

City Clerk File No. Ord. 15.047

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 15.047

TITLE: **ORDINANCE AMENDING ORDINANCE 03-061 TO AUTHORIZE THE IMPOSITION OF ENVIRONMENTAL DEED RESTRICTIONS ON BLOCK 23103, LOT 23, MORE COMMONLY KNOWN AS 271-285 MARTIN LUTHER KING DRIVE, THE CUNNINGHAM LIBRARY**

COUNCIL

following Ordinance:

offered and moved adoption of the

WHEREAS, Ordinance 03-061, adopted on May 14, 2003 authorized the transfer of property known as 271-285 Martin Luther King Drive, Block 23103, Lot 23 f/k/a as Block 1301, Lot A [the Property] from the Jersey City Redevelopment Agency (JCRA) to the City of Jersey City (City) pursuant to N.J.S.A. 40:54-24 because title of a library building must be held in the name of the municipality; and

WHEREAS, during the course of constructing certain improvements to the Property; it was determined that it contained historic fill contaminant materials and was encapsulated with concrete floors, asphalt pavement and imported clean soil; and

WHEREAS, it appears prior to the transfer of the Property, JCRA entered into a former Voluntary Cleanup Program and submitted a Memorandum of Agreement application and Remedial Action Workplan (RAW) to the New Jersey Department of Environmental Protection (NJDEP); and

WHEREAS, because contaminants will remain in the Property, the NJDEP requires the property owner to execute a deed notice restricting the use of the Property, preserving the environmental remedial actions performed on the Property and otherwise subjecting the Property to certain statutory and regulatory controls; and

WHEREAS, the RAW report proposed an engineering cap and institutional deed notice controls to address the impacted historic fill present on the Property; and

WHEREAS, in order for the matter to be closed out with NJDEP, a deed notice is to be executed and recorded by the City; and

WHEREAS, the Property is being used for the Jersey City Public Library-Cunningham Branch; and

WHEREAS, the NJDEP will require that periodic site inspections be conducted and biennial cap inspection reports be submitted by a Licensed Site Remediation Professional (LSRP).

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 and record the Deed Notice to impose certain environmental controls and use restrictions on 271-285 Martin Luther King Drive, Block 23103, Lot 23 f/k/a Block 1301, Lot A.

ORDINANCE AMENDING ORDINANCE 03-061 TO AUTHORIZE THE IMPOSITION OF ENVIRONMENTAL DEED RESTRICTIONS ON BLOCK 23103, LOT 23, MORE COMMONLY KNOWN AS 271-285 MARTIN LUTHER KING DRIVE, THE CUNNINGHAM LIBRARY

- 2. The Deed Notice shall be in substantially the form attached hereto, subject to such modifications as the Business Administrator or the Corporation Counsel deems necessary or appropriate.
 - 3. A copy of the Deed Notice shall be filed on record with the Jersey City Office of the City Clerk and Department of Public Works, Division of Engineering; and
 - 4. The Mayor or Business Administrator is authorized to execute any other documents necessary or appropriate to effectuate the purposes of the within Ordinance.
- 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*.

IGW/cw
03/30/15

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required
Not Required

APPROVED: _____

APPROVED: _____
Business Administrator

RESOLUTION FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

ORDINANCE AMENDING ORDINANCE 03-061 TO AUTHORIZE THE IMPOSITION OF ENVIRONMENTAL DEED RESTRICTIONS ON BLOCK 23103, LOT 23, MORE COMMONLY KNOWN AS 271-285 MARTIN LUTHER KING DRIVE, THE CUNNINGHAM LIBRARY

Initiator

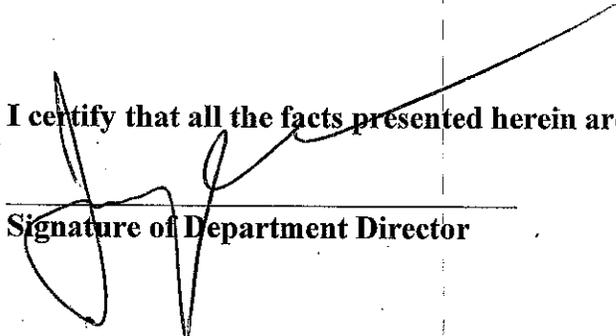
Department/Division	Law	Law
Name/Title	Itza Wilson	Assistant Corporation Counsel
Phone/email	(201) 547-5444	iwilson@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Resolution Purpose

Pursuant to Ordinance 03-061, adopted on May 14, 2003, the property known as 271-285 Martin Luther King Drive was transferred from the Jersey City Redevelopment Agency (JCRA) to the City of Jersey City (City) in accordance with N.J.S.A. 40:54-24 because title of a library building must be held in the name of the municipality. However, the property is used as the Jersey City Public Library-Cunningham Branch. Prior to the transfer of property, JCRA entered into a former Voluntary Cleanup Program and submitted a Memorandum of Agreement application and Remedial Action Work plan (RAW) to the New Jersey Department of Environmental Protection (NJDEP) since historic fill contaminant materials were found during construction. Because contaminants will remain in the property, NJDEP requires the property owner execute a deed notice restricting the use of the property, preserving the environmental remedial actions performed on the property and otherwise subjecting the property to certain statutory and regulatory controls.

I certify that all the facts presented herein are accurate.



Signature of Department Director

Date

Prepared by:


Richard D. Lev, C.P.G., LSRP

Recorded by:

[Signature, Officer of County Recording Office]

[Print name below signature]

DEED NOTICE

This Deed Notice is made as of the _____ day of _____, 201____ by the City of Jersey City, 280 Grove Street, Jersey City, New Jersey 07302 (together with his/her/its/their successors and assigns, collectively "Owner").

1. **THE PROPERTY.** The City of Jersey City, 280 Grove Street, Jersey City, New Jersey 07302 is the owner in fee simple of certain real property located at 271-285 MLK Drive and designated as Block 23103, Lot 23, on the tax map of the City of Jersey City, Hudson County; the New Jersey Department of Environmental Protection Program Interest Number (Preferred ID) for the contaminated site which includes this property is 156851; and the property is more particularly described in Exhibit A, which is attached hereto and made a part hereof (the "Property").

2. REMEDIATION.

i. Richard D. Lev, C.P.G., LSRP 577254 has approved this Deed Notice as an institutional control for the Property, which is part of the remediation of the Property.

ii. N.J.A.C. 7:26C-7 requires the Owner, among other persons, to obtain a soil remedial action permit for the soil remedial action at the Property. That permit will contain the monitoring, maintenance and biennial certification requirements that apply to the Property.

3. **SOIL CONTAMINATION.** The City of Jersey City has remediated contaminated soil at the Property, such that soil contamination remains in certain areas of the Property which contains contaminants in concentrations that do not allow for the unrestricted use of the Property; this soil contamination is described, including the type, concentration and specific location of such contaminants, in Exhibit B, which is attached hereto and made a part hereof. As a result, there is a statutory requirement for this Deed Notice and engineering controls in accordance with N.J.S.A. 58:10B-13.

4. **CONSIDERATION.** In accordance with the remedial action for the site which included the Property, and in consideration of the terms and conditions of that remedial action, and other

good and valuable consideration, Owner has agreed to subject the Property to certain statutory and regulatory requirements that impose restrictions upon the use of the Property, to restrict certain uses of the Property, and to provide notice to subsequent owners, lessees and operators of the restrictions and the monitoring, maintenance, and biennial certification requirements outlined in this Deed Notice and required by law, as set forth herein.

5A. RESTRICTED AREAS. Due to the presence of contamination remaining at concentrations that do not allow for unrestricted use, the Owner has agreed, as part of the remedial action for the Property, to restrict the use of certain parts of the Property (the "Restricted Areas"); a narrative description of these restrictions is provided in Exhibit C, which is attached hereto and made a part hereof. The Owner has also agreed to maintain a list of these restrictions on site for inspection by governmental officials.

5B. RESTRICTED LAND USES. The following statutory land use restrictions apply to the Restricted Areas:

i. The Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-12.g(10), prohibits the conversion of a contaminated site, remediated to non-residential soil remediation standards that require the maintenance of engineering or institutional controls, to a child care facility, or public, private, or charter school without the Department's prior written approval, unless a presumptive remedy is implemented; and

ii. The Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-12.g(12), prohibits the conversion of a landfill, with gas venting systems and or leachate collection systems, to a single family residence or a child care facility without the Department's prior written approval.

5C. ENGINEERING CONTROLS. Due to the presence and concentration of these contaminants, the Owner has also agreed, as part of the remedial action for the Property, to the placement of certain engineering controls on the Property; a narrative description of these engineering controls is provided in Exhibit C.]

6A. CHANGE IN OWNERSHIP AND REZONING.

i. The Owner and the subsequent owners and lessees, shall cause all leases, grants, and other written transfers of an interest in the Restricted Areas to contain a provision expressly requiring all holders thereof to take the Property subject to the restrictions contained herein and to comply with all, and not to violate any of the conditions of this Deed Notice. Nothing contained in this Paragraph shall be construed as limiting any obligation of any person to provide any notice required by any law, regulation, or order of any governmental authority.

ii. The Owner and the subsequent owners shall provide written notice to the Department of Environmental Protection on a form provided by the Department and available at www.nj.gov/srp/forms within thirty (30) calendar days after the effective date of any conveyance, grant, gift, or other transfer, in whole or in part, of the owner's interest in the Restricted Area.

iii. The Owner and the subsequent owners shall provide written notice to the Department, on a form available from the Department at www.nj.gov/srp/forms, within thirty (30) calendar days after the owner's petition for or filing of any document initiating a rezoning of the Property to residential.

6B. SUCCESSORS AND ASSIGNS. This Deed Notice shall be binding upon Owner and upon Owner's successors and assigns, and subsequent owners, lessees and operators while each is an owner, lessee, or operator of the Property.

7A. ALTERATIONS, IMPROVEMENTS, AND DISTURBANCES.

i. The Owner and all subsequent owners and lessees shall notify any person, including, without limitation, tenants, employees of tenants, and contractors, intending to conduct invasive work or excavate within the Restricted Areas, of the nature and location of contamination in the Restricted Areas, and, of the precautions necessary to minimize potential human exposure to contaminants.

ii. Except as provided in Paragraph 7B, below, no person shall make, or allow to be made, any alteration, improvement, or disturbance in, to, or about the Property which disturbs any engineering control at the Property without first obtaining a soil remedial action permit modification pursuant to N.J.A.C. 7:26C-7. Nothing herein shall constitute a waiver of the obligation of any person to comply with all applicable laws and regulations including, without limitation, the applicable rules of the Occupational Safety and Health Administration.

iii. Notwithstanding subparagraph 7Aii., above, a soil remedial action permit modification is not required for any alteration, improvement, or disturbance provided that the owner, lessee or operator:

(A) Notifies the Department of Environmental Protection of the activity by calling the DEP Hotline, at 1-877-WARN-DEP or 1-877-927-6337, within twenty-four (24) hours after the beginning of each alteration, improvement, or disturbance;

(B) Restores any disturbance of an engineering control to pre-disturbance conditions within sixty (60) calendar days after the initiation of the alteration, improvement or disturbance;

(C) Ensures that all applicable worker health and safety laws and regulations are followed during the alteration, improvement, or disturbance, and during the restoration;

(D) Ensures that human exposure to contamination in excess of the remediation standards does not occur; and

(E) Describes, in the next biennial certification the nature of the alteration, improvement, or disturbance, the dates and duration of the alteration, improvement, or disturbance, the name of key individuals and their affiliations conducting the alteration,

improvement, or disturbance, a description of the notice the Owner gave to those persons prior to the disturbance.

7B. EMERGENCIES. In the event of an emergency which presents, or may present, an unacceptable risk to the public health and safety, or to the environment, or immediate environmental concern, see N.J.S.A. 58:10C-2, any person may temporarily breach an engineering control provided that that person complies with each of the following:

- i. Immediately notifies the Department of Environmental Protection of the emergency, by calling the DEP Hotline at 1-877-WARNDEP or 1-877-927-6337;
- ii. Hires a Licensed Site Remediation Professional (unless the Restricted Areas includes an unregulated heating oil tank) to respond to the emergency;
- iii. Limits both the actual disturbance and the time needed for the disturbance to the minimum reasonably necessary to adequately respond to the emergency;
- iv. Implements all measures necessary to limit actual or potential, present or future risk of exposure to humans or the environment to the contamination;
- v. Notifies the Department of Environmental Protection when the emergency or immediate environmental concern has ended by calling the DEP Hotline at 1-877-WARNDEP or 1-877-927-6337; and
- vi. Restores the engineering control to the pre-emergency conditions as soon as possible, and provides notification to the Department of Environmental Protection within sixty (60) calendar days after completion of the restoration of the engineering control, including: (a) the nature and likely cause of the emergency; (b) the potential discharges of or exposures to contaminants, if any, that may have occurred; (c) the measures that have been taken to mitigate the effects of the emergency on human health and the environment; (d) the measures completed or implemented to restore the engineering control; and (e) the changes to the engineering control or site operation and maintenance plan to prevent reoccurrence of such conditions in the future.

8. TERMINATION OF DEED NOTICE.

- i. This Deed Notice may be terminated only upon filing of a Termination of Deed Notice, available at N.J.A.C. 7:26C Appendix C, with the office of the Register of Deeds and Mortgages of Hudson County, New Jersey, expressly terminating this Deed Notice.
- ii. Within thirty (30) calendar days after the filing of a Termination of Deed Notice, the owner of the property shall apply to the Department for termination of the soil remedial action permit pursuant to N.J.A.C. 7:26C-7.

9. ACCESS. The Owner, and the subsequent owners, lessees and operators agree to allow the Department, its agents and representatives access to the Property to inspect and evaluate the continued protectiveness of the remedial action that includes this Deed Notice and to conduct

additional remediation to ensure the protection of the public health and safety and of the environment if the subsequent owners, lessees and operators, during their ownership, tenancy, or operation, and the Owner fail to conduct such remediation pursuant to this Deed Notice as required by law. The Owner, and the subsequent owners and lessees, shall also cause all leases, subleases, grants, and other written transfers of an interest in the Restricted Areas to contain a provision expressly requiring that all holders thereof provide such access to the Department.

10. ENFORCEMENT OF VIOLATIONS.

i. This Deed Notice itself is not intended to create any interest in real estate in favor of the Department of Environmental Protection, nor to create a lien against the Property, but merely is intended to provide notice of certain conditions and restrictions on the Property and to reflect the regulatory and statutory obligations imposed as a conditional remedial action for this site.

ii. The restrictions provided herein may be enforceable solely by the Department against any person who violates this Deed Notice. To enforce violations of this Deed Notice, the Department may initiate one or more enforcement actions pursuant to N.J.S.A. 58:10-23.11, and N.J.S.A. 58:10C, and require additional remediation and assess damages pursuant to N.J.S.A. 58:10-23.11, and N.J.S.A. 58:10C.

11. SEVERABILITY. If any court of competent jurisdiction determines that any provision of this Deed Notice requires modification, such provision shall be deemed to have been modified automatically to conform to such requirements. If a court of competent jurisdiction determines that any provision of this Deed Notice is invalid or unenforceable and the provision is of such a nature that it cannot be modified, the provision shall be deemed deleted from this instrument as though the provision had never been included herein. In either case, the remaining provisions of this Deed Notice shall remain in full force and effect.

12A. EXHIBIT A. Exhibit A includes the following maps of the Property and the vicinity:

i. Exhibit A-1: Vicinity Map - A map that identifies by name the roads, and other important geographical features in the vicinity of the Property (for example, USGS Quad map, Hagstrom County Maps);

ii. Exhibit A-2A & 2B: Tax Map and Metes and Bounds Description - A tax map of lots and block, as well as metes and bounds description of the Property, including reference to tax lot and block numbers for the Property;

iii. Exhibit A-3: Property Map - A scaled map of the Property, scaled at one inch to 200 feet or less, and if more than one map is submitted, the maps shall be presented as overlays, keyed to a base map; and the Property Map shall include diagrams of major surface topographical features such as buildings, roads, and parking lots.

12B. EXHIBIT B. Exhibit B includes the following descriptions of the Restricted Areas:

i. Exhibit B-1: Restricted Area Map - A separate map for each restricted area that includes:

(A) As-built diagrams of each engineering control, including caps, fences, slurry walls, (and, if any) ground water monitoring wells, extent of the ground water classification exception area, pumping and treatment systems that may be required as part of a ground water engineering control in addition to the deed notice

(B) As-built diagrams of any buildings, roads, parking lots and other structures that function as engineering controls; and

(C) Designation of all soil and sediment sample locations within the restricted areas that exceed any soil or sediment standard that are keyed into one of the tables described in the following paragraph.

ii. Exhibit B-2: Restricted Area Data Table - A separate table for each restricted area that includes either (A) or (B) through (F):

(A) Only for historic fill extending over the entire site or a portion of the site and for which analytical data are limited or do not exist, a narrative that states that historic fill is present at the site, a description of the fill material (e.g., ash, cinders, brick, dredge material), and a statement that such material may include, but is not limited to, contaminants such as PAHs and metals;

(B) Sample location designation from Restricted Area map (Exhibit B-1);

(C) Sample elevation based upon mean sea level;

(D) Name and chemical abstract service registry number of each contaminant with a concentration that exceeds the unrestricted use standard;

(E) The restricted and unrestricted use standards for each contaminant in the table; and

(F) The remaining concentration of each contaminant at each sample location at each elevation.

iii. Exhibit B-3: Cross Sections of Engineering Controls - A diagram showing a generalized construction of each engineering control discussed in Appendix C.

12C. EXHIBIT C. Exhibit C includes narrative descriptions of the institutional controls and engineering controls as follows:

i. Exhibit C-1: Deed Notice as Institutional Control: Exhibit C-1 includes a narrative description of the restriction and obligations of this Deed Notice that are in addition to those described above, as follows:

- (A) Description and estimated size of the Restricted Areas as described above;
 - (B) Description of the restrictions on the Property by operation of this Deed Notice;
- and

- (C) The objective of the restrictions.

ii. Exhibit C-2: Asphalt Pavement Areas: Exhibit C-2 includes a narrative description of Asphalt Pavement Areas as follows:

- (A) Description of the engineering control;

- (B) The objective of the engineering control; and

- (C) How the engineering control is intended to function.

iii. Exhibit C-3: Concrete Slabs, Sidewalk, and Curb Areas: Exhibit C-3 includes a narrative description of Concrete Slab, Sidewalk, and Curb Areas as follows:

- (A) Description of the engineering control;

- (B) The objective of the engineering control; and

- (C) How the engineering control is intended to function.

iv. Exhibit C-4: Landscaped Soil Areas: Exhibit C-4 includes a narrative description of Landscaped Soil Areas as follows:

- (A) Description of the engineering control;

- (B) The objective of the engineering control; and

- (C) How the engineering control is intended to function.

13. SIGNATURES. IN WITNESS WHEREOF, Owner has executed this Deed Notice as of the date first written above.

ATTEST:

City of Jersey City

By _____

[Print name and title]

[Signature]

STATE OF NEW JERSEY
COUNTY OF HUDSON

SS.:

I certify that on _____, 201____, _____, on behalf of the City of Jersey City, personally came before me, and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the _____ of the City of Jersey City,
[secretary/assistant secretary]
the corporation named in this document;
- (b) this person is the attesting witness to the signing of this document by the proper corporate officer who is the _____ of the corporation;
[president/vice president]
- (c) this document was signed and delivered by the corporation as its voluntary act and was duly authorized;
- (d) this person knows the proper seal of the corporation which was affixed to this document; and
- (e) this person signed this proof to attest to the truth of these facts.

[Signature]

[Print name and title of attesting witness]

Signed and sworn before me on _____, 2013

_____, Notary Public

[Print name and title]

EXHIBITS

EXHIBIT A MAPS OF PROPERTY AND VICINITY

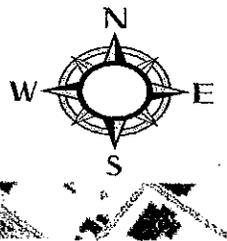
- EXHIBIT A-1: VICINITY MAP
- EXHIBIT A-2A: TAX MAP
- EXHIBIT A-2B: METES AND BOUNDS DESCRIPTION
- EXHIBIT A-3: PROPERTY MAP

EXHIBIT B DESCRIPTION OF RESTRICTED AREA

- EXHIBIT B-1: RESTRICTED AREA MAP
- EXHIBIT B-2: RESTRICTED AREA DATA TABLE
- EXHIBIT B-3: CROSS SECTIONS OF ENGINEERING CONTROLS

EXHIBIT C NARRATIVE DESCRIPTION OF INSTITUTIONAL CONTROLS

- EXHIBIT C-1: DEED NOTICE AS INSTITUTIONAL CONTROL
- EXHIBIT C-2: ASPHALT PAVEMENT AREAS
- EXHIBIT C-3: CONCRETE SLAB, SIDEWALK, AND CURB AREAS
- EXHIBIT C-4: LANDSCAPED SOIL AREAS



FROM: "NJ Quadrangle, 7.5 Minute Series (Topographic)" USGS, 1955, Photorevised 1966.



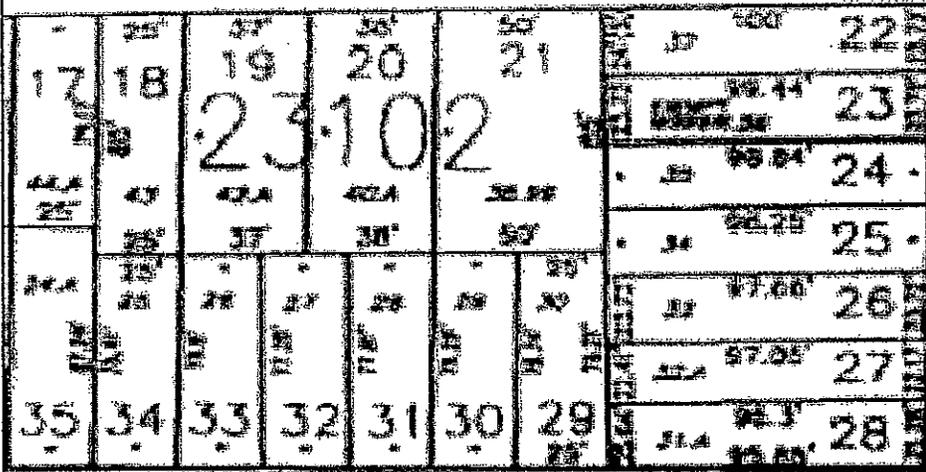
MELICK-TULLY AND ASSOCIATES, P.C.
 Geotechnical Engineers
 & Environmental Consultants
 117 Canal Road
 South Bound Brook, New Jersey 08880
 (732) 356-3400

VICINITY MAP

Deed Notice - Cunningham Library Property
 271-285 MLK Drive, Block 23103, Lot 23
 Jersey City, Hudson County, New Jersey
 City of Jersey City

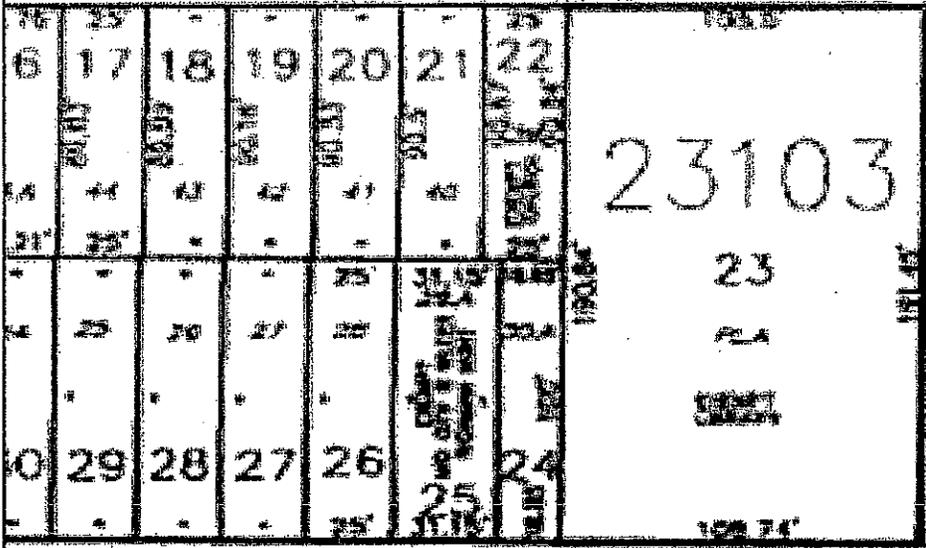
JOB NO. 7391-004*1E	FILE NO. 25840	DR. BY BJF	CHK. BY RDL	DATE 11/12/2013	SCALE 1" = 2,000'	EXHIBIT A-1
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AVENUE



LUTHER

AVENUE



DR. MARTIN

SITE

AVENUE

Source: Jersey City, NJ Tax Map, 2013. Note: The property was formerly identified as Block 1301, Lots 31B, 31C, 32B, 33, 34, 35A, 36A, 37B and 38A, and subsequently as Block 1301, Plot A. The property is currently identified as Block 23103, Lot 23.



MELICK-TULLY AND ASSOCIATES, P.C.

Geotechnical Engineers
& Environmental Consultants
117 Canal Road
South Bound Brook, New Jersey 08880
(732) 356-3400

TAX MAP

Deed Notice - Cunningham Library Property
271-285 MLK Drive, Block 23103, Lot 23
Jersey City, Hudson County, New Jersey
City of Jersey City

JOB NO.	FILE NO.	DR. BY	CHK. BY	DATE	SCALE	EXHIBIT
7391-004*1E	25840	BJF	RDL	11/13/2013	NTS	A-2A

T
SCHEDULE A

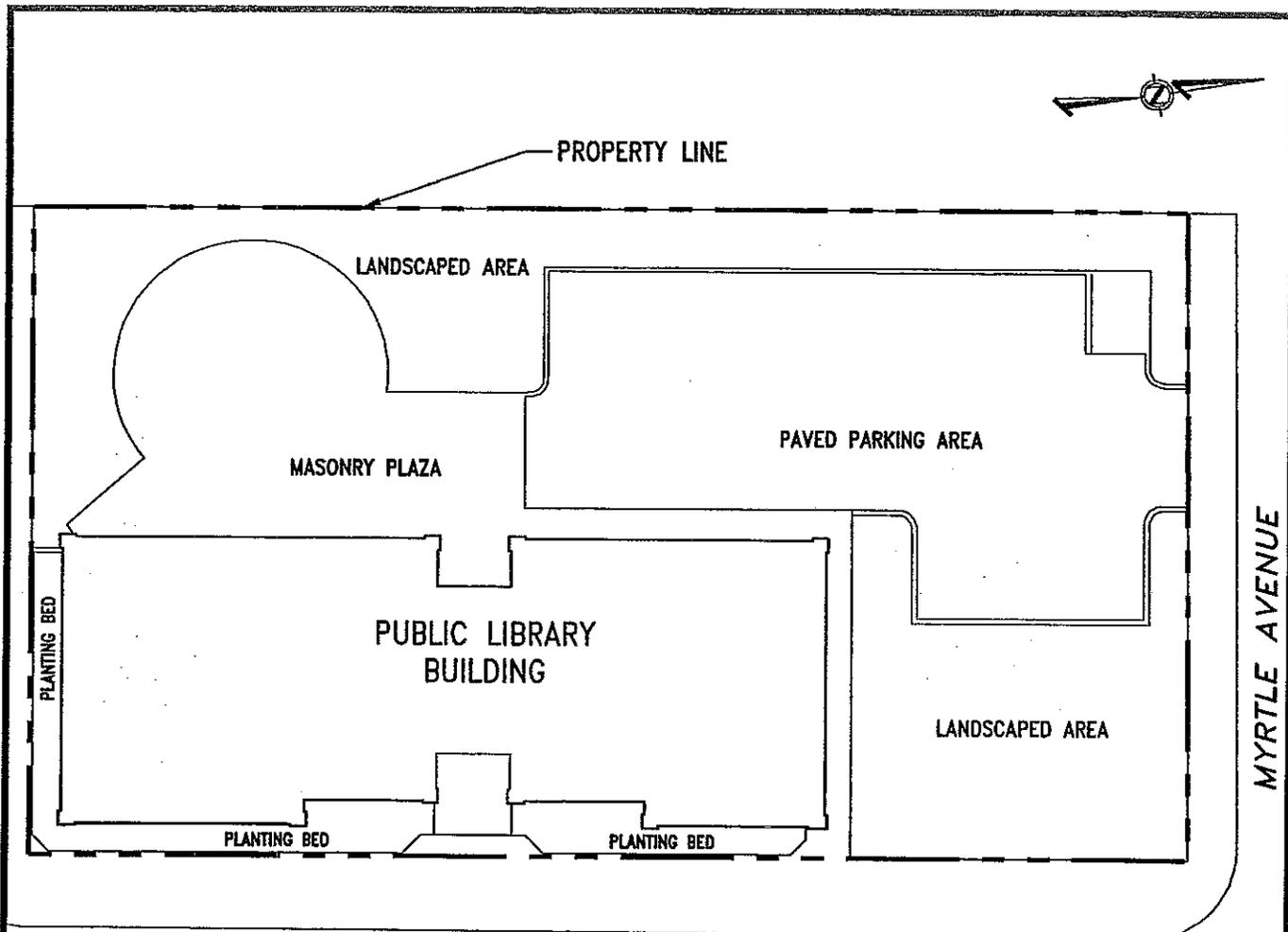
All that tract or parcel of land and premises located in the City of Jersey City, County of Hudson and State of New Jersey, being more particularly described as follows:

BEGINNING at a point formed by the intersection of the northwesterly sideline of Martin Luther King Drive (formerly Jackson Avenue) and the northeasterly sideline of Bostwick Avenue and running thence (1) North 17 degrees 0 minutes West 108.74 feet along the northeasterly sideline of Bostwick Avenue to a point; thence (2) North 53 degrees 0 minutes East 190.84 feet to a point in the southwesterly sideline of Myrtle Avenue; thence (3) South 17 degrees 23 minutes East along the south-easterly sideline of Myrtle Avenue ^{100.50 feet} to its point of intersection with the northwesterly sideline of Martin Luther King Drive; thence (4) South 52 degrees 55 minutes 40 seconds West 191.56 feet along the southwesterly sideline of Martin Luther King Drive to the point and place of Beginning.

Being commonly known as 271-285 Martin Luther King Drive and being known and designated as Lots 31B, 31C, 32B, 33, 34, 35A, 36A, 37B and 38A in Block 1301 on the Tax Map of the City of Jersey City.

Note: The metes and bounds description above was obtained from a Deed of the property (Book 3930, Page 107) provided the City of Jersey City Tax Assessor's office

	MELICK-TULLY AND ASSOCIATES, P.C. Geotechnical Engineers & Environmental Consultants 117 Canal Road South Bound Brook, New Jersey 08880 (732) 356-3400	METES AND BOUNDS DESCRIPTION				
	Deed Notice - Cunningham Library Property 271-285 MLK Drive, Block 23103, Lot 23 Jersey City, Hudson County, New Jersey City of Jersey City					
JOB NO. 7391-004*1E	FILE NO. 25840	DR. BY B/JF	CHK. BY R/DL	DATE 11-12-13	SCALE NTS	EXHIBIT A-2B



MARTIN LUTHER KING DRIVE

NOTE:

General layout was obtained from a plan prepared by Helena Ruman, AIA, PE, PP, entitled "Site Plan, Details", dated 2002, Revised 4-9-2003, scale 1"=15'.



MELICK-TULLY AND ASSOCIATES, P.C.

Geotechnical Engineers
& Environmental Consultants
117 Canal Road
South Bound Brook, New Jersey 08880
(732) 356-3400

PROPERTY MAP

**DEED NOTICE-CUNNINGHAM LIBRARY PROPERTY
271-285 MLK DRIVE, BLOCK 23103, LOT 23
JERSEY CITY, HUDSON COUNTY, NEW JERSEY
CITY OF JERSEY CITY**

JOB NO. 7391-004*1E

FILE NO. 25840

DR. BY
VJD

CHK. BY
RDL

DATE
11-14-13

SCALE
1"=30'

EXHIBIT
A-3

EXHIBIT B

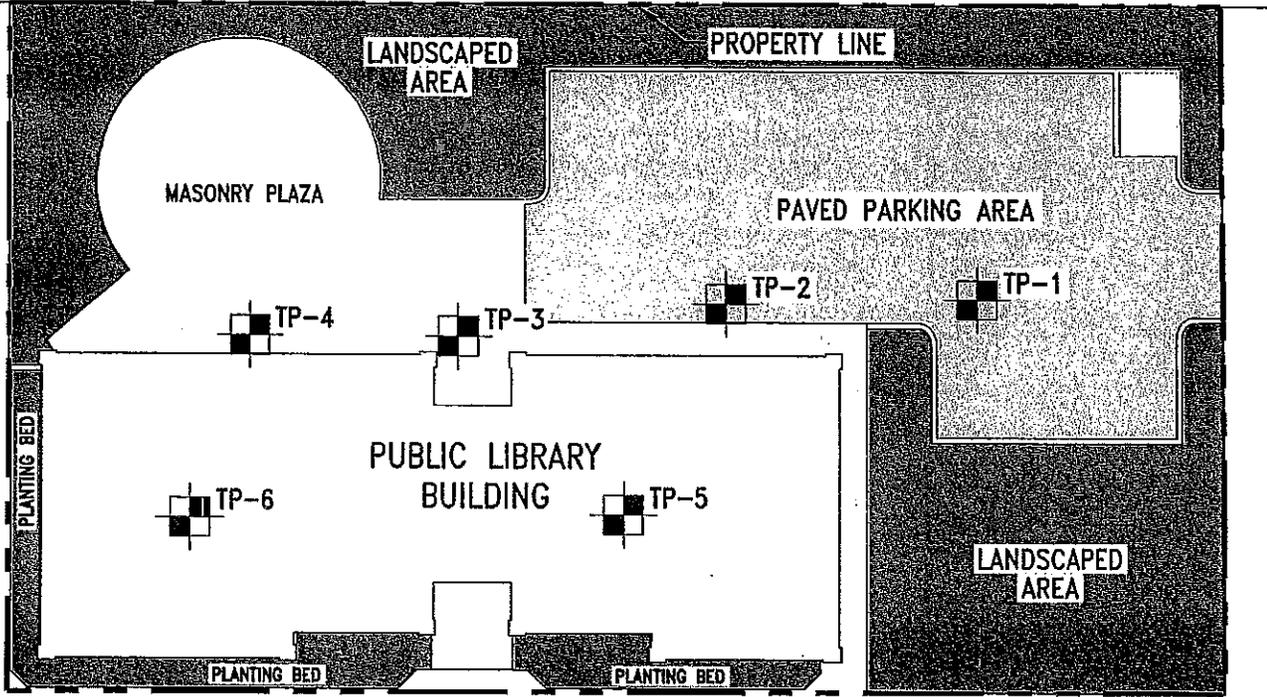
Description of Restricted Area

Historic fill material at the subject property has been documented to consist of soil mixed with variable quantities of bricks, cinders, and ash, and contains polynuclear aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), and lead in excess of the current NJDEP "Residential Direct Contact" Soil Remediation Standards (RDCSRS). The historic fill material blankets the entire property, rendering the entire property as a restricted area. The contaminants listed below are those detected on-site within the restricted area:

Contaminant	Maximum Detected Concentration (ppm)	NJDEP RDCSRS (ppm)
Benzo(a)anthracene	1.08	0.6
Benzo(b)fluoranthene	0.823	0.6
Benzo(a)pyrene	1.10	0.2
Indeno[1,2,3-cd]pyrene	0.638	0.6
Lead	472	400
Total PCBs	0.364	0.2

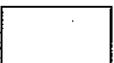
The restricted area is described in the following exhibits:

- Exhibit B-1:** Restricted Area Map
- Exhibit B-2:** Restricted Area Data Table
- Exhibit B-3:** Cross Sections of Engineering Controls



MARTIN LUTHER KING DRIVE

KEY:

-  ASPHALT PAVED AREAS
-  CONCRETE SLAB, SIDEWALK AND CURB AREAS
-  LANDSCAPED SOIL AREAS
-  TP-1 NUMBER AND APPROXIMATE LOCATION OF TEST PITS EXCAVATED TO SAMPLE HISTORIC FILL

NOTE:

General layout was obtained from a plan prepared by Helena Ruman, AIA, PE, PP, entitled "Site Plan, Details", dated 2002, Revised 4-9-2003, scale 1"=16'.



MELICK-TULLY AND ASSOCIATES, P.C.
 Geotechnical Engineers
 & Environmental Consultants
 117 Canal Road
 South Bound Brook, New Jersey 08880
 (732) 356-3400

RESTRICTED AREA MAP

DEED NOTICE-CUNNINGHAM LIBRARY PROPERTY
 271-285 MLK DRIVE, BLOCK 23103, LOT 23
 JERSEY CITY, HUDSON COUNTY, NEW JERSEY
 CITY OF JERSEY CITY

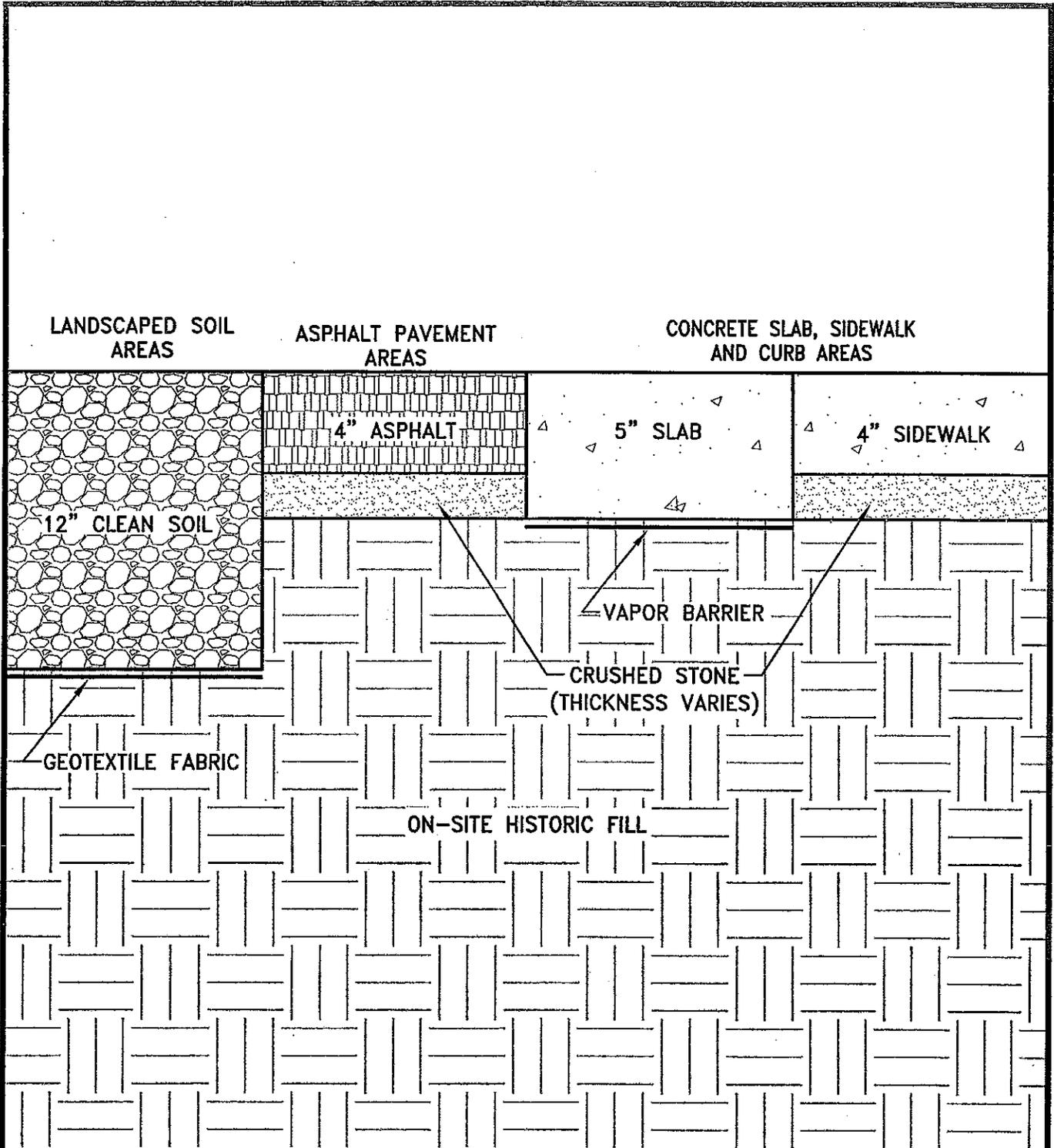
JOB NO. 7391-004*1E	FILE NO. 25840	DR. BY VJD	CHK. BY RDL	DATE 11-14-13	SCALE 1"=30'	EXHIBIT B-1
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Exhibit B-2: Restricted Area Data Table

Sample Location (1)	Sample Elevation (ft) (2)	Contaminant	CAS Number (3)	Concentration (ppm) (4)	NJDEP RDCSRS (5)	NJDEP NRDCSRS (6)
TP-2	85.0-89.0	Lead	7439-92-1	472.0	400	800
TP-3	85.0-89.0	Benzo(a)anthracene	56-55-3	1.08	0.6	2
	85.0-89.0	Benzo(b)fluoranthene	50-32-8	0.823	0.6	2
	85.0-89.0	Benzo(a)pyrene	50-32-8	1.10	0.2	0.2
	85.0-89.0	Indeno[1,2,3-cd]pyrene	193-39-5	0.638	0.6	2
	85.0-89.0	Lead	7439-92-1	407	400	800
	85.0-89.0	PCB's	1336-36-3	0.364	0.2	1
TP-5	85.0-89.0	Benzo[a]anthracene	56-55-3	2.31	0.6	2
	85.0-89.0	Benzo[b]fluoranthene	50-32-8	1.77	0.6	2
	85.0-89.0	Benzo[a]pyrene	50-32-8	2.05	0.2	0.2
	85.0-89.0	Indeno[1,2,3-cd]pyrene	193-92-1	1.04	0.6	2
TP-6	85.0-89.0	Benzo(a)anthracene	56-55-3	4.26	0.6	2
	85.0-89.0	Benzo(b)fluoranthene	50-32-8	3.72	0.6	2
	85.0-89.0	Benzo(a)pyrene	50-32-8	4.70	0.2	0.2
	85.0-89.0	Indeno[1,2,3-cd]pyrene	193-92-1	2.32	0.6	2
TP-8	85.0-89.0	Benzo(a)anthracene	56-55-3	2.82	0.6	2
	85.0-89.0	Benzo(b)fluoranthene	50-32-8	2.17	0.6	2
	85.0-89.0	Benzo(a)pyrene	50-32-8	2.65	0.2	0.2
	85.0-89.0	Indeno[1,2,3-cd]pyrene	193-92-1	1.38	0.6	2

Notes:

- 1. See Exhibit B-1 for test pit locations**
- 2. For reference, the library building floor is established at Elevation +91.0 ft.**
- 3. Chemical abstract service**
- 4. ppm = parts per million**
- 5. RDCSRS = NJDEP Residential Direct Contact Soil Remediation Standard**
- 6. NRDCSRS = NJDEP Non-Residential Direct Contact Soil Remediation Standard**



MELICK-TULLY AND ASSOCIATES, P.C.

Geotechnical Engineers
 & Environmental Consultants
 117 Canal Road
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 (732) 356-3400

CROSS-SECTION OF ENGINEERING CONTROLS

DEED NOTICE-CUNNINGHAM LIBRARY PROPERTY
 271-285 MLK DRIVE, BLOCK 23103, LOT 23
 JERSEY CITY, HUDSON COUNTY, NEW JERSEY
 CITY OF JERSEY CITY

JOB NO. 7391-004*1E

FILE NO. 25840

DR. BY
 VJD

CHK. BY
 RDL

DATE
 11-14-13

SCALE
 N.T.S.

EXHIBIT
 B-3

EXHIBIT C-1
Narrative Description of the
Institutional Control on the Property

Deed Notice as Institutional Control

A) General Description of this Deed Notice:

- 1) The Restricted Area consists of the entire property. Capping features are present on the entire property which prevents direct exposure to historic fill materials present at the property. The property is approximately 0.45 acres in area, and as shown in Exhibit B-1, includes asphalt paved areas, concrete sidewalk, slab, and curb areas, and landscaped soil areas. Beneath the capping features in the Restricted Area is historic fill containing polynuclear aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs) and lead at concentrations above the current NJDEP "Residential Direct Contact" Soil Remediation Standards (RDCSRS). The concentration data for the Restricted Area is shown on Exhibit B-2 (Restricted Area Data Plan) and Exhibit B-3 (Restricted Area Data Table).
- 2) The restrictions on the Property are described as follows:

An approved cap is present at the property which minimizes potential exposure to the PAHs, PCBs, and lead detected in the historic fill materials at concentrations above the RDCSCC. Protection against contact with the on-site historic fill material is provided by the approved engineering control (cap) as described in this Deed Notice which shall be properly maintained as described herein. Any proposed land disturbance on the property beyond those required to address and restore emergency conditions is subject to prior review and approval by NJDEP.

B) Description of Necessary Monitoring Requirements:

The Deed Notice requires biennial monitoring to determine whether:

- 1) any disturbances of the engineered cap in the Restricted Area resulted in the unacceptable exposure to the on-site soil contamination;
- 2) there have been any land use changes subsequent to the filing of this Deed Notice or the most recent biennial certification, whichever is more recent;
- 3) the current land use on the Property is consistent with the restrictions in this Deed Notice;
- 4) any newly promulgated or modified requirements of applicable regulations or laws apply to the site; and
- 5) any new standards, regulations, or laws apply to the site that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action which includes this Deed Notice, and conduct the necessary sampling.

C) Description of the following items that will be included in the biennial certification:

- 1) A monitoring report that describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification of the protectiveness of the remedial action that includes this Deed Notice;
- 2) Land use at the property is consistent with the restrictions of this Deed Notice; and
- 3) The remedial action, which includes this Deed Notice, continues to be protective of the public health and the safety of the environment.

EXHIBIT C-2
Narrative Description of the
Engineering Controls on the Property

Asphalt Pavement Area

A) General Description of the Engineering Control.

1) A description of the engineering control:

The property contains asphalt pavement in portions of the Restricted Area. The engineering control consists of asphalt at approximately four inches in thickness, constructed upon a base of crushed stone of varying thickness.

2) The objective of the engineering control:

The objective of the engineering control is to encapsulate the Restricted Area to minimize exposure to the on-site historic fill materials.

3) The intended function of the engineering control:

The engineering control will function as the parking areas and roadways at the site.

B) Description of the operations and maintenance necessary to ensure that:

- 1) Periodic inspections of each engineering control shall be performed by a representative of the property owner to determine the integrity, operability, and effectiveness of the engineering controls;
- 2) Each inspection shall determine whether each engineering control continues as designed and intended to protect the public health and safety and the environment;
- 3) Each alteration, excavation or disturbance of any engineering control is timely and appropriately addressed to maintain the integrity of the engineering control;
- 4) This engineering control is being inspected and maintained and its integrity remains so that the remedial action continues to be protective of the public health and safety and of the environment;
- 5) A record of the self-inspection dates, name of the inspector, results of the inspection and condition(s) of this engineering control. Sampling, for example, may be necessary if it is not possible to visually evaluate the integrity/performance of this engineering control; and

- 6) Any new standards, regulations, or laws apply to the site that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action which includes this Deed Notice, and conduct the necessary sampling.
- C) Description of the following items that will be included in the biennial certification:
- 1) A monitoring report that describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification of the protectiveness of the remedial action that includes this Deed Notice;
 - 2) The engineering controls continue to operate as designed; and
 - 3) The remedial action that includes the engineering control continues to be protective of the public health and safety and of the environment.

EXHIBIT C-3
Narrative Description of the
Engineering Controls on the Property

Concrete Slab, Sidewalk, and Curb Areas

A) General Description of the Engineering Control.

1) A description of the engineering control:

The property contains a library building constructed with a concrete building slab, and concrete sidewalks and curbs throughout the Restricted Area. The engineering control consists of a 5-inch thick concrete building slab constructed with a vapor barrier, 4-inch thick sidewalks constructed upon crushed stone of varying thickness, and concrete curbs.

2) The objective of the engineering control:

The objective of the engineering control is to encapsulate the Restricted Area to minimize exposure to the on-site historic fill materials.

3) The intended function of the engineering control:

The engineering control will function as the floor of the library building and as concrete sidewalks and curbs at the site.

B) Description of the operations and maintenance necessary to ensure that:

1) Periodic inspections of each engineering control shall be performed by a representative of the property owner to determine the integrity, operability, and effectiveness of the engineering controls;

2) Each inspection shall determine whether each engineering control continues as designed and intended to protect the public health and safety and the environment;

3) Each alteration, excavation or disturbance of any engineering control is timely and appropriately addressed to maintain the integrity of the engineering control;

4) This engineering control is being inspected and maintained and its integrity remains so that the remedial action continues to be protective of the public health and safety and of the environment;

5) A record of the self-inspection dates, name of the inspector, results of the inspection and condition(s) of this engineering control. Sampling, for example, may be necessary if it is not possible to visually evaluate the integrity/performance of this engineering control; and

6) Any new standards, regulations, or laws apply to the site that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action which includes this Deed Notice, and conduct the necessary sampling.

C) Description of the following items that will be included in the biennial certification:

1) A monitoring report that describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification of the protectiveness of the remedial action that includes this Deed Notice;

2) The engineering controls continue to operate as designed; and

3) The remedial action that includes the engineering control continues to be protective of the public health and safety and of the environment.

EXHIBIT C-4
Narrative Description of the
Engineering Controls on the Property

Landscaped Soil Areas

A) General Description of the Engineering Control.

1) A description of the engineering control:

The property contains landscaped soil areas throughout the Restricted Area. The engineering control consists of 12 inches of a clean soil cap placed upon a geotextile fabric. Localized mulch beds are present within the landscaped soil area.

2) The objective of the engineering control:

The objective of the engineering control is to encapsulate the Restricted Area to minimize exposure to the on-site historic fill materials.

3) The intended function of the engineering control:

The engineering control will function as landscaped soil areas at the site.

B) Description of the operations and maintenance necessary to ensure that:

1) Periodic inspections of each engineering control shall be performed by a representative of the property owner to determine the integrity, operability, and effectiveness of the engineering controls;

2) Each inspection shall determine whether each engineering control continues as designed and intended to protect the public health and safety and the environment;

3) Each alteration, excavation or disturbance of any engineering control is timely and appropriately addressed to maintain the integrity of the engineering control;

4) This engineering control is being inspected and maintained and its integrity remains so that the remedial action continues to be protective of the public health and safety and of the environment;

5) A record of the self-inspection dates, name of the inspector, results of the inspection and condition(s) of this engineering control. Sampling, for example, may be necessary if it is not possible to visually evaluate the integrity/performance of this engineering control; and

6) Any new standards, regulations, or laws apply to the site that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action which includes this Deed Notice, and conduct the necessary sampling.

C) Description of the following items that will be included in the biennial certification:

1) A monitoring report that describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification of the protectiveness of the remedial action that includes this Deed Notice;

2) The engineering controls continue to operate as designed; and

3) The remedial action that includes the engineering control continues to be protective of the public health and safety and of the environment.

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



ORDINANCE NO. Ord. 15.047
 TITLE: 3.A APR 8 2015 4.A APR 22 2015

Ordinance amending Ordinance 03-061 to authorize the imposition of environmental deed restriction on Block 23103, Lot 23, more commonly known as 271-285 Martin Luther King Drive, The Cunningham Library.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
APR 08 2015 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
APR 22 2015 9-0											
Councilperson <u>LAVARRO</u> moved, seconded by Councilperson <u>WATTERMAN</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote N.V.--Not Voting (Abstain)

SPEAKERS:

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.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
APR 22 2015 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on APR 08 2015
 Adopted on second and final reading after hearing on APR 22 2015

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on APR 22 2015

Robert Byrne
 Robert Byrne, City Clerk

*Amendment(s):

APPROVED: [Signature]
 Rolando R. Lavarro, Jr., Council President
 Date APR 22 2015

APPROVED: [Signature]
 Steven M. Fulop, Mayor
 Date APR 27 2015
 Date to Mayor APR 23 2015

City Clerk File No. Ord. 15.048
Agenda No. 3.B 1st Reading
Agenda No. 4.B 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 15.048

TITLE:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE DEFINITIONS AND SUPPLEMENTARY ZONING REGULATIONS OF THE LAND DEVELOPMENT ORDINANCE

WHEREAS, the Municipal Council, pursuant to NJSA 40:55D-62, may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

WHEREAS, the Municipal Council adopted the Land Development Ordinance, Chapter 345 of the Code of the City of Jersey City, on April 11, 2001, (Ordinance No. 01-042), and several amendments since then; and

WHEREAS, Article I of the Land Development Ordinance contains definitions; and

WHEREAS, the existing definitions for "street" and "story" should be revised for clarity; and

WHEREAS, because of the proliferation of food trucks citywide, a definition is needed for "mobile food vendor," and the existing definitions for "restaurant, category two" should be revised to include this; and

WHEREAS, a provision is needed in the Supplementary Zoning Regulations to regulate mobile food vendors on certain parking lots and private streets in zones that allow restaurant, category two uses; and

WHEREAS, the addition of these definitions and the provision for mobile food vendors is made necessary by the abundance of food trucks citywide, as well as the impending issuance of over 250 new licenses for same, making it critical that we acknowledge these uses and regulate them where appropriate; and

WHEREAS, the Municipal Council, pursuant to NJSA 40:55D-64, has sought and received the recommendations of the Jersey City Planning Board relative to these issues; and

WHEREAS, the Planning Board at its meeting of March 24, 2015 did vote to recommend that the Municipal Council amend the Definitions and Supplementary Zoning Regulations of the Land Development Ordinance; and

WHEREAS, the amendments to the Land Development Ordinance are attached hereto and made a part hereof, and are available for public inspection at the Office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

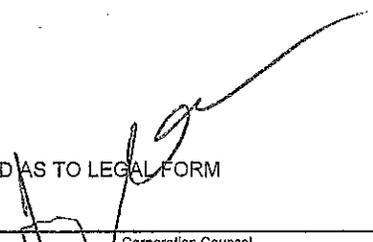
NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the Land Development Ordinance, be and hereby is amended as per the attached document;

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, FAICP, PP, Director
Division of City Planning

APPROVED AS TO LEGAL FORM 

Corporation Counsel

APPROVED: 
APPROVED: _____
Business Administrator

Certification Required
Not Required

RESOLUTION FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE DEFINITIONS AND SUPPLEMENTARY ZONING REGULATIONS OF THE LAND DEVELOPMENT ORDINANCE

Initiator

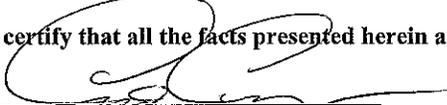
Department/Division	HEDC	City Planning
Name/Title	Robert Cotter, PP, AICP	Director
Phone/email	201-547-5010	bobbyc@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Resolution Purpose

The proposed amendments will provide and revise definitions of “street,” “story,” “Restaurant, Category Two,” and “mobile food vendor,” and add a provision for Restaurant, Category Two to Supplementary Regulations of the Land Development Ordinance.

I certify that all the facts presented herein are accurate.


Signature of Department Director

3/26/15
Date


Signature of Division Director

3.26.15
Date

Department of Housing, Economic Development & Commerce
Division of City Planning



Inter-Office Memorandum

DATE: March 25, 2015
TO: Council President Lavarro, Anthony Cruz, Bob Cotter
FROM: Kristin J. Russell, PP, AICP *KJR*
SUBJECT: LDO definitions & Supplemental Zoning Regulations amendment

The amendments before you pertain to the zoning definitions and supplementary zoning.

First, the definitions of Street and Story have been revised for clarity. These are administrative housekeeping issues and no change to the intent of the definition is proposed.

Second, we have revised the definition of Restaurant, Category Two to include Mobile Food Vendor and added a definition to Mobile Food Vendor.

The reason for these two changes is that the City is experiencing an influx of food trucks and the Dept. of Health and Human Services is set to issue approximately 100 more licenses this spring. In order to simultaneously encourage this entrepreneurial endeavor and regulate its operation, it is necessary to recognize the use in our Land Development Ordinance.

Lastly, we have added language to the Supplementary Zoning Regulations in this regard as well. Specifically, the language states that parking lots and private rights of way in zones that already allow Restaurant, Category Two may allow food trucks to park on those private properties. A person or entity that owns a vacant or underutilized parking lot in those zones may or may not opt to participate, and would be entitled to put any regulations in place deemed necessary, including but not limited to hours of operation, frequency of use, fees if any, and so forth. This is a fact that other cities have taken, with the understanding that the zone allows both parking and restaurants, and thus the combination of the two is inherently permitted.

It should be noted that this regulation does not regulate any vending on public streets, as that is the purview of the Parking Department. But, by regulating off-street vending and allowing it in commercial zones, we believe that we will prevent negative impacts and keep the use controlled within the confines with which we are comfortable.

Summary Sheet:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY
CITY ADOPTING AMENDMENTS TO THE DEFINITIONS AND
SUPPLEMENTARY ZONING REGULATIONS OF THE LAND DEVELOPMENT
ORDINANCE**

The proposed amendments will provide and revise definitions of “street,” “story,” “Restaurant, Category Two,” and “mobile food vendor,” and add a provision for Restaurant, Category Two to Supplementary Regulations of the Land Development Ordinance.

§ 345-6. - Definitions.

MOBILE FOOD VENDOR — *A business that sells food or beverages from a vehicle such as a truck, van or pushcart, whether such food or beverages are prepared on site or prepared elsewhere and transported to the site of the sale.*

RESTAURANT, CATEGORY TWO — A restaurant *or mobile food vendor* whose primary function is the preparation and service by employees of food to customers as part of an operation designed to include substantial carry-out service; delivery service; self-service, and which may, but is not required to, include on-premises consumption, except that no drive-in, drive-thru, or service in vehicles is permitted.

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used *as a* for the principal use.

STREET — A street, avenue, boulevard, road, parkway, viaduct, *or drive or other way but not including alleys or rail rights-of-way:*

- A. Which is an existing state, county or municipal roadway; or
- B. Which is shown upon a plat heretofore approved pursuant to law; or
- C. Which is approved by official action as provided by this Chapter; or
- D. Which is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats;

and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

§345-60 Supplementary Zoning Regulations

2. Standards for Specific Accessory Uses.

d. Restaurant, Category Two

- i. Zones citywide that permit Restaurant, Category Two shall permit Restaurant, Category Two Mobile Food Vendors on surface parking lots and private rights-of-way with minimum lot frontage of fifty (50) feet.***

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



ORDINANCE NO. Ord. 15.048
 TITLE: 3.B APR 8 2015 4.B

APR 22 2015

Ordinance of the Municipal Council of the City of Jersey
 City adopting amendments to the definitions and
 supplementary zoning regulations of the Land
 Development Ordinance.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
APR 08 2015 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
APR 22 2015 9-0											
Councilperson <u>LAVARRO</u> moved, seconded by Councilperson <u>WATTERMAN</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

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.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
APR 22 2015 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

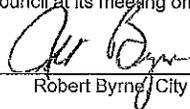
✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on APR 08 2015

Adopted on second and final reading after hearing on APR 22 2015

This is to certify that the foregoing Ordinance was adopted by
 the Municipal Council at its meeting on APR 22 2015


 Robert Byrne, City Clerk

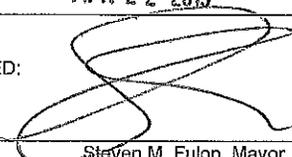
APPROVED:


 Rolando R. Lavarro, Jr., Council President

Date

APR 22 2015

APPROVED:


 Steven M. Fulop, Mayor

Date

APR 27 2015

Date to Mayor

APR 23 2015

*Amendment(s):