

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
Pre-Application Completeness Review, Part 1

The Green Acres Program staff has completed an initial review of the Diversion Pre-application concerning the existing Pre-K school trailers and future proposed permanent modular school facility on a portion of Braddock Park (Block 437.02 Lot 1), located in North Bergen Township, Hudson County. The diversion Pre-application is being jointly submitted by Hudson County and North Bergen Township. At this time, the Pre-application has been deemed incomplete. We are directing the applicants to provide additional information as documented below. Upon receipt and review of your response, we will itemize any remaining information that must be submitted to deem the application complete.

1. Existing and proposed diversion – The diverted area as mapped appears to consist of approximately 1.17 acres, comprising exclusively the existing Pre-K school trailers. However, there are several other areas of concern that may increase the size of the diversion, as noted herein:
 - a. Tot Lot – There is a fenced off tot lot, immediately adjacent to the parking lot closest to the school trailers, which we understand is used for school purposes. If it is unavailable for general public use, it must be considered part of the diversion and justification must be provided as to why it cannot be a shared park facility.
 - b. Septic holding tank and future sewer connection – The Pre-application references a septic holding tank serving the school trailers and located outside of the diverted property. (Environmental Assessment Report, Diverted Property, p. 2 of 28) Please submit information showing the location of the holding tank. 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. Similarly, the application notes that future plans are to make a direct connection to the North Bergen MUA sewer system, to benefit both the Pre-School facility and the track and field facility adjacent to it. 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. Otherwise, these areas must be included in the application for a diversion (and the Land and Water Conservation Fund conversion application).

- c. Paved Driveway/Walkway - The existing paved area in front of the school trailers appears to be intended exclusively for school use and must therefore be included in the diverted area. It is difficult to tell from the maps submitted with the Pre-application whether the diverted area is inclusive of this paved area.
 - d. Permanent modular school – If a permanent modular school is under consideration, please confirm that the footprint would not necessitate additional diverted property.
 - e. Entrance drive – Please confirm whether there are plans to widen the entrance drive to the parking lot that the school personnel currently use. If so, please indicate the reason for said widening and whether it is for school use and/or for park users. If for school use solely or principally, this improvement will be considered a diversion and must be added to the proposed diverted area
 - f. Proposed replacement land – While the scope of the proposed diversion should not exceed the minimum area actually needed for (and exclusively used by) the current school facilities, please be reminded that any increase in the proposed diverted area will require additional compensation. To that end, this office will have comments on the proposed replacement land, but withholds comment at this time until the items in this email are adequately addressed and a site visit to inspect the proposed replacement land is conducted.
2. Alternatives Analysis – Please provide a full alternatives analysis for each of the below alternatives, referring to the Pre-application requirements and to the Green Acres rules for guidance on content (*N.J.A.C. 7:36-26.9(e)*). Additional comments specific to each alternative are noted below.
- a. Alternatives raised by the public – Our rules require the applicants to provide a complete analysis of all alternatives raised by the public during the scoping hearing and the two week written public comment period following the scoping hearing. The Pre-application states that none of the alternatives raised by the public were found to be either feasible, reasonable or available but only provides cursory information about four such sites. A full analysis of all alternatives suggested by the public must be completed in order to demonstrate why they are neither feasible, reasonable nor available. Please provide the information required for the alternatives analysis as outlined in the Diversion Pre-application form and our rules governing what constitutes “not feasible,” “not reasonable,” or “not available” to ensure that your responses are complete and contain the requisite information (*N.J.A.C. 7:36-26.9(e)*).

- b. 64th Street, Block 205 Lot 30 – The cost analysis comparing school construction on Block 205 Lot 30, together with three additional parcels (Block 205 Lots 25, 78 and 81) to the school construction at Braddock Park needs further clarification, as follows:
- i. The immediate capital cost to relocate to 64th Street is estimated to be \$13 million versus \$0 at Braddock Park. Please explain why the school trailers could not be relocated to 64th Street, eliminating the need for incurring \$13 million in immediate capital costs. Please note that it was our understanding that the TCUs are not safe to relocate due to their age and by association, presumably, their condition, but if that is the case, this information must be clarified and further explained in writing.
 - ii. Please clarify whether the \$13 million is inclusive of a projected New Jersey Schools Development Authority (NJSDA) grant (which the North Bergen Board of Education (BOE) had applied for in 2013 according to correspondence from Grace Lynch on October 10, 2013) and if so, the amount of the grant. If it is not inclusive, please explain why you do not build in an assumption regarding an NJSDA grant or debt service aid in lieu of a grant, for the 64th Street site (or any other alternative site, for that matter).
 - iii. The Pre-application notes that of the \$13 million projected capital cost, \$4 million would be needed to acquire, remediate and develop land for parking and also to restore the Braddock Park site. Is the \$5.5 million in capital costs (not accounting for the NJSDA grant) associated with the construction of a permanent school at Braddock Park inclusive of not only development but also of any potential site remediation needed in connection with school construction?
 - iv. The cost of replacement land (based on its fair market value under the standards in our rules) should be included in the capital costs associated with remaining at Braddock Park.
 - v. The Pre-application identifies the additional cost of bussing Pre-K school children to the 64th Street site. It is our understanding that busses are currently provided for transportation to the existing Pre-K school trailers. This existing cost should be factored into the Braddock Park equation as well to level the playing field.
 - vi. Please forward copies of the schematic plans that had been previously reviewed by the BOE for siting the trailers and a permanent structure at the 64th Street location and determined to be unworkable.

- vii. Members of the public have informed this office of some possible safety concerns at Braddock Park in the vicinity of the school trailers. These concerns include an encampment of close to a dozen individuals, discovery of two dead bodies in nearby park areas, issues pertaining to tree limbs having fallen on electrical wires serving the school trailers, causing a fire, and a narrow entrance road lacking sidewalks. Since safety issues were identified with respect to the 64th Street site as a principal basis for deeming it not feasible, reasonable or available, we would expect an equivalent analysis of safety concerns raised by the public concerning Braddock Park in the vicinity of the school trailers.

- c. Block 205 Lots 1 and 22- My March 22, 2013 correspondence to Mr. Pianese indicated that the Green Acres Program approved the removal of Block 205 Lot 30 from the North Bergen Township Recreation and Open Space Inventory (ROSI) based on submission of factual data demonstrating the Township had conveyed the property to the North Bergen Board of Education prior to its listing on the ROSI, and has not held any legal interest in the property ever since its sale. The letter further noted that Block 205 Lot 22, also owned by the BOE, did not appear to have been encumbered with Green Acres restrictions, despite its appearing on multiple ROSIs recorded by North Bergen Township in connection with various Green Acres Program funding applications. According to the deed transferring ownership of property (which at the time consisted of today's Block 205, Lots 1, 22, 30 and 622.07) from North Bergen Township to the BOE (DB 3179 PG 973), only a building and the underlying land (corresponding either to the Recreation Center or else to the adjacent building) were excepted out. That same deed also reserves the rights of public ingress and egress through today's Block 205 Lots 1 and 622.07, both of which were additionally listed on numerous Township ROSIs, as well as Lot 22. Assuming the Township could successfully pursue a ROSI amendment for Lots 1, 22, and 622.07 (exclusive of the building on Lot 22 that was excepted out if used for public recreation/conservation purposes) as it did for Lot 30, please provide an alternatives analysis demonstrating whether use of Block 205, Lots 30 and 22 and if needed, Lots 1 and 622.07, is a feasible, reasonable or available alternative, including taking into account whether the loss of a ballfield (serving the Lincoln School?) could be offset by the existing fields across the street on property held by the Township (Block 221 Lot 10). Please be sure to take into consideration whether acquisition of Lots 25, 78 and 81 (which was considered by the BOE prior to submission of the diversion Pre-application) in conjunction with Block 205 Lot 30 or any other parcel could be avoided by pursuing this alternative. To this end, a prior concept plan, prepared by Grace Lynch and dated 12-29-11, shows a layout consisting of Lots 30, 22, along with a portion of Lot 81 and part of Lot 67 as a possible alternative. Please re-analyze this

alternative, documenting why it is neither feasible, reasonable, nor available today (again, in the context of how those terms are defined in our rules.)

- d. Hudson County High Tech High School properties, Block 458.01, Lot 1 and Block 458 Lot 1 – Please provide information on the scheduled relocation of the Hudson County High Tech High School to Secaucus and analyze the alternative of relocation of the Pre-K school to a portion of the current properties associated with the Hudson County High Tech High School in N. Bergen (or alternatively, relocating other school children there and moving the Pre-K school into newly available space at one or more of the existing school facilities).
- e. Dispersing Pre-K school children amongst the existing North Bergen Township grammar schools and high school – Please analyze the availability of space within the existing school facilities and/or grounds to accommodate the pre-school children.
- f. Properties proposed in response to the RFQ/RFP previously issued by the BOE – It appears that the RFQ/RFP calling for the lease of a full Pre-K facility, issued by the BOE in 2012 requested construction/leasing not only for a school but also for a library and community center. Please explain why the BOE cannot issue a revised RFQ limiting the proposal to a Pre-K school. In addition, please document whether the responders provided cost/lease payments based on a Pre-K school without the library and community center, or for just the school.
- g. 54th & Tonnelle Avenue – Please provide detailed information obtained through the feasibility study leading to the conclusions that this site was neither feasible, reasonable or available (as those terms are defined in our rules.)
- h. Additional sites raised by the public following the Scoping Hearing public comment period – Please analyze the possibility of relocating the Pre-K school facility to 1706 Paterson Plank Road and 1 Daffy's Way, both presumably for sale.
- i. Proposed replacement land – Please analyze the alternative of relocating the Pre-K school facility to the proposed replacement properties in North Bergen Township.
- j. NJSDA Funding - It is our understanding that there are \$12.6 million in NJSDA funds for grants offered to but not yet executed by North Bergen Township, as well as \$2 million associated with already-executed grants. Please indicate whether the Township BOE intends to accept these grant funds and if so, how much if any will go toward offsetting the more than \$8 million in capital funds needed to address existing health/safety

needs at the Township's seven school plants serving more than 7,500 children (exclusive of the pre-schoolers) noted in the Pre-application. If so, how will that impact funding availability for addressing Pre-K school needs on any of the alternative sites?

- k. Municipal Funding – It has come to our attention by a member of the public and a news article that North Bergen Township has been operating in recent years with a budget surplus. Please explain why funding cannot be transferred to the Board of Education to help offset costs associated with constructing a Pre-K school facility.
 - l. Please be reminded that a comprehensive alternatives analysis for each of the above alternatives should be submitted, addressing the provisions outlined in the Diversion Pre-application and in *N.J.A.C. 7:36-26.9(e)*. Upon review of the resubmitted alternatives analysis, the Green Acres Program reserves the right to engage an expert to evaluate the alternatives analysis, if deemed necessary, in accordance with *N.J.A.C. 7:36-26.9(f)*.
3. Mitigating Circumstances – In accordance with the Green Acres Program rules, an applicant seeking to legalize past diversions or disposals may request a reduction in the applicable replacement land requirements found in Table 1 due to mitigating circumstances (*N.J.A.C. 7:36-26.10(j)3ii*). Our review of the Pre-application (under the section describing the Preliminary Compensation Proposal) indicates that the applicants have not adequately documented such mitigating circumstances. In order for the applicable ratio of five acres of replacement land for every acre of diverted property to be reduced, you must submit acceptable justification qualifying as mitigating circumstances that would warrant having diverted the property without the prior approval by the DEP Commissioner or State House Commission.

While not a Green Acres Pre-application requirement, please be reminded that we are still awaiting the submission of documentation in accordance with the federal requirements for conversions of parkland encumbered with federal Land and Water Conservation Fund restrictions. If you have any questions, please contact Steve Jandoli at the Green Acres Program. He can be reached at 609-984-0499 or steve.jandoli@dep.nj.gov.

Once again, remaining comments on the diversion application will be forthcoming following receipt of the information requested in this memorandum.

Prepared by Caroline Armstrong, Green Acres Program
April 12, 2016