

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY**

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10/8/8

**RESOLUTION OPPOSING THE PROPOSED PARKLAND DIVERSION
APPLICATION FOR THE PLACEMENT OF NORTH BERGEN PRE-K SCHOOL
TRAILERS AND THE EMS SOUTH BUILDING WITHIN THE JAMES J. BRADDOCK
NORTH HUDSON COUNTY PARK**

WHEREAS, the Township of North Bergen and the County of Hudson have commenced the regulatory process of diverting an area within James J. Braddock North Hudson County Park ("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 the New Jersey Department of Environmental Protection ("NJDEP") Green Acres Program regulations N.J.A.C. 7:36; and

WHEREAS, N.J.A.C. 7:36-26.1(a) strongly discourages the disposal or diversion of both funded and unfunded parkland and provides that the use of parkland for other than recreation and conservation purposes should be a last resort, and should only be considered by a local government unit when the proposed disposal or diversion is necessary for a project that would satisfy a compelling public need or yield a significant public benefit; and

WHEREAS, N.J.A.C. 7:36-26.10 further provides that a diversion or disposal application that otherwise meets the requirements of this subchapter, may be denied if the NJDEP determines that that allowing the diversion or disposal of the funded or unfunded parkland would have one or more adverse consequences and that such adverse consequences would not be sufficiently mitigated by the compensation proposed by the applicant; and

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

WHEREAS, the City of Union City (the "City") opposes 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, as it does not meet the minimum substantive criteria set forth by N.J.A.C. 7:36-26.1(d) which requires 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 previous recreation facilities.

NOW THEREFORE, BE IT RESOLVED that the Mayor and the Board of Commissioners of the City of Union City do hereby oppose the Diversion of land with the James

I, Braddock North Hudson County Park for the continuing occupation of the North Bergen Pre-K School and the EMS South Building, as the proposed diversion of parkland does not meet the minimum substantive criteria established pursuant to N.J.A.C. 7:36-26, and does not meet the compensation requirements, as set forth pursuant to N.J.A.C. 7:36-26.10.

I, HILDA ROSARIO, Acting City Clerk of the City of Union City, in the County of Hudson, New Jersey, DO HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Board of Commissioners of the City of Union City, New Jersey at a meeting held on October 8, 2024. IN WITNESS THEREOF, I, the said Acting City Clerk have herunto set my hand and affixed the corporate seal of the City, on this 8th day of June, 2024.


HILDA ROSARIO, ACTING CITY CLERK