

SENATE, No. 1494

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator LORETTA WEINBERG

District 37 (Bergen)

Co-Sponsored by:

Senator Bateman

SYNOPSIS

Prohibits development over 35 feet in height in Hudson River Palisades viewshed.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/28/2018)

1 **AN ACT** concerning development in the Hudson River Palisades
2 viewshed, and supplementing Title 40 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. The Legislature finds and declares that the Hudson River
8 Palisades, consisting of solid stone cliffs several hundred feet high,
9 overlooking Manhattan, New York, and ranging northward along
10 the Hudson River through Hudson County and Bergen County and
11 beyond, provides miles of natural landscape that existed long before
12 the founding of the United States of America; and that the Hudson
13 River Palisades is part of the heritage of this country and that this
14 natural phenomenon provided a scenic background for millions of
15 immigrants who entered the United States through the Port of New
16 York and New Jersey.

17 b. The Legislature further finds and declares that in 1965,
18 Congress designated the Palisades Interstate Park a National
19 Historic Landmark, a nationally significant historic place so
20 designated because it possesses exceptional value or quality in
21 illustrating or interpreting the heritage of the United States; that
22 today, fewer than 2,500 historic places bear this national
23 distinction; and that Congress noted that the Palisades represents an
24 extraordinary effort on the part of New Jersey and New York to
25 preserve the scenic beauty of the cliffs of the lower western side of
26 the Hudson River.

27 c. The Legislature further finds and declares that in 1983, the
28 "Palisades of the Hudson" was designated a National Natural
29 Landmark, a program that recognizes and encourages the
30 conservation of sites that contain outstanding biological and
31 geological resources and that are selected for their outstanding
32 condition, illustrative value, rarity, diversity, and value to science
33 and education; that there are only 600 designated National Natural
34 Landmark sites; that the Palisades is recognized as the best example
35 of a thick diabase sill formation known in the United States; that its
36 columnar jointing, an olivine zone and thermal metamorphic effects
37 are attributes found in rare combination; and that the glaciated crest
38 provides impressive evidence of the Pleistocene glacier.

39 d. The Legislature further finds and declares that the "Palisades
40 of the Hudson" contain more than 100,000 acres of parkland and
41 historic sites in New Jersey and New York managed by
42 the Palisades Interstate Park Commission; that the two states
43 formed the interstate park in 1900 to halt the defacement of the
44 Palisades by stone quarries; that the Palisades Interstate Park in
45 New Jersey is about 12 miles long and a half-mile wide, and
46 encompasses 2,500 acres of wild Hudson River shorefront, uplands,
47 and cliffs, more than 30 miles of hiking and ski trails, a boat
48 launching ramp, a scenic riverside drive, a cliff-top parkway and

1 overlooks, riverfront picnic areas and playgrounds, a nature
2 sanctuary, two boat basins, historic sites and miles of rugged
3 woodlands and vistas; and that millions of residents and visitors
4 enjoy the beauty and recreational facilities of the New Jersey
5 Palisades every year.

6 e. The Legislature also finds and declares that development has
7 occurred in recent years that has altered the beauty of the area in
8 exchange for commercial development, investment, and profit; that
9 the recent approval of a development that will extend high above
10 the ridgeline will damage the iconic natural vista along the Hudson
11 River's western shoreline, a view that is especially rare in one of the
12 most densely populated places in the country; and that once altered,
13 the Palisades and the public's ability to view this unique area in its
14 natural state cannot be restored.

15 f. The Legislature therefore determines it is necessary and in
16 the best interest of the State to preserve and enhance the Hudson
17 River Palisades as a prime natural resource of importance, for the
18 residents of Hudson and Bergen counties and for the State of New
19 Jersey, to preserve the views from the top of the cliffs as well as the
20 views of the cliffs themselves, by prohibiting any development
21 higher than 35 feet within the viewshed of the Palisades.

22

23 2. a. No person may construct a development in the
24 preservation zone of the Hudson River Palisades that exceeds 35
25 feet in height.

26 b. No municipality may:

27 (1) adopt or amend a zoning ordinance so as to allow a
28 development in the preservation zone to exceed 35 feet in height;

29 (2) issue an approval for an application for development or any
30 other approvals that would allow a development in the preservation
31 zone to exceed 35 feet in height; or

32 (3) approve a variance pursuant to section 57 of
33 P.L.1975, c.291 (C.40:55D-70) that would allow a development in
34 the preservation zone to exceed 35 feet in height.

35 c. As used in this section:

36 "Development" shall have the same meaning as provided in
37 section 3.1 of P.L.1975, c.291 (C.40:55D-4).

38 "Preservation zone" means all of the land lying between (1) the
39 mean high water line of the Hudson River from the northern
40 boundary of Fort Lee Borough and extending northerly through
41 Englewood Cliffs Borough, Tenaflly Borough, and Alpine Borough
42 to the New York State border, and (2) a line 2,000 feet landward
43 from, and parallel to, the line formed by the top or steep edge of the
44 Palisades or the crest of the slope in places where the steep Palisade
45 rocks are absent, from the northern boundary of Fort Lee Borough
46 and extending northerly through Englewood Cliffs Borough,
47 Tenaflly Borough, and Alpine Borough to the New York State
48 border.

1 3. This act shall take effect immediately and shall apply
2 retroactively to any development for which the foundation has not
3 been completed by May 1, 2014.

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STATEMENT

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8 This bill would prohibit any development that exceeds 35 feet in
9 height in the Hudson River Palisades viewshed. The beauty of the
10 Hudson River Palisades has been threatened by the approval of a
11 high-rise development at the top of the cliffs. The scenic, iconic,
12 and unspoiled views of the lower Hudson River have been protected
13 for over 100 years, and height limits on building above the tree line
14 have been respected until now. This bill would prevent such
15 development from marring the natural beauty of this previously
16 unspoiled ridgeline. The bill would apply retroactively to any
17 development for which the foundation has not been completed by
18 May 1, 2014.