

RESOLUTION OF APPROVAL

**APPLICATION OF
133 MONROE LLC**

IN THE MATTER OF
133 MONROE LLC

: PLANNING BOARD OF THE
: CITY OF HOBOKEN
: APPLICATION NO. HOP-15-28
: BLOCK 28, LOT 17
: 133 MONROE STREET

WHEREAS, 133 Monroe LLC, requested Minor Site Plan approval pursuant to N.J.S.A. 40:55D-46.1 and variances pursuant to N.J.S.A. 40:55D-70 (c)(2) to construct a new 5-story residential building with 2 duplex units above ground floor commercial space on the property located at Block 28, Lot 17, on the tax map of the City of Hoboken, being commonly known as 133 Monroe Street, New Jersey and said premises being in the R-3 Zone; and

WHEREAS, the applicant originally filed an application for three proposed residential duplex units above ground floor storage; and

WHEREAS, the Board held a public hearing on said application on May 3, 2016; and

WHEREAS, the applicant has provided adequate notice of the application and the hearing in accordance with N.J.S.A. 40:55D-12; and

WHEREAS, the applicant was represented by Counsel, Robert Matule, Esquire; and

WHEREAS, the Board has heard the testimony and evidence presented by the applicant, and has received comments from the public.

NOW, THEREFORE BE IT RESOLVED, that the Planning Board of the City of Hoboken, County of Hudson and State of New Jersey, made the following findings of fact:

1. The Board found the application complete.
2. According to the application, the applicant requests Minor Site Plan approval and the following variances:
 - A. For proposed lot area of 2,400 square feet, whereas 2,500 square feet is required.

- B. For proposed lot depth of 80 feet, whereas 100 feet is required.
 - C. For proposed lot coverage of 100%, whereas 60% is the maximum permitted.
 - D. For proposed building height of 42 feet (above DFE), whereas 40 feet (above DFE) is the maximum permitted.
 - E. For proposed rear yard setback of 0 feet, whereas 24 feet is required.
3. Based upon the comments of applicant's Attorney, Robert Matule, Esquire, the Board heard the following:
- A. Based upon public feedback, the applicant modified its original proposal of three residential duplex units with ground floor storage space, to the now proposed two residential duplex units with ground floor commercial space.
4. Based upon the sworn and qualified testimony of the applicant's Architect, Ciaran Kelly, AIA, the Board made the following findings of fact:
- A. The applicant is proposing to construct a five-story building with four residential floors over a ground floor commercial space.
 - B. Plans for the building have been revised to reflect 100% lot coverage on the ground floor. Additionally, the rear wall on the upper four floors has been pulled in to align with the adjoining building to the south.
 - C. A revision will be made on the plans to reflect the building's correct dimensions.
 - D. The property is located on an undersized lot, at the corner of Second Street and Monroe Street.
 - E. The property currently houses a two-and-a-half story residential building and a smaller one-story accessory building. There is a small driveway entrance between the two.

- F. The application originally contemplated the construction of a three duplex unit residential building with ground floor storage. All floors were to have 75% lot coverage.
- G. The applicant received neighborhood feedback on the proposal and concluded that this property is in a prime location for a corner retail space. The applicant then modified its proposal to accommodate ground floor retail space, with 100% lot coverage on the ground floor and 70% lot coverage on the upper four residential floors.
- H. The ground floor will contain 2,100 square feet of retail space and a residential lobby for the units above.
- I. Occupants of the lower duplex unit, located on floors two and three, will have access to the second floor landscaped rear deck.
- J. Occupants of the upper duplex unit, located on floors four and five, will have access to the landscaped rooftop deck.
- K. The plans will be revised to show that any planters on both decks will comply with the three foot setback requirement.
- L. The roof will drain into a stormwater detention tank beneath the ground floor slab. The tank will have a capacity to hold 3,750 gallons; which is represented to be double the North Hudson Sewage Authority requirements.
- M. The applicant is proposing the installation of four new street trees and a three foot wide planter at the base of the building, on the Monroe Street frontage.
- N. The façade will be a traditional design; the applicant is proposing a two-tone traditional red brick, with colors of a red blend and Brandywine velour.
- O. The building will have three bay projections; two along the Second Street façade and one along

the Monroe Street façade. The applicant originally proposed bay projections of three-feet, but will revise their plans to show that each bay project out one foot and will be eight feet wide.

- P. The applicant is proposing to extend the existing rear wall 10 feet above the rear second level deck to provide additional privacy and a better aesthetic appearance.
 - Q. The applicant will utilize sustainable features in the form of high energy glazing, closed cell spray foam insulation, and light or white roofing membranes.
 - R. There will be three air conditioning condensers and a generator located on the roof, within the three-foot setback requirements. The generator will have a Type 2 sound enclosure.
 - S. Residential storage for the building will be provided within closets within the main residential lobby.
 - T. The sidewalk will be replaced along the north and west sides of the building and ADA compliant curb ramps will be installed with truncated dome pads.
 - U. Any pavement markings that are disturbed as a result of construction will be replaced with high visibility thermoplastic markings.
5. Based upon the sworn and qualified testimony of the applicant's Professional Planner, Kenneth Ochab, P.P., the Board made the following findings of fact:
- A. The site has two preexisting nonconforming conditions, both of which make development on the property difficult.
 - B. Those conditions include the existing rear wall located at a depth of 80 feet on the property, and the fact that the lot is undersized.

- C. The applicant is proposing 100% lot coverage on the ground floor to allow for a larger and more viable retail business.
 - D. The Master Plan provides for retail business to be developed in appropriate locations. This proposal will meet that objective by providing a retail business in a corner lot location, which is ideal for retail.
 - E. The site can accommodate the deviation from the height standard, given the surrounding buildings which are of a similar height.
 - F. The proposed decks will be adequately screened with landscaped buffering, providing a benefit to both the occupants and the public by creating privacy.
6. James Vance, expressed support of the application because of the appropriate corner location for the proposed ground floor retail business, which will add character to the neighborhood. He suggested the proposed planters along the street frontage be removed, and a compromise was reached to remove the planters along Second Street while the planter along Monroe Street will remain.
 7. The Board determined that the proposed mixed-use building will be attractive and will add character to the corner of Monroe Street and Second Street.
 8. The Board felt confident that this building will be a positive addition to the neighborhood.
 9. The Board concluded that the requested ground floor lot coverage will allow for a larger and more viable retail business in a location where such business is well-suited and appropriate.
 10. The Board found that the sustainable features included in this application will provide a significant public benefit.
 11. The negative impacts arising from this proposal will not unreasonably impinge on the light, air, or privacy of the surrounding property owners and are mitigated by the conditions of approval.

12. The benefits of this proposal outweigh its detriments.

CONCLUSIONS OF LAW:

WHEREAS, the Board determined the applicant's Minor Site Plan pursuant to N.J.S.A. 40:55D-46.1 to be sufficient as to style and design and the Board approved the applicant's request; and

WHEREAS, the Board, after careful deliberation, found that this application has met the requirements of N.J.S.A. 40:55D-70 (c)(2) because the Board determined that the proposed mixed-use building will be an architecturally attractive building and will add character and charm to the corner location as described in N.J.S.A. 40:55D-2(i) "To promote a desirable visual environment through creative development techniques and good civic design and arrangement;" and providing unique sustainable and energy-efficient features, a new stormwater detention system with an extensive capacity, and creating retail business in a prime location will provide a substantial benefit to the public as described in N.J.S.A. 40:55D-2(a) "To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety morals, and general welfare;"

WHEREAS, the Board has determined that the relief sought can be granted without a substantial negative impact, provided all conditions of approval are satisfied or met; and

WHEREAS, the Board has determined that the relief sought does not impair the intent and purpose of the Master Plan or Zoning Ordinance of the City of Hoboken.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Planning Board of the City of Hoboken, in the County of Hudson and State of New Jersey, on the 3rd day of May, 2016, upon a motion made by Brandy Forbes and seconded by Ryan Peene that the application of 133 Monroe LLC is approved subject to the following terms and conditions:

1. The applicant shall be bound by all exhibits introduced, all representations made and all testimony given before the Board at its meeting of May 3, 2016.
2. The applicant shall provide all required Site Performance Bond and Inspection Fees in accordance with the Municipal Ordinance.

3. The applicant must be responsible for obtaining any other approvals or permits from all governmental agencies, as may be required by law, including but not limited to the Municipality's and State's affordable housing regulations; and the applicant shall comply with any requirements or conditions of such approvals or permits.
4. The applicant must comply with the Development Fee Ordinance of the City of Hoboken, if applicable, which Ordinance is intended to generate revenue to facilitate the provision of affordable housing.
5. This approval is subject to the applicant's continuing obligation to ensure that the fees generated on this application by the Board's Planner, Engineer, and Attorney are fully paid prior to the issuance of a building permit and/or the issuance of the Certificate of Occupancy.
6. The applicant's plan must comply with the Hoboken Flood Plain Ordinance, and that plan is to be submitted to the Flood Plain Manager for her review and approval and the North Hudson Sewerage Authority for its approval prior to submitting applicant's plans to the construction office.
7. The Board's Engineer and Planner are to submit a memo to be attached as an exhibit to the Resolution, identifying all unmet comments or technical commitments made during the hearing.
8. The applicant is to supply a cost estimate of all off-site improvements to the Board's Engineer. The cost estimates are to be confirmed by the Board's Engineer.
9. The plan is to be revised to show the correct dimension calculations as explained to the Board at the time of the hearing. Those modifications are to be submitted to the Board's Engineer and Planner for their review and approval, prior to the memorialization of the approval.
10. The applicant is revise the plans to show the stormwater calculations, which are to be provided to the Board's Engineer for his review, to confirm that the size of the on-site detention will be double of what is required under North Hudson Sewer Authority (NHSA).
11. The applicant must obtain the City Council's approval for any encroachment into the city right-of-way.

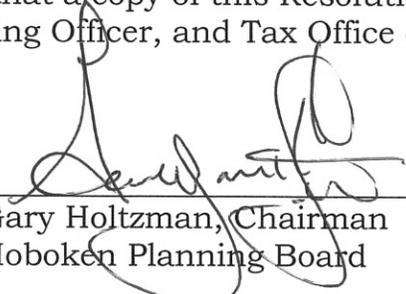
12. The applicant agreed to, and shall, comply with the Board Engineer and Planner's review letters.
13. The plan is to be revised to remove the planters on the Second Street frontage.
14. Any sidewalk closures must be done in consultation with the Mayor's office.
15. The applicant is to replace the sidewalk along the north and west sides of the building.
16. The plan is to be revised to reflect that the three bay projections on the building will have a one-foot projection.
17. The applicant is to comply with all the requirements of the Flood Plain Administrator.
18. The green roof maintenance plan is to be provided to the Board.
19. The applicant is to record a Deed Restriction requiring the future owner or owners of the building to maintain the green roof in perpetuity in accordance with the maintenance plan. If the applicant elects to create a condominium association, these conditions must be included in the condominiums association's managing documents. The Deed Restriction or condominium documents must be submitted to the Board's Attorney for his review and approval and must be recorded prior to the issuance of a first Certificate of Zoning.
20. Publication of a notice of this decision will be published by the applicant in one of the City's officially designated newspapers. A copy of the published notice shall be provided to the Board's Secretary no later than thirty (30) days from the date of memorialization.

VOTE ON ROLL CALL:

IN FAVOR: Caleb Stratton; Brandy Forbes; Caleb McKenzie; Tom Jacobson; Ryan Peene; Gary Holtzman

OPPOSED: Frank Magaletta; James Doyle; Ann Graham

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the applicant, Zoning Officer, and Tax Office of the City of Hoboken.

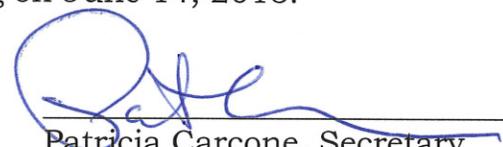


Gary Holtzman, Chairman
Hoboken Planning Board

6/14/16

CERTIFICATION

It is hereby certified the attached is a true copy of the Resolution approved May 3, 2016 and duly adopted as to form by the Planning Board at its regular meeting on June 14, 2016.



Patricia Carcone, Secretary
Hoboken Planning Board