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7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]

12 And that -- there are real costs  
13 associated with doing all this. And I think it's  
14 important as a body you understand the scope that  
15 we're taking on and weighs of the pros and cons.  
16 That's why this discussion is valuable, because  
17 while there is that cost, we have to also remember  
18 the benefits of, one, preserving of the green space,  
19 two, preserving of a line into a major urban  
20 environment, which, if we do give up, we'll never  
21 get back because to build this line they had to  
22 condemn people's homes and tear down homes. You  
23 know, so once we -- once we give up the line, homes  
24 are going to go back there; and no one is going to  
25 want to do that again, tear down all those homes to

1 create a line.

2 And then the final thing you have to  
3 remember is that this is very valuable land. And so  
4 if we had to buy this land today to even make a park  
5 or to make a school or do anything, we could never  
6 afford to buy it today because of the value of that  
7 land. So this is a once in a -- in a City's life's  
8 opportunity to preserve something pretty special.

9 Those are the balances that we have  
10 to decide on Wednesday. And it's for you to make  
11 your choice. But I wanted to put it in the right  
12 context for you.

13 MR. LAVARRO: Councilman Yun.

14 MR. YUN: First, thank you for your  
15 good job, really.

16 MR. MONTANGE: I wish it had happened  
17 sooner.

18 MR. YUN: Thank you for good job.  
19 But now my concern is that this is a great deal as a  
20 business -- you know, yes, we going to have some  
21 land; but my concern is that City of Jersey City  
22 have put effort to provide rail service at least two  
23 years all to do that. What kind of -- we talking  
24 about dollar amount, what kind of cost? That is the  
25 key.

1 MR. MONTANGE: It's a fair question,  
2 and I can only give you some preliminary numbers.  
3 We're working on that. And, in fact, there will be  
4 a meeting tomorrow to get a little bit better feel  
5 for it. And I have a recommendation for you on  
6 this. I can give you some actual concrete numbers.  
7 If you were to put a transload in on the National  
8 Docks line -- that would be right underneath the  
9 freeway, essentially back behind those ball fields,  
10 removed away from people -- it would cost 175,000  
11 roughly. That is the estimate I have gotten to put  
12 the switch in.

13 It's about \$125 per linear foot for  
14 good quality track. So you figure roughly \$300,000  
15 when we total up the track and the switch, just to  
16 put that amount back, \$300,000. Engineering and  
17 overhead, maybe another 50. And if you wanted to  
18 make a fancier facility, then you add some more to  
19 that. But you're around 300 to 400,000 minimum for  
20 a five-car transload, where they can park five cars  
21 out running in there, take it out on the Harsimus  
22 branch right there at National Docks, fairly  
23 removed.

24 MR. FULOP: I have a question.

25 MR. MONTANGE: Yeah.

1 MR. FULOP: The OFA would have a  
2 freight line coming down the embankment basically  
3 is that what --

4 MR. MONTANGE: No, no. The advantage  
5 of the embankment property is it crosses over what's  
6 called National Docks. So it intersects National  
7 Docks at grade level. There is an aerial structure  
8 that went up, and that goes up to CP Waldo. But the  
9 cheapest way to get a functional transload onto  
10 the --

11 MR. FULOP: Come into --

12 MR. COTTER: Back of cemetery on  
13 Brook Avenue, around the back.

14 MR. FULOP: By the historic cemetery?

15 MR. COTTER: Behind it.

16 MR. KAKOLESKI: By Jewel Electric.

17 MR. MONTANGE: Actually, the old CP  
18 Waldo, that is where the trains went in, behind the  
19 cemetery up -- up there.

20 MR. FULOP: I see.

21 MR. MONTANGE: Then came down this  
22 trestle, then down to the embankment. But  
23 underneath the embankment, in a sense, underneath  
24 the freeway, back up right against that line, that  
25 bluff where the Palisades are, there is a operating

1 line of railroad tucked in there called the National  
2 Docks Secondary. That's in-use line of railroad  
3 today. And, in fact, ConRail has -- wants to  
4 upgrade service on it. So it's not an abandonment  
5 candidate by any means.

6 (Whereupon, Mr. Byrne enters the  
7 closed caucus.)

8 MR. BYRNE: I know we are still in a  
9 closed session. It's filling up rather well  
10 outside. I just wanted to let everyone know it's  
11 about five after 6.

12 MR. FARRELL: Understood.

13 (Whereupon, Mr. Byrne leaves the  
14 closed caucus.)

15 MR. FARRELL: I mean, this is the  
16 more important issue for us to resolve today. So  
17 are there any other really important questions for  
18 counsel on this?

19 MR. BOGGIANO: You said 300,000 to  
20 run a rail line?

21 MR. FARRELL: To build the transload.

22 MR. MONTANGE: Build a transload, not  
23 run a rail line. Build a transload under the  
24 freeway.

25 MR. FARRELL: Those are capital

1 costs.

2 MR. MONTANGE: There may be other  
3 places in the City that are under the control of the  
4 City that you can also locate a transload. [REDACTED]

5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]

15 MR. LAVARRO: Candice.

16 MS. OSBORNE: Just to -- I understand  
17 what you're asking, but I also to a degree feel like  
18 it's not really [REDACTED]

19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]

24 MR. FARRELL: So to be clear, what  
25 the legislation is is to authorize the application

1 to STB. [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 MS. WATTERMAN: But we have to be  
9 ready, though.

10 MR. FARRELL: You have to be ready.

11 MR. MONTANGE: [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 MS. OSBORNE: Gotcha.

16 MR. MONTANGE: [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 MR. FARRELL: Anything else of real  
22 importance? Because I don't want to hold up the  
23 caucus meeting and we have more issue to discuss.

24 Anything else?

25 Mayor? Anything else?

1 President?

2 MR. LAVARRO: Let's move along.

3 MR. FARRELL: Thank you,

4 Mr. Montange.

5 We are going to go right into the  
6 next topic because we only have about five minutes  
7 to do it.

8 MS. COLEMAN: Can I just -- we are  
9 voting for the authorization to submit the  
10 application --

11 MR. FARRELL: That's right.

12 MS. COLEMAN: -- is that what we're  
13 voting for?

14 MR. FULOR: It's a resolution, not an  
15 ordinance.

16 MR. FARRELL: It's an ordinance  
17 because there is an expense associated with it.

18 Mike, if you can just ask Robert  
19 Byrne to come back in.

20 MR. MONTANGE: And if you want to get  
21 in touch with me, these guys know my telephone  
22 number.

23 MS. COLEMAN: Can Chico come back in  
24 now?

25 MR. FARRELL: Yeah, he can come back

1 in. He is with Robert.

2 So this one we are going to move as  
3 quickly as possible. But I want to remind the  
4 Council that we initiated this lawsuit and we just  
5 got the actual written opinion from the judge today,  
6 so we're still absorbing.

7 (Whereupon, Mr. Byrne and Councilman  
8 Ramchal enter the closed caucus.)

9 MR. BYRNE: Go right into Bright and  
10 Varick. Okay. We are now doing -- we are now  
11 having a closed caucus about Bright and Varick.

12 Good afternoon, Mayor.

13 MR. FULOP: Hey.

14 MR. BYRNE: We have Councilman  
15 Ramchal back in the room. At 6:07.

16 MR. FARRELL: I would add --

17 MR. BYRNE: We have Mayor Fulop. Did  
18 we have anyone besides our special guests before  
19 during my absence?

20 MR. FARRELL: Mayor Fulop joined, and  
21 I put it on the record.

22 MR. BYRNE: Besides Mr. Fulop?

23 MR. FARRELL: No. Now we also have  
24 the planners in the room now for this discussion.

25 MR. BYRNE: Sure.

1 MR. FARRELL: Okay.

2 MR. LAVARRO: Jeff Wenger and Maryann  
3 Bucci-Carter.

4 MS. JEFFREY: I will try to make this  
5 quick, as quickly as I can.

6 In 2012 there is a very small parcel  
7 of land on the corner of Bright and Varick in Van  
8 Vorst that was being used. It was an empty lot.  
9 It's still an empty lot. It was being used by the  
10 school. It was -- the City sold the property to the  
11 agency, the JCRA. The JCRA then designated a  
12 developer for that site. And afterwards there were  
13 proposed development to the redevelopment plan.

14 Prior to the proposed changes to the  
15 redevelopment plan the zoning for that area was R-1,  
16 which restricted it's a historic area. But this  
17 was a tiny little parcel of land that was sort of in  
18 an island in the middle of a historic district. But  
19 the zoning was restricted to one and two-family  
20 homes and some commercial uses.

21 The developer had a plan to build  
22 what was called a "micro-unit" project. He was  
23 going to build a five-story building with 85 to 87  
24 units, about 350 square feet, small, almost like  
25 efficiency apartments. And his vision was that

1 recently graduated students would come there and  
2 would purchase these units or rent them and live  
3 there in lieu of renting two and three-bedroom  
4 apartments other places in the City.

5           The changes to the redevelopment plan  
6 changed -- there is some controversy about whether  
7 or not -- what the zoning was after these changes to  
8 the redevelopment plan, but most agree that it  
9 was -- many people didn't understand that the  
10 changes to the redevelopment plan would have  
11 resulted in increase in density that would have  
12 permitted a project of this size or of this nature.

13           In August of 2013 the developer  
14 submitted his site plan. And at that point the  
15 residents of Van Vorst realized that this project  
16 was being proposed and they became very upset.  
17 Their concern is that a micro-unit project  
18 could essentially give way and turn into an SRO with  
19 transients, that it would tend to compromise or  
20 jeopardize the integrity of the neighborhood. That  
21 is their position.

22           A set of events occurred in which the  
23 application was going through the planning process,  
24 and there is a question at -- the law says, NUSA  
25 40:55-46A and 10- -- .3 -- I am saying this for the

1 record -- stipulate that once an application is  
2 deemed complete it has to be -- the Planning Board  
3 has to make a decision on that application within a  
4 certain period of time.

5 When, if ever, this application was  
6 deemed complete was at issue. What was also at  
7 issue is what was the underlying density for this  
8 area. The City argued that the density in the  
9 redevelopment plan was ambiguous and it was not  
10 possible to tell what the density was. And in  
11 January of 2000 -- 2014 Anthony Cruz, in his  
12 capacity as the chief zoning officer, denied the  
13 application, site -- stating that the density was  
14 too ambiguous and it needed to go before the Zoning  
15 Board for determination whether -- as to what the  
16 density was.

17 Meanwhile, the site plan -- there was  
18 an e-mail in October from the planners that said the  
19 site plan was substantially complete. Not complete  
20 but substantially complete.

21 Thereafter, the developer submitted  
22 revised architectural plans which changed the  
23 address -- it changed the nature of the project. It  
24 stripped the project of the amenities. And Planning  
25 determined at that point that it required new agent

1 review.

2 There was a hearing that was  
3 scheduled for December 17th; but Planning said  
4 because there are new architectural plans, we are  
5 going to postpone the hearing until March. The  
6 developer, instead of waiting to March to have a  
7 hearing before the Planning Board, filed action in  
8 lieu of prerogative writ.

9 MS. COLEMAN: What?

10 MR. FARRELL: A lawsuit.

11 MS. JEFFREY: Sorry. Lawsuit. It is  
12 a lawsuit saying the government is not doing the  
13 right thing and we want to force the government to  
14 do the right thing. So the lawsuit basically said  
15 Cruz had no right to refuse our application on  
16 density, the density is clear; and because the  
17 Planning Board didn't render a decision in December  
18 and didn't hold, our site plan is deemed  
19 automatically approved.

20 The court -- the long and short of it  
21 is the court agreed with the developer and ruled in  
22 the developer's favor. The application was deemed  
23 automatically approved.

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[REDACTED]

[REDACTED]

I am going through this very quickly.

You are nodding so -

MR. FULOP: We lost. Can I say  
anecdotaly just two things on this?

MR. FARRELL: Yeah.

MR. FULOP: [REDACTED]

[REDACTED]

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We spent how much money on this now

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MR. FARRELL: The Planning Board

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attorney has cost us about 25,000, a little bit

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more, to pursue this matter.

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MR. FULOP: So I -- this is just

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anecdotally. Maybe you could --

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MR. FARRELL: Tell --

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MR. FULOP:

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MR. FARRELL:

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MR. FULOP:

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MR. FARRELL: That's correct.

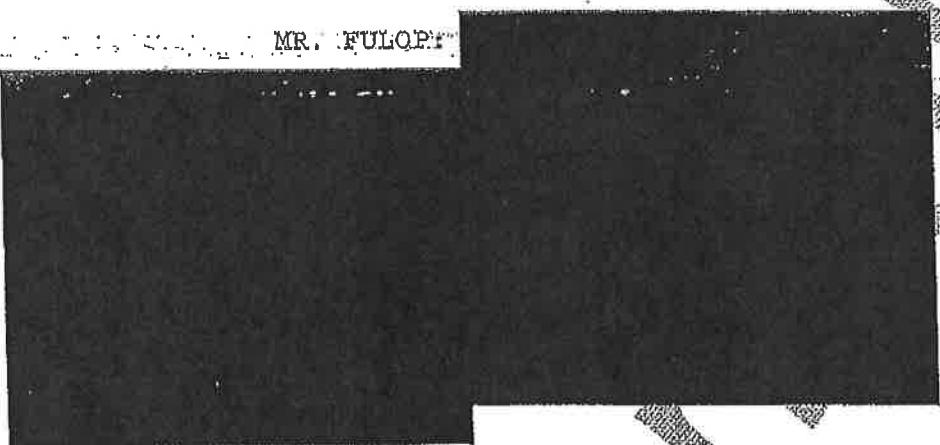
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MR. FULOP: But that doesn't change

1 the overall picture.

2 MR. FARRELL: That's right.

3 MR. FULOP:



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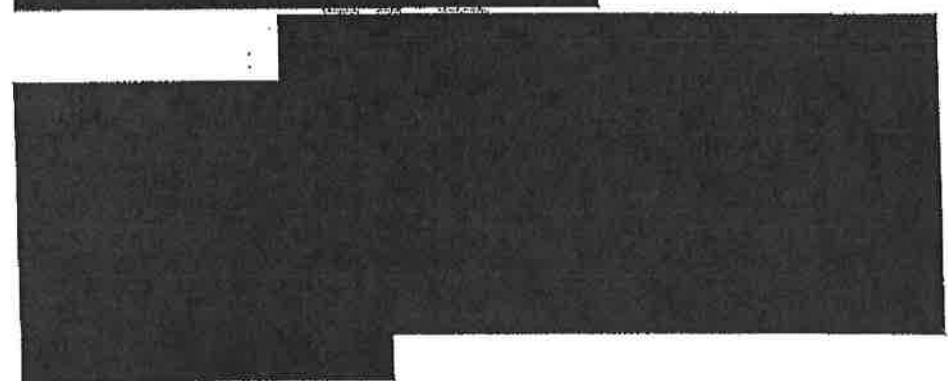
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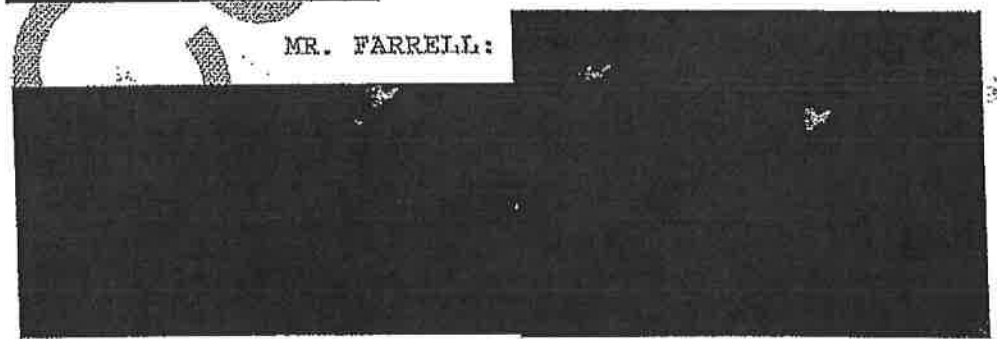
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21 MR. FARRELL:



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MR. LAVARRO: Council person Coleman.

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MS. COLEMAN: My question is: Can

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you -- what do you, Corporate Counsel, recommend?

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Are we voting on

5 something that's --

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MR. FARRELL: No, today you are not  
voting on anything -- sorry, Wednesday. You are not  
voting on anything right now. This is a discussion.  
And it was asked for because of the community people  
that have been reaching out to these members.

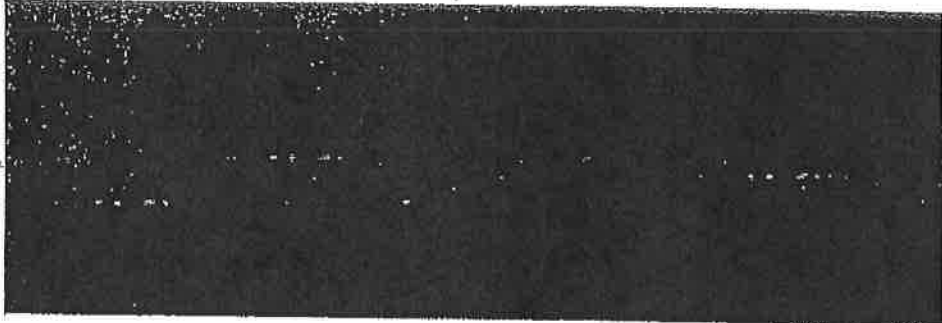
MS. COLEMAN: Right.

MR. FARRELL: And people didn't know  
exactly what happened or where we are.

MS. COLEMAN: So what does Corporate  
Counsel recommend?

MR. FARRELL:

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MR. LAVARRO: Councilperson.

MS. COLEMAN: My last question is:

The plans that we saw as a Council and discussion of, Candice and I, we looked at they have a lot of great amenities to go with it. Even though the community didn't like the project because it was micro-units, it had a lot of amenities, like study room, study -- gym and things on the outside. Now, from my understanding, they resubmitted something and now other plans have been approved. So my question is: The approved plans don't include all of those things.

MR. FARRELL:



MS. COLEMAN:

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MR. FARRELL:

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MS. COLEMAN: Okay.

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MR. FARRELL:

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MS. COLEMAN:

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MR. FARRELL: In the first instance?

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MS. COLEMAN: Yeah.

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MR. FARRELL: Understood.

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MR. LAVARRO:

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MR. FARRELL:

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MR. LAVARRO:

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MR. FARRELL: Yes.

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MR. LAVARRO: -- if it's necessary to

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do that.

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MS. COLEMAN: Thanks, Rolando.

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MS. OSBORNE:

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MR. FARRELL: Yeah, I did see that.

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One other point I want you to

understand about the contract of sale too is the

JCRA sold the property to the developer, but the

developer hasn't actually paid for it yet. Those

deeds are being held in escrow. So there is --

there hasn't been a closing on that sale.

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MS. COLEMAN: What was already done.

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MR. FARRELL:

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MS. WATTERMAN:

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MR. FARRELL:

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Anything else?

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MR. LAVARRO: Council --

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MS. COLEMAN: I didn't hear.

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MR. LAVARRO: Sorry. Frank.

17

MR. GABEWSKI: Just a quick question.

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What are the restrictions on discussing anything

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that went on in closed session?

20

MR. FARRELL: That is a great

21

question. So this -- both issues were discussed in

22

closed session. It's being discussed in closed

23

session under the attorney-client privilege,

24

exception to the Open Public Meetings Act. You, as

25

members of the Board, are part of our what's called

1 "attorney-client group." And so to protect the  
2 information that was discussed here you guys have to  
3 preserve that. You can't discuss this with anybody  
4 outside of this group.

5 At some point in time these minutes  
6 will become public, and at that point in time you  
7 will be free to discuss them with anybody. If you  
8 do get some questions from folks, you can answer  
9 their questions; you just can't provide them any  
10 information you learned about in this meeting here  
11 today.

12 MR. RAMCHAL: Frank, that's why I  
13 recused myself.

14 MR. LAVARRO: Which is pretty much  
15 nothing.

16 MS. OSBORNE: I am just going to  
17 say -- yeah, because I have learned kind of a lot  
18 here today that I didn't know.

19 MS. COLEMAN: What did you say?

20 MS. OSBORNE: I learned a lot today  
21 that I didn't know. I kind of know what they know  
22 until I walked in here, so I'm --

23 MR. FARRELL: It's complicated.

24 MS. OSBORNE: Can't figure out how I  
25 should respond other than Jeremy.

1 MR. FARRELL: I know. Councilwoman,  
2 I am going to get right to your question; but one  
3 point I want to raise is tomorrow -- Wednesday, when  
4 we go into Council and consider the OFA application  
5 you guys should feel free to make whatever comments  
6 you feel you want to make on the record, but you  
7 should preserve our attorney-client privilege in  
8 this room.

9 MR. RAMCHAL: Right here.

10 MR. FARRELL: [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 OKAY?

19 MR. BOGGIANO: [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 MR. FARRELL: [REDACTED]

25 [REDACTED]

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MS. OSBORNE: This is our attorney...

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He is on our side. We hired him. It's not like one

5

side -- he is on our side.

6

MR. RAMCHAL: Check with you -- come

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to you or e-mail?

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MR. FARRELL: Call me on my cell.

9

All right. Guys, we really should

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get to our caucus. We are half meeting late.

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MR. LAVARRO: What is our action,

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Robert?

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MR. BYRNE: We have a motion to

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adjourn?

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MR. RAMCHAL: Motion.

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MS. COLEMAN: Second.

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MR. BYRNE: Ramchal, seconded by

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Councilwoman Coleman. By acclamation, say good

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night.

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(Whereupon, the proceeding is

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concluded at 6:25 p.m.)

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C E R T I F I C A T E

I, TRACEY R. SZCZUBELEK, a Certified Court  
Reporter and Notary Public of the State of New  
Jersey, do hereby certify that the foregoing is  
a true and accurate transcript of the  
stenographic notes as taken by and before me, on  
the date and place hereinbefore set forth.

Tracey R. Szczubelek, C.C.R.

TRACEY R. SZCZUBELEK, C.C.R.

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**EXHIBIT**

**“B”**



# CTBUH Research Paper

[ctbuh.org/papers](http://ctbuh.org/papers)

**Title:** **Jersey City on the Rise**

**Authors:** Robert Cotter, Planning Director, Jersey City  
Jeff Wenger, Principle Planner, Jersey City

**Subjects:** Economics/Financial  
History, Theory & Criticism  
Urban Design

**Keywords:** Development  
Urban Planning  
Zoning

**Publication Date:** 2015

**Original Publication:** Global Interchanges: Resurgence of the Skyscraper City

**Paper Type:**

1. Book chapter/Part chapter
2. Journal paper
3. **Conference proceeding**
4. Unpublished conference paper
5. Magazine article
6. Unpublished

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# Jersey City on the Rise



**Robert Cotter**  
Planning Director  
City of New Jersey,  
New Jersey, USA

Bob Cotter has been planning and directing Jersey City's upward growth and urban renewal over the course of the last 35 years. During that period, the city has risen to be one of the top 20 downtowns in America in terms of amount of Class A office space. The tallest buildings in New Jersey have been in Jersey City since the 1980's. His motto for his staff of planners is "Market Driven in the Public Interest." His style of city planning is to codify what is important and let the market take care of the rest. It works!



**Jeff Wenger**  
Principle Planner  
City of New Jersey,  
New Jersey, USA

Jeff Wenger has been a Principal Planner with the Jersey City Planning Division since 1998. Jeff has written numerous redevelopment plans, including the Journal Square 2060 Plan which permits a cluster of skyscrapers with no building height limit. Jeff also reviews site plan applications including small infill development projects to skyscraper complexes with over a thousand units.

## Abstract

*Home to 7 of the 10 tallest buildings in New Jersey, and 16 of the top 20, Jersey City is the growth engine of North Jersey. Situated at a strategic junction between New York City and Northern New Jersey, Jersey City has attracted acceleration investment and development. With a diversifying new economy, elected officials consistently support tax incentives and an aggressive approach to modernizing zoning code that has transformed Jersey City's skyline, economy and culture. Starting with historic preservation in the 1970's, followed by a new wave of redevelopment planning in the 1980's, the city's Planning Division has developed an approach to urban planning that has taken advantage of the dynamic market forces while requiring quality urban design. This paper will detail the evolution of Jersey City's zoning and redevelopment code with site specific, customized regulations that balance the needs of developers, architects, engineers, community groups, and elected officials.*

**Keywords:** Urban planning; Zoning

Jersey City is currently undergoing profound shifts in its economy, leading to a new round of urban development as dramatic as the city's original industrialization. This economic cycle is creating a skyline in Jersey City, now home to 7 of the 10 tallest buildings in New Jersey and 16 of the top 20 - all built within the last 25 years. Situated at a strategic junction between New York City and North Jersey, which is an often overlooked metropolitan area the size and population of Los Angeles, (see Figure 1) Jersey City has attracted accelerating investment and urban development. From humble beginnings as a Dutch outpost of the New Amsterdam colony, Jersey City would later become a classic example of urban decay and deindustrialization, leaving vast tracts of empty rail yards and blighted neighborhoods that now offer unrivaled opportunity for redevelopment at the center of the New York metropolitan region.

## Beginnings

Jersey City is New Jersey's first city. It was a colony of the original Dutch settlement of New Amsterdam, and was first settled by Europeans in 1630. Its location directly across the Hudson River from Manhattan ties its fortunes to one of the world's greatest cities.

And so it has been that Jersey City's history was one of living off the harbor. The Dutch recognized the strategic value of the harbor, one of the world's best, and promptly turned their colony into an internationally competitive port city. During the colonial period,



Figure 1. Map comparing the geographic area of Los Angeles overlain on the Northern part of New Jersey (Source: City of Jersey City)

most of the port activity remained on the New York side as small freighters easily unloaded onto the hundreds of docks lining the shores of Manhattan. This would begin to change during the period of industrialization, as demand for greater access to the interior of North America would reorganize the port activities around freight rail. Situated on the mainland side of the harbor, New York's port activities began a westward shift to Jersey City, which became the rail terminus of the nation. During the 19th Century and into the 20th, the railroads occupied almost the entire five mile shoreline and extended Jersey City with landfill into the Hudson River. This created over 400 acres of rail yard in downtown Jersey City's Hudson River waterfront, as well as massive multistoried warehouse facilities to service the port.

Bypassing the Erie Canal and the New York side of the port, cargo from the heartland of the United States was brought by rail to the Jersey City waterfront for overseas shipping. All this thrived and grew until the invention of standardized shipping containers in the 1950's and the shift to intermodal freight transport. Overnight, the shipping industry changed from the break bulk method to the containerized method. A system that had been in use for millennia was suddenly obsolete, as a new period of globalization began with the container. And so in 1956, the decline of the Jersey City waterfront began. Containerization required

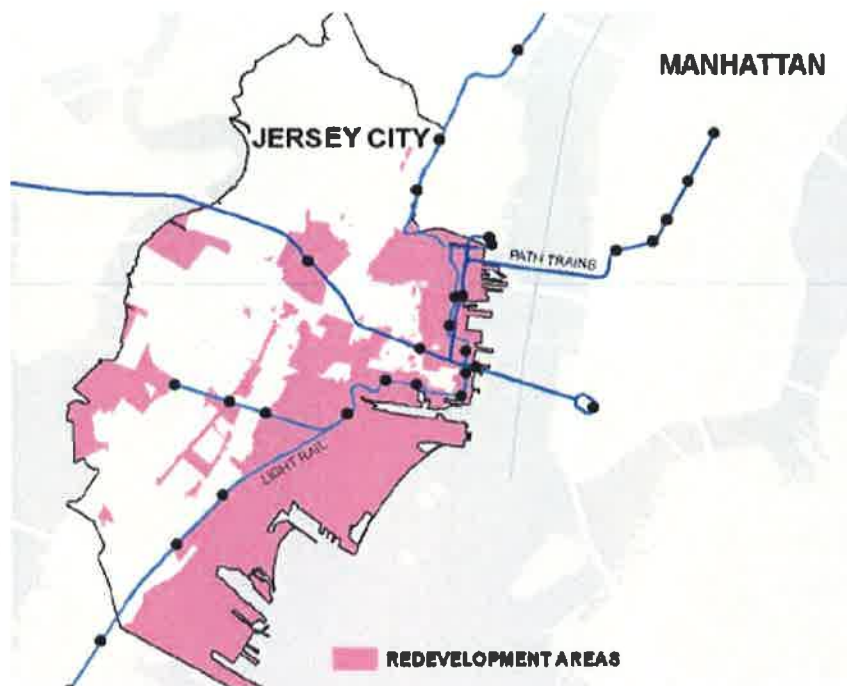


Figure 2. Jersey City Redevelopment Areas, including PATH and Light Rail systems, and showing the location of the port relocations (Source: City of Jersey City)

a complete reorganization and redesign of port facilities with large tracts of land to stack and sort containers, as well as far fewer but much larger shipping berths to accommodate ever larger container ships. Both sides of the Hudson River are obsolete for this operation and the port activities relocated yet again further west to Port Newark and Port Elizabeth (see Figure 2).

The collapse of Jersey City's rail and shipping economy occurred over the next decade. The movement of industry away from the Northeastern United States had begun and further eroded Jersey City's economy, abandoning the vast tracts of rail yards and warehouse space just opposite Manhattan

along the Hudson River waterfront. Seeking a way to revive the city, Mayor Thomas Gangemi called upon the state of New Jersey's Office of Planning for help in 1962. The plan that emerged was to create "Wall Street West." Situated one mile west and a five minute subway ride from New York's financial district, the city was primed for rebirth as a financial center. While it would take almost 40 years to build the 800 foot tall Goldman-Sachs building, within ten years of the Wall Street West plan, the first new office buildings in 50 years were built on Montgomery Street, and they became the locus of the Over the Counter stock market trading.



Figure 3. Gregory Park urban renewal site clearance, circa 1954 (Source: Jersey City Public Library)

### Urban Renewal, First Wave

Like most American cities, Jersey City had been hollowed out by the years of the Great Depression and World War II. The United States Congress created a program to allow American cities to repair the damage done by years of neglect and deprivation. Urban Renewal was the tool given to the cities to rebuild and replace the slums and blight that plagued American cities, large and small. This took the form of massive clearance projects that scraped the land bare and resulted in the first high rise housing projects to be built in the United States.

Jersey City moved fast to take advantage of these new federal programs and created the Jersey City Redevelopment Agency in 1949 and began the nation's first Urban Renewal project in 1952 (see Figure 3). To be called

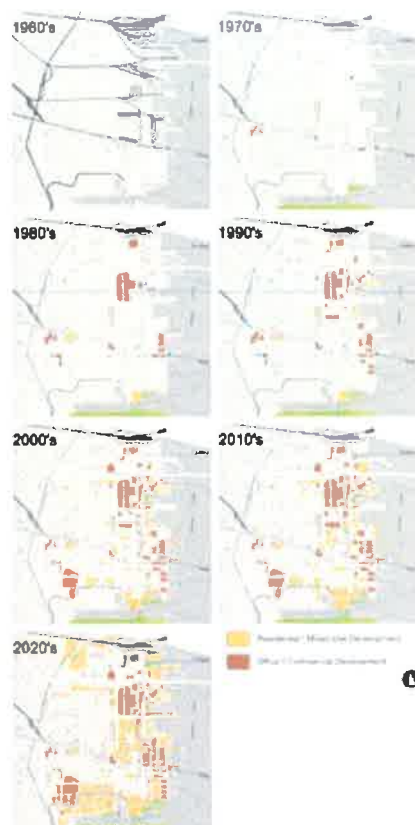


Figure 4. Redevelopment projects by decade. Note spike after Hudson Bergen Light Rail opens in 2000  
(Source: City of Jersey City)

Gregory Park, twin 21 story towers were built as residential co-ops for families with limited incomes. Surrounded by expansive parking lots, they were an American version of Le Corbusier's "tower in the park," except they were "towers in the parking lot." These types of projects were primarily focused on housing development and often lacked retail or quality open space. Early projects also cleared acres of urban land for surface parking lots, adding to Jersey City's already enormous inventory of un-built land surrounded by quality infrastructure. Today, Jersey City is working to "fix" the unfortunate mistakes of 1960s Urban Renewal.

Pre-1980 urban renewal programs were focused on the removal of dilapidated buildings and blighted neighborhoods and paid little attention to the issues of urbanism, walkability, public open space, and transit oriented development that dominate urban planning today. Early redevelopment efforts completely failed to recognize the location of major redevelopment projects adjacent to mass transit facilities and were instead attempting to compete with suburban development with high parking ratios exceeding one per unit and low lot coverage ratios, sometimes as low as 15% of the site. These early redevelopment models relied on high levels of federal and state subsidies, since "slum clearance" was the major aim and private finance was disinterested in

urban investment. This inefficient use of urban land, often in transit accessible locations with significant infrastructure investment, would quickly prove unsustainable. As federal and state subsidies began to disappear and a new vogue for urban living began in the 1980's, private investment began to reassert itself in Jersey City's development program. Noting the shift, Jersey City's elected officials rebuilt the Planning Division and began experimenting with a new wave of urban redevelopment planning, leveraging the city's infrastructure assets in mass transit facilities and a dense street grid network.

### Urban Renewal Redux

With a new focus on urbanism, walkability, and a more rounded effort at economic growth rather than simple housing development, the Planning Division began a program of enacting a series of redevelopment plans permitting much higher densities, taller building height limits, lower parking ratios, retail requirements, and a greater focus on urban design and walkability. Averaging two to three redevelopment plans per year, today, 92 redevelopment plans are in effect covering almost 50% of the city's land area and encompassing nearly all major development projects (see Figure 2). Traditional zoning code which guided development since the 1920's has been left behind. It should be noted that alongside these redevelopment efforts was the establishment of four historic districts in the 1970's which had also been boarded up blighted neighborhoods. Historic preservation has successfully spurred neighborhood re-investment and stabilization and has been an important

counterpoint to the intensification of development permitted by redevelopment planning. Preservation and redevelopment have worked well together, often on parcels immediately adjacent to one another, and have reinforced each other's benefits.

Jersey City has not always found it easy to attract private investment, despite its unique and strategic location. While Jersey City's proximity to Manhattan's financial district and midtown on the PATH subway system are obvious attractors for development, often overlooked is the city's connection to the cities and suburbs of Northern New Jersey. North Jersey is an area of approximately the same size and population of Los Angeles with nearly the same sized economy. Jersey City sits on an enviable strategic transfer point between the two economic behemoths. The PATH train which connects Jersey City to Manhattan is one of few subway lines in the world offering 24 hour service. Jersey City is also well served with various ferry and bus services as well as a light rail system connecting to other North Jersey municipalities that began operation in 2000. With highway and rail access to North Jersey's 3.5 million people and New York City's 8.4 million, nearly 12 million people are within an hour's reach of Jersey City by car or transit. While it is often assumed that people and businesses moving out of New York City drives the Jersey City real estate market, northern New Jersey makes a significant contribution, powering Jersey City's development from both sides. It was only after the 2000 opening of the Hudson Bergen Light Rail System, centered on Jersey City's waterfront, with access to NJ Transit connections at the Hoboken terminal, that the office market began to truly boom (see Figure



Figure 5. Goldman Sachs tower (Source: Dean Marchetto AIA)

4). Soon after, Goldman Sachs built its 800 foot tower, currently the tallest in New Jersey, adjacent to one of the stations (see Figure 5). Indeed, Jersey City has become the economic driver of northern New Jersey, overtaking Newark and suburban locations in residential and office space growth. The Regional Plan Association, a nonprofit regional planning organization, recognizes Jersey City as the only part of New Jersey that is part of the New York metropolitan core.

The acres of empty parking lots and railroad yards from the earlier era sitting in the middle of the New York metropolitan region with 24 hour mass transit facilities and a dense street grid network have set the stage for a new round of intense redevelopment led by private investment. State enabling legislation which grants municipalities the authority to enact zoning codes has had difficulty keeping up with this opportunity as well as rapidly changing market forces and construction cost structures. Zoning was invented to exclude and separate; it encourages stasis. Redevelopment inherently implies change. Fortunately, the State also enables municipalities to enact redevelopment plans which are a more flexible form of zoning which can detail site-specific design requirements. Redevelopment plans may also permit compulsory land purchases (eminent domain), require contractual agreements between a developer and the Jersey City Redevelopment Agency (called developer designations), and permit long term tax abatements. This has allowed the Jersey City Planning Division to create redevelopment plans with highly customized and site specific development regulations that balance the needs of developers, architects, engineers, as well as community groups and elected officials. Redevelopment plans are readily amendable, allowing developers to propose new project concepts and quickly test the political appetite for often dramatic land use changes. The process of redevelopment plan enactment and amendment has been fast, averaging around 6 months to successfully negotiate the design requirements and community benefits for a proposed project and receiving development entitlements. Bureaucratic speed has allowed for the continuous updating of plan requirements to match market demand, developer interests, as well as incorporating the latest public interest needs for each project. Tax abatements and contractual developer designations have also been crucial components to Jersey City's redevelopment success. They have allowed Jersey City's



Figure 6. Freight rail era waterfront, now the Newport project (Source: Jersey City Public Library)



Figure 7. Newport project, redeveloped from freight yards (Source: Newport Development Associates)

property tax structure to remain competitive and attract investment, despite New Jersey's over-reliance on real estate tax revenues. Developer designation contracts with the Redevelopment Agency have also secured necessary infrastructure improvements and other community benefits to support continued development which could not have been obtained through traditional zoning ordinances.

Using redevelopment planning as the preferred legislative tool to guide development, Jersey City has been able to capture the opportunities that its location, land availability, and transit access have afforded it. In the 1980s, this was a "give

away the store" process, as Jersey City was just emerging from its decades of decline. Incentives were necessary to attract private investment in the uncharted land on the other side of the Hudson River. New York City worked hard to dissuade companies from relocating, so Jersey City had to secure financial incentives to attract the first wave of private development. The Newport Redevelopment Plan was the first large scale, private redevelopment project of the 1980s, and benefitted from a \$40 million Urban Development Action Grant (the largest ever given by the United States Department of Housing and Urban Development) in 1983. The regulations of the plan were short and

simple, granting the developer wide latitude in design. Despite this give away, the plan did require mixed use, creating a vibrant and self sufficient neighborhood today (see Figures 6 and 7).

After Newport, the Jersey City Municipal Council and the Jersey City Planning Division continued with a consistent and intensive legislative effort, enacting a 35 year series of redevelopment plans and redevelopment plan amendments to create a market oriented planning paradigm that achieves necessary public interest goals. As the economics of building construction have changed along with market demand for different types of housing and office spaces, Jersey City's redevelopment plans have been able to adapt with each shift in market dynamics. The long series of legislative votes for each plan adoption and amendment has also enhanced the public's level of participation by maximizing voter opportunity to influence in the process.

The "give away" has now gone away. Current redevelopment plans are written with community benefit bonus provisions that

require developers to pay for neighborhood amenities, transit improvements and affordable housing. Over the 35 year evolution of redevelopment planning, Jersey City has moved away from the high parking ratios that could never compete with suburban car accessibility. Parking requirements were consistently lowered and in many areas have now been reduced to zero with maximum permitted parking in transit accessible locations. Combined with increased permitted building height, this has achieved the necessary densities to privately finance site consolidations with limited use of eminent domain. These changes have also supported retail and employment growth, as well as bolstering the walking trip share and use of biking and mass transit. Jersey City has the country's second best modal split of automobile driving versus other means of transport and the second lowest car ownership rate, second only to New York City.

Concern for issues of urban design and quality open space now take precedence over traditional planning goals of limiting densities and building heights, regulating unit sizes, and excessive requirements for yards

and lot coverage. Recent redevelopment plans that have been enacted have done away with building height limits, density limitations, and parking requirements at Jersey City's most transit accessible locations. In their place are requirements for public plazas, ground floor retail, rooftop amenity areas, bike parking, quality urban design, and other public amenities such as theaters and arts space. Another priority has been a focus on Jersey City's economic development and job creation. By encouraging high rise residential and office construction, Jersey City has been able to maximize the growth of its ratable base from the limited supply of land with the best accessibility. This has produced a positive cycle of employment growth as high density residential and office development spurs nearby entrepreneurial business creation, making neighborhoods yet more desirable for office and residential development. Jersey City outpaces the State of New Jersey in job growth and business creation. Jersey City is also one of the few government entities in the world since the 2008 market crash to improve its bond rating due to rapid ratable growth.



Figure 8. Jersey City skyline (Source: Dean Marchetto AIA)

The continuous and rapid process of redevelopment planning and the constant amendments to those plans have enabled a high degree of plan innovation. Regulatory ideas that fail are quickly re-worked to support buildable projects. The removal of unit size requirements has permitted new concepts such as micro unit housing, as well as allowing developers to tailor the unit size and mix to consumer demand. Form based development controls, which define a permitted building envelope within which a developer can have maximum flexibility, are now the preferred zoning control. This has achieved a high level of market flexibility while securing quality urban design. Plans have also incorporated graduated floor area ratios (FAR) and building height limits whereby permitted building height and FAR is indexed to lot size. This has incentivized private site consolidation for high rise development without government assistance at prime locations where small lots predominate. Vertical zoning is another planned innovation which is now beginning to come into use. It requires different uses at various building levels to achieve public amenities above the ground floor tied to building height bonuses.

#### **The Future of Market Driven Public Interest Redevelopment Planning**

As Jersey City's building boom accelerates and attracts international investors, new public interest issues have come to the fore that will guide the evolution of Jersey City's redevelopment planning into the future. Hurricane Sandy, which flooded large parts of Jersey City, has challenged builders, planners, and community groups to address flood proofing without sacrificing urbanism. Flood proofing can require raising building plinths to base flood elevation, thereby creating blank walls and empty spaces between buildings. Redevelopment design controls are working to avoid these errors. Combined sewer overflows (CSO) into nearby rivers will also be strictly controlled in the future, necessitating new redevelopment requirements for green infrastructure such as green roofs, storm water swales, and other forms of on-site storm water retention. Other green building requirements for energy use and waste management, as well as mandates for valet or mechanical parking to reduce building volume of parking areas are in the early years of regulatory experimentation. As higher urban densities

have generated pedestrian traffic, bike lanes, traffic calming requirements, bike share docks, newly pedestrianized streets, and Bus Rapid Transit have made their debut in Jersey City's planning efforts.

Since 1980, 18 million square feet of office space have been developed on the Jersey City waterfront, generating the highest price per square foot office deals in New Jersey history and marking the success of the original "wall street west" concept. Currently over 6,000 housing units are under construction with another 20,000 units approved by the Planning Board. Much of this development is accommodated with high rise construction with approximately 28 buildings over 300 feet tall and 6 buildings over 500 feet with several more under construction. China Overseas has approvals for a new tower at 889 feet. Within a few years, Jersey City will overtake Newark as New Jersey's most populous city. As Jersey City grows upwards, skyscrapers on the Jersey side of the Hudson River will continue to evolve and make their mark in the Greater New York skyline (see Figures 8 and 9).



Figure 9. Jersey City skyline (Source: Dean Marchetto AIA)

# EXHIBIT

## “C”

FILED

NOV 20 2015

Court Generated Order

KIMBERLY ESPINALES-MALONEY, J.S.C.

247 MANILA AVENUE, LLC,  
212 MARIN BOULEVARD, LLC,  
280 ERIE STREET, LLC,  
317 JERSEY AVENUE, LLC,  
354 COLE STREET, LLC,  
389 MONMOUTH STREET, LLC,  
415 BRUNSWICK STREET, LLC, and  
446 NEWARK AVENUE, LLC,

Plaintiffs,

vs.

CITY OF JERSEY CITY and DONNA  
MAUER, in Her Official Capacity as Chief  
Financial Officer of the City of Jersey City

Defendants.

: SUPERIOR COURT OF NEW JERSEY  
: LAW DIVISION: HUDSON COUNTY  
: DOCKET NO.: HUD-4954-14  
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Civil Action

**AMENDED**  
**ORDER GRANTING MOTION FOR**  
**RECONSIDERATION**

This matter having been opened to the court on behalf of Plaintiffs by and through their counsel Waters, McPherson, McNeill, P.C. (Daniel E. Horgan, Esq., and Eric D. McCullough, Esq., appearing) on notice for reconsideration of this Court's September 3, 2015 bench decision and September 16, 2015 order dismissing Plaintiffs' complaint with prejudice, on notice to counsel for Defendants Law offices of John J. Curley, , LLC (John J. Curely, Esq., appearing); and

It is on this 20<sup>th</sup> day of November 2015:

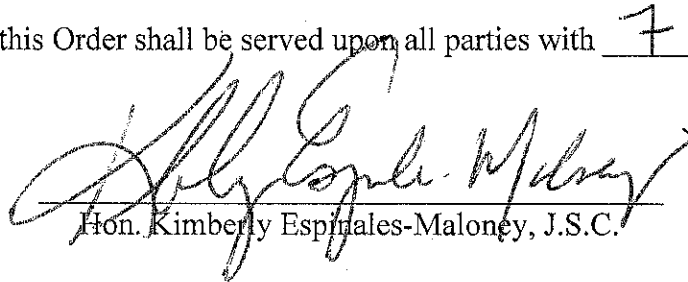
The court having considered the papers submitted and the argument of counsel, and for the reasons stated on the record it is on this 10<sup>th</sup> day of November, 2015, ORDERED:

1. Plaintiffs' motion for reconsideration is granted in part and denied in part as against Defendant City of Jersey City
2. Plaintiffs' motion for reconsideration that Ordinance 14.103 of the City of Jersey City

adopted by the Municipal Council on September 23, 2014 should hereby declared void pursuant to N.J.S.A. 10:4-15(a) is GRANTED.

3. Municipal Council is further ordered to conduct all further deliberations/meetings in this matter "de novo" in full view of the public for the reasons stated on the record November 10, 2015.
4. Plaintiffs' motion for reconsideration of the Municipal Council's adoption of Ordinance 14.103 on September 23, 2014 as being arbitrary, capricious, illegal, and unreasonable is DENIED.
5. The underlying action against individual Defendant Donna Mauer in her Official Capacity as Chief Financial Officer of the City of Jersey City remains dismissed with prejudice; and it is further

ORDERED that a copy of this Order shall be served upon all parties with 7 days hereof.

  
Hon. Kimberly Espinales-Maloney, J.S.C.

☒ Opposed

☐ Unopposed

# EXHIBIT

## “D”

CHARLES H. MONTANGE  
ATTORNEY AT LAW  
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---

(206) 546-1936  
FAX: (206) 546-3739

1 December 2015

Cynthia T. Brown, Chief  
Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington, D.C. 20423

Re: Consolidated Rail Corporation - Abandonment  
Exemption - in Hudson County, NJ, AB 167-1189X  
and related dockets

Reply to LLCs' Nov. 17 letter motion to compel

Dear Ms. Brown:

This is in response to the Letter dated November 17, 2015, from 212 Marin Boulevard LLC et al (the "LLCs"), which seems to suggest that the City of Jersey City ("City") has defaulted in supplying a redacted public shipper statement and seeks relief against the City requiring it to file a public unredacted statement. There are several fatal flaws with the LLCs' letter motion to compel, but the main one from the point of view of the City is that the City is no longer under an obligation to supply a redacted public shipper statement, or any further version of the statement in question. The LLCs' letter motion as to the City thus has no merit and must be denied.

Background. The LLCs are a group of commonly owned LLCs to whom Consolidated Rail Corporation ("Conrail") in 2005 purported illegally to sell key portions of the Harsimus Branch, a line of railroad, for ripping out the historic Harsimus Embankment in favor of townhouses and/or skyscrapers. The sale not only violated STB abandonment licensing requirements (e.g., 49 U.S.C. 10903) but also foreclosed meaningful compliance with section 106 of the National Historic Preservation Act, 16 U.S.C. 470f. The unauthorized and unlawful action by Conrail also violated state law. E.g., N.J.S.A. 48:12-125.1.

Since 2005, the LLCs, joined from time to time by Conrail, have engaged in a maelstrom of litigation in local, state, and federal tribunals to frustrate the efforts of the City of Jersey City to preserve the Harsimus Branch for a variety of mutually compatible public purposes (e.g., rail, trail, open space), all of which if implemented by the City would be consistent not only with preservation of the historic Harsimus Embankment but also with minimization of adverse impacts on adjacent national historic districts and other section 106-protected assets.

For many years, Conrail and the LLCs sought to evade STB jurisdiction completely; now they seek to render it a meaningless pro forma exercise by depriving City and allied parties with any meaningful relief before this agency. To this end, the LLCs pursue litigation against the City, its officials, and sometimes allied entities and/or their attorneys in state courts with the intent of disempowering the City to seek federal relief.

Argument. The LLCs' November 17 letter is predicated on the assumption that the City has failed to comply with this Board's order served November 10, 2015, but that order clarifies that CNJ Rail Corporation, not the City, must prepare confidential and redacted public versions of a verified shipper statement it prepared and furnished to the City. Under the November 10 order, the City is not responsible for preparing anything. In any event, as City previously indicated, CNJ originally designated the entire statement highly confidential; under the applicable protective order, the City merely so treated it. The City itself is not asserting confidential or highly confidential treatment for any portion of the shipper statement. The LLCs thus have no basis for their motion to compel against the City; that motion insofar as it claims the City is responsible is in bad faith.

The November 17 letter is inherently a distraction from the issues in this proceeding. City originally filed the shipper statement against which the November 17 letter is directed almost a year ago (i.e., on December 23, 2014) in support of a motion to compel Conrail to furnish valuation information required by this Board's regulations in light of the timely notices of intent to OFA filed by City and CNJ in 2009. This Board granted the motion to compel, but in effect vacated any deadline for filing an OFA. The primary reasons for the shipper

statement (to force recalcitrant Conrail to supply the valuation information and to expedite the OFA proceeding) are thus moot. In particular, Conrail claims to have supplied the information required by the Board, and the Board has held the OFA proceeding in abeyance.

The LLCs, whose lawyers already possess the statement in full, utterly fail to show how the shipper statement, even if made public in unredacted form (which they now again demand) will provide any benefit to them. Moreover, the statement insofar as predictive is now dated, inasmuch as the shipper is now actively in business. City, if allowed, continues to wish to file an OFA and currently intends to rely on more timely information assembled by consultants, to the extent yet-to-be-issued scheduling orders and other time constraints permit.

The LLCs among other things are attempting to defeat this agency's jurisdiction via state court proceedings, and City is concerned that they may intend to harass the shipper by suing them, or invoking discovery against them, in state proceedings to that end. The manager of the LLCs has threatened to bankrupt opponents of his efforts to demolish the Embankment, including their lawyers, and he in fact has caused the undersigned to be sued in that connection, in addition of course to the City, several of its officers or attorneys, Rails to Trails Conservancy, its general counsel, and the Pennsylvania Railroad Harsimus Stem Embankment Preservation Coalition. In a very real sense, the LLCs seek to foreclose not only meaningful section 106 analysis in this proceeding, but also any meaningful federal remedy, including OFA, that would preserve the Harsimus Branch from demolition, and townhouses or skyscrapers. In order to prevent harassment of this shipper, City believes that its identity should continue to be treated as confidential under the OFA, but that matter is up to CNJ and this Board.

#### Conclusion

The LLCs are entitled to no relief as to the shipper statement against the City. Their unfounded November 17 sniping at the City is part and parcel of their pattern of distracting and vexatious litigation.

Respectfully submitted,



Charles H. Montange  
Counsel for City of Jersey City, Pennsylvania  
Railroad Harsimus Stem Embankment Preservation  
Coalition, and Rails to Trails Conservancy

cc. Service list per attached certificate

#### Certificate of Service

I certify service of the foregoing by USPS, postage pre-paid first class, on the entities or individuals in the attached list at the addresses also listed, on the foregoing date. I also certify that I furnished same by email attachment to counsel for Conrail and the LLCs, and to the representative of CNJ.



#### Service List (addresses as of July 23, 2015)

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The Village Nbd Ass'n  
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President  
Van Vorst Park Association  
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Jersey City, NJ 07302

President  
Historic Paulus Hook Ass'n  
192 Washington Street  
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East Coast Greenway Alliance  
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CNJ Rail Corporation  
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James Riffin  
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Supplemental Service List

[Required to be served by STB although no longer representatives  
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# EXHIBIT

“E”

EMBEANKMENT HOUSE

