

1st reading (2)
10-19-13

Sponsored by: [Signature]
Seconded by: [Signature]

CITY OF HOBOKEN
ORDINANCE NO. Z-259

AN ORDINANCE TO AMEND CHAPTER 179A ENTITLED "TAXICABS" TO CLARIFY A RECENT AMENDMENT TO THE FARES

WHEREAS, the City determined that the allowable fares of § 179A-20 are outdated and need to be amended to take into account current taxi user activity and current costs of living, which was previously adopted by this Council, but the Council is now called upon to clarify the amendments by way of an additional amendment to the fare sections.

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

§ 179A-20 Taxicab fares.

The maximum rates of fare allowable for taxicabs licensed by the City of Hoboken shall be as follows:

A. Maximum Allowable Intra-City Fares

The maximum allowable fare for Intra-City taxi service shall be Six Dollars (\$6.00), except for taxi service initiating from the taxi stand at the New Jersey Transit/PATH station which shall have a maximum Intra-City fare of Five Dollars (\$5.00).

B. Additional Allowable Fees

1. If cab rides are shared with the consent of the first rider(s), the fee may be increased by \$5.00 so long as the second rider(s) is not going to the same exact destination. No more than two paying passengers per shared ride. The right of the taxicab operator to transport shared rides applies only at taxi stands designated by the City of Hoboken if there are more passengers than available taxis. The first rider must be taken to his or her destination first.
2. If a taxi picks up a party of more than one person at the taxi stand at the New Jersey Transit/PATH station for Intra-City travel, the taxi driver may charge an additional One Dollar (\$1.00) fee for each additional person, which fee shall be in addition to the allowable fare of Five Dollars (\$5.00), except that there shall be no additional charge for children under the age of Thirteen (13) years old.

C. Allowable Baggage Fees

In addition to the aforesaid rates, there shall be a charge of \$0.50 for each bag exceeding two, with which a driver assists a passenger, except that senior citizens shall not be subject to this fee.

D. Maximum Allowable Non-Intra-City Fares

Every driver must have a City approved Rate Book in the vehicle at all times and must use the rates included in the book.

No other amendments are made to § 179A as part of this Ordinance

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

Date of Introduction: October 17, 2013

Introduction:

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla	✓			
Theresa Castellano		✓		
Jen Giattino	✓			
Elizabeth Mason		✓		
David Mello	✓			
Tim Occhipinti	✓			
Michael Russo	✓			
President Peter Cunningham	✓			

Final Reading:

Councilperson	Yea	Nay	Abstain	No Vote
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Ravi Bhalla				
Theresa Castellano				
Jen Giattino				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Peter Cunningham				

Approved as to Legal Form:

Mellissa Longo, Interim Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of ____ Yeas to ____ Nays
On the ____ day of _____, 2013

James Farina, City Clerk

Vetoed by the Mayor for the following reasons: _____

-or-

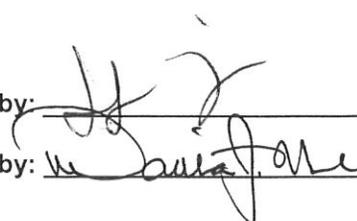
Approved by the Mayor
On the __ day of _____, 2013

Dawn Zimmer, Mayor

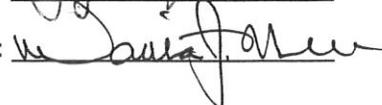
①

1st reading 11-6-13

Sponsored by:



Seconded by:



City of Hoboken
Ordinance No.: 7-263

AN ORDINANCE AMENDING CHAPTER §104 (FLOOD DAMAGE PREVENTION) TO REFLECT UPDATES RECOMMENDED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION'S LATEST REVISED MODEL ORDINANCE

WHEREAS, the State of New Jersey Department of Environmental Protection ("NJDEP") recently released an updated "Flood Damage Prevention" model ordinance; and

WHEREAS, the City of Hoboken, Mayor and Council, wish the local ordinance to remain current and consistent with the State's recommendations; and

WHEREAS, adoption of the new Advisory Base Flood Elevations ("ABFEs") and employment of stricter mitigation actions will ensure new and substantially altered structures are stronger, safer and less vulnerable to future flooding; and

WHEREAS, according to the NJDEP, it is well documented that flooding causes major social disruptions due to the need to relocate flood victims and provide emergency services to affected residents, which necessarily diverts emergency personnel from other essential tasks; and

WHEREAS, according to the National Flood Insurance Program ("NFIP"), from 1978 to June 30, 2013, New Jersey's total flood insurance claims paid equaled \$5,276,080,845 – the third highest in the nation; and

WHEREAS, according to the NFIP, Hoboken has more flood insurance policies in force than any other municipality in Hudson County, with liability to the NFIP of \$1,922,187,500; and

WHEREAS, according to the NFIP, Hoboken's property owners pay flood insurance premiums totaling \$5,984,720, which is the highest in Hudson County;

WHEREAS, the National Flood Insurance Program's most recent Flood Insurance Rate Map ("FIRM") for Hudson County, effective August 16, 2006, showed the existing piers and platforms on the Hoboken waterfront to be located within Zone AE, which zone FEMA defines as an area subject to inundation by the 1-percent-annual-chance flood event; and

WHEREAS, before Hurricane Sandy, the Federal Emergency Management Agency ("FEMA") had begun a coastal study to update FIRMs for portions of New Jersey in order to better reflect coastal flood risk; and

WHEREAS, after Hurricane Sandy, FEMA released ABFE maps based on FEMA's partially completed flood study in order to help in rebuilding and recovery efforts; and

WHEREAS, the most recent ABFE maps for Hudson County, effective February 22, 2013, show the existing piers and platforms on the Hoboken waterfront to be located within Advisory Flood Hazard Zone V, which zone is defined by FEMA as an area subject to high velocity wave action (a 3-foot breaking wave) from the 1% annual chance coastal flood; and

WHEREAS, the most recent Preliminary Work Maps released by FEMA show the existing piers and platforms on the Hoboken waterfront to be located within Zone V; and

WHEREAS, the NJDEP issued an Emergency Rule on January 24, 2013 to adopt emergency amendments to the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13); and

WHEREAS, pursuant to 44 C.F.R. § 60.3 (e):

“When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1–30 and/or AE on the community's FIRM and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified on the community's FIRM coastal high hazard areas by designating Zones V1–30, VE, and/or V, the community shall... (3) [p]rovide that all new construction within Zones V1–30, VE, and V on the community's FIRM is located landward of the reach of mean high tide.”

WHEREAS, Princeton Hydro, LLC and RCQuinn Consulting, Inc. have prepared and submitted to the City of Hoboken a report titled “Flood Hazard Risk and Compliance Concerning Development on Piers and Platforms, City of Hoboken, Hudson County, NJ,” dated October 2013; and

WHEREAS, adoption of the following methods of reducing flood losses will result in lower flood insurance rates for the residents and property owners of the City of Hoboken; and

WHEREAS, implementation of such mitigation actions are important to insure the health, safety and the general welfare of the community as a whole.

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

SECTION ONE: AMENDMENT

Chapter 104, FLOOD DAMAGE PREVENTION, of the Code of the City of Hoboken is hereby amended as follows; deletions to the current ordinance are noted in ~~striketrough~~, additions to the current ordinance are noted in underline.

Chapter 104. FLOOD DAMAGE PREVENTION

Article I. Statutory Authorization, Findings of Fact, Purpose and Objectives

§ 104-1. Statutory authorization.

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the City Council~~set~~ of the City of Hoboken, of Hudson County, New Jersey does ordain as follows.

§ 104-2. Findings of fact.

A. The flood hazard areas of the City of Hoboken are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

§ 104-3. Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;

- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To insure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 104-4. Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

Article II. Definitions

§ 104-5. Word usage; definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

ADVISORY BASE FLOOD ELEVATION (ABFE)

The elevation shown on a community's Advisory Flood Hazard Map that indicates the advisory Stillwater elevation plus wave effect (ABFE = SWEL + wave effect) resulting from a flood that has a 1% or greater chance of being equaled or exceeded in any given year.

ADVISORY FLOOD HAZARD AREA (AFHA)

The land in the floodplain within a community subject to flooding from the 1% annual chance event depicted on the Advisory Flood Hazard Map.

ADVISORY FLOOD HAZARD MAP

The official map on which the Federal Emergency Management Administration has delineated the areas of advisory flood hazards applicable to the community.

APPEAL

A request for a review of the ~~Construction Official~~ Floodplain Administrator's interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING

A designated AO or AH, or VO zone on a community's Flood Insurance Rate Map with a 1% or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not

exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD

The land in the flood plain within a community subject to a 1% or greater chance of flooding in any given year.

BASE FLOOD

The flood having a 1% chance of being equaled or exceeded in any given year.

BASEMENT

Any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

COASTAL A

The portion of the special flood hazard area (SFHA) starting from a Velocity (V) Zone and extending up to the landward limit of the moderate wave action delineation. Where no V Zone is mapped the Coastal A Zone is the portion between the shore and the landward limit of the moderate wave action delineation. Coastal A Zones may be subject to wave effects, velocity flows, erosion, scour, or a combinations of these forces.

COASTAL HIGH HAZARD AREAS

An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources also know as V-Zones.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within an area of special flood hazard.

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM)

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

ELEVATED BUILDING

A non-basement building (i) built in the case of a building in an Aarea of Special Flood Hazard, to have the top of the elevated floor or, in the case of a building in a Coastal High-Hazard Area, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Aarea of Special Flood Hazard "elevated building" also includes a building elevated by means of ~~fill or~~ solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In Areas of Coast High-Hazard "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

EROSION

The process of the gradual wearing away of land masses.

FLOOD INSURANCE RATE MAP (FIRM)

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS)

The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map and the water surface elevation of the base flood.

FLOOD or FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; and/or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN MANAGEMENT REGULATIONS

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

FREEBOARD

An open area, measured in feet as set forth in § 104-16.F, between the bottom of the lowest horizontal member and the base flood elevation (or ABFE). Freeboard is a margin of safety added to account for sea level rise, waves, debris, miscalculations, lack of data, or other environmental changes.

FUNCTIONALLY DEPENDENT USE

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE

Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

LIMIT OF MODERATE WAVE ACTION (LimWA)

Inland limit of the area affected by waves greater than 1.5 feet during the base flood. Base flood conditions between the V Zone and the LimWA will be similar to, but less severe than those in the V Zone.

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements.

MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreation vehicle."

~~MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION~~

~~A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.~~

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

~~NEW MANUFACTURED HOME PARK OR SUBDIVISION~~

~~A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the flood plain management regulations adopted by the municipality.~~

RECREATIONAL VEHICLE

A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION

For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE

A walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE

A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

ZONES

Flood zones are geographic areas that FEMA has defined according to varying levels of flood risk. These zones are depicted on a community's Flood Insurance Rate Map (FIRM) and Advisory Maps. These zones are defined as follows:

- A – Areas subject to inundation by the 1-percent-annual-chance flood event. Because detailed analyses are not performed for such areas; no depths of base flood elevations are shown within these zones.
- AE – The base floodplain where base flood elevations are provided.
- D – Areas with possible but undetermined flood hazards usually outside of the boundary of the .02-percent-annual-chance flood area.
- V – Coastal high hazard areas subject to inundation by the 1-percent-annual-chance flood event with additional hazards associated with high-velocity wave action.
- VE – Coastal high hazard areas where base flood elevations are provided.
- X – Area of moderate flood hazard, usually the area between the limits of the 100-year (1%) and 500-year (.02%) flood.

Where used in this ordinance, "A" shall include AE, "V" shall include VE, and vice versa.

Article III. General Provisions

§ 104-6. Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Hoboken, Hudson County, New Jersey.

§ 104-7. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard for the City of Hoboken, Community No. 340222, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- A. A scientific and engineering report "Flood Insurance Study, Hudson County, New Jersey (All Jurisdictions)" dated August 16, 2006.
- B. Flood Insurance Rate Map for Hudson County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 0043, 0044, 0106, 0107; whose effective date is August 16, 2006.
- C. Advisory Base Flood Elevations and Advisory Flood Hazard Maps whose effective date is February 22, 2013. These documents shall take precedence over previous panels and FIS in construction and development regulations only. Where the Special Flood Hazard Area (SFHA) and the Advisory Flood Hazard Area (AFHA) maps conflict or overlap, whichever imposes the more stringent requirement shall prevail.

The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and maps are on file at the office of the ~~Construction Official~~Floodplain Administrator at City Hall, 94 Washington Street, Hoboken, NJ 07030.

§ 104-8. Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined ~~not more than \$500~~\$2,000 or imprisoned for not more than 30 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Hoboken from taking such other lawful action as is necessary to prevent or remedy any violation.

§ 104-9. Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§ 104-10. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

§ 104-11. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This chapter shall not create liability on the part of the City of Hoboken, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

Article IV. Administration

§ 104-12. Establishment of development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in § 104-7. Application for a development permit shall be made on forms furnished by the ~~Construction Official~~Floodplain Administrator and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- B. Elevation in relation to mean sea level to which any structure has been floodproofed.
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 104-17B; and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

§ 104-13. Designation of the local administrator.

The ~~Construction Official~~Floodplain Administrator is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

§ 104-14. Duties and responsibilities of the administrator.

Duties of the ~~Construction Official~~Floodplain Administrator shall include, but not be limited to:

A. Permit review.

- (1) Review all development permits to determine that the permit requirements of this chapter have been satisfied.
- (2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- (3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of section § 104-18 are met.
- (4) Review all development permits in the coastal high hazard area of the area of special flood hazard to determine if the proposed development alters the natural coastline so as to increase potential flood damage.
- (5) Review plans for walls to be used to enclose space below the base flood level in accordance with sections § 104-17 and 104-19.

B. Use of other base flood and floodway data. When base flood elevation and floodway data has not been provided in accordance with § 104-7, Basis for establishing the areas of special flood hazard, the ~~Construction Official~~Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer § 104-17A, Specific standards, residential, construction, and § 104-17B, Specific standards, nonresidential construction.

C. Information to be obtained and maintained.

- (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (2) For all new or substantially improved floodproofed structures:
 - (a) Verify and record the actual elevation (in relation to mean sea level); and
 - (b) Maintain the floodproofing certifications required in § 104-12C.
- (3) Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alteration of watercourses.

- (1) Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

E. Interpretation of ~~firm~~FIRM boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 104-15.

§ 104-15. Variance procedure.

A. Appeal board.

(1) The ~~Construction Board of Appeals~~Planning Board as established by the City of Hoboken shall hear and decide appeals and requests for variances from the requirements of this chapter.

(2) The ~~Construction Board of Appeals~~Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the ~~Construction Official~~Floodplain Administrator in the enforcement or administration of this chapter.

(3) Those aggrieved by the decision of the ~~Construction Board of Appeals~~Planning Board, or any taxpayer, may appeal such decision to Superior Court of New Jersey, N.J.S.A. 52:22D-127, et seq.

(4) In passing upon such applications, the ~~Construction Board of Appeals~~Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

- (a) The danger that materials may be swept onto other lands to the injury of others;
- (b) The danger to life and property due to flooding or erosion damage;
- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (d) The importance of the services provided by the proposed facility to the community;
- (e) The necessity to the facility of a waterfront location, where applicable;
- (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (g) The compatibility of the proposed use with existing and anticipated development;
- (h) The relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(5) Upon consideration of the factors of **§ 104-15A(4)** and the purposes of this chapter, the ~~Construction Board of Appeals~~Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(6) The ~~Construction Official~~Floodplain Administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

B. Conditions for variances.

(1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot ~~or lots of 1/2-acre~~10,000 square feet or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in **§ 104-15A(4)(a)** through **(k)** have been fully considered. As the lot size increases beyond ~~the 1/2-acre~~10,000 square feet, the technical justification required for issuing the variance increases.

(2) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's

continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(5) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in § 104-4A(4), or conflict with existing local laws or ordinances.

(6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Article V. Provisions for Flood Hazard Reduction

§ 104-16. General standards.

In all areas of special flood hazards, including X-Zones, the following standards are required:

A. Anchoring.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(2) All manufactured homes, temporary and accessory structures, decks and patios shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(2) New and replacement sanitary sewage systems and waste lines shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into floodwaters either by elevation or by installation of check valves and backflow preventers;

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

(4) For all new construction and substantial improvements, Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or

located so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. Subdivision and new development proposals.

- (1) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and
- (4) Base flood elevation data shall be provided for subdivision proposals and any other proposed new development which contain at least 50 lots or five acres (whichever is less).

E. Enclosure openings.

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

E. Freeboard.

All new construction and substantially improved residential and non-residential structures located in an area of special flood hazard shall have the lowest floor elevated to the base flood elevation or advisory base flood elevation, whichever is applicable, plus freeboard as specified in Table I below. Enclosed areas that are used solely for parking, building access, or storage are not the lowest floor and shall be allowed below the BFE / ABFE provided the enclosed areas meet the requirement set forth in § 104-16.E above. For all zones within the City of Hoboken, freeboard shall be measured from the bottom of the lowest horizontal structural member.

FREEBOARD REQUIREMENTS FOR AREAS OF SPECIAL FLOOD HAZARD				
Building Type	Zones			
	X	A	Coastal A	V
Residential structures	+1'	+1'	+1'	+2'
Building and other structures with school or day-care facilities; and other non-residential structures not itemized below	+1'	+1'	+2'	+2'
Essential facilities including, but not limited to: fire, rescue, ambulance, and police stations and emergency vehicle garages; buildings designated as emergency shelters; other facilities required for emergency response; hospitals and other health care facilities having surgery or emergency treatment facilities; power generating stations and other public utility facilities	+1'	+2'	+2'	+3'
Buildings and other facilities that manufacture, process, handle, store, use, or dispose of hazardous materials	+1'	+2'	+2'	+3'
Temporary structures	n/a	+1'	+2'	n/a

F. Fill.

Fill shall not be used to elevate structures or for structural support.

§ 104-17. Specific standards.

In all areas of special flood hazards, including all A-Zones and areas subject to moderate wave action, where base flood elevation data have been provided as set forth in § 104-7, Basis for establishing the areas of special flood hazard or in § 104-14B, Use of other base flood data, the following standards are required:

A. Residential construction.

(1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, together with the attendant utilities and sanitary facilities, elevated to or above the base flood elevation or advisory base flood elevation, whichever is more restrictive, plus Freeboard; or

(2) Require within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified) or at or above the advisory base flood elevation, whichever is more restrictive, plus Freeboard. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

(3) Fully enclosed areas, above grade but below the lowest floor are usable only for parking of vehicles (where permitted), building access and/or storage and not for human habitation. Fully enclosed areas subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect and must meet or exceed the following minimum criteria: (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; (ii) the bottom of all openings shall be no higher than one foot above grade; and (iii) openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. Non-residential and Mixed Use construction.

~~(4) In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure, or any mixed-use structure where residential uses exist above commercial uses on lower floors, shall either have the lowest floor, including basement, together with the attendant utilities and sanitary facilities: either;~~

~~(1) Elevated to or above the level of the base flood elevation or advisory base flood elevation, whichever is more restrictive, plus Freeboard; or together with the attendant utilities and sanitary facilities, shall;~~

~~(2) Be required within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified) or at or above the advisory base flood elevation, whichever is more restrictive, plus Freeboard. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures; or~~

~~(3) Be floodproofed so that below the base flood level elevation or advisory base flood elevation (whichever is more restrictive), plus Freeboard the structure is watertight with walls substantially impermeable to the passage of water;~~

~~(4) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and~~

~~(5) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official Administrator as set forth in §104-14C(2).~~

(6) In areas of moderate wave action where floodproofing is not feasible or desirable fully enclosed areas below the lowest floor used for non-residential uses, parking, building access or storage shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect and must meet or exceed the following minimum criteria: (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. (ii) The bottom of all openings shall be no higher than one foot above grade. (iii) Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters; and

(7) Only Flood Damage-Resistant Materials, so classified by the National Flood Insurance Program (NFIP) shall be used. Areas shall be constructed to withstand direct and prolonged contact with floodwaters without sustaining significant damage.

C. Manufactured homes.

(1) Manufactured homes shall be anchored in accordance with § 104-16A(2).

(2) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.

§ 104-18. Floodways.

Located within areas of special flood hazard established in section § 104-7 may be areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibited encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If section § 104-18.A is satisfied, all new construction and substantial improvements must comply with Article V Provisions for Flood Hazard Reduction.

C. In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths of a foot at any point.

§ 104-19. Coastal high hazard area.

Coastal high hazard areas (V Zones) are located within the areas of special flood hazard established in § 104-7. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

A. Location of Structures

(1) All construction shall be landward of the mean high tide established and updated from time to time by the appropriate governmental agency with jurisdiction over same. Functionally Dependent Uses, open space and outdoor passive and active recreational uses may be permitted seaward of the mean high tide, provided that such use creates no additional threat to public safety and complies with the applicable requirements of this chapter.

B. Construction methods

(1) Elevation. All new construction and substantial improvements shall be elevated on piling or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood elevation or advisory base flood elevation, whichever is more restrictive, plus Freeboard.

(2) Structural support

(a) All new construction and substantial improvements shall be securely anchored on piling or columns.

(b) The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a 1% chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

(3) Certification. A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of sections § 104-19.B (1) and (2) (a) and (b).

C. Space below the lowest floor

(1) Floodproofing methods shall not be used in the V-Zone for space below the lowest floor.

(2) Only Flood Damage-Resistant Materials, so classified by the National Flood Insurance Program (NFIP) shall be used in construction of areas below the lowest floor. Areas shall be constructed to withstand direct and prolonged contact with floodwaters without sustaining significant damage.

(3) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls, or other screening intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 points per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

(a) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

(b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural). Water loading values shall be those associated with the base flood. Wind loading values shall be those required by applicable State and local building standards.

(c) Where breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.

(d) Prior to construction, plans for any breakaway wall must be submitted to the Floodplain Administrator for approval.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

Date of Introduction: November 6, 2013

Approved:

Approved as to Legal Form:

 Quentin Wiest, Business Administrator

 Mellissa Longo, Corporation Counsel

RECORD OF COUNCIL VOTE ON 1 ST READING				
Councilperson	Yea	Nay	Abstain	No Vote
Councilman Bhalla	✓			
Councilwoman Castellano	✓			
Councilwoman Giattino	✓			
Councilwoman Mason	✓			
Councilman Mello	✓			
Councilman Occhipinti	✓			
Councilman Russo	✓			✓
President Cunningham	✓			

RECORD OF COUNCIL VOTE ON 2 ND READING				
Councilperson	Yea	Nay	Abstain	No Vote
Councilman Bhalla				
Councilwoman Castellano				
Councilwoman Giattino				
Councilwoman Mason				
Councilman Mello				
Councilman Occhipinti				
Councilman Russo				
President Cunningham				

I do hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted by the City Council of the City of Hoboken, in the County of Hudson on this ____ day of _____, 2013

James Farina, City Clerk

Approved by the Mayor of the City of Hoboken on the ____ day of _____, 2013.

Dawn Zimmer, Mayor

-or-

Vetoed by the Mayor for the following reasons:

CITY OF HOBOKEN
Department of Community Development

DAWN ZIMMER
Mayor



BRANDY FORBES
Director

MEMORANDUM

Date: October 31, 2013

To: Hoboken City Council

Cc: Dawn Zimmer, Mayor
Quentin Wiest, Business Administrator
Mellissa Longo, Corporation Counsel

From: Brandy Forbes, Community Development Director *BF*

Subject: Ordinance Amending Chapter §104 Flood Damage Prevention—Addressing Costs

At the October 17th City Council meeting during the public hearing regarding the proposed amended Flood Damage Prevention Ordinance there were concerns raised about how financially this ordinance would impact Hoboken residents. Specifically, how the amended ordinance would impact existing property owners who experienced flooding and need to rebuild. The request was made to evaluate what triggers the requirements and costs associated with the requirements. As I noted at the public hearing, there is a limitless number of possible scenarios that may impact costs. Recognizing that, the City Council asked that I provide a few typical scenarios to understand how current residents may be impacted.

Let me first start by explaining the ordinances that already exist. Without this ordinance amendment, the existing ordinance and NJDEP regulations still apply. NJDEP regulations are triggered with new construction, substantial alteration of an existing structure or land, or change of use. The existing ordinance is triggered when application is made for subdivision or alteration to land, new construction, or substantial alteration of an existing structure equal to or exceeding 50% of the value of the existing structure. In an instance where renovations to an existing structure trigger application of the Flood Damage Prevention ordinance, the difference in what is required currently vs. what would be required if the amended ordinance is adopted is the height to which living spaces and utilities should be raised, and inclusion of X-zones in the application of minimum standards of flood protection.

The ordinance amendment, if adopted will have the following impacts in the various scenarios.

1. Scenario: The lower level residential floor was flooded and requires improvement and the improvement is less than 50% of the value of the building. This scenario is the most probable for

those in Hoboken who experienced flood damage from Sandy in the lower level, as that floor is most probably part of a multi-family structure and/or a structure with 3 or more stories.

Result: THE AMENDED ORDINANCE WOULD NOT APPLY AND THERE WOULD BE NO ADDED COSTS FOR REPAIR REQUIRED AS A RESULT OF THE AMENDED ORDINANCE.

- a. If cost of the renovation is a factor, the property owner may choose a couple of different options.
 - i. If the lower level is part of a multi-floor dwelling unit, the owner may choose to convert the lower level to strictly basement use, not necessitating the larger scope of improvement that restoration of the space would entail. The property owner would still need to clean out the space and likely elevate any replacement utilities and mechanicals. Note that the costs would not be a requirement of or driven by the ordinance, but rather a result of the flood damage itself.
 - ii. The property owner could alternatively choose to restore the lower level exactly how it was with the same materials. Again, the costs of restoration would not be a requirement of or driven by the ordinance.

Property owners should be aware that if they rebuild out of compliance with National Flood Insurance Program standards and just rebuild with the same standard materials, the result is that flood insurance rates issued for the remodeled property will be at the highest rate. Certainly if an individual is in a situation where they do not have a mortgage and thus are not required to pay for flood insurance, this option may make sense to minimize costs. However, for those who are required to have insurance, the property owner may want to weigh the incremental cost increase for construction (see below) with flood proofing materials that brings the property in compliance vs. the major increase in annual flood insurance premiums for using standard materials that are not flood proofed and are not in compliance.

- b. The property owner may choose instead to flood proof or wet proof the lowest floor and continue to use it for residential occupancy, but protect it from future flood damage and reduce insurance rates. This entails installation of such devices as backflow preventers, elevating mechanicals, and using flood resistant materials. Some of the flood resilient materials will actually cost less (i.e., tile is less expensive than wood flooring and aluminum studs are cheaper than treated wood), some will be approximately the same, and some will be a bit more (i.e., closed cell insulation is more costly than regular insulation). The net upcharge for using the flood resilient materials instead of standard materials is approximately 5%-10%, with a **total increase for the construction including labor and materials, of less than 5%**.

In this case the **additional costs** would be at the **option** of the property owner. Most flood insurance policies do account for an "increased cost of compliance". So, if a property was flooded and rather than put the property back as it was with vulnerable materials the owner can install the wet weather protection materials to comply with higher flood insurance standards and that incremental cost difference may be covered by insurance. Insurance companies likely won't willingly tell a policy holder of this up front, so the property owner should ask the insurance provider if the policy covers the "increased cost of compliance".

2. Scenario: A building is a single family home at grade and is only two stories and the lower level was flooded and requires improvement. This scenario was considered, although there are very few of these properties in existence in Hoboken.

Result: THE AMENDED ORDINANCE MIGHT APPLY DEPENDING ON THE RENOVATION CHOICE.

- a. In this scenario, there is a possible restoration choice that would not trigger the amended ordinance. If most of the use of the property is on the upper floor, the property owner may choose to eliminate the residential use on the lower level and convert it to basement-only use. In this case, the renovations would not exceed 50% of the value of the building. The property owner would still need to clean out the space and likely elevate any replacement utilities and mechanicals. Note that the costs would not be a requirement of or driven by the ordinance, but rather a result of the flood damage itself.

The negative of this choice is that the livable space of the property would be reduced in size. The positive is that this would be a NFIP compliant renovation and would significantly reduce any annual flood insurance premiums on the property.

- b. If the lower level is a necessary livable space, renovating it might trigger the amended ordinance if the cost of those renovations is more than 50% of the value of the building. In such case, the property owner could convert the current lower level to basement use and add a story of livable space. This would not require Planning Board or Zoning Board approval, as the structure would comply with the zoning heights and lot coverage.

The negative of this choice is the added cost of building an additional story onto the structure. The positive is that this would be a NFIP compliant renovation and would significantly reduce any annual flood insurance premiums on the property.

- c. If the lower level is a necessary livable space, and the option of adding a floor is too costly, the property owner may choose to coordinate with their architect to design the improvements such that the cost of improvements stay under 50% of the value of the building. The architect and contractor should be aware of the costs of the various materials being selected and may be able to offer solutions to the property owner to keep the costs below the threshold.

The negative of this choice is that the renovations would not be NFIP compliant and would leave the property owner with the highest of flood insurance rates. The positive is that there would be no added costs driven by the ordinance—the costs would be a result of the flood damage itself.

3. Scenario: A building is a single family home at grade and is three stories and the lower level was flooded and requires improvement.

Result: THE AMENDED ORDINANCE MIGHT APPLY DEPENDING ON THE RENOVATION CHOICE.

- a. This is similar to scenario #1, but with an added twist. Certainly if cost is a concern, the possible options under scenario #1 would still stand.
- b. If the property owner decides to eliminate the residential use on the lower level and convert it to basement-only use, they may also add a livable residential story per the permitted zoning.

In this case, the renovations might not exceed 50% of the value of the building, although the work the property owner is doing would put this in compliance with the ordinance. The property owner would still need to clean out the space and likely elevate any replacement utilities and mechanicals. Note that the costs would not be a requirement of or driven by the ordinance, but are a result of the flood damage and choice of the property owner to elevate the livable space.

The negative of this choice is the added cost of building an additional story onto the building. The positive is that this would be a NFIP compliant renovation and would significantly reduce any annual flood insurance premiums on the property.

4. Scenario: A property owner chooses to do improvements of more than 50% the value of the building.

Result: THE AMENDED ORDINANCE WOULD APPLY DUE TO THE RENOVATION CHOICE.

- a. If the property owner decides to do a substantial renovation to the property that will cost more than 50% of the value of the building, the construction would have to be in compliance with the amended ordinance. In this case, the property owner would be making the choice to renovate and know that the result would be required compliance with the amended ordinance. Depending on what renovations are planned, the added cost of compliance may be negligible.

Note that those costs would be driven by the choice of the property owner to do such a significant renovation.

The negative of this choice is the nominal cost of designing the building to be in compliance and would be determined on a case by case basis. The positive is that this would be a NFIP compliant renovation and would significantly reduce any annual flood insurance premiums on the property.

5. Scenario: The lower level residential floor was flooded and requires improvement and the improvement is less than 50% of the value of the entire building. However, as the construction code official reviews the permit, there are additional code compliance issues that must be addressed, thus driving up the cost of construction.

This scenario was a specific concern raised at the City Council meeting; that the cost of the improvements were going to be minimal based on the choice of the property owner, but the construction code office may drive up the scope of work.

Result: THE AMENDED ORDINANCE WOULD NOT APPLY AND THERE WOULD BE NO ADDED COSTS FOR REPAIR REQUIRED AS A RESULT OF THE AMENDED ORDINANCE.

First, those areas affected by flooding would be the only areas of the building reviewed for code compliance. As well, the only system that may require upgrade to be code compliant would be electrical; plumbing would not be affected and mechanical systems such as boilers or HVAC would only have to be replaced in kind.

When electrical systems are reviewed and require upgrade for code compliance, only those elements within that closed system would have to be changed. For instance, if the basement unit is flooded and the basement unit is on its own breaker, only the wiring and equipment associated with that unit

would have to be changed to meet compliance requirements; the rest of the building would not be affected or be required to upgrade as a result of the flooding. Replacement of wiring submerged by water would be necessary anyway, so the increased cost of compliance is minimal and not a result of the amended ordinance.

Only in the case where a building has sub-standard wiring throughout and the entire building AND is on a single breaker AND was damaged by floodwaters, would upgrade to the wiring in the entire building be required. Keep in mind however, that **any** alteration to such a building, flood related or not, would trigger the same required code compliance upgrade. This is driven by the Electrical Subcode, not the amended ordinance. This is an extremely unlikely scenario. Even so, the cost of the lower level improvements (that can be minimized as described in scenario #1) and the cost of rewiring can feasibly be done for less than 50% of the value of the property.

As I already noted, if a property owner chooses to rebuild without being in compliance with NFIP standards, the result is that the flood insurance will be elevated to the highest rate. In most cases, by choosing to use alternative flood proofing materials, the rate can be reduced by the actions of the property owner.

Even if the property owner is at the highest rate because they were unable to pay for incremental cost difference to use flood proof materials, the City getting a higher ranking in the NFIP Community Rating System will result in relief to such a property owner as a result of a city-wide rate reduction. That is why it is critical to obtain the significant points that this ordinance amendment and map adoption will afford. Even if the property owner cannot pay for the construction methods that will reduce their individual rates, the City's efforts will reduce them. They can then afford to pay the minimal amount for construction and actually be positively impacted by this ordinance amendment. Without the ordinance amendment and other CRS measures, they still have to pay the same amount to rebuild, but now will not have a rate reduction.

NOTICE OF PUBLIC HEARING
ON PROPOSED AMENDMENT TO FLOOD DAMAGE PREVENTION
REGULATIONS

Please take notice that the City Council of the City of Hoboken will hold a public hearing on “An Ordinance Amending Chapter §104 (Flood Damage Prevention) To Reflect Updates Recommended By The New Jersey Department of Environmental Protection’s Latest Revised Model Ordinance.”

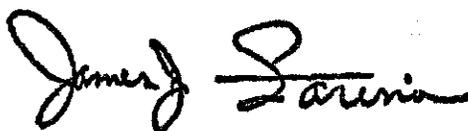
In addition to reflecting updates to the New Jersey Department of Environmental Protection Latest Revised Model Ordinance, the proposed amendment to Chapter 104 would require the elevation of the lowest floor of newly constructed or substantially improved structures in relation to base flood levels, and would prohibit certain uses of fill, in areas of special flood hazard. This proposed amendment would also prohibit new construction seaward of the mean high tide, other than for certain water-dependent uses, recreational uses and open space. This proposed amendment would also impose new standards for construction design and methods in areas of special flood hazards, to ensure the flood resistance of structures. This proposed amendment would apply to properties throughout the City and will change the zoning classification of properties located in the following zoning districts:

I-1 (W)
W (N)
W (RDV)
W (H)
I-2

A hearing for public comment will be held to consider this ordinance at Hoboken City Hall, 94 Washington St., on December 18, 2013 at 7:00 p.m. The purpose of this hearing is to allow members of the public who may be affected by this ordinance to voice their views to the Hoboken City Council. Copies of this ordinance are on file for public examination and acquisition at the office of the municipal clerk during business hours, between the hours of 9:00 a.m. to 4:00 p.m., Monday through Friday, at Hoboken City Hall until final action is taken on the ordinance. After conclusion of the hearing, the matter will be voted on to accept or reject this ordinance by the Hoboken City Council.

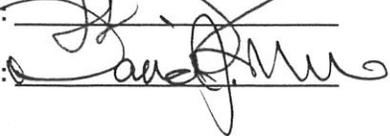
Notice given by:

James J. Farina, RMC
Municipal City Clerk



Dated: November 8, 2013

② 1st reading
11-6-13

Sponsored by: 
Seconded by: 

City of Hoboken
Ordinance No.: _____ 2-264

AN ORDINANCE AMENDING CHAPTER §196 (ZONING) ADDRESSING COMMUNITY HEALTH, SAFETY AND GENERAL WELFARE THROUGH FLOOD HAZARD MITIGATION MEASURES AND DEVELOPMENT LIMITATIONS

WHEREAS, according to the State of New Jersey Department of Environmental Protection, it is well documented that flooding causes major social disruptions due to the need to relocate flood victims and provide emergency services to affected residents, which necessarily diverts emergency personnel from other essential tasks; and

WHEREAS, according to the National Flood Insurance Program ("NFIP"), from 1978 to June 30, 2013, New Jersey's total flood insurance claims paid equaled \$5,276,080,845 – the third highest in the nation; and

WHEREAS, according to the NFIP, Hoboken has more flood insurance policies in force than any other municipality in Hudson County, with liability to the NFIP of \$1,922,187,500; and

WHEREAS, according to the NFIP, Hoboken's property owners pay flood insurance premiums totaling \$5,984,720, which is the highest in Hudson County;

WHEREAS, the National Flood Insurance Program's most recent Flood Insurance Rate Map ("FIRM") for Hudson County, effective August 16, 2006, showed the existing piers and platforms on the Hoboken waterfront to be located within Zone AE, which zone FEMA defines as an area subject to inundation by the 1-percent-annual-chance flood event; and

WHEREAS, before Hurricane Sandy, the Federal Emergency Management Agency ("FEMA") had begun a coastal study to update FIRMs for portions of New Jersey in order to better reflect coastal flood risk; and

WHEREAS, after Hurricane Sandy, FEMA released Advisory Base Flood Elevation ("ABFE") maps based on FEMA's partially completed flood study in order to help in rebuilding and recovery efforts; and

WHEREAS, the most recent ABFE maps for Hudson County, effective February 22, 2013, show the existing piers and platforms on the Hoboken waterfront to be located within Advisory Flood Hazard Zone V, which zone is defined by FEMA as an area subject to high velocity wave action (a 3-foot breaking wave) from the 1% annual chance coastal flood; and

WHEREAS, the most recent Preliminary Work Maps released by FEMA show the existing piers and platforms on the Hoboken waterfront to be located within Zone V; and

WHEREAS, the NJDEP issued an Emergency Rule on January 24, 2013 to adopt emergency amendments to the Flood Hazard Area Control Act Rules (N.J.A.C 7:13; and

WHEREAS, pursuant to 44 C.F.R. § 60.3 (e) (3):

"When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified on the community's FIRM coastal high hazard areas by designating Zones V1-30, VE, and/or V, the community shall...[p]rovide that all new construction within Zones V1-30, VE, and V on the community's FIRM is located landward of the reach of mean high tide."

WHEREAS, New Jersey Senate Bill No. 2680, introduced April 15, 2013, would have required the New Jersey Department of Environmental Protection to approve development projects on piers in "coastal high

hazard areas” – which areas include V Zones – in certain municipalities along the Hudson River, which adopted an ordinance that allows for such development; and

WHEREAS, on August 19, 2013, Governor Christie vetoed New Jersey Senate Bill No. 2680 “[b]ecause this bill has the potential to jeopardize National Flood Insurance Program eligibility for impacted municipalities”; and

WHEREAS, Princeton Hydro, LLC and RCQuinn Consulting, Inc. have prepared and submitted to the City of Hoboken a report titled “Flood Hazard Risk and Compliance Concerning Development on Piers and Platforms, City of Hoboken, Hudson County, NJ,” dated October 2013; and

WHEREAS, the City of Hoboken, Mayor and Council, wish to assure the health, safety and general welfare of its residents.

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

SECTION ONE: AMENDMENT

Chapter 196, Zoning, of the Code of the City of Hoboken is hereby amended as follows; deletions to the current ordinance are noted in ~~strike through~~, additions to the current ordinance are noted in underline.

CHAPTER 196. ZONING

ARTICLE I

Title; Purpose; Interpretation

§ 196-101. Title.

[No change]

§ 196-102 Purpose and Intent.

The purpose of this chapter is to promote the health, safety, comfort and general welfare of the City of Hoboken and its people; advance the fundamental elements of the City’s Master Plan; advance the purposes of the Municipal Land Use Law set forth in N.J.S.A. 40:55D-2; and ensure that all land development in the city meets the applicable requirements of federal, state and local laws. In order to fulfill this purpose, it is the intent of this chapter to provide regulations that are consistent with the Master Plan, that implement the Land Use Plan set fourth therein, and that advance the general concepts and recommendations of the Plan, as follows:

- A. Encourage sustainability through focused economic development; flood risk management; environmentally sensitive and energy efficient design; conservation of natural resources; and diversification of uses, building types and affordability.
- B. Provide adequate light, air and convenience of access; through the regulation of bulk, height, massing, scale, and density.
- C. Promote physical and visual connections between the waterfront and the rest of the City; and between the Palisades and City
- D. Enhance Hoboken historic character through the protection of buildings and districts of historic significance, while also encouraging design innovation in adaptive reuse and new construction.
- E. Maintain an appropriate mix of land uses in each zone district.
- F. Promote the provision of public spaces, parks, open space and greenery.
- G. Balance circulation and parking needs with those of pedestrians, cyclists, and transit users.
- H. Promote Hoboken’s unique transportation resources to drive economic growth.
- I. Coordinate development policies and objectives with Hudson County, neighboring municipalities, agencies and institutions.

§ 196-103. Interpretation of Provisions.

§ 196-103.1. Interpretation.

[No change]

§ 196-103.2. Effect on Outstanding Permits, Approvals and Variances.

[No change]

§ 196-103.3. General Restrictions.

Except as otherwise provided in this chapter:

- A. No building or structure or part thereof, and no lot or land, or part thereof, shall hereafter be used except in conformity with the regulations of this chapter.
- B. No building or structure or part thereof shall hereafter be erected, structurally altered, enlarged or rebuilt except in conformity with the regulations of this chapter.
- C. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used or intended to be used, for any purpose or in any manner other than as specified among the uses hereinafter listed as permitted in the zone in which such building or land is located.
- D. No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located.
- E. No building shall be erected, no existing buildings shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot area and building location requirements.
- F. No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other buildings, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.
- G. No off-street parking facility or loading berth provided to meet the minimum off-street parking or loading requirements for one use or structure shall be considered as provided off-street parking or loading for a use or structure on any other lot.
- H. No land in a residential zone shall be used to fulfill open space, parking or similar requirements for uses in nonresidential zones. No driveway access shall be allowed through a residential zone to service a use in a nonresidential zone.
- I. All construction shall be landward of the mean high tide established and updated from time to time by the appropriate governmental agency with jurisdiction over same, and no new construction or substantial improvement of existing structures shall be permitted on piers or platforms projecting into or over the Hudson River or Weehawken Cove. However, new construction or substantial improvement of Functionally Dependent Uses, open space and outdoor passive and active recreational uses is permitted seaward of the mean high tide and on piers or platforms, provided that such new construction or substantial improvement creates no additional threats to public safety and complies with the applicable requirements of Chapter 104 of the Municipal Code of the City of Hoboken.

A "Functionally Dependent Uses" is that which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

For purposes of this provision, "substantial improvement" shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement.

This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions;
or
- (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

§196-103.4. Nonconforming Uses, Structures and Lots.

- A. Continuation. A use, building or structure, lawfully in existence at the effective date of this chapter, which shall be made nonconforming at the passage of this chapter or any applicable amendment thereto, may be continued, except as otherwise provided in this Article. Any nonconforming use, building, structure or lot may change ownership and continue to function as the same nonconforming use, building, structure or lot, provided that all other conditions of this Article are met.
- B. Maintenance and repairs. Maintenance and repair work may be made to a nonconforming use, structure or lot, provided that the maintenance work does not change the use, expand the building or the functional use of the building, increase the area of a lot used for a nonconforming purpose or increase the nonconformity in any manner. No alterations may be made which would increase the number of dwelling units.
- C. Residential improvements. A building containing a nonconforming residential use or a nonconforming building containing a residential use may be altered in any way to improve interior livability, provided that no alterations may be made which would increase the number of dwelling units.
- D. Reconstruction. No existing nonconforming building or premises devoted to a nonconforming use shall be enlarged, extended, reconstructed, substituted or structurally altered, except when changed to a conforming building or use, or when required to do so by law, except as follows:
 - (1) Any nonconforming use or structure sustaining damage by fire, flood, casualty or act of God constituting less than ~~75-50~~ percent of the building's ~~total-market~~ value before the damage occurred may be repaired and used as before, provided that the floor area of such use, building or structure shall not exceed the floor area or building volume which existed prior to such damage. All repairs shall be completed within one year after damages occur or such use or structure shall not be restored, except as a conforming use or structure.
 - (2) In the event that the cost to repair damage is determined to ~~be have destroyed more than 75-50 percent or more~~ of a building's ~~true-market~~ value, that building shall only be reconstructed as a conforming use or structure. ~~‡The Board of Adjustment may authorize variances for rebuilding only after the provisions for flood hazard prevention have been met, if the rebuilding would not constitute an enlargement of the use and if the rebuilding would provide better aesthetics, higher setbacks or assist in alleviating characteristics, such as noise, glare, odor or traffic generation which interferes with the health, safety and welfare of the area.~~
 - (3) In the event that the owner and Building Inspector are unable to agree on the extent of damage, a determination will be made by a group of three people consisting of the Building Inspector, the owner or a professional architect or engineer acting as a representative of the owner, and an independent professional engineer or architect.
 - (4) The fee of the independent engineer or architect shall be agreed to and paid in equal portions by the City and the owner of the building in question.
- E. Termination. A nonconforming use shall be considered terminated subject to the following:
 - (1) Abandonment. A nonconforming use shall be considered abandoned and may not be revived if:
 - (a) The use is terminated by the owner;

- (b) The owner fails to maintain the structure, or structure and land in combination, to a standard of habitability consistent with the nonconforming use; or
 - (c) The property otherwise meets the criteria to be deemed abandoned subject to N.J.S.A. 55:19-78 et seq.
- (2) Conversion to permitted use. Any nonconforming use or structure which has been changed to a permitted use shall not be revived as a nonconforming use, except by variance.

§ 196-103.5. Relief.

[No change]

§ 196-103.6. Amendments.

[No change]

§ 196-103.7. Areas of Redevelopment or Rehabilitation.

[No change]

§ 196-103.8. Consistency.

[No change]

§ 196-103.9. Repeal.

[No change]

§ 196-103.10. Validity.

[No change]

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

Date of Introduction: November 6, 2013

Approved:

Approved as to Legal Form:

 Quentin Wiest, Business Administrator

 Mellissa Longo, Corporation Counsel

RECORD OF COUNCIL VOTE ON 1 ST READING				
Councilperson	Yea	Nay	Abstain	No Vote
Councilman Bhalla	✓			
Councilwoman Castellano	✓			
Councilwoman Giattino	✓			
Councilwoman Mason	✓			
Councilman Mello	✓			
Councilman Occhipinti	✓			
Councilman Russo				✓
President Cunningham	✓			

RECORD OF COUNCIL VOTE ON 2 ND READING				
Councilperson	Yea	Nay	Abstain	No Vote
Councilman Bhalla				
Councilwoman Castellano				
Councilwoman Giattino				
Councilwoman Mason				
Councilman Mello				
Councilman Occhipinti				
Councilman Russo				
President Cunningham				

I do hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted by the City Council of the City of Hoboken, in the County of Hudson on this ____ day of _____, 2013

 James Farina, City Clerk

Approved by the Mayor of the City of Hoboken on the ____ day of _____, 2013.

 Dawn Zimmer, Mayor

-or-

Vetoed by the Mayor for the following reasons:



Flood Hazard Risk and Compliance Concerning Development on Piers and Platform City of Hoboken, Hudson County, NJ

Prepared for:

City of Hoboken
94 Washington Street
Hoboken, NJ 07030

Prepared by:

Princeton Hydro, LLC

1108 Old York Road, Suite 1
P.O. Box 720
Ringoes, New Jersey 08551
(P) 908.237.5660
(F) 908.237.5666
www.princetonhydro.com

RCQUINN CONSULTING, INC.

104 4th St NE #2
Charlottesville VA 22902
(P) 434.296.1349
(F) 320.514.3513

October 2013



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Authors

John A. Miller, P.E., CFM, CSM
Rebecca C. Quinn, CFM

Cover photograph: The Hudson River swells and rises over the banks of the Hoboken Sinatra Pier on the waterfront as Hurricane Sandy approaches (source Associated Press)

Executive Summary

Non-functionally dependent uses of existing piers and platforms present unique challenges with regard to risk to life and compliance with federal and state regulations. The City of Hoboken is chronically floodprone and the Federal Emergency Management Agency's National Flood Insurance Program statistics strongly tell of a community exposed to repetitive flood risk. New mapping for the Hudson River coast introduces the existence of V-zones¹ also called the coastal high hazard area along the City's waterfront. All of the privately owned piers and platform have greater than six-feet of inundation on the Advisory Base Flood Elevation Map signifying that these areas are especially dangerous to public safety. Federal and state regulations that include the National Flood Insurance Program and the New Jersey Uniform Construction Code have major restrictions for building over water in V-zone designations. Both the Master Plans for the City of Hoboken and Hudson County clearly envision recreational use for the Hudson River waterfront and caution about the risk of sea level rise. Sea level rise projections for 2050 and 2100 demonstrate that risk of building on piers in V-zone areas will only intensify. The threat to public health and safety cannot be underestimated with buildings surrounded by floodwater making evacuation, safety of first responders, firefighting, utility service and contact safety with polluted floodwater more problematic and dangerous. The authors, for all the reasons cited in this report, recommend restricting development on piers and platforms in the City of Hoboken along the Hudson River.

City of Hoboken Historical Flood Risk

The City of Hoboken is located in Hudson County, New Jersey and bordered to the east by the Hudson River. As represented in the figure titled *Location Map* in Appendix A, Weehawken Township is adjacent to the City of Hoboken to the north, with Union City to the west and Jersey City to the west and south. A major Intermodal transportation center exists on the southeast corner of the City of Hoboken and a ferry terminal is located on the northeast corner, both adjacent to the Hudson River; these two facilities are water dependent.

Data available from the Federal Emergency Management Agency, National Flood Insurance Program show that both the State of New Jersey and the City of Hoboken are extremely floodprone.

National Flood Insurance Program Statistics

Policy and Claim Statistics for the State of New Jersey and the City of Hoboken, as of June 30, 2013:

- The State of New Jersey total claims paid dollars from 1978 is \$5,276,080,845 making the state third in the nation; LA \$16,654,055,941 (1) and TX \$5,538,411,889 (2); NY is \$4,785,877,046 (4); source: FEMA Loss Statistics²;
- The City of Hoboken's total claims paid dollars is \$43,711,387.60, the highest in Hudson County, NJ; Jersey City \$40,365,398 (2) and Kearny \$25,505,727 (3); source: FEMA Loss Statistics;
- The City of Hoboken's average loss is \$43,711,388/1,330 claims paid or \$32,866; average nationwide claim is \$3,123; NJ's average claim is \$34,337 (this includes the shore and barrier islands with complete destruction from Sandy; max. residential coverage of \$250K structure/ \$100K contents; max. non-residential coverage of \$500K structure / \$500K contents);
- The State of New Jersey has 245,428 policies in force with liability to the NFIP of \$56,858,932,600; premiums are \$235,962,725; source: FEMA Policy Statistics³;

¹ V-zone stands for Velocity Zone to signify moving water

² <http://bsa.nfipstat.fema.gov/reports/1040.htm>

- Hoboken has 9,279 policies in force (highest in Hudson County) with liability to the NFIP of \$1,922,187,500 (fourth highest in NJ after Ocean City, Toms River and Long Beach); premiums are \$5,984,720 and highest in Hudson County with Jersey City \$4,464,892 (2) and Kearny at \$379,840 (3); source: FEMA Policy Statistics;
- Hoboken is number five in the state for annual flood premiums at \$5,984,720; Ocean City (barrier island) \$11,780,271 (1), Toms River \$9,753,795 (2), Long Beach \$8,238,668 (3), Atlantic City \$7,346,707 (4).

Repetitive Loss and Severe Repetitive Loss Properties

One of the measures of a community's flood vulnerability is the existence of Repetitive Loss and Severe Repetitive Loss properties. The criteria for these designations apply only to properties that are insured by the NFIP and are as follows:

- Repetitive Loss: structure with two or more claim payments of more than \$1,000 from the National Flood Insurance Program within any rolling 10-year period;
- Severe Repetitive Loss (one- to four-family residential only):
 - property with at least four NFIP claim payments (including building and contents) over \$5,000 each, and the cumulative amount of such claim payments exceeds \$20,000; or
 - at least two separate claim payments (building payments only) have been made with the cumulative amount of the building portion of such claims exceeds the market value of the building;
 - For both circumstances above, at least two separate claims have been paid within any ten-year period and must be greater than 10 days apart.

As of an August 26, 2013 email correspondence from the New Jersey NFIP State Coordinator, the City of Hoboken has **175 Repetitive Loss and 10 Severe Repetitive Loss** properties.

Characterization of Floodplain

The City of Hoboken is very floodprone as observed on the FEMA Advisory Base Flood Elevation Map, which according to eye-witness accounts, best depicts flood zones during Hurricane Sandy. In the figure titled *FEMA Advisory Base Flood Location Map* in Appendix A extensive areas of the incorporated area are in the AE-zone. Also represented on the mapping is the VE-zone or the Coastal High Hazard Area, along the waterfront.

Currently Effective FIRM (2006)

The Hudson County Flood Insurance Study (FIS), published in 2006 that provides the technical details on a FEMA Flood Insurance Rate Map (FIRM), contains information that will "...be used by local and regional planners to further promote sound land use and floodplain management."

According to the 2006 FIS, data incorporated into the effective Flood Insurance Rate Map (FIRM) was from "the hydrologic and hydraulic analysis from the May 17, 1982 FIS report, were prepared by the NJDEP...work completed in January 1981." The Effective FIRM, currently used for flood insurance requirements and rating, is depicted in Appendix A and named *FEMA Effective FIRM*.

³ <http://bsa.nfipstat.fema.gov/reports/1011.htm>

The FIS speaks to the main threat to the City of Hoboken in stating “In the Cities of Bayonne, Jersey City, and Hoboken, the most severe flooding events were due to hurricanes.” Prior to Hurricane Sandy, “The flood of record for these cities occurred during Hurricane Donna on September 12, 1960” with a water surface elevation of 8.4 feet⁴. As a comparison, Hurricane Sandy realized measured water surface elevations of 10.5 to 10.7 feet as depicted on the Appendix A *FEMA Effective FIRM*.

Importantly, the FIS speaks to Northeasters as being a distinct threat to the City of Hoboken waterfront. According to the publication “Approximately one-half of the surges with a recurrence interval (return period) of 100 years are from northeasters.”

The FIS gives the rationale on why V-zones are not designated on the City’s Flood Insurance Rate Map: “Consideration was given to the vulnerability of the shorelines of the Cities of Jersey City, Hoboken, and Bayonne to wave action during severe hurricanes and northeasters. However, the effects of wave action were found to be minimal.” That conclusion was challenged by the release of the December 2012 Advisory Base Flood Elevation Maps and the subsequent FEMA Preliminary Work Map. A new FIS to support the Preliminary mapping is not yet published and will be released concurrent with the Preliminary FIRMs.

Advisory Base Flood Elevation map (2012)

FEMA and its contractors had begun a restudy of the New Jersey coast well before Hurricane Sandy made landfall in October 2012. The result of this effort will be a new Flood Insurance Study and Flood Insurance Rate Maps using modeling methods. Based on work that was already underway, FEMA released Advisory Base Flood Elevation (ABFE) maps in December 2012 to aid in Hurricane Sandy recovery since damage was so widespread and of a magnitude where rebuilding was substantial. The ABFEs, represented in Appendix A and labeled *FEMA Advisory Base Flood Elevation Map* were based on stillwater elevations with Coastal High Hazard Areas or V-zones defined by a simplified stillwater depth relationship. The ABFE mapping of the V-zone best indicates the location of wave action witnessed during the peak of Hurricane Sandy in October 2012.

A map is included in Appendix A titled *FEMA Advisory Base Flood Elevation Map Depths* that illustrates water depth (Base Flood Elevation minus ground elevation). Under Base Flood Elevation conditions, all piers from the 1501 Shipyard Lane platform to the Pier 12 to the south would be covered by over six feet of water. Maxwell Peninsula has a higher topographic elevation; Union Drydock, Pier 7 and Pier C are under six feet or more of storm tide. Sinatra Park and Pier A are at a higher elevation; Ferry Building and Slips are covered by more than six-feet of Hudson River inundation.

Preliminary Working Maps (2013)

Preliminary Work maps portrayed in *FEMA Preliminary Work Map* in Appendix A, display the full results of the coastal flood study that will be formally presented to the state and municipalities in Preliminary Flood Insurance Rate Maps. Within the corporate limits of the City of Hoboken 72.8% of the area is shown to be within the Special Flood Hazard Area or 1% annual chance floodzone, comprising the AE and VE zones.

⁴ Note that effective FIS is in NGVD 29; to convert to NAVD 88, subtract 1.12 feet

Characterization of Piers along Hoboken Waterfront

This report uses the words “Pier” and “Platform” in its title and throughout. There is a distinction between a Pier that has its long dimension generally perpendicular to shore and a Platform where the long dimension generally parallel to shore. These distinct terms will be employed in this Characterization section.

Waterfront Site Visit

Princeton Hydro’s John Miller took photographs on August 22, 2013 with emphasis on private piers. These photographs are displayed on the *Photograph Locations* map and *Photographic Log* contained in Appendix B; the *Photographic Log* references location and Photograph Locations map shows aerial location and photograph orientation. Field and photograph observations are described as follows:

- The 1501 Shipyard Lane platform is captured in photographs 1 through 4. The platform’s projection is northward and parallel to the Hudson River and Manhattan to the east. A retaining structure is observed on the north side of the platform, with evidence of collapse at the platform’s north end. Maintenance of the retaining wall seems grossly lacking as many cracks and signs of instability were noted; the structural stability of the wall and possible fill behind are in doubt;

A NJDEP Waterfront Development Individual Permit 0905-07-0001.2 WFD 110001 dated December 2, 2011 was issued to Shipyard Associate to authorize the “rehabilitation” of the North Pier [sic] and “construct two eleven story residential towers with a waterfront walkway component.” The permit describes the type of work to be done to the platform, and refers to a set of approved plans of ten (10) sheets prepared by Birdsall Services Group dated May 4, 2011 and listed under Standard Conditions No. 13. The plans show an existing platform varying travel surface of 8.0 (NGVD 29) or 6.88 (NAVD 88). The proposed concrete deck slab is elevation 12.0 (NGVD 29) or 10.88 (NAVD 88); this is the elevation of the proposed garage. An access drive is at elevation 12.7 (NGVD 29) or 11.58 (NAVD 88). The lowest residential level is 23.0 (NGVD 29) or 21.8 (NAVD 88). The plans represent a replacement platform entirely over water to the north of the proposed steel sheetpile bulkhead; all of the proposed pier would be seaward of the mean high tide line.

- Pier 16 has failed and collapsed sections are partially submerged in the Hudson River. Photographs 5 and 7 demonstrate this deteriorated condition;
- Pier 15 is in a partially deteriorated condition and appears to have experienced differential settlement. Photographs 6 and 8A through 8E show the north sloping surface, holes and deteriorate concrete;
- An “Unnamed Projection” exists between Piers 15 and 14. This area is vegetated with grasses as captured in Photograph 9;
- Pier 14 is in active use and appears to be of newer construction (or reconstruction) as in Photograph 10. The deck is suspended over water on piles;
- Pier 3, also known as Pier 13 is in active use and is well maintained newer construction (or reconstruction). The length of the pier surface is over water and supported by pile. Photographs 11 and 12 show these conditions;
- Pier 2 is a pile supported pier over water in good condition. Photographs 13A and 13B demonstrate that the pier is separated from the mainland at driven piles; severed conduits are visible;

- Pier 1 is shown in Photograph 15 and is restricted by a chain link fence. The concrete of this pier over water is in fair condition;
- Pier 12 is depicted in Photographs 14 and 16 that shows a well maintained public access pier;
- The Union Drydock complex is displayed in Photographs 17 and 18, which show the northernmost and southernmost piers. The piers observed are suspended over water on pile foundation.

Inundation of Piers and Platforms

All of the piers and platform described above are located in the V-zone area on the *FEMA Advisory Base Flood Elevation Map* in Appendix A. The Base Flood Elevations (BFE) for the zone surrounding the specifically mentioned piers and platform is elevation 16 and 14. In addition to a wave hazard in the V-zone, all piers referenced above have greater than 6-feet of inundation shown on the *FEMA Advisory Base Flood Elevation Map Depths in Appendix A*. FEMA delineates the inland boundary of the V-zone where, under base flood conditions, wave heights are predicted to drop below 3 feet. A significant factor that influences wave height is water depth.

Threat to Public Health and Safety

The City of Hoboken waterfront is extremely susceptible to the forces of nature. When a hurricane or nor'easter nears the region, winds may reach over 110-miles per hour or more, with major to record coastal flooding along the Hudson River. Any hurricane or nor'easter to impact the New Jersey coast will have wind driven rains that generate waves and storm tides that are influenced by storm surge and lunar tides. As one can imagine, or recall after experiencing a storm, the wind driven rain, possible darkness due to time of day and loss of power, inundation of the floodplain, and uncertainty of the depth of flooding masking familiar landmarks, all create disorientation and render unsafe conditions for citizens and first responders. This is uniquely acute when building on Piers and Platforms that present a host of unique threats to Public Health and Safety with regard to evacuation, access, utility operations and exposure to water and contaminants. These issues are explored in detail below.

Occupants of Buildings on Piers and Platforms

When occupied structures are added to a pier or platform over water or as an extension of the waterfront (filled pier or platform), occupants of the buildings are greatly restricted in access to upland area for evacuation. Before and during extreme storm events, piers and platforms and the surrounding lands are covered by moving floodwater. As shown on the map *FEMA Advisory Base Flood Elevation Depths* in Appendix A, over six-feet of water is expected to separate the above referenced piers and platform from adjacent areas. During a tidal flood condition, the building, even if elevated to one-foot above the Base Flood Elevation, is separated by two to four-feet of water and in some locations, in excess of four-feet, essentially making the building site an island standing in the Hudson River. At least three sides of the building constructed on a pier or platform will be surrounded by the V-zone, the coastal equivalent to the riverine Floodway, the high hazard area with waves at or in excess of three-feet. These waves are a serious threat to evacuees and first responders, in Hurricane Sandy's case, through three high tide cycles.⁵

⁵ The 1962 Nor'easter's strength was experienced through five high tide cycles.

Even with Mandatory Evacuations, it is common that some people refuse to leave⁶ or have difficulty leaving and remain behind. If these people live or work in buildings on piers or platforms, they will be trapped by surrounding floodwater, unable to independently evacuate for any reason including medical, occurrence of fire, or otherwise. People with special needs, such as infants, children, disabled and the elderly present more challenging rescue operations as they are limited in mobility.

The City of Hoboken is limited in its ability to shelter people and the same is true for Hudson County. Evacuation to community sheltering is problematic for all involved. People displaced from homes are away from supportive surroundings and may require special needs that are not easily attended to including provisions for pets and filling prescriptions.⁷ These evacuations are stressful and expensive to the City of Hoboken. Applying the current City policy of “sheltering in place” would encourage occupants of buildings over water to remain in what are essentially islands surrounded by high waves. Rescues from those buildings would require special operations, including swiftwater, fast moving water rescue procedures, during a time of intense commitment of first responders and City staff and resources. These special services distract from the other important preparation and lifesaving tasks of first responder who are needed elsewhere in the City.

First Responders

There is no greater population at risk during flooding than first responders that include police, fire, OEM personnel, CERT Team members, ambulance and rescue squad personnel. First responders must patrol during a natural disaster, make initial damage assessments, block access to hazardous areas, search for survivors and perform rescues and ultimately locate casualties. Unseen hazards are prevalent in the floodwater; utilities are compromised and leave uncertain hazards in conducting operations, including electrical and exposure hazards. Accessing areas with waves is inherently more dangerous due to waves and waterborne debris and require additional training and precaution by swiftwater (meaning fast moving water) rescue trained responders. Building on piers and platforms exacerbate the risk to first responders, during a flood event, as it is difficult to ascertain where the edge of pier/ platform, landform and water boundary exists. First responders would have impaired senses when experiencing wind driven rain, and would have trouble seeing what is below him/her. First responders or others could step off the pier and fall into Hudson River waves and be swept away.

While buildings and piers can be designed and constructed to withstand the forces of a major storm, but people responding to occupants of the building and ensuring public safety are at great risk. Exterior lighting and other electrical service, like in the above Figure 2 showing the Sinatra Pier, would be exposed to floating debris like a log or section of pier causing damage and shock potential.

Fire Fighting

Fire Fighting is already extremely challenging when buildings in an inundated area ignite. In the case of a pier or platform, operations from the pier proper are not possible as the building is an island surrounded by water with waves. When flooding, staging from the pier or platform’s surrounding area is problematic due to depth of water. According to the City of Hoboken Fire Chief Blum, a fire truck’s tailpipe (exhaust) is only 13-inches⁸ off the ground, which makes continued use in addressing flooded areas problematic. Fighting fires in floodwater create hazardous conditions for the firefighters with risks due to tripping hazards from debris and submerged fire lines, impairment of vision and hearing and

⁶ From correspondence of Florida State University Associate Professor Earl J. Baker, PhD

⁷ From correspondence with City of Hoboken Caleb Stratton, Principal Planner, relating experience by City of Hoboken Public Safety Director Tooke

⁸ From correspondence with City of Hoboken Caleb Stratton, Principal Planner relating finding of Fire Chief Blum

exposure to exposed utilities and contaminants. Fire hydrants can be difficult to locate when submerged under water. Access to all sides of buildings on a pier or platform is difficult and requires specialized equipment like a fireboat: a firefighting platform that will be subject to wind and turbulent, surging waves of the V-zone during the disaster. Operating a boat in waves that exceed three feet in height around the existing piers and platforms in the Hoboken waterfront is expected per the FEMA Advisory Base Flood Elevation Map. All the above concerns increase response time and compromise control of the fire.

Utilities

The maintenance of continued utility service in floodprone areas is difficult. Even when backup power has been supplied and is generated above the Base Flood Elevation, services such as water and sewer cannot be guaranteed in the days following a disaster. Compromised pressure in water supply systems may lead to contamination with residents needing to boil the water. Wet wires and outlets are a potential shock hazard after flood inundation. As experienced from Hurricane Sandy, public utilities may be out of service for many days to weeks following a disaster. Redundancies in utility service may not be rated for the length of service needs or fuel supply. In addition to the above, utilities exposed to salt water are corrosion prone and subject to performance and safety issues following their inundation.

Building and Site Contamination Exposure

Floodwater is not clean and may contain a host of pollutants requiring attention following flood inundation. Common pollutants in urban floodwater are untreated wastewater that needs disinfection and petroleum products that require absorption materials and removal before reoccupation. According to the United States Department of Labor, Occupational Safety & Health Administration (OSHA), Fact Sheets on Natural Disaster Recovery: Flood Cleanup, floodwater can cause sickness with exposure. OSHA warns that Tetanus is also a risk from seen and unseen debris during the disaster and to people engaged in the response and cleanup phases.

Regulations

This section summarizes how buildings over water are addressed in the regulations of the National Flood Insurance Program, the New Jersey Uniform Construction Code, and the City's flood damage prevention rules. Figure 1 below illustrates how the NFIP and the UCC are applied to building over water in flood zones that are designated "Zone A" and "Zone V."

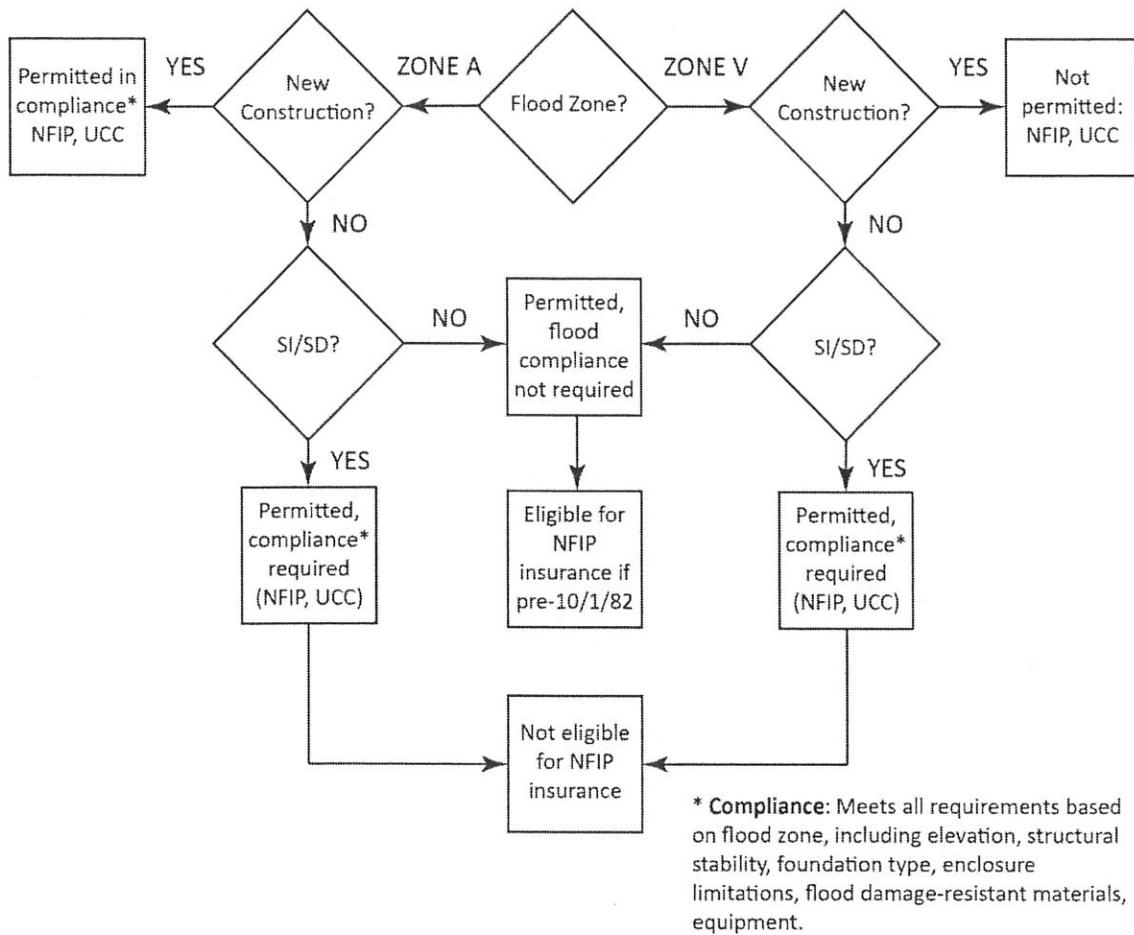


Figure 1: NFIP construction and insurance/UCC Decision Flow Chart

NFIP Land Management Criteria and Buildings Over Water

The NFIP regulations at 44 CFR Part 60⁹ (criteria for land management and use) and 44 CFR Section 59.1¹⁰ (definitions) has no requirement related to buildings over water on flood hazard areas designated as Zone A (includes zones labeled AE, A, A1-30, AO, and AH). The regulations have a requirement for buildings over water that applies only in coastal high hazard areas (special flood hazard areas subject to high velocity wave action, also called "Zone V"). Communities with Zone V are to:

60.3(e)(3) Provide that all new construction within Zones V1-30, VE, and V on the community's FIRM is located landward of the reach of mean high tide.

New construction is defined:

New construction means, for the purposes of determining insurance rates, structures for which the 'start of construction' commenced on or after the effective date of an initial FIRM or after

⁹ <http://www.gpo.gov/fdsys/pkg/CFR-2002-title44-vol1/xml/CFR-2002-title44-vol1-part60-subpartA.xml>

¹⁰ <http://www.gpo.gov/fdsys/pkg/CFR-2002-title44-vol1/xml/CFR-2002-title44-vol1-sec59-1.xml>

December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

FEMA recently confirmed the following regarding piers (and platforms) over water:

- New piers with no structures/buildings on them would be considered “development” as defined in the NFIP. As such, they would not be prohibited seaward of mean high tide.
- New piers with new structures/buildings would be prohibited seaward of mean high tide.
- In the case of existing piers with no structures/buildings currently on them, placing new structures/buildings on them would be considered new construction and would be prohibited by regulation.
- In the case of an existing pier with an existing structure/building located on it, the structure/building could be substantially improved provided that the structure/building, along with the pier foundation elements met all other Zone V requirements in 60.3(e)(1), (2), (4), (5), and (6).

NFIP Flood Insurance Not Available for Buildings Over Water

The NFIP **Flood Insurance Manual** in General Rules, VI. Ineligible Property (page GR 7), states that “C. Buildings Entirely Over Water. Buildings newly constructed or substantially improved on or after October 1, 1982, and located entire in, on, or over water or seaward of mean high tide are ineligible for coverage.” The corollary is that buildings that were constructed or substantially improved before October 1, 1982 are eligible for coverage (see III. Building Property Ineligibility, A(4), page GR 4)).

New Jersey Governor Chris Christie vetoed Senate Bill No. 2680¹¹ “require[ing] the Department of Environmental Protection to approve development projects on existing piers located in ‘coastal high hazard areas’....” The Governor’s veto was based on “...the potential to jeopardize National Flood Insurance Program (“NFIP”) eligibility for impacted municipalities.” The Governor said in his veto statement that he “... cannot condone such a risk.”

New Jersey Uniform Construction Code and ASCE 24

The City, like all local jurisdictions in New Jersey, is required to enforce the New Jersey Uniform Construction Code. The New Jersey Uniform Construction Code (UCC) currently comprises several technical subcodes: building, electrical, fire protection, plumbing, fuel gas installations, mechanical installations, one- and two-family dwellings, accessible (barrier-free) construction, the rehabilitation of existing buildings, the construction of manufactured homes,

Coastal A Zone – Area within an SFHA, landward of a Zone V or landward of an open coast without mapped Zone V. In a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave heights shall be greater than or equal to 1.5 feet. The inland limit of the Coastal A Zone is (a) the Limit of Moderate Wave Action if delineated on a FIRM or (b) as designated by the authority having jurisdiction.

Limit of Moderate Wave Action – Line shown on FIRMs to indicate the inland limit of the 1.5-foot breaking wave height during the base flood.

¹¹ http://www.njleg.state.nj.us/2012/Bills/S3000/2680_V1.PDF

asbestos hazard abatement, radon hazard abatement, and playground safety. With the exception of the rehabilitation subcode, the technical subcodes are based on the 2009 International Code Series (I-Codes), with State amendments. FEMA deems the flood provisions of the 2009 I-Codes to be consistent with the NFIP requirements for buildings and structures.

Building Subcode (N.J.A.C. 5:23-3.14). The flood provisions of the NJ building subcode are unchanged from the model IBC, except for removal of provisions applicable to existing buildings (see rehabilitation subcode). Section 1612 Flood Loads references ASCE 24, Flood Resistant Design and Construction. With respect to buildings over water:

- ASCE 24 is silent about buildings over water in Zone A, which are flood hazard areas other than Coastal High Hazard Areas (Zone V) and Coastal A Zones (see text box);
- ASCE 24, in Section 4.3 Siting, specifies that “New construction and substantial improvements within Coastal High Hazard Areas and Coastal A Zones shall ... (1) Be located landward of the reach of mean high tide.”
- ASCE 24 exceeds the NFIP by requiring buildings that are substantially improved (improvements equal or greater than 50% market value, including those that have incurred substantial damage, damage equal or greater than 50% market value) to be landward of the reach of mean high tide.

Applicability of NJ UCC & ASCE 24

ASCE 24, like the flood provisions of the NJ UCC, applies within flood hazard areas. The rules should not be interpreted to apply only to buildings on land. Such an interpretation would illogically be extended to all other building code requirements. If areas of water are identified on FIRMs as Zone A or Zone V, then the requirements for those zones apply.

Thus, proposed new buildings (or substantially improved existing buildings) over water in Zone A are required to comply with the flood hazard area requirements for Zone A. Similarly, existing buildings over water in Zone V, if substantially improved, are required to comply with the requirements for Zone V.

Rehabilitation Subcode (N.J.A.C. 5:23, Subchapter 6). The State of New Jersey develops and maintains its rehabilitation subcode. Work categories subject to the requirements of the subcode are repair, renovation, alteration, reconstruction, change of use, and additions. The subcode has no specific requirements for existing buildings in flood hazard areas.

The “prior approval” process used by communities to coordinate reviews of applications for work on existing buildings in flood hazard areas is expected to have the local floodplain administrator review applications and determine whether proposed work is Substantial Improvement or repair of Substantial Damage. If such a determination is made, then the local floodplain administrator – not the code official – requires that such buildings be brought into compliance with the requirements for new construction.

The “Prior Approval” Process. The New Jersey Administrative Code contains the administrative and enforcement provisions that communities use to enforce the UCC. “Prior approval” is defined as the necessary certifications or approvals issued or authorized by a Federal or State agency, or by any political subdivisions of the State, that are “conditions precedent to the issuance of a construction permit or certificate of occupancy or approval” (N.J.A.C. 5:23-1.4). Examples of prior approvals are listed, including zoning. For applications for building permits in flood hazard areas, the prior approval process is used to coordinate the requirements of the UCC and the requirements of local flood damage prevention regulations. This is the mechanism that allows local jurisdictions to impose elevation requirements that are higher than those found in the UCC. It is also the process by which local

jurisdictions use to satisfy the NFIP requirements related to existing buildings in flood hazard areas (Substantial Improvement and Substantial Damage).

Hoboken's Flood Damage Prevention Rules (Chapter 104)

The City's current flood damage prevention rules are Chapter 104, last amended "in its entirety" on September 6, 2006 by Ord. No. DR-272, with subsequent amendments. The current effective *Flood Insurance Study for Hudson County, New Jersey (All Jurisdictions)* and the current effective FIRMs are dated August 16, 2006. The current effective FIRM shows only Zone A within the corporate boundaries of the City. Consequently, Chapter 104 is silent on buildings over water, paralleling the NFIP regulations at 44 CFR 60.3(c).

The Advisory Base Flood Elevation Map produced by FEMA for the City show some portion of the special flood hazard area is identified as Zone V (also called "coastal high hazard area"). In order to continue to meet the requirements of the NFIP, the City will be required to amend its flood damage prevention rules to, at a minimum, conform to the NFIP regulations at 44 CFR 60.3(e). The NJDEP model ordinances that include those requirements are identified as "Model Type E" (without floodways) or "Model Type D & E" (with floodways).

City of Hoboken References

Master Plan and Reexamination Report

The City of Hoboken Master Plan reviews the Existing Land Use as "essentially fully developed." In the section titled Waterfront, the plan reads:

Like other areas in Hoboken, the waterfront has undergone a dramatic transformation. The once bustling docks have largely been replaced; the only active industrial use left on the waterfront is Union Drydock, located just north of Castle Point Park [shown well in Appendix B of this report]. Housing and offices have replaced warehouses and railroad tracks. Parks have taken over piers.

The plan further states that the waterfront walkway will attract business to the waterfront and that debate has ensued on how to realize this development. The plan projects that "As the final pieces fall into place in this area, decisions need to be made as to what role the waterfront will serve in the community."

The City of Hoboken 2010 Reexamination Report helps answer the question of competing uses of the Waterfront in sections about Parks and Land Use. In addressing the 2004 Master Plan's objectives under Parks, the plan's goal in expanding park use includes "Comple[ing] the waterfront walkway and line with parks and piers designed for both active and passive recreation." Further, in line with realizing waterfront parks, the Reexamination Plan calls on "Encourag[ing] water-dependent and water-oriented recreational uses on the waterfront; limit commercial uses in waterfront areas to support activities" and to specifically "Limit development on piers." The plan states that "None of the waterfront developers within the I-1(w) district have been permitted to develop residential uses on their piers; they have built public recreation, marina and ferry operations."

Under the Land Use objectives, the Reexamination Plan points to a balance of uses, which include a "waterfront with one continuous park and many upland connections..." [emphasis by underline].

The City's Master Plan and Reexamination report recommendations for the waterfront and construction on piers is consistent with the high risk presented by the floodplain and coastal high hazard area (V-zone) now defined in the Advisory Base Flood Elevation Map.

Community Resilience Plan

The City of Hoboken is challenged in terms of resilient development and redevelopment because 72.8% of the City's land area is within the Special Flood Hazard Area. The City has posted a Community Resilience Plan to its website that addresses the challenges and mitigation actions being taken to lessen future losses to property. The prime targets are Energy Resilience, Shoreline Protection, Flood Mitigation, Stormwater Management, Critical Facilities/Infrastructure, Emergency Notification, Public Information, Resilient Building Codes and Resiliency Task Force. All of these efforts are reducing existing risk; building in V-zone areas on piers and platforms run contrary to the goals of the City.

Future Conditions

The City of Hoboken Reexamination Plan has a section entitled Changes in Policies and Objectives, which states:

Climate Change, with the accompanying sea level rise, storm water management and flooding issues, will be something that vulnerable cities such as Hoboken will need to take into account as they plan for the future. There is a high likelihood that these shifts in extremes will have serious ramifications on coastal municipalities that were at the forefront of being settled and therefore have already been pretty much built out. Now these municipalities have to deal with antiquated infrastructure as well as with patterns of development that are in direct conflict with non-structural climate change mitigation strategies.

This statement is consistent with the Hudson County 2008 Reexamination of the 2002 Master Plan that witnesses "reports documenting climate change and other environmental research and its impact on Hudson County communities." The Plan states that the "impact of climate change on Hudson County...could result in increased flooding for parts of the county, causing significant damage to real estate and disrupting transportation systems throughout the area. One of the Objectives of the Reexamination Plan is to "Discourage development in floodplains [and] flood hazard areas..." and discourage development or disturbance in floodplains and flood hazard areas due to expected sea level rise." The Reexamination cautions that "A majority of the development activity [is] along Hudson County's Waterfront or in areas of the county located within the 100-year floodplain" and ponders future conditions when "A rise in sea-levels as a result of climate change will place much of this new development at increased risk for flooding."

Sea Level Rise Maps

Since the City's 2010 Reexamination of the 2004 Master Plan and Hudson County's 2008 Reexamination of its 2002 Master Plan speak to the future impacts of climate change and sea-level rise of the Hudson River, and reflecting on development on existing piers, this report examines future conditions that will greatly influence the City of Hoboken's waterfront. The website www.globalchange.gov has a Sea Level Rise Tool For Sandy Recovery – this tool uses the "best available science and data" that thirteen federal agencies have jointly developed for local government to employ to mitigate future flood risk. For the covered area that included the City of Hoboken, the NOAA-led interagency report Global Sea Level Rise Scenarios for the United States National Climate Assessment incorporated global mean sea level rise that included ocean warming and melting of mountain glaciers and ice sheets.

According to the Frequently Asked Questions on the tool’s website, the tool should be used by “State and local planners and floodplain managers (e.g. officials who enforce zoning ordinances or building codes, or make policy decisions regarding development, infrastructure, citing, sustainability, etc.)” There are two scenarios presented in the tool with a lower-rise for high tolerance, short lived projects, and a higher rise projection where long term decisions are key. Both conditions are shown

2050 Floodplain with Sea Level Rise

In the figure *2050 Sea Level Rise Storm Projections* in Appendix A, lowest and highest projections of sea level rise are projected on the Base Flood Elevation in the Advisory Base Flood Elevation Map. Since the majority of Hoboken is inundated by the Base Flood Elevation, the flooding of the waterfront is only exacerbated rather than any new areas being flooded. The figure shows an example location where the Base Flood Elevation depth is 2.0-feet with a lowest projection depth of 2.3-feet and highest projection of 4.0-feet. This would indicate that for the Base Flood Elevation and Lowest 2050 Projection would be accessible for fire equipment, but the Highest Projection, encouraged to be used for long term projects would prevent fire apparatus accessibility.

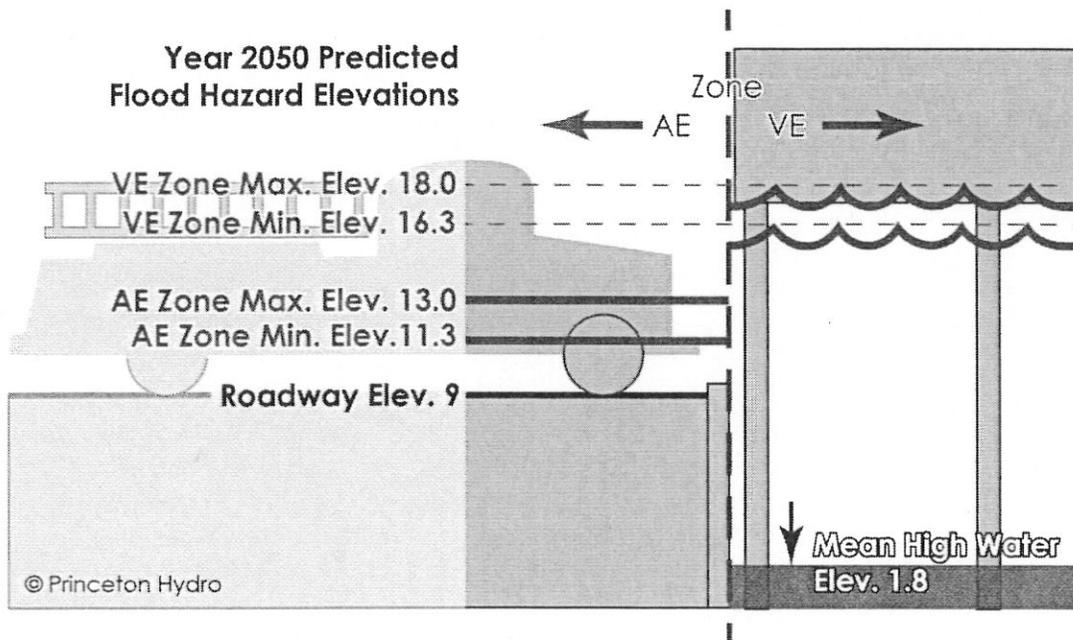


Figure 2: Depiction of Sea Level Rise 2050

2100 Floodplain with Sea Level Rise

As with the above description of the 2050 projection, the *2100 Sea Level Rise Storm Projections* figure shows worsened depth of flooding along the City of Hoboken waterfront. The example location has an increase in depth of flooding to 2.7-feet for the Lowest Projection. Most startlingly, the Highest Projection shows a future depth of 8.6-feet and dramatically inhibits accessibility for first responders.

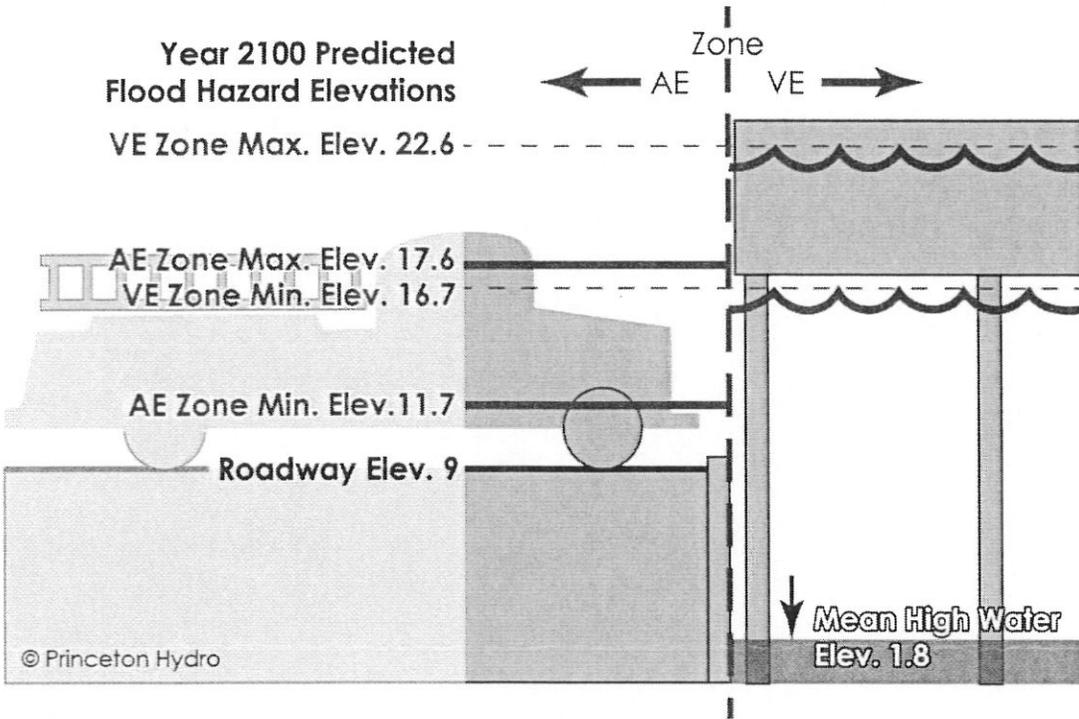


Figure 3: Depiction of Sea Level Rise 2100

City of Hoboken Ordinance Prohibiting Pier Development

The authors of this report, from a risk to public health and safety and consistency with regulations standpoint, and with all the findings presented in this document recommend that the City of Hoboken pass an ordinance prohibiting pier development for other than for functionally dependent uses, such as for open space and outdoor active and passive recreation, on piers or platforms over water in V-zones and seaward of mean high tide.



Appendices

Appendix A – Maps

Flood Hazard Information

Preliminary Work Map
1% Flood Hazard Limit
(SFHA)

2100 Sea Level Rise Projection

- Lowest
(SFHA + 0.7 ft)
- Highest
(SFHA + 6.6 ft)

Sea Level Rise Projections include best available Special Flood Hazard Area (SFHA) plus sea level rise scenarios. Data obtained from NOAA GeoPlatform. www.globalchange.gov



Flood Depth Information

- ✘ **Example #1**
1% Flood Hazard: 2.0'
2100 Lowest Projection: 2.7'
2100 Highest Projection: 8.6'
[See report for details]
- **Example #2**
1% Flood Hazard: 2.6'
2050 Lowest Projection: 3.3'
2050 Highest Projection: 9.2'
- **Example #3**
1% Flood Hazard: 6.5'
2050 Lowest Projection: 7.2'
2050 Highest Projection: 13.1'

Legend

- Ferry Terminal
- Train Station
- Municipal Boundary
- Ferry Route

NOTES:
1. Municipal boundary and 2012 orthoimagery obtained from NJGIS Information Warehouse.
2. Ferry routes obtained from the City of Hoboken.
3. FEMA preliminary work map obtained from FEMA Region II Coastal Analysis and Mapping, September 4, 2013.
4. Sea level rise storm projections obtained from NOAA GeoPlatform, September 11, 2013.

0 500 1,000 Feet

Map Projection:
NAD 1983 StatePlane New Jersey NPS 2900

File: P:\Map\Project\1\GIS\1444\Map_SLR2100.mxd, 9/12/2013, Drawn by: erofbeck, Copyright Princeton Hydro, LLC

September 2013

Flood Hazard Information

Preliminary Work Map
 1% Flood Hazard Limit
 (SFHA)

2050 Sea Level
 Rise Storm Projections

● Lowest
 (SFHA + 0.3 ft)

● Highest
 (SFHA + 2.0 ft)

Sea Level Rise Storm Projections include best available Special Flood Hazard Area (SFHA) plus sea level rise scenarios. Data obtained from NOAA GeoPlatform, www.globalchange.gov



Flood Depth Information

Example #1

1% Flood Hazard: 2.0'
 2050 Lowest Projection: 2.3'
 2050 Highest Projection: 4.0'
 [See report for details]

Example #2

1% Flood Hazard: 2.6'
 2050 Lowest Projection: 2.9'
 2050 Highest Projection: 4.6'

Example #3

1% Flood Hazard: 6.5'
 2050 Lowest Projection: 6.8'
 2050 Highest Projection: 8.5'

Legend

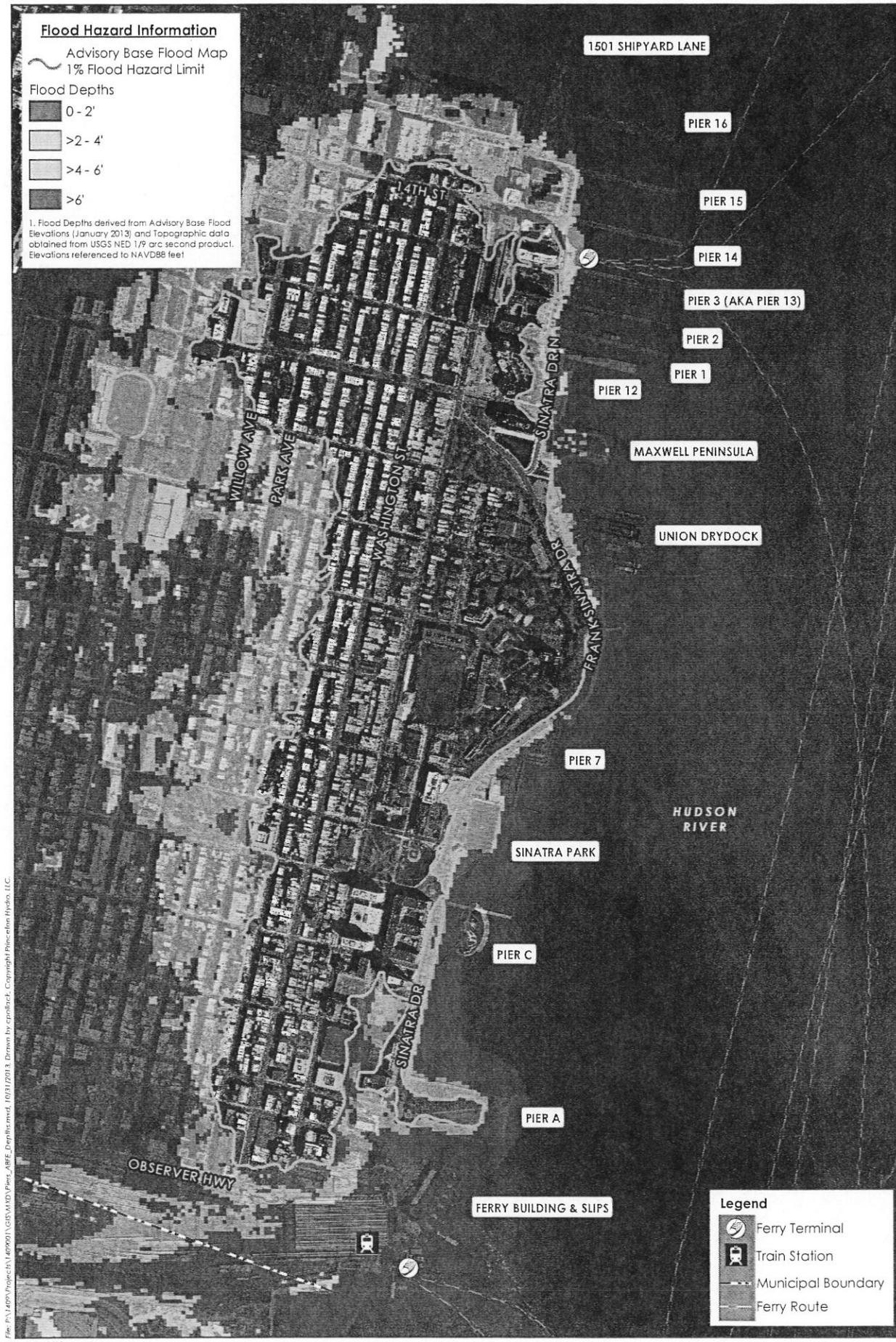
- Ferry Terminal
- Train Station
- Municipal Boundary
- Ferry Route

NOTES:
 1. Municipal boundary and 2012 orthoimagery obtained from NJGIS Information Warehouse.
 2. Ferry routes obtained from the City of Hoboken.
 3. FEMA preliminary work map obtained from FEMA Region II Coastal Analysis and Mapping, September 4, 2013.
 4. Sea level rise storm projections obtained from NOAA GeoPlatform, September 11, 2013.



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September 2013



Flood Hazard Information

Advisory Base Flood Map
1% Flood Hazard Limit

Flood Depths

- 0 - 2'
- >2 - 4'
- >4 - 6'
- >6'

1. Flood Depths derived from Advisory Base Flood Elevations (January 2013) and Topographic data obtained from USGS NED 1/9 arc second product. Elevations referenced to NAVD88 feet

File: P:\1497\Projects\1497001\GIS\MXD\Pier_ABF_Flood Depths.mxd, 10/31/2013, Drawn by: csp@hoboken.com, Copyright: Princeton Hydro, LLC, October 2013

FEMA Advisory Base Flood Depths City of Hoboken

EXPERT REPORT ON RISK AND COMPLIANCE FOR
DEVELOPING ON PIERS OVER WATER



Legend

- Ferry Terminal
- Train Station
- Municipal Boundary
- Ferry Route

NOTES:

1. Municipal boundary and 2012 orthomosaic obtained from HUDN Information Warehouse.
2. Ferry routes obtained from the City of Hoboken.
3. FEMA Advisory Base Flood Map obtained from FEMA Region II Coastal Analysis and Mapping, September 2, 2013.
4. NED 1/9 arc second product (2004-2005) obtained from USGS The National Map, September 6, 2013.

Map Projection: NAD 1983 StatePlane New Jersey RPS 2900



Flood Hazard Information

- * Hurricane Sandy High Water Mark & Elevation
 - Limit of Moderate Wave Action
 - 1% Flood Hazard Limit
 - 0.2% Flood Hazard Limit
 - VE (1% Flood Hazard)
 - AE (1% Flood Hazard)
 - Shaded X (0.2% Flood Hazard)
- Preliminary Base Flood Elevations (BFE)
 Publication Date June 10, 2013
 Elevations referenced to NAVD86 feet

File: P:\1459\Project\14599\GIS\MapDocs\FEMA_PrelimWorkMap.mxd, 9/16/2013, Down by cpallock, Copyright Princeton Hydro, LLC.

September 2013



FEMA Preliminary Work Map City of Hoboken

EXPERT REPORT ON RISK AND COMPLIANCE FOR
DEVELOPING ON PIERS OVER WATER

Legend

- Ferry Terminal
- Train Station
- Municipal Boundary
- Ferry Route

NOTES:
 1. Municipal boundary and 2012 orthoimagery obtained from NJDR Information Warehouse.
 2. Ferry routes obtained from the City of Hoboken.
 3. FEMA preliminary work map obtained from FEMA Region II Coastal Analysis and Mapping, September 4, 2013.
 4. Hurricane Sandy High Water Marks obtained from USGS.



Advisory Flood Hazard Information

- * Hurricane Sandy High Water Mark & Elevation
- Limit of Moderate Wave Action
- 1% Flood Hazard Limit
- 0.2% Flood Hazard Limit
- Elevation Zone Limit
- V (1% Flood Hazard)
- A (1% Flood Hazard)
- Shaded X (0.2% Flood Hazard)

Advisory Base Flood Elevations (ABFE)
 Publication Date January 26, 2013
 Elevations referenced to NAVD88 feet



File: P:\GIS\Projects\GIS\MapDocs\FEMA_ABF.mxd, 9/16/2013, Drawn by: cpollock, Copyright Princeton Hydro, LLC

September 2013

Legend

- Ferry Terminal
- Train Station
- Municipal Boundary
- Ferry Route

NOTES:
 1. Municipal boundary and 2012 aerial imagery obtained from NJGIS Information Warehouse.
 2. Ferry routes obtained from the City of Hoboken.
 3. FEMA Advisory base flood map obtained from FEMA Region II Coastal Analysis and Mapping, September 4, 2013.
 4. Hurricane Sandy High Water Marks obtained from USGS.

0 500 1,000 Feet

Map Projection:
 NAD 1983 StatePlane New Jersey RP2 2900



Flood Hazard Information

- * Hurricane Sandy High Water Mark & Elevation
- AE (1% Flood Hazard) Base Flood Elevation 9
- Shaded X (0.2% Flood Hazard)
- ~ 1% Flood Hazard Limit
- ~ 0.2% Flood Hazard Limit

Elevations referenced to NAVD88 feet

File: P:\1007\Project\141409001\GIS\Map\141409001_FEMA_EffectiveMap.mxd 9/12/2013 3:00pm Drawn by: cpollack Copyright Princeton Hydro, LLC

September 2013

FEMA Effective FIRM City of Hoboken

EXPERT REPORT ON RISK AND COMPLIANCE FOR
 DEVELOPING ON PIERS OVER WATER

Legend

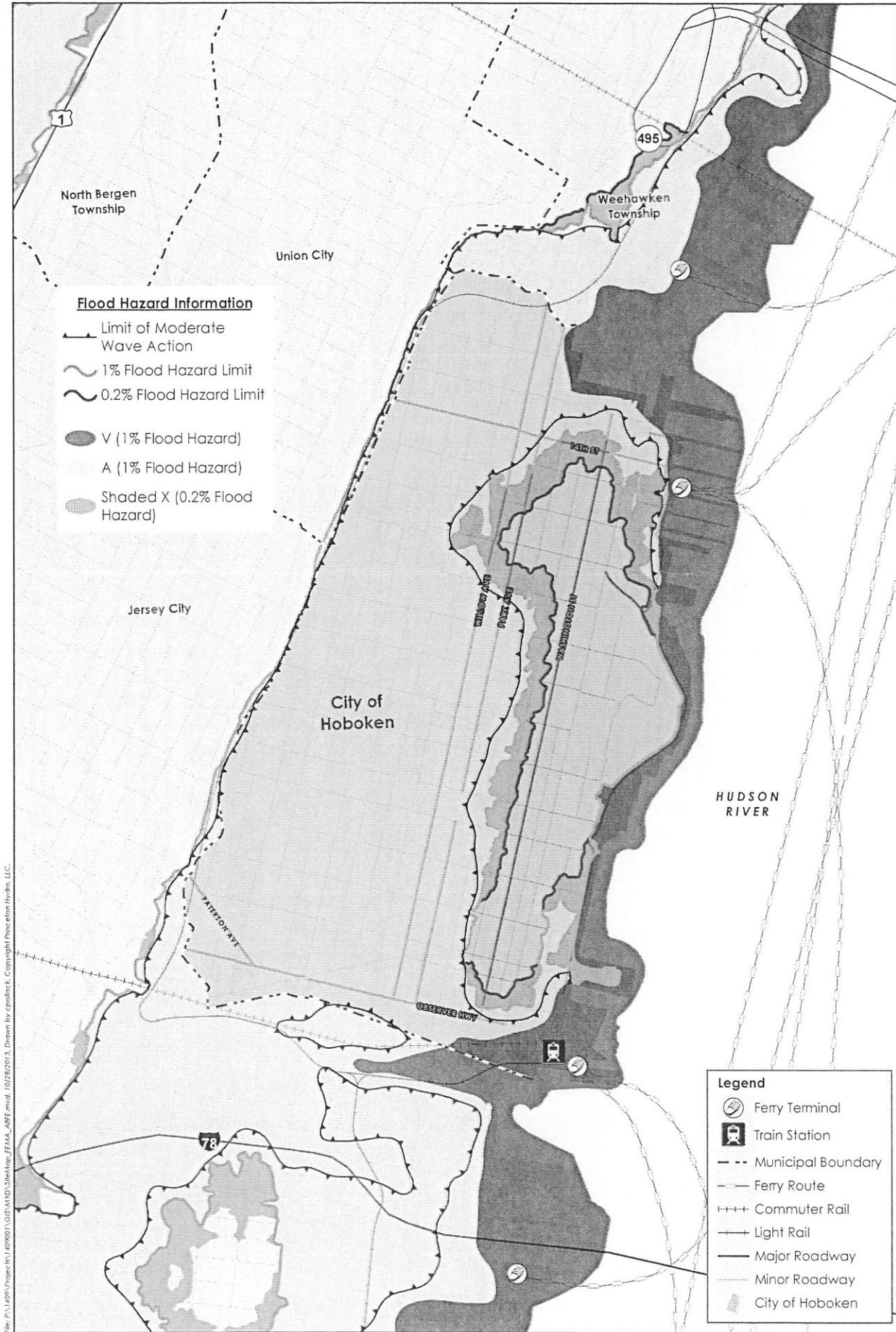
- Ferry Terminal
- Train Station
- Municipal Boundary
- Ferry Route

NOTES:

1. Municipal boundary and 2012 orthomography obtained from NJDN's Information Warehouse
2. Ferry routes and Effective FIRM (August 2004) obtained from the City of Hoboken.
3. Hurricane Sandy High Water Marks obtained from USGS.

0 500 1,000 Feet

Map Projection: NAD 1983 StatePlane New Jersey RPS 2900



File: P:\11\2013\Projects\1146090\GIS\Map\Map_SiteMap_FEMA_ABF.mxd, 10/28/2013, Drawn by: cpholick, Copyright Princeton Hydro, LLC.

October 2013

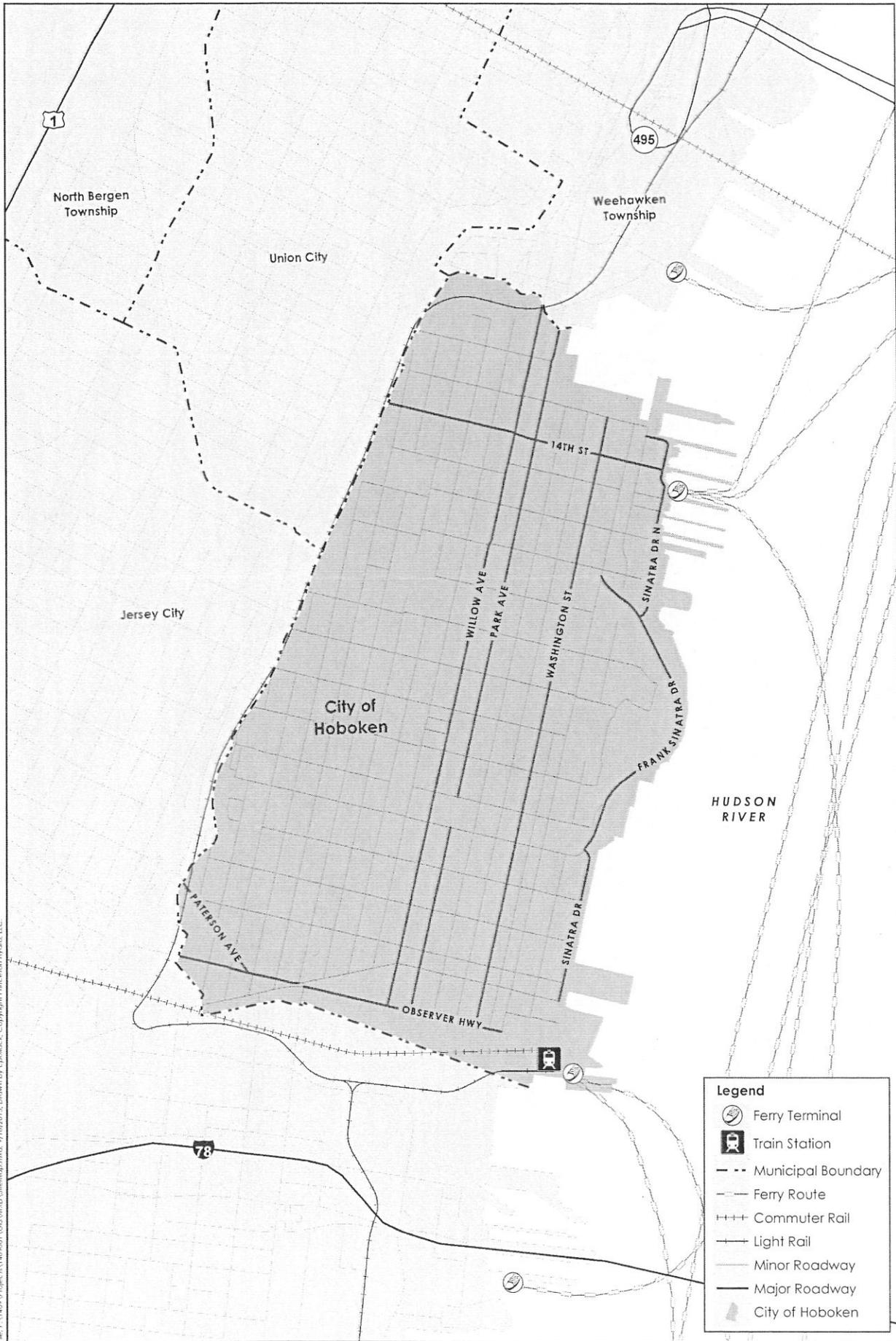
Legend

- Ferry Terminal
- Train Station
- Municipal Boundary
- Ferry Route
- Commuter Rail
- Light Rail
- Major Roadway
- Minor Roadway
- City of Hoboken

NOTES:
 1. Municipal boundary obtained from NJGIN Information Warehouse.
 2. Ferry route, rail lines, and roads obtained from the City of Hoboken.
 3. FEMA Advisory base flood map obtained from FEMA Region II Coastal Analysis and Mapping, September 4, 2013.

0 500 1,000
Feet

Map Projection:
NAD 1983 StatePlane New Jersey RPS 2900



File: P:\Map Projects\HY\499901 GIS\AXXD\SiteMap.mxd, 9/16/2013, Drawn by: cpdback, Copyright Princeton Hydro, LLC.

September 2013

Location Map City of Hoboken

EXPERT REPORT ON RISK AND COMPLIANCE FOR
DEVELOPING ON PIERS OVER WATER

Legend

- Ferry Terminal
- Train Station
- Municipal Boundary
- Ferry Route
- Commuter Rail
- Light Rail
- Minor Roadway
- Major Roadway
- City of Hoboken

NOTES:

1. Municipal boundary obtained from NJGIN Information Warehouse.
2. Ferry route, rail lines, and roads obtained from the City of Hoboken.

0 500 1,000
Feet

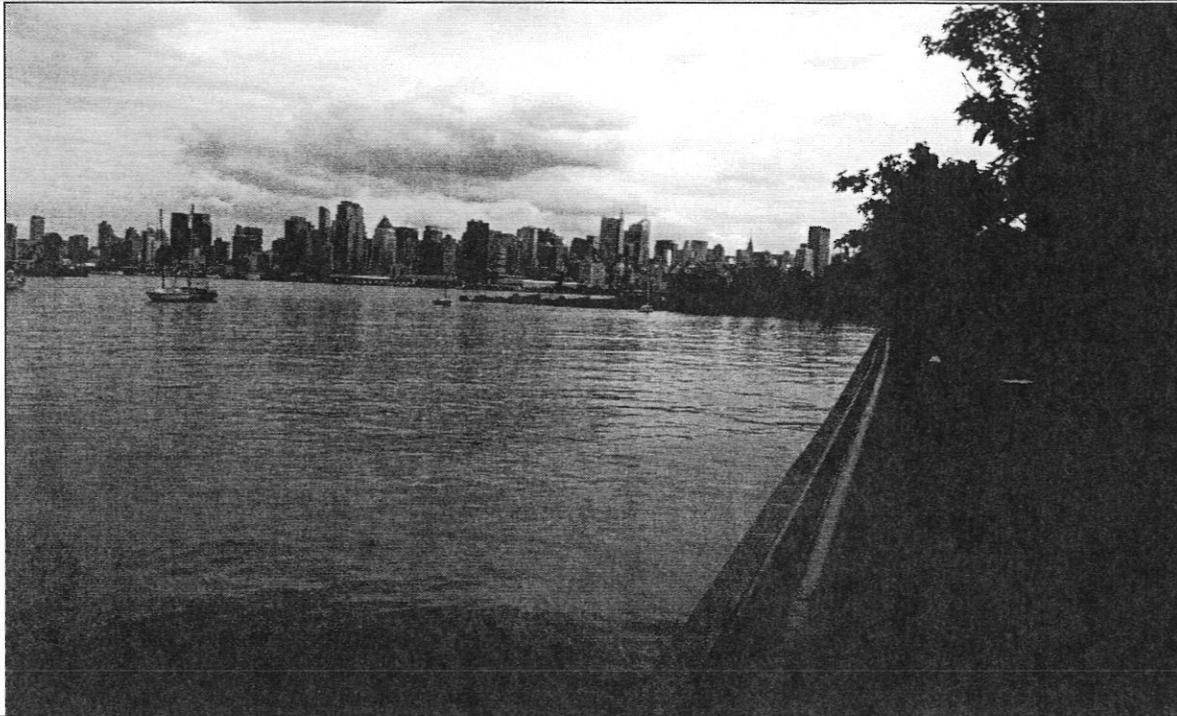
Map Projection:
NAD 1983 StatePlane New Jersey FIPS 2900

Appendix B – Photograph Locations and Photographs

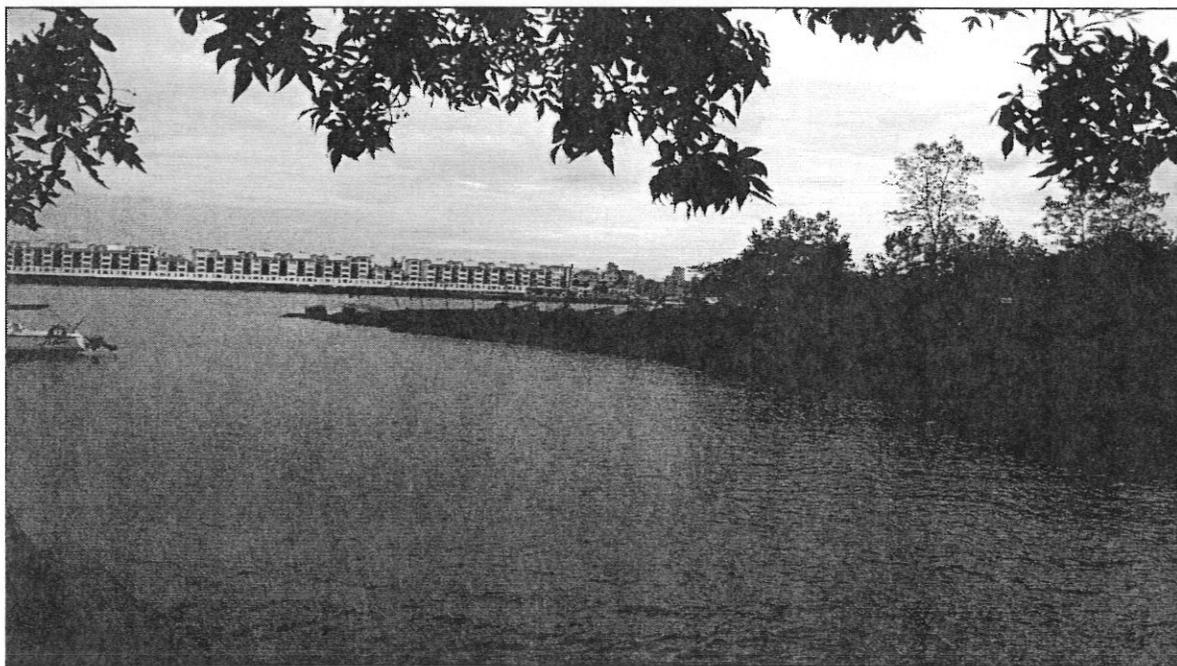
Client: City of Hoboken
Pier Name: 1501 Shipyard Lane (platform)

Project Number: 1409.001

Photograph 1: View to east of west side of platform.



Photograph 2: View to northeast of west side of platform.



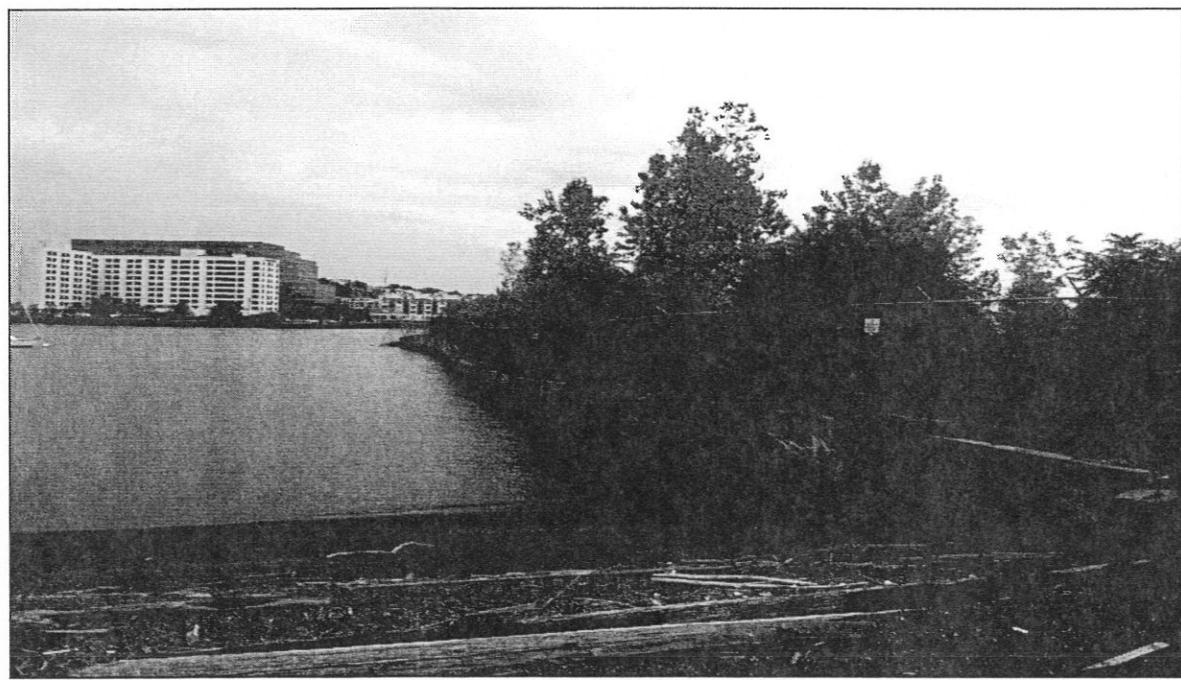
Client: City of Hoboken
Pier Name: 1501 Shipyard Lane (platform)

Project Number: 1409.001

Photograph 3: View to southeast of west side of platform.



Photograph 4: View to north of west side of platform.



Client: City of Hoboken
Pier Name: Piers 16 and 15

Project Number: 1409.001

Photograph 5: View to northeast of south side of Pier 16.



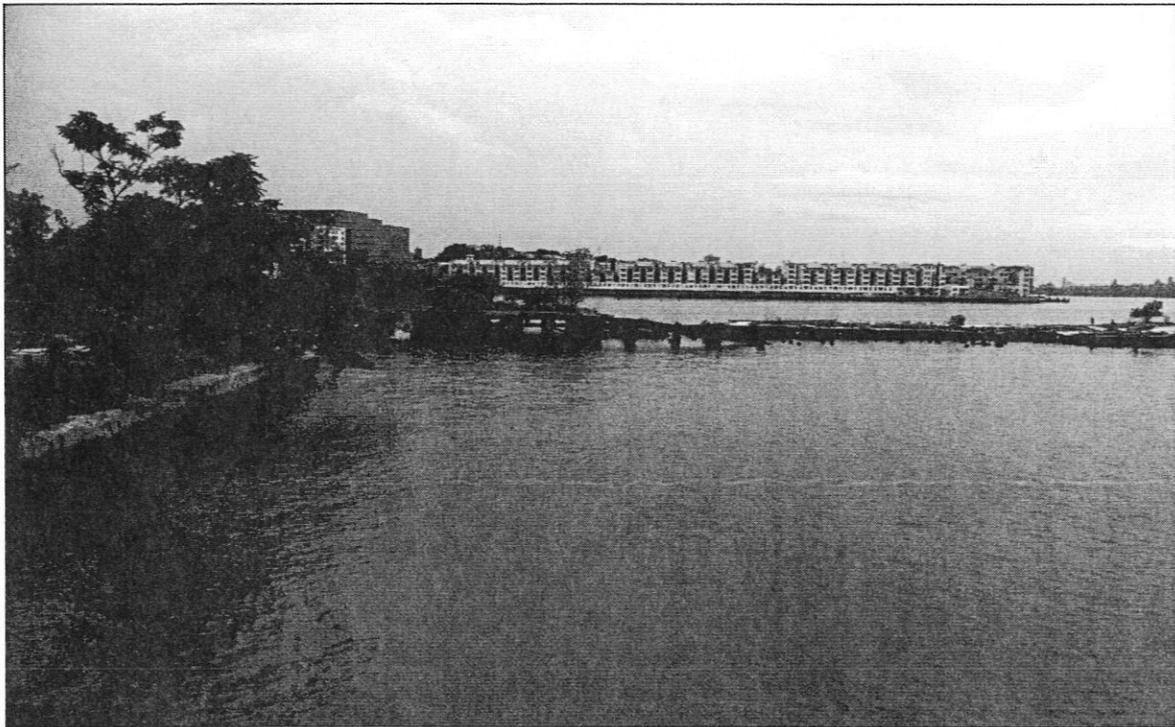
Photograph 6: View to east of north side of Pier 15



Client: City of Hoboken
Pier Name: Piers 16 and 15

Project Number: 1409.001

Photograph 7: View to north of south side of Pier 16.



Photograph 8A: View to east along Pier 15.



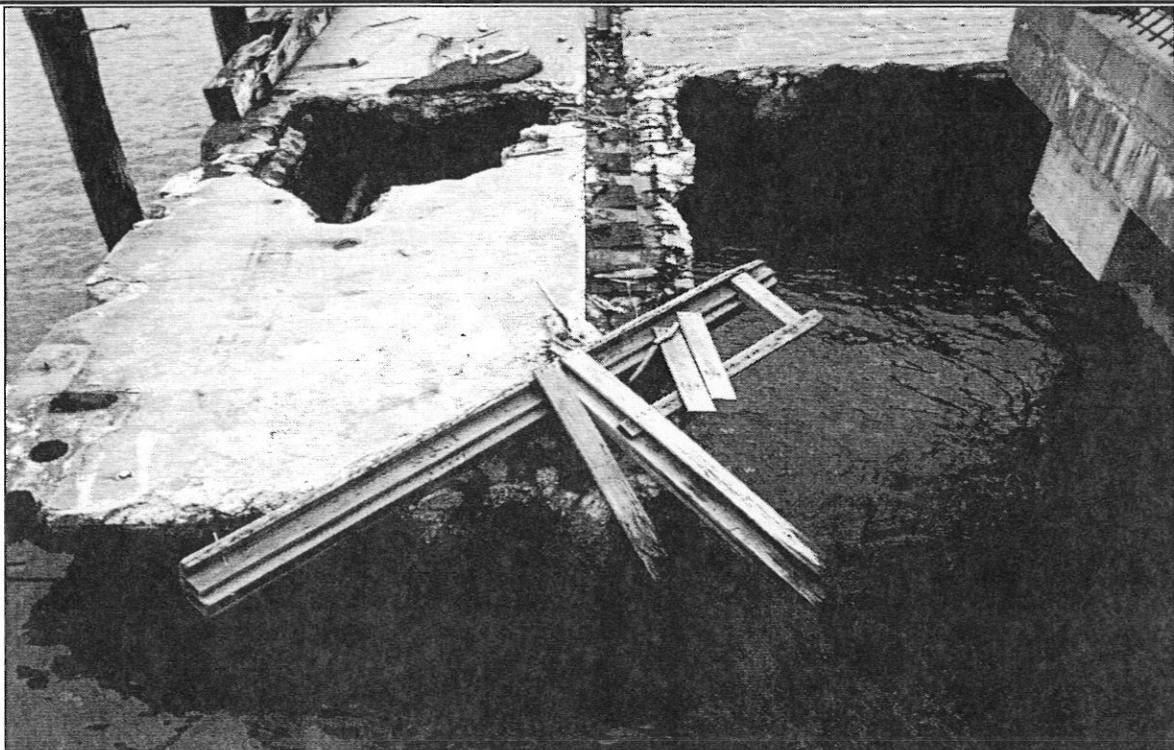
Client: City of Hoboken
Pier Name: Pier 15

Project Number: 1409.001

Photograph 8B: View to east demonstrating condition.



Photograph 8C: View to east showing condition.



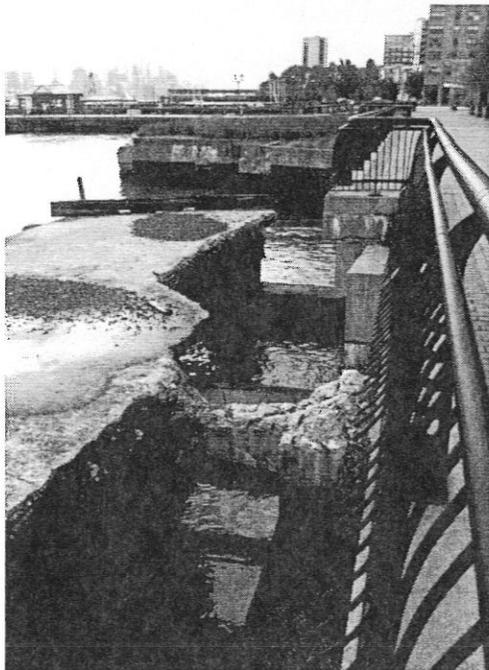
Client: City of Hoboken
Pier Name: Pier 15

Project Number: 1409.001

Photograph 8D: View to east representing condition.



Photograph 8E: View to south at pier and waterfront interface.



Client: City of Hoboken

Project Number: 1409.001

Pier Name: Unnamed Projection and Pier 14

Photograph 9: View to east showing projection between Piers 15 and 14



Photograph 10 View to east showing Pier 14 at unnamed projection



Client: City of Hoboken
Pier Name: Pier 3 (AKA Pier 13)

Project Number: 1409.001

Photograph 11: View to east on north side.



Photograph 12: View to east along pier.



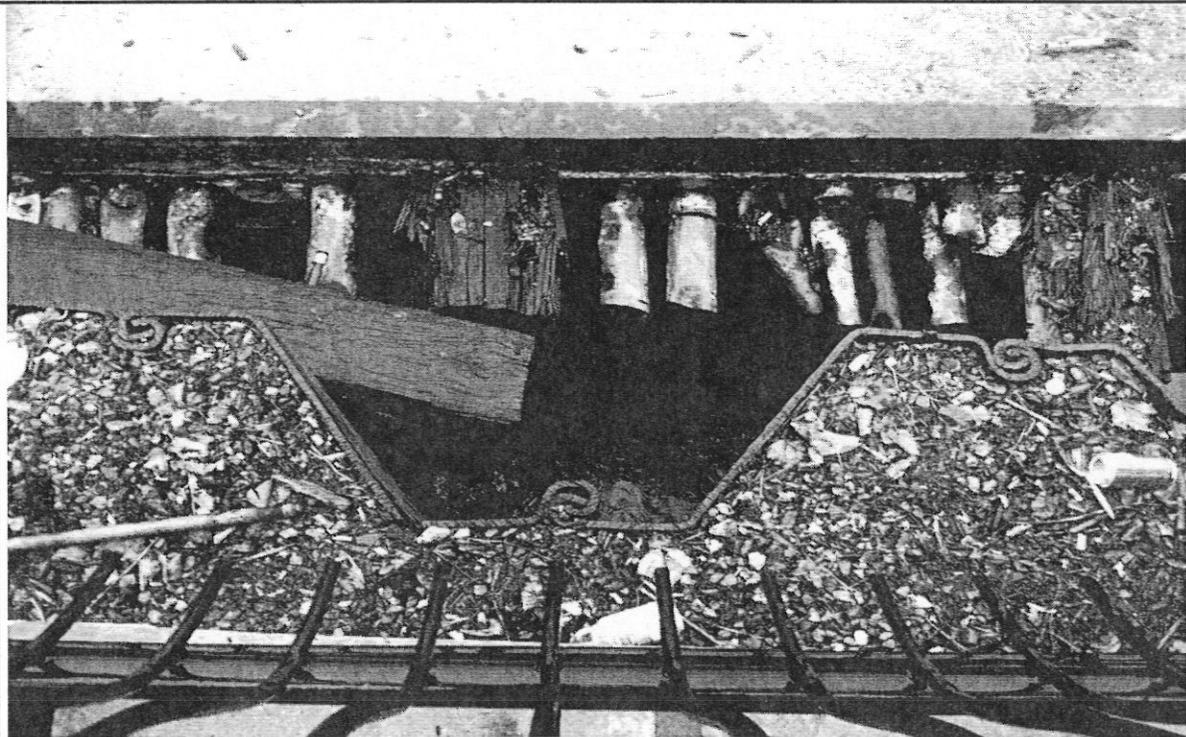
Client: City of Hoboken
Pier Name: Pier 2

Project Number: 1409.001

Photograph 13A: View to east of north side of pier.



Photograph 13B: View to east at pier and walkway interface.



Client: City of Hoboken
Pier Name: Pier 12 and 1

Project Number: 1409.001

Photograph 14: View to east of north side of Pier 12

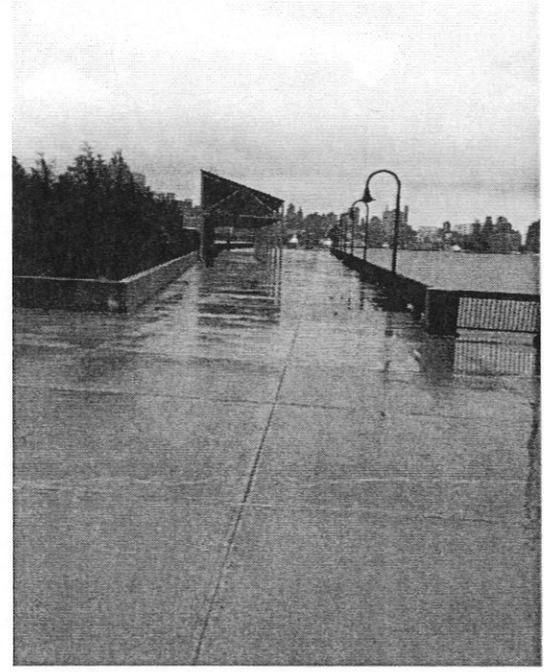


Photograph 15: View to east along Pier 1



Client: City of Hoboken Project Number: 1409.001
Pier Name: Pier 12 and Union Drydock

Photograph 16: View to east along Pier 12.



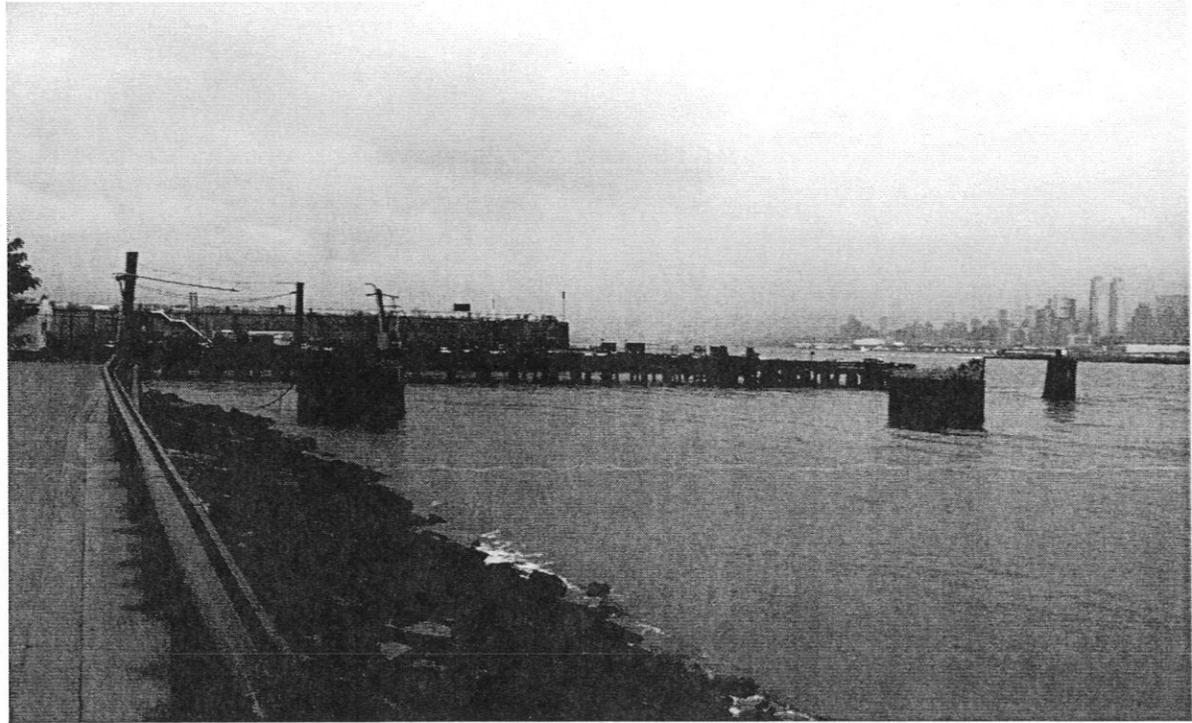
Photograph 17: View to southeast at north side of north-most pier at Union Drydock

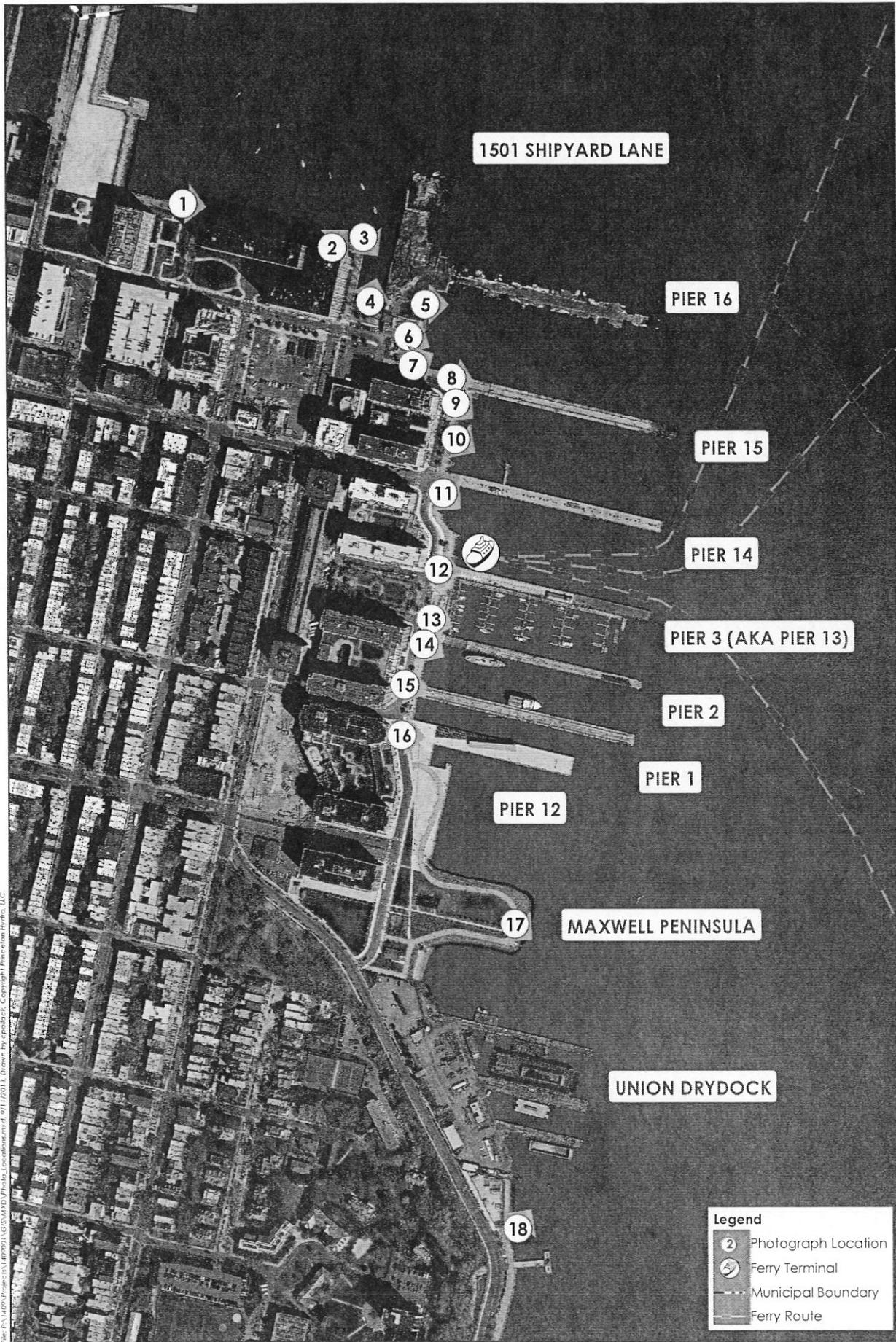


Client: City of Hoboken
Pier Name: Union Drydock

Project Number: 1409.001

Photograph 18: View to north of side of south-most pier at Union Drydock.





File: P:\A\Map\Projects\48099\GIS\Map\Photo_Location.mxd 09/11/2013. Drawn by: cpalack. Copyright Information: Hoboken, LLC
September 2013

Legend

- Photograph Location
- S Ferry Terminal
- Municipal Boundary
- Ferry Route

NOTES:
1. Municipal boundary and 2012 orthorectified imagery obtained from NJMNH Inundation Waterhouse.
2. Ferry routes and Effective DFRM (August 2008) obtained from the City of Hoboken.
3. FEMA preliminary work maps and Advisory base flood maps obtained from FEMA Region II Coastal Analysis and Mapping, September 4, 2013.
4. Tank, one Sockley High Water. Marks obtained from USGS.

0 250 500
Feet

Map Projection:
NAD 1983 StatePlane New Jersey FIPS 2900

Appendix C – References

Flood Insurance Study, Hudson County, New Jersey (All Jurisdictions), August 16, 2006, Federal Emergency Management Agency, Flood Insurance Study Number 34017CV000A

City of Hoboken Master Plan, Prepared by the Hoboken Planning Board, with consultants Phillips Preiss Shapiro Associates, Inc., Adopted April 2004

City of Hoboken Reexamination Report, 2010 by EFB Associates, LLC, New Paltz, NY

FEMA Region II Coastal Analysis and Mapping, <http://www.region2coastal.com>

Hudson County Reexamination of the Master Plan, August 2008, prepared by Heyer, Gruel & Associates

Sea Level Rise Tool For Sandy Recovery, at www.globalchange.gov

Email correspondence with Lambertville Fire Department Chief Matthew M. Hartigan, September 11, 2013 1:41 PM

Policy and Claim Statistics for Flood Insurance, FEMA, found at: <http://www.fema.gov/policy-claim-statistics-flood-insurance/policy-claim-statistics-flood-insurance/policy-claim-13>

Definitions of Repetitive Loss and Severe Repetitive Loss are from the FEMA website: <http://www.fema.gov/media-library/assets/documents>

City of Hoboken Community Resilience Plan, online at <http://www.hobokennj.org/resiliency/>

United States Department of Labor, Occupational Safety & Health Administration, Fact Sheets on Natural Disaster Recovery: Flood Cleanup, at <https://www.osha.gov/OshDoc/floodCleanup.html>

United States Geological Survey presentation by Thomas P. Suro, P.H., CFM, http://www.state.nj.us/dep/wms/suro_hurricanesandy_njwatermonitoring_meeting.pdf

Stevens Institute of Technology Hoboken Sandy Flood Mapping, Paul Dubuke student of Professor Alan F. Blumberg, Ph.D., online at <http://raritan.dl.stevens-tech.edu/personal/ablumberg/>

Video posted of Hoboken flooding on October 2, 2012 evening, online at: <http://www.youtube.com/watch?v=YvdEo7c7FmE>

Appendix D - Curricula Vitae

Rebecca C. Quinn, CFM

Floodplain Management and Hazard Mitigation Specialist

Rebecca Quinn, a nationally Certified Floodplain Manager, has 33 years of experience in floodplain management and hazard mitigation. In 2000, Ms. Quinn established RCQuinn Consulting, Inc., a certified woman-owned business enterprise located in Charlottesville, VA.

Ms. Quinn's background includes 10 years as the Maryland NFIP State Coordinator (1985-1995) and the Maryland State Hazard Mitigation Officer (1988-1995). As the NFIP State Coordinator, she was responsible for serving as the link between FEMA and communities, managing staff who conducted Community Assistance Visits, and providing technical assistance to community officials, designers and developers, and property owners.

SELECTED PERTINENT EXPERIENCE

FEMA Building Science Support: International Code Series & NFIP Compatibility.

Responsible for review of the codes in the family of the International Code Series, drafting and defending code changes to achieve consistency with the NFIP, develop handbook on participating in the NFIP through the I-Codes, draft code commentary. Develop model companion ordinance designed to coordinate the NFIP requirements and the I-Codes. General research, technical assistance and support, develop and deliver workshops. (1998 – present)

FEMA Building Science Helpline. Support preparation of responses to questions about meeting the NFIP and building code requirements for construction in flood hazard areas.

NFIP *Substantial Improvement / Substantial Damage Desk Reference*, FEMA. Technical writer and subject matter expert on team charged with developing a desk reference, incorporating decades of policy memoranda and letters issued by the NFIP. Develop and deliver workshops on the Desk Reference. As of mid-2012, attendees at 7 sessions have consistently assigned ratings of very good and excellent.

NFIP Technical Bulletins, FEMA. Technical writer responsible for revising Technical Bulletin #1, *Openings in Foundation Walls for Buildings Located in Special Flood Hazard Areas* to update and incorporate solicited comments. Peer reviewer for revisions of TB-2, TB-5 and TB-9.

State of Florida Division of Emergency Management: NFIP & Codes. As-needed programmatic support for NFIP State Coordinator's office (staff training, general technical assistance, special topic research, model floodplain management ordinance; flood provisions of the Florida Building Code). Ongoing support for 458 communities to adopt the model ordinance.

NFIP Support for Maryland and Delaware. Technical support for the State Coordinator (Maryland). Conduct Community Assistance Visits and prepare reports (Maryland); conduct CAV field work (Delaware). Develop model floodplain management ordinances to incorporate NFIP requirements and State regulatory requirements (Maryland) or higher standards (Delaware).

FEMA Mitigation Assessment Team Reports. After disasters that prompted deployment of FEMA's field investigation teams, researched state building codes for Louisiana (Hurricane Isaac) and New Jersey, New York State and New York City (Hurricane Sandy). Prepared MAT report chapters on those codes, with conclusions and recommendations. Supported FEMA's development of code-change proposals for New York State and New York City.

Winchester, VA: Addressing Non-Conformance for NFIP Participation "In Good Standing". Work with the City and prime contractor to evaluate post-FIRM construction that was determined to be non-conforming through elevation surveys, and development of alternatives to achieve compliance to the extent practicable in order to be accepted into the NFIP "in good standing." Effort involved preparing press releases, public notices, and coordinating workshops for citizens.

NFIP Desk Reference Handbooks (MO, AL) and *Quick Guides* for Local Officials (MO, AL, IL, MS, CO, TX, UT, MI, AK, NM, SC, KY, AR, SD, CA, RI, GA, NC, FL). Prepared manual addressing local permit responsibilities and technical guidance, and incorporating State and federal guidance and policy interpretations. Developed a *Quick Guide* to pictorially explain the most frequently encountered floodplain development situations. Download the Georgia *Quick Guide* at <http://www.gafloods.org/gaquickguide.htm>.

Maryland NFIP State Coordinator, Maryland Department of Natural Resources, Water Resources Administration; *NFIP State Coordinator (1985-1995); State Hazard Mitigation Officer (1988-1995); Water Resources Engineer (1980-1995):* Responsible for coordinating the NFIP with Maryland's counties, cities and towns. Manage staff conducting Community Assistance Visits; prepare model floodplain management ordinance; provide technical assistance; resolve noncompliance.

AWARDS

Association of State Floodplain Managers, Inc. Awarded the Association's highest honor in June 2000, the Goddard-White Award, established to recognize the contributions to floodplain management made by Gilbert White and Jim Goddard. The award is given to individuals who are highly instrumental in carrying forward the goals and objectives of floodplain management throughout the nation.

EDUCATION

Doctoral Studies
Johns Hopkins University

M.S.E., 1982
Environmental Engineering
Johns Hopkins University

B.A., 1974
Environmental Science
University of Virginia

Education:

- B.C.E., Civil Engineering, Villanova University, with honors, Villanova, PA, 1993
- Graduate courses in Water Resources Engineering at Villanova University

Professional Licenses and Certification:

Professional Engineer:

New Jersey, Pennsylvania and
Maine



- Certified Floodplain Manager, Association of State Floodplain Managers (ASFPM)
- Certified Stormwater Manager, American Public Works Association (APWA)

Professional and Volunteer Affiliations:

- Member, Passaic River Basin Flood Commission; created by the Governor of New Jersey by Executive Order, appointments by the Commissioner of the New Jersey Department of Environmental Protection, 2010-2011;
- Legislative Committee Chair 2007-2013, New Jersey Association for Floodplain Management (chapter of ASFPM) Past Chair and founder 2005-2006; recipient of the 2010 Floodplain Management Leadership Award “for outstanding leadership in issues related to floodplain management in New Jersey” and the 2006 NJAFM Founders Award acknowledging “creative leadership”;
- Member, City of Lambertville, NJ Planning Board, Chairman of Stormwater Committee, 2004-2013; member of Emergency Management Council (local OEM). FEMA Community Rating System Coordinator, 2011-2013. The City of Lambertville Mayor and Council formally recognized Mr. Miller’s contributions by Resolution in January 2010;
- Member of the Board of ASFPM as a Regional Director (Region II - New York, New Jersey, Puerto Rico and Virgin Islands), 2006-2009. Continued involvement with Association staff and leadership on national policy and representation on Capitol Hill, Washington, DC;
- Member of Cadre of Experts for Scientific Resolution Panels, managed by the National Institute for Building Sciences on behalf of the Federal Emergency Management Agency (FEMA) 2010-2013;
- Past-President, American Water Resources Association - New Jersey Section,; President 2007; Vice President 2006; Secretary 2004-2005; recipient of the 2008 NJ-AWRA President’s Award for time and dedication to the organization;
- Member of the New Jersey Governor’s Delaware River Flood Mitigation Task Force and Technical Subcommittee, 2005-2007.

Areas of Expertise:

- Floodplain management and mitigation, policy and analysis
- Stormwater management and stormwater management planning
- Forensic water resources analysis and expert testimony
- Best Management Practice (BMP) water quantity and quality design and retrofits
- National and state water resources policy
- Wastewater planning, analysis, design and permitting
- Hydrologic and hydraulic modeling

Qualifications:

Mr. Miller manages projects and studies involving stormwater, floodplain and wastewater management. His interests include stormwater management planning and policy; floodplain management, analysis, mitigation and policy; land use, especially with regard to water resources and open space; forensic analysis; and expert testimony. With experience in urban stormwater management methods for more developed localities, he has designed and analyzed many proposed and existing structures including storm sewers, culverts, swales, water quality and detention facilities. He has frequently identified problems caused by inadequate stormwater drainage and applied various methods to correct them.

Mr. Miller utilizes his expertise in hydrologic and hydraulic modeling to offer clients sustainable floodplain management solutions that look beyond traditional engineering “hard” approaches. His work within Princeton Hydro has resulted in award-winning projects that include the creation and restoration of functioning wetlands and floodplains proven to attenuate flow and reduce flood damage and provide flood backflow prevention. Mr. Miller has overseen projects that include non-structural and structural techniques including infrastructure retrofit and upgrades and property acquisition to reduce community risk. As a Certified Floodplain Manager, he has the knowledge and background to assess if a FEMA grant program is a potential funding source for retrofitting a locale. He has a thorough understanding of FEMA policies, programs and with the suite of FEMA grant programs. Mr. Miller has focused much of his energies on flood planning, analysis and mitigation. With regard to flood

planning, he has extensive experience with Federal Emergency Management Agency (FEMA) all Hazard Mitigation Planning, specifically on examining mitigation of flood risk. He has worked on the production of two (2) New Jersey local all Hazard Mitigation Plans and the update (near full replacement) of the New Jersey State all Hazard Mitigation Plan. Mr. Miller has completed and assisted in grant applications with Benefit Cost Analyses for property acquisitions, structure elevation and infrastructure retrofits for a culvert to prevent backflooding. He has worked with municipalities on identifying and prioritizing flood mitigation projects. He has assisted clients in determining if a project is eligible for the Federal Emergency Management Agency (FEMA) grant programs, prepared federal eGrant applications, developed concept and final designs, and managed projects from start to finish. Mr. Miller has completed two trainings on FEMA's Benefit-Cost modules – a vital component of any FEMA grant application.

Mr. Miller has been qualified as an engineering expert in stormwater and floodplain management by courts in Pennsylvania and New Jersey. He has been accepted as an expert witness by the Court of Common Pleas of Bucks County, Pennsylvania and the Superior Court in Monmouth County, New Jersey in the areas of stormwater and floodplain management. Mr. Miller has provided expert testimony on behalf of applicants and interested parties in front of Planning Boards/Commissions, Zoning Boards of Adjustment and Governing Bodies.

Select Project Experience:

Review New Jersey Stormwater Management Implementation (2009-present) – Lead investigator for Delaware Riverkeeper Network's document titled *New Jersey Stormwater Management Implementation: A Case Study of Hamilton Township, Mercer County, NJ* which assesses compliance and reports on a dozen projects after their municipal stormwater permit was issued. Mr. Miller continues to provide review of stormwater management implementation for the client.

Ely Creek Backflow Prevention Project, Lambertville, NJ (2009-present) - Project engineer for this flood retrofit. Mr. Miller designed the concept, authored the feasibility report, successfully applied for FEMA Flood Mitigation Assistance grant, performed analysis, wrote specifications, conducted bid review and oversaw construction.

Passaic River Basin Flood Advisory Commission, Trenton, NJ (2010-2011) New Jersey Department of Environmental Protection Commissioner Robert Martin selected Mr. Miller to serve on the Passaic River Basin Flood Commission, created by the Governor of New Jersey by Executive Order. As one of two technical members, the seven-member Commission comprised of the Commissioner, a New Jersey assemblyman, two mayors from impacted municipalities, the Dean of Montclair University Science and Mathematics, and the Superintendent of New Jersey State Police.

New Jersey (Delaware River) Flood Mitigation Task Force, Trenton, NJ (2005-2006) Recognizing Mr. Miller's strengths in stormwater and floodplain management, New Jersey Governor Codey appointed him to a 16 member Task Force in 2005 to address the substantial flood events impacting the Delaware River region in 2004 to 2006.

Recent Presentations:

John A. Miller, P.E., CFM, CSM. Keynote Address: Lessons Learned from Hurricane Sandy. 2013 Virginia Water Conference. Richmond, VA March 5, 2013.

John A. Miller, P.E., CFM, CSM. Understanding NJDEP's Emergency Flood Rule. Princeton Hydro Webinar. Ringoes, NJ February 7, 2013.

John A. Miller, P.E., CFM, CSM. City of Lambertville – A Riverfront Town. Climate Change and Flooding: What to Expect and How to Prepare. Sustainable Jersey Forum. New Brunswick, NJ. January 16, 2013.

John A. Miller, P.E., CFM, CSM. Hurricane Sandy Aftermath Part One – A Look at Risk Management, Tax Assessment and Municipal Budgeting. New Jersey State League of Municipalities. Panel Discussion on Claim and Recovery Issues. West Windsor, NJ. November 28, 2012.

John A. Miller, P.E., CFM, CSM. Lessons from the Passaic River Basin. 4th Annual Raritan River Conference. Hillsborough, NJ. June 14, 2012.

NOTICE OF PUBLIC HEARING
ON PROPOSED FLOOD HAZARD AMENDMENTS TO ZONING ORDINANCE

Please take notice that the City Council of the City of Hoboken will hold a public hearing on "An Ordinance Amending Chapter §196 (Zoning) Addressing Community Health, Safety and General Welfare Through Flood Hazard Mitigation Measures and Development Limitations."

The proposed amendment to Chapter 196 would prohibit new construction seaward of the mean high tide, and prohibit new construction or substantial improvement of structures on piers and platforms over the Hudson River and Weehawken Cove, except for certain water-dependent uses, recreational uses and open space. This proposed amendment would also impose a stricter standard for reconstructing a nonconforming use damaged by natural events such as flood or fire. This proposed amendment would apply to properties located in the following zoning districts:

I-1 (W)
W (N)
W (RDV)
W (H)
I-2

A hearing for public comment will be held to consider this ordinance at Hoboken City Hall, 94 Washington St., on December 18, 2013 at 7:00 p.m. The purpose of this hearing is to allow members of the public who may be affected by this ordinance to voice their views to the Hoboken City Council. Copies of this ordinance are on file for public examination and acquisition at the office of the municipal clerk during business hours, between the hours of 9:00 a.m. to 4:00 p.m., Monday through Friday, at Hoboken City Hall until final action is taken on the ordinance. After conclusion of the hearing, the matter will be voted on to accept or reject this ordinance by the Hoboken City Council.

Notice given by:

James J. Farina, RMC
Municipal City Clerk

A handwritten signature in black ink that reads "James J. Farina". The signature is written in a cursive style with a large initial "J" and "F".

Dated: November 8, 2013

(3) 1st reading
11-6-13

Sponsored by: _____
Seconded by: David M. Russo

CITY OF HOBOKEN
ORDINANCE NO. — 2-265

AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ESTABLISHING A SCHEDULE OF CLASSIFICATIONS AND ALLOCATIONS OF TITLE FOR THE MENTIONED POSITIONS IN THE CITY OF HOBOKEN

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.

Date of Introduction: November 9, 2013

Introduction:

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla	✓			
Theresa Castellano		✓		
Jen Giattino	✓			
Elizabeth Mason	✓			
David Mello	✓			
Tim Occhipinti	✓			
Michael Russo				✓
President Peter Cunningham	✓			

Final Reading:

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla				
Theresa Castellano				
Jen Giattino				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Peter Cunningham				

Approved as to Legal Form:

Mellissa Longo, Interim Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of ____ Yeas to ____ Nays
On the ____ day of ____, 2013

James Farina, City Clerk

Vetoed by the Mayor for the following
reasons: _____

-or-

Approved by the Mayor
On the ____ day of ____, 2013

Dawn Zimmer, Mayor

Title		Eff. 1/1/13	Eff. 1/1/14
	Minimum	Maximum	Maximum
Additional Municipal Court Judge	\$24,000.00	\$62,922.78	\$62,922.78
Administrative Clerk	\$31,500.00	\$59,565.04	\$60,756.34
Administrative Clerk (40 hour week)	\$35,500.00	\$67,631.82	\$68,984.45
Administrative Secretary	\$38,000.00	\$75,211.36	\$76,715.59
Administrator, Cultural & Heritage Affairs	\$40,000.00	\$77,285.66	\$78,831.37
Assessor	\$62,000.00	\$118,078.64	\$120,440.21
Assessor Trainee	\$25,000.00	\$55,204.04	\$56,308.12
Assistant Assessor	\$41,000.00	\$78,412.43	\$79,980.67
Assistant Comptroller	\$54,000.00	\$99,367.27	\$101,354.62
Assistant Corporate Counsel	\$50,000.00	\$99,367.27	\$101,354.62
Assistant Health Officer	\$35,000.00	\$84,462.18	\$86,151.43
Assistant Municipal Tax Collector	\$41,000.00	\$78,411.82	\$79,980.06
Assistant Payroll Supervisor	\$50,000.00	\$70,000.00	\$70,000.00
Assistant Superintendent Recreation	\$27,000.00	\$78,788.00	\$80,363.76
Assistant Supervisor of Motor Pool	\$25,000.00	\$50,000.00	\$51,000.00
Assistant Violations Clerk	\$29,000.00	\$55,526.30	\$56,636.83
Assistant Zoning Officer	\$21,000.00	\$62,517.47	\$63,767.82
Boiler Operator	\$25,000.00	\$44,740.67	\$45,635.48
Building Inspector	\$45,000.00	\$71,765.25	\$73,200.56
Building Subcode Official	\$45,000.00	\$85,197.04	\$86,900.98
Chief Financial Officer	\$50,000.00	\$122,355.70	\$124,802.82
Chief Fire Alarm Operator	\$25,000.00	\$56,819.40	\$57,955.79
Chief Housing Inspector	\$50,000.00	\$82,806.06	\$84,462.18
City Clerk	\$56,000.00	\$122,355.70	\$124,802.82
Comptroller	\$60,000.00	\$104,887.68	\$106,985.43
Construction Code Official	\$60,000.00	\$99,367.27	\$101,354.62
Coordinator of Contractual Operations	\$45,000.00	\$80,000.00	\$80,000.00
Coordinator of Maintenance Services	\$33,500.00	\$63,646.37	\$64,919.30
Deputy Municipal Clerk	\$35,500.00	\$87,477.43	\$89,226.97
Deputy Court Administrator	\$30,000.00	\$64,690.70	\$65,984.51
Deputy Mun. Emergency Mgmt. Coord.	\$30,000.00	\$107,774.39	\$109,929.88

Electrical Sub-Code Official	\$45,000.00	\$85,197.04	\$86,900.98
Elevator Inspector	\$45,000.00	\$85,197.04	\$86,900.98
Elevator Sub-Code Official	\$45,000.00	\$85,197.04	\$86,900.98
Emergency Management Coordinator	\$10,000.00	\$17,750.00	\$18,100.00
Fire Protection Sub Code Official	\$49,000.00	\$85,197.04	\$86,900.98
General Supv. Public Works	\$42,000.00	\$80,000.00	\$80,000.00
Health Officer	\$56,000.00	\$106,562.75	\$108,694.01
Laborer 3 (Supv. Laborer)	\$33,500.00	\$71,765.25	\$73,200.56
Management Specialist	\$35,000.00	\$81,783.68	\$83,419.36
Management Info. Systems Specialist	\$40,000.00	\$80,000.00	\$80,000.00
Mechanic Supervisor	\$34,000.00	\$64,612.55	\$65,904.80
Municipal Court Administrator	\$34,000.00	\$103,970.56	\$106,049.97
Municipal Court Judge	\$41,284.00	\$94,169.34	\$94,169.34
Operats. and Training Off. Emer. Mgm't.	\$7,000.00	\$12,000.00	\$12,000.00
Parks Superintendent	\$43,000.00	\$74,287.66	\$74,287.66
Payroll Supervisor	\$55,000.00	\$75,000.00	\$75,000.00
Personnel Officer	\$35,000.00	\$106,562.75	\$108,694.01
Plumbing Sub-Code Official	\$45,000.00	\$85,197.04	\$86,900.98
Principal Planner	\$45,000.00	\$88,326.46	\$90,092.99
Program Monitor	\$28,840.00	\$90,000.00	\$90,000.00
Purchasing Agent	\$55,000.00	\$94,909.00	\$94,909.00
Recreation Superintendent	\$41,000.00	\$83,000.00	\$84,660.00
Reg. Environmental Health Specialist	\$21,000.00	\$70,186.90	\$71,590.64
Rent Regulation Officer	\$37,500.00	\$74,806.99	\$76,303.13
Signal System Superintendent	\$45,000.00	\$99,367.27	\$101,354.62
Signal Systems Technician 3	\$42,000.00	\$87,650.77	\$89,403.78
Superintendent of Public Property	\$60,000.00	\$90,000.00	\$90,000.00
Supervising Accountant	\$38,505.00	\$83,000.00	\$84,660.00
Supervising Maint. Repairer Carpenter	\$43,500.00	\$82,611.01	\$84,263.23
Supervising Parking Enforcement Officer	\$22,000.00	\$53,148.11	\$54,211.07
Supervisor of Accounts	\$45,526.00	\$81,783.68	\$83,419.36
Supervisor Senior Citizens Activities	\$38,000.00	\$72,688.23	\$74,142.00
Tax Collector	\$56,000.00	\$123,657.05	\$126,130.19
Transportation Inspector	\$20,600.00	\$41,955.07	\$42,794.17

Violations Clerk	\$32,000.00	\$61,029.79	\$62,250.38
Zoning Officer	\$44,500.00	\$84,726.27	\$86,420.79
Account Clerk	\$20,000.00	\$46,862.99	\$47,800.25
Account Clerk, Typist	\$20,000.00	\$46,862.99	\$47,800.25
Accountant (degree)	\$28,000.00	\$63,049.15	\$64,310.14
Building Maintenance Worker	\$20,000.00	\$46,681.64	\$47,615.27
Building Service Worker	\$20,000.00	\$45,653.80	\$46,566.87
Buyer	\$35,000.00	\$69,784.66	\$71,180.36
Cashier	\$20,000.00	\$35,000.00	\$35,000.00
Clerk 1 (Clerk)	\$20,000.00	\$41,848.48	\$42,685.45
Clerk 2 (Senior Clerk)	\$20,000.00	\$47,109.06	\$48,051.24
Clerk 3 (Principal Clerk)	\$22,000.00	\$51,743.85	\$52,778.73
Clerk Stenographer 1	\$20,000.00	\$48,915.36	\$49,893.67
Clerk Stenographer 2	\$20,000.00	\$51,891.80	\$52,929.63
Code Enforcement Officer	\$20,600.00	\$40,000.00	\$40,000.00
Communications Officer	\$20,800.00	\$50,934.74	\$51,953.43
Complaint Investigator	\$20,600.00	\$46,087.90	\$47,009.66
Computer Service Technician	\$20,000.00	\$45,000.00	\$45,000.00
Coordinator of Safety Programs	\$20,000.00	\$46,087.90	\$47,009.66
Court Attendant	\$17,500.00	\$38,500.00	\$38,500.00
Customer Service Representative	\$20,000.00	\$51,006.27	\$52,026.40
Cust. Serv. Rep. Bilingual	\$20,000.00	\$52,983.13	\$54,042.79
Deputy Registrar - Vital Statistics	\$20,000.00	\$49,924.17	\$50,922.65
Employee Benefits Clerk	\$20,000.00	\$50,000.00	\$50,000.00
Equipment Operator	\$20,800.00	\$54,900.66	\$55,998.67
Field Rep. Housing Inspection	\$20,000.00	\$39,415.68	\$40,204.00
Fire Prevention Specialist	\$20,800.00	\$50,934.74	\$51,953.43
Fire Protection Inspector	\$20,000.00	\$66,244.85	\$67,569.75
Garage Attendant	\$20,000.00	\$41,955.07	\$42,794.17
Housing Inspector	\$20,000.00	\$50,901.44	\$51,919.47
Identification Officer	\$25,000.00	\$60,000.00	\$60,000.00
Keyboarding Clerk 1 (Clk. Typist)	\$20,000.00	\$47,907.35	\$48,865.49
Keyboarding Clerk 2 (Sn. Clk. Typist)	\$20,000.00	\$50,666.27	\$51,679.59

Keyboarding Clerk 3 (Prin. Clk. Typist)	\$22,500.00	\$53,426.47	\$54,495.00
Keyboarding Clerk 4	\$25,000.00	\$60,724.44	\$61,938.93
Laborer 1	\$20,000.00	\$44,741.31	\$45,636.13
Laborer 2	\$25,000.00	\$52,443.84	\$53,492.71
Legal Secretary	\$25,000.00	\$60,724.44	\$61,938.93
Maintenance Repairer	\$20,000.00	\$44,876.64	\$45,774.18
Mechanic	\$20,800.00	\$49,683.64	\$50,677.31
Mechanic, Diesel	\$28,000.00	\$57,527.21	\$58,677.76
Mechanic, Helper	\$20,800.00	\$38,642.83	\$39,415.68
Meter Worker 1	\$20,000.00	\$44,741.31	\$45,636.13
Motor Broom Driver	\$20,800.00	\$49,683.64	\$50,677.31
Omnibus Operator	\$20,000.00	\$49,683.64	\$50,677.31
Park Attendant	\$20,000.00	\$40,000.00	\$40,000.00
Parking Attendant	\$20,000.00	\$39,802.11	\$40,598.16
Parking Enforcement Officer	\$20,000.00	\$42,857.27	\$43,714.42
Payroll Clerk	\$25,000.00	\$50,000.00	\$51,000.00
Police Aide	\$20,000.00	\$38,000.00	\$38,000.00
Principal Account Clerk	\$20,000.00	\$61,029.38	\$62,249.97
Principal Employee Benefits Clerk	\$22,500.00	\$60,000.00	\$60,000.00
Public Safety Telecommunicator	\$20,800.00	\$50,934.73	\$51,953.42
Public Safety Telecomm. - Trainee	\$20,000.00	\$39,415.68	\$40,204.00
Public Works Repairer	\$20,000.00	\$44,740.67	\$45,635.48
Radio Dispatcher	\$20,800.00	\$50,934.74	\$51,953.43
Recreation Aide	\$20,000.00	\$41,763.25	\$42,598.51
Recreation Supervisor	\$20,000.00	\$51,430.71	\$52,459.33
Records Support Technician 1	\$20,000.00	\$47,907.35	\$48,865.49
Records Support Technician 2	\$20,000.00	\$49,792.74	\$50,788.60
Records Support Technician 3	\$22,500.00	\$53,426.47	\$54,495.00
Registrar of Vital Stats., Clerk, Bd of Hlth.	\$26,000.00	\$65,068.51	\$66,369.88
Rep. Rent Regulation	\$21,000.00	\$47,907.17	\$48,865.31
Sanitation Inspector	\$21,000.00	\$60,724.44	\$61,938.93
Sanitation Worker	\$20,000.00	\$45,217.86	\$46,122.22
Secretarial Assistant	\$20,000.00	\$53,962.91	\$55,042.17
Secretarial Assistant, Bilingual	\$20,000.00	\$55,066.99	\$56,168.33

Secretary, Board Commission	\$2,000.00	\$62,379.26	\$63,626.85
Senior Assistant Assessor	\$32,000.00	\$80,777.65	\$82,393.21
Senior Building Maintenance Worker	\$20,000.00	\$50,934.74	\$51,953.43
Senior Customer Service Representative	\$21,000.00	\$55,337.93	\$56,444.69
Senior Employee Benefits Clerk	\$22,500.00	\$55,000.00	\$55,000.00
Senior Field Rep. Prop. Improvement	\$25,000.00	\$52,533.86	\$52,533.86
Senior Housing Inspector	\$20,000.00	\$60,146.00	\$60,146.00
Senior Maintenance Repairer	\$24,000.00	\$65,541.55	\$66,852.38
Senior Mechanic	\$24,000.00	\$59,010.41	\$60,190.62
Senior Payroll Clerk	\$45,000.00	\$65,000.00	\$66,300.00
Signal System Technician I	\$20,000.00	\$44,876.64	\$45,774.18
Signal System Technician II	\$24,000.00	\$60,020.60	\$61,221.02
Signal System Maintenance Worker	\$20,000.00	\$44,876.64	\$45,774.18
Supervisor of Customer Service	\$25,000.00	\$59,514.96	\$59,514.96
Supervisor of Motor Pool	\$40,000.00	\$60,000.00	\$60,000.00
Supervising School Traffic Guard	\$20,000.00	\$28,154.06	\$28,717.14
Technical Asst. to Construction Official	\$25,000.00	\$66,278.36	\$67,603.92
Traffic Maintenance Worker	\$20,000.00	\$44,741.31	\$45,636.13
Truck Driver	\$20,000.00	\$50,934.74	\$51,953.43

④

11-6-13
1st reading

Sponsored by: David J. Muro
Seconded by: [Signature]

CITY OF HOBOKEN
ORDINANCE NO. _____ Z-266

**AN ORDINANCE TO AMEND CHAPTER 140 TO ACCOUNT FOR
SURFACE PARKING LOTS WITH MONTHLY PARKING**

WHEREAS, the City has established Chapter 140 which deals with publicly owned surface parking lots for metered parking; however, due to the acquisition of Block 12, the City wishes to incorporate regulations for publicly owned surface parking lots with monthly parking permits.

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

SECTION ONE: Amendments

CHAPTER 140 SURFACE PARKING LOTS
ARTICLE I General Provisions (§ 140-1 — § 140-8.1)

§ 140-1 Definitions.

A.

Word usage. Whenever any words and phrases are used in this article, the meaning respectively ascribed to them in Subtitle 1 of Title 39 of the Revised Statutes of New Jersey shall be deemed to apply to such words and phrases used herein.

B.

Terms defined. As used in this article, the following terms shall have the meanings indicated:

PARKING METER

Includes any mechanical device or meter not inconsistent with this article placed or erected for the regulation of parking by authority of this article. Each "parking meter" installed shall indicate by proper legend the legal parking time established by the City and, when operated, shall at all times indicate the balance of legal parking time and, at the expiration of such period, shall indicate illegal or overtime parking.

PARKING METER BAG

A cover affixed by the parking utility to indicate the rental of a parking space by a resident or local business, referred to as the licensee.

PARKING METER SPACE

A space within a parking meter zone, adjacent to a parking meter and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably

marked on the curb or on the surface of the street, road or parking lot adjacent to a street or road and adjacent to or adjoining the parking meters.

PARKING METER ZONE

Includes any restricted street or parking lot contiguous to a street or road upon which parking meters are installed and in operation.

PUBLIC PARKING LOT

Includes all ~~areas, lots or facilities~~ surface parking lot facilities owned, operated or conducted by the Parking ~~Authority~~ Utility of the City of Hoboken and used or devoted to public parking.

PERMIT PARKING AREA

Any public parking lot which does not constitute a parking meter zone shall be labeled as a "permit parking area" and shall be subject to monthly fees and rates as described herein.

§ 140-2 Parking Meter zones and periods established; signs.

The Director of the Department of Law, Division of Public Safety, of the City of Hoboken is hereby authorized to establish, immediately, zones to be known as "parking meter zones" in and upon the parking area hereinafter described, where parking will be permitted for periods not exceeding 360 minutes on the following described area in the City of Hoboken:

A.

All that certain lot, tract or parcel of land and premises, situate, lying and being in the City of Hoboken, County of Hudson, and State of New Jersey, and known and designated as "351-353 Fourth Street, Block 52, Lot 21"; "355 Fourth Street, Block 52, Lot 20"; and "357 Fourth Street, Block 52, Lot 19."

B.

The ingress and egress as the same exists for said parking lot is shown on a plan of the parking area above described, which is annexed hereto and made a part hereof.

C.

Signs shall be posted at the aforesaid entrances and exits clearly marked, and the pavement portion thereof shall also indicate clearly thereon whether it is an exit or an entrance with an arrow designating the direction in which traffic may move onto or off of said parking area.

§ 140-4 Operation of ~~parking meters~~ zones and permit parking areas.

A.

It shall be unlawful for any person to park, permit a vehicle to be parked or remain in said parking lot with a sticker, sign or permit cover for any meter not issued by the Authority for the specifically parked vehicle.

B.

It shall be unlawful for any person to deposit or cause to be deposited in any parking meter in said area any slug, device or metallic substitute for a proper coin of the United States.

C.

No truck having a gross weight of two tons shall park in or use any public parking lot, owned, operated or maintained by said Authority.

D.

No truck, tractor or trailer or vehicle moved by human or animal power shall park in or use any such parking area owned, operated or maintained by said Authority.

E.

No car shall be parked in said area when it does not fit between the lines designated as a single parking meter unit, or shall any vehicle be parked thereon which requires more than one parking meter space.

F.

No vehicle, not equipped with pneumatic tires properly inflated, shall park in or use any parking area, owned, operated or maintained by said Authority.

G.

It shall be unlawful for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this chapter.

H.

When any vehicle shall be parked in any space adjacent to where a parking meter is located in accordance with the provisions of this chapter, the operator of said vehicle shall, upon entering said parking space, immediately deposit or cause to be deposited a ten-cent coin of the United States of America in such parking meter for a time not to exceed 60 minutes, or deposit or cause to be deposited a twenty-five-cent coin of the United States of America in such parking meter not to exceed 360 minutes, in accordance with directions properly appearing thereon, and shall not permit such vehicle to be parked in such zone beyond two such consecutive sixty-minute period, or the three-hundred-sixty-minute period. Failure to move said vehicle from said parking area after the expiration of a one-hundred-twenty-minute period, or after the expiration of the three-hundred-sixty-minute period, shall subject such persons to the penalty prescribed in § **140-7B** of this chapter. The use of said parking zone is restricted to the use by any parked vehicle therein to 120 minutes, or the 360 minutes, without any right to redeposit another coin in such meter for any additional period of time; after which period, such car must be moved by the operator thereof. Notice of said restriction shall be affixed prominently to each parking area when such restriction is in effect. In the event that any operator shall fail to move his vehicle after the expiration of the said one-hundred-twenty-minute period, or the three-hundred-sixty-minute period, said vehicle shall be deemed to be illegally parked within said parking zone and may be taken into possession by the City of Hoboken and towed to some proper storage place designated by the Division of Public Safety. The owner shall pay the reasonable costs of the removal and storage charges before regaining possession of said vehicle. The City of Hoboken, its agents, servants or employees shall not be responsible or liable in any manner for damages incurred in the towing, storage, possession or disposition of such vehicle.

§ 140-6 Collections.

The Parking ~~Authority~~ Utility of the City of Hoboken shall receive all of the ~~coins~~ monies which may have been deposited in said meters, or collected in exchange for said permits, and such collections shall be under the supervision of said ~~Authority~~ Utility.

The Director of the Division of Parking and Transportation shall set universal fees and/or rates for each public parking lot governed by this Chapter. The Director shall have the authority and discretion to change said rates on a monthly basis, but not more often.

****THE REMAINDER OF CHAPTER 140 SHALL REMAIN UNCHANGED****

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

Date of Introduction: November 6, 2013

Introduction:

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla	/			
Theresa Castellano		/		
Jen Giattino	/			
Elizabeth Mason	/			
David Mello	/			
Tim Occhipinti	/			
Michael Russo				/
President Peter Cunningham	/			

Final Reading:

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla				
Theresa Castellano				
Jen Giattino				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Peter Cunningham				

Approved as to Legal Form:

Mellissa Longo, Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of ____ Yeas to ____ Nays
On the ____ day of ____, 2013

James Farina, City Clerk

Vetoed by the Mayor for the following reasons: _____

-or-

Approved by the Mayor
On the ____ day of ____, 2013

Dawn Zimmer, Mayor

5 1st reading
11-6-13

Sponsored by: David J. Myers
Seconded by: Pat H. Anger

CITY OF HOBOKEN
ORDINANCE NO. 2-267

**AN ORDINANCE TO AMEND AMENDING CHAPTER 190 ENTITLED
“VEHICLES AND TRAFFIC” TO AMEND PARKING REGULATIONS
RELATING TO MADISON STREET**

WHEREAS, Chapter 190 of the General Code of the City of Hoboken establishes the rules and regulations associated with parking permits within City borders; and,

WHEREAS, the municipality has found that specific sections of Chapter 190 currently requires amendments in order to best effectuate parking in the City; and,

WHEREAS, the City Council wishes to more closely align the City’s actual parking practices with the best practices for parking and transportation as they relate to the East Side of Madison Street between 11th and 12th Streets.

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

SECTION ONE: AMENDMENTS TO HOBOKEN CODE CHAPTER 190

§ 190-3. Parking prohibited at all times.

In accordance with the provisions of this § 190-3, no person shall park a vehicle at any time upon the following streets or portion thereof except for the pickup and drop off of passengers, in accordance with N.J.S.A. 39:4-139:

Name of Street	Sides	Location
<u>Madison Street</u>	<u>East</u>	<u>Beginning at the southerly curbline of Eleventh Twelfth Street and extending to the northerly curbline of Fifteenth Street</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 remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

Date of Introduction: November 6, 2013

Introduction:

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla	/			
Theresa Castellano	/			
Jen Giattino	/			
Elizabeth Mason	/			
David Mello	/			
Tim Occhipinti	/			
Michael Russo				/
President Peter Cunningham	/			

Final Reading:

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla				
Theresa Castellano				
Jen Giattino				
Elizabeth Mason				
David Mello				
Tim Occhipinti				

Michael Russo				
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Approved as to Legal Form:

 Mellissa Longo, Corporation Counsel

Adopted by the Hoboken City Council

By a Vote of ____ Yeas to ____ Nays

On the ____ day of ____, 2013

 James Farina, City Clerk

Vetoed by the Mayor for the following reasons: _____

-or-

Approved by the Mayor

On the ____ day of ____, 2013

 Dawn Zimmer, Mayor