



# COUNTY OF UNION

OFFICE OF THE COUNTY COUNSEL  
Bruce H. Bergen, Esq., County Counsel

November 9, 2021

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PLANNING / ZONING / ENGINEERING  
TWP. OF BERKELEY HGTS, NJ

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**By Regular Mail**

Berkeley Heights Planning Board  
29 Park Avenue  
Berkeley Heights, NJ 07922

**RE: PASSAIC RIVER PARK/MILLMASTER PROPERTY**

Dear Planning Board,

Please find enclosed a Public Notice regarding the County's application to sell a quarter acre of its parkland in Passaic River Park. It is anticipated that this property will be purchased by Chevron, U.S.A. Inc., the owner of the Millmaster property bordering this parkland.

The Notice states that the purpose of this sale is to resolve a dispute regarding the ownership of the land in question; and the boundary is indeed disputed. But there is a second reason why the County wants to sell this land, namely: Millmaster installed a retaining wall on this disputed land to contain the hazardous contaminants from its property from seeping onto adjoining areas. Consequently this property now has little value as parkland – and is in fact a liability that the County is happy to be rid of.

If you have questions or concerns about this matter, please contact me at the below telephone number.

Thank you for your consideration.

Very truly yours,

  
Kevin Campbell  
Assistant County Counsel

KC/tp  
Enclosure

**ADMINISTRATION BUILDING**

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## NOTICE OF SALE OF COUNTY PARKLAND

PLEASE TAKE NOTICE that pursuant to N.J.A.C. 7:36-26.6(c) the County of Union will hold a **Public Meeting, via zoom, on Tuesday, December 14, 2021 at 6:00 PM.** Members of the public wishing to comment on the application may do so via ZOOM. You can access this zoom meeting from a PC, Mac, iOS or Android. The contact information is

<https://link.edgepilot.com/s/d029533f/QmfR4gYQZkaUoTY40D-z1A?u=https://transperfect.remotecounsel.com/meetings/xF5ATHZPO60/participant>

Password 252613

Zoom Meeting ID: 956-987-80189

Dial In 646-568-7788

In addition to oral comments presented during the hearing, written comments may be submitted to the agencies listed below. All written comments must be received within two weeks following the hearing of December 14, 2021.

The purpose of this meeting is to inform the public of the County's application to the New Jersey Department of Environmental Protection, Green Acre Program to sell a 0.243 acre portion of its parkland that is located in the Berkeley Heights section of the County's Passaic River Park.

This property is identified on the Berkeley Heights tax map as Block 201, part of Lot 2. Specifically, the land in question is a portion of the former McClellan Street, a paper street vacated by the Township of Berkeley Heights in 1966.

The County wishes to sell this parkland due to a dispute over its ownership. The application to vacate this street had been brought by Millmaster, whose property bordered McClellan Street on its northern side. But when the Township approved Millmaster's application, it did not clarify who was the owner of the vacated land. Thus the County, as the owner of the property on the southern side of the vacated street, has a claim on this land as well. The current owner of the Millmaster property, Chevron U.S.A. Inc., disputes the County's claim.

The appraised value of this unbuildable quarter acre of land is \$60,237; which is the amount Chevron U.S.A. Inc. has agreed to pay the County.

Pursuant to State Law, the proceeds from this sale will be turned over to the Garden State Preservation Trust Fund.

An application for this sale (a/k/s 'diversion') has been submitted to the Green Acres for approval by the Commissioner of the N.J. Department of Environmental Protection and the State House Commission. It is available for review at the municipal offices and public library of Berkeley Heights, as well as the offices of the Green Acres Program.

All written comments should be submitted to the County of Union, with a copy to the NJDEP Green Acres Program, at the following addresses:

County of Union  
Attn: Kevin Campbell, Esq.  
Assistant County Counsel  
10 Elizabethtown Plaza  
Elizabeth, N.J. 07027  
Email: [kcampbell@ucnj.org](mailto:kcampbell@ucnj.org)

N.J. Department of Environmental Protection  
Green Acres Program  
Bureau of Legal Services & Stewardship  
501 E. State St. – 1<sup>st</sup> Floor  
Mail Code 501-01, P.O. Box 420  
Trenton, N.J. 08625-0420  
Attn: Adam Taylor:  
Email: [Adam.Taylor@dep.nj.gov](mailto:Adam.Taylor@dep.nj.gov)

PLEASE TAKE FURTHER NOTICE that the County will also use this Meeting to comply with the Local Lands and Buildings Law (NJSA 40A:12-13.5(3)), by explaining the proposed sale and the money it will be receiving for this property.