

**HISTORIC MATERIALS INSTALLATION DEED RESTRICTION**

**130 Summit Avenue  
Block 15305, Lot 11.02  
Jersey City, New Jersey**

This **HISTORIC MATERIALS INSTALLATION DEED RESTRICTION** ("Deed Restriction") is made as of February \_\_, 2021 by **BLDGup Management LLC.**, a New Jersey Limited Liability Company with offices at 337 Newark Avenue, Jersey City, New Jersey 07302 ("Property Owner"), concerning the property designated as 130 Summit Avenue within the City of Jersey City, County of Hudson and State of New Jersey, and identified as Block 15305, Lot 11.01 on the tax map of the City of Jersey City, County of Hudson and State of New Jersey, as more particularly described on Exhibit A, attached hereto (the "Property"); and

**WHEREAS**, Property Owner is the contract purchaser of the Property; and

**WHEREAS**, Property Owner has made an application to the Jersey City Historic Preservation Commission and the Jersey City Zoning Board of Adjustment; and

**WHEREAS**, Property Owner was approved by way of Case H20-315 and Z20-069 from the Jersey City Historic Preservation Commission and the Jersey City Zoning Board of Adjustment (the "Land Use Approvals") respectively to restore the exterior of the former St. John's Episcopal Church, a local, municipal landmark, also eligible for inclusion on the State and National Registers of Historic Places, and to rehabilitate and adaptively re-use the building for residential use. The Property Owner plans to construct two new five (5) story residential buildings that will be connected to the existing church; Property Owner proposes eighty-two (82) residential units and thirty (30) vehicle parking spaces (the "Project"); and

**WHEREAS**, The Property Owner acknowledges and agrees that the slate roof on St. John's Church, above the nave, the aisles, the chancel, and at the front porch, is an important character defining feature of this important Gothic Revival building and that the reconstruction of the historic roof was specifically noted as an integral part of the proposed rehabilitation and associated new construction during the approval process given the historic and architectural importance of the building;

**WHEREAS**, Property Owner as a condition to Land Use Approvals, has agreed to install a slate roof which matches the original roof in terms of material, composition, design, color, texture and other visual qualities on the landmarked, former St. John's Episcopal Church as a requirement for the grant of the aforementioned Land Use Approvals; and,

**WHEREAS**, Property Owner has prepared and executed this Deed Restriction in order to comply with such requirement.

**NOW, THEREFORE**, Property Owner hereby covenants and declares that:

1. The Property Owner acknowledges and agrees that within five (5) years of the issuance of the permanent Certificate of Occupancy for the completed Project (which is defined as the development approved as Case H20-315 and Z20-069; approvals attached hereto), the Property Owner shall install a slate roof to match the original roof of St. John's Church and to replace, repair, or reconstruct all of the associated gutters, leaders, flashing, and cresting to match the original roof of the building as substantiated by on site evidence as well as historic and modern photographic evidence and documentation of the roof. The Property Owner shall ensure that the reconstructed slate roof and its appurtenances are installed with quality materials and craftsmanship in order to preserve and reinforce the architectural and design integrity of the former St. John's Church. It is acknowledged by the Property Owner, and its successors and / or assigns that the reconstruction of the slate roof is an integral part of the approval of the Project, a condition of approval for the Project, and that the City of Jersey City shall have an enforceable interest in the completion of the reconstruction of the roof to match the original. This Deed Restriction may only be amended upon the approval of the Jersey City Historic Preservation Commission and the Zoning Board of Adjustment.
2. The terms of this Deed Restriction shall run with the land and shall be binding upon all current and future owners of, and their successors and assigns in interest in, the Property or any portion thereof, unless and until Owner, upon receipt of prior written approval from the Historic Preservation Officer of the City of Jersey City, acting specifically under the direction of the Jersey City Historic Preservation Commission as its assigned agent, terminates this Deed Restriction by a written instrument, duly executed and recorded with the Office of the Hudson County Registrar.
3. This Deed Restriction shall expire upon the completion of the reconstruction of the slate roof to the satisfaction of the City's Historic Preservation Officer.
4. All future owners or mortgage holders shall be bound by this Deed Restriction.
5. This Deed Restriction shall not be modified without the prior written consent of the Jersey City Historic Preservation Commission and the Zoning Board of Adjustment granted under normal application procedures for site plan amendments.
6. Immediately upon the execution of this Deed Restriction, Owner shall cause to be recorded an original of this Deed Restriction with the Hudson County Registrar's Office and shall provide a copy of this recorded Deed Restriction to the City of Jersey City.

[Signature page follows.]

**IN WITNESS WHEREOF**, Owner and City of Jersey City have caused this instrument to be executed by their authorized corporate officers and/or representatives the day and year first above written.

ATTEST: **City of Jersey City**

\_\_\_\_\_  
By: \_\_\_\_\_  
Name: **Dan Wrieden**  
Title: **Historic Preservation Officer**

ATTEST: **BLDGup Management LLC**

\_\_\_\_\_  
By: \_\_\_\_\_  
Name: **Ben LoPiccolo**  
Title: **Managing Member**

## ACKNOWLEDGMENT

STATE OF NEW JERSEY       )  
  :  
COUNTY OF HUDSON         )       SS.:

BE IT REMEMBERED that on this \_\_\_\_ day of \_\_\_\_\_, 2021, before me, the subscriber, a Notary Public, personally appeared **Dan Wrieden** who I am satisfied, is the Historic Preservation Officer of **City of Jersey City**, the entity named in and which executed the foregoing instrument and he is the person who signed this instrument for and on behalf of said entity, and he acknowledged that said instrument was made by said entity as the voluntary act and deed of said entity.

\_\_\_\_ (Seal)  
Notary Public

STATE OF NEW JERSEY            )  
  :            SS.:  
COUNTY OF HUDSON            )

BE IT REMEMBERED that on this \_\_\_\_ day of \_\_\_\_\_, 2021, before me, the subscriber, a Notary Public, personally appeared **Ben LoPiccolo** who I am satisfied, is the **Managing Member** of **BLDGup Management LLC** the company named in and which executed the foregoing instrument and he is the person who signed this instrument for and on behalf of said company, and he acknowledged that said instrument was made by said corporation and sealed with its corporate seal as the voluntary act and deed of said corporation.

\_\_\_\_ (Seal)  
Notary Public