

CITY OF JERSEY CITY

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



Interdepartmental Memorandum

DATE: 11/14/2022
TO: Historic Preservation Commission
FROM: Margaret A. O'Neill, Historic Preservation Specialist
CC: Jonathan Rekstad, Esq., HPC Counsel
Stephen Joseph, Esq., Applicant
Kirstine & Serge Belongie, Owners
/File
RE: Case #H21-279
289 Pavonia Avenue
Block: 10009, Lot 1
Zone: H / Hamiton Park Historic District

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I. PLANS AND DOCUMENTS REVIEWED

1. Historic Preservation Application, submitted June 8, 2021
2. Architectural Plans prepared by Hampton Hill Architects entitled *289 Pavonia Avenue Proposed Addition of New Rear Deck for Existing 4-Story Building* most recently updated August 12, 2022
3. Photos – front, side, and rear, undated
4. 1938 Tax Assessor's Photograph

II. PROJECT & PROPOSAL BACKGROUND

The property has been owned by Kirstine & Serge Belongie (herein referred to as "The Owner") since August of 2018. The property is currently a one-unit residence.

Per the submitted application and plans prepared by Hampton Hill Architects entitled *289 Pavonia Avenue Proposed Addition of New Rear Deck for Existing 4-Story Building* most recently updated August 12, 2022, the applicant is seeking a Certificate of Appropriateness for the construction of a rear yard deck, that extends into the rear yard setback and is visible from the public right of way, and alterations to a rear-façade window at 289 Pavonia Ave, an altered, contributing, Italianate rowhouse constructed circa 1860.

The application and submitted plans were deemed complete by HPC Staff on October 13, 2022.

III. PROPERTY LOCATION & JURISDICTION

289 Pavonia Avenue (herein referred to as "The Property") is located in the Hamilton Park Historic District. The property is located on an undersized lot (16.67'x50') at the corner of Pavonia and Coles. As defined in the City of Jersey City Zoning Ordinance, the property is zoned as H.

The property was designated within the Hamilton Park Historic District on February 1, 1977, as well as on the on the National and State Registers of Historic Places on January 25, 1979. 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."*

As this proposal requires variances to be requested from the Zoning Board of Adjustment, this application comes to the HPC as referral from the Zoning 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 proposal, HPC Staff does not believe the project to be appropriate. As decks are evaluated under the standards for rear yard additions, it is apparent that there are several standards that this application does not meeting, including "The proposed addition is not visible from a public thoroughfare or right-of-way" and "The addition will not extend to the rear lot line, nor substantially eliminate the presence of a rear yard." The HPC does not have a history of approving decks that are both visible from the PROW and completely eliminate a rear yard, as this application proposes, regardless of lot size. HPC Staff also notes that there do not appear to be any other rear yard additions or decks on the adjacent properties, showing no pattern of development to support the proposal. HPC Staff acknowledges that the proposed deck does appear to visually take cues from fire escapes and metal decks that are common within the district and that the proposed alterations to the rear façade to support access to the deck appear to be appropriate, but it is not enough to mitigate the adverse effects of the proposal itself.

If the HPC finds that that application as presented would have an adverse effect on the historic resource and the surrounding Hamilton Park Historic District, it could deny the application citing the following:

1. § 345-71(L)(3)(a)(i)(a) – Additions: Rooftop Additions: The proposed addition is not visible from a public thoroughfare or right-of-way.
2. § 345-71(L)(3)(a)(i)(a) – Additions: Rooftop Additions: The addition will not extend to the rear lot line, nor substantially eliminate the presence of a rear yard.

Alternatively, if the HPC finds that the application as presented would not have an adverse effect on the historic resource and the surrounding Hamilton Park Historic District, it could approve the application with the following recommended conditions:

1. The architect, Hampton Hill 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.
2. Prior to the issuance of permits, the applicant shall file with the Zoning Officer to confirm legality of the rear yard curb cut, which is not listed as legal parking on the submitted plans. If the curb cut is not legal, the applicant shall close the curb cut prior to the issuance of a Certificate of Occupancy.
3. Shop drawings shall be provided to HPC Staff for review and approval prior to the manufacture, purchase, or installation of the new rear door and windows.

4. Any proposed planting or landscaping shall conform with the City of Jersey City Forestry Standards.
5. 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.
6. All material samples and specifications shall be submitted to HPC Staff for review and approval prior to the submission of construction documents for permitting.
7. Any changes or deviations from the 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.
8. Any changes or deviations from the approved plans over the course of construction shall be submitted to HPC Staff from the architect of record for approval on an as-needed basis. Changes or deviations that result in new work may require a new application to the HPC for said work.
9. 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.