

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

APPLICANT: **VRAJ COLUMBIA, LLC**

FOR: **PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL
WITH VARIANCES
78 STORMS AVENUE
JERSEY CITY, NEW JERSEY
BLOCK 15201, LOT 24**

CASE NO. **Z18-101**

WHEREAS, the Applicant, **VRAJ COLUMBIA, LLC**, (the "Applicant"), per **CONNELL FOLEY, LLC**, (Heather Kumer, 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 variances pursuant to N.J.S.A. 40:55D-70(d)(1) (use, height, if necessary, and stories, if necessary) and N.J.S.A. 40:55D-70(c) (curb cut and compact car parking spaces), to wit, Calendar No. Z18-101, to construct a six (6) story and sixty-six feet (66') in height, multi-family building with thirty-five (35) residential units, nineteen (19) on-site car parking spaces, and thirty-six (36) bicycle parking spaces, with regard to the property located at 78 Storms Avenue, Jersey City, New Jersey, which is also identified on the Jersey City tax maps as Block 15201, Lot 24; and

WHEREAS, due notice of a hearing before the Zoning Board of Adjustment of the City of Jersey City, on March 28, 2019, 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, VRAJ Columbia, LLC, filed an application with the Zoning Board of Adjustment for variances pursuant to N.J.S.A. 40:55D-70(d)(1) (use, height, if necessary, and stories, if necessary) and N.J.S.A. 40:55D-70(c) (curb cut and compact car parking spaces), with regard to the property located at 78 Storms Avenue, Jersey City, New Jersey, which is also identified on the Jersey City tax maps as Block 15201, Lot 24.
2. The Property is located within the R-1, One and Two Family Housing Zoning District. The Property is currently a non-conforming warehouse and an oversized, irregular lot of 14,401 square feet ("Project").
3. The purpose of the application is to construct a six (6) story and sixty-six feet (66') in height, multi-family building with thirty-five (35) residential units, nineteen (19) on-site car parking spaces, and thirty-six (36) bicycle parking spaces,
4. As part of the application, the Applicant is requesting the following variances, exceptions and/or waivers from the Jersey City Land Development Ordinance:
 1. A use variance to permit a multi-family use in the R-1 Zone.
 2. A variance to permit relief from the maximum permitted height in feet and stories in the R-1 Zone, if necessary.
 3. A variance to permit a twenty-one foot (21') wide curb cut, which is reduced from the existing twenty-five (25') curb cut.
 4. A variance to permit nine (9) compact on-site car parking spaces out of the nineteen (19) on-site parking spaces provided.

5. 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.

5. The current R-1 One and Two Family Housing Zoning District ("R-1 Zone") permits the following uses: "1. One family dwellings, 2. Dwellings with two dwelling units, 3. Houses of worship, 4. Parks and playgrounds, 5. Essential services, 6. Schools, 7. Governmental uses. 8. Conversions of first floor commercial to a single residential unit..., 9. Assisted living residences, 10. Nursing Homes, 11. Senior Housing, 12. Public utilities...."

6. As set forth in the Jersey City Development Ordinance ("JC LDO") and repeated in the Jersey City Master Plan regarding the R-1 Zone, "The purpose of this district is to accommodate existing housing and encourage compatible in-fill development with one and two family homes that preserve the streetscape, utilize on street parking where the frontages are narrow and maintain the low-rise character of the area."

7. The Applicant is requesting a use variance to permit a multi-family building with thirty-five (35) residential units. The Project benefits the community by removing an existing non-conforming one (1) story warehouse in the R-1 Zone.

8. The subject lot is oversized for the R-1 Zone, totaling 14,401 square feet (the minimum lot size is 2,500 square feet in the R-1 Zone), which lends itself to a more efficient use of the land as a multi-family residential dwelling. Multi-family residences are located on the same block of Project, Block 15201, which include 35 Orchard Street (recently approved for 8 stories, 35 units); 27 Orchard Street (8 stories, 81 units); 96-98 Storms Avenue (4 stories, 15 units); 92-94 Storms (3 stories, 12 units); 272 Monticello Avenue (4 stories, 12 units); 274 Monticello Avenue (4 stories, 12 units) ; and 84-86 Storms Avenue (3 stories, 6 units). The prevalence of these multi-family dwellings displays the character of the neighborhood being more than one (1) and two (2) family homes in the R-1 Zone. Therefore, the Project adheres to the Master Plan by providing appropriate infill development.

9. The granting of the requested use variance to permit a multi-family building will promote the establishment of appropriate population densities because of the site's larger size,

which allows the property to accommodate the proposed multi-family building without a negative impact to the surrounding area. The proposed use meets the positive criteria in that it is promoting the establishment of appropriate densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment (N.J.S.A. 40:55D-2.e). The project also promotes a desirable visual environment through creative development techniques and good civic design and arrangement (N.J.S.A. 40:55d-12.i), and the property is also particularly suited for the proposed use and building envelope because of the lot size and configuration.

10. The project will also create a desirable visual environment by removing a mid-block non-conforming use and impervious area and replacing it with a residential building that is designed to be consistent with the surrounding neighborhood. Thus, the Project is consistent with the density of other multi-family buildings in the area and the benefits will outweigh any substantial detriments.

11. While bulk variances such as side yard, front yard and rear yard setbacks are subsumed by the use variance, the setback variances could also be granted if they were individually addressed because of the existing conditions and irregular sized lot. The Property is essentially two lots combined into an irregular lot. One portion of the lot is 85' by 140', where the current one (1) story warehouse is approximately 100% building/lot coverage, and one portion, which is approximately 25' by 100', which is an existing asphalt driveway. Due to the irregular shape, it is hardship for the Applicant to meet the setbacks. However, the Project improves upon existing conditions. The front yard 25' by 100' asphalt driveway will be replaced with permeable pavers and green space, which will improve the visual design environment and increase storm water management, which will create a 124'-6" front yard setback.

12. The proposed building will be constructed where the existing warehouse is located and maintain the 100% coverage of that portion of the Property on the ground floor to provide the necessary on-site parking spaces. However, the building coverage is only sixty-eight percent (68%). Additionally, the upper five (5) floors will have a twenty-four feet (24') rear yard setback and a nine foot- ten inch (9'-10") side yard setback, which will provide light and air for the proposed development. Additionally, the Project will have an extensive green roof of 2,994 square feet, which will mitigate the rear yard setback requirements by providing sustainable storm water management and reduce the effects of the heat island effect. Thus, the benefits

outweigh any substantial detriments and the variances can be granted accordingly.

13. The Applicant requests, if necessary, relief from the permitted amount of stories and building height to allow six (6) stories and sixty-six (66') feet in height, if necessary. As previously stated, numerous surrounding properties are above the maximum three (3) stories including 27 Orchard Street, which is behind the Property and eight (8) stories. Thus, the proposed height of the structure and the number of stories at the project are also consistent with the development in the immediate area. Additionally, the proposed building has a front yard setback of 124'-6" because of the drive way provided on the 25' by 100' parcel of the total 14,401 SF. With the provided approximately one hundred and twenty-four feet and six inch (124'-6") front yard setback from Storms Avenue, it will not appear as a six (6) story and sixty-six feet (66') feet in height building from the street. Therefore, it would not cause any substantial detriments to the surrounding properties.

14. In addition, other permitted uses, besides one (1) and two (2) family home in the R-1 zone allow for greater heights. An Assisted Living Residence use and a Senior Housing use are permitted on lots greater than 10,000 square feet in area (similar to this property) to have structures up to seven (7) stories and 70'. It is submitted that the proposed bulk of this building is envisioned by the JC LDO on lots of this size, and therefore, the proposed height is consistent with the intent of the zoning. Furthermore, the height and stories of the building will not result in any substantial detriments to the zone plan or the immediate area. Accordingly, the variances for the building height and stories, if necessary, are warranted and can be granted.

15. The Applicant requests a variance to permit a twenty-one foot (21') wide curb cut. The R-1 Zone requires a maximum curb cut of ten feet (10'). The existing curb cut on the property is twenty-five feet (25'), which will be reduced to twenty-one (21'). The current curb cut will be reduced by four feet (4'). The additional width is to provide access for fire trucks and emergency vehicles, since the building is over one hundred and twenty-four feet (124') from the street. Therefore, the benefits of providing safety access to emergency vehicles and reducing the current curb cut by four feet (4') outweigh any substantial detriments. Thus, the variance can be granted, accordingly.

16. The Applicant requests a variance to permit nine (9) compact on-site car parking spaces out of the nineteen (19) on-site parking spaces provided. In accordance to the §345-70A-9b,

compact car spaces are allowed when approved by the Zoning Board of Adjustment, shall not be less than sixteen feet (16') long and eight (8') wide. The requested nine (9) compact parking spaces comply with the required dimensions. The Project provides over .5 parking spaces per residential unit, which include both compact and regular spaces. In urban areas, compact cars are prevalent. The compact spaces not only will accommodate residents who own compact cars and also allow for the parking garage to accommodate a total of nineteen (19) on-site parking spaces to the residents. Therefore, the benefits of the compact spaces outweigh any substantial detriments and the variance can be granted accordingly.

17. The proposed and requested variances are appropriate for the development of the Property and will benefit the immediate neighborhood, promote the general welfare, removal of a non-conforming use, promote green infrastructure, promote appropriate population densities, and promote a desirable visual environment. The proposed use and the bulk of the project is an appropriate use of the land and an appropriate build out of the land, and the proposed project will not affect any permitted uses in the neighborhood, nor cause any substantial detriments. The proposed variances will not cause a substantial detriment to the public good, nor impairment to the intent and purpose of the Jersey City Zone Plan and Zoning Ordinance, and can be granted accordingly.

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 variances pursuant N.J.S.A. 40:55D-70(d)(1) (use, height, if necessary, and stories, if necessary) and N.J.S.A. 40:55D-70(c) (curb cut and compact car parking spaces), to construct a six (6) story and sixty-six feet (66') in height, multi-family building with thirty-five (35) residential units, nineteen (19) on-site car parking spaces, and thirty-six (36) bicycle parking spaces, with regard to the property located at 78 Storms Avenue, Jersey City, New Jersey, which is also identified on the Jersey City tax maps as Block 15201, Lot 24, 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. No change to the site design shall be permitted without consultation and approval by the Jersey City Division of Planning staff.
2. All testimony given by the Applicant and their expert witnesses is accordance with

this Application shall be binding.

3. All street trees/landscaping shall be installed in accordance to JCDLO Section 345-66 and the City's Forestry Standards, prior to an issuance of a Certificate of Occupancy.
4. All comments from the Division of Engineering memo dated March 15, 2019 shall be addressed and shown on the final signature plans.
5. 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 to the Division of City Planning prior to the application for construction permits.
6. The Applicant shall work with the Division of Planning staff to create a traffic calming plan for the drive way exit.
7. The Applicant shall provide a rainwater storage system that can be used for the adjacent neighborhood community garden.

APPLICANT: VRAJ COLUMBIA, LLC

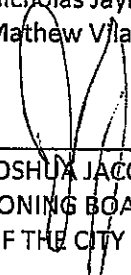
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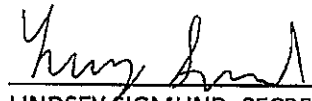
VOTE: 7-0

COMMISSIONER:	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Ahmed Shedeed, Acting Chairman	X			
Richard J. McCormack, Acting Vice Chairman	X			
Chester M. Rothman, Commissioner	X			
Lucas Netchert, Commissioner	X			
Anthony Mitchel, Commissioner	X			
Nicholas Jayme, Commissioner	X			
Mathew Villardo, Commissioner	X			



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



LINDSEY SIGMUND, SECRETARY
ZONING BOARD OF ADJUSTMENT
OF THE CITY OF JERSEY CITY

APPROVED AS TO LEGAL FORM:



VINCENT LaPAGLIA, ESQ.

DATE OF HEARING:

March 28, 2019

DATE OF MEMORIALIZATION:

April 25, 2019