

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

APPLICANT: **STORMS AVE, LLC**

FOR: **PRELIMINARY AND FINAL MAJOR SITE PLAN
APPROVAL FOR "D" VARIANCE
101 STORMS AVENUE
JERSEY CITY, NEW JERSEY
BLOCK 15003, LOT 17**

CASE NO. **Z18-127**

WHEREAS, the Applicant, **STORMS AVE, 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 a Preliminary and Final Major Site Plan Approval with a "d" variance pursuant to N.J.S.A. 40:55D-70(d) (use), to wit, Calendar No. Z18-127, to construct a four (4) story mixed-use building with ten (10) residential units (which includes one (1) ground floor, ADA compliant residential unit located at rear of the building) and ground floor retail, with regard to the property located at 101 Storms Avenue, Jersey City, New Jersey, which is also identified on the Jersey City tax maps as Block 15003, Lot 17; and

WHEREAS, due notice of a hearing before the Zoning Board of Adjustment of the City of Jersey City, on December 20, 2018, at 6:30 P.M. was duly published as prescribed in the Jersey City Land Development Ordinance ("JC LDO") of the City of Jersey City; 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, all testimony having been formally heard for this application; and

WHEREAS, after consideration of the application and the testimony presented at the meeting, and the oral and written comments and recommendations of the Division of Planning professional staff, the Zoning Board of Adjustment has made the following findings of fact:

FINDINGS OF FACT

1. The Applicant, Storms Avenue, LLC with the Jersey City Zoning Board of Adjustment for a Preliminary and Major Site Plan Approval with a “d” variance pursuant to N.J.S.A. 40:55D-70(d)(1) (use) with regard to the property located at 101 Storms Avenue, Jersey City, New Jersey, and which is also identified on the Jersey City tax maps as Block 15003, Lot 17 (“Property”). The property is located within the NC-Neighborhood Commercial Zoning District (“NC Zone”).
2. The purpose of the application is to construct a four (4) story mixed-use building with ten (10) residential units (which includes one (1) ground floor, ADA compliant residential unit located at rear of the building) and ground floor retail (“Project”). The ten (10) residential units comprise of three (3) studios, three (3) 1-bedrooms, and four (4) 2-bedrooms. The Applicant worked with the local community group and incorporated their comments into the design of the Project.
3. As part of the application, the Applicant requests the following variances, exceptions and/or waivers from the Jersey City Land Development Ordinance (“JCDO”):
 - a. A use variance to permit a ground floor residential in the NC Zone.
 - b. 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 to be necessary during the review and processing of this application.
4. As set forth in the Land Development Ordinance “The purpose of this district is to recognize the existence and importance of neighborhood business districts and promote continued efforts to strengthen and revitalize them, through public-private partnership.”
5. The Applicant requests a use variance to permit ground floor residential located at the rear of the building. The ground floor of the Project contains a 470 square foot commercial space facing the street, a residential lobby, bicycle storage, package room, stairwell and a rear ADA compliant one (1) bedroom, 814 square foot residential unit. The Project does not have an elevator, only stairs. Thus, in order to accommodate disabled individuals, it is necessary to have a ground floor ADA compliant residential unit. The neighboring properties on the block are mainly multi-family or one and two family homes, so ground floor residential fits into the character of the surrounding neighborhood. Also, while ground floor residential is not permitted

in this area of the NZ Zone, the Zone does permit Ground floor residential on lots having frontage on Sixth Street between Brunswick and Division Streets, on Seventh Street between Brunswick Street and Newark Avenue, or on Division Street between Sixth and Eighth Streets. Therefore, the benefits of providing an ADA compliant ground floor unit outweigh any substantial detriments and the variance can be granted, accordingly.

6. Additionally, this Property is somewhat different than the typical properties that are located within the NC Zone. The other NC Zone properties predominately front along Central Avenue, Newark Avenue, McGinley Square, West Side Avenue, Communipaw Avenue, and Lower John F. Kennedy Boulevard. However, this Property is located along Storms Avenue, and is slightly off the major arterial roads of McGuinley Square (Bergen Avenue, Monticello Avenue, Fairmont Avenue and Montgomery Avenue). Accordingly, the Applicant is proposing a use that is particularly suited for this property at the ground floor level). Nevertheless, the intent of the Ordinance is still satisfied inasmuch as there will be retail/commercial presence at the front of the building, but the less intensive residential use will be at the rear of the property. Therefore, the application meets positive criteria inasmuch as the property and the building is particularly suited for the additional residential use at the ground floor level. There will not be any substantial detriments to the Zone Plan or the Jersey City Land Development Ordinance (JC LDO) because the intent of the JC LDO is still being met by having retail/commercial frontage along Storms Avenue in McGuinley Square. For the foregoing reasons, the request for the use variance can be granted.

7. In conclusion, the proposed and requested variance is appropriate for the development of the property and will benefit the immediate neighborhood and will promote the general welfare, and the Applicant will be subject to a hardship if required to strictly comply with the zoning standards. The development will also promote a desirable visual environment by developing a creative and appropriate in-fill development and a mixed use appropriate for the neighborhood. Lastly, the proposed variances will not cause any substantial detriments to the public good, or impairment to the intent and propose of the Jersey City Zoning Plan or the Jersey City Land Development 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, approves the within application for a Preliminary and Final Major Site Plan Approval with a "d" variance

pursuant to wit, Calendar No. Z18-127, to construct a four (4) story mixed-use building with ten (10) residential units (which includes one (1) ground floor, ADA compliant residential unit located at rear of the building) and ground floor retail, with regard to the property located at 101 Storms Avenue, Jersey City, New Jersey, which is also identified on the Jersey City tax maps as Block 15003, Lot 17; in accordance with the plans and testimony, submitted to the Jersey City Zoning Board of Adjustment of the City of Jersey City, subject to the following conditions:

1. The revised plans shall be submitted showing incorporation of the Jersey City's Municipal Utilities Authorities' comments and the Division of Engineering's Comments.
2. The Applicant shall reduce the rear of the building by three (3) feet, six (6) inches on floors two (2) - four (4) to comply with the rear yard setback.
3. The Applicant shall reduce the rear yard balconies to a maximum of fifty percent (50%) of the width of the building.
4. The interior of the building shall be amended accordingly.
5. The revised plans shall be submitted to the Division of Planning for signature.
6. The Architect of record shall submit a signed and sealed affidavit confirming that the final building was constructed as approved, prior to issuance of the Certificate of Occupancy.
7. All materials and color selections shall be shown on Final Plans. No change to the façade and site design, including materials as well as changes that may be required by the Office of Construction Code, shall be permitted without consultation with and approval by planning staff.
8. The engineer of record shall submit a signed and sealed affidavit confirming that the final building's green roof and storm water detention was constructed as approved prior to issuance of the Certificate of Occupancy.
9. All testimony given by the applicant and their expert witnesses in accordance with this application shall be binding.
10. All street trees and landscaping shall be installed in accordance with 345-66 and the City's Forestry Standards, prior to an issuance of a Certificate of Occupancy.

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VOTE: 7-0

COMMISSIONER:	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Joshua Jacobs, Chairman	X
Kate Donnelly, Vice Chairwoman	X
Richard J. McCormack, Commissioner	X
Nicholas Grillo, Commissioner	X
Chester M. Rothman, Commissioner	X
Ahmed Shedeed, Commissioner	X
Lucas Netchert, Commissioner	X



JOSHUA JACOBS, CHAIRMAN
ZONING BOARD OF ADJUSTMENT
OF THE CITY OF JERSEY



TANYA MARIONE, SECRETARY
ZONING BOARD OF ADJUSTMENT
OF THE CITY OF JERSEY CITY

APPROVED AS TO LEGAL FORM:



VINCENT LaPAGLIA, ESQ.

DATE OF HEARING:
DATE OF MEMORIALIZATION:

December 20, 2018
January 10, 2019

