five (5) story mixed- use building with thirty-six (36) residential units with two (2) affordable work force units, ground floor retail/commercial space, a community room, three (3) on-site car-sharing vehicles/parking spaces, fifteen (15) off-site car parking spaces within 750 feet of the project, and eighteen (18) on-site bicycle parking spaces, with regard to the property located at 503-509 Communipaw Avenue, Jersey City, New Jersey, and which is also identified on the Jersey City tax maps as Block 18703, Lots 1 and 2, and which is located within the NC- Neighborhood Commercial District; 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 May 7, 2019 at 5:30 p.m., was duly published as prescribed in the Jersey City Land Development Ordinance (“JCLDO”) of the City of Jersey City; and

**WHEREAS**, the application was heard by the Planning Board on May 7, 2019; 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 made application to the City of Jersey City Planning Board, for a Preliminary and Final Major Site Plan Approval with variances pursuant to N.J.S.A. 40:55D-70(c)(minimum parking spaces; minimum rear yard setback), to wit, Calendar No. P19-055, to construct a five (5) story mixed- use building with thirty-six (36) residential units with two (2) affordable work force units, ground floor retail/commercial space, a community room, three (3) on-site car-sharing vehicles/parking spaces, fifteen (15) off-site car parking spaces within 750 feet of the project, and eighteen (18) on-site bicycle parking spaces, with regard to the property located at 503-509 Communipaw Avenue, Jersey City, New Jersey, and which is also identified on the Jersey City tax maps as Block 18703, Lots 1 and 2 (“Property”).
2. The Property consists of two lots and together are a corner, irregular 6,672.56 +/- square foot lot located within the Neighborhood Commercial Zoning District.
3. The Property consists of a vacant lot located on 503 Communipaw Ave (Block 18703, Lot 2) and a vacant two (2) story single family building located on 509 Communipaw Ave (Block 18703, Lot 1). The 509 Communipaw Avenue single family home was declared historically insignificant and may be demolished pursuant to the Determination of Significance dated January 10, 2019 and prepared by Maggie A. O’Neill, Historic Preservation Specialist.
4. The purpose of the application is to construct a five (5) story mixed- use building with thirty-six (36) residential units with two (2) affordable work force units, approximately 2,142 SF ground floor retail/commercial space, a 400 SF community room (available to the tenants, commercial tenants, and the community for gatherings, events, and meetings), three (3) on-site car-sharing vehicles/parking spaces, fifteen (15) off-site car parking spaces to be provided within a 750 feet radius of the Property (currently, planned to be located at 701 Grand Street, which is identified on the Jersey City tax maps as Block 17203, Lot 1), and eighteen (18) on-site bicycle parking spaces (“Project”).
5. The Applicant is seeking the following variances, exceptions and/or waivers from the

Jersey City Land Development Ordinance in connection with this application:

- I. The Applicant is seeking a relief from the minimum number of required parking spaces for lots over fifty (50') feet wide.
- II. The Applicant is seeking relief from the minimum rear yard setback requirements.
- III. The Applicant is seeking any other variances, exceptions and/or waivers that the Jersey City Planning Board shall deem necessary in connection with this application.

6. As set forth in the Land Development Ordinance, "the purpose of this district is to recognize the existence and importance of neighborhood business districts and promote continued efforts to strengthen and revitalize them, through public-private partnership."

7. The Project will have thirty-six (36) residential units, which include eight (8) studios, sixteen (16) 1-bedrooms, and twelve (12) 2-bedroom units. The two affordable (2) workforce units shall be designated as a one (1) 1-bedroom and one (1) 2-bedroom. The affordable workforce housing units are for households earning up to or equal 120 percent of the area median income (AMI) (\*the Applicant's Planner incorrectly described the work force housing as "20 to 100 percent of the AM" when workforce housing is defined as housing up to "120% of AMI"). The Applicant shall provide the two affordable workforce housing units for a period of twenty (20) years from the date of the certificate of occupancy.

8. The NC- Neighborhood Commercial District requires parking on new construction on lots over fifty (50') feet wide that are not located five hundred (500') feet of the Path station entrance. In this instance, the Property is a corner lot with approximately 76' wide facing Communipaw Avenue and 119' facing Arlington Avenue. Thus, the Applicant is required to provide on-site parking in accordance to the NC Zone. Furthermore, where the NC Zone requires on-site parking as in this instance, five (5) stories from grade is allowed. Therefore, the Project qualifies for five (5) stories and no additional height or story variance is needed.

9. The Applicant is seeking relief from the residential parking requirements of the NC Zone, which requires that new construction lots over fifty (50') feet wide provide for parking of one (1) space per dwelling unit (a total of 36 spaces) . The requirement for retail sales of goods and services is one (1) space per six hundred (600) square feet excluding the first five thousand (5,000) square feet, and no retail parking is required as the ground floor retail is approximately 2,142 square feet. The Applicant is providing three (3) on-site vehicles/carsharing parking spaces and fifteen (15) off-site car parking spaces to be provided within a 750 feet radius of the Property.

10. The Applicant will be providing for fifteen (15) off-site parking spaces within 750 feet of the Property. The proposed off-site parking can be provided at the property identified as 701 Grand Street, Jersey City (Block 17203, Lot 1 ; “Grand Street Property”), which is located within the Morris Canal Redevelopment Plan Area. The Applicant has secured a lease agreement to provide for the off-site parking at the Grand Street Property for up to thirty (30) years. The Applicant shall apply for a separate site plan approval for the Grand Street Property, or any alternative property within 750 feet of the Property, to provide for the fifteen (15) off-site parking spaces.

11. The Property is an irregular hexagon (six sided) shape, narrow in width at the back of the lot, which meets in a corner with approximately 25’ on one side and approximately 32’ on the other side. The irregular shape creates a hardship for the Applicant to deliver adequate space to meet the required minimum parking requirement of thirty-six (36) parking spaces with only able to provide at most ten (10) to twelve (12) parking spaces.

12. A ground floor parking garage would not only fail to provide the required parking for each resident, it would also disrupt the ability to have ground floor commercial/retail uses that support the neighborhood business district, which the NC Zone aims to promote. By creating ground floor commercial uses, the project is aligned with the zoning’s intent, which it is to promote a mixed-use setting with a vibrant ground-floor commercial corridor and create a pedestrian-friendly environment. Accordingly, the additional ground floor commercial/retail space will provide benefits to the community, and the benefits outweigh any substantial detriments of not meeting the minimum required on-site parking spaces.

13. In addition, the Project is located in an area called the “The Junction,” which is an intersection of Communipaw Avenue, Garfield Avenue, Summit Avenue, Randolph Avenue, and Arlington Avenue, a heavily traffic congested area. As part of “The Junction,” the Property is a corner lot facing Communipaw Avenue and Arlington Avenue, which currently does not allow on-street parking. A full size ground floor car garage with ten (10) to twelve (12) on-site parking spaces would create a hazard for pedestrians by continuous cars pulling out of the lot into traffic on Communipaw Avenue (where there are no current curb cuts) and Arlington Avenue (which is a busy pedestrian corridor). Therefore, the substantial parking and vehicular movements at the Property would have a detrimental impact.

14. While the Applicant cannot meet the thirty-six (36) on-site parking spaces due to the irregular shape of the lots. However, the Project provides three (3) on-site vehicles/carsharing parking spaces and fifteen (15) off-site car parking spaces within a 750 feet radius of the Property. The Applicant's Planner testified that each carsharing vehicle (such as Zipcar) parking space is equivalent to six (6) to eight (8) vehicles traditional spaces with an average of seven (7) traditional parking spaces. Thus, the three (3) provided carsharing vehicles/ parking spaces in the building will equate to the usage of approximately twenty-one (21) personal cars. As part of a benefit to the community, the carsharing vehicles will also be available to the public for their use. The Applicant will also provide for the tenants' annual carshare fee and the tenants shall be responsible for any further carsharing service fees. The carsharing vehicles will mitigate the need for a personal car.

15. The additional fifteen (15) off-site parking spaces will be located within a 750 feet radius of the Property. The currently proposed location at 701 Grand Street is approximately a two (2) minute or 0.1 mile walk away from the building, which will provide parking for residents, who desire to maintain a personal car. So while the total amount of parking spaces both onsite and offsite are eighteen (18), it is equivalent to approximately to thirty-six (36) car parking spaces given that the carsharing vehicles equal approximately twenty-one (21) vehicles.

16. The Project site is also located within close proximity to alternative transportation (light rail, bus, and bicycle), which includes: the Garfield Avenue Light Rail Station, which is located within a half mile and walking distance of ten (10) minutes from the Project; Bus Station that serve Bus Lines 1, 6, and 81; and twenty-four (24) on-site bicycle parking spaces. The close proximity to alternative transportation mitigates the lack of minimum on-site parking because residents are less dependent on their personal cars as the only means of transportation by de facto there is less of a demand of on-site parking spaces. Therefore, the three (3) on-site carsharing vehicles/parking spaces (available to the public), fifteen (15) offsite parking spaces, and access to alternative transportation provides a benefit that mitigates and outweighs any substantial detriments to the surrounding area, and the variance can be granted accordingly.

17. Furthermore, if the Applicant was to develop each of the two lots individually, there would be no required parking because each lot width is less than fifty feet (50') (Lot 1: 40' in width; Lot 2: 36.36' in width). As per Applicant's Planner's testimony, the separate lots could be developed into two (2) four (4) story buildings with an estimated total of twenty-five (25) to thirty (30) residential units with no required parking. The proposed project consists of thirty-six (36) residential units, which is six (6) more than the estimated total units of two individual projects

with no parking. The benefits of providing three (3) on-site carsharing vehicles/parking spaces (available to the community) and the fifteen (15) off-site parking spaces within a 750 foot area of the project outweigh any substantial detriments and the variance can be granted accordingly.

18. The Applicant is also seeking a variance for relief from the minimum rear yard setback of fifteen (15') feet. The development site is comprised of two lots (Lot 1 and Lot 2), which together are a corner lot facing Communipaw Avenue and Arlington Avenue. A corner lot has no real rear yard since it is essentially two fronts and two side yards. The NC Zone requires a fifteen (15') foot rear yard setback. According to the JCLDO, the front yard is considered the smaller of the two street frontages, thus Communipaw is considered the front yard. Lot 2, which is not located on the corner complies with the fifteen (15') feet rear yard requirement. However, Lot 1 due to the corner lot location does not comply with the fifteen (15') feet rear yard. If a rear yard was provided on Lot 1, it would leave a fifteen (15') foot gap on the frontage of Arlington Avenue and an opening in the streetscape instead of continuous visually desirable streetscape. However, the fifteen (15') foot rear yard is provided in the internal portion of the Block by Lot 2. Additionally, the fifteen (15') feet along Arlington Avenue provides the space necessary for the on-site carsharing parking garage containing three (3) carsharing vehicles available to the public, which provides benefits to the surrounding community.

19. The Project also features an extensive green roof of 2,580 square feet and garden planters for residents, which allows for sustainable stormwater management in areas of impermeable surfaces and will mitigate any substantial detriments of a smaller rear yard on Lot 1. The benefits of providing continuous visually desirable street frontage, extensive green roof, and space provided for on-site carsharing vehicles outweigh any substantial detriments of the smaller rear yard on Lot 1, and therefore, the minimum rear yard variance can be granted accordingly.

20. The proposed and requested variances are appropriate for the development of the property and will benefit the immediate neighborhood and will promote the general welfare, and the Applicant will be subject to a hardship if required to strictly comply with the zoning standards. The development will also promote a desirable visual environment by developing a creative and appropriate in-fill development and a mixed use appropriate for the neighborhood. Lastly, the proposed variances will not cause any substantial detriments to the public good, or impairment to the intent and purpose of the Jersey City Zoning Plan or the Jersey City Land Development Ordinance.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board of the Jersey City, County of Hudson and State of New Jersey, for the foregoing reasons, approves the within application for a Preliminary and Final Major Site Plan Approval with variances pursuant to N.J.S.A. 40:55D-70(c)(minimum parking spaces; minimum rear yard setback), to wit, Calendar No. P19-055, to construct a five (5) story mixed- use building with thirty-six (36) residential units with two (2) affordable work force units, ground floor retail/commercial space, a community room, three (3) on-site car-sharing vehicles/parking spaces, fifteen (15) off-site car parking spaces within 750 feet of the project, and eighteen (18) on-site bicycle parking spaces, with regard to the property located at 503-509 Communipaw Avenue, Jersey City, New Jersey, and which is also identified on the Jersey City tax maps as Block 18703, Lots 1 and 2, 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 Applicant shall submit revised plans showing incorporation of the Jersey City's Municipal Utilities Authority comments and Division of Engineering's Comments .
2. The Architect of record shall submit a signed and sealed affidavit confirming that the final building was constructed as approved, prior to issuance of the Certificate of Occupancy.
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 the Division of Planning staff and approval by the Jersey City Planning Board.
4. The Engineer of record shall submit a signed and sealed affidavit confirming that the final building's green roof was constructed as approved, prior to the issuance of the Certificate of Occupancy.
5. All testimony given by the application and their expert witnesses in accordance with the application shall be binding
6. All Street trees and landscaping shall be installed in accordance with the Morris Canal Redevelopment Plan and/or JCLDO § 345-66, prior to issuance of a Certificate of Occupancy.
7. The Applicant shall provide stacked bicycle parking spaces to accommodate an additional four (4) bicycle spaces for a total of about twenty-four (24) spaces.
8. The Applicant shall notify the adjacent property owner of 746 Grand Street, also known on the Jersey City tax records as Block 18703, Lot 9, prior construction so that the property owner may be able to make any improvements or repairs on the existing adjacent wall, if the owner chooses to do so, prior to the Applicant commencing construction.

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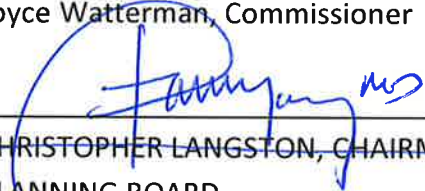
**VOTE:** 8-0

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<b>COMMISSIONER:</b>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Christopher Langston, Chairman	X
Allison Solowsky, Commissioner	X
Edward Torres, Commissioner	X
Dr. Vijay Desai, Commissioner	X
Harkesh Thakur, Commissioner	X
John Seborowski, Commissioner	X
David Cruz, Commissioner	X
Joyce Watterman, Commissioner	X


  
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 CHRISTOPHER LANGSTON, CHAIRMAN  
 PLANNING BOARD  
 OF THE CITY OF JERSEY CITY

*Dr. Orlando V. Gonzalez, M.D.  
 Acting Chair*

APPROVED AS TO LEGAL FORM:

DATE OF HEARING:

DATE OF MEMORIALIZATION:

  
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 MATT WARD, SECRETARY  
 PLANNING BOARD  
 OF THE CITY OF JERSEY CITY

  
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 SANTO T. ALAMPI, ESQ.

May 7, 2019

May 21, 2019

