

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.

ATTEST:

TOWNSHIP OF WARREN

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Cathy Reese, RMC  
Township Clerk

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Michael C. Marion, Mayor

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.



Catherine R. McCabe, Commissioner  
New Jersey Department of Environmental Protection

5/31/19

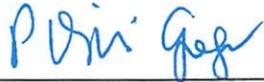
Date

**ACKNOWLEDGEMENT OF SIGNATURE**

State of New Jersey

County of Mercer

On this 31<sup>st</sup> 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.



Signature of Notary/Seal

**PARASKEVI VIVI GOGO**  
ID # 2067904  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
My Commission Expires November 1, 2019