

City Clerk File No. Ord. 10-115

Agenda No. 3.A 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 10-115

TITLE:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE MORRIS CANAL REDEVELOPMENT PLAN TO REVISE FEES FOR PLAN AMENDMENTS

WHEREAS, the Municipal Council of the City of Jersey City adopted the Morris Canal Redevelopment Plan in March of 1999, and amended the Plan numerous times subsequently, most recently on August 25, 2010; and

WHEREAS, the Planning Board, at its meeting of August 17, 2010, determined that the Morris Canal Redevelopment Plan would benefit from amendments to revise fees for plan amendments; and

WHEREAS, community groups recognized as review agents within the plan shall be exempt from these fees; and

WHEREAS, a copy of the Planning Board's recommended amendments to the Morris Canal Redevelopment Plan is attached hereto, 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 amendments to the Morris Canal 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- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.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 Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the 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 further 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

Raymond Reddy
Corporation Counsel

APPROVED: _____

APPROVED: _____

Business Administrator

Certification Required

Not Required

ORDINANCE FACT SHEET

1. Full Title of Ordinance:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AMENDMENTS TO THE MORRIS CANAL REDEVELOPMENT
PLAN TO REVISE FEES FOR PLAN AMENDMENTS**

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:

This ordinance modifies the Procedures for Amending the Plan by making amendment fees applicable to all applicants except the Community Groups recognized as review agents within the Plan.

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

At present, developers who have not been designated by JCRA are not subject to fees fro plan amendment requests

5. Anticipated Benefits to the Community:

Decreased City expenditure for costs of Plan amendments

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

August 27, 2010
Date


Department Director Signature

8/27/10
Date

Summary Sheet:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AMENDMENTS TO THE MORRIS CANAL REDEVELOPMENT
PLAN TO REVISE FEES FOR PLAN AMENDMENTS**

This ordinance modifies the Procedures for Amending the Plan by making amendment fees applicable to all applicants except the Community Groups recognized as review agents within the Plan.

Morris Canal Redevelopment Plan

XIV. Procedure for Amending the Plan

- A. The Plan may be amended from time to time upon compliance with the requirements of law. A fee of One Thousand dollars \$ 1,000, plus all costs for copying and transcripts shall be payable *by the applicant* to the City of Jersey City for any request to amend this Plan. ~~If there is a designated developer, as provided for under NJSA 40A:12A-1 et. seq., said developer shall pay these costs. If there is no developer the appropriate agency shall be responsible for any and all such costs.~~ *Fees shall not be charged for amendments proposed by any of the community groups listed in Section VI of this Plan.*
- B. No amendment to this Plan shall be approved without a public hearing by the Planning Board, and a public hearing and adoption by Municipal Council. A copy of any proposed change to the Plan shall be filed with the Office of the City Clerk.
1. In addition, notice of a hearing to amend the Plan shall be sent to the designated agent that are registered with the Division of City Planning (refer to section IV) at least twenty-one (21) calendar days prior to the date set for the hearing. In addition, an affidavit showing proof of submission of the proposed amendment to the aforementioned agents shall be submitted to the Division of City Planning not less than ten (10) calendar days prior to said hearing.

From: Kristin Russell
Sent: Tuesday, September 14, 2010 9:51 AM
To: Robert Byrne; Sean Gallagher; John Kelly
Subject: Morris Canal Amendment to Council
Attachments: Community Groups List.pdf

At last night's council caucus, the members requested I provide a list of Morris Canal community groups as identified by the Redevelopment Plan. Attached, I have created a PDF of the text amendment as well as an excerpt from the Plan which identifies the groups.

Please have this document provided to the Council Members prior to the meeting.

Thanks!

Kristin J. Russell, PP, AICP
Senior Planner

Division of City Planning
30 Montgomery St., Suite 1400
Jersey City, NJ 07302
phone: 201.547.5010
fax: 201.547.4323

Morris Canal Redevelopment Plan

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- A. The Plan may be amended from time to time upon compliance with the requirements of law. A fee of One Thousand dollars \$ 1,000, plus all costs for copying and transcripts shall be payable *by the applicant* to the City of Jersey City for any request to amend this Plan. ~~If there is a designated developer, as provided for under NJSA 40A:12A-1 et. seq., said developer shall pay these costs. If there is no developer the appropriate agency shall be responsible for any and all such costs.~~ *Fees shall not be charged for amendments proposed by any of the community groups listed in Section VI of this Plan.*
- B. No amendment to this Plan shall be approved without a public hearing by the Planning Board, and a public hearing and adoption by Municipal Council. A copy of any proposed change to the Plan shall be filed with the Office of the City Clerk.
1. In addition, notice of a hearing to amend the Plan shall be sent to the designated agent that are registered with the Division of City Planning (refer to section IV) at least twenty-one (21) calendar days prior to the date set for the hearing. In addition, an affidavit showing proof of submission of the proposed amendment to the aforementioned agents shall be submitted to the Division of City Planning not less than ten (10) calendar days prior to said hearing.

VI. Community Empowerment

To establish and maintain community empowerment in the redevelopment process, it is recommended that the Redevelopment Area community establish a single community based development coalition for the purpose of community inclusion and the decision making process of the Redevelopment Plan.

1. The Redevelopment Area community, including residents, property owners, business owners, and community leaders have taken an active role in the development of this Plan. In order to maintain this community empowerment in the continuing development process, and as contaminated sites within the area are remediated, the Redevelopment Area community has established the Morris Canal Redevelopment Area Development Coalition (MCRADC). The MCRADC may become incorporated in the near future and under the incorporated title assume the responsibilities of the aforementioned coalition.
2. The MCRADC should have a democratic structure, should conduct regular meetings that are open to the community, and should be comprised of members who are Redevelopment Area residents, property owners, business owners, and community leaders.
3. The MCRADC may designate a maximum of four agents who shall register name and current contact information that includes mailing address and telephone number with the Division of City Planning. It shall be the responsibility of the aforementioned designated agent or agents to maintain current contact information with the Division of City Planning.
4. Prior to implementation of any plan for site investigation and/or remediation, where such activities are conducted by, or under agreements with, the municipality, or an agency of the municipality, the MCRADC shall be notified and informed of such plans at least fourteen (14) days prior to commencement of any on-site activity, through their agent or agents, provided said agent or agents has/have registered and maintained current contact information with the Division of City Planning.
5. In addition to the site plan review process that is required by this Plan and the municipal zoning ordinance, the applicant shall submit a site plan and site plan application to the designated agent that is/are registered with the Division of City Planning, not less than twenty-one (21) calendar days prior to the Planning Board hearing for which it is scheduled. In addition, an affidavit showing proof of submission of site plan and site plan application to the aforementioned agents shall be submitted to the Division of City Planning not less than ten (10) calendar days prior to said hearing.
6. The Division of City Planning and the Environmental Commission shall each designate an agent to serve as liaison to the MCRADC. It shall be the responsibility of these agents to ensure that the requirements of paragraphs 4 and 5 above are met, and that the MCRADC is apprised of events as they occur throughout the investigation, remediation and redevelopment process.
7. No site investigation, remediation, or development should be delayed due to lack of existence of a MCRADC, or due to failure of an agent or agents of the MCRADC to register current contact information with the Division of City Planning.
8. Since the adoption of the redevelopment plan in 1999, the redevelopment of the area has begun. New community groups have formed and seek a voice within the plan area. They are named the 'Lafayette Neighborhood Action Coalition' and the 'Communipaw Avenue Block Association'. One representative from each organization shall be added to the designated agent list to receive notice.

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

ORDINANCE NO. Ord. 10-115
 TITLE: 3.A, SEP 15 2010 4.A.



Ordinance of the Municipal Council of the City of Jersey
 City adopting amendments to the Morris Canal
 Redevelopment Plan to revise fees for plan amendments.

RECORD OF COUNCIL VOTE ON INTRODUCTION								SEP 15 2010 8-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓						

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
Councilperson				moved, seconded by Councilperson				to close PH.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				FLOOD			
LOPEZ				RICHARDSON							

✓ Indicates Vote

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				FLOOD			
LOPEZ				RICHARDSON							

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				FLOOD			
LOPEZ				RICHARDSON							

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on SEP 15 2010

Adopted on second and final reading after hearing on _____

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

APPROVED:

 Robert Byrne, City Clerk

 Peter M. Brennan, Council President

*Amendment(s):

Date: _____

APPROVED: _____

 Jerramiah T. Healy, Mayor

Date _____

Date to Mayor _____

City Clerk File No. Ord. 10-116

Agenda No. 3.B 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 10-116

TITLE:

ORDINANCE AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY USE AGREEMENT BETWEEN THE CITY OF JERSEY CITY AND NEXTG NETWORKS OF NY, INC. FOR THE INSTALLATION, USE AND MAINTENANCE OF TELECOMMUNICATIONS FACILITIES WITHIN CERTAIN PUBLIC RIGHTS-OF-WAY FOR THE PURPOSE OF PROVIDING TELECOMMUNICATIONS SERVICES

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

WHEREAS, NextG Networks of NY, Inc., (NextG) is a telecommunications carrier authorized to provide service by the New Jersey Board of Public Utilities (BPU) and the Federal Communications Commission (FCC); and

WHEREAS, NextG owns, maintains, operates and controls, in accordance with regulations promulgated by the Federal Communications Commission and the New Jersey Board of Public Utilities, a fiber-based telecommunication network serving NextG's wireless carrier customers utilizing microcellular optical repeater equipment certified by the FCC; and

WHEREAS, NextG has requested that the City of Jersey City's (City) grant it permission to use the public rights-of-way within the City as shown on Exhibits A, B, C, and D attached hereto for a period of time of ten (10) years, and unless terminated by NextG, three (3) automatic renewals each having a term of five (5) years for the purpose of operating its network to serve its wireless carrier customers located in the Jersey City; and

WHEREAS, it is deemed to be in the best interests of the City and its citizenry, particularly its commercial and industrial citizens, for the City to grant municipal consent for NextG to use the rights-of-way within the City for this purpose; and

WHEREAS, the granting of such consent is conditioned upon NextG's continued compliance with all existing and future ordinances of the City and its entering into the attached Right-of-Way Use Agreement; and

WHEREAS, N.J.S.A. 48:17-10 and N.J.S.A. 40:67-1 authorize the City to grant municipal consent for the placement of public utility equipment in its rights-of-way; and

WHEREAS, NextG agrees to pay the City the sum of \$500.00 per year for the use of each municipal facility that is located within the public rights-of-way; and

WHEREAS, NextG agrees to pay the City an annual rights-of-way use fee which will be an amount equal to 5% of NextG's adjusted gross revenues; and

WHEREAS, NextG agrees to indemnify, defend and hold the City harmless as to all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications equipment within certain public rights-of-way and provide liability insurance coverage for personal

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injury and property damage.

NOW, THEREFORE BE IT ORDAINED, by the governing body of the City of Jersey City that:

- 1. Nonexclusive consent is hereby granted to NextG to use certain public rights-of-way within the City for the purpose of locating, placing, attaching, installing, operating, controlling and maintaining equipment for a period of time of ten (10) years, and unless terminated by NextG, three (3) automatic renewals each having a term of five (5) years, subject to the mutual covenants and obligations set forth in the Right-of-Way Use Agreement attached hereto;
- 2. The granting of this permission is conditioned upon NextG executing the attached Right-of-Way Use Agreement and providing liability and property damage insurance; and.
- 3. The Mayor or Business Administrator is hereby authorized to execute the attached Right-of-Way Use Agreement or such substantially similar agreement as approved by the City's Corporation Counsel.
 - A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
 - B. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
 - C. This ordinance shall take effect in the manner as prescribed by law.
 - D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All new material is underlined; words in {brackets} are omitted. For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

RR/cw
9-8-10

APPROVED AS TO LEGAL FORM

Raymond Reddinger
Corporation Counsel

APPROVED: _____

[Signature]
Business Administrator

Certification Required
Not Required

