

SENATE, No. 3274

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED DECEMBER 10, 2020

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

SYNOPSIS

“Palisades Cliffs Protection Act”; limits height of new construction in area below cliffs east of Palisades.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/16/2020)

1 AN ACT limiting the height of new construction in certain areas and
2 supplementing P.L.1975, c.291.

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

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7 1. P.L. , c. (C.) (pending before the Legislature as this
8 bill) shall be known and cited as the “Palisades Cliffs Protection
9 Act.”

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11 2. As used in P.L. , c. (C.) (pending before the
12 Legislature as this bill):

13 “Cliff wall” means that portion of the Palisades immediately
14 west of a proposed building or structure where there is a precipitous
15 decrease in elevation of the Palisades from west to east.

16 “Government approval” means any ordinance, permit, resolution,
17 lease, easement, license, approval, or grant of any kind issued by
18 any government entity or agency having jurisdiction over any
19 proposed building or structure.

20 “Palisade Avenue” means the road named Palisade Avenue that
21 extends from Jersey City in Hudson County in the south to Fort Lee
22 in Bergen County in the north.

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24 3. Notwithstanding the provisions of any other law to the
25 contrary, a building or structure shall not be constructed or granted
26 a government approval if the building or structure is proposed for
27 development in the area between the cliffs east of the New Jersey
28 Palisades in Hudson or Bergen County and the Hudson River unless
29 the maximum height of the proposed building or structure,
30 including any mechanical structures to be constructed atop the
31 building or structure, is at least 10 feet below the lower of the
32 following:

33 a. the highest elevation of the cliff wall immediately to the
34 west of the proposed building or structure; or

35 b. where there is no discernable cliff wall immediately to the
36 west of the proposed building or structure, the elevation of the
37 surface of the portion of Palisade Avenue immediately west of the
38 proposed building or structure.

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40 4. If any section, subsection, clause, or provision of P.L. ,
41 c. (C.) (pending before the Legislature as this bill) shall be
42 adjudged unconstitutional or to be ineffective in whole or in part, to
43 the extent that it is not adjudged unconstitutional or is not
44 ineffective, it shall be valid and effective and no other section,
45 subsection, clause, or provision of P.L. , c. (C.) (pending
46 before the Legislature as this bill) shall on account thereof be
47 deemed invalid or ineffective, and the inapplicability or invalidity
48 of any section, subsection, clause, or provision of P.L. ,

1 c. (C.) (pending before the Legislature as this bill) in any one
2 or more instances or under any one or more circumstances shall not
3 be taken to affect or prejudice in any way its applicability or
4 validity in any other instance or under any other circumstance.

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6 5. This act shall take effect immediately and apply to proposed
7 buildings and structures in the applicable area, except for those that
8 have received all required government approvals as of the effective
9 date.

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STATEMENT

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14 This bill would limit the height of any development below the
15 cliffs east of Palisade Avenue in Hudson and Bergen counties.
16 Under the bill, no development, inclusive of any mechanical
17 structures on top, in that area could exceed 10 feet below the
18 surface of that road or the Palisades cliff height, whichever is lower.
19 This bill would protect the unique views enjoyed by residents who
20 live in the historic neighborhoods above those cliffs, and preserve
21 the views and topography features of the Palisades.

22 The bill would apply to all proposed buildings and structures in
23 the applicable area, except for those that have received all required
24 government approvals as of the effective date.