

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

GREEN ACRES PROGRAM

FINAL APPLICATION FOR MAJOR DISPOSAL OF PARKLAND

North Bergen Pre-K at Braddock Park and North Bergen EMS South Building

A summary of public comments made at the scoping hearing and/or provided in writing during the public comment period and the applicant's response to the public comments (N.J.A.C. 7:36-26.8(e)3);

August 11, 2020

Pursuant to the Green Acres Regulation, the County of Hudson, NJ and the Township of North Bergen, NJ provided notice of the intended diversion on or about July 10, 2020. That notice provided that a public hearing would be conducted on August 11, 2020 and that written comments would be accepted through August 25, 2020 . In accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and in consideration of Executive Order No. 103 issued by Governor Murphy on March 9, 2020 declaring a State of Emergency and a Public Health Emergency in the State of New Jersey, the public hearing was held electronically only and was accessed through Zoom video meeting as follows:

Topic: NORTH BERGEN PUBLIC SCOPING HEARING

Date/Time: Aug 11, 2020 at 6:00 PM EST

Join Zoom Meeting: <https://us02web.zoom.us/j/88105645624>

Dial: 929-205-6099, Meeting ID: 881 0564 5624, Password: 608149

The public hearing was conducted by Bernadette P. McPherson, Esq., of Millennium Strategies, LLC. On behalf of the applicants the following individuals were also in attendance: Dave Drumeler, Deputy Hudson County Administrator, Chris Pianese, North Bergen Township Administrator, North Bergen Board of Education Superintendent George Solter, North Bergen BOE Administrator Steve Somick, Susan McCurrie, Hudson County Law Department, Wanda Monaghan, counsel to Hudson County, and Grace Lynch, North Bergen BOE Architect.

The following members of the public provided comments during the scoping hearing or by written comment:

PUBLIC COMMENT	WRITTEN COMMENT
ROBERT DOWD	Aguilar, A
JOHN BENDER	Akkas, O
LAUREN CABRERA	Andersen, M
MAYOR NICHOLAS SACCO	Andrade, J
ANTHONY VAINIERI	Anzivino, T
STEVEN ZBAIDA	Aslam, M
JANET GLASS	Aun, F
THOMAS STAMPE	Babyev, G
KRISTINA BRACERO	Baron, C
ROGER QUESADA	Bartulovich, J

TIFFANY TODD	Batarseh, S
MAUREEN FOYLE	Beck, S
DAVID CASE	Belen, M
ESTER ORTEGA	Belkamate Lopez, A
NICK SACCO	Bender, J
MARTHA TORRES	Bloom, S
REANN BENDER	Bloomberg, M
FRANKLIN FABRE	Bofill, J
KRISTIN RUUD-DIAZ	Boland, M
LINDA WALDEN	Boros, A
EMIL FUDA	Botzbrennan, N
SYLVIA CORTINA	Boyle, M
ROBERT WALDEN	Brabham, L
JOSEPH LOMBARDI	Callouri, J
SHAREEN SHIBLI	Campanioni, F
JOSE LARA	Carcich, D
OZGUR AKKAS	Carrasco, T
JODI JAMIESON	Case, D
DANIEL PEREZ	Cejas, L
MARIA HIDALGO	Celemtson, D
LARRY WAINSTEIN	Cheong, L
AMANDA CABRERA	Christ, T
INAYA JAAFAR	Clemetson, C
KARLA MILLER	Colmena, A
DAWN GELPI	Correa, L
ANDREA LUGO	Cortina, S
MARK STEVENS	Crowley, J
IMANE DOUKALI	Cunningham, J
TONY ANZIVINO	Cutner, A
DENNIS VASQUEZ	Deer, B
GERALD LANGE	Devenney, J
RAVENISH VARMA	Devito, E
BRIDGET LUPIA	Dixon, E
ASMAA LOPEZ	Edelman, N
LARA RINALDI	Esposito, G
ANDRIANA MEDENA	Everett, R
FRANK PIAZZA, JR	Falcon Medina, L
GIULA ESPOSITO	Farley, R

VERONICA OLANIEL	Ferlisi, D
CARMEN BORELL	Fernandez, J
JULIA MINERA	Foyle, M
FRAN AUN	Foyle, M
	Frymer, J
	Gamboa, S
	Garbowitz, B
	Garcia, J
	Gerald gerald83@aol.com
	Gonzalez, M
	Gonzalez, Maritza
	Gopinath, P
	Gordon Martin, N
	Griffin, J
	Gruber, E
	Hazel, G
	Hidalgo, M
	Huckins, G
	ianseltzer@yahoo.com
	Jaffe, M
	Jimenez, A
	Johnson, R
	Josie P. (josiep148@gmail.com)
	Keim, J
	Kimelman, D
	Kronich, D
	Kucz-Hayes, C
	Lambiase, L
	Langa, M
	Lescialle, M
	Lopez, A B
	Lopez, Antonio
	Lugo, S
	luolz+83uffhlfurbn8@guerrillamail.com
	Lupia, B
	Maas, E
	Madrid, D
	Maimone, G
	Martin, M
	Martinez, L
	McKenzie, D

	McLellam, C
	Mercedes, A
	Miller, T
	Misir, S
	Monderer, C
	Montalvo, I
	Morgan, Ian
	Moroz, T
	Moser, S
	Moss, R
	Mounia, G
	Napolitano, J
	Neira, A E
	O'Neill, M
	Ortega, E
	O'Shea, S
	Patel, N
	Perez, N
	pineles mrfubar@optonline.net
	Polen, L
	Pomales, C
	Pond, A
	Porcelli, M
	Ramirez, D
	Renaud, A
	Renteria, R
	reynoldmkahmann@gmail.com
	Risheg, B
	Romero, A
	Rosario, M
	Rosen, RL
	Rozman, S
	Ruiz, N
	Ruud-Diaz, K
	Sacco, N
	Sacco, N Jr.
	Salazar, G
	Sanchez, C
	Sasson, G
	Sell, Y
	Sexton, A
	Shibli, S

	Shibuiya, D
	Soberman, D
	Soloway, M
	Solter, G
	Somick, S
	Stampe, T
	Stark, J
	Stubblefield, E
	Symonds, S
	Umana, S
	Vanheuemn, T
	Vargas, D
	Vargas, J
	Vincent, A
	Viola, K
	Walden, L
	Walden, R
	Weinberg, E
	Wetzel-Sacco, J
	Winter, M
	Wolland, M
	Wong, K M
	Zlotkin, P

Below is a summary of the public comments and the responses:

- 1. Some spoke or wrote in support of the Diversion to allow the Pre-K to remain in Braddock Park and described an excellent program in a safe environment that they were proud to be a part of as educators, as parents, and as former students. They expressed confidence that the children educated in that setting benefited from it as an “urban oasis” and that park-goers use and enjoyment was not impacted by its presence there and more often unnoticed.***

The Township, the Board of Education, and the County of Hudson support this application for Diversion as well.

- 2. Some expressed the view that Hudson County and North Bergen Elected Officials and those associated with the Pre-K program as employees, parents, or former students should not have been given an opportunity to speak.***

Green Acres regulations require that the notice of the public scoping hearing is widely disseminated in a variety of ways to ensure all members of the public are given an opportunity to be heard. The NJDEP regulations and the United States Constitution do not dictate who gets that opportunity to speak based on their viewpoint or employment.

- 3. Some public comments received suggest that an even greater area of the Braddock Park site be permanently diverted as part of this application. Specifically mentioned is the area of the access driveway and parking lot adjacent to the Pre-K trailers.*** Both areas are necessary for the public use of Braddock Park, specifically Bruin Stadium and its track and athletic field. However, Hudson County intends to increase the diverted area to include certain parking and access easements so that public use and access to the Park are preserved, but the most limited amount of additional space is diverted.

- 4. Some spoke or wrote regarding the timing and legality of the diversion application and were generally critical of the process and NJ DEP for permitting a new application that included the North Bergen EMS South Building. Unfortunately, some commenters resorted to claims of fraud and corruption in this process.*** NJ DEP regulations permit permanent diversions proposed in limited circumstances like those presented here. The same reasoning applies to the 43rd Street EMS South Building. For more than a decade, the County, North Bergen Township, and North Bergen Board of Education (Applicants) have made extensive efforts to find a permanent location for North Bergen's Pre-K Program that would remove it from Braddock Park in conformance with New Jersey Department of Environmental Protection regulations **and** the New Jersey Board of Education class size standards to no avail. To comply with both state agencies' rules and put an end to the costly search for alternative locations, the Applicants now seek this permanent diversion. Any suggestions of fraud or corruption in this process are entirely baseless.

- 5. Some wrote or spoke of the proposed replacement properties as inadequate based on the location of the properties, their size, and value.*** The proposed replacement properties are valuable developable properties that will now be preserved and protected as open space. Their combined value is \$7,715,000 and area is 7.03 acres. They aren't inadequate to the residents in the underserved areas of North Bergen living near them and enjoying them as park and recreation space, particularly the Paterson Plank Road property. They are valuable to all North Bergen and Hudson County residents in preserving limited open space from further development, evident to anyone who knows the real estate market in North Bergen. For the taxpayers of North Bergen and Hudson County, the proposed replacement properties also represent the loss of tax revenue they would have generated if privately owned and developed. Furthermore, the

proposed properties exceed the acreage required by the NJ DEP to meet the 3 to 1 ratio for this application.

- 6. *Some asked what changed since the 2018 referendum was passed that was supposed to make room to remove the TCUs from Braddock Park.*** Since the referendum was passed, enrollment analysis shows there is not enough space to remove all Pre-K classes from Braddock Park without violating NJDOE class size regulations even with the renovation of the Hudson County Hitech High School purchased. After renovation is 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 our ACES autistic program and the Fulton and Mann School Pre-K children. That need is made even greater in this Covid-19 crisis to protect the health and safety of our students and teachers.
- 7. *Some expressed concern over the safety of the Temporary Classroom Units (TCUs) for continued use in the Braddock Park area?*** The TCUs are inspected yearly and have met all New Jersey Department of Education requirements. Since their placement there in 2001 they have been renovated and repaired. Should the diversion be granted permanent classroom space would be built to replace them.
- 8. *Some questioned whether the lease payments have been made by the Township to Hudson County for Braddock Park under the lease agreement for the TCUs area.*** The lease payments are up to date by the Township to Hudson County for Braddock Park.