



Legislation Details (With Text)

File #: 22-0765 **Version:** 1 **Name:** NJDEP's Green Acres Program Pre-Application Endorsement (Liberty Park)

Type: Resolution **Status:** Adopted

File created: 5/23/2022 **In control:** Economic and Housing Development

On agenda: 7/13/2022 **Final action:** 7/13/2022

Title: Dept/ Agency: Economic and Housing Development
Action: () Ratifying (X) Authorizing () Amending
Type of Service: Resolution endorsing filing of Green Acres Pre-Application For Major Diversion of Parkland.
Purpose: Resolution endorsing the Department of Economic and Housing Development's filing of a pre-application with New Jersey Department of Environmental Protection's (NJDEP's) Green Acres Program seeking approval to divert a 0.031-acre portion of Liberty Park to grant a variable width permanent underground easement to PSE&G for an electric conduit.
List of Property:
(Address/Block/Lot/Ward)
450-470 Central Avenue/Block 1844/Lot 1/West Ward
Additional Information:

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
7/13/2022	1	Municipal Council	Adopt	Pass

Dept/ Agency: Economic and Housing Development

Action: () Ratifying (X) Authorizing () Amending

Type of Service: Resolution endorsing filing of Green Acres Pre-Application For Major Diversion of Parkland.

Purpose: Resolution endorsing the Department of Economic and Housing Development's filing of a pre-application with New Jersey Department of Environmental Protection's (NJDEP's) Green Acres Program seeking approval to divert a 0.031-acre portion of Liberty Park to grant a variable width permanent underground easement to PSE&G for an electric conduit.

List of Property:

(Address/Block/Lot/Ward)

450-470 Central Avenue/Block 1844/Lot 1/West Ward

Additional Information:

WHEREAS, part of Liberty Park, located at 450-470 Central Avenue, and commonly known as Block 1844, Lot 1 on the Official Tax Map of the City of Newark ("Liberty Park Central Ave") is listed on the City's Recreation and Open Space inventory ("ROSI") and is encumbered with restrictions by the New Jersey Department of Environmental Protection's ("NJDEP") Green Acres Program ("Green Acres"); and

WHEREAS, the Green Acres regulations prohibit a local governmental unit from either disposing of, or diverting to a use other than for recreation and conservation purposes, those

properties on its ROSI without first obtaining approval from the NJDEP Commissioner and the State House Commission pursuant to the procedures outlined at N.J.A.C. 7:36-26.1 et seq.; and

WHEREAS, in conjunction with PSE&G's Fairmount Heights Switching Station Project, it is necessary to remove the Green Acres restrictions from Liberty Park Central Avenue, a 0.031-acre portion of Liberty Park, in order to authorize the previous placement of underground electric conduit through Liberty Park; and

WHEREAS, the City of Newark (the "City") wishes to apply for approval for a major diversion of parkland under N.J.A.C. 7:36-26; and

WHEREAS, as required by N.J.A.C. 7:36-26.8, prior to submission of pre-application to Green Acres for a major disposal or diversion of parkland, the City, by and through the Department of Economic and Housing Development, held a Scoping Hearing on July 7, 2021, at 6:00 P.M., to solicit preliminary public comment on the proposed diversion of Liberty Park Central Avenue in connection with PSE&G's Fairmount Heights Switching Station project; and

WHEREAS, pursuant to N.J.A.C. 7:36-26.8, the Scoping Hearing was held in the City of Newark, on a weekday in the evening, a transcript of the public hearing shall be submitted to Green Acres along with the pre-application; and

WHEREAS, the City published notice of the Scoping Hearing in the Star Ledger on June 4, 2021, indicating the opportunity for the public to submit written comments, which is at least thirty (30) days' prior to the date of the Scoping Hearing, pursuant to N.J.A.C. 7:36-26.8(c); and

WHEREAS, a copy of the Notice was also posted in a public place where public notices are customarily posted within the basement area of Newark City Hall; and

WHEREAS, as part of the process for a major disposal or diversion of parkland, Green Acres requires the City to submit a pre-application, which among other items must include a Resolution of the Municipal Council endorsing the proposal to dispose of or divert the parkland, N.J.A.C. 7:36-26.9 (d)(11); and

WHEREAS, the Municipal Council desires to proceed with the submission of the application for the major disposal or diversion of Liberty Park Central Avenue, a portion of Liberty Park.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Municipal Council endorses the Department of Economic and Housing Development's filing of a pre-application, on behalf of the City of Newark, for the diversion of a 0.031-acre portion of Liberty Park, located at 450-470 Central Avenue, and commonly known as Block 1844, Lot 1 on the Official Tax Map of the City of Newark, to allow the City to grant a variable width permanent underground easement to PSE&G pursuant to N.J.A.C. 7:36-26.
2. The City hereby finds that the diversion of the subject portion of Liberty Park would meet the minimum substantive criteria at N.J.A.C. 7:36-26.1(d), by allowing PSE&G to continue to provide safe and reliable electric service to the City and its citizens.
3. The City acknowledges that in order to obtain approval of the diversion of the 0.031-acre

portion of Liberty Park, 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. A copy of this Resolution shall be provided to New Jersey Department of Environmental Protection's (NJDEP's) Green Acres Program and shall be filed with the Office of the City Clerk by the Deputy Mayor/Director of the Department of Economic and Housing Development.
5. This Resolution shall take effect immediately.

STATEMENT

This Resolution endorses the Department of Economic and Housing Development's filing of a pre-application with New Jersey Department of Environmental Protection's (NJDEP's) Green Acres Program, on behalf of the City of Newark, seeking approval to divert a 0.031 acre portion of Liberty Park, which is currently encumbered with restrictions against disposal or diversion from recreation and conservation uses by the NJDEP's Green Acres Program, to allow the City to grant a variable width permanent underground easement to PSE&G in connection with the previous placement of underground electric conduit. The City acknowledges that, to obtain approval to divert the subject portion of Liberty Park, 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.