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October 23, 2019

*Via first class mail and electronic submission to: edinando@tow-nj.net*

Elise DiNardo, Esq.  
400 Park Avenue  
Weehawken, NJ 07086

Re: Application of Hartz Mountain Industries, Inc. for Preliminary and Final Site Plan and Major Subdivision Approval for Block 34.03, Lots 1.01, 1.02, and 2.03 (Atir)

Dear Ms. DiNardo:

I represent the Fund for a Better Waterfront, an objector to the above-referenced application. The proposed planned development is located in the Planned Development District, which is defined in Section 23-10.2 of the Weehawken Code as encompassing the Industrial Park, Office Park, Outdoor Recreation, and Special Waterfront Zones. The standards governing planned developments in the Planned Development District are set forth in Section 23-10 *et seq.* Rather than complying with these standards, the applicant relies upon a provision in the Redevelopment Plan recommended by the Planning Board to Township Council on February 2, 2016 and adopted by Council on February 24, 2016 (“the February 24, 2016 Redevelopment Plan”), attached hereto as Exhibit A. The relied-upon provision, as discussed below, purports to delegate to the Planning Board the authority to determine the number and density of dwelling units, maximum building height, and open space requirements. However, that provision, the lynchpin of the application, was subsequently amended by Council to eliminate the Planning Board’s power to determine such standards. Because the application does not comply with the

Planned Development District standards and the applicant has not sought variances from them, including variances that could only be granted by the Zoning Board, the Board does not have jurisdiction over the application.

**The Atir proposal does not comply with the applicable Planned Development District regulations.**

A number of elements in the proposed planned development do not comply with the Planned Development District regulations:

- **Building height:** Section 23-10.4g2(a) and (b) provide that the building height may be no greater than 50 feet, except that six buildings higher than 50 feet but no greater than 160 feet in height are permitted in all planned developments south of the King's Bluff Dividing Line, while the two residential towers proposed are over 200 feet in height, and the applicant has offered no proof as to the height of other buildings in all planned developments south of such Dividing Line.
- **Maximum number of dwelling units:** Section 23-10.4l2(a) provides that the maximum number of dwelling units permitted is 300, while 334 units are proposed.
- **FAR:** Section 23-10.4f provides for a floor area ratio of .25, while the floor area ratio proposed is .64 (360,355 square feet<sup>1</sup> divided by 563,231 square feet (12.93 acres x 43,560 square feet per acre)).
- **Maximum residential square footage:** Section 23-10.4l2(b) provides that the maximum square footage of all dwelling units, including common areas but excluding garages, shall not exceed 321,000 square feet, while 360,355 square feet are proposed.
- **Minimum tract size:** Sections 23-10.4b and b4 of the Weehawken Code provide that a planned development must be at least 40 acres, although the Planning Board may permit

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<sup>1</sup> Calculated by including floor space in the residential units, common areas, and amenities for the residents, but excluding space devoted to parking and circulation, and to mechanical equipment.

a planned development of less than 40 acres if no residential use is proposed, while the acreage of the proposed planned development is 12.93 acres and residential uses are proposed.

The proposed development also fails to comply with other district regulations, or no proofs of compliance have been provided, including the viewshed requirement set forth in 23-10.4g and the open space requirements set forth in Section 23-10.4e and -10.4i.

**The February 24, 2016 Redevelopment Plan purportedly delegated to the Planning Board the authority to determine specified development standards in lieu of the Planned Development District standards.**

The basis for permitting the applicant to proceed without seeking any variance relief from the district regulations and for which FAR, density, and height variances can only be granted by the Zoning Board (*N.J.S.A.* 40:55D-70d(4), (5) and (6)) is that the February 24, 2016 Redevelopment Plan purported to delegate to the Planning Board the power to disregard the district regulations identified above and determine the number and density of residential units, the maximum height, the required open space, and the maximum residential floor area, though, saliently, not the maximum FAR. Exhibit A, page 8. Jill Hartmann, PP, AICP to the Weehawken Planning Board, sets forth these provisions on page 2 of her May 22, 2019 review memo (“Exhibit B”) and does not refer to the Planned Development District regulations. Nor does the applicant refer to the Planned Development District regulations in any of its material or testimony.

**Township Council amended the February 24, 2016 Redevelopment Plan by eliminating the grant of authority to the Planning Board to determine the maximum number and density of residential units, maximum height of buildings, open space requirements, and maximum residential square footage.**

Even if one accepted the proposition that the delegation of authority to the Planning Board provided for in the February 24, 2016 Redevelopment Plan was lawful, a dubious proposition at best, and to ignore the fact that the delegation does not include the authority for the Board to determine the FAR, the language Ms. Hartmann cites and upon which the development application is premised was eliminated from the February 24, 2016 Redevelopment

Plan by Ord. 27-2016, adopted by the Weehawken Township Council on January 25, 2017, a copy of which was recently received by this office in response to an OPRA request (“Exhibit C”). The section of the February 24, 2016 Redevelopment Plan that purported to delegate to the Planning Board the authority to “determine” the Planned Development District controls and requirements described above (Section 4, page 8) was “deleted in its entirety.” Ord. 27-2016, Section 1, page 1. It was replaced with provisions that authorize the Planning Board only to “recommend” standards with respect thereto. Ord. 27-2016, page 3.

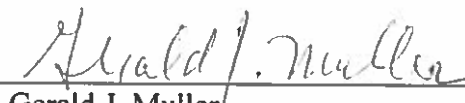
Given the application’s deviations from the Planned Development District regulations, for which no variance relief has ever been noticed or requested, and the need for height, FAR, and density variances that only the Zoning Board can grant, the Planning Board does not have jurisdiction over the application.

At the hearing on October 29, 2019, I will move to have the application denied on the ground that the Board does not have the jurisdiction to review it.

I request that this letter be distributed to all Planning Board members.

Very truly yours,

Miller Porter & Muller, P.C.  
Attorneys for the Fund for a Better Waterfront

By:   
Gerald J. Muller

enc.

cc: Jay P. Rhatigan, Esq. (via electronic transmission)  
Nicholas G. Sekas, Esq. (via electronic transmission)  
Scott J. Krumholz, Esq. (via electronic transmission)  
Mr. Ron Hine (via electronic transmission)

## EXHIBIT A

**TOWNSHIP OF WEEHAWKEN  
REDEVELOPMENT PLAN**

***Block 34.03, Lots 1.01, 1.02, 2.03, 4.01, 4.21 and 4.28***

**Township of Weehawken  
Hudson County  
New Jersey**

**Prepared for:**

**Weehawken Mayor and Council  
Weehawken Planning Board  
Pursuant to N.J.S.A.40A:12A-1 et seq.**

**Prepared by:**

**Jill A. Hartmann, PP, AICP  
21 Sparrowbush Road  
Mahwah, New Jersey 07430  
(201) 818-9090**

**Planning Board Approved  
February 2, 2016**

**REDEVELOPMENT PLAN****BLOCK 34.03, LOTS 1.01, 1.02, 2.03, 4.01, 4.21 AND 4.28**  
**REDEVELOPMENT AREA**  
**TOWNSHIP OF WEEHAWKEN****Section 1. Introduction**

The Township of Weehawken Mayor and Council adopted a Resolution on April 29, 2015, authorizing the Weehawken Planning Board to conduct a preliminary investigation of Block 34.03, Lots 2.03, 4.01, portion of 4.21, and portion of 4.28 to determine if it meets the statutory criteria necessary to declare it an "Area in Need of Redevelopment" pursuant to N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6. It also authorized the addition of Lots 1.01 and 1.02 to the area to be investigated by Resolution dated July 8, 2015. Pursuant to the above noted resolutions, adopted by the Mayor and Council of the Township of Weehawken, the Planning Board conducted a preliminary investigation of Block 34.03, Lots 1.01, 1.02, 2.03, 4.01, 4.21 and 4.28 ("Study Area") and it recommended, and the Council determined, that the Study Area (now referred to as "Redevelopment Plan Area") be designated as an area in need of redevelopment.

The Redevelopment Plan sets forth the goals and objectives of the Township of Weehawken related to the development of mixed use commercial/residential complexes; residential complexes and hotel use as well as public/private open space., including the reservation of public open space in the waterfront area of the Township, all to be developed in connection with the previously approved Planned Development of the waterfront known as Lincoln Harbor.

**Statutory Requirements for a Redevelopment Plan**

The Redevelopment Plan will meet the requirements of N.J.S.A. 40A:12A-7 as described below:

- a. No redevelopment plan shall be undertaken or carried out except in accordance with a redevelopment plan adopted by ordinance of the municipal governing body, upon its finding that the specifically delineated project area is located in an area in need of redevelopment or in an area in need of rehabilitation, or in both, according to criteria set forth in section 5 or section 14 of P.L 1992, c. 79 (C.40A:12A-14), as appropriate.

The redevelopment plan shall include an outline for planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

- (1) Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.

- (2) Proposed land uses and building requirements in the project area.
- (3) Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
- (4) An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
- (5) Any significant relationship of the redevelopment plan to (a) the master plan of contiguous municipalities, (b) the master plan of the county in which the municipality is located and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c. 398 (C.52:18A-196 et al.).
  - a. The redevelopment plan shall describe its relationship to pertinent development regulations as defined in the "Municipal Land Use Law," P.L. 1975, c. 291 (C.40:55D-1 et seq.). The redevelopment plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area. When the redevelopment plan supersedes any provision of the development regulations, the ordinance adopting the redevelopment plan shall contain an explicit amendment to the zoning district map including in the zoning ordinance.
  - b. All provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a redevelopment plan which is inconsistent with or not designed to effectuate the master plan by an affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan.

## **Section 2. Description of Boundaries of the Redevelopment Area**

The study area is situated in the southeastern most section of the Township of Weehawken generally bounded by Riverview Terrace its north east; by Waterfront Terrace and the Hudson Bergen Light Rail Transit (HBLRT) to its west; by Park Avenue to its southwest; and the Hudson River to its south and southeast and to its south by a surface parking lot.

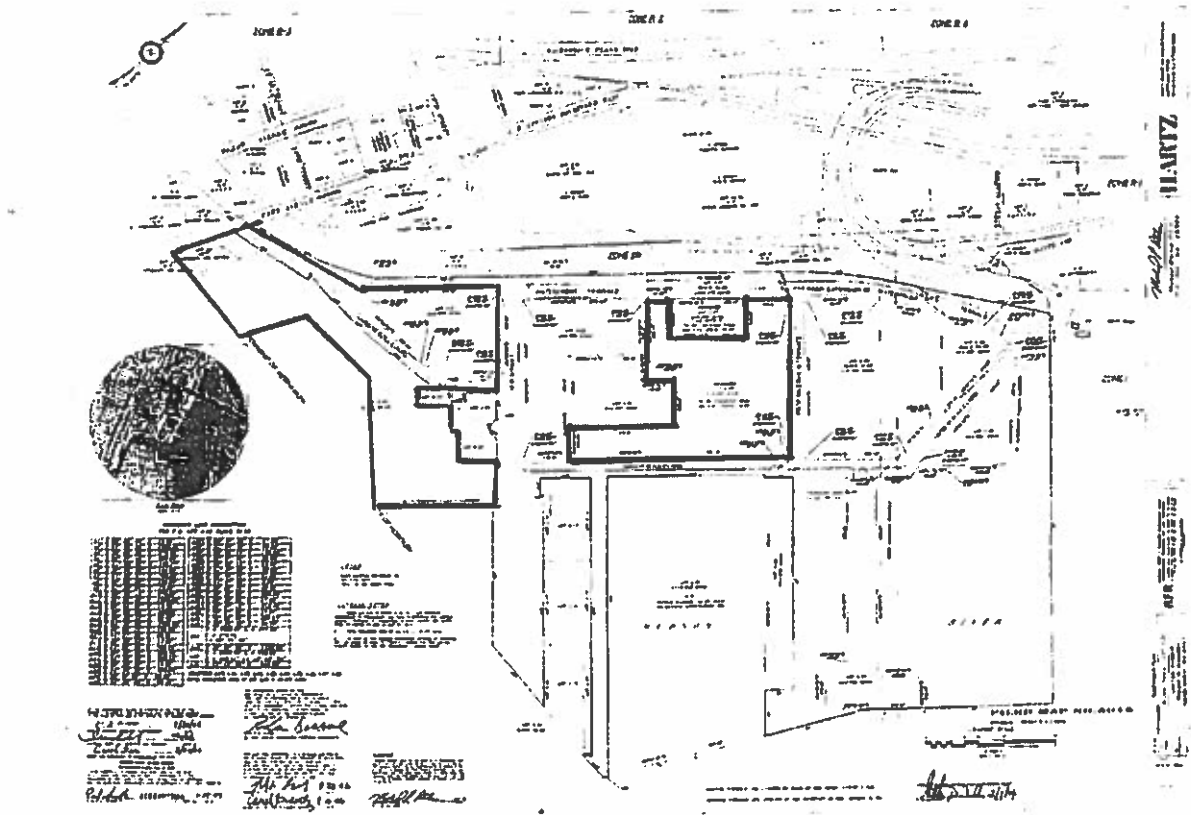


More specifically, the area is designated as the area within the heavy dark line on Map 1, and it includes the following lots identified on the Weehawken tax maps as Block 34.03, a portion of 2.03, 4.01, a portion of Lot 4.21 and a portion of Lot 4.28, (which lots are located within the planned development, commonly known as Lincoln Harbor) and Lots 1.01 & 1.02 (which lots are located adjacent to the planned development known as Lincoln Harbor). All of these properties are collectively referred to as the "Study Area". (For clarification, Lots 1.01, 1.02, 4.01 and the relevant portions of Lots 2.03 and 4.21 are generally bounded by 19<sup>th</sup> Street to the Northeast, the Hudson Bergen Light Rail right of way to the North, the Hudson River to the South, and the City of Hoboken to the South and West. The relevant portion of Lot 4.28 is generally bounded by Riverview Terrace to the Northeast, Waterfront Terrace to the North, Harbor Boulevard to the South, and Block 34.04, Lots 4.03 and 4.04 to the South and West). (See Appendix A for Photographs of the Redevelopment Study Area.)

Block 34.03, Lots 1.01 and 1.02 are owned by DLJ Weehawken Holding Company, LLC and are situated in the southwestern corner of the study area bounded by surface parking to its northeast, Harbor Boulevard to its northwest and Park Avenue to its west. These lots have been vacant in excess of several decades and are presently overgrown with vegetation.

Block 34.03 Lots 2.03 and 4.28 have significant portions of the lots that are presently vacant and/or used as surface parking lots. Owned by Hartz Mountain Industries, Inc., they have remained undeveloped for any purpose other than parking since 1984. Both sites have received significant development approvals since that time, yet the approvals were never acted upon. Notably, Block 34.03, Lot 4.28, as part of the original planned development approval and subsequent amendments, received approval for the development of a multi-story office and parking garage structure similar to the existing UBS facility. Similarly, a portion of Block 34.03, Lot 2.03 received preliminary and final site plan approval, several years ago, for the construction of an office building with garage parking. Both sites are linked by Harbor Boulevard (Block 34.03, Lot 4.21) and remain essentially vacant. When asked about the stagnation on the site, the owner has pointed to constraints with respect to the study area's development that have proven to be challenging. **See Map 1.** (Redevelopment Plan Area Map)

Map 1



Redevelopment Plan Area Map

### **Section 3. Relationship to Local Objectives**

As set forth in Section 2 of this Redevelopment Plan, the Township seeks to develop, in the Redevelopment Plan Area, mixed use commercial/residential complexes; residential complexes and hotel use as well as public/private open space. These developments will further define local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements, as follows:

- **Land Use:**

The Land Use objectives of the Township, related to residential development, include the following:

- Continue to provide housing, which when added to the existing housing stock of the Township, allows the Township to meet the housing needs of all income levels and family composition.
- Provide new housing in order to keep the population stable in the face of declining family size.

As part of a comprehensive redevelopment plan of the waterfront, the proposed mixed use commercial/residential complexes; residential complexes and hotel use as well as public/private open space will meet the above noted land use objectives and serve the Township through the redevelopment of vacant, constrained area as a properly planned development on the waterfront.

- **Density of Population:**

The Township's broader objectives include development of new homes for residents along the waterfront. The Township's unique location as a transportation node is consistent with Master Plan Amendment for the Weehawken Waterfront (1984) which notes that a significant residential component can be accommodated due to the availability of mass transit.

- **Improved Traffic and Public Transportation:**

Development along the waterfront has resulted in a number of improvements to the roadway network and public transportation. The Hudson Bergen Light Rail Transit system has been developed with a transit stop within easy walking distance to the study area; a north-south roadway has been developed connecting River Road in North Bergen to Port Imperial Boulevard in lower Weehawken and a major ferry terminal has been developed north of the study

area with a satellite stop within easy walking distance to the study area. The study area is a beneficiary of the massive Baldwin Avenue redesign and redevelopment that will create an efficient and organized intersection directly to its north. The proposed mixed use commercial/residential complexes; residential complexes and hotel use as well as public/private open space will attract new residents to Weehawken who will use the ferry terminal and other public transportation, also enabling it to run efficiently and cost-effectively.

- **Public Utilities:**

The Township's objectives include providing for upgraded and expanded utility services to support long term development of the waterfront. Appropriate public utilities required to serve these mixed use commercial/residential complexes; residential complexes and a hotel as well as public/private open space will be developed as part of the redevelopment plan.

- **Recreational and Community Facilities and Other Public Improvements:**

The Master Plan Amendment for the Weehawken Waterfront considered it a vital objective that there be significant open space as part of any waterfront development and that there be a broad variety of open space on the waterfront. This goal/objective of the Township is to achieve increased public open space that will expand the network of public passive and active open spaces located throughout the Weehawken waterfront.

The Township seeks to achieve its goals and objectives with respect to these mixed use commercial/residential complexes; residential complexes and hotel use as well as public/private open space by causing the complexes to be developed as redevelopment projects. A redevelopment project is defined by statute as "any work or undertaking pursuant to a redevelopment plan; such undertaking may include any buildings, land, including demolition, clearance or removal of buildings from land, equipment, facilities, or other real or personal properties which are necessary, convenient, or desirable appurtenances, such as but not limited to streets, sewers, utilities, parks, site preparation, landscaping, and administrative, community, health, recreational, educational, and welfare facilities." N.J.S.A. 40A:12A-3. Thus rather than simply authorizing development of these mixed use commercial/residential complexes; residential complexes and hotel use as well as public/private open space as a key site elements, the Township has determined that it is appropriate to adopt a Redevelopment Plan to allow the Township to employ the powers available to it, and to attract the financial assistance that may be available from the State, County or Municipality to encourage the undertaking of this residential complex and to ensure the appropriate addition of public/private open space in a manner designed to achieve the Township's goals.

#### **Section 4. Proposed Land Uses and Building Requirements**

The proposed Land Uses and Building Requirements for the Redevelopment Plan Area are currently set forth within the SW/PD Special Waterfront/Planned Development District of the Township. SW/PD District permits planned developments as principal permitted uses.

The existing SW/PD Special Waterfront/Planned Development District permits, among other things, the following relevant uses:

- Any use permitted in the I (Industrial Park), B-2 (Outdoor Recreation), B-3 (Office Park), or SW (Special Waterfront) District.
- Under a planned development only: residential developments in accordance with the regulations set forth in Section 23-10, Regulations Concerning Planned Development.
- Hotels and/or Conference Centers.
- Festival marketplaces.
- Residential Uses as permitted in subsection 23-10.4, paragraph I.
- Retail uses, but excluding the sale of building material, plumbing supplies, motor vehicles or boats.
- Service establishments, excluding motor vehicle service stations.
- Any other use which the Planning Board, in connection with an approved planned development, specifically determines by Resolution to be consistent with the standards of the Planned Development District.

All such land shall be developed in accordance with and subject to the controls, regulations and requirements set forth in the official Zoning Ordinance of the Township of Weehawken, adopted December 31, 2007 with subsequent revisions, for development, and by the controls, regulations and requirements established in this Plan which supplement and supersede the Zoning Ordinance requirements to the extent set forth below; and in accordance with and subject to the applicable regulations, requirements and provisions of the Building Code of the Township of Weehawken, and all other relevant laws, codes and ordinances.

A significant portion of the redevelopment area, Block 34.03, Lots 2.03, 4.01, 4.21 and 4.28, is also an integral part of the planned development known as Lincoln Harbor. In a resolution adopted on January 28, 1986, Hartz Mountain Industries, Inc. received preliminary approval of the Preliminary Plan for a Planned Development known as Lincoln Harbor. Over the next 25 years, Lincoln Harbor developed the infrastructure necessary to support large scale development including a 10 story hotel, a 10 story office/commercial complex with offices, stores, restaurants, parking decks; a 5 story office building; a 4 level open deck parking garage; a restaurant on pier C; a commercial/office building on pier D; a ferry service terminal; a small park; landscaped

areas and multi-family residential development on pier H. In addition to the zoning requirements referenced above, the development of the Redevelopment Plan Area also remains subject to any terms and conditions from the 1986 approval that is relevant to Block 34.03, Lots 2.03, 4.01, 4.21 and 4.28, as they exist and/or as they may be modified by the Planning Board. Block 34.03, Lots 1.01 and 1.02 are two isolated lots adjacent to the Lincoln Harbor planned development that have been incorporated into the Redevelopment Plan Area and are now subject to the SW/PD Special Waterfront/Planned Development District of the Township.

In addition to the general Land Use and Building Requirements imposed under the Zoning Ordinance, and those requirements relevant based on the Preliminary Plan for a Planned Development known as Lincoln Harbor (as they exist and/or as they may be modified by the Planning Board), the following land use controls and building requirements are hereby imposed and shall apply to all lands within the Redevelopment Plan Area to be redeveloped in accordance with the provisions of this Plan:

1. The Planning Board shall have the authority to modify these controls, regulations and requirements as set forth below, subject to the following limitation:

The Planning Board shall have the authority to determine the maximum number and density of residential units permitted to be developed within the Redevelopment Plan Area as part of the Lincoln Harbor Planned Development.

The Planning Board shall have the authority to determine the number of buildings over 50 feet to be developed within the Redevelopment Plan Area as part of the Lincoln Harbor Planned Development.

The Planning Board shall have the authority to determine the required private open space and public open space to be developed within or outside the Redevelopment Plan Area as part of the Lincoln Harbor Planned Development.

The Planning Board shall have the authority, under the Redevelopment Plan Area, to required on-site and off-site flood prevention improvements to ensure proper flood safety controls are provided for both the Redevelopment Plan Area and off-site SW/PD District neighborhoods. Such flood prevention improvements shall include, but not be limited to the establishment of needed rights-of-way for the required infrastructure.

The Planning Board shall have the authority to determine the maximum number of square feet in residential buildings to be developed within the Redevelopment Plan Area as part of the Lincoln Harbor Planned Development.

2. The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan classified as "c" or bulk variances and such deviation shall not be considered an amendment to this Redevelopment Plan, where by reason of exceptional narrowness, shallowness or shape of a specific piece of property within the Redevelopment Area, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or by reason of an extraordinary situation uniquely affecting a specific piece of property or existing structures lawfully constructed thereon, the strict application of the regulation of the Redevelopment Plan (basic underlying zoning of the Planned Development District), would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property.
3. The Planning Board may also grant deviations from the regulations contained within this Redevelopment Plan when the purposes of this Redevelopment Plan would be advanced by the deviation and the benefit of the deviation would substantially outweigh any detriments.
4. The Planning Board may grant exceptions and waivers from design standards and Site Plan or Subdivision requirements provided that such waiver would advance the general intent and purpose of this Redevelopment Plan and that literal enforcement of the provisions of the Plan will result in undue hardship to the developer due to particular and exceptional conditions pertaining to Project Site. No deviations may be granted under the provisions of this section unless the grant of the deviation will not result in substantial detriment to the public good and will not substantially impair the intent and purpose of this Redevelopment Plan.

#### Affordable Housing Requirements

Affordable housing shall be controlled by the provisions of the relevant Township Ordinance.

#### **Section 5. Real Property Acquisition**

No real property acquisition is proposed or anticipated.

#### **Section 6. Displacement and Relocation of Families, Individuals and Businesses**

The Redevelopment Plan Area is vacant with areas presently used as surface parking lots. There will be no displacement of families, individuals or businesses. Therefore, there is no need for the relocation of families, individuals or businesses.

### **Section 7. Clearance of Acquired Property**

The Redevelopment Area is vacant and will not require clearance.

### **Section 8. Relationship of Redevelopment Plan to Local Objectives**

This Plan is in substantial conformance with the approved Master Plan Amendment for Weehawken Waterfront, Land Use Element, Township of Weehawken. Specifically, the Master Plan Amendment for the Weehawken Waterfront identified the following advantages to its redevelopment:

- There are spectacular views of the New York skyline both from the top of the Palisades and from the water's edge.
- From the waterfront there are complementary views of the Palisades backdrop.
- The topography of the land is flat.
- The ownerships of the lands are concentrated so that assemblage of substantial parcels is not required for significant development.
- The location of a working railroad on the properties and a tunnel through the Palisades at the north end of Weehawken opens up the possibility of substantial rail access to the property.
- The possibility exists for north-south road access, as recommended by all regional planning reports. (Such a roadway has been constructed and in place for several years.)
- The waterfront area lends itself to the possibility of re-establishment of the ferry service. (The ferry service has been re-established.)

However, the Master Plan Amendment for the Weehawken Waterfront identified some substantial obstacles to development and noted that in spite of the advantages enjoyed by the Weehawken waterfront, "a successful redevelopment of the waterfront area can be accomplished only through a joint public-private effort. The utmost in public-private cooperation will be required to obtain the approvals from other municipal agencies and from state and regional authorities. In addition, the infrastructure needs are so complex and so costly that they will, sooner or later, require financial resources of public agencies as well as those of private developers.

The Plan also recognized the need for improved access to the waterfront if successful development was to occur. ...Mass transit facilities and public pedestrian access is required. The Master Plan Amendment for the Weehawken Waterfront again noted that infrastructure needs imposed a stringent economic constraint on waterfront redevelopment and it anticipated a public-private (State, county) partnership with regards to the waterfront's redevelopment. Such public transit facilities have been developed.



### **Section 9. Provisions to Meet Other State and Local Objectives**

The public agency(ies) (if any) and private corporation(s) responsible for carrying out this plan will obtain from the Township Council any and all approvals necessary or required in connection with this Plan in a manner required to legally effectuate and carry out the Plan. As noted below, the various elements of this Plan are consistent with the requirements of applicable state and local policies, laws and regulations..

#### **State of New Jersey**

- The Redevelopment Plan supports the goals and policies of the 2001 New Jersey State Development and Redevelopment Plan. The Township of Weehawken is located in the Metropolitan Planning Area of the State which is designated to "provide for much of the State's future redevelopment.
- The SDRP emphasizes center oriented development as a key organizing principal for growth and development in the State that create "Communities of Place." Under the State Plan, the Township of Weehawken is part of the Hudson County Urban Complex. An Urban Complex consists of an Urban Center (Jersey City) with two or more municipalities in the surrounding PA1 Metropolitan Planning Area that exhibit a strong inter-municipal relationship, based on socio-economic factors, public facilities and public services. Urban centers offer the most diverse mix of industry, commerce, residence and cultural facilities of any central place. The Urban Center and Urban Complex designation recognizes that cities and their surrounding municipalities are the historic focus of growth in New Jersey.
- The following statewide goal is particularly applicable to the study area:
  - Goal # 1: Revitalize the State's Cities and Towns  
Protect, preserve and develop the valuable human economic assets in cities, towns, and other urban areas. Plan to improve the livability and

Redevelopment sustainability by investing public resources in accordance with current plans which are consistent with the provisions of the State Plan. Leverage private investment in jobs and housing; provide comprehensive public services at lower costs and higher quality; and improve the natural and built environment. Incorporate ecological design through mechanisms such as solar access for heating and power generation. Level the playing field in such areas as financing services, infrastructure and regulation. Reduce the barriers which limit mobility and access of city residents, particularly the poor and minorities, to jobs, housing, services and open space within the region. Build on the assets

of cities and towns such as their labor force, available land and buildings, strategic location and diverse population.

- Strategies to achieve the goals of the State Plan are outlined for each identified goal. One of the main strategies in the State Plan's approach to revitalization is the following:
  - Capitalize on the enormous opportunities provided by the use of natural systems in urban areas and the reuse of existing facilities, vacant sites and brownfields, while recognizing the costs of restoring aging infrastructure. Legislative and administrative progress in reforming our brownfields cleanups, providing incentives for redevelopment,... In addition, the design of our facilities, our buildings, and our open spaces is a critical component in attracting people and jobs, keeping neighborhoods safe and securing and providing amenities. Residents and visitors to cities and towns should have the same right and opportunity to experience the riverfront and stream vistas, parks and open spaces, tree-lined streets and plazas, and the finest architecture and urban design available in both public and private settings.

#### Surrounding Municipalities

- The Township of Weehawken is surrounded by three other urban municipalities:
  - West New York, Union City and Hoboken. The West New York, Union City and Hoboken borders are not proximate to the Redevelopment Area. The Redevelopment Plan is not expected to have any significant impacts on these surrounding municipalities or the plans for future development in those communities. The Redevelopment Plan poses no conflicts with the master plans of these surrounding municipalities.

#### Section 10. Procedures for Amendment of Redevelopment Plan

Upon compliance with the requirements of applicable law, the Township Council, subject to study and recommendation of the Planning Board of the Township of Weehawken, may amend, revise or modify this Plan.

#### Section 11. Termination of Redevelopment Plan

This Plan and amendments, revisions or modifications thereof shall be in full force and effect for a period of thirty (30) years from the date of approval of this Plan by the Township Council.

## EXHIBIT B

**Jill A. Hartmann, PP, AICP**

21 Sparrowbush Road Mahwah, New Jersey

Tele. 201.818.9090

Fax 201.995.0162

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**TO:** Weehawken Planning Board  
**FROM:** Jill A. Hartmann, PP, AICP  
**RE:** PRELIMINARY AND FINAL SITE PLAN AND MAJOR SUBDIVISION APPLICATION TO CONSTRUCT A HIGH RISE, MULTI-FAMILY RESIDENTIAL COMPLEX; HARBOR BOULEVARD; BLOCK 34.03, LOTS 1.01, 1.02 AND 2.03 ; APPLICANT: HARTZ MOUNTAIN INDUSTRIES, INC.  
**DATE:** May 20, 2019

This is a Preliminary and Final Major Site Plan and Major Subdivision Application to construct an integrated high rise, multi-family residential complex consisting of two 18 story residential towers, a seven story parking garage and a mix of lower-rise housing units located on the eastern and southern side of the complex. The subject site is located in the Lincoln Harbor Planned Development and within the designated Lincoln Harbor Redevelopment Plan Area. Development of the subject site is consistent with the Lincoln Harbor Redevelopment Plan. The Planning Board has jurisdiction to hear this application. The following submitted documents were utilized in the preparation of this planning report:

- Completed Form #1 Application Township of Weehawken Planning Board for major site plan, signed by James P. Rhatican, Esq., dated March 25, 2019.
- Completed Form #1 Application Township of Weehawken Planning Board for major subdivision, signed by James P. Rhatican, Esq., dated May 10, 2019.
- Site Plan, consisting of 14 sheets, prepared by Bradford A. Bohler, PE of Bohler Engineering, dated March 20, 2019.
- Site Plan, revision to sheet C-5, prepared by Bradford A. Bohler, PE of Bohler Engineering, dated March 20, 2019 with revisions through May 9, 2019.
- Subdivision Plan, consisting of 1 sheets, prepared by Gregg A. Gaffney, NJPLS of Control Layouts, Inc., dated May 9, 2019.
- Architecture Plan, consisting of 22 sheets, prepared by CetraRuddy, dated March 25, 2019, not signed or sealed.
- Landscape Plan, consisting of 6 sheets, prepared by Thomas S. Carman, LA of Melillo + Bauer Associates, dated March 20, 2019.
- Stormwater Management Report, prepared by Bradford A. Bohler, PE, dated March, 2019.

The following report is a zoning analysis of the proposed Preliminary and Final Site Plan and Major Subdivision Application to construct a high rise, multi-family residential complex consisting of two 18 story residential towers, a seven story parking garage and a mix of lower-rise housing units located on the eastern and southern side of the complex containing 334 residential units with ancillary amenities. The Planning Board, in addition to its Planner and Attorney, has assembled a team of experts to review specific areas of the Preliminary and Final Site Plan Application. They are as follows:

- Richard G. Arango, PE, CME Civil Engineering Review
- Richard G. Arango, PE, CME Traffic Analysis Review
- Paul Buckhurst, RIBA, AICP Urban Design
- Daniel Yannaccone, LLA Landscape Review

As the Township Planner, it is my responsibility to review the proposed Preliminary and Final Site Plan and Major Subdivision Application to construct a high rise, multi-family residential complex consisting of two 18 story residential towers, a seven story parking garage and a mix of lower-rise housing units located on the eastern and southern side of the complex and containing 334 residential units with ancillary amenities for compliance with the Lincoln Harbor Redevelopment Plan and Township Zoning Ordinance, where applicable.

Specific compliance with requirements related to the above referenced areas of expertise will be addressed by the appropriate Township professional.

#### ZONING ANALYSIS AND COMMENTS

1. The subject site is a consolidated 12.93 acre vacant parcel located within the Lincoln Harbor Redevelopment Area and subject to the requirements of the Lincoln Harbor Redevelopment Plan. It is bounded by Harbor Boulevard to the north; the Hudson River to the east and south and Park Avenue to the west.
2. The Redevelopment Plan gives the Planning Board the following authority:
  - To determine the maximum number and density of residential units permitted to be developed within the Redevelopment Plan Area as part of the Lincoln Harbor Planned Development.
  - To determine the number of buildings over 50 feet to be developed within the Redevelopment Plan Area as part of the Lincoln Harbor Planned Development.
  - To determine the required private open space and public open space to be developed within or outside the Redevelopment Plan Area as part of the Lincoln Harbor Planned Development.
  - To required on-site and off-site flood prevention improvements to ensure proper flood safety controls are provided for both the Redevelopment Plan Area and off-site SW/PD District neighborhoods. Such flood prevention improvements shall include, but not be limited to the establishment of needed rights-of-way for the required infrastructure.
  - To determine the maximum number of square feet in residential buildings to be developed within the Redevelopment Plan Area as part of the Lincoln Harbor Planned Development.
3. The application proposes to construct two 18 story residential towers, a seven story parking garage and a mix of lower-rise housing units located on the eastern and southern side of the complex containing 334 residential units with ancillary amenities. The towers will be generally situated around the seven story parking deck which will accommodate a total of 398 off-street parking spaces. The complex will have a maximum height of 203.1' to the top of the bulkhead of the towers.

The residential unit mix will consist of 58 (17%) studio units, 202 (60%) one bedroom units and 74 (22%) two bedroom units. A total of 398 parking spaces are proposed at a ratio of 1.19 spaces/unit.

Tenant amenity spaces includes the following:

- Ground floor southern side of the complex proposes an indoor/outdoor lounge area.
- Second Floor fitness center. Outdoor roof terrace areas.
- Sixth floor outdoor roof terrace areas.
- Eighth floor entertainment and activity rooms. Main outdoor landscaping amenity including pool and other outdoor related amenities.

The complex entrance, with the Porte -Cochere, will be located along the northern side of Harbor Boulevard. A secondary entrance will be located on the southern side of the complex off the waterfront walkway.

The complex provides two locations for access to the parking garage. Each location has two way access and both are off Harbor Boulevard. The parking deck will contain adequate parking spaces, in the form of regular spaces. A dedicated truck loading area is proposed within the parking garage.

4. The Township Ordinance requires 1 off-street parking space/residential unit. A total of 398 "regular" parking spaces are provided at a ratio of 1.19 spaces/unit where 1 space/unit is required.

The proposed parking space dimension is 8.5' x 18'. The Residential Site Improvement Standards (RSIS) requires parking spaces to be 9' x 18'. A waiver from this requirement is needed.

5. The Township Ordinance requires 1 loading space that is 12' wide x 56' long having a minimum height clearance of 14'. The integrated loading space, for the complex, is 14' wide x 35.1' long with a height of 14'. A variance for the length of the space is required.

6. The submitted application proposes a subdivision that will recombine Block 43.03, Lots 1.01, 1.02, 2.03 and 4.21 resulting in a redistribution of lands between the lots. Block 34.03, Lots 1.01 and 1.02 will be combined creating one lot with a total area of 2.22 acres. Block 34.01, Lot 2.03 will be reduced in size to 9.91 acres. Areas of Block 34.03, Lots 1.01, 1.02 and 2.03 will be conveyed to Lot 4.21 (Harbor Road). No variances are required for the proposed major subdivision.

A zone table should be affixed to the subdivision plan that details each existing and proposed lot area.

7. No other variances are required.
8. The submitted site plan indicates a total of 335 apartment units are proposed while the architectural plan shows 334. This discrepancy must be addressed and resolved. My report notes 334 units.

It is certified that all copies of this document are in conformance with the one that was signed and sealed by Jill A. Hartmann, PP, AICP, License No.4088

  
Jill A. Hartmann, PP, AICP

EXHIBIT C

**TOWNSHIP OF WEEHAWKEN  
HUDSON COUNTY, NEW JERSEY**

**AN ORDINANCE OF THE TOWNSHIP OF  
WEEHAWKEN AMENDING THE TOWNSHIP OF  
WEEHAWKEN REDEVELOPMENT PLAN BLOCK  
34.03, LOTS 1.01, 1.02, 2.03, 4.01, 4.21 AND 4.28**

**ORDINANCE # 27 - 2016**

**WHEREAS**, by Resolution dated August 12, 2015, the Mayor and Council of the Township of Weehawken (“**Governing Body**”) determined that Block 34.03, Lots 1.01, 1.02, 2.03, 4.01, 4.21 and 4.28, designated on the tax map of the Township of Weehawken (the “**Study Area**”) is an area in need of redevelopment pursuant to the criteria set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-5; and

**WHEREAS**, on February 24, 2016, by Ordinance #03-2016, the Governing Body adopted a redevelopment plan for the Study Area (“**Redevelopment Plan**”); and

**WHEREAS**, the Governing Body is considering the amendments to the Redevelopment Plan that are the subject of this Ordinance (“**Proposed Amendments**”), and in doing so recognizes that pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-4.b(2) and N.J.S.A. 40A:12A-8.k-1, the Township of Weehawken Planning Board (“**Planning Board**”) may study and make recommendations to the Governing Body for the redevelopment of a redevelopment area, and the Governing Body has also referred the Proposed Amendments to the Planning Board for its review and recommendation pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7.c, and has received the recommendation of the Planning Board by Resolution dated January \_\_, 2017; and

**WHEREAS**, the Governing Body hereby determines that it is appropriate to adopt the Proposed Amendments in the Redevelopment Plan.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Weehawken, County of Hudson and State of New Jersey, as follows:

**Section 1.** The Redevelopment Plan for the Study Area, adopted by the Governing Body by Ordinance #03-2016, is hereby amended as follows:

The paragraph immediately preceding Subsection 1 of Section 4 (including all of the language that follows the colon at the end of that paragraph, specifically the indented 5 paragraphs of Subsection 1 of Section 4) of the Redevelopment Plan shall be deleted in its entirety and replaced with the following:

In addition to the general Land Use and Building Requirements imposed under the Zoning Ordinance, and those requirements relevant based on the



Preliminary Plan for a Planned Development known as Lincoln Harbor (as they exist and/or as they may be modified by the Planning Board), the following land use controls and building requirements are hereby imposed and shall apply to Block 34.03, Lot 4.01:

- (a) Maximum Density: 180 residential dwelling units per acre (this calculation is based on the assumption that the number of units is 574 and the acreage of Lot 4.01 is 3.1915).
- (b) Maximum Building Height: Residential development proposed on Lot 4.01 shall be designed to reduce the overall massing of the development by requiring a three building, over parking deck, residential plan. Such buildings shall provide light and air between them so as to provide view corridors to the Hudson River and the shore line of Manhattan. 15 stories and 160 feet on one building (Southern-most), and 13 stories and 140 feet on the other two buildings. The above referenced maximum height shall include the parking deck(s). Parapet walls and rooftop bulkheads shall not exceed an additional 10' over these permitted building heights.
- (c) Community Recreational Facilities/Complex: In recognition of the need for active public open space and additional community recreational facilities which will result of the additional population generated by the redevelopment contemplated by the Redevelopment Plan, there shall be developed and constructed on Block 36.04, Lot 6 a recreational complex, which is presently contemplated to include an Olympic-size outdoor pool and/or other suitable features designed to encourage fitness, wellness and/or leisure.
- (d) The following on-site and off-site flood prevention improvements to ensure proper flood safety controls are provided for both the Redevelopment Plan Area and off-site SW/PD District neighborhoods: flood prevention improvements to be determined by the Planning Board, which shall include the establishment of an easement which to be provided upon request to NJDFP for the required infrastructure.
- (e) Standards for maximum number of square feet in residential buildings: (the number of square feet in the Redeveloper's proposed plans for the three buildings, reduced by the square footage in the top two floors of the center building, which reduction was due to the height of that building being limited to 140 ft)

In addition to the general Land Use and Building Requirements imposed under the Zoning Ordinance, and those requirements relevant based on the Preliminary Plan for a Planned Development known as Lincoln Harbor (as they exist and/or as they may be modified by the Planning Board), the following land use controls and building requirements are hereby imposed and shall apply to all other lands within the Redevelopment Plan Area shall be redeveloped in accordance with the provisions of the Plan:

1. The Planning Board shall have the authority to recommend controls, regulations and requirements as set forth below, subject to the following limitation:

- (a) The Planning Board shall have the authority to recommend the maximum number and density of residential units permitted to be developed within the Redevelopment Plan Area as part of the Lincoln Harbor Planned Development.
- (b) The Planning Board shall have the authority to recommend the number of buildings over 50 feet to be developed within the Redevelopment Plan Area as part of the Lincoln Harbor Planned Development.
- (c) In addition to the Community Recreational Facilities/Complex referenced above, which is designed to serve the needs of all development undertaken pursuant to the Redevelopment Plan, the Planning Board shall have the authority to recommend other private open space to be developed within the Redevelopment Plan Area as part of the Lincoln Harbor Planned Development.
- (d) The Planning Board shall have the authority, under the Redevelopment Plan, to recommend required on-site and off-site flood prevention improvements to ensure proper flood safety controls are provided for both the Redevelopment Plan Area and off-site SW/PD District neighborhoods. Such flood prevention improvements shall include, but not be limited to the establishment of needed rights-of-way for the required infrastructure.
- (e) The Planning Board shall have the authority to recommend the maximum number of square feet in residential buildings to be developed within the Redevelopment Plan Area as part of the Lincoln Harbor Planned Development.

**Section 2.** This ordinance shall take effect upon final adoption and publication according to law.

**Notice of Adoption of Ordinance**

The foregoing Ordinance was adopted for first reading by the Township Council of the Township of Weehawken, New Jersey, on December 28, 2016 and ordered published, and will be further considered before final passage at a public hearing on January 25, 2017, at 7 p.m. at the Council Chambers, Municipal Building, 400 Park Avenue, Weehawken, New Jersey. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of Weehawken, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Township who shall request such copies, at the Office of the Town Clerk in said Town Hall in Weehawken, New Jersey.

Rola Dahboul  
Township Clerk

Introduced: December 28, 2016

Adopted: January 25, 2017

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