



October 17, 2011

Dear City Council Members,

I am writing to provide an update on two very important matters related to Hoboken University Medical Center and an agreement with Stevens developed to ensure the repairs for Sinatra Field and our walkway are as efficient and cost-effective as possible.

HUMC Update

Late Friday my Administration received word that HUMC Holdco agreed to changes we sought in the parking agreement, an agreement necessary for the sale of the hospital. The changes would shift a significant portion of the HUMC employee parking out of the Midtown garage to City garages along Hudson Street. An ordinance with this new version of the agreement was approved on first reading at Saturday's Council meeting.

The use of the Midtown garage by a new private owner of HUMC will still require either refinancing the midtown garage to a taxable status or paying down the debt enough so that it fully covers the private use due to the taxable exempt status of the existing Garage Bond.

Thanks to the cooperation of HUMC Holdco, a revised agreement has been reached whereby many HUMC employees will park in City garages on Hudson Street, where no bond issues exist. As a result of the modifications made to the Agreement, the City will have two choices. We can refinance the bond changing to taxable status, putting no stress on next year's budget and saving \$50,000 in debt service costs. In the alternative, we can pay down the current bond debt by \$4.5 million requiring the otherwise unnecessary allocation of \$4.5 million from our budget, creating serious budgetary pressures.

This revised agreement was negotiated based on the concern that the Council would not approve the refinancing of the Midtown garage which is scheduled for a second reading on Wednesday. The changes made would reduce a required payment from \$10 million to \$4.5 million in the event the bond refinance is not approved. While this change eliminates the need for wide-scale layoffs, only the approval of the refinancing of the Midtown garage bond and the multipurpose bond for crucial Police headquarter upgrades and other

essential initiatives for road cleaning and snow plowing will enable the City to completely avert the need for layoffs as a result of these transactions (Without the equipment requested in the multipurpose bond, my Administration will be forced to outsource in order to maintain the level of services our community needs).

As bond counsel has indicated previously, refinancing the Midtown garage bond would actually save taxpayers \$50,000, and it would make sense to do this regardless of the hospital sale. Unfortunately if the City Council fails to authorize the refinance of this bond, then layoffs will be unavoidable to absorb the costs and avoid a tax increase.

A special meeting will be called for Tuesday, October 25th for the second reading of the parking agreement ordinance. As previously discussed, a parking agreement is essential to the completion of the sale of HUMC, scheduled for Wednesday, October 26th.

Sinatra Park/Stevens Update

The Department of Environmental Protection recently approved the City's plans to reconstruct the collapsed field and walkways at Sinatra Park and Castle Point Park. As soon as that approval was received, the City submitted the approved construction drawings to the Army Corps of Engineers for their review. That approval is expected by the beginning of November, allowing the City to go out to bid.

As part of the design work regarding the construction of Sinatra Field, the City determined, in coordination with Stevens, that the current deteriorated condition of the City's low level relief platform and the associated seawall prevent the final connection of the Stevens walkway to Sinatra Park until repairs to the structure are completed. As a result, discussions occurred between the City and Stevens on how to accomplish the final connection of the Stevens walkway into the Sinatra Field and walkway in the most efficient and effective manner.

Rather than Stevens spending an estimated \$78,000 to complete its walkway (in addition to the materials they have already purchased), only for the City to have to partially demolish it in order to complete the reconstruction of Sinatra Park and the City's walkway, we determined that a public-private partnership agreement would represent a win-win for both parties.

The intent of the agreement is for the remaining work of the Stevens walkway and the City's project at this particular connection to be conducted all at once. To do so, it is expected that the City will coordinate the construction utilizing the remaining materials for the Stevens walkway which have not been installed and are currently being stored at the Stevens site. It is also the understanding that the materials will remain stored at the Stevens facility until the materials were needed for the project. Again, the thinking for the agreement is that it will enable Stevens to avoid the cost of having to complete the walkway and avoid delay in closing the Stevens walkway contract, and to enable the City to avoid having to wastefully demolish a walkway just constructed in order to complete the reconstruction of Sinatra Field and the City's walkway, only to have to rebuild the walkway

again. Stevens will realize a savings in the construction costs, and the City will be able to move forward efficiently with the completion of its project with little rework.

I thank Stevens Institute of Technology and the newly inaugurated President Farvardin for working with my Administration to finalize the attached agreement. I hope you will approve this agreement on Wednesday so there won't be any further delays to begin construction.

Once this agreement with Stevens is approved, the City can finalize the bid specifications to ensure the accurate labor hours and materials are incorporated. We expect to have an approval of the construction drawings from the Army Corps of Engineers at the same time as the bid specifications are completed in order to go out to bid in early November. Attached is an aggressive, yet realistic, timeline for the project, assuming that the bid process and winter weather go smoothly. As you can see, as soon as the bid is awarded, the demolition and piling work can begin. Therefore there is no lag during the cold weather months.

Although the project completion is expected by the end of September, the field itself will be completed before that. The field can be constructed as soon as the deck and backfill is completed. The work to be done in September includes the finishing touches, such as the pavers for the walkway, railing installation, bench placement, etc.

Sincerely,


Dawn Zimmer

BOSWELL McCLAVE ENGINEERING
HOBOKEN WATERFRONT RECONSTRUCTION
PRELIMINARY ENGINEER'S ESTIMATE

EXHIBIT A

Stevens Walkway Tie-In

| ITEM NO. | DESCRIPTION | UNITS | APPROX. QUANTITY | EST. UNIT PRICE | AMOUNT |
|--|---|-------|------------------|-----------------|--------------|
| 1 | MOBILIZATION/DEMObILIZATION | L.S. | 1 | \$ 5,000.00 | \$ 5,000.00 |
| 2 | CLEARING SITE (Remove Temporary Elect Conduit, etc.) | L.S. | 1 | \$ 2,500.00 | \$ 2,500.00 |
| 3 | INTERLOCKING CONCRETE PAVERS (Install Only) | S.F. | 500 | \$ 20.00 | \$ 10,000.00 |
| 4 | PRESTRESSED CONCRETE SLAB BEAMS, (Install only) | L.F. | 200 | \$ 75.00 | \$ 15,000.00 |
| 5 | CONNECTION TO SINATRA FIELD PROMENADE | L.S. | 1 | \$ 2,500.00 | \$ 2,500.00 |
| 6 | METAL RAILING, DECORATIVE - Steel (Install and supply additional) | L.F. | 210 | \$ 150.00 | \$ 31,500.00 |
| 7 | 24" X 8" CONCRETE SLOPING CURB (Install and supply additional) | L.F. | 102 | \$ 40.00 | \$ 4,080.00 |
| 8 | DECORATIVE LIGHTING ASSEMBLY, (Install) | UNIT | 2 | \$ 500.00 | \$ 1,000.00 |
| SUBTOTAL: | | | | \$ | 71,580.00 |
| Contingency (+/- 10%): | | | | \$ | 7,158.00 |
| Total Estimated Construction Cost: | | | | \$ | 78,738.00 |
| ** Note: Contingency may include the purchase of additional materials to completed walkway tie-in. | | | | | |

EXHIBIT B



BOSWELL McCLAVE ENGINEERING

ENGINEERS ■ SURVEYORS ■ PLANNERS ■ SCIENTISTS

330 Phillips Avenue • P.O. Box 3152 • South Hackensack, N.J. 07608-1722 • (201) 641-0770 • Fax (201) 641-1831

Sent via E-Mail and Regular Mail

August 9, 2011

The Honorable Dawn Zimmer
Mayor of the City of Hoboken
94 Washington Street
Hoboken, New Jersey 07030

Re: Waterfront Walkway Project
Stevens Institute of Technology
City of Hoboken
Our File No. HO-443

Dear Mayor Zimmer:

As part of the ongoing design work regarding the reconstruction of Sinatra Field, please be advised that this office, as directed by the City of Hoboken, will be incorporating the completion of the Stevens Institute of Technology ("Stevens") walkway project into the final design of the rehabilitation project.

As previously expressed in our letter dated October 26, 2010, the current deteriorated condition of the low level relief platform and the associated seawall prevented the final connection of the Stevens walkway into same, limiting the ability for Stevens to fully complete their project. At that time, discussions ensued which culminated in the City and Stevens coming to a verbal agreement on how the final connection of the Stevens walkway to the Sinatra field site would be accomplished.

This letter shall memorialize Boswell Engineering's intentions, at the direction of the City of Hoboken, to incorporate the construction of the remaining section of walkway of the Stevens project with the Sinatra Field reconstruction. As part of this arrangement, the City will utilize the remaining materials for the Stevens walkway which have not been installed and are currently being stored at the Stevens site. It is also our understanding that the materials will remain stored at the facility until such time as the materials are needed for the project.

The Honorable Dawn Zimmer
August 9, 2011
Page 2

To this end, the City's Corporation Counsel will prepare the agreement between the City and Stevens. A preliminary cost estimate, along with a list of materials already purchased by Stevens and available for the completion of the project, have been attached to this letter for reference.

If you require any additional information, please feel free to contact our office.

Very truly yours,

BOSWELL McCLAVE ENGINEERING

A handwritten signature in cursive script that reads "Joseph Pomante". To the right of the signature is a small circular stamp containing the initials "JAP".

Joseph A. Pomante, P.E.
City Engineer Representative

JAP/REM/ajf

Enclosures

cc: Brandy Forbes, Director of Community Development

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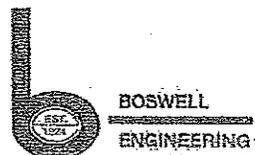


EXHIBIT C

STORED ITEMS
HUDSON RIVER WALKWAY PROJECT
As of February 11, 2011

- Line Item 3 – interlocking concrete pavers
5 full pallets, 91 sf per pallet, total of 455 sf
- Line Item 4 – prestressed concrete slab beams
2 pieces marked PL-5, each 49'-0" long
1 piece marked PL-5A, 49'-0" long
1 piece marked PL-5B, 49'-0" long
- Line Item 6 – metal railing
2 pieces, each 24'-0" long
1 corner piece, 6'-0" long
- Line Item 7 – 24" x 8" concrete sloping curb
14 pieces, 8'-0" long
- Line Item 8 – decorative lighting assembly
2 complete set-ups, pole and lamp

SECTION 152 – INSURANCE

152.01 DESCRIPTION

This Section describes the requirements for providing and maintaining insurance until Acceptance.

152.02 MATERIALS

(Intentionally Blank)

152.03 PROCEDURE

152.03.01 Owner's and Contractor's Protective Liability Insurance

- A. **Policy Requirements.** Procure and maintain insurance until Acceptance. The Department will not consider the Work or any portion as put to its intended use until Acceptance. The Contractor may only obtain insurance from companies that are licensed to provide insurance in the State. Ensure that policies are underwritten by companies with a current A.M. Best rating of A- with a Financial Size Category of VII or better. Before performing construction operations, provide the RE with certificates of insurance and policy declaration pages. The Department's Insurance Certificate (Form DC-175) is the only acceptable form as evidence of insurance. Ensure that insurance policies are endorsed to provide written notice by certified mail to the Department 30 days before changes to and/or cancellation of the policy. Upon request, provide the RE with a certified copy of each policy.

Submit documentation to identify all exclusions and deductible clauses. The limits of liability set forth below do not relieve the Contractor from liability in excess of such coverage. Deductibles for each policy are limited to \$250,000 per occurrence. The Contractor is responsible for the deductible limit of the policy and all exclusions consistent with the risks it assumes under this Contract and as imposed by law.

- B. **Types.** At a minimum, provide the following insurances.

1. **Comprehensive General Liability Insurance.** Procure Comprehensive General Liability insurance with a minimum limit of liability in the amount of \$1,000,000 per occurrence as a combined single limit for bodily injury and property damage.

Ensure the coverage for the policy is at least as broad as that provided by the standard basic, unamended, and unendorsed comprehensive general liability coverage forms currently in use in the State. Ensure the policy is endorsed to include:

1. Personal injury.
2. Contractual liability.
3. Premises and operations.
4. Products and completed operations.
5. Independent contractors.
6. Waiver of Subrogation for all claims and suits, including recovery of any applicable deductibles.
7. Severability of Interest/Separation of Insureds.
8. Per project aggregate.

Ensure the policy is endorsed to delete any exclusions applying to property damage liability arising from:

1. Explosions.
2. Damage to underground utilities.
3. Collapse of foundations.

Ensure the policy names the State, its officers, employees, and agents as additional insured. On the Insurance Certificate, indicate the cost for providing the policy.

2. **Comprehensive Automobile Liability Insurance.** Procure Comprehensive Automobile Liability insurance to cover owned, non-owned, and hired vehicles with a minimum limit of liability in the amount of \$1,000,000 per occurrence as a combined single limit for bodily injury and property damage. Ensure the policy is endorsed to include a Waiver of Subrogation for all claims and suits, including recovery of any applicable deductibles. Ensure the policy is endorsed to include Severability of Interest/Separation of Insureds clause.

3. **Owner's and Contractor's Protective Liability Insurance.** Procure a separate Owner's and Contractor's Protective Liability Insurance Policy with a minimum limit of liability in the amount of \$4,000,000 per occurrence as a combined single limit for bodily injury and property damage. Ensure the policy is endorsed to include a Waiver of Subrogation for all claims and suits, including recovery of any applicable deductibles. Ensure the policy is endorsed to include Severability of Interest/Separation of Insureds clause. Ensure the policy names the State, its officers, employees, and agents as additional insured. Provide documentation from the insurance company that indicates the cost of the Owner's and Contractor's Protective Liability Insurance Policy.

4. **Workers Compensation and Employer's Liability Insurance.** Procure Workers Compensation Insurance according to the requirements of the laws of this State and include an all-states endorsement to extend coverage to any state that may be interpreted to have legal jurisdiction. Provide Employer's Liability Insurance with the following minimum limits of liability:

1. \$100,000 each accident.
2. \$100,000 Disease each employee.
3. \$500,000 Disease aggregate limit.

If construction operations requires marine operations, including working from a barge or ship, or unloading material from a barge or ship on a navigable waterway in the United States, ensure the policy is endorsed to include US Longshore and Harbor Workers coverage and Jones Act coverage.

5. **Excess Liability Insurance.** Procure Excess Liability or Umbrella Liability insurance with limits in excess of the underlying policies for Comprehensive General Liability and Comprehensive Automobile Liability with minimum limits of liability of \$10,000,000. Ensure the Excess Liability Insurance policy takes effect (drops down) if the primary coverage is impaired or exhausted. Ensure the excess or umbrella policy has the same terms and conditions as the primary underlying coverage.

6. **Marine Liability Insurance.** If construction operations require marine operations, procure Marine Liability Insurance with a minimum limit of liability in the amount of \$2,000,000 per occurrence. Ensure the policy is endorsed to include:

1. Personal injury.
2. Contractual liability.
3. Premises and operations.
4. Products and completed operations.
5. Independent contractors.
6. Waiver of Subrogation for all claims and suits, including recovery of any applicable deductibles.
7. Severability of Interest/Separation of Insureds.

Ensure the policy names the State, its officers, employees, and agents as additional insured.

C. **Maintenance.** Submit an updated DC-175, Insurance Certificate, to demonstrate continued renewal of insurance. During any period when the required insurance is not in effect, the RE may suspend the Work. The Department may refuse to make payments due under this Contract or any other contracts with the Department until the required insurance coverage is in effect. The Department may use monies withheld to renew the insurance for the periods and amounts referred to above. Alternatively, the Department may default the Contractor and direct the Surety to complete the Project.

152.03.02 Railroad Protective Liability Insurance

If required by the Special Provisions, procure railroad protective liability insurance according to 23 CFR 646, Subpart A, as a combined single limit for bodily injury and property damage with minimum limits of liability in the amounts of \$2,000,000 per occurrence and \$6,000,000 per annual aggregate. Ensure that the railroad protective liability insurance meets the policy requirements specified in 152.03.01.A.

Additionally, ensure Comprehensive General Liability policy is endorsed to provide for independent contractors' coverage and deletes any exclusions applying to liability arising out of operations in proximity to railroad property. Ensure that the railroad protective liability insurance policy is endorsed to provide written notice by certified mail to the railroad company 30 days before changes to and/or cancellation of the policy.

Ensure the policy is endorsed to include a Waiver of Subrogation for all claims and suits, including recovery of any applicable deductibles. Ensure the policy is endorsed to include Severability of Interest/Separation of Insureds clause. Submit the policy for railroad protective liability insurance and endorsements to the Comprehensive General Liability Insurance to the railroad company for approval. The Department will list the name and address of the railroad company representative in the Special Provisions. Construction operations will not be permitted on railroad property before approval of insurance by the railroad company. Reconcile all policy requirements to the satisfaction of the railroad company and the RE.

The Special Provisions will contain an estimate of the percentage of the Contract cost located within or adjacent to the railroad ROW. The percentage is provided for informational purposes only and does not affect the amount of risk or coverage.

152.03.03 Pollution Liability Insurance

Procure Contractor's Pollution Liability insurance for bodily injury and property damage with minimum limits of liability in the amounts of \$5,000,000 per occurrence and \$10,000,000 aggregate. Ensure that the pollution liability insurance meets the policy requirements specified in 152.03.01.A.

If the policy is written on an occurrence form, ensure it will remain in effect until Acceptance, and ensure that completed operations coverage is provided for a period of no less than 2 years after Acceptance. If the policy is written on a claims-made basis, ensure an Extended Reporting Provision coverage is maintained for a period of no less than 2 years after Acceptance.

Ensure the policy provides coverage for:

1. Bodily injury and property damage to third parties.
2. Natural resource damages.
3. Environmental cleanup including restoration or replacement costs.
4. Legal defense.
5. Transportation of waste material by or on behalf of the Contractor away from the Project Limits.
6. Disposal liability for pollution conditions on, at, under, or emanating from any disposal site, location or facility used by or on behalf of the Contractor for disposal of waste.
7. Waiver of Subrogation for all claims and suits, including recovery of any applicable deductibles.
8. Severability of Interest/Separation of Insureds.

Ensure the policy does not contain any exclusions or limitations for:

1. Liabilities Assumed under an insured contract.
2. Lead, silica, or asbestos.
3. Underground storage tanks.
4. Insured versus insured exclusion that restricts coverage to the State.

Ensure the policy names the State, its officers, employees, and agents as additional insured. Provide documentation from the insurance company indicating the coverage, limitation of coverage, term of coverage, and cost of the pollution liability insurance policy.

152.04 MEASUREMENT AND PAYMENT

The Department will measure and make payment for Items as follows:

| <i>Item</i> | <i>Pay Unit</i> |
|---|-----------------|
| OWNER'S AND CONTRACTOR'S PROTECTIVE LIABILITY INSURANCE | LUMP SUM |
| RAILROAD PROTECTIVE LIABILITY INSURANCE | LUMP SUM |
| POLLUTION LIABILITY INSURANCE | LUMP SUM |

The Contractor shall provide all other insurance costs at the Contractor's expense.

The Department will make initial payment for OWNER'S AND CONTRACTOR'S PROTECTIVE LIABILITY INSURANCE, RAILROAD PROTECTIVE LIABILITY INSURANCE, and POLLUTION LIABILITY INSURANCE at the lesser of the bid amount, or actual costs as documented from paid invoices. The Department will make payment for any remainder with the final monthly Estimate.

WATERFRONT WALKWAY RECONSTRUCTION PROJECT
PUBLIC PRIVATE PARTNERSHIP AGREEMENT

This Agreement is made on this _____ day of October, 2011, between STEVENS INSTITUTE OF TECHNOLOGY, an educational not-for-profit body corporate, with offices located at Howe Center, 13th Floor, Castle Point on Hudson, Hoboken, New Jersey 07030 (hereinafter referred to as "Stevens") and the CITY OF HOBOKEN, a municipal corporation, with offices located at 94 Washington Street, Hoboken, New Jersey 07030 (hereinafter referred to as the "City").

RECITALS

WHEREAS, the utilization of public-private partnerships, where appropriate, to help communities thrive in economic downturns, stimulate the local economy, and provide meaningful public relationships to corporations with a local presence are widely endorsed; and

WHEREAS, Stevens and the City acknowledge that, acting alone, they cannot independently provide the most effective and efficient goods and services to properly rehabilitate and reconstruct the Hudson River Walkway at Castle Point and Sinatra Field (the "Project"); and

WHEREAS, the parties wish to memorialize an arrangement through the creation of the herein Public-Private Partnership Agreement (the "Agreement") by and among the parties relating to their respective roles in properly and effectively reconstructing and rehabilitating the Hudson River Waterfront at Sinatra Field and Castle Point; and

WHEREAS, the parties contemplate that no services or goods, shall be otherwise provided pursuant to this Agreement, except in accordance with all applicable

federal, state, and local laws and regulations governing the provisions of services hereunder; and

WHEREAS, Stevens has agreed to donate goods it had purchased in anticipation of the restoration of its portion of the Waterfront Walkway to the City to aid in the City's restoration of the Walkway; and,

WHEREAS, the City will be given the opportunity to reconstruct the Waterfront Walkway as one seamless project as a result of the donation of goods from Stevens, and, as a result, the City has agreed to undertake the costs associated with reconstruction of the Waterfront Walkway, and particularly the connection between the Stevens portion of the Walkway and the City portion of the Walkway.

IN CONSIDERATION OF THE MUTUAL PROMISES STATED IN THE ABOVE RECITALS, WHICH SHALL BE INCORPORATED HEREIN AS CONTRACTUAL OBLIGATIONS OF THE PARTIES, THE PARTIES THEREFORE AGREE AS FOLLOWS:

SECTION ONE

DURATION OF AGREEMENT AND RIGHT TO CANCELLATION

The term for this Agreement shall commence upon final execution by both parties. This Agreement will continue in effect on the terms and conditions provided herein until completion of the Project, as determined by written confirmation of the City Engineer or until cancelled by either party in accordance with the within cancellation terms. Cancellation shall be effected by any party providing written notice to the other of its intent to terminate ninety (90) days in advance of such cancellation. Cancellation shall also be subject to the provisions of Sections Six and Seven of this Agreement. Notwithstanding anything in this Agreement to the contrary, this Agreement may not be terminated by the City after Stevens has provided the Goods (as defined below) to the City.

SECTION TWO DEFINITIONS

As used in this Agreement, unless the context indicates otherwise, the following terms shall have the following meanings and are to be interpreted consistent with the context of this Agreement in which each term is used:

1. "Agreement" shall refer to the herein Public-Private Partnership Agreement executed by the City and Stevens.
2. "Stevens" shall refer to Stevens Institute of Technology.
3. "City" shall refer to the City of Hoboken.
4. "City Engineer" shall refer to the Professional Engineer appointed by the City of Hoboken to render general engineering services to the City of Hoboken relating to the Project.
5. "Property" shall refer to the Hudson River Waterfront Walkway from the southernmost portion of Castle Point to the northernmost point of Sinatra Field, adjacent to the existing Hudson River Waterfront Walkway.
6. "Project" shall refer to the reconstruction of the Property, as described herein and within the attachments hereto.

SECTION THREE

GOODS AND SERVICES TO BE UTILIZED AND OBLIGATIONS OF THE PARTIES

- A. Services: The services shall include rehabilitation of the Property, contracted by the City of Hoboken. The rehabilitation shall include construction of the remaining section of the Property's walkway along the Stevens portion of the Property as well as reconstruction of Sinatra Field on the City's portion of the Property, and structurally contiguous connection of the City and Stevens portions of the Property's walkway. All services shall be performed by and be the obligation of the City of Hoboken, by and through its contractors, professionals and agents. The proposed Project shall be in accordance with the "Boswell McClave Engineering, Hoboken Waterfront Reconstruction, Contract Documents," attached hereto as **Exhibit A** as well as the August 9,

2011 letter from Joseph Pomante, P.E. of Boswell McClave Engineering to Mayor Zimmer, attached hereto as **Exhibit B**. The City of Hoboken shall be solely responsible for all aspects of the rehabilitation of the Property as described above including, without limitation, selecting and awarding contracts, administering and making payments under such contracts and all matters relating to liability and insurance.

- B. Goods: The goods to be utilized for this Project were purchased by Stevens prior to execution of this Agreement. The previously purchased goods are listed in the "Stored Items" documents, attached hereto as **Exhibit C** (the "Goods"). Stevens shall be solely responsible for providing the Goods to the City of Hoboken for use by the City of Hoboken and its contractors in completing the Project. The Goods are stored at a site owned by Stevens and will be made available by Stevens to the City of Hoboken and/or its contractors for loading and shipping by the City or such contractors, as provided in this Agreement.
- C. Stevens will work with the City and its subcontractors to provide separate documentation of a right-of-way across and temporary license to use Stevens' property for the conduct of the Project, provided that Stevens may require indemnification, insurance and other protections relating to liability against the actions and failures of the City and such subcontractors.

SECTION FOUR

PROJECT FUNDING AND CONSIDERATION FOR THIS AGREEMENT

- A. The City agrees to furnish all services relating to this Project, as described herein, which shall constitute good and valuable consideration under this Agreement, subject to the City's ability to adequately appropriate the amounts necessary to fund the services.
- B. Stevens agrees to furnish the Goods listed in Exhibit C within ten (10) days of request by the City, the City Engineer, or the City's contractor. The parties acknowledge and agree that, once the Goods have been delivered to the City or its contractor, Stevens shall have no further responsibility or liability with respect

to the Goods and the City and its contractors shall not make or assert any complaint, claim or other concern regarding the Goods against Stevens.

- C. The cost of any materials and goods necessary to complete the Project which have not been provided for by Stevens, as described in Exhibit C, shall be the sole responsibility of the City. The City will make additional purchases to complete the Stevens Walkway if a need to procure additional materials such as sand or brick pavers becomes necessary.
- D. Stevens and the City agree that their respective obligations relating to the funding, services and goods herein described shall constitute the full and valuable consideration paid to both parties under this Agreement, and shall be made available only for the reconstruction and renovation of the Property, as described in Section Three of this Agreement.
- E. The City shall not, under any conditions, be required to compensate Stevens for the performance, services or goods hereunder described in excess of the obligations described herein, and no terms or conditions of this contract shall be interpreted inconsistent with this restriction.
- F. No other charges shall be assessed against the City on behalf of Stevens relating to this Project during the term of this Agreement.
- G. The City shall be solely responsible for awarding the contract(s) for the reconstruction and rehabilitation of those areas of the Hudson River Walkway, at Castle Point and Sinatra Park, described herein and in administering the Project in accordance with this Agreement, the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.), and all other applicable laws.
- H. Failure of the City to appropriate the funds necessary to effectuate the Project under which this Agreement is made shall result in termination of this Agreement without damages being charged by either party against the other. In the event the City has not appropriated the funds for this Project by January 20, 2012, this Agreement shall terminate, unless both Parties consent to an extension of the appropriate date in writing, to a date certain.

SECTION FIVE

INDEMNIFICATION/INSURANCE

- A. The City shall be responsible for all claims and suits resulting from the City's obligations under this Agreement which arise out of the gross negligence or intentional misconduct of employees, agents, or contractors of the City of Hoboken, and the City agrees to fully indemnify and hold harmless Stevens from any such claims or suits including, but not limited to, any reasonable attorneys fees and costs of suit incurred by Stevens as a result thereof.
- B. Stevens shall be responsible for all claims and suits resulting from Stevens obligations under this Agreement which arise out of the gross negligence or intentional misconduct of employees, agents, or contractors of Stevens, and Stevens agrees to fully indemnify and hold harmless the City from any such claims or suits including, but not limited to, any reasonable attorneys fees and costs of suit incurred by the City as a result thereof.
- C. The City shall provide evidence of insurance coverage as set forth immediately herein below. The City shall furnish to Stevens, a Certificate of such insurance coverage containing a thirty (30) day advance cancellation clause; and said coverage shall name Stevens as an additional insured for the City.
 - a. Comprehensive General Liability Insurance coverage in the amount of \$2,000,000.00 aggregate combined single limit bodily injury and property damage, including personal liability.
 - b. Workers compensation insurance coverage in the amount of \$500,000.00.
- D. Stevens shall provide evidence of insurance coverage as set forth immediately herein below. Stevens shall furnish to the City, a Certificate of such insurance coverage containing a thirty (30) day advance cancellation clause; and said coverage shall name the City as an additional insured.
 - a. Comprehensive General Liability Insurance coverage in the amount of \$2,000,000.00 aggregate combined single limit bodily injury and property damage, including personal liability.
 - b. Workers compensation insurance coverage in the amount of \$500,000.00.
- E. The City shall require that (i) the contractor(s) who performs the Project shall

comply with all requirements of **Exhibit D** prior to commencing work on the Project and throughout the term of the Project and (ii) such contractor(s) shall deliver to the City and to Stevens prior to commencement of the Project an insurance certificate evidencing such compliance and naming the City and Stevens as additional insureds.

SECTION SIX DEFAULT

The following events shall constitute default of this Agreement:

A. Failure of either party to pay any undisputed amount that becomes due under this Agreement or provide any goods or services herein described which becomes due, for a period greater than sixty (60) days after written demand is made;

B. The assessment by either party that: (i) the other party has not performed its obligations set forth in this Agreement in an adequate or satisfactory manner; or (ii) the other party has not utilized the other party's consideration, described hereunder, for the purposes described herein, subject to the right to cure as set forth in Section Seven of this Agreement.

C. The appointment of a receiver or other trustee for either of the parties;

D. Failure of either party to perform or fulfill any other covenants or conditions set forth in this Agreement, subject to the right to cure as set forth in Section Seven of this Agreement.

E. The non-appropriation of necessary funding by the City, in accordance with applicable laws, for the payments required hereunder shall furnish grounds for termination of the Agreement pursuant to Section Seven. Termination under this Subparagraph E of this Agreement shall be effectuated by either party's providing thirty (30) days' written notice of its intent to terminate this Agreement. Such termination shall be effective upon the expiration of the aforementioned thirty (30) day period. The City's inability to legally obtain and/or appropriate proper funding shall be deemed a default for which no damages may be awarded to either party or to any beneficiaries, whether intended or unintended, and any litigation resulting from the City's non-appropriation of

funding shall not entitle any party or any beneficiary, intended or unintended, to an award of attorney fees or costs.

SECTION SEVEN

TERMINATION

1. In the event of default as defined in Section Six of this Agreement, except as set forth in Subsection (E) of Section Six, the non-defaulting party may serve upon the defaulting party a written notice of its intent to terminate this Agreement and demand that the defaulting party cure such default within sixty (60) days from the date of such written notice. No such period shall be necessary, and termination shall occur immediately upon notice, whether actual or constructive, in the event that the breach is incapable of cure. If the defaulting party cures the default within sixty (60) days from the date of such notice, then the notice of intent to terminate shall have no force or effect. If, however, the defaulting party has not cured the default by the end of the sixty (60) day period, after the expiration of the sixty (60) day period, the non-defaulting party may serve upon the defaulting party written notice of the former party's intent to terminate this Agreement immediately.

2. Upon termination of this Agreement, the parties shall promptly pay any outstanding unpaid sums due and owing under this Agreement.

3. The rights granted pursuant to this Section Seven are in addition to any other rights and remedies for breach of contract available to the non-defaulting party at law or in equity.

4. As stated above, once Stevens has complied with its obligations to provide the Goods to the City, the City may not terminate this Agreement.

SECTION EIGHT

SUCCESSORS AND ASSIGNS

The terms of this Agreement shall be binding upon all transferees, successors, grantees or assignees of the parties as though named in this Agreement.

SECTION NINE

NOTICE

1. All notices, requests, or approvals required or permitted under this Agreement shall be in writing and shall be deposited in the United States mail, postage prepaid, and shall be registered or certified or may be provided via personal service or via Federal Express or other recognized national overnight mail carrier.

2. If intended for Stevens, such correspondence shall be sent to the Henry P. Dobbelaar, Jr., P.E., Vice President with a copy to General Counsel, Howe Center, 13th Floor, Castle Point on Hudson, Hoboken, New Jersey 07030. If intended for the City, all such correspondence shall be sent to the Council President, Corporation Counsel and City Clerk, at 94 Washington Street, Hoboken, New Jersey 07030.

3. A change in address must be noticed in the manner set forth in this Section. Any notice, request or approval required or permitted shall be deemed given and received by the addressee on the third business day after mailing or upon delivery, if personally delivered or sent by overnight carrier.

SECTION TEN

RESOLUTION OF DISPUTES

Should any bona fide dispute arise between the parties with respect to any of the terms and conditions hereunder, such bona fide dispute shall be presented to the New Jersey State Board of Mediation for mediation. The parties agree that every best effort shall be made by both parties to resolve any and all disputes prior to mediation and, if no resolution is reached, the dispute shall be presented to mediation. In the event mediation fails, all disputes arising under this Agreement shall be subject to binding arbitration, which shall be conducted in accordance with the laws of the State of New Jersey.

SECTION ELEVEN

WAIVER

A party's waiver of a breach of any term of this Agreement shall not constitute a waiver of any subsequent breach of the same or another term contained in this Agreement. A party's subsequent acceptance of performance by the other party shall not be construed as a waiver of a preceding breach of this Agreement.

**SECTION TWELVE
MISCELLANEOUS**

- A. Invalidity. If any provision of this Agreement is held unenforceable or invalid by a court of competent jurisdiction, the remaining provisions of this Agreement shall not be affected.
- B. Entire Agreement/Modifications. This Agreement supersedes any and all prior or other oral or written Agreements between the parties. This Agreement may be altered, modified or amended only in writing executed by both of the parties hereto. This Agreement contains the entirety of the Agreement between the parties. There are no other oral Agreements or presentations binding the parties hereto.
- C. Governing Law. This Contract shall be governed by the laws of the State of New Jersey and in compliance with all ordinances, policies and provisions of the City.

**SECTION THIRTEEN
EFFECTIVE DATE**

This Agreement shall become effective if executed on behalf of Stevens by an authorized officer and if legally approved by the governing the City, in accordance with applicable law. The effective date of this Agreement shall be the date executed by the final signatory on the signature page.

**SECTION FOURTEEN
SIGNATURES**

The parties agree that this Agreement may be signed and executed in counterpart, and that the failure of the parties to be mutually present during such signing

or execution, or that the failure of all parties' signatures to appear on the same original of the Agreement, shall not be construed as taking from the validity and effect of same.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK.

SIGNATURES BEGIN ON THE NEXT PAGE.

CITY OF HOBOKEN

STEVENS INSTITUTE OF
TECHNOLOGY

By: _____

Dawn Zimmer
Mayor

By: _____

Henry P. Dobbelaar, Jr, P.E.
Vice President

Dated: _____

Dated: _____

Attest: _____

James Farina, City Clerk

Attest: _____

Approved as to Form:

Approved as to Form:

Mark A. Tabakin, Esq.
City of Hoboken
Corporation Counsel

Kathy L. Schulz, Esq.
Stevens Institute of Technology
General Counsel

| Task Name | Assigned To | Q3 | | | Q4 | | | Q1 | | | Q2 | | | Q3 | | |
|--|-----------------|-----|-----|-----|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| | | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep |
| 1 Construction Drawings | | | | | Construction Drawings | | | | | | | | | | | |
| 2 Submit to ACOE by Boswell | Boswell | | | | Submit to ACOE by Boswell | | | | | | | | | | | |
| 3 ACOE Review | Boswell | | | | ACOE Review | | | | | | | | | | | |
| 4 Bid Process | | | | | Bid Process | | | | | | | | | | | |
| 5 Negotiate Stevens Agreement | Admin | | | | Negotiate Stevens Agreement | | | | | | | | | | | |
| 6 Stevens Agreement | Council | | | | Stevens Agreement | | | | | | | | | | | |
| 7 Finalize Specs to Reflect if Stevens | Boswell | | | | Finalize Specs to Reflect if Stevens Agreement Reached | | | | | | | | | | | |
| 8 Advertise Bids | Boswell | | | | Advertise Bids | | | | | | | | | | | |
| 9 Bid Opening | Admin | | | | Bid Opening | | | | | | | | | | | |
| 10 Review Bids & Recommend | Legal & Boswell | | | | Review Bids & Recommend | | | | | | | | | | | |
| 11 Award Bid | Council | | | | Award Bid | | | | | | | | | | | |
| 12 Construction | | | | | Construction | | | | | | | | | | | |
| 13 Demolition & Piles | Boswell | | | | Demolition & Piles | | | | | | | | | | | |
| 14 Rebuild | Boswell | | | | Rebuild | | | | | | | | | | | |
| 15 | | | | | | | | | | | | | | | | |
| 16 | | | | | | | | | | | | | | | | |
| 17 | | | | | | | | | | | | | | | | |
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| 20 | | | | | | | | | | | | | | | | |
| 21 | | | | | | | | | | | | | | | | |



MEMORANDUM

TO: City Clerk James Farina
FR: Mayor Dawn Zimmer
RE: Hoboken Historic Preservation Board

Mr. Farina,

I have appointed the following person to the Historic Preservation Board:

Dennis English

Please update your records accordingly.

Thank you,

Mayor Dawn Zimmer

RECEIVED
2011 OCT - 7 PM 3:51
CITY CLERK
HOBOKEN, NJ 07030

SPONSORED BY: _____

SECONDED BY: _____

**MEETING OF THE CITY COUNCIL
OF HOBOKEN, NEW JERSEY
MISCELLANEOUS LICENSING
OCTOBER 19, 2011**

TAXI, LIMOUSINE, AND LIVERY DRIVERS 2 ITEMS
(SEE ATTACHED)

RAFFLES (\$20/DRAWING) 3 ITEMS

HOBOKEN ROTARY FOUNDATION

PO BOX 1027

HOBOKEN, NJ 07030

RA1357

DRAWING 12/3/2011

ST. FRANCIS ALTAR

ROSARY SOCIETY

308 JEFFERSON ST.

HOBOKEN, NJ 07030

RA1376

12/10/2011

ST. JOSEPH'S CHURCH

61 MONROE ST.

HOBOKEN, NJ 07030

RA1377

04/08/12

MISCELLANEOUS LICENSES

DRIVERS

(2 ITEMS @ \$75.00)

HENRY AREVALO
LUIS CRUCETA

122 66TH STREETS, WEST NEW YORK, NJ
522 10TH ST, UNION CITY, NJ

LIMO
TAXI

2 DRIVERS

APPROVED LICENSES

OFFICE OF THE TAX COLLECTOR
MONTHLY REPORT

To: The Honorable Mayor and
Council Members of the
City of Hoboken, N.J.

Honorable Mayor and Council Members,

I herewith submit the following report of receipts in the Tax Collector's Office for the month
of SEPTEMBER, 2011.

Receipts on Taxes

| | | |
|----------------------------|-----------|-----------|
| 2012 Taxes 1-2 Quarters... | 31,125.34 | |
| Total 2012 Taxes Collected | | 31,125.34 |

Receipts on Taxes

| | | |
|-----------------------------|---------------|---------------|
| 2011 Taxes 3-4. Quarters... | 16,041,073.35 | |
| N.G. Checks Minus.... | 17,064.82 | |
| 2011 Taxes 1-2 Quarters... | 61,504.03 | |
| Total 2011 Taxes Collected | | 16,085,512.56 |

Miscellaneous Tax Receipts

| | | |
|----------------------------------|-----------|-----------|
| Interest on Taxes... | 27,505.48 | |
| N.G. Checks Minus... | 161.24 | |
| Duplicate Bill Fee.... | 105.00 | |
| Bounced Check Fee... | 120.00 | |
| Total Miscellaneous Tax Receipts | | 27,569.24 |

Total Taxes & Miscellaneous Tax Receipts.... \$ 16,144,207.14

*****Abatements not included in Edmunds Cash Receipts Report*****

Abatements

| | | |
|--------------------------|------------|---------------|
| Abatement Principal..... | 102,000.24 | |
| Abatement Interest..... | 38.82 | \$ 102,039.06 |
| Abatement Totals..... | | |

Bounced Checks

| | |
|----------------|-----------------|
| 185/13 | 6,911.88 |
| 261.04/1/C0701 | 5,855.07 |
| 67/16/C003D | 759.11 |
| 168/24 | <u>3,700.00</u> |
| Total | 17,226.06 |

Respectfully yours,

Sharon Curran, Tax Collector

| REDEMPTIONS FOR THE MONTH OF SEPTEMBER 2011 | | | | | | | | | |
|---|-------|------|-------|---------------|---------------------|-------------------|----------------|-------------|--|
| DATE REDEEMED | BLOCK | LOT | QUAL. | CERTIFICATE # | ADDRESS | REDEMPTION AMOUNT | PREMIUM AMOUNT | | |
| 9/2/2011 | 16 | 42.1 | C000C | 097022 | 550-552 OBSERVER HW | 25,732.30 | 2,100.00 | NEW PREMIUM | |
| 9/22/2011 | 249 | 38 | | 11-00092 | 1110 BLOOMFIELD ST | 515.66 | | | |
| 9/29/2011 | 253 | 10.5 | | 11-00095 | 1225 PARK AVE | 1,573.19 | 500.00 | NEW PREMIUM | |
| 9/29/2011 | 52 | 15 | | 11-00032 | 327 GRAND ST | 2,490.98 | 2,300.00 | NEW PREMIUM | |
| TOTAL | | | | | | 30,312.13 | 4,900.00 | | |
| BLOCK 152 LOT 1 QUAL. COP26 REDEEMED 3/6/08 \$536.95 CHECK NEVER CASHED, REISSUE NEW CHECK. | | | | | | | | | |

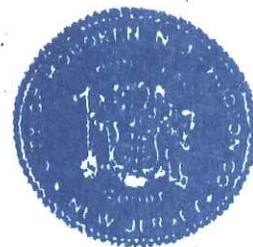
| DAILY DEPOSITS FOR THE CITY OF HOBOKEN MONTH OF SEPTEMBER 2011 | | | | | | | | | |
|--|--------------|----------|--------------------------|----------------------------|----------------------|---------------|-------------------------|------------------------|-----------------------|
| | | | 16,161,433.20 | | 16,144,207.14 | | | | |
| DATE | Total | Interest | 2011 3-4 QuarterTaxes | 2011 1-2 Quarters Taxes | 2012 1-2 Quarters | Dup. Bill Fee | Bounced Check Fee | Abatement Principal | Abatement Interest |
| 9/1/2011 | 106,189.27 | | 106,189.27 | | | | | | |
| 9/1/2011 | 915,530.29 | 136.81 | 912,475.53 | 2,681.90 | 231.05 | 5.00 | | | |
| 9/1/2011 | 357,391.19 | | 357,391.19 | | | | | 3,954.11 | |
| 9/2/2011 | 7,106,232.26 | 3.41 | 7,106,101.62 | 127.23 | | | | | |
| 9/2/2011 | 51,418.24 | | 51,418.24 | | | | | | |
| 9/2/2011 | 193,998.99 | | 193,998.99 | | | | | | |
| 9/2/2011 | 57,674.80 | | 57,674.80 | | | | | | |
| 9/2/2011 | 1,986,528.85 | 0.11 | 1,981,254.24 | 2.19 | 5,272.31 | | | | |
| 9/2/2011 | 573,675.74 | | 573,675.74 | | | | | | |
| 9/2/2011 | 667,287.59 | 0.02 | 655,951.73 | 0.82 | 11,335.02 | | | | |
| 9/6/2011 | 1,134,296.47 | 0.71 | 1,134,261.26 | 24.50 | | 10.00 | | | |
| 9/6/2011 | 407,297.87 | 1.91 | 407,015.70 | 28.93 | 251.33 | | | | |
| 9/6/2011 | 837,388.73 | 0.16 | 837,321.42 | 7.15 | | | 60.00 | | |
| 9/6/2011 | 89,741.37 | 0.16 | 89,416.68 | 4.05 | 320.48 | | | | |
| 9/7/2011 | 237,290.51 | 3,817.27 | 233,455.06 | | 3.18 | 15.00 | | | |
| 9/8/2011 | 124,410.93 | 1,334.85 | 123,074.45 | 1.59 | 0.04 | | | | |
| 9/9/2011 | 157,410.55 | 2,357.30 | 154,675.42 | 200.36 | 172.47 | 5.00 | | | |
| 9/12/2011 | 248,959.82 | 5,293.16 | 212,726.58 | 28,730.33 | 2,209.75 | | | 1,675.35 | |
| 9/13/2011 | 57,993.96 | 853.95 | 53,271.84 | 859.74 | 3,008.43 | | | 1,333.52 | 38.82 |
| 9/14/2011 | 66,344.60 | 653.22 | 64,907.41 | 448.80 | 315.17 | 20.00 | | 7,482.73 | |
| 9/15/2011 | 70,711.26 | 1,522.26 | 63,778.44 | 5,144.92 | 240.64 | 25.00 | | 6,349.12 | |
| 9/16/2011 | 55,804.00 | 1,053.70 | 48,770.94 | 5,979.36 | | | | 197.49 | |
| 9/19/2011 | 39,420.48 | 430.85 | 38,471.45 | 249.90 | 263.28 | 5.00 | | 7,180.76 | |
| 9/20/2011 | 68,934.22 | 854.13 | 66,982.60 | 14.30 | 1,063.19 | | 20.00 | 17,495.05 | |
| 9/21/2011 | 81,812.30 | 2,077.04 | 64,022.95 | 15,690.40 | 1.91 | | 20.00 | 6,369.55 | |
| 9/22/2011 | 59,406.06 | 562.12 | 58,560.02 | 33.52 | 235.40 | 15.00 | | 2,562.90 | |
| 9/23/2011 | 82,185.84 | 1,112.59 | 79,693.52 | 1,127.31 | 252.42 | | | 12,371.67 | |
| 9/26/2011 | 97,333.70 | 878.95 | 91,239.05 | 95.04 | 5,120.66 | | | 7,500.78 | |
| 9/27/2011 | 45,598.02 | 398.88 | 44,405.26 | 0.22 | 793.66 | | | 14,333.67 | |
| 9/28/2011 | 43,575.59 | 360.26 | 43,185.19 | 18.86 | 6.28 | 5.00 | | 3,198.99 | |
| 9/29/2011 | 105,079.15 | 3,324.91 | 101,697.38 | 28.19 | 28.67 | | | 3,407.44 | |

| | | | | | | | | | |
|---|-----------------|-----------|---------------|-----------|-----------|--------|--------|------------|-------|
| 9/30/2011 | 34,510.55 | 476.75 | 34,009.38 | 4.42 | | | 20.00 | 6,587.11 | |
| | 16,161,433.20 | 27,505.48 | 16,041,073.35 | 61,504.03 | 31,125.34 | 105.00 | 120.00 | 102,000.24 | 38.82 |
| Bad Checks | | | | | | | | | |
| 185/13 | 6,911.88 | | | | | | | | |
| 261.04/1/C0701 | 5,855.07 | | | | | | | | |
| 67/16/C003D | 759.11 | | | | | | | | |
| 168/24 | <u>3,700.00</u> | | | | | | | | |
| | 17,226.06 | | | | | | | | |
| MEMO: 9/13/2011 \$515.66 DEPOSITED INTO THE CURRENT ACCT. S/B IN TRUST ACCOUNT DEBIT CURRENT ACCT. | | | | | | | | | |



*Municipal Court of Hoboken
City Hall*

100 Newark Street
Hoboken, New Jersey 07030
201 - 420-2120
Fax 201 - 420-2138



HON. MICHAEL A. MONGIELLO
C.J.M.C.

HON. CATALDO F. FAZIO
J.M.C.

ROSEANN GOHDE
Court Director

OCTOBER 4, 2011

MR. JAMES FARINA
CITY CLERK
CITY OF HOBOKEN
CITY HALL
HOBOKEN N.J. 07030

DEAR MR. FARINA:

THE HOBOKEN MUNICIPAL COURT HAS ISSUED CHECK # 5228 IN THE TOTAL AMOUNT OF \$354,946.76 TO THE TREASURER OF THE CITY OF HOBOKEN. THIS CHECK REPRESENTS THE COLLECTIONS OF THE HOBOKEN MUNICIPAL COURT FOR THE MONTH OF SEPTEMBER 2011(ATS/ACS SYSTEM)

VERY TRULY YOURS,

ROSE ANN GOHDE C.M.C.A.
MUNICIPAL COURT DIRECTOR

C: HON. DAWN ZIMMER, MAYOR
ARCH LISTON, BUSINESS ADMINISTRATOR
MICHAEL MONGIELLO, C.J.M.C.

**CITY OF HOBOKEN
CLAIMS LISTING
OCTOBER 19, 2011**

| DEPARTMENT | PO # | VENDOR | DESCRIPTION | AMOUNT |
|------------------------------------|-----------------|--------------------------------|--------------------------------|---------------|
| ADM BUSINESS ADMINISTRATION | CY-01814 | N.J. STATE MUNICIPALITIES | POSTING ON NJLM WEBPAGE | \$ 80.00 |
| ADM FINANCE SUPERVISORS OFF | CY-03287 | RUTGERS STATE UNIVERSITY OF NJ | CMFO COURSES | \$ 1,134.00 |
| | CY-03620 | AUTOMATIC DATA PROCESSING | PAYROLL PROCESSING FEES | \$ 6,533.42 |
| ADM INFO. TECH | CY-03198 | GOVCONNECTION, INC. | COMPUTER EQUIPMENT | \$ 1,631.31 |
| | CY-03256 | GOVCONNECTION, INC. | COMPUTER UPGRADES | \$ 965.55 |
| | CY-03475 | ASL PRODUCTIONS LLC | SERVICES RENDERED | \$ 1,500.00 |
| | CY-03574 | GOVCONNECTION, INC. | ADOBE X ACROBAT FOR WINDOWS | \$ 270.58 |
| ADM LEGAL ADVERTISING | CY-02976 | STAR LEDGER | LEGAL ADS FOR 8/11 | \$ 236.64 |
| | CY-03733 | STAR LEDGER | LEGAL ADS 9/11 | \$ 1,089.24 |
| ADM MUNICIPAL COURT | CY-02398 | THOMPSON WEST | SUBSCRIPTION RENEWAL | \$ 167.00 |
| | CY-03543 | SUPREME SECURITY SYSTEMS INC | MAINTENANCE | \$ 36.67 |
| ADM OEM | CY-03624 | MESTRE, JOEL | COMPUTER PARTS | \$ 72.43 |
| ADM PARKING UTILITY | CY-02547 | G & F ENTERPRISE | UNIFORM PURCHASE | \$ 2,000.00 |
| | CY-02790 | ENFO TECH & CONSULTING, INC. | PAYMENTS#2&3-ONLINE PROJECT | \$ 56,365.00 |
| | CY-02812 | METRIC GROUP, INC. | PARKING MULTI METERS | \$ 255,340.00 |
| | CY-03321 | BUY WISE AUTO PARTS | REPAIRS/PARTS - HPU VEHICLE | \$ 357.40 |
| | CY-03355 | MATERA'S NURSERY | GENERATOR/LAWN MOWER REPAIRS | \$ 347.54 |
| | CY-03525 | BUY WISE AUTO PARTS | PARTS FOR H-4 HOP | \$ 124.52 |
| | CY-03532 | RIVERFRONT CAR WASH | CAR WASHES - HPU VEHICLES | \$ 72.00 |
| | CY-03533 | GARDEN STATE HIGHWAY PROD. | SIGNAL & TRAFFIC SUPPLIES | \$ 600.00 |
| | CY-03535 | ACADEMY EXPRESS LLC | BUS WASH - HPU | \$ 142.82 |
| | CY-03539 | WARNOCK FLEET & LEASING | PARTS FOR HPU VEHICLE | \$ 160.00 |
| | CY-03584 | NETTECH SOLUTIONS LLC | POINT OF SALE PROGRAMMING | \$ 810.00 |
| | CY-03585 | ENTERPRISE CONSULTANTS | TELEPHONE MAINTENANCE CONTRACT | \$ 225.00 |
| | CY-03588 | DIANA MARSH | GRAPHIC DESIGN | \$ 1,625.00 |
| | CY-03589 | NOVA RECORDS MANAGEMENT, LLC | FILE STORAGE | \$ 455.12 |
| | CY-03595 | G & F ENTERPRISE | GEAR/EQUIPMENT-HURRICANE | \$ 1,360.66 |
| | CY-03627 | MARINI BROTHERS CONSTRUCTION | PROFESSIONAL SERVICES | \$ 13,426.00 |
| | CY-03632 | METROPOLITAN COFFEE SERVICE | WATER FOR COOLER | \$ 48.00 |
| | CY-03637 | TIMOTHY HAAHS & ASSOCIATES | PROFESSIONAL SERVICES | \$ 4,967.21 |
| | CY-03638 | W.B. MASON CO., INC. | OFFICE SUPPLIES | \$ 494.36 |
| | CY-03639 | G & F ENTERPRISE | UNIFORMS - NEW EMPLOYEES | \$ 1,981.33 |

**CITY OF HOBOKEN
CLAIMS LISTING
OCTOBER 19, 2011**

| DEPARTMENT | PO # | VENDOR | DESCRIPTION | AMOUNT |
|-----------------------------|----------|---------------------------------|--------------------------------|---------------|
| | CY-03683 | QUALITY AUTOMALL | PARTS FOR HOP VEHICLE (H-3) | \$ 86.50 |
| | CY-03686 | CITY PAINT AND HARDWARE | VARIOUS SUPPLIES - AUGUST 2011 | \$ 2,306.32 |
| | CY-03687 | EXXONMOBIL FLEET/GECC | FUEL CHARGES - AUGUST 2011 | \$ 383.26 |
| | CY-03689 | A & A CURBING, INC. | PROFESSIONAL SERVICES | \$ 7,499.40 |
| | CY-03694 | CENTRAL PARKING SYSTEM | GARAGES/MONTHLY CONTRACT | \$ 169,836.00 |
| | CY-03739 | J.S. DESIGN | GRAPHICS RE: METERS | \$ 1,600.00 |
| | CY-03741 | WARNOCK FLEET & LEASING | PARTS FOR HPU VEHICLES | \$ 45.56 |
| | CY-03742 | MARINI BROTHERS CONSTRUCTION | PROFESSIONAL SERVICES | \$ 28,959.00 |
| | CY-03746 | BOSWELL ENGINEERING | PROFESSIONAL SERVICES | \$ 39,793.00 |
| | CY-03769 | M & G AUTO PARTS, INC. | PARTS FOR HPU VEHICLE (HOP) | \$ 92.30 |
| | CY-03789 | 921 WELCO CGI GAS TECH LLC | CYLINDER RENTAL - 916 GARDEN | \$ 32.39 |
| | CY-03790 | PITNEY BOWES, INC. | POSTAGE METER RENTAL - 9/11 | \$ 206.00 |
| | CY-03869 | VERIZON | TELEPHONE/COMPUTER/ALARM - HPU | \$ 1,517.56 |
| | CY-03870 | CABLEVISION | MIDTOWN GARAGE - OCT. 2011 | \$ 285.54 |
| ADM PAYROLL/BENEFITS | CY-03959 | STATE OF NEW JERSEY | PENSION ADJ CALENDAR YEAR 2011 | \$ 22,336.20 |
| ADM SPECIAL COUNSEL | 11-00584 | THE BUZAK LAW GROUP LLC | SPECIAL COUNSEL - LITIGATION | \$ 6,003.57 |
| | CY-03107 | CHASAN, LEYNER & LAMPARELLO, PC | PROFESSIONAL SERVICES | \$ 13,395.93 |
| | CY-03108 | RON A. VENTURI, ESQ. | PROFESSIONAL SERVICES | \$ 1,500.00 |
| | CY-03572 | WEINER & LESNIAK, LLP | PROFESSIONAL SERVICES | \$ 8,210.28 |
| | CY-03608 | DGR | PROFESSIONAL SERVICES | \$ 206.00 |
| ADM TAX COLLECTOR | CY-03567 | TCTANJ | EDUCATIONAL SEMINAR | \$ 25.00 |
| | CY-03858 | MAHROUS A. ARMANIOUS | REDEMPTION 3/6/08 | \$ 536.95 |
| | CY-03923 | N.J. TIMES INC. | REDEMPTION | \$ 402.47 |
| | CY-03938 | SKOLOFF AND WOLFE, P.C. | STATE TAX COURT APPEALS | \$ 6,339.33 |
| | CY-03939 | NEWMAN & SIMPSON, LLP | TAX COURT JUDGEMENT | \$ 7,117.50 |
| | CY-03940 | DAVENPORT & SPIOTTI | STATE COURT TAX APPEALS | \$ 5,798.40 |
| | CY-03941 | JOO HYUN PYUNE | TAX OVER PAYMENT | \$ 843.19 |
| | CY-03942 | LUIGI VRICELLA | TAX OVER PAYMENT | \$ 89.94 |
| | CY-03943 | CORELOGIC | TAX OVERPAYMENT | \$ 1,868.68 |
| | CY-03944 | BANK OF AMERICA HOME LOANS | TAX OVERPAYMENT | \$ 1,905.61 |
| ADM/CITY CLERK | CY-02943 | W.B. MASON CO., INC. | CARTRIDGE-CITY CLERK | \$ 214.47 |
| | CY-03411 | HOBOKEN MESSENGER SERVICE | LTR SERVICES | \$ 145.00 |

**CITY OF HOBOKEN
CLAIMS LISTING
OCTOBER 19, 2011**

| DEPARTMENT | PO # | VENDOR | DESCRIPTION | AMOUNT |
|--------------------------|--------------------------|--------------------------------|--------------------------------|-----------------------|
| ADM/CITY CLERK | CY-03413 | HOBOKEN MESSENGER SERVICE | LTR SERVICES | \$ 145.00 |
| | CY-03491 | HOBOKEN MESSENGER SERVICE | MESSENGER SERVICE FOR SP MTG | \$ 116.00 |
| ADM/CONSTRUCTION CODE | CY-03930 | JERSEY PROFESSIONAL MANAGEMENT | BILLING FOR MANAGEMENT SPEC. | \$ 4,462.50 |
| ADM/CORPORATION COUNSEL | CY-03958 | NORRIS McLAUGHLIN & MARCUS P.A | SETTLEMENT DOCKET HUD-C-124-10 | \$ 15,000.00 |
| | CY-03962 | NJ LAWYERS FUND FOR | 2011 ASSESSMENT FEE | \$ 294.00 |
| CAPITAL | 11-00740 | EM NET, LLC | FLOOD SENSORS & MONITORING | \$ 6,896.67 |
| | CY-02698 | BARCA BROTHERS | FENCING AROUND FD GENERATORS | \$ 3,500.00 |
| | CY-03758 | BOSWELL ENGINEERING | IMPROVEMENTS TO CHURCH SQ PARK | \$ 2,612.25 |
| | CY-03759 | BOSWELL ENGINEERING | FIRE DEPARTMENT GENERATORS | \$ 342.00 |
| | CY-03760 | BOSWELL ENGINEERING | WATERFRONT WALKWAY REPAIR | \$ 4,873.50 |
| | CY-03763 | BOSWELL ENGINEERING | REC CENTER TO B&G CLUB PARK | \$ 3,543.75 |
| | CY-03765 | BOSWELL ENGINEERING | CSO MONITORING SYSTEM | \$ 641.25 |
| | CY-03766 | BOSWELL ENGINEERING | CITY-WIDE PLAYGROUND IMPVMNTS | \$ 4,651.50 |
| | CY-03767 | BOSWELL ENGINEERING | TURF FIELD AT HHA | \$ 171.00 |
| | CY-03778 | JAC EXCAVATING | 109 JEFFERSON REMEDIATION | \$ 53,950.00 |
| | CD DIRECTOR'S OFFICE | CY-03366 | REMINGTON & VERNICK ENGINEERS | PROFESSIONAL SERVICES |
| CY-03678 | | LENOX CONSULTING LLC | PROFESSIONAL SERVICES | \$ 12,000.00 |
| CD MLUL PLANNING BOARD | CY-03021 | EFB ASSOCIATES, LLC | PROFESSIONAL SERVICES | \$ 3,298.75 |
| | CY-03336 | NORTH JERSEY MEDIA GROUP | PROFESSIONAL SERVICES | \$ 62.80 |
| | CY-03342 | F. CLIFFORD GIBBONS, ESQ. LLC | PROFESSIONAL SERVICES | \$ 2,250.00 |
| | CY-03416 | F. CLIFFORD GIBBONS, ESQ. LLC | PROFESSIONAL SERVICES | \$ 718.75 |
| | CD MLUL ZBA ESCROW ACCTS | CY-03327 | H2M GROUP | PROFESSIONAL SERVICES |
| CY-03466 | | VANDOR & VANDOR LTD. | PROFESSIONAL SERVICES | \$ 945.00 |
| CY-03640 | | MARSHALL TERRACE LLC | RETURNING ESCROW | \$ 4,834.11 |
| CY-03642 | | VANDOR & VANDOR LTD. | PROFESSIONAL SERVICES | \$ 280.00 |
| CD MLUL ZONING BD OF ADJ | | CY-03337 | KAUFMAN, BERN & DEUTSCH, LLP | PROFESSIONAL SERVICES |
| | CY-03343 | THE GALVIN LAW FIRM | PROFESSIONAL SERVICES | \$ 5,293.75 |
| | CY-03513 | VANDOR & VANDOR LTD. | PROFESSIONAL SERVICES | \$ 4,375.00 |
| ES CENTRAL GARAGE | CY-00151 | M & G AUTO PARTS, INC. | PADS & ROTORS FOR #191 | \$ 259.79 |
| | CY-03254 | SANITATION EQUIP. CORP. | TRUCK 176 EQUIPMENT REPAIR | \$ 53.73 |
| | CY-03488 | BEYER BROTHERS CORP. | ADDITIONAL WORK #176 | \$ 596.03 |
| | CY-03607 | DAVES AUTO PARTS & ACCESSORIES | REPAIR P.D. #132 | \$ 5,459.00 |

**CITY OF HOBOKEN
CLAIMS LISTING
OCTOBER 19, 2011**

| DEPARTMENT | PO # | VENDOR | DESCRIPTION | AMOUNT |
|--------------------------------|-----------------|--------------------------------|---------------------------------|--------------|
| ES CENTRAL GARAGE | CY-03610 | STATE CHEMICAL MFG. | SUPPLIES C.G. | \$ 1,024.29 |
| | CY-03665 | WILFRED MAC DONALD, INC. | PARTS CUSHMAN #136 PARKS | \$ 272.69 |
| | CY-03669 | FCA LIGHTING | ELECTRICAL REPAIR C.G. | \$ 650.00 |
| | CY-03679 | PALISADE LUMBER CO. | WOOD CARPENTRY C.G. | \$ 341.99 |
| | CY-03947 | JERSEY PROFESSIONAL MANAGEMENT | SALARY ENV. SER. 9/15 - 28/11 | \$ 6,991.25 |
| ES DIRECTOR'S OFFICE | CY-03571 | EM NET, LLC | FLOOD SENSOR SERVICES | \$ 2,259.04 |
| | CY-03752 | BOSWELL ENGINEERING | NJDOT 2010 TRUST FUND | \$ 171.00 |
| ES ENGINEERING SERVICES | CY-03751 | BOSWELL ENGINEERING | 2011 GENERAL ENGINEERING | \$ 11,034.75 |
| | CY-03764 | BOSWELL ENGINEERING | PORT AUTH ENV INSP & REPORTING | \$ 269.25 |
| ES PUBLIC PROPERTY | CY-03279 | JOHN A. EARL CO. | SUPPLIES CITY HALL | \$ 4,618.25 |
| | CY-03626 | FCA LIGHTING | ELECTRICAL REPAIR MSC | \$ 336.00 |
| | CY-03667 | CITY PAINT AND HARDWARE | SUPPLIES AUGUST 2011 P.P. | \$ 1,890.58 |
| ES ROADS | CY-02233 | TILCON NEW YORK INC | ASPHALT 4/25-5/11/11 | \$ 1,361.90 |
| | CY-02329 | YANNUZZI & SONS, INC. | BUILDING DEMOLITION BID 11-06 | \$ 12,135.75 |
| | CY-03268 | TILCON NEW YORK INC | ASPHALT CITY STREETS 8/4/11 | \$ 117.79 |
| | CY-03406 | TILCON NEW YORK INC | ASPHALT CITY STREETS | \$ 164.92 |
| | CY-03756 | BOSWELL ENGINEERING | DEMOLITION 417 JACKSON ST | \$ 6,037.50 |
| | CY-03762 | BOSWELL ENGINEERING | DEMOLITION 304 MONROE ST | \$ 299.25 |
| | CY-02693 | CLEAN ALL TECH. CORP. | BAGS FOR STREET TRASH CANS | \$ 3,182.40 |
| GRANTS MANAGEMENT | CY-03761 | BOSWELL ENGINEERING | 2011 ROAD PROGRAM | \$ 16,631.10 |
| HS BD OF HEALTH | CY-03480 | N.J. ENV. HEALTH ASSOCIATION | AWARD/SCHOLARSHIP PRESENTATION | \$ 130.00 |
| | CY-03565 | SANOFI PASTEUR | FLUZONE 5 ML MULTI DOSE VIAL | \$ 1,833.12 |
| | CY-03623 | SANOFI PASTEUR | FLUZONE MULTI DOSE VIALS | \$ 3,360.72 |
| HS CULTURAL AFFAIRS | CY-01806 | LIZ MORIN | OFFICE ASSISTANCE SPRING FEST | \$ 188.50 |
| | CY-03613 | ROBERT MAY | SOUND ASSISTANCE SUMMER CONCERT | \$ 96.00 |
| | CY-03614 | JASON GLUSKIN | POSTER DESIGN - FALL FESTIVAL | \$ 150.00 |
| | CY-03617 | MINUTEMAN PRESS | POSTERS - FALL FESTIVAL 2011 | \$ 191.52 |
| | CY-03629 | DAN MCCOWN | STAGE MANAGER - FALL FESTIVAL | \$ 400.00 |
| | CY-03649 | NORTH JERSEY MEDIA GROUP | ADVERTISEMENT (FALL FESTIVAL) | \$ 1,504.96 |
| | CY-03650 | ARTS WEEKLY, INC | QUARTER PAGE AD (FALL FEST) | \$ 253.00 |
| | CY-03651 | EVENING JOURNAL ASSN | ADVERTISEMENT (FALL FESTIVAL) | \$ 325.00 |
| | CY-03653 | RALPH DEMATTHEWS | FALL FESTIVAL ASSISTANCE | \$ 52.00 |

**CITY OF HOBOKEN
CLAIMS LISTING
OCTOBER 19, 2011**

| DEPARTMENT | PO # | VENDOR | DESCRIPTION | AMOUNT | |
|----------------------------------|---------------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------|
| HS CULTURAL AFFAIRS | CY-03656 | ROBERT MAY | SOUND ASSISTANCE FALL FESTIVAL | \$ 174.00 | |
| | CY-03660 | TIME OUT NEW YORK | ADVERTISEMENT FALL FESTIVAL | \$ 2,193.25 | |
| | CY-03662 | DAVID WERMERT | OFFICE ASSISTANCE FALL FEST. | \$ 175.50 | |
| | CY-03697 | VILLAGE VOICE MEDIA, INC. | ADVERTISEMENT FALL FESTIVAL | \$ 1,500.00 | |
| | CY-03698 | THE L MAGAZINE | 1/3 PAGE AD - FALL FESTIVAL | \$ 750.00 | |
| | CY-03886 | ANGELINA LEDESMA | FESTIVAL ASSISTANCE | \$ 105.00 | |
| HS MUNICIPAL ALLIANCE | CY-03625 | DP MULTI MEDIA | VIDEOGRAPHY SERVICES | \$ 700.00 | |
| HS PARKS | CY-03578 | PARTAC PEAT CORPORATION | WHITE ATHLETIC FIELD MARKER | \$ 567.90 | |
| HS RECREATION | CY-03644 | STAN'S SPORT CENTER | SOCCER EQUIPMENT | \$ 127.70 | |
| | CY-03645 | STAN'S SPORT CENTER | SOCCER EQUIPMENT | \$ 2,123.15 | |
| | CY-03646 | STAN'S SPORT CENTER | SOCCER EQUIPMENT | \$ 4,697.00 | |
| | CY-03647 | STAN'S SPORT CENTER | SOCCER EQUIPMENT | \$ 4,114.00 | |
| | CY-03659 | JULIO MCDONALD | DJ SERVICES SUMMER YOUTH BB | \$ 300.00 | |
| | HS RENT LEVELING/STABILIZATION | 10-03266 | MATEO J. PEREZ | PROFESSIONAL SERVICES | \$ 3,022.50 |
| HS SENIOR CITIZEN PROGRAM | CY-03612 | METROPOLITAN COFFEE SERVICE | EIGHT BOTTLES OF WATER | \$ 48.00 | |
| | CY-03618 | RIVERFRONT CAR WASH | FULL SERVICE CAR WASHES | \$ 48.00 | |
| PS FIRE | CY-01760 | CUMMINS POWER SYSTEMS | T1 & T2 PARTS FOR REPAIRS | \$ 378.32 | |
| | CY-02606 | PINNACLE WIRELESS INC | AIR MONITOR ALARM | \$ 750.00 | |
| | CY-02674 | CUMMINS POWER SYSTEMS | STARTING MOTOR | \$ 700.91 | |
| | CY-03389 | STATE CHEMICAL MFG. | GREEN CLEANING PRODUCTS | \$ 829.24 | |
| | CY-03400 | RIVER WEST PLUMBING SUPPLY CO. | WATER PUMPS | \$ 119.90 | |
| | CY-03671 | ARGUS-HAZ CO | HAZMAT CHEMICAL AGENTS | \$ 180.82 | |
| | CY-03672 | GRAINGER, INC | BARRIER TAPE | \$ 296.10 | |
| | CY-03673 | CITY PAINT AND HARDWARE | ABSORBENT OIL DRI | \$ 389.70 | |
| | CY-03674 | TRILEX CLEANERS | PPE HURRICANE IRENE CLEANING | \$ 2,773.42 | |
| | CY-03675 | TAKE ONE ALARM SYSTEMS | FIRE CONTROL COMMUNICATOR | \$ 1,253.50 | |
| | PS POLICE | CY-01341 | MOTOROLA NORTHERN DIVISION | ASTRO XTL2500 MOBILE RADIOS | \$ 10,590.00 |
| | | CY-02524 | NJGIA ANNUAL CONFERENCE | 2011 ANNUAL CONFERENCE | \$ 400.00 |
| | | CY-03591 | ENTERPRISE CONSULTANTS | HOLDING CELL MONITORING SYSTEM | \$ 3,439.90 |
| UNCLASSIFIED | CY-00008 | EXXONMOBIL FLEET/GECC | CY2011 GASOLINE | \$ 32,934.58 | |
| | CY-00015 | U.S.P.S (POSTAGE BY PHONE) | CY2011 REPLENISH POSTAGE | \$ 10,000.00 | |
| | CY-00016 | RICOH BUSINESS SOLUTIONS | CY11 COPIER/LEASE/MAINT/SPLY | \$ 11,844.10 | |

**CITY OF HOBOKEN
CLAIMS LISTING
OCTOBER 19, 2011**

| DEPARTMENT | PO # | VENDOR | DESCRIPTION | AMOUNT |
|---------------------|-----------------|--------------------------------|--------------------------------|------------------------|
| UNCLASSIFIED | CY-00018 | CABLEVISION LIGHTPATH, INC. | CY2011 INTERNET SERV #45278 | \$ 1,188.52 |
| | CY-00019 | CABLEVISION LIGHTPATH, INC. | CY2011 REVERSE 911 SYST SERV | \$ 2,788.78 |
| | CY-00020 | COOPERATIVE COMMUNICATIONS,INC | CY2011 LD/TOLL SERV | \$ 1,800.88 |
| | CY-00022 | NEXTEL COMMUNICATIONS | CY2011 ACCT #141015027 | \$ 7,849.27 |
| | CY-00023 | VERIZON | CY2011 PHONE SERVICE | \$ 11,436.42 |
| | CY-00026 | P.S.E.& G. COMPANY | CY2011 STREET LIGHTING | \$ 52,886.47 |
| | CY-00027 | P.S.E.& G. COMPANY | CY2011 ELECTRICITY | \$ 42,529.57 |
| | CY-03568 | CHRISTINA ANDERSEN FLORAL DES. | HOBOKEN SEPTEMBER 11TH SERVICE | \$ 515.00 |
| | CY-03641 | DORIS R. MACK | REIMBUSREMENT, MEDICARE PART B | \$ 1,158.00 |
| Grand Total | | | | \$ 1,132,171.19 |

RESOLVED, THAT WARRANTS DRAWN ON THE CITY TREASURER, TO THE ORDER
 OF THE CITY TREASURER, IN PAYMENT OF SERVICES OF OFFICERS AND EMPLOYEES
 OF THE CITY OF HOBOKEN, FOR THE PERIOD:

| 15-Sep-11 | TO | 28-Sep-11 | Paydate | 10/5/2011 | |
|------------------------|-----------------------|-------------------------|---------------------|-----------------------|------------------|
| <u>DEPARTMENT</u> | <u>ACCOUNT NUMBER</u> | <u>REGULAR PAY (11)</u> | <u>O/T PAY (14)</u> | <u>OTHER PAY (11)</u> | <u>TOTAL PAY</u> |
| PERSONNEL | 1-01-20-105 | 9,351.84 | 0.00 | 0.00 | 9,351.84 |
| MAYOR'S OFFICE | 1-01-20-110 | 9,882.70 | 0.00 | 0.00 | 9,882.70 |
| CITY COUNCIL | 1-01-20-111 | 8,445.45 | 0.00 | 0.00 | 8,445.45 |
| BUS ADMINISTRATOR | 1-01-20-112 | 11,380.27 | 0.00 | 0.00 | 11,380.27 |
| ABC BOARD | 1-01-20-113 | 0.00 | 0.00 | 153.85 | 153.85 |
| PURCHASING | 1-01-20-114 | 7,263.89 | 0.00 | 0.00 | 7,263.89 |
| GRANTS MANAGEMENT | 1-01-20-116 | 0.00 | 0.00 | 0.00 | 0.00 |
| CITY CLERK'S OFFICE | 1-01-20-120 | 14,998.69 | 333.72 | 0.00 | 15,332.41 |
| ELECTIONS | 1-01-20-122 | 0.00 | 0.00 | 0.00 | 0.00 |
| FINANCE OFFICE | 1-01-20-130 | 23,587.68 | 0.00 | 0.00 | 23,587.68 |
| ACCOUNTS/CONTROL | 1-01-20-131 | 0.00 | 0.00 | 0.00 | 0.00 |
| PAYROLL DIVISION | 1-01-20-132 | 0.00 | 0.00 | 0.00 | 0.00 |
| TAX COLLECTION | 1-01-20-145 | 8,932.66 | 0.00 | 0.00 | 8,932.66 |
| ASSESSOR'S OFFICE | 1-01-20-150 | 13,494.27 | 0.00 | 0.00 | 13,494.27 |
| CORPORATE COUNSEL | 1-01-20-155 | 12,054.03 | 0.00 | 0.00 | 12,054.03 |
| COMMUNITY DEVELOPMENT | 1-01-20-160 | 4,607.77 | 0.00 | 0.00 | 4,607.77 |
| TREASURER | 1-01-20-146 | 0.00 | 0.00 | 0.00 | 0.00 |
| PLANNING BOARD | 1-01-21-180 | 6,221.54 | 595.80 | 1,584.00 | 8,401.34 |
| INFORMATION TECHNOLOGY | 1-01-20-147 | 0.00 | 0.00 | 0.00 | 0.00 |
| ZONING OFFICER | 1-01-21-186 | 4,695.47 | 0.00 | 0.00 | 4,695.47 |
| HOUSING INSPECTION | 1-01-21-187 | 5,571.39 | 616.95 | 0.00 | 6,188.34 |
| CONSTRUCTION CODE | 1-01-22-195 | 22,865.92 | 0.00 | 200.00 | 23,065.92 |
| POLICE DIVISION | 1-01-25-241 | 535,443.44 | 15,997.75 | 5,871.94 | 557,313.13 |
| CROSSING GUARDS | 1-01-25-241 | 12,469.23 | 0.00 | 0.00 | 12,469.23 |
| EMERGENCY MANAGEMENT | 1-01-25-252 | 8,668.27 | 0.00 | 0.00 | 8,668.27 |

| <u>DEPARTMENT</u> | <u>ACCOUNT NUMBER</u> | <u>REGULAR PAY (01)</u> | <u>O/T PAY (02)</u> | <u>OTHER PAY (01)</u> | <u>TOTAL PAY</u> |
|-------------------------|-----------------------|-------------------------|---------------------|-----------------------|------------------|
| FIRE DIVISION | 1-01-25-266 | 405,707.16 | 32,533.25 | 3.84 | 438,244.25 |
| STREETS AND ROADS | 1-01-26-291-011 | 25,711.75 | 2,754.93 | 0.00 | 28,466.68 |
| ENV SRVCS DIR OFFICE | 1-01-26-290 | 6,815.50 | 0.00 | 0.00 | 6,815.50 |
| RECREATION SEASONAL EMP | 1-0128370016 | 2,060.55 | 0.00 | 0.00 | 2,060.55 |
| CENTRAL GARAGE | 1-01-26-301 | 1,376.42 | 77.45 | 0.00 | 1,453.87 |
| SANITATION | 1-01-26-305 | 17,942.59 | 2,290.35 | 0.00 | 20,232.94 |
| LICENSING DIVISION | 1-31-55-501-101 | 3,791.75 | 0.00 | 0.00 | 3,791.75 |
| HUMAN SRVCS DIR OFFICE | 1-01-27-330 | 6,678.48 | 0.00 | 0.00 | 6,678.48 |
| BOARD OF HEALTH | 1-01-27-332 | 20,104.78 | 759.76 | 0.00 | 20,864.54 |
| CONSTITUENT SRCS | 1-01-27-333 | 0.00 | 0.00 | 0.00 | 0.00 |
| SENIOR CITIZENS | 1-01-27-336 | 14,828.01 | 525.91 | 0.00 | 15,353.92 |
| RENT STABILIZATION | 1-01-27-347 | 7,396.83 | 0.00 | 0.00 | 7,396.83 |
| TRANSPORTATION | 1-01-27-348 | 0.00 | 0.00 | 0.00 | 0.00 |
| RECREATION | 1-01-28-370 | 10,704.55 | 627.43 | 0.00 | 11,331.98 |
| PARKS | 1-01-28-375 | 16,080.80 | 1,681.69 | 0.00 | 17,762.49 |
| PUBLIC PROPERTY | 1-01-28-377 | 29,600.18 | 792.62 | 226.36 | 30,619.16 |
| PUBLIC LIBRARY | 1-0129-390-021 | 0.00 | 0.00 | 0.00 | 0.00 |
| PUBLIC DEFENDER | 1-01-43-495 | 2,623.81 | 0.00 | 0.00 | 2,623.81 |
| MUNICIPAL COURT | 1-01-43-490 | 38,003.58 | 0.00 | 0.00 | 38,003.58 |
| PARKING UTILITY | 1-31-55-501-101 | 101,902.63 | 16,278.35 | 153.78 | 118,334.76 |
| MUN COURT OVERTIME | T-0340000-037 | 0.00 | 2,163.35 | 0.00 | 2,163.35 |
| GRANT# | T0340000004 | 0.00 | 0.00 | 0.00 | 0.00 |
| GRANT# | G-02-44-701-380 | 0.00 | 0.00 | 0.00 | 0.00 |
| GRANT# | G-02-44-701-393 | 0.00 | 0.00 | 0.00 | 0.00 |
| GRANT# | G-02-41-200-PAL | 1,080.00 | 0.00 | 0.00 | 1,080.00 |
| GRANT# | T-03-40-000-003 | 0.00 | 0.00 | 0.00 | 0.00 |
| FIRE EDUCATION | T-13-10-000-000 | 0.00 | 1,964.83 | 0.00 | 1,964.83 |
| CULTURAL AF AFFAIRS | 1-01-271-760-11 | 2,961.54 | 6,593.78 | 0.00 | 9,555.32 |

| <u>DEPARTMENT</u> | <u>ACCOUNT NUMBER</u> | <u>REGULAR PAY (01)</u> | <u>O/T PAY (02)</u> | <u>OTHER PAY (01)</u> | <u>PAY</u> |
|-------------------|---------------------------|-----------------------------|-------------------------|---------------------------|------------|
|-------------------|---------------------------|-----------------------------|-------------------------|---------------------------|------------|

OTHER:

| | | | | | |
|------------------------------|-----------------|--------------|-----------|-----------|--------------|
| SALARY ADJUSTMENT | 1-01-36-478-000 | 0.00 | 0.00 | 0.00 | 0.00 |
| SALARY SETTLEMENT | 1-01-36-479-000 | 0.00 | 0.00 | 0.00 | 0.00 |
| POLICE OUTSIDE EMPL. | T-03-40-000-006 | 0.00 | 0.00 | 52,547.00 | 52,547.00 |
| RESERVE FOR POAA | T-03-40-000-032 | 0.00 | 0.00 | 0.00 | 0.00 |
| GRANT | G-02-44-701-310 | 0.00 | 0.00 | 0.00 | 0.00 |
| POLICE HOUSING AUTHORITY OEP | 1-01-25-241-017 | 0.00 | 0.00 | 0.00 | 0.00 |
| | | ===== | ===== | ===== | ===== |
| GRAND TOTAL | | 1,435,305.42 | 86,587.92 | 60,740.77 | 1,582,634.11 |
| | | | | | 1,582,634.11 |

Introduced by: _____

Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

**RESOLUTION OF THE CITY OF HOBOKEN, COUNTY OF HUDSON
DESIGNATING CERTAIN PROPERTY IN THE CITY AS AN AREA IN
NEED OF REHABILITATION**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation; and

WHEREAS, in accordance with the Redevelopment Law, the Municipal Council of the City of Hoboken (the “**City Council**”) believes that the following property should be designated as an area in need of rehabilitation pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14*:

The property commonly known as Block 2, Lots 12 through and including 26, Block 2.1, Lots 1 through and including 10 on the tax map of the City of Hoboken, that portion of the public Right of Way of Observer Highway from and including the intersection with Jefferson Street to and including the intersection with Hudson Street, that portion of the public Right of Way of Willow Avenue from and including the intersection with Observer Highway to and including the intersection with Newark Street, and that portion of the public Right of Way of Newark Street from and including the intersection with Observer Highway to and including the intersection with Willow Avenue (collectively, the “**Property**”); and

WHEREAS, Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*, provides that prior to the adoption of a resolution designating the Property as an area in need of rehabilitation, the City Council must first submit a copy of the proposed resolution designating the Property as an area in need of rehabilitation to the City Planning Board for review; and

WHEREAS, on June 1, 2011, the City Council, acting by resolution, referred a copy of this resolution to the City Planning Board for review and comment pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40A:12A-14(a)*; and

WHEREAS, the City Planning Board received a report from the Planning Board Engineer and the Planning Board Planner that within the Property the water and sewer lines are at least 50 years old or are in need of substantial maintenance; and that a program of rehabilitation is expected to prevent further deterioration and to promote the overall development of the City (the “**Report**”); and

WHEREAS, based on the Report, the Planning Board found that the Property satisfied the statutory criteria to be designated as an area in need of rehabilitation under Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*; and

WHEREAS, the Planning Board reviewed this resolution and recommends its adoption and the designation of the Property as an area in need of rehabilitation in accordance with Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*.

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The City Council hereby designates the Property as an area in need of rehabilitation pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*.

Section 3. The City Council hereby directs that the City Clerk transmit a copy of this resolution to the Commissioner of the Department of Community of Affairs for review in accordance with the Redevelopment Law.

Section 4. A copy of this resolution shall be available for public inspection at the offices of the City.

Section 5. This resolution shall take effect immediately.

Meeting Date: _____, 2011

Department of Administration

Approved as to form:

Arch Liston, Business Administrator

Mark A. Tabakin, Corporation Counsel

MEMORANDUM

To: Mark Tabakin, Esq., Corporate Counsel, City of Hoboken
Jong Sook Nee, Esq., and William W. Northgrave, Esq., Special
Redevelopment Counsel, City of Hoboken

From: F. Clifford Gibbons, Esq., Planning Board Attorney, City of Hoboken

Subject: Area in Need of Rehabilitation - September 27, 2011 Planning Board
Proceedings

Date: October 7, 2011

The Planning Board (“Board”) convened a public hearing on Tuesday, September 27, 2011 to act upon City Council Resolution #11-1027 (“Resolution”), which asked the Board to provide recommendations whether certain property described in the Resolution should be designated an “Area in Need of Rehabilitation” (“AINR”) pursuant to the Local Housing and Redevelopment Law, N.J.S.A. 40A:12A-14. The property subject to the Board’s recommendations is described as follows:

“The property commonly known as Block 2, Lots 12 through and including 26, Block 2.1, Lots 1 through and including 10 on the tax map of the City of Hoboken, that portion of the public Right of Way of Observer Highway from and including the intersection with Jefferson Street to and including the intersection with Hudson Street, that portion of the public Right of Way of Willow Avenue from and including the intersection with Observer Highway to and including the intersection with Newark Street, and that portion of the public Right of Way of Newark Street from and including the intersection with Observer Highway to an including the intersection with Willow Avenue” (“AINR Study Area”)

The Board’s hearing was held on public notice by publication in the Jersey Journal, the Record and the Star-Ledger, as well as by mailed notice by Certified mail, Return Receipt Requested, to all property owners in the AINR Study Area and those within 200 feet of its boundaries. It is noted that the Board’s hearing was originally scheduled for Monday, September 19, but rescheduled to September 27 at the suggestion of the Honorable Maurice J. Gallipoli, A.J.S.C., after request by R. William Potter, Esq., counsel for R. Neumann & Co. which had commenced litigation against the City and the Board¹.

At the hearing, the Board heard sworn testimony from its Engineer, Andrew Hipolit, P.E., P.P., and from its Planning Consultant, Eileen F. Banyra, P.P., A.I.C.P. Said

¹ This litigation was subsequently dismissed without prejudice by Order dated October 3, 2011.

testimony focused upon the findings and conclusions of reports prepared by Mr. Hipolit and Ms. Banyra and filed with the Board ten (10) days prior to the original hearing date. These reports and their related exhibits are annexed to this memorandum. At the close of this testimony, Board members were offered the opportunity to question Mr. Hipolit and Ms. Banyra.

Comments and questions from members of the interested public were then received. Said comments and questions were generally brief in nature and answered to the satisfaction of the questioners by Mr. Hipolit and Ms. Banyra. Thereafter, questions, comments and cross-examination was received from property owners in the AINR Study Area. David Pensuwan, the principal of 301 Newark Street, LLC (“301 Newark”), owner of property at Block 2.1, Lots 5 and 6 located within the AINR Study Area, briefly appeared to formalize an objection to the AINR previously filed with the Board by a September 20, 2011 letter of 301 Newark’s attorney, Robert C. Matule, Esq, attached hereto.

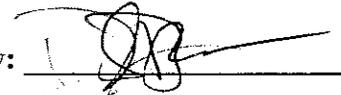
After Mr. Pensuwan’s appearance, Mr. Potter cross-examined Mr. Hipolit and Ms. Banyra on behalf of R. Neumann & Co. Mr. Potter then introduced a report and testimony by Peter G. Steck, P.P., with Mr. Steck being made available for cross-examination by the public, the Board and its professionals.

The Board then closed the public portion of the meeting. Motion was made by Board Member Furman, seconded by Board Member Holtzman, to recommend that the AINR Study Area be designated as an Area in Need of Redevelopment pursuant to N.J.S.A. 40A:12A-14 based upon the facts set forth in the reports and testimony provided by Mr. Hipolit and Ms. Banyra. The Board voted 8-0 in favor of the Motion, with Board Member Marsh abstaining.

A certified transcript of the September 27 meeting, as well as the Exhibits introduced that evening, have been included for your review.

cc: Ms. Ann Graham, Chairman, Planning Board of the City of Hoboken
Ms. Brandy Forbes, Community Development Director, City of Hoboken

3

Introduced by: 

Seconded by: 

CITY OF HOBOKEN
RESOLUTION NO. 11-1027

**RESOLUTION OF THE CITY OF HOBOKEN, COUNTY OF HUDSON
REQUESTING PLANNING BOARD REVIEW OF A RESOLUTION
DESIGNATING CERTAIN PROPERTY IN THE CITY AS AN AREA IN
NEED OF REHABILITATION AND RESCINDING PRIOR
RESOLUTION RELATING TO SAME**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation; and

WHEREAS, in accordance with the Redevelopment Law, on April 20, 2011 the Municipal Council of the City of Hoboken (the “**City Council**”) adopted a resolution entitled “RESOLUTION OF THE CITY OF HOBOKEN, COUNTY OF HUDSON REQUESTING PLANNING BOARD REVIEW OF A RESOLUTION DESIGNATING CERTAIN PROPERTY IN THE CITY AS AN AREA IN NEED OF REHABILITATION” directing the Planning Board to review a resolution designating the property commonly known as Block 2, Lots 12-26 and Block 2.1, Lots 1, 4, 9 and 10 on the tax map of the City of Hoboken, in the County of Hudson (the “**Original Property**”) as an area in need of rehabilitation pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14* (the “**Original Resolution**”); and

WHEREAS, the Original Resolution erroneously omitted some parcels from the description of the Original Property; and

WHEREAS, the City has determined that for purposes of regional planning and community development the Original Property should be expanded and revised to consist of the following properties:

The property commonly known as Block 2, Lots 12 through and including 26, Block 2.1, Lots 1 through and including 10 on the tax map of the City of Hoboken, that portion of the public Right of Way of Observer Highway from and including the intersection with Jefferson Street to and including the intersection with Hudson Street, that portion of the public Right of Way of Willow Avenue from and including the intersection with Observer Highway to and including the intersection with Newark Street, and that portion of the public Right of Way of Newark Street from and including the intersection with Observer Highway to and including the intersection with Willow Avenue (collectively, the “**Property**”)

WHEREAS, the City Council believes that within the Property the water and sewer lines are at least 50 years old and are in need of substantial maintenance; and that a program of rehabilitation is expected to prevent further deterioration and to promote the overall development of the City in accordance with the requirements of Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*; and

WHEREAS, Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*, also provides that prior to the adoption of a resolution designating the Property as an area in need of rehabilitation, the City Council must first submit a copy of the proposed resolution designating the Property to the City Planning Board for its review and recommendations; and

WHEREAS, based on the foregoing, the City Council hereby rescinds the Original Resolution and intends to designate the Property by the adoption of the resolution substantially in the form attached hereto as Exhibit A; and

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Original Resolution is hereby rescinded and of no further force and effect.

Section 3. The City Council hereby directs that the City Clerk transmit a copy of this resolution, inclusive of Exhibit A, to the City Planning Board for review and providing its recommendation to the City Council within forty-five (45) days of receipt of this resolution, pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40A:12A-14(a)*.

Section 4. The City Council hereby directs the Planning Board to conduct a public hearing regarding the proposed resolution, providing a notice of the public hearing by publication in a newspaper of general circulation in the municipality at least ten (10) days prior to the date set for the hearing. A copy of the notice shall be mailed at least ten (10) days prior to the date set for the hearing to the last owner, if any, of each parcel of property within 200 feet of the Property according to the assessment records of the municipality.

Section 5. A copy of this resolution shall be available for public inspection at the offices of the City.

Section 6. This resolution shall take effect immediately.

Meeting Date: June 1, 2011

Department of Administration

Approved as to form:



Arch Liston, Business Administrator



Mark A. Tabakin, Corporation Counsel

A TRUE COPY OF A RESOLUTION IS FILED BY
MEAS. 6-1-11



James J. Sarina

11-1027

Resolution of the City of Hoboken,
Requesting Planning Board review of
a resolution designating certain property
in the City as an area in need of Rehab
and rescinding prior resolution.

City Clerk
6/1/11



Consulting, Municipal & Environmental Engineers
Planners • Surveyors • Landscape Architects

200 Valley Road, Suite 400
Mt. Arlington, NJ 07856
Tel: 973.398.3110 • Fax: 973.398.3199

EXISTING WATER AND COMBINED
SANITARY/STORM SEWER UTILITY
ANALYSIS

FOR
“AREA IN NEED OF REHABILITATION”

**300 OBSERVER HIGHWAY (NEUMANN)
OBSERVER HIGHWAY, NEWARK STREET,
& WILLOW AVENUE
CITY OF HOBOKEN
HUDSON COUNTY, NEW JERSEY
SEPTEMBER 9, 2011**

PREPARED BY:

A handwritten signature in black ink, appearing to read 'A. Hipolit', is positioned above a horizontal line.

**ANDREW R. HIPOLIT
NEW JERSEY PROFESSIONAL ENGINEER
LICENSE NO. 39428**

MC PROJECT NO. HOP119

TABLE OF CONTENTS

| | |
|--|---|
| STUDY INFORMATION | 1 |
| INTRODUCTION | 2 |
| INFORMATION SOURCES | 2 |
| STUDY AREA DEFINITION | 3 |
| STUDY AREA CHARACTERISTICS..... | 3 |
| DESCRIPTION OF EXISTING COMBINED SANITARY/STORM SEWER UTILITY..... | 4 |
| DESCRIPTION OF EXISTING WATER UTILITY..... | 6 |
| BASIS FOR “AN AREA IN NEED OF REHABILITATION CLASSIFICATION..... | 7 |
| CONCLUSION | 9 |

APPENDICES

APPENDIX A – SITE PHOTOGRAPHS

APPENDIX B – AERIAL PHOTOGRAPH

APPENDIX C – TAX MAPS

APPENDIX D – SEWER UTILITY MAP

APPENDIX E – WATER UTILITY MAP

APPENDIX F – FLOODMAPS

APPENDIX G – UTILITY COMPANY CONTACT DOCUMENTS

STUDY INFORMATION SOURCES

CLIENT'S NAME: City of Hoboken

PROJECT NAME: "Area in Need of Rehabilitation" 300 Observer Highway (Neumann)
Observer Highway, Newark Street, & Willow Avenue

MUNICIPALITY: City of Hoboken

COUNTY: Hudson County

STATE: New Jersey

INTRODUCTION

300 Observer Highway (Neumann) (the “site”) is located within a portion of the triangular block formed by Observer Highway, Willow Avenue and Newark Street. The Hoboken City Council is seeking a recommendation from the Planning Board on whether or not the above referenced site as well as the surrounding Right-Of-Ways (ROWs), including Observer Highway from the site to Hudson Street, can be deemed as an “Area in Need of Rehabilitation” (the “Study Area”).

In order to deem an area as an “Area in Need of Rehabilitation” the applicant must show that “a majority of the water and sewer infrastructure in the delineated area is at least fifty (50) years old and is in need of repair or substantial maintenance; and a program of rehabilitation may be expected to prevent further deterioration and promote the overall development of the community.”

To that end, Maser Consulting P.A. (Maser) has conducted a study of the existing water and sanitary sewer utilities within the Study Area. The study included a site visit, a description of visible elements of the existing water and sanitary sewer utilities found within the Study Area, discussions with utility company representatives about the existing utility systems, and the preparation of a report detailing the findings of the study.

INFORMATION SOURCES

The information presented in this report is based upon the following:

- a. A discussion with Philip Reeve of the North Hudson Sewerage Authority (NHSA) conducted on August 31, 2011;
- b. A discussion with Joseph Sensale of United Water conducted on June 16, 2011;
- c. Review of Water Utility Mapping provided by Joseph Sensale of United Water as an attachment to a June 30, 2011 email (See email in Appendix G);
- d. Review of Sanitary Sewer Utility Mapping provided by North Hudson Sewerage Authority;
- e. A site visit conducted on August 31, 2011 of the area referenced above;
- f. Review of photographs taken during the site visit conducted on August 31, 2011; and

- g. Review of Tax Map information.

STUDY AREA DEFINITION

The area of study includes a portion of the triangular block surrounded by Observer Highway to the south, Willow Avenue to the east, and Newark Street to the northwest. The Study Area also includes the following Hoboken City ROWs:

- Observer Highway, from and including the intersection of Jefferson Street and Observer Highway to and including the intersection of Hudson Street.
- Newark Street, from and including the intersection of Jefferson Street and Newark Street to and including the intersection of Newark Street and Willow Avenue.
- Willow Avenue, from and including the intersection of Newark Street and Willow Avenue to and including the intersection of Observer Highway and Willow Avenue.

The entire Study Area encompasses 504,630 square feet (11.59 acres) of the City. The Study Area includes 143,100 square feet (3.29 acres) of non-City owned property and consists of Block 2, Lots 12 through and including 26, and Block 2.1. Lots 1 through and including 10. The remaining 361,530 square feet (8.30 acres) of land in the Study Area consists of City ROWs for Observer Highway, Newark Street, and Willow Avenue.

STUDY AREA CHARACTERISTICS

Maser has reviewed existing mapping of the area and performed a site visit. After review of all available information, this office offers the following description of the site characteristics of the Study Area:

- The “Area in Need of Rehabilitation” was previously defined as including a portion of the triangular block surrounded by Observer Highway to the south, Willow Avenue to the east, and Newark Street to the northwest as well as Observer Highway, Newark Street, and Willow Avenue ROWs.

- The Study Area is an urban area that has been developed with improvements typically associated with an urban environment including, but not limited, to the following:
 - a. Paved roadways;
 - b. Concrete sidewalks;
 - c. Concrete driveway aprons;
 - d. Paved parking areas;
 - e. Underground and aerial utilities;
 - f. Street trees; and
 - g. Some small grassed areas;

It appears that the existing lots within the site were developed in a typical urban manner with buildings in close proximity to each other and located very close to, if not right on, the Right-of-Way (ROW) line.

- The area is serviced by above-ground utilities most likely including electric, cable, and telephone.
- The area is serviced by underground utilities including gas, combined sanitary/storm sewer, and water.

DESCRIPTION OF EXISTING COMBINED SANITARY/STORM SEWER UTILITY

Maser has reviewed the information available as of August 31, 2011 for the existing combined sanitary/storm sewer system. The following is presented regarding the existing combined sanitary/storm sewer utility located within the Study Area:

- The combined sanitary/storm sewer system in Hoboken is owned and operated by the North Hudson Sewerage Authority (NHSA).
- The combined sanitary/storm sewer is located in the following roadways within the Study Area:
 - a. Newark Street between Observer Highway and Willow Avenue;
 - b. Willow Avenue between Newark Street and Observer Highway;

- c. Observer Highway between Newark Street and Hudson Street.
- Manholes, labeled with “SANITARY,” as well as storm sewer collection grates were found in the Study Area. The Manholes labeled “SANITARY” are indicative of the existence of a sanitary sewer system in the roadways. In addition, the storm sewer grates that are directly in line with the sanitary sewer manholes, and appear to be located on top of the mapped sewer pipes (see photo #3), verifies the existence of the combined sanitary/storm sewer system.
- According to the Maps provided by the NHSA, the following combined sanitary/storm sewer lines exist within the Study Area:
 - a. A thirty-three (33) inch vitrified clay pipe (VCP) is located in Newark Street between Observer Highway and Clinton Street.
 - b. A thirty-six (36) inch VCP is located in Newark Street from Clinton Street to Willow Avenue;
 - c. A thirty (30) inch concrete and brick pipe is located in Willow Avenue between Newark Street and Observer Highway. The map appears to show that the pipe material in Willow Avenue changes from concrete to brick mid-block between Newark Street and Observer Highway.
 - d. A four-foot by eight-foot (4' x 8') brick sewer is located along the northern curb line of Observer Highway between Newark Street and Hudson Street.

A map of the combined sanitary/storm sewer system located in the Study Area is provided in Appendix D.

- During our discussion, Mr. Reeve of NHSA indicated that the combined sanitary/storm sewer system within Hoboken was constructed in three (3) phases. The first phase was constructed pre-1900, the second phase was constructed pre-1919, and the third phase was constructed pre-1939. Mr. Reeve indicated that the sanitary sewer located in the Study Area was constructed in the pre-1919 phase.

DESCRIPTION OF EXISTING WATER UTILITY

Maser has reviewed the information available as of August 31, 2011 for the existing water utility. The following is presented regarding the existing water utility located within the “Area in Need of Rehabilitation”:

- The Water System in Hoboken is owned and operated by the United Water.
- The Water Utility is located in the following roadways within the Study Area:
 - a. Newark Street between Observer Highway and Willow Avenue;
 - b. Observer Highway between Newark Street and Hudson Street.
- Water valves were found in the Study Area. The water valves are indicative of the existence of a water system in the roadways.
- Pursuant to the discussions with and mapping provided by Mr. Sensale of United Water, the following water mains exist in the Study Area:
 - a. A twelve (12) inch cast iron non-cement lined water main is located in Newark Street between Observer Highway and Willow Avenue.
 - b. No water mains are located in Willow Avenue between Newark Street and Observer Highway.
 - c. Two sixteen (16) inch cast iron non-cement lined water mains and one twenty-four (24) inch cast iron non-cement lined water main is located in Observer Highway between Willow Avenue and Bloomfield Street.
 - d. One of the sixteen (16) inch cast iron non-cement lined water mains located in Observer Highway ends mid-block between Newark Street and Willow Avenue. The second sixteen (16) inch cast iron non-cement lined water main as well as the twenty-four (24) inch cast iron non-cement lined water main continues in a westerly direction in Observer Highway.
 - e. The twenty-four (24) inch cast iron non-cement lined water main turns at Bloomfield Street and continues in a northerly direction up Bloomfield Street,

while the two sixteen (16) inch cast iron non-cement lined water mains continue in an easterly direction within Observer Highway to Washington Street.

- f. The two sixteen (16) inch cast iron non-cement lined water mains end at Washington Street where a twelve (12) inch cast iron non-cement lined water main continues in a northerly direction up Washington Street and an eight (8) inch cast iron non-cement lined water main continues in an easterly direction within Observer Highway towards Hudson Street.

A map of the water system located in the Study Area is provided in Appendix E.

- Mr. Sensale indicated that the exact age of the system is unknown. However, when repairs were made, the years 1857, 1867, and 1869 were stamped on the existing pipes taken out of the ground.

BASIS FOR "AREA IN NEED OF REHABILITATION" CLASSIFICATION

A proof for deeming an "Area in Need of Rehabilitation" involves showing that the age of the system is at least fifty (50) years old. The following is provided as related to the age of the combined sanitary/storm sewer system and the water system:

- a. The sanitary sewer system was constructed of a vitrified clay pipe, brick pipe, and concrete pipe within the Study Area referenced above.
- b. The sanitary sewer system was most likely constructed pre-1919, but could have been constructed as far back as 1900. This would make the sanitary sewer system at least 92 years old. However, the sanitary sewer system could be as old as 111 years.
- c. The existing water system was constructed of cast iron non-cement lined pipe.
- d. The exact age of the system is not known. However, stampings on existing pipes excavated for repairs indicated the years 1857, 1867, and 1869. This would make the water system at least 142 years old. However, the water system could be as old as 154 years.

Water System in Need of Rehabilitation

Being constructed in the late 1800s, it is evident that the water system is over fifty (50) years old. In addition, the need to repair water main breaks, specifically in the Study Area, verifies the need for the existing water system to be rehabilitated.

Rehabilitating the existing water system may be expected to prevent further deterioration by limiting the number of water main failures that cause water interruptions for City residents. Further, a rehabilitation program may also allow for the upgrade of the system to better serve the residents with improved water services such as greater fire flows.

Combined Sanitary/Storm Sewer System in Need of Rehabilitation

The combined sanitary/storm sewer system is over fifty (50) years old which is evident since the system was constructed in the pre-1919 construction phase. In addition, it is clear that the combined sanitary/storm sewer system is undersized for its intended purpose. This is evident from the amount of flooding that is experienced within the Study Area during rainfall events.

The FEMA Maps (Appendix F) confirm that the area is located in "Special Flood Hazard Areas Subject to Inundation by the 1% Annual Chance Flood." Since the Study Area is located in Zone AE, a base flood elevation of 9 has been determined. The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% annual chance of equaling or exceeding elevation 9 in any given year.

The intended purpose of the combined sanitary storm sewer system is to facilitate movement of sanitary sewer flows as well as storm flows to sewage treatment facilities. Since the undersized system cannot accommodate sanitary sewer and storm sewer flows during rainfall events, the system overflows into the streets of the City. This is clear from the flooding that is experienced in the Study Area.

When the Study Area floods due to the inability of the existing sanitary/storm system to accommodate the combined storm and sanitary flows, the City becomes inundated with a

mixture of sanitary sewage and stormwater. This combination of stormwater and sanitary sewage creates a health, safety, and welfare issue for the residents of the City.

The rehabilitation of the combined sanitary/storm sewer may alleviate the flooding that occurs within the Study Area due to the undersized system. The reduction or possible elimination of the flooding may help prevent further deterioration of the combined sanitary/storm sewer by reducing the damage to the infrastructure due to the flooding. In addition, the reduction or possible elimination of the flooding will promote the overall development of the community by reducing the health, safety, and welfare issues caused by the not only the flooding itself but also due to the residents' exposure to the combined stormwater and raw sewage that flows onto the City Streets.

CONCLUSION

The City Council is seeking a recommendation from the Planning Board whether or not the area previously defined as the Study Area can be deemed an "Area in Need of Rehabilitation." To have an area deemed in need of rehabilitation, the applicant must show that "a majority of the water and sewer infrastructure in the delineated area is at least fifty (50) years old and is in need of repair or substantial maintenance; and a program of rehabilitation may be expected to prevent further deterioration and promote the overall development of the community."

Through information sources available to this office at the time the study was conducted, the following was determined:

- a. The water system and the combined sanitary/storm sewer system are over 50 years old.
- b. Due to water main breaks that interrupt water service to City residents, it is clear that the water system will benefit from a rehabilitation program.
- c. Due to repeated flooding of the Study Area due to undersized combined sanitary/storm sewer system, it is clear that the combined sanitary/storm sewer system will benefit from a rehabilitation program.

- d. The rehabilitation programs for both the water and sewer systems will prevent further deterioration and promote the overall development of the community by further protecting the health, safety, and welfare of the City.

\\Mtcad01\Projects\HOP\HOP-119\Reports\WATER SEWER ANALYSIS(Rev 09072011).docx

APPENDIX A
SITE PHOTOGRAPHS



Photo #1: Combined Sanitary/Storm Sewer System Manhole labeled "SEWER" located in Observer Highway.



Photo #2: Combined Sanitary/Storm Sewer Grate located in Observer Highway.

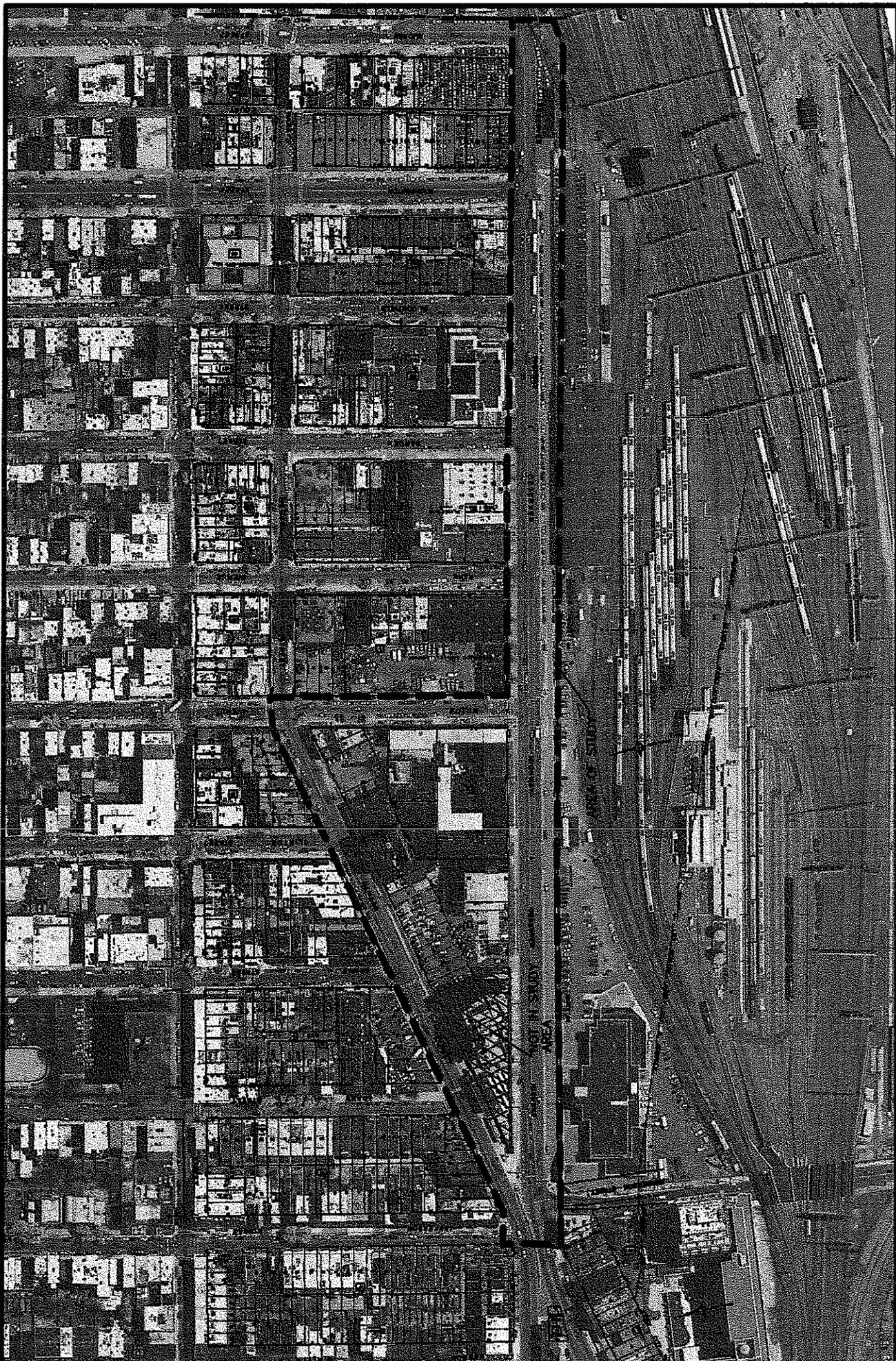


Photo #3: Combined Sanitary/Storm Sewer Manhole labeled "SEWER" in line with Combined Sanitary/Storm Sewer Grate in Observer Highway.



Photo #4: Water valves located in Newark Street.

APPENDIX B
AERIAL PHOTOGRAPH



| | | | |
|----------------|--------------|--------------|----------|
| JOB NUMBER | HQP-108 | DATE | 09/06/11 |
| SCALE | NOT TO SCALE | LAYER NUMBER | |
| PROJECT NUMBER | MT003746 | DRAWN BY | T.M.O. |
| SHEET NUMBER | | | |

PROJECT LOCATION MAP
OVERALL AREA
FOR
CITY OF HOBOKEN
HUDSON COUNTY, NEW JERSEY

MT. ARLINGTON OFFICE
200 Valley Road
Suite 400
Mt. Arlington, N.J. 07036
Phone (973) 388-3110
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email: solutions@maserconsulting.com

MASER CONSULTING P.A.
Consulting, Municipal & Environmental Engineers
Planners - Surveyors - Landscape Architects
State of N.J. Certificate of Authorization: 246A27986500



| | | | |
|----------------|--------------|---------------|----------|
| JOB NUMBER | HQP-108 | DATE | 09/09/11 |
| SCALE | NOT TO SCALE | LAYOUT NUMBER | |
| DRAWING NUMBER | MT003746 | DESIGN BY | T.M.O. |
| DRAWING NUMBER | | | |
| 2 of 4 | | | |

PROJECT LOCATION MAP
BLOCK 2 LOTS 12-26
BLOCK 2.1 LOTS 1-4 & 9-10
FOR
CITY OF HOBOKEN
HUDSON COUNTY, NEW JERSEY

MT. ARLINGTON OFFICE
 200 Valley Road
 Suite 400
 Mt. Arlington, N.J. 07055
 Phone (973) 388-3110
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| | | | |
|--------------|--------------|---------------|----------|
| JOB NUMBER | HCP-108 | DATE | 09/09/11 |
| SCALE | NOT TO SCALE | LAYOUT NUMBER | |
| DRAWN BY | MT003745 | DESIGN NO. | T.M.O. |
| SHEET NUMBER | | | |

PROJECT LOCATION MAP
 BLOCK 2.1 LOTS 7 & 8

FOR
 CITY OF HOBOKEN
 HUDSON COUNTY, NEW JERSEY

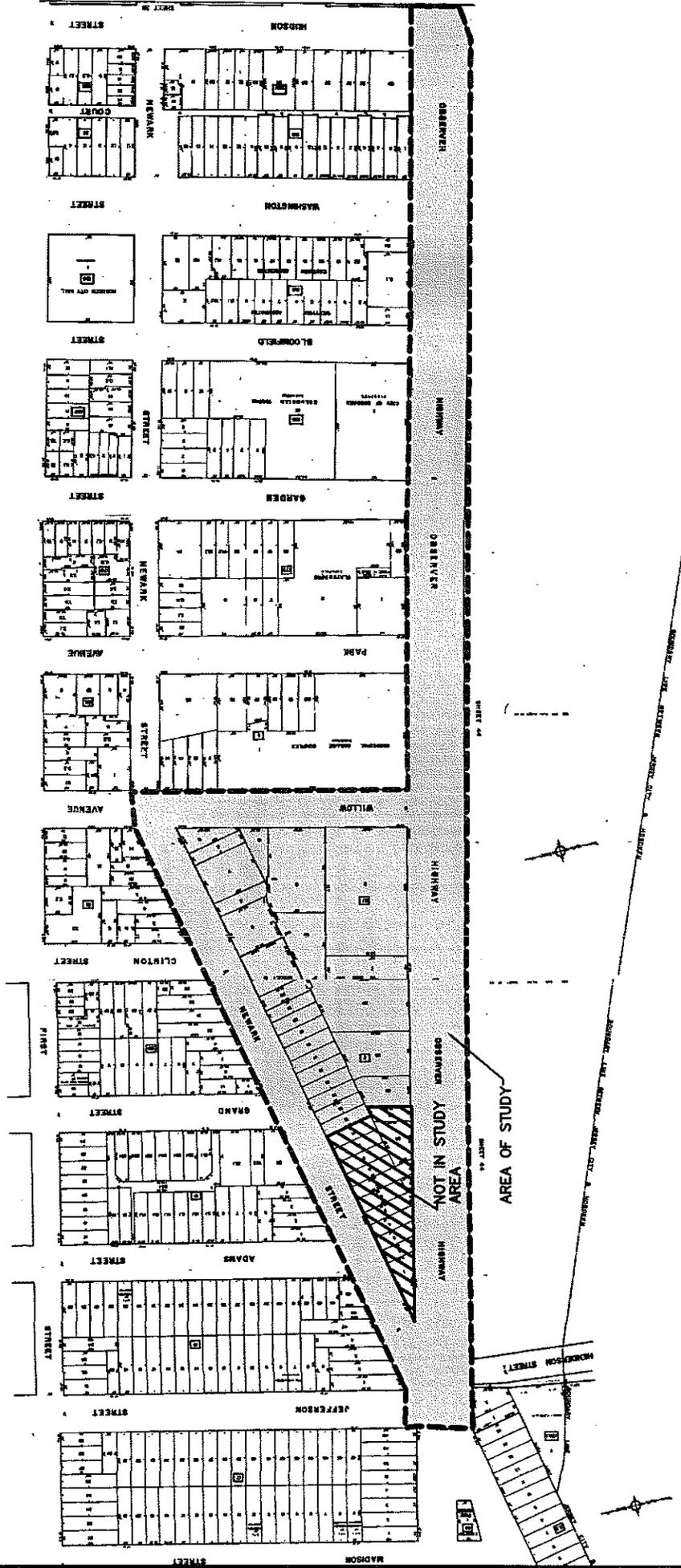
MT. ARLINGTON OFFICE
 200 Valley Road
 Suite 400
 Mt. Arlington, N.J. 07058
 Phone (973) 388-3110
 Fax (973) 388-3188
 email: solutions@maserconsulting.com



State of N.J. Certificate of Authorization: 246427986500

APPENDIX C

TAX MAPS



| | | | |
|----------------|--------------|-----------------|----------|
| JOB NUMBER | HQP-109 | DATE | 09/08/11 |
| SCALE | NOT TO SCALE | LATEST REVISION | |
| DRAWING NUMBER | HT003751 | DESIGN BY | T.M.O. |
| SHEET NUMBER | 1 | OF | 1 |

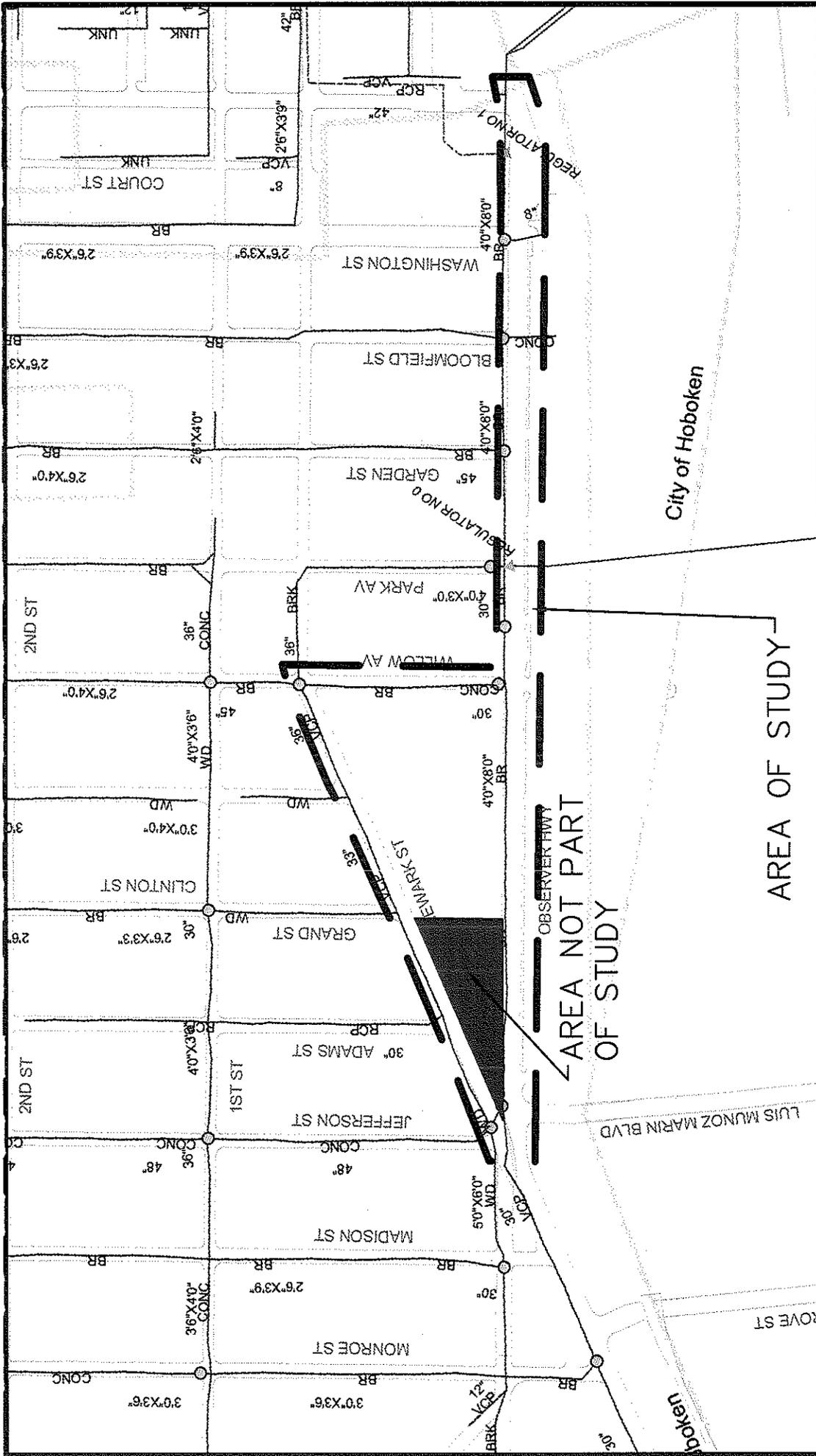
PROJECT LOCATION MAP
OVERALL AREA
FOR
CITY OF HOBOKEN
HUDSON COUNTY, NEW JERSEY

M.L. ARLINGTON OFFICE
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CONSULTING
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 State of N.J. Certificate of Authorization: 24GA27986500

APPENDIX D

COMBINED SANITARY/STORM
SEWER UTILITY MAP



North Hudson Sewerage Authority

Hoboken, Union City, Weehawken, and West New York
New Jersey

COMBINED SANITARY & STORM SEWER LOCATION MAP

OVERALL PROJECT AREA
FOR
CITY OF HOBOKEN
HUDSON COUNTY, NEW JERSEY

| | |
|----------------------------|------------------------|
| JOB NUMBER HQP-109 | DATE 09/06/11 |
| SCALE NOT TO SCALE | LATEST REVISIONS |
| DRAWING NUMBER HT003752 | DESIGN BY T.M.O. |
| SHEET NUMBER 1 | TOTAL SHEETS 1 of 1 |

- PLANIMETRIC FEATURES
- Manhole, field verified
 - Manhole, unverified
 - ◆ Pump Station
 - ◆ Flushing Chamber
 - ▲ Regulator

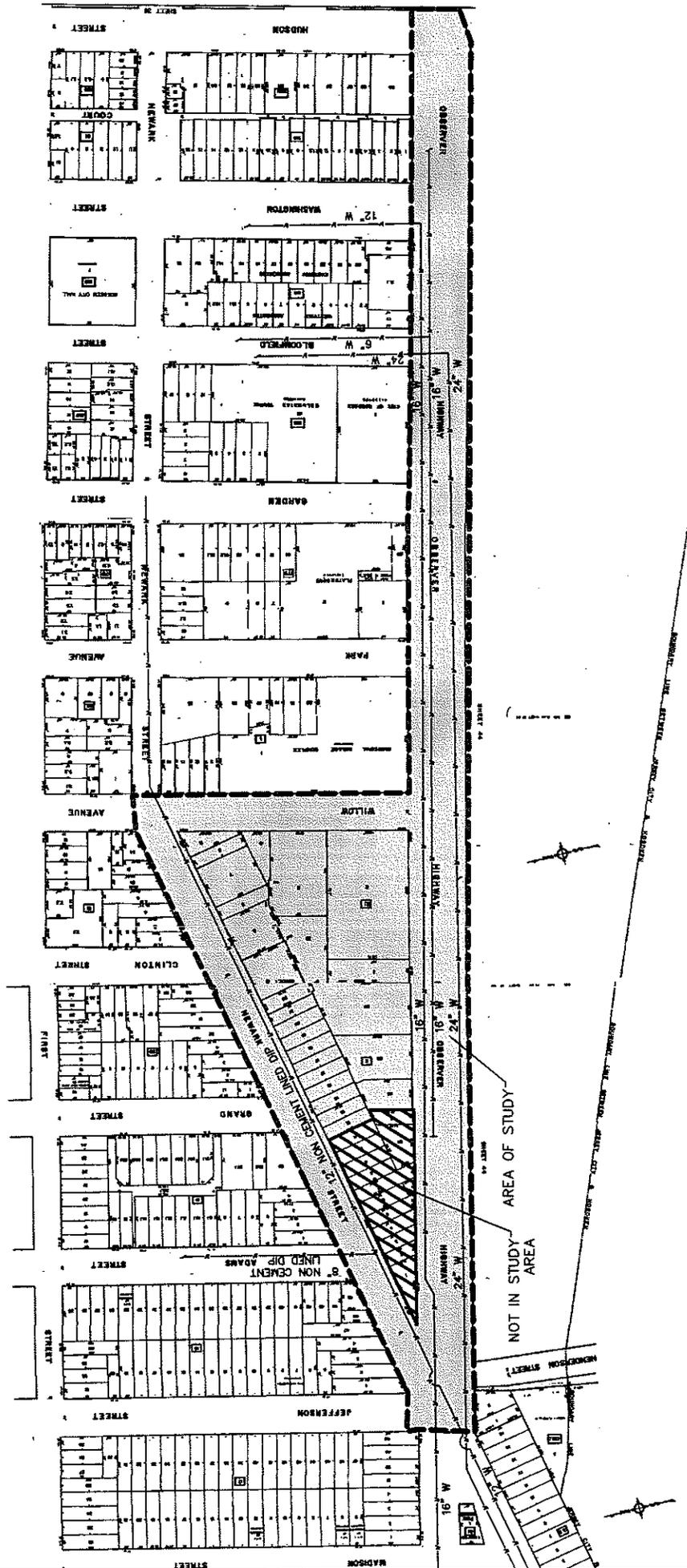
- SEWER SYSTEM
- Force Main
 - Inverted Siphon
 - Other
- PLANIMETRIC FEATURES
- Road Edges
 - City Boundaries
 - Drainage Basins
 - Surface Water

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Planners - Surveyors - Landscape Architects
State of N.J. Certificate of Authorization: 246327986500

APPENDIX E

WATER UTILITY MAP



| | | | |
|----------------|--------------|-----------------|----------|
| JOB NUMBER | HOP-109 | DATE | 09/08/11 |
| SCALE | NOT TO SCALE | LATEST REVISION | |
| DRAWING NUMBER | MT003753 | DESIGN BY | T.M.O. |
| SHEET NUMBER | 1 | OF | 1 |

WATER SERVICE LOCATION MAP
OVERALL AREA
FOR
CITY OF HOBOKEN
HUDSON COUNTY, NEW JERSEY

MT. ARLINGTON OFFICE
 200 Valley Road
 Suite 400
 Mt. Arlington, N.J. 07856
 Phone (973) 398-3100
 Fax (973) 398-3190
 email: solutions @ mtaerconsulting.com


MASER
 CONSULTING P.L.L.C.
 Consulting, Municipal & Environmental Engineers
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 State of N.J. Certificate of Authorization: 246A27886500

APPENDIX F

FLOODMAPS

LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD



The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

- ZONE A** No Base Flood Elevations determined.
- ZONE AE** Base Flood Elevations determined.
- ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
- ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- ZONE AR** Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
- ZONE A99** Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
- ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- ZONE VE** Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE



The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS



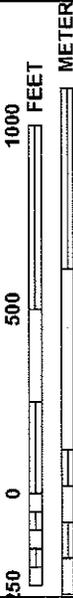
Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS



- ZONE X** Areas determined to be outside the 0.2% annual chance floodplain.
- ZONE D** Areas in which flood hazards are undetermined, but possible.

MAP SCALE 1" = 500'



PANEL 0107D

FIRM
FLOOD INSURANCE RATE MAP

**HUDSON COUNTY,
NEW JERSEY
(ALL JURISDICTIONS)**

PANEL 107 OF 118
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

| | | | |
|------------------|----------------------|----------------------|-----------------|
| CONTAINS: | NUMBER 340222 | PANEL 0107 | SUFFIX D |
| COMMUNITY | HOBOKEN, CITY OF | JERSEY CITY, CITY OF | |

MAP NUMBER
34017C0107D

EFFECTIVE DATE
AUGUST 16, 2006

Federal Emergency Management Agency

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

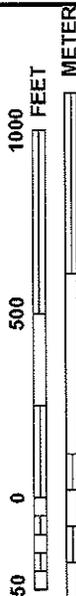
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695000 FT

JOINS PANEL 0106



MAP SCALE 1" = 500'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0107D

FIRM
FLOOD INSURANCE RATE MAP
HUDSON COUNTY,
NEW JERSEY
(ALL JURISDICTIONS)
PANEL 107 OF 118
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

| CONTAINS: | | | |
|----------------------|--------|-------|--------|
| COMMUNITY | NUMBER | PANEL | SUFFIX |
| HOBOKEN, CITY OF | 340222 | 0107 | D |
| JERSEY CITY, CITY OF | 340223 | 0107 | D |

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MAP NUMBER
34017C0107D

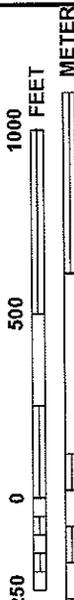
EFFECTIVE DATE
AUGUST 16, 2006

Federal Emergency Management Agency

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MAP SCALE 1" = 500'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0106D

FIRM
FLOOD INSURANCE RATE MAP
HUDSON COUNTY,
NEW JERSEY
(ALL JURISDICTIONS)
PANEL 106 OF 118

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

| COMMUNITY | NUMBER | PANEL | SUFFIX |
|----------------------|--------|-------|--------|
| HOBOKEN, CITY OF | 340222 | 0106 | D |
| JERSEY CITY, CITY OF | 340223 | 0106 | D |

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER
34017C0106D

EFFECTIVE DATE
AUGUST 16, 2006

Federal Emergency Management Agency

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JOINS PANEL 0107

APPENDIX G

UTILITY COMPANY CONTACT
DOCUMENTS

Craig Hermann

From: Sensale, Joseph <Joseph.Sensale@UnitedWater.com>
Sent: Thursday, June 30, 2011 10:47 AM
To: Craig Hermann
Subject: RE: Hoboken Water Utilities
Attachments: CraigHerman.pdf

Craig,

I made a few changes. These are approx. locations of the water mains. If you need more info let me know.

From: Craig Hermann [mailto:CHermann@maserconsulting.com]
Sent: Thursday, June 16, 2011 12:14 PM
To: Sensale, Joseph
Subject: Hoboken Water Utilities

Good Afternoon Joe,

Thank you for calling me back this morning and thank you for the information you provided. I have marked up the attached tax maps with what I understood you to give me this morning as the locations and sizes of the water mains in the area in question. Please review and markup any incorrect information shown on the mapping. In addition, it would be greatly appreciated if you could label the watermains on any of the other roads in the area. If possible, I would like information specifically on the what is in Willow Avenue between Newark Street and Observer Highway.

In terms of the age of the system, during our discussion you indicated that existing mains that were pulled out of the ground had 1857, 1867, and 1869 stamped on the pipe. My understanding from this is that it is not known what the specific age of the system components are, but you do know that system components have been found to be constructed in the mid 1800's. Since, as far as you know, the system components in the area of Observer Highway and Newark Avenue have not been replaced, it is expected that they area as old as the mid 1800's also. Is that a fair conclusion?

As discussed in our conversation, we are trying to show that the utilities in the area are old and possibly in need of rehab. To that end, can you provide us with information on customer complaints or repair work performed on the system within Observer Highway and Newark Avenue as shown on the maps?

Also, is it okay if I indicated in my report that I spoke with you and that you provided this information? If not I can just indicate that we received this information from United water.

Again, thanks for your time and help in getting me this information.

Craig

Craig P. Hermann, P.E., P.P., C.M.E.
Assistant Project Manager

Maser Consulting P.A.
200 Valley Road
Suite 400
Mt. Arlington, NJ 07856

Phone 973.398.3110 [X127]
Fax 973.398.3199
www.maserconsulting.com

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Maser Consulting's new corporate website, www.maserconsulting.com, was recently awarded the American Graphic Design Award from Graphic Design USA. Graphic Design USA is a nationally published trade magazine.

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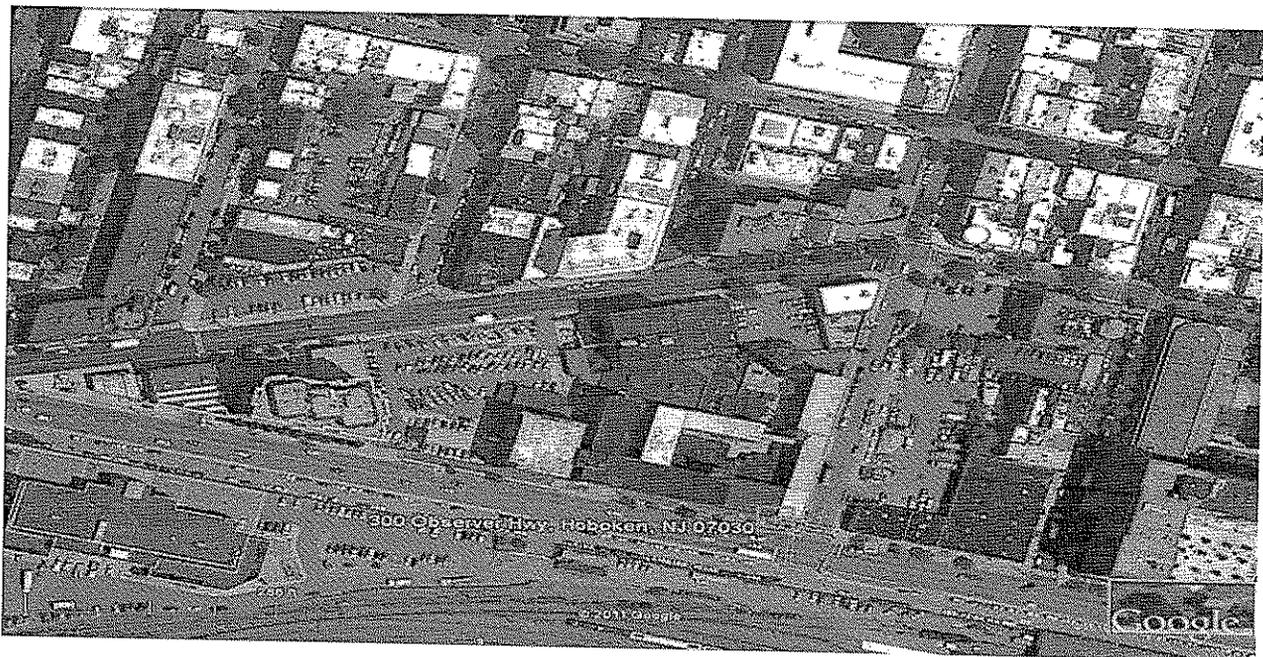
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Planning Analysis for Determination of Area in Need of Rehabilitation
Designation

Block 2.0 Lots 12 - 26 and Block 2.01 Lots 1-10 and ROW of various
Streets

Prepared for:
City of Hoboken Planning Board
Hoboken, New Jersey



Prepared by:

EFB Associates, LLC
72 Buttrville Road
New Paltz, NY 12561
Eileen F. Banyra PP, AICP LI 3667

September 9, 2011

TABLE OF CONTENTS

| | |
|---|-------------|
| Executive Summary | 1 |
| Designation of an Area In Need of Rehabilitation Process and Criteria | 2-3 |
| Description of Study Area Historical Context Surrounding Pattern of Development Study Area Boundaries Property Descriptions Zoning | 4-11 |
| Planning Documents 2004 Master Plan 2010 Reexamination Report | 16 |
| Engineering Analysis and Review | |
| Evaluation for Conformance with Statutory Criteria Study Methodology Study Conclusions and Recommendations | 17 |
| <u>APPENDIX</u> | 18 |
| Exhibits 1. Council Resolution June 1, 2011 Requesting PB Review 2. Council Resolution July 20, 2011- Extension of Time 3. A List of Qualified Municipalities 4. City of Hoboken Resolutions - Tax Exemptions 5. 2004 Master Plan Properties Potentially Eligible for Register 6. Council Minutes Proposed B-3 Rezoning 7. Property Assessments | |
| Maps 1. Study Area Boundaries 2. 2010 Reexamination Report - Land Use Plan 3. Aerial Photo Parcel 1 4. Aerial Photo Parcel 2 5. Aerial Photo Parcel 3 6. Current Zoning Map | |

Conceptual Redevelopment Plan

EXECUTIVE SUMMARY

In accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (LRHL), on June 1, 2011 the City Council adopted a resolution entitled "Resolution Of The City Of Hoboken, County Of Hudson Requesting Planning Board Review Of A Resolution Designating Certain Property In The City As An Area In Need Of Rehabilitation". The Council directed the Planning Board to review the resolution and conduct a hearing on the matter with a report from the Planner and Engineer.

The purpose of this report is to provide additional information to support the findings of the City Council and to hear from the public regarding the recommendations and identification of the area as an Area in Need of Rehabilitation pursuant to N.J.S.A. 40A:12A-14.

The report finds that the Study Area meets the conditions for an Area in Need of Rehabilitation designation pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq., herein referred to as LRHL) and is based on the following factual findings:

- 1) The majority of the water and sewer infrastructure in the delineated area far exceeds the minimum infrastructure age of 50 years old and is in need of repair or substantial maintenance, and
- 2) A program of rehabilitation may be expected to prevent further deterioration and promote the overall development of the community.
- 3) The City and thus the resulting study area, was previously determined to be an area in need of rehabilitation (P.L. 1977, c.12 (C.54:4-3.95 et seq.)) and the City retains all of the rights associated with said designation including tax abatements as well as the ability to prepare a redevelopment plan.

Additionally, as a courtesy to both the Planning Board and City Council, a conceptual redevelopment plan based on the recommendation in the 2010 Reexamination Report has been prepared and included in the appendix of this report. This conceptual plan is included to assure that key concepts from the Reexamination Report specific to the Neumann site and study area be retained as well as the non-structural and green infrastructure improvements offered in that report.

DESIGNATION OF AREA IN NEED OF REHABILITATION

Process and Criteria

The designation process for an Area in Need of Rehabilitation (AIN) differs significantly in both criteria and process from an Area in Need of Redevelopment investigation. The AIN process requires no formal investigation, public hearing or notice other than notice as typically required for any public meeting. The statute for rehabilitation (40A:12A-14.a. & b.) identifies the following process required for an AIN determination.

- a. Prior to adoption of the resolution, the governing body is required to submit the resolution to the municipal planning board for review. Within 45 days of receipt of the proposed resolution, the planning board is required to submit its recommendations, including any modifications that it may recommend to the governing body for consideration. Thereafter, or after the expiration of the 45 days if the municipal planning board does not submit recommendations, the governing body may adopt the resolution, with or without modification. **Or**
- b. A delineated area shall be deemed to have been determined to be an area in need of rehabilitation in accordance with the provisions of this act if it has heretofore been determined to be an area in need of rehabilitation pursuant to P.L. 1975, c.104 (C.54:4-3.72 et seq.), P.L. 1977, c.12 (C.54:4-3.95 et seq.) or P.L. 1979, c.233 (C.54:4-3.121 et seq.)

The City Council in a resolution titled "Resolution Of The City Of Hoboken, County Of Hudson Requesting Planning Board Review Of A Resolution Designating Certain Property In The City As An Area In Need Of Rehabilitation" and dated June 1, 2011 (Exhibit 1) requested that the planning board conduct a public hearing and make recommendations. A second resolution was adopted on July 20, 2011 (Exhibit 2) at which time the Council amended its resolution to extend the 45-day review by an additional 60 days. The extension was to allow the Planning Board additional time to research and review the matter and in acknowledgement of summer schedules of the Board members and public.

During the course of the research for the report, it was discovered that the City in or around 1979 was designated as an Area in Need of Rehabilitation pursuant to P.L. 1977 c 12 (N.J.S.A. 54:4-3.95) (Exhibit 3). This designation is supported by the fact that the city has offered tax abatements as permitted under this designation (Exhibit 4). As permitted by statute (C.40A:12A-14b) if a community has received prior designation this designation remains in effect today.

City of Hoboken – Area In Need of Rehabilitation Determination

While recognizing the prior designation, the Planning Board hearing's purpose is to allow for the dissemination of the planning and engineering information as well as provide an opportunity for public participation in this process.

The criteria for designating an Area in Need of Rehabilitation Area as identified in the Local Redevelopment Housing Law, (LRHL) N.J.S. 40A:12A-et. seq., does not require the satisfaction of one of the eight criteria required of a redevelopment investigation. An area may be designated as an Area in Need of Rehabilitation by the governing body if it is determined that the area exhibits either one of the following conditions:

- 1) a significant portion of structures in the area are deteriorated or substandard; there is a continuing pattern of vacancy, abandonment, or underutilization of properties in the area; and a "persistent arrearage" of property-tax payments; **or**
- 2) more than half of the housing stock in the delineated area is at least 50 years old, or a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance; **and**

that a program of rehabilitation, as defined in section 3 of *P.L.1992, c.79 (C.40A:12A-3)*, of the LRHL, may be expected to prevent further deterioration and promote the overall development of the community.

Once the conditions are determined satisfied and upon an affirmative declaration of such, the City may proceed to the preparation of a Redevelopment Plan. (N.J.S.A 40A:12A-1 et seq.)

A rehabilitation declaration affords the City all of the powers of redevelopment (40A:12A-8) with the following exceptions: The City may not use eminent domain and it may not provide for payments in lieu of taxes (PILOTS). However, a rehabilitation designation does provide the City with the ability to grant five-year tax abatements and exemptions.

The Planning Board's power and role in the AIN process is to make recommendations concerning the determination and to forward those recommendations to the governing body.

DESCRIPTION of STUDY AREA

Historical Context

The City has a long and successful history with rehabilitation and redevelopment initiatives and programs dating back to late 1950s. For decades the City has focused its attention on arresting urban decay through the restoration of its housing stock and community facilities.

The City's Community Development Agency sought out and received extensive state and federal funding directed at all types of renewal efforts citywide. These early efforts include participation in the following programs: Urban Renewal Program, Neighborhood Preservation, Model Cities, Community Development Block Grant funding, as well as the redevelopment designations and efforts that continue today. The dramatic turnaround of the City from the 1960s to the present day is a testament to the City's long-term commitment to renewal, as evidenced thru these various efforts.

Surrounding Pattern of Development

The area under examination, to be referred to as the Study Area, is as identified on Study Area Tax Map (Map1).

The Study Area is located at the southern end of the City, and immediately north of the NJ Transit property. The pattern of development surrounding the Study Area includes a variety of land uses, which are as follows:

- To the south side of Observer Highway are surface parking lots and railroad lines for NJ Transit. The NJ Transit property is coincident with the southern boundary of the Study Area up to and beyond Hudson Street. The NJ Transit property is in the I-2 zone district. However the property was designated an Area in Need of Redevelopment in 2007. A redevelopment plan for this property is being prepared.
- To the east of Willow Ave and the Study Area is a large vacant lot and an improved surface parking lot. The vacant lot is the site of the former DPW building (demolished) and yard. The DPW property was designated an Area in Need of Redevelopment in 2006 and a Redevelopment Plan was adopted for this site.
- To the north of Newark Street and the Study Area is a mixed-use zone (R-3) with predominantly residential uses. Uses along Newark Street include a one-story building (Hudson County Pigeon Club) and several six to nine-story residential buildings from Willow Avenue to Grand Street. From Grand to Adams Street is a one-story commercial

City of Hoboken – Area In Need of Rehabilitation Determination

strip building with multiple businesses and stores and, from Adams to Jefferson Street, a number of five-story residential buildings, a two-story residential and a one-story commercial use are noted.

To the west of the 300 Observer Highway property and extending to the intersection of Observer Highway and Jefferson Street are, a 13-story residential building, a recently re-built car wash and a gas station.

Study Area Boundaries

The Study Area includes a variety of land uses as well as the surrounding streets and street right of ways (ROW's). Specifically, the Study Area consists of: Block 2, Lots 12 through and including Lot 26; Block 2.1 Lots 1 through and including Lot 10; and that portion of the public Right-of-Way of Observer Highway from and including the intersection with Jefferson Street to and including the intersection with Hudson Street; the portion of the public Right-of-Way of Willow Avenue from and including the intersection with Observer Highway to and including the intersection with Newark Street; and the portion of the public Right-of-Way of Newark Street from and including the intersection with Observer Highway to and including the intersection with Willow Avenue.

The Study Area, including all of the previously identified streets and ROWs, is 11.59 acres in area. This is further broken down as 3.29 acres of privately held property and 8.3 acres of streets and ROWs. The study area is irregularly shaped, with a large triangular parcel associated with the privately held property and surrounding street ROWs, and also including an appendage comprised of the Observer Highway ROW extending to Hudson Place.

The Study Area includes three private landholders, as well as two public entities, the City of Hoboken and Hudson County. The study area's irregular boundaries are coincident with two adjacent designated redevelopment areas, which will help to facilitate planning for the surrounding area's infrastructure. (Map 2)

Property Descriptions

A physical description of the private properties and their associated land uses is identified below.

300 Observer Highway - Block 2 Lots 12 & 13-26 & Block 2.1 Lots 1-4 & 9 & 10

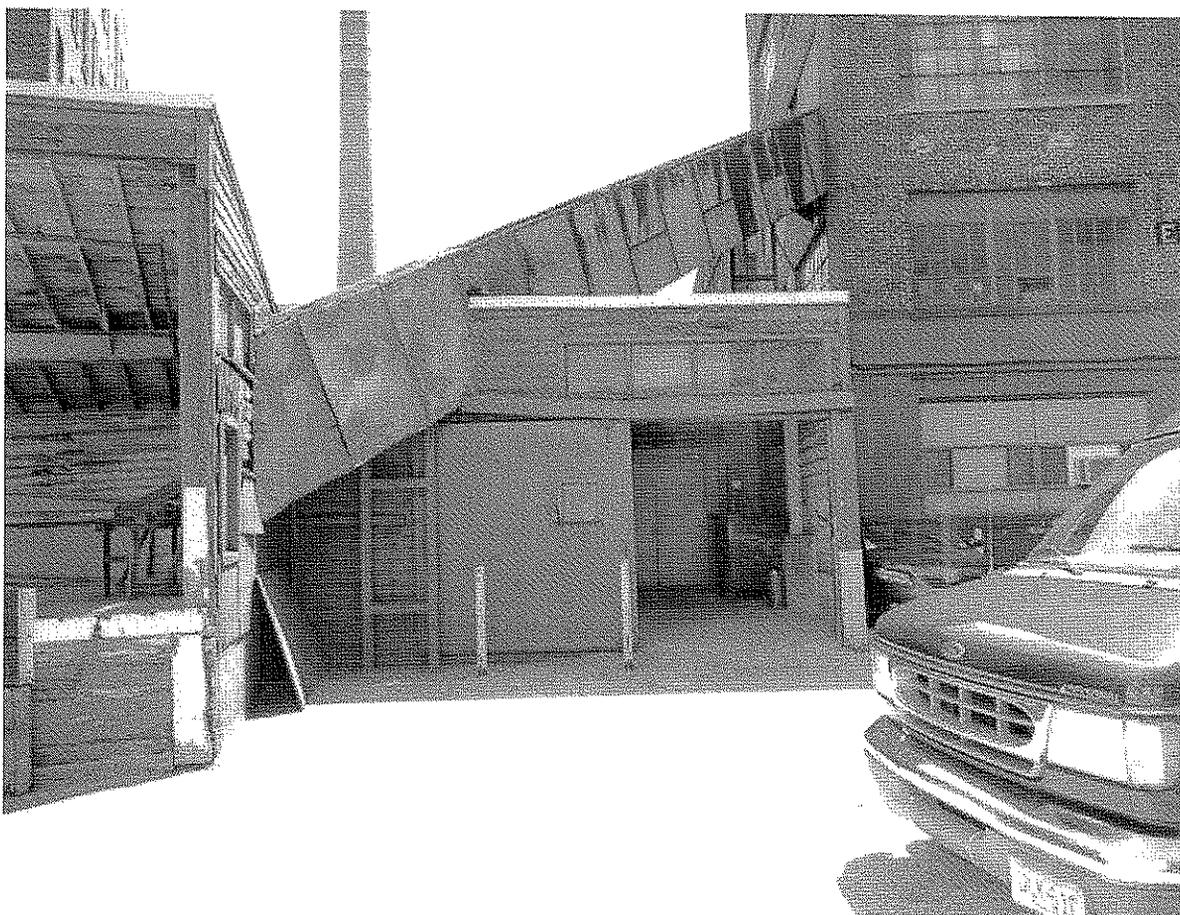
The property is 2.96 acres and is the largest single parcel in the Study Area. (Map 3) The property is part of a large triangular property bounded by Observer Highway, Willow Avenue, Newark Street and a 13 story residential building to the west. The property, also known as the Neumann Leather property, contains eleven industrial factory buildings that vary in composition, quality, stories and building height. The buildings appear to be structures dating back to the late 1800s to early 1900s. A surface parking lot serves the site for parking and loading. The land uses can be characterized as commercial, office and industrial uses, which include the following tenants: industrial artists and artisans, design studios, craft-persons, professional offices, architects, and audio & video recording studios.



This property was the subject of a Zoning Board of Adjustment application hearing in 2009 for demolition of all of the existing industrial buildings and replacement with a residential /mixed-use project. The project was denied

City of Hoboken – Area In Need of Rehabilitation Determination





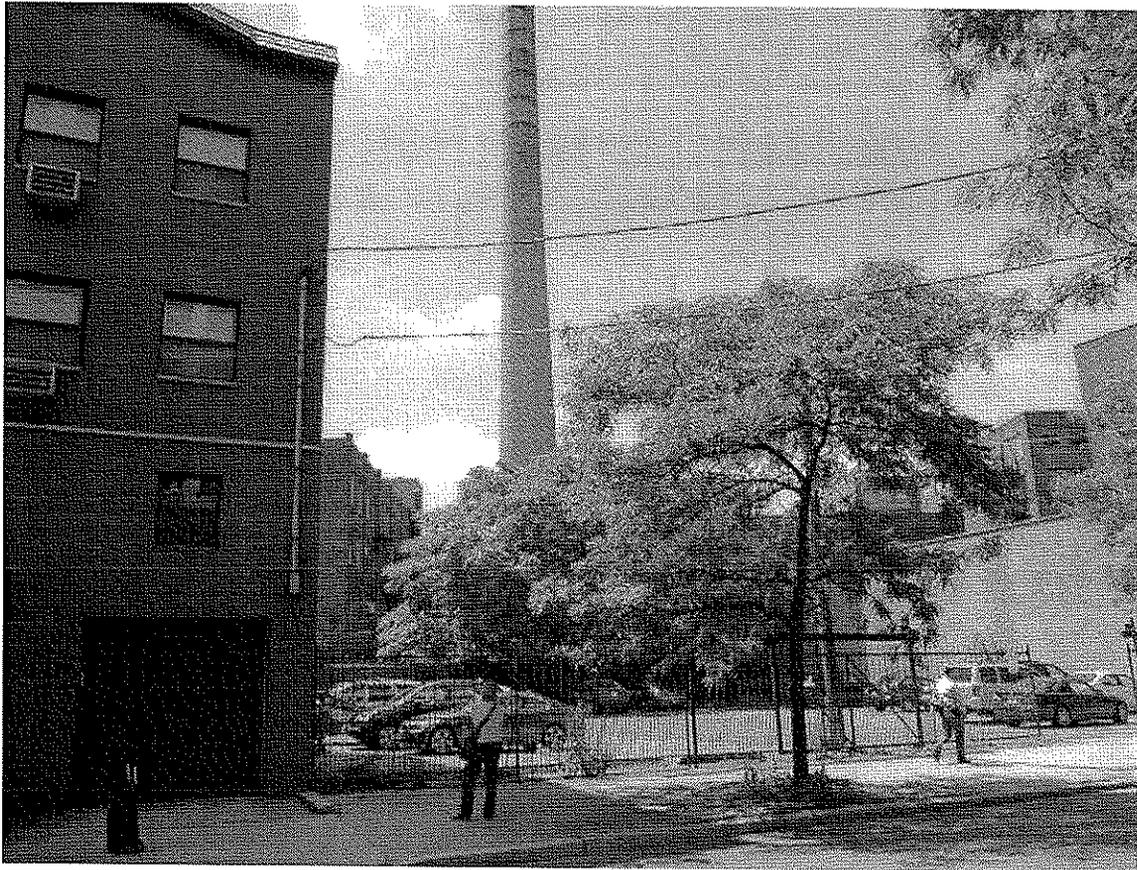
City of Hoboken – Area In Need of Rehabilitation Determination

301 Newark Street/80-86 Willow Avenue – Block 2.1 Lots 5 and 6 This property consists of two lots located on the corner of Willow Avenue and Newark Street with a lot area totaling 5,030 sq. ft. (Map 4) The property contains a three story mixed use building with commercial (auto parts) on the ground floor and three residential units on the second and third floors. The southerly parcel on Willow Avenue (not in photo) contains a 1-story building used for auto repair and service.



307- 309 Newark Street - Block 2.1 Lots 7 and 8

This property is located on the south side of Newark Street, between Willow Avenue and Clinton Street, and is 9,948 sq. ft. in size. (Map 5) The property is a vacant lot used as a surface parking lot for up to 42 cars for a nearby residential building. The property received conditional use approval by the Zoning Board of Adjustment in 2011 for a multistoried structured parking facility.



City of Hoboken – Area In Need of Rehabilitation Determination

Zoning

The Study Area properties are located within the I-2 Industrial (Mixed-Use) zone district as shown on the City's Zoning Map. (Map 6) The I-2 zone permits the following uses:

Permitted uses

- Food processing and related storage and distributive activities
- Manufacturing, processing or fabricating operations which meet the performance standards set forth in Article XII, provided that all operations and activities are carried on within enclosed buildings and that there is no outside storage of materials
- Retail business or service
- Public buildings and uses, such as equipment garages, parking facilities, parks and playgrounds
- Wireless telecommunications towers subject to Sections 196-26 and 196-35. [Added 5-7-2003 by Ord. No. DR-91]

Accessory uses

- Off-street parking and loading
- Accessory uses customarily incidental to principal use
- Signs
- Wireless telecommunication

Conditional Uses

- Automotive sales, service stations, automobile laundries
- Bars
- Commercial garages and public parking facilities
- Railroad-related shipping terminals
- Manufacturing and processing operations

Bulk Requirements

Lot area, minimum: 5,000 square feet.

Lot width, minimum: 50 feet.

Lot depth, minimum: 100 feet.

Lot coverage, maximum (buildings) principal 60%/accessory 10%.

Building height, maximum: prin. 40 feet/2 stories- acc. 30 feet/1.5 stories

Floor area ratio, (FAR) maximum: 1.25

Yard minimums

Front & side yards: 5 feet / Rear yard: 15 feet.

PLANNING DOCUMENTS

In the review of the AIN determination, it is important for the Planning Board to give consideration to the City's planning documents. The Master Plan and Reexamination Report are the relevant documents as they provide the basis for the long range planning and zoning efforts for the City. The information provided in these documents provides insight into the area with both specific and general recommendations.

While the study area includes both private property and street ROWs, the largest single property central to the study area consists of one site known as the Neumann property. Due to the size and importance of this property, both the Master Plan and Reexamination Report have specific comments relative to this property and the surrounding area.

The following statements are taken from the City of Hoboken's 2004 Master Plan and the 2010 Reexamination Report.

2004 Master Plan

In 2004, the Planning Board adopted a comprehensive Master Plan (2004MP). The 2004MP made general and specific references to issues relevant to the study area. Excerpts of the 2004 MP are provided by the element in which they appeared.

Community Facilities Plan Element

Due to its age and design, Hoboken's sewer system poses a number of challenges. The system was originally designed to handle both stormwater and sanitary sewage, which it carried without treatment directly into the Hudson River. When the first treatment plant was constructed in 1958, a system of interceptor sewers and pump stations was built to direct wastewater to the plant, and a system of regulator chambers was installed to carry excess flows into the river during storm events. These regulators are designed to reduce the amount of waste that drains into the river during storms, and a strict maintenance schedule is required to ensure their continued operation. The regulators are currently being consolidated and upgraded in accordance with the Long Term Solids/Floatables Facilities Plan.

Like the City's other underground utilities, Hoboken's sewers are quite old—in many cases, they date to the Civil War era. The authority is engaged in a program to clean out and rehabilitate these wooden sewers to prevent backups. Also, the southwestern section of the City, which lies below sea level, is experiencing sewer capacity problems due to inadequate drainage. During high tides, stormwater cannot drain from this area into the Hudson River, creating backups in the sewers.

The element recommends:

Encourage the replacement of the existing combined sanitary and storm sewer system.

The existing system is currently being upgraded to reduce the amount of waste that escapes into the Hudson River during storm events. Over the long term, consideration should be given to creating separate storm and sanitary sewer systems in portions of the system. Priority should be given to creating a separated system in the southwestern portion of the City, where the combined system creates sewer backups because of inadequate drainage.

Circulation Plan Element

The Circulation Plan recommends the following:

Consider creating an additional connection from Newark Street to Observer Highway at Grand Street. The Neumann Leather property in this location does not have any significant buildings in the area where this street would cross its properties. This connection could be constructed in conjunction with any redevelopment of this site. To minimize traffic entering the City's residential neighborhoods, this connection should continue the one-way southbound traffic flow on Grand Street.

Historic Preservation Plan Element

The Historic Preservation Element states the following:

The purpose of the Historic Preservation Element... is to recognize and guide the preservation of the City's unique architectural heritage, which reflects its rich and varied history. Hoboken has a remarkably intact collection of historic buildings and neighborhoods that, while predominantly residential, also includes significant examples of industrial, engineering, institutional, commercial, and transportation-related buildings and structures built during the late Nineteenth and early Twentieth Centuries. These historic resources make a substantial contribution to the community identity, sense of place, quality of life, and economic vitality of the City and are a great source of civic pride.

A recommendation of this element was:

Discourage the unnecessary demolition or other destruction of historic resources. As Hoboken continues to be redeveloped, it is imperative that remnants of its past are not all removed. Existing structures can be reused or maintained, as noted above, even if not for their original purposes. Structures to be preserved include buildings as well as features such as signs, smokestacks, and other relics of Hoboken's industrial past. (Exhibit 5)

Land Use Plan Element

The Land Use Plan Element, Part II recommended:

Provide regulations to guide any possible redevelopment of the Neumann Leather property in an appropriate manner. ...the Neumann Leather complex stands as a reminder of old Hoboken. The former factory is now occupied by numerous tenants ranging from artists to high tech companies. It is also a desirable location for redevelopment due to its proximity to Hoboken Terminal and its direct views of the Manhattan skyline... For these reasons, the Neumann Leather property warrants special consideration as well as flexibility in its development regulations. Any redevelopment of this should include a mix of uses, possible density and/or height bonuses for provision of community amenities, and preservation of existing historic structures where possible. The zoning for this property should set some parameters, but allow some flexibility within certain bounds. It also may be appropriate to extend the zoning for this property across Willow Avenue to include the existing City Garage property, which is also a likely candidate for redevelopment, and the adjacent surface parking lot. As in other Terminal area sites, commercial development is preferred to housing, though the Neumann Leather complex might also lend itself to artist live/work/display space. This site will require additional study to determine how to balance competing interests such as access, parking, appropriate mix of uses, preservation of existing buildings, and provision of public amenities.

The Land Use Plan also proposed that the Study Area and Neumann site be re-zoned to a "B-3 Business 3" zoning district, which encompassed all of the I-2 properties north of Observer Highway from Bloomfield to Jefferson Streets.

It states the following:

B-3 Business 3: The properties included in this designation are located to the west of Hoboken Terminal along Observer Highway. Permitted uses in this area should include a mix of land uses. Relatively intense development in terms of height or density should be permitted only as part of comprehensive redevelopment that includes public benefits, such as provision of public open space, preservation of historic buildings, and/or creation of transportation improvements.

It should be noted that in 2005, based on the Master Plan recommendation for the rezoning of the study area Neumann site and the City Garage to a B-3 zone, an ordinance for the rezoning was introduced and forwarded to the Planning Board for review. While the Planning Board found that the ordinance was not inconsistent with the Master Plan, the Planning Board

City of Hoboken – Area In Need of Rehabilitation Determination

recommended the use of redevelopment in order to preserve the existing buildings and the culture of artists on the Neumann property.

The Planning Board forwarded its review to the City Council where the B-3 ordinance was voted down in April of 2005. (Exhibit 6)

2010 Reexamination Report

A Reexamination Report (2010RX) was initiated in 2010 and adopted earlier this year. The 2010 RX notes changes to the city since the 2004 MP and makes specific recommendations for both the city and the study area.

The 2010RX notes the following in regards to the study area and in particular the Neumann property:

During the preparation of the Reexamination Report, it became evident that a process has begun in the City to foster citizen driven community plans...a representation of such a proactive plan is the one developed by the Neumann Leather Tenants Association (NLTA)...The Neumann complex has been successfully reused by non-residential "arts and entrepreneurial businesses". Said businesses can be principally characterized as industrial artisans, artists and musicians. The NLTA [Neumann Leather Tenants Association] was formed to protect the building site when a residential/mixed use development was proposed which threatened to completely displace the "entrepreneurial, inventive and creative culture" within the building. Although the development proposal was denied by the ZBA, no regulations are currently in place to give solid "protection" to the existing use of the complex. Retaining such 21st century arts and industry uses is fundamental to maintaining the unique quality of the City. Once regulatory techniques are developed, the City may be able to provide additional space to grow this sector of the City's economy.

As to the extent to which 2004MP problems and objectives have been reduced or increased, the 2010RX states:

The City has begun to consider creative zoning or "area in need of rehabilitation" controls in order to protect the lively mix of uses that are concentrated there; "area in need of rehabilitation" designations do not bring the power of eminent domain nor do they permit PILOTs but they require a redevelopment plan which involves designating a redeveloper and adopting a plan that provides for detailed regulations for rehabilitation of existing structures and, if desired, new construction.

The I-2 zoning designation may act to keep rents at industrial levels, which will help the "arts industry" in the most basic way.

City of Hoboken – Area In Need of Rehabilitation Determination

As to the final recommendations for the Master Plan and development regulations, the 2010RX states:

Eliminate the Business [B] zones from Map 15 as follows: delete B-2 as it is the Hudson St./River St. Redevelopment Area; delete B-3 as it is comprised of the Observer Highway Redevelopment Area, the DPW Redevelopment Area and the Neumann site; delete all three B-4 zones, as these zones are built-out and already exist as mixed-use zones or are located in the Northwest Redevelopment Area.

Consider alternative zoning techniques including arts & industry overlay zoning or the use of "area in need of rehabilitation" designation. The emphasis should be on protecting spaces where artists can work affordably rather than on where they can live. Artist housing may need to be subsumed into affordable housing considerations because "work/live" scenarios require a higher level of code compliance and result in more expensive space. Analysis of this issue has already been done by the Hoboken Arts and Industry Council and it should be utilized and expanded.

The 2010 Reexamination Report, which included a revised Land Use Plan, was adopted in March of 2011.

ENGINEERING ANALYSIS AND REVIEW

The Study Area was evaluated by the Planning Board's consulting engineer. This evaluation is important as this designation and AIN study is based on an evaluation of the infrastructure and whether the evaluation results in a determination that satisfies the rehabilitation criteria. A separate report from Maser Engineer, the Board's consulting engineer will discuss the Study Area's infrastructure and whether this infrastructure is in need of repair or substantial maintenance.

EVALUATION FOR CONFORMANCE WITH AREA IN NEED OF REHABILITATION CRITERIA

Study Methodology

The analysis of the Study Area included review of tax records, physical inspection and review of information from the Planning Department, City Clerk, Building Department and Tax Assessor, as well as discussions with the consulting engineer, Andy Hipolit, PE, PP, CME of Maser Engineering.

Study Conclusions and Recommendation

The analysis finds that the Study Area is an area in need of rehabilitation based on the following findings presented in the report and as set forth in N.J.S.A. 40A:12A-14a & 14b.:

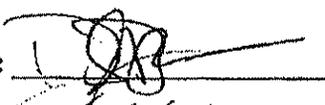
1. The majority of the water and sewer infrastructure in the delineated area far exceeds the minimum infrastructure age of 50 years old and is in need of repair or substantial maintenance, and
2. A program of rehabilitation may be expected to prevent further deterioration and promote the overall development of the community.
3. The City and thus the resulting study area, was previously determined to be an area in need of rehabilitation (P.L. 1977, c.12 (C.54:4-3.95 et seq.) and the City retains all of the rights associated with said designation including tax abatements as well as the ability to prepare a redevelopment plan.

In conclusion, the City has a long, successful history of renewal and revitalization beginning with the early urban renewal programs of the 1960's through today's redevelopment efforts. The designation of the Study Area will continue in this spirit of renewal while complimenting and supporting the redevelopment efforts currently underway in this area of the City.

APPENDIX

Exhibit 1

Council Resolution June 1, 2011

Introduced by: Seconded by: 

CITY OF HOBOKEN
RESOLUTION NO. 11-1027

**RESOLUTION OF THE CITY OF HOBOKEN, COUNTY OF HUDSON
REQUESTING PLANNING BOARD REVIEW OF A RESOLUTION
DESIGNATING CERTAIN PROPERTY IN THE CITY AS AN AREA IN
NEED OF REHABILITATION AND RESCINDING PRIOR
RESOLUTION RELATING TO SAME**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation; and

WHEREAS, in accordance with the Redevelopment Law, on April 20, 2011 the Municipal Council of the City of Hoboken (the “**City Council**”) adopted a resolution entitled “**RESOLUTION OF THE CITY OF HOBOKEN, COUNTY OF HUDSON REQUESTING PLANNING BOARD REVIEW OF A RESOLUTION DESIGNATING CERTAIN PROPERTY IN THE CITY AS AN AREA IN NEED OF REHABILITATION**” directing the Planning Board to review a resolution designating the property commonly known as Block 2, Lots 12-26 and Block 2.1, Lots 1, 4, 9 and 10 on the tax map of the City of Hoboken, in the County of Hudson (the “**Original Property**”) as an area in need of rehabilitation pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14* (the “**Original Resolution**”); and

WHEREAS, the Original Resolution erroneously omitted some parcels from the description of the Original Property; and

WHEREAS, the City has determined that for purposes of regional planning and community development the Original Property should be expanded and revised to consist of the following properties:

The property commonly known as Block 2, Lots 12 through and including 26, Block 2.1, Lots 1 through and including 10 on the tax map of the City of Hoboken, that portion of the public Right of Way of Observer Highway from and including the intersection with Jefferson Street to and including the intersection with Hudson Street, that portion of the public Right of Way of Willow Avenue from and including the intersection with Observer Highway to and including the intersection with Newark Street, and that portion of the public Right of Way of Newark Street from and including the intersection with Observer Highway to and including the intersection with Willow Avenue (collectively, the “**Property**”)

WHEREAS, the City Council believes that within the Property the water and sewer lines are at least 50 years old and are in need of substantial maintenance; and that a program of rehabilitation is expected to prevent further deterioration and to promote the overall development of the City in accordance with the requirements of Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*; and

WHEREAS, Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*, also provides that prior to the adoption of a resolution designating the Property as an area in need of rehabilitation, the City Council must first submit a copy of the proposed resolution designating the Property to the City Planning Board for its review and recommendations; and

WHEREAS, based on the foregoing, the City Council hereby rescinds the Original Resolution and intends to designate the Property by the adoption of the resolution substantially in the form attached hereto as Exhibit A; and

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Original Resolution is hereby rescinded and of no further force and effect.

Section 3. The City Council hereby directs that the City Clerk transmit a copy of this resolution, inclusive of Exhibit A, to the City Planning Board for review and providing its recommendation to the City Council within forty-five (45) days of receipt of this resolution, pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40A:12A-14(a)*.

Section 4. The City Council hereby directs the Planning Board to conduct a public hearing regarding the proposed resolution, providing a notice of the public hearing by publication in a newspaper of general circulation in the municipality at least ten (10) days prior to the date set for the hearing. A copy of the notice shall be mailed at least ten (10) days prior to the date set for the hearing to the last owner, if any, of each parcel of property within 200 feet of the Property according to the assessment records of the municipality.

Section 5. A copy of this resolution shall be available for public inspection at the offices of the City.

Section 6. This resolution shall take effect immediately.

Meeting Date: June 1, 2011

Department of Administration

Approved as to form:



Arch Liston, Business Administrator



Mark A. Tabakin, Corporation Counsel

EXHIBIT A

Introduced by: _____

Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____****RESOLUTION OF THE CITY OF HOBOKEN, COUNTY OF HUDSON
DESIGNATING CERTAIN PROPERTY IN THE CITY AS AN AREA IN
NEED OF REHABILITATION**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "Redevelopment Law") authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation; and

WHEREAS, in accordance with the Redevelopment Law the Municipal Council of the City of Hoboken (the "City Council") believes that the property commonly known as Block 2, Lots 12-26 and Block 2.1, Lots 1, 4, 9 and 10 on the tax map of the City of Hoboken, in the County of Hudson (the "Property") should be designated as an area in need of rehabilitation pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14* (the "Rehabilitation Area"); and

WHEREAS, Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*, provides that prior to the adoption of a resolution designating the Rehabilitation Area as an area in need of rehabilitation, the City Council must first submit a copy of the proposed resolution designating the Rehabilitation Area as an area in need of rehabilitation to the City Planning Board for review; and

WHEREAS, on April 20, 2011, the City Council, acting by resolution, referred a copy of this resolution to the City Planning Board for review and comment pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40A:12A-14(a)*; and

WHEREAS, the City Planning Board received a report from the City Engineer and the City Planner that within the Property more than half of the housing stock is at least 50 years old and the water and sewer lines are at least 50 years old or are in need of substantial maintenance; and that a program of rehabilitation is expected to prevent further deterioration and to promote the overall development of the City (the "Report"); and

WHEREAS, based on the Report, the Planning Board found that the Rehabilitation Area satisfied the statutory criteria to be designated as an area in need of rehabilitation under Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*; and

WHEREAS, the Planning Board reviewed this resolution and recommends its adoption and the designation of the Rehabilitation Area as an area in need of rehabilitation in accordance with Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*.

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The City Council hereby designates the Rehabilitation Area as an area in need of rehabilitation pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*.

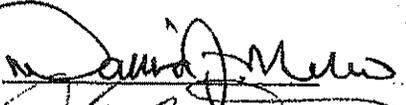
Section 3. The City Council hereby directs that the City Clerk transmit a copy of this resolution to the Commissioner of the Department of Community of Affairs for review in accordance with the Redevelopment Law.

Section 4. A copy of this resolution shall be available for public inspection at the offices of the City.

Section 5. This resolution shall take effect immediately.

Exhibit 2

Council Resolution July 20, 2011

Introduced by: 

Seconded by: 

**CITY OF HOBOKEN
RESOLUTION NO. 11-45**

**RESOLUTION OF THE CITY OF HOBOKEN, COUNTY OF HUDSON
REQUESTING PLANNING BOARD REVIEW OF A RESOLUTION
DESIGNATING CERTAIN PROPERTY IN THE CITY AS AN AREA IN
NEED OF REHABILITATION AND RESCINDING PRIOR
RESOLUTION RELATING TO SAME**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "Redevelopment Law") authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation or redevelopment; and

WHEREAS, in accordance with the Redevelopment Law, on April 20, 2011 the Municipal Council of the City of Hoboken (the "City Council") adopted a resolution entitled "RESOLUTION OF THE CITY OF HOBOKEN, COUNTY OF HUDSON REQUESTING PLANNING BOARD REVIEW OF A RESOLUTION DESIGNATING CERTAIN PROPERTY IN THE CITY AS AN AREA IN NEED OF REHABILITATION" directing the Planning Board to review a resolution designating the property commonly known as Block 2, Lots 12-26 and Block 2.1, Lots 1, 4, 9 and 10 on the tax map of the City of Hoboken, in the County of Hudson (the "Original Property") as an area in need of rehabilitation pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14* (the "Original Resolution"); and

WHEREAS, in accordance with the Redevelopment Law, on June 1, 2011 the City Council adopted a resolution entitled "RESOLUTION OF THE CITY OF HOBOKEN, COUNTY OF HUDSON REQUESTING PLANNING BOARD REVIEW OF A RESOLUTION DESIGNATING CERTAIN PROPERTY IN THE CITY AS AN AREA IN NEED OF REHABILITATION AND RESCINDING PRIOR RESOLUTION RELATING TO SAME" (the "Resolution") expanding and revising the Original Property to consist of the following properties:

The property commonly known as Block 2, Lots 12 through and including 26, Block 2.1, Lots 1 through and including 10 on the tax map of the City of Hoboken, that portion of the public Right of Way of Observer Highway from and including the intersection with Jefferson Street to and including the intersection with Hudson Street, that portion of the public Right of Way of Willow Avenue from and including the intersection with Observer Highway to and including the intersection with Newark Street, and that portion of the public Right of Way of Newark Street from and including the intersection with Observer Highway to and including the intersection with Willow Avenue (collectively, the "Property")

WHEREAS, Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*, requires that the Planning Board review the resolution designating the Property as an area in need of rehabilitation and make recommendations to the City Council within forty-five (45) days of receipt of the resolution; and

WHEREAS, on June 28, 2011, F. Clifford Gibbons, Esq., Planning Board Attorney, submitted a memorandum to the City Council on behalf of the Planning Board, a copy of which is attached hereto and made a part hereof, requesting a sixty (60) day extension of the Planning Board's review of the Resolution, noting that such time was necessary to (i) permit the Planning Board to complete its investigation of the Property and public records, (ii) allow the Planning Board sufficient time to coordinate a public hearing of the matter with the members and professionals in light of summer scheduling conflicts, and (iii) address the fact that the original forty-five (45) day review period would end on Saturday, July 23, 2011; and

WHEREAS, based on the foregoing, the City Council hereby determines to extend the period of time within which the Planning Board shall review the Resolution and make recommendations to the City Council relating thereto.

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. At the request of the Planning Board, the City Council hereby extends the Planning Board's period of review of the Resolution for an additional sixty (60) days and requests that the Planning Board provide its recommendations to the City Council upon the completion of the review period, as revised.

Section 3. A copy of this resolution shall be available for public inspection at the offices of the City.

Section 4. This resolution shall take effect immediately.

Meeting Date: 7/20, 2011

Department of Administration

Approved as to form:


Arch Liston, Business Administrator

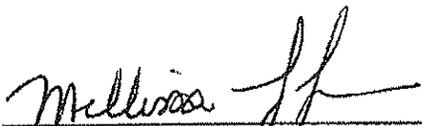

Mark A. Tabakin, Corporation Counsel
Melissa Long, First Asst.

Exhibit 3

List of Qualified Municipalities

QUALIFIED MUNICIPALITIES — P.L. 1975, C.104

(as of August, 1988)

ATLANTIC COUNTY

Atlantic City, Buena, Pleasantville, Weymouth

BERGEN COUNTY

Bogota, Carlstadt, East Rutherford, Edgewater, Englewood, Fairview, Leonia, Palisades Park, Ridgefield Park, Rutherford, Wallington

BURLINGTON COUNTY

Beverly, Burlington City, Delran, Edgewater Park, Florence, Lumbarton, Moorestown, New Hanover, Riverside, Willingboro

CAMDEN COUNTY

Audubon, Barrington, Berlin Borough, Berlin Township, Brooklawn, Camden, Cherry Hill, Chesilhurst, Clementon, Collingswood, Gibbsboro, Gloucester City, Gloucester Township, Haddon Heights, Hi-Nella, Laurel Springs, Lawnside, Lindenwold, Merchantville, Mount Ephraim, Oaklyn, Pennsauken, Somerdale, Voorhees, Waterford, Winslow, Woodlynne

CAPE MAY COUNTY

Cape May, Middletown, Wildwood

CUMBERLAND COUNTY

Bridgeton, Commercial, Vineland

ESSEX COUNTY

East Orange, Irvington, Montclair, Newark, Orange, West Orange

GLOUCESTER COUNTY

Glassboro, Mantua, National Park, Pitman, Swedesboro, West Deptford, Woodbury

HUDSON COUNTY

Guttenberg, Hoboken, Jersey City, Secaucus, Union City, Weehawken, West New York

HUNTERDON COUNTY

Glen Gardner, Hampton, Kingwood

MERCER COUNTY

East Windsor, Ewing, Hightstown, Trenton

MIDDLESEX COUNTY

Carteret, East Brunswick, Edison, Highland Park, Middlesex, Metuchen, New Brunswick, Perth Amboy, Sayreville

QUALIFIED MUNICIPALITIES - BILL 1975 - COUNTY - ESTABLISHED

MONMOUTH COUNTY

Allentown, Asbury Park, Atlantic Highlands, Freehold Borough, Highlands, Howell, Kea-
burg, Keyport, Long Branch, Matawan, Middletown, Monmouth Beach, Red Bank

MORRIS COUNTY

Butler, Dover

OCEAN COUNTY

None

PASSAIC COUNTY

Bloomingtondale, Passaic, Paterson, Pompton Lakes, Prospect Park

SALEM COUNTY

Penns Grove

SOMERSET COUNTY

Franklin, Raritan, Somerville, South Bound Brook

SUSSEX COUNTY

Sussex

UNION COUNTY

Cranford, Plainfield

WARREN COUNTY

Oxford, Phillipsburg

Exhibit 4

City of Hoboken Resolutions

AN ORDINANCE TO PROVIDE FOR
PROPERTY TAX EXEMPTIONS AND
ABATEMENTS ON COMMERCIAL AND
INDUSTRIAL STRUCTURES WITHIN
THE CITY OF HOBOKEN, N.J.

AUG 15 1979

Introduced passed first reading
as read and laid on the table
for public inspection to be
further considered for final
passage by the City Council
at its meeting of Sept. 5, 1979.

Anthony J. Amoroso
City Clerk.

SEP 5 1979

Public hearing held passed
second, third and final
reading.

Anthony J. Amoroso
City Clerk

AN ORDINANCE TO PROVIDE FOR
PROPERTY TAX EXEMPTIONS AND
ABATEMENTS ON COMMERCIAL AND
INDUSTRIAL STRUCTURES WITHIN
THE CITY OF HOBOKEN, NEW JERSEY

WHEREAS, P.L. 1977, c.12, supplementing Chapter 4 of Title 54 of the revised statutes (C 54:4-3.95 et seq.), enables "qualified municipalities" to exempt from local property taxes certain industrial and commercial improvements and projects; and

WHEREAS, the City of Hoboken in its entirety has been determined by the Department of Community Affairs to be an area in need of rehabilitation in that it is endangered by blight and in need of rehabilitation as measured by physical deterioration of building maintenance, the age of building stock and other structures, and arrearage in real property taxes due on buildings, structures or lands; and

WHEREAS, the Mayor and Council of the City of Hoboken has determined that the greater interest of the City of Hoboken is served by encouraging the renovation and rehabilitation of existing commercial, industrial and residential structures; now, therefore --

BE IT ORDAINED, by the Mayor and Council of the City of Hoboken that the Mayor and Council of the City of Hoboken may enter into agreements with developers for tax abatement on commercial, industrial or residential improvements or projects, pursuant to the provisions of P.L. 1977, c. 12, providing for the exemption from real property taxation of improvements or projects for a period of five years; and

BE IT FURTHER ORDAINED, that the following procedures shall govern agreements for tax abatement entered into by the Mayor and Council and developers;

A. Improvements

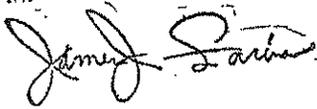
1. All improvements, as defined in C. 54:4-3.96, shall be exempt from local real property taxes, if approved by the Tax Assessor after proper application has been made. Application shall be upon the form approved by the Director of the Division of Local Government Services, Department of Community Affairs.

12939³³⁰

AN ORDINANCE TO AMEND AND SUPPLEMENT
AN ORDINANCE ENTITLED, "AN ORDINANCE TO
PROVIDE FOR PROPERTY TAX EXEMPTIONS &
ABATEMENTS ON COMMERCIAL AND INDUSTRIAL
STRUCTURES WITHIN THE CITY OF HOBOKEN,
NEW JERSEY", adopted Sept. 5, 1979.

DEC 19 1984

Introduced, passed first reading as
read and laid on the table for public
inspection to be further considered for
final passage at a meeting of the Coun-
cil to be held on January 2, 1985
at 7 P.M.



City Clerk

JAN 2 1985

Hearing held, passed second, third
and final reading as read.



City Clerk

2. Applicants shall be encouraged to apply for tax exemption on improvements prior to the commencement of construction of the improvement, provided that the applicant must file a proper application with the Tax Assessor within sixty (60) days of the completion of the improvement, in order to be eligible for tax exemption thereon.

3. Every properly completed application for exemption of one or more improvements which is filed within sixty (60) days of the completion of the improvement shall be approved and allowed by the Assessor not later than within sixty (60) days of its filing.

B. Projects

1. Applicants for tax abatement on projects shall provide the Mayor and Council with an application setting forth:

A. A general description of the project for which abatement is sought;

B. A legal description of all real estate necessary for the project;

C. Plans, drawings and other documents as may be required by the Mayor and Council to demonstrate the structure and design of the project;

D. A description of the number, classes and types of employees to be employed at the project site within two (2) years of completion of the project;

E. A statement of the reasons for seeking tax abatement on the project, and a description of the benefits to be realized by the applicant if tax abatement is granted;

F. Estimates of the cost of completing such project;

G. A statement showing (1) the real property taxes currently being assessed at the project site; (2) estimated tax payments that would be made annually by the applicant on the project during the period of tax abatement; (3) estimated tax payments that would be made by the applicant on the project during the first full year following the termination of the tax abatement agreement;

H. A description of any lease agreements between the applicant and proposed users of the project, and a history and description of the user's business; and

I. Such other pertinent information as the Mayor and Council may require.

2. Upon approval of an ordinance authorizing an agreement for tax abatement for a particular project, the Mayor and Council of the City of Hoboken shall enter into a written agreement with the applicant for the abatement of local real property taxes. The agreement shall provide for the applicant to pay to the City of Hoboken in lieu of full property tax payments an amount annually to be computed by using either, but not a combination of, the formulae set out in C. 54:4-3.102. Such agreements may also provide for tax phase-in pursuant to subsection c. of C. 54:4-3.102. All tax abatement agreements hereunder shall be in effect for a period of not more than five (5) years starting with the date of completion of the project.

All ordinances or parts of ordinances heretofore enacted which are inconsistent with any provision of this ordinance are hereby repealed but only to the extent of such inconsistency.

This ordinance shall take effect as provided by law.

PASSED: SEP 5 1979

1979

Julia Shumer
City Council President

APPROVED: SEPTEMBER 6, 1979.

[Signature]
Mayor

Anthony J. Amoruso
City Clerk

Wilson

*APPROVED FOR THE
CITY OF HOBOKEN
Sponsored by E. Norman Wilson
Seconded by Mr. Vincent*

AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED "AN ORDINANCE TO PROVIDE FOR PROPERTY TAX EXEMPTIONS AND ABATEMENTS ON COMMERCIAL AND INDUSTRIAL STRUCTURES WITHIN THE CITY OF HOBOKEN, NEW JERSEY" adopted September 5, 1979.

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

Section 1. The following sections are hereby amended to read as follows:

A. IMPROVEMENTS.

1. All improvements, as defined in C.54:4-3.96 shall be exempt from local real property taxes only upon review, evaluation and approval by resolution of the Governing Body on each individual application. Application shall be upon the form approved by the Director of the Division of Local Government Services, Department of Community Affairs.

2. Applicants shall apply for tax exemption on improvements prior to the commencement of construction of the improvement, provided that the applicant must file a proper application with the Tax Assessor within sixty (60) days of the completion of the improvement, in order to be eligible for tax exemption thereon.

3. Every properly completed application for exemption of one or more improvements which is filed within sixty (60) days of the completion of the improvement shall be reviewed and decided by the Governing Body not later than within sixty (60) days of its filing.

Section 2. All ordinances or parts of ordinances heretofore enacted which are inconsistent with any provision of this

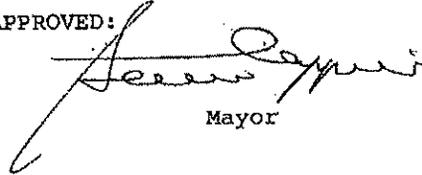
ordinance are hereby repealed but only to the extent of such inconsistency.

Section 3. This ordinance shall take effect as provided by law.

PASSED:

President of the Council

APPROVED:

A handwritten signature in cursive script, appearing to read "James J. ...", is written over the printed name "Mayor".

Mayor

City Clerk

Exhibit 5

**2004 Master Plan Properties Potentially
Eligible for Register**

2004 Master Plan

**Properties Outside of Identified Districts Which Have
Been Cited by Consultants as Potentially NR Eligible**

| Name and/or Historic Name | Address | Reference |
|--|-----------------------------------|--|
| Former Schmaltz Bakery | 351 Eighth Street | 1999 Mercury Site Report Cultural Resources Survey |
| Former Maxwell House factory complex | Hudson Street at Sinatra Drive | NJT HRWAA/DEIS* |
| Former Ferguson Bros./Levelor Lorentzen Manufacturing Co. (Now "Monroe Center") | 720-732 Monroe Street | NJT HRWAA/DEIS; 1998 Hudson-Bergen Light Rail Study |
| Former Alco-Gravure Company | 900 Monroe Street | 1998 Hudson-Bergen Light Rail Study |
| Former Cudahy Meat Packing Complex | 497-499 and 507-515 Newark Street | NJT HRWAA/DEIS |
| Newark Street garage (now Eden Baskets) | 601-605 Newark Street | NJT HRWAA/DEIS |
| Former Windsor Wax Company | 613-617 Newark Street | NJT HRWAA/DEIS |
| Former R. Neumann & Co. Tannery | 300-326 Observer Highway | NJT HRWAA/DEIS |
| Former Standard Brands/Lipton Tea factory (now Hudson Tea Building) | 1500 Washington Street | NJT HRWAA/DEIS |

* 1991 NJ Transit Hudson River Waterfront Alternatives Analysis/Draft EIS

Exhibit 6

City Council Minutes Proposed B-3 Rezoning

05-1819 DR-187

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 196
OF THE CODE OF THE CITY OF HOBOKEN (ZONING) BY
ESTABLISHING A NEW ZONING DISTRICT: "B-3"
BUSINESS DISTRICT". (DR-187)

Introduced, passed first reading as read and
laid on the table for further consideration
of the Council at its next meeting to be held
on April 6, 2005 at 7 PM

City Clerk
3/2/05

FAILED
4/6/05

05-1820 DR-188

AN ORDINANCE TO AMEND THE CITY OF HOBOKEN
ZONING MAP TO REFLECT THE ESTABLISHMENT OF
A NEW ZONING DISTRICT: "B-3: BUSINESS
DISTRICT." (DR-188)

Introduced, passed first reading as read
and laid on the table for further consideration
of the Council at its next meeting to be
held on April 6, 2005 at 7 PM

City Clerk
3/2/05

FAILED
4/6/05

MEETING OF APRIL 6, 2005

MINUTES OF A MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY, HELD IN THE AUDITORIUM OF THE WALLACE SCHOOL, 1100 WILLOW AVENUE, HOBOKEN, NEW JERSEY, WEDNESDAY, APRIL 6, 2005 AT 7:00 PM

President Del Boccio opened the meeting at 7:08 p.m. and stated, "I would like to advise all 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 furnished to The Jersey Journal and The Hoboken Reporter, The Bergen Record, The Newark Star - Ledger and also posted on the bulletin board in the lobby of City Hall."

The Council President then called for the Salute to the Flag.

The Clerk then called the roll:

PRESENT: Council persons Campos, Castellano, Cricco, Giacchi, Marsh, Ramos, Russo, Soares and President Del Boccio.

ABSENT: None.

PUBLIC HEARING and FINAL VOTE ON ORDINANCES

Second Reading / Public Hearing and Final Vote

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 196 OF THE CODE OF THE CITY OF HOBOKEN (ZONING) BY ESTABLISHING A NEW ZONING DISTRICT: "B-3: BUSINESS DISTRICT". (DR-187)

President Del Boccio directed the City Clerk to announce that the Council would consider for final passage the aforesaid ordinance and all persons interested at this time would be given the opportunity to be heard concerning said ordinance which was read in full.

The Public Hearing was opened for ordinances DR-187 and DR-188 simultaneously. The following members of the public spoke regarding the ordinances: David Roberts, 415 Newark Street; Michelle Patel-Roberts, 415 Newark Street; Carlos Figueiredo, 415 Newark Street; Tom Newman, 225 Garden Street; Helen Hirsch, 98 Park Avenue; Lane Bajardi, 70 Park Avenue; Ron Hine, 258 Newark Street; Kimberly Cardinal, 70 Park Avenue; Leah Healey, 206 Park Avenue. No other person present desiring to be heard and no written protests or objections received, President Del Boccio asked for a motion to close the hearing.

Councilman Giacchi moved that the hearing be closed. Motion duly seconded by Councilman Ramos.

RECEIVED
2011 AUG -2 AM 10:34
CITY CLERK
RESERVED

Exhibit 6

Adopted by the following vote: YEAS: 9 - NAYS: 0

Yeas: Council persons Campos, Castellano, Cricco, Giacchi, Marsh, Ramos, Russo, Soares
and President Del Boccio.

Nays: None.

Council President Del Boccio then instructed the City Clerk to call the Final Vote for the
above Ordinance.

FAILED by the following vote: YEAS: 0 - NAYS: 9

Yeas: None.

Nays: Council persons Campos, Castellano, Cricco, Giacchi, Marsh, Ramos, Russo, Soares
and President Del Boccio.

AN ORDINANCE TO AMEND THE CITY OF HOBOKEN ZONING MAP TO REFLECT THE
ESTABLISHMENT OF A NEW ZONING DISTRICT: "B-3: BUSINESS DISTRICT". (DR-188)

President Del Boccio directed the City Clerk to announce that the Council would consider for
final passage the aforesaid ordinance and all persons interested at this time would be given
opportunity to be heard concerning said ordinance which was read in full.

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

Councilman Campos moved that the hearing be closed.

Motion duly seconded by Councilman Ramos.

Adopted by the following vote: YEAS: 9 - NAYS: 0

Yeas: Council persons Campos, Castellano, Cricco, Giacchi, Marsh, Ramos, Russo, Soares
and President Del Boccio.

Nays: None.

Council President Del Boccio then instructed the City Clerk to call the Final Vote for the
above Ordinance.

FAILED by the following vote: YEAS: 0 - NAYS: 9

Yeas: None.

Nays: Council persons Campos, Castellano, Cricco, Giacchi, Marsh, Ramos, Russo, Soares
and President Del Boccio.

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 OF THE CODE OF
THE CITY OF HOBOKEN ENTITLED PARKING FOR HANDICAPPED (Deletion: 815
Park Avenue. (DR-189)

The public hearing and final vote for the above ordinance will be at the APRIL 20, 2005 City
Council meeting in order to allow sufficient time for legal advertising in *The Jersey Journal*.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF HOBOKEN GRANTING AN
EASEMENT FOR CERTAIN ENCROACHMENTS WITHIN THE PUBLIC RIGHT OF WAY AT
THE SITE OF REAL PROPERTY LOCATED AT 202 FIFTH STREET, HOBOKEN, NEW JERSEY,
MORE PARTICULARLY KNOWN AS LOT 37, BLOCK 180, ON THE TAX MAP OF THE CITY
OF HOBOKEN, COUNTY OF HUDSON, STATE OF NEW JERSEY. (DR-190)

Exhibit 7

Property Assessments (3)

PROPERTY ASSESSMENTS

Block 2 Lots 12 & 13–26 & Block 2.1 Lots 1-4 & 9 & 10

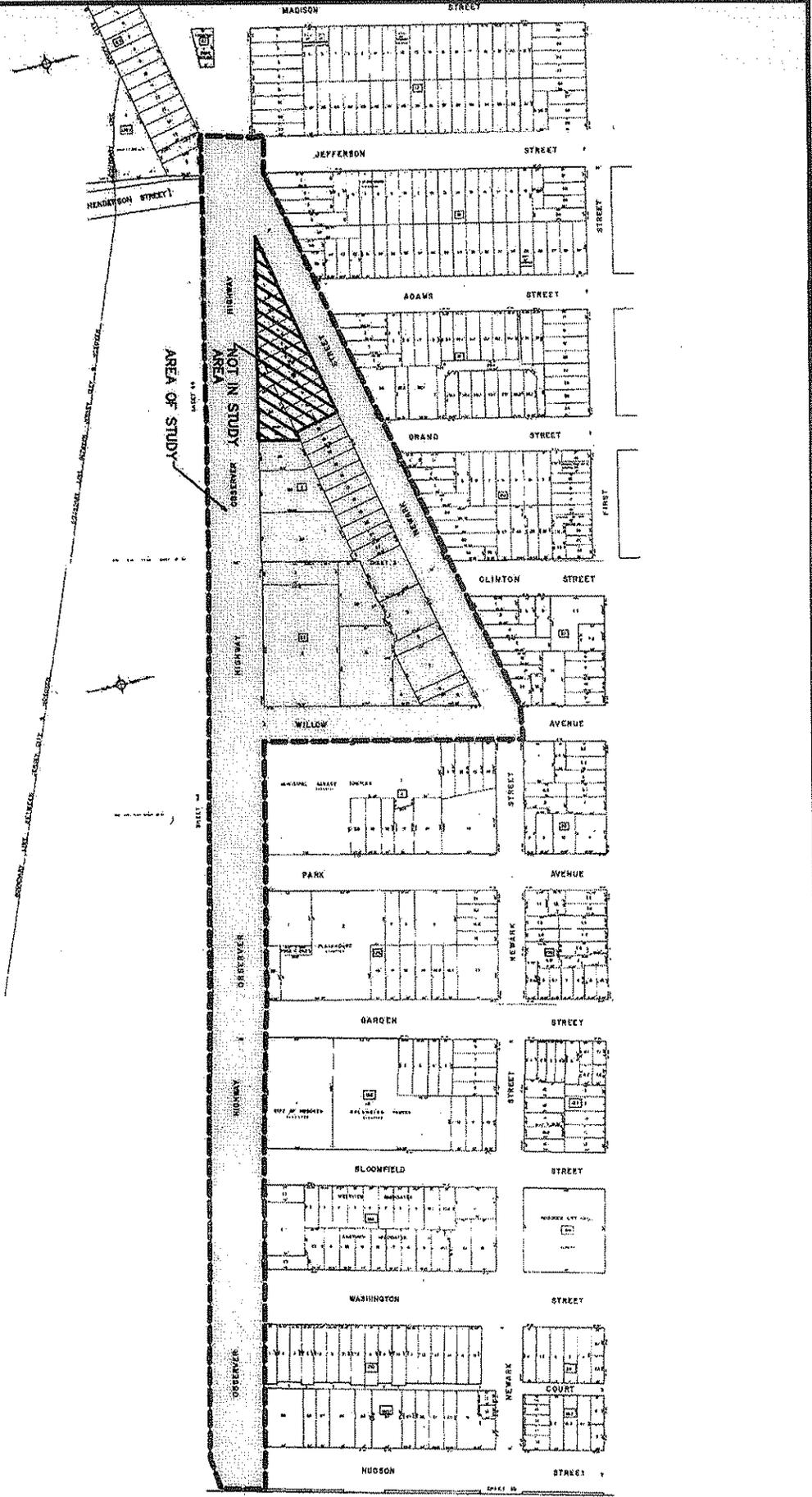
| | | | |
|----------------------------------|---|------------------------------|-----------------------------------|
| Block/Lot/Qual: | 2, 12. | Tax Account Id: | 83 |
| Property Location: | 300 OBSERVER HIGHWAY | Property Class: | 4B - Industrial |
| Owner Name/Address: | R. NEUMANN & CO 300 OBSERVER HWY HOBOKEN, N J 07030 | Land Value: | 2,977,100 |
| | | Improvement Value: | 892,900 |
| | | Exempt Value: | 0 |
| | | Total Assessed Value: | 3,870,000 |
| | | Additional Lots: | L13-26; B2.1 L1- 4 & 9 & 10 |
| Special Taxing Districts: | | Deductions: | |

Block 2.1 Lots 5 & 6

| | | | |
|----------------------------------|------------------------|------------------------------|-----------------|
| Block/Lot/Qual: | 2.1 5. | Tax Account Id: | 84 |
| Property Location: | 80-86 WILLOW AVE | Property Class: | 4A - Commercial |
| Owner Name/Address: | 301 NEWARK STREET, LLC | Land Value: | 330,000 |
| | 301 NEWARK STREET | Improvement Value: | 358,000 |
| | HOBOKEN, NJ 07030 | Exempt Value: | 0 |
| | | Total Assessed Value: | 688,000 |
| | | Additional Lots: | L6 |
| Special Taxing Districts: | | Deductions: | |

Block 2.1 Lots 7 & 8

| | | | |
|----------------------------------|----------------------------|------------------------------|-----------------|
| Block/Lot/Qual: | 2.1 7. | Tax Account Id: | 85 |
| Property Location: | 307-313 NEWARK ST | Property Class: | 4A - Commercial |
| Owner Name/Address: | HOBOKEN PARKING SPE 1, LLC | Land Value: | 299,000 |
| | 551 VALLEY ROAD | Improvement Value: | 1,000 |
| | UPPER MONTCLAIR, NJ 07002 | Exempt Value: | 0 |
| | | Total Assessed Value: | 300,000 |
| | | Additional Lots: | L8 |
| Special Taxing Districts: | | Deductions: | |



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 State of N.J. Certificate of Authorization: 245A27988550

MT. ARLINGTON OFFICE

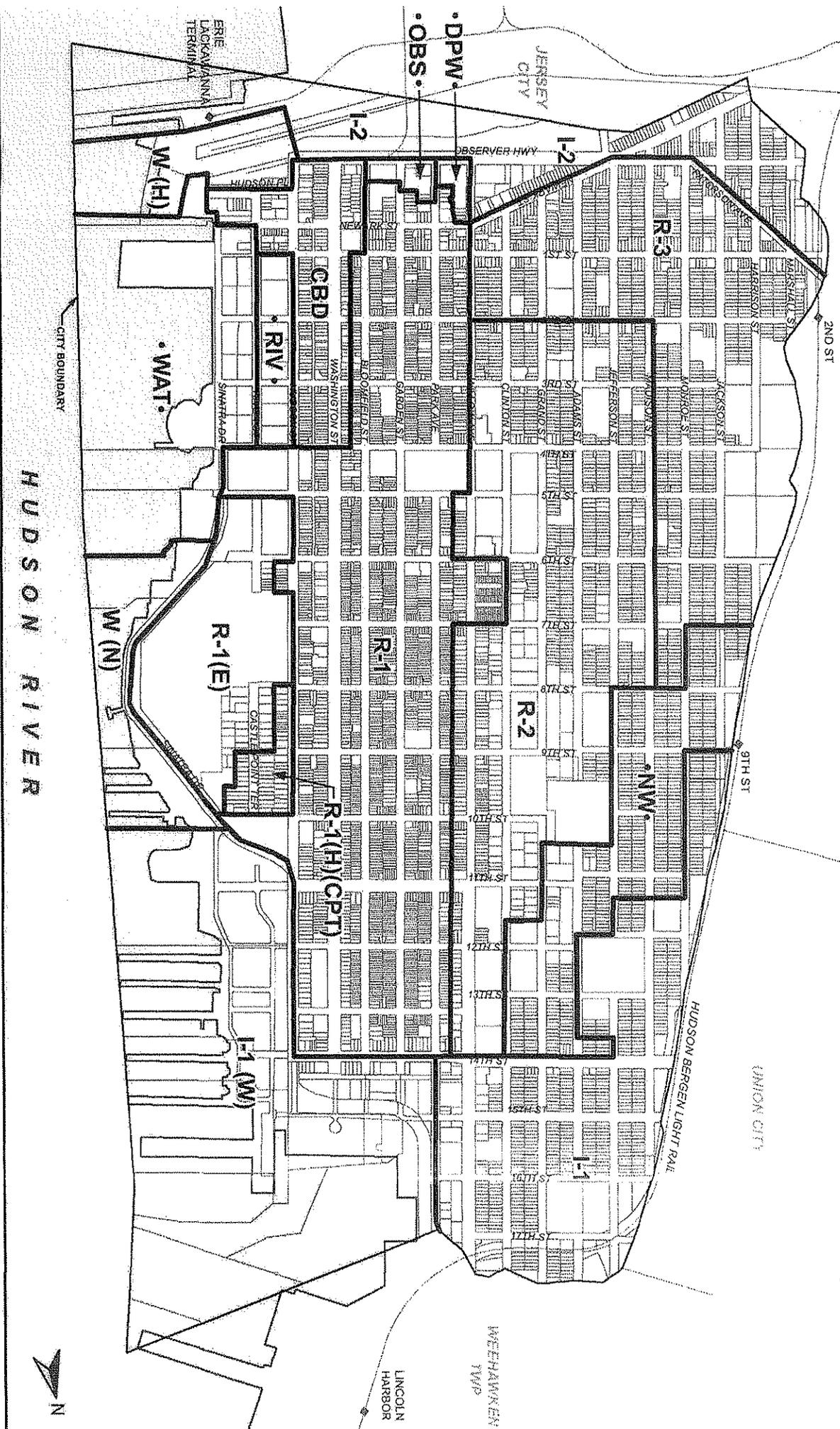
200 Valley Road
 Suite 400
 Mt. Arlington, N.J. 07628
 Phone (973) 388-3116
 Fax (973) 388-3189
 e-mail: mtarlington@masterconsulting.com

PROJECT LOCATION MAP

OVERALL AREA
 FOR
 CITY OF HOBOKEN
 HUDSON COUNTY, NEW JERSEY

| | |
|----------------|----------|
| DATE | 08/05/11 |
| BY | T.M.O. |
| NOT TO SCALE | |
| PROJECT NUMBER | MT003751 |
| DATE | 08/05/11 |
| BY | T.M.O. |

City of Hoboken Reexamination Report 2010 Land Use Plan Map

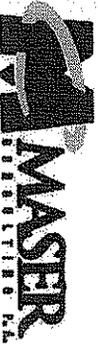
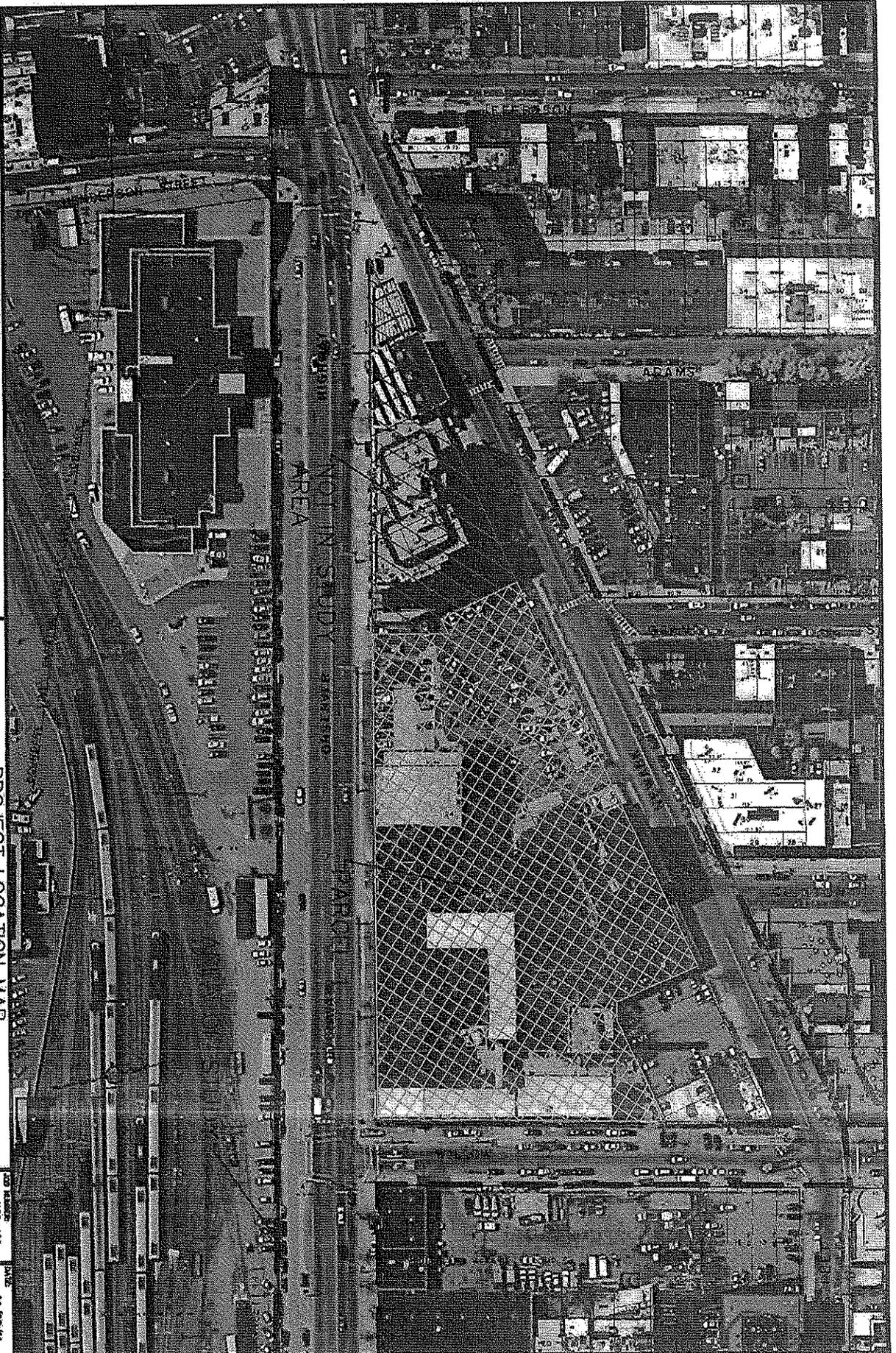


Legend

- City Boundary Line
- Zone District Boundary Line
- R-1 Zone District Designation
- DPW Redevelopment Plan Designation



Prepared by EFB Associates, LLC / New Palz, NY - January 2011

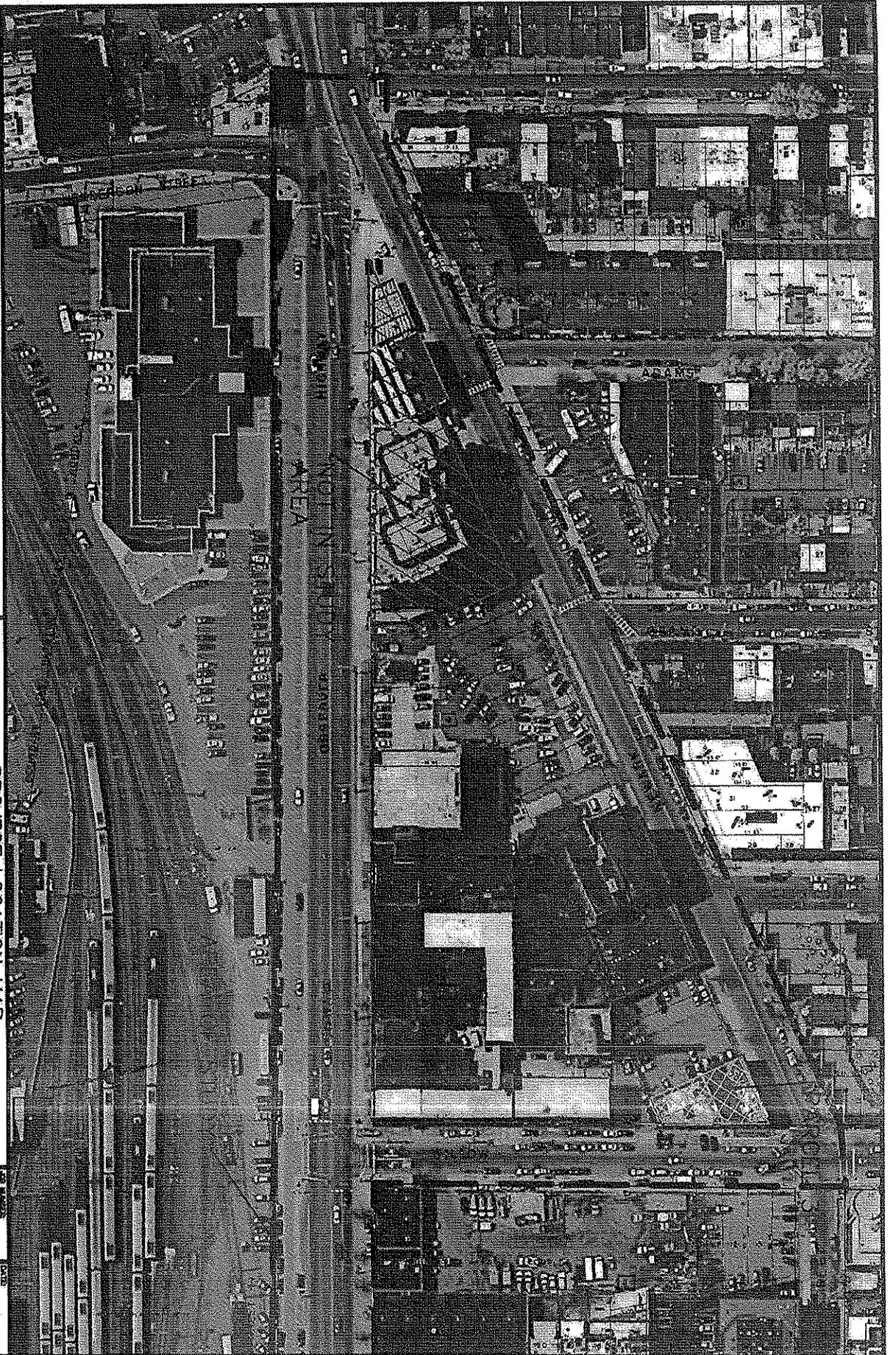


MASER
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 State of N.J. Certificate of Authorization: 246927/986350

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 Mt. Arlington, N.J. 07828
 Phone: (973) 398-3110
 Fax: (973) 398-3189
 email: solutions@maserconsulting.com

PROJECT LOCATION MAP
 BLOCK 2 LOTS 12-26
 BLOCK 2.1 LOTS 1-4 & 9-10
 FOR
 CITY OF HOBOKEN
 HUDSON COUNTY, NEW JERSEY

| | | | |
|---------------|--------------|------------------|----------|
| JOB NUMBER: | HOB-109 | DATE: | 09/08/11 |
| SCALE: | NOT TO SCALE | LATEST REVISION: | |
| BOOK NUMBER: | MTD003745 | DESIGNER: | T.M.O. |
| SHEET NUMBER: | 2 | OF | 4 |



MASTER
CONSULTING

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 State of N.J. Certificate of Authorization: 24627985300

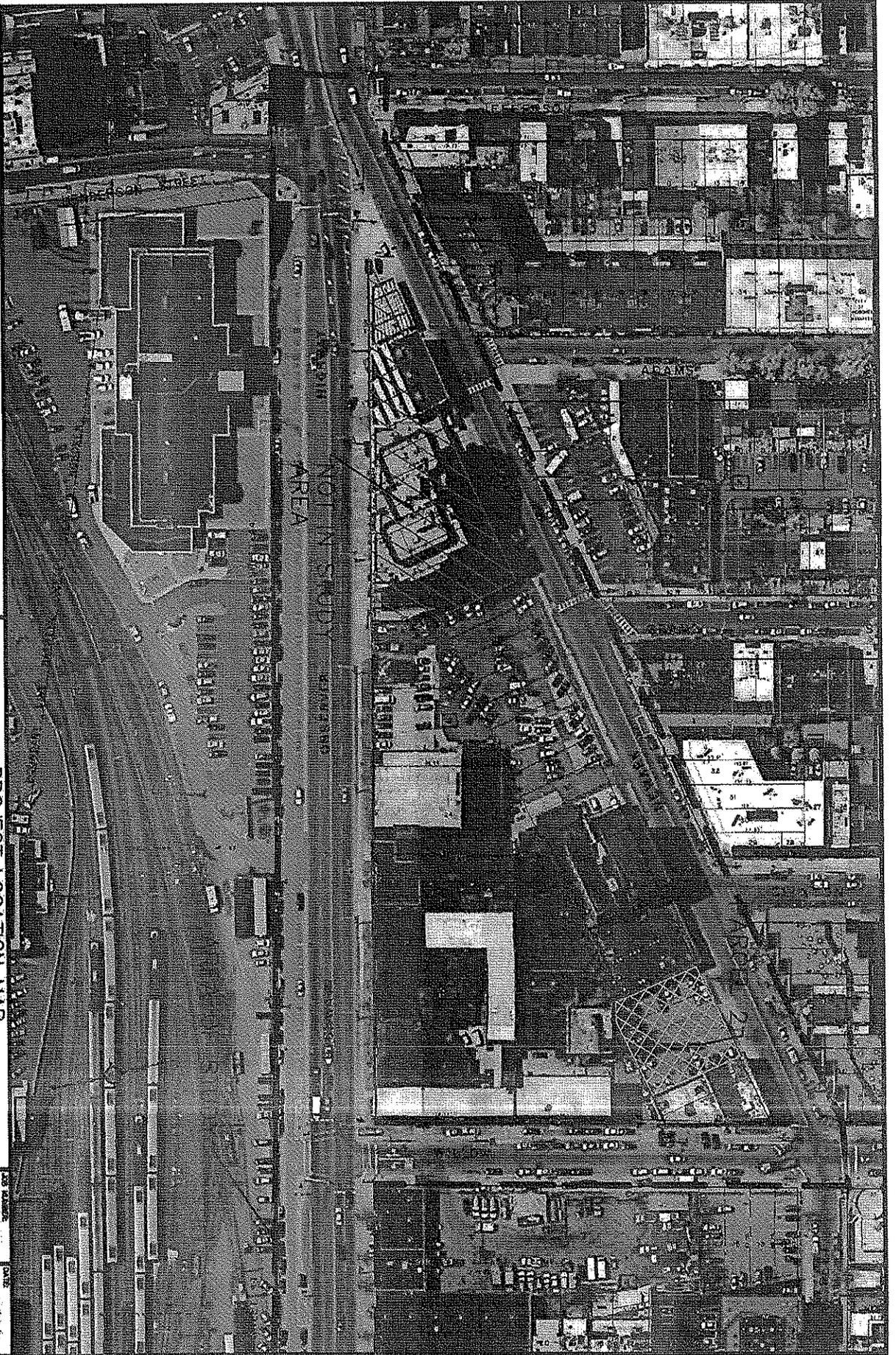
MT. ARINGTON OFFICE
 200 Valley Road
 Suite 400
 Mt. Arlington, N.J. 07033

Phone (973) 398-3110
 Fax (973) 398-3189
 email: solutions @ masterconsulting.com

PROJECT LOCATION MAP
BLOCK 2.1 LOTS 7 & 8

FOR
 CITY OF HOBOKEN
 HUDSON COUNTY, NEW JERSEY

| | |
|----------------|----------|
| JOB NUMBER | DATE |
| HOP-108 | 09/09/11 |
| SCALE | DRAWN BY |
| NOT TO SCALE | T.A.O. |
| PROJECT NUMBER | |
| 4 | |



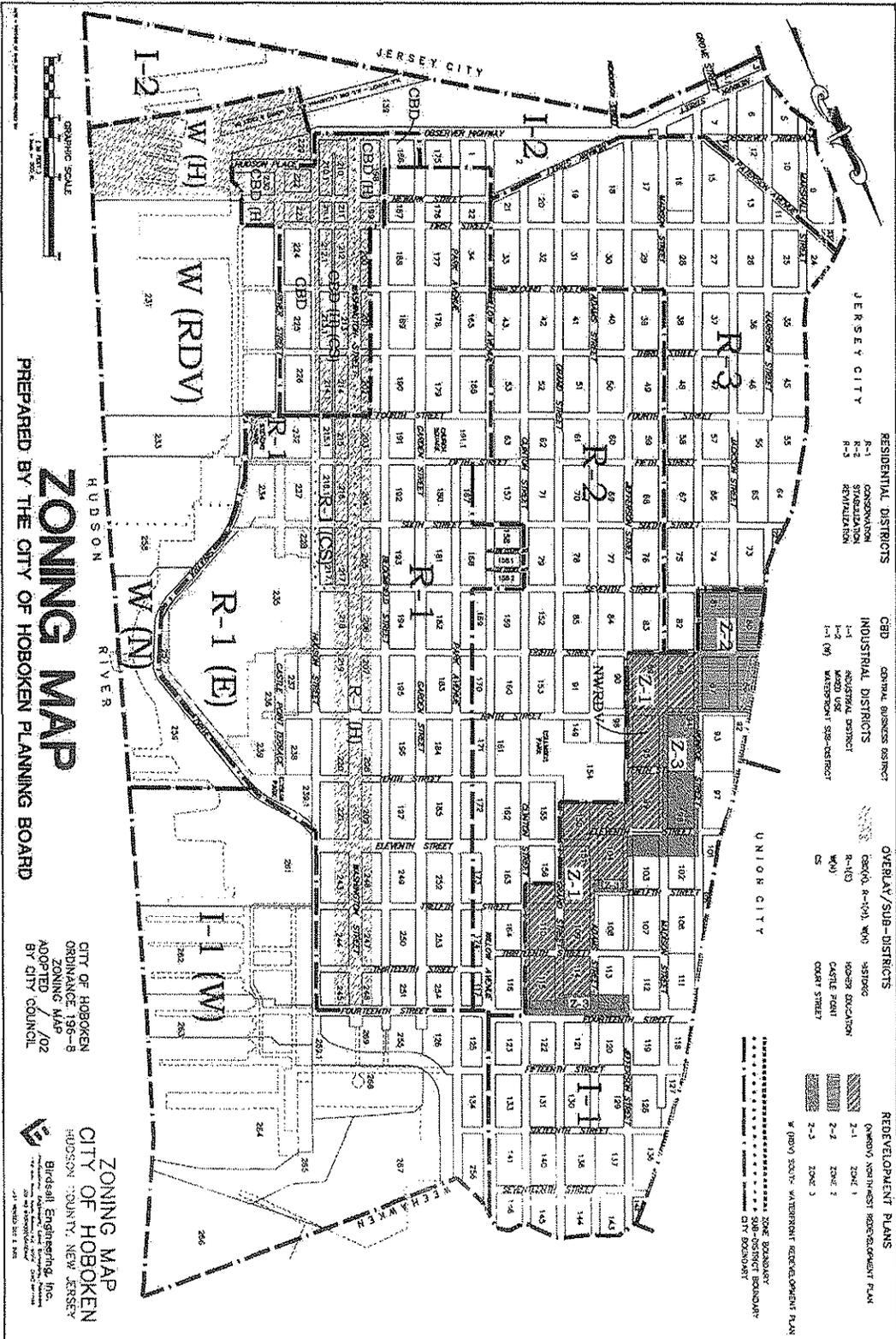
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 State of N.J. Certificate of Authorization: Z46A27986330

MT. ARLINGTON OFFICE
 200 Valley Road
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 Mt. Arlington, N.J. 07028
 Phone (973) 399-3110
 Fax (973) 399-3189
 email: customers@masterconsulting.com

PROJECT LOCATION MAP
 BLOCK 2.1 LOTS 5 & 6

FOR
 CITY OF HOBOKEN
 HUDSON COUNTY, NEW JERSEY

| | |
|----------------|-----------|
| JOB NUMBER | DATE |
| HOP-109 | 09/09/11 |
| NOT TO SCALE | DRAWN BY |
| PROJECT NUMBER | REVISIONS |
| RT003745 | T.A.O. |
| SHEET NUMBER | |
| 3 | OF 4 |



PREPARED BY THE CITY OF HOBOKEN PLANNING BOARD

ZONING MAP

CITY OF HOBOKEN
ORDINANCE 196-8
ZONING MAP
ADOPTED
BY CITY COUNCIL /02

ZONING MAP
CITY OF HOBOKEN
HUDSON COUNTY, NEW JERSEY

Birdsall Engineering, Inc.
100 West 17th Street, Suite 200
New York, NY 10011
Tel: (212) 691-1111
Fax: (212) 691-1112

Draft Conceptual Redevelopment Plan

REDEVELOPMENT PLAN FOR PROPOSED AREA IN NEED OF REHABILITATION

General: It is assumed that the private property within the Study Area (the "Site") will be developed by a single entity. Thus, the regulations relate to the site as a whole since the new construction permitted and the restrictions put on the rehabilitated buildings will be inter-dependent. The Plan is designed to preserve up to 140,000 sq. ft. of floor area for the existing arts industry while providing for new construction as well as open space. With the selective demolition of sheds and other minor buildings (to be determined later) as well as the potential demolition of the westernmost Neumann building along Observer Highway, it is anticipated that an interior open space area of approximately one acre (42,000sf) minimum will be created. Up to 250,000 sf. of new construction will be permitted which will include residential, retail and office uses. Up to 30,000 sf of retail (yet to be specified) shall be provided around the interior public plaza.

In Rehabilitated Buildings (to be specified at a later date)

Permitted Uses

- Artist Studio: a place of work for an artist, artisan, craftsperson, dancer, designer, musician, photographer, videographer or a similar creative or light manufacturing use including persons engaged in the application, teaching or performance of such endeavor; such space shall not include residential occupancy but may include a very limited area for accessory office space (i.e. accessory exclusively to the on-site activity not to an off-site activity) as well as limited toilet and washroom installation
- Restaurants/Bars (groundfloor only)
- Retail business & services (groundfloor only; excluding office uses)

Not Permitted: business & professional offices

In Newly constructed buildings

Permitted Uses

- residential
- offices
- childcare & other community facilities
- Restaurants/Bars (groundfloor & second floor as part of first floor restaurant use)
- Retail business & services (groundfloor & second floor as part of first floor retail use)

Building and yard requirements

Lot coverage

- | | |
|-------------------------|----------------|
| ▪ Open space (on-grade) | min. 42,000 sf |
| ▪ Building coverage | max. 50% |

Draft Conceptual Redevelopment Plan

Floor Area Minima and Maxima:

- Preserved "industrial" space for arts industry 140,000 sf. min.
- Retail 30,000 sf. max.
- New construction, total 250,000 sf. max.

Yards:

- Front, side, rear: none required; 5ft. max. setback from street lot line

Building Stories/Height:

- Newark St. 6-sty, 75 ft. max.
- Observer Highway 8-10 sty, 115 ft. max
- preserved building mass along Willow & Obs. Hwy existing height (app. 4-6 sty.)

Density & Dwelling Unit Size:

- dwelling units 200 market-rate dwelling units, max.
- min. unit size 750 sf. min.
- avg. unit size 1000 sf. min.

Parking: to be determined

Bonuses, Repair and Relocation: Possible bonus (additional building height & density) in exchange for affordable housing or other public amenities. The designated developer of the site shall upgrade all the major mechanical systems of the main buildings to be preserved (to be specified) including the repair of the windows and facades. The developer shall be required to maintain the rent levels in those preserved buildings to no more than the market rate for industrial space in the region. The City will make the final determination of which buildings and structures will be demolished. Where relocation of tenants is required, such tenants shall be first relocated on-site if they so wish. The developer shall pay all relocation costs.

Sustainable Building Practices and Green Infrastructure: The city in conjunction with the redeveloper will be required to utilize a comprehensive approach to sustainable practices for the redevelopment of the buildings, open space and site with the appropriate consideration of this area as well as the surrounding area and a systems approach to improvements.

Building, site and neighborhood improvements should consider an advanced LEED ND (Gold, Platinum) or a Living Building Challenge Certification.

On-site infrastructure shall utilize and give consideration to: advanced gray and wastewater systems, living, green roofs, rainwater harvesting cisterns and rain barrels for irrigation and graywater use; daylighting water /stormwater, constructed wetlands, permeable and porous paving, etc.

Other Plans: The Redevelopment Plan should be coordinated with the adjacent redevelopment area plans to develop an overall strategy for the improvement and upgrading of these areas on-site and off-site infrastructure. Sustainable and progressive green techniques as discussed in the

Draft Conceptual Redevelopment Plan

Reexamination Report should be utilized to guide and develop the improvements necessary to address both climate change and stormwater related issues. A comprehensive area and ultimately city-wide approach to stormwater mitigation efforts should be developed. This includes, but is not limited to the following improvements both in the streets and within the City ROW's: stormwater tree trenches, planters, and bump-outs; pervious/porous asphalt and concrete; rain gardens, green roofs, cisterns and rain barrels. Additional harvesting and the creative reuse of waters (gray, storm, waste), should be employed to the greatest extent possible.

ROBERT C. MATULE

ATTORNEY AT LAW

70 Hudson Street

Hoboken, N.J. 07030

201-659-0403

Fax Number

201-659-1088

E-Mail Address

Robert@Matulelaw.com

September 20, 2011

Ann Graham, Chairperson
Hoboken Planning Board
94 Washington Street
Hoboken, New Jersey 07030

**RE: Block 2, Lots 12 thru 26
Block 2.1, Lots 1 thru 10
Area in Need of Rehabilitation Designation**

Dear Ms. Graham:

I represent 301 Newark Street, LLC, the owner of real property located in Block 2.1, Lots 5 and 6. David Pensuwan, a principal of the LLC, and I appeared at the Planning Board Meeting scheduled for 7:00 p.m. on September 19, 2011 to address the inclusion of this property in the Proposed Area in Need of Rehabilitation. We were advised that the meeting was postponed until Tuesday, September 27, 2011, with no further notice.

Unfortunately, I will be away on vacation that evening. I am endeavoring to locate substitute counsel to appear on behalf of my client. In the event I am unable to do so, I am writing to formally note my client's objection to being included in the Area in Need of Rehabilitation.

Mr. Pensuwan currently operates Dave's Auto Parts and Auto Repair at the subject property and has two residential apartments above. A seven story parking garage has been approved on Lot 7 and 8 immediately to the west on Newark Street. At this time my client has an application pending before the Hoboken Zoning Board of Adjustment to renovate the property into a seven story mixed use building with 18 residential units above 4,242 square feet of first floor commercial space.

Ann Graham, Chairperson
Hoboken Planning Board
September 20, 2011
Page Two

While my client takes no position on the redevelopment of the Neumann Leather Site, we must respectfully object to being included within the plan, especially in light of the approved parking project next door. This site is already improved and will be further upgraded with the proposal before the Zoning Board. Removing Lots 5 and 6, as well as 7 and 8 would have no appreciable impact on the redevelopment of the Neumann Leather Site.

Please note these comments for the record and make this letter a part thereof. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert C. Matule". The signature is written in a cursive style with a large initial "R".

Robert C. Matule

RCM/ld/3975

cc: F. Clifford Gibbons, Esq.
Brandy A. Forbes, Director of Community Development
David Pensuwan

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CITY OF HOBOKEN
PLANNING BOARD-SPECIAL MEETING

RE: :
DESIGNATING AREA IN NEED : TRANSCRIPT OF
OF REHABILITATION. : PROCEEDINGS:
 :
 :
 - - - - - :
 Hoboken City Hall
 94 Washington Street
 Basement Conference Room
 Hoboken, New Jersey
 Tuesday, September 27, 2011
 7:00 p.m.

B E F O R E :

- ANN GRAHAM, CHAIRWOMAN
- CAROL MARSH, COUNCILWOMAN
- BRANDY FORBES, COMMISSIONER
- KEITH FURMAN, COMMISSIONER
- DEMETRI SARANTITIS, COMMISSIONER
- NADIA MIAN, COMMISSIONER
- DANIEL WEAVER, COMMISSIONER
- JOYCE TYRELL COMMISSIONER
- GARY HOLTZMAN, FIRST ALTERNATE
- GILL MOSSERI, SECOND ALTERNATE

A L S O P R E S E N T :

- CLIFFORD GIBBONS, ESQ., BOARD ATTORNEY
- ANDREW R. HIPOLIT, PE, BOARD ENGINEER
- EILEEN BANYRA, PP, BOARD PLANNER
- T.J. RODER, ACTING BOARD SECRETARY

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1 CHAIRWOMAN GRAHAM: Okay. Can I
2 have your attention, please? The September 27th
3 Special Meeting of the Hoboken Planning Board will
4 now commence. The purpose of tonight's meeting is
5 for the Planning Board to hear reports from its
6 engineering and planning professionals, hear
7 questions from the public and make recommendations
8 to be transmitted to the Hoboken City Council in
9 connection with the City Council's Resolution No.
10 11-1027 of June 1st, 2011 designating properties
11 at Block 2, Lots 12 through and including 26,
12 Block 2.1, Lots 1 through and including 10, as
13 well as that portion of the public right-of-way at
14 Observer Highway from and including the
15 intersection with Jefferson Street, to and
16 including the intersection with Hudson Street,
17 that portion of the public right-of-way at Willow
18 Avenue from and including the intersection with
19 Observer Highway, to and including the
20 intersection with Newark Street, and that portion
21 of the public right-of-way of Newark Street from
22 and including the intersection with Observer
23 Highway, to and including the intersection with
24 Little Avenue as an area in need of rehabilitation
25 pursuant to the Local Redevelopment Housing Law.

1 This hearing was originally scheduled for
2 September 19th, 2011 and public notice was given
3 for the hearing by Certified Mail, Return Receipt
4 Requested and by publication in the Jersey
5 Journal, The Record and Star Ledger. The Board
6 agreed to reschedule this hearing to this evening
7 without further public notice at the suggestion of
8 the Honorable Maurice J. Gallipoli, Administrative
9 Judge of the Superior Court in Hudson County,
10 after requests by counsel for the Neumann Leather
11 property, which has commenced litigation against
12 the City and this Board.

13 The order of the presentation
14 tonight will be as follows. Testimony will be
15 given by the Board's Planner, Eileen Banyra, and
16 the Board's Engineer, Andrew Hipolit. After their
17 testimony Mr. Hipolit and Miss Banyra will be
18 subject to questions or comments by Members of the
19 Planning Board. Please address all of your
20 questions to me and I will then approve you --
21 I'll recognize you for answering your questions.
22 After these questions or comments Mr. Hipolit and
23 Miss Banyra will be subject to questions or
24 comments about their testimony from members of the
25 interested public. Please be advised that your

1 questions or comments will be limited to three
2 minutes. We ask that repetitive questions be
3 avoided and we will ask you to stop if this
4 occurs. If members of a household or living unit
5 have what we suspect to be identical questions, we
6 will suggest that it be just one person to ask the
7 question or comment. Questions or statements
8 which, in the Board's discretion, are
9 argumentative or designed to disrupt or delay this
10 proceeding will be ruled out of order. When
11 questions or comments have been received from the
12 members of the interested public, Mr. Hipolit and
13 Miss Banyra will be subject to questions,
14 including reasonable cross examination, by owners
15 of the properties subject to rehabilitation
16 designation, including Neumann Leather and 301
17 Newark Street, LLC, who filed former -- formal
18 objections to the area in need of rehabilitation
19 with this Board. Again, it is requested that the
20 questions be brief in nature. You will also be
21 allowed to present testimony, as well, and limited
22 to the testimony provided. Questions or
23 statements which, at the Board's discretion, are
24 argumentative and designed to disrupt or delay this
25 proceeding will be ruled out of order. We will

1 also judge the time and determine how long the
2 proceedings will last, depending on how it's
3 going. At the close of the questions from the
4 owners and the public the Board will convene,
5 finalize its recommendations to the City Council
6 and vote on the same. Please note that the
7 Board's actions in making recommendations are for
8 the purpose of providing advice to the City
9 Council. They are not a legislative
10 determination, but the property subject to
11 designation as an area in need of rehabilitation,
12 that declaration can only be made by the City
13 Council.

14 Mr. Secretary, will you please call
15 the roll?

16 MR. RODER: Commissioner
17 Sarantitis?

18 COMMISSIONER SARANTITIS: Here.

19 MR. RODER: Commissioner Forbes?

20 COMMISSIONER FORBES: Here.

21 MR. RODER: Commissioner Furman?

22 COMMISSIONER FURMAN: Here.

23 MR. RODER: Commissioner Tyrell?

24 COMMISSIONER TYRELL: Here.

25 MR. RODER: Commissioner Weaver?

1 COMMISSIONER WEAVER: Here.

2 MR. RODER: Commissioner Marsh?

3 COUNCILWOMAN MARSH: Here.

4 MR. RODER: Commissioner Mian?

5 COMMISSIONER MIAN: Here.

6 MR. RODER: Commissioner

7 Pinchevsky?

8 Commissioner Holtzman?

9 COMMISSIONER HOLTZMAN: Here.

10 MR. RODER: Commissioner Mosseri?

11 COMMISSIONER MOSSERI: Here.

12 CHAIRWOMAN GRAHAM: Thank you.

13 MR. RODER: Sure.

14 CHAIRWOMAN GRAHAM: Okay. We will

15 commence with Miss Banyra.

16 MR. GIBBONS: Actually, Madam

17 Chair, let me start by -- Miss Banyra, will you

18 please rise, and Mr. Hipolit, since you're both

19 going to testify?

20 EILEEN BANYRA, PP, having been first duly sworn

21 according to law, testified as follows:

22 ANDREW R. HIPOLIT, PE, having been first duly

23 sworn according to law, testified as follows:

24 MR. GIBBONS: Please individually

25 state your name, spell your last name for the

1 record.

2 MS. BANYRA: Eileen Banyra,
3 E-I-L-E-E-N, and the last name is spelled
4 B-A-N-Y-R-A.

5 MR. HIPOLIT: Andrew Hipolit,
6 H-I-P-O-L-I-T.

7 MR. GIBBONS: Okay. Thank you.

8 CHAIRWOMAN GRAHAM: Please go
9 ahead, Miss Banyra.

10 MS. BANYRA: Okay. Great. I'm
11 assuming at this point that -- my report's been
12 out a few weeks now, so I'm assuming that everyone
13 on the Board has had the opportunity to read the
14 report. It's dated September 9th, 2011. Tonight
15 what I'm going to do is I'm going to briefly
16 overview the report and then turn it over to Mr.
17 Hipolit. We worked in concert. While we didn't
18 produce one report, we produced two independent
19 reports, we did work in concert in the development
20 of our reports and I just want to go through a few
21 things and lay out a few bits of information for
22 the Board that may not have appeared in the
23 report. The other thing, I just want to identify
24 for the record that one of my exhibits I noticed
25 was flipped. Exhibit 4, there seems to have been

1 a clerical error in terms of the location of one
2 of the pages, so if something doesn't make sense
3 there, it just needs to be reorganized on one of
4 the exhibits. That's the only thing, I think,
5 that's a little bit out of order.

6 This evening, what we're actually
7 doing this evening is we're conducting a hearing
8 for an area in need of rehabilitation. What I
9 want to talk about is what the area in need of
10 rehabilitation is not. I think a lot of the Board
11 Members may have participated, at least in the
12 past with the public, in areas of redevelopment
13 hearings. There's been a number in town, but this
14 is not a redevelopment hearing. While we assume
15 and move under the same statute, it's a totally
16 different hearing, totally different proceeding.
17 The way the meeting is conducted is completely
18 different, so I just want to, first of all,
19 identify that this is not a redevelopment hearing
20 this evening. This is an area in need of
21 rehabilitation. June 1st and July 20th were two
22 Council resolutions. In these Council resolutions
23 the Council requested that the Planning Board not
24 only review the resolutions, but they actually
25 requested that the planner prepare a report and

1 they've asked that the engineer prepare a report
2 and that the Planning Board conduct a hearing this
3 evening. These, again, are not things that are
4 required by statute, they were requested by the
5 City Council, so that's what the nature of this
6 hearing is tonight. The purpose tonight is
7 twofold. One, to provide some information, as
8 requested by the Council, and two, to hear from
9 the public regarding the designation of this
10 area. In terms of proceeding this evening, again,
11 I just want to make some distinction between area
12 in need of redevelopment and area in need of
13 rehabilitation. The requirements for an area in
14 need of redevelopment, for example, there's a
15 completely different type of investigation that's
16 required. The notice is different. There's a
17 very heightened notice requirement. The criteria
18 used, if you're familiar with the redevelopment
19 proceedings, there's eight different criteria.
20 There's a body of case law that, quite extensive
21 case law, the planning analysis is different and
22 the process is completely different. In an area
23 in need of rehab, as I indicated, it's a different
24 standard, and one that I would identify as much
25 more routine. There's no notification required,

1 certainly not individual notice and certainly not
2 public notice requirement. The statute doesn't
3 require a planning report or an engineering
4 report. There's no typical or standard planning
5 report that's required by statute or even that is
6 out there, so the planning report that I have
7 provided really is to provide some back-drop to
8 the Planning Board and kind of frame out some of
9 the information for the Board and for the Council
10 as we proceed on this, because I think it's
11 important. Planning is the basis for all zoning
12 and I think it's important to provide some
13 context, so I provided a little bit more
14 information in here than may be necessary, but I
15 don't think it's anything that's inappropriate.
16 The Local Redevelopment Housing Law in terms of
17 the result of a proceeding or a designation of an
18 area, Local Redevelopment Housing Law governs what
19 happens if the Planning Board does designate or
20 does recommend the designation to the City
21 Council. It does not follow conventional zoning,
22 as under the Municipal Land Use Law, so again,
23 there's a distinction being made here between the
24 Municipal Land Use Law and the Local Redevelopment
25 Housing Law, and I think that's important to note

1 because you're going to hear, certainly from the
2 objector's planner, who's trying to liken the
3 investigation to a conventional zoning and they
4 cast aspersions on some of the comments in the
5 reports as if it was a standard or conventional
6 zoning, and it's not, so we have completely
7 different proceedings with that. Finally, the
8 proceedings with the Local -- using the Local
9 Redevelopment Housing Law and an area in need of
10 rehabilitation is absolutely permissible by
11 statute. It's one of the mechanisms that a
12 municipality can control in how they evaluate and
13 control land use and land development, and it's
14 different from zoning but it's certainly an
15 appropriate mechanism and it's one that the City
16 Council has chosen to use. It's not foreign by
17 any stretch of the imagination. It's a perfectly
18 legal and appropriate mechanism, so again, I don't
19 want anyone to think that what the City's doing is
20 unusual or inappropriate. It's absolutely legal
21 and an absolutely appropriate way to look and
22 evaluate property.

23 I'm going to go through a little
24 bit of my report. Again, my report is dated
25 September 9, 2011. I'm not going to go through

1 the entire report. Again, I have some exhibits in
2 there, and with the exception of that one
3 qualification I think everything else is
4 appropriately noted. I'm going to just hit a
5 couple of the highlights of that.

6 MR. GIBBONS: I'd just like to
7 confirm that you did file that with the
8 Administrative Secretary to the Planning Board and
9 that's been available for the public, correct?

10 MS. BANYRA: That's correct.

11 MR. GIBBONS: Thank you.

12 MS. BANYRA: I both e-mailed it and
13 sent it by courier, so --

14 MR. GIBBONS: Thank you, very
15 much.

16 MS. BANYRA: In terms of some
17 back-drop for some of the Board Members, as you
18 probably may or may not know, the City has had a
19 long and what I would consider successful history
20 of planning. Starting in the 1960's the City
21 pursued every possible grant they could for
22 rehabilitation, renovation, restoration of the
23 City, and I don't want to belabor the history of
24 that, I've only put a very short section in my
25 report about it, but I think it's important to

1 are in the Maser report dated September 9th,
2 2011.

3 MR. GIBBONS: Very good. Okay.
4 That's fine.

5 MS. BANYRA: So the study area, and
6 I'm going to go back and forth, I guess, turning
7 this, like it's --

8 CHAIRWOMAN GRAHAM: Okay.

9 MR. GIBBONS: All right.

10 MS. BANYRA: The study area is
11 identified in grey here, it's the outside boundary
12 of the property. It was described verbally by the
13 Chair so I'm not going to go back and identify the
14 block and lots again, but basically it's a
15 triangular piece of property with an appendage
16 that goes to Hudson Street. The shape of the
17 property is three private properties within the
18 center here. There's an exclusion, which is this
19 little triangular point that's hatched, but this
20 property in here and the right-of-ways of the
21 adjoining streets, which are Newark, Willow,
22 Observer Highway, all the way up to Hudson are
23 included in the study area. In terms of the
24 surrounding pattern of development, to the
25 south -- maybe we can just leave that up

1 somewhere.

2 MR. HIPOLIT: Okay. Can the Board
3 see that?

4 MS. BANYRA: I may have to --

5 MR. HIPOLIT: Can you see that?

6 MR. GIBBONS: That's fine.

7 MS. BANYRA: Do you have one?

8 MR. GIBBONS: Members of the
9 interested public are personally invited to get up
10 a little closer and look at it if they wish, of
11 course.

12 MS. BANYRA: I'm just going to use
13 the pointer now on that map to kind of identify
14 the -- this always makes me look like I have some
15 kind of shaky hand disease.

16 MR. GIBBONS: Parkinson's.

17 MS. BANYRA: Parkinson's, I guess,
18 yeah.

19 On the south of the property, over
20 here is the New Jersey Transit property. It runs
21 from Henderson all the way up to the, basically
22 the waterfront, and that forms the south boundary
23 of the study area. To the east of the study area
24 along Willow is the DPW and garage site and
25 another parking lot in here. To the west of

1 the -- excuse me. To the north and along Newark
2 Street is a mixed use development, commercial,
3 retail, residential, multi-story units in this
4 area, and this area is retail, in here. Some
5 community -- the Pigeon Club is in here, a
6 one-story building, so it's a real mixed bag in
7 here. This triangular area which forms the
8 western boundary is a 13-story development, a car
9 wash and a gas station, so just looking at this
10 area right here -- and just to also give you a
11 little bit more information, the area where I'm
12 running the marker, the high-lighter, right here,
13 this area was previously designated as an area in
14 need of redevelopment and there is a redevelopment
15 plan currently underway. This was previously
16 zoned I-2, but now again, this was a designated
17 area in need of redevelopment and the plan is
18 underway. The area to the east, the DPW yard,
19 again, is the subject of an area in need of
20 redevelopment investigation. A plan was
21 prepared. There's no designated developer
22 currently on this property right here. This area
23 was zoned -- zoning on this area, I think this may
24 have been I-1, excuse me, I-1, and then further,
25 as you go further up we go into the R-1 zone and

1 then the Central Business District. Further north
2 of this area where the marker is and the DPW yard,
3 we also had the Observer Highway Redevelopment
4 Plan, so within, within -- surrounding this
5 property we have a redevelopment designation and
6 plan being developed, a redevelopment designation
7 and plan prepared, prepared on this one, a
8 redevelopment designation and development,
9 completion of the development in this area. Over
10 here, it's zoned R-3, which is a mixed use zone,
11 and again, it's a mix of housing and
12 redevelopment. To the south -- to the west of
13 this area is currently under investigation. This
14 area -- these parts of the area have been largely
15 renovated, restored, revitalized at different
16 points in town, and again, I'm following Newark
17 Street and pointing to the R-3 zone, so there's
18 been a lot of work around here. The property that
19 remains is basically this area right in here,
20 which is what I would consider has been stable or
21 has not changed for many years, and I think many
22 years being in the years, 30, 40 years. The study
23 area has already been identified as Block 2, Lots
24 12 to 26, Block 2.1, Lots 1 through 10, and then
25 the various right-of-ways surrounding the area.

1 The total area size is 11-and-a-half acres. Of
2 the 11-and-a-half acres, which includes all of the
3 right-of-ways, three-and-a-half -- excuse me, 3.3
4 acres basically are right in here, on this
5 privately held property, and the balance of 8.3
6 acres are the right-of-ways and surrounding
7 areas. As you can see, it's an irregularly shaped
8 property, but it's only irregularly shaped because
9 there's been renovation and redevelopment
10 surrounding this property. The three different
11 properties within this area --

12 MR. HIPOLIT: I got it.

13 MS. BANYRA: -- are identified as --

14 MR. GIBBONS: Again, these are all
15 in your report?

16 MS. BANYRA: Yes.

17 MR. GIBBONS: Okay.

18 MR. HIPOLIT: It's two sides. It's
19 the same. That's parcel one.

20 MS. BANYRA: Okay. So parcel one
21 is 300 Observer Highway. It's also known as the
22 Neumann property. Multiple buildings, old
23 industrial buildings, a real mix of uses are
24 within that property, retail, commercial,
25 industrial, retail as defined in Hoboken's

1 ordinance, a various number of uses and tenants in
2 that building. The next property is 301 Newark
3 and 80-86 Willow Avenue. It's approximately
4 10,000 square feet. It's located right here, in
5 the northeast corner of the property, and again,
6 it borders Newark Avenue.

7 MR. HIPOLIT: It identifies parcel
8 two.

9 MS. BANYRA: Right.

10 The third property is a 5,000 --
11 excuse me. I think I just mixed those two up.
12 That one was -- excuse me. 307-309 Newark Street
13 was the last property. This next property is 301,
14 80-86 Willow -- 301 Newark, 80-86 Willow. It's a
15 5,000 square foot property. It's right at the
16 corner of Willow and Newark Avenue. There's a
17 three-story building here which is a mixed use.
18 It has an auto parts store on the bottom and
19 residential apartments above, and then where the
20 pointer is, where I'm pointing to right now on the
21 map on Willow Avenue, it's a one-story building
22 over there, which it appears to be involved in a
23 car service or repairs. As I indicated, the
24 current zoning for the area is I-2, which is an
25 industrial mixed use which permits manufacturing,

1 but it also permits retail business and service
2 offices and a variety of uses within that public
3 building, parking garages and parking facilities,
4 as well as wireless towers. The bulk requirements
5 in the I-2 zone, the minimum lot area is 5,000
6 square feet, the building height maximums are 40
7 feet and the FAR is 1.25.

8 In preparation of the report I did
9 review the various planning documents for the
10 municipality, both which I cited in the report.
11 There's basically two, the Master Plan from 2004
12 and the Re-Examination Report which was completed
13 earlier this year. It's identified as the 2010
14 Re-Examination Report but it was completed and
15 adopted in April of this year. There are a number
16 of comments in my report, and again, I don't want
17 to read through the extensive citations and
18 long-winded comments about various planning
19 documents, but what I think should suffice to
20 say, I'm just going to summarize it. In the 2004
21 Master Plan -- and why I think that this is
22 important is that, again, the planning forms is
23 the context for development. It really is the
24 framework for any kind of zoning in a community,
25 so I think what's happening in the plan, it also

1 lends itself to some credibility in plans, in that
2 somebody just didn't come up with an idea and then
3 it's been implemented on a piece of property, for
4 example. This redevelopment area dates back to
5 the idea of it, an area in need of rehab and
6 redevelopment of this area dates back to 2005.
7 It's identified in the Master Plan and it's
8 identified in the number elements and in different
9 ways. Not all of them identify it as an area in
10 need of redevelopment or rehabilitation, but
11 certainly there's a number of elements that I
12 think touch upon it. One, the Community
13 Facilities Plan talks about it and talks about the
14 age of the infrastructure, talks about Civil War
15 and the age of the infrastructure dating back to
16 the Civil War and wooden pipes. It indicates how
17 high tide storm water can't drain from the area,
18 which obviously is a health, safety and welfare
19 issue. The element recommends replacing the
20 existing combined sanitary sewer and storm sewer
21 system and it talks about a priority into creating
22 a separate system. The Circulation Plan element
23 talks about a road actually extending right
24 through here, coming right through. The
25 circulation element talks about Newark Street, a

1 connection from Newark Street to Observer Highway
2 at Grand Avenue -- thanks, Andy, this might be a
3 little bit clearer -- and indicates, since there's
4 no buildings, that they help build the City
5 infrastructure. There's never been any further
6 discussion about that that I know of, but again,
7 this is identified in the Circulation Plan
8 element. In the Historic Preservation Plan it
9 talks about preserving the City's unique
10 architectural features and how Hoboken has a
11 remarkably intact collection of historic
12 buildings, and historic doesn't necessarily mean
13 it's identified on a National or State Register.
14 Cultural resources have values to municipalities,
15 as well, and again, I think just because it's not
16 necessarily designated on it, that doesn't mean
17 it's not historic and it doesn't mean it's not
18 important to the community. One of the things it
19 identifies in the 2004 plan, it talks about the
20 substantial contribution that Historic
21 Preservation plays in a community in terms of the
22 economic quality of life and the vitality of the
23 City, and certainly this City has been blessed
24 with a very active and popular artist community.
25 I think it really has made the community what it

1 is today and really a place to be, so I think it
2 is something important to that, you know, to the
3 community. The recommendation of that element is
4 to discourage unnecessary demolition of historic
5 structures. In the Land Use Plan the
6 recommendation is to provide, to guide and
7 possibly redevelop the Neumann Leather property in
8 an appropriate manner and that the Neumann Leather
9 complex stand as a reminder to old -- about old
10 Hoboken, and again, it talks about how a building
11 or a place is important to a community and that
12 while it may not, it may not resonate at a
13 National Register level, it's important historical
14 reason and context in the community, and I think
15 it's important to recognize that. It talks about,
16 in the same section it talks about flexibility in
17 the development regulations and it again uses the
18 word, redevelopment should include a mix of uses
19 in density and height, a provision of community
20 amenities, and the property should set parameters
21 but allow flexibility. In the Land Use Plan
22 itself it suggests that the property should be
23 rezoned to what was identified as a B-3 zone.
24 You're going to hear B-3. B-3 is not a zone that
25 exists in the town. It never has. It's been

1 identified in the 2004 Master Plan but in 2005,
2 actually, the Planning Board received a resolution
3 from the City Council indicating that -- to
4 evaluate whether or not the B-3 zoning should be
5 put into place. The Planning Board at that time
6 didn't find that it was inconsistent. The
7 Planning Board always, when it gets something from
8 Council, looks at it and evaluates whether it's
9 inconsistent with the Master Plan. In 2005 the
10 Planning Board found that the, the zone change was
11 not inconsistent with the Master Plan, but at the
12 end of the recommendation it indicated that
13 redevelopment should be used for this property.
14 When it went back to the Council the Council
15 denied the B-3 zoning unanimously, so that was in
16 April of 2005, and in that same meeting they also
17 offered two resolutions designating the Planning
18 Board to conduct investigations for area in need
19 of rehab -- excuse me, area in need of
20 redevelopment for both the DPW yard and for the
21 Neumann property, so the same meeting when they
22 denied the B-3 zone unanimously, they also
23 introduced resolutions for area in need of
24 redevelopment for both properties.

25 MR. GIBBONS: When you refer to

1 they, you refer to the City Council?

2 MS. BANYRA: City Council. Pardon
3 me. Yes, City Council.

4 MR. GIBBONS: Thank you.

5 MS. BANYRA: And the -- both, both
6 investigations were begun. DPW began and just
7 continued. The redevelopment investigation for
8 the Neumann, while it was initiated and begun, it
9 never finished. It just stopped at some point and
10 DPW became more of a priority. That one went to
11 conclusion, and I'm not really sure why the
12 investigation concluded or where it stopped and
13 why it stopped on the Neumann property, but it was
14 undertaken, it was begun, but it stopped at some
15 point, so I think, again, I think that's important
16 information for the Board to understand.

17 Regarding the 2010 Re-Examination
18 Report, again, during the preparation of the
19 report it became evident that Historic
20 Preservation was still very important. We had a
21 number of public hearings. Again, the
22 Re-Examination Report did not require to have
23 public hearings, but we had a number of public
24 hearings on this. We had a number of smaller
25 meetings, as well, and Historic Preservation was

1 an important characteristic. What was evident to
2 the community is that the arts community in town
3 is becoming a small economic driver for the
4 community, as well, so it also became evident
5 that, that we may want to look at the Neumann
6 property again, and again, look at it for
7 redevelopment purposes, and this is again stated
8 in the Re-Examination Report where it talks about
9 creative zoning in our area in need of
10 rehabilitation to protect the level of mixed uses
11 that are concentrated in the Neumann Leather
12 property. It also talks about retaining the 21st
13 Century arts industry and it's fundamental to
14 maintaining the unique quality of the City.
15 Again, during our hearings on the Re-Ex and the
16 Planning Board Members that were on the
17 subcommittees, we talked a lot about the
18 different -- what's going on in the City and the
19 different groups in the City and we actually had
20 testimony, or we had at our hearings the different
21 artist groups, they would show up saying other
22 communities are calling them and asking them to
23 come to their town, trying to entice the artists
24 out of our town and into another town. It's a
25 really important element of the community and I

1 think it's been recognized and identified in the
2 Re-Examination Report. Also, one of the final
3 recommendations in the Re-Examination Report was
4 to delete the B-3 zone. The B-3 zone, which
5 originally included both, it included all the way
6 up to the Observer Highway redevelopment area and
7 it included both the Neumann tract and it included
8 the DPW and all the way up to, I think Bloomfield,
9 I want to say Bloomfield Ave. This area -- first
10 of all, the Observer Highway redevelopment area,
11 we have the DPW site, but the only property that's
12 left for the -- what would have been the B-3 zone
13 would be the Neumann property and the surrounding
14 corner, two corner properties that were previously
15 identified, so the recommendation -- and also with
16 the fact, based on the fact that the City Council
17 denied that resolution, when it was introduced,
18 denied both the resolution for changing the zone
19 to B-3, so really the recommendation in the
20 Re-Examination Report and the adoption of the Land
21 Use Plan basically eliminated the B-3 zone and
22 made it, identified it as remaining an I-2 zone,
23 with the recommendation that a redevelopment or
24 rehabilitation be used on this remaining area in
25 the community.

1 Now, in terms of the hearing here
2 tonight and the area in need of rehab, I think
3 what's -- there's really two ways that an area in
4 need of rehab gets established. One is the
5 Council sends down the resolution and we have a
6 hearing such as we're having this evening, and the
7 second is if the area was previously designated,
8 and in the course of my investigation of material
9 it was discovered, which was unbeknownst to myself
10 or the other planner for the City, Elizabeth
11 Vandor, who represents the Board of Adjustment,
12 neither of us recognized or knew that the area --
13 that the City was designated as an area in need of
14 rehabilitation somewhere in the area of 1979, and
15 we found resolutions to that affect, I've included
16 them in the report, and we also found that the
17 City gave tax abatements, so in order to give a
18 tax abatement the City had to be declared an area
19 in need of rehabilitation at some point in time.
20 That information was very interesting to us. We
21 were already in -- already I was well along the
22 process of preparing my report, and since the City
23 had already, excuse me, identified that they
24 wanted both a planning report and engineering
25 report and we were already noticing people and had

1 an extension of time, we decided to go through
2 with the hearing this evening, and also to amplify
3 some of the information both in my report and
4 Andy -- freshen it up, so to speak, but based on
5 that designation the statute allows us to just
6 proceed with the redevelopment plan, based upon
7 the fact that we're already in the basic area in
8 need of rehabilitation. However, since we had the
9 Council resolution and the process that we're
10 going through this evening, the other area is --
11 the other way, an opportunity to designate is
12 review the Council resolution and hit one of the
13 criteria, and I'm going to identify the criteria.
14 They're really twofold. One is whether or not the
15 area is dilapidated, is in tax arrears, needs
16 rehabilitation. Second one relates to housing and
17 whether or not the housing, housing stock in an
18 area is more than 50 years old. The third way,
19 and it's part of Section 2 in that area in the
20 statute, and it's Section 14, Section 14(a),
21 Section 2, it talks about when your infrastructure
22 is more than 50 years old, which Mr. Hipolit will
23 go through the criteria and go through what his
24 analysis revealed, that it can be expected, it may
25 be expected that rehabilitation of that system

1 will be forthcoming, so I'm going to now turn it
2 over to Mr. Hipolit to talk about how we also
3 believe that, besides the fact that we were
4 previously designated, we also believe that
5 currently there's more than adequate information
6 dating back decades to support the designation as
7 an area in need of rehab. Mr. Hipolit will
8 provide some more information pursuant to the
9 statute and then we'll, I guess just conclude.

10 CHAIRWOMAN GRAHAM: Thank you.

11 MR. HIPOLIT: My report was
12 distributed to the Board. It's dated September
13 9th, 2011. It's maybe 20 pages. All the exhibits
14 on those boards are inside the report. In our
15 analysis we specifically looked at a very focused
16 area, and I'll read what it is right from -- I'm
17 reading from the 2011 edition of the Cox Manual.
18 It would be Section 38.2, number 2, and the second
19 part of it says that a majority of the water and
20 sewer infrastructure in an area is at least 50
21 years old and is in need of repair or substantial
22 maintenance. That's specifically what our report
23 focused on. What we did, we looked at the
24 historical records, contacted the various utility
25 companies for both sewer and water, had

1 conversations with them, and we tried to identify
2 whether the system was at least 50 years old and
3 whether it did need repair or rehabilitation of
4 some substantial amount.

5 I'll start with sanitary sewer. On
6 the map behind me there is -- on Newark Street, on
7 all Observer and on Willow there's sanitary sewer,
8 so it currently exists on all three streets. The
9 sanitary sewer in that area is all vitrified clay
10 pipe of various sizes and the sanitary sewer in
11 that area is well undersized, as evidenced by the
12 significant flooding in that area. The City has,
13 and I don't have to tell you the history here
14 because everybody that lives here knows that any
15 storm of any significance and that area, that area
16 floods. There was even a report done by the North
17 Hudson Sewerage Authority, who owns the combined
18 system, the sanitary/storm sewer, and identifies
19 that area there that we're discussing as an area
20 that will flood in a storm event, in the five year
21 storm event, which is minimal. In the month of
22 August, that we just went through, we had at least
23 a few of them, if not more in that month. Just
24 backing up, the sanitary sewer system to identify
25 is owned by North Hudson Sewerage Authority. It

1 is combined, so storm and sanitary are together.
2 A system of that nature, when there is a flood,
3 that means that storm water and sanitary sewer
4 mix. When it comes up to the street level, that
5 means there is actually sanitary sewerage flowing
6 around within the mix of storm water on the
7 street, which is a significant public health and
8 safety issue. When we look at the system -- when
9 we spoke to Philip Reeve of North Hudson Sewerage
10 Authority, what he indicated to us is that the
11 system, the sanitary sewer system is at least, I
12 don't have the exact date, is at least
13 92-years-old. That's on the, on the earlier
14 side. It could be older in some cases. He
15 indicated it could be as old as 111 years, so when
16 it comes to meeting the criteria for being 50
17 years or older, it significantly surpasses that.
18 When we go to the area of is the system
19 deteriorating or need significant rehabilitation,
20 the pipe is constructed of a vitrified pipe item.
21 It's no longer used in the construction of
22 sanitary sewers, or really any system, storm water
23 or sanitary in today's environment. The pipes are
24 not constructed for the sanitary sewer system.
25 There's the schedule 40 pipe, SDR-30 pipe, which

1 are both plastic pipes or duck liner pipe.
2 Vitrified clay pipe, when left in tact will stay
3 in tact, but any vibration above it, any trenching
4 utilities, any compaction or reconstruction of
5 roadways will cause cracking of that pipe and
6 eventually cause significant deterioration.
7 Obviously there's been repairs to this pipe in
8 that area. Obviously this pipe is significantly
9 undersized. It was put in somewhere between 90
10 and 100 years ago, so the pipe is significantly
11 undersized based on the fact that the pipe can
12 only handle a storm event of five years or less.
13 In the real world, we're engineers, we look at the
14 design for storm sewers of the two, the 10, the
15 25, the 50 and the 100 year storms. This pipe can
16 only handle a two or five year storm. Anything
17 passed that, you'll have flooding on your streets,
18 which means you'll have raw sanitary sewage
19 floating in the street, which is a health and
20 safety hazard. Just based on those few facts, the
21 sanitary sewer alone surpasses the requirements in
22 that section and is not adequate for this area and
23 meet the statute.

24 The second part of the statute is
25 the water system. We spoke to Joe Sensale of

1 United Water. United Water is the owner of the
2 water system. The water system exists on Newark
3 Street and on Observer Highway. There is no water
4 on Willow. Our map is a map equivalent to both
5 the sanitary and storm sewer showing those
6 locations. The water system, again, I think the
7 age of the water system goes back to the late
8 1800's. That's what we were told by United
9 Water. The system is at least 142-years-old, if
10 not in the 154-year-old range, so that
11 significantly surpasses that statute by three or
12 four times. The water system is constructed very
13 similar to sanitary sewer system, of a cast-iron
14 pipe, non cement line. The importance of that is
15 cast-iron pipe, when exposed -- and we know this
16 now but they didn't know it back in the wee days,
17 100 plus years ago. When cast-iron pipe is in
18 contact with water for long periods of time it
19 will cause scaling and/or the pipe to become more
20 brittle, because there's a chemical reaction
21 between the two pipes and that will cause buildup
22 of all debris under there, reduce water pressure,
23 it will reduce flow, because you'll get a
24 reduction in the area of the pipe. In today's
25 society if they have cast-iron pipes, they try to

1 cement line them. That's one way of
2 rehabilitating, or try to replace them with duck
3 liner pipe, which is the only method. The water
4 system, because the pipe is cast-iron, it makes it
5 very susceptible to breaks and/or repairs. In
6 speaking to United Water, they have had a number
7 of repairs in these areas yearly and that's how
8 they determine the age of the pipe. When they
9 have breaks and repairs, when they pull a pipe up,
10 the pipes are dated, so they actually get the date
11 off the pipe, which is very interesting. The
12 cast-iron pipe is similar to but different than
13 the clay pipe. Same sewer system but it is -- it
14 does come from a prior time. It's no longer used
15 for construction of water mains anymore. We now
16 use duck liner pipe. Sometimes duck liner pipe
17 will use the cement liner, because similar to the
18 cast-iron pipe, they cement line it to prevent
19 that chemical reaction, prevent scaling and
20 buildup of debris, so the water system is very
21 similar to the sanitary system, it meets the age
22 requirement and it also meets the requirement for
23 significant rehabilitation and repair.

24 Both systems, in summary, are
25 significantly older than the statute. Both of

1 them are in need of significant repair and
2 rehabilitation for the betterment of Hoboken as a
3 general. Just, it's an issue, and I know that
4 everybody here knows that it's an issue. I mean,
5 I had to cover it because it's part of the
6 statute, but --

7 COMMISSIONER TYRELL: Is this
8 generally in conjunction with --

9 CHAIRWOMAN GRAHAM: Excuse me.
10 Miss Tyrell, we'll have a chance for questions
11 when the testimony is over.

12 COMMISSIONER TYRELL: Oh, okay.

13 CHAIRWOMAN GRAHAM: Okay.

14 MR. HIPOLIT: I guess I can cover
15 it real quick, if it's okay.

16 CHAIRWOMAN GRAHAM: Okay.

17 MR. HIPOLIT: We looked at the
18 North Hudson Sewerage Authority's project for the
19 pumping station at the end of Observer Highway.
20 It's really down at the end of our map, at the
21 right side of the map all the way east of our map
22 off of Observer. North Hudson did a study of the
23 whole southwest area to try to help relieve
24 flooding. They put in a pump station. The pump
25 station was designated to help flooding in an area

1 outside of ours, even though our area is in the
2 study area. Outside of us, to the west of us
3 there's an area that was flooded under what they
4 consider like a three month rain event, and that
5 area out there, they put a pump station in which
6 would help bring that to a five year storm event,
7 so the whole area is able to handle a five year
8 rain, but anything passed that and it floods, so
9 the answer to your question, yes, but it still
10 makes it -- they haven't addressed the real
11 problem. It should handle storm water events much
12 higher, because what happens, when you flood you
13 get sewage on the street, which is absolutely
14 unacceptable to the residents of Hoboken, so, in
15 summary, you know, if you look in our report we
16 have a conclusion, but we believe we meet both
17 sets of the statute for water and sewer, and
18 obviously I'm here if you have any questions.

19 CHAIRWOMAN GRAHAM: You have more,
20 Miss Banyra?

21 MS. BANYRA: I just wanted to
22 follow-up and basically, and also, you know,
23 restate what Andy just said. Yes, that the
24 resulting study area both has been, first of all,
25 it's been determined prior to be an area in need

1 of rehabilitation, number one. Number two, that
2 the majority of the sewer and the water in the
3 delineated area exceeds the minimum structure --
4 minimum infrastructure age of 50 years, so it is
5 in need of repair or substantial maintenance.
6 Three, that a program of maintenance may be
7 expected to prevent further deterioration for the
8 City. Four, in my report I didn't touch on it,
9 but I did provide a Concept Redevelopment Plan.
10 The basis of my entire report comes from the
11 Master Plan and Re-Examination Report, so I think
12 it -- as does the Concept Plan. The Concept Plan
13 was also identified in the Re-Examination Report,
14 so I did want to just make, you know, just
15 identify that I did include there -- again, the
16 Planning Board, I know we haven't discussed this,
17 it was included just for -- to provide a summary
18 of what happened in the Re-Examination Report, and
19 as the Planning Board we're allowed to provide
20 additional information to the Council, so I
21 thought this is really provided as informational.
22 The Council has no right -- no requirement to
23 adopt it, to do anything with it other than that
24 it's being transmitted with my report, so I just
25 wanted to, you know, identify that, that it is a

1 Concept Plan and it does -- it was identified in
2 the Re-Examination Report and the Board and
3 Council is not under any obligation with that,
4 that plan.

5 CHAIRWOMAN GRAHAM: Okay. Thank
6 you, both.

7 Any questions from Members of the
8 Board? Miss Tyrell, did you get your question
9 answered?

10 COMMISSIONER TYRELL: Yes.

11 CHAIRWOMAN GRAHAM: Any other
12 questions, comments by Members of the Planning
13 Board before we continue?

14 No, okay.

15 MR. GIBBONS: None?

16 CHAIRWOMAN GRAHAM: Hearing none, I
17 will now ask if there are any members of the
18 public that would like to make a comment that
19 signed up? Could you hand me that?

20 MR. GIBBONS: Hopefully you signed
21 up on that sheet.

22 CHAIRWOMAN GRAHAM: Can you pass me
23 that piece of paper?

24 MS. BANYRA: Sure.

25 CHAIRWOMAN GRAHAM: Any other

1 members of the public that would like to sign up?

2 MS. BANYRA: Here.

3 CHAIRWOMAN GRAHAM: Thank you, Ms.
4 Banyra.

5 Okay. First I'll call on Tim
6 Daly.

7 MR. DALY: This is to ask questions
8 of the --

9 CHAIRWOMAN GRAHAM: Yes, please.

10 MR. DALY: Actually, I don't, I
11 don't really have a question about this.

12 CHAIRWOMAN GRAHAM: Okay. Then
13 we'll pass on you. Thank you, very much.

14 Tom Newman.

15 MR. NEWMAN: I'm the same. I would
16 like to make a statement, but I don't have
17 questions.

18 CHAIRWOMAN GRAHAM: If you'd like
19 to make a statement --

20 MR. NEWMAN: Is this a period for
21 statements, also?

22 CHAIRWOMAN GRAHAM: Yes, please.

23 MR. GIBBONS: You've given us your
24 name and address on the -- okay. Thank you.

25 MR. NEWMAN: It's Tom Newman, 225

1 Garden Street --

2 MR. GIBBONS: Thank you.

3 MR. NEWMAN: -- and I'm here
4 representing the Neumann Leather Tenants
5 Association. I'm sure you're all aware that there
6 was a plan put forward by a developer, contract
7 developer for the Neumann site to do total
8 demolition of the site and build a condominium
9 project, and the Tenants Association opposed
10 this. We hired a whole raft of experts and we, we
11 really studied the site and we were gratified that
12 the Board gave the unanimous rejection to this
13 plan. I think the things that really carried the
14 day is for more the -- there were a number of
15 things. One was the existing tenants that were
16 there. About -- at the time, we haven't updated
17 our survey and things may have changed with the
18 recession, but there were -- about 75 percent of
19 the property was businesses, a couple hundred
20 jobs, and the other quarter was artists, 50 or 60
21 artists, musicians, painters, sculptors, things
22 like that, and I think it was a sentiment that
23 this should not just be thrown out of Hoboken. I
24 think there was another argument, that this was a
25 historic place for Hoboken. It's not on the

1 Historic Register, George Washington never slept
2 there, but it means a lot to a lot of people in
3 Hoboken, this site, so these arguments -- and I
4 guess the idea, the whole idea that this
5 represented some diversity for the City, not just
6 wall to wall condominiums, and I think there's
7 also, just elaborating a little further, there is
8 a huge empty parking lot over there, so there's
9 ample opportunity to have some kind of a project,
10 which would be a highbred project, combination of
11 new development and preservation of the older
12 structures and the older uses, so it's an
13 opportunity to have an imaginative project and we
14 support this effort, because we see it as giving
15 the City the opportunity to have a more fine-tuned
16 and more flexible approach to the site, and also
17 an opportunity to have the public interest
18 expressed a little more easily through a
19 redevelopment plan. I think the heart of this
20 thing is the City Council working with consultants
21 and so on, could come up with a redevelopment plan
22 which could do all these things, so we're -- of
23 course we have a vested interest in this. We've
24 invested in our businesses there. We've been in
25 the building, some people have been in there for

1 close to 30 years and we --

2 CHAIRWOMAN GRAHAM: 15 more
3 seconds.

4 MR. NEWMAN: -- don't want it booted
5 out, so that's our position and we encourage you
6 to adopt this.

7 CHAIRWOMAN GRAHAM: Thank you for
8 coming.

9 MR. NEWMAN: Thank you.

10 CHAIRWOMAN GRAHAM: Lea Heley.
11 Three minutes, please.

12 MS. HELEY: Yes. I'm here to
13 support this redevelopment -- rehabilitation
14 designation. I'm very pleased to see that the
15 City is using the other tool in the redevelopment
16 kit besides just the redevelopment area
17 designation, and I think it's very appropriate for
18 a building like this, that is so important to our
19 history. I think you'll see cities around the
20 country that are trying to save buildings like
21 these. We have a couple of other ones that I hope
22 you'll look at in the north end of the City, that
23 offer the opportunity for multi-use rather than
24 just taking down buildings and putting up new
25 residential. One of the reasons I'm really

1 pleased that it's here, before you, is because
2 it's very difficult for the public to participate
3 in a property like this when the zoning happens at
4 the Zoning Board, where a property owner seeks
5 multiple variances, as has been done with this
6 property, and the only opportunity the public has
7 to comment on that is to attend meetings like
8 that. You can see even from this meeting, which
9 is a public hearing, it's not well attended, and
10 even as a member of the public, if you can come
11 away in the evening and get away from your job and
12 your family in time to do this, very often the
13 meetings go well into, or late into the evening
14 and it's very often that a lot of people have to
15 leave before they can even be heard, so this is an
16 appropriate way to deal with a building such as
17 this, so I'm very pleased to see that, with such
18 an important piece of property as this, you're
19 taking the time to allow the zoning change to
20 occur in a more public process, and that's through
21 this body as well as when it reaches the City
22 Council and the Elected Officials City wide who
23 will be able to make the decision about this
24 property and it won't just be a few people sitting
25 in a room in a Zoning Board, so I appreciate your

1 time and totally support this application.

2 Thanks.

3 CHAIRWOMAN GRAHAM: Thank you.

4 Richard Wenk. Is that correct?

5 MR. WENK: Hi. How are you? Nice
6 to meet you.

7 CHAIRWOMAN GRAHAM: Please state
8 your name and your address.

9 MR. WENK: Richard Wenk. The last
10 name's W-E-N-K. My address is 82 Clinton Street.

11 May I ask a brief question, then
12 make a comment as well?

13 CHAIRWOMAN GRAHAM: Sure.

14 MR. WENK: Okay. So part of the
15 rehabilitation project also involves
16 rehabilitating the sewer system and the wall area
17 as well as the aesthetics of the building; is that
18 correct?

19 MR. HIPOLIT: It may.

20 MR. WENK: Okay.

21 MR. HIPOLIT: The first part is to
22 identify the needs for rehabilitation or
23 significant refurbishment. The next step would be
24 to do that.

25 MR. WENK: Fair enough.

1 So my comment is I just -- I'm a
2 recent resident of Hoboken. I've been a resident
3 of New Jersey for a long time. Moved into 82
4 Clinton, bought a condo there in late December.
5 That section, that corner of 82 Clinton has been
6 flooded on numerous times. I've had to walk
7 through sewage numerous times since I moved in
8 just nine months ago, 10 months ago. It's
9 definitely a health hazard and a major problem.
10 I've already written letters to the Mayor about
11 it. It definitely needs to be rehabilitated. As
12 far as the building itself goes, you know, I
13 actually don't have -- I'm relatively new. I'm
14 not involved in a long debate. I do like the idea
15 that, you know, there's something different there
16 then yet another condo building, but as pointed
17 out, the building aesthetically is a problem. I'm
18 also probably one of the most affected by that
19 because I'm on the second floor directly across
20 from the building and that's my entire view, so,
21 you know, these two items combined, the aesthetic
22 and the infrastructure problems do affect me on a
23 day-to-day basis, and as someone who, you know,
24 I'm not ashamed or don't feel like I can't tell
25 you that I've paid a large sum of money for this

1 condo just in December and my taxes are incredibly
2 high, about three or four times higher than my
3 parents who own many acres of property just 15
4 miles away, so, you know, between the amount of
5 money I've paid for my condo and the amount of
6 money I pay in taxes, I'd appreciate both, you
7 know, the infrastructure, that keeps the public
8 safe and healthy and some aesthetic, you know,
9 touch-ups to keep the building in line with other
10 buildings that are in the area.

11 Thank you.

12 CHAIRWOMAN GRAHAM: Thank you.

13 MR. HIPOLIT: Can I ask him a
14 question?

15 CHAIRWOMAN GRAHAM: Yeah, sure.

16 Please.

17 MR. HIPOLIT: I have a question for
18 you.

19 MR. WENK: Absolutely.

20 MR. HIPOLIT: You live right across
21 the street from the property. The area we
22 designated on here, how often does it flood? Tell
23 me in your, in your personal opinion.

24 MR. WENK: I've been here since
25 December and it's flooded at least eight times,

1 where I can't walk out of my building. I have
2 films.

3 MR. HIPOLIT: That's fine. Thank
4 you, very much.

5 MR. WENK: Thank you.

6 CHAIRWOMAN GRAHAM: Thank you.
7 Yes.

8 MR. DALY: I think I, I'd like to
9 take that opportunity --

10 CHAIRWOMAN GRAHAM: Sure.

11 MR. DALY: I'm one of the artists
12 in Neumann Leather and I've been there since
13 1989. It's a completely unique place. There's so
14 little -- there's so few industrial buildings left
15 in Hoboken, it seems like they all have their
16 separate stories and, and the others are really no
17 threat. This would really go a long way to
18 ensuring that whatever art communities still
19 remain in Hoboken, because it's so expensive young
20 artists don't come here, they go to Jersey City,
21 so saving what we've got is really important.
22 This goes a long way to ensure that, so, you know,
23 I hope you pass this, this plan.

24 CHAIRWOMAN GRAHAM: Thank you.

25 MR. GIBBONS: Mr. Daly, would you

1 just give us your address?

2 MR. DALY: Sure. 724 Bloomfield
3 Street.

4 CHAIRWOMAN GRAHAM: Thank you.

5 MS. BANYRA: Can I just qualify
6 that?

7 CHAIRWOMAN GRAHAM: Sure.

8 MS. BANYRA: This evening we're not
9 passing the plan, just so you know, we're
10 investigating it.

11 MR. DALY: Oh, okay.

12 MS. BANYRA: We're making
13 recommendations to Council. While there was a
14 Conceptual Plan, you know, submitted --

15 MR. DALY: Right.

16 MS. BANYRA: -- as part of the
17 documents you saw, that's just conceptual. It's
18 informational purposes. It's taken from the
19 Re-Examination Report and that's being forwarded,
20 you know, will possibly be forwarded with the
21 document this evening, but it's not a plan and
22 this Board only is making a recommendation to the
23 City Council. City Council will be adopting or
24 not adopting.

25 CHAIRWOMAN GRAHAM: This Board is

1 not a legislature.

2 MR. DALY: The Tenants Association
3 could probably provide some useful information for
4 you, if you were going to redo a tenant survey,
5 which is pretty arduous, but we'd go to great
6 detail with that, so if that would be helpful to
7 the Board, when we get that together we can
8 forward that to you.

9 MS. BANYRA: Thank you.

10 CHAIRWOMAN GRAHAM: Thank you for
11 coming.

12 Okay. At this point in the
13 proceedings Mr. Hipolit and Miss Banyra will be
14 subject to questions, including reasonable cross
15 examination by owners of the property, including
16 Neumann Leather and 301 Newark Street, LLC.

17 Who is here representing Neumann
18 Leather?

19 MR. POTTER: Good evening. My name
20 is Bill Potter. I'm with the firm of Potter and
21 Dickson and I'm representing Neumann Leather and
22 R. Neumann Company. With me is Mr. Peter Steck, a
23 Licensed Professional Planner who's going to
24 testify, and also a Victor Zerije (phonetic), who
25 is the General Manager of Neumann Leather

1 buildings, although he's not going to be
2 testifying. He's watching, making sure everything
3 is done appropriately.

4 I have cross examination of both
5 witnesses.

6 CHAIRWOMAN GRAHAM: Okay.

7 MR. GIBBONS: We have one, one
8 procedural issue. I know that 301 had also
9 submitted an objection.

10 CHAIRWOMAN GRAHAM: And they're
11 here, as well.

12 MR. GIBBONS: They're in the back.

13 CHAIRWOMAN GRAHAM: Right.

14 MR. GIBBONS: Now, Mr. Potter, I
15 know you have two witness -- well, one witness and
16 an observer. I don't -- for the 301, are you
17 expecting to present testimony or any witnesses?

18 MR. PENSUWAN: Not at this point.

19 MR. GIBBONS: It might be better if
20 we, because Mr. Potter and his client have
21 witnesses, it might take a little longer but you
22 might want to have 301 Newark Street --

23 CHAIRWOMAN GRAHAM: He said he
24 wasn't at this time.

25 MR. GIBBONS: You're not going to

1 make a statement at this time, Mr. --

2 MR. PENSUWAN: Actually, it's --

3 CHAIRWOMAN GRAHAM: Please step up
4 here. If you want to make a statement, please
5 step up here. State your name and who you
6 represent, please.

7 MR. PENSUWAN: My name is Songsik
8 Pensuwan.

9 CHAIRWOMAN GRAHAM: Spell that,
10 please.

11 MR. PENSUWAN: Last name is
12 Pensuwan, P-E-N-S-U-W-A-N. I'm the owner of 301,
13 LLC. Actually, part of it.

14 Next door to us was approved for a
15 seven floor or seven-story parking garage and I'm
16 actually, it's just a quarter, a bit of that, so I
17 don't know that I should be included in whatever
18 the planning. I think it should be more like,
19 Neumann building should be whatever you plan for,
20 you know, and what I tried to, like --

21 CHAIRWOMAN GRAHAM: So you're
22 questioning why you're included in this --

23 MR. PENSUWAN: Right --

24 CHAIRWOMAN GRAHAM: -- area?

25 MR. PENSUWAN: -- why I'm included,

1 because I'm only 25 feet from the corner of the
2 parking lot.

3 MR. GIBBONS: Well, I'm in receipt,
4 I am personally and I know Chairman Graham has
5 received a letter under date of September 20th
6 from Mr. Matule. I'll represent to the Board that
7 I asked Mr. Matule if he was going to appear and
8 he is unable to, he is away. This is his --
9 you're his client, Mr. Pensuwan, and he has filed
10 an objection which, you know, I'll -- we're in
11 receipt of it as of record, it will be part of the
12 record of this hearing, so I don't want you to --
13 and I know I had spoken with you. I don't want
14 you to feel that, you know, your statements are
15 not part of this record or will not be considered
16 by the Board, but I wanted to give you the
17 opportunity to amplify anything your lawyer may
18 have put in this letter or anything you wanted to
19 put on the record.

20 MR. PENSUWAN: No. What the
21 lawyer, that's fine with me. That's it. I don't
22 have anything else. Thank you.

23 MR. GIBBONS: Very good.

24 CHAIRWOMAN GRAHAM: Thank you.

25 MR. GIBBONS: Very good. Okay.

1 MR. PENSUWAN: Thank you.

2 CHAIRWOMAN GRAHAM: Okay, Mr.

3 Potter.

4 MR. POTTER: May I relocate to this

5 table?

6 CHAIRWOMAN GRAHAM: Yes.

7 MR. POTTER: Thank you.

8 Good evening, Mr. Hipolit. I

9 wonder if I could start with you.

10 MR. HIPOLIT: Absolutely. Good

11 evening.

12 MR. POTTER: I've received your
13 report dated September 9th. Let me just ask you a
14 couple of background questions first.

15 How long did you work on this
16 report?

17 MR. HIPOLIT: Few weeks.

18 MR. POTTER: A few weeks.

19 Did anyone in the City
20 Administration review it or vet it in advance of
21 its publication?

22 MR. HIPOLIT: No.

23 MR. POTTER: Okay. Did anyone at
24 the Planning Board review it or vet it in advance
25 of its publication?

1 MR. HIPOLIT: No.

2 MR. POTTER: Okay. So is this your
3 complete report, the report dated September the
4 9th, that's your complete report, just as
5 supplemented by your oral testimony tonight?
6 There's nothing else?

7 MR. HIPOLIT: There's nothing
8 else.

9 MR. POTTER: Okay. Page one of
10 your report lists your information sources and I
11 count seven sources going over to page three,
12 Items A through G. Are these the totality of your
13 information sources when you prepared the report?

14 MR. HIPOLIT: Yes. Other than,
15 other than anything I've done since then. As I
16 referenced tonight, we did look at the North
17 Hudson report prepared by C. Stupwell (phonetic)
18 dated 3-14-2002, which is, I discussed tonight, as
19 far as the area flooding and the storm
20 frequencies.

21 MR. POTTER: Okay. I noticed that
22 you relied heavily on your conversations with Mr.
23 Reeve of the North Hudson Sewerage Authority and
24 Mr. Sensale of the United Water Utility. Did you
25 conduct any independent reviews of the condition

1 of this sewer system, the sewer infrastructure?

2 MR. HIPOLIT: I need you to expand
3 on that.

4 MR. POTTER: Well, for example --

5 MR. HIPOLIT: That's a very broad
6 question.

7 MR. POTTER: -- I understand there's
8 something called a pig that you can use to go
9 inside a sewer line and it can look at the inside
10 of the sewer line. Did you do anything of that
11 sort?

12 MR. HIPOLIT: If the question -- I
13 don't know what a pig is, but if the question is
14 did we video the system, no.

15 MR. POTTER: Okay. Did you do any
16 independent analysis of the sewer system by
17 yourself or your firm?

18 MR. HIPOLIT: Only what's in the
19 report.

20 MR. POTTER: Only what's in the
21 report, okay.

22 And with respect to the water
23 system, would you have the same answer, only
24 what's in the report?

25 MR. HIPOLIT: What's in the report

1 or what I found from North Hudson, the March 14th,
2 2002 report.

3 MR. POTTER: Okay. If I'm not
4 mistaken, you limit your review to the water and
5 sewer infrastructure; is that correct?

6 MR. HIPOLIT: Correct.

7 MR. POTTER: You did not do any
8 investigation of any of the private properties; is
9 that correct?

10 MR. HIPOLIT: Correct.

11 MR. POTTER: I guess I'm wondering,
12 then, why it is that you began your introduction
13 on page one with 300 Observer Highway, Neumann
14 Leather, the site. You begin by talking about
15 Neumann Leather but the whole report is dealing
16 with water sewer infrastructure, which is not on
17 the property of Neumann Leather; is that correct?

18 MR. HIPOLIT: That's correct, but
19 the area -- correct. There was no reason to do
20 that. That was the area we called the site. It
21 was the middle of the area. I mean, it's been
22 referred to that.

23 MR. POTTER: Is that because the
24 April 20th resolution of the City Council
25 initially limited the study area to the Neumann

1 Leather, the triangular properties there and not
2 to the public right-of-way at all?

3 MR. HIPOLIT: I've never seen the
4 resolution.

5 MR. POTTER: You weren't aware of
6 the April resolution?

7 MR. HIPOLIT: No.

8 MR. POTTER: Were you aware that
9 the Mayor has called for protection of the
10 artists' community in Neumann Leather thru area in
11 need of rehabilitation?

12 MR. HIPOLIT: I was not.

13 MR. POTTER: You did not know about
14 that at all?

15 MR. HIPOLIT: No. I don't live in
16 Hoboken, so I don't know.

17 MR. POTTER: Neither do I but I do
18 follow these things rather closely.

19 MR. HIPOLIT: I don't. I'm sorry.

20 MR. POTTER: Okay. Now, I noticed
21 that you enclosed in Appendix G an e-mail exchange
22 with Mr. Sensale of the water utility. Could I
23 ask you to turn to that for a moment, please?

24 MR. HIPOLIT: Okay. I am there.

25 MR. POTTER: Okay. If you can,

1 down one, two, three, three paragraphs, other than
2 the one that says good afternoon, Joe, we can skip
3 that one, and I'm quoting and tell me if I've
4 quoted correctly, you state, or you wrote to
5 him: "As discussed in our conversation, we are
6 trying to show that the utilities in the area are
7 old and possibly in need of rehab. To that end,
8 can you provide us with --

9 PUBLIC MEMBER: I'm sorry.

10 CHAIRWOMAN GRAHAM: Please turn
11 that off.

12 PUBLIC MEMBER: I'm sorry.

13 MR. GIBBONS: Turn that off.

14 PUBLIC MEMBER: I'm trying to use
15 the timer. I'm sorry.

16 MR. POTTER: -- information on
17 customer complaints or repair work performed" --
18 I'm curious about your use of the terms we are
19 trying to show. Doesn't that suggest that you had
20 already decided what you were going to try to do?

21 MR. GIBBONS: I'm going to object
22 to that question because the e-mail speaks for
23 itself. Why are you trying to read into the
24 e-mail?

25 MR. POTTER: I'm questioning the

1 gentleman's interpretation of his own words.

2 MR. GIBBONS: Well, the words speak
3 for themselves.

4 MR. POTTER: All right. I quite
5 agree.

6 Did you receive any information on
7 customer complaints about the water system?

8 MR. HIPOLIT: No.

9 MR. POTTER: Okay. Now, the water
10 system is not owned by the City of Hoboken any
11 longer, is it?

12 MR. HIPOLIT: That's in the report
13 and I also testified to that.

14 MR. POTTER: It's owned by United
15 Water Company; is that correct?

16 MR. HIPOLIT: As I said before,
17 that's in the report and I testified to that,
18 correct.

19 MR. POTTER: And United Water
20 Company is a public -- is an investor owned public
21 utility; is that correct?

22 MR. HIPOLIT: I don't know.

23 MR. POTTER: You don't know?

24 MR. HIPOLIT: No. I don't follow
25 what they -- I don't follow their personal

1 corporate business.

2 MR. POTTER: Well, in all these
3 communications with United Water Company you never
4 realized that it was subject to jurisdiction of
5 the Board of Public Utilities?

6 MR. HIPOLIT: All utilities are
7 subject to the Board of Public Utilities, but I
8 don't know what their ownership is.

9 MR. POTTER: Oh, okay. Forgive
10 me. I understand now where we're coming from.

11 You agree that the United Water
12 Company is subject to the jurisdiction of the
13 Board of Public Utilities --

14 MR. HIPOLIT: Yes.

15 MR. POTTER: -- is that correct?

16 And you also understand that that
17 jurisdiction is exclusive with respect to the
18 rates and quality of service?

19 MR. HIPOLIT: I think that's
20 reasonable. It's not my area of expertise, how
21 they do their rates, but that's a reasonable
22 observation, I believe.

23 MR. POTTER: Okay. And is it your
24 understanding that the City of Hoboken does not
25 have jurisdiction over the rates and quality of

1 service of United Water Company?

2 MR. HIPOLIT: I don't know the
3 answer to that.

4 MR. POTTER: Well, if it's under
5 the exclusive jurisdiction of the Board of Public
6 Utilities, then the City of Hoboken does not have
7 jurisdiction; doesn't that follow --

8 MR. HIPOLIT: No. I don't, I don't
9 agree with the way you're characterizing that
10 because a water system in a town, even though it
11 may be owned by somebody else, which is not just
12 exclusive to Hoboken, to many towns, the town does
13 have the ability to go to the water company and
14 ask for repairs and/or upgrades. It's very common
15 for a municipality to go to their own utility and
16 say we have an issue, we need rehab, can they work
17 together to do it. Granted, anything that's done
18 may need approval of the Board of Public
19 Utilities, but the two entities have a common
20 interest. The water company wants to sell water
21 and make money. The town wants to make sure they
22 get enough water to fight fires and provide water
23 for showers, so they work together for a common
24 good, so that I don't agree with.

25 MR. POTTER: I think, actually, you

1 do agree with me, or I agree with you. What
2 you're really saying is that if the City wants
3 something done with United Water Company, they
4 have to go to United Water Company and ask them to
5 do it, they can't simply say we're compelling you
6 to do something?

7 MR. HIPOLIT: Agree.

8 MR. POTTER: Okay. Thank you.

9 Now, the North Hudson Sewerage
10 Authority owns and operates the combined sanitary
11 and storm water system; is that correct?

12 MR. HIPOLIT: Correct, and that's
13 in our report.

14 MR. POTTER: And that's a public
15 utility as well; is that correct?

16 MR. HIPOLIT: It's not owned by
17 Hoboken. I don't know if it's a publicly traded
18 company. Again, it's a private company that
19 can --

20 MR. POTTER: Well, let me see if I
21 can help you out on that. It's owned and operated
22 by the North Hudson Sewerage Authority which is a
23 creature of Hudson County; is that correct?

24 MR. HIPOLIT: I don't know. I take
25 your word.

1 MR. POTTER: Well, I want you to
2 make the assumption now --

3 MR. GIBBONS: Don't -- no. I'm not
4 going -- I'm going to object to any question you
5 ask him to make an assumption on.

6 MR. HIPOLIT: I'm not going to make
7 an assumption.

8 MR. POTTER: Well, if the Sewerage
9 Authority is the owner and operator of the water,
10 of the sewage --

11 MR. GIBBONS: Objection. You're
12 asking him to make an assumption using different
13 language.

14 MR. POTTER: I'd like to have a
15 little bit of latitude here, if I might. Let me
16 show you something here.

17 MR. GIBBONS: I'd like to see that
18 first, please.

19 MR. POTTER: You just keep one copy
20 and pass it out. I'd like to have this marked as
21 Neumann Leather Exhibit 1. This is taken directly
22 from the website of the City of Hoboken on Monday,
23 September 19th, and it has the heading: News,
24 Construction Work on Grand Street.

25 MR. GIBBONS: All right. I would

1 appreciate if you would mark that O-1. We'll make
2 it Objector -- it's O-1.

3 MR. POTTER: Well, I would like to
4 be clear for the record that it says Neumann
5 Leather. There might be other objectors and I
6 just want it to be clear that we're not an
7 objector, we're a property owner who's trying to
8 defend their property.

9 MR. GIBBONS: Well, you are an
10 objector because you've entered an objection to
11 the --

12 MR. POTTER: But this is not --

13 MR. GIBBONS: And, you know, not
14 that, that we're discussing that here, but it's a
15 matter of respect and location, so it would be,
16 you know, somewhat inaccurate to not say you're an
17 objector, so --

18 MR. POTTER: Why don't we
19 compromise and call it Objector Neumann Leather
20 1? I'd like to have the name Neumann Leather on
21 the exhibit.

22 MR. GIBBONS: I think we'll call it
23 O-1, please.

24 (Two page article dated September
25 27, 2011 was received and marked

1 O-1 for identification.)

2 MR. POTTER: Could you show that to
3 Mr. Hipolit, please?

4 Would you read out loud what's
5 written underneath the photograph?

6 MR. HIPOLIT: The paragraph?

7 MR. POTTER: Please.

8 MR. HIPOLIT: Okay. The North
9 Hudson Sewerage Authority will be replacing
10 sections of the deteriorated wood sewers along
11 Grand Street between 1st and 5th Streets. The
12 repair work will require excavation within the
13 roadway and will be performed in stages. The
14 first stage will be between 4th and 5th Streets.
15 Parking will be temporarily prohibited along this
16 area for two weeks starting on Thursday, September
17 22nd, 2011. The work zone will also be subject to
18 traffic detours during working hours. Grand
19 Street will reopen to traffic during evening
20 hours.

21 MR. POTTER: Okay. Now, Mr.
22 Hipolit, as an engineer in this field isn't this
23 an appropriate methodology for the North Hudson
24 Sewerage Authority to be upgrading sewer systems
25 in the City of Hoboken?

1 MR. HIPOLIT: I'll repeat what I
2 think you're asking. North Hudson Sewerage
3 Authority owns the system --

4 MR. POTTER: Yes.

5 MR. HIPOLIT: -- so it's their
6 obligation to repair it.

7 MR. POTTER: Yes, and they're in
8 the business of repairing it and including this
9 particular section; is that correct?

10 MR. HIPOLIT: That's what it says.

11 MR. POTTER: Okay. And you have no
12 reason to dispute this?

13 MR. HIPOLIT: That's what it says.

14 MR. POTTER: Okay. Thank you.

15 In your description of the study
16 area, the mapping of it, I notice that there's a
17 carve out at the intersection of Newark --

18 MR. HIPOLIT: I didn't hear you.

19 MR. POTTER: Where Newark and
20 Observer Highway come together, there's the
21 crosshatched portion which is excluded from the
22 study area, as you -- can you see that?

23 MR. HIPOLIT: Just so we're on the
24 same page --

25 MR. POTTER: Okay.

1 MR. HIPOLIT: -- on my map one of
2 one called Project Location Map, Overall Area for
3 City of Hoboken, Hudson County, New Jersey,
4 there's an area that's designated, that says not
5 in the study area?

6 MR. POTTER: Correct. That's what
7 I'm referring to.

8 MR. HIPOLIT: Okay.

9 MR. POTTER: Now, as I understand,
10 there is a fairly new apartment or condominium
11 complex, a car wash and a gasoline station that
12 occupy that part of the study area or of that
13 place; is that correct?

14 MR. HIPOLIT: That's what Miss
15 Banyra testified to, yes.

16 MR. POTTER: Okay. And is it your
17 understanding that that, I'm going to say carved
18 out area for want of a better term, that that
19 carved out area is also served by the North Hudson
20 Sewerage Authority; is that correct?

21 MR. HIPOLIT: Yes.

22 MR. POTTER: And it's also served
23 by the United Water Company, to the best of your
24 knowledge; is that correct?

25 MR. HIPOLIT: Correct.

1 MR. POTTER: So what possible
2 reason is there insofar as relation to the sewer
3 and water infrastructure for removal of that -- of
4 those locations from the study area?

5 MR. HIPOLIT: That's not what I was
6 charged with doing for the Board. My charge was
7 to look at the sanitary water and determine the
8 age and need for rehab or replacement or upgrade.
9 The areas were given to me.

10 MR. POTTER: Okay. Perhaps that's
11 a question better left for Miss Banyra.

12 Let's see. You also described the
13 study area characteristics -- I'm trying to find
14 what page. Excuse me. I'll tell you the page.
15 Page three going over to page four, and you refer
16 to it as being developed with improvements
17 typically associated with an urban environment and
18 it appears that the existing lots within the site
19 of development in a typical urban manner; is that
20 correct?

21 MR. HIPOLIT: Correct. That's what
22 we put in our report.

23 MR. POTTER: So this is fairly --
24 when you use the word typical, this would be
25 fairly typical of the City of Hoboken; would it

1 not?

2 MR. GIBBONS: Okay. I'm going to
3 object because what's in his report --

4 MR. HIPOLIT: It speaks for
5 itself.

6 MR. GIBBONS: -- it speaks for
7 itself. I mean, I don't want to be argumentative
8 with you, but certainly asking him what he meant
9 when he said what he said in the report, I think
10 that's, I think that's what we're really dealing
11 with here.

12 MR. POTTER: Okay. I'll accept
13 that re-characterization.

14 MR. GIBBONS: It's not a
15 re-characterization. The report speaks for
16 itself. It was prepared, prepared by Mr. Hipolit
17 and he signed it.

18 MR. POTTER: Well, not to be
19 argumentative, but if the whole thing speaks for
20 itself there would be no role for cross
21 examination.

22 MR. GIBBONS: Well, maybe there is
23 no role for cross examination.

24 MR. POTTER: That's on the record.
25 Let me ask you this. What did you

1 mean by typical, typically associated with an
2 urban environment, and what did you mean by
3 typical urban manner?

4 MR. HIPOLIT: I'll say that I don't
5 think I need to expand on it. It's just
6 typically, those were the things that you find in
7 an urban area and that's how we list them. I
8 don't --

9 MR. POTTER: Well, let me ask you
10 to put it in context for the City of Hoboken.
11 Flooding is a problem that happens not just in
12 this study area; is that correct?

13 MR. HIPOLIT: Flooding happens all
14 over the State of New Jersey, as we just saw a
15 couple weeks ago.

16 MR. POTTER: Well, it happens all
17 around the City of Hoboken, does it not?

18 MR. HIPOLIT: And I'll say again,
19 just like it happens all over every town in the
20 State of New Jersey. Flooding in New Jersey is a
21 very typical thing.

22 MR. POTTER: And the City of
23 Hoboken specifically?

24 MR. HIPOLIT: Hoboken included.

25 MR. POTTER: All right. Now, I

1 want to turn your attention to your description of
2 the existing combined sanitary/storm sewer system
3 on page four and going over to page five, over to
4 page five.

5 MR. HIPOLIT: Okay.

6 MR. POTTER: Okay.

7 MR. HIPOLIT: Turn to page five or
8 stay on page four?

9 MR. GIBBONS: Page four or page
10 five?

11 MR. POTTER: And then you also pick
12 it up again on page eight and page nine before you
13 get to your conclusion.

14 MR. HIPOLIT: Correct.

15 MR. POTTER: Now, if I'm not
16 mistaken, your principal objection or your
17 principal basis for your position that the
18 sewerage system is in need of rehabilitation is
19 that it's undersized for carrying both the
20 sanitary sewer and the storm water; is that
21 correct?

22 MR. HIPOLIT: First, I'll say I
23 don't have any objection. I'm just stating
24 facts. Second, I'll say that's one part of it.
25 If you listened to my testimony before, the other

1 part is that the pipes that it's constructed of
2 are constructed of materials that are no longer
3 used and probably haven't been used in New Jersey
4 for 70, 80 or 100 years, and pipes are substandard
5 in actual physical construction, so it's more than
6 just the flooding, although flooding is a major
7 issue, because when you combine fresh water with
8 sanitary sewer and they flood the streets, it
9 poses a health and safety issue. When you add
10 vitrified clay pipe or brick sewers, those sewers
11 are very old, subject to deterioration, easily
12 subject to cracking, easily subject to breaking
13 under re-paving of roads, under other utilities
14 running things through there, so it's a very
15 substandard archaic system. We haven't made
16 systems like that in the United States for years.

17 MR. POTTER: Well, I just want to
18 point your attention to pages eight and nine,
19 where I counted one, two, three, four times your
20 principal objection to the sewerage system was
21 that, and I quote, "it is clear that the combined
22 sanitary/storm sewer system is undersized for its
23 intended purpose" and then down two paragraphs
24 later you say, "since the undersized system cannot
25 accommodate sanitary sewer and storm sewer during

1 rainfalls, the system overflows into the streets
2 of the City", and then in the next paragraph over
3 on the next page you say, "the rehabilitation of
4 the system may alleviate flooding that occurs
5 within the study area due to the undersized
6 system". So in your report you focus in on the
7 lack of capacity, did you not, the age and lack of
8 capacity?

9 MR. HIPOLIT: Everything you said,
10 yes, I'll say again, as I said, the system does
11 not have adequate capacity, as we found out after
12 the report was produced based on North Hudson
13 Sewerage Authority's study of the system. Again,
14 it can handle most five year intensity rainfall
15 events, which makes it significantly undersized
16 for rainfall and causes flooding in streets and
17 causes a public health and safety issue. The
18 second part, as I testified to tonight, and we
19 have the materials in our report, the pipe is
20 constructed of materials that haven't been used in
21 this area for 50 plus years and they're
22 substandard materials.

23 MR. POTTER: All right. Let me ask
24 you this, then. You're really talking about a
25 system for replacement of the pipes, not

1 maintenance or repair of the pipes --

2 MR. HIPOLIT: No.

3 MR. POTTER: -- are you not?

4 Okay. Well, how do you repair a
5 clay pipe, unless you replace it?

6 MR. HIPOLIT: It's up -- I mean, I
7 could get into, I could get into detailed
8 engineering methods for repair of a clay pipe.
9 Being a Municipal Engineer in a number of towns --

10 MR. POTTER: Well, let me see if I
11 can clarify.

12 MR. HIPOLIT: -- there are numerous
13 ways to repair a clay pipe.

14 MR. POTTER: Okay. Go ahead.

15 MR. HIPOLIT: You can spot repair
16 it. You can line it. You can pipe burst it. You
17 could do numerous other things to it to repair
18 it. You can replace it, also. If you do point
19 repair for replacement you would use materials
20 that are more common with 2011 standards, as I
21 said before, STR-35 pipe, which is plastic,
22 Schedule 40 pipe, which is plastic, or duck liner
23 pipe in situations where you have a heavy loads,
24 vibrations or things above it or you have high
25 brand infiltration, which is one of those areas

1 here, which is another problem with vitrified clay
2 pipe, it lets significant amounts of ground water
3 into the system, inundating it, causing flooding,
4 causing the town to pay more money for their
5 sanitary sewage than they should pay. I don't
6 know Hoboken's records but I'm sure they pay five
7 to 10 times the amount of metered flow, which is
8 another whole issue we haven't gotten into, but
9 it's just -- it's so old it's unbelievable.

10 MR. POTTER: So basically you're
11 saying it needs to be replaced; is that correct?

12 MR. HIPOLIT: No. I'm not sure
13 you're understanding.

14 MR. POTTER: Well, then let me --

15 MR. HIPOLIT: What we know --

16 MR. GIBBONS: I think you asked and
17 he's answered the question at least three times.

18 MR. POTTER: Let me try this one
19 more time, if I may, please.

20 None of the repair techniques you
21 mentioned increase the capacity of the pipe?

22 MR. HIPOLIT: No. I didn't, I did
23 not say that. The methods --

24 MR. POTTER: I'm asking you if that
25 is not the case.

1 MR. HIPOLIT: That is not the
2 case. You can repair the pipe with other methods,
3 such as pipe bursting to put in larger size pipes
4 to increase capacity. I don't -- we weren't asked
5 to do an engineering solution to come up with what
6 those repairs would be. I just, because I'm a
7 Municipal Engineer with a number of towns, I have
8 a lot of experience in this and we can have a
9 discussion for hours on different methods. It
10 would be a great discussion for me because I'm an
11 engineer but it would bore the heck out of
12 everybody else.

13 MR. POTTER: Okay. Well, then,
14 just to cut to the chase, the only things that you
15 studied were the water and sewer infrastructure;
16 is that correct?

17 MR. HIPOLIT: That's how I started
18 my testimony. That is correct.

19 MR. POTTER: Those are entirely
20 located in the public right-of-ways; is that
21 correct?

22 MR. HIPOLIT: Yes.

23 MR. POTTER: Okay. That's all the
24 questions I have for this witness.

25 MS. HIPOLIT: Okay. Thank you.

1 MR. POTTER: I started to say you
2 can stand down.

3 MR. GIBBONS: Please.

4 CHAIRWOMAN GRAHAM: You have
5 questions for Miss Banyra?

6 MR. POTTER: Yes. Of course.

7 CHAIRWOMAN GRAHAM: Okay.

8 MR. POTTER: Good evening, Miss
9 Banyra.

10 MS. BANYRA: Good evening.

11 MR. POTTER: I think I heard you
12 say in your opening remarks that the report that
13 the Planning Board has before them is dated
14 September 11th?

15 MS. BANYRA: No. I said September
16 9th, 2011.

17 MR. POTTER: Okay. September 9th,
18 2011, okay.

19 And that's the -- and you haven't
20 made any changes to the text of that report since
21 it was handed out on September 9th; is that
22 correct?

23 MS. BANYRA: That's correct.

24 MR. POTTER: Okay. Now, let me
25 jump ahead to page 16 in that report, where you

1 say engineering analysis and review.

2 MS. BANYRA: Okay.

3 MR. POTTER: Isn't it correct to
4 say that your report and recommendation that this
5 area's in need of rehabilitation depends upon the
6 engineering report for its accuracy; is that
7 correct?

8 MS. BANYRA: Well, I am the
9 Planning Board Planner for the municipality for
10 the past 10 years, so I'm familiar with the City
11 and do have some knowledge of the infrastructure.
12 Minor, but some knowledge of the infrastructure in
13 the community, so yes, I did discuss the
14 infrastructure with Mr. Hipolit, but I am aware
15 of, for example, information from North Hudson
16 Sewerage Authority that dated our infrastructure.

17 MR. POTTER: Well, let me just read
18 this sentence to you on page 16. This evaluation
19 regarding, that's referring to your own, the
20 second sentence, is important as this designation
21 AIN study is based on an evaluation of the
22 infrastructure, etcetera, etcetera. Is that a
23 separate report from Maser Engineer?

24 MS. BANYRA: Right.

25 MR. POTTER: You did not do your

1 own study of the water and sewer infrastructure
2 located in the public right-of-way, did you?

3 MS. BANYRA: I did not.

4 MR. POTTER: Okay. So your
5 conclusions are based upon the water and sewer
6 infrastructure as reported by Mr. Hipolit; is that
7 correct?

8 MS. BANYRA: Well, maybe ask me
9 your next question, then I can maybe answer this
10 question, because I think you have a second
11 question to this.

12 MR. POTTER: I'm not sure what the
13 next question is yet.

14 MS. BANYRA: Okay.

15 MR. POTTER: Depends on your answer
16 to the first question.

17 MS. BANYRA: Let's trick each
18 other.

19 I'm aware of -- I have information
20 from Fred Pocci from March indicating the age of
21 the infrastructure and it that exceeded 50 years,
22 so I knew that before I even started my
23 investigation.

24 MR. POTTER: Okay. But your
25 evaluation depends upon the age of the

1 infrastructure and the condition of the
2 infrastructure, being this water and sewer system
3 and not on -- or strike that. Just limit it based
4 upon the evaluation of the water and sewer
5 infrastructure; is that correct?

6 MS. BANYRA: That's correct.

7 MR. POTTER: Okay. Maybe this will
8 go faster than I realized.

9 MR. GIBBONS: Go right ahead. Go
10 right ahead.

11 MR. POTTER: Now, earlier on you
12 were talking about the basis of your report from
13 Section 14(a), two and three of the Local
14 Redevelopment Housing Law; is that correct?

15 MS. BANYRA: Two and three, the
16 number two and three dealing with Section 14 of
17 the statute, 14(a) and (b)?

18 MR. POTTER: Yes, and let me just
19 hand out copies of this, if I may, and if I may, I
20 guess you might call this --

21 MR. GIBBONS: O-2.

22 MR. POTTER: -- O-2. This one I'll
23 show to Mr. Gibbons. That's the one I would like
24 to ask you to share with Miss Banyra. It is
25 underlined in red, and I underlined it in red just

1 so she can get to it more easily, subsection two
2 of --

3 MR. GIBBONS: The record will
4 reflect --

5 MR. POTTER: -- Section 14.

6 MR. GIBBONS: Okay. Well, the
7 record will reflect that you've underlined --
8 you've circled the word housing stock and
9 underlined the terms and conditions set forth in
10 subsection 40A:12A-14.

11 MR. POTTER: Well --

12 MR. GIBBONS: I'll give that to
13 Miss Banyra.

14 MR. POTTER: -- with the indulgence
15 that --

16 MR. GIBBONS: Needless to say, I
17 think it would be fair to say the statute does
18 speak for itself and the Board can take judicial
19 notice of such a statute.

20 MR. POTTER: With the indulgence of
21 the Chair, may I have one copy back for myself?
22 Is there an extra?

23 MS. BANYRA: Here, so you can have
24 the --

25 (Copy of Statute 40A:12A-14 was

1 received and marked 0-2 for
2 identification.)

3 MR. POTTER: Now, did you make an
4 interpretation of subsection two when you were
5 doing your report?

6 MS. BANYRA: I don't believe so.

7 MR. POTTER: You did not make an
8 interpretation of it?

9 MS. BANYRA: I reviewed the
10 statute. I read the statute. I don't think I'm
11 interpreting. I'm reading plain language. I'm
12 not sure I'm coming up with my own unique
13 interpretation, if that's what you're asking.

14 MR. POTTER: Well, if I may read
15 it, it says more than half the housing stock in
16 the designated area is at least 50 years old. Is
17 there any housing stock in the designated area
18 that's more than 50 years old?

19 MS. BANYRA: Well, you only read
20 part of it, and then the next word is or.

21 MR. POTTER: Well, I was gonna' go
22 into the rest.

23 MS. BANYRA: Or, I took the second
24 half of part two, or a majority of the water and
25 sewer infrastructure in the delineated area is at

1 least 50 years old and is in need of substantial
2 maintenance -- repair or substantial maintenance,
3 and that's the, that's the section that I'm
4 referring to in my report, so if I misstated that
5 earlier, that's the section I was referring to.

6 MR. POTTER: Now, let me ask you
7 this. Are you aware that sometimes in a statute
8 the word or is in the disjunctive, meaning either
9 or?

10 MR. GIBBONS: Objection.

11 MR. POTTER: Sometimes it's in the
12 conjunctive --

13 MR. GIBBONS: Objection.

14 MR. POTTER: -- meaning and/or?

15 MR. GIBBONS: Objection.

16 Objection. She's not -- first of all, she's not
17 an attorney, but secondly, you're making an
18 interpretation of the statute and that may be for
19 you to make before a Court of Law, but not in
20 here.

21 MR. POTTER: Well, what I'm asking
22 is how she reads that section of the law and I'm
23 probing her understanding of that and I think
24 that's entirely appropriate.

25 MR. GIBBONS: Miss Banyra, do you

1 wish two answer or -- go ahead.

2 MS. BANYRA: It's up to you.

3 MR. GIBBONS: You may answer.

4 MS. BANYRA: The way I read this
5 section is number two is two part sentence, with
6 the second part beginning with or a majority of
7 the water and sewer infrastructure, so housing
8 stock -- and it reads, I'll read the entire thing,
9 number two, more than half of the housing stock in
10 the delineated area is at least 50 years old, or
11 is at least 50 years old and is in need -- excuse
12 me, and a majority of the water and sewer
13 infrastructure in the delineated area is at least
14 50 years old and is in need of repair and
15 substantial maintenance, so the section is part
16 two of number two is what I review and I think
17 it's appropriate and I think that completely
18 stands alone.

19 MR. POTTER: Okay. So just to be
20 clear, so you interpret the word or after the
21 words 50 years old to be in the disjunctive;
22 namely, either or not and?

23 MS. BANYRA: Yes.

24 MR. POTTER: Okay. And by that
25 interpretation, does that not suggest that the

1 first part of it stands on its -- stands alone,
2 more than half of the housing stock in the
3 delineated area is at least 50 years old?

4 MS. BANYRA: Yes.

5 MR. POTTER: So that would then
6 mean that wherever housing stock, every house
7 that's more than 50 years old --

8 MR. GIBBONS: Objection.

9 MR. POTTER: -- shall be designated
10 as an area in need of redevelopment?

11 MR. GIBBONS: I'm not gonna' -- the
12 purpose of this hearing is not for you to perform
13 statutory construction or to impose statutory
14 construction on this Board. The purpose of this
15 hearing is for Miss Banyra and Mr. Hipolit to
16 review their reports. If you want to cross
17 examine them, and you're being permitted to do so,
18 if you want to ask questions, that's perfectly
19 fine, but the statute, as far as the people in
20 this room are concerned, it's what it says it is.
21 The plain language of the statute speaks for
22 itself. If you want to make an interpretation of
23 the statute, this is not the forum, this is not
24 the forum in which you can do it, so I'm going
25 to -- you know, we're not going there, we're not

1 going there anymore.

2 MR. POTTER: So we won't be
3 permitted to do any more questioning along this --

4 MR. GIBBONS: You won't be
5 permitted to do any questioning along that issue.
6 The statute speaks for itself.

7 MR. POTTER: Okay. Well, then I'd
8 like to make a proffer, and that is that what I
9 was leading up to is the amendment --

10 MR. GIBBONS: You can make the
11 proffer to the Superior Court if you want to do
12 it, but not as far as this is concerned.

13 MR. POTTER: Well, I find that to
14 be unfortunate but I will abide by your ruling, of
15 course.

16 Miss Banyra --

17 MS. BANYRA: Yes.

18 MR. POTTER: -- just to follow-up on
19 an earlier line of questioning, you made no
20 analysis of your own as to whether Neumann Leather
21 qualifies as an area in need of rehabilitation
22 under subsection one of Section 14A; is that
23 correct?

24 MS. BANYRA: Subsection one, no, I
25 did not.

1 MR. POTTER: Okay. And so you're
2 not in any way alleging or asserting that it's an
3 area in need of rehabilitation under subsection
4 one?

5 MS. BANYRA: I didn't evaluate it
6 for that.

7 MR. POTTER: So you're not
8 asserting that it's -- so the answer is what I
9 said, correct?

10 MS. BANYRA: I didn't evaluate it
11 for that. That's --

12 MR. POTTER: Okay. All right.
13 Thank you.

14 Let me turn to your interpretation
15 of the Section 14(b), what I refer to as the
16 grandfather clause. This refers to the repeal of
17 N.J.S.A. 54:4-3.95 and other statutes dealing with
18 tax abatements and tax exemptions; is that
19 correct?

20 MS. BANYRA: I don't know that it
21 deals with the repeal of it. I'm sorry. I'm not
22 that fluent in the tax abatement statute. Can you
23 just show me what you're referring to in my
24 report?

25 MR. POTTER: Well, okay. The

1 bottom of page two you say during the course of
2 the research of the report it was discovered that
3 the City and/or around 1979 was designated as an
4 area in need of rehabilitation pursuant to,
5 etcetera, etcetera, N.J.S.A. 54:3.95, Exhibit 3.

6 MS. BANYRA: Yes.

7 MR. POTTER: Okay. My first
8 question, I guess, is you don't know of the year
9 in which this occurred?

10 MS. BANYRA: No. I provided the
11 information that I have, which is resolutions.
12 The resolution is dated. I'm not sure that that
13 was the authorizing resolution, but it certainly
14 states that the area is designated, but I'm not
15 sure that that was the original resolution.

16 MR. POTTER: Well, if I'm, if I'm
17 not mistaken, these resolutions you're referring
18 to are the ordinances in Exhibit No. 4 in your --

19 MS. BANYRA: That's correct.

20 MR. POTTER: -- testimony; is that
21 correct?

22 And without asking you to go
23 through each of these, if I'm not mistaken --
24 well, let's take the first one. This creates a
25 procedure, and tell me if you agree with me, this

1 creates a procedure for someone to file for a tax
2 abatement; is that not correct, from the City of
3 Hoboken?

4 MS. BANYRA: Let me just look at
5 the first resolution.

6 Okay. Could you restate your
7 question or could you say it again?

8 MR. POTTER: Yes.

9 This resolution dated, I guess it's
10 dated January 2nd, 1985.

11 MS. BANYRA: No. That's -- this is
12 the one that I indicated that they're a little bit
13 out of order and there was --

14 MR. POTTER: Oh, I see.

15 MS. BANYRA: Okay. So it begins,
16 the first one is August 15th, it shows in the
17 front August 15th date stamp and then September
18 5th, 1979, and then -- so that's the first page of
19 Exhibit 4, and then the second page starts in
20 order to provide for property tax exemptions and
21 abatements on commercial or industrial structures,
22 that's the second page of that, and then the third
23 page -- this is where the pages get funny. The
24 third page says December 19th, 1984. That page is
25 out of order.

1 MR. POTTER: Okay. No wonder why I
2 was confused.

3 MS. BANYRA: So that page gets
4 moved to beyond page six. I'm sorry about that.

5 MR. POTTER: All right. Well --

6 MS. BANYRA: That just was a
7 clerical error. It gets moved to -- yes, moved a
8 few pages back. On the top of the page it says,
9 in the left-hand corner it says Wilson, it says
10 adopted September of 1979, and that's where that
11 cover page goes.

12 MR. POTTER: All right. Well, help
13 me out here, if I may.

14 MS. BANYRA: Okay.

15 MR. POTTER: The very first page
16 after the one that says Exhibit 4 -- whoops. I'm
17 sorry. It's August 15th, 1979.

18 MS. BANYRA: Yes.

19 MR. POTTER: Well, each of these --
20 actually, if I may ask you to summarize so we can
21 save a bit of time, they all deal with the
22 provision of tax abatements for rehabilitative
23 property; is that correct?

24 MS. BANYRA: Tax abatements, yes.

25 MR. POTTER: From the City of

1 Hoboken?

2 MS. BANYRA: Yes.

3 MR. POTTER: Okay. You have not
4 presented -- tell me if I'm wrong. You have not
5 presented a copy of any determination that the
6 entire City of Hoboken was designated an area in
7 need of rehabilitation in or about 1979; is that
8 correct?

9 MS. BANYRA: That's correct.

10 MR. POTTER: Okay.

11 MS. BANYRA: I'm referring to what
12 the ordinance states. If you read the ordinance,
13 it states qualified -- on the first ordinance,
14 after the August 15th, 1979 it states, whereas,
15 and it's P.L. 1977, supplemented Chapter Four,
16 Title 54, revised statute enables qualified
17 municipalities to exempt from local property tax
18 certain industrial and commercial improvements,
19 and, whereas, the City of Hoboken in its entirety
20 has been determined by the Department of Community
21 Affairs to be an area in need of rehabilitation,
22 and that's, and that's where -- and then it goes
23 on.

24 MR. POTTER: All right. And the
25 statute, which is subsection (d) of Section 14

1 that you're relying upon --

2 MR. POTTER: Yes.

3 MR. POTTER: And again -- where is
4 my copy -- that essentially grandfathers any
5 action taken pursuant to that determination; is
6 that correct?

7 MS. BANYRA: That was my
8 understanding, yes.

9 MR. POTTER: Okay. So it's
10 grandfathered, all of the tax abatements that were
11 granted post 1979?

12 MS. BANYRA: It grandfathers any of
13 the, I believe -- I believe there were three
14 statutes that had tax abatements that were
15 subsumed in the Local Redevelopment and Housing
16 Law when it was reconstituted in 1992.

17 MR. POTTER: 1992?

18 MS. BANYRA: Yeah, okay, and the
19 statute refers to that and says any property --
20 I'm going to summarize that. It basically says
21 that any property that was previously designated
22 pursuant to the statutes, and that begins 54:,
23 will remain designated, so yes, that's what I'm
24 referring to.

25 MR. POTTER: So it's your position,

1 then, that every single property in the City of
2 Hoboken is in need of rehabilitation?

3 MS. BANYRA: No. That's not what I
4 said. I said that the City appears to be
5 previously designated --

6 MR. POTTER: Okay.

7 MS. BANYRA: -- as an area in need
8 of rehabilitation.

9 MR. POTTER: So you're not
10 asserting that based upon that every property in
11 the City of Hoboken is automatically in need of
12 rehabilitation?

13 MS. BANYRA: No. I don't need to
14 assert that. The statute says what it says and
15 I'm stating that I believe there's a designation
16 that the entire City has been designated.

17 MR. POTTER: Okay. But you're not
18 offering -- strike that.

19 Let me ask you to turn to your
20 description of the powers conferred on the City by
21 virtue of an area in need of rehabilitation.

22 MS. BANYRA: What page are you on?

23 MR. GIBBONS: What page are you
24 referring to, Mr. Potter?

25 MR. POTTER: I'm not sure.

1 MS. BANYRA: It should be in the
2 beginning, maybe page two.

3 MR. POTTER: Let me just ask you if
4 you're aware of the powers that are conferred upon
5 the City by virtue of an area in need of
6 rehabilitation?

7 MS. BANYRA: I believe so.

8 MR. POTTER: Okay. Let's do this,
9 I'll go through and I'll ask you if it has the
10 power to do something and you say yes or no.

11 Okay?

12 MS. BANYRA: I'll try.

13 MR. POTTER: Okay. Is it -- does
14 it include the power to do a Redevelopment Plan?

15 MS. BANYRA: Yes.

16 MR. POTTER: Under the
17 Redevelopment Plan, can that Redevelopment Plan
18 supersede local zoning?

19 MS. BANYRA: Yes.

20 MR. POTTER: Can the Redevelopment
21 Plan impose or change allowed uses?

22 MS. BANYRA: Yes.

23 MR. POTTER: And is it true that
24 under the -- pursuant to a Redevelopment Plan,
25 that a property owner cannot seek a use or a floor

1 area variance, FAR variance from the Zoning Board,
2 if they want to change they have to go to the City
3 Council to change the Redevelopment Plan?

4 MS. BANYRA: Yes.

5 MR. POTTER: Does it include the
6 power to designate a redeveloper?

7 MS. BANYRA: Yes.

8 MR. POTTER: And this redeveloper
9 be someone other than the property owner?

10 MS. BANYRA: It may, yes. Doesn't
11 have to be someone else but typically a
12 redeveloper is someone that's familiar with
13 developing property. Not all property owners are,
14 but that doesn't mean that they're precluded,
15 though, either.

16 MR. POTTER: Does it include the
17 power to mandate certain compulsory investments in
18 the property?

19 MS. BANYRA: The plan can stipulate
20 many different things. Design controls -- you
21 know, I'm not sure I'm following what you're
22 asking.

23 MR. POTTER: Well, okay. Let's
24 take a look at your Conceptual Redevelopment Plan,
25 at the end of the report. On page two, the

1 reading in the middle of the page, bonuses
2 repaired in relocation. You obviously reason that
3 these requirements would be permissible and a
4 Redevelopment Plan might be enacted; is that
5 correct?

6 MS. BANYRA: Yes.

7 MR. POTTER: Okay. If I ask you to
8 go down -- well, the second sentence, that the
9 designated developer of the site -- we don't know
10 who that will be?

11 MS. BANYRA: Right.

12 MR. POTTER: -- shall upgrade all
13 the major mechanical systems of the main buildings
14 to be preserved, so, therefore, it's your view
15 that the Redevelopment Plan may compel certain
16 investments in the building?

17 MS. BANYRA: Absolutely.

18 MR. POTTER: Okay.

19 MS. BANYRA: Again, let me just
20 indicate that this was a conceptual plan. It's
21 draft and conceptual. Can't be any more, I think,
22 clear. It's not been vetted by anyone, nor does
23 the Planning Board have the power to adopt it, nor
24 has the Council acknowledged it, so this is
25 informational purposes, why it was provided.

1 MR. POTTER: Got it.

2 MS. BANYRA: As long as that's
3 clear.

4 MR. POTTER: You said that several
5 times. My point is simply that these are powers
6 which you believe would be conferred upon the City
7 with respect to private property in the study area
8 if it's declared to be in need of rehabilitation,
9 correct?

10 MS. BANYRA: I've provided
11 information that I think the City may or may not
12 be able to use in terms of a Redevelopment Plan.
13 The Redevelopment Plan is entirely up to entities
14 other than myself. I typically don't prepare the
15 Redevelopment Plans for the community and I
16 provided some information taken from the Master
17 Plan and Re-Examination Report, so that's what I'm
18 providing here.

19 MR. POTTER: But just to be clear,
20 you reason that these impositions or requirements
21 would be within the scope of a Redevelopment Plan,
22 otherwise you wouldn't have included them?

23 MS. BANYRA: I've put down my
24 information. I think it's clear what's in there
25 as my draft conceptual plan. I think it's clear

1 what's in there.

2 MR. POTTER: All right. The next
3 sentence, the developer shall be required to
4 maintain the rent levels in those preserved
5 buildings, no more than the market rate for
6 industrial space in the region, so it's your view
7 that the Redevelopment Plan can actually impose a
8 kind of rent control ordinance on --

9 MR. GIBBONS: I'm going to object
10 again --

11 MR. POTTER: -- property owners?

12 MR. GIBBONS: -- because this has,
13 this has been emphasized both in testimony and in
14 a document and in the responses which you've
15 received to questions, that this is a concept.
16 You know, I see where you're going with this.

17 MR. POTTER: Don't want me to go
18 there, do you?

19 MR. GIBBONS: Maybe if I was
20 sitting in your chair I'd do the same thing,
21 because that's your job, but you're asking her to
22 give an answer to a question that you're trying to
23 basically, you know, you're trying to -- you're
24 pushing her into an answer that doesn't speak to
25 what she put in her report.

1 MR. POTTER: Mr. Gibbons, she can
2 say yes or no. The point is --

3 MR. GIBBONS: You've asked her
4 several times the same question over and over and
5 she said yes or no.

6 MR. POTTER: I'm asking with
7 respect to different sentences and what she has
8 herself written as to whether or not it's her view
9 that these are powers conferred upon the City of
10 Hoboken. This is incredibly important to my
11 client.

12 MR. GIBBONS: She's not an
13 attorney. She can't speculate. She's not an
14 attorney. She's not a municipal attorney. She's
15 not a member of the Council. She's not corporate
16 counsel. She can't confer powers or make that,
17 ascertain that herself. You're asking her to
18 basically testify as if she were an attorney.
19 It's one thing for you and I, but that's not for
20 her.

21 MR. POTTER: I'm asking her with
22 respect to her reasons for including these
23 impositions on, potentially on my client, and if
24 you're saying that she had no competence to do
25 this, then I'll accept that.

1 MR. GIBBONS: No, and don't put
2 words in my mouth either, Mr. Potter. With all
3 due respect, we've had enough of that, but as a
4 practical matter, I'm telling you that you're
5 asking her to give what is, in essence, a legal
6 opinion. Again, her report speaks for itself.
7 Why are you trying to read intent or some kind of
8 coloration into the language? That's clearly what
9 you're trying to do.

10 MR. POTTER: I'm trying to
11 emphasize certain things that are important for
12 these proceedings.

13 MR. GIBBONS: No. You're trying to
14 color the language. I mean, respectfully, and
15 again, that's why I'm objecting.

16 MR. POTTER: Does the Chair make
17 the ruling or does he make the ruling?

18 CHAIRWOMAN GRAHAM: He and I work
19 together.

20 MR. POTTER: I assume that --

21 CHAIRWOMAN GRAHAM: I'm supporting
22 him.

23 MR. POTTER: Okay. Let me ask you,
24 Miss Banyra, I'm not sure of the answer to your
25 question about whether you believe that there's

1 power to mandate certain compulsory investments
2 into the property, but let me go on to the next
3 one.

4 Okay. Does the designation of the
5 property as being in need of rehabilitation
6 include the power to prevent demolition of a
7 private property?

8 MS. BANYRA: I think part of the
9 plan, you can craft anything into a plan, but I
10 think it's typically agreed upon, it's sometimes
11 negotiated. There's a lot of different things
12 that happen in the plan. My intent here was to
13 pick out important things that were discussed by
14 the Planning Board and incorporate them into a
15 Concept Plan and forward that to Council and have
16 it used whatever way it may be used or not used.

17 MR. POTTER: Incidentally, this
18 Concept Redevelopment Plan, that's basically from
19 the Re-Examination Report, is it not?

20 MS. BANYRA: It is. It's
21 referenced in the Re-Examination Report.

22 MR. POTTER: Okay. Is there a
23 sunset date for Redevelopment Plan?

24 MS. BANYRA: I don't know the
25 answer to that. I don't think so.

1 MR. POTTER: So basically it's
2 immortal?

3 MS. BANYRA: Until it's changed and
4 amended, they're frequently amended, all
5 Redevelopment Plans often get amended and changed
6 cooperatively between developers and
7 municipalities all the time.

8 MR. GIBBONS: Actually, Mr. Potter,
9 if you refer to your expert's analysis I believe
10 he opines that Redevelopment Plans don't sunset.

11 MR. POTTER: Very good.

12 MR. GIBBONS: In case that's
13 somehow in question.

14 MR. POTTER: I appreciate that.
15 Thank you.

16 Let me conclude by, you made a
17 number of statements about the historic quality of
18 the Neumann Leather building.

19 MS. BANYRA: Right.

20 MR. POTTER: That had nothing to do
21 with whether or not it's an area in need of
22 rehabilitation, does it?

23 MS. BANYRA: No, it doesn't. As I
24 indicated, a lot of my planning testimony was just
25 that, it's the back-drop for zoning, and planning

1 is what I put, so I included again statements from
2 the Re-Examination Report, direct statements often
3 from the Re-Examination Report and/or the --

4 MR. POTTER: Okay.

5 MS. BANYRA: -- Master Plan. The
6 words were not my own.

7 MR. POTTER: Okay. Good.

8 Now, let me just ask you about all
9 of those planning documents that you summarize, if
10 we can possibly do it this way.

11 MS. BANYRA: Okay.

12 MR. POTTER: Those do not designate
13 the property to be in need of rehabilitation, do
14 they?

15 MS. BANYRA: They do not.

16 MR. POTTER: Okay.

17 MS. BANYRA: They're just for
18 context.

19 MR. POTTER: And in terms of
20 whether or not the Neumann Leather property is
21 historic, you are claiming it's historic not based
22 upon the National Register of Historic Places nor
23 based upon the State Register of Historic Places;
24 is that correct?

25 MS. BANYRA: Again, I'm going to

1 say the same thing, is that I referred to the
2 Re-Examination Report and the Master Plan, and the
3 Master Plan had a historic consultant who
4 identified it, and I believe I included it as an
5 exhibit in my report, and the consultant said that
6 it may, it may qualify as a historic site and
7 that -- I forget. Again, it's a copy of the sheet
8 from the Master Plan. It's Exhibit 5, 2004 Master
9 Plan, properties outside identified district which
10 had been cited by consultant possibly or
11 potentially be Nationally Registered eligible.

12 MR. POTTER: So it's potential but
13 it's not actually been determined to be a National
14 Register or City Register Historic Place, right?

15 MS. BANYRA: It says exactly --

16 MR. POTTER: Okay.

17 MS. BANYRA: It says potential.

18 MR. POTTER: Okay. Have you
19 actually seen this report, which is listed as
20 NJTHRWADEIS?

21 MS. BANYRA: No.

22 MR. POTTER: Okay. Nor have I. We
23 tried to find it. Have you ever tried to find
24 it?

25 MS. BANYRA: You know, something, I

1 bumped into something today that gave me what all
2 those little acronyms were and I, I can't even
3 tell you what I looked at today, but no, I don't
4 know that. There was a historic consultant that
5 was part of the Master Plan team in the 2004
6 Master Plan.

7 MR. POTTER: Okay. If you haven't
8 read this report and you haven't seen it --

9 MS. BANYRA: Yes.

10 MR. POTTER: -- all you have is what
11 appears here?

12 MS. BANYRA: It's in the Master
13 Plan.

14 MR. POTTER: Okay. I have no
15 further questions.

16 CHAIRWOMAN GRAHAM: Okay. Thank
17 you, Mr. Potter.

18 At this point I think we'll take a
19 10 minute break, give our stenographer's fingers a
20 little break, then we'll proceed with -- you have
21 a witness; is that correct?

22 MR. POTTER: Yes, I do, Madam
23 Chair.

24 CHAIRWOMAN GRAHAM: Okay. We'll
25 take 10 -- we'll start again at 9:00.

1 MR. GIBBONS: Okay. Off the
2 record.

3 (A brief recess was taken.)

4 CHAIRWOMAN GRAHAM: Okay. We're
5 going to start again, please. We're resuming now.

6 Mr. Potter, do you have a witness?

7 MR. POTTER: Yes, I do.

8 CHAIRWOMAN GRAHAM: Okay. Please
9 proceed.

10 MR. POTTER: Yes, Madam Chair.
11 Thank you.

12 I'm calling as a witness Mr. Peter
13 G. Steck, who has a report which has been provided
14 to Mr. Gibbons and we have copies for all Members
15 of the Board.

16 CHAIRWOMAN GRAHAM: We do have
17 copies, so thank you.

18 MR. POTTER: Okay.

19 MR. GIBBONS: I was going to say,
20 does everybody -- just in case they need it.

21 MR. POTTER: I guess the -- okay.
22 Could we have this marked as --

23 CHAIRWOMAN GRAHAM: O-3.

24 MR. POTTER: -- what are we on,
25 number three, O-3?

1 MR. GIBBONS: Yeah, O-3.

2 (Report of Peter G. Steck, PP dated
3 September 22, 2011 was received and
4 marked O-3 for identification.)

5 CHAIRWOMAN GRAHAM: Okay. Please
6 proceed.

7 MR. POTTER: Madam Chair, I call
8 Mr. Steck to testify.

9 PETER G. STECK, PP, having been first duly sworn
10 according to law, testified as follows:

11 MR. GIBBONS: Please state your
12 name, spell your last name for the record.

13 MR. STECK: Peter G. Steck,
14 S-T-E-C-K.

15 MR. GIBBONS: Okay. Mr. Potter,
16 you may proceed.

17 MR. POTTER: Mr. Steck, do you have
18 a -- have you prepared a document entitled
19 Preliminary Planning Evaluation, Area in Need of
20 Rehabilitation Designation, then give us the block
21 and lot numbers and various street rights-of-way,
22 City of Hoboken, Hudson County, New Jersey?

23 MR. STECK: I have.

24 MR. POTTER: And this report is
25 marked as an exhibit, as O-3. Now, this was

1 previously submitted on or about last Thursday?

2 MR. STECK: September 22nd.

3 MR. GIBBONS: September 22nd.

4 MR. POTTER: September 22nd, okay.

5 Thank you.

6 Do you have any changes or
7 corrections or revisions to this September 22nd
8 version of this report?

9 MR. STECK: No.

10 MR. POTTER: Okay. I'll ask you to
11 point out the section of your report which
12 includes your qualifications.

13 MR. STECK: Oh, that's not included
14 in the report.

15 MR. POTTER: Well, you fooled me
16 there.

17 Would you describe your
18 qualifications as an expert in the planning
19 field?

20 MR. STECK: Yes.

21 May I sit down when I describe my
22 qualifications? Not that they're that long.

23 MR. POTTER: I don't mind if you
24 sit down.

25 MR. STECK: Okay.

1 CHAIRWOMAN GRAHAM: Would you like
2 to sit down, too, Mr. Potter?

3 MR. POTTER: I've been sitting a
4 while. May I stand?

5 CHAIRWOMAN GRAHAM: Sure. Do what
6 you'd like.

7 MR. POTTER: I'll stand, he'll
8 sit.

9 CHAIRWOMAN GRAHAM: Okay.

10 MR. STECK: By way of education, I
11 have a Bachelor's Degree in Civil Engineering from
12 Marquette University and a Masters in City and
13 Regional Planning from Rutgers.

14 MR. POTTER: This is gonna' take a
15 while. I think I will sit down.

16 MR. STECK: I've been a Licensed
17 Planner in New Jersey since 1976 and continue to
18 hold that licensure. In terms of experience, I
19 was the Planning Director for the Township of
20 Montclair for about 10 years. I also served as an
21 Associate Planner with two consulting firms, Alvin
22 Girsch & Associates in Trenton and Malcolm Kasler
23 Associates in Hackensack. For the last 20 years
24 I've been self-employed as a Community Planning
25 Consultant and have testified and been accepted as

1 an expert witness in approximately 170
2 municipalities in New Jersey, and I've been
3 accepted as an expert witness as a planner in the
4 Superior Court as well as in New Jersey Tax Court,
5 and I'm a member of the League of Municipalities
6 Land Use Law Drafting Committee.

7 MR. POTTER: Madam Chair, I submit
8 that Mr. Steck is qualified as an expert witness
9 in the field of planning and planning law.

10 CHAIRWOMAN GRAHAM: Okay.

11 MR. GIBBONS: In the interest,
12 Madam Chair, just in the interest of full
13 disclosure, I serve on the League of
14 Municipalities, MLUL Drafting Committee with Mr.
15 Steck. At one point, at one point in my practice
16 Mr. Steck performed services for a client of mine,
17 approximately three, three-and-a-half years ago.
18 I do not believe that will violate or uncover any
19 ethical regulations or conflicts of interest, but
20 in the interest of full disclosure I wanted to
21 disclose that. I also spoke to counsel for Mr.
22 Neumann and to Mr. Steck and they agreed that
23 should be -- that was appropriate.

24 CHAIRWOMAN GRAHAM: Thank you for
25 putting that on the record.

1 MR. POTTER: Now, Mr. Steck --
2 Madam Chair, may Mr. Steck proceed to testify in a
3 narrative fashion without question and answer from
4 counsel? I would assume that would be
5 appropriate, so that he can go through his
6 report.

7 CHAIRWOMAN GRAHAM: Sure. Why
8 don't you go through your report and then we'll
9 ask questions.

10 MR. GIBBONS: Yeah. I don't
11 believe there's any problem with that.

12 MR. POTTER: Mr. Steck, would you
13 please give your testimony?

14 MR. STECK: Yes. I'm going to
15 review my report. It's dated September 22nd,
16 2011. In preparation for this I did review the
17 engineering and the planning reports that were
18 referenced earlier dated September 9th. I did
19 review Hoboken's Zoning Master Plan,
20 Re-Examination Report. I have testified
21 periodically in Hoboken before different
22 development boards and have also had some
23 experience in terms of challenges to either blight
24 declarations or having to do with property
25 evaluations because of taking, let's say, by the

1 State of New Jersey, New Jersey Transit, and I was
2 also present earlier this evening to hear the
3 testimony of your planner and engineer. What I'll
4 do is briefly go through the report, but I wanted
5 to emphasize certain things along the way.

6 First of all, if you -- my client
7 is the major property owner, the major private
8 property owner in the area. It's R. Neumann &
9 Company, commonly known as the Neumann Leather
10 site, which it contains several buildings. As
11 part of my review I looked at the State Statute,
12 the Local Redevelopment and Housing Law and I, on
13 page two, reproduce certain sections of the State
14 Law, and there is what I would call a whereas
15 section or a finding section in the law which
16 applies equally to a blight determination, that's
17 an area in need of redevelopment as well as an
18 area in need of rehabilitation. They're both
19 authorized under the same statute and there are
20 certain findings that apply to both. One of the
21 findings is that there, and you can read it
22 yourselves, but it talks about, that there are
23 areas of the State in various communities where
24 there has existed or persists conditions of
25 deterioration, and it -- one of its findings is

1 that, that this deterioration is a result of
2 forces that are amenable to correction and
3 amelioration by concerted effort of responsible
4 public bodies and without this public effort are
5 not likely to be corrected or ameliorated by
6 private effort, so the theme is that, in my
7 paraphrasing, if the private marketplace is
8 operational for some reason, whether it is a
9 blight condition or some infrastructure issues, if
10 that's retarding the marketplace, then that's the
11 type of situation where these different tools are
12 potentially applicable, and then at the bottom of
13 the page I recite -- reproduce the Section
14 40A:12A-14(a), and it's fairly complicated.
15 You've, I'm sure, been through the area in need of
16 redevelopment, the eight criteria, and as Miss
17 Banyra has said, you know, there are eight
18 criteria and indeed those sentences are long and
19 complicated and you can't pick out a few words and
20 say, ahh, that's where it is. The answer is you
21 have to read them in their entirety, so as a
22 cautionary note, part of these proceedings is, in
23 my judgment, to read the law carefully and to
24 understand what it is. Now, part of my initial
25 review, and this is on page three, is to look at

1 the area that you were assigned to study, and you
2 may or may not know the history of this, but there
3 was originally a smaller area for which was just
4 private property that was looked at or was going
5 to be assigned to be looked at and that area, that
6 charge was abandoned and a larger area
7 subsequently appeared that was assigned to you to
8 look at, and that larger area is very irregular in
9 shape. I don't know if you, you call it a flag
10 with a hole in it. I don't know what you want to
11 describe it, but it includes a triangular block
12 but only a portion of that block at the western
13 end, the gas station, which is an older gas
14 station, and the car wash are not included in this
15 area, despite the fact that they're surrounded by
16 the streets of Willow Avenue, Newark Street and
17 Observer Highway. Also, there is a very long
18 appendage along Observer Highway that goes five
19 blocks away, and so from a pure planning point of
20 view, one wonders, you know, why are conditions
21 five blocks away influencing, let's say, the
22 Neumann Leather site. Why, for example, does a
23 property right across the street get excluded, or
24 within the block get excluded, and I'll talk about
25 that in a minute, but I just want to emphasize

1 that, number one, the area to be studied is very
2 irregular in shape. It was expanded from the
3 first try to include extensive areas of public
4 right-of-way so that the dominant acreage is
5 within the public right-of-way and not private
6 property, and while one would normally assume that
7 an area that's completely surrounded by these
8 so-called deficient utilities in the public
9 right-of-way would be included, for some reason,
10 and we don't know the reason, maybe someone, maybe
11 Miss Banyra knows, but we don't know the reason
12 why that was pulled out of the area, why the car
13 wash and the gas station at the western corner
14 were pulled out. I think it is significant that
15 it is a highly unusually shaped area and there are
16 these unexplained exclusions. On the fourth page
17 of page number four of my exhibit O-3 I've
18 included some aerial photographs from Bing Maps
19 looking in a northerly direction. There are two
20 halves of the same view, so if you took the lower
21 part of the page and paste it to the upper half
22 part of the page you would see kind of a panorama
23 of what is being studied. It shows you where the
24 Neumann Leather building is and it shows you --
25 oh, one of the other exclusions is the 13 story

1 high-rise that was, I think Skyline is the name of
2 it. I can't remember, but there's a 13 story
3 fairly new building. What is also significant is
4 if you look on the upper photograph on Plate II,
5 that's page four of O-3, the buildings on the
6 north side of Newark Avenue all have designs that
7 would suggest that they're fairly new. They were
8 probably built, you know, between 2000 and 2010,
9 so they're all fairly new buildings and you can
10 see that by their creative design. There's also a
11 retail development there that's fairly new, so a
12 lot of new things have been happening, and of
13 course on the south side, Observer Highway, we
14 have a new New Jersey Transit facility that's also
15 built there, so surrounding this area are new
16 buildings, and they do include, along Observer
17 Highway on the north side, there are also new
18 buildings there and we have new buildings inside
19 that block that's being studied. Now, I looked at
20 the two reports, and I call them Utility Analysis
21 and the Planning Analysis, and those have been,
22 you know, they're on the record and they speak for
23 themselves, so to speak. After analyzing those
24 reports and examining the statute, the Local
25 Redevelopment Housing Law, I've arrived at several

1 conclusions that I would offer to the Board. The
2 first one is that, my opinion, the Utility
3 Analysis does not support the designation of the
4 study area. Now, the reason for the Utility
5 Analysis has to do with one of the provisions of
6 the State Statute, 14:A2, and you also have to
7 find three in addition --

8 MR. GIBBONS: Mr. Steck --

9 MR. STECK: Yes.

10 MR. GIBBONS: -- I don't mean to cut
11 you off. I know you're a planner and know that
12 well, but aren't you giving engineering testimony
13 at this point, when you start getting into the
14 issues of the infrastructure and their age?

15 MR. STECK: Well, I thought Miss
16 Banyra even said that it was over 50 years old, so
17 if she could give testimony don't you think I
18 should be able to?

19 MR. GIBBONS: Well, she relied and
20 acknowledged in the testimony that she also used
21 Mr. Hipolit's findings and conclusions.

22 MR. STECK: All I'm doing is
23 commenting upon my reading of his report. I'm not
24 giving you an engineering opinion.

25 MR. GIBBONS: Okay. So you're not

1 testifying in the role of an engineer?

2 MR. STECK: I am not a Licensed
3 Engineer. I was only educated as an engineer.

4 MR. GIBBONS: But you're not a
5 Licensed Engineer, okay.

6 MR. STECK: Yup.

7 MR. GIBBONS: Fine. Go on.

8 MR. STECK: As I read the Utility
9 Analysis, the author looked at superficial
10 information, looked at the manhole covers and what
11 did they say, looked where the surface catch
12 basins were, but that's the examination. It
13 indicated there was no video done of the lines.
14 He didn't climb down into the manholes. He was
15 basically walking around the streets. He relied
16 on someone else, and the way I read the report, he
17 made the presumption that because they're old,
18 that they are in need of repair or substantial
19 maintenance, and I would just like to suggest to
20 you that one does not automatically mean --
21 because it's old does not necessarily mean that
22 it's in need of repair or substantial
23 maintenance. I have an old house in Maplewood
24 that has lath and plaster and horsehair in it.
25 The answer is it's great for sound attenuation,

1 it's better than modern facilities and it's
2 sanitary and it's gonna' last for a long time. My
3 house is almost 100 years old and it will last
4 more. I'll have to repaint it like every house,
5 but just because it's old does not necessarily
6 mean that it is in need of repair or substantial
7 maintenance. I would also invite you to keep in
8 mind that not only do you have to find that this
9 paragraph two applies, but also paragraph three
10 applies, that a program of rehabilitation may be
11 expected to prevent further deterioration and
12 promote the overall development of the community.
13 I didn't hear any testimony about a program of
14 rehabilitation that might be applied, so I think
15 there are deficiencies in the utility study, as I
16 read the criteria in the ordinance, and I'll
17 summarize my findings there later.

18 MR. POTTER: Excuse me. You said
19 in the ordinance. You meant the statute?

20 MR. STECK: In the statute.

21 MR. POTTER: Thank you.

22 MR. STECK: The second point I
23 would make is, as Miss Banyra indicated, that she
24 did not do a separate analysis of the utilities,
25 she relied on the Engineering Analysis, although

1 she did have prior knowledge that the utilities
2 are old, and I think everybody in this room will
3 admit that the utilities are over 50 years old.
4 That's not a point in dispute. I think what is
5 important is that, at least my position, that
6 that's not the only information you need to find
7 in order to satisfy the statutory criteria.

8 MR. GIBBONS: But Mr. Steck, do you
9 concede, do you concede the statute certainly uses
10 50 years of age as a threshold?

11 MR. STECK: I'll tell you that the
12 statute says 50 years in it, that's what I'll
13 concede, and I'll try to describe it in more
14 detail later.

15 MR. GIBBONS: All right.

16 MR. STECK: Hopefully when I finish
17 it may clarify some of my opinions, and I'm sure
18 you may have additional --

19 MR. GIBBONS: Understood. Go
20 ahead.

21 MR. STECK: Now, on page seven I
22 talk about the Planning Analysis, and if you kind
23 of looked at Miss Banyra's analysis, there is a
24 lot of discussion about the planning, either the
25 2004 Master Plan or the 2010 Re-Examination

1 Report, and they all talk about what you would
2 like to do in the future, and it is in one sense
3 interesting because it expresses the intent of
4 Hoboken, at least of the Planning Board, to
5 promote the artist community in the Neumann
6 Leather building. That's a public goal that's
7 kind of talked about, promoting the artist
8 community in the Neumann Leather building, that
9 there's some specific language about this
10 property, and as Miss Banyra said, the reason she
11 included this information in her Planning Analysis
12 is that it is in the Re-Examination Report and is
13 in the Master Plan. I think that that's important
14 because it shows the purpose of this effort. I
15 think it is not important because it has nothing
16 to do with whether the criteria are satisfied. If
17 we can just flip back to the area in need of
18 redevelopment, the blight statute, the fact that
19 you would like to see a great high-rise and open
20 space and park land in the future, that's all
21 great stuff but it has nothing to do with whether
22 a property is blighted or not, and the fact that
23 you would like to control rents for an artist
24 community, you would like to force the upgrade of
25 utilities, you would like to preserve sections of

1 the property, you would like to reserve sections
2 of the retained Neumann Leather buildings for an
3 artist's loft, that might be good planning goals
4 but they have nothing to do with the first test
5 because you can't -- you don't have any powers at
6 all unless you can find that this property or
7 recommend that this property meets the standards
8 of the State Statute and the governing body would
9 concur with your findings. Although the Draft
10 Plan in the back of the planning study is just a
11 Concept Plan, it hasn't been adopted. It happens
12 to dovetail with several things. First of all,
13 the public record in terms of announcements of the
14 Mayor in the past have talked about benefiting the
15 artist community, and there has been a specific
16 reference to the Neumann Leather building. Those
17 references have been carried forward in planning
18 documents adopted by the Planning Board of those
19 goals and now they are reproduced at the end of
20 this report as a reminder. I will quote from Miss
21 Banyra's report in the executive summary. She
22 says: "This Conceptual Plan is included to assure
23 that key concepts from the Redevelopment Report
24 specific to the Neumann site and study area be
25 retained as well as the non-structural and green

1 infrastructure offered in that report".

2 MR. POTTER: Mr. Steck, I think you
3 meant to say Re-Examination Report, not
4 redevelopment.

5 MR. STECK: Yes. Thank you.

6 MR. POTTER: Sorry.

7 MR. STECK: That's just quoted on
8 page seven of my report, so it's included
9 apparently as a reminder, that if you get to
10 declare this an area in need of rehabilitation,
11 don't forget these goals, and again, there is now
12 a pattern of consistency. The Mayor has said we
13 want to benefit the artist community in this
14 specific property, the Re-Examination Report
15 adopted by the Planning Board says that, and now
16 there is a Concept Plan that echoes the same
17 principals. It talks about things that want to be
18 done, and I know that the governing body can say
19 we're not gonna' do it, but in Miss Banyra's
20 testimony she says, if I recall her testimony
21 correctly, that these items in her plan are powers
22 that the governing body can use in a Redevelopment
23 Plan. Now --

24 MR. GIBBONS: Well, for the record,
25 I objected to the inference that they were powers

1 because the report, the report -- the Draft
2 Concept Plan was just that. It was not an
3 implication of anything other than what Miss
4 Banyra in her professional estimation saw as
5 possibilities, just as you, in any number of many
6 municipalities in which you work, would offer an
7 opinion. It's not reading powers that -- I think
8 you're overstating it. That's why I objected to
9 that characterization.

10 MR. STECK: Let me restate it
11 because I don't think I'm overstating it. As I
12 understand what Miss Banyra said, and she can
13 certainly correct me, is that she believes that if
14 the governing body -- that if this area is
15 declared in need of rehabilitation the governing
16 body, in theory, could adopt a Redevelopment
17 Plan that accomplishes these purposes and these
18 purposes or these powers would be eligible to be
19 in a Redevelopment Plan.

20 MR. GIBBONS: Just as easily the
21 governing body could adopt a Redevelopment Plan
22 and God knows what it might say.

23 MR. STECK: I understand that. All
24 I want to say is that, I want to imply that there
25 is a --

1 MR. GIBBONS: Rehabilitation Plan.

2 MR. STECK: -- a feeling about some
3 planners that since the area in need of
4 redevelopment or blight statute is difficult to
5 implement now, because of Galentin and other
6 progeny, that we should now switch to areas in
7 need of rehabilitation because -- and my point is
8 that this is not a -- this does not confer very
9 gentle powers. These could be very significant
10 powers that the governing body may elect to
11 implement should this be designated, so what I
12 want to emphasize is there is significant
13 consequence to a property owner if this is
14 declared in need of rehabilitation.

15 MR. GIBBONS: Well, there's a
16 difference between significant consequences and
17 facts on the ground, because what you're saying is
18 that the governing body may elect rather than
19 shall elect.

20 MR. STECK: But --

21 MR. GIBBONS: I know. I'm not
22 trying -- I'm not splitting hairs with you.
23 You're implying an exercise of something that we
24 don't, we don't know. We're not at that
25 juncture.

1 MR. STECK: I understand.

2 MR. GIBBONS: We're not the
3 legislative body in the City of Hoboken.

4 MR. STECK: But I --

5 MR. GIBBONS: We're the Planning
6 Board.

7 MR. STECK: -- I remind you that in
8 an area in need of redevelopment, everyone used to
9 say we're only having a blight hearing.

10 MR. GIBBONS: But we're not in a
11 redevelopment.

12 MR. STECK: The parallel, the
13 parallel I'm making is that if you're having a
14 blight hearing, it used to be that Planning Boards
15 said we're not gonna' tell you, we haven't decided
16 whether we're going to take your property or not,
17 we're just doing a redevelopment, but the
18 consequences, the potential of invoking certain
19 powers have caused the Courts to sit up straighter
20 and say, boy, this is a pretty significant
21 proceeding.

22 MR. GIBBONS: But remember, we're
23 not doing that, first of all. Secondly, the big
24 issue there is the right of eminent domain and
25 that's not, that's not an issue here.

1 MR. STECK: I agree with that, but
2 there are other significant consequences and I
3 think reading Miss Banyra's Draft Redevelopment
4 Plan shows what, in theory, could be the
5 consequences of designating the Neumann Leather
6 site as in need of rehabilitation.

7 MR. GIBBONS: Well, in theory and
8 could -- again, we've all stated all the
9 possibilities. I think that's about as far as we
10 can go with it, though. Again, they're not
11 facts.

12 MR. STECK: I think we're talking
13 apples and oranges. I am just trying to outline
14 the powers that the governing body may or may not
15 elect to do and Miss Banyra has suggested that in
16 her experience, in her opinion as a planner, these
17 controls could be implemented. They're within the
18 realm of possibility. That's all.

19 CHAIRWOMAN GRAHAM: They may or may
20 not. Let's go on.

21 MR. GIBBONS: That's fine. Move
22 on.

23 MR. STECK: And they include things
24 like designating someone as a developer who
25 doesn't own the property.

1 MR. GIBBONS: Redeveloper.

2 MR. STECK: Redeveloper.

3 Developing the site as a single entity,
4 restrictions placed on rehabilitated buildings,
5 that if you save 140,000 square feet of floor
6 areas the majority of that would have to be
7 reserved for artist studios, restaurant -- artist
8 studios, restaurants and bars, that an interior
9 open space of 42,000 square feet will be created,
10 that the mechanical systems will be mandated to be
11 upgraded, that rent levels in the retained
12 buildings, presumably for the artist studios,
13 cannot exceed the market rate for industrial space
14 in the region, that existing tenants that need to
15 be relocated have a right to return to the site,
16 that the redeveloper is required to pay for all
17 relocation costs, that progressive green building
18 improvements are required and that certain
19 right-of-way improvements would be required.
20 These are not conventional zoning controls. You
21 don't normally talk about, in the zoning
22 ordinance, what rent levels someone will pay in
23 let's say a commercial space.

24 MR. GIBBONS: But Peter, this is
25 not a zoning, this is not a zoning dispute. This

1 is not a zoning, you know --

2 MR. STECK: Let me tell you -- let
3 me jump to that issue. The Redevelopment Plan, in
4 my opinion, is a type of zoning that will evolve,
5 that is only possible when an area is declared in
6 need, in this case, of rehabilitation. An example
7 of it being zoning. There's a case in, I guess in
8 Trenton, if I recall, where it was argued whether
9 or not the Board of Adjustment had the right to
10 interpret the zoning that came out of a
11 Redevelopment Plan. The Court ruled, yes, it's a
12 type of zoning and if you want to find out what
13 that confusing language is in the plan, that the
14 Board of Adjustment has the authority to interpret
15 it because it is a type of zoning. There are
16 different procedures to adopt it, but that doesn't
17 exempt it from constitutional issues of -- that
18 protect the property owner.

19 MR. GIBBONS: But Peter, isn't it
20 true, and again, this is a redevelopment -- pardon
21 me, rehabilitation situation, but isn't it true
22 that when a property that's in rehabilitation is
23 subject to a redevelopment agreement, that there
24 are many instances where, if there are zoning
25 changes needed, where that has worked out as a

1 consensual manner between the property owner and
2 the Council and set forth in the redevelopment
3 agreement? I mean, I'll represent to you as doing
4 this work a fair amount myself, I mean, I'm doing
5 it in Perth Amboy right now where that's done
6 periodically. I mean, that's one town I can
7 specifically state. I'm not testifying, I'm just
8 saying, so I'm -- you seem to be, you seem to be
9 foreclosing things that aren't necessarily
10 foreclosed. You're saying that you are --

11 MR. STECK: I'm just conveying --

12 MR. GIBBONS: The book is closed on
13 any zoning change or any kind of variance or any
14 kind of adjustment and I --

15 MR. STECK: You're assuming --

16 MR. GIBBONS: -- think you're
17 overstating --

18 MR. STECK: -- that we're all good
19 buddies and friends and what I want to suggest to
20 you --

21 MR. GIBBONS: But not, but not --

22 MR. STECK: -- let's say that
23 property owners and one -- well --

24 CHAIRWOMAN GRAHAM: Can we just
25 move on and finish your testimony, please?

1 MR. STECK: I would like to.

2 MS. BANYRA: I have questions but I
3 thought I'd wait until after he's done.

4 MR. GIBBONS: Right. I'm not
5 trying to interrupt your testimony but there are
6 things that --

7 MR. STECK: For some reason I had
8 the impression that I was interrupted, but I must
9 be mistaken.

10 CHAIRWOMAN GRAHAM: Let's finish,
11 please.

12 MR. GIBBONS: I did. Go ahead.

13 MR. STECK: Here we have a
14 condition that was studied only in the public
15 rights-of-way, so there was never any examination
16 of anything else other than within the public
17 rights-of-way, and the property, some properties
18 within the public right-of-way within that
19 triangle, we have the 13-story Skyline building,
20 we have the, you know, gas station, we have the
21 car wash, those are for some reason exempted from
22 this study even though they drain to the same
23 drainage system. They get water from the same
24 drainage system. If you look to the north of
25 Newark, there is a whole row of retail and new

1 residential buildings that have been
2 reconstructed, rehabilitated. They're all up to
3 code. They show the power of the new Hoboken and
4 they all get their water and drainage from the
5 same system that we've been talking about, and for
6 some reason based on this generic situation only
7 in the public rights-of-way there are three
8 properties singled out. Now, the governing body
9 could pass zoning through a Redevelopment Plan
10 that is greatly beneficial to us. It could say
11 Neumann Leather, you could build 14-story,
12 16-story buildings, you could do great things, or
13 they could say Neumann Leather, you have to
14 demolish some of your buildings, you have to keep
15 the rest building -- the other buildings, you have
16 to control your rents, so they could benefit you
17 or they could substantially prove a detriment to a
18 property owner. The point that I raise is that
19 this is identical to a legal spot zoning or
20 inverse spot zoning. There is a generic
21 situation. You are picking out one owner, in this
22 case Neumann Leather, for special treatment, and
23 we don't know what that treatment is but it would
24 seem that, if you look at what the Re-Examination
25 Report talked about, if you looked at what Mayor

1 Zimmer talked about, if you looked at the Draft
2 Redevelopment Plan, it seems to me there are going
3 to be severe controls imposed. Now, I don't know
4 why one of the goals was, let's say to limit the
5 cost of a car wash or per gallon of gas, but the
6 answer is for some reason they want to limit the
7 economic potential of the Neumann Leather
8 property, so what I want to say is that the
9 consequences of this designation are, are -- can
10 be significant. There's the potential for being
11 very significant consequences. One of the -- and
12 it's a type of zoning but it's a special zoning,
13 in that normally if you impose very restrictive
14 zoning on a property owner they could come into
15 the Board of Adjustment and get a (d) variance,
16 you know, I have no reasonable use of my property,
17 that's an extreme hardship, I can appeal. There
18 is no appeal in this mechanism. If you adopt a
19 zoning ordinance that says the new property can
20 only be used for artist lofts and a maximum -- and
21 period. The property owner does not have the
22 ability to get relief from that. There is no (d)
23 variance relief. There is no extreme hardship
24 relief. It is impossible to do that. That's the
25 way the statute is, so there are very severe

1 consequences. In fact, the governing body,
2 through its Redevelopment Plan can do everything
3 that it could normally do under a blight
4 declaration except for two things. It can't give
5 long-term tax abatement and it can't take property
6 by eminent domain, but I invite you to envision
7 what would happen if the governing body said we're
8 going to pick a developer that's different than
9 Neumann Leather for the Neumann Leather
10 buildings. What does that do to the property
11 owner? Unknown.

12 At the end of the day I would
13 invite you not to be distracted about the past
14 history of Hoboken and maybe successful
15 rehabilitation efforts. The focus is on the State
16 Statute, and as I read paragraph two, and as I
17 have become aware of the history of how paragraph
18 two in 14:A has been adopted, this appeared, at
19 least in terms of the legislative history, to
20 promote housing rehabilitation, and just as in the
21 Galentin decision, where the Court said to
22 preserve the constitutionality of Section (e), it
23 read or to be and because that was the only way it
24 could see its way clear to preserve the
25 constitutional rights of the property owner. That

1 same criteria or rationale would appear to apply
2 here. If you tell me that anywhere you find
3 sewers that are over 50 years old --

4 MR. GIBBONS: Peter, Peter, you're
5 testifying as a legislative expert or as an
6 attorney, you know, and I object.

7 MR. POTTER: Madam Chair, he's a
8 planner. He's interpreting the statute and
9 applying it to the facts.

10 CHAIRWOMAN GRAHAM: Let's just let
11 him finish, then we'll ask questions.

12 Are you almost done, sir?

13 MR. STECK: Yes.

14 CHAIRWOMAN GRAHAM: Okay. Thank
15 you.

16 MR. STECK: And don't forget there
17 is a criteria three that must be met, which is a
18 program of rehabilitation may be expected to
19 prevent further deteriorations and promote the
20 overall development of the community. As
21 admitted, one of the findings is there has to be a
22 program of rehabilitation. Well, first of all,
23 what have we found to be allegedly deficient?
24 It's the improvements within the public
25 right-of-way, the sewer and the water. There is

1 no evidence presented that there is any program of
2 rehabilitation. The municipality would like to
3 see that, the engineer testified that there might
4 be a program, but there is no finding that there
5 is a program, nor that the City of Hoboken has the
6 ability to implement a program because it sold its
7 water system and its sewer -- and there is another
8 entity, a utility that owns the infrastructure
9 that we've talked about, so the City of Hoboken
10 doesn't have the right to make those
11 improvements. It can certainly cajole and ask,
12 but it doesn't have the right to do that.

13 Finally, and again, referring to
14 paragraph three of the statute, we're supposed to
15 find a program of rehabilitation. There's nothing
16 mentioned about how the water system and the
17 sewerage system is going to be improved, and more
18 potently, I make the observation that there is no
19 mention at all about the Neumann Leather building
20 because there's no defect that's in the report, so
21 why do you need to rehabilitate something if
22 there's no defect that is measured in the report,
23 so my summary observation is that if you just look
24 at what you're supposed to do, which is the
25 statute, there is no evidence, no credible

1 substantial evidence on the record that would
2 allow this Board to recommend the Neumann Leather
3 property, indeed the entire area, as an area in
4 need of rehabilitation.

5 CHAIRWOMAN GRAHAM: Okay. Thank
6 you.

7 MR. GIBBONS: Does that conclude
8 your testimony?

9 MR. POTTER: Does that complete
10 your testimony, Mr. Steck?

11 MR. STECK: It does.

12 MR. POTTER: The witness is now
13 available for questions.

14 CHAIRWOMAN GRAHAM: Any Member of
15 the Planning Board have any questions of Mr.
16 Steck?

17 Yes, Mr. Hipolit.

18 MR. HIPOLIT: Mr. Steck, I have a
19 few short questions for you.

20 Do you agree that the water system
21 and the sanitary sewer system are owned by private
22 companies?

23 MR. STECK: Yes. They're not
24 private -- they're utilities. They're owned by
25 utility, quasi public entities --

1 MR. HIPOLIT: We agree.

2 MR. STECK: -- that are beyond the
3 control of the City of Hoboken.

4 MR. HIPOLIT: I don't agree with
5 that, but that's not the question I asked you.

6 Do you agree, as stated in my
7 report, that the owner of the system can advise
8 the City of the age of the system?

9 MR. STECK: Yes. I don't think
10 it's -- I don't dispute the fact that the system
11 was put in more than 50 years ago.

12 MR. HIPOLIT: That's not the
13 question I asked you.

14 The question I asked you is, do you
15 agree that the owner of the utility can advise the
16 City of the age of their utility?

17 MR. STECK: They can provide
18 documentation, which I haven't seen and I don't
19 know if you've seen.

20 MR. HIPOLIT: I didn't ask you that
21 question.

22 MR. STECK: But they can certainly
23 advise you, they can tell you that they think it's
24 over 50 years old. They have the ability to do
25 that.

1 MR. HIPOLIT: Okay. So if the
2 owner of the utility advises us that it's over 50
3 years old, the City can rely on that, correct?

4 MR. STECK: I haven't seen the
5 evidence, so you're the only one that was party to
6 that communication. I don't know the answer to
7 that.

8 MR. HIPOLIT: I didn't ask you
9 that. You're not listening to the question.

10 The question was, if the owner of
11 the system advised, I'll say Maser Consulting of
12 the age of the system, we can rely on that,
13 correct?

14 MR. STECK: If, if the infor -- if
15 the information was provided to you in a competent
16 way, a believable way, some documentation, I would
17 believe that you would honestly concede, oh, yes,
18 I agree, there is evidence. I haven't seen the
19 evidence.

20 MR. HIPOLIT: Okay. I didn't ask
21 you if you saw the evidence.

22 I'm asking you if the owner of the
23 system advised us of their age, shouldn't we be
24 able to rely on that?

25 MR. STECK: I don't know the answer

1 because I haven't seen the evidence.

2 MR. POTTER: It's asked and
3 answered, Madam Chair.

4 CHAIRWOMAN GRAHAM: All right.
5 Let's -- is there any other member of the public
6 that has any questions?

7 MR. STECK: It's immaterial. I
8 think it's over. I don't have any doubt that the
9 system was put in more than 50 years ago.

10 MR. HIPOLIT: Okay. That's fine.

11 MR. STECK: I don't have any doubt
12 to that.

13 MR. GIBBONS: Okay.

14 CHAIRWOMAN GRAHAM: Before we get
15 to the public, is there anybody at this table that
16 would like to ask any other questions?

17 MR. GIBBONS: Miss Banyra and Mr.
18 Hipolit I think had questions and I have a
19 couple.

20 MS. BANYRA: I have -- I'll defer
21 to the Board first, if they have questions.

22 MR. GIBBONS: Yeah. Any Members of
23 the Board?

24 CHAIRWOMAN GRAHAM: Please go
25 ahead.

1 MR. GIBBONS: Okay.

2 MS. BANYRA: Mr. Steck, a couple
3 things. One, you didn't touch on the fact that
4 the area was previously designated. Do you have
5 an opinion on that?

6 MR. STECK: Yes.

7 MS. BANYRA: Would you like to
8 share that with us?

9 MR. STECK: Yes. First of all,
10 there is inadequate documentation in the planning
11 report of whether it was or under what
12 circumstances it was. I would also note that
13 substantial changes have occurred in Hoboken since
14 1979 in terms of properties being upgraded, and
15 number three, the statute has changed.

16 MS. BANYRA: Right, but the
17 statute, do you not agree that the statute
18 indicates that if an area has been previously
19 designated, then that designation -- and the
20 designation doesn't sunset, I think we both agree
21 that that designation doesn't sunset unless it's
22 been rescinded by the City itself.

23 MR. STECK: But I would say that
24 the purpose of that is for tax abatement.

25 MS. BANYRA: Doesn't really matter

1 what the purpose is for. If the City was
2 previously declared an area in need of
3 redevelopment and there's no sunseting, would you
4 not agree that that still stands today?

5 MR. STECK: In my opinion the
6 ability to -- well, first of all, there are a lot
7 of -- there is -- I'll repeat. There's inadequate
8 documentation in the report, number one.

9 MR. GIBBONS: You've testified to
10 that.

11 MR. STECK: Well, the answer is I
12 believe that the protections in the State Statute
13 were meant for tax abatement purposes.

14 MS. BANYRA: Okay. I think we'll
15 just, we can keep going back and forth with this
16 but we'll skip that. I just wanted -- can I make
17 comments on Peter's report or should I do that
18 after we hear from the public? I do want -- I can
19 refute some of the comments, but I don't know
20 what's the proper timing. It's not necessarily
21 questions of Peter, per se. It's more --

22 MR. GIBBONS: If they're not
23 questions of Peter then you can opine on that
24 later.

25 MS. BANYRA: Okay. I'll reserve

1 until later. Thank you.

2 MR. GIBBONS: Okay. Mr. Hipolit?

3 MR. HIPOLIT: I have nothing else.

4 CHAIRWOMAN GRAHAM: Do you have
5 questions?

6 MR. GIBBONS: I have a couple
7 questions.

8 CHAIRWOMAN GRAHAM: Okay.

9 MR. GIBBONS: Mr. Steck, you had
10 talked about the odd shape of the study area, and
11 I'm sure you've had a chance to review all the
12 materials that have comprised this case but isn't
13 it true that the surrounding areas to the property
14 are already areas that are either in need of
15 redevelopment or under study for that purpose? I
16 mean, wouldn't that create an "odd shape" or
17 unusually shaped parcel?

18 MR. STECK: I find it bizarre that
19 Observer Highway extends like a lollipop stick to
20 the east. That doesn't make any sense to me, and
21 the fact that an area is studied doesn't mean
22 anything. It doesn't mean that it's blighted or
23 need of rehabilitation. It's just being studied.

24 MR. GIBBONS: But the fact that
25 surrounding areas are under that consideration,

1 that would make the difference in terms of the
2 selection or of the shape --

3 MR. STECK: In my opinion --

4 MR. GIBBONS: -- wouldn't it?
5 Wouldn't it?

6 MR. STECK: -- no. It doesn't
7 explain the easterly extension of Observer Highway
8 and there's no explanation of why three owners are
9 excluded from the study area that are within the
10 triangle.

11 MR. GIBBONS: You've talked about
12 the potential for -- you talked about very
13 significant actions to be taken by Council.
14 Wouldn't your quarrel then be with Council and not
15 with us?

16 MR. STECK: No.

17 MR. GIBBONS: And why is --

18 MR. STECK: Excuse me for answering
19 too soon.

20 MR. GIBBONS: Because, again, this
21 is not a legislative body and that's not our role
22 here, so --

23 MR. STECK: I will remind you, and
24 again, I tried to convey this with the Harris and
25 DeRose case, while everyone would agree, that case

1 the attorney for the Planning Board informed the
2 public during the blight hearing, this is not
3 about eminent domain, this is not about a
4 Redevelopment Plan, this is only about whether
5 you're blighted or not, and the Court required an
6 enhanced notice because of the potential
7 consequences, the powers that are conveyed in a
8 blight declaration.

9 MR. GIBBONS: But that --

10 MR. STECK: The same situation
11 occurs here.

12 MR. GIBBONS: But that was a
13 redevelopment. This is a rehabilitation. It's
14 not the same situation. I mean, I --

15 MR. POTTER: The attorney's arguing
16 with the witness.

17 MR. GIBBONS: No.

18 MR. POTTER: He's testifying.

19 MR. GIBBONS: I'm merely --

20 CHAIRWOMAN GRAHAM: He has the
21 right to ask a question.

22 MR. GIBBONS: I guess I --

23 MR. POTTER: He's not asking a
24 question.

25 CHAIRWOMAN GRAHAM: Please, Mr.

1 Potter, let him finish his question.

2 MR. GIBBONS: Mr. Steck, do you
3 think this is a rehabilitation or a redevelopment
4 proceeding?

5 MR. STECK: Rehabilitation.

6 MR. GIBBONS: Okay. You
7 acknowledge that there are differences between the
8 two?

9 MR. STECK: Yes. There are only
10 two differences.

11 MR. GIBBONS: But they are
12 significant?

13 MR. STECK: There are -- yes, they
14 are. There are --

15 MR. GIBBONS: Thank you.

16 MR. STECK: The, the issue of --

17 MR. GIBBONS: You answered the
18 question.

19 CHAIRWOMAN GRAHAM: Any other
20 questions?

21 MR. STECK: But I won't be able to
22 finish my answer?

23 CHAIRWOMAN GRAHAM: He said that
24 you finished your --

25 MR. GIBBONS: Seems to me, seems to

1 me you said yes, they were significant.

2 MR. STECK: But I didn't finish my
3 statement.

4 MR. GIBBONS: Well --

5 CHAIRWOMAN GRAHAM: Are there any
6 other questions?

7 MR. POTTER: Madam Chair, can he
8 finish his statement, please?

9 CHAIRWOMAN GRAHAM: He said he was
10 satisfied with his answer.

11 MR. GIBBONS: I'm satisfied with
12 his answer.

13 CHAIRWOMAN GRAHAM: All right.

14 MR. POTTER: He's not the Chair.
15 You're the Chair.

16 CHAIRWOMAN GRAHAM: I know. I said
17 he was satisfied with the answer, so if he said he
18 was satisfied, I'm satisfied. Okay. If there is
19 something -- if he wanted more, he could ask more.

20 Are there any other questions by
21 Members of the Board? Okay. Any professionals?
22 Any members of the public wish to
23 ask a question?

24 Yes, Miss Heley.

25 MS. HELEY: Okay.

1 MR. POTTER: Do you want to sit
2 here?

3 MS. HELEY: No. I'm fine. Thank
4 you.

5 Lea Heley, 806 Park.

6 Mr. Steck, is there anything in
7 this statute with respect to rehabilitation areas
8 that requires the shape of a rehab area to be a
9 regular shape?

10 MR. STECK: No.

11 MS. HELEY: Who determines what the
12 area is to be studied?

13 MR. STECK: The governing body.

14 MS. HELEY: So not this body?

15 MR. STECK: Correct.

16 MS. HELEY: And is there anything
17 in the statute that restricts their, governing
18 body's discretion with respect to the areas they
19 set to be studied?

20 MR. STECK: Would you ask that
21 again, please?

22 MS. HELEY: Is there anything in
23 the statute that restricts the governing body's
24 discretion with respect to the areas that they
25 decide to delineate to be studied?

1 MR. STECK: No.

2 MS. HELEY: Are you aware of how
3 any of the new buildings that surround this area
4 were created, whether they were created by
5 redevelopment zoning or by variance or by other
6 zoning?

7 MR. STECK: Well, Hoboken has a
8 long history of granting approvals by variance
9 rather than by zoning, so I don't know each
10 individual property but I do know that in many
11 cases variances were granted. I know, also, that
12 the subject property is in a different zone. The
13 properties on the other side of Newark Street are
14 in a residential zone, and even the 2004 Master
15 Plan acknowledges that the I-2 zoning just doesn't
16 make any sense anymore and, indeed, the 2004
17 Master Plan recognized that it's not working. No
18 one's bringing a new industry into Hoboken and
19 they recommended a new zone that would acknowledge
20 market forces, except the governing body elected
21 not to change the zoning but to retain the zone
22 that was criticized in the 2004 plan, so this is
23 really a different area than the other part of the
24 area. If this zone had permitted residential use,
25 perhaps we wouldn't be here. Perhaps this

1 property would already be redeveloped through a
2 private market forces.

3 MS. HELEY: But the answer to the
4 question is you don't know why and under what
5 circumstances these surrounding properties were
6 developed.

7 MR. STECK: All I know --

8 MS. HELEY: All right. I think you
9 answered my question.

10 MR. STECK: -- is that they're all
11 all new properties and they feed into the same
12 water and sewer system as the properties within
13 the triangle.

14 MS. HELEY: You testified about
15 significant consequences and that these are not
16 gentle powers. Is one of the significant
17 consequences that this property could be rezoned
18 or even up-zoned in a rehabilitation area?

19 MR. STECK: Well, we don't know
20 what the --

21 MS. HELEY: Yes or no?

22 MR. STECK: -- what the --

23 MS. HELEY: Yes or no?

24 MR. STECK: It's a possibility that
25 they could grant beneficial zoning to this

1 owner --

2 MS. HELEY: Okay.

3 MR. STECK: -- although the public
4 records suggest otherwise.

5 MS. HELEY: If you don't like the
6 rehab zoning that eventually is assigned to this
7 property by the Rehabilitation Plan and you don't
8 want to sign a Rehabilitation Agreement with the
9 City to implement that zoning, is there anything
10 you think the City can do to you to force you to
11 do that?

12 MR. STECK: They could put in
13 restrictive zoning and not allow you to seek a (d)
14 variance to get relief from it, so there are very
15 significant consequences. In a sense the property
16 owner could be severely punished.

17 MS. HELEY: So you wouldn't be able
18 to go to the Zoning Board?

19 MR. STECK: There is no -- except
20 for an interpretation, there is no possibility of
21 getting any kind of a use density or floor area
22 ratio or height variance over 10 percent from the
23 Board of Adjustment. Those powers don't exist.

24 MS. HELEY: You wouldn't be able to
25 go to the Zoning Board, correct?

1 MR. STECK: That's correct.

2 MS. HELEY: Okay. And is it
3 possible that with this rehabilitation area the
4 City could decide whether or not they wanted to
5 provide either superseding or overlay zoning?

6 MR. STECK: They could elect to do
7 that but they clearly have the ability, and
8 without exception, I don't know any instance in
9 Hoboken where they have done overlay zoning for
10 redevelopment. There's always been superseding
11 zoning.

12 MS. HELEY: But we won't know until
13 they do it?

14 MR. STECK: That's correct.

15 MS. HELEY: Thank you.

16 CHAIRWOMAN GRAHAM: Any other
17 member of the public wish to ask any questions?

18 Do I hear a motion to close the
19 public portion?

20 COMMISSIONER FURMAN: Motion.

21 CHAIRWOMAN GRAHAM: Okay.

22 COMMISSIONER MOSSERI: I'll
23 second.

24 CHAIRWOMAN GRAHAM: All in favor,
25 say aye.

1 COMMISSIONER WEAVER: Aye.

2 COMMISSIONER MIAN: Aye.

3 COMMISSIONER TYRELL: Aye.

4 COMMISSIONER HOLTZMAN: Aye.

5 COUNCILWOMAN MARSH: Aye.

6 COMMISSIONER FORBES: Aye.

7 COMMISSIONER SARANTITIS: Aye.

8 COMMISSIONER FURMAN: Aye.

9 COMMISSIONER MOSSERI: Aye.

10 CHAIRWOMAN GRAHAM: Aye.

11 Eileen, you have a few comments?

12 MS. BANYRA: Yes, I do.

13 CHAIRWOMAN GRAHAM: Okay.

14 MS. BANYRA: Couple things were
15 said that, that need to be discussed. First of
16 all, Peter at the end concludes that, you know,
17 the final section of the statute, Section 3 talks
18 about the program of rehabilitation as if it's a
19 requirement that we're supposed to identify
20 tonight a program in either Andy's report or
21 mine. The statute, again, is very clear on the
22 language. It reads: A program of rehabilitation
23 as defined in Section 3, and it gives the statute,
24 may be expected to prevent further deterioration
25 and promote the overall development and a finding

1 in need of rehabilitation to extend to the entire
2 municipality, so it's a may, it's a permissive
3 language, it's not a requirement in either one of
4 our reports, so I think that that's, you know,
5 something that needs to be clarified.

6 A few other things. Again, as Miss
7 Heley actually indicated and stole a little bit of
8 the thunder, there could be zoning that's
9 permissive zoning and be up-zoned, so to speak.
10 Mr. Steck's report fails to include on page,
11 sample on page seven of his report when his
12 criticism about the anticipated zoning, he lists
13 everything that the plan permits, however, he
14 leaves out that 250,000 square feet of new
15 construction as per the plan. Now, you know,
16 while he gave us a big list of all the restrictive
17 things, he failed to indicate that 250,000 square
18 feet, and again, this is just a concept, but I
19 think it's important because he is implying that
20 it's so restrictive that we're going down a path
21 and this property owner again is being penalized,
22 so I think not only is new construction permitted
23 in there, he only mentions retail, he skipped the
24 residential and office space entirely in his
25 summary of what the Draft Plan says.

1 A couple other areas. He's
2 indicated a number of places in the report on page
3 six in the Utility Analysis that no tests were
4 performed. Again, there's no test required to be
5 performed on that in the statute or otherwise.
6 The same thing goes with the Planning Analysis. I
7 did not explore the utility conditions and I'm not
8 required to. Only age is required pursuant to
9 statute. As far as my focus being wrong in the
10 plan, yes, the statute clearly talks about
11 infrastructure, but in the Redevelopment Handbook
12 which was put out by the Department of Community
13 Affairs, this book that you may have seen before,
14 this book was published in conjunction with the
15 Department of Community Affairs and now when a
16 Redevelopment Plan is approved it has to be sent
17 to the Department of Community Affairs. Within
18 the handbook it basically states that a
19 Redevelopment Plan must state the relationship to
20 local zoning and master planning, so the fact that
21 we included a Concept Draft, instructional,
22 informational document here really goes to the
23 heart of it, if the Council was going to adopt a
24 plan, these are some of the planning rationales.
25 While Peter doesn't want me to talk about

1 planning, I think planning is important, and
2 planning is important because it's the basis of
3 all zoning and I think it's important to identify
4 that when a community is making some kind of
5 action. It's alleged that Mayor Zimmer has come
6 up with this idea overnight. This idea, as I've
7 indicated in my report, maybe Dawn, Mayor Zimmer
8 will be the implementation, one of the Council and
9 the Mayor may be the people that implement this
10 plan, but this plan and the idea of redevelopment
11 has been around since 2005. This is not a new
12 plan or a new concept that just popped out of
13 Mayor Zimmer's head that she -- or last year and
14 then was captured and thrown into a Re-Examination
15 Report. I really take exception to the idea that
16 the Re-Examination Report was just a puppet plan
17 of some -- either the Council or the Mayor,
18 because it's not by any stretch of the
19 imagination. A Planning Board is responsible for
20 a Master Plan and this Planning Board operated
21 both with a subcommittee and with public meetings
22 and had the public process and participation and
23 that document is anything but a puppet plan.

24 Regarding the anticipated zoning,
25 and he indicates these aren't, you know -- what's

1 been indicated, that these are, you know, not
2 conventional zoning, no, it's not conventional
3 zoning. It's not pursuant to the Master Plan.
4 It's pursuant to Local Redevelopment Housing Law
5 which allows a community -- as indicated, it's one
6 of the tools. It's not redevelopment, it's
7 rehabilitation and it is a tool that a
8 municipality may use. They may use a
9 Redevelopment Plan, they may use overlay zoning,
10 as I appreciate Miss Heley pointing out, they can
11 do a lot of things. Mr. Steck indicated that
12 that's not been done in the City before. Rehab
13 hasn't been done in the City for a very long time,
14 clearly, and it's something that certainly is
15 being offered this evening. The severe
16 consequences of replacing conventional zoning, not
17 allowing a (d) variance, there's a process and the
18 process is amending a plan and the developer or
19 prospective redeveloper may go to the Council, and
20 normally a town does not want the property to
21 language. It's not good for the property, it's
22 not good for the City, so properties aren't -- and
23 communities usually work together with a
24 redeveloper. We can't anticipate what,
25 particularly on large properties and particularly

1 on a property if it's approximately, with all of
2 the private property, it's over three acres, we
3 can't anticipate what the property's going to look
4 like and what the zoning should be and how
5 buildings will lay out, so it's very common, very
6 common for that plan to be negotiated, changed,
7 modified as part of the process and then get
8 incorporated into a Redeveloper's Plan.

9 Again, Mr. Steck's use of inverse
10 spot zoning is an interesting choice of words. He
11 indicates that, you know, regulations in zoning
12 should be consistent through a district. Again,
13 he's misapplying Municipal Land Use Law and the
14 Local Redevelopment Housing Law, so each -- in
15 Local Redevelopment Housing Law each area that a
16 municipality takes can have its own set of
17 regulations, because it's really tailored to a
18 specific area. The irregular shape of this
19 property is that it's the remaining property,
20 basically, in the area. Some of the new buildings
21 that Mr. -- the so-called new buildings that Mr.
22 Steck is talking about, most of those buildings
23 are not new buildings, number one, and some of
24 them were actually part of a Redevelopment Plan,
25 the Observer Highway Redevelopment Plan and that's

1 what's represented in this picture. Some of them
2 were Board of Adjustment, I believe. I don't
3 believe any of them are less than 10 years old, of
4 the buildings, at least they haven't been -- the
5 buildings north of Willow, for example, none of
6 those buildings were built in my tenure here and
7 those were -- most of those buildings were done
8 pursuant to the Observer Highway Redevelopment
9 Plan.

10 The final thing I just indicated is
11 that the powers include the selection of a
12 redeveloper who's not the owner, and this, again,
13 goes to Mr. Steck's report, to page eight of his
14 report. Yes, you know, a redeveloper is usually
15 selected based on their capacity and based on
16 their ability to redevelop a property. The
17 redeveloper may be a property owner. If a
18 property owner -- often a property owner teams
19 with a development team to come up with a
20 redevelopment of a property, but again, it's
21 implied that this is penalizing or punishing or
22 something punitive about this and it's not. This
23 is standard practice in the municipality. The
24 landowner may be the redeveloper, they may not,
25 and redeveloper is typically somebody that knows

1 how to develop property, so that's really what a
2 redeveloper is about. It may or may not be the
3 owner.

4 I think that's all I want to --

5 CHAIRWOMAN GRAHAM: Thank you.

6 Any other comments or questions
7 before we move on?

8 If not, I'd like to hear a motion
9 that we make a recommendation for advice to the
10 City Council that we declare this, recommend that
11 this area be declared an area in need of
12 rehabilitation.

13 COMMISSIONER FURMAN: I'd like to
14 move that motion.

15 CHAIRWOMAN GRAHAM: Do I hear a
16 second?

17 MR. GIBBONS: Let's make sure that
18 the motion's correct.

19 CHAIRWOMAN GRAHAM: Please do
20 that.

21 MR. GIBBONS: The motion that we --
22 that the Board will recommend, that the study area
23 be declared an area -- we recommend it be declared
24 an area in need of rehabilitation based upon the
25 findings of the Board and the reports provided by

1 the Board's Planner and the Board's Engineer which
2 will be forwarded to the City Council for their,
3 for their use and that we're making that finding
4 pursuant to the Local Redevelopment and Housing
5 Law.

6 COMMISSIONER FURMAN: I'd like to
7 make a motion based on what our lawyer said.

8 CHAIRWOMAN GRAHAM: Is there a
9 second?

10 MR. HOLTZMAN: Second.

11 CHAIRWOMAN GRAHAM: I believe that
12 we'll vote, but Gill, you won't be able to vote.
13 Okay. We have a quorum with nine.

14 MR. GIBBONS: Carol, you can't vote
15 either.

16 CHAIRWOMAN GRAHAM: She can
17 abstain.

18 MR. GIBBONS: She can abstain,
19 that's correct.

20 CHAIRWOMAN GRAHAM: Please call the
21 roll.

22 MR. RODER: Okay. Commissioner
23 Sarantitis?

24 COMMISSIONER SARANTITIS: Yes.

25 MR. RODER: Commissioner Furman?

1 COMMISSIONER FURMAN: Yes.

2 MR. RODER: Commissioner Forbes?

3 COMMISSIONER FORBES: Yes.

4 MR. RODER: Commissioner Tyrell?

5 COMMISSIONER TYRELL: Yes.

6 MR. RODER: Commissioner Weaver?

7 COMMISSIONER WEAVER: Yes.

8 MR. RODER: Commissioner Mian?

9 COMMISSIONER MIAN: Yes.

10 MR. RODER: Commissioner Holtzman?

11 COMMISSIONER HOLTZMAN: Yes.

12 MR. RODER: Commissioner Marsh?

13 CHAIRWOMAN GRAHAM: You can't --

14 COUNCILWOMAN MARSH: Abstain.

15 MR. RODER: Abstain.

16 COMMISSIONER MOSSERI: I'm not

17 allowed to vote.

18 MR. RODER: Not allowed.

19 And Commissioner Graham?

20 CHAIRWOMAN GRAHAM: Yes.

21 Okay. We have voted unanimously to

22 recommend to the City Council that this be

23 declared an area in need of rehabilitation. I

24 thank you all for coming this evening. That was a

25 very interesting and enlightening discussion.

1 MR. GIBBONS: No other business
2 being before the Board --

3 CHAIRWOMAN GRAHAM: No other
4 business being before the Board, I declare we're
5 adjourned. Do I hear a motion to adjourn?

6 COMMISSIONER FURMAN: Motion.

7 MR. HOLTZMAN: Oh, yes.

8 CHAIRWOMAN GRAHAM: So we're
9 adjourned at 10-after-10. Thank you, very much.

10 (At 10:10 p.m., proceedings were
11 concluded.)

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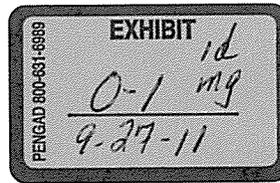
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News

September 27, 2011

Construction Work on Grand Street

Hoboken, NJ – Monday, Sep 19, 2011



The North Hudson Sewerage Authority will be replacing sections of the deteriorated wood sewers along Grand Street between 1st and 5th Streets. The repair work will require excavation within the roadway and will be performed in stages. The first stage will be between 4th and 5th Streets. Parking will be temporarily prohibited along this area for two weeks starting on Thursday, September 22, 2011. The work zone will also be subject to traffic detours during working hours. Grand Street will reopen to traffic during evening hours.

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Transportation & Parking

- @Shaniqua_nyc @veganlunchtruck HPU enforces overtime meters (empty meter) or no parking zone (fire, etc.). Rules apply to all. Not fair? >> [2011/09/22](#)

40A:12A-13

MUNICIPALITIES AND COUNTIES

Note 3

newal, LLC v. City of Asbury Park, 377 N.J.Super. 232, 872 A.2d 137 (A.D.2005), certification denied 185 N.J. 392, 886 A.2d 662. Municipal Corporations ⇌ 282(1); Zoning And Planning ⇌ 14

4. Applicants

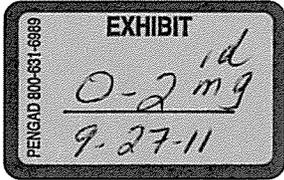
Owners of property subject to city's waterfront redevelopment plan, which prohibited individual property owners from redeveloping their own properties, were not "applicants" for "development" under the Municipal Land Use Law such

that they could develop their own properties; other specific statute provided that redevelopment plan would supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district. D & M Asbury Realty, LLC v. City of Asbury Park, 2005 WL 3693210, Unreported (A.D.2006), certification denied 186 N.J. 607, 897 A.2d 1061. Municipal Corporations ⇌ 282(1); Zoning And Planning ⇌ 14

40A:12A-14. Resolution determining need for rehabilitation; grounds; review and recommendations by planning board; prior determinations pursuant to Title 54

a. A delineated area may be determined to be in need of rehabilitation if the governing body of the municipality determines by resolution that there exist in that area conditions such that (1) a significant portion of structures therein are in a deteriorated or substandard condition and there is a continuing pattern of vacancy, abandonment or underutilization of properties in the area, with a persistent arrearage of property tax payments thereon or (2) more than half of the housing stock in the delineated area is at least 50 years old, or a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance; and (3) a program of rehabilitation, as defined in section 3 of P.L.1992, c. 79 (C.40A:12A-3), may be expected to prevent further deterioration and promote the overall development of the community. Where warranted by consideration of the overall conditions and requirements of the community, a finding of need for rehabilitation may extend to the entire area of a municipality. Prior to adoption of the resolution, the governing body shall submit it to the municipal planning board for its review. Within 45 days of its receipt of the proposed resolution, the municipal planning board shall submit its recommendations regarding the proposed resolution, including any modifications which it may recommend, to the governing body for its consideration. Thereafter, or after the expiration of the 45 days if the municipal planning board does not submit recommendations, the governing body may adopt the resolution, with or without modification. The resolution shall not become effective without the approval of the commissioner pursuant to section 6 of P.L.1992, c. 79 (C.40A:12A-6), if otherwise required pursuant to that section.

b. A delineated area shall be deemed to have been determined to be an area in need of rehabilitation in accordance with the provisions



of this act if it has heretofore been determined to be an area in need of rehabilitation pursuant to P.L.1975, c. 104 (C.54:4-3.72 et seq.), P.L.1977, c. 12 (C.54:4-3.95 et seq.) or P.L.1979, c. 233 (C.54:4-3.121 et al.).

c. (1) A municipality may adopt an ordinance declaring a renovation housing project to be an area in need of rehabilitation for the purposes of Article VIII, Section I, paragraph 6 of the New Jersey Constitution if the need for renovation resulted from conflagration.

(2) For the purposes of this subsection, 'renovation housing project' means any work or undertaking to provide a decent, safe, and sanitary dwelling, to exclusively benefit a specific household, by the renovation, reconstruction, or replacement of the household's home on the same lot by either a charitable entity organized to perform home renovations or by a for-profit builder using 75% or more volunteer labor-hours to accomplish the construction for the project. The undertaking may include any buildings; demolition, clearance, or removal of buildings from land; equipment; facilities; or other personal properties or interests therein which are necessary, convenient, or desirable appurtenances of the undertaking.

d. (1) A municipality may adopt an ordinance declaring a renovation housing project to be an area in need of rehabilitation for the purposes of Article VIII, Section I, paragraph 6 of the New Jersey Constitution if at least half of the number of people occupying the dwelling as their primary residence qualify for a federal income tax credit pursuant to 26 U.S.C. s. 22 as a result of being permanently and totally disabled and the improvements to be made to the dwelling are made substantially to accommodate those disabilities.

(2) For the purposes of this subsection, "renovation housing project" means any work or undertaking to provide a decent, safe, and sanitary single-family dwelling, to exclusively benefit at least half of the number of people occupying a dwelling as their primary residence, by the renovation, reconstruction, or replacement of that dwelling on the same lot by either a charitable entity organized to perform home renovations or by a for-profit builder using 75% or more volunteer labor-hours to accomplish the construction for the project. The undertaking may include any buildings; demolition, clearance, or removal of buildings from land; equipment; facilities; or other personal properties or interests therein which are necessary, convenient, or desirable appurtenances of the undertaking.

L.1992, c. 79, § 14, eff. Aug. 5, 1992, retroactive to Jan. 18, 1992. Amended by L.2001, c. 155, § 1, eff. July 13, 2001; L.2003, c. 125, § 5, eff. July 9, 2003; L.2007, c. 90, § 1, eff. May 6, 2007; L.2007, c. 91, § 1, eff. May 6, 2007.

Peter G. Steck

Community Planning Consultant
P. O. Box 306, 80 Maplewood Avenue, Maplewood, New Jersey 07040
(973) 762-6568
Fax 762-5457
Steckplan@AOL.COM

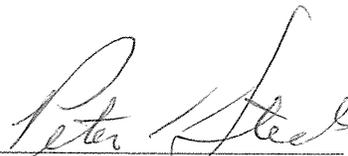
PRELIMINARY PLANNING EVALUATION AREA IN NEED OF REHABILITATION DESIGNATION BLOCK 2.0, LOTS 12-26 BLOCK 2.01, LOTS 1-10 AND VARIOUS STREET RIGHTS OF WAY CITY OF HOBOKEN HUDSON COUNTY, NEW JERSEY

Prepared for:

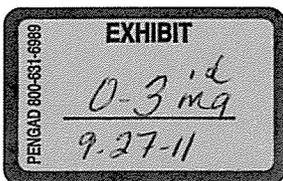
R. William Potter, Esq.
Potter and Dickson
194 Nassau Street
Princeton, New Jersey 08542
(609) 921-9555

On behalf of:

R. Neumann & Co.
300 Observer Highway
Hoboken, New Jersey 07030



Peter G. Steck, P.P.
N. J. Planner License No. 1776
September 22, 2011



INTRODUCTION

On June 2, 2011 the Hoboken City Council adopted a resolution requesting that the Hoboken Planning Board review a resolution designating a certain portion of the City of Hoboken as in need of rehabilitation in accordance with the standards of the Local Redevelopment and Housing Law, N.J.S.A.40A:12A-1 et seq. The study area includes portions of public rights-of-way known as Observer Highway, Willow Avenue and Newark Street and certain private properties abutting such streets. The largest private property in the study area contains an industrial complex known as Neumann Leather.

In response to this request, the Hoboken Planning Board has scheduled a public hearing for September 27, 2011 wherein evidence is expected to be presented by a consulting engineer and a consulting planner in accordance with reports prepared by each professional. In advance of those proceedings, this Preliminary Planning Evaluation has been prepared which reviews the two professional reports. It is termed a preliminary evaluation because additional evidence may be presented at the Planning Board's hearing or may be revealed by cross-examination that modify the opinions offered by the Planning Board's two professional consultants and may modify the opinions offered by this author.

This Preliminary Planning Evaluation has been prepared on behalf of N. Neumann & Co. which owns the majority of the private property in the study area. Based on the information provided to date, it is concluded that no substantial credible evidence has been presented that would support an area in need of rehabilitation designation for the study area.

AREA IN NEED OF REDEVELOPMENT CRITERIA

The Local Redevelopment and Housing Law offers techniques to address situations in municipalities that exist and persist involving deterioration in housing, commercial and industrial installations, public services and facilities that result from forces that are amenable to correction and amelioration by concerted effort of responsible public bodies and that without this public effort are not likely to be corrected or ameliorated by private effort. One of those techniques is the designation of a area as in need of rehabilitation.

Designation of an area as in need of rehabilitation can have significant consequences for a property owner. The designation allows a municipality to establish site-specific zoning as part of a redevelopment plan, to mandate certain rehabilitation efforts, and to select a redeveloper other than the owner of a certain property. Of great importance is that designation allows a municipality to replace conventional zoning with specialized redevelopment zoning for which there is no use or other "d" variance relief possible. Hence, the rights of property ownership can be curtailed by redevelopment-based zoning in a fashion that would not be valid in the traditional use of zoning powers.

Selected portions of the Local Redevelopment and Housing Law are included on Plate I.

PLATE I
PORTIONS OF THE LOCAL REDEVELOPMENT AND HOUSING LAW

40A:12A-2. Findings, determinations, declarations

The Legislature hereby finds, determines and declares:

- a. There exist, have existed and persist in various communities of this State conditions of deterioration in housing, commercial and industrial installations, public services and facilities and other physical components and supports of community life, and improper, or lack of proper, development which result from forces which are amenable to correction and amelioration by concerted effort of responsible public bodies, and without this public effort are not likely to be corrected or ameliorated by private effort.
- b. From time to time the Legislature has, by various enactments, empowered and assisted local governments in their efforts to arrest and reverse these conditions and to promote the advancement of community interests through programs of redevelopment, rehabilitation and incentives to the expansion and improvement of commercial, industrial, residential and civic facilities.
- c. As a result of those efforts, there has grown a varied and complex body of laws, all directed by diverse means to the principal goal of promoting the physical development that will be most conducive to the social and economic improvement of the State and its several municipalities.
- d. It is the intent of this act to codify, simplify and concentrate prior enactments relative to local redevelopment and housing, to the end that the legal mechanisms for such improvement may be more efficiently employed.

40A:12A-3. Definitions. As used in this act:

"Redevelopment plan" means a plan adopted by the governing body of a municipality for the redevelopment or rehabilitation of all or any part of a redevelopment area, or an area in need of rehabilitation, which plan shall be sufficiently complete to indicate its relationship to definite municipal objectives as to appropriate land uses, public transportation and utilities, recreational and municipal facilities, and other public improvements; and to indicate proposed land uses and building requirements in the redevelopment area or area in need of rehabilitation, or both.

"Rehabilitation" means an undertaking, by means of extensive repair, reconstruction or renovation of existing structures, with or without the introduction of new construction or the enlargement of existing structures, in any area that has been determined to be in need of rehabilitation or redevelopment, to eliminate substandard structural or housing conditions and arrest the deterioration of that area.

"Rehabilitation area" or "area in need of rehabilitation" means any area determined to be in need of rehabilitation pursuant to section 14 of P.L.1992, c.79 (C.40A:12A-14).

40A:12A-14. Conditions for determination of need for rehabilitation.

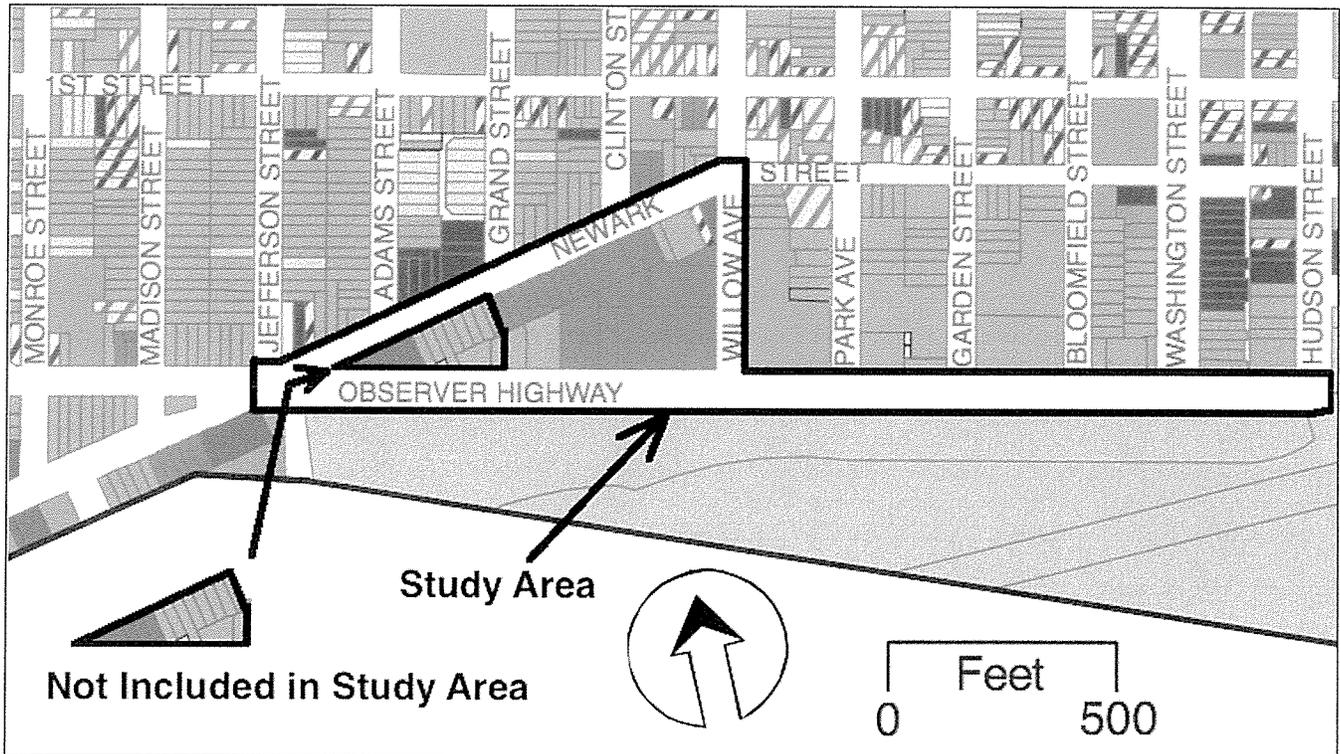
14. a. A delineated area may be determined to be in need of rehabilitation if the governing body of the municipality determines by resolution that there exist in that area conditions such that (1) a significant portion of structures therein are in a deteriorated or substandard condition and there is a continuing pattern of vacancy, abandonment or underutilization of properties in the area, with a persistent arrearage of property tax payments thereon or (2) more than half of the housing stock in the delineated area is at least 50 years old, or a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance; and (3) a program of rehabilitation, as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3), may be expected to prevent further deterioration and promote the overall development of the community. Where warranted by consideration of the overall conditions and requirements of the community, a finding of need for rehabilitation may extend to the entire area of a municipality. Prior to adoption of the resolution, the governing body shall submit it to the municipal planning board for its review. Within 45 days of its receipt of the proposed resolution, the municipal planning board shall submit its recommendations regarding the proposed resolution, including any modifications which it may recommend, to the governing body for its consideration. Thereafter, or after the expiration of the 45 days if the municipal planning board does not submit recommendations, the governing body may adopt the resolution, with or without modification. The resolution shall not become effective without the approval of the commissioner pursuant to section 6 of P.L.1992, c.79 (C.40A:12A-6), if otherwise required pursuant to that section.

b. A delineated area shall be deemed to have been determined to be an area in need of rehabilitation in accordance with the provisions of this act if it has heretofore been determined to be an area in need of rehabilitation pursuant to P.L.1975, c.104 (C.54:4-3.72 et seq.), P.L.1977, c.12 (C.54:4-3.95 et seq.) or P.L.1979, c.233 (C.54:4-3.121 et al.).

DESCRIPTION OF THE STUDY AREA

The study area is an oddly shaped area where the public rights-of-way are the dominant feature. It excludes certain properties in the triangular area encompassed by Observer Highway, Newark Street and Willow Avenue and excludes private properties on the north side of Newark Street, on the East side of Willow Street and on the north and south sides of Observer Highway. Plate I below shows the boundaries of the study area superimposed on the existing land use map included in Hoboken's 2004 Master Plan.

PLATE I
LOCATION OF STUDY AREA



CONDITIONS SURROUNDING THE STUDY AREA

The aerial photographs on Plate II show the development that surrounds the study area.

PLATE II DESCRIPTION OF SURROUNDING PROPERTIES



DESCRIPTION OF THE UTILITY ANALYSIS

Submitted in support of an area in need of rehabilitation designation is a report by professional engineer Andrew R. Hipolit titled ***Existing Water and Combined Sanitary/Storm Sewer Utility Analysis for "Area in Need of Rehabilitation" 300 Observer Highway, Newark Street, & Willow Avenue, City of Hoboken, Hudson County, New Jersey*** dated September 9, 2011 hereinafter referred to as the Utility Analysis.

DESCRIPTION OF THE PLANNING ANALYSIS

Submitted in support of an area in need of rehabilitation designation is a report by planner Eileen F. Banyra of EFB Associates, LLC titled ***Planning Analysis for Determination of Area in Need of Rehabilitation Designation, Block 2.0 Lots 12-26 and Block 2.01 Lots 1-10 and ROW of various Streets*** prepared for the Hoboken Planning Board, dated September 9, 2011 and hereinafter referred to as the Planning Analysis.

1. The Utility Analysis does not support designation of the study area.

The Utility Analysis involved a visual review of the surface features of the sanitary and stormwater systems documenting, for example, the labels on the manhole covers and the location of right-of-way stormwater catch basins, an inspection of maps provided by the utility companies involved with the water and sewer systems and discussions with representatives of United Water and the North Hudson Sewerage Authority. No tests were performed on the utility systems and no camera surveys or other inspections were performed. The surface visual review was confined to improvements within the public rights-of-way constituting 8.3 acres of the 11.59 acre study area.

The conclusions of the Utility Analysis were that the water and sewer improvements were installed more than 50 years ago, that rehabilitation of the water system will lessen the incidences of water line breaks, and that due to periodic flooding the rehabilitation of the combined storm and sewer system would be beneficial. Also concluded in the Utility Analysis is that rehabilitation programs would prevent further deterioration [presumably of the water and sewer systems] and promote overall development of the community by further protecting the health, safety and welfare of the city.

Not addressed is the condition of the on privately owned properties that total 3.29 acres of the study area. Also not address is how the alleged deficiencies in the infrastructure system related to private properties in the study area. To be noted is that a significant number of private properties outside of the study area but likely relying on the same sewer and water system have accommodated new construction or substantial renovation. Such market-driven projects appear not to have been hampered by the flooding or alleged utility deficiencies.

The fact that the Utility Analysis was not thorough, that it only reviewed infrastructure within the public rights-of-way and ignored private property conditions, that the City does not own the infrastructure studied and does not have the right to institute improvements, and that there is no indicating that utility deficiencies caused deterioration on private properties is a fatal deficiency in the study. This deficiency does not allow for the designation of unstudied private properties that happen to front on certain streets.

2. The Planning Analysis relied on the Utility Analysis.

The Planning Analysis did not include any separate review of the infrastructure, but simply accepted the conclusions of the Utility Analysis. The Planning Analysis did not explore any conditions on the private properties in the study area nor did it offer any observations about how the alleged infrastructure deficiencies adversely affected conditions on the private properties within the study area. Hence, the fatal flaws in the Utility Study carryover to the Planning Analysis.

3. The Planning Analysis has the wrong focus.

The Planning Analysis focuses on the nature of future zoning controls and not on the statutory criteria for designating an area as in need of rehabilitation. A review of the document reveals that the bulk of its effort is on presenting future policies and plans including redevelopment-based zoning to control the use of the Neumann Leather property. The descriptions in the Planning Analysis of the City's past rehabilitation and redevelopment initiatives, of the surrounding pattern of development, of the 2004 Master Plan and the 2010 Reexamination Report, and the attached Draft Conceptual Redevelopment Plan might be relevant if the study area has already been found to satisfy the statutory criteria as in need of rehabilitation. However, such information is largely irrelevant with regard to whether the study area meets the statutory criteria. Application of the statutory criteria should have been the focus of the analysis, but it constituted only a small portion of the analysis.

In focusing on future redevelopment plans, it would be logical for solutions to be offered to remedy the alleged infrastructure deficiencies. However, noticeably absent from the future planning references in the Planning Analysis are ways to fix the alleged infrastructure deficiencies. The only reference to fixing the alleged deficiencies is that "A comprehensive area and ultimately city-wide approach to stormwater mitigation efforts should be developed." [Page 3 of Draft Conceptual Redevelopment Plan]

4. The anticipated zoning controls reveal an improper intent.

Public statements of the Mayor and other public officials in advance of the area in need of rehabilitation proceedings demonstrate that the intent of the designation is to institute specialized zoning controls that protect certain commercial tenants in the Neumann Leather building. Although such public statements might be dismissed as political posturing, the Draft Conceptual Redevelopment Plan at the end of the Planning Analysis and references in the 2010 Reexamination report by the same author leave no doubt about future intent.

In the Executive Summary, the Planning Analysis indicates that "This conceptual plan is included to assure that key concepts from the Reexamination Report specific to the Neumann site and study area be retained as well as the non-structural and green infrastructure offered in that report." A review of the Draft Conceptual Plan shows that the following controls are intended:

- The City intends to designate a redeveloper of the property.
- The site is to be redeveloped by a single entity.
- Restrictions will be placed on rehabilitated buildings.
- Up to 140,000 square feet of the rehabilitated buildings will be preserved for the existing arts industry.
- Interior open space of 42,000 will be created.
- First floor space in the rehabilitated building is only permitted to be used for artist studios, restaurants and bars, and retail business and services but with retail business and services limited to a maximum of 30,000 square feet in floor area.

- Major mechanical systems in the retained buildings are mandated to be upgraded.
- Rent levels in the retained buildings cannot exceed the market rate for industrial space in the region.
- Existing tenants that need to be relocated have a right to return to the site.
- The developer is required to pay for all relocation costs.
- Progressive “green” building improvements are required.
- Right-of-way improvements such as planters, bump-outs, pervious asphalt and concrete, rain garden, gray water systems and like are to be employed.

These are not conventional zoning controls and, in fact, many are not zoning controls at all. Many are beyond statutory zoning powers and constitute capricious, arbitrary and unreasonable legislative acts.

5. The area in need of rehabilitation designation is being used to engage in illegal inverse spot zoning.

A fundamental aspect of zoning and an essential element of its constitutionality is that the controls must be established on a district basis and that the regulations must be uniform throughout each district for each class or kind of building. This system of land use controls by districts and by uniform standards assures a degree of fair treatment which would not be the case if a municipality were empowered to establish a separate zone for each property.

In the subject Planning Analysis, the infrastructure conditions cited as the alleged basis for an area in need of rehabilitation designation are generic rights-of-way conditions that are applicable to large portions of Hoboken and quite possibly to the majority of the City if this type of perfunctory infrastructure analysis is accepted.

If the cursory analysis employed by Hoboken is accepted as valid, the City then has the discretion to select any property within its borders and institute a superseding special zone to either punish or help that property owner. That the of discretion is an anathema to proper planning and zoning principles and constitutes illegal inverse spot zoning.

6. The consequences of designation are significant.

Designating an area as in need of redevelopment can have severe consequences for a property owner. Among the powers conveyed to a municipality is the replacement of the existing conventional zoning with redevelopment plan zoning. Such replacement zoning does not allow for “d” variance relief and allows for aesthetic controls which are well beyond conventional zoning powers. Other powers include the selection of a redeveloper that is not the property owner.

Normally, a property owner can take comfort that he or she is treated the same way as other properties with the same characteristics. But this standard of uniform treatment is bypassed in a redevelopment plan. As is evident from the Draft Conceptual Redevelopment Plan, Hoboken anticipated crafting standards that apply only to the Neumann Leather building and not to any other industrial building in the City. These powers are extraordinary and pose a threat to any property owner and well as to any potential purchaser of a property having been designated as in need of rehabilitation.

7. The statutory criteria have not been satisfied.

To be eligible for an area in need of rehabilitation designation, a study area must be shown to have conditions such that:

(1) a significant portion of structures therein are in a deteriorated or substandard condition and there is a continuing pattern of vacancy, abandonment or underutilization of properties in the area, with a persistent arrearage of property tax payments thereon

or

(2) more than half of the housing stock in the delineated area is at least 50 years old, or a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance;

and

(3) a program of rehabilitation, as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3), may be expected to prevent further deterioration and promote the overall development of the community.

No evidence has been offered with respect to criterion (1). Inadequate evidence has been offered with respect to criteria (2). Finally, criteria (3) has not been addressed because the City of Hoboken does not have the authority to rehabilitate the infrastructure, because there is no evidence that the alleged infrastructure deficiencies adversely affect abutting privately owned properties, and because the designation of private properties does not influence the adequacies of the infrastructure. No rehabilitation actions instituted on any of the privately owned properties in the study area can solve the flooding problems and the alleged infrastructure deficiencies.

Sponsored by: _____

Seconded by: _____

**City of Hoboken
Resolution No.:** _____

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO THE “WATERFRONT WALKWAY RECONSTRUCTION PROJECT – PUBLIC-PRIVATE PARTNERSHIP” AGREEMENT WITH STEVENS INSTITUTE OF TECHNOLOGY

WHEREAS, the Administration, has negotiated an agreement with Stevens Institute of Technology (“Stevens”) which provides for Stevens to supply goods and materials and the City to supply services and contracting agents to reconstruct the Hudson River Walkway between Castle Point and Sinatra Park Field; and,

WHEREAS, the agreed upon terms are laid out in the Waterfront Walkway Reconstruction Project – Pubic-Private Partnership Agreement, *attached hereto*, and the City Council is now called upon to either accept or reject the terms of the negotiated agreement.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Hoboken in the County of Hudson as follows:

1. The City Council hereby accepts the Waterfront Walkway Reconstruction Project – Pubic-Private Partnership Agreement, *attached hereto*, as negotiated between the City and Stevens; and,
2. The City Council hereby directs the Mayor and her Administration to notify Stevens of this acceptance immediately.
3. The Mayor, her Administration and Labor Counsel are hereby authorized and directed to proceed to execute and finalize this agreement expeditiously, and to take any steps necessary to effectuate the Agreement.

MEETING: October 19, 2011

REVIEWED:

APPROVED AS TO FORM:

Arch Liston
Business Administrator

Mark A. Tabakin, Esq.
Corporation Counsel

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

Demolition Costs
417 Jackson Street

| | | | | |
|----------|-----------------------|-----------|-------------------------------|----------------------|
| CY-01363 | BOSWELL ENGINEERING | 58514 | DEMOLITION 417 JACKSON | \$ 2,231.00 |
| CY-02271 | BOSWELL ENGINEERING | 58960 | PROFESSIONAL ENGINEERING | \$ 7,586.45 |
| CY-02273 | BOSWELL ENGINEERING | 59528 | PROFESSIONAL ENGINEERING | \$ 598.50 |
| CY-03756 | BOSWELL ENGINEERING | 59297 | DEMOLITION 417 JACKSON ST | \$ 384.75 |
| CY-03756 | BOSWELL ENGINEERING | 59942 | DEMOLITION 417 JACKSON ST | \$ 384.75 |
| CY-03756 | BOSWELL ENGINEERING | 60201 | DEMOLITION 417 JACKSON ST | \$ 42.75 |
| CY-03756 | BOSWELL ENGINEERING | 61234 | DEMOLITION 417 JACKSON ST | \$ 812.25 |
| CY-03756 | BOSWELL ENGINEERING | 61933 | DEMOLITION 417 JACKSON ST | \$ 1,711.50 |
| CY-03756 | BOSWELL ENGINEERING | 61521 | DEMOLITION 417 JACKSON ST | \$ 2,701.50 |
| CY-03975 | BOSWELL ENGINEERING | 62630 | DEMOLITION 417 JACKSON | \$ 256.50 |
| CY-03975 | BOSWELL ENGINEERING | 62266 | DEMOLITION 417 JACKSON | \$ 2,385.00 |
| CY-03975 | BOSWELL ENGINEERING | 63120 | DEMOLITION 417 JACKSON | \$ 483.00 |
| CY-02329 | YANNUZZI & SONS, INC. | PAYMENT 2 | BUILDING DEMOLITION BID 11-06 | \$ 16,366.00 |
| CY-02329 | YANNUZZI & SONS, INC. | PAYMENT 1 | BUILDING DEMOLITION BID 11-06 | \$ 63,700.00 |
| CY-02329 | YANNUZZI & SONS, INC. | FINAL | BUILDING DEMOLITION BID 11-06 | \$ 12,135.75 |
| | | | | \$ 111,779.70 |

MEMO FROM THE CONSTRUCTION OFFICIAL

TO Arch Liston, Business Administrator
FROM: Mario Patruno, Acting Construction Official
RE: 417 Jackson Street, Hoboken
DATE: March 24, 2011

As you know on March 8, 2011 the rear portion of the building collapsed. Notice of Unsafe Structure was posted in front of the building on March 8, 2011. Notice of Unsafe Structure was mailed and papers served to the estate executor on March 9, 2011. At this point I am requesting to have the City of Hoboken demolish the building as per 5:23-2.32b5 of the New Jersey Administrative Code.

Should you require any additional information please feel free to contact me.

cc: Law Department
Mayor's Office
Fire Prevention Bureau, Fire Chief



NOTICE OF UNSAFE STRUCTURE

Permit #
Date Issued 3/9/11
- or -
Control #:

IDENTIFICATION

Work Site Location 417 Jackson Street Block _____ Lot _____ Qualification Code _____
Hoboken, NJ

Owner in Fee Richard Arcos Agent _____
Address 96 Orchard St Apt 2 Address _____
Garfield, NJ 07026

To: Owner Other: _____
 Agent/Contractor _____

DATE OF INSPECTION: 3/8/11 DATE OF THIS NOTICE: 3/9/11

ACTION

Take NOTICE that as a result of the inspections conducted by this agency on 3/8/11 on the above property, an unsafe condition has been found to exist pursuant to N.J.S.A. 52:27D-132 and N.J.A.C. 5:23-2.32. The building or structure, or portion thereof, deemed an unsafe condition is described as follows:

5:23-2.32b - Notice of Unsafe Structure posted in front of building entrance on 3/8/11 due to rear portion of building collapse. Demolish building due to immediate danger of collapsing.

You are hereby **ORDERED** to:

[] Vacate the above structure by _____

Demolish the above structure by 3/10/11 or correct the above noted unsafe conditions by no later than _____

Failure to correct the unsafe condition or refusal to comply with this **ORDER** will result in this matter being forwarded to legal counsel for prosecution and assessment of penalties up to \$500 per week per violation. You must immediately declare to the Construction Official, your acceptance or rejection of the terms of this **ORDER**.

Any building or structure vacated pursuant to this **ORDER** shall not be reoccupied unless and until a certificate of occupancy is issued by the Construction Official.

If you wish to contest this **ORDER**, you may request a hearing before the Construction Board of Appeals of the County of Hudson within 15 days of receipt of this notice as provided by N.J.A.C. 5:23A-2.1. The Application to the Construction Board of Appeals may be used for this purpose.

Your application for appeal must be in writing, setting forth your name and address, the address of the building or site in question, the specific sections of the Uniform Construction Code in question and the extent and nature of your reliance on them. You may include a brief statement setting forth your position and the nature of the relief sought by you, and you may also append any documents that you consider useful.

The fee for an appeal is \$ 100.00 and should be forwarded with your application to the Construction Board of Appeals Office at: 595 County Avenue, Secaucus, NJ - 201369-4340

If you have any questions concerning this matter, please call: 201-420-2066

By **ORDER** of: [Signature] Acting E.O. Date: 3-9-11

CONSTRUCTION OFFICIAL

2. Notice of unsafe structure: If an unsafe or unsanitary condition is found in a building or structure, the construction official shall serve a written notice describing the building or structure deemed unsafe and specifying the required repairs or improvements to be made to render the building or structure safe and secure, or requiring the unsafe building or structure or portion thereof to be vacated or demolished within a stipulated time. Such notice shall require the person thus notified to immediately declare to the construction official his or her acceptance or rejection of the terms of the order. Such person may seek review before the Construction Board of Appeals within 15 days of receipt of the notice.

3. Restoration of unsafe structure: A building or structure condemned by the construction official may be restored to a safe condition in accordance with N.J.A.C. 5:23-6, Rehabilitation Subcode. A certificate of approval or certificate of occupancy, as appropriate, shall be obtained prior to reoccupancy of the building or structure.

4. Posting notice of unsafe structure: If the person addressed with a notice of unsafe structure cannot be found within the municipality after diligent search, then such notice shall be sent by registered or certified mail to the last known address of such person, as on file with the office of the tax collector, and a copy of the notice of unsafe structure shall be posted in a conspicuous place on the premises; and such procedures shall be deemed the equivalent of personal notice.

5. Upon refusal or neglect of the person served with a notice of unsafe structure to comply with the requirements of the order to abate the unsafe condition, the construction official shall, in addition to any other remedies herein provided, forward the matter to the legal counsel of the jurisdiction for an action to compel compliance.

(b) Emergency measures:

1. When, in the opinion of the construction official and appropriate subcode officials, there is actual and immediate danger of failure or collapse of a building or structure or any part thereof which would endanger life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the building or structure, the construction official is hereby authorized and empowered to order and require the occupants to vacate the same forthwith. The construction official shall cause to be posted at each entrance to such building a notice reading as follows: This structure is unsafe and its use or occupancy has been prohibited by the construction official, and it shall be unlawful for any person to enter such building or structure except for the purpose of making the required repairs or demolishing the same. The order of the construction official shall be effective immediately.

2. Temporary safeguards: When, in the opinion of the construction official, there is actual and immediate danger of collapse or failure of a building or structure or any part

thereof which would endanger life, the construction official shall cause the necessary work to be done to render such building or structure or part thereof temporarily safe, whether or not the legal procedure herein has been instituted. Such work may include such demolition as may be necessary in order to eliminate any actual and immediate danger to human life; provided, however, that any demolition work shall not commence until at least 24 hours following service of notice of the pending demolition upon the owner, unless such service is not possible because the identity or the address of the owner cannot be determined from public records. Upon expiration of the 24-hour period, demolition may proceed unless stayed by order of the Superior Court.

3. Closing streets: When necessary for the public safety, the construction official may temporarily close sidewalks, streets, buildings and structures and places adjacent to such unsafe structure, and prohibit the same from being used.

4. Emergency repairs or demolition: For the purpose of this section, the construction official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

5. Costs of emergency repairs: Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on certificate of the construction official; and the legal authority of the jurisdiction shall institute appropriate action against the owner of the premises for the recovery of such costs.

6. Appeals: An emergency order issued by a municipal construction official pursuant to this subsection shall be appealable only to a court of competent jurisdiction.

Amended by R.1991 d.509, effective October 7, 1991.

See: 23 N.J.R. 2236(a), 23 N.J.R. 3001(a).

C.O. required prior to reoccupancy.

Amended by R.1996 d.236, effective May 20, 1996 (operative January 1, 1997).

See: 27 N.J.R. 4050(a), 28 N.J.R. 2586(a).

Amended by R.1999 d.424, effective December 6, 1999.

See: 31 N.J.R. 2428(a), 31 N.J.R. 4001(c).

Rewrote (a)3.

Amended by R.2003 d.201, effective May 19, 2003.

See: 35 N.J.R. 303(a), 35 N.J.R. 2207(a).

Rewrote (b).

Law Review and Journal Commentaries

Tort Claims Act—Landlords. P.R. Chenoweth, 138 N.J.L.J. No. 2, 77 (1994).

Case Notes

Civil rights action challenging township actions regarding use of property as church were not ripe for adjudication until township planning board decided site plan application and any need for variance. *Trinity Resources, Inc. v. Township of Delanco*, D.N.J.1994, 842 F.Supp. 782.

Mobile park owner that leased space to mobile home owners could not require residents to convert from oil heat to gas heat as condition of approving prospective purchases. *Garden Park Mobile Home Owners*

Introduced By: _____
Second By: _____

CITY OF HOBOKEN
RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CITY TO PLACE MUNICIPAL LIENS ON SPECIFIED PROPERTIES

WHEREAS, the City of Hoboken, pursuant to Hoboken Code Section 110-10 and the New Jersey Uniform Construction Code, N.J.A.C. 5:23-2.32(b), has incurred costs associated with abating public health hazards from properties within the City of Hoboken; and

WHEREAS, the Construction Code Official and Purchasing Agent have requested liens be placed on the properties for which the City incurred abatement costs; and

WHEREAS, the City Council, pursuant to Hoboken Code Section 110-10 and N.J.A.C. 5:23-2.32(b)(5), hereby authorizes the placement of municipal liens on the properties and in the amounts listed herein.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that municipal liens be placed on each of the herein mentioned properties:

| <i>PROPERTY</i> | <i>ADDRESS</i> | <i>OWNER</i> | <i>AMOUNT</i> |
|-----------------|--------------------|---------------|---------------|
| Block 57, Lot 9 | 417 Jackson Street | Richard Arcos | \$111,779.70 |

BE IT FURTHER RESOLVED, that the City Clerk forward the within Resolution to the Tax Collector take any action necessary to effectuate this Resolution.

Meeting: October 14, 2011

Reviewed:

Approved as to form:

ARCH LISTON
BUSINESS ADMINISTRATOR

MARK A. TABAKIN, ESQ.
CORPORATION COUNSEL

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

Introduced By: _____
Second By: _____

CITY OF HOBOKEN
RESOLUTION NO. _____

***RESOLUTION TO AUTHORIZE SUBMISSION OF THE 2012
MUNICIPAL ALLIANCE GRANT***

WHEREAS, the City Council of the City of Hoboken, New Jersey, County of Hudson, State of New Jersey recognizes the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

WHEREAS, the City Council of the City of Hoboken further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the City of Hoboken Municipal Alliance Committee Against Alcohol and Drug Abuse has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Hudson;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hoboken, County of Hudson, State of New Jersey, hereby recognizes the following:

1. The City Council of the City of Hoboken does hereby authorize submission of an application by the Hoboken Municipal Alliance Committee Against Alcohol and Drug Abuse for a grant for the calendar year 2012 in the amount of \$40,261.00.
2. The City Council of the City of Hoboken acknowledges the terms and conditions for administering the Municipal Alliance grant, including a \$10,066.00 City cash match and an in kind match of \$30,196.00, the administrative compliance and audit requirements.

APPROVED: _____
Dawn Zimmer, Mayor

CERTIFICATION

I, James Farina, Municipal Clerk of the City of Hoboken, County of Hudson, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the City Council of Hoboken on this _____ day of August, 2011.

James Farina, Municipal Clerk

Introduced By: _____

Second By: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS

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

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

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$ 1,897.06**

| <u>NAME</u> | <u>BL/LT/UNIT</u> | <u>PROPERTY</u> | <u>QTR/YEAR</u> | <u>AMOUNT</u> |
|--|-------------------|-------------------|-----------------|---------------|
| LaPointe, Christina & Nicholas 222 Clinton St Apt #22 Hoboken, NJ 07030 | 42/15/C0022 | 222-32 Clinton St | 3/11 | \$ 1,897.06 |

Meeting October 19, 2011

Approved as to Form:

CORPORATION COUNSEL

Sharon Curran

Introduced By: _____

Second By: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

**RESOLUTION AUTHORIZING THE REFUND OF TAX APPEALS
STATE TAX COURT**

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

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

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$ 65,751.77**

| <u>NAME</u> | <u>BL/LOT/UNIT</u> | <u>PROPERTY</u> | <u>YEAR</u> | <u>AMOUNT</u> |
|---|--------------------|--------------------|-------------|---------------|
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 18/10/C0003 | 73-75 Jefferson St | 2010 | \$2,102.04 |
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 18/10/C0004 | 73-75 Jefferson St | 2010 | \$2,102.04 |
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 18/30/C003C | 78-88 Adams St | 2010 | \$1,708.20 |
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 18/30/C004A | 78-88 Adams St | 2010 | \$2,059.33 |
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 25/1/C006H | 700 First St | 2010 | \$2,268.11 |
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 25/1/C007G | 700 First St | 2010 | \$1,025.14 |
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 27/27/C03-C | 108-112 Monroe St | 2010 | \$1,608.56 |
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 70/1/C001B | 501-515 Adams St | 2010 | \$1,470.95 |

| <u>NAME</u> | <u>BL/LOT/UNIT</u> | <u>PROPERTY</u> | <u>YEAR</u> | <u>AMOUNT</u> |
|---|--------------------|------------------------|-------------|---------------|
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 70/1/C004E | 501-515 Adams St | 2010 | \$1,784.12 |
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 89/12/C0302 | 501 Ninth Street | 2010 | \$1,584.83 |
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 177/1.1/C003A | 101 Park Ave | 2010 | \$2,087.80 |
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 177/1.1/C003B | 101 Park Ave | 2010 | \$2,562.30 |
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 177/1.1/C0PHN | 101 Park Ave | 2010 | \$4,099.68 |
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 184/12/C004L | 919 Park Ave | 2010 | \$ 569.40 |
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 188/20/C2-3C | 151-161 Second St | 2010 | \$1,276.41 |
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 188/20/C3-4B | 151-161 Second St | 2010 | \$2,695.16 |
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 254/10/C003B | 1313-1317 Park Ave | 2010 | \$2,068.82 |
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 262.3/1/C10008 | 2 Constitution Ct | 2010 | \$2,296.58 |
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 262.3/1/CPH12 | 2 Constitution Ct | 2010 | \$2,609.75 |
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 268.1/1/C006B | 1501 Garden/1500 Bloom | 2010 | \$1,940.71 |
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 268.1/3/C003T | 1500 Hudson St | 2010 | \$ 365.37 |
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 268.1/3/C004J | 1500 Hudson St | 2010 | \$2,614.50 |

| <u>NAME</u> | <u>BL/LOT/UNIT</u> | <u>PROPERTY</u> | <u>YEAR</u> | <u>AMOUNT</u> |
|---|--------------------|------------------------|-------------|---------------|
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 268.1/3/C004V | 1500 Hudson St | 2010 | \$1,437.74 |
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 268.1/3/C009A | 1500 Hudson St | 2010 | \$ 403.33 |
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 268.1/3/C010E | 1500 Hudson St | 2010 | \$3,278.80 |
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 268.1/3/C010V | 1500 Hudson St | 2010 | \$1,390.29 |
| Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039 | 268.1/3/C011Q | 1500 Hudson St | 2010 | \$3,288.29 |
| Brach Eichler, LLC 101 Eisenhower Parkway Roseland, NJ 07068 | 119/1/ | 1405-1429 Madison St | 2010 | \$2,377.25 |
| Brach Eichler, LLC 101 Eisenhower Parkway Roseland, NJ 07068 | 119/14/ | 1414-1428 Jefferson St | 2010 | \$1,456.72 |
| Brach Eichler, LLC 101 Eisenhower Parkway Roseland, NJ 07068 | 120/1/ | 1405-29 Jefferson St | 2010 | \$3,440.13 |
| Brach Eichler, LLC 101 Eisenhower Parkway Roseland, NJ 07068 | 120/20/ | 1412-1416 Adams St | 2010 | \$ 52.20 |
| Brach Eichler, LLC 101 Eisenhower Parkway Roseland, NJ 07068 | 120/23/ | 1410 Adams St | 2010 | \$ 9.49 |
| Brach Eichler, LLC 101 Eisenhower Parkway Roseland, NJ 07068 | 120/24/ | 1408 Adams St | 2010 | \$ 9.49 |
| Brach Eichler, LLC 101 Eisenhower Parkway Roseland, NJ 07068 | 120/25/ | 450-456 Fourteenth St | 2010 | \$2,590.77 |
| Nathan P Wolf, Esq. 673 Morris Ave Springfield, NJ 07081 | 262.3/1/C0512 | 2 Constitution Court | 2010 | \$3,117.47 |

Meeting: October 19, 2011

Approved as to Form:

CORPORATION COUNSEL

SHARON CURRAN

Sponsored by: _____

Seconded by: _____

City of Hoboken

Resolution No. _____

RESOLVED, that filed minutes for the Hoboken City Council regular meetings of July 1st, July 20th, August 18th, August 24th, a Special Meeting on September 3rd, a regular meeting on September 7th, a Special Meeting on September 13th and the regular meeting on September 21, 2011 have been reviewed and approved as to legal form and content.

Approved as to form:

Meeting Date: October 19, 2011

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

Introduced by: _____
Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE THE TAX ASSESSOR TO CORRECT AN
ASSESSMENT ON REAL ESTATE FOR 2011 TO EFFECTUATE
A SETTLEMENT PREVIOUSLY APPROVED

WHEREAS, the Tax Assessor with legal counsel had negotiated a Settlement Agreement with the owner of Block 61, Lot 15 C0025, which is attached hereto; and

WHEREAS, the Settlement Agreement negotiated on or about June 16, 2010 required the Tax Assessor to reduce the tax assessment on the aforesaid property for the tax year 2011 to \$150,000.00; and

WHEREAS, due to the volume of tax appeals for 2010, the Tax Assessor's Office did not correct its records to reflect the negotiated settlement assessment for 2011; and

WHEREAS, the governing body has the authority to direct the Tax Assessor to correct mistakes entered and assessed against real property.

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

A. The Tax Assessor shall correct the assessment for 2011 on Block 61, Lot 15 C002B and reflect same as \$150,000.00 consistent with the Settlement Agreement.

B. The Collector of Revenue is herein directed to calculate any refunds due for 2011 based on the corrected assessment of \$150,000.00.

C. This resolution shall take effect immediately upon passage.

Meeting date: _____, 2011

APPROVED:

APPROVED AS TO FORM:

Arch Liston
Business Administrator

Mark Tabakin
Corporation Counsel

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

HUDSON COUNTY BOARD OF TAXATION

05-1000252L

APPEAL NO. _____ 19__

MUNICIPALITY H. b. Nev

ADDRESS OF PROPERTY 416-18 Grand ST

BLOCK 61 LOT 15 COOB

SETTLEMENT STIPULATION

We agree to adjust the above appeal by settlement and submit for the consideration of the Hudson County Board of Taxation the following proposal:

CURRENT ASSESSMENT

PROPOSED ASSESSMENT

Land \$ 22,700

Land \$ 22,700

Bldg. 189,900

Bldg. 147,300

Total \$ 212,600

Total \$ 170,000

Dated 6/16/12

M. DeLorenzo
(Appellant)

By _____
(Attorney for Appellant)

Witness:

(Respondent)

(Commissioner)

By [Signature]
(Attorney for Respondent)

Basis for Stipulation fair market value
assessment for 2011 to be reduced to \$150,000

Sponsored by: _____
Seconded by: _____

CITY OF HOBOKEN
ORDINANCE NO. _____

**AN ORDINANCE TO AMEND ARTICLE IX OF CHAPTER 39 OF
THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN**

WHEREAS, Article IX of Chapter 39 of the Administrative Code of the City of Hoboken establishes of the Office of the Public Defender; and,

WHEREAS, N.J.S.A. 2B:24-17 allows the City of Hoboken to charge each applicant for a public defender an application fee; and,

WHEREAS, any fee determined by a municipality must be done by ordinance, and shall not exceed \$200.00; and,

WHEREAS, the Municipal Court Judge has the authority to alter the fee, as established by the municipality, if financial circumstances of any applicant make the full fee unfeasible.

NOW, THEREFORE, the City Council of the City of Hoboken does hereby Ordain as follows:

SECTION ONE: AMENDMENTS TO CHAPTER 39

The following amendments shall be made to Chapter 39, Article IX (additions noted in underline, deletions noted in strikethrough):

Section 39-25: Application Fee

In the event any person appearing before the Municipal Court of the City of Hoboken applies for representation by a Municipal Public Defender, it shall be a requirement for consideration of the application that such person applying shall pay an application fee in the amount of Two Hundred Dollars (\$200.00) to the Municipal Court of the City of Hoboken. The Municipal Court Judge may waive any required application fee, in whole or in part, if the Court determines, in its sole discretion, that the application fee represents an unreasonable burden to the person applying for representation. The Municipal Court shall have the authority to prepare, establish and implement all application forms and procedures for the processing of the applications under this section.

The remainder of Chapter 39 continues 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 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 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 5, 2011

Introduction:

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

Final Reading:

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

Approved as to Legal Form:

Mark A. Tabakin, Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of ____ Yeas to ____ Nays
On the ____ day of _____, 2011

James Farina, City Clerk

Vetoed by the Mayor for the following reasons: _____

-or-

Approved by the Mayor
On the ____ day of _____, 2011

Dawn Zimmer, Mayor

Sponsored by: _____

Seconded by: _____

City of Hoboken
Ordinance No.: _____

**ORDINANCE TO ACQUIRE THREE ROADS AS MUNICIPAL ROADS AND ACCEPT THE
COUNTY OF HUDSON'S ACTIONS TO CEDE JURISDICTION AND CONTROL TO THE CITY
OF HOBOKEN PURSUANT TO N.J.S.A. 27:16-28**

WHEREAS, pursuant to N.J.S.A. 27:16-28, any road or portion thereof owned by any County may be discontinued as a County road and ceded to the jurisdiction and control of the municipality wherein the same is situated, by an ordinance passed by the affirmative vote of a majority of all members of the Board of Chosen Freeholders; and

WHEREAS, the County Engineer has reported that there are three (3) County roads within the City of Hoboken, each of which is approximately one (1) block in length, and the County has acted in accordance with N.J.S.A. 27:16-28; and

WHEREAS, the subject roads are entirely within the City of Hoboken and are identified as follows:

- 16th Street - from Park Avenue to Willow Avenue
- 15th Street - from Park Avenue to Willow Avenue
- Hudson Place - from Hudson Street to River Street

WHEREAS, the City Clerk shall transmit a certified copy of this Ordinance to the Clerk of the Board of Chosen Freeholders within ten (10) days of its final passage; and

WHEREAS, the City of Hoboken shall adopt an ordinance stating its acceptance of jurisdiction and control over the three roads, and at the expiration of a period of ten (10) days from the final adoption of the Hoboken ordinance, the three roads shall cease to be County roads and thenceforward, jurisdiction over the roads shall vest in and the responsibility for construction, reconstruction, repair and maintenance for the roads shall devolve upon the City of Hoboken; and

WHEREAS, at that time the Clerk of this Board shall forthwith file a certified copy of this County Ordinance in the Office of the County Clerk who shall record and index same in the road records of that office.

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

Section One: Action

1. The above recitals are incorporated herein as though fully set forth at length.
2. As permitted under the provisions of N.J.S.A. 27:16-28, the County of Hudson by this its acts ceded jurisdiction and control of the following three County roads to the City of Hoboken:
 - 16th Street - from Park Avenue to Willow Avenue
 - 15th Street - from Park Avenue to Willow Avenue
 - Hudson Place - from Hudson Street to River Street

3. The City of Hoboken hereby accepts the above three sections of roadway, and will take all action necessary and proper, as required under law to effectuate the herein transfer of the roadways from the County of Hudson to the City of Hoboken.

4. This Ordinance shall take effect in the manner prescribed by law, and jurisdiction and control over the roads as well as the responsibility for construction, reconstruction, repair, and maintenance of the roads shall devolve upon the City of Hoboken upon passage of the herein ordinance and as recited in detail in N.J.S.A. 27:16-28.

Section Two: Repeal of Inconsistent Provisions

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

Section Four: Effective Date

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

Section Five: Codification

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

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

Date of Introduction: October 19, 2011

Introduction:

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

Second Reading:

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

Approved as to Legal Form:

 Mark A. Tabakin, Corporation Counsel

Adopted by the Hoboken City Council
 By a Vote of ____ Yeas to ____ Nays
 On the ____ day of _____, 2011

 James Farina, City Clerk

Vetoed by the Mayor for the following reasons: _____

-or-

Approved by the Mayor
 On the ____ day of _____, 2011

 Dawn Zimmer, Mayor

