

City Clerk File No. Ord. 12-106

Agenda No. 3.A 1st Reading

Agenda No. 4.A. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 12-106

TITLE: **ORDINANCE AMENDING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE II (COUNCIL) OF THE JERSEY CITY CODE CHANGING THE TERM OF THE OFFICE OF COUNCIL PRESIDENT**

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

A. The following amendment to Chapter 3 (Administration of Government) Article II (Council) is hereby adopted:

CHAPTER 3
Administration of Government
Article II
Council

§3-4 Organization; President; President Pro Tem

- A. The Council shall organize pursuant to law on July 1 at which time it shall elect a President from among its members for a term coextensive with the term of the Council [~~provided, however, that the election of July 1, 1994, shall be for a term of three years~~]. Effective July 1, 2013 and thereafter, the term of a President shall be two years.
- B. The Council may also elect a Council President Pro Tem from among its members for a term coextensive with the term of the Council President.
- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.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 For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____

Business Administrator

Certification Required

Not Required

[Handwritten Signature]
ASST. BA.

Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord 12-106
3.A. AUG 01 2012 4.A. AUG 22, 2012



Ordinance amending Chapter 3 (Administration of Government) Article II (Council) of the Jersey City Code changing the term of the Office of Council President. (Creates a two year term for Council President effective July 1, 2013.)

RECORD OF COUNCIL VOTE ON INTRODUCTION											
AUG 01 2012 7-2											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN		✓		BRENNAN		✓	
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			MASSEY	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
AUG 22, 2012 8-0											
Councilperson <u>SOTTOLANO</u>				moved, seconded by Councilperson <u>BRENNAN</u>				to close PH.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			MASSEY	ABSENT		

✓ Indicates Vote JAYSON BURG

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____				moved to amend* Ordinance, seconded by Councilperson _____				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				LAVARRO			
LOPEZ				RICHARDSON				MASSEY			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
AUG 22, 2012 5-3											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO		✓		GAUGHAN		✓		BRENNAN		✓	
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			MASSEY	ABSENT		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on AUG 01 2012

Adopted on second and final reading after hearing on AUG 22, 2012

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on AUG 22, 2012

Robert Byrne
 Robert Byrne, City Clerk

APPROVED:

Peter M Brennan
 Peter M. Brennan, Council President

Date: AUG 22, 2012

APPROVED:

Jerramiah T. Healy
 Jerramiah T. Healy, Mayor

Date AUG 23 2012

Date to Mayor AUG 23 2012

*Amendment(s):

City Clerk File No. Ord. 12-107

Agenda No. 3.B 1st Reading

Agenda No. 4.6. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 12-107

TITLE: ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO EXECUTE AN AMENDMENT TO ITS LEASE WITH 30 MONTGOMERY PROPERTY, LLC, FOR OFFICE SPACE AT 30 MONTGOMERY STREET, BLOCK 8, LOT C2

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

WHEREAS, the City of Jersey City [City] needs office space for its Department of Housing and Economic Development; and

WHEREAS, 30 Montgomery Property, LLC, is the present owner of Block 8, Lot C2 , more commonly known by the street address of 30 Montgomery Street [Property]; and

WHEREAS, the City of Jersey City has been occupying various portions of 30 Montgomery Street as a tenant under a Lease that first began on February 1, 1993, and amended thereafter [the Lease]; and

WHEREAS, under the present Lease, as amended, square footage was measured as 29,593 square feet and the rent ranged between \$27.00 and \$30.00 a square foot with 3% annual escalations, plus utilities at \$2.00 a square foot; and

WHEREAS, the present Lease will expire on July 31, 2012; and

WHEREAS, 30 Montgomery Property, LLC, has offered to extend the Lease for four (4) years; for approximately 33,650 square feet of space (which is not an increase of space but a recalculation of the space); and

WHEREAS, the rent for the space will be a flat charge of \$22.00 per square foot through July 31, 2016, plus a flat utility charge of \$1.60 a square foot or \$66,178.33 per month or a total of \$794,140 per year for the remainder of the term; and

WHEREAS, this is a significant savings to the City of over \$200,000 per year, notwithstanding the increased square footage as recalculated; and

WHEREAS, N.J.S.A. 40A:12-5 provides that a municipality may negotiate a lease and by ordinance authorize the leasing of real property it determines it needs for municipal purposes; and

WHEREAS, the sum of \$263,000 is available in the 2012 calendar year budget in Account Number 01-201-31-432-304; and

WHEREAS, the balance of the lease funds will be made available in subsequent budget years.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY that:

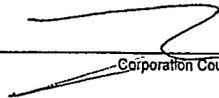
0 2 0 1 2 1 2 3

1. The Mayor or Business Administrator is authorized to execute an amendment to the Lease agreement with 30 Montgomery Property, LLC.
2. The term of the Lease shall be extended for four (4) years commencing July 31, 2012 and expiring July 31, 2016, for a total annual rent of \$794,140 (including the utility charges). Rent shall be payable in twelve equal installments of \$66,178.33, payable on the 1st day of each month. Upon expiration of the lease, the hold over rent will not exceed 125% of the rent.
3. The Lease shall be in substantially the form attached, subject to such modification as may be deemed necessary or appropriate by the Business Administrator or Corporation Counsel.
 - A. All ordinances and parts or ordinances inconsistent herewith are hereby repealed.
 - B. 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 may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing Code, in order to avoid confusion and possible accidental repealers of existing provisions.

I _____, Donna Mauer, as Chief Financial Officer, hereby certify that \$263,000 of these funds are available in Account Number 01-201-31-432-304, for this expenditure in accordance with the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

JM/he
7/26/12

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required

Not Required

Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord. 12-107
3.B. AUG 01 2012 4.B. AUG 22, 2012



Ordinance authorizing the City of Jersey City to execute an amendment to its lease with 30 Montgomery Property, LLC, for office space at 30 Montgomery Street, Block 8, Lot C2.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
				AUG 01 2012				9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			MASSEY	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
				AUG 22, 2012				8-0			
Councilperson			moved, seconded by Councilperson						to close PH.		
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
Councilperson <u>RICHARDSON</u>			moved, seconded by Councilperson <u>GAUGHAN</u>						to close PH.		
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			MASSEY	ABSENT		

✓ Indicates Vote YVONNE BALCER
JOHN SEBOROWSKI
JAYSON BURG

Talked 8-0 after the close of the public hearing on a motion by Donnelly, seconded by Lavarro; Massey: absent

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson			moved to amend* Ordinance, seconded by Councilperson						& adopted		
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				LAVARRO			
LOPEZ				RICHARDSON				MASSEY			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				LAVARRO			
LOPEZ				RICHARDSON				MASSEY			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on AUG 01 2012

Adopted on second and final reading after hearing on _____

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on _____

APPROVED:

Robert Byrne, City Clerk

Peter M. Brennan, Council President

*Amendment(s):

Date: _____
 APPROVED: _____

Jerramiah T. Healy, Mayor

Date _____

Date to Mayor _____

City Clerk File No. Ord. 12-108

Agenda No. 3.C 1st Reading

Agenda No. 4.C. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 12-108

TITLE:
AN ORDINANCE GRANTING PERMISSION TO 593 JERSEY AVENUE, LLC, ITS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS IN THE JERSEY AVENUE PUBLIC RIGHT OF WAY ADJACENT TO THE PROPERTY LOCATED AT 587 JERSEY AVENUE, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 315, LOT B.

WHEREAS, 593 Jersey Avenue, LLC, having offices located 1 Harrison Avenue, Harrison, New Jersey 07029, is the owner of the property located at 587 Jersey Avenue, Jersey City, and known as Block 11103 Lot 18 (formerly Block 315, Lot B) on the current tax maps of the City of Jersey City ("Property"); and

WHEREAS, the Property is located within the Harsimus Cove Historic District and applied for and was approved for a Certificate of Appropriateness by the Jersey City Historic Preservation Commission ("Historic Approval") to subdivide the property and develop separate residential developments on the lots, one being a four story, three unit townhouse on the Property located at 587 Jersey Avenue and the other being a conversion of a former funeral home into residential units on the remaining lot; and

WHEREAS, pursuant to a Resolution for the Minor Subdivision approval and the Preliminary and Final Site Plan Approval with "c" and "d" variances, Case #Z06-021 (subdivision) and #Z06-022 (site plan), the Zoning Board of Adjustment granted approval ("Zoning Board Approval") to subdivide the property and develop separate residential developments on the lots, one being a four story, three unit townhouse on the Property located at 587 Jersey Avenue and the other being a conversion of a former funeral home into residential units on the remaining lot; and

WHEREAS, as part of the Historic Approval and the Zoning Board Approval, the development of the Property with the four story, three unit townhouse includes the construction of entry stairs and landscaping located within fencing that will be located within a portion of the Jersey Avenue public right-of-way, which is more particularly depicted and described in the Franchise Plans, Exhibits A and B, attached hereto; and

WHEREAS, the construction of the entry stairs and landscaping located within fencing that will be located within a portion of the Jersey Avenue public right-of-way is the result of the recommendation of the Historic Preservation Commission, the Division of Planning staff, and the Zoning Board of Adjustment for aesthetic and historic preservation purposes to match existing fence lines, setbacks, and entry stairs along the street, and more specifically, to match the existing decorative fencing located in front of the former funeral home, and as stated in the Resolution attached hereto as Exhibit C, attached hereto; and

WHEREAS, the Petitioner is required to file the Petition for a Franchise Ordinance to make any private improvements within the public right-of-way; and

WHEREAS, there will remain sufficient area in the right-of-way for pedestrian use (at least ten [10] feet), and the proposed private improvements will not impede or have a negative impact on typical pedestrian use; and

WHEREAS, 593 Jersey Avenue, LLC has filed a petition for relief and represented to the Municipal Council of the City of Jersey City that the passage of this Ordinance is in the best interests and essential for the completion of the construction of the development; and

WHEREAS, after due notice was given in accordance with law, a public hearing was held on the Petition filed by 593 Jersey Avenue, LLC to grant permission to construct private improvements within the public right-of-way for the following purposes:

1. The improvements will include the installation of entry stairs and landscaping located within fencing that will be located within a portion of the Jersey Avenue public right-of-way.
2. There will remain sufficient area in the right-of-way (at least 10 feet) for typical pedestrian use.
3. All costs associated with these improvements will be incurred by the Petitioner, and there being no objections thereto.

AN ORDINANCE GRANTING PERMISSION TO 593 JERSEY AVENUE, LLC, ITS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS IN THE JERSEY AVENUE PUBLIC RIGHT OF WAY ADJACENT TO THE PROPERTY LOCATED AT 587 JERSEY AVENUE, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 315, LOT B.

WHEREAS, the Jersey City Zoning Officer and the Building Department can approve the construction of the improvements at the subject property conditioned upon the Petitioner being granted a franchise ordinance by the City Council of the City of Jersey City; and

WHEREAS, a franchise ordinance is required to permit the completion of the construction of the private improvements within the public right-of-way; and

WHEREAS, by reason of the character of the development of the area within which this property is situated, the said improvements will enhance the aesthetic and character of the property, promote historic preservation, and greatly benefit Jersey City and the surrounding neighborhood; and

WHEREAS, the public interest will be served by said improvements, which will be of great benefit to the citizens of Jersey City and Hudson County and the rights of the public will not be injuriously or adversely affected by the requested relief;

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 and 593 Jersey Avenue, LLC, its successors and assigns, to complete private improvements to a portion of lands located within the public rights of way adjacent to 587 Jersey Avenue, Jersey City, and known as Block 315, Lot B on the current tax maps of the City of Jersey City, said areas being more particularly described as follows and on the topographic survey and metes and bounds description attached hereto as Exhibit A and Exhibit B respectively.

1. The improvements will include the installation of entry stairs and landscaping located within fencing that will be located within a portion of the Jersey Avenue public right-of-way.
2. There will remain sufficient area in the right-of-way (at least 10 feet) for typical pedestrian use.
3. The improvements will be constructed consistent with the Plans approved by the Jersey City Zoning Board of Adjustment, the Jersey City Zoning Officer and Building Department.
4. All costs associated with these improvements will be incurred by the Petitioner.
5. The improvements are necessary to construct the proposed development consistent with the development approvals and will greatly benefit the Petitioner's property and the surrounding neighborhood.

SECTION II. All the work herein authorized shall be done under the supervision of the proper department or departments of the City of Jersey City. Further, all the work herein authorized shall comply with any State of New Jersey Uniform Construction Code requirements. The construction plans shall be submitted to the City Engineer for his review and comments prior to the start of construction. After construction there shall remain no damage to the sidewalk or roadway or interference with the free and safe flow of pedestrian traffic and vehicular traffic. 593 Jersey Avenue, LLC, and its successors and assigns, shall maintain all improvements installed by it 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 Petitioners 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 593 Jersey Avenue, LLC.

SECTION V. In accepting the privileges of this Ordinance and the installation, maintenance and use hereby authorized, 593 Jersey Avenue, LLC, 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. 593 Jersey Avenue, LLC, its successors and assigns, shall maintain in effect, during the term 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 this 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.

AN ORDINANCE GRANTING PERMISSION TO 593 JERSEY AVENUE, LLC, ITS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS IN THE JERSEY AVENUE PUBLIC RIGHT OF WAY ADJACENT TO THE PROPERTY LOCATED AT 587 JERSEY AVENUE, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 315, LOT B.

SECTION VII. 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 area subject to this Franchise 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 Franchise Ordinance.

SECTION VIII. For the rights and privileges herein granted, said beneficiaries hereunder, their successors and assigns, shall pay annually to the City of Jersey City the sum of One Dollar (\$1.00), which payment shall be made annually on the 1st day of July next succeeding the time when this Ordinance shall become effective and on each first day of July thereafter until the termination of this Ordinance.

SECTION IX. This Franchise Ordinance shall be subject to the following conditions:

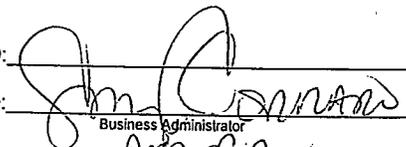
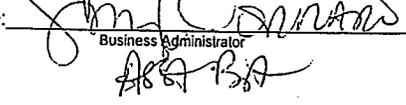
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance certified and incorporated in the official copies of the Jersey City 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 repeals of existing provisions.

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APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: 
APPROVED: 

Business Administrator

Certification Required
Not Required

Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord. 12-108
 TITLE: 3.C. AUG 01 2012 4.C. AUG 22, 2012



An ordinance granting permission to 593 Jersey Avenue, LLC, its successors and assigns, to make private improvements in the Jersey Avenue public right of way adjacent to the property located at 587 Jersey Avenue, Jersey City, New Jersey, also known on the tax maps of the City of Jersey City as Block 315, Lot B.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
				AUG 01 2012				9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			MASSEY	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
				AUG 22, 2012				8-0			
Councilperson <u>RICHARDSON</u>			moved, seconded by Councilperson <u>BRENNAN</u>						to close PH.		
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			MASSEY	ABSENT		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson			moved to amend* Ordinance, seconded by Councilperson						& adopted		
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				LAVARRO			
LOPEZ				RICHARDSON				MASSEY			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
				AUG 22, 2012				8-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			MASSEY	ABSENT		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on AUG 01 2012

Adopted on second and final reading after hearing on AUG 22, 2012

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on AUG 22, 2012

Robert Byrne
 Robert Byrne, City Clerk

APPROVED:

Peter M. Brennan
 Peter M. Brennan, Council President

Date: AUG 22, 2012

APPROVED:

Jerramiah T. Healy
 Jerramiah T. Healy, Mayor

Date AUG 23 2012

Date to Mayor AUG 23 2012

*Amendment(s):

PETITION

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

Your Petitioner, 593 Jersey Avenue, LLC, having offices located at 1 Harrison Avenue, Harrison, New Jersey 07029, respectfully says that:

1. Petitioner is the owner of the property located at 587 Jersey Avenue, Jersey City, and known as Block 315, Lot B, on the current tax maps of the City of Jersey City (the "Property"). The Petitioner is proposing to develop a four story, three unit residential townhouse on the Property.

2. The Historic Preservation Commission and the Zoning Board of Adjustment approved the development of the Property with a four story, three unit townhouse with the construction of entry stairs and landscaping located within fencing that will be located within a portion of the Jersey Avenue public right-of-way for aesthetic and historic preservation purposes.

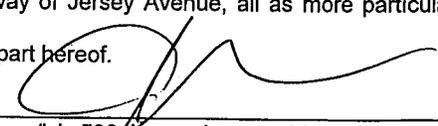
3. Petitioner proposes to make the following site improvements within the areas of the public right-of-way:

- A. The contemplated improvements will include the installation of entry stairs and landscaping located within fencing that will be located within a portion of the Jersey Avenue public right-of-way.
- B. All costs associated with these improvements will be incurred by the Petitioner, and there being no objections thereto.

4. Petitioner will present the proposed improvements to the Jersey City Zoning Officer and Building Department, which can approve the proposed improvements conditioned upon the Petitioner being granted a franchise ordinance by the City Council of the City of Jersey City.

5. The contemplated improvements are necessary to construct the proposed development consistent with the development approvals, and will greatly benefit the Petitioner's property, provide for aesthetic improvements and the surrounding area and neighborhood, and provide for historic preservation.

WHEREFORE, your Petitioner respectfully prays for itself, its successors and assigns, for the enactment of a Franchise Ordinance to allow it to make private improvements within and under the sidewalk area of the public rights-of-way of Jersey Avenue, all as more particularly shown on the plans annexed hereto and made a part hereof.

By: 

o/b/o 593 Jersey Avenue, LLC
Charles J. Harrington, III, Esq.,
Attorney for the Petitioner

PRONESTI



SURVEYING, INC.

PROFESSIONAL LAND SURVEYORS

870 POMPTON AVENUE, SUITE B1
CEDAR GROVE, NJ 07009

TEL: (973) 857-3319

FAX: (973) 857-3608

www.PRONESTI.com

*Description of
587 Jersey Avenue
Lot B in Block 315
(Formerly Block 315.5)
On Tax Maps of
City of Jersey City, Hudson County, New Jersey*

BEGINNING at a point on the westerly sideline of Jersey Avenue, said point being distant 75.70 feet southerly from the corner formed by the intersection of the said westerly sideline of Jersey Avenue and the southerly sideline of Fourth Street; thence running

- 1) Southerly along the said westerly sideline of Jersey Avenue, South 16 degrees 40 minutes 00 seconds West, 24.30 feet to a point in the centerline of a 10.0' wide alley, thence
- 2) Northerly along said centerline of alley, North 73 degrees 29 minutes 00 seconds West, 75.00 feet to a point, thence
- 3) North 16 degrees 40 minutes 00 seconds East, 24.30 feet to a point, thence
- 4) South 73 degrees 29 minutes 00 seconds East, 75.00 feet to the **POINT AND PLACE OF BEGINNING**.

The above described parcel contains 1,823 square feet or 0.042 acres of land.

SUBJECT TO AND TOGETHER WITH a 10.0' wide alley, where the centerline of said alley is common with and extends beyond the above described second course.

TOGETHER WITH a franchise agreement along the entire right of way and extending into the right of way 8.0 feet and being more particularly described as follows:

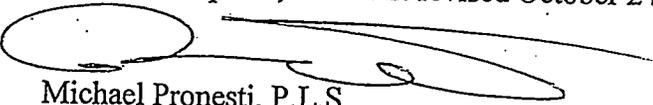
BEGINNING at a point on the westerly sideline of Jersey Avenue, said point being distant 75.70 feet southerly from the corner formed by the intersection of the said westerly sideline of Jersey Avenue and the southerly sideline of Fourth Street; thence running

- 1) South 73 degrees 20 minutes 00 seconds East, 8.00 feet to a point, thence
- 2) South 16 degrees 40 minutes 00 seconds West, 24.30 feet to a point, thence
- 3) North 73 degrees 20 minutes 00 seconds West, 8.00 feet to a point on the westerly sideline of Jersey Avenue, thence

4) Northerly along said sideline, North 16 degrees 40 minutes 00 seconds East, 24.30 feet to the
POINT AND PLACE OF BEGINNING.

The above described parcel contains 194 square feet or 0.004 acres of land.

The above description is written in accordance with a survey prepared by *Pronesti Surveying, Inc.*, dated April 8, 2010 last revised October 24, 2011.



Michael Pronesti, P.L.S.
New Jersey License No.16202

**RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT
OF THE CITY OF JERSEY CITY**

APPLICANT: HUDSON DEVELOPERS, LLC

**FOR: MINOR SUBDIVISION AND PRELIMINARY AND FINAL MAJOR
SITE PLAN APPROVAL WITH "C" AND "D" (USE) VARIANCES
WITH "C" VARIANCES
587 AND 589-593 JERSEY AVENUE
JERSEY CITY, NEW JERSEY
BLOCK 315.5, LOTS A & B**

CASE NO.: Z06-021 AND Z06-022

**A COPY OF THIS DEED
HAS BEEN SENT TO ASSESSOR'S OFFICE**

WHEREAS, the applicant HUDSON DEVELOPERS, LLC, (the "Applicant"), per Connell Foley, LLC, (Charles J. Harrington, III, Esq., appearing) made application to the Zoning Board of Adjustment of the City of Jersey City, County of Hudson and State of New Jersey, for Minor Subdivision Approval with "c" variances (lot depth), to wit: Calendar No. Z06-021, to subdivide the existing merged parcel into two lots, and for Preliminary and Final Major Site Plan Approval with "c" and "d" variances (use), to wit: Calendar No. Z06-022, to develop the newly subdivided lots (Z06-021) with separate residential developments (a new townhouse [3 units] on one lot and a conversion of the former funeral home to a seven unit residential building on the second lot) in connection with property located at 587 and 589 - 593 Jersey Avenue, Jersey City, New Jersey, also known on the Jersey City tax maps as Block 315.5, Lots A and B; and

WHEREAS, due notice of a hearing before the Zoning Board of Adjustment of the City of Jersey City, on November 9, 2006, at 6:00 p.m., was duly published as prescribed in the Zoning Ordinance of the City of Jersey City; and

WHEREAS, the applicant has submitted proof that it has complied with the applicable procedural requirements including the payment of fees and public notices; and

WHEREAS, all testimony having been formally heard for this application; and

WHEREAS, after consideration of the application and the testimony presented at the meeting, as well as the comments and recommendations of the Board's professional planning staff, the Zoning Board of Adjustment has made the following findings of fact:

BK:08424 PG:00256

FINDINGS OF FACT

1. The Applicant, Hudson Developers, LLC, is seeking Minor Subdivision approval with variances pursuant to N.J.S.A. 40:55D-70(c) (lot depth) and for Preliminary and Final Major Site Plan Approval with "c" and "d" variances (use), to develop the newly subdivided lots (Z06-021) with separate residential developments (a new townhouse [3 units] on one lot and a conversion of the former funeral home to a seven unit residential building on the second lot) with regard to the property located at 587 and 589-593 Jersey Avenue, Jersey City, New Jersey, and also known on the Jersey City Tax Maps as Block 315, Lots A and B.
2. The parcels are located within the Harsimus Cove Historic District. The subject property consists of a former funeral home with a carriage house attached (Lot A) and a vacant lot to the south (Lot B). The vacant lot (Lot B) is an undersized lot pursuant to the Historic District's zoning regulations, and therefore, has merged with the larger lot (Lot A), although the tax maps still show the lots as separate lots. Lot B also includes a five (5) foot wide easement in the adjacent alley way. The Applicant is proposing to subdivide the merged lot and develop each of the new lots with separate residential developments (a new townhouse on one lot and a conversion of the former funeral home to residential use on the second lot).
3. As part of the application for the minor subdivision, the Applicant is seeking a variance from the Jersey City Land Development Ordinance for relief from the minimum lot depth (for each lot) requirements in the Historic Zone. The existing conditions cannot meet the minimum lot depth requirements, and a variance is required for lot depth for both lots. However, the new lots exceed both the minimum lot widths and the minimum lot area requirements of the Historic Zone.
4. As part of the application for the preliminary and final site plan approval, the Applicant is seeking a variance from the Jersey City Land Development Ordinance to permit the conversion of the former funeral home to multi-family residential use; and for relief from the minimum rear yard setbacks; lot coverage and height requirements in the Historic Zone, and to expand a non-conforming structure.
5. The Applicant is proposing two separate residential developments after the subdivision. The Applicant is proposing to convert (and expand) the former funeral home into a multi unit residential dwelling (7 residential units), and to develop a three unit townhouse on the vacant lot, which is a permitted use in the Historic District. The Historic Zone only permits Townhouses (which are allowed to contain up to 3 residential units) as residential use. Therefore, the Applicant is seeking a use variance to permit the conversion of the funeral home to a multi-unit dwelling, and to expand the non-conforming structure.
6. Mortuaries are not permitted uses within the District, and it is submitted that the proposed residential use is a more appropriate development and use of the property. The Applicant is also restoring the historic fabric of the building in connection with the conversion and expansion of the building to the residential use, which is a great benefit to the site and neighborhood and constitutes a special reason by preserving and rehabilitating the historic fabric of the building.
7. The development is also requesting variances for relief from the maximum permitted lot coverage and the minimum rear yard setbacks. The former funeral home is a pre-existing condition that covers a large area of Lot A. This footprint is not changing, and therefore, relief for the lot coverage and rear yard requirements will be required when adding on to the building

on the upper floors. The new construction is consistent with the existing footprint. Additionally, the property is a corner property that also provides for setbacks on the Jersey Avenue and 4th Street sides of the structure, also as a result of the existing conditions.

8. With regard to Lot B, as previously noted, the development is being proposed on an undersized lot (only 75' in depth; but exceeds the lot width and area requirements). The Applicant is proposing a rear yard less than the required thirty (30) feet. This lot actually opens up to a small alleyway that provides some additional light and air for the rear yard (somewhat similar to a corner lot). The decrease in the rear yard area on the undersized lot will also result in a higher lot coverage percentage, and variances will be necessary in that regard.

9. The development of Lot B is also consistent with the building that was formerly located at this site. Accordingly, the proposed height of the respective buildings is either a result of the existing conditions (former funeral home) or the result of an effort to replicate the historical building (Lot B).

10. The proposed subdivision of the property is appropriate for the property and will benefit the immediate neighborhood and promote the general welfare by allowing compatible and permitted townhouse development on the newly created vacant lot and also facilitate historic preservation through the rehabilitation and redevelopment of the "funeral home" structure.

11. The project will restore the historical character of the existing building and create a new building based on historical development of Lot B. The new construction in the proposed development (Lot B) will provide for a use that is consistent with the ordinance and compatible with the existing neighborhood development. The overall project was approved for a Certificate of Appropriateness by the Jersey City Historic Preservation Board. Accordingly, the requested variances and proposed developments will promote historic preservation, and therefore, the purposes of the Master Plan and zone plan.

12. The proposed development of the property is an appropriate development and permitted use that will benefit the immediate neighborhood and promote the general welfare. The benefits of granting the requested variances outweigh any detriments. This proposed development will also promote a desirable visual environment by developing a use appropriate for the neighborhood and providing restoration of historical resources where it is economically feasible to preserve same. The proposed use is an appropriate use of the land, and will not be detrimental to any permitted uses in the neighborhood. Lastly, the proposed variances will not cause substantial detriment to the public good, nor impairment to the intent and purpose of the Jersey City Zone Plan and Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Zoning Board of Adjustment of the City of Jersey City, County of Hudson and State of New Jersey, for the foregoing reasons, approves the within application for Minor Subdivision Approval with "c" variances (lot depth), to wit: Calendar No. Z06-021, to subdivide the existing parcels into two lots to create separate lots and to develop the new lots with separate residential developments (a new townhouse [3 units] on one lot and a conversion of the former funeral home to a seven unit residential building on the second lot), and for Preliminary and Final Major Site Plan Approval with "c" and "d" variances (use), to wit: Calendar No. Z06-022, to develop the newly subdivided lots (Z06-021) with separate residential developments (a new townhouse [3 units] on one lot and a conversion of the former funeral home to a seven unit residential building on the second lot) in connection

located at 587 and 589 - 593 Jersey Avenue, Jersey City, New Jersey, also known on the Jersey City tax maps as Block 315.5, Lots A and B, and same is given Calendar #Z06-021 and Z06-022, in accordance with the plans and testimony submitted to the Zoning Board of Adjustment of the City of Jersey City, subject to the following condition:

1. Revised plans shall address all of the conditions recommended by the Historic Preservation Commission as well as the comments and recommendations of the municipal review agents.

APPLICANT: HUDSON DEVELOPERS, LLC

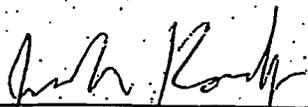
FOR: MINOR SUBDIVISION AND PRELIMINARY AND FINAL MAJOR
SITE PLAN APPROVAL WITH "C" AND "D" (USE) VARIANCES
WITH "C" VARIANCES
587 AND 589-593 JERSEY AVENUE
JERSEY CITY, NEW JERSEY
BLOCK 315.5, LOTS A & B

CASE NO.: Z06-021 AND Z06-022

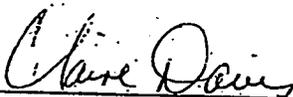
VOTE: 7 - 0

COMMISSIONER:	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
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Chairman Joseph Kealy	X		
Commissioner Consuelo Evans	X		
Commissioner Aneesah Abdullah	X		
Commissioner Diane Strasz	X		
Commissioner Barbara Gordon	X		
Commissioner Deborah Ann Davis	X		
Commissioner George Juchnewich	X		



JOSEPH KEALY, CHAIRMAN
ZONING BOARD OF ADJUSTMENT
OF THE CITY OF JERSEY CITY



CLAIRE DAVIS, SECRETARY
ZONING BOARD OF ADJUSTMENT
OF THE CITY OF JERSEY CITY

DATE OF HEARING: November 9, 2006

DATE OF MEMORIALIZATION: December 14, 2006

approved as to legal form


RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT
OF THE CITY OF JERSEY CITY

APPLICANT: HUDSON DEVELOPERS, LLC
FOR: RE-AFFIRMATION OF
MINOR SUBDIVISION WITH "C" VARIANCES
587 AND 589-593 JERSEY AVENUE
JERSEY CITY, NEW JERSEY
BLOCK 315.5, LOTS A & B
CASE NO.: Z06-021

A COPY OF THIS DEED
HAS BEEN SENT TO ASSESSOR'S OFFICE

WHEREAS, the applicant HUDSON DEVELOPERS, LLC, (the "Applicant"), per Connell Foley, LLC, (Charles J. Harrington, III, Esq., appearing) made application to the Zoning Board of Adjustment of the City of Jersey City, County of Hudson and State of New Jersey, for Re-affirmation of its Minor Subdivision Approval with a "c" variance (lot depth), to wit: Calendar No. Z06-021, that was approved by this Board at its meeting on November 9, 2006 and memorialized by resolution on December 14, 2006, to subdivide the existing merged parcel into two lots in connection with the subsequent approval, to develop the newly subdivided lots with separate residential developments (a new townhouse [3 units] on one lot and to convert the former funeral home to a seven unit residential building on the second lot) in connection with property located at 587 and 589 - 593 Jersey Avenue, Jersey City, New Jersey, also known on the Jersey City tax maps as Block 315.5, Lots A and B; and

WHEREAS, due notice of a hearing before the Zoning Board of Adjustment of the City of Jersey City, on October 18, 2007 at 6:00 p.m., was duly published as prescribed in the Zoning Ordinance of the City of Jersey City; and

WHEREAS, the application for Minor Subdivision approval with the variance for lot depth (Z06-021) was approved by the Zoning Board of Adjustment at its meeting on November 9, 2006; and

WHEREAS, the conditions at the property have not changed since the initial approval of the subdivision; and

WHEREAS, the applicant has submitted proof that it has complied with the applicable procedural requirements including the payment of fees and public notices; and

WHEREAS, all testimony having been formally heard for this application; and

WHEREAS, after consideration of the application and the testimony presented at the meeting, as well as the comments and recommendations of the Board's professional planning staff, the Zoning Board of Adjustment has made the following findings of fact:

FINDINGS OF FACT

1. The Applicant, Hudson Developers, LLC, is seeking re-affirmation of its Minor Subdivision approval with variances pursuant to N.J.S.A. 40:55D-70(c) (lot depth) with regard to the property located at 587 and 589-593 Jersey Avenue, Jersey City, New Jersey, and also known on the Jersey City Tax Maps as Block 315, Lots A and B.
2. The parcels are located within the Harsimus Cove Historic District. The subject property consists of a former funeral home with a carriage house attached (Lot A) and a vacant lot to the south (Lot B). The vacant lot (Lot B) is an undersized lot pursuant to the Historic District's zoning regulations, and therefore, merged with the larger lot (Lot A), although the tax maps still show the lots as separate lots. Lot B also includes a five (5) foot wide easement in the adjacent alley way. The Board approved the subdivision (Z06-021) to subdivide the merged lot and develop each of the new lots with separate residential developments (a new townhouse on one lot and a conversion of the former funeral home to multi-family residential use on the second lot).
3. The statutory time period to perfect the subdivision approval has lapsed. The Applicant is requesting the re-affirmation of the subdivision approval in order to provide for a new statutory time period to perfect the subdivision approval.
4. The conditions at the property have not changed since the initial approval, and the reasoning in support of the subdivision and the variances is still appropriate.

NOW, THEREFORE, BE IT RESOLVED that the Zoning Board of Adjustment of the City of Jersey City, County of Hudson and State of New Jersey, for the foregoing reasons, approves the within application for the re-affirmation of its Minor Subdivision Approval with "c" variances (lot depth), to wit: Calendar No. Z06-021, to subdivide the existing parcels into two lots to create separate lots and to develop the new lots with separate residential developments (a new townhouse [3 units] on one lot and a conversion of the former funeral home to a seven-unit residential building on the second lot), in connection located at 587 and 589 - 593 Jersey Avenue, Jersey City, New Jersey, also known on the Jersey City tax maps as Block 315.5, Lots A and B, and same is given Calendar #Z06-021 in accordance with the plans and testimony submitted to the Zoning Board of Adjustment of the City of Jersey City, subject to the following condition:

1. All conditions of the initial approval shall remain in effect.

APPLICANT: HUDSON DEVELOPERS, LLC

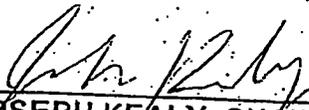
FOR: RE-AFFIRMATION OF
MINOR SUBDIVISION WITH "C" VARIANCES
587 AND 589-593 JERSEY AVENUE
JERSEY CITY, NEW JERSEY
BLOCK 315.5, LOTS A & B

CASE NO.: Z06-021

VOTE: 6 - 0

COMMISSIONER:	YES	NO	ABSTAIN
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Chairman Joseph Kealy	X		
Commissioner Consuelo Evans	X		
Commissioner Aneesah Abdullah	X		
Commissioner Diane Strasz	X		
Commissioner Barbara Gordon	X		
Commissioner Deborah Ann Davis	X		


 JOSEPH KEALY, CHAIRMAN
 ZONING BOARD OF ADJUSTMENT
 OF THE CITY OF JERSEY CITY


 CLAIRE DAVIS, SECRETARY
 ZONING BOARD OF ADJUSTMENT
 OF THE CITY OF JERSEY CITY

Vote of approval as to legal fees
 October 18, 2007

DATE OF HEARING:

DATE OF MEMORIALIZATION:

November 8, 2007