

**RESOLUTION OF THE PLANNING BOARD OF THE CITY OF JERSEY CITY**

**APPLICANT:** NEWPORT ASSOCIATES DEVELOPMENT COMPANY

**FOR:** PRELIMINARY MAJOR SITE PLAN APPROVAL WITH DEVIATIONS  
THE ULYSSES S. GRANT AND GROVER CLEVELAND  
270 AND 310 TENTH STREET, JERSEY CITY, NEW JERSEY  
BLOCK 323, LOT 1 AND BLOCK 360, LOT 1

**CASE NO.:** P06-124

**WHEREAS**, the applicant, NEWPORT ASSOCIATES DEVELOPMENT COMPANY, (the "Applicant"), per CONNELL FOLEY, LLC (Charles J. Harrington, III, Esq., appearing) made application to the Planning Board of the City of Jersey City, County of Hudson and State of New Jersey, for Preliminary Major Site Plan Approval with deviations, to wit: Calendar No. P06-124, to develop two six (6) story residential buildings with one hundred and sixty-three (163) residential units in each building, and a partial basement in each building, along with parking on a surface parking lot at the rear of each building and parking provided off site, in connection with the property identified as 270 and 310 Tenth Street, Jersey City, New Jersey, and also known on the Jersey City Tax Maps as Block 323, Lot 1, and Block 360, Lot 1; and

**WHEREAS**, due notice of a hearings on the above said application before the Planning Board of the City of Jersey City, on December 5, 2006, and December 12, 2006, at 5:30 p.m., was duly published as prescribed in the Zoning Ordinance 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 meetings, the Planning Board has made the following findings of fact:

**FINDINGS OF FACT**

1. The Applicant, Newport Associates Development Company, has filed an application with the Jersey City Planning Board for Preliminary Major Site Plan Approval with deviations regarding the building setbacks along the sides of the buildings for the properties known as 270 Tenth Street (the Grant Site) and 310 Tenth Street (the Cleveland Site), Jersey City, New Jersey, and also known on the Jersey City Tax Maps as Block 323, Lot 1, and Block 360, Lot 1. The properties are located in the Transition Zone of the Jersey Avenue Redevelopment Plan ("JARP") area.

2. The proposed development will be situated on top of the existing former railroad embankment walls, and will consist of two six (6) story residential buildings (a brick industrial warehouse replica design) with one hundred and sixty-three (163) residential units in each building

(a total of 326 units), and a partial basement in each building, along with parking on a surface parking lot at the rear of each building and parking provided off site. The main entrance to the buildings will be along Tenth Street, wherein a cut will be made in the embankment wall to provide for the entry way.

3. The proposed development is incorporating the residential bonus provisions of the JARP. The Applicant, in lieu of providing actual open space, will be making a financial contribution towards open space of \$5,500 per bonus residential unit consistent with the requirements of the JARP.

4. The development will provide for a total of 186 surface parking spaces at the rear of the buildings (90 on the Grant Site and 96 on the Cleveland Site), and an additional 74 parking spaces are available in the parking lot owned and controlled by the Applicant located to the east of Jersey Avenue (Lincoln Lot, Block 287, Lot 1)). The JARP permits off site parking for developments within the redevelopment plan area.

5. The Applicant will convert the parking in the rear of the buildings to valet parking when there is a demand for the additional parking in those lots, and can provide for a parking ratio of one parking space per residential unit consistent with the JARP.

6. The Applicant will also be creating and developing additional off street parking with the project, which is consistent with the objectives of Section VI.B of the Plan. The development will create an additional 23 useable on-street spaces by virtue of its developing these blighted abandoned railroad sites, 14 on Coles Street and 9 on Monmouth Street.

7. Coles Street will be widened along the developer's 230 foot frontage to 40 foot width (it is now only 27 feet). Five new on-street parking spaces will be added to the nine that are now signed. The existing 9 zone spaces along the west curb (no parking is permitted along the east curb) are sparsely used because of the under-lit desolation along Coles north of 10<sup>th</sup> Street. This desolation will be eliminated by the proposed development, and 14 additional parking spaces will become available. Coles Street will also be converted from one-way southbound to two way traffic between 10<sup>th</sup> and 12<sup>th</sup> Streets.

8. An additional 9 spaces will be added to Monmouth Street as well. Although Monmouth Street is currently signed for zone parking on both sides, the spaces are not used in this two-way 30 foot wide street because it is too narrow (only 4 feet is available for parking, 8 feet minimum is needed). The under-lit desolation currently exists on Monmouth Street also. The developer will re-stripe the street with an off-set centerline allowing 8 feet for parking on one side. This desolation will be eliminated by the proposed development so the 9 spaces will become usable. Thus, an additional 23 on-street parking spaces will become available.

9. The JARP requires (in the 10<sup>th</sup> Street Transition District Area, Yard and Bulk Chart in Section X.D.3) a minimum of a five foot (5') front yard setback from the street line. The Applicant is requesting relief from the 5 foot minimum front yard setback requirement along the sides of the building. The lots are bordered on three sides by existing streets (Jersey Avenue, Coles Street and Monmouth Street), and accordingly, the buildings will have "fronts" along three streets. The Applicant is proposing to have a minimum front yard setback along Tenth Street of 5 feet, and is proposing set backs along the sides of the buildings to be a minimum of three feet. There are no minimum "side yard setback" requirements in this zone. However, since the property has three "fronts", the Applicant is requesting the relief for a minimum of a three (3) foot setback on the sides of the buildings. It is noted that because of the unique existing stone wall embankment at the property that the building façade will be placed above this wall (which has a zero setback) and

above street level. This is a de minimus deviation and the benefits outweigh any detriments in granting the deviation.

10. The JARP also provides that "The stone retaining wall located along the north side of 10<sup>th</sup> Street and adjoining side streets defines a "sense of place" for the district. It shall be preserved, repaired and maintained." The stone retaining wall is being retained as part of the development, and the entry to the building along Tenth Street at street level is being setback.

11. The 12' to 15' high stone walls built by Erie Railroad exist along three street fronts on both the Grant and Cleveland sites. The face of these existing stone wall structures are on and within inches of the street lines having, in effect, an approximate zero setback. Therefore, the zero setback along the street level is a pre-existing condition forced upon the developer and required to be preserved. The developer will rehabilitate and preserve these structures (except for minimal openings required for the front entrance and driveways as permitted in Section X.D.4 of the Plan), and the development will incorporate these walls to form a stone base of its buildings.

12. The design incorporating the embankment walls is consistent with the building design requirements of the Transition Zone that recommends a visual cue at heights of 15' to 40' along with a change of materials. The developer has created the visual cue by working the existing elements into the design of the buildings.

13. The proposed development of the property is an appropriate development of the property that will benefit the immediate neighborhood and will promote the general welfare, and the benefits outweigh any detriments in the granting of the requested deviations from the strict standards of the JARP. The proposed use is an appropriate use of the land that will preserve the existing embankment structure consistent with the intent of the JARP, and will not affect any permitted uses in the neighborhood. The proposed deviations are de minimus and will not cause substantial detriment to the public good, nor impairment to the intent and purpose of the Jersey City Zone Plan, Master Plan, the Jersey Avenue Redevelopment Plan, and Jersey City Land Development Ordinance.

**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, approves the within application for Preliminary Major Site Plan Approval with deviations, to wit: Calendar No. P06-124, to develop two six (6) story residential buildings with one hundred and sixty-three (163) residential units in each building, and a partial basement in each building, along with parking on a surface parking lot at the rear of each building and parking provided off site, in connection with the property identified as 270 and 310 Tenth Street, Jersey City, New Jersey, and also known on the Jersey City Tax Maps as Block 323, Lot 1, and Block 360, Lot 1, in accordance with the plans and testimony submitted to the Planning Board of the City of Jersey City subject to the following conditions:

1. The Applicant shall revise the development plans to eliminate the drop off lanes in front of the buildings along Tenth Street.

2. The Applicant shall revise the development plans to set the building faces along Tenth Street five (5) feet behind the property line and at least three (3) feet on the side streets (a deviation was granted in this regard).

3. The Applicant shall provide one (1) parking space per residential unit by utilizing the surface parking lots behind the buildings, the existing 74 parking spaces in the parking lot east of Jersey

Avenue (the Lincoln Lot), and by converting the surface parking lots behind the buildings to valet parking.

4. The Applicant shall revise the sitting area in the rear yards to incorporate a dog run in on area and a playground area in the other, and the Applicant shall use grass in the sitting area in lieu of gravel.
5. The Applicant shall keep the wall opening at the front door in an irregular pattern without cut ends of stone.
6. The Applicant shall incorporate the stones removed from the embankment into the site at another location on the site.
7. The Applicant shall work with the Division of Planning staff to mix-up the location of the heater/air conditioner louvers in order that they appear less linear.
8. The Applicant shall use standard size bricks or smaller in the development.
9. The Applicant shall comply and/or address all Jersey City Review Agents comments.
10. The Applicant shall develop a plan to monitor vibrations at historic buildings in the area and coordinate the monitoring with the community.
11. The Applicant shall submit revised plans incorporating the conditions of approval.
12. The Applicant shall keep the Hamilton Park Neighborhood Association updated as the development work progresses.

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**VOTE:** 5 - 0

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<u>COMMISSIONER:</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Sebastian D'Amico, Vice Chairman	X			
Leon Yost, Commissioner	X			
Michael Sottolano, Commissioner	X			
Larry Eccleston, Commissioner	X			
Walt Boraczek, Commissioner	X			
Frank A. DeSanto, Commissioner				X
David Ruiz, Commissioner				X

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MICHAEL RYAN, CHAIRMAN  
JERSEY CITY PLANNING BOARD

  
\_\_\_\_\_  
ROBERT COTTER, SECRETARY  
JERSEY CITY PLANNING BOARD

APPROVED AS TO LEGAL FORM:

  
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JOHN HAMILL, ESQ.

DATE OF HEARINGS:

December 5 and December 12, 2006

DATE OF MEMORIALIZATION:

January 9, 2007

