

RESOLUTION OF THE PLANNING BOARD OF THE CITY OF JERSEY CITY

APPLICANT: 165 NEWARK AVENUE FEE LLC
FOR: EXTENSION OF PRELIMINARY AND FINAL MAJOR SITE PLAN
APPROVAL WITH DEVIATIONS
163-165 NEWARK AVENUE, JERSEY CITY, NJ
BLOCK 12704, LOT 15
CASE NO.: P23-009

WHEREAS, the applicant, 165 Newark Avenue Fee LLC, (the "Applicant"), per Connell Foley LLP, (James C. McCann, Esq., appearing) made application to the Planning Board of the City of Jersey City, County of Hudson and State of New Jersey, for a one (1) year extension of Preliminary and Final Major Site Plan Approval for a mixed-use project at 163-165 Newark Avenue, Block 12704, Lot 15 on the official tax map of the City of Jersey City (the "Property"); and

WHEREAS, the Applicant has submitted proof that it has complied with the applicable procedural requirements including the payment of fees under the Jersey City Land Development Ordinance ("LDO"); and

WHEREAS, the public hearing was conducted virtually utilizing the Zoom service in accordance with the "Senator Byron M. Baer Open Public Meetings Act" of 2020, which permits a public body to conduct a meeting electronically during a state of emergency. Governor Murphy issued Executive Orders 103 and 107 declaring a "Public Health Emergency and State of Emergency" and directing residents to quarantine and practice social distancing; and

WHEREAS, the Applicant is the owner of the Property;

WHEREAS, the Property is located in the Newark Avenue Downtown Redevelopment Plan and is subject to the requirements thereof;

WHEREAS, the Planning Board granted Preliminary and Final Major Site Plan Approval memorialized by Resolution dated October 15, 2019 ("Approval") for a mixed-use project to contain fifty-one (51) dwelling units and approximately 11,697 square feet of commercial space to be completed in two (2) phases (the "Project");

WHEREAS, the Planning Board granted an Extension of Approval memorialized by Resolution dated March 22, 2022 confirming that the Approval qualified for an extension of the vesting period to January 9, 2023 pursuant to the Permit Extension Act of 2020 (N.J.S.A. 40:55D-136.7 et. seq.);

WHEREAS, by letter application dated January 11, 2023 (the "Application"), the Applicant has requested that the vesting period for the Approval be extended for one (1) year from January 9, 2023 to January 8, 2024;

WHEREAS, Section 52(a) of the Municipal Land Use Law (N.J.S.A. 40:55D-52(a)) ("MLUL") authorizes the Planning Board to grant up to three (1) year extensions of the Approval where the Applicant has followed standards prescribed in the Approval;

WHEREAS, the Board has heard and considered the evidence presented by Applicant in support of the Application and the comments and recommendations of Planning Staff; and

WHEREAS, having considered the Application, all supporting documents, the sworn testimony in support of the Application, and the comments and recommendations of Planning Staff, the Board hereby makes the following findings of fact and conclusions therein:

FINDINGS OF FACT

1. All Recitals hereinabove set forth are incorporated herein by reference and all the exhibits, documents, including the Application and the City planner's comments and reports, if any, are hereby incorporated by reference.
2. The Property is in the Newark Avenue Downtown Redevelopment Plan.
3. The Applicant is the owner of the Property.
4. The Property contains an existing two and a half story masonry building which is occupied by a commercial tenant with an ongoing business.
5. The Applicant received the Approval which was memorialized by Resolution dated October 15, 2019.
6. The Project is a combination of new construction and rehabilitation of existing facades on Newark Avenue and Barrow Street.
7. The Approval qualified for an extension of the vesting period under the Permit Extension Act of 2020 (N.J.S.A. 40:55D-136.7 et. seq.) to January 9, 2023 which was memorialized by Resolution dated March 22, 2022.
8. The Project was approved in two phases so the commercial tenant could remain in occupancy during construction, it being the intention of the Applicant that upon completion of Phase 1, the commercial tenant located in the Phase 2 section of the existing building would move into the new commercial space in Phase 1. The Applicant would then complete Phase 2 of the Project so the two phases function as a unified structure.
9. The Applicant has proceeded with due diligence to develop the Project in accordance with the Approval; however, the phased construction has been stalled.
10. Due to the age and condition of the building the Applicant has been advised that it may not be safe to allow a commercial tenant to operate in the Phase 2 section of the existing building while the Phase 1 section is under construction. The Applicant continues to investigate the

situation and the Applicant is working with the commercial tenant so construction can commence and the Applicant can develop the Project in accordance with the Approval.

11. The Applicant has requested that the vesting period for the Approval be extended for one (1) year from January 9, 2023 to January 8, 2024.
12. Section 52(a) of the MLUL (N.J.S.A. 40:55D-52(a) authorizes the Planning Board discretion to grant three one (1) year extensions of the Approval where the Applicant following standards prescribed in the Approval.
13. This is the Applicant's first request for an extension under the MLUL.
14. The Board finds that the Applicant has met the criteria within N.J.S.A. 40:55D-52(a).
15. The Applicant has met the procedural requirements of the LDO and the MLUL, including payment of fees; and in all other respects the Application conforms to the requirements of the LDO and MLUL for a one (1) year extension of the Preliminary and Final Major Site Plan Approval with Deviations from January 9, 2023 to January 8, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Planning 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 confirms that pursuant to Section 52(a) of the MLUL, the vesting period of the Approval remains in effect through January 8, 2024.


All conditions of the October 15, 2019 Resolution Granting Preliminary and Major Site Plan Approval with Deviations not satisfied as of the date hereof remain in full force and effect.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

RESOLUTION
City of Jersey City
Planning Board
In the Matter of 165 NEWARK AVENUE FEE LLC
P23-009
Decided on: April 4, 2023

Memorialized on April 25, 2023
Application for Extension of Preliminary/Final Major Site Plan Approval with Deviations


DATE OF HEARING:	April 4, 2023
VOTE:	5-0
VOTING IN FAVOR: COMMISSIONERS	1. Chairman, Christopher Langston 2. Commissioner Edwardo Torres, 3. Commissioner Vidya Gangadin 4. Commissioner Dr. Vijay Desai 5. Commissioner Steve Lipski
VOTING AGAINST:	NONE
ABSTAINING:	NONE


Christopher Langston (Apr 26, 2023 15:34 EDT)


CHRISTOPHER LANGSTON, Chairman
JERSEY CITY PLANNING BOARD

APPROVED AS TO LEGAL FORM:

DATE OF MEMORIALIZATION:


Cameron Black (Apr 26, 2023 10:58 EDT)

CAMERON BLACK, Secretary
JERSEY CITY PLANNING BOARD


Santo T. Alampi (Apr 26, 2023 10:49 EDT)

SANTO T. ALAMPI, ESQ.
JERSEY CITY PLANNING BOARD

April 25, 2023

Digitally Signed