

DEVELOPMENT APPLICATION REVIEW | STAFF REPORT

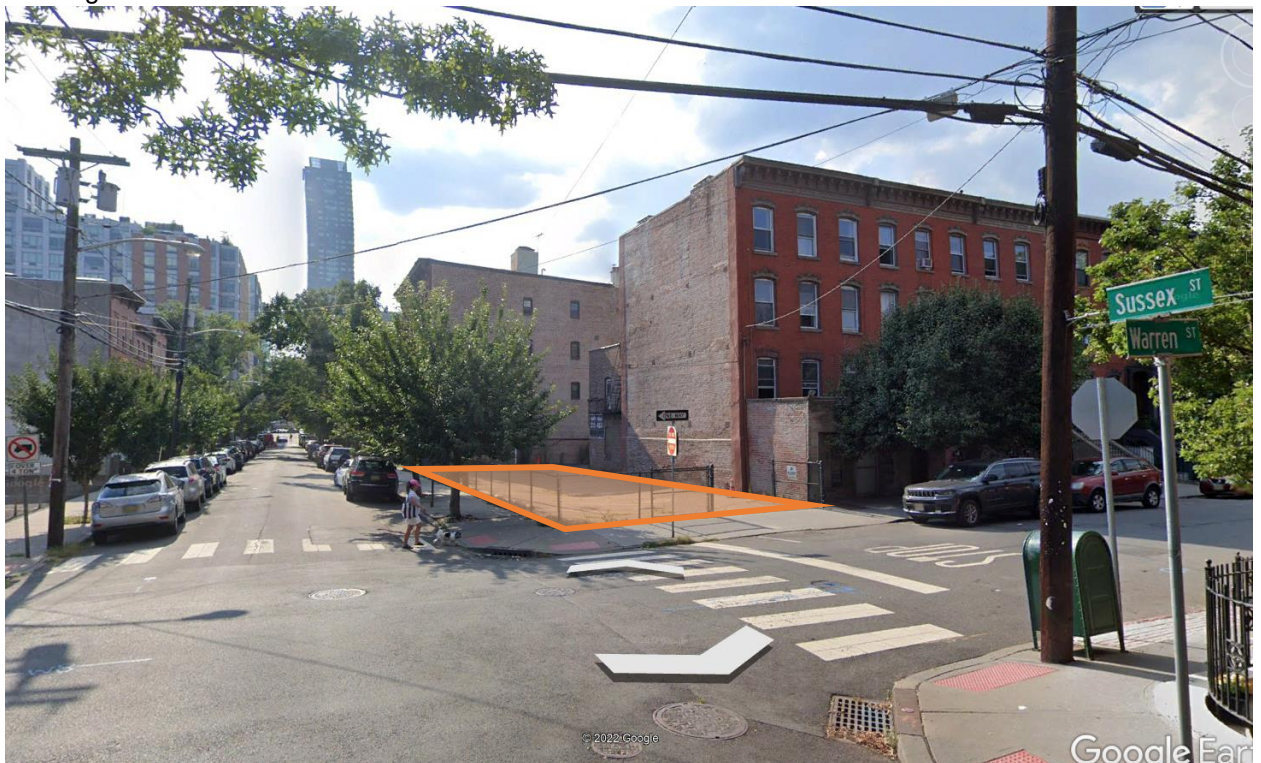
DATE : 11.15.2022
TO : Planning Board Commissioners
FROM : Mallory Clark-Sokolov, PP, AICP, Senior Planner
Tanya Marione, PP, AICP, Division Director
CASE : P21-153
PROJECT : 215 Warren Street
Preliminary + Final Major Site Plan with Variances

I. DOCUMENTS REVIEWED

- General Development Application Form dated 12.03.2021
- Survey by Clearpoint Services LLC revised 03.22.2022
- Architectural Plan Set by Gro Architects dated 09.08.2022
- Civil Plan set by Edwin A, Reimon, PE dated 07.27.2022
- Principle Points Statement by Gregory Associates LLC

II. APPLICATION BACKGROUND + PROPOSAL

- **Existing Conditions:** The site is currently a 2,500 sf surface parking lot at the corner of Warren Street and Sussex Street in the Historic Paulus Hook District. The site has 100% impervious coverage.





- **Proposed Conditions:** The applicant is proposing to construct a four (4) story, three (3) unit residential structure with a rear yard patio.
- **Variances**
 - **Front yard Setback**
Required/Permitted: Max 10ft, matching adjacent
Proposed: 8.5ft
 - **Rear yard Setback**
Required/Permitted: 30ft
Proposed: 24ft 8in
 - **Building Coverage**
Required/Permitted: 60%
Proposed: 66%

III. STAFF COMMENTS

- The applicant's experts shall testify as to any changes to the proposed architectural and site plans that are a result of comments from the Historic Preservation Commission.
- Though the proposed building falls entirely within the property line, the proposed landscaping condition along Sussex Street frontage requires a Franchise Ordinance from City Council. The applicant's experts shall testify as to why the landscape condition is sought.
- **Front Yard Setback**
 - While the proposed front yard is within the 10ft maximum of the district, it does not match that of the adjacent property which features an enclosed front first-story addition inconsistent with

that of the corridor. Given that the property is situated at the corner and proposes a setback within the maximum permitted at the zone, staff sees no detriment to the intent of the zone plan in the granting of the variance.

▪ **Rear Yard Setback**

- The proposed rear yard setback falls ~5ft 4in short of the requirement of the H Zone. The structure as proposed meets the rear building line of the adjacent property to the north. Additionally, as this is a corner lot, it is desirable to have the street wall continued along both frontages of the lot without large breaks. The proposed rear yard still provides sufficient light and air to the neighboring properties, is consistent with other properties on the block, and maintains an access easement to the rear yard of the property to the north.

▪ **Building Coverage**

- The proposed building coverage exceeds the maximum by 6%, which correlates with the proposed rear yard setback and said variance. As previously noted, the corner configuration of the lot lends itself to additional building mass in order to maintain the streetwall without a large gap on Sussex Street that would give a similar break in the streetwall to a large vacant lot. Given that light and air is maintained on the site and the bulk is within the height limitations of the zone, staff sees the benefits as outweighing the detriments in the granting of the variance.

IV. STAFF RECOMMENDED CONDITIONS

All testimony given by the applicant and their expert witnesses in accordance with this application shall be binding. The staff recommends the following conditions to mitigate the negative criteria:

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 planning staff and approval by planning board.
2. Applicant shall provide an affidavit from the architect of record representing that the constructed project is consistent with final approved plans.
3. All street trees and landscaping shall be installed in accordance with the Jersey City Forestry Standards prior to the issuance of a Certificate of Occupancy (CO) or Temporary Certificate of Occupancy (TCO).
4. Applicant shall comply with all conditions noted the attached Historic Preservation Staff report, including conditions added on-record at the September 12, 2022 Historic Preservation Commission hearing. All required design changes shall be incorporated in signature sets and are subject to staff review prior to issuance of signature sets and/or issuance of any construction permits.
5. The applicant shall obtain a Franchise Ordinance from City Council for the proposed landscaping on the Sussex Street Frontage prior to the issuance of a TCO or CO. A copy of the Franchise Ordinance shall be filed with City Planning once available.

APPENDIX : REQUIRED PROOFS FOR VARIANCES

▪ 'C' VARIANCE

Required Findings for 'C' Variance Standard/Deviations under N.J.S.A. 40:55D-70(c)(2):

1. The justifications must relate to a specific piece of property;
2. The purposes of the Municipal Land Use Law would be advanced by the deviation from the zoning ordinance requirement;
3. The deviation can be granted without substantial detriment to the public good;
4. The community benefits of the deviation would substantially outweigh any detriment and;
5. The deviation will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

▫ Negative Criteria

No relief may ever be granted unless it can be done

1. without substantial detriment to the public good, and

2. without substantially impairing the intent and purpose of the zone plan and zoning ordinance

1) Substantial detriment to the public good – Balancing Requirement.

The focus of this first prong of the negative criteria is on the variance's effect on the surrounding properties. The board must weigh the zoning benefits from the variance against the zoning harms. In many instances, conditions of approval address the negative criteria standard and help to mitigate the impact of the variance.

2) Substantial impairment to the intent and purpose of the zone plan and ordinance.

The focus of this second prong of the negative criteria is on the power to zone based on ordinance and not variance

CITY OF JERSEY CITY

Department of Housing, Economic Development & Commerce
Division of City Planning



Interdepartmental Memorandum

DATE: 6/10/2022 **updated and revised 9/9/2022**
TO: Historic Preservation Commission
FROM: Margaret A. O'Neill, Historic Preservation Specialist
CC: Tom Fodice, Esq., HPC Counsel
215 Warren Street LLC, Applicant and Owner
Joseph Cauda, Esq.
Jersey City Planning Board
/File
RE: Case #H21-573
215 Warren Street
Block: 14202, Lot: 22
Zone: H / Paulus Hook Historic District

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I. PLANS AND DOCUMENTS REVIEWED

1. Historic Preservation Application, submitted November 23, 2021
2. Architectural Plans entitled *Multi-Family Residential 215 Warren Street Jersey City NJ 07302* dated 1/27/22 **revised and resubmitted 9/8/2022**
3. Warren St. View 1 – undated
4. Warren St. View 2 - undated
5. Engineering Plans entitled *215 Warren Street Block 14202 Lot 2*, most recently revised 5/09/2022 **revised and resubmitted 9/9/2022**

II. PROJECT & PROPOSAL BACKGROUND

The property has been owned by 215 Warren LLC (herein referred to as “The Owner”) since November 2021. The property is currently a parking lot.

Per the submitted application and plans prepared by GRO Architects PLLC, entitled *Multi-Family Residential 215 Warren Street Jersey City NJ 07302* dated 1/27/22, the applicant is seeking a Certificate of Appropriateness for the construction of a four (4) story, three (3) residential unit building with associated site work.

The application and submitted plans were deemed complete by HPC Staff on June 6, 2022.

III. PROPERTY LOCATION & JURISDICTION

215 Warren Street (herein referred to as “The Property”) is located in the Paulus Hook Historic District. The property is located on the northwest corner at the intersection of Warren and Sussex

St, fronting Warren Street. As defined in the City of Jersey City Zoning Ordinance, the property is zoned as H.

The property was designated as a contributing building within the Paulus Hook Historic District on February 1, 1977, as well as on the National and State Registers of Historic Places on June 20, 1982. The HPC's jurisdiction regarding the property is defined per § 345-30, entitled *Historic Preservation Review Procedures*:

- a. *No permit shall be issued or amended nor shall **any construction**, alteration, minor alteration, ordinary maintenance and repair or demolition be started on a landmark building nor on any sign, building, structure, object, site or landscape feature within a designated historic district, whether or not a construction permit is required, prior to a filing of an application for review by the Historic Preservation Commission or the issuance of either a Certificate of Appropriateness or a Certificate of No Effect.*

Additionally, per 2(a), *"The Historic Preservation Officer shall refer all applications for **new construction, alterations**, relocation or demolition to the Historic Preservation Commission for review."*

This application comes to the HPC as referral from the Planning Board per 40:55D-110 of the New Jersey Municipal Land Use Law. Per this provision, the Historic Preservation Commission "... may provide its advice, which shall be conveyed through its delegation of one of its members or staff to testify orally at the hearing of the application and to explain any written report which may have been submitted."

IV. REQUIREMENTS AND STANDARDS FOR CONSIDERATION

Staff notes regarding the Powers and Duties of the Historic Preservation Commission:

Per § 345-9, entitled Historic Preservation Commission, Section (B) entitled Powers and Duties of the Historic Preservation Commission, the Commission has the following relevant powers and duties:

(4) To advise and assist City officers, employees, boards and other bodies, including those at County, regional, State and Federal levels, on all matters which have potential impact on the landmark buildings, sites, structures, object or landscape features in the City or on the ambience of a historic district.

(17) To issue Certificates of Appropriateness or Certificates of No Effect in accordance with the rules and standards set forth herein.

The property is subject to following standards during the Board's consideration regarding the application seeking a Certificate of Appropriateness:

1. *Secretary of Interior Standards for the Treatment of Historic Properties*
2. *City of Jersey City Zoning Ordinance § 345-58 entitled H - Historic District*
3. *City of Jersey City Zoning Ordinance § 345-71 entitled Historic Design Standards*

4. City of Jersey City Historic Preservation Commission *Rules & Regulations for Alterations & Additions to Buildings & New Construction in Historic Districts*

V. STAFF RECOMMENDATIONS AND COMMENTS

The scope and impact of the proposed project represented by the plans were reviewed according to the City of Jersey City Zoning Ordinance § 345-30 entitled *Historic Preservation Review Procedures*, the City of Jersey City Zoning Ordinance § 345-71 entitled *Historic Design Standards* and by the Secretary of the Interior's Standards for Historic Preservation, as adopted by the ordinance.

After reviewing the proposed project, Staff finds that the proposal is mostly consistent with the Secretary of Interior Standards, § 345-71 *Historic Design Standards*, or with *Rule & Regulations*. New construction in historic districts is guided by the standard that “...new construction need not replicate historic older buildings or structures, but may reflect contemporary design standards so long as the design and construction is compatible with surrounding historic structures. Building height, width, mass and proportion affect the degree of compatibility between the old and the new.” It is certainly true that the proposed building does not replicate historic older buildings and that it reflects contemporary design standards, particularly in its window fenestration facing Sussex St. The building’s height appears to align with the adjacent, established row at the front, but is raised in the rear (Staff notes that the building, per the plans, conforms to the 40’ height maximum in historic districts). ***HPC Staff notes that the Sussex Street façade has been redesigned in this submission.*** The proposed building will require two variances to be approved – one for building coverage and one for rear yard setback. HPC Staff finds the building coverage variance – 65%, 5% over the permitted 60% - to be relatively minor in nature. The rear yard setback variance – 22 ft, 8 ft less than the required 30 ft – is more concerning. ***HPC Staff notes that the rear yard has been increased to just below 25’ – a more acceptable depth. Additionally, the proposed building is entirely in line with the adjacent rear yard addition.***

Following the HPC’s comments and recommendations, HPC Staff finds the proposed changes to the project to be more appropriate in terms of siting, design, and details. These design changes, made in consultation with the HPHA, address some of HPC Staff previous concerns regarding the design of the building. Following these changes, HPC Staff recommends the approval of a CoA and the recommendation for approval to the Planning Board with the following conditions:

1. ~~The applicant shall revise the proposed thin brick to a full brick, which is consistent with the Standards outlined in § 345-71~~ ***The applicant is proposing face brick, not thin brick, therefore this condition is not necessary.***
2. The architect, GRO Architects, shall be retained during construction and shall submit as-built, signed and sealed drawings to staff, or a signed and sealed letter representing and noting that site construction was consistent with work approved under this Certificate of Appropriateness before the issuance of a Certificate of Occupancy.
3. Any proposed planting or landscaping shall conform with the City of Jersey City Forestry Standards.

4. ***Any changes to the proposed side yard, which will require approval of a franchise agreement with the city, are subject to the terms of said agreement. If changes require a substantial change to the scope, the applicant shall reappear at the HPC requesting design deviation.***
5. ***None of the rooftop appurtenances or bulkheads shall be visible from the public right of way.***
6. ***The applicant shall revise the façade elevations to include the location of the electrical service, which should be finished to match the primary color of the façade.***
7. Details, Specifications, and Material Submissions not currently submitted to and approved by the HPC under this Certificate of Appropriateness, or changed during the course of construction are remanded back to the HPC and/or its Staff.
8. All material samples and specifications, ***including specifications of the proposed shades***, shall be submitted to HPC Staff for review and approval prior to the submission of construction documents for permitting.
9. When construction documents are prepared for permitting submittal, any changes or deviations from the HPC (and any other applicable review board) approved drawings are to be clearly bubbled on the construction drawings and noted in an accompanying signed and sealed letter from the architect addressed to Staff for review. Depending on the degree of change or deviation, additional review by the HPC may be required.
10. Upon final approval of this Certificate by the HPC, any deviations from the granted approval must be approved by the HPC, except in cases of emergency affecting the public safety, health and welfare. Requests for deviations from this Certificate are to be submitted through written request of the architect.
11. ***The applicant shall revise the base material to be cast stone rather than fiber cement.***
12. ***The applicant shall revise the bottom row of windows along Sussex Street to have the same header and sill detail as the Warren Street façade.***
13. ***All lighting on the roof deck and any exterior light fixtures on the façade shall be downcast in nature. Any fixtures proposed for this area shall be included in the submission of construction documents to be reviewed by HPC staff.***
14. ***The applicant shall add a recessed downcast light fixture to the side utility door facing Sussex Street.***
15. ***The applicant shall work with staff to reduce the pickets in the proposed fencing to visually lighten it and to consider adding a top rail. The applicant shall create a mock-up of wood if they choose prior to fabrication to be submitted to HPC staff.***

Alternatively, if the HPC finds that the application as presented would have an adverse effect on the surrounding historic resource and the Paulus Hook Historic District, it could deny the application with the following recommended conditions:

1. § 345-71(H)(2)(A) – Site and Setting
2. § 345-71(H)(2)(D) – Relationship of Unbroken Planes to Voids
3. § 345-71(H)(2)(E) - Relationship of Vacant Land to Buildings/Structures
4. § 345-71(H)(2)(G) - Relationship of Major Exterior Building Material