City Clerk File No. Ordi 11-001

Agenda No. 3.A 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-001

TITLE: **ORDINANCE AMENDING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT), ARTICLE IX (DEPARTMENT OF PUBLIC WORKS) OF THE JERSEY CITY CODE TO ESTABLISH THE REQUIREMENTS FOR THE ISSUANCE OF FLEA MARKET AND FARMERS' MARKET PERMITS**

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

A. The following amendments to Chapter 3 (Administration of Government, Article IX (Department of Public Works) of the Jersey City Code are hereby adopted:

ARTICLE IX
DEPARTMENT OF PUBLIC WORKS

§ 3-66 No Change.

§ 3-67 No Change.

§ 3-68 No Change.

§ 3-69 No Change.

§ 3-70 No Change.

§ 3-71.1 **Division of Park Maintenance.**

A. Creation of the Division of Park Maintenance; Director of Park Maintenance in charge. There is hereby created within the Department of Public Works a Division of Park Maintenance, the Director of which shall be the Director of Park Maintenance, the Director of which shall be the Director of Park maintenance.

(1) Division of Park Maintenance; functions. Under the direction and supervision of the Director of Public Works, the Division of Park Maintenance shall:

(a) Be responsible for planning and maintaining all facilities for recreational purposes offered by the City, which include parks, playgrounds, green space, sitting areas and indoor recreational facilities.

(b) Be responsible for the administration of the Clean Communities Program.

(c) Be responsible for the trimming of trees on sidewalks

(d) Be responsible for the planting of trees within public easement areas.

(e) Be in charge of issuing park usage permits for picnics, reunions, ~~flea markets~~, weddings, ~~and all~~ other social gatherings, and for flea markets and farmers' markets, provided that flea markets and farmers' markets permits are subject

to the following permitting requirements:

(i) Subject to such rules, regulations, restrictions and requirements of §239-15 of this Code, flea markets permits shall be issued as follows: Each organization seeking a flea market permit may be issued two (2) such permits per calendar year for any one of the following parks in which flea markets may be held: Van Vorst Park; Hamilton Park; Columbia Park; Audobon Park, Ercel Webb Park; Bayside Park; Arlington Park; Riverview Park; Leonard Gordon Park and Sgt. Anthony Park. Each of the aforementioned parks may have no more than six (6) flea markets per year, and there shall be no flea markets permitted and no permits issued for Pershing Field and Grundy Pier Parks; and

(ii) Subject to such rules, regulations, restrictions and requirements of §239-15 of this Code, farmers' markets permits shall be issued as follows: Park Associations, **selling products of farmers which have been** licensed by the City Board of Health under §175-16 as food handling establishments, may apply for farmers' markets permits. For purposes of this Chapter § 3-71.1, an organization will be considered a Park Association if it is a legally constituted not-for-profit corporation of the State of New Jersey which has as its corporate purpose the benefit and improvement of the Jersey City park and for which it is applying for a farmers' markets permit. Such Park Association, when applying for a permit, shall provide proof to the Director of the Division of Park Maintenance, prior to the issuance of the license, that the Park Association has secured general liability insurance for the farmers' market in the amount of One Million Dollars ($1,000,000.00) from an A.M. Best-rated insurance company which names the City of Jersey City as an additional insured. Farmers' markets may be held at the following City parks: Van Vorst Park; Hamilton Park; Columbia Park; Audobon Park, Ercel Webb Park; Bayside Park; Arlington Park; Riverview Park; Leonard Gordon Park and Sgt. Anthony Park. There shall be no farmers' markets permitted and no permits issued for Pershing Field and Grundy Pier Parks.

(f) Be responsible for certifying cost to the Tax Collector on work performed on private property.

§ 3-71.2 No Change.

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

C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

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

E. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of the ordinance reveals 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 **boldface** and repealed matter by *italics.*

(f) Be responsible for certifying cost to the Tax Collector on work performed on private property.

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required ☐

Not Required ☐

City Clerk File No. Ord. 11-002

Agenda No. 3.B 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-002

TITLE: **ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 31 (ENVIRONMENTAL COMMISSION) OF THE JERSEY CITY MUNICIPAL CODE**

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

A. The following amendments to Chapter 31 (Environmental Commission) of the Jersey City Municipal Code are adopted:

ENVIRONMENTAL COMMISSION

§ 31-1. No Change.

§ 31-2. Membership; terms; alternates.

A. The Municipal Environmental Commission shall consist of seven (7) members and two (2) alternates to be appointed by the Mayor, who shall designate one (1) of the members to serve as Chairperson and presiding officer. All members and alternates must be residents of the City of Jersey City. Best efforts shall be utilized to have ~~[E]~~each Ward of the City ~~[shall be]~~ represented by at least one (1) member. ~~[No ward shall have more than two (2) members and alternates combined.]~~ One (1) of the members shall also be a member of the Municipal Planning Board ~~[and one (1) a member of the Municipal Council]~~. Best efforts shall be utilized to appoint ~~[A]~~at least three (3) members ~~[shall be]~~ who are professional environmental scientists, geologists, toxicologists, botanists or other environmental specialists. All members and alternates shall serve without compensation.

B. Each member of the Municipal Environmental Commission shall be appointed for a term of three (3) years. All appointments to fill vacancies that may occur shall be for the unexpired term of the vacating member.

~~[C. One (1) alternate of the Municipal Environmental Commission shall be appointed for a term to expire September 8, 1988. The other alternate shall be appointed for a term to expire September 8, 1990. Thereafter, all new alternates shall be appointed for a term of three (3) years. All appointments to fill vacancies that may occur shall be for the unexpired term of the vacating member.]~~

§ 31-3. No Change.

§ 31-4. Purpose; powers.

A. No Change.

B. The Environmental Commission shall:

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 31 (ENVIRONMENTAL COMMISSION) OF THE JERSEY CITY MUNICIPAL CODE

(1) Conduct research into the use and possible use of open land areas of the municipality and:

(a) Have the power to coordinate the activities of unofficial bodies organized for similar purposes.

(b) Keep ~~[an]~~ a Natural Resources ~~[i]~~ Index of all open areas whether publicly or privately owned, including open marshlands, swamps and other wetlands, in order to obtain information on the proper use of such areas.

(c) Have the authority to recommend to the Planning Board plans and programs for the development and use of such areas for inclusion in the Municipal Master Plan.

(2) Have the power to advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its purposes.

(3) Have the power to study and make recommendations concerning open space preservation, water resources management, air pollution control, solid waste management, noise control, environmental appearance, marine resources, protection of flora and fauna and any other environmental concerns which affect the enjoyment and health of the public.

(4) Refer matters to the proper city authorities whenever violations of environmental law come to its attention.

(5) Keep records of its meetings and activities and shall make an annual report to the governing body of the municipality.

~~[(6) Convene a municipal interagency task force at least two (2) times a year to improve the planning and implementation of environmental services.]~~

~~(7)~~(6) Coordinate and/or respond to volunteer neighborhood efforts to solve environmental problems. This includes convening at least every two (2) years a conference at which municipal officials and citizens shall discuss the status of environmental services and the means to improve them.

~~[(8) Prepare an environmental resources inventory (ERI) for the 1988 calendar year and revise the ERI at least every six (6) years.]~~

~~(9)~~(7) Assist in the formulation of funding plans submitted to the Green Acres/Green Trust program of the New Jersey Department of Environmental Protection.

~~[(10) Advise the Municipal Planning Board and Board of Adjustment as to the environmental impact of development projects which would use an average of at least ten thousand (10,000) gallons of water per day.]~~

~~(11)~~(8) Delegate an Environmental Commissioner to be a permanent member of the Local Emergency Planning Council (per federal P.L. 99-499) and delegate other Commissioners to be members of other municipal environmental bodies as government creates from time to time.

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 31 (ENVIRONMENTAL COMMISSION) OF THE JERSEY CITY MUNICIPAL CODE

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

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

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

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

NOTE: New matter is underlined.; deleted matter in ~~[brackets]~~ For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic.*

AV/he
1/03/11

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required ☐

Not Required ☐

City Clerk File No. Ord. 11-003

Agenda No. 3.C 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-003

TITLE:

ORDINANCE AMENDING CHAPTER 90 (ANIMALS) ARTICLE III (DOGS AND OTHER ANIMALS) OF THE JERSEY CITY CODE AUTHORIZING: 1) DOG LICENSES FOR A TERM OF 3 YEARS, 2) REGULATING FACILITIES FOR THE SALE AND BOARDING OF DOGS AND 3) AMENDING CHAPTER 160 (FEES AND CHARGES) OF THE JERSEY CITY CODE FOR DOG LICENSE FEES

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

A. The following amendments to Chapter 90 (Animals) Article III (Dogs and Other Animals) are hereby adopted:

Chapter 90
Animals

Article III.
Dogs and Other Animals

§90-12. Definitions.

As used herein, the following terms shall have meanings indicated:

AT LARGE- Off the premises of the owner and not under the control of the owner, or the owner's agent or servant, by leash.

DANGEROUS DOG - Any dog:

A through E. No Change.

DOG- Any dog, bitch or spayed bitch.

DOG OF LICENSING AGE- Any dog which has attained the age of seven months or which possesses a set of permanent teeth.

DOG DAYCARE/KENNEL - Any establishment wherein or whereon the business of boarding, selling dogs or breeding dogs for sale is carried on, except a pet shop.

OWNER - Every person having a right of property in a dog and every person who has such in his or her keeping.

PET SHOP - Any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein dogs for sale are kept or displayed.

POUND - An establishment for the confinement of dogs seized either under the provisions of this chapter or otherwise.

ORDINANCE AMENDING CHAPTER 90 (ANIMALS) ARTICLE III (DOGS AND OTHER ANIMALS) OF THE JERSEY CITY CODE AUTHORIZING: 1) DOG LICENSES FOR A TERM OF 3 YEARS; 2) REGULATING FACILITIES FOR THE SALE AND BOARDING OF DOGS AND 3) AMENDING CHAPTER 160 (FEES AND CHARGES) OF THE JERSEY CITY CODE FOR DOG LICENSE FEES

PROPER ENCLOSURE OF A VICIOUS OR DANGEROUS DOG - While on the owner's property, a vicious or dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping from the enclosure. Such pen or structure shall have secure sides and a secure top and shall also provide protection from the elements for the dog.

PUBLIC PLACE - Includes every sidewalk, gutter, street, park or any other place within the city which is accessible to the general public.

VICIOUS DOG - Any dog which, unprovoked, bites or causes physical injury to a human or a domestic animal.

§90-13 License and registration tag required; removal of registration tags.

A. Every owner of a dog of licensing age shall obtain a license and official registration tag for such dog and shall place upon such dog a collar or harness with the registration tag securely fastened thereto; provided, however, that any dog licensed in another state may be kept in the City of Jersey City for a period of ninety (90) days; thereafter, the owner or custodian of such dog shall obtain a license and registration tag in accordance with this section.

B. No Change.

C. Applications for licenses shall state the following information:

(1) Breed.

(2) Sex.

(3) Age.

(4) Color and markings.

(5) Whether the dog to be licenses is of a long-or short-haired variety.

(6) Name and address of the person who shall keep such dog if different from the owner.

(7) Any other pertinent information required by the Division of Health, including certificate of rabies vaccine inoculation from a licensed veterinarian, or a certificate of exemption to the rabies inoculation from a licensed veterinarian as provided by the State Department of Health regulations.

D. No person, except an officer in the performance of his duties, shall remove a registration tag from the collar of any dog without the consent of the owner, nor shall any person attach a registration tag to a dog for which it was not issued.

§90-14 License and registration fees; expiration; license required for animal facilities; compliance with State Department of Health; exemption from individual dog license requirement.

A. Dogs may be registered annually or for a three- year period as authorized by N.J.S.A. 4:19-15.12. The annual license and three-year license and registration tag fees shall be as provided in Chapter 160, Fees and Charges, for each license and each registration tag. For each annual or three-year renewal, the fee for the license and registration tag shall be the same as for the original. The license and registration tag, and renewals thereof, shall expire on [~~January 31~~]

ORDINANCE AMENDING CHAPTER 90 (ANIMALS) ARTICLE III (DOGS AND OTHER ANIMALS) OF THE JERSEY CITY CODE AUTHORIZING: 1) DOG LICENSES FOR A TERM OF 3 YEARS; 2) REGULATING FACILITIES FOR THE SALE AND BOARDING OF DOGS AND 3) AMENDING CHAPTER 160 (FEES AND CHARGES) OF THE JERSEY CITY CODE FOR DOG LICENSE FEES

April 30 in each year or every third year. Such additional fee as established by the state and forwarded to the Department of health shall also apply.

B. Any person who fails to apply for and procure a dog license or registration or renewal on or before May 1 of each year or every third year shall be subject to a late fee, which late fee shall be separate and apart from any penalties which may otherwise be imposed by this section or according to law.

C. Any person who keeps or operates or proposes to keep or operate a kennel, dog day care facility, pet shop, shelter or a pound shall apply to the Health Officer for a license to keep or operate such establishment.

D. The application shall describe the premises where the establishment is located or is proposed to be located, the purpose or purpose for which it is to be maintained, showing compliance with the local and state regulations governing location of and sanitation at such establishments.

E. All licenses issued for a kennel, dog day care facility, pet shop, shelter or pound shall state the purpose for which the establishment is maintained and all such licenses shall expire on April 30 of each year or every third year and be subject to revocation by the City on recommendations of the State Department of Health or the Division of Health of the municipality for failure to comply with the regulations of the State Department or the Jersey City Division of Health after the owner has been afforded a hearing by either the State Department or the Division of Health.

F. Any person holding a kennel, dog day care facility, pet shop, shelter or pound license shall not be required to secure individual licenses for dogs owned by such licensee and kept at such establishments; and such license shall not be transferable to another owner or different premises.

§90-16 Use of leash in public places; leash required off premises.

A. Except in an area designated as a dog run by the City of Jersey City Division of Parks and Forestry with official signage erected clearly indicating such dog run, no person who owns, keeps or harbors any dog shall suffer or permit it to be upon the public streets or in any of the public places of the city unless such dog is accompanied by a responsible person and is securely confined and controlled by one adequate leash not more than six feet long.

B. No dog kept in a kennel, dog day care facility, pet shop, shelter or pound shall be permitted off such premises, except on leash or in a crate or other safe control.

ORDINANCE AMENDING CHAPTER 90 (ANIMALS) ARTICLE III (DOGS AND OTHER ANIMALS) OF THE JERSEY CITY CODE AUTHORIZING: 1) DOG LICENSES FOR A TERM OF 3 YEARS; 2) REGULATING FACILITIES FOR THE SALE AND BOARDING OF DOGS AND 3) AMENDING CHAPTER 160 (FEES AND CHARGES) OF THE JERSEY CITY CODE FOR DOG LICENSE FEES

B. The following amendments to Chapter 160 (Fees and Charges) are hereby adopted:

CHAPTER 160

FEES AND CHARGES

§160-1E. Chapter 90, Animals.

(1) License to keep pigeons, chickens or other poultry: $25.

(2) Dog license fees ~~[$5.50]~~ shall be as follows:

a.	Annual licenses		
	Neutered dogs	$8.00 per dog	
	Unneutered dogs	$12.00 per dog	
b.	Three-year licenses		
	Neutered dogs	$20.00 per dog	
	Unneutered dogs	$30.00 per dog	
c.	Late Fee - 30 days over May 1		$5.00
d.	Annual License Fees- Kennel/ Dog Day Care		
	10 dogs or less		$10.00
	more than 10 dogs		$25.00
e.	Annual License Fee -Pet Shop		$10.00 plus any state fees
f.	Shelter or Pound		no fee

(3) Through (6). No Change.

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

D. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

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

F. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing Code, in order to avoid confusion and possible accidental repealers of existing provisions.

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

IW/cw

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required ☐

Not Required ☐

City Clerk File No. Ord. 11-004

Agenda No. 3.D 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-004

TITLE:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY REPEALING ORDINANCE 10-154 RELATING TO NATURAL GAS PIPELINES AND DEVELOPMENT PROCEDURES AND RE-INSTATING THE PRIOR LIBERTY HARBOR REDEVELOPMENT PLAN ADOPTED PURSUANT TO ORDINANCE 10-124 WITH THE PIPELINE & DEVELOPMENT PROCEDURE AMENDMENTS INCORPORATED THEREIN

WHEREAS, a redevelopment plan, dated September 14, 2010 containing amendment to the Liberty Harbor Redevelopment Plan relating primarily to the Residential Mixed Use District, an area containing the Residences @ Liberty Project, was adopted by the City Council on October 13, 2010, via City Ord. # 10 – 124; and

WHEREAS, its adoption authorized needed significant development and design changes relating to the Residences @ Liberty Development Project, and

WHEREAS, a subsequent redevelopment plan amendment, to prohibit natural gas pipelines and to revise the site plan review procedure was adopted by the City Council on November 23, 2010, via City Ord. # 10-154; and

WHEREAS, the November 23, 2010 revision was in error, in that they did not incorporate the text adopted as part of the October 13, 2010 plan amendment, effectively eliminating these significant revisions, and

WHEREAS, this ordinance seeks to correct this error, by repealing Ord. 10-145 and replacing the relevant pipeline and development procedure standards adopted by the council on November 23, 2010 back into the document duly adopted on October 13, 2010.

WHEREAS, the Liberty Harbor Redevelopment Plan containing this adjustment is attached hereto, in full, and made a part hereof, and is available for public inspection at the office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the aforementioned Liberty Harbor Redevelopment Plan be, and hereby are, 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 directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.

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

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required ☐

Not Required ☐

APPROVED:

APPROVED: Asst Business Administrator

Date Submitted to B.A._____

ORDINANCE FACT SHEET

1. **Full Title of Ordinance:**

   ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY REPEALING ORDINANCE 10-154 RELATING TO NATURAL GAS PIPELINES AND DEVELOPMENT PROCEDURES AND RE-INSTATING THE PRIOR LIBERTY HARBOR REDEVELOPMENT PLAN ADOPTED PURSUANT TO ORDINANCE 10-124 WITH THE PIPELINE & DEVELOPMENT PROCEDURE AMENDMENTS INCORPORATED THEREIN

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

   Carl Czaplicki, Director of Housing, Economic Development, and Commerce

3. **Concise Description of the Program, Project or Plan Proposed in the Ordinance:**

   To correct the omission of the Residences @ Liberty Redevelopment Plan Amendment and replace the natural gas pipeline prohibition and development procedures standards into the proper plan.

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

   Correction

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

   Correction

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

   $0.00. Plan was prepared by Division of City Planning staff.

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

   Upon Adoption.

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

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

   Robert D. Cotter, Director, City Planning 547-5050

10. **Additional Comments:**

    I Certify that all the Facts Presented Herein are Accurate.

_____ _____

Division Director **Date**

_____ _____

Department Director Signature **Date**

LIBERTY HARBOR REDEVELOPMENT PLAN

MARCH 1973
AMENDED MARCH 1983
AMENDED DECEMBER 1984
AMENDED JANUARY 1988
AMENDED SEPTEMBER 1989
AMENDED AUGUST 1997
AMENDED APRIL 1998
AMENDED SEPTEMBER 1998
AMENDED JULY 1999
AMENDED JUNE 13 2001 – Ord # 01-071
AMENDED JULY 17 2002 – Ord # 02-080
AMENDED JUNE 25 2008 – Ord # 08-083
AMENDED OCTOBER 13, 2010 – Ord # 10-124
AMENDED NOVEMBER 23 2010 – Ord #10-154 – *Repeal Request*

As presented to the City Council on January 11, 2011

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

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Table No. 1	Residential Mixed-Use District Capacity Regulations
Exhibit No. 1	Residential Mixed-Use District Illustrative Rendering

The following Map Footnotes shall be incorporated:

1. ***Footnote shall be added to the Residential Mixed-Use District Map # 6, to read as follows: *This land is under water. Under water area shall not apply toward the calculation of density for the district. There are 13.84acrea of upland property in the Residential Mixed-Use District.***
2. ***Footnote shall be added to the Residential Mixed-Use District Map # 6, to read as follows: **The Residential Mixed-Use District contains the following lots:***

Block 1497 Lot 33	***10.26 acres***
Block 1497 Lot 34	***2.28 acres***
Block 1497 Lot 35	***4.88 acres***
Block 1497 Lot 11a	***.0983 acres***

I. BOUNDARY DESCRIPTION

BEGINNING at the intersection of the centerline of Johnston Avenue and the eastern right of-way line of the Hudson County Extension of the New Jersey Turnpike as crossing above, thence in a southerly direction along the eastern right-of-way line of the Hudson County Extension of the New Jersey Turnpike to the point of its intersection with the northern block line of Block 1500, thence in an easterly direction along the northern block line of Block 1500 to the point of its intersection with the western lot line of Lot 1E, Block 1497, thence in a northerly direction along the western lot lines of Lots 1E and ID, Block 1497 to the point of its intersection with the northern lot line of Lot I D, Block 1497, thence in an easterly direction along the northern lot lines of Lots ID and IF, Block 1497 to the point of its intersection with the U.S. Pier-head and Bulkhead line as adopted March 6, 1939, thence in a northerly direction along such pier-head and bulkhead line to the point of its intersection with the southern limit of the Tidewater Basin, thence in a westerly direction along the southern limit of the Tidewater Basin to the point of its intersection with the eastern lot line of Lot 54C, Block 2145, thence in a northerly direction along the eastern lot line of Lot 54C, Block 2145 to the point of its intersection with the southern lot line of Lot 40H, Block 2145, thence in a westerly direction along the southern lot line of Lot 40H, Block 2145 to the point of its intersection with the eastern lot line of Lot 4OZ, Block 2145, thence in a southerly direction along the eastern lot line of Lot 4OZ, Block 2145 to the point of its intersection with the northern lot line of Lot 55, Block 2145, thence in a westerly direction along the northern lot line of Lot 55, Block 2145 to the point of its intersection with the western lot line of Lot 55, Block 2145, thence in a southerly direction along the western lot line of Lot 55, Block 2145 to the point of its intersection with the southern lot line of Lot 41F, Block 2145, thence in a westerly direction along the southern lot line of Lot 41F, Block 2145 to the point of its intersection with the centerline of Johnston Avenue, thence in a westerly direction along the centerline of Johnston Avenue to the point of its intersection with the eastern right-of-way line of the Hudson County Extension of the New Jersey Turnpike as crossing above, the point and place of BEGINNING *(See Map No.1 Project Boundary).*

II. DESCRIPTION OF PROJECT

A. Redevelopment Plan Objectives

Renewal activities for Liberty Harbor (hereinafter called "The Project") will be undertaken in conformity with, and will be designed to meet the following objectives of this redevelopment Plan:

1. The elimination of substandard buildings and other deteriorated and obsolete structures, including dilapidated piers and bulkheads, and the elimination of blighting influences such as incompatible uses.
2. The improvement of the functional and physical layout of the project area for contemplated new development and the removal of impediments to land disposition.
3. The overall improvement of traffic circulation through the development of new vehicular and pedestrian circulation systems which provide for separation of vehicular and pedestrian traffic, as well as for maximum use of public transportation, including a ferry stop.
4. Creation of major new employment opportunities within a modern industrial park, including provision for new manufacturing, warehousing, distribution, office, and recreation activities and opportunities.
5. Creation by the State of New Jersey of a major new park on the waterfront that is responsive to the urban needs of Jersey City and provides a suitable backdrop for Ellis Island and the Statue of Liberty.
6. The creation of employment and the expansion of the City's tourism sector.
7. The creation of new residential development with ancillary retail and ancillary commercial development, class 'A' hotels, and public and private recreation facilities.
8. Provision for redevelopment with minimum relocation of residents and business or industrial concerns. Priority shall be given to persons and businesses displaced by project activities.
9. Coordination of redevelopment activities to provide a uniform attack on blight which reinforces already existing renewal and improvement programs in adjacent areas in accordance with a plan that integrates Liberty Harbor with the remainder of the City of Jersey City.
10. To promote balanced development in accordance with the Fair Housing Act, NJSA 52:27D-311, and the Housing Element and Fair Share Plan of the Jersey City Master Plan.

B. Types of Proposed Redevelopment Actions

It is proposed to substantially improve and upgrade Liberty Harbor through a combination of redevelopment actions. These will include (1) clearance of dilapidated or deteriorated buildings and structures; (2) retention and conservation of sound compatible uses which are not to be acquired; (3) assembly into developable parcels of vacant, underutilized or blighting parcels now in scattered and varied ownership; (4) creation of additional land through fill and bulkheading of land presently underwater; (5) prevention of flooding through use of fill or other means to raise land areas to safe levels; and (6) provision of a full range of public infrastructure necessary to service and support the new facilities.

C. **Duration and Effective Date of Controls**

The land use provisions and building requirements and/or any modification thereof shall remain in effect for a period of thirty (30) years from the date of approval of this Redevelopment Plan by the governing body of the City of Jersey City. The termination of this Plan shall in no way permit the project land or any part thereof to be restricted on the basis of race, creed, color or national origin in the sale, lease, use or occupancy thereof.

The redevelopment of property within the boundaries of this plan has not proceeded at the expected rate. The original thirty (30) year duration must be extended. An additional twenty (20) years shall be added to the plans duration. Therefore, the land use provisions and building requirements and/or any modifications thereof shall remain in effect for a period of fifty (50) years from the original date of approval of this redevelopment plan by the governing body of the City of Jersey City.

III. LAND USE PLAN REQUIREMENTS
(Individual Land Use Districts are identified within the Map No.2 Land Use Map)

A. Permitted Uses

1. Multi-Purpose District - Residential Dwellings, home occupations, public and semi-public uses, full service, class A hotels with a three meal restaurant and on-site related banquette/conference/spa facilities, sports facilities, public and private recreation, restaurants and nightclubs, television transmission tower with public observation deck, Public Utilities, except that natural gas transmission lines shall be prohibited. Ancillary retail functions customarily accessory to these uses shall also be permitted.

2. Industrial District- Permitted uses of parcels designated Industrial shall be: manufacturing; assembly; laboratory; testing; research; marine commercial storage; neighborhood commercial, and service, container port; shipping; trucking; business offices; professional; and governmental offices; full service, class A hotels with a three meal restaurant and on site related banquette/conference/spa facilities; public and quasi-public uses; public or private recreation and open space (including golf courses, driving ranges and associated golf facilities); off-street parking and loading; Public Utilities, except that natural gas transmission lines shall be prohibited; and railroad uses.

3. Park District - Permitted uses of parcels designated Park shall include:
   - parks, playgrounds, tot lots, ballfields
   - swimming pools
   - promenades
   - marinas
   - open spaces
   - public and private active and passive recreation including but not limited to

golf courses, driving ranges, water parks, theme parks, theatres, arena facilities

- ancillary retail functions customarily associated with these uses such as restaurants and services.
- structures and facilities appropriate to a major urban state park and compatible with adjoining residential and industrial development.
- Public Utilities, except that natural gas transmission lines shall be prohibited

4. Residential Mixed-Use District – The boundary of the Residential Mixed-Use District can be found on Map No. 5, District Context Map. This District affords a form of overlay district offering two development options:

a. Residential Mixed-Use project developed only when developed as a single integrated project consisting of multiple residential towers with an optional hotel tower/ structure constructed over totally enclosed, ventilated, and screened structured parking with accessory retail and commercial uses and only in conjunction with the development of an eighteen (18) hole golf course and associated waterfront walkway improvements. The golf course shall be existing or it must be constructed simultaneously with the mixed-use project. The purpose of the decked garage is two fold; it accommodates accessory parking in a screened environment and utilizes the change in grade of the site to deck and thereby create land area needed at the appropriate elevation to provide for active golf course area of the 18-hole golf course. The golf course shall be partially located within this district with portions on the deck, including the club house, driving range and portions of various holes and fairways, and partially on adjacent property.

Specific uses may include: Residential dwellings; home occupations; full service, class A hotels with a three meal restaurant and on-site related banquette/conference/spa facilities; public or private recreation and open space (including golf courses, driving ranges, club house and associated golf facilities, health clubs, tennis courts, etc.); Accessory decked off-street parking and loading; ferry stops including piers and passenger waiting areas; restaurants and nightclubs; banking facilities and financial institutions; accessory professional and business offices; retail sales of goods and services intended to serve the resident population of and visitors to the project area. Uses customarily accessory to these uses shall also be permitted. More than one use may occupy any building. Specific uses prohibited include natural gas transmission lines.

This project may be phased however, the golf course shall be constructed prior to or contemporaneously with the construction of Phase 1 if implementation is permitted

b. If the proposed development within this district does not meet the above criteria, then the permitted uses in this district shall include only hotels, as regulated in the Industrial District above, but with garage design façade, and internal ventilation requirements as set forth for the Residential Mixed-Use Zone. Specific uses prohibited include natural gas transmission lines.

B. Regulations and Controls on Land Use

Regulations and controls applying to all sections of the project area.

This redevelopment plan authorizes the Planning Board to identify, review and approve the site improvements and building including the façade design of all building in the redevelopment plan area. All applicants may meet with the Planning Board Technical Review Subcommittee, present their design, and work with them to receive their endorsement prior to a hearing of the full Board. Television transmission tower with observation deck shall be limited to one in this redevelopment plan area and be located on land owned by the City of Jersey City within the Multi-Purpose District. Due to its unique design requirements, such tower shall not be subject to the regulations and design requirements imposed on the standard land uses permitted in this redevelopment plan. Such television transmission tower shall be subject to Planning Board site plan review and approval. The Planning Board review shall be directed to architectural design, parking, landscaping and signage as well as public access and safety.

1. **Urban Design Requirements**

   These design objectives have been developed as a framework for the detailed design of specific redevelopment proposals. Combined with the land use and building controls established in this Redevelopment Plan, these design objectives and requirements will assure that development proposals will take place in an environment in the best interests of the City of Jersey City and the future occupants of Liberty Harbor. All redevelopers will be required to comply with this plan.

   a. All buildings in the project shall be located with the proper consideration of their relationship to other buildings, both existing and proposed, in terms of light, air and usable open space, access to public rights-of-way and off-street parking, height and bulk.
   b. Groups of related buildings shall be designed to present a harmonious appearance in terms of architectural style and exterior materials.
   c. Buildings should be designed to be attractive from all vantage points.
   d. Building setbacks should be varied to the extent practicable in order to provide an interesting interplay of buildings and open space.
   e. Building height in each part of the project should be varied in order to avoid a monotonous uniformity of development.
   f. All buildings, except for permitted industrial buildings, shall have a base which shall be designed according to the following:
      - The base façade shall be 15 to 40 feet in height.
      - The base façade shall be constructed of ***glass and*** masonry, including but not limited to stone, brick, textured concrete. Concrete Block is prohibited. Glass shall constitute 70% of the first 2 stories of the base and at least 40% of any stories above the second within the base façade area. Except that for buildings containing residential use within the base façade area of the building, the above 70% and40% criteria shall not apply. Instead, window openings consistent with the residential use shall be utilized and no window sill of any window to a residential unit shall be less than (5) five feet above the elevation of the nearest sidewalk.
      - Window openings more consistent with the residential use can be utilized provided that and no window sill of any window to a residential unit shall be less than five (5) feet above the elevation of the nearest sidewalk or pedestrian pathway. Floor to ceiling glass can be used.

- In no instance, no matter what the use or zone district, shall blank walls be permitted.
- At the top of the base, a visual que or indicator such as a cornice, belt coursing, a significant change in the glass to solid ratio, or any other indicator consistent with the design, proportions, and materials, of the base shall be provided. A step-back a minimum of 10 feet from the outermost edge of the base shall be provided. The step-back shall occur at a minimum of 30 feet and a maximum of 75 feet from grade. Except that within the Residential Mixed-Use District, building step-backs shall be governed by the standards in Section V.D.

g. Access by the elderly, physically handicapped and/or disabled shall be required. Design standards shall meet, at a minimum, barrier free design regulations as specified in the Uniform Construction Code. Handicapped parking requirements shall meet, at a minimum, regulations as specified in the Municipal Code.

h. Step backs - All buildings exceeding 120 feet shall be required to have one step back or a combination of step backs, except that within the Residential Mixed-Use District, building step-backs shall also be governed by the standards in Section V.D.

i. Roof treatment, Mechanical Screening and Electrical Equipment:

- All buildings exceeding 75 feet shall have a significant top designed to gracefully cap the structure. The Planning Board may permit the cap requirement to be replaced by the use of articulated elements that create the perception of a lower scale structure. Lighting of the building top shall be required.
- All mechanical equipment located on any roof of a building shall be screened from view from all vantage points with a material identical to that used in the façade of the structure. The screening shall not impair the functioning of the equipment.
- Wherever roofs can be seen or looked down upon from adjacent buildings a roof-scape plan must be developed and submitted for approval. Roof-scapes should include mechanical equipment, trellises to obscure view, colored roof patterns and landscaping. Parking decks shall be designed to obscure the view of broad expanses of parking with the use of landscaping, screens, trellises and roofs. Parking shall not be visible on the roof of any deck.
- All electrical communications equipment shall be located in such a way that it does not negatively impact the appearance of the building nor create objectionable views as seen from surrounding structures.
- The roof treatment may include features such as wind turbines, solar collectors, green roof technology, and observation areas. If these features are incorporated, they must be designed and integrated into the overall composition of the building.

j. Streetscape

- All buildings shall be designed to front on a public street to encourage and create a street wall and a pedestrian environment at a human scale. Within the Residential Mixed-Use District, this requirement shall be met

by providing the pedestrian environment at a human scale along the frontage with the Waterfront Walkway and providing pedestrian access to the uses and structures along the waterfront walkway and the pedestrian areas, and on portions of the plaza/deck and Liberty View Drive. Because of the importance of the Waterfront Walkway, it is required that all easements be maintained to continue the connection of the Waterfront Walkway within the Residential Mixed-Use District with the Waterfront Walkway at Liberty State Park and with Audrey Zapp Drive.

- Within the Residential Mixed-Use District, Liberty Drive may be designed to include sidewalks, parallel parking at selected locations, and lobby entrances. Permitted and possible retail frontages along Liberty Drive are indicated on Map No. 6 Ground Level Frontage Regulating Plan.

- Main entrances into buildings shall be located on public streets. Except that within the Residential Mixed-Use District, any building that utilizes the roof deck of a parking structure as its base, entrance plaza and/or outdoor park/recreation area shall provide its main entrance from this roof deck area or from Liberty Drive. Secondary entrances shall also be provided from parking areas and/or as necessary according to the design of the structure. In addition, buildings located within the Residential Mixed-Use District shall provide convenient access to and from the adjacent Waterfront Walkway, the parking structure, accessory retail uses and possible retail uses along Liberty Drive. Elevators from lower parking levels shall provide access to the deck level without directly continuing into the residential portions of towers.

- A decorative streetscape, sidewalk and street trees in grates or with guards shall be provided in conjunction with every project site plan and be included on all street and R-O-W frontages.

k. Utility distribution lines, utility service connections, and all other cable, telephone, or other communication lines to project area uses shall be located underground.

2. Circulation and Open Space Requirements

a. Interior drives within redevelopment parcels shall be so designed as to discourage through traffic.
b. Sidewalks, malls and plazas shall be attractively and durably paved with a suitable variety of minimum maintenance type materials and provided with adequate lighting.
c. Open spaces shall be so located as to provide for maximum usability and to create a harmonious relationship of buildings and open space throughout the project area. The open space system should be continuous and provide for pedestrian movement and access to shopping and community facilities and recreation areas.

d. Modern, decorative, pedestrian friendly traffic calming techniques shall be utilized within each development site, both within the site and along the R-O-W that it abuts.

e. Within the Residential Mixed-Use District, vehicular access to the parking structure shall be provided from Caven Point Road with up to four additional ingress and egress locations along Liberty Drive. Vehicular access may also be provided from Audrey Zapp Drive to the lower level of the parking structure and to convenience parking along the north side of the site in the vicinity of the ancillary retail facilities. Pedestrian access, i.e. sidewalks, shall also be provided along these vehicular drives and from the waterfront walkway to the plaza level and inviting decorative staircase, similar to the grand stair constructed at the club entrance.

f. Within the Residential Mixed-Use District, pedestrian access shall be provided from Audrey Zap Drive to the Waterfront Walkway at the eastern end of the district.

3. Off-Street Parking and Loading Requirements

a. Off-street parking and loading areas shall be coordinated with the public street system serving the project in order to avoid conflicts with through traffic or obstruction to pedestrian walks.

b. Parking for high-density uses shall be provided in multi-level garages.

c. Residential Mixed-Use District Parking Provision

- A maximum of 2,300 parking spaces shall be provided within the Residential Mixed-Use District. These spaces shall include parking for residential units, retail establishments, hotels, offices, and golf facilities as well as any spaces designated as shared parking.
- Parking will be provided within a multilevel, mixed-use parking structure that is partially embedded in the ground.
- The location of permitted on-street parking is indicated on Map No. 7. Any on-street spaces provided within the District shall count towards the District's parking maximum count.
- All required parking spaces must be a minimum of 9 feet wide by 18 feet deep except for handicapped spaces. A number of smaller spaces for compact and subcompact cars may be considered. 15% of the spaces can be compact with dimensions of 8 feet by 16 feet.
- Valet parking is permitted to occupy any portion of the parking structure and through its use the total number of spaces could be increased.

d. Structured Parking, in garages or principal Buildings:

- All parking structures shall be masked along all street frontages or areas visible from a street, by usable floor area designed to contain permitted uses other than parking, for parking structures located within the Residential Mixed-Use District, the requirements of Section V.D.8. shall prevail, in addition to other requirements of this section.
- Any parking garage level equal to street level shall not contain any parking

or mechanical floor area adjacent to the sidewalk/street frontage, except that for parking structures located within the Residential Mixed-Use District, the requirements of Section V.D.8. shall prevail.

- The parking structure shall be designed to eliminate headlight glare by the provision of opaque screening for headlights and placement of interior garage lighting to be directed into the structure and mounted on the interior side of columns.
- The facade of the parking levels in the building shall be of a compatible material to that used throughout the development and shall be designed to provide visual interest.
- The exterior material and design shall be the same or similar, to the greatest extent possible, as the exterior walls of the principal building. Where there is no principal building, the exterior materials and design shall be as attractive as a principal building, (not applicable to the Residential Mixed-Use District).
- Any openings in the garage facade must be of the punched type and relate in design to the fenestration pattern of the principal building. All openings must be screened with glass or decorative metal grills, (chain link is prohibited). Any openings shall preferably be in a vertical proportion, (not applicable to the Residential Mixed-Use District).
- Blank walls on any facade are prohibited.
- All building and garage access points shall be provided at street level and designed to encourage street activity. Overhead or elevated pedestrian or vehicular connections are prohibited. Except that due to the topography within the Residential Mixed-Use District, garage access shall be provided at the upper levels from Caven Point Road in addition to the street level , and building access shall be provided in conformance with section III.B.1.j. of this Plan. All parking structure ingress and egress locations shall be integrated into the overall composition of the development site.

e. Surface parking facilities shall be extensively landscaped. Large concentrations of parking without landscaping shall be prohibited.

f. All parking areas abutting streets shall be landscaped on the periphery with berms, shrubs, trees and/or ground cover.

g. Parking shall not front on a street. Buildings shall instead be situated to front on and be immediately adjacent to streets.

h. All access drives shall be well landscaped along their perimeter.

i. All non-recreational use parking shall be provided internal to the buildings or in enclosed garages with exterior design and materials to match the principal building(s). Recreational uses may provide exterior at grade parking.

j.Residential uses shall provide off-street parking according to the following schedule:

Unit Type	Minimum Spaces Per Unit	Maximum Spaces Per Unit

Studio	0.5	0.75
1 Bedroom	0.75	1.0
2 Bedroom & above	1.0	1.75

k. Office and other commercial uses shall provide up to a maximum of 0.9 space per 1000 square feet of gross floor area. This parking ratio can be averaged for the entire redevelopment area.

l. Retail, restaurants, bars, nightclubs and health clubs shall provide up to a maximum of 0.5 space per 1000 square feet of gross floor area.

m. Theaters shall provide up to a maximum of 0.5 space per 8 seats.

n. Hotels shall provide up to a maximum of 1 space per room up to 100 rooms; 0.5 space per room for 101 to 250 rooms; 0.3 space per room for 251 to 500 rooms, and 1 space per 1000 square feet of gross floor area for meeting rooms, banquet rooms, restaurants, and conference rooms (excluding hall, lobby, mechanical, and utility spaces), and shall be included in the 2.300 total spaces provided.

o. Public/semi-public uses shall provide up to 0.9 space per 1000 square feet of gross floor area and incorporated predominately on the plaza deck level of the structure.

p. Liberty National golf course, because it is seasonal and at times valeted shall provide off-street parking with in the 2,300 total spaces

q. Ferry stops shall provide off-street parking through the use of shared parking with other facilities.

r. A percentage of the parking spaces which may be shorter due to changes in car design which can be determined by the Planning Board at the time of approval.

s. Landscaping shall be required for any part of any parcel not used for buildings off-street parking, or loading space. The developer's plan shall include proposals for landscaping indicating the location, size and quantity of the various species to be used.

t. Surface parking lots for more than 10 vehicles, and all loading areas, shall provide a screen planting of dense evergreens, landscaped berm, and or decorative planting, not less than three (3) feet high along any street line and along all property lines except those instances where a building intervenes or where the proposed planting may interfere with sight triangles.

u. Surface parking lot shall contain interior tree planting of 1 tree per 10 parking stalls, in addition to tree plantings provided along the perimeter of the parking lot and in addition to those within the Street R-O-W..

v. Parking and service access should be separated from the main traffic to the project site.

w. Decorative protected pedestrian walkways shall be provided through parking lot(s).

x. Shared use of accessory parking facilities is encouraged and shall be considered in areas adjacent to underutilized parking facilities.

y. Lighting used to illuminate off-street parking and loading areas shall be arranged and shielded to prevent the spillage of light off the premises and shall be in accordance with the lighting requirements of the zoning ordinance.

z. All required parking and loading areas shall be provided off-street. All such parking and loading areas shall be graded and paved with a durable dust free surface and adequately drained. All parking and loading areas shall be designed in accordance with the requirements of the Jersey City Zoning Ordinance, except that overflow parking may be improved with perforated pavers to maintain grass off-season.

aa. The off-street parking requirements shall apply to all new construction, rehabilitation, and change in use. Required parking may be provided on-site or within five hundred (500) feet of the property line of the development to which it will serve.

bb. The number and design of off-street loading spaces shall be demonstrated by an applicant according to an anticipated need. All loading activities should be encouraged to be restricted to early morning and/or late evening hours. The design and number of off-street loading shall be subject to review and approval of the Planning Board.

cc. All developments that propose valet parking shall submit a parking management plan. Such plan shall include but not be limited to: number of vehicles to be parked, number of rows of cars to be stacked, all parking stall and aisle widths and any other information deemed necessary to effectively evaluate the management plan. All parking management plans shall be subject to review and approval of the Division of Traffic Engineering and the Planning Board.

dd. All buildings shall provide a main entrance onto a public street. Additional entrances may be provided from parking areas or any other place necessitated by the design of the building. Except as provided for in section III.B.1.j. of this Plan for buildings within the Residential Mixed-Use District.

4. Landscape Design Requirements

a. Landscaping shall be required for any part of any parcel not used for buildings, off-street parking, or loading space. The developer's plan shall include plans for landscaping indicating the location, size and quantity of the

various plant species to be used in landscaping, as well as proposals for berms, and other earth sculpting.

b. Open space shall provide visual and functional elements such as benches, low walls, drinking fountains, refuse containers and planters, and public fountains.

c. Open space amenities shall include: decorative material such as, stone, brick, or asphalt pavers; stamped and tinted concrete; decorative lighting; and other such detailing. Adequate lighting shall be provided to encourage active usage and a sense of security in the open space. Open space shall be distributed so as to provide for maximum usability.

d. Through creative design, open space features shall address the need for human comfort and enjoyment and provide both active and passive leisure uses for secure and pleasant outdoor and indoor settings to meet public and private use requirements. Open space and plazas shall be designed at a human scale to invite and attract the public.

e. Open space shall be oriented to focus on areas to maximize views.

f. As a general guide, one (1) linear foot of seating for each linear foot of plaza perimeter shall be provided. Except that this criteria shall not apply to plazas located on the roof deck of parking structures located within the Residential Mixed-Use District. Seating space shall still be required within plazas located on the roof deck of parking structures located within the Residential Mixed-Use District subject to Site Plan review and approval by the Jersey City Planning Board. Seating space may include planters, benches, fountains, etc.

g. Preliminary landscape plans have been prepared for the Residential Mixed-Use District. Map No. 8 is an illustrative plan for the ground level while Map No. 9 is an illustrative plan for the plaza level. Landscaping is required throughout the site to effectively integrate the new complex of buildings with the existing landscaping of the golf course and to the marina edge by the use of landscaped stairs. The roof deck of the parking structure may be designed to include paved plaza, water features, sculptures, plantings, and seating areas.

h. A formal landscape, streetscape, and paving plan must be prepared for the Residential Mixed-Use District by a certified landscape architect. These plans may incorporate plantings on the roof of the parking structure, the use of sculptural stair elements, and the integration of the top level of the parking structure with the adjoining golf course.

i. Green roofs are permitted.

5. Deviation Requests

The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions. Pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan. An application for a deviation from the requirements of this redevelopment plan shall provide public notice of such application in accord with the requirements of public notice as set forth in NJSA 40:55D-12.a & b.

6. Specific Requirements

a. Buildings streetscapes and plazas shall be arranged so as to form a compact, continuous, and interesting composition with buildings of various heights.
b. All development shall complement the skyline and provide for the continuation of sight lines to the Jersey City / NY skyline and the Statue of Liberty through this project plan area. The arrangement of the buildings in the project area shall be determined on this basis.
c. Sight lines must be identified in a view corridor study and maintained.
d. Consideration must also be given to the skyline that is being created as part of this development.
e. Map No. 10 Plaza Level View Sheds illustrates the view sheds from the plaza of the Residential Mixed-Use District. Important Sight lines include vistas of the Statue of Liberty, Verrazano Bridge, Lower Manhattan, the New York Bay, and Liberty National Golf Course. Towers constructed on the roof top deck should be arranged to preserve these views from the plaza level.

7. Industrial District Parcels

a. Adequate buffering in the form of appropriate plants and earth sculpting shall be provided along the shoreline in these areas where industrial reuse parcels are opposite the Statue of Liberty.
b. Large parking areas should be subdivided by substantial landscape areas into smaller units.
c. The edges of all parking areas should be set aside for a substantial landscaped area.

d. Entrances and exits to parking areas must be designed to provide adequate storage capacity in order to avoid back-ups on project area streets.

e. No uses shall have direct access from parking and loading areas onto the proposed north-south arterial road.

C. PROHIBITED USES

a. To protect the vista along the New Jersey Turnpike Hudson County Extension which was declared a "scenic corridor" in 1995, and other views of the Statue of Liberty, Ellis Island, and New York Bay, as recommended in the Jersey City Master Plan, monopole towers, lattice towers, or other types of communication towers are prohibited within the redevelopment plan area. Roof top antennas are permitted, however their height and deign must not interfere with the scenic corridor or general views of the bay.

b. All references to prohibited uses made throughout this redevelopment Plan shall be acknowledged herein, and be interpreted as part of this Section.

IV. SUBMISSION OF REDEVELOPER'S PROPOSALS

A. Procedure

Prior to commencement of construction, architectural drawings, specifications site plans for the construction and/or rehabilitation of improvements to the Area shall be submitted by the developer to the Planning Board of the City of Jersey City for review and approval so that compliance of such plans with the redevelopment objectives can be determined. Site plan review shall be conducted by the Planning Board pursuant to NJSA 40:55D-1 et. seq. Applications may be submitted for the entire project or in any number of phases.

Any development, whether designated by the State of New Jersey or otherwise, within Liberty State Park by private development must appear before the Planning Board for site plan review for informational purposes.

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

B. Adverse Influences

No use shall be permitted, which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, obnoxious dust or waste, undue noise or vibration, or other objectionable features as to be detrimental to the public health, safety or general welfare.

C. Restriction of Occupancy or Use

There shall be no restriction of occupancy or use of any part of the project area on the basis of race, creed, color or national origin.

D. Interim Uses

Interim uses may be established, subject to site plan approval by the Planning Board. The developer/applicant must satisfactorily demonstrate, and the Planning Board must find that, such use will not have an adverse effect upon existing or contemplated development during the interim use period. Interim uses must receive Site Plan approval from the Planning Board. The Planning Board shall establish an interim use period of between one (1) year and three (3) years in duration, subject to the Planning Board's discretion. Additional renewals of an interim use may be granted by the Planning Board, subject to the same interim period limitations specified above.

E. Maintenance of Open Areas

All open areas shall be landscaped and maintained in an attractive condition.

F. Signs

1. All signs shall require Site Plan approval.
2. They shall be minimal in size and be of material consistent with that of the principal building. Back-lit box or letter shaped signs made of plastic or similar looking material, are not permitted.
3. A maximum of 2 per project site shall be permitted.
4. Billboards and freestanding signs are prohibited.
5. Illuminated identification signs, and advertising signs, visible from Liberty State Park are prohibited.
6. Each complex may have one monument style sign at each vehicular entrance to the complex identifying the name of the complex. Said monument sign to be no greater than four feet in height nor have a sign area in excess of twelve (12) square feet, and shall be attractively landscaped. All signage must be compatible with the material, character, color scheme and design of the principal structure.
7. Each residential building shall be permitted one (1) sign not to exceed eight (8) square feet, attached flush to the building wall, identifying the name of the building or complex, and street address only.
8. Retail sales, restaurant uses, and any other permitted uses not mentioned within this section, shall be permitted (1) one sign per establishment, identifying the use, not to exceed 10% of the first story portion of the wall containing the uses frontage to which it is attached.
9. Hotels, shall be permitted one (1) sign not to exceed Twenty (20) square feet, attached flush to the building wall, identifying the name of the building or complex, and street address and logo only.

Additionally, the logo and/or hotel name may be added to the monument sign area in conformance to the requirements of item 6. Of this section.

10. Parking Garages - One (1) attached sign per parking entrance may be allowed indicating the parking facility by the international parking symbol and a directional arrow. Said sign not to exceed four (4) square feet.

V. DISTRICT AREA, YARD, AND BULK REQUIREMENTS

(Regulations and controls applying to specific use areas designated in the Land Use Map within the larger Liberty Harbor Redevelopment Area Multi–Purpose District shall not apply to the Mixed Use Residential District)

A. Multi-Purpose District

Residential

1. **Maximum density**: seventy-five (75) dwellings per gross acre of land within the residential area.

2. **Maximum floor area ratio of residential uses:** 6 (six)

3. **Maximum height:** 6 stories, or as regulated in conformance with the view corridor requirements located within Section III. B. 6 Specific Requirements of this plan, whichever is less.

4. **Required setbacks:**
   From any street line: 15 feet
   From any parking lot: 10 feet
   From the NJ Turnpike property or R-O-W line: 100 feet
   (Containing heavily landscaped buffer)

5. **Required off-street parking:**

   Maximum ratio of 1 space per dwelling unit

Multi-Purpose Non-Residential

1. For uses other than residential within the Multi-Purpose District, the industrial Development standards shall apply with the following addition:

   - Setback from the NJ Turnpike for all non-residential uses shall be a minimum of 30 feet (containing a heavily landscaped buffer) and the parking requirements for restaurants, nightclubs, recreational and public uses shall conform to the current Institute of Transportation Engineers Standards, (ITE).

B. Industrial District

1. **Maximum height:** height shall be regulated as identified below and in conformance with the view corridor requirements located within Section III. B. 6 Specific Requirements of this plan, whichever is less.

Hotels: 10 stories
Other Uses: 6 stories

2. **Required setbacks:**

From any street: 15 feet
From any parking lot: 10 feet

3. **Minimum Lot Size:** 5 acres

4. **Minimum Number of Hotel Rooms:** 300

C. **Park District**

1. Maximum Height: height shall be regulated as identified below and in conformance with the view corridor requirements located within Section III. B. 6. Specific Requirements of this plan, whichever is less.

2. The only structures permitted are those necessary to the park uses provided that such structures shall not cover more than 20 percent of the overall total park land area within the Park District.

D. **Residential Mixed-Use District**: The following criteria shall apply only when pursuant to Section III.A.4. of this Plan. If the proposed development within this district does not meet the above criteria, then the permitted uses in this district shall include only hotels, as regulated in the Industrial District of this plan.

1. Maximum Density: 145 dwellings per gross acre of upland property within the district not including the under water area to a maximum total of 2,006 units.

2. Maximum Intensity of Development: In addition to the residential development permitted above in sub-section D.1; the following land-uses shall be permitted.

a. Retail Sales and Restaurants - a minimum of 20,000 square feet of retail sales and/or restaurants shall be provided in the ground floor area of the parking structure and Building D. and shall be located in the northern portion of the eastern façade facing the Waterfront Walkway and the eastern portion of the northern façade facing Audrey Zap Drive. Up to an additional 20,000 square feet of retail sales and/or restaurants may also be provided on the site. The location of permitted retail frontages is indicated on Map No. 6 Ground Level Frontage Regulating Plan. Additional retail may be provided on the plaza level. Map No. 11, Plaza Level Frontage Regulating Plan indicates the location of permitted retail frontages atop the plaza level. The retail sales and/or restaurants required and permitted in this section shall be in addition to any retail and/or restaurant activity that may occur as a part of the Golf Club House, Hotel, Health Club or other permitted commercial use.

b. Health Club

c. Golf Clubhouse

d. Professional and Business Office

e. Class A Hotel (shall be full service only with a three meal restaurant, on-site related banquette, conference, spa facilities, and recreation amenities including indoor/outdoor pool and lounge) - a maximum of 300,000 square feet. (Also see 4, b ii)

3. Maximum Permitted Building and Lot Coverage:

a. Coverage of the Lot: Up to eighty (80%) percent of the ~~lot area~~ Residential Mixed-Use District Area may be covered by buildings, inclusive of parking structures and all other buildings, walkways, stairs, sidewalks, waterfront walkway, and pavement associated with Liberty Drive. Not included are the private ground level terraces associated with the townhouse villas. Map No. 12, Ground Level Build-to-Lines illustrates the build-to-lines and the maximum tower heights for buildings. To allow some flexibility for the location and size of the towers, variations of the build-to-line up to five (5) feet on any edge of the build-to line is allowed provided that it does not exceed the allowable base plate square footages specified on Table 1.

b. A maximum of six (6) towers are permitted. Map No. 12, Plaza Level Build-to-Lines and Tower Heights indicates the location of these towers atop the roof top deck.

c. Encroachments: To allow for more flexibility in the design and layout of the towers, the footprint of each building on the plaza level may encroach over the build to line a maximum of five (5) feet as long as a distance of forty (40) feet between towers is maintained.

- A continuous colonnade is an optional design feature of the Plan. This colonnade would act to create horizontal continuity along the base while also creating a sense of enclosure at the plaza level. Along Liberty Drive, the height of the colonnade may reach a maximum of five (5) stories. The columns may support a continuous lintel of sufficient mass to act as a major architectural feature. If constructed during the first phase of the project, the colonnade may extend the entire length of Liberty Drive and act as a screening device for the remaining construction phases.
- No individual building feature shall extend beyond four (4) feet of the build to line. Approved encroachments may include cornice projects, fixed sunshades and awnings, bay or box windows, balconies, terraces or signs.

4. Maximum Height: Height shall be regulated as identified below and in conformance with the view corridor requirements located within Section III. B. 6 Specific Requirements of this plan. Optimum building heights for the plaza level are regulated in Map No. 12 Build to Lines and Heights Plan.

a. The parking structure may contain up to three (3) parking levels above the grade of Liberty Drive and shall not exceed forty (40) feet in height above the grade of Liberty Drive. Surface parking and parking on top of any deck is prohibited. Only access to building fronts at top of the deck for drop–off is permitted.

b. Buildings shall be constructed on top of the rooftop deck of the parking structure:

i. Tower structures constructed on top of the rooftop deck of the parking garage must be of varying heights. There shall be a maximum of ~~three (3)~~t ***six(6)*** such tower structures within the District.

ii. Optimum building heights for towers constructed on the rooftop deck are indicated on Map No. 12 Build to Lines and Heights Plan. Towers may range from nine (9) stories to fifty-seven (57) stories in height based on minimum and maximum stories of retail and residential. No two towers shall be of identical height. Towers should be designed to optimize views. Exhibit 1 Illustrative Rendering represents a conceptual rendering of the Residential Mixed-Use District.

iii. All other buildings, including a golf clubhouse building, any building or portions thereof containing the public rooms of a hotel such as banquet rooms, restaurant, meeting and conference rooms, etc., and all other structures shall not exceed four (4) stories or seventy-five (75) feet in height.

iv. Maximum height for the tower structures shall be measured from the surface of the rooftop deck of the parking structure The maximum height does not include the mechanical penthouses, parapets, equipment such as wind turbines or solar collectors, or architectural embellishments for the "crown" of the building or antennas provided they are an integral feature of the building design.

c. Any other structures such as, free standing restaurants, waterborne transportation support buildings and other similar buildings not constructed on the roof top deck shall not exceed three (3) stories or forty 40 feet in height.

5. Required Minimum Setbacks:

a. There shall be no required setbacks, except that all buildings and structures shall be setback a minimum of fifty (50) feet from the bulkhead line, and shall provide sufficient setback to accommodate, at a minimum, a thirty (30) foot wide Waterfront Walkway as shown on Map 9.

b. There shall be a minimum of sixty (60) feet between tower structures, with exceptions permitted for the building base (first 4-6 levels above Plaza) to be no less than 40 feet.

6. Minimum Open Space Requirement:

All lot area not covered by buildings and structures shall be maintained as open space. Open space shall include golf course areas, driving range, putting greens, walkways, tennis courts, pools, landscaped areas, yards and outdoor passive and active recreation areas. Streets and roadways shall be permitted to traverse open space areas to provide access to parking and service areas as necessary and subject to Site Plan Review and approval by the Planning Board.

In addition, all areas of the roof top deck over a parking structure not covered by buildings and structures shall be improved open space, which may include pools, tennis courts, landscaped areas, paved plaza areas, outdoor cafes, footpaths and walkways, outdoor active and passive recreation areas, golf putting greens, driving range areas and/or other similar spaces and facilities. Single story pavilions, gazebos and other similar passive recreation structures may be constructed within this improved open space area but may not cover more than ten (10%) percent of said open space area. Streets and roadways shall be permitted to traverse open space areas to provide access to buildings located on top of the rooftop deck, drop-off areas and service areas as necessary and subject to Site Plan Review and approval by the Planning Board.

7. Additional Design Requirements for the Rooftop Deck of Parking Structures:

- The rooftop deck shall serve as the primary platform for the residential and other buildings and shall be design to be attractive and functional gathering/entertainment outdoor space.
- Vehicular parking and vehicular access to this level is specifically prohibited. Services for retail or restaurant establishments on the plaza level shall be access via the loading/service level of the garage.
- If emergency fire access is required, access would be gained in the grass area at the south- western end of the plaza and designed to hide the access via removable bollards and movable planters.

8. Additional Design Requirements for the Facade of Parking Structures:

a. Facades with frontage along the Waterfront Walkway and the eastern portion of the northern property line fronting onto the former railroad right of way:

Parking structures shall contain residential and/or commercial uses, including dwelling units, retail, office, health clubs, and other similar uses, along the perimeter of the parking structure fronting onto the Waterfront Walkway in order to mask the parking structure from view and to give the appearance that the parking structure is a low rise residential and/or commercial building. Exterior entrances to commercial and/or residential units located in the ground floor shall be provided, along with stoops, walkways, fencing and/or other architectural treatments consistent with traditional low rise urban development. A total of at least twenty thousand (20,000) square feet of retail and/or restaurant uses shall be provided in the ground floor area of these facades, with visible and direct access to the out side of the building.

b. Facades with frontage along the western portion of the northern property line (former railroad right of way) and facing the western property line (Caven Point Road):

Parking structures facing to the west, Caven Point Road, shall be buried in the ground. The topography of the site in this area slopes from Caven Point Road down toward the proposed parking structure. This area shall be re-graded accommodate the golf course and access drive and to essentially bury the parking structure. It is recognized that a portion of the parking structure will emerge from the ground and be visible, especially along the western portion of the northern property line, to accommodate a more natural slope of the land. This portion of the façade of the parking structure shall not be required to provide residential and/or commercial uses in this portion of the perimeter of the structure. However, this

portion of the façade of the parking structure shall have a similar architectural appearance to the portions of the parking structure described in paragraph "a." above. The materials used on these facades of the parking structure shall be the same as those used on the rest of the structure.

c. Façade of the parking structure facing to the south &/or southwest, i.e. fronting on the golf course:

This portion of the façade of the parking structure shall be screened by being buried into the topography of the golf course as described above in paragraph b, or it may be screened by the clubhouse and a landscape feature toward the southeastern end of this façade. The purpose of the landscape feature is not only to act as screening for the garage structure, but to also serve as a backdrop for the golf course. The landscape feature shall consist o fall of the following: decorative and screen plantings, earth berms, natural &/or artificial rock sculptures, and water features such as a waterfall. The landscape feature shall be mounded up against the face of the parking structure to totally hide visibility of the parking structure foundation and give the appearance of a natural topographic feature. Where portions of the façade of the garage are exposed due to the sloping of the earthen berms and/or rock sculpture, the requirements of paragraph b. above shall prevail.

d. All parking structures within this district shall be mechanically ventilated and clad in the same material, window patterns, and rhythms as the principal building.

e. No part of any foundation of the parking structure shall be visible from any vantage point.

9. Additional Design Requirements:

a. All vents on building façades must be integrated into the treatment of the façade. Antennas of any type, shall only be permitted on the exterior of the building with the approval of the Jersey City Planning Board regarding their size, shape, placement and design.

b. The tops of all buildings, as well as significant architectural features, shall be appropriately lit.

10. Vehicular and Pedestrian Access to Parking Structures:

Vehicular and pedestrian access to parking structures shall be provided via access roads at grade and via easement over the adjacent Railroad R-O-W, and at other intermediate levels of the garage. Pedestrian access to the parking structure shall be provided to and from each of the residential/hotel buildings constructed above the rooftop deck; and to and from the parking structure and the Waterfront Walkway and the retail uses located in the façade of the parking structure. In addition, pedestrian access shall be provided from the Waterfront Walkway, via stairways, to the rooftop deck of the parking structure.

11. Additional Step-back Requirements for Tower Buildings:

In addition to the Urban Design Requirements found in Section III.B.1. All buildings shall have step-backs to assure that the proper proportions of the building are respected and provides a visual cue to highlight various uses within a mixed-use building. Step-backs are required on all tower buildings at the same level to diminish the height of the tower and provide visual continuity to all the towers as well to enhance the pedestrian experience at the plaza level as well as diminish the visual impact of a building as it increases in height. Map No. 13 Plaza Level Tower Step-backs indicates the required location of the step-backs for each tower buildings. The notations on this map indicate the story height and the required step-back. The distance of the recommended step-back can be more but not less than indicated on Map 13.

12. Loggias: Loggias are an optional design element which may be incorporated into tower structures. A loggia is a gallery, or breaking of the façade that can be open to the air to create a community open space and viewing/recreation platform. The location and form of the loggias create divisions in the vertical scale of a building and are surrounded by exposed columns or created by a setback within the façade. The floor area can contain community/social/functional facilities for tenants in the tower building or contain other non-residential but related services. In addition to reducing the vertical scale of high-rise buildings, loggias when used in conjunction with the step-backs can create a horizontal architectural element that unifies the composition of towers within the Residential Mixed-Use District. In lieu of being open, this architectural feature can also be accomplished by a change in material or façade treatment.

    a. The recommended height for each loggia is three floors.
    b. Map No. 13 Plaza Level Tower Step-backs indicates the recommended placement of loggias within towers.

13. Capacity Table: A Capacity Table 1, indicates the maximum square footage for the base plates of the buildings, the minimum and maximum number of stories for each of the towers and villa buildings, the maximum number of residential units, the allowable gross square foot area for residential and retail uses, and the total number of parking spaces

14. Waste Collection and Recycling: Each building shall coordinate the size and placement of their waste collection and recycling areas with the anticipated collection services for glass, plastic, newspapers, cardboard, and organic waste to maximize the effectiveness of the dedicated areas. These areas shall be confined indoors and not viewable from any public areas, ventilated, temperature controlled and maintained to prevent oders.

15. District Phasing

Phasing within the Residential Mixed-use District shall be flexible based on the market demands the need to provide adequate structured parking and to create a complete architectural composition of buildings, building walls, public spaces, landscaping and walkways The towers and villas can be constructed in any order. The towers can be built in any order.

E. Applicable to all Districts

A structure which is non-conforming in regard to meeting the coverage, setbacks, or height requirements of this Plan may continue provided that if it is enlarged, altered or

reconstructed, non-conformity with the applicable regulations of this Plan shall not be increased. A structure that is non-conforming as to off street parking or loading requirements may continue if the shape or size of the lot or location of the building prevent conformity with said requirements.

VI. PROVISIONS NECESSARY TO MEET STATE AND LOCAL REQUIREMENTS

A. Land Acquisition

1. Properties to be Acquired

   a. Map No.1, "Project Boundary" designates those properties that are not to be acquired. All other properties shall be acquired and cleared and redeveloped in accordance with the provisions of this Plan in order to remove substandard conditions, remove blighting influences, provide land for public improvements or facilities and provide land for redevelopment and other plan objectives.

   b. All redevelopment activities undertaken by the redevelopers shall be in accordance with the controls of this Redevelopment Plan.

2. The laws of the State of New Jersey provide that a redevelopment plan shall:

   a. Conform to the general plan for the municipality as a whole;

   b. Shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements and conservation or rehabilitation as may be proposed to be carried out in the area of the project, zoning, and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvement.

   c. In accordance with State requirements, the following statements are made:

      - The proposals of this Plan conform with the general plan for the municipality;
      - This Plan provides an outline for the development or redevelopment of Liberty Harbor and is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements as proposed, planning changes, land uses, maximum densities, building requirements, and its relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, community facilities, and other public improvements.
      - The proposals of this Plan necessitate zoning changes, which shall be made prior to land disposition by the City of Jersey City in accordance with the land use provisions and controls of this redevelopment plan.
      - Local planning objectives having a direct bearing on the project, which has been planned as an integral part of the total planning for the City are as follows:
      - The effectuation of the Redevelopment Plan will carry out major proposals of the current comprehensive pan for the City and will comply with local objectives of the City as to appropriate land uses, improved street systems, and overall improvement to the Liberty Harbor area.
      - The effectuation of the Redevelopment Plan will improve the total living conditions of the City through improvement of a blighted area, removal of

structures in poor condition and the provision of land for new development, park and industrial development.

VII. PROCEDURE FOR CHANGES IN APPROVED PLAN

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of law. A fee of $5,000 plus all costs of copying and transcripts shall be payable to Jersey City for any request to amend the plan.

VIII. DEFINITIONS

Build to Line: a line along which the primary façade of a building must be located. The build to line provides flexibility to the articulation of the façade by allowing limited deviation from this line.

Colonnade: a linear series of columns which support a continuous lintel.

Encroachment: an area beyond the build to line into which certain building elements may protrude. Typical encroachments may include overhangs, windows signing, or other elements that commonly protrude over the main façade of the building.

Loggia: a gallery or breaking in the façade that can be open to the air on at least one side. In this Plan, a loggia is composed of a minimum of three floors on the upper level of buildings over 12 stories tall. Loggias create breaks in the vertical scale of a building and are surrounded by columns or created by a setback or overhang within the façade. The interior of these spaces can be used as common space for these vertical neighborhoods, live work offices, mechanical equipment space, or any number of other uses.

IX. SEVERABILITY

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

MAPS

LIBERTY HARBOR REDEVELOPMENT AREA

MAP 1: BOUNDARY MAP

SEPTEMBER 14, 2010

1 inch = 1,200 feet

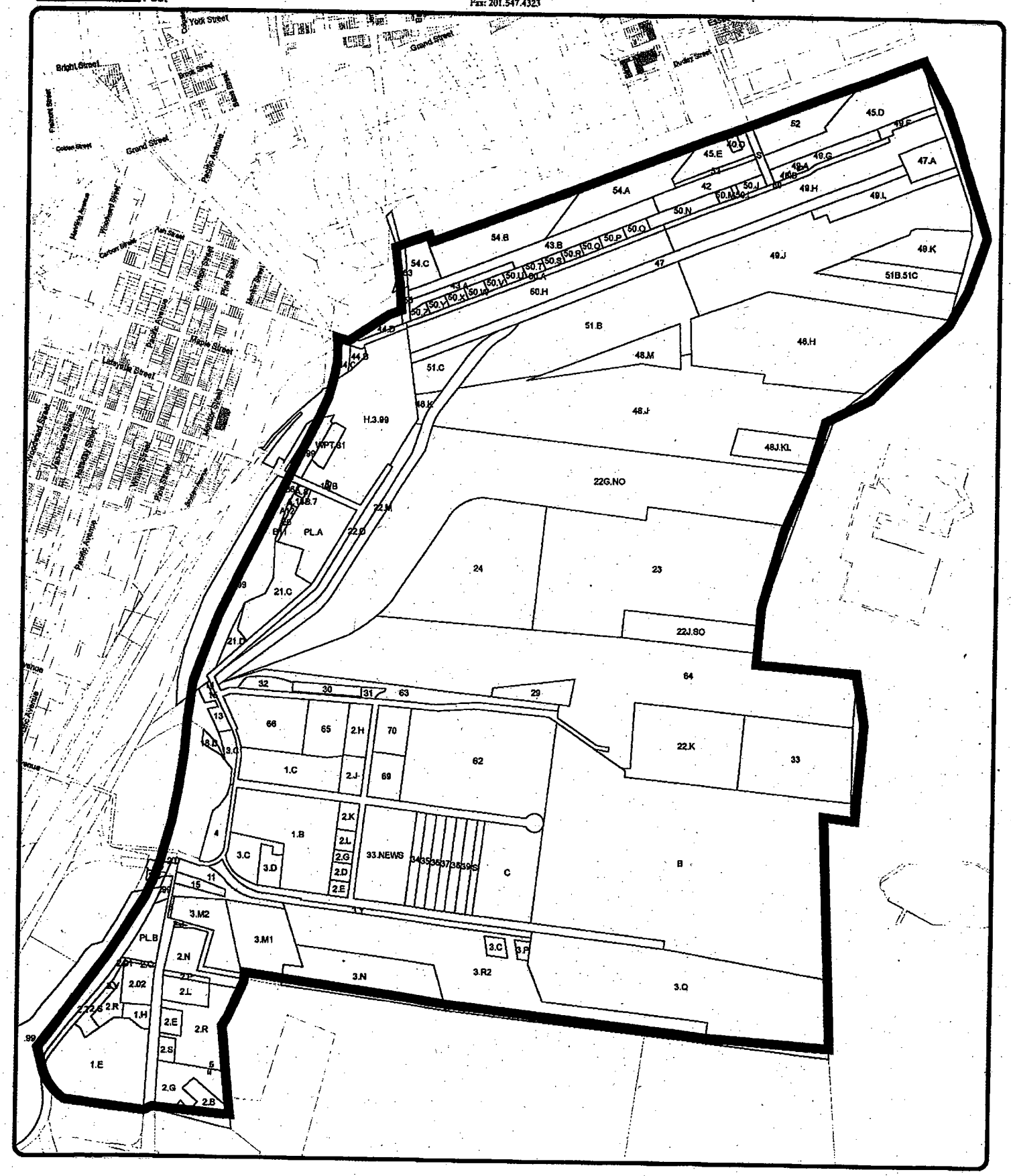
0 250 500 1,000 Feet

NORTH

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

Legend

Redevelopment Boundary



LIBERTY HARBOR REDEVELOPMENT AREA

MAP 2: LAND USE MAP

SEPTEMBER 14, 2010

1 inch = 1,200 feet

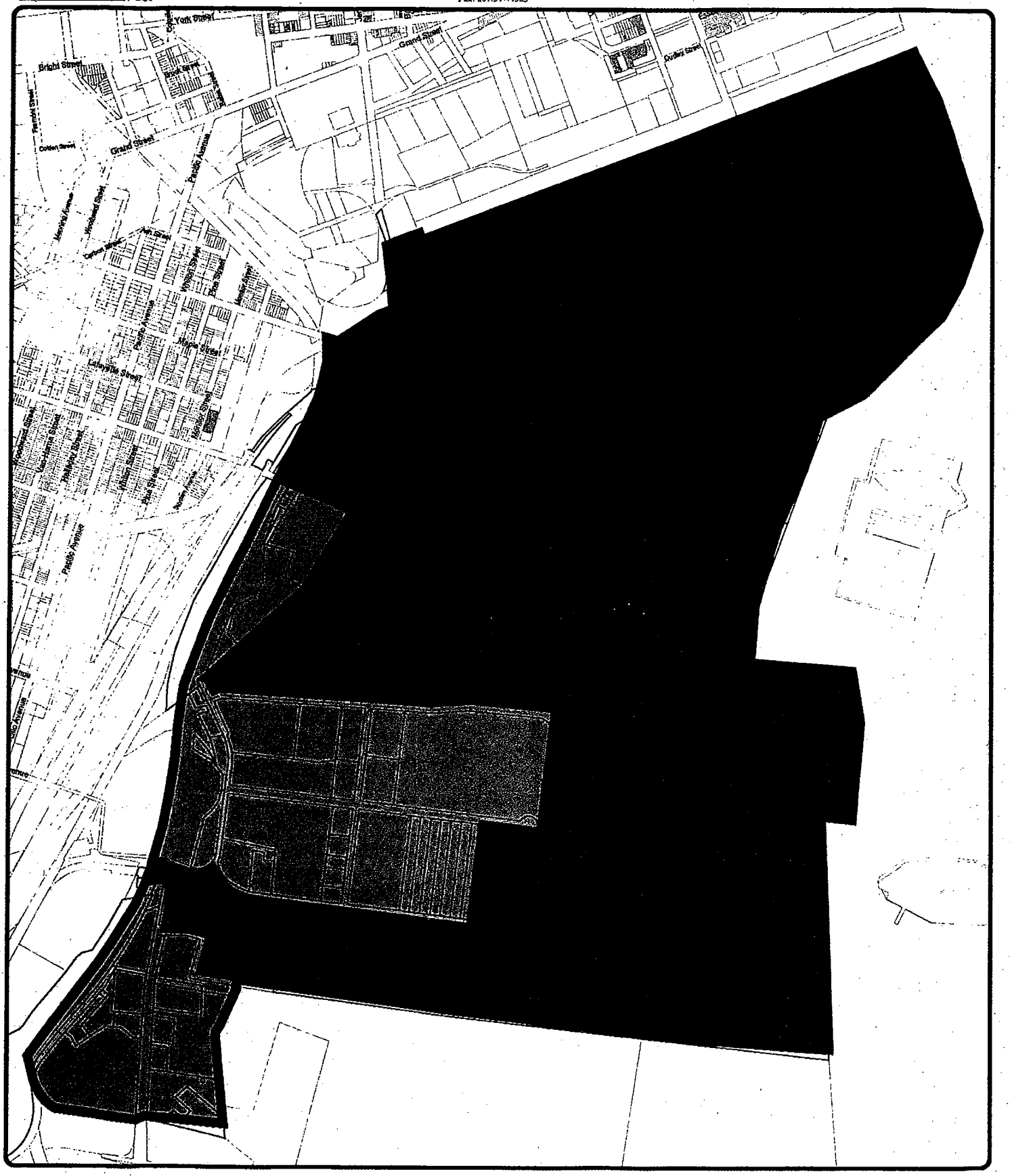
0 250 500 1,000 Feet

NORTH

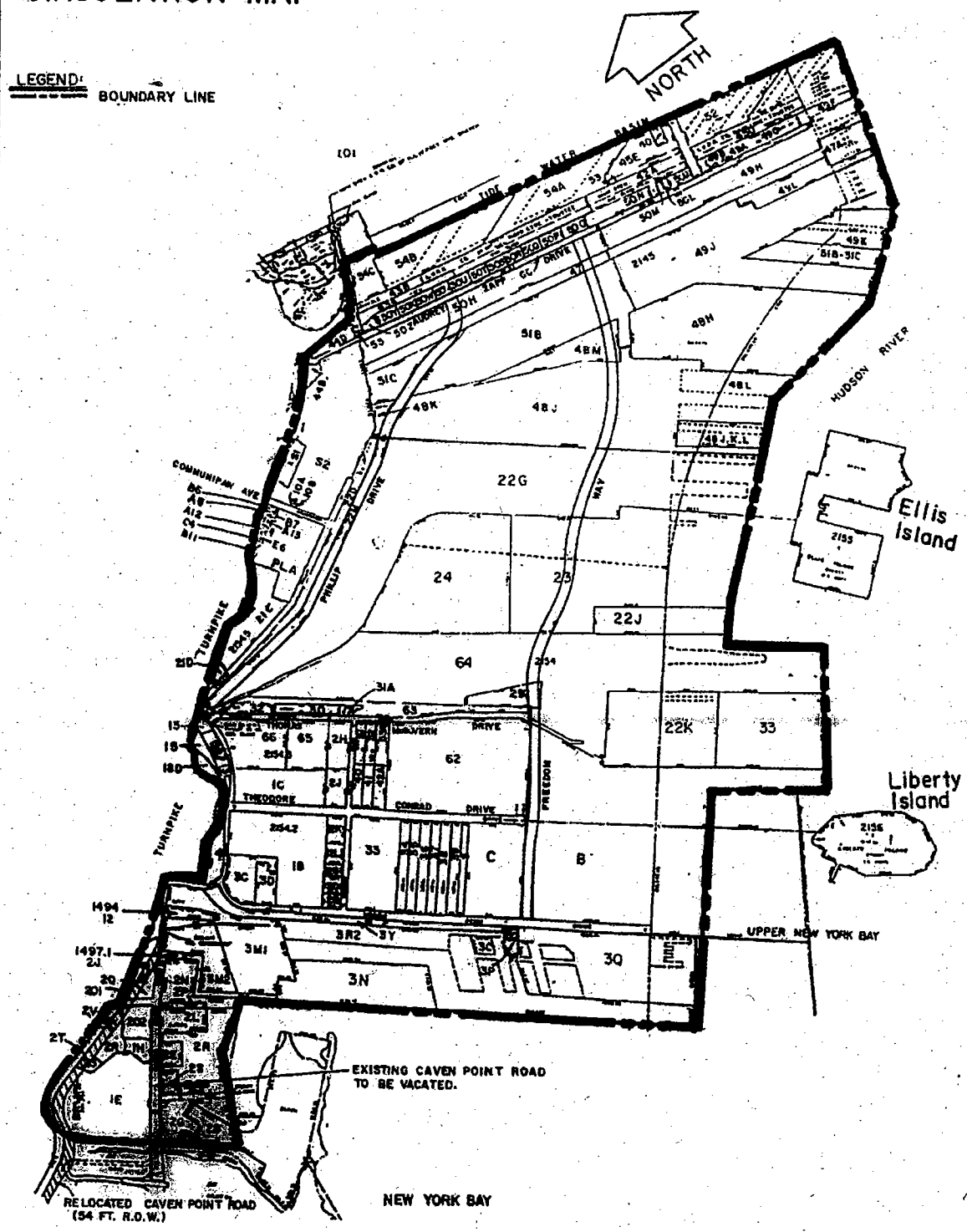
Jersey City
City Planning Division
30 Montgomery Street Suite 1400
Jersey City, NJ 07302-3821
Phone: 201.547.5010
Fax: 201.547.4323

Legend

- Industrial District
- Multi Purpose District
- Park District
- Residential Mixed Use District



CIRCULATION MAP



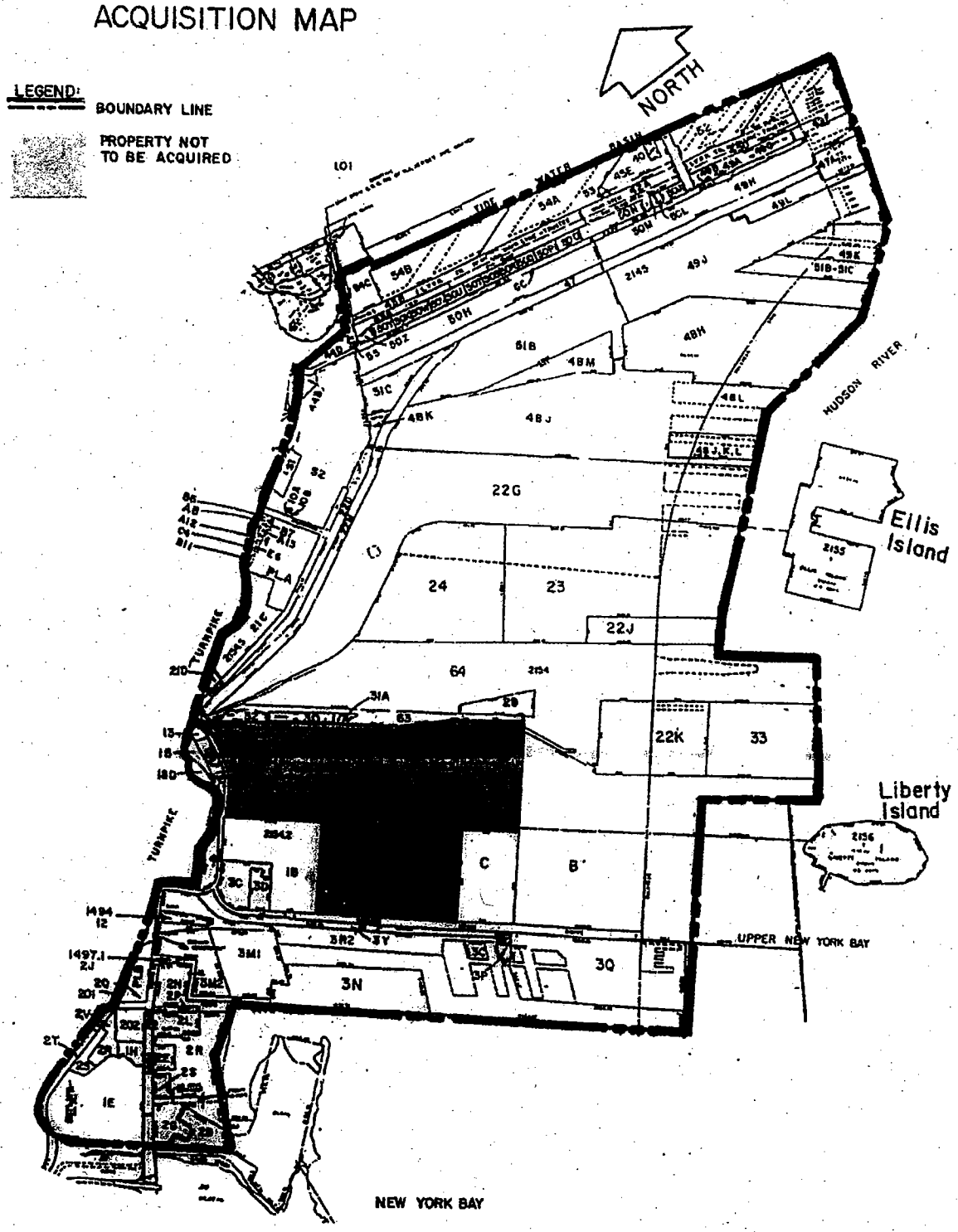
LIBERTY HARBOR REDEVELOPMENT AREA

DIVISION OF CITY PLANNING
DEPARTMENT OF HOUSING, ECONOMIC DEVELOPMENT AND COMMERCE

JULY 1999

MAP NO. 3

ACQUISITION MAP

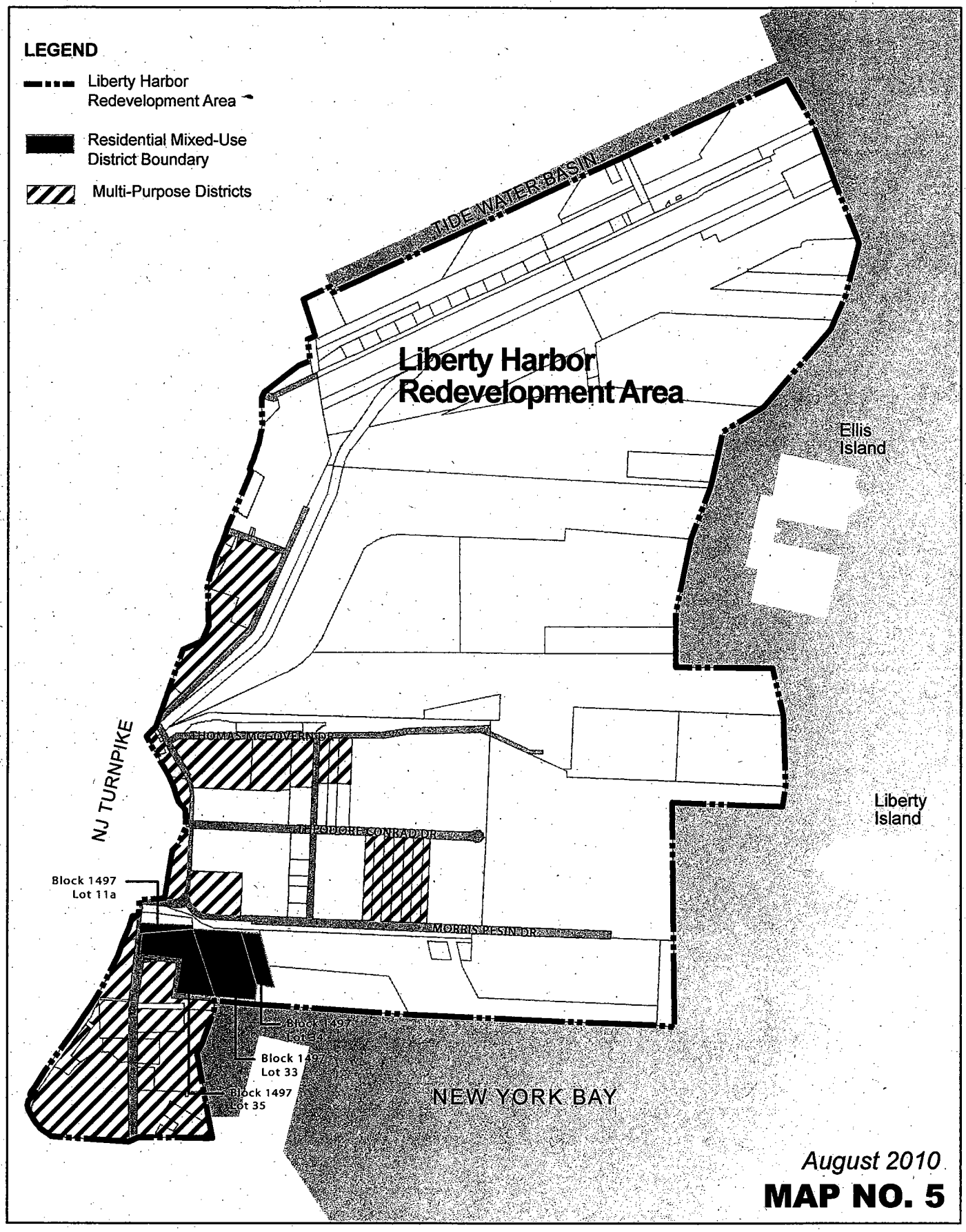


LIBERTY HARBOR REDEVELOPMENT AREA

DIVISION OF CITY PLANNING
DEPARTMENT OF HOUSING, ECONOMIC DEVELOPMENT AND COMMERCE

JULY 1999

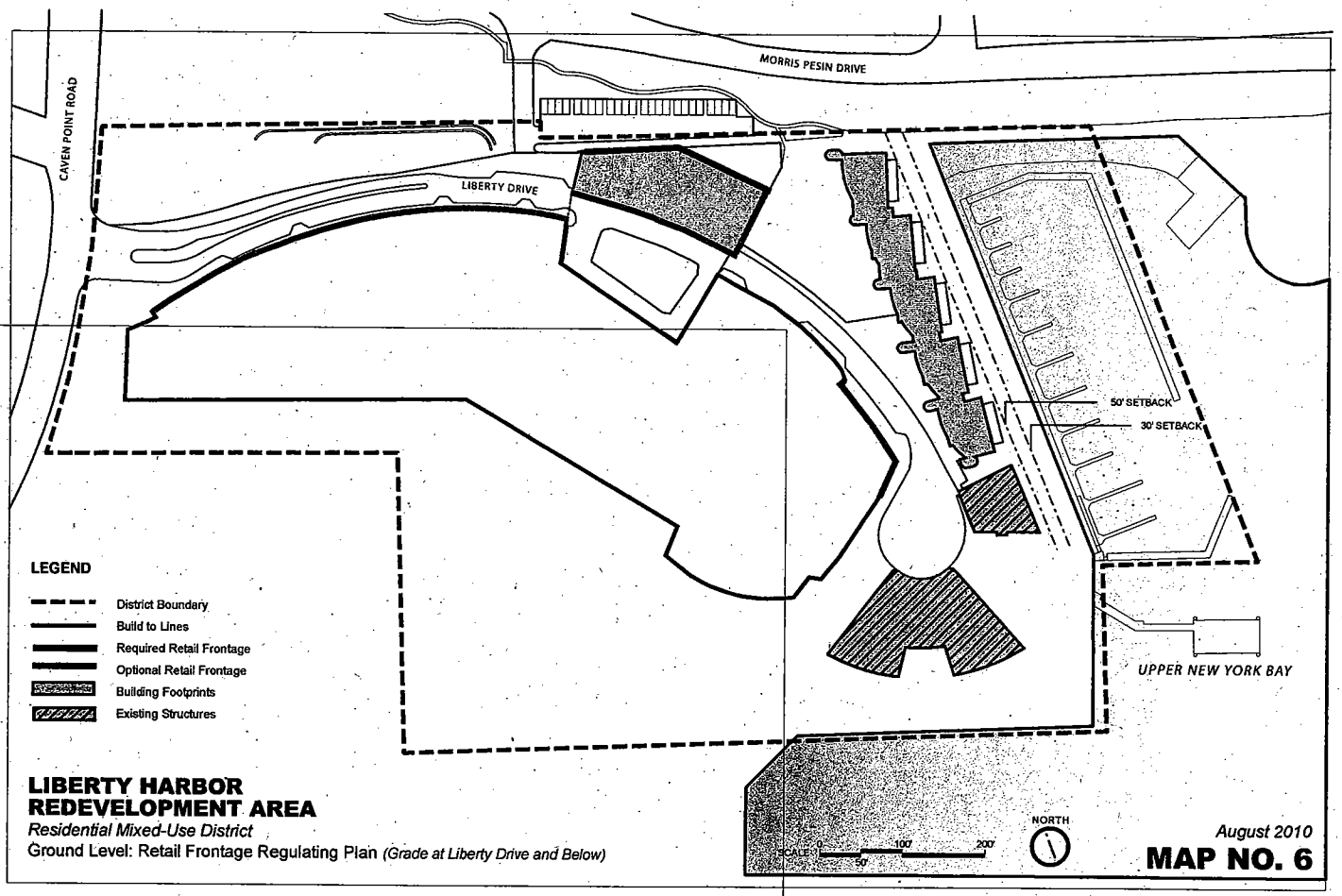
MAP NO. 4



LIBERTY HARBOR REDEVELOPMENT AREA
Residential Mixed-Use Key Map

0 1,000 2,000 Ft

NORTH



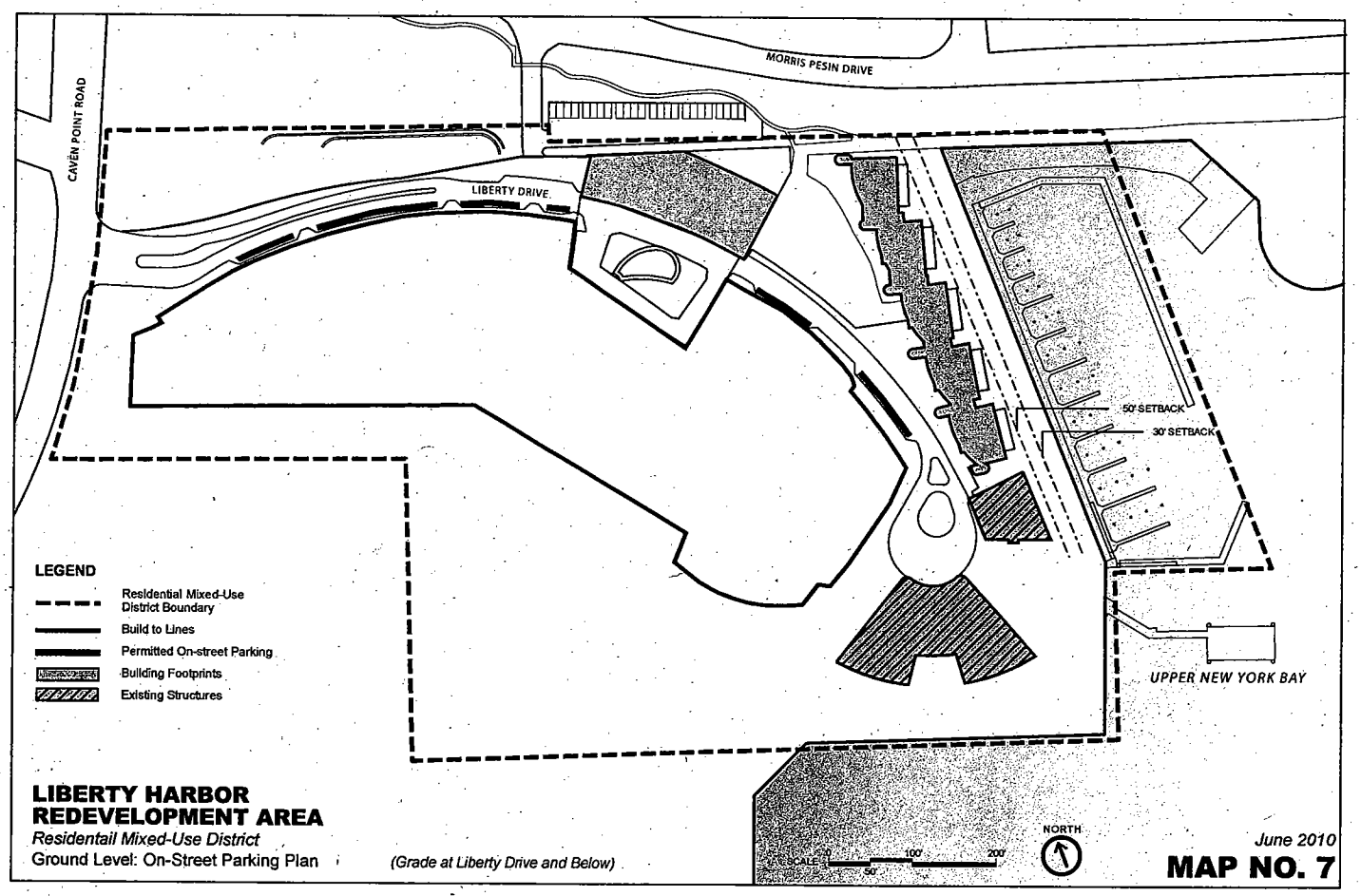
LIBERTY HARBOR REDEVELOPMENT AREA

Residential Mixed-Use District

Ground Level: Retail Frontage Regulating Plan *(Grade at Liberty Drive and Below)*

August 2010

MAP NO. 6



LIBERTY HARBOR REDEVELOPMENT AREA

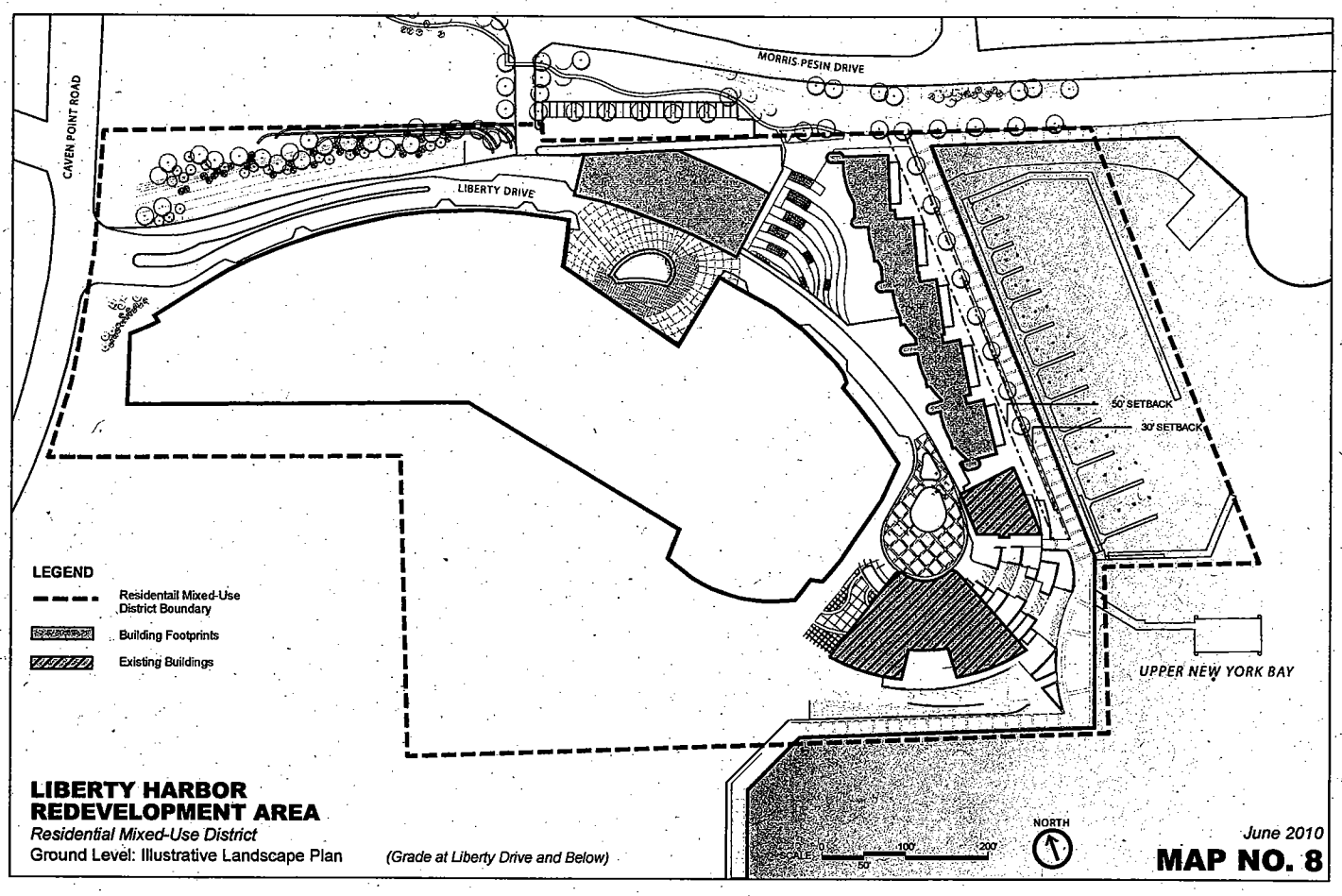
Residentail Mixed-Use District

Ground Level: On-Street Parking Plan

(Grade at Liberty Drive and Below)

June 2010

MAP NO. 7



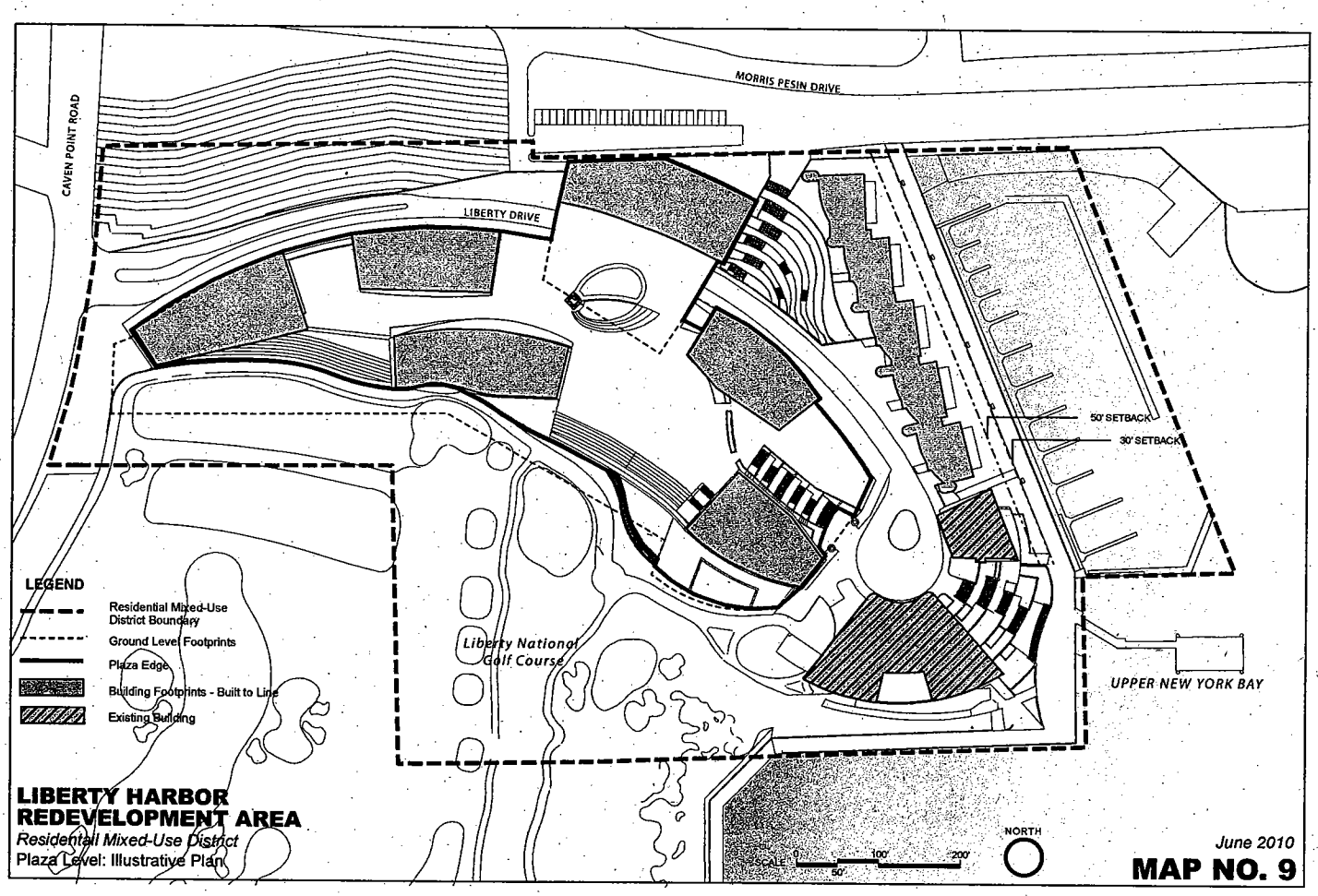
LIBERTY HARBOR REDEVELOPMENT AREA

Residential Mixed-Use District

Ground Level: Illustrative Landscape Plan *(Grade at Liberty Drive and Below)*

June 2010

MAP NO. 8



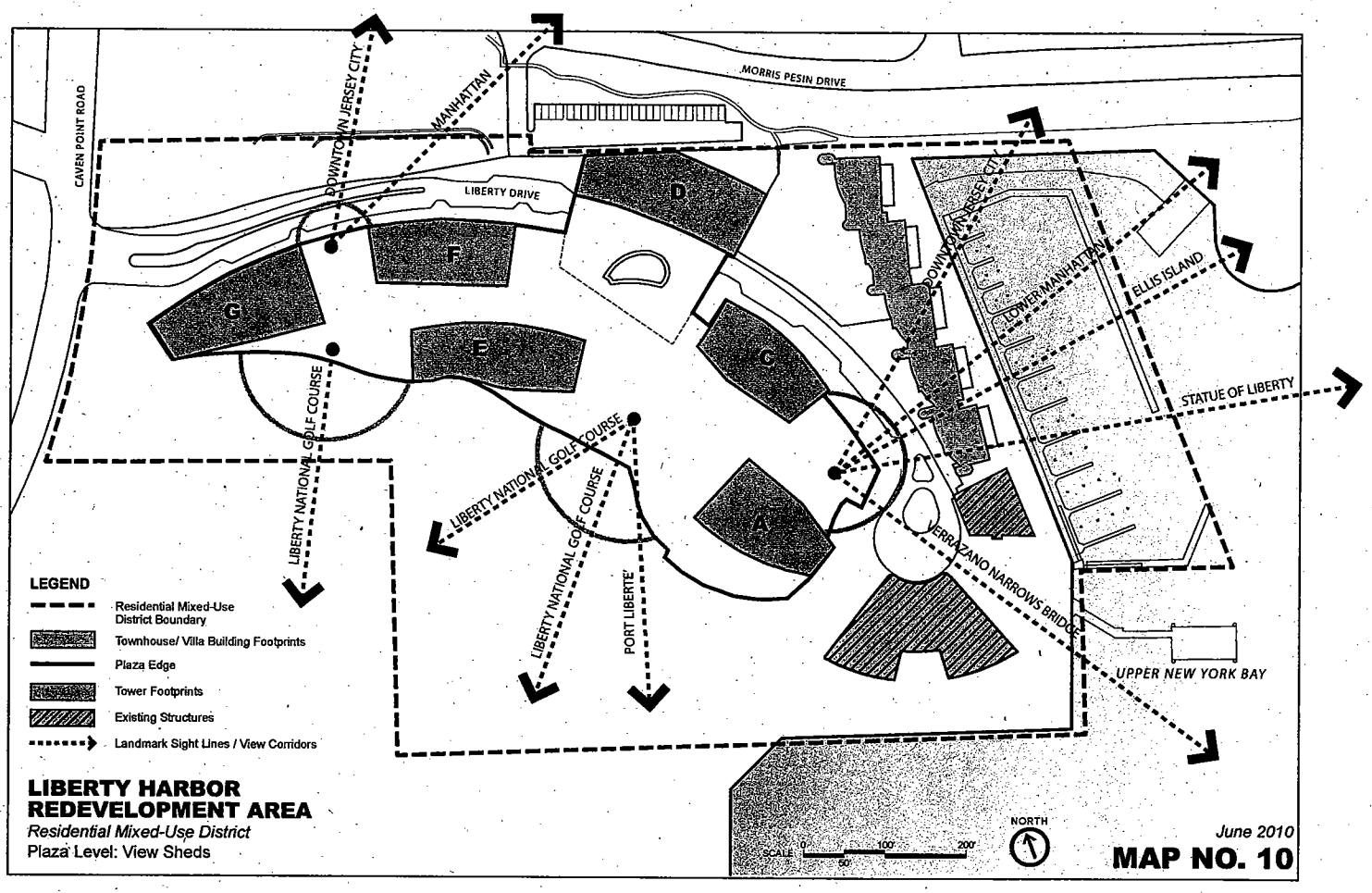
LIBERTY HARBOR REDEVELOPMENT AREA

Residential Mixed-Use District

Plaza Level: Illustrative Plan

June 2010

MAP NO. 9



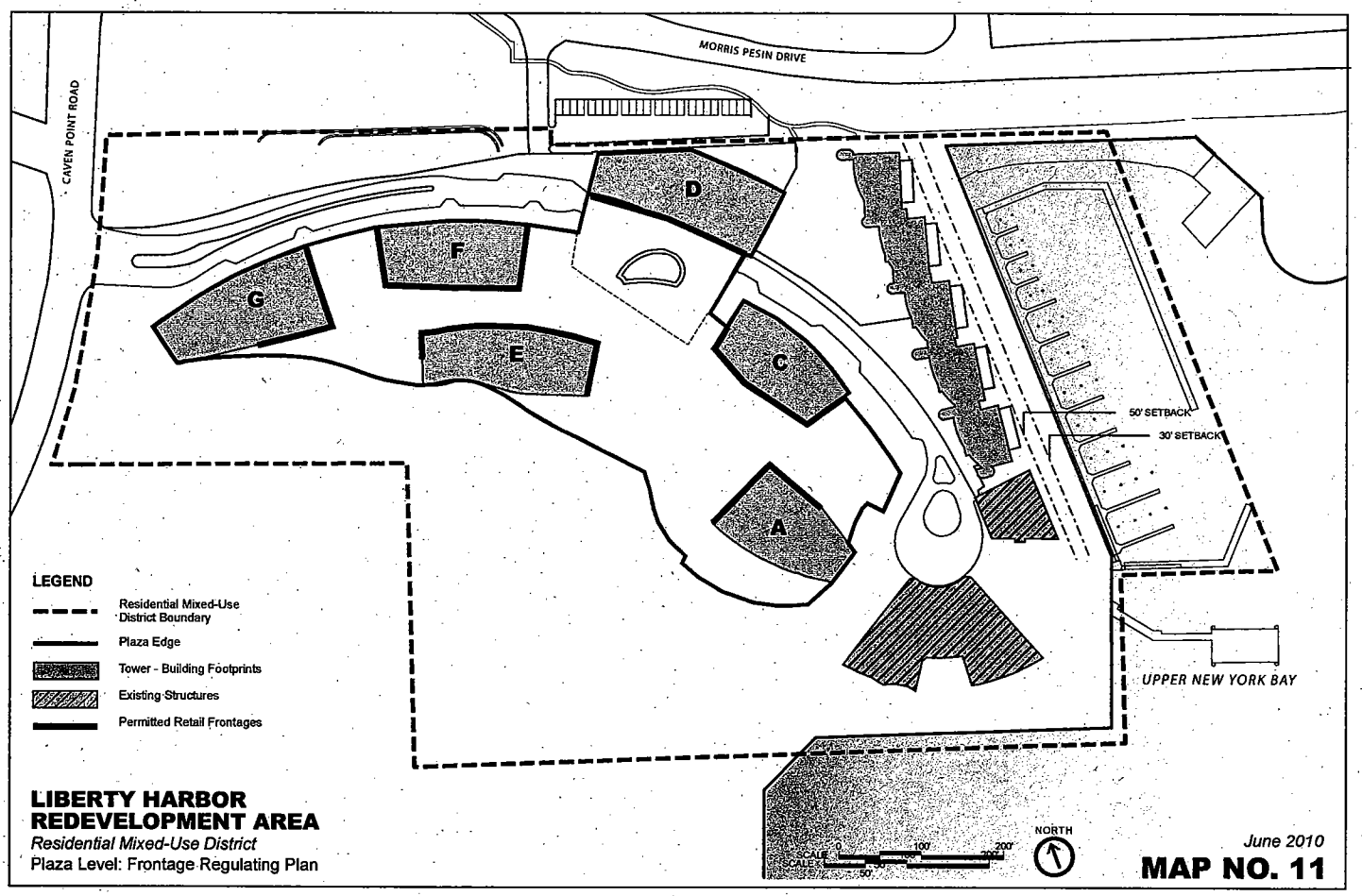
LIBERTY HARBOR REDEVELOPMENT AREA

Residential Mixed-Use District

Plaza Level: View Sheds

June 2010

MAP NO. 10



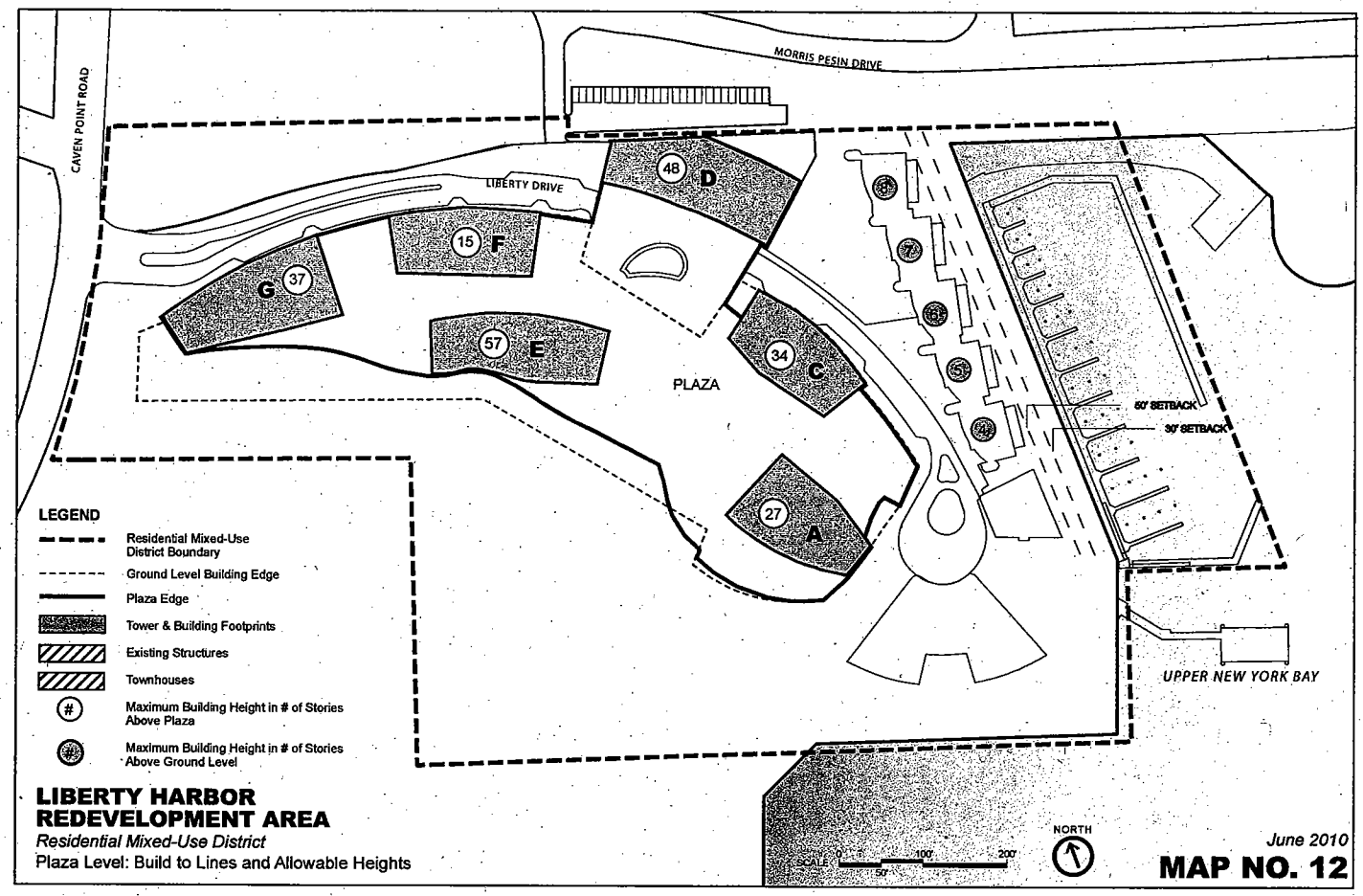
LIBERTY HARBOR REDEVELOPMENT AREA

Residential Mixed-Use District

Plaza Level: Frontage Regulating Plan

June 2010

MAP NO. 11



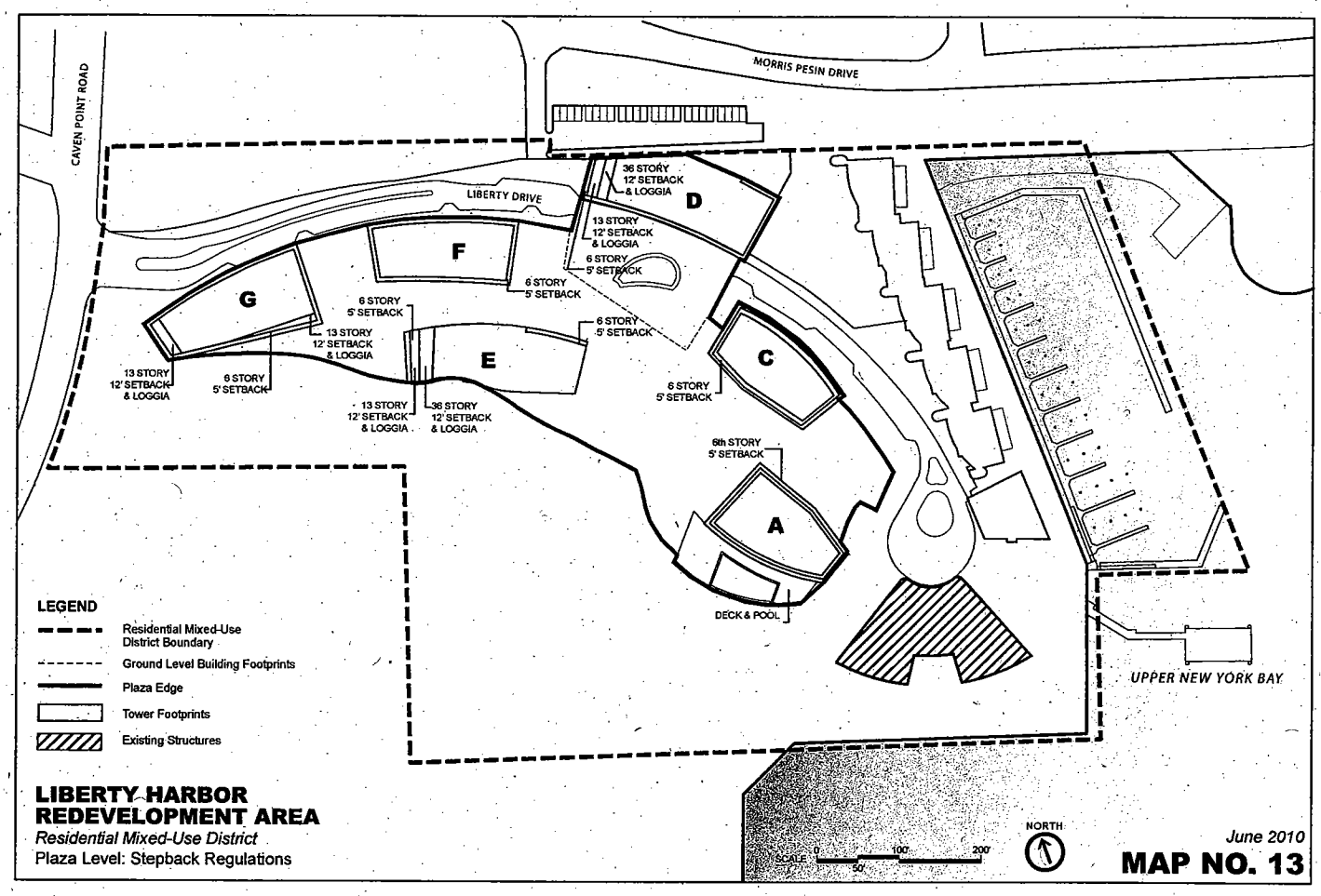
LIBERTY HARBOR REDEVELOPMENT AREA

Residential Mixed-Use District

Plaza Level: Build to Lines and Allowable Heights

June 2010

MAP NO. 12



LIBERTY HARBOR REDEVELOPMENT AREA

Residential Mixed-Use District

Plaza Level: Stepback Regulations

June 2010

MAP NO. 13

THE RESIDENCES AT LIBERTY NATIONAL

	Villas	Building A	Building B (2)	Building C	Building D	Building E	Building F	Building G	TOTAL
Gross Square Footage Built to Maximums:									
Maximum Allowable Plaza Level Baseplate (*1)	109,880 GSF	11,736 GSF	0 GSF	10,547 GSF	16,750 GSF	19,251 GSF	10,411 GSF	16,113 GSF	11,736 GSF
Building Layout:									
Number of Buildings	8	1	0	1	1	1	1	1	
Maximum Retail Floors Per Building	1.0	3.0	0.0	2.0	1.0	1.0	1.0	1.0	
Minimum Retail Floors Per Building	0.0	2.0	0.0	1.0	1.0	1.0	1.0	1.0	
Maximum Residential Floors Per Building	8.0	24.0	0.0	32.0	47.0	56.0	14.0	36.0	
Minimum Residential Floors Per Building	4.0	16.0	0 GSF	20.0	35.0	44.0	8.0	24.0	
Max. Floors Per Building (From Plaza Up / Excl.Garage)		27.0	0.0	34.0	48.0	57.0	15.0	37.0	
Min. Floors Per Building (From Plaza Up / Excl.Garage)		18.0	0.0	21.0	36.0	45.0	9.0	25.0	
Maximum Allowable Residential Units									2,015 units
Maximum Allowable Residential GSF									2,320,000 GSF
Maximum Allowable Retail / Commercial GSF									97,000 GSF

Garage Project Notes:	VILLAS	PARKING DECK
Tandem Parking Spaces		521
Regular Parking Spaces	76 spaces	1,779
Maximum Allowable Parking Spaces		2,300
Existing - Garage & Infrastructure GSF		78,345 GSF
Proposed - Garage & Infrastructure GSF		875841 GSF
Project Totals - Garage & Infrastructure GSF		954186 GSF

(*1) Except for villas
(*2) Building eliminated to enhance views

LIBERTY HARBOR REDEVELOPMENT AREA
Residential Mixed-Use District
Capacity Table

June 2010
TABLE NO. 1

City Clerk File No. Ord. 11-004

Agenda No. 3.D 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-004

TITLE:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY REPEALING ORDINANCE 10-154 RELATING TO NATURAL GAS PIPELINES AND DEVELOPMENT PROCEDURES AND RE-INSTATING THE PRIOR LIBERTY HARBOR REDEVELOPMENT PLAN ADOPTED PURSUANT TO ORDINANCE 10-124 WITH THE PIPELINE & DEVELOPMENT PROCEDURE AMENDMENTS INCORPORATED THEREIN

WHEREAS, a redevelopment plan, dated September 14, 2010 containing amendment to the Liberty Harbor Redevelopment Plan relating primarily to the Residential Mixed Use District, an area containing the Residences @ Liberty Project, was adopted by the City Council on October 13, 2010, via City Ord. # 10 – 124; and

WHEREAS, its adoption authorized needed significant development and design changes relating to the Residences @ Liberty Development Project, and

WHEREAS, a subsequent redevelopment plan amendment, to prohibit natural gas pipelines and to revise the site plan review procedure was adopted by the City Council on November 23, 2010, via City Ord. # 10-154; and

WHEREAS, the November 23, 2010 revision was in error, in that they did not incorporate the text adopted as part of the October 13, 2010 plan amendment, effectively eliminating these significant revisions, and

WHEREAS, this ordinance seeks to correct this error, by repealing Ord. 10-145 and replacing the relevant pipeline and development procedure standards adopted by the council on November 23, 2010 back into the document duly adopted on October 13, 2010.

WHEREAS, the Liberty Harbor Redevelopment Plan containing this adjustment is attached hereto, in full, and made a part hereof, and is available for public inspection at the office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the aforementioned Liberty Harbor Redevelopment Plan be, and hereby are, 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 directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.

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

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required ☐

Not Required ☐

APPROVED: _____

APPROVED: _____
Asst Business Administrator

Date Submitted to B.A._____

ORDINANCE FACT SHEET

1. **Full Title of Ordinance:**

   ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY REPEALING ORDINANCE 10-154 RELATING TO NATURAL GAS PIPELINES AND DEVELOPMENT PROCEDURES AND RE-INSTATING THE PRIOR LIBERTY HARBOR REDEVELOPMENT PLAN ADOPTED PURSUANT TO ORDINANCE 10-124 WITH THE PIPELINE & DEVELOPMENT PROCEDURE AMENDMENTS INCORPORATED THEREIN

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

   Carl Czaplicki, Director of Housing, Economic Development, and Commerce

3. **Concise Description of the Program, Project or Plan Proposed in the Ordinance:**

   To correct the omission of the Residences @ Liberty Redevelopment Plan Amendment and replace the natural gas pipeline prohibition and development procedures standards into the proper plan.

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

   Correction

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

   Correction

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

   $0.00. Plan was prepared by Division of City Planning staff.

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

   Upon Adoption.

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

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

   Robert D. Cotter, Director, City Planning 547-5050

10. **Additional Comments:**

    I Certify that all the Facts Presented Herein are Accurate.

_____ _____

Division Director **Date**

_____ _____

Department Director Signature **Date**

LIBERTY HARBOR REDEVELOPMENT PLAN

MARCH 1973
AMENDED MARCH 1983
AMENDED DECEMBER 1984
AMENDED JANUARY 1988
AMENDED SEPTEMBER 1989
AMENDED AUGUST 1997
AMENDED APRIL 1998
AMENDED SEPTEMBER 1998
AMENDED JULY 1999
AMENDED JUNE 13 2001 – Ord # 01-071
AMENDED JULY 17 2002 – Ord # 02-080
AMENDED JUNE 25 2008 – Ord # 08-083
AMENDED OCTOBER 13, 2010 – Ord # 10-124
AMENDED NOVEMBER 23 2010 – Ord #10-154 – *Repeal Request*

As presented to the City Council on January 11, 2011

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

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Liberty Harbor Redevelopment Area

Map No. 1	Project Boundary
Map No. 2	Land Use Map
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Residential Mixed-Use District

Map No. 5	District Context Map
Map No. 6	Ground Level: Retail Frontage Regulating Plan
Map No. 7	Ground Level: On-Street Parking Plan
Map No. 8	Ground Level: Illustrative Landscaping Plan
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Map No. 11	Plaza Level: Retail Frontage Regulating Plan
Map No. 12	Plaza Level: Build to Lines and Heights Regulating Plan
Map No. 13	Plaza Level: Tower Step-backs

Table No. 1	Residential Mixed-Use District Capacity Regulations
Exhibit No. 1	Residential Mixed-Use District Illustrative Rendering

The following Map Footnotes shall be incorporated:

1. ***Footnote shall be added to the Residential Mixed-Use District Map # 6, to read as follows: *This land is under water. Under water area shall not apply toward the calculation of density for the district. There are 13.84acrea of upland property in the Residential Mixed-Use District.***
2. ***Footnote shall be added to the Residential Mixed-Use District Map # 6, to read as follows: **The Residential Mixed-Use District contains the following lots:***

Block 1497 Lot 33	***10.26 acres***
Block 1497 Lot 34	***2.28 acres***
Block 1497 Lot 35	***4.88 acres***
Block 1497 Lot 11a	***.0983 acres***

I. BOUNDARY DESCRIPTION

BEGINNING at the intersection of the centerline of Johnston Avenue and the eastern right of-way line of the Hudson County Extension of the New Jersey Turnpike as crossing above, thence in a southerly direction along the eastern right-of-way line of the Hudson County Extension of the New Jersey Turnpike to the point of its intersection with the northern block line of Block 1500, thence in an easterly direction along the northern block line of Block 1500 to the point of its intersection with the western lot line of Lot 1E, Block 1497, thence in a northerly direction along the western lot lines of Lots 1E and ID, Block 1497 to the point of its intersection with the northern lot line of Lot I D, Block 1497, thence in an easterly direction along the northern lot lines of Lots ID and IF, Block 1497 to the point of its intersection with the U.S. Pier-head and Bulkhead line as adopted March 6, 1939, thence in a northerly direction along such pier-head and bulkhead line to the point of its intersection with the southern limit of the Tidewater Basin, thence in a westerly direction along the southern limit of the Tidewater Basin to the point of its intersection with the eastern lot line of Lot 54C, Block 2145, thence in a northerly direction along the eastern lot line of Lot 54C, Block 2145 to the point of its intersection with the southern lot line of Lot 40H, Block 2145, thence in a westerly direction along the southern lot line of Lot 40H, Block 2145 to the point of its intersection with the eastern lot line of Lot 4OZ, Block 2145, thence in a southerly direction along the eastern lot line of Lot 4OZ, Block 2145 to the point of its intersection with the northern lot line of Lot 55, Block 2145, thence in a westerly direction along the northern lot line of Lot 55, Block 2145 to the point of its intersection with the western lot line of Lot 55, Block 2145, thence in a southerly direction along the western lot line of Lot 55, Block 2145 to the point of its intersection with the southern lot line of Lot 41F, Block 2145, thence in a westerly direction along the southern lot line of Lot 41F, Block 2145 to the point of its intersection with the centerline of Johnston Avenue, thence in a westerly direction along the centerline of Johnston Avenue to the point of its intersection with the eastern right-of-way line of the Hudson County Extension of the New Jersey Turnpike as crossing above, the point and place of BEGINNING *(See Map No.1 Project Boundary).*

II. DESCRIPTION OF PROJECT

A. Redevelopment Plan Objectives

Renewal activities for Liberty Harbor (hereinafter called "The Project") will be undertaken in conformity with, and will be designed to meet the following objectives of this redevelopment Plan:

1. The elimination of substandard buildings and other deteriorated and obsolete structures, including dilapidated piers and bulkheads, and the elimination of blighting influences such as incompatible uses.
2. The improvement of the functional and physical layout of the project area for contemplated new development and the removal of impediments to land disposition.
3. The overall improvement of traffic circulation through the development of new vehicular and pedestrian circulation systems which provide for separation of vehicular and pedestrian traffic, as well as for maximum use of public transportation, including a ferry stop.
4. Creation of major new employment opportunities within a modern industrial park, including provision for new manufacturing, warehousing, distribution, office, and recreation activities and opportunities.
5. Creation by the State of New Jersey of a major new park on the waterfront that is responsive to the urban needs of Jersey City and provides a suitable backdrop for Ellis Island and the Statue of Liberty.
6. The creation of employment and the expansion of the City's tourism sector.
7. The creation of new residential development with ancillary retail and ancillary commercial development, class 'A' hotels, and public and private recreation facilities.
8. Provision for redevelopment with minimum relocation of residents and business or industrial concerns. Priority shall be given to persons and businesses displaced by project activities.
9. Coordination of redevelopment activities to provide a uniform attack on blight which reinforces already existing renewal and improvement programs in adjacent areas in accordance with a plan that integrates Liberty Harbor with the remainder of the City of Jersey City.
10. To promote balanced development in accordance with the Fair Housing Act, NJSA 52:27D-311, and the Housing Element and Fair Share Plan of the Jersey City Master Plan.

B. Types of Proposed Redevelopment Actions

It is proposed to substantially improve and upgrade Liberty Harbor through a combination of redevelopment actions. These will include (1) clearance of dilapidated or deteriorated buildings and structures; (2) retention and conservation of sound compatible uses which are not to be acquired; (3) assembly into developable parcels of vacant, underutilized or blighting parcels now in scattered and varied ownership; (4) creation of additional land through fill and bulkheading of land presently underwater; (5) prevention of flooding through use of fill or other means to raise land areas to safe levels; and (6) provision of a full range of public infrastructure necessary to service and support the new facilities.

C. **Duration and Effective Date of Controls**

The land use provisions and building requirements and/or any modification thereof shall remain in effect for a period of thirty (30) years from the date of approval of this Redevelopment Plan by the governing body of the City of Jersey City. The termination of this Plan shall in no way permit the project land or any part thereof to be restricted on the basis of race, creed, color or national origin in the sale, lease, use or occupancy thereof.

The redevelopment of property within the boundaries of this plan has not proceeded at the expected rate. The original thirty (30) year duration must be extended. An additional twenty (20) years shall be added to the plans duration. Therefore, the land use provisions and building requirements and/or any modifications thereof shall remain in effect for a period of fifty (50) years from the original date of approval of this redevelopment plan by the governing body of the City of Jersey City.

III. LAND USE PLAN REQUIREMENTS
(Individual Land Use Districts are identified within the Map No.2 Land Use Map)

A. Permitted Uses

1. Multi-Purpose District - Residential Dwellings, home occupations, public and semi-public uses, full service, class A hotels with a three meal restaurant and on-site related banquette/conference/spa facilities, sports facilities, public and private recreation, restaurants and nightclubs, television transmission tower with public observation deck, Public Utilities, except that natural gas transmission lines shall be prohibited. Ancillary retail functions customarily accessory to these uses shall also be permitted.

2. Industrial District- Permitted uses of parcels designated Industrial shall be: manufacturing; assembly; laboratory; testing; research; marine commercial storage; neighborhood commercial, and service, container port; shipping; trucking; business offices; professional; and governmental offices; full service, class A hotels with a three meal restaurant and on site related banquette/conference/spa facilities; public and quasi-public uses; public or private recreation and open space (including golf courses, driving ranges and associated golf facilities); off-street parking and loading; Public Utilities, except that natural gas transmission lines shall be prohibited; and railroad uses.

3. Park District - Permitted uses of parcels designated Park shall include:
   - parks, playgrounds, tot lots, ballfields
   - swimming pools
   - promenades
   - marinas
   - open spaces
   - public and private active and passive recreation including but not limited to

golf courses, driving ranges, water parks, theme parks, theatres, arena facilities

- ancillary retail functions customarily associated with these uses such as restaurants and services.
- structures and facilities appropriate to a major urban state park and compatible with adjoining residential and industrial development.
- Public Utilities, except that natural gas transmission lines shall be prohibited

4. Residential Mixed-Use District – The boundary of the Residential Mixed-Use District can be found on Map No. 5, District Context Map. This District affords a form of overlay district offering two development options:

a. Residential Mixed-Use project developed only when developed as a single integrated project consisting of multiple residential towers with an optional hotel tower/ structure constructed over totally enclosed, ventilated, and screened structured parking with accessory retail and commercial uses and only in conjunction with the development of an eighteen (18) hole golf course and associated waterfront walkway improvements. The golf course shall be existing or it must be constructed simultaneously with the mixed-use project. The purpose of the decked garage is two fold; it accommodates accessory parking in a screened environment and utilizes the change in grade of the site to deck and thereby create land area needed at the appropriate elevation to provide for active golf course area of the 18-hole golf course. The golf course shall be partially located within this district with portions on the deck, including the club house, driving range and portions of various holes and fairways, and partially on adjacent property.

Specific uses may include: Residential dwellings; home occupations; full service, class A hotels with a three meal restaurant and on-site related banquette/conference/spa facilities; public or private recreation and open space (including golf courses, driving ranges, club house and associated golf facilities, health clubs, tennis courts, etc.); Accessory decked off-street parking and loading; ferry stops including piers and passenger waiting areas; restaurants and nightclubs; banking facilities and financial institutions; accessory professional and business offices; retail sales of goods and services intended to serve the resident population of and visitors to the project area. Uses customarily accessory to these uses shall also be permitted. More than one use may occupy any building. Specific uses prohibited include natural gas transmission lines.

This project may be phased however, the golf course shall be constructed prior to or contemporaneously with the construction of Phase 1 if implementation is permitted

b. If the proposed development within this district does not meet the above criteria, then the permitted uses in this district shall include only hotels, as regulated in the Industrial District above, but with garage design façade, and internal ventilation requirements as set forth for the Residential Mixed-Use Zone. Specific uses prohibited include natural gas transmission lines.

B. Regulations and Controls on Land Use

Regulations and controls applying to all sections of the project area.

This redevelopment plan authorizes the Planning Board to identify, review and approve the site improvements and building including the façade design of all building in the redevelopment plan area. All applicants may meet with the Planning Board Technical Review Subcommittee, present their design, and work with them to receive their endorsement prior to a hearing of the full Board. Television transmission tower with observation deck shall be limited to one in this redevelopment plan area and be located on land owned by the City of Jersey City within the Multi-Purpose District. Due to its unique design requirements, such tower shall not be subject to the regulations and design requirements imposed on the standard land uses permitted in this redevelopment plan. Such television transmission tower shall be subject to Planning Board site plan review and approval. The Planning Board review shall be directed to architectural design, parking, landscaping and signage as well as public access and safety.

1. **Urban Design Requirements**

   These design objectives have been developed as a framework for the detailed design of specific redevelopment proposals. Combined with the land use and building controls established in this Redevelopment Plan, these design objectives and requirements will assure that development proposals will take place in an environment in the best interests of the City of Jersey City and the future occupants of Liberty Harbor. All redevelopers will be required to comply with this plan.

   a. All buildings in the project shall be located with the proper consideration of their relationship to other buildings, both existing and proposed, in terms of light, air and usable open space, access to public rights-of-way and off-street parking, height and bulk.
   b. Groups of related buildings shall be designed to present a harmonious appearance in terms of architectural style and exterior materials.
   c. Buildings should be designed to be attractive from all vantage points.
   d. Building setbacks should be varied to the extent practicable in order to provide an interesting interplay of buildings and open space.
   e. Building height in each part of the project should be varied in order to avoid a monotonous uniformity of development.
   f. All buildings, except for permitted industrial buildings, shall have a base which shall be designed according to the following:
      - The base façade shall be 15 to 40 feet in height.
      - The base façade shall be constructed of ***glass and*** masonry, including but not limited to stone, brick, textured concrete. Concrete Block is prohibited. Glass shall constitute 70% of the first 2 stories of the base and at least 40% of any stories above the second within the base façade area. Except that for buildings containing residential use within the base façade area of the building, the above 70% and40% criteria shall not apply. Instead, window openings consistent with the residential use shall be utilized and no window sill of any window to a residential unit shall be less than (5) five feet above the elevation of the nearest sidewalk.
      - Window openings more consistent with the residential use can be utilized provided that and no window sill of any window to a residential unit shall be less than five (5) feet above the elevation of the nearest sidewalk or pedestrian pathway. Floor to ceiling glass can be used.

- In no instance, no matter what the use or zone district, shall blank walls be permitted.
- At the top of the base, a visual que or indicator such as a cornice, belt coursing, a significant change in the glass to solid ratio, or any other indicator consistent with the design, proportions, and materials, of the base shall be provided. A step-back a minimum of 10 feet from the outermost edge of the base shall be provided. The step-back shall occur at a minimum of 30 feet and a maximum of 75 feet from grade. Except that within the Residential Mixed-Use District, building step-backs shall be governed by the standards in Section V.D.

g. Access by the elderly, physically handicapped and/or disabled shall be required. Design standards shall meet, at a minimum, barrier free design regulations as specified in the Uniform Construction Code. Handicapped parking requirements shall meet, at a minimum, regulations as specified in the Municipal Code.

h. Step backs - All buildings exceeding 120 feet shall be required to have one step back or a combination of step backs, except that within the Residential Mixed-Use District, building step-backs shall also be governed by the standards in Section V.D.

i. Roof treatment, Mechanical Screening and Electrical Equipment:
- All buildings exceeding 75 feet shall have a significant top designed to gracefully cap the structure. The Planning Board may permit the cap requirement to be replaced by the use of articulated elements that create the perception of a lower scale structure. Lighting of the building top shall be required.
- All mechanical equipment located on any roof of a building shall be screened from view from all vantage points with a material identical to that used in the façade of the structure. The screening shall not impair the functioning of the equipment.
- Wherever roofs can be seen or looked down upon from adjacent buildings a roof-scape plan must be developed and submitted for approval. Roof-scapes should include mechanical equipment, trellises to obscure view, colored roof patterns and landscaping. Parking decks shall be designed to obscure the view of broad expanses of parking with the use of landscaping, screens, trellises and roofs. Parking shall not be visible on the roof of any deck.
- All electrical communications equipment shall be located in such a way that it does not negatively impact the appearance of the building nor create objectionable views as seen from surrounding structures.
- The roof treatment may include features such as wind turbines, solar collectors, green roof technology, and observation areas. If these features are incorporated, they must be designed and integrated into the overall composition of the building.

j. Streetscape

- All buildings shall be designed to front on a public street to encourage and create a street wall and a pedestrian environment at a human scale. Within the Residential Mixed-Use District, this requirement shall be met

by providing the pedestrian environment at a human scale along the frontage with the Waterfront Walkway and providing pedestrian access to the uses and structures along the waterfront walkway and the pedestrian areas, and on portions of the plaza/deck and Liberty View Drive. Because of the importance of the Waterfront Walkway, it is required that all easements be maintained to continue the connection of the Waterfront Walkway within the Residential Mixed-Use District with the Waterfront Walkway at Liberty State Park and with Audrey Zapp Drive.

- Within the Residential Mixed-Use District, Liberty Drive may be designed to include sidewalks, parallel parking at selected locations, and lobby entrances. Permitted and possible retail frontages along Liberty Drive are indicated on Map No. 6 Ground Level Frontage Regulating Plan.

- Main entrances into buildings shall be located on public streets. Except that within the Residential Mixed-Use District, any building that utilizes the roof deck of a parking structure as its base, entrance plaza and/or outdoor park/recreation area shall provide its main entrance from this roof deck area or from Liberty Drive. Secondary entrances shall also be provided from parking areas and/or as necessary according to the design of the structure. In addition, buildings located within the Residential Mixed-Use District shall provide convenient access to and from the adjacent Waterfront Walkway, the parking structure, accessory retail uses and possible retail uses along Liberty Drive. Elevators from lower parking levels shall provide access to the deck level without directly continuing into the residential portions of towers.

- A decorative streetscape, sidewalk and street trees in grates or with guards shall be provided in conjunction with every project site plan and be included on all street and R-O-W frontages.

k. Utility distribution lines, utility service connections, and all other cable, telephone, or other communication lines to project area uses shall be located underground.

2. Circulation and Open Space Requirements

a. Interior drives within redevelopment parcels shall be so designed as to discourage through traffic.
b. Sidewalks, malls and plazas shall be attractively and durably paved with a suitable variety of minimum maintenance type materials and provided with adequate lighting.
c. Open spaces shall be so located as to provide for maximum usability and to create a harmonious relationship of buildings and open space throughout the project area. The open space system should be continuous and provide for pedestrian movement and access to shopping and community facilities and recreation areas.

d. Modern, decorative, pedestrian friendly traffic calming techniques shall be utilized within each development site, both within the site and along the R-O-W that it abuts.

e. Within the Residential Mixed-Use District, vehicular access to the parking structure shall be provided from Caven Point Road with up to four additional ingress and egress locations along Liberty Drive. Vehicular access may also be provided from Audrey Zapp Drive to the lower level of the parking structure and to convenience parking along the north side of the site in the vicinity of the ancillary retail facilities. Pedestrian access, i.e. sidewalks, shall also be provided along these vehicular drives and from the waterfront walkway to the plaza level and inviting decorative staircase, similar to the grand stair constructed at the club entrance.

f. Within the Residential Mixed-Use District, pedestrian access shall be provided from Audrey Zap Drive to the Waterfront Walkway at the eastern end of the district.

3. Off-Street Parking and Loading Requirements

a. Off-street parking and loading areas shall be coordinated with the public street system serving the project in order to avoid conflicts with through traffic or obstruction to pedestrian walks.

b. Parking for high-density uses shall be provided in multi-level garages.

c. Residential Mixed-Use District Parking Provision

- A maximum of 2,300 parking spaces shall be provided within the Residential Mixed-Use District. These spaces shall include parking for residential units, retail establishments, hotels, offices, and golf facilities as well as any spaces designated as shared parking.
- Parking will be provided within a multilevel, mixed-use parking structure that is partially embedded in the ground.
- The location of permitted on-street parking is indicated on Map No. 7. Any on-street spaces provided within the District shall count towards the District's parking maximum count.
- All required parking spaces must be a minimum of 9 feet wide by 18 feet deep except for handicapped spaces. A number of smaller spaces for compact and subcompact cars may be considered. 15% of the spaces can be compact with dimensions of 8 feet by 16 feet.
- Valet parking is permitted to occupy any portion of the parking structure and through its use the total number of spaces could be increased.

d. Structured Parking, in garages or principal Buildings:

- All parking structures shall be masked along all street frontages or areas visible from a street, by usable floor area designed to contain permitted uses other than parking, for parking structures located within the Residential Mixed-Use District, the requirements of Section V.D.8. shall prevail, in addition to other requirements of this section.
- Any parking garage level equal to street level shall not contain any parking

or mechanical floor area adjacent to the sidewalk/street frontage, except that for parking structures located within the Residential Mixed-Use District, the requirements of Section V.D.8. shall prevail.

- The parking structure shall be designed to eliminate headlight glare by the provision of opaque screening for headlights and placement of interior garage lighting to be directed into the structure and mounted on the interior side of columns.
- The facade of the parking levels in the building shall be of a compatible material to that used throughout the development and shall be designed to provide visual interest.
- The exterior material and design shall be the same or similar, to the greatest extent possible, as the exterior walls of the principal building. Where there is no principal building, the exterior materials and design shall be as attractive as a principal building, (not applicable to the Residential Mixed-Use District).
- Any openings in the garage facade must be of the punched type and relate in design to the fenestration pattern of the principal building. All openings must be screened with glass or decorative metal grills, (chain link is prohibited). Any openings shall preferably be in a vertical proportion, (not applicable to the Residential Mixed-Use District).
- Blank walls on any facade are prohibited.
- All building and garage access points shall be provided at street level and designed to encourage street activity. Overhead or elevated pedestrian or vehicular connections are prohibited. Except that due to the topography within the Residential Mixed-Use District, garage access shall be provided at the upper levels from Caven Point Road in addition to the street level , and building access shall be provided in conformance with section III.B.1.j. of this Plan. All parking structure ingress and egress locations shall be integrated into the overall composition of the development site.

e. Surface parking facilities shall be extensively landscaped. Large concentrations of parking without landscaping shall be prohibited.

f. All parking areas abutting streets shall be landscaped on the periphery with berms, shrubs, trees and/or ground cover.

g. Parking shall not front on a street. Buildings shall instead be situated to front on and be immediately adjacent to streets.

h. All access drives shall be well landscaped along their perimeter.

i. All non-recreational use parking shall be provided internal to the buildings or in enclosed garages with exterior design and materials to match the principal building(s). Recreational uses may provide exterior at grade parking.

j.Residential uses shall provide off-street parking according to the following schedule:

Unit Type	Minimum Spaces Per Unit	Maximum Spaces Per Unit

Studio	0.5	0.75
1 Bedroom	0.75	1.0
2 Bedroom & above	1.0	1.75

k. Office and other commercial uses shall provide up to a maximum of 0.9 space per 1000 square feet of gross floor area. This parking ratio can be averaged for the entire redevelopment area.

l. Retail, restaurants, bars, nightclubs and health clubs shall provide up to a maximum of 0.5 space per 1000 square feet of gross floor area.

m. Theaters shall provide up to a maximum of 0.5 space per 8 seats.

n. Hotels shall provide up to a maximum of 1 space per room up to 100 rooms; 0.5 space per room for 101 to 250 rooms; 0.3 space per room for 251 to 500 rooms, and 1 space per 1000 square feet of gross floor area for meeting rooms, banquet rooms, restaurants, and conference rooms (excluding hall, lobby, mechanical, and utility spaces), and shall be included in the 2.300 total spaces provided.

o. Public/semi-public uses shall provide up to 0.9 space per 1000 square feet of gross floor area and incorporated predominately on the plaza deck level of the structure.

p. Liberty National golf course, because it is seasonal and at times valeted shall provide off-street parking with in the 2,300 total spaces

q. Ferry stops shall provide off-street parking through the use of shared parking with other facilities.

r. A percentage of the parking spaces which may be shorter due to changes in car design which can be determined by the Planning Board at the time of approval.

s. Landscaping shall be required for any part of any parcel not used for buildings off-street parking, or loading space. The developer's plan shall include proposals for landscaping indicating the location, size and quantity of the various species to be used.

t. Surface parking lots for more than 10 vehicles, and all loading areas, shall provide a screen planting of dense evergreens, landscaped berm, and or decorative planting, not less than three (3) feet high along any street line and along all property lines except those instances where a building intervenes or where the proposed planting may interfere with sight triangles.

u. Surface parking lot shall contain interior tree planting of 1 tree per 10 parking stalls, in addition to tree plantings provided along the perimeter of the parking lot and in addition to those within the Street R-O-W..

v. Parking and service access should be separated from the main traffic to the project site.

w. Decorative protected pedestrian walkways shall be provided through parking lot(s).

x. Shared use of accessory parking facilities is encouraged and shall be considered in areas adjacent to underutilized parking facilities.

y. Lighting used to illuminate off-street parking and loading areas shall be arranged and shielded to prevent the spillage of light off the premises and shall be in accordance with the lighting requirements of the zoning ordinance.

z. All required parking and loading areas shall be provided off-street. All such parking and loading areas shall be graded and paved with a durable dust free surface and adequately drained. All parking and loading areas shall be designed in accordance with the requirements of the Jersey City Zoning Ordinance, except that overflow parking may be improved with perforated pavers to maintain grass off-season.

aa. The off-street parking requirements shall apply to all new construction, rehabilitation, and change in use. Required parking may be provided on-site or within five hundred (500) feet of the property line of the development to which it will serve.

bb. The number and design of off-street loading spaces shall be demonstrated by an applicant according to an anticipated need. All loading activities should be encouraged to be restricted to early morning and/or late evening hours. The design and number of off-street loading shall be subject to review and approval of the Planning Board.

cc. All developments that propose valet parking shall submit a parking management plan. Such plan shall include but not be limited to: number of vehicles to be parked, number of rows of cars to be stacked, all parking stall and aisle widths and any other information deemed necessary to effectively evaluate the management plan. All parking management plans shall be subject to review and approval of the Division of Traffic Engineering and the Planning Board.

dd. All buildings shall provide a main entrance onto a public street. Additional entrances may be provided from parking areas or any other place necessitated by the design of the building. Except as provided for in section III.B.1.j. of this Plan for buildings within the Residential Mixed-Use District.

4. Landscape Design Requirements

a. Landscaping shall be required for any part of any parcel not used for buildings, off-street parking, or loading space. The developer's plan shall include plans for landscaping indicating the location, size and quantity of the

various plant species to be used in landscaping, as well as proposals for berms, and other earth sculpting.

b. Open space shall provide visual and functional elements such as benches, low walls, drinking fountains, refuse containers and planters, and public fountains.

c. Open space amenities shall include: decorative material such as, stone, brick, or asphalt pavers; stamped and tinted concrete; decorative lighting; and other such detailing. Adequate lighting shall be provided to encourage active usage and a sense of security in the open space. Open space shall be distributed so as to provide for maximum usability.

d. Through creative design, open space features shall address the need for human comfort and enjoyment and provide both active and passive leisure uses for secure and pleasant outdoor and indoor settings to meet public and private use requirements. Open space and plazas shall be designed at a human scale to invite and attract the public.

e. Open space shall be oriented to focus on areas to maximize views.

f. As a general guide, one (1) linear foot of seating for each linear foot of plaza perimeter shall be provided. Except that this criteria shall not apply to plazas located on the roof deck of parking structures located within the Residential Mixed-Use District. Seating space shall still be required within plazas located on the roof deck of parking structures located within the Residential Mixed-Use District subject to Site Plan review and approval by the Jersey City Planning Board. Seating space may include planters, benches, fountains, etc.

g. Preliminary landscape plans have been prepared for the Residential Mixed-Use District. Map No. 8 is an illustrative plan for the ground level while Map No. 9 is an illustrative plan for the plaza level. Landscaping is required throughout the site to effectively integrate the new complex of buildings with the existing landscaping of the golf course and to the marina edge by the use of landscaped stairs. The roof deck of the parking structure may be designed to include paved plaza, water features, sculptures, plantings, and seating areas.

h. A formal landscape, streetscape, and paving plan must be prepared for the Residential Mixed-Use District by a certified landscape architect. These plans may incorporate plantings on the roof of the parking structure, the use of sculptural stair elements, and the integration of the top level of the parking structure with the adjoining golf course.

i. Green roofs are permitted.

5. Deviation Requests

The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions. Pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan. An application for a deviation from the requirements of this redevelopment plan shall provide public notice of such application in accord with the requirements of public notice as set forth in NJSA 40:55D-12.a & b.

6. Specific Requirements

a. Buildings streetscapes and plazas shall be arranged so as to form a compact, continuous, and interesting composition with buildings of various heights.
b. All development shall complement the skyline and provide for the continuation of sight lines to the Jersey City / NY skyline and the Statue of Liberty through this project plan area. The arrangement of the buildings in the project area shall be determined on this basis.
c. Sight lines must be identified in a view corridor study and maintained.
d. Consideration must also be given to the skyline that is being created as part of this development.
e. Map No. 10 Plaza Level View Sheds illustrates the view sheds from the plaza of the Residential Mixed-Use District. Important Sight lines include vistas of the Statue of Liberty, Verrazano Bridge, Lower Manhattan, the New York Bay, and Liberty National Golf Course. Towers constructed on the roof top deck should be arranged to preserve these views from the plaza level.

7. Industrial District Parcels

a. Adequate buffering in the form of appropriate plants and earth sculpting shall be provided along the shoreline in these areas where industrial reuse parcels are opposite the Statue of Liberty.
b. Large parking areas should be subdivided by substantial landscape areas into smaller units.
c. The edges of all parking areas should be set aside for a substantial landscaped area.

d. Entrances and exits to parking areas must be designed to provide adequate storage capacity in order to avoid back-ups on project area streets.

e. No uses shall have direct access from parking and loading areas onto the proposed north-south arterial road.

C. PROHIBITED USES

a. To protect the vista along the New Jersey Turnpike Hudson County Extension which was declared a "scenic corridor" in 1995, and other views of the Statue of Liberty, Ellis Island, and New York Bay, as recommended in the Jersey City Master Plan, monopole towers, lattice towers, or other types of communication towers are prohibited within the redevelopment plan area. Roof top antennas are permitted, however their height and deign must not interfere with the scenic corridor or general views of the bay.

b. All references to prohibited uses made throughout this redevelopment Plan shall be acknowledged herein, and be interpreted as part of this Section.

IV. SUBMISSION OF REDEVELOPER'S PROPOSALS

A. Procedure

Prior to commencement of construction, architectural drawings, specifications site plans for the construction and/or rehabilitation of improvements to the Area shall be submitted by the developer to the Planning Board of the City of Jersey City for review and approval so that compliance of such plans with the redevelopment objectives can be determined. Site plan review shall be conducted by the Planning Board pursuant to NJSA 40:55D-1 et. seq. Applications may be submitted for the entire project or in any number of phases.

Any development, whether designated by the State of New Jersey or otherwise, within Liberty State Park by private development must appear before the Planning Board for site plan review for informational purposes.

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

B. Adverse Influences

No use shall be permitted, which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, obnoxious dust or waste, undue noise or vibration, or other objectionable features as to be detrimental to the public health, safety or general welfare.

C. Restriction of Occupancy or Use

There shall be no restriction of occupancy or use of any part of the project area on the basis of race, creed, color or national origin.

D. Interim Uses

Interim uses may be established, subject to site plan approval by the Planning Board. The developer/applicant must satisfactorily demonstrate, and the Planning Board must find that, such use will not have an adverse effect upon existing or contemplated development during the interim use period. Interim uses must receive Site Plan approval from the Planning Board. The Planning Board shall establish an interim use period of between one (1) year and three (3) years in duration, subject to the Planning Board's discretion. Additional renewals of an interim use may be granted by the Planning Board, subject to the same interim period limitations specified above.

E. Maintenance of Open Areas

All open areas shall be landscaped and maintained in an attractive condition.

F. Signs

1. All signs shall require Site Plan approval.
2. They shall be minimal in size and be of material consistent with that of the principal building. Back-lit box or letter shaped signs made of plastic or similar looking material, are not permitted.
3. A maximum of 2 per project site shall be permitted.
4. Billboards and freestanding signs are prohibited.
5. Illuminated identification signs, and advertising signs, visible from Liberty State Park are prohibited.
6. Each complex may have one monument style sign at each vehicular entrance to the complex identifying the name of the complex. Said monument sign to be no greater than four feet in height nor have a sign area in excess of twelve (12) square feet, and shall be attractively landscaped. All signage must be compatible with the material, character, color scheme and design of the principal structure.
7. Each residential building shall be permitted one (1) sign not to exceed eight (8) square feet, attached flush to the building wall, identifying the name of the building or complex, and street address only.
8. Retail sales, restaurant uses, and any other permitted uses not mentioned within this section, shall be permitted (1) one sign per establishment, identifying the use, not to exceed 10% of the first story portion of the wall containing the uses frontage to which it is attached.
9. Hotels, shall be permitted one (1) sign not to exceed Twenty (20) square feet, attached flush to the building wall, identifying the name of the building or complex, and street address and logo only.

Additionally, the logo and/or hotel name may be added to the monument sign area in conformance to the requirements of item 6. Of this section.

10. Parking Garages - One (1) attached sign per parking entrance may be allowed indicating the parking facility by the international parking symbol and a directional arrow. Said sign not to exceed four (4) square feet.

V. DISTRICT AREA, YARD, AND BULK REQUIREMENTS

(Regulations and controls applying to specific use areas designated in the Land Use Map within the larger Liberty Harbor Redevelopment Area Multi–Purpose District shall not apply to the Mixed Use Residential District)

A. Multi-Purpose District

Residential

1. **Maximum density:** seventy-five (75) dwellings per gross acre of land within the residential area.

2. **Maximum floor area ratio of residential uses:** 6 (six)

3. **Maximum height:** 6 stories, or as regulated in conformance with the view corridor requirements located within Section III. B. 6 Specific Requirements of this plan, whichever is less.

4. **Required setbacks:**
   From any street line: 15 feet
   From any parking lot: 10 feet
   From the NJ Turnpike property or R-O-W line: 100 feet
   (Containing heavily landscaped buffer)

5. **Required off-street parking:**

   Maximum ratio of 1 space per dwelling unit

Multi-Purpose Non-Residential

1. For uses other than residential within the Multi-Purpose District, the industrial Development standards shall apply with the following addition:

   - Setback from the NJ Turnpike for all non-residential uses shall be a minimum of 30 feet (containing a heavily landscaped buffer) and the parking requirements for restaurants, nightclubs, recreational and public uses shall conform to the current Institute of Transportation Engineers Standards, (ITE).

B. Industrial District

1. **Maximum height:** height shall be regulated as identified below and in conformance with the view corridor requirements located within Section III. B. 6 Specific Requirements of this plan, whichever is less.

Hotels: 10 stories
Other Uses: 6 stories

2. **Required setbacks:**

From any street: 15 feet
From any parking lot: 10 feet

3. **Minimum Lot Size:** 5 acres

4. **Minimum Number of Hotel Rooms:** 300

C. **Park District**

1. Maximum Height: height shall be regulated as identified below and in conformance with the view corridor requirements located within Section III. B. 6. Specific Requirements of this plan, whichever is less.

2. The only structures permitted are those necessary to the park uses provided that such structures shall not cover more than 20 percent of the overall total park land area within the Park District.

D. **Residential Mixed-Use District**: The following criteria shall apply only when pursuant to Section III.A.4. of this Plan. If the proposed development within this district does not meet the above criteria, then the permitted uses in this district shall include only hotels, as regulated in the Industrial District of this plan.

1. Maximum Density: 145 dwellings per gross acre of upland property within the district not including the under water area to a maximum total of 2,006 units.

2. Maximum Intensity of Development: In addition to the residential development permitted above in sub-section D.1; the following land-uses shall be permitted.

a. Retail Sales and Restaurants - a minimum of 20,000 square feet of retail sales and/or restaurants shall be provided in the ground floor area of the parking structure and Building D. and shall be located in the northern portion of the eastern façade facing the Waterfront Walkway and the eastern portion of the northern façade facing Audrey Zap Drive. Up to an additional 20,000 square feet of retail sales and/or restaurants may also be provided on the site. The location of permitted retail frontages is indicated on Map No. 6 Ground Level Frontage Regulating Plan. Additional retail may be provided on the plaza level. Map No. 11, Plaza Level Frontage Regulating Plan indicates the location of permitted retail frontages atop the plaza level. The retail sales and/or restaurants required and permitted in this section shall be in addition to any retail and/or restaurant activity that may occur as a part of the Golf Club House, Hotel, Health Club or other permitted commercial use.

b. Health Club

c. Golf Clubhouse

d. Professional and Business Office

e. Class A Hotel (shall be full service only with a three meal restaurant, on-site related banquette, conference, spa facilities, and recreation amenities including indoor/outdoor pool and lounge) - a maximum of 300,000 square feet. (Also see 4, b ii)

3. Maximum Permitted Building and Lot Coverage:

a. Coverage of the Lot: Up to eighty (80%) percent of the ~~lot area~~ Residential Mixed-Use District Area may be covered by buildings, inclusive of parking structures and all other buildings, walkways, stairs, sidewalks, waterfront walkway, and pavement associated with Liberty Drive. Not included are the private ground level terraces associated with the townhouse villas. Map No. 12, Ground Level Build-to-Lines illustrates the build-to-lines and the maximum tower heights for buildings. To allow some flexibility for the location and size of the towers, variations of the build-to-line up to five (5) feet on any edge of the build-to line is allowed provided that it does not exceed the allowable base plate square footages specified on Table 1.

b. A maximum of six (6) towers are permitted. Map No. 12, Plaza Level Build-to-Lines and Tower Heights indicates the location of these towers atop the roof top deck.

c. Encroachments: To allow for more flexibility in the design and layout of the towers, the footprint of each building on the plaza level may encroach over the build to line a maximum of five (5) feet as long as a distance of forty (40) feet between towers is maintained.

- A continuous colonnade is an optional design feature of the Plan. This colonnade would act to create horizontal continuity along the base while also creating a sense of enclosure at the plaza level. Along Liberty Drive, the height of the colonnade may reach a maximum of five (5) stories. The columns may support a continuous lintel of sufficient mass to act as a major architectural feature. If constructed during the first phase of the project, the colonnade may extend the entire length of Liberty Drive and act as a screening device for the remaining construction phases.
- No individual building feature shall extend beyond four (4) feet of the build to line. Approved encroachments may include cornice projects, fixed sunshades and awnings, bay or box windows, balconies, terraces or signs.

4. Maximum Height: Height shall be regulated as identified below and in conformance with the view corridor requirements located within Section III. B. 6 Specific Requirements of this plan. Optimum building heights for the plaza level are regulated in Map No. 12 Build to Lines and Heights Plan.

a. The parking structure may contain up to three (3) parking levels above the grade of Liberty Drive and shall not exceed forty (40) feet in height above the grade of Liberty Drive. Surface parking and parking on top of any deck is prohibited. Only access to building fronts at top of the deck for drop–off is permitted.

b. Buildings shall be constructed on top of the rooftop deck of the parking structure:

i. Tower structures constructed on top of the rooftop deck of the parking garage must be of varying heights. There shall be a maximum of ~~three (3)~~t ***six(6)*** such tower structures within the District.

ii. Optimum building heights for towers constructed on the rooftop deck are indicated on Map No. 12 Build to Lines and Heights Plan. Towers may range from nine (9) stories to fifty-seven (57) stories in height based on minimum and maximum stories of retail and residential. No two towers shall be of identical height. Towers should be designed to optimize views. Exhibit 1 Illustrative Rendering represents a conceptual rendering of the Residential Mixed-Use District.

iii. All other buildings, including a golf clubhouse building, any building or portions thereof containing the public rooms of a hotel such as banquet rooms, restaurant, meeting and conference rooms, etc., and all other structures shall not exceed four (4) stories or seventy-five (75) feet in height.

iv. Maximum height for the tower structures shall be measured from the surface of the rooftop deck of the parking structure The maximum height does not include the mechanical penthouses, parapets, equipment such as wind turbines or solar collectors, or architectural embellishments for the "crown" of the building or antennas provided they are an integral feature of the building design.

c. Any other structures such as, free standing restaurants, waterborne transportation support buildings and other similar buildings not constructed on the roof top deck shall not exceed three (3) stories or forty 40 feet in height.

5. Required Minimum Setbacks:

a. There shall be no required setbacks, except that all buildings and structures shall be setback a minimum of fifty (50) feet from the bulkhead line, and shall provide sufficient setback to accommodate, at a minimum, a thirty (30) foot wide Waterfront Walkway as shown on Map 9.

b. There shall be a minimum of sixty (60) feet between tower structures, with exceptions permitted for the building base (first 4-6 levels above Plaza) to be no less than 40 feet.

6. Minimum Open Space Requirement:

All lot area not covered by buildings and structures shall be maintained as open space. Open space shall include golf course areas, driving range, putting greens, walkways, tennis courts, pools, landscaped areas, yards and outdoor passive and active recreation areas. Streets and roadways shall be permitted to traverse open space areas to provide access to parking and service areas as necessary and subject to Site Plan Review and approval by the Planning Board.

In addition, all areas of the roof top deck over a parking structure not covered by buildings and structures shall be improved open space, which may include pools, tennis courts, landscaped areas, paved plaza areas, outdoor cafes, footpaths and walkways, outdoor active and passive recreation areas, golf putting greens, driving range areas and/or other similar spaces and facilities. Single story pavilions, gazebos and other similar passive recreation structures may be constructed within this improved open space area but may not cover more than ten (10%) percent of said open space area. Streets and roadways shall be permitted to traverse open space areas to provide access to buildings located on top of the rooftop deck, drop-off areas and service areas as necessary and subject to Site Plan Review and approval by the Planning Board.

7. Additional Design Requirements for the Rooftop Deck of Parking Structures:

- The rooftop deck shall serve as the primary platform for the residential and other buildings and shall be design to be attractive and functional gathering/entertainment outdoor space.
- Vehicular parking and vehicular access to this level is specifically prohibited. Services for retail or restaurant establishments on the plaza level shall be access via the loading/service level of the garage.
- If emergency fire access is required, access would be gained in the grass area at the south- western end of the plaza and designed to hide the access via removable bollards and movable planters.

8. Additional Design Requirements for the Facade of Parking Structures:

a. Facades with frontage along the Waterfront Walkway and the eastern portion of the northern property line fronting onto the former railroad right of way:

Parking structures shall contain residential and/or commercial uses, including dwelling units, retail, office, health clubs, and other similar uses, along the perimeter of the parking structure fronting onto the Waterfront Walkway in order to mask the parking structure from view and to give the appearance that the parking structure is a low rise residential and/or commercial building. Exterior entrances to commercial and/or residential units located in the ground floor shall be provided, along with stoops, walkways, fencing and/or other architectural treatments consistent with traditional low rise urban development. A total of at least twenty thousand (20,000) square feet of retail and/or restaurant uses shall be provided in the ground floor area of these facades, with visible and direct access to the out side of the building.

b. Facades with frontage along the western portion of the northern property line (former railroad right of way) and facing the western property line (Caven Point Road):

Parking structures facing to the west, Caven Point Road, shall be buried in the ground. The topography of the site in this area slopes from Caven Point Road down toward the proposed parking structure. This area shall be re-graded accommodate the golf course and access drive and to essentially bury the parking structure. It is recognized that a portion of the parking structure will emerge from the ground and be visible, especially along the western portion of the northern property line, to accommodate a more natural slope of the land. This portion of the façade of the parking structure shall not be required to provide residential and/or commercial uses in this portion of the perimeter of the structure. However, this

portion of the façade of the parking structure shall have a similar architectural appearance to the portions of the parking structure described in paragraph "a." above. The materials used on these facades of the parking structure shall be the same as those used on the rest of the structure.

c. Façade of the parking structure facing to the south &/or southwest, i.e. fronting on the golf course:

This portion of the façade of the parking structure shall be screened by being buried into the topography of the golf course as described above in paragraph b, or it may be screened by the clubhouse and a landscape feature toward the southeastern end of this façade. The purpose of the landscape feature is not only to act as screening for the garage structure, but to also serve as a backdrop for the golf course. The landscape feature shall consist o fall of the following: decorative and screen plantings, earth berms, natural &/or artificial rock sculptures, and water features such as a waterfall. The landscape feature shall be mounded up against the face of the parking structure to totally hide visibility of the parking structure foundation and give the appearance of a natural topographic feature. Where portions of the façade of the garage are exposed due to the sloping of the earthen berms and/or rock sculpture, the requirements of paragraph b. above shall prevail.

d. All parking structures within this district shall be mechanically ventilated and clad in the same material, window patterns, and rhythms as the principal building.

e. No part of any foundation of the parking structure shall be visible from any vantage point.

9. Additional Design Requirements:

a. All vents on building façades must be integrated into the treatment of the façade. Antennas of any type, shall only be permitted on the exterior of the building with the approval of the Jersey City Planning Board regarding their size, shape, placement and design.

b. The tops of all buildings, as well as significant architectural features, shall be appropriately lit.

10. Vehicular and Pedestrian Access to Parking Structures:

Vehicular and pedestrian access to parking structures shall be provided via access roads at grade and via easement over the adjacent Railroad R-O-W, and at other intermediate levels of the garage. Pedestrian access to the parking structure shall be provided to and from each of the residential/hotel buildings constructed above the rooftop deck; and to and from the parking structure and the Waterfront Walkway and the retail uses located in the façade of the parking structure. In addition, pedestrian access shall be provided from the Waterfront Walkway, via stairways, to the rooftop deck of the parking structure.

11. Additional Step-back Requirements for Tower Buildings:

In addition to the Urban Design Requirements found in Section III.B.1. All buildings shall have step-backs to assure that the proper proportions of the building are respected and provides a visual cue to highlight various uses within a mixed-use building. Step-backs are required on all tower buildings at the same level to diminish the height of the tower and provide visual continuity to all the towers as well to enhance the pedestrian experience at the plaza level as well as diminish the visual impact of a building as it increases in height. Map No. 13 Plaza Level Tower Step-backs indicates the required location of the step-backs for each tower buildings. The notations on this map indicate the story height and the required step-back. The distance of the recommended step-back can be more but not less than indicated on Map 13.

12. Loggias: Loggias are an optional design element which may be incorporated into tower structures. A loggia is a gallery, or breaking of the façade that can be open to the air to create a community open space and viewing/recreation platform. The location and form of the loggias create divisions in the vertical scale of a building and are surrounded by exposed columns or created by a setback within the façade. The floor area can contain community/social/functional facilities for tenants in the tower building or contain other non-residential but related services. In addition to reducing the vertical scale of high-rise buildings, loggias when used in conjunction with the step-backs can create a horizontal architectural element that unifies the composition of towers within the Residential Mixed-Use District. In lieu of being open, this architectural feature can also be accomplished by a change in material or façade treatment.

    a. The recommended height for each loggia is three floors.
    b. Map No. 13 Plaza Level Tower Step-backs indicates the recommended placement of loggias within towers.

13. Capacity Table: A Capacity Table 1, indicates the maximum square footage for the base plates of the buildings, the minimum and maximum number of stories for each of the towers and villa buildings, the maximum number of residential units, the allowable gross square foot area for residential and retail uses, and the total number of parking spaces

14. Waste Collection and Recycling: Each building shall coordinate the size and placement of their waste collection and recycling areas with the anticipated collection services for glass, plastic, newspapers, cardboard, and organic waste to maximize the effectiveness of the dedicated areas. These areas shall be confined indoors and not viewable from any public areas, ventilated, temperature controlled and maintained to prevent oders.

15. District Phasing

Phasing within the Residential Mixed-use District shall be flexible based on the market demands the need to provide adequate structured parking and to create a complete architectural composition of buildings, building walls, public spaces, landscaping and walkways The towers and villas can be constructed in any order. The towers can be built in any order.

E. Applicable to all Districts

A structure which is non-conforming in regard to meeting the coverage, setbacks, or height requirements of this Plan may continue provided that if it is enlarged, altered or

reconstructed, non-conformity with the applicable regulations of this Plan shall not be increased. A structure that is non-conforming as to off street parking or loading requirements may continue if the shape or size of the lot or location of the building prevent conformity with said requirements.

VI. PROVISIONS NECESSARY TO MEET STATE AND LOCAL REQUIREMENTS

A. Land Acquisition

1. Properties to be Acquired

   a. Map No.1, "Project Boundary" designates those properties that are not to be acquired. All other properties shall be acquired and cleared and redeveloped in accordance with the provisions of this Plan in order to remove substandard conditions, remove blighting influences, provide land for public improvements or facilities and provide land for redevelopment and other plan objectives.

   b. All redevelopment activities undertaken by the redevelopers shall be in accordance with the controls of this Redevelopment Plan.

2. The laws of the State of New Jersey provide that a redevelopment plan shall:

   a. Conform to the general plan for the municipality as a whole;

   b. Shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements and conservation or rehabilitation as may be proposed to be carried out in the area of the project, zoning, and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvement.

   c. In accordance with State requirements, the following statements are made:

      - The proposals of this Plan conform with the general plan for the municipality;
      - This Plan provides an outline for the development or redevelopment of Liberty Harbor and is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements as proposed, planning changes, land uses, maximum densities, building requirements, and its relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, community facilities, and other public improvements.
      - The proposals of this Plan necessitate zoning changes, which shall be made prior to land disposition by the City of Jersey City in accordance with the land use provisions and controls of this redevelopment plan.
      - Local planning objectives having a direct bearing on the project, which has been planned as an integral part of the total planning for the City are as follows:
      - The effectuation of the Redevelopment Plan will carry out major proposals of the current comprehensive pan for the City and will comply with local objectives of the City as to appropriate land uses, improved street systems, and overall improvement to the Liberty Harbor area.
      - The effectuation of the Redevelopment Plan will improve the total living conditions of the City through improvement of a blighted area, removal of

structures in poor condition and the provision of land for new development, park and industrial development.

VII. PROCEDURE FOR CHANGES IN APPROVED PLAN

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of law. A fee of $5,000 plus all costs of copying and transcripts shall be payable to Jersey City for any request to amend the plan.

VIII. DEFINITIONS

Build to Line: a line along which the primary façade of a building must be located. The build to line provides flexibility to the articulation of the façade by allowing limited deviation from this line.

Colonnade: a linear series of columns which support a continuous lintel.

Encroachment: an area beyond the build to line into which certain building elements may protrude. Typical encroachments may include overhangs, windows signing, or other elements that commonly protrude over the main façade of the building.

Loggia: a gallery or breaking in the façade that can be open to the air on at least one side. In this Plan, a loggia is composed of a minimum of three floors on the upper level of buildings over 12 stories tall. Loggias create breaks in the vertical scale of a building and are surrounded by columns or created by a setback or overhang within the façade. The interior of these spaces can be used as common space for these vertical neighborhoods, live work offices, mechanical equipment space, or any number of other uses.

IX. SEVERABILITY

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

MAPS

LIBERTY HARBOR REDEVELOPMENT AREA

MAP 1: BOUNDARY MAP

SEPTEMBER 14, 2010

1 inch = 1,200 feet

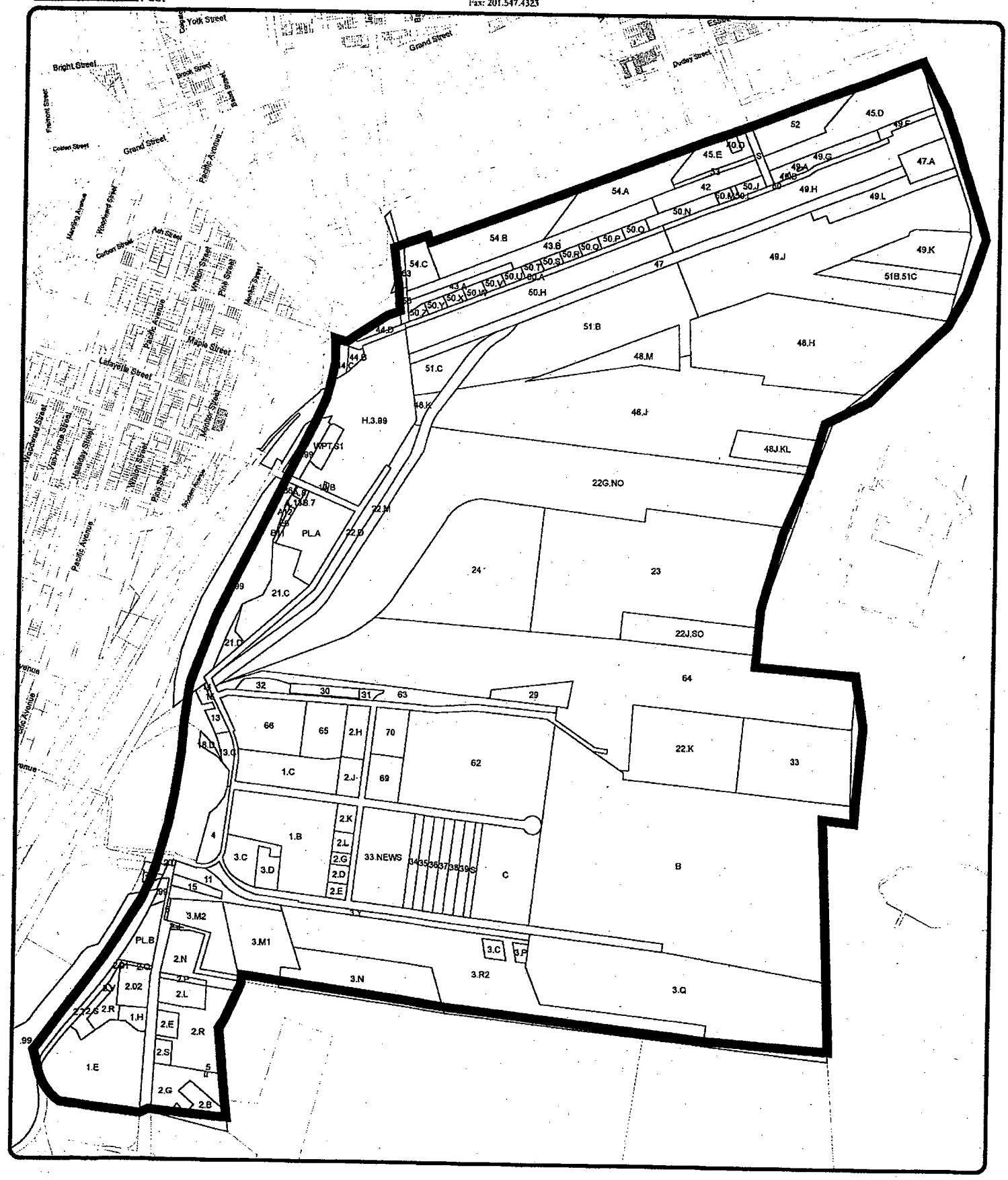
0 250 500 1,000 Feet

NORTH

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

Legend

Redevelopment Boundary



LIBERTY HARBOR REDEVELOPMENT AREA

MAP 2: LAND USE MAP

SEPTEMBER 14, 2010

1 inch = 1,200 feet

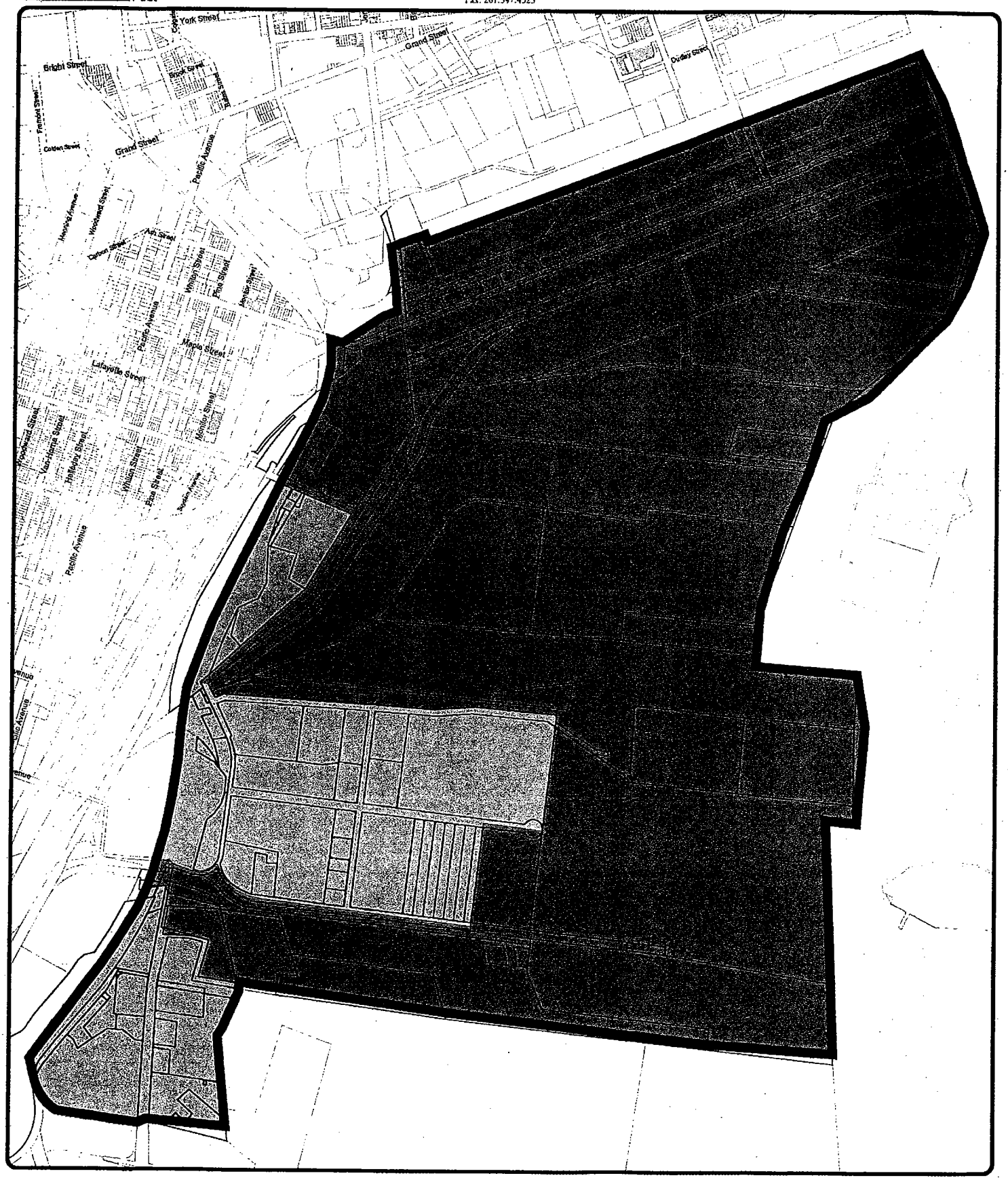
0 250 500 1,000 Feet

NORTH

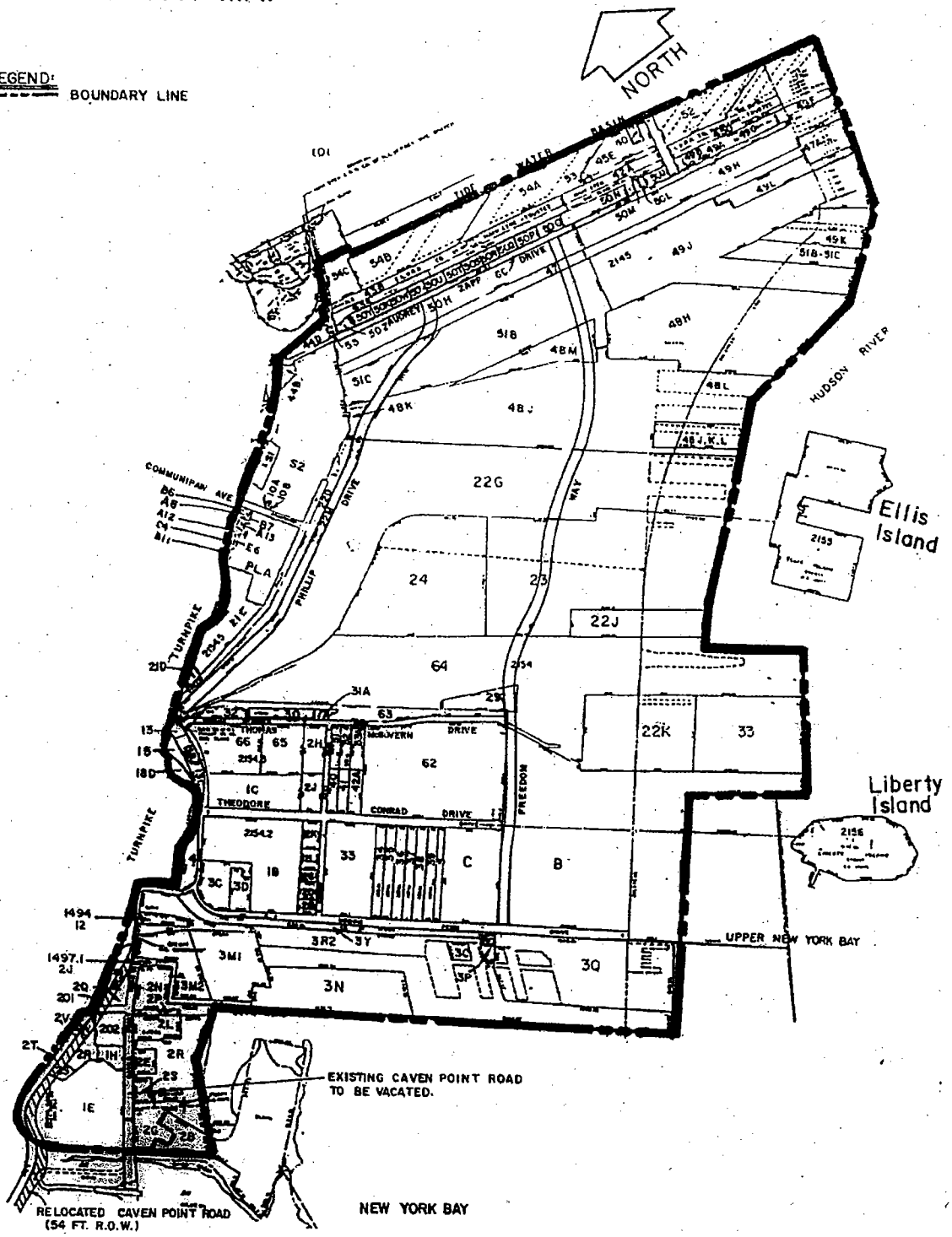
Jersey City
City Planning Division
30 Montgomery Street Suite 1400
Jersey City, NJ 07302-3821
Phone: 201.547.5010
Fax: 201.547.4323

Legend

- Industrial District
- Multi Purpose District
- Park District
- Residential Mixed Use District



CIRCULATION MAP



LIBERTY HARBOR REDEVELOPMENT AREA

DIVISION OF CITY PLANNING
DEPARTMENT OF HOUSING, ECONOMIC DEVELOPMENT AND COMMERCE

JULY 1999

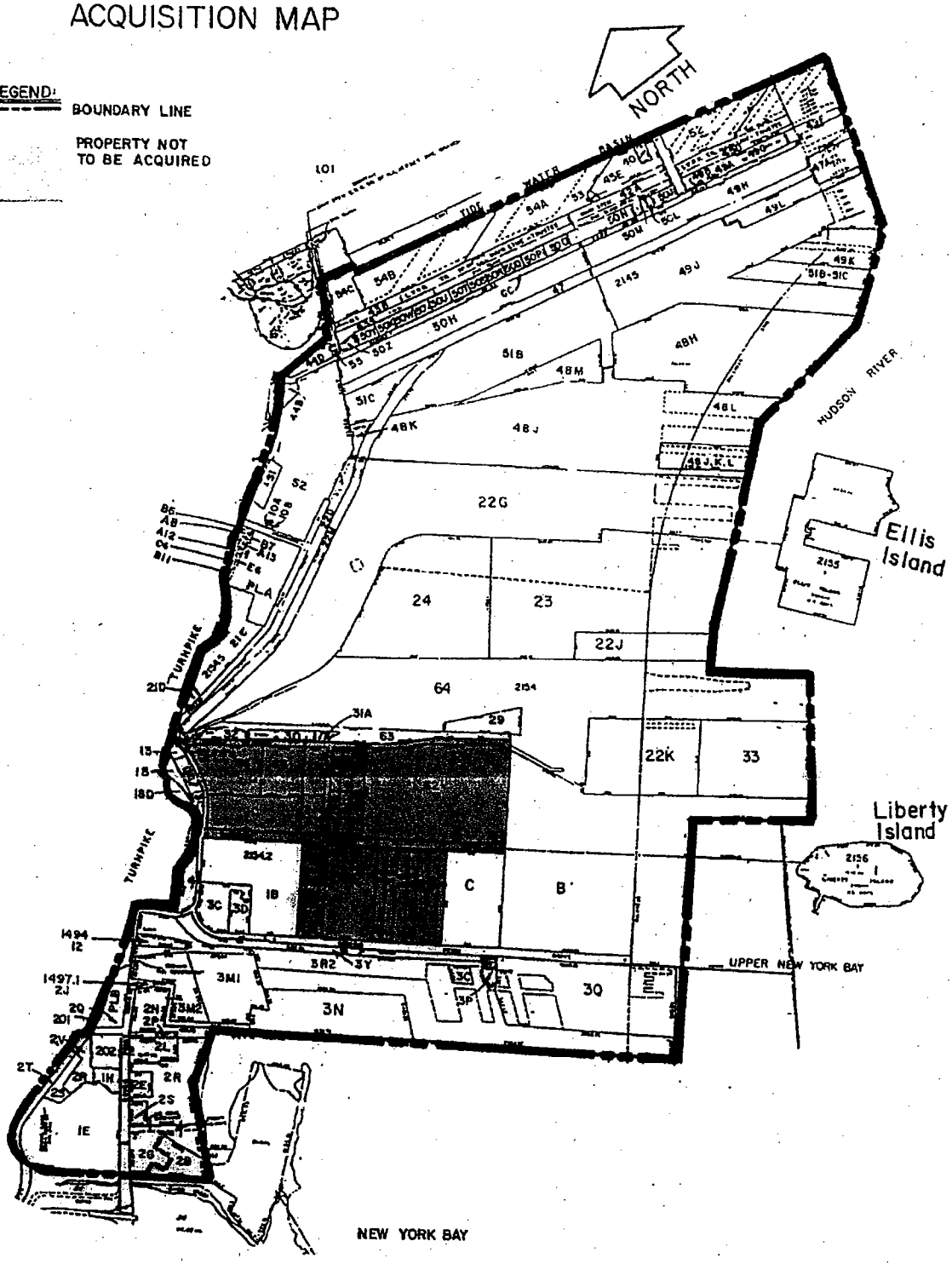
MAP NO. 3

ACQUISITION MAP

LEGEND:

BOUNDARY LINE

PROPERTY NOT TO BE ACQUIRED

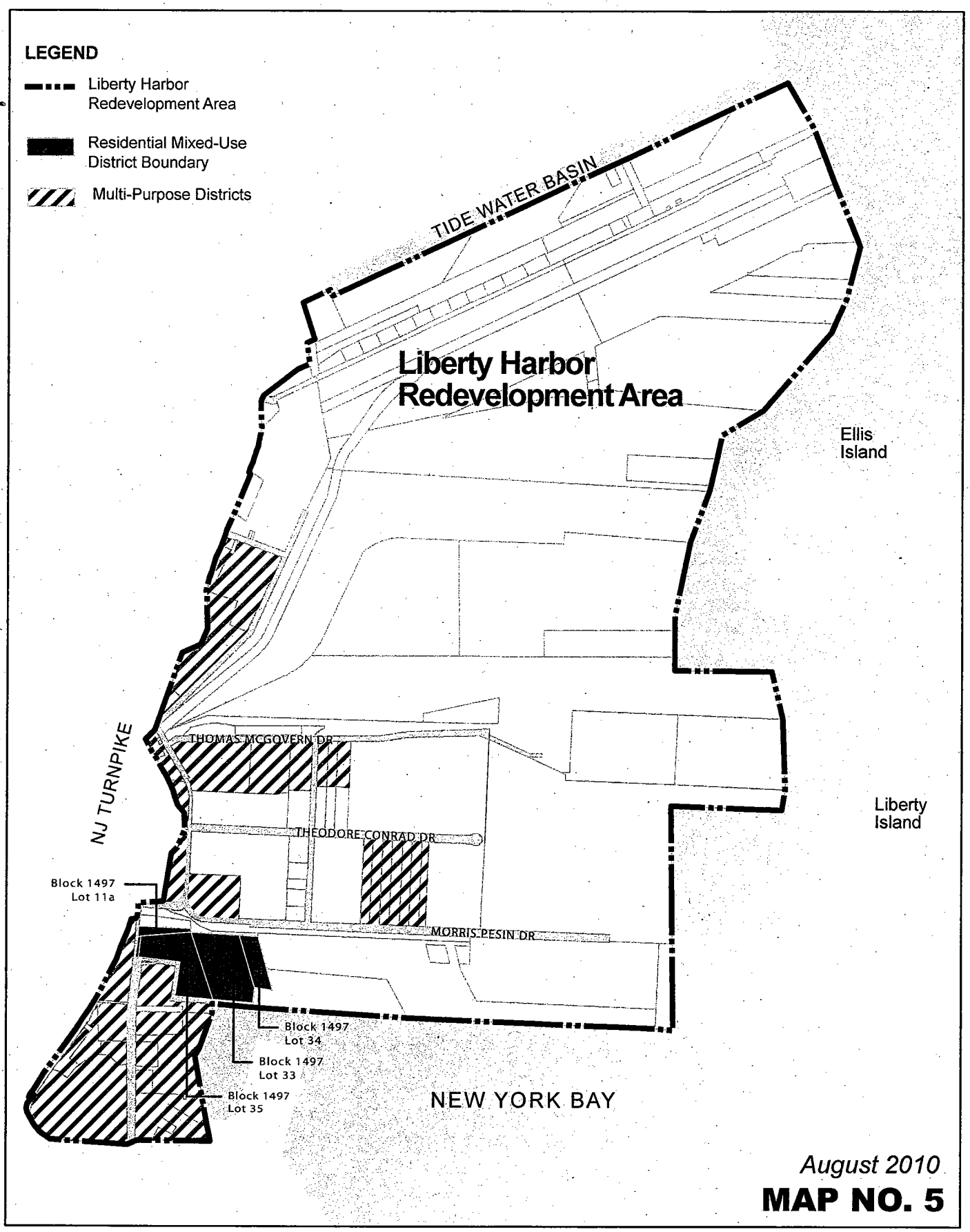


LIBERTY HARBOR REDEVELOPMENT AREA

DIVISION OF CITY PLANNING
DEPARTMENT OF HOUSING, ECONOMIC DEVELOPMENT AND COMMERCE

JULY 1999

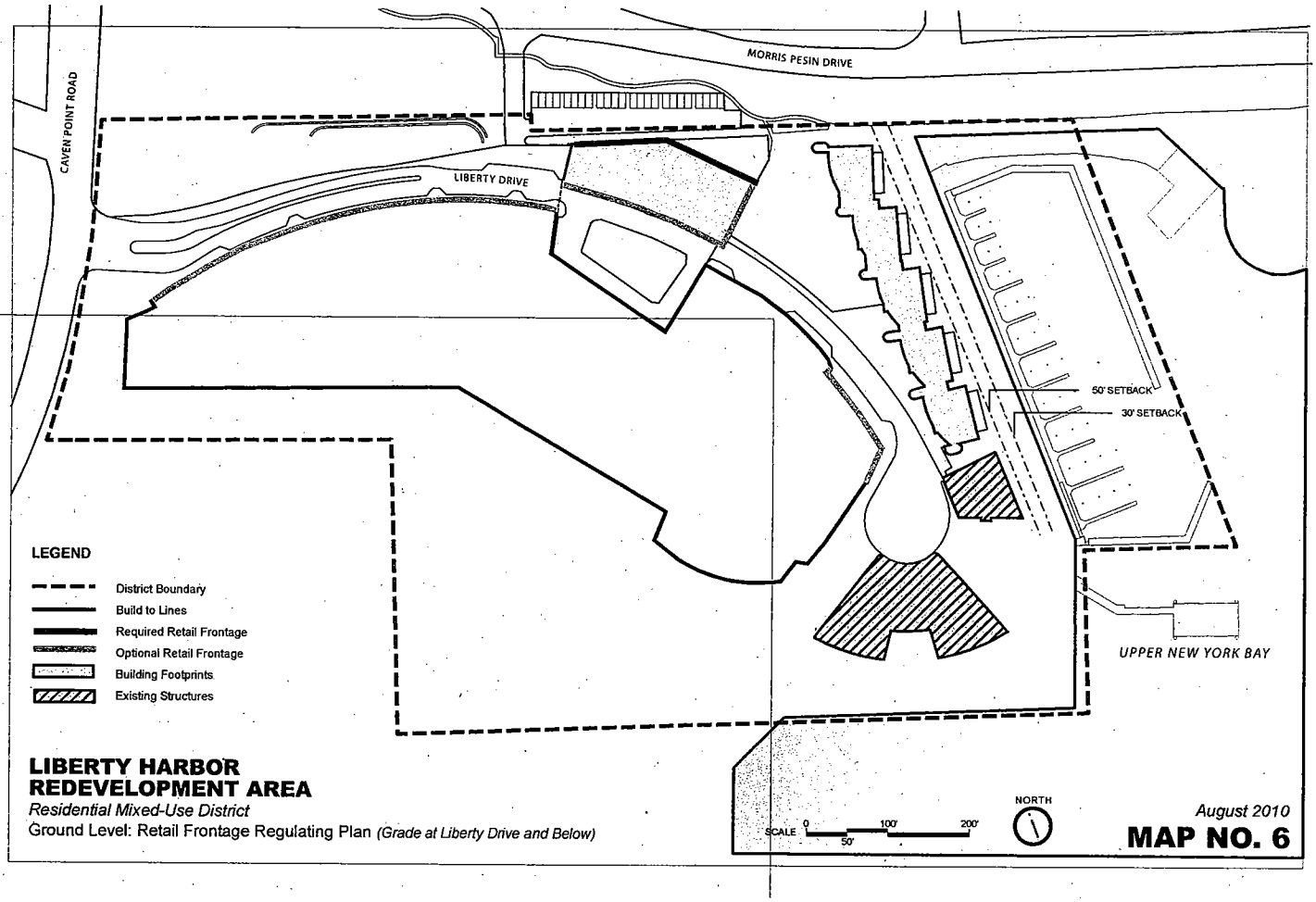
MAP NO. 4



LIBERTY HARBOR REDEVELOPMENT AREA
Residential Mixed-Use Key Map

0 1,000 2,000 Ft

NORTH



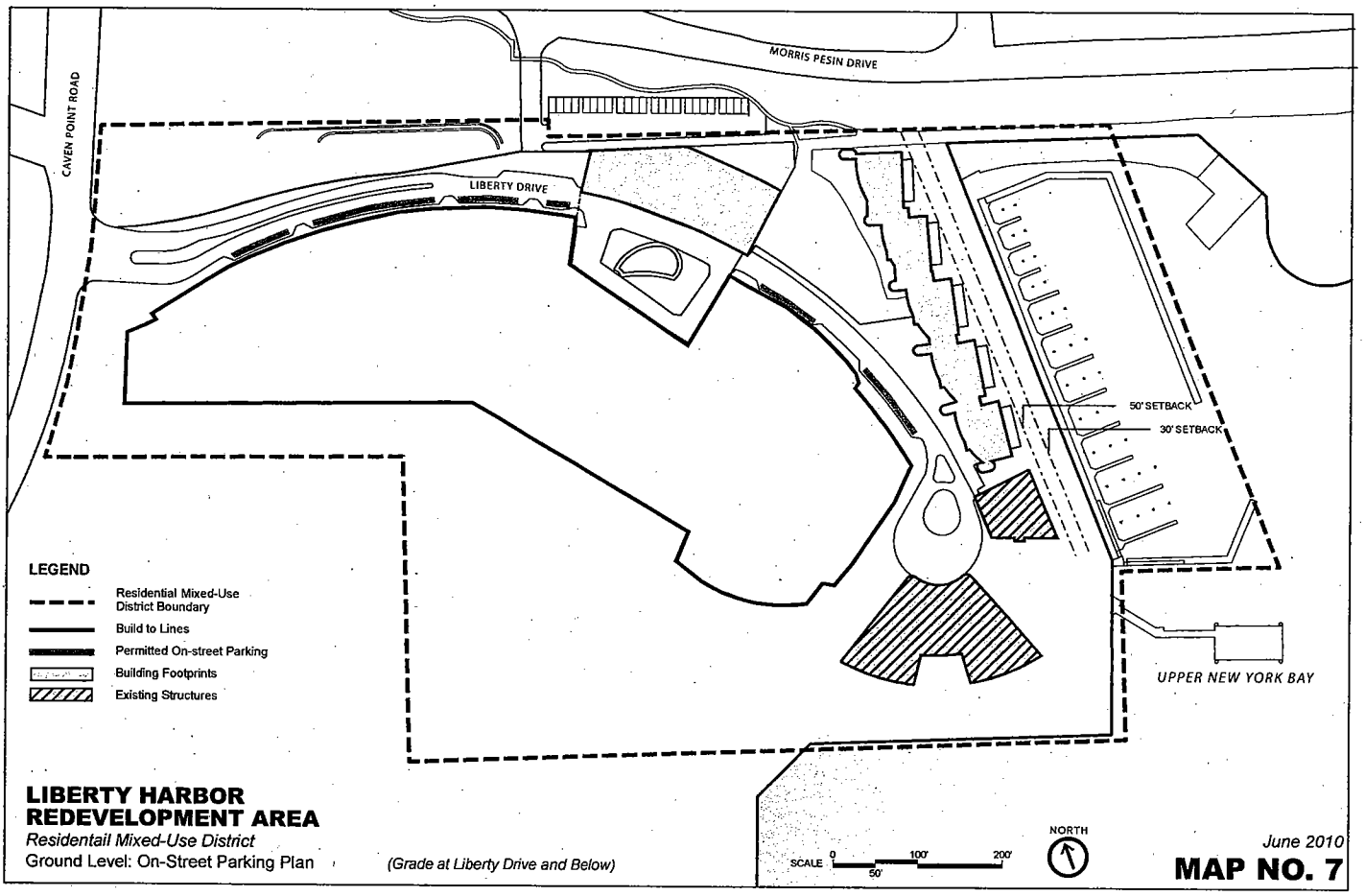
LIBERTY HARBOR REDEVELOPMENT AREA

Residential Mixed-Use District

Ground Level: Retail Frontage Regulating Plan *(Grade at Liberty Drive and Below)*

August 2010

MAP NO. 6



LIBERTY HARBOR REDEVELOPMENT AREA

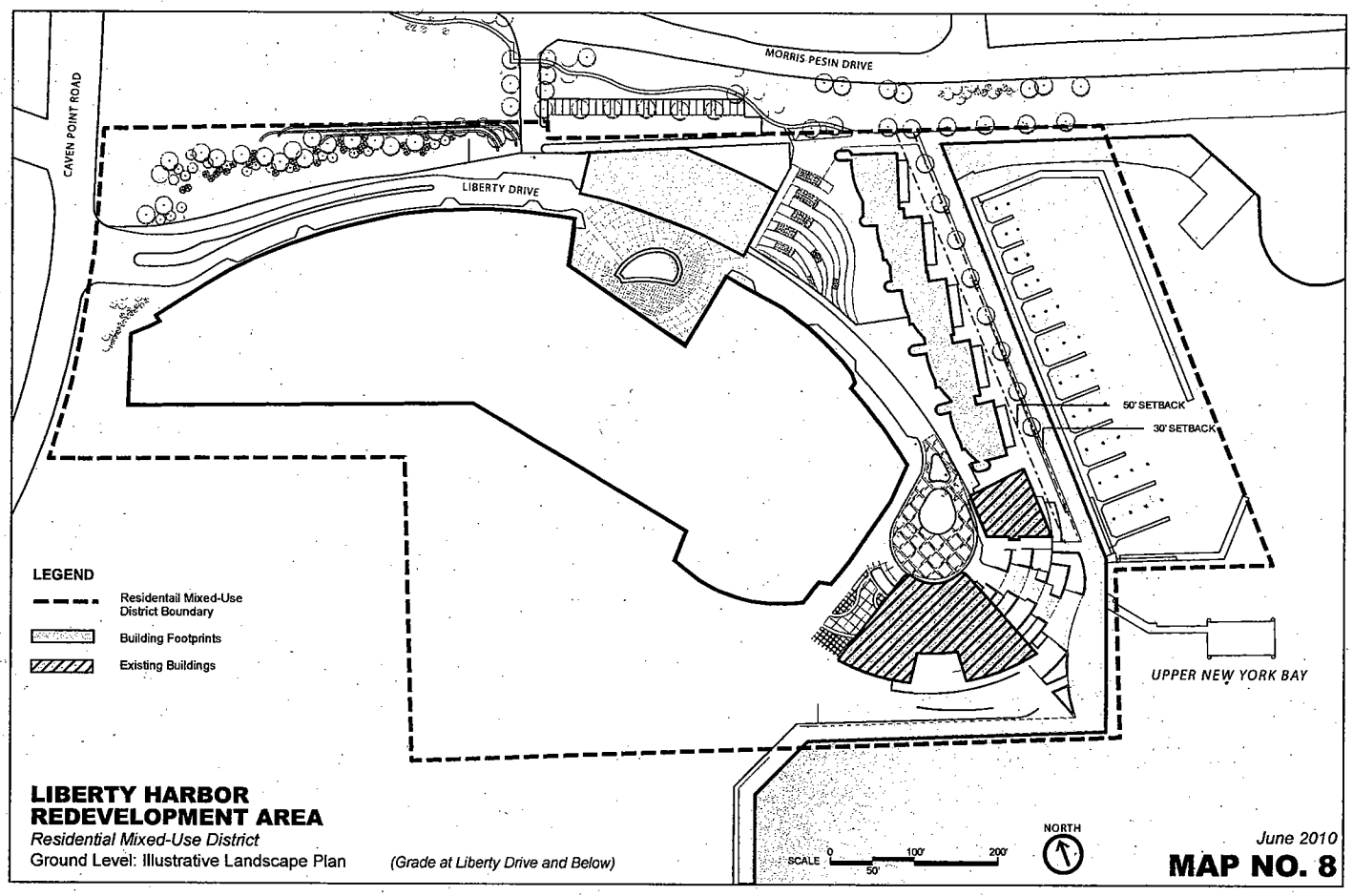
Residentail Mixed-Use District

Ground Level: On-Street Parking Plan

(Grade at Liberty Drive and Below)

June 2010

MAP NO. 7



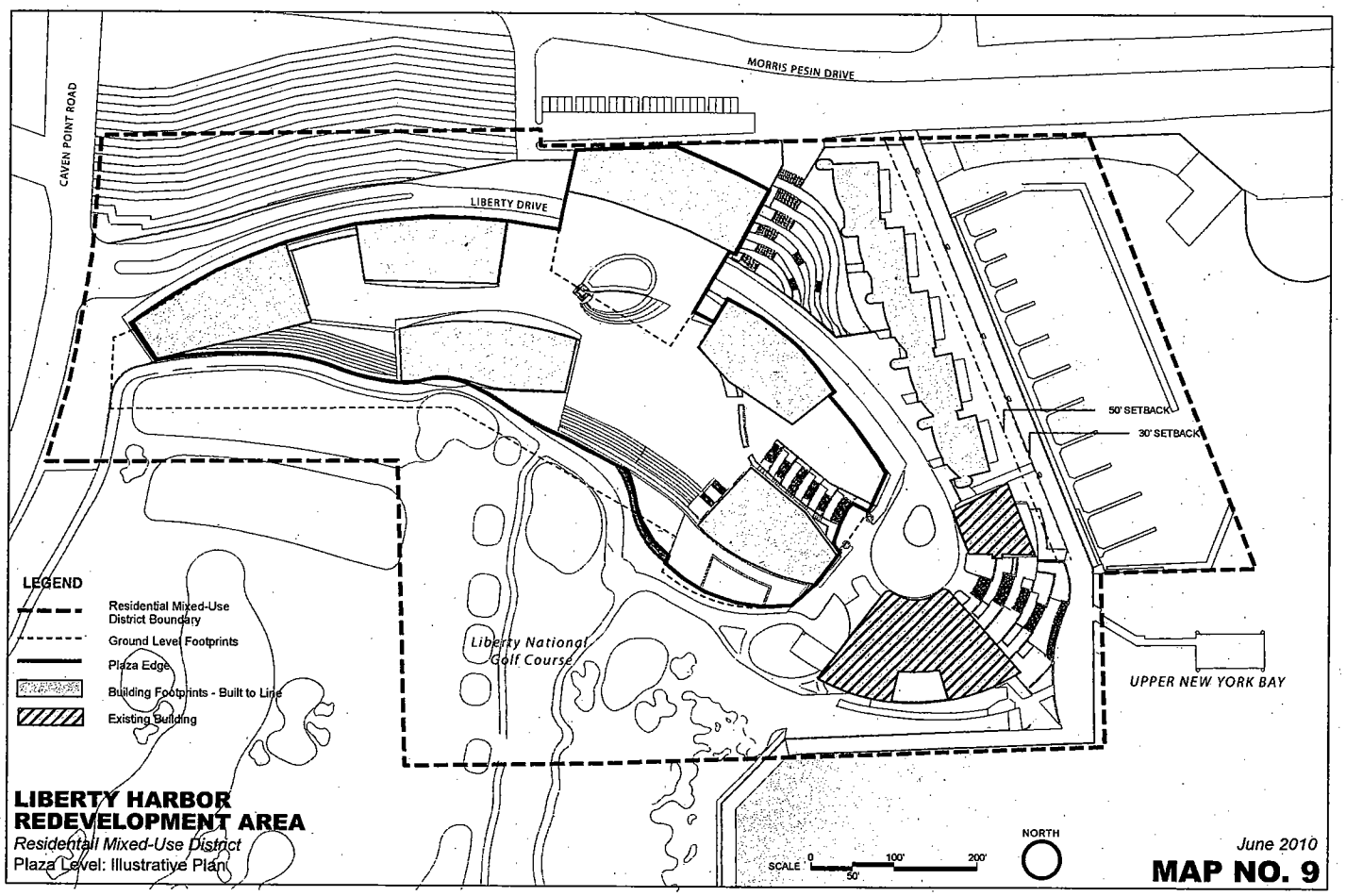
LIBERTY HARBOR REDEVELOPMENT AREA

Residential Mixed-Use District

Ground Level: Illustrative Landscape Plan *(Grade at Liberty Drive and Below)*

June 2010

MAP NO. 8



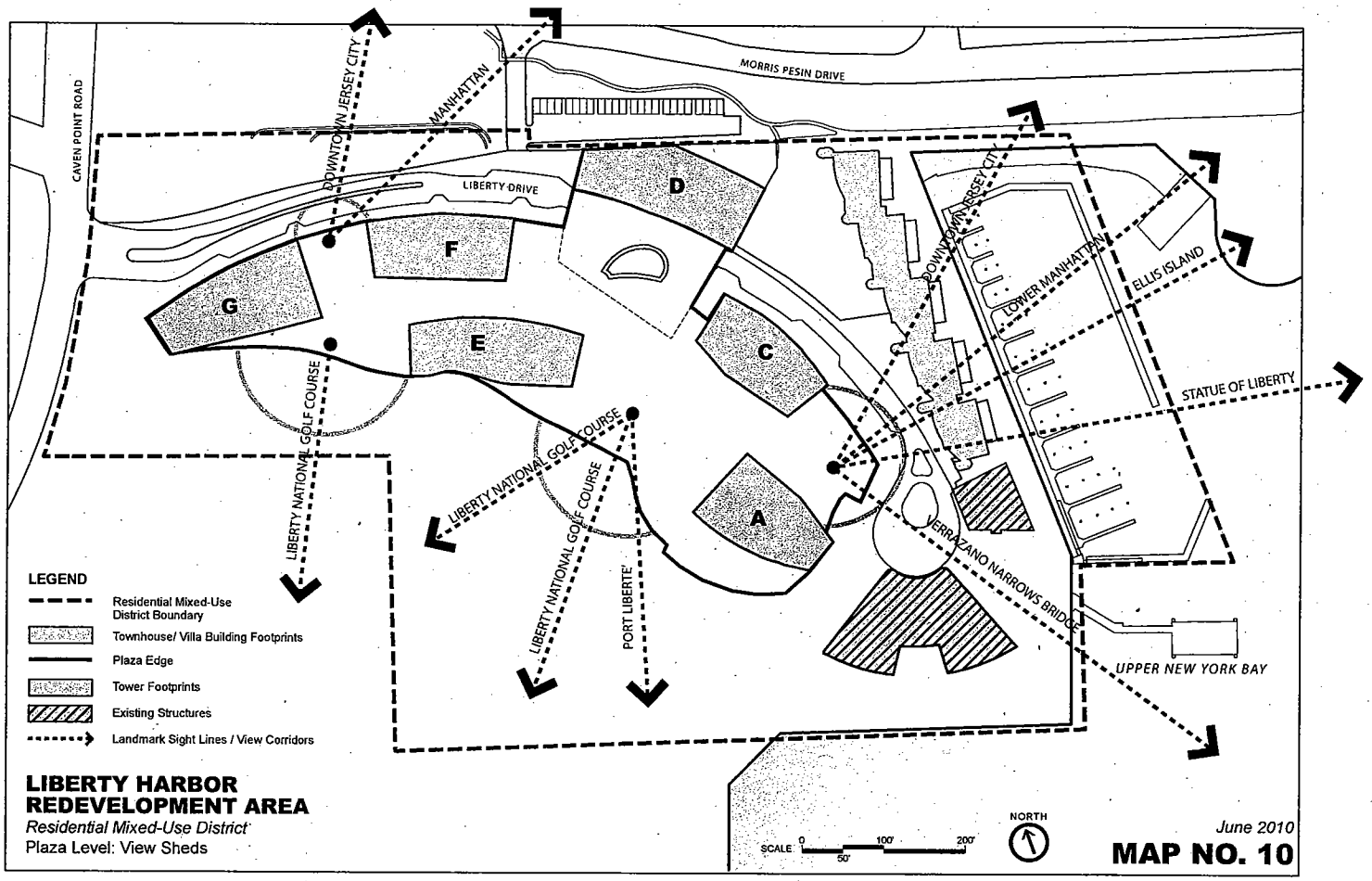
LIBERTY HARBOR REDEVELOPMENT AREA

Residential Mixed-Use District

Plaza Level: Illustrative Plan

June 2010

MAP NO. 9



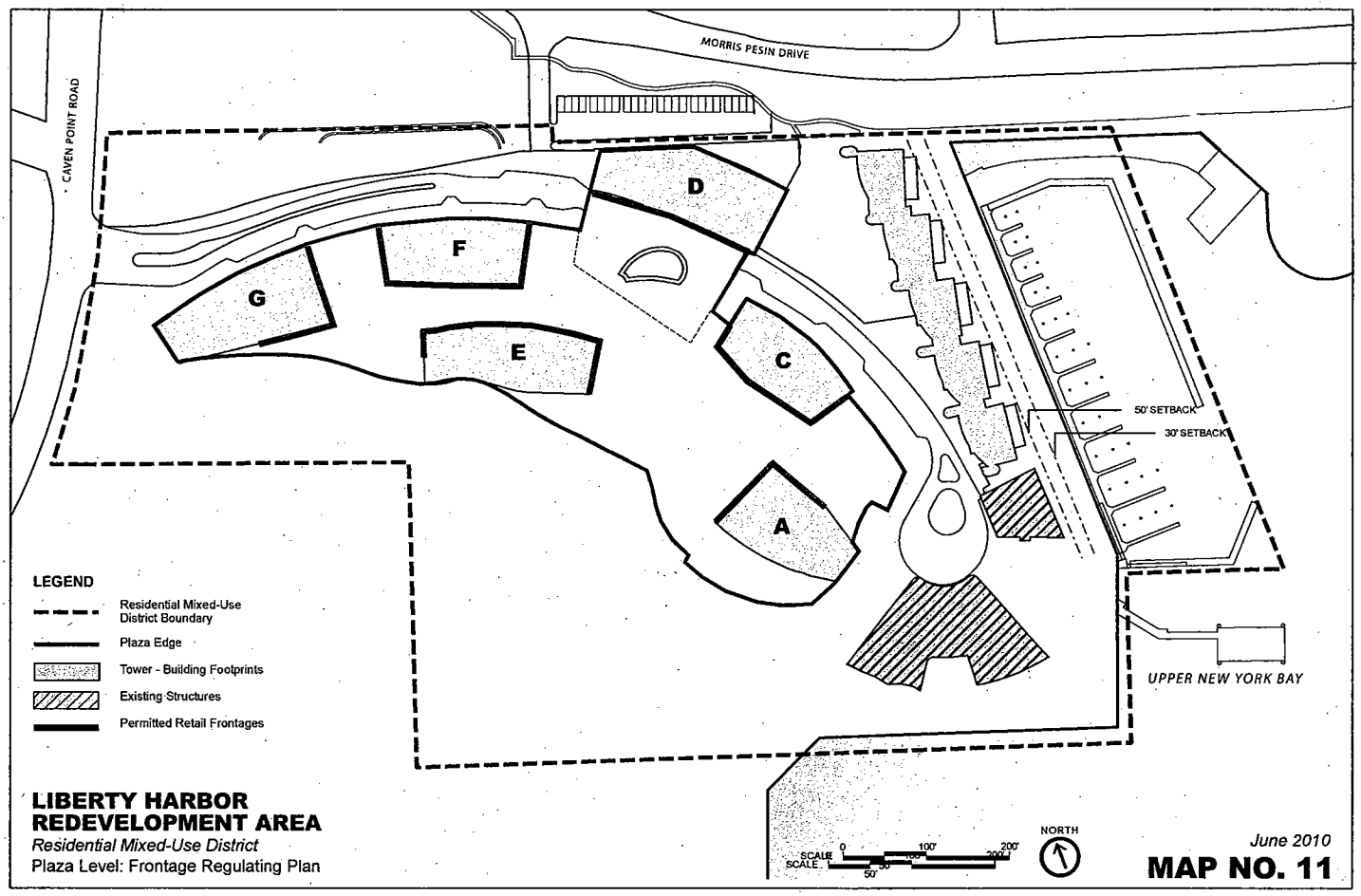
LIBERTY HARBOR REDEVELOPMENT AREA

Residential Mixed-Use District

Plaza Level: View Sheds

June 2010

MAP NO. 10



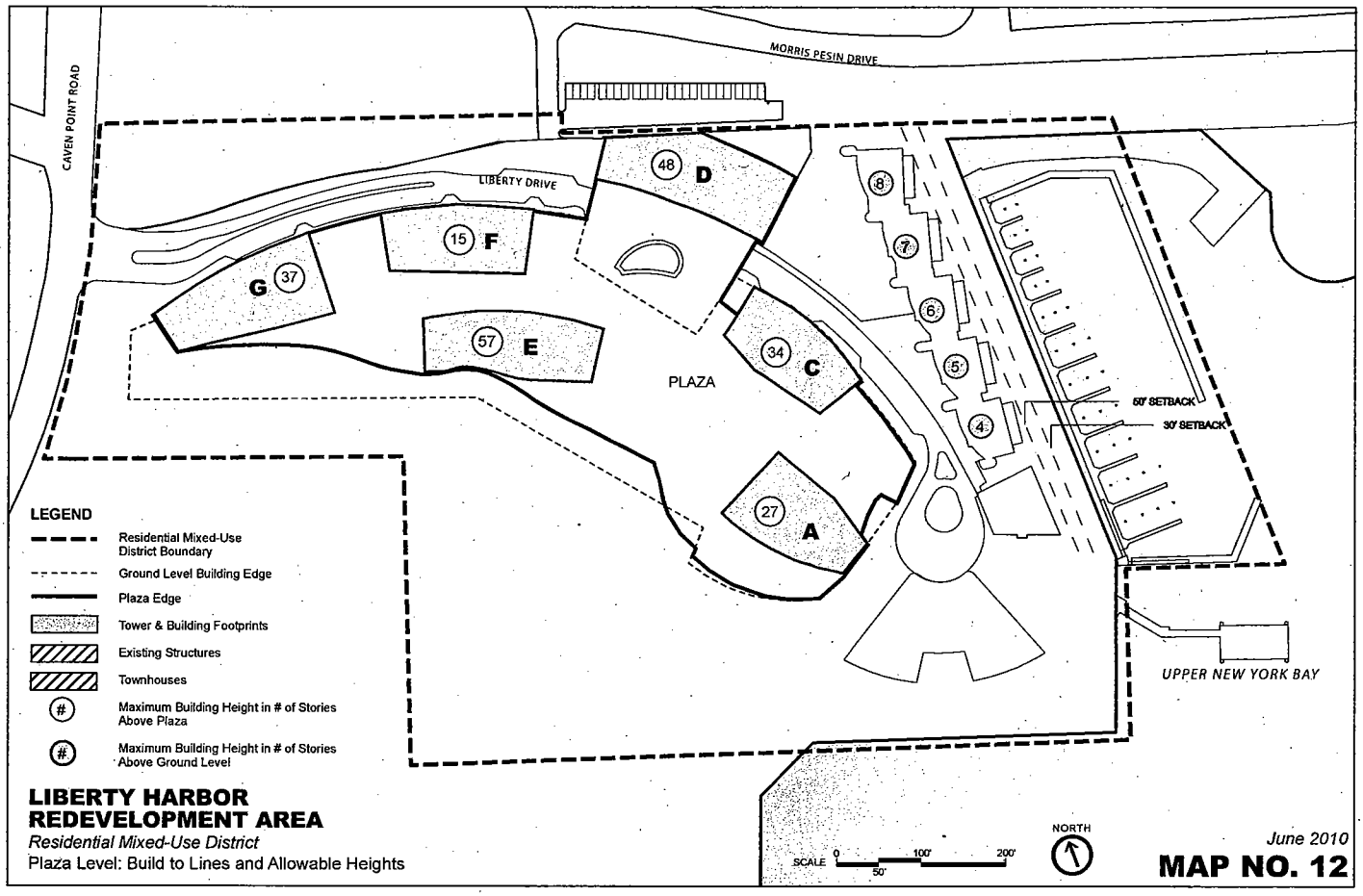
LIBERTY HARBOR REDEVELOPMENT AREA

Residential Mixed-Use District

Plaza Level: Frontage Regulating Plan

June 2010

MAP NO. 11



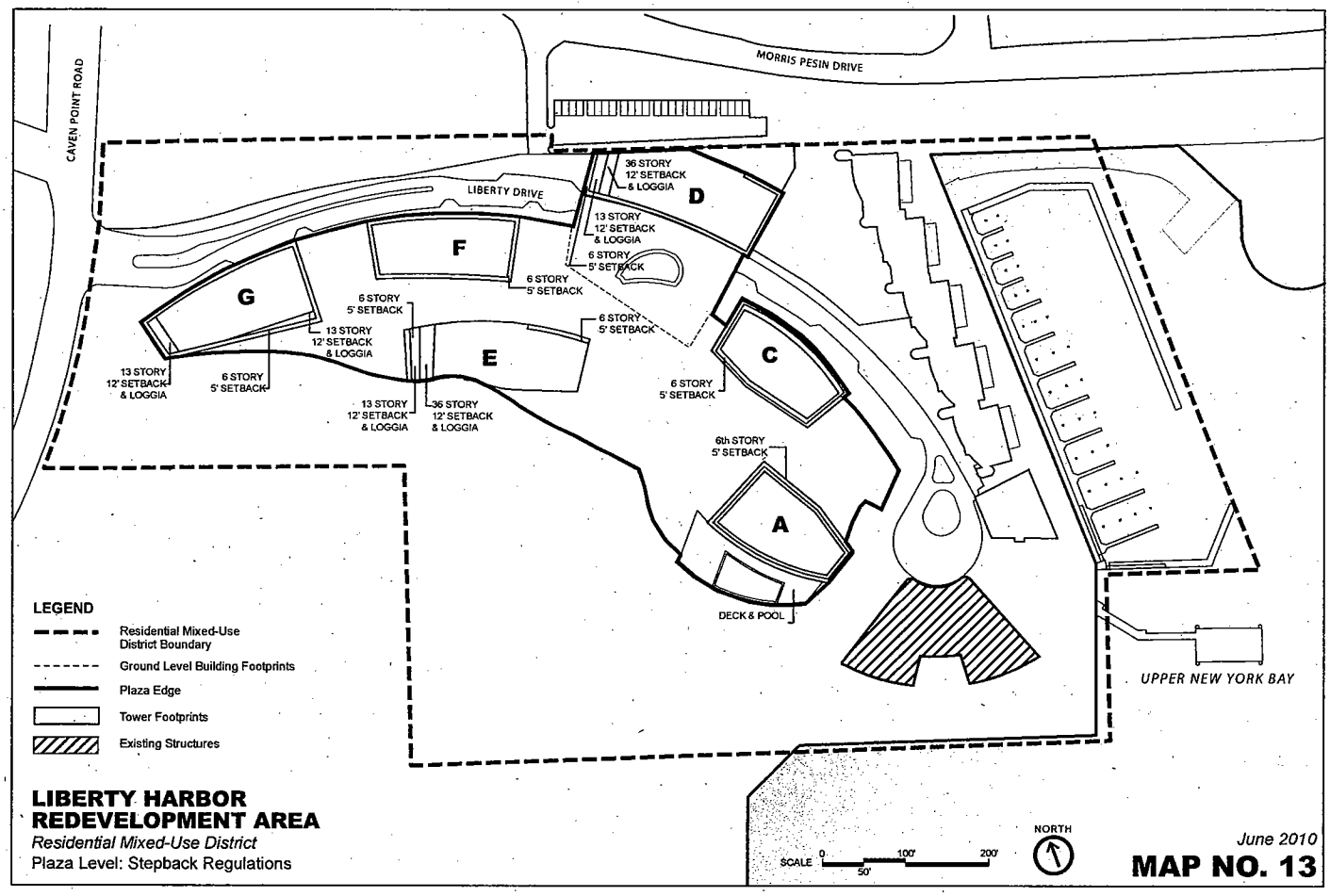
LIBERTY HARBOR REDEVELOPMENT AREA

Residential Mixed-Use District

Plaza Level: Build to Lines and Allowable Heights

June 2010

MAP NO. 12



LIBERTY HARBOR REDEVELOPMENT AREA

Residential Mixed-Use District

Plaza Level: Stepback Regulations

June 2010

MAP NO. 13

THE RESIDENCES AT LIBERTY NATIONAL

	Villas	Building A	Building B (2)	Building C	Building D	Building E	Building F	Building G	TOTAL
Gross Square Footage Built to Maximums:									
Maximum Allowable Plaza Level Baseplate (*1)	109,880 GSF	11,736 GSF	0 GSF	10,547 GSF	16,750 GSF	19,251 GSF	10,411 GSF	16,113 GSF	11,736 GSF
Building Layout:									
Number of Buildings	8	1	0	1	1	1	1	1	
Maximum Retail Floors Per Building	1.0	3.0	0.0	2.0	1.0	1.0	1.0	1.0	
Minimum Retail Floors Per Building	0.0	2.0	0.0	1.0	1.0	1.0	1.0	1.0	
Maximum Residential Floors Per Building	8.0	24.0	0.0	32.0	47.0	56.0	14.0	36.0	
Minimum Residential Floors Per Building	4.0	16.0	0 GSF	20.0	35.0	44.0	8.0	24.0	
Max. Floors Per Building (From Plaza Up / Excl.Garage)		27.0	0.0	34.0	48.0	57.0	15.0	37.0	
Min. Floors Per Building (From Plaza Up / Excl.Garage)		18.0	0.0	21.0	36.0	45.0	9.0	25.0	
Maximum Allowable Residential Units									2,015 units
Maximum Allowable Residential GSF									2,320,000 GSF
Maximum Allowable Retail / Commercial GSF									97,000 GSF

Garage Project Notes:	VILLAS	PARKING DECK
Tandem Parking Spaces		521
Regular Parking Spaces	76 spaces	1,779
Maximum Allowable Parking Spaces		2,300
Existing - Garage & Infrastructure GSF		78,345 GSF
Proposed - Garage & Infrastructure GSF		875841 GSF
Project Totals - Garage & Infrastructure GSF		954186 GSF

(*1) Except for villas
(*2) Building eliminated to enhance views

LIBERTY HARBOR REDEVELOPMENT AREA
Residential Mixed-Use District
Capacity Table

June 2010
TABLE NO. 1

City Clerk File No. Ord. 11-005

Agenda No. 3.E 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-005

TITLE: **ORDINANCE AUTHORIZING 1) THE SALE OF CERTAIN UNIMPROVED PROPERTY KNOWN AS BLOCK 1600, LOT F, BLOCK 1627, LOTS 7 AND 8, AND BLOCK 1623, LOT S.1, TO JC BROADWAY, LLC; AND 2) AN AMENDMENT TO THE GRANT AGREEMENT WITH THE PORT AUTHORITY OF NEW YORK/NEW JERSEY TO FUND THE PJP/SIEGEL ACQUISITION**

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

WHEREAS, pursuant to Resolution 09-290, the City executed a Memorandum of Agreement [MOA] with the Port Authority of New York & New Jersey [Port Authority], on April 24, 2009; and

WHEREAS, pursuant to the MOA, the City received a $4,000,000 grant from the Port Authority to acquire certain property located along Routes 1 & 9, including Block 1600, Lot F, Block 1627, Lots 7 & 8, and Block 1623, Lot S.1, more commonly known as the PJP Siegal Landfill; and

WHEREAS, pursuant to the MOA, the City must notify the Port Authority and receive its written consent in order to use the property for any use other than open space; and

WHEREAS, JC Broadway, LLC [JCB] owns certain real property contiguous to Block 1600, Lot F, Block 1627, Lots 7 & 8, and Block 1623, Lot S.1 which it uses for the operation of a warehousing business; and

WHEREAS, JCB needs an ingress/access easement across 10,000 square feet of Block 1600, Lot F, Block 1627, Lots 7 & 8, and Block 1623, Lot S.1 [Easement Property] in order to maintain its business, which Easement Property is depicted on the map attached hereto as Exhibit A; and

WHEREAS, pursuant to NJSA 40A:12-13(a)(5), the Local Lands and Buildings Law, the City is authorized to sell its property to an owner of the real property contiguous to the City owned property; provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; and

WHEREAS, any such sale cannot be for less than fair market value of the property ; and

WHEREAS, the City owned Easement Property is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon, within the meaning of NJSA. 40A:12-13(a)(5); and

WHEREAS, the City is willing to convey the Easement Property to JCB upon payment of the sum of $120,000, an amount that exceeds its fair market value, based upon the appraisal report on file in the Office of the City Clerk, subject to certain terms and conditions; and

ORDINANCE AUTHORIZING 1) THE SALE OF CERTAIN UNIMPROVED PROPERTY KNOWN AS BLOCK 1600, LOT F, BLOCK 1627, LOTS 7 AND 8, AND BLOCK 1623, LOT S.1, TO JC BROADWAY, LLC; AND 2) AN AMENDMENT TO THE GRANT AGREEMENT WITH THE PORT AUTHORITY OF NEW YORK/NEW JERSEY TO FUND THE PJP/SIEGEL ACQUISITION

WHEREAS, the Port Authority has been notified of the proposed sale of the Easement Property and has approved the conveyance on the condition that it is reimbursed the sum of $29,200 plus interest of $4.19 a day commencing January 1, 2011, through the date of closing, representing that portion of the $4,000,000 grant used by the City to purchase the Easement Property; and

WHEREAS, JCB, LLC has agreed to pay the City the sum of $120,000 for the Easement Property, reimburse the City for any costs incurred in connection with the sale of the Easement Property including the $29,200, plus interest, needed to obtain the Port Authority's approval; and assume certain monitoring and environmental risks incurred in connection with JCB's future use of the Easement Property.

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

1. The conveyance of a deed of easement across property located in Block 1600, Lot F, Block 1627, Lots 7 & 8 and Block 1623, Lot S.1 , consisting of approximately 10,000 square feet and depicted on the map attached hereto as Exhibit A, [Easement Property] to the JC Broadway, LLC [JCB] , pursuant to NJSA. 40A:12-13(a)(5)), is hereby approved.

2. On or before closing, JCB shall pay the City the sum of $120,000 and agree in writing to reimburse the City for any costs incurred in connection with the sale of the Easement Property including the $29,200, plus interest, needed to obtain the approval of the Port Authority of New York/New Jersey; as well as assume certain monitoring and environmental risks incurred in connection with JCB's use of the Easement Property.

3. The City shall reimburse the Port Authority of New York/New Jersey and amended the grant agreement to remove the Easement Property to be conveyed to JCB, LLC and reduce the grant amount, by refunding the Port Authority in the amount of $29,200 plus interest of $4.19 per day, commencing January 1, 2011 through the date of closing with JCB.

4. The Mayor is authorized to execute a Deed of Easement in substantially the form attached here, subject to including the addition of a term for JCB to provide security to insure their obligations thereunder, such modification as the business Administrator or Corporation Counsel deems appropriate or necessary.

5. The Mayor or Business Administrator is hereby authorized to execute any other agreement, or document necessary or appropriate to effectuate the purposes of the within Ordinance.

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

B. This ordinance shall be 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, but not before the Corporation Counsel certifies that the agreement authorized by separate Resolution has been fully executed.

D. The City Clerk and Corporation Counsel be and they are hereby authorized and directed to

ORDINANCE AUTHORIZING 1) THE SALE OF CERTAIN UNIMPROVED PROPERTY KNOWN AS BLOCK 1600, LOT F, BLOCK 1627, LOTS 7 AND 8, AND BLOCK 1623, LOT S.1, TO JC BROADWAY, LLC; AND 2) AN AMENDMENT TO THE GRANT AGREEMENT WITH THE PORT AUTHORITY OF NEW YORK/NEW JERSEY TO FUND THE PJP/SIEGEL ACQUISITION

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 **bold face** and repealed matter by *italic*.

AV
1/3/10

APPROVED AS TO LEGAL FORM

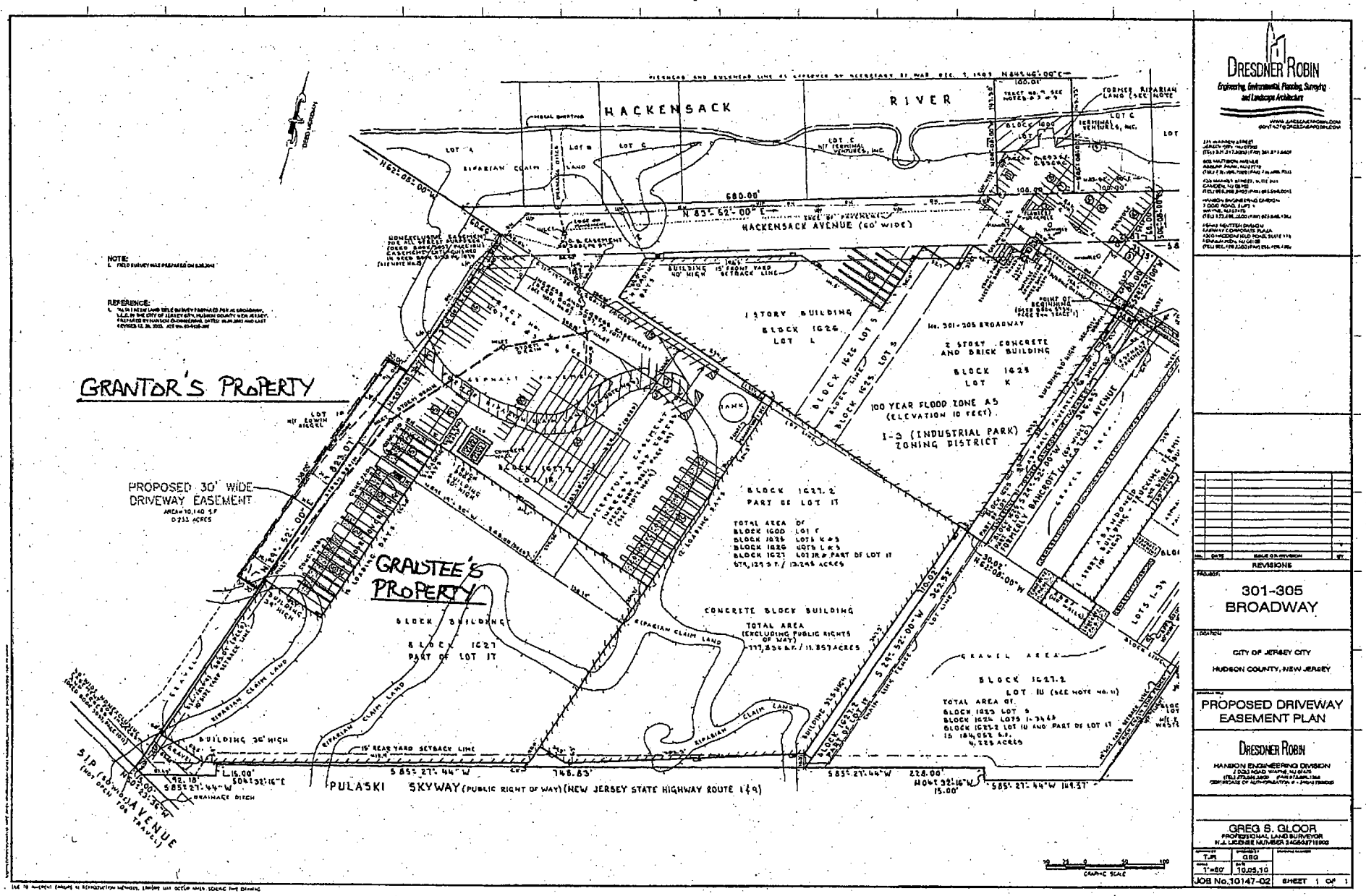
Corporation Counsel

APPROVED: _____

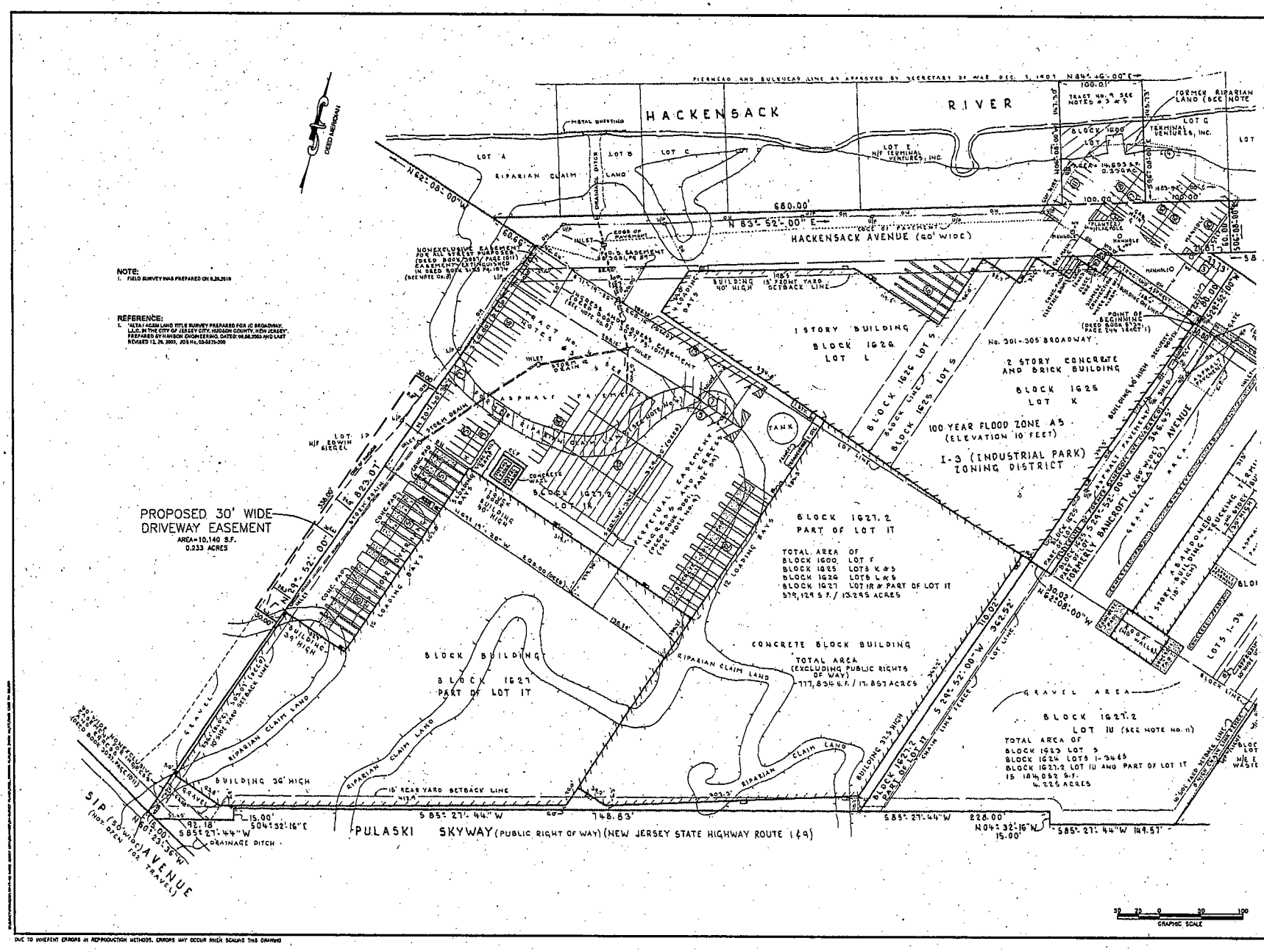
APPROVED: _____
Business Administrator

Certification Required ☐
Not Required ☐

EXHIBIT A



HACKENSACK RIVER
HACKENSACK AVENUE (60' WIDE)
680.00'
N 83°-62'-00" E
GRANTOR'S PROPERTY
GRANTEE'S PROPERTY
PROPOSED 30' WIDE DRIVEWAY EASEMENT
1 STORY BUILDING
BLOCK 1626
LOT L
2 STORY CONCRETE AND BRICK BUILDING
BLOCK 1625
LOT K
100 YEAR FLOOD ZONE A5 (ELEVATION 10 FEET)
I-3 (INDUSTRIAL PARK) ZONING DISTRICT
BLOCK 1627.2
PART OF LOT 17
CONCRETE BLOCK BUILDING
TOTAL AREA (EXCLUDING PUBLIC RIGHTS OF WAY)
BLOCK BUILDING
BLOCK 1627
PART OF LOT 17
GRAVEL AREA
BLOCK 1627.2
LOT 10
PULASKI SKYWAY (PUBLIC RIGHT OF WAY) (NEW JERSEY STATE HIGHWAY ROUTE 1&9)
S 85°-27'-44" W
748.83'
228.00'
S 29°-52'-00" W
N 62°-08'-00" W
DRAINAGE DITCH
SIP AVENUE
DRESDNER ROBIN
Engineering, Environmental, Planning, Surveying and Landscape Architecture
REVISIONS
301-305 BROADWAY
CITY OF JERSEY CITY
HUDSON COUNTY, NEW JERSEY
PROPOSED DRIVEWAY EASEMENT PLAN
DRESDNER ROBIN
HANSON ENGINEERING DIVISION
GREG S. GLOOR
PROFESSIONAL LAND SURVEYOR
N.J. LICENSE NUMBER 24GS03715900
1"=50'
10.05.10
JOB No. 10147-02
SHEET 1 OF 1



NOTE:
1. FIELD SURVEY WAS PREPARED ON 9.29.2010

REFERENCE:
1. "ALTA / ACSM LAND TITLE SURVEY PREPARED FOR JC BROADWAY, L.L.C. IN THE CITY OF JERSEY CITY, HUDSON COUNTY, NEW JERSEY" PREPARED BY HANSON ENGINEERING, DATED: 06.08.2003 AND LAST REVISED 12.29.2003, JOB No. 03-5375-200

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

DRESDNER ROBIN
Engineering, Environmental, Planning, Surveying and Landscape Architecture
WWW.DRESDNERROBIN.COM
CONTACT@DRESDNERROBIN.COM

371 WARREN STREET
JERSEY CITY, NJ 07302
(TEL) 201.217.0200 (FAX) 201.217.0607

600 MATTISON AVENUE
ASBURY PARK, NJ 07712
(TEL) 732.996.7020 (FAX) 732.996.7032

433 MARKET STREET, SUITE 203
CAMDEN, NJ 08102
(TEL) 856.966.2400 (FAX) 856.966.0016

HANSON ENGINEERING DIVISION
7 DOIG ROAD, SUITE 1
WAYNE, NJ 07470
(TEL) 973.696.2600 (FAX) 973.696.1302

PEPKS PRINTER DIVISION
FAIRWAY CORPORATE PLAZA
4300 HADDONFIELD ROAD, SUITE 115
PENNSAUKEN, NJ 08108
(TEL) 856.486.6200 (FAX) 856.486.4302

No.	DATE	ISSUE OR REVISION	BY

REVISIONS

PROJECT:
301-305 BROADWAY

LOCATION:
CITY OF JERSEY CITY
HUDSON COUNTY, NEW JERSEY

DRAWING TITLE:
PROPOSED DRIVEWAY EASEMENT PLAN

DRESDNER ROBIN
HANSON ENGINEERING DIVISION
7 DOIG ROAD, WAYNE, NJ 07470
(TEL) 973.696.2600 (FAX) 973.696.1302
CERTIFICATE OF AUTHORIZATION # 24GA27226000

GREG S. GLOOR
PROFESSIONAL LAND SURVEYOR
N.J. LICENSE NUMBER 24GS03718900

DRAWN BY	CHECKED BY	DRAWING NUMBER
TJR	GSG	
SCALE 1"=50'	DATE 10.05.10	

JOB No. 10147-02 SHEET 1 OF 1

DEED OF EASEMENT

Prepared by:
_____
Allen J. Magrini, Esq.

This Deed of Easement made as of the ___ day of January 2011, between the City of Jersey City, with offices at 280 Grove Street, Jersey City, New Jersey 07302 ("Grantor") and JC Broadway, L.L.C., with offices at 400 Plaza Drive, Secaucus, New Jersey 07094 ("Grantee"). (Collectively the "Parties").

WITNESSETH

1. **Conveyance of Easement.** Grantor, in consideration of the sum of One Hundred and Twenty Thousand Dollars ($120,000.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant, convey and confirm to Grantee a permanent, easement, in, over, across and under a portion of the property of Grantor located in the City of Jersey City, County of Hudson, State of New Jersey, presently designated as Blocks 1600, Lot F, Block 1627, Lots 7 and 8, and Block 1623, Lot S.1, on the Tax Map of the City of Jersey City, which property is labeled as Grantor's Property on Exhibit A, and more particularly described in Exhibit A ("Grantor's Property"). The easement herein granted is limited to the area shown and labeled as "Easement Area" on Exhibit A and more particularly described in Exhibit B ("Easement Area").

2. **Purpose of Easement.** Grantor hereby grants to Grantee the right to enter upon the Easement Area with personnel, machinery and equipment to construct, inspect, maintain, repair, reconstruct, alter, remove and replace a paved vehicular/truck access area ("Access

Area") and to utilize such Access Area for the sole purpose of providing vehicular/truck access to service the existing loading area on Grantee's Property in the City of Jersey City, County of Hudson, State of New Jersey, designated as Blocks 1600, Lot F, Block 1627, Lots 7 and 8, and Block 1623, Lot S.1, on the Tax Map of the City of Jersey City, which property is labeled as Grantee's Property on Exhibit A.

3. **Term.** The easement herein granted shall commence as of the date of this Deed of Easement and shall continue for so long as the building located on Grantee's Property shall exist.

4. **Rights of Grantor.** Grantor shall have the right to fully use and improve Grantor's Property and the Easement Area to the extent such use and improvements are not inconsistent with the terms of the easement herein created and provided all plans are submitted to the City at least 30 days before any work is commenced and approved in writing by the City.

5. **General Covenants.**

(a) Grantee shall use due care in exercising its rights hereunder;

(b) Subject to the rights of Grantor set forth in Paragraph 4, Grantee shall only use and enter upon the Easement Area in a manner that will not interfere with or disrupt Grantor's and its tenant's use and operation of Grantor's Property;

(c) All costs of construction, inspection, maintenance, use, and repair shall be borne by Grantee;

(d) Insurance- Grantee shall maintain the following insurance: (a) commercial general liability insurance in respect of Grantee, its employees, agents, contractors and/or subcontractors' use of and entry upon the Premises and the conduct of its business, having not less than a $2,000,000.00 combined single limit per occurrence for bodily injury or death to any

one person and for bodily injury or death to any number of persons in any one occurrence, and for property damage, (b) comprehensive automobile, truck, and vehicle liability insurance covering all owned, hired and non-owned vehicles used by the Grantee, its employees, agents contractor(s) and/or subcontractors in connection with their work and any loading of such vehicles in the amount of $1,000,000.00 and (c) worker's compensation, employers liability and occupational disease insurance as required by statutes, but in any event not less than $500,000.00 for Coverage B, covering all damages and injuries arising from each accident or occupational disease.

(e) Grantee, upon execution of the Agreement by Grantee, shall deliver to Grantor certificates for such fully paid-for policies. Grantee shall procure and pay for renewals of such insurance from time to time before the expiration thereof, and Grantee shall deliver to Grantor any additional insured(s) certificates thereof at least thirty (30) days prior written notice of such cancellation.

The issuance limit may from time to time be increased in accordance with then commercially reasonable amounts and limits.

(f) Grantee shall indemnify and save harmless Grantor from and against any and all claims or demands for or in connection with any occurrence, accident, injury to person(s) or property, damage or dispute arising out of Grantee's exercise of its rights hereunder, and from and against any and all costs, expenses relating thereto, including but not limited to reasonable attorney's fees. Each party shall give prompt notice to the other of any claims or demands;

(g) Upon completion of any work or activity as provided for herein, the disturbed area shall be restored and all improvements replaced, at Grantee's sole cost and expense; and

(h) Maintenance of CAP. Grantor's Property is a closed and capped landfill. As

such, it is mandatory that the cap on the landfill be maintained and inspected on a regularly scheduled basis. With regard to the easement area, the cap is to be a paved surface as approved to comply with the cap requirements of the NJ DEP for which Grantee shall be solely responsible for the construction, operation and continuing maintenance therefore. If at any time during the required inspections and certification process regarding the integrity or performance of the cap, it is determined by the parties that the pavement in the easement area requires repairs, it shall be the responsibility of the Grantee to perform all required work at its sole cost and expense within the time frames mandated in order to assure compliance with the landfill closure approvals and requirements.

(i) Full Assurance. The Parties shall provide such further assurances and confirmations as may be necessary to carry out the terms and purpose of this Agreement.

(j) Security. Grantee shall post and maintain a bond, Letter of Credit, or other form of security satisfactory to the Grantor, to insure Grantee's performance hereunder in favor of the Grantor.

(k) Should Grantee breach any term or condition hereunder after a written notice from the City concerning the breach and a 30 day opportunity to cure, then the easement shall terminate and any easement interest therein, revert to the Grantor.

(l.) Assignment. This Deed of Easement and the Easement herein created may be assigned by Grantee in the event Grantee's Property is sold. Grantee shall provide Grantor with the name and address of purchaser.

6. **Notices**. Any and all notices, requests, demands or other communications hereunder shall be deemed to have been duly given if in writing and if transmitted by hand delivery with receipt therefor, by facsimile delivery (with confirmation by hard copy), by

overnight courier, or by registered or certified mail, return receipt requested, first class postage prepaid to the address set forth above (or to such new address as the addressee of such a communication may have notified the sender thereof) (notices shall be deemed delivered and effective upon actual receipt as evidenced by written receipt or third party documentation, such as express delivery or facsimile confirmation).

7. **Governing Law**. This Agreement shall be governed by and construed in accordance with the internal, substantive laws of the State of New Jersey, without regard to the conflict of laws principles thereof.

8. **Modification.** This Agreement may not be amended or modified, nor may any obligation hereunder be waived orally, and no such amendment or modification shall be effective for any purposes unless it is in writing, signed by the party against whom enforcement thereof is sought.

9. **Headings**. The captions and headings herein are for convenience and reference only and in no way define or limit the scope or content of this Agreement or in any way affect its provisions.

10. **Binding Nature of Grant**. The easement and the rights and obligations herein created shall run with the land and shall inure to the benefit of and be binding upon the Grantor and Grantee, and their successors, heirs, transferees and assigns. However, the Grantee may not sell, transfer or assign the easement without the prior written consent of the Grantor, which shall not unreasonably be withheld.

IN WITNESS WHEREOF, Grantor sets its hand and seal as of the date first written above.

Attest: City of Jersey City

_____ By: _____

JC Broadway, L.L.C.

By: Hartz Mountain Industries, Inc.

_____ By: _____
Irwin A. Horowitz
Executive Vice President

STATE OF NEW JERSEY
COUNTY OF HUDSON SS:

I CERTIFY that on January ___, 2011, _____ personally came before me and acknowledged under oath, to my satisfaction, that:

(a) this person was the subscribing witness to the signing of the attached deed;

(b) this deed was signed by Irwin A Horowitz, who is the Executive Vice President of Hartz Mountain Industries, Inc., managing member of JC Broadway, L.L.C., the entity named in this deed and was fully authorized to and did execute this deed on its behalf;

(c) this deed was made for $120,000.00 as the full and actual consideration paid or to be paid for the transfer of title (such consideration is defined in N.J.S.A. 46:15-5); and

(d) the subscribing witness signed this proof under oath to attest to the truth of these facts.

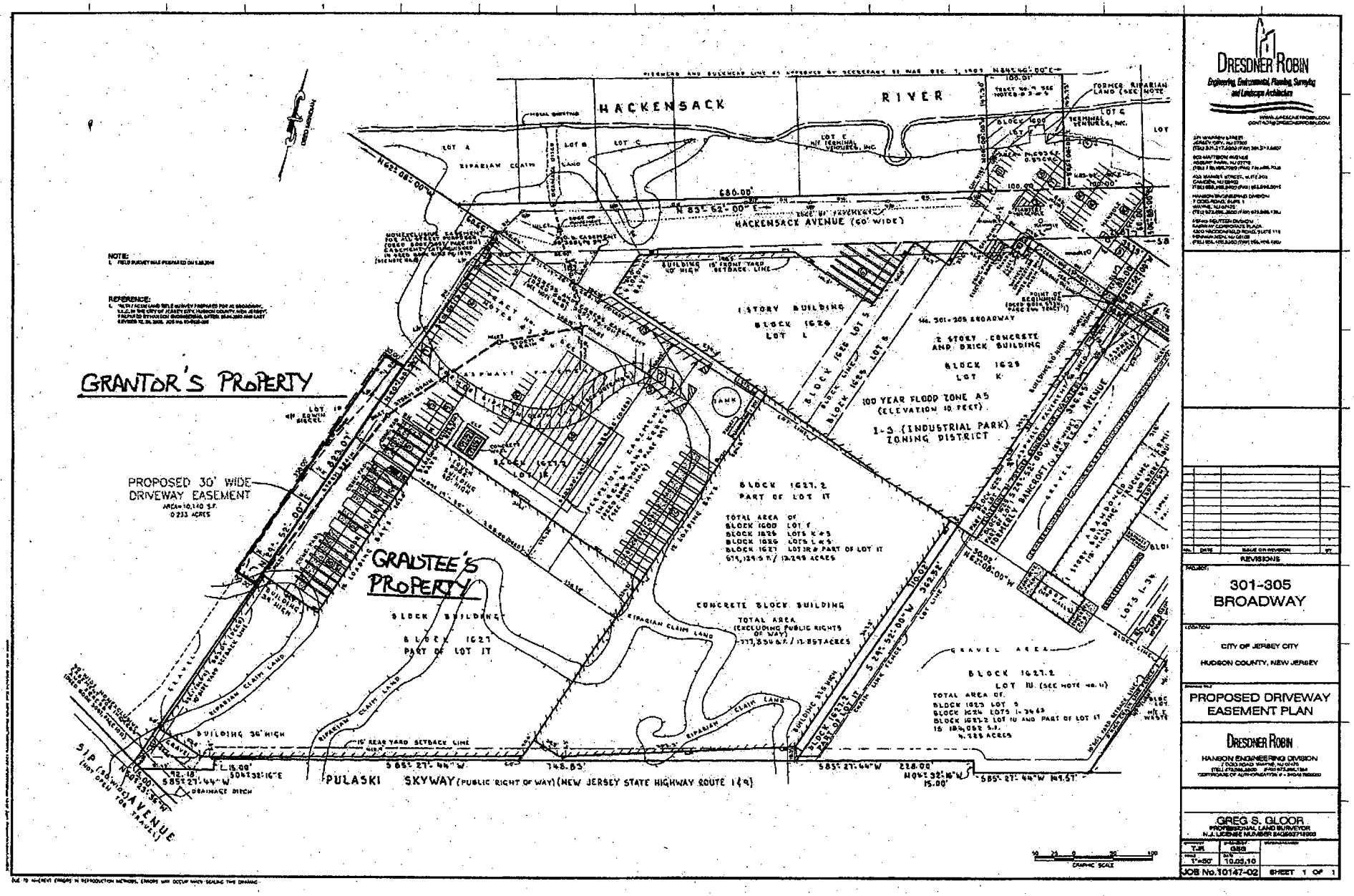
Signed and sworn to before me on
January ____, 2011.

_____

_____

DEED OF EASEMENT	Dated: January ___, 2011
	Record and return to:
City of Jersey City To JC Broadway, L.L.C.	Allen J. Magrini Hartz Mountain Industries, Inc. 400 Plaza Drive Secaucus, New Jersey 07094

EXHIBIT A



DRESDNER ROBIN
Engineering, Environmental, Planning, Surveying and Landscape Architecture

NO.	DATE	ISSUE OR REVISION	BY
		REVISIONS	

PROJECT
301-305 BROADWAY

LOCATION
CITY OF JERSEY CITY
HUDSON COUNTY, NEW JERSEY

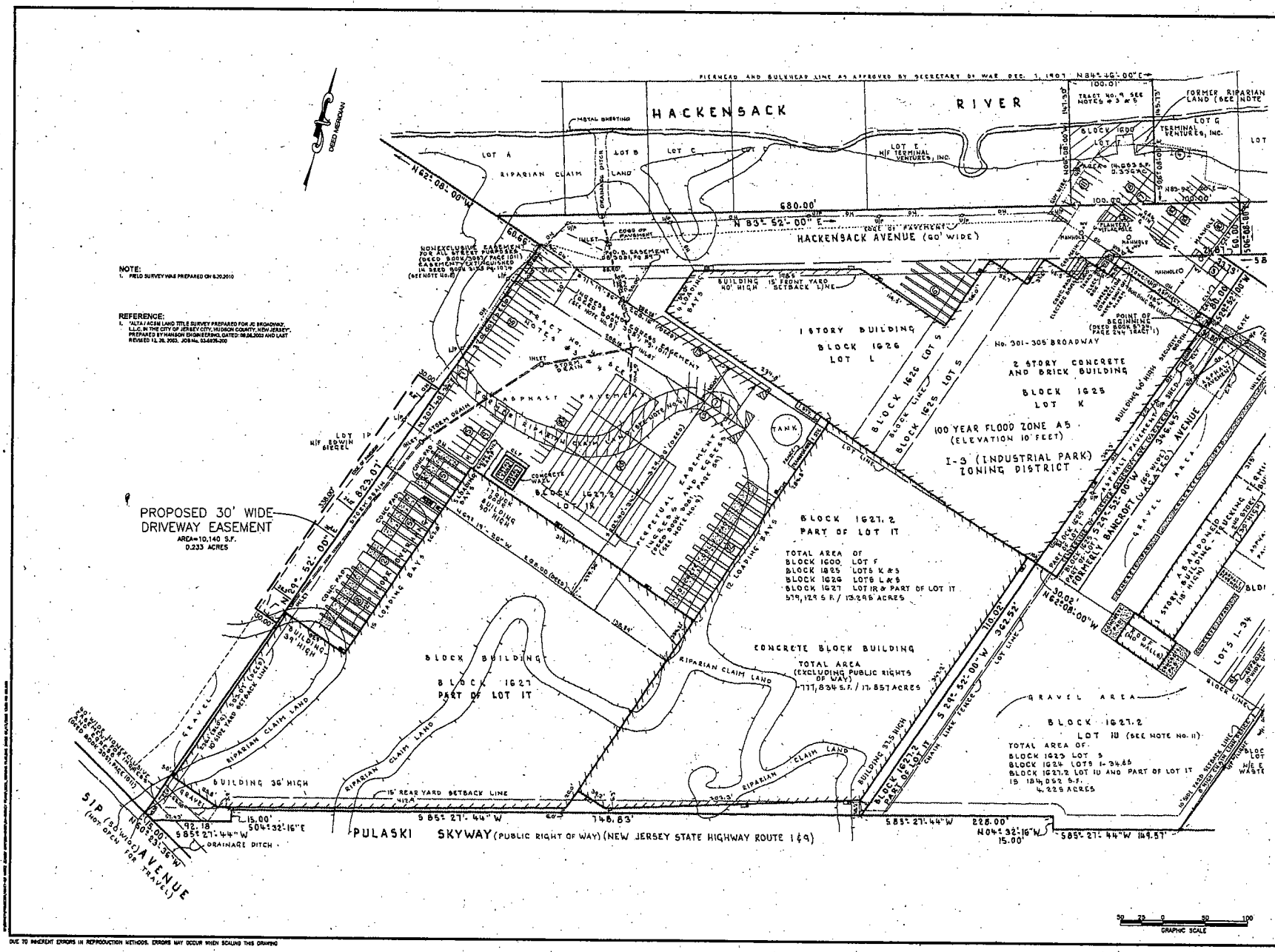
DRAWING TITLE
PROPOSED DRIVEWAY EASEMENT PLAN

DRESDNER ROBIN
HANSON ENGINEERING DIVISION
7 DOD ROAD WAYNE, NJ 07470
(973) 278-8600 (FAX) 973.696.1394
CERTIFICATE OF AUTHORIZATION # - 24GA28000300

GREG S. GLOOR
PROFESSIONAL LAND SURVEYOR
N.J. LICENSE NUMBER 24GS03718900

DRAWN BY	PROJECT	DATE
TJR	GSG	10.05.10
SCALE 1"=60'		

JOB No. 10147-02 SHEET 1 OF 1



NOTE:
1. FIELD SURVEY WAS PREPARED ON 6.20.2010

REFERENCE:
1. "ALTA / ACSM LAND TITLE SURVEY PREPARED FOR JC BROADWAY, L.L.C. IN THE CITY OF JERSEY CITY, HUDSON COUNTY, NEW JERSEY. PREPARED BY HANSON ENGINEERING, DATED: 08.26.2003 AND LAST REVISED 12.28.2005. JOB No. 03-6576-200

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

DRESDNER ROBIN
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WAYNE, NJ 07470
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PERKS PRUITER DIVISION
FAIRWAY CORPORATE PLAZA
4300 HADDONFIELD ROAD, SUITE 115
PENNSAUKEN, NJ 08109
(TEL) 856.488.8200 (FAX) 856.488.4302

No.	DATE	ISSUE OR REVISION	BY

REVISIONS

PROJECT:
301-305 BROADWAY

LOCATION:
CITY OF JERSEY CITY
HUDSON COUNTY, NEW JERSEY

DRAWING TITLE
PROPOSED DRIVEWAY EASEMENT PLAN

DRESDNER ROBIN
HANSON ENGINEERING DIVISION
7 DOIG ROAD WAYNE, NJ 07470
(TEL) 973.696.2600 (FAX) 973.696.1362
CERTIFICATE OF AUTHORIZATION # - 24GA27929000

GREG S. GLOOR
PROFESSIONAL LAND SURVEYOR
N.J. LICENSE NUMBER 24GS03718900

DRAWN BY	CHECKED BY	DRAWING NUMBER
TJR	GSG	
SCALE 1"=50'	DATE 10.05.10	

JOB No. 10147-02 SHEET 1 OF 1

EXHIBIT B

METES AND BOUNDS

(TO BE PROVIDED)

PROPOSED 30' DRIVEWAY EASEMENT

ON BLOCK 1627 LOT 1P
SERVING BLOCK 1627 LOT 1T

Beginning at a point in the northeasterly sideline of Block 1627, Lot 1P, said point lying the following courses and distances from the termination of the northerly sideline of Hackensack Avenue, 60.00 feet wide, and Block 1627 lot 1P:

- South 62 degrees 08 minutes 00 seconds East 60.66 feet along the northeasterly sideline of said Lot 1P to the common corner of said Lot 1P and Block 1627 Lot 1T ; thence
- South 29 degrees 52 minutes 00 seconds West 209.30 feet along the southeasterly sideline of Block 1627 Lot 1P: thence running –

1. Continuing along the southeasterly sideline of Block 1627 Lot 1P, South 29 degrees 52 minutes 00 seconds West 338.00 feet to a point thence:
2. North 60 degrees 08 minutes 00 seconds West 30.00 feet into Block 1627 Lot 1P to a point: thence
3. North 29 degrees 52 minutes 00 seconds East 338.00 feet through said Lot 1P to a point; thence
4. South 60 degrees 08 minutes 00 seconds East 30.00 feet to the point and place of BEGINNING.

Containing 10140.0 square feet, more or less.

Greg S. Gloor,
N.J. Licensed Land Surveyor No. 37189

DRESDNER ROBIN
Engineering • Environmental • Planning • Surveying • Landscape Architecture

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Asbury Park, NJ 07712
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FAX: 732-988-7032

Pennsauken Office
Perks Ruetter Division
Fairway Corporate Center
4300 Haddonfield Road, Suite 115
Pennsauken, NJ 08109
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FAX: 856-488-4302

Wayne Office
Hanson Engineering Division
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FAX: 973-696-1362

www.dresdnerrobin.com

VALUE RESEARCH GROUP, LLC
REAL ESTATE ANALYSTS AND CONSULTANTS

December 12, 2008

William Matsikoudis, Corporation Counsel
City of Jersey City
Law Department
280 Grove Street
Jersey City, NJ 07302

Re: Siegel Property
Sip Avenue & Routes 1 & 9
Jersey City, New Jersey

Dear Mr. Matsikoudis:

The City of Jersey City has authorized Value Research Group, LLC to appraise a 32.52-acre tract of land owned by Edwin L. Siegel and a related entity, Edlin, Ltd. The City intends to use the appraisal in connection with a proposed property acquisition.

The subject property is a 32.52-acre tract of land located at the intersection of Sip Avenue and Truck Route 1 & 9. Existing operations on the site include a truck stop and fueling facility and a commercial building. These improvements occupy approximately two acres of land located along the site's Truck Route 1 & 9 frontage. The Sip Avenue ditch, a man-made drainage ditch that forms the subject property's southern boundary, runs west to the Hackensack River from a city storm sewer outlet at Truck Route 1 & 9. The Pulaski Skyway, an elevated highway, runs through the subject property from the northeast to southwest. The Skyway effectively divides the property into two discrete sections; 17.43-acres west of the Skyway and 15.09-acres of vacant land east of the Skyway

The site is part of a Superfund site known as the PJP Landfill. As such, the site was placed on the EPA's National Priority List in December 1982. The site is contaminated by a variety of toxic substances and much of the site is covered with landfill material. To gain a better understanding of the site's environmental and geotechnical conditions, I have reviewed an engineering study prepared by Golder Associates entitled *Pre-Final (90 Percent) Remedial Design Report – PJP Landfill Site, Jersey City, New Jersey.* The report, dated June 2004, was prepared for Waste Management of New Jersey. References to this study appear throughout the appraisal and the complete report is available for review upon request. Despite the presence of on-site contamination, the subject property has been valued as if fully remediated in accordance with current law.

www.valueresearch.com
301 SOUTH LIVINGSTON AVENUE • SUITE 104 • LIVINGSTON • NEW JERSEY • 07039 • 973-422-9800 • FAX 973-422-9797

The subject property is located in the Hackensack River Edge Redevelopment Area. On September 27, 2006, the City of Jersey City adopted a redevelopment plan for the designated area. Prior to its inclusion in a Redevelopment Area, most of the subject property was located in the I-Industrial, a district that permitted a broad range of industrial uses including manufacturing, assembly, warehousing, distribution, truck terminal, office and research uses. A smaller portion of the property was situated in the WPD Waterfront Planned Development District, where a variety of recreational, commercial and residential uses were permitted.

The requirements of the Redevelopment Plan are not applicable to this assignment, which requires the appraiser to factor out all appreciating and depreciating influences of the City's redevelopment project. Therefore, the subject property is appraised in accordance with the requirements of the I-Industrial and WPD districts. Given the existing site conditions, its location, physical characteristics and surrounding land uses, the highest and best use of the subject property is for industrial development consistent with the requirements of the I-Industrial District.

I have researched, identified and gathered, verified, and analyzed all of the data appearing within the attached appraisal report. Based on my findings and analysis, I have formed the opinion that the market value of the subject property's fee simple estate as of November 1, 2008 was:

2.00 acres of land along Route 1 & 9 and Existing Improvements:	$ 2,915,000
13.09-acres of land east of the Skyway:	$ 4,189,000
17.43-acres of land west of the Skyway:	$ 5,578,000
Total Market Value of the Subject Property	**$12,682,000**

Very truly yours,

VALUE RESEARCH GROUP, LLC.

Paul T. Beisser, CRE, MAI
State Certified General Real
Estate Appraiser (RG 00181)

File #4469

SUMMARY APPRAISAL REPORT
PORTION OF THE PJP LANDFILL SITE
TRUCK ROUTE 1 & 9 AND SIP AVENUE
BLOCK 1627, LOTS 1.P, 2.A, 3.B, 5.A
BLOCK 1639.A, LOTS 1.C, 3, 4, 4.C, 6.A, 7
JERSEY CITY, NEW JERSEY

PREPARED FOR

CITY OF JERSEY CITY

AS OF

NOVEMBER 1, 2008

Certification for Appraisal Assignments

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, impartial and unbiased professional analyses, opinions, conclusions and recommendations.
3. I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. The reported analyses, opinions and conclusions were developed, and this report has been prepared in conformity with the requirements of the Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice.
8. I have made a personal inspection of the property that is the subject of this report.
9. No one provided significant real property appraisal assistance to the persons signing this certification.
10. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
11. Paul T. Beisser is currently a State Certified General Real Estate Appraiser in the State of New Jersey.
12. As of the date of this appraisal, Paul T. Beisser has completed the requirements of the continuing education program of the Appraisal Institute.

Paul T. Beisser, MAI, CRE
State Certified General Real
Estate Appraiser (RG 00181)

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Appraisal Summary

Owner:	Edwin L. Siegel and a related entity, Edlin, Ltd.
Property Address:	400 Sip Avenue (Sip Avenue & Routes 1 & 9) Block 1627, Lots 1.P, 2.A, 3.B, 5.A Block 1639.A, Lots 1.C, 3, 4, 4.C, 6.A, 7 Jersey City, New Jersey
Lot Size:	32.52 acres (assessor's records)
Zoning:	The subject property is currently located within a redevelopment area established by the City of Jersey City on September 27, 2006. Prior to the designation, the subject property was located in the I-Industrial and WPD Waterfront Planned Development districts. Therefore, the subject property is valued under the terms and requirements of these prior zoning districts.
Property Description:	The subject site contains 32.52-acres of land accessible from the west side of Truck Route 1 & 9. Two acres fronting on Routes 1 & 9 are leased to outside tenants and improved with a truck stop/gas station and a commercial building. The Sip Avenue ditch, a man-made drainage ditch that forms the subject property's southern boundary, runs west to the Hackensack River from a city storm sewer outlet at Truck Route 1 & 9. The elevated Pulaski Skyway runs over the western portion of the property dividing the site into two discreet sections. Finally, the entire site is part of an active superfund site known as the PJP Landfill.
Date of Valuation:	November 1, 2008
Highest & Best Use:	Warehouse development consistent with the requirements of Linden Zoning Ordinance.
Market Value Indication:	$12,682,000

The Appraisal Process

The appraisal process is a systematic procedure used to answer questions about real property value. The process involves a series of steps that, when completed, lead to a well-supported and persuasive opinion of a property's value.

The first step in the valuation process is the ***definition of the appraisal problem***, which includes identification of the real estate and property rights to be valued, specification of the use of the appraisal, definition of the value sought, specification of the date of the value estimate, description of the scope of the appraisal, and identification of other limiting conditions.

Next, a ***preliminary analysis*** is performed to determine the character and scope of the assignment and the amount of work that will be required to gather the necessary data.

During the ***selection and collection of data*** phase of the appraisal process, the appraiser gathers general data on the value influences and trends; specific data pertaining to the subject property's financing, cost, income and expenses, and legal, physical, and locational features; and competitive supply and demand data that describe the position of the subject property in its future market.

After all of the pertinent data has been collected, a ***highest and best use analysis*** is performed. That is, the use that will embody the most profitable use of the subject site, as if vacant, is identified and then compared to the site as currently improved. By comparing the highest and best use of the site as if vacant with the property as improved, important observations can be made regarding the property's level of physical, functional, and economic obsolescence.

Once all the factual data has been reported and analyzed, and the property's highest and best use has been determined, value estimates for the subject property are possible. First, a ***land value estimate*** is made to identify the site's contribution to the total property value. Next, the three approaches to value, namely, the ***cost approach***, the ***sales comparison approach***, and the ***income capitalization approach*** are used to provide independent indications of the subject property's overall value. The value indications derived by the three approaches are then ***reconciled*** to provide a single value estimate for the subject property.

How the appraisal process is applied in this case is outlined in the next section under the heading *Scope of the Appraisal.*

Scope of the Appraisal

The City of Jersey City authorized Value Research Group, LLC to appraise property owned by Edwin L. Siegel and a related entity, Edlin, Ltd. and located at **400 Sip Avenue, Jersey City, New Jersey.** In making the appraisal, the following work was performed:

1. A personal inspection of the subject property was made.
2. The Jersey tax maps were examined.
3. Regional and municipal economic and development data was gathered and analyzed.
4. A review of an engineering study prepared by Golder Associates entitled *Pre-Final (90 Percent) Remedial Design Report – PJP Landfill Site, Jersey City, New Jersey.* The report, dated June 2004, was prepared for Waste Management of New Jersey.
5. A Cost Estimate report prepared by Donald E. Henry, Jr. AIA LEEDAP, Vice President Urbahn Architects was reviewed. The cost estimate addressed the cost differential for constructing pile foundations instead of standard spread footings for the Jersey City Municipal Services Complex.
6. Applicable zoning and assessment data was analyzed.
7. All three approaches to value were considered. The sales comparison approach was considered the most meaningful and reliable indicator of market value for the subject property.
8. Comparable sales were identified, analyzed and verified. The verification process included interviews with the sellers, buyers, agents, and/or any other person known to have participated in the transactions.
9. The comparable sales were adjusted for any differences with the subject significant enough to affect market value. The fee simple value of the subject site provides the basis for the easement value estimate.

General Data

Purpose and Date of the Appraisal

The purpose of this appraisal is to provide a market value estimate of a vacant lot owned by Edwin L. Siegel and a related entity, Edlin, Ltd. as of November 1, 2008. The subject property is identified on the Jersey City tax rolls as:

Truck Route 1 & 9 and Sip Avenue
Block 1627, Lots 1.P, 2.A, 3.B, 5.A
Block 1639.A, Lots 1.C, 3, 4, 4.C, 6.A, 7
Jersey City, New Jersey

Definition of Market Value

The most probable price which a property should bring in a competitive and open market under all conditions requisite to fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. buyer and seller are typically motivated;
2. both parties are well informed or well advised, and acting in what they consider their best interests;.
3. a reasonable time is allowed for exposure in the open market;
4. payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and
5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale. [1]

[1] Uniform Standards of Professional Appraisal Practice (USPAP). Washington, DC, The Appraisal Foundation, 2005

Function of the Appraisal

This appraisal is intended to assist the City of Jersey City in determining the just compensation due the property owner in connection with a proposed property acquisition. This document is a Summary Appraisal Report. As such, it has been prepared in accordance with all applicable report-writing requirements of the Uniform Standards of Professional Appraisal Practice (USPAP) of the Appraisal Foundation and the Standards of Professional Practice of the Appraisal Institute.

A Summary Appraisal Report is defined as a report that contains a summary of all information significant to the solution of the appraisal problem. The reader of a Summary Appraisal report should expect to find all significant data reported in tabular or abbreviated narrative formats. The essential difference between the self-contained Appraisal Report and the Summary Appraisal Report is the level of detail in the presentation. [2]

Property Rights Appraised

The right or interest in the property being appraised is a fee simple estate. A fee simple estate is defined as follows:

> Absolute ownership unencumbered by any other interest or estate subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.[3]

Date of the Property Inspection

A property inspection was arranged with Nathan Wolf, Esquire, an attorney representing the property owner in this matter. An inspection notification letter was sent to Mr. Wolf via certified and regular mail on November 15, 2007. Paul T. Beisser inspected the subject property on November 30, 2007. An exterior inspection was performed. All physical descriptions and observations reported in this appraisal are based, in part, on this property inspection.

---

[2] Uniform Standards of Professional Appraisal Practice (USPAP). Washington, DC, The Appraisal Foundation, 2005

[3] The Dictionary of Real Estate Appraisal, Fourth Edition. (Chicago, Illinois: Appraisal Institute, 2002)

Identification and Title

Edwin L. Siegel and a related entity, Edlin, Ltd. have owned the subject property for over five years. I am unaware of any recent transfers of property title.

History, Use and Occupancy

The site is part of a Superfund site known as the PJP Landfill. As such, the site was placed on the EPA's National Priority List in December 1982. The site is contaminated by a variety of toxic substances and much of the site is covered with landfill material. To gain a better understanding of the site's environmental and geotechnical conditions, I have reviewed an engineering study prepared by Golder Associates entitled *Pre-Final (90 Percent) Remedial Design Report – PJP Landfill Site, Jersey City, New Jersey.* The report, dated June 2004, was prepared for Waste Management of New Jersey. References to this study appear throughout the appraisal and the complete report is available for review upon request. Despite the presence of on-site contamination, the subject property has been valued as if fully remediated in accordance with current law.

Approximately two acres of the site fronting on Truck Route 1 & 9 are leased to outside tenants at a combined net annual rent of $204,000. The leased portion of the site is improved with truck stop and fueling facility and a commercial building. The remainder of the site is vacant. During my inspection, I observed several truck trailers and containers scattered across the site. According to Mr. Wolf, the containers are being removed as part of the remedial workplan.

Assessment and Tax Data

Jersey City assessed the subject property for the 2008 tax year as follows:

Block	Lot	Land	Improvements	Total
1627	1.P	$200,000	$0	$200,000
1627	2.A	50,000	0	50,000
1627	3.B	323,800	100,000	423,800
1627	5.A	76,200	0	76,200
1639.A	1.C	9,300	0	9,300
1639.A	2.A	50,000	0	50,000
1639.A	3	133,700	0	133,700
1639.A	7	5,000	0	5,000
Total		**$848,000**	**$100,000**	**$948,000**
2007 Chapter 123 Ratio:				26.12%
2007Equalized Value:				$3,629,403
2006 Tax Rate:				$5.549
2006 Taxes:				$52,605

Site Data and Analysis

Site Description

The subject property is located on the west side of U.S. Route 1 & 9 at the Sip Avenue intersection. The PJP Landfill is bounded by on the northwest by the Hackensack River, on the north by the Hartz Mountain Warehouse, on the northeast by a recycling facility and a warehouse on the southeast by Truck Route 1 & 9 and on the southwest by warehouses and truck operations. The subject property, which consist of the northernmost portion of the PJP Landfill site, contains 32.52 acres of land that is bisected by the Pulaski Skyway, an elevated highway that runs through the center of the site northeast to southwest. Due to the presence of the Pulaski Skyway and the configuration of the land, the site is effectively divided into two discrete sections; 17.43-acres situated west of the Skyway and 15.09-acres east of the Skyway fronting on Route 1 & 9.The site is comprised of 10 tax lots as follows:

Block	Lot	Acres
1627	1.P	12.15
1639.A	1.C	4.76
1639.A	7	0.52
Total West of Skyway		**17.43**
1627	2.A	2.95
1627	3.B	3.84
1627	5.A	2.87
1639.A	3	1.29
1639.A	4C	2.68
1639.A	6A	0.40
1639.A	4	1.06
Total East of Skyway		**15.09**
Grand Total		**32.52**

A truck stop and a commercial building covering approximately two acres are located on along Route 1 & 9, east of the Skyway. The balance of the subject site is a former material and automobile salvage yard. This portion of the site is enclosed by chain link fencing.

Site Data and Analysis (continued)

A man-made ditch with tidal influences, called the Sip Avenue Ditch, runs west from storm sewer outlets at Route 1 & 9, through the southern portion of the site to the Hackensack River. The Sip Avenue Ditch is a storm water discharge point for the PJP Landfill including the subject property. The 2,200 foot long ditch conveys storm water discharge from the subject site and from the Jersey City storm sewer located at Route 1 & 9. The embankments of the ditch are steep and heavily vegetated. The base of the ditch is filled with sentiment and debris. The ditch is reportedly functioning as intended.

As previously reported, the site is part of an 87-acre Superfund site known as the PJP Landfill. As such, the site was placed on the EPA's National Priority List in December 1982. The site is contaminated by a variety of toxic substances and much of the site is covered with landfill material. To gain a better understanding of the site's environmental and geotechnical conditions, I have reviewed an engineering study prepared by Golder Associates entitled Pre-Final (90 Percent) Remedial Design Report – PJP Landfill Site, Jersey City, New Jersey. The report, dated June 2004, was prepared for Waste Management of New Jersey. References to this study appear throughout the appraisal and the complete report is available for review upon request. Despite the presence of on-site contamination, the subject property has been valued as if fully remediated in accordance with current law.

Additional site details are summarized as follows:

Zoning Designation:	The subject property is currently located within a redevelopment area established by the City of Jersey City on September 27, 2006. Prior to the designation, the subject property was located in the I-Industrial and WPD Waterfront Planned Development districts. Therefore, the subject property is valued under the terms and requirements of these prior zoning districts.
Shape:	Irregular – effectively two discrete parcels divided by the elevated Pulaski Skyway.
Utilities:	Water and electric available on site, no sanitary sewer or gas on the site.
Ingress/egress:	Adequate access from curb cute in Route 1 & 9.

Site Data and Analysis (continued)

Flood Area Designation:	Low lying areas of the site are within the 100-year flood plain. FEMA maps show 100-year flood elevation at 10 feet MSL, with potential floodplains within the Sip Avenue Ditch and IRM perimeter ditch channels , and along Route 1 & 9,
Wetlands Impact:	Estuarine intertidal wetlands occur to the northwest of the site along the Hackensack River and at the mouth of the IRM perimeter storm ditch. These wetland areas should not impact upon the site's development potential.

Future Building Foundations

According to a report prepared by Malcolm Pirine, Inc. entitled "Summary of Remedial Action PJP Landfill Jersey City, New Jersey, dated May 2008, any future building will require pile foundations in order to be constructed on the landfill without experiencing differential settling due to fill consolidation. Malcolm Pirnie, Inc. estimates that piling work will consist of:

- A minimum of 60-ft piles (approximate depth to bedrock is reported to be 60-90 ft)
- Steel piles (H-section 12x74)
- Pile groups (4-6 piles per cap), 25ft on center
- Reinforced concrete pile caps

As a result of these soil conditions, Langan Engineering preformed a study aimed at identifying the cost associated with developing the subject site with modern warehouse buildings. The estimated additional development cost are itemized in the table on the next page.

Site Data and Analysis (continued)

PJP Landfill Redevelopment Estimate of Additional Redevelopment Costs	
Site Re-grading:	$ 780,000
Remove HDPE 40 mil cap and cover material:	383,040
Cap modifications for buildings:	1,000,000
Cap modification for parking lot:	621,000
Passive gas vents & trenches	99,000
Utilities, piped (explosion proof and settlement resistant	22,500
Utilities, electric (explosion proof)	1,875,000
Building pile foundations	3,500,000
Regulatory compliance & engineering (10% of construction cost):	828,054
Health & Safety for constructing on landfill (5% of construction cost):	455,430
Total:	**9,564,024**

The Malcolm Pirnie cost estimates are preliminary in nature. The data is presented here as background information relating to the subsurface conditions at the subject site. While the cost estimates require further investigation and support, the overall site findings indicate that the subject site's existing soils and subsurface conditions necessitate special engineering work and site preparation. This is an important factor when comparing the subject site with competing alternative development sites. The effect of the existing ground conditions and their impact on the subject site's market value is further discussed in the valuation section of this report.

Zoning

The purpose of this district is to acknowledge area where there is an existing concentration of industrial activity or where future industrial activity is planned. This district accommodates a broad range of industrial uses in appropriate locations with enhanced provisions for screening and buffering to protect nearby development. .

Principal Permitted Uses

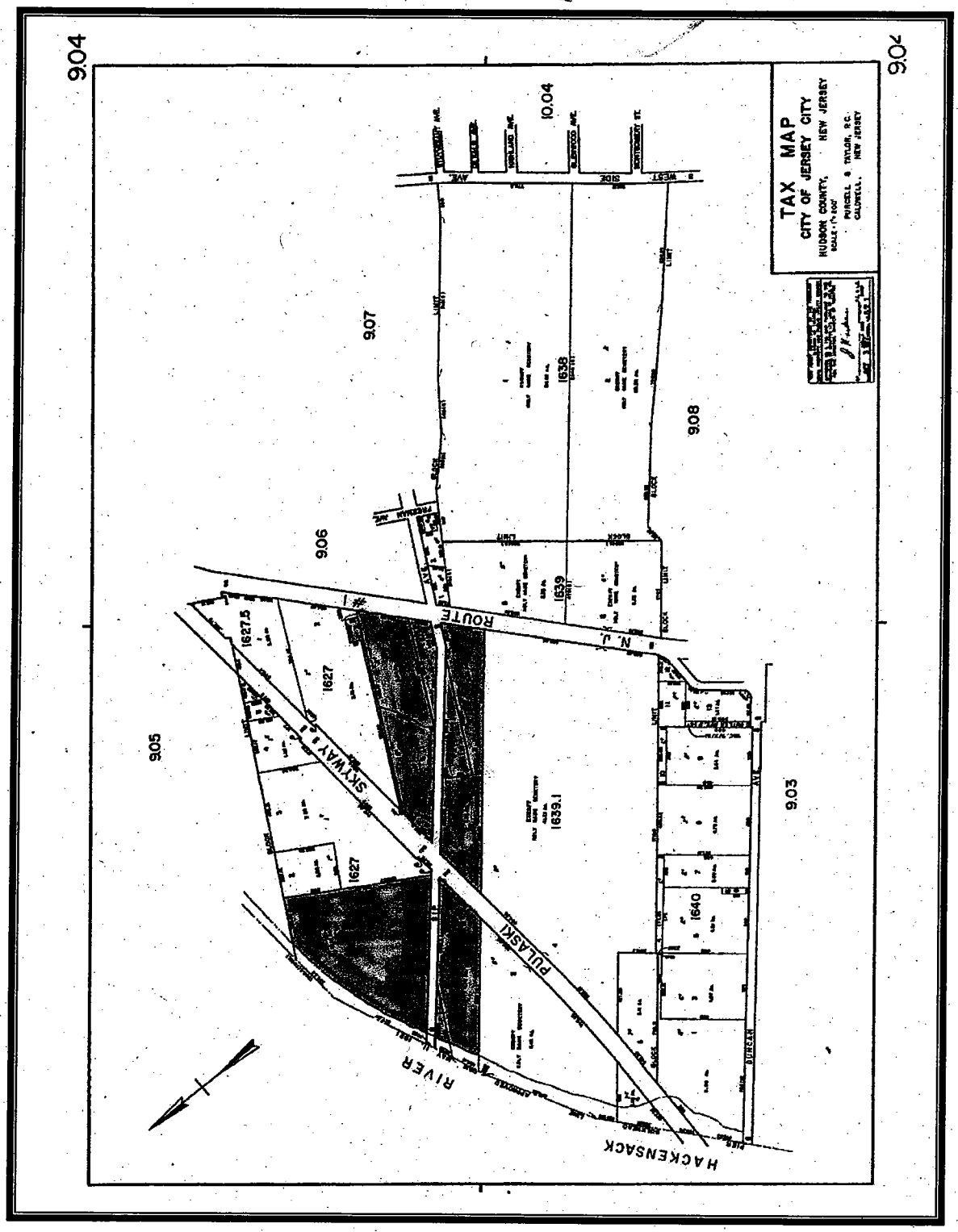
- Manufacturing
- Assembly and packaging
- Warehouses and distribution centers
- Printing
- Cyber Hotels
- Offices
- Service stations
- Car washes, all categories
- Industrial parks

Accessory Uses

- Off-street parking and loading
- Fences and walls
- Signs
- Guardhouses and employee cafeterias
- On site service and maintenance operations for equipment and operations conducted on site.
- Garages for parking and storage of vehicles.

Statement on Conformance

Most of the subject property is located in the I-Industrial District and it is likely that the I-Zone regulations will control site development. The subject property conforms to all the use, area and bulk requirements of the I-Industrial District. The existing site uses are conforming.


TAX MAP
CITY OF JERSEY CITY
HUDSON COUNTY, NEW JERSEY
9.04
9.04
10.04
9.07
9.08
9.06
9.05
9.03
1638
1639
1639.1
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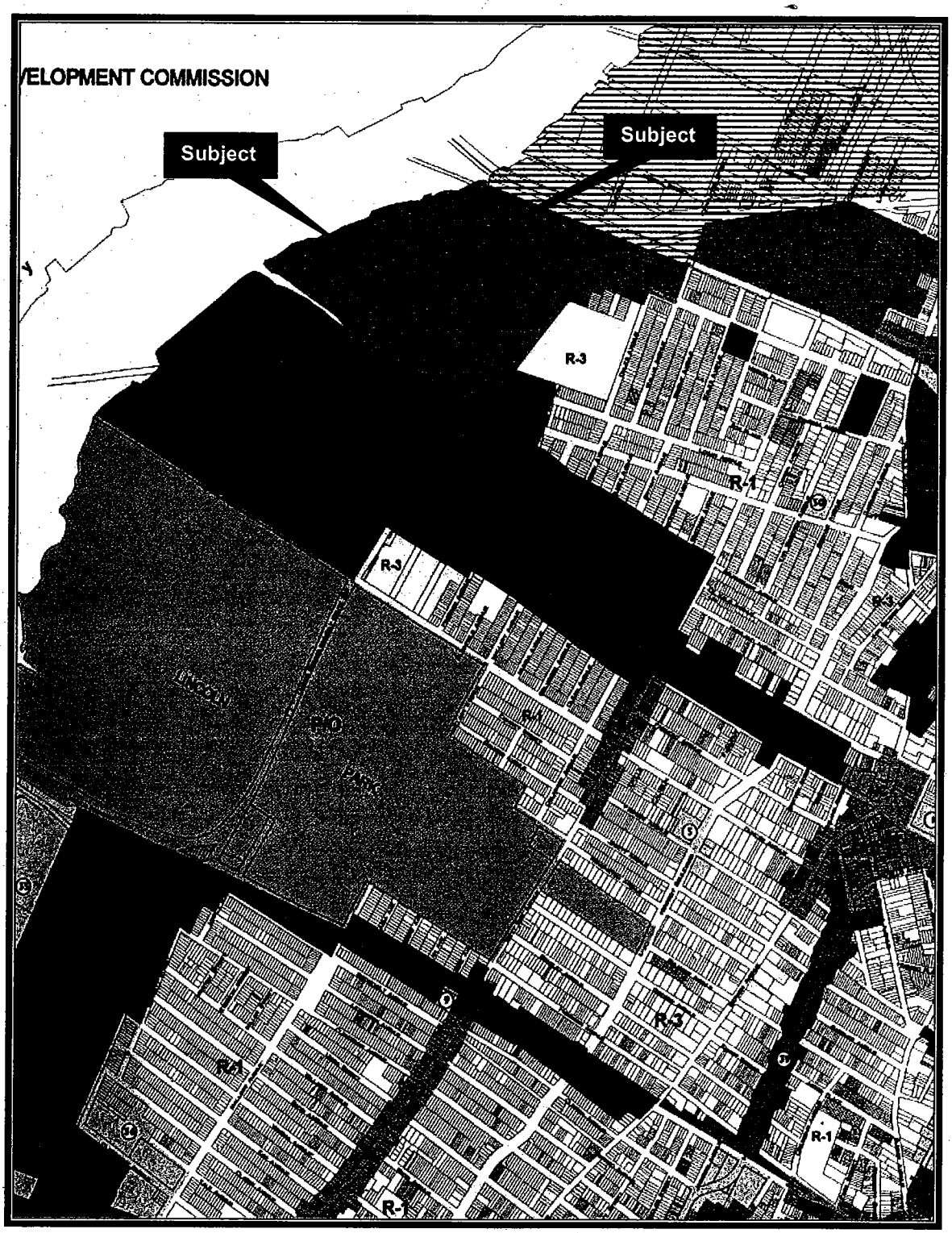
1627.5
N. J. ROUTE 1
SKYWAY
PULASKI
RIVER
HACKENSACK

Tax Map


/ELOPMENT COMMISSION
Subject
Subject
R-3
R-1
R-3
R-3
LINCOLN
PARK
R-1
R-3
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R-1

Zoning Map

Highest and Best Use

Highest and best use is defined as the reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and results in the highest value.

Highest and best use of land or a site as though vacant assumes that a parcel of land is vacant or can be made vacant by demolishing any improvements. With this assumption, uses that create value in the marketplace can be identified, and the appraiser can begin to select comparable properties and estimate land value. Land as though vacant is a fundamental concept of valuation theory and the basis for the Cost Approach.

There are four basic criteria that are considered and analyzed in determining the highest and best use of a property:

1. *Physically possible.* What uses are physically possible given the constraints of the size and physical characteristics of the site?

2. *Legally permissible.* What uses are permitted by zoning or other restrictions (i.e. deed restrictions) on the property?

3. *Financially feasible.* Of the physically possible and legally permitted uses, which are financially feasible in that they will produce a net return to the property owner?

4. *Maximally productive.* Of the financially feasible uses, which use will produce the highest net return, or result in the highest present value of the property?

Based on the four criteria listed above, it is our opinion that the highest and best use of the subject property is for warehouse development consistent with the requirements of the I-Industrial District. As previously reported, the subject site's existing soils and subsurface conditions require special engineering and site preparation work. The precise cost of this work is currently unknown. However, given the demand for industrial space in the local market and the preliminary cost estimate provided by Malcolm Pirnie, warehouse development is considered financially feasibly. Furthermore, warehouse development represents the most profitable use of the subject property.

Method of Valuation

In order to derive market value indications for the subject property, we have considered the three traditional approaches to value: the Cost Approach, the Sales Comparison Approach, and the Income Capitalization Approach.

Cost Approach

In the Cost Approach, the cost to develop a property is compared with the value of the existing developed property. The Cost Approach reflects market thinking by recognizing that market participants relate value to cost. Buyers tend to judge the value of an existing structure by considering the prices and rents of similar buildings as related to the cost to create a new building with optimal physical and functional utility.

Sales Comparison Approach

The Sales Comparison Approach is a method of estimating market value by comparing the subject property to similar properties that have been sold recently, or for which offers to purchase have been made. A major premise of the Sales Comparison Approach is that the market value of a property is directly related to the prices of comparable, competitive properties. The comparative analysis in this approach focuses on differences in the legal, physical, location and economic characteristics between similar properties and the subject, all of which can account for variations in prices.

Income Capitalization Approach

The Income Capitalization Approach to value consists of methods, techniques and mathematical procedures that an appraiser uses to analyze a property's capacity to generate benefits (usually monetary) and to convert those benefits into an indication of present value.[4]

Selected Approaches

The Sales Comparison Approach was used to estimate the market value of the subject property as of November 1, 2008. The cost approach and income capitalization approach were not considered reliable indicators of market value for vacant land.

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[4]The Appraisal of Real Estate. 12th ed. Chicago: Appraisal Institute, 2001.

Sales Comparison Approach

The Sales Comparison Approach is a method of estimating market value by comparing the subject property to similar properties that have sold recently. A major premise of the Sales Comparison Approach is that the market will determine a price for the property being appraised in the same manner that it determines the prices of comparable, competitive properties. Essentially, the Sales Comparison Approach is a systematic procedure for carrying out comparative shopping. In this approach, the comparative analysis is applied to the unique characteristics of real estate that cause its prices to vary.

In applying the Sales Comparison Approach, the subject market was researched for sales of comparably zoned tracts of land. Six comparable land sales are documented for analysis in this report. A brief description of these sales is shown below followed by a detailed description of each sale.

Sale No.	*Address*	*Sale Date*	*Sale Price*	*Size (ac.)*	*Price/Acre*
1.	AMB Site Route 1 & 9 Jersey City, NJ	3/7/08	$15,450,000	49.150	$314,344
2.	108-126 Bayway Ave. Elizabeth, NJ	4/24/07	$8,750,000	20.858	$419,503
3.	600-652 North Ave East Elizabeth, NJ	11/29/06	$10,600,000	28.912	$366,630
4.	County Road Jersey City, NJ	12/28/05	$15,273,720	40.914	$380,000
5.	909 Delancy Street Newark, NJ	5/25/05	$18,720,000	54.580	$342,983

Comparable Land Sale 1

Address:	219-295 Route 1 & 9
Municipality:	Jersey City, New Jersey
County:	Hudson
Block/Lot:	1639.1/5C
Land Area:	49.150acres
Zoning:	Hackensack River Redevelopment District
Utilities:	All Municipal Available
Grantor:	Roman Catholic Archdiocese of Newark
Grantee:	AMB Pulaski Distribution Center, LLC
Sale Price:	$15,450,000
Sale Date:	3/7/08
Topography:	Generally Level
Deed Book/Page:	8469/29
Potential Building Area:	878,000-sf
Potential FAR:	41.01%
Price Per Unit:	$314,334/acre $17.60/sf of potential building area
Remarks:	Sale of land adjacent to subject property to the south and part of the same PJP Landfill. Landfill closure and development plans were developed simultaneously. This sale site has nearly identical geotechnical conditions as the subject property. Development approvals obtained prior to the sale.

Comparable Land Sale 2

Address:	108-126 Bayway Avenue
Municipality:	Elizabeth, New Jersey
County:	Union
Block/Lot:	4/63, 67
Land Area:	20.858 acres
Zoning:	M-2, Medium Industrial Zone
Utilities:	All Municipal Available
Grantor:	Swiss North American Elizabeth Properties LLC
Grantee:	Lucky Bear, LLC
Sale Price:	$8,750,000
Sale Date:	04-24-07
Topography:	Generally Level
Deed Book/Page:	5651/780
Potential Building Area:	350,000 sf (based on buyer's estimate)
Potential FAR:	38.52%
Price Per Unit:	$419,503/acre $25.00/sf of potential building area

Remarks:
Property spans from Bayway Avenue in Elizabeth to the Allen Street extension in Linden. The site is described as Block 4, Lots 63 and 67 in Elizabeth and Block 586, Lot 1 in Linden. The existing 45,000 sf industrial building will be demolished by the buyer. The site is located next to the NJ Turnpike and has direct access from Interchange 12. According to the broker, the site can accommodate 350,000-sf of building area. The owners received site plan approval for 198,848 sf on 7/9/07 for the northern portion of the site. The southern portion is being marketed as a built to suit pad site.

Comparable Land Sale 3

Address:	600-652 North Avenue East
Municipality:	Elizabeth, New Jersey
County:	Union
Block/Lot:	8/1/1308/999.B, 999.C
Land Area:	1,259,407 sf; 28.912 acres
Zoning:	M-2, Medium Industrial
Utilities:	All Municipal Available
Grantor:	Wakefern Food Corp
Grantee:	Elizabeth Sullivan, LLC
Sale Price:	$10,600,000
Sale Date:	11-29-06
Topography:	Generally Level
Deed Book/Page:	5622/239
Potential Building Area:	503,700 sf (based on typical area FAR) 629,700 sf (max FAR per zoning)
Potential FAR:	40%-50%
Price Per Unit:	$366,630/acre $16.83- $21.04/sf of potential building area
Remarks:	Property was sold without approvals. Buyer purchased the property for industrial development. Site is located adjacent to Exit 13A on the NJ Turnpike and directly south of the Newark International Airport.
Comp ID#:	39083

Comparable Land Sale 4

Address:	County Road
Municipality:	Jersey City, New Jersey
County:	Hudson
Block/Lot:	1101/1100/1002/1/1/2
Land Area:	40.194 acres
Zoning:	HMDC, Hackensack Meadowlands Development Commission
Utilities:	All Available
Grantor:	Southern Region Industrial Realty, Inc., Northmont Limited Partnership, Alabama Great Southern LLC, and Norfolk Southern Railway Company
Grantee:	Rock-Hudson LLC
Sale Price:	$15,273,720
Sale Date:	12-28-05
Deed Book/Page:	7793/145
Potential Building Area:	712,000 sf (based on typical area FAR)
Potential FAR:	40%
Price Per Unit:	$380,000/acre $21.45/sf of potential building area
Remarks:	An application is currently being processed to obtain foreign trade zone status for this site. The site sold vacant without approvals. A broker was involved in the transaction. The sale contracted approximately 7 months prior to closing. Some of the site may have wetlands and is partially in the AE flood zone. The property has good development potential.

Comparable Land Sale 5

Address:	909 Delancy Street
Municipality:	Newark, New Jersey
County:	Essex
Block/Lot:	5074/5, 9 & 9.01
Land Area:	2,377,505 sf; 54.580 acres
Zoning:	I-3, Third Industrial District
Utilities:	All Municipal Available
Grantor:	Motiva Enterprises, LLC
Grantee:	Doremus Newark, LLC
Sale Price:	$18,720,000
Sale Date:	05-25-05
Topography:	Generally Level
Deed Book/Page:	6194/186
Potential Building Area:	750,000 sf (buyer's estimate)
Potential FAR:	31.55%
Price Per Unit:	$342,983/acre $24.96/sf of potential building area

Remarks:

The property was sold without site plan approvals although the buyer anticipates approximtely a 750,000 sf warehouse could be developed on the site. The seller was responsible for remediation of the site. The site has approximately 860 feet of frontage along the Newark Bay. A portion of the site (roughly 8 acres according to buyer, approx. 15 acres according to DEP) is encumbered by wetlands.

Comp ID#: 39084

Explanation of Adjustments

Elements of Comparison

Elements of comparison are the characteristics of properties and transactions that cause prices paid for real estate to vary.[5] All reasonable differences between the comparable sales and the subject property are identified and analyzed. Market data is examined to determine which elements affect the market value of a property. Adjustments for differences that impact value are in order. Adjustments can be made to the total sales price, the common unit price, or both. The amount of adjustment depends on the degree of difference between the subject and comparable properties. Special care must be taken to ensure adjustments are applied consistently and no adjustment should be made more than once.

Elements of comparison common in land valuation include property rights, legal encumbrances, financing terms, conditions of sale (motivation), market conditions (sale date), location, physical characteristics, available utilities, zoning, and highest and best use. The most variable elements of comparison for warehouse locations are the physical characteristics of the site, which include size and shape, frontage, topography, and location.

The most common units of comparison for land tracts are price per acre, price per square foot of land area, and price per square foot of potential building. After reviewing the comparable sales data and discussing the appropriate unit of comparison with several local real estate brokers, I concluded that the most reliable way of comparing the subject site to comparable sites is on a price per acre basis. This is supported by the comparable sales that reflect a narrow price per acre range.

I have considered adjusting each of the comparable land sales for property rights conveyed, conditions of sale, financing, market conditions, location, site approvals at the time of sale, and physical characteristics (size, shape, etc.), and zoning. Where the subject is superior to the comparable an upward (+) adjustment to the comparable sale is made. If the subject is inferior to the comparable sale, the comparable sale is adjusted downward (-). The adjustments to the comparable sales are explained in the following paragraphs.

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[5] The Appraisal of Real Estate, 12th Edition. Chicago, Illinois: Appraisal Institute, 2001.

Explanation of Adjustments (continued)

Real Property Rights Conveyed

A transaction is always predicated on the real property interest conveyed. Fee simple property rights are defined as "absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power and escheat."[6] Fee simple rights become divided when an owner chooses to lease, restrict use, or bequeath all or part of his/her property to another party. In this case other interest or rights are created such as an estate (inherited), a leasehold estate (tenants' rights), or leased fee state (landlords' rights). In this case all the land sales represent the conveyance of fee simple property rights. Therefore, no adjustment is necessary for this factor.

Terms of Financing

The transaction price of one property may differ from that of an identical property due to different financing arrangements. If a purchaser obtains advantageous mortgage terms such as a favorable financing rate or a higher loan to value ratio, that buyer could afford to pay more for a property by applying the savings derived from the favorable mortgage terms. One of the components of the definition of market value is the assumption that payment is made in cash, its equivalent, or in other precisely revealed terms. If one party is advantaged in a transaction, the resulting sales price may not be reflective of that property's true market value. Therefore, the financing terms, if any, of all comparable sales must be examined to ensure that the terms at the time of sale were consistent with market rates and representative of cash or its equivalent. All the comparable land sales were bought with cash or its equivalent. Consequently, no financing adjustment is necessary.

Conditions of Sale

Adjustments for condition of sale usually reflect the motivations of the buyer and seller. If a property has a special value to one particular buyer, that buyer may pay above market price to secure ownership. Conversely, a seller may have to sell a property due to a personal situation. In these instances, a sale does not reflect normal conditions and is not considered an arms length transaction. Such non-market conditions must be identified and adjusted for if a comparable sale is to reflect market value. In this case, thorough verification of each comparable sale revealed that all of the comparable sales reflect normal conditions and all are arms length transactions. No adjustment for this factor was required.

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[6] The Dictionary of Real Estate Appraisal, Fourth Edition. (Chicago, Illinois: Appraisal Institute, 2002)

Explanation of Adjustments (continued)

Time/Market Conditions

The comparable sales range in time from June 2005 to March 2008. During that time frame industrial property values increased at an annual rate of 5%. All the comparable sales were adjusted in accordance with this trend.

Location

The subject property and all of the comparable sales are located in the PANYNJ Port district and the Portfields Initiative area. The subject site is situated on Truck Route 1 & 9 near the New Jersey Turnpike. All of the comparable sales have similar locations in the primary market area. No adjustment was required for this factor.

Lot Size

Typically, size is inversely proportional to unit price, i.e., the larger a parcel of land is, the lower the price per acre and vice-versa. The subject property contains 32.52 acres of land. The comparable sales range from 20.585 to 54.580 acres. The sales data does not indicate any price differential between smaller and larger sites. Therefore, no adjustment is necessary for this factor.

Development Approvals

The subject property is a vacant tract with no development approvals beyond the rights vested by zoning. Because the subject lacks approvals, it has a higher risk profile. The market will view the site as inferior to other competing properties that already have development approvals in place. Comparable sales 2, 3, 4, and 5 were sold without development approvals. Comparable Sale 1 had development approvals for an 878,000-sf warehouse. The approvals were obtained as part of a broader remediation process. This sale required a downward adjustment to account for its superior approval status.

Physical Conditions

Differences between the subject property and the comparable sale properties in topography, development potential and configuration are all reconciled in an adjustment for physical condition. The subject site, despite its unfavorable subsurface conditions, can accommodate warehouse development at a density consistent with the requirements of the I-Industrial Zone. All of the sales can accommodate warehouse development at similar densities.

Explanation of Adjustments (continued)

Physical Condition (continued)

As previously reported, the subject site will likely require extraordinary site engineering and preparation work before it can support modern warehouse construction. Malcolm Pirnie estimates that the site development cost caused by the ground conditions at the subject site will add approximately $9,500,000 to the overall building cost. While the cost estimate is preliminary, there is no question that some level of additional cost will be incurred at the subject site. Comparable Sale 1, which is part of the same landfill, has nearly identical site conditions and will require similar piling work. This sale did not require an adjustment. The site preparation work for the remaining four sales was analyzed. None of the sales required site preparation work similar to the subject. Therefore, these sales were adjusted downward to account for their superior geotechnical conditions.

Comparable Sales Adjustment Grid

Sale Number:	**1.**	**2.**	**3.**	**4.**	**5.**
Address:	Route 1 & 9	108 Bayway Ave	600 North Ave E	County Road	909 Delancy St.
	Jersey City, NJ	Elizabeth, NJ	Elizabeth, NJ	Jersey City, NJ	Newark, NJ
Sale Date:	3/7/08	4/27/2007	11/29/2006	12/28/2005	5/25/2005
Sale Price:	$15,450,000	$8,750,000	$10,600,000	$15,273,720	$18,720,000
Lot Size (acre):	49.150 acres	20.858 acres	28.912 acres	40.914 acres	54.580 acres
Price /acre:	$314,344/acre	$419,503/acre	$366,630/acre	$373,313/acre	$342,983/acre
Potential Building sf (FAR):	878,000-sf	350,000-sf	629,700-sf	712,000-sf	750,000-sf
Price/FAR:	$17.60/sf	$25.00/sf	$16.83/sf	$21.45/sf	$24.96/sf
Adjustments					
Time/Market Conditions:	0.00%	0.00%	0.00%	12.50%	12.50%
Adjusted Price/FAR:	$17.60/sf	$25.00/sf	$16.83/sf	$24.13/sf	$28.08/sf
Adjusted Price/Acre:	$314,344/acre	$419,503/acre	$366,630/acre	$419,977/acre	$385,856/acre
Location:	0.00%	0.00%	0.00%	0.00%	0.00%
Size:	0.00%	0.00%	0.00%	0.00%	0.00%
Approvals:	0.00%	0.00%	0.00%	0.00%	0.00%
Physical:	0.00%	-20.00%	-10.00%	-20.00%	-20.00%
Net Adjustment:	0.00%	-20.00%	-10.00%	-20.00%	-20.00%
Adjusted Price/FAR:	**$17.60/sf**	**$20.00/sf**	**$15.15/sf**	**$19.31/sf**	**$22.46/sf**
Adjusted Price/Acre:	**$314,344/acre**	**$335,603/acre**	**$329,967/acre**	**$335,982/acre**	**$308,684/acre**

Sales Comparison Approach - Conclusion

After adjustments, the comparable sales range from $282,909 to $335,982 per acre. After careful consideration of all factors, it is my opinion that the combined weight of all sales provides firm and persuasive support for a unit value estimate for the subject property as of November 1, 2008 of $320,000/acre. Therefore:

Area East of Skyway	
13.09[7]-acres @ $320,000/acre (rounded):	$4,189,000
Area West of Skyway	
17.43-acres @ $320,000/acre (rounded):	$5,578,000
Sales Comparison Approach Market Value Indication:	**$9,767,000**

Contributory Value of Site Improvements

As previously reported, two acres of land east of the Skyway along Truck Route 1 & 9 is improved with a truck stop/gas station and two story commercial building. The market value of these improvements is based on the actual rental income derived from the existing tenancies. The improvements are leased by the property owner on an absolute net basis with the tenant paying all operating, management and capital expenses. The rent roll as of November 1, 2008 is reported as follows:

Tenant	Annual Rent
144 Enterprises, LLC	$ 72,000
IGN Delta Gas, Inc:	132,000
Total Annual Rent:	$ 204,000
Capitalized @ 7.0%	$2,914,285
Contributory Value of Existing Improvements (rounded)	**$2,915,000**

[7] Reflects deduction of 2.00 acres of land under the existing improvements. The 2.00 acres in included with the value of the existing improvements shown above.

Summary of Value Conclusions

The market value of the entire subject property is allocated as follows:

13.09-acres of land east of the Skyway @ $320,000/acre:	$ 4,189,000
17.43-acres of land west of the Skyway @ $320,000/acre:	$ 5,578,000
Existing Improvements and 2.00 acres of land along Route 1 & 9	$ 2,915,000
Total Market Value of the Subject Property	**$12,682,000**

Reconciliation and Estimate of Value

The Sales Comparison Approach measures actual transactions made by buyers and sellers in the marketplace. As such, it is the most direct means of testing the market. If properties with a reasonable degree of comparability have sold recently, as was the case with respect to the subject property, it is the method of valuation least susceptible to errors of distortion. Thus, considerable weight is given to the Sales Comparison Approach in this case.

In conclusion, after careful consideration of all pertinent data affecting the value of the subject property including its location, type and present use, and rentals, sales and asking prices of comparable properties, it is my opinion that the market value of the subject property, as of November 1, 2008 was:

Twelve Million Six Hundred Eighty Two Thousand Dollars

$12,682,000

Addenda

Assumptions and Limiting Conditions

Qualifications of the Appraiser

Assumptions and Limiting Conditions

Assumptions and Limiting Conditions

Unless otherwise stated, this report and appraisal are subject to the following conditions and stipulations:

1. The appraiser has not examined into and does not pass upon the title to the property, nor is it to be construed or implied that this report in any manner passes upon, counsels or advises in matters legal in character.

2. The description of the premises as reported herein is in accordance with information furnished by the property owner, local governing agencies, or other sources considered by the appraiser to be reliable. This information is accepted as correctly designating the property boundary lines, but no investigations or surveys have been made of same.

3. The property is appraised as a whole in fee simple, free of liens, mortgages, restrictions of use or other encumbrances, leases, easements or other contracts running in favor or against the property.

4. Insofar as computations are based upon operating expenses, income and/or existing contract, zoning, regulations or other use restrictions, boundary lines, engineering surveys and conditions not evident upon surface inspection of the property, information pertaining thereto has been obtained from sources considered reliable and accepted and reported herein as correct and authentic but not guaranteed.

5. The value herein applies only to the premises described. It is not to be employed in making summation appraisals of said land and building or buildings which may be placed thereon; nor is said value, any analysis thereof, or any unit values thereby derived, to be construed as applicable to any other property however similar.

6. Possession of this report or any copy thereof does not carry with it the right of publication nor may it be used for any purpose other than as indicated in the appraisal.

7. The appraiser is not to be required by reason of this appraisal to give testimony or attendance in Court in reference to the property appraised.

8. Employment in, and compensation for, making this appraisal are in no manner contingent on the matter involved.

9. The appraiser has no present or contemplated future interest in the property appraised.

10. Neither all nor any part of the contents of this report shall be conveyed to the public through advertising, public relations, news, sales or other media, without the written consent and approval of the author, particularly as to valuation conclusions, the identity of the appraiser or firm with which he is connected, or any reference to the Appraisal Institute, or to the MAI designation.

11. This appraisal has been made in conformance with the Standards of Practice of the Appraisal Institute of which the appraiser is a member and represents the best judgment of the appraiser.

12. The physical condition of any improvements described herein was based on visual inspection. No liability is assumed for the soundness of structural members since no engineering tests were made by the appraiser.

13. This appraisal does not consider conditions relating to surface or subsurface waters including water table, flood plain, rights of the State in riparian lands and drainage and any rights of governmental body to control or restrict the use of the property by reason thereof, and the valuation as found is exclusive of the foregoing factors.

14. Unless otherwise stated in this report, the existence of any hazardous material, which may or may not be present on the subject property, was not observed by the appraiser. The appraiser has no knowledge of the existence of any such materials on, in or about the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation (UFFI), or other potentially hazardous materials may affect the value of the property. The value estimate derived herein is predicated on the assumption that there is no such material on, in or about the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise of engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

15. The Americans with Disabilities Act ("ADA") was passed into law on January 26, 1992. We have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal that the property is not in compliance with one or more of the requirements of the Act. If the property is in violation, it could have a negative effect upon the value of the property. Because we have no direct evidence relating to this issue, we did not consider possible non-compliance with the requirements of ADA in estimating the value of the property.

Qualifications of the Appraisers

Qualifications

Paul T. Beisser, MAI, CRE

General

Principal:	Value Research Group, LLC 301 South Livingston Avenue Suite 104 Livingston, New Jersey 07039

Professional Affiliations

MAI:	Appraisal Institute
CRE:	The Counselors of Real Estate
Certified:	General Real Estate Appraiser, State of New Jersey (RG 000181)
Certified:	General Real Estate Appraiser, State of New York (46000039353)

Education

Undergraduate:	BSBA; Bucknell University, Lewisburg, Pennsylvania
Post Graduate:	Drexel University, Philadelphia, Pennsylvania

Professional Education

Real Estate Appraisal Principles
Basic Valuation Procedures
Capitalization Theory and Techniques, Part A
Capitalization Theory and Techniques, Part B
Standards of Professional Practice
Case Studies in Real Estate Valuation
Valuation Analysis and Report Writing
The Appraisers Legal Liabilities
Environmental Risk and the Real Estate Appraisal Process

Qualified As Expert Witness

Superior Court of New Jersey
Tax Court of the State of New Jersey
Superior Court of Colorado
Condemnation Proceedings
County Boards of Taxation
Various Planning Boards

Experience

Actively engaged in the appraisal of real property in the State of New Jersey since 1990. Appraisals include vacant land, one-family residential, apartment buildings, industrial, commercial and special purpose property including truck terminals, full service hotels, railroad corridors, lake clubs, nursing homes, hospitals, schools, laboratories and research facilities, power plants, golf courses and petroleum and chemical storage facilities.

Certification

The Appraisal Institute conducts a mandatory program of continuing education for its designated members. MAI's who meet the minimum standards of this program are awarded periodic educational certification, Paul T. Beisser, III is currently certified under this program.

City Clerk File No. Ord. 11-006

Agenda No. 3.F 1st Reading

Agenda No. 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-006

TITLE: **ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 53 (PERSONNEL) OF THE JERSEY CITY MUNICIPAL CODE, IMPLEMENTING ARTICLE XIII (RETIREE HEALTH AND MEDICAL BENEFITS) TO 1) ENROLL ALL RETIREES IN A PREFERRED PROVIDER OR DIRECT ACCESS PLAN OR 2) REQUIRE ALL RETIREES TO PAY TO RETAIN OR ENROLL IN A TRADITIONAL HEALTH BENEFITS PLAN**

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

WHEREAS, given the state of the global economy, and the City of Jersey City's declining State aid, and notwithstanding recent tax increases, the cost of operating municipal government, especially the cost of providing health and medical benefits, have increased sharply; and

WHEREAS, the City of Jersey City has an obligation to reduce or minimize its present and future costs whenever possible; and

WHEREAS, one of the costs that has been subject to especially steep annual increases is that associated with retiree health benefits, more specifically, the traditional medical and health benefits plan [Traditional Plan], for which the City is self-insured; and

WHEREAS, presently the City pays more than $33 Million Dollars every year for retiree health medical and prescription coverage; and

WHEREAS, of the nearly 2,000 City employees presently retired, more than 80% of them are enrolled in a Traditional Plan; and

WHEREAS, continuing retirees in the Traditional Plan (instead of a Preferred Provider or Direct Access Plan or its equivalent) costs the City of Jersey City an additional $3 Million Dollars or more every year; and

WHEREAS, as indicated in the report on file in the Office of the City Clerk, the integrity of the City's health benefits system is being undermined by the expense of continuing the Traditional Plan for its retirees; and

WHEREAS, although this cost will eventually be reduced and then eliminated through attrition, the increased cost of continuing a Traditional Plan for retirees will eclipse any savings through attrition, for the foreseeable future ; and

WHEREAS, in 2007 the City of Jersey City withdrew from the New Jersey State Health Benefits Program, and the Municipal Council approved a group contract to provide medical and health insurance coverage to both current employees and its eligible retirees through Horizon Blue Cross/Blue Shield of New Jersey, pursuant to N.J.S.A. 40A:10-23; and

WHEREAS, in 2008, the State Health Benefits Commission eliminated the Traditional Plan for its members; and

WHEREAS, the City of Jersey City, having withdrawn from the State Health Benefits Program in 2007, has removed all of its active employees from the Traditional Plan, effective January 1, 2011; and

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 53 (PERSONNEL) OF THE JERSEY CITY MUNICIPAL CODE, IMPLEMENTING ARTICLE XIII (RETIREE HEALTH AND MEDICAL BENEFITS) TO 1) ENROLL ALL RETIREES IN A PREFERRED PROVIDER OR DIRECT ACCESS PLAN OR 2) REQUIRE ALL RETIREES TO PAY TO RETAIN OR ENROLL IN A TRADITIONAL HEALTH BENEFITS PLAN

WHEREAS, it is not only fair and reasonable but critical to the economic integrity of the City's health benefits system, to also remove retirees from the Traditional Plan or require them to pay the cost differential to retain it; and

WHEREAS, upon removal from the Traditional Plan the City's retirees will continue to receive, the same high level of health benefits that the City provides to its active employees through the Preferred Provider or Direct Access Plans; and

WHEREAS, retirees will continue to receive health benefits through a Preferred Provider or Direct Access Plan, at the same level of provided to active employees and no cost to them, even though the City's active employees are now required to pay at least 1.5% of the annual cost thereof; and

WHEREAS, accordingly, effective March 1, 2011 the City of Jersey City shall only pay the cost for a Preferred Provider or Direct Access Health Plan for its retirees; however, any present retirees wishing to retain or enroll in a Tradition Plan, may elect to do so if they pay the cost differential of a Traditional Plan.

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

A. The following amendments and supplements to Chapter 53 (Personnel) and of the Jersey City Code are adopted.

ARTICLE XIII
Retiree Medical and Health Benefits

§53-84 Retiree Medical and Health Benefits Plans.

Effective March 1, 2011, the City will no longer offer a Traditional Indemnity Health and Medical Insurance Plan [Traditional Plan] and pay the costs thereof, for any retired employee. All present and future retirees will be automatically enrolled in a Preferred Provider or Direct Access Health Plan or the substantial equivalent thereof. Those employees who have retired, may elect to retain or enroll in a Traditional Plan but only if the they pay any difference between the cost for a Traditional Plan and the cost for a Preferred Provider or Direct Access Health Insurance Plans, as calculated by the City each year.

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

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

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

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

NOTE: All material is new, therefore, underlining has been omitted.

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required ☐
Not Required ☐

City Clerk File No. Ord. 11-007

Agenda No. 3.G 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-007

TITLE:

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 53 (PERSONNEL) OF THE JERSEY CITY MUNICIPAL CODE, IMPLEMENTING ARTICLE XIII (RETIREE HEALTH AND MEDICAL BENEFITS) CONFIRMING THE PROVISION OF MEDICAL AND HEALTH INSURANCE BENEFITS TO CERTAIN ACTIVE EMPLOYEES AND RETIREES WITH 25 YEARS OF SERVICE CREDIT IN A STATE OR LOCALLY ADMINISTERED RETIREMENT SYSTEM, PURSUANT TO N.J.S.A. 40A:10-23, BUT LIMITING THE BENEFITS IN THE FUTURE TO ONLY THOSE EMPLOYEES WHO ALSO RETIRE WITH AT LEAST 20 YEARS OF SERVICE WITH THE CITY OF JERSEY CITY

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

WHEREAS, New Jersey law authorizes local governments such as the City of Jersey City, to pay the cost of medical and health insurance coverage, including premiums for Part B of the Federal Medicare Program, for certain eligible retired employees, including their spouses and dependents, as defined therein; and

WHEREAS, the statutory authorization to pay for such coverage extends both to municipalities which are members of the New Jersey State Health Benefits Commission, pursuant to N.J.S.A. 52:14-17.38 and to those municipalities which are not members, pursuant to N.J.S.A. 40A:10-23; and

WHEREAS, in 1973 pursuant to N.J.S.A. 52:14-17.38, the City of Jersey City adopted a resolution, as a then member of the New Jersey State Health Benefits Commission, and committed itself to paying the cost of such coverage for eligible retirees, their spouses and dependents; and

WHEREAS, in 1973, N.J.S.A. 52:14-17.38 stated that retiree health benefits were available upon "retirement from a State or locally administered retirement system . . .based on 25 or more years of service credited in such retirement system"; and

WHEREAS, in 1999, N.J.S.A. 52:14-17.38 was amended to allow a municipality to provide such benefits to employees who had 25 years of service credit in one or more State or locally administered retirement systems, and a period of service of "up to" 25 years, unless the municipality adopted a resolution requiring that all or a portion of 25 years of actual service, to be with it; and

WHEREAS, the City of Jersey City did not adopt a resolution or ordinance restricting actual service to the City of Jersey City, and appears to have provided medical and health benefits for retirees with less than 25 years of actual service to the City, so long as they had at least 25 years of service credit, in one or more State or locally administered retirement systems; and

WHEREAS, pursuant to N.J.S.A. 40A:10-23, the City of Jersey City is authorized to pay the cost of medical and health insurance coverage for employees, including their dependents and the premium charges under Part B of the Federal Medicare Program, who have "retired after 25 or more years of service... and a period of up to 25 years with the [City] at the time of retirement, such period of service to be determined by the [City], and set forth in an ordinance, or resolution, as appropriate"; and

WHEREAS, the City Council needs to reaffirm its commitment to pay the cost of providing medical and health insurance coverage for its eligible employees, including the premium charges under Part B of the Federal Medicare Program, including their spouses and dependents, pursuant to N.J.S.A. 40A:10-23; and

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 53 (PERSONNEL) OF THE JERSEY CITY MUNICIPAL CODE, IMPLEMENTING ARTICLE XIII (RETIREE HEALTH AND MEDICAL BENEFITS) TO 1) ENROLL ALL RETIREES IN A PREFERRED PROVIDER OR DIRECT ACCESS PLAN OR 2) REQUIRE ALL RETIREES TO PAY TO RETAIN OR ENROLL IN A TRADITIONAL HEALTH BENEFITS PLAN

WHEREAS, it is not only fair and reasonable but critical to the economic integrity of the City's health benefits system, to also remove retirees from the Traditional Plan or require them to pay the cost differential to retain it; and

WHEREAS, upon removal from the Traditional Plan the City's retirees will continue to receive, the same high level of health benefits that the City provides to its active employees through the Preferred Provider or Direct Access Plans; and

WHEREAS, retirees will continue to receive health benefits through a Preferred Provider or Direct Access Plan, at the same level of provided to active employees and no cost to them, even though the City's active employees are now required to pay at least 1.5% of the annual cost thereof; and

WHEREAS, accordingly, effective March 1, 2011 the City of Jersey City shall only pay the cost for a Preferred Provider or Direct Access Health Plan for its retirees; however, any present retirees wishing to retain or enroll in a Tradition Plan, may elect to do so if they pay the cost differential of a Traditional Plan.

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

A. The following amendments and supplements to Chapter 53 (Personnel) and of the Jersey City Code are adopted.

ARTICLE XIII
Retiree Medical and Health Benefits

§53-84 Retiree Medical and Health Benefits Plans.

Effective March 1, 2011, the City will no longer offer a Traditional Indemnity Health and Medical Insurance Plan [Traditional Plan] and pay the costs thereof, for any retired employee. All present and future retirees will be automatically enrolled in a Preferred Provider or Direct Access Health Plan or the substantial equivalent thereof. Those employees who have retired, may elect to retain or enroll in a Traditional Plan but only if the they pay any difference between the cost for a Traditional Plan and the cost for a Preferred Provider or Direct Access Health Insurance Plans, as calculated by the City each year.

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

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

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

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

NOTE: All material is new, therefore, underlining has been omitted.

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required ☐
Not Required ☐

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 53 (PERSONNEL) OF THE JERSEY CITY MUNICIPAL CODE, IMPLEMENTING ARTICLE XIII (RETIREE HEALTH AND MEDICAL BENEFITS) CONFIRMING THE PROVISION OF MEDICAL AND HEALTH INSURANCE BENEFITS TO CERTAIN ACTIVE EMPLOYEES AND RETIREES WITH 25 YEARS OF SERVICE CREDIT IN A STATE OR LOCALLY ADMINISTERED RETIREMENT SYSTEM, PURSUANT TO N.J.S.A. 40A:10-23, BUT LIMITING THE BENEFITS IN THE FUTURE TO ONLY THOSE EMPLOYEES WHO ALSO RETIRE WITH AT LEAST 20 YEARS OF SERVICE WITH THE CITY OF JERSEY CITY

WHEREAS, accordingly, as to all new employees hired after the adoption of the within Ordinance, the City of Jersey City has determined to clarify by Ordinance that the City shall pay the cost of such medical and health benefits to its eligible retirees but only if they have at least 20 years of actual service with the City of Jersey City including a public body, corporate and politic, established by the City of Jersey City, at the time of retirement, pursuant to N.J.S.A. 40A:10-23.; and

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

A. The following amendments and supplements to Chapter 53 (Personnel) and of the Jersey City Code are adopted.

ARTICLE XIII
Retiree Medical and Health Benefits

§53-84 Provision of Retiree Medical and Health Benefits.

The City will pay the entire cost of medical and health benefits, including the premium charges for Part B of the Federal Medicare Program, for certain Eligible Employees, as defined hereinafter, who retire or have already retired from the City, pursuant to N.J.S.A. 40A:10-23.

§53-84.1 Eligibility for Retiree Medical and Health Benefits.

"Eligible Employees" are defined as employees, including their spouses and dependents, who retire with:

1. At least 25 years of credited service in a State or locally administered pension system at the time of retirement; and

2. At least 20 years of actual service with the City of Jersey City, which may include prior actual service with a public body, corporate and politic, that it has been established by the City of Jersey City.

The additional requirement of retirement with at least 20 years of actual service credit with the City of Jersey City, will only apply: 1) to new Eligible Employees, that is, those hired after the effective date of this ordinance, and 2) upon successful negotiation with each collective bargaining unit of the City of Jersey City.

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

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

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

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

NOTE: All material is new, therefore, underlining has been omitted.

12/14/10; 12/20/10

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required ☐

Not Required ☐

City Clerk File No. Ord. 11-008

Agenda No. 3.H 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-008

TITLE:

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 53 (PERSONNEL) OF THE JERSEY CITY MUNICIPAL CODE, IMPLEMENTING ARTICLE XIII (RETIREE HEALTH AND MEDICAL BENEFITS) CONFIRMING THE PROVISION OF MEDICAL AND HEALTH INSURANCE BENEFITS TO CERTAIN ACTIVE EMPLOYEES AND RETIREES WITH 25 YEARS OF SERVICE CREDIT IN A STATE OR LOCALLY ADMINISTERED RETIREMENT SYSTEM, PURSUANT TO N.J.S.A. 40A:10-23, BUT LIMITING THE BENEFITS IN THE FUTURE TO ONLY THOSE EMPLOYEES WHO ALSO RETIRE WITH AT LEAST 25 YEARS OF SERVICE WITH THE CITY OF JERSEY CITY

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

WHEREAS, New Jersey law authorizes local governments such as the City of Jersey City, to pay the cost of medical and health insurance coverage, including premiums for Part B of the Federal Medicare Program, for certain eligible retired employees, including their spouses and dependents, as defined therein; and

WHEREAS, the statutory authorization to pay for such coverage extends both to municipalities which are members of the New Jersey State Health Benefits Commission, pursuant to N.J.S.A. 52:14-17.38 and to those municipalities which are not members, pursuant to N.J.S.A. 40A:10-23; and

WHEREAS, in 1973 pursuant to N.J.S.A. 52:14-17.38, the City of Jersey City adopted a resolution, as a then member of the New Jersey State Health Benefits Commission, and committed itself to paying the cost of such coverage for eligible retirees, their spouses and dependents; and

WHEREAS, in 1973, N.J.S.A. 52:14-17.38 stated that retiree health benefits were available upon "retirement from a State or locally administered retirement system . . .based on 25 or more years of service credited in such retirement system"; and

WHEREAS, in 1999, N.J.S.A. 52:14-17.38 was amended to allow a municipality to provide such benefits to employees who had 25 years of service credit in one or more State or locally administered retirement systems, and a period of service of "up to" 25 years, unless the municipality adopted a resolution requiring that all or a portion of 25 years of actual service, to be with it; and

WHEREAS, the City of Jersey City did not adopt a resolution or ordinance restricting actual service to the City of Jersey City, and appears to have provided medical and health benefits for retirees with less than 25 years of actual service to the City, so long as they had at least 25 years of service credit, in one or more State or locally administered retirement systems; and

WHEREAS, pursuant to N.J.S.A. 40A:10-23, the City of Jersey City is authorized to pay the cost of medical and health insurance coverage for employees, including their dependents and the premium charges under Part B of the Federal Medicare Program, who have "retired after 25 or more years of service... and a period of up to 25 years with the [City] at the time of retirement, such period of service to be determined by the [City], and set forth in an ordinance, or resolution, as appropriate"; and

WHEREAS, the City Council needs to reaffirm its commitment to pay the cost of providing medical and health insurance coverage for its eligible employees, including the premium charges under Part B of the Federal Medicare Program, including their spouses and dependents, pursuant to N.J.S.A. 40A:10-23; and

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 53 (PERSONNEL) OF THE JERSEY CITY MUNICIPAL CODE, IMPLEMENTING ARTICLE XIII (RETIREE HEALTH AND MEDICAL BENEFITS) CONFIRMING THE PROVISION OF MEDICAL AND HEALTH INSURANCE BENEFITS TO CERTAIN ACTIVE EMPLOYEES AND RETIREES WITH 25 YEARS OF SERVICE CREDIT IN A STATE OR LOCALLY ADMINISTERED RETIREMENT SYSTEM, PURSUANT TO N.J.S.A. 40A:10-23, BUT LIMITING THE BENEFITS IN THE FUTURE TO ONLY THOSE EMPLOYEES WHO ALSO RETIRE WITH AT LEAST 25 YEARS OF SERVICE WITH THE CITY OF JERSEY CITY

WHEREAS, accordingly, as to all new employees hired after the adoption of the within Ordinance, the City of Jersey City has determined to clarify by Ordinance that the City shall pay the cost of such medical and health benefits to its eligible retirees but only if they have at least 25 years of actual service with the City of Jersey City including a public body, corporate and politic, established by the City of Jersey City, at the time of retirement, pursuant to N.J.S.A. 40A:10-23.; and

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

A. The following amendments and supplements to Chapter 53 (Personnel) and of the Jersey City Code are adopted.

ARTICLE XIII
Retiree Medical and Health Benefits

§53-84 Provision of Retiree Medical and Health Benefits.

The City will pay the entire cost of medical and health benefits, including the premium charges for Part B of the Federal Medicare Program, for certain Eligible Employees, as defined hereinafter, who retire or have already retired from the City, pursuant to N.J.S.A. 40A:10-23.

§53-84.1 Eligibility for Retiree Medical and Health Benefits.

"Eligible Employees" are defined as employees, including their spouses and dependents, who retire with:

1. At least 25 years of credited service in a State or locally administered pension system at the time of retirement; and

2. At least 25 years of actual service with the City of Jersey City, which may include prior actual service with a public body, corporate and politic, that it has been established by the City of Jersey City.

The additional requirement of retirement with at least 25 years of actual service credit with the City of Jersey City, will only apply: 1) to new Eligible Employees, that is, those hired after the effective date of this ordinance, and 2) upon successful negotiation with each collective bargaining unit of the City of Jersey City.

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

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

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

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

NOTE: All material is new, therefore, underlining has been omitted.

12/14/10; 1/05/11

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required ☐

Not Required ☐

City Clerk File No. Ord. 11-009

Agenda No. 3.I 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE
OF
JERSEY CITY, N.J.

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

CITY ORDINANCE 11-009

TITLE: **An Ordinance dedicating that the intersection of Monmouth and Fifth Streets also be known as Louis Calamito Way**

WHEREAS, Louis Calamito was born on April 8th, 1923 in downtown Jersey City and lived his entire life on Monmouth Street where he was known as the "Mayor of Monmouth Street" until his death on April 25th, 2005; and

WHEREAS, Louis Calamito attended P.S.#5 and was a life long parishioner of Holy Rosary Church, a Jersey City business owner and a Hudson County Democratic Committeeman; and

WHEREAS, Louis Calamito married Mary Saccente on June 26, 1946; and

WHEREAS, The Calamito's were blessed with four children:
Lois Ann Calamito - Executive Administrative Assistant at the Bank of New York in Manhattan;
Joe Calamito- Publisher and owner of the River View Observer in Hudson County;
Vin Calamito- retired Mail Carrier for the United States Post Office and who now carries the title of "Mayor of Monmouth Street";
Michael Calamito – Seton Hall Graduate currently working at Fidelity Investments; and

WHEREAS, Louis Calamito was the devoted grandfather of Brendan, Lisa, Erin, Tammy, William and Thomas and great grandfather of Brayden, Addyson, Ava, Billy, Kaylee, and Jaidah; and

WHEREAS, Louis Calamito served his country as a soldier with the Distinguished America Division, serving 19 months in the War Zone and having seen fierce combat in the Philippines; and

WHEREAS, Louis Calamito received for his service to his country and his community the following awards: the Bronze Star, the American Campaign Medal, the Asiatic Pacific Campaign Medal, the World War II- US 1941-1945 Freedom of Speech and Religion, the Efficiency Honor and Fidelity, the Good Conduct Medal, and the Philippine Liberation Medal; and

WHEREAS, Louis Calamito has served his country, his city, and his community with absolute honor and valor; and

WHEREAS, Louis Calamito's Military Service was inherited from his father, Joseph Calamito, a World War I veteran in Italy, who was a prisoner of war and escaped captivity; and

WHEREAS, Louis Calamito inspired his family to military commitment through his 2 sons, Michael Calamito, a Lt. Colonel in the United States Army Reserve, who served in Iraq from 2006 to 2007. His son, Joe Calamito, Army veteran, joined the military in 1969 during the height of the Vietnam War and served 2 years, he was deployed 13 months in South Korea.

NOW, THEREFORE, BE IT ORDAINED, that the Municipal Council of the City of Jersey City deems it fitting and proper to honor Louis Calamito for his many contributions to Jersey City by dedicating that the intersection of Monmouth Street and Fifth Street also be known as Louis Calamito Way. We wish the Calamito Family continued support and happiness in their endeavors and thank them for their support of our Jersey City Neighborhood on Monmouth Street.

APPROVED AS TO LEGAL FORM

_____
Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required ☐

Not Required ☐

City Clerk File No. Ord. 11-010

Agenda No. 3.J 1st Reading

Agenda No. 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-010

TITLE: **ORDINANCE AUTHORIZING 1) THE SALE OF CERTAIN UNIMPROVED PROPERTY IN JERSEY CITY, KNOWN AS BLOCK 1600, LOT F, BLOCK 1627, LOTS 7 AND 8, AND BLOCK 1623, LOT S.1, TO JC BROADWAY, LLC ("JCB") FOR AN INGRESS AND EGRESS EASEMENT AT THE SITE; AND 2) AMENDING THE GRANT AGREEMENT WITH THE PORT AUTHORITY OF NEW YORK/NEW JERSEY CONCERNING THE PJP/SIEGEL ACQUISITION**

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

WHEREAS, the City of Jersey City is the owner of certain unimproved property in Jersey City known as **Block 1600, Lot F, Block 1627, Lots 7 & 8**, and **Block 1623, Lot S.1** consisting of approximately **10,000 square feet** and depicted on the map attached hereto as Exhibit A (Property); and

WHEREAS, the City of Jersey City has no municipal public need for the Property; and

WHEREAS, NJSA 40A: 12-13(a)(5) of the Local Lands and Buildings Law authorizes the sale of City owned property to the owner of the real property contiguous to the real property being sold; provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; and

WHEREAS, any such sale shall be for not less than fair market value of the Property ; and

WHEREAS, JC BROADWAY, LLC ("JCB") is an entity that owns real property contiguous to the Property and needs an access easement across the property in order to maintain its business; and

WHEREAS, the Property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon, within the meaning of NJSA. 40A:12-13(a)(5); and

WHEREAS, the City of Jersey City is willing to convey an easement over the property upon payment to the City of the sum of $129,200 the City by JCB, LLC; and

WHEREAS, the easement Property is a part of a larger tract of land located along Routes 1 & 9 known as the PJP/Siegel Landfill, which the City acquired in 2009 to be converted into open space and a park, and

WHEREAS, pursuant to Resolution 09-290, the City executed a Memorandum of Agreement "MOA" between City of Jersey City and the Port Authority of New York & New Jersey, on April 24, 2009 and received a $4,000,000 grant from the Port Authority of New York & New Jersey; to maintain the property as open space; and

WHEREAS, pursuant to the MOA, the City must seek written consent from the Port Authority of NY/NJ for any use of the Property that violates the terms of the restrictive covenant; and

WHEREAS, the Port Authority has been notified of this proposed transaction and in accordance with the MOA, they have approved the conveyance of a deed of easement for the Property, upon a reimbursement of a portion of the $4,000,000 grant, based on the total square footage of the land of the land to be conveyed to JCB, LLC, which is estimated to be $29,200.00 plus interest in the amount of $4.19 per day.

WHEREAS, JCB, LLC has agreed to 1) reimburse the sum of $29,200, plus interest to obtain approval; and pay the City the sum of $100,000.00.

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

1. The transfer of certain unimproved property located in **Block 1600, Lot F, Block 1627, Lots 7 & 8** and **Block 1623, Lot S.1** , consisting of approximately 10,000 square feet and depicted on the map attached hereto as Exhibit A, for the sum of One-Hundred and Twenty-Nine Thousand, Two-Hundred Dollars ($129,200.00), to the JC BROADWAY, LLC ("JCB") organization with offices at 400 Plaza Drive, Secaucus, NJ, pursuant to NJSA. 40A:12-13(a)(5)), is hereby approved.

2. Upon closing and receipt of the $129,200.00 sales proceeds, the City shall reimburse the Port Authority of New York/New Jersey $29,200.00 pursuant to Resolution 09-290 and the MOA executed on April 24, 2009 and each shall be amended accordingly to reflect the subtraction of the 10,000 square feet conveyed to JCB, LLC and the $29,200 refunded to the Port Authority of New York/New Jersey.

3. The Mayor, Business Administrator are hereby authorized to execute an agreement, deed and any other documents necessary or appropriate to effectuate the conveyance of the property, subject to the terms stated above, all in accord with the within Ordinance.

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, but not before the Corporation Counsel certifies that the agreement authorized by separate Resolution has been fully executed.

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 new material is underlined. Words in [~~brackets~~] are omitted.
For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

AV
1/3/10

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required ☐

Not Required ☐

CITY OF JERSEY CITY
Office of the Corporation Counsel

280 Grove Street
Jersey City, New Jersey 07302
Telephone: (201) 547-4667
Fax: (201) 547-5230

Jerramiah Healy, Mayor

Bill Matsikoudis, Corporation Counsel

January 6, 2011

Council President and Members of the Municipal Council
City Hall-280 Grove Street
Jersey City, NJ 07302

Re: Ordinance Authorizing Conveyance of Certain Unimproved Property at the Former PJP Landfill to JC Broadway, LLC and Amending City's Grant Agreement with the Port Authority of NY/NJ to Acquire the PJP Landfill

Dear Council President and Members of the Municipal Council:

I present for your consideration a proposed sale of a deed of easement of 10,000 square feet to JC Broadway, LLC, a subsidiary of Hartz Mountain, for $120,000.00. This area of land, which is a small portion of the 32 acres the City acquired when it purchased the former PJP Landfill, abuts the Hartz Mountain facility along Routes 1 & 9, and is used by Hartz Mountain Corporation's Pet Supply Business to have better truck access to its loading docks.

By way of background, JC Broadway, LLC is the owner of an approximately 13-acre parcel of land located at the Terminus of Broadway in the City of Jersey City. Presently located on the property is an approximately 445,000 square feet warehouse/industrial facility. This facility is used for the warehousing and distribution of various pet supplies and products. There are approximately 200 employees at this site. Of these 200 employees approximately 114 are residents of City of Jersey City. Additionally, the facility pays in excess of $620,000.00 a year in real estate taxes.

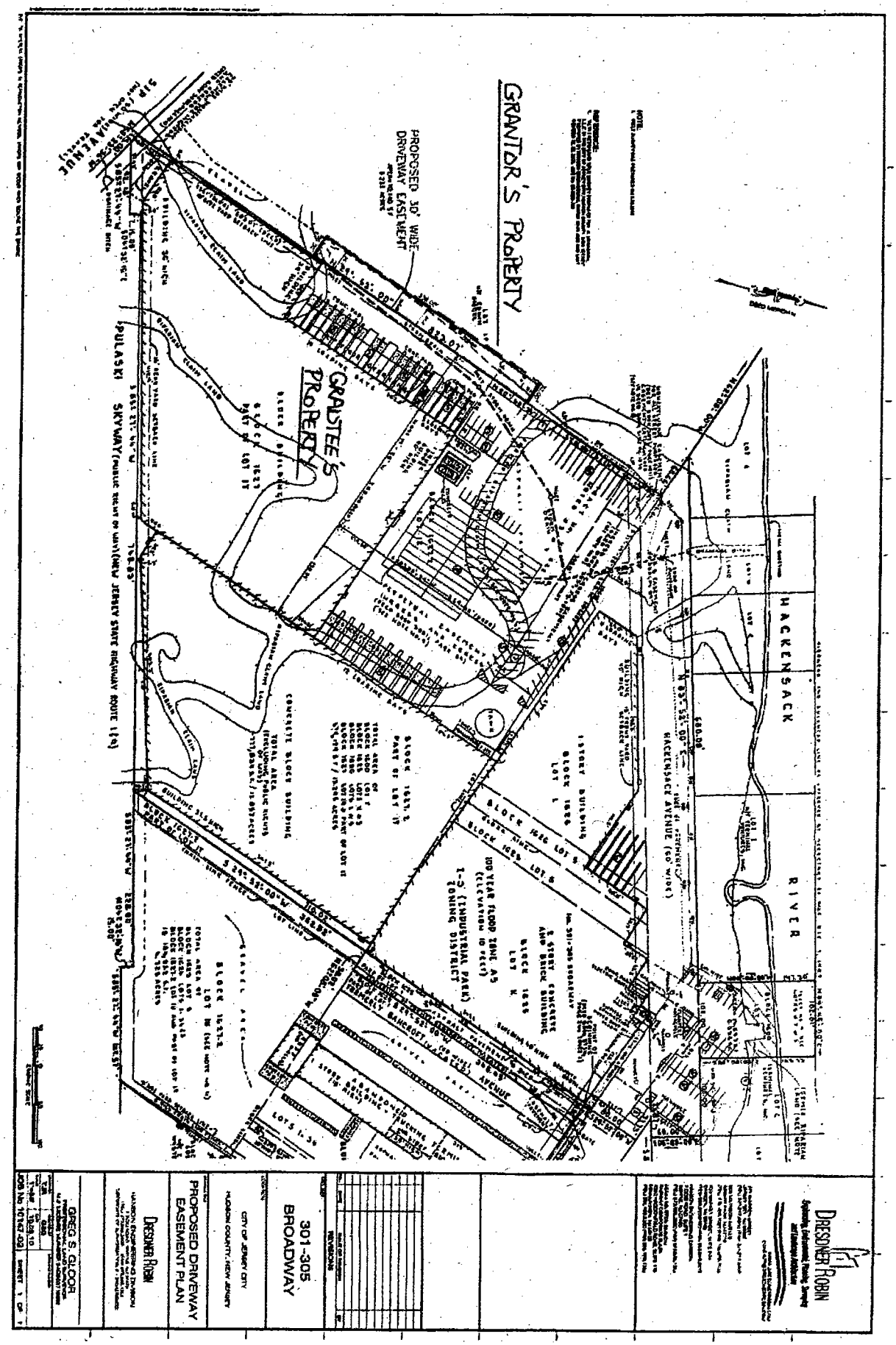
The land proposed to be part of the sale will not adversely impact the remediation, nor the design of the open space and park planned for the PJP site. Accordingly, I urge you to vote for this sale as it will not disrupt the City's plans to develop the site for open space and park uses, will yield a financial benefit to the City, and will better enable an important Jersey City-based company to more efficiently operate its business.

Very truly yours,

WILLIAM MATSIKOUDIS
CORPORATION COUNSEL

WM/igp
c: John Kelly, Business Administrator
Robert Byrne, City Clerk
Robert Magrini, Esq., Attorney for Hartz

EXHIBIT A


GRANTOR'S PROPERTY
GRANTEE'S PROPERTY
PROPOSED 30' WIDE DRIVEWAY EASEMENT
PULASKI SKYWAY
HACKENSACK RIVER
HACKENSACK AVENUE
DRESDNER ROBIN
301-305 BROADWAY
CITY OF JERSEY CITY
HUDSON COUNTY, NEW JERSEY
PROPOSED DRIVEWAY EASEMENT PLAN
DRESDNER ROBIN
GREG S. GLOOR

City Clerk File No. Ord. 11-011

Agenda No. 3.K 1st Reading

Agenda No. 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-011

TITLE: **ORDINANCE SUPPLEMENTING CHAPTER 3 (ADMINISTRATIVE CODE, ARTICLE XI (DEPARTMENT OF POLICE) OF THE CITY OF JERSEY CITY ESTABLISHING THE PROCEDURE AND FEES FOR PROVIDING OFF-DUTY POLICE OFFICERS FOR SPECIAL DETAIL ASSIGNMENTS**

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

WHEREAS, the Police Director has advised that it is in the interest of the City of Jersey City for the Police Department to facilitate off-duty employment, with separate and independent employers and to administer payment to police officers for off-duty assignments; and

WHEREAS, the Police Director has requested that the Counsel establish the fees to be charged to a private employer requiring the services of an off-duty police officer; and

WHEREAS, The Police Director intends to notify all private employers which regularly use the services of off-duty police officers that the Police Department has established new procedures for requesting the use of these officers.

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

A. The following supplement to Chapter 3 (Administrative Code), Article XI (Department of Police) of the Jersey City Code is adopted:

ARTICLE XI
Department of Police

§ 3-85.1 Off-duty employment.

A. Definitions.
As used in this ordinance, the following terms shall have the following meanings unless the context clearly indicates otherwise:

(1) Alcohol Beverage Control premise means one which is licensed by the Alcohol Beverage Control Board.

(2) Chief of Police means the Chief of Police or his or her designee.

(3) City Owned Facility means any property owned by the City of Jersey City rented by individuals or entities for the purpose of a privately held function.

(4) Large Commercial Establishment means a commercial establishment such as a store, bank or financial institution of 4,000 square feet or more or one which is part of a franchise, chain or multi-store complex.

(5) Construction Sites

(a) City Projects - any construction project performed by a vendor pursuant to a contract with the City of Jersey City for a public project on City-owned buildings or properties.

(b) Private Contractor Projects - any construction project other than a City Project as defined above;

(6) Employer or prospective employer means a prospective employer of off-duty officers.

(7) Event requiring major or unusual crowd control means:

(a) an event where 5,000 people or more expected to attend, such as an athletic event;

(b) any event where alcohol will be served (except for the Bethune Center); and

(c) any event which in the opinion of the Police Department will produce an unusual amount of vehicular or pedestrian traffic.

(8) Film Production Sites include, but are not limited to, movie sets, television productions, and photography.

(9) Holidays are defined as New Years Eve, New Years Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day following Thanksgiving Day, Christmas Eve and Christmas Day.

(10) Person means any individual, corporation, partnership or organization unless the context clearly indicates otherwise.

(11) Superior Officer means Lieutenant, Sergeant, or Captain.

(12) Tax Exempt Organization means a non-profit organization as defined by state or federal law.

~~[A]~~**B. Purpose.** For the convenience of those persons [and entities] which utilize the services of off-duty law enforcement officers of the Jersey City Police Department, and to authorize the outside employment of ~~[Municipal]~~ police while off-duty, the City of Jersey City hereby establishes a policy regarding the use of ~~[said]~~ off-duty officers in compliance with Attorney General Formal Opinion 1997-No. 23.

(1) ~~[Members of the City of Jersey City Police Department]~~ Police Officers, at their option, shall be permitted to accept police-related employment ~~[for]~~ from private employer~~[s]~~, who are separate and independent from the City of Jersey City, only during off-duty hours and at such time as will not interfere with the efficient performance of regularly scheduled or emergency duty of the City; provided, however, that no officer may work within a premises licensed by the Alcohol Beverage Board. Officers are not permitted on the "licensed premise" itself, which is the area licensed for alcohol consumption, retail sale or storage; provided further that no officer may accept off-duty employment under this ordinance by any governmental agency of the City of Jersey City other than the Jersey City Housing Authority.

(2) ~~[Any person or entity wishing to employ]~~ Prospective employers of off-duty police shall: ~~[first]~~ 1) obtain the prior written approval of the Chief of Police ~~[or his or her designee]~~, which approval shall be granted if, in the opinion of the Chief of Police ~~[or his or her designee]~~, such employment is necessary and would not be inconsistent with the efficient functioning and good reputation of the Police Department and would not unreasonably endanger or threaten the safety of the officer or officers who are to perform the work.

(3) Upon approval by the Chief of Police, the amount estimated to pay for the off-duty employment shall be deposited in the trust account established under subsection C.

(4) No officer shall be paid directly by any employer for requested services, nor provide services for more hours than specified in the request for services.

[B]C. Trust account established.

(1) To assure the timely payment of wages to police officers who perform off-duty service[s] and to meet the requirements of the Fair Labor Standards Act, the City of Jersey City has established a trust [fund] account known as the "Off-Duty Employment Trust Account". This [which] trust [fund] account is dedicated for the receipt of fees collected [from private persons or entities] for the payment [to police officers] for off-duty [or outside] employment [services]. The "Off-Duty Employment Trust Account" shall be administered by the Fiscal Bureau of the Jersey City Police Department, which shall make a written report to the Chief of Police every ninety (90) Days regarding said account. Payments to police officers shall be on a bi-weekly basis with all appropriate deductions. All payments must be remitted directly to the City of Jersey City for said account. Deposits shall be in the form of certified check, bank check, money order or business check, at the discretion of the Fiscal Officer.

(2) Hour Estimate

(a) Hours Known: [Any person or entity requesting the services] A prospective employer of an off-duty [law enforcement] police officer [in the City of Jersey City Police Department] shall estimate the number of hours [such law enforcement services are] required. The [which] estimate shall be approved in writing by the Chief of Police, [or his or her designee, and shall establish a Trust Account within the "Off-Duty Employment Trust Account"deposit the amount] and an amount sufficient to cover the rates of compensation and administrative fees set forth in Subsection D for the total estimated hours of service shall be deposited into the Trust Account.

[(3)] (b) Hours Unknown or In Excess of Ten (10) Days: In any instance where the number of hours [required is unknown and] cannot be reasonably estimated[,] or is anticipated to be in excess of 10 days, [the person or entity requesting the services of an off-duty law enforcement officer] a prospective employer shall deposit an amount sufficient to cover the rate of compensation and administrative fees set forth in Subsection D for the equivalent of 10 days prior to the commencement of any [work] services. Any unused portion of the deposit shall be returned or credited against the final amount owed.

[(4)](3) [Prior to] Before posting any request for services of off-duty [law enforcement] police officers, the Chief of Police [or his or her designee] shall verify that the balance in the [T] trust account of the [person or entity requesting services] prospective employer is sufficient to cover the compensation and fees for the number of hours specified in the request [for services]. The Chief of Police [or his or her designee] shall not post a request for services [from any person or entity] unless all fees and compensation required in the manner described above have been deposited in the ["Off-Duty Employment Trust Account"] trust account. [All payments must be remitted directly to the City of Jersey City for said account. Deposits shall be in the form of certified check, bank check, money order or business check, at the discretion of the Fiscal Officer. No officer shall be paid directly by any employer for requested services nor provide any such services for more hours than are specified in the request for services.]

[(5)](4) Depletion of Funds in a Trust Account for any Individual Person or Entity: In the event the funds in [such] any individual or entity's [T] trust [A] account should become depleted, services of off-duty law enforcement officers shall cease, and requests for further or future services shall not be [performed or] posted until additional funds have been deposited in the [T] trust [A] account in the manner

prescribed above. In the event of an unforeseen emergency situation that would require an officer to remain beyond the time for which funds have been posted, the Chief of Police ~~[or his or her designee]~~ may waive the requirement for posting additional ~~funds~~ after the first 10 hours for any ~~[person or entity]~~ employer exhibiting a previous satisfactory payment history. However, payment for the additional hours shall be made ~~[by the person or entity requiring the extended service]~~ within 48 hours.

~~(6)~~(5) ~~[The person or entity requesting such services]~~ A prospective employer shall be responsible for ensuring that sufficient funds remain in the ~~[T]~~ trust account in order to avoid any interruption of services. In the event of a project which requires services over an extended period ~~[of time]~~ the Fiscal Officer may require advance payment equal to 25% of the projected extended time period with additional 25% advances as a project continues.

~~(7)~~(6) Exemption: ~~[All]~~ public utility companies ~~[that are]~~ under the jurisdiction of, and regulated by, the New Jersey Board of Public Utilities is exempt from the provisions set forth in this section requiring advance payment to the ~~[T]~~ trust ~~[A]~~ account; providing, however, that there are no amounts previously due that are outstanding for a period in excess of 15 days. Any such delinquent balances shall require advance payment of the amount outstanding prior to any officer engaging in any further off-duty assignments.

~~[C]~~D. Requests for services.

(1) ~~[All]~~ Requests ~~[to the City]~~ for the services of off-duty law enforcement officers ~~[in the City of Jersey City Police Department]~~ for a period of one week or longer shall be forwarded to the Chief of Police ~~[or his or her designee]~~ for posting at least 10 days before such services are required. ~~[Any law enforcement officers, when so employed by private employers shall be compensated at the rates set forth in Section D, hereafter.]~~

(2) ~~[All]~~ Requests ~~[to the City]~~ for the services of off-duty law enforcement officers ~~[in the City of Jersey City Police Department]~~ for a period of less than one week shall be forwarded to the Chief of Police ~~[or his or her designee]~~ for posting as soon as practicable, but in no event less than 24 hours before such services are required, except in emergency situations. ~~[Any law enforcement officers, when so employed by private employers shall be compensated at the rates set forth in Section D, hereafter.]~~

(3) In emergency situations, requests for ~~[the]~~ services ~~[of off-duty law enforcement officers in the City of Jersey City Police Department]~~, shall be made, as necessary, to the Chief of Police ~~[or his or her designee]~~, who shall make every effort to accommodate such request in a reasonable manner in his or her discretion. Any ~~[law enforcement]~~ police officers, when so employed by private employers, shall be compensated at the rates set forth in Section D, hereafter. All payments in emergency situations ~~[must be paid]~~ shall be made within 48 hours. Completed claim forms are to be provided to the officer at the time the services are rendered and the officer shall deliver same to the appropriate precinct.

(4) In the event an off-duty assignment is not picked, posting must be forwarded to all districts in order to secure an officer for the assignment. If the post is not filled within 24 hours prior to the scheduled event, the building supervisor may contact any officer directly to fill the off-duty assignment.

~~[D]~~E. Rates of compensation; administrative fee; payment for services.

(1) Rates of compensation for ~~[contracting]~~ the services of off-duty law enforcement officers are established as follows:

[(a) Rate of compensation for police officers for details at construction sites between the hours of 7:00 a.m. and 4:00 p.m. shall be at the rate of thirty-five dollars ($35.00) per hour. Any hours after 4:00 p.m. shall incur a night differential at an additional ten dollars ($10.00) per hour. In addition, any construction details on Saturdays, shall be paid at time and a half rate and Sunday or Holidays as set forth herein, shall be at a double time rate, without any night differential.]

[(b) Any details at a commercial multi store complex shall be at the hourly rate of thirty-five dollars ($35.00) without any night, Saturday, Sunday and Holiday differential.]

[(c) Any details for or on behalf of tax exempt organizations, non-profit (503c) organizations, civic organizations, individuals in non-commercial situations at any City owned Community Center or property owned by an Autonomous Agency or Authority created by Jersey City, shall be at the hourly rate of thirty-five dollars ($35.00) without any night, Saturday, Sunday and holiday differential.]

[(d) Any commercial single store detail; details for or on behalf of tax exempt organization, nonprofit (503c3) organizations, civic organizations, individuals in non-commercial situations (except at any City owned Community Center or property owned by an Autonomous Agency or Authority created by Jersey City), shall be at the hourly rate of twenty-five dollars ($25.00) without any night, Saturday, Sunday and Holiday differential. However, any such details deemed by the Chief of Police or his designee, based upon prior history, to involve major or unusual crowd control issues, including but not limited to, parades and festivals, then in that event the hourly rate shall be fifty dollars ($50.00), per hour.]

[(e) Rate of compensation for police officers for details at movie sets shall be at the rate of forty-five dollars ($45.00). Any hours after 4:00 p.m. shall incur a night differential at an additional ten dollars ($10.00) per hour. There shall be no differential for Saturday, Sunday or Holidays.]

[(f) Rate of compensation for police officers for details outside an Alcoholic Beverage Control licensed premises and/or event, shall be at the hourly rate of fifty dollars ($50.00). Details are not permitted on the "licensed premises" itself, which is the area licensed for alcohol consumption, retail sale or storage. There shall be no differential for nights, Saturday, Sunday or Holidays.]

[(g) Any detail requiring the services of a superior of the rank of Sergeant or Lieutenant only, shall receive compensation at an additional ten dollars ($10.00) per hour, above the hourly rate of police officers assigned to said details. The Chief of Police or his designee, shall determine if a detail requires the services of such a superior.]

[(h) Holidays referenced herein are New Years Eve, New Years Day, Martin Luther King's Birthday, Good Friday, Memorial Day, July 4th, Labor Day, Veterans Day, Thanksgiving Day, Christmas Eve and Christmas Day.]

[(i) Any off-duty details over eight hours will be paid at a time and a half rate beginning with the ninth hour.]

[(j) Fee for police vehicle and fuel per hour or part thereof: ten dollars ($10.00). The necessity for a police vehicle at a particular job site will be at the determination of the District Commander of the district of the detail.]

[(k) Additional fee of five dollars ($5.00) per officer per hour is hereby established to cover administrative costs, overhead and out-of-pocket

~~expenses of the City of Jersey City. This additional fee will not be charged to any organization for any event that takes place in a City owned building or to the Jersey City Housing Authority.]~~

~~[(l) Any work or project conducted by a Jersey City Governmental Entity shall not qualify for off-duty police services with the exception of the Jersey City Housing Authority. The rate for police officers and detectives for the Jersey City Housing Authority shall be, at site based assignments, twenty-five dollars ($25.00) per hour; Sgts. twenty-six dollars ($26.00) per hour; Lt. twenty-seven dollars ($27.00) per hour; and Capt. twenty-nine dollars ($29.00) per hour. All rotating assignments shall be paid at the rate of twenty-two dollars ($22.00) per hour. There shall be no night, Saturday, Sunday and Holiday differential regardless of assignment. The aforesaid rates may be reviewed from time-to-time as may be appropriate, however, shall remain in full force and effect until appropriately amended.]~~

CONSTRUCTION SITES	COMMERCIAL ESTABLISHMENTS	TAX EXEMPT ORG.
CITY PROJECTS $35.00 / hour SAT TIME & A HALF SUN-HOLIDAYS DOUBLE TIME AFTER 4PM - Additional $10.00 / hour PRIVATE CONTRACTORS As Defined in A:5(b)i $45.00 / hour SAT TIME & A HALF SUN-HOLIDAYS DOUBLE TIME AFTER 4PM - Additional $10.00 / hour EFFECTIVE 1/1/12 $50.00 / hour	Commercial Bank or Financial Institution $35.00 / hour EFFECTIVE 1/1/12 $40.00 / hour Commercial Establishments: $35.00 / hour OVER 4,000 SQ FT. EFFECTIVE 1/1/12 $40.00 / hour All Other Retail Establishments Not Covered Above $25.00 UNDER 4,000 SQ FT.	$35.00 / hour
LARGE EVENTS UNDER 5,000 PEOPLE (Except City-Owned Facility Events) $50 / hour *with alcohol present* *$55 / hour*	LARGE EVENTS OVER 5,000 PEOPLE $65.00 / hour	FILM PRODUCTION SITES $55.00 / hour
OUTSIDE AN ALCOHOLIC BEVERAGE CONTROL LICENSED PREMISE $55.00 / hour	SUPERIOR OFFICER REQUIRED Additional $10.00 /hour above rates of police officers for above assignments.	CITY OWNED FACILITY $35.00 / hour

UNLESS STATED IN THE ABOVE TABLE, NO NIGHT, WEEKEND OR HOLIDAY DIFFERENTIAL

(2) Any off-duty assignments over eight (8) hours shall be paid at a time and a half rate beginning with the ninth hour.

(3) Fee for police vehicle and fuel per hour or part thereof: $10. 00. The necessity for a police vehicle at a particular site will be at the determination of the District Commander of the district of the detail.

(4) The minimum period of compensation shall be four (4) hours.

(5) An officer who is compensated for this minimum period because of a late cancellation under subsection G or because of early termination of an assignment may not accept additional off-duty assignments during that period.

F. **Administrative Costs.** An additional fee of $5.00 per officer per hour is hereby established to cover administrative costs, overhead and out-of-pocket expenses of the City of Jersey City. This additional fee shall not be charged to a nonprofit organization for an event in a City owned building nor to the Jersey City Housing Authority.

The aforesaid rates shall be reviewed every three (3) years commencing January 1, 2014.

[~~E~~]G. **Cancellation.** [~~In the event that the person or entity requesting the services of off-duty law enforcement officers fails to contact the City of Jersey City Police Department at least eight hours prior to the scheduled start time to cancel the job, or the officer works less than four hours and the job is completed, the officer is entitled to be paid for a minimum of four hours at the rate of compensation set forth in Subsection D.~~] A perspective employer who fails to notify the Chief of Police at least twelve (12) hours before the commencement of services shall compensate the officer(s) for four (4) hours.

[~~F~~]H. **Public emergency.** [~~The Chief of Police or his or her designee shall have the authority to order any police officer engaged in off-duty assignments within the City to respond to an emergency situation within the City of Jersey City. The Chief of Police or his or her designee shall also have the right to order any off-duty assignment to be terminated whenever said assignment creates an unacceptable risk to the health, safety and welfare of the off-duty officer and/or the citizens of the City of Jersey City. In the event that a police officer is assigned to an emergency situation, the Chief of Police or his or her designee shall make note of said off-duty assignment. In any situation where an off-duty police officer is called to an emergency situation, said person or entity shall not be responsible for the payment of the officer's hourly rate, administrative fee or any other fees to the City of City of Jersey City until such time as said police officer and/or equipment returns to the assignment with the off-duty employer.~~] The Chief of Police shall have the authority to order any police officer engaged in off-duty assignments to respond to an emergency. The Chief of Police may terminate an assignment whenever said assignment creates an unacceptable risk to the off-duty officer or to the citizens of the City of City of Jersey City. If an off-duty assignment is cancelled or terminated by the Chief of Police, the employer shall not be responsible for any compensation or fees until the officer returns to the assignment.

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

C. The City Clerk shall have this ordinance codified and incorporated in 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 may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

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

TK/TF/he
10/06/10

APPROVED AS TO LEGAL FORM

APPROVED: _____

_____
Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required ☐
Not Required ☐