

November 27, 2017

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

Attn: Hudson County Section Chief

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

Dear Hudson County Section Chief:

We are both members of Hoboken's City Council, representing the 6th and 2nd wards that include or are directly adjacent to the Union Dry Dock site under consideration in the above referenced provisional waterfront development permit application ("Application"). We are urging you to reject the Application on its merits and because of the potential negative impact to the Hoboken community and the disruption to a decades-long effort to secure the waterfront for public use and access.

This request from NY Waterway in concert with both Union Dry Dock and NJ Transit, came as a surprise without any input from Hoboken officials or its residents. Prima facie, it is disingenuous, intentionally disregarding a 2012 agreement made by NJ Transit to not pursue the Union Dry Dock property for this use. In 2012 a letter from then NJ Transit Executive Director Jim Weinstein soundly rejected NY Waterway's 2012 proposal in writing to Hoboken Mayor Zimmer "this is to confirm that New Jersey Transit is no longer exploring the acquisition of the Union Dry Dock property nor does the agency anticipate doing so in the future." He also went on to say that "look forward to continuing to work with you [Hoboken Mayor Zimmer] as we continue to advance efficient, environmentally sound transit options for your residents and all the citizens of NJ." Mayor Zimmer and Mayor-Elect Ravi Bhalla also referenced this in their November 21st letter to NJ Transit urging it to once again "end all efforts to acquire...Union Dry Dock... and work collaboratively with all stakeholders to find a solution that works for the entire region."

On its merit, this application is anything but environmentally sound creating environmental risks and quality of life issues for residents of and visitors to Hoboken. The applicants indicate that the changes to the site and uses will be minor. However, the change from Union Dry Dock to New York Waterway operations will present a material change along Hoboken's waterfront, having significant environmental impact to the neighboring areas and uses. Among other considerations, the applicants have left out critical information pertinent to the DEP's evaluation of the Application including:

- a full description of the intended use of the project which is expected to also include refueling operations of a large ferry fleet located adjacent to residential and recreational park space – refueling operations (using tier 1 diesel fuel) and storage of large amounts of fuel have serious environmental considerations to the water, waterfront and its adjacent residents and uses and are not an approved use under Hoboken's Zoning regulations for the W(N) Waterfront North Subdistrict §196-20;
- a comparison of current and proposed operations to determine support for (or rather contradict) the Applicant's assertion that the new NY Waterway operations are consistent with current use – arguably, the daily maintenance, refueling and storage of 20-34 ferries represents a material change vs. Union Dry dock's maintenance of just two boats at any given time.
- an evaluation of the environmental remediation requirements, including a review of the historical records for the site, that may be necessary prior to Union Dry Dock vacating its operations and NY Waterway commencing operations;
- an evaluation of the requirement under Coastal Management Zone (N.J.A.C 7:7 last amended Sept. 2017 – sections 9.46 Hudson River Waterfront Area and 16.9 Public Access) to construct a 30ft Hudson River Walkway along the waterfront of the property and convey a walkway restriction to the DEP; in particular taking into consideration the significant expanded uses that are being considered for the property;

- an analysis as to why the NY Waterway must vacate its current location in Weehawken, including the cost of staying at that site, and any considerations relating to its operation there; and
- a detailed assessment of what the future plans are – including clarification/correction on ownership – for the site and what the implications would be on the Application; currently the Application (dated as of 11/14) states in several locations that Union Dry Dock is still the owner which we understand not to be the case – we understand NY Waterway had already acquired the site as of that date. And if NY Waterway were the owner, would they be held to any different standards and requirements as property owners (including any potential environmental remediation).

It is without question that ferry service is critical to the area and that NY Waterway or other service providers offering similar methods of transportation need to operate along the Hudson River. However the maintenance, fleet storage and refueling facilities that are the subject of the Application, are a material change to current dry dock operations and should not be located in the middle of Hoboken’s existing residential and recreational areas along our waterfront.

For more than 25 years residents, public officials and nonprofit organizations have made significant efforts and investment to redevelop the Hoboken waterfront for residential and recreational use by the public. Acquisition of the Union Dry Dock site by the city has been discussed for several years since it was known that the owners of the site were looking to exit their business and monetize their property. In July of this year, the Hoboken City Council unanimously approved adding the site to Hoboken’s Open Space Plan so that funds from Hoboken’s Open Space Trust Fund could be used for the acquisition of property. In September, the mayor and city council initiated the use of Eminent Domain as a tool to help facilitate the acquisition of the site, a decision which was then approved on second reading in November. The city is extremely close to completing the vision of a contiguous public park along the Hudson River’s edge. This Application jeopardizes all the progress the city has made to date. The proposed uses are grossly incompatible with the development taking place along Hoboken’s waterfront, are prohibited by local zoning laws and are in violation of the State’s Coastal Zone Management (CZM) Regulations.

Therefore we urge you to do the following:

1. Deny this application. In parallel we are asking NJ Transit, state officials and other relevant stakeholders to hold an open public process to discuss additional locations for NY Waterway to house their ferry maintenance, storage and refueling facilities. It is our understanding Bayonne’s industrial waterfront has actively sought NY Waterway for years and in addition there are other locations owned by NJ Transit that are more appropriate and affordable.
2. Respect the current use of the Hoboken Waterfront in vicinity of the site (901 Sinatra Drive, Block 259, Lot 1). Enjoyed by both residents and visitors there is currently a popular fishing pier, a skateboard park actively used by children of all ages, kids playground and swings, large grass lawn and a boat house including a natural sand beach to allow for free activities including kayaking. It’s an understatement to say a ferry refueling, repair and storage operation of 20 -34 ferries would be environmentally unsound and could destroy the opportunity for visitors and residents to fish, kayak or enjoy the public waterfront.
3. Uphold the CZM regulations pertaining to the Hudson River Waterfront Walkway which require public access and the construction of the Hudson River Waterfront Walkway for the 18 mile stretch between the Bayonne and George Washington Bridges. In Hoboken, this state-mandated public walkway has been nearly completed for the entire 1.5 mile length of its waterfront. The only piece missing is the Union Dry Dock site. Approval of this permit destroys the opportunity to complete the vision.
4. Honor the 2012 NJ Transit decision to not pursue this proposal.

Thank you for considering this request.

Sincerely,

Jen Giattino
Hoboken City Council President

Tiffanie Fisher
Hoboken City Council, 2nd Ward

cc: Mayor Dawn Zimmer
Hoboken City Council