

5. A structure that partially encloses an outdoor recreation facility for the purpose of extending the season of use;

6. Restoration or rehabilitation of a facility that was developed 20 or more years before the date of the local unit's application with funding from Green Acres or under the Land and Water Conservation Fund Act of 1965, 16 U.S.C. § 460l, the Urban Park and Recreation Recovery Program, 16 U.S.C. § 2501, or any other Federal or State funding program administered through Green Acres.

i. A facility that was developed with such funding fewer than 20 years before the date of the application may be eligible under this paragraph if the local unit demonstrates that the restoration or rehabilitation is necessary due to normal wear and tear on the facility and not to abuse, neglect, or vandalism;

7. A development that supports the use of an existing recreation or conservation facility owned and operated by the local unit, provided that the existing recreation or conservation facility shall be subject to the Green Acres restrictions applicable to funded parkland upon completion of the supporting facility developed with Green Acres funding; or

8. Dredging of a pond, lake, or segment of a stream or river.

7:36-10.3 Ineligible projects

(a) The following development projects are not eligible for Green Acres funding:

1. Any facility or building which does not support outdoor recreation or conservation;
2. Any facility to which public access is not provided;
3. A professional sports facility; or
4. A privately owned recreation facility.

7:36-10.4 Dredging of a pond, lake, or segment of a stream or river

(a) The dredging of a pond, lake, or segment of a stream or river is eligible for Green Acres funding if:

1. The local unit owns the pond, lake, or segment of a stream or river;
2. The local unit provides public access to the water area;
3. Green Acres has not previously funded the dredging of the pond, lake, or segment of a stream or river;
4. The local unit incorporates into the dredging project long-term corrective features including on-site sedimentation basins and other methods of maintaining the depth of the dredged area; and

5. The local unit plans its project in consultation with the appropriate State Natural Resources Conservation Service District.

(b) The local unit shall carry out all dredging and disposal of dredging spoils in conformance with all applicable State and Federal law.

7:36-10.5 Development on landfills

(a) A local unit seeking Green Acres funding for the development of an outdoor recreation and conservation facility on or adjacent to a former landfill that has been closed for at least 30 years shall submit the following with its application under N.J.A.C. 7:36-12.4:

1. Evidence that alternative sites have been considered but determined to be impractical for the proposed development project;

2. Verification that the landfill is properly closed, in compliance with the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and implementing rules and, for landfills in the Pinelands Area, the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50) adopted under the Pinelands Protection Act (N.J.S.A. 13:18A-1 et seq.); and

3. In addition to the preliminary assessment required under N.J.A.C. 7:36-12.5(d), site-specific information, including:

- i. A site map and narrative describing the general types, locations, and depth of waste on the site;
- ii. The depth and type of cover materials;
- iii. The dates the landfill was in use; and
- iv. Detailed results of testing of soil borings, surface water, and ground water, if any.

7:36-10.6 Allowable project costs

(a) For development projects, the following costs are allowable, provided the costs are incurred in conformance with all applicable law, including the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and the project is completed within the project period:

1. Preliminary planning and engineering costs, and permit fees necessary for the preparation of the application;
2. Construction costs;
3. The cost of preparing engineering plans and specifications, and supervision and inspection costs, not to exceed 13 percent of the Green Acres funding allocated to the construction costs;
4. Incidental costs, individually itemized, such as legal, advertising, and permit fees, provided such costs are not also included in the construction costs;
5. Costs of equipment required to make a facility operational; and
6. Costs of the preliminary assessment required under N.J.A.C. 7:36-12.5(d).

(b) The following costs are not allowable:

1. Costs associated with an application for Green Acres funding that the Department does not approve under N.J.A.C. 7:36-12.5, or for a project which the local unit does not complete within the project period;
2. Administrative and operating costs related to the development;
3. Salaries and/or wages of employees of the local unit; and
4. Costs in excess of the amount of Green Acres funding, unless Green Acres has approved a request for supplemental funding under N.J.A.C. 7:36-14.3.

SUBCHAPTER 11. LOCAL UNIT DEVELOPMENT PROJECTS: FUNDING AWARD CATEGORIES

7:36-11.1 Funding award categories

(a) A standard development project is any development project other than an urban development project under (b) below. A standard development is funded by a low-interest (two percent) loan. The Department shall establish a maximum funding limit as provided under N.J.A.C. 7:36-10.1(a).

(b) An urban development project is the development of a project site in a qualified urban municipality under N.J.S.A. 52:27D-178. An urban development project is funded by a grant subject to the limits described in (b)1 and 2 below. If funds are available, an urban development project also will be eligible for a loan to supplement the grant. The Department shall establish a maximum funding limit as provided under N.J.A.C. 7:36-10.1(a).

1. A grant from funds made available under P.L. 1983, c.354 and P.L. 1987, c.265 shall be limited to no more than 25 percent of the cost of acquisition.

2. A grant from funds made available under P.L. 1961, c.46, P.L. 1971, c.165, P.L. 1974, c.102, and P.L. 1978, c.118, P.L. 1989, c.183, P.L. 1992, c.88, and P.L. 1995, c.204 shall be limited to no more than 50 percent of the cost of acquisition.

SUBCHAPTER 12. LOCAL UNIT DEVELOPMENT PROJECTS: APPLICATION PROCESS

7:36-12.1 Timing

(a) A local unit may submit an application for Green Acres funding at any time.

(b) At least two times each year, the Department shall rank applications in accordance with N.J.A.C. 7:36-13.1(d) and shall approve or deny applications in accordance with N.J.A.C. 7:36-12.5(a).

7:36-12.2 Preapplication procedures

(a) The Department encourages applicants to request a preapplication conference with Green Acres as early as possible, prior to application submission, to discuss project eligibility, award criteria and application requirements.

(b) The local unit shall hold a public hearing *[at a special meeting]* on the proposed development project. Only the proposed development project, and other proposed Green Acres projects, if any, shall be the subject matter of the public hearing.

1. The local unit shall hold the public hearing before it submits its application for Green Acres funding.

2. The local unit shall publish a notice of the public hearing in the official newspaper of the municipality in which the proposed project is located, and, if the local unit is a county, also in a newspaper of general interest and circulation, at least 15 days prior to the hearing.

(c) A local unit shall contact the Bureau of Tidelands Management within the Department to determine the State's interest or claim in the project site before the local unit submits an application for Green Acres funding for a development involving a riparian interest.

7:36-12.3 At-risk authorization to proceed with development

(a) Within 14 days of a request, Green Acres shall authorize, in writing, a local unit to proceed with a development project at its own risk. This at-risk authorization shall not jeopardize the project's eligibility for funding if the local unit submits an application for the project under this subchapter.

(b) Green Acres is not obligated to award funding for any development project for which it provides an at-risk authorization under (a) above and for which the local unit submits an application.

(c) A local unit is not obligated to submit an application under this subchapter or to develop any project for which it receives an at-risk authorization under (a) above.

7:36-12.4 Application requirements

(a) The local unit shall submit an application containing all of the following:

1. A completed application form, provided by Green Acres, that identifies the local unit; lists the project type and location; contains a brief description of the project and an estimate of the funding amount sought; identifies the local unit's contact person for the Green Acres project; and contains the certification of the person authorized by the enabling resolution required under (a)2 below to submit the application;

2. A certified copy of the enabling resolution authorizing the submission of a Green Acres application and authorizing a person to execute the project agreement and declaration described in N.J.A.C. 7:36-14.1(a). Green Acres shall provide an example resolution;