

Statement of Principal Points
131-133 Clifton Place (Block 15302, Lots 21 and 22)
Jersey City, Hudson County, New Jersey

October 13, 2022

An application has been filed for the above-noted properties with the Jersey City Zoning Board of Adjustment, approval of a use variance pursuant to N.J.S.A. 40:55D-70.d(1) for a multi-family use (Lot 22); approval of a height variance pursuant to N.J.S.A. 40:55D-70.d.(6) (Lot 22); and approval of bulk variances for maximum lot coverage (Lot 21), minimum combined front and rear yard setback (Lot 21), minimum front yard landscaping (Lot 21), minimum combined setback for both side yards (Lot 22), maximum building height (stories) (Lot 22), maximum garage door width (Lot 22), and minimum front yard landscaping (Lot 22) pursuant to N.J.S.A. 40:55D-70.c.

The subject properties at 131-133 Clifton Place consists of Lot 21 (133 Clifton Place) and Lot 22 (131 Clifton Place) on Block 15302 and are located on the south side of Clifton Place, midblock between Baldwin Avenue to the west and Clifton Place to the east. Lot 21 has a lot size of 4,175 square feet, with a lot width of 50 feet and a lot depth of 94 feet. Lot 22 has a lot size of 2,850 square feet, with a lot width of 25 feet and a lot depth of 114 feet. Currently, Lot 21 is improved with a 4-story, 3-unit dwelling and Lot 22 is a paved lot. A total of 6 off-street parking spaces are provided on Lots 21 and 22 combined. The subject properties are in the R-1 One- and Two-Family Housing District ("R-1 District").

The purpose of this project is to renovate the existing 3-unit dwelling on Lot 21 (133 Clifton Place) and construct a new 5-unit dwelling on Lot 22 (131 Clifton Place). The renovation of the existing structure on Lot 21 will consist of demolishing a rear portion of the existing 4-story, 3-unit dwelling and provide internal renovations. On Lot 22, a new 4-story, 5-unit dwelling with 2 ground floor parking spaces will be constructed. A shared driveway with access to the 2 ground-floor spaces and an additional 5 off-street surface parking spaces including 1 standard space, 1 ADA space, and 3 compact spaces is proposed for the use of residents of both 131 Clifton Place (Lot 22) and 133 Clifton Place (Lot 21). Three new street trees and front yard landscaping is proposed. Approximately 675 square feet of rear yard landscaping and four bicycle parking spaces are proposed for 131 Clifton Place (Lot 22).

The Zoning Board of Adjustment has the jurisdiction to grant d(1) use variance (for Lot 22) pursuant to the Municipal Land Use Law N.J.S.A. 40:55D-70.d.(1) *in particular cases and for special reasons*. Under relevant case law (*Medici v. BPR Co.* 107 NJ 1 (1987)), the standard for granting variances with respect to the positive criteria is that the proposed use will promote the general welfare, the property is "particularly suited" to accommodate the proposed use, and the proposed use can be reconciled with the Zoning Ordinance.

Positive Criteria: d(1) Use Variance (Lot 22): In terms of the use variance, the property is particularly suitable for the proposed 5-unit residential building. Lot 22 has an area of 2,850 square feet, with a lot width of 25 feet and a lot depth of 114 feet. The project proposes a density of 71 units per acre. Due to the oversized lot area of 2,850

square feet, compared to the typical 2,500-square-foot lot in the R-1 District, sufficiently sized apartments ranging from 600 square feet to 1,161 square feet, at an average of 782 square feet are proposed within a building footprint that is compliant with front and rear yard setbacks, building coverage, and lot coverage. As a result, the proposed project can be accommodated on the subject property. The proposed project is consistent with the existing character of the surrounding area; there are multi-family residential buildings along Clifton Place including 101 Clifton Place (Block 15302, Lot 29) with 25 units and a density of 127 units per acre, 99 Clifton (Lot 30) with 4 units and a density of 87 units per acre, 95 Clifton Place (Lot 32) with 3 units and a density of 65 units per acre, The Beacon apartment complex at 100 Clifton Place (Block 15303, Lot 12) with 271 units and a density of 245 units per acre and 88 Clifton Place (Block 15303, Lot 11) with 241 units and a density of 222 units per acre. The overall proposed density of Lots 21 and 22 is 50 units per acre. Additionally, the subject property can be accommodated the proposed use and density due to the fact that off-street parking spaces will be partially located on Lot 21 for Lot 22 residents.

Positive Criteria: d(6) Height Variance (Lot 22): In terms of the height variance, the property can accommodate for the proposed 41.8-foot building height. The project proposes a building height of 4 stories and 41.8 feet, where a maximum building height of 3 stories and 30.7 feet is permitted. The subject property can accommodate the impacts of the additional height, as the proposed height is consistent with building heights of adjacent buildings and typical of the Block. The proposed building height will match the existing height of the 4-story and 41.8-foot dwelling on Lot 21. The floor-to-ceiling heights within the proposed 4-story dwelling will be compliant at 9 feet. The proposed building has been designed and will be constructed to match the existing historic dwelling on Lot 21, with the floor-to-ceiling heights and overall building height. The proposed building height will be of similar scale and height to existing multi-family residential buildings within the surrounding area including, 101 Clifton Place (Block 15302, Lot 29), 73 Clifton Place (Block 15302, Lot 42), and 134 Clifton Place (Block 13601, Lot 4) which are each improved with a 4-story multi-family residential building, and The Beacon apartment complex at 100 Clifton Place (Block 15303, Lot 12) with a height of 22 stories and 88 Clifton Place (Block 15303, Lot 11) with a height of 17 stories. Furthermore, the proposed building has conforming front and rear yard setbacks, and adequate side yard setbacks to provide light and air to adjacent properties.

Bulk “c” variances for Lot 22 for minimum combined setback for both side yards, maximum building height (stories), maximum garage door width, and minimum front yard landscaping are required, which may be approved pursuant to N.J.S.A. 40:55D-70.c.(2) where the benefits of the proposed project would substantially outweigh any detriments.

Minimum Combined Setback for Both Side Yards (Lot 22): The project proposes a side yard setback of zero feet from the west side lot line (adjacent to Lot 21) and 3.1 feet from the east side lot line, where a minimum combined setback of 5.1 feet is required. The proposed setback will not impact light and air to the adjacent properties. A

setback of 3.1 feet is proposed from the east side lot line, which abuts a 2.4-foot side yard setback on adjacent Lot 23, providing a 5.5-foot separation between the buildings consistent with R-1 District standards. Furthermore, there is an existing 10-foot setback of the adjacent building on Lot 21 which will be maintained and provide adequate separation and light and air between the two buildings. Additionally, the project proposes a shared access easement and driveway within this 10-foot-wide setback, which will be compliant with the maximum 10-foot-width permitted for a driveway.

Maximum Building Height (stories) (Lot 22): The project proposes a building height of 4 stories, where a maximum building height of 3 stories is permitted. The proposed building has been designed and will be constructed to match the existing historic dwelling on Lot 21, with the floor-to-ceiling heights and overall building height. The subject property can accommodate the impacts of the additional height, as the proposed height is consistent with building heights of adjacent buildings and typical of the Block. The proposed building height will match the existing height of the 4-story dwelling on Lot 21. The floor-to-ceiling heights within the proposed 4-story dwelling will be compliant at 9 feet. The proposed building height will be of similar scale and height to existing multi-family residential buildings within the surrounding area including, 101 Clifton Place (Block 15302, Lot 29), 73 Clifton Place (Block 15302, Lot 42), and 134 Clifton Place (Block 13601, Lot 4) which are each improved with a 4-story multi-family residential building, and The Beacon apartment complex at 100 Clifton Place (Block 15303, Lot 12) with a height of 22 stories and 88 Clifton Place (Block 15303, Lot 11) with a height of 17 stories. Furthermore, the proposed building has conforming front and rear yard setbacks, and adequate side yard setbacks to provide light and air to adjacent properties.

Maximum Garage Door Width (Lot 22): The project proposes a garage door width of 16 feet, where a maximum width of 10 feet is permitted. The proposed garage will be for 2 cars that will be parked side by side, therefore, a 16-foot-wide garage door is required. The proposed garage opening will provide direct and seamless access for each car to enter and exit out of the proposed ground-floor-garage. The proposed garage will be located on the westerly side of the proposed building which will not be visible from the street and thus reduces the visual impact of the increased garage door width. The proposed curb cut and driveway will be compliant at a width of 10 feet each.

Minimum Front Yard Landscaping (Lot 22): The project proposes 52.9% of the front yard to be landscaped, where a minimum of 60% of the front yard shall be landscaped. The project proposes adequate landscaping while providing a safe 8-foot-wide staircase to the residential entrance and compliant 15-foot front yard and 3.1-foot side yard setback. The project will improve existing conditions of the subject property through the proposed landscaping by reducing the existing lot coverage from 83.9% to a compliant 71.3%. Additionally, approximately 675 square feet of landscaping is proposed in the rear yard and a compliant building coverage of 55.4%.

Bulk “c” variances for Lot 21 for minimum combined front and rear yard setback, maximum lot coverage, and minimum front yard landscaping are required, which may be approved pursuant to N.J.S.A. 40:55D-70.c.(2) where the benefits of the proposed project would substantially outweigh any detriments.

Minimum Combined Front and Rear Yard Setback (Lot 21): The project proposes a combined front and rear yard setback of 30.7 feet, where a minimum of 35 feet is required. The proposed project would improve this non-conforming condition, increasing the combined setback from 21.8 feet to 30.7 feet. The proposed rear yard setback will be increased from 16 feet to a compliant 25.9 feet with the demolition of the existing 1-story rear addition. The existing front yard setback of 5.8 feet is proposed to remain.

Maximum Lot Coverage (Lot 21): The project proposes a lot coverage of 93.5%, where a maximum lot coverage of 85% is permitted. Through the proposed lot coverage, 5 off-street surface parking spaces to be utilized by residents of both Lots 21 and 22 are proposed in the rear yard via a shared driveway along the easterly side of the property. Pavers are proposed in the driveway which will help with stormwater drainage. Additionally, the increased lot coverage will be mitigated by the proposed on-site stormwater management system (infiltration basin), landscaping in the front and side yards, and two new street trees along the Lot 21 subject property frontage. The two subject properties function together due to the shared parking and the proposed overall lot coverage of the combined Lots 21 and 22 is 84.6% which is compliant with the 85% maximum. Lot 21 has an existing compliant building coverage of 31.5%.

Minimum Front Yard Landscaping (Lot 21): The project proposes 14.7% of the front yard to be landscaped, where a minimum of 30% of the front yard shall be landscaped on lots with driveway access. The majority of the front yard is occupied by existing coverage which is proposed to remain, and a new 10-foot-wide compliant driveway is proposed which will provide residents’ access through the front yard to the off-street parking spaces in the rear yard. Additionally, the project proposes landscaping in the side yard along the easterly façade of the dwelling and a portion of the rear yard along the westerly side lot line.

Overall, the benefits of the project on Lots 21 and 22 outweigh the detriments. Lot 21 will be brought into greater conformity with R-1 District standards by decreasing the existing nonconforming rear yard setback and the combined front and rear yard setback. A new residential use will be constructed on a currently vacant parcel (Lot 22), a new on-site stormwater management system will be installed, an existing ground-floor garage will be converted into a live/work space for one of the units (Lot 21), the project will preserve the existing historic building (Lot 21), the proposed shared curb cut and driveway will result in the elimination of one existing curb cut, new sidewalks and street trees are proposed.

Purposes of the Municipal Land Use Law (MLUL): The project will also advance the purposes of the MLUL, specifically: Granting the requested variance and project will guide the appropriate use and development of the

site in a manner which will promote the public health, safety, and general welfare consistent with N.J.S.A. 40:55D-2.a. through the provision of new and improved housing within the R-1 District. The proposed project will provide on-site stormwater detention and will secure safety from flood and other natural and man-made disasters per N.J.S.A. 40:55D-2.b. The proposed building height is consistent with the character of the surrounding area and meets the front and rear yard requirements providing for adequate light, air and open space to adjacent properties consistent with N.J.S.A. 40:55D-2.c. The proposed project will promote a desirable visual environment through creative development techniques and good civic design and arrangement by developing the vacant subject property with a newly constructed residential building consistent with the character of existing buildings within the surrounding area, pursuant to N.J.S.A. 40:55D-2.i.

Negative Criteria: Granting the requested variances will not result in a substantial detriment to the general welfare. The proposed project will improve existing conditions on a currently vacant parcel, Lot 21, by constructing a new residential dwelling in a residential area and will provide new housing options in Jersey City. The project will improve the streetscape along Clifton Place by providing front yard landscaping as well as a total of three new street trees. The project will improve existing conditions to the dwelling on Lot 22, by providing larger units within, new landscaping, and an updated façade to include repainting and replacing where necessary.

The proposed project would also advance the Jersey City Master Plan by enhancing residential neighborhoods and creating a balanced housing supply that meets the needs of all current and future Jersey City residents.

Granting the requested variances will likewise not result in a substantial impairment to the intent and purpose of the zone plan and zoning ordinance. The intent and purpose of the R-1 District is to “[a]ccommodate existing housing and encourage compatible infill 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.” The proposed project will improve existing conditions bringing the properties into closer conformity with R-1 District Standards. Overall, the project complies with front, side, and rear setbacks and building and lot coverage requirements. The property can accommodate the proposed use and associated bulk conditions. The proposed new residential will provide new housing options on a vacant lot. The requested buildings will be in scale with existing multi-family dwellings along Clifton Place and the surrounding area.

The requested variances necessary for the proposed project can be granted in that both the positive and negative criteria have been met pursuant to N.J.S.A. 40:55D-70.d.(1) and 40:55D-70.c. The Applicant reserves the right to supplement the forgoing reasons with expert testimony at the Zoning Board of Adjustment hearing.