

City Clerk File No. Ord. 16.069

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 16.069

TITLE: ORDINANCE ADOPTING AMENDMENTS TO CITY CODE CHAPTER 105 - BUILDING DEMOLITION TO CODIFY PHASE 2 PROPERTIES LIST

WHEREAS, the current Jersey City code does not allow for demolition of structures 150 years old or older, but does not provide for retaining historically relevant structures outside of this age range; and

WHEREAS, the City of Jersey City ("the City") contracted, in 1986, Phase 2 of a Survey of Jersey City (the "Phase 2 Survey"), with the purpose of compiling an annotated list of districts and individual sites: buildings, structures, sites, objects and landscape features eligible for the National Register of Historic Places distilled from the earlier and more comprehensive Phase 1 Survey of Jersey City, and

WHEREAS, the Phase 2 Survey was therefore produced by Mary B. Dierickx, Architectural Preservation Consultants (Wards A-E) and James W. Foss, Architectural Preservation Consultant (Ward F), and

WHEREAS, the Division of City Planning in conjunction with the Division of Construction Code Official digitized and geo-referenced the Phase 2 Survey list in March of 2016, and

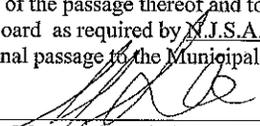
WHEREAS, the Phase 2 Survey list is to be consulted before the demolition of any identified building is approved by the Construction Code Official, and

WHEREAS, no demolition permit shall be issued for a structure 150 years old or older, or for any building included in Phase 2 Survey, without a written opinion issued by the Historic Preservation Officer that the structure no longer maintains its integrity as set forth by the National Register's Criteria for Integrity;

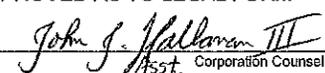
NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that City Code Chapter 105: Building Demolition be and hereby is amended as per the attached document;

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 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 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.A. 40:55D-15 and N.J.S.A. 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.A. 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.A. 40:49-2.1.


Maryann Bucci-Carter, AICP, PP, Acting Director
Division of City Planning

APPROVED AS TO LEGAL FORM


Asst. Corporation Counsel

APPROVED: 

APPROVED: 
Business Administrator

Certification Required
Not Required

ORDINANCE 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 ADOPTING AMENDMENTS TO CITY CODE CHAPTER 105 - BUILDING DEMOLITION TO CODIFY PHASE 2 PROPERTIES LIST

Initiator

Department/Division	HEDC	City Planning
Name/Title	Maryann Bucci-Carter, PP, AICP Willow Latham	Acting Director Senior Planner
Phone/email	201-547-5010	mcarter@jcnj.org wlatham@jcnj.org

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

Resolution Purpose

This ordinance amends Chapter 105 of the Municipal Code – Building Demolition, to prevent demolitions of properties 150 years or older and/or included in Phase 2 of the Jersey City Survey (the “Phase 2 Survey”) produced by Mary B. Dierickx, Architectural Preservation Consultants (Wards A-E) and James W. Foss, Architectural Preservation Consultant (Ward F).

This Phase 2 Survey has been digitized and geo-referenced by the Division of the Construction Code Official and the Division of City Planning.

I certify that all the facts presented herein are accurate.

Signature of Department Director

Signature of Division Director

Date

Date

4/25/16

SUMMARY STATEMENT

ORDINANCE ADOPTING AMENDMENTS TO CITY CODE CHAPTER 105 - BUILDING DEMOLITION TO CODIFY PHASE 2 PROPERTIES LIST

This ordinance amends Chapter 105 of the Municipal Code – Building Demolition, to prevent demolitions of properties 150 years or older and/or included in Phase 2 of the Jersey City Survey (the “Phase 2 Survey”) produced by Mary B. Dierickx, Architectural Preservation Consultants (Wards A-E) and James W. Foss, Architectural Preservation Consultant (Ward F).

This Phase 2 Survey has been digitized and geo-referenced by the Division of the Construction Code Official and the Division of City Planning.

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



Inter-Office Memorandum

DATE: April 18, 2016

TO: Council President Lavarro, Anthony Cruz, Maryann Bucci-Carter

FROM: Willow Latham, Senior Planner

SUBJECT: Amendments to Chapter 105-Building Demolition to Codify Phase 2 Properties List

This ordinance amends Chapter 105 of the Municipal Code – Building Demolition, to prevent demolitions of properties 150 years or older and/or included in Phase 2 of the Jersey City Survey (the “Phase 2 Survey”) produced by Mary B. Dierickx, Architectural Preservation Consultants (Wards A-E) and James W. Foss, Architectural Preservation Consultant (Ward F).

These properties were identified as part of Phase 2 of a Survey of Jersey City contracted by the City in 1986 to compile an annotated list of districts and individual sites; including buildings, structures, sites, objects and landscape features; eligible for the National Register of Historic Places.

This Phase 2 Survey has been digitized and geo-referenced by the Division of the Construction Code Official and the Division of City Planning.

§ 105-1. - Permit procedure; fees; regulations.

- A. No person shall be issued a permit to demolish any building or structure unless said applicant shall pay a fee as provided in Chapter 160, Fees and Charges, to the Department of Administration for the use of city water in such demolition work.
- B. The following procedures shall be followed in the issuance of demolition permits:
 - (1) The applicant shall apply to the Division of Construction Code Official for such permit.
 - (2) The Division of Construction Code Official shall, upon payment of the fee required by said Division, issue an unsigned permit to the applicant; provided, however, that no demolition permit shall be issued for a structure 150 years old or older; **or for any building included in Phase 2 of the Jersey City Survey (the "Phase 2 Survey") produced by Mary B. Dierickx, Architectural Preservation Consultants (Wards A-E) and James W. Foss, Architectural Preservation Consultant (Ward F); without a written opinion issued by the Historic Preservation Officer that the structure no longer maintains its integrity as set forth by the National Register's Criteria for Integrity without the approval of the City Council.** The application form for the construction permit shall include a certification by the applicant **Historic Preservation Officer** for the permit that the structure to be demolished is less than 150 years old **and is not included in the Phase 2 Survey, or that the structure no longer maintains its integrity. The applicant may appeal such a decision to the Zoning Board of Adjustment.**
 - (3) The applicant shall present the unsigned permit to the Department of Administration and pay the sum as provided in Chapter 160, Fees and Charges, for the aforesaid water use to said Division.
 - (4) Upon receipt of the water fee as provided in Chapter 160, Fees and Charges, the Department of Administration shall endorse upon said permit a statement to the effect that said water fee has been paid and received by said Division.
 - (5) The applicant then shall present the unsigned permit with the aforesaid endorsement of the water fee thereon back to the Division of Construction Code Official, who will then sign said permit so as to validate same.

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



ORDINANCE NO. Ord. 16.069
 TITLE: _____

3.A APR 27 2016 4.A **MAY 11 2016**

Ordinance adopting amendments to City Code Chapter 105-Building
 Demolition to Codify Phase 2 Properties List.

RECORD OF COUNCIL VOTE ON INTRODUCTION APR 27 2016 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 MAY 11 2016 7-0											
Councilperson <u>LAVARRO</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	ABSENT		
RAMCHAL	ABSENT			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 MAY 11 2016 7-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	ABSENT		
RAMCHAL	ABSENT			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 27 2016

Adopted on second and final reading after hearing on MAY 11 2016

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **MAY 11 2016**

Robert Byrne, City Clerk

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date

MAY 11 2016

APPROVED:

Steven M. Fulop, Mayor

Date

MAY 16 2016

Date to Mayor

MAY 12 2016

*Amendment(s):

City Clerk File No. Ord. 16.070

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 16.070

**TITLE AN ORDINANCE AMENDING CHAPTER 222 (NOISE) REPEALING ARTICLE 1
(NOISE RESTRICTIONS) AND ADOPTING REVISIONS TO LOCAL NOISE-
CONTROL PROTECTIONS RECOMMENDED BY THE NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

A. the following amendments to Chapter 222 (Noise) Article I (Noise Restrictions) are hereby adopted:

**CHAPTER 222
NOISE**

**ARTICLE I
NOISE RESTRICTIONS**

§§222-1 through 222-5 and §222-10 are hereby repealed in their entirety

§ 222-1. Declaration of Findings and Policy

- A. excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and,
- B. a substantial body of science and technology exists by which excessive sound may be substantially abated; and,
- C. the people have a right to, and should be ensured of, an environment free from excessive sound;
- D. it is the policy of the City of Jersey City to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.
- E. This ordinance shall apply to the control of sound originating from sources within the City of Jersey City.

§ 222-2. Definitions

The following words and terms, used in this ordinance, shall have the following meanings unless the context clearly indicates otherwise. Terms not defined in this ordinance have the same meaning as those defined in N.J.A.C.7:29.

CONSTRUCTION - means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures.

dB(C) - means the sound level as measured using the "C" weighting network with a sound level meter meeting the standards of ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than the "A" weighting network.

DEMOLITION - means any dismantling, destruction or removal of buildings, structures, or roadways.

DEPARTMENT - means the New Jersey Department of Environmental Protection.

EMERGENCY WORK - means any work or action necessary at the site of an emergency to restore or deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life threatening conditions or a state of emergency declared by a governing agency.

IMPULSIVE SOUND - means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

MINOR VIOLATION - means a (1) a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the violator; and (2) the activity or condition constituting the violation has not been the subject of an enforcement action by the City, the County, or the State against the violator within the immediately preceding 365 days for the same or substantially similar violation.

MOTOR VEHICLE - means any vehicle propelled other than by human or animal power on land.

MUFFLER - means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

MULTI-DWELLING UNIT BUILDING - means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

MULTI-USE PROPERTY - means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

(1) A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or

(2) A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.

NOISE CONTROL OFFICER (NCO) - means an employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities or an employee of a municipality with a Department-approved model noise control ordinance. All NCOs must receive noise enforcement training as specified by the Department in N.J.A.C. 7:29 and be currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

NOISE CONTROL INVESTIGATOR (NCI) - means an employee of a municipality, county or regional health commission that has a Department-approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about the model noise ordinance and enforcement procedures. A Noise Control Investigator may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

PLAINLY AUDIBLE - means any sound that can be detected by an NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words, or the artist performing the song.

PRIVATE RIGHT-OF-WAY - means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

PUBLIC RIGHT-OF-WAY - means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

PUBLIC SPACE - means any real property or structures thereon owned, leased, or controlled by a governmental entity.

REAL PROPERTY LINE - means either -

(a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property;

(b) the vertical and horizontal boundaries of a dwelling unit that is part of a multiple dwelling unit building; or

(c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

SOUND PRODUCTION DEVICE - means any device whose primary function is the production of sound, including, but not limited to, any musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound amplifying equipment.

SOUND REDUCTION DEVICE - means any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the manufacturer with the equipment, or that is otherwise required that mitigates the sound emissions of the equipment.

WEEKDAY - means any day that is not a federal holiday, and beginning on Monday at 8:00 a.m. and ending on the following Friday at 6:00 p.m.

WEEKENDS - means beginning on Friday at 6:00 p.m. and ending on the following Monday at 8:00 a.m.

§ 222-3. Applicability

A. This noise ordinance applies to sound from the following property categories:

1. Industrial facilities;
2. Commercial facilities;
3. Public service facilities;
4. Community service facilities;
5. Residential properties;
6. Multi-use properties;
7. Public and private rights-of-ways;
8. Public spaces; and
9. Multi-dwelling unit buildings.

B. This noise ordinance applies to sound received at the following property categories:

1. Commercial facilities;
2. Public service facilities;
3. Community service facilities (i.e. non-profits and/or religious facilities)
4. Residential properties;
5. Multi-use properties; and
6. Multi-dwelling unit buildings.

C. Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

§ 222-4. Exemptions

A. Except as provided in 222-9 and 222-10 below, the provisions of this ordinance shall not apply to the exceptions listed at N.J.A.C. 7:29-1.5.

- B. Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), FEMA or other government agencies to the extent that they comply with the noise requirement of the enabling legislation or regulation. Devices which are exempted under N.J.A.C. 7:29-1.5 shall continue to be exempted.
- C. Construction and demolition activities are exempt from the sound level limits set forth in Tables I and II and III except as provided for in 222-9 below.

§222-5. Enforcement Officers

- A. Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance and pursue enforcement activities.
- B. Noise Control Investigators shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance that do not require the use of a sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities.
- C. Noise Control Officers and Investigators may cooperate with NCOs and NCIs of an adjacent municipality in enforcing one another's municipal noise ordinances.
- D. For purposes of City of Jersey City municipal enforcement, the following officers and agents of the City shall have the power and authority to enforce this chapter: construction code official(s), zoning officers, health officer(s), environmental health specialist(s), police officers and the Office of Emergency Management.
- E. No person shall refuse to allow an authorized employee of the City or other authorized City employee who presents appropriate credentials to perform reasonable sound testing on any device or devices, including but not limited to requiring the temporary shutting down of said device or devices for the purposes of such testing except that upon a showing that the inspection would produce a noticeable interruption of services that would cause discomfort to employees or customers or require a building engineer or other professional to work with the equipment, such authorized employee shall reschedule the inspection for a more convenient time.

§ 222-6. Measurement Protocols

- A. Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in 222-6.B of this ordinance and with the definition of "real property line" as contained herein.
- B. When conducting indoor sound level measurements across a real property line, the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound level, the configuration of the windows and doors shall be the same, and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

§ 222-7 . Maximum Permissible Sound Levels

- A. No person shall cause or permit the operation of any source of sound on any source property listed in 223-A above in such a manner as to create a sound level that equals or exceeds the sound level limits in Tables I, II or III when measured at or within the real property line of any of the receiving properties listed in Tables I, II or III except as specified in 222-6B.

B. Impulsive Sound

Between 8:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels. Between 10:00 p.m. and 8:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 decibels. Impulsive sound which repeats four or more times in any hour shall be measured as continuous sound and shall meet the requirements as shown in Tables I and II.

TABLE I

MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS WHEN MEASURED OUTDOORS

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property	Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility		
TIME	8 a.m.-10 p.m.	10 p.m.-8a.m.	24 hours	
Maximum A-Weighted sound level standard, dB	65	50	65	

TABLE II

MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS WHEN MEASURED INDOORS

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property	Commercial facility, or non residential portion of a multi use property, or community service facility		
TIME	8 a.m.-10 p.m.	10 p.m.-8 a.m.	24 hours	
Maximum A-Weighted sound level standard, dB	55	40	55	

Note: The time period in Tables I and II is subject to any different times specified in Section 222-9.

Note: Table II shall only apply when the source and the receptor are separated by a real property line and they also share a common or abutting wall, floor or ceiling, or are on the same parcel of property.

TABLE III

MAXIMUM PERMISSIBLE OCTAVE BAND SOUND PRESSURE LEVELS IN DECIBELS

Receiving Property Category	Residential property, or residential portion of a multi-use property	Residential property, or residential portion of a multiuse property INDOORS	Commercial facility, public service facility, non-residential portion of a multi-use property, or community	Commercial facility of non residential portion of a multi-use property
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Octave Band Center Frequency, Hz.	OUTDOORS				service facility	
	Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB		OUTDOORS	INDOORS
Time	8 a.m.-10 p.m.	10 p.m.-8 a.m.	8 a.m.-10 p.m.	10 p.m.-8 a.m.	24 Hours	24 Hours
31.5	96	86	86	76	96	86
63	82	71	72	61	82	72
125	74	61	64	51	74	64
250	67	53	57	43	67	57
500	63	48	53	38	63	53
1,000	60	45	50	35	60	50
2,000	57	42	47	32	57	47
4,000	55	40	45	30	55	45
8,000	53	38	42	28	53	43

Note: When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus 2 dB in the bands containing the principal source frequencies, discontinue the measurement.

§ 222-8. Sound Production Devices

No person shall cause or permit the operation of any sound production device in such a manner that the sound crosses a property line and raises the total sound levels above the neighborhood residual sound level by more than the permissible sound level limits set forth in Table IV when measured within the residence of a complainant according to the measurement protocol in 222-6.B of this ordinance. These sound level measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response.

TABLE IV

MAXIMUM PERMISSIBLE INCREASE IN TOTAL SOUND LEVELS WITHIN A RESIDENTIAL PROPERTY

Week nights 10:00 p.m. - 8:00 a.m. Weekend nights: 11:00 p.m. and 9:00 a.m.	All other times
3dB(C)	6 dB(C)

§ 222-9. Restricted Uses and Activities

The following standards shall apply to the activities or sources of sound set forth below:

- A. Excluding emergency work, power tools, home maintenance tools, landscaping and yard maintenance equipment used by a residential property owner or tenant shall not be operated between the hours of 8:00 p.m. and 8:00

a.m., unless such activities can meet the applicable limits in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and or sound reduction device.

- B. Excluding emergency work, power tools, landscaping and yard maintenance equipment used by nonresidential operators (e.g. commercial operators, public employees) shall not be operated on a residential, commercial, industrial or public (e.g. golf course, parks, athletic fields) property between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device. Emergency work, as defined in this section, is excluded from the above restrictions.
- C. Excluding emergency work, construction and demolition activity shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits in Tables I, II or III. At all other times the limits in Tables I, II and III do not apply. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device.
- D. Alterations or repairs to existing owner-occupied or rental dwellings, community service facilities, or schools may be performed on Saturdays and Sundays between the hours of 10:00 a.m. and 4:00 p.m. subject to compliance with Tables I, II and III as applicable.
- E. Motorized snow removal equipment, with the exception of equipment operated by the City of Jersey City or contractors employed by the City of Jersey City, shall be operated with a muffler or a sound reduction device when being used for snow removal. At all times the limits set forth in Tables I, II or III do not apply.
- F. All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound, and fifteen (15) minutes for intermittent sound after it has been activated. At all times the limits set forth in Tables I, II or III do not apply.
- G. Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator.
- H. All music or other unreasonable noise originating from a sound production device in connection with the operation of any commercial establishment or enterprise when the level of sound attributable to such music or noise, as measured inside any receiving property dwelling unit is in excess of measures established in Table IV, shall be prohibited.
- I. It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:

- 1) Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,
- 2) Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.

§ 222-10. Motor Vehicles

Violations of paragraphs A through D of this section shall be considered purposeful and therefore not a minor violation.

- A. No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated stationary or in motion in any public space or public right-of-way.
- B. No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the Federal Noise Regulations under 40 CFR Part 205.
- C. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.
- D. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Ice cream and other food vending trucks, while in residential neighborhoods, are prohibited from the playing of jingles while stationary. Jingles may only be played when the vehicle is in motion.
- E. Commercial vehicles shall not be permitted to idle for more than three (3) minutes in any residential district
- F. The use of vehicle horns shall not be permitted except as a warning in situations of imminent danger.

§222-11. Enforcement

- A. Violation of any provision of this ordinance shall be cause for a Notice of Violation (NOV) or a Notice of Penalty Assessment (NOPA) document to be issued to the violator by the Noise Control Officer or Noise Control Investigator.
- B. Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not more than the maximum penalty pursuant to N.J.S.A. 40:69A-29. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.
- C. Upon identification of a violation of this Ordinance the Noise Control Officer or Noise Control Investigator shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this Ordinance that

has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.

- D. If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a minor violation (as defined in Section 222-2 of this ordinance), an NOV shall be issued to the violator.
 - (1) The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide them with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation.
 - (2) The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued by the City of Jersey City, or the Hudson Regional Health Commission. It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.
- E. If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation the violator shall be notified that if the violation is not immediately corrected a NOPA with a civil penalty of no more than the maximum penalty allowed pursuant to N.J.S.A. 40:69A-29 will be issued. If a non-minor violation is immediately corrected a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 365 days of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.
- F. The violator may request from the Noise Control Officer or Noise Control Investigator, an extension of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.
- G. The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.
- H. The Noise Control Officer or Noise Control Investigator may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.
- I. Any claim for a civil penalty may be compromised and settled based on the following factors:
 - (1) Mitigating or any other extenuating circumstances;
 - (2) The timely implementation by the violator of measures which lead to compliance;
 - (3) The conduct of the violator; and
 - (4) The compliance history of the violator.
- J. No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

§ 222-12. Consistency, Severability and Repealer

If any provision or portion of a provision of this ordinance is held to unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated

- B. All Ordinances or 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 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; words in [brackets] are omitted. For purposes of advertising only, new matter is indicated by **boldface** and repealed mater by *italic*.

TF
4/27/16

APPROVED AS TO LEGAL FORM

John J. Halloran III
Asst. Corporation Counsel

APPROVED:

Jon Lomasco
Business Administrator

Certification Required
Not Required

ORDINANCE 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

AN ORDINANCE AMENDING CHAPTER 222 (NOISE) REPEALING ARTICLE 1 (NOISE RESTRICTIONS) AND ADOPTING REVISIONS TO LOCAL NOISE-CONTROL PROTECTIONS RECOMMENDED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Initiator

Department/Division	Law Department	Law Dept
Name/Title	Rich Boggiano	Councilman
Phone/email	(201) 547-5159	RBoggiano@jenj.org

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

Ordinance Purpose

Presently, the City’s noise ordinance is unenforceable. The proposed ordinance will require State approval, although for the most part it follows the State model.

With a few exceptions, the ordinance restricts noise by measuring loudness in decibels at the levels prescribed by the State, which requires a sound-level meter and training in its use. Rutgers has a three-day training program which leads to certification. Only a certified noise-control officer may enforce the sections which limit noise by decibel levels. To provide context, I have attached a noise level chart that correlates decibel levels with common sounds.

Certain sounds are exempted because of preemption and the first amendment. For example, the ordinance does not apply by preemption to airplanes, railroads and emergency sirens. Since a noise ordinance may not limit constitutional rights, it does not apply to religious services and unamplified speech. Sound from public roads is also exempt, but not sound from personal musical equipment operated on vehicles (or in other locations as well).

In the state model, the more restrictive sound regulation (requiring a lower level of noise) applies from 6 p.m. to 7 a.m. In the proposed ordinance, it shall be, on weekends only, from 6p.m. until 8a.m. Thus the ordinance extends the more stringent noise controls on weekends by one hour.

Construction and demolition work which takes place between the hours of 7 a.m. and 6 p.m. during the week and 9 a.m. and 6 p.m. on weekends is exempt from the noise restrictions in the ordinance. This is for the practical reason that the noise from construction equipment cannot meet the limits of Table I, which sets the standards for sound sources. After 6 p.m, the noise restrictions do apply. In light of discussion with council members, it must be emphasized that the proposed ordinance controls noise from all sources (with the noted exceptions); it does not restrict the authority of the construction officer to issue permits for work to be done at night or on weekends, but it does limit the noise from construction work after 6 p.m. to the same level as noise from any other activity done after 6 p.m.

The DEP notes that a municipality which adopts a noise-control ordinance must enforce it and that if a municipality adopts an ordinance but does not enforce it, the municipality can be sued under the Environmental Rights Act. To enforce the ordinance, the City must purchase the equipment needed to measure sound in decibel units and get someone certified as a Noise Control Officer, or at a minimum, contract with a third party for those services.

I certify that all the facts presented herein are accurate.

Signature of Department Director

Date



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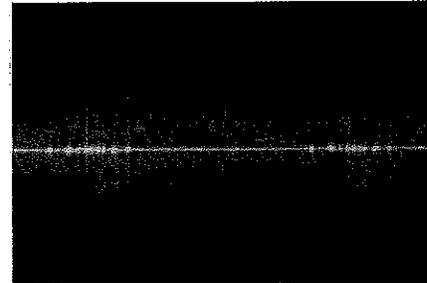
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INC Library (/Inc-Library) | Comparitive Examples of Noise Levels

COMPARITIVE EXAMPLES OF NOISE LEVELS

Noise Source	Decibel Level	Decibel Effect
Jet take-off (at 25 meters)	150	Eardrum rupture
Aircraft carrier deck	140	
Military jet aircraft take-off from aircraft carrier with afterburner at 50 ft (130 dB).	130	
Thunderclap, chain saw. Oxygen torch (121 dB).	120	Painful. 32 times as loud as 70 dB.
Steel mill, auto horn at 1 meter. Turbo-fan aircraft at takeoff power at 200 ft (118 dB). Riveting machine (110 dB); live rock music (108 - 114 dB).	110	Average human pain threshold. 16 times as loud as 70 dB.
Jet take-off (at 305 meters), use of outboard motor, power lawn mower, motorcycle, farm tractor, jackhammer, garbage truck. Boeing 707 or DC-8 aircraft at one nautical mile (6080 ft) before landing (106 dB); jet flyover at 1000 feet (103 dB); Bell J-2A helicopter at 100 ft (100 dB).	100	8 times as loud as 70 dB. Serious damage possible in 8 hr exposure.
Boeing 737 or DC-9 aircraft at one nautical mile (6080 ft) before landing (97 dB); power mower (96 dB); motorcycle at 25 ft (90 dB). Newspaper press (97 dB).	90	4 times as loud as 70 dB. Likely damage in 8 hour exposure.
Garbage disposal, dishwasher, average factory, freight train (at 15 meters). Car wash at 20 ft (89 dB); propeller plane flyover at 1000 ft (88 dB); diesel truck 40 mph at 50 ft (84 dB); diesel train at 45 mph at 100 ft (83 dB). Food blender (88 dB); milling machine (85 dB); garbage disposal (80 dB).	80	2 times as loud as 70 dB. Possible damage in 8 hour exposure.
Passenger car at 65 mph at 25 ft (77 dB); freeway at 50 ft from pavement edge 10 a.m. (76 dB). Living room music (76 dB); radio or TV-audio, vacuum cleaner (70 dB).	70	Arbitrary base of comparison. Upper 70s are annoyingly loud to some people.
Conversation in restaurant, office, background music, Air conditioning unit at 100 feet.	60	Half as loud as 70 dB. Fairly quiet.



Noise Source	Decibel Level	Decibel Effect
Quiet suburb, conversation at home. Large electrical transformers at 100 feet.	50	One-fourth as loud as 70 dB.
Library, bird calls (44 dB); lowest limit of urban ambient sound	40	One-eighth as loud as 70 dB.
Quiet rural area.	30	One-sixteenth as loud as 70 dB. Very Quiet.
Whisper, rustling leaves	20	
Breathing	10	Barely audible

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[SITEMAP \(/sitemap\)](#)

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



ORDINANCE NO. Ord. 16.070
 TITLE: 3.B APR 27 2017 4.B MAY 11 2016

An ordinance amending Chapter 222 (Noise) repealing Article 1 (Noise Restrictions) and adopting revisions to local noise-control protections recommended by the New Jersey Department of Environmental Protection.

RECORD OF COUNCIL VOTE ON INTRODUCTION APR 27 2016 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 MAY 11 2016 7-0											
Councilperson <u>LAVARRO</u> moved, seconded by Councilperson <u>COLEMAN</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	ABSENT		
RAMCHAL	ABSENT			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

DAN SICARDI
 KABILI TAYARI
 HOWARD BRUNNER
 YVONNE BALCER
 SHARON NEGRI
 ANTOINETTE CHESS

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 MAY 11 2016 7-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	ABSENT		
RAMCHAL	ABSENT			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 27 2016
 Adopted on second and final reading after hearing on MAY 11 2016

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on MAY 11 2016

Robert Byrne, City Clerk

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date MAY 11 2016

APPROVED:

Steven M. Fulop, Mayor

Date MAY 16 2016

Date to Mayor MAY 12 2016

*Amendment(s):

City Clerk File No. Res. 16.071

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 16.071

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING
TITLE AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE – R-3 MULTI-FAMILY MID-
RISE DISTRICT, TOWNHOUSE USE**

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

WHEREAS, there is a need to allow a less intense uses such as one and two family residences; and

WHEREAS, the Planning Board voted to recommend adoption of this amendment by the Municipal Council at their April 5, 2016 regular meeting;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the Jersey City Land Development Ordinance, be and is hereby amended as follows (Material indicated by strikethrough like this is existing material that is intended to be deleted. Material indicated by bold italic like this is new material that is intended to be enacted):

Amendment to Jersey City Land Development Ordinance for Chapter 345, Article V, Section 42 – R-3
Multi-Family Mid-Rise District.

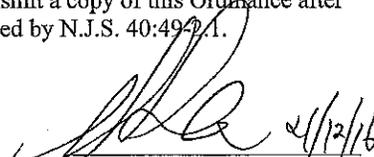
B. Permitted principal uses are as follows:

1. Mid-rise apartment buildings, (see 345-6 for definition).
2. Townhouses with ~~no less than three dwelling units.~~
3. Three and four family detached dwellings.
4. Houses of worship.
5. Parks and playgrounds.
6. Essential services.
7. Schools.
8. Governmental uses.
9. Office uses, including medical offices for no more than two practitioners, as part of the ground floor of mid-rise apartment buildings along John F. Kennedy Boulevard.
10. Assisted living residences.
11. Nursing homes.
12. Senior housing.
13. Public utilities, except that natural gas transmission lines shall be prohibited.
[Added 12-15-2010 by Ord. No. 10-164]
14. Groundfloor retail, limited to new construction on corner lots.

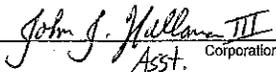
ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS FOR THE ADDITION OF A CAFÉ USE TO ARTICLE I (DEFINITIONS) AND ARTICLE V, SECTION 60 – SUPPLEMENTARY ZONING

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 hereby 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.


 Maryann Buccic-Carter, PP, AICP
 Acting Director of Planning

APPROVED AS TO LEGAL FORM


 Asst. Corporation Counsel

APPROVED:

APPROVED:


 Business Administrator

Certification Required
 Not Required

ORDINANCE/RESOLUTION FACT SHEET – NON-CONTRACTUAL

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

Full Title of Ordinance/Resolution

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE – R-3
MULTI-FAMILY, MID-RISE DISTRICT, TOWNHOUSE USE**

Initiator

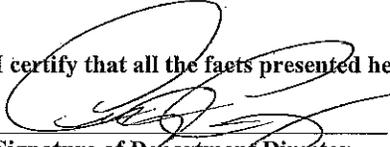
Department/Division	HEDC	City Planning
Name/Title	Maryann Buccì-Carter, PP, AICP	Acting Director
	Tanya R. Marione PP, AICP	Principal Planner
Phone/email	201-547-5010	tanyam@jcnj.org

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

Purpose

This Ordinance amends Chapter 345-42 of the Jersey City Land Development Ordinance, regulating the R-3 Multi-Family Mid-Rise District, to provide amendment to townhouse use so that one and two family residential buildings are permitted.

I certify that all the facts presented herein are accurate.


Signature of Department Director

4/12/16
Date

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



Inter-Office Memorandum

DATE: April 12, 2016

TO: Council President Lavarro, Anthony Cruz, Maryann Bucci-Carter

FROM: Tanya R. Marione, PP, AICP

SUBJECT: R-3 Townhouse Use

The amendment before you pertains to the Land Development Ordinance regulations for the R-3 Multi-Family Mid-Rise District (Chapter 345-42). Presently, this section of the ordinance contains a condition that permits townhouses containing no less than 3 or 4 dwelling units. This amendment will permit for townhouses with 1 and 2 residential units as well, which matches with the Land Development Ordinance definition of townhouse.

Summary

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE – R-3 MULTI-FAMILY, MID-RISE DISTRICT, TOWNHOUSE USE

The amendment before you pertains to the Land Development Ordinance regulations for the R-3 Multi-Family Mid-Rise District (Chapter 345-42). Presently, this section of the ordinance contains a condition that permits townhouses containing no less than 3 or 4 dwelling units. This amendment will permit for townhouses with 1 and 2 residential units as well, which matches with the Land Development Ordinance definition of townhouse.

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



ORDINANCE NO. Ord. 16,071
 TITLE: 3.C APR 27 2016 4.C **MAY 11 2016**

Ordinance of the Municipal Council of the City of Jersey City
 adopting amendments to the Land Development Ordinance-R-3
 multi-family, mid-rise district, townhouse use.

RECORD OF COUNCIL VOTE ON INTRODUCTION APR 27 2016 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 MAY 11 2016 7-0											
Councilperson <u>WATTERMAN</u> moved, seconded by Councilperson <u>LAVARRO</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA		ABSENT	
RAMCHAL		ABSENT		OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

DANIEL SICARDI

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 MAY 11 2016											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA		ABSENT	
RAMCHAL		ABSENT		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 27 2016**

Adopted on second and final reading after hearing on **MAY 11 2016**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **MAY 11 2016**

Robert Byrne, City Clerk

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date

MAY 11 2016

*Amendment(s):

APPROVED:

Steven M. Fulop, Mayor

Date

MAY 16 2016

Date to Mayor

MAY 12 2016

City Clerk File No. Ord. 16.072

Agenda No. 3-D 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 16.072

TITLE:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LIBERTY HARBOR NORTH REDEVELOPMENT PLAN TO AMEND THE REGULATING STANDARDS RELATING TO BLOCK 10 OF THE REDEVELOPMENT PLAN

WHEREAS, the Local Redevelopment and Housing Law, NJSA 40A:12A-1 et seq. permits municipalities to adopt and amend regulations dealing with areas declared to be "in need of redevelopment" and "in need of rehabilitation"; and

WHEREAS, the Municipal Council of the City of Jersey City adopted a redevelopment plan for the Liberty Harbor North Redevelopment Plan Area on March 2, 1983; and

WHEREAS, the Liberty Harbor North Redevelopment Plan has been amended periodically since its adoption with sweeping changes made in 2002 by the adoption of the Duany Plater-Zyberk Master Plan; and

WHEREAS, the Municipal Council of the City of Jersey City wishes to assure continued high quality design and development within the Liberty Harbor North Redevelopment Plan area; and

WHEREAS, this ordinance adopts amendments to all maps in the Liberty Harbor North RDP relating to Block 10, including: *Redevelopment Area Districts Map, Block Identification Plan Map, Current Plan Map, Vehicular Circulation Map, Recreational & Community Facility Spaces Map, Regulating Plan: Heights Map, Regulating Plan: Frontages Map, Capacity Summary Table, Intensity Summary Table*; and

WHEREAS, the Planning Board of Jersey City, at its meeting of April 5, 2016, reviewed this amendment and found there to be many advantages. The board unanimously recommended that the Municipal Council adopt the proposed amendments; and

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the proposed Amendments, attached hereto, as Recommended by the Jersey City Planning Board on April 5, 2016 be, and hereby is, adopted.

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 hereby 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.

Maryann Bucci-Carter, PPAICP, Planning Acting Director

APPROVED: _____

APPROVED: _____

APPROVED AS TO LEGAL FORM

John J. Mallon III
Corporation Counsel

Certification Required

Not Required

ORDINANCE/RESOLUTION FACT SHEET – NON-CONTRACTUAL

Full Title of Ordinance/Resolution

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LIBERTY HARBOR NORTH REDEVELOPMENT PLAN TO AMEND THE REGULATING STANDARDS RELATING TO BLOCK 10 OF THE REDEVELOPMENT PLAN

Initiator

Department/Division	HEDC/Planning	
Name/Title	Maryann Bucci-Carter, PP, AICP <i>MB</i>	Acting Director
	Tanya R. Marione, PP, AICP	Principal Planner
Phone/email	201-547-5010	tanyam@jcnj.org

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

Purpose

The proposed amendments are for Block 10 of the Liberty Harbor North Redevelopment Plan.

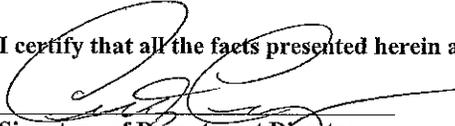
This ordinance adopts amendments to the following redevelopment plan maps pertaining to Block 10 on:

- Redevelopment Area Districts ; Block Identification Plan, Vehicular Circulation, Recreation & Community Facility Spaces, Regulating Plan: Heights; Regulating Plan: Frontages; Capacity Summary; and Intensity Summary

The proposed amendment will change Block 10:

- Change the use from office use to residential use, maintaining the same floor area
- Require a café use
- Construction for the connection for the existing waterfront walkway

I certify that all the facts presented herein are accurate.


Signature of Department Director

4/18/16
Date

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



Memorandum

DATE: April 14, 2016

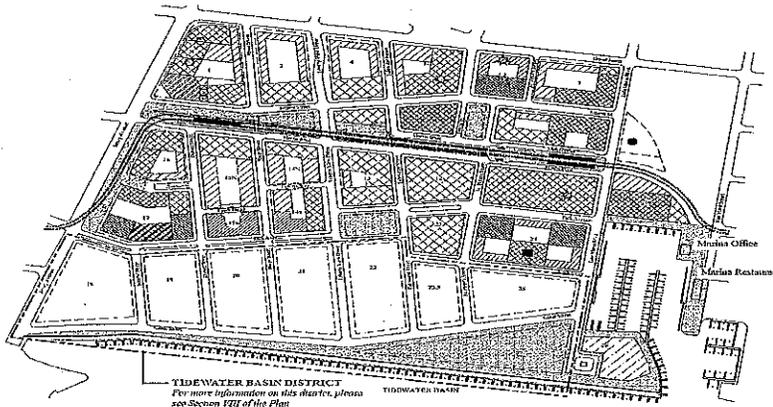
TO: Rolando Lavarro, Council President
Member of the Municipal Council

FROM: Maryann Bucci-Carter, PP, AICP; Planning Acting Director
Tanya R. Marione, PP, AICP; Principal Planner *MB*

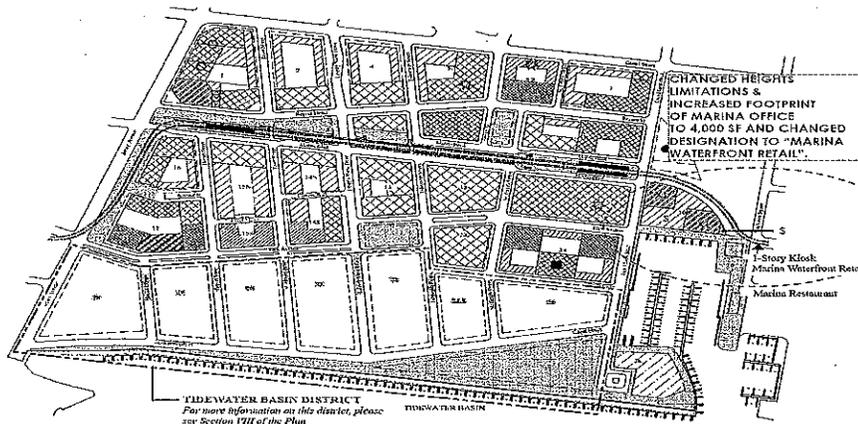
SUBJECT: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF
JERSEY CITY ADOPTING AMENDMENTS TO THE LIBERTY HARBOR
NORTH REDEVELOPMENT PLAN TO AMEND THE REGULATING
STANDARDS RELATING TO BLOCK 10 OF THE REDEVELOPMENT
PLAN

The proposed amendment will change Block 10 from office use to residential use, maintain the same floor area, and connect the existing waterfront walkway.

EXISTING



PROPOSED



SUMMARY STATEMENT

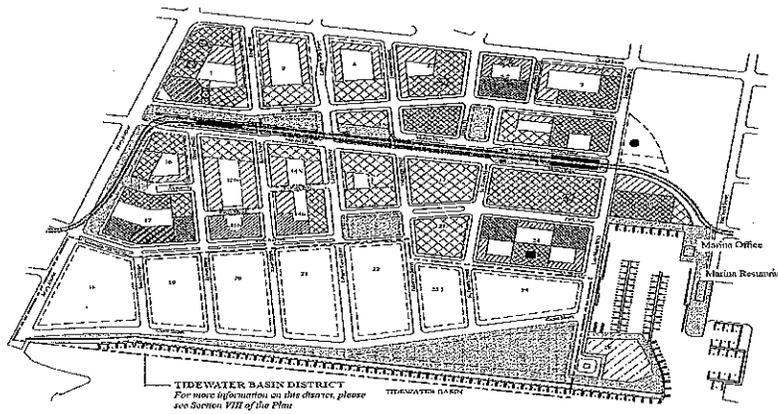
ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LIBERTY HARBOR NORTH REDEVELOPMENT PLAN TO AMEND THE REGULATING STANDARDS RELATING TO BLOCK 10 OF THE REDEVELOPMENT PLAN

This ordinance adopts amendments to the following redevelopment plan maps pertaining to Block 10 on:

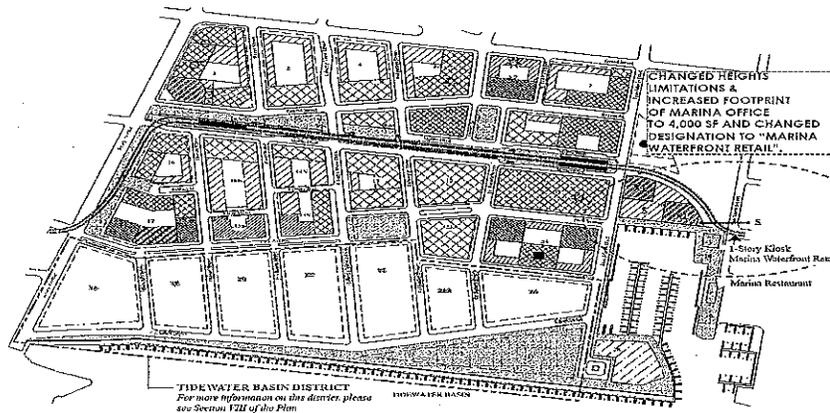
- Redevelopment Area Districts ; Block Identification Plan, Vehicular Circulation, Recreation & Community Facility Spaces, Regulating Plan: Heights; Regulating Plan: Frontages; Capacity Summary; and Intensity Summary

The proposed amendment will change Block 10 from office use to residential use, maintain the same floor area, and connect the existing waterfront walkway.

EXISTING



PROPOSED



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



ORDINANCE NO. Ord. 16.072
 TITLE: 3.D APR 27 2016 4.D **MAY 11 2016**

Ordinance of the Municipal Council of the City of Jersey City adopting amendments to the Liberty Harbor North Redevelopment Plan to amend the regulating standards relating to Block 10 of the Redevelopment Plan.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
APR 27 2016 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											
MAY 11 2016 7-0											
Councilperson <u>WATTERMAN</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA		ABSENT	
RAMCHAL		ABSENT		OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

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

SPEAKERS:

JAYSON BURG
 DANIEL SICARDI

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											
MAY 11 2016 7-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA		ABSENT	
RAMCHAL		ABSENT		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 27 2016
 Adopted on second and final reading after hearing on MAY 11 2016

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **MAY 11 2016**

Robert Byrne, City Clerk

APPROVED:
 Rolando R. Lavarro, Jr., Council President
 Date **MAY 11 2016**

*Amendment(s):

APPROVED:
 Steven M. Fulop, Mayor
 Date **MAY 16 2016**

Date to Mayor **MAY 12 2016**

City Clerk File No. Ord. 16.073

Agenda No. 3.E 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 16.073

TITLE:

**ORDINANCE ACCEPTING FROM UNITY ENVIRONMENTAL
CORP. A DEDICATION OF CERTAIN ROADWAYS,
SIDEWALKS AND UTILITIES LOCATED AT THE
INTERSECTION OF FRANKLIN STREET AND PATERSON
PLANK ROAD**

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

WHEREAS, Unity Environmental Corp., a New York Corporation, having an office at 268 West Street, 5th Floor, New York, New York 10013 ("Unity"), is the owner of 35 Hope Street also referred to as Block 5103, Lot 13 on the current tax maps of the City of Jersey City and 10 Paterson Plank Road, also referred to as Block 5103, Lot 11 on the current tax maps of the City of Jersey City, (collectively, the "Properties"); and

WHEREAS, Brass Works Urban Renewal Company, LLC ("Brass Works") applied for and received approvals on February 20, 2003 for Preliminary and Final Major Site Plan with "c" and "d" variances, to rehabilitate and convert a pre-existing non-conforming five (5) story warehouse into 124 residential dwelling units (the "Development") on property located at 100 Paterson Plank Road, also referred to as Block 4001, Lot 1; and

WHEREAS, in connection with the Development, Brass Works was obligated to reconfigure the intersection of Franklin Street and Paterson Plank Road (the "Improvements"); and

WHEREAS, Unity entered into a Construction Easement and Dedication Agreement with Brass Works whereby Brass Works would complete the Improvements and Unity would agree to dedicate the areas of the Properties in which the Improvements were constructed as described below to the City of Jersey City (the "City"); and

WHEREAS, Brass Works has completed the Improvements; and

WHEREAS, Unity desires to dedicate the areas of the Properties in which the Improvements were constructed as described below to the City; and

WHEREAS, the City is authorized pursuant to N.J.S.A. 40:67-1 and N.J.S.A. 40A:12-5 to accept the conveyance and dedication of land and appurtenances for public purposes.

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

1. Two (2) portions of the land, improvements and appurtenances that are located within the Properties, more particularly described as follows:
 - (a) PARCEL A: A portion of Block 5103, Lot 13 consisting of approximately 0.041 acres shown on Exhibit A-1 attached hereto and more accurately described in Exhibit B-1 attached hereto
 - (b) PARCEL B: A portion of Block 5103, Lot 11 consisting of approximately 0.140 acres shown on Exhibit A-2 attached hereto and more accurately described in Exhibit B-2 attached hereto

Be the same are hereby accepted and dedicated as a public right-of-way.

2. The acceptance of this dedication shall be subject to the following terms and conditions:

Upon delivery of a deed of easement to the City pursuant to the terms hereof, Unity shall provide the City with a one (1) year maintenance bond for the roadways and improvements. During the one (1) year period following the delivery of the deed, Unity shall promptly correct any deficiencies in workmanship and design which threaten the structural integrity of the roadways and improvements or create a risk to public safety, upon receiving written notice of such deficiencies from the Municipal Engineer. At the end of the one (1) year period, the City shall be responsible for the structural maintenance of the roadways and improvements which are the subject of this dedication.

3. The Mayor or Business Administrator is hereby authorized:
 - (a) subject to review and approval by the City's Corporation Counsel of a title report provided by Unity, accept delivery of and record a deed of easement from Unity conveying the dedicated lands and improvements; and
 - (b) subject to review and approval by the Municipal engineer, accept all easements described in paragraph 4 below; and
 - (c) subject to review and approval by the City's Corporation Counsel, execute all documents necessary to accomplish the dedication of the aforementioned lands.
4. This dedication shall be subject to all easements affecting the Properties recorded in the Office of the Hudson County register for the benefit of public or private entities for the purpose of operating and maintaining, inspecting, protecting, repairing, replacing or reconstructing any existing water, sewer or utility lines including cable television wires and poles, together with the right of ingress and egress at all times for such purposes and all other purposes in connection or in any way relating to an entity's use or operation of water, sewer or utility lines.

- 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 shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect in the manner as prescribed by law.
- D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All 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*.

RR
4-18-16

APPROVED AS TO LEGAL FORM

John J. Williams III
Asst. Corporation Counsel

APPROVED:

Sagey
Business Administrator
Asst.

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 ACCEPTING FROM UNITY ENVIRONMENTAL CORP. A DEDICATION OF CERTAIN ROADWAYS, SIDEWALKS AND UTILITIES LOCATED AT THE INTERSECTION OF FRANKLIN STREET AND PATERSON PLANK ROAD

Initiator

Department/Division	HEDC Law	City Planning Law
Name/Title	Maryann Bucci-Cater Raymond Reddington	Acting Director Supervisor y Asst. Corp. Counsel
Phone/email	547-5010 547-5063	MCarter@jcnj.org RaymondR@jcnj.org

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

Resolution Purpose

Unity Environmental Corp. (“Unity”), is the owner of 35 Hope Street and 10 Paterson Plank Road. Brass Works Urban Renewal Company, LLC (“Brass Works”) received Zoning Board approval in February 2003 to rehabilitate and convert a pre-existing non-conforming five (5) story warehouse into 124 residential dwelling units (“Development”) on property located at 100 Paterson Plank Road. In connection with the Development, Brass Works was obligated to reconfigure the intersection of Franklin Street and Paterson Plank Road (the “Improvements”). Some of the Improvements needed to be constructed on Unity’s property. Brass Works completed the Improvements, and Unity desires to dedicate the property as part of the Franklin Street public right of way.

I certify that all the facts presented herein are accurate.

Signature of Department Director

Date

February 22, 2016
Job No. 767-01

**DRESDNER
ROBIN**

DESCRIPTION OF A
PROPOSED RIGHT OF WAY DEDICATION
(FRANKLIN STREET)
BEING
PART OF TAX LOT 13 IN BLOCK 5103
TO BE CONVEYED TO
THE CITY OF JERSEY CITY
IN THE
CITY OF JERSEY CITY
HUDSON COUNTY, NEW JERSEY

Engineering
Environmental
Planning
Land Survey
Landscape
Architecture
Real Estate
Consulting

Beginning at the point of intersection formed by the southeasterly line of Mountain Road (30 foot wide) with the southerly line of Franklin Street (30 foot wide) and running; thence

1. S 63° 54' 39" E 16.40 feet along southerly line of Franklin Street (30 foot wide) to a point; thence
2. S 25° 42' 01" W 72.07 feet along the dividing line between Lots 13 and 11 in Block 5103 as shown on the City of Jersey City Tax Assessment Map to a point; thence
3. N 46° 38' 54" W 36.99 feet across and through Lot 13 in Block 5103 (Tax Map) to a point in the southeasterly line of Mountain Road (30 foot wide); thence
4. N 42° 52' 51" E 63.82 feet along the southeasterly line of Mountain Road (30 foot wide) to its intersection with the southerly line of Franklin Street (30 foot wide), the point and place of beginning.

Containing 1,771 square feet or 0.041 acres

Subject to all easements, rights of way and agreements of record.

Description refers to map entitled, "Right of Way Dedication, Block 5103, Lot 13, Franklin Street, City of Jersey City, Hudson County, New Jersey", prepared by Dresdner Robin, dated: February 22, 2016, Job No. 767-01

1 Evertrust Plaza
Suite 901
Jersey City, NJ 07302
201.217.9200
Fax: 201.217.9607

603 Mattison Ave
Suite 4800
Asbury Park, NJ 07712
732.988.7020
732.988.7032 FAX

4300 Haddonfield Rd
Suite 115
Pennsauken, NJ 08109
856.488.6200
856.488.4302 FAX

55 Lane Road
Suite 220
Fairfield, NJ 07004
973.696.2600
973.696.1362 FAX

DresdnerRobin.com



Greg S. Gloor,
Professional Land Surveyor
New Jersey License No. 37189

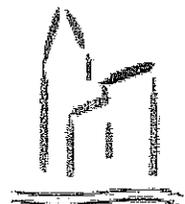


Exhibit "B-1"

February 22, 2015
Job No. 767-01

**DRESDNER
ROBIN**

DESCRIPTION OF A
PROPOSED RIGHT OF WAY DEDICATION
(FRANKLIN STREET)
BEING
PART OF TAX LOT 11 IN BLOCK 5103
TO BE CONVEYED TO
THE CITY OF JERSEY CITY
IN THE
CITY OF JERSEY CITY
HUDSON COUNTY, NEW JERSEY

Engineering
Environmental
Planning
Land Survey
Landscape
Architecture
Real Estate
Consulting

Beginning at a point in the southerly right-of-way line of Franklin Street (30 foot wide), said point being S 63° 54' 39" E 16.40 feet along the southerly line of Franklin Street (30 foot wide) from its intersection with the southeasterly line of Mountain Road (30 foot wide) and running; thence the following three (3) courses along the southerly line of Franklin Street (varying width)

1 Evertrust Plaza
Suite 901
Jersey City, NJ 07302
201.217.9200
Fax: 201.217.9607

1. S 63° 54' 39" E 38.59 feet to a point,
2. N 25° 41' 51" E 2.82 feet to a point,
3. S 63° 54' 39" E 30.00 feet to the point of intersection with the westerly line of Paterson Plank Road (varying width); thence
4. S 02° 06' 37" E 74.59 feet along said westerly line of Paterson Plank Road (varying width) to a point; thence the following four (4) courses across and through Lot 11 in Block 5103 as shown on the City of Jersey City Tax Assessment Map
5. N 63° 53' 27" W 42.91 feet to a point,
6. S 82° 51' 27" W 19.04 feet to a point,
7. N 65° 37' 18" W 36.90 feet to a point,
8. N 46° 38' 54" W 7.97 feet to a point in the dividing line between Lots 13 and 11 in Block 5103 (Tax Map); thence
9. N 25° 42' 01" E 72.07 feet along the dividing line between Lots 13 and 11 in Block 5103 (Tax Map) to a point in the southerly line of Franklin Street (30 foot wide), the point and place of beginning.

603 Mattison Ave
Suite 4800
Asbury Park, NJ 07712
732.988.7020
732.988.7032 FAX

4300 Haddonfield Rd
Suite 115
Pennsauken, NJ 08109
856.488.6200
856.488.4302 FAX

55 Lane Road
Suite 220
Fairfield, NJ 07004
973.696.2600
973.696.1362 FAX

Containing 6,110 square feet or 0.140 acres.

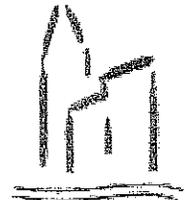
Subject to all easements, rights of way and agreements of record.

Description refers to map entitled, "Right of Way Dedication, Block 5103, Lot 11, Franklin Street, City of Jersey City, Hudson County, New Jersey", prepared by Dresdner Robin, dated: February 22, 2016, Job No. 767-01

DresdnerRobin.com



Greg S. Gloor
Professional Land Surveyor
New Jersey License No. 37189



Exh. b. T " B-2 "

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



ORDINANCE NO. Ord. 16.073
 TITLE: 3.E APR 27 2016 4.E **MAY 11 2016**

Ordinance accepting from Unity Environmental Corp., a dedication of certain roadways, sidewalks and utilities located at the intersection of Franklin Street and Paterson Plank Road.

RECORD OF COUNCIL VOTE ON INTRODUCTION APR 27 2016 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 MAY 11 2016 7-0											
Councilperson <u>WATTERMAN</u> moved, seconded by Councilperson _____ to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA		ABSENT	
RAMCHAL		ABSENT		OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

*LOUIS DeStefano
 JAYSON BURG
 KERN WEISSMAN*

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 MAY 11 2016 7-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA		ABSENT	
RAMCHAL		ABSENT		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 27 2016**

Adopted on second and final reading after hearing on **MAY 11 2016**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **MAY 11 2016**

Robert Byrne
 Robert Byrne, City Clerk

APPROVED:

Rolando R. Lavarro, Jr.
 Rolando R. Lavarro, Jr., Council President

Date **MAY 11 2016**

APPROVED:

Steven M. Fulop
 Steven M. Fulop, Mayor

Date **MAY 16 2016**

Date to Mayor **MAY 12 2016**

*Amendment(s):

City Clerk File No. Ord. 16-074

Agenda No. 3-F 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 16-074

TITLE:

**ORDINANCE AUTHORIZING THE IMPOSITION OF AN ENVIRONMENTAL
DEED NOTICE ON BLOCK 28201, LOTS 10 AND 12 THROUGH 16 ALSO
KNOWN AS RALPH TAYLOR MEMORIAL PARK**

WHEREAS, the City of Jersey City (City) is the owner of Block 28201, Lots 10 and 12 through 16 also known as Ralph Taylor Memorial Park (Park) which is located near the intersection of Cator Avenue and Ludlow Street; and

WHEREAS, the Jersey City Public School District (School District), through the New Jersey School Development Authority (NJSDA) is replacing the current Public School No. 20 Elementary School with a new school facility (the "New P.S. No. 20") which is being constructed on premises surrounding the Park; and

WHEREAS, in connection with the construction of the New P.S. No. 20 the NJSDA will be installing a new grass recreational surface (Improvements) at the Park pursuant to an agreement with the City dated October 23, 2013, approved by Resolution 13.582 on August 28, 2013; and

WHEREAS, in connection with the construction of the New P.S. No. 20 and the construction of the Improvements at the Park, the NJSDA conducted an environmental investigation of the site; and

WHEREAS, the investigation revealed the presence of soil contamination at the Park associated with the presence of a heating oil underground storage tank (UST) and historic fill; and

WHEREAS, the NJSDA removed the UST from the Park and is remediating the historic fill by the use of engineering and institutional controls in accordance with N.J.A.C. 7:26E-5.3; and

WHEREAS, upon the completion of the Park remediation work the soil contamination will remain at a level above the New Jersey Soil Remediation Standards; and

WHEREAS, because of this reason, the Park is subject to certain statutory and regulatory controls to restrict the use of the property to a Park and to protect and preserve the environmental remediation actions performed on the Park; and

WHEREAS, in order to implement the necessary statutory and regulatory controls, and to ensure their endurance, the City is required to execute and record a Deed Notice affecting the Park.

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 a Deed Notice to impose certain environmental controls and use restrictions on the Park;

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; and
3. The Mayor or Business Administrator is authorized to execute such other documents necessary or appropriate to effectuate the purposes of the within ordinance.

RR
4-18-16

APPROVED AS TO LEGAL FORM

John J. Williams III
Asst. Corporation Counsel

Certification Required

Not Required

APPROVED:

APPROVED:

Jack Cantor
Business Administrator
Asst.

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



ORDINANCE NO. Ord. 16.074
 TITLE: 3.F APR 27 2016 4.F MAY 11 2016

Ordinance authorizing the imposition of an environmental deed notice on Block 28201, Lots 10 and 12 through 16 also known as Ralph Taylor Memorial Park.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
APR 27 2016 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											
MAY 11 2016 6-0											
Councilperson <u>WATTERMAN</u> moved, seconded by Councilperson <u>LAVARRO</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA		ABSENT	
RAMCHAL		ABSENT		OSBORNE		ABSENT		WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

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

SPEAKERS:

JAYSON BURG

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											
MAY 11 2016 7-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA		ABSENT	
RAMCHAL		ABSENT		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 27 2016

Adopted on second and final reading after hearing on MAY 11 2016

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on MAY 11 2016

Robert Byrne
 Robert Byrne, City Clerk

APPROVED:

Rolando R. Lavarro, Jr.
 Rolando R. Lavarro, Jr., Council President

Date MAY 11 2016

APPROVED:

Steven M. Fulop
 Steven M. Fulop, Mayor

Date MAY 16 2016

Date to Mayor MAY 12 2016

*Amendment(s):

City Clerk File No. Ord. 16.075

Agenda No. 3.6 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 16.075

TITLE:

ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO EXECUTE A MONTH-TO-MONTH LEASE NOT TO EXCEED SIX MONTHS EFFECTIVE AS OF APRIL 1, 2016 WITH 3000 KENNEDY BLVD, LLC FOR THE USE OF 25 PARKING SPACES AT 3000 KENNEDY BOULEVARD, JERSEY CITY

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

WHEREAS, the City of Jersey City ("City") requires a parking facility for employees who work at 1 Journal Square Plaza, Jersey City; and

WHEREAS, 3000 Kennedy Blvd, LLC ("Landlord") operates a parking facility at 3000 Kennedy Boulevard, Jersey City ("Facility"); and

WHEREAS, the Landlord agrees to lease to the City twenty-five (25) reserved parking spaces at the Facility to be used by City employees who work at 1 Journal Square Plaza; and

WHEREAS, the rent will be \$140.00 per parking space per month for a total monthly rent of \$3,500.00; and

WHEREAS, the City will have the right to decrease the total number of spaces it leases during the lease term; and

WHEREAS, the lease will be a month-to-month tenancy not to exceed six (6) months effective April 1, 2016; and

WHEREAS, the City will have the right to terminate the Lease Agreement without cause by providing thirty (30) days' written notice to the Landlord; and

WHEREAS, funds in the amount of \$10,000.00 will be made available in Account No. 01-201-31-432-304; and

WHEREAS, the balance of the lease funds will be made available in the 2016 calendar year budget.

ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO EXECUTE A MONTH-TO-MONTH LEASE NOT TO EXCEED SIX MONTHS EFFECTIVE AS OF APRIL 1, 2016 WITH 3000 KENNEDY BLVD, LLC FOR THE USE OF 25 PARKING SPACES AT 3000 KENNEDY BOULEVARD, JERSEY CITY.

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 the Lease Agreement attached hereto with 3000 Kennedy Blvd, LLC for twenty-five (25) reserved parking spaces at the parking facility located at 3000 Kennedy Boulevard, Jersey City;
2. The term of the Lease Agreement shall be effective as of April 1, 2016 and shall continue on month-to-month basis not to exceed six (6) months;
3. The City shall have the right to terminate the lease by providing thirty (30) days' notice prior to the effective date of termination;
4. The monthly rents for twenty-five (25) reserved parking spaces shall be \$140.00 per space for a total monthly rent of \$3,500.00;
5. The City shall have the right to decrease the total number of spaces as needed;
6. Funds in the amount of \$ 10,000.00 will be made available in Account No. 01-201-31-432-304 and the balance of the funds will be made available in the 2016 calendar year budget.

I, _____, Donna Mauer, as Chief fiscal Officer, hereby certify that funds in the amount of \$10,000.00 are available for this expenditure in Account No. 01-201-31-432-304.

APPROVED AS TO LEGAL FORM

John J. Mallone III
Asst. Corporation Counsel

APPROVED: Ann Marie Nelli, Real Estate Manager

APPROVED: Gary Komars
Business Administrator
Asst.

Certification Required

Not Required

ORDINANCE/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 AUTHORIZING THE CITY TO EXECUTE A MONTH TO MONTH LEASE NOT TO EXTEND SIX MONTHS EFFECTIVE AS OF APRIL 1, 2016 WITH 3000 KENNEDY BLVD., LLC FOR THE USE OF 25 PARKING SPACES AT 3000 KENNEDY BOULEVARD, JERSEY CITY.

Initiator

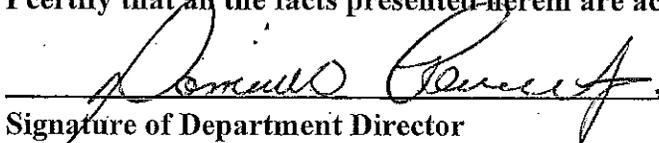
Department/Division	Administration	Real Estate
Name /Title	Dominick Pandolfo	Supervising Administrative Analyst
Phone/E-Mail	(201) 547-4296	Dominick@jenj.org

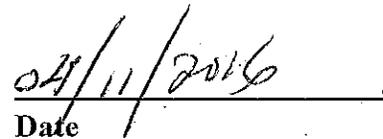
Note initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance/Resolution Purpose

To provide parking for City employees who work at 1 Journal Square. The term of this Lease Agreement will be a month to month lease not to exceed six (6) months shall take effect as of April 1, 2016 for 25 spaces @ \$140.00 per space for a total monthly rent of \$4,500.00. The City shall have the right to decrease the total number of spaces it leases during the lease term. The City shall also have the right to terminate the lease without cause by providing thirty (30) days written notice to the Landlord.

I certify that all the facts presented herein are accurate.


Signature of Department Director


Date

LEASE AGREEMENT

This **AGREEMENT** made this ___ day of _____, 2016, between the **CITY OF JERSEY CITY**, a Municipal Corporation of the State of New Jersey, with offices at City Hall, 280 Grove Street, Jersey City, New Jersey 07302 [City or Tenant] and **3000 KENNEDY BLVD, LLC** with offices at 3000 Kennedy Boulevard, Suite 313B, Jersey City, NJ 07306 [Landlord.]

Whereas, the City requires parking facilities for employees whose offices are at One Journal Square Plaza, Jersey City; and

Whereas, the Landlord operates a parking facility at 3000 Kennedy Boulevard, Jersey City, New Jersey 07306 ("Facility"); and

Whereas the Landlord agrees to rent to the City twenty-five (25) reserved parking spaces at the Facility on a twenty-four (24) hour basis, Monday thru Sunday; and

Whereas, the City and Landlord desire to enter into this lease agreement for the rental of parking spaces effective as of April 1, 2016 and continuing on a month-to-month basis not to exceed six (6) months.

Now, therefore, in consideration of the mutual promises and covenants set forth herein, the parties agree as follows:

ARTICLE I

Premises

Landlord does hereby lease to the City and the City does hereby rent from the Landlord twenty-five (25) reserved parking spaces at the Facility, as depicted in Exhibit A. During the lease term, the City shall have the right to reduce the number of parking spaces that it uses.

ARTICLE II

Term

This lease agreement shall be effective as of April 1, 2016 and continue on a month-to-month basis not to exceed six (6) months. The City shall have the right to terminate the lease without cause by providing thirty (30) days' notice prior to the effective date of termination.

ARTICLE III

Use

Under the terms of this lease, the City shall have the right to use and occupy twenty-five (25) reserved parking spaces located at the Landlord's Facility. The City's use of the leased spaces shall be restricted to the vehicles listed on Exhibit B.

ARTICLE IV

Payment of Rent

The City agrees to pay the Landlord as rent one hundred forty dollars (\$140.00) per parking space per month, payable on the first day of each month. Payments must be mailed to Landlord's office, 3000 John F. Kennedy Boulevard, Suite 313B, Jersey City, New Jersey 07306. In the event that the City exercises its right to decrease or increase the number of parking spaces, the monthly rent shall be reduced or increased accordingly.

ARTICLE V

Property Damage/ Loss

The City shall hold Landlord harmless for any lost, stolen, or damaged property that is not due to the recklessness or negligence of Landlord, its agents, employees, and/or officials. The City also agrees to assume any charges associated with the towing of any of the City's vehicles parked in the Facility.

ARTICLE VI

Termination

The City shall have the right to terminate the lease at any time without cause by giving the Landlord thirty (30) days' written notice prior to the effective date of termination.

ARTICLE VII

Validity of Lease

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

ARTICLE VIII

Notices

All notices required under the terms of this Lease shall be given and shall be complete by mailing such notices by certified mail, return receipt requested, or by hand delivery to the addresses below:

City:

City of Jersey City
Robert Kakoleski, Business Administrator
City Hall
280 Grove Street, Room 108
Jersey City, New Jersey 07302

Licensor:

3000 Kennedy Blvd, LLC
3000 John F. Kennedy Blvd., Suite 313B
Jersey City, New Jersey 07306

ARTICLE IX

Entire Contract

This lease contains the entire agreement between the parties. No representative, agent, or employee of the Landlord has been authorized to make any representations or promise with

reference to the within to vary, alter, or modify the terms hereof. No additions, changes or modifications, renewals or extensions hereof, shall be binding unless reduced to writing and signed by the Landlord and the City.

ARTICLE X
Insurance

The City agrees to supply Landlord with a certificate of insurance evidencing liability coverage naming Landlord as an additional insured. The City shall supply Landlord with the certificate of insurance prior to commencement of the lease, and such coverage shall remain in effect throughout the term of the lease.

IN WITNESS WHEREOF, the parties to this agreement have executed this Lease Agreement as of the _____ day of _____ 2016.

ATTEST:

CITY OF JERSEY CITY

ROBERT BYRNE
City Clerk

ROBERT KAKOLESKI
Business Administrator

WITNESS:

3000 KENNEDY BLVD, LLC

By: _____

By: _____

Title: _____

Title: _____

Requisition #
0174055

CITY OF JERSEY CITY

394 CENTRAL AVE.
2ND FLOOR
JERSEY CITY NJ 07307

Assigned PO #

Requisition

Vendor
3000 KENNEDY BLVD, LLC
3000 JFK BLVD, STE 313-B
JERSEY CITY NJ 07306

Dept. Bill To
DIVISION OF REAL ESTATE
MUNICIPAL COURT BUILDING
365 SUMMIT AVENUE
JERSEY CITY NJ 07306

Dept. Ship To
DIVISION OF REAL ESTATE
MUNICIPAL COURT BUILDING
365 SUMMIT AVENUE
JERSEY CITY NJ 07306

Contact Info
PEGGY RAUSCH X5234
0000000000

TH547840

Quantity	UOM	Description	Account	Unit Price	Total
1.00	EA	ENCUMBRANCY	01-201-31-432-304	10,000.00	10,000.00
<p>THIS PURCHASE ORDER IS FOR ENCUMBRANCY PURPOSES ONLY TO ESTABLISH FUNDING FOR EMPLOYEE PARKING AT 3000 KENNEDY BLVD. NAME OF CONTRACT: 3000 KENNEDY BLVD. LLC TOTAL CONTRACT: \$48,720.00 TEMPORARY ENCUMBRANCY: \$10,000.00 TO COVER FROM 4/1/16 THRU 5/31/16 PAYMENTS WILL BE MADE FROM TIME TO TIME ON PARTIAL PAYMENT VOUCHERS.</p>					

Requisition Total 10,000.00

Req. Date: 03/24/2016

Requested By: PEGGYR

Approved By: _____

Buyer Id:

This Is Not A Purchase Order

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



ORDINANCE NO. Ord. 16.075
 TITLE: 3.G APR 27 2016 4.G **MAY 11 2016**

Ordinance authorizing the city to execute a month to month lease not to exceed six months effective as of April 1, 2016 with 3000 Kennedy Blvd., LLC for the use of 25 parking spaces at 3000 Kennedy Boulevard, Jersey City

RECORD OF COUNCIL VOTE ON INTRODUCTION											
APR 27 2016 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											
MAY 11 2016 7-0											
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		ABSENT	
RAMCHAL		ABSENT		OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

DAN SICARDI
JAYSON BURG

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											
MAY 11 2016 7-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA		ABSENT	
RAMCHAL		ABSENT		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 27 2016**
 Adopted on second and final reading after hearing on **MAY 11 2016**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **MAY 11 2016**

Robert Byrne, City Clerk

APPROVED:
 Rolando R. Lavarro, Jr., Council President
 Date **MAY 11 2016**

*Amendment(s):

APPROVED:
 Steven M. Fulop, Mayor
 Date **MAY 16 2016**
 Date to Mayor **MAY 12 2016**

City Clerk File No. Ord. 16-076

Agenda No. 3.H 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 16.076

TITLE:

ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO EXECUTE AN AMENDMENT TO A LEASE AGREEMENT WITH 30 M ACQUISITIONS, LLC FOR APPROXIMATELY 33,650 SQUARE FEET OF 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 M Acquisitions, 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, approximately 33,650 square feet of space is rented by the City at \$66,178.33 per month (calculated as \$22.00 a square foot plus a utility charge of \$1.60 per square foot); and

WHEREAS, the present Lease will expire on July 31, 2016; and

WHEREAS, 30 M Acquisitions, LLC has offered to extend the Lease for two (2) years; and

WHEREAS, the base rent for the space will be \$98,145.83 per month with an "electric energy charge" of \$4,486.67 per month until readjusted pursuant to the original lease; 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, funds in the amount of \$ _____ are available in Account No. 01-201-31-432-304; and

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

1. The Mayor or Business Administrator is authorized to execute an amendment to the Lease Agreement with 30 Montgomery Property, LLC.
2. The term of the Lease shall be extended for two (2) years commencing August 1, 2016 and expiring on July 31, 2018, for a monthly rent of \$98,145.83 with an "electric energy charge" of \$4,486.67 per month until readjusted pursuant to the original lease.

ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO EXECUTE AN AMENDMENT TO A LEASE AGREEMENT WITH 30 M ACQUISITIONS, LLC FOR APPROXIMATELY 33,650 SQUARE FEET OF SPACE AT 30 MONTGOMERY STREET, BLOCK 8, LOT C2

- 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 of Ordinances inconsistent herewith are hereby repealed.
 - B. This Ordinance shall be 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.
 - C. This Ordinance shall take effect at the time and in the manner as provided by law.

JMcK
4/19/2016

APPROVED AS TO LEGAL FORM

John J. Hallanan III
Asst. Corporation Counsel

APPROVED:

APPROVED:

[Signature]
Business Administrator
Asst.

Certification Required
Not Required

RESOLUTION FACT SHEET - CONTRACT AWARD

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 AUTHORIZING THE CITY OF JERSEY CITY TO EXECUTE AN AMENDMENT TO A LEASE AGREEMENT WITH 30 M ACQUISITIONS, LLC FOR APPROXIMATELY 33,650 SQUARE FEET OF SPACE AT 30 MONTGOMERY STREET, BLOCK 8, LOT C2

Project Manager

Department/Division		
Name/Title		
Phone/email		

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

Contract Purpose

Ordinance to amend the existing lease for office space at 30 Montgomery for an additional 2 years.

Cost (Identify all sources and amounts)

\$98,145.83 monthly base rent.

Contract term (include all proposed renewals)

2 years

Type of award

If "Other Exception", enter type

Additional Information

I certify that all the facts presented herein are accurate.

Signature of Department Director

Date

DRAFT

THIRD AMENDMENT TO LEASE

This THIRD AMENDMENT TO LEASE ("Third Amendment") is made as of the ____ day of _____, 2016 by and between **30 M Acquisitions, LLC**, a Delaware limited liability company having an address at c/o Onyx Equities, LLC, 900 U.S. Highway 9 North, Woodbridge, New Jersey 07095, successor in interest to Montgomery Property, LLC ("Landlord"), and **City of Jersey City**, a Municipal Corporation ("Tenant"), having an address at 30 Montgomery Street, Jersey City, New Jersey 07302.

WITNESSETH

WHEREAS, Landlord and Tenant are parties to that certain Agreement of Lease dated December 3, 2004, as amended by an Amendment to Lease dated October 2, 2007 and a Lease Extension Agreement dated as of August 1, 2012 (collectively, the "Lease") for certain premises consisting of (a) 23,057 rentable square feet located on the 4th floor (the "4th Floor Premises") and 10,593 rentable square feet located on the 14th floor (the "14th Floor Premises", together with the 4th Floor Premises, the "Premises") of the building known as 30 Montgomery Street, Jersey City, New Jersey ("Building");

WHEREAS, the term of the Lease expires on July 31, 2016; and

WHEREAS, Tenant desires to extend the term of the Lease, and Landlord is willing to extend the term of the Lease, as further set forth herein.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each party hereto, intending to be legally bound hereby, the parties agree to amend the Lease as follows:

1. Extension of Term. The Term of the Lease is hereby extended for an additional period of 24 months from its current expiration date (the "Extended Lease Term"), thereby commencing on August 1, 2016 (the "Extended Lease Term Commencement Date") and continuing until, through and including, and expiring at 11:59 P.M. local time on July 31, 2018 (the "Extended Lease Term Expiration Date").

2. Annual Rent and Electricity.

(a) Subject to the terms of Section 2(b) below, commencing on the Extended Lease Term Commencement Date and continuing through and until the Extended Lease Term Expiration Date, Tenant shall pay Base Rent, in equal monthly installments on the first day of each calendar month, in the amount of \$98,145.83 per month.

(b) Throughout the Extended Lease Term, until such amount is again adjusted in accordance with the terms of the Lease, the monthly "electric energy charge" (as defined in Section 10F of the Lease) shall be \$4,486.67. Monthly payments for electricity shall continue to be payable in equal monthly installments on the first day of each calendar month.

3. Relocation. Section 36 of the Lease is hereby deleted in its entirety and is replaced with the following:

DRAFT

“36. Relocation. Landlord shall have the right to relocate Tenant from the 14th Floor Premises to a different location in the Building on 60 days prior written notice to Tenant, provided such relocated space shall be comparable in size and quality to the 14th Floor Premises, and Landlord shall pay all reasonable expenses of relocating Tenant from the 14th Floor Premises to the relocated premises.”

4. Condition of Premises. Tenant acknowledges that it accepts the Premises in its present "AS IS" condition, without any obligation by Landlord to perform any alterations, improvements, redecorating or other work therein, or to provide any construction or monetary allowance with respect thereto.

5. Option to Renew. The Option to Renew set forth on Exhibit C attached to the Lease is hereby deleted and of no further force or effect. Tenant shall have no right or option to extend the term of the Lease beyond the Extended Lease Term Expiration Date.

6. Brokers. Tenant represents that it has not dealt with any broker in connection with this Third Amendment. Landlord and Tenant shall each indemnify the other against any claim by any party claiming a brokerage fee or other compensation arising due to the execution and delivery of this Third Amendment if such claim is based on allegations of communications between the party claiming the compensation and the indemnitor.

7. No Drafting Presumption. This is a fully negotiated agreement, and shall not be construed against Landlord by virtue of its having been prepared by counsel for Landlord.

8. Capitalized Terms. All capitalized terms not defined in this Third Amendment shall have the same meaning as provided for in the Lease.

9. Estoppel. Tenant acknowledges that Landlord has performed fully all obligations of "Landlord" pursuant to the Lease in accordance with the terms thereof, that there is no default by Landlord thereunder, and there is no circumstance which, but for the giving of notice or the passage of any applicable cure period, will constitute a default by Landlord thereunder.

10. Notices. From and after the date of this Third Amendment, all notices sent to Landlord in connection with the Lease or the Property shall be sent to:

30 M Acquisitions, LLC
c/o Onyx Equities, LLC
900 Route 9 North
Woodbridge, New Jersey 07095

and:

30 M Acquisitions, LLC
c/o Rubenstein Partners
Cira Centre
2929 Arch Street
28th Floor
Philadelphia, Pennsylvania 19104-2868

DRAFT

Attention: Stephen A. Card
R. Bruce Balderson, Jr., Esq.

11. Ratification. Except as modified herein, the terms and provisions of the Lease remain in full force and effect without amendment thereto and are hereby ratified and affirmed. The covenants, agreements, terms, provisions and conditions contained in this Third Amendment shall bind and inure to the benefit of the parties hereto and their respective successors and, except as otherwise provided in the Lease, their respective assigns. In the event of any conflict between the terms contained in this Third Amendment and the Lease, the terms herein contained shall supersede and control the obligations and liabilities of the parties.

12. Miscellaneous. This Third Amendment becomes effective only upon execution and delivery hereof by Landlord and Tenant. The captions of the paragraphs and subparagraphs in this Third Amendment are inserted and included solely for convenience and shall not be considered or given any effect in construing the provisions hereof. This Third Amendment supersedes all prior negotiations, agreements, informational brochures, letters, promotional information, proposals, and other statements and materials made or furnished by Landlord or its agents with respect to the subject matter contained herein.

[remainder of page left blank; signatures appear on next page]

DRAFT

IN WITNESS WHEREOF, the parties have duly executed this Third Amendment as of the day and year first above written.

30 M ACQUISITIONS, LLC, Landlord

By: _____
Name:
Title:

CITY OF JERSEY CITY, Tenant

By: _____
Name:
Title:

[Signature page to Third Amendment to Lease between 30 M Acquisitions, LLC and City of Jersey City]

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



ORDINANCE NO. Ord. 16.076
 TITLE: 3.H APR 27 2016 4.H **MAY 11 2016**

Ordinance authorizing the City of Jersey City to execute an amendment to a lease agreement with 30 M Acquisitions, LLC for approximately 33,650 square feet of space at 30 Montgomery Street, Block 8, Lot C2.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
APR 27 2016 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											
MAY 11 2016 7-0											
Councilperson <u>WATTERMAN</u> moved, seconded by Councilperson <u>LAVARRO</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA		ABSENT	
RAMCHAL		ABSENT		OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

JAYSON BURG

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											
MAY 11 2016 7-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA		ABSENT	
RAMCHAL		ABSENT		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 27 2016
 Adopted on second and final reading after hearing on MAY 11 2016

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **MAY 11 2016**

Robert Byrne, City Clerk

APPROVED:

Rolando R. Lavarro, Jr., Council President
 Date **MAY 11 2016**

*Amendment(s):

APPROVED:

Steven M. Fulop, Mayor
 Date **MAY 16 2016**
MAY 12 2016
 Date to Mayor _____

City Clerk File No. Ord. 16.077

Agenda No. 3-I 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 16.077

TITLE:

AN ORDINANCE GRANTING PERMISSION TO 58 GILES, LLC, ITS SUCCESSORS AND/OR ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY OF 940 PAVONIA AVENUE, (a/k/a 58 GILES AVENUE) JERSEY CITY, NEW JERSEY ALSO KNOWN ON THE TAX MAP OF THE CITY OF JERSEY CITY AS BLOCK 10404, LOT 29.

WHEREAS, 58 GILES, LLC, having offices located 940 Pavonia Avenue, Jersey City, New Jersey 07302, is the owner of the property located at 940 Pavonia Avenue (a/k/a 58 Giles Avenue) and known as Block 10404, Lot 29 on the current tax map of the City of Jersey City ("Property"); and

WHEREAS, 58 Giles, LLC is referred to as the Petitioner; and

WHEREAS, the development of the Property is currently under construction; and

WHEREAS, part of the development approval granted includes the right to construct four (4) window wells fronting the building along Giles Avenue which will encroach onto the public right of way, (see Proposed Franchise Area Plan dated November 24, 2015 and prepared by William G. Severino, NJ License No. 21A101374500 of William G. Severino Architect, LLC and attached hereto as **Exhibit A**); and

WHEREAS, the franchise area directly adjacent to the Property shall consist of approximately 235 square feet and shall be identified as the Proposed Franchise Area ("Franchise Area") as depicted in the Survey (attached **Exhibit B**) and Metes and Bounds description (attached **Exhibit C**) prepared by William Klapper, PLS, NJ Professional Land Surveyor, License #24GS03317500 of Behar Surveying Associates, PC; and

WHEREAS, as part of their approvals, Petitioner shall be constructing and installing window wells on the lower level of the building in the public right of way, fronting on Giles Avenue; and

WHEREAS, the construction of four (4) window wells on the lower level of the building in the public right of way will not interfere with pedestrian traffic on the right-of-way; and

WHEREAS, the proposed installation of window wells on the lower level of the building in the public right of way, will enhance the Property and the surrounding area and neighborhood; and

WHEREAS, the construction of private improvements to the Property will aesthetically enhance the Property; and

WHEREAS, the Petitioner has provided a proposed Franchise Area Plan (**Exhibit A**), Survey (**Exhibit B**) and a Metes and Bounds Description of the area (**Exhibit C**); and

WHEREAS, the Petitioner is required to file the Petition for a Franchise Ordinance to place these improvements; and

WHEREAS, there will remain sufficient area in the right-of-way for pedestrian use, and the proposed private improvements will not impede or have a negative impact on typical pedestrian use; and

WHEREAS, Petitioner 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, Petitioner 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 of the development and the general welfare; and

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

1. The contemplated improvements will include but not be limited to the construction of four (4) window wells at the building located along Giles Avenue, which will encroach in the public right of way; and
2. All costs and maintenance associated with these improvements will be incurred by the Petitioner, and there being no objections thereto; and

WHEREAS, the Jersey City Zoning Officer and Building Department can approve the construction of these improvements at the 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 construction of the private improvements within the public right-of-way; and

WHEREAS, by reason of the character of the development of the area wherein this Property is situated, the said improvements will enhance public purposes, and the aesthetic and character of the property 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 Petitioner 58 Giles, LLC, their successors and/or assigns, to construct and maintain private improvements to a portion of lands located within the front sidewalk public right-of-way of 940 Pavonia Avenue (a/k/a 58 Giles Avenue), Jersey City, New Jersey and known as Block 10404, Lot 29, on the current tax map of the City of Jersey City, said areas being more particularly described on the Franchise Area Plan, Survey and the metes and bounds descriptions attached hereto as **Exhibit A, Exhibit B** and **Exhibit C** respectively.

1. The contemplated improvements will include but not be limited to the construction of four (4) window wells at the building located along Giles Avenue, which will encroach in the public right of way.
2. The contemplated improvements will be consistent in design as shown in **Exhibit A**.
3. There will remain sufficient area in the right-of-way for pedestrian use.
4. The contemplated improvements will be constructed consistent with the development plans approved by the Jersey City Zoning Officer and Building Department.
5. All costs and maintenance associated with these improvements will be incurred by the Petitioner.
6. The contemplated improvements will greatly benefit the Petitioner's Property, and the surrounding area and 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. Petitioner, its successors and/or 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 seventy-five (75) years. This Ordinance shall take effect upon final passage and publication according to law. In the event that the Municipal Council determines that this Ordinance must be canceled in whole or in part because of a public purpose, the City reserves the right to cancel this Ordinance or any part thereof by giving written notice to the Petitioner one year prior to the date of cancellation.

SECTION IV. All costs and expenses incident to the introduction, passage and publication of this Ordinance shall be borne and paid by said Petitioner.

SECTION V. In accepting the privileges of this Ordinance and the installation, maintenance and use hereby authorized, Petitioner, its successors and/or assigns, hereby agrees 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. Petitioner, 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 \$2,000,000.00 or in such amount and type as the City of Jersey City's Risk Manager may deem reasonable shall be delivered to the Risk Manager before use or occupancy of the Property subject to this Franchise Ordinance. Insurance limits shall be reviewed annually by the City of Jersey City's Risk Manager to determine if they need to be increased.

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

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

SECTION VIII. An easement for the duration of this Ordinance is reserved for the benefit of the City of Jersey City and all public utility companies including any cable television company as defined in the Cable Television Act, P.L. 1972, c. 186 (c. 48:5A-1 et seq.) for the purpose of ingress and egress over and upon the 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 IX. 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 _____ next succeeding the time when this Ordinance shall become effective and on each first day of _____ thereafter until the termination of this Ordinance.

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

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

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

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

APPROVED AS TO LEGAL FORM

John J. Hallan III
Asst. Corporation Counsel

APPROVED: _____

APPROVED: Gregory J. Conrado
Business Administrator

Certification Required

Not Required

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



ORDINANCE NO. Ord. 16.077
 TITLE: _____

3.I APR 27 2016 4.I **MAY 11 2016**

An ordinance granting permission to 58 Giles, LLC, its successors and/or assigns, to make private improvements in the public right-of-way of 940 Pavonia Avenue, (a/k/a 58 Giles Avenue) Jersey City, New Jersey also known on the tax map of the City of Jersey City as Block 10404, Lot 29.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
APR 27 2016 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											
MAY 11 2016 7-0											
Councilperson <u>COLEMAN</u> moved, seconded by Councilperson <u>YUN</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA		ABSENT	
RAMCHAL		ABSENT		OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

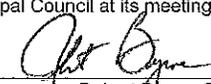
RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

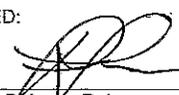
RECORD OF FINAL COUNCIL VOTE											
MAY 11 2016 7-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA		ABSENT	
RAMCHAL		ABSENT		OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on APR 27 2016
 Adopted on second and final reading after hearing on MAY 11 2016

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **MAY 11 2016**

 Robert Byrne, City Clerk

APPROVED: 
 Rolando R. Lavarro, Jr., Council President

Date MAY 11 2016

*Amendment(s):

APPROVED: 
 Steven M. Fulop, Mayor

Date MAY 16 2016

Date to Mayor MAY 12 2016

City Clerk File No. Ord. 16.078
Agenda No. 3.J 1st Reading
Agenda No. 4.J. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 16.078

TITLE: AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ., AND SECTION 304-12 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 9202, LOT 8, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 113 WALES AVENUE

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

WHEREAS, the City of Jersey City as an area in need of rehabilitation, is authorized to adopt an ordinance to utilize tax exemptions pursuant to N.J.S.A. 40A:21-1, et seq., the Five (5) Year Exemption and Abatement Law; and

WHEREAS, pursuant to N.J.S.A. 40A:21-1 et seq., the City of Jersey City adopted Ordinance 05-060, Section 304-6 et seq. of the Municipal Code, to allow Five (5) Year Tax Exemptions which allows the Tax Assessor to regard the full and true value or a portion thereof of certain improvements as not increasing the full and true value of certain property for a period of five (5) years, provided the owner's application is approved by the Tax Assessor and by Ordinance of the Municipal Council; and

WHEREAS, pursuant to N.J.S.A. 40A:21-9 and Section 304-12 of the Municipal Code, a tax exemption for the construction of a new three (3) story market rate residential rental building to contain three (3) residential units and a two-car garage on the Property, is permitted for a period of five (5) years; and

WHEREAS, ALT Investments, Inc., [Entity], is the owner of Property designated as Block 9202, Lot 8, on the City's Tax Map and more commonly known by the street address of 113 Wales Avenue, Jersey City, N); and

WHEREAS, the Entity has constructed a new three (3) story market rate residential rental building to contain three (3) residential units and a two-car garage on the Property; and

WHEREAS, construction is substantially complete and a Certificate of Occupancy was issued on July 15, 2015; and

WHEREAS, on August 4, 2014, the Entity filed the initial application for a five (5) year tax exemption to construct the new multiple dwelling Project, a copy of which application is attached hereto; and

WHEREAS, ALT Investments, Inc., proposes to pay the City (in addition to the full taxes on the land, which shall continue to be conventionally assessed and are currently taxed at the sum of \$3,741) a tax payment for the new improvements on the property, as follows:

- (a) 2016: the tax year in which the structure will be completed. \$0 taxes due on improvements;

AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ., AND SECTION 304-12 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 9202, LOT 8, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 113 WALES AVENUE

- (b) 2017: the second tax year, 20% of taxes otherwise due on improvements, estimated to be \$2,394;
- (c) 2018: the third tax year, 40% of taxes otherwise due on improvements, estimated to be \$4,788;
- (d) 2019: the fourth tax year, 60% of taxes otherwise due on improvements, estimated to be \$7,183; and
- (e) 2018: the fifth tax year, 80% of taxes otherwise due on improvements, estimated to be \$9,577;

WHEREAS, the Tax Assessor has determined that the new construction will generate an additional tax payment of \$3,741 for land and \$11,971 for improvements, for a total of \$15,712 a year; and

WHEREAS, the applicant has agreed that in the event the Citywide revaluation results in a decrease in the estimated amount of actual taxes otherwise due, then for purposes of calculating a tax payment hereunder and for the five (5) year period, the amount shall be calculated on the higher of the amount estimated hereunder or the actual taxes otherwise due; and

WHEREAS, the application for tax exemption was complete and timely filed; the application was approved by the Tax Assessor and the commercial Project is eligible for tax exemption pursuant to N.J.S.A. 40A:21-9 and Section 304-12 of the Municipal Code; and

WHEREAS, upon the expiration of the tax exemption, the total assessment, including both land and improvements, will generate a total tax payment of \$15,712; and

WHEREAS, ALT Investments, Inc., has agreed to pay the sum of \$5,100 to the City's Affordable Housing Trust Fund, which shall be paid in intervals set forth in Section 304-28 of the Municipal Code.

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

1. The application, attached hereto, for a five (5) year tax exemption for the full and true value of a new three (3) story market rate residential rental building to contain three (3) residential units and a two-car garage, located in Block 9202, Lot 8, and more commonly known by the street address of 113 Wales Avenue, Jersey City, N.J., is hereby approved.
2. The Mayor or Business Administrator is hereby authorized to execute a tax exemption agreement which shall contain at a minimum, the following terms and conditions:
 - (a) tax payment on the new improvements shall be:
 - (i) Year 1: the tax year in which the structure will be completed. \$0 taxes;
 - (ii) Year 2: the second tax year, 20% of taxes otherwise due on improvements, estimated to be \$2,394;

AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ., AND SECTION 304-12 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 9202, LOT 8, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 113 WALES AVENUE

- (iii) Year 3: the third tax year, 40% of taxes otherwise due on improvements, estimated to be \$4,788;
- (iv) Year 4: the fourth tax year, 60% of taxes otherwise due on improvements, estimated to be \$7,183; and
- (v) Year 5: the fifth tax year, 80% of taxes otherwise due on improvements, estimated to be \$9,577.

The applicant has agreed that in the event the Citywide revaluation results in a decrease in the amount of actual taxes otherwise due for purposes of calculating a tax payment hereunder; during this five (5) year period, the amount due hereunder shall be calculated on the higher of the amount estimated above or the actual taxes due after the revaluation; and

(b) The project shall be subject to all federal, state and local laws, and regulations on pollution control, worker safety, discrimination in employment, zoning, planning, and building code requirements pursuant to N.J.S.A. 40A:21-11(b).

(c) If, during any tax year prior to the termination of the tax agreement, the property owner ceases to operate or disposes of the property, or fails to meet the conditions for qualifying, then the tax which would have otherwise been payable for each tax year shall become due and payable from the property owner as if no exemption and abatement had been granted. The collector forthwith ad the tax collector shall, within 15 days thereof, notify the owner of the property of the amount of taxes due.

(d) With respect to the disposal of the property, where it is determined that the new owner of the property will continue to use the property pursuant to the conditions which qualified the property, no tax shall be due, the exemption shall continue, and the agreement shall remain in effect.

(e) At the termination of a tax exemption agreement, the new improvements shall be subject to all applicable real property taxes as provided by State law and regulation and local ordinance; but nothing herein shall prohibit a project, at the termination of an agreement, from qualifying for, an receiving the full benefits of, any other tax preferences provided by law.

(f) Affordable Housing Trust Fund: \$1,500 x 3 units and 1.50 x 400 square feet of parking garage, for a total of \$5,100.

3. Since the Project is complete, a Project Employment and Contracting Agreement is not necessary.
4. Construction is substantially complete and a Certificate of Occupancy was issued on July 15, 2015.
5. The form of tax exemption agreement is attached hereto as Exhibit B, subject to such modification as the Corporation counsel or Business Administrator deems necessary.
6. The Tax Assessor shall send a copy of the fully executed Financial Agreement will be sent to the Director of the Division of Local Government Services in the Department of Community Affairs within thirty (30) days of execution pursuant to N.J.S.A. 40a:21-11(d).

AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ., AND SECTION 304-12 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 9202, LOT 8, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 113 WALES AVENUE

- 7. The City Clerk shall deliver a certified copy of the Ordinance and Financial Agreement to 1) the City Tax Assessor; 2) the Director of the New Jersey Division of Local Government Services; 3) the Hudson County Chief Financial Officer; and 4) the Hudson County Counsel, within ten (10) calendar days of adoption or execution, whichever occurs later.
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be 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 provided by law.
- D. The City Clerk and 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*.

JJH/he
4/18/16

APPROVED AS TO LEGAL FORM

John J. Halloran III
Corporation Counsel

APPROVED:

APPROVED:

[Signature]
Business Administrator

Certification Required
Not Required

ORDINANCE FACT SHEET – NON-CONTRACTUAL

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

Full Title of Ordinance

An Ordinance Approving A Five (5) Year Tax Exemption for a Market Rate Rental Project developed by Alt Investments, Inc. Under the Short-Term Tax Exemption Law N.J.S.A. 40A:21-1 et. seq. Designated as Block 9202 Lot 8 on the City's Tax Map and known as 113 Wales Avenue.

Initiator

Department/Division	Office of the Mayor	Office of the Deputy Mayor
Name/Title	Marcos D. Vigil	Deputy Mayor
Phone/email	201-547-6542	mvigil@jcnj.org

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

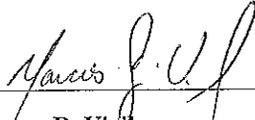
Ordinance Purpose

The applicant Alt Investments, Inc. is applying for a five (5) year tax abatement under N.J.S.A. 40 A: 21-1 et seq. It is new construction of a three (3) story market rate residential project. The application fee of \$300 was paid.

The property is known as 113 Wales Avenue consisting of Block 9202 Lot 6 is on Wales Avenue between Broadway and Fayette Avenue.

The project is a three (3) story residential rental building with two (2) three bedroom units on the upper floors and a two bedroom unit and a two (2) car garage on the ground floor. The project is complete. Construction began prior to the change in the ordinance requiring that an application must be filed prior to the start of construction.

I certify that all the facts presented herein are accurate.



Marcos D. Vigil
Deputy Mayor

April 18, 2016
Date

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



ORDINANCE NO. Ord. 16.078
 TITLE: 3.J APR 27 2016 4.J MAY 11 2016

An ordinance approving a five (5) year tax exemption pursuant to the provisions of N.J.S.A. 40A:21-1 et. seq., and Section 304-12 of the Municipal Code for property designated as Block 9202 Lot 8 on the City's tax map and known as 113 Wales Avenue.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
APR 27 2016 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											
MAY 11 2016 7-0											
Councilperson <u>WATTERMAN</u> moved, seconded by Councilperson <u>COLEMAN</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA		ABSENT	
RAMCHAL		ABSENT		OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

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

SPEAKERS:

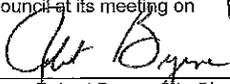
DAN SICARDI
 JAYSON BURG

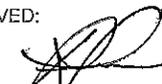
RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
MAY 11 2016 7-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA		ABSENT	
RAMCHAL		ABSENT		OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

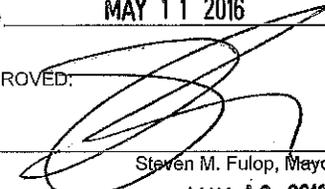
✓ Indicates Vote N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on APR 27 2016
 Adopted on second and final reading after hearing on MAY 11 2016

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on MAY 11 2016

 Robert Byrne, City Clerk

APPROVED: 
 Rolando R. Lavarro, Jr., Council President

Date MAY 11 2016

APPROVED: 
 Steven M. Fulop, Mayor

Date MAY 16 2016

Date to Mayor MAY 12 2016

*Amendment(s):

City Clerk File No. Ord. 16.079

Agenda No. 3-K 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 16-079

TITLE: AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ., AND SECTION 304-12 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 9202, LOT 7, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 115 WALES AVENUE

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

WHEREAS, the City of Jersey City as an area in need of rehabilitation, is authorized to adopt an ordinance to utilize tax exemptions pursuant to N.J.S.A. 40A:21-1, et seq., the Five (5) Year Exemption and Abatement Law; and

WHEREAS, pursuant to N.J.S.A. 40A:21-1 et seq., the City of Jersey City adopted Ordinance 05-060, Section 304-6 et seq. of the Municipal Code, to allow Five (5) Year Tax Exemptions which allows the Tax Assessor to regard the full and true value or a portion thereof of certain improvements as not increasing the full and true value of certain property for a period of five (5) years, provided the owner's application is approved by the Tax Assessor and by Ordinance of the Municipal Council; and

WHEREAS, pursuant to N.J.S.A. 40A:21-9 and Section 304-12 of the Municipal Code, a tax exemption for the construction of a new three (3) story market rate residential rental building to contain three (3) residential units and a two-car garage on the Property, is permitted for a period of five (5) years; and

WHEREAS, ALT Investments, Inc., [Entity], is the owner of Property designated as Block 9202, Lot 7, on the City's Tax Map and more commonly known by the street address of 115 Wales Avenue, Jersey City, NJ; and

WHEREAS, the Entity has constructed a new three (3) story market rate residential rental building to contain three (3) residential units and a two-car garage on the Property; and

WHEREAS, construction is substantially complete and a Certificate of Occupancy was issued on July 15, 2015; and

WHEREAS, on August 4, 2014, the Entity filed the initial application for a five (5) year tax exemption to construct the new multiple dwelling Project, a copy of which application is attached hereto; and

WHEREAS, ALT Investments, Inc., proposes to pay the City (in addition to the full taxes on the land, which shall continue to be conventionally assessed and are currently taxed at the sum of \$4,788) a tax payment for the new improvements on the property, as follows:

- (a) 2016: the tax year in which the structure will be completed. \$0 taxes due on improvements;

AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ., AND SECTION 304-12 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 9202, LOT 7, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 115 WALES AVENUE

- (b) 2017: the second tax year, 20% of taxes otherwise due on improvements, estimated to be \$2,185;
- (c) 2018: the third tax year, 40% of taxes otherwise due on improvements, estimated to be \$4,369;
- (d) 2019: the fourth tax year, 60% of taxes otherwise due on improvements, estimated to be \$6,554; and
- (e) 2018: the fifth tax year, 80% of taxes otherwise due on improvements, estimated to be \$8,739;

WHEREAS, the Tax Assessor has determined that the new construction will generate an additional tax payment of \$4,788 for land and \$10,924 for improvements, for a total of \$15,712 a year; and

WHEREAS, the applicant has agreed that in the event the Citywide revaluation results in a decrease in the estimated amount of actual taxes otherwise due, then for purposes of calculating a tax payment hereunder and for the five (5) year period, the amount shall be calculated on the higher of the amount estimated hereunder or the actual taxes otherwise due; and

WHEREAS, the application for tax exemption was complete and timely filed; the application was approved by the Tax Assessor and the commercial Project is eligible for tax exemption pursuant to N.J.S.A. 40A:21-9 and Section 304-12 of the Municipal Code; and

WHEREAS, upon the expiration of the tax exemption, the total assessment, including both land and improvements, will generate a total tax payment of \$15,712; and

WHEREAS, ALT Investments, Inc., has agreed to pay the sum of \$5,100 to the City's Affordable Housing Trust Fund, which shall be paid in intervals set forth in Section 304-28 of the Municipal Code.

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

1. The application, attached hereto, for a five (5) year tax exemption for the full and true value of a new three (3) story market rate residential rental building to contain three (3) residential units and a two-car garage, located in Block 9202, Lot 7, and more commonly known by the street address of 115 Wales Avenue, Jersey City, N.J., is hereby approved.

2. The Mayor or Business Administrator is hereby authorized to execute a tax exemption agreement which shall contain at a minimum, the following terms and conditions:

- (a) tax payment on the new improvements shall be:
 - (i) Year 1: the tax year in which the structure will be completed. \$0 taxes;
 - (ii) Year 2: the second tax year, 20% of taxes otherwise due on improvements, estimated to be \$2,185;

AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ., AND SECTION 304-12 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 9202, LOT 7, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 115 WALES AVENUE

- (iii) Year 3: the third tax year, 40% of taxes otherwise due on improvements, estimated to be \$4,369;
- (iv) Year 4: the fourth tax year, 60% of taxes otherwise due on improvements, estimated to be \$6,554; and
- (v) Year 5: the fifth tax year, 80% of taxes otherwise due on improvements, estimated to be \$8,739.

The applicant has agreed that in the event the Citywide revaluation results in a decrease in the amount of actual taxes otherwise due for purposes of calculating a tax payment hereunder; during this five (5) year period, the amount due hereunder shall be calculated on the higher of the amount estimated above or the actual taxes due after the revaluation; and

(b) The project shall be subject to all federal, state and local laws, and regulations on pollution control, worker safety, discrimination in employment, zoning, planning, and building code requirements pursuant to N.J.S.A. 40A:21-11(b).

(c) If, during any tax year prior to the termination of the tax agreement, the property owner ceases to operate or disposes of the property, or fails to meet the conditions for qualifying, then the tax which would have otherwise been payable for each tax year shall become due and payable from the property owner as if no exemption and abatement had been granted. The collector forthwith ad the tax collector shall, within 15 days thereof, notify the owner of the property of the amount of taxes due.

(d) With respect to the disposal of the property, where it is determined that the new owner of the property will continue to use the property pursuant to the conditions which qualified the property, no tax shall be due, the exemption shall continue, and the agreement shall remain in effect.

(e) At the termination of a tax exemption agreement, the new improvements shall be subject to all applicable real property taxes as provided by State law and regulation and local ordinance; but nothing herein shall prohibit a project, at the termination of an agreement, from qualifying for, an receiving the full benefits of, any other tax preferences provided by law.

(f) Affordable Housing Trust Fund: \$1,500 x 3 units and 1.50 x 400 square feet of parking garage, for a total of \$5,100.

3. Since the Project is complete, a Project Employment and Contracting Agreement is not necessary.
4. Construction is substantially complete and a Certificate of Occupancy was issued on July 15, 2015.
5. The form of tax exemption agreement is attached hereto as Exhibit B, subject to such modification as the Corporation counsel or Business Administrator deems necessary.
6. The Tax Assessor shall send a copy of the fully executed Financial Agreement will be sent to the Director of the Division of Local Government Services in the Department of Community Affairs within thirty (30) days of execution pursuant to N.J.S.A. 40a:21-11(d).

AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ., AND SECTION 304-12 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 9202, LOT 7, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 115 WALES AVENUE

7. The City Clerk shall deliver a certified copy of the Ordinance and Financial Agreement to 1) the City Tax Assessor; 2) the Director of the New Jersey Division of Local Government Services; 3) the Hudson County Chief Financial Officer; and 4) the Hudson County Counsel, within ten (10) calendar days of adoption or execution, whichever occurs later.

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

B. This ordinance shall be 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 provided by law.

D. The City Clerk and 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*.

JJH/he
4/18/16

APPROVED AS TO LEGAL FORM

John J. Halloran III
Asst. Corporation Counsel

APPROVED:

[Signature]
Business Administrator

Certification Required
Not Required

ORDINANCE FACT SHEET – NON-CONTRACTUAL

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

Full Title of Ordinance

An Ordinance Approving A Five (5) Year Tax Exemption for a Market Rate Rental Project developed by Alt Investments, Inc. Under the Short-Term Tax Exemption Law N.J.S.A. 40A:21-1 et. seq. Designated as Block 9202 Lot 7 on the City's Tax Map and known as 115 Wales Avenue.

Initiator

Department/Division	Office of the Mayor	Office of the Deputy Mayor
Name/Title	Marcos D. Vigil	Deputy Mayor
Phone/email	201-547-6542	mvigil@jcnj.org

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

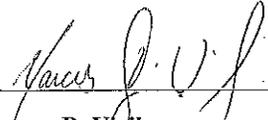
Ordinance Purpose

The applicant Alt Investments, Inc. is applying for a five (5) year tax abatement under N.J.S.A. 40 A: 21-1 et seq. It is new construction of a three (3) story market rate residential project. The application fee of \$300 was paid.

The property is known as 115 Wales Avenue consisting of Block 9202 Lot 7 is on Wales Avenue between Broadway and Fayette Avenue.

The project is a three (3) story residential rental building with two (2) three bedroom units on the upper floors and a two bedroom unit and a two (2) car garage on the ground floor. The project is complete. Construction began prior to the change in the ordinance requiring that an application must be filed prior to the start of construction.

I certify that all the facts presented herein are accurate.



Marcos D. Vigil
Deputy Mayor

4-15-16

Date

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



ORDINANCE NO. Ord. 16.079
 TITLE: 3.K. APR 27 2016 4.K. MAY 11 2016

An ordinance approving a five (5) year tax exemption pursuant to the provisions of N.J.S.A. 40A:21-1 et. seq., and Section 304-12 of the Municipal Code for property designated as Block 9202 Lot 7 on the City's tax map and known as 115 Wales Avenue

RECORD OF COUNCIL VOTE ON INTRODUCTION											
APR 27 2016 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											
MAY 11 2016 7-0											
Councilperson <u>COLEMAN</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		ABSENT	
RAMCHAL		ABSENT		OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

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

SPEAKERS:

DAN SICARDI

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											
MAY 11 2016 7-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA		ABSENT	
RAMCHAL		ABSENT		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 27 2016
 Adopted on second and final reading after hearing on MAY 11 2016

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on MAY 11 2016

 Robert Byrne, City Clerk

*Amendment(s):

APPROVED: _____
 Rolando R. Lavarro, Jr., Council President

Date MAY 11 2016

APPROVED: _____
 Steven M. Fulop, Mayor

Date MAY 16 2016

Date to Mayor MAY 12 2016

City Clerk File No. Ord. 16.080

Agenda No. 3-L 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 16.080

TITLE: ORDINANCE APPROVING A 25 YEAR TAX EXEMPTION FOR A MARKET RATE RENTAL PROJECT TO BE CONSTRUCTED BY JOURNAL SQUARE LOFTS URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ., LOCATED AT 2853 KENNEDY BOULEVARD IN JERSEY CITY

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

WHEREAS, Journal Square Lofts Urban Renewal, LLC, is an urban renewal entity, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. (Entity); and

WHEREAS, the Entity is the lessee of certain property known as Block 10601, Lot 49, 2853 Residential Condominium Unit – Unit 01, Qualifier C.001, on the City's Official Tax map, on property more commonly known by the street address of 2851-2857 Kennedy Boulevard, and more specifically described by metes and bounds, in the application (Property); and

WHEREAS, the Property is located within the Journal Square 2060 Redevelopment Plan Area, as required by N.J.S.A. 40A:20-4 and N.J.S.A. 40A:12A-5(g); and

WHEREAS, by an application dated July 2, 2015, the Entity applied for a 25 year long term tax exemption to rehabilitate a portion of a six (6) story building with a one-story extension to contain approximately forty (40) market rate residential rental units (Project); and

WHEREAS, the Project received site plan approval from the Planning Board on April 7, 2015; and

WHEREAS, Journal Square Lofts Urban Renewal, LLC, has agreed to:

1. pay the greater of (i) the Minimum Annual Service Charge or (ii) 12% of the Annual Gross Revenue years 1-7; 14% years 8-16; and 16% years 17-25; and which shall be subject to statutory staged increases over the term of the tax exemption; and
2. pay an annual sum equal to 2% of each prior year's Annual Service Charge as an Administrative Fee initially estimated at \$1,964; and
3. provide employment and other economic opportunities for City residents and businesses; and
4. pay to the City, for remittance to Hudson County, an additional amount equal to 5% of the Annual Service Charge estimated to be \$4,911; and
5. pay the sum of \$60,000 to the City's Affordable Housing Trust Fund;
6. execute a Project Employment & Contracting Agreement;

ORDINANCE APPROVING A 25 YEAR TAX EXEMPTION FOR A MARKET RATE RENTAL PROJECT TO BE CONSTRUCTED BY JOURNAL SQUARE LOFTS URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ., LOCATED AT 2853 KENNEDY BOULEVARD IN JERSEY CITY

- 7. the total expenditures for rent, either base or additional, allowable in any year is \$175,000, and any amount above that may not be deducted in order to calculate the Allowable Net Profit; and

WHEREAS, the City hereby determines that the relative benefits of the project outweigh the cost of the tax exemption, for the following reasons:

- 1. the current real estate taxes generate revenue of only \$37,657, whereas, the Annual Service Charge as estimated, will initially generate revenue of at least \$98,222 to the City and an additional sum of approximately \$4,911 to Hudson County;
- 2. the Project will create approximately 40 jobs during construction and 1 new permanent job;
- 3. the Project will stabilize and contribute to the economic growth of businesses in the surrounding area;
- 4. the Project will further the overall redevelopment objectives of the Journal Square 2060 Redevelopment Plan;
- 5. the City's impact analysis, on file with the Office of the City Clerk, indicates that the benefits of the Project outweigh the costs to the City; and

WHEREAS, the City hereby determines that the tax exemption is important in obtaining development of the project and influencing the locational decisions of probable occupants for the following reasons:

- 1. the relative stability and predictability of the Annual Service Charges will make the Project more attractive to investors needed to finance the Project;
- 2. the relative stability and predictability of the Annual Service Charges will allow the owner to stabilize its operating budget, allowing a high level of maintenance to the building over the life of the Project, which will attract tenants to the Project and insure the likelihood of the success of the Project; and

WHEREAS, Journal Square Lofts Urban Renewal, LLC, has initially complied with Executive Order 2002-005 concerning "Disclosure of Lobbyist Representative Status" by filing an appropriate letter in the Office of the City Clerk.

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

A. The application of Journal Square Lofts Urban Renewal, LLC, an urban renewal company, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 2003, N.J.S.A. 40A:20-1 et seq., a copy of which is on file in the office of the City Clerk, for Block 10601, Lot 49, 2853 Residential Condominium Unit – Unit 01, Qualifier C.001, on property more commonly known by the street address of 2851-2857 Kennedy Boulevard, more specifically described by metes and bounds in the application, is hereby approved.

B. The Mayor or Business Administrator is hereby authorized to execute a tax exemption Financial Agreement. The Financial Agreement shall include at a minimum the following terms and conditions:

- 1. Term: the earlier of 28 years from the adoption of the within Ordinance or 25 years from the date the project is Substantially Complete;

ORDINANCE APPROVING A 25 YEAR TAX EXEMPTION FOR A MARKET RATE RENTAL PROJECT TO BE CONSTRUCTED BY JOURNAL SQUARE LOFTS URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ., LOCATED AT 2853 KENNEDY BOULEVARD IN JERSEY CITY

2. Annual Service Charge: each year the greater of:
 - (a) the Minimum Annual Service Charge equal to \$37,657 upon Project Completion, whether or not the Project is occupied;
 - (b) the Annual Service Charge shall be equal to:
 - (i) years 1-7: 12% of the Annual Gross Revenue;
 - (ii) years 8-16: 14% of the Annual Gross Revenue; and
 - (iii) years 17-25: 16% of the Annual Gross Revenue;
3. Administrative Fee: 2% of the prior year's Annual Service Charge estimated to be \$1,964;
4. County Payment: 5% of the Annual Service Charge to the City for remittance by the City to Hudson County estimated to be \$4,911;
5. Project: To rehabilitate a portion of a six (6) story building with a one-story extension to contain approximately forty (40) market rate residential rental units;
6. Affordable Housing Trust Fund: \$1,500 per unit or \$60,000. Such funds are non-refundable and non-transferrable in the event of a termination or expiration of the Financial Agreement;
7. Statutory Staged Adjustments: in addition to the Service Charge, as periodically adjusted above, the Entity shall also pay the greater of:
 - (a) Stage One: years 1-6 the Annual Service Charge;
 - (b) Stage Two: years 7-9 the Annual Service Charge or 20% of taxes otherwise due;
 - (c) Stage Three: years 10-12 the Annual Service Charge or 40% of taxes otherwise due;
 - (d) Stage Four: years 13-16 the Annual Service Charge or 60% of taxes otherwise due;
 - (e) Final Stage: Beginning on the 1st day of the 17th year through the date the tax exemption expires, an amount equal to the greater of the Annual Service Charge or 80% of the amount of the taxes otherwise due;
8. The total expenditures for rent, either base or additional, allowable in any year is \$175,000, and any amount above that may not be deducted in order to calculate the Allowable Net Profit;
9. Project Employment & Contracting Agreement: an obligation to execute (i) a Project Employment and Contracting Agreement to insure employment and other economic benefits to City residents and businesses;
10. Project Labor Agreement: Entity certified that its construction costs are less than \$25 million. In the event a construction cost audit or report indicates construction costs of more than \$25 million, then the Entity shall execute a Project Labor Agreement and be required to pay the damages as set forth in Section 304-37(3) of the Municipal Code;

ORDINANCE APPROVING A 25 YEAR TAX EXEMPTION FOR A MARKET RATE RENTAL PROJECT TO BE CONSTRUCTED BY JOURNAL SQUARE LOFTS URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ., LOCATED AT 2853 KENNEDY BOULEVARD IN JERSEY CITY

- 11. The initial installment of the Affordable Housing Trust Fund contribution payment shall be due on execution of the Financial Agreement, but in no event later than 90 days of the adoption of the ordinance. Interest shall accrue on such payments as of the 91st day at the same rate as the City charges for unpaid real estate taxes;
 - 12. The Financial Agreement shall be executed by the Entity no later than 90 days following adoption of the within Ordinance. Failure to comply shall result in a repeal of the herein Ordinance and the tax exemption will be voided;
 - 13. This Ordinance will sunset and the Tax Exemption will terminate unless construction of the Project is: 1) commenced within two (2) years; 2) Substantially Complete within five (5) years of the adoption of the within Ordinance;
 - 14. The City Clerk shall deliver a certified copy of the Ordinance and Financial Agreement to 1) the City Tax Assessor; 2) the Director of the New Jersey Division of Local Government Services; 3) the Hudson County Chief Financial Officer; and 4) the Hudson County Counsel, within ten (10) calendar days of adoption or execution, whichever occurs later.
- C. The City Clerk shall deliver a certified copy of the Ordinance and Financial Agreement to the Tax Assessor and Director of the Division of Local Government Services.
- D. The application is on file with the office of the City Clerk. The Financial Agreement and Project Employment and Contracting Agreement shall be in substantially the form on file in the Office of the City Clerk, subject to such modification as the Business Administrator or Corporation Counsel deems appropriate or necessary.
- E. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- F. This ordinance shall be 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.
- G. This ordinance shall take effect at the time and in the manner provided by law.
- H. The City Clerk and 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*.

JJH/he
4/27/16

APPROVED AS TO LEGAL FORM

John J. Halloran III
Corporation Counsel

APPROVED:

[Signature]
Business Administrator
ABST

Certification Required
Not Required

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



ORDINANCE NO. Ord. 16.080
 TITLE: 3.L APR 27 2016 4.L MAY 11 2016

Ordinance approving a twenty-five (25) year tax exemption for a market rate rental project to be constructed by Journal Square Lofts Urban Renewal, LLC, an urban renewal entity, pursuant to the Long Term Tax Exemption Law N.J.S.A. 40A:20-1 et seq., located at 2853 Kennedy Boulevard in Jersey City

RECORD OF COUNCIL VOTE ON INTRODUCTION											
APR 27 2016 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											
MAY 11 2016 7-0											
Councilperson <u>COLEMAN</u>				moved, seconded by Councilperson <u>OSBORNE</u>				to close P.H.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA		ABSENT	
RAMCHAL		ABSENT		OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

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

SPEAKERS:

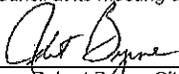
- BRIDGET D'SOUZA
- MIA SCANGA
- YVONNE DALCER
- DAN SICARDI
- JAYSON BURG
- JAMES MCCANN
- SHERIDAN BELL

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.			

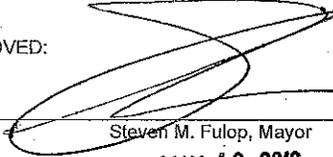
RECORD OF FINAL COUNCIL VOTE											
MAY 11 2016 5-2											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN		✓		RIVERA		ABSENT	
RAMCHAL		ABSENT		OSBORNE	✓			WATTERMAN		✓	
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

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

Adopted on first reading of the Council of Jersey City, N.J. on APR 27 2016
 Adopted on second and final reading after hearing on MAY 11 2016

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on MAY 11 2016

 Robert Byrne, City Clerk

APPROVED: 
 Rolando R. Lavarro, Jr., Council President
 Date MAY 11 2016

APPROVED: 
 Steven M. Fulop, Mayor
 Date MAY 16 2016

Date to Mayor MAY 12 2016

*Amendment(s):

City Clerk File No. Ord. 16.060

Agenda No. 3-A 1st Reading

Agenda No. 4.0 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 16.060

TITLE:

AN ORDINANCE PROVIDING MAPLE STREET FROM PACIFIC AVENUE EAST TO WHITON STREET WITH THE COMMEMORATIVE DESIGNATION "KOOL & THE GANG WAY"

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

WHEREAS, the Morris Canal Community Development Corporation applied to have a portion of Maple Street from Pacific Avenue east to Whiton Street commemoratively designated "Kool & the Gang Way"; and

WHEREAS, Kool & the Gang is an American jazz, R&B, soul, funk, and disco group, formed in 1964 in Jersey City; and

WHEREAS, Kool & the Gang have sold over 70 million albums worldwide; and

WHEREAS, the Municipal Council Street Name Subcommittee met on March 31, 2016 to evaluate the application attached hereto; and

WHEREAS, the Municipal Council Street Name Subcommittee deemed that the application satisfied the standards and requirements set forth in Chapter 3-38.1 of the Municipal Code; and

WHEREAS, the Municipal Council Street Name Subcommittee voted unanimously to recommend that the Municipal Council provide the section of Maple Street Pacific Avenue east to Whiton Street with the commemorative designation "Kool & the Gang Way"; and

WHEREAS, the applicant will reimburse the City for the cost of fabricating the necessary commemorative street signs as well as for their installation.

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

The section of Maple Street Pacific Avenue east to Whiton Street will receive the commemorative designation "Kool & the Gang Way."

- I. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- II. This Ordinance shall be 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.
- III. This Ordinance shall take effect twenty (20) days after enactment.
- IV. The City Clerk and the Corporation Counsel be and hereby are authorized and directed to change any chapter numbers, article numbers and section numbers in the event the

AN ORDINANCE PROVIDING MAPLE STREET FROM PACIFIC AVENUE EAST TO WHITON STREET WITH THE COMMEMORATIVE DESIGNATION "KOOL & THE GANG WAY"

codification of this Ordinance reveals that there is conflict between those numbers and the existing code.

NOTE: All new material is underlined; words ~~struck through~~ are omitted.

For purposes of advertising only, new matter is **boldface** and repealed by *italics*.

JJH 4/3/16

APPROVED AS TO LEGAL FORM

John G. Hallam III
Asst. Corporation Counsel

APPROVED: _____

APPROVED: [Signature]
Business Administrator

Certification Required

Not Required

ORDINANCE FACT SHEET – NON-CONTRACTUAL

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

Full Title of Ordinance

AN ORDINANCE PROVIDING MAPLE STREET FROM PACIFIC AVENUE EAST TO WHITON STREET WITH THE COMMEMORATIVE DESIGNATION "KOOL & THE GANG WAY"

Initiator

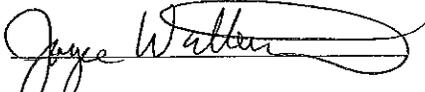
Department/Division	Office of the Municipal Council	Office of Councilwoman Joyce Watterman
Name/Title	Joyce Watterman	Councilperson at Large
Phone/email	201-547-5108	jwatterman@jcnj.org

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

Ordinance Purpose

This Ordinance approves providing Maple Street from Pacific Avenue east to Whiton Street with the commemorative designation "KOOL & THE GANG WAY".

I certify that all the facts presented herein are accurate.


Joyce Watterman

April 4, 2016
Date

CITY OF JERSEY CITY

Office of the City Clerk

280 Grove Street
Jersey City, New Jersey 07302

Robert Byrne, R.M.C., City Clerk
Sean J. Gallagher, R.M.C., Deputy City Clerk

Telephone: (201) 547-5150
Fax: (201) 547-5461



Street Dedication Request Form

Please print or type

Name of requestor: Morris Canal Community Development Corporation

Address: 317 Pacific Avenue

Telephone: (201) 915-9600 Fax: (201) 915-9607 Email: junejones@morriscanalcdc.org

Person or Organization to be commemorated: Kool & The Gang - "Kool & The Gang Way"
(Please write the name as you wish it to appear on a street sign, i.e. "Glenn D. Cunningham Way").

What is the existing name or number of the street to which you wish to have a commemorative name added: to
S.E. Corner of Pacific Avenue and Maple Street

What is the requested length of the commemorative street designation?
Maple Street from Pacific Avenue to Whiton Street

(i.e., Montgomery Street from Westside Avenue to Bergen Avenue)

How many commemorative street signs would need to be added? 2 and 1 for each group member. 6 in total.
(If approved, the applicant must pay for the signs and installation)

If an individual is to be commemorated, has a background check been performed?
if yes, please attach the results of the background check. YES NO

Has the individual been deceased for at least three years?
if yes, please attach proof. YES NO *N/A*

Was the individual active in the Jersey City community for at least 15 years? YES NO

If an organization is to be commemorated, is it a not-for-profit organization?
if yes, please attach proof of not-for-profit status. YES NO

Has the organization been active in the in the Jersey City community for at least 30 years? YES NO

Does the individual or organization to be commemorated have anything else named after
him/her/it (i.e. a park, public building or monument) YES NO

If so, please identify: Star on the Hollywood Walk of Fame (7065 Hollywood Blvd. Los Angeles,
California)

Have at least 75% of the property owners whose property fronts the street
to be commemorated consented to the commemoration?
if yes, please attach petition. YES NO

Does this application include letters of support for the street commemoration from applicable community groups?
if yes, please attach letters of support. YES NO

Kool & the Gang Entertainment, Inc.



PO Box 335 Millstone Township, NJ 08535

Tia Sinclair
Business Manager
(732) 446-1084 voice
(732) 786-9947 fax
Tia@koolandthegang.com

March 30, 2016

Robert Byrne
Office of the City Clerk
280 Grove Street
Jersey City, New Jersey 07302

RE: Kool & the Gang Way

Dear Mr. Byrne:

The members of Kool & the Gang are honored that the Morris Canal Community Development Corp. has requested that the City of Jersey City name a street in their honor.

Robert Bell, Ronald Bell, Dennis Thomas, George Brown and the late Claydes Smith grew up in Jersey City. The band's earliest years were fostered by the support of the local community. The music programs at P.S. 14 and Lincoln High School allowed them to try a variety of instruments until they found their calling. The Jersey City Boys & Girls Club, local shop owners and St Johns Church on Summit Avenue allowed them to practice and hone their craft. The city's neighborhoods supported their earliest shows in local parks and area clubs. Jersey City played a major role in the development of the band.

Let me know if you need any information or assistance from my office.

Kind regards,

A handwritten signature in black ink, appearing to be "Tia Sinclair", written over a horizontal line.

Tia Sinclair
Business manager

LAFAYETTE COMMUNITY LETTER OF SUPPORT

Kool & The Gang

Honorees:

Robert "Kool Bell, Ronald Bell, George "Funky" Brown, Dennis "DT" Thomas

Neighbors, friends and family vividly remember when the Bell boys moved to Pacific Avenue in Jersey City. Music was never the same after the legendary jazz funk band known as Kool & The Gang originated in a Lafayette project housing in the 60's.

"If it's kool with you, It's kool with him", said Robert Bell, but we know him as "Kool". Kool has become one of the largest and well known success stories of all time. Kool and his brother Ronald Bell moved from Youngstown, Ohio to Jersey City in the 1960's. They migrated to Whiton Street before moving on to Pacific Ave. They lived there for a few years where they met the other members of the group later to be known as "Kool & The Gang." Not too soon after discovering one another, Kool and his brother moved again to Montgomery Gardens Projects; A place graced with opportunity.

Kool and The Gang in the early days, started using the streets and small clubs around town to find their niche. Over the next 4 decades they won 3 Grammy Awards, and sold over 70 million albums. Their jamming sounds have been featured in a multitude of movies- from Rocky to Saturday Night Fever. Kool & The Gang's extraordinary music has been created by the same core players for over 30 years. Robert Kool Bell, Ronald Khalis-Bell, George Funky Brown, Dennis DT Thomas, Ricky Westfield, Spike Mickens, and the late Clyades Charles Smith.

Kool & The Gang's spirit stems from its member's powerful expressions of individuality, but they always stay true to the music that inspired them; Jazz, Blues, R&B and Pop. So it is with great pleasure to honor this monochromatic music sensation that has only grown better over time.

The neighbors of Lafayette want to honor one of their own with a street dedication of Pacific and Maple as "Kool & The Gang Way" as acknowledgement of the achievements of all the members of this legendary musicians from Jersey City

I support the renaming of Pacific Avenue and Maple Street; the length of Maple Street from Pacific Avenue to Whiton Street to "Kool & The Gang Way".

NAME/ADDRESS

Andy Siegel - 62 Suisden Avenue
317 Suisden Avenue

Petition summary and background

Jersey City, the Lafayette Section, is the home to legendary Jazz/R&B/Funk group "Kool & The Gang". Brothers, Robert "Kool" Bell, Khalis Bayyan (Robert Bell) and their family occupied several homes in Jersey City but for the longest time they called Pacific Avenue and Maple Street home.

A group of Jersey City community leaders and Morris Canal CDC are proposing the honorary street re-naming of the corner of Pacific Avenue and Maple Street to "Kool & The Gang Way".

Action petitioned for

Your signature below will show your support of this honorary street re-naming for music group "Kool & The Gang"

Printed Name	Signature	Address	Date
Jove Tucker	Jove Tucker	83 Lafayette St J.C. NJ 07304	3/30/2015
Eddie Tucker	Eddie Tucker	43 Lafayette St J.C. NJ 07304	
John Bro Williams	John Bro Williams	361 Pacific Ave J.C. NJ 07304	3/30/16
VIOLA MONT	Viola Mont	361 Pacific Ave	3/30/16
ERIC EASON	Eric Eason	104 Lafayette St J.C. NJ 07304	3/30/16
Lincoln Dollar	Lincoln Dollar	322 Pacific Jersey City NJ	
BARSHAY CARTER	Barshay Carter	322 Pacific Ave Jersey City NJ	3/30/16
BRO A RICE	Bro A Rice	200 HALLADAY ST	3/30/16
KEN RICE	Ken Rice	200 HALLADAY ST J.C. NJ	3/30/16
Hannah Davis	Hannah Davis	277 Halladay St J.C. NJ	3/30/16
Wanda Nackson	Wanda Nackson	592 Parrishell Ave	3/30/16
STEVEN ST THOMAS	Steven St Thomas	134 VAN HORN AVE	3/30/16
Johnny Rivera	Johnny Rivera	234 Communipaw Ave J.C. NJ 07304	3/30/16
Jerome CHOICE	Jerome Choice	250 SUNDAM AVE J.C. NJ	3/30/16
DIANE PICKERING	Diane Pickering	144 Virginia Ave J.C. NJ	3/30/16
Jonathan Liles	Jonathan Liles	250 Sundam Ave J.C. NJ 07304	3/30/16

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



ORDINANCE NO. Ord. 16.060
 TITLE: 3.A APR 13 2016 4.A

APR 27 2016 4:0 MAY 11 2016

An ordinance providing Maple Street from Pacific Avenue east to Whiton Street with the commemorative designation "Kool & the Gang Way".

RECORD OF COUNCIL VOTE ON INTRODUCTION											
APR 13 2016 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 27 2016 9-0											
Councilperson <u>WATTERMAN</u> moved, seconded by Councilperson <u>COLEMAN</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:

*LAVERN WASHINGTON
 KABIL TAYARI*

Tabled 9-0 after the close of the public hearing on a motion by Watterman, seconded by Lavarro

Removed 7-0 on a motion by Watterman, seconded by Coleman: Ramchal and Rivera: absent

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											
MAY 11 2016 7-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA		ABSENT	
RAMCHAL		ABSENT		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 13 2016**
 Adopted on second and final reading after hearing on **MAY 11 2016**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **MAY 11 2016**

Robert Byrne
 Robert Byrne, City Clerk

APPROVED: *[Signature]*
 Rolando R. Lavarro, Jr., Council President
 Date **MAY 11 2016**

*Amendment(s):

APPROVED: *[Signature]*
 Steven M. Fulop, Mayor
 Date **MAY 16 2016**
 Date to Mayor **MAY 12 2016**