

***EFB Associates, LLC.***

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**To:** City of Hoboken  
Planning Board

**From:** Eileen F. Banyra PP, AICP  
Board Planning Consultant

**Subject:** Amended PUD Preliminary and Final Site Plan  
Final Site Plan Development Block G  
Shipyard Associates, LP

**Date:** February 17, 2012

**EFB#:** HO-11-14

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**FEB 17 2012**

**BY HOBOKEN PLANNING BOARD**

**A. Introduction**

The applicant, Shipyard Associates, LP, has submitted plans requesting amended preliminary site plan approval for the overall project and final site plan approval for a property identified as Development Block G (alternatively, Block G) which is located within a Planned Unit Development (PUD) known as The Shipyards. The Shipyards was the first of three PUDs developed within the I-1 W zone which largely abuts the Hudson River.

Shipyards received its original preliminary site plan approval on January 7, 1997. Since that time the project has been before the Planning Board many times for final approval of the various Development Blocks A through F, as well as for minor amendments. Additional approvals included the location and relocation of a ferry stop, marina and de minimis applications to expand a health facility and for a dinner cruise line (no approval given). Prior to the current submission, the prior Final Site Plan approved was in 2007 for Development Block F.

**B. Summary**

The Shipyard project was the first Planned Unit Development Project (PUD) in the City. The tract consists of approximately 45 acres subdivided into seven (7) Development Blocks and the connecting vehicular and pedestrian circulation system. The project is principally situated between Hudson Street to the west and Frank Sinatra Drive to the east, and between Twelfth and Fifteenth Streets. The original development received preliminary site plan and major subdivision approval in January of 1997. The approvals created a high-rise development with 1160 dwelling units, 1466 parking spaces, commercial, retail as well as recreational amenities with buildings varying between eleven and thirteen stories. From the PUD's inception, the property identified as Block G was represented as open space and a private tennis facility. This facility consisted of three regulation sized tennis courts, a one-story tennis pavilion and 44 public surface parking spaces.

The application before the Board involves the northernmost portion of the Shipyards development, which is identified as Block G. The proposal changes the intended use of this property from a recreational to a residential use which requires an amendment to the project's overall Preliminary Site Plan and Final Site Plan for Block G.

The following items have been reviewed in conjunction with the preparation of this report:

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- a. Amended Preliminary Plan consisting of seventeen (17) sheets prepared by Eric R. Ballou, P.E., of Birdsall Services Group, dated August 23, 2011; and last revised December 9, 2011;
- b. Final Site Plan consisting of seventeen (17) sheets prepared by Eric R. Ballou, P.E., of Birdsall Services Group, dated August 23, 2011; last revised December 9, 2011;
- c. Architectural Plans consisting of twelve (12) sheets prepared by Robert R. Siegel, RA., of Gwathmey, Siegel & Associates, LLC, dated December 8, 2011; last revised December 9, 2011;
- d. Landscape Plans consisting of eleven (11) sheets prepared by Thomas B. Bauer, of Melillo + Bauer Associates, revised through August 23, 2011; last revised December 9, 2011;
- e. Traffic report for Monarch at Shipyard, Proposed Residential Development, North Platform, Block 264.2, Lot 1 prepared by Gary W. Dean, P.E., P.P., Dolan and Dean, Consulting Engineers LLC., dated January 12, 2012;
- f. Responsive /transmittal letter from Josiah A. Wuestneck, of Shipyard Associates, L.P., dated December 9, 2011;
- g. Survey consisting of one (1) sheet prepared by Frank J. Barlowski, P.L.S., of Birdsall Services Group, dated April 29, 2011;
- h. Report entitled "Neighborhood Impact Report, Monarch at Shipyard", prepared by Phillips Preiss Grygiel LLC, dated August 2011;
- i. Amended Preliminary Site Plan & Final Site Plan Application Checklist dated August 23, 2011;
- j. Planning Board Resolution for Preliminary Site Plan and Subdivision Approval undated, stamped as received January 29, 1997;
- k. Transmittal letter from Josiah A. Wuestneck, of Shipyard Associates, L.P., dated August 25, 2011;
- k. Developers Agreement dated 12/4/97.

**C. Amended Preliminary Site Plan and Final Site Plan Block G**

In my initial completeness memo dated October 7, 2011, technical checklist items and substantive issues were raised. The applicant responded to that memo with revisions to the plan set as well as a point-by-point response letter from Mr. Joshiah Wuestneck P.E. dated December 9, 2011.

I have reviewed the revised documents, plans and responses provided by the applicant to my completeness memo. While many of the original plan omissions and/or inconsistencies have been addressed by the applicant, those deemed not adequately addressed are included within this report, along with a number of additional substantive issues that require immediate attention.

It should be noted that the application and plans have provided information that represents not just changes to the use of Block G, but significant changes to information previously represented on approved plans. These changes include easements, residential floor area, public parking, and design changes to the waterfront walkway and street. Additional documentation/verification for these items is requested since these changes represent potential variances as outlined elsewhere in the report. This report serves as the first comprehensive planning review of the project based on the zoning ordinance, revised plans and information set submitted and dated December 9, 2011.

**D. Review Comments**

1. **Property Description.** The property in question is identified on the City tax maps as Block 264.2 Lot 1, and is located on Frank Sinatra Drive Extension and at the eastern terminus of 15<sup>th</sup> Street. The development is located in the I-1(W) zone which has been developed as a Planned Unit Development (PUD), and is a principal permitted use within this zone district. The proposed site is

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identified as Block G, which is the northernmost parcel within the Shipyard's PUD and has a total lot area of 1.8 acres. The property is rectangular in shape with 150 feet of frontage along Sinatra Drive/Shipyard Lane and a depth of 526 feet running north and parallel to Hudson Street. The application indicates that the property consists of both upland and platform area. The upland area is identified as 150 feet by 175 feet and 0.6 acres, while the platform area is 150 feet by 350 feet and 1.2 acres. The property's current upland area is shown at an elevation of +/- 10 ft. with some utility improvements. The survey indicates that the platform is at the water elevation, with a varied surface consisting of assorted piles of dirt, concrete and other debris.

Represented on the preliminary site plan's aerial photograph and cover sheet is an east/west pier, formerly known as the 15<sup>th</sup> Street Pier, which lies perpendicular to the subject site and extends eastward into the river. The 15<sup>th</sup> Street pier was the subject of a residential development proposal in 2000, but it was withdrawn by the applicant without formal action by the Planning Board.

2. Proposed Development. There are two related applications before the board, which for the purposes of this review are being handled together. The first application is for an amended preliminary approval for the overall project, due to changes to Block G which differ from the original Preliminary Site Plan approval, for the PUD. The second application is for Final Site Plan approval for Block G, which is required prior to construction.

The proposal is to develop the 1.8 acre site with 78 dwelling units. These units are divided between two 11 story residential towers on either end of a base structure, which contains the parking and related circulation improvements. The parking garage serves as the first floor and base of the project. On the second floor and garage roof stands a central single story lobby, connected to each tower via a hallway appendage. Proposed for the top of the lobby roof is a swimming pool surrounded by hardscape. The residential lobby and related pedestrian circulation thus occupy space within the raised yard area between the towers instead of being located within the towers themselves, as would normally be the case.

The residential units are divided between the two towers with each tower containing 38 dwelling units. The units are located on floors two through eleven with access to the dwellings and towers from either the first floor garage or second floor lobby. The proposed bedroom unit breakdown is (2) one-bedroom units; (38) two-bedroom units and (38) three-bedroom units, with the units ranging in size from 1,248 to 2,188 square feet and averaging approx. 1,800 square feet.

Vehicular access to the project is from Sinatra Drive and 15<sup>th</sup> Street. Vehicles entering the site either go under the building's residential base to the parking area or under the building proceeding to the lobby area. The lobby and garage are each served by independent two-way drive aisles.

The garage entrance is on the eastern side of the building. The garage will have controlled access and parking for 89 vehicles, with nine (9) of those spaces shown as tandem parking spaces. The second drive is on the west side of the building. This driveway goes under the first residential tower and up a ramp to the second floor and a circle in front of the lobby and between the towers. This drive serves as vehicle access to and drop-off for to the lobby. After drop-off, vehicles exit by circling the round-a-bout and back under the building to the street.

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3. **Building Design and Facade Calculations.** The ordinance requires identification of materials as well as façade calculations. The applicant should submit façade calculations in a tabular form demonstrating satisfaction with the requirements set forth by §196-27.3. The submission shall provide detailed information on the following: façade materials and percentages, coloration, vertical and horizontal articulations, and fenestration. The accompanying drawings should be revised to provide sufficient details to ensure project's compliance with the City's code. The details of the building's design are required for final approval as they are commonly identified as a condition of the approval. The architectural plan still lacks details and calculations adequate for a final approval.

- The applicant has not provided sufficient detail to show compliance with this section of the Urban Design Guidelines (§196-27.1) or with the Building Facade ordinance (§196-27.3) which applies to all new residential buildings. The facade ordinance requires more than a fenestration calculation to show compliance. Materials must be specified and patterns of horizontal and vertical details must be remarked on. For the garage design, larger scale drawings should be submitted to show the facade of the garage floors all the way around the building from the pedestrian's point of view.
- While cross sections have been provided, they still do not clearly represent the relationship between the building and pedestrians. The pedestrian experience appears dominated by the garage wall and entrance drives, with a lack of attention paid to the experience of walking to/around the building. Additional detail regarding what the base/garage level materials will be is required for proper evaluation.
- The revised architectural plans do not indicate the building's color or details regarding the porte cochere, pool structures, fencing around pool or the type of fencing/enclosure around this rooftop's edge.
- **§196-27.1 B. (2)** *"That off-street parking provisions are, at a minimum: (d) The exterior wall materials and design of enclosed parking facilities located within a residential or commercial building shall be designed to the greatest extent practicable, the materials on the exterior walls of the building in which the parking is located or, in the case of a freestanding parking structure, adjacent buildings in the planned development."*

The garage windows or base should utilize reconsider use of the louvers in the buildings base as they present an institutional image and a negative pedestrian experience. (See louver on Shipyards Lane) The treatment of the garage base with other type of openings, (i.e. decorative grills) will serve to accommodate ventilation and improve the pedestrian experience on the walkway surrounding the project.

- The access and location of the utility appurtenances, such as PSEG transformers, should be reflected on the plan.
- The plans should also provide the location and calculations of the rooftop appurtenances. These should be reflected on the plan to insure ordinance compliance.

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- Color drawings and an orthographic drawing or model should be provided to illustrate the building's articulation, particularly the way the multi-level garage rooftop with lobby works, and its relationship to the walkway and to adjacent streets and properties.
4. **Waterfront Walkway & Landscaping.** The waterfront walkway area has been a significant amenity to the community and important link to the region. The design of the walkway, the adjacent seating and landscaping serves not only this project but is the larger community and region. This walkway is important as active and passive open space, recreation and provides shading, cooling and where possible restoring and/or creating habitat along the shoreline. The applicant's response letter indicated that the landscaping plan is intentionally minimal to showcase the building. However, this is a missed opportunity and inappropriate from a site planning, environmental and locational standpoint.

The project is adjacent to and a component of a major city/regional park. Additional landscaping treatment will not only enhance the project but the overall environment of the walkway as well. Landscaping should be perceived more broadly; not just as a design flourish, but rather considered holistically and can serve multiple functions at once without adding significant costs to a project. These functions include creating and enhancing habitat, providing wildlife food sources, mitigating environmental impacts (nutrient loading, water and air quality, water retention, shading/cooling etc) should be considered in the final project design.

- The garage rooftop design and landscaping does not comply with the urban design review for planned developments. In §196-27.1B(3)(b)

*" Building coverage for any one development block shall not exceed 75%, so long as average building coverage for all development blocks does not exceed 65%; provided, however, that where a parking structure is created under the principal building, up to four stories may cover up to 100% of the development block. Such stories of the building shall be excluded from the calculation of building coverage so long as the following conditions are met:*

*[1] The rooftop of the parking structure shall be landscaped and designed for the use and enjoyment of occupants of the building; and..."*

The purpose of the landscaped garage rooftop (which allows for 100% coverage while exempting it from counting toward the maximum coverage) was to provide a "raised yard" mimicking the common rear yard area of a fully developed Hoboken block. Until now, the garage rooftops in this and other PUD', these roofs have been landscaped and designed in a variety of ways but only with recreational facilities and accessory recreational structures. These areas have not been used for area assigned to the residential space.

In the current proposal, the low-rise area between the two towers is approx. 18,400 sq. ft in area with nominal landscaping. The area is broken up into two levels, with the main lobby/entrance and a pool on top of the lobby all within the area typically assigned to the landscaped rooftop. From this lobby structure, which occupies at least 3500 sq. ft. there are connecting covered "hallways" which lead to each tower, further slicing the private open space into small parcels. Both the lobby and hallways are residential gross use areas that don't belong

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in the middle of the private open space.

The residential use should be removed from this area or a variance requested. The design is inconsistent with the ordinance and its application throughout the PUD.

- The landscaping plan should be embellished with vegetation, in particular in the area adjacent to the walkway between the garage and the walkway.
  - Additional appropriate shade trees should be provided along the street/walkway to address the multiple environmental functions identified above.
  - One bike rack is shown along the waterfront walkway. Additional bike racks should be provided around the walkway and represented on the plans.
  - There are a number of buildings in the City that have provided green roofs to assist in reducing stormwater runoff, improving water quality, reducing heat and saving on the building's utility bills. The applicant should consider the merits of a green roof but at minimum, a white roof should be proposed.
5. Lighting Plan. The architectural plan and the landscaping plans now represent the various lighting fixtures for the building, walkway and surrounding exterior spaces. An isolux plan as well as a point by point of proposed foot-candles is represented in the landscaping plan. The applicant should be advised that the planning board is often reducing the wattage where appropriate, for exterior lighting to prevent unnecessary light, energy consumption and trespass.
- The amount of lighting on the western side of the building around the lobby appears excessive and commercial rather than residential in its presentation. As the building appears to contain large amount of glass, the applicant should identify if the building materials and lighting have been evaluated to address adjacent properties and minimize dark sky considerations such as glow, glare and light trespass to the extent possible.
  - The project lighting should be examined to reduce the impacts on the adjacent properties, waterfront walkway and streets. Consideration should be given to the reflective quality of the building's materials and surrounding water, and whether the water will amplify the lighting proposed.
  - A note on the architectural plans indicates that the lighting at the garage entrance will be 50-foot candles (sheet A 301). This does not comport with the landscape lighting plan and appears excessive.
  - The wattage of the decorative light fixtures is not indicated on the plans.
  - The applicant should examine existing and ambient lighting around the site, particularly at the intersection with Sinatra Drive, Shipyards Lane and 15<sup>th</sup> Street, to ensure that the area is not over-lit.

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6. Circulation Plan. The Board Engineer will address the circulation plan however, I offer the following comments:
- The project's points of intersection with both Sinatra Drive and 15th Street are excessive in width for the City's bike/pedestrian environment. The driveway throats and radii should be minimized to the greatest extent possible to slow vehicular movements and ensure through design that, vehicles defer to the pedestrian movements.
  - It is assumed that the connection between Sinatra Drive and 15<sup>th</sup> Street will be a County roadway and the applicant should provide information regarding what the County has determined at this intersection.
  - A bike storage area within the garage is now represented on the plans.
7. Calculation of "Development Block" and "Gross Use Area". Since this is the first time Block G is under review for a residential proposal, the site plans have been carefully examined to insure that the numbers utilized in all calculations are correct. The urban design guidelines mandate that a PUD begin by laying out streets in order to create development block areas which create the framework for all the applicable bulk regulations in the district. Most critically, the total development block area is the foundation of the calculation of the maximum permitted residential gross use area. The definition of these terms is also critical to determining the "range of ratios", which is the ratio of total residential gross use area to public/commercial gross use areas. The definitions are located in 196-6 of the City ordinance and are as follows:

*Development Block - "The area in a planned unit development **bounded** by existing public streets and/or public or private streets created in accordance with the Urban Design Review guidelines."* (Emphasis added)

*Gross Use Area - "In planned unit development where ranges of ratios of residential and nonresidential uses are specified, "gross use area" represents both (i) the gross floor area of all buildings devoted to a particular use and (ii) the gross area of open land, platform or pier devoted to a particular use. In either case, the calculation of **gross use area shall exclude streets** as well as square footage devoted to accessory off-street parking, whether located within the principal building, within a separate accessory building or in-open area on the land, platform or pier. Open areas such as areas developed as passive or active recreation, riverfront walkway, marina or waterborne transportation may be included in the calculation."* (Emphasis added)

Based on these definitions the development block must be bounded by a "street" and the gross use area exclude streets.

After reviewing the calculations, definitions and applying them to Development Block G, it is clear that Block G has been incorrectly calculated. First, the "bounding" streets required to create a development block, are instead contained within the lines of development Block G. Secondly, the development block area identified by applicant, makes no deduction for the street/walkway area. By definition the area attributable to any "street", inclusive of ROW, must lie outside the boundaries

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of a development block. Thus the total area of Block G must be reduced by the area assigned to streets to properly calculate the residential gross use area. Additionally, the area assigned to "streets", by definition, even if used as the waterfront walkway, then cannot be counted toward the public/commercial gross use area. This is a misapplication of the ordinance and results in a double counting of space.

- A recalculation of the maximum permitted residential gross use area should be provided. It appears that the project as designed exceeds the maximum permissible Residential Use Area for the PUD. (See attachment -Comparison of EFB calculations vs. Applicant's calculations)
  - The range of ratio's while they may change with changes/correction to the calculations, still appear to fall within an acceptable range of ratios.
  - All calculations should be revised based on the value determined for Block G. If the walkway is identified as the street system, then by definition, it cannot be counted towards the residential or public/commercial gross use area.
  - The values identified as Proposed Residential Floor Area for each of the Development Blocks A thru F indicate they have been amended downward since the 2007 calculations. The applicant should provide documentation or "as-builts" to reflect where these values come from, as they have **not** been represented on any previous submissions or approved plans. It should be noted that these calculation of floor area, are to be represented in gross not net area calculations.
8. **Establishment of the Street System.** The original PUD approvals represented Block G as including a 20-foot waterfront promenade on the east and north sides of the project and, a 55+ foot wide area which included a 30-foot wide public roadway, perpendicular parking for 44 vehicles (public) and sidewalk area. In the current application, the applicant has identified a smaller 16-foot wide NJDEP waterfront walkway around the building and has identified this walkway as its' private street system for the project.<sup>1</sup> In a response letter from Josh Wuestneck PE, dated 12/9/11, he indicates that the applicant has chosen to categorize this walkway/street as a private alley with a cartway width of 16 feet, which is not open for public vehicular use but allows for one-way emergency circulation.

As noted, the identification of the "street" system and the determination of its width and ROW is critical for the project's calculations including: setbacks, gross use area and remaining residential gross use area for the subject site as amplified below. The applicant should demonstrate that the following bulk controls have been applied:

- 196-27.1 B. (3) a. *"Rear walls of residential buildings shall not be more than 70 feet from the street line of any public or private street [except in the case of residential buildings located within 150 feet of the intersection of two streets, which buildings may have rear walls located not more than 125 feet from the street line]".* As stated earlier, the proposed "streets" lie entirely within the development block boundaries rather than around it. This makes it impossible to tell where the intersection is to measure this dimension.

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<sup>1</sup> The applicant's plan set identifies the walkway/street as the: Hudson Waterfront walkway connection, public walkway, alley and proposed access street.



The ordinance states the maximum distance is to be measured from a street line to the rear wall. §196-6: "street line: the edge of the street right-of-way forming the dividing line between the street and a lot." It would be clearer if the applicant proposed a subdivision to put the streets into a separate lot as was done elsewhere in the PUD. The applicant should depict on the plans where they think the intersection and the rear walls are to determine compliance with this section. The applicant should demonstrate satisfaction of this requirement or seek variance relief.

- 196-27.1 B.(3) (b) *"Building coverage for any one development block shall not exceed 75%, so long as average building coverage for all development blocks does not exceed 65%; provided, however, that where a parking structure is created under the principal building, up to four stories may cover up to 100% of the development block. Such stories of the building shall be excluded from the calculation of building coverage so long as the following conditions are met..."*

As the proposed "streets" lie entirely within the development block boundaries rather than around it, the concept of building coverage within the development block is altered. The current development block G is both a single lot and a single block with the street improperly counted toward the block area. The applicant's calculation of block G coverage has included the area of the streets which is incorrect. The applicant should demonstrate satisfaction of this requirement or seek variance relief.

- 196-27.1 B.(1)(a)[4] *"Creates and maintains view corridors (at street level) of the Hudson River primarily along the lines of adjacent east-west streets south of and including Fifteenth Street, and view corridors of Weehawken Cove—primarily along the lines of adjacent north-south streets west of and including Hudson Street."*

The proposal does not maintain the view corridors of Weehawken Cove along the street line of the adjacent north/south street, which is Shipyard Lane. If the Shipyard Lane street line is extended, there are encroachments created by the proposed residential buildings.<sup>2</sup> While the viewshed issue was commented upon in Mr. Wuestneck's letter, I believe he is incorrect in stating that in the original application, the tennis courts and/or pavilion were in the north/south viewshed. The Shipyards Lane street line<sup>3</sup>, was approved for 45 feet and the "street" area proposed for the tennis area was identified to be 30 feet wide, with sidewalks and parking resulting in an approximately 55 foot street line. The tennis courts and pavilion were in fact set back from the street line and out of the view corridor. The applicant should demonstrate satisfaction of this requirement or seek variance relief.

- 196-27.1 B. (3)(c) *"Any development block within a planned development containing one or more residential buildings shall contain an open area for light and air [having no dimension less than*

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<sup>2</sup> Hudson Street was the easternmost street at the time of the adoption of the PUD design guidelines (June 1989). Shipyard Lane was created east of Hudson Street at a later date within the subject PUD. The original approval and design of the tennis facilities were well outside the north-south street line.

<sup>3</sup> Street Line- The edge of the street ROW forming the dividing line between the street and a lot.

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*30% of the block width] commencing no higher than the level of the lowest residential floor facing the interior of the block. Open areas above buildings or structures, on-grade parking lots, driveways, sidewalks and other surfaces may satisfy this requirement."*

The applicant should add this requirement to the zoning table's bulk criteria and physically dimension on the plan set how this criteria is achieved. This requirement also goes back to the definition of development block and its dimensions. Until that is resolved, it is impossible to determine if the project meets this requirement. The applicant should demonstrate satisfaction of this requirement or seek variance relief.

- The area calculation for what the applicant believes constitutes a street with its associated ROW should be represented on the plans and the appropriate items recalculated in the zoning and Gross Use tables.
- It is unclear what the NJDEP walkway's ROW is and if it is on the plans. The applicant's plans should reflect this ROW.
- On the original survey as well as on a survey from the 2007 plan set, an easement to the City property north of this site was identified. The original survey represented a 40-foot wide easement while the 2007 survey represented a 30-foot wide easement. The response letter appears to indicate that this easement has been vacated. The applicant's surveyor/professionals should identify the disposition of this easement, the terms of its vacation, how and when this was done, and whether the City was notified of the easement vacation.

If the property easements were vacated, the Board Attorney should advise whether the property owner has the ability to control the future development of a City property/tract by regulating the width and utility of the access roadway to the site.

- As noted in my earlier memo, in discussing this "street"/walkway with the Board Engineer, it was my understanding that the street as proposed did not meet RSIS standards. This size or type of street has not been proposed before in the city. Both the Planning Board and planner will be guided by the Board Engineer's determination of what constitutes an appropriate street for the purposes of development Block G from the perspective of RSIS, City Ordinances and emergency access.
  - It is important that the appropriate access to the City property be maintained so as not to limit future development potential of the City tract. It should be noted that in the preparation of the 2011 Open Space Plan, the original/recreational use on proposed Block G was considered along with that of the City's property when placing them on the map as open space/recreation.
  - The Board Engineer and Attorney should evaluate whether adequate access is provided to the City's tract so as not to bind the future use or utility of this tract.
9. Findings for Planned Unit Development. Due to the uniqueness of Planned Unit Developments for to the City, specific urban design guidelines were developed to assist in the review of such projects. Prior to the granting of an approval for a PUD, both the City's ordinance and Municipal

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Land Use Law (MLUL) require the Planning Board to make specific findings. The City's ordinance and the relevant section of the MLUL (N.J.S.A. 40:55D-45) are copied below to assist the Board in their findings.

- a. *§196-27.1 B -Action by the Planning Board - "The Planning Board shall review and application for urban design review in accordance with procedures for site plan review set forth in 196-2. Prior to approving any planned development, the Planning Board shall find the facts and conclusions required under N.J.S.A. 40:55D-45 and make such further findings as area required under any other provisions of the municipal Land Use Law. In its review, the Board shall also find that the applicant meets the following requirements..."*

*(1) That the development creates a vehicular and pedestrian circulation system of streets (either public or private), pathways and public open space which advance the following:*

*(a) Creation of a street system which:*

*[1] Interconnects with existing and adjacent streets in a design demonstrated by applicant's traffic studies to optimize traffic flow in and out of the planned unit development;*

*[2] Where a planned unit development is adjacent to any western bypass road (as discussed in the Circulation Plan Element of the City Master Plan) as may be constructed, it shall provide a linkage to such road thereby permitting access to the northern waterfront sector of the district by passing beneath the Park and Willow Avenue viaducts. If such bypass road has not been constructed at the time the subject planned unit development application is submitted, the layout of the planned unit development shall not preclude any future linkages.*

*[3] Creates a development block pattern which provides the framework for the application of § 196-27.1B(3).*

*[4] Creates and maintains view corridors (at street level) of the Hudson River primarily along the lines of adjacent east-west streets south of and including Fifteenth Street, and view corridors of Weehawken Cove — primarily along the lines of adjacent north-south streets west of and including Hudson Street.*

*[5] Where a developer chooses to make streets private he shall provide permanent public easements over all such streets in order to insure public access to the water's edge. [Added 10-18-1995 by Ord. No. R-146]*

*(b) Creates a pedestrian circulation system and open space system which provides public access to and along the edge of the Hudson River and Weehawken Cove, built in conformity with at least the minimum standards of the New Jersey Department of Environmental Protection per Section 7:7E-8.11 "Public Access to the Waterfront," N.J.A.C. 7:7E-1.1, et. seq.*

- b. N.J.S.A. 40:55D-45-Findings for Planned Developments.

a. *That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards pursuant to*

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*subsection 52c of this act 40:55D-65;*

*b. That the proposals for maintenance and conservation of the common open space area reliable and the amount, location and purpose of the common open space are adequate;*

*c. That provision through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic and the amenities of light and air, recreation and visual enjoyment are adequate;*

*d. That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established;*

*e. In the case of a proposed development which contemplates construction over a period of years that the terms and conditions intended to protect the interests of the public and of the residents occupants and owners of the proposed development in the total completion of the development area adequate."*

**10. Other Planning Comments:**

a. The applicant should provide documentation as to the changes that were indicated to the floor areas as well as a recalculation of the Gross Use Area. A zone table with the all requirements of the Urban design review for planned development 196-27.1 as well as for the Building façade 196-27.3 and their calculations should be provided on the plans.

b. It is my understanding that the NJDEP approved the previous plan set dated 8/23/11 which reflected a 20-foot wide Pedestrian/Emergency Access Street. The applicant should indicate:

- Whether in the NJDEP permit recognized and acknowledged that the waterfront walkway was to also serve as the "street system" for the high rise residential project; and
- If it was not indicated as a street to NJDEP, does this require a permit change;
- Does the NJDEP Waterfront permit received in December of 2011 allow for a reduction in the walkway from 20 to 16 feet without further approval.

c. The applicant has indicated that while they will make no commitment to Green initiatives or LEED certification, their last building received a LEED Gold certification. The Planning Board should encourage the applicant to evaluate all major building systems (envelope, HVAC, storm/sanitary/potable water supply, energy consumption) as well as the building's commissioning for reduction in both long and short-term environmental impacts.

d. The applicant executed a Developer's Agreement with the City on December 4, 1997 in connection with the 1997 preliminary site plan and subdivision approval. On page 2 of the Developer's Agreement, it requires the following ". . . construct this development project in strict accordance with the plans as presented to the Planning Board, which plans were marked into evidence." Additionally, paragraph 16 of the Developer's Agreement it indicates that any alterations or amendments thereto must be reduced to writing and signed by the Applicant/Developer and the

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City. The pending amended application significantly differs from the original approval for private open space/tennis courts and there does not appear to be any amendment to the developer's agreement submitted. The applicant should provide any such amendment(s) and the Planning Board Attorney should evaluate these agreements and advise the Board accordingly.

e. In a conversation with the Planning Board Attorney, he indicated that the Ordinance No. P-6 adopted May 15, 1988, Section 196-68, *et.seq.* of the Zoning Ordinance has not been repealed and still remains in full force and affect. In short, this ordinance requires a 10% affordable housing set-aside for on-site development or 1.5 units for off-site units in lieu of each required on-site affordable unit and that each residential developer is also required to submit a "Plan of Compliance" to the Planning Board. The Applicant should contact the Planning Board and City Attorney to discuss the ordinance and resolve these issues.

f. A listing of satisfaction of the conditions of approval is required by ordinance.

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**Hoboken Ordinance**

**196.27.1 Urban design review for planned developments**

[Added 6-21-1989 by Ord. No. P-58; amended 11-17-1989 by Ord. No. P-87; 4-18-1990 by Ord. No. P-103; 3-15-1995 by Ord. No. R-116; 9-6-1995 by Ord. No. R-141]

A. Urban design review is intended to be applied to planned developments in the I-1(W) District because of the unique characteristics of this district. Urban design review procedures are set forth in this section to ensure that any new planned development in this district will be compatible with its location and within the context of existing and proposed development. Such new development shall also further the purposes of this section and of the land use plan element of the Master Plan, as it may be amended. In the event of conflict between any provision of the urban design review (§ 196-27.1) and any other provision of this chapter, the urban design review provision shall prevail.

B. Action by the Planning Board. The Planning Board shall review an application for urban design review in accordance with procedures for site review set forth in § 196-26. Prior to approving any planned development, the Planning Board shall find the facts and conclusions required under N.J.S.A. 40:55D-45 and make such further findings as are required under any other provisions of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.). In its review, the Board shall also find that the applicant meets the following requirements:

(1) That the development creates a vehicular and pedestrian circulation system of streets (either public or private), pathways and public open space which advance the following:

(a) Creation of a street system which:

[1] Interconnects with existing and adjacent streets in a design demonstrated by applicant's traffic studies to optimize traffic flow in and out of the planned unit development;

[2] Where a planned unit development is adjacent to any western bypass road (as discussed in the Circulation Plan Element of the City Master Plan) as may be constructed, it shall provide a linkage to such road thereby permitting access to the northern waterfront sector of the district by passing beneath the Park and Willow Avenue viaducts. If such bypass road has not been constructed at the time the subject planned unit development application is submitted, the layout of the planned unit development shall not preclude any future linkages.

[3] Creates a development block pattern which provides the framework for the application of § 196-27.1B(3).

[4] Creates and maintains view corridors (at street level) of the Hudson River primarily along the lines of adjacent east-west streets south of and including Fifteenth Street, and view corridors of Weehawken Cove — primarily along the lines of adjacent north-south streets west of and including Hudson Street.

[5] Where a developer chooses to make streets private he shall provide permanent public easements over all such streets in order to insure public access to the water's edge. [Added 10-

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**18-1995 by Ord. No. R-146]**

(b) Creates a pedestrian circulation system and open space system which provides public access to and along the edge of the Hudson River and Weehawken Cove, built in conformity with at least the minimum standards of the New Jersey Department of Environmental Protection per Section

7:7E-8.11 "Public Access to the Waterfront," N.J.A.C. 7:7E-1.1, et. seq.

(2) That off-street parking provisions are, at a minimum:

(a) In conformity with the provisions of Article XI.

(b) If a project is phased and accessory parking is not located in the principal building, parking facilities shall be completed prior to the issuance of certificates of occupancy.

(c) On-site parking facilities shall be within enclosed structures or, if in open areas, as permitted under § 196-17F(2)(b), parked vehicles must be shielded or screened in such manner as substantially to prevent them from being observed from grade level outside the planned development. Such shielding may be provided by buildings, landscaping, fences or walls within the planned development. Rooftop parking shall provide screening with structures, landscaping, horizontal trellises, etc. sufficient to screen 20% of the parking area. Trees shall be shown at their mature size in order to calculate coverage.

(d) The exterior wall materials and design of enclosed parking facilities located within a residential or commercial building shall be designed to the greatest extent practicable, the materials on the exterior walls of the building in which the parking is located or, in the case of a freestanding parking structure, adjacent buildings in the planned development.

(3) That the following bulk controls have been applied:

(a) Rear walls of residential buildings shall not be more than 70 feet from the street line of any public or private street [except in the case of residential buildings located within 150 feet of the intersection of two streets, which buildings may have rear walls located not more than 125 feet from the street line].

(b) Building coverage for any one development block shall not exceed 75%, so long as average building coverage for all development blocks does not exceed 65%; provided, however, that where a parking structure is created under the principal building, up to four stories may cover up to 100% of the development block. Such stories of the building shall be excluded from the calculation of building coverage so long as the following conditions are met:

[1] The rooftop of the parking structure shall be landscaped and designed for the use and enjoyment of occupants of the building; and

[2] The stories of the building containing the parking levels fully comply with the requirements of § 196-27.1B(2)(d).

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(c) Any development block within a planned development containing one or more residential buildings shall contain an open area for light and air [having no dimension less than 30% of the block width] commencing no higher than the level of the lowest residential floor facing the interior of the block. Open areas above buildings or structures, on-grade parking lots, driveways, sidewalks and other surfaces may satisfy this requirement.

(4) That there is compatibility with adjacent existing and proposed development concerning but not limited to the following:

(a) Vehicular and pedestrian circulation.

(b) Infrastructure improvements.

(c) Where applicable, public access to the waterfront and/or public open spaces.

(d) A minimum dwelling unit size of 400 net square feet.

(5) Uses: Planned unit development may include the following uses: residential, commercial (except auto-related sales and service), bars, restaurants and riverborne public transportation as set forth in § 196-38S. Any of the above uses which are also set forth in § 196-17D(2) shall not be considered conditional uses in planned unit developments. Major parking facilities shall not be considered conditional uses in planned unit developments.



**PREVIOUSLY APPROVED  
AMENDED SITE CALCULATIONS: 8/07\*  
(BLOCK E)**

**FLOOR AREA CALCULATIONS  
ALLOWED RESIDENTIAL FLOOR AREA**

SEE 196-17.E.(2).(b).[4]

DEV BLK A	67,201 SF
DEV BLK B	28,650 SF
DEV BLK C	80,881 SF
DEV BLK D	73,750 SF
DEV BLK E	21,750 SF
DEV BLK F	57,955 SF
DEV BLK G	79,043 SF
	409,230 SF
409,230 SF X 8 STORIES X 51%	=
1,669,658 SF	

**PROPOSED RESIDENTIAL FLOOR AREA**

DEV BLK A	398,803 SF
DEV BLK C	436,045 SF
DEV BLK D	246,640 SF
DEV BLK E	118,250 SF
DEV BLK F	335,246 SF

TOTAL PROPOSED 1,534,984 SF

**RATIOS OF GROSS FLOOR USE AREA:**

**RESIDENTIAL**

SEE 196-17.E.(2).(b).[5].[a]

1,534,984 RESIDENTIAL USE AREA	= 77.8% < 85%
1,973,533 TOTAL GROSS FLOOR AREA	

**RATIOS OF GROSS FLOOR USE AREA:**

**PUBLIC/COMMERCIAL**

SEE 196-17.E.(2).(b).[5].[b]

438,549 PUBLIC/COMMERCIAL USE AREA	= 22.2% > 15%
1,973,533 TOTAL GROSS FLOOR AREA	

**PUBLIC/COMMERCIAL USE**

RETAIL COMMERCIAL	62,305 SF
PIER/SOUTH PROMENADE	73,450 SF
SOUTH PARK	28,650 SF
NORTH PROMENADE	26,700 SF
DEV BLK G	75,843 SF
FERRY	4,810 SF
MARINA	157,201 SF
DEP LANDSCAPE PIER	9,590 SF
TOTAL	438,549 SF

**PROPOSED  
AMENDED SITE CALCULATIONS: 8/11  
(BLOCK G)**

**FLOOR AREA CALCULATIONS  
ALLOWED RESIDENTIAL FLOOR AREA**

SEE 196-17.E.(2).(b).[4]

DEV BLK A	67,201 SF
DEV BLK B	28,650 SF
DEV BLK C	80,881 SF
DEV BLK D	73,750 SF
DEV BLK E	21,750 SF
DEV BLK F	57,955 SF
DEV BLK G	79,043 SF
	409,230 SF
409,230 SF X 8 STORIES X 51%	=
1,669,658 SF	

**PROPOSED RESIDENTIAL FLOOR AREA**

DEV BLK A	378,552 SF
DEV BLK C	408,366 SF
DEV BLK D	233,015 SF
DEV BLK E	109,683 SF
DEV BLK F	309,362 SF
DEV BLK G	200,000 SF

TOTAL PROPOSED 1,638,978 SF

(AMENDED)

(AMENDED)

(AMENDED)

(AMENDED)

(AMENDED)

(AMENDED)

(AMENDED)

**RATIOS OF GROSS FLOOR USE AREA:**

**RESIDENTIAL**

SEE 196-17.E.(2).(b).[5].[a]

1,638,978 RESIDENTIAL USE AREA	= 80.4% < 85%	(AMENDED)
2,038,933 TOTAL GROSS FLOOR AREA		

**RATIOS OF GROSS FLOOR USE AREA:**

**PUBLIC/COMMERCIAL**

SEE 196-17.E.(2).(b).[5].[b]

382,931 PUBLIC/COMMERCIAL USE AREA	= 18.8% > 15%	(AMENDED)
2,038,933 TOTAL GROSS FLOOR AREA		

**PUBLIC/COMMERCIAL USE**

RETAIL COMMERCIAL	62,305 SF
PIER/SOUTH PROMENADE	73,450 SF
SOUTH PARK	28,650 SF
NORTH PROMENADE	26,700 SF
DEV BLK G (WALKWAY)	20,225 SF
FERRY	4,810 SF
MARINA	157,201 SF
DEP LANDSCAPE PIER	9,590 SF
TOTAL	382,931 SF

**EFB**  
**SITE CALCULATIONS: 2/12**  
**(Block G) w Correct Headings**

**FLOOR AREA CALCULATIONS**  
**ALLOWED RESIDENTIAL USE AREA**

SEE 196-17.E.(2).(b).[4]

DEV BLK A	67,201 SF
DEV BLK B	28,650 SF
DEV BLK C	80,881 SF
DEV BLK D	73,750 SF
DEV BLK E	21,750 SF
DEV BLK F	57,955 SF
DEV BLK G	58,818 SF
	389,005 SF
389,005 SF X 8 STORIES X 51%	=
	1,587,140 SF

1

**PROPOSED RESIDENTIAL USE AREA**

DEV BLK A	378,552 SF
DEV BLK C	408,366 SF
DEV BLK D	233,015 SF
DEV BLK E	109,683 SF
DEV BLK F	309,362 SF
DEV BLK G	200,000 SF

**TOTAL PROPOSED 1,638,978 SF > 1,587,140 SF**

**RATIOS OF GROSS USE AREA: RESIDENTIAL**

SEE 196-17.E.(2).(b).[5].[a]

1,587,140 RESIDENTIAL GROSS USE AREA	= 81.3% < 85%
1,949,846 TOTAL GROSS USE AREA	

**RATIOS OF GROSS USE AREA:**

**PUBLIC/COMMERCIAL**

SEE 196-17.E.(2).(b).[5].[b]

382,931 PUBLIC/COMMERCIAL GROSS USE AREA	= 19.6% > 15%
1,949,846 TOTAL GROSS USE AREA	

**PUBLIC/COMMERCIAL USE**

RETAIL COMMERCIAL	62,305 SF
PIER/SOUTH PROMENADE	73,450 SF
SOUTH PARK	28,650 SF
NORTH PROMENADE	26,700 SF
<i>BLK G (Walkway/Street)</i>	<i>0 SF</i>
FERRY	4,810 SF
MARINA	157,201 SF
DEP LANDSCAPE PIER	9,590 SF
TOTAL	362,706 SF

2

- 1 Area deducted (16 ft.) for street/walkway
- 2 Streets not counted in Gross Use Area