



# City of Linden

## Union County, New Jersey

LINDEN SHADE TREE COMMISSION  
301 North Wood Avenue  
LINDEN, NEWJERSEY 07036  
908-577-4875

COMMISSIONERS  
Chairman & Secretary  
Jeffrey A. Tandul, LLA, ASLA, M.Arch.,  
Ron Martins  
Judy England-McCarthy  
Renee Banks  
Mike Alexy

**TO:**

City of Linden  
Clerk's Office  
Attention: Mr. Joseph Bodek, City Clerk  
2<sup>nd</sup> Floor, City Hall  
301 North Wood Avenue  
Linden, NJ 07036  
jbodek@linden-nj.org

**AND:**

NJ Department of Environmental Protection  
Green Acres Program  
Bureau of Legal Services and Stewardship  
Mail Code 501-01  
501 East State Street, 1<sup>st</sup> Floor  
P.O. Box 420  
Trenton, NJ 08625-0420  
Attention: Adam Taylor  
Adam.Taylor@dep.nj.gov

April 9, 2020

**RE: Written comments, questions and objections regarding Disposition of Land of Wilson Memorial Park, City of Linden, NJ 07036**

**Dear Mr. Bodek and Mr. Taylor:**

The following is a list of comments, questions and objections regarding the disposition of Land at Wilson Memorial Park and Pre-application to NJDEP. They have been compiled by the Linden Shade Tree Commission.

- 1. Resolution in Opposition:** Please find attached a formal resolution entitled passed by the Linden Shade Tree Commission at the April 02, 2020 Regular Meeting, Resolution No. 2020-001-LSTC submitted in objection to the land disposition listed above: ***"RESOLUTION OBJECTING TO THE STATE HOUSE COMMISSION PRE- APPLICATION TO THE NJDEP GREEN ACRES PROGRAM FOR PROPOSED SUBDIVISION OF THE WOODROW WILSON MEMORIAL PARK WITHIN THE CITY OF LINDEN, NEW JERSEY, COUNTY OF UNION, NEW JERSEY"***
- 2. Priority Community Green Space , see Figure 1 Attached:** - This figure is a map developed through the State of NJ indicated that the High School property right across the street from the proposed project and land disposition indicates High and Medium Priority need Community Green Space. It is reasonably concluded that the Woodrow Wilson Memorial Park directly across the street falls into this category as well. It likely was not included in the map as it was assumed this property would remain parkland in perpetuity. This bolsters the argument for the portion of the Woodrow Wilson Memorial Park to remain Parkland. Why did the applicant not explore the need for and or lack of green space and green infrastructure in the surrounding neighborhood, City and Route 27 Corridor?
- 3. Route 27 Corridor Devoid of any Green Space from Municipal Boundaries to West and East:** The property that is the subject of this proposed action directly adjoins a major, heavily urbanized highway spanning the City of Linden for more than 3 miles. Further, the trees on this property are nearly the only mature trees of any size along this highway within the City of



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Linden. More importantly, the trees on this property are the largest that are in the City of Linden along this highway. Given the highly developed nature of this portion of highway, once these trees are removed, as presently proposed, it seems highly unlikely that any similar large-scale planting can ever be achieved along this stretch of highway. Furthermore, much of this void runs through primarily minority, low and moderate-income neighborhoods and disposal of the property in question and the resultant condemnation and destruction of the trees on the parcel is in direct conflict with the concept of "environmental justice" as it applies to such communities. As such the parcel of land in the Woodrow Wilson Memorial Park and approximate 80-year-old trees hold even more value and importance.

4. **Route 27 Corridor Air pollution:** The trees that will be needlessly destroyed and killed provide a tremendous amount of environmental services in an area where it is most needed adjacent to the two Schools in the direct vicinity (the High School to the South and former Vo-Tech School to the East). They are machines in the ground that clean the air of pollutants and particulates generated by the highly travelled adjacent State Highway Route 27 (a.k.a. St. George Avenue). Given the loss of the educational value of these mature trees, buffering provided, storm water services, carbon sequestration, and reduced energy costs, how can the Board of Education and City possibly support this project in good faith? It is bad for the community, and bad for the school system.
5. **Reckless holding of Hearing under life threatening conditions and in defiance of the directives and Executive order 107 of the Governor of NJ:** The so called public hearing was held on March 26, 2020 for the project in Linden which is the subject of these comments. . Those present found it abhorrent and unconscionable that the City chose to move forward in defiance of the Governor's directive and Executive Order 107 to stay home and avoid meetings and congregations. There were approximately 19 people in attendance. There is **NO** urgency regarding this project. The Governor is on TV daily stating that people should STAY HOME. It is amazing that the cancellation/postponement of events such as The Olympics, the Kentucky Derby, the Indy 500, the PGA major golf tournaments (Masters and Players championships), French Open Tennis Tournament, NCAA Tournament, Major League Baseball, etc. can be done but somehow this project and risking the health of the residents of Linden is more important? How can the City and Board of Education possibly in good conscience justify this reckless action with indifference to the Governor and the Citizens of Linden and the State of New Jersey? (Note that even more events have been cancelled/postponed since March 26, 2020)
6. **Clarification needed- who can postpone the hearing:** When we spoke by phone recently and via e-mail you had stated that "The City makes the final call on whether to have the hearing or not". Ms. Gaylord from the Board of Education was on that last e-mail chain so was fully aware of that fact. However, at the public meeting when a resident questioned why this hearing was not postponed, Ms. Gaylord stated publicly, and misleadingly that "The NJDEP would now allow us to cancel or postpone the hearing". Seems that does not ring true based upon our communications, please



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clarify. It clearly appears that Ms. Gaylord was spreading incorrect information at the hearing. Clearly this hearing could have been postponed until fall 2020, when hopefully this pandemic has passed. Re-noticing for a future date would be a VERY simple matter and of very little cost if any.

7. **Misinformation publicly presented by Ms. Gaylord, Board of Education Secretary and Business administrator regarding use of funds for trees:** At the March 26, 2020 so called public hearing was held, when the subject of the funds to be paid in lieu of planting, Ms. Gaylord incorrectly stated that she "had asked NJDEP if they can provide the funds to the Shade Tree Commission for Planting as they can't plant 2000 trees on site.". She "claimed" that NJDEP said "NO". I was informed by a reliable source in City Hall that this idea was brought to her attention and that "SHE" NOT NJDEP shut down this idea. Can you shed any light on this issue? I know for a FACT that NJDEP would entertain the idea of planting of 2000 plus trees as part of a reforestation plan within the park using reasonable urban forestry and landscape architectural standards.
8. **NJDEP representation lacking at hearing:** There seemed to be no one from NJDEP at the so-called public hearing On March 26, 2020. Besides the obvious current international pandemic, and logical desire for not risking one's life, is there any other reason there was no representation from NJDEP? It is my understanding the "hearing" is required of the town and all they have to do is "have a hearing". Why are there no standard rules for what is and is not required and more important what is and is not allowed to be discussed? The Shade Tree Commission agrees that someone should have been at that so-called hearing to at least act as moderator, to answer questions, particularly procedural questions and to stop the applicant and their representative from interrupting commenters and attempting to limit the content of comments by commenters.
9. **Interruptions by moderator & Bd of Ed to limit public comments:** As moderator of the so-called hearing on March 26, 2020, there was a Civil Engineer, who is part of the applicant's project team and their architect, however, the PE ran the meeting. That Civil Engineer and Ms. Gaylord (Linden Board of Education) went out of their way to interrupt the public when they were speaking to limit their comments. Besides being a rude gesture to citizens with genuine and legitimate concerns, it was a blatant attempt to keep many valid objections out of the public record. This is unacceptable and to the best of our knowledge, in violation of the intent, spirit and rules/regulations of NJDEP for these types of hearings. As such, we again request that a second hearing be held well after the COVID 19 Crisis has passed regarding project to allow for real public participation, rather than a minimalist hearing held in a manner designed to reduce public input and/or objections.
10. **Unwarranted Limitation on Comments by the City/Bd of Ed:** Ms. Gaylord (Bd. Of Ed) and the Civil Engineer (PE applicant consultant) kept saying the public was not allowed to comment or question anything regarding the "future construction". The PE



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said "You may only address the land disposition". This is rather outrageous and defies all common sense and logic. The land disposition and any future or current development plans are inextricably linked. There would be no land disposition if there were no planned project. How can that not possibly be part of the discussion? That is the driving factor for any determination whatsoever about the land disposition. The PE also kept trying to say that the public can't comment on the removal of the trees, only the land disposition. That is again ridiculous. That is one of the MAJOR factors that affects the final decision whether or not to dispose of the park land which has been supported for many years by local and State taxpayers through Green Acre Funding. They can't have it both ways. The Board/City can't argue on the one hand, "The parkland is needed for future development of the school" and on the other hand say "The public can't discuss or comment regarding the future development in regard to the land disposition". This is beyond ridiculous at least and blatantly obstructionist designed to limit complete and coherent comments and/or objections by the Community. It should be noted also that while this project is in Linden, by virtue of being located upon a State Highway (No 27) and the repeated utilization of Green Acres Funds ANYONE from the State of New Jersey is entitled to make comments and or objections to this proposed land disposition and proposed future development.

11. **Hearing, Limited Transcript:** There is another very disturbing aspect of the so-called public hearing held that was held on March 26, 2020. After all of the public stood up and spoke, which was limited due to the lack of community involvement resulting from the reckless and irresponsible holding of this hearing during an international pandemic and in outright defiance of the directives and Executive Order 107 of the Governor of New Jersey (community involvement does NOT mean the mere minimum "pubic notices" buried in the back pages of the classified ads, or in an obscure location on the city website.) The Civil Engineer consultant representing the applicant and moderating the hearing was questioned if the transcript of the entire hearing would be recorded and submitted to NJDEP? He stated "No, only questions, no comments will be submitted. It will be edited and filtered before sending to NDJEP". All of us who were there representing the public were outraged at this. It means that this so called "Hearing" was nothing more than a sham. Having been involved in may legislative issues over the years and planning board meetings it is well known that a full transcript is supposed to be kept, made available to the appropriate approving authority and available to the public after submission. This so called "Hearing" is a legally required and legally binding activity (not unlike planning board applications). If a full transcript is not provided, it is respectfully requested that this so-called public hearing (March 26, 2020) be deemed invalid as it did not meet the NJDEP Green Acres requirements.
12. **Formal request for extension of written comment period:** It is further formally requested in addition to the request for a second proper public hearing, that the deadline for written comments be extended to a time at least thirty business days after the official lifting of the "Stay at Home/no travel" Executive order(s) has been lifted.



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- 13. Request for Second Public Hearing:** While normally NJDEP only requires one (1) public hearing on minor green acre property disposition, since this first hearing was basically a “NON-hearing” we respectfully request that a second hearing be required in the Fall of 2020 (or later if. Two hearings are not unprecedented. There are really legal issues as to whether or not this hearing met the intent and spirit of the law.
- 14. Why has there been no press coverage of this project and proposal:** The applicant and Board of Education rep “claim” that the “City is in favor of this project”. If it is so important (which is questionable) and so wonderful to dispose of parkland that belongs to ALL of the Community and is accessible to ALL of the State of New Jersey, that there appears to have been zero press coverage of this project? Why would the City not have any press releases? It should be noted of course there was no press or media at the so-called public hearing on March 26, 2020. It is well known that major networks have their reporters working and broadcasting from home and local media are also following the Governor’s Executive Order 107, telling people to “work from home, minimize travel, stay home, stay away from public gatherings OF ALL TYPES. In regards to “press coverage” we refer to articles, interviews, etc. NOT the required public notices that typically are buried in local newspapers and or far reaches of websites.
- 15. Excessive financial cost:** While the Mayor states publicly and repeatedly he is proud to keep the City budget relatively level, the portion of the budget that makes up the School portion of the budget appeared to increase every year. Furthermore, it is baffling that the City has the money in addition to the cost of the future development, to essentially be thrown away with no return benefit other than the destruction of parkland and removal of 80-year-old healthy trees on said parkland. The pre-application states: *“In accordance with NJAC 7:36-26.5(a), monetary compensation in the amount of \$33,813.00 will be deposited in the Garden State Preservation Trust Fund and monetary tree removal compensation in the amount of \$606,644.29 will be deposited in the Shade and Community Forest Preservation License Plate Fund.”* This is interesting as numerous inquiries made over the last three years regarding the general disrepair of the park, including but not limited to tennis courts in desperately in need of resurfacing, handball/tennis practice wall and surface in need of resurfacing, etc. It took over 2 years of pestering the Department of Recreation and Ward 9 Councilman to replace a burned-out light for the Tennis Courts (used for night play). The response was from both sources “We don’t have the money for the repairs”. The light was FINALLY fixed after two years, but courts were not resurfaced. In the meantime, over the last year, some other lights for the tennis courts have burned out and have not been replaced. How can the City and Board of Ed justify spending money that will never be seen again and for no benefit, rather for the destruction of City natural resources?
- 16. The following is an excerpt from an Email dated March 20, 2020, sent on behalf of the Linden Shade Tree Commission to Adam Taylor at NJDEP regarding several outstanding issues:**

The following requests and comments were essentially ignored by the Applicant and Board of Education:



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*It was a pleasure speaking to you recently regarding the Green Acres pre-application for the Linden, NJ Board of Education regarding the possible Wilson Park Land disposal. Thank you for your generous amount of time discussing and answering my many questions. (**Reminder-** location North East Corner of State Route 27 a.k.a. St. George Avenue and Summit Terrace, Linden, NJ 07036)*

**Members of the Shade Tree Commission would like to strongly urge and request that the hearing scheduled for March 26, 2020, at 6 pm EDT, to be held at the Linden High School Auditorium be postponed indefinitely, given the current world wide health crisis. Note that we are the largest stakeholder having legal jurisdiction over the trees proposed for removal.**

***There are several issues regarding the current process and schedule. These issues are both legal and logistical:***

**1. Facility Closures:** *As of March 18, 2020, all public buildings in Linden, NJ have been closed to the public and only open to employees. This includes the Public Library and City Hall. As such as of March 18, 2020, the plans and application have not been available for review since that date. Therefore, it would be a legal violation of the requirement for "legal notice" and application review/viewing. Proper legal notice will not have been properly executed and therefore the hearing would not be legal. The only place legally advertised for viewing are at the Linden Public Library and Office of the Linden City Clerk.*

**2. School System Closures:** *The entire City of NJ School system is closed until March 27, 2020 at least. Likely, given the current trends, this may continue well beyond that. As such, the venue would not be available. It is my understanding that the school system closure is now State Wide.*

**3. Ban on Public Gatherings:** *Public gatherings are being discouraged if not banned and citizens urged at every lever of government to limit travel to essential travel such as health related issues, food shopping and some other limited.*

**4. Failure of Board of Ed to Respond to OPRA Request:** *An OPRA request has been filed with the Board of Education by the Shade Tree Commission for records that pertain to this project and allow proper comment on this project. The OPRA request was filed on on Thursday March 12, 2020 with the Linden Board of Ed Business*



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*administrator/custodian of records. To date, no response has been received. Entities have 7 business days to respond to OPRA requests and as of Monday, March 23, 2020 the Board of Education will be in violation of that if a response is not received. **POST EMAIL COMMENT: The Board of Ed had time to have a Board meeting on March 26, 2020 and hold a public hearing on March 26 so should have been able to respond in the time required by NJ State Law.***

***5. Legal Right of State:** When we spoke previously you stated that "it would be the call of the Board of Education whether to postpone the meeting". However, it is my understanding that the Governor Murphy has declared a "State of Emergency" in New Jersey. As such, we would argue the state has the right if not obligation to postpone this hearing and re-notice the public at a time when this health crisis has passed. Governor Murphy has urged limiting meetings and groupings. Should this meeting take place it would essentially be in defiance of that edict. Further one could legally argue that if the hearing was held at this time, it would severely limit public participation. At the very least, that would have **very bad optics for all involved.** at most, it could provide grounds for legal challenges of the process and any decisions made. **Please note that even our City Court System has been closed until further notice and all pending cases are postponed, likely indefinitely until this crisis passes.** If legal court proceedings can be postponed there is no reason this hearing cannot be postponed. There really is no urgency connected to this project as related to the public good and taxpayers.*

*In fairness to all parties and stakeholders and to preserve the requisite legal rights and requirements, postponing this hearing is strongly urged.*

- 17. Loss of traffic calming:** The property that is the subject of this proposed action is located at a signalized intersection of a major highway. The trees on this property help wayfinding, sense of place and provide a traffic calming benefit. The Board of Ed keeps trying to associate this project with "safety" (which is a very flawed position that does not hold up to scrutiny). The trees also provide a visual "way finding" & sense of place services and provides an indication of the presence of the intersection more prominent to drivers. How does the City and Board of Education justify loss of these safety services?
- 18. Property value reductions in the neighborhood:** Research studies show that trees, green open space, long views, and green infrastructure increase property values. It is reasonably concluded that property values around the park and beyond will be reduced. How will the City and Board of Education compensate property owners for the loss to their property values?



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- 19. Loss of storm water services:** Trees act as huge water pumps. Large oak trees can process up to 300 gallons of water a day through transpiration. The bark, leaves and branches reduced run-off and slow the initial “flush” of rainstorms (the most polluting portion of a rain storm is that “first flush”. How will the City and Board of Education mitigate the loss of storm water services that will result from the killing of the four large approximately 80 year old oaks on the property disposition in question?
- 20. Wood utilization has not been considered:** The pre-application only provides cursory lip service with no specifics or details related to sustainability, and green building practices. Why has neither the City and/or the Board of Education address the possible milling of these large healthy oak trees and a re-used in a visible, substantial and permanent way in the proposed development?
- 21. Green Building and Sustainability is woefully lacking for proposed development:** The pre-application only provides cursory “lip service” with no specifics or details related to sustainability, and green building practices. It is our understanding that the Schools Development Authority (SDA), the Governor and NJDEP encouraging and/or requiring design and construction methods that incorporate green infrastructure, sustainable building practices (e.g. LEEDS, ASLA SITES, etc.) for all public buildings. Why is there no detailed consideration of Green Building protocols and sustainability in the pre-application for a future permanent development project that will be in place for at least the next 50-100 years?
- 22. Green roof not considered in pre-application:** Why is there not recommendation in the pre-application to utilize a green roof on the new building to reduce or eliminate offsite run-off? The existing site that is Board of Ed Property that is going to be covered by impervious cover, is currently mostly pervious. The pond in Woodrow Wilson Park and surrounding roads of Summit Terrace and Orchard Terrace flood during large storms. This would also a be a chance for environmental education for students.
- 23. Proposed excessive paving and driveway:** Based upon the NJ Schools Development Authority (SDA) “BEST PRACTICES STANDARDS FOR SCHOOLS UNDER CONSTRUCTION OR BEING PLANNED FOR CONSTRUCTION” there are safety and security issues that are not meeting the “Best Practices”. Why was this not been considered and addressed in the pre-application and design of the proposed development? How does the City of Linden and Board of Education justify not following the “Best Practices listed above? Ms. Gaylord kept citing “child safety” and yet had no data or metrics to back up her claim. Why has the City and Board of Education ignored NJDEP’s movement towards impervious paving and zero run-off solutions?
- 24. Security issues with long driveway proposed:** The long driveway proposed is a security issue, based upon current security design standards and details will not be listed in this public document. However, the clear risks created to school security due to the extremely long new proposed driveway makes the design and access to the Residential Street of Summit Terrace undesirable at best and dangerous at worse. This is one item that SHOULD be discuss in a closed-door executive session where we can elaborate. Why has the City and Board of Ed not addressed or been aware of this? It is a poor design with excessive pavement and a security risk in the configuration proposed.
- 25. Invalid City Council Resolution:** Upon review of the preapplication therein contained is a copy of a Resolution in Support of the land Disposition for the project in the subject line above, there





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appears to be a technical issue with the resolution, at least as we understand the requirement for the resolution under Green Acres Rules and Regulations.

Near the end of the resolution, it states: "*NOW THEREFORE=, BE IT RESOLVED by the Planning Board of the City of Linden, in the County of Union, State of New Jersey as follows...*"

Based upon our previous interactions with you at the NJDEP, it is our understanding that the City of Linden who is applying for the Disposition of the Park Property, NOT the Planning Board. We believe that the Planning Board does not have any such authority to apply for the park land disposition.

It is further our understanding that this resolution was passed by the City Council, NOT the Planning Board.

Considering these apparent technical flaws in the Resolution, we respectfully contend that the City of Linden Pre-application should be deemed incomplete and invalid. We further respectfully contend that the hearing held on March 26, 2020 also is invalid as the Resolution in support of the project from the City is to be in place prior to holding the hearing.

While it "may be" a so-called clerical error, legally, the City submitted a reso that was "Certified as a true and real copy" by the City Clerk. As such it is a legally binding document. We still contend the document is invalid. One can after flaws are revealed in a legal document/contract etc. that, "Oh, that was not our intention". Hindsight is always 20:20 and there is the cliché "The road to hell is paved with good intentions". Judges always go back to the written document and what is "Actually written" NOT what is intended. Furthermore, the wording in the document is what was actually voted upon and approved by the Council. Actions speak louder than intent.

The resolution was submitted as a "true and certified copy" by the City Clerk to NJDEP Green Acres as part of the pre-application. One cannot simply "pencil in" a change after the fact.

It is tantamount to a driver saying, "Our intent was to stop at the stop sign, but by accident, we went through it and caused an accident." Again, action and results hold more weight than intention. It is formally requested that the pre-application be deemed incomplete and the appropriate correction made. It is further respectfully requested that a proper and full "real" public hearing be held at a future date after the passing of the COVID 19 Crisis.

**26. Misleading information the purpose of the future development:** Based upon the comments made by the Applicant and the Board of Ed Representative Ms. Gaylord (Board Secretary and Business Administrator) and references in the pre-application, this project seems to be more about providing more parking rather than anything else. There are many other alternatives that have not been considered by either the Applicant or the Board of Education. Some alternatives include but are not limited to:

- A. **Prohibit students to bring cars to school** – This could be enforced with a permit system for street parking (a permit system may already be in place in some form in general for parking near the Woodrow Wilson Memorial Park and existing facility).
- B. **Construction of a parking facility to the rear (south) of the existing High School:** A new parking facility built partly underground and at grade could be constructed which would accommodate many more vehicles. Building at grade and



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below grade would minimize the visual impact on residents to the South along Gesner Street and to the West on Summit Street. Would allow for future expansion of other facilities above grade at a future date.

- C. **Construction of an expanded at-grade and below-grade facility adjacent to the Existing facility:** This would eliminate the need for the taking of park property and keep the existing egress/ingress on State Route 27.
- 27. Failure to meet the signage requirements of Section 7:36-26.6 - Minor disposals or diversions of parkland:** NJAC 7:36-26.6(d)v. states "Post and maintain in a legible condition until the public comment period is concluded under (e)3vi below, a sign on the parkland that is the subject of the proposed diversion or disposal. Such sign shall advise the public of the proposed diversion or disposal, the public hearing on the proposed disposal or diversion and the opportunity for public comment on the proposed disposal or diversion. Such sign shall be located at each public entrance to the parkland proposed for diversion or disposal and/or in other prominent location(s) approved by the Department. Such sign shall be of sufficient size and visibility and contain sufficient detail as to inform the general public of the proposed diversion or disposal of parkland and the method by which the public may obtain information about such proposed diversion or disposal, and shall be subject to the Department's approval;" The Applicant has failed to meet this requirement as it was deficient in failing to meet the requirement that "Such sign shall be located at each public entrance to the parkland proposed for diversion or disposal" Only two signs were posted, one of which was in a location that people would not easily see if a pedestrian and print way too small to read from a vehicle or even standing close to the sign. **See Figure 2, Figure 3, and Figure 4**, indicating other entrances to the park where no signage was posted. In particular, no sign was posted near the most used areas (playground) and entrance from surrounding residents near the park shelter building, nor at the entry near the fishing dock. These are the most frequently used areas and should have had postings. We contend that the pre-application is incomplete. The park should be reposted and a new date for a hearing scheduled after the COVID-19 crisis has ended.
- 28. Misrepresentation of land in question for disposition and the value:** The pre-application and so-called alternative analysis states, *"Once Summit Terrace was completed, the small portion of land providing access to West Saint Georges Avenue remained, but has little to no beneficial use to the park as it is currently configured."* This statement is clearly prepared by someone who does not have any knowledge or training regarding park design, nor do they actually use the park and understand the importance. We strenuously object to the term "...little or no beneficial use to the park..." This statement is simply unabashed twaddle. The parcel and trees upon that parcel have tremendous benefit to the overall appearance of the park, immediate environs and also the visual and environmental impact extending in both directions on Route 27 (a.k.a. St. George Avenue). The visual impact is also critically important to the viewshed in and out of the park and also the long views from the Northern end of the park. The misrepresentation within the pre-application and so-called alternative analysis should NOT be interpreted to devalue the parcel and trees in question, and should NOT be allowed to influence the NJDEP to allow the disposition.
- 29. Misrepresentation of conditions in park that have no effect on the land disposition:** The pre-application and so-called alternative analysis states, *"There is a small pedestrian access point in the fence at the corner of Summit Terrace and W St Georges Avenue, which has multiple tripping hazards due to exposed tree roots(l)."* This statement is incredibly misleading regarding the value of the portion of the park in question. This fence was placed LONG after the trees were already there for at least approximately 65 years. The placement of



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the so-called entry (actually an offset in the fence) was placed by someone obviously carelessly and ignorantly. There is a very simple solution to move the offset further down the fence a few feet to avoid the existing tree roots. This issue in NO way should encourage the disposition of the land as it is easily remedied.

- 30. Objection to negative and misleading descriptive terms:** The pre-application and so-called alternative analysis states, *“The parcel slated for disposal is located between the southern parking lot for the school and Summit Terrace, thereby blocking access from Summit Terrace to the school campus. The parcel is occupied by open lawn area with four trees.”* The term *“blocking access”* is misleading and implies an improper and incorrect negative connotation and assessment of the parcel in question. What is referred to as *“blocking”* should correctly be referred to as *“providing buffering, screening, open space, green infrastructure and pervious turf area which helps mitigate the existing impervious adjacent parking lot.* Furthermore, the trees and turf area help to mitigate the heat island effect of the sea paved parking. There are no trees within the parking lot to mitigate the heat island effect and storm water run-off, and therefore the trees and turf area parcel are much needed to mitigate the negative environmental impacts of the existing parking lot.
- 31. Excessive impervious pavement- proposed driveway and inefficient design:** The excessively long and unnecessary proposed driveway will cause there to be more impervious cover than necessary (pervious pavement should be considered for all *“low vehicle motion”* areas of exposed pavement.). The driveway design is extremely inefficient and adds greatly and unnecessarily to the cost of the project. Why has the City and Board of Education chosen to design and support such an inefficient, excessively costly, unnecessary and environmentally unfriendly proposed part of the new development?
- 32. Objection to the term “minor disposal” and misrepresentation of lack of access:** The pre-application and so-called analysis of alternatives states: *“Per N.J.A.C. 7:36-26.2(b)2, the proposed disposal is classified as a minor disposal. The proposed disposal, which is requested by the City of Linden, is 0.103 acres, or 1.6% of the total park area. The disposal of the parcel will not adversely impact the use of or access to the remainder of the park, as it is located away from the main lawn area and is blocked from safe access by fence(J).”* This section of the park while in NJDEP Green Acres technical terms may be designated as *“minor”*, that implies *“less value”*. Size does not matter, context is everything. For example, Paley Park in NYC is only 4,200 squares feet (0.09 acres), smaller than this parcel in question (**See Figure 5**). While compared to the size of the city and larger parks in NYC such as Central Park, it is nonetheless important. Green amenities are at a premium in any Urban area. Linden is becoming more and more densely populated with transient rental high rises in the downtown, dividing of large single-family residential lots into 50-foot lots, and the City is allowing two or three homes where one was before has increased impervious cover, resulted in many removed trees (on private and public property) that will not be replaced. Furthermore, density is increasing two, three and often four-fold on formerly large residential lots. This has also had the effect of reducing the location where street trees can be planted due to large wide driveways and poor placement of utilities. The City and Board of Ed are acting in bad faith by reducing the amount of what little green space is left. Once it is gone, it is gone forever. Why is the City and Board of Ed making plans and proposals that are counter to every reliable authority that state we need more green space and trees for physical and mental health and to reduce greenhouse gases?



# City of Linden

## Union County, New Jersey

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**33. Misinformation regarding the “relocation of a gym”:** The pre-application states, *“The relocated gym would in turn open areas inside the existing building for additional classrooms”* It was clear at the so-called public hearing on March 26, 2020 that there this is NOT a “relocated gym”. To the best of our knowledge (no real information on the existing building has been provided by the Applicant and or the Board of Education) that there is no gym in the existing facility. The intent is to turn this into a “Freshman Academy” where freshman students ill-advisedly will be sequestered and separated from upperclassmen in the high school right across the street. Furthermore, it seemed clear that this gym will be a duplicate gym facility when one already exists right across the street. Every effort has been made by the Applicant and the Board of Ed to cloud and obscure the facts and true nature of their future intentions. The Applicant and Board of Ed owes it to the taxpaying public to provide more detailed non-conflicting information.

**34. Objection to the bogus claim that ingress and egress will be “safer” onto Summit**

**Terrace:** The pre-application and so-called Alternative Analysis states, *“...relocating the school driveway to Summit Terrace would improve the safety and efficiency of traffic entering and exiting the school site. West St Georges Avenue is a well trafficked four lane road, which makes left turns into or out of the school driveway difficult and slow. By relocating the driveway to the less trafficked, two lane Summit Avenue, all turns into and out of the school would be faster and less dangerous.”* First, this preposterous statement shows that the consultant who prepared this report does not know the site or Linden very well. The proposal is for “Summit Terrace” NOT “Summit Street”. It is clear that the consultant, that to the best of our knowledge neither lives or practices in the City of Linden is woefully ununiformed and lacking in the due diligence of studying this site. Why are there no traffic studies or metrics that demonstrate their claim? Summit Terrace is single family residential street that already has issues with unenforced speeding, stop sign running, and careless driving. Any supposed issues with the Rt. 27 can be easily resolved if the time was taken to actually study real alternatives that provide safer alternatives, rather than fulfilling a vague agenda by the Applicant and the Board of Ed. Some of these are but not limited to, new signalization, egress, ingress alignment devices preventing certain inappropriate vehicular movements, a no left turn sign exiting the current egress, deceleration/acceleration lane markings, construction. Furthermore, the existing signals at Ainsworth Street and Summit Terrace help to make the ingress and egress to the current more suitable location safer than dumping more traffic on a residential street. Why was this not considered or discussed in the pre-application and better yet publicly? Current signalization, and/or additional signalization could be added with little cost compared to the proposed eight-million-dollar project. Timings could be adjusted daily for the vehicle loads in the morning when school opens and at time of dismissal. Signal timing could be seasonally adjusted during periods when the schools are not open (e.g. during summer). Why was this solution not considered, documented or discussed and better yet discussed publicly? The signal at the Summit Terrace, St. George Ave. (Ste. Rt. 27) and offset Summit Street Intersection is more difficult and dangerous to navigate travelling north or south on Summit Terrace and Summit Street. This danger includes, but is not limited to the offset alignment of Summit Terrace and Summit Street. The signal in that direction only lets 2 to 3 cars through the intersection at best in each direction which will result in backups for those who egress out of the proposed drive and turn left (headed south) on Summit Terrace. Vehicles regularly park along the Western border of the park including alongside the parkland in question. Site distances are very limited as drives would have to inch out into traffic to attempt to egress the proposed driveway. Traffic is also extremely heavy at this intersection, particularly



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traveling on Summit Terrace towards the south through the intersection with St. George Avenue (aka State Route 27) when school opens and when school lets out. Furthermore, the access and curb cut onto State Highway No. 27 (aka St. George Avenue) should be preserved and kept as the ingress/egress as this type of access is often difficult to obtain from NJDOT. Why have none of these issues been addressed by the Applicant or Board of Ed? This is another scathing lack of due diligence and needs to be studied and addressed.

- 35. Objection to the “so-called” Alternative Analysis which is woefully lacking:** The Pre-application and so-called Alternative Analysis states, *“There are three potential alternatives for the proposed disposal.”* Three so-called alternatives are not a proper analysis and indicates a sorely lacking of due diligence. There are many, many alternatives, many of which have already been mentioned. Most importantly, a facility that is proposed can easily be built upon the existing footprint of the property already owned by the Board of Ed without having to touch the community and state taxpayer funded parkland. At the so-called public hearing held on March 26, 2020, the Architect for the project and Board Secretary Ms. Gaylord (who to the best of our knowledge has no architectural or engineering training claimed “there was not enough room”. They also stated that “The building has not been designed yet”. The second statement makes the first statement ludicrous. It is impossible to determine if there is enough room without at least creating a basic design for the facility. Why has this not been done by the Applicant and Board of Education? **See Figure 6.**
- 36. Objection to the outrageous cost to add a marginal 21 parking spaces:** The Pre-application and so-called Alternative Analysis states, *“The parking count on the site would be increased by approximately 21 stalls, and the driveway would be located on a less trafficked and safer side road.”* The total cost of the project, building, cost of disposed land, and compensatory payment for killed mature trees is \$8,475,475. That translates to about \$403,593 per space. Even if this were divided by three (3) for the three floors, the cost per parking space would be a whopping \$134,531 per space. This is a very poor return on investment for a marginal number of parking spaces. How can the Applicant and Board of Education possible justify this cost and expense? Given the marginal number of parking spaces, we contend that “Park trumps “Parking” every time. The park and the environmental services it provides to improve physical and mental health safety and welfare benefits and the benefits of trees that clean the air, increase property values and provide storm water benefits, and carbon sequestration far outweigh paved parking areas and impervious cover which place a burden on the health and well-being of the community.
- 37. Objection to lack of providing any hard evidence, data or metrics regarding supposed improved traffic safety will result:** Since the consultants for the City and Board of Education do not live and/or have their practice located Linden (to the best of our knowledge) they do not have first hand knowledge of the traffic congestion that occurs at the Summit Terrace-Summit Street-Route No. 27 intersection. Sans any metrics or data or even any empirical knowledge of the daily conditions over the period of many years, their argument is invalid and therefore the Summit Terrace driveway ingress and egress should not even be considered.
- 38. Why is there no accounting for administrative costs for the proposed facility:** At the so-called public hearing on March 26, 2020, Ms. Gaylord Secretary and Business Administrator of the Bd. Of Education mentioned the intent to convert the old facility and new facility into a “Freshman Academy”. Naturally this will require yet another level of bureaucracy and administrative cost. That cost should be included in the pre-application in order for the public to



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really be able to evaluate the cost of the new facility. Why was this not included in the pre-application?

- 39. Approval of this land disposition will set a dangerous precedent:** The disposal of this valuable portion of the Woodrow Wilson Memorial Park will be the start of a very slippery slope and very dangerous precedent, not only to this park but all parks in the City. How long will it be before the City and Board of Education decides they want to expand this facility again? It will encourage and embolden the Board of Education and City to run roughshod over remaining adjacent portions of the Woodrow Wilson Memorial Park.
- 40. The disposition of this land is disrespectful to the memorial nature of the park:** This park was designated as Woodrow Wilson Memorial Park in honor of President Woodrow Wilson. President Wilson was also former governor of the State of New Jersey. He also resided in what is referred to as "the summer White House" in Longbranch, New Jersey. That historically preserved building and surrounding environs has been preserved as a Historic Register Property. It is a shame that the City of Linden and Board of Education has such disdain and disrespect for land that was intended for the benefit of ALL citizens, not just a few. Further the City and Board of Education is showing great disdain and disrespect for the Memorial purpose of the dedicated park. It is unfortunate that neither party has any respect whatsoever for history. It is requested that the City more thoroughly research the history of the park and the significance of this Memorial. To the best of our knowledge this was only done on a cursory level.
- 41. Negative impacts on the viewshed of the park and environs:** There will be a loss of the benefits of the long views afforded park users and those who view the park from outside the park. It is very unfortunate that the City nor the Board of Education recognizes the importance of the appearance of the town, and that of long unfettered views. These long-unfettered views aid the mental and physical health of ALL of the public and are few and far between in Linden and in the State of New Jersey as a whole. Why does the City and Board of Ed not recognize the value of the views afforded through the park? This includes a spectacular view all the way through the park from the steps of the existing high school across the street. This magnificent view will be blocked by an "architecturally insignificant, lacking in context in materials and siting, and of questionable aesthetics. What a horrible message to send to students.
- 42. Objection to no real images of the context of the proposed new facility and negative effects:** Why are there no three-dimensional renderings showing the true impact of the building mass? This should have been part of the pre-application. Attached is a crude representation of the mass of the building and the negative impacts on the park as a whole. See Figure 7 and Figure 8.
- 43. Objection to the bogus claim that this project will have minimal impact on the neighborhood:** The Pre-application and so-called Alternatives Analysis states, "*The proposed disposal will have a minimal impact on the general character of the area. The Woodrow Wilson Memorial Park is located in an area of Linden that primarily consists of closely spaced single family homes. West St Georges Avenue is a commercial road lined with businesses and offices. A small building addition will not have a significant impact on the highly developed character of the neighborhood.*" (typo mis-spelling in original document) This statement actually PROVES just the opposite. This is the point that there is an overabundance of commercial development and clear lack of any type of green. That is like saying, "There is a pile of negative things over here so let's pile on some more, nobody



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will notice". This is absurd at best. It is also tantamount to saying "Well, the house is on fire so let's throw some gasoline on the fire". There should be concerted effort on the part of the Applicant and the Board of Ed to improve the area, NOT add to the negatives that exist. Again, what a horrible lesson for the children in our schools and for the community has a whole. How can the City and Board of Ed possibly support such a conclusion? This is also counter to everything else going on in surrounding towns who are striving to be MORE green NOT less.

- 44. There are no clear details regarding storm water mitigation:** The pre-application only provides a bit of "lip service" to the concept of storm water mitigation and provides no specifics or clear plans to use any green or sustainable solutions to storm water run-off. The Applicant should provide much more detailed mitigation before NJDEP even considers this land disposition.
- 45. The pre-application does not mitigate the concentration of exhaust fumes from vehicles:** The current parking lot allows vehicle fumes to be dispersed over a much larger area and reducing their concentration. The parking under the building will concentrate fumes under a new duplicate gymnasium. Even with the best of ventilation systems fumes will work their way into the gym. This is an odd way to supposedly protect the safety of children, particularly considering the abnormally high rates of cancer and asthma in this part of the country and Linden and New Jersey in general. How does the Applicant and Board of Education address this issue? It appears it was not even considered.
- 46. Objection to the statement regarding no impact to wildlife:** The Pre-application and so-called Alternatives Analysis states. "*D. Aquatic and Terrestrial Wildlife- The future building addition and driveway relocation would be built on existing lawn areas, and would require the removal of four existing trees. The loss of the lawn area and trees will have a negligible impact on urban wildlife in the area*" One again a broad unsubstantiated statement has been made with no offer of proof, data, and/or metrics. The Applicant should provide a detailed account of the metrics and data to support or refute this statement.
- 47. Objection to the misleading statement about access to the park through the proposed land:** The pre-application and so-called Alternative Analysis stated, "*E. Social and Economic- The proposed disposal would have little effect on public access to the remainder of the park. Currently, access to the park through the proposed disposal area from either bordering street is prevented by chain link fence, with the exception of a small opening in the fence on Summit Terrace, which is hampered by tree roots.*" This is a ridiculous statement that should not be considered regarding the disposition of the land. The fence was placed there at some point to prevent children from running into the street, likely by the Board of Ed since they used to use the open space now occupied by the parking lot for outdoor field games. Furthermore, the entry was placed by someone who did not use any common sense. It is a simple matter to move the entry further down Summit Terrace or St Georges Ave to avoid any tree roots. The trees were there first and the placement of the entry their by some unqualified individual is a spectacular example of ignorance and lack of common sense.
- 48. Objection to the lack of a formal evaluation of environmental justice:** The Pre-application and so-called Alternatives Analysis states, "*Per the NJ DEP, the three environmental justice priorities are to protect human health and the environment, to empower communities, and to strengthen partnerships. By increasing new public-school facilities in Linden through a building*



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*addition, the disposal will improve educational access and environment, with the smallest possible impact to the access and environment of the remaining park. No formal environmental justice analysis was performed for this report.*” This project is the exact OPPOSITE of environmental justice. The park is utilized by people of all nationalities and many minorities, Furthermore, Linden has suffered from the lack of environmental justice for 100 years. We have been the dumping ground for every polluting industry imaginable, and this is the latest affront to any concept of environmental justice. A full and complete analysis should be performed prior to the NJDEP even considering this application.

- 49. Objection to the lack of detail regarding aesthetics:** The Pre-application and so-called Alternatives Analysis states, *“The proposal disposal is unlikely to change the aesthetic of the subject property in any significant way. The future building addition will take into account the existing aesthetics of the area in the design.”* This should be completely detailed prior to the NJDEP even considering this application. At the so-called public hearing on March 26, 2020, those present saw a rendering of a proposed building presented by the architect hired by the Applicant and Board of Education. The aesthetics were hideous, and looked like any second-rate commercial building. Considering that this building will likely be in place for the next 80 years plus, Linden deserves better. The building should be tied into the materials and architecture of the existing facility. The applicant should provide a more detailed design of the building exterior before NJDEP even considers this pre-application.
- 50. Objection to the complete lack of Sustainability consideration:** The Pre-application and so-called Alternatives Analysis states, *“All relevant sustainability measures will be taken into account at the time of development.”* Sustainability plans and methods should be detailed NOW not at some future date. It is a critical element of this procedure. If methods are lacking as they are now, it is further evidence that the disposition of the park property is unjustified and unwarranted.
- 51. Objection to the final conclusion of the Pre-application and so-call Alternative Analysis:** The Pre-application and so-called Alternative Analysis states, *“Based upon the above analysis, we believe that the proposed benefits to public safety and education resulting from this proposed disposal greatly outweigh the minimal environmental impacts of the proposed development.”* We strongly and emphatically disagree with this unsubstantiated statement and formally object to the land disposition proposed for the Woodrow Wilson Memorial Park.

On behalf of all members of the Linden Shade Tree Commission:

Sincerely,

Commissioner Jeffrey A. Tandul, LLA, ASLA, M.Arch  
*Chairman Linden Shade Tree Commission*

Commissioner Ron Martins

Commissioner Judy England-McCarthy

Commissioner Renee Banks

Commissioner Mike Alexy