



**JAMES J. FARINA
HOBOKEN CITY CLERK**

Date: October 7, 2016

To: City of Hoboken Planning Board

From: James J. Farina
Hoboken City Clerk

Re: A resolution and ordinance was introduced on October 5, 2016 City Council Meeting – CD2. **RESOLUTION REFERRING CERTAIN PROPOSED ORDINANCES AND/OR AMENDMENTS TO THE PLANNING BOARD OF THE CITY OF HOBOKEN FOR REVIEW AND RECOMMENDATION and AN ORDINANCE TO AMEND AND SUPPLEMENT § 196-31 OF THE CODE OF THE CITY OF HOBOKEN ENTITLED “SIGNS AND SIGNAGE” (sponsored by Councilman DeFusco and Councilman Ramos) (Z-440)**

Chairman et al,

As you are aware, there was an resolution passed by the Governing Body at the October 5, 2016 city council meeting in regards to resolution #CD2. **RESOLUTION REFERRING CERTAIN PROPOSED ORDINANCES AND/OR AMENDMENTS TO THE PLANNING BOARD OF THE CITY OF HOBOKEN FOR REVIEW AND RECOMMENDATION**

Also an ordinance for 1st reading ordinance- **AN ORDINANCE TO AMEND AND SUPPLEMENT § 196-31 OF THE CODE OF THE CITY OF HOBOKEN ENTITLED “SIGNS AND SIGNAGE” (SPONSORED BY COUNCILMAN DEFUSCO AND COUNCILMAN RAMOS) (Z-440)**. The 2nd reading will be heard once the application is certified by the Planning Board secretary.

Pursuant to the Municipal Land Use Law (“Redevelopment Law”), **N.J.S.A. 40:55D-26(a), et seq.**, on behalf of the Office of the City Clerk, this resolution and ordinance is hereby being referred to you and the Planning Board for its review as required by statute.

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

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Farina".

James J. Farina
Hoboken Municipal Clerk

Cc: Mayor Dawn Zimmer
Dave Roberts, Planning Board Planner
Dennis Galvin, Esq. – Special Counsel
Brian Aloia, Corporation Counsel
Brandy Forbes, Director of Community Development
Andy Hipolit, Engineer

1st reading
10-5-16 (2)

SPONSORED BY: Defusco MD
SECONDED BY: RJ

CITY OF HOBOKEN
ORDINANCE NO. 7-440

AN ORDINANCE TO AMEND AND SUPPLEMENT § 196-31 OF THE CODE OF THE CITY OF HOBOKEN ENTITLED "SIGNS AND SIGNAGE"

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: The following additions and ~~deletions~~ shall be made to Hoboken City Code §196-31(C)(2)(g) to read as follows:

(g) Feather flags; except when the property is a business establishment in a zone where commercial and retail are permitted uses, and exterior signage ordinarily allowable under this section is not permitted pursuant to landlord or condominium association prohibition, and the property has no more than two (2) street-facing windows, not inclusive of doorway or transom, with total display area totaling less than ten (10) square feet. In the situations where feather flags are permitted pursuant to this exception, said signs shall:

- i. Be displayed only on the business premises; and,
- ii. Be limited to one (1) per business; and,
- iii. Pertain to the business on the premises; and,
- iv. Be displayed only during hours of operation; and,
- v. Be placed in a manner so as to ensure pedestrian safety; and,
- vi. Not block, impede or in any other manner interfere with the pedestrian walkway; and,
- vii. Not be more than twelve (12) feet long, or greater than thirty-six (36) inches in width; and,
- viii. Not block any windows or doors; and,
- ix. Be secured in a manner that prevents displacement from the wind.

L. Upon taking effect, the amended provisions of subsection C(2)(g) shall be retroactive to January 1, 2013.

Section 2: This ordinance shall be part of the General Code of the City of Hoboken as though codified and fully set forth therein.

Section 3: The City Clerk shall have this ordinance codified and incorporated in the official copies of the Hoboken code. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Section 4: This ordinance shall take effect as provided by law.

Date of Introduction: September 7, 2016

Introduction:

Councilperson	Yea	Nay	Abstain/Present	Absent
Ravinder Bhalla	✓			
Peter Cunningham		✓		
Michael DeFusco	✓			
James Doyle	✓			
Tiffanie Fisher	✓			
David Mello	✓			
Ruben Ramos, Jr.	✓			
Michael Russo	✓			
President Jennifer Giattino		✓		

Final Reading:

Councilperson	Yea	Nay	Abstain/Present	Absent
Ravinder Bhalla				
Peter Cunningham				
Michael DeFusco				
James Doyle				
Tiffanie Fisher				
David Mello				
Ruben Ramos, Jr.				
Michael Russo				
President Jennifer Giattino				

Approved as to Legal Form:

Vetoed by the Mayor for the following reasons: _____

 Brian Aloia, Esq., Corporation Counsel

Adopted by the Hoboken City Council
 By a Vote of ____ Yeas to ____ Nays
 On the ____ day of ____, 2016

-or-

Approved by the Mayor
 On the __ day of ____, 2016

 James Farina, City Clerk

 Dawn Zimmer, Mayor



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Surveyors
Landscape Architects
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October 24, 2016

Ms. Patricia Carcone
Planning Board Secretary
Hoboken Planning Board
94 Washington Street, Second Floor
Hoboken, NJ 07030-4585

Re: Ordinance Z-440:
Amendment to Chapter 196-31 (Signs and signage)
Review of Ordinance by Planning Board
Planning Comments

MC Project No. HOP-133

Dear Ms. Carcone:

The referenced ordinance was forwarded by your office for review regarding an amendment to Chapter 196-31, "Signs and signage", which would permit "feather flag" signs under certain conditions. The conditions require that the feather flag be for a business establishment in a zone where commercial and retail uses are permitted, but where signage otherwise allowable has not been permitted by a landlord or condominium association. Chapter 196-31 (C)(2)(g) currently prohibits feather flags, along with billboards, roof signs, signs that flash or cause glare, etc.

Comments

1. Feather signs are typically used to promote business uses for a temporary period, such as a grand opening or special sale. Many other towns besides Hoboken prohibit them because they, along with lawn signs, signs painted on vehicles, banners and pendant strings contribute to visual clutter. Other towns may permit them for a specified temporary period of time for grand openings or special events, but limit the number of events per year and require them to be removed when the temporary period is over. It is not a typical situation to use a feather flag as a substitute for a permanent identification sign for a business.
2. The specificity of the proposed changes that would allow the use of one feather sign per business where permissible signage is not permitted by a landlord or condominium association raises a number of questions, such as:
 - a. Does this condition exist throughout the City (i.e., is this problem widespread enough to justify a legislative solution or is it an isolated case that can be addressed by relief from the ZBA?



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MC Project No. HOP-133

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- b. Why would a feather sign that can only be displayed on the business premises be permitted by a landlord or condo association when they don't allow conforming signage on the building itself?
 - c. The ordinance stipulates that the flag be placed in a manner to ensure pedestrian safety and not block, impede or in any other manner interfere with the pedestrian walkway. Given the typical Hoboken streetscape in the areas where retail and commercial uses are permitted, the only location that would seem to ensure compliance with those requirements would be on the building over the street-level entrance, which where a conforming, permanent identification sign would also be located. If the landlord prohibits one, why would they permit the other?
 - d. Is there an existing alternative that might address the condition for which the Ordinance is intended? For example, if such a condition occurred in the CBD the ordinance permits "freestanding signs, such as A-frames, poster stands or similar" to be placed immediately in front of the business not more than six feet away from the principal entrance to the business and can not exceed 24 inches by 36 inches in size.
3. In addition to the reasonableness of the proposed amendment, there are specific concerns as it relates to consistency with the Master Plan as follows:
- a. Many of the areas where retail and commercial uses are permitted are also historic districts where the Historic Preservation Commission pays close attention to the style and design of signage to protect the historic integrity of the district. The preservation of historic character is an important goal of the Master Plan and feather flags of any sort would be out of place. Feather flags are designed to attract attention and are commonly found along highways (often in the ROW). They are essentially alien to urban streetscapes and to introduce them to Hoboken under any circumstances would be a threat to the efforts the City has made to preserve its historic character.
 - b. Chapter VI of the 2004 Master Plan ("Economic Development: Washington Street and More") includes the following regarding signage:

8. Limit the size and placement of temporary signs. The appearance of even the most attractive commercial areas can quickly be ruined through the proliferation of non-permanent signs, such as within windows or on storefronts. The regulations for such signs should be strengthened, as should City enforcement of these restrictions."

Given the above questions and concerns, we would not be able to advise the Board that Ordinance Z-440, as currently drafted, is consistent with the Master Plan.



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Should you have any questions on this correspondence please do not hesitate to contact me.

Very truly yours,

MASER CONSULTING P.A.

David G. Roberts, P.P., AICP, LLA,
Planning Board Planner



DGR:dgr

cc: Brandy Forbes, AICP, PP, Director of Community Development
Andrew Hipolit, PE, Planning Board Engineer
Dennis Galvin, Esq., Planning Board Attorney