

Department of Environmental Protection
Mr. Bob Martin, Commissioner
401 E. State Street
Trenton, New Jersey, 08625

June 3, 2010

Re: Borough of Edgewater, ROSI List

Dear Mr. Martin:

As former Council Members we would like to inform you of certain facts regarding the recent controversy about the effort to remove 6+ acres of the Borough of Edgewater's riparian lands (Block1, Lots 2 and 3) in front of the Edgewater Colony from the ROSI List submitted for Green Acres funding. As members of the Council that twice approved the ROSI List of the Edgewater's Open Space properties in two separate applications under two different mayors, we know the inclusion of this property was not a "mistake" or "oversight" as recently characterized by some current and former members of the Edgewater Council who support removing the property from ROSI. This was a deliberate process in which the entire council collaborated, and voted unanimously to include this property.

The decisions to include this property were to ensure that it would be kept in perpetuity as open, public space which, in our opinion, both preserved Edgewater's waterfront AND protected the Colony from future multi-family development that would block views, negatively impact the value of property, and interfere with access to the Hudson River.

This land is the only riparian land in the entire State of New Jersey that has been deeded approval to fill in with landfill. (Refer to land deed annexed hereto.) When this riparian land was added to the ROSI List, it was zoned R-4, for cluster development. It still is. Riparian land, when landfill is added, becomes tomorrow's new development property (e.g. Edgewater Commons and much of the land between the Hudson River and River Road is landfill of riparian lands). Including the riparian lands on the ROSI list of Recreation and Open Space (for which the Borough received 2.1 Million dollars from Greenacres for Veteran's Field and the Marina Project) preserved the single-family status quo for the Colony, and prevented future high density developments.

The Borough's application to Green Acres is as ill-conceived as it is disingenuous. Perhaps, this explains why only three members out of a six member Borough Council voted affirmatively, to pursue the removal of this land from the Borough's ROSI list, two members voted No, and one abstained. The Borough will have to demonstrate that the inclusion of 6 acres of the riparian property (on two Green Acres submissions) was through "inadvertence" or by "mistake." The Borough chooses this course with Green Acres because the other statutory approach under the Green

Acres law is based on demonstrating that the Borough has a "compelling public interest" to remove that much open space. Under the compelling public interest section Green Acres can require compensation by the Borough (money and/or land) in return for the removal--a disaster for all of Edgewater. Any application also forces Green Acres to weigh the precedent for the entire State of removing riparian coastline from the Open Space Inventory in order to serve a handful of private dock owners. And leasing 6 acres must overcome the statutory hurdle prohibiting the Borough to do so without a lottery.

It seems to us that the solution to this problem could and should be simple and minimal, and not involve misstating facts or incurring penalties. Everyone is and always has been amendable to the Colony keeping the docks that currently exist. There is no reason to lose more precious open space to accomplish that and open the Colony and the Borough to a host of other potential consequences.

Should you have any questions, please do not hesitate to contact us.

Sincerely,

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