

RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF
THE CITY OF JERSEY CITY

APPLICANT: KLEIN OUTDOOR ADVERTISING, LLC
FOR: MAJOR SITE PLAN APPROVAL WITH "C" AND
"D" VARIANCES
PROPERTY: 9 ROUTE 440
BLOCK 30305, LOT 1
CASE NO: Z14-013

WHEREAS, an application has been made by Klein Outdoor Advertising, LLC through its attorney, Francis Z. Regan, Esq. of DeCotils, Fitzpatrick & Cole, LLP, to the Zoning Board of Adjustment of the City of Jersey City, County of Hudson and State of New Jersey (the "Board"), for major site plan approval to construct a 98 foot double sided free standing digital billboard with each side having a dimension of 20 feet by 50 feet and for the granting of a use variance pursuant to N.J.S.A. 40:55D-70(d) in connection with the proposed construction of the billboard and for the granting of "c" variances in connection therewith pursuant to N.J.S.A. 40:55D-70(c) for minimum lot area and minimum perimeter setback; and

WHEREAS, the proposed billboard would be located at 9 Route 440, known as Block 30305; Lot 1; and

WHEREAS, the Applicant has submitted proof that it has complied with the applicable procedural requirements of notice and the payment of fees under the ordinance; and

WHEREAS, due notice of a hearing on the above said application before the Board of Adjustment of the City of Jersey City for its December 11, 2014 and March 19, 2015, regular

meetings was duly published in accordance with law; and

WHEREAS, the Applicant and its witnesses first having been sworn and all testimony having been formally heard for this application and all members of the public who spoke or questioned the Applicant's witnesses were duly sworn; and

WHEREAS, after consideration of the application and the testimony presented at the meeting, as well as the oral and written comments and recommendations of Tanya R. Marione, AICP, PP, Senior Planner, the Board of Adjustment made the following findings of fact:

FINDINGS OF FACT

1. The Applicant is the leaseholder of the property located at 9 Route 440, known as Block 30305, Lot 1 on the official tax map of the City of Jersey City, contingent upon the success of the application and the issuance of permits.

2. The Applicant has submitted a development application to construct a 98 ft. tall digital billboard, 20 ft. by 50 ft. (double sided) at 9 Route 440, Block 30305, Lot 1. The lot is in the Port Industrial (PI) Zone which does not permit billboards. Additionally, the sign standards for this zone only permit signage that is accessory to its principal use. Therefore, the Applicant was required to seek a "d-1" variance for use and other "c" variances for an undersized lot and minimum perimeter setbacks.

3. The site is located in the Port Industrial (PI) Zone which does not permit billboards.

4. The site is 31,078 sq. ft., is triangularly shaped, and adjacent to Route 440 and Interstate Highway 78/Exit 14A New Jersey Turnpike Extension. Access to the site is along the eastern portion of the lot onto Route 440 South. The PI district requires a lot area of 80,000 sq.

ft. with 60 ft. perimeter setbacks for any building. Permitted uses in this zone are offices, warehouses, manufacturing operations, terminal facilities, marinas and service stations.

Although the Applicant cannot meet the 80,000 sq. ft. requirement, the existing 31,078 sq. ft. lot is more than sufficient to construct a permitted use along with "c" variances for bulk and setbacks requirements. A use variance is not needed for the property to be economically viable.

5. Signage associated with commercial, industrial and residential development is a significant issue with land use and urban design implications. Signage has the potential to enhance development and contribute to the streetscape. However, it can have detrimental impact if the size, height, number and design of signs are not adequately regulated.

6. The Jersey City Redevelopment Ordinance and the Jersey City Master Plan make clear that the preservation of the Scenic Corridor is vital. The Applicant proposes to construct a billboard within the Scenic Corridor which the Master Plan explicitly tries to preserve by prohibiting billboards along the very area that the Applicant proposes to construct its billboard.

7. The Jersey City Ordinance and Master Plan directly advance the municipality's goals of traffic safety and aesthetics.

8. The use variance does not meet the positive criteria. In particular:

(a) The proposed use does not inherently serve the public good.

(b) The property owner would not suffer "undue hardship" related to the topography and soil quality inherent in the property if compelled to use the property in conformity with the permitted uses in the zone.

(c) The proposed use does not serve the general welfare. The property is not particularly suited for the proposed use as reflected in the Jersey City Land Development

Ordinance and its Master Plan.

9. The use variance does not meet the negative criteria in that relief could not be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance as the Applicant's proposed use is prohibited in the zone and would pose aesthetic problems by obstructing the visual corridor of the road as well as traffic problems.

10. As to the bulk variances, all relate to the proposed use of the property and apply to the existing condition of the lot. Therefore, those variances cannot be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

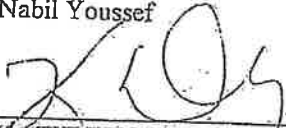
NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Adjustment of the City of Jersey City, County of Hudson and State of New Jersey, for the foregoing reasons, as well as those stated on the record by the Board members, which are incorporated herein by reference, hereby DENIES the within application, Case Number Z14-013, with "c" variances pursuant to N.J.S.A. 40:55D-70(c) and for a use and height variances pursuant to N.J.S.A. 40:55D-70(d) for the premises in accordance with the evidence and testimony presented to the Board of Adjustment of the City of Jersey City.

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MOTION TO DENY THE APPLICATION
 VOTE: SIX (6) IN FAVOR; NONE OPPOSED

COMMISSIONER:	Yes	No	Abstain
Kathleen Donnelly, Chairwoman	X		
Joshua Jacobs, Commissioner	X		
Donna McMahon, Commissioner	X		
Richard J. McCormack	X		
Ahmed Shedded	X		
Nabil Youssef	X		


 KATHLEEN DONNELLY, Chairwoman
 JERSEY CITY BOARD OF ADJUSTMENT


 TANYA R. MARIONE
 Secretary

APPROVED AS TO LEGAL FORM:


 VINCENT J. LA PAGLIA, ESQ.

DATE OF HEARING: DECEMBER 11, 2014 and
 MARCH 19, 2015
 DATE OF MEMORIALIZATION: APRIL 16, 2015