1st reading 4-5-17 (1)

SPONSORED BY:
SECONDED BY:

CITY OF HOBOKEN
ORDINANCE NO.: _____ Z-481

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 OF THE CODE OF THE CITY OF HOBOKEN ENTITLED "PARKING FOR PERSONS WITH DISABILITIES" §192-4 "ENUMERATION OF SPACES" TO APPROVE THE ADDITION OF RESTRICTED HANDICAPPED PARKING SPACES FOR CERTAIN INDIVIDUALS

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

Section 1: The following additions shall be made to Chapter 192 of the Code of the City of Hoboken entitled "Parking for Persons with Disabilities" §192-4 entitled "Enumeration of Spaces" to approve the addition of restricted handicapped parking spaces as follows:

Alfred Siss: 1202 Bloomfield Street- beginning at a point 35 feet north of the northerly curbline of Twelfth Street and extending 22 feet northerly therefrom.

Section 2: 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.

Section 3: 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Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

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

Section 5: All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or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 6: 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 remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 7: This Ordinance shall take effect upon passage and publication as provided by law.

Date of Introduction: April 5, 2017

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 _____, 2017

_____

James Farina, City Clerk

☐ Vetoed by the Mayor for the following reasons: _____

_____

_____

_____

_____

-or-

☐ Approved by the Mayor
On the ___ day of _____, 2017

_____

Dawn Zimmer, Mayor

1st reading 4-5-17 (2)

SPONSORED BY: _____
SECONDED BY: _____

CITY OF HOBOKEN
ORDINANCE NO.: _____ Z-482

ORDINANCE AMENDING BOND ORDINANCE Z-30 OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY

BE IT ORDAINED, by the City Council of the City of Hoboken, County of Hudson, New Jersey ("City") (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The title of Bond Ordinance Z-30, duly adopted by City Council on March 10, 2010 ("Ordinance") is hereby amended to provide as follows:

"AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO VARIOUS CITY PARKS AND BUILDINGS APPROPRIATING $12,000,000 THEREFORE AND PROVIDING FOR THE ISSUANCE OF $12,000,000 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME"

Section 2. Section 3(a) of the Ordinance is hereby amended in its entirety to provide as follows:

"**Section 3(a).** The improvements hereby authorized and the purposes for which said obligations are to be issued are improvements to various City parks including, but not limited to, Castle Point Park, Sinatra Park and the 911 Memorial, and the improvements to various City-owned buildings including, but not limited to, City Firehouses."

Section 3. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the regulations promulgated by the Local Finance Board showing full detail the amended capital budget and capital improvement program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, are on file with the City Clerk and available for public inspection.

Section 4. All other parts of the Ordinance not amended hereby shall remain in full force and effect.

Section 5. All bonds or bond anticipation notes heretofore issued and now outstanding pursuant to the Ordinance, and any moneys expended or any expenses incurred pursuant to appropriations made by the Ordinance, if any, shall be accounted and deemed to have been issued,

expended or incurred pursuant to this ordinance.

Section 6. In accordance with the Local Bond Law, this ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Date of Introduction: April 5, 2017

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 _____, 2017

_____

James Farina, City Clerk

Vetoed by the Mayor for the following reasons: _____

_____

_____

_____

_____

-or-

Approved by the Mayor
On the ___ day of _____, 2017

_____

Dawn Zimmer, Mayor

Statement to be Published with Ordinance After Introduction.

Notice of Pending Ordinance

The ordinance published herewith was introduced and passed upon first reading at a meeting of the City Council of the City of Hoboken, in the County of Hudson, State of New Jersey, on April __, 2017. It will be further considered for final passage, after public hearing thereon, at a meeting of the City Council to be held at City Hall, 94 Washington Street, Hoboken, New Jersey 07030 on _____, 2017 at __:__ P.M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the City Clerk's office for the members of the general public who shall request the same.

_____

JAMES J. FARINA, RMC, City Clerk

Statement to be Published with Ordinance After Final Adoption.

Ordinance Statement

The ordinance published herewith has been finally adopted on _____, 2017 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement.

_____

JAMES J. FARINA, RMC, City Clerk

1st reading
(3) 4-5-17

SPONSORED BY: Peter Cunningham
SECONDED BY: David Mason

CITY OF HOBOKEN
ORDINANCE NO. Z-483

AN ORDINANCE AFFIRMING THE CITY OF HOBOKEN'S COMMITMENT TO THE TERMS OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE FINANCING PROGRAM FOR THE PLANNING AND DESIGN OF NORTHWEST RESILIENCY PARK

WHEREAS, the City of Hoboken (the "City") has acquired approximately 5.14 acres of real property in the northwest quadrant of the City, commonly known as the "BASF Property", located at 1113-1131 Madison Street, Block 103, Lot 7, and 1201 Madison/1200 Adams Street, Block 107, Lot 1 ("collectively, the "Northwest Resiliency Park Site"); and,

WHEREAS, the acquisition of the Northwest Resiliency Park Site is the first phase of a multi-phase water quality project, which first phase was financed with a $31,402,264 New Jersey Environmental Infrastructure Financing Program ("NJEIFP") short-term Construction Financing Program loan, by the New Jersey Environmental Infrastructure Trust (the "NJEIT") to the City, that closed on December 19, 2016 known (the "Short-Term CFP Loan"); and,

WHEREAS, the City's commitment to water quality improvement on the Northwest Resiliency Park Site through the Northwest Resiliency Park Project (as hereinafter defined) is central to the City's eligibility to receive financing through the NJEIFP wherein the City will save approximately $13,273,429 over the term of both the Short-Term CFP Loan and the anticipated long-term financing through the NJEIFP, when compared with non-NJEIFP financing that might otherwise be available to the City; and,

WHEREAS, the attractive financing terms of the Short-Term CFP Loan to the City, as well as the anticipated long-term financing through the NJEIFP, are a product of the participation of the State of New Jersey in the federal Clean Water State Revolving Fund-program of the United States Environmental Protection Agency, as administered in the State of New Jersey by the NJEIT and the New Jersey Department of Environmental Protection (the "NJDEP"); and,

WHEREAS, both the acquisition of the Northwest Resiliency Park Site and the implementation of certain environmental improvements thereon (as such environmental improvements are more fully described below) (the "Northwest Resiliency Park Project") have been determined by the NJEIFP to be eligible for NJEIFP funding due to the fact that the Northwest Resiliency Park Project will include green infrastructure and on-site stormwater management improvements that will prevent water quality impacts from nonpoint sources; and,

WHEREAS, the Northwest Resiliency Park Project will implement environmental improvements consisting of green infrastructure and low-impact development strategies on the Northwest Resiliency Park Site, as and to the extent approved by the NJDEP pursuant to the terms and requirements of the NJEIFP, in order to reduce non-point source pollution, stormwater runoff, localized flooding, and the number of combined sewer overflow events; and,

WHEREAS, implementation of the Northwest Resiliency Park Project on the Northwest Resiliency Park Site, as described in the preceding recitals, is sought by the City in order to relieve the City's overtaxed combined sewer system that collects both sanitary and stormwater flows during rainfall events, and creates open space in an urban environment; and,

WHEREAS, the City shall conduct a public procurement process, in accordance with Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*), to hire an integrated professional Planning, Engineering, LSRP, Urban Design, and Landscape Architecture team to develop and evaluate design alternatives for the Northwest Resiliency Park Project through a full public planning process, all subject to the review and approval of the NJDEP pursuant to the terms and requirements of the NJEIFP; and,

WHEREAS, the design alternatives (i) shall consider strategies to achieve the greatest water quality and stormwater management benefits possible, including, without limitation, a stormwater detention system capable of storing up to 1 million gallons of stormwater, and/or a stormwater detention system that treats rainwater for reuse instead of pumping it to the Hudson River, and (ii) shall comply with the programmatic requirements of the NJEIFP and, in furtherance thereof, shall be subject to the review and approval of the NJDEP pursuant to the terms and requirements of the NJEIFP; and,

WHEREAS, the City intends to seek and apply for financing from the NJEIFP for all of the qualifying costs of the Northwest Resiliency Park Project in anticipation of long-term financing through the NJEIFP, which long-term financing shall, in part, fund the long-term conversion of the currently outstanding Short-Term CFP Loan; and,

WHEREAS, the City is proceeding on an ambitious schedule, under which construction of the Northwest Resiliency Park Project will begin in the Fall of 2019; and,

WHEREAS, the design and permitting process for the Northwest Resiliency Park Project is anticipated to take approximately two (2) years; and,

WHEREAS, the City proposes to temporarily use a portion of the Northwest Resiliency Park Project site (specifically, Block 107) as a "Pop-Up Park" until such time as construction of the Northwest Resiliency Park Project commences (the "Pop-Up Park"); and,

WHEREAS, the Pop-Up Park will facilitate community information and education on the importance of green infrastructure, non-point source pollution reduction, water conservation, and the need for the Northwest Resiliency Park Project; and,

WHEREAS, pursuant to Section 3(e) of the Note issued by the City to the NJEIT pursuant to the Short-Term CFP Loan made by the NJEIT to the City in connection with the purchase of the Northwest Resiliency Park Project Site (the "CFP Note"), the City has agreed to a covenant restriction regarding the use of the Northwest Resiliency Park Project Site; and,

WHEREAS, the CFP Note provides as follows with respect to such covenant restriction applicable to the Northwest Resiliency Park Project Site: "The Environmental Infrastructure System shall at all times comply with the Regulations, and at no time shall the Borrower implement construction on or active use of the real property that is the subject of the Environmental Infrastructure System unless such construction or active use complies with the Regulations or has been approved by NJDEP"; and,

WHEREAS, construction of the proposed Pop-Up Park by the City cannot proceed without the written consent of the NJDEP pursuant to the covenant restriction set forth in Section 3(e) of the CFP Note; and,

WHEREAS, in satisfaction of the provision of Section 3(e) of the CFP Note, the NJDEP has issued a letter, dated March 31, 2017, from NJDEP Assistant Director Eugene Chebra to the City, which letter is attached hereto as Exhibit A and made a part hereof (the "NJDEP Consent"); and,

WHEREAS, the NJDEP Consent identifies specific and limited parameters for the temporary active use of the Northwest Resiliency Park Project Site by the City as a Pop-Up Park until such time as the City is prepared to commence construction of the Northwest Resiliency Park Project; and,

WHEREAS, the NJDEP Consent includes, without limitation, restrictions that prevent any use of the Northwest Resiliency Park Project Site that might result in the disturbance of the asphalt cap that serves as an LSRP-approved engineering control for the Northwest Resiliency Park Project Site, and that any proposal to penetrate the existing cap or that might otherwise compromise the remedial action must be reviewed and approved in advance by (i) the NJDEPs Site Remediation and Waste Management Program and (ii) the NJEIFP; and,

WHEREAS, compliance by the City with the terms and provision of the NJDEP Consent is subject to the covenant obligations of Section 3(e) of the CFP Note and the rights and remedies provided to NJEIT pursuant to the terms of the CFP Note; and,

WHEREAS, because the CFP Note, inclusive of the covenant restrictions set forth in Section 3(e) thereof, was authorized and issued by the City pursuant to an ordinance adopted by the City, acknowledgement of and agreement with the terms and provisions of the NJDEP Consent is required via an ordinance, to be adopted by the City Council.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hoboken, as follows:

Section 1: The City hereby acknowledges, agrees and directs as follow:

a. The City hereby acknowledges (i) the covenant restriction to which it is subject pursuant to Section 3(e) of the CFP Note, (ii) the terms and the provisions of the NJDEP Consent, which NJDEP Consent identifies specific and limited parameters for the temporary active use of the Northwest Resiliency Park Project Site by the City as a Pop-Up Park until such time as the City is prepared to commence construction of the Northwest Resiliency Park Project, (iii) its covenant obligations pursuant to Section 3(e) of the CFP Note to comply with the specific and limited parameters that are set forth in the NJDEP Consent, and (iv) the rights and remedies that are provided to NJEIT pursuant to the terms of the CFP Note in the event that the City fails to comply with the terms of the CFP Note, including, without limitation, Section 3(e) of the CFP Note; and,

b. The City hereby agrees to comply with (i) the covenant restrictions set forth in Section 3(e) of the CFP Note, and (ii) the terms and provisions of the NJDEP Consent as provided by the NJDEP to the City pursuant to Section 3(e) of the CFP Note, and the City shall maintain such compliance during the period in which it holds title to the Northwest Resiliency Park Project Site and shall cooperate with the NJDEP to take such steps as shall be necessary and appropriate, as determined by the NJDEP in its sole and absolute discretion, to ensure that such covenant restrictions run with the land in perpetuity; and

c. The City hereby commits itself to (i) completion of the planning and design of the Northwest Resiliency Park Project and (ii) the commencement of construction of the Northwest Resiliency Park Project, in each case no later than the Fall 2019 (i.e. within three (3) years of closing with respect to the Short-Term CFP Loan by the NJEIT to the City); and,

d. Staff and consultants to the City are hereby authorized and directed to take all administrative actions necessary and appropriate to implement this Ordinance and to accomplish its goals and intent.

Section 2: 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 parts of ordinances now existing or in effect, unless the same being in 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 previously adopted by the Hoboken City Council.

Section 3: The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or phrase thereof, for any reason, shall 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 remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part thereof.

Section 4: This Ordinance shall take effect upon passage and publication as provided by law.

Date of Introduction: April 5, 2017

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 _____, 2017

_____

James Farina, City Clerk

☐ Vetoed by the Mayor for the following reasons:

_____
_____
_____
_____
_____

-or-

☐ Approved by the Mayor
On the ____ day of _____ , 2017

_____

Dawn Zimmer, Mayor

APPENDIX A

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Water Quality
Municipal Finance & Construction Element
Mail Code 401-03D
PO Box 420
Trenton, NJ 08625-0420
Phone 609-633-1170
Fax 609-633-8165

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

March 31, 2017

The Honorable Dawn Zimmer, Mayor
City of Hoboken
94 Washington Street
Hoboken, New Jersey 07030

Subject: New Jersey Environmental Infrastructure Financing Program
Project No. S340635-06; BASF Site Acquisition
City of Hoboken, Hudson County
Temporary Use of the former BASF Site

Dear Mayor Zimmer,

On December 16, 2016, the New Jersey Environmental Infrastructure Financing Program (NJEIFP) authorized the City of Hoboken (City) to execute the agreement to acquire the land parcel commonly known as the BASF Property located at 1113-1131 Madison Street, Block 103 Lot 7 and 1201 Madison/1200 Adams Street, Block 107, Lot 1 as Phase I of a two-phase project. Phase I, the acquisition of the BASF property, was undertaken to preserve open space that will be used for green infrastructure stormwater management features to help reduce combined sewer overflows as part of Phase II. Phase II is for the construction of green infrastructure for sustainable stormwater management (hereafter, the "Project") to help reduce stormwater flows and thus help address a portion of the City's contribution to the North Hudson Sewerage Authorities' long-term control plan goals. The authorization was based upon the "Agreement of Purchase and Sale By and Between Cognis USA LLC as seller and City of Hoboken as buyer", the September 30, 2016 City of Hoboken memorandum from the City of Hoboken Office of the Business Administrator, the December 5, 2016 United States Department of Housing and Urban Development Authorization to Use Grant Funds, and the December 6, 2016 NJEIFP acceptance of the Federal environmental review and "Finding of No Significant Impact".

A condition of the NJEIFP financing of the site acquisition was that the City develop, design and implement the Project to address current stormwater management and combined sewer system overflows via a combination of green infrastructure and stormwater retention facilities. The terms of the NJEIFP short-term financing note stated that "at no time shall the Borrower implement construction on or active use of the real property that is the subject of the Environmental Infrastructure System unless such construction or active use complies with the Regulations or has been approved by NJDEP" and required Project development and implementation within three (3) years of the execution of the short-term financing note.

Subsequent to the site acquisition, the City proposed to temporarily use a portion of the site as a "Pop-Up Park" including temporary fencing, planter boxes, multi-use athletic courts, picnic areas, youth playgrounds and gaming areas. All facilities will be designed to be temporary and easily removed. The City's intent is to beneficially utilize the site while the long-term project is developed.

After review of the Pop-Up Park proposal and discussion with City representatives, the NJEIFP approves the temporary use of a portion of the site as a temporary park provided that the City comply with the following stipulations:

- The City issue a public notification and provide sufficient signage at the Pop-Up Park that the use of the site as a Pop-Up Park is temporary and the long-term use of the site will be for environmental solutions to stormwater and combined sewer issues;
- The City executes a professional services agreement to proceed with the planning and design of the Project and that the terms of that agreement include provisions that the planning and design firm will provide the NJEIFP monthly updates on the progress of the planning and design of the Project including necessary permits and approvals and actively engage with the NJEIFP to answer and address the NJEIFP's concerns related to the Project;
- The City adopts an ordinance within sixty (60) days of this approval reaffirming the City's commitment to the terms of the NJEIFP financing and the use of the site including completion of the Project planning and design and initiation of construction within three (3) years of the execution of the NJEIFP short-term financing note;
- The City properly controls stormwater runoff during the period of the Pop-Up Park's existence;
- The City only implements temporary structures and fixtures that do not penetrate the existing asphalt cap;
- Any proposal to penetrate the existing cap or that might otherwise compromise the remedial action must be reviewed and approved in advance by (i) the NJDEPs Site Remediation and Waste Management Program and (ii) the NJEIFP.

Please note that the NJEIFP's final determination as to the City's eligibility for funding will be made upon the City's satisfaction of all relevant program requirements under N.J.A.C. 7:22-3 et seq.

Please contact Gautam Patel, NJDEP's Chief, Bureau of Environmental, Engineering and Permitting at 609-633-1170 with any questions regarding the above determination.

Sincerely,

Gautam N Patel

for Eugene J. Chebra, P.E., Assistant Director
NJDEP, Municipal Finance and Construction Element

C: Stephen D. Marks, PP, AICP, Municipal Manager, City of Hoboken
Quentin West, Business Administrator, City of Hoboken
Frank Scangarella, Assistant Executive Director/COO, NJEIT
Scott Shymon, Bureau Chief, CP&A
William Machotka, P.E., Section Chief, CS, CP&A

Karen Cole, Section Chief, ERS, BEEP
Charles Jenkins, Section Chief, ES, BEEP

1st reading (4) 4-5-17

SPONSORED BY: _____
SECONDED BY: _____

CITY OF HOBOKEN
ORDINANCE NO.: _____ Z-484

AN ORDINANCE AMENDING VARIOUS SECTIONS OF HOBOKEN CITY CODE CHAPTER 190 ENTITLED "VEHICLES AND TRAFFIC" TO CHANGE CERTAIN PARKING AND TRAFFIC CIRCULATION REGULATIONS IN SOUTHWEST HOBOKEN

WHEREAS, Chapter 190 of the General Code of the City of Hoboken establishes the rules and regulations associated with circulation and curbside management within City borders; and,

WHEREAS, the City's Southwest Park is currently under construction and expected to open to the public in the summer of 2017; and,

WHEREAS, two intersections located adjacent to the future Southwest Park – Jackson Street at Observer Highway and Harrison Street at Observer Highway – are among the highest crash locations in Hoboken; and,

WHEREAS, peak period traffic volumes in southwest Hoboken have long exceeded available roadway capacities, resulting in travel time delays; and,

WHEREAS, the City of Hoboken hired Maser Consulting P.A., and later, Petry Traffic, LLC, to model traffic in southwest Hoboken and develop a plan that reduces delays resulting from traffic congestion and enhances roadway safety in southwest Hoboken for all users; and,

WHEREAS, the plan recommends adding traffic signals to three intersections, including Jackson Street at Observer Highway, Harrison Street at Observer Highway, and Madison Street at Observer Highway, and optimization of the existing Hudson-Bergen Light Rail crossing signal at Paterson Avenue and Marshall Street; and,

WHEREAS, the plan recommends converting two blocks of Paterson Avenue from two-way traffic to one-way traffic, which, combined with the new traffic signals, would substantially improve traffic flow into and out of southwest Hoboken and accommodate new on-street parking spaces that would buffer Southwest Park from vehicular traffic; and,

WHEREAS, converting Paterson Avenue from two-way to one-way between Monroe Street and Harrison Street is also recommended in the Hoboken-Jersey City Subregional Connectivity Study, which was commissioned by Hudson County and funded by the North Jersey Transportation Planning Authority (NJTPA) in 2011 with the goal of improving mobility for local and regional traffic in northeast Jersey City and southwest Hoboken; and,

WHEREAS, the plan recommends the removal of on-street parking and bicycle lane on the east side of Jackson Street between Newark Street and Observer Highway in order to add a second northbound travel lane on Jackson Street; and,

WHEREAS, the plan recommends adding a second turning lane on Madison Street between Newark Street and Observer Highway which would allow vehicles to go left, right, or straight from Madison Street and greatly reduce vehicular volumes turning onto Jackson Street; and;

WHEREAS, the plan recommends restriping the Jersey Avenue-Newark Street gateway into Hoboken from two travel lanes to four travel lanes and converting the southbound approach of Harrison Street at Newark Street from a stop-controlled intersection to a yield-controlled intersection with a channelized right turn slip lane; and,

WHEREAS, the plan recommends adding curbside loading zones to facilitate commercial deliveries without impeding traffic flow; and,

WHEREAS, the plan would improve connectivity for vehicular traffic between Hoboken, Jersey City, and Union City, improve pedestrian access throughout southwest Hoboken, and result in a net increase in on-street parking; and,

WHEREAS, the plan would result in a net increase of on-street parking spaces; and,

WHEREAS, according to Synchro and SimTraffic modelling of project future traffic volumes in southwest Hoboken combined with recommended traffic improvements, the Southwest Traffic Improvement Plan is estimated to reduce delay by up to 28%; and,

WHEREAS, in order to effectuate the Southwest Traffic Improvement Plan, certain changes must be made to Chapter 190 of the Hoboken City Code; and,

WHEREAS, all elements of the Southwest Traffic Improvement Plan are consistent with state and federal design standards, including the Federal Highway Administration's (FHWA) Manual of Uniform Traffic Control Devices (MUTCD), American Association of State Highway and Transportation Officials' (AASHTO) Guide for the Development of Bicycle Facilities (4th Edition), NJ Department of Transportation's (NJDOT) Roadway Design Manual, the Institute of Transportation Engineers' (ITE) Designing Walkable Thoroughfares, and the National Association of City Transportation Officials (NACTO) Urban Street Design Guide and Urban Bikeway Design Guide, which were unanimously approved by City Council in 2013 as the official design guides to be used by City transportation officials, planners, and engineers when designing road projects within the City of Hoboken.

NOW, THEREFORE, the City Council of the City of Hoboken does hereby Ordain as follows (additions noted in underline, ~~deletions noted in strikethrough~~):

SECTION ONE: AMENDMENTS TO HOBOKEN CODE CHAPTER 190

§ 190-6. No stopping or standing.

B. Stopping or standing prohibited at any time. In accordance with the provisions of this subsection, no person shall stop or stand a vehicle at any time upon any of the following described streets or parts of streets:

Name of Street	Side	Limits
~~Observer Highway~~	~~North~~	~~Beginning at the westerly curbline of Jackson Street and extending to the western boundary line~~
Harrison Street	West	Beginning at the southerly curbline of Paterson Avenue and extending to the northerly curbline of Observer Highway
Jackson Street	East	Beginning at the northerly curbline of Newark Street and extending to the southerly curbline of Paterson Avenue
Madison Street	Both	Beginning at the northerly curbline of Newark Street and extending to the southerly curbline of Observer Highway
Observer Highway	Both	Beginning at the westerly curbline of Jefferson Street and extending to the easterly curbline of Monroe Street
Observer Highway	North	Beginning at the westerly curbline of Paterson Avenue and extending to the easterly curbline of Jackson Street
Observer Highway	Both	Beginning at the westerly curbline of Harrison Street and extending to the western boundary line

§ 190-7. One-way streets designated.

In accordance with the provisions of this 190-7, the herein described streets or parts thereof are hereby designated as one-way streets in the direction indicated. All other streets not listed herein shall be considered two-way streets.

Name of Street	Direction of Travel	Limits
Paterson Avenue	Northbound	Monroe Street to Harrison Street

§ 190-11. Loading zones.

The locations described are hereby designated as Loading Zones. No person shall park a vehicle in said location during the times indicated other than for the loading or unloading of goods and materials for a time limit of 20 minutes.

Name of Street	Times	Sides	Location

Harrison Street	All times	East	Beginning at a point 30 feet south of the southerly curbline of Observer Highway and extending 60 feet southerly therefrom
Jackson Street	All times	West	Beginning at a point 40 feet south of the southerly curbline of Observer Highway and extending 60 feet southerly therefrom
Observer Highway	9:00a.m. to 4:00p.m. Monday through Saturday	South	Beginning at a point 40 feet east of the easterly curbline of Harrison Street and extending 200 feet easterly therefrom

§ 190-13. Bus stops.

The locations described are hereby designated as bus stops. No vehicle other than an omnibus picking up or discharging passengers shall be permitted to occupy said location between the hours indicated. All others will be towed.

K. Paterson Avenue (H.C. Rd. No. 681), eastbound, on the southerly side at:

Street/Location	Hours/Days
~~Harrison Street (far side), beginning at the easterly curbline of Harrison Street and extending 100 feet easterly therefrom on the grass traffic triangle~~	~~All~~
Harrison Street (near side), beginning at a point 60 feet west of the westerly curbline of Harrison Street and extending 100 feet westerly therefrom	All

§ 190-14. Left turns prohibited.

In accordance with the provisions of this §190-14, no person shall make a left turn at the herein described locations:

Intersection	Location	Direction	Exclusions
Newark Street at Madison Street	Newark Street	Eastbound on Newark Street to northbound on Madison Street	None

§ 190-18. Lane use restrictions.

In accordance with the provisions of this §190-18, all vehicles shall move in the directions as indicated herein:

P. Madison Street between Newark Street and Observer Highway

(1) The left lane of the northerly approach shall be for left only.

Q. Harrison Street between Paterson Avenue and Observer Highway

(1) The left lane of the southerly approach shall be for right only.

R. Newark Street between Henderson Street and Madison Street

(1) The right lane of the westerly approach shall be for right only.

§ 190-25. Installation of traffic signals.

In accordance with the provisions of this §190-25, traffic control signals will be installed and maintained at the herein described intersections:

Name of Street	At Intersection of	Type	Approval Date
Observer Highway	Harrison Street	Automated	Two days after effective date
Observer Highway	Jackson Street	Automated	Two days after effective date
Observer Highway	Madison Street	Automated	Two days after effective date

§ 190-29.9. Conditional time limit parking locations and fees.

In accordance with the provisions of this Article XVII, no person without a valid parking permit issued by the City of Hoboken Parking Utility shall park or stand a vehicle for longer than the time limit posted upon any of the herein described streets or parts of streets; persons with a valid parking permit issued by the City of Hoboken Parking Utility may park and stand a vehicle upon any of the herein described streets or parts of streets without being subject to the provisions of Article XVII:

Street Location	Side	Hours/Time Limits	Rate
Jackson Street from Observer Highway to Paterson Avenue	West	9:00 a.m. to 9:00 p.m./4.0 hours	$0.25/15 min.
Observer Highway from Harrison Street to Jackson Street	North	9:00 a.m. to 9:00 p.m./4.0 hours	$0.25/15 min.
Paterson Avenue from Observer Highway to Marshall Street	South	9:00 a.m. to 9:00 p.m./4.0 hours	$0.25/15 min.

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; 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 immediately 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: April 5, 2017

Introduction:

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

Final Reading:

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

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 _____, 2017

_____
James Farina, City Clerk

☐ Vetoed by the Mayor for the following reasons: _____

-or-

☐ Approved by the Mayor
On the ___ day of _____, 2017

_____
Dawn Zimmer, Mayor

1st reading (5)

4-5-17

SPONSORED BY: Peter H. Cunningham

SECONDED BY:

CITY OF HOBOKEN
ORDINANCE NO.: _____ Z-485

AN ORDINANCE AMENDING THE NORTHWEST REDEVELOPMENT PLAN AND APPENDIX A OF CHAPTER 196 OF THE CODE OF THE CITY OF HOBOKEN

WHEREAS, by Ordinance adopted May 20, 1998, the City Council of the City of Hoboken ("City Council") adopted a Redevelopment Plan known as the Northwest Redevelopment Plan, which has been amended from time to time, most recently on August 3, 2016, for the redevelopment of an area in the City of Hoboken known as the Northwest Industrial Area ("Northwest Redevelopment Plan"), which area was determined to be an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law ("Redevelopment Law"), N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, the City Council has prepared certain proposed amendments to the Northwest Redevelopment Plan which identify those public utilities that allow for raised infrastructure or provide power, light or heat to the public, as a permitted land use within Zone 3, and revise certain Urban Design Guidelines applicable to such public utilities; and

WHEREAS, the proposed amendments are not only generally in furtherance of the overall redevelopment of the Northwest Industrial Area but will also permit the facilitation of a land swap between the City and the Public Service Electric & Gas Company ("PSE&G") as further set forth in the Resolution of the City Council adopted on September 7, 2016 Authorizing the Execution of a Letter of Intent with PSE&G which contemplates, *inter alia,* that: PSE&G will remediate and redevelop the real property located upon Block 102, Lot 1 by constructing a new Electric and Gas Substation; and PSE&G will remediate and convey the real property located upon Block 35, Lots 1, 2, 3, 4.01 and 5.01 and Block 35, Lots 33, 34, 35 and 36 to the City to be utilized as public open space; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, the proposed amendments to the Northwest Redevelopment Plan were referred to the Planning Board for review and recommendations; and

WHEREAS, the City Council has reviewed and considered the recommendations of the Planning Board regarding the proposed amendments to the Northwest Redevelopment Plan; and

WHEREAS, the proposed amendments to the Northwest Redevelopment Plan meet the statutory requirements of, and can be adopted in accordance with, the applicable provision of the Redevelopment Law.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Hoboken as follows:

SECTION ONE: AMENDMENT

ZONING

196 Attachment 1

City of Hoboken

Appendix A
Redevelopment Plan for the Northwest Industrial Area

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOBOKEN ADOPTING THE REDEVELOPMENT PLAN FOR THE NORTHWEST INDUSTRIAL AREA **[Ordinance No. R-318; amended 2-2-2000 by Ord. No. R416; 9-6-2000 by Ord. No. R-452; 6-6-2001 By Ord. No. R-485; 3-2-2005 by Ord. No. DR-183; 10-4-2006 by Ord. No. DR-275; 12-6-2006 by Ord. No. DR-285]**

WHEREAS the City Council's ad hoc Committee on Development had concluded that the area of the City shown on the City's zoning map as the I-1 zoning district south of Fourteenth Street had experienced significant erosion in assessed property values from 1990 forward as well as continuing erosion in manufacturing jobs; and

WHEREAS the revised Land Use Plan Element of the City's master plan had recommended in 1986 that the I-1 designation be re-considered if no comprehensive industrial retention program had been initiated; and

WHEREAS the City Council therefore adopted resolutions on February 7, 1996 and September 17, 1997 authorizing the Planning Board to conduct a preliminary blight investigation study of said I-1 zoning district south of Fourteenth Street (the "Study Area") pursuant to NJSA 40A:12A-5 to determine whether the area was an "area in need of redevelopment" and further authorized the Planning Board to prepare a redevelopment plan pursuant to NJSA 40A:12A-7a et seq. if such a finding was made; and

WHEREAS the Planning Board engaged the planning firm of Vandor + Vandor (the "Consultant") to provide the necessary planning expertise to assist the City in conducting the blight investigation of the Study Area and to prepare a redevelopment plan for the Study Area or any portion of it found to be an "area in need of redevelopment"; and

WHEREAS the Planning Board held a public hearing on April 29, 1998 on the results of the blight investigation following public notice and notification of property owners pursuant to NJSA 40A:12A-6; and

WHEREAS the Planning Board at its regular meeting on May 5, 1998 adopted the recommendations of the Consultant as to the proposed boundary for the redevelopment area after determining that Block 89, Lots 22-26 should be an outparcel and further adopted the redevelopment plan prepared by the Consultant entitled the "Northwest Redevelopment Plan"; and

WHEREAS the Planning Board has referred said redevelopment plan to the Council for its adoption pursuant to NJSA 40A:12A-7.

WHEREAS, upon review of the Redevelopment Plan, the City Council makes the following findings with respect to said Redevelopment Plan:

1. The Redevelopment Plan will provide broad general guidelines for a comprehensive renewal program for the City's northwest industrial area which is intended to revitalize the area.

2. The rationale for the Redevelopment Plan, set forth in Pages 3-8 and incorporated herein by reference, will permit the City to transform the uses and thus revitalize the northwest industrial area.

3. The Redevelopment Plan provides an outline for the replanning, development or redevelopment of the Redevelopment Area sufficient to indicate the Redevelopment Plan's relation to the goals or objectives set forth above and set forth in the Plan itself.

4. The Redevelopment Plan is structured to build on the existing strengths of the area, to coordinate and promote retail, light commercial and residential development compatible with the scale and texture characteristic of Hoboken.

5. The Redevelopment Plan recommendations, with regard to the following general aspects of development, are reasonable: (a) Land Use Plan; (b) Vehicular Circulation Plan; (c) Pedestrian Circulation; (d) Parking Plan; (e) Open Space (f) Utilities Plan; and (g) Density/Bulk Controls.

6. The recommendations of the Redevelopment Plan with regard to land uses and building requirements in the Northwest Industrial Area are reasonable ways of effectuating the goals set forth in the Redevelopment Plan.

7. The Redevelopment Plan provides an outline for redevelopment sufficient to indicate provisions for relocation of commercial tenants, in those cases where relocations become necessary.

8. The land uses, densities and other recommended aspects of development are consistent with the Master Plan.

9. The City will derive benefits from the development recommended in the Redevelopment Plan. The effectuation of the Redevelopment Plan would help the City to revitalize an underused and blighted former industrial area.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN that, based upon the City Council's review and study of the Redevelopment Plan, the Mayor and Council hereby adopts the Redevelopment Plan annexed hereto as the Redevelopment Plan for the Northwest Industrial Area, and

BE IT FURTHER ORDAINED, that the Zoning Map of the City of Hoboken is hereby amended to indicate the Redevelopment Area as outlined in the map attached to and made part of the Northwest Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7.

PASSED: 5-20-1998

President of the Council
APPROVED: 5-21-1998
/s/___

Anthony Russo, Mayor

/s/
James J. Farina, City Clerk

COUNCIL AUTHORIZATION

Pursuant to resolutions adopted by the City Council on February 7, 1996 and September 17, 1997, the Council concluded that the city's I-1 industrial zoning district south of 14th Street had experienced a loss in tax assessment levels as well as jobs. Furthermore, a statement in the 1986 Reexamination Report and Revised Land Use Plan Element of the city's Master Plan concluded that there would be no reason to continue the I-1 designation in the absence of a "comprehensive district renewal program" within two years (i.e., by 1988). The Planning Board was therefore authorized to conduct a blight investigation of the said area in order to determine whether the area was in need of redevelopment pursuant to the criteria identified in N.J.S.A. 40A:12A-5. The Board was further authorized to prepare a Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7a through 40A:12A-7d if such a finding was made. The Planning Board completed its blight investigation study of the subject area and scheduled a public hearing on the findings for April 29, 1998.

BLIGHT INVESTIGATION STUDY

Study Area Description

The study area is located in the northwestern industrial area of the city currently designated I-1 on the zoning map. The 14th St. viaduct forms the northern boundary of the study area, the city boundary with Union City and Jersey City forms the western boundary, while the step-shaped boundary separating the I-1 zoning district from the adjacent R-2 and R-3 districts (moving in a northeasterly direction from 7th St. to 14th St.) forms the remaining boundary. The balance of the existing I-1 zoning district north of 14th St. was not part of the study area.

The study area is approximately 72 acres in size and is comprised of approximately 24 blocks. Several of the blocks are at least double size ranging in size from 60,000 square feet to 180,000 square feet resulting from earlier attempts to create a more workable industrial district by demapping streets to create large sites. Some of the blocks along the western municipal boundary are irregular in shape and contain some railroad trackage owned by New Jersey Junction Railroad.

Survey of Conditions

The land use survey found that "at least nine of the blocks have substantial levels (greater than 75%) of undeveloped land which are unused or are used for parking or open storage or which contain the remains of earlier building foundations. Some of the vacancy has been present for more than 10 years. At least 10 of the blocks have buildings that appear inactive or abandoned. The area as a whole appears to be suffering from a substantial degree of long-standing vacancy of land, commercial and industrial building abandonment, lack of maintenance and a general sense of stagnancy and under-utilization." In addition, "the examination of tax assessments and labor data supported the observations of the survey."

Change in Tax Assessments, Employment Characteristics

The entire I-1 zone below 14th Street suffered an erosion in its assessed valuation of 26% (more than $19,000,000) between 1990 and 1997 as a result of repeated successful tax appeals. When the sites which have lost value are isolated from the total, the loss represents 31% of their assessed value.

Within the study area there are no properties owned by the city of Hoboken or by Hudson County. There are however a number of parcels along the municipal boundary within Blocks 80, 86, 92, 97, 101, 105 and 111 which are owned by the New Jersey Junction Railroad. Those properties are tax- exempt. Public Service Electric and Gas owns Lot 7 (formerly Lots 9-24) of Block 102. Its transformer station occupies the northern half of that block along 12th St. between Monroe and Madison St. That property is not tax-exempt. All remaining properties in the study area are privately owned, in many cases as large tracts comprising one-quarter of a block or more.

New Jersey Department of Labor statistics were examined as to manufacturing jobs in the city. The city was once a manufacturing powerhouse with more than 15,000 manufacturing jobs in 1966. This declined to around 2,000 in 1996. Hudson County experienced a similar if slightly less dramatic decline and NJDOL projected that the county will lose an additional 30% of its manufacturing jobs between 1994 and 2005. These projections are based on trends which have been documented regionally as well as nationally.

Blocks Found to Be In Need of Redevelopment

As a result of the blight investigation study, the following blocks were found, in whole or in part, to be in need of redevelopment pursuant to the criteria of N.J.S.A. 40A:12A-1 et seq.

The following 15 blocks, seen as a whole, meet at least one of the criteria:

Blocks 86, 87, 88, 89, 94 (includes B.98), 99, 100, 104, 109, 110, 114, 115, 150, 151, 156 (Lot 6)

The following 3 blocks, in part, meet at least one of the criteria:

Blocks 102 (Lots 1-6, 27-32)
103 (Lots 1-6, 27-32)
113 (Lots 11-22)

The following 2 blocks do not technically meet the criteria for an area in need of redevelopment but are recommended for inclusion pursuant to N.J.S.A. 40A:12A-3:

Blocks 80 (includes B.81), 95

The following site is recommended as an outparcel from both the blight designation and the redevelopment plan:

Block 89 (Lots 22-26)

REDEVELOPMENT PLAN

Rationale

By all measures, the city's economy is no longer driven by the manufacturing/transportation sector. Moreover, the drop in assessed value of properties in the I-1 zone south of 14th St. indicates an increasingly stagnant condition. The success of so many tax appeals would appear to be due in large part to the increasing lack of utilization of manufacturing sites as industrial jobs flee the city, county and region. While some sites are not obviously dilapidated or obsolete, they are most likely substantially underutilized relative to the uses for which they were built.

Both Hoboken and Hudson County reflect the larger economy, one which is driven by the retail/finance/service sectors. In 1966 there were 3500 jobs in that combined sector in Hoboken. By 1996 the number of jobs had more than doubled to 7900. While local employment in those sectors may not fully reach the level of manufacturing jobs in the '60's, such jobs have increased markedly and are expected to increase in the years to come.

With the end of the sewer moratorium and the improvements in the economy, demand to create housing in Hoboken is at an all-time high. The City would like to take advantage of the twin demands for housing and for white collar jobs in a measured fashion while reversing the erosion in its tax base. Based on the Planning Board's findings that the blocks listed above are in need of redevelopment, the Proposed Redevelopment Plan below has been prepared pursuant to the resolution of the City Council of September 17, 1997 and pursuant to N.J.S.A. 40A:12A-7. The Plan's objectives are based on the objectives highlighted in the text below as expressed in earlier Planning Board master plan documents and the city's zoning ordinance.

In general the Plan attempts to improve the city's tax base, create locations for new job opportunities of a type which are currently in demand, allow a limited amount of enlargement of existing non-residential uses where it is related to job expansion, create a reasonable level of residential density tied directly to provision of parking (based on a 1:1 ratio of parking spaces to dwelling units), create opportunities for large-scale retail (such as supermarkets), and encourage development of much needed public parking garages.

The Plan recognizes that because of the potential of contaminated soil, it is likely that some sites will be subject by NJDEPE to soil excavation and/or capping to allow for residential use. Consequently, it is anticipated that most sites will be more developable by allowing full coverage garage bases. In order to ensure that each site creates rear yard recreation equivalents for site residents, the garage roofs are required to be fully landscaped and made accessible for use by the occupants of the site.

To encourage creation of public recreation space on private property, developers are being given an opportunity to gain bonus floor area for dwelling units in a 1:1 ratio (up to a limit as specified in the bulk regulations) by providing either publicly accessible open space or publicly accessible unprogrammed interior recreation space (to be available without a fee). No parking will be required for the dwelling units created in this way.

At the same time, urban design guidelines are provided to ensure that the new neighborhoods that will be created in this former industrial area will have lively streetscapes lined with trees, blockfronts punctuated only infrequently by curbcuts, and streetwalls marked by windows, doors, stoops, small-scale retail and other active uses to ensure safety and visual variety and interest.

Relationship To Local Objectives

Pursuant to the requirements of the redevelopment law, all local development regulations have been examined to establish what current goals and methodologies are being used by the city to guide development. Each adopted master plan element and Reexamination Report was reviewed as well as the most recently submitted Reexamination Report. The zoning/site plan ordinance (including its most recent amendment adopted 2-18-1998) and the subdivision ordinance were also reviewed.

REEXAMINATION REPORT: adopted May 6, 1986
MASTER PLAN REVIEW STATEMENT: REVISED LAND USE PLAN ELEMENT

The Revised Land Use Plan of 1986 recommended continuing the I-1 industrial designation but permitting large-scale residential uses with associated retail along the waterfront. The Report also mentioned the need for a "comprehensive industrial retention and development program" for the remaining I-1 zoning district. It stated very clearly, however, that "unless there is significant progress on a rigorous comprehensive district renewal program within two years (i.e. 1988), including financing and development plans, there will be no reasons for recommending continuation of the westerly portion of the I-1 district."

The report also recommended pushing building heights of more than 8 or 10 stories to the southern or eastern perimeter of the city to create a "finished edge" and to take the pressure off the interior of the city. The Report further discussed the parking problem recommending elimination of any "forgiveness" of off-street parking.

Since that time, parking forgiveness was eliminated, the I-l(W) waterfront district was created allowing 12-story high residential buildings along the eastern edge of the city. No industrial retention program was initiated.

REEXAMINATION REPORT: adopted February 7, 1995

The report remarked on the Circulation and Parking Plan Element's general philosophy of preservation of the city's "stoop life" by preventing actions which would facilitate traffic movements through the city's heavily residential interior streets and by discouraging the creation of more driveways and curb cuts along residential blocks. The CPPE pointed out that car ownership had continued to increase and parking remained problematic from a circulation, safety and urban design perspective.

The report also recommended that the zoning be revised to consider more creative and effective parking solutions for various residential and commercial land uses, to reinforce policies against open rear yard parking and excessive curb cuts in residential zoning districts, and to revise the design standards for parking spaces to acknowledge the increased use of compact cars.

Other issues of concern included lack of open space for recreation and high taxes increasingly carried by the city's residents as the manufacturing base continues to shrink; to retain as much of the non-residential tax base as possible; maintaining general urban design objectives of balancing urban scale, tax revenue potential and provision of reasonable ranges of parking for new construction.

In February 1998, the residential zoning was revised to reduce density (and thus parking demand) by reducing maximum building height from five residential floors over one of parking to four residential floors over parking, to limit curbcuts and prohibit curbcuts altogether in the R-l zoning district to both

preserve urban design qualities and also restore a measure of safety to the sidewalks. The recent amendments prohibit open rear yard parking and propose new standards for parking.

REEXAMINATION REPORT: submitted April 7, 1998

The Report reiterated the recommendation to discontinue the I-1 zoning designation. It concluded that there is more interest in developing residential use than industrial use in the area. Sites that have been vacant for more than ten years have become particularly attractive. The city can choose to pursue either a re-zoning or a Redevelopment Plan. However, the Redevelopment Plan would bring with it the option of using eminent domain to help assemble sites or to acquire sites for municipal purposes. It would also allow the city to issue bonds, offer credit to developers, make plans for voluntary repair or enforce regulations for compulsory repair, etc.

In either case, the area should be thought of in a manner similar to the I-1(W) – an opportunity to introduce large-scale residential with other uses such as retail, parking garages, commercial recreation, etc. In order not to exacerbate the city's parking problem, every project should provide 100% of its required parking. Guidelines should also be provided which will ensure that the streetscape will be pedestrian-friendly, well landscaped and marked by real activity in the form of small retail locations in corner locations as well as a variety of non-residential uses.

Land Use Plan Element: The Report recommended changing the objectives as follows: discontinue the I-1 designation at least south of 14th Street; consider mixed use for I-1 including residential and non-residential uses; continue review of remaining industrial zones for redevelopment designation or re-zoning.

The Planning Board clearly recognized from 1986 forward that the local and regional economy had shifted away from manufacturing and towards the service sector. The Board had recommended industrial retention programs but recognized that such a program might not happen. The Board understood that if demand for areas in industrial zones was turning to residential and other nonindustrial use, it is better to plan to accommodate it rather than leave it to chance. At the same time, the Board always recognized that there needs to be a balance in the tax base between places to live and places to work and that consideration must always be made for proper levels of parking while preserving and creating a lively urban streetscape.

Relationship to Local Development Regulations.

The Plan will supersede the underlying zoning except as indicated. Urban design guidelines will be applied to all development within the redevelopment area, unless otherwise provided. A program of code enforcement will be instituted to encourage voluntary repair and rehabilitation of buildings. The affordable housing development standards and requirements set forth in Chapter 65A. of the Code of the City of Hoboken are incorporated herein by reference and are applicable to development within the redevelopment area in accordance with their terms.

Existing uses not permitted in the Plan will be allowed to continue their operations and make improvements. Expansion of the physical plant will not be permitted except where it has been designed to increase employment opportunities on-site. The subject property owner may request concept review at the Planning Board to demonstrate whether the proposed expansion will significantly increase employment (new employment must equal at least 1 employee per 1,000 square feet of new floor area). If the Board agrees, it may approve (subject to site plan approval) a maximum increase up to 25% of the floor area in existence at the time of the adoption of the plan. Certificates of occupancy will not be granted until hiring is completed.

Sites granted use variances prior to the adoption of the Plan will have the option to build pursuant to their approvals (subject to all other relevant municipal or state regulations regarding such variances) or may apply to the Planning Board with a new development scheme conforming to the Redevelopment Plan.

Sites on Blocks 80/81 and 95 which have been included pursuant to 40A:12A-3 have the option to build pursuant to the underlying zoning or pursuant to the Redevelopment Plan. The Plan's urban design guidelines will apply to both options.

Designated Redevelopers

Only redevelopers designated by the City as the designated redeveloper for property located within the Northwest Industrial Redevelopment Area may seek land use approval and/or develop such property. Neither the City of Hoboken Planning Board nor the City of Hoboken Zoning Board of Adjustment shall have jurisdiction to accept, hear, consider or decide an application for site plan, subdivision or variance approval unless and until the applicant for such application has been designated by the City of Hoboken as the designated redeveloper for the subject property. No application for site plan, subdivision or variance approval relating to property located within the Northwest Industrial Redevelopment Area may be deemed complete by the Planning Board or Zoning Board of Adjustment unless and until the applicant for such application has been designated as the designated redeveloper of the property by the City of Hoboken. The foregoing shall not apply to prohibit any land use application to proceed before or obtain any approval(s) from the City of Hoboken Planning Board or Zoning Board at any time after a Certificate of Completion has been issued by the City of Hoboken with regard to any redevelopment project and the property is no longer deemed to be in need of redevelopment.

Deviations From Redevelopment Plan

The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property. The Planning Board may also grant such relief in any application relating to a specific piece of property, where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments.

No relief may be granted under terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan.

Property Acquisition Plan

The City has no plan to acquire property for municipal use at this time. However, the City may act as outlined in the Observer Highway Redevelopment Plan's "Property Acquisition and Relocation Plan." That is to say, the City may seek to negotiate contracts of sale of privately-held parcels of land within the redevelopment area to enable consolidation of redevelopment sites. If such contracts are executed, they shall be assigned to the developer who is selected to develop the area.

Should negotiation fail, the City Council, acting as redevelopment agency, shall condemn all privately-held parcels of property within the subject portion of the redevelopment area on behalf of the selected

developer pending the deposit of cash or a letter of credit with the City by the developer equal to the value of such parcel as determined by appraisal. Such money shall be used to purchase the property. The developer also must agree to pay the difference between that appraisal price and a court-determined final condemnation award as well as the relocation costs of any businesses or individuals affected by the condemnation, according to the standards of state ***or*** federal law, whichever is applicable. Such condemnation shall be subject to all requirements of state and federal law.

The selected developer shall be responsible for the payment of all costs that may arise from the requirements of the Industrial Site Recovery Act (ISRA) of the State of New Jersey, N.J.S.A. 13:1K- 6 et seq.

Relocation Plan

Within the blocks that were determined to be in need of redevelopment (all of which are zoned for industrial use), there are only a few non-conforming residential buildings. Block 114 has a single non-conforming residence that appeared to be abandoned. Lots 22-26 of Block 89 are occupied by the condominium "James Place" which has been designated an outparcel (i.e. it will be exempt from both the blight designation and the requirements of the redevelopment plan). Block 95 has several active non-conforming residences. Redevelopers will be responsible for any relocation costs.

Governing Body's Powers to Carry Out Redevelopment Plan

The city's powers to effect the Redevelopment Plan include the following:

The authority to issue bonds to undertake redevelopment projects

The authority to acquire property, including the authority to use eminent domain (condemnation)

The authority to clear land, construct or install infrastructure and/or site improvements

Prepare or arrange for professional services and plan

Arrange or contract with public agencies or private redevelopers for any project, infrastructure or redevelopment work

Collection of revenues from redevelopers

Extension of credit

Lease or convey land or improvements to any other party without public bidding and at prices and terms it deems reasonable to effect the Redevelopment Plan

Enter into any building or property to conduct investigations or make surveys in furtherance of the redevelopment Plan

Arrange or contract for relocation of residents, industry or commerce displaced by redevelopment activities

Make plans for voluntary repair and rehabilitation of buildings

Make plans for enforcement of regulations relating to use and occupancy of buildings and improvements, including regulations for compulsory repair, rehabilitation, demolition or removal.

LAND USE AND BUILDING BULK REGULATIONS, APPLICATION AND INTERPRETATION

The plan area will be subdivided into Zones 1, 2 & 3. Zones 1 & 2 will permit residential use, Zone 3 will not. The primary difference between Zones 1 & 2 will be the building configuration possible for residential. A set of urban design guidelines is included in the plan and will apply to all new construction and substantial rehabilitation unless otherwise specified. Minimum site size is 10,000 square feet unless otherwise specified.

Residential buildings, both principal and accessory, shall be constructed only within the boundaries of Zones 1 & 2 which permit residential use. Where a property owner owns and develops adjacent lots which overlap a residential and non-residential zone, no part of the principal or accessory residential building (e.g. accessory parking) shall be located within the abutting non-residential zone (Zone 3). Public recreation space created to generate bonus residential units shall be located on the same lots as the principal residential building receiving the bonus (i.e. only within the boundaries of Zone 1 or Zone 2) unless granted a special exception by the City Council or as indicated below in the sub-zone regulations and in the Urban Design Guidelines.

Permitted Land Uses — All Areas

The following uses are currently permitted in the underlying I-1 zone and may continue to be created as new uses or may be expanded (all other uses now listed in § 196-17B(1) and D(1) of the Hoboken Zoning Ordinance as permitted or conditional uses are not permitted under the Plan but may continue as non-conforming uses and may be rehabilitated but not expanded unless specifically permitted under the Plan); parking and loading requirement is pursuant to § 196-44 & § 196-45 unless otherwise indicated.

See Urban Design Guidelines: General Building Bulk and Yard Requirements for application of street setbacks and yard locations.

Office/research labs:

Building height: 60 feet (4 floors at 50 feet total, over one floor of parking at 10 feet)

Yards, Minimum: street setback requirements per guidelines; rear — zero feet up to 10 feet above grade; 20 feet for floors housing principal use above 10 feet; open rear yard parking permitted with trellis covering or trees to buffer view from above on adjacent properties or enclosed parking, see lot coverage below.

Lot coverage — 70% for floors housing the principal use; 90% for parking floor.

Factory Outlet stores (free-standing)

Building height: 40 feet (2 floors at 15 feet per floor, over one floor of parking at 10 feet)

Yards, Minimum: street setback requirements per guidelines; rear – up to 10 feet above grade; 20 feet for floors housing principal use above 10 feet; open rear yard parking permitted with trellis covering or trees to buffer view from above on adjacent properties or enclosed parking, see lot coverage below.

Lot coverage — 70% for floors housing the principal use; 90% for parking floor

Public parking garages:

Building height, max.: 60 feet

Yards, Minimum: street setback requirements per guidelines, 0 feet up to 10 feet above grade, five feet for remaining floors.

Lot coverage, max.: 90%

USES PERMITTED PER THE PLAN; PARKING REQUIREMENTS

Minimum site size is 10,000 square feet unless otherwise specified. Minimum parking is required pursuant to § 196-44 unless otherwise specified.

Accessory parking for residential buildings shall be located as described above; accessory parking for nonresidential uses located on floors above the ground floor shall be satisfied on-site except as otherwise specified; retail or office uses which serve as required "activity areas" in corners of building base will not require parking if each gross area is less than 1,000 square feet; all other nonresidential uses located on the groundfloor may satisfy their parking requirement on or off-site (at a public parking facility within 800 feet).

Small scale retail: permitted on groundfloor of all buildings in all sub-zones of the Plan area; required for corners of large-scale residential projects; limit of 1,000 square feet of customer service area only when located on groundfloor of residential buildings.

Commercial recreation: (uses such as health clubs, gyms, billiards, bowling, skating, indoor play places for children, etc.); parking required per § 196-44 or at current industry standards for urban locations. **[Amended 10-4-2006 by Ord. No. DR-275]**

Bars/restaurants/sidewalk cafes: 1,000 square feet limit for customer service area, except as otherwise specified, sidewalk cafes per City Code; parking required at one space per four persons permitted pursuant to maximum occupancy code.

Professional & business offices/instructional & other educational uses.

Community facilities: uses such as educational facilities, daycare centers, charter schools and other social, recreational or cultural activities owned or operated by governmental or nonprofit organizations.

Studios:

In Nonresidential Buildings (a building with more than 51% of its gross floor area devoted to nonresidential uses, excluding parking areas):

Artist studio: nonresidential work studio where artists (such as painter, sculptor, photographer, craftsperson but not limited thereto) may create and sell their own work; parking required at one space per 1,000 gross square feet

In Residential Buildings (a building with more than 51% of its gross floor area devoted to residential uses, excluding parking areas):

Live/work studio: a residential unit where a part of the unit is used as a work studio/sales area for an artist. The sales area is to be limited to the artist's own work. No more than one additional person may work there. It shall be the developer's responsibility to designate and design such studios to have proper sound insulation and ventilation as appropriate to such uses. The artist shall not use any devices or substances prohibited by applicable municipal, state and federal law(s), rule(s) and/or regulation(s). Such units may only be created where they abut (on at least one side) a parking area or another nonresidential area. In a residential structure designed to have residential floor area masking the on-site parking floors (see Zone 1 and Zone 2 regulations below) or in a parking garage with residential units masking the facade, the studio/sales area shall have direct, exclusive access to the street or to the parking area such that non-artist residents are protected from the movement of materials, products or visitors to the studios. Where such a unit is used to satisfy the "activity area" requirement, the unit shall be a duplex; the groundfloor portion may be used alternatively as an office by a resident professional living on the second floor so long as the groundfloor office has windows on the street as described in the Urban Design Guidelines below. One parking space required for the residential unit; none required for the studio area.

Dance, rehearsal or exercise studio: a large open space for the practice of the performing arts or for instruction in various physical skills (e.g. yoga, martial arts); parking required at one space per 400 square feet of instructional area.

Music studios: areas for the recording, rehearsing & related performance of music; sound insulation shall be required to protect adjacent residential uses; parking required at one space per 1,000 square feet; if fixed seating is provided for performance space, additional parking will be required for that area at one space per five seats.

Gallery: a room in which works of art are displayed for sale or exhibition; may be operated commercially or communally by participating artisans; parking to be provided at one space per 400 square feet of exhibition space.

Communications/telecom services: establishments primarily engaged in the provision of broadcasting and other information technologies accomplished through the use of electronic, fiber optic cable and telephonic mechanisms (e.g. publishing, internet); parking required at one space per 1,000 gross square feet

Large scale retail (supermarket, shopping center): this use is encouraged to provide second floor space for various non-retail office space which does not normally require street frontage such as dance studios, daycare centers, educational and professional office uses; although open parking will be permitted, such sites are encouraged to provide enclosed parking facilities which can also function as public parking facilities; if facilities will have differing hours of operation, proof may be offered to show that some of the parking spaces may be "shared."

Site size, Minimum: 40,000 square feet

Building height, max.: 40 feet

Yards, Minimum: setback from east-west public streets or from east-west private streets along the line of extension of the curbline of adjacent public street — five feet; setback from north-south public streets — none required for building, five feet required for open parking area.

Permitted encroachment in setback area required from private street: overhead canopies/awnings provided to cover loading areas or to provide weather protection for pedestrians; up to but in no event beyond the curbline.

Lot coverage, max.: 50% if open parking provided, 65% if parking garage is included.

Parking:

Minimum of three spaces per 1,000 square feet of sales area of the supermarket; one space per 400 square feet of other retail, office and instructional use. **[Amended 10-4-2006 by Ord. No. DR-275]**

See Urban Design Guidelines: Parking & Parking Design.

Movie theaters: **[Added 10-4-2006 by Ord. No. DR-275]** movie theaters will be permitted with no requirement for on or off-site parking in conformity with regulations in similar high density neighborhoods such as New York City subject to the special bulk regulations and urban design guidelines below:

Site size, minimum: 10,000 square feet.

Building Height, maximum: 60 feet.

Yards, Minimum: no yards required at grade.

Lot coverage, maximum: 100% at grade, 90% for the building structure above a height of 25 feet.

Interior waiting area: in order to prevent obstruction of street areas, the theater shall provide waiting area within the zoning lot; the waiting area shall either be an enclosed lobby or an open area that is covered or protected during inclement weather and shall not include space occupied by stairs; the design shall be subject to Planning Board approval.

Parking and loading: no parking required; a loading dock is permitted but not required subject to urban design guidelines below.

Zone 1
[Amended 10-4-2006 by Ord. No. DR-275; 12-6-2006 by Ord. No. DR-285; 12-7-2011 by Ord. No. Z-146; 6-19-2013 by Ord. No. Z-243; 10-15-2014 by Ord. No. Z-309]

The following blocks will be permitted to have residential buildings; (Blocks B.88; B.89; B.95; B.99; B.100; B.103: Lots 1-6 & 27-32; B.104: B.109; B.110; B.114: Lots 1-13, 20-33, and parts of Lots 14-17 consisting of the southerly one-third 25 feet of these lots; B.115: Lots 1-14 & 19-32; B.150; B,151; B.156).

<u>Sub-Area 1: All Sites With The Exception of Block 95, Lots 11-16 and 17-18, and Block 100, Lot 10</u>

Where a redeveloper chooses to combine residential use with permitted nonresidential principal uses such as community facility or office or commercial recreation in a single building, all residential use - except for lobby access - must be located on floors above the other uses and have separate secure entrances. In such a case the floor area of each use must be prorated relative to the site. Such prorating shall also apply to instances where preexisting nonresidential buildings remain, whether for continued nonresidential use or renovated for residential use. Residential floor area may abut parking areas which are physically separated but technically on the same level. Maximum building height shall be the maximum permitted for residential use and all residential floors shall have rear yards as required for residential buildings. See bulk regulations in Table 1: "Sub-Area 1, Building Design."

Where such a mixed-use building directly abuts an off-site residential development, the design shall be evaluated by the Planning Board as to potential negative impact on the access to light and air of the adjoining building's residential floors.

Sub-Area 2: Block 95, Lots 11-16

Where the redeveloper of Block 95, lots 11-16 proposes to create a mixed-use building which includes a music recording studio with special requirements for sound insulation, the following special conditions shall apply: in addition to the base 3.0 FAR permitted for residential use on the site, the redeveloper may also create up to 1.55 FAR of space for such music recording studio and its ancillary space (including transient overnight accommodations as approved previously by the Zoning Board of Adjustment) provided that for every 2.0 square feet of commercial space built, a minimum of 1.0 square feet of programmable public space is also built on-site. It is further provided that so long as at least 12,000 square feet of public space is built, for each 1.0 square feet of public space created, the builder may also create 1.0 square feet of additional residential floor area beyond the base 3.0 FAR. In no event, shall the total number of dwelling units created for the entire site exceed the maximum permitted at the base 3.0 FAR. Special bulk and parking regulations and urban design guidelines for this site can be found following the standard zone regulations immediately below. See bulk regulations in Table 2: "Sub-Area 2, Building Design."

Where such a mixed-use building directly abuts an off-site residential development, the design shall be evaluated by the Planning Board as to potential negative impact on the access to light and air of the adjoining building's residential floors.

Sub-Area 3: Block 95, Lots 17-18

The parcel identified as Block 95, Lots 17-1 8 constitutes a substandard sized building site within the Plan Area. Whereas the Plan requires a minimum of 10,000 sq. ft., the subject site measures 5,000 square feet as it existed at the time of the adoption of the Plan. The Council wishes to accommodate the project by permitting certain exceptions to a number of bulk regulations such as lot coverage, rear yard and related regulations, parking and floor area for corner buildings. Permitted density and building height will remain the same as in Sub-Area 1. See bulk regulations in Table 3: "Sub-Area 3, Building Design."

Sub-Area 4: Block 100, Lot 10

The parcel identified as Block 100, Lot 10 constitutes a substandard sized building site within the Plan Area. Whereas the Plan requires a minimum site size of 10,000 square feet, the subject site measures 5,000 square feet as it existed at the time of the adoption of the Plan. The City Council wishes to accommodate the project by permitting certain exceptions to a number of bulk regulations such as lot coverage, rear yard and related regulations, and floor area to accommodate the size of the site and to

promote larger and more three-bedroom units to accommodate the demand for housing for families. Urban Design Guidelines shall apply as a whole but where a conflict appears between the Urban Design Guidelines and Table 4, Table 4 regulations shall control. Special bulk regulations for this site can be found in Table 4: "Sub-Area 4, Building Design."

Table 1: "Sub-Area 1. Building Design"

In Sub-Area 1, residential buildings shall be designed pursuant to Table 1. Note that the Urban Design Guidelines for the Plan as a whole apply to Sub-Area 1. However, where a conflict appears between the Urban Design Guidelines for the Plan and those in Table 1, Table 1 regulations shall control:

Building Height	Five residential floors 50 feet over one floor 10 feet of parking (maximum total building height 60 feet) except as varied below where residential floor area is used to mask the parking, the ground floor residential use shall not be counted as a "residential floor" so long as maximum FAR and density have not been exceeded; in such a design, the parking may occupy up to two levels so long as the parking floors are completely masked and so long as all other regulations specified herein are complied with; the ground floor height may exceed 10 feet only to the extent necessary to raise the first residential floor level to base flood elevation.
Bonus Building Height	Where stoops are provided pursuant to the bonus provisions described below, maximum total building height may exceed 60 feet: Alternate A: where stoops are provided along the north-south frontage(s) of a site at least once every 50 feet, floor-to-floor heights may be increased to 11 feet; no fewer than two such stoops per north-south frontage may be provided to qualify for the bonus; in such a case, maximum building height is 65 feet; if a parapet is required by BOCA or local Fire Department regulations, it shall not exceed in height the minimum required. Alternate B: where residential floor area is used to mask parking floors and stoops are provided along the north-south frontage(s) of a site at least once every 50 feet, floor-to-floor heights may be increased to 11 feet; the ground floor height may exceed 10 feet only to the extent necessary to raise the first residential floor level to base flood elevation or to create a minimum four-step stoop; no fewer than two such stoops per north-south frontage may be provided to qualify for the bonus; if a parapet is required by BOCA or local Fire Department regulations, it shall not exceed in height the minimum required.

Residential buildings in Block 104, Lots 13 to 21 only within Zone 1 may be designed with an alternate Building Height as follows:

Building Height	Five residential floors 50 feet over one floor 16 feet of parking (maximum total building height 66 feet) except as varied below where residential floor area is used to mask the parking, the ground floor residential use shall not be counted as a "residential floor" so long as maximum FAR and density have not been exceeded; in such a design,

the parking may occupy up to two levels so long as the parking floors are completely masked and so long as all other regulations specified herein are complied with; the ground floor height may exceed 16 feet only to the extent necessary to raise the first residential floor level to base flood elevation.

Bonus Building Height

Where stoops are provided pursuant to the bonus provisions described below, maximum total building height may exceed 66 feet:

Alternate A: where stoops are provided along the north-south frontage(s) of a site at least once every 50 feet, floor-to-floor heights may be increased to 11 feet; no fewer than two such stoops per north-south frontage may be provided to qualify for the bonus; in such a case, maximum building height is 71 feet; if a parapet is required by BOCA or local Fire Department regulations, it shall not exceed in height the minimum required.

Alternate B: where residential floor area is used to mask parking floors and stoops are provided along the north-south frontage(s) of a site at least once every 50 feet, floor-to-floor heights may be increased to 11 feet; the ground floor height may exceed 16 feet only to the extent necessary to raise the first residential floor level to base flood elevation or to create a minimum four-step stoop; no fewer than two such stoops per north-south frontage may be provided to qualify for the bonus; if a parapet is required by BOCA or local Fire Department regulations, it shall not exceed in height the minimum required.

Floor Area Ratio

3.0 for residential floor area; to be calculated using only those lots located within the residential zone boundary to be used for the residential structure (except as varied below).

Bonus FA:

Where public recreation space is created within the footprint of the residential structure or on adjacent lots within the residential zone boundaries (unless granted special exception by the City Council), the builder may add an equivalent amount of floor area to the building in the form of one penthouse level occupying no more than half the area of the roof below and set back a minimum of 10 feet from the front facade subject to the following controls:

The public recreation space may be no smaller than 50 feet by 50 feet in size if open, 25 feet by 25 feet if enclosed.

Penthouse may not rise higher than 10 feet above maximum building height permitted for the site.

Corner Buildings:

Any residential building which "wraps around" a corner may exceed the maximum floor area permitted for the principal portion of that structure only to the extent necessary to allow such building structure to be located anywhere within a square defined by a line drawn 70 feet along the lot lines extending in each direction from the street intersection and two perpendicular lines drawn to connect them, provided that all setback,

	density and parking requirements have been met; also see lot coverage exception.
Density:	Maximum dwelling units permitted on the site shall be calculated by dividing permitted FA (to be calculated at 3.0 as described above - whether the site is an interior or corner location) by 1,000; bonus FA may be translated into additional dwelling units by dividing it by 1,000.
Lot coverage:	60% for the residential portion of building (except on corner sites as described in the discussion of building depth and rear yards; see Urban Design Guidelines: General Building Bulk and Yard Requirements). 90% for parking level up to 10 feet above grade as required for second level as described above.
Parking:	One space for each dwelling unit except for bonus units; no spaces required for public recreation space or any publicly accessible activity areas required in the building base so long as no individual activity area exceeds 1,000 square feet gross.

Table 2: "Sub-Area 2, Building Design"

In Sub-Area 2, where the redeveloper proposes to create a mixed-use building which includes a music recording studio and its ancillary space (including transient overnight accommodations as approved previously for this site by the Zoning Board of Adjustment) with special requirements for sound insulation, the following special regulations shall apply (note: hereinafter, such development will be referred to as "studio"):

Building Height:	One building mass may contain up to six residential floors (maximum: 60 feet) which may be increased by a seventh partial floor (up to a maximum: 70 feet in height) if bonus floor area is granted, supported over a base building which contains no more than one level of parking and one or two levels of studio space (maximum total height: 30 feet) separated by an open volume of space not to exceed 13 feet in height. Maximum height of the entire mixed-use structure may not exceed 112 feet to the top of the roof slab.
Floor Area Ratio:	3.0 for residential floor area; additional floor area pursuant to the bonus described below:
Bonus FA:	In addition to the base 3.0 FAR permitted for residential use on the site, the redeveloper may also create up to 1.55 FAR of space for the studio provided that for every 2.0 square feet of studio space built, a minimum of 1.0 square feet of programmable public space shall be built onsite. It is further provided that so long as at least 12,000 square feet of public space is built, for each 1.0 square feet of public space created, the builder may also create 1.0 square feet of additional residential floor area beyond the base 3.0 FAR
Density:	Maximum dwelling units permitted on the site shall be calculated by dividing permitted base FA by 1,000 (to be calculated at 3.0 FAR), In-

	no event, even if bonus floor area, is granted, shall the total number of dwelling units created exceed the maximum permitted at the base 3.0 FAR
Lot Coverage:	60% for the residential portion of the building 100% for the base building containing the parking and the music recording studio up to 30 feet above grade as required
Parking:	Five spaces for the music studio (pursuant to the previous variance granted); 0.5 spaces for each dwelling unit; no spaces required for public recreation space or any publicly accessible activity areas provided in the building base
Urban Design Guidelines:	The following regulations apply specifically to Sub-Area 2; where a conflict appears between these and the Urban Design Guidelines for the Plan as a whole, the following regulations shall control.
General Building Bulk and Yard Requirements:	Minimum front yard setback from north-south street: zero feet Minimum side-street setback from east-west: zero feet
Building Base Design:	Door/Window/Stoop frequency: every 80 feet on Madison Street; every 50 feet on Tenth Street Windows: see activity areas
Parking and Parking Design:	Window openings: may be satisfied per streetscape requirements (see below) Garage roof may be developed for public recreation use (see below)
Streetscape Requirements:	Street trees: single row of trees every 25 feet on all streets Activity areas; activity area requirement may be satisfied by provision of interactive glass wall extending not less than 50% of the length of each street facade at sidewalk level
Public Recreation Space:	Design, availability and programming to be approved by the City's Department of Cultural Affairs in conjunction with the Department of Community Development with permanent public easements per Corporation Counsel Whereas the proposed public space occupies the 30% of the site normally attributed to required private open space,, the roof above the topmost residential floor shall be developed as a "green" roof which shall allow access to tenants

Table 3: "Sub-Area 3, Building Design"

In Sub-Area 3, residential buildings shall be designed pursuant to Table 3, Note that the Urban Design Guidelines for the Plan as a whole apply to Sub-Area 3. However, where a conflict appears between the Urban Design Guidelines for the Plan and those in Table 3, Table 3 regulations shall control:

Site size, minimum	5,000 sq. ft.
Rear yard, minimum	20 ft.
Rear wall, maximum	80 ft. from front lot line
Side-street setback	none required from east-west streets
Building Height	See Sub-Area 1
Bonus Building Height	See Sub-Area 1
Floor Area Ratio	3.0 for residential floor area; to be calculated using only those lots located within the residential zone boundary to be used for the residential structure (except as varied below).
Bonus FA:	See Sub-Area 1
Corner Buildings:	Any residential building which "wraps around" a corner may exceed the maximum floor area permitted for the principal portion of that structure only to the extent necessary to allow such building structure to be located anywhere within a square defined by a line drawn 80 feet along the lot lines extending in each direction from the street intersection and two perpendicular lines drawn to connect them.
Density:	Maximum dwelling units permitted on the site shall be calculated by dividing permitted FA (to be calculated at 3.0 as described above - whether the site is an interior or corner location) by 1,000; bonus FA may be translated into additional dwelling units by dividing it by 1,000.
Lot coverage:	70% for the residential portion of building; see Urban Design Guidelines: General Building Bulk and Yard Requirements). 90% for parking level up to 10 feet above grade as required for second level as described above.
Parking:	One space for each of the first twelve dwelling units except for bonus units; no spaces required for public recreation space or any publicly accessible activity areas required in the building base so long as no individual activity area exceeds 1,000 square feet gross.

Table 4: "Sub-Area 4, Building Design"

The following regulations apply specifically to Sub-Area 4:

Minimum site size	5,000 square feet
Front yard, minimum	Minimum front yard setback from east-west street: zero feet
Side.yard, minimum	Minimum side yard setback from north-south street: zero feet
Rear yard, minimum	No required setback on first floor parking level in order to accommodate required parking on substandard sized lot. All floors above first floor parking level to have 30 feet measured from the interior corner of the lot not abutting the street.
Rear wall, maximum	No maximum on first floor parking level in order to accommodate required parking on substandard sized lot. 80 feet from front lot line on 11th Street for all floors above first floor parking level, where main entrance/lobby to the building is on 11th Street.
Streetscape requirements:	Street trees: single row of trees every 25 feet on north-south streets.
Building height	Five residential floors 55 feet over one floor 12 feet of parking (maximum total building height 67 feet) except as varied below

	regarding bonus building height to provide for larger and more three bedroom units to accommodate the demand for housing for families.
Bonus building height	If the project contains more than 50% of the units as 3-bedroom or larger units to accommodate family-sized units, an additional residential floor may be permitted. In such case, six residential floors 67 feet over one floor 12 feet parking (maximum total building height 79 feet).
Floor area ratio	3.0 for residential floor area; to be calculated using only those lots located within the residential zone boundary to be used for the residential structure (except as varied below).
Bonus FA:	In addition to the base 3.0 FAR permitted for residential use on the site, if the project contains more than 50% of the units as 3-bedroom or larger units, to provide the footprint necessary to accommodate family-sized units, the redeveloper may also create up to an additional 1.70 FAR within the site. The total FAR is not to exceed 4.70.
Density:	Maximum dwelling units permitted on the site shall be calculated by dividing permitted FA (to be calculated at 3.0 as described above-whether the site is an interior or corner location) by 1,000; bonus FA may not be translated into additional dwelling units.
Lot coverage:	82% for the residential portion of building. 100% for the first floor containing the parking.
Urban Design Guidelines: Bay Windows:	Bay window encroachments into the north-south street setback area may be below a height of 10 feet above grade. Bay windows may encroach onto the east-west street setback area at 40 feet above grade. Bay window and movable window screening may extend and encroach a maximum of 40 inches into the street right-of-way.
Parking:	A minimum of one space for each dwelling unit.

Zone 2
[Amended 12-4-2013 by Ord. No. Z-270]

Sub-Area 1: Blocks 86 & 87
And part of Block 81 Lot 3.01 currently designated in the tax records as COOOA (known as Monroe Center Phase I)

Blocks 86 & 87 near the railroad along the Jersey City municipal boundary will be permitted to have residential buildings.

Where a redeveloper chooses to combine residential use with permitted non-residential principal uses such as community facility or office or commercial recreation in a single building, all residential use – except for lobby access – must be located on floors above the other uses and have separate secure entrances. In such a case, the floor area of each use must be prorated relative to the site. Such prorating shall also apply to instances where pre-existing non-residential buildings remain whether for continued non-residential use or renovated for residential use. Residential floor area may abut parking areas which are physically separated but technically on the same level. Maximum building height shall be the

maximum permitted for residential use and all residential floors shall have rear yards as required for residential buildings.

Where such a mixed-use building directly abuts an off-site residential development, the design shall be evaluated by the Planning Board as to potential negative impact on the access to light and air of the adjoining residential building or residential floors of such building.

Whereas a portion of Block 81 Lot 3.01 denoted in the tax records as COOOA (Monroe Center Phase I) contains existing buildings to remain, the following rules may be applied: multiple principal buildings with non-residential commercial, artist and retail uses may be created so long as the maximum permitted floor area, maximum permitted lot coverage and minimum open space (i.e. yard areas between the buildings) of the various uses are configured in compliance with the non-residential building standards below, and this site's uses shall remain non-residential. Notwithstanding any provisions of this Redevelopment Plan where an existing building is to remain, retail uses (including showroom sales, gallery space) are permitted on the first floor and upper floors. The Planning Board may regard the site as a large-scale development and permit exceptions from the strict application of the setback requirements and the location of yards and parking in the interest of adaptive re-use of existing buildings and providing light, air and open space and a desirable visual environment so long as the general intent of the Plan is carried out. In furtherance of this, the Planning Board may allow flexibility in the type, size and number of signs and with regard to encroachments over public property, all as set forth or in accordance with the Redevelopment Agreement.

If the redeveloper of Block 86, a 400 feet long trapezoidal-shaped block with approximately 113 feet of depth at Eighth Street and approximately 55 feet at Ninth Street, creates a public park at the Eighth Street end of the block, the park area itself may remain privately owned and maintained, may be counted toward developable floor area, but, in such case, there shall be a permanent public easement provided to ensure public access pursuant to an agreement with the city. If such park is no less than approximately 12,040 square feet in area and if the redeveloper chooses the high-rise configuration for a residential building, and if the minimum average unit size is no less than 1,100 net square feet, then the maximum FAR attributable to the residential units, including a prescribed number of affordable units may be 3.88 excluding the bonus area. Retail and/or restaurant space will be subject to Planning Board approval.

As with the development of Monroe Center Phase I, the Planning Board may consider the peculiar and exceptional shape of Block 86 and permit exceptions from the strict application of the setback requirements and the location of yards in the interest of providing light, air and public open space including a designated area to be used as a bikeway in compliance with the City's Master Plan so long as the general intent of the Redevelopment Plan is carried out. In conjunction with such site planning for Block 86, the City may also allow the widening of the sidewalk along Jackson Street (with or without on-street parking) in order to improve the pedestrian ambience and to further "calm" the vehicular traffic on the street.

Non-Residential buildings shall be designed as follows:

Building Height: Building height shall be measured from Design Flood Elevation per the City of Hoboken's Flood Damage Prevention Ordinance.
Maximum total building height shall not exceed 120 feet

Floor Area Ratio: 3.0 unless the existing buildings on site are adaptively re-used for the non-residential uses. Where there is adaptive re-use of existing buildings on site with no new structures added, the floor area ratio is 5.0.

Lot Coverage: Lot coverage shall not exceed 90%.

Residential buildings shall be designed as follows or pursuant to the Zone 1 option:

Building Height: Building height shall be measured from Design Flood Elevation per the City of Hoboken's Flood Damage Prevention Ordinance.

Ten residential floors (100 feet) over maximum of two floors (20 feet) of parking (maximum total building height 120 feet), except as varied below and under "Bonus FA": parking may be provided in a cellar as defined by the Hoboken zoning ordinance; such cellar parking shall not be counted as a "floor" so long as it extends less than 10 feet above the sidewalk grade nearest the front street façade and so long as the final height of the building does not exceed the maximum permitted.

Where residential floor area is used to mask the parking, such residential use shall not be counted as a "residential floor" so long as maximum FAR and density have not been exceeded; if a combination of residential and non-residential (non-parking) floor area is so used, the parking may occupy up to two levels covering 90% of the site so long as the parking floors are completely masked and so long as all other regulations specified herein are complied with: the first floor height may exceed 10 feet only to the extent necessary to raise the first residential floor level to design flood elevation.

A residential accessory parking structure may be 40 feet tall if all such floors are completely masked by residential or other non-parking floor area on at least three sides so long as the roof of the parking is landscaped and accessible to tenants of the site (See "Bonus FA" below); if the fourth side abuts an off-site development within the Plan area, the structure at the lot line may be a maximum of 20 feet in height, structure above that height must be set back a minimum of five feet or sufficient to minimize any negative impact on the light and air of the adjoining property; the visible portion of the wall which is set back from the property line shall be designed in a manner to disguise the parking use; where such structure is proposed on land adjacent to the railroad on Block 86, maximum height is 60 feet so long as the structure is not immediately adjacent to an off-site residential development.

Floor Area Ratio: 3.0 (except as varied above and below).

Bonus FA: Where public recreation space is created within the footprint of the residential structure or on adjacent lots within the residential zone boundaries (unless granted special exception by the City Council), the builder may add an equivalent amount of floor area to the building adding no more than an additional two floors (20 feet, for a total building height of 140 feet) subject to the following controls:

An area equivalent to at least 30% of any site area attributable to residential use shall be developed and accessible exclusively to site residents as private open space; such space may be calculated as any combination of on-grade areas and/or rooftops other than the roofs above residential floors, e.g. garage or office building roofs;

Bonusable public space may be proposed from remaining open areas whether on-grade or on rooftops (each 1.0 square feet of rooftop space may generate 1.0 square feet of bonus residential floor area only if the Planning Board finds the design satisfactory including but not limited to the provision of easy and obvious accessibility to the public).

Where the roof above the topmost residential floor is developed as a "green" roof and where such design allows access to tenants, such roof may count toward the 30% requirement; an enclosed community room which encloses the stair and elevator access to such roof shall be permitted; outside roof decks designed to enable tenants to maximize the enjoyment of such roof shall not be counted as roof coverage.

The public recreation space may be no smaller than 50 feet by 50 feet in size if open, 25 feet by 25 feet if enclosed.

Density: Maximum dwelling units permitted on the site shall be calculated by dividing permitted FA by 1,000; bonus FA may be translated into additional dwelling units by dividing it by 1,000.

Lot Coverage: 50% for the residential portion of the building or buildings; where multiple towers are planned, they shall be no closer than 60 feet window to window; (see Urban Design Guidelines: General Building Bulk and Yard Requirements).

90% for the first parking level up to 10 feet above grade; if two levels of parking are created, the second floor of parking may not extend beyond a line drawn around all exterior walls of the residential portion of the building; where complete masking is provided as described under "Building Height" above, the second parking floor may also cover 90%.

On Block 86, if the building is designed in conjunction with a public park as described above such that the footprint of the first floor covers less than 60% of the site, parking located on no more than one floor above such floor may match the lot coverage of said first floor subject to the Planning Board's approval of its urban design characteristics (i.e. that it is clad to look like the residential floors above rather than like a parking garage).

Parking: One space for each dwelling unit except for bonus units; no spaces required for public recreation space or any publicly accessible activity areas required in the building base so long as no individual activity area exceeds 1,000 square feet gross on Block 86, where a public park is created and the footprint of the building is less than 60% on all floors thus restricting the parking floors, the Planning Board shall give special consideration to any need for parking variances that may arise for retail and restaurant uses on the lower floors considering the availability of mass transit in the form of the nearby Light Rail station.

Sub-Area 2: Block 74 Lots 3 thru 20, Block 80 Lot 1.01, Block 81 Lot 2.01,
And part of Block 81 Lot 3.01 currently designated in the tax records as COOOB and COOOC (referred to as Monroe Center Phase IV and Phase V respectively)

A. Introduction

Sub-Area 2 shall be permitted to have residential and mixed-use buildings. Portions of Sub-Area 2 may also be developed with public open space and/or public recreation buildings.

The redeveloper of Block 80 Lot 1.01 and that portion of Block 81 that is within Sub-Area 2, which is currently a merged block encompassing Lot 2.01 within Block 81, shall create a publicly accessible area that will allow pedestrian circulation in a manner as set forth in a Redevelopment Agreement between the developer and the City. The public access area may remain privately owned and maintained, and shall be counted toward developable floor area. There shall be a permanent pedestrian easement provided to ensure public access. The redeveloper shall be permitted to count this easement area toward bonus floor area as described below. Access for emergency vehicles such as police, fire and ambulance vehicles shall be provided within a designated easement within the public access area on Lot 1.01 in Block 80 and Lot 2.01 in Block 81 for this purpose. The redeveloper shall also be permitted to count the emergency access easement area toward bonus floor area. Any redevelopment on Lot 1.01, Block 80 pursuant to this Redevelopment Plan shall include redevelopment of Monroe Center Phase IV as public open space by the redeveloper of Block 80, Lot 1.01.

Where a single entity is designated as redeveloper of those portions of Blocks 74, 80, and 81 that are within Sub-Area 2; multiple principal buildings may be created. The Planning Board shall regard the combined site as a large-scale development and permit exceptions from the strict application of the setback requirements and the location of yards and parking in the interest of providing light, air and open space and a desirable visual environment so long as the general intent of the Redevelopment Plan is carried out.

Residential/mixed-use buildings in Sub-Area 2 shall be located only within Block 80 Lot 1.01. The floor area and dwelling units which would otherwise be permitted on those portions of Block 74 and Block 81 that are within Sub-Area 2 shall be permitted to be transferred to Block 80 Lot 1.01. To encourage the development of Sub-Area 2 as one cohesive development, the redeveloper shall be entitled to bonus floor area as described under Bonus Floor Area below.

The Planning Board may consider the peculiar and exceptional shape, or topographic and physical features of Block 80 Lot 1.01; and may grant variances, deviations, exceptions or waivers from the strict application of any area, yard, bulk, or design requirement as permitted pursuant to N.J.S.A. 40:55D-70.c.; so long as the general intent of the Redevelopment Plan is carried out.

The amendments to this Redevelopment Plan do not result in any increase in the density or FAR permitted under the Redevelopment Plan existing prior to the amendments set forth herein. Where a single entity is designated as redeveloper of those portions of Blocks 74, 80 and 81 that are within Sub-Area 2, the redevelopment project shall not be subject to the requirements set forth in Chapter 65A of the Hoboken Code, however, the provision of affordable units may be negotiated and set forth in a Redevelopment Agreement.

B. Permitted Land Uses within Sub-Area 2: The following list of permitted land uses within Sub-Area 2 shall replace and substitute for the list of permitted land uses found elsewhere in this Redevelopment Plan.

1. Residential Apartments - above the first floor only.
2. Retail – restricted to the first floor and second floor only. Retail may exceed 1,000 square feet in customer service area.

3. Bars/Restaurants/Sidewalk Cafes – restricted to the first floor. However, these uses may also extend to a second level within the building when internally connected to the first floor portion of the use. Bars and restaurants may exceed 1,000 square feet in customer service area. Sidewalk cafes must comply with applicable municipal ordinances.
4. Art Galleries.
5. Professional and business offices, educational and instructional uses.
6. Community facilities such as educational facilities, child care centers, charter schools, and other similar educational, social, recreational and cultural activities owned or operated by a governmental, not-for-profit or for-profit entity.
7. Commercial recreation (uses such as health clubs, yoga studio, gyms, bowling, skating, indoor play places for children, etc.)
8. Studios –including work studios where artists (such as painter, sculptor, photographer, craftsperson, etc.) may create and sell their own work; and dance, music, theater arts, rehearsal and similar facilities for the practice or instruction of the performing arts.
9. Accessory Uses such as off-street parking, home occupations, and other uses subordinate to and customarily incidental to a permitted use.
10. The following uses shall be prohibited: nightclubs, discotheques, adult retail, adult entertainment, smoke shops and head shops.

C. Building Height: Building height shall be measured from Design Flood Elevation per the City of Hoboken's Flood Damage Prevention Ordinance. The building shall consist of a base and a tower element. The base shall be considered that portion of the building up to a height of 60 feet. The base shall include not more than three (3) stories utilized for commercial, residential, or other permitted uses. Parking may also be included in the base of the building. However, parking levels shall not be counted as stories. This is because parking levels typically have lower floor to floor heights than floors utilized for residential or commercial purposes, and as such it may be possible to contain 4, 5 or more levels of parking within the three (3) story base of the building containing the other uses. The tower element shall consist of not more than eleven (11) stories over the base. The maximum number of stories for the building in total shall not exceed fourteen (14) stories. The maximum total height of the building shall not exceed 165 feet. Roof appurtenances may exceed the permitted height pursuant to section 196-28.2 of the Hoboken Zoning Ordinance; except that the roof appurtenances may exceed the permitted height up to 20 feet above the main roof slab. In addition, elevator bulkheads may exceed the maximum permitted building height to the extent necessary to provide ADA accessible access to roof top amenities.

D. Floor Area Ratio: 3.0 (except as varied by the Bonus Floor Area provisions below). The FAR shall be calculated based on the land area of all properties within Sub-Area 2, except that part of Block 81 Lot 3.01 currently designated in the tax records as C000B (referred to as Monroe Center Phase IV). However, the building containing the permitted floor area may only be constructed on Block 80 Lot 1.01. Floor area dedicated to parking and non-residential use shall not be included in the floor area ratio calculation. The total maximum square footage of the building on Block 80, Lot 1.01 permitted for all uses combined is 700,000 square feet.

E. Bonus Floor Area: If the property currently designated as Block 81, Lot 3.01, COOOB, (referred to "Phase IV") is coordinated as part of a combined redevelopment project under one redevelopment agreement with the land area of all properties within Sub-Area 2, the developer shall be permitted to add floor area at the rate of 1:1 for the square footage of Phase IV property to the building on Block 80, Lot 1.01.

The public access area within a designated easement on Lot 1.01 Block 80 and Lot 2.01 Block 81 as described above may be counted for additional floor area at the rate of 1:1 for the square footage of the access easement.

F. Residential Density: The maximum number of dwelling units constructed shall not exceed 424 units. Any permitted base or bonus floor area not utilized for the construction of the permitted number of dwelling units shall be permitted to be used for other permitted uses.

G. Affordable Housing Requirement: The proposed development within Sub-Area 2 shall provide for:

1. Affordable Housing Units: 10% of the total dwelling units shall be provided as housing affordable to families of moderate income;

2. Restriction Period: deed restriction which shall run with the land imposing affordable housing requirement for a period of forty (40) years;

3. Occupancy Standards: in determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units, the following standards shall apply: studio and one- bedroom units shall be affordable to a one and one-half person household; a two-bedroom unit shall be affordable to a three-person household; a three-bedroom unit shall be affordable to a four and one-half person household; and a four-bedroom unit shall be affordable to a six-person household;

4. Bedroom Distribution: shall be structured, in conjunction with realistic market demands, such that: studio and one-bedroom units shall be no greater than 20% of the number of the affordable housing units; at least 30% of the affordable housing units shall be two-bedroom units; at least 20% of the affordable housing units shall be three-bedroom units; and

5. Tenant Income Eligibility: shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended.

(a) Moderate income rental units shall be reserved for households with a gross household income less than 80 percent of median income.

(b) The administrative agent shall certify a household as eligible for a restricted rental unit when the household is a moderate-income household, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16 (as to moderate-income households and for calculation purposes only); provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent and the proposed rent will reduce its housing costs;
2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
3. The household is currently in substandard or overcrowded living conditions;
4. The household documents the existence of assets, with which the household proposes to supplement the rent payments; or
5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the administrative agent and the owner of the unit.

(c) The applicant shall file documentation sufficient to establish the existence of the circumstances in (b) above with the administrative agent, who shall counsel the household on budgeting.

(d) Notwithstanding any other provision herein, and with regard to this Project only, residents of the City of Hoboken who otherwise qualify as eligible for a restricted rental unit hereunder shall be given priority.

H. Maximum Building Coverage:

1. 85% for that portion of the building up to 60 feet in height, i.e. the base of the building. Where parking levels within the base are masked by residential or non-residential habitable space along Seventh Street, Eighth Street and along Lot 2.01 in Block 81; the maximum permitted lot coverage of the base shall be 95%.
2. That portion of the building(s) above the base shall be permitted to have a lot coverage of not more than 65%.
3. That portion of the building(s) above the 10th floor shall be permitted to have a lot coverage of not more than 50%.
4. That portion of the building(s) above the 11th floor shall be permitted to have a lot coverage of not more than 40%.
5. That portion of the building(s) above the 13th floor shall be permitted to have a lot coverage of not more than 25%.
6. Where multiple towers are planned, they shall be no closer to each other than 60 feet from window wall to window wall.
7. Balconies, bay windows, and similar projections within the property lines will not be counted toward lot coverage so long as they do not exceed, in the aggregate, 5% of lot area. Such projections may not encroach into required setback areas or over street lines at a height below 40 feet from grade. Canopies, awnings and other similar structures are permitted at entrances to the building and as part of permitted first floor uses.
8. The building coverage requirement only applies to Block 80 Lot 1.01, since the floor area allocable to all other portions of Sub-Area 2 are accounted for on this site.

I. Parking: The following minimum parking standards shall apply within Sub-Area 2 and shall replace and substitute for any parking standards found elsewhere in this redevelopment plan or within the Hoboken Zoning Ordinance.

1. Residential Apartments – 0.75 space per unit; except for bonus units and affordable housing units. No parking shall be required for bonus units or affordable units.
2. Public Open Space and Recreation Space – Zero required.
3. All Other Permitted Uses – 1.0 space for every 1,000 square feet.
4. In order to promote the efficient and effective use of parking resources, the shared use of parking is permitted and encouraged to the greatest extent practical.
5. Parking required for the mixed-use building located along Monroe Street between Seventh and Eighth Streets, which is located on Block 81 within Zone 2, Sub-Area 1 (referred to as Monroe Center Phase I), may be provided on Block 80 Lot 1.01. Parking for this use shall be provided through the shared use of the parking resources located on Block 80 Lot 1.01, and shall not add to the amount of parking otherwise required for the development located on Block 80 Lot 1.01.
6. The use of compact parking spaces (7.5' X 16') and tandem parking spaces shall be permitted without limitation.
7. The Planning Board shall give special consideration to any need for parking variances that may arise for retail, restaurant and other uses on the lower floors considering the availability of mass transit in the form of the nearby Light Rail Station.

J. Temporary Use Provisions: Temporary uses and improvements necessary to facilitate such uses shall be permitted without the need for site plan approval by the Planning Board, provided that such uses are in accordance with the terms set forth in the Redevelopment Agreement. Temporary uses shall include such uses as: surface parking for existing uses located within Zone 2, parking for construction workers during the construction phase of development, construction storage and staging areas for equipment and materials, temporary offices/trailers for construction personnel and for the sales, rental and marketing of the units, fences, signage and similar uses.

K. Urban Design Guidelines: The following Urban Design Guidelines shall apply to the building to be constructed on Block 80 Lot 1.01 within Sub-Area 2 and shall replace and substitute for any Urban Design Guidelines found elsewhere in this redevelopment plan or within the Hoboken Zoning Ordinance, including section 196.27.3. Building Facades.

1. Minimum Setback Requirements:

   a. From the south property line along Seventh Street - Zero

   b. From the north property line along Eighth Street - Zero

   c. From the east property line along Lot 2.01 in Block 81– Zero, provided that a minimum of 7,500 square feet of open space is provided between that lot line and the face of the building.

   d. From the west property line – 10 feet, which may include a sidewalk area along this side of the property.

2. Building Base Design:

   a. The building base shall be designed in a manner that relates to the pedestrian environment along the adjacent streets.

   b. Windows shall be provided along the street frontage which allow for views from the street into commercial uses within the building. Such windows shall be broad and expansive typical of traditional storefront fenestration.

   c. At least one prominent pedestrian entrance/lobby shall be provided along the new Jackson Street ROW frontage.

3. Parking Structure Design:

   a. Where a residential or non-residential commercial or retail use is not used to mask a parking use within the building, the exposed façade shall be designed to emulate the portions of the building containing residential, commercial or retail uses; including the design of window openings, façade materials and other design features.

   b. Where parking garages are proximate to residential uses, special consideration shall be given to design solutions that reduce noise and light impacts from the parking garage on any wall facing the residential structure.

   c. Parking structures not covered by residential or other habitable building area shall be covered by a roof, which shall be landscaped and improved as accessible outdoor space or may be landscaped as a green roof.

   d. No open parking is permitted except as a Temporary Use, subject to paragraph J. above, except that open parking is permitted on Monroe Center Phase IV to serve the building on Monroe Center Phase I until the parking referred to in I.5. is made available to Monroe Center Phase I.

   e. On street parking along Seventh Street, Eighth Street and Harrison Street is encouraged.

4. Streetscape Design:

   a. Shade trees shall be provided along all rights-of-way adjacent to the subject site. Said street trees shall be planted at least every 30 feet on center, or as appropriate to accommodate utility locations, street lighting and other street furnishings.

   b. New sidewalks, curbs, lighting, bike racks, and other street furniture shall be provided subject to Planning Board approval.

   c. Active uses such as retail, restaurants and other commercial uses shall be provided along street frontages to the greatest extent practical in order to enliven the pedestrian environment. Each of these uses shall have pedestrian access from the adjoining sidewalk.

5. Public Recreation Space:

   a. Any public open space provided shall be designed and constructed to include landscaping in the form of shade trees, flowering trees, shrubs, ground covers and/or other plant material; decorative paving, benches, tables, lighting, fencing and/or other furnishings, play equipment, etc. as appropriate to the intended use of the open space for active and/or passive recreation activities in accordance with the terms of a Redevelopment Agreement. Where public open space adjoins a residential property line, noise barriers may be constructed within the public open space, up to a height of 8 feet, in order to attenuate the impact of sound which may emanate from the public open space.

   b. Any public recreation buildings provided shall be designed to accommodate activities and uses as specified in a Redevelopment Agreement between the City of Hoboken and the developer constructing the public recreation building; including the type of furnishings, lighting, sanitary facilities, and other similar equipment.

6. Minimum Dwelling Unit Sizes:

Unit Type by Bedroom Count	*Min. Unit Size*
Studio	*450 square feet*
One Bedroom	*600 square feet*
Two Bedroom	*800 square feet*
Three Bedroom and larger	*1000 square feet plus 150 sq. ft. for each additional bedroom*

Zone 3
[Amended 10-4-2006 by Ord. No. DR-275]

The following blocks or portions of blocks will not be permitted to have residential buildings or any structure housing a use accessory to a residential building. They will be permitted to have all other nonresidential uses permitted in the Plan.

Blocks 94/98

Block 102, Lots 1 (formerly known as Lots 1-6 & 27-32)
Block 113, Lots 11-22
Block 114, Lots 18-19 and parts of Lots 14-17 to a depth of 50 feet from the southerly side of 14th Street
Block 115, Lots 15-18

Block 102 Lot 1 will also be permitted to have or support a public utility facility (defined pursuant to N.J.S.A. 48:2-13) which serves the public health, safety and welfare such as one which allows for raised infrastructure or provides power, light or heat to the public.

Block 94/98, which currently is a merged block encompassing the formerly vacated Tenth St., shall open Tenth St. through the block to allow vehicular circulation by the public. The land itself may remain privately owned and maintained but there shall be a permanent public easement provided to ensure public access along the designated right-of-way. The subject area may be counted toward developable floor area and need not provide the mandated setbacks for east-west streets except as provided above or below.

Where the specified lots on Blocks 102 and 113 are developed as single entities, the rear yards shall be measured from the Plan boundary line running east-west through the subject blocks. In the case where Block 102 is developed for a public utility facility, no rear yard setback is required.

URBAN DESIGN GUIDELINES

The urban design guidelines are to be applied within the redevelopment area for all new construction and to substantial alterations (where possible), except as otherwise provided. Signage shall be governed by § 196-31A & B, except as otherwise provided. Roof coverage shall be governed by the limitations specified in § 196-23A for residential districts (roof appurtenances shall include decorative roof forms).

Public Utility Facility Requirements (Block 102 Lot 1 only)

Any use of the Block 102 Lot 1 property as a public utility facility shall be exempt from all other design guidelines in this Plan. The following bulk standards shall apply to use of the property as a public utility facility:

Permitted Height: A maximum building height of 60' from the Design Flood Elevation (DFE) shall be permitted. Lightning masts and rods are exempted from height regulations.

Yard Requirements: All four (4) sides of the property shall be considered a front yard. There shall be a ten (10') foot minimum front yard setback. For a public utility facility, no rear yard is required.

Fencing: Perimeter fencing permitted at the lot line. Fence heights not to exceed sixteen (16') feet. Any metal, non-conductive, or natural or man-made stone type materials may be utilized. Fencing materials to be indicated on submitted site plans and shall be subject to site plan review and approval by the Hoboken Planning Board.

Parking: On-site parking shall be limited to vehicles related to the public utility facility use for servicing, maintaining, or similar purpose, to be clarified in a Redevelopment Agreement.

General Building Bulk and Yard Requirements

Ten feet minimum front yd. setback required from north-south streets for entire structure (including garage base) for all uses except large-scale retail, see below; stoops may encroach into the street setback area.

Five feet minimum side-street setback required from east-west streets at 40 feet above grade (or at the floor level closest to 40 feet above grade) for all uses except free-standing parking garages).

Rear yard to be measured from mid-block line (N-S) except as modified elsewhere in the text.

Balconies/decks/bay windows within project lot lines will not be counted toward lot coverage so long as in their aggregate they do not exceed 5% of the site area; in no event may such projections encroach into the north-south street setback area below a height of 10 feet above grade nor may they encroach into the east-west street setback area at 40 feet above grade.

Corner sites other than large-scale developments (where building wraps around the comer).

> Rear wall of the residential portion of a building may not be more than 70 feet distant from the street lot line measured along a line running perpendicularly from said lot line toward the interior of the lot whether on the N-S or E-W street.
>
> Rear yard to be measured as follows: an area with a minimum depth of 30 feet must be provided between the rear wall of a residential building or portion of building and the nearest lot line or the N-S mid-block line (where a garage forms the groundfloor of the building, rear yards are to be measured behind the first residential floor).
>
> Rear yard for a double corner building to be measured as follows: an area with a minimum depth of 30 feet must be provided between the rear wall of a residential building or portion of building facing the east-west street and the nearest east-west lot line; where a residential building is single-loaded on one of the north-south streets, a minimum distance of 60 feet shall be provided in the interior of the site between the rear walls of the residential structures facing the north-south streets (where a garage forms the groundfloor of the building, rear yards are to be measured behind the first residential floor facing the interior courtyard).

Any residential building which "wraps around" a corner may exceed the maximum lot coverage permitted for the principal portion of that structure only to the extent necessary to allow such building structure to be located anywhere within a square defined by a line drawn 70 feet along the lot lines extending in each direction from the street intersection and two perpendicular lines drawn to connect them, provided that all setback requirements have been met.

Building Base Design

Windows/doors/stoops required as activity points at least every 10 feet of a building facade as follows (activity areas satisfy this requirement):

> Windows to be designed as follows:
>
> > The sill shall begin at a height no greater than four feet-six inches above the average grade of the blockfront on which it is located.

Where residential floor area is used to mask parking floors, the window may begin at a height demonstrated by the applicant as reasonable for the residential design; in such case, the base on the building shall be heavily landscaped.

Such window shall have an opening no smaller than two feet by two feet.

Window openings must have decorative grill work where glass is not provided, see Parking & Parking Design below.

Doors are to be provided at least every 100 feet of street façade.

At least one prominent pedestrian entrance/lobby required on every N-S street front of the building base.

Parking & Parking Design

Garages — whether free-standing or comprising a building base, they are to be designed as follows:

All exposed facades are to be clad like residential or office buildings to the greatest extent possible (applied facades are required for robotic garages and are to be designed to be compatible with adjacent buildings).

Where public parking garages are adjacent to residential structures, special design considerations regarding aesthetics, noise and light are to be given to the facade and window treatment on any wall facing the residential structure.

All building base garage roofs are to be landscaped and accessible to tenants; a portion of the roof may be used as private terraces for immediately adjacent units; in no event may the area of such private terraces exceed the length of the unit and a depth of 10 feet.

No more than one driveway will be permitted per 100 feet of street frontage.

Public parking facilities can be used to satisfy non-residential off-street parking requirements for land uses within 800 feet as described above with proof of lease or equivalent.

Window openings are required where the garage forms the building base and shall be designed in the same style as the building above; no window openings may begin below four feet above grade, nor may they be larger than three feet by three feet; decorative grilles, glass block or similar material designed to create 50% opacity or evergreen buffer planting shall be provided to block the view into the garage.

No open parking will be permitted except as specified:

Rear yard parking (where permitted) must be trellised or landscaped to provide screening from above and must be paved with decorative brick pavers, grass pavers or the equivalent.

No parking is permitted in any required street setback area.

Large-Scale Retail (Supermarkets/Shopping Centers)

Five feet setbacks will be required from north-south streets only for the parking area; five feet setbacks will be required from east-west public streets on the line of extension of a public street - no other yard requirements apply; see "Uses Permitted Pursuant to the Plan" for lot coverage limitations and permitted encroachments.

Loading dock size shall be determined after consultation with the Directors of Environmental Services and Public Safety as to what size tractor-trailer can safely access the site.

In no event shall the required loading dock be smaller than 33 feet in length, 12 feet in width and 14 feet in vertical clearance.

The loading locks shall be enclosed by the building screened along street frontages as follows:

The roof of the building or a substantial canopy structure must cover the entire loading dock area as viewed from above (roof plan view).

Roll-down doors shall be provided for each individual loading dock.

No signs shall be attached to any structure in the loading dock/trash/recycling area other than a single sign no larger than two feet by two feet indicating information dictated by local regulations or providing emergency phone numbers.

In order to provide street wall articulation and visual relief, windows, doors, plantings and/or artwork shall be provided every 10 feet along the street facade other than the loading area in some combination of the following (note that a single row of street trees is required):

Fenestration shall occupy a minimum of 50% of the linear street frontage; it shall begin at a height such that passersby can view the activity inside the store; where individual windows are used (as opposed to ribbon windows), there shall be no more than 10 feet of linear distance between them.

The benches specified by the Washington St. streetscape specs. may be placed inside the setback area or between the street trees which shall be spaced every 25 feet; or as appropriate for mature size of the species of tree chosen; so long as the seating area is lighted and firmly anchored.

Murals (applied directly or attached), recesses or projections treated with decorative masonry or ironwork (no smaller than four feet by four feet), or other artwork to be approved by the Planning Board.

Evergreen ivy or other vines using trellises or shrubs which provide year-round interest may be planted in the areas between the required windows.

A screened and covered trash and recycling area shall be provided adequate for the private or public pick-up schedule (to be shown to the Planning Board); it shall be located in or immediately adjacent to the loading area.

Open parking for large-scale retail uses shall have:

A driveway giving access to parking area (no backing out over curb)

A single row of trees shall be provided along the curb as well as buffer landscaping along the street side of the open parking area (may be combination of berms, shrubs & decorative fences to a height of at least three feet above sidewalk grade).

Streetscape Requirements

Double row of street trees on north-south streets at least every 25 feet or as appropriate for the tree species chosen (one row along the curb, one row inside the property line); see planting requirement for open parking for large-scale retail above

New sidewalks and curbs, lighting and other street furniture pursuant to the Washington Street streetscape specifications as amended

Activity areas such as retail, office or ancillary uses (such as laundry rooms or gym facilities or live/work studios in residential buildings) required in corners of building base (activity areas available to the public will not require parking if each gross area is less than 1,000 square feet)

Any site having only the minimum required site size (10,000 square feet) regardless of location on the block may satisfy the activity area requirement with a prominent lobby/pedestrian entrance

Sites from 10,000 square feet to 20,000 square feet in area:

Activity areas required at street comers of at least 400 square feet in area; where a facade is no longer than 100 feet, a lobby may be used to satisfy the activity area requirement; any street facade longer than 100 feet must provide either an activity area or at least two stoops

East-west street facade must have at least one significant pedestrian or vehicular/pedestrian entrance

North-south street facade must have at least one significant pedestrian entrance/lobby

Sites larger than 20,000 square feet in area:

Activity areas required at street comers and interior corners of at least 400 square feet in area; lobby may not be used to satisfy the activity area requirement

East-west street facade must have at least one significant pedestrian or vehicular/pedestrian entrance

North-south street facade must have at least one significant pedestrian entrance/lobby or one activity area every 100 feet.

Public Recreation Space:

If intended to generate bonus residential space, the public recreation space must be located on lots zoned for residential use, see Sub-Zone regulations for special application

Enclosed space must be available to the public as follows:

Without a fee but subject to reasonable scheduling by the building management or coop board — signage at location should direct interested parties to the individual who can provide information and access

Space must be serviced with lights, electric outlets, sink and toilet

Minimal furnishing must be available in the form of folding tables and chairs which may be kept in a locked area of the room with the key readily available from the management

Room must be available during the week at least from mid-afternoon to evening hours and during morning hours as well on weekends

Signage must be placed to clearly indicate location and accessibility of the public space (must be open at least six hours between 2:00 p.m. and 10:00 p.m.; weekends between 10:00 a.m. and 5:00 p.m.)

Open Space must be designed as follows:

Designed & built for at least passive use (plantings & park furniture required)

Design to be approved by Planning Board.

Property owner must provide permanent public easements

Signage must be placed to clearly indicate location and accessibility of the public open space (must be open at least 12 hours between 8:00 a.m. and 10:00 p.m.)

Landscaped rooftops which are attributed to the rear yard/private open space requirement of the residential building surrounding them may not be credited toward public recreation space, see full discussion under Sub-Zone 2 regulations.

Miscellaneous

Bay windows and stoops extending no more than eighteen inches into the street right-of-way may be approved by the Planning Board on presentation of appropriate liability insurance policy approved by the City attorney.

Minimum dwelling unit size 750 square feet.

Movie Theaters [Added 10-4-2006 by Ord. No. DR-275]

A loading dock may be provided but its dimensions should be the smallest possible to accommodate the appropriate vehicles; the location shall be limited to the interior of the block with access from one or more north-south streets

The loading dock shall be enclosed by the building and screened along street frontages as follows:

Roll-down or similar doors shall be provided for each loading dock such that the interior of the dock is not visible when the door is closed; the door shall be kept closed at all times when not in use.

A screened and covered trash and recycling area shall be provided adequate for the private or public pick-up schedule (to be shown to the Planning Board); it shall be located in the loading dock.

No signs shall be attached to any structure in the loading dock/trash/recycling area other than a single sign no larger than one feet by one feet indicating information dictated by local regulations or providing emergency phone numbers.

In order to provide street wall articulation and visual relief, windows, doors, plantings and/or artwork shall be provided every 10 feet along all street facades other than the loading dock in some combination of the following (note that a single row of street trees is required):

Fenestration beginning at a height such that passersby can view the activity inside the theater;

Movie posters or other artwork mounted in display windows (no smaller than approximately three feet by four feet);

Evergreen ivy or other vines using trellises or shrubs which provide year-round interest.

The benches specified by the Washington St. streetscape specs. may be placed between the street trees which shall be spaced every 25 feet or as appropriate for the mature size of the species of tree chosen; the seating area must be lighted and benches firmly anchored.

Where the wall of the upper floors of the movie theater on the interior of the block faces property zones by the Plan for residential use, the wall shall be designed to have variation in texture, color, material, murals, false windows, or other treatment so as to create an interesting and attractive neighbor; the design will be subject to approval by the Planning Board at the time of site plan approval.

RELATIONSHIP TO MASTER PLANS OF CONTIGUOUS MUNICIPALITIES (JERSEY CITY, UNION CITY, WEEHAWKEN), HUDSON COUNTY AND THE STATE PLAN

The municipalities contiguous to the City of Hoboken are Jersey City, Union City and Weehawken. The municipalities which directly abut the redevelopment area are Jersey City and Union City. The master plans and most recent Reexamination Reports of those municipalities were examined to establish whether there was any potential conflict of land uses existing or proposed. The planners were also consulted in order to confirm the intent of the written material. The proposed change of uses in the Redevelopment Plan poses no conflict with existing or proposed land uses in the adjacent municipalities.

The Hudson County Plan is being revised for the first time in 24 years. A Draft Strategic Plan for the county has been made public and was reviewed. Discussions with the planners responsible indicate that there is no inherent conflict between the proposed Redevelopment Plan and the proposed revisions to the County Plan.

Hoboken recently participated in the Cross-Acceptance process of reviewing and updating the State Plan. The proposed Redevelopment Plan is in conformance with the goals of the State Plan for urban places with old industrial areas.

CONSISTENCY WITH MASTER PLAN.

As discussed earlier in the section entitled "Relationship to Local Objectives", the Redevelopment Plan outlined above is not only consistent with the city's master plan but is designed to carry out its objectives. The only minor variation it makes from recent recommendations is to allow no parking spaces for residential units resulting from the public recreation space bonus. In that case the Plan suggests that it is a worthwhile tradeoff to get public recreation space in exchange for very few parking spaces. It also built on the concept of allowing greater height on the perimeter of the city by adding the western perimeter (Blocks 80/81, 86 and 87).

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 effect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain 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: April 5, 2017

Introduction:

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

Final Reading:

Councilperson	Yea	Nay	Abstain/Present	Absent
Ravinder Bhalla				
Peter Cunningham				
Michael DeFusco				
James Doyle				
Tiffanie Fisher				
Michael Russo				
David Mello				
Ruben Ramos, Jr.				
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 _____, 2017

_____
James Farina, City Clerk

Vetoed by the Mayor for the following reasons: _____

_____

_____

_____

_____

-or-

Approved by the Mayor
On the ___ day of _____, 2017

_____
Dawn Zimmer, Mayor

INTRODUCED BY: _____
SECONDED BY: _____

CITY OF HOBOKEN
RESOLUTION NO._____

RESOLUTION AUTHORIZING EXECUTION OF LETTER OF INTENT WITH PUBLIC SERVICE ELECTRIC AND GAS COMPANY

WHEREAS, the City of Hoboken (hereinafter, "City") was named as a defendant in a lawsuit brought by several property owners in the Northwest Redevelopment Area, which action was entitled URSA Development Group, LLC et al. v. City of Hoboken, et al., Docket No. HUD-L-6449-11; and,

WHEREAS, the parties amicably settled that litigation, which is memorialized in a Settlement Agreement and Release, dated as of May 8, 2013 (hereinafter, "Settlement Agreement"); and,

WHEREAS, under the terms of the Settlement Agreement, the City will obtain legal title to the property identified as 1101 Monroe/1100 Madison Street (Block 102 Lot 1 on the official Tax Map of the City of Hoboken) (hereinafter, "Madison Street Property") after that property has been remediated; and,

WHEREAS, the Public Service Electric and Gas Company ("PSE&G") owns property immediately south of and adjacent to the Madison Street Property, on which it operates an electrical substation (hereinafter, "Madison Street Substation"); and,

WHEREAS, PSE&G also owns property identified as 201-209 Marshall Street and 200-206 Harrison Street (Block 35 Lots 1, 2, 3, 4.01, 5.01, 5.02, 33, 34, 35 & 36 on the official Tax Map of the City of Hoboken) (hereinafter, "Marshall Street Property"), on which it operates another electrical substation (hereinafter, "Marshall Street Substation"); and,

WHEREAS, PSE&G, as part of its Energy Strong Initiative in Hoboken, would like to consolidate and combine the Marshall Street Substation into a single expanded Madison Street Substation and raise the elevation of the Madison Street Substation to prevent electrical outages caused by flooding of the type experienced during Superstorm Sandy; and,

WHEREAS, the substation improvements planned by PSE&G would be beneficial to the citizens of Hoboken in terms of increased reliability of electrical service; and,

WHEREAS, the City and PSE&G desire to enter into a land swap transaction whereby the City would transfer the Madison Street Property to PSE&G in exchange for PSE&G transferring the Marshall Street Property to the City, with PSE&G making a cash payment of $1,245,000.00 to compensate the City for the difference in the appraised value of the respective properties; and,

WHEREAS, because PSE&G cannot decommission the Marshall Street Substation until it has completed its consolidation and expansion of the Madison Street Substation, PSE&G cannot transfer

title to the Marshall Street Property to the City until that expansion has been completed and PSE&G has properly remediated any contamination at the Marshall Street Property; and,

WHEREAS, in order to compensate the City for its "loss of use" of the Marshall Street Property during the period of time needed by PSE&G to decommission and remediate that property, PSE&G will pay the City an annual "loss of use" payment in the amount of $275,250.00, payable in monthly installments ($22,937.50) between the closing of title to the Madison Street Property and the closing of title to the Marshall Street Property; and,

WHEREAS, in furtherance of the parties' mutual desire to enter into the aforementioned land swap transaction, the City and PSE&G have negotiated a non-binding Letter of Intent (hereinafter, "LOI"), a copy of which is attached hereto, setting forth the general structure and terms of the transaction; and,

WHEREAS, under the terms of the LOI the parties agree to negotiate for a maximum period of 120 days with the intention of preparing a binding transfer agreement (hereinafter, "Definitive Agreement") which will embody terms and conditions described generally in the LOI, together with such additional terms and conditions which the parties may negotiate; and,

WHEREAS, it is deemed to be in the best interest of the City and its citizenry to enter into the LOI with PSE&G.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Hoboken hereby approves the LOI with PSE&G, as attached hereto, or a LOI that is substantially similar without any substantive changes; and

BE IT FURTHER RESOLVED, the City Council hereby authorizes the Mayor and/or her Administration to notify PSE&G of the Council's authorization of the LOI and acceptance of the terms set forth therein; and

BE IT FURTHER RESOLVED, the City Council hereby authorizes the Mayor, her Administration, and/or Corporation Counsel to proceed to execute and finalize said LOI with PSE&G, or a LOI that is substantially similar with no substantive changes, and to take any and all steps necessary to negotiate the Definitive Agreement with PSE&G.

Meeting date: September 7, 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	✓			

APPROVED:

QUENTIN WIEST
BUSINESS ADMINISTRATOR

APPROVED AS TO FORM:

BRIAN ALOIA, ESQ.
CORPORATION COUNSEL

A TRUE COPY OF A RESOLUTION ADOPTED BY THE COUNCIL OF THE CITY OF HOBOKEN, N.J. AT A MEETING HELD ON:

SEP 07 2016

CITY CLERK

CONNELL FOLEY
A TRADITION OF LEGAL EXCELLENCE SINCE 1938

Connell Foley LLP
Harborside Financial Center
2510 Plaza Five
Jersey City, NJ 07311
P 201.521.1000 F 201.521.0100

Robert A. Verdibello
Of Counsel

August 26, 2016

City of Hoboken
94 Washington Street
Hoboken, NJ 07030
Attn: Brandy Forbes, AICP, PP
Community Development Director

Re: **Proposed Transfer of Properties**
1101 Monroe / 1100 Madiston Street and
201-209 Marshall Street / 200-206 Harrison Street
Hoboken, New Jersey

Dear Ms. Forbes:

This letter will confirm the contemplated property exchange between the City of Hoboken ("Hoboken") and Public Service Electric and Gas Company ("PSE&G"); to wit: contingent upon acquisition from the current fee title holder, Hoboken has agreed to transfer ownership of property identified as 1101 Monroe/1100 Madison Street (Block 102 Lot 1 on the official Tax Map of the City of Hoboken) (hereinafter referred to as "Madison Street") to PSE&G; and in exchange, PSE&G has agreed to transfer ownership of property identified as 201-209 Marshall Street and 200-206 Harrison Street (Block 35 Lots 1, 2, 3, 4.01, 5.01, 5.02, 33, 34, 35 & 36 on the official Tax Map of the City of Hoboken) (hereinafter referred to as "Marshall Street") to Hoboken. Additionally PSE&G has agreed to pay to Hoboken the difference in the appraised value of the properties. This letter constitutes an expression of intent, but does not create any legal obligations between Hoboken and PSE&G.

By signature below, the parties agree to negotiate for a maximum period of 120 days with the intention of preparing a binding Agreement (the "Definitive Agreement"). Among other things, and subject to the negotiation, execution and delivery by both parties, the Agreement shall embody terms and conditions described generally in this letter of intent, together with additional terms and conditions, which the parties may negotiate. Counsel for PSE&G will prepare the first draft of the Agreement. During this 120 day period, the parties agree not to execute a purchase and sale agreement for the respective properties with any other party.

APPRAISAL VALUE OF MADISON STREET:

Pursuant to the appraisal conducted by Ronald D. Chiarello, Professional Appraisal Associates, dated July 14, 2016, the parties agree that the Madison Street Property has an appraised value of $4,915,000.00.

APPRAISAL VALUE OF MARSHALL STREET:

Pursuant to the appraisal conducted by Mark E. Hendricks, Hendricks Appraisal Company, LLC, the parties agree that the Marshall Street Property has an appraised value of $3,670,000.00.

PAYMENTS BY PSE&G TO HOBOKEN:

PSE&G shall pay Hoboken the difference in the appraised value of the respective properties ($1,245,000.00), which payment shall be due in full at the closing of title to Madison Street. In addition, PSE&G shall pay to Hoboken an annual fee to compensate Hoboken for the "loss of the use" of either property during the period between the closing of title to Madison Street and the closing of title to Marshall Street. That annual loss of use payment shall be calculated based on 7.5% of the appraised value of Marshall Street ($275,250.00) and shall be payable by PSE&G to Hoboken in twelve (12) equal monthly installments ($22,937.50) with the first payment to be due at the closing of title to Madison Street. Subsequent payments shall be made on the same day of each of the following months and conclude on the closing of title to Marshall Street.

DUE DILIGENCE PERIOD:

Each party shall have a period of ninety (90) days to conduct due diligence (the "Due Diligence Period") within which each respective acquiring party may conduct any and all physical, economic and other investigations, tests, studies as it may elect to perform relative to the property to be acquired.

Each party, along with its respective engineers, surveyors, and consultants shall have the right to access, inspect and/or test the respective property to be acquired as it sees fit (collectively, "Investigations"). At the conclusion of any testing performed by the acquiring party, the respective property to be acquired shall be returned to its initial, pre-testing condition. Each party shall indemnify and hold the other party harmless against all claims and damages arising out of its entry and activities on the property to be acquired in connection with the Investigations, except when arising out of negligence or willful misconduct of the party authorizing entry, its employees, agents, contractors, licensees or invitees.

Upon acceptance of this letter of intent, each respective party shall within ten (10) business days of execution by

each party, furnish or make available to the other party, all documents, including all environmental studies, reports, and submissions prepared for it (collectively, "Environmental Reports"), information, data, reports or other written matters pertaining to the respective property not previously delivered to the other party.

The Due Diligence Period in relation to PSE&G's acquisition of Madison Street shall commence upon execution of the definitive agreement.

The Due Diligence Period in relation to Hoboken's acquisition of Marshall Street shall commence upon written notice provided by PSE&G to Hoboken following PSE&G's decommissioning of the Marshall Street Substation.

DELIVERY OF TITLE:

Fee Simple Title to each respective property shall be delivered by Bargain and Sale Deed with Covenant against Grantor's Acts. The Agreement shall provide that each respective property will be delivered free and clear of (i) liens and encumbrances, other than liens for taxes not yet payable or as otherwise approved by the acquiring party during the Due Diligence Period; and (ii) agreements, easements, or rights of way and other matters, except as approved by the acquiring party during the Due Diligence Period.

CONTINGENCIES:

a. During each respective Due Diligence Period, each respective party shall have available to it for review and copying such documents in the other party's possession, including by way of example: (i) copies of all agreements, if any, pertaining to the use of or right of others to occupy the properties; (ii) copies of all contracts, agreements or permits with, or issued by any governmental entity, if any, and all Environmental Reports; (iii) copies of correspondence, studies, investigation reports, permit applications, maps, plans, and drawings.

b. During each respective Due Diligence Period, each party shall obtain a current preliminary title report and commitment for title insurance for each respective property.

c. Each party shall have the right to review and audit all remediation reports and studies issued in connection with the on-going remediation of the property to be acquired by the respective party. Each party's obligation to

close title on Madison Street is conditioned upon appropriate remediation action and delivery by the other party of a Response Action Outcome ("RAO") with respect to any environmental concerns associated with the ongoing or anticipated remediation of the property to be acquired. The RAO may be conditioned upon a deed restriction provided that it is in a form that is reasonably satisfactory to the acquiring party and does not interfere with that party's proposed use of the property to be acquired. The Permitting Period set forth in subparagraph (d) below shall be tolled until all required remediation other than post-RAO monitoring and reporting at Madison Street has been completed; provided however, that if such remediation is not completed and an RAO is not delivered to PSE&G for Madison Street prior to the original expiration date of the Permitting Period, then PSE&G shall have the right to terminate the Agreement.

d. PSE&G shall have a twelve (12) month permitting period (the "Permitting Period"), commencing on the day following the expiration of the Due Diligence Period. During the Permitting Period, PSE&G will use good faith efforts to obtain (i) all zoning, site plan, subdivision, environmental land use (including, but not limited to, flood hazard, wetlands, and any other permits required), re-zoning, soil, sewer extension, road opening, utilities, building, clearing, grading, and other permits, approvals, consents or waivers from and governmental authorities which are necessary for the development of Madison Street for PSE&G's proposed use (the "Development Approvals"); and (ii) all easements across the property of third parties which are required in connection with PSE&G's proposed development of Madison Street. Prior to submitting any Development Approval applications requiring or depicting exterior design plan details, PSE&G shall obtain Hoboken's approval of said exterior design plans to ensure, to Hoboken's reasonable satisfaction, that the Madison Street development will be consistent with its surrounding urban residential setting. The Development Approvals shall be deemed not to be obtained unless all appeals periods relating to such Development Approvals have expired without any appeal having been taken, or, if an appeal is filed, such appeal is finally adjudicated in favor of PSE&G. In addition, the Development Approvals shall be deemed not to have been obtained if a public or private moratorium associated therewith prevents

PSE&G's proposed development from being constructed and operated. Should PSE&G notify Hoboken in writing prior to the termination of the Permitting Period that PSE&G requires additional time in order to procure the Development Approvals, Hoboken shall permit PSE&G to extend the Permitting Period for up to a maximum of three (3) additional ninety (90) day periods, provided that PSE&G is diligently and continuously prosecuting the Development Approvals. If, during any ninety (90) extension period, PSE&G fails to diligently and continuously prosecute the Development Approvals, Hoboken shall have the right, upon notice and opportunity to cure by PSE&G, to terminate the Agreement.

Prior to the commencement of the Permitting Period, Hoboken will amend all applicable zoning, including any applicable Redevelopment Plans, to permit the use of Madison Street as a utility substation.

CLOSING DOCUMENTS: Each party shall provide customary representations and warranties to be agreed upon in the Agreement.

CLOSING: The closing of the Madison Street transfer shall occur forty-five (45) days after acquisition of that property by Hoboken and satisfaction of all other contingencies.

The closing of the Marshall Street transfer shall occur forty-five (45) days following the completion of all utility relocation, RAO issuance to PSE&G, and satisfaction of all other contingencies.

This letter of intent is intended as an outline of the terms and conditions of the transactions contemplated by the parties, and shall not be construed as a legally binding agreement. The parties intend to be legally bound only upon the execution of mutually acceptable agreements for the transactions contemplated herein.

If this letter of intent sets forth your general understanding as to the terms of the contemplated transaction, please sign in the appropriate space provided below.

AGREED TO AND ACCEPTED
THIS _____DAY OF_____, 2016

CITY OF HOBOKEN

By:_____
Name: Dawn Zimmer
Title: Mayor

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

By:_____
Name:
Title:

Patrick G. Reed
Principal Real Estate Consultant

Very truly yours,

Robert A. Verdibello

RAV/

3795537-1

1st reading
(b)
4-5-17

SPONSORED BY: Peter A. Cunningham
SECONDED BY:

CITY OF HOBOKEN
ORDINANCE NO.: _____ Z-486

ORDINANCE OF THE CITY OF HOBOKEN ADOPTING THE "HOBOKEN POST OFFICE REDEVELOPMENT PLAN" DATED MARCH 27, 2017, IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-7

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., on October 17, 2012, the City Council adopted a Resolution designating the Post Office Rehabilitation Area, known and designated on the Tax Map of the City of Hoboken as the Property in and around Block 231.01, Lot 1, which is generally composed of the public right-of-way of Newark Street from and including the intersection with River Street to the end of Newark Street approximately 250 feet east of River Street; and that portion of the public right-of-way of River Street from and including the intersection with Newark Street to and including the intersection with First Street , as an area in need of rehabilitation; and,

WHEREAS, after extensive consultation with the community, the property owner and other parties, a draft Hoboken Post Office Redevelopment Plan, dated March 27, 2017 (the "Plan"); was prepared by Maser Consulting Planning Associates, in cooperation with the Mayor and City Council, acting through the Director of Community and Economic Development; and,

WHEREAS, by Resolution adopted April 5, 2017, the City Council referred the proposed Plan to the City of Hoboken Planning Board (the "Board") in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7(e) for the purpose of obtaining a report of the Board as to whether the Plan is substantially consistent with the Municipal Master Plan or is designed to effectuate the Master Plan, and for any recommendation deemed appropriate by the Board concerning the proposed Hoboken Post Office Redevelopment Plan; and,

WHEREAS, on DATE, 2017, the Board transmitted a report to the Hoboken City Council finding that the Hoboken Post Office Redevelopment Plan, dated March 27, 2017, is substantially consistent with the City of Hoboken Master Plan or is designed to effectuate the Master Plan, and recommending the adoption of the Hoboken Post Office Redevelopment Plan, dated March 27, 2017.

NOW, THEREFORE, be it ordained by the Mayor and Council of the City of Hoboken, Hudson County, New Jersey, as follows:

1 The Hoboken Post Office Redevelopment Plan dated March 27, 2017, incorporated herein by reference, as if set forth at length, a copy of which is on file in the office of the City Clerk, meets the criteria, guidelines and conditions set forth at N.J.S.A. 40A:12A-7; and is otherwise in conformance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

2. The Hoboken Post Office Redevelopment Plan, dated March 27, 2017, is consistent with the City of Hoboken's Master Plan or is designed to effectuate the Master Plan.

3. The Hoboken Post Office Redevelopment Plan shall constitute an overlay of existing zoning, and the Official Zoning Map is hereby amended to reflect the overlay zone set forth in the Plan.

4. If any section or provision of the Hoboken Post Office Redevelopment Plan, dated March 27, 2017, or this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

5. All ordinances or parts of ordinances heretofore adopted that are inconsistent with the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

6. This Ordinance shall become final upon adoption and publication in the manner prescribed by law.

Date of Introduction: April 5, 2017

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 _____, 2017

James Farina, City Clerk

-or-

☐ Approved by the Mayor
On the ___ day of _____, 2017

Dawn Zimmer, Mayor