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FILED

AUG 26 2026

ANTHONY V. D'ELIA, J.S.C.

240 REALTY LLC,

Plaintiff,

v.

CITY OF JERSEY CITY, ZONING BOARD OF
ADJUSTMENT OF THE CITY OF JERSEY
CITY, HISTORIC PRESERVATION
COMMISSION OF THE CITY OF JERSEY CITY,
TANYA MARIONE, in her official capacity as the
Acting Zoning Officer of the City of Jersey City,
and MICHAEL ACHIMOV, in his official capacity
as Senior Historic Preservation Specialist of the
City of Jersey City,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: HUDSON COUNTY

DOCKET NO. HUD-L-000101-26

CIVIL ACTION

PROPOSED ORDER

THIS MATTER having come before the Court by Plaintiff, 240 Realty LLC ("Plaintiff"),
by and through its attorneys, Connell Foley LLP, for an action filed in lieu of prerogative writs
pursuant to Rule 4:69; the Court having reviewed and considered the briefs submitted and oral
arguments presented; and for the reasons set forth on the record, and for good cause shown;

IT IS on this 26 day of August, 2026,

ORDERED as follows:

1. That Section 105-3 and Section 345-30(E)(1) of the Jersey City Municipal Code,
as amended by Ordinance No. 25-006 (the "Ordinance"), are ultra vires and violate the Municipal
Land Use Law, N.J.S.A. § 40:55D-1 et seq., ("MLUL"), and accordingly, are null and void.

2. That the MLUL limits the jurisdiction of a historic preservation commission to review permits as it relates to those properties which have been designated as historic sites or located within designated historic districts, and accordingly, the Ordinance is null and void to the extent it exceeds the authority conferred by N.J.S.A. § 40:55D-111.

3. That the MLUL does not grant any responsibility, power or authority to the Historic Officer, and accordingly, the Ordinance is null and void to the extent it excludes the Historic Commission from exercising the jurisdiction and authority conferred by N.J.S.A. § 40:55D-111.

4. That any ordinance adopted by the City's governing body to supersede Section 105-3 and Section 345-30(E)(1) of the Jersey City Municipal Code (the "Superseding Ordinance") be consistent with and comply with Article 14A of the MLUL, N.J.S.A. § 40:55D-107 to N.J.S.A. § 40:55D-112. The Court does not retain jurisdiction to enforce this paragraph. If a dispute arises as to the legality of the Superseding Ordinance, future legal challenges to said ordinance must be initiated through independent legal action.

5. That the application review memoranda and recommendations drafted by the Historic Officer and the decisions of the Historic Commission under Case No. B-25-0141 and Case No. B-25-0386 recommending to the Zoning Officer of the City of Jersey City the denial of demolition permit application prior approval for the properties located at 240 Newark Avenue, Jersey City, New Jersey and 250 Newark Avenue, Jersey City, New Jersey (the "Properties"), by way of resolutions dated July 14, 2025, and memorialized on July 24, 2025, are arbitrary, capricious and unreasonable and therefore reversed for the reasons set forth on the record.

6. That the decision of the Zoning Officer denying the demolition permit applications for the properties is arbitrary, capricious and unreasonable and therefore reversed for the reasons set forth on the record.

7. That the decision of Zoning Board of Adjustment of the City of Jersey City ("Zoning Board") under Case No. Z2025-0059 and Case No. Z2025-0060, by way of resolutions dated September 25, 2025, and memorialized on November 20, 2025, are arbitrary, capricious and unreasonable and therefore reversed for the reasons set forth on the record.

8. That the Historic Officer, Historic Commission, Zoning Officer, Zoning Board and City are enjoined from enforcing the aforementioned resolutions and are further enjoined from conducting further demolition application review for zoning and historic preservation for the Properties.

9. That Plaintiff ^{maybe} is entitled to receive demolition permits from the Zoning Officer and/or Construction Code Official of the City of Jersey City upon the filing of a complete demolition application as it relates to the Properties. The demolition application must comply with all local and state requirements. The demolition permits shall be valid for a duration as determined by local and state law.

10. That the City will serve a copy of this Order on the parties in Berardo v. City of Jersey City, et al., Docket No.: HUD-L-2936-26.

IT IS FURTHER ORDERED that a copy of this Order shall be deemed to have been served upon all counsel when uploaded to eCourts.

By

Hon. Anthony V. D'Elia, J.S.C.

* On the record 8/13/26