

**A RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, COUNTY OF MORRIS, NEW JERSEY, SUPPORTING THE STATE HOUSE COMMISSION FINAL APPLICATION TO THE NJDEP GREEN ACRES PROGRAM FOR THE MAJOR DIVERSION OF PARKLAND OWNED BY THE BOROUGH OF MOUNT ARLINGTON**

**WHEREAS**, the Municipal Beach Major Diversion (SHC # 1426002) involves the prior conveyance of easements and property in fee comprising a portion of Municipal Beach (505 Altenbrand Ave., Block 18, Lot 12, Mount Arlington, Morris County, 2.75 acres). These include: a previously established public easement to accommodate the Musconetcong Sewerage Authority (MSA) Pump Station #4 (0.083 ac +/-); a previously established private easement for the use and access of the adjacent property owner, M & H Associates who are the owners of the Barnes Brothers Marine Base, intended to address public safety and drainage issues at the beach (0.051 ac +/-); and a previously established public fee transfer to M & H Associates with the same intentions of the private easement (0.378 ac +/-) so that drainage from the public roadway could be managed by the improvements installed and maintained on the Barnes Brothers Marine Base property; and

**WHEREAS**, the Arlington Glen Major Diversion (SHC # 1426003) involves a parcel of land known as Arlington Glen (507 Sandra Drive, Block 61, Lot 17.01, Mt. Arlington Borough in Morris County, 16.82 acres). Musconetcong Sewerage Authority (MSA) Pump Stations #1 and #2 were installed on this property in 1996 with easements established in 2011 in favor of the Borough, whereas they should have been in favor of the MSA. The Easements have a combined area of 0.159 ac +/- . The locations for these pump stations were established because the local sanitary sewer collection system operates by gravity to these locations, after which the system operates under pressure to the regional MSA treatment facility; and

**WHEREAS**, in accordance with N.J.A.C. 7:36-26.10, the Borough of Mount Arlington has offered Block 12 Lot 1, Berkshire Avenue, Mount Arlington, Morris County (6.5 +/- acres) as compensation for the referenced diversions. The site is wooded and adjacent to the access road leading to the former sanitary landfill of the Borough of Mount Arlington and is to be used for conservation; and

**WHEREAS**, the Municipal Beach Major Diversion (SHC # 1426002) and the Arlington Glen Major Diversion (SHC # 1426003) are part of the Borough of Mount Arlington parkland which is encumbered with restrictions against disposal or diversion from recreation and conservation uses by the New Jersey Department of Environmental Protection's Green Acres Program; and

**WHEREAS**, in conjunction with the proposed major diversion of parkland, it is necessary to remove the Green Acres restrictions from the above-referenced parkland; and

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

**WHEREAS**, the Borough of Mount Arlington wishes to apply for approval for the Municipal Beach Major Diversion (SHC # 1426002) and the Arlington Glen Major Diversion (SHC # 1426003) as a major disposal or diversion of parkland under N.J.A.C. 7:36-26; and

**WHEREAS**, resolutions 2015-33, 2015-34 and 2015-35 were passed on January 21, 2015 supporting the pre-application submission pursuant to N.J.A.C. 7:36-26.9(d)11; and

**WHEREAS**, a public hearing was held on June 20, 2017 and public comment was accepted until July 5, 2017; and

**WHEREAS**, in accordance with N.J.A.C. 7:36-26.11(i)4, it is necessary for the Borough of Mount Arlington to submit as part of the final application a Resolution endorsing the application to divert or dispose of parkland.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, State of New Jersey as follows:

1. The Borough of Mount Arlington endorses the filing of a final application for the Municipal Beach Major Diversion (SHC # 1426002) and the Arlington Glen Major Diversion (SHC # 1426003) pursuant to N.J.A.C. 7:36-26.
2. The Mayor and Borough Council of the Borough of Mount Arlington has reviewed both oral and written comments accepted during the public comment period and have made a finding that the major disposal or diversion of parkland is still in the public's best interest.
3. The Borough of Mount Arlington hereby finds that the Municipal Beach Major Diversion (SHC # 1426002) would meet the minimum substantive criteria at N.J.A.C. 7:36-26.1(d) by accommodating public sanitary wastewater infrastructure (MSA Pump Station No. 4, addressing public safety and drainage issues at the beach and so that drainage from the public roadway can be managed by the improvements installed and be maintained by the adjacent property owner. Further, the Borough of Mount Arlington hereby finds that the Arlington Glen Major Diversion (SHC # 1426003) would meet the minimum substantive criteria at N.J.A.C. 7:36-26.1(d) by enabling the local public sanitary sewer system to flow by gravity to the MSA Pump Stations #1 and #2, after which it would be directed under pressure to the MSA Treatment facility.
4. The Borough of Mount Arlington acknowledges that in order to obtain the approval of the Municipal Beach Major Diversion (SHC # 1426002) and the Arlington Glen Major Diversion (SHC # 1426003), all substantive and procedural requirements of N.J.A.C. 7:36-26 must be met, including compensation requirements at N.J.A.C. 7:36-26.10.
5. Upon approval of the Municipal Beach Major Diversion (SHC # 1426002) and the Arlington Glen Major Diversion (SHC # 1426003) by the Commissioner of the New Jersey Department of Environmental Protection and the State House Commission and proof that all terms and conditions of the approval have been satisfied or will be satisfied in a timely manner, the Borough of Mount Arlington hereby authorizes and directs the Mayor and the Municipal Administrator to execute 1) a Green Acres Release and Compensation Agreement and 2) a Deed of Easement or Deed of Restriction for any replacement land serving in whole or in part as compensation for the diversion, in accordance with N.J.A.C. 7:36-26.11(m).

**I HEREBY CERTIFY** this to be a true and correct Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, and adopted on July 11, 2017.

  
Linda DeSantis, RMC  
Borough Clerk