

1. DESCRIPTION OF THE PROPOSED DISPOSAL/DIVERSION, INCLUDING:

A. Block(s) and lot(s) information for the parkland proposed for disposal or diversion (N.J.A.C. 7:36-26.9(d)1i):

1. North Bergen Pre-K Program at Braddock Park - Block 437.02, Lot 1 - 8701 Boulevard East, North Bergen, NJ, includes the 17 Pre-K Temporary Classroom Units and Administrative Offices, the Tot Lot, and adjacent Parking Lot Area which includes 6 parking spaces nearest to the Tot Lot and the area for dumpsters. (While included for Diversion purposes, it should be noted that the parking spaces will have signage indicating that they will be reserved only during the hours school is in session and available to the public at all other hours).
2. North Bergen EMS South Building - Block 103, Lot 127 - 1814 43rd Street, North Bergen, NJ, includes the building that houses one of two North Bergen EMS companies and North Bergen Cares, a community assistance organization.

B. Acreage of the parkland proposed for disposal or diversion (N.J.A.C. 7:36- 26.9(d)1ii):

1. North Bergen Pre-K Program at Braddock Park – 1.339 acres
2. North Bergen EMS South Building - 0.167 acres

C. Purpose of 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):

North Bergen Pre-K Program at Braddock Park: The purpose of this proposed diversion is to comply with Green Acres regulations. The North Bergen Pre-K Program has been located in Braddock Park, a Green Acres-funded site, since 2001. In 2011, Hudson County and North Bergen officials were notified that the Temporary Classroom Units ("TCUs") at Braddock Park violated NJDEP Green Acres regulations. Approval would provide a fair and reasonable resolution that will make lawful and permanent the use of the Braddock Park site for the North Bergen Pre-K program. NJ DEP regulations permit permanent diversions in limited circumstances like this one.

In 2001, a State mandate required the North Bergen Board of Education ("NBBOE") to provide full-day Kindergarten and a Pre-K program, funded in part and regulated by the New Jersey Department of Education ("NJDOE"). Construction of an early childhood center was delayed when property purchased next to Lincoln School for that purpose was found to be contaminated. Temporary Classroom Units (TCUs) were ordered for emergency placement at the old municipal pool site, but that was found to be contaminated as well. To ensure the new Pre-K Program opened for the 2001-2002 school year, Hudson County agreed to allow the TCUs to be placed at Braddock Park in the area leased to North Bergen next to Bruin Stadium.

Hudson County, North Bergen Township, and the NBBOE have made extensive efforts and expended enormous resources, including a previous pre-application, to find an alternate location for North Bergen's Pre-K Program, to remove it from Braddock Park, and to comply with both

New Jersey Department of Environmental Protection ("NJDEP") and NJDOE regulations without success.

In 2018, North Bergen voters approved a bond referendum that added a new full-day Pre-K Program with a district-wide class realignment plan that would alleviate overcrowding, made possible by the purchase and renovation of the former Hudson County High Tech High School. It was anticipated that space for the entirety of the new full day Pre-K program would be found in the neighborhood schools once renovation was complete. Since the referendum was passed, plans to locate full day Pre-K children in their neighborhood schools can still be realized, with the exception of the Pre-K ACES autistic program, Robert Fulton School, and Horace Mann School. After renovations are complete, Lincoln, Franklin, Kennedy, and McKinley School Pre-K children will go to their neighborhood schools. However, the Braddock Park site is still needed for the ACES program for high needs children on the spectrum, Robert Fulton, and Horace Mann Pre-K children. (See addendum 1 -Memo from Dr. George Solter, North Bergen Superintendent of Schools)

While the current use of the Braddock Park site is for the North Bergen Pre-K program in its entirety, its intended future use is for the full day Robert Fulton and Horace Mann Pre-K children with the Pre-K ACES program for high needs children on the spectrum, which will allow for NJDOE classroom regulation compliance with respect to student teacher ratios throughout the district.

Hudson County is and will remain the owner of the property.

North Bergen EMS South Building: The purpose of this proposed diversion is to comply with Green Acres regulations. The North Bergen EMS South building is situated in the 43rd Street Park, a Green Acres-funded site. It was originally built as a firehouse in 1999 for the North Hudson Regional Fire and Rescue Department. NJDEP regulations permit permanent diversions in limited circumstances like this one.

As a member municipality of the newly formed North Hudson Regional Fire and Rescue Department in 1999, North Bergen Township was required to provide a location for a firehouse that would be financed by the Hudson County Improvement Authority (HCIA). North Bergen and HCIA agreed to build a firehouse at 1814 43rd Street, North Bergen, NJ, which is part of a park that is a Green Acres-funded site. In 2005, it became home to the new North Bergen EMS South Unit, expanding service and providing greater response times in the southern part of highly congested and densely populated North Bergen. Since 2013, North Bergen C.A.R.E.S. (Community Assistance Relief Events & Support) has been housed there as well to help North Bergen residents in need.

The intended future use of this property is to remain the North Bergen EMS South and NB CARES location with their mission uninterrupted. North Bergen Township is and will remain the owner.

- D. A detailed description of how the proposed disposal/diversion will fulfill a compelling public need or yield a significant public benefit as defined at N.J.A.C. 7:36-26.1(d)1 (N.J.A.C. 7:36-26.9(d)1iv):

North Bergen Pre-K Program at Braddock Park: The proposed diversion of the Braddock Park site will fulfill the compelling public need for full day Pre-K for North Bergen children and student-teacher ratio classroom size regulation compliance throughout the district, if approved. Efforts to support the expansion of full day Pre-K throughout the state have been a hallmark of Governor Phil Murphy's administration since its inception. The crucial role full day Pre-K programs play in early childhood development is long settled, particularly in urban areas like North Bergen. Class size and student-teacher ratios set by the NJDOE are intended to impact the ability of students to excel. Limited numbers of students in classrooms is now a public health issue and will remain so for the foreseeable future due to the rise of Covid-19.

In 2018, North Bergen voters approved a bond referendum that added a new full-day Pre-K Program with a district-wide class realignment plan that would alleviate overcrowding, made possible by the purchase and renovation of the former Hudson County High Tech High School. It was anticipated that space for the entirety of the new full day Pre-K program would be found in the neighborhood schools once renovation was complete. Since the referendum was passed, that compelling public need cannot be realized without the Braddock Park site.

After renovation is complete the Lincoln, Franklin, Kennedy, and McKinley School Pre-K children will be able to go to their neighborhood schools. The Braddock Park site is needed to provide full day Pre-K for the ACES program as well as Robert Fulton and Horace Mann Pre-K children. With the Braddock Park diversion, the North Bergen Board of Education will be able to meet the compelling public need for full day Pre-K and NJDOE classroom regulations for student-teacher ratios throughout the district.

North Bergen EMS South Building: In densely populated and highly congested North Bergen, the central location and purpose of North Bergen EMS South building meets the compelling public need of providing for the health, safety, and well-being of North Bergen's residents. If forced to move, there would be irreparable damage to public safety, significant harm to a highly successful public outreach program, and an outrageous waste of taxpayer dollars in demolition and relocation costs. The Diversion of the North Bergen EMS South Building will meet the compelling public need for emergency services and public outreach uninterrupted and spare North Bergen and Hudson County taxpayers the expense of demolition and relocation.

- E. A description of how the parkland is proposed to be disposed or diverted including (N.J.A.C. 7:36-26.9(d)1v):

North Bergen Pre-K Program at Braddock Park:

- The name of the prospective buyer, lessee or easement grantee: The County of Hudson and North Bergen Township will enter into a new lease agreement for Braddock Park;

however, Hudson County will remain the owner.

- A description of the type of legal interest to be conveyed, if any: Lease agreement for Braddock Park

A description of any conditions or restriction on the intended use of the parkland: By agreement between North Bergen and Hudson County, the proposed diverted area of Braddock Park will only be used for public purposes in perpetuity. In addition, the Proposed Replacement Properties exceed the 3:1 ratio for this set by the NJDEP for this application with a combined fair market value of \$7,715,000. The properties would provide substantial tax relief for North Bergen and Hudson County taxpayers if developed. Now they will be preserved as open space.

Commented [1]: Will this be a recorded instrument restricting the use of the diverted property?

North Bergen EMS South Building:

- The name of the prospective buyer, lessee or easement grantee: North Bergen Township will remain the owner.
- A description of the type of legal interest to be conveyed, if any: N/A
- A description of any conditions or restriction on the intended use of the parkland: N/A

F. 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 of use agreement (N.J.A.C. 7:36-26.9(d)1vi): N/A

G. 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): N/A

H. A general description of the natural features, history and current use of the parkland proposed to be disposed/diverted and of any parkland contiguous to or functionally related to the parkland proposed for disposal/diversion (N.J.A.C. 7:36-26.9(d)1viii);

North Bergen Pre-K Program at Braddock Park: Braddock Park is one of Hudson County's largest open space sites. Established in 1910, it features a variety of lighted sports fields and courts including 21 tennis courts, three basketball courts, three bocce courts, handball courts, three football fields, six volleyball courts, playground equipment, a fitness station, and various parking areas. Natural features at the site include a lake and a bird sanctuary.

The area to be diverted is within the footprint of North Bergen Township's existing lease with Hudson County which includes Bruin Stadium contiguous to it. Bruin Stadium features a running track, a regulation size football and soccer field, stands, and two parking areas.

The current use of the property to be diverted is for the North Bergen Pre-K program. The proposed diverted area was previously used for softball practice but was not a regulation size field. Since the North Bergen Pre-K Program TCUs were installed in Braddock Park in 2001, the Township has replaced and improved facilities for softball. The softball program now holds practices and games at 64th Street, 76th Street, and other fields at Braddock Park.

North Bergen EMS South Building: The North Bergen EMS South Building sits on .067 acres of the total .7 acres of the 43rd Street Park and is located at 1814 43rd Street. The building was built originally for the North Hudson Regional Fire Department in 1999. The North Bergen EMS South building is contiguous to playground facilities, fields, and basketball courts located in the 43rd Street Park which are still in use.

According to the North Bergen Borough historian, prior to being a playing field the 43rd Street Park was mainly used by those in the flower industry for greenhouses from maps dating back to 1873 through 1934. The first reference to 43rd Street being used as a field is found in the Jersey Journal archives in an article about a 1954 Little League Baseball game.

- I. 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):

North Bergen Pre-K Program at Braddock Park: No recreational facilities and/or activities will be affected by the proposed diversion of the Braddock Park area. The Pre-K program has been in place since 2001 in Braddock Park. The proposed diverted area was previously used for softball practice but was not a regulation size field. Since the North Bergen Pre-K Program TCUs were installed in Braddock Park in 2001, the Township has replaced and improved facilities for softball. The softball program now holds practices and games at 64th Street, 76th Street, and other fields at Braddock Park.

The North Bergen EMS South Building: The building has been in place since 1999 at the 43rd Street Park and no recreational facilities and/or activities will be affected by the proposed diversion.