

**MEETING OF JULY 6, 2016**

**MINUTES OF A MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY,  
HELD IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY,  
WEDNESDAY, JULY 6, 2016 AT 7:00 PM**

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Council President opened the meeting at 7:04 P.M. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meetings Act, and that notice was published in the Jersey Journal and on the City website, copies were provided in the Hoboken Reporter, The Record, The Newark Star-Ledger and also placed on the bulletin board in the lobby of City Hall. If any Councilperson or member of the public believes that this meeting or any portion thereof, is in violation of the Open Public Meetings Act, they are requested to so advise the City Council and City Clerk at this time, or at the time of the believed violation, in accordance with **N.J.S.A. 10:4-17**. Written objections, if any shall be made in writing to the City Clerk."

The Clerk then called the roll: Council persons Bhalla, DeFusco (calling in), Doyle, Cunningham, Fisher, Giattino, Mello, Ramos, Jr. Russo and President Giattino

Absent: ~~DeFuseo~~

**At 7:05 PM Council President comments and would like to thank the Interim Corporation Counsel Alysia Proko for her service and the new Corporation Counsel is Brian Aloia, also the meeting will be suspended due to a presentation from T & M regarding the construction and scheduling for Washington Street by Jaclyn Flor**

**Council President comments that they will go into City business now.**

Council members ask questions

Jaclyn Flor comments and answers questions to the Council

Stephen Marks comments and answer questions

Councilman Russo comments

Councilwoman Fisher comments on noise and the times of construction

Councilman Mello comments on the rain garden number and why not have more

Stephen Marks comments that there are no rain gardens on the west side of Washington St. due to a conflict with Verizon and interference

Councilman Bhalla comments on north of 8<sup>th</sup> Street

Jaclyn Flor comments the project will take 15-18 months

Councilman Russo comments on the time frame for the project

Council President comments

Councilman Ramos comments on the loading zones for the businesses on Washington St. so they know how to throw out their garbage

Jaclyn Flor comments that they will work with the administration to notify the public

**\*\*\*\*\*JUMP TO PUBLIC PORTION - RESOLUTIONS\*\*\*\*\***

**Council President comments that they will vote on Consent for the resolutions and ordinances pertaining to Monroe Center Hoboken Urban Renewal**

**Community Development (regarding the Monroe Center Hoboken Urban Renewal)**

**16-417**

---By Councilman Mello

**RESOLUTION TO CONSENT TO THE AWARD OF A PUBLIC INFRASTRUCTURE TAX CREDIT TO MONROE CENTER HOBOKEN URBAN RENEWAL, LLC IN CONNECTION WITH THE REDEVELOPMENT OF THE MONROE CENTER AREA, AN AREA WITHIN THE NORTHWEST INDUSTRIAL AREA**

**WHEREAS (#1)**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the “Redevelopment Law”), provides a process for municipalities to participate in the redevelopment and improvement of parcel(s) of property designated as “areas in need of redevelopment” or “areas in need of rehabilitation;” and

**WHEREAS (#2)**, in order to stimulate redevelopment, the City Council of the City of Hoboken (the “Governing Body”) by Resolution has identified and designated certain parcels of property within the City as areas “in need of redevelopment” in accordance with the Redevelopment Law, including:

- 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 known as 700 Monroe Street (referred to herein as “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 (referred to herein as the “Jackson Street Property”);
- Block 81, Lot 3.01 (Unit B) on the Tax Map of the City of Hoboken (referred to herein as “Phase IV”); and
- Portion of Block 81, Lot 3.01 (Unit A) on the Tax Map of the City of Hoboken, more commonly known as 720 Monroe Street (referred to herein as “Phase I Sliver”) (collectively referred to herein as the “Monroe Center Area,” the “Redevelopment Area” or the “Properties”); and

**WHEREAS (#3)**, on December 4, 2013, the Governing Body, by Ordinance No. Z-270, adopted the Amended Redevelopment Plan for the Northwest Industrial Area (the “Redevelopment Plan”) to which the Properties are subject; and

**WHEREAS (#4)**, 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 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 (#5)**, pursuant to the terms of the Redevelopment Agreement, the Redeveloper will implement a redevelopment project for the construction of a mixed-use residential and commercial structure up to 700,000 sq. ft. (the “Project”); and

**WHEREAS (#6)**, pursuant to the terms of the Redevelopment Agreement, the Redeveloper shall also:

- develop a public plaza for utilization as open space and administer the conveyance of Phase IV to the City at no purchase price;

- develop as a public park for utilization as open space and convey Monroe V to the City at no purchase price;

- develop as a public park for utilization as open space and convey the Jackson Street Property to the City at no purchase price;

- remediate environmental contamination upon Monroe III, Monroe V, the Jackson Street Property and Phase IV, including the installation, as required, of barriers and/or systems to mitigate the risk of vapor intrusion;

- develop and convey to the City a 6,835 sq. ft. public gymnasium upon the Jackson Street Property;

- construct and install a pipe and stone stormwater detention system which will contribute to addressing the City’s stormwater concerns;

- 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; and

- improve the Phase I Sliver for consistency with the Project and the Public Infrastructure Improvements; (collectively, the “Public Infrastructure Improvements”); and

**WHEREAS (#7)**, the Public Infrastructure Improvements will result in the conveyance to the City of three (3) parcels comprising 90,085 sq. ft. of open space for purposes of recreation and conservation to be utilized as public parks together with other amenities totaling approximately \$26,440,300.00; and

**WHEREAS (#8)**, in light of the substantial benefits to the City under the Redevelopment Agreement and in order to make the Project financially feasible, the execution of a Financial Agreement permitting the Redeveloper 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 a condition of Redeveloper's obligations under the Redevelopment Agreement; and

**WHEREAS (#7)**, N.J.S.A. § 34:1B-251 enables redevelopers who meet certain criteria, including the expenditure of \$10,000,000.00 or more in new capital investments which rely upon completed public infrastructure to be donated to the municipality, to apply for and receive a Public Infrastructure Tax Credit of up to \$2,000,000.00 from the New Jersey Economic Development Authority (the "Public Infrastructure Tax Credit"); and

**WHEREAS (#8)**, one of the prerequisites for a redeveloper to obtain such a Public Infrastructure Tax Credit is the adoption of a Resolution by the municipality receiving the public infrastructure consenting to the Public Infrastructure Tax Credit;

**WHEREAS (#9)**, in light of the substantial benefits to the City under the Redevelopment Agreement, the City desires to support and consent to Redeveloper's application for any Public Infrastructure Tax Credit on the condition that the Redeveloper's receipt of any Public Infrastructure Tax Credit in excess of \$3,000,000.00 will require a re-evaluation of the terms and provisions of the Financial Agreement and may require an amendment of same, as appropriate, and any such re-evaluation shall include a consideration of any increase of Redeveloper's costs associated with the Project and Public Infrastructure Improvements.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hoboken, in accordance with the provisions of N.J.S.A. § 34:1B-251, resolves as follows:

1. The City supports and consents to the granting of any Public Infrastructure Tax Credit to Monroe Center Hoboken Urban Renewal, LLC in connection with the redevelopment of the Monroe Center Area as set forth herein on the condition that the Redeveloper's receipt of any Public Infrastructure Tax Credit in excess of \$3,000,000.00 will require a re-evaluation of the terms and provisions of the Financial Agreement and may require an amendment of same, as appropriate, and any such re-evaluation shall include a consideration of any increase of Redeveloper's costs associated with the Project and Public Infrastructure Improvements.
2. The City Clerk shall cause this Resolution to be filed with the New Jersey Economic Development Authority in accordance with N.J.S.A. § 34:1B-251(c).
3. Staff and consultants to the City are hereby authorized and directed to take all other administrative actions to implement this Resolution as are necessary and appropriate to accomplish its goals and intent.
4. This Resolution shall be effective immediately.

---Motion seconded by Councilman Russo

---Adopted by the following vote: YEAS: 7 – NAYS: 2

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Mello, Ramos, Russo and President Giattino

---Nays: Fisher

**16-418**

---By Councilman Mello

**RESOLUTION OF THE CITY OF HOBOKEN AUTHORIZING THE EXECUTION OF REDEVELOPMENT AGREEMENT WITH MONROE CENTER HOBOKEN URBAN RENEWAL, LLC FOR THE REDEVELOPMENT OF THE MONROE CENTER AREA, AN AREA WITHIN THE NORTHEWEST INDUSTRIAL AREA**

**WHEREAS (#1)**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "Act"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

**WHEREAS (#2)**, in order to stimulate redevelopment, the City Council of the City of Hoboken by Resolution, has, at times, identified and designated certain parcels of property within the City as areas "in need of redevelopment" in accordance with the Act, including the following parcels which are located within the Northwest Industrial Area of the City:

- Block 80, Lot 3.01 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" and as identified on the Map attached hereto as **Exhibit A**);

- Block 81, Lot 3.01 (Unit C) on the Tax Map of the City of Hoboken, more commonly known as 700 Monroe Street (referred to herein as "Monroe V" and as identified on the Map attached hereto as **Exhibit A**);

- 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 (referred to herein as the "Jackson Street Property" and as identified on the Map attached hereto as **Exhibit A**); and

- Block 81, Lot 3.01 (Unit B) on the Tax Map of the City of Hoboken (referred to herein as "Phase IV" and as identified on the Map attached hereto as **Exhibit A**); 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 (referred to herein as the "Phase I Sliver" and as identified on the Map attached hereto as **Exhibit A**); 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 (referred to herein as "Phase I" and as identified on the Map attached hereto as **Exhibit A**) (collectively referred to herein as the "Monroe Center Area" or the "Redevelopment Area"); and

**WHEREAS (#3)**, the City desires that the Monroe Center Area be redeveloped in accordance with the Redevelopment Plan for the Northwest Industrial Area which has been and may be further amended from time to time (the “Redevelopment Plan”); and

**WHEREAS (#4)**, the City and Monroe Investment Group, LLC, the owner of Phase I (the “Redeveloper” or “MIG”), acknowledge that the City Council of the City of Hoboken (the “City Council”) has authorized the execution of a separate Redevelopment Agreement with Monroe Center Hoboken Urban Renewal, LLC (the “MCHUR Redevelopment Agreement”), the owner of Monroe III, which includes and is conditioned upon a related private agreement by and between Phase 4 Association, LLC (“Phase IV Owner”), an affiliate of MIG, 700 Monroe Hoboken, LLC (“Monroe V Owner”) and 605 Jackson Hoboken, LLC, affiliates of MCHUR (“Jackson Street Property Owner”) (the “Third Party Agreement”); and

**WHEREAS (#5)**, the MCHUR Redevelopment Agreement and the Third Party Agreement, collectively contemplate, *inter alia*, the following:

- the remediation and development of Monroe III by MCHUR;
- the remediation and development of Phase IV by MCHUR;
- the conveyance of Phase IV to the City at no purchase price to the City by Phase IV Owner for utilization as open public space for purposes of recreation and conservation;
- the remediation, development and conveyance of Monroe V to the City at no purchase price to the City by MCHUR for utilization as open public space for purposes of recreation and conservation;
- the remediation, development and conveyance of the Jackson Street Property, including a public gymnasium, to the City at no purchase price to the City by MCHUR for utilization as open public space for purposes of recreation and conservation;
- the installation of a stormwater detention system underneath Phase IV and Monroe V;
- the improvement of the Phase I Sliver by MCHUR;
- the implementation of various easements by and between the parties to the Agreements upon the Properties for certain utilities and other encroachments; and

**WHEREAS (#6)**, in addition to facilitating all of the above components of the MCHUR Redevelopment Agreement, including the Third Party Agreement, and in order to achieve the cohesive redevelopment of the Monroe Center Area and to create a sense of community with continuity in the design of the overall Monroe Center Area, MIG has proposed to undertake the redevelopment of Phase I by implementing, *inter alia*, the following features thereupon:

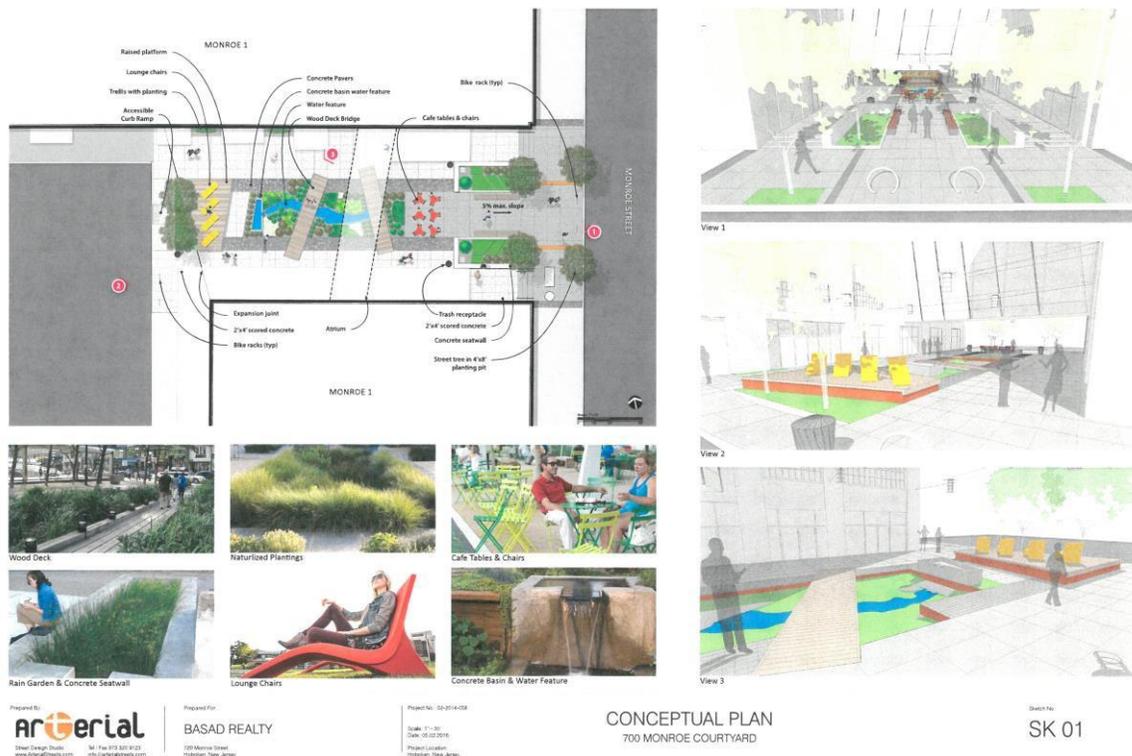
**Phase I Redevelopment Project**

- investigation and remediation of any environmental contamination originating upon or migrating from Phase I as may be required, including the implementation of an engineering control on a portion of Phase I;

- the continued repurposing and rehabilitation of the two existing formerly industrial buildings upon Phase I (the “Buildings”) for multi-purpose, commercial tenant-based use including but not limited to general office use, artistic, educational, design, studios, gallery and community facilities, such as daycare centers and charter schools, restaurant, and retail;

- recordation of a covenant that at least 15% of the total square footage of the Buildings shall be used, marketed or ultimately rented to tenants for a public, artistic or art-related use and/or to promote the arts, such as artist studio, dance, movement, rehearsal or exercise studio, music, children’s educational, and/or gallery, for a period of at least ten (10) years;

- development of a courtyard (or such plaza) under the cat-walk type bridge which connects the Buildings (the “Bridge”) by landscaping and hardscaping the 54-foot x 100-foot area fronting on Monroe Street (the “Walkway Area”), including 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, as depicted below; and



- recordation of a Deed of Easement for Public Access to provide the public with access to the Walkway Area and the Phase I Sliver for purposes of ingress and egress between the

public park development to be implemented upon Phase IV and Monroe Street and Eighth Street, respectively, all as more specifically described in the form of Redevelopment Agreement attached hereto as **Exhibit B** (collectively, the “Project”); and

**WHEREAS (#7)**, additionally, MIG, as the Redeveloper of Phase I, may, but would not be required to, also undertake the installation of certain awnings and canopies, including pendant signs and lighting, as well as a balcony upon the Buildings, in order to enhance the exterior of the Buildings, subject to certain conditions, which, if undertaken by Redeveloper, would require the recording of an encroachment easement over the public property (i.e. the sidewalks) on Monroe Street and Eighth Street (the “Public Property Easement Agreement”); and

**WHEREAS (#8)**, while the proposed Project is consistent with the spirit and intent of the Redevelopment Plan, certain amendments to the Redevelopment Plan will be required in order to accommodate the Project and the uses upon Phase I, which such amendment would be a condition of the Redevelopment Agreement, amongst others; and

**WHEREAS (#9)**, the City, MIG and MCHUR have engaged in extensive negotiations and the City has determined that in furtherance of the City’s goals and objectives to implement the redevelopment contemplated in the Redevelopment Plan, as may be amended, it is in the best interests of the City and its residents to enter into the Redevelopment Agreement with Monroe Investment Group, LLC (“Redeveloper”) being designated as the exclusive Redeveloper of Phase I.

**NOW, THEREFORE**, it is hereby resolved by the City Council of the City of Hoboken as follows:

1. The Mayor of the City of Hoboken is hereby authorized to execute the Redevelopment Agreement by and between the City of Hoboken and Monroe Investment Group, LLC in substantially the form attached hereto as **Exhibit B**, designating Monroe Investment Group, LLC as the exclusive redeveloper of Block 81, Lot 3.01 (Unit A), excluding the Phase I Sliver as that term is defined herein, on the Tax Map of the City of Hoboken, more commonly known as 720 Monroe Street.
2. The Mayor of the City of Hoboken is hereby authorized to execute and record the Public Property Easement Agreement in the form attached to the Redevelopment Agreement, in accordance with the terms of the Redevelopment Agreement and as set forth herein.
3. Staff and consultants to the City are hereby authorized and directed to take all other administrative actions to implement this Resolution as are necessary and appropriate to accomplish its goals and intent, to the extent permitted by law.
4. This Resolution shall be effective immediately.

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 7 – NAYS: 2

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Mello, Ramos, Russo and President Giattino

---Nays: Fisher

**16-419**

---By Councilman Mello

**RESOLUTION OF THE CITY OF HOBOKEN AUTHORIZING THE PUBLIC HEARINGS REQUIRED BY N.J.S.A. 13:8B-1, ET SEQ. FOR RELEASING PORTIONS OF A PRIOR DEED OF EASEMENT FOR PUBLIC OPEN SPACE UPON CERTAIN PARCELS COMPRISING APPROXIMATELY 4,622 SQUARE FEET WITHIN THE MONROE CENTER AREA, AN AREA WITHIN THE NORTHWEST INDUSTRIAL AREA, AND A RIGHT OF WAY EASEMENT, IN ORDER TO ACCOMMODATE CERTAIN REDEVELOPMENT WHICH WILL RESULT IN THE CONVEYANCE TO THE CITY OF THREE (3) REAL PROPERTIES WHICH SHALL BE DEVELOPED, COLLECTIVELY, AS A 2.0 ACRE PUBLIC PARK AND THE RE-ESTABLISHMENT OF CERTAIN PUBLIC ACCESS AREAS COMPRISING APPROXIMATELY 21,417 SQUARE FEET**

**WHEREAS (#1)**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "Act"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

**WHEREAS (#2)**, in order to stimulate redevelopment, the City Council of the City of Hoboken by Resolution, has, at times, identified and designated certain parcels of property within the City as areas "in need of redevelopment" in accordance with the Act, including the following parcels which are located 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", identified on the Map attached hereto as **Exhibit A**, and described in total with more particularity on **Exhibit B**);

- Block 81, Lot 3.01 (Unit C) on the Tax Map of the City of Hoboken, more commonly known as 700 Monroe Street (referred to herein as "Monroe V" and as identified on the Map attached hereto as **Exhibit A**, and described in total with more particularity on **Exhibit C**);

- 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 (referred to herein as the "Jackson Street Property" and as identified on the Map attached hereto as **Exhibit A**, and described with more particularity on **Exhibit D**); and

- Block 81, Lot 3.01 (Unit B) on the Tax Map of the City of Hoboken (referred to herein as "Phase IV" and as identified on the Map attached hereto as **Exhibit A**, and described with more particularity on **Exhibit E**);

- 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 (referred to herein as the “Phase I Sliver” and as identified on the Map attached hereto as **Exhibit A**, and described with more particularity on **Exhibit F**); 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 (referred to herein as “Phase I” and as identified on the Map attached hereto as **Exhibit A**, and described with more particularity, including the Phase I Sliver, on **Exhibit G**) (collectively referred to herein as the “Monroe Center Area,” the “Redevelopment Area” or the “Properties”); and

**WHEREAS (#3)**, the City of Hoboken (the “City”) desires that the Monroe Center Area be redeveloped in accordance with the Redevelopment Plan for the Northwest Industrial Area, as same may be amended (the “Redevelopment Plan”), and to that end, has authorized the execution of a Redevelopment Agreement with Monroe Center Hoboken Urban Renewal, LLC (“MCHUR”), the owner of Monroe III (the “MCHUR Redevelopment Agreement”), as well as a separate but related Redevelopment Agreement with Monroe Investment Group, LLC (“MIG”), the owner of Phase I and the Phase I Sliver (the “MIG Redevelopment Agreement”); and

**WHEREAS (#4)**, the MCHUR Redevelopment Agreement and the MIG Redevelopment Agreement are collectively referred to herein as the “Redevelopment Agreements”; and

**WHEREAS (#5)**, the MCHUR Redevelopment Agreement provides for, *inter alia*, the construction and development of four hundred twenty-four (424) residential units, forty two (42) (i.e. 10%) of which will be deed restricted as affordable units, on Monroe III; no less than four hundred and fifteen (415) on-site parking spaces for residential, commercial and transient uses on Monroe III; development and conveyance of Phase IV to the City by the owner of Phase IV, Phase 4 Association, LLC, an affiliate of MIG (“Phase IV Owner”), pursuant to a separate agreement between MCHUR and Phase IV Owner (the “Third Party Agreement”) for utilization as a public plaza; development and conveyance of Monroe V by Redeveloper (or Redeveloper’s affiliate) to the City for utilization as a public park; and development and conveyance of the Jackson Street Property by MCHUR’s affiliate to the City for utilization as a public park, including the construction of an approximately 6,835 square foot gymnasium for use by the public (the “Public Gym”); the improvement of the Phase I Sliver with landscaping and hardscaping to be consistent with the design of the Phase IV improvements; and the installation of robust piping and stone stormwater detention systems to contribute towards the City’s stormwater storage needs during significant rain events under Monroe V, the Jackson Street Property and Phase IV, consistent with the goals of the City’s Rebuild by Design initiatives which are applicable to the Properties; and

**WHEREAS (#6)**, the MIG Redevelopment Agreement provides for, *inter alia*, the continued repurposing and rehabilitation of the two (2) former industrial buildings upon Phase I (collectively, the “Buildings”); the development and implementation of a Courtyard (or such plaza) under the catwalk-style suspended bridge which connects the Buildings (the “Bridge”); a certain covenant to continue artistic uses within the Buildings; and the re-establishment of a clear

Eighth Street and the Phase IV public park development, under the Bridge (the “Walkway Area”) and across the Phase I Sliver; and

**WHEREAS (#7)**, the parties to the Redevelopment Agreements acknowledge that the Properties or certain portions thereof are already subject to a certain Deed of Easement for Public Space dated November 30, 2004 and recorded in the Office of the Hudson County Register in Deed Book 7459, Page 69 and re-recorded in Deed Book 7622, Page 276 (“Prior Deed of Easement”), a copy of which is attached hereto as **Exhibit H**, and shown on a Subdivision Plan recorded in the Recorder's Office of Hudson County, New Jersey in Map No. 4002 (the “Subdivision Plan”); and

**WHEREAS (#8)**, the parties to the Redevelopment Agreements also acknowledge that in addition, a Deed of Public Right of Way Easement, a copy of which is attached hereto as **Exhibit I**, was previously granted to the City and was dated November 30, 2004 and recorded in the Office of the Hudson County Clerk in Deed Book 7568, Page 316 (the “ROW Easement”); and

**WHEREAS (#9)**, the parties to the Redevelopment Agreements further acknowledge that: the Prior Deed of Easement, as well as the ROW Easement, were originally implemented as part of a previous redevelopment project known as or referred to as “Village West” which was approved by the Planning Board of the City of Hoboken in or around 2004 (the “Approval”); the Approval was contingent upon the implementation of the Prior Deed of Easement; the Prior Deed of Easement, as well as the ROW Easement, were recorded but Village West was never developed and as such, neither the Prior Deed of Easement nor the ROW Easement may be applicable; and

**WHEREAS (#10)**, the Redevelopment Agreement by and between the City and the designated redeveloper for the Village West project was terminated by Resolution of the City Council; and

**WHEREAS (#11)**, the terms of the various documents to be executed by and between the parties regarding the Properties, including the Redevelopment Agreements and the Deeds providing for the conveyance of Monroe V and Phase IV, are not wholly consistent with certain terms of the Prior Deed of Easement, particularly with regard to operation and maintenance requirements; and

**WHEREAS (#12)**, finally, the parties acknowledge and agree that in order to provide for appropriate and adequate public access to: complement the future park use of Phase IV and Monroe V; accommodate the projects contemplated by the Redevelopment Agreements; and address certain related title matters, following should occur: the Prior Deed of Easement should be vacated or terminated in phases upon the occurrence of certain triggering events as set forth herein (collectively, the “Termination Triggers”); the ROW Easement should be vacated or terminated in its entirety; and the appropriate and adequate public access should be simultaneously established or re-established, as applicable, also as set forth herein; and

concerns the Properties as follows:

- the portion of Monroe III shown as Block 81, Lot 2.01 and that area depicted as the “Former Easement” on the Open Space Plan dated June 3, 2016 attached hereto as **Exhibit J** totaling approximately 19,626 square feet (the “Prior Monroe III Easement”), a small portion of which, comprising approximately 3,580 square feet, the parties acknowledge and agree would not provide any reasonable utility to the public;

- a portion of Monroe V as that parcel is described and depicted on **Exhibits A and C** (the “Prior Monroe V Easement”);

- all of Phase IV as described and depicted on **Exhibits A and E** attached hereto (the “Prior Phase IV Easement”);

- a portion of Phase I as depicted on **Exhibit K** attached hereto (the “Prior Phase I Easement”) and all of the Phase I Sliver as described and depicted on **Exhibits A and F** attached hereto (the “Prior Phase I Sliver Easement”), totaling approximately 6,863 square feet (“collectively, the “Prior Easements”); and

**WHEREAS (#14)**, the Prior Monroe III Easement is intended to be vacated or terminated in total upon the satisfaction of the requirements set forth in N.J.S.A. 13:8B-1, et seq. (the “Conservation Restriction Act”) (the “Monroe III Trigger”) in order to provide for the redevelopment of Monroe III which, pursuant to the MCHUR Redevelopment Agreement, will result in the environmental remediation, development and conveyance of a 2.0 acre public park to the City at no purchase price whatsoever as further described herein and in the MCHUR Redevelopment Agreement; and

**WHEREAS (#15)**, as soon as practical after the requirements of the Conservation Restriction Act have been satisfied, MCHUR shall record a new Deed of Easement for Public Access in the form attached hereto as **Exhibit K** (the “Monroe III Deed of Easement for Public Access”) to re-establish public access over those portions of Monroe III shown as Block 81, Lot 2.01 on the Tax Map of the City of Hoboken and the area within Block 80, Lot 1.01 depicted as the “Proposed Easement” on **Exhibit J**, comprising approximately 16,046 square feet; and

**WHEREAS (#16)**, the Prior Monroe V Easement is intended to be terminated and vacated upon the satisfaction of the requirements set forth in the Conservation Restriction Act together with the transfer of the Deed to the City for Monroe V, as set forth in the MCHUR Redevelopment Agreement, which establishes, *inter alia*, that: the City will utilize Monroe V for purposes of public recreation and conservation; the entirety of Monroe V shall comprise public open space which shall be open to the general public during hours of operation to be established by the City; Monroe V shall be programmable by the City for public events; and the Prior Deed of Easement shall be automatically terminated and vacated in its entirety to the extent that it touches upon and concerns Monroe V (collectively, the “Monroe V Trigger”); and

upon the satisfaction of the requirements set forth in the Conservation Restriction Act together with the transfer of the Deed to the City for Phase IV, as set forth in the MCHUR Redevelopment Agreement, which establishes, *inter alia*, that: the City will utilize Phase IV for purposes of public recreation and conservation; the entirety of Phase IV shall comprise public open space which shall be open to the general public during hours of operation to be established by the City; Phase IV shall be programmable by the City for public events; and the Prior Deed of Easement shall be automatically terminated and vacated in its entirety to the extent that it touches upon and concerns Phase IV (collectively, the “Phase IV Trigger”); and

**WHEREAS (#18)**, the Prior Phase I Easement is intended to be vacated or terminated upon the satisfaction of the requirements set forth in the Conservation Restriction Act in order to provide for the redevelopment of Phase I as further described herein and in the MIG Redevelopment Agreement and a new Deed of Easement for Public Access will be recorded in the form attached hereto as **Exhibit L** (the “Phase I Deed of Easement for Public Access”) (which is also attached to and incorporated by reference in the MIG Redevelopment Agreement) to provide the public with access over the Walkway Area as that area is described with more particularity within **Exhibit L** which recording the parties acknowledge and agree is to be effectuated upon the conveyance of Phase IV to the City, also as set forth in the MIG Redevelopment Agreement (collectively, the “Phase I Trigger”); and

**WHEREAS (#19)**, the Prior Phase I Sliver Easement is intended to be vacated or terminated upon the satisfaction of the requirements set forth in the Conservation Restriction Act in order to provide for the redevelopment of the Phase I Sliver as further described herein and in the MCHUR Redevelopment Agreement and the Phase I Deed of Easement for Public Access will be recorded to provide the public with access over the Phase I Sliver as that area is described with more particularity within **Exhibit L** which recording the parties acknowledge and agree is to be effectuated upon the conveyance of Phase IV to the City, as set forth in the MIG Redevelopment Agreement (collectively, the “Phase I Sliver Trigger”); and

**WHEREAS (#20)**, the recording of the Phase I Deed of Easement will re-establish public access over certain portions of Phase I, as well as over the Phase I Sliver, comprising approximately 5,361 square feet; and

**WHEREAS (#21)**, the City Council has preliminarily concluded, subject to public comment, that the vacation and termination of the Prior Easements, in exchange for the remediation, development and conveyance of a 2.0 acre public park, and the re-establishment of certain public access areas as set forth herein, as well as the other amenities to be provided by the Redevelopment Agreements is in the best interests and welfare of the residents of the City of Hoboken; and

**WHEREAS (#22)**, accordingly, upon the occurrence of all of the Termination Triggers, the City may record a termination of the Prior Deed of Easement in its entirety, as may be necessary and appropriate.

**NOW, THEREFORE**, it is hereby resolved by the City Council of the City of Hoboken as follows:

1. The Mayor of the City of Hoboken is hereby authorized to commence the process set forth at N.J.S.A. 13:8B-5 by scheduling the appropriate public hearings and publishing the notice of same accordingly.

2. Upon the satisfaction of the requirements set forth in N.J.S.A. 13:8B-1, et seq. and upon the occurrence of all of the Termination Triggers, as that term is defined herein, the Mayor of the City of Hoboken is hereby authorized to execute and record a termination of the Prior Deed of Easement in its entirety, as may be necessary and appropriate.

3. Staff and consultants to the City are hereby authorized and directed to take all other administrative actions to implement this Resolution as are necessary and appropriate to accomplish its goals and intent, to the extent permitted by law.

4. This Resolution shall be effective immediately.

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 7 – NAYS: 2

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Mello, Ramos, Russo and President Giattino

---Nays: Fisher

**16-420**

---By Councilman Mello

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOBOKEN REGARDING THE LONG TERM TAX EXEMPTION FOR MONROE CENTER HOBOKEN URBAN RENEWAL, LLC, THE REDEVELOPER OF THE MONROE CENTER AREA, TO INCLUDE IN EACH ANNUAL BUDGET FOLLOWING THE COMMENCEMENT OF PILOT PAYMENTS IN ACCORDANCE WITH THE FINANCIAL AGREEMENT, AN APPROPRIATION TO THE HOBOKEN SCHOOL DISTRICT FROM SUCH PILOT PAYMENTS**

**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, 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)**, 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 (#3)**, 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 construction of a public gymnasium and a Stormwater Detention System to contribute towards addressing the City’s stormwater concerns and Rebuild By Design initiatives, at a cost to the Redeveloper of approximately \$26,440,300.00 (collectively, the “Public Infrastructure Improvements”); and

**WHEREAS (#4)**, the City Council of the City of Hoboken has determined that it is in the best interest of the City of Hoboken to acquire the parcels as well as the Stormwater Detention System; and

**WHEREAS (#5)**, the Redeveloper submitted to the City an Application for a Long Term Tax Exemption and a Fiscal Impact Analysis in connection with the Project and the Public Infrastructure Improvements seeking to make payments in lieu of taxes (“PILOTs”); and

**WHEREAS (#6)**, 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 (#7)**, 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 (#8)**, 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 policy to encourage affordable housing opportunities.
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.

**WHEREAS (#9)**, 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 Redeveloper’s Fiscal Impact Analysis as well as the City’s Financial Analysis, together with the Report prepared by the City’s financial consultant, 4 Ward Planning, which concluded that the 30 year PILOT is necessary in order to make the Project, together with the Public Infrastructure Improvements, financially feasible, the City determined that a Financial Agreement permitting the Redeveloper to make annual payments in lieu of taxes (PILOTs) to the City (the “Financial Agreement”) is justified and as such, the Financial Agreement is a condition of the Redeveloper’s obligations under the Redevelopment Agreement; and

**WHEREAS (#10)**, the formula for the distribution of the revenue received through PILOT payments is mandated by the provisions of the Long Term Tax Exemption Law, N.J.S.A. 40A:20-12, which provides that otherwise applicable real estate taxes on the land are payable in full, 5% of the PILOT payments relating to the improvements on the land are payable to the County, no payment is made to the school district, while the remaining 95% of the PILOT payment is retained by the City; and

**WHEREAS (#11)**, the City Council wishes to provide, to the maximum extent of its legal authority, an appropriate payment to the Hoboken School District in order to acknowledge and contribute towards addressing the differential in the payments due to the Hoboken School District under the PILOT structure set forth in the Financial Agreement so that necessary funding to enable the Hoboken School District to continue to provide the children of the City of Hoboken a thorough and efficient education will be assured; and

**WHEREAS (# 12)**, based upon the PILOT Application and Fiscal Impact Analysis prepared by the Entity and reviewed by the City's financial consultant, 4 Ward Planning, the PILOT payments are not expected to begin until the first quarter of 2019, when the first Certificates of Occupancy are estimated to be issued; and

**WHEREAS (#13)**, pursuant to the provisions of the Long Term Tax Exemption Law, the actual PILOT payments will vary from year to year, as the amount is based on a percentage of the actual rents and other revenues received by the Redeveloper from the Project, such that the amounts of the PILOT payments are anticipated to fluctuate from year to year; and

**WHEREAS (#14)**, pursuant to the terms of the Financial Agreement and the Long Term Tax Exemption Law, the Redeveloper is subject to a limitation of its profits, and following an annual audit, any profit in excess of the greater of (i) 12% or (ii) 1.25% over the initial permanent mortgage financing, must be paid back to the City by the Redeveloper; and

**WHEREAS (#15)**, pursuant to the terms of the Long Term Tax Exemption Law, the Redeveloper must make estimated quarterly payments throughout the year, and if the annual audit reflects that the estimated PILOT payments are in excess of the actual required PILOT payment, the Redeveloper will be entitled to an adjustment in the amount of the overpayment.

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

1. It is the hereby expressed intent of the City Council of the City of Hoboken that, upon the commencement of the receipt of the annual PILOT payments referenced herein by the City, and continuing for the entire thirty (30) year duration of such payments, the City Council shall include in each annual Municipal Budget, an appropriation to the Hoboken School District in an amount equivalent to the greater of (1) 25 percent of the annual PILOT revenue received by the City from this project or (2) the number of K-12 students residing in the project and attending Hoboken School District K-12 schools multiplied by the School Choice reimbursement rate for that year (up to a maximum of 50% of the City's annual Pilot revenue from this project) to ensure that the Project pays its fair share of school taxes in order to enable the School District to continue to provide a thorough and efficient education to the children of the City of Hoboken, and to relieve non-abated property owners within the City of Hoboken from subsidizing any tax burden triggered by the Long Term Exemption Law, arising out of this Project.

2. A certified copy of this Resolution shall be forwarded to the Hoboken School District by the City Clerk.

3. This resolution shall take effect upon the adoption of an Ordinance by the City Council of the City of Hoboken authorizing the execution of the Financial Agreement, as that term is defined herein.

--Motion duly seconded by Councilman Russo

--Adopted by the following vote: YEAS: 7 – NAYS: 2

--Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Mello, Ramos, Russo and President Giattino

--Nays: Fisher

**16-421**

---By Councilman Mello

**RESOLUTION OF THE CITY OF HOBOKEN AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH MONROE INVESTMENT GROUP, LLC FOR THE REDEVELOPMENT OF BLOCK 81, LOT 3.01 (UNIT A) IN THE MONROE CENTER AREA, AN AREA WITHIN THE NORTHWEST INDUSTRIAL AREA**

**WHEREAS (#1)**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "Act"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

**WHEREAS (#2)**, in order to stimulate redevelopment, the City Council of the City of Hoboken by Resolution, has, at times, identified and designated certain parcels of property within the City as areas "in need of redevelopment" in accordance with the Act, including the following parcels which are located within the Northwest Industrial Area of the City:

- Block 80, Lot 3.01 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" and as identified on the Map attached hereto as **Exhibit A**);

- Block 81, Lot 3.01 (Unit C) on the Tax Map of the City of Hoboken, more commonly known as 700 Monroe Street (referred to herein as "Monroe V" and as identified on the Map attached hereto as **Exhibit A**);

- 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 (referred to herein as the "Jackson Street Property" and as identified on the Map attached hereto as **Exhibit A**); and

- Block 81, Lot 3.01 (Unit B) on the Tax Map of the City of Hoboken (referred to herein as "Phase IV" and as identified on the Map attached hereto as **Exhibit A**); 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 (referred to herein as the "Phase I Sliver" and as identified on the Map attached hereto as **Exhibit A**); 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 (referred to herein as "Phase I" and as identified on the Map attached hereto as **Exhibit A**) (collectively referred to herein as the "Monroe Center Area" or the "Redevelopment Area"); and

**WHEREAS (#3)**, the City desires that the Monroe Center Area be redeveloped in accordance with the Redevelopment Plan for the Northwest Industrial Area which has been and may be further amended from time to time (the “Redevelopment Plan”); and

**WHEREAS (#4)**, the City and Monroe Investment Group, LLC, the owner of Phase I (the “Redeveloper” or “MIG”), acknowledge that the City Council of the City of Hoboken (the “City Council”) has authorized the execution of a separate Redevelopment Agreement with Monroe Center Hoboken Urban Renewal, LLC (the “MCHUR Redevelopment Agreement”), the owner of Monroe III, which includes and is conditioned upon a related private agreement by and between Phase 4 Association, LLC (“Phase IV Owner”), an affiliate of MIG, 700 Monroe Hoboken, LLC (“Monroe V Owner”) and 605 Jackson Hoboken, LLC, affiliates of MCHUR (“Jackson Street Property Owner”) (the “Third Party Agreement”); and

**WHEREAS (#5)**, the MCHUR Redevelopment Agreement and the Third Party Agreement, collectively contemplate, *inter alia*, the following:

- the remediation and development of Monroe III by MCHUR;
- the remediation and development of Phase IV by MCHUR;
- the conveyance of Phase IV to the City at no purchase price to the City by Phase IV Owner for utilization as open public space for purposes of recreation and conservation;
- the remediation, development and conveyance of Monroe V to the City at no purchase price to the City by MCHUR for utilization as open public space for purposes of recreation and conservation;
- the remediation, development and conveyance of the Jackson Street Property, including a public gymnasium, to the City at no purchase price to the City by MCHUR for utilization as open public space for purposes of recreation and conservation;
- the installation of a stormwater detention system underneath Phase IV and Monroe V;
- the improvement of the Phase I Sliver by MCHUR;
- the implementation of various easements by and between the parties to the Agreements upon the Properties for certain utilities and other encroachments; and

**WHEREAS (#6)**, in addition to facilitating all of the above components of the MCHUR Redevelopment Agreement, including the Third Party Agreement, and in order to achieve the cohesive redevelopment of the Monroe Center Area and to create a sense of community with continuity in the design of the overall Monroe Center Area, MIG has proposed to undertake the redevelopment of Phase I by implementing, *inter alia*, the following features thereupon:

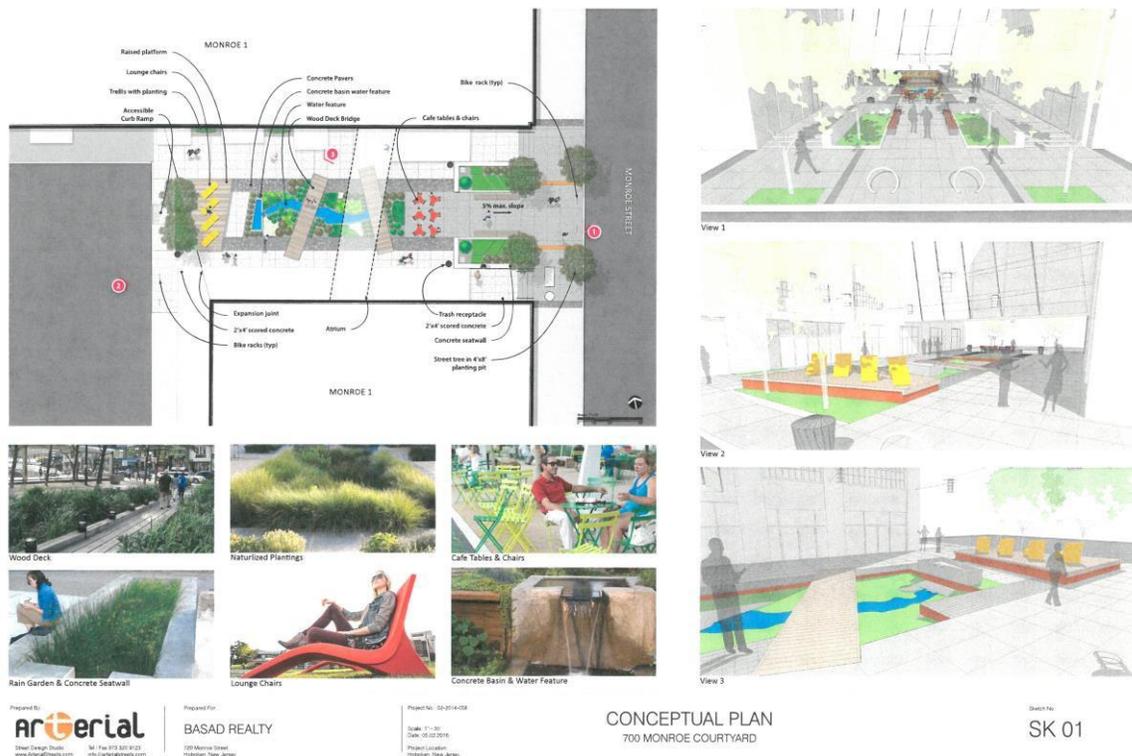
**Phase I Redevelopment Project**

- investigation and remediation of any environmental contamination originating upon or migrating from Phase I as may be required, including the implementation of an engineering control on a portion of Phase I;

- the continued repurposing and rehabilitation of the two existing formerly industrial buildings upon Phase I (the “Buildings”) for multi-purpose, commercial tenant-based use including but not limited to general office use, artistic, educational, design, studios, gallery and community facilities, such as daycare centers and charter schools, restaurant, and retail;

- recordation of a covenant that at least 15% of the total square footage of the Buildings shall be used, marketed or ultimately rented to tenants for a public, artistic or art-related use and/or to promote the arts, such as artist studio, dance, movement, rehearsal or exercise studio, music, children’s educational, and/or gallery, for a period of at least ten (10) years;

- development of a courtyard (or such plaza) under the cat-walk type bridge which connects the Buildings (the “Bridge”) by landscaping and hardscaping the 54-foot x 100-foot area fronting on Monroe Street (the “Walkway Area”), including 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, as depicted below; and



- recordation of a Deed of Easement for Public Access to provide the public with access to the Walkway Area and the Phase I Sliver for purposes of ingress and egress between the

Sponsored by: \_\_\_\_\_

public park development to be implemented upon Phase IV and Monroe Street and Eighth Street, respectively, all as more specifically described in the form of Redevelopment Agreement attached hereto as **Exhibit B** (collectively, the “Project”); and

**WHEREAS (#7)**, additionally, MIG, as the Redeveloper of Phase I, may, but would not be required to, also undertake the installation of certain awnings and canopies, including pendant signs and lighting, as well as a balcony upon the Buildings, in order to enhance the exterior of the Buildings, subject to certain conditions, which, if undertaken by Redeveloper, would require the recording of an encroachment easement over the public property (i.e. the sidewalks) on Monroe Street and Eighth Street (the “Public Property Easement Agreement”); and

**WHEREAS (#8)**, while the proposed Project is consistent with the spirit and intent of the Redevelopment Plan, certain amendments to the Redevelopment Plan will be required in order to accommodate the Project and the uses upon Phase I, which such amendment would be a condition of the Redevelopment Agreement, amongst others; and

**WHEREAS (#9)**, the City, MIG and MCHUR have engaged in extensive negotiations and the City has determined that in furtherance of the City’s goals and objectives to implement the redevelopment contemplated in the Redevelopment Plan, as may be amended, it is in the best interests of the City and its residents to enter into the Redevelopment Agreement with Monroe Investment Group, LLC (“Redeveloper”) being designated as the exclusive Redeveloper of Phase I.

**NOW, THEREFORE**, it is hereby resolved by the City Council of the City of Hoboken as follows:

1. The Mayor of the City of Hoboken is hereby authorized to execute the Redevelopment Agreement by and between the City of Hoboken and Monroe Investment Group, LLC in substantially the form attached hereto as **Exhibit B**, designating Monroe Investment Group, LLC as the exclusive redeveloper of Block 81, Lot 3.01 (Unit A), excluding the Phase I Sliver as that term is defined herein, on the Tax Map of the City of Hoboken, more commonly known as 720 Monroe Street.
2. The Mayor of the City of Hoboken is hereby authorized to execute and record the Public Property Easement Agreement in the form attached to the Redevelopment Agreement, in accordance with the terms of the Redevelopment Agreement and as set forth herein.
3. Staff and consultants to the City are hereby authorized and directed to take all other administrative actions to implement this Resolution as are necessary and appropriate to accomplish its goals and intent, to the extent permitted by law.
4. This Resolution shall be effective immediately.

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 7 – NAYS: 2

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Mello, Ramos, Russo and President Giattino

---Nays: Fisher

## ORDINANCES

### Introduction and First Reading

16-422

Z-423

Sponsored by: \_\_\_\_\_

**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 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.

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **AUGUST 3, 2016 at 7:00 PM.**

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 6 – NAYS: 2 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: Fisher and Giattino

---Absent: DeFusco

**16-423**

**Z-424**

**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 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”); 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.

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **AUGUST 3, 2016 at 7:00 PM**.

--Motion duly seconded by Councilman Russo

--Adopted by the following vote: YEAS: 6 – NAYS: 2 - ABSENT: 1

--Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

--Nays: Fisher, Giattino

--Absent: DeFusco

**16-424**

**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, craftsperson but not limited thereto) may create and sell their own work; parking required at one space per 1,000 gross square feet

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

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

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

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

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

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

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

Site size, Minimum: 40,000 square feet

Building height, max.: 40 feet

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

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

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

Parking:

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

See Urban Design Guidelines: Parking & Parking Design.

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

Site size, minimum: 10,000 square feet.

Building Height, maximum: 60 feet.

Yards, Minimum: no yards required at grade.

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

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

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

### **Zone 1**

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

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

#### 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
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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. Five residential floors 55 feet over one floor 12 feet of parking (maximum total building height 67 feet) except as varied below regarding bonus building height to provide for larger and more three bedroom units to accommodate the demand for housing for families.
Bonus building height	If the project contains more than 50% of the units as 3-bedroom or larger units to accommodate family-sized units, an additional residential floor may be permitted. In such case, six residential floors 67 feet over one floor 12 feet parking (maximum total building height 79 feet).
Floor area ratio	3.0 for residential floor area; to be calculated using only those lots located within the residential zone boundary to be used for the residential structure (except as varied below).
Bonus FA:	In addition to the base 3.0 FAR permitted for residential use on the site, if the project contains more than 50% of the units as 3- bedroom or larger units, to provide the footprint necessary to accommodate family-sized units, the redeveloper may also create up to an additional 1.70 FAR within the site. The total FAR is not to exceed 4.70.
Density:	Maximum dwelling units permitted on the site shall be calculated by dividing permitted FA (to be calculated at 3.0 as described above-whether the site is an interior or corner location) by 1,000; bonus FA may not be translated into additional dwelling units.
Lot coverage:	82% for the residential portion of building. 100% for the first floor containing the parking.
Urban Design Guidelines: Bay Windows:	Bay window encroachments into the north-south street setback area may be below a height of 10 feet above grade.

Bay windows may encroach onto the east-west street setback area at 40 feet above grade. Bay window and movable window screening may extend and encroach a maximum of 40 inches into the street right-of-way.

Parking:

A minimum of one space for each dwelling unit.

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

Sub-Area 1: Blocks ~~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 D) 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 ~~pro-rated 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 facade, 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 COO0B and COO0C (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.

#### 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 D), may be provided on Block 80 Lot 1.01. Parking for this use shall be provided through the shared use of the parking resources located on Block 80 Lot 1.01, and shall not add to the amount of parking otherwise required for the development located on Block 80 Lot 1.01.
6. The use of compact parking spaces (7.5' X 16') and tandem parking spaces shall be permitted without limitation.
7. The Planning Board shall give special consideration to any need for parking variances that may arise for retail, restaurant and other uses on the lower floors considering the availability of mass transit in the form of the nearby Light Rail Station.

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

offices/trailers for construction personnel and for the sales, rental and marketing of the units, fences, signage and similar uses.

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

1. Minimum Setback Requirements:

- a. From the south property line along Seventh Street - Zero
- b. From the north property line along Eighth Street - Zero
- c. From the east property line along Lot 2.01 in Block 81– Zero, provided that a minimum of 7,500 square feet of open space is provided between that lot line and the face of the building.
- d. From the west property line – 10 feet, which may include a sidewalk area along this side of the property.

2. Building Base Design:

- a. The building base shall be designed in a manner that relates to the pedestrian environment along the adjacent streets.
- b. Windows shall be provided along the street frontage which allow for views from the street into commercial uses within the building. Such windows shall be broad and expansive typical of traditional storefront fenestration.
- c. At least one prominent pedestrian entrance/lobby shall be provided along the new Jackson Street ROW frontage.

3. Parking Structure Design:

- a. Where a residential or non-residential commercial or retail use is not used to mask a parking use within the building, the exposed façade shall be designed to emulate the portions of the building containing residential, commercial or retail uses; including the design of window openings, façade materials and other design features.
- b. Where parking garages are proximate to residential uses, special consideration shall be given to design solutions that reduce noise and light impacts from the parking garage on any wall facing the residential structure.

- c. Parking structures not covered by residential or other habitable building area shall be covered by a roof, which shall be landscaped and improved as accessible outdoor space or may be landscaped as a green roof.
- d. No open parking is permitted except as a Temporary Use, subject to paragraph J. above, except that open parking is permitted on Monroe Center Phase IV to serve the building on Monroe Center Phase I until the parking referred to in I.5. is made available to Monroe Center Phase I.
- e. On street parking along Seventh Street, Eighth Street and Harrison Street is encouraged.

4. Streetscape Design:

- a. Shade trees shall be provided along all rights-of-way adjacent to the subject site. Said street trees shall be planted at least every 30 feet on center, or as appropriate to accommodate utility locations, street lighting and other street furnishings.
- b. New sidewalks, curbs, lighting, bike racks, and other street furniture shall be provided subject to Planning Board approval.
- c. Active uses such as retail, restaurants and other commercial uses shall be provided along street frontages to the greatest extent practical in order to enliven the pedestrian environment. Each of these uses shall have pedestrian access from the adjoining sidewalk.

5. Public Recreation Space:

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

6. Minimum Dwelling Unit Sizes:

<u><i>Unit Type by</i></u>	<u><i>Min. Unit Size</i></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 locks shall be enclosed by the building screened along street frontages as follows:

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

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

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

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

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

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

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

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

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

Open parking for large-scale retail uses shall have:

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

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

### **Streetscape Requirements**

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

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

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

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

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

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

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

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

Sites larger than 20,000 square feet in area:

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

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

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

### **Public Recreation Space:**

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

Enclosed space must be available to the public as follows:

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

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

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

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

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

Open Space must be designed as follows:

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

Design to be approved by Planning Board.

Property owner must provide permanent public easements

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

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

### **Miscellaneous**

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

Minimum dwelling unit size 750 square feet.

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

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

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

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

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

No signs shall be attached to any structure in the loading dock/trash/recycling area other than a single sign no larger than one 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.

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **AUGUST 3, 2016 at 7:00 PM.**

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 6 – NAYS: 2 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: Fisher, Giattino

---Absent: DeFusco

**RESOLUTIONS (CONT'D)**

**16-425**

--By Councilman Mello

**RESOLUTION OF THE CITY OF HOBOKEN REFERRING AN AMENDMENT TO THE NORTHWEST REDEVELOPMENT PLAN TO THE PLANNING BOARD OF THE CITY OF HOBOKEN FOR REVIEW PURSUANT TO N.J.S.A. 40A:12A-7**

**WHEREAS (#1)**, by Ordinance adopted May 20, 1998, the City Council of the City of Hoboken ("City Council") adopted a Redevelopment Plan, which has been amended from time to

time, known as the Northwest Redevelopment Plan 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 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 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 2011 (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 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”); and
- Block 81, Lot 3.01 (Unit A) on the Tax Map of the City of Hoboken, more commonly known as 720 Monroe Street, (referred to herein and formerly known as “Phase I” under the Prior Agreement) (collectively referred to herein as the “Monroe Center Area,” the “Redevelopment Area” or the “Properties”); and

**WHEREAS (#3)**, the City Council has prepared certain amendments to the Northwest Redevelopment Plan, which amendments are in furtherance of the redevelopment of the Northwest Industrial Area, and which are set forth in a proposed Ordinance entitled “An Ordinance Amending the Northwest Redevelopment Plan and Appendix A of Chapter 196 of the Code of the City of Hoboken,” a copy of which is attached hereto as **Exhibit A**; and

**WHEREAS (#4)**, pursuant to N.J.S.A. 40A:12A-7, prior to the amendment of a Redevelopment Plan, proposed amendments must be referred to the Planning Board for review and recommendations.

**NOW, THEREFORE**, it is hereby resolved by the City Council of the City of Hoboken as follows:

1. A copy of the proposed ordinance entitled “An Ordinance Amending the Northwest Redevelopment Plan and Appendix A of Chapter 196 of the Code of the City of Hoboken” be transmitted to the Planning Board of the City of Hoboken for its review and recommendations pursuant to N.J.S.A. 40A:12A-7.
2. Staff and consultants to the City are hereby authorized and directed to take all other administrative actions to implement this Resolution as are necessary and appropriate to accomplish its goals and intent.
3. This Resolution shall be effective immediately.

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 7 – NAYS: 1 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: Fisher

---Absent: DeFusco

#### **SECOND READING/PUBLIC HEARING AND FINAL VOTE**

1. BOND ORDINANCE AUTHORIZING THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$3,310,000 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 \$3,144,500; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING (**sponsored by Councilwoman Fisher and Councilman Cunningham**) (**Z-420**)

No other person present desiring to be heard and no written protests or objections received, President Giattino asked for a motion to close the hearing.

President Giattino moved that the hearing be closed.

--Motion duly seconded by Councilwoman Fisher  
--Adopted by the following vote: YEAS: 8 – NAYS: 0 – ABSENT: 1  
--Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
--Nays: None.  
--Absent: DeFusco

President Giattino then instructed the City Clerk to call the Final Vote for the above Ordinance.

--Motion duly seconded by Councilman Cunningham  
--Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1  
--Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
--Nays: None  
--Absent: DeFusco

**AN ORDINANCE AMENDING HOBOKEN CODE CHAPTER 115 TO INCLUDE REGULATIONS FOR THE SANITATION AND UPKEEP OF PRIVATELY OWNED AND OPERATED PORT-O-JOHNS WITHIN CITY BOUNDARIES (sponsored by Councilman Mello and President Giattino) (Z-421)**

No other person present desiring to be heard and no written protests or objections received, President Giattino asked for a motion to close the hearing.

President Giattino moved that the hearing be closed.

--Motion duly seconded by Councilman Mello  
--Adopted by the following vote: YEAS: 8 – NAYS: 0 – ABSENT: 1  
--Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
--Nays: None.  
--Absent: DeFusco

President Giattino then instructed the City Clerk to call the Final Vote for the above Ordinance.

--Motion duly seconded by President Giattino  
--Adopted by the following vote: YEAS: 8 – NAYS: 0  
--Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
--Nays: None  
--Absent: DeFusco

ORDINANCE APPROVING THE TERMS OF THE ATTACHED DEED OF PUBLIC ACCESS EASEMENT AGREEMENT BETWEEN THE MAXWELL PLACE CONDOMINIUM ASSOCIATION, INC. AS GRANTOR AND THE CITY OF HOBOKEN AS GRANTEE FOR THE USE OF THE PRIVATE ROADWAYS, ON- STREET PARKING SPACES AND SIDEWALKS LOCATED ON MAXWELL LANE; 11TH STREET BETWEEN SINATRA DRIVE NORTH AND HUDSON STREET; AND SINATRA DRIVE NORTH BETWEEN 12TH STREET AND FRANK SINATRA DRIVE (BLOCK 261.07, LOT 1) **(sponsored by Councilman Doyle and Councilwoman Giattino) (Z-422)**

No other person present desiring to be heard and no written protests or objections received, President Giattino asked for a motion to close the hearing.

President Giattino moved that the hearing be closed.

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: YEAS: 8 – NAYS: 0 – ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

---Absent: DeFusco

President Giattino then instructed the City Clerk to call the Final Vote for the above Ordinance.

---Motion duly seconded by President Giattino

---Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 1 ABSTAIN: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Mello, Ramos, Russo and President Giattino

---Nays: None

---Absent: DeFusco

---Abstain: Fisher

### **PUBLIC COMMENTS ON THE MONROE CENTER URBAN RENEWAL**

The speakers who spoke: Christopher Corbine, David Sheihigan, Reverend Eric Dobson, John Leffert, Julia Howel, Kurt Gardiner, LaTrenda Ross, Patricia Waiters, Tim Occhipinti, Carter Craft, Cheryl Fallick, Martin Anderson, Christina Anderson, Michael Evers, Freeholder Romano, Councilman Mello, Councilman Ramos, Franz Paetzold, Mary Ondrejka, Rastko Tomin, Dan Tumpson, Elizabeth Adams

Councilman Doyle reads a letter from one of his residents- LaShaunda Ross

Director Forbes will give a brief presentation for the Redevelopment

Council President comments on the school district and the voting for tonight

Councilman Bhalla comments

Councilman Cunningham comments and asks on page 8 on the bullet point on Affordable housing

Director Forbes comments that they are reducing the density and to have the affordable housing included

Councilman Ramos comments on the Gymnasium size.

Councilman Doyle comments that it's the depth of the lot 100ft.  
 Director Forbes comments that they wanted to have a balance of park space and gym space  
 Councilman Russo comments on the gym space facing the park space and also convert it to an indoor/outdoor facility, not significant bleacher space for the court  
 Councilman Mello comments and also a planned amount of storage such as indoor soccer, wrestling, and other sports to have the storage and the purpose for practice and recreation  
 Councilman Cunningham comments  
 Councilman Russo comments  
 Councilwoman Fisher comments on who supervises the facilities  
 Director Pellegrini comments  
 Councilwoman Fisher comments  
 Councilman Ramos comments  
 Director Forbes comments  
 Councilman Mello comments  
 Councilman Russo comments  
 Councilman Cunningham comments  
 Councilman Ramos comments  
 Councilman Doyle comments  
 Councilman Russo comments  
 Councilman Cunningham comments  
 Councilman Bhalla comments  
 Councilman Ramos comments  
 Councilwoman Fisher comments  
 Councilman Russo comments  
 Councilwoman Fisher comments  
 Council President comments  
 Councilman Mello comments  
 Director Forbes comments  
 Special Counsel Joe Maraziti comments  
 Counsel Aloia comments  
 BA Wiest comments  
 Director Forbes comments

**PUBLIC COMMENTS**

The speakers who spoke: Patricia Waiters, Council President, Councilman Russo, Dan Tumpson, Mary Ondrejka, Cheryl Fallick, Elizabeth Adams

**PETITIONS AND COMMUNICATIONS**

**16-426**

Proclamation from Mayor Dawn Zimmer commemorating June 19, 2016 as the 170<sup>th</sup> anniversary of the first organized baseball game in Hoboken.

Received and filed.

**APPLICATIONS FOR MISCELLANEOUS LICENSES**

Vendor----- 1 Item  
 Meeting of July 6, 2016

Raffle----- 1 Item

---Councilman Russo moves that the licenses be granted.  
---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1  
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
---Nays: None  
---Absent: DeFusco

**REPORTS FROM CITY OFFICERS**

No reports for this meeting

**16-428**

---By Councilwoman Fisher

**CLAIMS**

Total for this agenda **\$3,807,830.01**

---Motion duly seconded by Councilman Russo  
---Adopted by the following vote: YEAS: 8 – NAYS: 0 ABSENT: 1 - ABSTAIN: 2  
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
---Nays: None  
---Absent: DeFusco  
---Abstain: Bhalla on 16-103, Ramos 15-00627,

**BA Wiest reads the four (4) items that were added to the Claims**

**16-428**

**PAYROLL**

~~For the two week period starting June 2 – June 15, 2016~~

<del>Regular Payroll</del>	<del>O/T Pay</del>	<del>Other Pay</del>
<del>\$1,635,069.65</del>	<del>\$106,523.68</del>	<del>\$72,150.24</del>

~~Total \$1,813,743.57~~

**PULLED NO ACTION TAKEN**

**BA Wiest comment would like to remove the Payroll and bring it back to the next meeting**

**Councilman Cunningham comments on the OT for the Parking Utility**

**PUBLIC COMMENTS ON RESOLUTIONS**

**CONSENT AGENDA – CD1-CD5, CD7-CD10, PS1, A1-A3, T1-T5, TX1 AND CL1**

---Adopted by the following vote: YEAS: 8 – NAYS: 0 ABSENT: 1  
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
---Nays: None.  
---Absent: DeFusco

Consent Agenda defined: All items listed with an asterisk (\*) are considered to be routine business by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a council member or citizen so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.

Pulled from the agenda for discussion: C1, E1, L1, PS2  
Removed by Administration:

**RESOLUTIONS (CONT'D)**

**16-430**

---By Councilman DeFusco

**RESOLUTION SUPPORTING THE CONTINUED INVESTIGATION OF, DISCUSSION OF, AND EFFORTS TO PASS ENHANCED LEGISLATION REGARDING THE PURCHASE, SALE, PERMITTING, USE AND/OR CARRYING OF ASSAULT RIFLES BY THE NEW JERSEY STATE AND UNITED STATES FEDERAL LEGISLATURES**

**WHEREAS**, during the 2015 and 2016 calendar years, there have been numerous mass shootings in the United States which involved civilians utilizing assault rifles; and,

**WHEREAS**, the City Council of the City of Hoboken wishes to express its support for continued discussion and exploration of the options for enhancing the protection of the citizenry through legislation restricting the purchase, sale, permitting, use and/or carrying of assault rifles by civilians; and,

**WHEREAS**, the City Council applauds the State Legislature's consideration of options for better protecting the citizenry from the purchase, sale, permitting, use and/or carrying of assault rifles by civilians.

**NOW THEREFORE BE IT RESOLVED**, the City Council of the City of Hoboken hereby expresses its support of the continued investigation of, discussion of, and efforts to pass enhanced legislation regarding the purchase, sale, permitting, use and/or carrying of assault rifles by the New Jersey State and United States Federal Legislatures; and,

**BE IT FURTHER RESOLVED**, the City Council of the City of Hoboken hereby directs that duly authenticated, certified copies of this Resolution be immediately transmitted by the City Clerk to the following individual legislators:

**A. To the United States through its**

1. Speaker of the House Representative Paul D. Ryan;
2. Majority Leader Representative Kevin McCarthy;
3. Majority Whip Representative Steve Scalise;
4. Representative Conference Chairman Cathy McMorris Rodgers;
5. Representative Policy Committee Chairman Luke Messer;
6. Democratic Leader Representative Nancy Pelosi;
7. Democratic Whip Representative Steny Hoyer;
8. Assistant Democratic Leader Representative James Clyburn;
9. Democratic Caucus Chairman Representative Xavier Becerra.

**B. To the New Jersey Governor**

10. Chris Christie.

**C. The United States Senators**

11. Robert Menendez,
12. Cory Booker.

**D. To the New Jersey State Assembly through its**

13. Speaker Vincent Prieto; Vincent Prieto (District 32)
14. Majority leader Louis D. Greenwald; Louis D. Greenwald (District 6)
15. Speaker Pro-Tempore Jerry Green; Jerry Green (District 22)
16. Majority Conference Leader Shavonda E. Sumter; Shavonda E. Sumter (District 35)
17. Deputy Speaker John J. Burzichelli; John J. Burzichelli (District 3)
18. Deputy Speaker Wayne P. DeAngelo; Wayne P. DeAngelo (District 14)
19. Deputy Speaker Gordon M. Johnson; Gordon M. Johnson (District 37)
20. Deputy Speaker Pamela R. Lampitt; Pamela R. Lampitt (District 6)
21. Deputy Speaker Gary S. Schaer; Gary S. Schaer (District 36)
22. Deputy Speaker L. Grace Spencer; L. Grace Spencer (District 29)
23. Deputy Speaker Valerie Vaineri Huttlet; Valerie Vaineri Huttlet (District 37)
24. Deputy Speaker Benjie E. Wimberly; Benjie E. Wimberly (District 35)
25. Deputy Speaker John S. Wisniewski; John S. Wisniewski (District 19)
26. Deputy Majority Leader Joseph V. Egan; Joseph V. Egan (District 17)
27. Deputy Majority Leader Thomas P. Giblin; Thomas P. Giblin (District 34)
28. Deputy Majority Leader Reed Gusciora; Reed Gusciora (District 15)
29. Deputy Majority Leader Angelica M. Jimenez; Angelica M. Jimenez (District 32)
30. Deputy Majority Leader Annette Quijano; Annette Quijano (District 20)
31. Deputy Speaker Pro-Tempore Daniel R. Benson; Daniel R. Benson (District 14)
32. Deputy Conference Leader Tim Eustace; Tim Eustace (District 38)
33. Parliamentarian Craig J. Coughlin; Craig J. Coughlin (District 19)
34. Deputy Parliamentarian Joseph A. Lagana; Joseph A. Lagana (District 38)
35. Majority Whip Herb Conaway Jr.; Herb Conaway Jr. (District 7)
36. Deputy Majority Whip Ralph R. Caputo; Ralph R. Caputo (District 28)
37. Appropriations Chair John J. Burzichelli; John J. Burzichelli (District 3)
38. Budget Chair Gary S. Schaer; Gary S. Schaer (District 36)
39. Speaker Emeritus Sheila Y. Oliver; Sheila Y. Oliver (District 34)

40. Republican Leader Jon M. Bramnick; Jon M. Bramnick (District 21)
41. Conference Leader David P. Rible; David P. Rible (District 30)
42. Republican Whip Scott T Rumana; Scott T. Rumana (District 40)
43. Deputy Conference Leader Nancy Munoz; Nancy F. Munoz (District 21)
44. Republican Budget Officer Declan J. O'Scanlon Jr.; Declan J. O'Scanlon, Jr. (District 13)
45. Deputy Republican Leader Anthony M. Bucco; Anthony M. Bucco (District 25)
46. Deputy Republican Leader Amy H. Handlin; Amy H. Handlin (District 13)
47. Deputy Republican Leader David W. Wolfe; David W. Wolfe (District 10)
48. Parliamentarian Michael Patrick Carroll; Michael Patrick Carroll (District 25)
49. Appropriations Officer John DiMaio; John DiMaio (District 23)
50. Assistant Republican Leader Chris A. Brown; Chris A. Brown (District 2)
51. Assistant Republican Whip Erik Peterson; Erik Peterson (District 23)
52. Assistant Republican Whip Jack M. Ciattarelli; Jack M. Ciattarelli (District 16)
53. Policy Co-Chairs Brian E. Rumpf; Brian E. Rumpf (District 9)
54. DiAnne C. Gove; DiAnne C. Gove (District 9)
55. Assembly Clerk Dana M. Burley; Dana M. Burley
- E. The New Jersey State Senate, through its**
56. President, Stephen Sweeney; Stephen M. Sweeney (District 3)
57. Majority Leader Loretta Weinberg; Loretta Weinberg (District 37)
58. President Pro-Tempore Nia H. Gill; Nia H. Gill (District 34)
59. Deputy Majority Leader Paul A. Sarlo; Paul A. Sarlo (District 36)
60. Assistant Majority Leaders James Beach; James Beach (District 6)
61. Linda Greenstein; Linda Greenstein (District 14)
62. M. Teresa Ruiz; M. Teresa Ruiz (District 29)
63. Majority Conference Leader Robert M. Gordon; Robert M. Gordon (District 38)
64. Majority Whip Sandra B. Cunningham; Sandra B. Cunningham (District 31)
65. Republican Leader Thomas H. Kean Jr.; Thomas H. Kean Jr. (District 21)
66. Deputy Republican Leader Diane B. Allen; Diane B. Allen (District 7)
67. Conference Leader Robert W. Singer; Robert W. Singer (District 30)
68. Deputy Conference Leader Jennifer Beck; Jennifer Beck (District 11)
69. Assistant Republican Leader Joseph Pennacchio; Joseph Pennacchio (District 26)
70. Republican Budget Officer Anthony R. Bucco; Anthony R. Bucco (District 25)
71. Secretary of the State Jennifer A. McQuaid; Jennifer A. McQuaid
- F. To the New Jersey Representatives,**
72. Donald Norcross,
73. Frank LoBiondo,
74. Tom MacArthur,
75. Chris Smith,
76. Scott Garrett,
77. Frank Pallone Jr.,
78. Leonard Lance,
79. Albio Sires,
80. Bill Pascrell Jr.,
81. Donald Payne Jr.,
82. Rodney Frelinghuysen,
83. Bonnie Watson Coleman.
- G. To the Hoboken District Representatives**
84. Senator, Brian P Stack;
85. Assemblywoman, Annette Chaparro,
86. Assemblyman Raj Mukherji.

---Motion duly seconded by Councilman Russo  
---**As adjusted** by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1  
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
---Nays: None.  
---Absent: DeFusco

**16-431**

---By Councilman DeFusco

**RESOLUTION AWARDING AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT TO COMMUNITY GRANTS PLANNING AND HOUSING FOR PROFESSIONAL AFFORDABLE HOUSING ADMINISTRATIVE AGENT SERVICES FOR THE CITY WITH NO CHANGE IN THE NOT TO EXCEED AMOUNT OF TWENTY SEVEN THOUSAND TWO HUNDRED NINETY DOLLARS (\$27,290.00) BUT FOR AN EXTENSION OF ONE YEAR TO THE TERM, TO EXPIRE JULY 8, 2017**

**WHEREAS**, the City of Hoboken published RFP's for professional affordable housing administrative agent services for the City, and thereafter contracted for said services with Community Grants Planning and Housing, in accordance with the Local Public Contracts Law and the Fair and Open Process; and,

**WHEREAS**, consequential to the one year contract awarded to CGPH, the firm has specialized knowledge of the City of Hoboken's characteristics and needs, and has specialized skills relating to the application of the knowledge to the City's continued professional services needs of its Administrative Agent; and,

**WHEREAS**, as such, in accordance with the direction of the Administration, the City Council is now asked to authorize an amendment to the contract to CGPH for an additional one (1) year term to commence on July 9, 2016 and expire July 8, 2017, with no change in the contract amount; and,

**WHEREAS**, certification of funds is not necessary for this amendment.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken (*a majority of the full council voting affirmatively*), that the contract with the below listed vendor is amended for an additional one (1) year term to commence on July 9, 2016 and expire July 8, 2017, for services as Professional Affordable Housing Agent for the City, with no change in the not to exceed amount, as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the RFP and CGHP's responsive proposal shall govern the contract, and no changes may be made without the prior written consent of both parties.
3. Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
4. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.

5. The Mayor, or her designee is hereby authorized to execute an agreement, for the above referenced goods and/or services based upon the following information:

Community Grants Planning and Housing  
101 Interchange Plaza – St. 301  
Cranbury, New Jersey 08512

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

---Absent: DeFusco

**16-432**

---By Councilman Mello

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH HOBOKEN COMMUNITY CENTER, LLC**

**Whereas**, the Board of Directors of Hoboken Community Center, LLC located at 1301 Washington Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “Operation of SRO Housing” within the City of Hoboken; and

**Whereas**, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$17,500.00 out of available City of Hoboken Community Development Block Grant funds for Hoboken Community Center, LLC to operate said program within the City of Hoboken; **now therefore, be it -**

**Resolved**, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, **and be it --**

**Further Resolved**, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and Hoboken Community Center, LLC, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1  
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
---Nays: None.  
---Absent: DeFusco

**16-433**

---By Councilman Mello

**RESOLUTION OF THE CITY OF HOBOKEN AUTHORIZING THE EXECUTION OF AN INTERIM COST AND CONDITIONAL DESIGNATION AGREEMENT WITH JUST BLOCK 112, LLC AND 707 CHURCH, LLC INCLUDING PROVISIONS FOR AN ESCROW DEPOSIT TO DEFRAY THE CITY’S COSTS INCURRED IN THE NEGOTIATION OF A REDEVELOPMENT AGREEMENT (submitted by administration)**

**WHEREAS (#1)**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "Act"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

**WHEREAS (#2)**, the City desires that a portion of the land located within the City in an area which has been determined to be an area in need of redevelopment in accordance with the Act, also known as Block 112, Lots 1-32 on the Tax Map of the City of Hoboken, more commonly known as 1300 Jefferson Street (the “Project Site”), be redeveloped in accordance with the Western Edge Redevelopment Plan (the “Redevelopment Plan”); and

**WHEREAS (#3)**, Just Block 112, LLC & 707 Church, LLC (collectively, “Just Block 112, LLC”) are the current owners of the Project Site; and

**WHEREAS (#4)**, Just Block 112, LLC submitted a Pre-Submission Form to the City of Hoboken on October 8, 2015, seeking to be designated as the Redeveloper of the Project Site (the “Pre-Submission Form”); and

**WHEREAS (#5)**, on March 4, 2016, pursuant to a request from the City, Just Block 112, LLC submitted to the City supplemental information (the “Supplemental Information”); and

**WHEREAS (#6)**, on May 27, 2016, Just Block 112, LLC submitted to the City an Amended Pre-Submission Form and a Revised Project Description (the “Updated Information”); and

**WHEREAS (#7)**, the Pre-Submission Form, the Supplemental Information, and the Updated Information are collectively referred to as the “Proposal”; and

**WHEREAS (#8)**, the Proposal provides for the development of three towers of mixed use development comprising 207 total residential units totaling 207,200 sq. ft. in two towers of 116 feet in height each, with one ground level floor of retail totaling 25,229 sq. ft. of retail, and one tower consisting of a 32,650 sq. ft. bowling alley/venue on the lower level, and 140,000 sq. ft. of commercial hotel space to be built above an existing industrial structure which would be adapted for reuse, and 375 parking spaces; and

**WHEREAS (#9)**, the City requires that prospective redevelopers pay the reasonable costs incurred by the City in reviewing and evaluating the prospective redeveloper’s proposal, negotiating and drafting a Redevelopment Agreement (should a Redevelopment Agreement ultimately be executed), and all other costs and expenses related to the matter, prior to either the execution of a Redevelopment Agreement or a determination by the City that a Redevelopment Agreement cannot be executed, as the case may be; and

**WHEREAS (#10)**, accordingly, the City has prepared a form of Interim Cost and Conditional Designation Agreement, a copy of which is attached hereto as **Exhibit A**, whereby Just Block 112, LLC would pay the reasonable costs incurred by the City in reviewing and evaluating the Proposal, negotiating and drafting a Redevelopment Agreement (should a Redevelopment Agreement ultimately be executed), and all other costs and expenses related to this matter, prior to either the execution of a Redevelopment Agreement or a determination by the City that a Redevelopment Agreement cannot be executed, as the case may be; and

**NOW, THEREFORE**, it is hereby resolved by the City Council of the City of Hoboken as follows:

1. The Mayor is hereby authorized to execute an Interim Cost and Conditional Designation Agreement between the City of Hoboken and Just Block 112, LLC, in a form substantially as that attached hereto as **Exhibit A**.

2. Staff and consultants to the City are hereby authorized and directed to take all other administrative actions to implement this Resolution as are necessary and appropriate to accomplish its goals and intent.

3. This Resolution shall be effective immediately.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

---Absent: DeFusco

**16-434**

---By Councilman Mello

**RESOLUTION AWARDING A CONTRACT TO VALUE RESEARCH GROUP FOR THE PROVISIONS OF APPRAISAL SERVICES FOR MARSHALL STREET SUBSTATION AND 1101 MONROE STREET IN ACCORDANCE WITH VALUE RESEARCH GROUP'S APRIL 1, 2016 PROPOSAL IN THE TOTAL AMOUNT OF \$9,000.00**

**WHEREAS**, the City urgently requires the professional services of real property appraisers for the appraisal of the Marshall Street Substation and 1101 Monroe Street, and the total cost of said services is \$9,000.00, and Value Research Group has already been authorized as a pool Appraiser by the City Council via resolution in accordance with the Fair and Open Process; and,

**WHEREAS**, pursuant to the recommendation of the City Administration, this Council now seeks a contract award for said services; and,

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

- A. This resolution awards a contract to Value Research Group for professional real property appraisal services, in the total amount of Nine Thousand Dollars (\$9,000.00) for the appraisal of the Marshall Street Substation and 1101 Monroe Street, in accordance with the April 1, 2016 proposal of Value Research Group, attached hereto.
- B. If the contract, as provided by the City of Hoboken, is not executed by the vendor within 21 days of execution of this award, the City may cancel this award and rebid the project.
- C. The contract shall be in accordance with the attached proposals, as requested by the Administration.
- D. Any change orders required shall be subject to formal City Council authorization, and the City shall not be held liable for any amounts above the within contracted amounts unless/until same is authorized and appropriated by formal resolution of the City Council.
- E. The Mayor or her agent is hereby authorized to enter into an Agreement with the vendor for said purchase and sale.
- F. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Cunningham  
---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1  
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
---Nays: None.  
---Absent: DeFusco

**16-435**

---By Councilman Mello

**RESOLUTION AWARDING AN EXTENSION TO THE CONTRACT TO COMMUNITY COMPOST COMPANY FOR RESIDENTIAL COMPOSTING SERVICES TO THE CITY OF HOBOKEN FOR ONE ADDITIONAL YEAR FOR AN ADDITIONAL NOT TO EXCEED AMOUNT OF \$46,935.00**

**WHEREAS**, the City advertised Request for Proposals for Residential Composting Services in accordance with the N.J.S.A. 40A:11-4.1 competitive contracting process, and thereafter awarded a one year contract to Community Compost Company, who responded to the RFP under the fair and open process and competitive contracting laws; and,

**WHEREAS**, the City now seeks to amend the contract to extend it for one year, with an additional not to exceed amount of \$22,500.00, which represents an additional one year of service, from March 18, 2016 through March 17, 2017; and,

**WHEREAS**, the vendor is hereby required to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, codified 20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,

**NOW THEREFORE BE IT RESOLVED**, that the contract be amended and extended with Community Composting Company to provide services to the City as described in the City’s RFP, and, to the extent not inconsistent therewith, the Vendor’s proposal, for a term to commence March 18, 2016 and expire March 17, 2017, for an additional not to exceed amount by Forty Six Thousand Nine Hundred Thirty Five Dollars and Zero Cents (\$46,935.00), subject to the following conditions:

- This contract award is for a flat \$46,935.00 payment by the City for one year of service; and,
- Any amendments to the contracts, including without limitation fees payable by the City and/or the residential patrons of the program, shall be subject to prior approval of the City via a resolution, and shall be further subject to a non-appropriation clause in favor of the City.

**BE IT FURTHER RESOLVED** that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Community Composting Company; and

**BE IT FURTHER RESOLVED** the City Clerk shall publish this resolution as required by law and keep a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.; and,

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be provided to Meeting of July 6, 2016

Mayor Dawn Zimmer and Corporation Counsel for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 8 – NAYS: 0 ABSENT: 1 -

---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None

---Absent: DeFusco

**16-436**

---By Councilman Mello

**RESOLUTION FURTHER AMENDING THE PROFESSIONAL SERVICE CONTRACT WITH EI ASSOCIATES FOR PROFESSIONAL ENGINEERING SERVICE TO THE CITY OF HOBOKEN FOR THE BACKUP GENERATORS PROJECT FOR A TERM TO EXPIRE OCTOBER 31, 2016, BUT WITH AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$27,900.00, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$249,430.00**

**WHEREAS**, service to the City as General Electrical Engineer is a professional service as defined by N.J.S.A. 40A:11-1 et seq. and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

**WHEREAS**, in August, 2013 the City of Hoboken was made aware of potential power related issues at city properties, and thereafter obtained four (4) quotes, on an emergency basis, for the Professional Services, of which EI Associates responded to with the most advantageous proposal, and was awarded a contract, and thereafter on an annual basis EI Associates has submitted proposals in response to the City's RFP's for annual engineering services, in accordance with the State and Local Fair and Open Process; and,

**WHEREAS**, the EI Associates generator contract was previously amended to extend the term and increase the contract amount in April, 2015, July, 2015, and February, 2016, and the City now seeks to further amend the contract to increase the not to exceed amount by \$27,900.00, as set forth in the attached EI Associates proposal, for a total not to exceed amount of \$249,430.00; and,

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

- A. This resolution amends the award of the contract to EI Associates for professional engineering services, in an increased, not-to-exceed amount of \$27,900.00, as set forth in the attached EI Associates proposal dated June 17, 2016, for a total not-to-exceed amount of \$249,430.00, in accordance with the June 17th proposal.
- B. If the contract amendment, as provided by the City of Hoboken, is not executed by the vendor within 21 days of execution of this award, the City may cancel this award and rebid the project.
- C. Any change orders required shall be subject to formal City Council authorization, and the City shall not be held liable for any amounts above the within contracted amounts unless/until same is authorized and appropriated by formal resolution of the City Council.

**BE IT FURTHER RESOLVED** that the City Council of the City of Hoboken authorizes the Mayor to enter into the herein described contract amendment with EI Associates; and,

**BE IT FURTHER RESOLVED** that the City Clerk shall publish this resolution in the City's official newspapers immediately; and,

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately as allowed by law.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

---Absent: DeFusco

**16-437**

---By Councilman Mello

**RESOLUTION AMENDING A CONTRACT TO INTERTECH ASSOCIATES FOR THE PROVISIONS OF PUBLIC SAFETY COMMUNICATIONS ENGINEERING IN ACCORDANCE WITH THE ATTACHED PROPOSAL FOR A ONE YEAR TERM TO EXPIRE OCTOBER 20, 2016 WITH AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$85,500.00, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$144,370.00**

**WHEREAS**, the City of Hoboken published RFP's for public safety communication engineering services as RFP 15-14, which is a professional service contract exempt from public bidding under the local contracts law; and,

**WHEREAS**, in accordance with the Fair and Open Process, the Administration evaluated the proposal provided in response to said RFP, and the Administration thereafter determined that Intertech Associates is able to provide the City with the most effective and efficient services in accordance with the terms and conditions of the RFP, and the City now seeks to amend said contract award; and,

**WHEREAS**, in accordance with the direction of the Administration, the City Council is now asked to amend the contract to Intertech Associates, 55-77 Schanck Road, Suite A-14, Freehold, NJ 07728, for professional engineering services as public safety communications engineers, with an increase in the not to exceed amount by \$85,500.00, for a total not to exceed amount of \$144,370.00 in accordance with the RFP 15-14 and the vendor's June 28, 2016 proposal, attached hereto; and,

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

A. This resolution amends the contract to Intertech Associates, 55-77 Schanck Road, Suite A-14, Freehold, NJ 07728, for professional engineering services as public safety communications engineers, with an increase in the not to exceed amount by \$85,500.00, for a total not to exceed amount of \$144,370.00 in accordance with the RFP 15-14 and the vendor's June 28, 2016 proposal, attached hereto.

B. If the contract, as provided by the City of Hoboken, is not executed by the vendor within 21 days of execution of this award, the City may cancel this award and rebid the project.

C. The contract shall be in accordance with the attached RFP 15-14 and vendor's June 28, 2016 proposal, as requested by the Administration.

D. Any change orders required shall be subject to formal City Council authorization, and the City shall not be held liable for any amounts above the within contracted amounts unless/until same is authorized and appropriated by formal resolution of the City Council.

E. The Mayor or her agent is hereby authorized to enter into an Agreement with the vendor for said services.

F. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 8 – NAYS: 0 ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None

---Absent: DeFusco

**16-438**

---By Councilwoman Fisher

**RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE CONTRACT WITH FAIRVIEW INSURANCE AGENCY ASSOCIATES INC. FOR SERVICES AS THE CITY'S HEALTH INSURANCE BROKER FOR A SECOND ONE YEAR EXTENSION TO COMMENCE JULY 1, 2016 AND EXPIRE JUNE 30, 2017, IN ACCORDANCE WITH THE COMPETITIVE CONTRACTING LAWS, FOR A FLAT FEE (NOT TO EXCEED AMOUNT) OF \$210,243.00, WHICH INCLUDES A CITY WELLNESS PLAN FOR THE TERM OF THE CONTRACT**

**WHEREAS**, the City previously awarded this insurance broker a one year contract, pursuant to the competitive contracting laws, and thereafter extended for one year, and now seeks to award an additional one year extension of the service contract to this health insurance broker in accordance with Article IV of Hoboken Code Chapter 20A; and,

**WHEREAS**, the Administration requested proposals pursuant to competitive contracting rules for said services, received multiple responses, and previously determined that **FAIRVIEW INSURANCE AGENCY ASSOCIATES INC.** can provide the City with the most effective and efficient professional Health Insurance Brokerage services; and,

**WHEREAS**, the City now wishes to provide for a contract amendment for a one year renewal under the same terms as the original contract, for a not to exceed amount, which shall be considered the flat fee for said services, with no other compensation allowed or authorized pursuant to Hoboken Code § 20A-29, in an amount of Two Hundred Ten Thousand Two Hundred Forty Three Dollars (\$210,243.00), which includes a wellness plan for the term of the contract, at Ninety Thousand Two Hundred Forty Three Dollars (\$90,243.00), and the brokerage services for the term of the contract at One Hundred Twenty Thousand Dollars (\$120,000.00); and,

**WHEREAS, FAIRVIEW INSURANCE AGENCY ASSOCIATES INC.** is hereby required to continue to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,

**NOW THEREFORE, BE IT RESOLVED,** that the service contract with **FAIRVIEW INSURANCE AGENCY ASSOCIATES INC.** to provide the City with Health Insurance Brokerage Services for a one year period, be extended for a one year renewal term, with a renewal term to commence July 1, 2016 and expire June 30, 2017, with all other terms and conditions unchanged, including a not to exceed amount of Two Hundred Ten Thousand Two Hundred Forty Three Dollars (\$210,243.00), which includes a wellness plan for the term of the contract, at Ninety Thousand Two Hundred Forty Three Dollars (\$90,243.00), and the brokerage services for the term of the contract at One Hundred Twenty Thousand Dollars (\$120,000.00); and

**BE IT FURTHER RESOLVED,** the not to exceed amount shall constitute the flat fee for said services for a one year period, and no additional fees or invoices shall be allowable under this agreement through the City or any insurance provider unless prior written approval is provided by the City in accordance with all legal guidelines; and,

**BE IT FURTHER RESOLVED,** that the renewal amendment shall include the following: The vendor shall be subject to 20A-30D, which states "D. Any person or entity selected to provide insurance or insurance consulting services to the City shall certify at least annually and prior to any renewal of its contract, that it has not paid nor accepted any form of compensation, including but not limited to commissions, fees, incentives, bonuses, rebates or any other thing of value, in consideration of obtaining or servicing the City's insurance or insurance consulting business from any party other than the City."; and,

**BE IT FURTHER RESOLVED** that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), including without limitation Article IV, and any and all state Pay to Play laws, is a continuing obligation of the vendor; and

**BE IT FURTHER RESOLVED** the City Clerk shall publish this resolution as required by law and keep a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.; and,

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer and Corporation Counsel for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately.

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

---Absent: DeFusco

**16-439**

---By Councilwoman Fisher

**RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE CONTRACT WITH BROWN AND BROWN FOR SERVICES AS THE CITY'S PROPERTY AND CASUALTY INSURANCE BROKER FOR A SECOND ONE YEAR EXTENSION TO COMMENCE TO COMMENCE JULY 1, 2016 AND EXPIRE JUNE 30, 2017, IN ACCORDANCE WITH THE COMPETITIVE CONTRACTING LAWS, FOR A FLAT FEE FOR THE TERM (NOT TO EXCEED AMOUNT) OF \$65,000.00**

**WHEREAS**, the City previously awarded this insurance broker a one year contract, pursuant to the competitive contracting laws, and thereafter extended for one year, and now seeks to award an additional one year extension of the service contract to this property and casualty insurance broker in accordance with Article IV of Hoboken Code Chapter 20A; and,

**WHEREAS**, the Administration previously requested proposals pursuant to competitive contracting rules for said services, received multiple responses, and previously determined that **BROWN AND BROWN** can provide the City with the most effective and efficient professional property and casualty Insurance Brokerage services; and,

***WHEREAS**, the City now wishes to provide for a contract amendment for a one year extension under the same terms as the original contract, for a not to exceed amount for the one year extended term, which shall be considered the flat fee for said services, with no other compensation allowed or authorized pursuant to Hoboken Code § 20A-29, in an amount of Sixty Five Thousand Dollars (\$65,000.00); and,*

***WHEREAS**, BROWN AND BROWN is hereby required to continue to abide by the "pay-to-play" requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,*

**NOW THEREFORE, BE IT RESOLVED**, that the service contract with **BROWN AND BROWN** to provide the City with property and casualty Insurance Brokerage Services for a one year period, be extended for a one year renewal term, with a renewal term to commence July 1, 2016 and expire June 30, 2017, with all other terms and conditions unchanged, including a not to exceed amount of **Sixty Five Thousand Dollars (\$65,000.00)**; and

**BE IT FURTHER RESOLVED**, the not to exceed amount shall constitute the flat fee for said services for a one year period, and no additional fees or invoices shall be allowable under this agreement through the City or any insurance provider unless prior written approval is provided by the City in accordance with all legal guidelines; and,

**BE IT FURTHER RESOLVED**, that the renewal amendment shall include the following: The vendor shall be subject to 20A-30D, which states "D. Any person or entity selected to provide insurance or insurance consulting services to the City shall certify at least annually and prior to any renewal of its contract, that it has not paid nor accepted any form of compensation, including but not limited to commissions, fees, incentives, bonuses, rebates or any other thing of value, in consideration of obtaining or servicing the City's insurance or insurance consulting business from any party other than the City."; and,

**BE IT FURTHER RESOLVED** that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), including without limitation Article IV, and any and all state Pay to Play laws, is a continuing obligation of the vendor; and

**BE IT FURTHER RESOLVED** the City Clerk shall publish this resolution as required by law and keep a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.; and,

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer and Corporation Counsel for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately.

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

---Absent: DeFusco

**16-440**

---By Councilwoman Fisher

**RESOLUTION AWARDING A CONTRACT TO NAJARIAN ASSOCIATES FOR THE PROVISIONS OF LSRP SERVICES FOR GROUNDWATER INVESTIGATIONS AT FIREHOUSE 2 IN ACCORDANCE WITH NAJARIAN ASSOCIATES' JUNE 10, 2016 PROPOSAL IN THE TOTAL AMOUNT OF \$14,350.00**

**WHEREAS**, the City requires the Licensed Site Remediation Professional (LSRP) services for groundwater investigation at Firehouse 2, and the total cost of said services is \$14,350.00, and Najarian Associates has already been authorized as a pool LSRP for CY2016 by the City Council via resolution in accordance with the Fair and Open Process, and previously performed LSRP work, in the amount of \$11,300.00, at Firehouse 2; and,

**WHEREAS**, pursuant to the recommendation of the City Administration, this Council now seeks a contract award for said services, in accordance with the attached proposal; and,

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

- A. This resolution awards a contract to Najarian Associates for professional LSRP services, in the total amount of Fourteen Thousand Three Hundred Fifty Dollars (\$14,350.00) for the groundwater inspection of Firehouse 2, in accordance with the June 10, 2016 proposal, attached hereto.
- B. If the contract, as provided by the City of Hoboken, is not executed by the vendor within 21 days of execution of this award, the City may cancel this award and rebid the project.
- C. The contract shall be in accordance with the attached proposals, as requested by the Administration.

- D. Any change orders required shall be subject to formal City Council authorization, and the City shall not be held liable for any amounts above the within contracted amounts unless/until same is authorized and appropriated by formal resolution of the City Council.
- E. The Mayor or her agent is hereby authorized to enter into an Agreement with the vendor for said purchase and sale.
- F. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

---Absent: DeFusco

**16-441**

---By Councilman Cunningham

**RESOLUTION DIRECTING THE INCLUSION OF WAIVERS OF ALL NO PARKING SIGN FEES, ROAD OPENING PERMIT FEES, AND SIDEWALK PERMIT FEES AS WELL AS AUTHORITY TO EXTEND THE CONSTRUCTION TIMES OF CITY CODE SECTION 133-9C FOR BID NO. 16-09, THE WASHINGTON STREET REDESIGN PROJECT**

**WHEREAS**, the bid for Washington Street Redesign Project, known as Bid 16-09, is commencing; and,

**WHEREAS**, the City has determined that there is a need to waive all no parking sign fees, all road opening permit fees, and all sidewalk permit fees, and incorporate said waivers into the bid documents; and,

**WHEREAS**, the City has determined that there is a need to authorize an extension of the normal construction hours allowed under City Code Section 133-9C, to allow for construction on weekdays from 6:30am (setup)/7:00am (construction work commencement) through 7:00pm (construction work terminates)/8:00pm (clean up must be complete), and on Saturdays from 8:30am (set up)/9:00am (construction work commencement) through 3:00pm (construction work terminates)/ 4:00pm (clean up must be complete), subject to all staging on the project being done on Mondays, with storing of not more than four (4) days' worth of equipment on the project site Monday at 6:30am through Friday at 8:00pm and no staging or storage on the site from Friday at 8:00pm through Monday at 6:30am.

**WHEREAS**, the City of Hoboken traditionally does not waive road opening, no parking sign, or sidewalk fees but seeks to do so under the current circumstances, since the City is also the funding and financing body for this construction project; and,

**WHEREAS**, the City of Hoboken traditionally does not authorize extension of construction timelines beyond the limits in City Code Section 133-9C, but seeks to do so in this instance, for purposes of efficiency, economy and safety, and to minimize the timeline for the completion of the Washington Street

Redesign Project to reduce the period of disruption of traffic flow throughout the City due to the Washington Street closures, since Washington Street is the City's main throughway.

**NOW THEREFORE BE IT RESOLVED**, the City Council authorizes an extension of the normal construction hours allowed under City Code Section 133-9C, to allow for construction on weekdays from 6:30am (setup)/7:00am (construction work commencement) through 7:00pm (construction work terminates)/8:00pm (clean up must be complete), and on Saturdays from 8:30am (set up)/9:00am (construction work commencement) through 3:00pm (construction work terminates)4:00pm (clean up must be complete), subject to all staging on the project being done on Mondays, with storing of not more than four (4) days' worth of equipment on the project site Monday at 6:30am through Friday at 8:00pm and no staging or storage on the site from Friday at 8:00pm through Monday at 6:30am; and

**BE IT FURTHER RESOLVED**, the City Council authorizes the waiver of all no parking sign fees, all road opening permit fees, and all sidewalk permit fees for the successful bidder's work on this Washington Street Redesign Project in accordance with the bid specs; and,

**BE IT FURTHER RESOLVED**, the City Council directs that these waivers and construction time extensions and exceptions be incorporated into the bid documents for Bid No. 16-09 Washington Street Redesign Project, and that the bid be awarded in accordance with the terms, conditions, waivers, and exceptions of the within Resolution.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

---Absent: DeFusco

#### **16-442**

---By Councilman Cunningham

### **RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT TO BOSWELL ENGINEERING FOR CITY ENGINEER FOR ENERGY STRONG ROADWAY STRIPING IN AN AMOUNT NOT TO EXCEED TWENTY TWO THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$22,450.00) WITH A TERM TO EXPIRE ON JULY 6, 2017**

**WHEREAS**, the City of Hoboken published RFP's in accordance with the Fair and Open Process for general municipal engineering services for CY2016; and,

**WHEREAS**, in accordance with the Fair and Open Process, the Administration evaluated the proposal provided in response to said RFP, and the Administration and City Council included Boswell Engineering on the CY2016 annual list of Pool Engineers from which the City may choose for independent engineering projects throughout the year, and the Administration has now determined that Boswell Engineering can provide the City with the most effective and efficient City Engineering services for the energy strong roadway striping project, in accordance with their attached proposal dated June 15, 2016; and,

**WHEREAS**, in accordance with the direction of the Administration, the City Council is asked to award a contract to Boswell for said services, in accordance with their attached proposal dated June 15, 2016, for a total contract amount of Twenty Two Thousand Four Hundred Fifty Dollars (\$22,450.00), with a term to expire July 6, 2017; and,

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken that the contract to Boswell Engineering to provide the City with said services, for the energy strong roadway striping project, in accordance with their attached proposal dated June 15, 2016, with a term to expire July 6, 2017, for a total contract amount of Twenty Two Thousand Four Hundred Fifty Dollars (\$22,450.00), and with the additional contract terms as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of Boswell's attached proposal shall govern the contract, and no changes may be made without the prior written consent of both parties.
3. Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
4. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
5. The Mayor, or her designee is hereby authorized to execute an agreement, for the above referenced goods and/or services.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

---Absent: DeFusco

**16-443**

---By Councilman Cunningham

**RESOLUTION AMENDING THE PROFESSIONAL SERVICE CONTRACT TO T&M ASSOCIATES FOR FIRST STREET STREETScape AND CITY WAYFINDING CONTRACT ADMINISTRATION IN AN AMOUNT NOT TO EXCEED \$15,000.00, FOR A TOTAL CONTRACT AMOUNT OF \$87,000.00 FOR A ONE YEAR TERM TO COMMENCE FEBRUARY 18, 2016 AND EXPIRE FEBRUARY 17, 2017**

**WHEREAS**, the City of Hoboken published its annual CY2016 RFP for general municipal engineering services; and,

**WHEREAS**, the Administration evaluated the proposal provided in response to said RFP, and the Administration thereafter determined that T&M Associates qualified as a pool engineer to provide the City with the most effective and efficient Civil Engineering services for the 2015 and 2016 calendar year, and, furthermore, awarded T&M Associates the professional service contract for construction administration of the City Wayfinding and First Street Streetscape project in 2015, which it now seeks to amend in 2016; and,

**WHEREAS**, in accordance with the direction of the Administration, the City Council is now asked to amend the contract to T&M Associates for the City Wayfinding and First Street Streetscape Construction Administration for an increase in the total contract amount by Fifteen Thousand Dollars (\$15,000.00), for a total contract amount of \$87,000.00, with a one (1) year term to commence on February 18, 2016 and expire February 17, 2017; and,

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken that the contract with the below listed vendor is amended for the City Wayfinding and First Street Streetscape Construction for an increase in the total contract amount by Fifteen Thousand Dollars (\$15,000.00), for a total contract amount of \$87,000.00, with a one (1) year term to commence on February 18, 2016 and expire February 17, 2017, as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the RFP, the original contract (with all backup), and T&M's June 20, 2016 proposal, attached hereto, shall govern the contract, and no changes may be made without the prior written consent of both parties.
3. Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
4. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
5. The Mayor, or her designee is hereby authorized to execute an agreement, for the above referenced goods and/or services.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

---Absent: DeFusco

**16-444**

---By Councilman Cunningham

**RESOLUTION TO REFUND HANDICAPPED PARKING APPLICATION FEE TO APPLICANT: ENEDINA ESPINAL IN THE AMOUNT OF \$125.00**

**WHEREAS**, The Subcommittee for Handicapped Parking denied approval of the application of the below listed individual.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Hoboken, that a warrant be drawn on the City Treasury to the order of the following name for the sum so stated, as reimbursement for the handicapped parking application fee the individual submitted:

<b>NAME</b>	<b>ADDRESS</b>	<b>AMOUNT</b>
<b>Enedina Espinal</b>	<b>59- 13<sup>th</sup> Street</b>	<b>\$125.00</b>

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer, Corporation Counsel, and the CFO for action, including a warrant for payment to the above mentioned individual, in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately.

---Motion duly seconded by Councilman DeFusco

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1  
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
---Nays: None.  
---Absent: DeFusco

**16-445**

---By Councilman Cunningham

**RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON [www.GOVDEALS.com](http://www.GOVDEALS.com) (AN ONLINE AUCTION WEBSITE)**

**Whereas**, the City of Hoboken has determined that surplus items including but not limited to: City owned vehicles and other miscellaneous equipment; and

**Whereas**, the State of New Jersey permits the sale of surplus property no longer needed for public use through the use of an online auction service, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30; and

**Whereas**, the City of Hoboken has the property listed in Schedule A, attached to this Resolution and desires to sell this property online through [www.govdeals.com](http://www.govdeals.com).

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby authorizes the Administration to post an offer to sell each of the items listed on schedule A, via the auction website as follows:

Online Auction Site: [www.govdeals.com](http://www.govdeals.com)

All bid start and stop times are TBD at the discretion of the Purchasing Agent, but must be completed (Bid Stop) within 90 days of certification of adoption of this resolution.

Auction Fees: 7.5% of the winning bid amount, paid through proceeds of the sale.

Shipping: All shipping arrangements and shipping costs are the responsibility of the buyer. Item pickup on location: Municipal Garage, Hoboken, New Jersey 07030.

Possession: Within ten (10) business days (excluding holidays) of winning bid and at pickup location.

Other Terms: All items are being sold “as is, where is; no warranties expressed or implied.” Payment by the bidder must be submitted to the City of Hoboken within five (5) business days (excluding holidays) of winning the bid. Pickup of items auctioned must be made within ten (10) business days (excluding holidays) of winning bid unless other arrangements have been made prior.

Minimum Bid: The minimum bid/reserve is listed in Schedule A for each of the items to be auctioned.

**BE IT FURTHER RESOLVED**, the Council authorizes the Administration to take action in accordance with this approval.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1  
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
---Nays: None.  
---Absent: DeFusco

**16-446**

---By Councilwoman Fisher

**RESOLUTION AMENDING THE PROFESSIONAL SERVICE CONTRACT FOR SERVICES OF BENJAMIN CHOI, ESQ., OF THE CHOI LAW GROUP, AS CHIEF MUNICIPAL PROSECUTOR AND ABC BOARD ATTORNEY FOR A ONE (1) YEAR TERM TO COMMENCE ON JANUARY 1, 2016 AND TERMINATE ON DECEMBER 31, 2016 WITH AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$13,000.00, FOR A NEW TOTAL NOT TO EXCEED AMOUNT OF \$58,000.00**

**WHEREAS**, the City of Hoboken requires the services of a municipal prosecutor and ABC Board Attorney; and,

**WHEREAS**, the Mayor previously appointed and contracted with Benjamin Choi, Esq., of the Choi Law Group for Chief Municipal Prosecutor and ABC Attorney for the 2016 calendar year; and,

**WHEREAS**, Benjamin Choi, Esq., of the Choi Law Group responded to the City of Hoboken's Request for Qualifications for the position of Chief Municipal Prosecutor and ABC Attorney and this amendment shall be subject to the Request for Qualifications and his accompanying proposal to the extent same are not inconsistent with the terms in the within Resolution; and,

***WHEREAS**, Benjamin Choi, Esq., and The Choi Law Group's proposal was submitted and reviewed in compliance with Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), which requires use of the fair and open process for Professional Service contracts; and,*

***WHEREAS**, Benjamin Choi, Esq., and The Choi Law Group shall be required to comply with all local, state and federal laws regarding pay-to-play and public contracting, as well as any local, state or federal laws regarding contributions and reporting; and,*

**WHEREAS**, the professional service contract amendment is authorized, the appointee shall be considered a per-diem non-employee, the appointee shall be entitled to \$325.00 per court session and/or ABC Board Meeting in lieu of any and all other fees and benefits; in addition, if any additional work is directed by the Corporation Counsel or other appropriate official of the City Administration, the individual will receive a maximum hourly rate of \$150.00/hour for attorney services as directed, with no additional fees or charges allowed; and, accordingly, the appointee is not an employee of the City of Hoboken and therefore is not entitled to any vacation, sick or personal days, longevity, pension credits, or the like;

**WHEREAS**, the City Council hereby assents to the amendment of the contract with Benjamin Choi, Esq., of the Choi Law Group for the position of Chief Municipal Prosecutor and ABC Attorney for the 2016 calendar year with an increase in the appropriation in the amount not to exceed **Thirteen Thousand Dollars (\$13,000.00)**, for a new total contract amount of **Fifty Eight Thousand Dollars (\$58,000.00)**;

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Hoboken, County of Hudson, hereby assents to the amendment of the contract with Benjamin Choi, Esq., of the Choi Law Group for the position of Chief Municipal Prosecutor and ABC Attorney for the 2016 calendar year with an increase in the appropriation in the amount not to exceed **Thirteen** Meeting of July 6, 2016

**Thousand Dollars (\$13,000.00)**, for a new total contract amount of **Fifty Eight Thousand Dollars (\$58,000.00)**; and,

**BE IF FURTHER RESOLVED** that a professional services contract be authorized with The Choi Law Group for the services of Benjamin Choi, Esq. as Chief Municipal Prosecutor from January 1, 2016 through December 31, 2016, which shall include the following terms:

1. The Chief Municipal Prosecutor/ABC Board Attorney shall appear at least thirty minutes prior to every Municipal Court session and/or ABC Board Meeting, as needed and as requested by the Corporation Counsel.
2. The Municipal Court Sessions are generally scheduled for every Tuesday at 9:00 a.m., and 6:00 p.m., every Wednesday at 9:00 a.m. and every Thursday at 9:00 a.m. unless the Court is closed. ABC Board Meetings are generally every second and fourth Thursday of the month, commencing at 6:00PM.
3. The Chief Municipal Prosecutor/ ABC Board Attorney is also required to appear for a special session of municipal court on a Monday or Friday if either one of the two Municipal Court Judges calls a special session and the Corporation Counsel requests the prosecutor's presence.
1. The Chief Municipal Prosecutor/ABC Board Attorney shall contact the Corporation Counsel to arrange for any necessary additional alternate municipal court prosecutor(s) and/or ABC Board attorney(s), for services in the event of a conflict prohibiting prosecution or the sickness, vacation or other absence of the City's regularly scheduled prosecutor.

**BE IT FURTHER RESOLVED** Benjamin Choi, Esq. shall be considered a per-diem non-employee, shall be entitled to \$325.00 per court session/ABC meeting in lieu of any and all other fees and benefits; in addition, if any additional work is directed by the Corporation Counsel or other appropriate official of the City Administration, the individual will receive a maximum hourly rate of \$150.00/hour for attorney services as directed, with no additional fees or charges allowed; and, accordingly, is not an employee of the City of Hoboken and therefore is not entitled to any vacation, sick or personal days, longevity, pension credits, or the like; and,

**BE IT FURTHER RESOLVED** that this appointment and accompanying contract be for a one (1) year term to commence on January 1, 2016 and expire on December 31, 2016; and,

***BE IT FURTHER RESOLVED** Benjamin Choi, Esq. and The Choi Law Group shall be required to comply with all local, state and federal laws regarding pay-to-play and public contracting, as well as any local, state or federal laws regarding contributions and reporting; and,*

**BE IT FURTHER RESOLVED** the City Clerk shall publish this resolution as required by law and keep a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.; and,

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

**BE IT RESOLVED**, that this resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 8 – NAYS: 0 ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None

Absent: DeFusco

**16-447**

---By Councilwoman Fisher

**RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$1,814.99)**

**WHEREAS**, an overpayment of taxes has been made on property listed below: and

**WHEREAS**, Sharon Curran, Collector of Revenue recommends that refunds be made;

**NOW, THEREFORE, BE IT RESOLVED**, that a warrant be drawn on the City Treasury made payable to the following totaling **\$1,814.99**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Michael Chen 1325 Adams Street #303 Hoboken, NJ 07030	114/1/C0303	1300 Grand St	4/14	\$1,814.99abatement

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

---Absent: DeFusco

**16-448**

---By Councilman Doyle

**RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY COUNCIL DATED: REGULAR AND SPECIAL MEETING OF MAY 18, 2016**

**BE IT RESOLVED**, that the attached Meeting Minutes for the City of Hoboken's Regular and Special meeting of the City Council of **May 18, 2016** have been reviewed by the Governing Body, and are hereby approved by the Governing Body, and said Meeting Minutes shall now be made public, except to the extent said minutes include closed execution session discussions, which shall remain confidential until the need for confidentiality no longer exists, at which point the matters discussed therein will be made available to the public in accordance with applicable law.

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

Meeting of July 6, 2016

--Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
--Nays: None.  
--Absent: DeFusco

**ORDINANCES (Cont.)**  
**Introduction and First Reading**

**16-449**

**Z-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**

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **AUGUST 3, 2016 at 7:00 PM.**

--Motion duly seconded by Councilman Russo  
--Adopted by the following vote: YEAS: 8 – NAYS: 0 ABSENT: 1  
--Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
--Nays: None  
--Absent: DeFusco

**16-450**

**Z-427**

**ORDINANCE AMENDING BOND ORDINANCE Z-313 OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY**

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the

Meeting of July 6, 2016

Council to be held on **AUGUST 3, 2016** at **7:00 PM**.

---Motion duly seconded by Councilman Ramos

---Adopted by the following vote: YEAS: 8 – NAYS: 0 ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None

---Absent: DeFusco

**16-451**

**Z-428**

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

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **AUGUST 3, 2016** at **7:00 PM**.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 8 – NAYS: 0 ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None

---Absent: DeFusco

**NEW BUSINESS**

Councilman Mello comments on thanking his colleagues for his support for the Monroe Center Hoboken Urban Renewal project, and also the Southwest ground breaking last week and look forward to the expansion of that park and looks forward to the support and thanks everyone and last but not least and congratulate his fellow Portuguese for winning today.

Councilman Cunningham comments on thanking his colleagues for passing the Interim Cost Agreement for the Western Edge and a 2<sup>nd</sup> draft for the post office project toward the end of the month and a meeting scheduled for the 25<sup>th</sup> and lastly there were some concerns regarding the flood ordinance which passed two three years ago and more recently to the code changes regarding height and lot coverage this past year and has expressed some concerns to some of his colleagues which 920 Bloomfield and 12<sup>th</sup> and Bloomfield and as a Council we did agree to revisit this, furthermore the flood ordinance, if we actually need it, Jersey City doesn't have one and just works with FEMA and may consider repeal the ordinance and amend the ordinance that we passed last year, and we should reconvene as soon as possible.

Councilman Ramos comments on the purchase of mini street sweepers.

Director Pellegrini comments that hopefully they can have an award for the next council meeting, when the bike line on Observer Highway would be completed, the Jackson SW traffic study and hopefully get a 20 second snippet on what the new potential road grades/configurations/traffic flow would be to alleviate the traffic and hopefully have it by next week, long term would take about 18 months, this Sat morning 8:30-12 PM, housing authority will have a cleanup there, please come and help, movie under the stars will be July 25<sup>th</sup>.

Councilman Bhalla comments that it may be a county issue.

Councilwoman Fisher comments on Park Ave update, to remind everyone, on the 13<sup>th</sup> and trying to get a revisit and have gotten 40-50 emails on frustrated residents, the police effort is making a good effort with 15 officers and making traffic flowing, there's a rumor, the County has two other projects on Sinatra Dr., Lua, the two platforms and one is in front of Pier 13 and the Turning Point, they are started the 3<sup>rd</sup> week of July and it's shocking to disrupt the waterfront in the middle of the summer, please be aware, July 12<sup>th</sup> is the Rebuild by Design, they will have the wave modeling, and an update on Montessori.

Director Pellegrini comments on donations.

At 11:58 PM meeting adjourned of the Governing Body on a motion by Council duly seconded by the Council members

Council President Giattino then adjourned the meeting at 11:58 PM

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PRESIDENT OF THE COUNCIL

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CITY CLERK