

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

File No. Ord. 25-004
Agenda No. 3.1 (1st Reading)
Agenda No. 4.2 (2nd Reading and Final Passage)



AN FRANCHISE ORDINANCE GRANTING PERMISSION TO SAM STEINBERG, HIS SUCCESSORS AND ASSIGNS, TO USE APPROXIMATELY 216.62 SQUARE FEET OVER THE PUBLIC RIGHT-OF-WAY WITHIN THE FIFTY (50) FOOT RIGHT-OF-WAY OF FIRST STREET, ADJACENT TO LOTS 8, 9 & 10, BLOCK 12603, ON THE OFFICIAL TAX ASSESSMENT MAP OF THE CITY OF JERSEY CITY.

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

Whereas, Sam Steinberg (the “Petitioner”) has filed a Petition, [attached hereto and made a part hereof as Exhibit A](#), with the Municipal Council of the City of Jersey City, requesting permission for an [above grade](#) encroachment within the First Street right-of-way as more particularly described on the survey plan and separate metes and bounds description prepared by Clearpoint Services LLC, said Petition and its franchise exhibits being on file with the office of the City Clerk; and

Whereas, the Petitioner is the owner of Lots 8, 9 & 10, Block 12603 (the “Property”); and

Whereas, the area where the above grade encroachments exist are above the public sidewalk and above the ground floor of the Project, as defined herein; and

Whereas, the Petitioner received Preliminary and Final Major Site Plan approval with “c” and “d” variances from the Jersey City Zoning Board of Adjustment by resolution adopted on April 8, 2021, memorializing the decision from its meetings of January 14, 2021 and March 11, 2021, under Case No. Z20-059, attached hereto as **Exhibit B**, to construct a new four-story multi-family residential building with twelve residential units and nine ground level parking spaces (the “Project”); and

Whereas, the Petitioner was approved by the Jersey City Zoning Board of Adjustment, the Jersey City Zoning Office and the Jersey City Building Department to construct the Project, and has substantially constructed the Project, and a portion of the development, as approved, encroaches above grade over the First Street right-of-way as the building to cantilevers/overhangs at the second and third floors (the “Private Improvements”); and


Whereas, the Private Improvements are more particularly depicted and described on the franchise exhibits [depicting and describing the encroachment area \(“Encroachment Area”\)](#) prepared by Clearpoint Services LLC, being the survey plan dated November 16, 2022 and attached hereto as [Exhibit C](#) and the separate metes and bounds description dated March 29, 2024 attached hereto as [Exhibit D](#); and

Whereas, the Encroachment Area would allow for the use and maintenance of the Project over the existing First Street right-of-way; and


Whereas, the Encroachment Area in question is located above grade within a portion of the public right-of-way within the Fifty (50) foot right-of-way of First Street adjacent to Lots 8, 9 & 10, Block 12603 over the existing public sidewalk. The Encroachment Area is depicted in Exhibit C and described in Exhibit D and consists of the following: a portion of the constructed Project above grade encroaching at the second and third floors of approximately 216.62 square feet over the public right-of-way within the fifty (50) foot right-of-way of First Street; and

Whereas, Petitioner, its successors and assigns, has made an application to the Municipal Council of the City of Jersey City by written Petition for this franchise ordinance.

APPROVED AS TO LEGAL FORM



Business Administrator



Corporation Counsel

An Franchise Ordinance granting permission to Sam Steinberg, his successors and assigns, to use approximately 216.62 square feet over the Public right-of-way within the fifty (50) foot right-of-way of First Street, adjacent to Lots 8, 9 & 10, Block 12603, on the Official Tax Assessment Map of the City of Jersey City.

Now, Therefore be it Ordained by the Municipal Council of the City of Jersey City that:

Section 1: Permission is hereby granted to Petitioner, its heirs and successors, to install and maintain the above grade Private Improvements on a portion of the lands located within the public right-of-way of First Street where the building to cantilevers/overhangs at the second and third floors as more particularly depicted and described in the franchise exhibits attached hereto as Exhibit C and Exhibit D.

Section 2: In accepting the privileges under this ordinance and in the maintenance and the use herein authorized, Petitioner, its successors and/or assigns shall agree to assume full, complete, and undivided responsibility for any and all injury and damages to persons or property by reason of such maintenance and use, and to indemnify and hold the City of Jersey City harmless from any injury or damage to persons or property by reason of such maintenance and use (except such injury or damage which is caused by the negligence or misconduct of the City or its officers, employees or agents) for the term of this Ordinance.

a)Petitioner, its successors and/or assigns, shall maintain in effect, during the term of this easement, liability insurance naming the City of Jersey City, its officers and employees as additional insured, covering the use and occupancy of the Encroachment Area. A Certificate of Insurance, in the amount of \$2,000,000.00 or in such amount and type as the City of Jersey City's Risk Manager may deem reasonable shall be delivered to the Risk Manager. Insurance limits shall be reviewed annually by the Risk Manager to determine if they need to be increased.

Section 3: There shall remain no damage to the public rights-of-way or interference with the free and safe flow of pedestrians. The Petitioner shall maintain all improvements installed by the Petitioner for the entire term of the franchise at no cost to the City of Jersey City.

Section 4: The costs and expenses incidental to the introduction, passage and publication of this Ordinance shall be paid by the Petitioner.

Section 5:The Ordinance shall not become effective unless an acceptance hereof in writing is filed by the Petitioner with the City Clerk.

Section 6:In the event that the Petitioner shall not file with the City Clerk, its acceptance, in writing, of the provisions of this Ordinance within thirty (30) days after receiving notice of its passage, this Ordinance shall become void and be of no effect.

Section 7:For the franchise herein granted, the Petitioner shall pay annually to the City of Jersey City the sum of ONE DOLLAR (\$1.00), which payment shall be made in advance to the City Finance Director, at his/her office in City Hall, on the first day of January in each year after this Ordinance becomes effective and remains in force.

Section 8:This Ordinance shall remain in full force and effect for a period of ninety-nine (99) years or for as long as the encroachment exists, whichever expires first. This Ordinance shall take effect upon final passage and publication according to law. In the event that the Municipal Council determines that this Ordinance must be canceled in whole or in part because of a public purpose, the City reserves the right to cancel this Ordinance or any part thereof by giving written notice to the Petitioner one-year prior to the date of cancellation.

Section 9:Only with prior written consent and approval by the City Council of the City of Jersey City, which consent and approval shall not be unreasonably withheld, shall Petitioner have the right to assign or otherwise transfer its rights under this Franchise Ordinance.

Section 10:This Franchise Ordinance shall be subject to the following conditions:

a)An easement upon the portion of the Property subject to this Franchise Ordinance is hereby reserved for the benefit of the City of Jersey City and all public utility companies for the purpose of operating, maintaining, inspecting, protecting, repairing, replacing or reconstructing any existing water, sewer or utility lines together with the right of ingress and egress at all times for such purposes and all other purposes in connection with or in any way relating to the City of Jersey City's, or public utility companies', use or operation of water, sewer or utility lines.

b)No building or structure of any kind may be construed over the water or sewer utilities within the area subject to this Franchise Ordinance without the consent of the Chief Engineer of the City of Jersey City.

An Franchise Ordinance granting permission to Sam Steinberg, his successors and assigns, to use approximately 216.62 square feet over the Public right-of-way within the fifty (50) foot right-of-way of First Street, adjacent to Lots 8, 9 & 10, Block 12603, on the Official Tax Assessment Map of the City of Jersey City.

c)The Petitioner shall maintain the Private Improvements within the existing public sidewalk and as more particularly delineated in Exhibit C and Exhibit D within the portions of First Street adjacent to Lots 8, 9 & 10, Block 12603.

i.)All Ordinances and parts of Ordinance inconsistent herewith are hereby repealed.

ii)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.

iii) This Ordinance shall take effect at the same time and in the manners provided by law.

iv)The City Clerk and the Corporation Counsel be and they hereby are 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 the existing provisions.

An Franchise Ordinance granting permission to Sam Steinberg, his successors and assigns, to use approximately 216.62 square feet over the Public right-of-way within the fifty (50) foot right-of-way of First Street, adjacent to Lots 8, 9 & 10, Block 12603, on the Official Tax Assessment Map of the City of Jersey City.

RECORD OF COUNCIL VOTE ON INTRODUCTION – Jan 29 2025

RIDLEY	AYE	SALEH	AYE	DEGISE	ABSENT	7-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	ABSENT	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES	AYE	

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING – Feb 13 2025

RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	ABSENT	WATTERMAN, PRES.	AYE	

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY –

RIDLEY		SALEH		DEGISE		
PRINZ-AREY		SOLOMON		RIVERA		
BOGGIANO		GILMORE		WATTERMAN, PRES.		


RECORD OF FINAL COUNCIL VOTE – Feb 13 2025

RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	AYE	


Adopted on first reading of the Council of Jersey City, N.J. on Jan 29 2025

Adopted on second and final reading after hearing on Feb 13 2025


This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on Feb 13 2025



City Clerk



Joyce E. Watterman, President of Council
Approved: Feb 13 2025



Steven M. Fulop, Mayor
Date to Mayor: Feb 14 2025
Approved: Feb 14 2025

An Franchise Ordinance granting permission to Sam Steinberg, his successors and assigns, to use approximately 216.62 square feet over the Public right-of-way within the fifty (50) foot right-of-way of First Street, adjacent to Lots 8, 9 & 10, Block 12603, on the Official Tax Assessment Map of the City of Jersey City.

FACT SHEET -

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

Project Manager

Renee Jackson, Assistant Municipal Clerk		4842	renee@jcnj.org
Department	Municipal Clerk		
Division	Municipal Clerk		

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 1:00 p.m.)

Meeting	Regular Meeting of Municipal Council - Jan 29 2025
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Purpose

An Franchise Ordinance granting permission to Sam Steinberg, his successors and assigns, to use approximately 216.62 square feet over the Public right-of-way within the fifty (50) foot right-of-way of First Street, adjacent to Lots 8, 9 & 10, Block 12603, on the Official Tax Assessment Map of the City of Jersey City.
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Cost (Identify all sources and amounts)

n/a

Contract term (include all)

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ATTACHMENTS:

20250113100646 20250113100646
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Approved by
Sean Gallagher, City Clerk
John McKinney, Attorney
John Metro, Business Administrator

Status:
Approved - Jan 21 2025
Approved - Jan 21 2025
Approved - Jan 22 2025

PETITION

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

Your Petitioner, Sam Steinberg (the "Petitioner"), having offices located at 1435 64th Street, Brooklyn, New York, respectfully says that:

1. Petitioner is the owner of the property located at 387-391 First Street, Jersey City, New Jersey and known as Block 12603, Lots 8, 9 & 10 on the current tax maps of the City of Jersey City (the "Property"). The Petitioner has developed the Property with a new four-story multi-family residential building with twelve residential units and nine ground level parking spaces (the "Project"). The Property is located within the R-5 Multi-Family Low-Rise Mixed-Use Zone.

2. On April 8, 2021, the Jersey City Zoning Board of Adjustment adopted a resolution memorializing the decision from its meetings of January 14, 2021 and March 11, 2021 approving the Preliminary and Final Major Site Plan Approval With "c" And "d" Variances for the Property under Case No. Z20-059 (the "Zoning Board Approval").

3. As part of the Project, the Zoning Board Approval approved the building to cantilever at the second and third floors and thereby encroach above grade into the public right of way on First Street.

4. Petitioner was subsequently approved by the Jersey City Zoning Office and the Jersey City Building Department to construct the Project.

5. Petitioner has substantially constructed the Project and this issue was brought to the attention of Petitioner after the encroachments had been constructed.

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

A. The overhang of a portion of the four-story multi-family residential building at the second and third floors into the public right-of-way of First Street that will be utilized for a private

purpose as approved under the Zoning Board Approval in Case No. Z20-059.

- B. All costs associated with these improvements will be incurred by the Petitioner, and the Petitioner shall be solely responsible for the continued maintenance of the improvements in perpetuity.

WHEREFORE, your Petitioner respectfully petitions for itself, its successors and assigns, for the enactment of a Franchise Ordinance to allow it to make private improvements within the public right-of-way of First Street, all as more particularly shown on the franchise exhibits annexed to the draft ordinance annexed hereto and made a part hereof.

By: _____
o/b/o Sam Steinberg
Jennifer J. Bogdanski, Esq.,
Attorney for the Petitioner

LOT 84
(TM)

"A WRITTEN WAIVER AND DIRECTION NOT TO SET CORNER MARKERS
HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO
P.L.2003, C.14 (C45:8-36,3) AND NJAC 13:40-5.1 (D)"

BRUNSWICK STREET
(F.K.A. GILBERT STREET)
(VARIED WIDTH)

LOT 11
(TM)

BLOCK 12603
LOT 8.01
(TM)

N68°30'44"W

49.50'

N21°29'16"E
10.06'

N68°30'44"W
20.00'

68.16'

N21°29'16"E

69.92'

S21°29'16"W

0.7' OVER

ADJ. BUILDING

0.7' CLEAR

P.O.B.

(S59°03'54"E - MAP)

(MISCLOSURE = 0.06')

S58°59'37"E (MEASURED)

FRANCHISE AGREEMENT AREA

50.18'

S68°30'44"E

20.00'

0.7' CLEAR

FIRST STREET
(F.K.A. EIGHTH STREET)
(50' WIDE)

NOTES:

1. THIS SURVEY DOES NOT PURPORT TO IDENTIFY, IF ANY, ENCROACHMENTS, WETLANDS, UTILITIES, SERVICE LINES OR STRUCTURES BELOW GROUND;
2. PROPERTY SUBJECT TO DOCUMENTS OF RECORD;
3. NO ATTEMPT WAS MADE TO DETERMINE IF ANY PORTION OF THIS PROPERTY IS CLAIMED BY THE STATE OF N.J. AS TIDELANDS;
4. NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY THE LAND SURVEYOR FOR ANY OTHER PURPOSE INCLUDING, BUT NOT LIMITED TO USE OF SURVEY FOR SURVEY AFFIDAVIT, RESALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN THE CERTIFICATION EITHER DIRECTLY OR INDIRECTLY.
5. ONLY COPIES FROM THE ORIGINAL SURVEY MARKED WITH AN ORIGINAL PROFESSIONAL LAND SURVEYORS EMBOSSED SEAL SHALL BE CONSIDERED VALID COPIES;
6. SIGNATURE AND EMBOSSED SEAL SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE ADOPTED BY THE N.J. STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS;
7. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED PROFESSIONAL LAND SURVEYOR'S SEAL IS ILLEGAL AND PUNISHABLE BY LAW;
8. OFFSETS SHOWN HEREON ARE NOT TO BE USED AS A BASIS FOR ANY CONSTRUCTION OF PERMANENT STRUCTURES I.E. BUILDINGS, SHEDS, FENCES, ETC.
9. SUBJECT TO EASEMENTS & RESTRICTIONS OF RECORD, IF ANY.
10. THE HORIZONTAL DATUM IS NAD83.

DESCRIPTION:
BEING KNOWN AS LOT 8.01 IN BLOCK 12603 AS SHOWN ON THE
OFFICIAL TAX MAP OF THE CITY OF JERSEY CITY, HUDSON
COUNTY, NEW JERSEY.

CERTIFIED TO:
PARKSIDE PROPERTY GROUP.



DATE: 11-16-2022

ALAN R. BOETTGER
PROFESSIONAL LAND SURVEYOR
N.J. LICENSE NO. 41997

**CLEARPOINT
SERVICES** LLC
Professional Land Surveyors

Headquarters | 645 Herman Road, Suite 1 | Jackson, NJ 08527
New York Office | 325 Delson Avenue | Suite 201 | Middletown, NY 10940
Florida Office | 241 Ruby Avenue | Unit 205 | Kissimmee, FL 34741
712-905-5443

CERTIFICATE NO. 246A28115000

JOB NO. 22-34923-09
(FRANCHISE AGREEMENT)

SCALE 1"=10'

DATE: 11-16-2022

SHEET 1 OF 1

PM - RG

FRANCHISE AGREEMENT EXHIBIT
387-391 FIRST STREET
~LOT 8.01 ~ BLOCK 12603~
SITUATED IN THE
CITY OF JERSEY CITY,
HUDSON COUNTY, NEW JERSEY

CLEARPOINT SERVICES LLC

Description of the area contained within a franchise agreement in relation to Lot 8.01 in Block 12603 as shown on the Official Tax Map of the City of Jersey City, Hudson County, New Jersey, and more particularly described as follows;

Beginning at a point in the southwesterly line of First Street (f.k.a. Eight Street) (50' wide), where the same is intersected by the division line of the lot to be described, and its adjoiner to the east, being therein distant 180.23' as measured northwesterly along the same with the same through various courses, with the northwesterly line of Brunswick Street (f.k.a. Gilbert Street) (varied width), the said point having a value of N: 688452.4443, E: 616352.8828 in the New Jersey Plane Coordinated System, and from the said beginning point running, thence;

- 1) North 58°59'37" West a distance of 50.18', along the said line of First Street to a point, thence;
- 2) North 68°30'44" West a distance of 20.00', continuing along the said line to a point, thence along the outer edge of the second level of the building the following courses to wit:
- 3) North 21°29'16" East a distance of 3.00' to a point, thence;
- 4) South 68°30'44" East a distance of 4.68' to a point, thence;
- 5) North 21°29'16" East a distance of 0.50' to a point, thence;
- 6) South 68°30'44" East a distance of 6.33' to a point, thence;
- 7) South 21°29'16" West a distance of 0.50' to a point, thence;
- 8) South 68°30'44" East a distance of 9.23' to a point, thence;
- 9) South 58°59'37" East a distance of 29.80' to a point, thence;
- 10) North 30°57'23" East a distance of 0.50' to a point, thence;
- 11) South 58°59'37" East a distance of 6.33' to a point, thence;
- 12) South 30°57'23" West a distance of 0.50' to a point, thence;
- 13) South 58°49'20" East a distance of 13.82' to a point, thence;
- 14) South 21°29'16" West a distance of 3.00', to the point and place of beginning.

Having an area of 216.62 square feet.



Alan Boettger, PLS
NJ LICENSE No. 41997
March 29, 2024
JOB No. 22-34923-09 FA

640 Herman Road - Unit 1 - Jackson, NJ 08527 - Phone 732-905-5463 - Fax 732-905-5464 -
Email: info@clearpointservices.com www.clearpointservices.com

PETITION

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

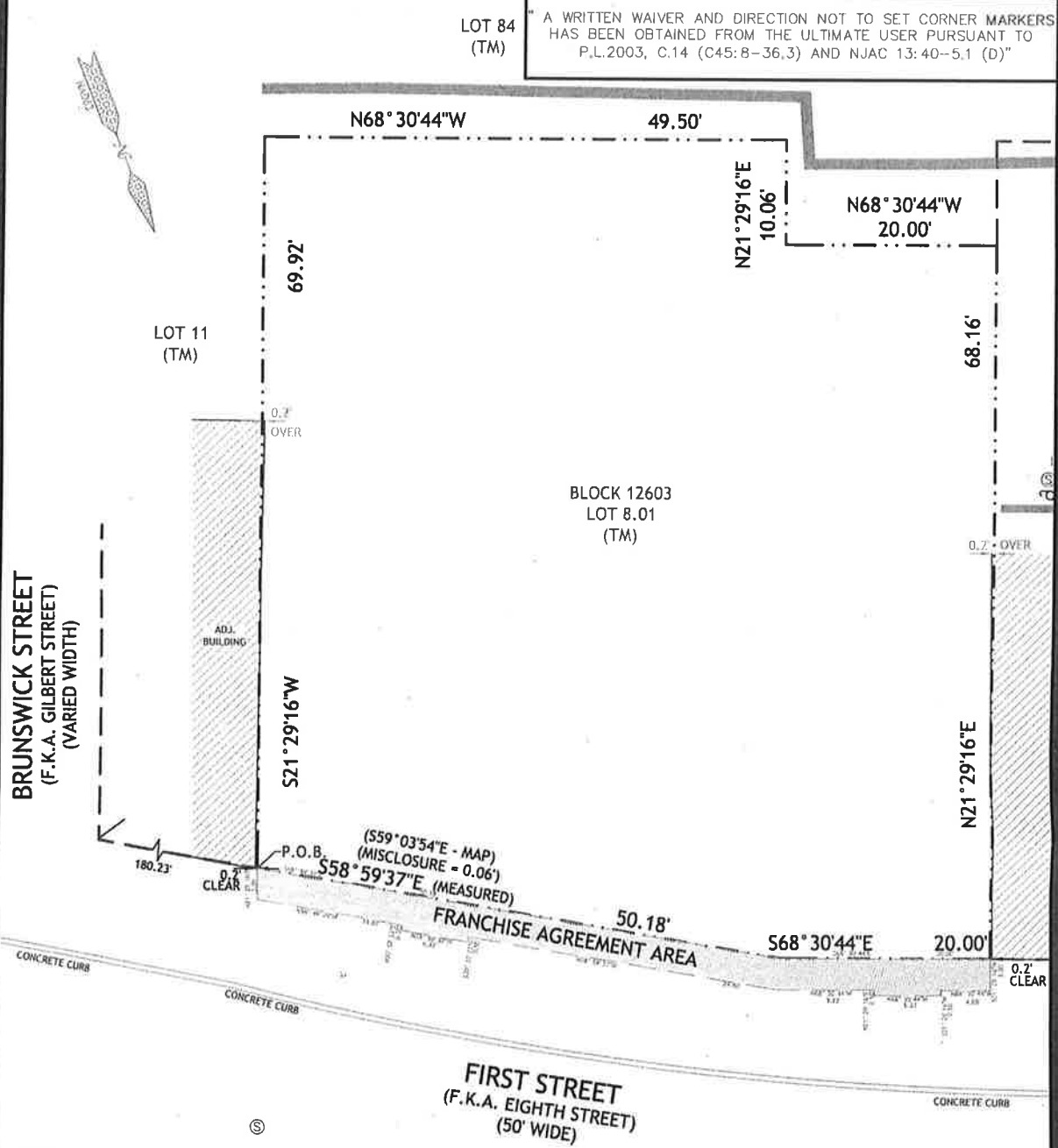
A. The overhang of a portion of the four-story multi-family residential building at the second and third floors into the public right-of-way of First Street that will be utilized for a private

purpose as approved under the Zoning Board Approval in Case No. Z20-059.

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WHEREFORE, your Petitioner respectfully petitions for itself, its successors and assigns, for the enactment of a Franchise Ordinance to allow it to make private improvements within the public right-of-way of First Street, all as more particularly shown on the franchise exhibits annexed to the draft ordinance annexed hereto and made a part hereof.

By: _____
o/b/o Sam Steinberg
Jennifer J. Bogdanski, Esq.,
Attorney for the Petitioner



" A WRITTEN WAIVER AND DIRECTION NOT TO SET CORNER MARKERS HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO P.L.2003, C.14 (C45:8-36,3) AND NJAC 13:40-5.1 (D)"

NOTES:

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CERTIFIED TO:
PARKSIDE PROPERTY GROUP.

 ALAN R. BOETTGER PROFESSIONAL LAND SURVEYOR N.J. LICENSE NO. 41997	CLEARPOINT SERVICES LLC Professional Land Surveyors <small>Headquarters 645 Herman Road, Suite 1 Jackson, NJ 08527 New York Office 325 Delson Avenue Suite 201 Middletown, NY 10940 Florida Office 241 Ruby Avenue Unit 205 Kissimmee, FL 34741 712-905-5443 www.clearpoint-services.com</small>		FRANCHISE AGREEMENT EXHIBIT 387-391 FIRST STREET ~LOT 8.01 ~ BLOCK 12603~ SITUATED IN THE CITY OF JERSEY CITY, HUDSON COUNTY, NEW JERSEY			
	DATE: 11-16-2022	CERTIFICATE NO. 246A28115000	JOB NO. 22-34923-09 (FRANCHISE AGREEMENT)	SCALE 1"=10'	DATE: 11-16-2022	SHEET 1 OF 1

CLEARPOINT SERVICES LLC

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- 1) North 58°59'37" West a distance of 50.18', along the said line of First Street to a point, thence;
- 2) North 68°30'44" West a distance of 20.00', continuing along the said line to a point, thence along the outer edge of the second level of the building the following courses to wit:
- 3) North 21°29'16" East a distance of 3.00' to a point, thence;
- 4) South 68°30'44" East a distance of 4.68' to a point, thence;
- 5) North 21°29'16" East a distance of 0.50' to a point, thence;
- 6) South 68°30'44" East a distance of 6.33' to a point, thence;
- 7) South 21°29'16" West a distance of 0.50' to a point, thence;
- 8) South 68°30'44" East a distance of 9.23' to a point, thence;
- 9) South 58°59'37" East a distance of 29.80' to a point, thence;
- 10) North 30°57'23" East a distance of 0.50' to a point, thence;
- 11) South 58°59'37" East a distance of 6.33' to a point, thence;
- 12) South 30°57'23" West a distance of 0.50' to a point, thence;
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Having an area of 216.62 square feet.



Alan Boettger, PLS
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March 29, 2024
JOB No. 22-34923-09 FA

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Email: info@clearpointservices.com www.clearpointservices.com