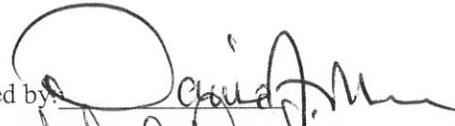
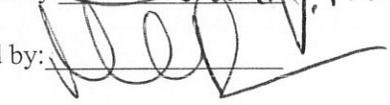


1st reading  
7-6-16

Sponsored by:   
Seconded by: 

**CITY OF HOBOKEN**

**ORDINANCE NO.: Z-423**

**AN ORDINANCE AUTHORIZING THE CITY OF HOBOKEN TO ACQUIRE THREE (3) CERTAIN REAL PROPERTIES CURRENTLY DESIGNATED AS BLOCK 81, LOT 3.01 (UNITS B AND C) AND BLOCK 74, LOTS 3-20 ON THE TAX MAP OF THE CITY OF HOBOKEN, INCLUDING A PUBLIC GYMNASIUM AND A STORMWATER DETENTION SYSTEM, ALL FOR PURPOSES LIMITED TO PUBLIC RECREATION AND CONSERVATION IN CONNECTION WITH THE REDEVELOPMENT OF THE MONROE CENTER AREA, AN AREA WITHIN THE NORTHWEST INDUSTRIAL AREA, SUBJECT TO CERTAIN EASEMENTS AND OTHER PERMITTED ENCUMBRANCES, TOGETHER WITH EASEMENTS TO BE GRANTED TO THE CITY FOR PURPOSES OF PUBLIC ACCESS**

**WHEREAS (#1)**, the City of Hoboken has, by Resolution of the Governing Body, designated Monroe Center Hoboken Urban Renewal, LLC (the “Redeveloper”) as the exclusive redeveloper of the Monroe Center Area, as well as the Phase I Sliver, areas within the Northwest Industrial Area of the City, and further, has authorized the execution of a Redevelopment Agreement by and between the City and the Redeveloper for the redevelopment of the Monroe Center Area (the “Redevelopment Agreement”); and

**WHEREAS (#2)**, as further set forth in the Redevelopment Agreement, the following parcels within the Northwest Industrial Area of the City comprise the Monroe Center Area, the Phase I Sliver and certain adjacent parcels, all of which are subject to the Northwest Industrial Redevelopment Plan adopted by the Governing Body on December 4, 2013 by Ordinance No. Z-270, which has been amended from time to time:

- Block 80, Lot 1.01 and Block 81, Lot 2.01 on the Tax Map of the City of Hoboken, more commonly known as 701 Harrison Street (collectively, “Monroe III”);
- Block 81, Lot 3.01 (Unit C) on the Tax Map of the City of Hoboken, more commonly known as 700 Monroe Street (“Monroe V”);
- Block 74, Lots 3 – 20 on the Tax Map of the City of Hoboken, more commonly known as known as 605-633 Jackson Street and 628-632 Monroe Street (the “Jackson Street Property”); and
- Block 81, Lot 3.01 (Unit B) on the Tax Map of the City of Hoboken (“Phase IV”) (collectively referred to herein as the “Monroe Center Area” or the “Properties”); and
- Portion of Block 81, Lot 3.01 (Unit A) on the Tax Map of the City of Hoboken, also more commonly known as part of 720 Monroe Street, as same is specifically described on **Exhibit A** attached hereto (“Phase I Sliver”); and
- Block 81, Lot 3.01 (Unit A) on the Tax Map of the City of Hoboken, also more commonly known as 720 Monroe Street, excluding the Phase I Sliver (“Phase I”); and

**WHEREAS (#3)**, pursuant to the terms of the Redevelopment Agreement, in summary, the Redeveloper will implement a redevelopment project for the construction of an up to 700,000 sq. ft.

mixed-use residential and commercial structure upon Block 80, Lot 1.01 and Block 81, Lot 2.01, also known as Monroe III; and

**WHEREAS (#4)**, pursuant to the terms of the Redevelopment Agreement, the Redeveloper shall remediate historic environmental soil contamination upon the Properties at no cost to the City, including the installation, as required, of barriers and/or systems to mitigate the risk of vapor intrusion; and

**WHEREAS (#5)**, also pursuant to the terms of the Redevelopment Agreement, the Redeveloper shall remediate groundwater contamination upon and migrating from the Properties unless the Redeveloper elects to fund an escrow for the City to complete the remediation of the groundwater contamination associated with Monroe V, the Jackson Street Property and/or Phase IV, which escrow amount shall be subject to the review and approval of the City; and

**WHEREAS (#6)**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., authorizes any municipality to acquire and to sell or convey real property, buildings or personal property or any interest or estate whatsoever therein, including easements; and

**WHEREAS (#7)**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., authorizes any municipality to provide, by ordinance, for the acquisition of any real property, buildings or personal property by gift or other such method of acquisition; and

**WHEREAS (#8)**, pursuant to the terms of the Redevelopment Agreement, the Redeveloper shall also, *inter alia*:

- develop upon Block 81, Lot 3.01 (Unit B), also known as Phase IV, a public plaza for utilization as open space for public recreation and conservation purposes and administer the conveyance of Phase IV to the City at no purchase price, subject to certain easements, including an easement agreement to provide for certain limited easements over Phase IV in favor of Monroe III, as set forth in the Redevelopment Agreement (the “Phase IV Easement Agreement”); and

- implement improvements upon the Phase I Sliver to be consistent with the design of the public recreation and conservation space upon Phase IV; and

- develop upon Block 81, Lot 3.01 (Unit C), also known as Monroe V, a public park for utilization as open space for public recreation and conservation purposes and convey Monroe V to the City at no purchase price, subject to certain easements, including an easement agreement to provide for certain limited easements over Monroe V in favor of Monroe III, as set forth in the Redevelopment Agreement (the “Monroe V Easement Agreement”); and

- develop upon Block 74, Lots 3 – 20, also known as the Jackson Street Property, a public park for utilization as open space for public recreation and conservation purposes, together with a gymnasium (the “Public Gymnasium”), and convey the Jackson Street Property to the City at no purchase price; and

- construct and install a pipe and stone stormwater detention system beneath the Jackson Street Property, Monroe V and Phase IV which will contribute to addressing the City’s stormwater concerns (the “Stormwater Detention System”); and

- improve a portion of Seventh Street in order to create visual continuity between the Jackson Street Property and Monroe V, encourage vehicular calming in the area, enhance the sense of community that is intended to be effectuated, provide ADA accessibility and delineate pedestrian, parking and travel lanes (collectively, the “Public Infrastructure Improvements”); and

**WHEREAS (#9)**, the implementation of the Redevelopment Agreement following the development of Monroe V, the Jackson Street Property and Phase IV, will ultimately result in the conveyance to the City of three (3) parcels comprising a total of approximately 90,085 sq. ft. to be deed restricted as open space for public recreation and conservation purposes and to be utilized as public parks, the Public Gymnasium and the Stormwater Detention System; and

**WHEREAS (#10)**, additionally, Redeveloper will provide the public with access to certain portions of the Monroe III parcel in order to provide convenient access to the improvements to be implemented upon Phase IV and to provide an overall sense of community within the Monroe Center Area (collectively, the “Monroe III Public Access Easements”); and

**WHEREAS (#11)**, the Governing Body has determined that it is in the best interest of the City of Hoboken to acquire Monroe V, Phase IV, and the Jackson Street Property, including the Public Gymnasium, for utilization as open space for public recreation and conservation purposes, for the enjoyment of the residents of the City, to encourage the sense of community within the Northwest Area of the City and, with regard to a portion of the referenced property, for the intended purpose of compensation for any prior diversion of parkland pursuant to Green Acres regulations and any prior conversion of parkland pursuant to the Urban Park and Recreation Recovery Act, all in accordance with the terms of the Redevelopment Agreement; and

**WHEREAS (#12)**, the Governing Body has further determined that it is in the best interest of the City of Hoboken to acquire the Stormwater Detention System to contribute towards addressing the City’s stormwater concerns and Rebuild By Design initiatives; and

**WHEREAS (#13)**, following the conveyance of the referenced parcels to the City, the City will manage, operate and maintain the Public Gymnasium as well as the public park spaces upon Monroe V, Phase IV and the Jackson Street Property and the Stormwater Detention System; and

**WHEREAS (#14)**, following the conveyance of the referenced parcels to the City, the City will also operate, maintain and comply with any requirements associated with any engineering and institutional controls which are implemented as a permanent remedy in connection with the environmental remediation of Monroe V, Phase IV and the Jackson Street Property; and

**WHEREAS (#15)**, additionally, the City of Hoboken has, by separate Resolution of the Governing Body, designated Monroe Investment Group, LLC (the “Phase I Redeveloper”) as the exclusive redeveloper of Phase I, a property which abuts both Monroe V and Phase IV, and further, has authorized the execution of a Redevelopment Agreement by and between the City and the Phase I Redeveloper for the redevelopment of Phase I (the “Phase I Redevelopment Agreement”); and

**WHEREAS (#16)**, the terms and conditions of the Redevelopment Agreement and the Phase I Redevelopment Agreement are so related and so intertwined, and the pertinent parcels all being located within the same area, in order to achieve a consistent vision throughout the Monroe Center Area, the authorization for the execution of the Redevelopment Agreement is a condition precedent to the Phase I Redevelopment Agreement; and

**WHEREAS (#17)**, pursuant to the terms of the Phase I Redevelopment Agreement, the Redeveloper will, *inter alia*, develop a courtyard or such plaza area beneath the bridge (the “Walkway Area”) which connects the two existing buildings upon Phase I which will include the incorporation of a gateway or formal pedestrian entrance, informal seating areas for gathering, a water feature including safety buffers for adjacent pedestrians, and flexible spaces; and

**WHEREAS (#18)**, also pursuant to and as set forth in the Phase I Redevelopment Agreement, upon the conveyance of Phase IV to the City, Phase I Redeveloper will provide the public with access to the Walkway Area and the Phase I Sliver in order to provide ingress and egress between the improvements to be implemented upon Phase IV and Monroe Street and Eighth Street, respectively (collectively, the “Phase I Public Access Easements”); and

**WHEREAS (#19)**, the Governing Body has determined that it is in the best interest of the City of Hoboken to acquire the Monroe III Public Access Easements and the Phase I Public Access Easements, for the enjoyment and convenience of the residents of the City and to encourage the sense of community and utilization of the improvements to be implemented upon Phase IV; and

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

1. The City is hereby authorized to acquire the real properties located upon Block 81, Lot 3.01 (Unit C) on the Tax Map of the City of Hoboken, more commonly known as known as 700 Monroe Street and as described with more particularity on **Exhibit B** (“Monroe V”); Block 74, Lots 3 – 20 on the Tax Map of the City of Hoboken, more commonly known as known as 605-633 Jackson Street and 628-632 Monroe Street and as described with more particularity on **Exhibit C** (the “Jackson Street Property”); and Block 81, Lot 3.01 (Unit B) on the Tax Map of the City of Hoboken, as described with more particularity on **Exhibit D** (“Phase IV”) for open space and for public recreation and conservation purposes as set forth herein and as shall be more specifically described in the Deeds for the parcels, as well as the Public Gymnasium and the Stormwater Detention System, in accordance with the Redevelopment Agreement and subject to any easements and other Permitted Encumbrances set forth therein, including, but not limited to the Phase IV Easement Agreement and the Monroe V Easement Agreement.
2. Upon or following the conveyances of the respective real properties referenced herein, if the Phase IV Easement Agreement and/or the Monroe V Easement Agreement have not been previously executed and recorded, then the City is hereby authorized to provide the limited easements set forth in the Phase IV Easement Agreement and the Monroe V Easement Agreement, and in furtherance of same, to execute and record those Easement Agreements, in accordance with the Redevelopment Agreement and subject to the limitations therein, assuming that the circumstances at that time are as contemplated by the Redevelopment Agreement and do not conflict with the terms of the Redevelopment Agreement, in which case, separate authorization for the Phase IV Easement Agreement and/or the Monroe V Easement Agreement, respectively, by the City Council would be required.
3. The City is hereby authorized to acquire the Monroe III Public Access Easements, as that term is defined herein, upon the real property located upon Block 80, Lot 1.01 and Block 81, Lot 2.01 on the Tax Map of the City of Hoboken, more commonly known as known as 701 Harrison Street, and as those easement areas referred to herein and consisting of Block 81, Lot 2.01 in its entirety and those areas depicted with more particularity as the Proposed Easement on **Exhibit E**, the Open Space Plan dated June 3, 2016.
4. The City is hereby authorized to acquire the Phase I Public Access Easements, as that term is defined herein, upon the real property located upon Block 81, Lot 3.01 (Unit A) on the Tax Map of the City of Hoboken, more commonly known as known as 720 Monroe Street, and as those easement areas referred to herein as the Walkway Area and the Phase I Sliver are described and depicted with more particularity on **Exhibit F**, in accordance with the Phase I Redevelopment Agreement.

5. The Mayor and the City Clerk, staff and consultants of the City are hereby authorized and directed to take all actions to implement this Ordinance as are necessary and appropriate to accomplish its goals and intent.

6. 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.

7. 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 remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

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

9. 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.

10. The City Clerk and the City's 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:**

Introduction:

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

Approved as to Legal Form:

\_\_\_\_\_  
, Corporation Counsel

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

\_\_\_\_\_  
James Farina, City Clerk

Vetoed by the Mayor for the following  
Reasons: \_\_\_\_\_

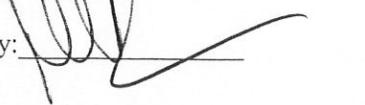
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\_\_\_\_\_

**-or-**

Approved by the Mayor  
On the \_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Dawn Zimmer, Mayor

1st reading  
7-6-16 (2)

Sponsored by:   
Seconded by: 

**CITY OF HOBOKEN**

**ORDINANCE NO.:** Z-429

**AN ORDINANCE AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT PURSUANT TO THE LONG TERM TAX EXEMPTION LAW, N.J.S.A. 40A:20-1, ET SEQ. IN CONNECTION WITH THE REDEVELOPMENT OF THE MONROE CENTER AREA, AN AREA WITHIN THE NORTHWEST INDUSTRIAL AREA, INVOLVING THE ENVIRONMENTAL REMEDIATION, DEVELOPMENT AS OPEN PUBLIC PARK SPACE, AND CONVEYANCE TO THE CITY BY THE REDEVELOPER OF THREE (3) CERTAIN REAL PROPERTIES DESIGNATED AS BLOCK 81, LOT 3.01 (UNITS B AND C) AND BLOCK 74, LOTS 3-20 ON THE TAX MAP OF THE CITY OF HOBOKEN, INCLUDING A PUBLIC GYMNASIUM AND A STORMWATER DETENTION SYSTEM**

**WHEREAS (#1)**, the City of Hoboken has, by Resolution of the Governing Body, designated Monroe Center Hoboken Urban Renewal, LLC (the “Redeveloper” or the “Entity”) as the exclusive redeveloper of the Monroe Center Area, an area within the Northwest Industrial Area of the City as further set forth herein, and further, has authorized the execution of a Redevelopment Agreement by and between the City and the Redeveloper for the redevelopment of the Monroe Center Area (the “Redevelopment Agreement”); and

**WHEREAS (#2)**, as further set forth in the Redevelopment Agreement, the following parcels within the Northwest Industrial Area of the City comprise the Monroe Center Area, all of which are subject to the Northwest Industrial Redevelopment Plan adopted by the Governing Body on December 4, 2013 by Ordinance No. Z-270, as amended (the “Redevelopment Plan”):

- Block 80, Lot 1.01 and Block 81, Lot 2.01 on the Tax Map of the City of Hoboken, more commonly known as 701 Harrison Street (collectively, “Monroe III”);
- Block 81, Lot 3.01 (Unit C) on the Tax Map of the City of Hoboken, more commonly known as 700 Monroe Street (“Monroe V”);
- Block 74, Lots 3 – 20 on the Tax Map of the City of Hoboken, more commonly known as 605-633 Jackson Street and 628-632 Monroe Street (the “Jackson Street Property”); and
- Block 81, Lot 3.01 (Unit B) on the Tax Map of the City of Hoboken (“Phase IV”); and
- Portion of Block 81, Lot 3.01 (Unit A) on the Tax Map of the City of Hoboken, also more commonly known as part of 720 Monroe Street (“Phase I Sliver”) (collectively referred to herein as the “Monroe Center Area” or the “Properties”); and

**WHEREAS (#3)**, pursuant to the terms of the Redevelopment Agreement, the Redeveloper will implement a redevelopment project for the construction of an up to 700,000 sq. ft. mixed-use residential and commercial structure upon Block 80, Lot 1.01 and Block 81, Lot 2.01, also known as Monroe III, which will include 424 residential units, 42 of which shall be deed restricted as affordable housing units within the building (i.e. 10%), for no less than 40 years (the “Project”); and

**WHEREAS (#4)**, pursuant to the terms of the Redevelopment Agreement, the Redeveloper shall remediate environmental contamination upon Monroe III, Phase IV, Monroe V and the Jackson Street Property at no cost to the City, including the installation, as required, of barriers and/or systems to mitigate the risk of vapor intrusion; and

**WHEREAS (#5)**, pursuant to the terms of the Redevelopment Agreement, following the remediation, the Redeveloper shall also:

- develop upon Block 81, Lot 3.01 (Unit B), also known as Phase IV, a public plaza for utilization as open space and administer the conveyance of Phase IV to the City at no purchase price; and
- develop upon Block 81, Lot 3.01 (Unit C), also known as Monroe V, a public park for utilization as open space and convey Monroe V to the City at no purchase price; and
- develop upon Block 74, Lots 3 – 20, also known as the Jackson Street Property, a public park for utilization as open space, together with a gymnasium (the “Public Gymnasium”), and convey the Jackson Street Property and the Public Gymnasium to the City at no purchase price; and
- construct and install a pipe and stone stormwater detention system beneath the Jackson Street Property, Monroe V and Phase IV which will contribute to addressing the City’s stormwater concerns (the “Stormwater Detention System”); and
- improve a portion of Seventh Street in order to create visual continuity between the Jackson Street Property and Monroe V, encourage vehicular calming in the area, enhance the sense of community that is intended to be effectuated, provide ADA accessibility and delineate pedestrian, parking and travel lanes (collectively, the “Public Infrastructure Improvements”); and
- implement improvements upon Block 81, Lot 3.01 (Unit A), also known as the Phase I Sliver, for consistency with the Project and the Public Infrastructure Improvements; and

**WHEREAS (#6)**, the implementation of the Redevelopment Agreement will result in the environmental remediation and conveyance to the City of three (3) parcels comprising 90,035 sq. ft. of open space for purposes of recreation and conservation to be utilized as public parks, including the Public Gymnasium and the Stormwater Detention System, at a cost to Redeveloper of approximately \$26,440,300.00; and

**WHEREAS (#7)**, the Governing Body has determined that it is in the best interest of the City of Hoboken to acquire Monroe V, Phase IV, and the Jackson Street Property, including the Public Gymnasium, for utilization as public open space, for the enjoyment of the residents of the City, to encourage the sense of community within the Northwest Area of the City and, with regard to a portion of the referenced property, for the intended purpose of compensation for any prior diversion of parkland pursuant to Green Acres regulations and any prior conversion of parkland pursuant to the Urban Park and Recreation Recovery Act; and

**WHEREAS (#8)**, the Governing Body has further determined that it is in the best interest of the City of Hoboken to acquire the Stormwater Detention System to contribute towards addressing the City’s stormwater concerns and Rebuild By Design initiatives; and

**WHEREAS (#9)**, the Redeveloper submitted to the City an Application for a Long Term Tax Exemption in connection with the Project and the Public Infrastructure Improvements seeking to make

payments in lieu of taxes (“PILOTS”), a copy of which is attached hereto as **Exhibit A** (the “PILOT Application”); and

**WHEREAS (#10)**, in support of its PILOT Application, Redeveloper also submitted to the City a Fiscal Impact Analysis, a copy of which is attached hereto as **Exhibit B** (the “Redeveloper’s Fiscal Impact Analysis”); and

**WHEREAS (#11)**, pursuant to the Redeveloper’s Fiscal Impact Analysis, the Project, together with the Public Infrastructure Improvements, would not be financially feasible but for the provision of a long term tax exemption in accordance with N.J.S.A. 40A:20-1, et seq. (the “Exemption Law”); and

**WHEREAS (#12)**, the City has carefully reviewed the PILOT Application and the Redeveloper’s Fiscal Impact Analysis and has considered the impacts of the development upon the City as well as the long term tax exemption requested by the Redeveloper; and

**WHEREAS (#13)**, in furtherance of its consideration, the City required the input of City officials to determine the potential impacts upon the City by the development and the long term tax exemption requested by Redeveloper, specifically, the Chief of Police for the City of Hoboken Police Department, the Fire Chief of the City of Hoboken Fire Department, the Director of Facilities for the Hoboken School District, and the Director of Environmental Services for the City of Hoboken (collectively, the “City Officials”); and

**WHEREAS (#14)**, each of the City Officials has certified that he has reviewed and approved the Redeveloper’s Fiscal Impact Analysis and a copy of said certifications are attached to the Redeveloper’s Fiscal Impact Analysis which is attached hereto as **Exhibit B**; and

**WHEREAS (#15)**, pursuant to Resolution No. 09-496 whereby the Governing Body adopted a policy to inform both the Governing Body and the public as to the financial impact of any proposed PILOT (the “PILOT Resolution”), the City’s Chief Financial Officer and Director of Revenue and Finance have prepared and certified a Financial Analysis setting forth for each year that the proposed PILOT will be in effect, a projection of the PILOT revenue and a projection of the sum that would have been the municipal, school board and County taxes (collectively, the “Non-Abated Taxes”) on the completed Project were the tax abatement not granted (the “City’s Financial Analysis”), a copy of which is attached hereto as **Exhibit C**; and

**WHEREAS (#16)**, pursuant to the PILOT Resolution, the City’s Financial Analysis is required to be provided to the Governing Body and released to the public at least thirty (30) days prior to the consideration of any resolution or ordinance authorizing a PILOT agreement; and

**WHEREAS (#17)**, the City has determined that the City’s Financial Analysis was provided to the Governing Body and released to the public at least thirty (30) days prior to the date hereof, in accordance with the PILOT Resolution; and

**WHEREAS (#18)**, as set forth in the City’s Financial Analysis, a projection of the PILOT revenue due to the City net of land taxes would be \$79,142,846 over thirty years and the sum of the projected municipal, school board and county Non-Abated Taxes on the Project would be \$222,058,381 over thirty years; and

**WHEREAS (#19)**, the City’s Financial Analysis also provides that the total projected PILOT revenues including the municipal share of land taxes to be collected by the City are \$83,891,698 which

amount is \$6,171,265 more than the projection of the municipal share of the taxes on the completed project were the tax abatement not granted; and

**WHEREAS (#20)**, the City's Financial Analysis further includes a projection of the debt service cost in the amount of \$37.6 million that the City would otherwise have had to assume if the City were to directly undertake the Public Infrastructure Improvements which are proposed to be completed by the Entity; and

**WHEREAS (#21)**, the City has retained 4Ward Planning, Inc. ("4Ward Planning") to serve as its own financial consultant in connection with the consideration of the Redeveloper's PILOT Application and the Redeveloper's Fiscal Impact Analysis; and

**WHEREAS (#22)**, 4Ward Planning has issued a report, a copy of which is attached hereto as **Exhibit D** ("4Ward Planning Report") together with the addendum thereto, stating that the payment of PILOTs in the agreed upon amount, as opposed to otherwise applicable taxes, is necessary for the financial feasibility of the Project; and

**WHEREAS (#23)**, in light of the substantial benefits to the City under the Redevelopment Agreement and pursuant to the City's consideration of the PILOT Application and the Entity's Fiscal Impact Analysis as well as the City's Financial Analysis and the 4Ward Planning Report, and in order to make the Project, together with the Public Infrastructure Improvements, financially feasible, the City has determined that a Financial Agreement permitting the Entity to make annual payments in lieu of taxes (PILOTs) to the City equaling 10% of the Redeveloper's Annual Gross Revenue (the "Financial Agreement") is justified and shall be a condition of the Redeveloper's obligations under the Redevelopment Agreement; and

**WHEREAS (#24)**, pursuant to the Financial Agreement, the form of which is attached hereto as **Exhibit E**, Redeveloper has agreed to pay an Annual Service Charge to the City equal to 10% of the annual gross revenue of the Project for a period of thirty (30) years, subject to a minimum annual service charge; and

**WHEREAS (#25)**, the City has determined that that the Project and the Public Infrastructure Improvements will further the overall redevelopment objectives of the Redevelopment Plan for the Northwest Industrial Area of the City; and

**WHEREAS (#26)**, the City has further determined that the benefits of the Project, together with the Public Infrastructure Improvements, outweigh the cost of the tax exemption for the following reasons:

1. Extensive environmental remediation will be completed upon Monroe III, Phase IV, Monroe V and the Jackson Street Property.
2. The provision of affordable housing contributes to the satisfaction of the City's Constitutional obligation to provide affordable housing.
3. The net amount of revenue projected to be received by the City from the PILOT payments will exceed the net amount of revenue projected to be received by the City if the Project was built and subject to otherwise applicable taxes.
4. The City would realize a debt service cost in the approximate amount of \$37.6 million if the City were to undertake the implementation of the Public Infrastructure Improvements.

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

1. The Mayor is hereby authorized to execute a Financial Agreement in the form attached hereto as **Exhibit E**.

2. The Mayor and the City Clerk, staff and consultants of the City are hereby authorized and directed to take all actions to implement this Ordinance as are necessary and appropriate to accomplish its goals and intent.

3. 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.

4. 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 remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

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

6. 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.

7. The City Clerk and the City’s 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:**

Introduction:

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

Final Reading:

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

Approved as to Legal Form:

\_\_\_\_\_  
, Corporation Counsel

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

\_\_\_\_\_  
James Farina, City Clerk

Vetoed by the Mayor for the following  
Reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

-or-

Approved by the Mayor  
On the \_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Dawn Zimmer, Mayor

**Exhibit A**  
**PILOT Application**

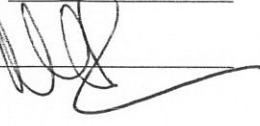
**Exhibit B**  
**Redeveloper's Fiscal Impact Analysis**

**Exhibit C**  
**City's Financial Analysis**

**Exhibit D**  
**4Ward Planning Report and Addendum**

**Exhibit E**  
**Financial Agreement**

7-6-16  
1st reading  
(3)

Sponsored by:   
Seconded by: 

**CITY OF HOBOKEN**

**ORDINANCE NO.: Z-425**

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

**WHEREAS (#1)**, 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, for the redevelopment of an area in the City of Hoboken known as the Northwest Industrial Area (“Northwest Redevelopment Plan”), which 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.;

**WHEREAS (#2)**, the Northwest Redevelopment Plan is reprinted in Appendix A of Chapter 196 of the Code of the City of Hoboken; and

**WHEREAS (#3)**, the following real properties are situated within the Northwest Industrial Area of the City:

- Block 80, Lot 1.01 and Block 81, Lot 2.01 on the Tax Map of the City of Hoboken, more commonly known as 701 Harrison Street (referred to herein as “Monroe III”);
- Block 81, Lot 3.01 (Unit C) on the Tax Map of the City of Hoboken, more commonly known as 700 Monroe Street and formerly known as Monroe V under a prior redevelopment agreement which was terminated by Resolution of the City Council of the City of Hoboken (“City Council”) in 2001 (the “Prior Agreement”) (referred to herein as “Monroe V”);
- Block 74, Lots 3 – 20 on the Tax Map of the City of Hoboken, more commonly known as 605-633 Jackson Street and 628-632 Monroe Street (referred to herein as the “Jackson Street Property”);
- Block 81, Lot 3.01 (Unit B) on the Tax Map of the City of Hoboken, formerly known as Phase IV under the Prior Agreement (referred to herein as “Phase IV”);
- Block 81, Lot 3.01 (Unit A) on the Tax Map of the City of Hoboken, also more commonly known as 720 Monroe Street and formerly known as “Phase I” under the Prior Agreement; and

**WHEREAS (#4)**, the City Council has prepared certain proposed amendments to the Northwest Redevelopment Plan, which proposed amendments are in furtherance of the redevelopment of the Northwest Industrial Area; and

**WHEREAS (#5)**, 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 (#6)**, the City Council has reviewed and considered the recommendations of the Planning Board regarding the proposed amendments to the Northwest Redevelopment Plan; and

WHEREAS (#7), 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**

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 de-mapping 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-1(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-1 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. ~~Otherwise, all other permitted uses will be the same in all zones.~~ 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, craftsman 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 curblineline 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 curblineline.

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).

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

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 17-18 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: Building height	Street trees: single row of trees every 25 feet on north-south streets.
Bonus 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.
Floor area ratio	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).
Bonus FA:	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). 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.

Parking:

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. A minimum of one space for each dwelling unit.

## Zone 2

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

Sub-Area 1: Blocks 80/81, 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 80/81, 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.

~~The redeveloper of Block 80/81, which currently is a merged block encompassing the formerly vacated portion of Jackson St. between 7th and 8th St. shall open Jackson St. through the block to the extent necessary to allow vehicular circulation by the public in a manner mutually agreed on between the redeveloper and the city. The land itself may remain privately owned and maintained, may be counted toward developable floor area, but there shall be a permanent public easement provided to ensure public access along the designated right-of-way (ROW). If the vehicular ROW is designed as part of a programmable public space, the redeveloper may design the ROW in a manner different in appearance and alignment from standard city streets subject to review by the city's engineer. If the ROW is so designed and [programmed, the redeveloper may count the area of the ROW toward a bonus and shall enter into an agreement with the city to permit limited closings for specified public events.~~

Whereas a single entity has been designated as redeveloper of all portion of Block 80/81 (with the exception of one lot owned by NJT) and Block 87 (lots 1-12 and 21-32) and whereas Lot

3.01 denoted in the tax records as COOOA (Monroe Center Phase I) contains existing buildings may 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 prorated as discussed above 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 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 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 ~~Blocks 80/81 & 87~~ 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 base 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 ~~Blocks 80/81 or~~ 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 ground-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 ground-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 1: Blocks 74 Lots 3-20

Block 74, Lots 3-20 and the surrounding right of way shall be regulated according to the Plan but utilizing the use, bulk, density and parking requirements articulated for the R-3 zoning district. All other applicable standards (such as façade, signage, etc.) as set forth in the City of Hoboken Zoning Ordinance and Municipal Code will also apply.

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, C000B, (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 10<sup>th</sup> floor shall be permitted to have a lot coverage of not more than 50%.
4. That portion of the building(s) above the 11<sup>th</sup> floor shall be permitted to have a lot coverage of not more than 40%.
5. That portion of the building(s) above the 13<sup>th</sup> 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.

I. 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, facade 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:

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

**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 1-6 & 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 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.

**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).

**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 corner).

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 docks 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 corners 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 corners 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 foot by one foot 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:**

Introduction:

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

Approved as to Legal Form:

\_\_\_\_\_  
, Corporation Counsel

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

\_\_\_\_\_  
James Farina, City Clerk

Vetoed by the Mayor for the following  
Reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**-or-**

Approved by the Mayor  
On the \_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Dawn Zimmer, Mayor

1st reading (4)  
7-6-16

Sponsored by: *CF*  
Seconded by: *[Signature]*

CITY OF HOBOKEN, NEW JERSEY

ORDINANCE NO. 7-426

**BOND ORDINANCE AUTHORIZING THE RECONSTRUCTION OF A METER CHAMBER AND THE REHABILITATION AND/OR REPLACEMENT OF WATER MAINS IN THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$5,250,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$5,250,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

**BE IT ORDAINED** by the City Council of the City of Hoboken, County of Hudson, New Jersey (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 purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the City of Hoboken, County of Hudson, New Jersey ("City").

**Section 2.** It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$5,250,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$5,250,000.

**Section 3.** The sum of \$5,250,000 to be raised by the issuance of bonds or bond anticipation notes is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

**Section 4.** The issuance of negotiable bonds of the City in an amount not to exceed \$5,250,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law. All or a portion of the bonds authorized to be issued hereunder may evidence one or more loans from the

New Jersey Department of Environmental Protection and/or the New Jersey Environmental Infrastructure Trust, under an Application for Financial Assistance (“Application”) submitted by the City to said entities.

**Section 5.** In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$5,250,000, is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

**Section 6.** The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$1,000,000.

**Section 7.** The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Rehabilitation and/or Replacement of Water Mains at Various Locations including, but not limited to, Park Avenue, Garden Street, Madison Avenue, River Street, Clinton Street, Jefferson Street and Grand Street; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$4,750,000	\$0	\$4,750,000	40 years
B. Reconstruction of the Meter Chamber between Hoboken and Jersey City; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	500,000	0	500,000	20 years
<b>TOTAL</b>	<b>\$5,250,000</b>	<b>\$0</b>	<b>\$5,250,000</b>	

**Section 8.** The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 38.09 years.

**Section 9.** Grants or other monies received from any governmental entity, if any, will

be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

**Section 10.** The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$5,250,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

**Section 11.** The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance and, to the extent payment is not otherwise provided, the City shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

**Section 12.** The applicable Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

**Section 13.** The City hereby declares its intent to reimburse itself from the proceed of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code") for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

**Section 14.** The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes is exempt from the gross income of the owners thereof for federal income taxation purposed, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such terms is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be “federally guaranteed” within the meaning of Section 149(b) of the Code.

**Section 15.** The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

**Section 16.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 17.** In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

**Date of Introduction: July 6, 2016**

Introduction:

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

Final Reading:

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

Approved as to Legal Form:

\_\_\_\_\_  
, Corporation Counsel

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

\_\_\_\_\_  
James Farina, City Clerk

Vetoed by the Mayor for the following reasons:

**-or-**

Approved by the Mayor  
On the \_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Dawn Zimmer, Mayor

**Notice of Pending Bond Ordinance and Summary**

The bond ordinance, the summary terms of which are included herein, 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 July \_\_, 2016. 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 on \_\_\_\_\_, 2016 at \_\_\_\_\_ o'clock \_\_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. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE RECONSTRUCTION OF A METER CHAMBER AND THE REHABILITATION AND/OR REPLACEMENT OF WATER MAINS IN THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$5,250,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$5,250,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Rehabilitation and/or Replacement of Water Mains at Various Locations including, but not limited to, Park Avenue, Garden Street, Madison Avenue, River Street, Clinton Street, Jefferson Street and Grand Street; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$4,750,000	\$0	\$4,750,000	40 years
B. Reconstruction of the Meter Chamber between Hoboken and Jersey City; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	500,000	0	500,000	20 years
<b>TOTAL</b>	<b>\$5,250,000</b>	<b>\$0</b>	<b>\$5,250,000</b>	

Appropriation: \$5,250,000  
 Bonds/Notes Authorized: \$5,250,000  
 Grants (if any) Appropriated: None  
 Section 20 Costs: \$1,000,000  
 Useful Life: 38.09 years

JAMES J. FARINA, RMC, City Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

## Bond Ordinance Statements and Summary

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the City Council of the City of Hoboken, in the County of Hudson, State of New Jersey on \_\_\_\_\_, 2016 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. Copies of the full ordinance are available at no cost and during regular business hours, at the City Clerk's office in the Municipal Building, 94 Washington Street, Hoboken, New Jersey, for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title:           **BOND           ORDINANCE           AUTHORIZING           THE  
RECONSTRUCTION OF A METER CHAMBER AND THE  
REHABILITATION AND/OR REPLACEMENT OF WATER  
MAINS IN THE CITY OF HOBOKEN, COUNTY OF  
HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF  
\$5,250,000 THEREFOR; AUTHORIZING THE ISSUANCE OF  
GENERAL OBLIGATION BONDS OR BOND  
ANTICIPATION NOTES OF THE CITY OF HOBOKEN,  
COUNTY OF HUDSON, NEW JERSEY IN THE  
AGGREGATE PRINCIPAL AMOUNT OF UP TO \$5,250,000;  
MAKING CERTAIN DETERMINATIONS AND  
COVENANTS; AND AUTHORIZING CERTAIN RELATED  
ACTIONS IN CONNECTION WITH THE FOREGOING**

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Rehabilitation and/or Replacement of Water Mains at Various Locations including, but not limited to, Park Avenue, Garden Street, Madison Avenue, River Street, Clinton Street, Jefferson Street and Grand Street; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$4,750,000	\$0	\$4,750,000	40 years
B. Reconstruction of the Meter Chamber between Hoboken and Jersey City; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	500,000	0	500,000	20 years
<b>TOTAL</b>	<b>\$5,250,000</b>	<b>\$0</b>	<b>\$5,250,000</b>	

Appropriation:           \$5,250,000  
 Bonds/Notes Authorized:   \$5,250,000  
 Grants (if any) Appropriated: None  
 Section 20 Costs:           \$1,000,000  
 Useful Life:                38.09 years

JAMES J. FARINA, RMC, City Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

[Click here to Email the SDS if not using Microsoft outlook when complete](#)

## Department of Community Affairs Supplemental Debt Statement

0905 **0905 Hoboken City - County of Hudson**

Prepared as of:

6-Jul-2016

Budget Year Ending: 12/31/2016 (Month-DD) **2016** (year)

Name: George De Stefano  
 Title: CFO  
 Address: City of Hoboken  
94 Washington Street  
Hoboken NJ 07030

Phone: 201-420-2028  
 Fax: 201-420-2019  
 Email: gdestefano@hobokennj.gov  
 CFO Cert #: N0362

**George De Stefano, Being duly sworn, deposes and says: Deponent is the Chief Financial Officer of the 0905 Hoboken City - County of Hudson here and in the statement hereinafter mentioned called the local unit. The Supplemental Debt Statement annexed hereto and hereby made a part hereof is a true statement of the debt condition of the local unit as of the date therein stated and is computed as provided by the Local Bond Law of New Jersey.**

By checking this box, I am swearing that the above statement is true. (The Email function will not work until you acknowledge the above statement as true)

	Net Debt as per Annual Debt Statement	Decrease (Since December 31, last past)	Increase	Net Debt
<b>Bonds and Notes for School Purposes</b>	\$ -	\$ -	\$ -	\$ -
<b>Bonds and Notes for Self Liquidating Purposes</b>	\$ -	\$ -	\$ -	\$ -
<b>Other Bonds and Notes</b>	\$ 133,794,851.86	\$ 5,556,535.64	\$ 15,209,500.00	\$ 143,447,816.22

Net Debt at the time of this statement is..... \$ 143,447,816.22

The amounts and purposes separately itemized of the obligations about to be authorized, and any deductions which may be made on account of each such item are: (see Note "C" below)

Bond Ordinance	Purposes	Amount	Deduction	Net
	Reconstruction of meter chamber and rehabilitation/replacement of water mains.	\$ 5,250,000.00	\$ -	\$ 5,250,000.00
		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
		\$ 5,250,000.00	\$ -	\$ 5,250,000.00

The net debt of the local unit determined by the addition of the net debt amounts stated in items 2 and 3 above is: \$ 148,697,816.22

Equalized valuation basis (the average of the equalized valuations of real estate, including improvements and the assessed valuation of class II railroad property of the local unit for the last 3 preceding years) as stated in the Annual Debt Statement or the revision thereof last filed.

	<u>Year</u>		
(1)	<u>2013</u>	Equalized Valuation Real Property with Improvements plus assessed valuation of Class II RR Property	\$ <u>11,097,012,867.00</u>
(2)	<u>2014</u>	Equalized Valuation Real Property with Improvements plus assessed valuation of Class II RR Property	\$ <u>12,425,885,205.00</u>
		Equalized Valuation Real Property with Improvements plus assessed valuation of Class	

		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
		\$ 5,250,000.00	\$ -	\$ 5,250,000.00

The net debt of the local unit determined by the addition of the net debt amounts stated in items 2 and 3 above is:

\$ 148,697,816.22

Equalized valuation basis (the average of the equalized valuations of real estate, including improvements and the assessed valuation of class II railroad property of the local unit for the last 3 preceding years) as stated in the Annual Debt Statement or the revision thereof last filed.

<u>Year</u>			
(1)	<u>2013</u>	Equalized Valuation Real Property with Improvements plus assessed valuation of Class II RR Property	\$ 11,097,012,867.00
(2)	<u>2014</u>	Equalized Valuation Real Property with Improvements plus assessed valuation of Class II RR Property	\$ 12,425,885,205.00
(3)	<u>2015</u>	Equalized Valuation Real Property with Improvements plus assessed valuation of Class II RR Property	\$ 13,251,581,393.00
Equalized Valuation Basis - Average of (1), (2) and (3).....			\$ 12,258,159,821.67

Net Debt (Line 4 above) expressed as a percentage of such equalized valuation basis (Line 6 above) is:

1.213%

**NOTES**

- A If authorization of bonds or notes is permitted by an exception to the debt limit, specify the particular paragraph of NJSA 40A:2-7 or other section of law providing such exception.
- B This form is also to be used in the bonding of separate (not Type I) school districts as required by NJSA 18A:24-16, and filed before the school district election. In such case pages 4, 5 and 6 should be completed to set forth the computation supporting any deduction in line 3 above.
- C Only the account of bonds or notes about to be authorized should be entered. The amount of the "down payment" provided in the bond ordinance should not be included nor shown as a deduction.

[Click here to Email the SDS if not using Microsoft outlook when complete](#)

## Department of Community Affairs Supplemental Debt Statement

0905 **0905 Hoboken City - County of Hudson**

Prepared as of:

6-Jul-2016

Budget Year Ending: 12/31/2016 (Month-DD) 2016 (year)

Name: George De Stefano  
 Title: CFO  
 Address: City of Hoboken  
94 Washington Street  
Hoboken NJ 07030

Phone: 201-420-2028  
 Fax: 201-420-2019  
 Email: gdestefano@hobokenni.gov  
 CFO Cert #: N0362

George De Stefano, Being duly sworn, deposes and says: Deponent is the Chief Financial Officer of the 0905 Hoboken City - County of Hudson here and in the statement hereinafter mentioned called the local unit. The Supplemental Debt Statement annexed hereto and hereby made a part hereof is a true statement of the debt condition of the local unit as of the date therein stated and is computed as provided by the Local Bond Law of New Jersey.

By checking this box, I am swearing that the above statement is true. (The Email function will not work until you acknowledge the above statement as true)

	Net Debt as per Annual Debt Statement	Decrease (Since December 31, last past)	Increase	Net Debt
<b>Bonds and Notes for School Purposes</b>	\$ -	\$ -	\$ -	\$ -
<b>Bonds and Notes for Self Liquidating Purposes</b>	\$ -	\$ -	\$ -	\$ -
<b>Other Bonds and Notes</b>	\$ 133,794,851.86	\$ 5,556,535.64	\$ 15,209,500.00	\$ 143,447,816.22

Net Debt at the time of this statement is..... \$ 143,447,816.22

The amounts and purposes separately itemized of the obligations about to be authorized, and any deductions which may be made on account of each such item are: (see Note "C" below)

Bond Ordinance	Purposes	Amount	Deduction	Net
	Reconstruction of meter chamber and rehabilitation/replacement of water mains.	\$ 5,250,000.00	\$ -	\$ 5,250,000.00
		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
		\$ 5,250,000.00	\$ -	\$ 5,250,000.00

The net debt of the local unit determined by the addition of the net debt amounts stated in items 2 and 3 above is: \$ 148,697,816.22

Equalized valuation basis (the average of the equalized valuations of real estate, including improvements and the assessed valuation of class II railroad property of the local unit for the last 3 preceding years) as stated in the Annual Debt Statement or the revision thereof last filed.

<u>Year</u>		
(1) <u>2013</u>	Equalized Valuation Real Property with Improvements plus assessed valuation of Class II RR Property	\$ <u>11,097,012,867.00</u>
(2) <u>2014</u>	Equalized Valuation Real Property with Improvements plus assessed valuation of Class II RR Property	\$ <u>12,425,885,205.00</u>
	Equalized Valuation Real Property with Improvements plus assessed valuation of Class	

Bond Ordinance	Purposes	Amount	Deduction	Net
	Reconstruction of meter chamber and rehabilitation/replacement of water mains.	\$ 5,250,000.00	\$ -	\$ 5,250,000.00
		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
		\$ 5,250,000.00	\$ -	\$ 5,250,000.00

The net debt of the local unit determined by the addition of the net debt amounts stated in items 2 and 3 above is:

\$ 148,697,816.22

Equalized valuation basis (the average of the equalized valuations of real estate, including improvements and the assessed valuation of class II railroad property of the local unit for the last 3 preceding years) as stated in the Annual Debt Statement or the revision thereof last filed.

**Year**

(1)	2013	Equalized Valuation Real Property with Improvements plus assessed valuation of Class II RR Property	\$ 11,097,012,867.00
(2)	2014	Equalized Valuation Real Property with Improvements plus assessed valuation of Class II RR Property	\$ 12,425,885,205.00
(3)	2015	Equalized Valuation Real Property with Improvements plus assessed valuation of Class II RR Property	\$ 13,251,581,393.00

Equalized Valuation Basis - Average of (1), (2) and (3)..... \$ 12,258,159,821.67

Net Debt (Line 4 above) expressed as a percentage of such equalized valuation basis (Line 6 above) is: 1.213%

**NOTES**

- A If authorization of bonds or notes is permitted by an exception to the debt limit, specify the particular paragraph of NJSA 40A:2-7 or other section of law providing such exception.
- B This form is also to be used in the bonding of separate (not Type I) school districts as required by NJSA 18A:24-16, and filed before the school district election. In such case pages 4, 5 and 6 should be completed to set forth the computation supporting any deduction in line 3 above.
- C Only the amount of bonds or notes about to be authorized should be entered. The amount of the "down payment" provided in the bond ordinance should not be included nor shown as a deduction.

1st reading (5)  
7-6-16

*P. H. ...*  
Sponsored by: *[Signature]*  
Seconded by: *[Signature]*

CITY OF HOBOKEN, NEW JERSEY

ORDINANCE   Z-427  

**ORDINANCE AMENDING BOND ORDINANCE Z-313 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 Z313, duly adopted by the City Council on October 15, 2014 ("Bond Ordinance"), is hereby amended to provide as follows:

**"BOND ORDINANCE AUTHORIZING THE ACQUISITION AND INSTALLTION OF AUTOMATED PARKING PAY STATIONS AND VARIOUS IMPROVEMENTS TO PARKING GARAGES IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$5,000,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$5,000,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING"**

**Section 2.** Section 7 of the Bond Ordinance is hereby amended to provide as follows:

**Section 7.** The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
----------------------------	-----------------------------	---------------------	------------------------------	-----------------------------

	<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A.	Acquisition and Installation of Automated Parking Pay Stations throughout the City, all as more particularly described in the documentation on file in the Office of the Director of the City Transportation and Parking Department and available for inspection during normal City hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$2,500,000	\$0	\$2,500,000	10 years
B.	Various Improvements to Parking Garages including, but not limited to, Elevator Replacement and Upgrades to Decking, all as more particularly described in the documentation on file in the Office of the Director of the City Transportation and Parking Department and available for inspection during normal City hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	2,500,000	0	2,500,000	15 years
	<b>TOTAL</b>	<b>\$5,000,000</b>	<b>\$0</b>	<b>\$5,000,000</b>	

**Section 3.** Section 8 of the Ordinance is hereby amended in its entirety to provide as follows:

"**Section 8.** The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 12.50 years."

**Section 4.** 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 5.** All other parts of the Ordinance not amended hereby shall remain in full force and effect.

**Section 6.** 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 7.** In accordance with the Local Bond Law, this ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

First Reading: July 6, 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 Giattino				

Final Reading:

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

Approved as to Legal Form:

\_\_\_\_\_  
 Brian J. Aloia, Esq., Corporation Counsel

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

\_\_\_\_\_  
 James Farina, City Clerk

Vetoed by the Mayor for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**-or-**

Approved by the Mayor  
 On the \_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
 Dawn Zimmer, Mayor

**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 July \_\_, 2016. 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 \_\_\_\_\_, 2016 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.

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**JAMES J. FARINA, RMC, City Clerk**

**Statement to be Published with Ordinance After Final Adoption.**

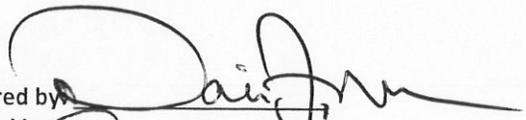
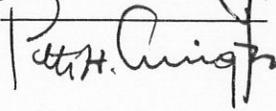
**Ordinance Statement**

The ordinance published herewith has been finally adopted on \_\_\_\_\_, 2016 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.

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**JAMES J. FARINA, RMC, City Clerk**

1st reading  
7-6-16

Sponsored by:   
Seconded by: 

CITY OF HOBOKEN  
ORDINANCE NO. z-428

**ORDINANCE APPROVING THE TERMS OF THE ATTACHED DEED NOTICE OF THE CITY OF HOBOKEN REGARDING  
1600 PARK BOATHOUSE**

**WHEREAS**, the City of Hoboken, 94 Washington Street, Hoboken, New Jersey, is the owner in fee simple of certain real property designated as Block 267 Lot 1 and Block 269.04, Lot 1 on the tax map of the City of Hoboken, Hudson County; the New Jersey Department of Environmental Protection Program Interest Number (Preferred ID) for the contaminated site which includes this property is 456589; and the property is more particularly described in Exhibit A, which is attached hereto and made a part hereof (the "Property").; and

**WHEREAS**, the City wishes to obtain a recorded deed notice over the Property in accordance with the requirements of the State of New Jersey DEP, based on the environmental review of the City's LSRP; and

**WHEREAS**, the City Council, hereby acknowledges the necessity of said Deed Notice as part of the completion of the environmental matters at this location, in order to ensure compliance with the DEP's requirements for maintaining the area as a City park; and

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

**SECTION ONE:**

- 1) Approval of the attached Deed Notice of the City of Hoboken for the property known as 1600 Park Boathouse is hereby authorized by the City Council, which attachment shall be considered part of this ordinance and shall be included and attached to this ordinance as if it was reiterated herein in full; and
- 2) The Mayor or her agent is hereby authorized to enter into the attached agreement, or one similar in substance and form; and

**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.

First Reading: July 6, 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 Giattino	/			

Final Reading:

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

Approved as to Legal Form:

\_\_\_\_\_  
 Brian J. Aloia, Esq., Corporation Counsel

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

\_\_\_\_\_  
 James Farina, City Clerk

Vetoed by the Mayor for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**-or-**

Approved by the Mayor  
 On the \_\_\_ day of \_\_\_\_, 2016

\_\_\_\_\_  
 Dawn Zimmer, Mayor

Prepared by: \_\_\_\_\_  
[Signature]

Paul Kenny, LSRP; Brian Aloia, Esq.  
[Print name below signature]

Recorded by: \_\_\_\_\_  
[Signature, Officer of County Recording Office]

\_\_\_\_\_  
[Print name below signature]

### DEED NOTICE

This Deed Notice is made as of the \_\_\_ day of \_\_\_\_\_, 2016, by The City of Hoboken, 94 Washington Street, Hoboken, New Jersey (together with his/her/its/their successors and assigns, collectively "Owner").

1. THE PROPERTY. The City of Hoboken, 94 Washington Street, Hoboken, New Jersey, is the owner in fee simple of certain real property designated as Block 267 Lot 1 and Block 269.04, Lot 1 on the tax map of the City of Hoboken, Hudson County; the New Jersey Department of Environmental Protection Program Interest Number (Preferred ID) for the contaminated site which includes this property is 456589; and the property is more particularly described in Exhibit A, which is attached hereto and made a part hereof (the "Property").

2. REMEDIATION.

i. Paul J. Kenny, LSRP #575429 has approved this Deed Notice as an institutional control for the Property, which is part of the remediation of the Property.

ii. N.J.A.C. 7:26C-7 requires the Owner, among other persons, to obtain a soil remedial action permit for the soil remedial action at the Property. That permit will contain the monitoring, maintenance and biennial certification requirements that apply to the Property.

3. SOIL CONTAMINATION. The City of Hoboken has remediated contaminated soil at the Property, such that soil contamination remains in certain areas of the Property that contains contaminants in concentrations that do not allow for the unrestricted use of the Property; this soil contamination is described, including the type, concentration and specific location of such contaminants, in Exhibit B, which is attached hereto and made a part hereof. As a result, there is a statutory requirement for this Deed Notice and engineering controls in accordance with N.J.S.A. 58:10B-13.

4. CONSIDERATION. In accordance with the remedial action for the site which included the Property, and in consideration of the terms and conditions of that remedial action, and other

good and valuable consideration, Owner has agreed to subject the Property to certain statutory and regulatory requirements that impose restrictions upon the use of the Property, to restrict certain uses of the Property, and to provide notice to subsequent owners, lessees and operators of the restrictions and the monitoring, maintenance, and biennial certification requirements outlined in this Deed Notice and required by law, as set forth herein.

5A. RESTRICTED AREAS. Due to the presence of contamination remaining at concentrations that do not allow for unrestricted use, the Owner has agreed, as part of the remedial action for the Property, to restrict the use of certain parts of the Property (the "Restricted Areas"); a narrative description of these restrictions is provided in Exhibit C, which is attached hereto and made a part hereof. The Owner has also agreed to maintain a list of these restrictions on site for inspection by governmental officials.

5B. RESTRICTED LAND USES. The following statutory land use restrictions apply to the Restricted Areas:

i. The Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-12.g(10), prohibits the conversion of a contaminated site, remediated to non-residential soil remediation standards that require the maintenance of engineering or institutional controls, to a child care facility, or public, private, or charter school without the Department's prior written approval, unless a presumptive remedy is implemented; and

ii. The Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-12.g(12), prohibits the conversion of a landfill, with gas venting systems and or leachate collection systems, to a single family residence or a child care facility without the Department's prior written approval.

5C. ENGINEERING CONTROLS. Due to the presence and concentration of these contaminants, the Owner has also agreed, as part of the remedial action for the Property, to the placement of certain engineering controls on the Property; a narrative description of these engineering controls is provided in Exhibit C.

6A. CHANGE IN OWNERSHIP AND REZONING.

i. The Owner and the subsequent owners and lessees, shall cause all leases, grants, and other written transfers of an interest in the Restricted Areas to contain a provision expressly requiring all holders thereof to take the Property subject to the restrictions contained herein and to comply with all, and not to violate any of the conditions of this Deed Notice. Nothing contained in this Paragraph shall be construed as limiting any obligation of any person to provide any notice required by any law, regulation, or order of any governmental authority.

ii. The Owner and the subsequent owners shall provide written notice to the Department of Environmental Protection on a form provided by the Department and available at [www.nj.gov/srp/forms](http://www.nj.gov/srp/forms) within thirty (30) calendar days after the effective date of any conveyance, grant, gift, or other transfer, in whole or in part, of the owner's interest in the Restricted Area.

iii. The Owner and the subsequent owners shall provide written notice to the Department, on a form available from the Department at [www.nj.gov/srp/forms](http://www.nj.gov/srp/forms), within thirty (30) calendar days after the owner's petition for or filing of any document initiating a rezoning of the Property to residential.

6B. SUCCESSORS AND ASSIGNS. This Deed Notice shall be binding upon Owner and upon Owner's successors and assigns, and subsequent owners, lessees and operators while each is an owner, lessee, or operator of the Property.

#### 7A. ALTERATIONS, IMPROVEMENTS, AND DISTURBANCES.

i. The Owner and all subsequent owners and lessees shall notify any person, including, without limitation, tenants, employees of tenants, and contractors, intending to conduct invasive work or excavate within the Restricted Areas, of the nature and location of contamination in the Restricted Areas, and, of the precautions necessary to minimize potential human exposure to contaminants.

ii. Except as provided in Paragraph 7B, below, no person shall make, or allow to be made, any alteration, improvement, or disturbance in, to, or about the Property which disturbs any engineering control at the Property without first obtaining a soil remedial action permit modification pursuant to N.J.A.C. 7:26C-7. Nothing herein shall constitute a waiver of the obligation of any person to comply with all applicable laws and regulations including, without limitation, the applicable rules of the Occupational Safety and Health Administration.

iii. Notwithstanding subparagraph 7Aii., above, a soil remedial action permit modification is not required for any alteration, improvement, or disturbance provided that the owner, lessee or operator:

(A) Notifies the Department of Environmental Protection of the activity by calling the DEP Hotline, at 1-877-WARN-DEP or 1-877-927-6337, within twenty-four (24) hours after the beginning of each alteration, improvement, or disturbance;

(B) Restores any disturbance of an engineering control to pre-disturbance conditions within sixty (60) calendar days after the initiation of the alteration, improvement or disturbance;

(C) Ensures that all applicable worker health and safety laws and regulations are followed during the alteration, improvement, or disturbance, and during the restoration;

(D) Ensures that human exposure to contamination in excess of the remediation standards does not occur; and

(E) Describes, in the next biennial certification the nature of the alteration, improvement, or disturbance, the dates and duration of the alteration, improvement, or

disturbance, the name of key individuals and their affiliations conducting the alteration, improvement, or disturbance, a description of the notice the Owner gave to those persons prior to the disturbance.

7B. EMERGENCIES. In the event of an emergency which presents, or may present, an unacceptable risk to the public health and safety, or to the environment, or immediate environmental concern, see N.J.S.A. 58:10C-2, any person may temporarily breach an engineering control provided that that person complies with each of the following:

i. Immediately notifies the Department of Environmental Protection of the emergency, by calling the DEP Hotline at 1-877-WARNDEP or 1-877-927-6337;

ii. Hires a Licensed Site Remediation Professional (unless the Restricted Areas includes an unregulated heating oil tank) to respond to the emergency;

iii. Limits both the actual disturbance and the time needed for the disturbance to the minimum reasonably necessary to adequately respond to the emergency;

iv. Implements all measures necessary to limit actual or potential, present or future risk of exposure to humans or the environment to the contamination;

v. Notifies the Department of Environmental Protection when the emergency or immediate environmental concern has ended by calling the DEP Hotline at 1-877-WARNDEP or 1-877-927-6337; and

vi. Restores the engineering control to the pre-emergency conditions as soon as possible, and provides notification to the Department of Environmental Protection within sixty (60) calendar days after completion of the restoration of the engineering control, including: (a) the nature and likely cause of the emergency; (b) the potential discharges of or exposures to contaminants, if any, that may have occurred; (c) the measures that have been taken to mitigate the effects of the emergency on human health and the environment; (d) the measures completed or implemented to restore the engineering control; and (e) the changes to the engineering control or site operation and maintenance plan to prevent reoccurrence of such conditions in the future.

## 8. TERMINATION OF DEED NOTICE.

i. This Deed Notice may be terminated only upon filing of a Termination of Deed Notice, available at N.J.A.C. 7:26C Appendix C, with the office of the Hudson County Register of Hudson County, New Jersey, expressly terminating this Deed Notice.

ii. Within thirty (30) calendar days after the filing of a Termination of Deed Notice, the owner of the property shall apply to the Department for termination of the soil remedial action permit pursuant to N.J.A.C. 7:26C-7.

9. ACCESS. The Owner, and the subsequent owners, lessees and operators agree to allow the Department, its agents and representatives access to the Property to inspect and evaluate the continued protectiveness of the remedial action that includes this Deed Notice and to conduct additional remediation to ensure the protection of the public health and safety and of the environment if the subsequent owners, lessees and operators, during their ownership, tenancy, or operation, and the Owner fail to conduct such remediation pursuant to this Deed Notice as required by law. The Owner, and the subsequent owners and lessees, shall also cause all leases, subleases, grants, and other written transfers of an interest in the Restricted Areas to contain a provision expressly requiring that all holders thereof provide such access to the Department.

#### 10. ENFORCEMENT OF VIOLATIONS.

i. This Deed Notice itself is not intended to create any interest in real estate in favor of the Department of Environmental Protection, nor to create a lien against the Property, but merely is intended to provide notice of certain conditions and restrictions on the Property and to reflect the regulatory and statutory obligations imposed as a conditional remedial action for this site.

ii. The restrictions provided herein may be enforceable solely by the Department against any person who violates this Deed Notice. To enforce violations of this Deed Notice, the Department may initiate one or more enforcement actions pursuant to N.J.S.A. 58:10-23.11, and N.J.S.A. 58:10C, and require additional remediation and assess damages pursuant to N.J.S.A. 58:10-23.11, and N.J.S.A. 58:10C.

11. SEVERABILITY. If any court of competent jurisdiction determines that any provision of this Deed Notice requires modification, such provision shall be deemed to have been modified automatically to conform to such requirements. If a court of competent jurisdiction determines that any provision of this Deed Notice is invalid or unenforceable and the provision is of such a nature that it cannot be modified, the provision shall be deemed deleted from this instrument as though the provision had never been included herein. In either case, the remaining provisions of this Deed Notice shall remain in full force and effect.

12A. EXHIBIT A. Exhibit A includes the following maps of the Property and the vicinity:

i. Exhibit A-1: Vicinity Map - A map that identifies by name the roads, and other important geographical features in the vicinity of the Property (for example, USGS Quad map, Hagstrom County Maps);

ii. Exhibit A-2: Metes and Bounds Description - A tax map of lots and blocks as wells as metes and bounds description of the Property, including reference to tax lot and block numbers for the Property;

iii. Exhibit A-3: Property Map - A scaled map of the Property, scaled at one inch to 200 feet or less, and if more than one map is submitted, the maps shall be presented as overlays, keyed to a base map; and the Property Map shall include diagrams of major surface topographical features such as buildings, roads, and parking lots.

12B. EXHIBIT B. Exhibit B includes the following descriptions of the Restricted Areas:

i. Exhibit B-1: Restricted Area Map - A separate map for each restricted area that includes:

(A) As-built diagrams of each engineering control, including caps, fences, slurry walls, (and, if any) ground water monitoring wells, extent of the ground water classification exception area, pumping and treatment systems that may be required as part of a ground water engineering control in addition to the deed notice

(B) As-built diagrams of any buildings, roads, parking lots and other structures that function as engineering controls; and

(C) Designation of all soil and sediment sample locations within the restricted areas that exceed any soil or sediment standard that are keyed into one of the tables described in the following paragraph.

ii. Exhibit B-2: Restricted Area Data Table - A separate table for each restricted area that includes either (A) or (B) through (F):

(A) Only for historic fill extending over the entire site or a portion of the site and for which analytical data are limited or do not exist, a narrative that states that historic fill is present at the site, a description of the fill material (e.g., ash, cinders, brick, dredge material), and a statement that such material may include, but is not limited to, contaminants such as PAHs and metals;

(B) Sample location designation from Restricted Area map (Exhibit B-1);

(C) Sample elevation based upon mean sea level;

(D) Name and chemical abstract service registry number of each contaminant with a concentration that exceeds the unrestricted use standard;

(E) The restricted and unrestricted use standards for each contaminant in the table; and

(F) The remaining concentration of each contaminant at each sample location at each elevation.

12C. EXHIBIT C. Exhibit C includes narrative descriptions of the institutional controls: and engineering controls as follows:

i. Exhibit C-1: Deed Notice as Institutional Control: Exhibit C-1 includes a narrative description of the restriction and obligations of this Deed Notice that are in addition to those described above, as follows:

- (A) Description and estimated size of the Restricted Areas as described above;
- (B) Description of the restrictions on the Property by operation of this Deed Notice;  
and
- (C) The objective of the restrictions.

ii. Exhibit C-2: Cap: Exhibit C-2 includes a narrative description of the cap as follows:

- (A) Description of the engineering control;
- (B) The objective of the engineering control; and
- (C) How the engineering control is intended to function.

13. SIGNATURES. IN WITNESS WHEREOF, Owner has executed this Deed Notice as of the date first written above.

14. SIGNATURES. IN WITNESS WHEREOF, Owner has executed this Deed Notice as of the date first written above.

ATTEST: The City of Hoboken  
 \_\_\_\_\_ By: \_\_\_\_\_

James Farina, City Clerk Mayor Dawn Zimmer

STATE OF NEW JERSEY      SS.:  
 COUNTY OF HUDSON

I certify that on \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ personally came before me, and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the \_\_\_\_\_ of the City of Hoboken, the corporation named in this document;
- (b) this person is the attesting witness to the signing of this document by the proper corporate officer who is the [president/vice president] of the corporation;
- (c) this document was signed and delivered by the corporation as its voluntary act and was duly authorized;
- (d) this person knows the proper seal of the corporation which was affixed to this document;  
and

(e) this person signed this proof to attest to the truth of these facts.

\_\_\_\_\_  
[Signature]

\_\_\_\_\_  
[Print name and title of attesting witness]

Signed and sworn before me on \_\_\_\_\_, 20\_\_

\_\_\_\_\_, Notary Public

\_\_\_\_\_  
[Print name and title]