

**CITY OF HOBOKEN**  
**Hoboken Zoning Board of Adjustment** Commissioners



Chairman James Aibel  
Vice Chairman Elliot Greene  
Phil Cohen  
Mike DeFusco  
Antonio Grana  
Carol Marsh  
Diane Fitzmyer Murphy

Alternates  
1<sup>st</sup> John Branciforte  
2<sup>nd</sup> Tiffanie Fisher  
3<sup>rd</sup> Owen McAnuff  
4<sup>th</sup> Richard Tremitedi

**To:** Mayor Dawn Zimmer  
**From:** Patricia Carcone, Zoning Board of Adjustment Secretary  
**Date:** July 28, 2014  
**Re:** 2012 and 2013 Zoning Board of Adjustment Annual Reports

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Pursuant to Municipal Land Use Law, N.J.S.A 40-55D-70.1, the Zoning Board of Adjustment is required to make an annual analysis of its decisions for the prior year and to make recommendations for zoning ordinance amendments, if any.

The Zoning Board of Adjustment, at their meeting on July 22, 2014 passed a resolution adopting the 2012 and 2013 Annual Reports of the actions of the City of Hoboken Zoning Board of Adjustment. Attached is a copy of the resolution and the 2012 and 2013 Annual Reports.

Please do not hesitate to contact me if you have any questions with the foregoing.

Regards,

  
Patricia Carcone  
Planning Board Secretary

Cc: Council Members  
Planning Board Members

Enclosure: Resolution with Exhibit "A" and Exhibit "B"

RESOLUTION  
ANNUAL REPORT FOR THE YEAR 2012 AND 2013

BOARD OF ADJUSTMENT  
City of Hoboken

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF HOBOKEN, COUNTY OF HUDSON AND STATE OF NEW JERSEY, AS FOLLOWS:

WHEREAS, N.J.S.A. 40-55D-70.1 requires the Zoning Board of Adjustment to make an annual analysis of its decisions for the prior year, and to make recommendations, if any; and

WHEREAS, the Zoning Board directed its Planner to make a report of its activity for the years 2012 and 2013 and to make recommendations to change the Ordinance based upon the Zoning Board's experiences; and

WHEREAS, the Zoning Board Planner drafted a report containing recommendations to the Governing Body and Planning Board; and

WHEREAS, the Zoning Board examined these recommendations and hereby adopts them.

NOW, THEREFORE, BE IT RESOLVED that the Zoning Board, on this 22<sup>th</sup> day of July, 2014 hereby adopts the 2012 and 2013 Annual Report of the actions of the City of Hoboken Zoning Board of Adjustment and the recommendations contained in those reports attached hereto as Exhibit "A" and Exhibit "B".

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a copy of this Resolution and the attached reports be provided to the Mayor, Council and Planning Board.

ADOPTED, this 22<sup>th</sup> day of July, 2014.

MOVED BY: Diane Murphy


SECONDED BY: Antonio Grana

THOSE IN FAVOR: James Aibel; Elliot Greene; Michael DeFusco;  
Antonio Grana; Carol Marsh; Diane Murphy;  
John Branciforte

THOSE OPPOSED: None

#### CERTIFICATION

I hereby certify this to be a true and correct copy of the Annual Report Resolution for the year 2012 and 2013, adopted by the City of Hoboken Zoning Board of Adjustment, Hudson County, New Jersey, at a public meeting held on July 22, 2014.

  
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JAMES AIBEL  
Chairman  
City of Hoboken  
Zoning Board of Adjustment


  
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PATRICIA CARCONE  
Secretary  
City of Hoboken  
Zoning Board of Adjustment

Exhibit "A"  
2012 Annual Report

**2012 City of Hoboken Zoning Board - Annual Report**

**July 2014**

One of the responsibilities of the Zoning Board of Adjustment is to prepare an annual report or summary of the decisions made during the year. As identified in N.J.S.A. 40:55D-70.1, *"The board of adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report on its findings on the zoning ordinance provisions which were the subject for variance requests and its recommendation for zoning ordinance amendments or revisions, if any. The board of adjustment shall send copies of the report and resolution to the governing body and planning board."*

The report provides an opportunity for the Zoning Board to transmit information and their knowledge gleaned from the hearings in the previous calendar year. The intent is that through this sharing of information, the governing body can reevaluate the zoning ordinances and improve the ordinances if and as they see fit.

The following information represents a summary of the applications submitted to the Zoning Board of Adjustment for the 2012 calendar year. Attached is a spreadsheet that more specifically identifies the issues and/or variances sought.

As stated in the prior reports and as is evident from this year's statistics, there are four areas where minor changes and/or clarification to the zoning ordinances would help to eliminate unnecessary applications. These clarifications would not only lift the burden of time delay and expense from the applicants but would also alleviate some of the Zoning Board's volume pressures and special meetings to accommodate such applications.

The areas suggested for clarification (which would only apply to conforming lots) are as follows:

- 1) Number of Stories within the permitted height (3 to 4 sty. within 40 feet)
- 2) Lot Coverage (decks, fire escapes and outdoor living space)
- 3) Front Yard Setback (return to range of 0-10 ft and/or prevailing streetscape)
- 4) Building Height in feet (acknowledge elevated residential habitable space as per new FEMA/DEP regulations)

**Actions of the Zoning Board**

There were forty (40) applications submitted in 2012. Of those applications submitted, thirty-four (34) applications were acted upon: twenty-nine (29) applications were approved, one (1) application was withdrawn, five (5) applications were denied and five (5) applications were carried into the next year. The applications by type and approvals were as follows:

Non-site plan (1-2 family):	(11) approved	(2) denied	(0) withdrawn	(1) carried
Minor site plan:	(8) approved	(1) denied	(0) withdrawn	(1) carried
Preliminary major site plan:	(3) approved	(1) denied	(1) withdrawn	(3) carried
Final major site plan:	(6) approved	(0) denied		
Amended preliminary & final:	(2) approved	(0) denied		
Increased occupancy:	(0) submitted			

## ***EFB Associates, LLC.***

### ***Community and Land Use Planners***

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Appeals & Interpretations: (3) submitted

Certificate non-conformity: (2) approved (0) denied

#### **2012 Summary**

The applications acted on in 2012 resulted in the approval of a total of 474 dwelling units, 13,852 sq. ft. of retail and or office space and 43,950 sq. ft. of educational space along with an additional 638 new parking spaces. Of the 474 dwelling units approved, 240 units were approved in non-residential zones. There were two requested d. variances for height (number of stories) due to the lowering of the basement floors and two applications for decks with one requested for a commercial use.

It should be noted that the tallying of units and square footage only applies to applications receiving final approval. Additionally, +/- 212 of the dwelling units identified in the 2012 calendar year received final approved in 2011, however as the application was amended in 2012, the units are counted in 2012.

2012 City of Hoboken Zoning Board of Adjustment Annual Report - Summary

Address	Request and Result	Comments - Units, Commercial Space & Parking	D Variance by Type	Decision
1 626 Grand Street	Minor site plan; C2 - (lot coverage); D5 & D6 variances	4 DUs/4 stories	Density/Height/Stories	approval
2 1400-1404 Clinton Street	Final major site plan	10 live/work, 49 residential, 62 parking 1 to 2 DUs by lower basement	Stories	approval
3 1242 Garden Street	C2 (expansion of non-conforming structure); D6 variance	24 DUs, 6117 sq. ft. commercial, 11 parking	Expand Nonconforming Use	approval
4 1414-1418 Grand Street	Final major site plan; C2 - (roof coverage)	Restaurant 1,040 sq. ft. to 2,231 sq. ft.	Cert. of Nonconformity	approval
5 61 Jackson Street	Minor site plan; C2 (lot coverage, FY, parking); D2	Request confirmation of non-conform. of 9 DUs	Stories	approval
6 1025 Washington Street	Appeal and certificate of non-conforming for 9 DUs	3 DUs (no change)	Conditional Use	approval
7 116 Bloomfield Street	C2 - (non-conforming structure); D6 variance	Sidewalk café	Stories	approval
8 36-42 Newark Street	D3 conditional use - (prior D1; ZB maintains jurisdiction)	3 DUs to 2 DUs	Stories	approval
9 154 Newark Street	C1, C2 - (lot & roof coverage, FY, RY setback); D6 variance	3 DUs (no change) lower basement	Use/ Stories	approval
10 410 Madison Street	Minor site plan C1 - (FY, non conforming structure); D6 variance	Deck addition	FAR/Height/Stories	approval
11 722-724 Adams Street	C2 - (deck, lot coverage, RY setback)	10 DUs, 444 sq. ft. office, 10 parking	Stories	approval
12 1404-1406 Grand Street	Preliminary major site plan, C2 (coverage, FY, RY); D1, D6 variances	3 DUs to 15 DUs, 1,400 sq. ft. commercial	Use/ Stories	approval
13 1404-1406 Grand Street	Final major site plan	1 DU (no change - addition)	Stories	approval
14 301 Newark Street	Preliminary major site plan; C1 (FY, lot & roof coverage); D4, D6 variances	Deck	Use	no decision
15 108 Seventh Street	C2 (lot & roof coverage); D6 variance	AVIS commercial in parking garage	Use	approval
16 80 Washington Street	C2 (roof deck)	Appeal & certificate of non-conforming use	Stories	approval
17 1450 Bloomfield Street	Amended preliminary & final site plan; D1 variance	12 DUs, 15 parking	Stories	approval
18 1300 Park Avenue	Certificate of non-conforming use	2 DUs to 1 DU	Stories	approval
19 600-604 Newark Street	Final major site plan	5 DUs to 4 DUs	N/A	approval
20 158 Thirteenth Street	C2 and D6 variances	135 DU's (no change); 140 to 144 prkg, 3,300 to 1,900 sq. ft. retail; 11,000 -11,500 sq. ft. daycare	Use/Stories/Height	approval
21 207 Adams Street	Minor site plan; C2 and D6 variances	2 DUs (no change), parking, ADA elevator	Stories	approval
22 900 Monroe Street	Final major site plan w minor changes	3 DUs, 3 parking (no change)	Stories	approval
23 134 Park Avenue	C2 - (lot & roof coverage, RY); D1 (parking) and D6 variances	3 DUs (no change) - building & lot consolidation	Stories	approval
24 714 Adams Street	Minor site plan; C2 - (lot & roof coverage, FY); D6 variance	2 DUs to 3 DUs, remove commercial space	Stories	approval
25 310-312 Park Avenue	Minor site plan; C2 - (building & roof coverage); D6 variance	18 DUs	Density	approval
26 650 First Street	Minor site plan; C2 - (bldg. coverage, FY, RY, non-conform struct.; D6 variance	1 DU to 2 DUs	Height	approval
27 715 Grand Street	Final major site plan (preliminary D2, D5, D6)	212 DUs; 15,600 sf. Retail; 32,450 sq. ft. school, 383 parking	Use	withdrawn
28 1009 Park Avenue	C2 expanding non-conforming structure; D5 variance	16,994 sq. ft. commercial/climbing wall	Use/FAR/Height	denial
29 1415 Park Avenue	Amended preliminary & final major site plan; C2 (parking, SY); D6 variance	280 DUs, 13,754 sq. ft. retail/flex, 3,995 sq. ft. community space, 325 parking	Appeal/upheld ZO decision	denial
30 1714 Willow Avenue	D1 variance	1 DU (no change)	Stories/resubmitted 2013	denial
31 38 Jackson Street	Preliminary major site plan; C2, D1, D4 and D6 variances	8 DUs, 11 parking spaces	Height/Stories	denial
32 921 Bloomfield Street	C2 variances (lot coverage & non-conforming structure)			
33 942 Willow Avenue	Appeal/interpretation of ZO			
34 136 Park Avenue	C2 (parking) and D6 variances			
35 720-724 Grand Street	Minor site plan, C2 and D6 variances			

Total Active Applications - 35

NISA 40-55D-70.d. Variances

- d.1 = Use
  - d.2 = Expansion of Non Conforming Use
  - d.3 = Deviation from conditions of Conditional Use
  - d.4 = Floor Area Ratio
  - d.5 = Density
  - d.6 = Height (>10 ft or 10%) & Number of Floors\*
- \* d variances for the number of floors is not statutory. Based on unreported Hudson County case.

Exhibit "B"  
Annual Report 2013



**2013 City of Hoboken Zoning Board - Annual Report**

**July 2014**

One of the responsibilities of the Zoning Board of Adjustment is to prepare an annual report or summary of the decisions made during the year. As identified in N.J.S.A. 40:55D-70.1, *"The board of adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report on its findings on the zoning ordinance provisions which were the subject for variance requests and its recommendation for zoning ordinance amendments or revisions, if any. The board of adjustment shall send copies of the report and resolution to the governing body and planning board."*

The report provides an opportunity for the Zoning Board to transmit information and knowledge gleaned from the hearings in the previous calendar year to the elected officials. The intent is that through a sharing of information, the governing body can evaluate the zoning ordinances and determine whether or not changes or improvements of the ordinances are warranted.

**Actions of the Zoning Board**

The Zoning Board scheduled nineteen (19) meetings. Eighteen (18) meetings proceeded, and one (1) meeting was cancelled.

There were forty-one (41) applications submitted in 2013. Of those applications submitted, nineteen (19) applications were acted upon, eight (8) applications were incomplete, one (1) appeal was settled with no Board decision, zero (0) applications were withdrawn and thirteen (13) applications were carried into 2014. The applications by type and approvals were as follows:

Non-site plan (1-2 family): (8) approved (0) denied (0) withdrawn (6) carried (1) incomplete

Minor site plan: (6) approved (0) denied (0) withdrawn (3) carried (1) incomplete

Preliminary major site plan: (1) approved (0) denied (0) withdrawn (2) carried (4) incomplete

Final major site plan: (1) approved (0) denied (0) withdrawn (1) carried (0) incomplete

Amended preliminary & final: (0) approved (0) denied (0) withdrawn (0) carried (1) incomplete

Appeals & Interpretations: (3) submitted

Certificate non-conformity: (1) approved (0) denied (1) no decision

**2013 Summary and Totals**

2013 was a busy year despite the fact that the Zoning Board lacked a full complement of Board members. Hampered by only a seven member Board, this was further exacerbated if a Board member was excused due to work or illness, as applicants for d. variances were reluctant to go forward with a "short" Board. Despite these difficulties, the year was particularly active with 34 new applications submitted and five carried over from the previous year. As in prior years, the bulk of the variance requests relate to issues that have been identified in previous years. These include, but are not limited to, non-conforming buildings, front yard setback, lot coverage

# ***EFB Associates, LLC.***

## ***Community and Land Use Planners***

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for decks and/or fire escapes, rooftop decks, rooftop coverage and d variances for the number of stories (even when the application meets the height requirements).

One of the biggest challenges which continues to plague the Board and community are the large applications that are in a Redevelopment Area and are without a plan, or those which, by their size and the magnitude of the proposal, could be construed to constitute a zone change. As the Board well knows, the courts disfavor zoning by variance however, the fact remains that this issue, is one of the biggest challenges for both the Board and applicants alike.

Despite the fact that many applications represent routine issues, typically approved by the Board (front yard setback, increased number of stories when height is met, rooftop coverage for green roof) and the ordinances have been recommended to be changed for years, the Board's caseload is still filled with these small applications. Some minor corrections to the ordinances would either eliminate and/or at minimum, reduce the number of variance applications required to seek approval from the Board. Most importantly, the adoption of these small ordinance changes, which impact homeowners, would benefit these applicants by reducing the time and cost of associated with the application process, thus expediting construction.

The changes recommended are as follows:

1) Return the Front yard setback requirement to **0-10 feet/prevailing**, which would reduce the number of non-conforming structures applications.

On conforming buildings:

1) Permit roof decks on the top of a principal building and establish basic parameters. This should only be on buildings that conform to the zoning criteria, specifically for buildings that meet the lot coverage and rear yard setback requirements.

2) Similar to what the ordinance provides with solar arrays, the ordinance should be amended to exempt green roofs and possibly roof decks from the rooftop coverage calculation.

3) Allow a fourth story in the flood hazard areas (3 stories permitted) or provide an exception for first floor's in a flood hazard areas not be counted as a story, as long as the ground floor is only used for storage. (equipment, bicycles, strollers, waste disposal etc.)

4) Permit an increase in building coverage (+/- 2.5-3%) for the addition of fire escapes/rear deck with the intent to provide fire safety and safe egress, but not affect the rear yard, open space or rear yard or the collective rear yard "donut".

2013 Hudson ZBA Applications

Address	Requested Action	Number of Units/Request	D Variance Request	C Variance Description	Results
1 206 11th Street	D6	1 DU (no change)	Stories	lot width; lot cover; fr./side/rear yd. setbk; parking; facade	Approved
2 136 Park Avenue	C2 and D6	2 DUs (no change)	Height + Stories	rear yd. setbk; build. cover.	Approved
3 300 Washington Street	C2 and D5 & D6	8 DUs, 1435 sq. ft. commercial	Density, Height	fr. yd. setbk., building & roof cover.	Approved
4 720-724 Grand Street - resubmission	Minor site plan, C2 and D6	8 DUs, 11 parking	Height + Stories	build. cover; fr. & rear yd. setbk.; facade	Approved
5 401-405 Jefferson Street	Minor site plan, C2 and D6	6 DUs, parking	Height + Stories	facade	Approved
6 1300 Park Avenue - multiple applications	Appeal, interpretation (seeking cert. of non-conform. and/or determ. of perm. use.../validity of pre-existing Non-Conforming Use." re: bar use on site	Conti. review btw City, applicant, 3rd party	N/A	N/A	No Decision
7 707 Bloomfield	C2	roof deck	---	roof coverage	Approved
8 111 Jefferson Street	C1 and C2	Boys & Girls Club	---	rear wall; rear yd. setbk; parking	INCOMPLETE
9 838 Harrison Street	Minor subdivision, Preliminary site plan, C2 and D6	44 DUs	Height + Stories	use; fr. & rear yd. setbacks; parking	INCOMPLETE
10 705-707 Willow Avenue	Minor site plan, C2 and D6	6 DUs	Height + Stories	build. cover; fr. & rear yd. setbk; facade	Approved
11 49 Willow Terrace	C2	1 DUJ (no change)	---	3rd floor building coverage	Approved
12 604 Hudson Street	C2 and D6	1 DU	Height + Stories	accessory lot coverage	INCOMPLETE
13 14 Paterson Avenue	C1, C2, D5 and D6	2 DUs, 950 sq. ft. commercial	Height + Stories	lot cover; fr. & rear yd. setbk; roof cover; facade	Carried to 2014
14 118-120 Madison Street	Minor site plan, C2 and D6	6 DUs, 9 parking	Height + Stories	fr. yd. setbk; roof coverage	Carried to 2014
15 1300 Jefferson Street	Preliminary site plan, C2, D1 and D6	287 DUs, 311 parking, commercial deck	Height + Stories	use; lot cover; fr. yd. setbk; roof coverage	INCOMPLETE
16 818 Willow Avenue	C2	spiral stair	---	lot coverage	Approved
17 1107 Garden Street	C2	1 DU (increase from 2 DUs in current use), 12 parking	---	lot coverage	Approved
18-19 302-306 Monroe Street	Preliminary Site Plan; C2; d6	1 DU (no change)	---	roof coverage; exp. of non-conf. use	Approved
20 526 Hudson Street	C1, C2 and D6	12 DUs, 1400 sq. ft. retail, 13 parking	Height + Stories	lot cover; fr. & rear yd. setbk; rear wall setbk	Carried to 2014
21 8-12 Paterson Avenue	Preliminary site plan, C1, C2 and D6	roof deck	Height + Stories	roof coverage; non-conforming structure	Carried to 2014
22 88 Garden Street	D5 & C2 variances	4 DUs	Stories	lot cover; fr. yd. setbk; facade	INCOMPLETE
23 504 Grand Street	Minor site plan, C2, D5 and D6	15 DUs, 213 public parking	Height + Stories	use; FA ratio; facade; artist display windows @ street level	INCOMPLETE
24 307-313 Newark Street	Amended site plan, C2, D1, (D3?) D4 and D6	from 3 to 15 DUs, 16 parking	Height + Stories	FA ratio; parking	Carried to 2014
25 301 Newark Street	Final Approval	Restaurant, 180 parking	Use	side & rear yd. setbacks; parking	Carried to 2014
26 1426 Willow Avenue	Preliminary site plan, C1, C2 and D1	1 DU (no change) / expansion of non-conform. structure	---	---	---
27 157 Eleventh Street	Appeal, Interpretation of Zoning Officer actions C2 & D6	1 DU (no change) / expansion of non-conform. structure	Stories	expansion of non-conforming; fr. & rear yd. setbacks	Approved
28 115 Park Avenue	Preliminary site plan, C2 and D6	Synagogue/accessory building	Height + Stories	fr. yd. setbk	INCOMPLETE
29 1300 Park Avenue - multiple applications	D3 - conditional use	Restaurant	Conditional Use	---	Carried to 2014
30 98 Garden Street	Interpretation and minor site plan approval; (D6?)	4 DUs	Stories	lot coverage; fr. & rear setbk	Approved
31 618 Madison Street	Minor site plan, C2, D5 and D6	roof deck	Stories	lot cover; fr. yd. setbk; facade	Carried to 2014
32 405 Jefferson Street	C2	7 DUs, 9 parking	N/A	roof coverage	Carried to 2014
33 705-8 Madison Street	Minor site plan, C2 and D6	decks	Height + Stories	lot cover; rear yd./rear wall setbk; compact plng; roof cover.	Carried to 2014
34 624 Hudson Street	C2	decks	N/A	coverage	Requested continuation
35 212 Eighth Street	C2	deck	N/A	roof coverage	Carried to 2014
36 98 Adams	Minor site plan, C2, D5 and D6	ex non-conform/ 4 DU/ 1 additional expansion of non-conform structure	Stories	lot coverage, front and rear yard	Approved
37 340 Garden	C1, C2	4 story, 4 Units/Request	N/A	lot coverage, rear yard	Approved
38 626 Grand Street	Minor Site Plan; C2; d5; d6	66 DU w commercial	Height + Stories	lot coverage,	Approved
39 1312-1318 Adams	Preliminary Site Plan; C & D	dell conditional use	Use, Height, stories	lot coverage, front, side and rear yard.	Carried to 2014
40 108-110 Jefferson	D3 - retail use	8 units - proposed 4 story rear addition	# retail uses on street	N/A	Approved
41 812 Bloomfield	C2, D6	8 units - proposed 4 story rear addition	Height + Stories	lot coverage, side yard setbk	Approved
42 1720 Clinton					Denied
NISA 40-55D-70.4. Variances					

d.4 = Floor Area Ratio  
d.5 = Density  
d.6 = Height (>10 ft or 10%) & Number of Floors\*

\* d variance for number of flrs. not statutory-Unreported Hudson City case