

CITY OF JERSEY CITY

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



Interdepartmental Memorandum

DATE: 8/14/2023
TO: Historic Preservation Commission
FROM: Margaret A. O'Neill, Historic Preservation Specialist
CC: Jonathan Rekstad Esq., HPC Counsel
Jersey City Zoning Board of Adjustment
Dean Maroulakos/ The Junto Club LLC, Applicant
/File
RE: Case #H23-044
242 Bay Street
Block: 12906, Lot 41
Zone: H / Van Vorst Park Historic District

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I. PLANS AND DOCUMENTS REVIEWED

1. Historic Preservation Application, submitted February 15, 2023
2. Architectural Plans prepared by Dassa – Haines Architectural Group LLC entitled *Proposed Temporary Sidewalk Café for Franklin Social* most recently revised 3/30/2023
3. Photo of proposed sidewalk café chairs, undated
4. Photo of proposed sidewalk café tables, undated

II. PROJECT & PROPOSAL BACKGROUND

The property currently owned by Ricdanjo Corp and is used as a mixed-use building.

5. Per the submitted application and plans prepared by Dassa – Haines Architectural Group LLC entitled *Proposed Temporary Sidewalk Café for Franklin Social* most recently revised 3/30/2023, the applicant is seeking a Certificate of Appropriateness for installation of a sidewalk café fronting Mercer Street with 26 seats at an altered, contributing, mixed use, Italianate variant building constructed circa 1885 within the Van Vorst Park Historic District.

The application and submitted plans were deemed complete by HPC Staff on July 25, 2023.

III. PROPERTY LOCATION & JURISDICTION

292 Barrow Street (herein referred to as "The Property") is located in the Van Vorst Park Historic District. The property is located on a 25x100 lot on the northeast corner of Barrow and Mercer Streets. As defined in the City of Jersey City Zoning Ordinance, the property is zoned as H.

The property was designated within the Van Vorst Park Historic District which was designated on February 1, 1977, as well as on the National and State Registers of Historic Places on March

4, 1980 and August 1, 1978, respectively. The HPC's jurisdiction regarding the property is defined per § 345-30, entitled *Historic Preservation Review Procedures*:

- a. *No permit shall be issued or amended nor shall any construction, alteration, minor alteration, ordinary maintenance and repair or demolition be started on a landmark building nor on any sign, building, structure, object, site or landscape feature within a designated historic district, whether or not a construction permit is required, prior to a filing of an application for review by the Historic Preservation Commission or the issuance of either a Certificate of Appropriateness or a Certificate of No Effect.*

Additionally, per 2(a), *"The Historic Preservation Officer shall refer all applications for **new construction, alterations**, relocation or demolition to the Historic Preservation Commission for review."*

As this proposal requires the approval of a D(3) variance (conditional use), this application comes to the HPC as referral from the Zoning Board of Adjustment per 40:55D-110 of the New Jersey Municipal Land Use Law. Per this provision, the Historic Preservation Commission "... may provide its advice, which shall be conveyed through its delegation of one of its members or staff to testify orally at the hearing of the application and to explain any written report which may have been submitted."

IV. REQUIREMENTS AND STANDARDS FOR CONSIDERATION

Staff notes regarding the Powers and Duties of the Historic Preservation Commission:

Per § 345-9, entitled Historic Preservation Commission, Section (B) entitled Powers and Duties of the Historic Preservation Commission, the Commission has the following relevant powers and duties:

- (4) To advise and assist City officers, employees, boards and other bodies, including those at County, regional, State and Federal levels, on all matters which have potential impact on the landmark buildings, sites, structures, object or landscape features in the City or on the ambience of a historic district.
- (17) To issue Certificates of Appropriateness or Certificates of No Effect in accordance with the rules and standards set forth herein.

The property is subject to following standards during the Board's consideration regarding the application seeking a Certificate of Appropriateness:

1. *Secretary of Interior Standards for the Treatment of Historic Properties*
2. *City of Jersey City Zoning Ordinance § 345-58 entitled H - Historic District*
3. *City of Jersey City Zoning Ordinance § 345-71 entitled Historic Design Standards*
4. *City of Jersey City Historic Preservation Commission Rules & Regulations for Alterations & Additions to Buildings & New Construction in Historic Districts*
5. *City of Jersey City Zoning Ordinance § 296 article XII entitled Sidewalk Cafes*

V. STAFF RECOMMENDATIONS AND COMMENTS

After reviewing the proposed project, Staff believes that the proposal is consistent with City of Jersey City Zoning Ordinance § 296 article XII entitled *Sidewalk Cafes*, as well as with the Secretary of Interior Standards for Rehabilitation. The proposed use of a sidewalk café is consistent with previous approvals within municipally designated historic districts and will not cause an adverse effect on the resource or adjacent district.

HPC Staff recommends approval of a Certificate of Appropriateness with the following conditions:

1. Staff notes that the maximum permitted number of outdoor seats at any time is 26 seats.
2. Seating and barriers shall be removable and placed within the building in the evening.
3. The outdoor café seating shall not obstruct the pedestrian right of way.
4. Construction drawings, noting materials and finishes, cross-referenced with the material sample board, are to be reviewed by, approved by and signed by the Historic Preservation Officer or HPC Staff for compliance with the issued Certificate of Appropriateness before construction permits are applied for and issued.
5. Any changes or deviations from the approved drawings are to be clearly bubbled on the construction drawings and noted in an accompanying signed and sealed letter from the architect addressed to Staff to be reviewed. Additional work, or changes in scope that result in additional work, may require an additional application to the HPC for review.
6. Upon final approval of this Certificate by the HPC, any deviations from the granted approval must be approved by the HPC, except in cases of emergency affecting the public safety, health and welfare. Requests for deviations from this Certificate are to be submitted through written request of the architect for review by HPC Staff.

Additionally, HPC Staff notes that the applicant will need to apply on a yearly basis to renew the Certificate of Appropriateness associated with their sidewalk café license. That license may be approved under a Certificate of No Effect, provided that the above conditions have been and continue to be met.