

## APPENDIX

# New Jersey's 40<sup>th</sup> Legislative District

SENATOR

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December 14, 2025

*RE: Project RPR 26-03, Block 156 Part of Lot 1, Totowa Borough, Passaic County*

## SENT VIA ELECTRONIC AND CERTIFIED MAIL

Members of the New Jersey State House Commission:

As the duly elected State Representatives of New Jersey's 40th Legislative District, we write to express, in the strongest possible terms, our unequivocal opposition to the Administration's abrupt, ill-considered, and fundamentally irresponsible decision to pursue the acquisition of property in the Borough of Totowa for the development of a Youth Justice Center. This proposal reflects a troubling disregard for established planning standards, cooperative municipal engagement, and the welfare of the very residents the State is entrusted to serve.

The New Jersey Department of Environmental Protection has already confirmed that the parcel under consideration contains wetlands and environmentally sensitive features that render it unsuitable for any form of development. For decades, this land has been classified as undevelopable. Yet the Administration now seeks to situate a detention facility directly behind residential homes. Such action is wholly unjustifiable and defies both logic and sound public policy principles.

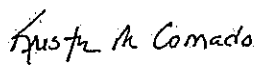
This proposal further sets a dangerous precedent that threatens the integrity of zoning practices across the State. The surrounding area includes a Fortune 100 data center, the New Jersey State Police Troop B Headquarters, a medical facility, a school serving individuals with developmental disabilities, and a residential neighborhood—homes whose backyards would now be met by the boundary wall of the detention facility. Advancing this project on land that cannot even meet the minimum standards required for court-mandated housing would effectively signal that local zoning ordinances carry no meaningful weight. If this property were genuinely suitable for development, it would have attracted private or public investment long ago. Instead, it remains one of the only wooded areas within Totowa's four square miles.

It should also be noted that we have repeatedly requested, in writing, to meet with the Governor's Chief of Staff through the Director of Legislative Affairs, who also serves as a "first alternate member" of this Commission. Despite our formal requests, beginning on September 17, we have yet been afforded an opportunity to discuss these urgent matters. This refusal is unacceptable, unprofessional, and a disservice to the residents we collectively represent. State officials cannot profess a commitment to partnership while simultaneously obstructing communication with the very local representatives charged with safeguarding their communities.

Compounding these concerns, we were afforded none of the basic courtesy or transparency traditionally extended to elected officials. We first learned of this proposal during a joint Zoom meeting attended by three municipalities and four agencies—without any prior briefing, outreach, or notice. To this day, we are left with critical unanswered questions regarding whether an environmental analysis has been completed, the project's traffic implications, and the number of employees and residents anticipated at the facility. In nearly half a century of combined public service, we have never encountered such a blatant disregard for process, protocol, or respect.

For these reasons, we strongly and unequivocally urge the members of this Commission to either vote against this project or table it until we, as the duly elected representatives of the impacted community, are given the opportunity to address our concerns directly with the Governor's senior staff.

Sincerely,

  
Kristin M. Corrado

  
Christopher P. DePhillips

  
Al Barlas

lx

# BOROUGH OF TOTOWA

PASSAIC COUNTY, NEW JERSEY

JOHN COIRO  
MAYOR

JOSEPH WASSEL, RMC  
MUNICIPAL CLERK



MUNICIPAL COMPLEX  
TOTOWA ROAD AT CHERBA PLACE  
TOTOWA, NJ 07512

PHONE: 973-956-1000 ext. 1009  
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December 15, 2025

**RE: Project RPR 26-03, Block 156 Part of Lot 1, Totowa Borough, Passaic County**

Members of the New Jersey State House Commission:

On behalf of our residents, as the Mayor of the Borough of Totowa, I am writing to you to express my vehement opposition to the short-sighted decision to pursue the acquisition of property in Totowa for the development of a Youth Justice Center in our town.

As background, the Borough of Totowa is four square miles with a population of about 11,000 residents. We are a suburban town that borders Paterson, Wayne, Woodland Park, Little Falls, and Haledon. Totowa is almost fully developed and there is little developable land remaining. According to our vacant land survey required for the fourth round of the affordable housing law passed in 2024, there is less than 10 acres of developable property that exists. Most of the property in question has been designated as wetlands by the New Jersey Department of Environmental Protection. Does this designation not apply to the State of New Jersey?

I first heard of the proposal to build a Youth Justice Center on a Zoom call on September 17, 2025, that was hosted by the Youth Justice Commission. There were several state agencies on the call as well as our state legislators for the 40<sup>th</sup> district and officials from neighboring towns. The plans of the facility to be situated in Totowa were fully developed and the decision to proceed had seemingly been made by the State of New Jersey without any prior notice or discussion with the municipality. There was no prior communication or briefing prior to September 17. As an elected official, I am very troubled about the process that took place as it appears to be more dictatorial and not democratic in the least.

Had we been given the common courtesy at the outset of the planning process, we would have advised the Youth Justice Commission of: (1) the lack of developable property in Totowa and that they were building on one of the last pieces of virgin land in our town, (2) the previously mentioned wetlands designation (3) the nearby residents who would now have a wall abutting

their property with that of the proposed facility, (4) a school serving individuals with developmental disabilities abutting the proposed facility, (5) the traffic that exists throughout our town and on Minnisink Road, where the proposed facility would be built, (6) and the sewer system upgrades required by the sewer plant that serves this property. These are but a few issues we would have discussed, but, alas, we did not have a chance to meet with anyone prior to the September virtual meeting, which is very disturbing for such an ambitious project.

To make matters worse, on the Zoom call, just about every question that our state legislators or I asked were not able to be answered. Some of the questions that were asked included what other sites were considered, are there additional available sites to consider, why not use underutilized or abandoned buildings on existing State property as opposed to building on virgin land, was a traffic or environmental study prepared, who within the State of New Jersey had approved these plans and what agency or body still had to approve these plans. We were told that someone would get back to us. I have not heard from anyone to date. As a matter of fact, anyone from the State of New Jersey on the virtual call had told me that the New Jersey State Housing Commission would be involved in this proposed project, I would have written to you sooner to request to be heard at your public meeting on December 15.

In summary, the Borough of Totowa is just about fully developed with little vacant land remaining. To shoe horn this proposed facility on wetlands between residents, a school, and New Jersey State Police Troop B headquarters on a very busy road makes no logical sense. On behalf of the Borough of Totowa and the residents I represent, I am urging the members of this Commission to vote against this proposed project.

Sincerely,



John Coiro

Mayor

# New Regional Youth Justice Centers: Reimagining Youth Justice Facilities and Transforming Places and Practices





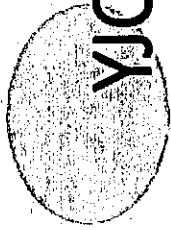
## TOP LINE OVERVIEW

The New Jersey Youth Justice Commission (YJC) is leading the creation of three new, smaller, regional youth justice centers which will be part of the downsizing of the youth justice system and transformation into smaller, state-of-the-art therapeutic facilities.

YJC worked with Treasury to review the inventory of State and private properties that met basic criteria of being regional and being at least 5+ acres to accommodate campus design.

The southern (Winslow) and central (Ewing) locations have already been identified and construction has commenced.

Today's agenda item addresses property for the northern facility (Totowa).



## YJC's Commitment to Being a Good Neighbor

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YJC is committed to being a good neighbor to the local communities where it operates:

- Open lines of communication, and designated and regular contact with local government and stakeholders.
- Engage through periodic meetings, invitations to events, and partnering with local organizations.

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## New Opportunity to Downsize YJC Facilities

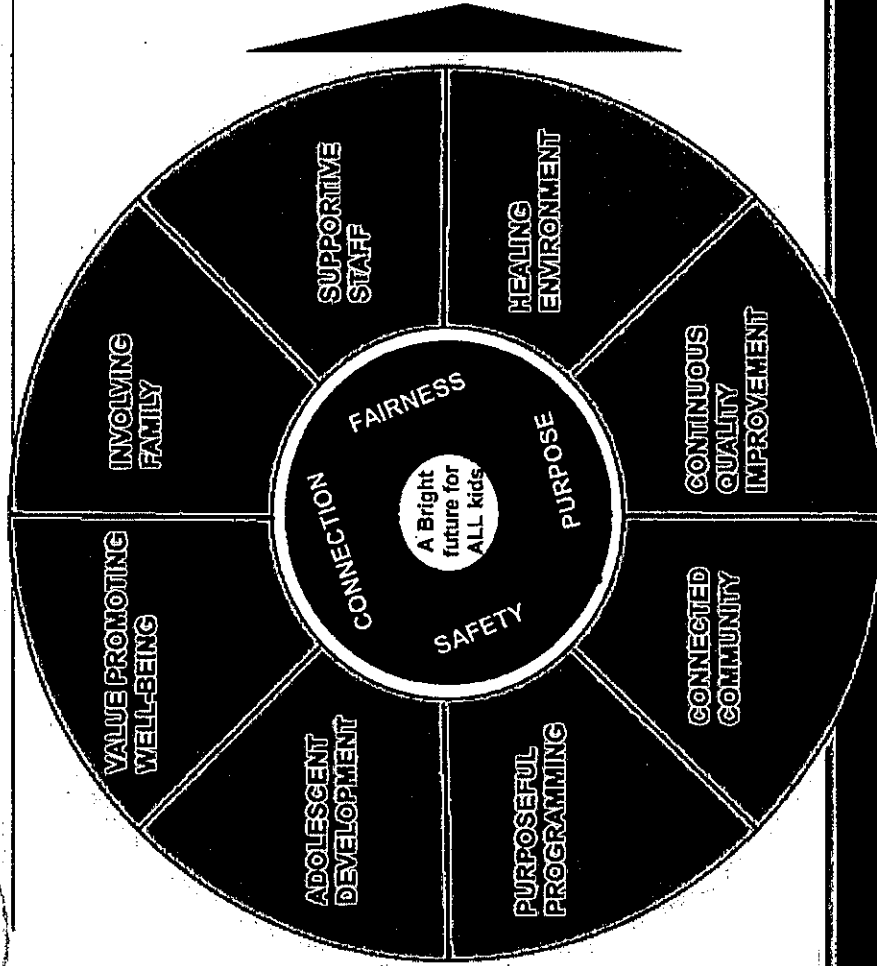
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- Youth justice reforms in NJ have led to a profound decrease of youth involvement in the justice system.
  - As a result, NJ is set to close two facilities—the New Jersey Training School in Monroe and the Hayes facility for females in Bordentown.
  - Replace the old facilities with three new regional youth justice centers.
    - New centers will embrace a more welcoming and positive vision;
    - New centers are individually and collectively smaller than the NJ Training School which will be closing.
  - These new youth justice centers will look and function more like a school and opportunity center for justice-impacted youth.
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# BACKGROUND: Building on Success

- New Jersey is the first and only state in the nation to successfully implement the Juvenile Detention Alternatives Initiative (JDAI) in all its counties, leading to NJ's designation as a "JDAI Model State" by the Annie E. Casey Foundation
- JDAI has led to a drastic decrease in youth involvement in the justice system:
  - 88% decrease in youth crime (including 79% decrease in serious offenses);
  - 83% decrease in county detention; and
  - 90% drop in youth incarcerated with the YJC.
- The declines in the population of youth involved with the justice system have coincided with a decline in crime as well.
- The State is using these reforms to **shrink the size of its secure care facilities** and take the opportunity to **reimagine and transform** youth justice facilities for young people committed to state custody by the courts.

# VISION: Set a New Standard for Excellence



**Ambition:** To set a new standard for excellence in providing care, healing, and opportunity for the small number of youth housed in youth justice facilities to help them grow and thrive as they transition into adulthood and prepare to return to their communities.

Places and practices are both critical to achieving this vision.

# VISION: Set a New Standard for Excellence

## EXAMPLES OF PRACTICE CHANGES IMPLEMENTED:

- expanding the number of college courses offered (first YJC youth graduated from college!)
- implementing new career training opportunities, including certificate programs in entrepreneurship, Heating, Ventilation, and Air Conditioning (HVAC), and broadband infrastructure
- implementing intensive healing circles in partnership with the Inside Circle Foundation
- enhancing staff training on creating therapeutic communities, leading with values, positive youth development, and restorative practices
- expanding employment opportunities, including a program to hire former YJC residents as youth worker trainees
- launching new housing programs for released youth
- establishing a State Youth Advisory Board to foster trusting relationships between youth and staff, empower youth to be agents of change, and allow youth to develop leadership skills
- engaging with a consortium of community-based providers to bring a wide array of prosocial activities to youth in YJC's care to expand their interests and connect them with positive mentors

# Transforming Places for New Standard of Excellence

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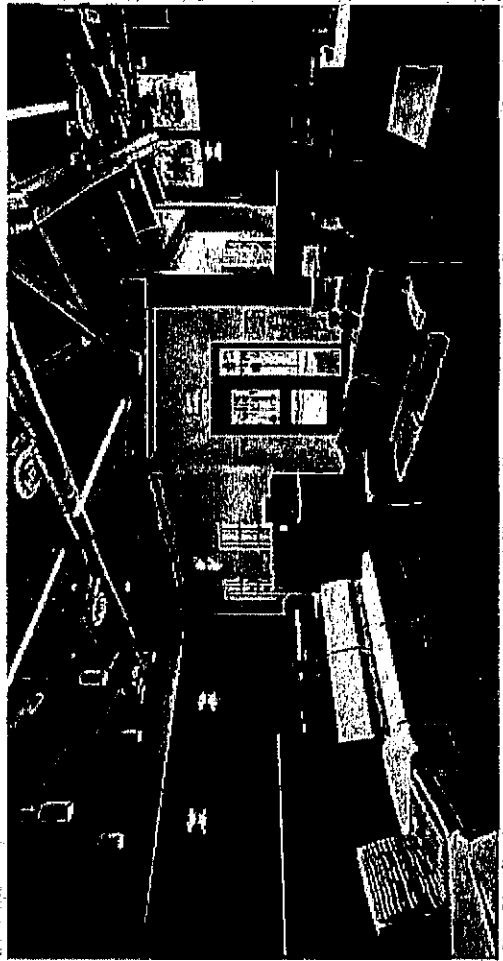
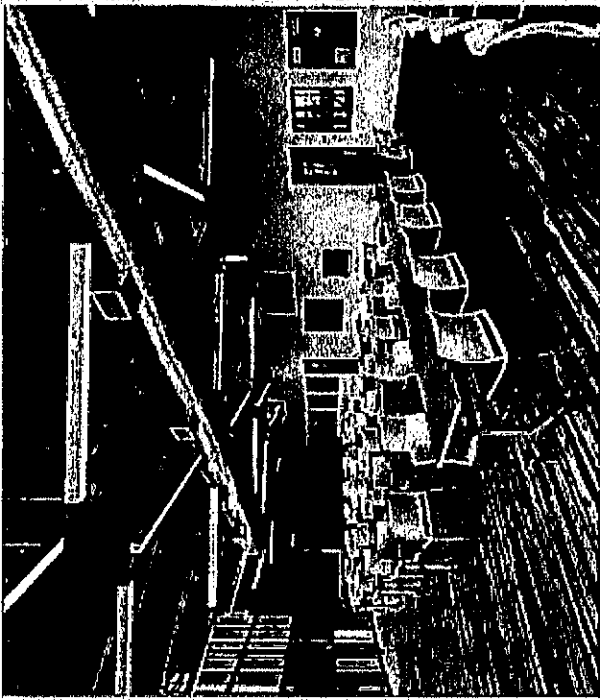
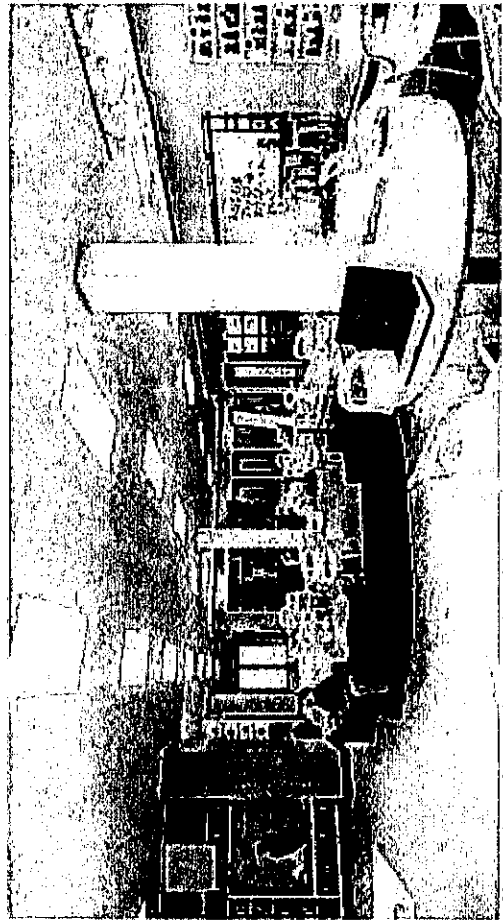
- Replace old model (large, antiquated) with smaller, regional, state-of-the-art facilities.
  - Maximum population of 48.
  - Transform care through facility design: enhance safety of staff, youth, and the community while delivering more rehabilitative and therapeutic services.
  - Smaller facilities is key: youth can live and program together in small groups of 8—optimal for safety and for creating group cohesion and a therapeutic group dynamic.
  - Design maximizes opportunities for community and family involvement.
  - Learn from existing models: USA Architects has created design features and aesthetics (layout/floor plans/use of space, lighting, materials, color, landscaping, etc.) that enhance safety and promote resilience and therapeutic approaches.
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# New Youth Justice Centers-Overview

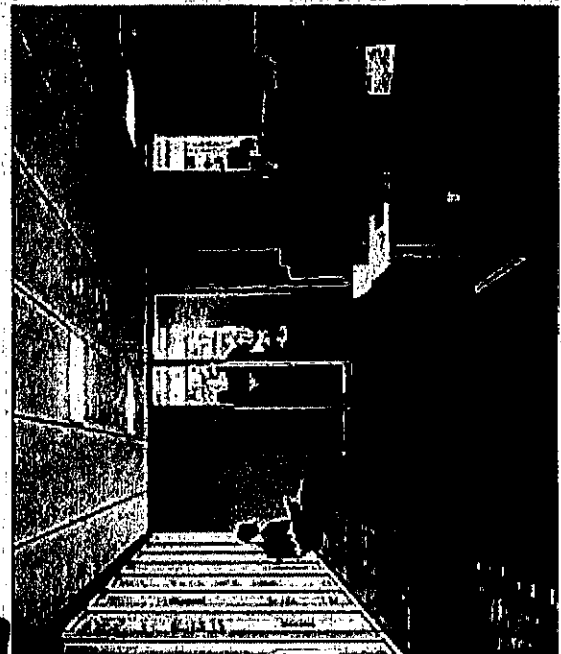
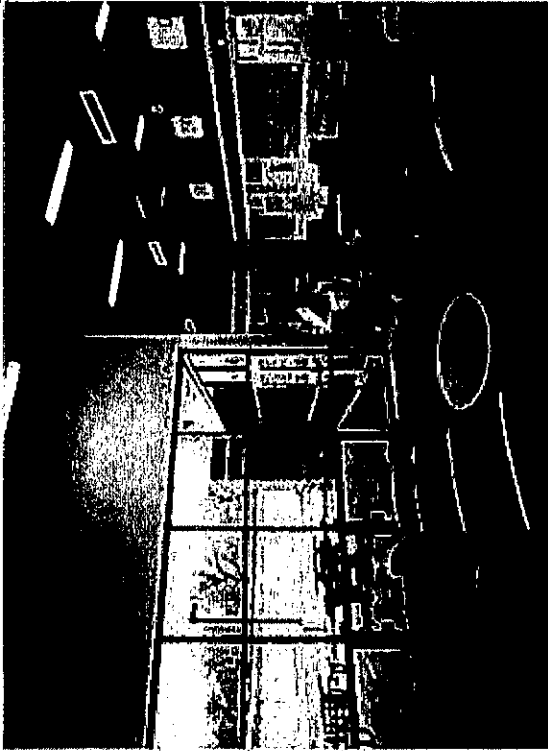
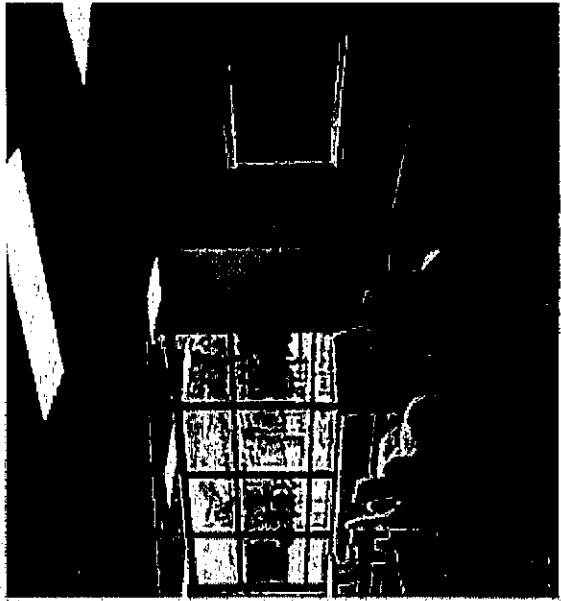
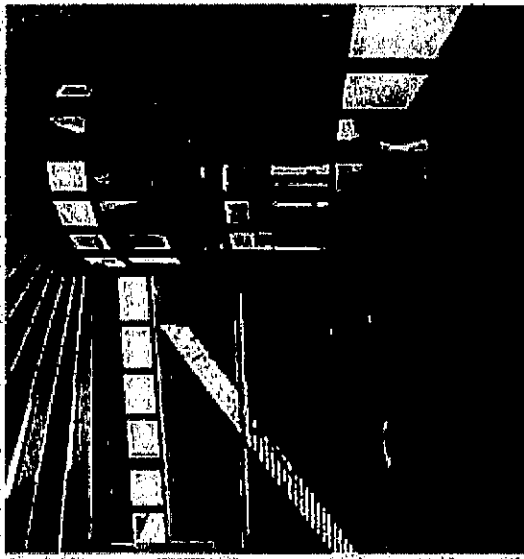
- Same design model in all three regional locations.
- Serves a maximum of 48 youth.
- New centers do **NOT** serve the most challenging youth (that facility (JMSF) will remain open in Bordentown).
- However, the new centers are still secure (secure perimeter, fence, buildings that lock).
- Campus layout and feel:
  - A campus center which houses a school; counseling, medical, and community/multi-purpose spaces; dining room/kitchen; and administrative functions.
  - Gymnasium/activity center.
  - Three cottages, each housing 16 youth in two separate spaces, each with 8 bedrooms.
  - Greenhouse, gardens, sports field.



DESIGN INSPIRATIONS



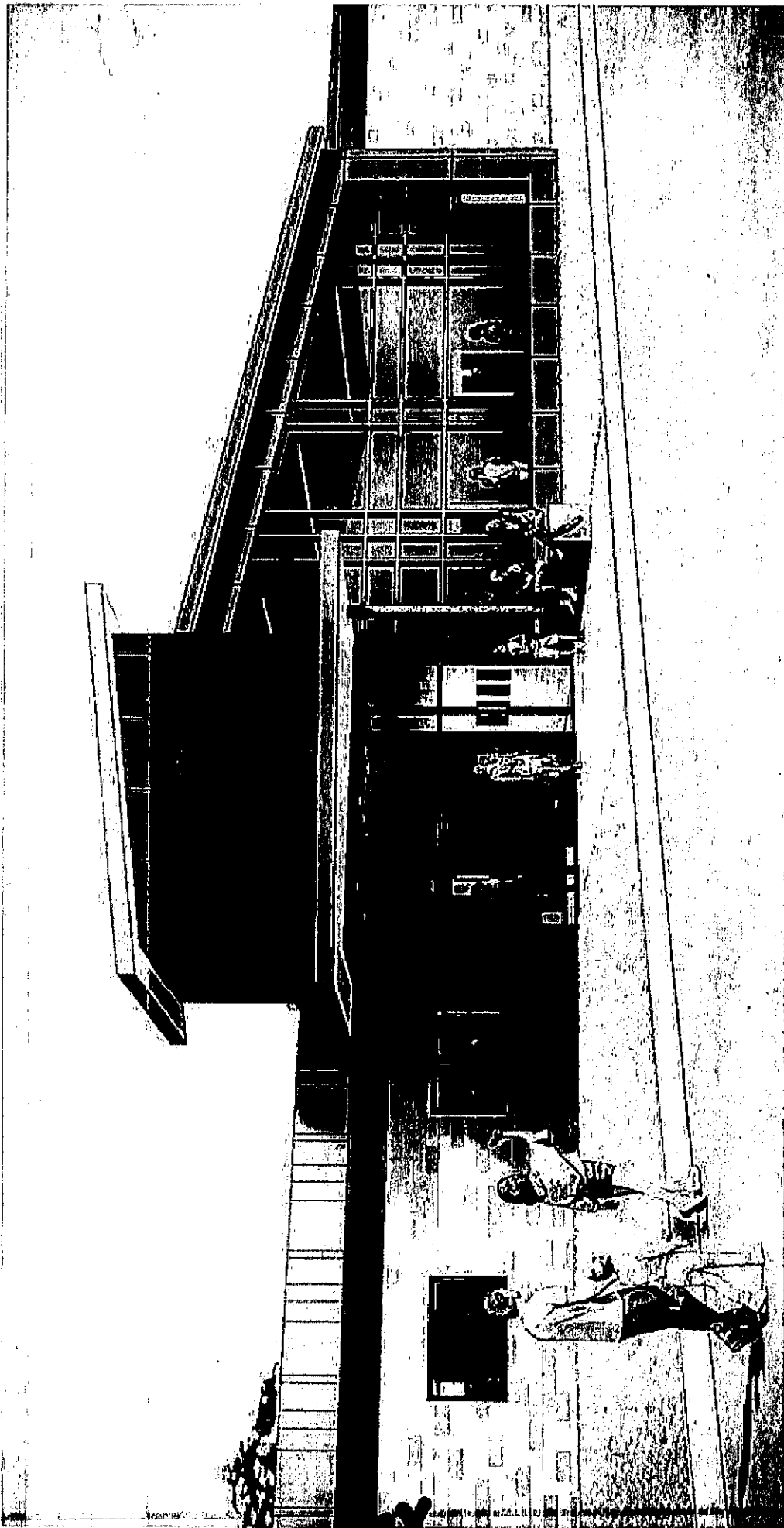
DESIGN INSPIRATIONS



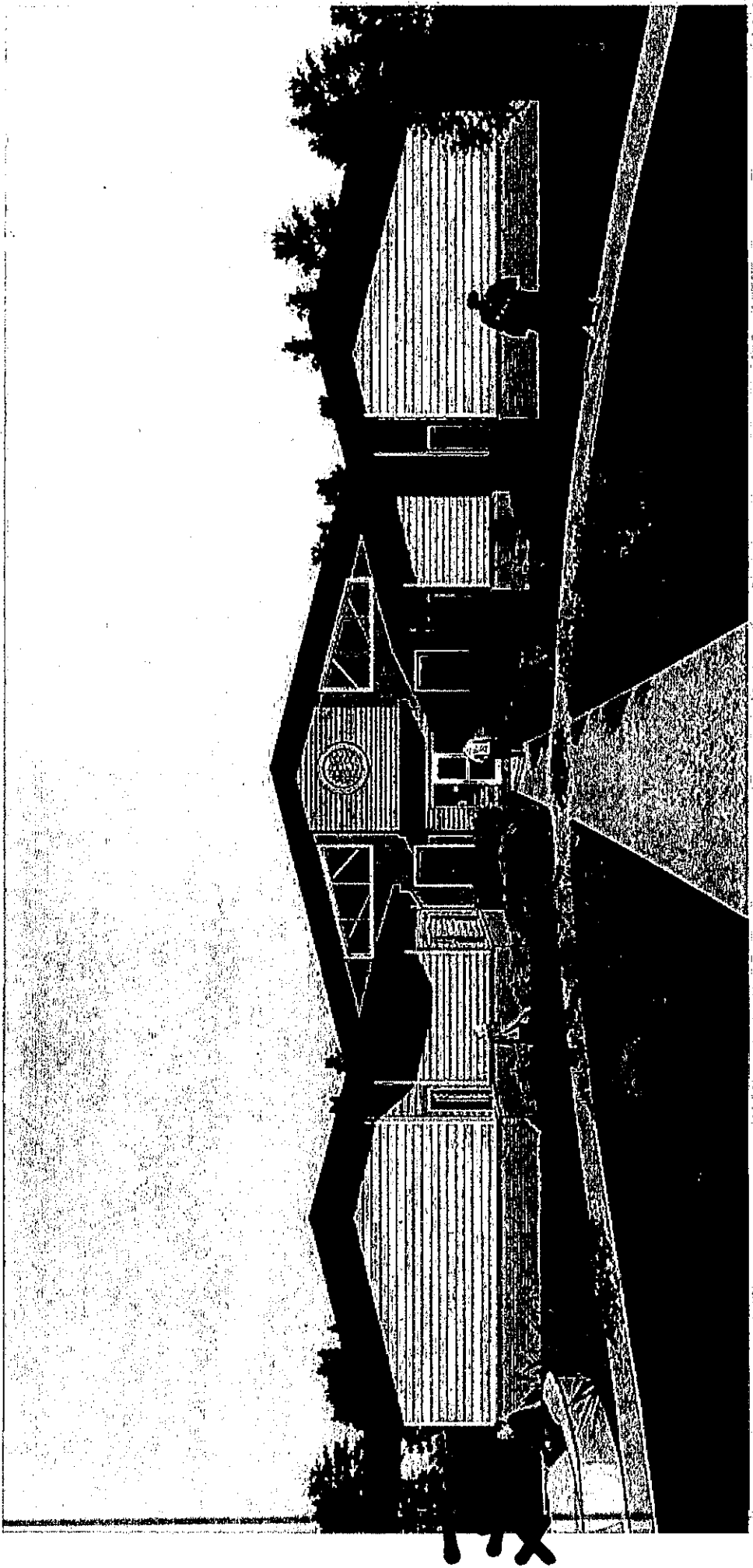
# YOUTH JUSTICE CENTER RENDERINGS

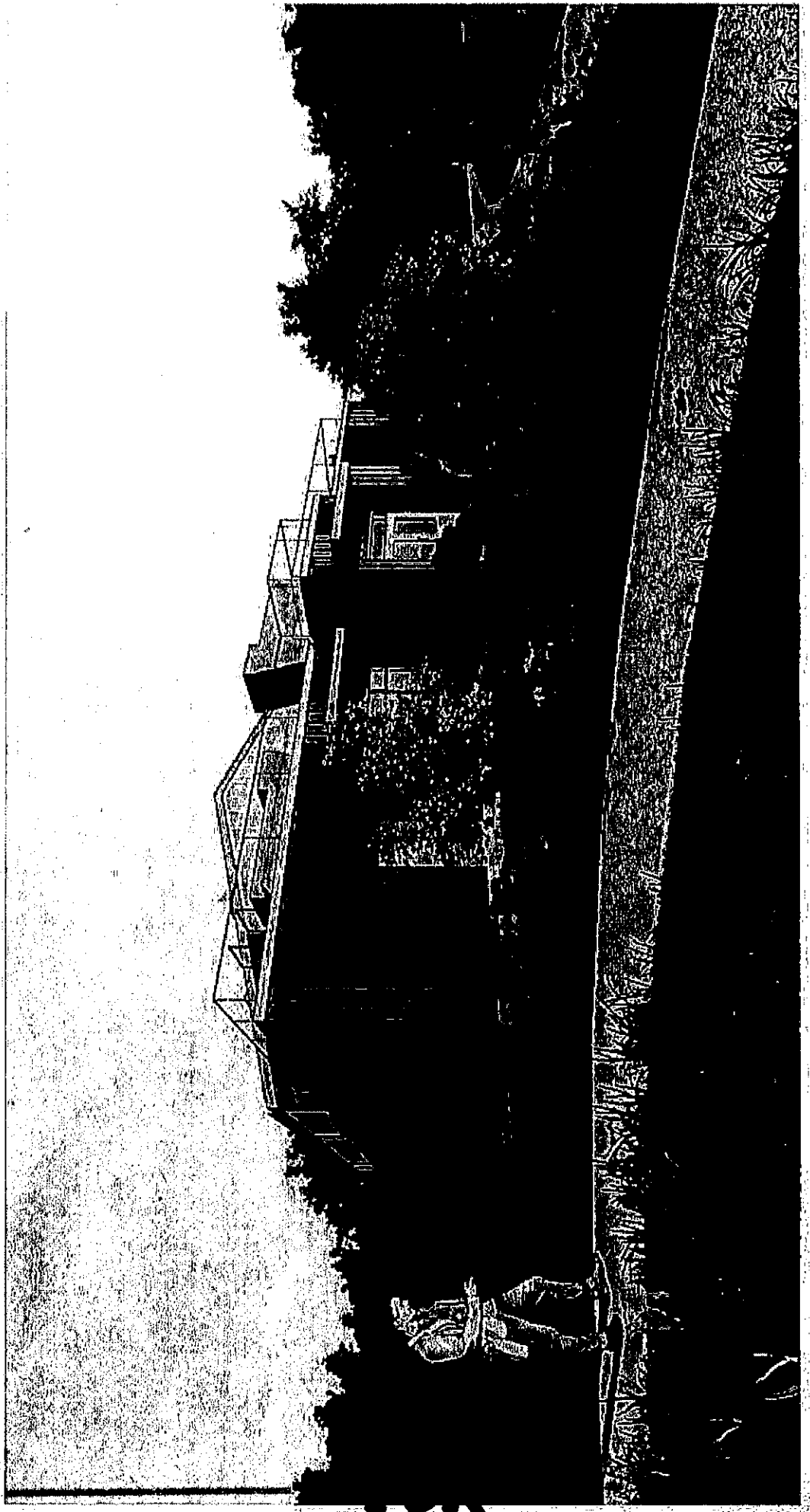
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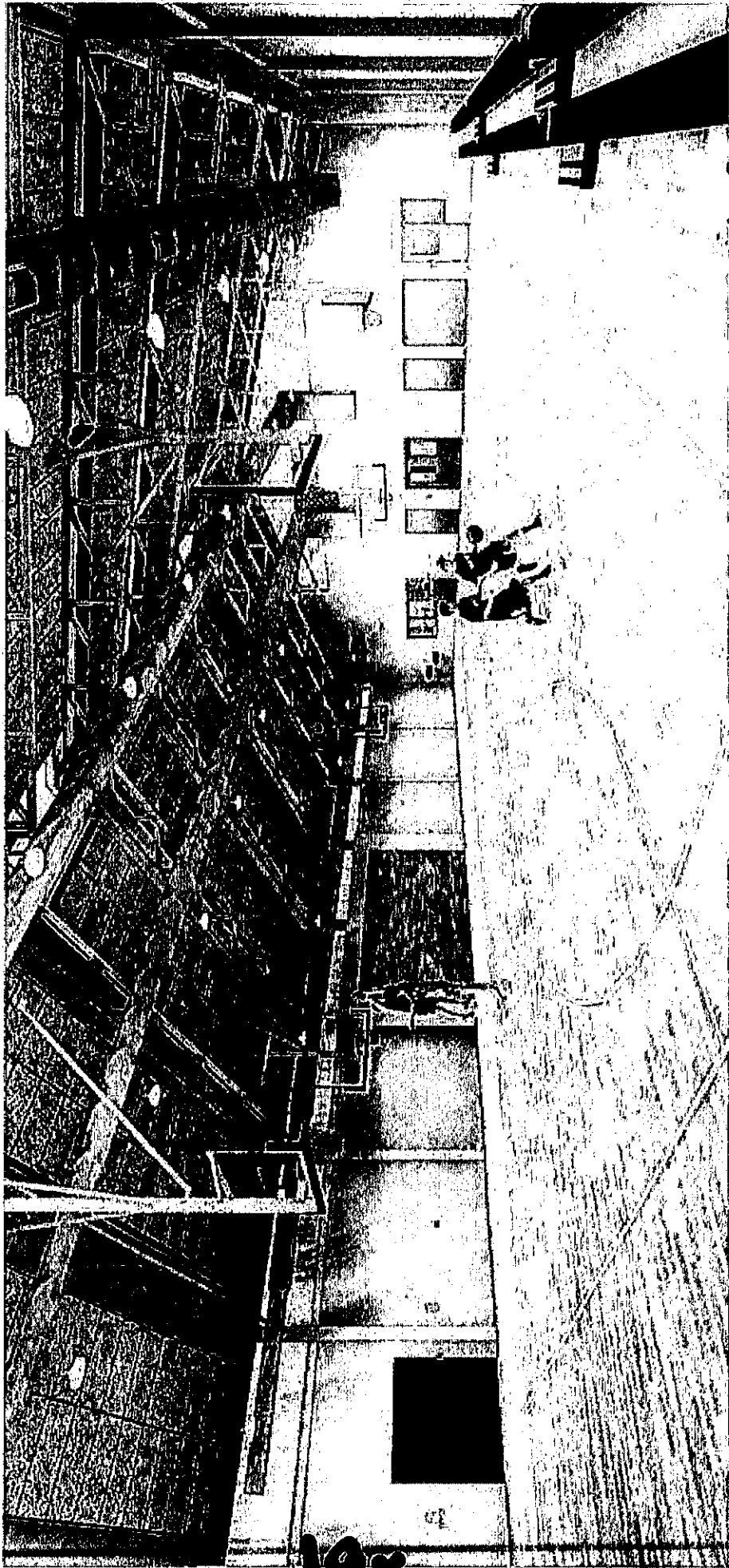




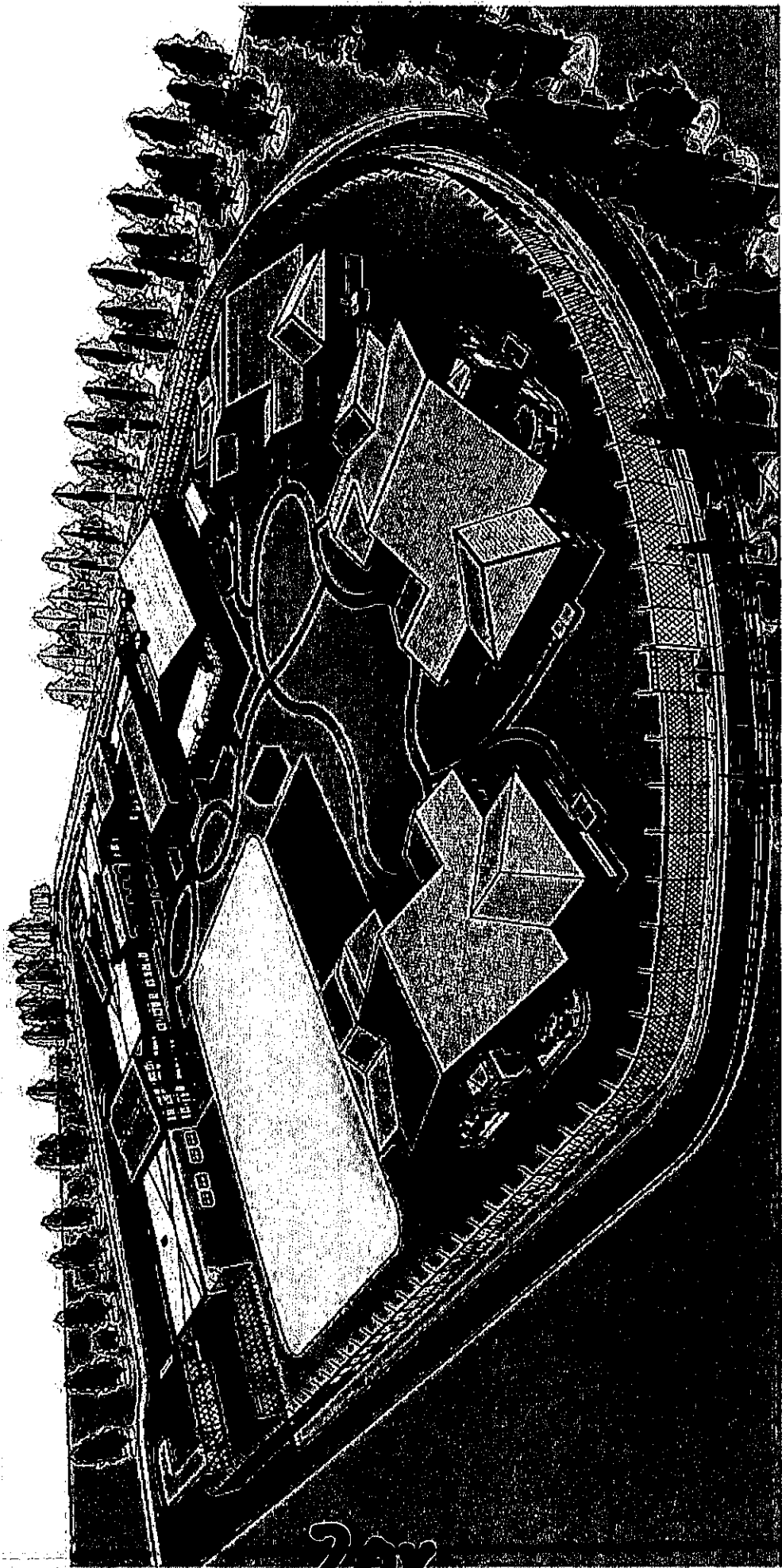
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## Projected Timeline of Next Steps

- Following State's final approval, design and construction bidding process will begin for the Northern youth justice center.
- 2027: Southern and central: construction will be complete.
- 2028: Northern: construction will be complete.
- 2028: Current sites (NJTS and Hayes) will close and youth will be transferred across three new regional centers.

**From:** bob  
**To:** State House Commission [TREAS]  
**Cc:** Smith B., Sen. D.Q.; SenBucco@njleg.org; Asw.PintorMarin; john.dimaio  
**Subject:** [EXTERNAL] Addendum to IMPORTANT: Regarding the December 15, 2025 SHC Meeting  
**Date:** Friday, December 12, 2025 7:53:09 AM

This message came from an **EXTERNAL** address. Do not click on links or attachments unless you know the sender and the content is safe.

**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** PhishReport@cyber.nj.gov.

"NJDEP's SHC State Approval Summary Sheet" states that the proposed 1811 Paterson Plank Road land was purchased by Hudson County which was then reimbursed by North Bergen Township and the N.B. Board of Education and "*it provides a much-needed recreational amenity to an underserved area of North Bergen*".

NJDEP failed to disclose to the SHC that this replacement land was procured to serve the upscale adjacent "Hudson Mews" apartment complex which was built at the same time by a developer who had family ties to a powerful State Assemblywoman and a North Bergen and Hudson County government official.

The developer of Hudson Mews was Frank Huttle III who is the brother-in-law of Anthony Vainieri. Vainieri at that time was a North Bergen Freeholder and the Chief-of-Staff for North Bergen Mayor Nick Sacco.

Huttle was the Mayor of Englewood at the time.

Huttle is married to Valerie Huttle who is Vainieri's sister. At the time, Valerie Huttle was a State Assemblywoman from Bergen County.

Valerie Huttle's legislative financial disclosure statement shows connections to Hudson Media, Inc. and Hudson Capital Properties, LLC, which are related to the Hudson News/Mews, adjacent property, which has a vested interest in this replacement land/park. <http://www.njleg.state.nj.us/ethics/FinancialDisclosure/VainieriHuttleV2014.pdf>

The Hudson Mews 11 acre site was a perfect site for the preschool but North Bergen rejected it, saying there wasn't enough flat land, which wasn't true.

North Bergen also said the land was contaminated, but North Bergen said that about virtually every possible alternative site.

On 12-20-15 The Hudson Reporter reported the following about Huttle's development company and the Paterson Plank Road replacement land:

*"As part of the deal, they not only demolish the car wash, they grade the property and they bring all the infrastructure to the site, including utilities, with access for water and electric."*

There seems to be a number of unethical, if not illegal conflicts of interest involved here which NJDEP and others should have looked into - I notified NJDEP about this several times over the years.

Documentation is available upon request.

22x

On 12/12/2025 2:10 AM, bob wrote:

Dear Members of the NJ State House Commission,

The public was not given adequate notice for the December 15, 2025 SHC meeting which will decide the fate of North Bergen's application to divert, after-the-fact, North Bergen's DEP encumbered 43rd Street Park. DEP only announced this December 15 SHC meeting 1 full work day in advance (December 11), here:  
<https://dep.nj.gov/otpla/city-of-north-bergen-hudson-county-diversion-application-braddock-park-school-trailers/>

DEP's "SHC State Approval Summary Sheet" states that the proposed Paterson Plank Road replacement land is 1.55 acres in total and "*the minimum compensation required is .835 acre*".

See: <https://dep.nj.gov/wp-content/uploads/otpla/plc-public-notice/braddock-park/shc0908003-north-bergen-ems-building-summary-signed-with-exhibits.pdf>

The problem is that North Bergen's 01-26-2016 diversion pre-application states: "*At Paterson Plank Road, the proposed urban park areas (children's play structures, swings, parking, lawn, etc), will occupy about half of the site, and half will be a wooded hillside, with no access for the human residents of the County.*"

Half of the 1.55 acre proposed replacement parcel means only .775 acre is usable by the public - **this does not meet the .835 acre minimum compensation required, as stated by DEP.**

Furthermore, DEP's contention that the requirement to provide public hearings was met on 07-10-20, 07-14-25 and 08-13-25 is misleading because at all of those hearings the public was led to believe that North Bergen's diversion application and those hearings were not just about North Bergen's application to divert, after-the-fact, the 43rd Street Park, but also North Bergen's much larger illegal diversion of Braddock Park.

The transcripts of the latter two hearings have not been made available to the public on DEP's website: <https://dep.nj.gov/otpla/city-of-north-bergen-hudson-county-diversion-application-braddock-park-school-trailers/>

Both illegal diversions should be settled at the same time - the proposed Paterson Plank Road land was earmarked in North Bergen's diversion application to settle **both** diversions.

Recently North Bergen decided to withdraw its application to divert Braddock Park in the future, but NB still needs to provide proper compensation consisting of a minimum of 5:1 replacement land for its illegal past diversion. See "*Table 1 - Table for Determining Minimum Compensation to be Provided for Major Disposals and Diversions of Parkland*" in N.J.A.C. 7:36 regulations. North Bergen still needs to remove its 25 year-old illegally situated preschool trailers and restore the diverted Braddock Park land to recreational use.

For 25 years North Bergen has wasted many millions of State taxpayer dollars while DEP has not just dragged its feet, it has also facilitated North Bergen's non-

23

compliance with regulations by not enforcing directives and regulations. More about this is contained in the report attached to this email, which I sent to DEP on 08-26-25.

Even worse, one person died in a traffic accident near the preschool - The Hudson County Sheriff's accident report noted "*The area of the crash, at that time of day, has a high amount of vehicular and pedestrian traffic in the area due to the pre-school located in the area.*"

The preschool should have been removed before this tragedy occurred.

Ironically, North Bergen recently admitted that it doesn't need Braddock Park for a preschool - I have been telling NJDEP officials this for the past 12 years!

I urge the SCH to reject DEP's proposed settlement of the 43rd Street Park until the Braddock Park diversion is also ready for settlement and this should happen ASAP, with oversight by the SHC and State law enforcement officials.

Sincerely,

Robert Walden

North Bergen, NJ 07047

24th

# WHY NJ DEP SHOULD REJECT NORTH BERGEN NJ's APPLICATION TO DIVERT BRADDOCK PARK FOR SCHOOL USE

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## NORTH BERGEN USED POLITICAL INFLUENCE TO VIOLATE REGULATIONS

Carolyn Armstrong's NJ DEP notes reveal that in an 11-04-13 phone conversation with North Bergen ("NB"), NB said the "BOE wants to consider remaining on site and diverting the park property b/c **it would be far cheaper and more politically palatable** to remain on site than to acquire the proposed private properties, deal with other complicating matters there."

NB's misguided attempt to keep taxes down for political advantage has resulted in nearly 25 years of non-compliance with environmental and educational regulations. During these 25 years, lives have been jeopardized and at least one life lost (see page 22).

This fiasco began in **2001** when Nick Sacco was concurrently NJ State Senator, Mayor of North Bergen and the NB Assistant Superintendent of Schools. He is still Mayor.

Key personnel at NJ DEP in **2001** are currently deciding the fate of NB's diversion application; they appear to have a conflict of interest because as this report demonstrates, NJ DEP has facilitated NB's non-compliance, probably since it began, in **2001**.

DEP has not conducted proper inspections, has not enforced directives and environmental regulations and has approved very questionable Green Acres grants to North Bergen.

### **NB HASN'T SHOWN THAT THE PRESCHOOL WILL MEET EDUCATIONAL REGS.**

In her **02-29-24** letter to NB, NJ DEP attorney Judeth Yeany directed North Bergen to proceed to a final diversion application but she also enumerated documents and information that NB still needed to provide, and "*pursuant to N.J.A.C. 7:36-26.11(a), **this information is to be submitted within 180 days of receipt of this letter***".

*"The applicants' **May 1, 2023** submission to the Department states that the proposed preschool complies with Department of Education (DOE) regulations and current guidance for new school construction. While DOE has separate regulatory oversight here, because the Department is interested in ensuring that the proposed diversion area is adequate for its intended purposes, the Department requests that applicants specifically explain how the proposed diversion area is sufficient to comply with DOE requirements for school perimeter buffers, the width of access drives (for safe ingress and egress of school buses), playground space, handicapped parking and access, and any other relevant factors that would affect the size of the proposed diversion area."* - Judeth Yeany's **02-29-24** letter.

NB violated **N.J.A.C. 7:36-26.11(a)** when it did not meet the 180 day deadline and on **10-31-24** Judeth Yeany reminded NB:

*"The applicants were instructed to ensure that the proposed Braddock Park diversion area of 1.477 acres is adequate for the intended preschool project, including necessary accessory structures or equipment, parking sufficient for a school of this size, adequate outdoor play area and, as discussed below, any buffer or access areas required to meet New Jersey Department of Education (NJ DOE) standards. The school building plans presented in the pre-application lack sufficient detail for the Department to accurately assess the final area of diversion.*

*An August 2, 2024 letter from Grace Lynch that was submitted by the applicants as part of the Final Application notes the Township is working on its Long Range Facilities Plan ("LRFP") for review and approval by the NJ DOE. Ms. Lynch was anticipating receiving a statement from the NJ DOE confirming the that the area of Braddock Park that was originally proposed for diversion is sufficient for the proposed use. Additionally, Ms. Lynch stated she would be in "contact in the coming weeks about the response to DEP and the schematic design." However, we have not received any information from the Township or the NJ DOE confirming that the area of diversion is large enough to support the proposed pre-school,*

including the playground area, any dedicated school parking areas and the required 30-foot emergency access buffer around the school building. In addition, we have not received updated building plans.” - Judeth Yeany’s 10-31-24 letter.

Ms. Yeany’s “1.477” acre was wrong; she should have written “1.339” acre.

On **12-01-24** NB provided DEP with building plans/schematics of the proposed preschool and a letter stating that the preschool will be “consistent with the NJ DOE Facilities Efficiency Standards for an Early Childhood Center, and N.J.A.C. 6A:26-6.4...” “The building will be set back 30’ from the property line fence on the track and field side, with an A.D.A. compliant walkway and a 25’ wide driveway.”

NB did not provide the information and assurances that Judeth Yeany requested in her **02-29-24** and **10-31-24** application reviews concerning the proposed preschool’s ability to meet **N.J.A.C. 6A:26** educational regulations:

**1-** The NJ DOE “Facility Efficiency Standards” and **N.J.A.C. 6A:26-6.4** regulations that NB states the preschool is consistent with, are just a few of the **N.J.A.C. 6A:26** regulations that the preschool needs to be consistent with.

**2-** The building is required to have a 30 foot access/buffer area around all four sides, not just on one side, as NB stated (“the track & field side”). The schematics don’t show a 30’ access/buffer around the entire building.

**3-** NB’s application and schematics do not show “parking sufficient for a school of this size” as Judeth Yeany requested. NB only seeks to divert 5-6 parking spaces in the preschool parking lot. NB doesn’t state if these 5-6 parking spaces will be used for parking or for other purposes.

NB received a violation notice in **2011** from DEP for diverting the entire parking lot.

An **11-07-13** letter written by the NB Township Administrator to NJ DEP states that the preschool uses about 30 parking spaces.

**4-** NB’s **2020** Alternatives Analysis (pre-application part 2), states:

“A two-story permanent preschool building as per **N.J.A.C. 6A:26-6.4(b)2** would require at least approximately 1.6 to 2 acres”.

NB is only seeking to divert 1.3 acres. NB should include its diversion of the .54 acre preschool parking lot and the acreage of the preschool entry road in its diversion application.

**5-** The schematics don’t show the preschool entry road leading from JF Kennedy Boulevard to the preschool parking lot. This road does not meet State regulations and NB, NJ DEP and NJ DOE all knew this in **2015** after an engineering study recommended widening the road and installing sidewalks, yet ten years later, the road remains the same.

**N.J.A.C. 6A:26-5.3** “Schematic Plans” (etc.) requires the submission of preschool schematics to NJ DOE so that it can review them for educational adequacy. This regulation (and other 6A:26 regulations) state that the schematics should include *roadways and access roads*, etc., which NB did not provide.

6- North Bergen has provided NJ DEP with unreliable enrollment numbers. NB stated that in **2025-2026** it will have 360 preschool seats in elementary schools for 4 year-olds and 60 seats in Head Start classrooms for 3 year-olds. NB proposes to build a preschool in Braddock Park for 204 students. This would give NB a total of 624 preschool seats (360 + 60 + 204).

[https://dep.nj.gov/wp-content/uploads/otpla/plc-public-notice/braddock-park/final-application-completeness/2024\\_12\\_yeany\\_lynch\\_plans.pdf](https://dep.nj.gov/wp-content/uploads/otpla/plc-public-notice/braddock-park/final-application-completeness/2024_12_yeany_lynch_plans.pdf)

Superintendent of Schools Solter states in a **04-29-25** letter contained in the application that NB has a "target" to provide preschool classrooms for a "projected 960 students". This means that North Bergen would have a shortage of 336 preschool seats (960-624=336). **N.J.A.C. 6A:26** regulations require "Expansion of the building to its maximum potential enrollment".

Expansion of NB's proposed preschool in Braddock Park cannot be accomplished without another diversion, which NB states in its application it would not seek.

If NB needs 336 more seats (after building a preschool for 204 in the park), then obviously NB will either have to divert more park land (legally or illegally), or NB will have to build a preschool in the community, something NB has claimed for 25 years is impossible to do.

Building a preschool for 204 in Braddock Park serves no purpose if as NB claims, 960 seats are needed. North Bergen has not demonstrated a demand for more than the 420 seats that it has available for **2025-2026**, without having a preschool in Braddock Park.

Worth noting is that NB's enrollment projections have historically been 30%+ higher than NB's actual enrollment numbers, as shown on NJ DOE's enrollment website. See page 6.

The NJ DOE enrollment website also shows that the District's total enrollment has decreased by 13% from **2012-2013 (8075)** to **2024-2025 (7032)** and NB expects enrollments to continue decreasing.

Further, NB has not explained why it foresees a shortage of preschool seats, given that in **2024-2025**, NJ DOE's enrollment website shows NB had 507 6<sup>th</sup> graders and 486 7<sup>th</sup> graders, 993 in total, who will be moved into the new High Tech JHS for **2025-2026**.

**993 seats will be vacated in District elementary schools and will be available for preschoolers in 2025-2026.**

NJ DOE enrollment website: <https://www.nj.gov/education/doedata/enr/index.shtml>

If North Bergen needs more seats, it should renew the lease that it let lapse in July, 2024 of the Fulton Annex, aka Polk Street Elementary School. Polk School contains 10 classrooms and either they could be converted to preschool classrooms or they could free up classrooms in other elementary schools which could be converted.

7- NB's schematics and application do not demonstrate that the proposed preschool will meet **N.J.A.C. 6A:26** regulations which require:

*"All school sites shall have sufficient acreage for the following...Disabled-accessible pedestrian walkways, roadways and parking areas on which people and vehicles access the building".*

None of the preceding are shown in NB's schematics.

**8-** NB's schematics and application do not demonstrate that the proposed preschool will meet **N.J.A.C. 6A:26** regulations which require: *"Public- and service-access roads onto the site including, where warranted, a one-way school-bus road of 30-foot width and a two-way road of 36-foot width."*

a) NB's 2-way preschool access/entry road from JF Kennedy Boulevard to the preschool parking lot and preschool is not shown in the schematics. It does not meet State regulations because it is approximately 16 feet wide, not the required 36 feet wide and because it lacks sidewalks. Pedestrians walking to and from school share the same too narrow 2-way preschool road as vehicles. Obviously it is not ADA compliant.

In 2022 Hudson County applied to NJTPA for funding to build a new preschool entry road, but NB's diversion application does not include this plan and NJTPA has not approved Hudson County's application. It may not get approved because of important omissions and deceit contained within the application and because of public opposition (see pages 29-31).

Furthermore, NJTPA's timeline for completing this work (assuming it is approved), is not until June, 2030. Part of this road project is to make a one block portion of JF Kennedy Blvd. (where a pedestrian was run over and killed), safer.

**It would be negligent for NJ DEP to approve a diversion knowing that this very unsafe area, which does not meet regulations and where someone was killed will remain in service for 5 years or more\*. This alone is reason to not approve NB's diversion.**

\* See "NJTPA Road Project Timeline as of Aug 2025" file.

b) NB's one-way emergency access road behind the building is shown in the schematics to be 25-feet wide. It is not known if this road should be 2-way, which would require the road to be 36 feet wide, not 25 feet wide. What is known is that the entire building is required to have 30 feet of access around it, not 25 feet.

c) NB's 2-way road in front of the school building is shown to be 25 feet wide in the schematics, not the required 36 feet.

**9-** NB's schematics and application do not demonstrate that the proposed preschool will meet **N.J.A.C. 6A:26** regulations which require: *"School bus drop-off area":*

NB's **12-01-24** letter to NJ DEP states:

*"Student drop off by school bus, car, or on foot will take place in the parking area"*, but NB's schematics don't show a school bus drop-off area in the parking area.

**10-** NB's schematics and application do not demonstrate that the proposed preschool will meet **N.J.A.C. 6A:26** regulations which require: *"18-foot-wide posted fire lanes for fire apparatus"*: NB doesn't show fire lanes in its schematic.

NB's letter states "Our office reviewed the proposed site circulation including vehicular and emergency access with the Executive Director of Operations at North Hudson Regional Fire and Rescue".

NB doesn't state that the Executive Director approved NB's schematics or plan.

11- NJ DEP hasn't posted any documents, nor has NJ DOE responded to OPRA requests with any documents which indicate that NJ DOE has approved NB's plans and schematics.

NJ DOE has not approved a new NB LRFP (Long Range Facilities Plan), since 2018. Educational regulations require School Districts to submit LRFPs to NJ DOE for approval every 5 years.

North Bergen incompletely and deceitfully responded to Judeth Yeany's questions.

**When NB designs a preschool for Braddock Park which meets regulations, and which has been approved by NJ DOE, NB should then apply for a diversion. Until then, the preschool should not be allowed to remain in operation; it is too dangerous.**

### **NB HASN'T SHOWN THAT IT NEEDS MORE PRESCHOOL SEATS**

North Bergen's claimed need for more preschool seats is based on its projected preschool enrollments. NB's projections have been over-exaggerated by more than 30% in past years. NJ DEP is in possession of NB's projected and actual enrollment statements, which prove this.

<b>YEAR</b>	<b>TOTAL</b>	
2018-19	197	NB Reported 263 to NJ DOE in its LRFP.
2019-20	265	NB Projected 384, reported 293 to NJ DOE on Table 1
2020-21	237	NB Projected 347, reported 238 to NJ DOE on Table 1
2021-22	218	NB Projected 320, reported 240 to NJ DOE on Table 1
2022-23	208	NB Projected 296
2023-24	245	NB Reported 205 to NJ DOE on Table 1
2024-25	189	NB Projected 275 (189 is from a NB BOE OPRA response)

"TOTAL" column source: <https://www.nj.gov/education/doedata/enr/index.shtml>

North Bergen has 24 classrooms available for preschoolers in elementary schools (enough for 360 @ 15 per) and 4 Head Start classrooms for 60 preschoolers for 2025-2026 (420 total).

NB has not shown a demonstrated need for more than 420 seats, but if there is a need, as this report shows, NB currently has many other options for classrooms besides in Braddock Park.

It is worth noting that NB's 2018 LRFP shows that NB would have 27 preschool classrooms, not 24, as is stated in NB's 2025-2026 NJ PEA application:



<u>SCHOOL</u>	<u>2018 LRF</u>	<u>2025-26 PEA APPLICATION</u>
Lincoln	10	16
Fulton	2	0
Franklin	2	3
Kennedy	8	3
McKinley	4	2
Polk	1	0
	-----	-----
	27	24

NB has not explained why in 2025-2026 it will have 24, not 27 preschool classrooms.

**NB's APPLICATION IS IRRELEVANT and INCOMPLETE**

NB submitted its diversion application in 2016 and now almost 10 years later, the application isn't just incomplete, it is no longer relevant. That's because in 2016 NB planned to remove its preschool from Braddock Park, but in 2020, NB decided to stay in Braddock Park and build a 22-classroom preschool. Then in 2024 NB changed its plan again and decided to build a 14-classroom preschool in Braddock Park.

1- NB's Alternative Analyses have not kept up with NB's diversion application changes. NB's **05-01-23** Alternatives Analysis Chart\* shows that NB improperly rejected every site that could not accommodate a 22-classroom preschool on at least 1.47 acres.

\* Page 6: <https://dep.nj.gov/wp-content/uploads/otpla/plc-public-notice/braddock-park/may-1-2023-submission/section-ib-response-alternatives-analysis-specific-sites-with-exhibits.pdf>

NB now proposes a 14, not a 22-classroom preschool and NB is seeking to divert 1.34, not 1.47 acres. Braddock Park should also have been rejected because NB says it is 1.34 acres, smaller than the minimum search criteria of 1.47 acres.

NB should have re-analyzed using the 64<sup>th</sup> Street BOE land, it should have analyzed building on sites it plans to redevelop and it should not have terminated its lease of the 10-classroom Polk Street Elementary School. NB also failed to analyze many sites that it knew were available and failed to analyze in a timely manner, sites suggested by the community.

2- NB's **2012** RFP/RFQ was for leasing a 20-classroom combination library/preschool.

NB should have issued an RFP/RFQ for a standalone preschool.

NB currently seeks to construct (not lease) a 14, not a 20-classroom modular preschool, yet NB hasn't issued an RFP/RFQ since 2012 – NJ DEP should have required NB to.

3- North Bergen provided NJ DEP with a flawed **12-12-13** cost analysis comparing the cost of building a preschool in Braddock Park to building a preschool on the NB BOE owned land on 64<sup>th</sup> Street. A **03-02-16** NJ DEP internal memo shows that DEP believed the cost of relocating to 64th Street would be \$10.6 - \$10.7 million, not \$13.6 million, and the cost of

remaining in Braddock Park would be \$7.8 million, not \$0 – 3.9 million, as shown in NB's cost analysis.

The deficiencies in NB's cost analysis were pointed out to NB in NJ DEP's 1<sup>st</sup> diversion application review on **04-12-16**.

DEP's **10-05-21** pre-application review directed NB: "*The costs and feasibility of each alternative must be analyzed*".

NB hasn't provided DEP with a cost analysis since **12-12-13**.

NJ DEP should have required new cost analyses.

**4-** N.J.A.C. regulations state:

"6A:26-2.1 Responsibilities of school district

(a) *Following the approval of the 2005 LRFP, each school district shall amend its LRFP at least once every five years on software made available by the Department, and in accordance with the instructions for completing the software. For newly established school districts, the LRFP shall be submitted no later than one year following its formation or earlier if the school district seeks approval for a school facilities project. The LRFP shall detail the school district's school facilities, other facilities and temporary facilities and the school district's plan for meeting school facilities needs during the ensuing five years.*

(b) *Except as provided in N.J.A.C. 6A:26-3.14, no school facilities project shall be considered or approved unless the school district's LRFP has been submitted to the Department and approved by the Commissioner."* <https://dep.nj.gov/wp-content/uploads/otpla/plc-public-notice/braddock-park/may-1-2023-submission/executive-summary-and-summary-of-applicable-njdoe-regulations-512023.pdf>

NB is in violation of N.J.A.C. 6A:26-2.1, because NB has not updated its 2018 NJ DOE approved Long Range Facilities Plan. LRFP's are required to be updated every 5 years.

NB's 2018 LRFP is still in effect, but it is completely out-of-sync with NB's latest diversion application information, including its preschool plans and schematics.

NB's 2018 LRFP is also out-of-sync with NB's NJ Preschool Education Aid ("PEA") application.

NB's 2018 LRFP was designed to remove NB's preschool from Braddock Park and NB assured NJ DEP that it would do so, on or before NJ DEP's 10-01-21 deadline.

#### **NB's IMPROPER REJECTIONS OF 64<sup>th</sup> STREET AS AN ALTERNATIVE SITE**

The North Bergen BOE owned property on 64<sup>th</sup> Street Street is the perfect location for a North Bergen Preschool. It has numerous recreational amenities\* and it is just steps away from the Early Childhood Annex, which as of September 2025 will contain 16 preschool classrooms. It is adjacent to North Bergen senior citizen housing. Creative activities can be arranged which involve both seniors and preschoolers. Across 64<sup>th</sup> Street is a Township park. \* Various playing fields, the NB Indoor Recreation Center, a children's playground, etc.

NJ DEP should not allow NB to use 64<sup>th</sup> Street as replacement land because:

1- NJ DEP rules do not allow existing park land to be used as diversion replacement land.

2- NB previously had plans to build a 32-classroom preschool on 64<sup>th</sup> Street which NB improperly sabotaged. NB now wants to build a 14-classroom preschool and NB didn't properly analyze using 64<sup>th</sup> Street.

In **2008** NB BOE submitted schematics to NJ DOE for a 32-classroom preschool to be built on the NB BOE owned land on 64<sup>th</sup> Street but NB didn't commence work because "Upon notice that the 64<sup>th</sup> Street site was encumbered by Green Acres funding, this property was removed from consideration as the site of a permanent preschool facility in North Bergen."\*

**\* 2020 Alternatives Analysis, Page 3 of 48:**

"In 2008, NB BOE submitted schematics to the NJDOE for review and approval to construct a 32-classroom preschool facility on the Board-owned Block 205, Lot 30. The plans included community space in the new facility (for shared Township use) and improvements to the Rec Center gym space to be shared by the new school and the North Bergen's recreation programs under an inter-local agreement. Upon notice that the 64<sup>th</sup> Street site was encumbered by Green Acres funding; this property was removed from consideration as the site of a permanent preschool facility in North Bergen...In the spring of 2013, notice was given that the 64<sup>th</sup> Street property was not encumbered by Green Acres funding and the Board again considered use of Block 205, Lot 30. However, acquisition of unavailable adjacent properties would have been necessary to provide proper access to the facility, parking, and all required programmatic requirements as per NJ DOE rules and regulations". Also here: <https://dep.nj.gov/wp-content/uploads/otpla/plc-public-notice/braddock-park/missing-documents/2.-alternatives-analysis-complete-final.pdf>

At least twice NB placed the 64<sup>th</sup> Street BOE owned land on the Township's ROSI (Recreation Open Space Inventory) and as a result, it appeared to be encumbered by Green Acres funding/protected park land, when in fact it was not. But as a result, NB claimed (improperly), that it could not build the preschool on protected park land. How ironic; why didn't Nick Sacco/NB know that Braddock Park was on the ROSI in 2001 when NB illegally moved the preschool into Braddock Park?

**NB let 5 years go by** and then in a **02-19-13** letter to NJ DEP, NB admitted it made an error when it placed 64<sup>th</sup> Street on the ROSI. NB asked NJ DEP to remove 64<sup>th</sup> Street from the ROSI, assuring DEP that once removed, NB anticipated it would "evacuate" the preschool from Braddock Park "no later than **January 1, 2014**":

We do anticipate that if we are allowed to remove the requested parcel from the ROSI and granted the maximum deadline extension referenced under N.J.A.C. 7:36-25.14(b)2i, we will be able to evacuate the encumbered property and begin restoration of the park no later than January 1, 2014 – 6 months beyond the deadline originally established in the lease.

**A month later (03-22-13)**, DEP agreed that 64<sup>th</sup> Street should be removed from the ROSI. See "64<sup>th</sup> Street NB ROSI Mistake DEP to NB 03-22-13" file.

**10-10-13** NB (Grace Lynch) wrote NJ DEP "...the 64<sup>th</sup> Street site is viable as of **March 2013**, and will be utilized to locate the Pre-K program". Why did it take 7 months to write this letter – why didn't NB begin construction in March, 2013? See "64<sup>th</sup> Street Plan-Grace Lynch to DEP 10-10-13" file.

Just two month's later, on **12-12-13** (in NB's first Alternatives Analysis), NB rejected utilizing 64<sup>th</sup> Street because of the *"exorbitant costs of the project, the anticipated disruption of the community, the existing contamination..."*

**1-** *"Exorbitant costs"*: North Bergen provided NJ DEP with a flawed **12-12-13** cost analysis (see page 7) and NB has not submitted a cost analysis since then, nor explained what constitutes *"exorbitant"* costs.

**2-** *"Anticipated disruption of the community"*. It's better that communities get *"disrupted"* instead of protected parks such as Braddock, in order to build schools.

**3-** *"Existing Contamination"*: Contamination is almost everywhere in North Bergen, including in Braddock Park. North Bergen remediated contamination at the Early Childhood Center and the High Tech JHS sites.

NB's undated Alternatives Analysis, submitted in **2014** (Part 2 of the pre-application), states: *"In the spring of 2013, notice was given that the 64th Street property was not encumbered by Green Acres funding and the Board again considered use of Block 205, Lot 30. However, acquisition of unavailable adjacent properties would have been necessary"*.

On **08-09-16** The NB BOE attorney wrote that **since 2014**, adjacent properties *"have been developed"*. See *"64th St. developed after 2014-page 9-10"* file.

The properties that were developed were small. A .57 acre vacant lot on 64<sup>th</sup> Street has been for sale for years but NB refuses to buy it, deceptively contending it's too small, even though it's adjacent to the NB BOE land on one side, and on the other, it's adjacent to a NB Township owned vacant lot. NB also refuses to use condemnation and eminent domain to acquire properties for a preschool, even though NB has used them previously to build schools and even though NB currently retains the right to use them, in order to redevelop nearly 50 acres of land throughout NB.

Years ago NJ DEP should have insisted that NB lease new trailer classrooms and situate them on 64<sup>th</sup> Street. NJ DEP notes from a **05-05-11** meeting with NB state:

*"At the meeting, the Township stated that the relocation of those trailers would result in their destruction as they are antiquated."*

On **08-19-16** NB wrote, in response to DEP's question about moving the trailers to 64<sup>th</sup> St: *"The TCUs have been in service beyond the normal life expectancy for this type of structure...TCUs are typically leased for five years...As the TCUs have aged beyond their useful life, relocation of the units is not advisable."*

NB continues to lease the same decrepit, nearly 25 year-old trailers at a cost of approximately \$250,000/year.

On **03-02-17** Martha Sapp, Director of NJ DEP Green Acres wrote Robert Walden: *"Our rules do not allow the use of existing parkland to replace diverted parkland...we would need to be sure that there had not been any official action taken to turn it into a park prior to its official designation as replacement land for the Braddock Park diversion/conversion."*

Official action *had* been taken to turn 64<sup>th</sup> Street into a park prior to its official designation as replacement land:

- 1- NB Township listed the 64<sup>th</sup> Street BOE owned land on at least 2 ROSIs.
- 2- NB Township maintained/maintains its Parks & Recreation Department offices on 64<sup>th</sup> Street in the Rec Center.
- 3- NB Township maintained/maintains a Parks Department garage and storage containers and perhaps other Parks Department equipment and garages on 64<sup>th</sup> Street.
- 4- NB Township ran/runs its recreational programs on 64<sup>th</sup> Street.  
See "64<sup>th</sup> Street Rec Center Events Posted on NB Website 04-08-25" and 08-11-24 files.
- 5- NB Township listed/lists the 64<sup>th</sup> Street BOE lands as NB "parks" on its website in 2021.  
See "64<sup>th</sup> St on North Bergen Parks List 03-30-21" file.  
The Township still lists the 64<sup>th</sup> BOE lands as NB "parks" on its website – see:  
<https://www.northbergen.org/Content/pdf/parks.pdf>
- 6- North Bergen's 05-01-23 Alternatives Chart shows that NB rejected 64<sup>th</sup> Street because it is a "playground/park/rec. site".
- 7- 2017 North Bergen Township applied for a NJ DEP Green Acres Grant (#0908-17-032) and DEP approved \$1,000,000 for the renovation of a ball field on the NB BOE owned 64<sup>th</sup> Street land. The following photo shows that a sign announcing this 2017 grant was still posted on **August 25, 2025** even though NJ DEP claims that the \$1,000,000 was not released because the NB BOE property is ineligible for GAP funding.



GAP funding sign-64th St. NB BOE land 08-14-25

NB's argument that it is replacing the diverted ball field in Braddock Park with the ball field on 64<sup>th</sup> Street is not valid because the 64<sup>th</sup> Street ball field pre-dates the diversion.

NB's argument that a preschool would have to replace the ball field on 64<sup>th</sup> Street is not true. NB previously had plans/schematics to build a 32-classroom preschool on 64<sup>th</sup> Street, with the ball field and the indoor rec center remaining intact.

Besides, NB recently gained an additional ball field at the new High Tech JHS.

On **12-10-24** NJ DEP determined that on the proposed 64<sup>th</sup> Street BOE replacement land *"There are numerous encroachments of fences, concrete, shed and wall, building, etc. that either need to be removed or excepted from Green Acres participation/encumbrance."*

It's not known if NB responded to DEP about the preceding directive, but if NB removes the encroachments, there would be more room to build a preschool and if NB does not, then NB will need to provide more diversion replacement land.

See "64<sup>th</sup> Street-Except the Non-Recreational Components" file.

The NB BOE owns 4.76 acres of land on 64<sup>th</sup> Street which NB is offering as replacement land. (Block 205 Lot 22: 2.69 acres and Lot 30: 2.07 acres). Located here is the dilapidated NB Indoor Rec Center which is awaiting \$7 million of renovations. NB could build a combination Rec Center/Preschool there.

Land that can be used to prevent a diversion must be used as such and not used as replacement land.

The NB BOE also owns an adjacent vacant lot (6221-6223 Durham Avenue), which is not being offered as replacement land.

As previously mentioned, there is a vacant .57 acre lot (6217 Meadowview Avenue), adjacent to the BOE land which is for sale and adjacent to it is another vacant lot owned by NB Township (6215 Meadowview Avenue).

On the eastern side of the 64<sup>th</sup> Street BOE land is an undeveloped green-way and adjacent to it is a private preschool that NB refuses to acquire.

NB says there is a shortage of parking in the 64<sup>th</sup> Street area. There is a large senior citizen's housing parking lot adjacent to the BOE land on which a garage can be built.

### **THE FIRST INAPPROPRIATE GRANT NJ DEP AWARDED NORTH BERGEN**

**2012** North Bergen sent out an RFP to lease a combination library/20-classroom preschool and then claimed in its diversion application that the responses it received were too expensive. NB should have issued an RFP/RFQ for just a preschool. NB didn't issue an RFP/RFQ for the construction of a modular preschool, as it currently proposes in Braddock Park. NB hasn't issued an RFP/RFQ since 2012.

**04-12-16** NJ DEP wrote NB: *"Please explain why the BOE cannot issue a revised RFQ limiting the proposal to a Pre-K school."*

**08-19-16** NB responded:

*"Costs submitted in response to the RFQ/RFP were far in excess of estimated construction costs of the Board undertaking a project by conventional bid process...removing the Township from the process would not reduce costs to the Board for the same type of project. Reducing the scope by eliminating the library and community elements would result in higher costs per square foot to the Board for the Pre-K facility as the Township would no longer leverage funding."*

NB's explanation is not a valid reason for having rejected the RFP responses according to DEP regulations: "*The incurring of increased costs alone shall not disqualify an alternative from consideration.*" - N.J.A.C. 7:36-26.4(e)2ii and 26.9(e)2ii

**2020** North Bergen began building and in 2022 opened a \$19.5 million community/rec center/library in downtown NB which doesn't contain any classrooms. Nevertheless, NJ DEP Green Acres awarded NB \$1 million in funding for this Project # 0908-19-048. See "Grant 0908-17-032" file.

### **THE SECOND INAPPROPRIATE GRANT NJ DEP AWARDED NORTH BERGEN**

**2017** North Bergen Township applied for a NJ DEP Green Acres Grant (#0908-17-032) and DEP approved \$1,000,000 for the renovation of a ball field on the NB BOE owned 64<sup>th</sup> Street land.

The BOE, not the Township should have applied for this grant and NB officials should have known this. NJ DEP was aware (because of NB's diversion application), that the NB BOE, not the Township, owned the 64<sup>th</sup> Street land. This grant should not have been approved.

### **A THIRD INAPPROPRIATE GRANT TO NORTH BERGEN**

Hudson County's **2024** Open Space Grants Recommendations Report states that the County recommends giving North Bergen a \$250,000 grant toward the nearly \$7 million expense of renovating the North Bergen Recreation Center on the BOE's 64<sup>th</sup> Street land.\*\* This should not be a missed opportunity for NB to add preschool classrooms onto the Rec Center building or to demolish the dilapidated Rec Center and build a new combination Rec Center/Preschool. NJ DEP should require NB to send out an RFP; it hasn't done so since 2012.

\*\* North Bergen: Improvements to the North Bergen Recreation Center  
Total Cost: \$6,759,263 Requested: \$500,000 Recommendation: \$250,000 The town of North Bergen is seeking renovation of the aging North Bergen Recreation Center. The areas that are going to be improved are the general facility, gymnasium, hallways, storage rooms, electrical room, concession stand, bathrooms, second floor office and stairwell, and the adjoining youth center. Improvements include fixing the interior walls, replacing deteriorated expansion joints, and removing the existing gym floor to either be replaced or repaired. The bleachers, roof, doors, padding, sound system and speakers, exterior windows, water fountain, and scoreboards will be replaced."  
<https://storymaps.arcgis.com/stories/0cf0e3e257a14df09adb06a984476af9>

### **ALTERNATIVE PRESCHOOL SITES NOT CONSIDERED OR IMPROPERLY REJECTED**

**1- 2.81 acres on River Road** planned for redevelopment – this site (7800 River Road), was not analyzed in NB's Alternatives Analysis. No redevelopment work appears to have begun at this site. DEP was notified of the availability of this site beginning on **05-12-21** but apparently DEP didn't direct NB to analyze using this site for its preschool program.

This site already contains a private preschool, the "Applevue Early Learning Center & Preschool".

North Bergen's ordinance states that the NB "Board of Commissioners found it in the best interest of the Township to allow the development of this property as a condemnation area in need of redevelopment":

<https://www.northbergen.org/Content/pdf/ordinances/565-22-7800-Marine-Road.pdf>

**02-17-22** The "Hudson Reporter" wrote: "The aforementioned properties, if designated such by the study, will be now considered a redevelopment area susceptible to eminent domain."

North Bergen refuses to use eminent domain to build a preschool even though NB used/uses it elsewhere. NJ DEP has not contested NB's refusal.

**2- 7.164 acres on Tonnelle Avenue (50th-54th Streets)** planned for redevelopment – this site was not analyzed in NB's Alternatives Analysis.

<https://www.northbergen.org/Content/pdf/ordinances/564-22-Redev-Tonnelle.pdf>

**3- 36.45 acres at 8200 River Road** planned for redevelopment - NB's Alternatives Analysis rejects this site because it is on a busy road which is subject to flooding. There is already a preschool nearby at 7800 River Road "Applevue Early Learning Center & Preschool" and if 8200 River Road is subject to flooding, so too are 7800 River Road as well as the proposed River Road replacement land. Apartments are expected to be built here which can have preschool classrooms on the first and second floors. This is a viable and large property. North Bergen's **05-01-23** Alternatives Analysis Chart gives only one rejection reason for this site: "lot is not available". No redevelopment work seems to have begun at this site.

<https://www.northbergen.org/Content/pdf/ordinances/551-22-8200-River-Road.pdf>

**4- Block 440, Lots 1 (8701 River Road), 4 (8707 River Road), 5 (8709 River Road), and 9 (8719 River Road)** were proposed for redevelopment by NB. Work has begun recently.

These parcels were not analyzed in NB's Alternatives Analysis.

<https://www.northbergen.org/Content/pdf/agendas/2024-07-17-Commissioners-Agenda.pdf>

**5- 7801 & 7809 River Road**—NJ DEP was notified of the availability of this land on **02-03-22**. NB's **05-01-23** Alternatives Analysis Chart states this .74 acre land is "too small" and "inadequate for school construction". NB does not elaborate in its alternatives analysis why it is inadequate for school construction, nor does NB state why it the site can't house some, not all of the preschoolers NB claims will not fit into elementary schools.

While clearing this land, the developer, Fred Daibes, a convicted felon, bulldozed contaminants into Braddock Park and possibly onto the proposed River Rd. diversion replacement land. Information about this is contained in NJ DEP's "Burian" files.

**6- 4237 Bergen Turnpike** – was not analyzed in NB's Alternatives Analysis.

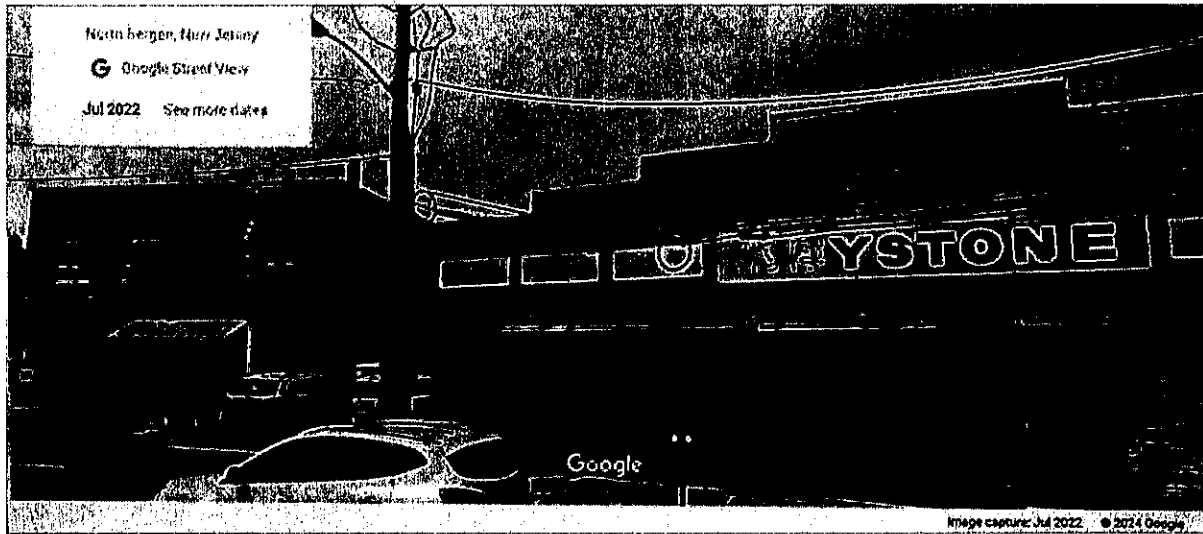
**06-04-24:** DEP was sent the following realty listing for 4237 Bergen Tpk., showing it was listed for sale on 2/8/2018:

<https://www.loopnet.com/Listing/4237-Bergen-Tpke-North-Bergen-NJ/11530291/>

The listing states the site is zoned for "child care", etc.

This site is adjacent to the North Bergen Parking Authority building. It more than likely that the Director of the NB Parking Authority (who is also a Hudson County Commissioner), knew

that this site was available because it was vacant, shuttered and it had realtor signs mounted on its exterior. NB didn't consider 4237 Bergen Tpke. in any of its Alternative Analyses.



4237 BERGEN TURNPIKE VACANT BUILDING FOR SALE-NB PARKING AUTHORITY ON LEFT

Apparently the "loopnet" listing is out-of-date because the following listing shows that a new building with 18 apartments was built on the site and is for sale:

[https://www.realtor.com/realestateandhomes-detail/4237-Bergen-Tpke\\_North-Bergen\\_NJ\\_07047\\_M95926-81461](https://www.realtor.com/realestateandhomes-detail/4237-Bergen-Tpke_North-Bergen_NJ_07047_M95926-81461)

**7- 800 West Side Avenue** – this may be an incorrect address listed on the **05-01-23** Alternatives Analysis Chart. It is not described in NB's Alternatives Analysis (Part 2 of the Pre-application) and the Alternatives Analysis Chart shows it is an available 3.63 acre vacant lot. The Chart says "*Site is outside of school district*" – as explained elsewhere in this report, it shouldn't matter that this site is outside the Mann and Fulton elementary school districts, as long as it is within the NB school district.

**8- 4300 West Side Avenue** – this site was not analyzed in NB's Alternatives Analysis and the Alternatives Analysis Chart shows it is a 1.63 acre lot developed with a warehouse and parking. The Chart says "*Site is outside of school district*" – as explained elsewhere in this report, it shouldn't matter that this site is outside the Mann and Fulton elementary school districts, as long as it is within the NB school district.

**9- 6000 West Side Avenue** – this site was not analyzed in NB's Alternatives Analysis and the Alternatives Analysis Chart shows it is an available 3.24 acre vacant lot. The Chart says "*Site is outside of school district*" – as explained elsewhere herein, it shouldn't matter that this site is outside the Mann and Fulton elementary school districts as long as it is within the NB school district.

**10- 6800 West Side Avenue** – this site was not analyzed in NB's Alternatives Analysis and the Alternatives Analysis Chart shows it is a developed (it doesn't say how), 9.45 acre lot. The Chart says "*Site is outside of school district*" – as explained elsewhere in this report, it

shouldn't matter that this site is outside the Mann and Fulton elementary school districts, as long as it is within the NB school district.

**11- 9443-9503 Fairview Avenue** – DEP was notified **02-01-22** that this 2.35 acre site with a 1-story building was for sale – this site was not analyzed in NB's Alternatives Analysis.  
<https://www.loopnet.com/Listing/9443-9503-Fairview-Ave-North-Bergen-NJ/23067758/>

**12- 5901 Tonnelle Avenue** - DEP was notified 02-01-22 that this 3.9 acre site with a 1-story building had recently been sold. This site was not analyzed in NB's Alternatives Analysis.  
<https://www.bizjournals.com/newyork/news/2022/01/31/realterm-buys-north-bergen-nj-warehouse.html>

**13- Robert Fulton Annex/aka Polk Street School** is more than a viable alternative preschool site. It is also needed to remain as an elementary school to fulfill NB's LRFP/realignment plan. NJ DEP was notified several times that if NB didn't renew its lease of the Robert Fulton Elementary School Annex/aka Polk Street School by **June 30, 2024**, NB would be sabotaging its LRFP/Realignment Plan. It is reasonable to believe that all the preschoolers can fit into NB elementary schools if NB renews the Polk Street School's lease with the Archdiocese or if NB buys the Polk Street School. This school has 10 classrooms.

**04-05-22** NB wrote DEP "*Continued use of the Fulton Annex is anticipated.*"

**01-23-23** DEP wrote NB:

*"If use of the Fulton Annex is expected to continue, please provide a full explanation as to why it is not feasible, reasonable, or available to be used in lieu of the diversion area."*

**05-03-23** NB changed its mind and wrote DEP on page 3 of Section II Response—Other Requests for Information—with Exhibits:

*"The board now anticipates that the use of the Fulton Annex will NOT continue."*

NB's **2018** (NJ DOE approved) LRFP architectural drawings show that this school would contain an ADA compliant preschool classroom after realignment.

NB's **05-03-23** Alternatives Analysis Chart states the Fulton Annex/Polk St. School was rejected as an alternative preschool site because "*Facility Already a school bldg*" and "*Proposed site is too small.*"

Polk Street School is indeed a school building and it is not too small to be used either for preschool or elementary school purposes.

On **02-19-25** the NB BOE passed a resolution to not renew the Polk Street School lease after the current lease ended, July 1, 2024. NJ DOE's website\* shows that in **2024-2025** Polk Street Elementary School enrolled 213 students, more than the NB Preschool enrolled (189). NB's lease of Polk Street School ended **07-01-24**.

\* <https://www.nj.gov/education/doedata/enr/index.shtml>

**14- 4201 Kennedy Boulevard** – The **05-01-22** "Jersey Journal" reported NB just bought this \$2 million property a few feet from the NB town hall for no stated purpose, but NB had no intention of using it for preschool purposes. Janet Castro, the NB Township Administrator said: "*the exact use of the building is in the "preliminary planning stages."*" NB's Alternatives Analysis Chart shows NB's reasons for rejecting this site as: "*available lot but developed*", "*proposed site is too small*" and "*Site is outside of the school district*".

The site includes a low-rise building which if it can't be used for preschool purposes, maybe can be torn down and replaced with a building that can be. Instead of buying this site for no purpose, NB could have better used the \$2 million for a good purpose: building a preschool somewhere outside of Braddock Park.

**15- 2100-2126 83<sup>rd</sup> STREET.**

This 2.1 acre site with a low-rise building and parking for 30 vehicles was suggested to DEP on 08-12-21 by Robert Walden. North Bergen's Alternatives Analysis rejects this site because:

*"Lot is developed", "Site is outside of the school district", "Located in an industrial zone", "Not available", "Owner is unwilling to sell", "Condemnation of the land is not available...not reasonable" and "Even if the property were available, it is "not reasonable" as it would result in the incurring of additional acquisition and construction costs of an extraordinary magnitude. Even if it were available and reasonable, it is "not feasible" in that it would bring about unresolvable logistical problems to make the property suitable and safe for school children along a major State highway."*

- a) *"Lot is developed"* – it is developed with a low-rise building that could be renovated or replaced for preschool purposes.
- b) *"Site is outside of the school district"* - as explained elsewhere in this report, it shouldn't matter that sites are outside the Mann and Fulton elementary school districts, as long as they are within the NB school district.
- c) *"Located in an industrial zone"* – so is the NB High Tech JHS, which is adjacent to this site.
- d) *"Not available", "Owner is unwilling to sell"*.  
The site was for sale when it was suggested to NJ DEP, but by the time NB got around to analyzing it, the site was sold.  
Here and elsewhere NB could have used condemnation/eminent domain.
- e) *"Condemnation of the land is not available...not reasonable"* – NB did not explain why.
- f) *"Even if the property were available, it is "not reasonable" as it would result in the incurring of additional acquisition and construction costs of an extraordinary magnitude."*  
NB did not provide a cost analysis for this/other alternative sites as NJ DEP directed NB to.
- g) *"along a major State highway"* - 2100-2126 83rd St. is *not* alongside a major state highway, it is approximately 800 feet from Tonnelle Avenue. The rear of this building abuts the High Tech JHS bus parking lot and High Tech is across the street from the parking lot.

**16- 8301 Tonnelle Avenue** (Block 458 Lot 1) – 2.88 acres on NB High Tech property – this site was not considered in NB's Alternatives Analysis or Chart. This is thought to be the same parking lot which in a 03-02-16 DEP memo, Carolyn Armstrong noted was big enough to accommodate a school.

**17- NB Lincoln Elementary School and NB High School.**

NB's 1<sup>st</sup> application (01-26-16), states:

*"If enough funding becomes available to build an addition to the Lincoln School or to the North Bergen High School, measures included in the district's Long Range Facilities Plan, there is a possibility that the preschool could find a permanent home there."*

It has been more than nine years since NB wrote the preceding.

FY23 NB acquired a \$10 million grant from the State to assist with its school realignment plan.

NB's 2023 Alternatives Analysis states that additions to the Lincoln School play area or the NB High School would result in *"unresolvable logistical problems"* - specifically, the diminished play areas at both schools would not meet NJ DOE requirements.

If the preceding is true then why did NB previously suggest these two school addition ideas?

NB also rejected both sites because: *"The use of this site is "not reasonable" under 7:36-26.9(e)2iv as its use would result in adverse social and economic impacts of an extraordinary magnitude."*

NB did not explain what the *"adverse social and economic impacts"* would be and NB didn't provide cost estimates for these and other alternative locations, as NJ DEP directed NB to do.

18- In a 06-03-16 email NJ DEP told NB *"the alternative analysis will need to consider using the public library [etc.] for the preschool program."* In 2024 North Bergen announced its main library will undergo major renovations but NB isn't adding preschool classrooms to it.

19- In a 03-02-16 Carolyn Armstrong memo, DEP told NB the ball field on the BOE owned 64<sup>th</sup> St. land could accommodate a preschool and the ball field could be moved to Braddock Park.

High Tech JHS is slated to open in **September, 2025** – it gives the NB BOE a new ball field and NB can *"afford"* to lose the 64<sup>th</sup> Street ball field in order to build a preschool, though there is enough room on 64<sup>th</sup> Street for a preschool without removing the ball field. NB's earlier plan to build a 32-classroom preschool on the BOE's 64<sup>th</sup> Street land did not require removing a ball field on 64<sup>th</sup> Street.

20- North Bergen didn't analyze providing incentives to developers, as other towns do, to build preschool classrooms on the first two floors of new buildings, which would serve the residents of the building and immediate area,

21- **High Tech Site** - NB has not properly analyzed using the 10 acre High Tech site for its preschool program. <https://njpropertyrecords.com> and other online sites show that NB owns the following 3 High Tech sites:

a) **8301 Tonnelle Avenue** – see page 17.

b) **2100 85th Street** (Block 458.01 Lot 6.01). Approximately 3.19 acres. This is thought to contain a High Tech building and what is now a new playing field. It is a school building, yet NB rejected it for being in an industrial zone.

c) **8511 Tonnelle Avenue** (Block 458.01 Lot 1). Approximately 3.96 acres.

NB's Alternative Analysis Chart claims 8511 Tonnelle Avenue is privately owned. This is thought to be the main High Tech JHS building. It is a school building, yet NB rejected it for being in an industrial zone.

Page 37 of NB's Alternatives Analysis rejected using the High Tech site, stating that there isn't sufficient space for the entire preschool at High Tech and building at High Tech *"would result in adverse social and economic impacts of an extraordinary magnitude...its use cannot be carried out using sound engineering principles and practices and current construction methods, technologies, and practices...it would cause extraordinary operational or safety problems, specifically with respect to providing sufficient space for outdoor play areas specifically and come at an extraordinary cost."*

NB's rejection reasons are vague:

*"Extraordinary cost"* – NB claims all acquisition and construction costs are too expensive without providing costs as DEP directed NB to.

NB's Alternatives Analysis Chart states both 8511 Tonnelle Avenue and 2100 85<sup>th</sup> Street are

*"Inadequate for school construction"* – NB didn't explain why they are inadequate and this statement is problematic because the NB High Tech JHS which is located on these sites, is undergoing major construction/renovation work.

NB's Alternatives Analysis Chart states that the 8511 Tonnelle Avenue and the 2100 85<sup>th</sup> Street *"Site is outside of school district"*. NB frequently uses this deceptive, improper rejection. These High Tech JHS sites are within the NB school district, Fulton and Mann preschoolers needn't attend school in their elementary school district.

The Lincoln School's Early Childhood Annex, the High Tech JHS, the North Bergen High School and the current NB Preschool all serve the District, not just one elementary school

**22-** NB is currently planning a \$7 million renovation to its dilapidated Rec Center on the BOE owned 64<sup>th</sup> Street land. NB's Alternative Analysis did not analyze adding 14 preschool classrooms to the Rec Center.

NB has not issued an RFP since **2012**, nor has it provided DEP with alternative site costs, or a cost analysis since **2013's** improperly calculated analysis comparing the cost of the preschool remaining in Braddock Park to the cost of building a preschool on 64<sup>th</sup> Street.

**23- 4511 Liberty Avenue** - this 08-04-25 article states that a 2-story 11-classroom private elementary at this address in North Bergen was just sold to a private developer:

See: *"4511 Liberty Ave Acquisition of North Bergen school building"* file.

This site is not mentioned in NB's Alternatives Analysis nor in the Alternatives Analysis Chart.

**24-** Neither **1811 Paterson Plank Rd.** (which is being offered as replacement land), nor the adjacent 11 acre Hudson News properties (**1305, 1407 and 1717 Paterson Plank Road**), which were developed into Hudson Mews Apartments, were properly considered as viable preschool sites. Both were developed at the same time.

It is believed that the developer of the Hudson Mews apartments was the brother-in-law of a Hudson County Commissioner who was concurrently Chairman of the North Bergen Zoning Board of Adjustment and Chief of Staff for the North Bergen Mayor/State Senator/Assistant Superintendent of Schools at that time.

NB's falsely claims in its Alternatives Analysis that the Hudson News property on Paterson Plank Road *"was found to be not reasonable because the usable flat area did not allow space for all TCUs and the site required substantial environmental remediation."*

Hudson News' 11 acres was more than enough room for a preschool that NB claims needs only 1.33 acres. Flatness and contamination were not impediments to building many apartment buildings there – see the photo below. It is likely that every site in North Bergen requires environmental remediation, including Braddock Park.



HUDSON MEWS APARTMENTS - PATERSON PLANK ROAD

### MISCELLANEOUS MISCONDUCT

1- NJ DEP improperly failed to inform National Park Service LWCF about North Bergen's illegal conversion of Braddock Park until about **3 years after** NJ DEP issued North Bergen violation notices for its illegal diversion (**13 years after-the-fact**). NJ DEP is responsible for inspecting funded lands and for reporting non-compliance to NPS LWCF.

2- NB improperly rejected sites because they were contaminated. It's not clear that NB actually tested these sites and it appears that NB didn't test the Braddock Park preschool site before moving the trailers there in 2001 and perhaps not since.

44x

Braddock Park is known to have contaminated soil. Creosote has been found previously. NB's 12-12-13 Preschool Site Alternatives letter states "remediation" would be a cost if a preschool is built in Braddock Park.

NB has remediated contamination elsewhere, such as at The Early Childhood Center (Fulton Annex), the High Tech JHS, etc.

3- NB issued a Request For Proposals ("RFP") in 2012 for a combination library/20-classroom preschool and found the responses to be too expensive. DEP regulations state: "the incurring of increased costs alone shall not disqualify an alternative from consideration." Since 2012, NB hasn't issued a new RFP, even though its plans for a preschool have changed from 32 to 20 to 22 to 14 classrooms.

4- NJ DEP 7A:26 regulations state that an Alternatives Analysis should "Describe each alternative in detail and, for each, provide the following:...(4) The overall cost of the alternative" and on 10-05-21 DEP reminded NB: "The costs and feasibility of each alternative must be analyzed".

NB hasn't provided NJ DEP with a single cost analysis since its flawed 12-12-13 cost analysis. (see page 7), nor has NB provided NJ DEP with overall costs of alternative sites, instead, NB's Alternatives Analysis states over and over:

*"It is difficult to calculate the overall costs of acquisition, design, and construction of a preschool at this location...The cost per square foot for school construction has been increasing and is even more expensive in our area of the country (<https://ccorpinsights.com/costs-per-square-foot>) without the added extraordinary cost of an eminent domain action."*

<https://dep.nj.gov/wp-content/uploads/otpla/plc-public-notice/braddock-park/missing-documents/2.-alternatives-analysis-complete-final.pdf>

5- On 05-03-23 NB wrote NJ DEP:

*"The Alternatives Analysis Chart outlines the description of the methods utilized by NBBOE in considering alternative locations/properties. As no available appropriate alternative has been identified, the Chart demonstrates that no viable condemnation or eminent domain acquisition options exist."*

a) NB's Alternatives Analysis Chart shows that NB used invalid search criteria, rejecting every site smaller than 1.5 acres except one: the 1.3 acre site in Braddock Park. The 1.5 acre minimum was based on NB's old plans to build a 22-classroom school to serve 330 preschoolers. NB currently proposes a 14-classroom school to serve 204 preschoolers.

b) If NB were open to using condemnation and eminent domain, viable alternative sites could be procured almost anywhere. Hudson County used them to procure the proposed River Road replacement land. NJ DEP should not believe NB's absurd claim that in 24 years there hasn't been a viable site for a preschool, nor NB's 04-05-22 unsubstantiated application response claim that: "The condemnation process is lengthy, complicated, and costly and would far exceed the assessed value of the property or the sales price if listed."

NB has used condemnation and eminent domain to build schools in the past and NB ordinances give NB the power to use them currently, to commercially redevelop properties.

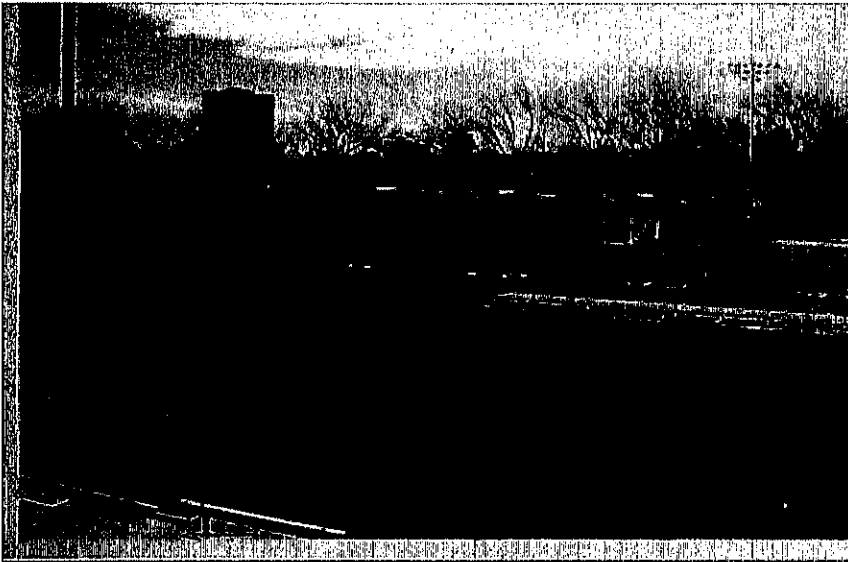
6- In **2016** the two NJ DEP employees supervising North Bergen's diversion application wrote a memo stating *"the need to coordinate with DOE so we understand their requirements, we hire a consultant to review alternatives analysis moving forward who understands DOE standards, but also to inform DOE about diversion/conversion."*

On **07-15-24**, Nancy Lawrence (the current supervisor of NB's application) emailed me: *"DEP did not hire an expert to evaluate the alternatives analysis. The DEP did not feel it necessary to do so."* She was wrong.

NB removed a Green Acres funded ball field in Braddock Park and replaced it with the NB Preschool in time for the school year beginning in **September, 2001**. Just a few weeks before, on **June 20, 2001**, Ms. Lawrence inspected the ball field for compliance and one wonders why she didn't report seeing the preschool preparations.

In **2005**, another NJ DEP compliance inspector also didn't report seeing the preschool, even though it had replaced the ball field he was sent to inspect, 4 years earlier.

7- On **02-07-02** (just a few months after North Bergen moved its preschool into Braddock Park), North Bergen applied for, and on **03-22-02** NJ DEP Green Acres approved \$740,000 funding (DEP project # 0908-02-026) for the resurfacing of the football field and track, which are just feet from the NB Preschool. Photos in NB's application show the preschool but the diversion remained unnoticed by DEP for eight more years until the next DEP compliance inspection on **11-18-2010**.



NORTH BERGEN'S 02-07-02 GREEN ACRES FUNDING APPLICATION SHOWS THE PRESCHOOL

8- NB falsely claims that no alternative site is as safe as the preschool site in Braddock Park. NB's handout at the **11-05-14** public scoping hearing states the following about alternative sites: *"First among these drawbacks was the clear deficiency in public safety compared to*

*the location within Braddock Park...*" Here are a few examples which point out how callously unsafe NB's operation of the preschool in Braddock Park has been:

a) N.J.A.C. 6A:26-3.13(g) does not permit classroom trailers to be used for more than five years. NB Preschool's trailers have been used as classrooms for almost 25 years.

b) The NB Preschool TCUs violated N.J.A.C. 6A:26-8.1(d)2 regulations which require two means of egress (emergency exits) in each TCU.

This dangerous situation persisted for many years, even though in **2008** the NB Fire Inspector issued NB an egress violation. The violation persisted even after two TCUs caught fire in **2012** and had to be replaced.

It wasn't until **2018**, after I reported the violation to officials, that a second means of egress was installed, but George Solter, the NB Superintendent of Schools callously claimed afterward that there was never an egress violation.

NJ DOE is required to inspect TCUs annually for compliance with N.J.A.C. 6A:26-8.1(d)2 facilities standards (including for egress), so obviously DOE either didn't perform the inspections or DOE *"looked the other way"* and didn't report the violation to NB.

c) In **2018** a pedestrian was killed while walking in a crosswalk just a few feet from a parking lot that the preschool utilizes, where there's no traffic light or stop sign at the entrance/exit. The Hudson County Sheriff's accident report states:

*"The area of the crash, at that time of day, has a high amount of vehicular and pedestrian traffic in the area due to the pre-school located in the area."*

Had the preschool not been illegally situated in the park, had NJ DEP enforced directives and regulations, this fatality might not have occurred.

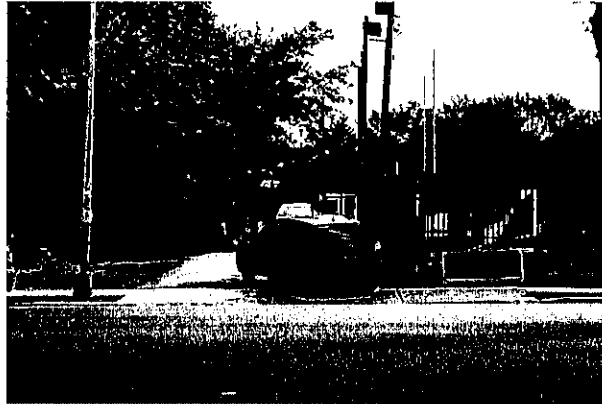
d) NB provided NJ DEP with deceitful and false crime and traffic accident statistics.

In NB's **08-19-16** response to NJ DEP about traffic accidents near the preschool, NB wrote: *"To date, no incidents or accidents have been reported."*

Not true: a year earlier, a **09-10-15** email from the Acting Director of the NJ Division of Highway Traffic Safety states *"From 2003 to 2015, there have been 48 crashes that have occurred within 500' of" [the nearest intersection of the preschool] ...with 1 taking place in the school parking lot."*

e) A traffic study was never conducted before NB situated its preschool in Braddock Park in **2001**, or anytime thereafter, until I complained. In **2015** Hudson County finally undertook a study and its engineers recommended that the entry road leading from busy JF Kennedy Boulevard to the preschool parking lot/preschool should be widened and have sidewalks installed to meet regulations. The engineers' recommendations were not implemented and when questioned by NJ DEP about this, on **08-19-16** NB responded: *"The Board has no plans to widen the entrance drive as it provides adequate access to the parking lot for Pre-K drop-off/pick-up and other recreational amenities available for general public use within the Township's leasehold."*

Cars, buses and pedestrians continue to use this unsafe 2-way road, approximately 16 feet wide. Regulations state 2-way roads should be 36 feet wide and have sidewalks.



2-Way Preschool Road – approximately 16 feet wide – No sidewalks

f) The woods just a few feet behind the preschool have been bulldozed and otherwise cleared several times and a gravel road installed so the Sheriff can patrol. The Sheriff's office stated in newspaper article interviews that this was done in response to a near-murder and because people were living in the woods in close proximity to the preschool.

9- A diversion will bring more people, vehicles, accidents, crime, pollution, garbage, artificial surfaces, flooding and noise into Braddock Park.  
NB didn't mention these in its Environmental Assessment.

10- Voters approved the expenditure of \$65 million in a special 2018 bonding referendum to fund NB's LRFP/realignment plan, a plan *designed* to remove the preschool from Braddock Park. FY23 Governor Murphy/State taxpayers gifted \$10 million to NB to ease the burden of NB taxpayers. The plan was to move all the 7<sup>th</sup> and 8<sup>th</sup> graders out of elementary schools and into the new High Tech JHS and to move all the preschoolers out of Braddock Park and into the vacated elementary school classrooms. NJ DOE approved this plan and NJ DEP expected the plan would end NB's non-compliance in Braddock Park. **Instead, NB betrayed the trust of the State and NB voters and it is misspending millions of taxpayer dollars.**

If NB built a preschool in the community, taxpayers would only be liable for providing 3:1, not 5:1 replacement land for NB's diversion. NB is not exercising fiduciary responsibility.

### **MISCONDUCT RELATED TO THE PRESCHOOL PARKING LOT VIOLATION**

On 03-16-11 NJ DEP issued NB a violation for illegally diverting the preschool parking lot for non-recreational purposes. NB had restrictive parking signs posted both inside and outside the preschool parking lot (and lied about them) and NB locked the parking lot after school hours to keep the public out.

Both the NJ DEP violation notice and "Table 1" of the N.J.A.C. 7A:36 regulations state that 5:1 is the minimum compensation needed for "Legalizing Past Diversions or Disposals". NB's application should have included the .54 acre preschool parking lot in the total amount of land that NB illegally diverted, for which NB must provide compensatory replacement land. In an 11-07-13 letter NB admitted the preschool uses approximately 30 of the 44 parking spaces in the "preschool parking lot" adjacent to the preschool in Braddock Park.

NB contends these parking spaces have a "shared use" (the public can use the parking spaces when the preschool isn't using them) and therefore NB doesn't need to provide replacement land for diverting them from recreational use.

"Shared use" isn't mentioned *anywhere* in N.J.A.C. 7:36 regulations which say:  
"*Divert*" or "diversion" means to use or allow the use or control of parkland for other than recreation and conservation purposes, contrary to the Green Acres restrictions."

On **03-07-16** North Bergen wrote a letter to NJ DEP falsely claiming that the exclusionary "NO ADMITTANCE AFTER SCHOOL HOURS OR WHEN GATES ARE LOCKED" sign at the entrance to the preschool parking lot "has been taken down".

It wasn't; this sign was still posted on **10-27-16** when NJ DEP employees inspected the preschool site and managed to not notice the sign even though it was in plain sight, at the end of the preschool entry road, on the gated entrance to the preschool parking lot.

I provided DEP with photos and a description of the location of the sign before DEP visited. On **12-20-16** after I provided a photograph showing that the sign was still posted, NJ DEP directed North Bergen to remove the sign or "the parking lot will be considered part of the diversion area."

The sign was still posted on **01-06-17** and I sent DEP a photograph of it but NJ DEP didn't follow thru and tell NB it had to include the parking lot as part of the diversion area; one of NJ DEP's many unenforced directives.

The lease executed between Hudson County and North Bergen on **10-19-11** states:

"*Witnesseth That, the County does hereby lease to the Tenant and the Tenant does hereby rent from the County a portion of Braddock Park which includes a parking lot area*".

The parking lot area referred to is the parking lot adjacent to the preschool (the "preschool parking lot"), which is fenced in and gated. NB retains a key to lock and unlock this parking lot and NB sometimes locks the parking lot on non-school days which does not allow use of the parking lot by the public. This is the closest parking lot to the lake in Braddock Park and besides it being a violation of regulations to lock this parking lot during regular park hours, it creates problems for the aged and disabled who may want to park here to visit the lake or use other park facilities that are closest to this parking lot.

NB continues to inappropriately lock the preschool parking lot, despite multiple NJ DEP directives that the parking lot must remain open to the public during regular park hours.

NJ DEP has photos showing the preschool parking lot was locked on 07-08-17, 07-22-17, 07-23-17, 07-29-17, 07-11-20, 08-01-20, 08-02-20, 08-03-20, 08-22-20, 08-07-21, 01-23-23, 07-04-25, 07-05-25 and 07-06-25.

DEP also has photos which show the NB Parking Authority continues to park its vehicles in the preschool parking lot, even though the **2011** DEP violation notice stated this is improper.

### REPLACEMENT LAND PROBLEMS

N.J.A.C. 7:36-26.9(b) requires NJ DEP to inspect proposed replacement lands as part of the pre-application conference. DEP failed to inspect a proposed replacement land in Hoboken, underneath the 14<sup>th</sup> Street Viaduct, as part of the conference.

NB's pre-application falsely claims this 14<sup>th</sup> Street land was "vacant and unimproved" even

though it had been improved to be park land. It wasn't until many months after I reported this false information to NJ DEP that DEP informed North Bergen that 14<sup>th</sup> Street was invalid replacement land.

North Bergen is now improperly proposing nearly 5 acres of NB BOE owned land on 64<sup>th</sup> Street as replacement land, even though both the BOE and the Township use this land for recreational, (park) purposes. There isn't a single classroom on this land.

DEP regulations require that proposed replacement lands be used to avert a diversion if they can. 64<sup>th</sup> Street should be used for classrooms rather than as replacement land.

NB proposes diversion replacement lands of inferior quality to Braddock Park, lands which do not serve the same public, lands which are poorly maintained and have no proposed public use. These lands contain large areas that are steep, jungle-like, inaccessible, and parts of them are closed to the public due to dangerous natural conditions, such as their potential for landslides.

The proposed replacement lands do not meet DEP's standards for quality and they are short on quantity because NB under-reported the amount of land it diverted/diverts/plans to divert in Braddock Park. See page 31 (1811 Paterson Plank Rd. and 34<sup>th</sup> Street lands).

#### **THE 07-09-25 "FINAL" HEARING**

1- NB's signs announcing the public hearing give an official North Bergen email address to send comments to, but they only give a mailing address to send comments to Nancy Lawrence at NJ DEP. An email address for Ms. Lawrence should have also been provided, to make it easier to send comments to NJ DEP.

2- NJ DEP didn't post a notice on its website about the North Bergen Diversion Open Public Hearing scheduled for 07-08-25, until a few days before. The date of DEP's posting is unknown, because unlike DEP's other postings, DEP didn't include the date.

<https://dep.nj.gov/otpla/city-of-north-bergen-hudson-county-diversion-application-braddock-park-school-trailers/>

3- In the posting, DEP wrote:

*"A second public hearing will be scheduled on the applications after the Department has completed its review of the appraisals for these applications. It is anticipated that the second public hearing will be conducted on or about August 13, 2025. A more detailed notice for the second public hearing will be posted here once it is available."*

DEP and NB were both asked what the purpose of the 2<sup>nd</sup> hearing is. The explanation emailed to both me and NJ DEP on 08-11-25 by NB Attorney Thomas Kobin was:

*"The required appraisals were still under review by the DEP as of the July 8<sup>th</sup> hearing, and, therefore, the August 13<sup>th</sup> hearing was scheduled to provide time for the appraisals to be reviewed by the DEP."*

The hearing should not have been scheduled until DEP finished reviewing the appraisals, but it was, and once DEP realized that it would not finish reviewing the appraisals before July 8, the July 8<sup>th</sup> hearing should have been canceled.

The July 8 hearing wasn't canceled; this was a bogus excuse to conduct a second "final" hearing, knowing that it would wear down the public/limit the public's participation.

There aren't supposed to be two "final" hearings.

At the 07-08-25 hearing, the applicants provided a video presentation "A brief History..." which included a flowchart of the diversion process. The automated speaker accompanying the presentation said that we were at the "public hearing" symbol on the flowchart. The flowchart showed 1 public hearing, not 2.

Furthermore, emails received from DEP mention "the final hearing", not "the final hearings".

Most speakers who support the diversion at the open hearing(s) are NB/HC employees or relatives of employees. They show up to please officials because they will likely be rewarded for their participation. Those that oppose the diversion don't show up to benefit themselves. They face retribution from officials or at the least, intimidation, as officials have used this tactic at every hearing.

July 8 speakers in support of the diversion were mostly NB/HC employees, nonetheless, speakers opposing the diversion outnumbered supporters by about 2.5 to 1.

NJ DEP should have seen to it that a neutral facilitator ran the hearing, as provided for in N.J.A.C. 7:36-26.11:

*"(g) If the Department is aware that the proposed major disposal or diversion is likely to generate substantial adverse comment at the public hearing, it may require the applicant to retain a neutral facilitator to conduct the hearing."*

NJ DEP should have known that this hearing would generate substantial adverse comments because previous hearings did, yet NJ DEP allowed NB's consultant, Bernadette McPherson to again conduct the hearing. At the 08-11-20 public hearing Ms. McPherson conducted, she improperly forbid residents from outside North Bergen to speak and she allowed officials to reprimand and intimidate those who were opposed to the diversion.

She is likely the main author of North Bergen's diversion application and such, responsible for the plethora of false information contained in NB's diversion application. In 2017 she wrote DEP:

*"Any conclusion about public access being viewed as restricted based on observation of the Tot Lot or Parking Lot during regular business hours (Monday to Friday 9 AM to 5 PM) would be inaccurate..."No ordinances or regulations exist that have been passed by any of the entities' governing bodies that prohibit the public from entering either the Parking Lot or the Tot Lot. Notwithstanding the presence of signage in the past, said signs did not have the force of law. Further, no evidence of the public being denied access to the Tot Lot or the Parking Lot exists that has not been temporary in nature and required for public safety purposes, school pick up or dismissal or use of the adjoining field.*

The Tot Lot didn't just have a restrictive sign, it was also fenced/gated/locked. The preschool parking lot is sometimes locked on non-school days.



NB Preschool Tot Lot 02-27-16 Fenced-Gated-Locked

4- NB's public notices said nothing about this hearing being conducted as a hybrid hearing but at the hearing, we were told it was also on ZOOM. I asked when it was decided to make this a ZOOM meeting and the answer was not forthcoming. I asked again and the answer was "a few days ago". One of the speakers commented that she is very social media savvy and she did not see anything on social media indicating this meeting would be on ZOOM. It didn't appear that anybody attended this hearing on ZOOM, obviously because people didn't know about it.

5- Mayor Sacco expressed no contrition for NB's 2001 illegal removal of a NJ DEP Green Acres funded softball field, which was replaced with NB's preschool. This softball field and other amenities cost NJ taxpayers nearly \$1.5 million to build in 2025 dollars, yet Mayor Sacco stated there wasn't a softball field, "not even a mound".

He also stated "there no was no girl's softball field ever."

He is wrong. In 1988 when Nick Sacco was a NB Commissioner, North Bergen applied for and received \$124,164. in NJ DEP Green Acres funding to build a "softball field, a shelter, game tables, benches and other seating, play equipment, landscaping and walkways". (Green Acres project # 0908-88-069)

The architectural plans are entitled "Girl's Practice Softball Field" in NB's diversion application – they show a complete infield and a 200 foot outfield, as does an aerial photograph included in the violations letter that NJ DEP sent NB in 2011.

After NB received the violations letter, NB wrote DEP: "we will begin restoration of the encumbered parkland before July 2013."

<https://dep.nj.gov/wp-content/uploads/otpla/plc-public-notices/braddock-park/section-h-1990-braddock-park-schematic-with-girls-practice-softball-field.pdf>

6- Michael Ascolese's certification, part of NB's 04-05-22 application submission ("Section I"), states "The construction of the infield was funded by the Township of North Bergen". He made no mention of this being a NJ DEP Green Acres funded project. The plans for this softball field show an infield and a 200 foot outfield, not just an infield, as he describes it.

7- NB Commissioner Anthony Vainieri responded to comments by diversion opponents who were concerned that the preschool roadway does not meet regulations because it is too

narrow and it lacks sidewalks. Mr. Vainieri stated that he is responsible for ensuring that Hudson County fixes these conditions.

A North Bergen-Hudson County OPRA response states that a traffic safety study was not conducted before the preschool was situated in the park in **2001**. After I complained about this, a NB-HC engineering study was conducted in **2015** and it recommended widening the current preschool road and installing sidewalks. It is now **10 years later** and these dangerous conditions haven't been fixed. The applicants cannot be trusted to fix them: NB's **08-19-16** response to NJ DEP states: "*The Board has no plans to widen the entrance drive*".

NB Commissioner Vainieri made the following statements which demonstrate that a new road and sidewalks are being planned in Braddock Park specifically for preschool purposes:

Page 44:

2 I've been a county freeholder four  
3 years ago and we implemented a safety plan on  
4 Boulevard East from Weehawken all the way down to  
5 White Castle's with turnarounds, with circles, **with a**  
6 **brand new road going into the preschool**, double lane  
7 with sidewalks and lights.  
8 So that plan is implemented in the  
9 county. Call the county engineer's office. Call the  
10 county roads department. Call the County executive's  
11 office. I started it. It's there. There's a plan  
12 for the road.  
13 **So when the preschool gets approved,**  
14 **the road will be constructed there, two lanes, each**  
15 **direction, sidewalks and lights.**

Page 109:

COMMISSIONER VAINIERI: Peggy, the road  
16 is not on the diversion plan. It's on a county plan  
17 for Boulevard East. **I put it in there for the**  
18 **preschool.**

Page 111:

1 We -- we put in -- in the plan for  
2 Boulevard East circles to make Boulevard East safer.  
3 Okay? **We put in a road for the preschool.** We put  
4 our bump outs when a person had -- a pedestrian got  
5 hit a couple of weeks ago.

NB has not submitted its preschool plans and schematics to NJ DOE for approval because NB proposes building a preschool on what is still NJ DEP protected park land.

NB is awaiting DEP diversion approval first.

NJ DEP should not approve the diversion without DOE's approval, with the expectation that a new road, which isn't even mentioned in the diversion application, will be approved by NJ

DOE (and NJTPA), and will be built. In fact, the diversion application states that fixing the road and installing sidewalks will not be done – see page 25.

NJ DOE has not approved NB's preschool plans and schematics, nor has NB submitted a new Long Range Facilities Plan to DOE, even though it was due in **2023**.

Since this planned construction is planned for preschool purposes, the proper procedure would be to submit the preschool plans to NJ DOE, NJTPA and NJ DEP for approval. Otherwise, NB may have to compensate for yet another illegal environmental diversion.

There are big problems with HC's NJTPA application and it may not be approved. The roadway plan is likely to meet stiff public opposition because more recreational Braddock Park land will be lost for school purposes.

The public's safety and welfare should not be jeopardized further – in 2018 a pedestrian was run over and killed on this very short stretch of roadway that HC applied to fix. Hudson County anticipates that this road work will not be completed until Mid-2030.

It would be irresponsible for either NJ DEP or NJ DOE to approve NB's preschool plan unless the plans meet both environmental and educational regulations.

Commissioner Vainieri also said:

**16 Financially, it's better to stay there.**

**17** As an elected official that's why I support this.

North Bergen hasn't offered proof that it's better financially to remain in Braddock Park. On **10-05-21** DEP wrote NB: "*The costs and feasibility of each alternative must be analyzed*". NB hasn't provided NJ DEP with a cost analysis since its flawed **12-12-13** cost analysis (see page 7). Since then, NB continues to increase taxpayer expenses by leasing the nearly 25-year old trailer classrooms for approximately \$250,000/year.

HC's NJTPA roadway funding application is riddled with deceit and omissions:

The NJTPA application omits that in November, 2018 a pedestrian was run over and killed in a crosswalk while walking toward a parking lot that the preschool utilizes at this location. The application states "*According to the NJDOT crash database, there were 17 reportable crashes during the three-year analysis period of 2017–2019 along this 0.15 mile segment. None involved **pedestrian** or bicyclist.*"

Page 31 of the application states "*A minimum of three (3) years should be used for vehicular crash data and a minimum of five (5) years should be used for **pedestrian/bicyclist** crash data.*"

Hudson County should have provided 5 years of data on its application to NJTPA but it only provided 3.

This road project directly affects the North Bergen Preschool, but Hudson County inappropriately checked the "No" box when asked "*Will public facilities, **schools**,*

*churches, emergency services, be affected by the project".*

Page 18 of the NJTPA application- *"Does the project have the potential to introduce any Title VI and/or Environmental Justice Issues?"* Hudson County inappropriately checked the "NO" box. North Bergen is an "OBC" – an Overburdened Environmental Justice Community.

Page 23 of the NJTPA application, question 6:

*"Will public facilities, schools, churches, emergency services, be affected by the project?"* HC inappropriately checked "No".

Page 23 of the NJTPA application, question 8:

HC checked "No", claiming the project will not involve more than 1/4 acre. It *will* involve more than ¼ acre.

Page 24 of the NJTPA application, "C": HC claims this is not in a *"special protection area"*. It is a special protection area, it is within a NJ DEP protected park.

Page 25 of the NJTPA application: HC did not check the box indicating the area is *"publicly owned parkland"*, nor did it check the box which says it is encumbered by Green Acres, which it is, nor did it check the box indicating there are recreational facilities or school athletic fields, which are adjacent. There are also endangered wildlife species in the area which are not mentioned.

Page 2 of the NJTPA application, 6: HC claims the existing area does not need *"vegetation management"*. It does need management because the current preschool road is to be removed and a new preschool road is to be built elsewhere, where there is forest.

Page 2 of the NJTPA application 8: *"There are no environmentally sensitive, or NJDEP regulated areas within the corridor."* This is NJDEP protected park land and very close-by is a protected wetland area.

Page 1 of the NJTPA application, 7: *"List in the comment section below any local or regional groups, organizations and/or individuals who may have an interest in the project because they are known to be knowledgeable about or interested in the area and/or may have an interest in the improvements proposed by this project."*

None of the individuals or organizations who are known by Hudson County to oppose the diversion have been contacted about this proposed project.

The public is very much opposed to clearing more woods to accommodate the preschool. The repairs that HC proposes in its NJTPA application run contrary to Hudson County's 2015 engineering report which states:

*"A suggestion was made to make to make another driveway parallel; to the existing which will cut deep into the woods and the suggestion was rejected. There was a concern with rock out croppings in the proposed widening."*

Nonetheless, HC's 2022 NJTPA application shows that a parallel will be built, which would require the destruction of many trees and the loss of natural habitat.

## THE 08-13-25 "FINAL" HEARING

Bernadette McPherson again moderated the 2<sup>nd</sup> "final" hearing on **08-13-25** (see page 26). ZOOM callers were disconnected and those that were not had garbled audio which could not be deciphered. As of **08-26-25**, the last day for public comments, NJDEP had not posted a transcript nor a summary of the **08-13-25** hearing so that the public could comment on them. Conversely, DEP posted a transcript of the **07-08-25** hearing 6 days afterward, on **07-14-25**.

Officials did not answer *any* of the many questions that the public asked at either hearing.

The overwhelming majority of speakers were opposed to the diversion.

This hearing was held because as both Ms. McPherson and NJ DEP explained, NJ DEP did not have time to review the appraisal reports which NB submitted to DEP. These appraisal reports were not posted on NJ DEP's website until August 12, 2025, the day before the public hearing. One day was not enough time for the public to review the 1044 pages of appraisals, which explains why no members of the public spoke about the appraisals at the hearing. The following issues with the appraisals were noticed after the hearing:

### 1- 1811 Paterson Plank Road proposed replacement land:

Neither appraisal mentions that approximately half of this 1.55 acre parcel is closed to the public because of its steepness and landslide potential. There have been major landslides nearby on the same hill and construction to remedy the situation has been ongoing for years. The McNerney appraisal states:

*"It should be noted that the property previously had approvals to construct a 120+ unit multifamily building, which has since expired."* See pages 19-20 about Paterson Plank Rd..

### 2- 34<sup>th</sup> Street proposed replacement land - The AAG appraisal report states:

*"The subject site is 18,295± square feet of vacant land. The site is long and narrow and forms a paper street known as 34th Street. There is no access to utilities...The client provided a survey of the proposed site...The proposed parcel is narrow, rectangular shaped and, while we are not qualified surveyors or engineers, we estimate the subject property's average width to be 256± feet, the maximum depth to be 20± feet, and the minimum depth to be 40± feet. Access to the parcel is provided via a parking lot to the west side of property and is behind the homes fronting Charles Court."*

The McNerney appraisal report states:

*"A weakness of the subject property is its lack of street frontage and access to utilities...Access to the site is provided via a driveway which services Block 61, Lot 1, 3200 Liberty Avenue which is over a portion of the 34th Street paper street...The subject property does not front onto a roadway and therefore does not have access to utilities."*

34<sup>th</sup> Street is not viable replacement land. It hasn't street access or utilities, it is very narrow, it has no stated intended public use, nor does it serve the same public as Braddock Park. It is accessed via what appears to be a private parking lot which serves an adjacent apartment building. The AAG appraisal contains photos of a sign posted at a parking lot which reads: *"Parking for registered renters only. All others will be ticketed and towed"*.

## SUMMARY

North Bergen's responses to NJ DEP Judeth Yeany's 02-29-24 and 10-31-24 diversion application reviews, which ask if NB's proposed preschool will meet NJ educational regulations, are incomplete, deceptive and dishonest. This report details why NB's plans and schematics demonstrate that the proposed preschool will not meet N.J.A.C. 6A:26 educational regulations. See pages 2-6.

993 7<sup>th</sup> and 8<sup>th</sup> grader seats will be vacated in elementary schools and available for preschoolers in 2025-2026. NB has not demonstrated that it needs more preschool seats than the 420 it will be providing in 2025-2026. If NB needs more seats it should renew its lease of, or buy Polk Elementary School. See pages 3-4.

*"It shall be the Department's presumption that there is a feasible, reasonable and available alternative not involving parkland for the project for which an applicant seeks to divert...The use of parkland for other than recreation and conservation purposes should be a last resort." - N.J.A.C. 7:36-26.1.*

Viable alternative sites are available, such as the NB BOE owned land on 64<sup>th</sup> Street. NB purposely sabotaged several previous plans to build a preschool on 64<sup>th</sup> Street. The 64<sup>th</sup> Street BOE land should be used to avoid this diversion. 64<sup>th</sup> Street has for years been used as recreational (park) land and regulations do not allow existing park land to be used as diversion replacement land. NB's Alternatives Analysis is based on invalid search criteria, it is very incomplete, deceptive and out-of-date See pages 8-12.

NB's plans morphed from a 32-classroom to a 20-classroom to a 22-classroom to a 14-classroom preschool and NB's Alternatives Analysis didn't keep up. See page 7.

NB failed to issue RFP/RFQ's since 2012 to keep up with NB's changing plans.

NB failed to provide costs for the alternative sites it analyzed, as directed by NJ DEP.

NB failed to provide a cost analysis since 2013's improperly calculated analysis.

NB under-reported the amount of land it is diverting. NB did not include the proper acreage for its past, current and future parking lot and preschool road diversions. See pages 24-25.

NB's proposed replacement lands do not meet N.J.A.C. 7:36 environmental regulations for quantity, quality and public use. See page 25.

Approval of this diversion would set a bad precedent. It would encourage others statewide, to likewise divert premier protected park lands, legally or illegally, in order to provide essential government services. It would encourage State employees to give in to political pressure and not do their jobs.

Braddock Park is an historic and major regional park.  
It would be a mistake to replace parks like Braddock with synthetic pocket parks,  
parks that already exist, parks that are inaccessible to the public because of dangerous  
conditions and parks that don't have intended public uses, as NB is trying to do.

(c) 08-26-25 by Robert Walden. This version supersedes all previous versions.  
Documentation for everything is available upon request: [Bobamongus@aol.com](mailto:Bobamongus@aol.com)  
I am not an attorney and all opinions expressed herein are my own beliefs, not legal guidance.

**From:** bob  
**To:** State House Commission [TREAS]  
**Cc:** Smith B., Sen. D.O.; SenBucco@nileg.org; AswPintorMarin; john.dimaio  
**Subject:** [EXTERNAL] IMPORTANT: Regarding the December 15, 2025 SHC Meeting  
**Date:** Friday, December 12, 2025 2:14:23 AM  
**Attachments:** FINAL REPORT SENT 08-26-25 Why NJDEP Should Reject the Braddock Park Diversion.pdf

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To PhishReport@cyber.nj.gov.**

Dear Members of the NJ State House Commission,

The public was not given adequate notice for the December 15, 2025 SHC meeting which will decide the fate of North Bergen's application to divert, after-the-fact, North Bergen's DEP encumbered 43rd Street Park.

DEP only announced this December 15 SHC meeting 1 full work day in advance (December 11), here:

<https://dep.nj.gov/otpla/city-of-north-bergen-hudson-county-diversion-application-braddock-park-school-trailers/>

DEP's "SHC State Approval Summary Sheet" states that the proposed Paterson Plank Road replacement land is 1.55 acres in total and "*the minimum compensation required is .835 acre*".

See: <https://dep.nj.gov/wp-content/uploads/otpla/plc-public-notice/braddock-park/shc0908003-north-bergen-ems-building-summary-signed-with-exhibits.pdf>

The problem is that North Bergen's 01-26-2016 diversion pre-application states: "*At Paterson Plank Road, the proposed urban park areas (children's play structures, swings, parking, lawn, etc), will occupy about half of the site, and half will be a wooded hillside, with no access for the human residents of the County.*"

Half of the 1.55 acre proposed replacement parcel means only .775 acre is usable by the public - **this does not meet the .835 acre minimum compensation required, as stated by DEP.**

Furthermore, DEP's contention that the requirement to provide public hearings was met on 07-10-20, 07-14-25 and 08-13-25 is misleading because at all of those hearings the public was led to believe that North Bergen's diversion application and those hearings were not just about North Bergen's application to divert, after-the-fact, the 43rd Street Park, but also North Bergen's much larger illegal diversion of Braddock Park.

The transcripts of the latter two hearings have not been made available to the public on DEP's website: <https://dep.nj.gov/otpla/city-of-north-bergen-hudson-county-diversion-application-braddock-park-school-trailers/>

Both illegal diversions should be settled at the same time - the proposed Paterson Plank Road land was earmarked in North Bergen's diversion application to settle **both** diversions.

59x

Recently North Bergen decided to withdraw its application to divert Braddock Park in the future, but NB still needs to provide proper compensation consisting of a minimum of 5:1 replacement land for its illegal past diversion.

See "*Table 1 - Table for Determining Minimum Compensation to be Provided for Major Disposals and Diversions of Parkland*" in N.J.A.C. 7:36 regulations.

North Bergen still needs needs to remove its 25 year-old illegally situated preschool trailers and restore the diverted Braddock Park land to recreational use.

For 25 years North Bergen has wasted many millions of State taxpayer dollars while DEP has not just dragged its feet, it has also facilitated North Bergen's non-compliance with regulations by not enforcing directives and regulations. More about this is contained in the report attached to this email, which I sent to DEP on 08-26-25.

Even worse, one person died in a traffic accident near the preschool - The Hudson County Sheriff's accident report noted "*The area of the crash, at that time of day, has a high amount of vehicular and pedestrian traffic in the area due to the pre-school located in the area.*"

The preschool should have been removed before this tragedy occurred.

Ironically, North Bergen recently admitted that it doesn't need Braddock Park for a preschool - I have been telling NJDEP officials this for the past 12 years!

I urge the SCH to reject DEP's proposed settlement of the 43rd Street Park until the Braddock Park diversion is also ready for settlement and this should happen ASAP, with oversight by the SHC and State law enforcement officials.

Sincerely,

Robert Walden

North Bergen, NJ 07047

60x

**From:** bob  
**To:** State House Commission [TREAS]  
**Cc:** Smith B., Sen. D.O.; SenBucco@nileg.org; Asw PintorMarin; john dimaio  
**Subject:** [EXTERNAL] Addendum to IMPORTANT: Regarding the December 15, 2025 SHC Meeting  
**Date:** Friday, December 12, 2025 7:53:09 AM

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"NJDEP's SHC State Approval Summary Sheet" states that the proposed 1811 Paterson Plank Road land was purchased by Hudson County which was then reimbursed by North Bergen Township and the N.B. Board of Education and *"it provides a much-needed recreational amenity to an underserved area of North Bergen"*.

NJDEP failed to disclose to the SHC that this replacement land was procured to serve the upscale adjacent "Hudson Mews" apartment complex which was built at the same time by a developer who had family ties to a powerful State Assemblywoman and a North Bergen and Hudson County government official.

The developer of Hudson Mews was Frank Huttle III who is the brother-in-law of Anthony Vainieri. Vainieri at that time was a North Bergen Freeholder and the Chief-of-Staff for North Bergen Mayor Nick Sacco.

Huttle was the Mayor of Englewood at the time.

Huttle is married to Valerie Huttle who is Vainieri's sister. At the time, Valerie Huttle was a State Assemblywoman from Bergen County.

Valerie Huttle's legislative financial disclosure statement shows connections to Hudson Media, Inc. and Hudson Capital Properties, LLC, which are related to the Hudson News/Mews, adjacent property, which has a vested interest in this replacement land/park. <http://www.njleg.state.nj.us/ethics/FinancialDisclosure/VainieriHuttleV2014.pdf>

The Hudson Mews 11 acre site was a perfect site for the preschool but North Bergen rejected it, saying there wasn't enough flat land, which wasn't true.

North Bergen also said the land was contaminated, but North Bergen said that about virtually every possible alternative site.

On 12-20-15 The Hudson Reporter reported the following about Huttle's development company and the Paterson Plank Road replacement land:

*"As part of the deal, they not only demolish the car wash, they grade the property and they bring all the infrastructure to the site, including utilities, with access for water and electric."*

There seems to be a number of unethical, if not illegal conflicts of interest involved here which NJDEP and others should have looked into - I notified NJDEP about this several times over the years.

Documentation is available upon request.

61x

On 12/12/2025 2:10 AM, bob wrote:

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62x

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Sincerely,

Robert Walden

North Bergen, NJ 07047

63x

**From:** jean public  
**To:** State House Commission [TREAS]; jeanpublic1@gmail.com; info@aarp.org  
**Cc:** info@aplj.org; info@coj.net; info@wildlifeforall.org; info@idausa.org  
**Subject:** [EXTERNAL] comments on agenda of state house commission meeting december 15, 2025  
**Date:** Thursday, December 11, 2025 1:07:49 PM

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as to project 4 for a youth center in totowa. i notice no information given to the public on size of project where land will be lost to another concrete building. it seems like all these projects today are to turn nj into concrete, with parkland being continually attacked. open space being attacked. i think the youth facility should be built in downtown near nj where there are a lot of buildings in the center of the city that can be utilized. better there than anywhere else.

5 project ok

6 project newark dot alleged excess land 8500 sq ft turned into family zone ok.

7 jersey city- leasing the marina at liberty state park. why would the state govt give a lease for 21 more years. seems excessive. and then give this profiteer a lease extension from those 21 years into eternity. why? i am not in favor of this action by nj dep. outdoor public recreation should not be commercial, it should be simple walks and protection and peace for any wildlife or animals or birds that live there. stop taking it all for human profiteering. selfish. greed at work here. this could be natural open space. should be totally open peaceful site, not commercial crap. stop marina greed. no dry storage. rent paid by profiteer appears minor and should be in the millions each year. should be 21 million per year coming in. this appears to be a giveaway of nj taxpayer owned land to a profiteer. taxpayers losing out imo.

8 woodbridge - middlesex - 4 and 1/2 acres elementary school ok

9 ridgewood playground 1/3 acre park loses land - property sold to bergen county housing authority - w/o thorough ok appears shady.

10 colliers mills wma - division fish and wildlife which operates in a secretive, corrupt way imo.

why was this racetrack ever allowed to be put next to a site that is supposed to be a peaceful place for wildlife to live in peace. who needs that god racket next door. what an inappropriate place to have sited a racetrack. nobody at njdfgw meetings for the last 20 years mentioned one single thing about this inappropriateness. public was kept unaware and unknowing as usual by this state agency that operates in secret. racetrack was getting away with using wma land for parking overflows for their profiteering. what an outrage. how many years was this violation taking place. no raceway should be next door to a wma. this is highly inappropriate. get the raceway to a new location. stop allowing incursion at wma. absolutely disgusting secrecy going

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on to harm wildlife and nature. its a gyp to let raceway pay \$43k. close raceway down. raceway should be charged \$5 million for the overflow parking they violated. nj public heard nothing for last 20 years of this incursion by the raceway.

11 franklin somerset - parkland should never be lost. this continual attack on parkland takes away many acres each year little by little. needs to be stopped. find other land. energy companies can buy land for their activities. sunoco is rich. they can afford to buy land for their pipes. deny. green acres is attacked constantly by nj dep. green acres land is worth much more than it is being valued in these state house secret meetings. nj public is aware of this low valuation for the pals of nj dep.

12 north bergen- 1/3 acres park lost for ems buildings. get the ems buildings onto other land and save the park land always. deny this use. firehouse already took land from park purposes.

13. margate atlantic county - another park attack. fema flood taking - city should come up with \$2 million for future parkland. otherwise deny.

jean public

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