

DEVELOPMENT APPLICATION REVIEW | STAFF REPORT

DATE : 08.03.2022
TO : Planning Board Commissioners
FROM : Mallory Clark-Sokolov, PP, AICP, Senior Planner
Tanya Marione, PP, AICP, Division Director
CASE : P22-007
PROJECT : 200-204 Monticello Ave
Preliminary + Final Major Site Plan with 'c' Variance

I. DOCUMENTS REVIEWED

- General Development Application Form dated 01.27.2022
- Architectural Plan Set by Hampton Hill Architecture dated 12.20.2021
- Civil Plan set by Edwin A Reimon, PE dated 12.21.2021
- Stormwater Management Report by Edwin A Reimon, PE dated December 2021
- Traffic Impact Assessment by Klein Traffic Consulting dated 01.18.2022

II. APPLICATION BACKGROUND + PROPOSAL

- **Existing Conditions:** The site is currently a vacant corner lot fronting on Monticello Avenue and Jewett Avenue. The site is 7,708sf. It is located in the Zone 1: Neighborhood Mixed-Use Zone of the Jackson Hill Redevelopment Plan.



- **Proposed Conditions:** The applicant proposes a five (5) story, twenty six (26) unit building with ground floor commercial. The building is made up of primarily studios and one-bedroom units, as well as four (4) 2-bedroom units.
- **Variances**
 - **Rear-yard**
Required/Permitted: 4ft 10in ground floor, 14ft 10in upper floors
Proposed: Partial setback, varies 0ft – 29ft

III. STAFF COMMENTS

- **'c' Variance**
 - By definition of the LDO, the lot line opposite the shortest frontage would be defined as the rear lot line, meaning the eastern lot line intersecting Jewett Avenue would require rear yard setback. The plan regulates rear-yard through maximum building depth, which permits the ground floor building depth to be a max of 95ft and upper floors a max of 85ft deep from the right-of-way it fronts. This would result in a ~5ft setback at the ground floor and ~15ft setback on upper floors on the Jewett Ave street frontage, creating a gap in the street wall. However, it is standard preference in Planning that continuation of the street wall be preserved with a setback being accommodated at the core of the corner lot's intersection with adjacent properties. The proposed structure partially meets the setback requirement along the east property line for floors 1-4, and almost doubles the required setback for approximately 20% of the rear lot line. Staff feels the benefits of providing a continuous street wall and activated street front outweigh the detriments of the continued bulk, and that the applicant has adjusted the bulk to meet the intent of the rear yard setback standard by preserving light and air at the intersection of the lot with the neighbors.

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 and 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).

▪ **'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