

RESOLUTION OF APPROVAL

**APPLICATION OF
462 NEWARK STREET, LLC**

IN THE MATTER OF
462 NEWARK STREET, LLC

: PLANNING BOARD OF THE
: CITY OF HOBOKEN
: APPLICATION NO. HOP-16-6
: BLOCK 18, LOT 2
: 462 NEWARK STREET

WHEREAS, 462 Newark 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) to construct a new five-story, four-unit residential building with a ground floor commercial space on the property located at Block 18, Lot 2, on the tax map of the City of Hoboken, being commonly known as 427 Newark Street, New Jersey and said premises being in the R-3 Zone; and

WHEREAS, the Board held a public hearing on said application on July 5, 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 variance:
 - A. For proposed lot coverage of 73.85%, whereas 60% is the maximum permitted.

- B. For proposed building depth 83.91 feet, whereas 70 feet is the maximum permitted.
 - C. For 0 proposed parking spaces, whereas 5 parking spaces are required for a commercial space.
 - D. For proposed lower roof deck setback of 0 feet, whereas 3 feet are required.
3. Based upon the comments of applicant's Attorney, Robert Matule, Esquire, the Board heard the following:
- A. The subject property currently features a Domino's Pizza, which has been there for many years.
 - B. The applicant is proposing to construct a new five-story building in its place, to contain four residential units on four floors over ground floor commercial space. The commercial space will continue to be operated by Domino's Pizza.
4. Based upon the sworn and qualified testimony of the applicant's Professional Architect, James McNeight, AIA, the Board made the following findings of fact:
- A. The new five-story building will contain a commercial space on the ground level, and one (1) three-bedroom residential unit on each of the four upper floors.
 - B. The second floor unit will have various outdoor space; a rear roof deck atop the one-story extension of the ground floor commercial space, as well as access to the backyard.
 - C. The fifth floor unit will also have outdoor space provided by the private roof deck atop the roof of the building.
 - D. The third and fourth floor units will not be provided with any outdoor space.
 - E. The height of the proposed new building will match the height of the surrounding buildings, many of which are five-stories in height.

- F. There will be a Type II exhaust hood for the ground floor pizza establishment, which will rise up through an enclosed shaft way located in the back of the building. At the top of the shaft, there will be an upblast fan. There will be no grease laden vapors (only baking is done on-site).
- G. The plans will be revised to remove the sliding glass doors from the second floor unit, eliminating the balcony use and instead creating decorative front overhangs.
- H. The proposed front overhangs will act as a cover for the residential entrance, and serve as an architectural differentiating feature between what is residential and what is commercial.
- I. The building will have a green roof.
- J. The rear yard will be 100% pervious, and will consist of synthetic turf and patio pavers which will drain into the stormwater detention system located in the most northern part of the rear yard.

5. Based upon the sworn and qualified testimony of the applicant's Professional Planner, Edward V. Kolling, P.P., the Board made the following findings of fact:

- A. The subject property currently has approximately 85% building coverage and 100% pervious coverage.
- B. As a result of this proposal, the lot coverage will be reduced and the pervious coverage will be significantly reduced through use of the proposed pervious pavers and the creation of the artificial lawn area.
- C. This proposal will provide several public benefits, including a detention system where one did not previously exist, and doubling the size of the rear yard, creating a rear yard compliant in size with the zoning ordinance.

- D. This proposal is consistent with a goal of the Master Plan providing residential revitalization.
 - E. There is a hardship in developing this site because no curb cuts are permitted for the existing undersized lot; however, the commercial component of the building requires parking to be provided.
 - F. The proposed residential building with the ground floor pizza establishment will not create a substantial negative impact on the neighborhood; it will instead provide a use more consistent with the surrounding residential uses; a building height more in character with the height of neighboring buildings; and will maintain the ground floor commercial use that serves the community.
6. Based upon the sworn testimony of the franchisee of the existing Domino's Pizza, Thomas Peterson, the Board made the following findings of fact:
- A. The minimum size requirement for a Domino's Pizza is 1,400 square feet.
 - B. The proposed reduction of size of the existing Domino's will be adequate to continue to operate in this location.
 - C. This particular Domino's anticipates doing its pizza deliveries by bicycle given the small delivery area this store covers.
 - D. While the pizza is baked, all other menu items are also baked; therefore, other methods of cooking such as grills and fryers are not a part of the operation.
7. The Board felt confident that the residential building will be a positive addition to the neighborhood, given the appropriate proposed density and the similar scale of surrounding residential buildings in the neighborhood.
8. The Board determined that the decrease in lot coverage and pervious coverage will be a positive improvement to the site;

while finding that the proposed ground floor Domino's, which has operated at this site for many years, is required to maintain a certain size in order to continue to operate.

9. The Board found the proposed front overhangs to be an attractive architectural feature, adding value to the look of the building consistent with the character of the neighborhood.
10. The Board determined that the proposed green roof, installation of a stormwater detention system where one did not previously exist, and the creation of a complying rear yard which will more than double the size of the existing rear yard, will all be significant public benefits.
11. The Board concluded that the negative impacts of this plan are mitigated by the attached conditions.
12. The negative impacts arising from this proposal will not impinge on the light, air, or privacy of the surrounding property owners and are mitigated by the conditions of approval.
13. 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 found 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 residential building with the ground floor commercial unit will provide a number of public benefits, including the addition of a green roof and stormwater detention system, which will mitigate stormwater buildup and flooding as described in N.J.S.A. 40:55D-2 (b) "To secure safety from fire, flood, panic and other natural and man-made disasters;" the increase in open space by more than doubling the size of the rear yard as described in N.J.S.A. 40:55D-2 (c) "To provide adequate light, air, and open space;" the addition of a residential building, as well as the maintenance of the existing commercial use, in a location where a mixed-use building is more well-suited and appropriate to serve the community as described in N.J.S.A. 40:55D-2 (g) "To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational,

commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;” 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 5th day of July, 2016, upon a motion made by Ann Graham and seconded by Caleb McKenzie that the application of 462 Newark 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 July 5, 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 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 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 seek County and City Council approval of any encroachment into the County or City right-of-way.
9. The applicant is to record a Deed Restriction to ensure that the owner of the building which may be a condominium association is to maintain the green roof as shown on the plan as long as the building exists. The Deed Restriction is to be reviewed and approved by the Board's Attorney prior to its being recorded and it must be recorded prior to the issuance of the first Certificate of Zoning.
10. The plan is to have a note that the rear yard is to be comprised of planting beds, pervious synthetic turf and permeable pavers and will drain into the stormwater system.
11. The Applicant shall provide a Kitchen Venting System that uses electrostatic precipitation technology that provides over 95% efficient removal of smoke and fumes. The system shall remove both large and microscopic contaminants. The system shall be self-cleaning or the Applicant must have a maintenance contract for cleaning in accordance with manufacturers recommendations. Proof of cleaning shall be provided to the City upon request.
12. The stormwater storage facility is to be sized at twice the size of what is required by the North Hudson Sewer Authority.
13. The applicant is to comply with the Flood Plain Administrator's letter, dated April 7, 2016.
14. The plan is to be revised to increase the rear yard setback to 30 feet and to show no access to the front overhangs, and is to be reviewed and approved by the Board's engineer and Planner.
15. Publication of a notice of this decision will be published by the applicant in one of the City's officially designated newspapers.

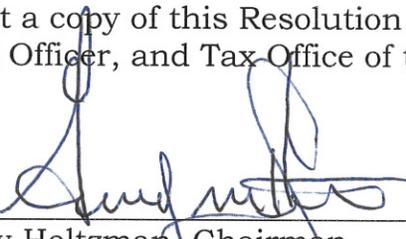
A copy of the published notice shall be provided to the Board's Secretary no later than thirty (30) days from the date of memorialization.

VOTE ON ROLL CALL:

IN FAVOR: Frank Magaletta; Ann Graham; Caleb McKenzie; Ryan Peene;
Tom Jacobson; Kelly O'Connor; 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.

 8/3/16

Gary Holtzman, Chairman
Hoboken Planning Board

CERTIFICATION

It is hereby certified the attached is a true copy of the Resolution approved July 5, 2016 and duly adopted as to form by the Planning Board at its regular meeting on August 2, 2016.



Patricia Carcone, Secretary
Hoboken Planning Board