

**ASSEMBLY, No. 5172**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED DECEMBER 21, 2020

**Sponsored by:**

**Assemblywoman ANNETTE CHAPARRO**

**District 33 (Hudson)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblyman PEDRO MEJIA**

**District 32 (Bergen and Hudson)**

**Co-Sponsored by:**

**Assemblywoman Jimenez**

**SYNOPSIS**

“Palisades Cliffs Protection Act”; limits height of new construction in area below cliffs east of Palisades.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/5/2021)**

1 AN ACT limiting the height of new construction in certain areas and  
2 supplementing P.L.1975, c.291.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. P.L. , c. (C. ) (pending before the Legislature as this  
8 bill) shall be known and cited as the “Palisades Cliffs Protection  
9 Act.”

10  
11 2. As used in P.L. , c. (C. ) (pending before the  
12 Legislature as this bill):

13 “Cliff wall” means that portion of the Palisades immediately  
14 west of a proposed building or structure where there is a precipitous  
15 decrease in elevation of the Palisades from west to east.

16 “Government approval” means any ordinance, permit, resolution,  
17 lease, easement, license, approval, or grant of any kind issued by  
18 any government entity or agency having jurisdiction over any  
19 proposed building or structure.

20 “Palisade Avenue” means the road named Palisade Avenue that  
21 extends from Jersey City in Hudson County in the south to Fort Lee  
22 in Bergen County in the north.

23  
24 3. Notwithstanding the provisions of any other law to the  
25 contrary, a building or structure shall not be constructed or granted  
26 a government approval if the building or structure is proposed for  
27 development in the area between the cliffs east of the New Jersey  
28 Palisades in Hudson or Bergen County and the Hudson River unless  
29 the maximum height of the proposed building or structure,  
30 including any mechanical structures to be constructed atop the  
31 building or structure, is at least 10 feet below the lower of the  
32 following:

33 a. the highest elevation of the cliff wall immediately to the  
34 west of the proposed building or structure; or

35 b. where there is no discernable cliff wall immediately to the  
36 west of the proposed building or structure, the elevation of the  
37 surface of the portion of Palisade Avenue immediately west of the  
38 proposed building or structure.

39  
40 4. If any section, subsection, clause, or provision of  
41 P.L. , c. (C. ) (pending before the Legislature as this bill)  
42 shall be adjudged unconstitutional or to be ineffective in whole or  
43 in part, to the extent that it is not adjudged unconstitutional or is not  
44 ineffective, it shall be valid and effective and no other section,  
45 subsection, clause, or provision of P.L. , c. (C. ) (pending  
46 before the Legislature as this bill) shall on account thereof be  
47 deemed invalid or ineffective, and the inapplicability or invalidity

1 of any section, subsection, clause, or provision of  
2 P.L. , c. (C. ) (pending before the Legislature as this bill) in  
3 any one or more instances or under any one or more circumstances  
4 shall not be taken to affect or prejudice in any way its applicability  
5 or validity in any other instance or under any other circumstance.

6  
7 5. This act shall take effect immediately and apply to proposed  
8 buildings and structures in the applicable area, except for those that  
9 have received all required government approvals as of the effective  
10 date.

11  
12  
13 STATEMENT

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15 This bill would limit the height of any development below the  
16 cliffs east of Palisade Avenue in Hudson and Bergen counties.  
17 Under the bill, no development, inclusive of any mechanical  
18 structures on top, in that area could exceed 10 feet below the  
19 surface of that road or the Palisades cliff height, whichever is lower.  
20 This bill would protect the unique views enjoyed by residents who  
21 live in the historic neighborhoods above those cliffs, and preserve  
22 the views and topography features of the Palisades.

23 The bill would apply to all proposed buildings and structures in  
24 the applicable area, except for those that have received all required  
25 government approvals as of the effective date.