Explanation: This Ordinance accepts a Deed from JCP&L for property designated as Lot 4, Block 35 in connection with a Green Acres Major Disposal approval.

TOWNSHIP OF WARREN
ORDINANCE NO. 20-06
ACCEPTING DEED FROM JCP&L FOR BLOCK 35, LOT 4

WHEREAS, Jersey Central Power & Light ("JCP&L") is the owner of property located at Block 35, Lot 4 as shown on the Tax Map of the Township of Warren; and

WHEREAS, JCP&L desires to construct a substation on a portion of Block 5, Lot 1.01 that includes the Conservation Easement in order to enhance the reliability of service to existing customers, including customers in Warren Township, and to serve the needs of future demand; and

WHEREAS, by Ordinance 19-05, Warren Township authorized the release of a 3.60 acre portion of the Conservation Easement located pursuant to the New Jersey Conservation Restriction and Historic Preservation Restriction Act subject the receipt of a Certificate of Approval of the release from the Commissioner of the New Jersey Department of Environmental Protection (the "Commissioner"); and

WHEREAS, a Certificate of Approval dated May 31, 2019, a copy of which is annexed hereto as Schedule A, was received from the Commissioner on June 6, 2019; and

WHEREAS, an application for a major disposal (the "Disposal Application") to remove the Green Acres restrictions from the Conservation Easement required 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 Disposal Application was approved by the Commissioner on March 14, 2019 and by the State House Commission on May 9, 2019; and

WHEREAS, in exchange for the release of the Township’s interest in the Conservation Easement, JCP&L intends to donate to the Township a 16.5 acre parcel of land located at Block 35, Lot 4 (the "Property") as shown on the Tax Map of the Township of Warren to be used for conservation purposes.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Warren, County of Somerset and State of New Jersey, as follows:

1. The Township Committee hereby accepts the Deed (the “Deed”) for the Property from JCP&L, a copy of which is attached hereto.

2. The Mayor and Township Clerk are hereby authorized to execute the Deed.
ORDINANCE NO. 20-06

ATTEST: TOWNSHIP OF WARREN

_________________________________  ________________________________
Cathy Reese, RMC  Michael C. Marion, Mayor
Township Clerk

INTRODUCED: January 23, 2020
ADOPTED: February 13, 2020
EFFECTIVE: February 19, 2020
SCHEDULE A
CERTIFICATE OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION
GRANTING PARTIAL RELEASE OF CONSERVATION RESTRICTIONS

Catherine McCabe, Commissioner of the Department of Environmental Protection ("DEP"), executes the following certificate ("Certificate") granting a partial conservation restriction release in accordance with the New Jersey Conservation Restriction and Historic Preservation Restriction Act, N.J.S.A. 13:8B-1 et seq. ("Act"):  

WHEREAS, as a condition of a municipal site plan approval for commercial development, portions of property identified as Block 5, Lot 1.01 on the Tax Map of Warren Township, Somerset County, New Jersey ("Property") are subject to a Declaration of Restrictive Covenants ("Declaration") held by the Township of Warren ("Township") and recorded in the Somerset County Clerk's office in Deed Book 1551, Page 401 on August 26, 1985; and  

WHEREAS, the Declaration is intended to preserve three individual areas of the Property, totaling 15.325 acres, ("Conservation Area"), in their "natural and existing state," in perpetuity; and  

WHEREAS, by the Township's acceptance of Green Acres Program funding under the Warren Township Planning Incentive Grant Project (Project #1820-00-079), the portion of the Property subject to the Declaration also became encumbered as unfunded parkland by the Green Acres Restrictions at N.J.S.A. 13:8C-1, et seq. and N.J.A.C. 7:36, et seq.; and  

WHEREAS, Jersey Central Power and Light ("JCP&L") determined that it was necessary to construct an additional substation in the vicinity of the Property to enhance the reliability of service to existing customers and to serve the needs of future demand on the system in addition to its existing Readington, Somerset, Chambers Brook, Dead River, King George, Mountain, Stirling, and Gillette substations ("the Martinsville Substation Project"); and  

WHEREAS, the Martinsville Substation will connect to the existing PSE&G Readington-Roseland 230 kV transmission line and will provide an additional 34.5 kV source of electricity to the area; and
WHEREAS, the Martinsville Substation Project addresses a reliability risk to the transmission system in the area, affecting up to 15,500 customers, including an estimated 4,525 customers in the Township (approximately 84% of JCP&L's customers in the Township); and

WHEREAS, upon the determination that the Martinville Substation Project was required, JCP&L conducted a Site Selection Study to assess potential sites for the new substation and selected the Property as the preferred site due to its proximity to the existing PSE&G Readington-Roseland 230 kV transmission line, located to the north of the Property, size and other siting factors; and

WHEREAS, JCP&L obtained a Substation, Transmission, and Access Road Easement ("Substation Easement") from the current property owner, 184 Property Owner, LLC, for the construction of the substation, a 230 kV transmission line (loop) and a 34.5 kV distribution line; and

WHEREAS, after obtaining the Substation Easement, JCP&L found that the Property was also subject to the Declaration and notified the Township of its intended construction on the Property; and

WHEREAS, the Township reviewed JCP&L's construction plans, assessed the Property and determined that it would support the construction of the substation, transmission line and distribution line within a portion of the Conservation Area; and

WHEREAS, the Township now seeks to release the conservation restrictions, as expressed in the Declaration, from 3.605 acres of the Conservation Area to accommodate the Martinville Substation Project; and

WHEREAS, pursuant to the Act, the Township is seeking a partial release of the Declaration to accommodate completion of the Martinville Substation Project on the Property; and

WHEREAS, the portions of the Declaration the Township seeks to release are identified as "Proposed Diversion Area 1" (2.969 acres), "Proposed Diversion Area 2" (0.425 acres) and "Proposed Diversion Area 3" (0.211 acres) on a plan entitled "Survey of Conservation Easement Diversions for FirstEnergy 184 Liberty
Corner Road Lot 1.01 – Block 5, Township of Warren, Somerset County, New Jersey,” dated December 18, 2018, revised through same, prepared by Boswell Engineering, Inc., which plan is attached hereto as Exhibit 1 (“Release Area”); and

WHEREAS, on July 20, 2018, the Township submitted a major disposal application to DEP to remove the Green Acres Restrictions from the Release Area of the Property; and

WHEREAS, on March 14, 2019, I approved the Township’s major disposal application and referred the application to the State House Commission for approval (SHC #1820003); and

WHEREAS, on May 9, 2019, the State House Commission approved the Township’s application (“SHC Approval #1820003”); and

WHEREAS, as joint compensation for the release of the Declaration and the Green Acres Restrictions within the Release Area of the Property, the Township shall (1) acquire from JCP&L a fee interest in a 16.5-acre parcel of land in the Township (Block 35, Lot 4) to be added to the Dead River Greenway (“Replacement Parcel”); and (2) accept $110,000 in monetary compensation from JCP&L for a future acquisition of land, for recreation/conservation purposes, located within the Township; and

WHEREAS, SHC Approval #1820003 requires the Township to acquire the Replacement Parcel and use the $110,000 in monetary compensation for the acquisition of additional replacement land within two years of the SHC approval date of May 9, 2019; and

WHEREAS, as a condition of the partial release, the Township shall record a DEP-approved modified Declaration (“Modified Declaration”) to protect the remaining 11.72-acre Conservation Area on the Property; and

WHEREAS, as required by the Act, notice of a public hearing for the Township’s request was published in the Courier News on the following dates: January 3, January 4, January 8, January 10, January 15 and January 17 and held
at the Warren Township Municipal Complex, located at 44 Mountain Boulevard, Warren, New Jersey on January 24, 2019; and

WHEREAS, no adverse comments were received at the January 24, 2019 public hearing; and

WHEREAS, on February 7, 2019, by Ordinance 19-05, the Township Committee approved the proposed partial release conditioned upon DEP Commissioner approval under the Act; and

WHEREAS, in accordance with the Act, no conservation restriction shall be released without the approval of the Commissioner of the Department of Environmental Protection, taking into consideration the public interest in preserving these lands in their natural state and any State, regional or local comprehensive land use or development plan affecting such property; and

WHEREAS, DEP has determined that the preservation of the Replacement Parcel and future acquisition of land within the Township will be of equal or better environmental value and the partial release of the Declaration will therefore not result in a net environmental loss; and

WHEREAS, the Martinsville Substation Project supports the Statewide Goals identified in the State Development and Redevelopment Plan and is consistent with the State Development and Redevelopment Plan’s Policy Map and the Statewide Policies; and

WHEREAS, the Martinsville Substation Project will help revitalize the State’s cities and towns by providing a reliable service to existing customers and servicing future demand on the system; and

WHEREAS, in light of the above and for substantially the same reasons outlined in my March 14, 2019 approval of the Township’s Green Acres Program disposal application, I have determined that approval of the Township’s request for a partial release of the Declaration to allow the construction and operation of the Martinsville Substation Project is in the public interest; and
NOW, THEREFORE, BE IT RESOLVED, in accordance with the Act, the Township’s request for a partial release of the Declaration to allow for the construction and operation of the Martinsville Substation Project within the Release Area of the Property is hereby approved, subject to the following conditions:

1. The sole purpose of this Certificate is to memorialize the Commissioner’s approval of the partial release of the Declaration in accordance with the Act. The Township and/or JCP&L shall obtain any federal, State or local approvals that may otherwise be required for the construction, operation and maintenance of the Martinsville Substation Project and any other future uses of the Property.

2. Within thirty (30) days of receipt of this Certificate, the Township shall record this Certificate with the Somerset County Clerk along with the DEP-approved Modified Declaration removing the 3.605-acre Release Area depicted on Exhibit 1 and preserving, in perpetuity, the remaining 11.72-acre Conservation Area on the Property. The Modified Declaration shall run with the land and be binding upon all successive owners of the Property.

3. Within thirty (30) days of recording, the Township shall provide DEP’s Green Acres Program with copies of the recorded Certificate and Modified Declaration.

4. The Township shall obtain title to the Replacement Parcel and the $110,000 in monetary compensation from JCP&L for a future acquisition of land, for recreation/conservation purposes, within the Township and utilize the same in the manner set forth in SHC Approval #1820003.

5. This Certificate and approval described herein shall be void and of no effect unless and until the Township satisfies the conditions set forth above to the Department’s satisfaction.
ACKNOWLEDGEMENT OF SIGNATURE

State of New Jersey

County of Mercer

On this 31st day of May, 2019, before me, the undersigned, Catherine R. McCabe, Commissioner of the New Jersey Department of Environmental Protection, personally appeared, who, I am satisfied, is the person who signed the foregoing instrument, and she did acknowledge under oath that she signed and delivered the same in her capacity as such official, that she was authorized to execute the same on behalf of the New Jersey Department of Environmental Protection, and that the foregoing instrument is the voluntary act and deed of the New Jersey Department of Environmental Protection, made by virtue of proper authority.

PARASKEVI VIVI GOGO
ID # 2087904
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires November 1, 2019