

GREETINGS FROM HPO!!

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HPO COURT VICTORY ON WESTSIDE!!!!



APPELLATE COURT DECLARES “NW GREEN DEAL” ILLEGAL!!!!

HPO and FBW were victorious for a **SECOND TIME** in a lawsuit to overturn the City’s deal with Tarragon/URSA which would have developed the Westside with more high-rise towers. On May 30, 2008, the NJ Appellate Court upheld the earlier lower court’s decision which declared the City’s deal with Tarragon/URSA “arbitrary and capricious” and in violation to the State Redevelopment Law. As a result of this citizen lawsuit, the twelve story buildings which Tarragon and the City wanted to build on land identified in the Master Plan for parks has been stymied. See the full court decision by clicking on the link at the bottom of this Alert.

[For background on this important decision, read on.](#) In February 2005, Mayor Roberts and the then-existing City Council approved a deal (known as an Memorandum of Understanding, or “MOU”) with developer Tarragon\URSA to give Tarragon/Ursa exclusive rights to develop 8 blocks on the City’s west side from 9th to 14th Street along the light rail.

Tarragon\URSA dubbed the proposed multi-building development as “NW Green” and claimed it would provide open space. A close examination of their plans, however, revealed that much of the so called “open space” was on top of private roofs, parking garages, and was comprised of a green strip of landscaping up against the light rail. The NW Green high rise development would have wiped out almost 6 acres of proposed parkland designated for that same area in the Hoboken Master Plan.

Here is the City Council vote in 2005 approving that NW Green MOU:

Delbaccio - Yes
Campos - Yes
Castellano - Yes

Cricco - Yes
Giacci - Yes
Marsh - No
Soares - No
Russo - Absent

In March 2005, HPO and FBW filed a lawsuit to stop the NW Green deal, alleging the City violated the State Redevelopment Law by entering into a deal without complying with the redevelopment procedures. On January 13, 2006, Hudson County Superior Court Judge Barbara Curran declared the City's deal with Tarragon/URSA "arbitrary and capricious" and in violation to the State Redevelopment Law.

This victory by HPO and FBW was short lived because the City sided with the developer and appealed the Curran decision. Fortunately for the residents of Hoboken, on May, 30, 2008 the Appellate Division issued a ruling confirming the lower court's decision in favor of HPO and FBW finding that the City had acted illegally in entering into the MOU.

Unfortunately for Hoboken's residents, the City's lawyer (quoted below in NJ.Com) appears to be considering continuing this legal fight at taxpayer expense:

Hoboken Corporation Counsel Steve Kleinman said, "It appears that the appellate division found a procedural flaw in the redevelopment process. We respectfully disagree with that decision and we'll consider further avenues of appeal."

For the full Appellate Court decision, press your "Control" key and click on the link below:

See
<http://www.judiciary.state.nj.us/opinions/a3101-05a3382-05.pdf>

**HPO THANKS ALL OF ITS SUPPORTERS FOR
SUPPORTING US THROUGH THIS LONG LEGAL
BATTLE.**