City Clerk File No. Ord. 11-089

Agenda No. 3.A 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 11-089

TITLE: **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING THE MCGINLEY SQUARE EAST REDEVELOPMENT PLAN**

WHEREAS, the Municipal Council of the City of Jersey City, by Resolution 11-166, adopted March 23, 2011, authorized the Jersey City Planning Board to conduct a preliminary investigation and hold a Public Hearing to determine if the area known as the McGinley Square East Study Area met the criteria necessary to be declared an "Area in Need of Redevelopment or Rehabilitation"; and

WHEREAS, the Municipal Council, upon the recommendation of the Jersey City Planning Board did declare, by Resolution, the McGinley Square East Study Area to be "an area in need of redevelopment" and an "area in need of rehabilitation"; and

WHEREAS, pursuant to *NJSA 40A:12A-4.a.(3).* the governing body is empowered to adopt a redevelopment plan to regulate development within an area declared in need of redevelopment; and

WHEREAS, the Planning Board of Jersey City, at a public hearing on August 9, 2011, reviewed and the proposed McGinley Square East Redevelopment Plan and voted favorably to recommend that the Municipal Council adopt the proposed McGinley Square East Redevelopment Plan; and

WHEREAS, the proposed McGinley Square East Redevelopment Plan, attached hereto and made a part hereof is available for public inspection in the Office of the City Clerk, City Hall, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the above referenced McGinley Square East Redevelopment Plan be, and hereby is, adopted as recommended by the Jersey City Planning Board.

BE IT FURTHER ORDAINED THAT:

A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
C. This ordinance shall take effect at the time and in the manner as provided by law.
D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.

Robert D. Cotter, PP, Director
Division of City Planning

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: Carl Saplicka

APPROVED:

Business Administrator

Certification Required ☐

Not Required ☐

Date Submitted to B.A._____

ORDINANCE FACT SHEET

1. **Full Title of Ordinance:**

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING THE MCGINLEY SQUARE EAST REDEVELOPMENT PLAN

2. **Name and Title of Person Initiating the Ordinance, etc.:**

Carl S. Czaplicki, Director, Department of Housing, Economic Development, and Commerce

3. **Concise Description of the Plan Proposed in the Ordinance:**

Adopts a redevelopment plan for the McGinley Square East Study Area.

4. **Reasons (Need) for the Proposed Program, Project, etc.:**

The Redevelopment Area consists of a variety of residential, commercial, and industrial uses that contain a variety of negative influences, including vacant lots, vacant and dilapidated buildings, and underutilized or obsolete facilities, which contribute to a lack of private investment in the Area. The plan provides for a unified and comprehensive approach to development for this area of the City.

5. **Anticipated Benefits to the Community:**

Encourage private investment in the Redevelopment Area, and ensure the responsible development of in-fill housing, mixed-use areas, retail shops, and services. This Plan can enhance municipal tax revenues and improve the quality of life of the Jersey City community.

6. **Cost of Proposed Plan, etc.:**

$0.00 all work performed in house

7. **Date Proposed Plan will commence:**

Upon approval

8. **Anticipated Completion Date:** N/A

9. **Person Responsible for Coordinating Proposed Program, Project, etc.:**

Robert D. Cotter, Director, City Planning	547-5050
Jeffrey Wenger, Principal Planner	547-5453

10. **Additional Comments:** None

I Certify that all the Facts Presented Herein are Accurate.

Robert D. Cotter — Aug 2, 2011
Division Director — **Date**

Carl Czaplicki — 8/2/11
Department Director Signature — **Date**

Summary

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING THE MCGINLEY SQUARE EAST REDEVELOPMENT PLAN

This ordinance adopts a redevelopment plan for the McGinley Square East Study Area. The Plan permits the development of residential, commercial, and mixed use structures up to 16 stories in height, improvements to existing public open space and the creation of new public spaces. The plan also provides for in-fill development opportunities and does not include acquisition of private property.

McGinley Square East Redevelopment Plan

As Presented to the Jersey City Planning Board

August 9, 2011

Jersey City
City Planning Division
30 Montgomery Street Suite 1400
Jersey City, NJ 07302-3821
Phone: 201.547.5010
Fax: 201.547.4323

I INTRODUCTION

The intent of this Redevelopment Plan is to promote the resurgence of McGinley Square as a center of commerce, education, and entertainment within a revitalized and livable transit oriented neighborhood in the City of Jersey City.

The McGinley Square East Redevelopment Plan area (a.k.a. the Redevelopment Area) is approximately 10.2 acres and includes 53 tax lots near geographic center of the City of Jersey City. The McGinley Square East Study Area was found to be an area in need of redevelopment and rehabilitation pursuant to NJSA 40A:12A-5 on August 10, 2011 by resolution INSERT NUMBER. A portion of the Redevelopment Area was previously found to be an area in need of redevelopment and included in the Armory Redevelopment Plan by ordinance number 99-106. The Armory Redevelopment Plan included Lot A on Block 1897 (700 Montgomery Street) owned by Saint Peter's College and the armory building owned by the State of New Jersey Department of Defense. This Redevelopment Plan will incorporate Lot A on Block 1897 into the plan area and replace the Armory Redevelopment Plan as it relates to this particular tax lot. The Armory Redevelopment Plan shall continue to apply to the Armory Building itself.

McGinley Square has good mass transit access and opportunities. It is located a little more than ½ mile south of the Journal Square Transportation Center, which is serviced by both the PATH line from Newark to Lower Manhattan and the PATH line from Journal Square to Mid-town Manhattan. The Transportation Center is also serviced by more than a dozen bus lines operated by New Jersey Transit and independent bus companies. McGinley Square itself is crisscrossed by four different bus lines:

- The Bergen Avenue Bus, which runs from the Bayonne-Jersey City municipal boundary line to Journal Square, primarily along Old Bergen Road and Bergen Avenue.

- The Montgomery Westside Bus, which runs from the Greenville section of Jersey City to Downtown Jersey City, primarily along Westside Avenue and Montgomery Street, connecting to two PATH stations.

- The NJ Transit #80 Bus, which connects the Greenville section with Journal Square and Exchange Place in downtown Jersey City; passing through the McGinley Square East Redevelopment Area on Montgomery Street and Bergen Avenue

- The NJ Transit #87 Bus, which also runs from the Greenville section to Journal Square and then on to Hoboken Station; passing through the McGinley Square East Redevelopment Area along Bergen Avenue.

The mass transit network is a legacy of McGinley Square's history as a crossroads of the Jersey City trolley system. Public Service Electric, which operated the trolley system, had two active trolley storage and repair facilities at 700 and 711 Montgomery Street in the McGinley Square neighborhood. Today, the "Journal Square 2060 Redevelopment Plan" envisions the creation of a street car / light rail link from Journal Square to McGinley Square. This Redevelopment Plan incorporates that long term vision by reference, and in the near term recommends improvements

to the existing bus lines and bus stop locations linking McGinley Square and Journal Square in order to encourage increased mass transit ridership.

Historically, McGinley Square was a thriving business center. Retail stores, restaurants and the Pix movie theater served not only the immediate neighborhood, but the entire city. Over time McGinley Square declined as a center of business and commerce, a victim of suburban malls, business centers and multi-screen cinemas; not unlike many neighborhoods in northeastern cities. More recently, there have been positive signs of revitalization in the area. Saint Peters College is expanding and has undertaken the construction of a new Student Center on Montgomery Street. The former 7th Precinct Building at 769 Montgomery Street has been converted into new housing. Further to the east, the Beacon (the former Jersey City Medical Center) is in the process of being converted into a "city within a city" including luxury apartments, health club facilities, and many more amenities.

It is now time to begin the process of re-planning and redeveloping this former focal point and center of activity within the larger neighborhood. McGinley Square will once again serve as the center piece of a vibrant mixed-use neighborhood.

This Plan envisions a neighborhood incorporating the best principals of sustainable development; including the combined principals of Smart Growth, New Urbanism and Green Building. The intent is to maintain and enhance an open network of streets interconnected within the area, as well as with the surrounding neighborhoods and to create usable open spaces for social interaction. Convenient retail facilities and services are envisioned, along with business offices, a hotel, a movie theater, a range of housing types for various income brackets, education facilities and student housing for Saint Peters College.

These enhanced facilities and improved transportation networks are intended to not only revitalize McGinley Square itself, but to promote the revitalization of the surrounding neighborhoods, to bind each of the existing neighborhoods and redevelopment areas surrounding McGinley Square into a cohesive whole, and to once again have McGinley Square become a focal point for commerce, education, entertainment, and social interaction.

II. BOUNDARY DESCRIPTION

The redevelopment plan shall include all tax lots on tax blocks 1896, 1896.5, 1897, 1903, and 1905.5. The boundary of the Study Area is also depicted on Map 1 - Boundary Map. Block and lot numbers can change over time due to subdivisions and lot consolidations. Therefore, in the event of a discrepancy between the lots listed and the Map, the Map shall take precedence.

III. REDEVELOPMENT PLAN GOALS & OBJECTIVES

A. To redevelop the McGinley Square East Study Area in a manner that recognizes McGinley Square's traditional position as a neighborhood center of commerce, retail, education, entertainment and culture.
B. To expand, redesign and rebuild the McGinley Square plaza as the central open space and focal point within the community so as to serve as a location for community activity and

social interaction.

C. To encourage development of buildings with a mixture of uses, high quality building design, and an intensity of development that will fuel commercial activity throughout the McGinley Square commercial district.
D. To provide a variety of market rate and workforce housing types, both rental and for sale, suitable to meet the need of varying family types and income levels.
E. To encourage innovative mixed-use development through new construction of low rise, mid-rise and high rise structures, thereby providing for an intensity of development suitable to support the implementation of needed infrastructure improvements and transit.
F. To provide for urban amenities and activities such as transit, open space, entertainment, retail, education facilities, and housing variety that will attract a range of new residents and employers and encourage a balance of jobs and housing.
G. To provide for the interconnection of uses, blocks, and streets to create an integrated development and a greater sense of community by respecting and enhancing the traditional urban street grid pattern.
H. To increase pedestrian capacity and improve the pedestrian environment by providing wider sidewalks, additional street trees, improved lighting, active retail along sidewalks, and other pedestrian amenities.
I. To reduce automobile dependency by encouraging higher intensity development in proximity to neighborhood services, lower automobile parking ratios, and safe convenient facilities for bicycle storage and parking.
J. To encourage the greater use of Mass Transit by improving bus stop locations within the Redevelopment Area, promoting increased bus ridership and by encouraging the "street car" / light rail system as discussed in the Journal Square 2060 Redevelopment to connect to McGinley Square and beyond when feasible.
K. To preserve the building located on Lot N.1 of Block 1903 and require its rehabilitation.
L. To coordinate redevelopment activities to provide for a uniform and consistent attack on blight and the removal of vacant, deteriorated, dilapidated, and obsolete structures within the Area.
M. To promote the principles of sustainable development through adherence to the standards and principals of the Leadership in Energy and Environmental Design (LEED) Green Building and Neighborhood Rating Systems or equivalent rating systems.
N. To promote the principles of "New Urbanism," "Smart Growth," and "Transit Village" development through a variety of housing choices, providing pedestrian friendly streets, minimize automobile use, encourage reduced parking and shared use parking solutions, and creating a livable community with convenient access to commercial facilities.

IV. GENERAL ADMINISTRATIVE PROVISIONS

A. No building or elevated pedestrian walkway shall be constructed over a public right-of-way in the Redevelopment Area. Elevated pedestrian walkways may be built over private pedestrian ways or public easements on private property, but shall be constructed such that there is at least 20 feet of clearance between the lowest portion of the elevated walkway and the grade below.
B. Underground parking may extend beneath a public right-of-way subject to approval by the Municipal Council.

C. Prior to commencement of construction, site plans for the construction and/or rehabilitation of improvements to the Area shall be submitted by the developer to the Planning Board of the City of Jersey City for review and approval so that compliance of such plans with the redevelopment objectives and regulations can be determined. Site plan review shall be conducted by the Planning Board pursuant to NJSA 40:55D-1 et. seq. Applications must be submitted for an entire project and may include a phasing plan.

D. As part of any site plan approval, the Planning Board may require a developer to furnish performance guarantees pursuant to NJSA 40:55D-53 et seq. Such performance guarantees shall be in favor of the City in a form approved by the Jersey City Corporation Counsel. The amount of any such performance guarantees shall be determined by the City Engineer and shall be sufficient to assure completion of on and off site improvements within one (1) year of the issuance of a certificate of occupancy for that portion of the project which is the subject of the final site plan approval.

E. All proposed new construction pursuant to the majority block development bonus (Section XIII) may only be undertaken by a redeveloper designated by the Jersey City Redevelopment Agency and shall be subject to a fee of $10,000 to cover administrative costs of the Division of City Planning.

F. The Planning Board shall have the discretion to require a phasing plan as part of a development application or approval; and shall have the discretion to require suitable mechanisms to insure the balanced development of the project and the construction of planned open space, infrastructure and other necessary facilities.

G. All traffic impact studies shall incorporate, as part of the study, all projects approved or proposed in the immediate area. A listing of the projects may be obtained from the Division of City Planning.

H. No use or reuse shall be permitted, which, when conducted under proper safeguards, will produce corrosive, toxic or noxious fume, glare, electromagnetic disturbances, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration (60 decibels), or other objectionable features so as to be detrimental to the public health, safety or general welfare.

I. All residential development and plans shall meet or exceed applicable Federal Housing Administration minimum room size requirements prior to approval by the Planning Board.

J. This Redevelopment Plan shall supersede all provisions of the Jersey City Zoning Ordinance that are specifically addressed herein. Any zoning related question that is not addressed herein shall refer to the Jersey City Zoning Ordinance for clarification. Upon final adoption of this Plan by the Municipal Council of Jersey City, the Jersey City Zoning Map shall be amended to rezone the Redevelopment Area covered by this Plan as a Redevelopment Area, and all prior zoning will be voided.

K. The provisions of this plan specifying the redevelopment of the project area and the requirements and restrictions with respect thereto shall be in effect for a period of fifty (50) years from the date of approval of this plan by the Municipal Council of the City of Jersey City. At the end of this fifty (50) year period, the zoning regulations contained herein shall be incorporated into the zoning ordinance of the City of Jersey City in accordance with the appropriate State statutes.

L. Any subdivision of lots and parcels of land within the Redevelopment Area shall be in accordance with the requirements of this plan and the Land Development Ordinance (LDO) of Jersey City.

M. Upon demolition of existing structures, sites shall be graded and planted or sodded, with a durable dust free surface in the interim period prior to construction of new buildings.

N. Deviation Requests: The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. Deviations from the required ground floor use as per Section XI shall be cognizable by the Planning Board. No relief may be granted under the terms of this Section unless such deviation or relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan.

No deviations may be granted which will result in permitting:

1) A use or principal structure in a district which does not permit such use or principal structure, including free standing signage;
2) An expansion of a non-conforming use;
3) An increase in height of more than ten feet or 10% of the height in feet, whichever is less.
4) A breach in the required minimum or maximum building base height requirement of 10% or more;
5) An increase in the parking ratio of 10% or more above the maximum permitted;
6) A breach in the minimum or maximum number of permitted stories.
7) A reduction in the required right-of-way width, and pavement width beyond normal adjustments encountered during survey synchronization;
8) Non-completion of required open space, parks, or other type of phased improvements required to be implemented;
9) Non-compliance with the specific goals and objectives enumerated in the Plan.

Any deviation in the above categories (1-9) or any other deviation that would otherwise constitute a "d" type variance or deviation constitutes a request for a legislative plan amendment cognizable only by the Governing Body. The Jersey City Zoning Board of Adjustment's powers are strictly limited to "a" and "b" appeals (N.J.S.A. 40:53D-70A&B).

O. Procedure for Amending the Plan: This Redevelopment Plan may be amended from time to time upon compliance with the requirements of law. A fee of $5,000.00 plus all costs for copying and transcripts shall be payable to the City of Jersey City for any request by a

private entity to amend this plan. The City of Jersey City reserves the right to amend this plan.

P. Interim Uses: Interim uses may be approved and permitted, subject to agreements between the developer and the Planning Board, where such use will not have an adverse effect upon existing or contemplated development during the interim use period. Interim uses may include surface parking and construction staging areas. Interim uses must be approved by the Planning Board, which may establish an interim use period of between one (1) month and 36 months in duration, subject to the Planning Board's discretion. Additional renewals of an interim use may be granted by the Planning Board, subject to the same interim period limitations specified above. The Planning Board may require the developer to post a bond for the removal of any approved interim use.

Q. If any section paragraph, division, subdivision, clause or provision of this plan is adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this plan shall be deemed valid and remain in effect.

V. OTHER PROVISIONS NECESSARY TO MEET REQUIREMENTS OF STATE AND LOCAL LAWS

A. The Local Redevelopment and Housing Law, N.J.S.A 40A:12A-1 et seq. requires that a Redevelopment Plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

1) This Redevelopment Plan achieves the stated objectives of the Jersey City Master Plan by providing for the revitalization of the McGinley Square as a mixed-use commercial and residential area and encouraging the expansion of Saint Peters College into McGinley Square consistent with the Land Use Element of the Master Plan. This Redevelopment Plan also encourages the expansion of the University District along Montgomery Street to further support the revitalization of McGinley Square. The Jersey City Master Plan encourages mixed-use development in targeted areas and recognizes McGinley Square as one of the existing neighborhood commercial/residential areas of Jersey City. In speaking about McGinley Square in particular, the Master Plan describes the district as being characterized by ground floor retail uses with multi-family residential above. The Master Plan also recognizes that McGinley Square benefits from the presence of institutional anchors, such as Saint Peter's College, and that the College has developed a plan to expand eastward into the McGinley Square area in a manner that will complement efforts to improve the area. This Redevelopment Plan permits and anticipates the construction of new College dormitories and other facilities by Saint Peter's College, in keeping with the Jersey City Master Plan, and addresses the following specific issues raised in this portion of the Master Plan.
   (a) Increase business investment in the district.
   (b) Improve the mix of goods and services provided by the district.
   (c) Provide opportunities for residential and office uses on the upper floors.
   (d) Promote and implement streetscape improvements in the district.
   (e) Enhance pedestrian access and circulation to the district.
   (f) Address the need for additional shopper's and merchant's parking in the district.

2) This Redevelopment Plan provides for a list of permitted principal uses, as well as accessory uses and prohibited uses in the redevelopment area. The plan also provides for density restriction through the use of maximum height limits, setback and stepback requirements and various design controls.
3) **There will be no displacement of existing residents through the implementation of this plan.**
4) **The McGinley Square East Redevelopment Plan proposes no acquisition or condemnation of private property for private redevelopment purposes.**
5) The area covered by this Redevelopment Plan constitutes an area of higher intensity urban commercial and residential activity. It is within walking distance of Journal Square and the Transportation Center. McGinley Square is a crossroads of traffic and mass transportation in its own rite. This location is near the very center of Jersey City and is remote from any adjacent municipality. Jersey City is designated as a "Planning Area 1" in the State Plan and is at the center of the Hudson County "urban complex." The development envisioned by this plan is in conformity with the "State Planning Act" P.L. 1985, c. 398 (C.52:18A-196 et al) as well as the Master Plan of Hudson County and all contiguous municipalities.
6) **No affordable units are identified to be removed as part of the implementation of this redevelopment plan.**

VI. AFFORDABLE AND WORKFORCE HOUSING

A. Workforce housing shall be provided as part of any development within this Redevelopment Area which will result in the construction of 40 or more residential units. For every five (5) residential units constructed, a residential development shall be obligated to include one (1) unit that is affordable to households of workforce income. The number of required units will be rounded down to the nearest whole number.
B. Workforce housing shall be defined as housing affordable to households with a gross household income equal to eighty percent (80%) but not more than one-hundred and twenty percent (120%) of the median gross household income for households of the same size. Median gross household income shall be as determined and defined by the New Jersey Council on Affordable Housing (COAH).
C. Affordable housing requirements may be further defined and obligated as part of a Redevelopment Agreement between the Jersey City Redevelopment Agency and a designated redeveloper. Where such a Redevelopment Agreement exists, the affordable housing requirements of that agreement shall take precedent over this section of the Redevelopment Plan.

VII. TRANSPORTATION AND CIRCULATION

A. The Plan proposes to maintain the current street pattern of the Area. The Plan includes the widening of certain rights-of-way to improve traffic flow and circulation, provide wider sidewalk widths and a safer pedestrian and bicycle environment, and accommodate improvements to the mass transit system. The Plan also proposes to widen and extend Nevin Street and to create mid-block streets and pedestrian ways, where appropriate, in order to promote safer and more convenient pedestrian circulation in the area. The Plan

also requires improvements to existing streets and pedestrian sidewalk areas, as wells as promoting improvements to the bus network within the Redevelopment Area, and the eventual development of a streetcar/ light rail line along Bergen Avenue to service McGinley Square, Journal Square and the surrounding neighborhoods. Certain of the streets within the Redevelopment Area may be vacated or pedestrianized subject to approval by City Council, and provided that the streets remain fully open to public use (Map 5 - Circulation Plan). Development undertaken pursuant to Section XII of this plan related to Infill Development are not required by this Plan to construct the new streets, or street widening, but shall be required to apply the required sidewalk widths for all infill development.

B. Mercer Street, Tuers Avenue and Jordan Avenue shall maintain their current right-of-way widths of 60 feet as the minimum required width. The curb to curb width may be reduced or increased based on whether the street is to function as a one-way or two-way street. The minimum sidewalk width shall be 15 feet on these streets.
C. Storms Avenue may maintain its current right-of-way width of 53 feet as the minimum required width since it functions as a one-way street, or it may be increased where appropriate and feasible. The minimum sidewalk width on Storms Avenue within the Redevelopment Area shall be 15 feet.
D. Montgomery Street shall maintain its current right-of-way width of 80 feet as the minimum required width. The minimum side walk width shall be 20 feet.
E. Bergen Avenue shall maintain its current right-of-way width of 75 feet as the minimum required width. The minimum sidewalk width shall be 20 feet. A possible future light rail / trolley station is proposed on Bergen Avenue, just south of Glenwood Avenue. To the extent feasible, Bergen Avenue should be widened at this point to accommodate a station location.
F. Nevin Street shall be widened on the south side of the street such that its right-of-way width is at least 60 feet. Nevin Street shall also be extended to Montgomery Street to form a four legged perpendicular intersection of Tuers Avnue, Nevin Street and Montgomery Street. The minimum sidewalk width within the Area shall be 15 feet.
G. Monticello Avenue shall maintain its current right-of-way width of 60 feet as the minimum required right-of-way width, and shall continue to function as a two-way street. The minimum sidewalk width shall be 15 feet.
H. Orchard Street may be closed to vehicular traffic between Montgomery Street and Monticello Avenue, such that it serves as a pedestrian street and public open space. In the alternative, if Orchard Street continues as a vehicular street, then it shall maintain its current right-of-way width of 60 feet, and shall maintain its current one-way status. The minimum sidewalk width shall be 15 feet.
I. A new minor street shall be constructed on Block 1905.5 parallel to Storms Avenue running between Monticello Avenue and Nevin Street as indicated on Map 5 - Circulation Plan. This street shall have a minimum right-of-way width of 60 feet and a minimum sidewalk width of 15 feet.
J. On street parking should be provided on both sides of the street wherever possible.
K. Sidewalk bicycle parking shall be provided in such as way as to not disrupt pedestrian sidewalk areas. At least one bike rack per 100 linear feet of sidewalk shall be constructed and protected through a change in paving style and elevation, and/or other similar design features. Bike parking shall be situated parallel to the flow of pedestrian traffic.

L. A new private pedestrian street shall be constructed on Blocks 1896 and 1897. This private pedestrian street shall be constructed generally parallel to Montgomery Street and Mercer Street, and shall run from Jordan Avenue to Bergen Avenue when completed. It shall be a minimum of 50 feet in width from building line to building line. Buildings or walkways may be constructed over this pedestrian street, provided that the lowest portion of any building or elevated pedestrian walkway provides 20 feet or more of clearance to grade level.

M. A "streetcar" / light rail line is envisioned in the Journal Square 2060 Redevelopment Plan which would run in the right-of-way of Bergen Avenue from Journal Square to McGinley Square. Similarly, the McGinley Square East Redevelopment Plan, consistent with this recommendation of the Journal Square 2060 Redevelopment Plan, recognizes that this light rail connection would be a critical north/south component of a comprehensive transit network designed to service McGinley Square, Journal Square and surrounding neighborhoods in the future and encourages the construction of such a rail line when feasible.

N. McGinley Square is serviced by four different bus lines operating on both Bergen Avenue and Montgomery Street. These include two New Jersey Transit routes, the #80 and the # 81; as well as two independent bus lines, the Montgomery Westside and the Bergen Avenue bus routes. Bus priority lanes should be considered along Bergen Avenue and Montgomery Street to improve bus operations in the interim before the suggested rail line becomes operational. Improvements should also be made to all bus stops within the Area as well as along Bergen Avenue to Journal Square and along Montgomery Street, from the Saint Peters College Area to the Beacon / County Administrative Complex area. These improvements should include new architecturally uniform bus shelters, clear signage indicating bus line numbers and routes, and electronic informational signage displaying anticipated bus arrival times. Bus stop areas should also be enhanced with seating, better lighting, decorative paving materials, and wider sidewalk areas where feasible; to improve passenger comfort, safety and convenience.

VIII. OPEN SPACE PLAN

A. Public open space areas, as well as streetscape and landscape improvements, shall be developed as specified in this Plan and are subject to site plan approval by the Planning Board. The location of proposed open space, new pedestrian walkways and plazas and the expanded McGinley Square is illustrated on Map 3 – Land Use Map. Development undertaken pursuant to Section XII of this plan related to Infill Development are not required by this Plan to construct the new publicly accessible open space indicated on Map 3.

B. Prior to the commencement of any construction within this Redevelopment Plan Area, an overall open space design plan shall be presented for each project to and approved by the Jersey City Planning Board. This plan shall be prepared by a licensed landscape architect. The plan shall respect and incorporate the design parameters and right-of-way landscaping requirements provided within this Plan, but provide more detail to insure all roadway segments incorporate consistent design patterns and materials. The Planning Board shall assure that any such plan or plans are consistent with the design requirements

of this Plan and compatible with other previously approved plans within the Redevelopment Area.

C. A unified streetscape plan shall be required. The streetscape plan shall be submitted to the Jersey City Planning Board for its review and approval in conjunction with the project site plan application and implemented contemporaneously with the construction of the redevelopment project. The streetscape plan shall include all street frontages, existing and proposed. The plan shall identify, but not be limited to: decorative paving materials, curbing materials, colors, tree pit treatments, trash receptacles, benches, bicycle racks, decorative street lighting, bus stop shelters, planters and planting pots. The streetscape plan shall respect and incorporate the design requirements provided with this Plan. The Planning Board shall assure that any such plan or plans are consistent with the design requirements of this Plan and compatible with other previously approved plans with the Redevelopment Area.

D. The Planning Board may require a pro-rata fair share assessment to be paid by each development within the Redevelopment Area to off-set the construction costs of new public open space and streetscape improvements. The value of the assessment shall be based upon a formula to be developed by the City of Jersey City and/or the Planning Board, with the assistance of their professional staff and consultants, and shall be determined at the time of developer designation or site plan approval as appropriate.

E. All open space, including yards, landscaped rooftop plazas on buildings and green rooftops shall be landscaped with trees, shrubbery, ground covers and/or other appropriate plant material appropriate to the planned use of the space; unless said open space is specifically designated for other activities which require paving or other surface treatment.

F. Screen planting, when required shall consist of evergreen plant materials. Additional decorative plants may be incorporated into the design of the screen planting area to provide seasonal variety. Only species with proven resistance to the urban environment in this area will be acceptable.

G. Specific improvements to be made to McGinley Square plaza, sidewalks, other pedestrian areas, and open spaces shall be as negotiated and specified with the Redeveloper as part of the redeveloper designation and contract process.

IX. DESIGN REQUIREMENTS

A. GENERAL REQUIREMENTS

1) All structures within the project area shall be situated with proper consideration of their relationship to other buildings, both within the Redevelopment Area and in the surrounding neighborhood, in terms of light, air and open space, access to public rights-of-way and off-street parking, height and bulk. Special attention should be paid to the relationship of proposed buildings to buildings of particular architectural significance, such as the Jersey City Armory and Saint Aedan's Church, School, and Rectory.

2) All minimum building height requirements shall be measured as stories above sidewalk grade. No mezzanines or split levels or any floor partially or fully below grade shall be considered for minimum height requirements. All floors necessary to

meet the minimum height requirement must be approximately equal in floor area. No required minimum floor may be less than 60% of the second floor gross floor area.

3) All lots at the time of adoption of this plan are conforming lots for development, however any newly created lots or development sites through subdivision or consolidation shall have a maximum shape factor of 30. Shape factor is defined as the perimeter of the lot squared, divided by the lot area ($\frac{Perimeter^2}{area}$).
   (a) Example for a standard 25' by 100' rectangular lot:
   perimeter = 250'
   perimeter squared = 62,500
   area = 2500 square feet
   shape factor is $\frac{62500}{2500} = 25$
4) All buildings with a commercial frontage shall be designed to include a clear distinguishable sign band integrated into the architectural design of the building. The sign band shall be proportionately sized in height to the size and scale of the ground floor or base of the structure, and the size, scale, and width of the storefront or commercial unit façade. The sign band must read as part of the architecture of the building, taking into consideration features such as column spacing, horizontal elements of the building and fenestration.
5) Groups of related buildings shall be designed to present a harmonious appearance in terms of architectural style and exterior materials.
6) Buildings shall be designed so as to have an attractive, finished appearance when viewed from all vantage points within and outside of the project area. Each façade shall be treated as being of equal importance in terms of material selection and architectural design.
7) Access by the elderly, physically handicapped and/or disabled shall meet barrier free design regulations as specified in the New Jersey and Federal ADA Standard Uniform Construction Code. ADA required features should be seamlessly integrated into the architectural design of the building and circulation system and designed for general use by the public.
8) All utility distribution lines, including multi-media telecommunication lines, and utility service connections from such lines to the project area's individual use shall be located underground.
9) Roof treatment, mechanical screening and electrical equipment:
   (a) All mechanical equipment located on any roof of a building shall be screened from view from all vantage points with a material complementary with the façade of the structure. The screening shall not resemble a utility or rooftop elevator or stair tower. It shall instead resemble an upper level extension of the building and be designed to contribute to the building top design.
   (b) A roof plan must be developed and submitted for approval. Roof plans shall include mechanical equipment, trellises to obscure view, colored roof patterns and landscaping. Parking deck roofs shall be designed to maximize recreational amenity space and all remaining rooftop areas shall be developed as a green roof.
   (c) All electrical communication equipment shall be located in such a way that it does not negatively impact the appearance of the building nor create objectionable views as seen from surrounding structures.

(d) Transformers and primary and back-up generators shall be located interior to the building or vaulted underground within the pavement area of an adjacent street or sidewalk. Location within and upon the sidewalk, between the sidewalk and the building, or anywhere outside at grade is not permitted.
(e) All new or reconstructed signal boxes are required to be placed below grade.
(f) The screening of all new or reconstructed telecom equipment is required.

10) Streetscape:
(a) All buildings shall be designed to front on a public street or pedestrian way to create a street wall and a pedestrian environment at a human scale.
(b) Main entrances into buildings shall be located on public streets or pedestrian ways. Secondary entrances may also be provided from parking areas and/or as necessary according to the design and use of the structure.
(c) Entrances shall be designed to be attractive and functional. Indicators such as awnings, changes in sidewalk paving material or other indicators consistent with the design, proportions, material and character of the surrounding area shall be provided.
(d) Where residential units occupy the first floor of any building, a landscaped front yard area shall be provided of not less than 5 feet in depth. The front yard shall be separated from the sidewalk area by raised curbing in order to better define the landscaped area and distinguish between the public and private domain. In the alternative, the residential floor level must be at least 2.5 feet above sidewalk grade and the window sill located no less than 6 feet above grade to provide a level of privacy for these residential units. Building lobbies may be at grade for ADA accessibility.
(e) Automobile parking between the building line and a public right-of-way is expressly prohibited. Parking is not permitted in any front yard.
(f) Porte-cocheres and drop-off lanes are prohibited except for hotels. Where approved, driveway design shall be such that vehicles cross the sidewalk at a right angle to the flow of pedestrian traffic.

11) A cornerstone marking the date of construction shall be located in an appropriate ground level corner of any building five or more stories. The cornerstone shall be incorporated into the primary facade material.

12) Overhead walkways (skywalks) connecting buildings and or parking above streets or rights-of-ways are prohibited, except that buildings and walkways may be constructed over private pedestrian ways.

13) All facade vents for air conditioning or heating units must be incorporated into the window opening and mullion design such that vent grills and windows appear as a single unit. This is best achieved by lining up vent grills with the vertical or horizontal edge of the adjacent window and matching the window's length or width or using a spandrel panel to fill any voids.

14) All new sidewalk concrete shall be tinted grey and scored in a simple saw-cut fashion in 4 foot by 4 foot squares or in conformance with a streetscape plan to be presented by the developer and as approved by the Planning Board.

15) All storefronts shall incorporate a cornice element or horizontal projection above the storefront glazing separating ground floor uses from the building above.

16) Ground floor storefront bulkheads below the display windows shall be a maximum of 18 inches in height above sidewalk grade.
17) All ground floor retail facades shall incorporate a minimum of 80% transparent glass. This requirement may be waived or modified by the Planning Board for uses such as supermarkets, which do not typically contain display windows on all sides.
18) All ground floor entryways shall be recessed to avoid door swings into any public right-of-way.
19) Residential development projects are strongly recommended to include provisions for a dog run, where feasible.

B. FLOOR HEIGHT REQUIREMENTS
1) Residential floor-to-ceiling heights must be a minimum of 9 feet and a maximum of 12 feet.
2) Ground floor floor-to-ceiling height minimums for a commercial use are regulated by the following table:

Building Height	Minimum First Floor Height	Maximum First Floor Height	Maximum First Floor Height within 30' of a Rear Lot Line
1 to 6	14'	18'	12'
7 to 12	18'	20'	12'
13 and up	20'	30'	12'

It is recognized that where uses such as theaters, galleries, gymnasiums, banquet facilities, conference centers or other similar uses are proposed; higher ceiling heights may be necessary and are permitted.

C. SPECIAL BUILDING REQUIREMENTS FOR A TOWER ON A BASE
For all buildings greater than 8 stories:
1) All buildings shall have a base, which shall be designed according to the following:
(a) The base of all buildings shall be a minimum of 20 feet in height and a maximum of 60 feet. Except that, for buildings fronting on Montgomery Street containing a theater or other similar use necessitating higher than typical floor to ceiling heights, the base height may be increased to 80 feet. The base shall contain a minimum of two and a maximum of four stories.
(b) The base of all buildings shall be setback from the adjoining street line the distance necessary to provide the required sidewalk width.
2) Building Base Design Requirements:
(a) A visual cue or indicator such as a cornice, belt coursing, a significant change in the glass to solid ratio, horizontal projection, or any other indicator consistent with the design, proportions, and materials shall be provided at the top of the base.
(b) Decorative features and materials are required in order to provide detail and interest to the pedestrian level of the building.

(c) Building bases shall be constructed of durable material of high quality, including but not limited to glass, stone, brick, textured concrete, metal paneling, etc.
(d) A decorative screening facade may substitute for glass to wrap parking facilities, subject to approval by the Planning Board.
(e) Retail and/or other permitted uses required along all public rights-of-way shall be a minimum depth of 30 feet from the front facade into the building. No more than fifteen (15) percent of the linear first floor street frontage and no more than twenty (20) consecutive linear feet along a public right-of-way may be dedicated to other uses such as meter rooms, blank walls, garage doors or loading zones, emergency exits, etc.

3) First floor retail height shall be regulated by the ground floor floor-to-ceiling height requirements in Section IX. B. 3.
4) Towers (i.e. any portion of the building constructed over the base) shall be setback at least 15 feet from any exterior façade of the base.
5) Towers greater than 100 feet in length shall provide facade articulation such that the building facade does not read as a continuous slab and is broken up with building indentations such that the building facade is not built within a single plane.
6) Towers facades, other than dormitories, built over the base must be separated by at least 50 feet, except that where buildings are not directly facing each other the distance between towers as measured from corner to corner of the respective buildings shall be a minimum of 30 feet. Dormitory structures must provide at least 30 feet of separation between room windows facing each other.
7) Building Tower Design Requirements:
   (a) A visual cue or indicator such as a cornice, belt coursing, a significant change in the glass to solid ratio, horizontal projection, or any other indicator consistent with the design, proportions, and materials shall be provided at the top of the tower.
   (b) Building towers shall be constructed of durable material of high quality, including, but not limited to glass, stone, textured concrete, brick, metal paneling etc. Glass shall constitute a minimum of 40% of the facade.

D. PARKING AND LOADING STANDARDS

All parking shall be provided in multi-tiered structures or automatic garages, and may be both above and below ground. Parking structures shall meet the following requirements:

1) Bicycle Parking Provisions:
   (a) For development on all lots greater than 2,500 square feet or residential projects of more than four units, bicycle parking is required. A bicycle storage room, located in a convenient and accessible location to the front entry of the building with no more than four vertical steps (ramps may be utilized) between the bicycle room and the sidewalk with room for 1 bicycle space per dwelling unit and 1 bicycle space per 5000 square feet of non residential use is required. Short term bicycle parking must also be provided in the sidewalk or accessory parking area for all retail or similar ground floor uses at a rate of 1 space per 5000 square feet to a maximum requirement of 10 spaces.

(b) Bike racks must permit the ability to secure the frame of the bike to the rack system, and must be located so as not to disrupt pedestrian sidewalk areas. (See also Section VII. K.).

2) Automobile Parking Ratios By Use:

Use	Minimum Parking Requirement	Maximum Parking Requirement
Residential & Work/Live	0.5 per unit	1.0 per unit (1.2 if underground parking)
Office	1/1,000 sq. ft.	3/1,000 sq. ft.
Medical Office	2/1,000 sq. ft.	3/1,000 sq.ft.
Retail & Financial Institutions	1/1,000 sq. ft.	3/1,000 sq. ft.
Restaurants & Bars	1/1,000 sq. ft.	3/1,000 sq. ft.
Theaters	1/10 seats	4/10 seats
Museums & Galleries	0/1,000 sq.ft.	1/1,000 sq. ft.
Hotels	1 per 8 rooms	1 per 4 rooms
Colleges, Universities, etc.	0 per classroom	4 per classroom
Dormitories	0 / bed	0.5 / bed
Child Day Care	0/1,000 sq. ft.	2/1,000 sq. ft.

3) Other Automobile Parking Provisions
   (a) Three hundred (300) parking spaces, in addition to the maximum parking requirements listed above, may be provided for the use of Saint Peters College faculty, students and visitors.
   (b) To assure the most efficient and effective use of the parking resources located within the Redevelopment Area, the shared use of the parking facilities is permitted and encouraged.
   (c) In order to provide for convenient shopper parking, the required parking for retail uses shall be located nearest to the garage entrance to the greatest degree practical and shall be limited to retail users of the on-site retail and neighboring retail uses during normal retail hours. Consistent with the concept of shared use of parking facilities, these parking spaces may be used for other purposes during off-hours and other parking spaces within the parking facility may also be used for shopper parking when available.

4) Parking Design Standards:
   (a) In any building over six stories, or any stand-alone parking structure, a parking level at grade may not contain any parking or mechanical floor area adjacent to the sidewalk/street frontage. Atrium, lobby, and/or active commercial use shall occupy these areas with a minimum depth of 30 feet.

(b) Any parking level at grade not screened by an active use shall be set back from the sidewalk a minimum of 5 feet to provide for landscaping and screening of the parking use.
(c) Any parking structure shall be designed to eliminate headlight glare to the greatest degree practical. Interior garage lighting shall be located so as direct light into the structure and mounted on the interior side of columns so as to prevent glare from such lighting to be visible from the street or adjacent property. Light fixture details and location shall be included within the garage floor plan at the time of site plan application. Dark tinted glass shall be used in all window openings so as to further reduce headlight and lighting glare.
(d) The facade of all parking levels shall be of a compatible material to that used throughout the development or adjacent structures and shall be designed to provide visual interest.
(e) All openings onto a public right-of-way or pedestrian way must be screened with glass or decorative screening materials. Any openings shall be in a vertical proportion. Open horizontal bands along the façade of any parking structure are prohibited.
(f) Exterior lighting of the screening materials on a parking structure façade is required in order to provide additional visual interest in terms of light and shadow and to further mask the interior lighting of the parking structure and headlight glare.
(g) Pedestrian access points shall be provided at street level and designed to encourage street activity.
(h) All parking spaces shall be a minimum of 9 feet wide by 18 feet deep. Compact parking spaces, a minimum of 8 feet wide by 16 feet deep, may be provided, and may comprise up to twenty (20) percent of the approved parking spaces.
(i) Aisle widths shall conform to the following minimum standards:
  (i) 90 degree parking 22' wide two-way aisle
  (ii) 60 degree parking 18' wide one-way aisle
  (iii)45 degree parking 15' wide one-way aisle
  (iv)30 degree parking 12' wide one-way aisle
(j) All one-way aisles shall be clearly designated and marked.
(k) Automatic garage parking is exempt from the above dimensional requirements.
(l) Off-street parking and loading areas shall be coordinated with the public street system serving the project area in order to avoid conflicts with through traffic or obstruction of pedestrian walks and thoroughfares.
(m) Surface parking lots (as an interim use) and all loading areas, shall provide a screen planting of dense evergreens along any street line and along all property lines except those instances where a building intervenes or where the proposed planting may interfere with sight triangles. Within the parking area, a minimum of three percent (3%)of the parking area shall be landscaped and maintained with shrubs no higher than three (3) feet and trees with branches no lower than six (6) so that the landscaping is dispersed throughout the parking area. Landscaping shall be enclosed by a 6 inch curb as in Section IX. F. 9. below.
(n) The number and design of off-street loading spaces shall be demonstrated by an applicant according to an anticipated need. All freight loading activities are

encouraged to be restricted to early morning and/or late evening hours. The design and number of off-street loading shall be regulated by the Jersey City Land Development Ordinance.

(o) Drop off areas are not permitted unless required by the Planning Board for uses generating organized pick-up and drop-off services such as, but not limited to, medical offices.

(p) All open entry ways to off-street parking and loading structures shall incorporate finished materials coordinated with the primary base façade on all surfaces twenty-five (25) feet deep into the structure to create an attractive view from the sidewalk and adjacent pedestrian areas and incorporate architectural lighting features.

(q) Parking and service access should not be located on the main traffic oriented streets. A head-in/head-out design is required for all loading and parking facilities. For parking facilities with 30 spaces or less, driveway widths shall be a maximum of 10 feet. For all other parking facilities, driveway widths shall be a maximum of 12 feet for one way and 20 feet for two way. Driveway widths for loading areas may be increased, with Planning Board approval, to accommodate the anticipated type of trucks and deliveries.

(r) All parking and loading facilities must be designed to minimize pedestrian and traffic conflicts and shall be designed such that vehicles cross pedestrian traffic flows at right angles only.

(s) All site plan applications for parking structures should demonstrate the ability to provide for electric vehicle charging stations in the future.

5) Below grade parking is permitted to cover 100% of the lot and may also extend into the right-of-way under sidewalk and roadway areas pursuant to a "franchise ordinance" as approved by the City of Jersey City.

6) All developments which propose valet parking shall submit a parking management plan. Such plan shall include but not be limited to: number of vehicles to be parked, number of rows of cars to be stacked, all parking stall and aisle widths and any other information deemed necessary to effectively evaluate the management plan. All parking management plans shall be subject to review and approval of the Division of Traffic Engineering, the Division of City Planning and the Planning Board. Valet parking schemes shall not be permitted to increase the total number of parked cars above the maximum number of permitted spaces.

E. OPEN SPACE DESIGN REQUIREMENTS

1) Where possible, new structures surrounding or enclosing open space should be designed and sited to allow the greatest penetration of sunlight onto open space areas throughout the year.

2) Open space shall provide visual and functional elements such as bicycle parking, benches, seating walls, drinking fountains, refuse containers, planters, and public fountains. Open space amenities shall include decorative material such as: stone pavers, brick pavers, asphalt pavers, stamped and tinted concrete, and decorative lighting and detailing.

3) Adequate lighting shall be provided to encourage active usage and a sense of security in the open space.

4) Open space shall be distributed so as to provide for maximum usability. Roof top open space on top of the base of the buildings is encouraged and may be used to meet any open space requirements.
5) Through creative design, open space features shall address the need for human comfort and enjoyment and provide both active and passive leisure uses for secure and pleasant outdoor and indoor settings to meet public and private use requirements. Open space and plazas shall be designed at a human scale to invite and attract the public.
6) Open space shall be oriented to maximize views.
7) As a general guide, one (1) linear foot of seating for each linear foot of plaza perimeter shall be provided. Seating space may include planters, benches, fountains, etc.
8) Landscape features shall be enclosed by a curb as per Section IX. F. 9.

F. LANDSCAPING AND LIGHTING REQUIREMENTS
1) Landscaping shall be required for any part of any parcel not used for buildings, off-street parking, plaza areas or loading zones. The developer's plan shall include proposals for landscaping indicating the location, size and quantity of the various species to be used.
2) All plant material used must be able to withstand an urban environment. All screen planting shall be a minimum of 4 feet high and shall be planted, balled and burlapped as established by the American Association of Nurserymen. A planting schedule shall be provided by the developer and approved by the Planning Board. Ground cover shall be used in place of mulch.
3) All new trees shall be of a species and gender so as to minimize fruit and pollen.
4) Any landscaping which is not resistant to the environment or dies within 2 years of planting shall be replaced by the developer.
5) Underground watering facilities shall be required for all landscaped areas. Hose bibs shall be provided immediately adjacent to planting areas abutting a building.
6) Street trees shall be planted along curb lines of streets in a regular pattern, spaced at one-half the mature spread of the tree canopy to further enhance the aesthetic quality of the redevelopment area. All trees shall be a minimum of four (4) inches in caliper.
7) Lighting within the site shall sufficiently illuminate all areas, including those areas where buildings are setback or offset to prevent dark corners.
8) All lighting sources must be adequately shielded to avoid any off-site glare. The area of illumination shall have a uniform pattern of at least one-half (0.5) foot candles.
9) All landscaping must be fully enclosed by curb or seating wall constructed of a masonry, metal, or wood material with a minimum of 6 inch in height. Landscaping shall be elevated to match the height of the curb or seating wall. Fencing is discouraged, but may be set into the required curb.

G. SUSTAINABLE BUILDING REQUIREMENTS
1) All new buildings will be required to comply with the "LEED for New Construction Rating System" (LEED-NC) or equivalent as approved by the Planning Board.
2) All buildings will be required to achieve a minimum of a Silver LEED Certification level, or equivalent as approved by the Planning Board. Silver credits are awarded

based on five (5) categories of performance: Sustainable Sites, Water Efficiency, Energy & Atmosphere, Materials & Resources, and Indoor Environmental Quality.

3) Any single development comprising more than one block is required to comply with the "LEED for Neighborhood Development" rating system or equivalent as approved by the Planning Board. Sustainable Neighborhood Development is intended to revitalize existing urban areas, reduce land consumption, reduce automobile dependence, promote pedestrian activity, improve air quality, decrease polluted storm water runoff, and build more livable sustainable communities for people of all income levels.
4) Neighborhood Developments will be required to achieve a minimum of a Silver LEED Certification level, or equivalent as approved by the Jersey City Planning Board. The project can achieve a variety of points from four separate categories: Smart Location and Linkage, Neighborhood Pattern Design, Green Construction and Technology, and Innovation and Design.

H. BUILDING AMENITY REQUIREMENTS

1) All buildings with 4 or more residential units must provide a washer/dryer room in the building.
2) Buildings with over 50 residential units must include at least 2% of the units designed with 3 bedrooms or more.
3) Buildings with 4 or more floors must provide an elevator.
4) A minimum of 30% of the lot area must be dedicated to useable recreation space by occupants. This space may be placed in a rear yard or on a roof. Roof decks are encouraged and may be necessary to achieve this requirement.
5) Showers and other facilities necessary to support people biking to work is required in all office buildings and other major centers of employment greater than 100,000 square feet.

I. BUILDING MATERIALS REQUIREMENTS

1) Synthetic materials such as EIFS, vinyl siding, asphalt shingles, and brick face siding are prohibited.
2) Concrete block may not be used as a decorative finish on any facade.
3) Exterior doors including emergency exits and utility access shall not be secured with a pad lock. All door must include a built in lock mechanism.
4) Brick facades are encouraged to utilize multi toned brick selections with at least 3 tones overall so as not to create a dull or flat brick facade.
5) Front cantilevered balconies may project no more than 12 inches from the facade where located within 45 feet from grade or on the base of any "tower on a base" building (see Section IX. C.). Above a stepback, balconies may extend no more than the width of the tower stepback.
6) Use of chain link fencing, razor wire, barbed wire, or other similar security devises is expressly prohibited. Chain linked fencing may be temporality utilized during construction only.
7) Security Gates: All security gates shall be installed on the interior to the glass storefront and completely composed of the open mesh type. Storage boxes for all security gates shall be mounted on the interior of the building. Gate tracks shall be

recessed into the glazing reveal and the gate housing shall be flush with the plane of the storefront. No storage box, tracks or mechanical devices related to the gates may project from the plane of the storefront.

X. SIGNAGE REGULATIONS

A. Signage Approval Process
   1) All signs are subject to site plan review when included as part of a major site plan application.
   2) All temporary banner signs for marketing projects on site shall be considered as an interim use.
   3) All new signage that complies with the redevelopment plan shall not require site plan approval.
   4) Minor Site Plan application with deviation request must be submitted to the Planning board for all non-conforming sign proposals.
   5) Signage above the ground floor is not permitted in this Redevelopment Plan, except as related to theaters, office buildings and hotels, as further defined in this Section. All requests for this type of signage is subject minor site plan review by the Planning Board, and may not be constructed without Planning Board approval.
   6) All marquees for theatres or other similar uses are permitted and subject to minor site plan review.
   7) During construction, one (1) temporary sign indicating: the name of the project or development, general contractor, subcontractor, financing institution and public entity officials (where applicable) shall be permitted. The sign area shall not exceed forty (40) square feet.
   8) Kiosks listing uses and tenants of the various buildings in the area, as well as cultural, educational and other similar facilities are permitted. Such kiosks may be located in public or private plazas and/or on public streets where sidewalk width is adequate. Such kiosks may not exceed 25 square feet of sign area per sign face, and may not exceed 10 feet in height. Kiosks may also be illuminated. All Kiosks are subject to minor site plan review and approval of the Planning Board as to size, location, and other design features.

B. Sign Design Requirements
   1) All signs on commercial structures shall designed to fit within the architectural designed sign bands as described in Section IX. A. 4.
   2) All signage shall be organized in a rational manner and shall be aligned with the design features of the building, storefront, or commercial unit, such as column spacing, horizontal design elements (cornices), and fenestration.
   3) In existing buildings, where the security gate boxes cannot be removed or relocated to the interior of the commercial space, these boxes shall be integrated into the signage design in order to hide or disguise the security gate boxes within the design of the signage.
   4) All signs shall be attached to the first floor level of the building only, although blade signs may be attached to the first or second floor façade. Upper story commercial signage may be permitted subject to minor site plan review and approval by the

Planning Board on structures containing upper story retail uses, restaurants, theaters and similar uses.

5) All wall signs shall be flush mounted;
6) All blade signs shall project no more than 30 inches from the facade and the bottom of the sign must be a minimum of 9 feet above the sidewalk.
7) Window signs (other than lettering and logos as specifically permitted) shall be prohibited. Lettering or logos shall be limited to decorative metal leaf, flat black or etched / frosted glass style lettering and shall be limited to the name of the business occupying the commercial space / storefront and shall cover no more than twenty (20%) of the window area.
8) Permitted signage material includes:
   (a) Painted wood.
   (b) Painted metals including aluminum and steel.
   (c) Brushed finished aluminum, stainless steel, brass, copper, or bronze.
   (d) Carved wood or wood substitute.
9) Permitted lettering material includes:
   (a) Lettering forms applied to the surface of the sign.
   (b) Single colored lettering forms applied to the surface of the sign.
   (c) Metallic solid body letters with or without returns.
   (d) Painted acrylic or metal letter.
   (e) Vinyl lettering attached permanently to a wood, wood substitute or metal signboard.
10) Signs may be lit from backlit halo, and up-lights. Internally lit signs and sign boxes are prohibited.
11) Storefront windows shall not be blocked by any interior display case or other form of barrier. Pedestrians on the street shall have the ability to see into the shop and view the activity within.
12) Signs may include the name of the store only. Building address, phone number, operating hours and other additional information may be stenciled on the door.
13) One portable sign is permitted within of 8 feet of the entryway of the associated use. Portable signs are not permitted for parking garages.

C. Number and Size of Signage

1) All buildings must clearly display their street address. The building address is required to be placed on either the main entry door, transom window, building, or awning flap at a maximum font height of 10 inches.
2) Corner lot development is encouraged to display the street names on the building facade or imprinted into the sidewalk.
3) Sign requirements along all Rights-of-Way where retail is mandatory (see *Map 4 and 6 - Required Ground Floor Use*):
   (a) For retail, restaurants, bars, nightclubs, and other similar ground floor uses:
      (i) Each use fronting on a public street may be permitted one (1) exterior sign per street frontage.
      (ii) Maximum sign height shall be 24 inches.
   (b) All other uses:

(i) Each such use fronting on a public street may be permitted one (1) exterior sign per entryway per street frontage. Buildings with multiple uses shall have no more than one (1) sign per use.
(ii) The total exterior sign area shall not exceed the equivalent of three (3) percent of the first story portion of the wall to which it is attached. In no case shall a sign on any structure exceed 10 square feet.

4) Sign requirements along all Rights-of-Way where retail is not required (see *Map 4 and 6 - Required Ground Floor Use*):
   (a) For retail, restaurants, bars, nightclubs, and other similar storefront uses:
      (i) Each such use fronting on a public street may be permitted one (1) exterior sign per street frontage.
      (ii) Maximum sign height shall be 18 inches.
   (b) All other uses:
      (i) Each such use fronting on a public street may be permitted one (1) exterior sign per entryway per street frontage. Buildings with multiple uses shall have not more than one (1) sign per use.
      (ii) The total exterior sign area shall not exceed the equivalent of two (2) percent of the first story portion of the wall to which it is attached. In no case shall a sign on any structure exceed 8 square feet

D. Parking Garage Signage
   1) One (1) sign shall be provided per entrance to garages indicating the parking facility by the international parking symbol and direction arrow. The sign area shall not exceed twenty (20) square feet. If applicable, one (1) sign per entrance may be allowed indicating parking rates, not to exceed eight (8) square feet.
   2) Portable signs are not permitted for parking garages.

E. Prohibited Signs
   1) Freestanding signs and Monument signs, except for those indicating direction, transportation, circulation and parking.
   2) Portable advertising signs not associated with a use within 10 feet.
   3) Billboards and Outdoor Advertising Signs.
   4) Roof signs.
   5) Signage attached to parking meters, light poles, benches, or other street furniture.
   6) Internally or externally illuminated box signs
   7) Flashing or animated signs, spinners, pennants, reflective materials that sparkle or twinkle, except for marquees
   8) Window signs, posters, plastic or paper that appear to be attached to the window.
   9) Pole signs
   10) Waterfall style or plastic awnings.

XI. REQUIRED LAND USE REGULATIONS

A. Where ground floor retail use is indicated as required along a street frontage on Map 4 - Ground Floor Use; only permitted uses which activate the adjacent sidewalk shall be permitted and are required. Active type uses include: retail sales of goods and services, retail banking, building lobbies, hotels, theaters, art galleries, bars and restaurants.
   1) Minimum depth of use area from the building façade shall be thirty (30) feet.

2) No more than fifteen (15) percent and no more than fifteen (15) consecutive linear feet may be dedicated to other uses such as meter rooms, blank walls, emergency exits, etc.

B. Where ground floor commercial use is indicated as required along a street frontage on Map 4 - Ground Floor Use; any permitted commercial use may be provided.
   1) Minimum depth of use area from the building façade shall be twenty (20) feet.
   2) No more than fifteen (15) percent and no more than twenty (20) consecutive linear feet may be dedicated to other uses such as meter rooms, blank walls, emergency exits, etc.

C. Where ground floor commercial use is indicated as optional along a street frontage on Map 4 - Ground Floor Use; any permitted use may be provided.
   1) Minimum depth of use area from the building façade shall be thirty (30) feet.
   2) No more than fifteen (15) percent and no more than twenty (20) consecutive linear feet may be dedicated to other uses such as meter rooms, blank walls, emergency exits, etc.

D. Where ground floor residential use is indicated as required along a street frontage on Map 4 - Ground Floor Use; only residential and live/work units are permitted.
   1) Minimum depth of use area from the building façade shall be thirty (30) feet.
   2) No more than fifteen (15) percent and no more than fifteen (15) consecutive linear feet may be dedicated to other uses such as meter rooms, blank walls, emergency exits, etc.

E. For infill development pursuant to Section XII below, retail or residential uses are required on the ground floor of all principal structures where indicated on Map 6 - Required Ground Floor Use.
   1) Minimum depth of retail use shall be thirty (30) feet.
   2) No more than fifteen (15) percent and no more than twenty (20) consecutive linear feet may be dedicated to other uses such as meter rooms, blank walls, emergency exits, etc.

XII. SPECIFIC LAND USE REGULATIONS: INFILL DEVELOPMENT

The following regulations shall apply to development that is done on an infill basis. Buildings developed pursuant to these infill regulations shall not be required to construct the new streets, street widenings or pedestrian ways depicted in Map 5 - Circulation Plan nor construct the publicly accessible open space depicted in Map 3 - Land Use Map. Minimum sidewalk widths as described in Section VII are required. Ground floor uses as depicted in Map 6 - Required Ground Floor Use are also required.

A. Principal Permitted Uses:
   1) Residential Dwelling Units, including Work/Live Units and Work/Live Artist Units.
   2) Offices, including Medical Offices
   3) Retails Sales of Goods and Services
   4) Financial Institutions
   5) Restaurants, category one and two
   6) Bars & Night Clubs
   7) Theaters, Live and Film
   8) Museums and Art Galleries

9) Hotels
10) Colleges, Universities, Accredited Schools of Primary and Secondary Education and Accredited Educational and Vocational Training Programs
11) Dormitories
12) Structured Parking Garage
13) Day Care Centers, Child and Adult
14) Open Space, Parks and Plazas
15) Any appropriate combination of the above

B. Accessory Uses:
1) Parking and Loading within principal structures
2) District / Area - Wide Cooperative Energy Generation Facilities within a principal structure
3) Improved Open Space, at grade and on rooftops
4) Signs
5) Home Occupations
6) Sidewalk Cafés (Pursuant to City Ordinances).

C. Prohibited Uses:
1) Surface parking, except as an interim use
2) Drive-thru facilities of any type; such as restaurants, banks, pharmacies, etc.
3) Gas stations, service stations, auto repair and similar uses.

D. Lot Size and Dimension Requirements:
1) All existing lots at the time of adoption of this plan are conforming lots.
2) Subdivisions must conform to the following minimum standards:
(i) Minimum lot area: 5,000 square feet.
(ii) Minimum lot width: 50 feet.
(iii)Minimum lot depth: 100 feet.
(iv)Maximum shape factor: 30

E. Density and Height Requirements:
1) Density is not regulated by floor area ratio or units per acre. Instead, a "building envelope" is defined, depending on the size and shape of the site. Minimum room and unit sizes are regulated by building code. Buildings on lots of less than 30 x 100 feet or 3,000 square feet shall be limited to not more than one dwelling unit per floor.
2) Maximum and minimum building height shall be calculated based on the lot size according to the following table.

Approximate Lot Dimension	Lot Area up to: (square feet)	Minimum Building Height (stories)/(feet)	Maximum Building Height (stories)/(feet)
	0 to 2499	2 / 22'	3 / 34'
25x100	2500 to 4999	2 / 22'	4 / 44'
50x100	5000 to 7499	3 / 32'	5 / 54'
75x100	7500 to 9999	3 / 32'	6 / 64'
100x100	10000 and up	4 / 42'	8 / 85'

3) The building located on Block 1903, Lot N.1 shall be maintained at a height of 5 stories. New buildings constructed on Lots A & B of Block 1903 may match the height of the building located on Lot N.1.
4) Building Stepbacks: To provide light and air to adjacent lots, buildings must provide a "stepback" from property lines at the following intervals:

Story Level	Front Stepback	Side Stepback	Rear Stepback
1	none	none	5'
2 to 4	none	none	30'
5 to 8	10'	5'	30'

F. Yard Requirements:
1) Front Yard Requirements:
(a) Front yard setbacks shall be sufficient to achieve the minimum required sidewalk widths described in Section VII. Example: If the existing sidewalk width is 10 feet, and the required sidewalk is 20 feet, then the front yard setback shall be 10 feet.
2) Side Yard Requirements:
(a) Where the adjacent building is less than four stories, the minimum side yard setback shall be 10% of the lot width up to a maximum requirement of 6 feet and the minimum required by fire or building code to accommodate adjacent windows.
(b) Where a ground floor retail use is mandatory (see *Map 6: Required Ground Floor Use*), side yards are not permitted within 10 feet of a right-of-way except where required by fire or building code to accommodate adjacent windows.
(c) Where the adjacent building is 4 stories or more, or where the adjacent building is built on the lot line, side yards are not permitted within 10 feet of a right-of-way except where required by fire or building code to accommodate adjacent windows.
3) Rear Yard Requirements:
(a) A rear yard of 5 feet is required as per the building step back table above.
(b) For through lots, a 50 foot "rear yard" is required at grade or above the first floor, where parking is provided on the ground level, and centered in the middle of the block.
(c) Where a rear lot line abuts a side lot line, only a side yard is required.

XIII. SPECIFIC LAND USE REGULATIONS: MAJORITY BLOCK DEVELOPMENT BONUS

The following regulations shall apply to all development where 75% or more of the land area of a tax block is consolidated under single ownership. Development sites must have a shape factor less than 30, except for Block 1903, where the entire block must be consolidated to utilize this bonus provision. All consolidated majority block

development sites must submit the entire development site as a single site plan application to the Jersey City Planning Board, but development may be undertaken in phases as described in the site plan application.

The intensity of development permitted under these regulations is a bonus specifically linked to the provision of new streets, street improvements, open space, pedestrian ways and other improvements as specified in this Redevelopment Plan. The construction of new streets, street widenings, pedestrian ways, publicly accessible open space and improvements to McGinley Square, as depicted on Maps 3 & 5 of this Plan and as described in Sections VII and VIII, shall be undertaken concurrently with the development of the particular tax block upon which the development and improvements are located. Developments on Block 1896 shall also improve the McGinley Square Plaza including Block 1896.5.

Where property ownership of a proposed development site does not allow for the proposed public improvements envisioned on Maps 3 and 5, the developer must make a formal request to the City for the acquisition of the lands necessary for the public improvements. Where the acquisition request is denied by the City, the Planning Board may require alternative improvements to City owned portions of the McGinley Square Plaza or other nearby public areas to qualify the majority block development bonus.

The improvements on Maps 3 and 5 necessary to qualify a development for the majority block development bonus are drawn in approximate locations and are not intended to be a precise mapping of such improvements.

A. Permitted Principal Uses:
   1) Residential Dwelling Units, including Work/Live Units and Work/Live Artist Units.
   2) Offices, including Medical Offices
   3) Retails Sales of Goods and Services
   4) Financial Institutions
   5) Restaurants, category one and two
   6) Bars & Night Clubs
   7) Theaters, Live and Film
   8) Museums and Art Galleries
   9) Hotels
   10) Colleges, Universities, Accredited Schools of Primary and Secondary Education and Accredited Educational and Vocational Training Programs
   11) Dormitories
   12) Day Care Centers, Child and Adult
   13) Open Space, Parks and Plazas
   14) Any appropriate combination of the above

B. Accessory Uses:
   1) Parking and Loading within principal structures
   2) District / Area - Wide Cooperative Energy Generation Facilities within a principal structure
   3) Improved Open Space, at grade and on rooftops
   4) Signs
   5) Home Occupations
   6) Sidewalk Cafés (Pursuant to City Ordinances).

C. Prohibited Uses:
   1) Surface parking, except as an interim use
   2) Drive-thru facilities of any type; such as restaurants, banks, pharmacies, etc.
   3) Gas stations, service stations, auto repair and similar uses.

D. Permitted Minimum & Maximum Height:
   1) Building Heights shall be as indicated on the Map 2 - Building Height Plan.
   2) The building located on Block 1903, Lot N.1 shall be retained and rehabilitated. Also on Block 1903, any new building constructed on Lot B may be constructed to a height of 7 stories, and any new building to be constructed on Lot A may be constructed to a height of 8 stories. Floors in the new buildings constructed on Lots A & B shall be aligned to the greatest extent practical with the floors of the existing building on Lot N.1.
   3) All adaptive reuse of existing structures shall not be required to meet minimum building height requirements.
   4) All buildings 8 stories or less shall incorporate building step backs as described in Section XII. E. 4. Buildings greater than 8 stories are subject to the tower on a base requirements in Section IX. C.

E. Permitted Intensity of Development: This plan does not regulate the permitted intensity of development by traditional floor area ratio or units per acre requirements. Rather, the intensity of development is determined by the building envelope and the types of uses contained therein. For instance an office building may have a lesser number of floors, and therefore a lesser floor area ratio then a residential building because the office use may have a taller floor to ceiling height than a residential dwelling unit might have.

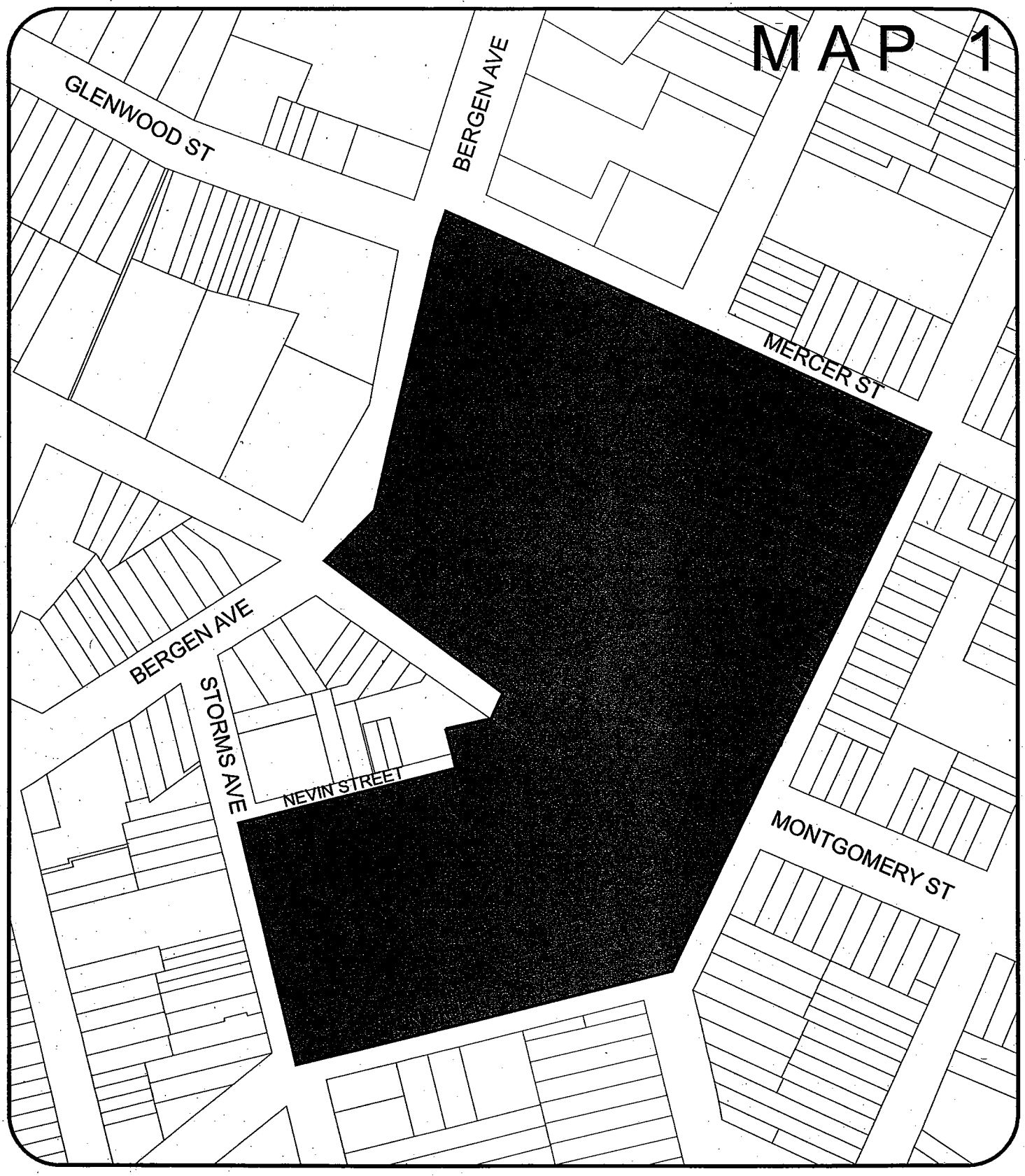
F. Yard Requirements:
   Each majority block development parcel is to be developed as a comprehensive whole. Therefore, side and rear setback requirements are not necessary except where adjacent to other properties not included in the majority block development parcel. In such situations, a side and rear yard of 10 feet is required. Sufficient air, light and open space will be provided through adherence to the base and tower design criteria found in Section IX. C. of this plan and by adherence to the open space requirements and locations as found in Section VIII of this Plan and on Map 3 - Land Use Map. Additional light, air, and open space will be provided through the maintenance of existing streets and rights-of-way, right-of-way widening, and the construction of the required new streets and pedestrian ways as indicated in Section VII of this plan and on Map 5 - Circulation Plan. Buildings shall be setback a distance from all street lines sufficient to provide the required sidewalk widths on all streets as stated in Section VII of this Plan.

XIV. ACQUISITION PLAN

No property located within the Redevelopment Area is subject to acquisition, eminent domain, or condemnation for the purposes of private development or redevelopment under this redevelopment plan.

XV. DEFINITIONS

For definitions refer to the Jersey City Land Development Ordinance.



MCGINLEY SQUARE EAST REDEVELOPMENT PLAN: BOUNDARY MAP

Jersey City
City Planning Division
30 Montgomery Street Suite 1400
Jersey City, NJ 07302-3821
Phone: 201.547.5010
Fax: 201.547.4323

July 19, 2011

N

1 inch equals 150 feet

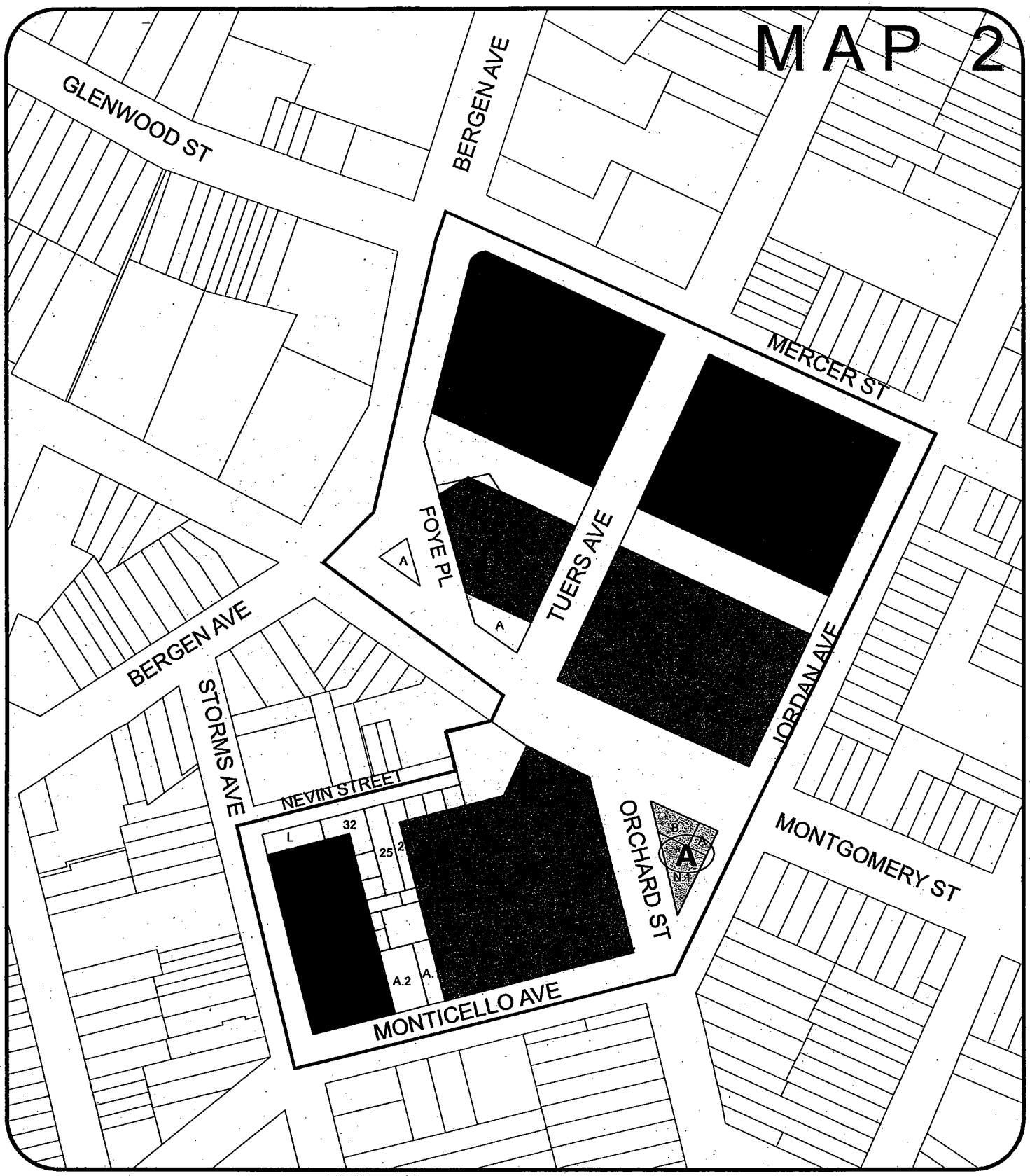
0 75 150 300 Feet

XIV. ACQUISITION PLAN

No property located within the Redevelopment Area is subject to acquisition, eminent domain, or condemnation for the purposes of private development or redevelopment under this redevelopment plan.

XV. DEFINITIONS

For definitions refer to the Jersey City Land Development Ordinance.



MCGINLEY SQUARE EAST REDEVELOPMENT PLAN: BUILDING HEIGHT PLAN

Jersey City
City Planning Division
30 Montgomery Street Suite 1400
Jersey City, NJ 07302-3821
Phone: 201.547.5010
Fax: 201.547.4523

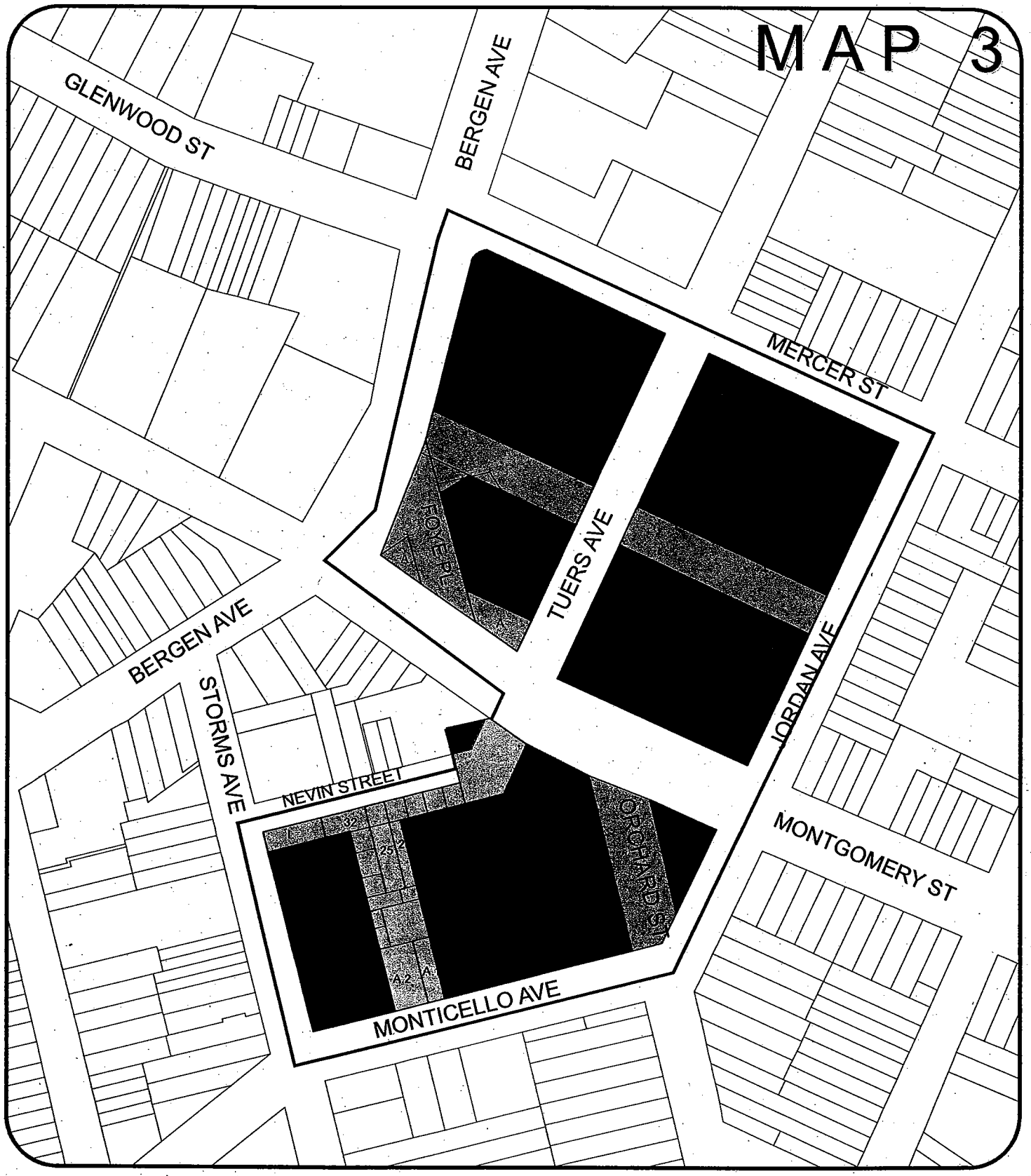
July 27, 2011

	MINIMUM	MAXIMUM
A	EXISITING	see section XIII. D.2.
B	4 STORIES	85 FEET
C	6 STORIES	135 FEET
D	8 STORIES	175 FEET

1 inch equals 150 feet

0 75 150 300 Feet

N



MCGINLEY SQUARE EAST REDEVELOPMENT PLAN: LAND USE MAP

CITY OF JERSEY CITY
CORPORATE SEAL

Jersey City
City Planning Division
30 Montgomery Street Suite 1400
Jersey City, NJ 07302 3821
Phone: 201.547.5010
Fax: 201.547.4523

July 27, 2011

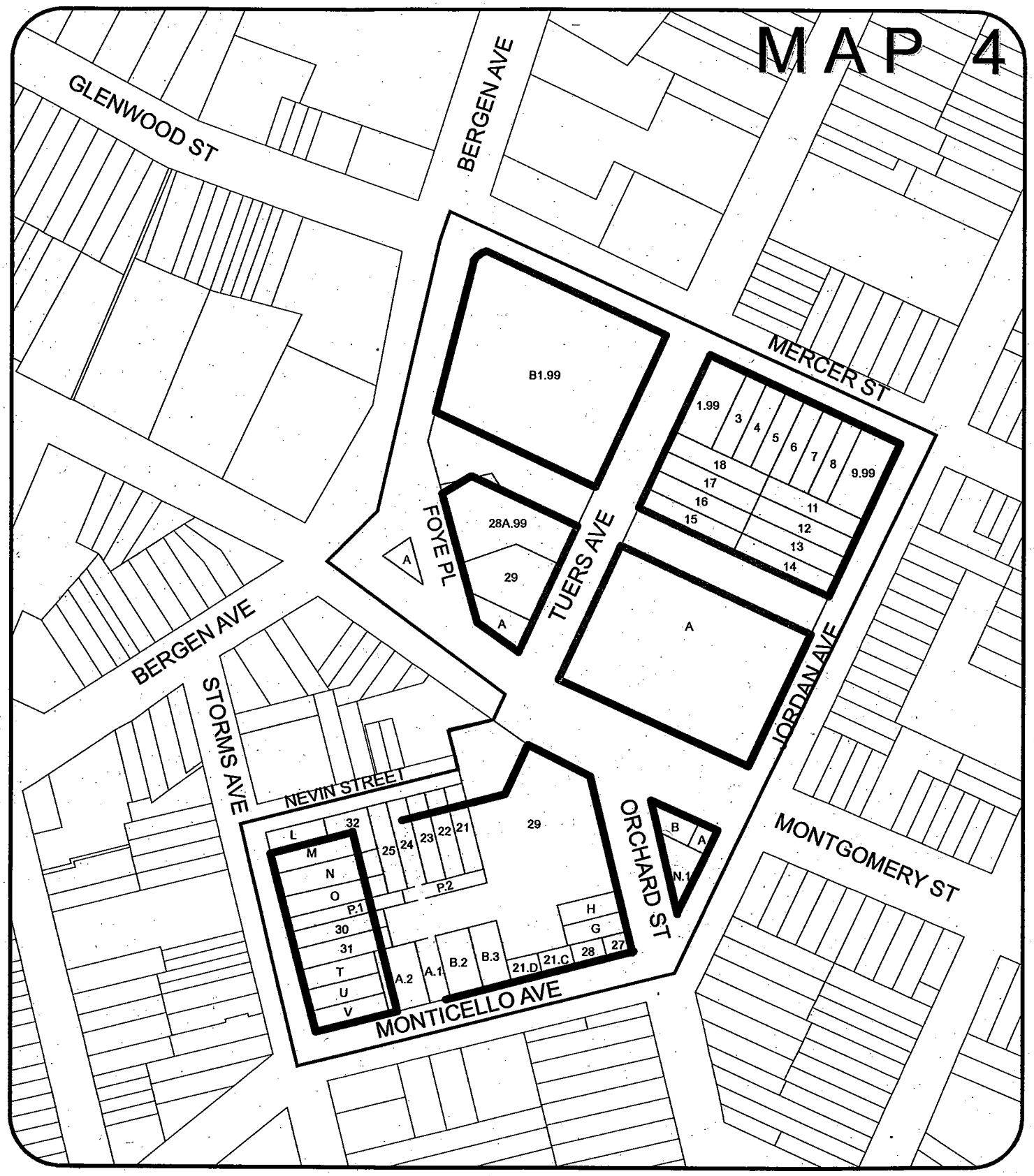
Legend

- Mixed Use Buildings
- Public Open Space
- Public Plaza
- New Street Right-of-Way

1 inch equals 150 feet

0 75 150 300 Feet

N



MCGINLEY SQUARE EAST REDEVELOPMENT PLAN: REQUIRED GROUND FLOOR USE

Jersey City
City Planning Division
30 Montgomery Street Suite 1400
Jersey City, NJ 07302-3821
Phone: 201.547.5010
Fax: 201.547.4323

July 25, 2011

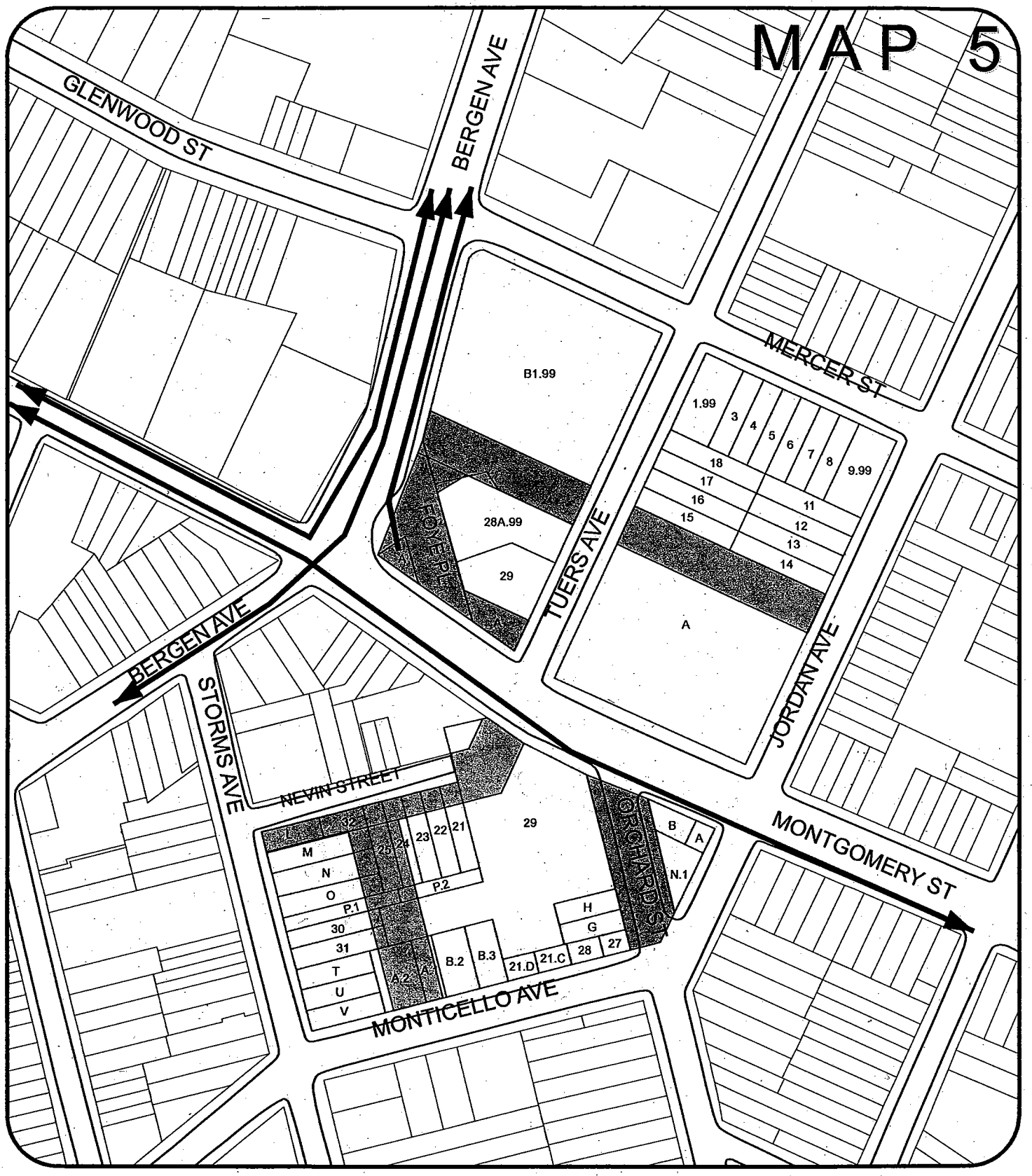
Legend

- Required Retail
- Required Commercial
- Optional Commercial
- Required Residential

1 inch equals 150 feet

0 75 150 300 Feet

N



MCGINLEY SQUARE EAST REDEVELOPMENT PLAN: CIRCULATION PLAN

City Planning Division
30 Montgomery Street, Suite 1400
Jersey City, NJ 07302-3821
Phone: 201.547.5010
Fax: 201.547.4323

MONTGOMERY-WEST SIDE BUS
NJT #80 BUS
NJT BUS #87 & BERGEN AVE BUS
PROPOSED STREET CAR

Legend

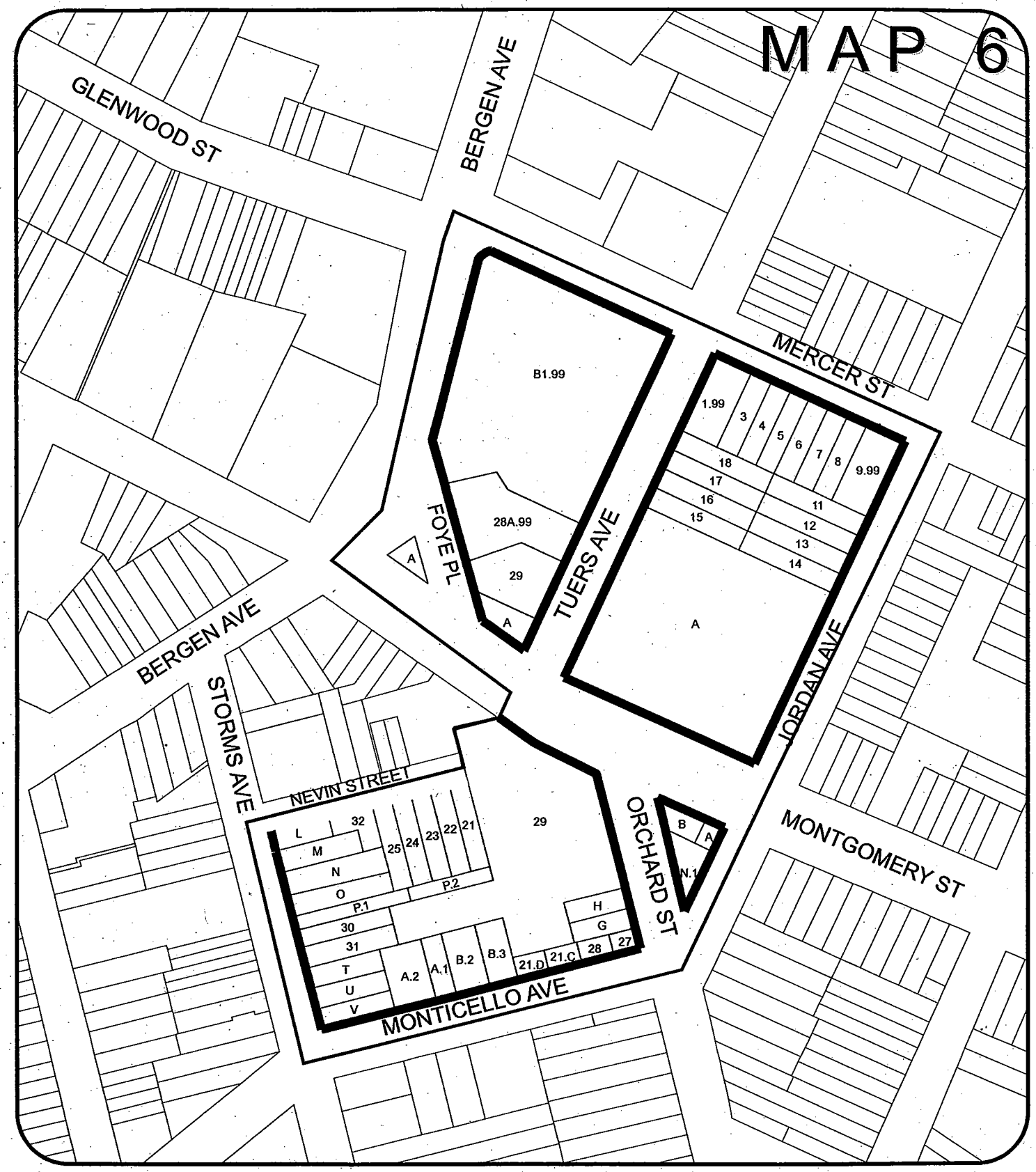
Public Plaza
New Street Right-of-Way

1 inch equals 150 feet

N

0 75 150 300 Feet

July 21, 2011



MCGINLEY SQUARE EAST REDEVELOPMENT PLAN: REQUIRED GROUND FLOOR USE

City Planning Division
30 Montgomery Street Suite 1400
Jersey City, NJ 07302 3821
Phone: 201.547.5010
Fax: 201.547.4323

July 25, 2011

Legend

- REQUIRED RETAIL
- OPTIONAL RETAIL
- REQUIRED RESIDENTIAL

1 inch equals 150 feet

0 75 150 300 Feet

N

City Clerk File No. Ord. 11-117

Agenda No. 3.B 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE
OF
JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 11-117

TITLE: **ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 53 (PERSONNEL) ARTICLE I (CONDITIONS OF MUNICIPAL EMPLOYMENT) OF THE JERSEY CITY MUNICIPAL CODE TO ESTABLISH VACATION BENEFITS AND WORKPLACE REGULATIONS AND USE OF MOTOR VEHICLE FOR EMPLOYEES WHOSE SALARY AND COMPENSATION ARE REQUIRED TO BE FIXED BY ORDINANCE REQUIRING A CITY DECAL ON MOTOR VEHICLES**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, N.J.S.A. 40:69A-43(a) requires that the Mayor, subject to pertinent civil service regulations and contractual obligations, and within the limits of the Municipal budget, by Executive Order fix the salaries and other compensation of employees assigned to all administrative departments; and

WHEREAS, pursuant to the Faulkner Act, N.J.S.A. 40:69A-40(f) only the Mayor has the authority to supervise the care and custody of all municipal property, with the Municipal Council having authority over property assigned to them by the Mayor; and

WHEREAS, N.J.S.A. 40:69A-43a, requires that the Municipal Council, by ordinance, fix the salaries and other compensation of certain employees, such as Council Members, Council Aides, Department Directors, Municipal Clerk and his Deputy, Tax Assessor and his Deputy, the Tax Collector, the Chief Financial Officer, and Municipal Court Judges; and

WHEREAS, the Council, by ordinance, has fixed the salaries of those employees within the statutory authority; and

WHEREAS, the Council, by ordinance, has provided these employees with "other compensation" by way of ordinance including the incidental personal use of motor vehicles assigned by the Mayor to employees; and

WHEREAS, the Municipal Council desires to fix "other compensations" and establish free incidental personal use of motor vehicles assigned by the Mayor to those employees within its statutory authority and requires that the City Seal and appropriate identification be affixed to said vehicles.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

A. The following amendments and supplements to Chapter 53 (Personnel) Article I (Conditions of Municipal Employment) Section 6 (Jurisdiction Over Discipline) of the Jersey City Municipal Code are adopted:

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 53 (PERSONNEL) ARTICLE I (CONDITIONS OF MUNICIPAL EMPLOYMENT) OF THE JERSEY CITY MUNICIPAL CODE TO ESTABLISH VACATION BENEFITS AND WORKPLACE REGULATIONS AND USE OF MOTOR VEHICLE FOR EMPLOYEES WHOSE SALARY AND COMPENSATION ARE REQUIRED TO BE FIXED BY ORDINANCE REQUIRING A CITY DECAL ON MOTOR VEHICLES

ARTICLE I
Conditions of Municipal Employment

§53-6. Vacation and other compensation.

A. No Change.

B. No Change.

C. Compensation shall include the incidental personal use of motor vehicles assigned by the Mayor to Employees which shall bear the City Seal and the following identification on each side, in letters at least three (3) inches high:

CITY OF JERSEY CITY
FOR OFFICIAL USE ONLY

D. No Change.

B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

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

D. This ordinance shall take effect at the time and in the manner as provided by law.

E. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All new material is underlined; words in ~~[brackets]~~ are omitted.
For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic.*

VS/he
9/21/11

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required ☐
Not Required ☐

JERSEY CITY LAW DEPARTMENT

Memorandum

DATE: September 21, 2011

TO: President and Members of the Municipal Council

FROM: William Matsikoudis, Corporation Counsel

SUBJECT: Ordinance Placing City Seal On Motor Vehicles

Our office has been requested by Councilperson Ray Velazquez to draft an amendment to the municipal code requiring the placement of the city seal on vehicles that would be in accord with the separation of powers between the legislative and executive branches of local government under the provisions of the Faulkner Act, N.J.S.A. 40:69A-32 et seq. Pursuant to the Faulkner Act, only the mayor has the authority to "supervise the care and custody of all municipal property." As the court stated in City of Newark v. James, 183 NJ 361, 371 (2005), "where one branch of government has been specifically vested with the authority to act in a prescribed manner, neither of the other branches may usurp that authority".

Under New Jersey Statutes, the Municipal Council is required by law to set by ordinance the compensation of certain municipal employees such as department directors, members of the governing body and their aides, municipal clerk, tax assessor, etc. (See footnote 48 to sec. 53-1 of the Jersey City Municipal Code). Under Sec. 53-6 of the Jersey City Municipal Code, the Municipal Council has defined compensation to "include the incidental use of motor vehicles." Therefore, by defining the use of a motor vehicle as compensation the Municipal Council may further condition this use by requiring that these vehicles have the city seal placed thereon. This would be within the authority of the legislative branch of local government pursuant to its authority to set compensation by ordinance of certain municipal employees.

The attached ordinance balances the separation of powers between the legislative branch and executive branch of local government by defining the "use of motor vehicles assigned by the mayor" as compensation. This ordinance would require those municipal employees whose compensation is set by ordinance to have the city seal and appropriate identification affixed to a motor vehicle assigned to them.

City Clerk File No. Ord. 11-118

Agenda No. 3.C 1st Reading

Agenda No. 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 11-118

TITLE: **AN ORDINANCE AUTHORIZING A FIVE (5) YEAR LEASE WITH THE JERSEY CITY REDEVELOPMENT AGENCY FOR A PORTION OF THE HUB SHOPPING CENTER LOCATED AT 380-382 MARTIN LUTHER KING HUB PLAZA FOR THE USE OF GOVERNMENTAL OFFICES**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, the City of Jersey City [the "City"] has a need for space for the use of governmental offices; and

WHEREAS, the Jersey City Redevelopment Agency (the "JCRA"), is the owner of property located at 380-382 Martin Luther King Drive, which property is located within the Martin Luther King HUB Plaza; and

WHEREAS, the City will lease certain space within the Martin Luther King HUB Plaza, consisting of approximately 3,930 square feet and located at 380-382 Martin Luther King Drive (the "Property"), be used for various governmental offices; and

WHEREAS, the City has agreed to a term of five (5) years, effective as of July 1, 2010, with one five (5) year option to renew; and

WHEREAS, the payment of rent shall be at the rate of $71,586 each year or $5,965 per month and with the "City" paying for utility and certain maintenance services; and

WHEREAS, the award of this contract is subject to the availability and appropriation of sufficient funds in the 2011 fiscal year budget.

WHEREAS, funds are available in Account No.:01-201-31-432-304.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

1. A Lease Agreement between the City of Jersey City and the Jersey City Redevelopment Agency ("JCRA") for property located at 380-382 Martin Luther King Drive, Jersey City (the "Property") is hereby approved as follows:

A. **Term**: The term of the Lease shall be for five (5) years effective as of July 1, 2010 and terminating on June 30, 2015, subject to one option to renew for a five (5) year period;

B. **Maintenance and Repairs**: The Jersey City Redevelopment Agency ("JCRA") shall take good care of the Property and shall at its own cost and expense, make all repairs, and maintain the Property, including the heating system, water service, roof and common areas, in good condition and state of repair, during the term of the Lease; and

C. **Rent**: The City shall be entitled to rent the Property for the sum of $71,586 per year or $5,965 a month, plus utilities in the approximate amount of $1,000.00 for both offices.

2. Subject to such modification as may be deemed necessary or appropriate, the Mayor or Business Administrator is authorized to execute the Lease Agreement attached hereto.

3. The award of this Lease is subject to the availability and appropriation of sufficient funds in the 2011 fiscal year budget and in subsequent fiscal year budgets.

A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

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

C. This ordinance shall take effect at the time and in the manner as provided by law.

D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material is new; therefore, underlining has been omitted. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italics.*

CERTIFICATION OF FUNDING

I, _____, Donna Mauer, Chief Financial Officer certify that funds are available in Account No.:01-201-31-432-304.

JDOD/cw
07/21/10

P.O. 100652

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required ☐
Not Required ☐

LEASE AGREEMENT

THIS LEASE AGREEMENT made this ____ day of _____, 2010 between the Jersey City Redevelopment Agency (the "Landlord"), having it principal place of business at 30 Montgomery Street, Room 900, Jersey City, New Jersey 07302, and the CITY OF JERSEY CITY (the "City"), having its principal place of business at 280 Grove Street, Jersey City, New Jersey 07302.

1. PROPERTY.

The Landlord does hereby lease to the City and the City does hereby rent a portion of the following Property:

Block 1997, Lot 64.99; more commonly known by the street address of 380-382 Martin Luther King Drive, Jersey City, New Jersey ("Property"). The Property subject to this Lease Agreement is a 3,930 square foot portion of the shopping center known as Martin Luther King Hub Plaza, which is located at 360-398 Martin Luther King Drive, Jersey City and described on Schedule A attached hereto.

2. TERM, OPTION TO EXTEND, RIGHT TO TERMINATE.

The term of the Lease Agreement shall be five (5) years (the "Term") commencing on July 1, 2010 and terminating on June 30, 2015, subject, however, to an option to renew on the same terms for one five (5) year period. Notwithstanding the foregoing, the City shall have the right to terminate this Lease Agreement, without cause, upon sixty (60) days' written notice to the Landlord.

3. USE.

a) The City is currently using and may continue to use the Property for the following purposes: Governmental Offices.

b) Approximately one-half of the Property is presently being used by the Division of Commerce of the City's Department of Housing, Economic Development and Commerce; and, the other half of the Property is being used by the City's Police Community Relations office.

c) In the event, either or both the Division of Commerce or the Police Community Relations office wishes to terminate this Lease Agreement and gives 60 days' written notice to the Landlord, then, and in that case, the Lease Agreement shall terminate and if only one City office has given such notice the Lease Agreement shall continue as to the other; otherwise the Lease Agreement shall terminate. In the event only one City office terminates the Lease, the rent shall be one-half (½) of that provided for in paragraph 4 below beginning as of the date of termination.

4. RENT.

The City covenants and agrees to pay to the Landlord, as rent for and during the Term hereof, the sum of $14.00 a sq. ft. x 3,930 sq. ft. or annually the sum of $71,586.57. The rent shall be paid in twelve (12) equal installment payments of $5,965.55, each on the first of each month in advance.

5. MAINTENANCE AND REPAIRS.

The Landlord shall take good care of the Property and shall, at its own cost and expense, make all repairs, and maintain the Property, including the heating system, water service, roof and common areas, in good condition and state of repair during the Term. The Landlord shall be responsible for keeping the Property and all parts thereof in a clean and sanitary condition and free from trash, inflammable material, and other objectionable matter, and shall keep the sidewalks and parking areas in front of the Property free of ice, snow and debris. During the Term, the City shall maintain the Property subject to this Lease in good condition, wear and tear for a reasonable use thereof and damage by the elements not resulting from the neglect or fault of the City excepted.

6. DAMAGE.

In case of the destruction of or any damage of any kind whatsoever to the Property, caused by the carelessness, negligence or improper conduct on the part of the Landlord or its agents, employees, guests, licensees, invitees, assignees or successors or other tenants at the Martin Luther King Hub Plaza, the Landlord shall repair the damage or restore any destroyed parts of the property, as speedily as possible, at the Landlord's sole cost and expense.

7. SIGNS.

The Landlord shall provide a suitable place for a sign, indicating the location of the City's offices. The City shall place such signs in or about the property or any part thereof, including the design and structure thereof as the City deems appropriate or necessary.

8. UTILITIES.

All utilities and service furnished in the property for the benefit of the City shall be paid by the City. The landlord will have a separate PSEG meter for the Property with the cost to approximate $1,000.00 per month for both offices. If one of the two City government offices terminates its tenancy pursuant to paragraphs 2 and 3c herein, the meter shall be located in the office continuing to be rented by the City from the Landlord.

9. PARKING.

The Landlord will provide twenty (20) designated parking spaces at no cost.

10. CAM AND TAXES.

The Landlord will provide verification of the Common Area Maintenance ("CAM") and taxes charged to the City estimated currently at Four and Seven-Tenths Percent (4.7%) of such charges incurred by the Martin Luther King Hub Plaza, or $9,602 annually as CAM, and $4,816.55 annually as taxes. The City will only pay a share of the total annual CAM charges and taxes estimated at 4.7% when it is provided a certified audit report of total itemized CAM charges and taxes. This payment will be made with the last payment for the fiscal year.

11. IMPROVEMENTS.

Improvements were made in the year 2006 when the City took possession of the Property. In the event the additional improvements are desired, they will be based on the City Architect's layout and approval of all work. The Landlord shall perform the work; however, if it is determined that the City perform the work, all costs will be deducted from the rent.

12. ACCESS,

The City presently has possession of the Property and it shall be permitted to continue to have possession through the finalization and execution of this Lease Agreement.

13. COMPLIANCE.

The Landlord shall promptly comply with all laws, ordinances, rules, regulations, requirements and directives of the Federal, State and Municipal Governments or other public authorities and of all of their departments, bureaus, divisions and subdivisions, applicable to and affecting the property and its use and occupancy, for the correction, prevention and abatement of nuisances, violations or other grievances in, upon or connected with the Property, during the Term and shall promptly comply with all orders, regulations, requirements and directives of the Board of Fire Underwriters or similar authority and of any insurance companies with policies affecting the Property and its use, contents or events occurring thereat, for the prevention of fire or other casualty, damage or injury, at the Landlord's own cost and expense.

14. INDEMNIFICATION.

The City agrees to and shall save, hold and keep harmless the Landlord from and for any and all payments, expenses, costs, attorneys' fees and from and for any and all claims and liability for losses or damages to the Property or injuries to persons occasioned wholly or in part by or resulting from any errors, omissions or negligent acts by the City or the City's agents, employees, guests, licensees, invitees, subtenants, assignees or successors arising out of the occupancy by the City and the conduct of the City's business.

15. ASSIGNMENT - SUBLEASE.

The City may, upon prior written notice to the Landlord, assign, mortgage or hypothecate this Lease Agreement, or sublet or sublease the property or any part thereof.

16. RESTRICTION OF USE.

The City shall not occupy or use the Property or any part thereof, nor permit or suffer the same to be occupied or used for any purposes other than as herein limited, nor for any purpose deemed unlawful, disreputable or extra hazardous, on account of fire or any other casualty.

17. INSPECTION AND REPAIR.

The City agrees that the Landlord and the Landlord's agents, employees or other representatives, shall have the right to enter into and upon the Property or any part thereof, at all reasonable hours, for the purpose of examining the same or making such repairs or alterations therein as may be necessary for the safety and preservation thereof. This clause shall not be deemed to be a covenant by the City nor be construed to create an obligation on the part of the City to make such inspection or repairs.

18. VALIDITY OF LEASE.

The terms, conditions, covenants and provisions of this Lease Agreement shall be deemed to be severable. If any clause or provision herein contained shall be adjudged to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, it shall not affect the validity of any other clause or provision herein, but such other clauses or provisions shall remain in full force and effect.

19. NOTICES

All notices required under the terms of the Lease Agreement shall be given and shall be complete by mailing such notices by certified or registered, return receipt requested, or by hand delivery to the following:

a) If to Landlord: Jersey City Redevelopment Agency
30 Montgomery Street, Room 900
Jersey City, NJ 07302

With a copy to: John J. Curley, Esq.
JJ Curley LLC
1202 Plaza 10
Jersey City, New Jersey 07311

b) If to City: Anne Marie Miller
City of Jersey City, City Hall
280 Grove St.
Jersey City, NJ 07302

With copy to: City Clerk
City of Jersey City, City Hall
280 Grove St.
Jersey City, NJ 07302

20. TITLE AND QUIET ENJOYMENT.

The Landlord covenants and represents that it is the owner of the Property and has the right and authority to enter into, execute and deliver this Lease Agreement; and does further covenant that the City, upon paying the rent and performing the conditions and covenants herein contained, shall and may peaceably and quietly have, hold and enjoy the property for the term aforementioned.

21. ENTIRE CONTRACT.

This Lease Agreement contains the entire contract between the parties. No representative, agent or employee of the City has been authorized to make any representations or promises with reference to the within lettering or to vary, alter or modify the terms hereof. No additions, changes or modifications, renewals or extensions hereof, shall be binding unless reduced to writing and signed by the City and the Landlord.

22. WAIVER OF SUBROGATION RIGHTS

The Landlord waives all right of recovery against the City of City's agents, employees or representatives for any loss, damages or injury of any nature whatsoever to property or persons for which the Landlord is insured.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, or caused these presents to be signed by their proper corporate officers and their proper corporate seal to be hereunto affixed, the day and year first above written.

ATTEST:

ROBERT BYRNE
City Clerk

CITY OF JERSEY CITY

JOHN KELLY
Business Administrator

WITNESS:

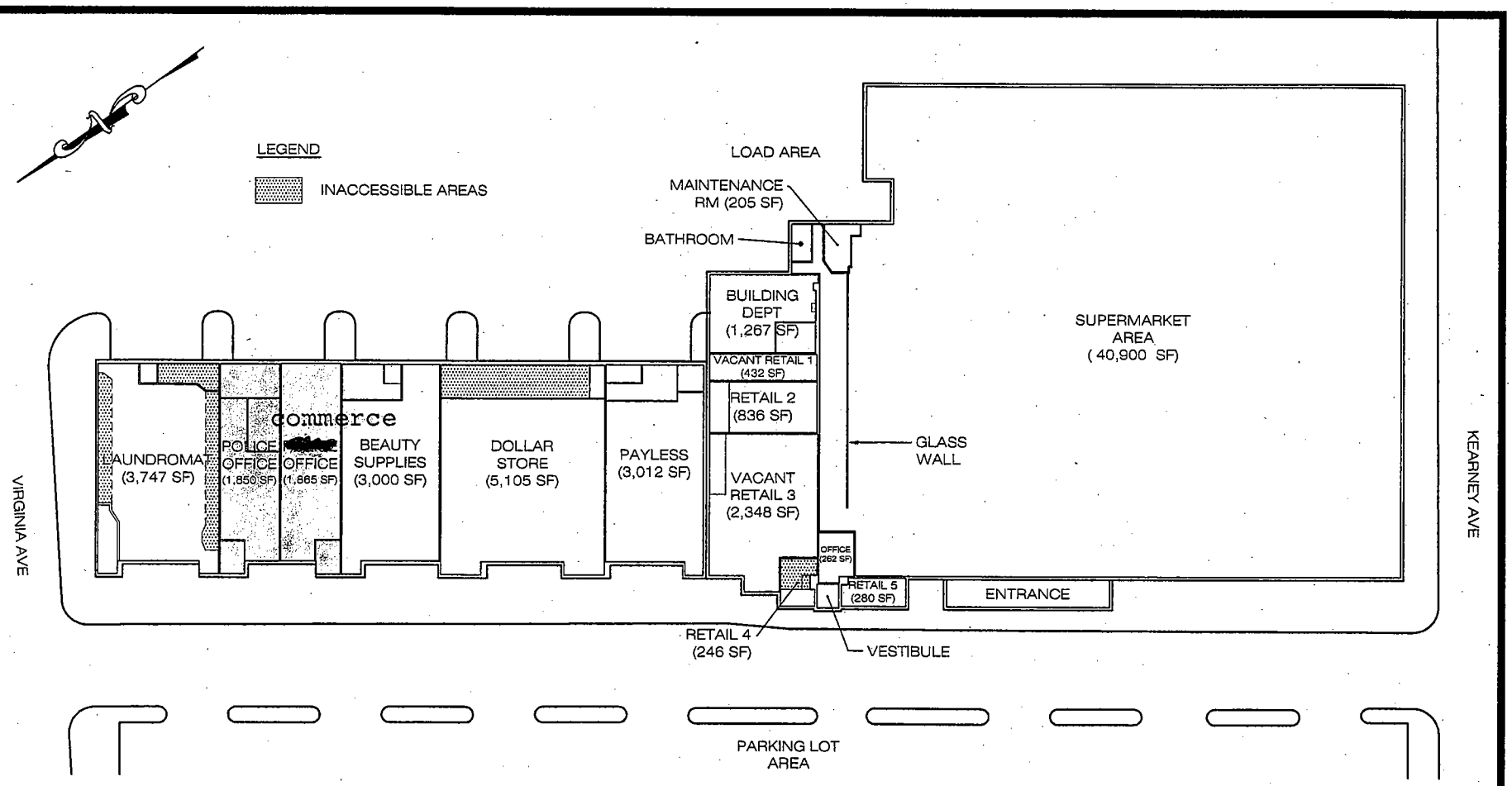
JERSEY CITY REDEVELOPMENT AGENCY

_____

_____

ROBERT ANTONICELLO,
Executive Director

SCHEDULE "A"



NOTE:

1. INFORMATION SHOWN HEREON IS TAKEN FROM DRAWINGS ENTITILED "HUB DISTRICT ON MARTIN LUTHER KING DRIVE, SUPERMARKET & RETAIL", PREPARED BY CLARKE CATON HINTZ, LATEST REVISION DATE 2/17/99 AND "CITIMARKETS SUPERMARKET, MARTIN LUTHER KING DRIVE, JERSEY CITY, NJ", PREPARED BY JAMES E. DE BARBIERI, LATEST REVISION DATE 2/12/99.
2. SQUARE FOOTAGES ARE APPROXIMATE AND BASED ON FIELD MEASUREMENT CONDUCTED IN JULY 2010.

0 30 60
1"=60'-0"

DRESDNER ROBIN
371 WARREN STREET
JERSEY CITY, NJ 07302
(TEL) 201.217.9200 (FAX) 201.217.9607
CERTIFICATE OF AUTHORIZATION # - 24GA27926000

NO.	DATE	ISSUE OR REVISION	BY

REVISIONS

DRAWING NAME: SUPERMARKET & RETAIL AREA LAYOUT

PROJECT: HUB DISTRICT SUPERMARKET & RETAIL

LOCATION: MARTIN LUTHER KING DRIVE, CITY OF JERSEY CITY, HUDSON COUNTY, NEW JERSEY

DRAWN BY:	CHECKED BY:	DRAWING NUMBER:
RA	DAG	SK1.0
SCALE: 1" = 60'		
JOB NUMBER: 00080-799	DATE: 07.28.10	SHEET 1 OF 1

Q:\ENG\PROJECTS\00080-799 MLK HUB BLDGS & OVERALL MAP\DWG\EXHIBIT\SUPERMARKET & RETAIL LAYOUT.DWG 8.5X11 04/17/2008 12:00 PM RAGUSTIN

DUE TO INHERENT ERRORS IN REPRODUCTION METHODS, ERRORS MAY OCCUR WHEN SCALING THIS DRAWING

City Clerk File No. Ord. 11-119

Agenda No. 3.D 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE
OF
JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 11-119

TITLE: **ORDINANCE SUPPLEMENTING CHAPTER A351 (EXECUTIVE ORDERS AND ORDINANCES) OF THE JERSEY CITY CODE**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

A. The following supplements to Chapter A351 (Executive Orders and Ordinances) of the Jersey City Code are adopted:

Labor Grade	**Title**
*	Claims Examiner Worker Compensation, Typing

B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

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

D. This ordinance shall take effect at the time and in the manner as provided by law.

E. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All new material is underlined; words in [~~brackets~~] are omitted.
For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic.*

**Pursuant to N.J.S.A. 40:69A-43a.*

JM/he
9/15/11

2011169

APPROVED AS TO LEGAL FORM _____ APPROVED: _____
Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required ☐

Not Required ☐

City of
JERSEY CITY
JERRAMIAH T. HEALY, Mayor
280 Grove Street
Jersey City, New Jersey 07302

(201) 547-5000
Fax (201) 547-4288

E.O._____ _____, 2011

EXECUTIVE ORDER OF THE MAYOR
OF THE
CITY OF JERSEY CITY

CLASSIFIED POSITIONS FOR CITY EMPLOYEES

Pursuant to the Faulkner Act, N.J.S.A. 40:69A-48, as amended by L.1985, c.374, the Mayor is now authorized to set the salaries, wages or other compensation of all employees of administrative departments except department directors and employees whose salaries are required to be set by ordinance.

Pursuant to this authorization, I issue the following Executive Order establishing guidelines for salaries and wages of those employees whose salaries are set by the Mayor:

Labor Grade	Title
18	Claims Examiner Worker Compensation, Typing

This order shall take effect immediately.

Very truly yours,

JERRAMIAH T. HEALY, MAYOR

JTH/he

cc: John Kelly, Business Administrator
William T. Matsikoudis, Corporation Counsel
Robert Byrne, City Clerk
Donna Mauer, Chief Financial Officer
Darlene Pharmes, Personnel Director

Ordinance/Resolution Fact Sheet

This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement, or contract that is submitted for Council consideration. Incomplete or sketch summary sheets will be returned with the resolution or ordinance. The Department, Division, or Agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate state of facts.

Full Title of Ordinance/Resolution/Cooperation Agreement:
Claims Examiner Worker Compensation, Typing

Name & Title of Person Initiating Ordinance/Resolution, Etc.:
Darlene H. Pharmes , Personnel Director Darlene H. Pharmes

Concise Description of the Program, Project, or Plan Proposed in the Ordinance:
To establish a new title in accord with New Jersey Department of Personnel Rules and Regulations.

Reasons for the Proposed Program, Project, Etc.:
Theresa Flynn

Anticipated Benefits to the Community:

Cost of Program, Project, Etc.: (Indicate the dollar amount of City, State, Federal funds to be used as well as match and in-kind contributions.)

Date Proposed Program or Project will Commence:
Anticipated Completion Date:

Person Responsible for Coordinating Proposed Program, Project Etc.:

Additional Comments:
Union Affiliation- Local JCSA Labor Grade 18

I Certify That All Facts Present Herein Are Accurate.

Date

Department Director

Date Submitted to Business Administrator

NEW TITLE

Title: Claims Examiner Worker Compensation Typing

Labor Grade: 18

Min: 13,350 - Max: 48,548

Union : JCSA

Dept: Administration

Theresa Flynn
814 Dunlewy Street
Asbury Park, NJ 07712

City Clerk File No. Ord. 11-120

Agenda No. 3.E 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 11-120

TITLE: **ORDINANCE SUPPLEMENTING CHAPTER A351 (EXECUTIVE ORDERS AND ORDINANCES) OF THE JERSEY CITY CODE**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

A. The following supplements to Chapter A351 (Executive Orders and Ordinances) of the Jersey City Code are adopted:

Labor Grade	Title
*	Supervising Health Insurance Benefits Clerk

B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

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

D. This ordinance shall take effect at the time and in the manner as provided by law.

E. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All new material is underlined; words in [~~brackets~~] are omitted.
For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic.*

**Pursuant to N.J.S.A. 40:69A-43a.*

JM/he
9/15/11

02011170

APPROVED AS TO LEGAL FORM _____ Corporation Counsel

APPROVED: _____

APPROVED: _____ Business Administrator

Certification Required ☐

Not Required ☐

City of
JERSEY CITY
JERRAMIAH T. HEALY, Mayor
280 Grove Street
Jersey City, New Jersey 07302

(201) 547-5000
Fax (201) 547-4288

E.O._____ _____, 2011

EXECUTIVE ORDER OF THE MAYOR
OF THE
CITY OF JERSEY CITY

CLASSIFIED POSITIONS FOR CITY EMPLOYEES

Pursuant to the Faulkner Act, N.J.S.A. 40:69A-48, as amended by L.1985, c.374, the Mayor is now authorized to set the salaries, wages or other compensation of all employees of administrative departments except department directors and employees whose salaries are required to be set by ordinance.

Pursuant to this authorization, I issue the following Executive Order establishing guidelines for salaries and wages of those employees whose salaries are set by the Mayor:

Labor Grade	Title
14	Supervising Health Insurance Benefits Clerk

This order shall take effect immediately.

Very truly yours,

JERRAMIAH T. HEALY, MAYOR

JTH/he

cc: John Kelly, Business Administrator
William T. Matsikoudis, Corporation Counsel
Robert Byrne, City Clerk
Donna Mauer, Chief Financial Officer
Darlene Pharmes, Personnel Director

Ordinance/Resolution Fact Sheet

This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement, or contract that is submitted for Council consideration. Incomplete or sketch summary sheets will be returned with the resolution or ordinance. The Department, Division, or Agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate state of facts.

Full Title of Ordinance/Resolution/Cooperation Agreement:
Supervising Health Insurance Benefits Clerk

Name & Title of Person Initiating Ordinance/Resolution, Etc.:
Darlene H. Pharmes , Personnel Director Darlene H. Pharmes

Concise Description of the Program, Project, or Plan Proposed in the Ordinance:
To establish a new title in accord with New Jersey Department of Personnel Rules and Regulations.

Reasons for the Proposed Program, Project, Etc.:
Nicole Dupree

Anticipated Benefits to the Community:

Cost of Program, Project, Etc.: (Indicate the dollar amount of City, State, Federal funds to be used as well as match and in-kind contributions.)

Date Proposed Program or Project will Commence:
Anticipated Completion Date:

Person Responsible for Coordinating Proposed Program, Project Etc.:

Additional Comments:
Union Affiliation- Local JCSA **Labor Grade 14**

I Certify That All Facts Present Herein Are Accurate.

Date

Department Director

Date Submitted to Business Administrator

NEW TITLE

Title: Supervising Health Insurance Benefits Clerk

Labor Grade: 14

Min: 11,850 - Max: 45,477

Union JCSA

Dept: Administration

Nicole Dupree
127 Randolph Ave
Jersey City NJ 07305

City Clerk File No. Ord. 11-121

Agenda No. 3.F 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 11-121

TITLE: **A FRANCHISE ORDINANCE GRANTING PERMISSION TO 15-16 REALTY CORP., ITS SUCCESSORS AND ASSIGNS, TO USE A PORTION OF THE AIR SPACE AND THE SIDEWALK AREA OF THE BERGEN AVENE PUBLIC RIGHT-OF-WAY LOCATED ADJACENT TO 896-898 BERGEN AVENUE, JERSEY CITY, NEW JERSEY**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, 15-16 Realty Corp., having offices with a mailing address of P.O. Box 6937, Jersey City, New Jersey, is the owner of the property located at 896-898 Bergen Avenue, Jersey City, and known as Block 1872, Lots 1.B, A, B & C on the current tax maps of the City of Jersey City, and desires to maintain improvements to the property which were installed by a previous owner and affect the airspace and a portion of the lands located within the sidewalk area of the Bergen Avenue public right-of-way; and

WHEREAS, there is a structure situated on the aforesaid lots which existed at the time Petitioner acquired title to the property and has been so situated for a number of years; and

WHEREAS, there are an awning and sign which extend from the northwesterly lot line of Lot 1.B into the air space above the public sidewalk adjacent to said property which identify the commercial business located at that site and a cellar entrance which extends from the northwesterly lot line of Lot 1.B into the public sidewalk adjacent to said property; and

WHEREAS, 15-16 REALTY CORP. has filed a petition for relief and represents to the Municipal Council of the City of Jersey City that the passage of this Ordinance is essential for the continued use of said awning, sign and cellar entrance; and

WHEREAS, after due notice was given in accordance with law, a public hearing was held on the Petition filed by 15-16 Realty Corp., to grant permission to maintain the aforesaid improvements within the public right-of-way and air space above the public right-of-way; and

WHEREAS, a franchise ordinance is required to permit the continued existence of the private improvements within the public right-of-way and air space above the public right-of-way; and

WHEREAS, the public interest will be served by this franchise as it will advance the public safety and welfare;

NOW, THEREFORE BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

SECTION I. Permission be, and is hereby granted to 15-16 Realty Corp., it successors and assigns, to maintain a previously installed (A) awning and sign which extend from the building from the northwesterly lot line of Block 1872 Lot 1.B into the air space above the public sidewalk adjacent to 896-898 Bergen Avenue; and (B) a cellar entrance which extends from the northwesterly lot line of Lot 1.B into the public sidewalk adjacent to 896-898 Bergen Avenue.

SECTION II. There shall remain no damage to the sidewalk or interference with the free and safe flow of pedestrian traffic and vehicular traffic. 15-16 Corp. and its successors and assigns shall maintain the aforesaid awning, sign and cellar entrance for the entire term of this Franchise at no cost to the City.

SECTION III. This Ordinance shall remain in full force and effect for a period of ninety-nine (99) years. This Ordinance shall take effect upon final passage and publication according to law. In the event that the Municipal Council determines that this Ordinance must be canceled in whole or in part because of a public purpose, the City reserves the right to cancel this Ordinance or any part thereof by giving written notice to the Petitioner one year prior to the date of cancellation.

SECTION IV. All costs and expenses incident to the introduction, passage and publication of this Ordinance shall be borne and paid by said 15-16 Realty Corp.

SECTION V. In accepting the privileges of this Ordinance and the installation, maintenance and use hereby authorized, 15-16 Realty Corp, its successors and assigns hereby agree to assume full, complete and undivided responsibility for any and all injury or damage to persons or property by reason of said installation, maintenance and use, and to indemnify and hold the City of Jersey
City harmless from all injury or damage to persons or property by reason of such installation, maintenance and use (except such injury or damage which is caused by the negligence or misconduct of the City or its officers, employees or agents) for the term of this Ordinance. 15-16 Realty Corp., its successors and assigns, shall maintain in effect, during the terms of this franchise, liability insurance naming the City of Jersey City, its officers and employees as additional insured, covering the use and occupancy of the public property subject to this franchise. A certificate of insurance, in the amount of $1,000,000.00 in a form deemed acceptable by the City's Risk Manager, shall be delivered to the Risk Manager before use or occupancy of the premises subject to the Franchise Ordinance.

SECTION VI. This Ordinance shall not become effective unless an acceptance hereof in writing is filed by the Petitioner with the City Clerk. In the event that the Petitioner shall not file with the City Clerk its acceptance in writing of the provisions of this Ordinance within 30 days after receiving notice of its passage, this Ordinance shall become void and be of no effect.

SECTION VII. Only with prior written consent and approval by the City Council of the City of Jersey City, which consent and approval shall not be unreasonably withheld, shall Petitioner have the right to assign or otherwise transfer its rights under this Franchise Ordinance.

SECTION VIII. An easement for the duration of this Ordinance is reserved for the benefit of the City of Jersey City and all public utility companies, including any cable television company as defined in the "Cable Television Act," P.L. 1972, c. 186 (c. 48:5A-1 et seq.) for the purpose of ingress and egress over and upon the areas subject to this Ordinance in order to maintain, repair or replace existing utility facilities including water lines, sewer lines, gas lines and telephone, electrical and cable television wires and pole which may be located either beneath or above the surface of the area subject to this Franchise Ordinance.

SECTION IX. For the Franchise herein granted, 15-16 Realty Corp., its successors and assigns, shall pay annually to the City of Jersey City the sum of ONE DOLLAR ($1.00), which payment shall be made in advance to the City Finance Director, at his/her office at City Hall, on the first day of January in each year after this Ordinance becomes effective and remains in force.

SECTION X.

A. All Ordinances and parts of ordinances inconsistent herewith are hereby repealed.

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

C. This Ordinance shall take effect at the time and in the manner as provided by law.

D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code, in order to avoid confusion and possible accidental repealers of existing provisions.

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required ☐

Not Required ☐

FEINTUCH, PORWICH & FEINTUCH
ATTORNEYS AT LAW

PHILIP FEINTUCH
ALAN S. PORWICH
HOWARD S. FEINTUCH

721 NEWARK AVENUE
JERSEY CITY, NEW JERSEY 07306
PHONE: (201) 656-8600
FAX: (201) 656-7125
EMAIL: fpflawyers@aol.com

VIA NJ LAWYERS SERVICE

April 19, 2011

Tolonda S. Griffin-Ross
Deputy City Clerk
280 Grove Street
Jersey City, NJ 07302

Re: 15-16 Realty Corp.
Property: 896-898 Bergen Avenue
Block 1872, Lots 1.B, A, B & C

Dear Ms. Griffin-Ross:

Enclosed please find the following:

1. Original Petition;
2. Proposed Franchise Ordinance;
3. Copy of survey of the property in question;
4. My check for $2,500.00 payable to the City of Jersey City.

If you require any additional documentation or information to process this application, please let me know as soon as possible.

Thank you.

Very truly yours,

ALAN S. PORWICH

RECEIVED
2011 APR 26 A 10: 08
CITY CLERK'S OFFICE
JERSEY CITY, N.J.

ASP/ms
Enc.

cc: Ronald S. Radding, Esq. (w/enc.)

PETITION

TO: THE HONORABLE MAYOR AND MUNICIPAL COUNCIL
OF THE CITY OF JERSEY CITY

Your Petitioner, 15-16 Realty Corp., a corporation of the State of New Jersey, its successors and/or assigns, having offices with a mailing address of P.O. Box 6937, in the City of Jersey City, County of Hudson and State of New Jersey, respectfully says that:

1. This Petitioner is the owner of real property in the City of Jersey City as follows:

Tax Lots 1.B, A, B & C, Block 1872
Known as 896-898 Bergen Avenue

2. There is a structure situated on the aforesaid lots which existed at the time Petitioner acquired title to the property and has been so situated for a number of years.

3. There are an awning and sign which extend from the northwesterly lot line of Lot 1.B into the air space above the public sidewalk adjacent to Bergen Avenue.

4. There is a cellar entrance which extends from the northwesterly lot line of Lot 1.B into the public sidewalk adjacent to Bergen Avenue.

5. In order to maintain the aforesaid existing awning and sign and cellar entrance, the Petitioner requests permission to (A) use the air space above the public sidewalk adjacent to Bergen Avenue; (B) use a portion of adjacent sidewalk on Bergen Avenue of the public right of way.

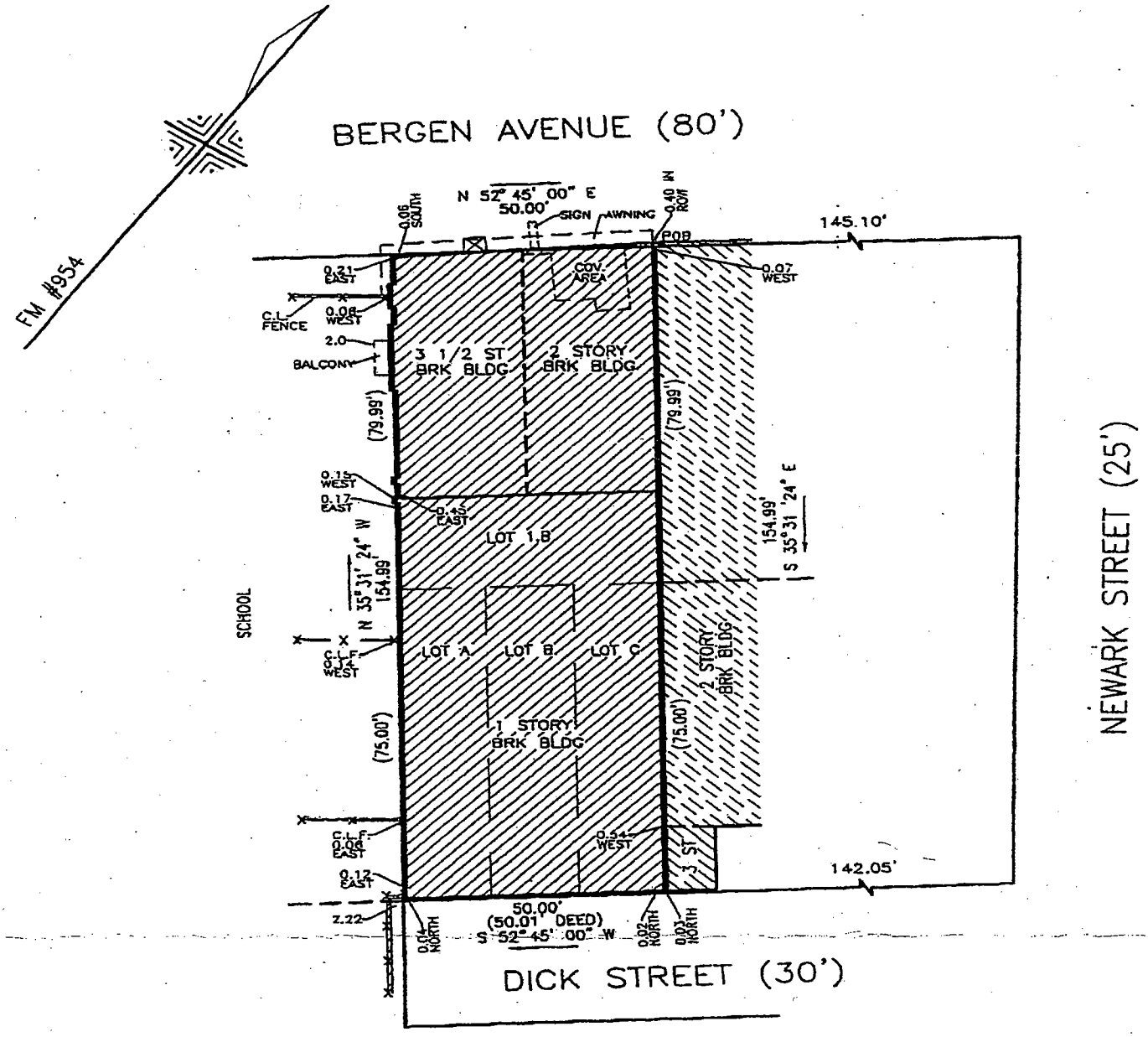
WHEREFORE: Petitioner respectfully prays for itself, its successors and assigns, permission to use (A) the air space above the public sidewalk adjacent to Bergen Avenue; (B) use a portion of adjacent sidewalk on Bergen Avenue of the public right of way.

15-16 REALTY CORP.

By: ROBERT KANG, President

THE UNDERSIGNED WILL NOT BE RESPONSIBLE OR LIABLE FOR ANY ASSIGNMENT OF THIS SURVEY THROUGH A SURVEY AFFIDAVIT TO ANY PERSONS NOT SO NAMED "A WRITTEN WAIVER AND DIRECTION NOT TO SET CORNER MARKERS" HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO N.J.A.C. 13:40-5.1 (D)
OFFSETS NOT TO BE USED FOR CONSTRUCTION PURPOSES

80183



MAP OF PROPERTY BELONGING TO RICHARD SIPP, DECEASED.
DB 5277-Pg. 195

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

THIS SURVEY IS CERTIFIED AS HAVING BEEN PREPARED UNDER MY DIRECT SUPERVISION TO THE FOLLOWING.

1. 15-16 REALTY CORP.
2. RONALD S. RADDING, ESQ.
3. VESTED TITLE Inc.
   OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

WILLIAM B. KLAPPER
PROFESSIONAL LAND SURVEYOR
NJ LIC. No. 33475

SURVEY OF PROPERTY
896-898 BERGEN AVENUE
TAX LOT 1.B, A, B, & C BLOCK 1872
CITY OF JERSEY CITY
HUDSON COUNTY, NEW JERSEY

SCALE: 1" = 20'-0" DATE: 10 MARCH, 2008

BEHAR SURVEYING ASSOCIATES, P.C.
LAND SURVEYING AND PLANNING
61 LOCUST LANE
EAST RUTHERFORD, NEW JERSEY 07073
PH: 973-778-0010 FAX: 973-778-0027

A14044

EXHIBIT "A"

TOTAL P.02

City Clerk File No. Res. 11-122

Agenda No. 3.G 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 11-122

TITLE: **ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY PERTAINING TO A MARINE TERMINAL ON THE PORT JERSEY BOULEVARD, PURSUANT TO N.J.S.A. 32:1-35.31 AND N.J.S.A. 32:1-144**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, the Port Authority of New York and New Jersey is undertaking the construction of a Marine Terminal in the Port Jersey area of the City of Jersey City, more particularly described on a map attached hereto; and

WHEREAS, pursuant to N.J.S.A. 32:1-35.31 the Port Authority of New York and New Jersey of property, may not use or acquire any municipally owned real property interest, including property already devoted to a public use, for Marine Terminal purposes without the consent of the municipality; and

WHEREAS, the Port Authority of New York and New Jersey has acquired certain real property in Jersey City, more particularly described as Block 1514.C, Lots 301 and 302; and Block 1514..D, Lots 401 and 402A which property was traversed by a dedicated public right of way or street, known as a portion of Port Jersey Boulevard and more particularly described in a street vacation ordinance adopted on even date; and

WHEREAS, the Port Authority of New York and New Jersey has determined that the property, including a portion of Port Jersey Boulevard, is necessary, convenient or desirable for Marine terminal purposes; and

WHEREAS, pursuant to N.J.S.A. 32:1-35.31 in order to obtain the City's consent for the acquisition of its property, a portion of Port Jersey Boulevard, through the adoption of a street vacation the Port Authority of New York and New Jersey has agreed to pay the City an annual fee; and

WHEREAS, pursuant to N.J.S.A. 32:1-144, to insure that the City does not suffer undue loss of taxes or assessments, due to the acquisition of non City owned Marine Terminal property, the Port Authority of New York and New Jersey has agreed to pay the City a fair and reasonable annual payment; and

WHEREAS, the City of Jersey City is willing to enter into an agreement whereby, the Port Authority of New York and New Jersey will pay the City total sum of $1,360,030.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the City of Jersey City that:

1. the Mayor or Business Administrator is authorized to execute an agreement whereby the Port Authority of New York and New Jersey will pay the City the annual sum of $1,360,030 in consideration of the City's consent to the acquisition of a portion of Port Jersey Boulevard and an amount attributable to the loss of taxes and assessments arising from the acquisition

ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY PERTAINING TO A MARINE TERMINAL ON THE PORT JERSEY BOULEVARD, PURSUANT TO N.J.S.A. 32:1-35.31 AND N.J.S.A. 32:1-144

of the above described non municipal property for use as a Marine Terminal, all in accordance with N.J.S.A. 32:1-35.31 and N.J.S.A. 32:1-144 and any other documents appropriate or necessary to effectuate the purposes of the within ordinance.

2. The agreement shall be in substantially the form attached, subject to such minor modification as the Business Administrator or Corporation Counsel deems appropriate or necessary.

A. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

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

C. This Ordinance shall take effect at the time and in the manner as provided by law but in no event prior to the adoption of the Ordinance approving the Morris Canal Redevelopment Plan.

D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material is new; therefore, underlining has been omitted.
For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic.*

JM/he
9/21/11

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required ☐
Not Required ☐

AGREEMENT FOR THE VOLUNTARY PAYMENT IN LIEU OF TAXES (PILOT) BETWEEN THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY AND THE CITY OF JERSEY CITY

THIS AGREEMENT is made as of April ____, 2011, between **THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY**, a body corporate and politic created by Compact between the States of New York and New Jersey with the consent of the Congress of the United States of America and having its principal executive office at 225 Park Avenue South, in the City, County and State of New York (hereinafter referred to as the "Port Authority") and **THE CITY OF JERSEY CITY**, a municipal corporation in the County of Hudson, State of New Jersey and organized under, and existing by virtue of, the laws of the State of New Jersey, having its principal office located at 280 Grove Street, Jersey City, New Jersey (hereinafter referred to as the "City"). Collectively, throughout this agreement, the Port Authority and the City shall be referred to as the "Parties".

WITNESSETH

NOW THEREFORE, the parties hereto for themselves, their successors and assigns mutually undertake, covenant and agree as follows:

I. GENERAL

1.01 Governing Law

This Agreement shall be construed and enforced in accordance with the laws of the State of New Jersey and shall be governed by the provisions of (a) N.J.S.A. 32:1-35.52, (b) N.J.S.A. 32:1-35.60, N.J.S.A. 32:1-144, et seq., and (c) Resolution No. _____ pursuant to which the Municipal Council approved the Payments in Lieu of Taxes, and authorized the execution of this Agreement.

1.02 General Definitions

Unless specifically provided otherwise or the context otherwise requires, the following terms when used in this Agreement shall mean:

a. Payments in Lieu of Taxes or PILOT - The amount the Port Authority has agreed to pay the City hereof which sum is in lieu of any taxes on the Improvements and the Land, including but not limited to any special assessments, added and or omitted assessments or property taxes of whatsoever kind which amount, if applicable, shall be pro-rated in the year in which the Payments in Lieu of Taxes terminate.

b. Payments in Lieu of Taxes Commencement Date – the Payments in Lieu of Taxes Commencement Date shall be January 1, 2011.

c. City - The City of Jersey City.

d. Default - Shall be a breach of or the failure of the Port Authority to perform any obligation imposed upon the Entity by the terms of this Agreement beyond any applicable grace or cure periods after written notice of such failure.

e. Improvements - Any building, structure, improvements, or fixture permanently affixed to the Land for which property taxes are routinely assessed.

f. Land – The subject property and more particularly described by the metes and bounds description set forth within Exhibit A of this Agreement.

g. Law - Law shall refer to N.J.S.A. 32:1-35.52, N.J.S.A. 32:1-35.60, N.J.S.A. 32:1-144, et seq., and Resolution No. _____ which authorized the execution of this Agreement and all other relevant Federal, State or City statutes, ordinances, resolutions, rules and/or regulations.

h. Resolution - Resolution No. ____ adopted by the Municipal Council of the City on _____, attached hereto as Exhibit B, authorizing and accepting this PILOT Agreement pursuant to the authority set forth in N.J.S.A. 32:1-145.

i. Project – The Land and Improvements thereon which are the subject of this Agreement.

j. Termination - Any action or omission which by operation of the terms of this PILOT Agreement shall cause this PILOT Agreement to be terminated.

1.03 Exhibits Incorporated

All exhibits referred to in this PILOT Agreement and attached hereto are incorporated herein and made part hereof.

II. DURATION OF AGREEMENT

2.01 Term

It is understood and agreed by the parties that this Agreement, including the obligation to pay Payments in Lieu of Taxes and the tax exemption granted hereof, shall remain in effect during the period of usefulness of the Project and unless modified in accordance with section 3.06 below, shall continue in force only while fee title to the Project is owned by the Port Authority or any other agent, corporation, association or other entity formed by or contracting with the Port Authority.

2.02 Implementation of exemption & Filing with NJ DLGS

The City Clerk shall deliver to the City Tax Assessor a certified copy of Resolution No. ____ adopted by the Municipal Council implementing the PILOT described herein however,

the parties acknowledge and agree that the basis of the tax exemption is statutory and not dependent upon the adoption of the resolution. The Tax Assessor shall implement the exemption and continue to enforce that exemption without further documentation until the expiration of the entitlement to exemption by the terms of this PILOT Agreement.

Further, upon the adoption of this PILOT Agreement, a certified copy of Resolution No. ____ adopted by the Municipal Council approving the tax exemption described herein and this PILOT Agreement shall forthwith be transmitted to the Director of the Division of Local Government Services by the City Clerk.

III. PAYMENTS IN LIEU OF TAXES (PILOT)

3.01 Commencement of PILOT

In consideration of the tax exemption, the Port Authority shall make payment of the PILOT commencing on the PILOT Commencement Date. In the event that the Port Authority fails to timely pay any installment due, the amount past due shall bear interest permitted under applicable New Jersey law then being assessed by the City against other delinquent taxpayers in the case of unpaid taxes or tax liens on the land until paid.

3.02 Payment of PILOT

The Port Authority shall pay to the City the PILOT (as calculated in Section 3.03 of this Article), within ten (10) days of their due dates. The PILOT shall be paid to the City on a semi-annual basis, with the first half payment due on January 1 and the second half payment due on July 1 of each year the PILOT payments are due. The PILOT shall be prorated in the year in which it terminates.

Each said payment shall be made to the Treasurer of the City of Jersey City. Checks shall be made payable to his/her order. Said payments shall be devoted by the City solely to purposes to which taxes may be applied, unless and until otherwise directed by the law of the State of New Jersey. The City shall forward to the County and School Board that amount which represents those entities' portion of the PILOT payments.

3.03 Calculation of the PILOT

The Parties agree, acknowledge and stipulate that the PILOT sums payable pursuant to this Agreement are fair and reasonable[1].

The Port Authority agrees to pay to the City for the year 2011 and for each calendar year thereafter for so long as the Port Authority shall own the premises described in Exhibit "A" attached hereto and the City agrees to accept as an annual payment pursuant to the aforesaid statutes, in lieu of any and all City taxes and assessments on the premises, the sum of

[1] The calculations under this pilot are for the year 2010 and includes the Local Jersey City Tax, County of Hudson Tax, Jersey City School District Tax and School Debt Service Tax.

$1,360,030.10[2] per year which includes the land area of 56.99 acres of land and improvements, **$1,106,468.50** and 13.06 acres of Port Jersey Boulevard **$253,561.65** which is to be vacated by the City. This amount shall be reduced in the first year by any tax payments the Port Authority has made to the City for 2011. Attached as Exhibit C is a list of tax payments made by the Port Authority to the City for which the Port Authority shall receive a credit towards the PILOT payments for 2011.

The PILOT amount shall be determined using the 2010 property tax year throughout the term of the PILOT without any increases or augmentation of any kind.

3.04 Exemption

For each year, from the date of acquisition by the Port Authority, and thereafter for as long as the Port Authority shall own the premises described in Exhibit "A" attached hereto, the City will cancel upon its tax records all items entered thereon for taxes, assessments and interest against the property comprising the aforesaid premises and for each such year the City will mark the said property exempt on its tax records with a notation that such entry is made in accordance with this Agreement. For purposes of this PILOT, taxable amounts shall be frozen as of 2010.

3.05 Semi-annual Installments PILOT

The PILOT shall be paid to the City on a semi-annual basis, with the first half payment due on January 1 and the second half payment due on July 1 of each year PILOT payments are due.

3.06 Reservation of Right to Renegotiate PILOT agreement

The Port Authority reserves the right to renegotiate this PILOT agreement in the event the Legislature modifies and/or amends in any manner, including but not limited to the calculation, methodology or source of funding for any service for which the Local, County and or School taxes are based which results in a diminishment in taxes otherwise conventionally chargeable from 2010 amounts. The Port Authority shall first give written notice to the City of its intention to renegotiate this PILOT Agreement. In the event of such renegotiation, the new PILOT amount shall be pro-rated from date of notice from the Port Authority.

IV. REMEDIES

4.01 Remedies for Non-Payment by the Entity

In the event of a Default on the part of the Port Authority to pay any installment of the PILOT Amount required by this agreement, the City's sole recourse is and shall be to seek specific performance of the terms of this agreement. No other action by the City is or shall be permitted in the event of Default on the part of the Port Authority and no tort or contract

[2] $253,561.65 of the $1,360,030.10 in the first year shall be pro-rated to the date when Port Jersey Boulevard is officially and fully vacated and title has reverted to the Port Authority.

claim for any other element or quantum of damages shall be asserted against the Port Authority and the City hereby waives any such causes of action against the Port Authority, its commissioners, directors, representatives, employees and agents.

V. PROPERTY INTERESTS

5.01. Leasehold Transfers.

Notwithstanding anything to the contrary contained in this Agreement, the City acknowledges that any assignment, conveyance, mortgage or other transfer of Port Authority's interest in the subject property, Lease and any sublease or other use and/or occupancy agreement with respect to any portion of the Land and/or Improvements entered into by Port Authority shall not be deemed or construed to violate this Agreement or result in a Termination.

5.02 Subordination of Fee Title

It is expressly understood and agreed that the Port Authority has the right to encumber and/or assign the fee title to the Land and/or Improvements for the sole purpose of obtaining financing for use in the Project, and that any such encumbrance or assignment shall not be deemed to be a violation of this Agreement.

VI. WAIVER

6.01 No Waiver

Nothing contained in this PILOT Agreement or otherwise shall constitute a waiver or relinquishment by the City or the Port Authority of any non-tax rights and remedies provided by the law except as expressly set forth in this Agreement.

VII. NOTICE

7.01 Notice

Any notice required hereunder to be sent by any party to another party shall be sent to all other parties hereto simultaneously by certified or registered mail, return receipt requested, as follows:

When sent to the Port Authority, it shall be sent to the following address (or to such other address as Port Authority or its successor in interest under the Lease may specify from time to time):

Port Authority of New York & New Jersey
225 Park Avenue South, 14th Floor
New York, New York 10003
Attn Christopher M. Hartwyk, Esq.

When sent to the City, it shall be addressed to

Jersey City, City Hall,
280 Grove Street,
Jersey City, New Jersey 07302,
Attn: City Clerk

With copies sent to the **Business Administrator** and **Corporation Counsel** of the City unless prior to the giving of notice the City shall have notified the Port Authority otherwise. The notice to the City shall identify the subject with the tax account numbers of the tax parcels comprising the Land.

VIII. DEFAULT

8.01 Default

Default shall be the failure of the Port Authority to conform to the terms of this Agreement beyond any applicable notice, cure or grace period.

IX. TERMINATION

9.01 Conventional Taxes

Upon Termination or expiration of this Agreement, the Parties hereto may agree to enter a new PILOT Agreement to replace this Agreement.

X. MISCELLANEOUS

All of the following provisions shall continue from the date of execution and survive the term of this agreement or any termination thereof.

10.01 Conflict

The parties agree that in the event of a conflict between any other terms or conditions of any document or other agreement and this PILOT Agreement, the language in this PILOT Agreement shall govern and prevail as to the specific matters covered herein.

10.02 Oral Representations

There have been no oral representations made by either of the parties hereto which are not contained in this PILOT Agreement. This PILOT Agreement is entire agreement between the parties and there shall be no modifications thereto other than by a written instrument executed by the parties hereto and delivered to each of them.

10.03 Entire Document

All conditions in the Resolution of the City Council approving this Agreement, annexed hereto as Exhibit B are incorporated in this Agreement and made a part hereof

10.04 Good Faith

In their dealings with each other, the parties agree that they have and shall act in good faith throughout the negotiation of this agreement.

10.06 Municipal Services

The Port Authority shall make payments for any municipal services not within the scope of property taxes, including water and sewer charges if applicable and any services that create a lien on parity with or superior to the lien for the Annual Service Charges, as required by law. Nothing herein is intended to release Port Authority from its obligation to make such payments.

10.07 Counterparts

This Agreement may be simultaneously executed in counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

10.08 Amendments

This Agreement may not be amended, changed, modified, altered or terminated without the written consent of the parties hereto.

10.09 No Third Party Rights:

Nothing contained herein is intended, nor shall be construed, to create any rights of any kind whatsoever in third persons not parties to this Agreement.

10.10 No Individual Liability:

Neither the Commissioners of the Port Authority nor any individual officer or official of the Port Authority or the City, nor any agent or employee of either of the Parties hereto shall be charged personally by any of the others with any liability nor held liable to either of the Parties hereto under any term, provision or paragraph of this Agreement or because of its execution or attempted execution or because of any breach hereof.

10.11 Captions Not Binding:

The captions in this agreement are inserted for reference only and in no way define, describe or limit the scope or intent of this Agreement or of any of the provisions hereof

10.12 Severability.

If any term or provision of this agreement or the application thereof to any persons or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this agreement or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each term and provision of this agreement shall be valid and enforced to the fullest extent permitted by Law.

10.13 Procedural defects

If any defect in any procedural or public notice requirements or any other defect in the process required for the approval of this transaction is brought to the attention of either party, both parties agree to take any and all steps necessary to immediately correct the procedural deficiency to appropriately authorize the transaction contemplated hereby and effectuate the transaction.

10.14 Construction

The parties have participated jointly in the negotiation and drafting of this agreement. Consequently, in the event an ambiguity or question of intent or interpretation arises, this agreement shall be construed as if drafted jointly by the parties hereto, and no presumption or burden of proof shall arise favoring or disfavoring any party by virtue of the authorship of any provision of this agreement. When the context requires, the gender of all words used herein includes the masculine, feminine and neuter, and the number of all words includes the singular and plural. The terms "hereto," "herein" or "hereunder" refer to this agreement as a whole and not to any particular Article or Section hereof unless otherwise specified, all references to specific Articles, Sections, Schedules or Exhibits are deemed references to the corresponding Articles, Sections, Schedules and Exhibits in, to and of this agreement.

IN WITNESS WHEREOF, each party hereto has caused this Addendum to be duly executed on its behalf on the day and year first above written.

WITNESS: _____ ROBERT BYRNE, RMC	**THE CITY OF JERSEY CITY** _____ JOHN KELLY, BUSINESS ADMINISTRATOR
WITNESS: _____ CHRISTOPHER COOK	**PORT AUTHORITY OF NEW YORK & NEW JERSEY** _____ CHRISTOPHER O WARD, EXECUTIVE DIRECTOR

(Port Authority Acknowledgment)

STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

On the day of , 2011 before me, the undersigned, a Notary Public in and for said state, personally appeared _____personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged that he executed the same in his capacity as _____ for the Port Authority of New York and New Jersey, and that by his signature on the instrument, the individual, or the corporation upon behalf of which the individual acted, executed the instrument.

_____
(Signature of Notary Public)

(City of Jersey City Acknowledgment)

STATE OF)
)ss.:
COUNTY OF HUDSON)

On the day of , 2011 before me, the undersigned, a Notary Public in and for said state, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged that he executed the same in his capacity as a _____ of City of Jersey City and that by his signature on the instrument, the individual, or the corporation upon behalf of which the individual acted, executed the instrument.

_____
(Signature of Notary Public)

City Clerk File No. Ord. 11-123

Agenda No. 3.H 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 11-123

TITLE:

AN ORDINANCE VACATING A PORTION OF PORT JERSEY BOULEVARD LOCATED EAST OF EAST PULASKI LANE IN THE CITY OF BAYONNE TO THE MOST EASTERN END OF PORT JERSEY BOULEVARD

WHEREAS, the Port Authority of New York and New Jersey, a body corporate and politic created by Compact between the States of New York and New Jersey with the consent of the Congress of the United States of America and having its principal executive office at 225 Park Avenue South, in the City, County and State of New York (hereinafter referred to as the "Port Authority") owns property known as the Global Marine Terminal which is partially located in the City of Jersey City and has requested the City Council of the City of Jersey City (hereinafter "City") to vacate a portion of Port Jersey Boulevard from the eastern most side of the intersection of East Pulaski Lane in the City of Bayonne to the eastern most end of Port Jersey Boulevard as is more fully set forth on the metes and bounds description and survey of Birdsall Services Group dated April 6, 2011 attached to this ordinance as Exhibit A; and

WHEREAS, the Port Authority has advised the City that the road interferes with its use of the land as a Marine Port Terminal; and

WHEREAS, the City has determined that vacating the portion of Port Jersey Boulevard described herein is in the best interests of the general public of the City and that it is not needed for a public use; and

WHEREAS, the City Council of the City of Jersey City may approve an ordinance to vacate any public street or portion thereof pursuant to N.J.S.A. 40:67-1(b) and N.J.S.A. 40:67-21; and

WHEREAS, the vacation of the portion of Port Jersey Boulevard noted herein includes the release of all public rights resulting from any dedication of lands not accepted by the municipality and expressly reserves and excepts from the vacation all rights and privileges currently possessed by the City or public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," P.L. 1972, c. 186 (C.48:5A-1 et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over, or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Jersey City, County of Hudson, State of New Jersey, as follows:

SECTION ONE. That portion of Port Jersey Boulevard from the eastern most side of the intersection of East Pulaski Lane in the City of Bayonne to the eastern most end of Port Jersey Boulevard traversing the Blocks and Lots owned by the Port Authority as is more fully set forth in the metes and bounds description and survey of Birdsall Services Group dated April 6, 2011 attached to this ordinance as Exhibit A is hereby vacated and determined to not be needed for a public use.

SECTION TWO. This Ordinance shall be subject to the following:

1) In event the utilities, if any, presently located under the roadway being vacated, are not moved to another location, an easement in perpetuity is reserved for the benefit of the City of Jersey City and all public utility companies, including any cable television company as defined in the Cable Television Act, P.L. 1972, c. 186 (48:4A-1 et seq.) for the purpose of ingress and egress over and upon the area subject to this Ordinance in order to maintain, repair, or replace existing utility facilities including water lines, sewer lines, gas lines, and telephone, electrical, and cable television wires and poles which may be located either beneath or above the surface of the area subject to this Ordinance.

2) No buildings or structures of any kind may be constructed over the water or sewer utilities within the area subject to this easement without the consent of the Municipal Engineer of the City of Jersey City unless the utilities are relocated, in which case, within the relocated area subject to a resulting easement, without the consent of the Municipal Engineer of the City of Jersey City.

3) An easement in perpetuity is reserved for the benefit of the City of Jersey City and all property owners located on Colony Road, their tenants, guests, and invitees, for the purpose of ingress and egress over and upon the area subject to this Ordinance beginning at the eastern side of East Pulaski Lane at its intersection with Port Jersey Boulevard and ending at the eastern side of Old Colony Road at its intersection with Port Jersey Boulevard for the purpose of ingress and egress to Colony Road. In the event the Port Authority shall acquire all properties located on Colony Road and requests the City of Jersey City to vacate same, this access easement shall automatically extinguish.

SECTION THREE. All costs and expenses incidental to the introduction, passage, and publication of the this Ordinance, including preparation and mailing of any and all notices related to this Ordinance upon owners within 200 feet of the area to be vacated shall be borne and paid by the Port Authority.

SECTION FOUR. A copy of this Ordinance shall be filed within sixty (60) days after it becomes effective with the Hudson County Register in accordance with N.J.S.A. 40:67-2.

SECTION FIVE. If a court of competent jurisdiction shall declare any section, paragraph, subsection, clause or provision of this Ordinance invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

SECTION SIX. All ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

SECTION SEVEN. This Ordinance shall take effect at the time and in the manner provided by law.

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

SECTION NINE. The City Clerk and the Corporation Counsel are herby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing code in order to avoid confusion and possible accidental repealers of existing provisions.

RR
9-21-11

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required ☐
Not Required ☐

THE PORT AUTHORITY OF NY & NJ

Darrell Buchbinder, General Counsel
Christopher M. Hartwyk, First Deputy General Counsel

July 28, 2011

HONORABLE MEMBERS OF THE CITY COUNCIL
City of Jersey City
280 Grove Street
Jersey City, NJ 07302

PETITION REQUESTING VACATION OF A PORTION OF PORT JERSEY BOULEVARD

Dear Honorable Members of the City of Jersey City Council:

The Port Authority of New York and New Jersey (Port Authority) is a body corporate and politic established by compact between the States of New York and New Jersey with the consent of the Congress of the United States of America. The Port Authority conceives, builds, operates and maintains infrastructure critical to the New York/New Jersey region's trade and transportation network. These facilities include America's busiest airport system, marine terminals and ports, the PATH rail transit system, six tunnels and bridges between New York and New Jersey, the Port Authority Bus Terminal in Manhattan, and the World Trade Center.

For more than eight decades, the Port Authority has worked to improve the quality of life for the more than 17 million people who live and work in New York and New Jersey - a region that supports 8.6 million jobs with an estimated gross regional product of more than $929 billion. The Port Authority is proud to include the City of Jersey City as one of its most vital host cities.

In keeping with its mission, in June of 2010, the Port Authority acquired the Global Marine Terminal which is located in the Cities of Jersey City and Bayonne. Within the Global Marine Terminal, there is situated a public roadway known as Port Jersey Boulevard. The location of the roadway and 13.06 acres of land restricted thereby has presented certain logistical and security concerns, which relate to the operation of an auto marine terminal at the subject site. In order for Global to develop the container terminal's footprint efficiently and securely, the vacation of portions of Port Jersey Boulevard from the City is required.

The use of property for marine terminal purposes will increase the Port's capacity to accommodate forecasted trade growth. Port Jersey Boulevard runs adjacent and within the

225 Park Avenue South
New York, NY 10003

Global Container Terminal and poses a security risk. In addition, the vacation of a portion of Port Jersey Boulevard will allow the Rules and Regulations governing operations at the Port Authority's marine terminal facilities to be applied on all portions of Port Jersey Boulevard, giving the Port Authority the ability to police and control the activities of the public area within the marine terminals and to further develop the vacated portion of Port Jersey Boulevard with the expansion of the Global Marine facility.

It is in the interest of Jersey City, its citizens and the New York/New Jersey region to authorize the vacation of a portion of Port Jersey Boulevard. Not only is the important public mission of the Port Authority furthered, but also the local economy of Jersey City is furthered by the successful operation of the Global facility. The success of the Global facility translates into increased jobs benefiting the citizens and economy of Jersey City and the region. Additionally, by the right of way of the vacated portion of Port Jersey Boulevard reverting to the Port Authority, the City is able to reduce, both its expenses and liabilities associated with the maintenance of the roadway. The right of way sought to be vacated presently serves no public purpose, as the only users of that portion of roadway being sought to be vacated are Port Authority and Global Marine personnel.

For these reasons, the Port Authority respectfully requests the Honorable members of the City of Jersey City Council vote to authorize the Ordinance vacating a portion of Port Jersey Boulevard.

Respectfully Submitted,

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Thomas A. Segreto Esq.

cc. Robert Byrne, R.M.C.
William Matsikoudis, Corporation Counsel
Christopher M. Hartwyk, First Deputy General Counsel
Steven Borelli, Port Commerce