

Statement of Principal Points

307 Bergen Avenue (Block 22405, Lot 4)
Jersey City, Hudson County, New Jersey

A development application has been filed for the above noted property with the Jersey City Planning Board for Site Plan approval and approval of eight (8) "c" variances. The proposed project consists of the construction of a new 4-story, 12-unit multi-family building with eight parking spaces. All units will be "Affordable Moderate-Income Housing" units. The eight variances are for maximum building height, floor to ceiling height, building coverage, front setback, side setback, rear setback, number of parking spaces and drive aisle width. The property is located in the Green Villa Redevelopment Area. Although there are eight variances none will result in a substantial detriment to the intent and purpose of the zone plan or the redevelopment plan, and the benefits of the affordable housing being developed as part of this project will substantially outweigh and minor detriments. Further, the property is somewhat undersized, irregularly shaped and a corner lot; presenting unique and practical difficulties in the development of the site.

Property Description

The subject property is identified as Lot 4 on Block 22405. It is located on the northwest corner of Morton Place and Bergen Avenue. The street address is 307 Bergen Avenue.

The required lot width and depth for the proposed project is 80 in width by 100 feet in depth. The property is a pre-existing undersized lot measuring approximately 56 feet in width along Bergen Avenue by 102.85 feet deep on one side and 103.89 feet on the other side along Morton Place. The lot area is approximately 5,800 square feet. The existing narrower width and resulting lesser lot area result in a hardship and practical difficulties in meeting the building coverage and setback requirements.

The property is currently vacant and has been for many years.

Project Description

The project will consist of the construction of a permitted multi-family building with all units being affordable to families of moderate income. There will be 3 one-bedroom units and 9 two-bedroom units for a total of 12 dwelling units. The building will be four-stories tall in total. The ground floor will contain the building lobby and elevators, a tenant amenity space, 8 parking spaces and bicycle storage. The three upper floors will contain four units on each floor.

Variances

Building Height – The permitted building height is 40 feet and 3 & ½ stories. The proposed 4-story building will be 43.83 feet tall, requiring a variance for both height in terms of stories and height in linear feet. The additional ½ story and 3.83 feet is de minimis and is in keeping with the character of the area. There are numerous multi-story, multi-family residential buildings along Bergen Avenue, and much of Bergen Avenue outside of the redevelopment area is zoned R-3, Mid-rise Residential. As such, the granting of this variance will not result in substantial detriment to either the intent of the zone plan or the public good and general welfare.

Floor to Ceiling Height – The proposed floor to ceiling height is 8 feet – 6 inches versus the required 9 feet. This 6-inch variance will not be noticeable from the street and will be de minimis in nature; and will therefore not result in a substantial detriment to the intent and purpose of the zone plan or to the public good and general welfare. Further, this deviation has the beneficial impact of minimizing the overall building height deviation while still providing adequate interior height within each dwelling unit and maximizing the number of affordable housing units that can be constructed. Given that affordable housing is an inherently beneficial use, the benefits of granting of this variance will substantially outweigh any detriment.

Building Coverage – As previously described, the subject property is a pre-existing under sized lot. The permitted coverage is 45%, while 88.49% is proposed. However, because this is a corner lot there will be adequate air and light provided to the site by the adjoining streets. Further, the added building coverage allows for the parking to be provided interior to the building, reducing the impact of asphalt paving and improving the aesthetics of the development. As such, the benefits of granting this variance will outweigh any detriment.

Setbacks – The proposed development will require variances from the front, side and rear setback requirements. However, as previously mentioned, as a corner lot, the adjoining street frontage allow for adequate air and light. Both interior lot lines function more as side lot lines rather than a rear lot line, necessitating lesser setbacks. A five-foot setback is provided adjacent to the existing building along Morton Place. Windows are placed within the building compliant with building code standards providing adequate air and light. As such, the granting of these variances will not result in a substantial detriment of the intent of the zone plan or to the public welfare.

Parking and Aisle Width – The redevelopment plan requires one space per dwelling unit, or 12 spaces; whereas 8 spaces are proposed. However, there is regularly scheduled bus service right along Bergen Avenue, as well as along Kennedy Boulevard one block to the west and along Martin Luther King Boulevard one block to the east. Further, there is a light rail station approximately ¼ mile to the northeast at Martin Luther King Boulevard. As such, the availability of public transportation reduces the need for on-site parking. Further, it should be noted that the City's recent Inclusionary Zoning Ordinance eliminates the parking requirements for affordable housing. As such, the granting of this deviation is more in keeping with the City's current policies toward affordable housing and off-street parking and will not result in a substantial detriment to the intent and purpose of the zone plan, nor will it result in a substantial detriment to the public good and general welfare due to the availability of public transportation.

The variance for drive aisle width will also not result in any detriment. The number of parking space is limited and will only be utilized by residents of the building. Therefore,

the proposed 22-foot aisle width, versus the required 24-feet, will be more than adequate to accommodate safe circulation and maneuvering of the automobiles parked on-site.

As previously mentioned, the provision of Affordable Housing is an inherently beneficial use, and as such meets the positive criteria for granting the requested variances. Further, the approval of this project will also advance the purposes of the Municipal Land Use Law and thereby promote the public good and general welfare.

- The approval of the proposed development will guide the appropriate use and development of the property in a manner that will promote the general welfare consistent with N.J.S.A. 40:55D-2.a. through the construction of a permitted multi-family building consistent with the character of the area and the zone plan;
- The proposed multi-family building will promote the establishment of an appropriate population density in a location well served by public transportation and in close proximity to convenient goods and services along Martin Luther King Boulevard consistent with N.J.S.A 40:55D-2.e.;
- The proposed project promotes a desirable visual environment consistent with N.J.S.A. 40:55D-2.i. by redeveloping an unsightly vacant lot which detracts from the character of the area with an attractive new residential building consistent with the redevelopment plan zoning and character of the area.

The advancement of the purposes of the Municipal Land Use Law and the intent and purpose of the Zone Plan / Redevelopment are seen as beneficial to the public good and general welfare; and meeting the positive criteria of N.J.S.A. 40:55D-70.c.(2). The granting of the requested variances will result in little or no detrimental impacts to either the zone plan or to the public good and general welfare.

Therefore, the requested variances can be granted pursuant to the c.(2) criteria wherein the benefits of the proposed project will substantially outweigh any detriment.

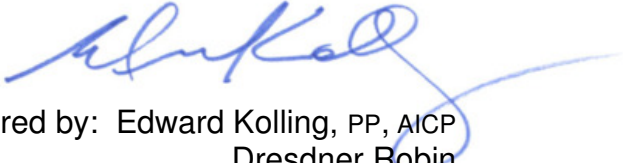
Summary

The requested variances can be approved pursuant to N.J.S.A. 40:55D-70.c.(1) due to hardship and practical difficulties presented by the pre-existing undersized lot width, shape and corner location of the property.

More importantly the variance can be approved pursuant to N.J.S.A. 40:55D-70.c.(2). wherein the benefits of the project will substantially outweigh any detriments. The proposed affordable housing use is inherently beneficial. Further, the proposed multi-family building promotes several of the purposes of the Municipal Land Use Law. Lastly, the granting of the variances will not result in a substantial detriment to the intent and purpose of the zone plan or a substantial detriment to the public good or general welfare.

As such, the positive and negative criteria for the granting of the requested variances have been met pursuant to N.J.S.A. 40:55D-70.c.(1) and N.J.S.A. 40:55D-70.c.(2).

The Applicant reserves the right to supplement the foregoing reasons with expert testimony at the Zoning Board of Adjustment hearing.



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