

TO: Caroline Armstrong, Green Acres Program

DATE: August 25, 2017

RE: Hudson County, North Bergen Township  
Braddock Park (Block 437.02, Lot 1)  
Pre-K School Trailers Diversion of Green Acres-Encumbered Parkland  
State House Commission (SHC) #s 0900005, 0908003  
Response to "December 19, 2016, Pre-Application Completeness Review, Part 2"

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This response to the Green Acres Program staff's secondary review of the application SHC # 0900005 and SHC # 0908003 has been prepared jointly by Hudson County and North Bergen Township. The applicants have been requested to provide additional information as documented below. We understand that Green Acres Program staff will review the enclosed response with the original pre-application, and identify any remaining information that must be submitted to deem the application complete.

1. Description of the Proposed Diversion/Disposal

- a. Acreage of the parkland proposed for disposal or diversion (N.J.A.C. 7:36-26.9(d)1ii): Please revise the acreage of parkland comprising the diversion based on the below analysis.

Based on review of the analysis provided by Green Acres Program staff on December 19, 2016, the acreage of the parkland proposed for diversion is amended to 1.25 acres, inclusive of the footprint of the TCUs as well as the Tot Lot and "Parcel 4" immediately adjacent to the Tot Lot.

i. Tot Lot and Parcel Immediately Adjacent to the Tot Lot

The acreage of the parkland proposed for diversion is amended to 1.25 acres to include the Tot Lot and "Parcel 4" immediately adjacent to the Tot Lot.

ii. Pump Station Wet Well and Future Sewer Connection

The pump station wet well predates the placement of temporary classroom units at Braddock Park and is used for park purposes. The "Pre-Application Completeness Review, Part 2" requested the County and Township to "reference the section of the Wastewater Management Plan and/or language in the Resolution that addresses this issue." After further review, the Hudson County Wastewater Management Plan does not provide specific information as to the dual use of the pump station wet well for school and park purposes, as inclusion of this information would be overly specific and go beyond the scope of the Wastewater Management Plan.

The County and Township have revisited the original request made in the April 12, 2016 Pre-Application Completeness Review, Part 1: *"It appears that this tank must be included as part of the diversion, unless there is official documentation that the tank is used not only for school purposes, but also park purposes. The pre-application makes reference to shared use of the tank being the intent in the future, but we need more information before making a determination about this structure...Please provide official documentation (such as, for example, an adopted wastewater management plan) demonstrating that the septic holding tank and any future sewer*

*connection located outside of the diverted area will benefit not only the school facility but also park facilities.”*

The original response submitted on August 19, 2016 is revised as follows:

Regarding the pump station wet well, the County, Township and Board of Education previously provided the NJ DEP with:

- Documentation (design drawings circa 2001 for the TCU installation which show the *TCU's were to be connected to an existing system.*
- Three (3) revised maps which show the wet well location, which is right beside the existing toilet facilities that serve facilities in Braddock Park.

These documents are being resubmitted for further review. Additionally, the 06-22-1990 drawing for the Practice Softball Field (Joseph A. Tighe), which was Green Acres project #0908-88-059, will show the building with the tank and toilets as “existing one story concrete block building,” which will verify that this structure existed prior to the TCU’s, and that a  $\frac{3}{4}$ ” water line serves this building. Further, although not clearly labeled on the drawing, a rectangular box or lid is shown just west of the building, at the same location of the “tank.” It is clear that these drawings, which pre-date the placement of TCUs at Braddock Park, confirm that the building, toilets, and tank existed in 1990 and were used for park purposes at that time. Dual use for the park and TCUs has been ongoing since the placement of TCUs at the diversion parcel. It is not clear what evidence will suffice as “*official documentation that the tank is used not only for school purposes, but also park purposes,*” considering that evidence has been provided that clearly demonstrates that the use of the tank for park purposes pre-dates the use of the diversion parcel for preschool purposes.

### iii. Entrance Drive and Parking Lot

The public continues to have access to parking areas at the site and no signage to the contrary is posted. The stadium and track have two (2) access and parking points, both of which have ample parking for the public to use for convenient and unrestricted access to the football field and track area at all times. During the summer months the Parks attendant will, on occasion, close the gates on the east end of the park (near the preschool site) due to the minimal amount of cars and visitors using the facility from this entry point. The parking lot on the western side of the complex has an abundance of parking and offers continuous and unrestricted access to the facility on a 24 hour, 7 day a week, 365 day per year basis. Additionally, when the east end gates are closed, unrestricted access to the track and stadium is still available on both the east and west entrances for visitors who do not require parking. At no time is, and at no time prior was, the public unable to access and/or park in close proximity of the football and track complex near the preschool site.

From August 2017 through October 2017, the Township of North Bergen will be resurfacing the football stadium field. As materials are delivered and construction begins, access will be limited for two to three months at one or both entrances for public safety purposes. This is a necessary and temporary step that may restrict vehicle access in the interest of public safety, however, the public will be able to access the site at all times by foot.

Additionally, the sign posted at the stadium field adjacent to the TCUs has been modified and now includes a phone number for residents to request use of the field by permit from the Township of North Bergen.



- b. Purpose of the proposed disposal/diversion, including the intended future use and owner of the parkland proposed for disposal/diversion (N.J.A.C. 7:36-26.9(d)1iii)

Based on review of the analysis provided by Green Acres Program staff on December 19, 2016, the acreage of the parkland proposed for diversion is amended to 1.25 acres, inclusive of the footprint of the TCUs as well as the Tot Lot and "Parcel 4" immediately adjacent to the Tot Lot. The pump station wet well predates the placement of temporary classroom units at Braddock Park and is used for park purposes, as discussed in Section 1.ii. of this response.

- c. Description of how the parkland is proposed to be diverted (N.J.A.C. 7:36-26.9(d)1iv)

There are seventeen (17) temporary structures occupying the site, including units used primarily for administrative services.

In recognition that the diversion application is classified as “after-the-fact,” referred to as “legalizing past diversions or disposals” in the Green Acres Program rules, the TCUs will be removed and Braddock Park will be restored when the alternative solution (i.e., utilization of the “retrofitted High Tech High School plant” by the North Bergen Board of Education) is available, anticipated at the start of the 2019-2020 school year, and no later than August 31, 2021.

- d. If applicable, a copy of the draft lease or use agreement and statement of total compensation proposed to be received by the applicant for the lease or use agreement (N.J.A.C. 7:36-26.9(d)1vi)

A draft of the revised lease agreement is enclosed in “Appendix 1 – Revised Lease Agreement Draft.” The lease agreement is being proposed between the County of Hudson and the Township of North Bergen (who is the current leaseholder of the area of Braddock Park that includes the diversion parcel).

Accounting of payments made by the North Bergen Board of Education/Township of North Bergen to the County of Hudson since January 1, 2014 will be made subject to the approval of a draft lease being prepared and attached hereto. The Board/Township has not made lease payments regarding the “continuation” period starting January 1, 2014 to present.

Documentation of use of prior lease payments is not available at this time.

- e. If the proposed disposal/diversion involves the construction of a building or infrastructure on parkland, a set of plans and specifications for the construction (N.J.A.C. 7:36-26.9(d)1vii)

As per December 19, 2016 response to the April 12, 2016 Green Acres Pre-Application Completeness Review, Part 1 memo (dated August 12, 2016), no additional information is required at this time.

- f. A detailed description of any recreational facilities and/or activities to be affected by the proposed disposal/diversion of parkland and an explanation of how they will be affected (N.J.A.C. 7:36-26.9(d)1ix)

The additional diversion parcels noted under the “description of acreage” cited in the December 19, 2016 response do not contain any “lost” recreational facilities.

## 2. Alternatives Analysis

As per December 19, 2016 response to the April 12, 2016 Green Acres Pre-Application Completeness Review, Part 1 memo (dated August 12, 2016), no additional information is required at this time.



### 3. Environmental Assessment Report

An amended environmental assessment report is enclosed in “Appendix 3 – Environmental Assessment Report.”

### 4. Land Valuation Forms

#### a. Block 437.02 Lot 1, James Braddock Park

Two (2) “yellow book” appraisals will be provided upon approval to proceed with the final application.

#### b. Block 27 Lot 27, Paterson Plank Road Replacement Property

The land valuation form submitted with the January 26, 2016 Diversion Pre-Application listed the estimated fair market value of Block 27, Lot 27 at \$2.5 million for “highest and best use.” The estimated fair market value for the intended use was \$1.88 million. Additionally, the appraisal states that the property was listed for sale at \$1.85 million, reflecting the seller’s estimation of the fair market value of the site. The final acquisition cost was \$1.675 million, a difference of \$205,000 lower than the fair market value of the intended use of the site and \$175,000 lower than the seller’s list price of the property. During final negotiations between the seller and the Township, the agreed upon sale price was \$1.675 million.

Neither local nor county dedicated open space funding was used to acquire the property and neither local nor county dedicated open space funding has been allocated to pay for future park improvements at this location.

Two (2) “yellow book” appraisals will be provided upon approval to proceed with the final application.

#### c. Block 437 Lots 2.01 and 2.02, River Road Replacement Property

A consent decree issued by the Superior Court of Hudson County is enclosed in “Appendix 4 – Consent Decree,” providing detail on the discrepancy between that land valuation form and the final acquisition cost of the parcels.

Two (2) “yellow book” appraisals will be provided upon approval to proceed with the final application.

#### d. 14<sup>th</sup> Street Viaduct

After inclusion in the scoping hearing and discussions with Green Acres representatives during the course of compliance, the parties were informed Green Acres would not consider this parcel as replacement land.

### 5. Preliminary Compensation Proposal

#### a. Minimum Compensation Ratios for Lease or Use Agreement

Lease payments will be made from the North Bergen Board of Education to the Township of North Bergen (as the leaseholder) who will transfer these lease payments to the County of Hudson, as

per the draft lease agreement enclosed in Appendix 1. The TCUs will be removed from Braddock Park no later than August 31, 2021.

b. Minimum Compensation Ratios for Replacement Land

In 2001 the North Bergen Board of Education (the “Board”) was underway with a building program to house expanded early childhood education as part of an effort to offer half-day Pre-K and full day Kindergarten in compliance with new mandates from the State of New Jersey. Prior to that time the Board provided only half day Kindergarten in existing elementary schools. This new mandate would add more than 500 students to the district-wide enrollment, an unanticipated and substantial and sharp rise in enrollment that the District’s facilities plan did not account for at the time.

In a feverish effort to meet these new requirements within an extremely limited amount of time, room conversions and additions were planned for construction. Multiple sites adjacent to the existing Lincoln School were acquired rather quickly, at a substantial sum to the Board, to construct an Early Childhood Annex with over 20 classrooms. During excavation, questionable sub grade conditions including oil contamination, likely from a previous use, were encountered. This required environmental testing, and ultimately remediation, which disrupted the Board’s good faith and tireless efforts to comply with the State’s preschool mandates within the required timeframe (operational at the start of the 2001 school year).

As a result of the unanticipated discovery of the need for remediation, original construction schedules could not be maintained and the Board, to comply with mandates, sought to locate Temporary Classroom Units, on an emergency basis, at the North Bergen Township Municipal Pool Site, west of Tonnelle Avenue. When excavation for utility connections began in the paved parking area of the pool site, materials that indicated contamination from historic local industry leached into utility trenches, again necessitating environmental testing. As a result of testing, the Municipal Pool site was closed and vacated, and the Board again had to search for a site, once again faced with the tremendous burden of complying with the State mandated deadline for preschool operations.

With no other option, the Board obtained permission from the County of Hudson to locate the Temporary Classroom Units within the Township of North Bergen’s leasehold in James J. Braddock Park, within which developed recreational facilities are utilized regularly by the North Bergen Board of Education (i.e. football field, soccer field, track, bathrooms serviced by an existing wet well pump station, etc.)

It should be stated that the entities did not deliberately violate National Park Service Land and Water Conservation Fund nor NJDEP Green Acres requirements, but were unaware of same at the time the TCUs were placed in Braddock Park. Their only intent was to provide a temporary, safe and secure site for North Bergen’s Pre-K students when faced with a set of facts that is well known and referred to previously in documents submitted to Green Acres. In this effort, it is estimated that upwards of \$20 million will be expended for the renovation of the Hudson County Schools of Technology site and more than \$2 million in replacement property has been acquired, not including substantial professional fees and other costs and resources towards compliance with the after the fact diversion process from 2011 to present. A substantial sum of money, at great cost to North Bergen and Hudson County taxpayers, has already been expended in a good faith effort to rectify the original placement of TCUs at Braddock Park without Green Acres permission. As stated, the decision to place TCUs was made to comply with strict, deadline-based state mandates regarding the provision of early childhood education and was not an action taken deliberately in violation of Green Acres rules. Any innocent use of Green Acres encumbered

property did not seek diversion approval due to lack of awareness of such requirement at the time the extremely time sensitive decision to place TCUs in Braddock Park was made.

Extraordinary measures have been made to comply with the Green Acres after the fact diversion process, as can be shown at <http://www.nj.gov/dep/greenacres/notices.html>. In the ensuing years since the process begun, difficult obstacles in relocating the TCUs from Braddock Park have been overcome in what is geographically the smallest and most densely populated county in the State of New Jersey. By its very nature, identifying and acquiring property in Hudson County comes at a greater cost and length of time than in more rural or suburban communities. While technically a "Diversion after the fact," the TCUs currently housing North Bergen's Pre-K will be removed by the start of the 2019 school year and the area restored to recreational usefulness at Braddock Park. This is possible due to the innovative, long-term, cost effective solution presented by the shared acquisition of the current site of the Hudson County Schools of Technology (HCST) located in North Bergen.

The HCST site will be vacated within the next two years when the HCST moves to its new location in Secaucus, NJ. Using the HCST site, the North Bergen Board of Education will then have the classroom space necessary to accommodate the Pre-K program in their existing facilities and relocate the Pre-K program out of Braddock Park. It is unlikely that this positive outcome could be achievable under any other circumstances in such time without the cooperative efforts of all involved. While significantly less than the construction of a new pre-school facility, the HCST site presents additional tax dollars to be expended by the involved entities (County, Township, and Board) at this time, plus those already expended in compliance with the diversion process.

The HCST site presents a better outcome than any alternative sites previously explored or suggested. Further, in the end, neither a true conversion nor diversion will be necessary as a result of the efforts of the County, Township, and Board to find a long-term solution that results in the removal of TCUs from Braddock Park and restoration of the 1.25 site to recreational usefulness. If a 5-1 replacement ratio is imposed it would appear to be punitive and create an unfair and severe hardship to the taxpayers and residents, who have already been penalized significantly to comply with state and federal mandates regarding education and land use.

In light of these mitigating circumstances, the County, Township and Board respectfully request the NJDEP to honor its original commitment to consider a reduction in the ratio of required replacement land, with the argument for mitigating circumstances summarized as follows:

- (1) The TCUs will be removed from the 1.25 acre diversion parcel
- (2) The 1.25 acre diversion parcel will be restored to full recreational usefulness
- (3) The County, Township and Board have/will expend over \$22 million to comply with state education mandates and completion of the after the fact diversion and conversion
- (4) The County, Township and Board have cooperated in good faith to advance a mutually agreeable resolution
- (5) The original placement of TCUs was a decision made in desperation, after substantial efforts to locate the preschool were met by unforeseen circumstances
- (6) Acquisition of additional replacement land acreage would result in additional cost to local, county and statewide taxpayers and significantly prolong the diversion process substantially due to the difficulty in identifying available AND cost effective land, followed by lengthy environmental review and property acquisition processes in one of the most cost prohibitive and densely populated real estate markets in the world
- (7) The original decision to locate TCUs at Braddock Park was not a deliberate violation of Green Acres rules, but rather the result of lack of awareness of Green Acres rules

governing use of the property

i. 14<sup>th</sup> Street Viaduct, Hoboken City, Hudson County

This parcel has been removed from consideration as replacement land. As such, no additional information will be provided. As requested, the resolution of the Hudson County Board of Chosen Freeholders authorizing both the diversion and conversion of Braddock Park. Please note that the Freeholder Board did not meet on September 1, 2014, but did meet on September 11, 2014. Enclosed in "Appendix 5 – Sept. 11 Resolution" is a resolution of the Hudson County Board of Chosen Freeholders "authorizing the County of Hudson to commence the diversion and conversion of a portion of Braddock Park in the Township of North Bergen in compliance with the State of New Jersey Green Acres Program and United States National Park Service Land and Water Conservation Fund State Assistance Program and entering into a Memorandum of Understanding with the Township of North Bergen relating thereto."

ii. Block 437 Lots 2.01 and 2.02, River Road, North Bergen Township

The anticipated future maintenance program will ensure that public access will be available, consistent with the County of Hudson's maintenance plan for the adjacent bird sanctuary.

There are no existing or previous plans to construct parking areas at the site. Should a parking area be taken under consideration, accessibility to the park and parking restrictions will be incorporated into the planning process.

There is currently no known need for storm water runoff and/or erosion/sedimentation control measures within the boundaries of the replacement parcel.

A consent decree from the Superior Court of Hudson County is attached to address any claims or concerns regarding the possibility of the previous owner of the River Road properties pursuing legal action against the County Hudson which may have been expressed to the New Jersey Department of Environmental Protection by a third-party or member of the public. The County of Hudson currently owns the River Road parcels proposed for replacement property in fee simple.

Resolution 639-11-2014 is enclosed in "Appendix 6 – Replacement Resolutions" as documentation that the property was earmarked specifically as replacement land for the diversion at the time of or prior to its acquisition or development by Hudson County.

Resolution 507-9-2014, adopted by the Hudson County Board of Chosen Freeholders on September 11, 2014, authorizes "the County of Hudson to investigate and negotiate with certain property owners relative to the potential acquisition of properties for open space and recreational use and for compliance with the State of New Jersey Green Acres Program and United States National Park Services Land and Water Conservation Fund State Assistance Program."

iii. Block 27 Lot 27, Paterson Plank Road, North Bergen Township

Resolution 507-9-2014 is enclosed in Appendix 6 as documentation that the property was earmarked specifically as replacement land for the diversion at the time of or prior to its acquisition or development by Hudson County.

Resolution 507-9-2014, adopted by the Hudson County Board of Chosen Freeholders on September 11, 2014, authorizes "the County of Hudson to investigate and negotiate with certain



property owners relative to the potential acquisition of properties for open space and recreational use and for compliance with the State of New Jersey Green Acres Program and United States National Park Services Land and Water Conservation Fund State Assistance Program.”

c. Minimum Compensation for a Loss of any Recreation and Conservation Facilities

The restoration of the practice field at the same location in Braddock Park, following removal of the TCUs, is proposed. Restoration will require removal of the TCUs, temporary porches, the guard kiosk, utilities, and the paved walkway from the “tot lot” to classroom unit 17. An area of under one acre would be re-graded, infield material set, and outfield grass re-seeded. New backstop, benches, bases, and pitcher’s mound would be installed.

d. Minimum Compensation for Tree Replacement

As per December 19, 2016 response to the April 12, 2016 Green Acres Pre-Application Completeness Review, Part 1 memo (dated August 12, 2016), no additional information is required at this time.

e. Preliminary Assessment Report

The issues raised by Michael Buriani, Green Acres Program Supervising Environmental Specialist, are currently being addressed and will be relayed to the New Jersey Department of Environmental Protection upon completion.

6. A Listing of All Permits and Approvals

As requested, the listing of all permits and approvals has been signed on the “Preparer” line and resubmitted in “Appendix 7 – Permit Form.”

7. Copy of Deeds for Diverted and Proposed Replacement Properties

a. Block 437.02 Lot 1, James Braddock Park

According to the deed made on April 30, 1976 between the Hudson County Park Commission and County of Hudson, the total acreage of James J. Braddock park is “163 acres more or less.” As per publicly available tax data, the acreage of Braddock Park is currently estimated at 174 acres. As recently as 2010, tax data estimates the park’s size at 167 acres. It is not clear how this discrepancy originated.

However, the 1.25 acre diversion parcel is entirely within the footprint of James J. Braddock Park, as recorded in the original deed measuring 163 acres more or less, and therefore the discrepancy is not relevant or significant.

b. Block 27 Lot 27, Paterson Plank Road Replacement Property

A copy of the recorded deed is enclosed in “Appendix 8 – Paterson Plank Deed.”

8. Maps

Updated maps reflecting the expansion of the diverted area, to include the Tot Lot, and updated replacement land, are enclosed in “Appendix 9 – Updated Maps.”

#### 9. Confirmation of Scoping Hearing

As requested copies of the written public notices sent to County and municipal government entities in connection with the originally scheduled hearing are enclosed in "Appendix 10 – Scoping Hearing Letters" to ensure that all required information was included in that letter.

**THIRD ADDENDUM TO LEASE AGREEMENT**

**COUNTY OF HUDSON**

**TO**

**TOWNSHIP OF NORTH BERGEN**

**Braddock Park, North Bergen**

This Third Addendum to Lease Agreement made this \_\_\_\_ day of September 2017, by and between the **COUNTY OF HUDSON**, a body politic and corporate of the State of New Jersey (referred to hereafter as the “County”) having offices at 567 Pavonia Avenue, Jersey City, New Jersey and the **TOWNSHIP OF NORTH BERGEN** (referred to hereafter as “Township”) with offices located at 4233 Kennedy Boulevard, North Bergen, New Jersey (“Third Addendum”).

**RECITALS**

**WHEREAS**, the parties entered into Lease Agreement dated October 19, 2011, with a term ending June 30, 2013, regarding the temporary placement of modular classroom trailers, a/k/a/ temporary classroom units (“TCUs”), for the education of public school pre-K students and occupying encompassing an approximate 1.25 acre-portion of the 167-acre James J. Braddock Park owned by the County (the “Original Lease,” attached as Exhibit A); and

**WHEREAS**, the parties amended the Lease via an Addendum dated November 22, 2011 to modify the terms and conditions of the Original Lease to set forth a timeline for the Township’s completion of its use of the TCUs and restoration of the Premises to recreational and conservation use (“Lease Addendum,” attached as Exhibit B); and

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**WHEREAS**, the parties amended the Original Lease again via Second Addendum dated June 23, 2013 to extend the term of the Original Lease for an additional six months, (ending December 31, 2013) and to modify timeline for the Township's completion of its use of the TCUs and restoration of the Premises to recreational and conservation use ("Second Addendum," attached as Exhibit C); and

**WHEREAS**, collectively, the Original Lease, Lease Addendum and Second Addendum are collectively hereinafter referred to as the "Lease"; and

**WHEREAS**, the parties entered into a Memorandum of Understanding dated October 28, 2014 ("MOU," attached as Exhibit D) because the Township was not able to relocate the TCUs within the Township to a location suitable for the educational purposes, and as a result, the Premises could not be restored to recreational and conservation use within the time frames set forth in the Lease; and

**WHEREAS**, the MOU set forth the rights and obligations of the parties in connection with obtaining from the State of New Jersey and the New Jersey Department of Environmental Protection Green Acres Program ("Green Acres") a Diversion approval ("Green Acres Diversion") and obtaining from the National Park Service ("NPS") a Conversion approval from the Land and Water Conservation Fund State Assistance Program administered by the National Park Service ("NPS Conversion"); and

**WHEREAS**, the Parties seek to amend further the terms and conditions of the Lease through this Third Addendum during the period of the parties' application for and approval of the Green Acres Diversion and NPS Conversion up to an inclusive of the eventual removal of the TCUs and restoration of the Premises;

**WHEREAS**, this Third Addendum does not alter the terms of the MOU; and

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**WHEREAS**, this Third Addendum shall be subject to review and approval by Green Acres; and

**WHEREAS**, the capitalized terms used in this amendment shall have the meanings afforded them in the Lease, unless such capitalized terms are defined herein.

**NOW THEREFORE**, in consideration of the mutual promises and covenants set forth herein and for other good and valuable consideration, the sufficiency of which is hereby acknowledges by the parties, the parties agree as follows.

1. **TERM OF LEASE.** The term of the Lease shall expire no later than August 31, 2021, in accordance with the lease termination provisions set forth in Section 5.
2. **PREMISES.** In accordance with the Lease, the County leases to the Township an approximate 1.25-acre portion of the 167-acre James J. Braddock Park in the Township of North Bergen, commonly known as the North Bergen pre-K TCUs and associated parking lot (herein referred to as “Premises”). The James J. Braddock Park which is adjacent to the Premises is subject to Green Acres regulations and LWCF State Assistance Program regulations. Accordingly, it shall be a material breach of this Lease if the Township encroaches in any way onto the adjacent Braddock Park property for a use which is contrary to Green Acres regulations and LWCF State Assistance Program regulations. Further, the Township shall be solely liable for all costs of said encroachment.
3. **SUBLEASE.** The County and the Township acknowledge that the Township subleases the Premises to the Township of North Bergen Board of Education. The Township may not assign or sublease the Premises to any other party.
4. **RENT.**



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- a. Retroactive Rent. The Township shall pay to the County annual rent for period since the expiration of the Second Addendum, with lease payments based on a percentage of fair market value of the Premises, as determined by appraisals reviewed and accepted by Green Acres, as follows:
- i. \$\_\_\_\_\_ for the period January 1, 2014 to December 31, 2014, owing and due by \_\_\_\_\_, 2017.
  - ii. \$\_\_\_\_\_ for the period January 1, 2015 to December 31, 2015, owing and due by \_\_\_\_\_, 2017.
  - iii. \$\_\_\_\_\_ for the period January 1, 2016 to December 31, 2016, owing and due by \_\_\_\_\_, 2017.
  - iv. \$\_\_\_\_\_ for the period January 1, 2017 to December 31, 2017, owing and due by \_\_\_\_\_, 2017.
- b. Rent for 2018 through August 31, 2020. Beginning January 1, 2018, the Township shall pay to the County the annual sum of \$\_\_\_\_\_, which represents an increase in the fair market value as calculated by the Consumer Price Index. The lease payment made be made through quarterly payments and due the first day of the beginning of each quarter.
- c. Rent after August 31, 2020. If the TCUs have not been relocated and the area of the premises restored in accordance with the requirements of Green Acres and NPS by August 31, 2020, then the Township shall pay to the County the sum of \$\_\_\_\_\_, which sum being payable in quarterly payments and due the first day of the beginning of each quarter until August 31, 2021.

- d. Use of Lease Payments. The County must apply all lease payments to a dedicated fund established for operation, maintenance or capital expenditures to either (i) County parks that receive or have receiving funding from Green Acres and/or LCWF, or (ii) County recreation programs.
5. **TERMINATION OF LEASE.** This Lease shall terminate ninety (90) days following approval of the Green Acres Diversion and the NPS Conversion. In no event shall this Lease terminate after August 31, 2021 without the mutual consent of the parties and the approval of Green Acres.
6. **RESTORATION OF PREMISES.** Within ninety (90) days of receipt of the Green Acres Diversion and NPS Conversion approvals and prior to the Lease termination, the Township shall remove the TCUs and restore the Premises to recreational and conservation use in accordance with the terms of the Lease. The restoration shall include reestablishment of the former softball practice field, or reasonably equivalent recreational facility at the Premises or another park located in the County.
7. This Third Addendum may be executed in any number of counterparts and by different parties hereto in separate counterparts, each of which when so executed and delivered shall be deemed to be an original and all which counterparts, taken together, shall constitute but one and the same instrument.
8. This Third Addendum shall be governed by and constructed and interpreted in accordance with the internal laws of the State of New Jersey but excluding any

principles of conflicts of laws or other rule of law that would cause the application of the law of any jurisdiction other than the laws of the State of New Jersey.

9. Any provisions of this Third Addendum which is prohibited or unenforceable shall be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof in that jurisdiction or affecting the validity of enforceability of such provision in any other jurisdiction.

**IN WITNESS WHEREOF**, the parties hereto have set their hand and seals, or caused these present to be signed by their proper corporate officers and their proper corporate seal to be affixed hereto, the day and year first above written.

**TOWNSHIP OF NORTH BERGEN:**

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Name: NICHOLAS J. SACCO  
Title: MAYOR, TOWNSHIP OF NORTH BERGEN

**COUNTY OF HUDSON:**

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Name: ABRAHAM ANTUN  
Title: ADMINISTRATOR, HUDSON COUNTY

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STATE OF NEW JERSEY)  
:SS  
COUNTY OF HUDSON )

BE IT REMEMBERED, that on this \_\_\_\_ day of \_\_\_\_\_ Two Thousand and Seventeen before me, the subscriber, personally appeared ERIN BARILLAS, who being by me duly sworn according to law, on her oath says that she is the clerk of the TOWNSHIP OF NORTH BERGEN and that NICHOLAS J. SACCO is the Mayor of the TOWNSHIP OF NORTH BERGEN, that she knows the corporate seal of said TOWNSHIP OF NORTH BERGEN and that the seal affixed to the foregoing instrument is the seal of said township, and that the said NICHOLAS J. SACCO as Mayor of the TOWNSHIP OF NORTH BERGEN signed said instrument and affixed said seal thereto as his voluntary act and deed for the uses and purposes therein expressed, in attestation whereof, she the said ERIN BARILLAS, as Clerk, subscribed her name thereto.

\_\_\_\_\_  
ERIN BARILLAS, CLERK  
TOWNSHIP OF NORTH BERGEN

Sworn to and subscribed before me  
this \_\_\_\_ day of \_\_\_\_\_ 2017

\_\_\_\_\_  
Notary public

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STATE OF NEW JERSEY)

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COUNTY OF HUDSON )

BE IT REMEMBERED, that on this \_\_\_\_ day of \_\_\_\_\_ Two Thousand and Seventeen before me, the subscriber, personally appeared ALBERTO G. SANTOS, who being by me duly sworn according to law, on his oath says that he is the Clerk of the Board of Chosen Freeholders of the COUNTY OF HUDSON and that ABRAHAM ANTUN, is the Administrator of the COUNTY OF HUDSON, that he knows the corporate seal of said COUNTY OF HUDSON and that the seal affixed to the foregoing instrument is the seal of said COUNTY OF HUDSON that the said ABRAHAM ANTUN as County Administrator signed said instrument and affixed said seal thereto as his voluntary act and deed for the uses and purposes therein expressed, in attestation whereof, he the said ALBERTO G. SANTOS, as Clerk, subscribed his name thereto.

\_\_\_\_\_  
ALBERTO G. SANTOS, CLERK  
BOARD OF CHOSEN FREEHOLDERS

Sworn to and subscribed before me  
this \_\_\_\_ day of \_\_\_\_\_ 2017

\_\_\_\_\_  
Notary public



**Environmental Assessment**  
**For**  
**Conversion of a Portion of James J. Braddock Park**

**Prepared for:** County of Hudson  
Township of North Bergen  
North Bergen Board of Education

**In Consultation with:** Millennium Strategies LLC  
L+C Design Consultants PA

**Dated:** July 2017

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### **Chapter 1 – Purpose, Need, Background**

#### ▪ **Introduction**

The proposed action is the conversion of 1.25 acres in James J. Braddock Park that is mapped in accordance with Section 6(f) of the Land and Water Conservation Fund regulations (Section 6, Land and Water Conservation Fund Act of 1965, as amended: Public Law 88-578; 16 U.S.C. 4601-4 et seq, Section 1.4). The project also involves the substitution of 2.27 acres of land in Hudson County, New Jersey as replacement for the conversion of 1.25 acres of recreation land at Braddock Park as required by Section 6(f).

The subject of this conversion proposal is James J. Braddock Park (hereinafter referred to as “Braddock Park” and located at Boulevard East, North Bergen, NJ 07047 – Block 437.02, Lot 1). The need for a partial conversion of Section 6(f) parkland is rooted in the fact that portions of the 167-acre Braddock Park, a public open space property owned by the County of Hudson (County) and leased in part to the Township of North Bergen (Township), were adapted for temporary non-conforming use that exceed six months in duration. The non-conforming use included the placement of seventeen (17) Temporary Classroom Units (TCUs) within the Township’s leasehold at Braddock Park. The TCUs currently house the North Bergen Board of Education’s (the Board) Pre-Kindergarten program, an early childhood education program mandated in North Bergen and other low-income communities by the New Jersey Supreme Court in *Abbott v. Burke V* in 1998. Following the New Jersey Supreme Court’s decision, the County; their lessee, the Township; and, the occupant of the parcel under consideration, the Board; agreed upon the placement of TCUs on 0.7% of the Braddock Park site (1.25 acres) with the intention of identifying a permanent location for the preschool program as soon as possible.

#### ▪ **Background and Context**

During the spring of 2011 the New Jersey Department of Environmental Protection’s Green Acres Program (the state agency responsible for facilitating state assistance proposals submitted for National Park Service review and decision) began conversations with the County, Township and Board regarding the placement of TCUs at Braddock Park. Since 2011, and dating back as early as the original placement of TCUs in the park (2001), the Board and Township have been seeking a solution to relocate the preschool and to find a permanent home for the Pre-K program. A number of locations and methods of procurement have been pursued over the past 15 years, each confronting any number of obstacles.

In 2001, the Board was in the process of establishing a building program to house expansion of early childhood education, as per the new state mandates requiring the provision of full day Kindergarten and half-day Pre-Kindergarten (Pre-K) in low-income school districts. Prior to that time the District provided only half-day Kindergarten. In response to the new mandates, the Board began preparing plans for construction of room conversions and additions at existing elementary schools within the North Bergen School District. Multiple lots were acquired to support the construction of an Early Childhood Annex on Lincoln School at 64th Street in North Bergen, between Durham Street and Smith Street. When excavation began on a paved lot on the existing Lincoln School property, questionable sub grade conditions were encountered, which required environmental testing and base remediation. As a result, construction schedules for the new early childhood annex could not be maintained and the Board began exploring emergency solutions in order to meet the state mandate to provide Pre-K by the start of the 2001-2002 school year.

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Subsequently, the decision was made to locate TCUs at an old municipal pool site in North Bergen on Tonnelle Avenue near 89th Street, on an emergency basis. When excavation for utility connections began in the paved parking area at the pool site, the trenches were filling with materials that indicated contamination from historic local industry, immediately necessitating further environmental testing. As a result of this testing, the municipal pool site had to be closed and vacated. A request was then made by the Board and Township to the County of Hudson for temporary occupancy for location of TCUs within the boundaries of the Township's leasehold at Braddock Park. With County approval, the Board made plans to place the TCUs at Braddock Park. Correspondence between the Board, the architect contracted by the Board, the Hudson County Department of Education, the New Jersey Department of Education, the North Bergen Zoning Board, and others stakeholders document this process.

From this moment on the Board has been working to identify alternative sites for the permanent placement of the North Bergen preschool program. Each identified or suggested site has been analyzed to determine whether it is a "feasible," "reasonable," or "available," alternative, as per the guidelines for diversion of Green Acres-encumbered properties promulgated by the State of New Jersey Department of Environmental Protection Green Acres Program under NJAC 7:36-26.9(e). The alternatives have been evaluated based on their compatibility with the Board's operational capacity and locally developed educational standards, as well as compliance with relevant New Jersey Department of Education (NJDOE) codes and standards, specifically:

- NJAC 6A:13A, regarding "Elements of High Quality Preschool Programs";
- NJAC 6A:26 and NJAC 5:23, providing guidelines for "Preschool Facilities";
- NJSA 18A:35-7, defining school health and physical education requirements;
- "Preschool Teaching and Learning Standards"; and,
- "Preschool Implementation" guidelines

In 2008 the Board submitted schematics to the NJDOE for review and approval to construct a 32-classroom preschool facility at a Board-owned property on 64th Street in North Bergen (Block 205, Lot 30). The plans included community space in the new facility (for shared Township use) and improvements to gym space at the existing Rec Center, both to be shared by the new school and Township recreation programs under an inter-local agreement. Upon notice that the 64th Street site was encumbered by Green Acres funding and not available for construction, the property was removed from consideration as the site of a permanent preschool facility in North Bergen.

Subsequently, the Board completed site search and feasibility studies for construction of a new preschool at other sites: one near Franklin School and 53rd Street and another on 16th Street in the southern end of North Bergen. Another site was considered, Temple Beth El, and determined to not be a feasible or available location. Portions of the "Hudson News" properties were previously reviewed as potential sites for TCU placement; however, this was found to be not feasible as the usable flat area did not allow space for all TCUs and the site required substantial environmental remediation. These sites did not prove feasible, reasonable or available for a variety of reasons, and other options were pursued.

In May 2012, the Township and Board issued a Request for Proposals (RFP) for the lease of a full facility for preschool use, with joint use by a branch library, so that the TCUs could be vacated from Braddock Park. The responses received proposed leases at rates the Board deemed excessive. The Board began to pursue other options after attempting, unsuccessfully, to negotiate reduced lease pricing.

In the spring of 2013, notice was given that the 64th Street property was in fact not encumbered by Green Acres funding and the Board again considered use of Block 205, Lot 30. As was determined during the initial feasibility study of the 64th Street property, acquisition of adjacent properties was necessary in order to provide proper access to the facility, parking, and all requirements as per New Jersey Department of Education rules and regulations. The adjacent properties were no longer available and thus, the alternative was no longer an available option for the Board.

At this time, the ongoing search includes all property noted above, as well as ongoing research to identify other parcels and determine if such sites are feasible, reasonable, and available. The Board is conducting property searches, tax record reviews, aerial photography, and on-the-ground research to seek alternative sites for the relocation of preschool TCUs as well as for the permanent construction of a preschool facility. The Township and Board have also taken into consideration sites recommended by the public during a scoping hearing held on November 5, 2014, as well as sites recommended by representatives from the NJDEP Green Acres Program. The Township and Board have also assessed whether proposed replacement parcels and existing Board-owned school properties can fulfill the compelling public need for providing a temporary or permanent facility for the North Bergen preschool program.

### ▪ **Scope of the Environmental Review**

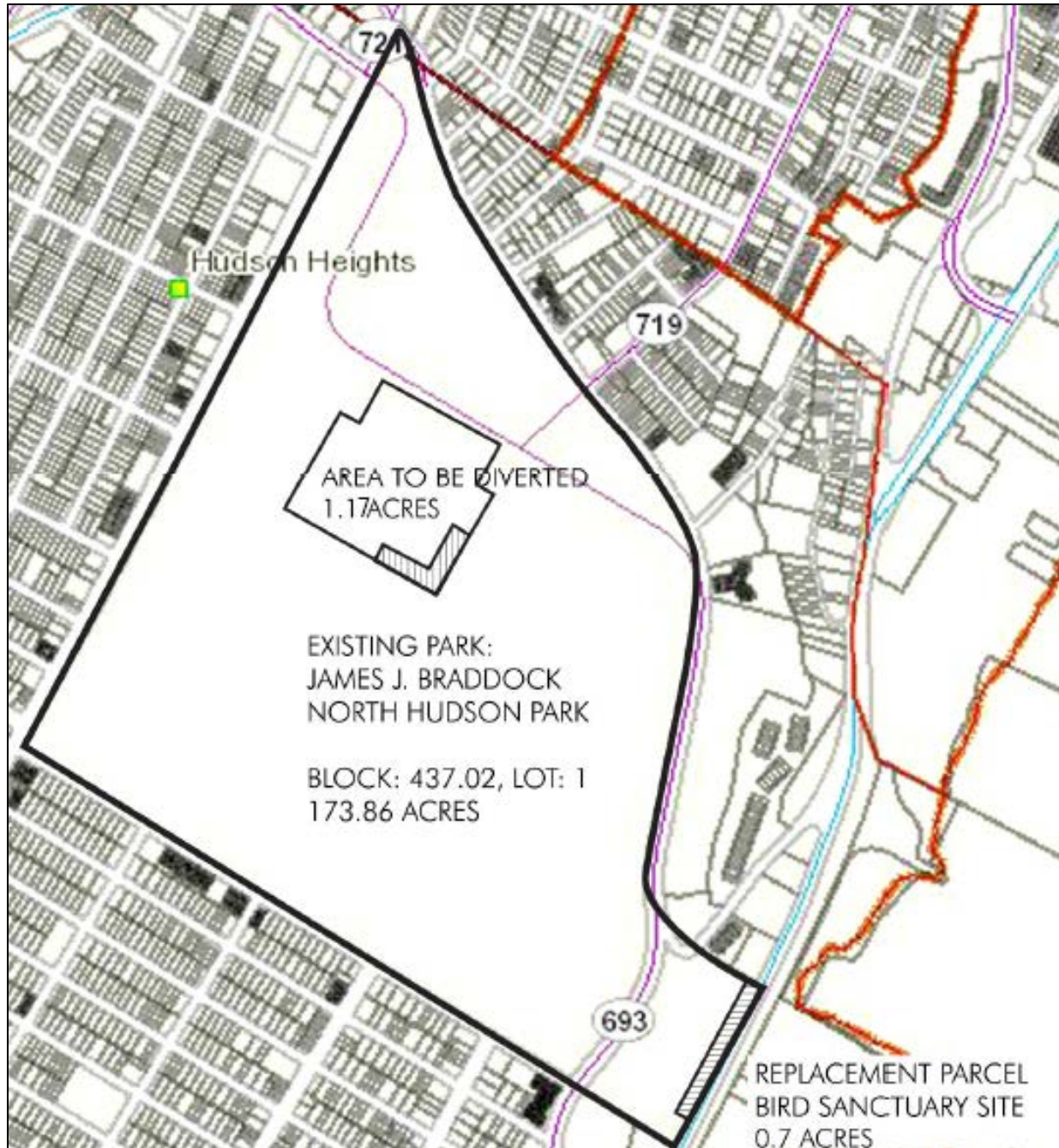
The purpose of this Environmental Assessment (EA) is to inform the interested and affected public about the County of Hudson's proposal to the National Parks Service, Land and Water Conservation Fund (LWCF) to convert a parcel of land located at James J. Braddock Park in North Bergen, New Jersey. As Braddock Park is mapped in accordance with Section 6(f) and temporary non-conforming use exceeded six months, the County is required to file this application for partial conversion with the National Parks Service and provide replacement property pursuant to Section 6(f)(3) of the LWCF Act. The EA will provide a framework for the National Park Service to evaluate the environmental consequences of the proposed action on the human environment and will include information to help the interested and affected public and decision makers understand the context for the proposed action.

An Environmental Assessment is needed as a result of the proposed action because the Land and Water Conservation Fund provides special protection for land acquired or developed with federal financial assistance provided by the Land and Water Conservation Fund. Specifically, Section 6(f) of the LWCF Act states that property improved or developed with Land and Water Conservation Fund financial assistance shall not be converted to any other use than public outdoor recreation without the approval of the Secretary of the Interior. Such approval is not granted unless the replacement property is of equal or greater fair market value and is of equivalent recreational usefulness as that being converted. All 167 acres of Braddock Park are mapped under Section 6(f) and therefore subject to the conversion provision of the LWCF Act. The partial conversion of 1.25 acres of Braddock Park is required as temporary non-conforming use of the Section 6(f)(3) property exceeded six months and requires the project sponsor to provide replacement property pursuant to Section 6(f)(3) of the LWCF Act.





Figure 1. Existing 6(f) boundary at James J. Braddock Park



**Figure 2. Conversion Parcel within Braddock Park**

*Note: The boundaries of the conversion parcel include only the “L” shaped striped area in the center of the image. The surrounding demarcated boundary outlines the Township’s leasehold at Braddock Park. The striped area at the bottom right of the image outlines the replacement parcel on River Road. Although the map reads 1.17 acres, the actual size of the conversion parcel is 1.25 acres, which includes the footprint of the TCUs, adjacent tot lot, and portions of the access driveway serving the preschool.*

## Chapter 2 – Description of Alternatives

The proposed alternative is partial conversion encompassing 1.25 acres of parkland in Braddock Park and the provision of 2.27 acres of replacement land, comprised of two separate parcels totaling 2.27 acres. The proposed action is National Park Service approval of this project. There are two components to this project, the partial conversion of 1.25 acres of parkland in Braddock Park and the addition of substitute parkland in Hudson County. The relation of replacement parcels to the conversion parcel is highlighted in Figure 3.



Figure 3. Map showing relationship between Braddock Park and the two proposed replacement parcels.

Note: A full size version is attached in the appendix.

**Braddock Park:** The proposed action involves partial conversion encompassing 1.25 acres of the 167-acre 6(f) mapped area of James J. Braddock Park in North Bergen, New Jersey (Hudson County). This alternative is required pursuant to Section 6(f) as temporary non-conforming use continued beyond six months, resulting in a conversion of use and the requirement that the project sponsor provide replacement property. Prior to temporary non-conforming use, the parcel proposed for conversion was available for recreational use as a practice softball field. The field was located within the Township of North Bergen's leasehold with the County of Hudson at Braddock Park, which included, and continues to include, a football field, soccer field, locker room building, dog run, nature trail, and driveways and parking areas. These recreational features within the leasehold have not been impacted by the temporary non-conforming use and will not be impacted by the proposed conversion. The 1.25 acre area of Braddock Park proposed for conversion currently includes the footprint of 17 Temporary Classroom Units and a paved access way located directly in front of the TCUs.



Figure 4. Rough outline (in red) of Conversion parcel within the Township's leasehold at Braddock Park.



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Substitute Parcel – 1811 Paterson Plank Road: A 1.57 acre parcel located in North Bergen (Hudson County) is being proposed as one of two substitute parcels for the portion of Braddock Park being converted from outdoor recreational use. The property was acquired by the County of Hudson in September 2014 for the sum of \$1.675 million, slightly less than the appraised value of \$1.888 million. Previously, the site was privately-owned and used as a commercial car wash. It is intended that the Township of North Bergen will develop a playground at the site and enter into a lease agreement with the County to provide for the continued maintenance of the property, with the Township assuming management and maintenance control. The proposed use of the replacement parcel is as a small urban park, with parking, children's play structures, a lawn area, a water feature, seating, and other passive recreational features. The elevated topography of the site provides views from the western slope of the Palisades across the Meadowlands. Additional information about this parcel and its recreational resources is included in Chapter 3.

Substitute Parcel – 7903-7909 River Road: A 0.7 acre parcel located in North Bergen (Hudson County), situated on two contiguous lots abutting Braddock Park, is being proposed as one of two substitute parcels for the portion of Braddock Park being converted from outdoor recreational use. When combined, the lots form a long, narrow property. River Road forms the 750 foot eastern boundary and Braddock Park is the western boundary, with the full depth measured at 40 feet. Much of the site is covered with trees and heavy undergrowth and the topography slopes upward steeply from the road to the park. The location of the parcel abuts a bird sanctuary in Braddock Park. As a replacement parcel, the site will increase the footprint of Braddock Park by 0.7 acres. The property was purchased by the County of Hudson in December 2015 for the sum of \$730,000 (equivalent to the appraised value of the property). It was previously, and survives as, undeveloped land. As the plot is undevelopable, the proposed use of the replacement parcel is to expand the footprint of the bird sanctuary in perpetuity. Additional information about this parcel and its recreational resources is included in Chapter 3.

Value and Usefulness Equivalence of Replacement Land: The Land and Water Conservation Fund sets forth various requirements for a site that would be acceptable to substitute for the land being converted. The fair market value of the lands proposed for the substitution must be of equal or greater value than the lands being converted. The land to be substituted must also offer equivalent recreational usefulness and location, and meet the outdoor recreation needs as indicated in the Statewide Comprehensive Outdoor Recreation Plan. When combined, the two replacement parcels measure 2.27 acres, providing for a more than 1:1 ratio of substitute land for partial conversion of Section 6(f) property. The appraised market value of the two sites totals \$2.618 million, compared to the appraised value of the conversion parcel of \$1.78 million.

Relationship to SCORP and Reasonably Equivalent Usefulness: The 2013-2017 New Jersey Statewide Comprehensive Outdoor Recreation Plan (SCORP)<sup>1</sup> details six specific goals to guide the strategic planning of open space preservation and recreation projects. The proposed conversion is in accord with the two primary goals of the SCORP:

1. To preserve a sufficient amount of open space for current and future public recreational use and for the conservation of natural resources important to protecting New Jersey's biodiversity and quality of life
2. To provide close to home park and recreation opportunities for residents statewide

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<sup>1</sup> New Jersey Department of Environmental Protection, "2013-2017 New Jersey Statewide Comprehensive Outdoor Recreation Plan," [http://www.nj.gov/dep/greenacres/pdf/Public\\_Review\\_SCORP.pdf](http://www.nj.gov/dep/greenacres/pdf/Public_Review_SCORP.pdf).

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The acquisition and/or development of the two replacement parcels was/is being accomplished through the collaborative efforts of the County of Hudson, Township of North Bergen, and North Bergen Board of Education. Combined, the properties will significantly benefit the current and future public recreational needs of residents in one of the most densely populated areas of the state and the country.

According to the SCORP, Hudson County has the lowest percentage of preserved land, the second highest percentage of developed land, and the fifth lowest percentage of available land in the state. Further, Hudson County has the lowest total preserved acreage in the state – greater than 60% less than the next closest county region. Hudson County is the sixth most densely populated county in the United States with 14,610 residents per square mile of land area. There are significant limitations on available open space to develop into parkland. There are also historic industrial uses of properties throughout Hudson County, resulting in substantial environmental contamination challenges at most parcels of available land. Further, as part of the New York Metropolitan Area, the real estate market in Hudson County is highly competitive. These mitigating circumstances make the availability and affordability of land, in particular sites of equivalent location to the Section 6(f) parcel, extremely cumbersome. The substitute parcels, including one site adjoining and expanding the boundaries of the Section 6(f) property (River Road) and one site within the same community as the Section 6(f) property (Paterson Plank Road), represent the most viable replacement parcels that can be offered to comply with the requirements set forth by the Land and Water Conservation Fund.

Prior to the temporary non-conforming use at the partial conversion site measuring 1.25 acres, the parcel was available for use as a practice softball field, accessible by vehicle near the geographic center of Braddock Park. The field was considered obsolete and not heavily utilized or maintained in a state of good repair. The substitute properties are in close proximity to residential neighborhoods, create two new parks totaling 2.27 acres and expand local access to passive and active recreation opportunities through features such as playgrounds, walking paths, wildlife conservation areas, sport courts, a dog run, and lawns and plazas for community gathering.

Maintenance of the replacement properties will be assured through agreements between the County of Hudson and the Township of North Bergen and the City of Hoboken, respectively.

No Action: There is not a no action alternative available as temporary non-conforming use continued beyond six months and conversion and the provision of replacement property is required under Section 6(f). Further, the temporary non-conforming use fulfilled a compelling public need by providing space for the administration of preschool services in a low-income community. This activity was mandated by the New Jersey Department of Education in response to a verdict rendered by the New Jersey Supreme Court and the subject parcel was one of few options available at the time for the temporary placement of classroom units to be operational with half-day preschool by the State imposed deadline. The North Bergen Board of Education continues to research and assess the feasibility of available sites for the location of a permanent preschool facility, at which time it is possible that the conversion parcel can be restored to recreational usefulness.



### **Chapter 3 – Affected Environment**

#### ▪ ***North Bergen Preschool***

Location: The North Bergen Preschool project site is located on 1.25 acres within the boundaries of the 167-acre James J. Braddock Park. Braddock Park is located in the northeast corner of Hudson County, New Jersey. The geographic footprint of the park falls entirely within the boundaries of the Township of North Bergen. Hudson County's border with Bergen County, New Jersey is a few blocks north of the park. Braddock Park is owned by the County of Hudson, which has a lease agreement with the Township of North Bergen for partial use of the site, inclusive of the conversion parcel. Braddock Park includes a 16-acre lake and 45 athletic facilities including 21 tennis courts, 3 basketball courts, 3 bocce courts, handball courts, 3 football fields, 6 volleyball courts, 7 little league/softball fields, and an exercise/cross country course. The location of the project area is shown in Figure 5 (marked with a red star) and includes 17 temporary classroom units within the footprint of the Township of North Bergen's leasehold at Braddock Park. The area to be converted is roughly in the center of the park, just to the northwest of the lake.



*Figure 5. Aerial of Braddock Park.*

Geological Resources: The conversion site is open level land planted with grass. There are no trees or shrubs on the site, no streams on the site, and no notable geological features on the site. The conversion parcel is in an area of Greenbelt Loam. Soil characteristics show to entire Braddock Park to be mainly Greenbelt Loam, with smaller areas of Yalesville Loam and a 16 acre body of water. The park is surrounded mostly by urban, developed land.

Air Quality: Hudson County is designated by the US Environmental Protection Agency as a nonattainment area for the 2008 8hr. ozone national ambient air quality standards.

Sound (Noise Impacts): Existing noise levels at the park are low, primarily consisting of traffic, maintenance, and noise generated by special events and typical park use. Noise levels in proximity to the conversion parcel are typically higher during football, soccer and track matches held within the Township's leasehold, as well as pick-up/drop-off times when school is in session.

Water Quality: The park is serviced by municipal sewer operated and maintained by the North Hudson Sewerage Authority. The conversion site is serviced by a pump station wet well that is located directly to the west of the track oval, adjacent to the existing restroom structures which serve the soccer and football fields, track oval and exercise trail. The wet well is regularly

maintained by the North Bergen Department of Parks and Recreation. The station which receives park recreation as well as Pre-K sewage flow is directly connected to the municipal sewer on Bergenline Avenue along the western boundary of Braddock Park. When the level in the tank gets to a pre-set depth, a pump sends all flow out of a force main which extends from the field, across a parking lot, the park road, and a green area to discharge into the main on Bergenline Avenue. At no point in time is there any discharge into the soil or groundwater.

Land Use/Ownership Patterns: Braddock Park is owned in its entirety by the County of Hudson. The County has a lease agreement in place with the Township of North Bergen partial use of the park, inclusive of the conversion parcel.

Circulation and Transportation: Local traffic and traffic generated by park users traverses Braddock Park on interior park roads which are open at all times and restricted to a speed of 25 miles per hour. The paved access way in front of the TCUs, which is considered part of the conversion parcel, is monitored before, during and after school hours and is accessible by foot and by buses and emergency vehicles only. Parking is not permitted within the conversion parcel and is restricted to established parking areas within the Township's leasehold at Braddock Park. The site is within walking distance to major arterial local and county roads including Bergenline Avenue, John F. Kennedy Boulevard, and Palisade Avenue. These routes are served by bus lines which connect to multi-modal public transportation systems, including rail, light rail, subway, ferry, and bus services.

Recreation Resources: Prior to temporary non-conforming use, the parcel proposed for conversion was available for recreational use as the infield of a practice softball field. The field was located within the Township of North Bergen's leasehold with the County of Hudson at Braddock Park, which included, and continues to include, a football field, soccer field, locker room building, dog run, nature trail, and driveways and parking areas. The converted side currently consists of 17 temporary classroom units and a paved access way. Braddock Park includes a 16-acre lake, 8-miles of walking/running trails, and 45 athletic facilities including 21 tennis courts, 3 basketball courts, 3 bocce courts, handball courts, 3 football fields, 6 volleyball courts, 7 little league/softball fields, and an exercise/cross country course (see Figure 6). Other features include a dog run, an arboretum where visitors can learn about tree species in the park, a natural wildlife sanctuary (bird sanctuary), and playgrounds.

Accessibility: The site is accessible to populations with disabilities and is ADA compliant.

Overall Aesthetics: Braddock Park sits atop of the Palisades range and affords views of the Manhattan skyline from the New Jersey side of the Hudson River. The 167 acre park is by far the largest open space property in densely populated and heavily built Hudson County. Features such as the lake, dense tree canopy, bird sanctuary, and concentration of active recreation facilities are unique to Braddock Park within the boundaries of Hudson County.

Socioeconomics: The poverty rate for all people in North Bergen is 16 percent. There are 13,283 children in North Bergen, comprising about 21 percent of the population. Nearly 1 in 4 children live in poverty in North Bergen. The poverty rate for all people in Hudson County is 17 percent. There are 134,283 children in Hudson County, comprising about 20 percent of the population. More than 26 percent of children live in poverty in Hudson County.

Minority and Low-Income Populations: The resident population of North Bergen totals approximately 62,114 people. North Bergen is predominantly Hispanic/Latino, with 73 percent of residents identifying as Hispanic/Latino and the rest of the population identifying as 17 percent

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White/Non-Hispanic, 6 percent Asian, 2 percent Black/African-American and 2 percent Other/Mixed-Race. The resident population of Hudson County totals approximately 654,878 people. Hudson County is highly diverse, with a population that is 43 percent Hispanic/Latino, 30 percent White/Non-Hispanic, 14 percent Asian, 11 percent Black/African-American and 2 percent Other/Mixed-Race.



Figure 6. Map of recreational features at Braddock Park.

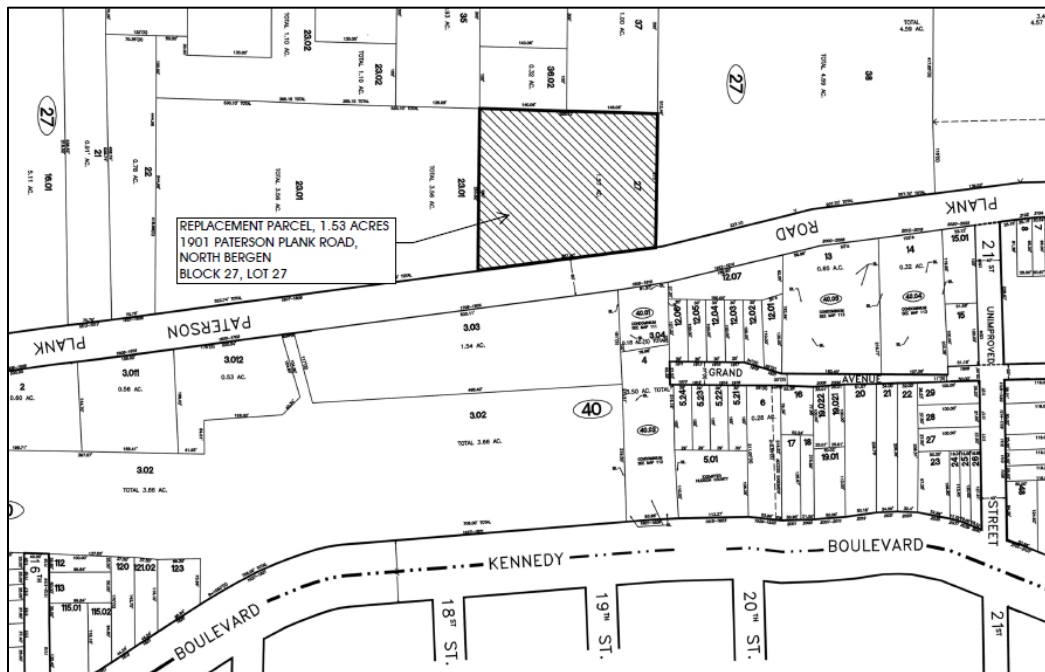
### ▪ 1811 Paterson Plank Road

**Location:** The replacement property is a 1.57 acre parcel located in North Bergen, New Jersey (Hudson County) on Paterson Plank Road (see Figure 7). The property is situated on the western side of the Palisade ridge, overlooking the Meadowlands. The parcel is within the boundaries of a C-2 Highway Business zone which runs to the north, with an Industrial zone to the south and a residential R-3 Moderate Density Zone to the east across Paterson Plank Road. The “Hudson News” site to the south (currently zoned Industrial) has been approved for development as moderate density housing, further increasing the residential population in an area of Hudson County with a limited number of parks and open space.

**Geological Resources:** The NJ DEP’s NJ EMS program lists the parcel in the Hackensack River watershed. There are no streams on the site. There are no extreme geological conditions on the Replacement Parcel site; however, the western third of the parcel is a steep escarpment, dropping down to Tonnelle Avenue. The area is urban in a commercial zone, with industrial, commercial and mid density housing in proximity.

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The roadway slopes past the site, and the parcel is relatively flat to gently sloping, paved land, with limited sloped and treed area along the western boundary. There is a non-operational car wash facility on the parcel. The site is nearly 50% paved (over the level areas) in its current condition.



*Figure 7. Location/Tax Map of Replacement Parcel at Paterson Plank Road.*

Air Quality: Hudson County is designated by the US Environmental Protection Agency as a nonattainment area for the 2008 8hr. ozone national ambient air quality standards.

Sound (Noise Impacts): Paterson Plank Road is a high traffic county road, accommodating north/south traffic in a region where such roadway configurations are limited. The surrounding area is zoned for highway commercial and moderate density residential, with a new moderate density housing development of nearly 300 units approved for construction at adjoining sites.

Water Quality: The site is located in the center of Hudson County and is more than a mile from the Hudson and Hackensack Rivers that form the peninsula. The parcel does not contain or abut any water resources. Marine resources and wetlands do not occur in the project area.

Land Use/Ownership Patterns: The property was privately owned by a commercial entity, who operated the site as a car wash. The County of Hudson acquired the property in September 2014.

Circulation and Transportation: Paterson Plank Road (County Route 681) is a Minor Arterial roadway<sup>2</sup> dating to Colonial America that traverses North Bergen and passes through parts of Hudson, Bergen and Passaic Counties. The corridor runs parallel to US Route 1 at certain segments. Due to Hudson County's narrow configuration, north/south corridors are limited and

<sup>2</sup> According to the New Jersey Department of Transportation's Functional Classification system:  
<http://www.state.nj.us/transportation/refdata/roadway/gismaps/Hudson.pdf>



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Paterson Plank Road is an important transportation route for local residential and commercial traffic.

Wildlife: NJ DFW Landscape Project Mapping and related documents indicate no critical habitats, and no State or Federal threatened or endangered species on the parcel site. There are no classified biological resources on the parcel.

Recreation Resources: There are no recreational resources currently at the site. The property is being converted from commercial to recreational use as preserved parkland. Planned improvements include a children's playground, spray park, lawn and seating areas, walking paths, and other passive recreational features.

Accessibility: There are no existing barriers to site accessibility for populations with disabilities.

Overall Aesthetics: The parcel is situated atop the Palisades ridge and overlooks the Meadowlands.

Historic/Cultural Resources: There are no historic or cultural resources at the site and the site is not within the boundaries of any designated historic or cultural district.

Socioeconomics: The poverty rate for all people in North Bergen is 16 percent. There are 13,283 children in North Bergen, comprising about 21 percent of the population. Nearly 1 in 4 children live in poverty in North Bergen. The poverty rate for all people in Hudson County is 17 percent. There are 134,283 children in Hudson County, comprising about 20 percent of the population. More than 26 percent of children live in poverty in Hudson County.

Minority and Low-Income Populations: The resident population of North Bergen totals approximately 62,114 people. North Bergen is predominantly Hispanic/Latino, with 73 percent of residents identifying as Hispanic/Latino and the rest of the population identifying as 17 percent White/Non-Hispanic, 6 percent Asian, 2 percent Black/African-American and 2 percent Other/Mixed-Race. The resident population of Hudson County totals approximately 654,878 people. Hudson County is highly diverse, with a population that is 43 percent Hispanic/Latino, 30 percent White/Non-Hispanic, 14 percent Asian, 11 percent Black/African-American and 2 percent Other/Mixed-Race.

Land Structures with a History of Contamination: Prior to acquisition the site was operational as a commercial car wash. In February 2015 a Phase 1 Environmental Site Assessment, Asbestos Sampling Survey, and Geophysical Subsurface Investigation were conducted. The analytical results from the asbestos sampling revealed approximately 5,000 square feet of 4ft x 8ft white-painted Transite-type ceiling panels to be asbestos containing. Removal was conducted by a licensed contractor in July 2016. During the subsurface investigation, two (2) underground anomalies were observed on the subject property. These two subsurface features identified on the site were water and gas utility lines and a 25' x 16' rectangular area representative of a reinforced concrete slab, adjacent to the front bay garage door. The report detailed no areas of concern or evidence of environmental contamination at the property.

- **7903-7909 River Road**

[illegible]

**Geological Resources:** The site is an unused, undeveloped lot with heavy vegetation. The parcel is part of the Lower Hudson River Watershed. There is an overland flow on the site, near the southern boundary, which flows into a storm drain adjacent to River Road. There are no extreme geological conditions at the site. The parcel is stable, well drained land, which is moderate to steeply sloping up to Braddock Park.

**Sound (Noise Impacts):** The site is located on an intercounty highway and is contiguous to Braddock Park, where the conversion parcel is located. Intended use of the site is preserved land as an extension of the existing bird sanctuary.

Land Use/Ownership Patterns: The property was purchased by the County of Hudson in December 2015 for the sum of \$730,000. It was previously under private ownership and maintained as undeveloped land.

Page 34 of 68

## APPENDIX 2

Wildlife: NJ DFW Landscape Project Mapping and related documents indicate no critical habitats, and no State or Federal threatened or endangered species on the parcel site. There are no classified biological resources on the parcel.

Recreation Resources: There are no existing recreation resources on site. Hudson County intends to maintain the site in its current condition as an extension of the bird sanctuary in Braddock Park.

Accessibility: The site is accessible to populations with disabilities and is ADA compliant.

Overall Aesthetics: The site is steeply sloping land that rises up to the boundary with Braddock Park. The parcel is heavily vegetated with natural growth.

Historic/Cultural Resources: There are no historic or cultural resources at the site and the site is not within the boundaries of any designated historic or cultural district.

Socioeconomics: The poverty rate for all people in North Bergen is 16 percent. There are 13,283 children in North Bergen, comprising about 21 percent of the population. Nearly 1 in 4 children live in poverty in North Bergen. The poverty rate for all people in Hudson County is 17 percent. There are 134,283 children in Hudson County, comprising about 20 percent of the population. More than 26 percent of children live in poverty in Hudson County.

Minority and Low-Income Populations: The resident population of North Bergen totals approximately 62,114 people. North Bergen is predominantly Hispanic/Latino, with 73 percent of residents identifying as Hispanic/Latino and the rest of the population identifying as 17 percent White/Non-Hispanic, 6 percent Asian, 2 percent Black/African-American and 2 percent Other/Mixed-Race. The resident population of Hudson County totals approximately 654,878 people. Hudson County is highly diverse, with a population that is 43 percent Hispanic/Latino, 30 percent White/Non-Hispanic, 14 percent Asian, 11 percent Black/African-American and 2 percent Other/Mixed-Race.



### **Chapter 4 – Environmental Impacts**

#### **▪ North Bergen Preschool**

Geological Resources: Conversion of the 1.25 acres of parkland, about 0.7% of the total area of the park, will not result in any impacts to geological resources or soils in the park.

Air Quality: Conversion of the property will not result in any changes to air quality in the park.

Sound (Noise Impacts): The proposed conversion will result in minimal increases in noise due to pedestrian, vehicle and bus traffic resulting in pick-up/drop-off routines at the preschool, infrastructure systems such as HVAC at the temporary school, and children occupying the adjoining playground area during school hours. Noise impacts will only occur in the area surrounding the conversion parcel.

Water Quality: There are no natural water features on the site. The pump station wet well and main line connection will remain in place to service the existing athletic complex and temporary school.

Land Use/Ownership Patterns: The property will remain in the ownership of the County of Hudson. Conversion of the property will result in the continued placement of Temporary Classroom Units for the operation of a public preschool program until a suitable and permanent alternative can be identified. At that time, it is possible that the property can be restored to recreational use.

Circulation and Transportation: Conversion of the property will result in minimal changes to park circulation. Nearby parking areas supporting the athletic fields within the leasehold will be used for school staff parking and for pick-up/drop-off. These parking areas are already used by park visitors. The paved access way in front of the temporary school is restricted for bus and emergency vehicle use only. Overall park circulation and transportation will not be impacted beyond the area surrounding the conversion parcel.

Recreation Resources: The proposed conversion will replace a practice softball field with temporary classroom units until a suitable alternative can be identified for permanent location of the preschool. The softball field was obsolete and in a state of disrepair at the time the school was located at the conversion parcel. There remain more than 40 separate athletic facilities within the boundaries of Braddock Park that provide for a wide variety of active recreational uses. The football field, soccer field, and track will remain in their current state for use by youth athletic programs under the Township of North Bergen's leasehold with the County of Hudson. The proposed conversion will not impact other recreational resources in Braddock Park beyond the conversion parcel.

Accessibility: Conversion of the property will not result in changes to accessibility of the site, or Braddock Park as a whole, for individuals with disabilities.

Overall Aesthetics: There are 17 temporary classroom units on the conversion parcel. There is a paved access way that allows for buses and emergency vehicles to access the site, in accordance with New Jersey Department of Education standards for preschool facilities. Each classroom unit is approximately 15 feet in height. The units are only visible within the Township's leasehold and are shielded from other areas of the park by tree and other vegetative growth.

## APPENDIX 2

Many residents visiting the track and other areas of the leasehold have expressed positive feedback regarding the aesthetic impact of placing a temporary school at the site.

Socioeconomics: In 1998, through the verdict issued by *Abbott v. Burke V*, the New Jersey Supreme Court mandated that certain low-income school districts provide public preschool. The requirement outlined the compelling public need for public preschool in order to provide equal opportunity for New Jersey residents, including those of varying socioeconomic levels. The placement of the TCUs at the conversion parcel provides for this compelling public need while a suitable long-term alternative can be identified. The conversion of the parcel will ensure low-income families have access to public preschool services within their community and will not result in any adverse impacts.

Minority and Low-Income Populations: Data from the New Jersey Department of Education confirms that enrollment in the North Bergen preschool program is comprised of 87 percent minority populations. Conversion of the parcel may impact minority residents, but will not adversely affect them.

### ▪ 1811 Paterson Plank Road

Geological Resources: The replacement parcel will be developed for passive recreational use, including walking and enjoying scenic views of the Meadowlands. Tentative plans include a children's playground and spray park to be constructed at the site. Development of the site for recreational use will result in minor disruption to geological resources in order to incorporate pavements and infrastructure needs as part of the park's development. The embankment will be stabilized and the sloped half of the parcel will remain heavily planted or plantings will be enhanced to increase the natural stabilization afforded by the trees and other plants.

Air Quality: Development of the property for recreational use will not result in any changes in air quality at the site.

Sound (Noise Impacts): Prior use of the site was a commercial car wash. Development of the parcel for recreational use will not result in adverse noise impacts.

Water Quality: Proposed conversion of the site from abandoned car wash to parkland will not impact the Meadowlands, Hudson River or other nearby water bodies. Existing impervious area (paved area) will be reduced by more than 11,000 square feet in the proposed park on the replacement parcel. The water from the proposed "spray" water feature will either be absorbed on site (due to increased permeable area), or will be collected in the storm water system. Irrigation has been proposed for proposed planting beds and proposed lawn.

Land Use/Ownership Patterns: The site was acquired by the County of Hudson from a private owner in September 2014. The County intends to lease the site to the Township of North Bergen for development and maintenance as parkland.

Circulation and Transportation: Development of the property for recreational use will require the creation of parking areas. Vehicle access points will be clearly demarcated and separated from play and recreation areas by physical barriers.

Wildlife: The sloping portion of the site will remain intact, providing undisturbed green space for wildlife.

## APPENDIX 2

Recreation Resources: Development of the site for recreational use will introduce new recreational features to the community, including a children's playground and spray park.

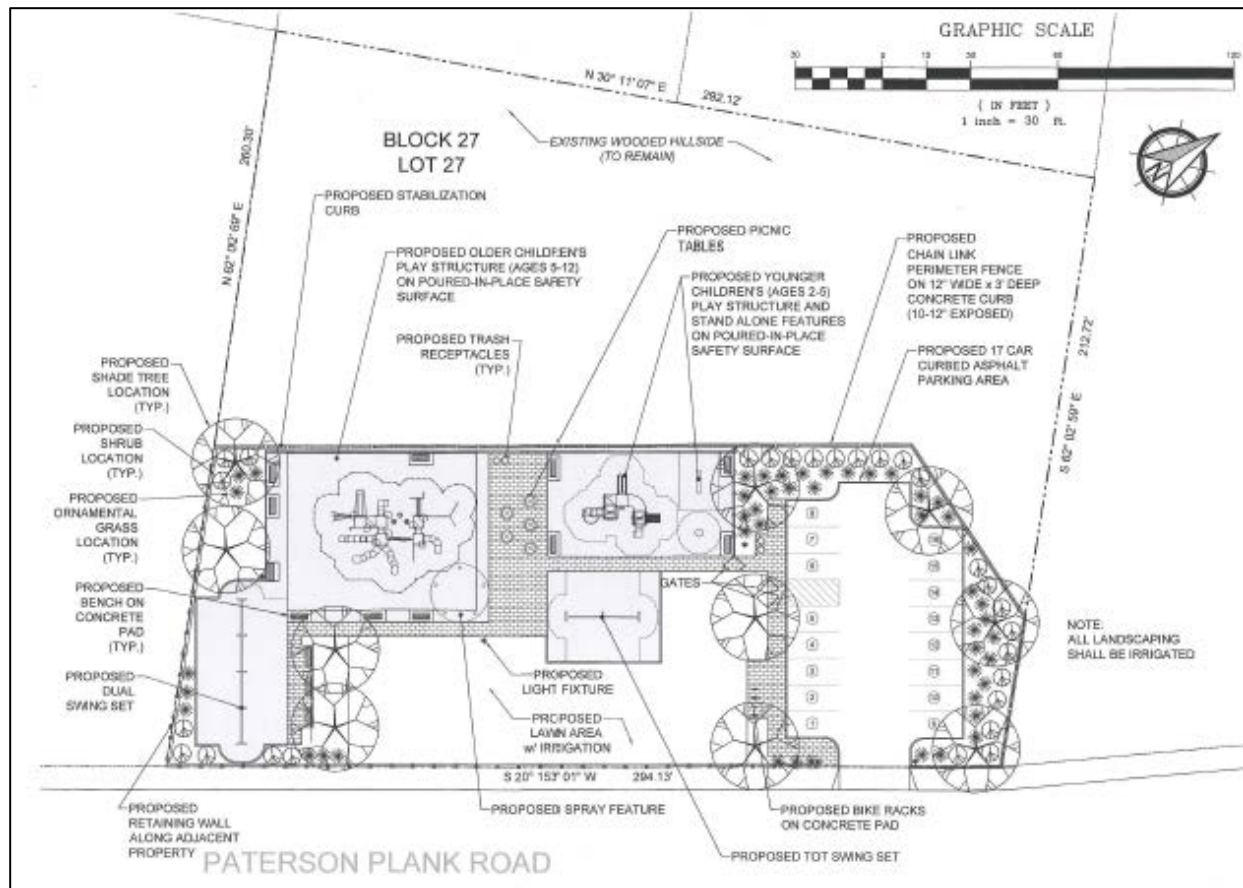


Figure 9. Conceptual plans for development of replacement site on Paterson Plank Road.

Accessibility: The site will remain accessible to populations with disabilities. All improvements will be made in compliance with the Americans with Disabilities Act.

Overall Aesthetics: The site will be redevelopment from prior use as a commercial car wash (since abandoned) into a recreational and green space accommodating children and families with new passive recreation opportunities. Scenic views of the Meadowlands will be preserved.

Historic/Cultural Resources: There are no historic resources at the site.

Socioeconomics: It is not anticipated that use of the site for recreational purposes will have an adverse impact on socioeconomics of the neighborhood.

Minority and Low-Income Populations: The new park will expand neighborhood-level access to recreational opportunities for minority and low-income populations.

Land Structures with a History of Contamination: Asbestos tiles identified in the car wash structure on the site have been abated by certified professionals. No new structures are planned for the site.

## APPENDIX 2

### ▪ 7903-7909 River Road

Geological Resources: The replacement parcel will be preserved in its current state as an expansion of the adjacent bird sanctuary within Braddock Park. There are no significant physical changes planned.

Air Quality: As the land will be preserved in its current state, no changes in air quality are anticipated.

Sound (Noise Impacts): As the land will be preserved in its current state, no changes in noise impacts are anticipated.

Water Quality: As the land will be preserved in its current state, no changes in water quality are anticipated.

Land Use/Ownership Patterns: The property was acquired by the County of Hudson in 2015 and will remain under public ownership as part of the footprint of Braddock Park.

Circulation and Transportation: Development of the property for recreational use will not result in any changes to park circulation or local transportation as only pedestrian access is planned.

Wildlife: There are no anticipated impacts to wildlife as a result of use of the site as a replacement parcel. Expansion of the bird sanctuary will provide additional habitat for birds and associated wildlife.



*Figure 10. Existing conditions of replacement parcel on River Road.*

Recreation Resources: The site will remain in its current state, extending the footprint of the bird sanctuary in Braddock Park. Pedestrian access will allow for limited passive recreation for bird watching.

Accessibility: The site will remain accessible to populations with disabilities.

Overall Aesthetics: The site will be preserved in its current state as conserved land. Conversion of the site to recreational use will expand natural habitat for birds and other wildlife within one of the most densely populated and developed regions of the country.

## APPENDIX 2

Historic/Cultural Resources: There are not historic resources at the site.

Socioeconomics: It is not anticipated that use of the site for recreational purposes will have an adverse impact on socioeconomics of the neighborhood.

Minority and Low-Income Populations: It is not anticipated that use of the site for recreational purposes will have an adverse impact on minority or low-income populations.

### **Chapter 5 – Coordination and Consultation**

This document was jointly prepared by the County of Hudson, Township of North Bergen, and the North Bergen Board of Education in coordination with their hired consultants. Individuals involved in the process of preparing this Environmental Assessment are listed below, with their affiliations.

Nathan Burroughs, Mayo, Lynch & Associates Inc.  
Janet Debari, North Bergen Board of Education  
Grace Lynch, AIA, PP, L+C Design Consultants, PA  
Susan McCurrie, County of Hudson  
Bernadette McPherson, Director of Outreach – Millennium Strategies LLC  
Wanda C. Monahan, County of Hudson  
Patrick T. Mottola, County of Hudson  
Chris Pianese, Township Administrator – Township of North Bergen  
George Solter, Superintendent of Schools – North Bergen Board of Education  
Steven Somick, Business Administrator – North Bergen Board of Education  
Chris Sprague, Director of Client Services – Millennium Strategies LLC  
Rebecca Uss, L+C Design Consultants, PA



DeCOTIS, FITZPATRICK, COLE & GIBLIN, LLP  
Michael J. Ash, Esq. (L.D. # 035042004)  
GlenPointe Centre West  
500 Frank W. Burr Boulevard  
Teaneck, New Jersey 07666  
Attorneys for Plaintiff, the County of Hudson  
(201) 928-1100

**FILED**

JAN 31 2017

MARYK.COSTELLO, P.J. CIVIL

COUNTY OF HUDSON, a Body Corporate and  
Politie of the State of New Jersey

Plaintiff,

v.

7903 RIVER ROAD, LLC; RIVER PLAY, LLC;  
FIRST INDEMNITY OF AMERICA  
INSURANCE COMPANY; BANK OF NEW  
JERSEY; TEACHERS INSURANCE AND  
ANNUITY ASSOCIATION OF AMERICA;  
JANE AND JOHN DOES 1 through 50 (fictitious  
name defendants); and ABC BUSINESS  
ENTITIES (fictitious name defendants),

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - HUDSON COUNTY  
DOCKET NO: HUD—L-2529-15

CIVIL ACTION

**CONSENT ORDER FOR FINAL  
JUDGMENT FIXING JUST  
COMPENSATION**

THIS MATTER having been initiated through the filing of a Verified Complaint and Order to Show Cause by plaintiff the County of Hudson (the "County"), along with a Declaration of Taking and Order for Payment into Court and for Possession, to acquire property owned by defendant 7903 River Road, LLC, designated on the Official Tax Map of North Bergen as Block 437, Lots 2.01 and 2.01, commonly referred to as 7903-09 River Road, North Bergen, Hudson County, New Jersey (the "Property") through condemnation; and the parties having agreed to enter into this Consent Order for Final Judgment Fixing Just Compensation memorializing this settlement; and good cause having been shown;

IT IS on this 31<sup>st</sup> day of January, 2017;

ORDERED, that Judgment be and the same is hereby entered in favor of defendant 7903



River Road, LLC, and against the County in the amount of One Million Four Hundred Ten Thousand (\$1,410,000.00) and 00/100 Dollars, as compensation for the County's acquisition of the Property, which is inclusive of all claims for interest and real estate taxes due as a result of the instant condemnation; and it is further

**ORDERED**, that the County shall be entitled to a credit for the amount of Seven Hundred Thirty Thousand (\$730,000.00) Dollars previously deposited with the Clerk of the Superior Court, which amount was withdrawn by 7903 River Road, LLC; and it is further


**ORDERED**, that defendant 7903 River Road, LLC, release and waive all claims for interest on the Judgment and all claims for reimbursement of real estate taxes paid on the Property so long as the County pays defendants the balance of the Judgment in the amount of Six Hundred Eighty Thousand (\$680,000.00) Dollars to "Diktas Gillen, P.C. Trust Account, I/T/F/ 7093 River Road, LLC, 596 Anderson Avenue, Suite 301, Cliffside Park, New Jersey 07010" on or before March 31, 2017. If the County fails to pay the Judgment during this time period, then defendants shall be entitled to interest on the Judgment from June 12, 2015, the date of filing of the verified complaint, until payment of the Judgment in the amounts set forth within the Court Rules; and it is further

**ORDERED**, that a copy of this Order shall be served upon all remaining parties to this action within seven (7) days from the date hereof.

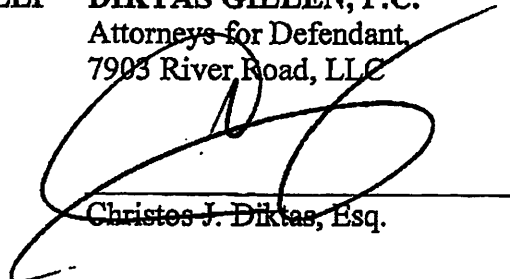
  
Hon. Mary K. Costello, P.J.Civ.

We hereby consent to the form and entry of this Consent Order For Final Judgment Fixing Compensation.

**DeCOTIS, FITZPATRICK, COLE & GIBLIN, LLP**  
Attorneys for Plaintiff, County of Hudson  
Turnpike Authority

  
Michael J. Ash, Esq.

**DIKTAS GILLEN, P.C.**  
Attorneys for Defendant,  
7903 River Road, LLC

  
Christos J. Diktas, Esq.

BOARD OF CHOSEN FREEHOLDERS  
COUNTY OF HUDSON  
RESOLUTION

No. 507-9-2014

On Motion of Freeholder  
Seconded by Freeholder

Liggio  
Maldonado

**AUTHORIZING THE COUNTY OF HUDSON TO INVESTIGATE AND NEGOTIATE WITH CERTAIN PROPERTY OWNERS RELATIVE TO THE POTENTIAL ACQUISITION OF PROPERTIES FOR OPEN SPACE AND RECREATIONAL USE AND FOR COMPLIANCE WITH THE STATE OF NEW JERSEY GREEN ACRES PROGRAM AND UNITED STATES NATIONAL PARK SERVICE LAND AND WATER CONSERVATION FUND STATE ASSISTANCE PROGRAM**

**WHEREAS**, the County of Hudson ("County") is required pursuant to the State of New Jersey Green Acres Program ("Green Acres") and the United States National Park Service Land and Water Conservation Fund State Assistance Program ("LWCF State Assistance Program") to locate and acquire compensatory replacement parkland property for open space and recreational use; and

**WHEREAS**, said parkland property is required as part of the diversion and conversion for a portion of Braddock Park in the Township of North Bergen currently being used by the Township for the placement of school trailers for pre-school public students; and

**WHEREAS**, said use by the Township is a non-recreational purpose inconsistent with the regulations of Green Acres and the LWCF State Assistance Program; and

**WHEREAS**, in furtherance of this undertaking, the County, in consultation with Green Acres has identified certain parcels of real estate which appear best suited as compensatory replacement parkland property; and

**WHEREAS**, it is the intention of the County to locate and construct this parkland at a location or locations and in such a manner to best serve the public needs while enhancing both the local and extended neighborhood; and

**WHEREAS**, there have been several lots identified which appear to be best suited for this project and it would be beneficial for the County to commence further investigations of the sites and good faith negotiations with the respective owners or the properties and/or the agents or contract vendees of the properties; and

**WHEREAS**, the subject lots, all in North Bergen, are known as 1811 Paterson Plank Road (Block 27, Lot 27) and 7903-7909 River Road (Block 437, Lot 2.01 & 2.02); and

**WHEREAS**, the County has negotiated a purchase agreement for the acquisition of 1811 Paterson Plank Road, said acquisition is in the amount of ONE MILLION SIX HUNDRED SEVENTY-FIVE THOUSAND 00/100 DOLLARS (\$1,675,000.00), said acquisition will be funded through the Township of North Bergen as per the Memorandum of Agreement between the County and the Township; and

**WHEREAS**, in consideration for funding the purchase price of 1811 Paterson Plank Road, the County will lease the property to the Township subject to the restrictive use that the parcel be used only as a parkland/recreation area pursuant to Green Acres rules and regulations; and

**WHEREAS**, during the course of negotiations it may be appropriate to investigate other parcels of real property which meet the criteria under the Green Acres program and the LWCF State Assistance Program as compensatory replacement parkland property, and in such case appropriate authorization is also made by this resolution; and

**WHEREAS**, the investigation and negotiation shall be undertaken by appropriate County personnel, and may include the participation of the Hudson County Improvement Authority whose statutory mission includes assisting the County in the provision of public facilities under N.J.S.A. 40:37A-54; and

**WHEREAS**, other than the purchase agreement for 1811 Paterson Plank Road, nothing contained herein shall authorize the acquisition of any parcels of real estate nor permit entering

into any contracts for the acquisition of any parcels identified, which actions shall require the further approval of this Board; and

**WHEREAS**, by way of the Local Land and Building Law, N.J.S.A. 40A:12-5(a)(1) the County is authorized to negotiate agreements and acquire real property for public purposes.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Chosen Freeholders of the County of Hudson that:

1. The aforesaid recitals are incorporated therein as though fully set forth at length.
2. The Board hereby authorizes the County Executive, County Administrator, Deputy County Administrator or their lawfully appointed designee, to enter into the purchase agreement and to acquire the property located at 1811 Paterson Plank Road in the Township of North Bergen for the purchase price of ONE MILLION SIX HUNDRED SEVENTY-FIVE THOUSAND 00/100 DOLLARS (\$1,675,000.00), said purchase price to be funded through the Township of North Bergen as set forth in the Memorandum of Agreement between the County and the Township.
3. The Board hereby authorizes the County Executive, County Administrator, Deputy County Administrator or their lawfully appointed designee, to negotiate and to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
4. The Board further authorizes the County Executive, County Administrator, Deputy County Administrator or their lawfully appointed designee, subject to compliance with the Local Public Contracts Law, to execute any and all documents necessary for the purpose of performing or carrying out any studies, surveys, tests, soundings, borings, appraisals, title searches and title reports, as necessary to determine the value, boundary, ownership, interests or environmental condition of the any parcels defined herein.
5. This resolution shall take effect immediately.

Freeholder	Aye	Nay	Abst	N.P.	Freeholder	Aye	Nay	Abst.	N.P.
Cifelli	/				Rivas	/			
DiDomenico	/				Romano	/			
Dublin	/				Maldonado	/			
Liggio	/				Chairperson Munoz	/			
O'Dea	/								

It is hereby certified that at a regular meeting of the Board of Freeholders of the County of Hudson held on the 11 day of *Sept.* A.D. 2014, the foregoing resolution was adopted with 9 members voting in the affirmative and 0 in the negative.

APPROVED AS TO LEGAL FORM

BY:  
DONATO J. BATTISTA  
HUDSON COUNTY COUNSEL

Source: Law  
SMC:dmp

*[Signature]*  
Clerk

BOARD OF CHOSEN FREEHOLDERS  
COUNTY OF HUDSON  
RESOLUTION

No. 639-11-2014

On Motion of Freeholder Haldondo  
Seconded by Freeholder Liggio

AUTHORIZING THE COUNTY OF HUDSON  
TO ACQUIRE PROPERTIES LOCATED IN  
THE TOWNSHIP OF NORTH BERGEN, NEW  
JERSEY, AND DESIGNATED ON THE TAX  
MAPS AS BLOCK 437, LOTS 2.01 & 2.02

WHEREAS, the Board of Chosen Freeholders on September 11, 2014 adopted Resolution No. 507-9-2014 determining the property located at 7903-7909 River Road (Block 437, Lots 2.01 & 2.02) in the Township of North Bergen (herein referred to as the "Property") as potential compensatory replacement parkland as required by the New Jersey Department of Environmental Protection (herein referred to as "NJDEP") Green Acres Diversion Process; and

WHEREAS, the County has determined that it is necessary to acquire the parcel in fee simple or a lesser interest, as appropriate; and

WHEREAS, the County intends to acquire the property for a public purpose, which includes enlarging and adding to the adjacent public park area commonly referred to as "The Bird Sanctuary" North Hudson Braddock Park, North Bergen; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5(a)(1) of the Local Land and Buildings Law, the County of Hudson (the "County") is authorized to acquire any real property, capital improvement, or personal property by purchase, gift, devise, lease, exchange, condemnation or installment purchase agreement; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF HUDSON, NEW JERSEY, AS FOLLOWS:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The Board hereby authorizes the County Executive, Thomas A. DeGise, County Administrator, Abraham Antun, Deputy County Administrator, Laurie Cotter or their lawfully appointed designee, to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution which includes to acquire the properties located in the Township of North Bergen Block 437, Lots 2.01 & 2.02 by purchase or condemnation pursuant to the authority of N.J.S.A. 40A:12-5(a)(1) of the Local Lands and Buildings Law and the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq.
3. Further the Board hereby authorizes the County Executive, Thomas A. DeGise, County Administrator, Abraham Antun, Deputy County Administrator Laurie Cotter or their lawfully appointed designee, to execute any and all documents necessary for the purpose of performing or carrying out any studies, surveys, tests, soundings, borings, appraisals, title searches and title reports, as necessary to determine the value, boundary, ownership, interests or environmental condition of the Property and to take any action required to obtain fee simple title or a lesser interest in the Property, if necessary.
4. All prior actions taken by the County or its officials and employees in furtherance of the acquisition of the Property are hereby ratified.

BOARD OF CHOSEN FREEHOLDERS  
COUNTY OF HUDSON

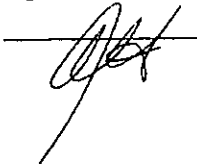
RESOLUTION

On Motion of Freeholder  
Seconded by Freeholder

5. This Resolution shall take effect immediately.

Freeholder	Aye	Nay	Abst.	N.P.	Freeholder	Aye	Nay	Abst.	N.P.
Cifelli	✓				Rivas				✓
DiDomenico	✓				Romano	✓			
Dublin	✓				Maldonado	✓			
Uggio	✓				Chairperson Munoz	✓			
O'Dea	✓								

It is hereby certified that at a regular meeting of the Board of Freeholders of the County of Hudson held on the 13 day of Nov A.D. 2014, the foregoing resolution was adopted with 8 members voting in the affirmative and 0 in the negative.

 Clerk

APPROVED AS TO LEGAL FORM

BY: DONATO J. BATTISTA  
HUDSON COUNTY COUNSEL

Source: Law  
SMC:dmp

**Green Acres Program  
State House Commission Pre-Application  
Local Parkland—Major Disposal/diversion**

14th Street Viaduct, Hoboken, Replacement Parcel

**ATTACHMENT IV: PERMIT/APPROVAL CHECKLIST**

This is a listing of any Federal, interstate, State and local approvals or permits required for the proposed project. Please include the application, permit, or docket number, the status of each permit or approval and the name and phone number of the contact at the Federal, interstate, State or local agency responsible for giving approval or permit issuance.

- ☐ Federal Approvals/Permits: N/A \_\_\_\_\_
- ☐ Federal Consistency Determination: N/A \_\_\_\_\_
- ☐ Interstate Approvals/Permits: N/A \_\_\_\_\_
- ☐ County/Municipal Approvals: N/A \_\_\_\_\_

**State Approvals/Permits**

- ☐ CAFRA  
Exemption Request: N/A \_\_\_\_\_  
Individual Permit: \_\_\_\_\_  
General Permit: \_\_\_\_\_  
Permit by Rule: \_\_\_\_\_
- ☐ D&R Canal Commission Certificate: N/A \_\_\_\_\_
- ☐ Dam Safety Permit: N/A \_\_\_\_\_
- ☐ Freshwater Wetlands  
Exemption: N/A \_\_\_\_\_  
Individual Permit: \_\_\_\_\_  
Transition Area Waiver: \_\_\_\_\_  
Letter of Interpretation: \_\_\_\_\_  
General Permit (specify #): \_\_\_\_\_  
Open Water Fill Permit: \_\_\_\_\_
- ☐ Highlands  
Resource Area Determination: N/A \_\_\_\_\_  
Preservation Area Approval: \_\_\_\_\_  
HPAA with Waiver: \_\_\_\_\_  
HPAA Emergency: \_\_\_\_\_  
Pre- Application: \_\_\_\_\_

## APPENDIX 7

### Green Acres Program State House Commission Pre-Application Local Parkland—Major Disposal/diversion

☐ Pinelands Certificate of Filing: NA

☐ Stream Encroachment  
Waiver: N/A  
Permit: \_\_\_\_\_

☐ Tidal Wetlands (1970) Permit: N/A

☐ Tidelands (Riparian) Conveyance: N/A

☐ Upland Waterfront Development  
Residential: N/A  
Commercial: \_\_\_\_\_

☐ Water Quality Certificate: N/A

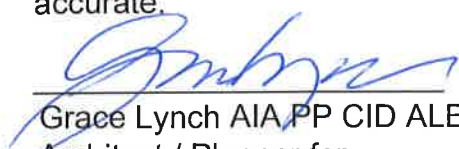
☐ Waterfront Development Permit  
Individual: N/A  
Commercial: \_\_\_\_\_

☐ Jurisdictional Determination: N/A

☐ Permit Modification (Specify # & type) N/A

☒ Other: Work to establish this urban park (below the viaduct) is now complete.  
Future modifications are subject to Local City, County, and State regulations  
and review processes.

I hereby certify that the information provided in this Permit/Approval Checklist is true and accurate.

  
Grace Lynch AIA PP CID ALEP LEED AP  
Architect / Planner for  
North Bergen Board of Education

8.3.2017  
Date



**Green Acres Program  
State House Commission Pre-Application  
Local Parkland—Major Disposal/diversion**

Paterson Plank Road, Replacement Parcel

**ATTACHMENT IV: PERMIT/APPROVAL CHECKLIST**

This is a listing of any Federal, interstate, State and local approvals or permits required for the proposed project. Please include the application, permit, or docket number, the status of each permit or approval and the name and phone number of the contact at the Federal, interstate, State or local agency responsible for giving approval or permit issuance.

☐ Federal Approvals/Permits: N/A

☐ Federal Consistency Determination: N/A

☐ Interstate Approvals/Permits: N/A

☒ County/Municipal Approvals: Future improvements on the subject site are subject to County & Municipal review.  
Township of North Bergen Building Department / Code Enforcement: 201 392 2051

**State Approvals/Permits**

☐ CAFRA  
Exemption Request: N/A  
Individual Permit: \_\_\_\_\_  
General Permit: \_\_\_\_\_  
Permit by Rule: \_\_\_\_\_

☐ D&R Canal Commission Certificate: N/A

☐ Dam Safety Permit: N/A

☐ Freshwater Wetlands  
Exemption: N/A  
Individual Permit: \_\_\_\_\_  
Transition Area Waiver: \_\_\_\_\_  
Letter of Interpretation: \_\_\_\_\_  
General Permit (specify #): \_\_\_\_\_  
Open Water Fill Permit: \_\_\_\_\_


☐ Highlands  
Resource Area Determination: N/A  
Preservation Area Approval: \_\_\_\_\_  
HPAA with Waiver: \_\_\_\_\_  
HPAA Emergency: \_\_\_\_\_  
Pre- Application: \_\_\_\_\_

## APPENDIX 7

### Green Acres Program State House Commission Pre-Application Local Parkland—Major Disposal/diversion

<input type="checkbox"/> Pinelands Certificate of Filing:	<u>NA</u>
<input type="checkbox"/> Stream Encroachment Waiver:	<u>N/A</u>
Permit:	
<input type="checkbox"/> Tidal Wetlands (1970) Permit:	<u>N/A</u>
<input type="checkbox"/> Tidelands (Riparian) Conveyance:	<u>N/A</u>
<input type="checkbox"/> Upland Waterfront Development Residential:	<u>N/A</u>
Commercial:	
<input type="checkbox"/> Water Quality Certificate:	<u>N/A</u>
<input type="checkbox"/> Waterfront Development Permit Individual:	<u>N/A</u>
Commercial:	
<input checked="" type="checkbox"/> Jurisdictional Determination:	Future improvements on the subject site are subject to County & Municipal review. Township of North Bergen Building Department / Code Enforcement: 201 392 2051 Any work, ongoing or future, is subject to County and Municipal review.
<input type="checkbox"/> Permit Modification (Specify # & type)	
<input type="checkbox"/> Other:	

I hereby certify that the information provided in this Permit/Approval Checklist is true and accurate.

  
Grace Lynch AIA PP CID ALEP LEED AP  
Architect / Planner for  
North Bergen Board of Education

8.3.17  
Date

**Green Acres Program  
State House Commission Pre-Application  
Local Parkland—Major Disposal/diversion**

North Hudson Park, Pre-Kindergarten Diversion Site

**ATTACHMENT IV: PERMIT/APPROVAL CHECKLIST**

This is a listing of any Federal, interstate, State and local approvals or permits required for the proposed project. Please include the application, permit, or docket number, the status of each permit or approval and the name and phone number of the contact at the Federal, interstate, State or local agency responsible for giving approval or permit issuance.

☐ Federal Approvals/Permits: N/A

☐ Federal Consistency Determination: N/A

☐ Interstate Approvals/Permits: N/A

☒ County/Municipal Approvals: Future improvements on the subject site are subject to County and Municipal review.  
Township of North Bergen Building Department / Code Enforcement: 201 392 2051

**State Approvals/Permits**

☐ CAFRA  
Exemption Request: N/A  
Individual Permit: \_\_\_\_\_  
General Permit: \_\_\_\_\_  
Permit by Rule: \_\_\_\_\_

☐ D&R Canal Commission Certificate: N/A

☐ Dam Safety Permit: N/A


☐ Freshwater Wetlands  
Exemption: N/A  
Individual Permit: \_\_\_\_\_  
Transition Area Waiver: \_\_\_\_\_  
Letter of Interpretation: \_\_\_\_\_  
General Permit (specify #): \_\_\_\_\_  
Open Water Fill Permit: \_\_\_\_\_

☐ Highlands  
Resource Area Determination: N/A  
Preservation Area Approval: \_\_\_\_\_  
HPAA with Waiver: \_\_\_\_\_  
HPAA Emergency: \_\_\_\_\_  
Pre- Application: \_\_\_\_\_

**Green Acres Program  
State House Commission Pre-Application  
Local Parkland—Major Disposal/diversion**

<input type="checkbox"/> Pinelands Certificate of Filing:	<u>NA</u>
<input type="checkbox"/> Stream Encroachment Waiver:	<u>N/A</u>
Permit:	
<input type="checkbox"/> Tidal Wetlands (1970) Permit:	<u>N/A</u>
<input type="checkbox"/> Tidelands (Riparian) Conveyance:	<u>N/A</u>
<input type="checkbox"/> Upland Waterfront Development Residential:	<u>N/A</u>
Commercial:	
<input type="checkbox"/> Water Quality Certificate:	<u>N/A</u>
<input type="checkbox"/> Waterfront Development Permit Individual:	<u>N/A</u>
Commercial:	
<input checked="" type="checkbox"/> Jurisdictional Determination:	Future improvements are subject to NJ DOE review for educational requirements; NJ State and local building code review (North Bergen Bldg Dept 201 392 2051); and local Municipal Utilities Authority 201 422 0100).
<input type="checkbox"/> Permit Modification (Specify # & type)	<u>N/A</u>
<input type="checkbox"/> Other:	

I hereby certify that the information provided in this Permit/Approval Checklist is true and accurate.

  
Grace Lynch AIA PP CID ALEP LEED AP  
Architect / Planner for  
North Bergen Board of Education

8.3.17  
Date

**Green Acres Program  
State House Commission Pre-Application  
Local Parkland—Major Disposal/diversion**

River Road "bird sanctuary" - replacement parcel

**ATTACHMENT IV: PERMIT/APPROVAL CHECKLIST**

This is a listing of any Federal, interstate, State and local approvals or permits required for the proposed project. Please include the application, permit, or docket number, the status of each permit or approval and the name and phone number of the contact at the Federal, interstate, State or local agency responsible for giving approval or permit issuance.

☐ Federal Approvals/Permits: N/A

☐ Federal Consistency Determination: N/A

☐ Interstate Approvals/Permits: N/A

☒ County/Municipal Approvals: Future improvements on the subject site are subject to County and Municipal review.  
Township of North Bergen Building Department / Code Enforcement: 201 392 2051

**State Approvals/Permits**

☐ CAFRA  
Exemption Request: N/A  
Individual Permit: \_\_\_\_\_  
General Permit: \_\_\_\_\_  
Permit by Rule: \_\_\_\_\_

☐ D&R Canal Commission Certificate: N/A

☐ Dam Safety Permit: N/A

☐ Freshwater Wetlands  
Exemption: N/A  
Individual Permit: \_\_\_\_\_  
Transition Area Waiver: \_\_\_\_\_  
Letter of Interpretation: \_\_\_\_\_  
General Permit (specify #): \_\_\_\_\_  
Open Water Fill Permit: \_\_\_\_\_

☐ Highlands  
Resource Area Determination: N/A  
Preservation Area Approval: \_\_\_\_\_  
HPAA with Waiver: \_\_\_\_\_  
HPAA Emergency: \_\_\_\_\_  
Pre- Application: \_\_\_\_\_

**Green Acres Program  
State House Commission Pre-Application  
Local Parkland—Major Disposal/diversion**

☐ Pinelands Certificate of Filing: NA

☐ Stream Encroachment

Waiver:

Permit:

N/A

☐ Tidal Wetlands (1970) Permit:

N/A

☐ Tidelands (Riparian) Conveyance:

N/A

☐ Upland Waterfront Development

Residential:

Commercial:

N/A

☐ Water Quality Certificate:

N/A

☐ Waterfront Development Permit

Individual:

Commercial:

N/A

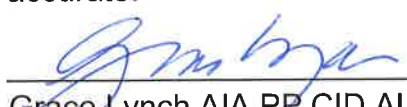
☒ Jurisdictional Determination:

Future improvements are subject to NJ DOE review for educational requirements; NJ State and local building code review (North Bergen Bldg Dept 201 392 2051); and local Municipal Utilities Authority 201 422 0100).

☐ Permit Modification (Specify # & type) N/A

☐ Other:

I hereby certify that the information provided in this Permit/Approval Checklist is true and accurate.

  
Grace Lynch AIA PP CID ALEP LEED AP  
Architect / Planner for  
North Bergen Board of Education

8.3.2017  
Date



## APPENDIX 8



20150928010088670 1/6  
09/28/2015 11:12:21 AM DEED  
Bk: 9065 Pg: 790  
Pamela E. Gardner  
Hudson County, Register of Deeds  
Receipt No. 1057183

Prepared By:

Robert Davis, Esq.

### DEED

A COPY OF THIS DEED  
HAS BEEN SENT TO ASSESSOR'S OFFICE 2

This Deed is made on the 25<sup>th</sup> day of September 2015

BETWEEN

1811 PPR, LLC,

A Limited Liability Company of the State of New Jersey

Having its principal office at

37 Lincoln Avenue  
Cliffside Park, New Jersey 07010

Referred to as the "Grantor."

AND

COUNTY OF HUDSON, A BODY CORPORATE AND POLITIC OF THE STATE OF  
NEW JERSEY

Whose post office address is about to be

567 Pavonia Avenue  
Jersey City, New Jersey 07306

Referred to as the "Grantee."

20150928010088670  
9/28/2015 11:12:00 AM  
Consideration: \$1,675,000.00  
Exempt Code: Exempt  
County: \$ .00 State: \$ .00  
NJAHF \$ .00 PHPF: \$ .00  
EAA: \$ .00 General: \$ .00  
Buyer's Fee: \$ .00  
Total RTF: \$ .00

1. **Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property (called the "Property") described below to the Grantee. This transfer is made for the sum of **One Million Six Hundred Seventy Five Thousand and 00/100 (\$1,675,000.00) Dollars.**

The Grantor acknowledges receipt of this money.

2. **Tax Map Reference.** (N.J.S.A. 46:15-1.1) Municipality of North Bergen. Block No. 27 Lot No. 27.
3. **Property.** The Property consists of the land and all the buildings and structures on the land in the Township of North Bergen, County of Hudson, and State of New Jersey. The legal description is annexed hereto and made a part hereof.

Being the same Property transferred to Grantor by Deed from Rafi Yacoubian, married, dated December 15, 2010, and recorded January 13, 2011 in the Hudson County Clerk/Register's Office in Deed Book 8772, Page 475.

The Street Address for the property is 1811 Paterson Plank Road, North Bergen, New Jersey.

4. **Promises by Grantor.** The Grantor promises that the Grantor has done no act to encumber the Property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise

date of the top of the last page.

and benefits to society.

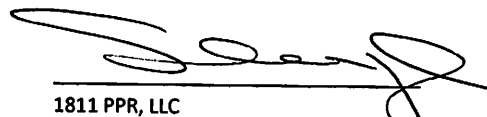
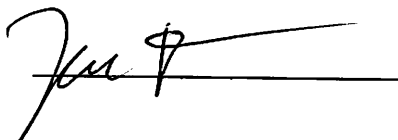
1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the situation.

## APPENDIX 8

means that the Grantor has not allowed anyone else to obtain any legal rights which affect the Property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

5. **Signatures.** This Deed is signed and attested to by the Grantor's proper corporate officers as of the date at the top of the first page.

Witnessed or Attested By:

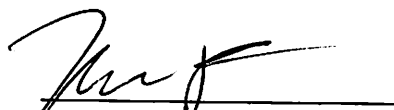


1811 PPR, LLC  
By: Joe Slusarczyk, Its Managing Member

STATE OF NEW JERSEY )  
COUNTY OF BERGEN )  
SS:

I CERTIFY that on September 24, 2015, Joe Slusarczyk personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- (a) Was the maker of the attached Deed;
- (b) Was authorized to and did execute this Deed as the Managing Member of 1811 PPR, LLC, the entity named in this Deed;
- (c) Made this Deed for \$1,675,000.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5); and
- (d) Executed this Deed as an act of the entity.



Robert Davis, Esq.  
Attorney at Law State of New Jersey

RECORD AND RETURN TO:

Hudson Realty Abstract Co.  
659 Newark Avenue  
Jersey City, New Jersey 07306





Hudson County  
Division  
of  
Planning

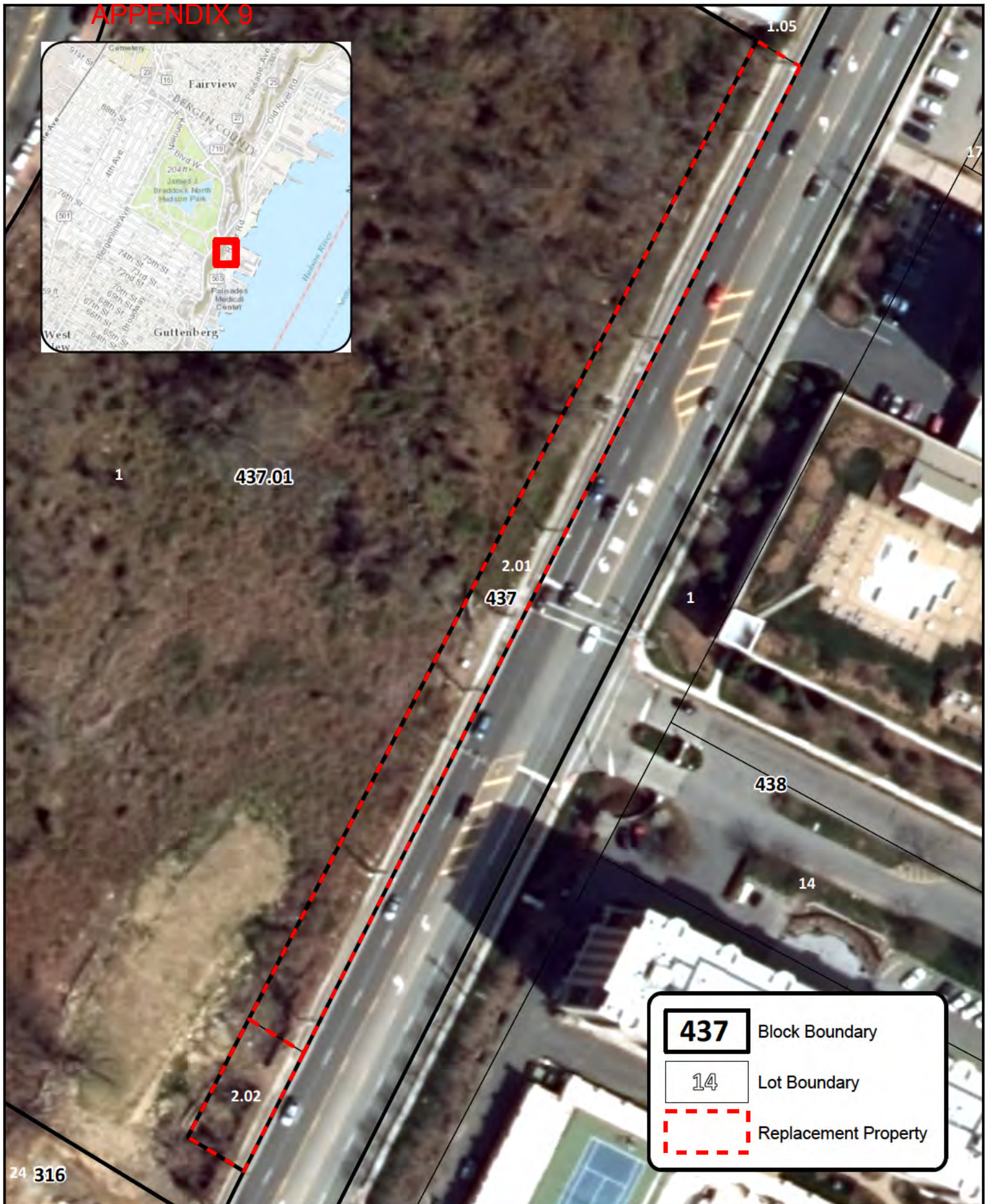
**Figure 1**  
Aerial image of James J. Braddock Park in North Bergen, NJ,  
highlighting the diversion area associated with the  
North Bergen School District Office School Facility.  
Source: NJGIN 2015 Orthoimagery

0 22.5 45 90  
Feet  
1 inch = 90 feet



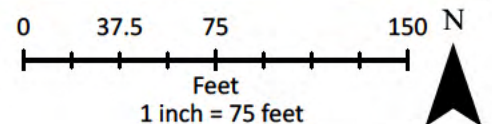


# APPENDIX 9



Hudson County  
Division  
of  
Planning

**Figure 2**  
Aerial image of 7903-7909 River Road, North Bergen, NJ  
(Block 437, Lots 2.01 & 2.02).  
Source: 2015 GN 2015 Orthoimagery





**APPENDIX 9**

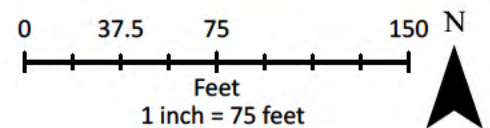
This aerial map displays a city block with various lot boundaries and a replacement property highlighted. The map includes the following lot numbers and boundaries:

- Block Boundary:** Indicated by a solid black line.
- Lot Boundary:** Indicated by a solid black line.
- Replacement Property:** Indicated by a dashed red line.

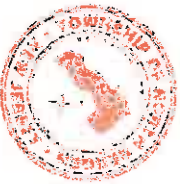
The replacement property is located in the center of the block, bounded by a dashed red line. The lot numbers visible on the map are 38.01, 12.01, 40.01, 3.031, 40, 23.01, 27, 36.02, 36.01, 35, and 23.02. An inset map in the top left corner shows the location of the block within a larger city grid, with a red rectangle highlighting the area shown in the main map.



**Figure 3**  
Aerial image of 1811 Paterson Plank Rd, North Bergen, NJ  
(Block 437, Lots 2.01 & 2.02).  
Source: 360RN 2015 Orthoimagery







TOWNSHIP OF NORTH BERGEN  
DEPARTMENT OF PUBLIC AFFAIRS  
4233 KENNEDY BOULEVARD  
NORTH BERGEN, NEW JERSEY 07047

CHRISTOPHER PIANESE  
TOWNSHIP ADMINISTRATOR

SEP 22 2014  
10:41  
SEP 22 2014  
00:00:00  
00:00:00

September 17, 2014

Massiel Medina Ferrara, PP/AICP  
Division Chief/Planning Board Secretary  
Hudson County Division of Planning  
Meadowview Campus, Bldg. 1, 2<sup>nd</sup> Floor  
595 County Avenue  
Secaucus, New Jersey 07094

**RE: Notice of Scoping Hearing for Proposed Diversion**

Dear Ms. Ferrara,

The purpose of this letter is to inform you that the Township of North Bergen and the County of Hudson have contacted the New Jersey Department of Environmental Protection, Green Acres Program proposing to divert approximately 1.1 acres of the James J. Braddock North Hudson County Park in order to keep the North Bergen Pre-School in its current location within the park. A scoping hearing will be held at the North Bergen High School Auditorium – 7417 Kennedy Boulevard, North Bergen, NJ 07047 – on Tuesday October 21, 2014 in order to obtain public comment this proposal. Pursuant to N.J.A.C. 7:36-26.8(c), on or before September 21, 2014 all interested parties will be notified of this hearing and invited to attend and participate.

As per the various methods of notification required by this process, the public will be provided the additional means by which to comment on the matter by submitting said comments to this office at 4233 Kennedy Boulevard, North Bergen, NJ 07047; to the office of the Hudson County Administrator at 567 Pavonia Ave., 4<sup>th</sup> fl., Jersey City, NJ 07306; or to the North Bergen Diversion coordinator at (908) 763-2077.

Please do not hesitate to contact me or any of the other designated offices with questions or comments.

Sincerely,

Christopher Pianese  
Township Administrator

Chris Pianese  
North Bergen Township  
4233 Kennedy Boulevard  
North Bergen, NJ 07047



Massiel Ferrara, PP/AICP  
Hudson County Open Space Advisory Board  
Hudson County Division of Planning  
Meadowview Campus, Bldg. 1, 2<sup>nd</sup> Floor  
595 County Avenue  
Secaucus, New Jersey 07094



CHIEF TOWNSHIP FINANCER  
TOWNSHIP OF NORTH BERGEN, NJ

TOWNSHIP OF NORTH BERGEN  
DEPARTMENT OF PUBLIC AFFAIRS  
4233 KENNEDY BOULEVARD  
NORTH BERGEN, NJ 07047

PERMIT NO. 10011898-2027  
10/2  
30011898-7604  
ISSUED BY THE TOWNSHIP

September 17, 2014

Randi Moore  
Division Director  
Hudson County Division of Housing and Community Development  
257 Cornelison Ave, 2<sup>nd</sup> Floor  
Jersey City, NJ 07302

**RE: Notice of Scoping Hearing for Proposed Diversion**

Dear Ms. Moore,

The purpose of this letter is to inform you that the Township of North Bergen and the County of Hudson have contacted the New Jersey Department of Environmental Protection, Green Acres Program proposing to divert approximately 1.1 acres of the James J. Braddock North Hudson County Park in order to keep the North Bergen Pre-School in its current location within the park. A scoping hearing will be held at the North Bergen High School Auditorium – 7417 Kennedy Boulevard, North Bergen, NJ 07047 – on Tuesday October 21, 2014 in order to obtain public comment this proposal. Pursuant to N.J.A.C. 7:36-26.8(c), on or before September 21, 2014 all interested parties will be notified of this hearing and invited to attend and participate.

As per the various methods of notification required by this process, the public will be provided the additional means by which to comment on the matter by submitting said comments to this office at 4233 Kennedy Boulevard, North Bergen, NJ 07047; to the office of the Hudson County Administrator at 567 Pavonia Ave., 4<sup>th</sup> fl., Jersey City, NJ 07306; or to the North Bergen Diversion coordinator at (908) 763-2077.

Please do not hesitate to contact me or any of the other designated offices with questions or comments.

Sincerely,

Christopher Pianese  
Township Administrator

Chris Pianese  
North Bergen Township  
4233 Kennedy Boulevard  
North Bergen, NJ 07047

APPENDIX 1



Randi Moore  
Division Director  
Hudson County Division of Housing and Community Development  
257 Cornelison Ave, 2<sup>nd</sup> Floor  
Jersey City, NJ 07302





CHIEF OF PUBLIC AFFAIRS  
TOWNSHIP OF NORTH BERGEN

TOWNSHIP OF NORTH BERGEN  
DEPARTMENT OF PUBLIC AFFAIRS  
4223 KENNEDY BOULEVARD  
NORTH BERGEN, NEW JERSEY 07047

TELEPHONE: (201) 362-8027  
FAX: (201) 360-7694  
E-MAIL: info@northbergen.org

September 17, 2014

Martha Sullivan Sapp  
State of New Jersey  
Department of Environmental Protection  
Green Acres Program  
Mail Code 501-01  
P.O. Box 420  
Trenton, NJ 08625-0420

**RE: Notice of Scoping Hearing for Proposed Diversion**

Dear Chief Sapp,

The purpose of this letter is to inform you that the Township of North Bergen and the County of Hudson will be hosting a scoping hearing at the North Bergen High School Auditorium – 7417 Kennedy Boulevard, North Bergen, NJ 07047 – on Tuesday October 21, 2014 in order to discuss our proposal to divert 1.1 acres of the James J. Braddock North Hudson County Park so that the North Bergen Pre-School can remain in its current location within the park. Pursuant to N.J.A.C. 7:36-26.8(c), on or before September 21, 2014 all interested parties will be notified of this hearing and invited to attend and participate.

As per the various methods of notification required by this process, the public will be provided the additional means by which to comment on the matter by submitting said comments to this office at 4233 Kennedy Boulevard, North Bergen, NJ 07047; to the office of the Hudson County Administrator at 567 Pavonia Ave., 4<sup>th</sup> fl., Jersey City, NJ 07306; or to the North Bergen Diversion coordinator at (908) 763-2077.

We are grateful for your guidance throughout this process. Please do not hesitate to contact me or any of the other designated offices with questions or comments.

Sincerely,

Christopher Pianese  
Township Administrator

Chris Pianese  
North Bergen Township  
4233 Kennedy Boulevard  
North Bergen, NJ 07047

APPENDIX 1





CHRISTOPHER PIANESE  
Township Administrator

TOWNSHIP OF NORTH BERGEN  
DEPARTMENT OF PUBLIC AFFAIRS  
4233 KENNEDY BOULEVARD  
NORTH BERGEN, NEW JERSEY 07047

SEP 17 2014  
11:02 AM  
4233 KENNEDY BLVD  
NORTH BERGEN, NJ 07047

September 17, 2014

Gerry Baker  
Planning Board Secretary  
North Bergen Township Planning Board  
4233 Kennedy Blvd. Room #201  
North Bergen, NJ 07047

**RE: Notice of Scoping Hearing for Proposed Diversion**

Dear Ms. Baker,

The purpose of this letter is to inform you that the Township of North Bergen and the County of Hudson have contacted the New Jersey Department of Environmental Protection, Green Acres Program proposing to divert approximately 1.1 acres of the James J. Braddock North Hudson County Park in order to keep the North Bergen Pre-School in its current location within the park. A scoping hearing will be held at the North Bergen High School Auditorium – 7417 Kennedy Boulevard, North Bergen, NJ 07047 – on Tuesday October 21, 2014 in order to obtain public comment this proposal. Pursuant to N.J.A.C. 7:36-26.8(c), on or before September 21, 2014 all interested parties will be notified of this hearing and invited to attend and participate.

As per the various methods of notification required by this process, the public will be provided the additional means by which to comment on the matter by submitting said comments to this office at 4233 Kennedy Boulevard, North Bergen, NJ 07047; to the office of the Hudson County Administrator at 567 Pavonia Ave., 4<sup>th</sup> fl., Jersey City, NJ 07306; or to the North Bergen Diversion coordinator at (908) 763-2077.

Please do not hesitate to contact me or any of the other designated offices with questions or comments.

Sincerely,

Christopher Pianese  
Township Administrator

Chris Pianese  
North Bergen Township  
4233 Kennedy Boulevard  
North Bergen, NJ 07047

APPENDIX 1



Gerry Baker  
Planning Board Secretary  
North Bergen Township Planning Board  
4233 Kennedy Blvd., Room #201  
North Bergen, NJ 07047





TOWNSHIP OF NORTH BERGEN  
DEPARTMENT OF PLANNING AFFAIRS  
4233 KENNEDY BOULEVARD  
NORTH BERGEN, NEW JERSEY 07047

CHRISTOPHER PIANESE  
TOWNSHIP OF NORTH BERGEN

TELEPHONE  
(201) 362-8087  
FAX  
(201) 360-7694  
ONLINE: www.northbergen.org

September 17, 2014

Massiel Ferrara, PP/AICP  
Hudson County Open Space Advisory Board  
Hudson County Division of Planning  
Meadowview Campus, Bldg. 1, 2<sup>nd</sup> Floor  
595 County Avenue  
Secaucus, New Jersey 07094

**RE: Notice of Scoping Hearing for Proposed Diversion**

Dear Hudson County Open Space Advisory Board,

The purpose of this letter is to inform you that the Township of North Bergen and the County of Hudson have contacted the New Jersey Department of Environmental Protection, Green Acres Program proposing to divert approximately 1.1 acres of the James J. Braddock North Hudson County Park in order to keep the North Bergen Pre-School in its current location within the park. A scoping hearing will be held at the North Bergen High School Auditorium – 7417 Kennedy Boulevard, North Bergen, NJ 07047 – on Tuesday October 21, 2014 in order to obtain public comment this proposal. Pursuant to N.J.A.C. 7:36-26.8(c), on or before September 21, 2014 all interested parties will be notified of this hearing and invited to attend and participate.

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Please do not hesitate to contact me or any of the other designated offices with questions or comments.

Sincerely,

Christopher Pianese  
Township Administrator

Chris Pianese  
North Bergen Township  
4233 Kennedy Boulevard  
North Bergen, NJ 07047

APPENDIX



UNITED STATES POSTAGE  
02 1P  
0002919887  
MAILED FROM ZIP

Massiel Medina Ferrara, PP/AICP  
Division Chief/Planning Board Secretary  
Hudson County Division of Planning  
Meadowview Campus, Bldg. 1, 2<sup>nd</sup> Floor  
595 County Avenue





DEPARTMENT OF PUBLIC WORKS  
TOWNSHIP OF NORTH BERGEN, NEW JERSEY

TOWNSHIP OF NORTH BERGEN  
DEPARTMENT OF PUBLIC WORKS  
4525 HIGHTOWER BLVD.  
NORTH BERGEN, NEW JERSEY 07047

TELEPHONE: (201) 392-2100  
FAX: (201) 392-7047  
WWW.TOWNSHIPOFNORTHBERGEN.NJ.GOV

September 17, 2014

North Bergen Township Board of Commissioners  
4233 Kennedy Boulevard  
North Bergen, NJ 07047

**RE: Notice of Scoping Hearing for Proposed Diversion**

Dear North Bergen Township Board of Commissioners,

The purpose of this letter is to inform you that the Township of North Bergen and the County of Hudson have contacted the New Jersey Department of Environmental Protection, Green Acres Program proposing to divert approximately 1.1 acres of the James J. Braddock North Hudson County Park in order to keep the North Bergen Pre-School in its current location within the park. A scoping hearing will be held at the North Bergen High School Auditorium – 7417 Kennedy Boulevard, North Bergen, NJ 07047 – on Tuesday October 21, 2014 in order to obtain public comment this proposal. Pursuant to N.J.A.C. 7:36-26.8(c), on or before September 21, 2014 all interested parties will be notified of this hearing and invited to attend and participate.

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Please do not hesitate to contact me or any of the other designated offices with questions or comments.

Sincerely,

Christopher Pianese  
Township Administrator

Chris Pianese  
North Bergen Township  
4233 Kennedy Boulevard  
North Bergen, NJ 07047

APPENDIX C



North Bergen Township Board of Commissioners  
4233 Kennedy Boulevard  
North Bergen, NJ 07047