RESOLUTION OF APPROVAL

APPLICATION OF
343 GARDEN STREET LLC

	: PLANNING BOARD OF THE
IN THE MATTER OF	: CITY OF HOBOKEN
343 GARDEN STREET LLC	: APPLICATION NO. HOP-16-1
	: BLOCK 214, LOT 8
	: 319 WASHINGTON STREET

WHEREAS, 343 Garden Street 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) for the renovation of the existing two (2) story building into a four (4) story building, with commercial uses on the first two (2) stories and residential units on the top two (2) stories on the property located at Block 214, Lot 8, on the tax map of the City of Hoboken, being commonly known as 319 Washington Street, New Jersey and said premises being in the CBD (H) (CS) Zone; 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 no 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 a variance for the expansion of a nonconforming structure.

B. For proposed lot coverage of 100%, whereas 60% is the maximum permitted.

3. Based upon the comments of applicant's Attorney, Robert Matule, Esquire, the Board heard the following:

   A. The applicant is proposing to remove the existing two-story frame building on the property that fronts on Washington Street, retain the one-story masonry section of the building that extends to Court Street, and build a new four-story mixed-use building.

   B. The ground floor and the second floor will be commercial space, and the third and fourth floors will each contain one single-family residential unit.

4. Based upon the sworn and qualified testimony of the applicant's Architect, John Nastasi, AIA, the Board made the following findings of fact:

   A. Existing on the property is a two-story, wood frame structure that continues through to an existing one-story Court Street building. Together, the two structures occupy 100% of the lot coverage.

   B. The applicant is proposing to remove the wood frame structure and to build a new four-story building on the property.

   C. The first floor of the building is proposed to have 100% lot coverage, while the upper floors are proposed to have 60% lot coverage.

   D. The new basement of the building will become level with the basements of the neighboring buildings, creating a better structural condition. Excavation will be done down to the neighboring footings so as not to leave the neighboring buildings unstable.

   E. There will be a demising wall on the ground floor in the center of the building. This will allow for two retail spaces; the south side will contain a traditional shotgun railroad space on one level,

while the retail space on the north side of the building will be a duplex.

F. Residential entry to the building will be located on the south side of the rear façade on Court Street.

G. The building will be composed of a limestone frame and traditional red Hoboken façade brick.

H. The HVAC unit to service commercial space #1 will be located on the roof of the one-story portion of the building on Court Street. There will be acoustic barriers to meet all noise codes.

I. There will be three air conditioning condensers located on the main roof to service commercial space #2 and the residential units, which will have a noise barrier curtain wall system for sound attenuation.

J. The applicant agreed to install a flue should the retail space accommodate a restaurant in the future.

K. There will be a new 6 inch sewer line installed as part of this proposal.

L. The existing trees on Washington Street will remain.

M. The applicant agrees to install a form of stormwater retention or detention system, which will be determined in consultation with the Board Engineer.

N. The existing transom glass panels will be preserved and reinstalled in the new building.

O. The existing sets of cobblestones facing the Court Street side of the building will be maintained and repaired, and the existing concrete apron will be removed.

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. An objective of the Master Plan encourages the creation of more retail space in appropriate locations. With the prevalent retail presence along Washington Street, this proposal achieves that objective.

B. The height of the proposed new building will align with the existing buildings on either side and will be attractive; there will be no substantial negative impact on the surrounding properties.

6. The Board felt confident that the mixed-use residential and commercial building will be a positive addition to the neighborhood, providing both residential and retail space for the community.

7. The Board found the site plan request does not impair the intent and purpose of the Master Plan or Zoning Ordinance of the City of Hoboken.

8. The Board found the requested lot coverage to be consistent with the development pattern along the easterly side of that block of Washington Street.

9. The Board concluded that the negative impacts of this plan are mitigated by the attached conditions.

10. 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.

11. The benefits of this proposal outweigh its detriments.

CONCLUSIONS OF LAW:

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

WHEREAS, the Board, after careful deliberation, determined that this application has met the requirements of N.J.S.A. 40:55D-70(c)(2) because the Board determined that the proposed new building will add character and value to the neighborhood and will be consistent with the development pattern along the easterly 300-block of Washington Street, which is a benefit 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;" and

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 James Doyle and seconded by Caleb McKenzie that the application of 343 Garden Street 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 shall be responsible for obtaining any other approvals or permits from other 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 shall 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 their approval prior to submitting 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 applicant will be responsible for the proper closure of the windows along 317 Washington Street.

10. The applicants indicate that they are going to store storm water of 25% or more of the volume of the 100 year storm.

11. The building is to have space for a built-in flue to accommodate a future restaurant use, if any.

12. The mechanical equipment on both roofs is to have acoustic sound attenuation with a maximum of 65 decibels.

13. The applicant is to preserve the existing tree and the applicant will install a tree grate in consultation with the Shade Tree Commission.

14. The cobblestones on Court Street are to be maintained and repaired as necessary to preserve the cobblestone path on Court Street.

15. The applicant is to comply with the Board Planner and Board Engineer letters.

16. 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: Frank Magaletta; Caleb Stratton; Brandy Forbes; James Doyle; Ann Graham; Caleb McKenzie; Ryan Peene; Tom Jacobson; Gary Holtzman

OPPOSED: None

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.

6/14/16

Gary Holtzman, Chairman
Hoboken Planning Board

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