

CITY OF JERSEY CITY

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



Interdepartmental Memorandum

DATE: 2/3/23
TO: The Jersey City Historic Preservation Commission
FROM: Dan Wrieden, Historic Preservation Officer
CC: Jonathan Rekstad, Esq., HPC Counsel
Enkella Malellari AIA, Applicant
Shaun Vakil and Fernanda Zapata, owners
/File
RE: Case# H22-429
218 Fifth Street Street
Block: 11304, Lot 14
Zone: H / Harsimus Cove Historic District

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I. PLANS AND DOCUMENTS REVIEWED

1. Historic Preservation Application, submitted September 6, 2022.
2. Architectural Plans entitled *218 Fifth Street* and noted as "Draft" dated 08/23/2022
3. 218 Fifth Street Material Board Jersey City Historic Preservation Commission 09.2022
4. Current photographs of the building submitted by the applicant
5. A copy of the 1938 field Assessment Card and the accompanying photograph. (AKA the 1938 tax photograph.)
6. National Register of Historic Places Inventory—Nomination Form Harsimus Cove Historic District NOV 3 1987

PROJECT & PROPOSAL BACKGROUND

The property is owned by Shaun Vakil and Fernanda Zapata (herein referred to as "The Owner") since approximately May of 2022 according to Jersey City Tax Records. The applicant is Enkella Malellari, AIA, of Brick City Reconstruction (herein referred to as "The Applicant"). The property is currently a one unit residence consisting of a basement and two stories.

Per the submitted application and architectural plans prepared by the applicant, Brick City Reconstruction dated 8/23/2022 entitled *218 Fifth Street* and noted as "Draft" the applicant is seeking a Certificate of Appropriateness for a 15 foot rear yard addition at the basement, first and second floors and a rooftop addition which will add another story to the existing building. The building's finishes will be gutted and the present 1 unit building will be converted to a two dwelling unit building. There is a proposed rooftop addition which will extend from the front façade of the existing building to the rear of the proposed rear yard addition. Work at the front exterior of the building will consist of exposure of the building's brick façade, window sills and lintels for new windows; new cornice and

decorative detail work, a precast waterable; the relocation of existing meters and power weatherhead, replacement of the existing front doors with new; as well as the replacement of the front façade windows. The side elevation will receive a new painted wood clapboard siding to replace the existing siding. The current stoop will be reconstructed and new railings provided. A new fence and railing will be provided at the fenceline. New landscaping will be provided at the front areaway.

The 1938 tax card inspected by Jay Wilkes on 10/1/37 and appraised by William Robertson Jr on October 7 1938 shows a two story masonry fronted frame Greek Revival style building consisting of a parlor (or first) and second floor above a basement. There was a prominent chimney, (since removed) a wood cornice overhanging a plain fascia atop three bays. The façade was brick with brownstone lintels and sills. The parlor floor was infilled and the original windows replaced with shorter windows than were originally present and the original, presumably divided window sash, were replaced with single paned glass sash without dividing muntins. The original door and frame assembly appears to have been changed to a late nineteenth/early twentieth century double door arrangement with full glass panels with a transom above. The stoop and masonry parapet walls at either side of the stoop appear to be late additions dating to the early twentieth century. The front fence and gate in the photograph appear to be original, and are composed of cast iron panels, in the Italianate manner of columnar balusters connected by arches at the top and bottom of each column giving the fence and gate the appearance of connected, repeating, oval elements.

Staff notes that the building has significantly changed since the 1938 photograph was taken. The original cornice has been removed, the fascia has been either removed or covered. The building's brick façade and brownstone trim has been covered with a faux stone patterned stucco assembly, otherwise known as "stoneface" or "formstone." It is presumed that the original brick and the original brownstone lintels sills and watertable still exist under the stoneface; however, the condition of the material has not been confirmed. Staff does note that sections of the formstone are loose, have been removed and it appears that the original brick is largely intact under the stucco coat. The fenestration pattern appears to have remained unaltered, the door appears to be the same door documented in the 1938 photograph, and the stoop, while covered with successive layers of irregular layers of stucco, paint and tile, appears to be the same as shown in the 1938 photograph. The garden has been removed, and the original fence and gate have also been removed and replaced with a new fence which accommodates entry into a parking space which has been placed at the front areaway. While the parking pad is concrete, the rest of the front areaway has been covered with brick pavers.

The building to the west (formerly 218.5 and or 220 Fifth street has been razed since the 1938 tax photograph was taken. The west elevation of the subject property is now fully visible from the public right of way and any rooftop or rear addition will also be consequently visible due to the amenity space which has since replaced the former frame building.

II. PROPERTY LOCATION & JURISDICTION

218 Fifth Street (herein referred to as "The Property") is located in the Harsimus Cove Historic District. The property is located on a conforming lot (21x100) fronting Fifth Street between Manila Avenue (historically Grove Street) and Erie Street. As defined in the City of Jersey City Zoning Ordinance, the property is zoned as H.

The property was not considered a contributing building within the Harsimus Cove Historic District, which was locally designated on February 1st 1977, as well as on the National and State Registers of Historic Places on December 9th 1987, presumably due to the alterations to the building's primary façade, most especially the installation of an intrusive stucco stoneface veneer on the building as well as the removal of the original cornice.

The entry for the building in the *National Register of Historic Places Inventory—Nomination Form Harsimus Cove Historic District* reads as follows:

"218 Fifth Street: Non-contributing #46 Ca. 1860s, altered Two-story plus basement, 3-bay house covered with permastone. Metal windows, no cornice, entrance altered."

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."*

III. 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*

IV. STAFF RECOMMENDATIONS AND COMMENTS

The scope and impact of the proposed project represented by the plans were reviewed according to the City of Jersey City Zoning Ordinance § 345-30 entitled Historic Preservation Review Procedures, the City of Jersey City Zoning Ordinance § 345-71 entitled Historic Design Standards (specifically General Standards, Standards for Rehabilitation and Standards for New Construction and by the Secretary of the Interior's Standards for the Treatment of Historic Properties as adopted by the ordinance.

Staff notes that the drawings are labelled a "draft" and the Commission has been asked for approval of the proposed application with a rear yard addition and a full height third (fourth) floor addition which will continue the plane of the front façade. *In the alternative*, the applicant and owners are asking the Commission's advice regarding the third (fourth) floor addition, as any addition will be visible obliquely from the west and it is most likely that a rooftop addition which is consistent with the proposed programing of the building will be visible from Fifth Street. A setback which will render a rooftop addition not visible from Fifth Street will be much smaller than the proposed addition.

Staff would like to make the following observations:

While the building was not considered a contributing building at the time of designation, a number of buildings throughout the downtown historic districts have had modern intrusions reversed, historic building materials have been restored and missing elements have been reconstructed based on site, photographic, and period evidence. The current proposal does seek to restore the brick and brownstone façade at the basement and parlor and second floors while also erecting a new story flush with the plane of the historic building. Part of the original front wall will be removed, roughly from the base of the historic cornice fascia and a new wall and cornice will be constructed above the historic wall. The new work will be differentiated from the old by a subtle change in materials. The new bricks and mortar will most likely not match the historic material and will offer a discrete differentiation between the old work and the new.

However, the question remains, if the building's brick façade at the front of the building can and will be restored (in part) should other elements of the building such as the historic brownstone lintels and sills be restored and the cornice reconstructed in a manner consistent with the Secretary of the Interior's Standards for Rehabilitation? If the original façade materials can be restored and the building brought back to its historic appearance, is this proposal, to construct a modern third floor on the same plane as

the original façade and visible from the public right of way consistent with the City's General Standards and the Standards for Rehabilitation?

It would appear to staff that generally, the Commission would review the project in terms of general standards and the Standards for rehabilitation. Staff has also reviewed the project using the Standards for New Construction in addition to the aforesaid standards due to the new additions and in lieu of the aforementioned standards since the building was not considered a contributing resource at the time of designation.

It is staff's considered opinion that the building does contribute to the Harsimus Cove Historic District retaining integrity of location, setting, some elements of design especially the arrangement of bays, height and width of the building, and at least some integrity of materials and workmanship is believed to exist beneath the current formstone. Staff further notes that the more modest height of the existing building may add to the building's integrity.

When deciding whether or not to approve the proposed addition at the rear and the rooftop addition which meets the same plane as the original façade, the Commission may consider the following General Standards from Chapter 345-71 of the City's Ordinance, especially in terms of Rehabilitation when reviewing the project:

A.1. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment or to use a property for its originally intended purpose.

The original use of the property provided for a one family dwelling and generally, a second, or even a third dwelling unit would be a compatible use for the property. The property, according to the City's Bulk and density Standards for the (H) Historic District would allow for three units at the property and would still be used for its originally intended purpose. However, can the second unit proposed at the site be provided in a way that alters the original building to a lesser extent?

2. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

Original and historic material will be uncovered and repaired or replaced at the basement, parlor and second floors. The new, proposed third floor will be new construction at the same plane as the original façade which will require the removal of several courses of brick in the general area of the original cornice above the second (third) floor.

3. All buildings, structures and sites shall be recognized as products of their own time. Alterations which have no historical basis and which seek to create an earlier appearance shall be discouraged.

While the proposal will not create an earlier appearance for the building, the additional floor does not have a historical basis particular to the property. The proposed height will be consistent with the adjacent buildings to the East, which were part of separate developments.

4. **Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.**

It is staff's considered opinion that there are no significant changes which have been made to the building over the course of time, which will be adversely affected by the proposed rehabilitation.

5. **Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.**

Staff believes that existing historic fabric will be treated sensitively, once the formstone is removed from the face of the building appropriate repair treatments can be further evaluated based on the conditions found at the building.

6. **Deteriorated architectural features shall be repaired rather than replaced wherever possible. In the event that replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplications of features substantiated by historical, physical or pictorial evidence rather than on conjectural design or the availability of different architectural elements from other buildings or structures.**

The additional floor is admittedly not substantiated by historical, physical, or pictorial evidence. Staff strongly recommends that the repair or replacement of missing architectural features shall be based on accurate duplications of features substantiated by historical, physical or pictorial evidence rather than on conjectural design.

7. **The surface cleaning shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.**

Appropriate methods for masonry assessment, stabilization, cleaning, repair, replacement and reconstruction are clearly noted throughout the drawings to the satisfaction of staff.

8. **Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any acquisition, protection, stabilization, preservation, rehabilitation, restoration or reconstruction project.**

This Standard is not applicable to this project due to previous ground disturbance and the highly unlikely chance that there are any remaining undisturbed archeological resources or cultural material at the site.

9. **When the replacements are made, exterior architectural elements, such as but not limited to windows, doors, and siding, shall be replaced with a style and finish of the period of significance of the building. Use of original materials is preferred.**

Before any final material replacement or repair methods have been finalized, intrusive modern formstone and siding should be removed from the building as gently as is possible to ensure the preservation of original and historic fabric and/or the documentation and repair or reconstruction of deteriorated materials at the primary façade and West (secondary) facades. Staff would note

that new cast stone elements or stucco repairs to the original brownstone should be integrally colored to match the original brown, sandstone material; the brick should be gently and non-abrasively cleaned and the façade repointed with new mortar which matches the original mortar.

Note: that under the current proposal the building will not be restored to its original appearance in accordance with Standards A.1, 2, 3 and 6, but if the building was to be rehabilitated in accordance with the General Standards and Standards for Rehabilitation:

The rooftop addition should not be visible from the public right of way, at least not when viewing the building from directly across the street on Fifth Street. Staff acknowledges that due to the open space to the West, a condition caused by the demolition of a building before the establishment of the historic district, any addition, roof top addition or rear addition will most likely be seen from the public right of way. (The proposal before the Commission notes that any practical addition will be visible from the public right of way and tries to integrate the proposed addition into the streetscape so that it does not become a distracting element in the streetscape.)

The building should remain at its original height. The cornice should be reconstructed in painted wood at its original height, based on site and photographic evidence.

Any replacement clapboard siding should be the same size and profile as the extant, historic original clapboard siding documented on the building's West façade. A subtle differentiation can be made to distinguish new from old construction.

If possible, the historic doors, transom and frame at the parlor should be reused. If they can not be repaired and used, they shall be replicated to match the existing doors based on site evidence.

The drawings will be subject to modification after careful exploratory demolition and removal of the perma stone at the front façade. Restoration and reconstruction of original and historical elements based on site evidence and any corrections to any drawings may be remanded back to staff for approval.

If, due to the previously determined non-contributing status of the building, the Commission wishes to consider the project as new construction, under *H. Standards for New Construction* staff notes **(1.) that in considering whether to approve or disapprove an application for a permit for new construction in an historic district, the Commission shall be guided by standards of the Secretary of the Interior and the following compatibility standards.**

- 2. New construction need not replicate historic older buildings or structures, but may reflect contemporary design standards so long as the design and construction is compatible with surrounding historic structures. Building height, width, mass and proportion affect the degree of compatibility between the old and the new.**

The building's proposed height, width, mass and proportion appear to be compatible with the resources to the East even though the proposed height and mass of the additions are not supported by the building's site and photographic evidence. A modern or contemporary design for a building is not a requirement for new construction within a historic district.

- a. **Site and Setting.** A developer intending to utilize a historic resource as a part of a development must consider the context of the resource's original site by honoring the original historic intention of said resource and integrating it respectfully into the new development. Design elements shall have compatible rhythm and repetition with an emphasis on historically compatible materials and colors.

While not supported by site or photographic evidence for the building itself, Staff notes that the proposed building façade maintains the horizontal rhythm of bays and is using historically compatible materials. If the Commission decides to approve the application staff recommends the use of historically compatible colors, especially at the brownstone lintels and sills and the cornice.

- b. **Building Height.** Height shall be visually compatible with adjacent buildings. The apparent physical size, scale, and height shall relate to existing resources.

Staff believes this condition may have been met. Please refer to the previous comment for standard 2.

- c. **Openings on Frontal Facades.** The width and height of windows, doors and entries must harmonize in scale and proportion with the width and height of windows, doors and entries of buildings and structures of historic significance in the surrounding environment.

The new construction appears to meet this condition when compared with the resources to the East.

- d. **Relationship of Unbroken Planes to Voids (i.e., punctured planes) in Front Facades.** The relationship of unbroken planes (i.e., walls) to voids (i.e., windows and doors) on the façade of a building or structure shall be aesthetically harmonious with that of buildings and structures of historic significance in the surrounding environment.

The new construction appears to meet this condition when compared with the resources to the East.

- e. **Relationship of Vacant Land to Buildings/Structures.** The relationship of a building or structure to the vacant land between an adjacent building or structure shall not violate the existing paradigmatic spatial relationship of historically significant structures to the vacant land between said structures and adjoining buildings. The building mass in large architectural projects can be varied in form by using setbacks to create open spaces and landscaping when desirable to provide harmonious visual transitions between new construction and the adjacent historic properties.

The proposed building will not have an adverse effect on the relationship of the buildings front façade in relation to the front facades of adjacent buildings since they will all be at roughly the same plane.

- f. **Relationship of Exterior Projections to the Street.** The relationship of exterior projections to the street in new construction shall be aesthetically harmonious with the relationship of exterior projections to the street in the surrounding existing buildings of historic significance.

The proposed stoop and cornice, as well as the fenceline appear to be harmonious and in keeping with the buildings to the east.

- g. Relationship of Major Exterior Building Materials.** The major exterior building materials on the façade of a building or on a structure shall reflect the predominant major building materials existent on the facades of historically significant buildings and on structures in the surrounding environment.

As previously noted, Staff believes that this condition has been fulfilled by using (and reusing) brick at the primary façade and clapboard at the West faceade. The new

- h. Roof Forms.** The roof form and slope of a building or structure is a major element in the visual image of the building. Therefore, designers must take care to honor paradigmatically in new construction the existing historic roof forms and slopes so as not to violate the aesthetic harmony of the whole.
- i. Continuity in Visual Imagery of Appurtenances.** Appurtenances of a building or structure such as walls, fences and landscaping shall honor the relationship of appurtenances to buildings of historic significance in the surrounding environment.

Staff does note that if the building's original façade is being restored or incorporated into new construction, that a fence and gate which matches the original fence may be appropriate.

- j. Scale of Buildings.** The scale of buildings and structures shall be in scale with the buildings and structures of historic significance.

The scale of the proposed building is in keeping with other historic resources on the block, the three story and basement rowhouses to the East. However, the proposed rooftop addition rises above the roofline of the original/historic building as documented by site and photographic evidence.

- k. Signage.** Signs which are out of keeping with the character of the environment in question shall not be used. Excessive size and inappropriate placement on buildings results in visual clutter and shall be designed to relate harmoniously to exterior building materials and colors. A good sign shall express a simple clear message with wording kept to a minimum.

There is no signage proposed at the property.

- l. Site Planning.** The site planning of landscaping, parking facilities, utility and service areas, walkways and appurtenances must reflect the site planning of landscaping, parking facilities, utility and service areas, walkways and landscape features reticulate to buildings or structures of historic significance.

Insofar as is possible, this standard has been appropriately addressed in accordance with modern codes.

- m. Accessory Garage Design.** All garage facades shall be in character with the immediate surrounding historic properties and must be compatible with the significant historic features and

characteristics of the facades and streetscape of the immediate block front on which the proposed structure is located as well as the block front directly across the street.

Not applicable since there is a pre-existing parking spot in the front areaway.

- n. Off-Street Parking.** All required off-street parking shall be enclosed, and the enclosure shall be in character with the design of the immediate surrounding historic structures as outlined in this chapter. Such parking shall be designed so as to be at least fifty percent (50%) below grade and covered and shall be located entirely under the building where feasible, but, if located within the rear yard area, at least fifty percent (50%) of the entire yard area, including the garage rooftop area, shall consist of landscaping which may be a combination of grass, groundcover and shrubs, and the remaining area shall be covered with decorative brick or concrete pavers, or comparable, durable materials.

Not applicable since there is a pre-existing parking spot in the front areaway.

If the HPC finds that the application as presented would not have an adverse effect on the historic resource and the surrounding Harsimus Cove Historic District, the application may be approved with the following conditions:

1. The architect, Enkella Malellari, shall be retained during construction and shall submit a signed and sealed letter representing and noting that site construction was consistent with work approved under this Certificate of Appropriateness before the issuance of a Certificate of Occupancy.
2. The drawings shall be confirmed and corrected based on site evidence after careful investigatory demolition. Shop drawings shall be provided to HPC Staff for review and approval prior to the manufacture, purchase, or installation of the new windows at the front, and the parlor and basement door as well as the cornice.
3. Any proposed planting or landscaping shall conform with the City of Jersey City Zoning and, for street trees, the City of Jersey City Forestry Standards.
4. Details, Specifications, and Material Submissions not currently submitted to and approved by the HPC under this Certificate of Appropriateness, or changed during the course of construction are remanded back to the HPC.
5. All material samples and specifications shall be submitted to HPC Staff for review and approval prior to the submission of construction documents for permitting.
6. 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 for review. Depending on the degree of change or deviation, additional review by the HPC may be required.
7. 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.

8. Failure to follow these conditions may result in the denial of a Certificate of Occupancy, or the requirement that the applicant submit an application for the unapproved work before the Commission in order to obtain a Certificate of Appropriateness for the said unapproved work.

The Commission may ask for further conditions, as appropriate, based on site conditions and Standards and Guidelines for the treatment of historic properties.

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