

1st reading
9-7-16 (3)

SPONSORED BY: DeFusco
SECONDED BY: Bhalla

CITY OF HOBOKEN
ORDINANCE NO. 16-534 - 433

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 equal to ten percent (10%) of the storefront 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.

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 All ordinances and parts of ordinances inconsistent herewith are hereby repealed.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:

 Brian Aloia, Esq., Corporation Counsel

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

 James Farina, City Clerk

Vetoed by the Mayor for the following reasons: _____

-or-

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

 Dawn Zimmer, Mayor

1st reading
9-7-16 (4)

SPONSORED BY: Dovle
SECONDED BY: Russo

CITY OF HOBOKEN
ORDINANCE NO.: 16-535 8-434

AN ORDINANCE AMENDING THE CODE OF THE CITY OF HOBOKEN, CHAPTER 68, ENTITLED "ALCOHOLIC BEVERAGES," SPECIFICALLY TO REMOVE § 68-7 THE "FIVE-HUNDRED-FOOT RULE."

WHEREAS, the City has prohibited the granting of any request to transfer or establish any business with a plenary retail consumption license within a distance of 500 feet from any other premises then covered by a plenary retail consumption license; and

WHEREAS, based upon changes in the business environment, and the growth and redevelopment of the City, the City does not believe that it is in the best interest to continue this prohibition.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Hoboken, County of Hudson, State of New Jersey, that the Code of the City of Hoboken is hereby amended by removing and adding language to § 68-7 as follows:

Section One:

- A. ~~No plenary retail consumption license, except renewals for the same licensed premises and transfers of license from person to person within the same premises, shall be granted or transfer made to other premises within a distance of 500 feet from any other premises then covered by a plenary retail consumption license. There shall be no exceptions to this restriction. Should a license held by a restaurant be transferred to another location for use as a tavern, the restriction promulgated herein shall apply.~~
- B. ~~No plenary retail distribution license, except renewals for the same premises and transfers from person to person, shall be granted or transfer made to other premises within a distance of 500 feet from any other premises then covered by a plenary distribution license.~~
- C. ~~Where the five hundred foot distance is referred to in this section, the same shall be measured by a distance from the center of the entrance door of an existing tavern to the center of the entrance door of a proposed licensed premises as measured by walking along the sidewalk from point to point without any diagonal crossing of streets. If it is necessary to cross a street, such steps are to be taken at the lawful crosswalks in a direct manner. The local license issuing authority may, in its discretion, grant a transfer of an existing license to the same licensee to other premises within 250 feet of the premises from which the transfer is made, notwithstanding that the premises to which the license is so transferred is within 500 feet of an existing plenary retail consumption licensed premises, and grant~~

~~transfer of such license free of such five-hundred-foot limitation herein fixed in the event of any licensed premises being taken by condemnation for any municipal, county, state or federal project; provided, nevertheless, that the new location to which the license is to be transferred under this exception shall not be located within a distance of 250 feet of a then-existing location licensed to do business under a like license as the one being transferred. Said two-hundred-fifty-foot distance shall be measured in the same manner as herein provided for the measuring of the five-hundred-foot distance. In the event that any transfer of a license should be allowed under this exception, then and in that event no license shall thereafter be transferred to the premises or any part thereof so vacated by such transfer, nor within a radius of 250 feet thereof; provided, however, that all other provisions of this chapter and applicable law relating thereto are complied with.~~

~~D. "Restaurant," as defined in this section, shall mean an establishment regularly and principally used for the purpose of providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking and serving of food for its customers and in which no other business, except such as is incidental to such establishment, is conducted and where such premises shall conform to local and state fire and health codes.~~

~~E. This section shall not apply to the Southern Redevelopment Area as defined in Ordinance R-116, passed at the third and final reading on March 15, 1995. However, in said area, the number of retail consumption licenses shall be limited to seven.~~

The remainder of this chapter remains unchanged.

Section Two: Repeal of Inconsistent Provisions

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect. This Ordinance shall also supersede any inconsistent provisions contained in any resolution or ordinance previously adopted by the Hoboken City Council.

Section Three: Severability

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section Four: Effective Date

This Ordinance shall take effect upon passage and publication as provided by law.

Section Five: Codification

This Ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Date of Introduction: August 3, 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 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 Giattino				

Approved as to Legal Form:

Vetoed by the Mayor for the following reasons:

_____, 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

1st reading
9-21-16
(3)

Sponsored by: Peter J. Curcio
Seconded by: [Signature]

City of Hoboken
Ordinance No.: Z - 938

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF HOBOKEN
ADDING NEW CHAPTER ____ - BUILDING DEMOLITION**

WHEREAS, the City Council and Mayor of the City of Hoboken wish to safeguard the cultural and historic heritage of the City of Hoboken by preserving resources that reflect its architectural and historical past; and

WHEREAS, the City Council and Mayor of the City of Hoboken wish to encourage the continued use and adaptation of historical buildings and to prevent the unnecessary demolition of historical resources; and

WHEREAS, the City Council and Mayor of the City of Hoboken wish to ensure the safety and preservation of structures adjacent to structures that are proposed to be demolished.

Now **THEREFORE**, be it ordained by the City Council of the City of Hoboken, County of Hudson, State of New Jersey, as follows:

SECTION ONE: ADOPTION

The following shall be adopted and made a part of the Code of the City of Hoboken:

Chapter ____ - BUILDING DEMOLITION

§__-1 Purpose.

The purpose of this chapter is to:

- A. Safeguard the cultural and historical heritage of the City of Hoboken by preserving resources that reflect elements of its architectural and historical heritage;
- B. Encourage the continued use and adaptation of historical buildings and to prevent the unnecessary demolition of historic resources; and
- C. Ensure the safety and preservation of structures immediately adjacent to a structure proposed for demolition.

§__-2 Lands and structures to which this chapter applies.

This chapter shall apply to all properties located in Residential (R) Zones and the Central Business District (CBD) as identified on the Zoning Map of the City of Hoboken for the following applications:

- A. All applications for demolition under the Uniform Construction Code (N.J.A.C. 5:23 et seq.) for structures that contain residential use and that share a property line with another building containing residential use; and/or
- B. All applications for partial demolition of a structure under the Uniform Construction Code or Rehabilitation Subcode (N.J.A.C. 5:23-6) that include removal of or substantial deconstruction of the front façade. Substantial deconstruction of the front façade shall be defined as any alteration to the fenestration, entrance way, cornice, or material components of the façade which are visible from the

public right of way. If the front façade of a partial demolition is to be preserved and shall remain unaltered, the structure shall not be subject to historic preservation review, however, the applicant for such partial demolition shall nevertheless be required to provide an engineering report as set forth in section 4.b.(6) below, outlining the measures to be taken to stabilize and preserve the façade during partial demolition and rehabilitation, and any other structural evaluations deemed necessary by the Construction Code Official or City Engineer, to assure the safety and preservation of the immediately adjacent structures.

§___-3 Exemptions.

- A. A structure, or portion thereof, to which this Chapter would otherwise apply, that is identified by the City Building Inspector as unsafe or unsound so as to pose an immediate danger to public health or safety shall be exempt from the procedures set forth in this chapter. Upon identification of such an unsafe structure, the City Building Inspector shall so notify the Mayor, City Council and Historic Preservation Commission of the need for imminent demolition and provide a brief summary of the perceived public hazard.
- B. Nothing in this section shall be construed to limit in any way the power of the City of Hoboken to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise, nor is any provision of this Ordinance intended to limit the authority of the Construction Official under the State Uniform Construction Code Act, L. 1975, c. 217 (N.J.S.A. 52:27D-119 et seq.) or any rules or regulations adopted thereunder.
- C. Any building or buildings, or parts thereof, that have come into a state of disrepair through neglect, lack of maintenance or use, fire, accident or other calamities or through any other act rendering the building or buildings, or parts thereof, in a state of disrepair to the extent that the building is unfit for human habitation or occupancy or use, shall be deemed inimical to the welfare of the residents of the City of Hoboken, and a Construction Official appointed pursuant to the provisions of L. 1942, c. 112 (N.J.S.A. 40:48-2.3 et seq.) may exercise his or her powers to repair or demolish the building or buildings, or parts thereof, pursuant to the provisions of Section 5 of L. 1992, c. 89 (N.J.S.A. 40:48-2.5(b)) and shall be exempt from the procedures set forth in this chapter. This subsection shall not apply to any building, buildings, or parts thereof which are found to have been deliberately neglected so as to avoid the requirements of this chapter.

§___-4 Permit procedure.

- A. No person shall be issued a permit to demolish any building or partially demolish the front façade of any building or structure to which this Chapter applies unless said demolition or partial demolition is reviewed by the Historic Preservation Commission or approved by the Zoning Board of Adjustment or Planning Board.
- B. An application for demolition shall include, at a minimum, the following:
 - (1) A map showing the location of the structure on its property with reference to neighboring properties;
 - (2) Photographs of all street façade elevations on that block frontage;
 - (3) A description of the subject structure, including the method and materials of construction, the condition, and an estimate of the cost of the proposed repairs or renovation;
 - (4) The reason for the proposed demolition and data supporting the reason, including, where applicable, data sufficient to establish any economic justification for demolition;
 - (5) A description of the proposed reuse of the property on which the subject structure is located;

(6) A report, prepared by a professional engineer licensed in the State of New Jersey, on the subject structure and the buildings immediately adjacent to the subject structure that includes, but is not limited to, an evaluation of the foundations, footings, façades, and other structural elements of each building, and recommendations for assuring the safety and stability of the adjoining structures and any portions of the subject building to be retained in the case of partial demolition; and

(7) Other documents specified by the checklist for a complete application.

- C. Unless an applicant has otherwise applied for relief from the Zoning Board of Adjustment or the Planning Board for the proposed activities necessitating demolition or partial demolition, an application for demolition or partial demolition shall be submitted directly to the Historic Preservation Commission on the standard form available in the office of the Historic Preservation Commission. A complete application shall include the application form, the checklist, all documents set forth on the checklist, and the application and escrow fees. Within 10 business days of the submission, the Commission Secretary, in consultation with the Administrative Officer, shall either certify the application as complete and the applicant shall be so notified, or if the application is found to be incomplete shall provide written notice of the deficiency to the applicant.
- D. After certification that an application is complete, the Historic Preservation Commission shall hold a public hearing on the application and, pursuant to the review criteria for an historical building or structure as set forth in §42-27A of the City of Hoboken municipal code, to the extent relevant to the application before it, shall issue its findings and decision within 60 days. Public notice shall be given by the applicant in accordance with the notice provision set forth in §44-307 of the City of Hoboken municipal code.
- E. If the Historic Preservation Commission concludes that the structure need not be preserved or fails to file its findings and recommendation within 60 days, the Construction Official may issue a demolition permit.
- F. When demolition or partial demolition is proposed in conjunction with an application for development before the Zoning Board of Adjustment or Planning Board, the relevant reviewing board shall assume jurisdiction for approving demolition, and the time of decision for the approval shall be that of the associated application for development. The relevant reviewing board shall apply the same review criteria for demolition or partial demolition of an historical building or structure as set forth in §42-27A. of the City of Hoboken municipal code, to the extent relevant to the application before it. The relevant reviewing board may also, at its discretion, refer an application to the Historic Preservation Commission, pursuant to §44-304, for its recommendations.
- G. If the Historic Preservation Commission concludes that the subject structure should be preserved and it files its findings and recommendation within the required 60 day period, the applicant may appeal the recommendation to the Zoning Board of Adjustment in accordance with the Municipal Land Use Law (N.J.S.J. 40-55D et seq.), and then to a court of competent jurisdiction as permitted under applicable laws.
- H. The provisions of §42-27B-G shall not be construed to apply to an application for demolition covered by this chapter.

§___-5 Application fees and escrow deposits

- A. Pursuant to N.J.S.A. 40:55D-53.1 and 40:55D-53.2, the City is further entitled to offset the costs of professional services engendered by a development application from escrow deposits.
- (1) Escrow deposits shall be in addition to the application fees and shall be used by the Historic Preservation Commission, Planning Board or the Zoning Board of Adjustment to pay professionals for services rendered for review of applications for demolition, review and preparation of documents, inspection of premises, or other purposes under the provisions of the Municipal Land Use Law. Those application review and inspection charges shall be limited only to

professional charges for review of applications, review and preparation of documents, inspections of buildings proposed for demolition of any degree, adjacent structures as may be required, and the contextual surroundings of the building proposed for demolition, and review by outside consultants when an application is of a nature beyond the scope of expertise of the professionals normally utilized by the City. The only cost that shall be added to any such charges shall be actual out-of-pocket expenses of such professionals or consultants, including normal and typical expenses incurred in processing applications and inspecting improvements. No applicant shall be charged, from escrow, for any municipal, clerical or administrative functions, overhead expenses, meeting room charges or any of the municipal costs and expenses except as provided for specifically by statute, nor shall a municipal professional add any such charge to his or her bill.

- (2) The City shall be entitled to be reimbursed for the following: for the review of applications, both as to completeness and as to content; and for the review and preparation of documents, such as, but not limited to, drafting resolutions, developer's agreements and necessary correspondence with the applicant or applicant's professionals.
- (3) If review costs exceed the escrow deposited, the applicant shall pay the additional amount within 15 days of the request for additional funds. Failure to remit the additional required deposit within the requested timeline shall render the application incomplete, and no further action or proceedings shall be taken by the Historic Preservation Commission, Planning Board or Zoning Board of Adjustment until after compliance. Where the review costs are less than the amount of the escrow deposit, the difference shall be returned to the applicant within 120 days of final disposition of the application.
- (4) A schedule of fees and escrow deposits is hereby adopted by the governing body and attached hereto as Appendix A.
- (5) An application shall be deemed to be incomplete until all application fees and escrow deposits are submitted. Fees and escrow shall be submitted as separate checks, payable to the City of Hoboken, in the amounts indicated on the fee schedule set forth in Appendix A. Where more than one fee category applies, the fee shall equal the combined total of fees required for each type of application.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION THREE: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; is the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION FOUR: EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication as provided by law.

SECTION FIVE: CODIFICATION

This ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Date of Introduction: September 21, 2016

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	/			

Date of 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:

Brian Aloia, Corporation Counsel

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

James Farina, City Clerk

-or-

Approved by the Mayor
On the ____ day of _____ 2016

Dawn Zimmer, Mayor

Vetoed by the Mayor for the following reasons:

CDS

SPONSORED BY: *Peter Cunningham*
SECONDED BY: *[Signature]*

CITY OF HOBOKEN
RESOLUTION NO.: _____

**RESOLUTION REFERRING CERTAIN PROPOSED ORDINANCES
AND/OR AMENDMENTS TO THE PLANNING BOARD OF THE CITY
OF HOBOKEN FOR REVIEW AND RECOMMENDATION**

WHEREAS, pursuant N.J.S.A. 40:55D-26(a), prior to the adoption of a development regulation, revision, or amendment thereto, the Planning Board shall make and transmit to the governing body, within 35 days after referral, a report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning those inconsistencies and any other matters as the board deems appropriate.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that the following Ordinance, by title, read for introduction on this 21st day of September, 2016 shall be sent to the Planning Board of the City of Hoboken for review and recommendation.

- 1. AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF HOBOKEN ADDING NEW CHAPTER ____ - BUILDING DEMOLITION

Meeting Date: September 21, 2016

Councilperson	Yea	Nay	Abstain	No Vote
Ravinder Bhalla	/			
Peter Cunningham	/			
Michael DeFusco	/			
James Doyle	/			
Tiffanie Fisher	/			
David Mello	/			
Ruben Ramos, Jr.	/			
Michael Russo	/			
President Jennifer Giattino	/			

APPROVED:
Quentin Wiest
QUENTIN WIEST
BUSINESS ADMINISTRATOR

APPROVED AS TO FORM:
Brian Aloia
BRIAN ALOIA, ESQ.
CORPORATION COUNSEL