

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

APPLICANT: 199 SUMMIT AVE., LLC

**FOR: PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH "C"
AND "D" VARIANCES
199-201 SUMMIT AVENUE
62-64 STORMS AVENUE
203 AND 207 SUMMIT AVENUE
46 STORMS AVENUE
1 THROUGH 9 INGWERSON PLACE
JERSEY CITY, NEW JERSEY
BLOCK 15201, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 18, 19, 53, 64, 65, 66
AND 89**

CASE NO.: Z20-042

WHEREAS, 199 SUMMIT AVE., LLC (the "Applicant"), per **Connell Foley, LLP,** (Charles J. Harrington III, Esq., appearing) made application to the Zoning Board of Adjustment of the City of Jersey City, County of Hudson and State of New Jersey, for Preliminary and Final Major Site Plan Approval with N.J.S.A. 40:55D-70(d) and N.J.S.A. 40:55D-70(c), to wit: Calendar No. Z20-042, for approval to develop a new mixed-use project containing 172 residential units, approximately 1,045 sq. ft. of retail space and 111 parking spaces (initially 105 parking spaces) in two (2), five-story buildings (collectively, the "Project") with regard to the property located at 199-201 Summit Avenue, 62-64 Storms Avenue, 203 and 207 Summit Avenue, 46 Storms Avenue, and 1 through 9 Ingwerson Place, Jersey City, New Jersey, and which is also identified as Block 15201, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 18, 19, 53, 64, 65, 66 and 89 on the Official Tax Map of the City of Jersey (the "Property"); and

WHEREAS, the Property is located within the boundaries of the R-1 One and Two Family Housing District and is subject to the Jersey City Land Development Ordinance (the "JC LDO"); and

WHEREAS, it appears that due notice of a hearing on the above said application before the Zoning Board of Adjustment of the City of Jersey City, on April 22, 2021, was duly published as prescribed in the Jersey City Land Development Ordinance ("JC LDO"), the Senator Byron M.

Baer Open Public Meetings Act and the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. (the "MLUL"); and

WHEREAS, this Application was heard on April 22, 2021 and on May 27, 2021; 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, the testimony presented at the meeting by the Applicant and its professionals, the public comments, and the testimony and recommendations of the Division of Planning Staff, the Zoning Board of Adjustment has made the following findings of fact:

FINDINGS OF FACT

1. All the Recitals hereinabove set forth are incorporated herein by reference and all the exhibits, drawings and documents, including the Preliminary and Final Site Plan, prepared by Dresdner Robin (Matthew J. Neuls, PE) dated May 27, 2020, and containing fourteen (14) pages, the Architectural Plans, prepared by MVMK Architecture and Design (Frank J. Minervini), dated August 28, 2020, and containing thirty-eight (38) pages, 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.

2. The Applicant has complied with the requirements of N.J.S.A. 40:55D-12 of the MLUL, the Senator Byron M. Baer Open Public Meetings Act and the JC LDO and provided adequate notice of the within application.

3. The Applicant, 199 Summit Ave., LLC, has filed an application for Preliminary and Final Major Site Plan approval with variances pursuant to N.J.S.A. 40:55D-70(d) (use; height) and N.J.S.A. 40:55D-70(c) (exterior loading space; drive aisle width; maximum permitted curb

cuts) with the Jersey City Zoning Board of Adjustment to develop a new mixed-use project containing 172 residential units, approximately 1,045 sq. ft. of retail space and 111 parking spaces (initially 105 parking spaces) in two (2), five-story buildings. A total of ten (10) (approx. 5%) of the residential units will be provided as affordable housing units and the affordable units will be restricted as moderate income units (the "Affordable Units"). As part of the Project, the Applicant will also rehabilitate two (2) historically significant four (4) story three-family dwellings located at 62-64 Storms Avenue (Block 15201, part of former Lots 18 and 19). The Project also includes typical site improvements including landscaping, lighting, ingress and egress driveways and stormwater management improvements. Further, the Project includes the development of a Public Park utilizing a public right-of-way and private lands that may be dedicated to the City of Jersey City for future public use.

4. The Property is located within the R-1 One and Two Family Housing District (the "R-1 Zone"). The site consists of approximately 56,737 square feet ("sq. ft.") in total.

5. The Project site consists of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 18, 19, 53, 64, 65, 66 and 89 on Block 15201 with frontage on Summit Avenue, Crawford Street and Storms Avenue. The Project site has a total lot size of approximately 56,737 sq. ft. (approx. 1.30 acres). Currently, Lots 18 and 19 are each developed with an attached 4-story, 3-unit dwelling. Lots 1 through 9 and 53 are developed with a 1-story commercial building. Lots 64 through 66 are developed with three 1-story commercial buildings. Lot 89 is presently improved with a garage structure and consists of approximately 2,992 sq. ft. (approx. 0.06 acre). The 1-story buildings were previously used for the City of Jersey City Department of Health and Human Services. The Project site is zoned within the R-1 Zone in the McGinley Square neighborhood of Jersey City. The Neighborhood Commercial Zoning District (the "NC Zone") is to the north of the Project site and includes residential uses, commercial uses, religious uses, mixed-uses and off-street parking as well as vacant properties. The Beacon Redevelopment Plan area is to the east of the Project site across Summit Avenue and includes mid-rise apartment buildings with off-street parking and parks. The surrounding area does not display a typical street grid, instead, Orchard Street runs from north to south into Crawford Street which is a dead-end street.

6. The Applicant submitted and was approved for a separate application for Preliminary and Final Major Subdivision approval (Z20-041) to permit the subdivision of the existing sixteen (16) parcels into five (5) new lots to facilitate the development of the Project. Proposed Lot 1.01 will consist of existing Lots 1 through 5, 53, and portions of Lot 18 and Lot

19 for a total lot size of 23,130 sq. ft. (approx. 0.53 acre). Proposed Lot 6.01 will consist of existing Lots 6 through 9 for a total lot size of 2,880 sq. ft. (approx. 0.07 acre). Proposed Lot 18.01 and Proposed Lot 19.01 will reconfigure existing Lots 18 and 19 and consist of 2,500 sq. ft. each. Lot 64.01 will consist of existing Lots 64, 65, and 66 for a total lot size of 25,727 sq. ft. (approx. 0.59 acre). Lot 89 will remain with a total lot area of 2,992 sq. ft. (approx. 0.07 acre).

7. The overall Project proposes the redevelopment of an irregular site that was previously occupied by office uses with a mixed-use development including two mixed-use buildings with off-street parking, a mid-rise apartment building with off-street parking and a public park. The "Summit Avenue Building" on Proposed Lot 64.01 is a 5-story, mixed-use building with parking, and will provide approximately 1,045 sq. ft. of retail space, 95 off-street parking spaces, and a total of 86 units including four studio units, 61 one-bedroom units, and 21 two-bedroom units. An approximate density of 146 dwelling units is proposed on the 0.59 acre site. The roof will provide a 710 sq. ft. amenity space, a 2,710 sq. ft. common roof deck, and a 2,650 sq. ft. green roof. Two (2) new street trees are proposed along Summit Avenue.

8. The "Crawford Street Building" on Proposed Lot 1.01 is a 5-story, mid-rise apartment building with parking. The apartment building will provide 16-off street parking spaces and a total of 80 units including 18 studio units, 47 one-bedroom units, 14 two-bedroom units, and one three-bedroom unit. An approximate density of 151 dwelling units is proposed on the 0.53 acre site. The roof will provide an 880 sq. ft. amenity space, a 2,865 sq. ft. common roof deck, and a 4,565 sq. ft. green roof.

9. Currently, Lots 18 and 19 each have a lot size of 6,000 sq. ft. and are developed with an attached 4-story, 3-unit dwelling. The Project proposes the reconfiguration of each of these parcels to consist of 2,500 sq. ft. with a reduction in each lot depth from 240 ft. to 100 ft. Proposed new Lots 18.01 and 19.01 will each maintain a lot width of 25 ft. The existing residential dwellings and uses are proposed to remain with the exception of the infill of existing window wells.

10. Proposed Lot 6.01, Lot 89, and the Ingwerson Place right-of-way will accommodate an approximately 8,362 sq. ft. public park (the "Public Park") that will provide recreational and open space to the public and residents of the neighborhood. Lot 6.01 will include the public playground along with landscaping improvements and Lot 89 will contain electrical transformers and landscaping improvements. The Public Park may be dedicated to the

City of Jersey City for public use, but it shall continue to be maintained by the developer/property owner in perpetuity.

11. As part of the application, the Applicant is seeking the following variances from the JC LDO in accordance with the MLUL: (i) a variance pursuant to N.J.S.A. 40:55D-70(d)1 to permit a multi-family use and mixed-use building in the R-1 One and Two Family Housing District; (ii) a variance pursuant to N.J.S.A. 40:55D-70(d)2 to permit the expansion of a pre-existing non-conforming use for new Lot 18.01 and new Lot 19.01; (iii) a variance pursuant to N.J.S.A. 40:55D-70(d)6 to permit the proposed five story, 55.92 +/- ft. buildings, if required; (iiv) a variance pursuant to N.J.S.A. 40:55D-70(c) for relief to permit exterior loading space(s); (v) a variance pursuant to N.J.S.A. 40:55D-70(c) to permit relief from the required minimum drive aisle width; and (vi) a variance pursuant to N.J.S.A. 40:55D-70(c) to permit relief from the maximum permitted curb cuts. The Applicant also seeks any other variances, deviations, exceptions and/or waivers that the Jersey City Zoning Board of Adjustment or its consultants may deem necessary in connection with this Application.

12. The Applicant presented testimony from Matthew Neuls, the Project's civil engineer, who provided an overview of the proposed improvements and the Project's location. Mr. Neuls explained the Property is a very irregularly shaped property comprised of a total of sixteen (16) lots. While these are independent lots, these lots have been historically used together. Mr. Neuls further identified the location, boundary lines, and total lot size for both the existing parcels and for the five (5) new lots being subdivided to facilitate the future development of the Project. Mr. Neuls also provided the Board with an overview of site access, ingress and egress, and the Project's stormwater management improvements. Mr. Neuls testified that the existing right-of-way of Ingwerson Place is approximately 10 ft. wide and will be improved and maintained as the Public Park. The park will include permeable pavers that allows infiltration of stormwater into the ground, thereby reducing runoff consistent with green infrastructure. Mr. Neuls explained that the park will include plantings, a playground, benches, trash can and safety surfaces. In the event of an emergency, there is a 20 ft. wide access area through the park which includes stabilized grass and paver walkway surfaces that permit emergency vehicles with access through the park area. The Applicant will be reducing the curb cut adjacent to the park along Storms Avenue to 10 ft. consistent with the recommendations of Jersey City Engineering.

13. Next, the Applicant provided the testimony of Adrian Melia, the Project's professional architect. Mr. Melia explained that the Application was being presented after

significant input from the Jersey City Planning Department and after obtaining feedback from residents during two (2) separate community meetings. Based on feedback from the Zoning Board and the residents during the public hearing, Mr. Melia confirmed the Applicant would add an additional six (6) subgrade garage parking stalls increasing the total number from 105 stalls to 111 stalls. Mr. Melia also confirmed the Applicant would amend the brick color scheme from a 3-color scheme to a 2-color scheme.

14. Mr. Melia provided the Board with an overview of the Project's architectural features and elements. Mr. Melia testified as to the buildings' unit counts, facade and materials. The Project will include new landscaping, fencing and sidewalks. The Summit Avenue Building and the Crawford Street Building contain a series of step-backs on the third and fourth floors and across the entire top floor to reduce the building scales. There are large floor to ceiling windows throughout the Project, and there are frameless glass railings where the setbacks create private decks. The first and second levels of the Crawford Street Building are set back from the property lines and there is solid fencing to maintain privacy for the neighboring lots. Mr. Melia identified the locations for the retail space, residential entrances, and pedestrian access. Mr. Melia testified the Project will contain a total of 7,215 sq. ft. of green roof, a 8,362 sq. ft. Public Park (which will be maintained by the developer/owner in perpetuity), a residential lobby, amenity center, bicycle parking, and a cut-out along Summit Avenue amenitized with seating and accessible from the sidewalk.

15. James McNeight, professional architect, testified with respect to the rehabilitation and improvements to the two (2) existing three-unit historically significant dwellings on new Lot 18.01 and 19.01 (62-64 Storms Avenue). Mr. McNeight testified that the existing dwellings are dilapidated, vacant, and in desperate need of repair. The Applicant proposes to rehabilitate the two (2) historically significant structures to preserve and restore the dwellings by improving the interiors and exteriors and thereby creating habitable residential living space while still preserving the dwellings' historical features. Mr. McNeight explained the improvements consist of interior renovations, partial demolition of the rear wall, replacement of windows, restoration and replacements of doors, fencing, and brick where necessary. The front porch woodwork will be restored and the window pattern of the front porch shall be maintained. The fence line along the front lot line will also be restored. The windows along Storms Avenue are going to be wood framed factory painted windows with exterior grilles to mimic the existing windows. Mr. McNeight testified the total cost of work to rehabilitate the two historically significant dwellings totals approximately \$350,000.00. There will be no modifications to the existing footprints of

the buildings (with the exception of the infill of existing window wells requiring a “d” variance and is part of the relief being sought along with the Subdivision’s expansion of the pre-existing non-conforming use), nor any increase to the unit count. Moreover, the existing parking space on existing Lot 19 will be removed (which is non-conforming) and one new street tree will be planted. The demolition of the existing accessory garage will also bring the buildings to a closer consistency with the adjacent uses and will be more conforming to the R-1 District zoning standards.

16. The Applicant also presented the testimony of Charles Heydt, the Project’s licensed professional planner. Mr. Heydt testified as to the variance relief being sought with respect to Project’s proposed uses. First, Mr. Hedyt explained the Project requests d(1) use variances for the proposed mixed-use building and the mid-rise apartment building that are not permitted uses in the R-1 Zone. Mr. Heydt testified the Project site is particularly well suited to accommodate the proposed developments given the oversized and irregularly configured existing lots and the existing buildings on the site. The Project site has a total lot size of 56,737 sq. ft., approximately 25 times larger than the standard 2,500 sq. ft. lot in the R-1 Zone. The substantially larger Project site will be able to accommodate the proposed building mass and height associated with the proposed uses. The Project proposes to improve the Project site through the construction of new buildings, improved sidewalks, and planting of new street trees while maintaining a similar footprint to what currently exists.

17. Mr. Heydt further testified that the Project site is located in a neighborhood that is characterized by different zoning districts and a redevelopment plan area. The mixed-use and mid-rise apartment use are more compatible with the surrounding area. There are mixed-use and multi-family buildings within the immediate R-1 Zone and within the Beacon Redevelopment Plan area across Summit Avenue. Mr. Heydt advised the buildings within a 1,000 ft. radius consist of units ranging from 3 units to 315 units, at an average of 48 units, on lot sizes ranging from 0.04 acre to 1.45 acres, at an average of 0.28 acre. The densities range from approximately 18 dwelling units per acre to approximately 364 dwelling units per acre, at an average of 115 dwelling units per acre. The development on Proposed Lot 64.01 will be an 86-unit building on a 0.59 acre site with a density of approximately 146 dwelling units per acre. The development on Proposed Lot 1.01 will be an 80-unit building on a 0.53 acre site with a density of approximately 151 dwelling units per acre. Each 3-unit dwelling on Proposed Lots 18.01 and 19.01 will have a density of 50 dwelling units on the proposed 0.06 acre site. The total number of units proposed on the overall 1.43 acre site is 172 units, yielding a density of

approximately 120 dwelling units per acre.

18. Next, Mr. Heydt testified as to the Project's building height, where a maximum building height of 3 stories and 39 ft. with a maximum floor-to-ceiling height of 12 ft. are permitted for one and two family dwellings in the R-1 Zone. The Project involves the construction of two 5-story and 56 ft. tall buildings. Mr. Heydt explained the site can accommodate the additional height and is consistent with other building heights in the surrounding area. There are multi-story buildings within the R-1 District, NC District, and the Beacon Redevelopment Plan area across Summit Avenue. The heights of the multi-family buildings in the surrounding area range from 2 stories to 23 stories, at an average of 6 stories. The NC District also permits multi-family buildings up to 5 stories and 5 ft. in building height. The Beacon Redevelopment Plan permits new buildings constructed outside the historic boundary of the medical center complex up to 6 stories and 65 ft. in building height. Thus, the Project's proposed building heights are consistent with these permitted maximums within the surrounding area.

19. The proposed Summit Avenue mixed-use building will front on Summit Avenue where Summit Avenue, Baldwin Avenue and Clifton Place intersect. Summit Avenue also includes a mix of residential and mixed-use buildings. The open space, accessibility and width of this streetscape supports the particular suitability of the Project site. Montgomery Street, Monticello Avenue and Bergen Avenue are 0.15 to 0.25 mile to the north and northeast of the Project site. These are main thoroughfares in Jersey City which consist of mixed-use buildings and provide access to public transit. The close proximity to these thoroughfares will benefit future residents with shopping and transit options.

20. Mr. Heydt also provided an overview of the Project's requested "c" variance relief. Mr. Heydt testified that a single 10 ft. wide curb cut is permitted per lot in the R-1 Zone. There is a single existing 14 ft. wide curb cut on Summit Avenue and the Project proposes to increase the curb cut width to 20 ft. Mr. Heydt advised the 20 ft. wide curb cut will provide two-way vehicle access into the proposed garages in the Summit Avenue building and the Crawford Street building to serve the proposed mixed-use and mid-rise apartment uses, and the benefit in the additional width is the consolidation of additional curb cuts into a single curb cut.

21. In addition, the Project proposes signage for the residential structures where the R-1 Zone only permits one nameplate sign with an area of 1 sq. ft. Here, the Project proposes one residential sign and one retail building sign for the proposed mixed-use Summit Avenue

Building. Each sign is proposed to have an area of 10.4 sq. ft. For comparison, building signs are permitted for multi-family mid-rise apartments in the R-3 District at an area of 12 sq. ft. and here, the Project's proposed signs are appropriately sized and will provide building identification and wayfinding. Further, the Crawford Street Building will have one residential building sign of 10.4 sq. ft., which sign is also appropriately sized and will providing building identification and wayfinding.

22. Mr. Heydt testified, in his professional opinion, that the Project meets the intent of justifying a "(d)1" variance, "(d)2" variance and the "c" variances as the Project will advance the purposes of the MLUL and promote the general welfare. The Project site currently consists of residential and commercial buildings. Although mixed-use and mid-rise apartment buildings are not permitted within the R-1 Zone, the proposed Project is consistent with the surrounding area and more compatible with the residential zoning, and the existing 3-unit dwellings are consistent with surrounding uses, therefore the granting of the variances will promote the public health, safety and general welfare pursuant to N.J.S.A. 40:55D-2(a). The Project proposes setbacks and stepbacks that will provide adequate light, air and open space to surrounding properties consistent with N.J.S.A. 40:55D-2(c). The Project will promote appropriate population densities and concentrations, consistent with other multi-family buildings in the neighborhood consistent with N.J.S.A. 40:55D-2(e). The granting of the variances will also promote a desirable visual environment through the construction of a new park, and new buildings with a bulk that is contextually appropriate with the neighborhood pursuant with N.J.S.A. 40:55D-2(i).

23. The meeting was opened to the public and testimony from the public was taken. There were questions from the public and the Commissioners pertaining to noise and the location of the electrical transformers and the Applicant's professionals explained the transformer locations are dictated by PSE&G and must be located near the right-of-way. However, as explained by the Applicant's professionals, the new transformers are much quieter than the older type models and the transformers will comply with all noise ordinance requirements of Jersey City. The property owner of 50 Storms Avenue (Block 15201, Lot 10) testified he uses the Ingwerson Place right-of-way to access the parking lot to the rear of his property and that the Public Park could impact his access to the rear of the property. The Applicant agrees to provide the 50 Storms Avenue property owner with one (1) garage parking space within the Project at the Applicant's sole cost and expense and the Applicant further agrees to memorialize this condition in the franchise ordinance. The Commissioners also asked

questions pertaining to the maintenance and development of the Public Park. The Applicant testified it will maintain the Public Park, in perpetuity, including all of the park's improvements and amenities such as the playground equipment, landscaping, benches and safety surfaces. The Ingwerson Place improvements and the franchise ordinance will also require City Council review and approval and the Applicant agrees to coordinate the franchise ordinance with the City Council.

24. The Zoning Board of Adjustment accepts and concurs with the testimony of the Applicant's professionals, and the testimony of the Division of City Planning representatives.

25. The proposed Project will advance land use objectives of the City's 2000 Master Plan by providing consistent in-fill development, with a Project that is designed to complement the existing setbacks and designs of buildings on the block and by further providing housing densities appropriate to the character of the existing neighborhood.

26. The granting of the requested variances will not result in any substantial detriments to the public good or general welfare. The development of a park is permissible and the proposed park will provide many benefits to the residents in the community including recreational and open space and will be maintained by the developer/owner in perpetuity. The new developments will provide residential options in a residential district, and the proposed buildings will meet current building code standards and will provide residents with a range of new housing options. The Project proposes a total of 111 off-street vehicle parking spaces, 88 bicycle parking spaces, new street trees and planters, as well as new curbing and new sidewalks.

27. The granting of the variances will likewise not result in any substantial impairments to the intent and purpose of the zone plan and zoning ordinance. The Project proposes to remove the commercial uses and vacant buildings and improve the site with a new development of a mixed-use building with off-street parking, a mid-rise apartment building with off-street parking, and a Public Park which are more appropriate and consistent uses with the surrounding mix of uses in the area. The proposed uses are more consistent with the purpose of the R-1 District compared to the existing commercial uses.

28. Accordingly, the variances will not cause any substantial detriments to the public good, nor impairments to the intent and purpose of the Jersey City Zone Plan and Zoning Ordinance and can be granted accordingly. The variances necessary for the Project can be

granted in that both the positive and negative criteria have been satisfied pursuant to N.J.S.A. 40:55D-70(d) and N.J.S.A. 40:55D-70(c).

29. The Applicant agrees the Project will include the ten (10) moderate income Affordable Units and will work with the Division of Affordable Housing to determine which units shall be designated as Affordable Units and the Applicant will enter into an Affordable Housing Agreement with the Division of Affordable Housing to memorialize the designation of the Affordable Units.

30. The Applicant has met the procedural requirements of the JC LDO, including the payment of fees, and in all other respects the application conforms to the requirements of the JC LDO for approval of the Preliminary and Final Major Site Plan application. The Applicant agrees to address the comments set forth in and comply with the professional review letters issued by the Jersey City Engineering Department, the JCMUA, and the Jersey City Division of Planning along with all testimony provided by City Planning Staff.

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, approves the within application for Preliminary and Final Major Site Plan approval with variances pursuant to N.J.S.A. 40:55D-70(d) and N.J.S.A. 40:55D-70(c), to wit: Calendar No. Z20-042, for approval to develop a new mixed-use project containing 172 residential units (inclusive of Affordable Units), approximately 1,045 sq. ft. of retail space and 111 parking spaces (initially 105 parking spaces) in two (2), five-story buildings, and the rehabilitation of two (2) historically significant four (4) story three-family dwellings located at 62-64 Storms Avenue and the development of a Public Park as described herein with regard to the property located at 199-201 Summit Avenue, 62-64 Storms Avenue, 203 and 207 Summit Avenue, 46 Storms Avenue, and 1 through 9 Ingwerson Place, Jersey City, New Jersey, and which is also identified as Block 15201, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 18, 19, 53, 64, 65, 66 and 89 on the Official Tax Map of the City of Jersey, subject to the following conditions:

1. No change to the site design shall be permitted without consultation with and approval by planning staff.
2. All testimony given by the applicant and their expert witnesses in accordance with this application shall be binding.
3. The Applicant shall address and comply with all Jersey City Review Agent comments as

part of resolution compliance.

4. All street trees/landscaping shall be installed in accordance with 345-66 and the City's Forestry Standards, prior to an issuance of a certificate of occupancy.
5. Copies of the memorialized resolutions with amended deeds shall be filed with the Hudson County Register's Office with proof of such filing to be submitted to the Division of City Planning prior to application for construction permits.
6. With the exception that all Affordable Units shall be affordable to households of moderate income, the Applicant shall comply with the rules and regulations of Jersey City Municipal Code, Chapter 188 – Housing Accommodations and Affordable Housing Compliance.
7. The Applicant shall enter into an Affordable Housing Agreement, as approved by the Division of Affordable Housing, prior to the issuance of the first certificate of occupancy.
8. Regarding the improvements to Ingwerson Place right-of-way, the applicant shall apply for a franchise ordinance prior to an issuance of a certificate of occupancy. The details of the franchise ordinance shall include the continued maintenance of the Ingwerson Place improvements. The franchise ordinance shall include the continued maintenance of the Ingwerson Place improvements in perpetuity.
9. Regarding the publicly accessible but privately-owned open space, the Applicant shall enter into a written easement, access and maintenance agreement in favor of the City of Jersey City prior to an issuance of a certificate of occupancy. The details of the rights of access to the easement area and other rights and limitations shall be provided in the agreement and the agreement shall be in the form of a Deed and recorded with the Register of Deeds of Hudson County.
10. The Applicant shall revise the plans to amend the total parking garage count from 105 stalls to 111 stalls.
11. The Applicant shall revise the plans to include the 2-brick color scheme.
12. The Public Park shall be maintained by the developer/property owner in perpetuity. The developer/owner shall also work with the Jersey City Parks Department to establish appropriate rules and regulations for the use of the Public Park.
13. The Applicant shall provide one (1) garage parking space within the Project to the 50 Storms Avenue (Block 15201, Lot 10) property owner at the Applicant's sole cost and expense. The franchise ordinance shall include and memorialize this condition.

APPLICANT: 199 SUMMIT AVE., LLC

FOR: PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH "C"
AND "D" VARIANCES
199-201 SUMMIT AVENUE
62-64 STORMS AVENUE
203 AND 207 SUMMIT AVENUE
46 STORMS AVENUE
1 THROUGH 9 INGWERTSON PLACE
JERSEY CITY, NEW JERSEY
BLOCK 15201, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 18, 19, 53, 64, 65, 66
AND 89

CASE NO.: Z20-042

VOTE: 7-0

COMMISSIONER:	YES	NO	ABSTAIN	ABSENT
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Joshua Jacobs, Chairman	X
Kate Donnelly, Vice-Chairman	X
Richard J. McCormack, Commissioner	X
Lenora Brown, Commissioner	X
Sonia Araujo, Commissioner	X
Bhaves Patel, Commissioner	X
Kim B. Greene, Commissioner	X



Josh Jacobs (Jun 29, 2021 09:33 EDT)

JOSHUA JACOBS, CHAIRMAN
JERSEY CITY ZONING BOARD

Lindsey Sigmund

LINDSEY SIGMUND, SECRETARY
JERSEY CITY ZONING BOARD

APPROVED AS TO LEGAL FORM:


Vincent LaPaglia (Jun 29, 2021 09:48 EDT)
VINCENT LAPAGLIA, ESQ.

DATE OF HEARING:
DATE OF MEMORIALIZATION:

April 22, 2021 & May 27, 2021
June 24, 2021