



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 20-0687, Version: 1

Dept/ Agency: Economic and Housing Development

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

Purpose: Obtaining Consent of Governmental Entity

Name of Governmental Entity: New Jersey Department of Environmental Protection's Green Acres Program

Applicable State Statute: N.J.A.C. 7:36-26, et seq.

Purpose: Authorizing Application to the New Jersey Department of Environmental Protection's Green Acres Program for the Major Diversion/Disposal of a portion of the property along McCarter Highway known as Block 1, Lot 60, in order to accommodate the development of neighboring parcels in accordance with Paragraph 3.2(c)(v) of Agreement for Sale and Redevelopment of Land between the City of Newark and Newark Waterfront Associates, authorized by Resolution 7R2-c(S/AS) of the Municipal Council, adopted on October 24, 2017.

Additional Information:

WHEREAS, Block 1 Lot 60 is encumbered with restrictions against disposal or diversion from recreation and conservation uses by the New Jersey Department of Environmental Protection's Green Acres Program; and

WHEREAS, in conjunction with the proposed development of an adjacent parcel, and in accordance with the provisions of Paragraph 3.2(c)(v) of the Agreement for the Sale of Land and Redevelopment entered into between the City of Newark (the "City") and Newark Waterfront Associates, which was authorized by Resolution 7R2-c (S/AS) of the Municipal Council, adopted on October 24, 2017, attached hereto as Exhibit A, it is necessary to remove the Green Acres restrictions from a .075 acre portion of Block 1, Lot 60 in order to create an easement to access the adjacent property; and

WHEREAS, the removal of Green Acres restrictions from parkland requires the approval of the Commissioner of the Department of Environmental Protection and the State House Commission pursuant to N.J.A.C. 7:36-26; and

WHEREAS, the City wishes to apply for approval for a major disposal or diversion of parkland under N.J.A.C. 7:36-26 for the .075-acre portion of Block 1, Lot 60, a copy of pre-application is attached as Exhibit B; and

WHEREAS, as required by N.J.A.C. 7:36-26.8, the City held a scoping hearing on November 13, 2017 to solicit public comment on the diversion of parkland from Block 1, Lot 60 in connection with the Riverfront Project, a transcript of which hearing is attached hereto as Exhibit C; 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 the City 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 MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Municipal Council endorses the submission of a Pre-Application to the New Jersey Department of Environmental Protection's Green Acres Program for the Major Disposal/Diversion of a 0.75-acre portion of Block 1, Lot 60 in accordance with N.J.A.C. 7:36-26.
2. The Mayor and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development and/or her designee are hereby authorized to submit to the New Jersey Department of Environmental Protection's Green Acres Program a Pre-Application for the Major Disposal/Diversion of a 0.75-acre portion of Block 1, Lot 60 in accordance with N.J.A.C. 7:36-26 (a copy of the Pre-Application is attached hereto as Exhibit B and made a part hereof).
3. The Municipal Council hereby finds that the diversion of a portion of Block 1, Lot 60, would meet the minimum substantive criteria at N.J.A.C. 7:36-26.1(d) by allowing for the development of the adjacent parcels, which are currently unimproved, and which development would provide needed housing opportunities in the Downtown Core area, adjacent to public transit.
4. The Municipal Council acknowledges that in order to obtain the approval of the diversion of Block 1, Lot 60 all substantive and procedural requirements of N.J.A.C. 7:36-26 must be met, including compensation requirements of N.J.A.C. 7:36-26.10.

STATEMENT

This resolution endorses the submission to the New Jersey Department of Environmental Protection's Green Acres Program a Pre-Application for the Major Disposal/Diversion of a 0.75-acre portion of Block 1, Lot 60 in accordance with N.J.A.C. 7:36-26. This resolution further authorizes the Mayor and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development and/or her designee to submit said Pre-Application for the aforementioned purpose.