

DEVELOPMENT APPLICATION REVIEW | STAFF REPORT

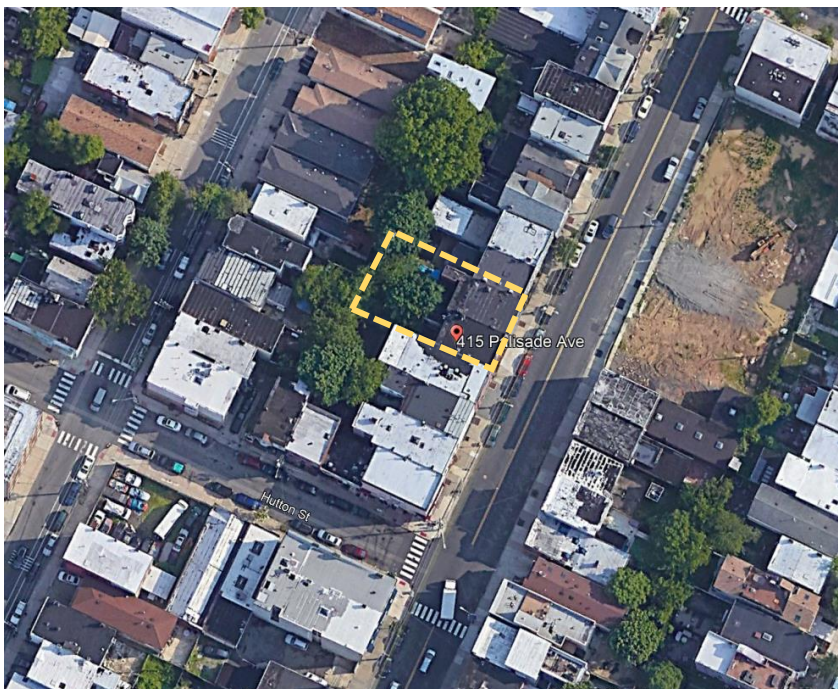
DATE : 05.04.2021
TO : Planning Board Commissioners
FROM : Mallory Clark-Sokolov, AICP, Senior Planner
Tanya Marione, PP, AICP, Division Director
CASE : P20-087
PROJECT : 415-417 Palisade Avenue
Preliminary + Final Major Site Plan with
Variances

I. DOCUMENTS REVIEWED

- General Development Application Form dated 12.23.2020
- Survey by
- Architectural Plan Set by Gro Architects dated 04.02.2020
- Civil Plan set by Chisvette Engineering dated 02.25.2020
- Principle Points Statement received 12.23.2020

II. APPLICATION BACKGROUND + PROPOSAL

- **Existing Conditions:** The property consists of two lots, each containing an existing three (3) story structure fronting on Palisade Avenue. Both lots are 25 x 100ft and the consolidated lot area is 5,000sf. The property is within the R2-D zone which permits multifamily uses at 75 units/acre. The Historic Preservation office has denied the demolition of the existing structures.



- **Proposed Conditions:**

The Applicant is proposing to rehabilitate and expand the existing structures to include a four (4) story (3 story + mezzanine), 9 unit multifamily building with one live/work unit fronting Palisade Avenue.

- **Variances**

- **Rear Yard Setback**
Required/Permitted: 5ft ground floor, 30ft above ground floor
Proposed: Varies, 10ft-43ft

III. STAFF COMMENTS

▪ **'c' Variance**

- The impact of the additional bulk is minimized by the 5ft setbacks at both side property lines, meaning the infringement on the 30ft rear yard setback above the ground level is broken up and allows for increased light and air at the side lot lines which maintains the intent of the rear yard setback requirement in the zone. Staff sees no detriment to general welfare or the intent of the zone plan in granting 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 or 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. The exposed roof portion at the rear of the bulk shown on sheet PB-104 rev:2 shall provide green roof in accordance with R2-D standards. The plans shall be revised to reflect the green roof prior to signature sets

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