

CITY OF JERSEY CITY

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



Interdepartmental Memorandum

DATE: July 05, 2024

TO: Planning Board Commission

FROM: Erik Beasley, Assistant Planner
Matt Ward, Supervising Planner, AICP, PP

RE: 85 – 87 Monitor Street
Case No. P2023-0009 Block: 19003 Lot: 10 & 11
Preliminary and Final Major Site Plan

Background

The subject properties identified as Lot # 10 and Lot # 11 of Block # 19003 per the City Tax Map is within the Morris Canal Redevelopment Plan, more specifically the TOD West District. The existing structures at the aforementioned properties are attached two (2) story – single family dwellings.

Documents Reviewed

- General Development Application
- Affidavit of Ownership
- Affidavit of Performance
- Notice Packet dated June 25th, 2024
- Boundary and Topographic Survey prepared by Pronesti Surveying; Inc. dated August 25th, 2022
- Principal Points Statement by Dresdner Robin dated September 22nd, 2023
- Civil Engineering Plans prepared by Chisvette Engineering
- Architectural Plans prepared by Richard Garber

Application Summary

The applicant proposes to demolish the existing attached two (2) story – single family dwellings, for the construction of a six (6) story building that will consist of ten (10) residential units above a ground floor commercial unit, in addition to terrace/balcony spaces on the rear wall of the second through six floors, accessible rooftop with a 953 square foot roof deck and green roof. In addition to the aforementioned proposal, the applicant is requesting for three (3) 'c' variances: sixth floor setback of 0 feet where 5 feet is required (RDP XI.A.3), maximum rooftop appurtenance coverage of 32% where the maximum is 20% coverage (LDO 345 – 60.G),

and the balcony dimensions that are 5 feet in depth and 27 feet in width, which extends greater than 60% in width of the building wall (LDO 345 – 60.D).

Staff Comments

Sixth Floor Stepback:

Per Section XI(A)(3)(c)(iii) of the Morris Canal Redevelopment Plan, a 6th floor penthouse is permitted along Monitor Street provided that the aforesaid 6th floor is setback 5 feet from the front façade. The development herein proposes a sixth-floor penthouse; however, the applicant requests to deviate from the 5-foot setback standard enumerated in the Redevelopment Plan.

The adjacent property known as 95 Monitor Street located on Lots # 8 and # 9 of Block # 19003, obtained Planning Board approval under case no. P19-114, for the construction of a six (6) story mixed use building, which contained a sixth-floor penthouse. The Planning Board granted relief, allowing the building to contain a sixth-floor penthouse with a 0-foot setback from the front façade. Also, the additional sixth floor will not create a height variance, the proposed development will contain a building height of 65 feet, which is the maximum height in the District. The sixth-floor setback deviation will allow the proposed development to be in harmony with the blockfront, as none of the existing structures contain a sixth-floor stepback.



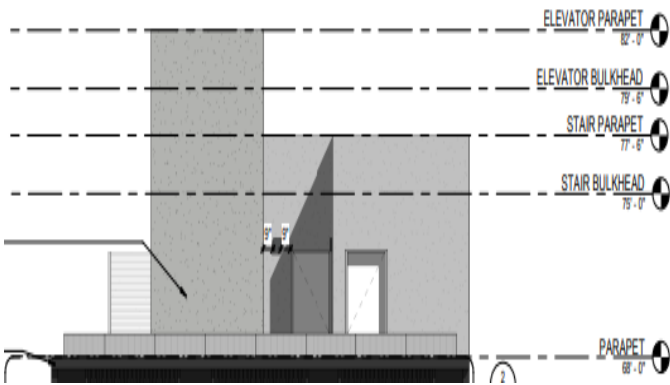
74 Maple Street

85-87 Monitor Street

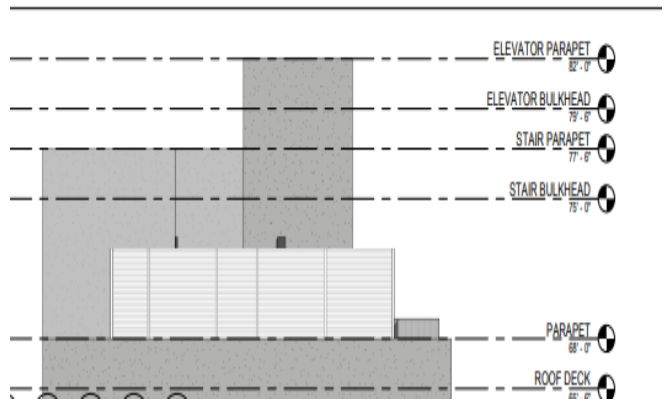
95 Monitor Street

Maximum Rooftop Appurtenance Coverage:

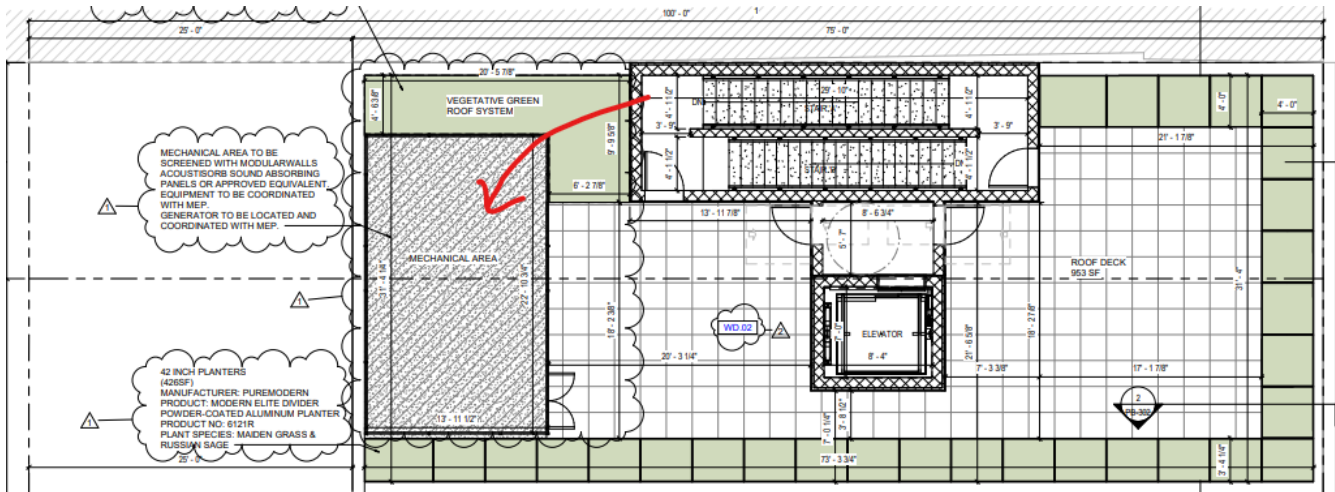
Per Section 345 – 60(G)(4) of the Jersey City Land Development Ordinance, the maximum rooftop coverage for all mechanical and roof appurtenances is 20%. However, the applicant requests to deviate from the aforementioned standard by proposing mechanical and appurtenance coverage of 32%. Despite the significant amount of roof area, the mechanical and appurtenances cover, the intent of the standard remains satisfied, as the mechanical area (approximately 308 sqft.) is located toward the rear of the rooftop with a screening making it difficult to see from Monitor Street. Additionally, the deviation allows for the mechanical and rooftop appurtenances to meet the height requirement of 20 feet for buildings 45 to 100 feet with a common rooftop amenity space.



Front Façade View



Rear Façade View

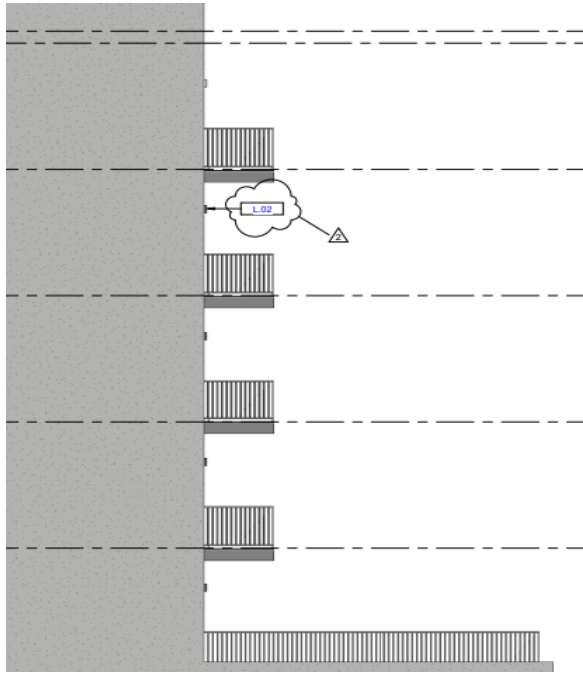


Roof Plan (red line points to the mechanical area)

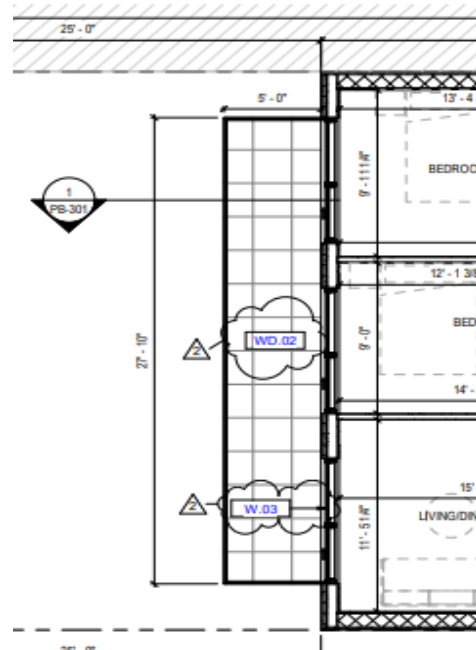
Balcony Dimensions:

Per Section 345 – 60(D)(3)(f) of the Jersey City Land Development Ordinance, balconies shall not extend greater than 60% of the width of the façade to which its attached, whereas the applicant proposes balconies on each floor – from the second through sixth floor with each containing a width that spans most of the rear wall. Although the width of the balconies necessitate a deviation from the aforementioned standard, the balconies do not encroach more than 18 inches into any side and/or rear yard and therefore does not grant

any more visibility into the yards of its neighbors than what would typically be visible with compliant balconies.



Side Elevation(all balconies are within property line)



Balcony (Floors 3 - 6)

APPENDIX : REQUIRED PROOFS FOR VARIANCES

▪ 'C' VARIANCE

Required Findings for "C1" Variance Standard under N.J.S.A. 40:55(D)-70(c)(1):

1. Pertinent information: Exceptional narrowness, shallowness, or shape of the property, exceptional topographical conditions, and/or other exceptional situations.
2. Based on this information, the strict application of the Ordinance would result in exceptional difficulties to, and undue hardships upon, the developer of such property.
3. The conditions causing hardship are peculiar to the subject property, and do not apply generally to other properties in the same district.
4. Other means to cure the deficiency (such as purchase or sale of property) do not exist or are unreasonable or impracticable.
5. The variance requested is the reasonable minimum needed.

Required Findings for "C2" 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

7. 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

Staff Recommendation Conditions

Staff recommends approval with the following conditions:

1. The architect of record shall be retained during construction and shall submit a signed and sealed affidavit affirming that site construction was consistent with approved plans prior to the issuance of any Certificate of Occupancy.
2. All materials and color selections shall be as shown on the final plans.
3. No changes 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 and approval by the planning staff.
4. All testimony given by the Applicant and the expert witness in accordance with this application shall be binding.
5. All street trees and landscaping shall be installed in accordance with 345-66 and the City's Forestry Standards, prior to an issuance of a Certificate of Occupancy.
6. Prior to permits being granted, the applicant shall seek and obtain permission to demolish the existing buildings. Without such permission, the approval is voided.