

**BOARD OF CHOSEN FREEHOLDERS  
COUNTY OF HUDSON  
RESOLUTION**

No. 682-11-2020

On Motion of Freeholder *Vermieri*  
Seconded by Freeholder *Rodriguez*

**AMENDING RESOLUTION NO. 411-8-2015  
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 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 County authorized by Resolution No.: 411-8-2015 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 43<sup>rd</sup> 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, the County 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 No.: 411-8-2015, 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, the County 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, the County 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

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**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 County of Hudson to submit as part of the pre-application a Resolution endorsing the application to divert or dispose of parkland.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Chosen Freeholders of the County of Hudson, that:

1. The County of Hudson 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 43<sup>rd</sup> Street, North Bergen (Block 103, Lot 127) commonly known as EMS South Building pursuant to N.J.A.C. 7:36-26.
2. The County of Hudson 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 County of Hudson 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. The Board further authorizes the County Executive, County Administrator, Deputy County Administrator or their lawfully appointed designee, subject to compliance with the Local Public Contracts Law, 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.

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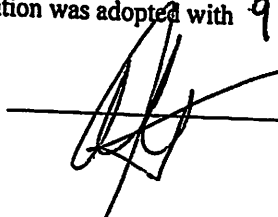
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5. The Board hereby authorizes the County Executive, Thomas A. DeGise, or County Administrator, Abraham Antun, or Deputy County Administrator, David B. Drumeler, or their lawfully appointed designee, to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this Resolution.
6. The aforesaid recitals are incorporated herein as though fully set forth at length.
7. This Resolution shall take effect immediately.

Freeholder	Aye	Nay	Abst	N.P.	Freeholder	Aye	Nay	Abst.	N.P.
Walker	✓				Cedeño	✓			
Cifelli	✓				Rodriguez	✓			
Kopacz	✓				Romano	✓			
Torres	✓				Chairperson Vainieri	✓			
O'Dea	✓								

It is hereby certified that at a regular meeting of the Board of Freeholders of the County of Hudson held on the 12 day of Nov A.D. 2020, the foregoing resolution was adopted with 9 members voting in the affirmative and 0 in the negative.

 Clerk

APPROVED AS TO LEGAL FORM

BY:   
DONATO J. BATTISTA  
HUDSON COUNTY COUNSEL  
Source: Law Department  
SMC: dmp