

THE COUNCIL OF THE CITY OF HOBOKEN

DRAFT MINUTES FOR MEETING OF MAY 3, 2017

Council President opened the meeting at 7:02 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."

Roll call: Council persons Bhalla, DeFusco, Doyle, Cunningham, Fisher, Mello, Ramos Jr., Russo and President Giattino

ABSENT:

Council President comments that she is suspending the agenda and to allow Kimley Horn representatives to finish up their presentation regarding Newark Street Pedestrian Safety which ended at 7:32 PM

Council members ask questions to Adam Gibson from Kimley Horn and Chief Ferrante

Council President comments to suspend the agenda and hear first reading ordinance #3

Council President comments that there will be a presentation regarding the Municipal Debt to be carried to the May 17, 2017 meeting)

~~PRESENTATION ON MUNICIPAL DEBT (CARRIED TO MAY 17 CCM)~~

RESOLUTIONS

Finance

PUBLIC HEARING FOR THE CY 2017 MUNICIPAL BUDGET (continued from April 19, 2017 city council meeting)

*****The City Clerk will now open the hearing for the CY 2017 Municipal Budget to the public*****

*****Council President comments that she will open the public hearing and will also have this hearing at the next City Council meeting on May 17, 2017 due to the amendment of the CY 2017 Municipal Budget*****

PUBLIC HEARING FOR THE CY 2017 MUNICIPAL BUDGET

No members of the public to speak on the public hearing for the CY 2017 Municipal Budget.

*****The City Clerk closes the public hearing for the CY 2017 Municipal Budget*****

RESOLUTIONS CONT.

Finance

17-276

---By Councilwoman Fisher

RESOLUTION TO AMEND THE CY 2017 BUDGET

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: Yeas: 9 Nays: 0

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

---Nays: None.

17-277

---By Councilwoman Fisher

RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS FOR THE CALENDAR YEAR 2017 BUDGET

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: Yeas: 9 Nays: 0

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

---Nays: None.

ORDINANCES

2ND Readings and Final reading

Z-482

---By Councilwoman Fisher

ORDINANCE AMENDING BOND ORDINANCE Z-30 OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY (Z-482)

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

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

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

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

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

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

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

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

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

---Motion duly seconded by Councilman Ramos

---Adopted by the following vote: Yeas: 9 Nays: 0

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

---Nays: None.

Z-487

---By Councilman Doyle

AN ORDINANCE TO REPEAL CHAPTER 79 “BOARDING HOUSES” §79-12
“REGISTERING PERSONS OF THE OPPOSITE SEX” OF THE CITY OF HOBOKEN (**Z-487**)

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

Section 1: Chapter 79 “Boarding Houses” §79-12 “Registering Persons of the Opposite Sex” of the Hoboken City Code which reads as follows:

~~§ 79-12 Registering persons of opposite sex.~~

~~No room or furnished apartment shall be rented or assigned to or privately occupied jointly by persons of opposite sex unless such persons shall be and are registered as husband and wife or as parent and minor child, and in no case, notwithstanding such registration, if the manager or person in charge of such boardinghouse, rooming house, lodging house, hotel or furnished apartment house shall have reasonable cause to believe that such persons do not bear the relation to each other as represented on such register.~~

is hereby repealed and removed from the Hoboken City Code.

Section 2: This Ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Code.

Section 3: The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

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

Section 5: All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect. This Ordinance shall also supersede any inconsistent provisions contained in any resolution or ordinance previously adopted by the Hoboken City Council.

Section 6: The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this

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

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

---Motion duly seconded by Council President Giattino

---Adopted by the following vote: Yeas: 9 Nays: 0

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

---Nays: None.

Z-488

---By Councilman Mello

AN ORDINANCE TO AMEND THE CITY CODE OF THE CITY OF HOBOKEN CHAPTER 59A ENTITLED "DEPARTMENT OF PUBLIC SAFETY," ARTICLE III "OUTSIDE POLICE PERSONNEL EMPLOYMENT" TO REFLECT THE CURRENT OUTSIDE EMPLOYMENT POLICIES AND PROCEDURES OF THE HOBOKEN POLICE DEPARTMENT (Z-488)

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

Section 1: The following additions and ~~deletions~~ shall be made to Hoboken City Code Chapter 59A entitled "Department of Public Safety" Article III "Outside Police Personnel Employment" Section 26 entitled "Payment Schedule" to read as follows:

§59A-26 Payment schedule.

A.—The hourly rate for the Outside Police Personnel Employment program ("Outside Employment Program" or "OEP") to be paid by a private contractor shall be \$80.00 per hour for members of the Hoboken Local #2 PBA Union and the Hoboken Superior Officers Association, subject to the following conditions:

1. The City shall retain \$10.00 per hour from the initial OEP billing rate of \$80.00 per hour for administrative overhead and necessary accounting purposes.
2. For members of the Hoboken Local #2 PBA Union, police officers shall receive \$70.00 per hour of which \$5.00 shall be deducted from the gross hourly wage, by the City, as agreed by the membership and forwarded in quarterly installments to the PBA's Good and Welfare Fund.
3. For members of the Hoboken Superior Officers Association, police officers shall receive \$70.00 per hour, of which \$4.00 shall be deducted from the gross

- hourly wage, by the City, as agreed by the membership and forwarded in quarterly installments to the PSOA's Good and Welfare Fund.
4. For members of the Hoboken Local #2 PBA Union, the employee's final gross hourly wage for OEP shall be \$65.00 per hour and paid through the City's finance/payroll department, after all above mentioned deductions are made.
 5. For members of the Hoboken Superior Officers Association, the employee's final gross hourly wage for OEP shall be \$66.00 per hour and paid through the City's finance/payroll department, after all above mentioned deductions are made.
 6. The outside contractor shall pay to the officer overtime at the rate of time and one half (\$120.00 per hour) for all hours worked beyond an initially eight (8) hour scheduled job. There shall be no additional monies added, subtracted, or retained, by the City or the P.B.A., from this overtime rate of pay.
 7. OEP in connection with private or for profit events involving 1,000 persons or more, excluding those sponsored by the Board of Education or the City such as street festivals, parades, sporting events and the like, for members of the Hoboken Superior Officers Association the hourly rate for supervisors shall be \$100.00 and the overtime rate shall be \$150.00 with the same deductions as outlined in 1 and 3 above.

~~B. Fees for members of the Hoboken Police Superior Officer's Association shall continue to be governed by the most recent Collective Bargaining Agreement and shall not be considered amended by this ordinance.~~

Section 2: This Ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Code.

Section 3: The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

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

Section 5: All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect. This Ordinance shall also supersede any inconsistent provisions contained in any resolution or ordinance previously adopted by the Hoboken City Council.

Section 6: The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the

validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

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

---Motion duly seconded by Councilwoman Fisher

---Adopted by the following vote: Yeas: 9 Nays: 0

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

---Nays: None.

Z-489

---By Councilman Mello

AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ESTABLISHING A SCHEDULE OF CLASSIFICATIONS AND ALLOCATIONS OF TITLE FOR THE HEREIN MENTIONED POSITIONS IN THE CITY OF HOBOKEN (**Z-489**)

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DO ORDAIN AS FOLLOWS:

1. The Alphabetical List of Titles, City of Hoboken, set forth in City Code to which this Ordinance is an amendment and supplement shall be, and the same is hereby, amended and supplemented so that the titles, salaries, and ranges contained herein shall be amended as follows on the attached list, which is incorporated by reference. The remainder of the Alphabetical List of Titles, City of Hoboken, set forth in the City Code shall remain unchanged as a result of this Ordinance.
2. If the Alphabetical List of Titles, City of Hoboken, herein set forth contains any position or positions which are not enumerated in the Plan for the Standardization of Municipal Class Titles, which is a part of the Code to which this Ordinance is an amendment, then in that event, the duties of the said position or positions shall be those which pertain to the particular position and positions set forth in any other ordinance adopted and now in force and effect in any statute of the State of New Jersey.
3. The provisions of this Ordinance shall in no way affect the tenure or Civil Service status of any employees presently employed by the City of Hoboken in any of the various positions set forth in the Alphabetical List of Titles, City of Hoboken.
4. The Alphabetical List of Titles referred to herein as well as the salary ranges for all positions in the City shall be on file in the Office of the City Clerk.

5. All ordinances or parts of ordinances inconsistent herewith are herewith repealed.

6. This ordinance shall take effect as provided by law.

---Motion duly seconded by Councilwoman Fisher

---Adopted by the following vote: Yeas: 9 Nays: 0

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

---Nays: None.

PUBLIC COMMENTS

The speakers who spoke: Heath Urban, Hany Ahmed, Cheryl Fallick

PETITIONS AND COMMUNICATIONS

17-278

Miscellaneous Licenses

---Adopted by the following vote: Yeas: 9 Nays: 0

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

---Nays: None.

Received and filed

REPORTS FROM CITY OFFICERS

17-279

UMR Claims Report

Received and filed

17-280

CLAIMS

Total for this agenda **\$3,742,564.59**

---Adopted by the following vote: Yeas: 9 Nays: 0

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

---Nays: None.

Received and Filed

PAYROLL

17-281

For the two week period starting February 23, 2017 – March 8, 2017

| | | |
|------------------------|----------------|------------------|
| Regular Payroll | O/T Pay | Other Pay |
| \$1,726,047.94 | \$161,649.22 | \$188,175.94 |

Total
\$2,075,873.10

17-282

For the two week period starting April 6, 2017 – April 19, 2017

| | | |
|------------------------|----------------|------------------|
| Regular Payroll | O/T Pay | Other Pay |
| \$1,728,561.53 | \$92,600.20 | \$153,136.76 |

Total
\$1,974,298.49

---Adopted by the following vote: Yeas: 9 Nays: 0
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino
---Nays: None.

Received and filed

PUBLIC COMMENTS ON RESOLUTIONS

The speakers who spoke: Alec Perkins, Peter Kim, James Vance, Cheryl Fallick

CONSENT AGENDA - A1, A5-A7, CD1, CD2, PS1, TS1, TX1, TX2, CL1

---Adopted by the following vote: Yeas: 9 Nays: 0
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino
---Nays: None.

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: A2-A4, CD3, CL2
Removed by Administration:

RESOLUTIONS (continued)
Administration

17-283

---By Councilwoman Fisher

RESOLUTION RECOGNIZING MAY 15 THROUGH 19, 2017 AS NATIONAL
INFRASTRUCTURE WEEK

WHEREAS, the week of May 15-19, 2017, is being observed nationally and by the State of New Jersey as Infrastructure Week; and,

WHEREAS, the City of Hoboken relies on critical infrastructure, including our roads, bridges, railroads, transit systems, ports, airports, pipes, water system, reliable power supply, access to broadband, and connectivity to the regional, national, and global economy; and,

WHEREAS, this infrastructure enhances our local and regional economy, our quality of life, our safety, and the strength of our communities; and,

WHEREAS, decades of underfunding and deferred maintenance have pushed infrastructure across the country to the brink of a national crisis, with preventable catastrophic failures occurring in communities nationwide; and,

WHEREAS, the United States of America risks losing its competitive advantage to foreign economies by failing to adequately invest in its infrastructure; and,

WHEREAS, America's poorly-funded infrastructure and transportation systems are more than a drag on the economy, they can be harmful to our health and safety, even though tragedies resulting from infrastructure failures are most often preventable with adequate investment; and,

WHEREAS, every dollar invested in infrastructure generates nearly two dollars in economic output; and,

WHEREAS, to grow our economy, keep Americans safe, and strengthen our communities, we need all levels of government and the private sector to work together to rebuild and repair our nation's infrastructure; and,

WHEREAS, Infrastructure Week 2017 has been established to highlight infrastructure investment needs in communities throughout the country, and to recognize and encourage leadership at the federal, state, and local levels to address our nation's pressing infrastructure challenges; and,

WHEREAS, Infrastructure Week challenges policy-makers and the public to address head-on the challenges facing U.S. infrastructure, to move beyond short-term fixes and deferred maintenance, and to envision the innovative solutions, technologies, policies and investments that will improve America's infrastructure today and for the future.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken officially recognizes the week of May 15, 2017 as Infrastructure Week, and urges the citizens of Hoboken join in this special observance with appropriate events and commemorations; and,

BE IT FURTHER RESOLVED, that despite fiscal challenges, it is important for the City of Hoboken to dedicate sufficient resources to transportation and infrastructure investments in our community; and,

BE IT FURTHER RESOLVED, that a copy of this Resolution of the City Council of the City of Hoboken be delivered, by the City Clerk, to the state and federal elected officials representing our community and its residents.

---Motion duly seconded by Councilman Ramos

---Adopted by the following vote: Yeas: 9 Nays: 0

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

---Nays: None.

17-284

---By Councilman Mello

RESOLUTION AWARDING CHANGE ORDERS TO THE CONTRACT WITH LET IT GROW, INC. FOR THE CITY WAYFINDING AND FIRST STREET STREETSCAPE REVITALIZATION PROJECT IN THE DECREASED AMOUNT OF \$98,049.63

WHEREAS, the City Council of the City of Hoboken awarded a contract to Let It Grow, Inc., for the City Wayfinding and First Street Streetscape Revitalization project on November 16, 2015 in the amount of \$1,087,128.65; and,

WHEREAS, the City Council awarded change order #1 to the contract in the increased amount of \$50,000, for a new contract amount of \$1,137,128.65; and,

WHEREAS, the City Council is asked to approve Change Order #2 to the contract, in accordance with the attached change order request, to reflect as-built quantities and supplementary items, for a decrease in the amount of \$4.15; and,

WHEREAS, the City Council is asked to approve Change Order #3 (closeout and final) to the contract, in accordance with the attached change order request, to reflect as-built quantities and supplementary items, for a decrease in the amount of \$98,045.48; and,

WHEREAS, Change Order 2 and 3 will decrease the total contract amount by \$98,049.63, for a new total contract amount of \$1,039,079.02; and,

WHEREAS, Change order 2 and 3, combined with all other change orders, reduces the overall total contract amount by 4.42%.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that Change Order #2 and #3(closeout/final) are hereby approved, decreasing the contract amount by Ninety Eight Thousand Forty Nine Dollars and Sixty Three Cents (\$98,049.63), for a new total contract amount of One Million Thirty Nine Thousand Seventy Nine Dollars and Two Cents (\$1,039,079.02); and,

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the referenced T&M Associates change order request shall govern the change order, and no changes may be made without the prior written consent of both parties.
3. Any further change orders which shall become necessary hereafter 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 information herein.
6. The Administration shall be authorized to issue a warrant in payment of the full amount of this change order, to Let It Grown, Inc., and this authorization shall be in lieu of the requirement that the Administration obtain Council authorization of a claim prior to issuance of payment.

---Motion duly seconded by Councilman DeFusco

---Adopted by the following vote: Yeas: 9 Nays: 0

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

---Nays: None.

17-285

---By Council President Giattino

**RESOLUTION IN SUPPORT OF ESTABLISHING A RAILHEAD DISTRICT IN
DOWNTOWN HOBOKEN**

WHEREAS, the City of Hoboken has the highest public transportation use of any city in the United States, with 56% of working residents using public transportation for commuting purposes each day; and,

WHEREAS, the Hoboken Terminal, which is located in Downtown Hoboken, is a national historic landmark originally built in 1907; and,

WHEREAS, the Hoboken Terminal is one of the New York metropolitan area's major transportation hubs; and,

WHEREAS, the Hoboken Terminal is served by nine NJ Transit (NJT) commuter rail lines, one Metro-North Railroad line, various NJT buses and private bus lines, the Hudson-Bergen Light Rail, the Port Authority Trans Hudson (PATH) rapid transit system, and NY Waterway-operated ferries; and,

WHEREAS, more than 50,000 people use the Hoboken Terminal every day, making it New Jersey's second-busiest railroad station and its third-busiest transportation facility; and,

WHEREAS, the attached correspondence establishes a proposed Railhead District in Downtown Hoboken; and,

WHEREAS, a Railhead District will provide commuters and residents access to the various businesses in the area; and,

WHEREAS, a Railhead District will stimulate the economy by providing access to various types of goods and services for people of all income levels; and,

WHEREAS, the City would enjoy having such a vibrant district and serve the commuters and residents of Hoboken; and,

WHEREAS, the City Council of the City of Hoboken wishes to express its support for establishing a Railhead District in Downtown Hoboken.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that it declares its support for a Railhead District in Downtown Hoboken.

---Motion duly seconded by Councilpersons Bhalla and DeFusco

---Adopted by the following vote: Yeas: 7 Nays: 2

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

---Nays: Fisher and Mello

17-286

---By Councilman Mello

RESOLUTION APPROVING EIGHT (8) CHANGE ORDERS TO THE CITY'S CONTRACT WITH FLANAGAN'S CONTRACTING GROUP INC., FOR THE SOUTHWEST BLOCK 12 PARK PROJECT IN THE TOTAL AMOUNT OF **\$175,188.37** FOR A 5.96% INCREASE IN THE ORIGINAL CONTRACT AMOUNT

WHEREAS, the City Council of the City of Hoboken awarded a contract to Flanagan's Contracting Group, Inc., for the Southwest Block 12 Park Project by way of resolution dated May 18, 2016, pursuant to their bid proposal in the amount of \$4,907,567.50; and,

WHEREAS, the City Council previously approved changed orders in the amount of \$117,317.40, increasing the contract price by 2.39%, for a new contract amount of \$5,024,884.90; and,

WHEREAS, the City received the attached correspondence from Suburban Consulting Engineers regarding eight (8) change orders to the contract with Flanagan's Contracting Group; and,

WHEREAS, according to Suburban Consulting, each of the change orders are necessary to complete the Southwest Block 12 Park Project; and,

WHEREAS, it is requested that the City Council approve Change Order #5-8 in the amount of \$39,588.94 to install an opti-structure on the corner of Jackson Street and Observer Highway to replace the MH 14 structure; and,

WHEREAS, the North Hudson Sewage Authority will reimburse the City for the opti-structure and will operate/maintain the system; and,

WHEREAS, it is requested that the City Council approve Change Order #8b-9 in the amount of \$8,772.74 to disassemble a section of detention basin #3 to provide space for the retaining wall foundation; and,

WHEREAS, it is requested that the City Council approve Change Order #11-13 in the amount of \$81,712.99 to satisfy the PSE&G Clean Corridor requirements, which includes but is not limited to separating contaminated soil from an immediate area around each light pole foundation; and,

WHEREAS, it is requested that the City Council approve Change Order #13-11 in the amount of \$6,948.55 to increase the size of the rebar due to design changes in the retaining wall; and,

WHEREAS, it is requested that the City Council approve Change Order #18-12 in the amount of \$9,333.63 to satisfy SUEZ requirements by providing additional material to furnish and install a wet tap to the curb valve; and,

WHEREAS, it is requested that the City Council approve Change Order #21-14 in the amount of \$13,446.05 to remove and dispose of a 550 gallon tank that was discovered; and,

WHEREAS, it is requested that the City Council approve Change Order #23-16 in the amount of \$7,396.05 to modify the dog park drainage system; and,

WHEREAS, it is requested that the City Council approve Change Order #22-15 in the amount of \$7,989.42 to perform the electrical work that is necessary to switch the overhead service to underground service; and,

WHEREAS, the total amount of the eight change orders is \$175,188.37; and,

WHEREAS, these eight change orders will increase the contract amount to \$5,200,073.27; and,

WHEREAS, these eight change orders equate to a 3.48% increase from the current contract amount of 5,024,884.90%, and the total contract has been increased by 5.96% from the original contract amount of \$4,907,567.50.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that the eight (8) aforementioned Change Orders which total \$175,188.37 are approved as delineated above.

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the referenced 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 hereafter 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.

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: Yeas: 9 Nays: 0

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

---Nays: None.

17-287

---By Councilwoman Fisher

RESOLUTION AUTHORIZING CONSENT TO SUBMIT A TREATMENT WORKS APPROVAL APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE MONROE CENTER PHASE III REDEVELOPMENT PROJECT

WHEREAS, Monroe Center Hoboken Urban Renewal LLC has a construction site at 7th Street and Jackson Street in the City of Hoboken, and is known as the Monroe Center Phase III Redevelopment Project; and,

WHEREAS, the project includes but is not limited to the construction of a mixed-use building, gymnasium and public park space; and,

WHEREAS, Monroe Center Hoboken Urban Renewal LLC has requested the City of Hoboken to consent to the submission of a Treatment Works Approval (“TWA”) Application to the New Jersey Department of Environmental Protection (“NJDEP”) regarding water quality at the site; and,

WHEREAS, The City Engineer has reviewed the application and takes no exception to it, pursuant to the attached letter from Kimley-Horn dated April 19, 2017; and,

WHEREAS, the City Council feels it is appropriate to grant the request of Monroe Center Hoboken Urban Renewal LLC to submit an application to the NJDEP regarding the water quality at the site.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Hoboken hereby grants its consent to Monroe Center Hoboken Urban Renewal LLC request to submit a TWA application to the NJDEP regarding the Monroe Center Phase III Redevelopment Project; and,

BE IT FURTHER RESOLVED that the Mayor or her designee is the authorized representative to execute and effectuate any documentation regarding this submission on behalf of the City.

---Motion duly seconded by Council persons Ramos and Russo

---Adopted by the following vote: Yeas: 9 Nays: 0

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

---Nays: None.

17-288

---By Councilwoman Fisher

RESOLUTION AUTHORIZING CONSENT TO SUBMIT A TREATMENT WORKS APPROVAL APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE WONDER LOFTS PROJECT

WHEREAS, Monroe Center Hoboken Urban Renewal LLC has a construction site at 7th Street and Jackson Street in the City of Hoboken, and is known as the Monroe Center Phase III Redevelopment Project; and,

WHEREAS, the project includes but is not limited to the construction of a mixed-use building, gymnasium and public park space; and,

WHEREAS, Monroe Center Hoboken Urban Renewal LLC has requested the City of Hoboken to consent to the submission of a Treatment Works Approval (“TWA”) Application to the New Jersey Department of Environmental Protection (“NJDEP”) regarding water quality at the site; and,

WHEREAS, The City Engineer has reviewed the application and takes no exception to it, pursuant to the attached letter from Kimley-Horn dated April 19, 2017; and,

WHEREAS, the City Council feels it is appropriate to grant the request of Monroe Center Hoboken Urban Renewal LLC to submit an application to the NJDEP regarding the water quality at the site.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Hoboken hereby grants its consent to Monroe Center Hoboken Urban Renewal LLC request to submit a TWA application to the NJDEP regarding the Monroe Center Phase III Redevelopment Project; and,

BE IT FURTHER RESOLVED that the Mayor or her designee is the authorized representative to execute and effectuate any documentation regarding this submission on behalf of the City.

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: Yeas: 9 Nays: 0

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

---Nays: None.

17-289

---By Councilwoman Fisher

RESOLUTION INSTITUTING BEHAVIORAL POLICIES FOR ENERGY AND NATURAL RESOURCE CONSERVATION IN MUNICIPAL FACILITIES

WHEREAS, The City of Hoboken strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and,

WHEREAS, the City of Hoboken wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and,

WHEREAS, taking steps to ensure clean, wholesome, and adequate water supplies is a high priority in protecting the health, safety, and welfare of Hoboken citizens; and,

WHEREAS, reducing water consumption, energy consumption, and solid waste production not only provides for a more sustainable and healthy community, but also saves tax dollars; and,

WHEREAS, conscientious employees can conserve energy and natural resources in their everyday operations by implementing environmentally-responsible and cost-saving behaviors; and,

WHEREAS, the City of Hoboken seeks to institutionalize environmentally-responsible and cost-saving behaviors among employees.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hoboken that the following behavioral policies shall apply in any building used by the City of Hoboken:

1. Hoboken municipal facilities shall conserve energy:
 - a. All lights, computers, monitors, copiers, and printers shall be turned off when not in use, including overnight.
 - b. Desktop electronics (e.g., desk lamps, computers, monitors) shall be plugged into a power strip which shall be turned off when not in use.
 - c. Automatic “sleep” functions shall be enabled on all computers, monitors, copiers, and printers to conserve energy after 5 minutes of inactivity.
 - d. Hot water heaters shall be set to a reasonable temperature to conserve energy.
 - e. Thermostats shall be set to a reasonable low temperature during the day in the winter months (lower at night) and to a reasonable high temperature during the day in the summer months to conserve energy (higher at night).
 - f. Air conditioners shall be set to a reasonable high temperature during the day in the summer months (higher or off at night). Windows shall not be left open when air conditioners are running.
 - g. Shades or blinds shall be drawn to block sunlight on hot days.
2. Hoboken municipal facilities shall conserve natural resources:
 - a. Faucets shall be turned off when not in use.
 - b. Printing is discouraged, and shall be minimized or avoided.
 - c. Documents that must be printed shall be printed and photocopied on both sides (i.e., two-sided or duplex).
 - d. Default settings on all printers and copiers shall be for two-sided printing.
 - e. Paper with one side of print shall be reused as scrap paper before recycling.
 - f. Where and when possible, mailings and communications shall be distributed digitally, rather than in print, except when required by other laws or regulations.
 - g. Where and when possible, applications, registrations, and other forms shall be completed digitally, rather than in print, except when required by other laws or regulations.

3. Hoboken municipal facilities shall reduce waste:
 - a. All aluminum and metal cans, plastic food and beverage containers #1 - #7, glass bottles and jars, newspapers, office paper, file folders, cartons, corrugated cardboard, paperboard, and paper bags, paper towel and toilet paper rolls, paperback books, magazines, brochures, shall be properly disposed of in single-stream recycling containers. Single-stream recycling receptacles shall be provided in every office. (Hoboken Code §151, §110)
 - b. All remaining solid waste, trash, and debris shall be properly disposed of in designated receptacles.
 - c. Reusable bags shall be used. Single use bags (e.g., plastic, paper) shall be minimized or avoided. Single use bags shall not be disposed of in single-stream recycling bins.
 - d. When and where possible, ink cartridges shall be recycled.
4. Hoboken municipal facilities shall reduce air pollution:
 - a. Smoking is prohibited inside and outside within 25 feet of any entrance to or air intake duct. Violations are punishable by a fine of up to \$1,000. (Hoboken Code §46-10, §115-11, Smoke-Free Air Act N.J.S.A. 26:3D-55)
 - b. Cleaning products and materials shall be used with the lowest amount of volatile organic compounds (VOCs).
5. Other policies related to sustainable operations shall be adhered to, including but not limited to: (1) environmentally preferable purchasing guidelines, (2) green building practices for civic, commercial and residential buildings, and (3) water use restrictions.

---Motion duly seconded by Councilman Ramos

---Adopted by the following vote: Yeas: 9 Nays: 0

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

---Nays: None.

Community Development

17-290

---By Councilman Cunningham

RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT TO BANISCH ASSOCIATES, INC. FOR PLANNING AND DESIGN SERVICES RELATED TO THE GREEN ACRES DIVERSION PROJECT

WHEREAS, the City of Hoboken has a need to obtain a firm to provide planning and design services for the Green Acres Diversion Project; and,

WHEREAS, Banisch Associates, Inc. is a pre-qualified pool licensed planner for the City of Hoboken; and,

WHEREAS, a proposal dated April 26, 2017, which is attached hereto, was received from Banisch Associates, Inc. in the not to exceed amount of \$20,000.00 for said services; and,

WHEREAS, the Administration recommends awarding the contract to Banisch Associates, Inc. to expire on December 31, 2017.

NOW, THEREFORE, BE IT RESOLVED, that a professional services contract is awarded to Banisch Associates, Inc. in an amount not to exceed \$20,000.00 for planning and design services for the Green Acres Diversion Project to expire on December 31, 2017; and,

BE IT FURTHER RESOLVED that this resolution shall take effect immediately, subject to the following conditions:

1. The award of this contract is subject to finalization of the contract terms.
2. 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.
3. 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.
4. The mayor, or her designee, is hereby authorized to execute an agreement as outlined herein with:

Banisch Associates, Inc.
111 Main Street
Flemington, NJ 08822

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: Yeas: 9 Nays: 0

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

---Nays: None.

17-291

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ACCEPT A GRANT IN THE AMOUNT OF \$25,000.00 FROM THE CITIES OF SERVICE PREPARED TOGETHER PROGRAM BY EXECUTING THE ATTACHED GRANT AGREEMENT

WHEREAS, the City of Hoboken has been selected for the Prepared Together program sponsored by Cities of Service and the Walmart Foundation; and,

WHEREAS, Hoboken's proposed initiative to be sponsored by the program is the Green Infrastructure Volunteer Program, which plans to leverage volunteers to install and maintain green infrastructure that will reduce the risk of flooding; and,

WHEREAS, the award package includes a \$25,000.00 implementation grant, two AmeriCorps VISTAs to provide on-the-ground support, and technical assistance from Cities of Service for the Green Infrastructure Volunteer Program; and,

WHEREAS, there is no City match required; and,

WHEREAS, the Administration recommends the execution of the attached grant agreement in order to accept the award package as described above.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the Mayor and/or her designee is authorized to sign the grant agreement on behalf of the City of Hoboken, and that her signature constitutes acceptance of the terms and conditions of the grant agreements and approves the execution of the grant agreement; and,

BE IT FURTHER RESOLVED, the Administration may take any and all steps necessary to implement the Green Infrastructure Volunteer Program.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: Yeas: 9 Nays: 0

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

---Nays: None.

17-292

---By Councilman Cunningham

RESOLUTION DEDICATING THE FUNDS RECEIVED FROM THE CITY'S LAND SWAP AGREEMENT WITH PSE&G TO THE CAPITAL FUND FOR SPECIFIC PURPOSES RELATED TO 201 MARSHALL STREET AND 200 HARRISON STREET

WHEREAS, the City owns or otherwise has certain contractual rights to acquire certain real property known as Block 102, Lot 1 (formerly, Block 102, Lots 1-8, 25-32) on the tax maps of the City of Hoboken, known commonly as 1101 Monroe Street / 1100 Madison Street, Hoboken, New Jersey; and,

WHEREAS, PSE&G owns certain real property known as Block 35 Lots 1, 2, 3, 4.01, and 5.01 also known on tax maps of the City of Hoboken as street address 201 Marshall Street and Block 35, Lots 33, 34, 35, and 36 also known on the tax maps of the City of Hoboken, as street address 200 Harrison Street; and,

WHEREAS, by way of resolution dated April 19, 2017, the City of Hoboken determined to enter into the proposed land swap agreement with PSE&G, which is attached hereto; and,

WHEREAS, as consideration for this agreement, the City will receive the amount of One Million Two Hundred Forty-Five Thousand Dollars (\$1,245,000.00) from PSE&G; and,

WHEREAS, the City Council requests that the funds received from the land swap agreement be designated to the City's capital fund for the specific purpose of paying for the costs of planning, designing, improving, constructing, and maintaining the property and any improvements at 201 Marshall Street and/or 200 Harrison Street (the property that the City will acquire in the deal).

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that the funds received from the City's attached land swap agreement with PSE&G (anticipated to be \$1,245,000.00) will be dedicated to the City's capital fund for the specific purpose of paying for the costs of planning, designing, improving, constructing, and maintaining the property and any improvements at 201 Marshall Street and/or 200 Harrison Street (the property the City will acquire in the land swap).

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: Yeas: 9 Nays: 0

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

---Nays: None.

Public Safety

17-293

---By Councilman Bhalla

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

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 determined that it has surplus property no longer needed for public use, as listed below:

- 6 – 45-minute SCBA bottles, manufacture date 2001 (15 year life),
- 10 sets of turnout gear, manufacture date 2003 and older (10 year life),
- 4 lengths of 5 inch hose (failed hose test),

- Sierra Precision 2-bottle fill station (obsolete),
- 24 foot extension aluminum ladder,
- Closet ladder,
- 50 FRED bailout systems (replaced with PETZL by grant),
- 40 AV 2000 SCBA masks (obsolete and replaced by grant); and,

WHEREAS, the City of Hoboken desires to sell this property online through www.govdeals.com, with no minimum bid; and,

WHEREAS, the sale is being conducted pursuant to Local Finance Notice 2008-9.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken hereby authorizes the Administration to post an offer to sell the above surplus property via the auction website as follows:

Online Auction Site: 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: Hoboken Fire Department, 201 Jefferson, Street, 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 \$00.00.

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

---Motion duly seconded by Council President Giattino

---Adopted by the following vote: Yeas: 9 Nays: 0

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

---Nays: None.

Transportation

17-294

---By Councilman Russo

RESOLUTION AWARDING A ONE YEAR CONTRACT TO ENFOTECH & CONSULTING, INC. IN THE AMOUNT OF \$42,920.00 TO SUPPORT AND MAINTAIN PROPRIETARY COMPUTER SOFTWARE

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(dd), “The provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software” is an exception to the bidding requirements of the Local Public Contract Law; and,

WHEREAS, there is a need for the maintenance of software that was designed specifically for the parking permit system utilized by the Hoboken Parking Utility; and,

WHEREAS, the Administration recommends awarding a contract to enfoTech & Consulting, Inc. in the not to exceed amount of \$42,920.00 to expire on May 3, 2018; and,

WHEREAS, the aforementioned software is propriety and is exempt from public bidding in accordance with N.J.S.A. 40A:11-5(1)(dd).

NOW, THEREFORE, BE IT RESOLVED, that a contract is awarded to enfoTech & Consulting, Inc. to provide software maintenance services in the not to exceed amount of \$42,920.00 to expire on May 3, 2018; and,

BE IT FURTHER RESOLVED that this resolution shall take effect immediately, subject to the following conditions:

1. The award of this contract is subject to finalization of the contract terms.
2. 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.
3. 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.
4. The mayor, or her designee, is hereby authorized to execute an agreement as outlined herein with:

enfoTech & Consulting, Inc.
1368 How Lane
North Brunswick, NJ 08902

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: Yeas: 9 Nays: 0

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

---Nays: None.

Tax Collector

17-295

---By Councilwoman Fisher

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF **\$1,120.99**)

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

WHEREAS, Jo Ann Barron, Assistant Collector of Revenue for the City of Hoboken, recommends that the following refund be made in accordance with N.J.S.A. 54:4-69.

NOW, THEREFORE, BE IT RESOLVED, that a warrant be drawn on the City Treasury in the total amount of \$1,120.99, made payable to the following:

| NAME | BL/LT/UNIT | PROPERTY | QTR/YEAR | AMOUNT |
|--|-------------------|-----------------|-----------------|---------------|
| Tyler Mulkeen 605 First Street #2R Hoboken, NJ 07030 | 15/15/ C002R | 605 First St | 1/17 | \$1,120.99 |

---Motion duly seconded by Councilman Ramos

---Adopted by the following vote: Yeas: 9 Nays: 0

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

---Nays: None.

17-296

---By Councilwoman Fisher

RESOLUTION AUTHORIZING THE REFUND OF TAX APPEALS STATE TAX COURT (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF **\$40,179.48**)

WHEREAS, a tax appeal was filed in the State Tax Court regarding the property listed below; and,

WHEREAS, the Court entered judgment which reduced the assessed value of the property; and,

WHEREAS, as a result, Jo Ann Barron, Asst. Collector of Revenue for the City of Hoboken, has calculated the refund to be made in accordance with the judgment.

NOW, THEREFORE, BE IT RESOLVED, that a warrant be drawn on the City Treasury in the total amount of \$40,179.48, made payable to the following:

| NAME | BL/LT/UNIT | PROPERTY | QTR/YEAR | AMOUNT |
|---|-----------------|---------------------|----------|-------------|
| NASHEL & NASHEL, LLC 415 SIXTIETH STREET WEST NEW YORK, NEW JERSEY 07093 | BL 222 LOT 4 | 43-51 NEWARK ST. | 2015 | \$40,179.48 |

---Motion duly seconded by Councilman Ramos
 ---Adopted by the following vote: Yeas: 9 Nays: 0
 ---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino
 ---Nays: None.

Clerk

17-297

---By Councilman Doyle

RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY COUNCIL DATED: REGULAR & SPECIAL MEETING OF APRIL 19, 2017

---Motion duly seconded by Council President Giattino
 ---Adopted by the following vote: Yeas: 9 Nays: 0
 ---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino
 ---Nays: None.

17-298

---By Councilman Ramos

RESOLUTION REQUESTING THAT THE ADMINISTRATION RECEIVE APPROVAL FROM THE CITY COUNCIL PRIOR TO CONSTRUCTING “BUMP-OUTS”

WHEREAS, the City Council of the City of Hoboken has noticed that recent traffic plans proposed by the City and other City projects have recommended the construction of raised curb extensions (commonly and hereinafter referred to as “bump-outs”) as part of the plan; and,

WHEREAS, bump-outs extend the sidewalk and/or curblin e out into the parking lane, which reduces the effective street width at that specific point; and,

WHEREAS, the City Council would like the opportunity to review and approve the proposals for bump-outs within the City prior to construction.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the City Council requests that any proposed construction of bump-outs recommended pursuant to a traffic plan or other City project be presented to the Council prior to construction of same.

---Motion duly seconded by Council Persons Giattino and Fisher

---Adopted by the following vote: Yeas: 6 Nays: 3

---Yeas: Council persons Cunningham, DeFusco, Fisher, Mello, Ramos and Russo

---Nays: Bhalla, Doyle and Giattino

ORDINANCES

Introduction and First Reading

17-299

Z-490

---By Councilman DeFusco

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 196 OF THE
(ZONING) OF THE MUNICIPAL CODE OF THE CITY OF HOBOKEN

WHEREAS, the City Council wishes to address changes to encourage commerce and economic development by simplifying the approval processes for small businesses looking to locate within the core business and shopping areas of the City; and

WHEREAS, Washington Street has evolved into a dynamic “Main Street” with the street shared by many businesses and residents that line much of the thoroughfare; and

WHEREAS, both north and south sides of 1st Street west of Washington Street to Willow Avenue, and the south side of 14th Street from Hudson Street running west to a point beyond Park Avenue have also become extensions and bookends to our “Main Street” and offer complementary retail and businesses that service the neighboring residents and the broader Hoboken community; and

WHEREAS, the 2004 Master Plan and 2010 Master Plan Reexamination Report both recommend making changes to “support Washington Street as the shopping and social ‘Main Street’ of Hoboken”; and

WHEREAS, the 2004 Master Plan recommended changes supporting “Primary and Secondary Retail Street[s]” that includes the above-described portions of 1st Street and 14th Street; and

WHEREAS, Washington Street, north of 4th Street, and the above-described portions of 1st Street and 14th Street are zoned R-1 and have much more restricted permitted uses than those in the Central Business District; and although current businesses on Washington Street, north of 4th Street, and the above-described portions of 1st Street and 14th Street are “grandfathered” as permitted uses, many new businesses are not permitted as of right according to current City zoning; and

WHEREAS, it is the intent of the City Council to ensure that any changes being contemplated herein will enhance the economic health or our “Main Street” while still providing sufficient protection to residents in the R-1 Zone against any adverse impacts from such uses that may generate excessive noise, traffic, fumes, odors, glare, or maintenance and storage problems different in kind or degree from that commonly experienced in urban, residential settings;

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

SECTION 1: The Code of the City of Hoboken shall be amended as follows; deletions are noted in ~~striketrough~~, additions are noted in underline. Sections of Hoboken City Code §196 entitled “Zoning” not listed below will be unchanged.

1. **§ 196-14 R-1 District; R-1(E) Sub₋district; R-1(CS) ~~Overlay-District~~Sub₋district; R-1(H)(CPT) Sub₋district.**

A. Purpose.

(1) R-1 District. The purpose of this district is to conserve the architecture, scale and grain of residential blocks and street patterns; to reinforce the residential character of the district; acknowledge the traditional relationship between Stevens Institute, adjacent residential neighborhoods and neighborhood retail businesses and services; to regulate those buildings and activities not comparable with district objectives.

(2) R-1(E) Sub₋district. The purpose of the educational sub₋district is to acknowledge the interaction between Stevens Institute and the remainder of the R-1 District while at the same time modifying the specific conditions of this zoning district within the sub₋district boundaries shown on the Zoning Map in recognition of the unique requirements of an institution of higher learning, which may be inconsistent with standards prevailing elsewhere in the district. The design of buildings and uses in the R-1(E) Sub₋district, particularly in portions of the buildings and uses in the R-1 District, shall be integrated with the prevailing character of adjacent districts, streets, buildings and uses. The higher education sub₋district appears on the Zoning Map superimposed on the R-1 District, and its regulations supplement those of the district on which it is superimposed.

(3) R-1(CS) Sub₋district. The purpose of the Court Street sub₋district is to preserve the architecture and scale of accessory structures fronting on Court Street, to encourage residential use, to control height and density in relation to limited utility service and fire₋fighting accessibility, to limit automobile through traffic, to encourage pedestrian use and to otherwise reinforce the scale and quality of this district.

(4) R-1(H)(CPT) Sub₋district. The purpose of the Castle Point Historic Sub₋district is to reinforce and safeguard the heritage of this area which has been one of the most prestigious neighborhoods in Hoboken. This sub₋district which is also designated the "Castle Point Historic District" is distinguished by being the only neighborhood in

the City typified by large, freestanding one- and two-family homes. Through architectural and bulk controls, the height and density will be limited to maintain the historic character.

(5) NOTE: In addition to the Sub-districts described above, there is a Historic District Overlay affecting R-1, CBD and W zones and a Business District Overlay that affects the R-1 zone. Overlays do not affect the underlying bulk regulations established in this section unless expressly specified herein. They do however supplement the uses permitted in the underlying zone(s) and establish certain design standards, guidelines and review procedures. Details for the Overlay districts can be found in §196-27 and §196-27A.

§ 196-27 Sub-districts and Overlay districts.

The R-1(E), R-1(CS), R-1(H)(CPT), CBD(H), CBD(H)(CS), W(RDV), W(H), W(N), and I-1(W) Sub-districts and the Business District (BD) Overlay are designed to provide flexibility to district regulations. The sSub-districts and Overlay districts are intended to further the public interest by subtracting or supplementing permitted district uses in the Higher Education Subdistrict and by increasing district review guidelines and requirements in the Historic Districts.

- A. R-1(E) Higher Education Sub-district. The R-1(E) Sub-district isolates uses peculiar to higher education from the remainder of the district while acknowledging functional, economic, social and geographical relationships between the sub-district and the larger district.
- B. ~~CBD(H)~~-Historic (H) Sub Overlay district. The ~~CBD~~Historic (H) ~~Sub~~Overlay district provides an additional review function within the portion of the CBD and R-1 zones designated as an historic district by incorporating the provisions of the local ordinance establishing an historic district and the Historic Preservation Commission. Any application for a building permit to erect a new building, or to demolish or to alter the height, bulk, setback, location or exterior appearance of an existing building in the ~~CBD~~Historic ~~Sub~~Overlay district shall be subject to review by the Historic Preservation Commission and such further action as may be authorized by local ordinances. Reviews and recommendations by the Historic Preservation Commission shall not supersede the powers and responsibilities of other local legislative or regulatory bodies but shall be taken into consideration by the Planning Board and Zoning Board of Adjustment in issues of mutual concern.
- C. Court Street (CS) Sub-district. The Court Street Sub-district is intended to preserve the distinctive scale and architecture of structures fronting on Court Street and to promote new development compatible with this unique service alley's limited accessibility to utilities and City services such as fire protection and sanitary services. Those portions within the CBD(H) Sub-district are subject to review procedures by the Historic Preservation Commission.
- D. I-1(W) Sub-district. The I-1(W) Sub-district is designed to acknowledge the shift in demand for riverfront property from nonresidential to residential uses while protecting existing employing units and employment opportunities.

- E. W(H) Sub₂-district. The W(H) Sub-district indicates the location of a segment of the City's historic district within W-District boundaries. That segment is subject to review procedures by the Historic Preservation Commission.
- F. W(RDV) Sub₂-district. The Waterfront Redevelopment Sub₂-district represents the plan area within which the Waterfront at Hoboken, South Redevelopment Plan applies.
- G. W(N) Waterfront North Overlay Sub₂-district. It is intended that the view of the bluffs associated with Castle Point along the Hudson River Waterfront be preserved as a natural amenity of the City. Therefore, all development located within this sSub₂-district shall be subject to a height limitation, restricting such development to no more than 35 feet in height. Permitted and conditional uses shall be otherwise the same as those established for the remainder of the W Waterfront District
- H. R-1(H)(CPT) Castle Point Historic Sub₂-district. The purpose of the Castle Point Historic Sub₂-district is to reinforce and safeguard the heritage of this area which has been one of the most prestigious neighborhoods in Hoboken. This Sub₂-district which is also designated the "Castle Point Historic District" is distinguished by being the only neighborhood in the City typified by large, freestanding one- and two-family homes. Through architectural and bulk controls, the height and density will be limited to maintain the historic character.
- I. Business District (BD) Overlay. The BD Overlay is intended to supplement the underlying district uses along the primary commercial thoroughfares of Washington Street, First Street and Fourteenth Street as depicted in more detail on the BD Overlay Map attached hereto and described in greater detail in section 196-27A.

SECTION 2: The Code of the City of Hoboken shall be amended by the addition of §196-27A entitled "Business District Overlay (BD)," to the Hoboken City Code §196 entitled "Zoning" to read as follows:

§196-27A Business District Overlay (BD)

A. Purpose and Applicability

- (1) Purpose. The purpose of the Business District Overlay, or (BD), is to promote economic growth and public activity along primary commercial thoroughfares within the City of Hoboken and has been created to supplement and contemporize the uses permitted in the Business District Overlay area and includes establishing certain design standards and guidelines for the Business District Overlay that are intended to streamline the development review process in many instances.
- (2) Applicability.
 - (a) This section shall be applied to all properties located within the Business District Overlay area as shown on the Business District (BD) Overlay Map dated [upon

adoption, insert date of adoption], and attached hereto and made a part hereof, and adopted by the governing body.

- (b) This section is not intended to interfere or abrogate or annul other rules, regulations or ordinances governing land use within the City of Hoboken, including but not limited to the bulk and density requirements established for the underlying zones.
- (c) Nothing in this section shall be construed to limit in any way or supersede the requirements established in other overlays and/or sub-districts, such as the Historic Overlay or Court Street Sub-district, affecting the same property. The provisions of each overlay shall apply and be interpreted to be cumulative and not superseding in application.

B. Definitions. For purposes of administering the Business District Overlay, the following definitions shall apply.

BAR or TAVERN

CLASS I - A place of business duly licensed by the Alcoholic Beverage Control Board primarily devoted to the sale of alcoholic beverages for consumption on the premises with an assigned occupancy of more than 50 persons and where 30% or more of the customer service floor area is based on standing occupancy; this is separate and distinct from “restaurants” as defined herein.

CLASS II – A place of business duly licensed by the Alcoholic Beverage Control Board devoted to the sale of alcoholic beverages for consumption on the premises but with an assigned occupancy of 50 persons or less.

COMMERCIAL

A generic or umbrella term used to identify buildings and/or uses that are non-residential in nature. Because the term is broad, for purposes of zoning, “commercial” is not considered a use or use category. Therefore, individual uses and groups of uses are specifically identified herein for purposes of administering this chapter.

COMMERCIAL BUILDING

A building that contains only non-residential uses such as buildings containing restaurants, bars, recreational facilities, retail businesses and services, professional offices, or a combination thereof but no residential uses.

COMMERCIAL RECREATION

A place designed and equipped for the conduct of sports and leisure-time activities, operated as a business with an associated fee, and open to the public.

EVENT SPACE

A commercial venue that meets the health and safety and other relevant code requirements of an assembly space for the related, intended use and that can be rented or otherwise retained for the purpose of hosting a planned activity scheduled to occur at a specific time where the planned activity is not accessory to the principal use. For example, a book signing event at a bookstore or a private dinner party at a restaurant are uses accessory to the underlying, principal use and therefore do not fall within the

definition of an “event” requiring an approval under this subsection. Alternatively, a venue that is rented to a private group or individual to conduct an event where the purpose of the event is unrelated to the approved use of the host venue and is therefore not an accessory use to the underlying, principal use is required to obtain secondary use approval as an event space and meet the code requirement related to any such proposed use.

MIXED-USE BUILDING

A building that contains both residential and commercial uses in which the residential use is located on a floor or floors above the commercial use or uses. Residential and commercial uses shall have separate entrances, and no residential dwelling unit shall be located below or on the same floor as a commercial use.

NIGHTCLUB

An establishment where music, dancing or other forms of entertainment are conducted and/or a place of business so licensed by the Alcoholic Beverage Control Board where the standing room occupancy exceeds 200 persons.

OFFICES

A room or group of rooms used for conducting the affairs of a licensed professional, general business, service industry or government such as, but in no way limited to, lawyers, accountants, travel agencies, insurance or real estate sales, engineers, architects, doctors, dentists, marketing, consulting, not-for-profit organizations, and similar occupations.

PARKS and OPEN SPACE

Any parcel or area of land or water set aside, dedicated, designated, or reserved for public or private use or enjoyment. This does not include open areas associated with a building or structure such as a roof terrace, courtyard, or plaza unless such area is designated as a shared public asset by the City of Hoboken.

RESIDENTIAL BUILDING

A generic term describing a structure containing one or more dwelling units; no commercial activity, except for a permitted home-based business, shall be conducted in a residential building without prior approval for change of use.

RESTAURANT

Any physical establishment, however designated, whose principal purpose is the preparation, sale, and/or service of food and beverages to the public.

CLASS I - A full-service restaurant with an occupancy of 100 or more patrons with a primary function and operation of the preparation and service by employees of meals to customers seated at a counter, bar, or table where the meal is consumed. A Class I restaurant may, on occasion, feature live music or other entertainment provided there is no interruption of food service to patrons.

CLASS II - A restaurant with an occupancy of less than 100 patrons with a primary function and operation of the preparation and service by employees of meals to customers as part of an operation designed to include on-premises consumption at a

counter, bar or table, and/or take-out and delivery services. Examples might include neighborhood bistros, pizzerias, or fast food establishments.

CLASS III - A restaurant with a primary function of the preparation and sale of food or drink to customers as part of an operation designed principally for take-out or delivery service; with limited seating and/or on-premises consumption. Examples might include a grab-and-go deli or catering kitchen, or an ice cream parlor.

CLASS IV - A café serving non-alcoholic beverages and snacks that are not prepared or cooked on site; snacks may be warmed using a microwave or other table-top appliance but where no household or commercial cooking equipment is installed. Examples might include a coffee or juice bar.

RETAIL BUSINESS

An establishment engaged in the sale or rental of consumer goods to individual customers.

RETAIL SERVICE

An establishment providing services, as opposed to products, to the general public for personal or household use.

- C. Uses. The following uses set forth in Table 1, below, are either permitted (denoted as P), permitted with restrictions (denoted as P1), or conditional uses (denoted as C). Permitted uses and uses permitted with restrictions (P and P1) may be approved at the discretion of the Zoning Officer provided he or she is satisfied that the design standards identified herein will be met. Conditional uses, because of their unusual characteristics and potential impacts on the surrounding area, necessitate an approval from the Planning Board. Uses that are not listed in Table 1 shall not be permitted in the Business District Overlay area without a use variance approved by the Zoning Board of Adjustment:

Table 1:

| <u>Use</u> | <u>R-1(BD) Overlay</u> |
|--|----------------------------|
| <u>Buildings:</u> | |
| <u>Residential Buildings</u> | <u>P</u> |
| <u>Commercial Buildings</u> | <u>C</u> |
| <u>Mixed Use Buildings</u> | <u>P1</u> |
| <u>Civic Buildings</u> | <u>P</u> |
| | |
| <u>Retail Businesses*:</u> | |
| <u>Baked Goods Stores</u> | <u>P1</u> |
| <u>Beer, Wine & Liquor Stores (packaged goods for off-premise consumption)</u> | <u>P</u> |
| <u>Book Stores</u> | <u>P</u> |
| <u>Clothing Stores</u> | <u>P</u> |
| <u>Confectionery Stores</u> | <u>P1</u> |
| <u>Convenience Stores</u> | <u>P</u> |

| <u>Use</u> | <u>R-1(BD) Overlay</u> |
|---|----------------------------|
| <u>Cosmetic & Beauty Supply Stores</u> | <u>P</u> |
| <u>Florists</u> | <u>P</u> |
| <u>Fruit & Vegetable Markets</u> | <u>P</u> |
| <u>Furniture & Home Furnishings Retail Stores (excluding furniture manufacturing on premises)</u> | <u>P</u> |
| <u>Gift, Novelty & Souvenir Stores</u> | <u>P</u> |
| <u>Hobby, Toy & Game Stores</u> | <u>P</u> |
| <u>Jewelry Stores</u> | <u>P</u> |
| <u>Meat, Fish & Seafood Markets</u> | <u>P1</u> |
| <u>Music Stores; prerecorded, instruments and supplies</u> | <u>P1</u> |
| <u>Office Supply & Stationary Stores</u> | <u>P</u> |
| <u>Other General Merchandise Stores</u> | <u>P</u> |
| <u>Other Prepared Specialty Food Stores</u> | <u>P</u> |
| <u>Paint & Hardware Stores</u> | <u>P</u> |
| <u>Pet Supply Stores (no live animals)</u> | <u>P</u> |
| <u>Pharmacies & Drug Stores</u> | <u>P</u> |
| <u>Shoe Stores</u> | <u>P</u> |
| <u>Sporting Goods Stores</u> | <u>P</u> |
| <u>Stationary Stores</u> | <u>P</u> |
| | |
| <u>Retail Services*:</u> | |
| <u>Animal, Boarding & Daycare</u> | <u>C</u> |
| <u>Animal, Grooming</u> | <u>P1</u> |
| <u>Animal, Veterinary Services</u> | <u>C</u> |
| <u>Artist Studio & Work Spaces</u> | <u>P1</u> |
| <u>Banks</u> | <u>P1</u> |
| <u>Business Service Centers; i.e. tech, printing, copy services</u> | <u>P</u> |
| <u>Catering; see also restaurants</u> | <u>P1</u> |
| <u>Childcare Facilities</u> | <u>P</u> |
| <u>Community Centers</u> | <u>C</u> |
| <u>Educational Tutoring & Exam Prep</u> | <u>P</u> |
| <u>Elementary & Secondary Schools</u> | <u>C/P1</u> |
| <u>Footwear & Leather Goods Repair</u> | <u>P</u> |
| <u>Furniture & Upholstery Repair</u> | <u>P1</u> |
| <u>Galleries & Art Dealers</u> | <u>P</u> |
| <u>Hair Salons & Barber Shops</u> | <u>P</u> |
| <u>Laundry & Dry Cleaning, drop-off only</u> | <u>P</u> |
| <u>Libraries</u> | <u>P</u> |
| <u>Nail Salons</u> | <u>P</u> |
| <u>Opticians & Vision Services</u> | <u>P</u> |
| <u>Other Instructional & Training Facilities</u> | <u>C/P1</u> |

| <u>Use</u> | <u>R-1(BD) Overlay</u> |
|--|------------------------|
| <u>Photographic Studios</u> | <u>P</u> |
| <u>Places of Worship</u> | <u>C/P1</u> |
| <u>Postal Services</u> | <u>P</u> |
| <u>Shared Office Facilities</u> | <u>P</u> |
| <u>Spas</u> | <u>P</u> |
| <u>Tailoring & Alteration Shops</u> | <u>P</u> |
| <u>Vocational & Trade Schools</u> | <u>C/P1</u> |
| | |
| <u>Offices*:</u> | |
| <u>Clinics, Laboratories & Diagnostic Imaging Centers</u> | <u>C</u> |
| <u>Government Offices</u> | <u>P</u> |
| <u>Medical & Dental Offices</u> | <u>P1</u> |
| <u>General Business & Professional Offices</u> | <u>P</u> |
| | |
| <u>Commercial Recreation*:</u> | |
| <u>Arcades, Game and Internet Cafes</u> | <u>P</u> |
| <u>Bar: Class I</u> | <u>C</u> |
| <u>Bar: Class II</u> | <u>P1</u> |
| <u>Billiards/Pool Halls</u> | <u>C</u> |
| <u>Bowling Centers</u> | <u>C</u> |
| <u>Event Spaces</u> | <u>C/P1</u> |
| <u>Health Clubs; Exercise Facilities</u> | <u>P</u> |
| <u>Indoor Fitness Facilities; courts (i.e. tennis, basketball), pools, climbing gyms, batting cages, mini-golf, golf simulators, and similar</u> | <u>C</u> |
| <u>Meeting & Convention Facilities</u> | <u>C/P1</u> |
| <u>Movie & Performing Arts Theatres</u> | <u>C</u> |
| <u>Parks & Open Space</u> | <u>P</u> |
| <u>Private/Membership Clubs</u> | <u>C/P1</u> |
| <u>Restaurant: Class I</u> | <u>C</u> |
| <u>Restaurant: Class II</u> | <u>P1</u> |
| <u>Restaurant: Class III</u> | <u>P1</u> |
| <u>Restaurant: Class IV</u> | <u>P</u> |
| | |
| <u>Other:</u> | |
| <u>Accessory Uses customarily incident to a principal permitted use but not on the same lot</u> | <u>P</u> |

* See D below for “General” guidelines applicable to all uses.

P: Permitted use.

P1: Permitted subject to compliance with design standards.

C: Conditional use, requiring compliance with design standards and minor site plan approval.

D. General Guidelines Applicable to All Uses.

- (1) The hours of operation for any commercial use including, but not limited to, retail businesses, retail services, recreational facilities and offices shall not exceed 18 hours within any 24-hour period. Businesses wishing to operate 24-hours a day shall require conditional use / minor site plan approval from the Planning Board.
- (2) Notwithstanding what is set forth above in section C, any retail business, retail service or commercial recreation establishment with more than 2,000 square feet of customer service area or 3,000 square feet of gross floor area shall require minor or major site plan approval, as applicable, from the Planning Board.
- (3) Residential and non-residential uses in a mixed use building shall have entrances that are separate and independent of one another. No commercial or retail use may obstruct, in any way, the residential ingress and egress.
- (4) Exterior lighting for all uses shall be dark-sky compliant. Fixtures must be properly screened to prevent light pollution and excessive intrusion on adjacent properties, including the public right-of-way and properties to the rear of a property. Fixture types must comply with International Dark-Sky Association guidelines available at www.darksky.org or from the Zoning Office.

E. Specific Design Standards and Guidelines for the Business District Overlay Zone. The following design standards and guidelines are applicable to those identified uses that are permitted with restrictions (P1) or conditionally permitted (C) within the Business District Overlay area. Those standards designated as “shall” or “must” are required to be met, and those designated with “should” or “may” are encouraged or cited as examples but are not mandatory.

(1) Animal, Boarding & Daycare (C)

Because of the unusual characteristics of this use, the Planning Board shall attach such conditions and safeguards as it deems appropriate to mitigate any potential impacts on the surrounding area. At minimum, the following itemized conditions should be addressed as part of any approval for this use:

- (a) This retail service shall only be located on the 1st floor or basement floor, were permitted, of the building in which it is housed.
- (b) Sound attenuation measures shall be taken to prevent sound migration to other parts of the host building and adjacent structures.
- (c) Make-up air and ventilation systems shall be installed to ensure consistent air quality and eliminate any potential odors.
- (d) If animals are boarded over-night, the facility must have staff on the premises 24-hours a day during any such overnight boarding.

(2) Animal, Grooming (P1)

- (a) Animal grooming services shall only be located on the 1st floor or basement floor, were permitted, of the building in which it is housed.
 - (b) Sound attenuation measures shall be taken to prevent sound migration to other units beside or above the service unit. Such measures may include, but is in no way limited to, installation of absorptive insulation in walls and ceiling, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments.
 - (c) Animals dropped off for grooming services shall not remain on-site for more than 4-hours.
 - (d) Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.
- (3) Animal, Veterinary Services (C)
- Because of the unusual characteristics of this use, the Planning Board shall attach such conditions and safeguards as it deems appropriate to mitigate any potential impacts on the surrounding area. At minimum, the following itemized conditions should be addressed as part of any approval for this use:
- (a) Veterinary services shall only be located on the 1st floor or basement floor, were permitted, of the building in which it is housed.
 - (b) Measures for securing medical equipment, pharmaceutical drugs, gases, and other controlled substances must be demonstrated.
 - (c) Measures for dealing with hazardous waste must be demonstrated.
 - (d) Sound attenuation measures shall be taken to prevent sound migration to other parts of the host building and adjacent structures.
 - (e) Make-up air and ventilation systems shall be installed to ensure consistent air quality and eliminate any potential odors.
 - (f) If animals are held over-night, the facility must have staff on the premises 24-hours a day during any such overnight stay.
- (4) Artist Studios & Work Spaces (P1)
- (a) Dependent upon an artist's medium and scope of work, sound attenuation measures may be required to prevent sound migration to other parts of the host building.
 - (b) If an artist's medium and scope of work generate heat, odors, air-born particulate, dust or other such by-products, make-up air and/or ventilation systems may be required to ensure consistent air quality and prevent dissipation of those work by-products to neighboring properties.
 - (c) If an artist's medium and scope of work generate liquid by-products that require disposal, plumbing service, waste line upgrades, or other proper management of these wastes as required by law, such management must be demonstrated and be in place prior to issuance of a certificate of occupancy.
- (5) Baked Good Stores (P1)

- (a) Where baking is done on premises, the commercial kitchen equipment and prep areas shall meet the minimum standards for a restaurant with similar equipment.
 - (b) If air filtration and exhaust systems are required for the baking or cooking equipment to be utilized, the mechanical units for those systems shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures.
- (6) Banks (P1)
- (a) All banking activities shall be housed within the building; no walk-up sidewalk services shall be permitted.
 - (b) No drive-through banking services are permitted.
- (7) Bar: Class I (C)
- Because of the unusual characteristics of this use, the Planning Board shall attach such conditions and safeguards as it deems appropriate to mitigate any potential impacts on the surrounding area. At minimum, the following itemized conditions should be addressed as part of any approval for this use:
- (a) Sounds originating at the establishment shall not be plainly audible beyond the property line.
 - (b) Retractable walls or storefront systems are discouraged.
 - (c) Sound attenuation measures shall be taken to prevent vibration and sound migration to other parts of the host building and adjacent structures.
 - (d) Audio and visual equipment including music and other sound production devices, televisions, projection screens and lighting of all types shall be installed to minimize sound, glare and vibration and shall have controls that are easily accessible and adjustable for staff during hours of operation.
 - (e) Where food is prepared and served as part of the bar's regular operation, air filtration and exhaust systems shall be installed commensurate with the cooking and/or heating equipment installed; the mechanical units for those systems shall be located within the bar unit and/or on the upper roof of the host building and setback 6 feet from any adjacent structure.
 - (f) A refuse storage and disposal plan must be submitted describing where organic waste and recycling will be stored on the premises and how they will be removed and by whom.
- (8) Bar: Class II (P1)
- (a) Sound originating at the establishment shall not be plainly audible beyond the property line.
 - (b) Retractable walls or storefront systems are subject to site plan review and may only be permitted if expressly approved by the Planning Board.
 - (c) Sound attenuation measures shall be taken to prevent vibration and sound migration to other parts of the host building and adjacent structures. Such

measures may include, but are in no way limited to, installation of absorptive insulation in walls and ceiling, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments.

- (d) A refuse storage and disposal plan must be submitted describing where organic waste and recycling will be stored on the premises and how they will be removed and by whom.

(9) Billiards/Pool Halls (C)

Because of the unusual characteristics of this use, the Planning Board shall attach such conditions and safeguards as it deems appropriate to mitigate any potential impacts on the surrounding area. At minimum, the following itemized conditions should be addressed as part of any approval for this use:

- (a) Sound attenuation measures shall be taken to prevent sound migration to other parts of the host building and adjacent structures.
- (b) An establishment that serves food or alcohol shall comply, at minimum, with the conditions prescribed for a bar or restaurant of similar size and/or occupancy as defined and/or classified herein.
- (c) An establishment with more than 1,000 square feet of public area shall provide 1 parking space for each 200 square feet of assembly area, rounded to the closest whole number; parking spaces shall be located in a public or private parking facility not more than 5 block-lengths away.

(10) Bowling Centers (C)

Because of the unique characteristics of this use, the Planning Board shall attach such conditions and safeguards as it deems appropriate to mitigate any potential impacts on the surrounding area. At minimum, the following itemized conditions should be addressed as part of any approval for this use:

- (a) A bowling center shall only be located in a non-residential building.
- (b) A bowling center shall be so constructed to prevent vibration and sound migration to other parts of the host building and adjacent structures.
- (c) An establishment that serves food or alcohol shall comply, at a minimum, with the conditions prescribed for a bar or restaurant of similar size and/or occupancy as defined and/or classified herein.
- (d) An establishment with 3 or more bowling lanes shall provide 2 parking spaces per lane in a public or private parking facility located not more than 5 block-lengths away.

(11) Catering (P1)

- (a) Catering activities shall not be conducted as a home-based business.
- (b) Kitchen facilities shall meet the same requirements for fire safety, air filtration and exhaust systems commensurate with the cooking and/or heating equipment installed.

- (c) Catering activities shall be approved and licensed by the Hoboken Health Department

(12) Clinics, Laboratories & Diagnostic Imaging Centers (C)

Because of the unusual characteristics of this use, the Planning Board shall attach such conditions and safeguards as it deems appropriate to mitigate any potential impacts on the surrounding area. At minimum, the following itemized conditions should be addressed as part of any approval for this use:

- (a) A list of any controlled substances, chemicals and hazardous materials to be used on the premises must be submitted along with written handling and storage procedures, where applicable.
- (b) A waste storage and disposal plan must be submitted describing where waste, including any medical waste, will be stored on the premises and how the waste will be removed and by whom.
- (c) If the facility includes equipment or services that may generate noise or vibration, attenuation measures shall be taken to prevent vibration and sound migration to other units adjacent to or above the facility. Such measures may include, but are in no way limited to, installation of absorptive insulation in walls and ceiling, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments.
- (d) If the facility will be conducting activities that are likely to generate heat, odors, air-born particulate, dust or other such by-products, a make-up air and/or ventilation systems shall be required to ensure consistent air quality and prevent dissipation of those work by-products to neighboring properties.
- (e) Parking may be required depending upon the intensity of use of the particular clinic, laboratory or diagnostic center. The number of spaces shall be determined by the Planning Board or Zoning Board of Adjustment, as the case may be.

(13) Commercial Buildings (C)

Because of the unusual characteristics of this use, the Planning Board shall attach such conditions and safeguards as it deems appropriate to mitigate any potential impacts on the surrounding area. At minimum, the following itemized conditions should be addressed as part of any approval for this use:

- (a) A commercial building shall have no residential occupancy.
- (b) The property owner may address parking requirements for the entire building as part of their site plan approval. Where no parking is provided through the site plan process, each tenant shall be individually responsible for providing parking as required pursuant to §196-44.

(14) Community Centers (C)

Because of the unusual characteristics and potential impacts of a community center on the surrounding area, any community center shall be considered as an individual case subject to Planning Board review. The Planning Board shall attach

such conditions and safeguards to any approval for use and development as it deems appropriate and necessary to ensure initial and continual conformance with the standards and requirements set forth in this Chapter and all other applicable regulations.

(15) Confectionery Stores (P1)

- (a) Where candy making or other edibles are produced on premises, the commercial kitchen equipment and prep areas shall meet the minimum standards for a restaurant with similar equipment.
- (b) If air filtration and exhaust systems are required for the kitchen or manufacturing equipment to be utilized, the mechanical units for those systems shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures.
- (c) The above requirements shall not apply if the confections are prepared off-site and the premises are utilized solely for retail sale and distribution of such confections.

(16) Elementary & Secondary Schools (C/P1)

- (a) Schools with a floor area of 3,000 square feet or more shall be a conditional use subject to Planning Board review. The Planning Board shall attach such conditions and safeguards to any approval of a School use that it deems appropriate and necessary to ensure conformance with the standards and requirements set forth in this Chapter and all other applicable regulations. Schools with less than 3,000 square feet of floor area shall be permitted uses provided they meet the requirements of subsections (b) and (c), below.
- (b) Sound attenuation measures shall be taken to prevent sound migration to other parts of the host building and adjacent structures. Such measures may include, but are in no way limited to, installation of absorptive insulation in walls and ceiling, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments.
- (c) If the school use requires a loading zone or pick-up/drop-off area that will necessitate the vacating of any parking spaces or that will impact the traffic circulation along the street or public way, that alteration of the right-of-way must be approved by the Department of Transportation and the City Council prior to issuance of any permits.

(17) Event Spaces (C/P1)

- (a) Hours of operation shall be limited to the hours of operation of the underlying permitted use or, if there is no underlying permitted use other than the event use, the hours of operation shall be limited to 8:00 a.m. to 11:00 p.m.
- (b) An event space where food is prepared, cooked and/or reheated if cooked off premises shall have air filtration and exhaust systems commensurate with the cooking and/or heating equipment installed; the mechanical units for those systems shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures.

- (c) Sound attenuation measures shall be designed and implemented to the satisfaction of the Planning Board. At minimum, sound attenuation measures shall be taken to prevent vibration and sound migration to other units beside or above the event space. Such measures may include, but are in no way limited to, installation of absorptive insulation in walls and ceiling, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments.
- (d) Audio and visual equipment including music and other sound production devices, televisions, projection screens and lighting of all types shall be installed to minimize sound, glare and vibration and shall have controls that are easily accessible and adjustable for staff during an event.
- (e) A refuse storage and disposal plan must be submitted describing where organic waste and recycling will be stored on the premises and how it will be removed and by whom.
- (f) An event space with more than 1,000 square feet of assembly area shall provide 1 parking space for each 8 persons of occupancy, rounded to the closest whole number; parking spaces shall be located in a public or private parking facility not more than 5 block-lengths away.
- (g) An event space that has 500 square feet or less of assembly area and/or an established occupancy of 35 persons or less shall be exempt from conditional use approval provided hours of operation and sound-attenuation conditions are met.

(18) Furniture & Upholstery Repair (P1)

- (a) Depending upon services provided by the specific business, sound attenuation measures may be required to prevent vibration and sound migration to other parts of the host building.
- (b) If the services provided include sawing, gluing, wood refinishing, or other work that generates heat, odors, air-born particulate, dust or other such by-products, a make-up air and/or ventilation system shall be required to ensure consistent air quality and prevent dissipation of those work by-products to neighboring properties.
- (c) An inventory of all chemical or hazardous materials to be used and/or housed on the premises must be submitted along with written handling and storage procedures, where applicable.
- (d) A waste storage and disposal plan must be submitted describing where waste will be stored on the premises and how the waste and other work by-products will be removed and by whom.

(19) Indoor Fitness Facilities; courts (e.g. tennis, basketball), pools, climbing gyms, batting cages, mini-golf, golf simulators, and similar (C)

Because of the unusual characteristics of these uses, the Planning Board shall attach such conditions and safeguards as it deems appropriate to mitigate any potential impacts on the surrounding area. At minimum, the following itemized conditions should be addressed as part of any approval for this use:

- (a) Sound attenuation measures shall be taken to prevent vibration and sound migration to other parts of the host building and adjacent structures.
 - (b) Parking and loading requirements shall be determined by the Planning Board, subject to the particular fitness facilities provided and the proposed occupancy.
- (20) Laundry & Dry Cleaning, drop-off only (P1)
- (a) All dry cleaning and laundering shall be performed off the premises.
 - (b) There shall be no use or storage of cleaning chemical or detergents on the premises.
- (21) Meat, Fish & Seafood Markets (P1)
- (a) Make-up air and ventilation systems shall be installed to ensure consistent air quality and eliminate any potential odors.
 - (b) All mechanical equipment for refrigeration, cooling and air-handling shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures. Visual screening and/or a sound attenuation enclosure may be required.
 - (c) No service line, ventilation duct-work, exhaust chimney or other appurtenance associated with the business' operating equipment shall be installed on any exterior wall of the building fronting on a street or extending into the public right-of-way.
 - (d) A refuse storage and disposal plan must be submitted describing where organic waste and recycling will be stored on the premises and how they will be removed and by whom.
- (22) Medical & Dental Offices (P1)
- (a) A list of any controlled substances, chemicals and hazardous materials to be used on the premises must be submitted along with written handling and storage procedures, where applicable.
 - (b) A waste storage and disposal plan must be submitted describing where waste, including any medical waste, will be stored on the premises and demonstrate how the waste shall ultimately be properly disposed of, and by whom.
 - (c) If the facility includes equipment or services that may generate noise or vibration, attenuation measures shall be taken to prevent vibration and sound migration to other units beside or above the facility. Such measures may include, but are in no way limited to, installation of absorptive insulation in walls and ceiling, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments.
 - (d) If the facility will be conducting activities that are likely to generate odors or air-born particulates, a make-up air and/or ventilation system may be required to ensure consistent air quality and prevent dissipation of those work by-products to neighboring units.

- (e) All mechanical equipment associated with the use shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures. Visual screening and/or a sound attenuation enclosure may be required.
- (23) Meeting & Convention Facilities (C/P1)
See "Event Space"
- (24) Mixed Use Buildings (P1)
 - (a) No residential units in a mixed use building shall be located on the same floor or below a non-residential use.
 - (b) The residential portion of the building shall have a separate entrance from any non-residential use or uses.
- (25) Movie & Performing Arts Theatres (C)
Because of the unusual characteristics and potential impacts of a movie or performing arts theatre on the surrounding area, any movie theatre or performing arts facility shall be considered as an individual case subject to Planning Board review. The Planning Board shall attach such conditions and safeguards to any approval for use and development as it deems appropriate and necessary to ensure initial and continual conformance with the standards and requirements set forth in this Chapter and all other applicable regulations.
- (26) Music Stores; prerecorded, instruments and supplies (P1)
 - (a) Stores selling instruments and/or where music lessons are offered shall install sound and vibration attenuating measures to prevent vibration and sound migration to other units beside or above the store. Such measures may include, but are in no way limited to, installation of absorptive insulation in walls and ceiling, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments.
 - (b) Hours when lessons may be offered shall be limited to 8:00 a.m. to 9:00 p.m.
- (27) Other Instructional & Training Facilities (C/P1)
 - (a) Instructional or Training Facilities, including Vocational and Trade Schools, with a gross floor area of 3,000 square feet or more shall be a conditional use subject to Planning Board review. The Planning Board shall attach such conditions and safeguards to any approval of an instructional or training facility that it deems appropriate and necessary to ensure conformance with the standards and requirements set forth in this Chapter and all other applicable regulations. Facilities with less than 3,000 square feet of floor area shall be permitted uses provided it meets the requirements of (b) and (c) below.
 - (b) Sound attenuation measures shall be taken to prevent sound migration to other parts of the host building and adjacent structures. Such measures may include, but are in no way limited to, installation of absorptive insulation in walls and

ceiling, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments.

- (c) If the instruction or training activities are likely to generate odors or air-borne particulates, a make-up air and/or ventilation system may be required to ensure consistent air quality and prevent dissipation of those training by-products to neighboring units.
- (d) Parking shall be provided in accordance with §196-44. Spaces shall be located in a public or private parking facility not more than a 5 block length away.

(28) Places of Worship (C/P1)

- (a) Because of the unique characteristics and potential impacts on the surrounding area, Places of Worship that have an occupancy greater than 50 persons shall each be considered as an individual case subject to Planning Board review. The Planning Board shall attach such conditions and safeguards to any approval for use and development as it deems appropriate and necessary to ensure initial and continual conformance with the standards and requirements set forth in this Chapter and all other applicable regulations.
- (b) Exception shall be given to a Place of Worship that meets building code requirements for a place of assembly but has an occupancy of 50 persons or less provided the Place of Worship does not include cooking facilities of any kind and is not used for any accessory uses, such as, but not limited to, child care.

(29) Private Membership Clubs (C/P1)

Because of the unusual characteristics of this use, the Planning Board shall attach such conditions and safeguards as it deems appropriate to mitigate any potential impacts on the surrounding area. At minimum, the following itemized conditions should be addressed as part of any approval for this use:

- (a) Private membership clubs shall be open only to members and their guests.
- (b) Clubs with commercial kitchen facilities shall have air filtration, exhaust and fire suppressions systems commensurate with the cooking equipment installed; the mechanical units for those systems shall be located within the club and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures.
- (c) Sound attenuation measures shall be taken to prevent vibration and sound migration to other units beside or above the club and to adjacent structures.
- (d) Clubs wishing to lease their facilities to non-members for events shall also meet the requirements of an “event space”.
- (e) Any private club with more than 1,000 square feet of assembly area shall provide 1 parking space for each 8 persons of occupancy, rounded to the closest whole number; parking spaces shall be located in a public or private parking facility not more than a 5 block length away.
- (f) A private club that has 500 square feet or less of assembly area and/or that has an established occupancy of 50 persons or less shall be exempt from conditional

use approval provided the space is not available to the general public for rent as an event space and sound-attenuation requirements are met.

(30) Restaurants:

(a) Class I (C)

Because of the unusual characteristics of this use, the Planning Board shall attach such conditions and safeguards as it deems appropriate to mitigate any potential impacts on the surrounding area. At minimum, the following itemized conditions should be addressed as part of any approval for this use:

- [1] Air filtration, exhaust and fire suppression systems shall be commensurate with the cooking equipment installed; the mechanical units for those systems shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures. Visual screening and/or a sound attenuation enclosure may be required.
- [2] Refrigeration and cooling equipment shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures. Visual screening and/or a sound attenuation enclosure may be required.
- [3] No service line, ventilation duct-work, exhaust chimney or other appurtenance associated with the business' operating equipment shall be installed on any exterior wall of the building fronting on a street or extending into the public right-of-way.
- [4] A refuse storage and disposal plan must be submitted describing where organic waste and recycling will be stored on the premises and how it will be removed and by whom.
- [5] Sound attenuation measures shall be taken to prevent vibration and sound migration from within the restaurant to other units beside or above the restaurant and to adjacent structures.
- [6] Audio and visual equipment including, but not limited to, music speakers, televisions, projection screens, and other sound production devices, and lighting of all types, where installed, shall be installed in such a manner so as to prevent sound, glare and vibration from emanating beyond the property line and shall have controls that are easily accessible and adjustable for staff during operation.
- [7] Parking shall be required pursuant to §196-44.

(b) Class II (P1)

- [1] Air filtration, exhaust and fire suppression systems shall be commensurate with the cooking equipment installed; the mechanical units for those systems shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures. Visual screening and/or a sound attenuation enclosure may be required.
- [2] Refrigeration and cooling equipment shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more

from any adjacent structures. Visual screening and/or a sound attenuation enclosure may be required.

- [3] No service line, ventilation duct-work, exhaust chimney or other appurtenance associated with the business' operating equipment shall be installed on any exterior wall of the building fronting on a street or extending into the public right-of-way.
- [4] A refuse storage and disposal plan must be submitted describing where organic waste and recycling will be stored on the premises and how it will be removed and by whom.
- [5] Sound attenuation measures shall be taken to prevent sound and vibration migration from within the restaurant to other units beside or above the restaurant and to adjacent structures. Such measures may include, but are in no way limited to, installation of absorptive insulation in walls and ceiling, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments.
- [6] Audio and visual equipment including, but not limited to, music speakers, televisions, projection screens, and other sound production devices, and lighting of all types, where installed, shall be installed in such a manner so as to prevent sound, glare and vibration from emanating beyond the property line and shall have controls that are easily accessible and adjustable for staff.
- [7] Retractable walls or storefront systems are subject to site plan review and may only be permitted if expressly approved by the Planning Board.

(c) Class III (P1)

- [1] Where applicable, air filtration, exhaust and fire suppression systems shall be commensurate with the cooking equipment installed; the mechanical units for those systems shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures. Visual screening and/or a sound attenuation enclosure may be required.
- [2] Refrigeration and cooling equipment shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures. Visual screening and/or a sound attenuation enclosure may be required.
- [3] No service line, ventilation duct-work, exhaust chimney or other appurtenance associated with the business' operating equipment shall be installed on any exterior wall of the building fronting on a street or extending into the public right-of-way.
- [4] A refuse storage plan must be submitted describing where organic waste and recycling will be stored on the premises and how it will be removed and by whom.

(31) Vocational & Trade Schools (C/P1)

See "Other Instructional & Training Facilities"

F. Recognizing that the Business District Overlay is being applied to a highly developed area, it is anticipated that strict compliance with every standard may not always be practical or necessary to meet the purposes of this section. In such cases, the Planning Board is therefore authorized to approve deviations with the required standards set forth above in subsection E, above, to the extent that it is necessary and appropriate to do so to accommodate existing conditions and/or limitations, provided all of the following findings are made by the Planning Board in rendering a decision that such a deviation is appropriate:

- (1) Approval is necessary or appropriate so as to reasonably accommodate existing site constraints or development limitations; and
- (2) Approval does not create and undue, adverse effect on adjacent properties or uses; and
- (3) Approval does not increase the bulk of the host building; and
- (4) Approval does not conflict with the intent of the standard being waived or modified; and
- (5) Approval allows for an improvement that will add to the overall vitality of the street and advance the purposes of this Overlay Zone and the City's Municipal Code.

SECTION 3: All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only, however, to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or parts of ordinances now existing or in effect shall remain in effect unless the same are in conflict or inconsistent with any provision of this Ordinance. This Ordinance shall also supersede any inconsistent provisions contained in any resolution previously adopted by the Hoboken City Council.

SECTION 4: The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or phrase thereof, for any reason, is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it is the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part thereof.

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

---Motion duly seconded by Council President Giattino

---Adopted by the following vote: Yeas: 9 Nays: 0

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

---Nays: None.

RESOLUTIONS

Community Development

17-300

---By Councilman DeFusco

A RESOLUTION REFERRING PROPOSED ORDINANCES AND AMENDMENTS TO THE PLANNING BOARD OF THE CITY OF HOBOKEN FOR REVIEW AND RECOMMENDATION

WHEREAS, pursuant to N.J.S.A. 40:55D-26a of the Municipal Land Use Law, the prior to the adoption of any development regulation by the governing body, the governing body must transmit same to the Planning Board for its report and recommendations thereon, and

WHEREAS, the Planning Board shall, within 35 days after referral, submit a report of its findings and recommendations thereon to the governing body.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the following Ordinance, by title, read for introduction on this 3rd day of May, 2017 shall be sent to the Planning Board of the City of Hoboken for review and recommendation.

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 196 (ZONING)
OF THE MUNICIPAL CODE OF THE CITY OF HOBOKEN**

---Motion duly seconded by Council President Giattino

---Adopted by the following vote: Yeas: 9 Nays: 0

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

---Nays: None.

ORDINANCES (continued)
Introduction and First Reading

17-301

Z-491

---By Councilman Cunningham

AN ORDINANCE AMENDING THE CODE OF THE CITY OF HOBOKEN CHAPTER 86 "CONSTRUCTION CODES, UNIFORM" AT §3(D)(2)(A) TO REFLECT THE CORRECT FEE

WHEREAS, §86-3(D)(2)(A) of the Hoboken City Code sets the fire protection subcode fees; and,

WHEREAS, the fee for the installation of aboveground and below-ground storage tanks for Class I, II and III flammable and combustible liquids of 10,001 or more gallons is currently listed as \$100; and,

WHEREAS, the actual fee for the above should be \$125.00.

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

The Code of the City of Hoboken shall be amended with the following additions and deletions:

§86-3(D)(2)(A)

The fire protection subcode fee shall be:

(a) For the installation of aboveground and below-ground storage tanks for Class I, II and III flammable and combustible liquids:

| Capacity (gallons) | Fee |
|---------------------------|-------------------------------|
| Up to 1,000 | \$50 |
| 1,001 to 5,000 | \$75 |
| 5,001 to 10,000 | \$100 |
| 10,001 or more | \$100 <u>\$125</u> |

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

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

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

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: Yeas: 9 Nays: 0

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

---Nays: None.

17-302

Z-492

---By Councilman Russo

AN ORDINANCE AMENDING CHAPTER 190 OF THE HOBOKEN CITY CODE ENTITLED "VEHICLES AND TRAFFIC" TO AMEND VARIOUS PARKING AND TRAFFIC CIRCULATION REGULATIONS ON NEWARK STREET

WHEREAS, Newark Street between Madison Street and Willow Avenue is in need of safety improvements as evidenced by the fact that there were thirty-six (36) crashes resulting in nine (9) injuries between 2011 and 2015; and,

WHEREAS, the City of Hoboken hired Kimley-Horn to create a plan for designing safety improvements for all roadway users along Newark Street between Jefferson Street and Willow Avenue; and,

WHEREAS, a public meeting was held on February 16, 2017 at the Multi-Service Center at 124 Grand Street to solicit community feedback on the proposed Newark Street safety improvements; and,

WHEREAS, improvements recommended in the Newark Street Safety Improvements Plan are supported by the City's Master Plan, Bicycle and Pedestrian Plan, and Complete Streets Policy; and,

WHEREAS, the plan recommends numerous pedestrian safety improvements, including four new high-visibility crosswalks, 10 curb extensions, a new mid-block crosswalk between Adams Street and Jefferson Street that connects pedestrians crossing Observer Highway at Henderson Street, new Americans with Disabilities Act (ADA)-compliant curb ramps, and installation of Rectangular Rapid Flashing Beacon (RRFB) signs which have been shown to result in driver stop compliance for pedestrians in uncontrolled crosswalks between 72 and 96 percent; and,

WHEREAS, the plan recommends converting the underutilized striped shoulder on the south side of Newark Street into a physically separated eastbound bike lane between Jefferson Street and Willow Avenue, which would help keep vehicles from parking on the sidewalk, reduce the frequency of cyclists riding on the sidewalk, and enhance safety for bicycle riders of all ages and abilities; and,

WHEREAS, the plan recommends adding two loading zones on the north side of Newark Street to accommodate residential, commercial, and retail loading and deliveries throughout the corridor in a safe, orderly, and legal manner; and,

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

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF HOBOKEN, as follows (additions noted in underline, ~~deletions noted in strikethrough~~):

SECTION ONE: AMENDMENTS TO HOBOKEN CODE CHAPTER 190

§ 190-11. Loading zones.

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

| Name of Street | Times | Sides | Location |
|-----------------------|---|--------------|---|
| <u>Newark Street</u> | <u>8:00 a.m. to 4:00 p.m.</u> <u>Monday through</u> <u>Saturday</u> | <u>North</u> | <u>Beginning at a point 45 feet west of the westerly curbline of Willow Avenue and extending 40 feet westerly therefrom</u> |
| <u>Newark Street</u> | <u>8:00 a.m. to 4:00 p.m.</u> <u>Monday through</u> <u>Saturday</u> | <u>North</u> | <u>Beginning at point 25 feet west of the westerly curbline of Adams Street and extending 90 feet westerly therefrom</u> |

§ 190-22. Mid-block crosswalks.

Pursuant to this §190-22, the herein described location shall be designated as a mid-block crosswalk:

| Name of Street | Location |
|-----------------------|--|
| <u>Newark Street</u> | <u>From a point 87 feet east of the easterly curbline of Jefferson Street and extending 22 feet easterly therefrom</u> |

§ 190-47. Streets designated.

E. The following roadways are hereby designated as bicycle lanes and/or routes:

| Street | Begin | End | Class |
|----------------------|-------------------------|----------------------|--------------|
| <u>Newark Street</u> | <u>Jefferson Street</u> | <u>Willow Avenue</u> | <u>I</u> |

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall 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 immediately upon passage and publication as provided by law.

SECTION FIVE: CODIFICATION

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

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

---Motion duly seconded by Councilman DeFusco

---Adopted by the following vote: Yeas: 9 Nays: 0

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

---Nays: None.

17-303

Z-493

---By Councilwoman Fisher

AN ORDINANCE AMENDING THE CODE OF THE CITY OF HOBOKEN BY ADDING A SECTION TO CHAPTER 60 ENTITLED ENVIRONMENTALLY PREFERABLE PURCHASING GUIDELINES

WHEREAS, the City of Hoboken seeks to institute practices that reduce waste by increasing product efficiency and effectiveness; and,

WHEREAS, the City of Hoboken seeks to purchase products that minimize environmental impacts, toxics, pollution, and hazards to worker and community safety to the greatest extent practicable; and,

WHEREAS, the City of Hoboken recognizes that recycled content products are essential to the continuing viability of the City's recycling system; and,

WHEREAS, the City of Hoboken seeks to purchase products that include recycled content, are durable and long-lasting, conserve energy and water, reduce greenhouse gas emissions, are lead-free and mercury-free, and use wood from sustainably harvested forests (FSC) when and where possible; and,

WHEREAS, by including environmental considerations in purchasing decisions, the City of Hoboken can promote practices that improve public and worker health, conserve natural resources, and reward environmentally conscious manufacturers, while remaining fiscally responsible; and,

WHEREAS, taking steps to purchase environmentally preferable products is a high priority in protecting the health, safety, and welfare of Hoboken citizens; and,

WHEREAS, pursuant to N.J.S.A. 40:48-2, the City of Hoboken has the power to adopt ordinances necessary and proper for the protection of persons and property, and the preservation of the public health, safety and welfare; and,

WHEREAS, the goal of this ordinance is to encourage and increase the use of environmentally preferable products and services in the City of Hoboken; and,

WHEREAS, the objectives of this ordinance are to:

- Conserve natural resources,
- Minimize environmental impacts such as pollution and use of water and energy,
- Eliminate or reduce toxics that create hazards to workers and our community,
- Support strong recycling markets,
- Reduce materials that are routinely land filled or disposed of,
- Increase the use and availability of environmentally preferable products that protect the environment,
- Identify environmentally preferable products and associated distribution systems,

- Reward manufacturers and vendors with contracts that reduce environmental impacts in their production and distribution systems or services,
- Collect and maintain up-to-date information regarding manufacturers, vendors and other sources for locating/ordering environmentally preferable products,
- Create a model for successfully purchasing environmentally preferable products that encourages other purchasers in our community to adopt similar goals; and,

WHEREAS, the City of Hoboken understands that the evaluation and implementation phases of this ordinance will require changes in awareness, behaviors, practices and operating procedures, and to the extent possible, it is the City’s intention to have a participative process as it researches, evaluates and implements the environmentally preferable purchasing guidelines.

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

The Code of the City of Hoboken in Hudson County shall be amended by the addition of a section in Chapter 60 entitled, “Environmentally Preferable Purchasing Guidelines,” to read as follows:

§60-17 Environmentally Preferable Purchasing Guidelines

Purchasing of supplies shall conform to the following Environmentally Preferable Purchasing Guidelines, when and where possible.

A. Specifications

1. Source Reduction

- a. The City shall institute practices that reduce waste and result in the purchase of fewer products whenever practicable and cost-effective, but without reducing safety or overall workplace quality.
- b. All documents shall be printed and photocopied on both sides (duplex) to reduce the use and purchase of photocopy paper.
- c. Packaging that is reusable, recyclable or compostable shall be preferred, when suitable uses and programs readily exist.
- d. Vendors shall be encouraged to eliminate excess packaging or to utilize the minimum amount necessary for product protection, to the greatest extent practicable.
- e. Products that are durable, long lasting, reusable or refillable shall be preferred whenever available.
- f. The City shall purchase remanufactured products such as toner/printer cartridges, retread tires, furniture, equipment and automotive parts whenever practicable, but without reducing safety, quality or effectiveness.

- g. Vendors of electronic equipment, including but not limited to computers, monitors, printers, fax machines and photocopiers, shall be required to take back the equipment for reuse or environmentally safe recycling when the City discards or replaces such equipment, whenever & where practicable.
- h. Vendors shall be encouraged to take back and reuse wooden pallets and other shipping and packaging materials when and where practicable.
- i. The City shall consider provisions in contracts with vendors of non-electronic equipment that require vendors to take back equipment for reuse or environmentally safe recycling when the City discards or replaces such equipment, whenever practicable.
- j. The Using Agency shall consider short-term and long-term costs in comparing product alternatives, when feasible. This includes the evaluation of the total costs expected during the lifetime of the product, including, but not limited to, acquisition, extended warranties, operation, supplies, maintenance, disposal costs and expected lifetime compared to other alternatives.

2. Recycled Content Products

- a. All products for which the United States Environmental Protection Agency (U.S. EPA) has established minimum recycled content standard guidelines in the Agency's Comprehensive Procurement Guidelines (e.g., printing paper, photocopy paper, janitorial paper products, construction, landscaping, parks and recreation, transportation, vehicles, miscellaneous and non-paper office products), shall contain the highest postconsumer content practicable to the application, but no less than the minimum recycled content standards established by the U.S. EPA Guidelines.
- b. Photocopiers and printers purchased or leased by the City shall be compatible with the use of recycled content and remanufactured products.
- c. All pre-printed recycled content papers intended for distribution that are purchased or produced shall contain a statement that the paper is recycled.
- d. The City shall purchase re-refined lubricating and industrial oil for use in its vehicles and other motorized equipment, as long as it is certified by the American Petroleum Institute (API) as appropriate for use in such equipment.
- e. When specifying asphalt concrete, aggregate base or Portland Cement Concrete for road construction projects, the City shall utilize recycled, reusable or reground materials.
- f. The City shall specify and purchase recycled content transportation products, including signs, traffic cones, parking stops, delineators, and barricades, which shall contain the highest postconsumer content practicable.

3. Energy & Water Savings

- a. All products purchased by the City and for which the U.S. EPA Energy Star certification is available (e.g., appliances, heating, ventilation, and

air conditioning) shall meet Energy Star certification, when practicable and available. When Energy Star labels are not available, the City shall choose energy-efficient products that are in the upper 25% of energy efficiency as designated by the Federal Energy Management Program.

- b. All products purchased by the City and for which the U.S. EPA WaterSense certification is available (e.g., toilets, low-flow faucets and aerators, and upgraded landscape irrigation systems) shall meet WaterSense certification, when practicable and available.
- c. The City shall replace inefficient interior lighting with energy-efficient equipment and bulbs.
- d. The City shall work with PSE&G to replace inefficient exterior lighting, street lighting and traffic signal lights with energy-efficient equipment and bulbs. Exterior lighting shall be minimized when and where possible to avoid unnecessary lighting of architectural and landscape features while providing adequate illumination for safety and accessibility.

4. Green Buildings & Design

- a. All building and renovations undertaken by the City shall follow Green Building Practices for design, construction, and operation, where appropriate and practicable, as described in the LEED Rating System. Architects and engineers for procured for said work shall be required to have LEED accredited professionals on their staff assigned to the project.
- b. Green building practices should be consistent with the City of Hoboken Green Building Policy (“A resolution of support for the adoption of green building practices for civic, commercial and residential buildings,” October 19, 2011).

5. Landscaping & Hardscaping

- a. All landscape renovations, construction and maintenance performed by the City, including workers and contractors providing landscaping services for the City, shall employ sustainable landscape management techniques for design, construction and maintenance, including, but not limited to, integrated pest management (IPM), grass recycling, drip irrigation, composting, and the procurement and use of mulch and compost that give preference to those products produced from regionally generated plant debris and/or food waste programs.
- b. Native and drought-tolerant plants that require no or minimal watering once established are preferred. Plants should be selected to minimize waste by choosing species for purchase that are appropriate to the microclimate, species that can grow to their natural size in the space allotted to them, and perennials rather than annuals for color variations should be utilized.
- c. Hardscapes and landscape structures constructed of recycled content materials are encouraged.

- d. The City shall limit the amount of impervious surfaces in the landscape. Permeable substitutes, such as porous asphalt, are encouraged for walkways, plazas, and driveways.

6. Toxics & Pollution

- a. The City shall purchase, or require janitorial contractors to supply, industrial and institutional cleaning products that meet and/or exceed the Green Seal Certification Standards for environmental preferability and performance.
- b. The City shall purchase, or require janitorial contractors to supply, vacuum cleaners that meet the requirements of the Carpet and Rug Institute “Green Label” Testing Program.
- c. The City shall purchase materials (e.g., paint, carpeting, flooring materials, furniture) with the lowest amount of volatile organic compounds (VOCs), highest recycled content, and low or no formaldehyde or lead.
- d. The use of chlorofluorocarbon, Halon and Freon containing refrigerants, solvents and other products shall be phased out and new purchases of heating/ventilating/air conditioning, refrigeration, insulation and fire suppression systems shall not contain them.
- e. When replacing vehicles, the City shall consider less-polluting alternatives to gasoline and diesel as may be available for the application (e.g., bio-based fuels, hybrids, electric batteries, and fuel cells).
- f. When maintaining buildings and landscapes, the City shall manage pest problems through prevention and physical, mechanical and biological controls (e.g., Integrated Pest Management), using the least toxic pest control method as a last resort.
- g. The City shall not purchase products that use halogens, polyvinyl chloride (PVC), lead, phthalates and asbestos.
- h. All surfactants and detergents shall be readily biodegradable and, where practicable, shall not contain phosphates.
- i. For products that contain lead or mercury, the City shall give preference to those products with lower quantities of these metals and to vendors with established lead and mercury recovery programs.
- j. The City shall purchase desktop computers, notebooks and monitors purchased that meet, at a minimum, all Electronic Product Environmental Assessment Tool (EPEAT) environmental criteria designated as “required” as contained in the IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products.

7. Forest Conservation

- a. The City shall give preference to wood products that are certified to be sustainably harvested by a comprehensive, performance-based certification system including independent third-party audits when available (e.g., Forest Stewardship Council (FSC) certification).
- b. The City encourages the purchase or use of previously utilized and/or salvaged wood and wood products when available.

8. Bio-Based Products

- a. Bio-based plastic products that are biodegradable and compostable, such as bags, film, food and beverage containers, and cutlery, are encouraged when available.
 - i. Compostable plastic products purchased shall meet American Society for Testing and Materials (ASTM) standards as found in ASTM D6400-04.
 - ii. Biodegradable plastics used as coatings on paper and other compostable substrates shall meet ASTM D6868-03 standards.
 - iii. Proof of compliance with ASTM standards for compostable, biodegradable and degradable plastic products shall be provided by vendors of such products, upon request. One acceptable proof of compliance for compostable plastic products shall be the certification by the Biodegradable Products Institute (BPI).
- b. Vehicle fuels made from non-wood, plant-based contents such as vegetable oils are encouraged when available.
- c. Paper and construction products made from non-wood, plant-based contents such as agricultural crops and residues are encouraged when available.

B. Priorities

1. The health and safety of Hoboken workers and citizens is of the utmost importance and takes precedence over all other policies and practices.
2. Nothing contained in this ordinance shall be construed as requiring the City, Purchasing Agent, Business Administrator, Using Agency, or Contractor to procure products that do not perform adequately for their intended use, exclude adequate competition, or are not available at a reasonable price in a reasonable period of time.
3. Nothing contained in this ordinance shall be construed as requiring the City, Purchasing Agent, Business Administrator, Using Agency, or Contractor to take any action that conflicts with local, state or federal requirements.

C. Implementation

1. The Business Administrator, Purchasing Agent, Using Agency, and other positions responsible shall implement this ordinance in coordination with other appropriate City personnel.
2. As applicable, successful bidders shall certify in writing that the environmental attributes claimed in competitive bids are accurate. In compliance with New Jersey State Law, vendors shall be required to specify the minimum or actual percentage of recovered and postconsumer material in their products, even when such percentages are zero.

3. Upon request, the Purchasing Agent, Business Administrator, or Using Agency making the selection from competitive bids shall be able to provide justification for product choices that do not meet the environmentally preferable purchasing criteria in this ordinance.
4. Vendors, contractors and grantees shall be encouraged to comply with applicable sections of this ordinance for products and services provided to the City, where practicable.

D. Evaluation

1. The Business Administrator, Purchasing Agent, Using Agency, and other positions responsible for implementing this ordinance, shall periodically meet and evaluate the success of implementation.

The Code of the City of Hoboken in Hudson County shall be amended by the addition of certain definitions to §60-2 Word usage; definitions, as follows:

American Society for Testing & Materials — ASTM International, an open forum for the development of high quality, market relevant international standards use around the globe.

Bio-Based Products — commercial or industrial products (other than food or feed) that utilize agricultural crops or residues but does not include products made from forestry materials.

Biodegradable Plastic — the degradation of the plastic must occur as a result of the action of naturally occurring microorganisms.

Biodegradable Products Institute (BPI) — a multi-stakeholder association of key individuals and groups from government, industry and academia, which promotes the use, and recycling of biodegradable polymeric materials (via composting). BPI does not create standards but certifies products that demonstrate they meet the requirements in ASTM D6400 or D6868, based on testing in an approved laboratory.

The Carpet & Rug Institute (CRI) — the national trade association representing the carpet and rug industry. CRI has developed and administered the “Green Label” indoor air quality testing and labeling program for carpet, adhesives, cushion materials and vacuum cleaners.

Chlorine Free — products processed without chlorine or chlorine derivatives.

Compostable Plastic — plastic that is biodegradable during composting to yield carbon dioxide, water and inorganic compounds and biomass, at a rate consistent with other known compostable materials and leaves no visually distinguishable or toxic residues.

Contractor — any person, group of persons, business, consultant, designing architect, association, partnership, corporation, supplier, vendor or other entity that has a contract with the City or serves in a subcontracting capacity with the City or with an entity having a contract with the City for the provision of any goods or services.

Degradable Plastic — plastic that undergoes significant changes in its chemical structure under specific environmental conditions.

Dioxins & Furans — a group of chemical compounds that are classified as persistent, bioaccumulative, and toxic by the U.S. Environmental Protection Agency (EPA).

Energy Star — the U.S. EPA's energy efficiency product labeling program.

Energy Efficient Product — a product that is in the upper twenty-five (25%) percent of energy efficiency for all similar products, or that is at least ten (10%) percent more efficient than the minimum level that meets Federal standards and guidelines.

Electronic Product Environmental Assessment Tool (EPEAT) — a procurement tool to help institutional purchasers in the public and private sectors evaluate, compare and select desktop computers, notebooks and monitors based on their environmental attributes.

Federal Energy Management Program — a program of the Department of Energy that issues a series of Product Energy Efficiency Recommendations that identify recommended efficiency levels for energy-using products.

Forest Stewardship Council (FSC) — a global organization that certifies responsible, on-the-ground forest management according to rigorous standards developed by a broad variety of stakeholder groups.

Green Building Practices — a whole-systems approach to the design, construction, and operation of buildings and structures that helps mitigate the environmental, economic, and social impacts of construction, demolition, and renovation. Green Building Practices such as those described in the LEED IM Rating System, recognize the relationship between natural and built environments and seeks to minimize the use of energy, water, and other natural resources and provide a healthy productive environment.

Green Seal — an independent, non-profit environmental labeling organization. Green Seal standards for products and services meet the U.S. EPA's criteria for third-party certifiers. The Green Seal is a registered certification mark that may appear only on certified products.

Integrated Pest Management (IPM) — an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and non-target organisms, and the environment.

LEED Rating System means the most recent applicable version of the Leadership in Energy and Environmental Design (LEED™) Rating System approved by the U.S. Green Building Council.

Organic Pest Management — prohibits the use and application of toxic chemical pesticides and strives to prevent pest problems through the application of natural, organic horticultural and maintenance practices. All pest control products shall be in keeping with, but not limited to, those products on the approved list of New Jersey Certified Organic Foods (NJOF).

Postconsumer Material — a finished material which would normally be disposed of as a solid waste, having reached its intended end-use and completed its life cycle as a consumer item, and does not include manufacturing or converting wastes.

Practical and Practicable — whenever possible and compatible with local, state and federal law, without reducing safety, quality, or effectiveness and where the product or service is available at a reasonable cost in a reasonable period of time.

Preconsumer Material — material or by-products generated after manufacture of a product is completed but before the product reaches the end-use consumer. Preconsumer material does not include mill and manufacturing trim, scrap or broke which is generated at a manufacturing site and commonly reused on-site in the same or another manufacturing process.

Recovered Material — fragments of products or finished products of a manufacturing process, which has converted a resource into a commodity of real economic value, and includes pre-consumer and postconsumer material but does not include excess resources of the manufacturing process.

Recycled Content — the percentage of recovered material, including pre-consumer and postconsumer materials, in a product.

Recycled Content Standard — the minimum level of recovered material and/or postconsumer material necessary for products to qualify as “recycled products.”

Recycled Product — a product that meets the City’s recycled content policy objectives for postconsumer and recovered material.

Remanufactured Product — any product diverted from the supply of discarded materials by refurbishing and marketing said product without substantial change to its original form.

Reused Product — any product designed to be used many times for the same or other purposes without additional processing except for specific requirements such as cleaning, painting or minor repairs.

Source Reduction — refers to products that result in a net reduction in the generation of waste compared to their previous or alternate version and includes durable, reusable and remanufactured products; products with no, or reduced, toxic constituents; and products marketed with no, or reduced packaging.

U.S. EPA Guidelines — the Comprehensive Procurement Guidelines established by the U.S. Environmental Protection Agency for federal agency purchases as of May 2002 and any subsequent versions adopted.

Water-Saving Products — WaterSense products or those that are in the upper twenty-five (25%) percent of water conservation for all similar products, or at least ten (10%) percent more water-conserving than the minimum level that meets the Federal standards.

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

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

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

---Motion duly seconded by Councilman Ramos

---Adopted by the following vote: Yeas: 9 Nays: 0

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

---Nays: None.

17-304

Z-494

---By Council President Giattino

AN ORDINANCE AMENDING CHAPTER 168 OF THE HOBOKEN CITY CODE ENTITLED "STREETS AND SIDEWALKS" TO EXTEND HOURS AT PROPELY LICENSED SIDEWALK CAFES

WHEREAS, the City of Hoboken's restaurants are typically slower in the summer months, a time when the weather lends itself to outdoor dining: and,

WHEREAS, extending the hours of operations of sidewalk cafes during summer months will allow for an extra hour of outdoor dining for residents and visitors; and

WHEREAS, the 2016 extended hour pilot program determined the extended hours in summer months were beneficial to the community and businesses.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF HOBOKEN, as follows (additions noted in underline, deletions noted in strikethrough):

SECTION ONE: AMENDMENTS TO HOBOKEN CODE CHAPTER 168-51 TERMS OF LICENSE; DATES AND HOURS OF OPERATION, SECTION D

§ 168-51(D.)

D. Hours of operation shall be between 8:00 a.m. and 11:00 p.m. seven days a week except as permitted in Section E of this article; and except that no alcoholic beverages, when permitted under this article, shall be served in a sidewalk cafe before 11:00 a.m. or when restricted by state or local alcoholic beverage control (ABC) laws.

E. Between Memorial Day and Labor Day each calendar year; on Thursday, Friday, and Saturday of each week; hours of operations shall be between 8:00 a.m. and 12:00 a.m.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall 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 immediately upon passage and publication as provided by law.

SECTION FIVE: CODIFICATION

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

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

---Motion duly seconded by Councilman Doyle
---Adopted by the following vote: Yeas: 9 Nays: 0
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo
and President Giattino
---Nays: None.

NO NEW BUSINESS

**At 10:02 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 10:02 PM

PRESIDENT OF THE COUNCIL

CITY CLERK