

Principal Points Statement  
310 Third Street (Block 11102, Lot 8)  
Jersey City, Hudson County, New Jersey

An application has been filed for the above noted property with the Jersey City Zoning Board of Adjustment for Major Site Plan approval; approval of a density variance pursuant to N.J.S.A. 40:55D-70.d.(4); and approval of bulk “c” variances for minimum rear yard setback and minimum floor-to-ceiling height. The subject property is located in the Low Rise Residential, Mixed Use Zone (“R-5”) District.

The subject property is identified as Lot 8 on Block 11102 and is located midblock between Monmouth Street and Coles Street. The subject property has 22 feet of frontage on Third Street and a lot area of 2,090 square feet. The subject property has a lot depth of 95 feet, which is an existing nonconforming condition where 100 feet is required. The subject property is currently developed with a four- and one-story residential building with four units.

The purpose of this application is to renovate and expand the existing four-story building with a new four-story addition to the rear of the building. The proposed one-story portion in the rear of the existing building will be demolished. The 1<sup>st</sup> through 4<sup>th</sup> floors will each contain a two-bedroom unit. The unit on the 4<sup>th</sup> floor will also have access to a private roof deck. The proposed project will replace the existing surface parking in the rear yard with landscaping. The project will also add a planting area in the front yard, replace the sidewalks, and replace the existing façade with new brick veneer, new bay windows and a new entrance door.

In terms of the density, the subject property can accommodate the impacts associated with a density greater than that permitted by ordinance. The existing four-unit residential building on the 0.05-acre subject property calculates a density of 83 units per acre, which is an existing nonconforming condition where a maximum density of 80 units per acre is permitted. The proposed rear addition will increase the size of the existing units; however, the density will remain the same as the project is not proposing any additional units beyond the four units that currently exist. The R-5 District permits “*Residential*” as a principal use and has a maximum density requirement to control the intensity of the permitted residential use. Therefore, the proposed project is an expansion of a conforming use with a nonconforming density triggering a d(4) density variance rather than d(1) use variance or d(2) expansion of a nonconforming use variance. The subject property can accommodate the proposed project as it is an existing four-unit building and the intensity of the residential development is not being increased.

The existing density of 83 units per acre that will be maintained is only 3 units per acre above the maximum permitted. For comparison purposes, a three-unit building on the subject property would have a density of approximately 63.5 units per acre. The proposed density is also consistent with the density of other residential buildings in the surrounding area. Out of the 15 properties on Block 11102, 8 of the properties have a density greater than the 80 units per acre. These buildings contain four to six units with densities ranging from 83 units per

acre to 126 units per acre. The proposed building footprint and massing is also consistent with the surrounding area and R-5 bulk standards. The proposed building coverage of 68% is within the maximum permitted 70% building coverage and is only an increase of 0.2% from the existing building coverage of 67.8%. The proposed project will be substantially reducing the lot coverage by 26.6% from the existing nonconforming 95% to 68.4%, which is within the maximum permitted lot coverage of 80%.

The requested bulk “c” variances can be granted pursuant to N.J.S.A. 40:55D-70.c.(2), wherein the benefits of the proposed project would substantially outweigh any detriments. The project is proposing a rear yard setback of 21.42 feet where a minimum rear yard setback of 30 feet is required. As sated, the subject property has an existing nonconforming lot depth of 95 feet where 100 feet is required. There is a 10-foot-wide public alley the runs along the rear of Block 11102 from Monmouth Street to Coles Street. The public alley provides access to garages and rear yard parking areas for the properties on Blocks 11101 and 11102. Therefore, the rear yards of the properties on the blocks are predominantly developed with 1-story garages or impervious coverage and are not used for open space. Again, the proposed project will reduce the impervious lot coverage by removing the existing concrete parking area and replacing it with rear yard landscaping for usable open space. In addition, the public alley provides an additional buffer between buildings.

The proposed rear addition will maintain the existing nonconforming floor-to-ceiling heights of 8 feet, 10 inches on the 2<sup>nd</sup> and 4<sup>th</sup> floors, and 8 feet, 5 inches on the 3<sup>rd</sup> floor where a minimum floor-to-ceiling height of 9 feet is required. The compliant first floor floor-to-ceiling height of 10 feet, 1-inch will also be maintained. The floor-to-ceiling heights will meet building code. The deviation from the required floor-to-ceiling heights is di minimis and increasing the floor-ceiling heights on the proposed rear addition would create different floor levels.

The granting of the variance will advance the purposes of the Municipal Land Use Law and promote the general welfare. Granting the variances will guide the appropriate use and development of the property in a manner that will promote the general welfare consistent with N.J.S.A. 40:55D-2.a. through the provision of an appropriate addition to the four-unit residential building consistent with the surrounding area. The project will maintain the density that is consistent with the surrounding area, which will promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities, consistent with N.J.S.A. 40:55D-2.e. The project will promote a more desirable visual environment consistent with N.J.S.A. 40:55D-2.i. by improving the façade of the existing building and improving the streetscape.

Granting the variances will not result in a substantial detriment to the general welfare. The proposed project is consistent with the residential nature and density of the surrounding area. The proposed project will not have any substantial detriment on light, air, or open space. The project will significantly reduce the existing lot coverage on

the subject property and will add sustainable green elements in compliance with the Green Area Ratio (GAR) requirements. In addition, as mentioned the proposed project will also improve the front façade and streetscape.

Granting the variances will likewise not result in a substantial detriment to the intent and purpose of the zone plan and zoning ordinance. The purpose of the R-5 District is to

*“Provide development regulations contextual to the existing predominantly two- to four-story multifamily neighborhood with occasional retail venues. Moreover, the intent of the zoning regulations are to protect the historically low-rise nature of the neighborhood from inappropriate infill such as: buildings greater than four (4) stories, detached buildings, front yard parking, and ground floor garages on lots smaller than four thousand (4,000) square feet. Additionally, the purpose of the zoning in this district is to address and mitigate the impact the flooding in low lying vulnerable areas, and create a more resilient neighborhood for future generations.”*

The proposed project also advances the Jersey City Master Plan by improving the existing residential building and property, which will provide a unique, attractive, and high-quality residential area that will serve existing residents and attract new residents with a wide range of housing and life-style choices.

The Applicant reserves the right to supplement the foregoing reasons with expert testimony at the Zoning Board of Adjustment Hearing.