

Hartmut Grossmann
1025 Maxwell Lane #1005
Hoboken, NJ 07030

November 26, 2017

New Jersey Department of Environmental Protection
Division of Land Use Regulation
P.O.Box 420, Mail Code 501-02A
501 East State Street
Trenton, NJ 08625

ATTN: Hudson County Section Chief

RE: NJDEP Waterfront Development Permit Application by Port Imperial Ferry Corp. d/b/a
NY Waterway for Block 259, Lot 1, 901 Sinatra Drive, City of Hoboken, Hudson County

Dear Hudson County Section Chief,

As a long-time resident of Hoboken living in direct adjacency to the proposed site, **I vehemently oppose the provisional permit application by NY Waterway (NYWW) and its envisaged activities and implicit use.** These activities will have significant adverse impact on the environment including fish habitat, residential areas adjacent to the site, recreational activities and schools, and will threaten to further stress already heavily congested neighborhood roads.

More importantly, the NYWW plans fly in the face of the overwhelming support by the City of Hoboken and its residents to complete its portion of the contiguous waterfront in the spirit of CZM regulations with respect to The Hudson River Waterfront Walkway. This is patently the wrong operation in the wrong place.

I am especially appalled by the underhanded and grossly misleading attempt by NYWW to obtain a provisional permit to create a fait accompli and avoid a full and thorough review of these plans and its impact in reliance on **a permit issued almost 35 years ago**. The previous Union Dry Dock (UDD) operation and the applied activities are materially different and the urban and natural environment has changed dramatically since December 1982! It may be further assumed that additional unspecified yet related activities like bus storage will subsequently be added and also evade a necessary comprehensive assessment of the plans in their entirety prior to commencement. The rush by NYWW also fits in with an attempt to create a high hurdle for a potential use of eminent domain by the City of Hoboken as evidenced by litigative threats with large damages claims made by NYWW Chairman Pohan in an open hearing of the Hoboken City Council on November 13, 2017. Also note that the Maxwell Condominium Association was not properly noticed as required.

In sum, I respectfully request that you reject the NYWW application for a provisional permit and ensure a thorough and full fledged assessment of the NYWW application and its plans in their entirety including a public hearing for input from all sides. This is also appropriate as these plans should be part of a broader transportation review in the area and the State of New Jersey

including a more appropriate location for the NYWW facility. This important review should not be prejudiced by rushed action for a provisional environmental permit.

I appreciate that ferry operations are an important part in the mix of transportation options also for Hoboken residents, but this does not excuse these egregious plans.

Additional specific comments:

1. Previous UDD operation is materially different from NYWW plans

A plain observation of the current NYWW repair and maintenance facility in Weehawken with previous UDD activity shows very material differences. UDD activity involved periodic repair/maintenance of a single barge or crane over an extended period of time. There was very minimal traffic. The Weehawken facility is busy with ferries being repaired constantly, ferries moving in and out frequently. NYWW states one substantial difference themselves - storing of about 20 ferries, which means frequent traffic by ferries, which mostly use Tier 1 diesel engines, the most polluting. The facility would also be used for refueling raising the risk of fuel spills. Finally, future activities apparently will include storage of busses and other ancillary activities. So the NYWW application, which is replete with untrue allegations such as that the site "will be used much as it has been since 1982", is outrageously based on a false premise.

2. The mixed industrial and natural environment has dramatically changed since 1982 - wrong operation in the wrong location

In 1982, the site was located next to the Maxwell House coffee plant, an industrial site. Now it is located next to Hoboken Cove used by recreational boaters, a park including a playground, schools, a thriving neighborhood, a skating park, a fishing pier actively used by fishermen from Hoboken and other towns. The proposed facility will have significant noise, air and water pollution. To locate the facility here is absurd.

3. The fish habitat is materially and adversely affected

The fish habitat has also changed materially over time. The Hudson River has witnessed substantial recovery and improvement. Upon information and belief, the following relevant fish species are found and fished at the pier right adjacent to the site:

Blueback herring, striped bass, Atlantic sturgeon, Shortnose sturgeon, American shad, and American eel.

Other species found there are:

Atlantic menhaden, red hake, sea eel, tautog, spotted shark, and green crab.

I attach letters from local fishermen at the pier next to the site. Others have voiced their concerns and objections to me in person.

The applicant's claims of no or negligible impact are false especially in light of the diesel engines used and the potential for fuel spills. There needs to be an updated and sound environmental assessment before allowing any activity at the site.

4. Traffic

Sinatra Drive is a heavily traveled thoroughfare and at peak times, is essentially a parking lot moving at glacial speeds. Sinatra Drive connects into already challenged intersections. Especially the nearby intersection of 11th and Hudson Streets is already dangerous and will see

substantial additional traffic from already built but not yet occupied developments and approved construction. Reportedly, NY Waterway plans to park shuttle busses on the site (the permit from December 1982, refers to a parking lot — which exists — for 72 vehicles; in an abundance of caution, I submit that this permit cannot serve as a basis for parking busses). Again, a plain observation of the NYWW facility (including its compound with tanker trucks) shows a high level of activity compared to the few trailers and handful of cars previously at UDD. All that is a nightmarish prospect for traffic and safety especially in the congested corridor just at the site, which is heavily used by runners, bikers and pedestrians.

5. Orderly public process to evaluate facility needs and location in the context of transportation requirements

There should be an orderly public process with opportunity for input from all sides to properly balance all interests instead of a rushed regulatory action in favor of the applicant practically “in the dark of the night.”

I appreciate the contribution of ferry service to overall mass transit reducing the need for car traffic. That does not give the applicant license to place this facility anywhere they wish based on an evaluation and criteria they refuse to share especially when other locations such as Bayonne are available. This is also an important policy and political process that should involve the incoming new Governor, his transition team and incoming cabinet members and not be rushed in just weeks before these officials take office.

6. Hudson River Waterfront Walkway — A Continuous Waterfront

Hoboken's Mayor and Mayor-Elect as well as all elected officials with the overwhelming support of the city's residents have expressed their intent to acquire the Union Dry Dock property for an end-to-end waterfront. This is in the spirit and rationale of the CZM regulations. The Hoboken waterfront is a much treasured key asset and economic catalyst of the city.

The applicant's precipitous action comes just as the City was about to acquire the property without any notification of or communication with the City. This action is in bad faith. It is especially pernicious and jarring as a similar plan was on the table in 2012 and abandoned with the involvement of the Governor in light of tremendous opposition. Noteworthy is the following statement at the time from the then Executive Director of NJ Transit, which was then and is now involved in financing the applicant's plan for acquiring the Union Dry Dock property: “This is to confirm that New Jersey Transit is no longer exploring the acquisition of the Union Dry Dock property nor does the agency contemplate doing so in the future.”

Thank you for your consideration.

Sincerely,

Hartmut Grossmann

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Division of Land Use Regulation
P.O.Box 420, Mail Code 501-02A
501 East State Street
Trenton, NJ 08625
Attn. Hudson County Section Chief

Re: Ferry Repair Facility at Union Dry Dock

Dear Hudson County Section Chief,

We fish at the public pier several hundred feet south of the Union Dry Dock site built for fishing. This pier includes a canopy to provide shade and stations to clean fish. We understand that the Government provided funds to build this pier.

A number of us fish here often. It is a prime fishing spot. Here are American Shad, Striped Bass, Blueback Herring, Atlantic Sturgeon, Shortnose Sturgeon, American Eel, Atlantic Menhaden, Red Hake, Tautog, and Green Crab among others.

We are concerned that a ferry repair and maintenance facility next to this pier will hurt the fish that are in these waters. Daily ferry traffic with strong wakes, diesel fumes and refueling with likely diesel spills will disrupt and harm the life of the fish. The Union Dry Dock was mostly quiet, but this change will be bad for us. It will also disturb the peace and quiet we enjoy at this pier.

Sincerely,

ANGEL L. MARTINEZ
Angel L. Martinez
Hoboken Res.

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AQUILINO CRUZ

HOBOKEN

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MR. H. MARTINEZ