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NEW JERSEY STATE FEDERATION OF
WOMEN'S CLUBS, SCENIC HUDSON,
INC., MARGO MOSS, JACOB FRANKE,
JOHN DOES 1-10, AND ABC ENTITIES
1-10,

Plaintiffs-Appellants,

v.

ZONING BOARD OF ADJUSTMENT OF
ENGLEWOOD CLIFFS AND LG
ELECTRONICS USA, INC.,

Defendants-Respondents

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

DOCKET NO: A-0000007-13T1

SAT BELOW:

ALEXANDER H. CARVER, III,
J.S.C.

DOCKET NOS. BER-L-2301-12
BER-L-2373-12

Civil Action

BRIEF AMICI CURIAE OF
MAYORS PAUL H. TOMASKO,
PETER RUSTIN, SOPHIE
HEYMANN and PAUL HOELSCHER

CAROL JACOBY,

Plaintiff-Appellant,

v.

ZONING BOARD OF ADJUSTMENT OF
ENGLEWOOD CLIFFS AND LG
ELECTRONICS USA, INC.,

Defendants-Respondents

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

DOCKET NO: A-000259-13T1

SAT BELOW:

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DOCKET NOS. BER-L-2301-12
BER-L-2373-12

Civil Action

CONTINUED ON NEXT PAGE

MARCIA DAVIS,

Plaintiff-Appellant,

v.

ZONING BOARD OF ADJUSTMENT OF
ENGLEWOOD CLIFFS AND LG
ELECTRONICS USA, INC.,

Defendants-Respondents

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

DOCKET NO: A-000404-13T1

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DOCKET NOS. BER-L-2301-12
BER-L-2373-12

Civil Action

BRIEF AMICI CURIAE OF
MAYORS PAUL H. TOMASKO,
PETER RUSTIN, SOPHIE
HEYMANN and PAUL HOELSCHER

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PRELIMINARY STATEMENT

This Brief Amicus Curiae is submitted on behalf of the Mayors of the Boroughs of Alpine, Tenafly, Closter and Harrington Park, New Jersey (the "Amici Mayors") in support of their position that the Trial Court in this matter erred in upholding the variances and other land use approvals granted to LG Electronics USA ("LG") by the Zoning Board of Appeals of the Borough of Englewood Cliffs (the "Zoning Board").

The approvals authorize LG to construct a new headquarters atop the Palisades approximately one mile north of the George Washington Bridge. The Amici Mayors do not object to this proposal, except in one respect: The height variance granted by the Zoning Board would allow LG to build a 143-foot high tower that would rise high above the ridgeline and tree line of the Palisades and mar an iconic natural viewshed that extends largely unbroken for 12 miles north of the George Washington Bridge. The consequence of this action would be to impose on the public an immense structure visible from the Palisades Parkway and other locations in the Palisades Interstate Park and widely visible from the New York side of the Hudson River.

The Amici Mayors have a special interest in protecting the Palisades and the Interstate Park by reason of both proximity and history. North of Englewood Cliffs, Alpine and Tenafly contain the entirety of the Palisades cliffs north to the New

York border. Closter is located to the west of Alpine, less than a mile west of the cliffs, but it includes significant parts of the Palisades highlands. Harrington Park lies within two miles of the Palisades cliffs immediately adjacent to the Palisades highlands. All four municipalities have long regarded it as part of their public trust to protect the Palisades, including the cliffs, from, among other threats, the impairment of 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.

None of these realities was taken into account by the Zoning Board when it reviewed and approved the height variance that would allow LG to build its 143-foot high tower atop the Palisades. Instead, the Board acted as if it was a separate fiefdom with no responsibilities owed to the neighboring boroughs or their residents and without regard to the long mutual history of maintaining low-rise development where higher buildings would mar the Palisades landscape.

The Amici Mayors submit that the Zoning Board's failure to consider the impacts of the height variance on the Palisades and their boroughs - and the Trial Court's failure to require

such consideration - violated New Jersey's Municipal Land Use Law ("MLUL"), which includes among its purposes "to ensure that the development of individual municipalities does not conflict with the development and general welfare of *neighboring municipalities*, the county and the State as a whole." N.J.S.A. 40:55D-2(d) [emphasis added].

As the Appellate Division observed in Urban Farms, Inc. v. Franklin Lakes, 179 N.J. Super. 203 (App. Div. 1981), *certif. denied* 87 N.J. 428 (1981):

Clearly, it is a virtual truism of the modern land-use canon that zoning ordinances must be regionally oriented in their provisions, prohibitions and concern. . . . The insularity and parochialism of the Chinese wall theory of municipal zoning has long since been discredited.

Yet it is precisely such insularity and parochialism that characterized the approach of the Zoning Board in this case. Despite the long history of zoning protections in Englewood Cliffs, Tenafly, Alpine and other surrounding municipalities - a history that reflected the mutual commitments of these boroughs to protect the Palisades from intrusive development - here the 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 year of cooperation and shirked its obligations under the MLUL.

INTERESTS OF THE AMICI

The Amici are the Mayors of four New Jersey boroughs lying north of Englewood Cliffs and extending to the New Jersey-New York State Line. Their boroughs include the entirety of the Palisades cliffs north of Englewood Cliffs, as well as large sections of the inland portion of the Palisades and the Palisades Interstate Park. Their interests and those of the boroughs they represent are adversely affected by the decisions of the Zoning Board and the Trial Court because of (1) the adverse impacts the LG Tower will have on the Palisades, the Park and the region, (2) the threatened demise of the public trust their boroughs and Englewood Cliffs have shared for almost 80 years, (3) the failure of the Zoning Board to have considered the interests of their boroughs and (4) the negative precedent that will be set if the decisions of the Zoning Board and the Trial Court are upheld.

Paul H. Tomasko is the Mayor of the Borough of Alpine. Alpine, which has a population of approximately 1,900, lies two miles to the north of Englewood Cliffs, extends northwards to the New Jersey - New York State Line and is bordered on the east by the Hudson River. The Borough includes six miles of the high cliffs of the Palisades, including some that rise more than 500 feet above the River, as well as significant parts of the Palisades highlands. To protect the cliffs, including the viewshed,

and the highlands, the zoning height limit throughout the Borough is 35 feet, and there is also a required 200 foot buffer along Route 9w for Alpine's entire north-south length.¹ Mr. Tomasko has been Alpine's mayor for the past 15 years.

Peter Rustin is the Mayor of the Borough of Tenaflly. Tenaflly, which has a population of approximately 14,600, lies immediately to the north of Englewood Cliffs. The Borough includes two miles of the high cliffs of the Palisades. To protect these, Tenaflly has created a large Nature Center along the cliffs, which extends nearly the full north-south length of the Borough. In addition, the zoning along the Palisades Interstate Parkway and Route 9W - routes that Tenaflly shares with Englewood Cliffs and Alpine - protects the Palisades viewshed against visible development. Mr. Rustin has been Tenaflly's mayor for the past eleven years.

Sophie Heymann is the Mayor of the Borough of Closter. Closter, which has a population of approximately 8,400, lies immediately to the west of Alpine. Closter does not take in the Palisades cliffs, but it includes parts of the Palisades highlands and is less than a mile removed from the cliffs. Due to this proximity, the Palisades and the Palisades Interstate Park are an important feature and recreational resource for the

¹ The 80-year old Armstrong Tower, which rises 400 feet on the Palisades in Alpine, was constructed long before Alpine adopted zoning and would not be permitted under the current ordinance.

borough, contributing significantly to the quality of its environment and the quality of life in Closter. To protect the visual quality of the Palisades highlands and other areas, the zoning height limit throughout the Borough is 28 feet. Ms. Heymann has been Closter's mayor for the past seven years.

Paul Hoelscher is the Mayor of the Borough of Harrington Park. Harrington Park, which has a population of approximately 4,700, lies to the west of Closter, less than two miles away from the Palisades cliffs and adjacent to the Palisades highlands. Due to this proximity, the Palisades and the Palisades Interstate Park are an important recreational resource for the borough, contributing significantly to the quality of life and the environment in Harrington Park. To protect the visual quality of the borough, the zoning height limit is 35 feet. Mr. Hoelscher has been the mayor of Harrington Park for more than 20 years.

The Amici Mayors have joined with the Mayors of Demarest and Rockleigh in an effort to protect the Palisades from the negative impact of the LG tower and to re-affirm the mutual responsibilities of the boroughs to maintain these irreplaceable natural resources. To that end, the six mayors have written LG urging it to abandon the current tower design in favor of one that does not rise above the tree line. A copy of their letter

is attached hereto as Appendix A. To date, LG has given no indication that it will change its plans.

PROCEDURAL HISTORY

The Appeals pending before this Court seek review of the Superior Court's decision entered on April 15, 2013 upholding the variances granted by the Zoning Board to LG. The Zoning Board adopted its formal resolution of approval on February 13, 2013. Among other things, the Board granted LG a height variance under N.J.S.A. 40:55D-70(d)(6) allowing the company to construct the 143-foot high tower which is the principal subject of the Amici's concern.

In March 2012, Carol Jacoby and Marcia Davis, two residents of Englewood Cliffs, filed timely actions in lieu of prerogative writs challenging the Board's approval of the LG application. In late September 2012, oral argument on behalf of these plaintiffs was heard by the Honorable Alexander H. Carver, III, J.S.C. By orders issued on January 11, 2013 and April 15, 2013, Judge Carver allowed the New Jersey State Federation of Women's Clubs, Scenic Hudson and two individuals (hereinafter the "Intervenors-Appellants") to intervene in both proceedings, but did not allow them to file a complaint, a brief or affidavits or otherwise expand their claims beyond those of the original plaintiffs.

On August 9, 2013, without having heard further argument or allowing further submissions, the Superior Court issued its

written opinion upholding the action of the Board and on the same date entered an Order for Judgment in favor of the defendants dismissing the plaintiffs' complaints. The original plaintiffs and the Intervenor-Appellants subsequently filed timely Notices of Appeals.

STATEMENT OF FACTS

Detailed Statements of Facts describing the background of these cases and the testimony and other evidence presented in the course of the Zoning Board hearings are presented in the Briefs submitted on behalf of the plaintiff Marcia Davis and the Intervenor-Appellants, and we respectfully refer the Court to those Briefs for a more complete description of the factual setting of the case. The Amici limit their Statement to the facts most crucial to their concerns.

These begin with the fact that the 143-foot high LG Tower would rise *at least* three stories (50 feet) above the tree line and ridgeline of the Palisades cliffs and would be visible from a number of locations in the Palisades Park. It would also be visible from the George Washington Bridge and widely visible from the New York side of the Hudson. And with the exception of the long established St. Peter's College, which does not rise above the ridgeline and blends with the landscape, it would be the only man-made structure to mar the natural sweep of the

Palisades north of the George Washington Bridge (PJa 550-59; 1T 25-28; 5T 67-19 to 68-1; 6T 154-19 to 24; 6T 156-9 to 157-13).²

Equally pertinent are the facts that center on the land use restrictions along the Palisades that had been in place for many years, not only in Englewood Cliffs but in Alpine and Tenafly to the north. These have limited development adjacent to the Palisades and along the Palisades Interstate Parkway and Route 9w to low-rise structures, generally not to exceed 35 feet; indeed, this was the restriction in place in Englewood Cliffs that led LG to seek a height variance. The result of this shared policy was not a lack of development, but rather a pattern of building low-rise facilities that attracted a number of major corporations, including Prentice Hall, Commerce Clearing House, John Wiley and Sons and CNBC. Today, these large but low-rise structures represent the predominant pattern of development along the corridors that parallel the Palisades cliffs. (1T 24-1 to 13; PJa 519, 520, 593, 601, 602). Construction of the LG tower, which, at a height of 143 feet, would rise 50 feet or more above the tree line, would not only represent a total departure from the pattern of development adjacent to the

² The prefix "PJa" denotes references to the Appendix filed herein by the original and intervening plaintiffs. The transcripts of the hearings before the Zoning Board are referenced as follow: May 9, 2011 - 1T; June 14, 2011 - 2T; July 11, 2011 - 3T; September 12, 2011 - 4T; November 14, 2011 - 5T; November 30, 2011 - 6T.

Palisades - it would also constitute a repudiation of the policy shared among the boroughs to the north to protect the Palisades viewshed.

The final set of facts particularly pertinent to the Amici Mayors are those focused on the regional and national significance of the Palisades. This is reflected in the first instance by their designation as both a National Natural Landmark and a National Historic Landmark (6T 98-20 to 99-16), a rare occurrence according to the Director of the National Park Service in a recent letter to the Englewood Cliffs Planning Board objecting to the LG tower.³ It is also reflected in the recent resolution of the Palisades Interstate Park Commission - a bi-State agency - making emphatically clear its objections to the LG Tower as "not in accordance with our stewardship mission and the public trust to preserve the scenic beauty of the Palisades."⁴ Finally, it is reflected in the letter the six mayors of boroughs north of Englewood Cliffs have written LG (attached as Appendix A) in which they have pointed out:

In addition to being a local, national and world natural landmark, the Palisades have been designated a National Historical Landmark due in particular to

³ A copy of the letter is attached as Appendix B. The letter, from NPS Director John Jarvis, is a public document. A copy can also be found at <http://www.wmf.org/downloads/NPS-TO-EC.pdf>

⁴ A copy of the resolution is attached as Appendix C. The resolution is an official public document. A copy can also be found at <http://www.wmf.org/downloads/Palisades-Minutes-LG.pdf>

the fact that the preservation of the Palisades against the threat of rock quarrying a hundred years ago was among the first major environmental conservation efforts in United States history. This is a natural and historic legacy that has a long tradition of conservation and that LG should respect.

None of these appeals has dissuaded LG from proceeding.

The Zoning Board and Trial Court Decisions

The Zoning Board approved LG's application on November 30, 2011 and memorialized its decision in a resolution adopted on February 13, 2012. In neither the discussions among the Board members that preceded the November 30 vote or in the findings and conclusions of its resolution was there any reference to the Palisades or to the boroughs to the north and the mutual policies that had until then kept development low-rise behind the cliffs. The Trial Court followed suit, never mentioning the Palisades or the interests of the neighboring boroughs in its decision.

LEGAL ARGUMENT

THE ZONING BOARD VIOLATED THE MUNICIPAL LAND USE LAW WHEN IT GRANTED A HEIGHT VARIANCE TO LG WITHOUT CONSIDERING OR TAKING ACCOUNT OF THE IMPACTS ON NEIGH- BORING BOROUGHs AND THE PALISADES REGION

The purposes of New Jersey's Municipal Land Use Law clearly evidence the Legislature's intent that in making decisions on land use matters, the land use institutions of a municipality cannot operate with blinders on but must consider the impacts of

their actions on other municipalities and the broader region in which they are located. This mandate is set out in Section 40:55D-2(d) of the MLUL [N.J.S.A. 40:55D-2(d)], which includes among the purposes of the Law, "to ensure that the development of individual municipalities does not conflict with the development and general welfare of *neighboring municipalities, the county and the State as a whole.*" [emphasis added]

In addition, New Jersey case law underscores that land use decisions are not a purely local matter. One of the clearest statements in this regard is found in Urban Farms, Inc. v. Franklin Lakes, *supra*, where the Appellate Division, citing specifically to the purposes of the MLUL, held that in a variance setting, a zoning board could not confine its consideration to the boundaries of the municipality. At the risk of being repetitive, we quote the Court again:

Clearly, it is a virtual truism of the modern land-use canon that zoning ordinances must be regionally oriented in their provisions, prohibitions and concern. . . . The insularity and parochialism of the Chinese wall theory of municipal zoning has long since been discredited.

179 N.J. Super at 213.

These observations are particularly pertinent in this case for two reasons. First, the Palisades cliffs, which extend north from the George Washington Bridge for 12 miles, are physically a unified whole and therefore an action that threatens any part of

them affects the integrity of the whole. Second, for 80 years, the protection of the cliffs has been achieved by the zoning of the boroughs that contain and surround them, so the decision of Englewood Cliffs to withdraw from this arrangement directly impacted the others and should have been taken into account by the Zoning Board.

After all, the purposes of the MLUL aside, in acting on the LG application, the Board was required to find that a variance could be granted "without substantial detriment to the public good." In this instance, the "public good" unquestionably included the potential impact of the LG tower on the Palisades cliffs and on zoning among the neighboring boroughs (including those represented by the Amici Mayors) that had kept the cliffs free from new man-made intrusions for nearly 80 years. In failing to consider these negative impacts, the Zoning Board violated the MLUL.

It is worth emphasizing that interest in preserving and protecting the magnificence of the Palisades and its viewshed (which extends over 12 miles) is not local in nature and cannot be limited to the residents of Englewood Cliffs alone. Not only are the residents of nearby boroughs affected but those who view the cliffs from afar will also be impacted by the LG Tower. Specifically, those who cross the George Washington Bridge on a daily basis and those who live, work and recreate on the New

York side of the Hudson River will be severely impacted by the loss of this scenic resource. As pointed out by the court in In re Waterfront Dev. Permit No. WD88-0443-1, Lincoln Harbor Final Dev., Weehawken, Hudson County, 244 N.J. Super. 426 (App. Div. 1990) certif. denied, 126 N.J. 320 (1991), immediate local attitudes can understandably be colored by the opportunity for tax revenues from large commercial structures; however, it is "imperative" that larger regional interests, and not only immediate local interests, be addressed in such circumstances. Waterfront at 437-438.

Finally, the Amici Mayors want to draw to the Courts' attention the point they made in their letter to LG. The Palisades are a National Natural Landmark and a National Historic Landmark, the result of their unique geology, their scenic beauty and what they represent as one of the Nation's earliest conservation successes. The MLUL makes it clear that these are relevant factors the Zoning Board should have considered; thus the MLUL includes among its purposes "to promote a *desirable visual environment . . .*" and "to promote the conservation of *historic sites and districts, open space, energy resources and valuable natural resources* in the State . . ." [N.J.S.A. 40:55D-2(i) and (j)]. It is beyond question that the Palisades and the Palisades Park fall under these categories and, consequently, that the impacts of the variance and the LG tower on them should

have been considered by the Zoning Board. But the Board did not mention either in its findings and conclusions; and in its subsequent decision upholding the variance, the Trial Court was also silent on the subject. In this, the Amici submit, both the Board and the Court were in error.

CONCLUSION

For the reasons set forth above, this Court should reverse the judgment of the Trial Court, annul the approvals the Zoning Board granted to LG and grant such further relief as the Court deems just and appropriate.

Dated: April 4, 2014

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Aaron Kleinbaum', is written over a horizontal line.

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APPENDIX A

Letter from the Mayors of the Boroughs of Alpine,
Tenaflly, Closter, Harrington Park, Demarest and
Rockleigh, New Jersey to LG Electronics, Inc.

19 February 2014

Mr. William Cho
CEO
LG Electronics USA
1000 Sylvan Ave.
Englewood Cliffs, NJ 07632

Mr. Bon Moo Koo, Chairman
LG Group
LG Twin Towers, 20 Yeouido-dong
Yeongdeungpo-gu, Seoul 150-721
Republic of Korea

Dear Mr. Cho and Mr. Koo,

As mayors from New Jersey, we're hearing expressions of indignation and outrage from a large and growing number of residents about the LG plan for a 143' high corporate headquarters near the Cliffs of the Palisades on Hudson Terrace in Englewood Cliffs. We realize this project, because of its height, has been the subject of much discussion, controversy and litigation for quite some time. The purpose of this letter is to urge LG to build in a way that all parties and interested persons can embrace, and that way is to build the new LG headquarters in a low-rise design like all the other corporate buildings north of the George Washington Bridge.

We are sure that on the 27 acre site there is room for a beautiful and distinctive LG corporate headquarters without the need to build above the approximate 60' tree line and compromise the unique historic and natural landmark that our predecessors worked so hard to protect when the threat to the Palisades was rock quarrying.

In addition to being a local, national and world natural landmark, the Palisades have been designated a National Historical Landmark due in particular to the fact that the preservation of the Palisades against the threat of rock quarrying a hundred years ago was among the first major environmental conservation efforts in United States history. This is a natural and historic legacy that has a long tradition of conservation and that LG should respect.


Clearly it behooves LG to act responsibly and respect the cultural, natural and historical heritage of this area and the wishes of many of its neighbors/customers. The ranks of opponents are steadily growing in number and mobilizing. Clearly it is in LG's interest to put this unnecessary controversy behind and pursue the headquarters project in Englewood Cliffs in a sustainable and socially responsible way. Otherwise lasting damage will be done to LG's reputation and business prospects by a building that for generations would represent fundamental disregard by LG of this natural and historic American landmark. It is inconceivable to us that this controversy has gone

on so long already when the simple and obvious solution of dropping the height to the tree line would in all likelihood not only solve this, but enhance LG's standing in the eyes of many future customers.

Sincerely yours,



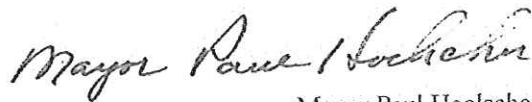
Mayor Paul H. Tomasko
Borough of Alpine, New Jersey



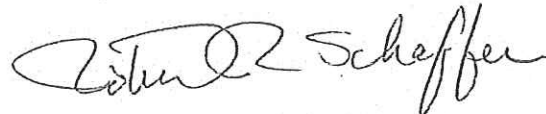
Mayor Sophie Heymann
Borough of Closter, New Jersey



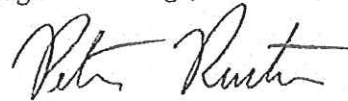
Mayor Raymond Cywinski
Borough of Demarest, New Jersey



Mayor Paul Hoelscher
Borough of Harrington Park, New Jersey



Mayor Robert R. Schaffer
Borough of Rockleigh, New Jersey



Mayor Peter Rustin
Borough of Tenafly, New Jersey

cc Senator Robert Menendez
 Senator Cory Booker
 Bergen County Executive Kathleen A. Donovan
 David L. Ganz, Chairman, Board of Chosen Freeholders, Bergen County
 The Bergen Record newspaper
 The Newark Star Ledger newspaper
 The Northern Valley Press newspaper

The Suburbanite newspaper

APPENDIX B

Letter from Mr. John Jarvis, Director, National Park Service,
United States Department of the Interior, to Mr. Edwin Fehre,
Chairman of the Planning Board, Borough of Englewood Cliffs.



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

H32(2280)

FEB 26 2014

Mr. Edwin Fehre, Chairman
Planning Board
Borough of Englewood Cliffs
482 Hudson Terrace
Englewood Cliffs, NJ 07632

Dear Mr. Fehre:

The National Park Service (NPS) is writing in response to information we have gathered regarding the proposal of LG Electronics USA to build a high rise office tower in Englewood Cliffs, NJ. This development is immediately adjacent to the Palisades of the Hudson National Natural Landmark (NNL) and the Palisades Interstate Park National Historic Landmark (NHL), located in Bergen County, NJ and Rockland County, NY. Designation as an NHL and an NNL is a rare dual distinction. The site protects Triassic period cliff formations along the west side of the Hudson River, a nationally significant geological and scenic feature that has been protected through precedent-setting conservation efforts for over 100 years.

While the NPS does not have any formal review authority regarding this project, we provide technical and financial assistance for a variety of properties that preserve significant properties outside the National Park System that are neither federally owned nor directly administered by the NPS. Some of these properties have been recognized by Acts of Congress, while others have been designated by the Secretary of the Interior under an appropriate authority. The NNL program was established to encourage and support the conservation of sites that illustrate the nation's geological and biological history, and to strengthen the public's appreciation of America's natural heritage. NNLs are selected for their outstanding condition, illustrative value, rarity, diversity, or value to science and education. The NHL program, established by the Historic Sites Act of 1935, recognizes historic buildings, sites, structures, objects, or districts that represent an outstanding aspect of American history and culture. Both NNLs and NHLs are designated by the Secretary of the Interior after in-depth scientific study and all new designations must have landowner permission.

The NPS administers the NNL and NHL programs, reporting on the condition of the properties, acting as an advocate for protection, and supporting landowners and managers in their efforts to protect these nationally significant sites. The designation does not dictate how landowners manage these properties; however, it does encourage voluntary conservation, preservation, and wise stewardship.

The Palisades of the Hudson NNL was designated in June 1983. The Palisades sill is well known as an example of an intrusive body of igneous rock known as diabase or dolerite. It forms a prominent ridge for 50 miles along the west side of the Hudson River sweeping northward from New Jersey into New York State. The magma which formed the Palisades sill was one of a series of intrusive and extrusive flows that occurred during the Triassic Period in the eastern United States. It is the nation's best example of a thick diabase sill formation displaying excellent examples of columnar jointing, an olivine formation, thermal

metamorphism, and glaciation. In addition to their geological and biological significance, many NNLs exhibit exceptional scenery, as is the case here.

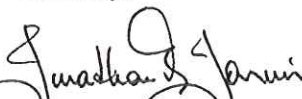
The Palisades Interstate Park was designated as an NHL on January 12, 1965. In 1900, New Jersey and New York formed the interstate park commission, which worked to acquire the towering formations and the immediate land above along the ridge line that provided for the protection of the formations and the views of them from the river and points east on Manhattan. This remarkable and successful early effort in the history of park development was recognized as one of the key moments in conservation history when the Secretary of the Interior designated the Palisades Interstate Park as an NHL.

Over the past century, in spite of the growth of the communities along the Palisades, no significant intrusive development has occurred along the ridge behind the park lands, which has allowed the view of the cliffs and the wooded ridge line to remain. North of the George Washington Bridge, the 300-to-500-foot cliffs stretch unbroken for 12 miles where they have been protected through the precedent-setting conservation efforts of many individuals and the states of New Jersey and New York. This record of respect and coexistence demonstrates that the growth of communities can be achieved while at the same time respecting the natural environment and the public amenities that have been established at considerable effort and expense for the use and enjoyment of all people.

The current development proposal for the 143-foot-tall office tower adjacent to the Palisades NNL and NHL, threatens the nationally significant, historic scenic integrity of the Palisades in a major way. If built, this tower will introduce a massive incompatible feature that will be visible for miles along the river and from vantage points along the west side of Manhattan as well as from the bridge. Given the size of the property in question, it seems entirely possible for the development to achieve its needs and conform to the borough's existing zoning regulations.

It is in the best interest of all Americans to protect and preserve the Palisades as an outstanding and visually unique example of our Nation's natural and cultural heritage. If you or the members of the Planning Board have any questions or need further information in this regard, please contact Stephanie Toothman, Ph.D., National Park Service, Associate Director, Cultural Resources, Partnerships, and Science at 202-208-7625.

Sincerely,



Jonathan B. Jarvis
Director

APPENDIX C

Resolution of the Palisades Interstate Park
Commission objecting to the LG Tower
February 24, 2014

11. LG Resolution:

Whereas, the Palisades Interstate Park Commission was created to maintain and operate park land “for the use of the public and for the purpose of preserving the scenic beauty of the **Palisades** and other lands therein”; and

Whereas, under the Palisades Interstate Park Commission’s Congressionally approved 1937 Interstate Compact, it was agreed to and pledged the “faithful co-operation in the future planning, improvement, development, maintenance, government and management of the park, holding in high trust for the benefit of the public the special blessings and natural advantages thereof”; and

Whereas, with the local zoning variance allowing a building rising four times higher than the long-standing 35’ height limitation of the existing zoning, the 143-foot height of the proposed development of the LG USA Headquarters in Englewood Cliffs, New Jersey, poses a new threat and precedent to the scenic beauty of the **Palisades** north of the George Washington Bridge; and

Whereas, the development needs of an LG USA headquarters on this 27-acre site can be achieved at a lower building height that would not pose such a threat and precedent to the scenic beauty of the **Palisades**; and

Whereas, the Commission, through the Executive Director, provided correspondence and testimony to the Englewood Cliff Zoning Board expressing concerns about the adverse visual impact on the Park and its historic and scenic integrity as a national landmark by the proposed height of the building and sent a letter dated November 14, 2012 to Seog-Won Park, Chief Executive Officer of LG Electronics USA, Inc., expressing similar concerns; and

Whereas, letters from the National Park Service dated December 23, 2013 from William Bolger, National Historic Landmark Manager, and January 7, 2014 from Kristina Heister, Chief of Natural Resources for the Northeast Region, both detail the significance of the area and how the construction of a 143-foot building would threaten the integrity of this nationally designated area.

Now, Therefore, Be It Resolved that the Palisades Interstate Park Commission finds that the height of the proposed LG USA Headquarters building above the tree line is not in accordance with our stewardship mission and the public trust to preserve the scenic beauty of the **Palisades** and would create a precedent inconsistent with our mission and again urge the management of LG USA, Inc. to lower the proposed height of the building to below the tree line in order to preserve the scenic beauty of the **Palisades**; and

Further Be It Resolved that the Palisades Interstate Park Commission requests LG USA, Inc. to refrain from implying, in correspondence or its website, that the Palisades Interstate Park Commission does not have concerns with the proposed 143-foot building height; and

Further Be It Resolved that the Palisades Interstate Park Commission indicates its continued interest and willingness to work with LG USA, Inc. in finding a suitable solution to the building height at this location.

Voting for:	White, Mortimer, McHenry, Pryor, Cornell and Tulp
Voting against:	None