

**RESOLUTION OF THE ZONING BOARD OF THE CITY OF JERSEY CITY APPROVING  
AN EXTENSION OF FINAL MAJOR SITE PLAN APPROVAL**

**APPLICANT:**           **PATEL INDO PAK GROCERY, INC.**

**FOR:**                   **EXTENSION OF MINOR SITE PLAN APPROVAL WITH "c" AND "d"**  
                              **VARIANCES**  
                              **10-12 BERKELEY PLACE, JERSEY CITY, NEW JERSEY**  
                              **BLOCK 7801, LOTS 9 AND 10**

**CASE NO.:**           **Z22-007**

**WHEREAS**, the Applicant, **PATEL INDO PAK GROCERY, INC. (the "Applicant")**, per **Connell Foley, LLC**, (Thomas P. Leane, Esq., appearing) made application to the Zoning Board of the City of Jersey City, County of Hudson and State of New Jersey, for a one-year extension of its protections pursuant to N.J.S.A. 40:55D-52.a of its Final Major Site Plan Approval with variances pursuant to N.J.S.A 40:55D-70(d) (use) to wit: Calendar No. Z19-057, for the purpose of constructing a new four (4) story multi-family residential building with twelve (12) dwelling units and seven (7) interior parking spaces, with regard to the property located at 10-12 Berkeley Place, Jersey City, New Jersey, and identified on the Jersey City Tax Maps as Block 7801, Lots 9 and 10; (the "Property"), which is located within the R-1 One and Two Family Housing zoning district and is governed by the regulations found within the Jersey City Land Development Ordinance (the "JC LDO"); and

**WHEREAS**, the Jersey City Zoning Board granted Preliminary and Final Major Plan approval with a "d" variance Case No. Z19-057 on September 24, 2020 and memorialized by way of resolution on October 22 2020; and

**WHEREAS**, under the Municipal Land Use Law (the "MLUL") the vesting period for the Final Major Site Plan Approval will remain in effect until October 22, 2022; and

**WHEREAS**, Section 52(a) of the MLUL (N.J.S.A. 40:55D-52.a) and Section 345-24(E)(1) of the Jersey City Land Development Ordinance (the "Ordinance") authorizes the Zoning Board to up to three (3) discretionary one-year extensions; and

**WHEREAS,** Applicant has requested a one-year extensions for the Final Major Site Plan approval obtained under Case Z19-057, extending the statutory protection until October 22, 2023; and

**WHEREAS,** Applicant has submitted proof that it has complied with the applicable procedure requirements including the payment of fees under the Ordinance and the Plan; and

**WHEREAS,** it appears that due notice of a hearing on the above said application before the Zoning Board of the City of Jersey City, on March 24, 2022 at 6:30 p.m., was duly published as prescribed in the JC LDO, the Senator Byron M. Baer Open Public Meetings Act and the Municipal Land Use Law ("MLUL"); and

**WHEREAS,** the Board has heard and considered the evidence presented by Applicant in support of the within application including a letter from Applicant to the Division of City Planning dated February 9, 2022 and the comments and recommendations of Planning Staff; and

**WHEREAS,** having considered the within application, all supporting documents, the sworn testimony in support of the application, and the comments and recommendations of Planning Staff, the Zoning Board of the City of Jersey City hereby makes the following findings of fact and conclusions therein:

#### **FINDINGS OF FACT**

1. All the Recitals hereinabove set forth are incorporated herein by reference and all the exhibits, drawings and documents, including the Applicant's letter dated February 9, 2022 outlining Applicant's request for an extension and the City planner's testimony and reports, if any, are hereby incorporated by reference.

2. The Property which is located within the R-1 One and Two Family Housing zoning district and is governed by the regulations found within the JC LDO.

3. The Applicant received Final Major Site Plan Approval to construct a new four (4) story, multi-family residential building with twelve (12) dwelling units and seven (7) off-

street parking spaces (the "Project") on the Property. The variances granted related to the use and attendant bulk variances associated with the proposed use.

4. The Zoning Board approved Case No. Z19-057 on September 24, 2020 and memorialized by way of resolution on October 22, 2020. Effectively, the approval will expire on October 22, 2022 due to the attached variance relief.

5. By way of letter dated February 9, 2022, Applicant requested that statutory protections for the Final Major Site Plan Approval obtained under Case Z19-057 be extended for one (1) year from October 22, 2022 to October 22, 2023 pursuant to N.J.S.A. 40:55D-52(a) and Section 345-24(E)(1) of the JC LDO.

6. Section 52(a) of the MLUL (N.J.S.A. 40:55D-52.a) and Section 345-24(E)(1) of the Jersey City Land Development Ordinance (the "Ordinance") authorizes the Zoning Board to grant up to three (3) discretionary one (1) year extensions of the protections.

7. Pursuant to N.J.S.A. 40:55D-52(c) an application may be made for extension after the initial two-year period has ended, but in that event the date from which the extensions shall be the date on which the initial two-year period expired.

8. The Applicant has met the procedural requirements of the Ordinance including the payment of fees, and in all other respects the application conforms to the requirements of the Ordinance, the Plan and the Municipal Land Use Law for extension of a Final Major Site Plan approval.

**NOW, THEREFORE, BE IT RESOLVED** that the Zoning Board of the City of Jersey City, County of Hudson and State of New Jersey, for the foregoing reasons, as well as those reasons stated on the record herein, which reasons are incorporated herein by reference, hereby extends the statutory protections for Final Major Site Plan granted under Case No. Z19-057 be extended for the period of one-year to October 22, 2023 subject to any conditions as stated on the record.

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**APPLICANT:**            **PATEL INDO PAK GROCERY, INC.**


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**VARIANCES**  
**10-12 BERKELEY PLACE, JERSEY CITY, NEW JERSEY**  
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**CASE NO.:**            **Z22-007**

**VOTE:**                   **7-0**

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COMMISSIONER:	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Kate Donnelly, Acting Chairwoman	X			
Sonia Araujo, Commissioner	X			
Ahmed Shedeed, Commissioner	X			
Lenora Brown, Commissioner	X			
Bhaves Patel, Commissioner	X			
Kim B. Greene, Commissioner	X			
Catherin Coyle, Commissioner	X			

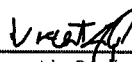
  
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Josh Jacobs (Apr 8, 2022 12:17 EDT)

JOSHUA JACOBS, CHAIRMAN  
JERSEY CITY ZONING BOARD

  
\_\_\_\_\_  
Lindsey Sigmund (Apr 8, 2022 10:05 EDT)

LINDSEY SIGMUND, SECRETARY  
JERSEY CITY ZONING BOARD

APPROVED AS TO LEGAL FORM:

  
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Vincent LaPaglia (Apr 20, 2022 09:45 EDT)

VINCENT LaPAGLIA, ESQ.

DATE OF HEARING:  
DATE OF MEMORIALIZATION:

March 24, 2022  
April 7, 2022