

**OF THE CITY OF JERSEY CITY ZONING BOARD OF ADJUSTMENT  
APPROVING PRELIMINARY AND FINAL MAJOR SITE PLAN WITH “C” & “D”  
VARIANCES AND CONDITIONS**

**APPLICANT:** FRANKLIN DEVELOPMENT GROUP LLC

**FOR:** PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL

**PROPERTY:** 32 Glenwood Avenue  
Block 13303, Lot 24

**CASE NO.** Z22-028

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**WHEREAS**, application has been made by Franklin Development Group LLC (hereinafter the “Applicant”) to the Zoning Board of the City of Jersey City, County of Hudson and State of New Jersey by Inglesino, Webster, Wyciskala & Taylor, LLC (Elnardo J. Webster, Esq. appearing) for Preliminary and Final Major Site Plan Approval with “c” and “d” Variances, filed under case no. Z22-028, for the property located at 32 Glenwood Avenue, designated as Block 13303, Lot 24 on the official Tax Map of the City of Jersey City, County of Hudson, State of New Jersey (the “Property”); and

**WHEREAS**, the Property is located within the R-3 Zone and governed by the Land Development Ordinance of the City of Jersey City (the “Ordinance”); and

**WHEREAS**, the Applicant, as contract vendee, has received consent from the landowner, LJM Development LLC to make a site plan application application in connection with the Property, consistent with the purchase and sale agreement for the Property; and

**WHEREAS**, the Property has an area of approximately 7,000sf consisting of a vacant 2.5 story residential structure; and

**WHEREAS**, the Applicant proposes to construct a five (5) story (57’ lineal feet in height) residential structure, containing fourteen (14) two-bedroom residential dwelling units, ten (10) parking spaces, roof terrace, green roof, landscaping, and other site and streetscape improvements (the “Project”); and

**WHEREAS**, the Applicant has submitted proof that it has complied with the Ordinance and applicable procedural requirements including the payment of fees; and

**WHEREAS**, due notice of the Thursday, February 9, 2023 virtual hearing for the above-described application was provided in accordance with the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the recent Executive Orders issued by Governor Phil Murphy due to the COVID-19 pandemic and as prescribed in the LDO; and

**WHEREAS**, the Board has formally heard and considered the evidence presented by Applicant in support of the within application including the sworn testimony of its two (2) expert witnesses: James Virgona of Virgona & Virgona Architects (architecture) and Edward Kolling of Dresdner Robin (planning), having heard the comments of the public and, having obtained the comments and recommendations of Planning Staff; and

**WHEREAS**, having considered the within application, all supporting documents, the sworn testimony in support of the application, and the comments and recommendations of Planning Staff, and having offered to hear public comment, the Zoning Board of the City of Jersey City hereby makes the following findings of fact and conclusions thereon:

#### FINDINGS OF FACT

1. All the Recitals hereinabove set forth are incorporated herein by reference and all exhibits, drawings and documents, including Applicant's General Development Application and Supporting Documents and City planner's testimony and reports, if any, are hereby incorporated herein by reference.

2. The Applicant is the contract vendee and has the consent of the Owner to make the within application for the Property which consists of an approximately 7,000 sf lot with an improvement of an existing vacant 2.5 story residential structure.

3. The Property is located within the R-3 Zone ("Zone") and governed by the provisions of the City of Jersey City Land Development Ordinance (the "Ordinance").

4. The Applicant has proposed to construct a five (5) story (57'lineal feet in height) residential structure containing fourteen (14) two-bedroom residential dwelling units, ten (10) parking spaces, roof terrace, landscaping and other site and streetscape improvements (the "Project").

5. The Applicant is requesting relief in the form of a “d” variance and several “c” variances from the following provisions of the Ordinance:

- a. Section 345:42 (E)(2) of the Ordinance wherein the maximum density permitted in the Zone is 65 units per acre which for a lot of this size would yield ten (10) residential dwelling units. The Applicant has proposed to construct fourteen (14) residential dwelling units which equates to 87 units per acre.
- b. Section 345:42 (E)(3)(c) of the Ordinance wherein the minimum lot width is a minimum of 60ft. The existing lot width is 50.5ft which the Applicant is requesting a continuation of the non-conformity.
- c. Section 345:42(E)(7)(c) of the Ordinance wherein the side yard setback for all residential floors shall be a minimum of 5ft. The Applicant has proposed a side yard setbacks of 0ft (west side of Property) and 5ft (east side of Property).
- d. Section 345:42(E)(9)(b) of the Ordinance wherein the maximum building coverage permitted is 65%. The Applicant is proposing building coverage of 77%
- e. Section 345:42(G)(3)(a) of the Ordinance wherein one (1) parking space per residential dwelling unit is required. The Applicant has proposed ten (10) parking spaces with fourteen (14) residential dwelling units.
- f. Section 345-70(9) of the Ordinance wherein for parking spaces with 90-degree parking stalls requires a driveway aisle width of 24’. The Applicant has proposed driveway aisles widths varying from 17.5’ to 24’.

6. After being duly sworn in, Mr. James Virgona, architect of record, described the existing site conditions of the Property and testified as to the architectural aspects of the Project.

7. Mr. Virgona testified that this Property is a trapezoidal shaped lot that is approximately 7,000sf in area with a width of 50.5’ narrowing towards the rear at a width of 40.3’ and a depth of 154’.

8. The Property contains an existing curbcut along the right side of the lot which would be maintained and used as the driveway to the parking structure that is proposed to be located on the ground floor.

9. Mr. Virgona testified the existing structure has been cleared through a Memorandum of Demolition issued by the Historic Preservation Specialist for demolition.

10. Mr. Virgona testified that the Applicant is proposing a five (5) story residential structure with a height of 57' that includes fourteen (14) two-bedroom units, ten (10) parking spaces, roof terrace and green roof area that was designed and scaled to be consistent with the neighborhood.

11. Mr. Virgona testified utilities will be located in a partial cellar in three (3) designated areas with an egress to the basement level only for maintenance purposes only.

12. The ground floor will consist of a lobby, mail room, elevator, two (2) fire stairs, trash room, bicycle storage room and parking garage that is proposing ten (10) spaces, varying in width from 8'x16' to 8'x18' with a driveway aisle width varying from 17.5' to 24', which is one of the requested variances.

13. Mr. Virgona confirmed the proposed parking garage is properly shielded behind the façade and not visible from the right of way.

14. Mr. Virgona testified that on floors 3 through 5 the Project will consist of fourteen (14) two-bedroom units, described as condominium units, which equates to a density of 87 units per acre, wherein 65 units per acre is the maximum in the Zone which, therefore, requires a "d" variance that Applicant has proposed herein.

15. The units range in size from 1,008 sf to 1,195sf, all of which contain two-bedrooms and two-bathrooms and all contain split-system type mechanical equipment with all condensing units being located on the roof.

16. As described, the proposed units are distributed from the front of the proposed structure to the back in a stacked pattern, which includes two (2) duplex units located in the center of the proposed structure.

17. At the roof level, Mr. Virgona testified the Project is proposing a 747sf roof top terrace area surrounded by green roof, consisting of seedling plantings, not green roof trays. The mechanical equipment and generator will be located along the sides of the rooftop terrace which are both properly screened and not visible from the right of way.

18. Regarding materiality, Mr. Virgona testified the Applicant has proposed four (4) primary materials: brick (Coppertone Smooth and Ebonite Smooth in color), manufactured stone (Adair Blue Grey in color) glass and metal paneling (Slate in color) all of which were chosen to compliment and provide consistency with the adjoining buildings and neighborhood.

19. The Applicant has proposed the light-colored brick to be installed along the façade with a dark accented vertical panel designed to be installed between belt-course lines of manufactured stone.

20. Mr. Edward Kolling next testified regarding the variances being requested as part of the Project.

21. The first variance being requested is a d-5 variance for density, wherein the maximum permitted for a lot of this size is 65 units per acre (10 units) and the Applicant is proposing density of 87 units per acres (14 units). Mr. Kolling testified that the surrounding buildings all range in densities of 88 to 207 dwelling units an acre. He indicated that the proposed density, even though higher than permitted, is less than the average of the surrounding buildings, all of which are consistent with the variety of mid-rise apartment buildings and with the few one and two-family homes located in the surrounding neighborhood.

22. Mr. Kolling found that the proposed density is consistent with the character of the neighborhood and the Property can accommodate the added density without a negative effect on the area and neighborhood.

23. Mr. Kolling also testified that the variance for the minimum lot width requirement of 60' is a result of an existing lot condition where a width of 50.5' drastically narrows down to 40.3' along the rear of the Property. Accordingly, the Applicant has proposed relief from the pre-existing condition of the non-compliant lot width.

24. Regarding the variance related to the proposed side yard setbacks, Mr. Kolling testified the Zone requires for all residential floors that there shall be a side yard setback of five feet (5'). The Applicant is proposing a 0-foot setback on the west side of the Property and a six-foot (6') setback on the east side of the Property.

25. In addressing the setback proposed on the west side of the Property, Mr. Kolling testified that the adjoining structure is also built to its lot line but steps back towards the rear of the property, resulting in sufficient air, light and open space and does not create any negative impact or detriment.

26. With regard to the request for a building coverage variance, Mr. Kolling testified the Applicant has proposed building coverage of 77% for the residential floors when 65% coverage is permitted. As a result of the unusual and irregular shape of the lot (the narrowing condition), the Applicant has a hardship in complying with this provision but has proposed mitigating factors to address the non-compliance, such as the rear landscaping area, green roof areas on the upper level of the parking area and on the roof and these mitigation efforts along with the hardship supports the requested variance being sought.

27. Regarding the variance related to the proposed parking spaces, Mr. Kolling testified that the Zone requires a one—to-one parking ratio meaning fourteen (14) parking spaces are required and the Applicant is proposing ten (10) parking spaces. Due to (i) the Property's close proximity to public transportation, including bus lines along John F. Kennedy Blvd., (ii) the Property being within walking distance of the Journal Square Transportation Center and (iii) statistics showing that in this area, on average, only 38% of households owns cars, the demand for parking spaces is less than the amount of parking proposed.

28. Mr. Kolling testified the proposed variances promote the purposes of the Municipal Land Use law by advancing public health, safety, morals and general welfare and will not result in any substantial detriment to the Zone or the neighborhood nor will there be any substantial impairment to the intent and purpose of the Zone.

29. Mr. Kolling concluded the bulk and other "c" variances can be granted under the C-1 standard as a result of the uniqueness of the lot and hardship associated as a result of the narrowing of the lot moving towards the rear of the Property.

30. Following Applicant's testimony, the matter was offered for public comment for which one member of the public appeared and spoke favorably regarding the Project.

31. Thereafter, the staff report of the Planning Division of the City of Jersey City was presented by Supervising Planner Matt Ward. Mr. Ward noted the unique organization of the R-3 Zone and was satisfied with the testimony regarding the proposed variances and subject to the proposed conditions, Mr. Ward recommended approval of the Project.

32. The Board further finds that the Project and its proposed improvements will benefit the community through the promotion of the intent and purpose the Municipal Land Use Law. The proposed Project meets the intent of the Ordinance and conforms with the intent and purpose of the Zone. The Board finds that the Project will provide an aesthetically pleasing improvement to the existing conditions on the Property and will benefit the surrounding community through the activation of a vacant property with an appropriately sized and designed building containing a permitted use.

33. The Board further finds that the granting of the variance relief being requested will not result in a detriment to the public good. The Project is consistent with the purpose and intent of the Ordinance and the City's Master Plan and will advance the purposes and intent of the Ordinance and the Master Plan.

**NOW, THEREFORE, BE IT RESOLVED** that the Zoning Board of the City of Jersey City, County of Hudson and State of New Jersey, for the foregoing reasons, as well as those reasons stated on the record herein, which reasons are incorporated herein by reference, having heard Applicant's testimony, having offered the Application for public comment and having received and reviewed the report of the staff of the Jersey City Planning Division, **HEREBY APPROVES** the within application, for Preliminary and Final Major Site Plan with "c" and "d" Variances, filed under Case Z22-028, which proposes to construct a five (5) story (57') residential structure containing fourteen (14) two-bed room residential dwelling units, ten (10) parking spaces, roof terrace, green roof, landscaping, and other site and streetscape improvements (the "Project"); subject to the following conditions:

1. All materials and color selections shall be shown on Final Plans. No change to the facade and site design, including materials as well as any changes that may be required by the Office of Construction Code, 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. That the applicant comply with all Jersey City review agent comments.
4. With exception of the proposed tree spacing, all street trees and landscaping shall be installed in accordance with 345-66, prior to an issuance of a Certificate of Occupancy.
5. Architect of record shall provide an affidavit confirming the development is built in accordance with the approved plans prior to the issuance of the first certificate of occupancy.
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 to the Division of City Planning prior to the release of signature plans, which are needed for permits.

**RESOLUTION OF THE CITY OF JERSEY CITY ZONING BOARD OF ADJUSTMENT  
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**CASE NO.** Z22-028

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**DATE OF HEARING:** February 9, 2023

**VOTE:** 7-0

**VOTING IN FAVOR:  
COMMISSIONERS**

1. Commissioner Catherine Coyle
2. Commissioner Ahmed Shedeed
3. Commissioner Geoffrey Allen
4. Commissioner Kim B. Greene
5. Commissioner Kate Donnelly
6. Commissioner Veronica Park
7. Commissioner Bhavesh Patel

  
Josh Jacobs (May 05, 2023 10:26 EDT)

JOSHUA JACOBS, Chairman  
JERSEY CITY ZONING BOARD  
OF ADJUSTMENT  
Digitally Signed

  
Francisco Espinoza (May 15, 2023 09:32 EDT)

FRANCISCO ESPINOZA, Secretary  
JERSEY CITY ZONING BOARD  
OF ADJUSTMENT  
Digitally Signed

**APPROVED AS TO LEGAL FORM:**

  
Vincent LaPaglia (Jun 2, 2023 10:50 EDT)

VINCENT LaPAGLIA, ESQ.  
JERSEY CITY ZONING BOARD  
OF ADJUSTMENT  
Digitally Signed

**DATE OF MEMORIALIZATION:** May 11, 2023