



## State of New Jersey

### DEPARTMENT OF ENVIRONMENTAL PROTECTION OFFICE OF TRANSACTIONS AND PUBLIC LAND ADMINISTRATION

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**PHILIP D. MURPHY**

*Governor*

**TAHESHA L. WAY**

*Lt. Governor*

**SHAWN M. LATOURETTE**

*Commissioner*

October 31, 2024

#### VIA EMAIL AND REGULAR U.S. MAIL

Bernadette P. McPherson, Esq.  
Director of Outreach  
Millenium Strategies  
60 Columbia Road  
Building B, Suite 230  
Morristown, New Jersey 07960

RE: Applications to Divert Parkland  
School Trailers at James L. Braddock County Park  
Block 437.02, part of Lot 1  
Township of North Bergen, Hudson County  
Applicants: County of Hudson and Township of North Bergen  
Our File # SHC 0900005

North Bergen EMS South Facility  
Block 103, part of Lots 107 and 127  
Township of North Bergen, Hudson County  
Applicant: Township of North Bergen  
Our File # SHC 0908003

Final Application Part 1 Update/Final Application Schedule

Dear Ms. McPherson,

I am writing regarding the Department of Environmental Protection's review of the above-referenced diversion applications and the associated Final Application Part 1 filed by your clients, the County of Hudson and the Township of North Bergen. After review of the submitted documents, we have determined that the Township has submitted the information contained within the Final Application Part 1 Checklist except for the following two items:

1. The survey for the area of diversion for Braddock Park. Without the final proposed diversion area, the compensation proposal is not accurate.

2. A Preliminary Assessment Report (PAR) for the 34<sup>th</sup> and Liberty Avenue Right of Way (ROW).

In addition to the information contained within the Final Application Part 1 Checklist (which tracks the application requirements at N.J.A.C. 7:36-26.11(a) and (b)), the February 29, 2024 letter authorizing your clients to submit the Final Application requested additional information to be submitted with the final application. The status of these items is as follows:

- The original compensation proposal offered the 34<sup>th</sup> Street parcel, which includes a segment of Liberty Avenue (after its vacation). This parcel was found to be not reasonably equivalent or superior to the proposed diversion area as required under N.J.A.C. 7:36-26.10. Therefore, the applicants were given the opportunity to identify a different replacement property, or propose additional monetary compensation, as part of the final compensation proposal.

The applicants now propose to condemn the 34<sup>th</sup> Street and Liberty ROW to meet the 5:1 compensation ratio for the *current* area of diversion. However, the current area of diversion appears to be inaccurate because the survey of the area to be diverted has not changed from what was submitted in the Pre-Application.

- The applicants were instructed to ensure that the proposed Braddock Park diversion area of 1.477 acres is adequate for the intended preschool project, including necessary accessory structures or equipment, parking sufficient for a school of this size, adequate outdoor play area and, as discussed below, any buffer or access areas required to meet New Jersey Department of Education (NJ DOE) standards. The school building plans presented in the pre-application lack sufficient detail for the Department to accurately assess the final area of diversion.

An August 2, 2024 letter from Grace Lynch that was submitted by the applicants as part of the Final Application notes the Township is working on its Long Range Facilities Plan (“LRFP”) for review and approval by the NJ DOE. Ms. Lynch was anticipating receiving a statement from the NJ DOE confirming the that the area of Braddock Park that was originally proposed for diversion is sufficient for the proposed use. Additionally, Ms. Lynch stated she would be in “contact in the coming weeks about the response to DEP and the schematic design.” However, we have not received any information from the Township or the NJ DOE confirming that the area of diversion is large enough to support the proposed pre-school, including the playground area, any dedicated school parking areas and the required 30-foot emergency access buffer around the school building. In addition, we have not received updated building plans.

- The applicants were asked to assess any potential tree loss under the basal area replacement requirements at N.J.A.C. 7:36-26.10(c)4 and the associated compensation requirements.

An August 27, 2015 letter from Richard S. Wolowicz of RichView Consulting to Steven Somick, Business Administrator for the North Bergen Board of Education submitted as part of the Final Application noted the lack of evidence that trees had been removed. However, the removal of trees for the new construction was not discussed in this letter. Will there be a need to remove trees to accommodate the planned new construction and required 30-foot buffer around the new building(s)? Without a finalized plan, tree loss cannot be evaluated.

In order for these applications to be presented at the currently unscheduled but anticipated March 2025 State House Commission meeting, the Department asks that the two items missing from the Final Application and the answers to the three questions be submitted to Nancy Lawrence by Monday, December 2<sup>nd</sup>. Upon final review and approval, the Department will authorize the applicants to schedule and conduct a public hearing on the final application. The hearing will need to occur in early January for these applications to be eligible for consideration at the anticipated March 2025 State House Commission meeting.

We set forth the following anticipated schedule, which must be met in order for these applications to be presented at the anticipated March 2025 State House Commission Meeting:

- Submission of missing items and responses to questions no later than December 2, 2024;
- Department authorization to proceed to schedule and conduct a public hearing by December 9, 2024 (contingent on the completeness of the December 2<sup>nd</sup> submission);
- 30 day public hearing notice issued on December 10, 2024;
- Public hearing conducted on January 13, 2025;
- Public comments accepted through January 27, 2025;
- Part II of the Final Application, including the final hearing response to comments and the second Council resolution, submitted by February 14, 2025.

Please note that based on past State House Commission agenda deadlines, we do not anticipate being able to extend these deadlines and still be able to submit these applications for the anticipated March 2025 meeting. After March, the next anticipated State House Commission meeting date would be in June 2025.

Sincerely,

Judeth Piccinini Yeany, Esq.  
Senior Regulatory Officer