

IV. NJDEP's January 31, 2023 Comment: Resolutions (N.J.A.C. 7:36-26.9(d)11)

Please provide an executed copy of North Bergen Township's Superseding Amended Resolution, which was on the agenda for the Township's Council Meeting on April 6, 2022.

Applicants' Response:

The requested Resolution is attached hereto.

EXHIBITS:

Exhibit IV-Superseding amending Resolution supporting the State House Commission pre-application to the NJDEP Green Acres Program

TOWNSHIP OF NORTH BERGEN

SUPERSEDING AMENDING RESOLUTION SUPPORTING THE STATE HOUSE COMMISSION PRE-APPLICATION TO THE NJDEP GREEN ACRES PROGRAM FOR THE DIVERSION OF AN AREA WITHIN THE JAMES J. BRADDOCK NORTH HUDSON COUNTY PARK TO AMEND THE PARK AREA TO BE DIVERTED AND TO INCLUDE THE TOWNSHIP OF NORTH BERGEN PROPERTY LOCATED AT 1814 43rd STREET COMMONLY KNOWN AS THE EMS SOUTH BUILDING

WHEREAS, pursuant to the regulations of the New Jersey Department of Environmental Protection Green Acres Program (herein referred to as "NJDEP") the County of Hudson (herein referred to as the "County") and the Township of North Bergen (herein referred to as "North Bergen") commenced the regulatory process of diverting an area within James J. Braddock North Hudson County Park (herein referred to as "Braddock Park") due to the placement of school trailers for North Bergen pre-k students and students with special needs, said use being in violation of NJDEP Green Acres Program regulations N.J.A.C. 7:36 (the regulatory process is referred to herein as a "Diversion"); and

WHEREAS, in furtherance of the NJDEP Diversion process the Township of North Bergen authorized by Resolution dated August 19, 2015 support of the State House Commission Preapplication for the Diversion of the pre-k school trailer area within Braddock Park; and

WHEREAS, North Bergen owns the property located at 1814 43rd Street (Block 103, Lot 127), North Bergen, which is commonly known as North Hudson EMS South Building (herein referred to as the EMS South Building"), said property on which the building sits has been found to be subject to NJDEP jurisdiction due to receiving Green Acres funding for a prior recreational use; and

WHEREAS, although North Bergen's current use is a public use providing to a segment of the County's residents public safety services which include fire and ambulance services and emergency relief services through North Bergen C.A.R.E.S (Community Assistance Relief Events & Support), said public use is non-recreational and therefore, in violation of NJDEP regulations subjecting the property to Diversion; and

WHEREAS, since the County and North Bergen have jointly commenced the Diversion of Braddock Park, NJDEP has requested that any and all applications, hearings and regulatory compliance requirements include the EMS South Building as an additional property subject to the Diversion; and

WHEREAS, North Bergen finds there is an important public purpose in the use of the EMS South Building as set forth herein and supports the inclusion of the EMS South Building in the Diversion Application; and

WHEREAS, further since the adoption of Resolution dated August 19, 2015, the County and North Bergen, pursuant to review by NJDEP, have amended the Braddock Park area to be diverted to include, space such as parking to the Pre-K School Trailer area; and

WHEREAS, North Bergen shall amend any and all applications, documents and filings related to the NJDEP Diversion to include the additional Braddock Park area as set forth herein and the EMS South Building, and to take any other actions pursuant the rules and regulations of NJDEP in furtherance of the Diversion; and

WHEREAS, North Bergen wishes to apply for approval for the Diversion of land within Braddock Park for the continuing occupation of the North Bergen pre-k school and further supports the Diversion of the land on which the EMS South Building sits, each Diversion to be considered as a major disposal or diversion of Parkland under N.J.A.C. 7:36-26; and

WHEREAS, as required by N.J.A.C. 7:36-8, the County and North Bergen held a scoping hearing on August 11, 2020 to solicit public comment on the Diversion of parkland 1) from Braddock Park in connection with the continuing operation of the North Bergen pre-k school and 2) the EMS South Building non-recreational public safety use; and

WHEREAS, the next step in the application process for approval of a major disposal or diversion of parkland is the filing of a pre-application under N.J.A.C. 7:36-26.9; and

WHEREAS, in accordance with N.J.A.C. 7:36-26.9(d)11, it is necessary for the Township of North Bergen to submit as part of the pre-application a Resolution endorsing the application to divert or dispose of parkland; and

WHEREAS, in conducting its Pre-Application Completeness Review, the NJDEP requested that North Bergen state by resolution North Bergen's interest in the proposed diversion area as being leasehold or a fee interest; and

WHEREAS, this Resolution Supersedes North Bergen's Resolution, adopted November 4, 2020, to specifically state North Bergen's interest in each diversion area.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of North Bergen, County of Hudson, State of New Jersey, that:

1. The Township of North Bergen endorses the filing of a pre-application for the Diversion of land 1) within the James J. Braddock North Hudson County Park for the continuing occupation of the North Bergen Pre-K School and 2) the property located at 1814 43rd Street, North Bergen (Block 103, Lot 127) commonly known as EMS South Building pursuant to N.J.A.C. 7:36-26.
2. The Township of North Bergen hereby finds that the Diversion of land within the James J. Braddock North Hudson County Park for the continuing occupation of the North Bergen Pre-K School and the EMS South Building for its public safety use would meet the minimum substantive criteria at N.J.A.C. 7:36-26.1 (d) which required the following: a) fulfilling a compelling public need by mitigating a hazard to public health, safety or welfare, b) provide a significant benefit by improving the delivery of essential services to public or a segment of public with special needs, and c) providing for the expanded recreation and conservation benefits and offerings far exceeding the benefits of the previous recreation facilities.
3. The Township of North Bergen acknowledges that in order to obtain the approval of the Diversion of land within the James J. Braddock North Hudson County Park for the continuing occupation of the North Bergen Pre-school and the EMS South Building for its public safety use, all substantive and procedural requirements of N.J.A.C. 7:36-26 must be met, including compensation requirements at N.J.A.C. 7:36-26.10.
4. North Bergen's interest in the diversion area in James J. Braddock North Hudson County Park is a leasehold, and North Bergen's interest in the diversion area encompassing the EMS South Building is in fee.
5. The Board of Commissioners further authorizes the Mayor or Township Administrator, 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 Parcel, and as required by NJDEP regulations for the diversion of the Parcel.
6. The Board hereby authorizes the Mayor or Township Administrator to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this Resolution.

7. The aforesaid recitals are incorporated herein as though fully set forth at length.
8. All prior actions taken by North Bergen officials, officers, employees, representatives or agents relative to the diversion of the Braddock Park and EMS South Building sites are hereby ratified and approved.
9. This Resolution shall be retroactively effective November 4, 2020.

Date: April 6, 2022

	YES	NO	NOT VOTING
Cabrera	✓		
Marengo	✓		
Gargiulo	✓		
Pascual	✓		
Sacco	✓		
(President)			

I HEREBY CERTIFY the foregoing to be a True and Correct copy of Resolution passed and adopted by the Board of Commissioners of the Township of North Bergen in the County of Hudson, in the State of New Jersey, at a meeting held on the above date.

 Township Clerk