



CITY OF HOBOKEN
Department of Finance
Division of Tax Collection
SHARON CURRAN
Tax Collector

January 10, 2013

Dear Mayor and Council members:

Enclosed is the Tax Collector's Annual Report from January 1, 2012 to December 31, 2012.

Attached is a final totals report of delinquent property taxes with a balance as of December 31, 2012, a list of Municipal Liens eligible for In Rem Foreclosure and a certified copy of the 2012 Tax Rate.

On April 20, 2012 we held a Tax Sale which included taxes, Abatement charges and North Hudson Sewerage charges. 122 liens were sold to third party lien holders. We collected \$195,108.20 in taxes interest abatements and tax sale costs. We also collected \$86,916.70 for North Hudson Sewerage Authority and \$519,900.00 in premiums.

In closing, I am grateful for the experience of working with the citizens of the City of Hoboken, and I appreciate all of the courtesies shown to the Tax Collector's office.

Respectfully yours,

Sharon Curran
Tax Collector
City of Hoboken

OFFICE OF THE TAX COLLECTOR

ANNUAL SUMMARY OF COLLECTIONS DURING JANUARY 1, 2012 THROUGH DECEMBER 31, 2012

JANUARY 10, 2012

2013 Taxes 1-2 Quarters...	818,933.75	
2013 Taxes 3-4 Quarters...	3,249.64	
2013 Added Assessment Tax...	28,717.87	
Total Taxes Collected 2013		850,901.26
2012 Taxes 1-2 Quarters....	66,730,125.40	
2012 Taxes 3-4 Quarters...	71,752,523.64	
2012 Added Assessment Tax....	2,499,999.86	
Total Taxes Collected 2012		140,982,648.90
2011 Taxes 1-2 Quarters....	150,638.72	
2011 Taxes 3-4 Quarters....	961,218.27	
Added Assessments...	1,540.32	
Total Taxes Collected 2011		1,113,397.31
Senior Citizen Disallwd State Audit...	2,000.00	
Total Taxes Collected		2,000.00
<u>Miscellaneous Tax Receipts</u>		
Interest on Taxes and Assessments....	270,444.92	
Bounced Check Fee....	720.00	
Duplicate Tax Bill Fee...	1,420.00	
Tax Search Fee....	100.00	
2011 Demolition Charge 57/9...	111,779.70	
Clean up Charges...	3,559.66	
Total Miscellaneous Tax Receipts....		388,024.28
<u>Pilot Taxes Receipts</u>		
Pilot Tax Principal....	8,511,376.94	
Interest on Pilot Tax....	1,431.15	
Total Collected on Pilot and Interest Receipts		8,512,808.09
<u>Tax Sale 4/20/2012</u>		
Tax Sale Costs....	25,135.56	
Tax Sale Sewer Charges....	315,314.27	
Tax Sale Sewer Interest...	61,045.17	
Tax Sale Abatement Charges...	13,412.46	
Tax Sale Abatement Interest...	771.84	
Tax Sale Receipts....		415,679.30
Premiums Collected at Tax Sales...	519,900.00	
Total Premiums Collected...		519,900.00
Total		152,785,359.14
Minus Bad Checks		181,691.83
Annual Total of Tax Collections		<u>152,603,667.31</u>
<u>Tax Abatement Collections</u>		
Abatement Principal Collected....	3,157,439.72	
Abatement Interest....	8,282.10	
Total Abatement Charges Collected....		3,165,721.82
Minus Bad Checks		6,421.54
Annual Total of Abatement Charges Collected....		<u>3,159,300.28</u>

Respectfully yours,

Sharon Curran
Tax Collector

ANNUAL MONTHLY SPREAD SHEET FROM JANUARY 2012 TO DECEMBER 2012 TAX RECEIPTS

Page 1	TOTAL	Interest	2011 1&2 Qtrs. Taxes	2011 3&4 Qtrs. Taxes	2012 1&2 Qtrs. Taxes	2012 3&4 Qtrs. Taxes	2012 Added Assessments	2011 Added Assessment	2011 Demo Charge#003 5/79	Senior Citizen Disallwd State Audit	2013 1&2 Qtrs. Taxes	2013 3&4 Qtrs. Taxes
January-12	14,937,599.73	11,865.57	6,442.04	271,163.40	13,103,610.71	425.13	57,665.87	1,540.32				
February-12	20,597,211.10	34,872.85	63,978.73	217,786.16	19,530,236.45	9,705.18	73,227.94					
March-12	1,471,554.99	25,210.67	18,717.44	166,724.68	1,775.12	1,046,128.71	169.83					
April-12	9,279,361.26	42,603.20	61,500.51	304,019.94	6,586,391.34	44,894.81	19,943.85					
May-12	27,003,441.41	24,027.88		1,016.36	26,164,777.28	49,934.62	77,541.12					
June-12	1,002,327.05	13,681.57		1.49	759,882.09	136,868.90	60.00					
July-12	11,067,046.98	6,957.19		256.24	184,370.90	9,156,783.54						
August-12	26,978,425.43	32,940.93		250.00	151,083.86	25,969,892.25						
September-12	1,345,250.06	17,209.56			86,469.92	1,166,898.05						
October-12	7,704,529.60	9,889.29			59,806.55	5,969,440.52	313,645.03					
November-12	28,822,369.55	5,154.05			17,625.24	26,389,152.70	1,939,291.86					
December-12	2,576,241.98	46,032.16			74,095.94	1,812,399.26	18,754.36					
Totals	152,785,359.14	270,444.92	150,638.72	961,218.27	66,730,125.40	71,752,523.64	2,499,999.86	1,540.32	111,779.70	2,000.00	818,933.75	3,249.64
Redemptions	Third Party Liens			Premiums			Municipal Liens					
Jan-12	30,505.95			13,300.00								
Feb-12	242,538.85			41,500.00			9,641.14					
Mar-12	125,612.68			28,600.00								
Apr-12	358,032.95			55,400.00								
May-12	41,014.71			57,000.00								
Jun-12	160,698.83			141,600.00								
Jul-12	99,101.20			45,100.00								
Aug-12	94,283.45			54,000.00								
Sep-12	141,014.60			38,000.00								
Oct-12	101,764.64			41,100.00								
Nov-12	261,528.96			87,200.00								
Dec-12	42,677.28						2,359.02	Assigned Cert.# 3175				
Total	1,698,774.10			603,400.00			12,000.16	Current Acct.				
March and April 2012 Abatement charges collected before the tax sale recorded on the monthly reports-applied directly into abatement prin. & interest on this report.												
March and April 2012 Sewer charges collected before the tax sale on this report.												
All sewer payments received before and after the tax sale forwarded to North Hudson Sewerage Auth.												

Range: Block: First to Last
 Lot:
 Qual:
 Range of Codes: First to Last
 Range of Batch Ids: First to Last
 Range of Spec Tax Codes: First to Last
 Payment Type Includes: Tax: Y Sp Charges: Y Lien: Y Sp Assmnt: Y
 Misc: Y
 Payment Method Includes: Cash: Y Check: Y Credit: Y
 Print Miscellaneous w/Block/Lot/Qual: N
 Range of Years: First to 2013
 Range of Periods: 1 to 12
 Range of Dates: 01/01/12 to 12/31/12
 Print Ref Num: N
 Range of Installment Due Dates: First to Last
 Print Only Miscellaneous w/Block/Lot/Qual: N

Code Description	Count	Arrears/Other	Principal			Interest	Total
			2011	2012	2013		
001 TAX-Billing	66839	2,000.00	918,940.24	137,788,804.61	822,183.39	223,519.37	139,755,447.61
003 DEMOLITION FEE 090	1	0.00	111,779.70	0.00	0.00	16,711.07	128,490.77
006 CLEAN UP FEE 091	2	0.00	831.12	0.00	0.00	40.31	871.43
014 ADDED ASSESSMENT/OMI	644	0.00	1,540.32	2,499,999.86	28,717.87	401.14	2,530,659.19
082 IN LIEU OF TAXES	135	0.00	0.00	8,506,224.37	5,138.24	1,445.48	8,512,808.09
901 TAX SALE - TAXES	216	1.11	162,965.64	0.00	0.00	15,256.54	178,223.29
SCF Sub Clean Up Fee 091	1	0.00	2,728.54	0.00	0.00	171.90	2,900.44
SUB SUBSEQUENT TAX	421	0.00	27,221.46	696,572.97	0.00	14,344.59	738,139.02
Tax Payments	68259	2,001.11	1,226,007.02	149,491,601.81	856,039.50	271,890.40	151,847,539.84
016 TAX ABATEMENT	9	0.00	7,363.98	0.00	0.00	349.10	7,713.08
077 SEWER SPEC CHARGES	136	0.00	244,596.67	0.00	0.00	44,846.07	289,442.74
902 TAX SALE - SEWER	44	0.00	70,717.60	0.00	0.00	16,199.10	86,916.70
905 T.S. ABATEMENTS	2	0.00	6,048.48	0.00	0.00	422.74	6,471.22
Sp Charges Payments	191	0.00	328,726.73	0.00	0.00	61,817.01	390,543.74
020 MUN LIEN TAX	124	9,669.29	0.00	0.00	0.00	2,262.37	11,931.66
076 PENALTY-LIEN	1	1,597.17	0.00	0.00	0.00	9,098.04	10,695.21
00L OUTSIDE REDEEM	820	1,448,924.12	0.00	0.00	0.00	222,874.33	1,671,798.45
FEE	143	16,348.94	0.00	0.00	0.00	0.00	16,348.94
Lien Payments	1088	1,476,539.52	0.00	0.00	0.00	234,234.74	1,710,774.26
005 BOUNCED CHECK FEE	37	720.00	0.00	0.00	0.00	0.00	720.00
009 T.S. AD/MAILING FEE	208	0.00	0.00	0.00	0.00	14,721.87	14,721.87
010 TAX SEARCHES	9	100.00	0.00	0.00	0.00	0.00	100.00
012 DUPLICATE BILLS	90	1,420.00	0.00	0.00	0.00	0.00	1,420.00
903 TAX SALE PREMIUM	105	519,900.00	0.00	0.00	0.00	0.00	519,900.00
904 TAX SALE COST	122	0.00	0.00	0.00	0.00	10,413.69	10,413.69
Misc Payments	571	522,140.00	0.00	0.00	0.00	25,135.56	547,275.56
NSF BOUNCED CHECK	69	0.00	3.58	161,625.43	14,585.00	5,477.82	181,691.83
Tax NSF	69	0.00	3.58	161,625.43	14,585.00	5,477.82	181,691.83
Payments Total:	70109	2,000,680.63	1,554,733.75	149,491,601.81	856,039.50	593,077.71	154,496,133.40

Code Description	Count	----- Arrears/Other	----- Principal -----			Interest	Total
			2011	2012	2013		
NSF Reversals Total:	<u>69</u>	<u>0.00</u>	<u>3.58-</u>	<u>161,625.43-</u>	<u>14,585.00-</u>	<u>5,477.82-</u>	<u>181,691.83-</u>
Total:	70178	2,000,680.63	1,554,730.17	149,329,976.38	841,454.50	587,599.89	154,314,441.57
Total Cash:	430,015.08						
Total Check:	153,884,426.49						
Total Credit:	0.00						

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total
Original Billed	3,597,053.33	3,685,749.82	3,666,394.09	3,666,383.53	14,615,580.77
Added/Omitted	44,070.02	44,069.78	0.00	608,588.59	696,728.39
Other Billing	51,708.84-	47,622.70-	0.00	182,345.61-	281,677.15-
Balance Adjustments (Prin)	25,537.28	28,149.83	57,845.05	236,608.28-	125,076.12-
Payments (Prin)	3,587,898.61	3,609,146.13	3,480,322.31	2,989,914.50	13,667,281.55
Payments (Pnlt)	0.00	0.00	0.00	0.00	0.00
NSF (Prin)	30,550.45	26,608.15	5,092.52	17,885.04	80,136.16
NSF (Pnlt)	0.00	0.00	0.00	0.00	0.00
Tax Balance (Prin + Pnlt)	57,603.63	127,808.75	249,009.35	883,988.77	1,318,410.50
Misc.Charge Adjustments (Prin)	0.00	0.00	0.00	111,779.70	111,779.70
Misc.Charge Payments (Prin)	0.00	0.00	0.00	111,779.70	111,779.70
Misc.Charge NSF (Prin)	0.00	0.00	0.00	0.00	0.00
Total Balance (Prin + Pnlt)	57,603.63	127,808.75	249,009.35	883,988.77	1,318,410.50
Payments (Intr)	55,635.92	48,466.99	49,489.24	56,393.17	209,985.32
NSF (Intr)	954.46	558.67	372.28	196.23	2,081.64
Balance Adjustments (Intr)	0.00	0.00	0.00	0.00	0.00

Prior Yr/Prd Balance: 20.57
 Current Balance: 1,318,410.50
 Total Per Diem Interest: 67,819.90
 Total Balance: 1,386,250.97

2010 DEDUCTIONS

Number of Accts:	755	Senior Citizen	9
Land Value:	35,160,300	Disabled Person	0
Improvement Value:	75,296,600	Surviving Spouse	0
Limited Exemptions:	0	Veteran	9
Net Taxable Value:	116,900,300	Widow of Veteran	3

NOTE: Per Diem Interest is included for Bill Year/Period Range and Prior Year/Periods.

Range: Block: First to Last Sale Date Range: First to 12/31/12 As Of Date: 01/10/13
 Lot:
 Qual:

Block/Lot/Qual Property Location	Cert Num Additional Lots	Sale Date	Amount of Sale	Subsequent Chrgs & Intr	Redemption Amount	Date	Recording Book	Page
3. 1.01 653-655 NEWARK ST	003054 L2	09/19/83	8,920.23	70,661.59	79,581.82			
13. 16. 90 JACKSON ST	000165	12/30/97	14,571.08	42,092.96	56,664.04			
139. 1.01 50 OF HUDSON PLACE	097146	06/25/09	78,103.93	173,189.70	251,293.63			
139. 3. FOOT OF HUDSON PLACE	003296	12/03/86	8,250.68	39,142.35	47,393.03			
139. 3. FOOT OF HUDSON PLACE	AA3296	04/03/98	35,330.12	96,044.93	131,375.05			
144. 2. 1709-13 ADAMS ST	11-00053 L3,4,5	04/08/11	843.41	294.39	1,137.80			
145. 1.2 17 & 18 GRAND ST.	11-00056 L2,3,4	04/08/11	843.41	294.39	1,137.80			
158. 24. WILLOW COURT SOUTH	005205	12/31/52	73,292.42	960,154.48	1,033,446.90			
158.01 33. WILLOW COURT NORTH	000051	12/31/75	14,618.68	120,563.54	135,182.22			
165. 37. 210 PARK AVE REAR	003178	10/30/85	35.19	1,597.11	1,632.30			
165. 38. 224 PARK AVE REAR	003179	10/30/85	35.19	1,149.08	1,184.27			
165. 39. 226-232 PARK AVE REAR	003180	10/30/85	105.05	65,590.06	65,695.11			
166. 39. 312-316 PARK AVE REAR	11-00066	04/08/11	124.53	294.30	418.83			
166. 40. 322-326 PARK AVE REAR	003409	12/08/87	111.54	3,724.84	3,836.38			
166. 41. 336 PARK AVE REAR	003183	10/30/85	35.19	1,447.87	1,483.06			
167. 24. 250-254 FIFTH ST	000353	02/22/94	241.66	826.23	1,067.89			

Block/Lot/Qual Property Location	Cert Num Additional Lots	Sale Date	Amount of Sale	Subsequent Chrgs & Intr	Redemption Amount	Date	Recording Book	Page
168. 41. 628 PARK AVE REAR	003184	10/30/85	35.19	1,298.10	1,333.29			
177. 37. 111-115 PARK AVE REAR	003302	12/03/86	128.45	3,927.57	4,056.02			
177. 38. 118 GARDEN ST REAR	003186	10/30/85	35.19	1,149.02	1,184.21			
177. 39. 121 PARK AVE REAR	003187	10/30/85	35.19	1,298.55	1,333.74			
177. 40. 122-128 GARDEN ST REAR	003188	10/30/85	68.30	3,985.41	4,053.71			
177. 41. 132 GARDEN ST REAR	003299	12/03/86	52.94	1,173.43	1,226.37			
178. 41. 226-230 GARDEN ST REAR	98-219	06/24/98	170.90	2,516.35	2,687.25			
178. 42. 236 GARDEN ST REAR	094244	02/22/94	62.20	588.45	650.65			
179. 47. 307 PARK AVE REAR	003190	10/30/85	35.19	1,298.57	1,333.76			
179. 49. 317 PARK AVE REAR	003191	10/30/85	51.75	2,760.55	2,812.30			
179. 51. 321 PARK AVE REAR	003192	10/30/85	35.19	1,447.75	1,482.94			
179. 52. 329-339 PARK AVE REAR	003193	10/30/85	174.91	8,017.04	8,191.95			
180. 41. 509 PARK AVE REAR	11-00072	04/08/11	153.89	439.02	592.91			
180. 41.01 515 PARK AVE REAR	003195	10/30/85	158.35	14,569.92	14,728.27			
181. 31. 608 GARDEN ST REAR	003196	10/30/85	35.19	1,298.57	1,333.76			
181. 32. 614 GARDEN ST REAR	003197	10/30/85	51.75	2,608.74	2,660.49			
181. 33. 630 GARDEN ST REAR	003198	10/30/85	51.75	2,608.74	2,660.49			
188. 46. GARDEN STREET (REAR)	009502	06/27/95	39.83	222.51	262.34			

Block/Lot/Qual Property Location	Cert Num Additional Lots	Sale Date	Amount of Sale	Subsequent Chrgs & Intr	Redemption Amount	Date	Recording Book	Page
189. 47. 214-220 BLOOMFIELD REAR	003199	10/30/85	84.86	5,438.40	5,523.26			
190. 32. 327 GARDEN ST REAR	003200	10/30/85	35.19	1,447.75	1,482.94			
192. 44. 513 GARDEN ST REAR	003411	12/08/87	63.27	2,252.29	2,315.56			
192. 45. 520 BLOOMFIELD (REAR)	003201	10/30/85	35.19	224.41	259.60			
192. 48. 526 BLOOMFIELD ST REAR	003204	10/30/85	35.19	1,149.10	1,184.29			
193. 53. 606 BLOOMFIELD ST REAR	003412	12/08/87	39.13	1,332.50	1,371.63			
193. 54. 609-615 GARDEN ST REAR	003205	10/30/85	68.30	19,436.65	19,504.95			
193. 55. 612-618 BLOOMFIELD REAR	003206	10/30/85	84.86	5,237.92	5,322.78			
193. 56. 621 GARDEN ST REAR	003207	10/30/85	35.19	1,149.10	1,184.29			
193. 57. 625-633 GARDEN ST REAR	003208	10/30/85	84.86	6,263.00	6,347.86			
193. 58. 628 BLOOMFIELD ST	003209	10/30/85	35.19	10,191.70	10,226.89			
193. 59. 632 BLOOMFIELD ST REAR	003210	10/30/85	35.19	1,298.57	1,333.76			
193. 60. 636 BLOOMFIELD ST REAR	003211	10/30/85	35.19	1,298.57	1,333.76			
194. 47. 720 BLOOMFIELD ST REAR	003212	10/30/85	35.19	2,790.96	2,826.15			
194. 48. 724-726 BLOOMFIELD REAR	003213	10/30/85	51.75	5,189.08	5,240.83			
207. 30. 802-806 WASHINGTON REAR	003214	10/30/85	51.75	5,996.64	6,048.39			
207. 31. 827-831 BLOOMFIELD REAR	003215	10/30/85	35.19	4,892.63	4,927.82			
207. 32. 107 NINTH ST	003216	10/30/85	68.30	13,220.45	13,288.75			

Block/Lot/Qual Property Location	Cert Num Additional Lots	Sale Date	Amount of Sale	Subsequent Chrgs & Intr	Redemption Amount	Date	Recording Book	Page
208. 39. 108 NINTH ST	003217	10/30/85	68.30	9,827.54	9,895.84			
208. 40. 917-925 BLOOMFIELD REAR	003218	10/30/85	51.75	4,791.58	4,843.33			
229. 1. 5-21 HUDSON PLACE	000297	02/22/94	397.36	1,405.08	1,802.44			
231. 4. 207-09 RIVER STREET	000273	02/22/94	305.76	1,091.90	1,397.66			
Total Liens 56			Sale Amount 238,575.43	Subsq Chrgs & Intr 1,734,201.93	Total 1,972,777.36			

EXPLANATION OF COMPUTED TAX RATES FOR HOBOKEN CITY

	NET VALUE USED TO COMPUTE LOCAL RATES = 2,969,743,789	APPORTIONED VALUE USED TO COMPUTE COUNTY RATES = 9,717,114,742				
	TOTAL TAXES TO BE RAISED	ADJUSTS TO TOTAL TAXES	NET TAXES TO BE RAISED	COMPUTED TAX RATE	ROUNDED TAX RATE	EXPECTED SURPLUS DUE TO ROUNDING
COUNTY TAX.....	49,758,729.72	1,109,473.01	48,649,256.71	1.63816543	1.639	
LIBRARY TAX.....		.00		.00000000	.000	
HEALTH SERVICE TAX.....		.00		.00000000	.000	
CTY OPEN SPACE TAX.....	971,711.47	.00	971,711.47	.03272038	.033	
DISTRICT SCHOOL TAX.....			36,757,218.50	1.23772356	1.238	
REGIONAL SCHOOL TAX.....			.00	.00000000	.000	
LOCAL SCHOOL TAX.....			.00	.00000000	.000	
MUNICIPAL OPEN SPACE TAX			602,046.00	.02027266	.021	
MUNICIPAL LIBRARY TAX....			3,234,919.00	.10892923	.108	
MUNICIPAL PURPOSE TAX....			50,832,990.37	1.71169616	1.711	
TOTAL TAX RATE			141,048,142.05	4.74950542	4.750	14,687.93

CERTIFICATION SCHEDULE OF THE 2012 GENERAL TAX RATE

Persuant to Section 4 & P.L. 1983, C-2254, approved December 31, 1982, the Hudson County Board of Taxation hereby certifies the general tax rate for the 2012 tax year.

Donald Kenny
 Donald Kenny
 County Tax Administrator

Date 7/3/12

Robert Dorja
 Robert Dorja, President

Vincent Capalio
 Vincent Capalio, Commissioner

James J. Andrea
 James J. Andrea, Commissioner

Nicholas Fergo
 Nicholas Fergo, Commissioner

Angelo Valente
 Angelo Valente, Commissioner

Judi Drennan
 Judi Drennan, Commissioner

Tax Sale April 20, 2012

BREAKDOWN OF MONIES RECEIVED FROM TAX SALE

122 PARCELS WENT TO TAX SALE

122 LIENS WERE SOLD TO THIRD PARTY LIEN HOLDERS

The Total Amount received at Tax Sale \$801,924.90

Monies deposited into the Tax Collector's Trust Account \$435,281.94

Monies deposited into the General Account \$366,642.96

Tax Sale Deposit \$801,924.90

Break down of Tax Sale

Taxes 162,966.75

Interest on Taxes 15,256.54

Abatements(2) 6,048.48

Interest on Abatements 422.74

Tax Sale Costs 10,413.69

Total 195,108.20 WIRE MONIES INTO GENERAL ACCOUNT

North Hud. Sewerage 70,717.60 Collected At The Tax Sale

North Hud. Interest 16,199.10 Collected At The Tax Sale

Total 86,916.70 WIRE INTO NORTH HUDSON SEWAGE AUTHORITY ACCOUNT

Premiums 519,900.00 Wire into the Tax Collectors Premium Account

Total Collected at the Tax Sale \$ 801,924.90

All money collected for North Hudson Sewage Authority BEFORE TAX SALE

Principal Amount 244,596.67

Interest 44,846.07

**Total 289,442.74 WIRE MONIES INTO NORTH HUDSON SEWAGE AUTHORITY ACCI
DEPOSITED INTO THE GENERAL ACCOUNT**

Miscellaneous Licenses for City Council Approval

City Council Meeting Date: February 6, 2013

Office of Taxi & Limo Licensing

11 Licenses Total

Taxi Operator Licenses

#	Last Name	First Name	Driver Type	License #	Fee
1	Ovalles	Raul	TAXI	T0011-13	\$75
2	Castillo	Segundo	TAXI	T0012-13	\$75
3	Felistiny	Remon	TAXI	T0013-13	\$75
4	Beshai	Shehata	TAXI	T0014-13	\$75
5	Hemeda	Ahmed	TAXI	T0015-13	\$75
6	Eskandr	Ashraf	TAXI	T0016-13	\$75
Total Fees:					\$450
Total Licenses:					6

Limo Operator Licenses

#	Last Name	First Name	Driver Type	License #	Fee
1	Caisaguano	Luis	LIMO	L0010-13	\$75
2	Santos	Alfredo	LIMO	L0011-13	\$75
3	Mahmoud	Mohamed	LIMO	L0012-13	\$75
4	Contreras	Delfido	LIMO	L0013-13	\$75
5	Valdez	Ramon	LIMO	L0014-13	\$75
Total Fees:					\$375
Total Licenses:					5

CITY OF HOBOKEN
CLAIMS LISTING
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DEPARTMENT	ACCT/FUND	P.O.	VENDOR	DESCRIPTION	\$	
ADM BUSINESS ADMINISTRATION	ICAPITAL	12-03196	PROFESSIONAL SYSTEM ENG'G, LLC	VOICE DATA CONSULTANT SERVICES	23,000.00	
		12-03460	SEDTA, CAMPISANO &	SP. LEGAL COUNSEL - LAND USE	4,550.54	
	IOPERATING	IFEDERAL	13-00069	BOSWELL ENGINEERING	GENERAL ENGINEERING - HO458	2,109.02
			12-04051	GOVCONNECTION, INC.	OEM LAPTOP DAMAGED IN STORM	727.00
			12-04088	GOVCONNECTION, INC.	HARD-DRIVE FOR TAX ASSESSOR	124.21
			12-04091	MATTHEW SINGER	TOWING REIMBURSEMENT	133.50
			12-04331	GOVCONNECTION, INC.	SERVERS BACKUPS 8TB	759.00
			12-04332	GOVCONNECTION, INC.	OFF-SITE STORAGE FOR SERVER	248.00
			12-04609	TAYLOR OIL COMPANY	DIESEL FUEL SERVICE	2,479.00
			12-04682	BEYER FORD d/b/a BEYER FLEET	VEHICLES-NJ STATE CONTRACT	54,820.00
			13-00203	MESTRE, JOEL	REIMB.SAFETY COMMITTEE LUNCH	200.00
			12-04508	AUTOMATIC DATA PROCESSING	ADP PROCESSING CHARGES	7,761.10
	12-04626	AUTOMATIC DATA PROCESSING	PAYROLL PROCESSING	2,475.76		
ADM FINANCE SUPERVISORS OFF	IOPERATING	12-04627	AUTOMATIC DATA PROCESSING	ADP PROCESSING CHARGES	8,380.27	
		12-04591	WESTON SOLUTIONS INC	REFUND OEP TO VENDOR	2,600.00	
		12-04666	HOBOKEN PBA LOCAL 2 #12	QUARTER END 12/31/12 OEP DUES	12,816.00	
ADM LEGAL ADVERTISING	IOPERATING	12-04513	STAR LEDGER	LEGAL ADS 12/12	56.84	
ADM MAYOR'S OFFICE	IOPERATING	12-04092	W.B. MASON CO., INC.	BINDER FOR MTG DVDS-J. MELLI	26.95	
		12-04183	W.B. MASON CO., INC.	OFFICE SUPPLIES	49.95	
		12-04276	OFFICE DEPOT	SHOP HOBOKEN LAMINATED FLYER	108.00	
		12-04475	THE LIAISON CAPITOL HILL, AN	RESERVATIONS	419.08	
		12-04517	OFFICE DEPOT	FALL/WINTER 2012 NEWSLETTER	6,765.00	
		12-03739	WEST GROUP	SUBSCRIPTION RENEWAL	358.50	
ADM MUNICIPAL COURT	IOPERATING	12-03944	W.B. MASON CO., INC.	JUDGE NAMEPLATE FOR COURTROOM	22.95	
		12-04075	ENTERPRISE CONSULTANTS	MONTHLY MAINTENANCE	212.50	
		12-04167	W.B. MASON CO., INC.	OFFICE SUPPLIES F/VIOLATIONS	700.06	
		12-04318	SUPREME SECURITY SYSTEMS INC	PERIODIC SERVICES	333.90	
		12-04463	ALCAZAR COMMUNICATION,INC.	SVCS RENDERED INTERPRETATION	3,155.00	
ADM MUNICIPAL COURT/POAA TRUST	ITRUST	12-04319	STAPLES PRINT SOLUTIONS	CARBONLESS ATS MAILERS	2,915.47	
ADM OEM	IOPERATING	13-00007	BEYER FORD d/b/a BEYER FLEET	2013 FORD EXPLORER - A83013	27,651.00	
ADM PARKING UTILITY	IOPERATING	12-04256	ENTERPRISE RENT-A CAR	VEHICLE RENTAL - HURRICANE	3,159.17	
		12-04289	CIRILLO ELECTRIC, INC.	ELEC.REPAIR DAMAGED BY SANDY	7,100.00	
		12-04484	HIGH TECH PROTECTIVE SVS.INC.	916 GARDEN ST. REPAIR - SANDY	120.00	
		12-04490	G & F ENTERPRISE	GEAR/EQUIPMENT - HURRICANE	1,392.95	
	IPARK UTILITY	12-02233	THE PARKING ZONE	SUPPLIES/SIGNAL & TRAFFIC	861.23	
		12-02235	MOTION INDUSTRIES	916 GARDEN ST. EQUIPMENT	868.52	
		12-03878	GOVCONNECTION, INC.	IT EQUIPMENT - HPU	2,493.00	
		12-04067	FIVEPM TECHNOLOGY, INC.	BUS TRACKING - OCTOBER 2012	3,403.40	

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DEPARTMENT	ACCT/FUND	P.O.	VENDOR	DESCRIPTION	\$
ADM PARKING UTILITY	IPARK UTILITY	12-04236	RIVERFRONT CAR WASH	HPU CAR WASHES - 8/12 TO 10/12	\$ 144.00
		12-04253	GOVCONNECTION, INC.	IT EQUIPMENT - HPU	\$ 660.00
		12-04258	RYDIN DECAL	SCRATCH-OFF TICKETS	\$ 836.55
		12-04487	RIVERFRONT CAR WASH	FULL SERVICE WASHES/NOV. 2012	\$ 177.00
		12-04529	ROBBINS & FRANKE, INC.	BALANCE MOUNT - HPU VEHICLE	\$ 100.00
		12-04539	WEINER & LESNIAK, LLP	PROF. SERVICES - NOV. 2012	\$ 1,749.24
		12-04540	AT&T MOBILITY	MULTI-METERS - NOV. 2012	\$ 2,938.91
		12-04541	CARRIE CHUCK	SIGNS REFUND	\$ 20.00
		12-04546	ENTERPRISE CONSULTANTS	VOICEMAIL REPLACEMENT	\$ 1,219.99
		12-04547	ENTERPRISE CONSULTANTS	MONTHLY MAINTENANCE	\$ 112.50
		12-04672	JACLYN GENNARELLI	BOOT REFUND	\$ 150.00
		12-04676	PROPARK AMERICA NEW YORK	REIMBURSEABLE EXPENSES - 11/12	\$ 25,671.90
		12-04680	METROPOLITAN COFFEE SERVICE	WATER AND SUPPLIES	\$ 90.95
		13-00169	M&T BANK/INVESTMENT GROUP	DEBT SERVICE - GO BONDS	\$ 1,603,446.50
		ADM PERSONNEL/BENEFITS	IOPERATING	12-04646	GARDEN STATE MUNI.JOINT INSURA
ADM PURCHASING	IOPERATING	13-00077	JIM TERRUSO, TREASURER	2013 MEMBERSHIP DUES	\$ 180.00
ADM SPECIAL COUNSEL	IOPERATING	12-04084	TAG SOLUTIONS	TESTIFY IN COURT	\$ 1,750.00
		12-04392	W.B. MASON CO., INC.	SUPPLIES	\$ 808.93
		12-04467	WEINER & LESNIAK, LLP	SPECIAL LEGAL COUNSEL - LAND	\$ 14,194.60
		12-04474	BENJAMIN CHOI, ESQ.	ALT. PROSECUTOR OCTOBER 2012	\$ 300.00
		12-04615	ADAM B. REISMAN, ATTY AT LAW	PROF. SERVICES REND DEC 13, 20	\$ 250.00
		C2-05001	FLORIO & KENNY LLP	SP. LEGAL COUNSEL - RENT LEV.	\$ 375.00
		C2-05011	F. CLIFFORD GIBBONS, ESQ. LLC	SP. LEGAL COUNSEL - PLANNING	\$ 3,540.00
		12-03602	GOVCONNECTION, INC.	TONER FOR TAX ASSESSOR'S OFFIC	\$ 159.00
		12-04325	COMMERCIAL BUSINESS FORMS	POSTAGE FOR CHAPTER 75 CARDS	\$ 5,280.00
		ADM TAX ASSESSOR	IOPERATING	12-04608	W.B. MASON CO., INC.
12-04614	GOVCONNECTION, INC.			PRINTER/COPIER/FAX	\$ 290.00
13-00079	STONFIELD INVESTMENT FUND II			REDEMPTION	\$ 800.57
13-00116	DIANNE CLEMENTE			REDEMPTION	\$ 21,834.40
ADM TAX COLLECTOR	IOPERATING	13-00117	ISAAC MORADI	REDEMPTION	\$ 3,752.33
		12-04638	JERSEY PROFESSIONAL MANAGEMENT	BILLING FOR MANAGEMENT SPEC.	\$ 1,827.50
		12-04596	HIRERIGHT, INC	BACKGROUND CHECK APPLICATION	\$ 332.80
ADM/CONSTRUCTION CODE	IOPERATING	12-00351	BOSWELL ENGINEERING	POLICE DEPT HVAC REHAB HO453	\$ 5,088.15
ADMINISTRATION	IOPERATING	12-04533	BOSWELL ENGINEERING	TWA ENGINEERING REVIEW	\$ 444.25
CAPITAL ACCOUNT	ICAPITAL	13-00012	MARAZITI, FALCON & HEALEY	PROFESSIONAL SERVICES REDEV	\$ 1,083.00
CD DIRECTOR'S OFFICE	ESCROW	12-03351	BOSWELL ENGINEERING	PRO. SVC - WATERFRONT HO420I	\$ 39,881.25
		12-03381	SHIRLEY M. BISHOP, P.P.,LLC	PRO. SERVICE - COAH PLANNER	\$ 987.50
		12-04354	MASER CONSULTING	UTILITY INVESTIGATION	\$ 580.00

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DEPARTMENT	ACCT/FUND	P.O.	VENDOR	DESCRIPTION	\$
CD DIRECTOR'S OFFICE	IOPERATING	12-04377	PARKER McCAY, P.A.	AUGUST 2012 PB ATTORNEY SVCS	\$ 3,326.20
		12-04384	PARKER McCAY, P.A.	SOUTHWEST REHAB PB LITIGATION	\$ 2,082.71
		12-04593	MARAZITI, FALCON & HEALEY	SPECIAL REDEVELOPMENT COUNSEL	\$ 4,972.50
		12-04597	PARKER McCAY, P.A.	PLANNING BOARD LITIGATION	\$ 8,318.92
		12-04618	CHRISTOPHER BROWN	REIMBURSEMENT	\$ 35.00
		C2-02002	MARAZITI, FALCON & HEALEY	COUNSEL ON REDEVELOPMENT	\$ 1,377.50
		C2-02003	MCMANIMON & SCOTLAND, LLC	COUNSEL ON REDEVELOPMENT	\$ 570.00
		CD MLUL PB ESCROW ACCTS	ESCROW	12-04531	EFB ASSOCIATES, LLC
CD MLUL PLANNING BOARD	IOPERATING	12-04576	ROSENBERG & ASSOCIATES	PROFESSIONAL SERVICES	\$ 1,462.00
		12-04577	ROSENBERG & ASSOCIATES	PROFESSIONAL SERVICES	\$ 700.00
CD MLUL ZBA ESCROW ACCTS	ESCROW	12-03512	NJS ENTERPRISES	RETURNING DEVELOPERS ESCROW	\$ 493.80
		12-04131	THE GALVIN LAW FIRM	DEVELOPERS ESCROW	\$ 1,637.94
		12-04460	THE GALVIN LAW FIRM	PROFESSIONAL SERVICES FOR ZBA	\$ 1,015.00
CD MLUL ZONING BD OF ADJ	IOPERATING	12-04641	THE GALVIN LAW FIRM	PROFESSIONAL SERVICES	\$ 5,214.33
COMMUNITY DEVELOPMENT	ICDBG2818	12-04280	JUBILEE CENTER	CDBG REIMBURSEMENT	\$ 11,906.00
ES CENTRAL GARAGE	IOPERATING	12-03906	OMAHA STANDARD, INC.	CG VEHICLE PARTS	\$ 219.56
		12-03913	BUY WISE AUTO PARTS	NOV. BLANKET - PD VEHICLES	\$ 32.04
		12-03914	BUY WISE AUTO PARTS	NOV. BLANKET - CG VEHICLES	\$ 27.56
		12-04235	QUALITY AUTOMALL	CG/PD VEHICLE PARTS & REPAIRS	\$ 262.93
		12-04246	CLEAN ALL TECH. CORP.	BAGS FOR CLEAN UP	\$ 3,468.50
		12-04290	RIVERFRONT CAR WASH	FULL SERVICE WASHES - CG	\$ 56.00
		12-04457	GENERAL SALES ADMINISTRATION	HALOGEN BULBS - CENTRAL GARAGE	\$ 95.40
		12-04458	MITCHELL1	MECHANICS SOFTWARE - CG	\$ 2,856.00
		12-04479	THE RADIATOR STORE	CG - PD VEHICLE REPAIRS	\$ 104.00
		12-04481	ROBBINS & FRANKE, INC.	CG - MED. TRANSPORT ALIGNMENT	\$ 120.00
		12-04483	LORCO PETROLEUM SERVICES	OIL REMOVAL/DISPOSAL - CG	\$ 320.00
		12-04542	BEYER BROTHERS CORP.	CG SANITATION TRUCK PARTS	\$ 1,198.76
		12-04543	JOHN'S MAIN AUTO BODY	TOWING DISABLED CG VEHICLE	\$ 125.00
		12-04545	CENTRAL GETTY, INC.	REPAIRS - PD VEHICLES	\$ 612.30
		12-04548	RENDIES REFINISHING	BODY WORK - PD VEHICLES	\$ 4,731.64
		12-04677	RENDIES REFINISHING	PD VEHICLE REPAIRS	\$ 537.80
		12-04678	CENTRAL GETTY, INC.	PD VEHICLE REPAIRS/PARTS	\$ 1,276.37
		12-04679	CENTRAL GETTY, INC.	PARTS/REPAIRS - PD VEHICLES	\$ 1,498.95
		13-00071	N.J. MOTOR VEHICLE COMMISSION	TITLE & REGISTRATION	\$ 50.00
		13-00075	N.J. MOTOR VEHICLE COMMISSION	TITLE & REGISTRATION	\$ 60.00
CY-02972	M & G AUTO PARTS, INC.	PARTS SUPPLIES FOR 8/11 CG	\$ 1,456.84		
CY-03035	M & G AUTO PARTS, INC.	PARTS - CG TO REPAIR VEHICLE	\$ 540.58		
CY-03290	M & G AUTO PARTS, INC.	PARTS FOR 8/11	\$ 336.00		

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DEPARTMENT	ACCT/FUND	P.O.	VENDOR	DESCRIPTION	\$
ES PUBLIC PROPERTY	IOPERATING	12-03303	HOBOKEN GLASS COMPANY	2-WAY GLASS PAYROLL DEPT.	\$ 35.00
		12-04317	ENVIRONMENTAL CLIMATE CONTROL	SERVICES-BOILER-CH	\$ 191.88
		12-04493	DEPENDABLE PLUMBING &	VARIOUS REPAIRS CITY HALL	\$ 1,795.00
		12-04586	STATE CHEMICAL MFG.	SUPPLIES CITY HALL	\$ 1,220.67
		12-04587	TERMINIX	PEST CONTROL MULTI CENTER	\$ 455.55
		12-04603	JOHN A. EARL CO.	SUPPLIES CITY HALL	\$ 834.30
		12-04611	CITY PAINT AND HARDWARE	SUPPLIES	\$ 535.64
		12-04612	FCA LIGHTING	MSC SERVICE CALL	\$ 250.00
		12-04234	CITY PAINT AND HARDWARE	BLACKTOP PATCH/STREETS&ROADS	\$ 1,636.74
		12-04633	LoRe SWEEPING COMPANY INC	STREET SWEEPING-HURRICANE	\$ 9,776.25
		12-04523	M.G.L. FORMS-SYSTEMS LLC	1099-misc with envelopes 2012	\$ 350.00
		12-03569	NJ DEPT OF HEALTH VITAL STAT.	SAFETY PAPER	\$ 562.50
ES ROADS	IOPERATING	12-03804	M.G.L. FORMS-SYSTEMS LLC	Cat & Dog Licenses	\$ 1,046.00
		12-03864	MERIT TROPHIES INC.	Vendor Licenses & Decals 2013	\$ 1,275.00
		12-04151	M.G.L. FORMS-SYSTEMS LLC	Vital Statistics Supplies	\$ 245.00
		12-04261	LIBERTY HUMANE SOCIETY	ANIMAL CONTROL SERVICES	\$ 10,832.00
		12-04343	W.B. MASON CO., INC.	OFFICE SUPPLIES	\$ 318.95
		12-04447	GOVCONNECTION, INC.	COLOR TONERS FOR HEALTH DEPT	\$ 1,029.00
		12-04509	HUDSON REGIONAL HEALTH COMM.	JOINT AGREEMENT OCT-DEC 2012	\$ 4,327.25
		12-04579	W.B. MASON CO., INC.	OFFICE SUPPLIES	\$ 15.13
		12-04639	LIBERTY HUMANE SOCIETY	ANIMAL CONTROL - DECEMBER 2012	\$ 5,416.00
		12-01219	JERSEY JOURNAL	ADVERTISEMENT SPRING FESTIVAL	\$ 232.00
		12-01857	JERSEY JOURNAL	AD - CITYWIDE FLEA MARKET	\$ 232.00
		12-03837	DAVID FAGIN	Kids Music 4 Harvest Festival	\$ 50.00
		12-03934	CHRISTINA ANDERSON	September 11th Floral Piece	\$ 525.00
		12-04158	JEFF LISCIANDRELLO	BLUEGRASS MUSIC FEST	\$ 300.00
		12-04271	JEREMY SINENSKY	ASSISTANT - HOLIDAY CRAFT FAIR	\$ 60.00
		12-04323	ELIZABETH WEISS	GENERAL OFFICE ASSISTANCE	\$ 1,151.25
		12-04588	JERSEY JOURNAL	AD FESTIVAL/HOLIDAY CRAFT FAIR	\$ 679.00
12-04590	ELIZABETH WEISS	GENERAL OFFICE ASSISTANCE	\$ 187.50		
13-00091	ANGELINA LEDESMA	SER. RENDERED-HOLIDAY BANDING	\$ 42.00		
13-00086	TOSHIBA BUSINESS SOLUTIONS	RISOGRAPH CONTRACT	\$ 574.92		
ES SOLID WASTE	IOPERATING	13-00048	BOSWELL ENGINEERING	RENOVATION TO POLICE HQ -HO467	\$ 2,265.75
		13-00078	BOSWELL ENGINEERING	IMPROVE. CH SQUARE PARK-HO452	\$ 13,554.75
		13-00115	BOSWELL ENGINEERING	REHAB OF FIREHOUSE - HO468	\$ 5,682.50
		12-03754	D & S LAND DEVELOPMENT	CHURCH SQ PARK IMPROVEMENT	\$ 143,325.00
		12-03812	MOLA IRON WORKS	STEEL TREE PIT GUARD	\$ 13,090.00
		12-04334	BEYER FORD d/b/a BEYER FLEET	FORD F-350 4WD REG CAB SRW XL	\$ 129,304.00
Finance Supervisor	IOPERATING	12-04523	M.G.L. FORMS-SYSTEMS LLC	1099-misc with envelopes 2012	\$ 350.00
HS BD OF HEALTH	IOPERATING	12-03569	NJ DEPT OF HEALTH VITAL STAT.	SAFETY PAPER	\$ 562.50
		12-03804	M.G.L. FORMS-SYSTEMS LLC	Cat & Dog Licenses	\$ 1,046.00
		12-03864	MERIT TROPHIES INC.	Vendor Licenses & Decals 2013	\$ 1,275.00
		12-04151	M.G.L. FORMS-SYSTEMS LLC	Vital Statistics Supplies	\$ 245.00
		12-04261	LIBERTY HUMANE SOCIETY	ANIMAL CONTROL SERVICES	\$ 10,832.00
		12-04343	W.B. MASON CO., INC.	OFFICE SUPPLIES	\$ 318.95
		12-04447	GOVCONNECTION, INC.	COLOR TONERS FOR HEALTH DEPT	\$ 1,029.00
		12-04509	HUDSON REGIONAL HEALTH COMM.	JOINT AGREEMENT OCT-DEC 2012	\$ 4,327.25
		12-04579	W.B. MASON CO., INC.	OFFICE SUPPLIES	\$ 15.13
		12-04639	LIBERTY HUMANE SOCIETY	ANIMAL CONTROL - DECEMBER 2012	\$ 5,416.00
		12-01219	JERSEY JOURNAL	ADVERTISEMENT SPRING FESTIVAL	\$ 232.00
		12-01857	JERSEY JOURNAL	AD - CITYWIDE FLEA MARKET	\$ 232.00
HS CULTURAL AFFAIRS	IFEDERAL ITRUST	12-03837	DAVID FAGIN	Kids Music 4 Harvest Festival	\$ 50.00
		12-03934	CHRISTINA ANDERSON	September 11th Floral Piece	\$ 525.00
		12-04158	JEFF LISCIANDRELLO	BLUEGRASS MUSIC FEST	\$ 300.00
		12-04271	JEREMY SINENSKY	ASSISTANT - HOLIDAY CRAFT FAIR	\$ 60.00
		12-04323	ELIZABETH WEISS	GENERAL OFFICE ASSISTANCE	\$ 1,151.25
		12-04588	JERSEY JOURNAL	AD FESTIVAL/HOLIDAY CRAFT FAIR	\$ 679.00
		12-04590	ELIZABETH WEISS	GENERAL OFFICE ASSISTANCE	\$ 187.50
		13-00091	ANGELINA LEDESMA	SER. RENDERED-HOLIDAY BANDING	\$ 42.00
		13-00086	TOSHIBA BUSINESS SOLUTIONS	RISOGRAPH CONTRACT	\$ 574.92
		13-00048	BOSWELL ENGINEERING	RENOVATION TO POLICE HQ -HO467	\$ 2,265.75
		13-00078	BOSWELL ENGINEERING	IMPROVE. CH SQUARE PARK-HO452	\$ 13,554.75
		13-00115	BOSWELL ENGINEERING	REHAB OF FIREHOUSE - HO468	\$ 5,682.50
HS DIRECTOR'S OFFICE	ICAPITAL	12-03754	D & S LAND DEVELOPMENT	CHURCH SQ PARK IMPROVEMENT	\$ 143,325.00
		12-03812	MOLA IRON WORKS	STEEL TREE PIT GUARD	\$ 13,090.00
		12-04334	BEYER FORD d/b/a BEYER FLEET	FORD F-350 4WD REG CAB SRW XL	\$ 129,304.00
		12-03812	MOLA IRON WORKS	STEEL TREE PIT GUARD	\$ 13,090.00

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DEPARTMENT	ACCT/FUND	P.O.	VENDOR	DESCRIPTION	\$		
HS DIRECTOR'S OFFICE	IOPERATING	12-04504	W.B. MASON CO., INC.	INK CARTRIDGES FOR PRINTER	\$ 259.96		
		12-04505	W.B. MASON CO., INC.	INK CARTRIDGE FOR FAX MACHINE	\$ 39.82		
		12-04506	W.B. MASON CO., INC.	HP36A LASER PRINT CARTRIDGES	\$ 140.34		
		12-04647	ROUTE 23 AUTO MALL, LLC	MASON DUMP TRUCK BID 12-16	\$ 49,741.00		
HS HOUSING INSPECTION	IOPERATING	12-04630	W.B. MASON CO., INC.	OFFICE SUPPLIES	\$ 581.20		
HS PARKS	ICAPITAL	12-03244	KOMPAN INC	PLAYGROUND EQUIP-CHRUCH SQ PK	\$ 143,343.29		
		12-03468	KOMPAN INC	RUBBER SURFACE-CHURCH SQ. PK	\$ 101,352.16		
		12-03469	KOMPAN INC	INSTALLATION OF EQUIPMENT	\$ 36,627.01		
	IO M FUND	12-02082	GREENLEAF LANDSCAPE SYSTEMS	LANDSCAPE MAINTENANCE CY12	\$ 6,160.00		
		12-04500	ALM/N.J. LAW JOURNAL	CITY OF HOB. NOTICE TO VEND	\$ 1,817.00		
	IOPERATING	12-04595	CHASAN,LEYNER & LAMPARELLO, PC	PROFESSIONAL SERVICES - PIER A	\$ 2,962.15		
		12-04216	RICHARD DUNKIN	SNAKE OUT SEWER LINE LL FIELD	\$ 130.00		
		12-04220	RICHARD DUNKIN	SNAKED OUT MAIN LINE LL FIELD	\$ 130.00		
		12-04495	HUDSON REPORTER ASSOC LP	ADVERTISEMENT	\$ 283.50		
		12-04503	JOHN A. EARL CO.	SUPPLIES FOR PARKS DEPT.	\$ 9,029.90		
		12-04598	RICHARD DUNKIN	SNAKED OUT SEWER LINE LL FIELD	\$ 130.00		
		12-04599	CITY PAINT AND HARDWARE	PARKS SUPPLIES	\$ 117.31		
		12-04616	STATE CHEMICAL MFG.	PARKS JANITORIAL SUPPLIES	\$ 2,189.14		
		12-04617	CITY PAINT AND HARDWARE	MAINTENANCE SUPPLIES	\$ 151.74		
		ITRUST	12-04199	KOMPAN INC	EQUIP. CHURCH SQUARE PARK	\$ 6,878.73	
			IO M FUND	12-04580	ZUIDEMA/ROYAL THRONE PORTABLE	PORTABLE TOILET RENTAL	\$ 300.00
		IOPERATING		12-04210	STAN'S SPORT CENTER	Basketball Supplies	\$ 5,172.25
				12-04212	STAN'S SPORT CENTER	GRAMMER BASKETBALL	\$ 3,885.00
		12-04213		STAN'S SPORT CENTER	GIRLS LEAGUE	\$ 1,969.55	
		12-04491		STAN'S SPORT CENTER	Martin Socks, assorted sizes	\$ 1,102.50	
12-04498	STAN'S SPORT CENTER	LITTLE LEAGUE CHAMP. T-SIRTS		\$ 240.00			
12-04581	ZUIDEMA/ROYAL THRONE PORTABLE	PORTABLE TOILET RENTAL		\$ 150.00			
12-04589	NU-WAY 2008	BOX LUNCHES/SUMMER LUNCH PROG.		\$ 2,648.70			
ITRUST	12-04652	STATE PAL OF NJ		STATE PAL OF NJ MEMBERSHIP	\$ 50.00		
	ITRUST REC FEES	12-04162		ORLANDO TOLEDO	Football 10 17 12	\$ 210.00	
12-04169		LISA CRUZ	Bus Service for Football	\$ 112.00			
12-04170		HOVIE FORMAN	Bus Services 10/07 & 10/17	\$ 346.00			
12-04212		STAN'S SPORT CENTER	GRAMMER BASKETBALL	\$ 946.80			
12-04231		DOLORES OCASIO	BASEBALL/SOFTBALL TRANS.	\$ 604.00			
12-04294		STAN'S SPORT CENTER	WRESTLING EQUIPMENT	\$ 6,300.00			
12-04499		STAN'S SPORT CENTER	GATORADE CUPS/COACHES TAPE	\$ 144.95			
12-04654		CASSIR BASTIEN	REIMBURSEMENT	\$ 75.00			
12-04655	LAMAR CHARLES	REIMBURSEMENT	\$ 75.00				

CITY OF HOBOKEN
CLAIMS LISTING
FEBRUARY 6, 2013

DEPARTMENT	ACCT/FUND	P.O.	VENDOR	DESCRIPTION	\$
HS RENT LEVELING/STABILIZATION	IOPERATING	12-03993	RAVINDER S. BHALLA, ESQ.	REIMBURSEMENTS-RENT CONTROL	\$ 105.00
		12-04161	UNIBIND INC.	Uniband	\$ 520.42
		12-04494	W.B. MASON CO., INC.	LASERJET CARTRIDGE	\$ 241.54
HS SENIOR CITIZEN PROGRAM	IOPERATING	12-04233	RIVERFRONT CAR WASH	FULL SERVICE CAR WASHES	\$ 72.00
		12-04496	US BINGO, INC	DIGITAL BINGO FLASHBOARD	\$ 5,780.99
PS FIRE	ITRUST	12-04528	HUDSON REPORTER ASSOC LP	ADVERTISEMENT	\$ 861.00
	IHAZMAT	12-03831	PROENGIN, INC.	BATTERY HOLDER	\$ 299.00
PS FIRE	IOPERATING	12-03094	A & M INDUSTRIAL SUPPLY CO.	REPAIR STO SIRIUS PID	\$ 234.00
		12-03097	PINNACLE WIRELESS INC	REPAIR ROOFTOP DISK	\$ 3,499.00
		12-03755	PINNACLE WIRELESS INC	FCC LICENSING MODIFICATION	\$ 250.00
		12-03988	V.E. RALPH & SONS, INC.	DEFIB BATTERY	\$ 228.00
		12-04004	LOMBARDY DOOR SALES	OBSERVER HWY OVERHEAD DOORS	\$ 3,125.00
		12-04006	AIR & GAS TECHNOLOGIES, INC.	AIR COMPRESSOR REPAIRS	\$ 1,632.00
		12-04243	AIR PURIFIERS, INC.	APPARATUS ANCHOR PLATE	\$ 369.50
		12-04245	SHORE SOFTWARE	ONLINE BACKUP	\$ 69.95
		12-04308	ABSOLUTE FIRE PROTECTION	E3 REPAIRS - DAMAGED BY SANDY	\$ 323.45
		12-04309	ENTERPRISE CONSULTANTS	REPAIRED COMM SYSTEM - SANDY	\$ 337.50
		12-04310	ABSOLUTE FIRE PROTECTION	E5 REPAIRS - DAMAGED BY SANDY	\$ 16,981.65
		12-04312	AIR & GAS TECHNOLOGIES, INC.	UNICUS II SYSTEM	\$ 1,019.95
		12-04621	GOVCONNECTION, INC.	WEB FILTER	\$ 2,289.00
		12-04624	ABSOLUTE FIRE PROTECTION	HAZMAT 1 REPAIRS	\$ 5,234.46
		12-04637	DYNAMIC TESTING SERVICE	NEW RECRUIT LAB TESTING	\$ 2,550.00
		12-04643	SHORE SOFTWARE	ONLINE BACKUP	\$ 69.95
		12-04644	PORT SUPPLY	MARINE 1 SUPPLIES	\$ 148.14
		12-04645	CITY PAINT AND HARDWARE	SUPPLIES	\$ 260.72
		CY-03552	M & G AUTO PARTS, INC.	SUPPLIES	\$ 651.53
		PS FIRE SAFETY	IFIRE ED	12-02466	PINNACLE WIRELESS INC
PS POLICE	IOPERATING	12-00013	VERIZON WIRELESS SERVICES LLC	MTHLY LAPTOP WIRELESS SVC. PD	\$ 760.42
		12-01621	NATIONAL LAW ENFORCEMENT SUPPL	PROTECTIVE GLOVES	\$ 281.22
		12-04566	TYCO INTEGRATED SECURITY	QUARTERLY SERVICE PAYMENT	\$ 321.78
UNCLASSIFIED ELECTRICITY	IO M FUND	12-04601	P.S.E.&G. COMPANY	PIER C - NOV & DEC 2012	\$ 1,584.69
	IOPERATING	13-00015	SOUTH JERSEY ENERGY	ELEC UTIL- DECEMBER 2012	\$ 8,179.17
UNCLASSIFIED GASOLINE	IOPERATING	13-00018	P.S.E.&G. COMPANY	ELEC UTIL - DEC 2012	\$ 37,342.64
		13-00200	EXXONMOBIL FLEET/GECC	GASOLINE	\$ 17,126.44
UNCLASSIFIED HOBOKEN VOLUNTEER	IOPERATING	13-00134	HOBOKEN VOLUNTEER AMBULANCE	CY2013 HVAC CONTRIBUTION	\$ 20,000.00
UNCLASSIFIED INSURANCE	IOPERATING	12-03922	PART D ADVISORS, INC.	CLAIMS RECOVERY	\$ 20,638.77
		12-04592	PART D ADVISORS, INC.	CLAIMS RECOVERY	\$ 25,641.70
		12-04653	THE PMA INSURANCE GROUP	WORKERS COMP INSURANCE 11/2012	\$ 52,102.53

CITY OF HOBOKEN
CLAIMS LISTING
FEBRUARY 6, 2013

DEPARTMENT	ACCT/FUND	P.O.	VENDOR	DESCRIPTION	\$
UNCLASSIFIED STREET LIGHTING	IOPERATING	13-00016	P.S.E.&G. COMPANY	STREET LIGHTING - DEC 2012	\$ 49,626.37
UNCLASSIFIED TELEPHONE	IOPERATING	12-00011	VERIZON	CY2012 TELEPHONE SERVICES	\$ 11,141.60
		12-00017	NEXTEL COMMUNICATIONS	CY2012 ACCT#141015027	\$ 8,166.30
		12-00018	CABLEVISION LIGHTPATH, INC.	CY2012 INTERNET SVS #45278	\$ 1,228.95
		12-00019	CABLEVISION LIGHTPATH, INC.	CY2012 REVERSE 911 SYS SVS	\$ 2,793.37
		12-00021	VERIZON WIRELESS	CY2012 CELL SERV-MAYOR	\$ 68.26
		12-02647	OCE IMAGISTICS	LEASE PAYMENT	\$ 1,086.00
		12-04610	OCE IMAGISTICS	LEASE PAYMENT-FAX MACHINE	\$ 1,170.67
		12-04622	ENTERPRISE CONSULTANTS	TELEPHONE MAINTENANCE 10/12	\$ 1,514.89
		13-00072	CABLEVISION	UPGRADE FOR PHONE SYSTEM-PD	\$ 1,903.99
UNCLASSIFIED/STATIONERY	IOPERATING	12-04400	W.B. MASON CO., INC.	OFFICE SUPPLIES	\$ 838.50
CAPITAL/ PIER C	ICAPITAL	CY-03748	EIC ASSOCIATES, INC.	CONSTRUCTION OF PIER C	\$ 80,000.00
Grand Total					\$ 3,163,547.75

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:

ADJUSTMENT PAYROLL (2012 ADJ, THIRD PARTY SICK PAY)

31-Dec-12	TO	31-Dec-12	Paydate	12/31/2012	
<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	2-01-20-105	131.69	0.00	0.00	131.69
MAYOR'S OFFICE	2-01-20-110	0.00	0.00	0.00	0.00
CITY COUNCIL	2-01-20-111	0.00	0.00	0.00	0.00
BUS ADMINISTRATOR	2-01-20-112	0.00	0.00	0.00	0.00
ABC BOARD	2-01-20-113	0.00	0.00	0.00	0.00
PURCHASING	2-01-20-114	0.00	0.00	0.00	0.00
GRANTS MANAGEMENT	2-01-20-116	0.00	0.00	0.00	0.00
CITY CLERK'S OFFICE	2-01-20-120	0.00	0.00	0.00	0.00
ELECTIONS	2-01-20-122	0.00	0.00	0.00	0.00
FINANCE OFFICE	2-01-20-130	0.00	0.00	0.00	0.00
ACCOUNTS/CONTROL	2-01-20-131	0.00	0.00	0.00	0.00
PAYROLL DIVISION	2-01-20-132	0.00	0.00	0.00	0.00
TAX COLLECTION RETRO	2-01-20-145	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00
ASSESSOR'S OFFICE	2-01-20-150	0.00	0.00	0.00	0.00
CORPORATE COUNSEL	2-01-20-155	0.00	0.00	0.00	0.00
COMMUNITY DEVELOPMENT	2-01-20-160	0.00	0.00	0.00	0.00
PLANNING BOARD	2-01-21-180	0.00	0.00	0.00	0.00
ZONING OFFICER	2-01-21-186	0.00	0.00	0.00	0.00
HOUSING INSPECTION	2-01-21-187	0.00	0.00	0.00	0.00
CONSTRUCTION CODE STIPEND	2-01-22-195	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00
POLICE DIVISION	2-01-25-241-011	0.00	0.00	0.00	0.00
POLICE CIVILIAN	2-01-25-241-016	0	0.00	0.00	0.00
POLICE DIVISION CLASS II	2-01-25-241-015	0.00	0.00	0.00	0.00
WORKERS COMP		0.00	0.00	0.00	0.00
COURT TIME		0.00	0.00	500.00	500.00
CROSSING GUARDS	2-01-25-241-012	0.00	0.00	0.00	0.00
EMERGENCY MANAGEMENT	2-01-25-252	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>TOTAL PAY</u>
FIRE DIVISION	2-01-25-266	623.16	(441.41)	0.00	181.75
FIRE DIF (STRAIGHT TIME)		0.00	0.00	0.00	0.00
FIRE CIVILIAN	2-01-25-266-016	0.00	0.00	0.00	0.00
STREETS AND ROADS	2-01-26-291-011	0.00	0.00	0.00	0.00
STREETS AND ROADS	2-01-26-291-015	0.00	0.00	0.00	0.00
ENV SRVCS DIR OFFICE	2-01-26-290	0.00	0.00	0.00	0.00
RECREATION SEASONAL EMP	2-0128370016	0.00	0.00	0.00	0.00
CENTRAL GARAGE	2-01-26-301	0.00	0.00	0.00	0.00
SANITATION	2-01-26-305	2,038.82	0.00	0.00	2,038.82
LICENSING DIVISION	2-31-55-501-101	0.00	0.00	0.00	0.00
WORKERS COMP		0.00	0.00	0.00	0.00
HUMAN SRVCS DIR OFFICE	2-01-27-330	0.00	0.00	0.00	0.00
BOARD OF HEALTH	2-01-27-332	0.00	0.00	0.00	0.00
CONSTITUENT SRCS	2-01-27-333	0.00	0.00	0.00	0.00
SENIOR CITIZENS	2-01-27-336	0.00	0.00	0.00	0.00
RENT STABILIZATION	2-01-27-347	0.00	0.00	0.00	0.00
TRANSPORTATION	2-01-27-348	0.00	0.00	0.00	0.00
RECREATION	2-01-28-370	0.00	0.00	0.00	0.00
PARKS	2-01-28-375	0.00	0.00	0.00	0.00
UNIFORM ALLOWANCE		0.00	0.00	0.00	0.00
PUBLIC PROPERTY	2-01-28-377	0.00	0.00	0.00	0.00
PUBLIC LIBRARY	2-0129-390-021	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	2-01-43-490	0.00	0.00	0.00	0.00
PARKING UTILITY	2-31-55-501-101	0.00	0.00	0.00	0.00
WORKERS COMP		0.00	0.00	0.00	0.00
MUN COURT OVERTIME	T-0340000-037	0.00	0.00	0.00	0.00
TRUST - RECREATION ADULT PROG	T-03-40-000-108	0.00	0.00	0.00	0.00
STRAIGHT TIME PD TO REC EMPLOYEES		0.00	0.00	0.00	0.00
FIRE EDUCATION	T-13-10-000-000	0.00	0.00	0.00	0.00
HOBOKEN ATHL LEAGUE	G-02-41-200-PAL	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 PAL		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 AFFAI	AFFAIRS	2-01-271-760-11	0.00	0.00	0.00	0.00
SALARY ADJUSTMENT		2-01-36-478-000	0.00	0.00	0.00	0.00
SALARY SETTLEMENT		2-01-36-479-000	0.00	0.00	0.00	0.00
POLICE OUTSIDE EMPL.		T-03-40-000-006	0.00	0.00	0.00	0.00
RESERVE FOR POAA		T-03-40-000-032	0.00	0.00	0.00	0.00
SALARY AND WAGES		2-01-46-870-014	0.00	0.00	0.00	0.00
POLICE HOUSING AUTHORITY OEP		2-01-25-241-017	0.00	0.00	0.00	0.00
GRAND TOTAL			2,793.67	(441.41)	500.00	2,852.26
						2,852.26

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:

03-Jan-13	TO	16-Jan-13	Paydate	1/23/2013	
<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	6,532.94	0.00	0.00	6,532.94
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	15,772.43	0.00	0.00	15,772.43
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	15,215.44	406.04	0.00	15,621.48
SICK PAY INCENTIVE		0.00	0.00	1,000.00	1,000.00
ELECTIONS	3-01-20-122	0.00	0.00	0.00	0.00
FINANCE OFFICE	3-01-20-130	22,226.34	0.00	0.00	22,226.34
SICK PAY INCENTIVE		0.00	0.00	500.00	500.00
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	11,773.49	0.00	0.00	11,773.49
SICK PAY INCENTIVE		0.00	0.00	1,200.00	1,200.00
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	5,808.67	633.76	0.00	6,442.43
SICK PAY INCENTIVE		0.00	0.00	500.00	500.00
ZONING OFFICER	3-01-21-186	4,819.89	0.00	0.00	4,819.89
HOUSING INSPECTION	3-01-21-187	5,923.33	644.70	0.00	6,568.03
CONSTRUCTION CODE	3-01-22-195	21,269.76	0.00	0.00	21,269.76
STIPEND		0.00	0.00	200.00	200.00
POLICE DIVISION	3-01-25-241-011	527,059.92	21,730.14	0.00	548,790.06
POLICE CIVILIAN	3-01-25-241-016	31318.98	3,875.79	0.00	35,194.77
POLICE DIVISION CLASS II	3-01-25-241-015	1,200.00	0.00	0.00	1,200.00
WORKERS COMP		0.00	0.00	7,461.59	7,461.59
SICK PAY INCENTIVE		0.00	0.00	69,117.53	69,117.53
VACATION		0.00	0.00	1,398.47	1,398.47
CROSSING GUARDS	3-01-25-241-012	14,758.57	0.00	0.00	14,758.57
SICK PAY INCENTIVE		0.00	0.00	500.00	500.00
EMERGENCY MANAGEMENT	3-01-25-252	15,033.17	0.00	96.15	15,129.32

<u>DEPARTMENT</u>	<u>ACCOUNT NUMBER</u>	<u>REGULAR PAY (01)</u>	<u>O/T PAY (02)</u>	<u>OTHER PAY (01)</u>	<u>TOTAL PAY</u>
FIRE DIVISION	3-01-25-266	461,156.60	7,195.80	10,674.66	479,027.06
FIRE DIF (STRAIGHT TIME)		0.00	0.00	5,072.64	5,072.64
FIRE CIVILIAN	3-01-25-266-016	17,217.04	0.00	0.00	17,217.04
FIRE CIVILIAN - STIPEND		0.00	0.00	180.00	180.00
SICK PAY INCENTIVE			0.00	52,338.32	52,338.32
STREETS AND ROADS	3-01-26-291-011	24,572.48	747.86	0.00	25,320.34
STREETS AND ROADS	3-01-26-291-015	0.00	1,371.82	0.00	1,371.82
ENV SRVCS DIR OFFICE	3-01-26-290	6,178.29	0.00	0.00	6,178.29
RECREATION SEASONAL EMP	3-0128370016	3,770.00	0.00	0.00	3,770.00
STRAIGHT TIME PD TO REC EMPLOYEES		0.00	0.00	405.00	405.00
CENTRAL GARAGE	3-01-26-301	5,647.36	1,645.58	0.00	7,292.94
SANITATION	3-01-26-305	18,276.25	6,260.88	0.00	24,537.13
LICENSING DIVISION	3-31-55-501-101	1,365.45	0.00	0.00	1,365.45
WORKERS COMP		0.00	0.00	943.30	943.30
HUMAN SRVCS DIR OFFICE	3-01-27-330	6,992.71	0.00	0.00	6,992.71
BOARD OF HEALTH	3-01-27-332	20,872.74	0.00	0.00	20,872.74
CONSTITUENT SRCS	3-01-27-333	0.00	0.00	0.00	0.00
SENIOR CITIZENS	3-01-27-336	12,449.44	0.00	0.00	12,449.44
RENT STABILIZATION	3-01-27-347	9,678.53	0.00	0.00	9,678.53
SICK PAY INCENTIVE		0.00	0.00	500.00	500.00
TRANSPORTATION	3-01-27-348	0.00	0.00	0.00	0.00
RECREATION	3-01-28-370	11,808.24	798.03	0.00	12,606.27
SICK PAY INCENTIVE		0.00	0.00	1,000.00	1,000.00
PARKS	3-01-28-375	17,535.06	170.22	0.00	17,705.28
SICK PAY INCENTIVE		0.00	0.00	1,000.00	1,000.00
PUBLIC PROPERTY	3-01-28-377	28,386.92	0.00	0.00	28,386.92
STIPEND		0.00	0.00	(4,615.38)	(4,615.38)
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	35,528.28	0.00	0.00	35,528.28
SICK PAY INCENTIVE		0.00	0.00	500.00	500.00
PARKING UTILITY	3-31-55-501-101	104,359.72	12,329.37	0.00	116,689.09
WORKERS COMP		0.00	0.00	2,687.32	2,687.32
MUN COURT OVERTIME	T-0340000-037	0.00	2,633.24	0.00	2,633.24
TRUST - RECREATION ADULT PROG	T-03-40-000-108	0.00	0.00	0.00	0.00
STRAIGHT TIME PD TO REC EMPLOYEES		0.00	0.00	0.00	0.00
FIRE EDUCATION	T-13-10-000-000	0.00	793.92	0.00	793.92
HOBOKEN ATHL LEAGUE	G-02-41-200-PAL	685.00	0.00	0.00	685.00
STRAIGHT TIME PD TO SR CIT EMPLOYEE		0.00	0.00	595.00	595.00

<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>	
OTHER:						
TRUST REC	TENNIS CLINIC	T-03-40-000-110	0.00	0.00	0.00	0.00
TRUST PAL		T-03-40-000-004	334.05	2,860.00	0.00	3,194.05
TRUST		T-03-40-000-105	0.00	0.00	0.00	0.00
CULTURAL AFFAI	AFFAIRS	3-01-271-760-11	2,988.46	0.00	0.00	2,988.46
SICK PAY INCENTIVE			0.00	0.00	500.00	500.00
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	27,291.00	27,291.00
HLTH INS EMP WAIV COMP		3-01-30-400-WVR	0.00	0.00	10,625.00	10,625.00
SALARY AND WAGES		3-01-46-870-014	2,500.00	7,771.38	0.00	10,271.38
POLICE HOUSING AUTHORITY OEP		3-01-25-241-017	0.00	0.00	0.00	0.00
GRAND TOTAL			1,541,617.53	71,868.53	191,827.52	1,805,313.58
						1,805,313.58

Sponsored by: _____
Seconded by: _____

**City of Hoboken
Resolution No.: ____**

**RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO THE ATTACHED
RESEARCH COLLABORATION AGREEMENT BY AND BETWEEN THE CITY HOBOKEN
AND STEVENS INSTITUTE OF TECHNOLOGY**

WHEREAS, the Administration of the City of Hoboken is working with Stevens Institute of Technology to collaborate on a research project being conducted by Stevens called “Smart City”; and,

WHEREAS, the terms of the Research Collaboration Agreement are laid out in the Agreement, *attached hereto*, and the City Council is now called upon to either accept or reject the terms of the Agreement.

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

1. The City Council hereby accepts the Research Collaboration Agreement, as attached hereto or an agreement substantially similar without any substantive changes; and,
2. The City Council hereby authorizes the Mayor and her Administration to notify Stevens of the Council’s authorization of this Agreement and acceptance of all the terms and obligations therein.
3. The Mayor, her Administration and Corporation Counsel are hereby authorized to proceed to execute and finalize said Agreement, or one substantially similar with no substantive changes, expeditiously, and to take any and all steps necessary to effectuate the Agreement.

MEETING: February 6, 2013

REVIEWED:

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				

Research Collaboration Agreement

This Agreement, dated as of February ___, 2013, is between the City of Hoboken a municipal corporation, with offices located at 94 Washington Street, Hoboken, New Jersey 07030 (hereinafter referred to as the "City"), and the Trustees of the Stevens Institute of Technology, a non-profit corporation organized under the laws of New Jersey with tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, on behalf of its School of Systems Engineering ("Stevens"). For good and valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

Section 1. Purpose.

The parties agree to collaborate on a research project being conducted by Stevens called Smart City: Hoboken (SC:H), the intent of which is to study and develop knowledge and applications of smart city methods, processes and technologies about the City of Hoboken, N.J. (the "Research Project"). The Research Project is a three (3) year pilot for the development of Smart City cell phone applications and is designed to support and encourage democratic participation in civic life.

Section 2. Research Project.

- a. The principal investigator for the Research Project is currently Prof. Ali Mostashari of Stevens. He will work together with a team of students and other faculty and staff at Stevens.
- b. The Research Project will involve installing sensors in strategic locations throughout the City on traffic lights to collect data on urban infrastructure use including traffic, energy consumption and environmental emissions. The sensors will be owned by Stevens and Stevens will collect and analyze the data recovered from the sensors. The City will plan and obtain any approvals necessary for the location and installation of the sensors and Stevens will pay or reimburse any reasonable out-of-pocket costs associated therewith. Stevens may remove a sensor(s) at any time upon prior written notice to the City.
- c. The Research Project intends to collect, analyze and aggregate data for the purpose of improving the body of knowledge on urban management practices.
- e. Nothing contained in this Agreement shall be construed as a warranty on the part of Stevens or the City that any results or inventions will be achieved by the Research Project or the City's activities hereunder.
- f. Within sixty (60) days after the end of each year of the Research Period, Stevens shall prepare a written report summarizing the results of the work conducted on the Research Project during the preceding year and deliver a copy to the City.

- g. Stevens will have full authority and responsibility for the Research Project. All students and employees of Stevens who work on the Research Project will do so as employees or students of Stevens, and not as employees, agents and/or contractors of the City.
- h. Nothing in this Agreement shall be interpreted to prohibit Stevens (or the Principal Investigator) from obtaining additional financing or research grants for the Research Project from government agencies, which grants or financing may render all or part of the Research Project and the results thereof subject to the patent rights of the U.S. Government and its agencies, as set forth in Title 35 U.S.C. §200 et seq.
- i. Unless specifically agreed in writing to the contrary, each party is individually responsible for any and all costs and expenses it incurs in connection with the matters contemplated by this Agreement. Nothing in this Agreement shall be construed to require a commitment by either party to provide any funds or resources unless such party agrees in writing to do so.
- j. Stevens may enter into collaborative research agreements or arrangements with third parties to further the Research Project's goals, subject to providing prior written notice to the City of Hoboken, which notice shall include a true and accurate copy of any and all written agreements, subject to appropriate redactions.

Section 3. Intellectual Property, Confidentiality and Policy Matters.

- a. As a general matter, the policies and procedures of the party undertaking research or activities shall apply to govern such research or activities and the faculty, staff and students of such party regardless of the location of such research, activities or people.
- b. All right, title and interest, in and to intellectual property arising in the course of the Research Project and authored, created or invented by Stevens' employees, staff and/or students shall vest solely in Stevens.
- c. Each of the parties shall abide by generally recognized principles regarding research ethics (for example, conflict of interest, and research misconduct in the nature of fabrication, falsification, and plagiarism) and establish procedures for enforcing those ethics, or rely on Stevens policies and procedures.
- d. The data and other information collected by Stevens from its sensors, together with the data and other information provided to Stevens by the City, will be analyzed as part of the Research Project and only the aggregated data will be used in publications, presentations and for other public purposes. Unless otherwise agreed or ordered by a court of competent jurisdiction neither party will disclose the raw, non-aggregated data to any third party (other than as required by applicable law or process) or use it for any purpose other than the Research Project. Each party will work with its faculty, staff and

students to promote compliance with this provision.

Section 4. Use of Name.

- a. Neither party shall use the name, trade name, trademark, or any other designation of any other party or any affiliate, school, college, division, department, or other unit of such party, or any employee of such party, or any contraction, abbreviation, adaptation, or simulation of any of the foregoing, for any public purpose without such party's prior written consent.
- b. The parties will work closely together to create a joint press release about the existence of this Agreement. Neither party will issue any press release regarding this project without the prior written approval of the other party.

Section 5. Duration; Termination.

- a. This Agreement will be effective as of its date of execution and, unless terminated, will continue for three (3) years.
- b. In the event that either party breaches this Agreement, the non-breaching party may give notice to the breaching party and the breaching party shall have twenty (20) days in which to cure such breach to the satisfaction of the non-breaching party. In the event that such breach is not so cured, the non-breaching party may by written notice to the breaching party terminate this Agreement immediately without recourse.
- c. In the event that either party is subject to any dissolution, bankruptcy or similar proceedings under state or federal law, this Agreement shall automatically and without notice or further action, terminate.
- d. No waiver by either party of any non-performance or violation by the other party of any of the covenants, obligations or agreements of such other party hereunder shall be deemed to be a waiver of any subsequent violation or non-performance of the same or any other covenant, agreement or obligation, nor shall forbearance by any party be deemed to be a waiver by such party of its rights or remedies with respect to such violation or non-performance.

Section 6. Miscellaneous.

- a. This Agreement may be amended at any time by written amendment signed by the authorized representatives of both parties.
- b. It is not the intent of the parties to create a partnership or joint venture or to assume partnership responsibility or liability. The obligations of the parties shall be limited to those set out herein and such obligations shall be several and not joint.

- c. Neither party may assign, transfer or delegate any of its rights or obligations hereunder without obtaining the prior written consent of the other party, which may be withheld for any reason, whether reasonable or unreasonable.
- d. Any notice hereunder shall be in writing and shall be mailed or delivered to the City at 94 Washington Street, Hoboken, New Jersey 07030 Attn: Corporation Counsel and to Stevens at Stevens Institute of Technology, School of Systems and Enterprises, Babbio Building, River Terrace, Hoboken, N.J. 07030, Attn: Dean, with a copy to Stevens Institute of Technology, General Counsel, Howe Center, One Castle Point on Hudson, Hoboken, N.J. 07030.
- e. This Agreement shall be governed by and construed in accordance with the laws of New Jersey, without regard to principles relating to conflicts of law. The courts of the State of New Jersey in Hudson County and the United States District Court for the District of New Jersey shall have exclusive original jurisdiction over the parties with respect to any dispute or controversy between them arising under or in connection with this Agreement and, by execution and delivery of this Agreement, the parties to this Agreement submit to the jurisdiction of those courts.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written:

CITY OF HOBOKEN

THE TRUSTEES OF THE STEVENS
INSTITUTE OF TECHNOLOGY

By: _____
Dawn Zimmer
Mayor

By: _____
Dr. George P. Korfiatis
Provost and University Vice President

Introduced by: _____
Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO. _____

**RESOLUTION TO ACCEPT A GRANT AWARD OF \$44,300.00
FROM THE UNITED STATES DEPARTMENT OF HOMELAND
SECURITY AND FEDERAL EMERGENCY MANAGEMENT
AGENCY FY2012 ASSISTANCE TO FIREFIGHTERS
GRANT PROGRAM, OPERATIONS AND SAFETY PROGRAM**

WHEREAS, the Hoboken Fire Department applied for a FY 2012 Assistance to Firefighters Grant Program from the United States Department of Homeland Security and Federal Emergency Management Agency (“FEMA”) under the Operations and Safety Program for funding for fire hose and certain training for fire fighters; and

WHEREAS, the award letter, **a copy of which is attached**, describes the terms and conditions of the grant funding, which include a FEMA share of \$35,440.00, and a 20% matching cost by the City in the amount of \$8,860.00 for a total project cost of \$44,300.00; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$8,860.00 is available in the following appropriation 2-01-25-266-020 in the CY2013 temporary appropriation; 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 temporary appropriation; 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 by the City Council of the City of Hoboken as follows:

A. This resolution authorizes the Administration to accept the FEMA grant in the amount of \$44,300.00, as described in the **attached grant award letter**, and the City Council consents to the amount required in matching City funds, which constitute \$8,860.00, for a total project cost of \$44,300.00.

B. The Mayor or her agent is hereby authorized to take action to accept the grant award, appropriate the necessary matching funds and obtain the provisions contemplated herein; and

C. This resolution shall take effect immediately upon passage.

Date of Meeting: February 6, 2013

Reviewed:

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: _____

SECONDED BY: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

**THIS RESOLUTION AMENDS AN EMERGENCY CONTRACT
AWARDED TO THOMPSON CONSULTING FOR DEBRIS
MONITORING AND PUBLIC ASSISTANCE IN THE WAKE OF
HURRICANE SANDY WHICH CONSITUTES NO CHANGE,
AND FOR AN AMENDED EXPIRATION DATE OF APRIL 19,
2013**

WHEREAS, the City of Hoboken was faced with an emergency situation which has the potential to create serious risks to the safety, health and welfare of the general public, specifically, the debris remaining throughout the City and the financial hardships of the local government which resulted from Hurricane Sandy; and,

WHEREAS, the Administration consulted and negotiated with two (2) consulting firms, and thereafter entered into an emergency contract for said services in accordance with N.J.S.A. 40A:11-6 and Hoboken Code § 60-11; and,

WHEREAS, thereafter the City sought proposal for said services, under emergent circumstances and time constraints, and received two proposals which were evaluated according to the general requirements of competitive contracting within the New Jersey statutes and regulations, and awarded a contract to Thompson Consulting which was for Two Hundred Fifty Four Thousand One Hundred Fifty Two Dollars (\$254,152.00), and an expiration date of February 12, 2013; and,

WHEREAS, in accordance with the direction of the City Business Administrator, the City Administration seeks to amend the contract for an unchanged total contract amount of Two Hundred Fifty Four Thousand One Hundred Fifty Two Dollars (\$254,152.00), **but with an amended expiration date of April 19, 2013**; and,

WHEREAS, additional certification of funds is unnecessary, as the not to exceed amount remains unchanged.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the amendment to the emergency contract with the below listed vendor is authorized and ratified for **an unchanged amount not to exceed Two Hundred Fifty Four Thousand One Hundred Fifty Two Dollars (\$254,152.00) and an amended termination date of April 19, 2013**, subject to the following conditions:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the attached proposal shall govern the contract, and no changes may be made without the prior written consent of both parties.
3. Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
4. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
5. The Mayor, or her designee is hereby authorized to execute an agreement, for the

above referenced goods and/or services based upon the following information:

Thompson Consulting Services
951 Market Promenade Avenue
Suite 2101
Lake Mary, Florida 32746

Reviewed:

Approved as to form:

Quentin Wiest
Business Administrator

Mellissa Longo, Esq.
Corporation Counsel

Date of Meeting: February 6, 2013

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

SPONSORED: _____
SECONDED: _____

**CITY OF HOBOKEN
RESOLUTION NO. __**

**RESOLUTION AUTHORIZING USE OF THE COMPETITIVE CONTRACTING PROCESS
FOR HPU TOWING SOFTWARE PROVISIONS FOR THE CITY OF HOBOKEN FOR A TWO
YEAR PERIOD**

WHEREAS, the City of Hoboken needs to secure towing software provisions for the HPU of the City;
and

WHEREAS, the cost of these services will exceed the City's bid threshold; and

WHEREAS, under the Local Public Contracts Law, N.J.S.A. 40A:11-4.1, competitive contracting may
be used by local contracting units in lieu of the standard public bidding process for procurement of
specialized goods and services where the price exceeds the bid threshold, particularly software; and

WHEREAS, the City meets the criteria of Local Public Contracts Law N.J.S.A. 40a:11-4.1 which allows
the use of a methodology to rank and evaluate proposals received to not only secure the best price but the
best service to suit the City's needs.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that the
Competitive Contract Process, as described and allowed in N.J.S.A. 40A:11-4.1 shall be initiated by the
Purchasing Agent/Business Administrator for the purpose of receiving proposals for HPU towing
software provisions for the City, pursuant to the local public contracts law.

Reviewed:

Approved as to Form:

Quentin Wiest
Business Administrator

Mellissa Longo, Esq.
Corporation Counsel

Meeting Date: February 6, 2013

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano				
Ravi Bhalla				
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 A SECOND AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH VINCENT LAPAGLIA, ESQ. AS SPECIAL LEGAL COUNSEL-TAX APPEALS TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2012 AND EXPIRE DECEMBER 31, 2012 FOR AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$4,933.61 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$81,433.61

WHEREAS, service to the City as Special Counsel – Vincent Lapaglia, Esq. 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 awarded a contract to Vincent LaPaglia by resolution dated May 2, 2012, which was thereafter amended on September 5, 2012; and,

WHEREAS, the City now seeks to again increase the not to exceed amount of that resolution by Four Thousand Nine Hundred Thirty Three Dollars and Sixty One Cents (\$4,933.61) for a total not to exceed amount of Eighty One Thousand Four Hundred Thirty Three Dollars and Sixty One Cents (\$81,433.61), and subject to no additional contract changes; and,

WHEREAS, Vincent Lapaglia, Esq. 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 \$4,933.61 is available in the following appropriations 2-01-20-150-030 in the CY2012 reserve budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 reserve or formal budget.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a second amended contract with Vincent Lapaglia, Esq. for an increase in the not to exceed amount by Four Thousand Nine Hundred Thirty Three Dollars and Sixty One Cents (\$4,933.61) for a total not to exceed amount of Eighty One Thousand Four Hundred Thirty Three Dollars and Sixty One Cents (\$81,433.61), and subject to no additional contract changes; and,

BE IT FURTHER RESOLVED, that the remainder of the contract shall remain unchanged; 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 Vincent Lapaglia, Esq.; 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.

Dated: February 6, 2013

Reviewed:

Approved as to form:

Quentin Wiest
Business Administrator

Melissa 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 A PROFESSIONAL SERVICE CONTRACT WITH FLORIO KENNY AS SPECIAL LEGAL COUNSEL- RENT CONTROL BOARD ATTORNEY TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2013 AND EXPIRE DECEMBER 31, 2013 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$7,500.00

WHEREAS, service to the City as Special Counsel –Rent Control Board Attorney 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-Rent Control Board Attorney in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Florio Kenny responded to; and,

WHEREAS, the evaluation committee has determined that Florio Kenny offers the best option of all the proposals submitted, cost and other factors considered, and therefore advises a contract be entered into with Florio Kenny; and,

WHEREAS, Florio Kenny 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 \$7,500.00 is available in the following appropriation 30120156020 in the temporary CY2013 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 a contract with Florio Kenny to represent the City as Special Legal Counsel- Rent Control Board Attorney be awarded, for a term to commence January 1, 2013 and expire December 31, 2013, for a total not to exceed amount of Seven Thousand Five Hundred Dollars (\$7,500.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: Florio Kenny shall be paid \$300.00/meeting, which shall be all inclusive of all work in preparation for and subsequent to each meeting, and a maximum hourly rate of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20.00/hour for support staff for any additional work assigned by the City, and done on behalf of the City, outside of that work done as part of the board meeting rate, as defined above. 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, any new litigation, legal matters, and rent control board meetings 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 written 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 Kenny; 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: February 6, 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: _____
Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO. _____

**RESOLUTION AUTHORIZING CHANGE ORDER #2 ON BEHALF
OF AMCO ENTERPRISES INC. FOR ADDITIONAL WORK ON
THE HOBOKEN POLICE DEPARTMENT HVAC REHABILITATION
PROJECT (HO-453) FOR THE CITY OF HOBOKEN IN THE
AMOUNT OF \$4,066.00**

WHEREAS, the City of Hoboken previously appropriated funds totaling \$489,000.00 for the AMCO Enterprises Inc. for the Hoboken Police Department HVAC Rehabilitation Project (HO-453) for the City of Hoboken; and

WHEREAS, pursuant to a previous resolution, the City Council approved Change Order #1 in the amount of \$67,994.61 to allow for the following additional work: safety shutoff valves, ductwork, and chimney work, for a new amended contract price of Five Hundred Fifty Six Thousand Nine Hundred Ninety Four Dollars and Sixty One Cents (\$556,994.61) which equaled a Thirteen Percent (13%) increase in the contract amount; and

WHEREAS, during the continued performance of the contract, additional electrical work was required; and

WHEREAS, the City's Engineer, by letter dated January 9, 2013, has reviewed the additional work and takes no exception to the work included in Change Order #2 in the amount of \$4,066.00, which results in a total amended contract price of Five Hundred Sixty One Thousand Sixty Dollars and Sixty One Cents (\$561,060.61), which equals a Fifteen Percent (15%) increase in the contract amount; and

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$4,066.00 is available in the following capital appropriation C-04-60-711-330; and I further certify that this commitment together with all previously made commitments and payments do not exceed the funds available in said appropriation; 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 City Council does hereby approve Change Order #2 for the Hoboken Police Department HVAC Rehabilitation Project (HO-453) for the City of Hoboken in favor of AMCO Enterprises Inc. in the amount of Four Thousand Sixty-Six Dollars (\$4,066.00) for a new amended contract price of Five Hundred

Sixty One Thousand Sixty Dollars and Sixty One Cents (\$561,060.61), which equals a Fifteen Percent (15%) increase in the contract amount.

Date of Meeting: February 6, 2013

Reviewed:

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: _____

Seconded by: _____

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

RESOLUTION TO REVOKE A SERVICE CONTRACT TO TEI GROUP FOR SERVICES AS THE CITY'S ELEVATOR REPAIR PROVIDER FOR THE TWO ELEVATORS IN THE MIDTOWN GARAGE WHICH WAS ORIGINALLY AWARDED FOR A NOT TO EXCEED AMOUNT OF FORTY THREE THOUSAND EIGHT HUNDRED THIRTY SIX DOLLARS AND EIGHTY CENTS (\$43,836.80)

WHEREAS, service, goods for the repair of the Midtown Garage Elevators (2) is subject to a request for quotations pursuant to the Fair and Open Process, even though it is an emergency contract exempt from public bidding; and,

WHEREAS, the Administration requested a quote for said products and services, and had determined that TEI Group can provide the City with the most effective and efficient products and services; and,

WHEREAS, the City originally awarded the contract to TEI in an amount of Forty Three Thousand Eight Hundred Thirty Six Dollars and Eighty Cents (\$43,836.80), and thereafter received a lower quote from Schindler Elevator Corporation; and,

WHEREAS, the City now seeks to revoke the original contract awarded to TEI, which has not been executed, and for which the proposal has since expired, in place of a contract to Schindler Elevator Corporation.

NOW THEREFORE, BE IT RESOLVED, that a contract with TEI Group to provide the City with products, goods and services for repair of the two (2) elevators in the Midtown Garage with a not to exceed amount of **Forty Three Thousand Eight Hundred Thirty Six Dollars and Eighty Cents (\$43,836.80)** is hereby revoked effective immediately; 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: February 6, 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: _____

Seconded by: _____

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

RESOLUTION TO AUTHORIZE A SERVICE CONTRACT TO SCHINDLER ELEVATOR CORPORATION FOR SERVICES AS THE CITY'S ELEVATOR REPAIR PROVIDER FOR THE TWO ELEVATORS IN THE MIDTOWN GARAGE TO COMMENCE DECEMBER 19, 2012 AND EXPIRE UPON COMPLETION, BUT NOT LATER THAN MARCH 18, 2013 FOR A NOT TO EXCEED AMOUNT OF TWENTY FOUR THOUSAND SEVEN HUNDRED THIRTY SIX DOLLARS (\$24,736.00)

WHEREAS, service, goods for the repair of the Midtown Garage Elevators (2) is subject to a request for quotations pursuant to the Fair and Open Process, even though it is an emergency contract exempt from public bidding; and,

WHEREAS, the Administration requested a quote for said products and services, and has determined that Schindler Elevator Corporation can provide the City with the most effective and efficient products and services; and,

WHEREAS, the City wishes to provide a not to exceed amount to the contract in an amount of Twenty Four Thousand Seven Hundred Thirty Six Dollars (\$24,736.00); and,

WHEREAS, Schindler Elevator Corporation 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 \$24,736.00 is available in the following appropriation 2-01-31-461-000 in the CY2012 budget; 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 CY2012; 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 Schindler Elevator Corporation to provide the City with products, goods and services for repair of the two (2) elevators in the Midtown Garage, in accordance with the attached proposal, be executed, for a term to commence December 19, 2012 and expire upon completion of the project, but in no event later than March 18, 2013, with a not to exceed amount of **Twenty Four Thousand Seven Hundred Thirty Six Dollars (\$24,736.00)**; 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 TEI Group; 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: February 6, 2013

APPROVED:

APPROVED AS TO FORM:

Quentin Wiest
Business Administrator

Melissa 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: _____

Seconded by: _____

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

**RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH MCELROY
DEUTSCH MULVANEY & CARPENTER, LLP AS SPECIAL LEGAL COUNSEL- OUTSTANDING
LITIGATION / EMPLOYEE INDEMNIFICATION IN THE MATTER OF JAMES V. CITY OF
HOBOKEN (C0635-1008) FOR LABRUNO ON BEHALF OF THE CITY OF HOBOKEN TO
COMMENCE MAY 1, 2012 AND EXPIRE MAY 1, 2013 FOR A TOTAL NOT TO EXCEED
AMOUNT OF \$35,000.00**

WHEREAS, service to the City as Special Counsel -Outstanding Litigation / Employee Indemnification for Defendant LaBruno on behalf of the City of Hoboken 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, pursuant to an agreement, dated April 11, 2008, and the collective bargaining agreement January 1, 2008 between the City of Hoboken and Defendant LaBruno and the Hoboken PSOA, Mr. LaBruno was allowed to obtain legal counsel of his choice in the matter of James v. City of Hoboken and LaBruno (C0635-1008), subject to the legal counsel complying with all Pay to Play laws and ordinances; and,

WHEREAS, Defendant LaBruno requested the legal counsel of Edward J. DePascale, Esq. of McElroy Deutsch Mulvaney & Carpenter, LLP for his legal defense in the above referenced matter, and the City is contractually obligated to pay for said counsel; and,

WHEREAS, McElroy Deutsch Mulvaney & Carpenter LLP is hereby required to initially, prior to payment, and continually, throughout the contract, 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, the Open Public Records Act, and any other applicable law or regulation; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$22,262.25 is available in the following appropriation 2-01-20-156-020 in the CY2012 reserve budget; and, I hereby certify that \$12,737.75 is available in the following appropriation 3-01-20-156-020 in the temporary CY2013 appropriations and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriations for the CY2012 or 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 McElroy Deutsch Mulvaney & Carpenter LLP to represent Defendant LaBruno on behalf of the City as Special Legal Counsel- Outstanding Litigation / Employee Indemnification in the matter of James v. City of Hoboken (C0635-1008) be awarded, for a term to commence May 1, 2012 and expire May 1, 2013, for a total not to exceed amount of Thirty Five Thousand Dollars (\$35,000.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: the firm shall be paid a maximum hourly rate of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20.00/hour for support staff. 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, no other matters may be assigned to or billed by the firm under this agreement; and,

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt written 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, as described herein or heretofor amended in accordance with this

agreement and all applicable laws; 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 the firm and the lead counsel; 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: February 6, 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				

Sponsored: _____

Seconded: _____

The City of Hoboken of The County of Hudson
Resolution No. _____

A RESOLUTION TO LAPSE APPROPRIATION RESERVE TO SNOW REMOVAL TRUST

BE IT RESOLVED, by the Governing Body of the City of Hoboken, County of Hudson, New Jersey that the following 2012 appropriation reserve balance be lapsed to the Snow Removal Trust pursuant to N.J.S.A. 40A:4-62.1.

<u>Account Description</u>	<u>Account #</u>	<u>Balance to Lapse</u>
Snow Removal	2-01-26-291-040	\$100,000.00

Adopted this ____ day of _____, 2013
and certified as a true copy of an original.

James Farina, Registered Municipal Clerk

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
Gess Gess & Scanlon totaling **\$1,700.50**

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

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
Gess Gess & Scanlon 89 Hudson St 3 rd Fl Hoboken, NJ 07030	213/1/C0205	201-203 Washington St	\$1,700.50

Meeting: February 6, 2013

Approved as to Form:

CORPORATION COUNSEL

SHARON CURRAN

Introduced By: _____

Second By: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

**RESOLUTION AUTHORIZING THE REFUND OF TAX APPEALS
STATE TAX COURT**

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

WHEREAS, Sharon Curran, Collector of Revenue recommends that the refunds be made;

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$ 18,838.75**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
Davenport & Spiotti 219 Changebridge Road Montville, NJ 07045	25/1/C002A	700 First St	2011	\$ 2,310.50
Law Office of Nathan P. Wolf, LLC 673 Morris Ave Springfield, NJ 07081	141/1	1601-05 Clinton St	2011	\$ 3,465.75
Law Office of Nathan P. Wolf, LLC 673 Morris Ave Springfield, NJ 07081	141/1	1601-05 Clinton St	2012	\$ 3,562.50
Stavitsky & Associates 350 Passaic Ave Fairfield, NJ 07004	201/18	232-234 Washington St	2012	\$ 9,500.00

Meeting: February 6, 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 **\$ 44,014.14**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Befumo, Robert C & C Cavicchioli 655-65 First St #213 Hoboken, NJ 07030	13/4/C0213	85-89 Harrison St	3/12	\$ 1,988.19
Wells Fargo Home Mort MAC X2302-04D Tax Dept 1 Home Campus Des Moines, IA 50328	13/4/C0303	85-89 Harrison St	2/12	\$ 1,506.44
Corelogic Commercial Real Estate Services, Inc P O Box 167928 Irving, TX 75016	17/2	512 Observer Hwy	3/12	\$ 3,003.65
Corelogic Commercial Real Estate Services, Inc P O Box 167928 Irving, TX 75016	17/3	512 Observer Hwy	3/12	\$ 3,003.65
Gorham, Jacqueline 232 E 83 rd St Apt 5RE New York, NY 10028	28/31/C002A	108 Madison St	3/12 & 4/12	\$ 1,978.42
Smith, Andrew & Meghan 422 Jefferson St #2C Hoboken, NJ 07030	59/12/C002C	418-422 Jefferson St	3/12	\$ 1,599.09
Segalla, Dominic Jr & Francesca 611 Monroe St #1 Hoboken, NJ 07030	75/4/C0001	611 Monroe St	4/12	\$ 1,813.90

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Ohring, Avi & Rochelle 626 Jefferson St #12A Hoboken, NJ 07030	76/11.01/C12-A	626 Jefferson St	3/12	\$ 2,151.64
Mc Mahon, Patricia & K Misslich 402 Ninth St #4C Hoboken, NJ 07030	149/1/C0E4C	400-414 Ninth St	3/12	\$ 1,771.08
Hammerie, Karen 809 Willow Ave #3R Hoboken, NJ 07030	170/5/C003R	809 Willow Ave	4/12	\$ 1,316.15
Russo, Nicole 1109-21 Willow Ave #0-02 Hoboken, NJ 07030	173/6/C0-02	1109-1121 Willow Ave	4/12	\$ 1,280.73
Wang, Liang & Wan Huang 207 Sixth St Hoboken, NJ 07030	180/19	207 Sixth St	4/12	\$ 950.00
Preston, Barry & Jill 947 Bloomfield St Hoboken, NJ 07030	208/17	947 Bloomfield St	3/12	\$ 3,278.69
Hudson Square North 50 Washington St Hoboken, NJ 07030	225/3/BLDG	224-232 River St/	2012 PILOT	\$ 8,630.78
Wells Fargo Home Mort MAC X2302-04D Tax Dept 1 Home Campus Des Moines, IA 50328	251/14.01/C008N	163 Fourteenth St	1/12	\$ 1,594.24
Holzman, Dara Elizabeth 155 Fourteenth St #4L Hoboken, NJ 07030	251/16.02/C004L	155 Fourteenth St	1/12	\$ 1,067.45
Patel, Samir & Urvashee 1025 Maxwell Lane #201 Hoboken, NJ 07030	261.04/1/CP163	1025 Maxwell Lane	3/12	\$ 147.59
Mc Elligott, Kristin 2 Constitution Ct. #908 Hoboken, NJ 07030	262.03/1/C0908	2 Constitution Ct.	3/12	\$ 1,585.48
Sobol, Alex 1125 Maxwell Lane #324 Hoboken, NJ 07030	261.03/1/C0324	1125 Maxwell Lane	3/12	\$ 2,052.84

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Corelogic Att: Refund Dept. 1 Core Logic Drive Westlake, TX 76262	269.02/1/C0205	1450 Washington St	4/12	\$ 1,079.44
Corelogic Att: Refund Dept. 1 Core Logic Drive Westlake, TX 76262	269.02/1/C0219	1450 Washington St	4/12	\$ 582.68
Corelogic Att: Refund Dept. 1 Core Logic Drive Westlake, TX 76262	269.02/1/C0220	1450 Washington St	4/12	\$ 380.00
Corelogic Att: Refund Dept. 1 Core Logic Drive Westlake, TX 76262	269.02/1/C0221	1450 Washington St	4/12	\$ 609.19
Corelogic Att: Refund Dept. 1 Core Logic Drive Westlake, TX 76262	269.02/1/C0308	1450 Washington St	4/12	\$ 642.82

Meeting February 6, 2013

Approved as to Form:

CORPORATION COUNSEL

Sharon Curran

Introduced by: _____
Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO. _____

RESOLUTION AUTHORIZING TAX COLLECTOR TO CANCEL
INTEREST ACCRUED ON ACCOUNT
AS TO BLOCK 201, LOT 8 C001E

WHEREAS, interest in the amount of \$19.36 has accrued on the account as to Block 201, Lot 8 C001E for untimely payment of real estate taxes for the third quarter of 2012; and

WHEREAS, the untimely payment of said real estate taxes was due in part on an error by the Tax Assessor's office in placing a change of address for an adjacent property on the referenced block and lot; and

WHEREAS, Special counsel for the City of Hoboken has opined that the cancellation of interest in this matter is warranted.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, County of Hudson and State of New Jersey, that the Tax Collector for the City of Hoboken be and is hereby authorized to cancel interest in the amount of \$19.36 (plus any accrued charges thereon) that has accrued on the account as to Block 201, Lot 8 C001E; and

BE IT FURTHER RESOLVED that the City Clerk shall forward copies of this Resolution to the Tax Collector.

Meeting date: _____, 2013

APPROVED:

APPROVED AS TO FORM:

QUENTIN W. WIEST
Business Administrator

MELLISSA L. LONGO
Corporation Counsel

Councilperson	Yea	Nay	Abstain	No Vote
Ravinder Bhalla				
Peter Cunningham				
Jennifer Giattino				
James Doyle				
Elizabeth Mason				
David Mello				
Timothy Occhipinti				
Michael Russo				
Theresa Castellano				

Introduced By: _____

Seconded By: _____

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

**RESOLUTION IN SUPPORT OF A PETITION DRIVE CALLING FOR A BAN ON ALL
ASSAULT WEAPONS AND HIGH-CAPACITY MAGAZINES AND FOR
COMPREHENSIVE GUN CONTROL**

WHEREAS, the City Council of the City of Hoboken stands united in its support for the people of Newtown, Connecticut following the recent tragedy at Sandy Hook Elementary School, in which 20 children and 6 adults were murdered by a deranged individual using an AR-15 military-style assault weapon; and,

WHEREAS, as the Council joins our entire nation in mourning the loss of so many lives in such horrible circumstances, it is also proactively reviewing measures to decrease the chances of such a tragedy occurring in our own community, and intends to work closely with the Mayor, Board of Education and public safety officials to develop and implement improvements in our school safety plans to protect students and educators; and,

WHEREAS, while this Council intends to do everything in its power to ensure the safety of our schools, there are some common-sense safety measures and reforms that can only be accomplished at higher levels of government, and these reforms will only become law if people join together to make their voices heard in the halls of Congress and at the State House as loudly as possible; and,

WHEREAS, the Council finds and declares that easy access to military-style assault weapons along with high-capacity magazines, even by those who seek to do harm to others, presents a clear and present danger to Hoboken's safety, and therefore joins with the many elected officials, community leaders and citizens throughout our city, state and nation who have called to restore a ban on such weapons; and,

WHEREAS, the Council believes that such a ban does not impact the legitimate rights of hunters, target shooters or those who desire to own a firearm for self-defense, but is simply a measure that may very well prevent the most deadly weapons from falling into the hands of the next potential mass shooter; and,

WHEREAS, the Council has been made aware that the New York Daily News has initiated a petition drive in support of such a ban, which reads:

Thirty-four Americans are killed every day by fire arms. The total killed in just 6 months is equal to all American combat deaths over the entire length of the Iraq and Afghanistan wars. After the tragic murder of over 20 children and 6 adults at Sandy Hook Elementary School, we call on Congress to immediately ban all assault weapons and high-capacity magazines and institute comprehensive gun control;

and,

WHEREAS, the Council agrees with the sentiments expressed in the New York Daily News petition and its membership intends to join the tens of thousands of people who have already signed it;

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HOBOKEN that it declares its support for the New York Daily News petition drive calling for the adoption of legislation banning all assault weapons and high-capacity magazines and instituting comprehensive gun control; and,

BE IT FURTHER RESOLVED that the Council urges all Hoboken residents to sign the New York Daily News petition or take whatever other methods they see fit to make their voices heard on this critical public safety issue; and,

BE IT FURTHER RESOLVED that the City Clerk shall transmit certified copies of this resolution to President Barack Obama, Senators Robert Menendez and Frank Lautenberg, Congressman Albio Sires, Governor Christopher Christie and our 33rd District legislative delegation, as well as the editor of the New York Daily News.

APPROVED AS TO FORM:

Corporation Counsel

Date of Meeting:

HOBOKEN, NJ 07030
CITY CLERK

2013 JAN 31 AM 11:46

RECEIVED

Sponsored By: _____
Seconded By: _____

CITY OF HOBOKEN
RESOLUTION #: _____

RESOLUTION APPROVING CHANGE ORDER NO. 1 ON BEHALF OF BEYER FORD D/B/A BEYER FLEET FOR DIFFERENT VEHICLES FOR THE CITY OF HOBOKEN IN THE AMOUNT OF \$26,322.00

WHEREAS, the City of Hoboken previously appropriated funds totaling \$140,136.00 for Beyer Ford for vehicle purchases for the City of Hoboken; and

WHEREAS, the City Council originally awarded the contract to Beyer Ford in the amount of \$140,136.00; and

WHEREAS, the City has now anticipated different needs in its vehicle purchases, including two additional Ford Explorers and two less Ford Focuses; and

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$26,322.00 is available in the following appropriation 3-01-55-901-014 in the CY2013 temporary appropriation; 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 temporary appropriation; 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 City Council does hereby approve Change Order #1 for purchase of vehicles by the City of Hoboken in favor of Beyer Ford d/b/a Beyer Fleet in the amount of Twenty Six Thousand Three Hundred Twenty Two Dollars (\$26,322.00) for a new amended contract price of One Hundred Sixty Six Thousand Four Hundred Fifty Eight Dollars (\$166,458.00) which equals approximately an Nineteen Percent (19%) increase in the contract amount.

Meeting date: February 6, 2013

APPROVED:

APPROVED AS TO FORM:

Quentin Wiest
Business Administrator

Mellissa Longo
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				



CITY OF HOBOKEN

DIVISION OF PURCHASING

94 WASHINGTON ST. • HOBOKEN, N.J. 07030-4585

(201) 420-2027

PURCHASE ORDER

THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKING LISTS, CORRESPONDENCE, ETC.

No. 12-04682

pg 1

SHIP TO

ADM BUSINESS ADMINISTRATION
CITY HALL
94 WASHINGTON STREET 2ND FL
HOBOKEN, NJ 07030

VENDOR

VENDOR #: 10532
BEYER FORD d/b/a BEYER FLEET
170 RIDGEDALE AVENUE
MORRISTOWN, NJ 07962
COERT STEADY

ORDER DATE: 12/28/12
REQUISITION NO: R2-04865
DELIVERY DATE:
STATE CONTRACT:
F.O.B. TERMS:

VENDOR: READ IMPORTANT REQUIREMENTS ON BACK

THIS ORDER IS TAX EXEMPT PER N.J.S.A. 54:32B-9(a)(1) TAX EXEMPTION # 22-600-1993

QTY/UNIT	DESCRIPTION	ACCOUNT NO.	UNIT PRICE	TOTAL COST
1.00/LO	VEHICLES - NJ STATE CONTRACT PURCHASED OF VEHICULAR EQUIPMENT AND ACCESSORIES BASE ON NJ STATE CONTRACT - A83013.	2-01-46-870-015	140,136.0000	140,136.00
4 <i>8</i>	2 EACH - 2013 FORD EXPLORER 4WD			166,458
4 <i>8</i>	2 EACH - 2013 FORD FOCUS OR SIMILAR <i>152,494.00</i>			152,494
	NOT TO EXCEED \$ 140,136.00		<i>J.W.</i>	140,136.00
			TOTAL	<u>140,136.00</u>

973-884-2680
PLEASE AMEND CHANGE RESOLUTION Anthony

VENDOR: THIS VOUCHER SHALL BE SIGNED AND RETURNED TO THE "SHIP TO" DEPARTMENT ADDRESS.
THIS PURCHASE ORDER EXPRESSLY LIMITS ACCEPTANCE TO THE TERMS AND CONDITIONS STATED HEREIN, SET FORTH ON THE REVERSE SIDE HEREOF AND ANY SUPPLEMENTARY OR ADDITIONAL TERMS AND CONDITIONS ANNEXED HERETO OR INCORPORATED HEREIN BY REFERENCE. ANY ADDITIONAL OR DIFFERENT TERMS AND CONDITIONS PROPOSED BY SELLER ARE SUBJECT TO AND HEREBY REJECTED.

CLAIMANT'S CERTIFICATION AND DECLARATION

I solemnly declare and certify under the penalties of the law that the bill is correct in all its particulars; that the articles have been shipped or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of the claimant in connection with the above claim; that the amount herein stated is justly due and owing; and that the amount charged is a payable one; I have read and understand all conditions.

[Signature]

VENDOR SIGN HERE

OFFICIAL POSITION

DATE

MUNICIPAL CERTIFICATION

Having knowledge of the facts and in the course of regular procedures, I certify that the materials and supplies have been received or the services rendered; said certification is based on delivery slips acknowledged by a municipal employee or other reasonable procedures.

[Signature]

SIGNATURE

TITLE

I approve the within claim and recommend the adoption of a resolution ordering the payment of this claim to the party in whose name the claim is made.

PURCHASING DEPT.

DO NOT ACCEPT THIS ORDER UNLESS IT IS SIGNED BELOW

CERTIFICATION OF FUNDS

I hereby certify the funds are available and encumbered.

CHIEF FINANCIAL OFFICER

PAYMENT AUTHORIZED

DATE PAID

CHECK NO.

DEPARTMENT COPY

12/28/2012

BEYER FLEET

2013 FORD FOCUS S STATE OF NEW JERSEY CONTRACT # A83035

- 2.0L GDI I4 flex fuel engine
- 5-speed automatic transmission
- Front wheel drive
- Independent McPherson strut front suspension
- Independent control blade rear suspension
- Rear stabilizer bar
- Electric pwr assist rack & pinion steering
- Front disc & rear drum pwr brakes
- Easy Fuel capless fuel-filler system
- 15" steel wheels w/wheel covers
- P195/65R15 tires
- Mini spare tire
- Body-color bumpers
- Black grille w/chrome trim -inc: active shutter
- Quad-beam halogen headlamps
- Black folding pwr mirrors w/spotter
- Variable Intermittent wipers
- Black door handles
- AM/FM stereo w/CD/MP3 player
- Mast antenna
- Rear 3-point safety belts for all positions
- Rear door child safety locks
- LATCH (Lower anchors & tethers for children) syst
- Emergency trunk release
- Tire pressure monitoring system
- Cloth front bucket seats -inc: 4-way driver seat,
- Folding rear bench seat w/(3) removable headrests
- Full floor center console w/storage
- Driver left foot rest
- Tilt/telescopic steering column
- Instrument cluster -inc: tachometer
- Three blink lane change indicator
- Pwr front windows w/1-touch driver down
- Pwr door locks
- Remote keyless entry
- SecurILock passive anti-theft system
- Manual air conditioning w/air filtration system
- Rear window defroster
- (2) front cupholders
- Front 12V pwr point
- Dual visors
- Front/rear/cargo dome lights
- Rear coat hooks
- Front door storage bins
- Anti-lock brakes (ABS)
- AdvanceTrac w/electronic stability control
- Dual stage front airbags
- Front/rear side-impact airbags
- Front/rear side curtain airbags
- Passenger occupant detection system (PODS)
- 3-point front safety belts -

Base Price \$ 14,003.00

12/28/2012

BEYER FLEET

2013 FORD EXPLORER 4WD BASE STATE OF NEW JERSEY CONTRACT # A83013

- 3.5L Ti-VCT V6 engine -inc: 3.39 axle ratio
- 6-speed SelectShift automatic transmission w/OD
- 4-wheel drive
- 58-amp/hr maintenance-free battery
- 175-amp alternator
- Trailer sway control
- Front recovery hooks
- Independent front/rear suspension
- Pwr steering
- Dual chrome exhaust tips
- P245/65R17 all-season BSW tires
- 17" steel wheels
- Mini spare tire
- Black roof rack side rails w/black end caps
- Body-color spoiler
- Upper body color/lower black front/rear bumpers
- Black wheel lip molding
- Black lower bodyside cladding
- Foundry grey painted grille
- Bi-functional projector beam headlamps
- LED tail lamps
- Black folding pwr mirrors
- 2nd/3rd row privacy glass
- Black door handles
- Front speed sensitive wipers
- Rear 2-speed intermittent wiper
- Easy fuel capless fuel filler
- AM/FM stereo w/CD/MP3 player
- (6) audio speakers
- Roof mounted antenna
- Safety Canopy
- SOS Post Crash Alert System
- Seat belts
- Belt-Minder feature
- Rear door child safety locks
- LATCH system on rear outboard seat locations
- Cloth front bucket seats
- 60/40 split-folding 2nd row bench seat
- 50/50 split-folding 3rd row seat
- Floor console w/armrest & storage
- Front/rear color-keyed carpeted floor mats
- Tilt/telescoping steering wheel w/audio & cruise controls
- Pwr windows w/1-touch driver down
- Pwr door locks
- Remote keyless entry w/(2) key fobs
- Cruise control
- SecurILock passive anti-theft system
- Manual climate control w/auxiliary air cond
- Air filtration system
- Rear window defogger
- Overhead console w/lights & sunglass holder
- Color-keyed cloth sunvisors -inc: covered vanity mirrors
- 2nd/3rd seat rear map light
- 12V pwr points -inc: (2) front, (1) second row, (1) cargo area
- Dark Galvano appliques
- Front/rear scuff plates
- Grab handles -inc: (1) at passenger seat, (2) in 2nd row
- Illuminated entry
- Load floor tie-down hooks
- Cargo area hooks
- Hill start assist
- 4 wheel antilock disc brakes
- Traction control
- AdvanceTrac w/Roll Stability Control (RSC)
- Hill descent control
- Terrain management system
- 2nd generation dual front airbags
- 2nd generation dual front side seat airbags
- Front passenger sensing system
- Tire pressure monitoring system

Base Price \$ 24,708.00

12/28/2012

Options for Explorer

Class III Trailer Towing Prep Package	\$	570.00
Splash Guards	\$	185.00
All Weather Mats	\$	75.00
Rust Proof and Undercoat	\$	390.00
Dome Light	\$	158.00 *
EDH 1900 - Installer Series Wiring Harness	\$	440.00
PS-G6-A Power Distribution Panel w/Master Cut-Off Switch	\$	290.00
2" Ball and Pintle	\$	385.00
Vinyl Rear Seat	\$	450.00

Option Total \$ 2,943.00

Budget Total \$ 27,651.00

W/ no Dome

2 WHITE EXPLOREXES
NO DOME LIGHTS

27,493.00

Thanks Anthony

82,479.00 - total Ford EXP.

Sponsored by: _____

Seconded by: _____

CITY OF HOBOKEN
ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 179A ENTITLED
"TAXICABS" TO FURTHER CLARIFY THE MUNICIPALITY'S
INSURANCE REQUIREMENTS FOR TAXICAB LICENSES**

WHEREAS, the City has determined that inclusion of a code section providing for Combined Single Limit (CSL) insurance of taxicab licensees is in the best interest of the license holders for purposes of obtaining economically feasible insurance, and would not have a negative effect on the City's insurance and liability requirements, so long as the CSL amounts meet the City's minimum requirements.

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

SECTION ONE: AMENDMENTS TO THE SUBSTANCE OF HOBOKEN CODE § :

§ 179A-4 Indemnity bond or liability insurance required amount.

A.

No license shall be issued or continue in operation unless there is in force and effect for each vehicle authorized an insurance policy issued by a company duly licensed to transact business under the insurance laws of this state conditioned for the payment of a sum:

EITHER

(1)

Separate Liability Limit Policies of at least:

- (a.) Not less than \$50,000 to satisfy all claims for damages by reason of bodily injury to, or to the death of, any one person, resulting from an accident;
- (b.) Not less than \$100,000 to satisfy all claims for damages, by reason of the bodily injuries to, or the death of, all persons on account of any such accident, by reason of the ownership, operation, maintenance, or use of such taxicab upon any public street;
- (c.) Not less than \$15,000 to satisfy any claim for damages to property of any one person, resulting from an accident; and
- (d.) Not less than \$30,000 to satisfy all claims for damages to property of all persons, on account of any such accident, by reason of the ownership, operation, maintenance, or use of such taxicab on any public street.

OR,

(2)

A Combined Single Limit Policy of at least \$130,000.00 to satisfy all claims for damages by reason of bodily injury, and/or death to, and/or damages to property of all persons, on account of any such accident, by reason of the ownership, operation, maintenance, or use of such taxicab upon any public street.

B.

The insurance policy shall provide for the payment of any final judgment recovered by any person on account of the ownership, maintenance, or use of the taxicab or fault in respect thereto, and shall be for the benefit of every person suffering loss, damage or injury as a result of the ownership, operation, maintenance or use of a taxicab. A list of all covered drivers must be included in the policy.

C.

Any insurance policy obtained in furtherance of this Section shall include a Thirty (30) day cancellation notice in favor of the City of Hoboken. In the event that the aforementioned insurance is canceled, the license shall terminate on the date of the cancellation, unless the insurance has been reinstated and a withdrawal of the cancellation or a new policy of insurance has been submitted to the Clerk of the City and to the Division of Taxi and Limousine Licensing within two business days of any change. As a condition of obtaining a City of Hoboken taxicab license, the taxicab license holder agrees to provide the Division Head with the authority to communicate directly with the taxicab license holder's insurance companies.

D.

The bond or bonds shall be filed with the City Clerk and shall have as surety thereupon a surety company authorized to do such business in the State of New Jersey.

E.

This section shall not abrogate or relieve a license holder from any duty or requirement of the insurance laws of this state.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

notwithstanding the invalidity of any part.

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

Date of Introduction: February 6, 2013

Introduction:

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

Final Reading:

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

Approved as to Legal Form:

Vetoed by the Mayor for the following reasons: _____

Mellissa Longo, Interim Corporation Counsel

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

James Farina, City Clerk

-or-

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

Dawn Zimmer, Mayor

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 ~~o~~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 sixten (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 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 i](#) ~~ssue~~ [subdivision certificates pursuant to N.J.S.A. 40:55D-56.](#)

[N. To perform such other advisory duties as 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 application to the [Planning](#) Board 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 a 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 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 a 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 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 after submission by a developer of a complete application to the Board Secretary 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 submission of a complete application 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.

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(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 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

§ 44-14201. 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.

§ 44-12204. 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.

§ 44-15205. Promulgation of Rules and 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.

§ 44-16206. Powers and 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.

§ 44-17207. Appeals and 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 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 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.

§ 44-18~~208~~. Power to rReverse or mModify dDecisions.

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.

§ 44-19~~209~~. 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 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-year limitation, up to but not exceeding two additional years.

§ 44-20~~210~~. 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 Map 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 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.

§ 44-211. 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.~~

§ 44-2212. Time for of dDecision.

- 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 the date of submission of a complete application for development to the Board pursuant to the provisions of N.J.S.A. 40:55D-70**2**b. 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~~

§ 44-23~~301~~301. Conflicts of interest.

No member of the ~~municipal agency~~ Planning Board or Zoning Board of Adjustment shall act on any matter in which he 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.

§ 44-24~~302~~302. 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.

§ 44-25~~303~~303. 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 is entitled to be fully 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 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 person 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 oOwners fFurnished.

Pursuant to the provisions of N.J.S.A. 40:55D-12c, the Board Secretary shall, within seven 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-~~31~~309. 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 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; ~~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 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 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 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 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-~~32~~310. Publication of ~~d~~Decision.

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-~~33~~311. Payment of ~~t~~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 or 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. 294~~ 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~~. RepealerInterpretation.

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 aApplications.

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 BoardFiling 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 ~~strike~~through, 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 5,000 square feet	\$750	\$5,000
	Nonresidential	5,000-9,999 square feet	\$1,000 plus \$50/1,000 square feet	\$7,500

Action Requested	Project Type	Project Size	Application Fee	Escrow Fee
	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
Redevelopment plan amendment	All	All	\$2,500	\$5,000

Zoning Review

Residential	1-4 dwelling	\$100	None
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Action Requested	Project Type	Project Size	Application Fee	Escrow Fee
		units		
	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: February 6, 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 _____, 2012

James Farina, City Clerk

Approved by the Mayor of the City of Hoboken on the ____ day of _____, 2012.

Dawn Zimmer, Mayor

-or-

Vetoed by the Mayor for the following reasons:

Sponsored by: _____

Seconded by: _____

**City of Hoboken
Ordinance No.: _____**

AN ORDINANCE AMENDING CHAPTER §196 ZONING BY DELETING THE CURRENT ARTICLE II IN ITS ENTIRETY AND REPLACING IT WITH A NEW ARTICLE II “DEFINITIONS”

WHEREAS, the word definitions of Chapter 196, as contained in Article II of the Code of the City of Hoboken no longer reflect the current meanings and up-to-date usages of those words; and

WHEREAS, the Hoboken Master Plan (2004), the Master Plan Re-examination (2010) and regular reports issued by the Planning Board and Zoning Board of Adjustment all called out the need to update the definitions cited in this chapter; and

WHEREAS, it is in the City’s best interest to update the City Code to reflect modern usage and conditions.

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: DELETION

The current Section; ARTICLE II “Definitions”, **Chapter §196-6** of the City Code of the City of Hoboken is hereby deleted in its entirety.

SECTION TWO: ADDITION

The following Section is hereby added to the City Code of the City of Hoboken:

**ARTICLE II
Definitions**

§ 196-201. Word usage.

For purposes of this chapter, unless the context clearly requires a different meaning, the follow general terms shall be construed as follows:

- A. A term in the present, past or future tense includes either of the other two tenses.
- B. The singular shall include the plural.
- C. The word “shall” is always mandatory and directory; the word “may” is permissive.
- D. The word “zone” shall include the word “district.”
- E. The word “use” and the word “used” refer to any purpose for which a lot or land or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use or any structure erected, reconstructed, altered, enlarged, moved or rebuilt with the intention or design of using the same.

§ 196-202. Words not defined herein.

Whenever in the administration of this chapter it shall be necessary or desirable to define a term that has not herein been defined, reference shall be made to the definition (if any) of such term in the following, as listed by precedence:

- A. The Municipal Land Use Law (N.J.S.A. 40:55d-1 et seq.).
- B. The International Building Code published by the International Code Council as amended from time to time.
- C. The Code of the City of Hoboken as amended from time to time.
- D. The State of New Jersey Statutes as amended from time to time.

§ 196-203. Words defined.

ACCESSORY APARTMENT -- A single dwelling unit located on the same lot as a principal dwelling or attached to an accessory structure located on the same lot and having an independent means of access.

ACCESSORY STRUCTURE -- A structure detached from or only partially supported by a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

ACCESSORY USE -- A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

ADAPTIVE REUSE -- The development of a new use for an older building or for a building originally designed for a special or specific purpose.

ADDITION -- A structure added to the original structure after the certificate of occupancy has been issued for the original structure; an extension or increase in floor area or height of a building or structure.

ADULT USE -- An establishment consisting of, including, or having the characteristics of any or all of the following: adult bookstore, newsstand, or video store; sex shop; video viewing booth; adult motion picture theatre; adult cabaret.

AFFORDABLE -- Housing with a sale price or rent within the means of a low-, middle-, or moderate-income household as defined by state or federal legislation.

AIR RIGHTS -- The right to use space above ground level.

ALTERATION -- Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

ALTERATION, INCIDENTAL -- Modifications to an existing structure that are of a cosmetic nature, replacement of utilities, or rearrangement of non-load-bearing partitions.

AMERICANS WITH DISABILITIES ACT (ADA) -- A 1990 federal law designed to bring disabled Americans into the economic mainstream by providing them equal access to jobs, transportation, public facilities, and services.

ANIMAL CARE FACILITY -- Any structure or premises in which animals are boarded daily or over-night, groomed, or trained for commercial gain. *Note: housing of stray, homeless, abandoned, or unwanted animals such as in an animal shelter is not included.*

APARTMENT UNIT -- One or more rooms with private bath and kitchen facilities constituting an independent, self-contained dwelling unit in a multifamily dwelling.

APPURTENANCE -- The visible, functional, or ornamental objects accessory to, and part of, buildings or structures.

ARCHAEOLOGICAL -- The science or study of the material remains of past lives or activities and the physical site, location or context in which they are found, as delineated in the Department of the Interior's Archaeological Resources Protection Act of 1979.

ARCHITECTURAL -- Relating or conforming to the rules of architecture; having or conceived of as having a single unified overall design, form or structure.

ARTICULATION -- Variation in the façade of a structure to create visual interest through the addition of features such as: bay windows, balconies, stoops, and vertical and/or horizontal jointing.

ARTIST STUDIO -- A place of work for an artist, artisan, or craftsman, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing. *See also* WORK-LIVE UNIT.

AUTOMATED TELLER MACHINE (ATM) -- An automated device that performs banking financial functions at a location that may be separate from the controlling financial institution.

AUTOMOBILE LAUNDRY -- *See* CAR WASH.

AUTOMOBILE SALES -- The use of any building, land area, or other premise principally for the display, sale, rental, or lease of new or used vehicles, and including any vehicle preparation, warranty, or repair work conducted as an accessory use.

AUTOMOBILE SERVICE STATION OR FILLING STATION -- Any building, land area or other premises, or portion thereof, in or on which the principal use is the retail sale of gasoline, oil or other fuel for motor vehicles; servicing and repair of vehicles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

AWNING -- A roof-like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway, window or sidewalk café service area from the elements and is periodically retracted into the face of the building.

AWNING, FIXED -- An awning constructed with a rigid frame that cannot be retracted, folded or collapsed. *See also* SIGN, AWNING

BAR -- A place of business duly licensed by the Alcoholic Beverages Control Board, whose primary function is the on-premises sale and consumption of alcoholic beverages. Food may be prepared and consumed on site but is incidental to the purpose of the establishment.

BASE FLOOD ELEVATION (BFE) -- The highest point, expressed in feet above sea level, of the level of floodwaters occurring in the regulatory base flood as established by the Federal Emergency Management Agency (FEMA).

BASEMENT -- Any area of a building having its floor subgrade (below ground level) on all sides, but where the floor-to-ceiling height is one-half or more above the average adjoining ground, and where the floor to ceiling height is not less than 6.5 feet. A basement shall not be used as a dwelling unit unless the basement floor is at least two feet (2') above base flood elevation.

BIKEWAY -- Any road, path, or way that is specifically designated for bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other modes of transportation. Bike lanes, bike paths, and bike routes are included forms of bikeways.

BILLBOARD -- *See* SIGN, BILLBOARD

BLOCK -- A unit of land bounded by streets or by a combination of streets and public land, railroad right-of-ways, waterways, or any other barrier to the continuity of development.

BLOCK FRONTAGE -- All lots, including corner lots fronting along the street line on one side of a street between two intersecting streets, measured in feet.

BLOCK WIDTH -- On any rectangular block, "block width" shall be the lesser of the two dimensions. The widths of nonrectangular blocks shall be calculated individually by the Planning Board.

BOARD OF ADJUSTMENT -- An officially constituted body whose principle duties are to hear appeals and, where appropriate, grant variances from the strict application of the zoning ordinance. The Zoning Board of Adjustment of the City of Hoboken established pursuant to N.J.S.A. 40:55D-69 et seq., and Hoboken Municipal Code § 44-201 et seq.

BUFFER STRIP -- Open spaces, landscaped areas, fences, walls, berms or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

BUILDING -- Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, process, equipment, goods, or materials of any kind.

BUILDING, ACCESSORY -- A subordinate structure on the same lot as the principal or main building or use. See ACCESSORY STRUCTURE.

BUILDING, PRINCIPAL -- A building in which is conducted the principal use of the lot on which it is located.

BUILDING COVERAGE -- The ratio of the horizontal area, measured from the exterior surface of the exterior walls of the ground floor, of all principal and accessory buildings on a lot to the total lot area.

BUILDING HEIGHT -- The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, to the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. See *also* GRADE, FINISHED.

BUILDING LINE -- A line parallel to the street right-of-way line touching that part of a building closest to the street

BUILDING PERMIT -- Written permission issued by the proper municipal authority for the construction, repair, alteration, or addition to a structure.

BULK REGULATIONS -- Standards applying to individual lots that control the placement, intensity, and character of development and include the amount of open space on the lot, the height of structures, setbacks from property lines and public rights-of-way, impervious coverage, floor area ratio, and density.

BULKHEAD, ELEVATOR -- A roof structure enclosing an elevator and its machine room.

BULKHEAD, STAIR -- A roof structure enclosing a stairway providing access to the roof.

CAR WASH -- Any building or premises used for washing motor vehicles.

CELLAR -- A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining exterior ground or with a floor-to-ceiling height of less than 6.5 feet.

CERTIFICATE OF APPROPRIATENESS -- A document attesting that proposed work within a historic district or affecting a historic site has been reviewed and deemed appropriate and consistent with the purpose of this chapter by the Hoboken Historic Preservation Commission.

CERTIFICATE OF COMPLIANCE -- A document issued by the Zoning Officer certifying that the plans for a proposed use meet all applicable codes and regulations.

CERTIFICATE OF NO EFFECT -- A document attesting that proposed work within a historic district or affecting a historic site has been reviewed by the Historic Preservation Commission and found not detrimental to the historic district or site on which the work is to be done.

CERTIFICATE OF OCCUPANCY (CO) -- A document issued by a local building or zoning authority to the owner of premises attesting that the premises have been built and maintained or that use of the premises is in accordance with the provisions of local building and zoning ordinances.

CHANGE OF USE -- Any use that substantially differs from the previous use of a building or land.

CHILD-CARE CENTER -- An establishment providing for the care, supervision, and protection of children including Day-Care and Nursery School facilities.

CITY -- The City of Hoboken, Hudson County, New Jersey.

CLINIC -- An establishment where patients are admitted for examination and treatment on an outpatient basis by physicians, dentists, other medical personnel, psychologists, or social workers and where such examination and treatment generally require a stay of less than 24 hours.

CLUB -- A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

CLUSTER -- A development design technique that concentrates building on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

CO-LOCATION -- Use of a common wireless telecommunication tower or a common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology and/or placement of a wireless telecommunication tower on a structure owned or operated by a utility or other public entity.

COLLEGE or UNIVERSITY -- A public or private institution for higher learning, beyond grade twelve (12), providing courses of instruction as approved by the New Jersey Department of Higher Education.

COMMERCIAL USE -- Activity involving the sale of goods or services carried out for profit.

COMMON ELEMENTS -- Land amenities; certain areas of buildings, such as lobbies, corridors, and hallways; central services and utilities; and any other elements and facilities owned and used by all condominium unit owners or tenants and designated in the master deed or lease as common elements. A parcel or parcels of land, together with the improvements thereon; whereas the ownership, use and enjoyment of the same are shared by the owners and tenants of the individual dwelling units in the development.

COMMUNITY CENTER -- A facility used for recreational, social, educational, and cultural activities.

COMPACT CAR -- Any motor vehicle that does not exceed 15 feet in length, bumper to bumper, and 5 feet, 9 inches in width.

COMPATIBLE LAND USE -- A use of land and/or building(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings.

COMPOSTING -- A controlled process of degrading organic matter by microorganisms.

CONDITIONAL USE -- A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this chapter and upon the issuance of an authorization by the approving authority.

CONDOMINIUM -- A building or group of buildings, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

CONSTRUCTION PERMIT -- Legal authorization for the erection, alteration, or extension of a structure.

CONVERSION -- Change of use of an existing building or structure.

CORNICE -- Any horizontal member, structural or nonstructural, which projects outward from the exterior walls at the roofline, including eaves and other roof overhang.

COUNTY PLANNING BOARD -- The Planning Board of Hudson County, New Jersey.

CURB CUT -- The opening along the curb line at which point vehicles may enter or leave the roadway.

CURTAIN WALL -- A nonstructural exterior building wall, usually window or window panel dominated and which may or may not be retractable.

CUSTOMER SERVICE AREA -- The floor area of a retail establishment in which customers assemble to receive the goods or services offered and in which goods are displayed and sales are transacted. Areas accessible only to employees such as kitchens or storage areas and restrooms whether public or not are excluded.

DECIBEL -- A unit of measurement of the intensity (loudness) of sound.

DECK -- A raised accessory structure more than one and one-half feet above finished grade, supported by either pillars or posts, and not covered by a permanent roof.

DEMOLITION -- The dismantling or razing of all or part of a building, structure, object, site or landscape feature, including interior spaces and all operations incidental thereto.

DENSITY -- The number of families, individuals, dwelling units, households, or housing structures per unit of land.

DENSITY BONUS -- The granting of additional floor area or dwelling units, beyond the zoned maximum, in exchange for providing or preserving an amenity at the same or a separate site.

DENSITY TRANSFER -- See TRANSFER OF DEVELOPMENT RIGHTS

DESIGN GUIDELINES -- Standards set forth in this chapter, or by the Historic Preservation Commission, or which are subsequently adopted by the Hoboken Council which aim to preserve and provide a continuity of the historic, cultural and architectural character of an area or of a building, object, site, structure or landscape feature.

DEVELOPMENT -- Construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, and any use or change in the use of any building or other structure, or land or extension of use of land for which permission may be required, as set forth in this chapter or the Municipal Land Use Law.

DEVELOPMENT, AS-OF-RIGHT -- Any development that complies with all applicable zoning regulations and does not require any discretionary action by Planning Board or Board of Appeals.

DEVELOPMENT REGULATION -- Any zoning, subdivision, site plan, official map, floodplain or wetlands regulation, or other governmental regulation that affects the use and intensity of land development.

DISTRICT -- A part, zone, or geographic area within the municipality within which certain zoning or development regulations apply. See *also* OVERLAY ZONE.

DORMITORY -- A building used as group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, monastery or other institution.

DRIVEWAY -- A private roadway providing access to a street or highway.

DRY CLEANING ESTABLISHMENT -- A retail establishment for the cleaning of textiles using chemical solvents; one of two types.

- (1) DROP-OFF -- A retail dry cleaning establishment providing the ability to drop-off and pick-up dry cleaning with all dry cleaning being performed off premises.
- (2) DRY CLEANING ESTABLISHMENT, ON PREMISES -- A retail dry cleaning establishment where some or all dry cleaning is conducted on premises.

DUPLEX -- A single dwelling unit, within a multi-unit building consisting of two floors.

DWELLING -- Any building or portion thereof used exclusively for human habitation.

- (1) DWELLING, DETACHED -- A dwelling that is not attached to any other dwelling by any means.
- (2) DWELLING, HIGH-RISE -- An apartment building of eight (8) or more stories.
- (3) DWELLING, MID-RISE -- An apartment building containing from four (4) to seven (7) stories.
- (4) DWELLING, MULTI-FAMILY -- A building containing three (3) or more dwelling units, whether configured horizontally or vertically.
- (5) DWELLING, SINGLE-FAMILY -- A building, attached or detached, that is the exclusive dwelling of one family.
- (6) DWELLING, TWO-FAMILY -- A building on a single lot containing two dwelling units, each of which is totally separated from the other by a wall extending from ground to roof or an a ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.
- (7) DWELLING, UNIT -- One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

EASEMENT -- A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

ELEVATION -- (a) A vertical distance above or below a fixed reference level; (b) a fully dimensional drawing of the front, rear, or side of a building showing features such as windows, doors, and relationship of grade to floor level.

ENCROACHMENT -- Any obstruction or intrusion, whether legal or illegal, into a delineated floodway, right-of-way, or onto adjacent land.

ESSENTIAL SERVICES -- Services and utilities needed for the health, safety, and general welfare of the community, such as underground, surface or overhead electrical, gas, telephone steam, water, sewerage, and other utilities and the equipment and appurtenances necessary for such systems to furnish an adequate level of service for the area in which they are located.

FAA APPLICATION -- Any application, or other request, to the Federal Aviation Administration for a license, certificate, waiver, special temporary authorization, or any other instrument of authorization issued by the Federal Aviation Administration regarding an applicant's telecommunications structures, antennas and equipment.

FAA FILINGS -- Any application with all attachments, exhibits, appendices, memoranda, amendments, supplements and comments; all correspondence addressed to the Federal Aviation Administration, individual comments or objections of other parties, including but not limited to, informal objections, petitions to deny proposed findings of fact, conclusions of law, and briefs on appeal; the initial decision of the Federal Aviation Administration; notices of appeal; all briefs and other documents on appeal; and all other related matters.

FAÇADE -- The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

FAMILY -- Any number of individuals, related by blood, marriage or adoption [or not more than five (5) individuals who are not so related], living together as a single housekeeping unit. For purposes of this ordinance, "family" does not include any society, club, fraternity, sorority, association, lodge, federation, or like organizations; or group of individuals who are in a group living arrangement as a result of criminal offenses."

FARMER'S MARKET -- The seasonal selling or offering for sale at retail of vegetables or produce, flowers, orchard products, and similar non-animal agricultural products, occurring in a designated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

FCC APPLICATION -- Any application, or other request, to the Federal Communications Commission for a license, certificate, waiver, special temporary authorization, or any other instrument of authorization issued by the Federal Communications Commission under the Telecommunications Act of 1934 or the Telecommunications Act of 1996.

FCC FILINGS -- Any application with all attachments, exhibits, appendices, memoranda, amendments, supplements and comments; all correspondence addressed to the Federal Communications Commission, individual comments or objections of other parties, including but not limited to, informal objections, petitions to deny proposed findings of fact, conclusions of law, and briefs on appeal; the initial decision of the Federal Communications Commission; notices of appeal; all briefs and other documents on appeal; and all other related matters.

FENCE -- An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FENESTRATION -- Windows and other openings on a building façade.

FLEA MARKET -- An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

FLOOR AREA, GROSS (GFA) -- The sum of the gross horizontal areas of all enclosed floors of a building, including basements, mezzanines, penthouses, corridors, and lobbies from the exterior face of exterior walls, or from the centerline of a common wall separating two buildings, but excluding any space with a floor-to-ceiling height of less than 6.5 feet.

FLOOR AREA, NET (NFA) -- The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when these are used or intended to be used for human habitation or service to the public.

FLOOR AREA RATIO (FAR) -- The gross floor area (GFA) of all buildings or structures on a lot divided by the total lot area.

FOOTCANDLE -- (a) A unit of illumination when the foot is the unit of length; (b) A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

FRATERNITY/SORORITY HOUSE -- A rooming house, with or without provision for general meals, which is open only to students of a college or university, is owned and/or operated under the auspices of a sorority or fraternity officially recognized by a college or university and which is under the supervision of a resident manager.

FRONTAGE -- That side of a lot abutting on a street; the front lot line. On corner and through lots, the frontage shall be designated based on the orientation of the structure and assigned postal address.

FUNERAL HOME -- A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

GARAGE, ACCESSORY -- A structure that is accessory to a single or two-family dwelling, located on the same lot, used for the parking and storage of vehicles owned and operated by the residents thereof. An accessory garage, in some zoning districts, may also contain one accessory apartment.

GARAGE, PRIVATE -- A structure that is accessory to a commercial, or residential building or use and is primarily for the parking and storage of vehicles operated by the employees, residents, and visitors of such building and that is not available to the general public.

GARAGE, PUBLIC -- A structure or portion thereof, used primarily for the parking and storage of vehicles and available to the general public.

GENERAL DEVELOPMENT PLAN (GDP) -- A plan showing general land use, circulation, open space, utilities, storm water management, environmental factors, community facilities, housing, and phasing for parcels of land proposed to be constructed as a planned development.

GOVERNING BODY -- The City Council of the City of Hoboken, New Jersey.

GRADE -- (a) The average elevation of the land around a building; (b) the percent of rise or descent of a sloping surface.

GRADE, FINISHED -- The final elevation of the average ground level adjoining a building at all exterior walls after development.

GREYWATER -- Wastewater from domestic sinks and tubs, but excluding that part of the plumbing waste stream that includes human wastes.

GROSS FLOOR AREA -- See FLOOR AREA, GROSS.

HARDSCAPE -- Non-living components of a landscape design, such as walls, sculpture, paved walkways, patios, stone and gravel areas, benches, fountains, and similar hard-surface areas and objects.

HEALTH CARE FACILITY -- See CLINIC.

HEALTH CLUB -- An establishment that provides facilities for aerobic exercises, running and jogging, exercise and weight lifting equipment, game courts, swimming facilities, and similar activities, and which may provide showers, saunas, message rooms and/or lockers.

HEIGHT -- The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure.

HELISTOP or HELIPAD -- A landing pad for a helicopter, which pad is duly licensed by the State of New Jersey.

HISTORIC DISTRICT OR AREA -- A district, zone, or area designated by a local, state, or federal authority within which the buildings, structures, appurtenances, and places are of basic and vital importance because of their association with history; or because of their unique architectural style and scale, including color,

proportion, form, and architectural detail; or because of their being a part of or related to a square, park or area, the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical, or architectural motives or purposes.

HISTORIC PRESERVATION COMMISSION -- A commission of the City of Hoboken as established by City of Hoboken Municipal Code Chapter 42 with the purpose of identification, evaluation, protection, rehabilitation, and restoration of districts, sites, buildings, structures, and artifacts significant in history, architecture, archaeology, or culture.

HISTORIC SITE -- Any real property, manmade structure, natural object or configuration or any portion or group of the foregoing which has been formally designated of historical, archaeological, cultural, scenic or architectural significance and designated as such by federal, state, county, or municipal government.

HOME OCCUPATION -- A commercial use (e.g., retail sales, personal care services, office), accessory to a primary residential use, which is conducted entirely within a dwelling unit, or in a detached structure accessory to such dwelling unit, which is carried on by the occupants thereof, and which is clearly incidental and secondary to the primary use of the dwelling unit for residential occupancy.

HOSPITAL -- An institution, public or private, which is primarily engaged in providing diagnostic, therapeutic and rehabilitation services to patients, both on an inpatient and an outpatient basis, by or under the supervision of nurses, physicians, technicians or other healthcare personnel and which also furnishes items or services ancillary to such services.

HOTEL -- Any facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

HOUSE/PLACE OF WORSHIP -- (a) A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs; (b) a special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

HOUSING UNIT -- See DWELLING UNIT.

IMPACT FEE -- A fee imposed on a development to help finance the cost of improvements or services, usually based on an impact analysis study done to determine the potential direct or indirect effects of a proposed development on activities, utilities, storm water runoff, circulation, surrounding land uses, community facilities, environment, and other factors.

IMPERVIOUS SURFACE -- A surface that has been covered with a layer of inorganic material; such as a structure or pavement, so that it is highly resistant to infiltration by water.

INCENTIVE ZONING -- The granting by the approving authority of additional development capacity in exchange for the developer's provision of a public benefit or amenity.

INCIDENTAL -- Subordinate and minor in significance and bearing a reasonable relationship to the primary use.

INDUSTRY, LIGHT -- Industrial uses that meet the performance standards, bulk controls, and other requirements contained in this ordinance.

INFRASTRUCTURE -- Facilities and services needed to sustain all land-use activities, including water and sewer lines, other utilities, streets and roads, communications, and public facilities, such as firehouses, parks, and schools.

INHERENTLY BENEFICIAL USES -- (a) Uses that are essential to society and/or clearly promote the public good; (b) use of land or buildings having well-recognized value or benefit to a community and that therefore deserve special consideration in the administration of local zoning.

INVENTORY -- A systematic listing of cultural, historical, architectural or archaeological resources prepared by the city, state or federal government or a recognized local historic authority, following standards set forth by federal, state and city regulations for evaluation of cultural properties.

KENNEL -- See ANIMAL CARE FACILITY.

LAND USE -- A description of how land is occupied or used.

LANDMARK -- The word "landmark" may substitute, in any ordinance, resolution, determination or official action pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) for "historic," "historic preservation" and "historic site."

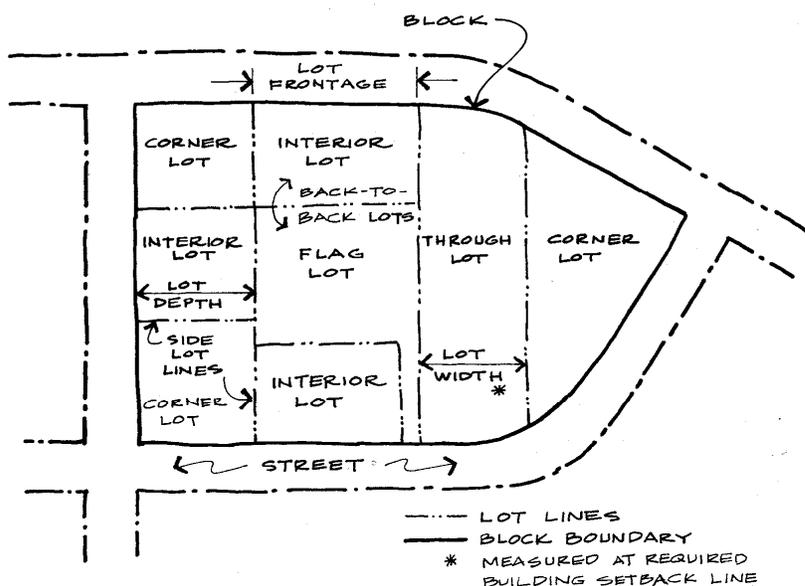
LANDSCAPE -- (a) An expanse of natural scenery; (b) lawns, trees, plants, and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains, and pools.

LOADING SPACE -- An off-street space or berth for the temporary parking of a vehicle while loading or unloading.

LOT or ZONE LOT -- A designated parcel, tract or area of land as shown on the Tax Map, established by a plat or otherwise as permitted by law having frontage on a public street or, in the case of a planned development, on a public or private street approved pursuant to Chapter 44, Land Use Procedures, and this chapter, and to be used, developed or built upon for a principal use and/or uses accessory or incidental to the operation thereof.

- (1) LOT, CORNER -- A lot abutting upon two or more streets at their intersection or upon two parts of the same street, forming an interior angle of less than one hundred thirty-five degrees (135°). The point of intersection of two lot lines that each front on a street is the "corner."
- (2) LOT, FLAG -- A lot not meeting minimum frontage requirements and where access to the street is by a private right-of-way or driveway.
- (3) LOT, INTERIOR -- A lot other than a corner lot.
- (4) LOT, THROUGH -- A lot that fronts on two parallel streets or on two streets that do not intersect at the boundaries of the lot.

Lot Types:



LOT AREA -- The total area within the lot lines of a lot, excluding any street rights-of-way.

LOT COVERAGE -- That part of the lot that is covered by impervious surfaces. See BUILDING COVERAGE; IMPERVIOUS SURFACE.

LOT DEPTH -- The average distance measured from the front lot line to the rear lot line.

LOT LINE -- A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

LOT WIDTH -- The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

LUMEN -- A unit of measure of the quantity of light that falls on an area of one square foot.

MANUFACTURING -- Establishments engaged in the assemblage of materials, substances, or component parts into new products for either the wholesale or retail market. This term shall cover all mechanical or chemical transformations, whether the new products are finished or semi-finished as raw material in some other process. Processing of food by a restaurant, bakery or other such facility shall not be considered manufacturing.

MARINA -- A boat basin with facilities for berthing, servicing and securing all types of recreational watercraft, as well as providing adequate supplies, provisions, storage and fueling facilities. The following facilities may be provided: boat slips, boat-handling equipment, repair and maintenance facilities; marine and hardware supplies, launching facilities; fuel station; locker and sanitary facilities; and auto parking.

MASTER PLAN -- A comprehensive, long-range plan intended to guide the growth and development of a community or region for a set period of time and which typically includes inventory and analytic sections leading to recommendations for the community's land use, future economic development, housing, recreation and open space, transportation, community facilities and community design, all related to the community's goals and objectives for these elements.

METES AND BOUNDS -- A method of describing the boundaries of land by directions (bounds) and distance (metes) from a known point of reference.

MEZZANINE -- An intermediate level between the floor and ceiling of any story and covering not more than one third of the floor area of the room in which it is located. Mezzanines shall be counted as part of the gross floor area but shall not be counted as a floor or story.

MICRO CELL -- A small patch antenna which is generally surface-mounted to a building facade.

MIXED USE -- A combination of different uses within a single building, development, or zone.

NEWSRACK -- One or more self-service or coin-operated boxes, containers, storage units, or other dispensers installed, used or maintained for the display and sale or distribution of newspapers, periodicals, or other written material.

NIGHTCLUB or DISCOTHEQUE -- An establishment dispensing liquor and in which music, dancing, or entertainment is conducted. Food may or may not be served but is incidental to the purpose of the establishment.

NONCONFORMING LOT, STRUCTURE OR USE -- A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment. "Nonconforming structure" means a structure, the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance but which fails to conform to the requirements of the

zoning district in which it is located by reasons of such adoption, revision or amendment. "Nonconforming use" means a use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

NONCONTRIBUTING -- A building, object, site or structure which neither adds to or detracts from a historic district's or cluster's sense of time and place and historical development.

NURSERY SCHOOL -- See CHILD-CARE CENTER.

NURSING HOME -- Any premises meeting the standards of the New Jersey State Department of Institutions and Agencies to operate as a nursing home.

OFFICE -- A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files and communication equipment.

OFFICE BUILDING -- A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity; it may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, and child-care facilities.

OPEN SPACE, PRIVATE -- Common open space, the use of which is limited to the occupants of a single dwelling, building, or property.

OPEN SPACE, PUBLIC -- Any parcel or area of land or water set aside, dedicated, designated or reserved for use by the general public.

OPEN SPACE RATIO -- Total area of open space divided by the total site area in which the open space is located.

OVERLAY ZONE -- A zoning district that encompasses one or more underlying zones and that imposes additional requirements beyond those required for the underlying zone.

PARKING AREA/STRUCTURE -- See GARAGE et al.

PARKING LOT, SURFACE -- An off-street, ground level open area that provides temporary storage of motor vehicles.

PARKING, SHARED -- Joint utilization of a parking area or space at different times by different uses. Examples of shared parking would be a public or private garage that services office uses during the day and residential uses over night, or a parking lot that services multiple businesses or services.

PARTIAL DESTRUCTION -- A building or structure that, because of fire, flood, explosion, or other calamity, requires the rebuilding of less than half of the original floor area.

PATIO -- A level, landscaped, and/or surface area, also referred to as a terrace, adjacent to or on the same lot as a principal building, at or within 18 inches of the finished grade and not covered by a permanent roof.

PEDESTRIAN BRIDGE -- A pedestrian bridge is an elevated, continuous enclosed bridge which spans a street and is permitted only for the purpose of connecting two buildings.

PENTHOUSE -- An enclosed structure on the roof of a building.

PERFORMANCE GUARANTEE -- Any security that may be accepted by a municipality to ensure that improvements required as part of an application for development will be satisfactorily completed.

PERFORMANCE STANDARD -- A set of criteria or limits relating to certain characteristics that a particular use or process must either meet, or may not exceed.

PERIMETER -- The boundaries or borders of a lot, tract, or parcel of land.

PERMIT -- Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

PERMITTED USE -- Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PERVIOUS SURFACE – Any material that permits full or partial absorption of storm water into the underlying land.

PLANNED DEVELOPMENT -- An area of a minimum contiguous or noncontiguous size, planned, developed, operated, and maintained as a single entity and containing one or more structures to accommodate retail, service, commercial, industrial, office and residential uses or a combination of such uses, and appurtenant common areas and accessory uses, customary and incidental to the predominant uses.

PLANNED UNIT DEVELOPMENT -- An area of at least five contiguous or noncontiguous acres in size to be planned, developed, operated, and maintained as a single entity and containing one or more residential clusters, which may include appropriate commercial, public, or quasi-public uses primarily for the benefit of the residential development.

PLANNING BOARD -- The Planning Board of the City of Hoboken as established by the local governing body in accordance with the requirements of the New Jersey Municipal Land Use Law.

PLAT -- (a) A map representing a tract of land, showing the boundaries and location of individual properties and streets; (b) A map of a subdivision or site plan.

PRINCIPAL USE -- The primary or predominant use of any lot or parcel.

PROCESSING -- A series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner.

PROFESSIONAL OFFICE -- The office of a member of a recognized profession for the conduct of that profession.

PUBLIC NOTICE -- The advertisement of a public hearing in a paper of general circulation, and through other media sources, indicating the time, place, and nature of the public hearing and where the application and pertinent documents may be inspected.

QUASI-PUBLIC USE -- A use owned or operated by a nonprofit, religious, or other charitable institution and providing educational, cultural, recreational, religious, or similar types of programs.

RECONSTRUCTION -- The act or process of reassembling, reproducing or replacing by new construction the form, detail and appearance of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work or by reuse of original materials.

RECREATION FACILITY -- A place designed and equipped for the conduct of sports and leisure-time activities.

- (1) RECREATION, COMMERCIAL -- Recreation facilities operated as a business and open to the general public for a fee.
- (2) RECREATION, PRIVATE, NONCOMMERCIAL -- Recreation facilities operated by a private organization and open only to bona fide members and guests.
- (3) RECREATION, PUBLIC -- Recreation facilities open to the general public.

RECYCLABLE -- A waste product capable of being reused or transformed into a new product.

REDEVELOPMENT – The removal and replacement, rehabilitation, or adaptive reuse of an existing structure or structures, or of land from which previous improvements have been removed.

REHABILITATION -- The act or process of returning a building, object, site, structure or landscape feature to a state of utility through repair, remodeling or alteration that makes possible an efficient contemporary use while preserving those portions or features of the building, object, site or structure that are significant to its historical, architectural and cultural values.

RELOCATE -- To move an individual, household, use, or building from its original place to another location.

REMIEDIATION -- The action or measures taken, or to be taken, to lessen, clean up, remove, or mitigate the existence of hazardous materials present on a property to such standards or requirements as may be established by federal, state, or local statute or regulation.

RESEARCH FACILITY -- A facility for investigation into the natural, physical, or social sciences, which may include engineering and product development.

RESOURCES -- A source or collection of buildings, objects, sites, structures, landscape features or areas that exemplify the cultural, social, economic, political, archaeological or architectural history of the nation, state or city.

RESTAURANT – A physical establishment whose principal purpose is the preparations, sale and service of food and beverages to the public. An establishment serving alcoholic beverages without a kitchen shall not be considered a restaurant.

- (1) RESTAURANT, CLASS I -- A restaurant which is designed for and whose primary function and operation is the preparation and service by employees of food and drink to a customer or customers seated at the counter, bar or table at which the meal is consumed. A class one restaurant operates without substantial carry-out service and/or delivery service. A Class I restaurant may, on occasion, feature live music entertainment provided there is no interruption of food service to patrons and dancing is not permitted.
- (2) RESTAURANT, CLASS II -- A restaurant whose primary function is the preparation and service by employees of food and drink to customers as part of an operation designed to include substantial carry-out service; delivery service; self-service, and which may also include on-premises consumption.

RESTORATION -- The act or process of accurately recovering the form and details of a building, object, site or structure and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

RETAIL BUSINESS OR SERVICE -- (a) An establishment engaged in the selling or rental of goods or merchandise and in rendering services incidental to the sale of such goods, including but not limited to bakeries and retail food establishments; book, card and stationary stores; clothing, dry goods, house wares, and variety stores; florists; hardware stores; newsstands; office and photographic supplies and services; tailors and dressmakers; and similar uses; (b) An establishment providing services or entertainment, as opposed to products, to the general public for personal or household use, including but not limited to banks; finance, real estate, and insurance offices; personal services; drop-off dry cleaning and laundry services; theatres; amusement and recreation services; pharmacy, health, educational and social services; museums; and galleries. package liquor stores; This definition shall not include such retail and personal service establishments as are otherwise specifically defined in this chapter or specifically mentioned for any district and shall not include such uses as may generate noise, traffic, fumes, glare or maintenance and storage problems different in kind or degree from the commonly experienced impact of above-included users.

RETAIL FOOD ESTABLISHMENT -- A grocery store, convenience store, deli or market in which food or drink is sold for off-premises preparation and/or consumption.

RETAIL FOOD ESTABLISHMENT, MOBILE -- A vehicle, usually a van, truck, towed trailer, or push-cart, from which food and beverages are sold.

RIVER BORNE PUBLIC TRANSPORTATION -- Boats licensed to carry passengers for a fee from one riverfront terminal to another, whether interstate or intrastate.

ROOF -- The exterior covering of a building which bridges the space between the topmost plates or spandrel beams of exterior walls and protects the interior spaces beneath it from external natural elements such as sun, wind, rain and snow.

ROOF DECK -- An accessory structure or platform, either freestanding or attached, located on any roof surface of a building.

ROW HOUSE -- An attached dwelling separated from others in a row by a vertical unpierced wall extending from basement to roof.

RUNOFF -- The portion of rainfall, melted snow, irrigation water, and other liquids that flows across ground surface and eventually is returned to streams.

SCHOOL -- Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge; this shall include all types of schools, such as public, private, business, trade and vocational schools; art, dance, theatre, and cultural institutions; yoga, personal training and martial arts instruction; and similar uses.

SELF-STORAGE FACILITY -- A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

SETBACK -- The distance between the building and any lot line.

SHADE STRUCTURE -- Any in a group of open sided structures consisting of a frame supporting a roof for the purpose of providing shade; including but not limited to pergolas, trellises, gazebos, shade sails, and umbrellas. The roof of a shade structure may be replaced by solar panels creating a solar shade structure, also referred to as a solar trellis.

SIDEWALK -- That portion of the public easement which lies between the building line and the curb.

SIDEWALK CAFE -- Sidewalk space beyond the building line used to accommodate tables, chairs, and the serving of food and drink to patrons of a restaurant fronting on that space.

SIGN -- Any object, device, display, or structure, or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. See Chapter § 196-31 for detailed descriptions and applications.

SITE -- Any plot or parcel of land or combination of contiguous lots or parcels of land.

SITE PLAN -- The development plan of one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that may reasonably be required in order for an informed decision to be made by the approving authority.

SITE PLAN REVIEW -- The review of a site plan for any public or private project by the designated review agency for the local jurisdiction.

SOLAR ENERGY SYSTEM -- A complete design or assembly consisting of a solar energy collector, and energy storage facility (where used), and components for the distribution of transformed energy.

STABILIZATION -- The act or process of applying measures designed to reestablish a weather-resistant enclosure and the structural stability of an unsafe or deteriorated building, object, site, structure or landscape feature while maintaining the essential form as it exists at present.

STORMWATER -- Water that originates from a precipitation event such as rain or snow.

STORMWATER DETENTION -- Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot or rooftop detention, porous pavement, dry wells or any combination thereof.

STORMWATER MANAGEMENT -- The control and management of stormwater to minimize the detrimental effects of surface water runoff.

STORY -- That portion of a building between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Basements, as defined herein shall not be considered a story.

STORY, HALF -- A space under a sloping roof, such as a dormer or attic, that has a line of intersection of the roof and wall face not more than three feet above the floor level and in which space the possible floor area with headroom of five feet or less occupies at least forty percent (40%) of the total floor area of the story directly beneath.

STREET -- Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway; or which is shown upon a plat heretofore approved pursuant to law; or which is approved by official action as provided by the New Jersey Municipal Land Use Law; or which is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a Planning Board, and the grant to such Board of the power to review plats. It includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

STREET FURNITURE -- Constructed, above-ground objects, such as outdoor seating, kiosks, bus shelters, sculpture, trash receptacles, planters, bollards, fountains, and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas, and other outdoor spaces open to and used by the public.

STREET LINE -- The edge of the street right-of-way forming the dividing line between the street and a lot.

STREETSCAPE -- A design term referring to all the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage; street paving; street furniture; landscaping, including trees and other plantings; awnings and marquees; signs; and lighting.

STRUCTURE -- A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land, and permanently affixed thereto.

SUBDIVISION -- The division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other divisions of land for sale, development, or lease.

SUBSTANTIAL IMPROVEMENT -- Any extension, repair, reconstruction, or other improvements of a property, the cost of which equals or exceeds fifty percent (50%) of the fair market value of a property either before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred.

TAVERN / PUB -- An establishment in which alcoholic beverages are served, primarily by the drink, and where food is also prepared and served, but where tables and chairs utilize less than half of the customer service area. See *also* BAR.

TEMPORARY USE – A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

TOWER -- See WIRELESS TELECOMMUNICATIONS ANTENNAS.

TOWN HOUSE -- See ROW HOUSE.

TRACT -- An area consisting of one or more parcels, sites, pieces of land or property that are the subject of a development application.

TRANSFER OF DEVELOPMENT RIGHTS -- The removal of the right to develop or build, expressed in dwelling units per acre or floor area, from land in one zoning district, and the transfer of that right, to land in another district where such transfer is permitted.

TRANSIT-ORIENTED DEVELOPMENT – The concentration of development at nodes along public transit corridors.

TRIPLEX -- A single dwelling unit, within a multi-unit building, consisting of three floors.

USE -- The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

UTILITY -- (a) Water, sewerage, telephone, gas or electric service from a private or public utility company under the regulations of the New Jersey Public Utility Commission; (b) A closely regulated enterprise with a franchise for providing a needed service.

VARIANCE -- Permission to depart from the literal requirements of a zoning ordinance.

VISTA -- A view through or along an avenue, street or opening which as a view corridor frames, highlights or accentuates a prominent building, object, site, structure, scene or panorama or patterns or rhythms of buildings, structures, objects, sites or landscape features, to include views of areas at a distance.

WAREHOUSE -- A building used primarily for the storage of goods and materials.

WIRELESS TELECOMMUNICATION TOWER AND FACILITIES -- (a) A building, or parcel of land containing a tower, sending and receiving antennas attached to the tower, and a prefabricated or modular structure or cabinets containing electronic equipment; (b) a Federal Communications Commission (FCC) licensed facility, designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices and equipment. For purposes of this ordinance, receive-only antennas are not classified as wireless telecommunications towers and facilities.

WORK-LIVE UNIT -- A single, enclosed, private space of one thousand (1,000) square feet or more, within a building that is designed to accommodate the two distinct functions of the living and working environment of residents who are creative in their professional work. This accommodation shall occur through the provision of appropriate ceiling heights, spatial arrangement, ventilation, sound attenuation and other such design considerations appropriate to a shared living and working environment; and the unit must also meet all appropriate codes for residential occupancy. At least one-half of the volume of the total space must be devoted to the creation, display and sale of work product. The remaining area within the unit shall be used for living purposes. The professions and occupations shall include but are not limited to creative arts; graphic arts; design; culinary arts; light manufacturing; computer or information technology; computer graphics and computer aided design; architects, planners, lawyers, accountants and other professional offices; and other similar business occupations as determined by the Planning Board. Industrial uses, heavy commercial uses and other uses that may create or produce toxic or noxious fumes, smoke, odors, hazardous discharges, glare, electromagnetic disturbances, radiation, dust or waste, undue noise or vibration, or other objectionable features that are detrimental to the public health, safety or general welfare, or that are damaging to the physical environment are prohibited.

YARD -- An open portion of a lot, as may be required by this chapter, of uniform width or depth on the same lot with a building or a group of buildings, which open portion lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as herein permitted. Parking is not permitted in any required yard except as permitted herein.

- (1) YARD, FRONT -- An open unoccupied space on a lot between the street line and a line parallel thereto at such distance there from as may be specified herein for the district in which said lot is located.
- (2) YARD, REAR -- An open unoccupied space on a lot between the rear lot line and a line parallel thereto at such a distance there from as may be specified herein for the district in which said lot is located.
- (3) YARD, SIDE -- An open unoccupied space on a lot between the side lot line and a line parallel thereto at such distance there from as may be specified herein for the district in which said lot is located.

ZONING – The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land buildings.

ZONING MAP -- The Zoning Map or maps of the City of Hoboken, New Jersey, that are a part of the zoning ordinance, together with all amendments subsequently adopted, and delineate the boundaries of zone districts.

ZONING OFFICER -- The administrative officer designated to administer the zoning ordinance, issue zoning permits, and such other duties related to zoning compliance as directed by municipal legislation.

ZONING PERMIT – A document signed by a zoning officer, as required in the zoning ordinance, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure, or building complies with the provisions of the municipal zoning ordinance or authorized variance there from.

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: **February 6, 2013**

Approved:

Approved as to Legal Form:

 Quentin Wiest, Business Administrator

 Mellissa Longo, Acting Corporation Counsel

RECORD OF COUNCIL VOTE ON INTRODUCTION			
Council Person	Aye	Nay	N.V.
Bhalla			
Castellano			
Giattino			
Mason			
Mello			
Occhipinti			
Russo			
Pres. Cunningham			

RECORD OF COUNCIL VOTE ON 1 ST READING			
Council Person	Aye	Nay	N.V.
Bhalla			
Castellano			
Giattino			
Mason			
Mello			
Occhipinti			
Russo			
Pres. Cunningham			

RECORD OF COUNCIL VOTE ON FINAL VOTE (2 ND READING)			
Council Person	Aye	Nay	N.V.
Bhalla			
Castellano			
Giattino			
Mason			
Mello			
Occhipinti			
Russo			
Pres. Cunningham			

I hereby certify the above vote on this ____ day of _____, 2011.

 James Farina, City Clerk

Approved by the Mayor on the ____ day of _____, 2011.

 Dawn Zimmer, Mayor

-or-

Vetoed by the Mayor for the following reasons:

Sponsored by: _____

Seconded by: _____

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF HOBOKEN GRANTING A NON-EXCLUSIVE TEMPORARY REVOCABLE EASEMENT FOR CERTAIN ENCROACHMENTS WITHIN THE PUBLIC RIGHT-OF-WAY ALONG OBSERVER HIGHWAY, BETWEEN PATERSON AVENUE AND JACKSON STREET, MORE PARTICULARLY KNOWN AS BLOCK 14, LOT 1 ON THE TAX MAPS OF THE CITY OF HOBOKEN, AND COMMONLY REFERED TO AS 61 JACKSON STREET

WHEREAS, Stephen R. Spector, attorney for the applicant, 118 Clinton Street LLC (hereinafter called “Grantee”), has petitioned the City of Hoboken (hereinafter call “Grantor”), on behalf of his client, who desires the use of municipal land, identified on the attached property survey as certain portions of the right-of-way along Observer Highway between Paterson Avenue and Jackson Streets, as an easement including the right to construct, operate and maintain structural columns, walls, a roof over-hang, and walkway errantly constructed outside of the property line; and

WHEREAS, the Zoning Board of Adjustment has conditioned development approval of the property at 61 Jackson Street, more particularly described as Block 14, Lot 1, on the Tax Map of the City of Hoboken, upon obtaining an encroachment agreement (“Easement”) from the governing body of the City of Hoboken; and

WHEREAS, in consideration of **[amount to be determined] (\$TBD)**, *per annum for the term of the easement*, as determined in the sole discretion of the City, and for other good and valuable consideration, receipt of which is hereby acknowledged, Grantor is willing to enter into a non-exclusive temporary revocable easement for the use of the property as described herein, subject to the terms and conditions set forth herein.

NOW, THEREFORE, the parties hereto mutually agree as follows:

- A. Grantor hereby grants Grantee a Non-Exclusive Temporary Revocable Easement to use the following described property (the site plan shall be attached to this agreement as Schedule A, and shall be incorporated by reference):

BEGINNING at a point in the northerly line of Observer Highway, a distance of 4.83 feet easterly from the intersection formed by the easterly line of Jackson Street and the northerly line of Observer Highway and running thence:

1. S-12°-39’-21.6”-W and onto the R.O.W of Observer Highway, a distance of 7.83 feet to a point; thence
2. S-77°-20’-38.4”-E and continuing along the R.O.W. of Observer Highway, a distance of 48.47 feet to a point; thence
3. N-12°-39’-21.6”-E and continuing along the R.O.W. of Observer Highway, a distance of 6.15 feet to a point in the northerly line of Observer Highway; thence
4. S-77°-20’-38.4”-W and continuing along the R.O.W. of Observer Highway, a distance of 12.90 feet to a point; thence

5. N-12°-39'-21.6"-E and continuing along the R.O.W. of Observer Highway, a distance of 1.33 feet onto the northerly line of Observer Highway;

6. N-77°-20'-38.4"-W and continuing along the northerly line of Observer Highway, a distance of 64.90 feet to a point, said point or place of beginning.

The above being known as a portion of the public right-of-way of Observer Highway fronting Lot 1 in Block 14, as shown on the official Tax Map of the City of Hoboken, and commonly known as 61 Jackson Street; the encroachment includes columns, a roof overhang, walkway, and concrete platform elevated above sidewalk grade along Observer Highway, said encroachment area is 399.02 square feet.

- B. This Easement grants the right to construct, operate and maintain structural columns, walls, and a roof over-hang making up the southerly wall of the bar/restaurant to be known as *The Downtown Pub*, and an elevated walkway adjacent thereto (hereinafter "Improvements") within the above described property. Grantee agrees to assume sole responsibility for the construction, operation and maintenance of said Improvements within the property. Grantee agrees to, upon Grantor's request, timely repair any damage to Grantor's property or improvements occurring from Grantee's construction, operation or maintenance of said Improvement.
- C. Only such rights are granted hereby as are necessary for construction, operation and maintenance of the Improvements. Grantor reserves the right to use the property in any manner and for any purpose not inconsistent with the aforesaid purpose. Grantee agrees to relocate said improvements, at its sole cost and expense upon termination of this agreement.
- D. Grantee agrees to defend, indemnify and hold harmless Grantor, its officers, agents and employees, from and against all claims, demands, judgments, costs and expenses (including reasonable attorney's fees) which may arise by reason of injury to any person or damage to any property attributable to the negligence of Grantee, Grantee's officers, agents and employees, in connection with Grantee's construction, operation and maintenance of said Improvements and its use of or presence on the property.
- E. Grantee agrees to provide for general liability insurance in an amount of at least \$1,000,000.00/\$2,000,000.00, which shall include the City of Hoboken and its officers and employees as additional insured. Said insurance shall have a thirty day notice of policy cancellation upon the City of Hoboken. A copy of said insurance coverage shall be provided to the Office of Corporation Counsel prior to this easement becoming effective. If at any point the insurance lapses or is otherwise terminated, for any reason, this easement shall terminate effective immediately without notice or opportunity to cure.
- F. This Easement shall automatically cease upon non-use for any six (6) consecutive months, and all interests granted herein shall revert to Grantor, or its successors in interest.
- G. This Easement shall automatically cease upon destruction, or partial destruction, of the Improvements, by or for any reason, whereby reconstruction of the Improvements would be necessary to continue use of the building.
- H. This Easement shall terminate automatically **[term to be determined]** years after the date of adoption by the governing body. The termination date may be extended only by mutual written consent of both parties and subsequent adoption of an ordinance extending the term, which shall be in the sole discretion of the City; provided, however, that no amendment to the Easement, whether to the term or otherwise, shall be effective unless in writing, adopted by

ordinance of the governing body, and signed by both parties. This easement shall terminate immediately if at any point the annual fee lapses for greater than a thirty day period past the payment due date, for any reason, without the need for notice or opportunity to cure. The annual fee shall be paid on the date the Ordinance approving the within Easement becomes effective according to applicable law, and annually on the same date thereafter.

- I. In addition to the rights of termination as described herein, the City shall have the right, in its sole discretion, to terminate this Easement for cause, which shall include but not be limited to concerns of public safety, health and welfare, upon Ninety (90) days written notice to grantee.
- J. All notices referred to in the Easement shall be sent to the respective parties at the address stated in § K, *infra*.
- K. The rights granted to and duties assumed by Grantee under this Easement are personal, and shall not run with the land, and may not be assigned or delegated by Grantee without the prior written consent of Grantor. Any attempted assignment or delegation by Grantee without the prior written consent of the Grantor shall be void ab initio.
- L. This Easement may be amended from time to time, as may be necessary, by mutual written consent of both parties; provided, however, that no amendment to the Easement shall be effective unless in writing, adopted by ordinance of the governing body, and signed by both parties.
- M. Both parties agree that time is of the essence and that time specifications contained herein shall be strictly construed. Both parties were represented by competent legal counsel of their own choosing during the drafting of this agreement, and this agreement shall not be construed in favor of or against either party. This agreement shall be subject to and interpreted in accordance with the laws of the State of New Jersey.
- N. Both parties represent and warrant that they have the authority to execute this Easement agreement.

GRANTEE:
118 Clinton Street LLC
Danny Tattoli, Agent of Record
401 Jefferson Street
Hoboken, New Jersey 07030

GRANTOR:
City of Hoboken
Dawn Zimmer, Mayor
94 Washington Street
Hoboken, New Jersey 07030

- O. If the construction as contemplated herein is not complete, and a certificate of occupancy obtained on or before September 1, 2013, then this easement shall terminate automatically, without refund of the fees paid and consideration obtained.

THIS EASEMENT AGREEMENT is made this _____ day of _____, 2013, by and between the City of Hoboken (Grantor), and 118 Clinton Street LLC (Grantee), whose agent is Danny Tattoli.

IN WITNESS WHEREOF, the parties have executed this Easement Agreement to be effective on the day and year first above written.

GRANTEE:

GRANTOR:

Agent of Record - Danny Tattoli

Mayor – Dawn Zimmer

Date: _____

Date: _____

SS: On this ____ day of ____, 2013
_____ came before me as Agent of
Record of Grantee, and swore of affirmed
Under Oath to be the authorized agent to
Bind the Grantor to the herein agreement.

SS: On this ____ day of ____, 2013
_____ came before me as Mayor of
the City Grantor, and swore or affirmed,
under oath to be the authorized agent to
bind the Grantor to the herein agreement.

Notary:

Notary:

Date of Introduction: February 6, 2013

Approved:

Approved as to Form:

Quentin Wiest, Business Administrator

Mellissa Longo, Corporation Counsel

RECORD OF COUNCIL VOTE ON 1 ST READING			
Council Person	Aye	Nay	N.V.
Bhalla			
Castellano			
Giattino			
Mason			
Mello			
Occhipinti			
Russo			
Pres. Cunningham			

RECORD OF COUNCIL VOTE ON 2 ND READING			
Council Person	Aye	Nay	N.V.
Bhalla			
Castellano			
Giattino			
Mason			
Mello			
Occhipinti			
Russo			
Pres. Cunningham			

I hereby certify the above vote 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:

WILLIAM N. DIMIN, ESQ.
Spector & Dimin, P.A.
25 Rockwood Place, Suite 325
Englewood, New Jersey 07631
(201) 567-0090/(201) 567-8832 fax
Attorneys for Plaintiff

FILED

JAN 29 2013

PATRICK J. ARRE, J.S.C.

118 CLINTON STREET ASSOCIATES, LLC, a New Jersey Limited Liability Company,

Plaintiff,

v.

CITY OF HOBOKEN,

Defendant.

SUPERIOR COURT OF NEW JERSEY
HUDSON COUNTY- LAW DIVISION

DOCKET NO. HUD-L-004371-11

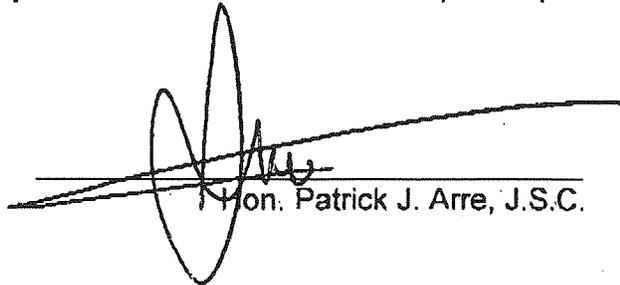
Civil Action

Supplemental Order

THE MATTER having been opened to the Court by the Plaintiff 118 CLINTON STREET ASSOCIATES, by its attorney, Spector & Dimin, William N. Dimin, Esq. appearing, and upon notice to the Defendant CITY OF HOBOKEN, by its counsel Weiner Lesniak, LLC, Ronald D. Cucchiaro, Esq., and the Court, having previously entered an Order dated January 11th, 2013, the terms of which are incorporated herein and made a part hereof;

IT IS ON THIS THE 29th DAY OF Jan., 2013, ORDERED that the Defendant, CITY OF HOBOKEN shall act upon the Order of January 11th, 2013, at its next regularly scheduled Council Meeting of February 6th, 2013.

IT IS FURTHER ORDERED that a copy of this order shall be served upon all parties in interest within seven (7) days of entry.



Hon. Patrick J. Arre, J.S.C.