

- DIVISION OF CITY PLANNING  
1 Jackson Square  
JERSEY CITY, NJ 07302  
TEL: 201.547-5010  
FAX: 201.547.4323

# Receipt of Documents

This will serve to confirm that on, January 11, 2021, the Division of City Planning was in receipt of documents filed by Alex J. Gluck, for:

**Application for Site Plan Amendment  
Approval with "c" and "d" variances  
226 Bay St  
Block 11403, Lot 25**

The land use review staff of the Division will review this submission for compliance with the City's requirements under the Zoning Ordinance and other applicable ordinances.

You will be notified within 45 days of the date listed above if the documents provided constitute a valid application. You will also be notified within this time period of the planning and zoning issues staff believes are relevant to the proposed Project, as well as our proposed recommendations to the Planning Board or Zoning Board of Adjustment.

We endeavor to reduce the statutorily allowed 45 day review period to the absolute minimum we need to certify the validity of your submittal. Please be informed that pursuant to NJSA 40:55D-10.3., and Chapter 345-22 through 345-25 of the Jersey City Code; your case cannot and will not be scheduled for a hearing date until the documents are determined to be a valid application and it is deemed complete by the Director of the Division of City Planning. **Please do not advertise or mail notice for a public hearing on this case until you are given a calendar date for the hearing by this office.** Mailing such notice without a scheduled date only serves to confuse and sometimes anger the members of the public who receive such notices.

If there are any questions in this regard, please direct them to the following personnel:

Planning Board: Matt Ward, 201-547- 5010

Zoning Board of Adjustment, Tanya Marione, 201-547-5488

If there are any problems or complaints about the manner in which your application is being processed, please direct your call to Maryann Bucci-Carter, Supervising Planner at 547-4499.

Signature of Staff Member Receiving Documents: \_\_\_\_\_

Signature of Person Filing Documents: \_\_\_\_\_

  
Alex J. Gluck, Esq.

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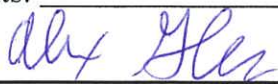
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Signature of Staff Member Receiving Documents: \_\_\_\_\_

Signature of Person Filing Documents:   
Alex J. Gluck, Esq.





Connell Foley LLP  
Harborside 5  
185 Hudson Street, Suite 2510  
Jersey City, NJ 07311  
P 201.521.1000 F 201.521.0100

Alexander J. Gluck  
Associate  
agluck@connellfoley.com

January 11, 2021

**VIA E-MAIL AND FEDEX #**

Attn: Tanya Marione, Director  
Jersey City Division of Planning  
City of Jersey City, City Hall Annex  
1 Jackson Square a/k/a 360 MLK Drive  
Jersey City, NJ 07305-3717

**Re: 226 Bay St, Block 11403, Lot 25  
Jersey City, New Jersey  
226 Bay St LLC  
Application for Site Plan Amendment**

Dear Ms. Marione:

Please be advised this office represents 226 Bay St LLC (the "Applicant"). Applicant is the owner of 226 Bay Street, also known as Block 11403, Lot 25 on the Official Tax Map of the City of Jersey City (the "Property"). The Property is located within the R-2, Multi-Family zone district ("R-2 Zone") and is subject to the requirements of the Jersey City Land Development Ordinance (the "JC LDO").

The Property is a conforming lot of 2,500 square feet that is currently improved with a two story, two-family residential building. Applicant was approved to construct a new four (4) story, four (4) unit residential building, by way of Resolution Z19-108, which was memorialized on August 27, 2020 (the "Original Approval").

Applicant now seeks site plan amendment approval to remove the cellar level, relocate all meter rooms and utility spaces to the first floor, and simplify the crown cornice (the "Amendments"). The Zoning Board of Adjustment has jurisdiction because the Original Approval had a "d" variance.

Please allow this letter to serve as Applicant's request for Site Plan Amendment approval. In conjunction with the Project, Applicant requests that the Board grant any necessary variances from the JC LDO pursuant to N.J.S.A. 40:55D-70, as well as any additional approvals, permits, variances, deviations, interpretations, waivers or exceptions reflected in the plans and materials filed (as same may be amended or revised from time to

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Roseland

Jersey City

Newark

New York

Cherry Hill

Philadelphia

[www.connellfoley.com](http://www.connellfoley.com)

time without further notice) or determined to be necessary during the review and processing of this application.

The variances in the Original Approval consisted of developing a new five (5) story multi-family attached building with four (4) residential units, and four (4) ground floor parking spaces with a proposed principal use of residential units on the 2<sup>nd</sup> floor to the 5<sup>th</sup> floor, with parking on the 1<sup>st</sup> floor. The Amendments will not alter any of the previously approved variances and no new variances are proposed.

Please find attached the following as a supplement to the above-referenced requests:

1. Two (2) General Development receipts;
2. One (1) original completed and executed General Development Application (the "Application");
3. One (1) set of architectural and civil site plans prepared by Hampton Hill Architecture (Min W. Kil) dated December 11, 2020, containing 14 pages including Property pictures for your review;
4. One (1) copy of signed Resolution Z19-108;
5. Letter from Hampton Hill Architecture dated December 23, 2020 describing Proposed Amendments in detail;
6. One (1) copy of a draft notice to be distributed by mail and posted within the Jersey Journal pursuant to N.J.S.A. 40:55D-12;
7. Executed Affidavit of Performance;
8. Ownership Disclosure Statement;
9. 200' property owners list dated April 30, 2020 (new list has been requested);
10. Check in the amount of \$150 made payable to the City of Jersey City, representing the application deposit;
11. Check in the amount of \$250 made payable to Precision Reporting.

Please note that the following will be submitted under separate cover: additional Site Plans to comply with the requirements of the General Development Application Checklist; letter of rejection from the City Zoning Officer; Certificate of Taxes Paid; an affidavit pursuant to N.J.S.A. 40:55D-12; and the remaining application balance will be submitted under separate cover. Applicant requests waivers from the Checklist Requirement to provide a Certificate of Water Bills Paid. If you have any questions regarding this application, please do not hesitate to contact the undersigned.

Very truly yours,

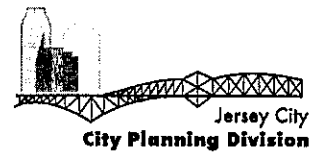


Alex J. Gluck

AJG/jca  
Enclosures



# CITY OF JERSEY CITY GENERAL DEVELOPMENT APPLICATION ("GDA")



1 Jackson Square, 2<sup>nd</sup> floor, Jersey City NJ 07305 | P:201-547-5010 | cityplanning@jcnj.org

## THIS SECTION TO BE COMPLETED BY CITY STAFF ONLY

Intake Date:

Application No.

Date Validated as an Application for Development:

Date Deemed Complete:

### 1. SUBJECT PROPERTY

Address: 226 Bay StreetBlock & Lots: 11403 / 25Ward: E

### 2. BOARD DESIGNATION

☐ Planning Board☒ Zoning Board of Adjustment

### 3. APPROVALS BEING SOUGHT

<input type="checkbox"/> Conceptual Plan/Informal Review	<input checked="" type="checkbox"/> "c" variance(s)/Deviation	<input type="checkbox"/> "A" appeal
<input type="checkbox"/> Minor Site Plan	<input checked="" type="checkbox"/> (d) variance(s): use, density, etc.	<input type="checkbox"/> Waiver of Site Plan Requirements
<input type="checkbox"/> Preliminary Major Site Plan	<input type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Interpretation ("B" appeal)
<input type="checkbox"/> Final Major Site Plan	<input type="checkbox"/> Prelim. Major Subdivision	<input checked="" type="checkbox"/> Site Plan Amendment
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Final Major Subdivision	<input type="checkbox"/> Other (fill in) _____

### 4. PROPOSED DEVELOPMENT

Name &amp; Nature of Use (describe project)

The Applicant was approved for a four (4) story multi-family residential building with four (4) residential units and a roof deck. The Applicant is now proposing amendments to the project to remove cellar level, relocating all meter rooms and utility spaces to the first floor, and simplifying the crown cornice. See letter dated December 23, 2020 from Hampton Hill Architecture describing the proposals for amendments in greater detail.

### 5. VARIANCE/ DEVIATION NOTES

Sections of the Land Development Ordinance or Redevelopment Plan from which relief is requested (List Variances/Deviations):

Minimum rear yard, maximum building height; building coverage, number of off-street parking spaces, and density.

Applicant's reasons for the Planning Board or Board of Adjustment to grant relief:

The benefits outweigh any substantial detriments. See Principal Points Statement for additional reasoning.

### 6. APPLICANT

226 Bay St LLC

Applicant's Name

201-491-9696

Phone

Fax

226 Bay Street

Street Address

Jersey City N.J.

City

State

07302

Zip

RMG733@gmail.com

e-Mail address

**7.  
OWNER**

Same as applicant

<hr/> Owner's Name		<hr/> Street Address	
<hr/> Phone	<hr/> Fax	<hr/> City	<hr/> State <hr/> Zip
<hr/>		<hr/> e-mail address	

**8.  
APPLICANT'S  
ATTORNEY**

<hr/> Charles J. Harrington, III, Esq.		<hr/> 185 Hudson Street, Suite 2510	
<hr/> Attorney's Name		<hr/> Street Address	
<hr/> Connell Foley LLP		<hr/> Jersey City,    New Jersey    07311	
<hr/> Firm's Name		<hr/> City      State      Zip	
<hr/> 201-521-1000	<hr/> 201-521-0100	<hr/> charrington@connellfoley.com	
<hr/> Phone	<hr/> Fax	<hr/> e-mail address	

**9.  
PLAN  
PREPARERS**

<hr/> Engineer's Name & License Number		<hr/> Street Address	
<hr/> Firm's Name		<hr/> City      State      Zip	
<hr/> Phone	<hr/> Fax	<hr/> e-mail address	

<hr/> Surveyor's Name & License Number		<hr/> Street Address	
<hr/> Firm's Name		<hr/> City      State      Zip	
<hr/> Phone	<hr/> Fax	<hr/> e-mail address	

<hr/> Charles Heydt, PP		<hr/> 55 Lane Road, Suite 220	
<hr/> Planner's Name & License Number		<hr/> Street Address	
<hr/> Dresdner Robin		<hr/> Fairfield      NJ      07004	
<hr/> Firm's Name		<hr/> City      State      Zip	
<hr/> 973-384-1071		<hr/> CHeydt@dresdnerrobin.com	
<hr/> Phone	<hr/> Fax	<hr/> e-mail address	

<hr/> Min W. Kil    #21A101985300		<hr/> 87 Williams Avenue	
<hr/> Architect's Name & License Number		<hr/> Street Address	
<hr/> Hampton Hill Architecture		<hr/> Jersey City    N.J.      07304	
<hr/> Firm's Name		<hr/> City      State      Zip	
<hr/> 201-918-6842		<hr/> minwkil@msn.com	
<hr/> Phone	<hr/> Fax	<hr/> e-mail address	

**10.**  
**SUBJECT**  
**PROPERTY**  
**DESCRIPTION**

Site Acreage (square footage and dimensions):

2500 sf sf 25 x 100 (dimensions)

Zone District(s):

R-2; Multi-Family Attached

Present use: Two family home

Redevelopment Area:  
Historic District:

N/A

Check all that  
apply for present  
conditions:
☒ Conforming Use  
☒ Conforming Structure  
☐ Vacant Lot

☐ Non-Conforming Use  
☐ Non-Conforming Structure

What is your FEMA flood zone and base flood elevation (BFE)?:

Zone X / Area of Minimal Flood Hazard

Check all that Apply:

☐ Application for a new building on  
undeveloped tract

☐ Application for new use of  
existing building

☐ Application for use of a  
portion of a building

Is the subject building or property on the list of properties eligible for the Historic Register?

☐ yes ☒ no
Is demolition proposed? ☐ yes ☐ no If yes, is building 150+ years old? ☐ yes age: \_\_\_\_\_ ☒ no

Number of New Buildings: One (1)

Height table:	Existing		Proposed	
	Stories	Feet	Stories	Feet
Building	2	25' approx.	4	42' - 3 3/4"
Addition/Extension				
Rooftop Appurtenances				
Accessory Structures				

Square Footage of applicable building(s) for this project by use:		
Residential	7,424	sf
Retail		sf
Office		sf
Industrial		sf
Parking Garage		sf
Other		sf
TOTAL:	7,424	sf

Number of dwelling units (if applicable):		
Studio	0	units
1 bedroom	0	units
2 bedroom	0	units
3 bedroom	4	units
4+ bedroom	0	units
TOTAL:	4	units

Number of lots before subdivision:	N/A
Number of lots after subdivision:	N/A

% of lot to be covered by buildings:	78%	%
% of lot to be covered by buildings & pavement:	80	%
Gross floor area (GFA):	7,424	sf
Floor Area Ratio (FAR):	3.0:1	

# 11. PARKING & SIGNAGE

Number of parking spaces & dimensions: number: 0 / Dimensions: \_\_\_\_\_  
 Number of loading spaces & dimensions: number: \_\_\_\_\_ / Dimensions: \_\_\_\_\_

Number of Signs: N/A  
 Height of monument and/or pylon signs: N/A

# 12. INFRA- STRUCTURE

<b>WATER</b>		
Is public water being extended to the tract and/or reused? If yes, specify size and material.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Size		
Material		
Does the existing water service have a curb stop?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is there existing combined fire/domestic service?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is there existing domestic service only?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is new water service being proposed?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is there new combined fire/domestic service?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is there new domestic service only?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>SEWER</b>		
Is existing sewer service proposed to be reused? If yes, specify size and material.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Size		
Material		
Will there be sewer curb cleanout?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are minimum slope requirements satisfied as per National Standard Plumbing Code?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is new sewer service proposed?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are storm drains proposed?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are any new streets or utility extensions proposed?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>MISC</b>		
Are existing streets being widened	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are utilities underground	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is site in a flood plain?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is soil removal or fill proposed? If yes, specify total in cubic yards.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No -150 cy _____
Are any structures being removed?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the application for additional buildings and/or improvements to a tract having existing buildings and/or improvements?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the property within 200 feet of an adjacent municipality? If yes, which?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Municipalities:		
Is the property on a County Road?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there deed restrictions, covenants, and/or easements affecting the tract? If yes, attach 2 copies.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any performance guarantees and/or maintenance agreements with the City Council? If yes, attach 2 copies.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No



**13.  
TYPE OF  
DEVELOPMENT**

<b>REQUIRED FOR ALL DEVELOPMENT APPLICATIONS</b>	<b>Total number of new residential units created</b>	<b>Total number of affordable housing units* created</b>	<b>Total number of residential units demolished</b>
New structure containing residential units	4	0	0
Conversion from a non-residential structure to a structure containing residential units	0	0	0
Conversion from market rate housing units to NJ COAH defined affordable housing units	0	0	0

\*According to NJ COAH definitions at *N.J.A.C. 5:94 et seq.*

	<b>Moderate Income</b>	<b>Low Income</b>	<b>Very Low Income</b>	<b>Age Restricted</b>	<b>Rental Units</b>
<b>Number of affordable housing units created*</b>	0	0	0	0	0

\*According to NJ COAH definitions at *N.J.A.C. 5:94 et seq.*

<b>Use Group Description</b> (These descriptions are pursuant to NJ Council on Affordable Housing N.J.A.C. 5:94 Appendix E, and are for the sole purpose of calculating affordable housing obligation.)	<b>Gross Floor Area of New Construction</b>	<b>Gross Floor Area of Demolition</b>
<b>B:</b> Office buildings. Places where business transactions of all kinds occur. Includes banks, corporate offices, government offices, professional offices, car showrooms and outpatient clinics.	0	0
<b>M:</b> Mercantile uses. Buildings used to display and sell products. Includes retail stores, strip malls, shops and gas stations.	0	0
<b>F:</b> Factories where people make, process, or assemble products. F use group includes F1 and F2.	0	0
<b>S:</b> Storage uses. Includes warehouses, <u>parking garages</u> , and lumberyards. S group includes S1 and S2.	0	0
<b>H:</b> High Hazard manufacturing, processing, generation and storage uses. H group includes H1, H2, H3, H4 and H5.	0	0
<b>A1:</b> Assembly uses including concert halls and TV studios.	0	0
<b>A2:</b> Assembly uses including casinos, night clubs, restaurants and taverns.	0	0
<b>A3:</b> Assembly uses including libraries, lecture halls, arcades, galleries, bowling alleys, funeral parlors, gymnasiums and museums, but excluding houses of worship	0	0
<b>A4:</b> Assembly uses including arenas, skating rinks and pools.	0	0
<b>A5:</b> Assembly uses including bleachers, grandstands, amusement park structures and stadiums	0	0
<b>E:</b> Schools K – 12	0	0
<b>I:</b> Institutional uses such as hospitals, nursing homes, assisted living facilities and jails. I group includes I1, I2, I3 and I4.	0	0
<b>R1:</b> Hotels, motels and dormitories	0	0
<b>U:</b> Miscellaneous uses. Fences, tanks, sheds, greenhouses, etc.	0	0

#### 14. APPROVAL HISTORY

List all past approvals, denials, appeals, or other activity for the subject property. ☐ Check here if none  
If there are previous approvals, attach 2 copies of the approving resolution.

	CITY JOB/CASE NUMBER	APPROVED	DENIED	DATE
Subdivision		<input type="checkbox"/>	<input type="checkbox"/>	
Site Plan	Z19-108	<input checked="" type="checkbox"/>	<input type="checkbox"/>	August 27, 2020
Variance(s)		<input type="checkbox"/>	<input type="checkbox"/>	
Building Permit		<input type="checkbox"/>	<input type="checkbox"/>	

#### 15. FEES (see attached fee schedule)

STAFF CALCULATIONS ONLY	
Subdivision	\$
Site Plan	\$
Variance(s)	\$
<b>TOTAL DUE</b>	\$
Amount Paid	\$
<b>BALANCE DUE</b>	\$

#### 16. ATTACHMENTS

Please Attach the required additional forms and information, if applicable (see attached **FORMS** and **CHECKLISTS**)

#### 17. CERTIFICATION

I certify that the foregoing statements and the attached materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate Applicant and that I am authorized to sign the application for the Corporation or that I am a General Partner of the Partnership Applicant. I hereby permit authorized City official to inspect my property in conjunction with this application.

Sworn to and subscribed before me this date

January 8, 2021

*Alex Glia*

Signature of ~~Applicant~~  
Attorney for the Applicant,  
226 Bay St LLC

Property Owner Authorizing Application if  
other than Applicant

*Robert A. Lark*

Notary Public

#### 18. CONTACT

Jersey City Division of City Planning  
1 Jackson Square, 2<sup>nd</sup> Floor  
Jersey City NJ 07305  
P:201-547-5010  
cityplanning@jcnj.org



December 23, 2020

Re: **Proposed Plan Amendments to Zoning Board Approved Plans**  
**226 Bay Street**  
**Block: 11403, Lots: 25**  
**Case #Z19-108 (approved August 13, 2020)**

Listed below are the proposed plan amendments to this previously Planning Board approved project.

Sheet / Description		Approved	Changes	Variance
<b>T-100</b>	General Project Description & Zoning Analysis	Included cellar level	Upon further sub-surface investigation, constructing a cellar would involve significant structural work	No
<b>A-100</b>	Floor Plans	Included cellar level with all utility meters rooms and storage rooms	Cellar level has been omitted from the plans. All meter rooms and utility spaces have been relocated to the first floor. Unit #1 has been redesigned to accommodate relocated utility rooms and closets	No
<b>A-200</b>	Front Elevation	Crown cornice included detailed scroll brackets and mouldings	Crown cornice has been simplified with less intricate backboard and dentils. Line indicating cellar level has been removed.	No
<b>A-210</b>	Right Side Elevation	Cellar level reflected	Line indicating cellar level has been removed.	No
<b>A-220</b>	Crown Cornice Details	Crown cornice included detailed scroll brackets and mouldings	Crown cornice has been simplified with less intricate backboard and dentils.	No

Changes listed above have been reflected on the updated attached set. All other sheets remain unaltered.

These amendments do not change the overall area, height, nor materials of the approved project. Proposed changes are mostly associated with the cellar being removed and the front cornice design simplified.

Should you have any additional concerns or comments please feel free to contact me directly.

Sincerely,

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

**APPLICANT:** 226 BAY ST LLC

**FOR:** PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL  
WITH "c" AND "d" VARIANCES  
226 BAY STREET, JERSEY CITY, NEW JERSEY  
BLOCK 11403, LOT 25

**CASE NO.:** Z19-108

**WHEREAS**, the Applicant, **226 Bay St LLC (the "Applicant")**, per **Connell Foley, LLC**, (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 with variances pursuant to N.J.S.A 40:55D-70(d) (density) and N.J.S.A 40:55D-70(c) (minimum rear yard; maximum building height in feet; maximum building coverage; number of off-street parking spaces, front yard setback), to wit: Calendar No. Z19-108, for the purpose of developing the property with new construction of a four (4) story residential building containing four (4) residential units on the property located at 226 Bay Street, Jersey City, New Jersey, and identified on the Jersey City Tax Maps as Block 11403, Lot 25 (the "Property"); 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 August 13, 2020 at 6:30 p.m., was duly published as prescribed in the Jersey City Land Development Ordinance and the Municipal Land Use Law; 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 and the testimony presented at the meeting, the Zoning Board of Adjustment has made the following findings of fact:



### FINDINGS OF FACT

1. The Applicant, 226 Bay St LLC, filed an application with the Jersey City Zoning Board of Adjustment for Preliminary and Final Major Site Plan approval with variances pursuant to N.J.S.A. 40:55D-70(c) (minimum rear yard; maximum building height in feet; maximum building coverage; number of off-street parking spaces) and N.J.S.A. 40:55D-70(d) (density), with regard to the property located at 226 Bay Street, Jersey City, New Jersey, and also identified on the Jersey City Tax Maps as Block 11403, Lot 25 (the "Property").
2. The Property is a conforming 2,500 square foot lot, located mid-block on Bay Street between Grove Street and Eerie Street and is currently used as a two (2) family house. The Property is located in the R-2 Multi Family Attached Housing zoning district ("R-2 Zone").
3. The purpose of the application is to develop the Property with a new four (4) story residential building with four (4) residential units (the "Project").
4. In connection with the Application, the Applicant is requesting the following variances, exceptions and/or waivers from the Jersey City Land Development Ordinance ("JC LDO") in connection with this application.
  - a) A use variance pursuant to N.J.S.A. 40:55D-70(d)(1) to permit a multi-family building in the R-2 Zone;
  - b) A density variance pursuant to N.J.S.A. 40:55D-70(d)(5) to permit a four (4) unit multi-family residential building where three (3) units are permitted;
  - c) A height variance pursuant to N.J.S.A. 40:55D-70(c) from Section 345-49.D.7 of the JC LDO to permit a height of four (4) stories and 42'—3.75" where four (4) stories and 40' are permitted;
  - d) A variance pursuant to N.J.S.A. 40:55D-70(c) from Section 345-49.F. of the JC LDO to permit zero (0) parking spaces, where four (4) are required.
  - e) Variances pursuant to N.J.S.A. 40:55D-70(c)(1) for bulk variances for relief from the minimum rear yard setback, the maximum permitted building and lot coverage, and minimum required front

yard setback, if necessary; and

- f) Any additional approvals, permits, variances, interpretations, waivers or exceptions reflected in the plans and materials filed (as same may be amended or revised from time to time without further notice) or determined by the Zoning Board to be necessary during the review and processing of this application.

5. Jeff Lewis, AIA on behalf of Hampton Hill Architecture and Charles Heydt of Dresdner Robin testified on behalf of the Applicant. Both were qualified as experts in their respective fields by the Zoning Board of Adjustment.

6. Mr. Lewis testified as to the current site conditions and the Project design and the unit mix. He described the rationale for the design choices and described the materials. He further explained that there will be a green roof, as well as other green elements that will benefit the building and the surrounding neighborhood.

7. Charles Heydt of Dresdner Robin testified that the density variance may be granted because the subject property is particularly well suited to accommodate the proposed Project. The R-2 Zone does permit four (4) unit buildings for townhouse uses, and although this is not a townhouse use, the R-2 Zone contemplates this kind of density being appropriate in this zone. Further, there are several nearby buildings and approved projects that are similar in size and density to the proposed Project. Therefore, the site can accommodate the proposed density.

8. Mr. Heydt also testified that the proposed Project will create a much more desirable visual environment by following good civic design and by providing a more aesthetically pleasing streetscape.

9. Mr. Heydt testified that the positive criteria for the density and other requested variances is met for this Project because it will eliminate an unsightly existing building with hardie plank material and replace it with an attractive residential building more compatible with the character of the surrounding area and the residential zoning, thereby bringing the Property into better conformity with the intent and purpose of the zone plan.

10. The Applicant proved that the site is particularly suited for the proposed density because of the context of the neighborhood and the surrounding land uses.
11. The Applicant also proved that the requested bulk variances may be granted because the benefits of granting them outweigh any substantial detriments. The increased bulk is required to accommodate the larger, family-oriented units proposed. This unit mix is a positive criterion. There are no substantial detriments, as the neighbors will still have ample yard space and this bulk will not substantially deviate from the bulk of other buildings on the same block and in the same zoning district.
12. Although a variance is required for having zero off-street parking spaces, this variance will benefit the community who has repeatedly expressed its desire to avoid curb cuts on this street. So, the parking variance may be granted.
13. The Project will promote the purposes of the Municipal Land Use Law by guiding appropriate development of the Property, by establishing an appropriate population density that will contribute to the population's well-being and the area's character as a residential neighborhood consistent with the R-2 Zone's goals, and by creating a desirable visual environment.
14. The granting of the requested variances will be a municipal action that will guide the appropriate development of the vacant property with a multi-family building and will promote the public health, safety, and general welfare, consistent with N.J.S.A. 40:55D-2.a.
15. The Project will also establish an appropriate population density, and will contribute to the well-being of persons, the neighborhood, and community, consistent with N.J.S.A. 40:55D-2.e.
16. After consultation with neighbors and nearby community members, the Applicant change the Project to address some of their concerns, and made the following changes from the originally proposed project:
  - a. Create a partial basement, rather than a full basement with parking garage, to protect the neighbors' foundation and to remove the proposed curb cut;
  - b. Applicant agreed to create a one-foot easement on the right side alleyway to protect

neighbor's underground utilities;

- c. The ground floor will be moved one foot off the Property line to protect underground utilities and to leave them enough space to move furniture through the alleyway;
- d. Applicant reduced the overall height of the structure by one story; and
- e. Applicant agreed not to use pile driving during construction.

17. The negative criteria for granting the requested variances are satisfied because the Project will not create a substantial detriment to the general welfare because it will be consistent with the intent of the R-2 Zone.

18. In conclusion, the requested variances may be approved in that both the positive and negative criteria have been met pursuant to N.J.S.A. 40:55D-70.d(5) for the density variance wherein the subject Property is particularly well-suited to accommodate the proposed density without detrimental impact to the character of the area or the intent of the zone plan. The granting of the variances will not result in any substantial detriments to the public good, and will not substantially impair the intent and purposes of the zone plan as discussed above. The benefits of granting the variances outweigh any substantial detriments.

19. All other requested variances, including the "c" variances may be granted because the Project's benefits, as listed above, outweigh any substantial detriments associated with the Project.

20. The Jersey City Zoning Board of Adjustment concurs with the testimony presented on behalf of the Applicant and the testimony of the Division of Planning Staff. The requested variances can be approved because both the positive and negative criteria have been met pursuant to N.J.S.A. 40:55D-70.d.(5) and N.J.S.A. 40:55D-70.c. in that the resulting development promotes the general welfare by advancing the purposes of the R-2 Zone; the granting of the variances will not result in any substantial detriments to the public good, and will not substantially impair the intent and purposes of the zone plan, and the benefits of granting the variances substantially outweigh any detriment.

**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 with pursuant to N.J.S.A 40:55D-70(d) (density) and N.J.S.A. 40:55D-70(c)( minimum rear yard; maximum building height in feet; maximum building coverage; number of off-street parking spaces; front yard setback), to wit: Calendar No. Z19-108, for the purpose of developing the property with new construction of a four (4) story residential building containing four (4) residential units on the property located at 226 Bay Street, Jersey City, New Jersey, and identified on the Jersey City Tax Maps as Block 11403, Lot 25, in accordance with the plans and testimony submitted to the Zoning Board of Adjustment of the City of Jersey City in accordance with the submitted plans and testimony that are incorporated herein, 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. 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.
4. All comments from JC Engineering shall be addressed and shown on final signature plans.
5. The proposed easement 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. A copy of the memorialized resolution with amended deed shall be filed with the Hudson County Register's Office with proof of such filing to be submitted
7. The Applicant will share the results of the geotech report with the owner of 224 Bay Street and any underpinning would be in coordination with their engineer.
8. The Applicant shall continue to work with the neighbors regarding the sewer line. If needed, the Applicant would pay for the costs associated with moving the sewer line.
9. The Applicant shall not start construction prior to 8:00 am.

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APPLICANT: 226 BAY ST LLC


FOR: PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH "c" AND "d" VARIANCES  
226 BAY STREET  
JERSEY CITY, NEW JERSEY  
BLOCK 11403, LOT 25

CASE NO.: Z19-108

VOTE: 7-0

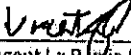
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COMMISSIONER:	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Joshua Jacobs, Chairman	X			
Richard McCormack, Commissioner	X			
Ahmed Shedeed, Commissioner	X			
Matthew Vilardo, Commissioner	X			
Anthony Mitchell, Commissioner	X			
Chester M. Rothman, Commissioner	X			
Nicholas Jayme, Commissioner	X			
Lenora Brown, Commissioner	X			

  
Joshua Jacobs (Aug 31, 2020 10:02 EDT)  
JOSHUA JACOBS, CHAIRMAN  
JERSEY CITY ZONING BOARD OF ADJUSTMENT

  
Lindsey Sigmund (Aug 31, 2020 09:00 EDT)  
LINDSEY SIGMUND, SECRETARY  
JERSEY CITY ZONING BOARD OF ADJUSTMENT

APPROVED AS TO LEGAL FORM:

  
Vincent LaPaglia (Aug 31, 2020 09:39 EDT)  
VINCENT LaPAGLIA, ESQ.

DATE OF HEARING:

August 13, 2020

DATE OF MEMORIALIZATION:

August 27, 2020

**NOTICE OF HEARING  
PURSUANT TO N.J.S.A. 40:55D-12  
FOR THE PROPERTY LOCATED AT  
226 BAY STREET, JERSEY CITY, NEW JERSEY,  
ALSO IDENTIFIED AS BLOCK 11403, LOT 25**

**PLEASE TAKE NOTICE** that on \_\_\_\_\_, 2021, at \_\_\_\_\_ pm, a public hearing will be held by the Jersey City Zoning Board of Adjustment on a live Zoom webcast regarding the application of 226 Bay St LLC (the "Applicant"), for Site Plan Amendment approval, for the property located at 226 Bay Street and described on the Tax Map of the City of Jersey City as Block 11403, Lot 25 (the "Property"). The Property is located within the R-2 Multi-Family zoning district (the "R-2 Zone") and is subject to the requirements of the Jersey City Land Development Ordinance (the "JC LDO").

The Property was approved by Resolution Z19-108 on August 13, 2020, by the Jersey City Zoning Board of Adjustment for a Preliminary and Final Major Site Plan Approval with "c" and "d" variances (minimum rear yard; maximum building height in feet; maximum building coverage; number of off-street parking spaces; density) for a four (4) story residential building containing four (4) residential units. That Original Approval was memorialized on August 27, 2020.

Applicant proposes to amend the Original Approval by removing the cellar level, relocating all meter rooms and utility spaces to the first floor, and simplifying the crown cornice (the "Amendments").

As part of the application, the Applicant is seeking any variances, exceptions and/or waivers that the Zoning Board of Adjustment shall deem necessary in connection with this application.

**Any person interested in this application will have the opportunity to address the Zoning Board of Adjustment at the Virtual meeting on \_\_\_\_\_, \_\_\_\_\_, 2021 at \_\_\_\_\_ P.M. via Zoom, a web-based video conference application, or by telephone using the following:**

<b>Zoom link to join meeting:</b>	
<b>Call-in Number and Webinar ID#:</b>	

**PLEASE TAKE FURTHER NOTICE** that application materials, including digital plans, are available on the Jersey City Data Portal by searching for the address or case number at [data.jerseycitynj.gov](http://data.jerseycitynj.gov). The City of Jersey City is utilizing the Zoom service to conduct virtual

meetings in compliance with the New Jersey Open Public Meetings Act. The link to the meeting and call-in information can be found on the City Planning website: <https://www.jerseycitynj.gov/planning>.

**MORE INFORMATION** on how to access virtual meetings, participate, provide public comment, and review agendas and digital plans and applications materials can be found on the Jersey City, Division of City Planning website at [jerseycitynj.gov/planning](https://www.jerseycitynj.gov/planning). Any person who requires technical assistance for accessing the meeting or the Applicant's plans should contact the Zoning Board of Adjustment Secretary for assistance at the phone number or e-mail listed below.

**ANY QUESTIONS** can be directed to the City Planning main line during business hours at 201-547-5010 or via email at [cityplanning@icnj.org](mailto:cityplanning@icnj.org).

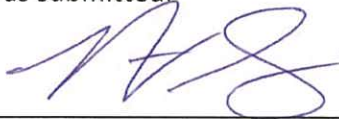
By: Charles J. Harrington, III, Esq.  
Connell Foley LLP  
Attorney for the Applicant  
226 Bay St, LLC  
(201) 521-1000



**AFFIDAVIT OF PERFORMANCE**

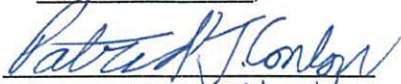
STATE OF NEW JERSEY       )  
  )ss.  
COUNTY OF HUDSON       )

I, ROBERT GARCIA, hereby certify that the Plans submitted to the Jersey City Zoning Board of Adjustment for the property located at 226 Bay Street, Jersey City, New Jersey, and also known as Block 11403, Lot 25, on the Jersey City Tax Maps, are a full and complete representation of the Site Plans and that they shall be completed as submitted.



ROBERT GARCIA  
o/b/o 226 Bay St LLC

Sworn to before me this 4  
of November, 2019

  
Notary Public      *Atty. at law*

**OWNERSHIP DISCLOSURE STATEMENT OF**

**226 BAY ST LLC**

**PURSUANT TO N.J.S.A. 40:55D-48.1**

**Subject Property:**    **226 Bay Street**  
                                 **Block 11403, Lot 25**  
                                 **Jersey City, New Jersey**

<b><u>Applicant</u></b>	<b><u>Member(s) Name and Address</u></b>	<b><u>Percentage Interest</u></b> <b><u>(10% or more)</u></b>
226 Bay St LLC	Robert Garcia	50%
225 Bay Street	Lester Garcia	50%
Jersey City, N.J. 07302		
	225 Bay St.	
	Apt. 503	
	Jersey City, NJ 07302	