

Principal Points Statement

329-331 Sip Avenue (Block 11902, Lots 3 and 4)
Jersey City, Hudson County, New Jersey

August 3, 2021

An application has been filed for the above noted property with the Jersey City Zoning Board of Adjustment for approval of a “d(1)” use variance for a 12-unit, 4-story, residential building with eight (8) off-street parking spaces. The subject property is in the R-1 One and Two-family (R-1) District.

Property Description

The subject property is identified as Lots 3 and 4 on Block 11902 and is located midblock on Sip Avenue between Holmes Avenue and Bryant Avenue. Lots 3 and 4 are slightly irregular in shape and are 50 feet wide with a varying depth of 98.6 feet to 105.36 feet. The property is currently improved with a 1-story masonry commercial building with an existing quasi-industrial use. The building occupies approximately 70% of the site and has a zero setback from all property lines. It extends the full depth of the property along the western side (lot 3). The building also occupies the rear portion of lot 4 on the eastern side of the property. The remainder of lot 4 along the Sip Avenue frontage is asphalt paved and utilized for the parking / storage of commercial vehicles and materials associated with the business. The lot is 100% covered with impervious surface, and no storm water drainage is currently provided.

Project Description

The purpose of this application is to construct a new 4-story, 12-unit residential building. The ground floor will consist of parking for eight (8) automobiles, the residential lobby, elevator, stairwells, trash room, laundry room, utility rooms, and a bicycle storage room. The remaining three levels will contain the 12 residential units, with each floor containing two 2-bedroom, 2-bathroom apartments and two 1-bedroom, 1-bathroom apartments. The roof will have a rooftop deck of approximately 1,100 square feet in area accessible

to tenants of the building, a 2,150 square foot intensive green roof area, and HVAC units located toward the rear.

Another green roof area of a little over 1,100 square feet will be located on the lower roof at the rear of the building; and a storm water detention system will be located below the parking level on the ground floor. All units will be developed with energy efficient appliances and the building will be fully sprinklered.

New sidewalk and curbing will be provided, and the existing curb cut will be reduced to 10 feet in width. Two new street trees will be located along the curbside of the sidewalk.

Use Variance - N.J.S.A. 40:55D-70.d(1) Use Variance – Proposed Mid-Rise Multi-Family Residential Use

The requested “d(1)” variance can be granted pursuant to N.J.S.A. 40:55D-70.d.(1). The site is particularly well suited for the proposed multi-family building. The property is slightly more than twice as large as a standard residential lot in the R-1 Zone. The subject site also contains a heavy commercial / quasi-industrial use, which is inconsistent with the residential character of the area and which will be removed as part of this application. Sip Avenue is also a very busy street leading directly to Journal Square and thus is a less desirable location for typical R-1 single and two-family homes, and more appropriate for a multi-family building and use.

Positive Criteria

The proposed project will replace the existing industrial use with a new 4-story, 12-unit residential building that is more consistent with the residential character of the surrounding neighborhood. The current industrial use is completely inconsistent and out of character with the surrounding residential uses and uses permitted in the R-1 District. The properties surrounding and directly adjacent to the building are residential uses and the subject property is the only industrial use on Block 11902.

The property currently has a curb cut that is almost as wide as the full width of lot 4. The project will continue to use this curb cut, but will significantly reduce the width. The proposed curb cut will be a conforming 10 feet in width. Therefore, on-street parking will not be reduced and will actually be somewhat improved through the addition of additional curb length. In addition, the project provides eight (8) on-site parking spaces on the ground level of the building. This is generally consistent with the parking requirements applicable to a mid-rise residential building in Jersey City, which would require nine (9) spaces. The proposed improvements will also replace the existing sidewalk and curb along Sip Avenue and provide two new street trees that will be consistent with the spacing of other existing street trees along Sip Avenue. The project also proposes on-site stormwater management and intensive green roofs to reduce storm water runoff impacts on the sewer system. Currently, there are no stormwater management facilities on site. The stormwater simply sheet flows across the sidewalk and into the street. These improvements will contribute positively to the streetscape of the neighborhood.

The granting of these variances will also advance the purposes of the Municipal Land Use Law and thereby promote the general welfare.

- Granting the requested deviation 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 multi-family residential building that is more consistent with the residential zone plan, character of the area and the zoning ordinance than the existing quasi-industrial use;
- The proposed improvement will provide adequate light, air and open space consistent with N.J.S.A 40:55D-2.c. by stepping back the building above the ground floor to provide side yard areas to accommodate side wall windows on the adjacent building and to create a 16 foot – 9 inch rear yard above the parking level;
- The proposed project also provides sufficient space in an appropriate location for the proposed multi-family building consistent with N.J.S.A. 40:55D-2.g.; and

- The proposed project promotes a desirable visual environment consistent with N.J.S.A. 40:55D-2.i. by replacing an unsightly industrial structure and use with an attractive residential building.

Negative Criteria

The proposed project will not have a negative impact on the neighborhood or result in a substantial detriment to the general welfare. The proposed 12-unit building is more consistent in terms of use with the existing residential uses in the area. The project does not negatively impact on-street parking as the proposed development will utilize, and actually reduce, the existing curb cut and provide eight (8) off-street parking consistent with the requirements for mid-rise multi-family residential buildings. The project will also replace the existing sidewalk and curb, provide two new street trees, and install an on-site stormwater detention system and green roof.

Granting the variance will likewise not result in a substantial detriment to the intent and purpose of the zoning ordinance and zone plan. The proposed project will remove an existing non-conforming industrial use and replace it with a residential use that is more consistent with this residential area and the residential intent of the R-1 District.

Bulk Variances - N.J.S.A. 40:55D-70.c.(2)

Positive Criteria

The requested bulk variances can be granted pursuant to N.J.S.A. 40:55D-70.c.(2). wherein the benefits of the proposed project will significantly outweigh any detriments. As mentioned previously, the proposed project will advance several of the purposes of the Municipal Land Use Law, which is how the benefits of a project are viewed. Additionally, the removal of the existing industrial commercial use from the neighborhood is a significant benefit; as are the new sidewalk, curbing, reduced curb-cut and street trees; as well as the provision of the stormwater detention system and green roof.

Negative Criteria

Building Height Variance (Feet and Stories)

The project proposes a building height of 41 feet, where 39 feet is the permitted maximum height for a residential building with a flat roof. The project seeks a variance of 2 feet for height to accommodate the residential areas of the building. While the project does exceed the maximum height permitted, the additional height allows for the proposed project to provide eight (8) on-site parking spaces on the ground floor for the residential units. The project also proposes a 4-story building where 3 stories is permitted. The requested variance for building height in stories will allow for three residential floors, as is permitted, but above the ground level parking. The increase in overall height is only slightly more than is permitted, and the number of residential floors is actually the same as permitted. The additional floor is a result of providing the benefit of the off-street parking. As such, the detrimental impact to both the intent of the zone plan and to the public good should be rather slight, and the benefits of approving the project would substantially outweigh any detriment.

Lot and Building Coverage Variances

The project proposes a building coverage of 97% where 60% is permitted and lot coverage of 100% where 85% is permitted. The additional building coverage allows for the parking to be contained within the building, which is a positive aspect of the project. Further, this additional coverage is mitigated through the provision of the green roofs, both on the upper roof and the lower roof toward the rear of the property. The lot coverage on the site is currently 100% and is an existing non-conforming condition. The continuation of this lot coverage will not increase the impact of this condition. In fact, the proposed project will significantly mitigate the impacts of the lot and building coverages by the provision of the on-site stormwater detention system, and the previously mentioned extensive green roofs. In addition, the project steps back the building line along the side property lines at the second through fourth levels by 3 feet 1 inch, per the Jersey City

Land Development Ordinance, to accommodate the windows of the adjacent properties and provide air and light to the buildings. The adjacent properties have a 0-foot setback and therefore the subject property is permitted a 0-foot setback at the front property line and must provide a 3-foot 1-inch setback from any adjacent windows to the rear of the building. The proposed building is also setback 16 feet – 9 inches feet from the rear property line above the ground floor to provide air and light to rear of the property. Therefore, the building coverage above the parking level is reduced to 75%. As such the granting of the lot coverage will not result in any additional impacts due to the lot coverage, and will actually result in a benefit in terms of the added stormwater detention system and green roofs. The granting of the building coverage variance will likewise not result in a substantial detriment in that building step backs are provided along the side yards and rear yard. As such, the approval of the project will not result in a substantial detriment to the intent of the zone plan or to the general welfare or public good; and the benefits of the project will substantially outweigh any detriment.

Rear Yard Variance

This variance is similar to the building coverage variance in that it is a result of providing the off-street parking within the building. This is a beneficial aspect of the project in that it hides the parking from public view. The zero rear yard occurs only at the ground floor. The upper floors are setback 16 feet – 9 inches, which mitigates the impact of the rear yard variance. In addition, the zero rear yard is actually an existing condition. The existing building has a zero rear yard setback and extends from side lot line to side lot line. As such, the impacts of this variance will not be any different than the existing condition and will not result in any additional detriment to the intent and purpose of the zone plan or to the public good or general welfare. In addition, the lack of a rear yard is also mitigated by this application through the provision of the intensive green roofs on both the lower roof over this one-story section of the building, as well as on the upper roof of the building. Therefore, the benefits of the approval of the project will substantially outweigh any detriment.

Summary

The requested use variance can be approved pursuant to N.J.S.A. 40:55D-70.d.(1). The property is particularly well suited for the proposed use. The project will advance several of the purposes of the Municipal Land Use Law and provide benefits to the community in the form of improved storm water management, improved aesthetics and the removal of a non-conforming industrial / commercial use. The approval of the project will not result in a substantial detriment to the intent and purpose of the zone plan or a substantial detriment to the public good or general welfare. As such, the positive and negative criteria for the granting of the use variance have been met pursuant to N.J.S.A. 40:55D-70.d.(1).

The requested bulk variances can be approved pursuant to N.J.S.A. 40:55D-70.c.(2). Wherein the benefits of the project will substantially outweigh and detriments. The proposed project provides substantial benefits as described above, and the granting of the variances will not result in a substantial detriment to the intent and purpose of the zone plan or a substantial detriment to the public good or general welfare. As such, the positive and negative criteria for the granting of the bulk variances have been met pursuant to N.J.S.A. 40:55D-70.c.(2).

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