

P R E S S R E L E A S E

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PADNA TO TAKE JERSEY CITY & TOLL BROS TO APPEALS COURT/OPENS NEW ACTION

PADNA (The **Powerhouse Arts District Neighborhood Association**) of **Jersey City** announces that it has appealed the recent decision permitting the Jersey City City Council's rewriting of the Powerhouse Arts District (PAD) Redevelopment Plan to accommodate the narrow interests of Pennsylvania-based national developer, Toll Brothers.

When the City Council first approved Toll Brothers' proposed changes to the regulations governing its lots in the PAD, it effectively **overturned** a well-considered plan developed over a decade with broad community involvement and support (including input from the Urban Land Institute), **made a mockery** of the planning process by spot-zoning within an established district, and **set a terrible precedent** that will embolden developers to ignore existing law and engage in excessive profiteering in the future. In response, PADNA filed a suit in Hudson County Superior Court on June 2, 2008. The case was heard by Judge Barbara Curran, who found in favor of the City and Toll Brothers on April 9, 2009. PADNA's appeal of her decision followed.

The PAD Redevelopment Plan was adopted in October 2004 to facilitate a DUMBO-like Historic Warehouse district that would serve as an arts and cultural hub. The contested amendments provide Toll with a huge subsidy but no new benefits to the neighborhood or Jersey City at large. The City Council approval allows Toll Brothers to:

- **Destroy** the unique character of the district.
- **Demolish** historic warehouses.
- **Eliminate** affordable housing for artists.
- **Double** the density Toll previously was permitted.
- **Quadruple** the height Toll previously was permitted.
- **Plunge** four occupied, actively used historic warehouses into permanent shadow
- **Obliterate** one of only five remaining cobblestone streets in Jersey City, despite previous promises by the City not to do so.

Additionally, PADNA has opened a new case challenging the City's approval of Toll Brothers' preliminary site plan application for their PAD properties. Toll filed its application for review January 20, 2009, and that application was heard by the Planning Board with surprising speed. Remarkably, the Board voted to approve the application on March 10, 2009, while litigation about the underlying zoning remains pending.

PADNA and its fellow plaintiffs are being represented in both cases by seasoned land-use attorney Michael Kates of Kates Nussman Rapone Ellis & Farhi, LLP.

The PAD is home to over 350 residents with more than \$125 million invested in the neighborhood. PADNA has over 150 active members, supports the Powerhouse Arts District Redevelopment Plan as it stood before April 9, 2008, and strives for a transparent city government that supports its residents.

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