

City Clerk File No. Ord. 13-045

Agenda No. 3.E 1st Reading

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



## ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13-045

TITLE:

A FRANCHISE ORDINANCE GRANTING PERMISSION TO ABDEL AMIN, HIS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS TO THE PUBLIC RIGHT OF WAY AT THE PROPERTY LOCATED AT 60 SUSSEX STREET A/K/A 67 GREEN STREET, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 14304, LOT 5.

The Municipal Council of the City of Jersey City does hereby ordain:

WHEREAS, Abdel Amin is the owner of the property located 60 Sussex Street, Jersey City, and known as Block 14304, Lot 5 on the current tax maps of the City of Jersey City ("Property"); and

WHEREAS, pursuant to a Resolution for a "D" variance for an expansion of a nonconforming use and "C" variances for front yard setback, minimum rear yard and maximum building coverage, the Jersey City Zoning Board of Adjustment (Case # Z 11 - 031) approved the applicant's proposed expansion of a ground floor restaurant into both floors of a separate two-story accessory garage (carriage house) at the rear of the lot and granting front yard setback, minimum rear yard, and maximum building coverage variances; and

WHEREAS, a portion of the development approval granted by the Jersey City Board of Zoning Adjustment includes overhanging storefronts, a new entry stoop, and maintaining the existing basement hatch door and existing stoop, a new residential trash enclosure, reorientation of the carriage house door swing opening onto the sidewalk, and installation of removable screens on the sidewalk, all of which are more particularly depicted and described in the Franchise Plans, Exhibit A, attached hereto; and

WHEREAS, there will remain sufficient area in the public right-of-way for pedestrian use (at least nine [9] unobstructed feet), and the proposed private improvements will not impede or have a negative impact on typical pedestrian use; and

WHEREAS, Abdel Amin has filed a petition for relief and represented to the Municipal Council of the City of Jersey City that the passage of this Ordinance is in the best interest and essential for the successful growth of this neighborhood small business; and

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

1. The contemplated improvements will address installation of overhanging storefronts, a new entry stoop, and maintaining the existing basement hatch door and existing stoop, a new residential trash enclosure, reorientation of the carriage house door swing opening onto the sidewalk, and installation of removable screens on the sidewalk.
2. All costs associated with these improvements will be incurred by the Petitioner, and there being no objections thereto.

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

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

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

A FRANCHISE ORDINANCE GRANTING PERMISSION TO ABDEL AMIN, HIS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS TO THE PUBLIC RIGHT OF WAY AT THE PROPERTY LOCATED AT 60 SUSSEX STREET A/K/A 67 GREEN STREET, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 14304, LOT 5.

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

**SECTION I.** Permission be, and is hereby granted to Abdel Amin, his successors and assigns, to complete private improvements to the public right of way at 60 Sussex Street, Jersey City, and known as Block 14304, Lot 5 on the current tax maps of the City of Jersey City, said areas being more particularly described as follows and on survey with metes and bounds description and plan attached hereto as Exhibit "A" and Exhibit "B" respectively.

1. The contemplated improvements will include the installation of overhanging storefronts, a new entry stoop, the existing basement hatch door and stoop, a new residential trash enclosure, reorientation of carriage house door-opening swing, and installation of removable screens on the sidewalk.
2. There will remain sufficient area in the public right-of-way (at least nine [9] unobstructed feet) for typical pedestrian use.
3. The contemplated improvements will be constructed consistent with the Plans approved by the Jersey City Zoning Board of Adjustment, the Jersey City Zoning Officer and Building Department.
4. All costs associated with these improvements will be incurred by the Petitioner.
5. The contemplated improvements are necessary to construct the proposed development consistent with the development approvals and will greatly benefit the Petitioner's property and the surrounding neighborhood.

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

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

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

**SECTION V.** In accepting the privileges of this Ordinance and the installation, maintenance and use hereby authorized, Abdel Amin, his successors and assigns hereby agree to assume full, complete, and undivided responsibility for any and all injury or damage to persons or property by reason of said installation, maintenance and use, and to indemnify and hold the City of Jersey City harmless from all injury or damage to persons or property by reason of such installation, maintenance and use (except such injury or damage which is caused by the negligence or misconduct of the City or its officers, employees or agents) for the term of this Ordinance. Abdel Amin, his successors and assigns, shall maintain in effect, during the term of this franchise, liability insurance naming the City of Jersey City, its officers and employees as additional insured, covering the use and occupancy of the public property subject to this franchise. A certificate of insurance, in the amount of \$1,000,000 in a form deemed acceptable by the City's Risk Manager, shall be delivered to the Risk Manager before use or occupancy of the premises subject to this Franchise Ordinance.

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

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

A FRANCHISE ORDINANCE GRANTING PERMISSION TO ABDEL AMIN, HIS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS TO THE PUBLIC RIGHT OF WAY AT THE PROPERTY LOCATED AT 60 SUSSEX STREET A/K/A 67 GREEN STREET, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 14304, LOT 5.

SECTION VIII. An easement for the duration of this Ordinance is reserved for the benefit of the City of Jersey City and all public utility companies including any cable television company as defined in the "Cable Television Act", P.L. 1972, c. 186 (c. 48:5A-1 et seq.) for the purpose of ingress and egress over and upon the area subject to this Franchise Ordinance in order to maintain, repair or replace existing utility facilities including water lines, sewer lines, gas lines and telephone, electrical and cable television wires and poles which may be located either beneath or above the surface of the area subject to this Franchise Ordinance.

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

SECTION X.

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance certified and incorporated in the official copies of the Jersey City Code.
- C. This Ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code, in order to avoid confusion and possible accidental repeals of existing provisions.

APPROVED AS TO LEGAL FORM

*Russell Redd*  
Asst. Corporation Counsel

APPROVED: \_\_\_\_\_

APPROVED: *J. L. Lacey*  
Business Administrator

Certification Required

Not Required

PETITION

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

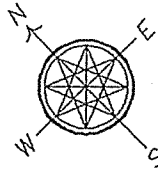
Your Petitioner, Abdel Amin, having offices located at 60 Sussex Street, Jersey City, New Jersey 07302, respectfully says that:

1. Petitioner is the owner of the property located at 60 Sussex Street a/k/a 67 Green Street, Jersey City, and known as Block 14304, Lot 5, on the current tax maps of the City of Jersey City (the "property"). The Petitioner is proposing to expand its current sidewalk café on the Green Street frontage to in front of the carriage house and also to a portion of the front yard on Sussex Street.
2. The Jersey City Zoning Board of Adjustment approved the improvements consistent with the recommendation from the Historic Preservation Commission.
3. Petitioner proposes to make the following site improvements within the area of the public right-of-way:
  - A. The contemplated improvements will include construction of overhanging storefronts in the style of the building in 1933, a new entry stoop, approval of an existing basement hatch and stoop, carriage house door swings opening on to the sidewalk, trash enclosures for residential apartments, and installation of removable screens on the sidewalk.
  - B. All costs associated with these improvements will be incurred by the Petitioner, and there being no objections thereto.
4. The contemplated improvements are necessary to modify the Property's current appearance consistent with the development approvals, and will greatly benefit the Petitioner's property and the surrounding area and neighborhood.
5. A copy of the Resolution of the Zoning Board of Adjustment of the City of Jersey City is attached.

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

A handwritten signature in black ink that reads "Abdel Amin". The signature is written in a cursive style and is positioned above a horizontal line.

ABDEL AMIN



## **BEHAR SURVEYING ASSOCIATES, P.C.**

Professional Land Surveying and Planning

61 Locust Lane, East Rutherford, NJ 07073

Phone: 973-778-0010

Fax: 973-778-0027

<http://www.beharsurveying.com>

### **60 Sussex Street**

Tax Block 14304, Lot 5

*(Formerly known as Tax Block 68, Lot A-1)*

City of Jersey City

Hudson County, New Jersey

Beginning at a point on the intersection of the westerly line of Greene Street (60' Wide Right-of-Way), and the northerly line of Sussex Street (60' Wide Right-of-Way), running thence;

1. N 81° 38' 15" W 19.90' along the said line of Sussex Street, to a point, thence;
2. N 08° 21' 45" E 75.03', leaving the said line of Sussex Street to, through and beyond a centerline party wall to a point on the southerly face of a brick garage, thence;
3. N 81° 38' 15" W 1.11', along said southerly brick face to a point on the westerly face of said brick garage, thence;
4. N 08° 18' 58" E 24.97', along the westerly face of said brick garage and beyond to a point, thence;
5. S 81° 38' 15" E 21.03', to a point on the westerly line of Greene Street, thence;
6. S 08° 21' 45" W 100.00', along the said line of Greene Street to the point and place of beginning.

Subject to easements and restrictions of record.

### Franchise Easement

Beginning at a point on the westerly line of Greene Street (60' Wide Right-of-Way), said point being distant 8.00' northerly from the corner formed by the intersection of the northerly line of Sussex Street (60' Wide Right-of-Way) and the said line of Greene Street, running thence;

1. N 08° 21' 45" E 92.00', along the said line of Greene Street to a point, thence;
2. S 81° 38' 15" E 5.67', leaving the said line of Greene Street to a point resting in the right-of-way of Greene Street, thence;
3. S 08° 21' 45" W 92.00', continuing in the right-of-way of Greene Street to a point, thence;
4. N 81° 38' 15" W 5.67', to the point and place of beginning.

In accordance with a survey prepared by Behar Surveying Associates, PC dated September 12, 2011, and later revised July 1, 2012.

William B. Klapper

Licensed Land Surveyor 24GS03317500

**General Notes**

\*A written waiver and direction not to set corner markers has been obtained from the ultimate user pursuant to N.J.A.C. 12:4--5.1 (D) consent by Behr Surveying Associates, P.C.

This survey is subject to easements and restrictions of record. This certification is made only to persons named parties for purchase or mortgage of herein delineated property by the purchaser. The responsibility or liability is assumed by surveyor for use of survey for any other purpose, including but not limited to, use of survey for a survey affidavit, resale of property, or to any other person not listed in certification, either directly or indirectly.

**Surveyor's Notes:**

Jersey City Municipal Maps show a sewer line along Sussex Street.

The gasline on Greene Street was depicted based on Aerial Maps provided by Google Street Maps.

A utility markout was not ordered.

Parcel of land is designated as being located in Flood Zone X. Zone X is described as an area of land that is subject to a 0.2 % chance of flooding annually.

No access easements were found on the deed of record.

**References:**

- Survey prepared by Manalho & Manalho dated September 11, 1992. Deed 4329, Page 170
- Jersey City Municipal Utilities Authority Maps Sheet 21 dated Feb. 2, 1986

**SURVEY FOR THE PROPERTY LOCATED AT:**

**60 SUSSEX STREET  
TAX BLOCK 14304, LOT 5**

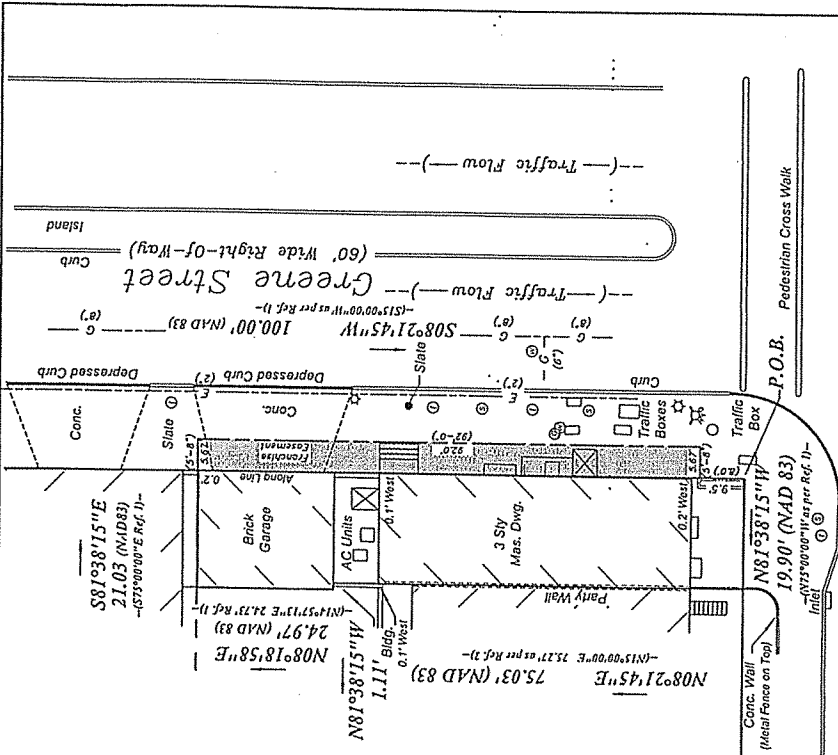
(FORMERLY KNOWN AS TAX BLOCK 68, LOT A-1)  
**CITY OF JERSEY CITY  
HUDSON COUNTY, NJ**

THIS SURVEY IS CERTIFIED AS HAVING BEEN PREPARED UNDER MY DIRECT SUPERVISION TO THE FOLLOWING:

- 1. Abdel Homed Amin

*William B. Klapper*  
**WILLIAM B. KLAPPER  
PROFESSIONAL LAND SURVEYOR  
NJ LICENSE 24GS03317500**

- Legend.**
- ⊙ = Tree
  - ⊕ = Street Sign
  - ⊗ = Water Box/Conn
  - ⊙ = Gas Box/Conn.
  - ⊗ = Manhole
  - ⊗ = Hydrant
  - ⊗ = Lightpost



**Sussex Street**

Water flow as per Fig. 3  
Manhole --- (60' Wide Right-Of-Way) 34' x 20' Con. Box, Pipe as per Fig. 3  
--- (Traffic Flow) ---

**GRAPHIC SCALE**



( IN FEET )

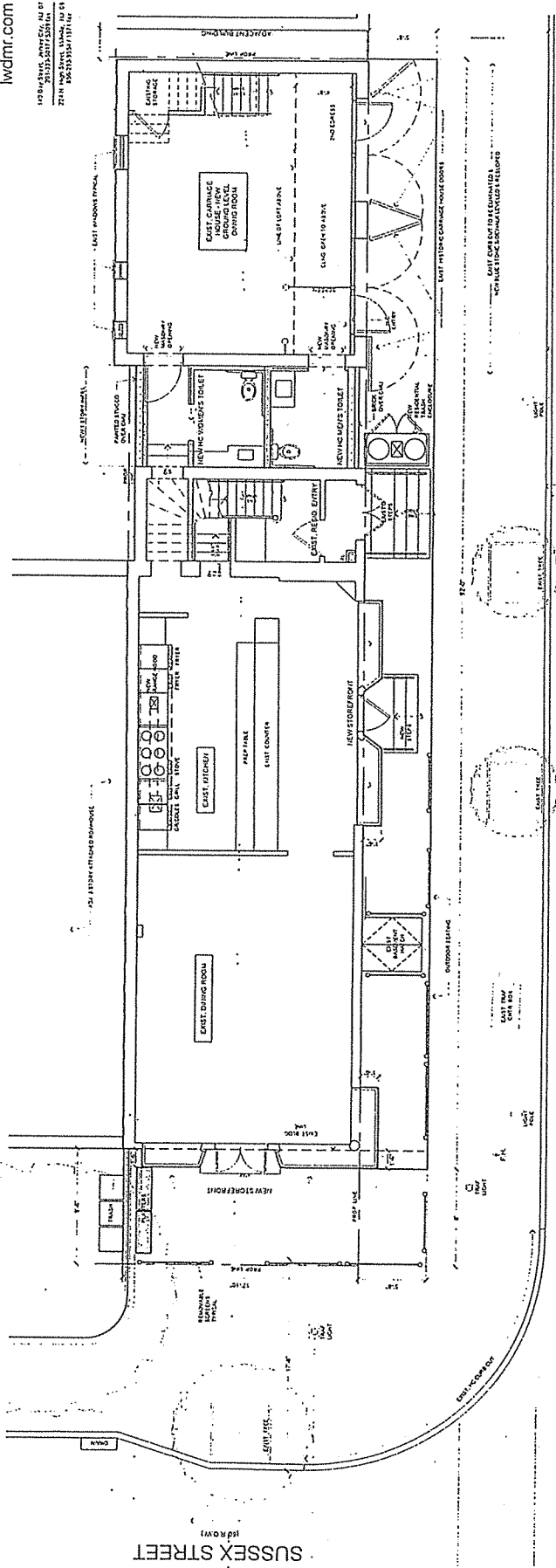
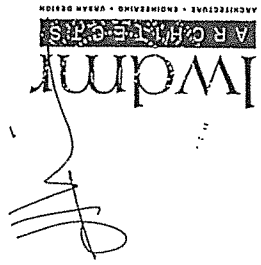
1 inch = 20 ft.

Revised: 07-1-2012 to depict proposed franchise easement.  
SCALE: 1"=20' DATE: SEPTEMBER 12, 2011  
**BEHR SURVEYING AND PLANNING ASSOCIATES, P.C.**  
**LAND SURVEYING AND PLANNING**  
64 LOCUST LANE  
EAST RUTHERFORD, NJ 07073  
PHONE: 973-776-0010 FAX: 973-776-0027



**A15129**

60 SUSSEX ST. / 67 GREENE ST.  
 PROPOSED FRANCHISE ORDINANCE



GREENE STREET  
 (SEE CIVIL/MECHANICAL)



FIRST FLOOR / SITE PLAN  
 SCALE: 1/8" = 1'-0"

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

ORDINANCE NO. Ord. 13-045

TITLE: 3.E. APR 10 2013 4.H. APR 24 2013



A franchise ordinance granting permission to Abdel Amin, his successors and assigns, to make private improvements to the public right of way at the property located at 60 Sussex Street a/k/a/ 67 Green Street, Jersey City, New Jersey, also known on the tax maps of the City of Jersey City as Block 14304, Lot 5.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
APR 10 2013 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			COLEMAN	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
APR 24 2013 7-0											
Councilperson <u>BRENNAN</u>				moved, seconded by Councilperson <u>COLEMAN</u>				to close PH.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN			
DONNELLY	ABSENT			FULOP	ABSENT			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			COLEMAN	✓		

✓ Indicates Vote JAYSON BURG

N.V.-Not Voting (Abstain)

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

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
APR 24 2013 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	ABSENT			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			COLEMAN	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on APR 10 2013

Adopted on second and final reading after hearing on APR 24 2013

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on APR 24 2013

Robert Byrne  
Robert Byrne, City Clerk

APPROVED:

Peter M. Brennan  
Peter M. Brennan, Council President

Date: APR 24 2013

APPROVED:

Jerramiah T. Healy  
Jerramiah T. Healy, Mayor

Date: APR 26 2013

APR 25 2013

Date to Mayor \_\_\_\_\_