

Statement of Principal Points
387 New York Avenue (Block 1705, Lot 26)
Jersey City, Hudson County, New Jersey

April 25, 2024

An application has been filed for the above-noted property (“subject property”) with the Jersey City Planning Board for Preliminary and Final Site Plan approval and approval of a bulk “c” variance for maximum building coverage pursuant to N.J.S.A. 40:55D-70.c.

The subject property at 387 New York Avenue is identified as Lot 26 on Block 1705 in the City of Jersey City. The subject property is a corner lot at the intersection of New York Avenue and Congress Street. The subject property has a lot size of 1,675 square feet, with 25 feet of primary frontage on New York Avenue and 67 feet of secondary frontage on Congress Street. The subject property was formerly a 2-story, single-family residential dwelling. The residential dwelling has been demolished and the subject property is currently vacant. Improvements within the public sidewalk shown in the survey, including a concrete curb and chain link fence remain. The subject property is in the Residential Commercial (RC-2) District (four and five stories).

The purpose of this application is to develop the vacant lot with a new 4-story, 3-unit mixed-use building. The cellar will provide a sprinkler room, an electric meter room, a water and gas meter room, and a bicycle parking rack for 6 bike spaces. The ground floor will provide retail space with access from Congress Street. Access to the residential units on the second to fourth floors is proposed from New York Avenue via a staircase and elevator. A total of 3 residential units are proposed on the upper floors, with one unit on each floor. Each unit will provide 3 bedrooms and 2 bathrooms. The unit on the second floor will have access to a private terrace/deck at the rear and the units on the third and fourth floors will have access to a balcony at the rear. The roof will provide a green roof and a roof deck for future residential amenity use. One new street tree along New York Avenue and two new street trees along Congress Street are proposed.

The requested bulk variance can be granted pursuant to N.J.S.A. 40:55D-70.c.(1) where by reason of an extraordinary and exceptional situation uniquely affecting the property, the strict application of the ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of the property.

Maximum Building Coverage: A building coverage of 89.61% is proposed, where a maximum building coverage of 85% is permitted. Providing compliant building coverage would be a hardship as the 1,675-square-foot lot is undersized compared to a typical 2,500-square-foot lot in the RC-2 District. The proposed approximately 1,500-square-foot building footprint would have a 60% building coverage on a typical 2,500-square-foot lot. The approximately 76 square feet of additional building footprint resulting from the variance provides for sufficiently sized commercial space (941-square-foot) on the ground floor and three 1,150-square-foot three-bedroom units

on the upper floors. Additionally, the proposed building provides conforming front, side and rear setbacks, and a conforming building height.

The proposed project will advance and promote various purposes of the *Municipal Land Use Law (MLUL)*. Granting the requested variance for this project will guide the appropriate use and development in a manner which will promote the public health and general welfare pursuant to N.J.S.A. 40:55D-2.a. through the development of a mixed-use consistent for the existing neighborhood. Granting the requested variance will promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons and neighborhoods consistent with N.J.S.A. 40:55D-2.e. through the construction of 3 residential units. The proposed project will promote a desirable visual environment through creative development techniques and good civic design and arrangement consistent with N.J.S.A 40:55D-2.i. through the new construction of the mixed-use building.

Negative Criteria: Granting the requested variance will not result in a substantial detriment to the public good or the general welfare. The proposed building is compliant with the use, height and building setback bulk requirements. The benefits of the proposed project provides a new 941-square-foot commercial opportunity for current and future residents of the Heights Neighborhood, an approximate 173-square foot landscaped rear yard and 627-square foot green roof which will improve the stormwater conditions of the adjacent properties and three new street trees.

Granting the requested variance will likewise not result in a substantial impairment to the intent and purpose of the zone plan and zoning ordinance. The purpose of the RC-2 District is “[t]o recognize and promote the existence and importance of historic mixed use, neighborhood business districts throughout the City.” The project is consistent with the intent by providing a mixed use with a ground floor commercial at a corner location. The project proposes a building height and setbacks that is compliant with RC-2 use and bulk standards and consistent with existing buildings in the surrounding area.

As such, the requested bulk variance necessary for the proposed project can be granted in that both the positive and negative criteria have been met pursuant to 40:55D-70.c. The Applicant reserves the right to supplement the foregoing reasons with expert testimony at the Planning Board hearing.