

FUND FOR A BETTER WATERFRONT
P.O. BOX 1965
HOBOKEN, NEW JERSEY 07030

June 2, 2011

Via email & FEDEX

Ms. Cathryn Schaffer
Project Manager
New Jersey Department of Environmental Protection
Land Use Regulation Program
P.O.Box 439
501 East State Street
Trenton, NJ 08625-0439

RE: DEP file # 0905-07-0001.2

Dear Ms. Schaffer:

We write to you in opposition to the waterfront development permit submitted to your office by Shipyard Associates to build two 11-story residential towers on a pier in the Hudson River at Hoboken's north waterfront. This proposal fails to comply with various requirements of the State's Coastal Zone Management (CZM) regulations. It also fails to conform to the requirements of the Hoboken's zoning ordinance pertaining to Planned Unit Developments (PUD).

The proposed structure – including the two towers and the multi-story connecting structure -- will permanently block significant views to the Hudson River and New York City skyline currently enjoyed from the Hudson River Waterfront Walkway at the Weehawken Cove. Foot traffic along the state-mandated walkway will increase dramatically once the construction currently underway is completed, connecting Hoboken's waterfront to Weehawken. The Hoboken Boathouse being built at the Weehawken Cove will be putting thousands of people into the protected waters at the Cove through its kayaking program. For those accessing these waters through this program, much of the view to the River and NYC skyline will also be permanently blocked.

After 20 years of waterfront development, Hoboken has achieved a remarkable feat: all land on the river-side of Sinatra Drive, the last roadway at the waterfront has been preserved for the public's use, creating the opportunity to build a public park at the water's edge that would be continuous for the entire length of Hoboken's waterfront. Thus far, no residential or commercial projects have been built on the land, piers and platforms to the east of Sinatra Drive. This project would destroy that opportunity to make this park continuous and whole without interruption.

Of all the developments completed at the Hoboken waterfront, the Shipyard Development has created the least amount of open space for the public's enjoyment. This project would further rob the public of a last opportunity to add public open space at this site. This pier is a logical place to put a park in that the end of the pier is City-owned property. This would also fulfill the developer's obligation to create open space as per the local PUD requirements.

To follow are our comments specifically related to sections of CZM regulations:

7:7E-3.48 Hudson River Waterfront Area

This application fails to comply with the open space requirements at the landward and waterward ends of the pier. Since the average height of the structure, according to the developer's calculation is 60 feet, they are required to provide 45 feet for the full width of the waterward end of the pier. The Shipyard is proposing a mere 16 feet at the end of the pier, thus falling 29 feet short of the requirement. Not owning the end of the pier should not exempt this applicant from this requirement.

The requirement at the landward end of the pier for a 60 foot average height is 30 feet for the entire width of the pier. It appears that this application has failed to provide any public open space at the landward end of the pier, thus failing to meet this requirement as well.

The developer has attempted to rewrite the rules as a means to making their project compliant with the state standards. This is unacceptable.

7:7E-7.11 High-Rise Structures

“The proposed structure must not block views . . . that are currently enjoyed from existing residents, roads, or pathways to the maximum extent possible . . . “

Significant private and public funds have been utilized to construct the Hudson River Waterfront Walkway at the Weehawken Cove. Much of that walkway is currently under construction and ultimately will connect the public walk/waterfront park in Hoboken to the Hudson River Waterfront Walkway in Weehawken at Lincoln Harbor. Also to be built at the western shore of the Cove is the Hoboken Boathouse which will expand its program allowing the public free access, via kayaks, to the unique protected water's of the Hudson River at the Weehawken Cove. Thousands of people will enjoy the walkway as pedestrians and cyclists. Thousands more will utilize the waters of the Weehawken Cove via kayaks, sail boats and other boats.

If this project, the Monarch, were allowed to be built, significant views to the Hudson River and New York City Skyline would be permanently blocked. This pier extends north, into the Weehawken Cove, thus obstructing people's majestic views from the walkway and the waters of the Cove to the east toward the Hudson River and New York City Skyline. Thus, a treasured asset would be forever lost.

In addition, the Monarch would obstruct views of current residents. Many individuals purchased their condominiums in the Hudson Tea complex because of one of its distinctive characteristics, of having a direct view to the New York City skyline and the Hudson River. Many property owners at the Shipyard Project also invested in their units for the spectacular views to the north of the Hudson River, George Washington Bridge and New York City shoreline.

The construction of this project would result in a serious personal and financial loss for property owners at the Hudson Tea building and the Shipyard Project. Other property owners from Hoboken, Weehawken and Union City would be impacted, albeit to a lesser degree.

The high rise structures will also have a serious impact on traffic at this part of town. The waterfront in Hoboken has been intensely developed and the resulting traffic has caused failing levels of service at numerous intersections at the north end of town. The problem is exacerbated in that there are only a few means of egress and ingress at the north end of Hoboken. The additional traffic produced by this project will only add to the increasingly difficult problem with traffic.

7:7E-3.50 Lands and Waters Subject to Public Trust Rights; 7:7E-8.11 Public Trust Rights

“Tidal waterways and their shores are subject to the Public Trust Doctrine and are held in trust by the State for the benefit of all the people, allowing the public to fully enjoy these lands and waters for a variety of public uses. Development that adversely affects lands and waters subject to public trust rights is discouraged.”

The public access requirements of the state Coastal Zone Management regulations would be greatly diminished by the approval of this application. The end of this pier is owned by the City of Hoboken and is considered by the City to be an ideal location for the expansion of desperately needed public open space for the community. As the population of Hoboken, especially its younger population, continues to grow, the demand for public open space also grows. The open space opportunities at the water's edge are especially important in that water beyond increases the value of the open space exponentially. It is only logical, that this entire pier be utilized as part of the City's open space inventory.

The Shipyard Development has already developed its site to the maximum, building one tower after another to the maximum heights and coverage limits permitted. Building on this pier is going far beyond the original PUD approval for the Shipyard back in 1997 granted by the Hoboken Planning Board. Those approvals included this pier as open space.

The state of New Jersey should take note that developments on piers have diminished the opportunity for public access. They have, in effect, privatized these piers that exist over the Hudson River, land that is held trust by the State for the public's use. Riva Point in Weehawken at Lincoln Harbor is an example where the residential development of that pier has virtually eliminated public access to that portion of the waterfront. The commercial pier directly to the north of Riva Point also is a rare destination for public access.

Hoboken has thus far prevented any large scale private developments on piers, platforms or on any land on the river-side of Sinatra Drive. As a result, Hoboken enjoys the most public portion of the waterfront anywhere along the New Jersey side of the Hudson River south of the George Washington Bridge. The approval of the Monarch project would reverse the remarkable progress that Hoboken has achieved over the past 20 years of waterfront development.

Recent problems with collapsing platforms and piers along Hoboken's waterfront, a short time after they were built, should also inform the decision of the State on this application. Some of these problems have occurred at the Shipyard Project where a significant portion of the waterfront is now inaccessible as a result. The state needs to seriously consider the wisdom of venturing further out over the water with yet another private development that in future years is may encounter similar problems.

There are other sections of the CZM regulations that are also noncompliant, but with limited time available we have limited our comments to the sections that we are most familiar with.

Sincerely yours,

Ron Hine
Executive Director
Fund for a Better Waterfront