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December 11, 2018

VIA EMAIL & REGULAR MAIL

Neil Yoskin, Esq.  
Cullen and Dykman LLP  
229 Nassau Street  
Princeton, New Jersey 08542

Re: New York Waterway  
Former Union Dry Dock Site  
City of Hoboken, New Jersey

Dear Mr. Yoskin,

This firm represents the City of Hoboken ("City") in connection with the above-referenced matter. We write in response to your letter, dated December 10, 2018, to Stephen A. Ryba, U.S. Army Corps of Engineers, in which you state that "...work at the former Union Dry Dock site will begin on or about Wednesday, December 12, 2018. The only work to be conducted at that time is the mooring of vessels for the purpose of engine replacement...The activities authorized by the Permit will begin sometime prior to the end of the calendar year."

General Condition #5 of the Department of the Army Permit issued to your client on December 6, 2018 ("DA Permit") states that "[i]f a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit." (See also Special Condition (B)). Standard condition

#3 of the referenced water quality certification states that your client "...shall obtain all applicable...local approvals prior to commencement of regulated activities authorized under a permit." The DA Permit further states that "[t]his permit does not obviate the need to obtain other...local authorizations required by law."

With respect to local approvals and authorizations, please note that a development permit from the City Floodplain Administrator is required before undertaking any change to the property, including grading, paving or storing equipment or materials at the site. (See Ch. 104, City Code). A certificate of zoning compliance from the City Zoning Officer is required before building any new structure, changing any existing structure, or changing the use at the site. (See Ch. 196-60, -61). A conditional use permit from the City Building Inspector is required before using the site as a fueling, repair and maintenance facility. (See Ch. 196-36, -37, -38). Site plan approval from the City Planning Board may also be required depending on the nature and extent of your client's intended use, development or work at the site. (See Ch. 196-26).

Please note that this is intended as a courtesy only, and is not intended to be an exhaustive list of potentially applicable local approvals and authorizations. We encourage you to review the City Code (<https://www.hobokennj.gov/resources/municipal-code>). The City reserves all rights and available legal remedies with respect to the enforcement of its regulations.

Please contact us if you wish to discuss.

MARAZITI FALCON, LLP

  
By: Christopher D. Miller