



New Jersey Conservation
F O U N D A T I O N

NEWS

CONTACT

SANDY STUART PERRY
COMMUNICATIONS MANAGER
PHONE: 908-234-1225, EXT. 104
SANDY@NJCONSERVATION.ORG

FOR IMMEDIATE RELEASE/ April 7, 2014

Major Opponents of LG Tower Join Legal Battle to Protect Palisades Park

National, regional and local organizations are joined by New Jersey and New York State officials in filing amicus briefs to urge court: Reject zoning height variance that would spoil and mar Park

***New Jersey Mayors cite duty to protect the Palisades as long-time" public trust"
while citizen groups stress how town, LG violate a century of legal precedent***

The New Jersey Conservation Foundation, the Palisades Park Conservancy, the National Trust for Historic Preservation, the Regional Plan Association, the New Jersey Sierra Club, the Natural Resources Defense Council and five other respected park and preservation organizations joined in filing a "friend of the court" brief today in New Jersey Appellate Court against LG Electronics' plans to erect a 143-foot tower less than 60 yards from Palisades Interstate Park. Separate legal papers expressing opposition to the tower height were also filed by four New Jersey mayors and several key New York elected officials, including Attorney General Eric Schneiderman.

Arguing that the variances granted by the Borough of Englewood Cliffs to LG Electronics for its new U.S. headquarters in 2011 would violate New Jersey law and long-standing interstate pacts, the groups and officials submitted their court briefs concurrently today to demonstrate the broad range of opposition to LG's plan to build high above the Park. LG has stated it designed its tower "in order to take advantage of the view" - a plan which the Director of the U.S. National Park Service has stated, "threatens the nationally significant historic, scenic integrity of the Palisades in a major way."

(Note: Amicus court brief by the 11 organizations is available here - <http://www.njconservation.org/docs/Palisades-amicus-brief.pdf> . For other briefs, please contact New Jersey Conservation Foundation.)



“These brief show that opposition to LG’s tower is widespread, forceful and solidly backed by New Jersey law,” said Michele Byers, executive director of the New Jersey Conservation Foundation (NJCF), which submitted a joint brief with 10 other groups. The 11 groups have more than 1.6 million supporters; one organization, the New York-New Jersey Trail Conference, represents 100 other groups.

“Fortunately, there is a ‘win-win’ solution available to LG by simply redesigning its headquarters,” Byers added. “A lower headquarters on its large 27-acre lot would mean the same amount of office space and the same number of jobs—while preserving the integrity of the Palisades at the same time.”

“If this massive office tower is constructed as planned, it will forever taint one of the most iconic scenic vistas in the nation—and open the door for more high-rise development to extend for miles upstream, undoing a century of conservation,” stated Mark Izeman, Senior Attorney at the Natural Resources Defense Council (NRDC).

The newly filed court papers argue that the LG tower—four times higher than the 35-foot height limit adhered to by towns along the Palisades for decades—would damage forever the adjacent interstate park and its unspoiled landmark vistas extending for miles north of the George Washington Bridge. As four former governors of New Jersey recently stated, “LG would take for its own private benefit natural beauty which belongs to the public.” The effect of a bad precedent would lead to other high-rise development spreading north along the Park for the full three-mile length of Englewood Cliffs, undoing a century of conservation effort begun by Theodore Roosevelt and the New Jersey State Federation of Women's Clubs.

Along with NJCF, the organizations filing the joint brief include the Regional Plan Association, the tri-state planning organization founded in 1922 which works to improve the region’s economic competitiveness and quality of life; the National Trust for Historic Preservation, chartered by Congress in 1949, which works to protect endangered ‘national treasures’; and conservation, preservation and civic groups from both sides of the Hudson. (See below for full list of groups.) They wrote:

“The Palisades are a unique and irreplaceable historic and natural resource located in the heart of the Tri-State Area—one of the last remaining visible vestiges of wilderness for millions of local residents, both in New Jersey and surrounding states.”

The groups show how the zoning board's "grant of a height variance is contrary to the public interest and threatens the integrity of the Palisades" and include a history of bi-state and federal environmental cooperation threatened by the LG tower.

Four New Jersey mayors, including Alpine Mayor Paul Tomasko and Tenafly Mayor Peter Rustin, who represent towns near the Palisades and Englewood Cliffs, filed their own friend of the court brief against the project. They wrote:

"All four municipalities have long regarded it as part of their public trust to protect the viewshed – a public trust that until the LG Tower was approved, they believed was shared by Englewood Cliffs. Moreover, for these four boroughs and their residents, the cliffs and the Palisades Park are critical elements of their surroundings, not only providing recreational opportunities, but also creating a sense of place that enriches their communities."

The court brief from the mayors then notes that Englewood Cliff's zoning board "gave no consideration to regional concerns or, indeed, to those of its next door neighbors. In a self-interested exercise, the Board ignored 80 years of cooperation."

New York Attorney General Eric Schneiderman also submitted a brief today. The Palisades have been preserved through bi-state cooperation since New Jersey Gov. Foster Voorhees and New York Gov. Theodore Roosevelt established Palisades Park Commissions in 1900.

Five other New York elected officials—U.S. Congress Member Elliot Engel, State Senators Jeffrey Klein and Adriano Espaillat, New York State Assemblyman Jeffrey Dinowitz, and Councilman Andrew Cohen—filed a separate friend of the court brief in the case. They argue that Englewood Cliffs and a lower court did not consider the destructive effect of building high above the tree line. They write:

...the two states' "high trust for the benefit of the public" cannot be honored, the "special blessings and natural advantages" of the park cannot be protected, and the park's "scenic beauty" cannot be maintained, if the Borough of Englewood Cliffs and other municipalities surrounding the park apply the MLUL in utter disregard of the sweep and aspiration of those laws. (MLUL refers to New Jersey's Municipal Land Use Law.)

The officials also describe the century-long effort to preserve and protect the Palisades. They argue that Englewood Cliffs and a lower court failed to properly consider the impacts of the proposed LG building on the Palisades as required by New Jersey law—including law codifying the trust established between New York and New Jersey in creating the Palisades Interstate Park Commission Compact.

The 11 groups filing a joint brief are: New Jersey Conservation Foundation, Coalition to Protect the Palisades Cliffs, Fort Tryon Park Trust, National Trust for Historic Preservation, Natural Resources Defense Council, New Jersey Sierra Club, New York/New Jersey Baykeeper, New York–New Jersey Trail Conference, Palisades Park Conservancy, Preservation League of New York State, and Regional Plan Association.

The friend of the court briefs all were filed to support the plaintiffs in an appeal before the Superior Court of the Appellate Division of *New Jersey State Federation of Women's Clubs et al v. Board of Adjustment of the Borough of Englewood Cliffs and LG Electronics USA, Inc.*