


CITY OF JERSEY CITY

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



Interdepartmental Memorandum

DATE: 3/10/2023
TO: Historic Preservation Commission
FROM: Sara Quinlan, Historic Preservation Specialist 
CC: Jonathan Rekstad, Esq., HPC Counsel
Debra David Architect LLC, Applicant,
75 Sussex Street LLC, Owner
/File
RE: Case #H22-042
75 Sussex Street
Block: 14402, Lot 5
Zone: H / Paulus Hook Historic District

I. PLANS AND DOCUMENTS REVIEWED

1. Historic Preservation Application, submitted February 10, 2022.
2. Architectural Drawings entitled *75 Sussex Street, Jersey City, NJ 07302, Front Yard Fence Rehabilitation/Alteration*, by Debra David Architect LLC most recently revised January 4, 2023.
3. Supplemental photos of historic fence, existing fence, and surrounding fences submitted February 10, 2022.
4. 1938 Tax Card photo of 75 Sussex Street.
5. 1938 Tax Card photo of 77 Sussex Street

II. PROJECT & PROPOSAL BACKGROUND

The property has been owned by 75 Sussex Street LLC (herein referred to as "The Owner") since 2019. The property is currently used as a three-unit residence.

Per the submitted application and submitted specifications, the applicant is seeking a Certificate of Appropriateness for the repair and replacement of the fence surrounding the front areaway of a contributing, *circa* 1855, Italianate rowhouse in the Paulus Hook Historic District. This work includes (but is not limited to):

1. The removal and replacement of the historic fences at the west property line with a new portion of wrought iron fence to match the existing, non-original, street facing fence.

The application and submitted plans were deemed complete by HPC Staff on January 24, 2023.

III. PROPERTY LOCATION & JURISDICTION

75 Sussex Street (herein referred to as "The Property") is located in the Paulus Hook Historic District. The property is located on 25 x 100 lot fronting Sussex Street between Washington and Greene Streets. 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."*

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 was reviewed according to the *Secretary of Interior Standards for the Treatment of Historic Properties*, the City of Jersey City Zoning Ordinance § 345-58 entitled *H - Historic District*, the City of Jersey City Zoning Ordinance § 345-71 entitled *Historic Design Standards* and by the City of Jersey City Historic Preservation Commission *Rules & Regulations for Alterations & Additions to Buildings & New Construction in Historic Districts*.

After reviewing the proposed project, Staff finds that the proposal is inconsistent with the *Historic Design Standards and Rule & Regulations*, as well as with the *Secretary of Interior Standards for the Treatment of Historic Properties*. Historic site and photographic evidence demonstrates that these features existed concurrently as the extant street facing fence is present in the 1938 Tax Card photo; the removal of the historic fence along the west property line and its subsequent replacement with a reproduction of the street facing fence would create a false sense of the property's history.

Per the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preservation, Rehabilitation, Restoration, & Reconstruction*, most recently revised by Anne E. Grimmer, 2017. The recommended treatment for the preservation and restoration of metals, inclusive of wrought and cast iron, includes (but is not limited to): **"Identifying, retaining, and preserving** metal features from the restoration period ...". The proposal for this fence is, per the application, a replacement that does not match the existing historic fabric, which is specifically listed as "Not a Recommended Treatment." Further in *Treatment of Historic Properties*, guidelines for rehabilitation and the *Design for the Replacement of Missing Historic Features* contains specific guidance for proposals such as this:

"For properties that have changed over time, and where those changes have acquired significance, reestablishing missing historic features generally **should not be undertaken if the missing features did not coexist with the features currently on the building**. Juxtaposing historic features that did not exist concurrently will result in a false sense of the building's history."

Per §345-71(A)(2), "...The removal or alteration of any historic material or distinctive architectural features should be avoided when possible." Continuing, in §345-71(A)(4), "Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected." Per §345-71(A)(6):

"Deteriorated architectural features shall be repaired rather than replaced wherever possible. In the event that replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplications of features substantiated by historical, physical or pictorial evidence rather than on conjectural design or the availability of different architectural elements from other buildings or structures."

Per §345-71(L)(6)(a)(ii), a Certificate of No Effect will be granted for:

"Replacement of missing, non-historic or severely deteriorated historic fences and railings providing that **the new ironwork matches the historic ironwork based on documentation such as historic photographs, extant examples on identical buildings, or remnants of the historic ironwork.**"

Continuing, in §345-71(L)(6)(b)(iii)(C), a Certificate of Appropriateness is required for “Alterations to or removal of historic fences and railings.”

While the methodology identified for the proposed repair and restoration of the extant, non-original, street facing fence appears appropriate in scope, the removal of two sections of historic fence along the west property line to match the street facing fence is inappropriate and in direct nonconformance to the *Historic Design Standards and Rule & Regulations*, as well as with *Secretary of Interior Standards for the Treatment of Historic Properties*.

The various sections of historic fence around the property’s front areaway demonstrates the changes and the developments that have taken place to the property as well as the streetscape overtime. As noted in §345-71(A)(4), “these changes may have acquired significance in their own right and this significance shall be recognized and respected.” The proposal to remove the historic sections of fence and replace them with a reproduction of the street facing fence when historic site and photographic evidence demonstrates that these features existed concurrently would create a false sense of the property’s history. The approval to remove these portions of fence would degrade the integrity of setting, design, materials, workmanship, and feeling of the property, which is not an appropriate course of action.

HPC Staff recommends that this application for a Certificate of Appropriateness be denied as it would have an adverse effect on both the property, the surrounding properties, and the Paulus Hook Historic District as a whole. HPC Staff hopes, if the application is denied, that the applicant will submit a subsequent application to repair and restore the existing historic fence.

HPC Staff recommends that the HPC deny a Certificate of Appropriateness for the applicant under the following statutes:

1. §345-71(A)(2) – General Standards: *The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.*
2. §345-71(A)(4) – General Standards: *Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.*
3. §345-71(A)(6) – General Standards: *Deteriorated architectural features shall be repaired rather than replaced wherever possible. In the event that replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplications of features substantiated by historical, physical or pictorial evidence rather than on conjectural design or the availability of different architectural elements from other buildings or structures.*
4. §345-71(L)(6)(a)(ii) – Ironwork: *Replacement of missing, non-historic or severely deteriorated historic fences and railings providing that the new ironwork matches the historic ironwork based on documentation such as historic photographs, extant examples on identical buildings, or remnants of the historic ironwork*
5. §345-71(L)(6)(b)(iii)(C) – Ironwork: *Alterations to or removal of historic fences and railings.*