

**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 August 23, 2022
Memorialized on September 20, 2022
Court Ordered Remand to Planning Board (Docket No.: L – 3126-21)**

WHEREAS, on or about 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 order to construct a six-story self-storage facility on 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”) (the “Application”); and

WHEREAS, the Planning Board held a public hearing and voted to approve the Application at a meeting conducted on June 8, 2021, which approval is more fully detailed in a resolution adopted by the Planning Board on June 22, 2021 (the “2021 Approval”); and

WHEREAS, the 2021 Approval was subsequently appealed to the Superior Court of New Jersey Law Division in the matter of Liberty Storage, LLC v. City of Jersey City Planning Board and TFJ Jersey City, LLC, Docket No. HUD-L-3126-21 (the “Appeal”); and

WHEREAS, the Court heard oral argument on the Appeal on July 14, 2022, and issued a (Revised) Order/Judgement on August 1, 2022, remanding the 2021 Application to the Planning Board for limited additional findings of the Planning Board to: (a) provide direction or clarify which types of signs may be permitted at the Property site; and (b) clarify the issue relating to the

monument sign along Thomas McGovern Drive as it relates to the C(1) or C(2) variance approved by the Planning Board in the 2021 Approval (the “Remand Issues”); and

WHEREAS, to address the Remand Issues, the Applicant filed plans and supporting documentation with the Planning Board as follows:

- a. (Revised) Order/Judgment in the matter of Liberty Storage, LLC v. the City of Jersey City Planning Board and TFJ Jersey City, LLC, Docket No. HUD-L-003126-21, dated August 1, 2022.
- b. Proposed Self Storage Facility Signage plans, prepared by SNS Architects & Engineers, PC, consisting of 2 sheets, dated August 3, 2022 (the “2022 Plans”).
- c. Self Storage Facility rendering View from South West, prepared by Arco Murray, dated February 16, 2021, and marked as Exhibit A-4 at the June 8, 2021 Planning Board hearing.
- d. Self Storage Facility rendering from South East, prepared by Arco Murray, dated February 16, 2021, and marked as Exhibit A-5 at the June 8, 2021 Planning Board hearing.
- e. City of Jersey City Planning Board Transcript In the Matter of: Case P21-020 TFJ Jersey City, LLC, 80 & 112 McGovern Drive, Block 21506, Lots 3 and 4, June 8, 2021.
- f. 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, memorialized on June 22, 2021
- g. Transcript of Hearing Superior Court of New Jersey Law Division – Hudson County Docket No. L-3126-21, Liberty Storage, LLC v. City of Jersey City Planning Board and TFJ Jersey City, LLC, July 14, 2022.

WHEREAS, the Planning Board considered the materials filed by the Applicant and conducted a public hearing to address the Remand Issues on August 23, 2022; and

WHEREAS, the Planning Board heard and considered the sworn testimony of the Applicant’s witness Robert Nocella of SNS Architects & Engineers, PC, the Applicant’s project architect, who was accepted as an expert in his field; and

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

- a. Exhibit A-1: Proof that notice of the remand 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: Proposed Self Storage Facility Signage plans, prepared by SNS Architects & Engineers, PC, consisting of 2 sheets, dated August 3, 2022.

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 hearing on the Remand Issues:

1. All the recitals set forth above are incorporated into the Planning Board’s findings and conclusions, and to the extent necessary the record of the 2021 Approval is incorporated.
2. The Applicant followed the notice requirements set forth in N.J.S.A. 40:55D-12 to advise the public and affected property owners of the hearing on the Remand Issues, and an affidavit of publication and service demonstrating compliance has been filed with the Planning Board Secretary.
3. The Applicant’s witness Mr. Robert Nocella indicated that the monument sign along Thomas McGovern Drive, which was proposed as part of the 2021 Approval was voluntarily removed by the Applicant as reflected on the 2022 Plans, and therefore, the Applicant was no longer seeking variance relief related to the monument sign.

4. Mr. Nocella next described the proposed signage for the project, which included one façade identification sign that reads “Public Storage” and two wayfinding “parking” signs.
5. Mr. Nocella indicated Public Storage will be occupying the building and one “Public Storage” façade identification sign was proposed on the south elevation of the building. The sign will consist of painted aluminum letters, painted orange, which is the brand color for Public Storage. The proposed sign will project approximately 5 inches and will measure 189.9 square feet in area and will not be illuminated.
6. Mr. Nocella addressed how the façade identification sign complied with the sign standards set forth within the Liberty Harbor Redevelopment Plan (the “Redevelopment Plan”) at Section IV.f.
7. With respect to the sign area, the Redevelopment Plan permits one sign per establishment, identifying the use, not to exceed 10% of the first story portion of the wall containing the use. Mr. Nocella testified that 10% of the first story of the building is 663 square feet, which is well above the 189.9 square foot “Public Storage” façade sign proposed by the Applicant.
8. Mr. Nocella also addressed the Redevelopment Plan standard that requires signs to be “minimal in size and be of material consistent with that of the principal building. Backlit or letter shaped signs made of plastic or similar looking material, are not permitted.” Mr. Nocella testified that the proposed façade sign was minimal in size at approximately 2.9 percent of the first story of the building whereas 10% is permitted. He also testified how the materials of the fade sign were consistent with the principal building material. The principal building material is primarily insulated metal panel,

and in his expert opinion the façade sign complements the materials of the building well. Mr. Nocella also confirmed that the façade sign was not back-lit and was not made of plastic of similar looking material.

9. Mr. Nocella next testified to the wayfinding “parking” signs. He indicated that on the east and west ends of the building, the Applicant proposed a “parking” sign above the entrance to the understory parking. Each sign is proposed at approximately 20 inches in height, 18 square feet in area, with 2 inch thick orange painted aluminum letters, and are non-illuminated. Mr. Nocella further indicated that the intent of these wayfinding signs was to direct customers of the storage facility to additional parking. He also confirmed that there was no branding on the “parking” signs whatsoever and that they were simply wayfinding signs. In Mr. Nocella’s opinion the wayfinding “parking” signs are minimal in size and the materials are compatible with the principal building.
10. Counsel for Liberty Storage, LLC was in attendance at the hearing but did not ask any questions of the Applicant’s witness or make any comments on the Remand Issues. Likewise, no other members of the public had questions or comments on the Remand Issues.

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

NOW, THEREFORE BE IT FURTHER RESOLVED that the Planning Board has determined that the Applicant has withdrew its request for a monument sign and the variance relief associated with same and therefore the Remand Issue to clarify the variance relief granted for the monument sign as part of the 2021 Approval is moot.

NOW, THEREFORE BE IT FURTHER RESOLVED that the Planning Board finds that the Applicant presented sufficient evidence in accordance with the Court's Remand Order to determine if the Applicant's signage plan complied with the regulations of the Redevelopment Plan. The Planning Board finds that the Applicant has demonstrated that its proposed signage satisfies the requirements of the Redevelopment Plan as follows:

- a. The Planning Board finds that the Applicant proposed one project identification sign that reads "Public Storage" which is proposed on the façade of the building. The project identification sign is less than 10% of the first story of the building and is in compliance with the sign area requirement of the Redevelopment Plan at 189.9 square feet.
- b. The Planning Board finds that the Applicant proposed two wayfinding "parking" signs. The Planning Board finds that wayfinding "parking" signs are not regulated by the Redevelopment Plan in that the wayfinding signs do not identify the use of the building, do not contain any "corporate branding" or the like, and are strictly wayfinding in nature. As the signs do not identify the use, or contain "corporate branding" they are not considered by the Board as identification signs. The Planning Board further finds the wayfinding "parking" signs to improve safety, direction and traffic circulation of the site.
- c. The Planning Board finds that the proposed signage is minimal in size, the materials are consistent with that of the principal building, and the Applicant confirmed the signs are not illuminated.

BE IT FURTHER RESOLVED by the Planning Board of the City of Jersey City that the Applicant's proposed signage is approved and consistent with the requirements of the Redevelopment Plan herein is subject to the following terms and conditions.

1. The Applicant shall be bound by the representations it made on the record during the remand proceedings.

2. The Applicant shall be bound by the terms and conditions of the 2021 Approval except that the Applicant has withdrawn its request for a monument sign with variance relief, and therefore a monument sign is not part of the Planning Board's approval.

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DATE OF HEARING:

August 23, 2022

VOTE:

VOTING IN FAVOR:

Christopher Langston, Chairman
Dr. Orlando Gonzalez, Vice Chairman
Geoffrey Allen, Commissioner
David Cruz, Commissioner
Darlene Green, Commissioner
Vidya Gangadin, Commissioner
Steven Lipski, Commissioner

VOTING AGAINST:

None

ABSTAINING:

None



Christopher Langston (Sep 22, 2022 14:42 EDT)

CHRISTOPHER LANGSTON, Chairman
Jersey City Planning Board


Cameron Black (Sep 22, 2022 09:56 EDT)

CAMERON BLACK, Secretary
Jersey City Planning Board

APPROVED AS TO LEGAL FORM:


Santo T. Alampi (Sep 22, 2022 11:26 EDT)

SANTO T. ALAMPI, ESQ.

DATE OF MEMORIALIZATION: September 20, 2022