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February 10, 2022

VIA E-MAIL AND FEDEX DELIVERY

Tanya Marione, Planner
Division of City Planning
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1 Jackson Square a/k/a 360 MLK Drive
Jersey City, NJ 07305-3717

VIA E-MAIL AND FEDEX DELIVERY

Joey-Ann Morales, Coordinator
Division of City Planning
City of Jersey City, City Hall Annex
1 Jackson Square a/k/a 360 MLK Drive
Jersey City, NJ 07305-3717

**Re: 626 Summit Ave LLC; P19-040
622-628 Summit Avenue, Jersey City, New Jersey
Block 6701, Lots 21, 22, 23 and 24
Extension of Preliminary and Final Major Site Plan with deviations
approved under Case No. P19-040**

Dear Ms. Marione and Ms. Morales:

This office represents 626 Summit Ave LLC (the "Applicant") the owner of the above-referenced property. Please allow this letter to serve as a formal request to extend the of the land use approval obtained under Case No. P19-040 (the "Approval") for a period of three (3) years pursuant to N.J.S.A. 40:55D-52(a).

Applicant received preliminary and final site plan approval with deviations on January 21, 2020, which was memorialized on February 4, 2020 (see enclosed resolution; the "Approval"). The Approval involved the construction of a mixed use development that consist of two hundred nine (209) residential units, with commercial uses (the "Project").

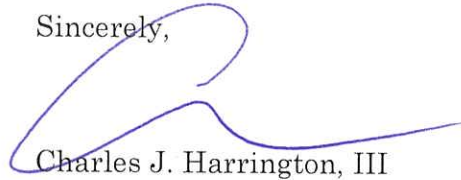
Consistent with N.J.S.A. 40:55D-52, the statutory protections run for a period of two (2) years from the date of the adoption of the resolution for the final site plan approval (to February 4, 2022), and the Planning Board may extend this period of protection for extensions of one year but not to exceed three extensions. The applicant now requests a three (3) year extension of the Approval, from the date that the original two (2) year protection period expired (February 4, 2025). The extensions of the Approval and the corresponding protections can be requested of the Jersey City Planning Board pursuant to N.J.S.A. 40:55D-52(a) and Section 345-24(E)(1) of the Jersey City Land Development Ordinance. Pursuant to

N.J.S.A. 40:55D-52(c) an application may be made for extension after the initial two year period has ended, but in that event the date from which the extensions run shall be the date on which the initial two year period expired. See Friends of Peapack Gladstone v. Borough, 407 N.J. Super. 404, 427 (App. Div. 2009). Accordingly, the original protections of the Approval protections expired on February 4, 2022. If the extension were to be provided, the protections of the Approval would receive protection until February 4, 2025.

In support of this extension I offer the following: The Applicant received the Approval at the beginning of the pandemic. This is a substantial Project, and the uncertainty of the pandemic resulted in delays and further uncertainty related to the Project. The Applicant is requesting additional time in order to move forward with the Project. The Applicant is requesting a three (3) year extension of its approvals to complete the Project as approved and requests the same from the Planning Board.

Please advise as to whether this request can be presented at the next available Planning Board hearing. Our client will provide the payment of the application fee once an application number is assigned to this matter and our office is advised accordingly.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles J. Harrington, III". The signature is stylized with a large, sweeping initial letter.

CJH/ja
Enclosure

RESOLUTION OF THE PLANNING BOARD OF THE CITY OF JERSEY CITY

APPLICANT: 626 SUMMIT AVE LLC

FOR: PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL
WITH DEVIATIONS
622 - 628 SUMMIT AVENUE
BLOCK 6701, LOTS 21, 22, 23 & 24
JERSEY CITY, NEW JERSEY

CASE NO.: P19-040

WHEREAS, the Applicant, 626 SUMMIT AVE LLC (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 and Final Major Site Plan with deviations pursuant to N.J.S.A 40:55D-70(c), to wit: Calendar No. P19-040, for the purpose of developing a twenty-seven (27) story mixed-use building with two (2) floors of commercial space pursuant to the Office Space Bonus provisions in the Redevelopment Plan; ground floor retail use; and 209 residential units on the upper floors on the property located at 622 - 628 Summit Avenue, Jersey City, New Jersey, also identified on the Jersey City Tax Maps as Block 6701, Lots 21, 22, 23 and 24 ("Property") within Zone 3, Commercial Center of the Journal Square 2060 Redevelopment Plan; and

WHEREAS, it appears that due notice of a hearing on the above said application before the Planning Board of the City of Jersey City, on January 21, 2020 at 5:30 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 Planning Board has made the following findings of fact:

FINDINGS OF FACT

1. The Applicant, 626 Summit Ave, LLC, filed an application with the Jersey City Planning Board for Preliminary and Final Major Site Plan approval with deviations pursuant to N.J.S.A. 40:55D-70(c) with regard to the property located at 622 - 628 Summit Avenue, Jersey City, New Jersey, also identified on the Jersey City Tax Maps as Block 6701, Lots 21, 22, 23 and 24, ("Property").
2. The Property is an oversized, Irregular approximately 14,007 square foot lot on the eastside of Summit Avenue bounded by Newark Avenue to the north and Hoboken Avenue to the South located within Zone 3: Commercial Center of the Journal Square 2060 Redevelopment Plan ("Redevelopment Plan") Area.
3. The purpose of the application is to develop a twenty-seven (27) story mixed-use building with two (2) ground floor retail units of approximately 2,871 square feet, two (2) floors of commercial space pursuant to the Office Space Bonus provisions in the Redevelopment Plan, 209 residential units on the upper floors, an extensive green roof, and drop off area on the Property. ("Project").
4. The Applicant is also incorporating the Office Space Bonus in to the development. The Office Space Bonus encourages the development of office space, maintain Journal Square as a mixed use employment center, and provide space for neighborhood amenities. The office space

bonus may be applied to development projects within Zones 3, 4, 5, 7, and 10 on sites 9,000 square feet or greater and provides up to two (2) additional stories and twenty-eight (28) additional feet of building height may be added to the permitted height and/or base height of the zone district for each lot size category. The lot area is approximately 14,077 square feet and therefore, the Applicant can apply the two (2) additional floors and twenty-eight (28) additional feet of office space within the proposed development.

5. The Applicant has committed to make the meeting room(s) in the Office Bonus floors available to the public for rent and use for community purposes.

6. As part of the application, the Applicant was seeking the following deviations, waivers, and/or exceptions from the Jersey City Land Development Ordinance ("JCLDO") and Journal Square 2060 Redevelopment Plan in connection with this application:

- i. A deviation for relief from Section III.D.4 of the Redevelopment Plan requiring that the building Towers shall be setback from side lot lines a minimum of twenty (20') feet.
- ii. A deviation for relief from Section III.D.7 of the Redevelopment Plan that requires a 5 foot set back at the tower base, and a 30 foot setback for the tower that is adjacent to a lower density zone.
- iii. A deviation from Section III.J.5 of the Redevelopment Plan that requires balconies above setbacks may extend no more than the width of the setback.
- iv. A deviation for relief from Section IV.C (Zone 3).8.c.ii of the Redevelopment Plan that requires that all floor levels above the ground floor shall not extend greater than eighty-five (85') feet from any right-of-way fronting the subject property.
- v. A deviation and/or design waivers for relief from Section III.E.4.o and r of the Redevelopment Plan that requires a minimum depth of the loading area and that all loading and parking facilities to have a head-in/ head-out design.

- vi. A deviation and/or design waivers for relief from Section III.C.3 of the Redevelopment Plan that provides that the maximum height of the ground floor floor-to-ceiling height may not exceed 12 feet within 30 feet of a rear lot line.
- vii. Any deviations, variances, exceptions and/or waivers that the Planning Board shall deem necessary in connection with this application.

7. The purpose of the Zone 3: Commercial Center is to "provide for an active and intensive use of parcels surrounding the Journal Square Transportation Center with close proximity and short walking distances to heavy rail and bus transit systems, this zone complements the established commercial center of Jersey City."

8. The Property is an oversized irregular 14,077 square foot lot that borders a portion of the "Bergen Arches." The Bergen Arches, owned by New Jersey Transit, are tunnels and an 85-foot deep cut built in 1906 below street level in Jersey City to carry Erie Railroad trains under and through the Palisades to a Hudson River terminal has not been in use since the late 1950s. Since then, the Bergen Arches has become an overgrown wooded area in the expanding Journal Square neighborhood. Community groups and residents have campaigned to turn the abandoned rail property into a park since the area is already flourished with trees and greenery. The Project's location creates an opportunity to compliment and support the Bergen Arches. As part of the proposed development, the Applicant has committed to preserving an easement on the northern edge of the Property to the public for access to the Bergen Arches if it is converted in to a public park. In the meantime, the public will still have access to a public park/area that will be provided at the rear of the Property. The public park/area will be open to the public during times regulated by the developer. The public park/area will be further developed with playground equipment to enhance the public amenity space.

9. The Project's Irregular lot shape is due to the existing former railroad cut of the "Bergen Arches." The Property comprises of four (4) different lots that vary in depth to comprise the

proposed site. The northern side line along the Bergen Arches is an angled lot of approximately 182' and the southern side line is approximately 108.5'. Due to the Property being adjacent to the Bergen Arches, the Property is more akin to a corner lot, which creates essentially two frontages and two side yards with no rear yard. These existing conditions create challenges regarding the Redevelopment Plan's required bulk setbacks and building depth standards. The Applicant proposes a modern contemporary, visually desirable, trapezoidal shaped design of the building footprint and tower to effectively work with the Property's irregular shape. However, the existing challenges regarding the bulk standards remain and are addressed with the requested deviations.

10. The Applicant requests relief from Section III.D.4 of the Redevelopment Plan that requires the building Towers shall be setback from side lot lines a minimum of twenty (20') feet. The Project provides a 15'-0" setback on the South and a 3'-1" setback to the North (fronting the Bergen Arches). The Property is essentially an irregular corner lot with a frontage along Summit Avenue and a second frontage along the Bergen Arches. The intent of the side line setback requirement is to provide light and air for adjacent properties. Due to the irregular angled shape of the Property, it is difficult to provide the required setback for a consistent buildable structure. The northern adjacent property is 632 Summit Avenue, Block 6701, Lot 5, also known as the "Bergen Arches", is a deep cut wooded area, so a 3'-1" setback would be appropriate since not only is the Bergen Arches not affected by the setback, but the Project's pedestrian public seating area overlooking the area provides a community benefit. The residential tower has an approximate 15'-0" setback on the southern side lot line, which provides sufficient light and air to the adjacent two (2) story structure (which are located to the south of the Property). The Project promotes the Redevelopment Plan's objective by providing adequate light and air to the street and adjacent properties. Thus, the benefits of providing the requested relief outweigh any substantial detriments and the deviation can be granted.

11. The Applicant requests relief from Section III.D.7 of the Redevelopment Plan that

requires a minimum five (5) foot side line set back at the tower base, and a 30 foot setback for the tower, where the tower base abuts lower density zone. As noted above, the Project provides a 15'-0" setback on the South and a 3'-1" setback to the north (fronting the Bergen Arches). The Project is adjacent to two (2) lower density zone areas, R-1 One and Two Family Housing ("R-1 Zone") on the north side, where the Bergen Arches are located and an existing medical office building is located and Zone 4 Neighborhood Mixed Use of the Redevelopment Plan ("Zone 4") at the rear of the Property (a vacant parking lot). The adjacent rear property located on 450 Hoboken Avenue, Block 6701, Lot 25, is an interior lot owned by the Hudson County Board of Chosen Freeholders currently being utilized as part of a surface parking lot. The northern adjacent property to the located on 632 Summit Avenue, Block 6701, Lot 5, also known as the "Bergen Arches" is abandoned green space as discussed previously. The intent of this requirement is to maintain light and air to the street and adjacent properties that have lower density in the surrounding area. While both adjacent areas are zoned for lower density, they are utilized for green space and a surface parking. Thus, the benefits of providing the requested relief outweigh any substantial detriments and the deviation can be granted.

12. The Applicant also requests a deviation from Section III.J.5 of the Redevelopment Plan that requires balconies above setbacks may extend no more than the width of the setback. The Project's unique contemporary design utilizes balconies and terraces that are cut out of the structure and wrap around the building, which break up the building mass and create a contrast in the facade, provide open space for tenants, and maintain light and air. The balconies alter in sizes creating a modern unique design and angles on the facade. The Project's unique design carries out the intention of the Redevelopment Plan's objective for "all structures within the project area shall be designed and maintained so as to improve the visual impact of the Jersey City skyline as viewed from within and beyond the City's borders" and promotes the Municipal Land use Law (MLUL)'s purposes of providing adequate light, air, and open space and providing a desirable visual environment. Thus, the benefits of providing the requested relief outweigh any substantial detriments and the deviation can be granted.

13. The Applicant also requests a deviation for relief from Section IV.C (Zone 3).8.c.ii of the Redevelopment Plan that requires that all floor levels above the ground floor shall not extend greater than eighty-five (85') feet from any right-of-way fronting the subject property to allow the second (2nd) floor to twenty-seventh (27th) floor to extend approximately ninety-three (93'). The Property is a deep lot with the northern side lot along Bergen Arches is an angled lot of approximately 182', which is nearly one hundred (100)' feet more than the eighty-five (85)' foot requirement and can accommodate a larger building. The eighty-five (85)' feet requirement does not take into consideration front yard setbacks. The front yard setback extends from 8'-0" to 13'-10" on the 2nd -4th floor, and then setbacks 15" on 6th-27th floors. Additionally, the building itself only extends 85'-4" on the southern side on 2nd-5th floor and 78'-4" on 6th-27th floor and approximately 98'-3" on the northern angled side for 2nd-5th floor and 95'-5" on 6th-27th floor. As noted, the adjacent rear property is an interior surface parking lot that would not be substantially impacted. Therefore, the provided setbacks and stepbacks with the Irregular oversized lot allow the Project to properly accommodate the proposed structure and promote a desirable visual environment for the surrounding neighborhood. Additionally, the Project provides an extensive green roof of approximately 2,400 square feet, which would provide pervious coverage and a large capacity stormwater management detention system located in the drop off zone area that would minimize the effects of increased building coverage. Accordingly, the benefits of providing the requested relief outweigh any substantial detriments and the deviation can be granted.

14. The Applicant also requests a deviation for relief from Section III.E.4.o and r of the Redevelopment Plan regarding design criteria that require all loading and parking facilities to have a head-in/ head-out design. The Project has two loading areas; one outdoor, drop-off zone area as previously discussed, and one indoor loading area. The drop-off zone area complies with the head-in/head-out design area. The designated trash pick-up and loading area is an on-

site loading facility separated from the drop off zone, located adjacent to the entrance of the building. The intent of the head-in/ area design requirement is to provide pedestrian safety and promote general welfare for facilities created for multiple vehicles. Here, the trash pick-up and loading area is designed and intended for approximately for one vehicle at a time. The loading area will provide safety mechanisms, including warning signs and lights, to alert any pedestrians that a vehicle is exiting the premises. Additionally, the vehicles utilizing the loading area will be familiar with the layout and will be able to maneuver themselves properly. The enclosed loading area also allows for waste disposal not to be visible nor intrusive to pedestrians and residents along the right-of-way. Therefore, the benefits of providing a separate enclosed loading area, as designed, outweighs any substantial detriments and the deviation can be granted accordingly.

15. The Applicant also proposing to construct a twenty (20') foot wide drop off zone area located within the front yard setback portion of the Property. The drop off zone area was worked into the design and planning on the site as a product of community input to prevent potential traffic and safety issues by providing an area to accommodate car services and small deliveries. This component is not defined as either a porte-cochere or a drop-off lane because the area is not covered as required by a porte-cochere, and it is not a drop off lane that is directly adjacent to the street. The proposed drop-off zone is located within the Property's front yard off of Summit Avenue, and provides for separation from the street as it provides space for a cross walk between the open areas of the drop off zone area, which provides adequate protection and safety for pedestrians. The proposed drop off zone area provides a community benefit by alleviating potential traffic and safety issues and furthers the intent of the Redevelopment Plan of encouraging smart growth principles of improving pedestrian and vehicular traffic circulation as well as creating safe and desirable walkable area. So while the drop off zone is permitted, and not within the definition of a porte-cochere or drop off lane, the Board recognizes that the benefits of the proposed drop off zone would outweigh any substantial detriments in the event that any deviation is required to permit it.

16. Consistent with the forgoing findings, the requested deviations are appropriate for the development of the Property and will benefit the immediate neighborhood and will promote the general welfare. The benefits of the requested deviations outweigh any substantial detriments, and the development will also promote a desirable visual environment by developing a creative and appropriate mixed-use development. The proposed deviations will not cause any substantial detriments to the public good, or impair the intent and purpose of the Jersey City Zoning Plan, Journal Square 2060 Redevelopment Plan or the Jersey City Land Development Ordinance, and accordingly, all of the requested deviations can be granted.

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 and Final Major Site Plan with deviations pursuant to N.J.S.A 40:55D-70(c) to wit: Calendar No. P19-040, for the purpose of for the purpose of developing a twenty-seven (27) story mixed-use building with two (2) floors of commercial space pursuant to the Office Space Bonus provisions in the Redevelopment Plan; ground floor retail use; and 209 residential units on the upper floors on the property located at 622 - 628 Summit Avenue, Jersey City, New Jersey, also known on the Jersey City Tax Maps as Block 6701, Lots 21, 22, 23 and 24 in accordance with plans and testimony submitted to the Planning Board of the City of Jersey City, subject to the following conditions:

1. The Applicant shall address and comply with all comments and recommendations of municipal review agents and will submit revised plans to the Division of city Planning.
2. The Applicant shall address and comply with all comments provided in the report from the Jersey City Division of Engineering and will submit revised plans reflecting the comments of the engineering review to the Division of Planning prior to applying for permits.
3. All materials and color selections shall be shown on Final Plans. No change to the

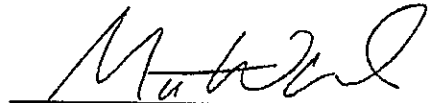
façade and site design, including materials as well as any changes that may be required by the Office of the Construction Code, shall be permitted without consultation with planning staff and approval by the planning board.

4. All testimony given by the Applicant and their expert witnesses shall be binding.
5. The Architect of record shall submit a signed and sealed affidavit confirming that the building was constructed as approved, prior to the issuance of the Certificate of Occupancy.

APPLICANT: 626 SUMMIT AVE LLC
FOR: PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL
 WITH DEVIATIONS
 622 - 628 SUMMIT AVENUE
 BLOCK 6701, LOTS 21, 22, 23 & 24
 JERSEY CITY, NEW JERSEY
CASE NO.: P19-040
VOTE: 7 - 0

COMMISSIONER:	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Christopher Langston, Chairman	X			
Dr. Orlando V. Gonzalez, Vice Chairman	X			
Dr. Vijaya Desai, Commissioner	X			
Eduardo Torres, Commissioner	X			
John Seborowski, Commissioner	X			
David Cruz, Commissioner	X			
Vidya Gangadin, Commissioner	X			


 CHRISTOPHER LANGSTON, CHAIRMAN
 JERSEY CITY PLANNING BOARD


 MATT WARD, SECRETARY
 JERSEY CITY PLANNING BOARD

APPROVED AS TO LEGAL FORM:


 SANTO ALAMPI, ESQ.

DATE OF HEARING:
 DATE OF MEMORIALIZATION:

January 21, 2020
February 4, 2020