

SPECIAL MEETING OF JULY 15, 2015

**MINUTES OF A SPECIAL MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY,
HELD IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, WEDNESDAY, JULY 15,
2015 AT 6:30 PM**

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

Then the Clerk called the Roll: Council persons Castellano, Giattino, Doyle, Mello (via phone) and President Bhalla

Absent: Mason, Occhipinti, Russo

Council President reads the public notice calling for the Special Meeting:

Wednesday July 8, 2015 (*Revised July 10, 2015*) * (**Revised July 14, 2015**) **

15-392

Via Hand Delivery

City Clerk James arina
94 Washington Street
Hoboken, New Jersey 07030

Dear City Clerk Farina:

Please be advised that as the President of the Council of the City of Hoboken, I hereby call a Special Meeting of the Governing Body, on behalf of a majority of the whole, for Wednesday, July 15, 2015 to begin promptly at 7:00 P.M. in the City Council Chambers, 94 Washington Street, First Floor, Hoboken, New Jersey, for the following purposes:

Please note: The Hoboken City Council may consider additional Resolutions, Ordinances or any other matter brought before the Hoboken City Council until July 15, 2015 and throughout the meeting, subject to compliance with the Open Public Meetings Act (OPMA) and the Council Rules of Procedure.

PUBLIC COMMENTS

CLAIMS

Total for this meeting: ~~\$468,100.44~~ * \$586,220.68 **

RESOLUTIONS

1. A Resolution Addressing the Recommendations of the Hoboken Planning Board in Regards to the Western Edge Redevelopment Plan.

ORDINANCE

Introduction and First Reading

2. Introduction and First Reading of An Ordinance of the City of Hoboken Adopting the “Redevelopment Plan of the Western Edge Redevelopment Area,” Dated July 15, 2015.
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Action may be taken at this meeting, and other matters may be discussed, in accordance with notice requirements and the Council Rules of Procedure at this meeting. Please ensure the City Council Members and the Administration are noticed of this Special Meeting in accordance with applicable laws and rules. Also, please publicly notice this Special Meeting, as required by the Open Public Meetings Act N.J.S.A. 10:4-6.

Very truly yours,

//s//

Ravinder S. Bhalla
City Council President

Council President comments that as a house keeping item he would like to hear claims first.

15-393

---By President Bhalla

CLAIMS

Total for this meeting: **\$586,220.68**

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: YEAS: 6 – NAYS: 1 ABSENT: 3 - ABSTAIN: 1

---Yeas: Council persons Castellano, Cunningham, Doyle, Giattino, Mello (via cell phone) and President Bhalla

---Nays: Castellano 15-01120,

---Absent: Mason, Occhipinti, Russo

---Abstain: Bhalla - 15-00250

Council President comments that he asks that certain professionals who helped out the Planning Board process and ask the City’s planner from Maser Consulting – David Roberts and then Director Forbes.

PUBLIC COMMENTS

The speakers who spoke: Chris O’Connor, Zabrina Stoffel, Tony Soares, Cheryl Fallick, Mary Ondrejka, Julia MacDermott, Douglas Janacek, Dan Tumpson, Steve Silverman, Karen Nason, Mark Villamar, Sean Cheney, David Ling, Sean Silverbrook, Jeff Mandelbum, John J. Curley, Lavislav Sevestyan, Chris Miller, Tiffanie Fisher.

PUBLIC COMMENTS ON RESOLUTIONS

The speakers who spoke: Tony Soares, Cheryl Fallick, Michael DeFusco.

Councilman Mello has arrived to the meeting at 8:27 PM.

RESOLUTION

A RESOLUTION ADDRESSING THE RECOMMENDATIONS OF THE HOBOKEN PLANNING BOARD IN REGARDS TO THE WESTERN EDGE REDEVELOPMENT PLAN

WHEREAS, the City Council adopted a Resolution on June 3, 2015, referring the proposed “Redevelopment Plan for the Western Edge Redevelopment Area”, dated May 29, 2015 (“Plan”) to the Hoboken Planning Board (“Board”) in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7(e) for the purpose of obtaining the report of the Board as to whether the Plan is substantially consistent with the municipal Master Plan or is designed to effectuate the Master Plan, and any recommendations regarding any other matters the Board deemed appropriate; and

WHEREAS, at a public meeting on July 7, 2015, the Hoboken Planning Board considered (i) the report of the Board’s Conflict Planner, Jessica L. Giorgianni, P.P., A.I.C.P., of H2M Associates, concluding that the Plan is consistent with and designed to effectuate the Hoboken Master Plan of 2004, as updated by the Reexamination Report of 2010, (ii) comments from the general public and (iii) comments from the members of the Board, and thereafter adopted a Resolution entitled: “Resolution Memorializing Review and Recommendations to City Council Regarding an Ordinance Adopting the Western Edge Redevelopment Plan” (“Planning Board Resolution”) attached hereto as Schedule A; and

WHEREAS, in addition to determining that the Plan is consistent with the Master Plan, the Board also included in the Planning Board Resolution twelve (12) non-binding recommendations (“Recommendations”) to be considered by the City Council, several of which, if accepted, would legally require revisions to the Plan, but the remaining Recommendations relate to the implementation of the Plan or other matters outside the function of the Plan, and would not require that the Plan be revised; and

WHEREAS, on July 15, 2015 the City Council held a Special Meeting at which it received extensive public comment and thereafter the members of the City Council engaged in an extensive discussion of the Recommendations; and

WHEREAS, the City Council wishes to acknowledge the deliberations of the Board and to set forth on the record the City Council’s conclusions regarding all of the Recommendations of the Board;

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

1. A change shall be made in the Plan regarding Recommendation 1, “City Council should require developers to apportion a minimum of one percent (1%) of the cost of each redevelopment project for the installation and creation of Public Art.” The amended language, as attached to this Resolution as Attachment A, will be incorporated into the Plan to include this goal in the negotiations of a Redevelopment Agreement(s).
2. No change shall be made in the Plan regarding Recommendation 2, “City Council should foster a Restaurant Row within the Western Edge Redevelopment Zone by exempting it from the five-hundred-foot rule articulated in City Code §68-7.” Because the Alcoholic Beverage Control (ABC) Regulations are separate and apart from the redevelopment planning process, this will not be addressed in the Plan. The City Council will consider reviewing the ABC Regulations.
3. A change shall be made in the Plan regarding Recommendation 3, “City Council should excise the language in Section 8.1, subsection titled Building Stories/Height on page 28 of the Plan, and replace it with the language in Exhibit “B” attached hereto.” This amended language, as attached to this Resolution as Attachment B, will be incorporated into the Plan to clarify that the regulations are regarding height not stories. These changes are also reflected in revised Figures 13 and 14 as part of Attachment B.
4. A change shall be made in the Plan regarding Recommendation 4, “City Council should create minimum and maximum square footage for retail spaces in order to foster a diversity in the kinds of retail servicing the area and consider mapping which kinds of retail and commercial uses would work best in particular areas.” This amended language, as attached to this Resolution as Attachment C, will be incorporated into the Plan to include in the negotiations of a Redevelopment Agreement(s).
5. No change shall be made in the Plan regarding Recommendation 5, “To the extent permitted by law, City Council should encourage locating child care facilities on the upper levels of buildings rather than having them predominately on ground floors in order to encourage more active street life that that usually offered by

such facilities.” This will be further investigated as to the legality, and if permitted by law, the City may consider this recommendation in the negotiation of a Redevelopment Agreement(s).

6. A change shall be made in the Plan regarding Recommendation 6, “City Council should add language permitting leniency in complying with upper floor stepback guidelines along the proposed green space and the street grid guidelines so as not to discourage any adaptive reuses that might conflict with these guidelines.” This amended language, as attached to this Resolution as Attachment D, will be incorporated into the Plan to clarify flexibility in green space provisions for buildings that are adaptively reused in place.
7. A change shall be made in the Plan regarding Recommendation 7, “City Council should incorporate the new complete street standards and design standards in the Plan.” This amended language, as attached to this Resolution as Attachment E, will be incorporated into the Plan to require compliance with any complete street standards adopted by the City of Hoboken.
8. A change shall be made in the Plan regarding Recommendation 8, “City Council should add to the Plan the City’s new wayfinding signage guidelines and add provisions encouraging signage that fits with and recalls Hoboken’s industrial heritage and consider permitting larger signage given the size and scale of the kinds of buildings that will be developed in the Western Edge Redevelopment Zone.” This amended language, as attached to this Resolution as Attachment F, will be incorporated into the Plan to require compliance with any wayfinding standards adopted by the City of Hoboken and to permit flexibility in signage.
9. A change shall be made to the Plan regarding Recommendation 9, “City Council should add urban agriculture/rooftop gardens as a permitted use in the Western Edge Redevelopment Zone.” This amended language, as attached to this Resolution as Attachment G, will add Urban Agriculture/Rooftop Gardens as a permitted use.
10. A change shall be made to the Plan regarding Recommendation 10, “City Council should change Map 1 to include delineation and boundaries of the subareas, including labeling block and lot numbers.” The amended map is part of this Resolution as Attachment H.
11. A change shall be made to the Plan regarding Recommendation 11, “City Council should make non-residential parking standards the same as retail parking standards.” This amended language, as attached to this Resolution as Attachment I, will clarify those parking requirements.
12. A change shall be made to the Plan regarding Recommendation 12, “City Council should change the last sentence under the Circulation Plan & Transportation Demand Management subsection under Section 8.1 on page 36 to...remove the word ‘residential’ from the existing language.” This amended language, as attached to this Resolution as Attachment J incorporates that change.
13. A certified copy of this Resolution shall be forwarded to the Hoboken Planning Board.

The speakers who spoke: David Roberts (Maser Consulting, Joseph Maraziti (Special Counsel) Douglas Janacek.

Councilman Mello motions to amend attachment B on resolution #1 including the images Figures 13 and 14 and seconded by Councilman Cunningham

---Motion to amend duly seconded by Councilman Mello

--**MOTION TO AMEND** by the following vote: YEAS: 4 – NAYS: 2 - ABSENT: 3

---Yeas: Council persons Castellano, Cunningham, Giattino, Mello

---Nays: Bhalla, Doyle

---Absent: Mason, Occhipinti, Russo

---Motion duly seconded by Councilman Cunningham

---Adopted **AS AMENDED** by the following vote: YEAS: 6 – NAYS: 0 – ABSENT: 3

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

---Nays: None.

---Absent: Mason, Occhipinti, Russo

City Clerk announces to the public that the Governing Body is entering into Closed Session at 9:30 PM

****At 9:33 P.M. Special Counsel Joe Maraziti, Esq. has arrived to the table for the Closed Session ****

Enter into Closed Session

15-395

---By Councilman Cunningham

CLOSED SESSION

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12(6) (7) AND ATTORNEY CLIENT PRIVILEGE (JOSEPH J. MARAZITI, JR.) RELATING TO THE CONSIDERATION OF THE WESTERN EDGE REDEVELOPMENT PLAN

WHEREAS, The Council of the City of Hoboken is authorized to go into closed session for the reasons set forth in the Open Public Meetings Act, including without limitation N.J.S.A. 10:4-12(b) (7), and for matters falling within attorney client privilege; and

WHEREAS, the City seeks to discuss the legal issues relating to anticipated litigation regarding the above referenced matter and the legal ramifications relating thereto; and

WHEREAS, the reason to conduct a closed session meeting of the Council is to receive advice from legal counsel, Joseph J. Maraziti, Jr., Esq. which is subject to attorney client privilege and/or which is offered regarding the above referenced anticipated litigation; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken that it enter into closed session for the herein said purposes; and,

BE IT FURTHER RESOLVED that when the need for confidentiality no longer exists the decisions made therein will be made available to the public.

---Motion duly seconded by Councilman Mello

---Voted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3- PRESENT:

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

---Nays: None.

---Absent: Mason, Occhipinti, Russo

At 9:41 P.M. Special Counsel Joe Maraziti, Esq. has left the mic due to no other business during the Closed Session

At 9:43 the Governing Body resumed back to the meeting.

ORDINANCES

Introduction and First Reading

15-396

Z-364

AN ORDINANCE OF THE CITY OF HOBOKEN ADOPTING THE “REDEVELOPMENT PLAN OF THE WESTERN EDGE REDEVELOPMENT AREA” DATED JULY 15, 2015

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“Redevelopment Law”), on July 18, 2007, the City Council adopted a Resolution designating certain properties known and designated on the Tax Map of the City of Hoboken as Block 92, Lots 1.01 and 1.02, Block 106, Lot 1.1, and Block 112, Lot 1 (collectively referred to hereinafter as the “Western Edge Redevelopment Area” or “Site”), which is generally located in the western portion of the City of Hoboken, as an area in need of redevelopment; and

WHEREAS after extensive consultation with the community, the property owners and other parties, the Western Edge Redevelopment Plan was prepared by the North Community Development Subcommittee of the City Council, the Director of Community Development and the firm of Maser Consulting, P.A. dated May 29, 2015 (the “ Western Edge Redevelopment Plan”); and

WHEREAS, the City Council adopted a Resolution on June 3, 2015, referring the proposed “Redevelopment Plan for the Western Edge Redevelopment Area”, dated May 29, 2015 (“Plan”) to the Hoboken Planning Board (“Board”) in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7(e) for the purpose of obtaining the report of the Board as to whether the Plan is substantially consistent with the municipal Master Plan or is designated to effectuate the Master Plan, and any recommendations regarding any other matters the Board deemed appropriate; and

WHEREAS, on July 7, 2015, the Hoboken Planning Board transmitted a report to the Hoboken City Council finding that the Western Edge Redevelopment Plan, dated May 29, 2015 is consistent with the City of Hoboken Master Plan or is designed to effectuate the Master Plan and recommending the adoption of the Western Edge Redevelopment Plan, dated May 29, 2015 (the “Report and Recommendation of the Planning Board”); and

WHEREAS, on July 15, 2015 the Hoboken City Council reviewed the Report and Recommendation of the Planning Board and agreed to certain revisions to the Western Edge Redevelopment Plan to address the recommendations of the Planning Board and amend the date of the Western Edge Redevelopment Plan accordingly to July 15, 2015;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN, HUDSON COUNTY, NEW JERSEY, AS FOLLOWS:

1. The Western Edge Redevelopment Plan, dated July 15, 2015, incorporated herein by reference, as if set forth at length, a copy of which is on file in the municipal offices of the City of Hoboken, meets the criteria, guidelines and conditions set forth at N.J.S.A. 40A:12A-7; and is otherwise in conformance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“The Western Edge Redevelopment Plan”).
2. The Western Edge Redevelopment Plan is consistent with the City of Hoboken’s Master Plan or is designed to effectuate the Master Plan.
3. The Western Edge Redevelopment Plan shall supersede all prior zoning for the area.
4. The zoning district map is hereby amended to identify the area in which the zoning has been superseded by the Western Edge Redevelopment Plan.
5. The Western Edge Redevelopment Plan is hereby adopted.
6. If any section or provision of the Western Edge Redevelopment Plan or this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.
7. All ordinances or parts of ordinances heretofore adopted that are inconsistent with the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
8. This Ordinance shall become final upon adoption and publication in the manner prescribed by law.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 6 – NAYS: 0 - ABSENT: 3

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

---Nays: None.

---Absent: Mason, Occhipinti, Russo

At 10: P.M. the Governing Body on a motion by Council duly seconded by the Council

The City Clerk then adjourned the special meeting at 10:16 P.M.

PRESIDENT OF THE COUNCIL

CITY CLERK