



November 10, 2020

Via email and certified mail

Attorney General Gurbir
Grewal
Richard J. Hughes Justice
Complex
8th Floor, West Wing
25 Market Street
Trenton, NJ 08625-0080
Gurbir.Grewal@njoag.gov

Hudson Cty. Exec. Tom DeGise
Office of County Executive
John Brennan Courthouse
583 Newark Avenue
Jersey City, NJ 07306

Mayor Nicholas Sacco
Township of North Bergen
4233 Kennedy Boulevard
North Bergen, NJ 07047

Martha Sullivan Sapp, Chief
DEP, Green Acres Program
501 East State Street
Station Plaza Bldg. 5, Ground
Fl.
Trenton, NJ 0860
Martha.Sapp@dep.nj.gov

Re: N.J.S.A. 2A:35A-11 Notice of 19-year Continuing
Impairment and Illegal Diversion of Block 437.02,
Lot 1 of Braddock Park for non-recreational use

Dear Attorney General Grewal, Mayor Sacco, County Exec. DeGise
and Section Chief Sapp:

We are writing to you (collectively) again (and re-submitting our letter dated June 2, 2020), on behalf of the New Jersey Conservation Foundation ("NJCF"), the League of Women Voters of NJ ("LWVNJ"), the Sierra Club-NJ and "Save Braddock Park-Safe Schools," an unincorporated membership organization whose members include North Bergen residents and taxpayers, to demand that Hudson County and North Bergen cure, as soon as possible, the ongoing unlawful diversion of a significant area of James J. Braddock Park for non-recreational purposes in violation of N.J.S.A. 13:8C-32(a)&(b)(1) and N.J.A.C. 7:36-25.2.

As we stated in that first letter and hereby repeat: Hudson County and North Bergen have usurped Green Acres dedicated parkland for approximately **19 years** without receiving prior approval from the Commissioner of the Department of Environmental Protection ("DEP") and the State House Commission ("SHC"); and their deliberate indifference to satisfying their statutory mandate must come to an end. Since we wrote you last, the matter has simply gotten worse, rather than better. Instead of completing their *temporary* diversion pre-application initially filed on January 28, 2016, and moving that application through the well-established diversion process toward a final agency decision, Hudson County/North Bergen have decided to re-file their request to *permanently* divert, hold a second scoping hearing and commence the process anew. What have they achieved by this?

Ostensibly, they have **started the clock ticking again, delayed the legalization process for another number of years, continued to unlawfully use the diverted property for non-recreational purposes without making proper lease payments, and perhaps have rendered a temporary use permanent in the minds of the public.** For certain, it appears that they are intent upon refusing to use bond money, municipal surpluses and other revenues that have been available at various times since 2001 to give North Bergen pre-school children a proper educational home.

Specifically, as they abandoned their plans to use the refurbished Lincoln Elementary School Annex to house the pre-schoolers in 2001-2002, they now appear similarly inclined to abandon their plans to use the retrofitted High Tech High School facility and campus to house such children or to enable the reorganization of other schools to enable their placement in **already built elementary or middle schools.** Review of the materials distributed at the scoping hearing indicates that Hudson County/North Bergen are intent on keeping the trailers in Braddock Park contrary to commitments made to the public when asked to approve a bond referendum. See Peter D'Auria, "North Bergen school realignment delayed again; trailers to remain in Braddock Park until 2022," Jersey Journal, (April 18, 2020) at <https://www.nj.com/hudson/2020/02/north-bergen-school-realignment-delayed-a-year-trailers-will-remain-in-braddock-park-until-2022.html>.

We trust that the Attorney General and the Green Acres Program will not permit them to continue to avoid legal obligations, and drag this matter out for another nineteen years. Though North Bergen and Hudson County may believe that their decision to file

a new diversion application has defeated our demand to cure the ongoing impairment of valuable recreational parkland, it has not. We still demand that the Green Acres program ensure that North Bergen and Hudson expeditiously move to: complete their diversion pre-application and the final application; facilitate, not stymie, a final agency decision; and remove the 17 admittedly "antiquated" trailers currently sitting on the former softball field.

We reserve all our rights to take any appropriate legal action.

Thank you for your anticipated consideration of our demand for immediate action to cure the ongoing violation. If you have any questions, do not hesitate to contact either of Renée Steinhagen at 917-771-8060 or Daniel Greenhouse at 609-405-1047.

Respectfully,

/s/ Renee Steinhagen
Renée Steinhagen, Ex. Dir.
New Jersey Appleseed Public
Interest Law Center

/s/ Daniel Greenhouse
Daniel Greenhouse, Sr. Atty.
Eastern Environmental Law Center