

**COPY**

**RESOLUTION OF APPROVAL**

**APPLICATION OF  
300 WASHINGTON STREET CONDOMINIUM  
ASSOCIATES, INC.**

IN THE MATTER OF : ZONING BOARD OF ADJUSTMENT  
300 WASHINGTON STREET : CITY OF HOBOKEN  
CONDOMINIUM : BLOCK 202, LOT 35  
ASSOCIATES, INC. : 300 WASHINGTON STREET

**WHEREAS**, 300 Washington Street Condominium Associates, Inc. has requested a 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)(1), (c)(2), (d)(5) and (d)(6) for a new five-story 8-unit mixed use building on the property located at Block 202, Lot 4, on the tax map of the City of Hoboken, being commonly known as 300 Washington Street, Hoboken, New Jersey and said premises being in the CBD(H) Zone; and

**WHEREAS**, the Board held a public hearings on said application on April 9, 2013 and April 16, 2013; 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, James J. Burke, 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 Board of Adjustment 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 as well as the following variances:
  - A. For lot coverage of 100% (ground floor) and 94% (upper floors), whereas 60% is the maximum permitted.

- B. For rear yard setback of 0 feet (ground floor) and 5 feet (upper floors), whereas 30 feet or 30% of lot depth is required.
  - C. For rear wall distance from street line of 100 feet (ground floor) and 80 feet (upper floors), whereas 70 feet is maximum permitted.
  - D. For height variance is required for height relative to the prevailing height.
  - E. For a density variance for 8 units, whereas 3 units is the maximum permitted on this property.
3. Based upon the comments of applicant's Attorney, James J. Burke, Esquire, the Board heard the following:
- A. The building on this site was partially destroyed in a fire on February 19, 2012.
  - B. The building was rendered a fire risk hazard and was ordered to be completely demolished.
  - C. The site is currently fenced in and the entire structure has been eliminated.
  - D. The applicant is all of the unit owners that comprise the condominium association.
4. Based upon the sworn and qualified testimony of the applicant's Architect, Frank Minervini, AIA, the Board made the following findings of fact:
- A. The original building was a little smaller in size to the proposed building.
  - B. The proposal is for an eight-unit building with ground floor commercial space.
  - C. The ground floor of the original building and the proposed building is the same, both having 100% lot coverage.
  - D. The proposed building will be 80 feet in depth, where the previous building was 77 feet in depth.

- E. The additional 3 feet allows for an elevator to be installed, which is required by the ADA code.
- F. The proposed building had to be designed so that each condo owner still owned the same percentage as they previously owned prior to the fire.
- G. Due to the site location, the applicant had to seek and obtained approval from the Hoboken Historic Commission.
- H. The site is located at the northwestern corner of the Third and Washington Streets intersection.
- I. The proposed building will be a five-story building, 100 percent lot coverage, which is 85 feet depth on the ground floor and 80 feet on the floors above.
- J. The building abuts at the one story level on the rear property line to Stevens Cooperative.
- K. The basement level will have storage space for the commercial unit as well as utility space for the residential apartments.
- L. The main residential entry is located off of Washington Street on the northern side of the façade.
- M. The hallway goes to the elevator. Behind the elevator are two means of egress. The separate stairs come down to the ground floor. One exit is on Washington Street and the other exit is on Third Street.
- N. The building is designed with similar elements as the previous building. There will be one bay projection on Washington Street and two bay projections on Third Street.
- O. The building is consistent in height with other buildings on Washington Street.
- P. The proposed building is smaller in volume compared to the previous building while still

providing equally sized apartments, safer apartments with smoke detectors, two means of egress, fire walls and sprinklers.

- Q. The previous building was approximately 57 feet to the top of the roof slab. The proposed building is 50 feet from the Washington Street façade.
  - R. The applicant will provide new street trees, new sidewalks and new curbs.
  - S. The heating, cooling and water storage units will be within the apartments.
5. Craig Hothem asked if the building will be constructed on the existing foundation walls. He was informed that the foundation will be new construction. The foundation will be either a pile system or a spread concrete footing.
6. Based upon the sworn testimony of Allen Kratz, of 1245 Bloomfield Street, the Board made the following findings of fact:
- A. The previous commercial building was an iconic structure on Washington Street built in the late nineteen hundreds.
  - B. Section 42-115.6(a) of the Ordinance states that new construction need not replicate historical older buildings or structures, but may reflect contemporary redesign standards.
  - C. Section 42-115.6(c) of the Ordinance refers to the building height. The building that is proposed is a lower height than the building in the middle of the block. The building is actually six or eight feet shorter than what was there originally.
  - D. Section 42-115.6(d) of the Ordinance refers to the opening on frontal façades (doors, windows, and entrances); but Section 42-115.6(e) requires that the façade of a building or structure should be aesthetically harmonious with that of buildings and structures of historical significance in the surrounding environment.

- E. The proposed building materials that were chosen for the first four floors out of five are made of brick that relates to the McDonald's building and the other three-story bricked buildings.
  - F. The portion of the Ordinance that pertains to the scale of the buildings states that structures shall be in scale with buildings and structures to which it is visually related. In this proposal, the applicant replicates the historic scale and massing of what was there before.
- 7. The Board had some concerns with the façade of the proposed building. The applicant requested that they be permitted to make some modifications to the plans.
  - 8. A motion was made to carry this application to April 16, 2013.

Meeting of April 16, 2013:

- 9. Based upon the applicant's Attorney, James J. Burke, Esquire, the Board heard the following comments:
  - A. The Board expressed concern about the exterior look of the proposed building since it is in a prominent location on Third and Washington Streets and because it is in the historic district.
  - B. The applicant made revisions to the plans to the façade which is now 75 percent masonry rather than a 66 percent originally proposed. The increase in masonry eliminates the need for a variance.
- 10. Based upon the sworn testimony of Frank Minervini, AIA, the Board made the following findings of fact:
  - A. The size, spacing and rhythm of the windows have changed to be more in keeping with the "Hoboken Aesthetic."
  - B. The windows will be 3 feet by 6 feet in size.
  - C. On both the Washington Street and the Third Street façades there will be large fields of brick within

essence windows, reminiscent of many Hoboken buildings.

- D. The windows will have cast stone headers and sills, in keeping with the traditional Hoboken look.
  - E. The fenestration at the bay window projections will be simple straight forward three window bay sections.
  - F. The brick color will be Hudson River red, with the accent band being gray.
  - G. The piers are extended at the ground floor level and there will be a gray brick accent added to the piers to create a look of connection between the building and the street.
  - H. The fifth floor terracotta panels between the window spaces are replaced with brick piers with two colors to mimic the base at the commercial level.
  - I. The cornice has been made more prominent which is more in keeping with the look of the previous building.
11. Sergio Alati, of 32 Arthur Drive, Rutherford, NJ, asked how the building at 301 Bloomfield Street will be protected from water infiltration from the joints and the tops and sides where the two buildings meet. He was informed that Ron Russell, an Architect who is representing Stevens, will be given details prior to construction. Mr. Alati also asked if the building will be constructed on piles. He was told that the soil report has not been received yet; however, he believes it will be built on piles.
12. Based upon the sworn and qualified testimony of the applicant's Professional Planner, Edward Kolling, P.P., the Board made the following findings of fact:
- A. The building was designed to fit into the historic area. It has both residential and commercial uses and also takes advantage of its proximity to the transportation center.

- B. The proposal satisfies section (h) of the CBD to preserve and enhance the best elements of the sub district's traditional character by architecture, to protect against destruction of undesirable encroachment upon the area, and ensure that new structures and uses within the district will be in keeping with the character to be preserved and enhanced.
- C. The proposal satisfies the Master Plan which encourages contemporary building designs for new construction that compliment Hoboken's historic building without mimicking them.
- D. The proposal replicates the use of a ground floor commercial retail use which requires buildings with commercial uses to be constructed up to the front property line.
- E. The site can accommodate the added density without detriment as the site is well suited for the added residential use because of the close proximity to the Lackawanna terminal.
- F. Since the turn of the 19<sup>th</sup> Century, the property has had a five-story building on it, so replicating it would be consistent with the character of the neighborhood.
- G. The property is severely limited because it is a corner lot and narrow.
- H. The placement of the building creates a continuous frontage on Third Street that is a better approach to urban design.
- I. The upper stories are set back from what was there before.
- J. The building existed for a long period of time without substantial detriment and is part of the character of the area.
- K. The addition of the elevator will satisfy the ADA requirement and the extra means of ingress and egress will provide fire safety which will be a benefit

that will outweigh any detriment from the increase in coverage.

13. Based upon the sworn testimony of Paul Somerville, on behalf of the Historic Commission, the Board made the following findings of fact:
  - A. The important elements from the perspective of the Historic Commission have been met. The property is being used as it was historically; the design is contemporary and does not mimic historic styles; the size, scale, proportion and massing are compatible with the existing environment; and the materials are appropriate.
14. The applicant's original proposal included a roof top deck requiring a variance. The applicant has withdrawn the request noting that the Board had some reservations regarding umbrellas blowing off and causing damage to people and items on the ground. The Board also was concerned that loud noises coming from the deck would bother others in the area.
15. Surgio Alati, from the Stevens Cooperative School at 301 Bloomfield Street, had concerns about the construction process and the safety of the students, as well as maintaining the integrity of the Stevens School building. He was informed that he should make his concerns known and ask any questions directly to the Building Department.
16. Phil Cohen, of 206 Eleventh Street, commented that he thought the first plan was a valid and good plan and thinks that the second plan is a good and viable alternative. He was in favor of this application.
17. The Board determined that while the height and density are exceeded, this is a replacement building completely destroyed by fire and because the prior building fit into the community well, the Board finds that the site can accommodate the height and density.
18. The Board also finds that the height of the building is in keeping with the character of this historical nature of this block.



19. The Board determined that the shallowness of this corner lot creates a hardship which necessitates relief.
20. The Board finds that the architectural look of the building, while not mimicking the prior building, fits into this historical neighborhood.
21. The Board finds that the building will be aesthetically pleasing and compatible with the neighborhood and the architecture preserves the tradition and character of the surrounding buildings.
22. There are no substantial negative impacts arising from this proposal and will not impinge on the light, air, or privacy of the surrounding property owners.
23. 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 to approve the plan; 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 found that the proposal is aesthetically pleasing and compatible with the neighborhood and the architecture preserves the tradition and character of the surrounding buildings 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

**WHEREAS**, the Board determined that this application has met the requirements of N.J.S.A. 40:55D-70 (d)(5) and (d)(6) because while the height and density are exceeding what is permitted, the prior building destroyed by a fire had the same density and was at approximately the same height which fit into the community well. The Board determined that the site can accommodate the height and density 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 (e) "To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of

persons, neighborhoods, communities and regions and preservation of the environment;" and

**WHEREAS**, the Board determined that this application has met the requirements of N.J.S.A. 40:55D-70 (c)(1) because of the shallowness of the lot and it being a corner lot creates a hardship in terms of the rear property line. The placement of the building creates a continuous frontage on Third Street that is a better approach to urban design; 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 RESOLVED** by the Board of Adjustment of the City of Hoboken, in the County of Hudson and State of New Jersey, on the 9<sup>th</sup> day of April, 2013, upon a motion made by Elliot Greene and seconded by Nancy Pincus that the application of 300 Washington Street Condominium Associates, Inc. be granted, 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 meetings of April 9, 2013 and April 14, 2013.
2. The applicant shall provide all required Site Performance Bond and Inspection Fees in accordance with the Municipal Ordinance.
3. The applicant will have three (3) years from the date of this Resolution to obtain a building permit.
4. 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.
5. 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.

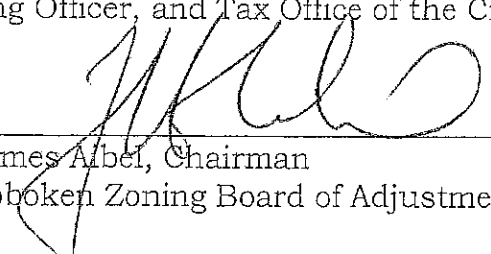
6. This approval is subject to the applicant's continuing obligation to ensure that the fees generated on this application by the Board's Planner, Engineer, and Attorney are fully paid prior to the issuance of a building permit and/or the issuance of the Certificate of Occupancy.
7. The applicant must meet with the neighboring property owner to discuss construction methods and processes.
8. The bay on Washington Street extends into the right-of-way and requires City approval.
9. The plan needs to be revised to re-label the utility room to storage/utility room.
10. The applicant is to pay its prorated share of offsite improvements to be determined by the Board's Engineer.
11. Additional shade trees are to be installed at the direction of the Shade Tree Commission.
12. The roof is to be constructed of reflective white materials.
13. Publication of a notice of this decision will be published in one of the City's officially designated newspapers, at the cost of the applicant.

VOTE ON ROLL CALL:

IN FAVOR: Elliot Greene; Joseph Crimmins; Michael DeFusco;  
Nancy Pincus; John Branciforte; James Aibel

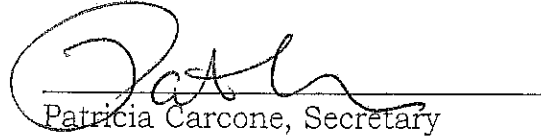
OPPOSED: None

**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.

  
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James Aibel, Chairman  
Hoboken Zoning Board of Adjustment

## CERTIFICATION

It is hereby certified the attached is a true copy of the Resolution approved April 19, 2013 and duly adopted as to form by the Zoning Board at its regular meeting on May 14, 2013.

A handwritten signature in black ink, appearing to read 'Patricia Carcone', is written over a horizontal line.

Patricia Carcone, Secretary  
Hoboken Zoning Board of Adjustment