

RESOLUTION OF APPROVAL

**APPLICATION OF
MICHAEL JULIAN**

IN THE MATTER OF MICHAEL JULIAN	: ZONING BOARD OF ADJUSTMENT : CITY OF HOBOKEN : APPLICATION NO. HOZ-18-2 : BLOCK 179, LOT 2 : 303 PARK AVENUE
------------------------------------	--

WHEREAS, Michael Julian, has requested variances pursuant to N.J.S.A. 40:55D-70(d)(2) and (c)(2) to renovate and construct an addition to the existing 2-family residence on the property located at Block 179, Lot 2 on the tax map of the City of Hoboken, being commonly known as 303 Park Avenue, Hoboken, New Jersey, and said premises being in the R-1 Zone; and

WHEREAS, the Board held a public hearing on said application on May 22, 2018; and

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

WHEREAS, the applicant was represented by Counsel, Nicholas J. Cherami, Esquire; and

WHEREAS, the Board heard the testimony and evidence presented by the applicant, and 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 is requesting the following variances:
 - A. For the expansion of a non-conforming use.
 - B. For proposed lot coverage of 80% whereas 60% is required.

Pre-existing Conditions:

- C. Lot area of 912 square feet whereas 2,000 square feet is required.
 - D. Lot width of 16 feet whereas 20 feet is required.
 - E. Lot depth of 57 feet whereas 100 feet is required.
 - F. Lot coverage of 68% whereas 60% is the maximum permitted.
 - G. Rear yard setback of 12 feet, 9 inches whereas 30 feet is required.
3. Based upon the comments of the applicant's Attorney, Nicholas J. Cherami, Esquire, the Board heard the following:
- A. This property was the subject of a prior application which was denied by the Board. The applicant has now made substantial modifications to the proposal.
 - B. The existing property contains 2 residential units, and it is a 3-story building.
 - C. The applicant is proposing to fully renovate the structure utilizing the existing foundation in order to create a 4-story building containing 2, 3-bedroom duplexes.
 - D. The existing lot is undersized with an area of 912 square feet. This condition drives the need for the requested relief.
4. Based upon the sworn and qualified testimony of the applicant's Architect, James Cornell, the Board made the following findings of fact:
- A. The building currently has 2 units, with 2 bedrooms and 2 bathrooms each. As part of the new proposal, the unit count will remain the same, however each unit will have 3 bedrooms and 3 bathrooms.
 - B. The residential units will have a storage area in the basement. Access to this area will be via stairs from an entrance on Park Avenue.

- C. The applicant is proposing pervious pavers in the front and rear yards.
 - D. Access to the roof will be via pull-down stairs, and the stairs will only be used to service the roof equipment and the proposed green roof.
 - E. The green roof will occupy 465 square feet.
 - F. The proposed façade will be stucco, brownstone type and the rear side will be HardiPlank clapboard.
 - G. Each unit will be approximately 1,200 square feet.
 - H. The 4th floor rear balcony has been eliminated, in its place, the applicant is proposing a Juliet balcony which is approximately 1 foot behind the rear façade of the building.
 - I. The gas meters will be located in the basement storage area.
5. Based upon the sworn and qualified testimony of the applicant's Engineer, Safwat Tadrouds, the Board made the following findings of fact:
- A. The applicant will reuse the foundation of the existing structure. The foundation, has been determined to have the load bearing capacity to support the proposed building.
6. The Board concluded that the revised proposal addresses the concerns raised in the previous application. The Board finds that the benefits of the new building outweigh any negative impact.
7. The Board determined that the new building will be an architectural asset to the streetscape, and will remain consistent with the character of the neighborhood.
8. The Board found that the proposed green roof will mitigate the increase in impervious coverage.
9. There are no substantial negative impacts arising from the proposal and will not impinge on the light, air, or privacy of the surrounding property owners.

10. The benefits of this proposal outweigh its detriments.

CONCLUSIONS OF LAW:

WHEREAS, after careful deliberation, the Board determined that this application has met the requirements of N.J.S.A. 40:55D-70 (d)(2) and (c)(2) because the proposed addition will not have an adverse impact on the surrounding property owners and will be an improvement to the property 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 (i) “To promote a desirable visual environment through creative development techniques and good civic design and arrangement;” 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 22nd day of May 2018, upon a motion made by Commissioner Murphy and seconded by Commissioner McAnuff that the application of Michael Julian 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 meeting of May 22, 2018.
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 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.
7. The green roof plan is to be supplied to the Board's Planner and Engineer for their review and approval. The plan must include a faucet to water the green roof.
8. The green roof is to be maintained for the life of the building, which is to be imposed by means of a Deed Restriction. A copy of the green roof plan and the plantings to be used are to be attached as an exhibit to the Deed. The Deed Restriction is to be reviewed and approved by the Board Attorney prior to recording, and it must be recorded prior to the issuance of the Certificate of Zoning Compliance.
9. The electric meters are to be moved to within the building.
10. There are to be no windows on the cellar level. The windows are to be replaced with a planter.
11. The gas meter is to be placed in the cellar or under the stoop.
12. The railing and planter are to be reviewed and approved by the Board Planner and Engineer.
13. Any encroachment into the City right-of-way must be reviewed and approved by the Governing Body.
14. 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: Commissioners: Branciforte, McAnuff, Murphy, Weaver,
Graham, Otto and Chairman 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.

James Aibel, Chairman
Hoboken Zoning Board of Adjustment

CERTIFICATION

It is hereby certified the attached is a true copy of the Resolution approved on May 22, 2018 and duly adopted as to form by the Zoning Board at its regular meeting on June 19, 2018.

Patricia Carcone, Secretary
Hoboken Zoning Board of Adjustment