

## CHAPTER 8

**AN ACT** appropriating \$55,000,000 from the “2009 Green Acres Fund” to assist local government units to acquire or develop lands for recreation and conservation purposes, approving \$2,400,800 for coastal blue acres projects, and amending P.L.1995, c.204.

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

1. As used in this act:

“Densely or highly populated municipality” means a municipality with a population density of at least 5,000 persons per square mile, or a population of at least 35,000 persons, according to the latest federal decennial census.

“Densely populated county” means a county with a population density of at least 5,000 persons per square mile according to the latest federal decennial census.

“Garden State Green Acres Preservation Trust Fund” means the fund established pursuant to section 19 of P.L.1999, c.152 (C.13:8C-19).

“Green Acres bond act” means P.L.2009, c.117, P.L.2007, c.119, P.L.1995, c.204, P.L.1992, c.88, P.L.1989, c.183, P.L.1987, c.265, and P.L.1983, c.354.

“Highly populated county” means a county with a population density of at least 1,000 persons per square mile according to the latest federal decennial census.

2. There is appropriated \$55,000,000 from the “2009 Green Acres Fund” established pursuant to section 17 of the “Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009,” P.L.2009, c.117, to the Department of Environmental Protection for the purpose of providing grants or loans, or both, to assist local government units to acquire lands for recreation and conservation purposes pursuant to section 3 of this act, and for the purpose of providing grants or loans, or both, to assist local government units to develop lands for recreation and conservation purposes pursuant to section 4 of this act.

3. a. The following projects to acquire lands for recreation and conservation purposes are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

(1) Planning Incentive Acquisition Projects:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Atlantic County	Atlantic	Atlantic County Open Space Acq	\$650,000
Closter Boro	Bergen	Brook’s Farm Plan Acq	325,000
Franklin Lakes Boro	Bergen	Haledon Reservoir Acq	230,250
Oakland Boro	Bergen	Open Space & Recreation Plan	325,000
Ridgewood Village	Bergen	Open Space Project	325,000
River Vale Twp	Bergen	Watershed Property Acq	325,000
Burlington County	Burlington	Planning Incentive	650,000
Bordentown Twp	Burlington	Bordentown Twp Open Space Acq	325,000
Eastampton Twp	Burlington	Planning Incentive	325,000
Medford Twp	Burlington	Open Space Incentive	325,000

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Moorestown Twp	Burlington	Open Space Preservation Plan	325,000
Voorhees Twp	Camden	Planning Incentive Grant	325,000
Cumberland County	Cumberland	Acq Trails & Open Space	465,000
Gloucester County	Gloucester	Open Space Plan	650,000
East Greenwich Twp	Gloucester	Open Space & Recreation Plan	300,000
Woolwich Twp	Gloucester	Open Space Plan	125,800
Clinton Twp	Hunterdon	Open Space Acq Plan	325,000
Delaware Twp	Hunterdon	Open Space Acq	220,000
High Bridge Boro	Hunterdon	Open Space Plan	325,000
Readington Twp	Hunterdon	Greenway Incentive Plan	325,000
Tewksbury Twp	Hunterdon	Recreation & Open Space Plan	325,000
Union Twp	Hunterdon	Union Twp Open Space Plan	325,000
East Windsor Twp	Mercer	East Windsor Open Space Acq	325,000
Hopewell Twp	Mercer	Hopewell Open Space Acq	325,000
Princeton Twp	Mercer	Princeton Open Space Acq	325,000
Robbinsville Twp	Mercer	Green Links Program	325,000
West Windsor Twp	Mercer	West Windsor Planning, Inc.	325,000
Allentown Boro	Monmouth	Planning Incentive Acq	250,000
Colts Neck Twp	Monmouth	Planning Incentive	325,000
Manasquan Boro	Monmouth	Open Space Acq	280,000
Millstone Twp	Monmouth	Planning Incentive – Project Evergreen	325,000
Tinton Falls Boro	Monmouth	Tinton Falls Acq	325,000
Chester Twp	Morris	Chester Twp Open Space Acq	325,000
Florham Park Boro	Morris	Open Space Acq	135,000
Hanover Twp	Morris	Open Space Acq	325,000
Harding Twp	Morris	Harding Open Space Acq	325,000
Kinnelon Boro	Morris	Open Space Acq	250,000
Madison Boro	Morris	Madison Boro Open Space Acq	325,000
Montville Twp	Morris	Montville Open Space Acq	325,000
Mount Olive Twp	Morris	Mount Olive Greenway Acq	325,000
Pequannock Twp	Morris	Planning Incentive	325,000
Riverdale Boro	Morris	Van Ness House & Open Space Acq	325,000
Roxbury Twp	Morris	Roxbury Open Space Plan	325,000
Ocean County	Ocean	Planning Incentive Grant	650,000
Little Egg Harbor Twp	Ocean	Planning Incentive	325,000

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Point Pleasant Beach Boro	Ocean	Open Space & Recreation Acq	325,000
West Milford Twp	Passaic	Apple Acres Open Space Acq	325,000
Bedminster Twp	Somerset	Bedminster Parks Exp	325,000
Montgomery Twp	Somerset	Open Space Acq 5	325,000
Peapack-Gladstone Boro	Somerset	Open Space Acq	325,000
Andover Boro	Sussex	Open Space & Recreation Plan	325,000
Lafayette Twp	Sussex	Open Space & Recreation Plan	325,000
Knowlton Twp	Warren	Open Space Acq	325,000
<b>TOTAL</b>			<b>\$17,856,050</b>

(2) Site Specific Incentive Acquisition Projects:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Port Republic City	Atlantic	Percoskie Acq	\$140,000
Cape May City	Cape May	Lafayette St. Open Space Recreation	325,000
Long Hill Twp	Morris	Passaic River Basin Property Acq	325,000
<b>TOTAL</b>			<b>\$790,000</b>

(3) Standard Acquisition Projects:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Brigantine City	Atlantic	Former Gulf Station Acq	\$182,500
Hillsdale Boro	Bergen	Hillsdale Flood Prone Properties	325,000
Ocean City	Cape May	19th Street Beachfront	325,000
Hopewell Twp	Cumberland	Hopewell Bridgeton Acq	325,000
Deptford Twp	Gloucester	Whispering Lakes Property	325,000
Mantua Twp	Gloucester	Maple Ridge Property Acq	325,000
Wenonah Boro	Gloucester	Maple Ridge Property Acq	325,000
Aberdeen Twp	Monmouth	Freneau Lands Acq	325,000
Ocean Twp	Monmouth	Blue Acres Acq	325,000
Lincoln Park Boro	Morris	Lincoln Park Floodplain Acq	325,000
Pompton Lakes Boro	Passaic	Floodplain Acq	325,000
Totowa Boro	Passaic	Flood Acquisition Project	325,000
<b>TOTAL</b>			<b>\$3,757,500</b>

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b. The following projects to acquire lands for recreation and conservation purposes located in municipalities eligible to receive State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.), either as of June 30, 2012 or the effective date of this act, are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

<b>LOCAL GOVERNMENT UNIT</b>	<b>COUNTY</b>	<b>PROJECT</b>	<b>APPROVED AMOUNT</b>
Garfield City	Bergen	Passaic River Historic Park Acq	\$187,800
Bridgeton City	Cumberland	Bridgeton Hopewell Acq	650,000
Union City	Hudson	Weehawken – Union City Reservoir Acq	650,000
Weehawken Twp	Hudson	Weehawken – Union City Reservoir Acq	650,000
Roselle Boro	Union	Extension of Arminio Park	237,800
<b>TOTAL</b>			<b>\$2,375,600</b>

c. The following projects to acquire lands for recreation and conservation purposes, located in densely or highly populated municipalities or sponsored by densely populated counties or highly populated counties, are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

<b>LOCAL GOVERNMENT UNIT</b>	<b>COUNTY</b>	<b>PROJECT</b>	<b>APPROVED AMOUNT</b>
Galloway Twp	Atlantic	Dellanoce Property	\$132,250
Bergen County	Bergen	Open Space Plan Acq	812,500
Fair Lawn Boro	Bergen	Open Space Acq	487,500
Saddle Brook Twp	Bergen	Flood Mitigation	487,500
Evesham Twp	Burlington	Planning Incentive	487,500
Mount Laurel Twp	Burlington	Mt. Laurel Acq Plan	487,500
Washington Twp	Gloucester	Open Space & Recreation Project	487,500
Mercer County	Mercer	Mercer County Planning Incentive	812,500
Middlesex County	Middlesex	Open Space Acq	812,500
East Brunswick Twp	Middlesex	Open Space Plan	487,500
North Brunswick Twp	Middlesex	North Brunswick Plan	487,500
South Brunswick Twp	Middlesex	Open Space Acq	487,500
Monmouth County	Monmouth	Planning Incentive Acq	812,500
Howell Twp	Monmouth	Howell Twp Planning Incentive	487,500

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Manalapan Twp	Monmouth	Planning Incentive Acq	487,500
Middletown Twp	Monmouth	Middletown Twp Planning Incentive	487,500
Morristown Town	Morris	Early Street Community Garden Acq	487,500
Jackson Twp	Ocean	Open Space Acq Plan	487,500
Manchester Twp	Ocean	Planning Incentive	487,500
Passaic County	Passaic	Open Space Plan Acq	750,000
Hawthorne Boro	Passaic	Flood Prone Properties Acq	220,000
Little Falls Twp	Passaic	Little Falls Floodplain Acq	487,500
Wayne Twp	Passaic	Wayne Open Space Acq	487,500
Franklin Twp	Somerset	Open Space Plan Acq	487,500
Hillsborough Twp	Somerset	Hillsborough Land Acq	487,500
Somerville Boro	Somerset	Somerville Green Seam Acq	306,400
Union County	Union	Open Space & Recreation Plan	975,000
<b>TOTAL</b>			<b>\$14,408,650</b>
<b>GRAND TOTAL</b>			<b>\$39,187,800</b>

4. a. The following projects to develop lands for recreation and conservation purposes are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

<b>LOCAL GOVERNMENT UNIT</b>	<b>COUNTY</b>	<b>PROJECT</b>	<b>APPROVED AMOUNT</b>
Lambertville City	Hunterdon	Cavallo Park Improvements	\$300,000
Mount Arlington Boro	Morris	Public Beach Park Improvements Ph.4	300,000
Long Beach Twp	Ocean	Multipark Improvements	200,000
<b>TOTAL</b>			<b>\$800,000</b>

b. The following projects to develop lands for recreation and conservation purposes, located in municipalities eligible to receive State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) either as of June 30, 2012 or the effective date of this act, or sponsored by densely populated counties, are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

<b>LOCAL GOVERNMENT UNIT</b>	<b>COUNTY</b>	<b>PROJECT</b>	<b>APPROVED AMOUNT</b>
Pleasantville City	Atlantic	Bayview Avenue Waterfront Park	\$600,000
Camden County	Camden	North Camden Waterfront Park Dev.	750,000
Camden City	Camden	Von Neida Park Phase II	500,000

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Pennsauken Twp	Camden	Meadowbrook Park Revitalization	322,000
Essex County	Essex	Multi-Parks Improvements	900,000
Newark City	Essex	Minish Park Passaic Riverfront Development Project	600,000
Orange City Twp	Essex	Multi-Park Improvements – Phase III and IV	600,000
Hudson County	Hudson	Multi-Use Recreation Facility	900,000
Hoboken City	Hudson	Elysian Park Development	600,000
Jersey City	Hudson	Skyway Riverfront Park	600,000
Kearny Town	Hudson	All Season Surface & Fitness Trail	565,150
North Bergen Twp	Hudson	Riverfront Park Development	600,000
West New York Town	Hudson	Multi-Park Improvements	600,000
Trenton City	Mercer	Hetzel Field Park Development	600,000
Middlesex County	Middlesex	Medwick Park 2	750,000
Carteret Boro	Middlesex	Waterfront Marina	565,150
Long Branch City	Monmouth	Boardwalk Repair	600,000
Neptune Twp	Monmouth	Shark River Marina Improvements	600,000
Brick Twp	Ocean	Trader’s Cove Marina Park	600,000
Passaic County	Passaic	Weasel Brook Park Improvements	309,900
Union County	Union	Oak Ridge Park Phase I	900,000
Elizabeth City	Union	Elizabeth River Trail Phase II	600,000
<b>TOTAL</b>			<b>\$13,662,200</b>

c. The following projects to develop lands for recreation and conservation purposes, located in densely or highly populated municipalities or sponsored by highly populated counties, are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

<b>LOCAL GOVERNMENT UNIT</b>	<b>COUNTY</b>	<b>PROJECT</b>	<b>APPROVED AMOUNT</b>
Atlantic City	Atlantic	Chelsea Heights Complex Renovation & Linkage	\$450,000
Edgewater Boro	Bergen	Veteran’s Field Improvements	450,000
Rutherford Boro	Bergen	Memorial Field & Lincoln Woods Upgrade	450,000
<b>TOTAL</b>			<b>\$1,350,000</b>
<b>GRAND TOTAL</b>			<b>\$15,812,200</b>

5. a. Any transfer of funds, or change in project sponsor, site, or type, listed in section 3 or section 4 of this act shall require the approval of the Joint Budget Oversight Committee or its successor.

b. To the extent that moneys remain available after the projects listed in section 3 or section 4 of this act are offered funding pursuant thereto, any project of a local government unit that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes, or that receives funding approved pursuant to this act, shall be eligible to receive additional funding, as determined by the Department of Environmental Protection, subject to the approval of the Joint Budget Oversight Committee or its successor.

6. a. There is reappropriated to the Department of Environmental Protection the unexpended balances, due to project withdrawals, cancellations, or cost savings, of the amounts appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund to assist local government units to acquire or develop lands for recreation and conservation purposes, for the purposes of providing:

(1) grants or loans, or both, to assist local government units to acquire or develop lands for recreation and conservation purposes, for projects approved as eligible for such funding pursuant to this act; and

(2) additional funding, as determined by the Department of Environmental Protection, to any project of a local government unit that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes or that receives funding approved pursuant to this act, subject to the approval of the Joint Budget Oversight Committee or its successor. Any such additional funding provided from a Green Acres bond act may include administrative costs.

b. There is appropriated to the Department of Environmental Protection such sums as may be, or may become, available on or before June 30, 2013, due to interest earnings or loan repayments in any "Green Trust Fund" established pursuant to a Green Acres bond act or in the Garden State Green Acres Preservation Trust Fund, for the purpose of providing:

(1) grants or loans, or both, to assist local government units to acquire or develop lands for recreation and conservation purposes, for projects approved as eligible for such funding pursuant to this act; and

(2) additional funding, as determined by the Department of Environmental Protection, to any project of a local government unit that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes or that receives funding approved pursuant to this act, subject to the approval of the Joint Budget Oversight Committee or its successor. Any such additional funding provided from a Green Acres bond act may include administrative costs.

7. The following projects to acquire, for recreation and conservation purposes, lands in the coastal area that have been damaged by storms or storm-related flooding, as authorized pursuant to subsection a. of section 11 of the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, are eligible for funding

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with the moneys from the “1995 New Jersey Coastal Blue Acres Trust Fund,” established pursuant to section 27 of the P.L.1995, c.204 and appropriated to the department pursuant to section 1 of P.L.1997, c.283:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Linwood City	Atlantic	Patcong Creek Open Space Acq	\$953,000
Cape May City	Cape May	Lafayette Street Open Space Acq	792,050
Fair Haven Boro	Monmouth	Waterfront Park Acq	655,750
<b>TOTAL</b>			<b>\$2,400,800</b>

8. Section 12 of P.L.1995, c.204 is amended to read as follows:

12. a. (1) For a coastal Blue Acres project funded pursuant to subsection a. of section 11 of this act, a local government unit shall receive a grant of 50% and a loan of up to 50% of the coastal Blue Acres cost of acquisition of the lands.

(2) For a coastal Blue Acres project funded pursuant to subsection b. of section 11 of this act, a local government unit shall receive a grant of up to 75% and a loan for up to the remaining percentage of the coastal Blue Acres cost of acquisition of the lands.

(3) Loans made to local government units for coastal Blue Acres projects from the "1995 New Jersey Coastal Blue Acres Trust Fund" established pursuant to section 27 of this act shall bear interest of not more than 2% per year, and shall be for a term of not more than 20 years.

(4) Local government units in the coastal area eligible to apply for, or that have received, funding pursuant to the coastal Blue Acres bond program shall remain eligible to apply, and shall be considered, for funding pursuant to the Green Acres bond program in the same manner and according to the same criteria as other local government units located outside of the coastal area. Participation of a local government unit in the coastal Blue Acres bond program shall not be reason to deny funding to that local government unit under the Green Acres bond program.

b. The local government unit share of the coastal Blue Acres cost of an acquisition of lands may be reduced (1) by the fair market value, as determined by the commissioner, of any portion of the lands to be acquired which have been donated to, or otherwise received without cost by, the local government unit; or (2) in the case of a conveyance of the lands, or any portion thereof, to the local government unit at less than fair market value, by the difference between fair market value thereof at the time of the conveyance and the conveyance price thereof to the local government unit.

c. (1) Only the following lands in the coastal area shall be eligible for acquisition by a local government unit utilizing funds made available pursuant to the coastal Blue Acres bond program: lands anywhere on a coastal barrier island, or elsewhere any lands within 150 feet landward of the mean high water line of any tidal waters or the landward limit of a beach or dune, whichever is most landward. If only a portion of a parcel being considered for acquisition lies within the 150 foot boundary, the entire parcel, including that portion lying outside of the 150 foot boundary, shall be eligible for acquisition.

(2) No lands with improvements upon them shall be eligible to be acquired utilizing funds made available pursuant to subsection a. of section 11 of this act unless the value of the improvements thereon shall have been reduced by at least 50% due to damage caused by a storm or storm related flooding.



d. (1) A local government unit shall not utilize the power of eminent domain in any manner to acquire lands utilizing funds made available pursuant to the coastal Blue Acres bond program; such lands shall be acquired only from willing sellers. A local government applying for funds made available pursuant to the coastal Blue Acres bond program shall provide written proof to the commissioner that the lands to be acquired are being offered willingly by the seller to the local government unit.

(2) The commissioner shall establish an expedited review procedure for applications for funds made available pursuant to subsection a. of section 11 of this act.

e. (1) Decisions concerning the awarding of grants or loans to assist local government units to meet the coastal Blue Acres cost of acquisition of lands using the proceeds of bonds issued by the State under this act shall be based upon priority ranking criteria to be established by the commissioner, including, but not limited to, the extent and feasibility of public access and parking, the extent of damage caused by a storm or storm related flooding, proximity to other lands already protected or likely to be protected in the future for recreation and conservation purposes, proximity to other lands already acquired or under consideration for acquisition pursuant to the coastal Blue Acres bond program, ease of maintenance of the property, and the extent to which acquisition of the lands will likely help avoid future public costs resulting from storms and storm related flooding.

(2) Expenditure of any funds made available pursuant to subsection a. of section 11 of this act for a particular coastal Blue Acres project shall require the approval of the Joint Budget Oversight Committee or its successor, or by law.

f. Upon a finding by the Governor that a major catastrophic storm event has occurred, the Governor, with the approval of the Joint Budget Oversight Committee or its successor, may authorize use of any or all of the unexpended funds allocated pursuant to subsection b. of section 11 of this act for the purposes of subsection a. of section 11 of this act.

g. (1) The Office of Green Acres in the Department of Environmental Protection shall administer the coastal Blue Acres bond program.

(2) Except as otherwise provided pursuant to this act or any other law, or any rules or regulations adopted pursuant thereto, acquisitions of lands by local government units pursuant to the coastal Blue Acres bond program shall be regarded and regulated by the State in the same manner as lands acquired by local government units pursuant to the Green Acres bond program, and shall be subject to the provisions of P.L.1961, c.45 (C.13:8A-1 et seq.), P.L.1971, c.419 (C.13:8A-19 et seq.), and P.L.1975, c.155 (C.13:8A-35 et seq.), and any rules or regulations adopted pursuant thereto.

9. This act shall take effect immediately.

Approved January 25, 2013.