

Introduced by: _____
Seconded by: _____

**MEETING OF THE CITY COUNCIL
OF HOBOKEN, NEW JERSEY
MISCELLANEOUS LICENSING
April 3, 2013**

RAFFLES \$20.00 1 ITEM

PBA LOCAL #232 RA 1419
595 NEWARK AVE. 6TH FL.
JERSEY CITY, NJ

VENDOR WITH VEHICLE \$175.00 1 ITEM

WITH LOVE IVAN, LLC
347 UNDERCLIFF AVE. SUITE B
EDGEWATER, NJ 07020

VENDOR (VETERAN STATUS) NO CHARGE 1 ITEM

SHARONE R. JOHNSON
321 HARRISON ST. APT. 234
HOBOKEN, NJ 07030

PARKING FACILITIES \$300.00 EA. 2 ITEMS

PHILIP DUNSKER 830-832 PARK AVE.
70 WOODLAND RD.
SHORT HILLS, NJ 07078

LAZ PARKING 60 HARRISON ST.
15 LEWIS STREET C/O HEATHER MORTIMER
HARTFORD, CT. 06103

SIDEWALK CAFÉS:**TOTAL: \$17,253.00****23 ITEMS**

1 Republik	221 Washington Street
It's Greek to Me	538 Washington
3Forty Grill	340 Sinatra Drive
Turning Point Café	1420 Sinatra Drive
Bin 14	1314 Washington Street
Anthony David's	953 Bloomfield Street
Turtle Club	936 Park Avenue
Pita Grill	324 Washington Street
10th & Willow Bar & Grill	935 Willow Avenue
Texas Arizona	76 River Street
Farside	531 Washington Street
Zack's Oak Bar & Restaurant	232 Willow Avenue
Sushi Lounge	200 Hudson Street
8th Street Tavern	800 Washington Street
India on the Hudson	1210 Washington Street
Karma Kafe	505 Washington Street
Empire Coffee & Tea Co.	338 Bloomfield Street
Charrito's Restaurant	121 Washington Street
Charrito's Restaurant	1024 Washington Street
Café Michelina	423 Bloomfield Street
Black Bear Bar & Grill	205 Washington Street
Arthur's Hoboken	235 Washington Street
Red Lion Coffee	1320 Bloomfield Street

Office of Taxi & Limo Licensing

Miscellaneous Licenses for City Council Approval

April 3, 2013 City Council Meeting

Operator Licenses: 35 Total

Taxi Operator Licenses - 21 total

#	Last Name	First Name	Driver Type	License #	Fee
1	Ghoneim	Shokry	TAXI	T0052-13	\$75
2	Herrera	Rafael	TAXI	T0053-13	\$75
3	Khan	Shah	TAXI	T0054-13	\$75
4	Fuentes	Osman	TAXI	T0055-13	\$75
5	Caraballo	Antonio	TAXI	T0056-13	\$75
6	Herrera	Osvaldo	TAXI	T0057-13	\$75
7	Kaldas	Amir	TAXI	T0058-13	\$75
8	Chuqui	Luis	TAXI	T0059-13	\$75
9	Perez	Jesus	TAXI	T0060-13	\$75
10	Gendy	Ehab	TAXI	T0061-13	\$75
11	Rivera	Danilo	TAXI	T0062-13	\$75
12	Cabrera	Manuel	TAXI	T0063-13	\$75
13	Shnouda	Safwat	TAXI	T0064-13	\$75
14	Beshai	Gamal	TAXI	T0065-13	\$75
15	Olivo	Francisco	TAXI	T0066-13	\$75
16	Cardenas	Enrique	TAXI	T0067-13	\$75
17	Abdelmalak	Ramy	TAXI	T0068-13	\$75
18	Kassab	Samir	TAXI	T0069-13	\$75
19	Martinez	Jose	TAXI	T0070-13	\$75
20	Diaz	Andres	TAXI	T0071-13	\$75
21	Marte	Camilo	TAXI	T0072-13	\$75

Total Fees: \$1,575
Total Licenses: 21

Limo Operator Licenses - 14 total

#	Last Name	First Name	Driver Type	License #	Fee
1	Acosta-Moreno	Gerardo	LIMO	L0029-13	\$75
2	Sarmiento	Francisco	LIMO	L0030-13	\$75
3	Muhammad	Khalil	LIMO	L0031-13	\$75
4	Abdou	Helmy	LIMO	L0032-13	\$75
5	Valverde	Gustavo	LIMO	L0033-13	\$75
6	Cruz	John	LIMO	L0034-13	\$75
7	Abdeljaber	Kayed	LIMO	L0035-13	\$75
8	Vega	Jose	LIMO	L0036-13	\$75
9	Gonzalez	Mathias	LIMO	L0037-13	\$75
10	Majeed	Imtiaz	LIMO	L0038-13	\$75
11	Pena	Geronimo	LIMO	L0039-13	\$75
12	Jahangir	Shahid	LIMO	L0040-13	\$75
13	Jaime	Walter	LIMO	L0041-13	\$75
14	Singh	Nirmal	LIMO	L0042-13	\$75

Total Fees: \$1,125
Total Licenses: 14

CITY OF HOBOKEN
CLAIMS LISTING
APRIL 3, 2013

DEPARTMENT	ACCOUNT/FUND	P.O.	VENDOR	DESCRIPTION	\$		
ADM BUSINESS ADMINISTRATION	IOPERATING	13-00672	GOVCONNECTION, INC.	INTERNAL HARD DRIVE FOR B.A.	\$ 60.00		
		13-00782	INSERRA SUPERMARKETS	FOOD/GROCERIES DURING SANDY	\$ 495.00		
		13-00950	OFFICE DEPOT	FLASH DRIVE FOR B.A.	\$ 15.98		
		13-00985	CAROLE MCLAUGHLIN FOR EDWARD	MEDICARE PART B REIMBURSEMENTS	\$ 4,381.20		
		13-00986	EDDIE A. MCLAUGHLIN	MEDICARE PART B REIMBURSEMENTS	\$ 5,132.40		
		13-00991	CAROLE R. MCLAUGHLIN	2012 MEDICARE PART B REIMBRSMT	\$ 1,198.80		
		13-01051	METROPOLITAN COFFEE SERVICE	OFFICE SUPPLIES	\$ 44.95		
		13-01114	CARLY RINGER	TRAVEL & EXPENSE REIMBURSEMENT	\$ 10.03		
		IPARK UTILITY	13-00555	COMVEHICLE, INC	BID SPEC FOR SHUTTLE BUS PURCH	\$ 1,900.00	
		ADM CITY COUNCIL	IOPERATING	13-00681	ASL PRODUCTIONS LLC	DVD/LIVE STREAM COUNCIL MTGS	\$ 2,600.00
		ADM FINANCE SUPERVISORS OFF	IOPERATING	13-00459	TREASURER, STATE OF NJ	MULTI-PARKS # 0905-94-050	\$ 32,468.04
		ADM MAYOR'S OFFICE	IOPERATING	13-00345	W.B. MASON CO., INC.	COLORING FILE FOLDERS	\$ 246.50
				13-00674	GOVCONNECTION, INC.	Computer Speakers	\$ 59.00
13-00817	GOVCONNECTION, INC.			TONER CARTRIDGES MAYOR'S OFFIC	\$ 120.00		
ADM MUNICIPAL COURT	IOPERATING	12-03652	THOMPSON REUTERS WEST	SUBSCRIPTION RENEWAL	\$ 243.00		
		13-00220	W.B. MASON CO., INC.	OFFICE SUPPLIES	\$ 18.25		
		13-00597	STAPLES PRINT SOLUTIONS	SPECIAL COMPLAINT TICKETS	\$ 1,198.00		
		13-00976	SUPREME SECURITY SYSTEMS INC	PERIODIC SERVICES	\$ 333.90		
ADM PARKING UTILITY	IOPERATING	13-00743	SIEMENS INDUSTRY, INC.	REPAIRS DUE TO HURRICANE	\$ 3,596.28		
		13-01029	PREMIER TECHNOLOGY SOLUTIONS	IT SERVICES - DECEMBER 2012	\$ 6,740.00		
		12-04502	METRIC GROUP, INC.	REPLACE PARKING METERS - SANDY	\$ 209,541.84		
		IPARK UTILITY	13-00494	W.B. MASON CO., INC.	OFFICE SUPPLIES - HPU	\$ 917.59	
		13-00605	CONCEPT PRINTING INC.	BUSINESS CARDS - DIRECTOR	\$ 177.00		
	IPARK UTILITY	13-00618	W.B. MASON CO., INC.	OFFICE SUPPLIES	\$ 842.71		
		13-00622	W.B. MASON CO., INC.	OFFICE SUPPLIES	\$ 57.00		
		13-00745	ROBBINS & FRANKE, INC.	TIRES FOR CAMERA VAN - HPU	\$ 332.56		
		13-00912	IMSA	MEMBERSHIP DUES	\$ 70.00		
		13-00913	S & B PLUMBING & HEATING	REPAIRS - GARAGE G	\$ 450.00		
		13-00914	METRIC GROUP, INC.	METER REPAIRS	\$ 95.00		
		13-00916	AMANO McGANN, INC.	REPAIR SERVICES-MIDTOWN GARAGE	\$ 120.00		
		13-00917	CENTRAL PARKING SYSTEM	REIMBURSE/LEASE PAYMENT 3/13	\$ 6,609.12		
		13-00920	METROPOLITAN COFFEE SERVICE	WATER/SUPPLIES	\$ 48.00		
		13-00926	S & B PLUMBING & HEATING	REPAIR/REPLACE AT GARAGES	\$ 3,300.00		
		13-01032	S & B PLUMBING & HEATING	REPAIRS - MIDTOWN GARAGE	\$ 250.00		
		13-01042	ENTERPRISE CONSULTANTS	MONTHLY MAINT. - FEB. 2013	\$ 112.50		
		13-01057	NETTECH SOLUTIONS LLC	SOFTWARE MAINTENANCE	\$ 2,075.00		
		13-01065	UNITRONICS SYSTEMS, INC.	MONTHLY MAINT. - 916 GARDEN ST	\$ 11,500.00		
13-01066	PREMIER TECHNOLOGY SOLUTIONS	IT SERVICES - FEBRUARY 2013	\$ 1,925.00				
13-01069	VERIZON	PHONE SERVICES - FEBRUARY 2013	\$ 1,334.55				

CITY OF HOBOKEN
CLAIMS LISTING
APRIL 3, 2013

DEPARTMENT	ACCOUNT/FUND	P.O.	VENDOR	DESCRIPTION	\$		
ADM PARKING UTILITY	IPARK UTILITY	13-01070	P.S.E.&G. COMPANY	FEBRUARY 2013 UTILITIES	\$ 28,797.00		
		13-01071	EXXONMOBIL FLEET/GECC	HPU FUEL CHARGES - FEB. 2013	\$ 2,695.19		
		13-01072	AT&T MOBILITY	MULTI METERS - FEB. 2013	\$ 3,135.60		
		13-01142	CITY PAINT AND HARDWARE	MISC. SUPPLIES - 2012	\$ 252.00		
		13-01143	STEVE PORAC	SIGNS REFUND	\$ 80.00		
		13-01144	ADOLFO GIANNASI	REFUND FOR METER	\$ 2.00		
		13-01146	CITY PAINT AND HARDWARE	MISC. SUPPLIES - FEB. 2013	\$ 960.97		
		13-01183	SONNY ULGINAKU	SIGNS REFUND	\$ 30.00		
		13-01184	TIFFANIE PEDERSON	SIGNS REFUND	\$ 20.00		
		13-01185	RENEE FRANCISHETTI	SIGNS REFUND	\$ 30.00		
		13-01188	PAETEC COMMUNICATIONS INC.	LD CHARGES - FEBUARY 2013	\$ 222.05		
		13-01194	DILIP SONI	REIMBURSEMENT	\$ 44.99		
		13-01195	PITNEY BOWES	METER LEASE PAYMENT - 3/13	\$ 102.00		
		13-01196	FEDEX GROUND PACKAGE SYSTEM	DELIVERY CHARGE-916 GARDEN ST.	\$ 8.23		
		ADM PERSONNEL	IOPERATING	13-00373	EMPLOYEE DATA FORMS	EMPLOYEE DATA CALENDARS 2013	\$ 103.75
		ADM PERSONNEL/BENEFITS	IOPERATING	13-01215	GARDEN STATE MUNI.JOINT INSURA	WC DEDUCTIBLE FEBRUARY 2013	\$ 51,618.89
ADM PURCHASING	IOPERATING	13-01101	GPANJ, INC.	NJ GOVT PURCHASING,CONFERENCE	\$ 320.00		
ADM SPECIAL COUNSEL	IOPERATING	12-04083	WEST GROUP	WEST INFORMATION CHARGES	\$ 838.45		
		12-04473	WEST GROUP	WEST CHARGES FOR NOV 2012	\$ 933.85		
		13-00128	BENJAMIN CHOI, ESQ.	MUNICIPAL PROSECUTOR - 2013	\$ 2,925.00		
		13-00130	LITE DEPALMA GREENBERG, LLC	SP. LEGAL COUNSEL - RENT CONT.	\$ 5,189.84		
		13-00131	MARAZITI, FALCON & HEALEY	SP LEGAL COUNSEL - LITIGATION	\$ 12,184.02		
		13-00137	THE BUZAK LAW GROUP LLC	SP LEGAL COUNSEL - LAND USE	\$ 180.00		
		13-00142	VINCENT J. LAPAGLIA	SP LEGAL COUNSEL - TAX APPEALS	\$ 7,390.10		
		13-00143	FLORIO PERUCCI STEINHARDT	SP LEGAL COUNSEL - LABOR/EMPL.	\$ 9,080.32		
		13-00146	VOGEL, CHAIT, COLLINS	SP LEGAL COUNSEL - LITIGATION	\$ 2,760.00		
		13-00234	WEST GROUP	DECEMBER 2012 CHARGES	\$ 678.20		
		13-01122	GARDEN STATE MUNI.JOINT INSURA	JANUARY DEDUCTIBLE 2013	\$ 14,712.65		
		13-01216	GARDEN STATE MUNI.JOINT INSURA	INSURANCE DEDUCTIBLE	\$ 8,394.16		
		C2-05010	MCMANIMON & SCOTLAND, LLC	SP. COUNSEL - OUTS. LITIGATION	\$ 3,747.62		
		ADM TAX ASSESSOR	IOPERATING	13-00378	COMMERCIAL BUSINESS FORMS	CHAPTER 75 CARDS 2013	\$ 7,654.08
		13-01045	ADAMS, REHMANN & HEGGAN ASSOC.	PROFESSIONAL SVS - TAX MAP	\$ 3,450.00		
		C2-05003	VINCENT J. LAPAGLIA	SPECIAL COUNSEL - TAX APPEAL	\$ 5,175.18		
ADM TAX COLLECTOR	ITRUST	13-00974	PAM INVESTORS	REDEMPTION	\$ 1,889.78		
		13-01053	ALVERO ACQUISITION CORP	REDEMPTIONS	\$ 32,991.06		
		13-01054	CLEMENTE ENTERPRISES, LLC	REDEMPTION	\$ 30,043.26		
ADM/CONSTRUCTION CODE	IOPERATING	13-00754	GOVCONNECTION, INC.	PC & FAX for Const Official	\$ 776.00		
		13-01005	PATRUNO, MARIO	REIMBURSEMENT	\$ 24.60		
		13-01006	JERSEY PROFESSIONAL MANAGEMENT	MANAGEMENT SPECIALIST	\$ 5,100.00		

CITY OF HOBOKEN
CLAIMS LISTING
APRIL 3, 2013

DEPARTMENT	ACCOUNT/FUND	P.O.	VENDOR	DESCRIPTION	\$
ADM/CONSTRUCTION CODE	IOPERATING	13-01007	JERSEY PROFESSIONAL MANAGEMENT	MANAGEMENT SPECIALIST	\$ 637.50
	ITRUST	13-01049	TREASURER, STATE OF NEW JERSEY	FIRST QUARTER TRAINING FEES	\$ 13,976.00
ADM/LEGAL ADS	IOPERATING	13-00306	STAR LEDGER	LEGAL ADS 2/13	\$ 489.52
		13-01203	STAR LEDGER	LEGAL ADS - MARCH 2013	\$ 300.44
CD DIRECTOR'S OFFICE	ICAPITAL	12-03351	BOSWELL ENGINEERING	PRO. SVC - WATERFRONT HO420I	\$ 98,185.00
		12-03376	SCARFAR CONTRACTING, INC	CASTLE POINT/SINATRA PARK	\$ 374,953.30
	IOPERATING	13-00673	RIVER TERMINAL DISTRIBUTION	STORAGE FEES	\$ 42.50
		13-00697	BOSWELL ENGINEERING	SJP EXCLUSIVITY AGREEMENT PMTS	\$ 1,009.25
		13-00699	THE BUZAK LAW GROUP LLC	SPECIAL LEGAL COUNSEL-LAND USE	\$ 210.00
CD MLUL PLANNING BOARD	IOPERATING	13-00715	GOVCONNECTION, INC.	COLOR TONERS FOR COMM. DEV.	\$ 134.00
		13-00321	NEW JERSEY PLANNING OFFICIALS	Planning Board Training	\$ 140.00
		13-00456	W.B. MASON CO., INC.	PLANNING BOARD SUPPLIES	\$ 44.56
		13-00949	THE GALVIN LAW FIRM	DEVELOPERS ESCROW	\$ 175.00
CD MLUL ZBA ESCROW ACCTS	ESCROW	13-01074	THE GALVIN LAW FIRM	DEVELOPERS ESCROW	\$ 2,076.97
		13-00336	STAR LEDGER	LEGAL ADVERTISEMENT ZB	\$ 100.92
CD MLUL ZONING BD OF ADJ	IOPERATING	13-00975	MILE SQUARE DAY CARE CENTER	CDBG & MATCH REIM OCT-DEC 12	\$ 22,974.78
Community Development	ICDBG2818	13-00536	W.B. MASON CO., INC.	WB Mason, FILE CABINET	\$ 779.99
DIRECTOR PELLEGRINI'S OFFICE	IOPERATING	13-00244	CENTRAL GETTY, INC.	REPAIRS - CENTRAL GARAGE	\$ 1,243.56
ES CENTRAL GARAGE	IOPERATING	13-00256	BUY WISE AUTO PARTS	AUTO PARTS/CENTRAL GARAGE-PD	\$ 25.95
		13-00556	W.B. MASON CO., INC.	OFFICE FURNITURE/SUPPLIES	\$ 3,118.00
		13-00575	CLIFFSIDE BODY CORP.	REPAIRS TO SNOW PLOWS	\$ 693.10
		13-00603	MYERS TIRE SUPPLY	TIRE EQUIPMENT DAMAGED	\$ 11,285.28
		13-00619	BUY WISE AUTO PARTS	CENTRAL GARAGE - FEB./MARCH	\$ 69.66
		13-00621	W.B. MASON CO., INC.	OFFICE SUPPLIES	\$ 635.18
		13-00625	BUY WISE AUTO PARTS	AUTO PARTS/PD - FEB./MARCH	\$ 996.35
		13-00747	GENERAL LUMBER CO.	General Lumber Co CITY GARAGE	\$ 1,465.40
		13-00748	VECKRIDGE CHEMICAL CO., INC.	GARAGE SPILL - SUPPLIES	\$ 1,734.40
		13-01033	Z'S IRON WORKS	IRONWORK ON SALT SPREADERS	\$ 3,900.00
		13-01034	DAVID WEBER OIL CO.	MOTOR OIL/CENTRAL GARAGE	\$ 475.75
		13-01035	DAVE'S AUTO REPAIR	PARTS/REPAIRS - CENTRAL GARAGE	\$ 643.80
		13-01036	NORTH JERSEY AUTO TRUCK SEAT	POLICE VEHICLE REUPHOLSTERY	\$ 509.50
		13-01041	KLINGER TIRE & SERVICE CO.	TIRE SERVICES - CENTRAL GARAGE	\$ 140.00
		13-01043	QUALITY AUTOMALL	REPAIRS/PD VEHICLE	\$ 585.03
		13-01068	CITY PAINT AND HARDWARE	MISC. SUPPLIES-CENTRAL GARAGE	\$ 253.54
				CY-03151	OSCAR'S AUTOMATIC TRANSMISSION
ES PUBLIC PROPERTY	ICAPITAL	13-00968	PROCOMM SYSTEMS	RENOVATIONS TO POLICE STATION	\$ 17,000.00
		13-01207	MOLA IRON WORKS	REMOVED CHAIN LINK FENCE	\$ 1,250.00
	IOPERATING	12-04511	ACCURATE DOOR & HARDWARE	REPAIR DOOR SWAT ROOM C.G.	\$ 1,553.00
		13-00731	FCA LIGHTING	ROOF EXHAUST FAN BELT AT P.D.	\$ 175.00

CITY OF HOBOKEN
CLAIMS LISTING
APRIL 3, 2013

DEPARTMENT	ACCOUNT/FUND	P.O.	VENDOR	DESCRIPTION	\$		
ES PUBLIC PROPERTY	IOPERATING	13-00911	DEPENDABLE PLUMBING &	BATHROOM REPAIRS CITY HALL	\$ 2,150.00		
		13-00977	GALAXY FENCE	FIX FENCE AT HOBOKEN COVE	\$ 1,296.00		
		13-01012	TERMINIX	GENERAL PEST CONTROL 12/2012	\$ 1,180.00		
		13-01013	TERMINIX	PEST CONTROL FIRE DEPT 3/13	\$ 200.00		
		13-01016	FCA LIGHTING	ELECTRICAL REPAIR POLICE DEPT.	\$ 475.00		
		13-01022	CITY PAINT AND HARDWARE	SUPPLIES PUBLIC PROPERTY 2/13	\$ 1,300.02		
ES SOLID WASTE	IOPERATING	13-00509	CONCENTRA	CONCENTRA Fred Moret 11 30 12	\$ 68.50		
		13-00510	CONCENTRA	CONCENTRA Besim Hasani12.21.12	\$ 195.60		
		13-01000	CALI CARTING, INC.	SOLID WASTE RECYCLING 3/1/13	\$ 128,333.33		
		13-01021	HUDSON COUNTY IMPROVEMENT AUTH	TONNAGE/DART CHGS. 2/28/13	\$ 184,199.42		
FINANCE / DIV OF GRANTS MGMT	ICDBG2818	12-04281	HOBOKEN DAY CARE 100, INC.	CDBG Reimb Sept 17-Oct 13,12	\$ 7,388.64		
HS BD OF HEALTH	IOPERATING	13-00987	HOBOKEN REPORTER	3/8 AD - RABIES CLINIC	\$ 344.40		
HS CULTURAL AFFAIRS	ITRUST	13-00655	MINUTEMAN PRESS	POST CARDS - ARTISTS TOUR	\$ 1,223.40		
		13-00932	ROYAL THRONE PORTABLE TOILETS	PORTOSANS - MARCH 2, 2012	\$ 3,600.00		
		13-00945	ELIZABETH WEISS	GENERAL OFFICE ASSISTANCE	\$ 615.00		
		13-00946	BANANA SOUND INC.	SOUND SYSTEM SETUP	\$ 1,850.00		
		13-00947	HUDSON REPORTER ASSOC LP	ADVERTISEMENT	\$ 2,405.55		
		13-01018	RON ALBANESE	PERFORMANCE - SPRING FESTIVAL	\$ 650.00		
		13-01019	THE L MAGAZINE	ADVERTISEMENT- SPRING FESTIVAL	\$ 750.00		
		HS DIRECTOR'S OFFICE	ICAPITAL	12-03942	FINE WALL CORP	RENOVATION TO POLICE HQS	\$ 14,700.00
		HS HOUSING INSPECTION	IOPERATING	13-00807	DIVISION OF FIRE SAFETY	CERTIFICATION RENEWAL	\$ 45.00
HS PARKS	IO M FUND	13-00520	TERMINIX	PEST CONTROL SERVICES - PIER A	\$ 600.00		
		13-00997	ZUIDEMA/ROYAL THRONE PORTABLE	PORTABLE TOILET RENTAL	\$ 300.00		
		13-01023	ZUIDEMA/ROYAL THRONE PORTABLE	PORTABLE TOILET RENTAL	\$ 300.00		
	IOPERATING	13-00996	ZUIDEMA/ROYAL THRONE PORTABLE	PORTABLE TOILET RENTAL	\$ 150.00		
		13-01024	ZUIDEMA/ROYAL THRONE PORTABLE	PORTABLE TOILET RENTAL	\$ 150.00		
		HS RECREATION	IOPERATING	13-00107	JULIAN POZO	FOOTBALL TRANSPORTATION	\$ 972.00
13-00109	FELIX ROSA	FOOTBALL TO KEARNY		\$ 180.00			
13-00988	ANA MARTINEZ	FOOTBALL TRANSPORTATION		\$ 202.00			
13-00990	LISA CRUZ	FOOTBALL TRANSPORTATION		\$ 224.00			
13-00992	QUETCY MORALES	FOOTBALL TRANSPORTATION		\$ 380.00			
13-00994	JUAN VARGAS	FOOTBALL TRANSPORTATION		\$ 435.00			
13-01015	MILLER, ED	REIMBURSEMENT-FOOD SN REMOVAL		\$ 30.00			
ITRUST REC FEES	12-04163	ROBERT RODRIGUEZ		Football Transportation 10/15	\$ 84.00		
13-00538	CRAIG ALLEN	REIMBURSEMENT OF REG. FEE		\$ 125.00			
HS RENT LEVELING/STABILIZATION	IOPERATING	13-00810		W.B. MASON CO., INC.	LASER TONER FOR PRINTER	\$ 123.50	
HS SENIOR CITIZEN PROGRAM	IOPERATING	13-00812	W.B. MASON CO., INC.	INK FOR OFFICE PRINTER	\$ 364.32		
		13-01205	E-Z PASS CUSTOMER SERVICE CTR	REPLENISHMENT OF EZ PASS ACT.	\$ 500.00		
PS FIRE	IOPERATING	13-00267	TURNOUT FIRE & SAFETY, INC.	RETIREMENT BADGES	\$ 1,425.00		

CITY OF HOBOKEN
CLAIMS LISTING
APRIL 3, 2013

DEPARTMENT	ACCOUNT/FUND	P.O.	VENDOR	DESCRIPTION	\$
PS FIRE	IOPERATING	13-00749	GRAINGER, INC	REPLACEMENT EQUIPMENT	\$ 161.60
PS POLICE	IOPERATING	12-02404	TOSHIBA BUSINESS SOLUTIONS	BAR CARD PRINTER SUPPLIES	\$ 2,005.97
		12-04663	SGT. JAMES MARNELL	TUITION REIMBURSEMENT	\$ 2,348.00
		12-04664	NICHOLAS BURKE	TUITION REIMBURSEMENT	\$ 1,200.00
		13-00006	MOTOROLA NORTHERN DIVISION	RADIOS DAMAGED DUE TO SANDY	\$ 7,154.40
		13-00135	JOHNSTON COMMUNICATIONS	LABOR SERVICE FOR POLICE DEPT	\$ 612.50
		13-00442	W.B. MASON CO., INC.	OFFICE SUPPLIES	\$ 1,918.81
		13-00452	BAYONNE PBA LOCAL #7	MAKE UP RANGE DATES	\$ 900.00
		13-00552	AWARENESS PROTECTIVE	COMMUNICATIONS TRAINING	\$ 300.00
		13-00736	EXAMWORKS, INC	MEDICAL EVALUATION	\$ 800.00
		13-00951	KEARNY POLICE DEPARTMENT	POLICE ASSISTANCE-MARCH 2ND	\$ 1,069.50
		13-01009	HUDSON COUNTY PROSECUTOR	POLICE ASSISTANCE-MARCH 2ND	\$ 12,310.18
		13-01048	WEST NEW YORK POLICE DEPT	POLICE ASSISTANCE-MARCH 2ND	\$ 5,311.86
		12-04572	MIGUEL ACEVEDO	2012 NATIONAL NIGHT OUT	\$ 300.00
UNCLASSIFIED ELECTRICITY	IO M FUND	13-01171	P.S.E.&G. COMPANY	MARCH 2013 - PIER C	\$ 339.22
	IOPERATING	13-01172	SOUTH JERSEY ENERGY	ELECTRIC UTILITY - FEB 2013	\$ 9,757.34
UNCLASSIFIED INSURANCE	IOPERATING	13-00705	CONGETTA BAVARO	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00706	ALBERT BENFARI	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00710	RICHARD CARROLL	MEDICARE PART B REIMBURSEMENT	\$ 1,678.80
		13-00711	MARYANN B CARROLL	MEDICARE PART B REIMBURSEMENT	\$ 1,678.80
		13-00756	ALBERT J. CHICHIZOLA	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00761	WILLIAM DOLAN	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00771	PAUL J DIMARTINO	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00784	GABRIEL FERRAIUOLO	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00785	EILEEN FERRAIUOLO	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00788	ANTHONY GENTILE	MEDICARE PART B REIMBURSEMENT	\$ 1,678.80
		13-00818	RICHARD HANSEN	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00819	RICHARD HANSEN ADMINISTRATOR	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00834	BARBARA B. LOMBARDI	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00868	PATRICK O'NEILL	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00869	MARGARET ONEILL	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00872	SALVATORE ROMANO	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00873	VIRGINIA ROMANO	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00874	MARTHA C. ROMANO	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00875	ANTHONY H. ROMANO	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00877	JULIA SALERNO	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00878	O'GRADY, MARY ANNE	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00879	JOSEPH M SEGURA	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00880	ARLENE C SEGURA	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80

CITY OF HOBOKEN
CLAIMS LISTING
APRIL 3, 2013

DEPARTMENT	ACCOUNT/FUND	P.O.	VENDOR	DESCRIPTION	\$
UNCLASSIFIED INSURANCE	IOPERATING	13-00882	JOANN SERRANO	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00883	THERESA A. SASSO	MEDICARE PART B REIMBURSEMENT	\$ 1,678.80
		13-00885	MICHAEL V. SINNO	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00886	PATRICIA A. SMITH	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00897	RICHARD SCHUBRING	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00898	ELAINE H. SHEEHAN	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00899	RAYMOND T. SHEEHAN	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00900	PASQUALE SARNELLA	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00901	JOAN THIEL	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00902	RAUL TORRES	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00904	LORRAINE SUTERA	MEDICARE PART B REIMBURSEMENT	\$ 1,258.80
		13-00905	FRED STANKIEWICZ	MEDICARE PART B REIMBURSEMENT	\$ 1,258.80
		13-00906	PHYLLIS STANKIEWICZ	MEDICARE PART B REIMBURSEMENT	\$ 1,258.80
		13-00907	PATRICK TOTARO	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00908	CAMILLE TOTARO	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00910	RICHARD R. TREMITIEDI	MEDICARE PART B REIMBURSEMENT	\$ 2,297.70
		13-00941	CAROLANN M FERRANTE	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00942	ANTHONY ANICICH	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00953	MARY MCDONALD	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00957	MICHAEL TAGLIERI	MEDICARE PART B REIMBURSEMENT	\$ 399.60
		13-00958	DAMIAN J UVA	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00964	KATHRYN T MEYER	MEDICARE PART B REIMBURSEMENT	\$ 1,414.10
		13-00967	RONALD J CLARK	MEDICARE PART B REIMBURSEMENT	\$ 1,098.90
		13-00969	DAVID J CASTLE	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00970	MARIA M CORCORAN	MEDICARE PART B REIMBURSEMENT	\$ 999.00
		13-00971	JOSEPHINE A CASTLE	MEDICARE PART B REIMBURSEMENT	\$ 499.50
		13-00978	JOSEPH VITOLO	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-00979	ANNA VITOLO	MEDICARE PART B REIMBURSEMENT	\$ 1,198.80
		13-01213	GARDEN STATE MUNI.JOINT INSURA	1st INSTALLMENT 2013 ASSESS	\$ 646,221.00
		13-01214	VISION SERVICE PLAN, INC.	VISION INSURANCE MARCH 2013	\$ 9,174.99
		UNCLASSIFIED POSTAGE	IOPERATING	13-01209	PITNEY BOWES, INC.
UNCLASSIFIED TELEPHONE	IOPERATING	13-01174	NEXTEL COMMUNICATIONS	CELLULAR/RADIO SERVICE 2/13	\$ 4,430.02
		13-01210	CABLEVISION LIGHTPATH, INC.	INTERNET SVS#45278 2/13	\$ 1,235.91
		13-01211	CABLEVISION LIGHTPATH, INC.	REVERSE 911 SYS SVS 2/13	\$ 2,793.37
		13-01212	VERIZON	TELEPHONE SERVICES 2/13	\$ 11,870.50
UNCLASSIFIED WATER & SEWERAGE	IOPERATING	13-01123	HOBOKEN WATER SERVICE	UTIL-WATER- 707 CLINTON STREET	\$ 285.06
UNCLASSIFIED/STATIONERY	IOPERATING	13-00277	W.B. MASON CO., INC.	OFFICE SUPPLIES	\$ 1,143.05
Grand Total					\$ 2,257,890.95

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:

28-Feb-13	TO	13-Mar-13	Paydate	3/20/2013	
<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	3-01-20-105	8,774.37	0.00	0.00	8,774.37
MAYOR'S OFFICE	3-01-20-110	9,959.63	0.00	0.00	9,959.63
CITY COUNCIL	3-01-20-111	7,517.37	0.00	0.00	7,517.37
BUS ADMINISTRATOR	3-01-20-112	16,003.20	0.00	0.00	16,003.20
ABC BOARD	3-01-20-113	0.00	0.00	156.92	156.92
PURCHASING	3-01-20-114	6,091.98	0.00	0.00	6,091.98
GRANTS MANAGEMENT	3-01-20-116	0.00	0.00	0.00	0.00
CITY CLERK'S OFFICE	3-01-20-120	15,258.52	2,285.81	0.00	17,544.33
ELECTIONS	3-01-20-122	0.00	0.00	0.00	0.00
FINANCE OFFICE	3-01-20-130	22,305.19	0.00	0.00	22,305.19
ACCOUNTS/CONTROL	3-01-20-131	0.00	0.00	0.00	0.00
PAYROLL DIVISION	3-01-20-132	0.00	0.00	0.00	0.00
TAX COLLECTION	3-01-20-145	8,640.68	0.00	0.00	8,640.68
ASSESSOR'S OFFICE	3-01-20-150	11,767.77	0.00	0.00	11,767.77
CORPORATE COUNSEL	3-01-20-155	11,873.08	0.00	0.00	11,873.08
COMMUNITY DEVELOPMENT	3-01-20-160	6,519.24	0.00	0.00	6,519.24
PLANNING BOARD	3-01-21-180	5,849.83	475.96	0.00	6,325.79
ZONING OFFICER	3-01-21-186	4,891.02	0.00	0.00	4,891.02
HOUSING INSPECTION	3-01-21-187	5,923.33	515.76	0.00	6,439.09
CONSTRUCTION CODE	3-01-22-195	24,673.14	0.00	0.00	24,673.14
SICK INCENTIVE		0.00	0.00	500.00	500.00
POLICE DIVISION	3-01-25-241-011	531,729.34	120,025.23		651,754.57
POLICE CIVILIAN	3-01-25-241-016	29873.81	6,898.98	0.00	36,772.79
POLICE DIVISION CLAS CLASS II	3-01-25-241-015	800.00	0.00	0.00	800.00
WORKERS COMP		0.00	0.00	7,536.09	7,536.09
CROSSING GUARDS	3-01-25-241-012	13,894.61	0.00	0.00	13,894.61
EMERGENCY MANAGEMENT	3-01-25-252	16,469.65	0.00	96.15	16,565.80

<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	3-01-25-266	465,551.48	0.00	0.00	465,551.48
FIRE DIF (STRAIGHT TIME)		0.00	0.00	0.00	0.00
FIRE CIVILIAN	3-01-25-266-016	18,852.36	0.00	0.00	18,852.36
STREETS AND ROADS	3-01-26-291-011	24,595.33	1,630.08	1,417.25	27,642.66
SNOW REMOVAL	3-01-26-291-014	0.00	221.82	0.00	221.82
ENV SRVCS DIR OFFICE	3-01-26-290	3,978.79	0.00	0.00	3,978.79
RECREATION SEASONAL EMP	3-0128370016	4,503.75	0.00	0.00	4,503.75
STRAIGHT TIME PD TO REC EMPLOYEES		0.00	0.00	360.00	360.00
CENTRAL GARAGE	3-01-26-301	5,687.74	2,358.36	0.00	8,046.10
SANITATION	3-01-26-305	17,267.69	5,582.13	0.00	22,849.82
SICK INCENTIVE		0.00	0.00	500.00	500.00
LICENSING DIVISION	3-31-55-501-101	0.00	0.00	0.00	0.00
WORKERS COMP		0.00	0.00	943.30	943.30
HUMAN SRVCS DIR OFFICE	3-01-27-330	7,005.22	0.00	0.00	7,005.22
BOARD OF HEALTH	3-01-27-332	20,237.52	0.00	0.00	20,237.52
CONSTITUENT SRCS	3-01-27-333	0.00	0.00	0.00	0.00
SENIOR CITIZENS	3-01-27-336	13,038.27	0.00	0.00	13,038.27
RENT STABILIZATION	3-01-27-347	9,678.53	0.00	0.00	9,678.53
TRANSPORTATION	3-01-27-348	0.00	0.00	0.00	0.00
RECREATION	3-01-28-370	11,850.55	578.17	0.00	12,428.72
STRAIGHT TIME PD TO REC EMPLOYEES		0.00	0.00	210.00	210.00
PARKS	3-01-28-375	17,126.65	262.85	0.00	17,389.50
PUBLIC PROPERTY	3-01-28-377	28,399.49	3,967.21	0.00	32,366.70
STIPEND		0.00	0.00	192.31	192.31
PUBLIC LIBRARY	3-0129-390-021	0.00	0.00	0.00	0.00
O & M TRUST	T-24-20-700-020	0.00	0.00	0.00	0.00
MUNICIPAL COURT	3-01-43-490	37,194.91	0.00	0.00	37,194.91
PARKING UTILITY	3-31-55-501-101	103,872.30	18,825.41	0.00	122,697.71
WORKERS COMP		0.00	0.00	1,361.20	1,361.20
MUN COURT OVERTIME	T-0340000-037	0.00	6,170.43	0.00	6,170.43
TRUST - RECREATION ADULT PROG	T-03-40-000-108	30.00	0.00	0.00	30.00
STRAIGHT TIME PD TO REC EMPLOYEES		0.00	0.00	180.00	180.00
FIRE EDUCATION	T-13-10-000-000	0.00	7,639.69	0.00	7,639.69
HOBOKEN ATHL LEAGUE	G-02-41-200-PA2	0.00	0.00	0.00	0.00
STRAIGHT TIME PD TO SR CIT EMPLOYEE		0.00	0.00	0.00	0.00

<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>
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OTHER:

TRUST REC	TENNIS CLINIC T-03-40-000-110	0.00	0.00	0.00	0.00
TRUST CULTURAL AFF.	T-03-40-000-004	0.00	0.00	0.00	0.00
TRUST	T-03-40-000-105	0.00	0.00	0.00	0.00
CULTURAL AFFAIRS	3-01-271-760-11	3,417.63	0.00	0.00	3,417.63
SALARY ADJUSTMENT	3-01-36-478-000	0.00	0.00	0.00	0.00
SALARY SETTLEMENT	3-01-36-479-000	0.00	0.00	0.00	0.00
POLICE OUTSIDE EMPL.	T-03-40-000-006	0.00	0.00	42,747.00	42,747.00
HLTH INS EMP WAIV COMP	3-01-30-400-WVR	0.00	0.00	0.00	0.00
SALARY AND WAGES	3-01-55-901-014	2,500.00	0.00	0.00	2,500.00
POLICE HOUSING AUTHORITY OEP	3-01-25-241-017	0.00	0.00	0.00	0.00
GRAND TOTAL		1,553,603.97	177,437.89	56,200.22	1,787,242.08
					1,787,242.08

Introduced by: _____
Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO. _____

THIS RESOLUTION REJECTS ALL BID PROPOSALS FOR THE PROVISIONS OF CONSTRUCTION SERVICES FOR REHABILITATION OF THE FIRE HOUSE FOR THE CITY UNDER THE SPECIFICATIONS IN BID NUMBER 12-14.

WHEREAS, proposals were received for the provisions of construction services for the fire house rehabilitation for the City of Hoboken, as specified in Bid Number 12-14; and,

WHEREAS, two (2) proposals were received; and,

WHEREAS, the proposals both failed to include statutorily mandated documents including, without limitation, the stockholder disclosure and non-collusion affidavit; and,

WHEREAS, as a result, the Office of Corporation Counsel and the Purchasing Agent recommend that the City Council of the City of Hoboken reject all bid submissions for the provision under Bid No. 12-14, pursuant to N.J.S.A. 40A:11-13.2(e).

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hoboken hereby rejects all bid proposals submitted for the provision under Bid No. 12-14, pursuant to N.J.S.A. 40A:11-13.2(e); and,

BE IT FURTHER RESOLVED that the City Council authorizes the Administration to take any and all steps necessary to properly bid and contract construction services for rehabilitation of the fire house in accordance with the law and the requirements of the City's plan.

Meeting Date: April 3, 2013

Reviewed:

Approved as to form:

Quentin Wiest
Business Administrator

Mellissa Longo, Esq.
Corporation Counsel

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

Introduced by: _____
Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO. :___**

**RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE
CONTRACT WITH FLORIO PERUCCI STEINHARDT & FADER, LLC AS SPECIAL LEGAL
COUNSEL-LABOR COUNSEL TO THE CITY OF HOBOKEN FOR AN INCREASE IN THE NOT
TO EXCEED AMOUNT BY \$35,000.00, FOR A TOTAL NOT TO EXCEED AMOUNT OF
\$55,000.00**

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel - Labor in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Florio Perucci Steinhardt & Fader LLC responded to, and thereafter, on August 15, 2012, the City entered into a Professional Service contract for said services; and,

WHEREAS, the City now seeks to increase the not to exceed amount of the contract by Thirty Five Thousand Dollars (\$35,000.00); and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$35,000.00 is available in the following appropriation 03-01-20-156-020 in the temporary appropriations; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2013; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that the contract with Florio Perucci Steinhardt & Fader LLC to represent the City as Special Legal Counsel- Labor Counsel be amended, for a term to commence August 15, 2012 and expire August 14, 2013, for an increase in the not to exceed amount by Thirty Five Thousand Dollars (\$35,000.00), with a total not to exceed amount of Fifty Five Thousand Dollars (\$55,000.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: Florio Perucci Steinhardt & Fader LLC shall be paid maximum hourly rates of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, litigation and legal matters will be assigned to the firm as they become available and the City Administration determines the firm’s services are appropriate for any particular matter; this contract shall not be for a sum certain but rather, a retainer, the matters on which to be retained shall be determined as the need arises at the sole discretion of the City; and, this contract is not a guarantee of availability of services or assignment; and,

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount; and

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

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

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

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

Meeting date: April 3, 2013

APPROVED:

APPROVED AS TO FORM:

Quentin Wiest
Business Administrator

Mellissa L. Longo, Esq.
Corporation Counsel

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

Introduced By: _____

Second By: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

**RESOLUTION AUTHORIZING THE REFUND OF HUDSON COUNTY
TAX BOARD JUDGEMENTS 2012 TAX APPEALS**

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 appearing on the attached list totaling **\$ 262.45**

REFUNDS ON THE FOLLOWING TAX APPEALS ARE TO BE MADE PAYABLE TO:

Gess, Gess & Scanlon
Attorneys at Law
89 Hudson Street
Hoboken, NJ 07030

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
Mc Ginnis, Joseph & Leighann	79/15/C0P-2	610-612 Clinton St	\$ 46.32
Kore, Avner & Rahel	268.01/3/C007D	1500 Hudson St	\$216.13

Meeting: April 3, 2013

Approved as to Form:

CORPORATION COUNSEL

SHARON CURRAN

Introduced By: _____

Second By: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

**RESOLUTION AUTHORIZING THE REFUND OF HUDSON COUNTY
TAX BOARD JUDGEMENTS 2012 TAX APPEALS**

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
appearing on the attached list totaling **\$ 5,424.72**

REFUNDS ON THE FOLLOWING TAX APPEALS ARE TO BE MADE PAYABLE TO:

Davenport & Spiotti
Attorneys at Law
219 Changebridge Road
Montville, NJ 07045

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
Jochowitz, Carol	52/1	301 Grand St	\$ 712.50
Wente, Jim & Mary K O'Connor	262.03/1/C1203	2 Constitution Ct	\$2,629.34
Hoard, Rita V	268.01/3/C007G	1500 Hudson St	\$2,082.88

Meeting: April 3, 2013

Approved as to Form:

CORPORATION COUNSEL

SHARON CURRAN

Introduced By: _____

Second By: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

**CANCELLATION OF LEAD LOTS, MERGED
AND TAXABLE TO EXEMPT PROPERTIES
2013 - 1ST & 2ND QUARTERS**

RESOLVED, by the Council of the City of Hoboken;

WHEREAS, per the Tax Assessor's memo the attached list of Block and Lots have been deleted and no longer exist. The 2013 First and Second quarter billing for the Lead Lots, Merged and Taxable to Exempt Properties are to be cancelled.

Whereas, the list of properties have been subdivided into units and will be billed on the 2013 Third and Fourth quarters.

RESOLVED, that the list of 2013 First and Second quarter billing be cancelled from the Tax Duplicate.

<u>Block</u>	<u>Lot</u>	<u>Qualifier</u>	<u>Address</u>	<u>1st & 2nd Quarters to be Cancelled</u>
202	35	T01	300 Washington St	\$2,375.00

Meeting: April 3, 2013

Approved as to Form:

CORPORATION COUNSEL

Sharon Curran

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 **\$ 11,138.99**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Ocwen Loan Sveng, LLC P O Box 961219 Ft. Worth, TX 76161-0219	29/19/C0002	130 Jefferson St	3/12	\$2,134.56
Weiss, Christopher & Joanna 532 Monroe St #3 Hoboken, NJ 07030	66/18/C0003	532 Monroe St	3/12	\$1,844.26
SPAT, LLC 4 Heather Ln Livingston, NJ 07039	184/34	914 Garden St	1/13	\$4,676.38
Bulone, Michael & Vanessa Farneti 1110 Hudson St #2N Hoboken, NJ 07030	243/25/C002B	1110 Hudson St	2/12	\$2,483.79

Meeting: April 3, 2013

Approved as to Form:

CORPORATION COUNSEL

Sharon Curran

INTRODUCED BY: _____

SECONDED BY: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

**RESOLUTION AWARDING TWO POWER SUPPLY CONTRACTS (ONE FOR
LIGHT METERS AND ONE FOR ONE LOAD) TO GREEN MOUNTAIN
ENERGY COMPANY IN ACCORDANCE WITH THE CITY'S REVERSE
AUCTION CONDUCTED ON APRIL 3, 2013 AND THE ATTACHED PUBLIC
USE ENERGY GENERATION SERVICE AGREEMENTS (ONE LIGHT METER
AGREEMENT AND ONE MAIN LOAD AGREEMENT)**

WHEREAS, the City of Hoboken conducted a reverse auction for the purpose of obtaining power supply / public use energy generation services in accordance with the State of New Jersey's suggested practices; and,

WHEREAS, Green Mountain Energy Company provided the second lowest proposals under each of the two auctions (the lowest bidder under both auctions thereafter refusing to enter into contract with the City unless the City's material terms were altered, thus rendering their proposals unresponsive), and the Administration has determined that the Green Mountain Energy proposals, subject to the attached Public Use Energy Generation Agreement, is in the best interest of the City; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is asked to award the contracts (light meters and main load) to Green Mountain Energy Company as described in the attached Public Use Energy Generation Agreements (one light meter and one main load); and,

WHEREAS, certification of funds is not required for this award, or execution of the underlying contract, as the services are public utility services.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the two attached contracts be awarded to Green Mountain Energy Company in accordance with the attached Public Use Energy Generation Service Agreements, and further authorizes the following:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the reverse auction and Green Mountain Energy Company's responsive and responsible successful proposal under the auction, shall govern the contract award except as inconsistent with the attached agreements.
3. The Council hereby authorizes the Mayor, the Business Administrator, or the Mayor's designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution, including but not limited to the attached agreement or a substantially similar agreement, if necessary.

Reviewed:

Approved as to form:

Quentin Wiest
Business Administrator

Mellissa Longo, Esq.
Corporation Counsel

Date of Meeting: April 3, 2013

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

PJM Commercial Customer Energy Services Agreement
Customer Specific Terms
Fixed Price Plan
Settlement Point = Zone

This ENERGY SERVICES AGREEMENT the ("Agreement") is made as of 04/03/2013 (the "Effective Date"), by and between **GREEN MOUNTAIN ENERGY COMPANY**, with its principal business office at 300 West 6th Street, Suite 900, Austin, Texas 78701 ("Green Mountain"), and the customer identified below ("Customer").

Scope of Agreement: This Agreement sets forth the terms and conditions pursuant to which Customer will purchase electricity and associated products and services from Green Mountain, for all Customer Accounts. All of Customer's electricity at the locations designated in the table below will be serviced under this Agreement. This Agreement consists of the terms set forth in Section A through F below ("the Customer Specific Terms") and all of the terms, conditions, schedules, exhibits and annexes included in or provided for in the attached General Terms and Conditions. This Agreement supersedes prior agreements between the Parties covering the supply of electricity during the Term to the Customer Location(s) specified in the table below.

A. Full Legal Name and Address of Customer: **City of Hoboken - LIGHTING METERS**
94 Washington Street
Hoboken, NJ 07030

B. Term: Initial Term will be 12 monthly billing cycles starting on-cycle in the month of 06_2013

C. Contract Price*: During the Initial Term the price is \$0.04876 per kWh and a monthly Customer Service Charge in the following amount: \$0.00 per month per meter. The rate is subject to a SUT at the prevailing rate.

During any monthly Renewal Term a variable LMP price will apply with Index = Day Ahead, Settlement Point = Zone, plus an EMS Fee** of \$0.00958 per kWh. The rate is subject to a SUT at the prevailing rate.

D. Billing and Payment Options: Dual Billing Distribution Company Consolidated Billing

E. Renewable Energy: Environmental Attributes: With the purchase of this product from Green Mountain Energy Company, Customer is supporting cleaner electricity by offsetting 10% of its electricity usage with renewable energy certificates or credits ("RECs") representing the environmental benefits of an equivalent amount of power generated from renewable sources in the United States. See Section 6.11 of the General Terms and Conditions for additional information.

F. Material Change in Usage: as described in the General Terms and Conditions will equal +/- 25% on an annual basis per Benchmark Quantity.

* EMS Fee during the Initial Term will include, line loss, ancillary services, capacity and NIT – transmission.

** EMS Fee during any Renewal Term will not include, line loss, ancillary services, capacity or NIT – transmission.

This Quote expires at 3:00 pm EST on the Effective Date stated above.

Customer payment terms referenced in section 5(a) have been extended 14 days in addition to the 16 day payment terms, for a total of 30 days. The standard 3 day grace period still applies.

By their signatures below, the duly authorized officers of each of the Parties acknowledge and agree to this Energy Sales Agreement, including these Customer Specific Terms and the attached General Terms and Conditions, as of the date first written above. This Energy Sales Agreement is subject to acceptance by Green Mountain and shall not be binding on either party unless and until it has been validly executed by both Green Mountain and Customer.

GREEN MOUNTAIN ENERGY COMPANY

By: _____

Scott Hart
President, Commercial Services Division

Date: _____

CUSTOMER:

City of Hoboken - LIGHTING METERS

By: _____

Print Name: _____

Title of Authorized Officer: _____

Date: _____

BILLING ADDRESS	
<input checked="" type="checkbox"/>	Check if same as Page 1 (A)
Company Name :	
Address :	
Address(suite) :	
City, State Zip :	
Email :	
Phone :	

Customer Location(s)			
ESIID	LDC	Annual kWh	Switch Date
PE000011820385023158		91,188	06/01/2013
PE000011820386823158		1,663,929	06/01/2013
PE000011911987323158		446,092	06/01/2013
PE000011912113523158		1,119	06/01/2013
PE000011940225323158		1,290	06/01/2013

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Green Mountain Energy Company
PJM Commercial Customer Energy Sales Agreement

General Terms and Conditions

This Energy Sales Agreement (including these General Terms and Conditions, the Customer Specific Terms, and all attached exhibits and referenced exhibits and annexes which are incorporated herein, this "**Agreement**") between **Green Mountain Energy Company**, a Delaware corporation ("Green Mountain"), and Customer is effective as of the Effective Date. Parts 7 and 8 set forth definitions of capitalized terms not defined in the text.

PART 1: AGREEMENT SCOPE.

1.1 Scope. This Agreement commences on the Effective Date and continues month to month thereafter (provided that it cannot extend more than 24 months from the Effective Date), unless terminated by Green Mountain or the Customer Company on 30 days prior written Notice to the other; but this Agreement will continue to apply until all Energy Transactions are completed or terminated, final invoices are issued, and all amounts owed are paid in full. All obligations regarding indemnity, payment of Taxes, limitations of liability, and waivers survive termination indefinitely, and confidentiality obligations survive termination for two years.

1.2 Term. The "Initial Term" of an Energy Transaction will be set forth in the Customer Specific Terms. If any Customer Location(s) have not been switched to a new Energy supplier or Default Service as of the end of the Initial Term, then Green Mountain may continue to sell Energy to Customer for the Customer Locations, in accordance with this Agreement, and this Agreement will continue in effect for successive one month terms (collectively, the "**Renewal Term**") until all Customer Location(s) are Switched to a new Energy supplier or returned to Default Service (the Initial Term and the Renewal Term, collectively, the "**Term**"). The Contract Price for each month of the Renewal Term is as provided in the Customer Specific Terms. At any time after the Initial Term ends, if allowed by Law, Green Mountain may terminate the Energy Transaction by transferring any remaining Customer Location(s) to Default Service upon thirty (30) days written notice to Customer.

PART 2: PURCHASE AND SALE OF ENERGY.

2.1 Sales and Purchases. Green Mountain will sell to Customer, and Customer will purchase from Green Mountain, Energy to satisfy all of Customer's Energy Requirements for each Customer Location for the Delivery Term. Customer Information forms the substantial basis for the calculation of charges for the Energy Transactions provided for in this Agreement. To the best of Customer's knowledge, Customer Information is true and accurate as of the date furnished to Green Mountain and as of the Effective Date. Customer will take all actions necessary to effect the Energy Transactions, including, if requested by Green Mountain, executing an authorization form permitting Green Mountain to request changes of Meter Read Date(s) for one or more Customer Locations. During the Delivery Term, Customer may not (a) have generation that is synchronously connected to Local Distribution Company at any Customer Location, or (b) resell any portion of the Energy purchased from Green Mountain to any third party.

2.2 Delivery of the Energy. Customer acknowledges that the Local Distribution Company owns and controls the electric transmission or distribution wires or equipment, has custody and control of the Energy sold and purchased under this Agreement, and has the responsibility to deliver Energy to the Customer Locations. Green Mountain has no liability, obligation, or responsibility for the operations of the Local Distribution Company or for the interruption, termination, failure to deliver, or deterioration of the Local Distribution Company's transmission or distribution service. All electricity delivered to Customer will be measured by Local Distribution Company at Local Distribution Company's meters at each Customer Location.

2.3 Billing and Payment. Procedures for adjusting invoices for measurement errors will be governed by Local Distribution Company's electric tariff. Green Mountain's ability to invoice Customer depends on Local Distribution Company's and ISO's ability to furnish Green Mountain all necessary information, including Meter Read Dates for scalar meters and recorded data for interval data meters. Absent that information from the Local Distribution Company or ISO, Green Mountain may invoice Customer on estimated data. After Green Mountain receives the required information, the Green Mountain Invoice will be adjusted on a subsequent invoice to reconcile differences between estimated and actual data. All such reconciliations shall occur within sixty (60) days of Green Mountain's receipt of the actual data.

If Customer has elected Dual Billing under this Agreement: Green Mountain will render to Customer the Green Mountain Invoice setting forth all charges and amounts due. Within five Business Days after the Effective Date, Customer will notify Green Mountain in writing of the address to which Green Mountain may submit invoices. Absent notice from Green Mountain to the contrary, Customer will receive a separate bill from Local Distribution Company for its services. On or before the 30th day after the Green Mountain Invoice date or if not a Business Day, the next Business Day (the "**Due Date**"), Customer must pay the amount due on that invoice to the address specified in the invoice.

If Customer has elected Distribution Company Consolidated Billing under this Agreement (if available) and is qualified by the Local Distribution Company: Customer will receive a single monthly invoice from Local Distribution Company setting forth both Green Mountain's charges under this Agreement and Local Distribution Company Charges (the "**Distribution Company Consolidated Invoice**"). Customer will pay Green Mountain's charges (i) in accordance with the payment instructions, and on or before the due date, specified on the Distribution Company Consolidated Invoice, or (ii) if Distribution Company Consolidated Billing is no longer in effect this Agreement, to the address specified in the Green Mountain Invoice on or before the 20th day after the Green Mountain Invoice date. Customer acknowledges that Local Distribution Company's tariff may allow it to (i) convert Customer to Dual Billing or (ii) disconnect

Introduced by: _____
Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO. :__**

RESOLUTION TO AUTHORIZE A CONTRACT WITH B&G ELEVATOR INC. FOR SERVICES TO REPAIR THE ELEVATOR AT THE CITY'S MULTISERVICE CENTER, WITH A CONTRACT TO COMMENCE APRIL 4, 2013 AND EXPIRE UPON COMPLETION, BUT NOT LATER THAN OCTOBER 4, 2013, FOR A NOT TO EXCEED AMOUNT OF NINE THOUSAND NINE HUNDRED DOLLARS (\$9,900.00)

WHEREAS, Superstorm Sandy caused damage to the elevator at the Multiservice Center, which requires repair, which is below the bidding threshold therefore making it is exempt from public bidding; and,

WHEREAS, the Administration requested a quote for said services, received two (2) different adequate and responsive quotes, and has determined that B&G Elevators, which provided the most cost effective quote, can provide the City with the most effective and efficient elevator repair services; and,

WHEREAS, the City wishes to provide a not to exceed amount to the contract in an amount of Twenty Two Thousand Seven Hundred Fifty Dollars (\$22,750.00); and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$14,500.00 is available in the following appropriation 3-01-55-901-014 in the CY2013 temporary appropriations and \$8,250.00 is available in the following appropriation G-55-56-C02-301 and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said temporary appropriation for the CY2013; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with B&G Elevators to provide the City with Elevator Repair Service at the Multiservice Center in accordance with the attached proposal, be executed, for a term to commence April 4, 2013 and expire upon completion of the project, but in no event later than October 4, 2013, with a not to exceed amount of **Twenty Two Thousand Seven Hundred Fifty Dollars (\$22,750.00)**; and

BE IT FURTHER RESOLVED, no additional fees or invoices shall be allowable under this agreement unless prior approval is provided by the City in accordance with all legal guidelines; and,

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of the vendor; and

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

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

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

Meeting date: April 3, 2013

**RESOLUTION OF RECOMMENDATION TO THE GOVERNING BODY FOR
AN ORDINANCE TO AMEND, SUPPLEMENT, AND REVISE CHAPTER 44
LAND USE PROCEDURES UPDATING AND CONSOLIDATING THE
PROCESSES AND PROCEDURES FOR LAND USE BOARDS**

WHEREAS, in accordance with N.J.S.A. 40:55D-62(a), the Governing Body is required to submit ordinances to the Planning Board for review and comment; and

WHEREAS, the City of Hoboken is seeking to comprehensively update and amend Chapter 44 Land Use Procedures, making the chapter more concise and user friendly; and

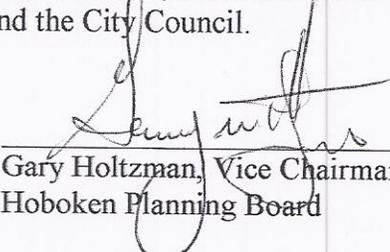
WHEREAS, the governing body agreed to the consolidation of all Planning Board and Zoning Board of Adjustment processes and procedures into a single location within the code; and

WHEREAS, the governing body is seeking to correct any inconsistencies in the Ordinance to assure that the content of the chapter properly reflects the Municipal Land Use Law and the Master Plan of the City of Hoboken; and

WHEREAS, on March 5, 2013, the Planning Board held a public hearing and discussed the amendments to Chapter 44; and

NOW, THEREFORE BE IT RESOLVED, the Board recommends adoption of Chapter 44 Land Use Procedures updating and consolidating the processes and procedures for land use Boards; but recommends that Section 107(a) be modified to add at the end of the last sentence after the word secretary of the Board, "in consultation with the Board's professionals and the applicable municipal commissions;" and

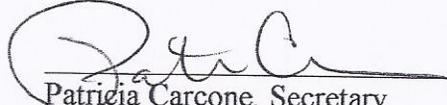
NOW, THEREFORE BE IT FURTHER RESOLVED, that this resolution be forwarded to the Honorable Mayor Dawn Zimmer and the City Council.


Gary Holtzman, Vice Chairman
Hoboken Planning Board

3/8/13

CERTIFICATION

I hereby certify this to be a true and accurate copy of the resolution adopted by the Hoboken Planning Board, Hudson County, New Jersey, at a public meeting held on March 5, 2013.


Patricia Carcone, Secretary
Hoboken Planning Board

The vote on the motion
to approve this application
was as follows:

The vote on the resolution to
approve this memorialization
was as follows:

Yes:

Yes: 9

No:

No: 0

Absent:

Absent: 2

This chapter will pull together, in one place, all administrative and procedural items related to the Planning Board and Zoning Board of Adjustment. Having all related information in one place makes the code easier for residents to use and understand. Here are some of the key components to the ordinance amendment:

- This amendment does not convey any additional powers to the boards that are not statutorily set forth in the MLUL.
- The make-up of regular and alternate members on each board remains the same as amended by the City Council in 2009. The Council is the appointing authority for the Board of Adjustments and the Mayor is for the Planning Board.
- The fee and escrow structure remains the same as amended by the City Council in 2010.
- Currently, establishment and administration of the Board of Adjustment can be found in both chapters 44 and 196 (Zoning Code). There is no reason for the Board of Adjustment to appear in chapter 196. This amendment removes the board section from the Zoning Code, and consolidates all elements of the board's administration to chapter 44. By doing this we eliminate redundancy and some inconsistencies in the code.
- The current section concerning appeals (Article IV) is retained but relocated as a subsection of Article II Zoning Board of Adjustment. The appeals addressed in this section are those appeals of a Board of Adjustment decision to the City Council. This appeal process does not apply to decisions of the Planning Board; therefore it was moved from the general chapter to the Board of Adjustment section.
- The Planning Board and Zoning Board of Adjustment sections mirror each other in format, with consistent language used from one to the other where appropriate.
- Several redundancies from the Planning Board and Zoning Board of Adjustment sections have been eliminated by amending the "Provisions Applicable to Both" section. Such matters as meetings, minutes, application procedures, fees and escrow, hearings, notice requirements, decisions, publication of decisions, and dismissal of inactive applications, which are common to both boards are spelled out here to assure consistency of administrative procedures.
- The other key element to this amendment is the introduction of a new application and checklists. The checklists have been split up into application types; subdivision, site plan, variances and conditional use. By making the checklists type specific, the applicant has a more focused list of requirements to meet and documents to provide when filing an application; and eliminates documents that are unnecessary. The application has been converted to an electronic form that can be filled out on line; it has also been reduced from 14 pages to 6 by eliminating redundancy.
- The chapter, application and checklists have already been reviewed by the Planning Board Planner, Engineer and Attorney who enthusiastically support their adoption.

Please email me at bforbes@hobokennj.org and copy Business Administrator Wiest at qwiest@hobokennj.org with any additional questions regarding the proposed ordinance amendment.

CITY OF HOBOKEN

Department of Community Development



DAWN ZIMMER
Mayor

BRANDY FORBES
Director

MEMORANDUM

DATE: March 14, 2013

TO: Hoboken City Council

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

FROM: Brandy Forbes, Community Development Director *BF*

RE: An Ordinance Amending Chapter §44 (Land Use Procedures) Updating and Consolidating the Processes and Procedures for Land Use Boards – On for Reintroduction

At the February 20, 2013 City Council meeting, the above noted ordinance was introduced. The Planning Board did review the proposed revisions to the ordinance and had one recommendation (see enclosed Planning Board resolution dated March 5, 2013). As well, a correction was noticed regarding the start of the review time clock. Corporation Counsel's office reviewed these two changes and has determined that both are substantive in nature. The Council subcommittee reviewing the ordinance agreed to make the recommended revisions and have the revised ordinance on for introduction at the March 20, 2013 City Council meeting. The substantive changes noted above are highlighted on the ordinance in your packets so you can easily see the language that has changed from the prior introduced ordinance.

This memo is to provide a reminder as to the purpose of this amendment and perhaps address some of the questions you may have regarding the ordinance.

Chapter 44 is the administrative chapter for the land use boards; Planning Board and Board of Adjustment. The chapter establishes the boards and officially adopts standards and procedures, as set forth by the New Jersey Municipal Land Use Law (MLUL). This amendment is a comprehensive update to Chapter 44 Land Use Procedures, making the chapter more concise and user friendly, and consolidating all Planning Board and Zoning Board of Adjustment processes and procedures into a single location within the code. The ordinance corrects inconsistencies and cleans up changes that have occurred over the years to assure that the content of the chapter properly reflects the MLUL and the Master Plan of the City of Hoboken.

This chapter will pull together, in one place, all administrative and procedural items related to the Planning Board and Zoning Board of Adjustment. Having all related information in one place makes the code easier for residents to use and understand. Here are some of the key components to the ordinance amendment:

- This amendment does not convey any additional powers to the boards that are not statutorily set forth in the MLUL.
- The make-up of regular and alternate members on each board remains the same as amended by the City Council in 2009. The Council is the appointing authority for the Board of Adjustments and the Mayor is for the Planning Board.
- The fee and escrow structure remains the same as amended by the City Council in 2010.
- Currently, establishment and administration of the Board of Adjustment can be found in both chapters 44 and 196 (Zoning Code). There is no reason for the Board of Adjustment to appear in chapter 196. This amendment removes the board section from the Zoning Code, and consolidates all elements of the board's administration to chapter 44. By doing this we eliminate redundancy and some inconsistencies in the code.
- The current section concerning appeals (Article IV) is retained but relocated as a subsection of Article II Zoning Board of Adjustment. The appeals addressed in this section are those appeals of a Board of Adjustment decision to the City Council. This appeal process does not apply to decisions of the Planning Board; therefore it was moved from the general chapter to the Board of Adjustment section.
- The Planning Board and Zoning Board of Adjustment sections mirror each other in format, with consistent language used from one to the other where appropriate.
- Several redundancies from the Planning Board and Zoning Board of Adjustment sections have been eliminated by amending the "Provisions Applicable to Both" section. Such matters as meetings, minutes, application procedures, fees and escrow, hearings, notice requirements, decisions, publication of decisions, and dismissal of inactive applications, which are common to both boards are spelled out here to assure consistency of administrative procedures.
- The other key element to this amendment is the introduction of a new application and checklists. The checklists have been split up into application types; subdivision, site plan, variances and conditional use. By making the checklists type specific, the applicant has a more focused list of requirements to meet and documents to provide when filing an application; and eliminates documents that are unnecessary. The application has been converted to an electronic form that can be filled out on line; it has also been reduced from 14 pages to 6 by eliminating redundancy.
- The chapter, application and checklists have already been reviewed by the Planning Board Planner, Engineer and Attorney who enthusiastically support their adoption.

Please email me at bforbes@hobokennj.org and copy Business Administrator Wiest at qwiest@hobokennj.org with any additional questions regarding the proposed ordinance amendment.

Sponsored by: _____

Seconded by: _____

City of Hoboken
Ordinance No.: _____

AN ORDINANCE AMENDING CHAPTER §44 (LAND USE PROCEDURES) UPDATING AND CONSOLIDATING THE PROCESSES AND PROCEDURES FOR LAND USE BOARDS

WHEREAS, the City Council wishes to update administrative procedures for the Planning Board and Zoning Board of Adjustment to assure consistency with the city's land use goals set forth in the Master Plan; and

WHEREAS, the consolidation of administrative procedures for the Planning Board and Zoning Board of Adjustment to a single location (chapter) within the Municipal Code is a matter of significant convenience for residents of the City of Hoboken and to users of the Municipal Code.

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

SECTION ONE: AMENDMENT

Chapter 44, Land Use Procedures, of the Code of the City of Hoboken is hereby amended as follows; deletions to the current ordinance are noted in ~~strike through~~, additions to the current ordinance are noted in underline.

Chapter 44. LAND USE PROCEDURES

Article I. Planning Board

§ 44-101. Establishment; ~~e~~Composition.

A. Members. There is hereby established a Planning Board of pursuant to P.L. 1975, c. 291, in the City of Hoboken, ~~a Planning Board of~~ nine members ~~consisting of the following four classes~~ in accordance with the provisions of N.J.S.A. 40:55D-23:

- (1) One (1) Class I member; the Mayor or the Mayor's designee in the absence of the Mayor;
- (2) One (1) Class II member; ~~one of the~~ an officials of the municipality, other than a member of the governing body, to be appointed by the Mayor;
- (3) One (1) Class III member; a member of the governing body to be appointed by it; and
- (4) Six (6) Class IV members; ~~six other~~ citizens of the municipality to be appointed by the Mayor.

~~(3) The members of Class IV shall hold no other municipal office, position or employment. For purposes of this section, membership on a municipal board or commission whose function is advisory in nature and the establishment of which is discretionary and not required by statute shall not be considered the holding of municipal office.~~

~~(4) Alternate members.~~

B. Alternate members.

- (1) ~~Not more than~~ Two alternate members, who ~~shall~~ meet the qualifications of Class IV members, ~~may~~ shall be appointed by the Mayor. Such alternate members shall be designated, at the time of

appointment, as "Alternate No. 1" and "Alternate No. 2." ~~The terms of the alternate members shall be for two years, except such terms shall be such that the term of not more than one alternate member shall expire in any one year; provided, however, that in no instance shall the term of the alternate member first appointed exceed two years. A vacancy occurring otherwise than by expiration of term shall be filled by the Mayor for the unexpired term only.~~

- (2) Alternate members may participate in discussions of the proceedings but may not vote, except in the absence or disqualification of ~~any~~ a regular member of ~~the regular~~ any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

C. Substitute members. If the Planning Board lacks a quorum because regular or alternate members are prohibited from acting on a matter due to the member's personal or financial interest therein, regular members of the Zoning Board of Adjustment shall be called upon to serve as substitute members in accordance with N.J.S.A. 40:55D-23.2.

D. Class IV members shall hold no other municipal office, position or employment.

§ 44-102. Terms of ~~e~~Office.

- A. ~~The term of the member composing Class I~~ member shall ~~correspond with his official tenure~~ coincide with the term of the Mayor, except that if the Mayor appoints a designee as the Class I member, the designee shall serve at the pleasure of the Mayor.
- B. ~~The terms of the members composing Class II and Class III~~ members shall be for one year or shall terminate at the completion of their respective terms of office whichever occurs first.
- C. The terms of all Class IV members first appointed pursuant to this chapter shall be so determined that, to the greatest practicable extent, the expiration of such terms shall be distributed evenly over the first four years after their appointments, as determined by resolution of the governing body; provided, however, that no term of any member shall exceed four years, and further provided that nothing herein shall affect the term of any present member of the Planning Board, all of whom shall continue in office until the completion of the terms for which they were appointed. Thereafter, all Class IV members shall be appointed for terms of four years except as otherwise hereinabove provided. All terms shall run from January 1 of the year in which the appointment is made.

D. The terms of the Alternate members shall be for two years. Expirations of Alternate terms shall be distributed such that not more than one alternate member shall expire in any one year.

§ 44-103. Vacancies.

If a vacancy of any class shall occur otherwise than by expiration of terms, it shall be filled by appointment as above provided for the unexpired terms.

§ 44-104. Organization.

- A. ~~The Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV and select a Secretary, who may be either a member of the Planning Board or a municipal employee designated by it~~ in accordance with N.J.S.A. 40:55D-24.
- ~~B. The Secretary of the Board shall ensure that at least one copy of all applications is kept at all times in the Board's files in the custody of the recording secretary. All pending applications on file with the Board shall be listed on the Board's regular meeting agenda, whether the Board is required to take action thereon or not.~~
- B. The Planning Board shall select a secretary who may be either a member or alternate member of the Planning Board or a municipal employee designated by it.

- C. There is hereby created the position of Planning Board Attorney. The Planning Board may annually appoint, fix the compensation of, or agree upon the rate of compensation of the Planning Board Attorney, who shall be an attorney other than the Municipal Attorney.
- D. The Planning Board may also employ or contract for the services of experts and other staff and services as it may deem necessary. The Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use unless a court of competent jurisdiction finds the appropriation to be unreasonable.
- E. The Planning Board Chair shall appoint four (4) regular members of the Board which shall be known as the "Subdivision and Site Plan Review Committee" (Committee). The Committee shall operate in the following manner and have the following powers and duties:
 - (1) To review all applications submitted to the Board prior to a formal hearing thereon.
 - (2) To grant informal review of a concept plan for a development for which the developer intends to prepare or submit an application for development.
 - (a) The fee charged for such review shall be the same as that charged on the application for development, except that such fee shall be a credit toward the subsequent application fee.
 - (b) Neither the developer nor the Committee shall be bound by any concept plan review.
 - (3) In the case of minor subdivision applications, such Committee may unanimously approve the same in accordance with this chapter.
 - (4) In the case of major subdivision and site plan applications, the Committee shall submit a written report to the entire Board prior to the formal hearing thereon.
 - (5) The Committee shall keep minutes of all of its meetings and shall not consider any application unless it has been formally filed with the Secretary of the Board.
 - (6) Three members of the Committee shall constitute a quorum.

~~C. Subdivision and Site Plan Review Committee. The Board shall appoint a Committee consisting of four regular members of the Board which shall be known as the "Subdivision and Site Plan Review Committee." The Committee shall review all applications submitted to the Board prior to a formal hearing thereon. The Committee shall also grant informal review of a concept plan for a development for which the developer intends to prepare or submit an application for development. The fee charged for such review shall be the same as that charged on the application for development, except that such fee shall be a credit toward the subsequent application fee. Neither the developer nor the Committee shall be bound by any concept plan review. In the case of minor subdivision applications, such Committee may unanimously approve the same in accordance with the 1959 Land Subdivision Ordinance of the City of Hoboken. In the case of major subdivisions, site plan and conditional use application, the Committee shall submit a written report to the entire Board prior to the formal hearing thereon. The Committee shall keep minutes of all of its meetings and shall not consider any application unless it has been formally filed with the Secretary of the Board. Three members of the Committee shall constitute a quorum.~~

§ 44-5. Planning Board Attorney.

~~There is hereby created the office of Planning Board Attorney. The Planning Board may annually appoint, fix the compensation of or agree upon the rate of compensation of the Planning Board Attorney, who shall be an attorney other than the Municipal Attorney.~~

§ 44-6. Experts and staff.

~~The Planning Board may also employ or contract for the services of experts and other staff and services as it may deem necessary. The Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.~~

§ 44-7105. Powers and ~~d~~Duties of the Planning Board.

The Board, in accordance with N.J.S.A. 40:55D-25, shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of the subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 et seq.) shall apply. It shall also have the following powers and duties:

- A. To ~~make~~ prepare and, after public hearing, adopt or amend a Master Plan or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare and, at least every six years, reexamine and amend, if necessary, a Master Plan for the physical development of the municipality in accordance with the provisions of N.J.S.A. 40:55D-28.
- B. To reexamine, at least every ~~six~~ ten (10) years, the Master Plan and development regulations; ~~of the City and recommend,~~ prepare and adopt by resolution, to the governing body, a report on the findings of such reexamination in accordance with N.J.S.A. 40:55D-89, by written resolution to the governing body, and any necessary amendments ~~thereto~~ resulting there from.
- C. To review and approve preliminary and final subdivision applications, in accordance with Chapter 34, Subdivision of Land, of the Code of the City of Hoboken, and attach reasonable conditions to the approval thereof.
- D. To review and approve preliminary and final site plan applications, in accordance with this Chapter and with Chapter 196 Zoning, of the Code of the City of Hoboken, and attach reasonable conditions to the approval thereof.
- E. To review and approve conditional use applications, in accordance with Chapter 196 Zoning, of the Code of the City of Hoboken, ~~including special review in the W-District~~ and attach reasonable conditions to the approval thereof. In cases where a "d" variance is involved, the application for conditional use will be heard by the Zoning Board of Adjustment.
- ~~F. To approve planned development applications and allow a greater concentration of density or intensity of land use within a section or sections of development, whether it be earlier, later or simultaneous in the development than in others.~~
- ~~G. To grant general development plan approval to provide the increased flexibility desirable to promote mutual agreement between the applicant and the Planning Board on the basic scheme of a planned development.~~
- F. To participate in the preparation and review of programs or plans required by state or federal law or regulations.
- G. To assemble data on a continuing basis as part of a continuous planning process.
- H. To prepare annually ~~prepare~~ a program of municipal capital improvement projects over a term of ~~six~~ ten (10) years, and amendments thereto, and recommend the same to the governing body.
- I. To consider and make a report to the governing body, within 35 days after referral, as to any proposed development regulation submitted to it pursuant to the provisions of N.J.S.A. 40:55D-26a, and also to review ~~pass upon~~ other matters specifically referred to the Planning Board by the governing body, pursuant to the provisions of N.J.S.A. 40:55D-26b.
- J. Granting of ~~r~~ Relief; Variances; Direction for Issuance of Certain Permits.
 - (1) When reviewing applications for approval of subdivision plats, site plans or conditional uses, to grant to the same extent and subject to the same restrictions as the Zoning Board of Adjustment:

- (a) Variances pursuant to ~~Section 57c of P.L. 1975, c. 294~~ [N.J.S.A. 4:55D-70c](#).
- (b) Direction pursuant to N.J.S.A. 40:55D-36 for issuance of a permit for a building or structure not related to a street.
- (c) [Direction pursuant to N.J.S.A. 40:55D-34 for issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32.](#)
- ~~(c) Whenever relief is requested pursuant to this subsection, notice of a hearing on the application for development shall include reference to the request for a variance or direction for issuance of a permit as the case may be.~~

(2) [Whenever relief is requested pursuant to this subsection, notice of the hearing on the application for development shall include reference to the request for a variance or direction for issuance of a permit, as the case may be.](#)

~~(2)~~

(3) The developer may elect to submit a separate application requesting approval of the variance or direction of the issuance of a permit and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of the variance or direction of the issuance of a permit shall be conditioned upon grant of all required subsequent approvals by the Planning Board. No such subsequent approval shall be granted unless the approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and ~~Zoning Ordinance~~ [Chapter 196](#).

K. [To require a developer, as a condition of subdivision or site plan approval, to execute a developer's agreement, post performance and/or maintenance guarantees, and/or pay pro rata cost for off-tract improvements as permitted by law. Off-tract improvements shall include but not be limited to](#) ~~To require a developer, as a condition for approval of a subdivision or site plan, to pay his pro rata share of the cost of providing only reasonable and necessary street improvements, improvements to and water, sewerage and drainage facilities, and easements therefore, located outside the property limits of the subdivision or development but necessitated or required by construction or improvements within such subdivision or development. Such r~~ [Regulations shall be based on circulation and comprehensive utility service plans in accordance with the Master Plan, of the City of Hoboken, respectively, and shall establish fair and reasonable standards to determine the proportionate or pro rata amount of the cost of such facilities, that shall be borne by each developer or owner within a related and common area, which standards shall not be altered subsequent to preliminary approval. Where a developer pays the amount determined as his pro rata share under protest, he shall institute legal action within one year of such payment in order to preserve the right to a judicial determination as to the fairness and reasonableness of such amount.](#)

L. To grant exceptions from this chapter and the requirements of subdivision and site plan approval pursuant to N.J.S.A. [40:55D-25\(6\) and](#) 40:55D-51.

M. [To](#) ~~Issue~~ subdivision certificates pursuant to N.J.S.A. 40:55D-56.

N. To perform such ~~other~~ advisory duties as ~~and~~ [are](#) assigned to it, by ordinance or resolution of the governing body, for the aid and assistance of the governing body, ~~Zoning Board of Adjustment~~ or other agencies or officers.

O. [Issue subpoenas, administer oaths and take testimony in accordance with the provisions of the County and Municipal Investigations Law of 1953 \(N.J.S.A. 2A:67A-1, et seq.\)](#)

P. [To perform such other duties as may be provided by law.](#)

§ 44-8106. Procedure; time limits [Time of Decision.](#)

A. Minor subdivisions. Minor subdivision approvals shall be granted or denied within 45 days of the [date of submission of a complete an application to the Planning Board is deemed complete](#) or within such further

time as may be consented to by the applicant. Failure of the Planning Board to act within the statutory period prescribed shall constitute minor subdivision approval. Approval of a minor subdivision shall expire 190 days from the date of Planning Board approval unless, within such period, a plat in conformity with such approval and the provisions of the Map Filing Law, N.J.S.A. 46:23-9.9, et seq., or a deed clearly describing the approved minor subdivision, is filed by the developer with the County Recording Officer, the Municipal Engineer and the Municipal Tax Assessor. Any such plat or deed must be signed by the Chairman and Secretary of the Planning Board before it will be accepted for filing by the county recording officer. The Planning Board may extend the one-hundred-ninety-day period for filing a minor subdivision plat or deed if the developer proves to the reasonable satisfaction of the Planning Board that the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and that the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Planning Board. The developer may apply for the extension either before or after what would otherwise be the expiration date.

- B. Preliminary approval of major subdivisions approval. Upon submission of an complete application for a subdivision of 10 or fewer lots, the Planning Board shall grant or deny preliminary approval within 45 days of the date of such submission is deemed complete or within such further time as may be consented to by the developer, ~~unless such application includes a variance request, in which event the Board shall have 120 days from the date of a complete application to render its decision.~~ Upon submission of an complete application for a subdivision of more than 10 lots, the Planning Board shall grant or deny preliminary approval within 95 days of the date of such submission is deemed complete or within such further time as may be consented to by the developer, ~~unless such application includes a variance request, in which event the board shall have 120 days from the date of a complete application to render its decision.~~ Otherwise, the Planning Board shall be deemed to have granted preliminary approval for the subdivision.

- (1) ~~If the Planning Board requires any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application shall be submitted and proceeded upon, as in the case of the original application for development.~~
- (2) ~~Preliminary subdivision approval and any variances granted incidental thereto shall remain valid for three years from the date of such approval. Requests for extensions of such three-year period pursuant to N.J.S.A. 40:55D-49c shall be made within such three-year period.~~

- C. Ancillary powers. Whenever an application for approval of a subdivision plat, site plan or conditional use includes a request for variance relief or direction for the issuance of a permit pursuant to §44-105.J, the Planning Board shall grant or deny approval of the application within 120 days of the date the application is deemed complete or within such further time as may be consented to by the applicant. In the event that the developer elects to submit separate consecutive applications, the aforesaid provision shall apply to the application for approval of the variance or direction for issuance of a permit. The period for granting or denying and subsequent approval shall be as otherwise provided by these regulations. Failure of the Planning Board to act within the statutory period prescribed shall constitute approval of the application, and a certificate of the Administrative Officer as to the failure of the Planning Board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required and shall be so accepted by the County Recording Officer for purposes of filing subdivision plats.

- D. Final approval. Application for final subdivision approval shall be granted or denied within 45 days of the date the application is deemed complete or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed by law shall constitute final approval and a certificate of the Administrative Officer as to the failure of the Planning Board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the County Recording Officer for purposes of filing subdivision plats. Final approval of a major subdivision shall expire 95 days from the date of signing of the plat by the Chair and Secretary of the Board unless within such period the plat shall have been duly filed by the developer with the County Recording Officer. The Planning Board

may, for good cause shown, extend the period for recording for an additional period not to exceed 190 days from the date of signing of the plat. The Planning Board may for good cause shown extend the period for recording for an additional period not to exceed 190 days from the date of signing of the plat. The Planning Board may extend the ninety-five-day or one-hundred-ninety-day period if the developer provides to the reasonable satisfaction of the Planning Board that the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and that the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Planning Board. The developer may apply for the extension either before or after what would otherwise be the expiration date.

C.— Final major subdivision approval.

(1) Application for final subdivision approval shall be granted or denied within 45 days of submission of a complete application or within such further time as may be consented to by the applicant. Whenever review or approval of the application by the County Planning Board is required, such approval shall be conditioned upon timely receipt of a favorable report on the application by the County Planning Board.

(2) Final approval of a major subdivision shall expire 95 days from the date of signing of the plat unless, within such period, the plat shall have been duly filed by the developer with the county recording officer. The Planning Board may, for good cause shown, extend the period for recording for an additional period not to exceed 190 days from the date of signing of the plat.

(3) The Planning Board shall grant final subdivision approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established for the same, the conditions of preliminary approval and the standards prescribed by the Map Filing Law, P.L. 1960, c. 141, N.J.S.A. 46:23-9.9 et seq., provided that in the case of a planned unit development, planned unit residential development or residential cluster, the Planning Board may permit minimal deviations from the conditions of preliminary approval necessitated by change of conditions beyond the control of the developer since the date of preliminary approval without the developer being required to submit another application for preliminary approval.

D.— Site plan approval: Preliminary and final site plan approval shall be governed by Article IX, § 196-26 et seq. of the City of Hoboken Zoning Ordinance, subject to the following:

(1) A copy of any application for property within the CBD(H) Subdistrict shall be contemporaneously filed with the Hoboken Historic District Commission.

(2) On all applications involving a variance request, the Board shall have 120 days from the date of a complete application to render its decision.

(3) The Board, on granting site plan approval, shall find and set forth in its resolution of approval that the application provides for:

(a) Preservation of existing natural resources on the site, if any.

(b) Safe and efficient vehicular and pedestrian circulation, parking and loading.

(c) Screening, landscaping and proper location of structures.

(d) Exterior lighting needed for safety reasons in addition to any requirements for street lighting.

(e) Conservation of energy and use of renewable energy sources.

(f) Recycling of recyclable materials.

(4) If preliminary approval is granted, the written resolution of the Planning Board granting the same shall be signed by the Chairman and Secretary of the Board and sent to the applicant and the Zoning Officer, who may grant a first certificate of zoning compliance, subject to the conditions of the resolution, unless such condition(s) necessitate fulfillment prior to the issuance of such certificate. If final approval is granted, the written resolution of approval and the site plan shall be signed by the Chairman and Secretary of the Board and sent to the applicant and the Zoning Officer, who may grant a final certificate of zoning compliance,

~~subject to the conditions of the written final resolution, unless such condition(s) necessitate fulfillment prior to the issuance of such certificate. If a site plan has been denied approval, the written resolution of disapproval shall be signed by the Chairman and Secretary of the Board and sent to the applicant and the Zoning Officer.~~

~~(5) Preliminary site plan approval and any variances granted incidental thereto shall remain valid for three years from the date of such approval. Requests for extension of such three-year period pursuant to N.J.S.A. 40:55D-49c shall be made within such three-year period.~~

~~E. Conditional use approval. Conditional use approval shall be governed by Article X, § 196-35 et seq. of the City of Hoboken Zoning Ordinance, subject to the following: Where an application involves a variance request, the Board shall have 120 days from the date of a complete application to render its decision.~~

~~F. Planned unit development. Prior to the approval of any planned development, the Planning Board shall find the following facts and conclusions:~~

~~(1) The departures by the proposed development from zoning regulations otherwise applicable to the property conform to the standards of urban design review for planned developments under § 196-27.1 of the City of Hoboken Zoning Ordinance.~~

~~(2) The proposals for maintenance and conservation of common open space are reliable, and the amount, location and purpose of the common open space are adequate.~~

~~(3) The provision through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic and the amenities of light and air, recreation and visual enjoyment are adequate.~~

~~(4) The proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established.~~

~~(5) In the case of a proposed development which contemplates construction over a period of years, the terms and conditions intended to protect the interest of the public and the residents, occupants and owners of the proposed development in the total completion of the development are adequate.~~

~~G. General development plan. General development plan approval shall be governed by Article IX, § 196-34 et seq. of the City of Hoboken Zoning Ordinance, subject to the following provisions:~~

~~(1) The general development plan shall set forth the permitted number of dwelling units, the amount of nonresidential floor space, the residential density and the nonresidential floor area for the planned development, in its entirety, according to a schedule which sets forth the timing of the various sections of the development.~~

~~(2) The planned development shall be developed in accordance with the general development plan approved by the Planning Board, notwithstanding any provision of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., or an ordinance or regulation adopted pursuant thereto after the effective date of the approval.~~

~~(3) The term of the effect of the general development plan approval shall be determined by the Planning Board using the guidelines set forth in Subsection G(4) of this section, except that the term of the effect of the approval shall not exceed 20 years from the date upon which the developer receives final approval of the first section of the planned development pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.~~

~~(4) In making its determination regarding the duration of the effect of approval of the development plan, the Planning Board shall consider the number of dwelling units or amount of nonresidential floor area to be constructed, prevailing economic conditions, the timing schedule to be followed in completing the development and the likelihood of its fulfillment, the developer's capability of completing the proposed development and the contents of the general development plan and any conditions which the Planning Board attached to the approval thereof.~~

~~(5) The Planning Board shall grant or deny general development plan approval within 95 days after submission of a complete application to the administrative officer or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute general development plan approval of the planned development.~~

~~(6) In the event that the developer seeks to modify the proposed timing schedule, such modification shall require the approval of the Planning Board. The Planning Board shall, in deciding whether or not to grant approval of the modification, take into consideration prevailing economic and market conditions, anticipated and actual needs for residential units and nonresidential space within the municipality and the region and the availability and capacity of public facilities to accommodate the proposed development.~~

~~(7) The developer shall be required to gain the prior approval of the Planning Board if, after approval of the general development plan, the developer wishes to make any variation in the location of land uses within the planned development or to increase the density of residential development or the floor area ratio of nonresidential development in any section of the planned development. However, any variation in the location of land uses or increase in density or floor area ratio proposed in reaction to a negative decision of or condition of development approval imposed by the Department of Environmental protection pursuant to P.L. 1973, c. 185 (N.J.S.A. 13:19-1 et seq.) shall be approved by the Planning Board if the developer can demonstrate, to the satisfaction of the Planning Board, that the variation being proposed is a direct result of such determination by the Department of Environmental Protection.~~

~~(8) Once a general development plan has been approved by the Planning Board, it may be amended or revised only upon application by the developer approved by the Planning Board. However, a developer, without violating the terms of the approval pursuant to this act, may, in undertaking any section of the planned development, reduce the number of residential units or amounts of nonresidential floor space by no more than 15% or reduce the residential density or nonresidential floor area ratio by no more than 15%; provided, however, that a developer may not reduce the number of residential units to be provided pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., without prior municipal approval.~~

~~(9) Upon the completion of each section of the development, as set forth in the approved general development plan, the developer shall notify the administrative officer, by certified mail, as evidence that the developer is fulfilling his obligations under the approved plan. For the purposes of this section, "completion of any section of the development" shall mean that the developer has acquired a certificate of occupancy for every residential unit or every nonresidential structure, as set forth in the approved general development plan and pursuant to Section 15 of P.L. 1975, c. 217 (N.J.S.A. 52:27D-133). If the municipality does not receive such notification at the completion of any section of the development, the municipality shall notify the developer, by certified mail, in order to determine whether or not the terms of the approved plan are being complied with. If a developer does not complete any section of the development within eight months of the date provided for in the approved plan or if at any time the municipality has cause to believe that the developer is not fulfilling his obligations pursuant to the approved plan, the municipality shall notify the developer, by certified mail, and the developer shall have 10 days within which to give evidence that he is fulfilling his obligations pursuant to the approved plan. The municipality thereafter shall conduct a hearing to determine whether or not the developer is in violation of the approved plan. If, after such a hearing, the municipality finds good cause to terminate the approval, it shall provide written notice of the same to the developer and the approval shall be terminated 30 days thereafter.~~

~~(10) In the event that a developer who has general development plan approval does not apply for preliminary approval for the planned development which is the subject of that general development plan approval within five years of the date upon which the general development plan has been approved by the Planning Board, the municipality shall have cause to terminate the approval.~~

~~(11) In the event that a development which is the subject of an approved general development plan is completed before the end of the term of the approval, the approval shall terminate with the completion of the development. For the purposes of this section, a development shall be considered complete on the date upon which a certificate of occupancy has been issued for the final residential or nonresidential structure in the last section of the development, in accordance with the timing schedule set forth in the approved general development plan, and the developer has fulfilled all of his obligations pursuant to the approval.~~

~~H. — Ancillary power. Whenever the Planning Board is called upon to exercise its ancillary power to grant a variance as set forth in Article I, § 44-7L(1) of this chapter, the Planning Board shall grant or deny approval of the application within 120 days after submission by the developer of a complete application or within such further time as may be consented to by the applicant. In the event that the developer elects to submit separate consecutive applications, the aforesaid provision shall apply to the application for approval of the variance or direction for issuance of a permit. The period for granting or denying and subsequent approval shall be as otherwise provided in this chapter. Failure of the Planning Board to act within the time prescribed shall constitute approval of the application and a certificate of the administrative officer as to the failure of the Planning Board to act shall be issued upon request of the applicant.~~

§ 44-9107. Applications; ~~p~~Procedure; Concept Plan Approval for filing.

A. Applications for development within the jurisdiction of the Planning Board pursuant to the provisions of P.L. 1975, c. 291, shall be filed with the Secretary of the Planning Board at least 25 days before the monthly meeting of the Board. The applicant shall file at least 14 days before the date of the monthly meeting of the board seven copies of a sketch plat; seven copies of an application for minor subdivision approval; seven copies of an application for major subdivision approval or seven copies of an application for site plan review, conditional use approval or planned development. At the time of filing the application but in no event less than 10 days prior to the date set for hearing, the applicant shall also file seven copies of its plot plans, maps or other papers for which approval is sought or required by virtue of any provision of this chapter or any rule of the Planning Board. The applicant shall obtain all necessary forms, including the applicable checklist, from the Secretary of the Planning Board. The Secretary of the Board shall inform the applicant of the steps to be taken to initiate applications and of the regular meeting dates of the Board and the Subdivision and Site Plan Committee. A complete application shall mean an application certified as complete by the Secretary of the Board in consultation with the Board's professionals and the applicable municipal commissions; pursuant to §44-304. Whenever the term "administrative officer" appears in this chapter or in the Municipal Land Use Law, P.L. 1975, c. 291, N.J.S.A. 40:5D-1 et seq., it shall refer to the Secretary of the Board.

B. At the request of the developer, the Planning Board shall grant an informal review of a concept plan for a development for which the developer intends to prepare and submit an application for development. The developer shall not be bound by any concept plan for which review is required, and the Planning Board shall not be bound by any such review.

~~B. — Subdivision certificate.~~

~~(1) Any person desiring information as to whether land has been subject to or is statutorily exempt from subdivision approval may apply to the Planning Board for a certificate as to approval of subdivision of land, such application shall include:~~

~~(a) A copy of the current deed to the land.~~

~~(b) A survey of the land.~~

~~(c) A check in the amount of \$10 payable to the City of Hoboken.~~

~~(d) Such additional facts and/or documents that the applicant desires the Board to consider in issuance of the certificate.~~

~~(2) The certificate shall be issued within 15 days after receipt of the application and fee therefor. Such certificate shall be designated a "certificate as to approval of subdivision of land" and shall certify:~~

~~(a) There exists in the City of Hoboken a duly established Planning Board and an ordinance controlling subdivision of land.~~

~~(b) Whether a subdivision has been approved by the Planning Board as to the land. If a subdivision has been approved, a copy of the written resolution of approval shall be attached to the certificate.~~

~~(c) If there has been no subdivision approval, whether or not such land is statutorily exempt from the requirement of approval under the definition of subdivision set forth in N.J.S.A. 40:55D-7.~~

~~(3) The administrative officer shall keep a duplicate copy of each certificate, consecutively numbered, including a statement of the fee charged, in a binder as a permanent record of the Board's office.~~

§ 44-108. Advisory Committee.

The Mayor may appoint one or more persons as a citizens' advisory committee to assist or collaborate with the Planning Board in its duties, but such person or persons shall have no power to vote or take other action required of the Board. Such person or persons shall serve at the pleasure of the Mayor.

Article II. Zoning Board of Adjustment

§ 44-44201. Establishment; eComposition.

A. Members. ~~A Zoning Board of Adjustment~~ There is hereby established a Zoning Board of Adjustment of the City of Hoboken, consisting of seven (7) Class IV members, appointed by the governing body, in accordance with pursuant to N.J.S.A. 40:55D-69, et seq., ~~consisting of seven residents of the City of Hoboken appointed by the City Council to serve for terms of four years from January 1 of the year of their appointment. Members of the Zoning Board of Adjustment shall be appointed by the City Council. The terms of the members first appointed shall be so determined that, to the greatest practicable extent, the expiration of such terms shall be evenly distributed over the first four years. Thereafter, the term of each member shall be for four years. Nothing in this chapter shall, however, be construed to effect the term of any present members of the Zoning Board of Adjustment, all of whom shall continue in office until the completion of the term for which they were appointed.~~

~~B. No member of the Zoning Board of Adjustment may hold any elective office or position under the municipality.~~

~~C. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.~~

~~D. Alternate members.~~

~~(1) Not more than four alternate members, who shall meet the qualifications of Class IV members, may be appointed by the City Council. Such alternate members shall be designated at the time of appointment as "Alternate No. 1", "Alternate No. 2", "Alternate No. 3" and "Alternate No. 4." The terms of the alternate members shall be for two years, except that such terms shall be such that the term of not more than one alternate member shall expire in any one year; provided, however, that in no instance shall the term of the alternate member first appointed exceed two years. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.~~

~~(2) Alternate No. 1 shall have a term expiring December 31, 2011. Alternate No. 2 shall have terms expiring on December 31, 2010. Alternate No. 3 shall have a term expiring December 31, 2011 and Alternate No. 4 shall have a term expiring on December 31, 2010. Thereafter, the terms of the alternate members shall be for two years, and the terms of not more than two alternate members shall expire in any one year.~~

~~(3) A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.~~

~~(4) Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of any regular member of the Board. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, alternate members shall vote in the order of their numerical designations.~~

B. Alternate members.

- (1) Not more than four (4) alternate members, who shall meet the qualification of Class IV members, may be appointed by the governing body. Such alternate members shall be designated at the time of appointment as "Alternate No. 1", "Alternate No. 2", "Alternate No. 3" and "Alternate No. 4".
 - (2) Alternate members may participate in discussions of the proceedings but may not vote, except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, alternates shall vote in their order of appointment: Alternate No. 1 first, Alternate No. 2 second, and so on.
- C. Substitute members. If the Zoning Board lacks a quorum because regular or alternate members are prohibited from acting on a matter due to the member's personal or financial interest therein. Class IV members of the Planning Board shall be called upon to serve as substitute members in accordance with N.J.S.A. 40:55D-69.1.
- D. No member of the Zoning Board of Adjustment shall hold any municipal office, position or employment.

§ 44-202. Terms of Office.

- A. The term of all Class IV members shall be four years. The terms of the members first appointed shall be so determined that, to the greatest practicable extent, the expiration of such terms shall be distributed evenly over the first four years after their appointment, provided, however, that no term of any member shall exceed four years. Thereafter, all Class IV members shall be appointed for terms of four years. Nothing herein shall affect the term of any present member of the Zoning Board of Adjustment, all of whom shall continue in office until the completion of the terms for which they were appointed. All terms shall run from January 1 of the year in which the appointment is made.
- B. The term of all Alternate members shall be two years. Expiration of such terms shall be distributed such that not more than two alternate members shall expire in any one year.

§ 44-203. Vacancies.

If a vacancy of any Class IV or Alternate shall occur otherwise than by expiration of terms, it shall be filled by appointment as above provided for the unexpired terms.

§ 44-204. Officers, Organization.

- A. The Board of Adjustment shall elect a Chairman and Vice Chairman from its Class IV members and shall also select a Secretary, who may be a Board member or another municipal employee in accordance with N.J.S.A. 40:55D-69.
- B. The Zoning Board of Adjustment shall select a secretary who may be either a member or alternate member of the Zoning Board or a municipal employee designated by it.
- C. There is hereby created the position of Zoning Board Attorney. The Zoning Board may annually appoint, fix the compensation of, or agree upon the rate of compensation of the Zoning Board Attorney, who shall be an attorney other than the Municipal Attorney.
- D. The Zoning Board of Adjustment may also employ or contract for the services of experts and other staff and services as it may deem necessary. The Zoning Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use unless a court of competent jurisdiction finds the appropriation to be unreasonable.

§ 44-13. Board of Adjustment Attorney.

~~There is hereby created the office of Attorney to the Zoning Board of Adjustment. The Zoning Board of Adjustment may annually appoint, fix the compensation of or agree upon the rate of compensation of the Zoning Board of Adjustment Attorney, who shall be an attorney other than the Municipal Attorney.~~

§ 44-14. Experts and staff.

The Zoning Board of Adjustment may also employ or contract for and fix the compensation of such experts and other staff and services as it may deem necessary. The Board shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

§ 44-15~~205~~. Promulgation of ~~r~~Rules and ~~r~~Regulations.

The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1, et seq.) shall apply.

§ 44-16~~206~~. Powers and ~~d~~Duties of the Zoning Board of Adjustment.

- A. The powers of the Zoning Board of Adjustment shall be in accordance with N.J.S.A. 40:55D-69, et seq. and amendments and supplements thereto and with the provisions of this chapter.
- B. It is further the intent of this chapter to confer upon the Zoning Board of Adjustment as full and complete powers as may lawfully be conferred upon such Board, including, but not by way of limitation, the authority, in connection with any case, action or proceeding before the Board, to interpret and construe the provisions of this chapter or any term, clause, sentence or word hereof and the Zoning Map, in accordance with the general rules of construction, applicable to legislative enactments.
- C. The Board may, in appropriate cases and subject to appropriate conditions and safeguards, grant variances from the terms of Chapter 196, Zoning, in accordance with the general or specific rules contained herein and with the general rules hereby laid down, that equity shall be done in cases where the strict construction of the provisions of that chapter would work undue hardship. The powers and duties of the Board having been delegated to and imposed upon it by statute, the Board shall in all cases follow the provisions applicable to it in N.J.S.A. 40:55D-1, et seq. or subsequent statutes in such case made and provided, and it shall from time to time furnish to any person requesting the same a copy of its rules and information as to how appeals or applications may be properly filed with the Board for its decision thereon. ~~when acting upon applications for preliminary or minor subdivision and preliminary site plan approval, shall have the power to grant such exceptions from the requirements for such approval as may be reasonable and within the general purpose and intent of the provisions for preliminary or minor subdivision and site plan review, as well as this chapter, if the literal enforcement of one or more provisions of this chapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question, and it shall, from time to time, furnish to any person requesting the same a copy of its rules and information as to how appeals or applications may properly be filed with the Board for its decision thereon.~~
- D. The Board shall annually review its decisions and prepare and adopt by resolution a report of its findings on Zoning Ordinance provisions, which were the subject of variance requests, and its recommendations for Zoning Ordinance amendments, if any. Copies of the report and resolution shall be submitted to the City Council and the Planning Board.

§ 44-17~~207~~. Appeals and ~~a~~Applications.

- A. Appeals to the Board of Adjustment may be taken by any interested party affected by any from a decision or action by of the Zoning Officer in regard to the based on or made in the enforcement of Chapter 196, Zoning, Ordinance or Official Map, including the denial of a certificate of zoning compliance or the issuance of the same subject to conditions based upon the report of the Historic Preservation Commission. Each appeal shall be taken within the 20 days prescribed by the statute by filing a notice of appeal with the Zoning Officer from whom the appeal is taken, together with three (3) copies of said notice with the Secretary of the Board of Adjustment. Said notice of appeal shall specify the grounds for said appeal. The Zoning Officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
[Amended 3-20-1991 by Ord. No. P-136]

- B. Applications addressed to the original jurisdiction of the Board of Adjustment without prior application to the ~~Building Subcode Official~~ Zoning Officer shall be filed with the Secretary of the Zoning Board of Adjustment at least 25 days before the monthly meeting of the Board. The applicant shall obtain all necessary forms from the Secretary of the Board, who shall inform the applicant of the steps to be taken to initiate applications and of the regular meeting dates of the Board. A complete application shall mean an application certified as complete by the Secretary of the Board in consultation with the Board's professionals and the applicable municipal commissions; pursuant to §44-304. ~~Three copies of the application shall be filed. At the time of filing the appeal or application, but in no event less than 10 days prior to the date set for hearing, the applicant shall also file all plot plans, maps or other papers required by virtue of any provision of this chapter or any rule of the Board of Adjustment. The applicant shall obtain all necessary forms from the Secretary of the Zoning Board of Adjustment. The Secretary of the Board shall inform the applicant of the steps to be taken to initiate proceedings and of the regular meeting dates of the Board.~~
- C. An appeal to the Board of Adjustment stays all proceedings in furtherance of the action in respect of which the decision appealed from was made, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with ~~him~~ said officer, that, by reason of facts stated in the certificate, a stay would, in ~~his~~ said officer's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an restraining order, ~~which may be granted by the Board of Adjustment or by of~~ the Superior Court of New Jersey on application or notice to the officer from whom the appeal is taken and on due cause shown.

§ 44-18208. Power to ~~r~~Reverse or ~~m~~Modify ~~d~~Decisions.

In exercising the above-mentioned power, the Board of Adjustment may, in conformity with the provisions of P.L. 1975, c. 294 N.J.S.A. 40:55D-1, et seq., or amendments thereto or subsequent statutes applying, reverse or affirm wholly or partly in part, or may modify the order, requirement, decision or determination appealed from, and make such other, requirement, decision or determination as ought to be made, and, to that end, have all the powers of the administrative officer from whom the appeal was taken.

§ 44-19209. Expiration of variance.

Any variance from the terms of ~~this~~ Chapter 196, Zoning, hereafter granted by the Board of Adjustment, permitting the erection or alteration of any structure or structures or permitting a specified use of any premises, shall expire by limitation, unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance or unless such permitted use has actually been commenced, within one (1) year from the date of publication of the notice of the judgment or determination of the Board of Adjustment, except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board of Adjustment to the governing body or to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding. The Board of Adjustment, upon written request of the developer, and for good cause shown, may grant an extension of time beyond the one (1) year limitation, up to but not exceeding two additional years.

§ 44-20210. Powers granted by law.

- A. The Board of Adjustment shall have such powers as are granted by law, including but not limited to:
- (1) To hear and decide appeals ~~where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of the Zoning Ordinance~~ pursuant to section §44-207.
 - (2) To hear and decide requests for interpretations of the Zoning Mmap or Zoning Ordinance, or for decisions upon other special questions upon which such Board is authorized by the Chapter 196, Zoning Ordinance to pass.
 - (3) Variances.

(a) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property; or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property; or by reason of an extraordinary and exceptional situation, uniquely affecting a specific piece of property, or the structures lawfully existing thereon, the strict application of any regulation in ~~the Zoning Ordinance~~ [Chapter 196 Zoning](#) would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, to grant upon an application or an appeal relating to such property, a variance from such strict application [of such regulation](#) so as to relieve such difficulties or hardship.

(b) Where in an application or appeal relating to a specific piece of property the purposes of ~~this act~~ [the Municipal Land Use Law \(N.J.S.A. 40:55D-1, et seq.\)](#) would be advanced by a deviation from the [requirements of Chapter 196, Zoning Ordinance](#) requirements and the benefits of the deviation would substantially outweigh any detriment, to grant a variance to allow departure from [regulations pursuant to Chapter 196, the Zoning Ordinance](#); provided, however, that no variance from those departures enumerated in Subsection A(54) of this section shall be granted under this subsection, and further provided that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has power to review a request for a variance pursuant to ~~Section 47a of the Municipal Land Use Law of 1975, P.L. 1975, c. 294~~ [§44-105.J](#).

(4) In particular cases and for special reasons, to grant a variance to allow departure from regulations pursuant to ~~Article 8 of P.L. 1975, c. 294~~ [Chapter 196, Zoning](#), to permit a use or principal structure in a district restricted against such use or principal structure; an expansion of a nonconforming use; deviation from a specification or standard ~~under the Zoning Ordinance~~ pertaining solely to a conditional use; an increase in the permitted floor area ratio; or an increase in the permitted density, except as applied to the required lot area for a lot or lots for detached one- or two-dwelling-unit buildings, which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision; [or a height of a principal structure which exceeds by 10 feet or 10% maximum height permitted in the district for a principal structure](#). A variance under this subsection shall be granted only by affirmative vote of at [least five \(5\) members](#).

B. No variance or other relief may be granted under the provisions of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance. Any application under any subsection of this section may be referred to any appropriate person or agency, [including the Planning Board, Historic Preservation Commission, Shade Tree Commission, Environmental Commission and/or any Municipal Department](#), for its report, provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act.

§ 44-24211. Additional powers.

A. The Zoning Board of Adjustment shall, in addition to the powers specified in § 44-20210 ~~of this Article~~, have power given by law [in accordance with N.J.S.A. 40:55D-76, as amended and supplemented](#), to:

- (1) Direct issuance of a permit pursuant to N.J.S.A. 40:55D-34 for a building or structure in the bed of a mapped street or public drainage way, flood-control basin or public area reserved on the Official Map.
- (2) Direct issuance of a permit pursuant to N.J.S.A. 40:55D-365 for a building or structure not related to a street.
- (3) Grant to the same extent and subject to the same restrictions as the Planning Board, subdivision or site plan approval pursuant to ~~Article 6 of P.L. 1975, c. 294~~ [N.J.S.A. 40:55D-37, et seq.](#), or conditional use approval pursuant to N.J.S.A. 40:55D-67 whenever the Board is reviewing an

application for approval of a use variance pursuant to ~~Article II, § 44-20A(5)~~ §44-210.A of this chapter.

- B. The developer may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of the variance shall be conditioned upon the granting of all required subsequent approvals by the Board of Adjustment. No such subsequent approval shall be granted unless such approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Zone Plan and Zoning Ordinance. The number of votes of Board members required to grant any such subsequent approval shall be as otherwise provided in this chapter for the approval in question, and the special vote pursuant to §44-210.A(4) hereof shall not be required.
- C. ~~An application under this section shall be referred to the Planning Board for its report on such subdivision, site plan or conditional use application.~~

§ 44-22212. Time for ~~of~~ Decision.

- A. The Board of Adjustment shall render its decision not later than 120 days after the date an appeal is taken from the decision of an administrative officer; or from the date the submission of a complete ~~an~~ application for development is deemed complete to the Board pursuant to the provisions of N.J.S.A. 40:55D-70**2b**. Failure of the Board to render a decision within such one-hundred-twenty-one-day period or within such further times as may be consented to by the applicant shall constitute a decision favorable to the applicant.
- B. ~~Failure of the Board to render a decision within such thirty-day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.~~
 - B. In the event that the developer elects to submit separate consecutive applications, the aforesaid provision shall apply to the application for approval of the variance. The period for granting or denying any subsequent approval shall be as otherwise provided in this chapter. Failure of the Board of Adjustment to act within the period prescribed shall constitute approval of the application, and a certificate of the Administrative Officer as to the failure of the Board of Adjustment to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement of other evidence of approval herein required, and shall be so accepted by the County Recording Officer for purposes of filing subdivision plats.
- C. Whenever review of approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.3, in the case of a subdivision, or N.J.S.A. 40:27-6.6, in the case of a site plan, the Board of Adjustment shall condition any approval that is grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time.

§44-213. Appeal of Zoning Board of Adjustment Decision.

- A. Any interested party may appeal to the governing body any final decision of the Board of Adjustment approving a "d" variance application for development, pursuant to N.J.S.A. 40:55D-17.
- B. Appeal shall be made within 10 days of the date of publication of such final decision of the Board of Adjustment by serving the municipal clerk, in person or by certified mail, with a notice of appeal specifying the grounds thereof and the name and address of the appellant and name and address of his or her attorney, if represented. Such appeal shall be decided by the governing body only upon the record established before the Board of Adjustment.
- C. Notice of hearings and required documents shall be provided in accordance with N.J.S.A. 40:55D-17.
- D. The governing body shall conclude its review of the record not later than 95 days from the date of publication of the decision of the Board of Adjustment. The governing body may reverse, remand or affirm, with or without the imposition of conditions, the final decision of the Board of Adjustment

approving such variance. The review shall be made on the record before the Board of Adjustment. The affirmative vote of a majority of the full authorized membership of the governing body shall be necessary to reverse, remand or affirm, with or without conditions, any final action of the Board of Adjustment.

- E. Any appeal to the governing body shall stay all proceedings in furtherance of the action in respect to which the decision was made, unless the Board certifies to the governing body, that by reason of facts stated in a certificate, a stay would, in its opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court on application upon notice to the Board from whom the appeal is taken and on good cause shown.

Article III. Provisions Applicable to Both Planning Board and Zoning Board of Adjustment and ~~Historic Preservation Commission~~

§ 44-23301. Conflicts of interest.

No member of the ~~municipal agency~~ Planning Board or Zoning Board of Adjustment shall act on any matter in which ~~he~~ that member has, either directly or indirectly, any personal or financial interest. Whenever any such member shall disqualify himself or herself from acting on a particular matter, he or she shall not continue to sit with the ~~municipal agency~~ Board on the hearing of such matter nor participate in any discussion or decisions relating thereto.

§ 44-24302. Meetings.

- A. Meetings of both the ~~municipal agency~~ Planning Board and Zoning Board of Adjustment shall be scheduled no less often than once a month, and any meeting so scheduled shall be held as scheduled unless cancelled for lack of applications for development to process or for lack of a quorum.
- B. Special meetings may be provided for at the call of the Chairman ~~or~~ on the request of any two ~~agency~~ Board members, which shall be held on notice to its members and the public in accordance with all applicable legal requirements.
- C. No action shall be taken at any meeting without a quorum being present.
- ~~D.~~ All actions shall be taken by a majority vote of the members of the municipal agency present at the meeting, except as otherwise required by any provision of P.L. 1975, c. 291 the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., or this chapter. Failure of a motion to receive the number of votes required to approve an application for development ~~pursuant to the exceptional vote requirements of Section 44-125 of the Municipal Land Use Act, N.J.S.A. 40:55D-34, or Article II, Section 44-110.d,~~ shall be deemed an action denying the application. ~~A member of the municipal agency who is absent from any hearing shall be eligible to vote on the matter upon which the hearing was conducted upon certifying, in writing, to the municipal agency that he has read the transcript or listened to the recording of all the hearing from which he was absent.~~
- E. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Law, P.L. 1975, c. 231, N.J.S.A. 10:4-6, et seq.
- F. A member of a Board who was absent for one or more of the meetings at which a hearing was held shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his or her absence from one or more of the meetings; provided, however, that such Board member has available to him or her the transcript or recording of all the hearings from which he or she was absent and certifies in writing to the Board that he or she has read such transcript or listened to such recording.

§ 44-25303. Minutes.

Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the ~~municipal agency~~ Board and of the persons appearing by attorney, the action

taken by the ~~municipal agency~~Board, and the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the Board office, ~~of the administrative officer~~. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party may be charged a reasonable fee for reproduction of the minutes for his use, as provided for in the rules of the ~~municipal agency~~Board.

§ 44-26304. Applications Procedures.

An application for development shall mean an application and checklists, on standard forms available in the Board office, on the City's web site, and attached to this Chapter and made a part hereof as Appendix A. Applications shall be filed with the Secretary of the Board at least 25 days before the monthly meeting of the Board. The Secretary of the Board shall certify the application as complete only after the application, checklist and all documents required by the checklist, fees and escrow have been received. On all applications involving a site plan, subdivision or conditional use, the applicant shall be provided with the checklist covering such application set forth in the appendix to this chapter. An application shall be deemed complete upon certification of such fact by the municipal agency or its designee. In the event that an application is not certified as complete within 45 days of its submission, it shall be deemed complete for purposes of commencing the applicable time period for action by the ~~municipal agency~~Board, unless the application lacks information indicated on the checklist or application form and the municipal agency has notified the applicant, in writing, of such deficiency, within 45 days of submission of the application. The applicant may request a waiver from one or more of the submission requirements, which waiver request shall be granted or denied within 45 days. Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that he is entitled to approval of the application. The municipal agency~~Board~~, at its discretion, may subsequently require correction of any information found to be in error; and submission of additional information not specified in this chapter; or any revisions ~~in to~~ the accompanying documents as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the municipal agency. All applications in the Historic District shall be referred to the Historic Preservation Commission for its recommendation and report. Any application for a property located within a historic district or one which is designated a Historic Site in Chapter 42 of the Code, shall be referred to the Historic Preservation Commission for its consideration and recommendations, which shall be submitted in writing to the Planning Board or Zoning Board of Adjustment prior to the reviewing Board's hearing of the application.

§ 44-27305. Application Fees and Escrow Deposits.

~~Fees for applications or for the rendering of any service by the municipal agency or any member of its administrative staff shall be as set forth in this chapter, the Zoning Ordinance of the City of Hoboken or the Land Subdivision Ordinance of the City of Hoboken.~~

- A. Pursuant to N.J.S.A. 40:55D-8(b), the City shall be reimbursed for the administrative costs associated with a development application from application fees.
- B. Pursuant to N.J.S.A. 40:55D-53.1 and 2, the City is further entitled to offset the costs of professional services engendered by a development application from escrow deposits.
 - (1) Escrow deposits shall be in addition to the application fees and shall be used by the municipal agency to pay professionals for services rendered for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the provisions of the Municipal Land Use Law. The application review and inspection charges shall be limited only to professional charges for review of applications, review and preparation of documents and inspections of developments under construction and review by outside consultants when an application is of a nature beyond the scope of expertise of the professionals normally utilized by the municipality. The only cost that shall be added to any such charges shall be actual out-of-pocket expenses of such professionals or consultants, including normal and typical expenses incurred in processing applications and inspecting improvements. No applicant shall be charged, from escrow for any municipal, clerical or administrative functions, overhead expenses, meeting room charges

or any of the municipal costs and expenses except as provided for specifically by statute, nor shall a municipal professional add any such charge to his or her bill.

(2) The City shall be entitled to be reimbursed for the review of applications, both as to completeness and as to content; for the review and preparation of documents, such as, but not limited to, drafting resolutions, developer's agreements and necessary correspondence with applicant or applicant's professionals.

(3) If review costs exceed the escrow deposited, the applicant shall pay the additional amount within fifteen (15) days of the request for additional funds. Failure to remit the additional required deposit within the requested timeline shall render the application incomplete, and no further action or proceedings shall be taken by the reviewing Board until after compliance. Where the review costs are less than the amount of the escrow deposit, the difference shall be returned to the applicant within one-hundred-twenty (120) days of final disposition of the application.

C. A schedule of application fees and escrow deposits shall be adopted by the governing body and attached hereto as Appendix B.

D. An application shall be deemed to be incomplete until all application fees and escrow deposits are submitted. Fees and escrow shall be submitted as separate checks, payable to the City of Hoboken, in the amounts indicated on the fee schedule. Where more than one fee category applies, the fee shall equal the combined total of fees required for each type of application.

§ 44-28306. Hearings.

- A. Rules. The ~~municipal agency~~ Planning Board and Zoning Board of Adjustment shall make rules governing the conduct of hearings before such bodies, which rules shall not be inconsistent with the provisions of N.J.S.A. 40:55D-1, et seq. or of this chapter.
- B. Oaths. The officer presiding at the hearing or such person as he or she may designate shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law, ~~P.L. 1953, c. 38~~ (N.J.S.A. 2A:67A-1, et seq.), shall apply.
- C. Testimony. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
- D. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the municipal agency may exclude irrelevant, immaterial or unduly repetitious evidence.
- E. Records. Each ~~municipal agency~~ Board shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means. The municipal agency shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his or her expense. All transcripts shall be certified in writing by the transcriber to be accurate.

§ 44-29307. Notice ~~r~~Requirements for ~~h~~Hearing.

Whenever notice is required on an application for development pursuant to N.J.S.A. 40:55D-1, et seq. or pursuant to the determination of the municipal agency in question, the applicant shall give notice thereof as follows:

- A. Public notice shall be given by publication in the official newspapers s of the municipality, ~~if there is one, or in a newspaper of general circulation in the municipality~~ at least 10 days prior to the date of the hearing. for the following applications for development:

- (1) [Any request for a variance from the requirements of Chapter 196, Zoning.](#)
 - (2) [Any request for conditional use approval.](#)
 - (3) [Any request for minor site plan approval or preliminary approval of a major site plan.](#)
 - (4) [Any request for a minor subdivision approval.](#)
 - (5) [Any request for preliminary approval of a major subdivision.](#)
 - (6) [Any request for the issuance of a permit to build within the bed of a mapped street, public drainage-way, flood control basin or public area reserved on the Official Map, or in a lot not abutting a street.](#)
- B. Notice shall be given to the owners of all real property as shown on the current tax duplicate or duplicates located within 200 feet in all directions of the property which is the subject of such hearing and whether located within or without the municipality in which the applicant's land is located. Such notice shall be given by serving a copy thereof on the owner as shown on said current tax duplicate or his/[her/their](#) agent in charge of the property; or by mailing a copy thereof, by certified mail, to the property owner at his/[her/their](#) address as shown on said current tax duplicate. A return receipt is not required. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its President, a Vice President, Secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. [Notice to a limited liability company may be made by service upon any member thereof.](#)
- C. Notice of all hearings on applications for development involving property located within 200 feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of such municipality, which notice shall be in addition to the notice required to be given pursuant to Subsection B of this section to the owners of lands in such adjoining municipality which are located within 200 feet of the subject premises.
- D. Notice shall be given by personal service or certified mail to the [Hudson](#) County Planning Board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown on the Official County Map or on the County Master Plan adjoining other county land or situated within 200 feet of a municipal boundary.
- E. Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a state highway.
- F. Notice shall be given by personal service or certified mail to the State Planning Commission of hearing on an application for development of property which exceeds 150 acres or 500 dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the municipal agency, [pursuant to N.J.S.A. 40:55D-10.](#)
- G. All notices hereinabove specified in this section shall be given at least 10 days prior to the date fixed for a hearing, and the applicant shall file an affidavit of proof of service with the ~~municipal agency~~ [Board](#) holding the hearing on the application for development at least one [business](#) day before the [date of the](#) hearing. [Notice pursuant to subsections C, D, E and F of this section shall not be deemed to be required unless public notice pursuant to N.J.S.A. 40:55D-12a and b is required.](#)
- H. Any notice made by certified mail as hereinabove required shall be deemed to be completed upon mailing in accordance with the provisions of N.J.S.A. 40:55D-14.
- I. Form of notice. All notices required to be given pursuant to the terms of this chapter shall state the particular municipal agency before which the hearing is to be held, the date, time and place of the hearing, the nature of the matters to be considered, including a general description of the development, the developmental approval and each variance sought, and identification of the property proposed for development by street address, if any, and by reference to lot and block numbers as shown on the

current tax duplicate in the Municipal Tax Assessor's office and the location and times at which any maps and documents for which approval is sought are available as required by law.

- J. ~~Applications before the Historic Preservation Commission shall not require notice unless requested by the Commission.~~ [Deleted pursuant to Historic Preservation Ord. Z-196 adopted 08/15/2012.]

§ 44-30308. List of pProperty eOwners fFurnished.

Pursuant to the provisions of N.J.S.A. 40:55D-12c, the Board Secretary shall, within seven (7) days after receipt of a request therefor and upon receipt of payment of a fee of \$10, make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to § 44-29307B.

§ 44-34309. Decisions.

- A. ~~Each decision on any application for development shall be set forth, in writing, as a resolution of the municipal agency which will include findings of fact and legal conclusions based thereon.~~ The Planning Board and the Zoning Board of Adjustment shall include findings of fact and conclusions based thereon in each decision on any application for development and shall reduce the decision to writing.
- B. The ~~municipal agency~~ reviewing Board shall provide the findings and conclusions through a resolution adopted at a meeting held within the time period provided ~~in the Act~~ pursuant to N.J.S.A. 40:55D-1, et seq. for action by the ~~municipal agency Board~~ Board on the application for development or a memorializing resolution adopted at a meeting held not later than 45 days after the date of the meeting at which the municipal agency voted to grant or deny approval.
- C. Only the members of the ~~municipal agency~~ reviewing Board who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution. An action pursuant to this section, ~~Section 5 of the Act (N.J.S.A. 40:55D-9)~~, resulting from the failure of a motion to approve an application, shall be memorialized by resolution as provided above, with those members voting against the motion for approval being the members eligible to vote on the memorializing resolution. The vote on any such resolution shall be deemed to be a memorialization of the action of the ~~municipal agency Board~~ Board; and ~~not to be an action of the municipal agency~~; however, the date of the adoption of the resolution shall constitute the date of the decision for purposes of the mailings, filings and publications required by ~~Subdivisions h and i of N.J.S.A. 40:55D-10~~ § 44-309E and § 44-310.
- D. If the ~~municipal agency Board~~ Board fails to adopt a resolution or memorializing resolution as hereinabove specified, any interested party may apply to the Superior Court in a summary manner for an order compelling the ~~municipal agency Board~~ Board to reduce its findings and conclusions to writing within a stated time, and the cost of the application, including attorney's fees, shall be assessed against the municipality.
- E. A copy of the decision shall be mailed by the ~~municipal agency Board~~ Board within 10 days of the date of decision to the applicant or, if represented, then to his or her attorney, without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee prescribed by the ~~municipal agency Board~~ Board for such service. A copy of the decision shall also be filed in the office of the ~~Zoning Officer~~ Planning Board or Board of Adjustment, who shall make a copy of such filed decision available to any interested party upon payment of a fee calculated in the same manner as those established for copies of other public documents in the municipality.
- F. Whenever review of approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.3, in the case of a subdivision, or N.J.S.A. 40:27-6.6, in the case of a site plan, the Planning Board of Board of Adjustment shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.

§ 44-32310. Publication of dDecision.

A brief notice of the decision shall be published within 10 days of the date of the decision in the official newspapers of the municipality, if there is one, or in a newspaper of general circulation in the municipality. Such publication shall be arranged by the applicant. Proof of publication shall be filed with the Secretary of the municipal agency Board immediately following the same.

§ 44-33311. Payment of Taxes.

Pursuant to the provisions of N.J.S.A. 40:55D-39 and N.J.S.A. 40:55D-65, every application for development submitted to the municipal agency Planning Board or Zoning Board of Adjustment shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application or, if it is shown that taxes or assessments are delinquent on said property, any approvals or other relief granted by either Board shall be conditioned upon either the prompt payment of such taxes or assessments or the making of adequate provision for the payment thereof in such manner that the municipality will be adequately protected.

§ 44-312. Dismissal of Inactive Applications.

- A. Applications that have not been deemed complete within six months of the submission date will be dismissed without prejudice.
- B. Applications that have been deemed complete shall be scheduled for a hearing before the appropriate board within the time of action stated in the Municipal Land Use Law. If an applicant fails to appear when scheduled before a board and the time for action pursuant to the Municipal Land Use Law will expire before the next regularly scheduled Planning Board of Board of Adjustment meeting, the application will be dismissed without prejudice.
- C. Extensions on the time for action may be granted for no more than one year from the required time for action, after which the application will be dismissed without prejudice.

Article IV. Appeals

~~§ 44-34. Appeals from decisions of Zoning Board of Adjustment.~~

~~Any appeal from the final decision of the Board of Adjustment approving a D-variance may be taken to the governing body in accordance with N.J.S.A. 40:55D-17. The governing body may reverse, remand or affirm, with or without the imposition of conditions, the final decision of the Board of Adjustment approving such variance. The review shall be made on the record before the Board of Adjustment. The affirmative vote of a majority of the full authorized membership of the governing body shall be necessary to reverse, remand or affirm, with or without conditions, any final action of the Board of Adjustment. Any appeal to the governing body shall stay all proceedings in furtherance of the action in respect to which the decision was made, unless the Board certifies to the governing body, after filing of the notice of appeal, that by reason of facts stated in a certificate a stay would cause imminent peril to life or property. In such case, there shall be no stay other than by order of the Superior Court on application upon notice to the Board.~~

Article IV. [Reserved]

Article V. [Reserved]

[NOTE: Article V, Historic Preservation Commission is already deleted pursuant to adoption of Ordinance No. Z-196 on 08/15/2012. Article V should be held in reserve should the city wish to establish an Environmental Commission or a Construction Board of Appeals.]

Article VI. Miscellaneous Provisions

§ 44-47601. Definitions.

Whenever a term is used in this chapter which is defined in ~~P.L. 1975, c. 291~~ [the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq. or in Chapter 196, Zoning, of the Code of the City of Hoboken](#), such term is intended to have the meaning set forth in the definition of such term found in said statute, unless a contrary intention is clearly expressed from the context of this chapter. [The term "administrative officer" for all purposes under the Municipal Land Use Law and under this chapter shall mean the Secretary of the Planning Board or the Secretary of the Zoning Board of Adjustment, as the case may be, unless another official is specified herein.](#)

§ 44-48~~602~~. Repealer[Interpretation.](#)

~~All sections of the Land Subdivision Ordinance, Zoning Ordinance, Site Plan Review Ordinance or any other ordinance of the City of Hoboken which contains provisions contrary to the provisions of this chapter shall be and are hereby, to the extent of such inconsistency, repealed.~~

[This chapter shall be read and interpreted in pari materia with the Municipal Land Use Law, N.J.S.A. 40:55d-1, et seq. as amended, the Zoning Ordinance of the City of Hoboken \(Chapter 196\), and the Subdivision of Land Ordinance of the City of Hoboken \(Chapter 34\), as amended.](#)

§ 44-49. ~~Provisions continued.~~

~~The substantive provisions of the existing Land Subdivision Ordinance adopted April 1, 1959, and the Zoning Ordinance of the City of Hoboken adopted August 1979 and the development regulations set forth therein shall continued in full force and effect.~~

§ 44-50~~603~~. Pending a[Applications.](#)

All applications for development filed prior to the effective date of this chapter may be continued [under the provisions of the prior statute](#), but any appeals arising out of decisions made on any such application shall be governed by the provisions of ~~Article IV~~ [§ 44-213](#) of this chapter.

§ 44-51. ~~Title.~~

~~This chapter shall be known and may be cited as the "Land Use Procedures Ordinance of the City of Hoboken."~~

§ 44-52~~604~~. Copy to be filed with County Planning Board[Filing of Copy.](#)

Immediately upon adoption of this chapter, the Municipal Clerk shall file a copy of this chapter with the [Hudson](#) County Planning Board, as required by law. The Clerk shall also file with said [Hudson](#) County Planning Board copies of all other ordinances of the municipality relating to land use, ~~such as the Subdivision Ordinance~~[which have heretofore not been filed.](#)

§ 44-53. ~~Interpretation.~~

~~This chapter shall be read and interpreted in pari materia with the Municipal Land Use Law, as amended, P.L. 1975, c. 291, the Zoning Ordinance of the City of Hoboken, adopted August 1979, and the Land Subdivision Ordinance of the City of Hoboken, approved April 1, 1959, as amended. Immediately upon adoption of this amended chapter, the Municipal Clerk shall file a copy of this amended chapter with the County Planning Board as required by law.~~

§ 44-54. ~~When effective.~~

~~This chapter shall take effect on final adoption and publication according to law.~~

SECTION TWO: ADDITIONAL AMENDMENTS

The following Chapters and Sections of the Municipal Code of the City of Hoboken are hereby amended, for consistency with Chapter 44 (as amended); deletions to the current ordinance are noted in ~~strikethrough~~, additions to the current ordinance are noted in underline.

Chapter 34A, "Development Application Checklists" shall be deleted in its entirety.

Chapter 196, ZONING

Article XIV. Zoning Board of Adjustment

~~§ 196-54. Establishment, membership and organization.~~

~~A. Establishment. The Zoning Board of Adjustment shall be continued pursuant to the requirements of Article II of the Land Use Procedures Ordinance of the City of Hoboken. *Editor's Note: See Ch. 44, Land Use Procedures.*~~

~~B. Membership.~~

~~[Amended 1-20-2010 by Ord. No. Z-26]~~

~~(1) The Zoning Board of Adjustment shall consist of seven members appointed by the City Council, subject to the conditions set forth in § 44-11 of the Hoboken City Code and N.J.S.A. 40:55D-69 et seq., concerning length of members' terms, ineligibility of those holding elective or appointive municipal office, exclusion from voting of members having any personal interest, directly or indirectly, in the issue under consideration and other items concerning members' appointment, tenure and conduct.~~

~~(2) The Zoning Board of Adjustment shall include four alternate members appointed by the City Council, subject to the conditions set forth in § 44-11 and N.J.S.A. 40:55D-69 et seq., concerning length of members' terms, ineligibility of those holding elective or appointive municipal office, exclusion from voting by members having any personal interest, directly or indirectly, in the issue under consideration, and other items concerning members' appointment, tenure and conduct.~~

~~C. Organization. The Zoning Board of Adjustment shall elect a Chairman and Vice Chairman from among its members and select a Secretary who may or may not be a member of the Board or a municipal employee.~~

~~§ 196-55. Powers and responsibilities.~~

~~A. Powers. The Zoning Board of Adjustment shall have the powers accorded to it in accordance with N.J.S.A. 40:55D-69 et seq., of the New Jersey Statutes as set forth in Article II of the Land Use Procedures Ordinance of the City of Hoboken *Editor's Note: See Ch. 44, Land Use Procedures.* as follows:~~

~~(1) Hear and decide appeals where it is alleged by the appellant that there is any order, requirement, decision or refusal made by the Zoning Officer or other administrative agency based on or made in the enforcement of the Zoning Ordinance.~~

~~(2) Hear and decide in accordance with the provisions of the Zoning Ordinance requests for interpretation of the Zoning Map or Ordinance or for decisions upon other special questions upon which such Board is authorized to pass by this ordinance.~~

~~(3) Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or by reason of other extraordinary or exceptional situations uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of this section would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property, grant, upon an application or appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship. Where in an application or appeal relating to a specific piece of property the purposes of this act would be advanced by a deviance from the requirements of this section and the benefits of such deviation would substantially outweigh any~~

detriment, a variance may be granted to allow departure from the strict interpretation of the regulations of this section. The foregoing is subject to the provision that no variance to permit those departures enumerated in Subsection B of this section shall be granted under this subsection, and provided further that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the planning Board has power to review a request for a variance pursuant to the requirements of the Land Use Procedures Ordinance. *Editor's Note: See Ch. 44, Land Use Procedures.*

[Amended 6-21-1989 by Ord. No. P-58]

(4) Grant a variance in particular cases and for special reasons to allow a structure or use in a district restricted against such structure or use, but only by affirmative vote of at least 2/3 of the full authorized membership of the Zoning Board of Adjustment.

B. Responsibilities and limitations.

(1) No variance or other relief may be granted under the terms of this subsection, unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the land use plan and Zoning Ordinance.

(2) On such matters as have not previously been reviewed by the Planning Board, the Zoning Board of Adjustment shall, at least 45 days before the required public hearing of any appeal or application, transmit a copy of such appeal or application to the Planning Board, together with a copy of the notice of such hearing so that the Planning Board may review and submit a report of its opinion prior to the date of such hearing. Planning Board failure to submit such report shall be considered approval of the application or appeal.

(3) The Zoning Board of Adjustment shall prepare an annual report on variances in accordance with the requirements of N.J.S.A. 40:55D-70.1, as specified in Article 9 of the Municipal Land Use Law.

[Added 6-21-1989 by Ord. No. P-58]

§ 196-56. Procedure.

A. Appeals from the Zoning Enforcement Officer. Appeals to the Zoning Board of Adjustment may be taken by any interested party affected by any decision of the Zoning Enforcement Officer of the City based on or made in the enforcement of this chapter or official map. Such appeal shall be taken within 20 days by filing a notice of appeal with the Zoning Enforcement Officer specifying the grounds of such appeal. The Zoning Enforcement Officer shall immediately transmit to the Zoning Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

[Amended 6-29-1994 by Ord. No. R-58]

B. Application for development.

(1) A developer may file an application for development with the Zoning Board of Adjustment for action under any of its powers without prior application to the Zoning Enforcement Officer.

(2) If an application for development is filed with the Zoning Board of Adjustment, whether or not an appeal from a decision of the Zoning Enforcement Officer is also taken, the applicant shall submit three copies of his completed application to the Secretary of the Zoning Board of Adjustment. The time for the Board's review shall not begin to run until the submission of a complete application with the required fee. Unless the applicant is informed in writing by the Secretary of the Zoning Board of Adjustment within 45 days of the actual submission of the application that it is incomplete, said application shall be deemed complete as of the date it was submitted.

(3) A complete application for development under this article shall consist of the following:

(a) A properly completed variance information application form.

(b) The required fee, as per § 196-63 of this chapter.

~~(c) If subdivision and/or site plan and/or conditional use approval is also sought as part of an application for a variance pursuant to this chapter, the applicant shall also include the information and documents required pursuant to the provisions of the Land Use Procedures Ordinance.~~

~~(4) The Secretary of the Zoning Board of Adjustment shall distribute the application for review and report and, where required, approval as follows:~~

~~(a) The Zoning Board of Adjustment.~~

~~(b) The Planning Board.~~

~~(c) The City Engineer.~~

§ 196-57. Time for decision.

~~The Zoning Board of Adjustment shall render a decision not later than 120 days after the date that an appeal is taken from the decision of the Zoning Enforcement Officer or the submission of a complete application for development to the Zoning Board of Adjustment pursuant to the requirements of this article. Failure of the Board to render a decision within such one-hundred-twenty-day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.~~

§ 196-58. Other powers and duties.

~~All other powers and duties of the Zoning Board of Adjustment not specifically designated in this article shall be as set forth in the Land Use Procedures Ordinance. *Editor's Note: See Ch. 44, Land Use Procedures.*~~

§ 196-63. Application and escrow fees.

[Amended 6-21-1989 by Ord. No. P-58; 3-20-1991 by Ord. No. P-136; 5-1-2002 by Ord. No. DR-36; 5-7-2003 by Ord. No. DR-90; 6-18-2008 by Ord. No. DR-357; 9-1-2010 by Ord. No. Z-53]

Action Requested	Project Type	Project Size	Application Fee	Escrow Fee
Site Plan, PUD, Conditional Use Approval				
Minor site plan [per § 196-26A(1)(b)]\				
	Residential	3-9 dwelling units	\$500	\$5,000
	Nonresidential	3,000-4,999 square feet	\$500	\$5,000
	Other	per § 196-26	\$500	\$5,000
Preliminary site plan, PUD, conditional use				
	Residential	10+ dwelling units	\$750 plus \$50/dwelling unit	\$10,000 plus \$100/dwelling unit
	Nonresidential	under	\$750	\$5,000

Action Requested	Project Type	Project Size	Application Fee	Escrow Fee
		5,000 square feet		
	Nonresidential	5,000-9,999 square feet	\$1,000 plus \$50/1,000 square feet	\$7,500
	Nonresidential	10,000-24,999 square feet	\$1,500 plus \$50/1,000 square feet	\$10,000
	Nonresidential	25,000 square feet and over	\$2,000 plus \$50/1,000 square feet	\$15,000
Final site plan	All	All	50% of preliminary	50% of preliminary
Amendment or extension of preliminary or final site plan or conditional use approval	All	All	\$500	\$2,500
Appeals, Interpretations, Variances				
Appeals, per N.J.S.A. 40:55D-70a	All	All	\$300	\$1,000
Interpretations, per N.J.S.A. 40:55D-70b	All	All	\$300	\$1,000
Hardship variance, per N.J.S.A. 40:55D-70c	All	All	\$300 for first \$150 for each additional	\$1,000 if NOT part of site plan \$3,000 if part of site plan
Use variance, per N.J.S.A. 40:55D-70d	All	All	\$500 for first \$250 for each additional	\$1,000 if NOT part of site plan \$3,000 if part of site plan
Other Fees				
Special meeting request	All	All	\$1,000	None
Informal or concept review	All	All	\$400	500

Action Requested	Project Type	Project Size	Application Fee	Escrow Fee
Redevelopment plan amendment	All	All	\$2,500	\$5,000
Zoning Review				
	Residential	1-4 dwelling units	\$100	None
	Residential	5+ dwelling units	\$100 plus \$25/dwelling unit over 4	None
	Nonresidential	under 5,000 square feet	\$100	None
	Nonresidential	5,000-9,999 square feet	\$200	None
	Nonresidential	10,000-49,999 square feet	\$400	None
	Nonresidential	50,000 square feet and over	\$500	None
Historic Preservation Review				
	Residential	1-4 dwelling units	\$50 \$35/dwelling unit	None
	Residential	5+ dwelling units	\$50/1,000 square feet	None
	Nonresidential	All		None
Subdivision	Minor or major	All	\$5/lot	None

SECTION THREE: 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 FOUR: 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 FIVE: EFFECTIVE DATE

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

SECTION SIX: 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: March 20, 2013

Approved:

Approved as to Legal Form:

 Quentin Wiest, Business Administrator

 Mellissa Longo, Interim Corporation Counsel

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

Councilman Russo				
President Cunningham				

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

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

James Farina, City Clerk

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

Dawn Zimmer, Mayor

-or-

Vetoed by the Mayor for the following reasons:

CITY OF HOBOKEN

Department of Community Development

DAWN ZIMMER
Mayor



BRANDY FORBES
Director

MEMORANDUM

DATE: March 14, 2013

TO: Hoboken City Council

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

FROM: Brandy Forbes, Community Development Director *BF*

RE: An Ordinance Amending Chapter §44 (Land Use Procedures) Updating and Consolidating the Processes and Procedures for Land Use Boards – On for Reintroduction

At the February 20, 2013 City Council meeting, the above noted ordinance was introduced. The Planning Board did review the proposed revisions to the ordinance and had one recommendation (see enclosed Planning Board resolution dated March 5, 2013). As well, a correction was noticed regarding the start of the review time clock. Corporation Counsel's office reviewed these two changes and has determined that both are substantive in nature. The Council subcommittee reviewing the ordinance agreed to make the recommended revisions and have the revised ordinance on for introduction at the March 20, 2013 City Council meeting. The substantive changes noted above are highlighted on the ordinance in your packets so you can easily see the language that has changed from the prior introduced ordinance.

This memo is to provide a reminder as to the purpose of this amendment and perhaps address some of the questions you may have regarding the ordinance.

Chapter 44 is the administrative chapter for the land use boards; Planning Board and Board of Adjustment. The chapter establishes the boards and officially adopts standards and procedures, as set forth by the New Jersey Municipal Land Use Law (MLUL). This amendment is a comprehensive update to Chapter 44 Land Use Procedures, making the chapter more concise and user friendly, and consolidating all Planning Board and Zoning Board of Adjustment processes and procedures into a single location within the code. The ordinance corrects inconsistencies and cleans up changes that have occurred over the years to assure that the content of the chapter properly reflects the MLUL and the Master Plan of the City of Hoboken.

This chapter will pull together, in one place, all administrative and procedural items related to the Planning Board and Zoning Board of Adjustment. Having all related information in one place makes the code easier for residents to use and understand. Here are some of the key components to the ordinance amendment:

- This amendment does not convey any additional powers to the boards that are not statutorily set forth in the MLUL.
- The make-up of regular and alternate members on each board remains the same as amended by the City Council in 2009. The Council is the appointing authority for the Board of Adjustments and the Mayor is for the Planning Board.
- The fee and escrow structure remains the same as amended by the City Council in 2010.
- Currently, establishment and administration of the Board of Adjustment can be found in both chapters 44 and 196 (Zoning Code). There is no reason for the Board of Adjustment to appear in chapter 196. This amendment removes the board section from the Zoning Code, and consolidates all elements of the board's administration to chapter 44. By doing this we eliminate redundancy and some inconsistencies in the code.
- The current section concerning appeals (Article IV) is retained but relocated as a subsection of Article II Zoning Board of Adjustment. The appeals addressed in this section are those appeals of a Board of Adjustment decision to the City Council. This appeal process does not apply to decisions of the Planning Board; therefore it was moved from the general chapter to the Board of Adjustment section.
- The Planning Board and Zoning Board of Adjustment sections mirror each other in format, with consistent language used from one to the other where appropriate.
- Several redundancies from the Planning Board and Zoning Board of Adjustment sections have been eliminated by amending the "Provisions Applicable to Both" section. Such matters as meetings, minutes, application procedures, fees and escrow, hearings, notice requirements, decisions, publication of decisions, and dismissal of inactive applications, which are common to both boards are spelled out here to assure consistency of administrative procedures.
- The other key element to this amendment is the introduction of a new application and checklists. The checklists have been split up into application types; subdivision, site plan, variances and conditional use. By making the checklists type specific, the applicant has a more focused list of requirements to meet and documents to provide when filing an application; and eliminates documents that are unnecessary. The application has been converted to an electronic form that can be filled out on line; it has also been reduced from 14 pages to 6 by eliminating redundancy.
- The chapter, application and checklists have already been reviewed by the Planning Board Planner, Engineer and Attorney who enthusiastically support their adoption.

Please email me at bforbes@hobokennj.org and copy Business Administrator Wiest at qwiest@hobokennj.org with any additional questions regarding the proposed ordinance amendment.

**RESOLUTION OF RECOMMENDATION TO THE GOVERNING BODY FOR
AN ORDINANCE TO AMEND, SUPPLEMENT, AND REVISE CHAPTER 44
LAND USE PROCEDURES UPDATING AND CONSOLIDATING THE
PROCESSES AND PROCEDURES FOR LAND USE BOARDS**

WHEREAS, in accordance with N.J.S.A. 40:55D-62(a), the Governing Body is required to submit ordinances to the Planning Board for review and comment; and

WHEREAS, the City of Hoboken is seeking to comprehensively update and amend Chapter 44 Land Use Procedures, making the chapter more concise and user friendly; and

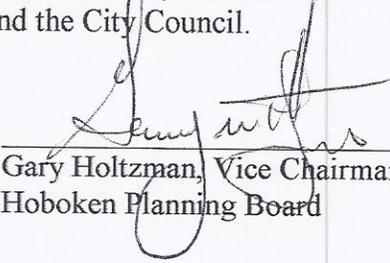
WHEREAS, the governing body agreed to the consolidation of all Planning Board and Zoning Board of Adjustment processes and procedures into a single location within the code; and

WHEREAS, the governing body is seeking to correct any inconsistencies in the Ordinance to assure that the content of the chapter properly reflects the Municipal Land Use Law and the Master Plan of the City of Hoboken; and

WHEREAS, on March 5, 2013, the Planning Board held a public hearing and discussed the amendments to Chapter 44; and

NOW, THEREFORE BE IT RESOLVED, the Board recommends adoption of Chapter 44 Land Use Procedures updating and consolidating the processes and procedures for land use Boards; but recommends that Section 107(a) be modified to add at the end of the last sentence after the word secretary of the Board, "in consultation with the Board's professionals and the applicable municipal commissions;" and

NOW, THEREFORE BE IT FURTHER RESOLVED, that this resolution be forwarded to the Honorable Mayor Dawn Zimmer and the City Council.

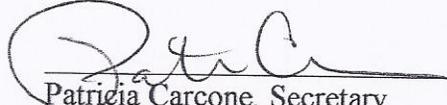


Gary Holtzman, Vice Chairman
Hoboken Planning Board

3/8/13

CERTIFICATION

I hereby certify this to be a true and accurate copy of the resolution adopted by the Hoboken Planning Board, Hudson County, New Jersey, at a public meeting held on March 5, 2013.


Patricia Carcone, Secretary
Hoboken Planning Board

The vote on the motion
to approve this application
was as follows:

The vote on the resolution to
approve this memorialization
was as follows:

Yes:

Yes: 9

No:

No: 0

Absent:

Absent: 2

Sponsored by: Castellano

Seconded by: _____

**CITY OF HOBOKEN
ORDINANCE NO.: _____**

**AN ORDINANCE TO AMEND PORTIONS OF CHAPTER 93
TITLED “DOGS AND OTHER ANIMALS,”
SPECIFICALLY SECTION 93-1, SECTION 93-15
AND SECTION 93-17**

WHEREAS, Chapter 93 of the Administrative Code of the City of Hoboken titled “Dogs and Other Animals” currently addresses issues regarding animals in the City of Hoboken, including, but not limited to, licensing of dogs, kennels and pet shops; and

WHEREAS, the City Council wishes to ban the retail sale of dogs and cats within the City of Hoboken in the future;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hoboken that Sections 93-1, 93-15 and 93-17 of Chapter 93 of the Administrative Code of the City of Hoboken shall be amended as follows (additions noted in underline; ~~deletions~~—noted in ~~striketrough~~):

SECTION ONE: AMENDMENTS

§ 93-1. Definitions

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

AUTHORIZED AGENT

A Sanitary Inspector First Grade or a Public Health Nuisance Investigator of the Hoboken Board of Health.

DOG

Any dog, bitch or spayed bitch.

DOG OF LICENSING AGE

Any dog which has attained the age of seven months or which possesses a set of permanent teeth.

GUIDE DOG

Any dog certified to serve and aid those members of our nation who suffer from a verified disability, and are at the time serving or aiding a person with a verified disability.

HEALTH OFFICER

The legally designated Health Officer of the City of Hoboken or his authorized representative.

KENNEL

Any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.

KENNEL OPERATOR

A person who owns and/or operates a kennel.

LEGALLY-EXISTING NONCONFORMING USE

Any pet shop wherein dogs or cats for sale are kept or displayed, any kennel where the business of boarding, selling or breeding dogs for sale is carried on, any pet shop operator and any kennel operator in the City of Hoboken prior to the effective date of this ordinance. A legally-existing nonconforming use does not include any pet shop, pet shop operator, kennel or kennel operator whose license issued in accordance with § 93-7 is subsequently revoked.

OWNER (WHEN APPLIED TO THE PROPRIETORSHIP OF A DOG)

Includes every person having a right of property in such dog and every person who has such dog in his keeping.

PET GROOMING SHOP

Any room or group of rooms wherein dogs, cats or other animals are washed, cleaned or groomed.

PET SHOP

Any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein dogs, cats, birds, fish, reptiles, lawful wildlife, rodents or insects for sale are kept or displayed. Any person who sells, exchanges or otherwise transfers only animals that were bred and reared on the premises owned by the person shall be considered a breeder and not a pet shop.

PET SHOP OPERATOR

A person who owns and/or operates a pet shop.

POUND

An establishment for the confinement of dogs seized either under the provisions of this chapter or otherwise.

RULE OR ORDER

Directive of the Health Officer.

SHELTER

Any establishment where dogs are received, housed and distributed without charge.

§ 93-15. ~~(Reserved)~~ Prohibited acts, exceptions.

No pet shop, pet shop operator, kennel or kennel operator shall sell, offer for sale, barter, auction, breed or otherwise improperly dispose of cats or dogs, or both, in the City of Hoboken. This section shall not apply to legally-existing nonconforming uses or to the adoption of cats or dogs, or both. Nothing contained herein shall prohibit a shelter, pound or other establishment from keeping, displaying, selling or otherwise transferring any cat or dog, or both, that has been seized, rescued or donated.

§ 93-17. Violations and penalties.

- A. Any person who shall violate any provision of this chapter shall, upon conviction, be punished by:
 - (1) A fine of not more than \$1,000, except with respect to a violation of § 93-16, which shall have a minimum fine of \$100 and a maximum fine of \$2,000; and/or;
 - (2) Community service for a period not more than 90 days or imprisonment for a term not exceeding 90 days.
- B. Each day's failure to comply with any provision, rule or other, except violations of § 93-16, shall constitute a separate and distinct offense.
- C. Each violation of § 93-16, regardless of the number of violations in any given day, shall constitute a separate and distinct offense.
- D. The names of those individuals convicted of violating § 93-16 shall be publicized by prominently placing their names, along with the date and location of the violation, and any other information deemed relevant by the City, on the website operated by the City of Hoboken, www.hobokennj.org, for a period of not less than two months following the date of conviction. This provision does not preclude the City from taking other steps as necessary to increase public awareness of violations of § 93-16.
- E. Any person who is convicted of violating any provision of Chapter 93 of the Code of the City of Hoboken, within one year of the date of a previous violation of that same provision, and who was fined for the previous violation, shall be sentenced to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum nor shall it exceed the maximum fine fixed for a violation of the chapter, but shall be calculated separately from the fine imposed for the violation of the chapter, as provided for by N.J.S.A. 40:69A-29.

- F. The violation of one of more provisions of § 93-15 shall be subject to abatement summarily by a restraining order or by an injunction issued by a court of competent jurisdiction.

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 part of ordinances now existing or in effect unless the same being conflict or are inconsistent with any provision of this Ordinance shall remain in effect.

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

Date of Introduction: April 3, 2013

Introduction:

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

Tim Occhipinti				
Michael Russo				
President Peter Cunningham				

Final Reading:

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

Approved as to Legal Form:

Mellissa L. Longo, Corporation Counsel

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

James Farina, City Clerk

Vetoed by the Mayor for the following reasons: _____

-or-

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

Dawn Zimmer, Mayor

Sponsored by: _____

Seconded by: _____

CITY OF HOBOKEN, NEW JERSEY

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53(h) TO FUND THE COSTS ASSOCIATED WITH THE PAYMENT OF CERTAIN CONTRACTUALLY REQUIRED SEVERANCE LIABILITIES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY

BACKGROUND

WHEREAS, the City of Hoboken, County of Hudson, New Jersey ("City") has accrued contractually required severance liabilities due and payable to certain employees of the City resulting from the retirement and/or the layoff of such employees during the 2013 fiscal year of the City; and

WHEREAS, the New Jersey Local Budget Law (N.J.S.A. 40A:4-1 et seq.) ("Local Budget Law") and, in particular Section 53(h) thereof (N.J.S.A. 40A:3-54(h)), permits local units, including the City, to adopt ordinances authorizing special emergency appropriations to fund the costs of contractually required severance liabilities resulting from the layoff or retirement of employees of such local unit; and

WHEREAS, the City has determined to fund the costs of the accrued liabilities of those employees retiring or being laid off during fiscal year 2013 through the creation of a special emergency appropriation pursuant to and in accordance with the Local Budget Law; and

WHEREAS, the amount to be appropriated by the City for the purposes described above is \$1,500,000.00; and

WHEREAS, it is the desire of the City Council to adopt this ordinance to create said special emergency appropriation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY (NOT LESS THAN TWO—THIRDS OF THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING), PURSUANT TO LOCAL BUDGET LAW, AS FOLLOWS:

Section 1. There is hereby appropriated, pursuant to N.J.S.A. 40A:4-53(h), the sum of \$1,500,000.00 for the purpose of paying the contractually required severance liabilities due and owing to those employees of the City retiring or being laid off during fiscal year 2013 as further

described in the preambles of this ordinance.

Section 2. The appropriation of said \$1,500,000.00 for the payment of such contractually required severance liabilities of this ordinance shall be deemed a special emergency appropriation as defined, and provided for, in N.J.S.A. 40A:4-53(h).

Section 3. Said emergency appropriation shall be financed from surplus funds currently available or from borrowed funds, pursuant to N.J.S.A. 40A:4-55; provided, however at least one-fifth (1/5th) of said amount shall be included in each succeeding annual budget until the appropriation has been fully provided for.

Section 4. A certified copy of this ordinance as finally adopted shall be filed by the City Clerk with the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs.

Section 5. All ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6. This ordinance shall take effect immediately upon final adoption in accordance with applicable law.

Date of Introduction: April 3, 2013

Introduction:

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

Final Reading:

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

President Peter Cunningham				
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Approved as to Legal Form:

Vetoed by the Mayor for the following reasons: _____

 Mellissa L. Longo, Corporation Counsel

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

-or-

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

 James Farina, City Clerk

 Dawn Zimmer, Mayor

Statement to be Published After Introduction

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53(h) TO FUND THE COSTS ASSOCIATED WITH THE PAYMENT OF CERTAIN CONTRACTUALLY REQUIRED SEVERANCE LIABILITIES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY

Public notice is hereby given that the foregoing ordinance was introduced and passed on first reading at the City Council meeting of the City of Hoboken, County of Hudson, New Jersey, held on April 3, 2013. Further notice is given that said Ordinance will be considered for final passage and adoption, after a public hearing thereon at a meeting of the City Council of the City Council to be held at 94 Washington Street, Hoboken, New Jersey 07030 on _____, 2013 at _____m. The foregoing ordinance authorizes certain special emergency appropriations in and for the City of Hoboken pursuant to N.J.S.A. 40A:4-53(b). Prior to and up to and including the date of said meeting, copies of said ordinance will be made available at the City Clerk's Office for members of the general public to request the same.

**James J. Farina, RMC,
City Clerk**

Statement to be Published After Final Adoption

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53(h) TO FUND THE COSTS ASSOCIATED WITH THE PAYMENT OF CERTAIN CONTRACTUALLY REQUIRED SEVERANCE LIABILITIES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY

The ordinance published herewith has been finally adopted by the City Council of the City of Hoboken, County of Hudson, New Jersey, on _____, 2013.

**James J. Farina, RMC,
City Clerk**