

# **Bond Case Briefs**

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## **LAND USE - NEW JERSEY**

### **Shipyard Associates, L.P. v. City of Hoboken**

**United States District Court, D. New Jersey - November 26, 2014 - Slip Copy - 2014 WL 6685467**

Shipyard Associates, L.P., a developer, brought a Section 1983 action against the City of Hoboken to invalidate two municipal ordinances. Shipyard owns waterfront property and wishes to construct a two residential towers.

In December 2013, following the aftermath of Superstorm Sandy, Hoboken adopted two municipal Ordinances addressing issues relating to flooding in Hoboken. These Ordinances, among other things, prohibit construction on properties that are located on piers and platforms that project into the Hudson River. The effect of these Ordinances is to prevent construction of Shipyard's project.

The Fund for Better Waterfront (FBW), a nonprofit public interest group comprised of Hoboken residents focused on issues such as open space preservation and recreation along the Hudson River waterfront in Hoboken brought a motion to intervene as a party defendant pursuant to Federal Rule of Civil Procedure 24.

Shipyard opposed the motion, contending that the FBW had failed to establish the necessary grounds to support intervention. Shipyard argued, in particular, that FBW did not have a sufficient, legally recognized interest in the litigation, and that any interest they could have is adequately represented by the City of Hoboken.

The District Court granted FBW's motion to intervene, finding that FBW had carried its burden to show the possibility that its interests would not be fully protected by the City of Hoboken.