



July 30, 2014

Dear City Council Members:

Attached is correspondence between myself and SJP, the developer of Waterfront Corporate Center III which will have Pearson Education as the anchor tenant.

SJP has requested a liquor license for an upscale steakhouse restaurant they wish to bring to the building. Accommodating the request would require a change to our city code. As our correspondence indicates, I disagree with SJP as to whether such a restaurant constitutes a public benefit. That is why I had proposed several suggestions such as annex space for the Library or accelerator space as a public benefit, but SJP is not favorable to the suggestions. I want to make you aware of this discussion.

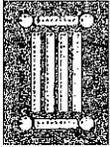
On a related matter, last week my staff and I spoke with Pearson regarding their plans to move about 1,000 employees to Hoboken this winter. We are working with them to help familiarize their employees with Hoboken and educate them on public transportation options.

Please feel free to reach out to me if you have any questions.

Sincerely,



Dawn Zimmer



**GENOVA
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GIANTOMASI
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ATTORNEYS-AT-LAW

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July 18, 2014

RECEIVED

JUL 21 2014

**OFFICE OF THE MAYOR
HOBOKEN, NJ**

VIA ELECTRONIC AND REGULAR MAIL

Mayor Dawn Zimmer
City of Hoboken
City Hall
94 Washington Street
Hoboken, NJ 07030

Re: WCC III Project

Dear Mayor Zimmer:

I thank you for your prompt response to my letter of June 9, 2014 in connection with the above-captioned matter. While your letter is dated June 17, 2014, it was addressed to my client directly, and neither I nor my client received a copy of it until a few days ago. We, therefore, apologize for the apparent lapse in time that it has taken to respond thereto.

Your letter indicates that my client's development project known as the WCC III Project along the Hudson Riverfront will serve no clear public benefit to the citizens of Hoboken. More specifically, you indicate that Del Frisco's, an upscale steakhouse restaurant, to be located therein, is too expensive for the businesses and residents to frequent.

We must respectfully disagree with your position. We would like to highlight that my client's development along the waterfront, which included the construction of two large commercial/retail towers, has resulted in an excess of \$30 million dollars in PILOT payments that directly benefit the citizens of Hoboken. Additionally, the construction of the towers generated jobs for the citizens and will continue to provide job opportunities post construction. It is estimated that upon completion of WCC III a total of 6,000 employees will be working within the buildings. Additionally, my client has entered into lease negotiations with reputable organizations, which will provide added benefits to the citizens. For instance, a lease has recently been executed with Kiddie Academy, a day care operator that will care for 188 children, and a lease is also being negotiated with Apple Montessori School for occupation within WCC III. These services will directly benefit the citizens of Hoboken by providing quality childcare options to them. Moreover, my client is negotiating a lease deal with Regus, the country's largest office suite provider, along with Jet.com, a start-up company. Each company will be looking for new hires and will present employment opportunities for the



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Mayor Dawn Zimmer
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residents. Further, the operation of Del Frisco's within WCC III would generate 100 permanent jobs.

In connection with our proposal, we have conducted an outreach program to ascertain how Del Frisco's would be received by adjacent tenants such as the Wicked Wolf and the W Hotel. All parties were in full support of the establishment of an upscale restaurant like Del Frisco's on the waterfront. Further, WCC III is a high-end building that will attract high-paying tenants and employees who expect high-end amenities. The occupants of which, will also contribute to the economy of Hoboken by frequenting other commercial establishments in the City. More importantly, our research indicates that the average median income in the City is \$106,000. This figure is well above the State median by approximately \$30,000. Accordingly, my client wholeheartedly believed and continues to believe that the restaurant will offer a welcomed dining option for the City's residents and will draw more businesses and visitors to Hoboken.

In light of the foregoing information, we respectfully request that you reconsider your position and support a variance for a liquor license in order for Del Frisco's to locate in WCC III.

Respectfully,

GENOVA BURNS GIANTOMASI WEBSTER LLC

FRANCIS J. GIANTOMASI

FJG/LAJ:pp

c: Melissa Longo, Corporation Counsel (via email)
Steve Pozycki, CEO, SJP Properties (via email)

12448416v1 (21475.002)



June 17, 2014

Steven Pozycki, CEO, SJP Properties
Morris Corporate Center IV
379 Interpace Parkway
Parsippany, New Jersey 07054

Dear Mr. Pozycki:

I am writing to correct some mischaracterizations you and SJP have made recently regarding your request, on behalf of SJP, for the City of Hoboken to authorize a liquor license at 225 River Street so that you can attract an upscale steakhouse to the new building currently under construction and to propose a new alternative idea for your team to consider.

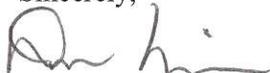
My job as mayor is to represent the interests of the City of Hoboken. I will not support a change to City code for the exclusive benefit of SJP without a corresponding public benefit.

Under Hoboken's existing code, a liquor license at this location is not permitted due to its proximity to other establishments with existing liquor licenses. A change to the ordinance would therefore be necessary to accommodate your request.

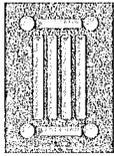
As discussed, this change in the ordinance would result in a very clear private benefit to SJP, but this steakhouse would bring little benefit to the City of Hoboken's businesses or residents - most of whom cannot afford to frequent such an expensive restaurant. Therefore, I would not support such a change to our code unless SJP were also to provide a clear public benefit. I have been advised by Special Redevelopment Counsel, Joseph J. Maraziti, Esq., that the negotiation of a public benefit/amenity is an inherent aspect of the redevelopment negotiation process and is an absolutely appropriate matter to be considered by a public entity in such a context. I appreciate that SJP is considering a suggestion I made to include accelerator space within the building, which would benefit our local economy by supporting entrepreneurs with ideas for new businesses. As another option for a public benefit, the Hoboken Public Library is starting a technology program and would like space for a technology workshop area. A small annex space for public technology workshops and classroom space could be something that provides a clear public benefit to our community.

I want your project to succeed and remain willing to work with you to make it a success. If you are interested in discussing either option, please let me know so we can discuss further and possibly put the proposal before the City Council for their next meeting on July 9th. If you disagree with my suggestions but have other ideas beyond what I have proposed, I welcome any suggestions you may have and look forward to having those conversations with you.

Sincerely,



Dawn Zimmer



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June 9, 2014

VIA EMAIL AND REGULAR MAIL

Melissa Longo, Esq.
Corporation Counsel
City of Hoboken
94 Washington Street
Hoboken, New Jersey 07030

Re: Proposed WCC III Project

Dear Ms. Longo:

Pursuant to our call this week, I have the disappointing task of forwarding to you the enclosed June 3rd email from Jim Kirkpatrick of Del Frisco's which sets forth its determination to establish a restaurant in Hudson County, but, which, unfortunately also declares its efforts to find a replacement location outside Hoboken. As we explained to the Mayor when we met originally, and again during our subsequent meeting, time was of the essence to enact legislation to allow this tenant to establish a first class restaurant in Hoboken. During the meeting, the Mayor indicated the quid pro quo required to approach this legislation and reiterated same in her April 10, 2014 letter to my client, also attached.

We then requested, and met with you, the Mayor and the President of Stevens on May 22nd to discuss the incubator space initiative required. Additionally, our client made its own efforts to locate suitable tenants for the requested incubator space. We believe that our client's efforts, along with the meeting with Stevens and the Mayor exhibited the greatest level of good faith on its part. Since that meeting, we have been waiting for the Mayor's follow up with Tim Lizura of EDA and stand ready to come to your offices again to pursue the State's interest in this initiative. However, if Del Frisco's position is maintained, the opportunity to successfully implement the desired incubator space may be lost.



Melissa Longo, Esq.
June 9, 2014
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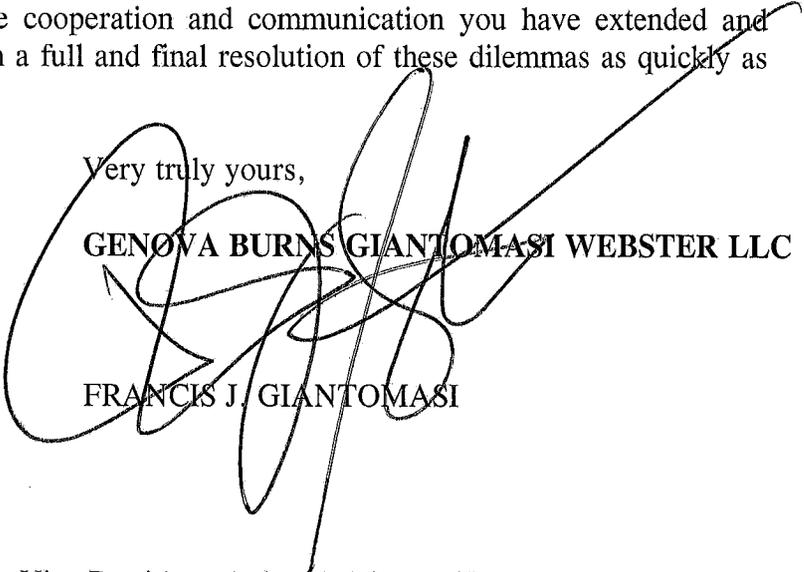
At a time when the office vacancy rates along the Waterfront are at an all-time high, representing approximately 16% of all Class A office space in the marketplace, it is particularly regrettable that our client and the City have been unable to collaborate to secure a renowned tenant such as Del Frisco within the Hoboken borders. This type of tenant would be very attractive to the community, tenants and visitors alike. Due to the Mayor's demand that an incubator space be resolved before moving forward on the consideration of a liquor license, however, we are faced with the fact that this tenant will locate to another nearby competing municipality. Such a situation would not only be unfortunate for Hoboken and its community but our client as well. Our client's commitment to Hoboken has spanned a period of thirty years. With respect to the waterfront development, specifically, our client has constructed two large commercial/retail towers, which have enhanced the Waterfront and for which we can all be proud of and is in the process of constructing a third. In the process it has expended over \$30 million dollars in PILOT payments that directly benefit the City and its constituents. Moreover, it maintains its buildings as first class establishments and seeks to attract quality tenants that enhance the community. For example, my client has secured a daycare operator to occupy WCCII and is in the process of negotiating a lease with a Montessori school for space in WCCII, which further examples our commitment to provide for the community. As you may deduce, my client has a vested interest in ensuring the vitality of the waterfront. We would hope that its credentials and proven dedication to the City would foster a mutual respect between it and the Administration in order to operate under a unified vision to promote the waterfront's success.

Accordingly, on behalf of my client, I ask that the Administration renew and expedite its efforts to establish the EDA meeting and further, ask the Administration to review its posture regarding this legislation so that these initiatives can move forward with the hope that we can save the restaurant tenancy this building needs to accommodate the total development, the other tenants and the true dream of establishing a first class waterfront in Hoboken. Action on the part of the Administration would likewise promote the community efforts to establish the desired incubator space.

Melissa Longo, Esq.
June 9, 2014
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As usual, we appreciate the cooperation and communication you have extended and truly hope we can continue to reach a full and final resolution of these dilemmas as quickly as possible.

Very truly yours,


GENOVA BURNS GIANTOMASI WEBSTER LLC

FRANCIS J. GIANTOMASI

FJG:pp
Enclosures

c: Jeffrey M. Schotz, Executive Vice President (w/enc.) (via email)

12402936v1 (21475.001)

Carla P. Gonzalez

From: Peter Bronsnick <pbronsnick@sjpproperties.com>
Sent: Tuesday, June 03, 2014 10:02 AM
To: Francis J. Giantomasi; Gemma M. Giantomasi
Cc: Jeff Schotz
Subject: FW: Proposed WCC III project; Hoboken

Please see below.

Peter Bronsnick, MSRE
Senior Vice President
SJP Properties
379 Interpace Parkway
Parsippany, New Jersey 07054
973-299-9117
973-794-2108 (Direct Dial)
973-299-9621 (Fax)
pbronsnick@sjpproperties.com
www.sjpproperties.com

From: Jim Kirkpatrick [<mailto:jkirkpatrick@dfrg.com>]
Sent: Tuesday, June 03, 2014 10:00 AM
To: Peter Bronsnick
Subject: Proposed WCC III project; Hoboken

Peter, I met with our team and we are holding off acquisition of a Hoboken liquor license. We still hope there is a resolution with the city on your space, but are intensifying efforts to secure a replacement location in the market outside Hoboken. We are resurrecting discussion with a Jersey City landlord, and are pressing on a couple Weehawken sites. We are determined to secure a location on the Jersey side of the Hudson River. Let's stay in touch. We are open to reconsider your project if the liquor license issue gets resolved.

Thanks.

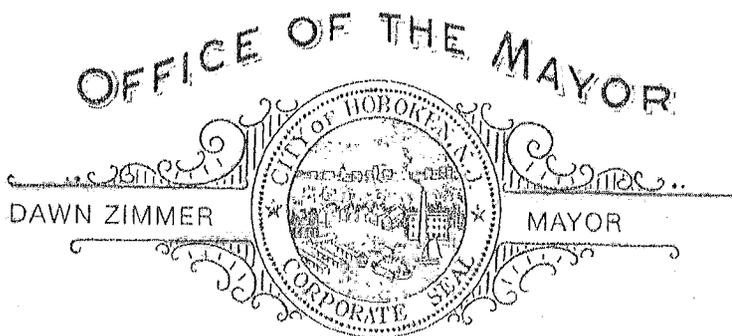


Jim Kirkpatrick
Vice President Real Estate
930 S. Kimball Ave. | Suite 100 | Southlake, TX 76092

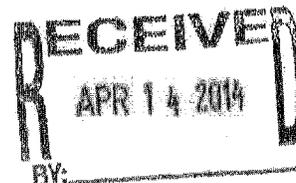
d. 817.601.4609 | c. 817.253.4340

jkirkpatrick@dfrg.com

21475,002



GML



April 10, 2014

Steven J. Pozyski
Chairman/CEO
SJP Properties
Morris Corporate Center IV
379 Interpace Parkway
Parsippany, NJ 07054

Steve,

Thank you to you and your team for meeting to discuss the SJP Properties proposal.

I received your follow up request for consideration and wanted to let you know my direct response.

The City needs a very clear benefit for our community in order to gain support for your request for the changes to the ABC law to provide for an additional liquor license at the proposed site and changes in the nature of the retail uses in the building.

As discussed, I made two possible suggestions at the meeting including accelerator space and tech educational space. After our meeting, I followed up with the State and Stevens Institute of Technology and learned that they are in fact very interested in establishing accelerator space in Hoboken.

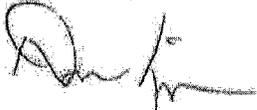
Based on your response, it seems clear that this is not something that you are interested in pursuing. I was advised of your alternative offer and wanted to make it clear that a clear community benefit for the long term would be needed, rather than a financial payment for a charter school that was proposed.

Since your site is already an approved redevelopment zone and the site is already under construction, it seems as though the best course of action is to proceed with the current Redevelopment Agreement and the current level of liquor licenses in the Redevelopment Plan. While I understand your concerns that there may have been some unfairness with the process years ago when the zone was established, I want to be clear in saying that it would not be appropriate for me to take on any kind of role in addressing an issue that perhaps should have or could be addressed in another way.

OFFICE OF THE MAYOR

As Mayor, my role can only be to advocate for community benefits for the City. I have proposed two possibilities. If you are interested in either one of my suggestions please let us know. If not, I understand and wish you the best in moving ahead with completing this important project.

Thanks very much.

A handwritten signature in black ink, appearing to read 'Zimmer', with a stylized flourish at the end.

Mayor Zimmer

Cc: Mellissa Longo, Esq.
Joseph Maraziti, Esq.
Frank Giantomasi, Esq. 1



April 10, 2014

Steven J. Pozycski
Chairman/CEO
SJP Properties
Morris Corporate Center IV
379 Interpace Parkway
Parsippany, NJ 07054

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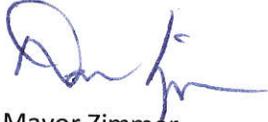
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Thanks very much.

A handwritten signature in blue ink, appearing to read 'Dan Zimmer', written over a horizontal line.

Mayor Zimmer

Cc: Mellissa Longo, Esq.
Joseph Maraziti, Esq.
Frank Giantomasi, Esq.