

Town of Phillipsburg

Resolution 2025-174

RESOLUTION SUPPORTING THE STATE HOUSE COMMISSION PRE-APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR DISPOSAL OF PREVIOUSLY DISPOSED OF LANDS NOW KNOWN AS BLOCK 2425 LOTS 1-10

WHEREAS, Block 2425 Lots 1-10 is part of the Town of Phillipsburg for Brensinger School Parkland which is encumbered in 1984, as a condition of Green Acres funding, with restrictions against disposal or diversion from recreation and conservation uses by the New Jersey Department of Environmental Protection; and

WHEREAS, in conjunction with the proposed Brensinger School parkland disposal completed in 1985, it is necessary to remove the Green Acres restrictions from the properties now known as Block 2425 Lots 1-10 which is 1.656 acres; and

WHEREAS, The Town of Phillipsburg acquired the properties known as Block 2425 Lots 1-10 for the Town of Phillipsburg Board of Education which a deed was filed for the transaction dated December 11, 1973, for the amount of \$1.00.

WHEREAS, The Town of Phillipsburg completed a grant closeout for improvements for Delaware River Park in 1984 and as part of the agreement listed the properties known as Block 2425 Lots 1-10 as lands held for open space and recreation.

WHEREAS, The Town of Phillipsburg then sold the properties now known as Block 2425 Lots 1-10 to a developer which a deed was filed for the transaction dated July 2nd 1985, for the amount of \$62,000.00.

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 Town of Phillipsburg wishes to apply for approval for disposal of Brensinger School Parkland as a major disposal of parkland under N.J.A.C. 7:36-26; and

WHEREAS, as required by N.J.A.C. 7:36-26.8, the Town of Phillipsburg held a scoping hearing on 12/19/2023 to solicit public comment on the disposal of parkland from Brensinger School parkland in connection with the sale of the land BLOCK 2425 LOTS 1-10 that occurred in 1985 without NJDEP approval.

WHEREAS, the next step in the application process for approval of a major disposal or diversion of parkland is the filing of a pre-application under N.J.A.C. 7:36-26.9; and

WHEREAS, in accordance with N.J.A.C. 7:36-26.9(d)11, it is necessary for Town of Phillipsburg to submit as part of the pre-application a Resolution endorsing the application to formally dispose of parkland;

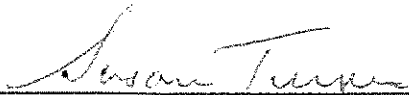
WHEREAS, The pre-application seeks a monetary compensation plan if required by State Commission to be result in general funds raised by non-open space tax of Town of Phillipsburg for a period time to repay a value of parkland disposed at a ratio and value to be determined by State Commission/NJDEP. Which is anticipated to be 5x time current appraised value of the 10 lots and their improvements over a period up to 40 years. The funds on annual basis would be transferred to Town of Phillipsburg Open Space Trust fund.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg, in the County of Warren, State of New Jersey as follows:

1. The Town of Phillipsburg endorses the filing of a pre-application for the Brensinger School Parkland Disposal that occurred in 1985 without NJDEP authorization or compensation pursuant to N.J.A.C. 7:36-26;
2. The Town of Phillipsburg hereby finds that Brensinger School Parkland would meet the minimum substantive criteria at N.J.A.C. 7:36-26.1(d) by addressing a prior improper disposal that occurred in 1985 by allowing for monetary compensation to address improper disposal from 1985 and enable Green acres funding for the Town of Phillipsburg's residents and enable replacement of lost open space opportunities caused by the 1985 sale; and
3. The Town of Phillipsburg acknowledges that in order to obtain the approval of Brensinger School Parkland disposal (Block 2425 Lots 1-10), 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.

Certification

I, Susan Turner, Acting Municipal Clerk of the Town of Phillipsburg, County of Warren and State of New Jersey do hereby certify the foregoing to be true and correct copy of a Resolution adopted by Council at the meeting held September 10, 2025.



Susan Turner, Acting Municipal Clerk

