

PUBLIC HEARING

before

ASSEMBLY COMMITTEE ON CONSERVATION,

NATURAL RESOURCES AND ENERGY

To explore additional steps that the State can pursue to  
preserve open lands and provide recreational opportunities

April 20, 1988  
Tatum Park  
Special Service Center  
Middletown New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblywoman Maureen Ogden, Chairperson  
Assemblyman Joseph M. Kyrillos, Jr., Vice Chairman

ALSO PRESENT:

Leonard J. Colner  
Office of Legislative Services  
Aide, Assembly Committee on Conservation,  
Natural Resources and Energy

\* \* \* \* \*

New Jersey State Library

Hearing Recorded and Transcribed by  
Office of Legislative Services  
Public Information Office  
Hearing Unit  
State House Annex  
CN 068  
Trenton, New Jersey 08625





New Jersey State Legislature  
ASSEMBLY COMMITTEE ON CONSERVATION,  
NATURAL RESOURCES AND ENERGY

EEN OGDEN  
rperson  
H M. KYRILLOS, JR.  
Chairman  
K A. LOBIONDO  
C. KRONICK  
RO C. NAPLES

STATE HOUSE ANNEX, CN-068  
TRENTON, NEW JERSEY 08625  
TELEPHONE: (609) 292-7676

March 30, 1988

## NOTICE OF A PUBLIC HEARING

As previously announced, The Assembly Committee on Conservation, Natural Resources and Energy will hold a series of public hearings during the month of April. Unlike the previous announcement, this notice includes specific information regarding the hearing on April 20th. The complete schedule for the hearings is as follows:

Monday, April 11, 1988, 10:00 a.m. - State House Annex, room 334, Trenton, New Jersey.

Wednesday, April 13, 1988, 10:00 a.m. - the old Cape May County Court House, Cape May Court House, New Jersey.

Wednesday, April 20, 1988, 10:00 a.m. - Tatum Park, Special Service Center, Middletown, New Jersey.

Thursday, April 21, 1988, 10:00 a.m. - Somerset County Environmental Education Center, Basking Ridge, New Jersey.

The purpose of these hearings is to explore additional steps that the State can pursue to preserve open lands and provide recreational opportunities. The committee is interested in receiving testimony on a broad range of potential land use techniques, legislation, or other approaches to preserve open land.

Due to time constraints oral testimony may be limited to 10 minutes. Written statements and other documents, to be included in the public record, are welcome and encouraged.

Anyone wishing to testify at any of these public hearings should contact Raymond Cantor or Leonard Colner, committee aides, at (609) 292-7676.

(OVER)



## TABLE OF CONTENTS

	<u>Page</u>
James J. Truncer, Director County Parks and Recreation Monmouth County, New Jersey	4
Helen Fenske Assistant Commissioner for Natural and Historic Resources Department of Environmental Protection	10
Addison G. Bradley, Administrator Camden County Park Commission	24
Chester P. Mattson, Director Planning and Economic Development Bergen County, New Jersey	30
Judith Stanley, President Monmouth County Conservation Foundation	42
Committeewoman Amy Handlin Middletown Township, New Jersey	47
Bruce R. Runnels, Director New Jersey Field Office The Nature Conservancy	49
Jean Schroth Citizens Conservation Council of Ocean County	56
Robert W. Clark Director of Planning Monmouth County Planning Board	58
Stephen B. Fowler Conservation Chair Jersey Shore Audubon Society	62
William deCamp, Jr., President Ocean County Izaak Walton League of America	64
George Carfagno, Jr. Legislative Agent Coalition for Better Planning	67
Rosemary Peters Middletown Planning Board, and the Monmouth County Environmental Council	71



TABLE OF CONTENTS (continued)

	<u>Page</u>
Ed Van Haughten Ocean Township, New Jersey	73
Carol Balmer Holmdel, New Jersey	76
Bernard Flynn Red Bank, New Jersey	79
Walter Merry Growth Management Task Force of Ocean County	81
APPENDIX:	
Letter addressed to Assemblywoman Maureen Ogden, plus supplement, from James J. Truncer	1x
Statement, plus attachments, submitted by Addison G. Bradley	9x
Memorandum addressed to William D. McDowell from Chester P. Mattson	29x
Statement submitted by Bruce R. Runnels	31x
"Issues Related to Open Space Preservation," submitted by Robert W. Clark	36x
Outline of Testimony of William deCamp, Jr.	39x
Comments submitted by George Carfagno, Jr.	40x
Statement submitted by former Assemblyman Joseph Azzolina	42x
Letter addressed to Assemblywoman Maureen Ogden, plus attachment, submitted by Freeholder John R. Reinard Cumberland County, New Jersey	43x





TABLE OF CONTENTS (continued)

Page

APPENDIX (continued):

Letter addressed to the  
Honorable Maureen Ogden,  
plus attachments, from  
Wm. Offutt Johnson  
Assistant Director  
Maryland Department of Natural Resources

49x

\* \* \* \* \*

mjz: 1-85



ASSEMBLYWOMAN MAUREEN OGDEN (Chairperson): I would like to call the public hearing to order at this time. We will have an official welcome from Assemblyman Kyrillos, who represents this area, in just a couple of minutes, but I would like to introduce myself. I am Maureen Ogden, Chairman of the Assembly Committee on Conservation, Natural Resources and Energy. I have to say that slowly, because we just changed the name and I still have problems. It used to be the Natural Resources and Energy Committee, or the Energy and Natural Resources Committee.

This is the third of four statewide hearings we are holding on open space. I am very pleased to see the number of people who have come today. I realize there are some who have come from outside this area. Because we have not held a hearing up in, say, the most northern part of the State, there are some who have come down from Bergen County. Particularly, these hearings are being held to emphasize the need for open space. At the first hearing, I said that I personally believe that the goal of the State of New Jersey should be a million acres of open space, as opposed to where we are now in terms of preserving open space, which is at roughly 700,000. So we have a deficit, in my mind at least, of 300,000 acres at this point.

We realize that this is going to be done, the 300,000 -- or however many we are going to be able to preserve in the coming years -- through a variety of ways. Principally, in the past, it has been done through State money. The Green Acres Program has been extraordinarily successful. New Jersey has really been a leader in that area, and continues to be so. I am hopeful that we are going to be able not only to come up, within the next year or two, with another large bond issue as far as Green Acres is concerned, but the purpose of these hearings is to also explore what else needs to be done, and can be done. Particularly, we are interested in knowing, from other levels of government -- county government and local

government -- what your needs are, what you are doing, and what your recommendations are. As I say, I believe the biggest chunk of money is probably going to have to come from the State, but on the other hand, we need supporters out there as well.

We are trying to have people come to us to make recommendations in terms of how, for instance, with the State Green Acres, we might be more innovative in terms of the way we spend that money. I realize that the Green Trust with county and municipal governments, with the low-interest loan of 2% over a 20-year period, certainly was innovative when it was introduced several years ago. Are there other innovations we can make? Are there other ways that we can encourage, say, private corporations to help us with open space, individuals, in terms of tax relief, to, say, give open space, maybe not give it in perpetuity, but possibly easements. Maybe we are not just talking about easements with the right of going onto the property. Maybe we are just talking about scenic easements, maybe for a set period of time. At the same time, we are interested in knowing whether, in terms of farmland preservation-- We have a program that is now finally getting off the ground -- it was sort of bogged down for about six years -- in terms of development rights. Was part of the problem that farmers didn't want to give up development rights in perpetuity?

So, all of these questions are ones that are in the minds of those of us who are on the Committee. For those of you who are here at the hearing, if you have suggestions along those lines, we would certainly welcome them.

At this time, I would like to turn the hearing over to the Cochairman of the Committee, Joe Kyrillos, for a few words of welcome and some comments.

ASSEMBLYMAN KYRILLOS: Thank you, Madam Chairman. I should correct the Chairman, if I may. It's Vice Chairman.

ASSEMBLYWOMAN OGDEN: Vice Chairman.

ASSEMBLYMAN KYRILLOS: I don't think I could be Maureen Ogden's co.

I would like to welcome you all to my back yard -- to Middletown and to Tatum Park and to the Thirteenth Legislative District. I want to thank Maureen Ogden for bringing this Committee of two here, in any case. We are missing a few of our members. This is the third of four hearings. We are in Basking Ridge tomorrow. We have been in Trenton and in Cape May.

I remember growing up not very far from where we are today, in an area that was mostly horse farms and apple orchards. Today, the farms are folding up, and there are very few fruit trees still remaining. They are being incorporated into a landscape of residential neighborhoods and industrial parks. While the development boom is encouraging, and an encouraging sign of the times in New Jersey, I am sure you will agree that it also brings about a concern for our quality of life.

We are all aware of the quiet crisis that we have going on in this region and throughout the State, with the disappearance of open space for parks and recreation and farmlands. Helen Fenske, the Assistant Commissioner at DEP who oversees natural resources, I believe coined the phrase, "the quiet crisis," and thanks largely to her efforts, and the efforts of people like Maureen Ogden, it is not so quiet any more.

Tatum Park is 365 acres of rolling hills and open fields, as the brochure states, and is a prime example of what can be done when the county and the State get together to preserve a tract of land. On Monday, a Green Acres bill of mine and Maureen Ogden's gained final legislative approval in the State Senate. The bill now goes to the Governor's desk for his approval. When it is signed, the remaining \$23.7 million

of funds from the Green Acres Bond Act of 1983 will be available. Three of those projects are within this legislative district. Many more are within Monmouth County.

The purpose of the New Jersey Green Acres Program is to enable the State to increase and preserve permanent outdoor recreational areas for the public's use and enjoyment. But, we need more money. As Assemblywoman Ogden has already alluded to, we need legislation for another Green Acres bond issue. She and I have spoken about it. The DEP Commissioner, Richard Dewling, has already voiced his support for another issue. He has come up with a figure of \$200 million. Others feel it should go as high as \$800 million. We need to figure out where in-between is the appropriate amount.

Maureen and I will discuss the matter further, consult with the Governor, consult with Helen Fenske and others, and arrive at an exact figure. Hopefully, in the not too distant future, we will co-sponsor legislation in that regard. In the meantime, we will continue to solicit opinions from the public, from conservationists, developers, and everyone in-between.

I thank you for being here. Maureen, if I may, I would like to introduce Jim Truncer, who oversees this facility, and many others, in Monmouth County, as Director of the Monmouth County park system, for some welcoming remarks, and perhaps to lead off the morning with his testimony. Thanks, Jim.

J A M E S J. T R U N C E R: Thank you very much. If I may, I will just stand over here briefly. I would like to welcome the Committee, and certainly the members of the public who are here. I thought you might, as Joe mentioned, be interested in knowing a little bit about this property in particular, to set the stage--

ASSEMBLYWOMAN OGDEN: Jim, excuse me.

MR. TRUNCER: Yes?

ASSEMBLYWOMAN OGDEN: For the record, we need you to speak into the recording microphone.

MR. TRUNCER: Is this all right?

ASSEMBLYWOMAN OGDEN: Do you want to sit sideways? Would that make you happier, so you can--

MR. TRUNCER: I sort of didn't want to turn my back on our guests.

Let me just mention to the Committee and the people here, that I think Tatum Park is a fine example of the variety of things that have occurred in the past with regard to land preservation. The initial concept, and the idea of creating Tatum Park, was the idea of Genevieve Tatum, whose home we are in today. Mrs. Tatum donated to Monmouth County 73 acres of property that she and her husband owned and, in turn, additional Land and Water Conservation Fund moneys were obtained to purchase the remaining 73 acres. At that time, in 1973, the Green Acres Program had, in fact, been exhausted, so with the help of a private donation, and Federal funds, the beginning of this property-- The acquisition was undertaken.

In addition, I think it is interesting to note that an additional 213 acres were acquired with Green Acre funds and county funds, plus the assistance of the New Jersey Conservation Foundation. In addition, six acres of Federal surplus property were added. So, if you are talking about putting together a variety of sources of funding and lands, Tatum Park certainly represents that. I think, to the credit of Mrs. Tatum, her interest in seeing land preserved is really what enabled us to assemble today what is known as "Tatum Park."

So, it is really a pleasure, on behalf of the Board of Chosen Freeholders and our Board of Recreation Commissioners, to welcome you to Monmouth County.

I might, if you will allow me, just say a few thoughts. I know you have a number of people who would like to be heard this morning, and I did prepare some written testimony. I think one of the things I would like to emphasize, from my perspective, is, it is not reasonable to

expect that the State of New Jersey can accomplish the task of preserving all of the lands that need to be saved in the State of New Jersey. I think one of the things I would urge the Committee and the Legislature to think about, are the numerous approaches to how we are going to accomplish this task, and not rely on any single one approach. We need to really involve all levels of government, and I guess if there is a thread that I would hope could run through any legislation, and all legislation adopted in this regard, it would be building a partnership between levels of government and the private sector. I think that, to me, is going to take all of our resources to keep New Jersey a community in which we all want to live, and one of which we are proud.

I think we need, in some way, to make the protection of our natural resources the number one item on our agenda. I would even suggest to you, if you will allow me to be so bold, that there should be an initiative to create a Cabinet level position in the State of New Jersey that addresses the issues of natural resource protection and historical protection. It is my personal belief that if we are going to place these concerns on the agenda in their proper place, they should be addressed at the highest possible levels in the State. I think it is interesting to note that most communities and counties have an agency, or agencies, that do deal with parks, recreation, and historical and cultural resources. It would be nice to see a focus at the State level that would give direction and act as a stimulus for helping communities and counties to do the job that needs to be done.

I guess the other thing that I would hope we would see incorporated in legislation would be items that would, in fact, encourage communities and counties to make an investment in open space and in resource protection. I think, unfortunately, our cap laws are negative. I see nothing that is positive, and it would seem to me that one approach would be to look at



mechanisms that would, in fact, be positive -- create positive directions, encouraging communities to, in fact, invest in their natural resources and protect them.

I have often thought, or wondered how we could leave our children debt, and how little concern we have for the legacy in terms of our natural resources. It would seem that in our private lives we do just the reverse. We leave our children a legacy, or attempt to, and quite the contrary in terms of debt.

So, it would seem to me that there ought to be some incentives, or mechanisms, to encourage communities and counties to make wise investments, and to receive credits, possibly under the cap law, for having investment programs, where revenues are directed toward the protection of the community and the resource base.

I will just mention two other things in passing. There is a Senate bill -- S-72 -- which addresses the issue of potable water supply and municipal land use, planning around lands used for potable water supply. I think, personally, it is long overdue; that we do not have any direction or standards established for the protection of our water supplies, particularly surface water and well field areas and, in fact, the regulations of private utilities by the State discourage investment for acquiring lands and protecting watershed areas. I would hope that there might be some way of addressing that, to encourage private corporations that are in the utility business to make substantial investments in protecting their resource base, and not take the approach that it is a cost that should be reduced.

I think there are a number of things which need to be addressed. I hope that out of your deliberations there will be some new direction and impetus, and I sincerely hope that our resources receive the attention that they should in our State, while we still have the opportunity.

Thank you very much.

ASSEMBLYWOMAN OGDEN: Thank you, Jim. Just a couple of questions. Do you think -- and I certainly agree with you, in terms of how can we encourage the other levels of government to be involved in preserving open space -- that exemption from the caps would be enough of an incentive? Do you think we need to go further with, say, declining in lieu payments?

MR. TRUNCER: I think you need to look at all of those things. I am not well enough versed to be able to tell you that one thing in particular will make the difference. But it would seem to me that by having a variety of tools in our tool chest, that we should be able to at least encourage and stimulate expenditures of local funds. It seems that if, in fact, it is an item of high priority, then why are we penalizing municipalities and counties for spending money in that direction? Why are we trying to contain those expenditures?

By the same token, it would seem to me that permissive legislation should be enacted which would permit municipalities and counties to create revolving trusts, or establish dedicated taxes. From a legislative perspective, do it by referendum on a community-by-community basis, if that seems to be the most desirable way to go.

But, any of those types of things, it would seem to me, would be positive steps, or at least would provide avenues to allow things to happen, rather than to prevent things from happening. I guess what I'm saying is, develop avenues to encourage it, not discourage it.

ASSEMBLYWOMAN OGDEN: A couple of counties and municipalities suggested that what they need is some money for planning for open space. Frankly, I hadn't thought about this until it was brought up, but they feel that is not part of their overall planning objective. Have you encountered this?

MR. TRUNCER: Well, I think it has been our observation at the municipal level -- and there may be others

here today who could address it better than I-- It has been my personal observation that often open space planning in the past has been an afterthought. It has been an element that is put into the plan and may be required under the Municipal Land Use Law, but may not have received the attention it should have, in terms of a priority being addressed in the municipal plan. That, Maureen, may be changing, but at least in the past my observation has been that it hasn't been addressed the way it should.

Another area that you might want to think of, particularly as land use changes, is reaching landowners on the front end; how you can talk to them before the proposals arrive.

ASSEMBLYWOMAN OGDEN: Just one last comment: In terms of the watershed lands, which I certainly agree with you are really important to protect our water supply, and that decision of the BPU which forced, I think it was the Hackensack Water Company, to sell off several hundred acres, going in the absolute wrong direction-- I have been working, for the past few months, on that issue, talking with the major water suppliers. We are trying to figure out a formula. Now we also have to talk with the municipalities what will be losing the tax revenue. But I certainly agree with you that that is a priority item, too.

Joe, do you have any comments?

ASSEMBLYMAN KYRILLOS: Just a comment on your interesting call for a Cabinet level position in State government for natural resources and historical preservation, and how that would parallel the Federal model, where we have an Administrator of the Environmental Protection Agency and a Secretary of the Interior, although some would say the Interior Secretary has conflicting mandates of overseeing development on the one hand, and preserving parks and providing for recreation opportunities on the other. But I think yours is a suggestion with a lot of merit.

MR. TRUNCER: I really think the time may be overdue.

ASSEMBLYWOMAN OGDEN: Some of us have been exploring that, Jim.- One of the problems is the Governor's unwillingness to create another new department at the moment. So, whether we can come up with an existing department that could be put in with an overall department, is the question. But, we are looking into it.

MR. TRUNCER: In closing, let me just say that I will be glad to help the Committee in any way I can. I am pleased to have you here with us today.

ASSEMBLYWOMAN OGDEN: Thank you. We are pleased to be here.

ASSEMBLYMAN KYRILLOS: Thank you, Jim.

ASSEMBLYWOMAN OGDEN: Helen Fenske? Helen, do you have your maps now?

A S S T. C O M M. H E L E N F E N S K E: Yes, I have my maps.

ASSEMBLYWOMAN OGDEN: Helen Fenske is, as almost everyone in this room knows, Assistant Commissioner for Natural and Historic Resources in the Department of Environmental Protection. It is nice to have you here today, Helen.

ASSISTANT COMMISSIONER FENSKE: Thank you, Maureen. I would like to share a quote that we use very often, just to get started. "We did not inherit the earth; we are borrowing it from our children." I think we sometimes forget that.

Besides being one of the nation's smallest, most congested states, New Jersey is one of the few that does not have large amounts of Federal open space to supplement its need for recreation and to offer scenic relief and natural resource protection. In other words, the State must do it all by itself. It has had a fairly good record and commitment in the past, but things are changing and we are now at a critical level. We need to provide all of the open space, not just for recreation -- as most people are thinking, this is what open

space is all about -- but to protect our critical resources. How we manage that open space in the next five years will be pivotal in terms of the continuance of the productive economy in the State, the liveability of the State, and the health and welfare of its residents.

You have heard from our key natural resource programs, Parks, Forests, Fish and Game, Historic Preservation, and the Green Acres Program. All have stressed the need for a stable source of funding to meet a backlog of unmet accumulative needs. These needs are desperate. In fact, our budget people have said that in terms of the natural resource programs, you are as close to being bottom-up as any program in State government, and you don't know it.

But, that is the kind of crisis we are dealing with. It is a quiet crisis, but, as you said, it is getting noisier. What the testimony of my folk did not reflect, were the elements which are at the core of the crisis. That is what I want to address today. These are essentially four: leadership, planning, funding, and creativity. I would like to address them just as briefly as I can, indicating some of the possible solutions that I think we could be looking at.

First of all, leadership. The Legislature, on a whole, has been very courageous in the past few years in providing leadership for funding and laws dealing with complex hazardous, solid, and wastewater management problems. These issues have critical health implications, and had to be faced. They reflected, to a great extent, the end result of past years of unwitting natural resource mismanagement of our State's base resources. Largely, it is open lands and open waters.

Notwithstanding the priorities that management of the waste stream has had, a 1987 Gallup Poll conducted by the State Planning Commission reflected that over 90% of the State's residents felt their chief concern was the loss of the natural values of the State. Essentially, this is the unorganized

public, but the public concern is out there. This finding was surprising, because the major public focus, of course, has been on the management of the waste stream over recent years. This hearing reflects leadership responsiveness to this most important issue now on the minds of citizens; that is, how we are now, and will spend our remaining open space, our capital assets, if you will, and still have enough to sustain the State's economy and its liveability. It is a boom State now because it is attractive. It is not going to remain a boom State if we don't manage our attractiveness and our aesthetics and our natural resource base much more on a priority basis than we have in the past.

So, I applaud you for these hearings. They are desperately needed, and are very encouraging to those of us working on the quiet side of the Department.

Planning: These hearings have an obvious goal; that is, how to determine what open space is necessary to have a liveable State, one that reflects breathing space for its citizens, attractive communities, recreational opportunities for all, a semblance of historic character and scenic value that represents the best of New Jersey, and natural resources to sustain water supply, clean air, and wildlife.

How do we go about protecting these essential open spaces and the resources? We are told that we do not have until the year 2000 to accomplish this. The open space needs to protect the natural diversity of this State, its essential resources, and its recreational base, must be carefully planned and the funding provided now, so that the major open space initiatives are undertaken within the next five years. This is not a need that can be put off.

I again stress the need for planning. This must be a different kind of planning than we have had in the past, particularly as it is related to the Green Acres Program. Eligibility for Federal Land and Water Conservation Funding,

from which New Jersey has received over \$121 million, required that we develop a SCORP -- S-C-O-R-P -- a State Comprehensive Outdoor Recreation Plan. The criteria for this SCORP was largely shaped by Federal criteria, and it had, as its major focus, recreation. Furthermore, open space, here and across the country, has been treated as an element ever present and in ample supply, especially in New Jersey, and this is where the problems hit first in the nation. Know that this is no longer the picture at the national level even. A directional change in planning needs for open space is reflected in the newly proposed legislation to change the Land and Water Conservation Fund to a permanent, stable trust fund. When it passes -- and we will be seeing activity on that this summer and winter -- it will greatly broaden the planning and funding scope for Federal funds to encourage preservation of natural resources that go beyond just the priority for recreation values.

Research connected with the development of information for the proposed State Master Plan indicated that under our present rate of growth, the only meaningful open space in New Jersey by the year 2000 would be that which is under some public or quasi-public ownership. Whether or not this forecast becomes a reality, it nevertheless emphasizes the fact that for open space to be meaningful, it must be planned and funded, just as any infrastructure such as schools, highways, and sewers. No longer can we afford to accept what is left over for park, recreation, and critical natural resource protection, and have it serve the State's needs. It is absolute madness if we do this.

In other words, open space cannot just be satisfied through a computation of so much per person in the State. I understand that was some of what you heard at a previous hearing. Today, we think of open space preservation which serves one or more essential public needs. We must determine what is important to save, and what is not. Open space is

recreation, is scenic value, is our ability to continue agriculture in this State. It is flood control protection; it is key water supply and air quality; it is wildlife habitat; and it is breathing space for future generations. In urban areas, it is an absolute key to the revitalization of our cities and the congestion which leads to property devaluation, crime, and social demoralization.

Open space planning must be undertaken in New Jersey with new care and priority, and must have, as its basic component, full understanding of a natural resource system to achieve multiple and often complex goals. This will ensure the best and most productive use of public open space dollars. Without such full, detailed information at all levels, and coordinated at all levels, our public dollars will be used inefficiently.

A start on this kind of planning has begun in my Department. It is small, because we don't have much funding for it. I brought an example of what I am discussing with me. (witness walks to chart, away from microphone) This is an analysis of Sterling Forest, which is a 19,000 acre tract up for development, up for sale. It straddles the New York/New Jersey boundary lines. New York will determine the bulk of what will happen, but its impact on New Jersey is tremendous. In mapping this-- I don't know whether you can see it, Maureen; you can see it afterward. We could not find a map that showed where all the open space was in the northern part of the State, from the Palisades to the Harriman State Park to the Stokes State Forest and over to the Delaware.

In mapping this, we took as our base map a 1986 overflight. We were able to show -- here are the watershed lands -- that Ringwood -- in studying it -- is the headwaters for the new Monksville Reservoir, for the Passaic Basin and the flooding--

ASSEMBLYWOMAN OGDEN: Helen, unfortunately, we can't get any of this on the record.



ASSISTANT COMMISSIONER FENSKE: All right. I will not go into too much more detail, but I think it is important to understand that this is the kind of research we now have to do, because the open space that we preserve, say in this northern part of the State, has everything to do with the flooding in the Passaic, with the watershed lands, with the Monksville Reservoir, which has millions and millions of public dollars invested in it. The infrastructure that will have to go into place on Sterling Forest, from the Thruway exit to condominiums to new sewer plants and roads, will have everything to do with the quality of water that flows into Monksville and the watershed lands up there.

We are attempting to work with New York to see if we can't do something about this. But that is the kind of examination we've got to have. Open space planning at the local level of government has to be fed with good maps, good information, so that the context in which they develop local planning, whether it is at the county or municipal level, has the information in terms of water courses, regional approaches, natural resource systems, geologic formations, and so forth, that have meaning. Otherwise, if we are to proceed as we have in the past, not in every case, but when there is a new bond issue, there is new money, and they say, "Quick, we've got to make use of that money." They say, "That field out there -- that old corn field -- is for sale, and it will make a good ball field." So they purchase it. It does not necessarily mean that that is where the best open space preservation should have occurred.

Okay, so that is the kind of planning we want to do. We estimate that that planning has to take place in the next two to three years, and start immediately. We are estimating that \$200,000 a year will achieve this. If there is some additional funding into Green Acres, some of that funding can come from that. It will be coordinated with other mapping

activities that are ongoing, such as the wetlands mapping. But, what we need to do, is focus on where your open space is, what its values are, and how we could achieve it in multiple different ways to protect it.

**Creativity:** The Governor's Council on New Jersey Outdoors indicated a minimum need for \$800 million to meet our open space needs to the year 2000. I stress the term "minimum." Whether or not there is ever that kind of funding commitment to meet open space demands, it is essential that whatever funding base is established, it permit flexibility in approaches. Open space preservation is achieved largely -- most often, in fact -- because of timely opportunities and the ability to be responsive when those opportunities present themselves. We are not a responsive organization. We cannot be, but we need to be much more responsive.

There is a range of open space preservation tools which are not now being fully used because of the State and/or Federal policy -- because of State and Federal policy or law requirements. This was repeatedly addressed in hearings connected with the President's Council on American Outdoors, and again last year through the hearings conducted by the Governor's Council here in the State. For instance, funding to nonprofit organizations for the acquisition of lands which are desirous to protect, but which State and local governments might not acquire, is the recommendation of the Udall bill -- the Federal bill I told you would be permitted -- and should be a part of any new Green Acres bond issue.

**Eligibility to Purchase Easements:** Long-term leasing of private lands for public recreation purposes, as provided in the Open Lands Management Act, is another tool. We should explore mitigation options and flexibility in what the mitigation should be. Clustering of development, nonprofit land trusts, are just a few of these open space tools which we could be using much more extensively, and we're not.

Massachusetts passed legislation which will give the state first refusal on lands which are, or have been, publicly subsidized, such as their forest, agriculture, and watershed lands. We ought to take a look at that.

There are a number of others. One of the things I would urge the Committee to take a look at, are tax incentives and tax disincentives. That is a critical element in the loss of open space. Jim Truncer talked about that. Another thing that is going to be very important for us to take a look at is the cap now imposed on local governments -- the borrowing cap. Our Green Acre loans trust, as innovative as that program is, is handicapped because if a municipality is under that cap, they cannot apply -- or if they are at the top level of their cap, they cannot apply for this loan. We think the loan for Green Acres and open space should be outside of that cap.

We are recommending to the Governor that he establish a permanent Open Space Council, as recommended in the Governor's Council report. One of the first mandates, or chores, the Council should undertake, is a review of the open space tools, if you will, which should be given serious consideration in future open space funding legislation. At the present time, fee simple, straight acquisition is the primary approach, as you know, using public funds. We are the exception, and I think it is the only exception of the funds now going for agriculture preservation. The two obvious approaches that you are familiar with, of course, are the stable source of funding -- and I can't say how important that is -- and then, of course, a bond issue. If you were to take that \$800 million funding figure today and break it down, what we are projecting internally, how it could be made up, is along these lines. This is not, of course, locked in. There is \$35 million for Green Acres from the 1987 bond issue in the revolving approach. That is \$10 million for State-owned historic site renovation, which is coming out of the last bond

issue. Twenty-eight million annually for the proposed \$50 million in a stable source of funding. That is \$50 million annually. That would leave then \$615 million in bond funds as a balance necessary to meet that \$800 million figure.

I am not sure whether there is that kind of commitment or if it is possible, but those are the minimum needs. We had testimony -- I think you heard testimony -- saying that is not nearly enough. But we've got to make that commitment early, and continue to strengthen this program.

In summary, we are dealing with the legacy we will leave our children. The future shape and character of New Jersey, in many ways -- many, many ways -- I think unappreciated, is its economic base. If we cannot assure that the present attractiveness of New Jersey is sustained, and that aggregate natural resources are preserved from which to draw for the State's future needs, then I believe we are truly failing our public trust responsibilities.

Again, I compliment you, Maureen, on the leadership this hearing represents in addressing our open space problems. Thank you.

ASSEMBLYWOMAN OGDEN: Thank you very much, Helen. Just a couple of questions. The issue of the open space that is in New York State, just beyond our border up there, came up in the discussions I have had with various water companies, because, you know, that has clearly been developed as the headwaters for a lot of them, and it will have, really, an adverse impact. Do you think we need some kind of a bistate committee to work on this to elevate it in importance beyond discussions between your Department and the equivalent in New York State? Are you confident that with both of your departments working on this you are going to work it out?

ASSISTANT COMMISSIONER FENSKE: No, I'm not.

ASSEMBLYWOMAN OGDEN: I think that is a critical issue.

ASSISTANT COMMISSIONER FENSKE: In fact, the ideal solution, whether it is possible or not, would be to have a task force take a look at what the possibilities are. We have--

ASSEMBLYWOMAN OGDEN: A bistate task force?

ASSISTANT COMMISSIONER FENSKE: A bistate task force. It is possible. One scenario would be to create that task force, and have bistate congressional support for a special appropriation that would assist in acquiring all of Sterling Forest. At the present time, New York State is taking a look at Sterling Forest and delineating what they really see as important to them. They do not have enough money to acquire it all. We are doing what we can. We have a commitment to acquire the 2000 acres in New Jersey. But it is really the New York property that is the more critical.

A bit ironically, as we developed this map -- and again, it speaks to the value of this kind of mapping -- the second big hole, equally important to New York as what Sterling Forest is to us in New Jersey, is the Wallkill -- the Wallkill River. The headwaters are totally in New Jersey, and flow into New York State to the richest agriculture land in the Northeast. It's the celery, onion, black soil area, and we have the figures on the economy for that. That land in New Jersey is totally unprotected; in fact, in many ways, much more vulnerable than the Sterling Forest.

But, it is possible to join the Appalachian Trail and its scenic vistas. Incidentally, the National Park Service is condemning some land to preserve some vistas along the Appalachian Trail. But conceivably, as you get to the year 2000, you could have what might be construed in the west as a national park, made up of these multiple public lands already existing. It is the connectors we are talking about. We in New Jersey dream, in my Department, of a task force to take a look at this, to see if we couldn't truly establish a bistate greenway from the Palisades over to the Delaware. This would

complement very much then our dream of having a Delaware River bluff greenway that would join the Delaware recreation area all the way down to Trenton. Conceivably, you could canoe, hike, or drive from Trenton up to the Delaware and across the State in a continuous band of some form of open space. This does not necessarily mean that all that open space would be in public ownership, but it would be an area that was devoted to the natural resources in that northern part of the region, and it is terribly important land. The ski slopes, the thin soils, the pristine lakes, the water supply quality, and the potential of that land are incredible. We should be making this a high priority. There are other priorities, too, but this is a tremendous opportunity. The opportunity is today, not tomorrow, not four years from now. That land is up for sale now.

ASSEMBLYWOMAN OGDEN: That is why I think it is critical that we do something there.

ASSISTANT COMMISSIONER FENSKE: We have done the mapping; we have done our homework on this. What we need is someone above-- This map I am going to leave here as you continue your hearing. May I introduce Dorina Frizzera -- raise your hand, Dorina -- and Gail Kenny, from my staff, who were largely responsible for developing this. They would be happy to share any of the information on it.

ASSEMBLYWOMAN OGDEN: Helen, what kind of money are we receiving currently from the Federal government, in terms of preserving open space?

ASSISTANT COMMISSIONER FENSKE: This year it is less than a million dollars; it is down. The high, nationally, was at \$200 million. That is essentially the goal of this new trust fund, which would put us back into business. We used to get \$20 million to \$30 million. As I say, we have been one of the states that has benefited the most from the Land and Water Conservation money, because we did have matching funds. That

was the commitment. No other state has continuously funded as we have. So, there has been a commitment. Nothing that is said here should detract from the fact that we have had tremendous leadership in the open space field. It is just that we are losing it. We've got to hurry up and do what we can do, plus the emphasis on acquiring that open space to preserve the natural diversity of the State and its resources, so we will have ample water, clean air, and so forth.

In today's Star-Ledger, there is a map that shows that Massachusetts and New Jersey, comparable states in terms of development pressures, have the two highest acid rain levels in the country. That speaks to this development pressure.

ASSEMBLYWOMAN OGDEN: Helen, just one last observation. As you know, with Public Question No. 4 on the ballot in November, we put into place the right of first refusal for farmland. I think that is a good suggestion of yours that we go beyond just farmland.

ASSISTANT COMMISSIONER FENSKE: Very good. It should be watershed lands. It should be anything that has public subsidy. But even that law, of course, is futile, if there are not the resources.

ASSEMBLYWOMAN OGDEN: If the dollars are not there.

ASSISTANT COMMISSIONER FENSKE: Yeah.

ASSEMBLYWOMAN OGDEN: Joe, any questions or comments?

ASSEMBLYMAN KYRILLOS: Yes. Many of my questions were answered in Helen's testimony. I had a question concerning the criteria for selection of Green Acres application recipients. Since I was the sponsor of this last appropriations bill, I had more than my share of mayors and town engineers and managers calling my office about their particular applications for their municipalities or their counties. Bonnie Hammerstedt from your shop, who oversees the program, may be better able to answer this question. But, one of the criteria items for selection is the extent of public involvement, or support. I was just

wondering if you could touch on that, as to how much of a ground swell of pressure and involvement from a municipality may affect your selection process, or are there any past examples that you can point to?

ASSISTANT COMMISSIONER FENSKE: Okay. Let me preface my remarks by saying, probably the greatest tragedy that I feel in my position, is the unmet applications that come in. It is very tough when you have a hundred million dollars worth of applications, and you only have the funding for \$15 million or \$20 million worth of it. So, the criteria has to be pretty strict.

Among the criteria is the-- When we say public support, we are talking about local support. If you don't have the commitment of local government -- whether it is county or municipal, but let me deal largely with municipal -- for park and recreation programs, then we are putting money into open space acquisition and park development that is not going to be sustained. You can see examples of that. For instance, it took us three years to approve and fund a project in Newark. We couldn't inspect it because the lights and the equipment were stolen. In Lincoln Park, we are dealing with the fact right now -- and it is in today's paper -- that we funded a Green Acres Program, and then it was used as a dump. That is not public commitment at the local level. So, we have to value that in terms of putting our public dollars to work. That, I think, is what is happening.

The mayors and the pressure you are feeling, are some of the same pressures we are feeling. I would save every bit of open space that local government wanted to acquire, if I had my way. But we are going to have to make some very hard choices in the future. There are not those dollars. There has to be a commitment that if we put public dollars into this park, that it will be maintained like a park is maintained, and is open to the public. That, I think, is what we are talking about.



ASSEMBLYMAN KYRILLOS: Have you seen -- I am just curious -- in your tenure at the Department, examples of grass-roots activity of conservation groups and what have you -- ordinary citizens beyond the municipal or county government -- who have gotten involved to lobby your Department for their applications?

ASSISTANT COMMISSIONER FENSKE: Oh, yes.

ASSEMBLYMAN KYRILLOS: Does that happen?

ASSISTANT COMMISSIONER FENSKE: Yes, and I would hope that a lot more of that would be done.

ASSEMBLYMAN KYRILLOS: Because my municipality used to do that.

ASSISTANT COMMISSIONER FENSKE: I welcome this pressure. I would rather have the pressure on all of you than on me, because then maybe I would get more money.

ASSEMBLYMAN KYRILLOS: Good.

ASSISTANT COMMISSIONER FENSKE: In addition to that, I think there are more and more what we call "Friends' Groups," nonprofit groups, that are working in incredible ways to help to support both the State park system and the individual sites at the county level and at the municipal level. We need to encourage that much more at the local level, because that is where the heavy use is -- the ball fields, the picnic areas, and so forth, that have the litter. We need much more volunteer effort. Again, one influence on that is the liability laws, and we are beginning to address that.

ASSEMBLYWOMAN OGDEN: Thank you very much, Helen.

ASSISTANT COMMISSIONER FENSKE: Thank you, Maureen, for this opportunity.

ASSEMBLYWOMAN OGDEN: Next I would like to call Addison Bradley, of the Camden County Park Commission.

In terms of those who are testifying, I am going to call representatives first of county government, local government, and organizations, and then individuals. We

will try, to the greatest extent possible, to go according to when we received your request to be on the list.

A D D I S O N G. B R A D L E Y: First of all, I would like to thank you very much for the opportunity to come from Camden County to testify. My name is Addison Bradley. I am the Administrator of the Camden County Park Commission, which has approximately 2000 acres of land, 1800 acres of water, 150 employees, a 26-man police force, and an operating budget of approximately \$6 million. I am a licensed landscape architect, and a member of the American Society of Landscape Architects and the National Recreation and Park Association.

Two years ago, I became the Camden County Park Administrator. Prior to that, I was involved in the planning or development of many housing units, many commercial and industrial developments, and parks and recreational facilities in New Jersey, Pennsylvania, and Delaware.

In 1977, I, along with Bob Lord, prepared a master plan for Woodland Township. To orient you, the village of Chatsworth is in Woodland Township, Burlington County, New Jersey, which is now in the Pinelands. The plan recommended many unique items:

- 1) A conservation easement around all free-flowing streams, with no construction within 200 feet either side of the edge, and minimum two-acre lots with 200-foot frontages outside the easement;

- 2) A critical zone area. With areas that had a high seasonal water table of one foot or less, the applicant must verify to the planning board that a minimum of five acres of building ground was available next to these critical zones, at a minimum density of one unit for five acres.

The plan also talked about the transfer of development rights, the control growth program, and many other environmental issues. This plan was not adopted by the township. Last month, I received a letter from Gary Patterson,

graduate program advisor of Glassboro State College's Life and Science Department, in which he said: "Remember years ago when you worked with us to draft a master plan for Woodland Township, Burlington County? If only the local officials had accepted your growth and development limitations, we environmentalists would have probably settled down" -- and he put that in quotes -- "and there would have been no Governor's Pinelands Review Committee, no Federal Pinelands planning entity, no Pinelands legislation, no Pinelands Commission, etc. Your ideas were too innovative for them, and you were ahead of your time."

The Pinelands is 1.1 million acres of national reserve. The national reserve is an excellent technique of preservation, but all of the standards are environmental. In the cities, we do not have these environmental characteristics. The Pinelands has a population of 450,000 people on 1.1 million acres. Camden County has approximately the same population -- 488,000 -- and it has a total acreage of 145,000 acres. This is one-tenth of the land with the same amount of people. It has been quoted that at the present rate of urban growth-- It is predicted that approximately 80% of the population in North American will soon be concentrated on 1% of the land.

We must address the open space issue where the people are. I read some articles, and sitting here, heard some testimony, about the money problem. We do need money, and I don't think you can talk about enough money. But there are two areas that I really want to concentrate on today. I am not trying to take away from the need for money, the Green Trust, and the many techniques. As a landscape architect, I could probably spend hours talking about techniques.

The two areas I want to talk about, one very shortly, are insurance liability and its relationship to open space, and the other is city open space -- urban open space.

I testified before the Governor's Council on Open Space. These reports are attached to my paper, and I will give you a copy before I leave. I talked of insurance liability and its impact on open space. Consider the year 2000, seeing an open space facility fenced in. As you drive by, you tell your people you used to play there, but now you cannot because there are too many lawsuits. We need legislation to exempt governmental agencies from lawsuits caused by natural features. Evesham Township is being sued because of two drownings in one of their streams. Camden County Parks is being sued because someone was injured sledding down a steep slope. Camden County Parks is also being sued because a boy went out in the water to get a ball, and he drowned.

These are natural features that are the same as those listed in the draft of the State Plan for Development and Redevelopment, under environmental goals -- critical slopes, scenic corridors, stream corridors, surface and groundwater supply. California has a statute that exempts governmental agencies from lawsuits caused by natural features. We must adopt something of that nature. I have attached a copy of that statute to my report.

Let's get back to how we are going to protect and preserve this land. I want to concentrate, as I said earlier, on areas of urban and developed open space. These are the areas that are two examples of tier one and tier two in the State Development and Redevelopment Plan. Remember the definition of recreational planning: It is the art and science that blends the knowledge and technique of environmental design, which are your natural features, and the social sciences, which are your human features, to develop alternatives to the way we use time, space, energy, and money to accommodate human needs. The fact that people need open space is not new, and I quote: "Land is the most precious resource of a metropolitan area. The present patterns of

haphazard suburban development are contributing to a tragic waste in the use of vital resources now being used at an alarming rate." This was said by President John F. Kennedy, in 1961.

When asked to come to testify, I asked the National Organization of Landscape Architects and the Recreation and Park Society to give me a printout, with the key words "urban open space." Most books and articles were written in the '60s, and here we are in 1988 discussing the same thing. In reading, "Open Space, the Life of American Cities," it talks about spatial organization in cities. It talks about Boston, Philadelphia, and Paris, all having the same open space needs; all having the same open space problems. I think we will all agree that open space is needed for people. In that same book, the city park chapter: "The parks have been created not so much to enhance or beautify the city, as to provide an escape from it. Indeed, so far as possible, to deny the city's very existence." The key word here is "escape." The cities have deteriorated because the people wanted to escape from them. If there was no place to escape to in the city, they moved out. This is a quality of life statement. Do not all people, young and old, rich and poor, white and black, have the right to escape, to have a quality of life in which they can grow and learn?

In the New Jersey State Planning Act, it says: "It is in the public interest to encourage development, redevelopment, and economic growth in locations that are well-suited with respect to present and anticipated public service and facilities" -- we know what they are talking about there; they are talking about in the cities and developed suburban areas -- "and to discourage development where it may impair or destroy natural resources or environmental qualities." Some of the goals it talks about in the plan are: "to protect natural resources; to revitalize urban areas; and to preserve and enhance historic, cultural, and open space and recreational lands and structures."

These are good goals. The statement from the State Planning Act is right. But, how do we get the open space in the cities, in the established suburban areas? Again, in the State plan we are addressing steep slopes, flood plain, scenic corridors. If they are not fenced in for insurance liability reasons, you will have open space. But do you have people open space? But do you really have spaces where people can do something? Have you ever tried to play ball on a flood plain, or have you ever tried to have a picnic on a steep slope? Besides, most of those environmental issues don't even exist in the cities or the established suburbs. They have already been destroyed.

What do you think the best place to have a picnic in some of the cities is? Think about that. Think about what is flat and green in some of the cities. You're right, it's a cemetery. It's quiet, flat, and green. It is where all the environmental issues have been buried.

Today, there is a tax ratable race. The cities, to establish suburbs, need the ratables. They like the new proposal in the State Plan redeveloping tier one and tier two, which they are. But, if we don't address the quality of life issue in the cities and established suburbs, people are going to want to escape, and they are going to escape again. We will be rebuilding the ghetto. No one will want to live there; no one will want to work there. This will not be a quality of life worth living in the cities.

Because community leaders want the tax ratables, this will not be addressed in the Cross Acceptance Program. It is not even addressed in the Development and Redevelopment Plan. So the State, through the Redevelopment Plan for tier one and tier two, must have a regulation requiring so much open space -- usable open space, people open space -- in tier one and tier two.

I always liked people who come up and say, "This is what you should do," but never tell you how. This is how you should do it: By requiring developers -- real estate developers -- to provide this open space if they are going to develop at a certain density. And everybody says, "Oh, here we go, putting the burden on the developer." But, why not? In the suburbs, you require so many parking spaces per seat in a restaurant, so many parking spaces per square foot of office space. Why not so much open space per person you are bringing into the city?

In Cherry Hill Township -- that was one the President didn't think needed any money -- you are required to plant one tree in a parking lot for every 10 cars. Can you imagine how beautiful a forest you could have next to a parking garage in a city? But then they tell me that the land is too valuable. Is clean water too valuable? Is clean air too valuable? I guess your life, or is it the life of the other person -- the one living in the city -- which is not valuable enough? A program could be developed that for every 1000 persons a real estate developer proposes to bring into a city, a certain amount of open space is dedicated.

In the Kansas City metropolitan region, their committee recommended 55 acres per 1000 population. I didn't go that high. An example I gave was, residential zoning, 1000 persons, 20 acres; a professional zone, 1000 persons into that professional zone, or any portion thereof, 15 acres; commercial, 10 acres; and industrial five acres. Camden City has 6272 acres, a residential population of 84,910, with 232 acres of open space. If we follow this program on just residential housing, we would establish -- and I will put it this way -- a goal of 1698 acres of open space in a city of 6272 acres. Maybe then we wouldn't rebuild a ghetto. Maybe then the people wouldn't move out.

We either have to use these guidelines and require communities, cities, established suburbs to further develop this in their cross acceptance plan, or you must have the State Planning staff further develop this idea and put it in the State Plan, requiring them to follow it.

ASSEMBLYWOMAN OGDEN: Mr. Bradley, is it possible for you to summarize the rest of your statement?

MR. BRADLEY: Two lines.

ASSEMBLYWOMAN OGDEN: Okay.

MR. BRADLEY: As I stated earlier, the knowledge of people needing open space is not new. but let's start doing something. We can make the urban environment more natural, more appealing, more beautiful. We must give people a place to escape.

That's it.

ASSEMBLYWOMAN OGDEN: May we also have a copy of your testimony? (witness complies) Wonderful.

I recently reread William White's book on "The Last Landscape," and had very much in mind the question of open space.

MR. BRADLEY: Thank you very much.

ASSEMBLYWOMAN OGDEN: Thank you. Next I would like to call Chester Mattson, who is Director of Planning and Economic Development for Bergen County.

Since we still have a number of people who would like to testify, I would like, to the extent possible, to ask people to limit their remarks to 10 minutes. I realize you have all come a long way, and it may not be possible to condense it to quite that extent, but it would be helpful for those who are waiting. Yes?

C H E S T E R P. M A T T S O N: This is a long way that is very pleasant to come to. It is a delightful park. You have chosen a marvelous spot. I am Chester Mattson. I am Director of Planning and Economic Development for Bergen County. As I



think about the open space needs of our county, I think about the need to merge two themes. Theme one, we need a bank of public open space expanses to go to and to use and to enjoy when the State has run its developmental course. "Get the open space now," is the theme that you hear a lot of.

Theme two, we need a fabric of public/private and private open spaces that will interweave our other uses to enjoy when the State has run its developmental course.

I am going to concentrate particularly on this latter theme, because I come from a county that has but 12% of its land mass left. By the way, the development process is never going to run its course. New York City is never done. When the land under the building becomes more valuable than the building, redevelopment occurs; not just in cities, but in suburbs and, particularly, at a greater pace in Bergen suburbs. So it is even impossible to say that we should plan now for the day when development has run its course. It won't. Hence the urgency.

Concentrating on the second theme, public/private and private open spaces, it is not possible, but it isn't necessary to own all the open space we need. To use the simplest of examples, we need that view across the field to the wooded ridge beyond. It is embedded into the image of life's quality that we carry as a national heritage. It is all too easily lost, and it is more easily protected than we think. It is not easily protected; it is more easily protected than we think.

There is a better opportunity now to see our way to a better open space future. I, too, just finished my rereading of William H. White's book, and I love the chapter that starts with the phrase: "Never has there been a more important time for hasty and precipitous action."

We have a better planning environment than William H. White had. He was urging the public to plan. We are fortunate. The public is urging us to plan. That change in

perspective makes the changes so much better. The Futurists are those who are living in our present.

I wanted to mention two polls that make that point. One is the January/February 1988 poll. It has a chastening effect. It did on me. For the first time, the American public generally does not believe that the nation's future will be better than its present. Wow! When asked whether they thought the past or the present or the future of American was best, with 10 the most optimistic it could have been at any point, Americans, for the first time, have decided that the future is to be no better than the present, and that the past was better than the present. That is Americans sensing their societal possibilities. Out of 10, the past was rated at 5.8; the present 5.73; and the future 5.84. What a telling statistic that is.

However, in the same poll--

ASSEMBLYWOMAN OGDEN: Was that in 1981?

MR. MATTSON: No, 1988 -- January/February 1988. Did I say '81? I'm sorry.

ASSEMBLYWOMAN OGDEN: Oh, '88.

MR. MATTSON: However, in the same poll, people were asked if their individual lives were going to improve, and they said yes. So, that is another bedrock American tradition. "Well, society is not going to improve; my life is." That is what Americans said. We live in that wonderful tension. That is a planning opportunity that we haven't seen before; trying to turn something that is chastening into an opportunity here.

Another poll is the one that Helen Fenske mentioned. I will just quote some of its statistics -- the recent Eagleton Poll. They tell us that we live at a time when what you are doing can count. Seventy-six percent of us felt that a good transportation network is important to the State's economy. Sixty-one percent of us said that continued growth is important to the State's economy. Sixty-nine percent favored strict

anti-pollution laws. Sixty-two percent favored the preservation of farmland and open space as more important than economic growth. Seventy-eight percent chose less growth and less congestion to more growth and more congestion. Eighty percent said the State should play an active role in coordinating and managing growth. Fifty-eight percent said the State should seek to influence the pace of growth when planning highway construction or expansion of arteries. Fifty-five percent of us are willing to give up some of our town's freedom to decide how it will grow, in return for more coordinated and planned growth.

ASSEMBLYMAN KYRILLOS: Excuse me, what was that last figure?

MR. MATTSON: Fifty-eight percent.

ASSEMBLYMAN KYRILLOS: Fifty-eight percent?

MR. MATTSON: Yeah. There was a lot of comment on those polls, but, as Helen said, that is the unorganized public speaking.

So I want to congratulate, first, my predecessors at these hearings. I am not wishing to knock every attempt to secure as public space every acre that we can. I want us to go beyond that.

I think that Bergen County, in its way, can be a model for the State here. I am not so sure we are happy that we are, but Bergen is what we call in Bergen "Happy Valley." It became what it set out to become -- suburbia. Now we are not so sure that suburban categories will carry the economic future. So, it's funny. The present as successful -- a rival from the past wishes -- now looks at its future, and says, "I wonder if this land form, this settlement pattern, can serve us in an economically sufficient way in the future."

We have now three priorities in Bergen County in my Department, Planning and Economic Development. The County Exec, Bill McDowell, blessed them, and off I go. One is open

space. Our top priority in Bergen County in Planning and Economic Development, is open space. We must preserve the quality of life that our corporations and our residents came to enjoy. We've got 12% left.

Our second priority, and I want to talk a little bit about it in a moment, is redevelopment. It is going to be the economic engine of Bergen County in the future. There is no point in using up the last of the land before we figure out how to live on redevelopment, because we are going to have to figure it out sometime anyway, and in Bergen, that is sometime soon. Hence my remark, I think we have the model-- I think we are, in some ways, the model for the State's future.

The third is transportation, which has become the quality of life issue. It has a very democratizing influence. Last week, I gave every one of my Freeholders a free traffic pass. It allows them to go to the head of the line of any traffic jam they are in. The point was not lost on anyone in the room.

Some of the tools that are available to get at this private and public/private are in the cities. It's funny-- It's not funny at all. Mayor Gibson used to say that wherever the nation was going in terms of its cities, Newark would get there first. Newark, and a lot of other American cities, have learned how to redevelop. Jersey City has learned how to redevelop. It is interesting. They have tools for redevelopment that can be applied to suburban New Jersey. They will be our teachers in many ways. Those tools are not available to suburbs now. Suburban zoning and planning tools plan on the basis of this landscape -- out a window -- how to take farms and wood lots and put curbs on them and sewers under them. That's planning.

Dealing with the developed landscape, oh, that is a much more rewarding and, I think, a much more relevant exercise in terms of the future. I am easing toward a point here: Open

space planning has to look well beyond planning for open space, in order to get open space. I think that is the major point I am going to grasp for, because I have discovered that that is what Bergen needed to learn in order to get into its future.

We had a wonderful planning seminar with Bob Hillier. He quoted Will Rogers. Will Rogers said, "Buy land, they are not making any more of it." Then Bob Hillier said, "I am one of the few Americans who is willing to say in public that Will Rogers was wrong. They are making more of it every day. It happens when the developer walks into the local planning board, and says, 'I want to develop that empty tract on Fourth and Jefferson,' and the planning board says, 'That's not empty,' and the developer says, 'Have you looked since yesterday?'"

Developed land is becoming open land at a rapid pace. Bergen County has had eight million square feet of all development in the last two years. On a dwindling land mass, that is more development than we have ever had before. I think that is an important point. More development is happening in our developed areas than used to happen in our open areas in Bergen. That says something to us about open space. I know you want me to get to it, so I guess I will.

We are looking at the design of developed and -- of redevelopable space as a major open space opportunity. Seeing again can be seeing better. When it comes time to redevelop four or five or seven blocks of suburban territory in Fair Lawn or a small city territory in Hackensack, there are chances to get open space again the next time around, that we didn't think we needed to get this time around. There isn't any money to do this. There aren't many rewards for doing this. It is not part of the open space system. But, it is an opportunity not to be missed. I am going to strike some themes today. I hope to write to you later with some specific ideas for getting at those themes, but that is a major theme. Designing for

redevelopment can capture open space opportunities that we missed the first time around. For most suburban residents in Bergen County, the only open spaces they have nearby are the trees that line the streets that compete with the overhead wires for beauty.

There are some Upper Saddle Rivers in Bergen County, and they are certainly the image that a lot of people carry in Bergen County. When I go out and speak to my colleagues in Sussex County, they say, "We want our share of Upper Saddle Rivers." I hasten to tell them that that is a small share of the total. Most of us who live in Bergen County have the street tree as our open space, not the one in the yard, on our five-acre lot; but the one on the street that is competing with the traffic and the fumes and the overhead wires. That is an open space planning opportunity to which money has to flow, for those of our citizens who will continue to live in the suburbs -- not just money, though.

There are lots of other tools that have been mentioned here. I am not going to take your time by repeating them -- the sale lease-back techniques, the kinds of things that the New Jersey Conservation Foundation and the Trust for Public Land do with great excellence. TPL and the New Jersey Conservation Foundation have a tremendous bag of tools. What strikes me is that they are applied with such scarcity; they work beautifully. An example: In Morris County, the recent landswap, with land being held by the Conservation Foundation, while the rest of us -- my colleagues got their time, their money, and their energy together to use lands held in land trusts as a way to preserve open space.

I think we should get a bigger percent of our total funding for open space into the hands of those kinds of people. They do public/private open space production better than anyone in the country. You will hear today from the State's Nature Conservancy representative. They are another

fine bunch that do the same kinds of things. I am not going to spend my time praising them, although I would like you to spend your time praising them.

An example: In Bergen County, the Boy Scout camps are for sale. Oh, that's just terrible. It makes a point: Nobody is having kids. Kids are not joining the Boy Scouts. The kids we are having go to computer camp. All right. So the land costs more to sustain than it returns in camping tuition. Now, Bergen County can help. We are trying to figure out a way. We think there are ways to work out shared use arrangements, where the public uses the Boy Scout camps when they are not using the Boy Scout camps, and we can pay them for the public's use, without buying the land. Who can buy land in Bergen County anyway? That is an opportunity, but it may require some help from you. We may need some legislative help to broaden the ability of public money to be used.

For example: Wouldn't it be nice if Green Acres money could come to us -- to the county -- partly as a loan and partly as a grant, backed by a county bond issue, to pay an annual fee to the Boy Scouts to help to operate their camp, so the public could enjoy the camp when they weren't -- while we were all enjoying its scenic splendor? Now, that is one sentence, but it has about 50 legal instruments in it that have to be researched and found support for in legislative capability. So, I will be coming back to you with some suggestions for that as we get further into that puzzle. But it is a fertile open space planning landscape to farm.

I recently spoke to the New Jersey Association Industrial and Office Parks. I said to them, and they smiled, "You have been our planners." It's true that the developers have been New Jersey's planners. It used to be that-- You know, Ed Logue (phonetic spelling) was one of the planners. Ed Bacon (phonetic spelling) was a planner in Philadelphia, and Robert Moses was a planner in New York. Planning used to be in

the public sector. For the most part, planning, in many ways, has passed to the private sector. The local zoning board sits there, while developers file in alphabetically by height with their rolls of plans and their experts, in trepidation for what is going to be proposed, the town hires a lawyer, nibbles at the edges, and gets them to cut the density in half. The developer goes away happy. He got twice what he wanted anyway, and the town got a fire engine and a senior citizen center. That is sort of where planning goes.

At the NAIOP seminar that I talked to, one of the leading developers in New Jersey stood up -- a top developer -- and said, "The present system of land development lacks logic, purpose, and meaning, and offers no certainty about the future." That is another field to farm in open space planning. The State Development and Redevelopment Planning process offers a way to get into that. I think there are good opportunities to match public open space purchase and private open space purchase and the kinds of things you are talking about with the State draft planning exercise. I am thinking of ways to try to merge those two processes. Those opportunities cannot be lost.

Another example of my point that open space planning has to go beyond the planning for open space, is, the New Jersey Transit Capital Plan is a major open space instrument. Now, Jerry Premo was a little surprised, but very proud to hear that. I talked with him at length about it, and wrote him a kind of a planning essay to make that point. That capital plan seeks to move people around New Jersey through transit in a way that we have never done it before. In New Jersey, we move 250,000 people a day to New York City through our mass transit network, and that is 250,000 people out of a 3.4 million work force in New York. So--

ASSEMBLYWOMAN OGDEN: Mr. Mattson, I don't like to interrupt--



MR. MATTSON: Okay.

ASSEMBLYWOMAN OGDEN: --but there are a number of people still waiting.

MR. MATTSON: Transit planning is a piece of the puzzle. Another major point I would like to touch on just briefly, is the taking issue. Municipalities fear the use of zoning for open space purposes to an extent greater than they should. The taking issue is not as powerful a legal instrument as it is a public perception. I would like to give you an example of a town that faced up to that, and decided something that most of us would consider bizarre, and what they considered creative, and I will give you this pamphlet. The Township of Libertyville, Illinois studied its fiscal future, and decided that the cost of development services was going to be greater than the taxes that the development would spawn. They put together an enormous public bond issue, and they bought up most of the rest of the town over time, through this bond issue. They used all the innovative tools, which the Nature Conservancy people can tell you about.

Now, there is a town that said, "It is going to cost us less not to develop." That is not the solution for New Jersey, but it makes a point: The costs and revenues from development are too dissociated. That makes SLURP planning key to the open space issue in the future.

I think it would be better if I wrote some of these things to you, and I will hit some of my final points. I think a remarkable example of the possibilities for public/private partnerships in open space planning, is the Hudson River Walkway Conservancy that is being roughed out in its ideas by Trust for Public Land. There is a place where the Governor's Walkway has to be provided by private land and taken care of by someone, and towns and counties along the way can't take care of it. The maintenance of open space is as big a puzzle as its acquisition. I will hand you a copy of that proposal, and say

that that is on the cutting edge of open space planning, and can and ought to be supported. It's a perfect example of getting into a redevelopment landscape with a public/private partnership. These things are there to do.

I am going to end with a thought, and then make three summary points. I can only frame it as a hypothesis, but I would like to look at, and I wonder if you would like to look at, too, a way to merge some of the ways that we do zoning with the famous Green Acres Register. I love that Green Acres Register. Once your town has a list of open spaces on that Register, you can't get them off for love nor money, or you have to buy so much more than you had in the first place that the town is better off. So, the idea that open space once purchased is protected is a strong New Jersey idea. The other idea is more difficult. Open space zoned is vulnerable. We are all suspicious of it, because if you zone for open space today in a variety of ways -- and there are lots of ways to do it -- you can unzone later. So, we don't pursue it with the energy that we could. I am wondering if there are ways to get lands -- some of the lands zoned for open space onto the Green Acres Register, so that if you choose to produce open space that is publicly viewable, but not publicly owned, you can protect that bank. That is the bank of open space that I think is the most in need of protection. So, I am going to try to think of ways to merge those two tools. They would give us a stock of ways to get at this puzzle, which we do not now have.

I'll summarize quickly. We have to look beyond open space planning to plan for open space. There is just not enough money. We don't need enough money to buy it all. There is not enough money for research. Helen Fenske said it, but I'll say it again. Don't just stand there doing; think something. There isn't money to think about these things. The ideas I bring to you are pro bono. Bill McDowell gave me the staff, the furniture, and a new office to put together a team

to do these things, bless his heart. Now I need some money to bring in the experts.. It is expensive. The people who have contributed to the ideas that I offer to you today are: Charlie Seaman, of Seaman and Purty in Chicago; Bob Hillier, of the Hillier group in Princeton; Gail Schwartz, who is one of the nation's leading economists -- she came over; and Sally Shaman (names spelled phonetically), who is one of the leading landscape architects in the country. She flew in from Seattle, and talked with us for a day. She went back home and felt good about it. That was her reward.

I think the one thing I don't want to fail to mention is, we have a model for doing these things that I am talking about. The Ramapo Ridge, in northwestern Bergen County, is the set of hills beyond which there are no more hills in Bergen. They are our last picture frame. There are 9159 acres of rolling Ramapo land. In Colorado they are not mountains; in New Jersey they are. Of these, 3539 are publicly protected; 4780 are privately held, with strong development impetus on all of them. Why? Because Route 287 is adjacent. Eight hundred and forty are publicly owned and are not protected. We are trying to put together a bag of tools, of the kind we are talking about here, to do the job. I hope to be able to offer it to you as a model. One of the keys is scenic protection. We may need enabling legislation in New Jersey for scenic protection. You have to say it is a public value. I mean, you know that. Why am I telling that to you, right? I'm telling that to others. You have to say that it has public value in a piece of legislation, in order for a town to seize on the opportunity. We have a zippy computer model that came out of the West, out of clean-cutting country. We can now-- We are gridding pro bono -- a gift from the University of Washington in Seattle. We have gridded the area with four-acre grids. We can now run a computer model that says, "For this four-acre square, how many other squares can see it from the whole

range?" Ah, now you can talk about visual vulnerability. Put it on a PC. We hope to get that thing up and operating. It's a fairly simple tool. The point I am making is, it is not in currency in New Jersey.

A final thought: There are more people who want us to do this than there are us to do it. That makes this a good time to do these things.

ASSEMBLYWOMAN OGDEN: Thank you very much. We will look forward to receiving your written statement with even further ideas.

MR. MATTSO: Let me hand you the two pieces of paper that I said I would. (witness hands materials to Assemblywoman Ogden)

ASSEMBLYWOMAN OGDEN: Thank you.

Next I would like to call the Monmouth County Conservation Foundation spokesman, Ms. Judith Stanley. Judy, are you wearing another hat this morning, other than as a Commissioner of the Parkway?

ASSEMBLYMAN KYRILLOS: Ms. Stanley, I believe, is President of the Monmouth County Conservation Foundation, as well as spokesman.

ASSEMBLYWOMAN OGDEN: Well, I'm sorry. It doesn't say that on our witness list here.

J U D I T H S T A N L E Y: That's all right. I want to thank you for your letter on flowers. I'm not getting many nice letters these days, so it was very, very welcome.

ASSEMBLYWOMAN OGDEN: I thought that would cheer you up.

MS. STANLEY: It did cheer me up. I will be brief. I have a statement, which I will hand in.

Given your mandate of ways to preserve open lands and provide recreational activities, I thought I would describe to you our 11-year history of the Monmouth Conservation Foundation. We were the first county conservation foundation

in the State. There are, I believe, two more now. In this past year-- We really had an exciting year. We were able to save a 300-year-old bound house by putting easements on it to preserve it historically and, you know, protect it, of course.

We have also, since-- Actually not this year, but since 1977, really, we acquired the Huber Woods, which overlook the Navesink River, and that is 225 acres.

I guess you have read about Marlo Twitchell. That is now coming into the county. It is 450 acres on the Swimming River Reservoir, so it is a very important place to have acquired land. Years ago, I think it was one of our first acquired natural-- It was 73 acres which was in wetlands. It has to do with the aquifer system. It is very important to the length of the aquifer system in New Jersey.

We have also given easements to Dick Scudder, totaling about 37 acres now. He can continue to own it and hold it, but we keep the easement on it.

We also acquired the Lawford (phonetic spelling) property quite a few years ago, which really is a historic milking and farm complex. You wouldn't believe it. It is quite fascinating. We are actually acquiring some land next to that, too. We hold onto those things until the people, the township or whatever, can come in and purchase them from us. In that way, we work exactly like the New Jersey Conservation Foundation, except that the New Jersey Foundation found itself so tied up in Monmouth County that they said, "Please help." That is how we got started in our Foundation.

I believe that back then we saw -- the founding people saw -- that there would be a crisis. Unfortunately, we kept looking for that crisis, and now we have the crisis and people are certainly aware of it. In fact, the vote, I believe, on the referendum-- We had a referendum on the ballot besides yours for \$4 million to be applied annually, and it won by two-and-a-half to one. So, certainly the people in New Jersey

are aware of it, and I believe I read in the DOT report that Central New Jersey itself is really -- you know, seems more concerned than any other area about saving land.

Now we are also doing something different. We are doing what the Nature Conservancy does. We are starting to develop land. I never in the world thought I would be a developer, but we went into an agreement with the Langbelt (phonetic spelling) property and Freehold Township, which is on the upper reaches of the Manasquan River. We will be developing 75 acres of a total package of 375. So, 75 will be developed, 300 will be left in open space. When we are finished, we will have received money back, and we will be able to go on to another project and do the same thing. In fact, we are working on an option that we think will be exercised in September for another 164 acres. So, we really have had a busy year.

The only other thing I would like to add is-- I know someone mentioned the ratables. I used to have a member of the planning board-- Some of the people have heard this, because I have seen them for the last three days. But he couldn't say "ratable," he always said "ratable," (witness uses different pronunciations on the word "ratable") so I call it the "ratable rat race." It sort of has caught on. But the problem with it all is that it just creates-- When we get into this ratable game and building, we have traffic jams, we have urbanization, we have dehumanization. What I mean by that is, you don't see the interaction and community spirit any more. It just becomes, you know, so like a city, that you have lost that very fabric. Of course, you see spiraling land taxes, and with that spiraling, housing crosses. So, the middle fabric of our society sometimes can't afford houses. It just put them out of business.

The only other thing I would like to mention is, I also serve as Chairman of the Planning Board in Middletown

Township. We are known as a very conservative board. We plan to stay that way, I hope, if we stay in politically. In Middletown's case, it's probably a case where you need a regional one, but I certainly am in favor of county or regional planning. It has come to that point where you just have to have it, because each little town interacts with the other. Although Middletown may be good and strong, I think we need a regional plan, certainly.

We will be redoing our Master Plan this year. We will be looking at other methods to cut down. We will probably try to lower density in certain areas, particularly on fragile lands. I tried to lower density before by putting in five-acre zoning, and I almost had my head handed to me. But we may try it again. We will also try to stipulate that there should be some recreational spaces. We are also going to try to introduce a floor area ratio. I see Rosemary here (referring to Rosemary Peters, from Middletown Township), so maybe she is going to mention it. The roads have become so congested, particularly 35 and 36, that we really should have a floor area ratio on them, so there is not 100% coverage of the asphalt. And that is really what it is.

I think that is about it, between the Conservation Foundation and what we do in Middletown. I thank you for having me here.

ASSEMBLYWOMAN OGDEN: Thank you, Judy. Just one question: Are there obstacles that currently you are facing in terms of the operation of your Foundation or your planning board, where you see the need for State legislation to help you achieve your purpose in terms of better planning or open space acquisition?

MS. STANLEY: I think certainly for the open space we need money.

ASSEMBLYWOMAN OGDEN: Yes, but anything in terms of, you know, the law -- in terms of statutes?

MS. STANLEY: Yes. I think it has come down to that. That is why I am backing a regional plan. I think we are going to have to have more direction from above. That doesn't mean that they shouldn't talk to all these people, just as you are doing now, and hear the matter. It is going to be hard to get away from home rule. I'm sure you know that. I mean, I am considered an ogre for even suggesting it is the right way to go. But I definitely think we need legislation. It is a crisis; it is a serious crisis right now. When I went to New York, and I went through that horrible tunnel, and then I got onto Navesink River Road, it took me just as long to come down Navesink River Road as it did to get through the tunnel, and I thought, "Where am I?" But, that is what's happening.

Thank you.

ASSEMBLYWOMAN OGDEN: Do you have any questions, Assemblyman?

ASSEMBLYMAN KYRILLOS: Judy, I would point out to those who may not realize it, the Monmouth Conservation Foundation is more than just a paper organization. You have just come off a couple day conference at the Berkeley Carteret in Asbury Park. Is that right?

MS. STANLEY: Yeah, we had a conference yesterday. That is why I said I am seeing all the same faces.

ASSEMBLYMAN KYRILLOS: Many of these folks, I guess, were there.

MS. STANLEY: We had our annual meeting of the Conservation Foundation at my house, and the same faces were there. So we are all getting to know each other very well.

Anyway, thank you very much.

ASSEMBLYWOMAN OGDEN: Thank you very much for being here.

We have one other governmental official, Committeewoman Amy Handlin, of Middletown Township, and then we will go to those of you representing private organizations and individuals.



C O M M I T T E E W O M A N   A M Y   H A N D L I N: Thank you, Madam Chairwoman. I would just like to begin speaking on behalf of the Middletown Township Committee by saying that it is, indeed, an honor and a privilege to welcome each and every one of you to Middletown. I particularly would like to thank Assemblyman Kyrillos who, of course, grew up in Middletown, and has shown very clearly that he understands the hunger of our residents for the natural beauty and the open land that is, after all, their heritage.

Ms. Stanley very eloquently preempted me by describing to you kind of where we are in Middletown, as we approach the Master Plan reassessment process. She gave you some of the flavor of our ideas and a very conservative stance that we hope to maintain here as we go into that process.

Let me just refer back, if I may, to something that Mr. Truncer talked about first this morning. I would just like to say that Mr. Truncer was too modest. He made reference to the importance of building bridges among those of us who are particularly concerned with open space preservation and management -- between levels of government. I certainly share that view. But what he neglected to mention was the fact that he has, in fact, taken an important initiative along those lines. I, too, attended the conference yesterday -- the Green Spaces, Liveable Places Conference -- and a member of his staff came up to me, and told me that they were in the process of preparing a road show; a kind of packaging of technical expertise, if you will, and making that available to all of Monmouth County's 50-plus municipalities -- to anyone and everyone in municipal government who would be interested in their help.

Now, as I am sure you are aware, here in Middletown, we have a superb Planning Department and a superb Planning Board, but in this area of open space preservation and management, certainly none of us can know too much. I think

that a structured opportunity to share ideas, creativity, and expertise is a wonderful one, and I would urge you to share this thought with other county park systems as you go around the State and speak with other professionals and lay people.

Now, I would just like to make two additional brief comments: First, I would hope that this Committee would please register a desire on the part of many, many Middletown residents to see some part of the State surplus utilized to replenish, and hopefully to expand, the Green Acres Fund and the Farmland Conservation Fund. While I understand-- I should say that I am speaking on behalf of myself as a Middletown resident, as opposed to on behalf of the Committee. I understand the desperate need for additional funds in such areas as road building and mass transit systems. Certainly, Middletown is a heavy commuting area. But I think it is obvious to all of us here today that without a healthy environment, Middletown residents won't have much to come home to.

Second, I would like to urge you to act as quickly as possible to create, in some way, a stable source of funding for natural resource preservation in New Jersey, which a number of the other speakers have spoken about, specifically a Natural Resources Trust Fund, such as the one proposed by Assemblyman Villane. I understand that negotiations are under way between the Assembly and the Senate regarding alternative ways of generating this money, and I understand the importance of the issues that still need to be resolved. But I think it is equally important to put those issues in perspective, by pointing out that 100 years from now, no one will remember the debate about realty transfer versus motel taxes, but that two whole generations by that time will have had reason to bless the existence of a stable land preservation fund which, of course, we have never had here.

Again, I hope that you will not let the means obscure the end in this very critical area, and will act quickly. Thank you again for choosing Middletown.

ASSEMBLYWOMAN OGDEN: Thank you for being here, too.

ASSEMBLYMAN KYRILLOS: Thank you very much, Amy, for your comments. I would just like to point out that there have been some recent negotiations between the State Senate leaders and the Assembly leaders concerning the Natural Resources Trust. For the first time, there has been a suggestion that maybe we can have a combination of both an increase in the realty transfer fee, as well as the hotel/motel tax, and somehow break some compromise, because you're right, 100 years from now-- Even five years from now, no one is going to remember. Thank you.

MS. HANDLIN: Thank you.

ASSEMBLYWOMAN OGDEN: I would like to call next Mr. Bruce Runnels, Director of the New Jersey Field Office of the Nature Conservancy. We received a copy of your statement, Bruce. Thank you very much. If you could summarize this, in the interest of time, that would be helpful.

B R U C E R. R U N N E L S: That is exactly my intention. I knew perhaps that it shouldn't be read; that it should be left for later.

I would like to thank you for the opportunity to address the Committee, and I commend you for having the foresight to think about these issues while there is still some time to act. Certainly, as you have heard, and as we observe, time is running out. That clearly is what is facing us.

Quickly, the Nature Conservancy is a national nonprofit organization. We are in the conservation business, but we specialize slightly, and I think that is important to understand. We focus on the identification, protection, and management of ecologically significant natural areas, and the diversity of life that those natural areas support.

We have 48 state offices supported by 400,000 members nationwide. We have 12,300 members in New Jersey. We protected three million acres across the country, and approximately 9500 acres in New Jersey.

Our work, as I say, is identification, protection, and management. The first step, identification, we feel, is the most important. It drives everything else we do. It drives our land acquisition program, and it really dictates where we focus our land protection efforts. I would suggest that it is useful in guiding all efforts -- public and private -- in protecting New Jersey's unique natural features. That program has been enormously successful. I appreciate this Committee's support in independently establishing that program. I think it is well on its way.

The challenge, though, is that because of the information that this program is now generating, we know in New Jersey that there are over 400 separate natural areas that need further protection. Just surveying 25% of that list, we know that roughly 100,000 acres need protection. They are in danger, and at risk of being lost immediately, through inadvertent destruction. So, if you extrapolate and just do simple math, clearly the challenge is tremendous.

As I say, we specialize somewhat. I won't belabor you with a lot of statistics, but I think there are a couple of statistics that will perhaps give you some pause. We know today, from scientific estimates, that we are losing species of our everyday plants and animals at the rate of one per day, and that by the year 2000, we will be losing species at the rate of one per hour. That is a rate that is not consistent with natural evolution. It is unrivaled at any time in our past history, including prehistoric times. We are facing mass destruction. That is not an exaggeration; it is really happening; it is upon us.

A noted Harvard biologist, E. O. Wilson, has said: "The loss of species, diversity, and open space is the folly that our descendants are least likely to forgive us." It is going to take millions of years to correct, and it is a crisis. It is, I guess, a quiet crisis, but I think it is a crisis that is becoming better known because of efforts like this. So, we appreciate that.

The Nature Conservancy in New Jersey has launched a five million dollar campaign to protect what we think are the 12 to 15 most important natural areas, really starting at the top of the Natural Heritage Program's list and beginning to work down. We think it will protect, perhaps, as much as ten million dollars worth of land, several thousand acres, but we have to understand that that is just the beginning. It is really just the tip of the iceberg. Efforts of other conservation organizations -- private and public -- absolutely must continue.

As I said earlier, we are running out of time, and we are certainly running out of money. I think, in terms of my recommendations to this Committee, and my thoughts, they are going to focus more on the money side of the equation.

We believe that many of the tools needed to meet the challenge of preserving our open space are really in place. When I say that, thinking about the public sector, I am really looking at the example of the Green Acres Program. We think that has an admirable record. It has done tremendous amounts of work through State acquisitions and through support of the Green Trust.

Our first recommendation is that the work of the New Jersey Green Acres Program and the Green Trust be revitalized and recharged with the institution of a stable funding source. We just think that is imperative. No longer can these programs depend on the Band-Aid approach to funding. With the information we have from the Heritage Program, the list of

unfunded priority State acquisitions is just lengthening day by day by day. Of course, we know that the list of applications for Green Acres low-interest loans is much longer than we could ever hope to fund at current levels. So, we urge the Committee to do what it can to support a stable funding source for these kinds of programs.

I would also suggest that a number of funding alternatives are being employed successfully elsewhere in other states. These include: Real estate transfer fees, state private matches, resource severance taxes, lottery proceeds, tax-exempt bonds, hotel/motel fees, recreation-related fees, dedicated funds, and many others. The national office of the Nature Conservancy has prepared a survey of some of these other programs, and I would like to submit that to the Committee at a later time, with your permission. I think you will find it instructive and interesting, and realize that we are one of many states trying to address this challenge. There is a lot of activity and a lot of new ideas, and I think it would be instructive.

In the meantime, I would like to cite three examples, if I may: Florida, as you may know, has approved a realty transfer fee that generates \$300 million each year for natural areas protection. Last year, New York -- I think as we all know -- approved a \$250 million bond issue, which will be used to fund acquisition of ecologically significant open spaces. Perhaps most interesting is that even as I speak today, the Conference Committee in the State of Minnesota is reviewing a bill that would establish a one billion dollar resource conservation fund, to be funded from the proceeds of the state lottery. We think we are optimistic about the chances of success of that program. It is obviously a major commitment to the preservation of Minnesota's natural and open spaces.

Of course, soon we have to decide what we can do and what is best for New Jersey. I submit that what is most

important is that some sort of comprehensive funding program be developed in time to provide the necessary protection, and that is really now. We just don't have any more time.

In addition to our recommendation for the establishment of a stable funding source, the Nature Conservancy would urge consideration of the following: Incorporate a private matching component into the State's natural areas funding mechanism, tied to the protection of Natural Heritage Program priority sites. In this way, public/private partnerships will be fostered, and the private philanthropic dollars devoted to conservation of ecologically significant natural areas will be stimulated. One example I would cite to perhaps simplify this a bit is the State of Indiana, where the state matches dollar for dollar, money raised privately to protect natural areas, up to a state total of \$10 million. So effectively, with the public/private partnership, a total of \$20 million is available for the acquisition of natural areas. Similar programs exist in Illinois, Iowa, Hawaii, Maine, Minnesota, Virginia, Washington, Wisconsin, Connecticut, and Delaware, and it is being considered in other states. I think it is a great idea. It is one way to help to promote some of the partnerships that others have discussed today, just to create more activity in the private sector.

ASSEMBLYWOMAN OGDEN: Bruce, do you mean that that comes out of the general appropriations, sort of like if you give money to a charity, your company also matches it?

MR. RUNNELS: No.

ASSEMBLYWOMAN OGDEN: No? From bond issues?

MR. RUNNELS: In Indiana, the money, I believe, is funded from the state general fund. It is \$10 million authorized -- appropriated on a year-by-year basis, matching money that has been raised during that year for the acquisition of Heritage sites. I believe it is general fund revenues in

the State of Indiana. The program in other states uses different revenue sources, bond issues sometimes.

Number two, we would encourage use of the New Jersey Natural Heritage Program's data base in making choices about where land should be acquired and protected by both the public and the private sectors, understanding that that program is not only a list of important areas, but is also a reference point as to what is rare. How rare is it? What are the threats? What size of an ecosystem are we dealing with? It helps to set priorities and make decisions about how best to spend the limited dollars that are available. All I am suggesting is that that be factored into the decision making process.

We would also urge that private incentives for private landowners to set aside Natural Heritage Program sites be considered. One option would be to consider scheduling property tax abatement or relief similar to the Farmland Preservation Program. I think others have suggested that, as well. I think that is an excellent idea. This would help to maintain the status quo, while threatened lands are protected through traditional methods, such as acquisition.

Finally, we have been talking a lot about protection, but I would suggest that there is a third step in the equation, and that is, management and stewardship. Once you have protected these places, you can't just turn your back on them. One recommendation we would have is to continue supporting the State's Open Lands Management Program, which provides funds to landowners for the purpose of making natural areas and recreation lands more accessible to the public. Stewardship and management are critical elements of natural areas protection, and I believe funds for this program are in the Governor's proposed budget, and I would just recommend that that be supported.

Clearly, past scientific and technological achievements have made it clear that if we fail to preserve the



remnants of our natural landscape, both ecosystems and the diversity of life they support, we will be foolishly discarding the essential irreplaceable parts of our cultural advancement and the quality of life that we all enjoy today. The challenge is to pass the legacy on to future generations in at least as good a condition as we found it. And that is a real challenge today.

The work of the Conservancy and our recommendations to this Committee start with the premise that the lives of all New Jerseyans will be impoverished if we fail to systematically identify, protect, and manage our natural heritage. We must begin to think about preservation of our natural features as a part of the infrastructure of economic vitality and growth. The two can go hand in hand, and I think they must.

Again, we applaud this Committee's initiative in contributing to the planning process by exploring these ideas. The challenge now is to implement them before it is too late.

Thank you.

ASSEMBLYWOMAN OGDEN: Thank you very much, Bruce. We will look forward to receiving the material from the national survey.

MR. RUNNELS: Thank you.

ASSEMBLYMAN KYRILLOS: Thank you.

ASSEMBLYWOMAN OGDEN: Is Cindy Zipf here, from the Clean Ocean Action?

ASSEMBLYMAN KYRILLOS: I don't believe I have seen Cindy.

ASSEMBLYWOMAN OGDEN: No, all right. Jean Schroth, Ocean County Citizens Conservation Council? (affirmative response)

We have six or seven people left to speak, so I am going to have to strictly limit people to 10 minutes or less. I hate to say that. I know you have come a long way, but others who are waiting have come a long way, too.

J E A N   S C H R O T H: You are welcome to stop me if I go past 10 minutes. Good morning. My name is Jean Schroth, and I represent the Citizens Conservation Council of Ocean County. Our comments today are supported by 36 participating groups, with a membership of 33,000 county residents.

We congratulate the fine work of the Committee, and we affirm that Chairwoman Ogden deserves acknowledgement as one of the State's foremost legislators.

From the citizens' point of view, open space needs and natural resource devastations continue and worsen, because the major political parties want to claim credit for having the better idea. This is true on the municipal, county, and State levels. Unfortunately, while the sniping and infighting divide our government into factions, no better idea gets to become reality. We urge sensible cooperation.

We encourage attitudes of party agreement, because citizens are more aware and concerned, and now see old-fashioned tactics which impede adequate protection of our environment. We approve of the Farmlands Assessment Act, the Freshwater Wetlands Act, and are supportive of transfer of development rights and the continued input from land use management planners of Rutgers Cook College and Stockton.

The record should indicate our citizens heartily support the New Jersey State Planning Commission, and regret the recent thrust by the Legislature to weaken its charges. In terms of consensus, the main body of the Assembly should be reminded that the first concern of 62% of the citizens of the State is the environment and its preservation. We recommend a mandate for the statewide formation of a youth conservation corps in school systems throughout the State. Open space needs and natural resource preservation are not known as the crucial issues they are. Legislation should provide funds for education on the subject. The program is successful in other sections of the country, why not New Jersey?

Another recommendation is to order State certification of municipal master plans. Uncontrolled growth can be regulated, if towns do not give in to developers who seek to build larger projects at greater densities than allowed. Developers purchase the property knowing what the regulations are. Why should they try to get more density later? State laws must be passed limiting the patronage local zoning boards allow to large developers. County Freeholders in Monmouth voted unanimously to ask State approval for taxing property owners \$25 per year for the purpose of the county government purchasing open spaces. We realize the added burden, but encourage such approval, and hope that all counties are given that discretionary authority.

Our coalition members live mostly in the coastal zone. The Committee may consider regulations which prohibit any development runoff which results in non-point source pollution, and results in discharging wastes into any stream, river, estuary, lake, bay, or the ocean. This area cannot assimilate these obsolete practices. In our county, there are over 1100 homes without drinking water, without water to bathe or wash in, because of polluted wells. Our potable water in the future will come from aquifers fed by undefiled open space and natural resource areas. After 10 months of this, we have a heightened awareness of our resources. The Committee can count on active support and continued citizen concern for its efforts.

Thank you for the chance to present these views.

This was written by the President of the Citizens Conservation Council, Bob Anstett, who asked me to read it for him. If I may, I would like to add that there are many other interested groups in Ocean County. My husband and I are members of the Barnegat Bay Preservation Coalition, Water Watch, the Congress of Concerned Citizens in Brick Township, and the Growth Management Task Force. If it were possible, we

would appreciate a hearing in the Ocean County area, because you have very strong support down there.

Thank you.

ASSEMBLYWOMAN OGDEN: Thank you very much, Ms. Schroth. I would be glad to do that. I will talk to other members of the Committee, to see if that would be possible. I appreciate your coming up here.

I understand the Director of Planning for Monmouth County, Robert Clark, is here. I had not realized he was here. R O B E R T W. C L A R K: Good afternoon. It is a pleasure--

ASSEMBLYWOMAN OGDEN: It is afternoon.

MR. CLARK: Yes, it is. I will be brief. I have not read "The Last Landscape" recently, but I may do that, since that is in vogue today.

I also want to thank you for your work on the Freshwater Wetlands Bill.

ASSEMBLYWOMAN OGDEN: Thank you for your support.

MR. CLARK: We appreciate that in Monmouth County.

I would just like to raise some issues. We have heard all about the need for more open space, so I am not going to go through that. It is a known fact. But I do want to just throw out some issues that we don't have all the answers to, but we do have some potential solutions to, maybe, that your Committee could consider.

Liability is a major concern to everybody involved with local government these days. Municipalities have to consider it, and so do landowners when they grant public access to their private property. Fear of liability has caused many towns to greatly reduce their open space acquisition plans. We see two potential solutions. First, is the hold harmless approach. Under this approach, municipalities and landowners that grant public access would be held harmless of all liability. Instead, the State of New Jersey would assume all liability burdens on behalf of the towns and landowners.

The second approach entails the creation of a State insurance pool for local governments and landowners that grant public access to their properties. This method would be very helpful in gaining public and municipal acceptance of open space acquisition techniques, such as access easements along stream corridors.

We feel the vandalism issue could also be addressed through an insurance pool that reimburses landowners adjacent to public open spaces who suffer from vandalism via open public space.

The second issue is technical assistance. We feel there is a need among municipalities, nonprofit organizations, developers, and the builder associations for technical expertise related to preserving and managing open space. We would envision a special unit within Green Acres or the Department of Community Affairs, that would hire extension agents who would provide information and services similar to those provided by the marine extension and the agriculture extension service already in existence. This unit could also develop and distribute open space manuals dealing with the technical aspects of acquisition, design, and management.

Agricultural lands: We feel the State Agricultural Retention Program should be streamlined, to avoid costly delays in development rights acquisition. Under the current system, it generally takes over a year to buy easements from farmers. During that time, costs go up and, in some cases, farmers sell to developers.

Another idea would be to enable local, county, or State governments to purchase agricultural lands, and then place a deed restriction on the land. Subsequently, the land could be auctioned off, and the proceeds placed in a revolving fund. This would allow government to move a little faster in acquiring agricultural lands.

Still another approach would be to give counties the right of first refusal on farmland. This right would at least give counties an opportunity to purchase land, without getting caught up in the bidding war with the private sector.

Another issue we feel is important is scenic districts. Scenic districts are made up of three parts: the scenic view, the object; the scenic corridor, the direct lines of sight; and the scenic view shed, which incorporates the view and the corridor, along with the surrounding areas that put the view into context. The mechanism for such an approach would be an amendment to the Municipal Land Use Law to allow for the designation of scenic views, corridors, view sheds, and districts. Special requirements, such as setback, height restrictions, or facade requirements could be imposed on construction within a district, so not to distract from the scenic view. The ability to require scenic district easements would also be helpful in maintaining the scenic views.

In addition, there should be State guidelines that define what constitutes a scenic view. For example, a prominent hill may not be scenic. However, when viewed as a backdrop down the main street of a town or a village, that same view may be very scenic and worth preserving.

Funding: Obviously, in any open space program funding is critical. One method would be to amend the Municipal Land Use Law, not only to permit the designation of open space districts at the municipal and county levels, but also to permit the assessment of open space impact fees, whereby a developer is assessed a fee based on his development's contribution to the open space need in the district, determined on an acres per population basis, or some other formula. This fee could be a cash contribution to an open space acquisition fund or a dedication of land itself for open space. Commercial development should also be assessed an impact fee for its contribution to the town's open space need.

A Realty Transfer Tax is another method whereby funds could be raised for open space acquisition. The funds could either be raised at the local or State level. Money raised at the State level could be funneled back to the county and municipal governments for open space and agricultural land acquisition.

One other funding mechanism would be a dedicated tax at the local or county level. Monmouth County voters, last November, approved of the idea of a dedicated county tax for the acquisition of open space. However, there is currently no enabling legislation to allow counties to levy such a tax. However, I understand there has been a bill introduced and assigned a number at this point in time.

Waterfront areas: We hear a lot of talk about open space opportunities along our water bodies and water courses. It should be understood that certain water bodies can support certain activities and, in some cases, sound management would require limits on the location and character of recreation opportunities along these waterfronts. To preserve open spaces along water bodies and water courses, local governments should not be permitted to dispose of public property, including rights of way along these waterfront areas. In addition, no non-water dependent structures should be built or allowed to be built on public property within a public right of way. Consideration should be given to the creation of a special acquisition fund within Green Acres for the acquisition of such water-edge areas as stream corridors.

We also feel there is a need for a clear mechanism for the conveyance of lands such as wetlands to public bodies.

In closing, I truly feel there is a need for the enactment of a realistic Transfer Development Rights bill, not only inter-municipal, but between municipalities, and possibly even between counties.

Thank you very much. I will submit these remarks to you. I appreciate the opportunity.

ASSEMBLYWOMAN OGDEN: You mentioned an open space impact fee. Do you see that as being different from a realty transfer tax?

MR. CLARK: Yes.

ASSEMBLYMAN KYRILLOS: Thank you, Bob.

ASSEMBLYWOMAN OGDEN: Thank you very much.

Steve Fowler, Jersey Shore Audubon Society.

S T E P H E N    B .    F O W L E R: Good afternoon. My name is Steve Fowler. I am Conservation Chair for the Jersey Shore Audubon Society, and Vice Chair for the New Jersey Environmental Federation. I will be speaking here this afternoon as Conservation Chair for the Jersey Shore Audubon Society. We are a chapter of the National Audubon Society, comprised of over 900 residents of Ocean and Monmouth Counties, who are concerned about the rampant overdevelopment occurring in the State.

Although there are many environmentally concerned developers, there appear to be even more who feel that undeveloped open land is too valuable to be left to nature or to agriculture. The ever escalating land appraisals leave the rural landowner pinched to pay the costs. The alternative is to sell the land, make money, and get out of the area. When towns and townships try to restrict certain types of development, it seems the court decisions inevitably tell the township that you cannot stop the paving over of your area.

I grow disheartened when I drive down many roads in Ocean and Monmouth Counties and see raw, exposed treeless earth, where once there were many species of native trees and shrubs. Planning commissions allow developers to take out every single tree on a piece of property, develop, and then plant young, non-native trees and shrubs, expecting them to grow and make up for the removal of all the mature vegetation. Where does it all stop? When what percentage of our State is paved over will we finally see that we have gone too far?



When are State and municipal governments going to require percentages of all land developments to keep more of the available trees? I can point to an office building in Middletown on Route 35, called One Aaron Park, that left many trees and has provided an aesthetically pleasing sight, as well, I'm sure, as a pleasant work environment. Unfortunately, that type of development seems to be the exception on a statewide basis. The payment of moneys into a mitigation fund is not the same, and should not be granted as an alternative to keeping vegetation, except by extreme exception or hardship.

Large scale developments must be required to leave large areas for active, as well as passive, forms of recreation. There are not enough State and local parks to accommodate all of those who want to use them, especially in the developed north of our State.

Any development should be required to consider the available recreation facilities, before construction is approved. Parks and play areas make any development more attractive. Development should be intelligent and limited. The redevelopment of cities and large population centers should be given priority over expansion into rural areas. In some rural areas, only cluster type housing should be allowed. Unfortunately, I see the State of New Jersey's plan for development for the future being systematically weakened by developers and building associations, who worry about it being overly restrictive of their ability to make huge sums of money.

We have the opportunity now to control the rapacious rate of development now occurring in New Jersey. I do feel that the county and municipal governments do need financial assistance in acquiring parcels of land. I can see some of this money coming from a realty transfer tax. Stressed environments, such as Barnegat Bay, must be protected at all costs.

Thank you very much.

ASSEMBLYWOMAN OGDEN: Thank you very much, Mr. Fowler. Do you have copies of your statement?

MR. FOWLER: Yes, I do.

ASSEMBLYWOMAN OGDEN: Oh, good.

ASSEMBLYMAN KYRILLOS: Maureen, if I may, I would just like to thank Steve Fowler for referencing One Aaron Park and some of the trees that remain there, and for calling it an aesthetically pleasing development, because it just happens to be where my legislative office is.

MR. FOWLER: That is not the reason why I mentioned it.

ASSEMBLYMAN KYRILLOS: I know that is not the reason you mentioned it. I tried to convince Gary Pryson (phonetic spelling), who is the landlord, to come today. But anyway, I appreciate that, and I will pass it on to him.

MR. FOWLER: Thank you very much for the opportunity.

ASSEMBLYWOMAN OGDEN: Do you think the State is ready for a tree law?

MR. FOWLER: Most certainly. It is overdue.

ASSEMBLYWOMAN OGDEN: William deCamp, Jr., of The Izaak Walton League of America.

W I L L I A M D e C A M P, JR.: My name is Willie deCamp. I am President of the Ocean County Izaak Walton League of America. The Izaak Walton League is a national environmental organization. We are a local chapter. We have approximately 150 members. We spearhead a coalition of environmental and civic groups, which calls itself "Save Bargegat Bay."

The subject of preserving open space is extremely important to my group, and rather than touch on what may be the most important points, I think it makes the most sense for me to touch on those points which to me seem important, but which I do not hear stressed as often as I think perhaps they could be.

In this vein, one most important subject that I think is understressed in selling the idea of saving open space, is

the importance of open space as a water quality issue. We know on Barnegat Bay, and we know on the estuaries all up and down the coast from Sandy Hook Bay right down to Cape May, that the major source of water pollution in estuaries is non-point runoff. In fact, DEP has been stressing this, and they are circulating a booklet on the subject for citizens. The coast generally tends not to be an industrial area, so residential runoff is the source of water pollution. Consequently, saving open space is a key water quality consideration.

I think it would be useful for us to sort of ride that wave in selling the idea at the shore, because water pollution is, in itself, you know, an area of major concern at the shore. Really, an outstanding example of the relationship between saving open space and water quality, concerns the shellfishing industry. On the northern part of Barnegat Bay, they have what they call a "clam relay." That is where they can find water clean enough to purify the clams that come from other waters. The shell fishermen harvest clams from semi-polluted waters in Raritan Bay and Sandy Hook Bay and the Navesink River, and then bring them down to the northern Barnegat Bay and throw them in the water for 30 days. That water is clean enough so that the shellfish purify themselves.

Well, that land is sitting right next to open space that is threatened with the possibility of development. So, that is one serious open space consideration, and a prime example of open space is the water quality issue. Beach closings are certainly something that makes people very unhappy everywhere. Open space impacts directly on beach closings.

The second point that I am interested in concerns the CAFRA regulations. Our group, in working hard to protect a certain area -- the northern part of Barnegat Bay -- had a study done -- a wildlife study. We found that this area was a habitat for many threatened and endangered bird species, especially during migration. So we sought some protection

under CAFRA on this basis, because in the CAFRA book there is a provision for protecting -- for declaring an area a critical wildlife habitat. But the problem is the number 24 in the CAFRA Act. I know that reopening the whole subject of CAFRA is something that cannot be done casually, since either the Coastal Commission will go forward in some vein, or if that falters, then presumably another look will be taken at CAFRA.

The place to be most restrictive, in terms of lowering the units required for a CAFRA permit, is in critical wildlife habitats, because the language in the CAFRA booklet is most encouraging for protecting endangered species. It gives you hope, and then all of a sudden you stop and think that this only applies to 25 units and more. In that sense, looked at piecemeal, it provides no protection at all. That is an area I would commend to your consideration.

A third and simple point is, in working at the local level and, you know, just coming with no background to the subject of saving open space and picking out certain areas and trying to get them saved, or get people interested, there are two surprises for me. The first was to find that there is no money in Green Acres, but the second thing that really surprised me was that it isn't just a matter of getting a donor, or getting the land donated, or finding money to acquire the land, but that you have to find a receiving entity. That was a surprise to me. I mean, I just sort of assumed that for any parcel of land, if you had somebody who wanted to take a tax write-off and donate it, or if you had the money to buy it, that you were home free. And, you aren't. It has to be attractive to the State as a park, or to some land trust group to hold onto, or to a municipality as a park. This is something that needs to be looked at.

I heard it said earlier that the insurance problem is a very severe one. That would be important to look at, because, you know, as we drive along in our area, we can see

certain areas -- the few remaining that are large -- that would make good parks, but there are a lot of areas that are just a few lots together. It is a shame to see them disappear, because that is sort of neighborhood type open space. If it can be possible for that land to be held as open space by some entity somehow, that would be a very positive thing. I know that governmental bodies and private groups do not like to hold unmanaged land, because it gets dumped on, and someone comes along and says, "Whose is that?" and maybe it is embarrassing. But dumping can eventually be cleaned up, whereas once it is developed, it is gone. It is a problem in neighborhoods, I think, holding onto small parcels of open space.

So, those are my points, and I thank you.

ASSEMBLYWOMAN OGDEN: We appreciate your being here, Willie. Those are interesting observations. Thank you.

ASSEMBLYMAN KYRILLOS: Thank you.

ASSEMBLYWOMAN OGDEN: Next I would like to call, from the Coalition for Better Planning, George Carfagno, and then we have two other individuals signed up -- Rosemary Peters, from Middletown Township, and Ed Van Haughten, from Ocean Township. I am assuming that is the extent of the number of people who wish to testify. Is there anyone else? (affirmative response from audience) One, two three, so we are talking about six more people. Is it going to be possible for everyone to stay within five minutes?

G E O R G E C A R F A G N O, J R.: Sure. I have provided written copies of my comments. I am going to just briefly highlight what I said. My name is George Carfagno, Jr. I am representing the Coalition for Better Planning. The Coalition is a membership organization focusing on land use planning issues in Sussex County and on the State level. On behalf of the Coalition, I would like to thank Chairperson Ogden and the members of the Conservation, Natural Resources and Energy Committee for this opportunity to present our recommendations

for additional steps the State can pursue to preserve open space and to provide increased recreational opportunities.

Specific recommendations: TDR enabling legislation, something we hear a lot of-- We urge the Committee to endorse Assemblyman Shinn's TDR bill -- A-456 -- and the forthcoming amendments to the bill that will elaborate on the creation of development rights banks. The Coalition believes that this legislation provides the most effective and equitable tool for addressing New Jersey's growth management and landowner equity concerns.

Additionally, Committee members should consider a resolution to the State Planning Commission seeking the Commission's formal endorsement of TDR as a growth management/equity compensation tool in the Draft Preliminary Development and Redevelopment Plan. In not taking a formal position on TDR, the State Planning Commission has placed itself in the unenviable position of recommending large-lot zoning in rural areas, without providing realistic -- translated equitable -- compensation for aggrieved landowners.

On the State Farmland Retention Program: Like the farmland retention programs in other northeastern states, New Jersey's program is encountering extraordinary land development pressure. Additional easement purchase funding is immediately needed, and the Coalition recommends the consideration of a second bond referendum to provide acquisition funds. Assuming the passage of Assemblyman Shinn's TDR legislation, funding from such a referendum could also be used to provide capitalization money for TDR development rights banks, as outlined in the current bill.

The Committee should also endorse the SADC's development of alternative land protection measures, such as the term easement, and should consider the potential for "rollover" of development rights purchased through the Farmland Retention Program into qualified municipal TDR programs, again anticipating the passage of enabling legislation.

On land trust development: Through their familiarity with local issues and politics and the ability to act more quickly than State agencies, nonprofit land trusts across the country have clearly demonstrated their effectiveness in addressing both urban and rural land use issues.

Unlike many of our northeastern neighbors, New Jersey has not fully utilized the community or rural land trust as a vehicle for local or regional land preservation and maintenance. Just as an example, in Massachusetts, local land trusts can have the right of first refusal assigned to them on farmland parcels, and it takes a lot of work off the state APR program. Maintenance is another issue that land trusts can follow up on, which would relieve a lot of the burden, once the acquisition is done by an agency like DEP.

The Coalition recommends that this Committee consider the creation of a State coordinating body for land trust organizations. Such an organization would provide services similar to, and could be modeled after, Connecticut's Land Trust Service Bureau, a joint effort between the state and the Nature Conservancy providing technical, legal, and organizational assistance to Connecticut's 80 plus land trusts. Organizations such as New Jersey's Natural Lands Trust or the New Jersey Conservation Foundation would be likely candidates to assume such a role.

Green ways and green spaces: The conservation and planning communities generally agree that a system of green ways and green spaces linking our existing urban, suburban, and rural open space areas represents the most effective expenditure of our limited land preservation moneys.

The Coalition recommends that the Committee explore the creation of a comprehensive, statewide green way system. Organizations such as the MSM Regional Council, Regional Plan Association, and Delaware and Raritan Greenway Project should be contacted for their input on model ordinances to be used in

green way development. The Green Acres Legacy Program and current State mapping initiatives, in concert with the development of model ordinances, could serve as the template for a statewide green way network. Additional funding for Green Acres land acquisition and mapping should also be made available.

Lastly on stable, adequate source of funding for natural resource protection, the long-term success of the above bond-supported programs is threatened by the lack of a stable, ongoing source of funding. Without stable funding, the continuity of such programs is always in question. Moreover, future land preservation programs might never be developed beyond the conceptual phase, due to inadequate, unpredictable funding.

Currently, New Jersey's AAA bond rating is among the best in the country. But increased reliance on bonding as a funding mechanism -- beyond 4% or 5% of the total State budget -- will lower that rating. The effect of such a lowering would increase the State's "cost" for the money, further diminishing our already limited preservation budget.

The Coalition supports bonding on a short-term basis to deal with the land preservation emergencies now before us, but strongly recommends that Committee members support legislative initiatives that provide a stable, adequate source of funding for natural resource protection as a long-term solution.

That is the end of my formal recommendations. I have provided copies of the Farmland Preservation Directory that I developed while working with the Natural Resources Defense Council. I ran their Farmland Preservation Project, which covered the northeast, for four and a half years, and was formerly a project manager for the Trust for Public Land. Recently, I put on a conference, with the Delaware Raritan Greenway Project at Princeton University -- a symposium on open



space preservation. The MSM quarterly newsletter included in the package describes a lot of the programs I have mentioned, and talks about other states' efforts at land preservation, including public/private partnerships.

I would be available for assistance to the Committee at any point in time, if you could use my help.

ASSEMBLYWOMAN OGDEN: Thank you very much. Thank you, also, for coming from Vernon.

MR. CARFAGNO: Actually, I live in Hackensack, but I am consulting up there.

ASSEMBLYWOMAN OGDEN: Oh, I see. Well, still, you came a great distance.

Rosemary Peters, from Middletown Township.

R O S E M A R Y P E T E R S: Good afternoon. I will try to be real quick, and narrow right in on the specific problem that I would like to have addressed.

I am a member of the Middletown Planning Board and the Monmouth County Environmental Council. I am also running for the Township Committee here this year.

I am very much aware of not only the political mandate that we have here in Middletown, Monmouth County, and in the State to try to preserve open space, but in Middletown it really is at a crisis stage, because we are, first of all, about 85% developed, and we are under the gun from a number of directions in the State. We feel particularly embattled. I see this as having an impact on our ability to preserve some of the open space that we would like to preserve.

Let me just give you an idea. I think one of the problems we are having is that so many State programs are being mandated. Each of them is very beneficial, either to the whole State or to a particular group within the State. However, no one really looks at the big picture to see the cumulative and synergistic impact that these programs are going to have when they hit at the municipal level. In Middletown this year, for

instance, we are dealing with the beginning of providing our Mount Laurel mandate, which was one of the largest in the State. That fact alone puts a tremendous amount of pressure on land values and development in a municipality, because you are suddenly talking about accelerated development and increased density beyond what was anticipated. In addition, there is a tax impact. At the lowest case scenario, this is going to cost us five cents per \$100 of assessed valuation -- just the Mount Laurel mandate alone -- and there was very little State funding provided to help a municipality deal with that. That is a whole other issue, which I won't get into.

Then we were hit with recycling, which is going to cost Middletown taxpayers \$49 per household. On top of that, because of all these pressures on land values from Mount Laurel and other forces, the value of our property has gone up. So, the State then takes our total assessed valuation, puts it through a blender of equalized valuation, and comes up with a much higher figure which, in effect, cuts down the State aid we get for education. So, all of a sudden our school taxes are also going up. Middletown is not unique. I'm sure there are a lot of other municipalities that are also feeling this. On top of that, the State Planning Commission comes out with their plan, in which we are now designated a "growth corridor," which means that we are going to get funneled into our area much of the anticipated growth in the near future, and local taxpayers are going to be expected to deal with that as best they can.

Now, I know there is a bill in the State Legislature that will force the State to fund the programs that it mandates. Unfortunately, it is not retroactive, so we are stuck with what we've got right now. What I would hope that you would do-- I am going to be meeting with Assemblyman Kyrillos to see if this would take a legislative initiative, an administrative change, whatever. We are really under the gun. The sense of urgency here to preserve that 15% of land that we

have left is tremendous. It is politically and economically just about impossible for local officials to raise taxes to buy land, on top of the tremendous tax burden that has been dumped on us by the State already.

My feeling is, first of all, of course we need a regular source of funding, and the more the better. But secondly, I think that if the State is going to designate areas in their plan as growth corridors and expect them to allow accelerated growth to take place, they have to give them a priority with that State funding for open space. I think with that designation should come top priority status for any kind of funding for the purchase of open land. We may have five years, if that, to do it here, so, you know, I would like to see for the next five years, or whatever seems reasonable, that applications from municipalities in the growth corridors go to the top of the list. I think it's wonderful that we are trying to rejuvenate our cities; I think it's wonderful that we are trying to save farmland in rural areas. However, municipalities in the growth corridor are simply not being given the options and the funding to save that land as rapidly as we need to move forward with it.

I thank you.

ASSEMBLYWOMAN OGDEN: I am glad you brought up that point.

ASSEMBLYMAN KYRILLOS: Very well stated, Rosemary.

ASSEMBLYWOMAN OGDEN: Ed Van Haughten, of Ocean Township.

E D V A N H A U G H T E N: One of the advantages of speaking a little later is, you have heard in different ways the kind of things you wanted to say. Certainly this has happened here.

I started off originally, though, to speak to you people because I had located, in looking through other states, some of the things that had been done. Most of it kind of

hinges on-- Most of what I want to say anyway, kind of hinges on the idea of funding. There is a tremendous need for this kind of leadership and creativity that we have heard about, which seems to have been frustrated in the past. When I look back at Middletown, I think of the tremendous effort that went into trying to acquire the Phalanx (phonetic spelling). Because there was a lack of funds, eventually it was destroyed. But, in any event, the same thing has occurred now at the present time. We are attempting to preserve the Catherine Newberger estate.

It was nice to hear the gentleman speak a little earlier about there being designated areas that are going to be untouched, but we found with the challenges to local ordinances that they do become touched, and they are acquired by builders or some other more powerful interest group.

I guess the gist of what I wanted to say-- I could just mention here what Vermont has been doing that deals with a population -- a state population -- something like half a million. If we compare that with what New Jersey has to offer, what we could do--

ASSEMBLYWOMAN OGDEN: Can this be limited to five minutes, or could you send us something in writing?

MR. VAN HAUGHTEN: I certainly could. In the absence of having anything in writing, I do hope you will overlook any kind of errors that I might make in my presentation.

A year ago, the Vermont Housing Land Conservation Trust was an idea gaining momentum in the State House. Today, 1.84 million and 12 projects later, the trust is becoming the state's front-line agency in preserving land resources. Also, incidentally, with reference to Mount Laurel, they have also used the land resources to provide low-income housing, by using land acquired for preservation to build homes. The homes, when they are sold, do not include the property. It is just the houses which are sold. This brings back down the cost of the house to something like 25%.

But, we are getting off a little from the--

ASSEMBLYWOMAN OGDEN: Maybe we could get a copy of the article you are reading from, too.

MR. VAN HAUGHTEN: As I say, I hastily got here, because I ran out of a class -- one way or the other.

Since last July, the trust, through creative combinations of grants and low-income loans, has helped to preserve one of the state's largest dairy farms, nesting sites, and stretches of long trails, to help convert dairy farms into New England's largest commercial sheep farm. In any event, it has used the same trust that provides funds for local land trusts, municipalities, or any nonprofit organizations able to acquire money from this trust. It started off as a mere \$2 million. Now they are attempting to provide \$20 million through a small percentage of land transfer tax.

If I may be so bold, I would like to suggest that New Jersey do something about making these funds available to local groups and communities -- nonprofit groups -- that can accomplish the kinds of things we have heard about here all morning long. There are a number of dreams that are occurring locally, and there are a number of leaders who have been frustrated locally, because there was no way to make those dreams a reality. The funds were just not available.

I know we don't have to tell legislators in New Jersey how to go about acquiring funds -- one way or the other. There are a number of things happening here, and there are a number of things we can be doing in the State with this kind of State support from our legislators.

Thank you very much for the opportunity to speak before you.

ASSEMBLYWOMAN OGDEN: Thank you for being here.

ASSEMBLYMAN KYRILLOS: Thank you.

ASSEMBLYWOMAN OGDEN: That is the end of our list of people who had written to us. I understand there are a couple

of other people. Yes? Please give your name and address and any affiliation, for the record.

C A R O L B A L M E R: I am Carol Balmer, 96 Middletown Road, Holmdel. I am affiliated with a few organizations. I am not speaking on behalf of them today, but I hope to have written comments submitted to you before the comment period is up.

I was initially involved in environmental issues with an organization called "SPACE" - Sound Planning and Clean Environment, from Monmouth County. It was a grass-roots organization, and it was an ad hoc organization, basically created to preserve the buffers in the Swimming River Reservoir, which were being quickly threatened by development and profit margins and ratables from the municipalities, as well as the county. I am also Vice Chair of the Holmdel Environmental Commission, and Secretary for the newly initiated Swimming River/Manasquan River Watershed Association.

I don't want to take up a lot of your time here today, because you have been very patient. I do want to say that without people like Maureen Ogden, Helen Fenske, Judy Stanley, and other leaders of their stature, the local folk and the common people like us would become very frustrated. We would also give up very easily.

I empathized with Rosemary Peters' presentation a great deal. I went to a planning board meeting last night, where I listened to our attorney before the planning board discuss the Mount Laurel obligations and Fair Housing Council on mandates for our town. Also, in the same breath, was stated the State Plan, where part of our town is in a low-growth corridor, and part of our town is in a very high-growth corridor. The northern end of the town is tier four, and the southern end is tier six -- tier seven, which is environmentally sensitive, low growth, agricultural soils, and water resources. The southern end of our town slopes into the

Swimming River watershed. We have great pressures municipally, politically, and also privately to develop that watershed at an accelerated rate. We are in the process now of-- We have basically a zone that has been established since 1979, which is an office/laboratory zone. By the time this whole zone is completed, there will probably be approximately 12 private package treatment plants discharging into the ground surface waters of this area. These are supposed to be state-of-the-art treatment plants, but I have my doubts as far as the long-range projectives of these plants and the long-range effectiveness. What you have here is a situation where perhaps the state-of-the-art plants are going to be in an experimental state in a watershed or potable water supply for over 250,000 people.

I would like to see the Green Acres proposals come into consideration and consistency with DEP, as far as stronger regulations on treatment plants that would be put in these resource areas. We have no utilities in that area, and what we rely on are septic systems. We initiated, in about 1986, a 2.5 acre zoning area specifically for that, so we would be able to control that low-growth area. We depend on septics. Now we are in a situation where we are clustering. Many of the developers are taking advantage of the 2.5 acre zoning to get higher density through that clustering, a density bonus, and a contribution to Mount Laurel funds to ease our obligations. Here again we run into another inconsistency, because here we have zoned this area to be low growth, to have a minimal impact on the environment, and we turn around and let them have a bonus density -- the same density they could have gotten under the old zoning, with less environmental constraints. But because we are getting money from them to contribute to Mount Laurel funds, it seems to equate everything. In the end, also we have to provide the water for all those escalated populations. So, we are in a Catch-22 situation.

As far as legislation to control these, I think we could find some in the Municipal Land Use Law. I think greater control and a greater power given to the environmental commissions in municipalities would help a great deal. I also think the environmental commissions could help as far as the conservation easements and the deed restrictions on these envelopes of property are concerned, which are the building envelopes, but outside you have the conservation easement. Many times, as I have seen in our town, the conservation easement is dropped; it is altered. Through development, the lot is regraded. It becomes a public nuisance; it becomes a hazard. So, the conservation easement or the open space parcel of that lot is allowed to be altered, which is not the intent of that conservation easement in the first place.

Another possibility-- This was very interesting. I attended the Monmouth County Park System conference yesterday. I sat next to the State planner who is doing our area. He suggested, as far as funding, a lottery, whether it be a municipal lottery, a State lottery, a county lottery -- some type of lottery where the funds would go directly towards that area. It is a very interesting concept. I know lotteries are being overused quite a bit, but I think if you were in a general area where people were buying a lottery ticket specifically for their area, there would be a lot of enthusiasm, and there would be a lot of generated resources as far as funding is concerned.

Another tool perhaps you could use would be off-site and on-site conservation easements put into the Municipal Land Use Law, the same way as utilities and roads are, and require the developer to have those off-site and on-site contributions, and perhaps also have a tax credit along those lines.

Another thing I am concerned with is farmland preservation. There was a recent article in last week's paper as far as the woodlands are concerned. Farmers are getting tax



easements -- credits, that's true. It seems that woodlands are going to be deducted from those easements. Now, woodlands are a great source for the prevention of soil erosion and water retention in the soils. They are a help to the farmer. Those woodlands, in some way, shape, or form, should be encouraged to be kept by those farmers, instead of discouraged. Many farmers are even considering the mowing down of their woodlands, since they won't have a farm assessment on them.

I have quite a few other points but, as I say, what I would like to do is get these points written down and sent to you in the proper form -- submitted to you from the Environmental Commission of Holmdel and the Swimming River/Manasquan River Watershed Association, as well as Sound Planning and Clean Environment of Monmouth County.

Again, I want to thank you. I think there are controls we could have in the Municipal Land Use Law, as far as greater power to environmental commissions and off-site contributions. Also, a mandate for the municipal master plans to have an open space plan within that master plan, I think is an excellent idea.

Thank you, and bless you for all the work you are doing.

ASSEMBLYWOMAN OGDEN: Thank you very much. Next?

B E R N A R D F E I D E N (phonetic spelling): Good afternoon. I guess it is afternoon by now. Joe, how are you?

ASSEMBLYMAN KYRILLOS: How are you?

MR. FEIDEN: Good.

ASSEMBLYMAN KYRILLOS: Thanks for staying.

MR. FEIDEN: Well, I enjoyed it. I am Bernard Feiden. I had the pleasure of corresponding with you in the fall.

ASSEMBLYWOMAN OGDEN: Yes, that's right.

MR. FEIDEN: I am sure you want some practical points, so I will try to get to those very quickly, since you have been--

ASSEMBLYWOMAN OGDEN: Would you please also give us your address?

MR. FEIDEN: Yes. 122 North Riverside Avenue, Red Bank, New Jersey.

I think the marketing of the open space concept has been too much of a soft sell to date. I don't think that is the sort of thing that influences the Legislature to open their pockets. I have tried to think of another approach. The basis for it, of course, is very philosophical; that is, the ultimate activity of a man is to contemplate. I think when you do not allow a man adequate space, when you have hyper-density, I think you have practical manifestations of that, and I think those manifestations are very expensive.

I do not think that New Jersey should be in what has been called a "growth situation." I think we are now in a situation where we have taken about as much density and as much activity as we can stand. I think we have to get into the position where we understand ourselves to be an almost fully developed society. We have to refine the society now.

The practical manifestations I was talking about, about hyper-density, I think, are clearly evident in New Jersey. I think every kind of addiction -- our narcotics addiction, our alcoholic addiction, our sort of hedonism and materialism-- I think that is because we think the land and its resources are something we just keep devouring and devouring and devouring.

I think the first practical thing I would like the Legislature to do, is finance a study by a group that could relate aberrations and human behavior to excessive density. Clearly, a driver on Broadway in Manhattan is likely to be less civilized than a driver in a nature center in Cape May. I traveled recently from Cape May to Cumberland County -- Dividing Creek. I spent a lot of time at Sandy Hook. The people you see out there are not particularly tense. They seem

rather civilized. The people we see on Route 35, the Garden State Parkway, on a summer Saturday, are people who are approaching the disturbed level.

The Legislature certainly understands the cost of institutionalization and treatment of those addicted to narcotics or alcohol. If you doubt that, I think a couple of hours with Riley Regan, or his counterpart in the narcotics department, would assure you that that is the case. You can't ignore quality. You may if you like, but there is a price, in very practical terms.

Another thing that occurs to me is the transfer fee on real estate. I see that we are giving the builders an extraordinary break every time I close a title. I don't understand why an individual citizen should have to pay a higher rate than a builder? The individual citizen is either moving on to another house or going into retirement. The builders are going on to another profit. I understand there has to be construction; I understand there has to be housing. But I don't understand that just because builders notoriously finance campaigns, they are entitled to be profit making on both ends -- making money on the deal, and then also making money on the saving of a transfer fee, compared to what the individual citizen pays.

They were really my only two points. I think it would be remiss of us not to relate density to all these social evils and the expense they generate. I also think we ought to ask the builders to bear a fair share of the burden of providing funds for open space.

Thank you very much. I appreciate it.

ASSEMBLYWOMAN OGDEN: Thank you. Is there anyone else at this point who would like to speak? Yes?

W A L T E R M E R R Y: This will take three minutes. I am Walter Merry of Pine Beach. I represent the Growth Management Task Force of Ocean County.

ASSEMBLYWOMAN OGDEN: How do you spell your last name?

MR. MERRY: Merry -- M-E-R-R-Y. Accompanying my statement is a leaflet describing the Task Force's concerns and its purposes. The Growth Management Task Force of Ocean County commends you for your concern. We also appreciate the opportunity to be heard on this matter.

Before pointing out some of the specific measures that we think would be helpful, it is important to consider the broad picture, and look at the basic causes of most of our current land use problems. We must remind ourselves and our citizens that the unpolluted natural resources of the State are fundamental to the survival of human beings and their economic systems. The resources must be given first consideration. Economics follow.

The second factor having a basic effect on land use in New Jersey is that the continuing growth of the population has exerted, and still exerts heavy pressure towards the conversion of open land to residential, commercial, industrial, and other uses. We raise the question whether this State should let its population grow forever, or whether we want to stop it at a point where we still have some self-sufficiency and an economic base in our natural resources, a pleasant quality of life, and an environment that is clean and safe?

In spite of the legal basis of land use, it has now become unreasonable to grow continuously. It is, therefore, reasonable to plan for population stabilization. Given these fundamentals, we make the following more specific recommendations for your consideration:

New Jersey should adopt a policy of population stabilization, to take effect as soon as practical. It is our belief that a well-managed effort in this direction should accomplish the goal, without undue job loss or other disruptions, and that a prosperous, steady state of full employment and economy could result. This program would be

difficult to implement without a tie-in to the national effort along the same lines. Steps needed would include: First, support for the proposed Federal level Global Resources, Environment, and Population Act of 1987. A summary of this Act is attached to my statement. We support passage and implementation of similar legislation in New Jersey.

Step B, State encouragement of voluntary family planning, to maintain the fertility rate at or below replacement level.

Step C, maintain zoning envelope -- the number of housing units allowed per zoning ordinance at current level, or reduce it.

In the meantime, we recommend strong support for the passage of the State Development and Redevelopment Plan, as proposed by the State Planning Commission. It is essential to the conservation of our natural and energy resources. Any new legislation coming from your Committee should be keyed to support of, or closely related to the State Plan, which seeks, in a wise and effective way, to direct the State's growth, to the year 2010, away from farmland and other natural resources that should be conserved. By concentrating development in cities, older suburbs, and developed corridors, the plan will also promote more energy efficiency and less polluting transportation systems.

The three items you are considering, as cited in a recent news article -- first refusal for the State, local open space acquisition plans, and increasing the cost of developing farmland -- are commendable and should have strong impact. In addition, we suggest a comprehensive -- meaning not just for farmland -- transfer of development rights program. Such a program would go a tremendous way toward achieving your goals. Assemblyman Shinn's proposal of last year is on the right track.

We suggest support for whatever it takes to keep farms prosperous and in business -- a viable agribusiness support

system, and a State aid or subsidized retirement program for farmers, so that they would not have to sell their land to developers to retire. Maintain a minimum acreage of farms that would be necessary to sustain a healthy agriculture community. We support authorization for boroughs, cities, and towns to replace the property tax with other taxes, since the real estate tax encourages growth, usually in the wrong places. Where growth is taking place, encourage the use of the clustering concept to save open space. There is an attached guidelines on clustering with this statement.

Increased average density of an area under development should be prohibited when clustering, and a perpetual conservation easement for the open space saved by clustering should be mandatory.

At this time, we have no more recommendations. If in the future we come up with others, we will send them along. If we can assist you in any way, please let us know.

Again, the Task Force commends you for taking the initiative in this exceedingly important and timely effort you are making to increase New Jersey's capability to conserve its precious natural energy resources for open space and recreational opportunities.

Thank you.

ASSEMBLYWOMAN OGDEN: Thank you very much, Mr. Merry. We appreciate your being here.

Is there anyone else who wishes to address the Committee at this time? (no response) If not--

ASSEMBLYMAN KYRILLOS: Madam Chairman, just one item. Former Assemblyman Joe Azzolina called me. He said he was unable to be here, but he has some written testimony he has prepared, and I will submit it for the official record. That's all.

ASSEMBLYWOMAN OGDEN: Good. With that, we will conclude the third of our four hearings. I would like to thank

everyone who has stayed with us until the end. We really appreciate your being here.

ASSEMBLYMAN KYRILLOS: Thank you.

(HEARING CONCLUDED)





## APPENDIX





Board of recreation commissioners / newman springs rd. / lincroft / n.j. 07738 tel. 201-842-4000

Deputy-DIRECTOR

Director

BOARD OF  
RECREATION COMMISSIONERS

Frank E. Kane — Chairman  
Adeline H. Lubkert — Vice-Chairman  
Paul S. Masnick  
Kenneth R. Foulks  
Nicholas A. Codispoti  
Donald M. Lomurro  
Edward J. Loud

April 20, 1988

Assemblywoman Maureen Odgen  
Chairman  
State Assembly Committee on Conservation,  
Natural Resources and Energy  
266 Essex Street  
Millburn, NJ 07041

Re: Statement on Preservation of Open Lands and Provision of Recreational  
Opportunities

Dear Assemblywoman Odgen:

On behalf of the Monmouth County Park System, I wish to commend the Assembly  
Committee on Conservation, Natural Resources and Energy for conducting  
this series of public hearings to explore steps that the State can pursue  
to preserve open lands and provide recreational opportunities.

Since 1959 Monmouth County has permanently preserved over 5300 acres of  
open space through donation or purchase. While this is undoubtedly a  
significant accomplishment, 5300 acres is only a small step in reaching  
our county goal of 19,000 acres of preserved open space. As time passes,  
the supply of land is shrinking and the cost of land is escalating, making  
achievement of this open space goal an even greater challenge.

To meet this challenge, not only in Monmouth County but throughout our  
State, we the residents and government officials must forge a partnership  
and work together to ensure that open space, recreational opportunities  
and valuable natural, cultural, and historic resources are preserved for  
our future generations. Our legislators can contribute to the success  
of this partnership through the adoption and implementation of enabling  
legislation and programs, the creation of funding resources and other  
incentives, and the provision of educational resources.

The Monmouth County Park System offers the following comments and recommendations  
which are explained in greater detail on the attached supplement.

A. ENABLING LEGISLATION AND PROGRAMS

1. A cabinet level department of natural, cultural, and historic  
resources should be created.
2. Cluster development should be promoted as a simple, effective,  
and inexpensive technique for balancing demands for development  
and open space.

3. Consideration should be given to authorizing municipal, county, and state agencies to require notification of intent to sell and/or first right of refusal on properties which are deemed to be desirable for open space preservation or public recreation.
4. Municipalities and counties should be authorized to require developers to dedicate open space or contribute to the provision of open space facilities as a condition of subdivision and site plan approval.
5. The creation of agricultural districts and other mechanisms to foster the continued operation of businesses and facilities which support farming should be considered.
6. Consideration should be given to broadening governmental condemnation powers for open space protection.
7. Use of utility-owned lands and rights-of-way for recreation and conservation purposes should be actively encouraged.
8. Legislation should be adopted to permit use of the transfer of development rights concept to preserve farmland and open space.
9. Favorable legislative action should be taken on Senate Bill #72 which amends the Municipal Land Use Law to require that municipal site plan and subdivision ordinances include provisions ensuring protection of the potable water supply.
10. The Municipal Land Use Law should be amended to include the Conservation Plan Element as a mandatory rather than optional element of all municipal Master Plans.

#### B. FUNDING AND OTHER INCENTIVES

1. Stable sources of funding should be developed for the acquisition/preservation of open space, development of recreation facilities, and the upkeep of land and facilities. Permissive legislation authorizing local and county revolving trust funds, dedicated accounts, and separate tax levies should be adopted. Companion legislation which revises the New Jersey Cap Law to include built-in incentives and credits for long-term investments such as trust funds and endowment for the care and maintenance of open space and recreation facilities should also be considered.
2. A State supported landbank revolving fund and adjustments to the Green Acres Program are needed.
3. Existing grant/loan programs should be revised to permit open space block grants.
4. Public use of private lands for recreation should be encouraged by the granting of tax benefits.
5. Legislation should be introduced to change liability insurance laws to encourage private landowners to consent to public use of their property for recreation and to establish realistic limits on the liability of all public and private recreation providers.
6. The concept of local or regional park and recreation boards and districts with powers and responsibilities similar to school boards should be explored for its potential in New Jersey.

#### C. EDUCATION RESOURCES

1. Exposure to techniques and training in their implementation should be provided in continuing education programs for professionals working in land use planning, open space preservation, environmental conservation, recreation, and related fields.

2. Continuing education for lay planners should be a priority.
3. Miscellaneous training tools and guides including model development regulations , model conservation and public access easements, model design standards and basic training manuals and video tapes should be produced and distributed at a reasonable cost.
4. A comprehensive environmental education program should be established as a compulsory part of New Jersey's primary and secondary school curriculums to ensure that future generations will be better prepared to make informed choices related to the preservation of open space and our environment.

Thank you for this opportunity to contribute to the State's effort to preserve open space and provide recreational opportunities.

Sincerely,

  
James J. Truncer  
Director

FH-JJT:kjh

MONMOUTH COUNTY PARK SYSTEM  
SUPPLEMENT TO STATEMENT ON PRESERVATION OF OPEN LANDS  
AND PROVISION OF RECREATIONAL OPPORTUNITIES PREPARED  
FOR THE ASSEMBLY COMMITTEE ON CONSERVATION, NATURAL RESOURCES AND ENERGY

A. Enabling Legislation and Programs

1. A cabinet level department of natural, cultural, and historic resources should be created and its responsibilities should include conservation, open space, recreation, the arts, and tourism.
2. Cluster development should be promoted as a simple, effective, and inexpensive technique for balancing demands for development and open space. Cluster development permits development to be concentrated on a portion of the parcel, 50 percent for example, so that the remainder of the parcel can be preserved as farmland or open space. Unlike conventional development which consumes entire sites and parcels woods and open fields into a seemingly endless network of front yards, back yards, side yards and streets, cluster development yields residual open space for farming, active recreation, or simple landscape and natural resource protection. Because the same number of units are permitted, the open space protection objective is met without asking landowners and builders to make a personal sacrifice for the general public good. In addition, both the builders, in terms of reduced road construction and utility installation costs, and the taxpayers or homeowners associations, in terms of reduced long-term expenses such as snow plowing and repaving, benefit from the clustering of units.

Unfortunately, poorly designed cluster developments, usually a direct result of poorly written municipal development regulations, have soured many New Jersey communities on the concept of cluster development. Problems of useless open space, disharmony with surrounding development, and maintenance are all surmountable and this concept should not be dismissed due to problems of this nature.

Legislation should be adopted to permit municipalities to make clustering mandatory rather than optional in designated open space conservation zones where farmland, natural resource, and landscape protection are particularly critical.

3. Consideration should be given to authorizing municipal, county, and state agencies to require notification of intent to sell and/or first right of refusal on properties which are deemed to be desirable for open space preservation or public recreation. Conflict between landowners/developers and preservationists/governments is only natural when the move to acquire occurs in the late stages of the pre-development process and such conflicts often escalate into lengthy

and costly legal tussles. An "early warning" mechanism would help to reduce, if not eliminate, these unnecessary conflicts by giving governments an opportunity to purchase the property before a developer has invested time and money in engineering and financing a project.

This authority could apply to properties within designated districts, to specific sites, or to classes of properties such as rights-of-way, marinas, and private recreation facilities. The question of compensation for the delay while the governmental agency contemplates action would have to be addressed. The possibility of securing this privilege as a condition of income tax benefits, reduced property tax assessments, or other government action should be explored.

4. Municipalities and counties should be authorized to require developers to dedicate open space or contribute to the provision of open space facilities as a condition of subdivision and site plan approval. Open Space and recreation facilities are as critical to our health and welfare as water, sewer, drainage and street improvements and they deserve the same status under the laws regulating contributions for off-tract improvements.
5. The creation of agricultural districts and other mechanisms to foster the continued operation of businesses and facilities which support farming should be considered. The subsidy of the farms themselves by the purchase of development rights under Farmland Preservation Programs will not succeed in protecting farming as an industry in the state if there is no protection for the other ancillary elements of that industry.
6. Consideration should be given to broadening governmental condemnation powers for open space protection. While condemnation powers should be exercised with great restraint, when limited non-renewable natural resources are at immediate risk, condemnation may be the only available protection tool. Legislation to permit a declaration of critical resource or open space need similar to a declaration of blight would permit much needed flexibility in the acquisition and disposition of lands for open space; flexibility which exists now only if the land is acquired other than by condemnation. Critical parcels could be acquired, stripped of their development rights, and sold or leased for limited use. Another scenario is public retention of the critical land area and solicitation of proposals for appropriate private development of the remainder. In each instance, the open space and/or natural resource is permanently protected at minimum public expense and the landowner receives fair compensation for his property.
7. Use of utility-owned lands and rights-of-way for recreation and conservation purposes should be actively encouraged. Many utilities own prime conservation and recreation lands yet they are reluctant

or prohibited from making them available for public use or holding them solely for conservation purposes. In several much publicized cases, sale of these assets is being contemplated in order to achieve lower user rates and higher bond ratings. Current income tax, property tax, bonding, accounting, insurance liability, rate controls and other regulatory policies should be studied to determine where changes are necessary to encourage rather than discourage public use of these lands. Possible government acquisition of these lands and lease back to the operating utilities should be explored as an option.

8. Legislation should be adopted to permit use of the transfer of development rights concept to preserve farmland and open space. The legislative authority should give municipalities broad latitude to design TDR programs which are workable given their peculiar local market conditions and administrative capabilities.
9. Favorable legislative action should be take on Senate Bill #72 which amends the municipal Land Use Law to require that municipal site plan and subdivision ordinances include provisions ensuring protection of the potable water supply.
10. The Municipal Land Use Law should be amended to include the Conservation Plan Element as a mandatory rather than optional element of all municipal Master Plans.

#### B. Funding and Other Incentives

1. Stable sources of funding should be developed for the acquisition/preservation of open space, development of recreation facilities, and the upkeep of land and facilities and the New Jersey Cap Law should be revised to encourage responsible expenditures for long-term care and maintenance of open space and recreation facilities. The creation of innovative sources of funding such as development impact fees, user fees, and realty transfer fees should be explored. Because the need is greater than State-administered funding can be expected to meet, these sources of funding should be directly available at the local and county levels as well as at the State level. Permissive legislation authorizing local and county revolving trust funds, dedicated accounts, and separate tax levies for open space acquisition and development should be adopted. Revenues from user fees such as beach fees, which are supported by the direct beneficiaries of these facilities, should be permitted to include an increment or surcharge to endow a general trust fund for the ongoing improvement, protection, and restoration of open space and recreation facilities. To encourage responsible spending to protect open space and recreation facilities for future generations, operating expenses for the care and maintenance of these facilities should be excluded from the cap. Not only should long-term investments for the creation of special trust funds and endowments for this purpose be



excluded from the cap, the law should include built-in incentives and credits for such investments.

2. A State supported land bank revolving fund and adjustments to the Green Acres Program to include additional funding cycles and prompter action on requests are needed. Existing public financing laws and grant/loan programs do not permit governments to react to acquisition opportunities with the alacrity necessary to compete with private purchasers.
3. Existing grant/loan programs should be revised to permit open space block grants. The block grants would be awarded for general non-site specific acquisition or development programs such as stream corridor acquisition with certain pre-approved parameters. Tough post-performance reviews would determine eligibility for future funding. Often landowners and developers are willing to cooperate with government agencies until they learn what delays are associated with government involvement. The flexibility offered by a block grant program would permit government agencies to act quickly as opportunities arise.
4. Public use of private lands for recreation should be encouraged by the granting of tax benefits.
5. Legislation should be introduced to change liability insurance laws to encourage private landowners to consent to public use of their property for recreation and to establish realistic limits on the liability of all public and private recreation providers.
6. The concept of local or regional park and recreation boards and districts with powers and responsibilities similar to school boards has been used successfully in other State in improving the quality of recreation facilities and should be explored for its potential in New Jersey.

#### C. Education Resources

Our present environment didn't just happen; it is the product of our land use decisions over time. In order for those responsible for land use policies in the future, both professional and lay persons, to make informed decisions, they must know what choices are available and understand the ultimate long-term consequences of each choice. The State through the educational institutions

and programs which it funds should take the lead in providing the following educational services and tools:

1. Exposure to techniques and training in their implementation should be provided in continuing education programs for professionals working inland use planning, open space preservation, environmental conservation, recreation, and related fields.
2. Continuing education programs for lay planners should be a priority. It is critical that lay planning officials have sufficient training to function without the benefit of professional assistance as this assistance is not always available or affordable. Given the tremendous import of their policies and actions extending well beyond the political boundaries of their individual municipalities, consideration should be given to legislation requiring a minimum amount of training as a condition of their appointment.
3. Miscellaneous training tools and guides including model development regulations, model conservation and public access easements, model design standards and basic training manuals and video tapes should be produced and distributed at a reasonable cost.
4. A comprehensive environmental education program should be established as a compulsory part of New Jersey's primary and secondary school curriculums to ensure that future generations will be better prepared to make informed choices related to the preservation of open space and our environment.

Addison G. Bradley, Administrator  
Camden County Park Commission  
P.O. Box 4210  
1000 Park Boulevard at Whitman Avenue  
Merry Hill, NJ 08002  
Telephone: (1-609) 795 PARK

TESTIMONY FOR  
ASSEMBLY COMMITTEE ON CONSERVATION,  
NATURAL RESOURCES AND ENERGY

My name is Addison G. Bradley, I am Administrator of the Camden County Park Commission which has approximately 2000 acres of land, 1800 acres of water, 150 employees, a 26 man police force and an operating budget of approximately six million dollars. I am a licensed landscape architect, a member of the American Society of Landscape Architects and the National Recreation and Park Association. Prior to my becoming the Camden County Park Administrator, I was involved in the planning and/or development of over 10,000 housing units and many commercial and industrial developments in New Jersey, Pennsylvania, and Delaware.

In 1977, I along with Bob Lord, prepared a master plan for Woodland Township. To orient you, the village of Chatsworth is in Woodland Township, Burlington County, NJ, which is now in the Pinelands. The plan commended many unique items. (1) A Conservation Easement around all free flowing streams with no construction within 200' either side of the stream edge and minimum two acre lots with 200' frontage outside the easement. (2) A Critical zone area with a seasonal high water table of 1' or less, the applicant must verify to the Planning Board that five acres of buildable ground is available next to the Critical Zones and a density of 1 unit/five acres. The plan also tried to introduce Transfer of Development Rights and a Controlled Growth Program. The Plan was not

adopted by the Township. Last month I received a letter from Gary Patterson, Graduate Program Advisor, of Glassboro State College, Life and Science Department, in which he said "Remember years ago when you worked with us to draft a new Master Plan for Woodland Township, Burlington County? If only the "local Officials" had accepted your "growth and development limitations", we environmentalists would have probably "settled down" and there would have been no Governor's Pinelands Review Committee, no Federal Pinelands Planning Entity, no Pinelands Legislation, no Pinelands Commission, etc. Your ideas were too innovative for them then; you were ahead of your time." The Pinelands is 1.1 million acres of national reserve. The National Reserve is an excellent technique but all the standards are environmental and in the cities we don't have these environmental characteristics. The Pinelands have a population of 450,000 people and 1.1 million acres, Camden County has approximately the same population 488,080 is 145,742 acres. This is almost one tenth of the land for the same amount of people. Did you know that at the present rate of urban growth it is predicted that 80% of the population in North America will soon be concentrated on 1% of the land.(1) We must address the issue where the need is, open space with the people.

Two years ago, I testified before the Governor's Council on Open Space. Those reports are Appendix A to this paper. I talked of insurance liability and its impact on open space. Consider the year 2000 seeing an open space facility fenced in! As you drive by you tell people you used to play there but now you cannot because there are too many law suits. We need legislation to exempt governmental agencies from law suits caused by natural features. Evesham Township is being sued because of two drownings in one of their streams. Camden County Parks is being sued because someone was injured while sledding. Camden County Parks is being sued because a boy went to get his ball out of the river and drowned.

There are natural features the same as listed in the Draft of the State Development and Redevelopment Plan under Environmental goals. Geological slopes, Scenic Corridors, Stream corridors, Surface and groundwater supply. California has a statute that exempts governmental agencies for law suits caused by natural features. You folks must adopt a similar statute. (See Appendix B)

Let's get back to how we are going to protect and preserve this land, and I want to concentrate on a specific area of urban and developed suburban open space. These two areas are examples of Tier 1 and Tier 2 in the State Development and Redevelopment Plan. Remember the definition of landscape creation planning, it is the art and science that blends the knowledge and technique of environmental design (nature) and the social science and technology to develop alternatives to the way we use time, space, energy, and money to accommodate human needs. The fact that people need open space is not new. "Land is the most precious resource of the metropolitan area. The present patterns of haphazard suburban development are contributing to a tragic waste in the use of a vital resource now being consumed at an alarming rate." Said by President John F. Kennedy in 1961. When asked to come and testify, I had the National Organization of Landscape Architects and Recreation and Park give me a bibliography and a list of Urban Open Space. Most books and articles are written in the 1950's and here we are in 1988, discussing the same thing. In reading "Open Space: The Life of American Cities", it talks about Spatial Organizations of Cities. Let me quote "To a striking degree Boston has revealed a spatial organization similar to that of Philadelphia". Philadelphia was planned by William Penn; Boston had no planner initially. Further on it says "It is illuminating to note how in Paris the same sequences occur within a frame of similar dimensions....In each of the three cases there has been a similar course of development;" I think we will all agree that open space is needed for people. In the same book in the chapter The City Park "The parks had been created not so much to enhance or beautify the

city as to provide an escape from it, - indeed so far as possible to deny the city's very existence." The key word here is escape. The cities deteriorated because the people wanted to escape from them. If there was no place to escape in the city they moved out. This is a quality of life statement. Do not all people, young and old, rich and poor, white or black, have the right to escape to have a quality of life in which they can grow and learn.

In the New Jersey State Planning Act it says, "It is in the public interest to encourage development, redevelopment, and economic growth in locations that are well situated with respect to present or anticipated public service and facilities.....and to discourage development where it may impair or destroy natural resources or environmental qualities"..... Some of the goals in the plan are To protect Natural Resources, To Revitalize Urban Areas, To Preserve and Enhance Historic, Cultural, Open Space and Recreational Lands and Structures. These are good goals, the statement from the State Planning Act is right, but how do we get open space in the cities, in the established suburban areas? Again, in the state plan we are addressing steep slopes, flood plains, scenic corridor, etc., and if they are not fenced in for insurance liability reasons, you will have open space, but do you have "PEOPLE" open space? Have you ever tried to play ball in a flood plain, or have a picnic on a steep slope and besides most of these environmental issues don't even exist in the cities or established suburbs. They are already destroyed. The best place to have a picnic in the city is a cemetery, it is quiet, flat and green, where all the environmental issues are buried.

Today there is a tax ratable race. The cities, the established suburbs need ratables. They like the new proposal in the state plan of redeveloping Tier 1 and Tier 2, which they are. But if we don't address the quality of life issue in the cities and establish suburbs, people are going to want to "escape." We will be rebuilding the ghetto. No one will want to live there or even work there. There will not be a quality of life worth living in the cities. Because community leaders want the tax

state thru the redevelopment plan for Tier 1 and Tier 2 must have a regulation requiring so much open space, usable open space, people open space in Tier 1 and Tier 2. How do you do this? By requiring developers provide this open space if they are going to develop at a certain density. Why not! In Cherry Hill Township you are required to plant one tree in the parking lot for each ten cars. Can you imagine the beautiful forest you could have next to a parking garage. Don't tell me the land is too valuable. Is clean water too valuable, is clean air too valuable. I value your life, or is it the other persons life, is not valuable enough.

A program could be developed that for every 1,000 persons a real estate developer proposes to bring into a city a certain amount of open space is dedicated. (2)

#### EXAMPLE

Residential (1,000 persons)	-	20 acres of open space
Professional (1,000 persons)	-	15 acres of open space
Commercial (1,000 persons)	-	10 acres of open space
Industrial (1,000 persons)	-	5 acres of open space

Camden City has 6,272 acres, a residential population of 84,910 and 2 acres of open space. This program would give them 1,698 acres of open space.

Either use this as a guideline and require communities to further develop this in the cross-acceptance plan or have the State Planning Staff further develop this idea and implement it in the State Plan.

As I stated earlier, the knowledge of people needing open space is not new, but let's start doing something. We can make our urban environment more natural, more appealing, and more beautiful. We must give people a place to escape where they live.

Remember people need the space and that they must be able to use that space. Urban Open Space for people and Liability Insurance - protect us from ourselves.

1. The Urban Landscape Conservation Council of Ontario 1971.
2. Recreation, Park and Open Space Standards and Guidelines 1987 edition, page 66. Open Space, Heritage and Recreation Review Committee for the Kansas City Metropolitan Region recommend 55 acres per 1,000 population.





# The Camden County Park Commission

## COMMISSIONERS

James L. Venella, *President*  
Thomas W. Polanski, *Vice President*  
Anthony F. D'Orazio, *Treasurer*  
Thomas L. Snyder, Jr., *Secretary*  
James Burnstein  
Anthony DiMeglio, Jr.  
Thomas E. Gartland

**PARK LIAISON**  
Matthew E. Segal  
*Deputy Freeholder-Director*

**PARK ADMINISTRATOR**  
Addison G. Bradley, ASLA

TESTIMONY BEFORE

GOVERNOR'S COUNCIL ON OPEN SPACE

APPENDIX A

15X

Addison G. Bradley, Administrator  
Camden County Park Commission  
P.O. Box 4210  
Park Boulevard at Whitman Avenue  
Cherry Hill, NJ 08002  
Telephone: (1-609) 795-PARK

Before I address the issues on the recreational needs, acquisition of open space and recreational facilities and the financing of same, I must mention an issue that I noticed was not listed in your outline. No reference was made to the importance of the state or local police protection needs for parks and open space. What good are parks or open space, if there isn't anyone to protect or regulate its use. It takes a combined effort of recreation, maintenance and policing to make any park program succeed.

The immediate decline of the Fairmount Park system in Philadelphia, which was once a great system, began with the waning of police and regulatory services.

These needs should also be a concern of the Governor's Council on New Jersey Outdoors and anyone else interested in preserving open space and parklands.

ISSUE: Open Space and Outdoor Recreation Facility Needs for the state, counties and municipalities (#3)

We in Camden County feel there is a need for more open space and recreational facilities in Camden County and the State of New Jersey. I am here today before this Council supporting you and advising you that we are in favor of anything you can do to influence the Governor to establish Green Acres funding at 100% to acquire the land that our population requires for open space and recreational facilities for the year 2000 and beyond. I can say this because unfortunately, Camden County is listed as one of five

counties in New Jersey with a severe open space deficit. Not a new problem but very evident in the 80's. This comes at a time when some national and state funding sources disappeared or are forced to sharply curtail their programs; recreational facilities are suffering from age and deterioration and the needs of the handicapped demand greater attention.

This is what I mean. We read statements and documents like "to serve a growing population, the capacity of Camden County and New Jersey's recreational facilities need to be doubled by the end of the century" and Camden County has failed to acquire additional parkland in the last 50 years.

Efforts in this direction needs to be expended now and continue in the future in order to accommodate the increasing demands for better outdoor recreation opportunities and open space. If this is not done now we will force increased land values, non-existing vacant land and an intense competition for what developable land remains. If we don't acquire additional land now for recreational facilities and open space use, land may be forever lost to private use.

In the past hundreds of acres of woodlands have been lost because development pressures out paced governmental actions. Experience should be gained from the past that it is imperative that the few remaining truly natural areas in our county and state be purchased before they are developed.

Camden County is no different than other counties. We want to maintain a high recreation standard. We should be providing parkland at a rate of 10 acres per 1000 persons. Using this standard (the population method) Camden County has an immediate

need. Using the 1980 census data, Camden County should have approximately 4,700 acres of parkland for developed recreational facilities. A deficit of 2,700 acres to meet present needs and a projected deficit of over 4,000 acres by 1990, and in 1974 a study was done using the balanced land use method and a 3,235 acreage deficit was noted then and a 4,500 acreage deficit in 1990.

A policy of Camden County and the State should be to continually acquire land for recreational facilities where needed and open space purposes. The acquisition of this land does not have to be in ownership. The state should give the county the ability to protect ground through zoning. The Department of Environmental Protection, a state agency, has some excellent policies, soil conservation has some excellent policies with one or two people to enforce these policies in the whole state or region. Why not have the state empower the county after proper research and planning, to preserve open space, environmentally sensitive ground, for the people of that county. The local government is too concerned about tax rates and the state agency is too big.

Open space serves a variety of functions not only enhancing a community as a desirable place to live and work, it protects the quality and quantity of surface and groundwater resources, preserves natural, cultural and historic resources and provides space for developing facilities to satisfy the community's recreational needs. It provides breathing room in densely settled areas, shapes urban growth and preserves natural beauty, as Emily Dickinson said, "Beauty is not caused - It is."

Addison G. Bradley, Administrator  
Camden County Park Commission  
P.O. Box 4210  
Park Boulevard at Whitman Avenue  
Cherry Hill, NJ 08002  
Telephone: (1-609) 795-PARK

ISSUE: Urban Outdoor Recreation Needs (#4)

The westerly portion of Camden County is urban and we feel that there is most definitely a need to develop parklands and recreational facilities in urban areas of the county and throughout the state.

The reason being people living in inner-city environments have not only the needs but also the right for such facilities.

An inner-city park with recreational facilities should be available to all people. Why should people who live in large metropolitan areas have to venture far away from home, sometimes at considerable expense and effort, to enjoy a park, green grass to relax or picnic on, a pond to ice skate, tennis courts, ballfields and playgrounds like others do, who happen to live outside the city.

I think the youth of our cities should be afforded the opportunity to funnel more of their energies toward playing baseball, tennis and basketball. Hopefully, it will get the children off the streets and into recreational facilities where we can help channel their lives in the direction that should not only benefit them later in life, but benefit the community as a whole.

The needs and wants are clearly visible. What we must provide now is an avenue for those needs and wants.

A Waterfront Park such as we are developing and building now in Camden City, is an example of what we need to do on a large scale. Because of your efforts, families in Camden City now have

a place to go and relax, play ball, enjoy the sites, and be together in an open air environment. This could not be done without 100% funding. People must be our priority, people places and places for people to breath, stretch and reach out. Why did God put us on this earth, if not to make a better place for us, for people, and for our children to live in.

cmk

Addison G. Bradley, Administrator  
Camden County Park Commission  
P.O. Box 4210  
Park Boulevard at Whitman Avenue  
Cherry Hill, NJ 08002  
Telephone: (1-609) 795-PARK

ISSUE: The Effect of the Liability Insurance Crisis  
on Outdoor Recreation (#11)

In the near or distant future, do we want to take our grandchildren for a ride in the car and pass what we knew and enjoyed as a park and say "see that area covered by a big plastic bubble and a closed sign, that is called a park. I played there and your parents played there in the playgrounds; tennis courts; baseball and football fields; rode bikes, jogged; picnicked; fished and sailed, but you are not permitted in that park. It had to be closed due to the high cost and/or unavailability of liability insurance."

This may be far fetched, but did you ever think in the 1980's that Park Commissions would erect fences to keep people out of the parks; close swimming facilities and little leagues would no longer exist. Recreational equipment is being taken down; prohibiting ice skating and draining these man-made ice skating ponds and turning the lights off at the facilities you worked so hard to build and obtain the money to install so the people, who couldn't enjoy them during the daylight hours, could use as a form of relaxation and recreation at night and on and on.

Parks and recreation are targeted defendants these days. The number of claims against this agency has doubled and even tripled during the past year. You fall off a swing or trip while running or walking in the park - the trend is "sue the Park Commission", and what are we really guilty of? Providing free and public access, at all times of the night and day, to our bike

trails, jogging paths, ice skating ponds, sport fields and even something as simple as a child's teeter-totter.

Will it stop here - NO! It will only get worse, if we don't do something about it now! These problems exist now and will grow unless we find an answer to the "Liability Insurance Crisis".

Our major problem in the past was not enough open space for recreational facilities, this is still a monumental problem. Now combined with the liability insurance crisis and the amount of our budget dollars spent on insurance premiums (if a company will underwrite a policy) and the deficits of open spaces worsening, what do we do? Post a sign "closed"! Explanation: Due to ----- and list the reasons. The people will understand and accept it?

Park users are complaining to us now at the Park Commission and we know we are no different than other public or private recreational providers, but when they request the use of a public facility (which is built and maintained by their tax dollars initially), and we require a Certificate of Insurance, which carries an astronomical price tag; the taxpayer now feels he is paying twice for something he should have the right to use for FREE. Tempers fly and municipal, county and state officials start receiving letters and phone calls of complaint, and we end up with another crisis on our hands. Compounded with the fact our own insurance premiums have gone from \$5,700 in 1985 to \$57,000 in just one year to cover a Commission, who volunteers their time and services for a better park system. And if we can find an insurance carrier to write such a policy, can a park commission/recreational facility exist in the 1980's, let alone in the 21st Century?

Right now I don't have an answer to the "Liability Insurance Crisis", but maybe county recreational agencies working hand in



hand with municipal and state agencies, can find an answer or a solution to this problem. Maybe even find an answer to help the funding. The key thing to remember, is that recreational facilities are there for all the people to use and enjoy, but because of the current "Liability Insurance Crisis", as I have stated before, more and more of these facilities are being closed. Closed not because there isn't a demand for their use, but because these agencies are not able to adequately insure the park users and the people who are trying to provide these recreational facilities.

Instead of the insurance problem being a political football between a Republican Assembly and a Democratic Senate, our state government should be joining forces to lead our state and possibly the nation to come up with an answer to the liability insurance monster. This monster is eating away at the valuable resources of government at all levels throughout the state and rendering our park and recreational facilities nothing but things to look at and not enjoy. Politics should be put aside. Maybe the U.S. Congress must look into the problem, which seems to be the urge for one person to sue another or the tremendous jump in liability insurance premiums.

I don't have to remind you that all the national parks and monuments and all the state, county and municipal parks won't be worth a damn. We need your help - you need our help. Let's work together to find a solution.

We are not in the sign posting profession. We are here to provide safe indoor and outdoor recreational areas where people can use and enjoy, not look at from afar.

APPENDIX B

Assembly Bill No. 555

CHAPTER 863

An act to add Section 831.7 to the Government Code, relating to public liability.

[Approved by Governor September 15, 1983. Filed with Secretary of State September 16, 1983.]

LEGISLATIVE COUNSEL'S DIGEST

AB 555, Campbell. Public liability.

Under existing law, a public entity or public employee may be liable for an injury caused by a dangerous condition of public property in certain circumstances. However, existing law provides that a public entity or a public employee is not liable for an injury caused by a natural condition of unimproved property, or by an injury caused by the condition of a reservoir, or, in some circumstances, by an injury caused by the condition of canals, conduits, or drains.

This bill would provide that a public entity or public employee is not liable to any person who participates in a hazardous recreational activity, as defined or to any assistant or spectator as specified for any damage or injury to property or persons arising out of that hazardous recreational activity. However, that immunity would not apply for a failure to warn of a known dangerous condition or of another hazardous recreational activity known to the public entity or employee that is not reasonably assumed by the participant as inherently a part of the activity, where a specific fee was charged to participate, or to the extent that injury was caused by the negligent failure to construct or maintain any structure or work of improvement, as specified, or to damage or injury suffered in any case where the public entity or employee recklessly or with gross negligence promoted the participation in or observance of a hazardous recreational activity, or an act of gross negligence by the public entity or public employee which is the proximate cause of the injury.

The bill would also specifically provide that nothing contained therein shall limit the liability of an independent concessionaire or any person or organization other than the public entity, whether or not the person or organization has a contractual relationship with the public entity to use the public property, for injuries or damages suffered in any case as a result of the operation of a hazardous recreational activity on public property by the concessionaire, person, or organization.

*The people of the State of California do enact as follows:*

SECTION 1. Section 831.7 is added to the Government Code, to read:

831.7. (a) Neither a public entity nor a public employee is liable to any person who participates in a hazardous recreational activity, including any person who assists the participant, or to any spectator who knew or reasonably should have known that the hazardous recreational activity created a substantial risk of injury to himself or herself and was voluntarily in the place of risk, or having the ability to do so failed to leave, for any damage or injury to property or persons arising out of that hazardous recreational activity.

(b) As used in this section, "hazardous recreational activity" means a recreational activity conducted on property of a public entity which creates a substantial (as distinguished from a minor, trivial, or insignificant) risk of injury to a participant or a spectator.

"Hazardous recreational activity" (also means:)

(1) Water contact activities, except diving, in places where or at a time when lifeguards are not provided and reasonable warning thereof has been given or the injured party should reasonably have known that there was no lifeguard provided at the time.

(2) Any form of diving into water from other than a diving board or diving platform, or at any place or from any structure where diving is prohibited and reasonable warning thereof has been given.

(3) Animal riding, including equestrian competition, archery, bicycle racing or jumping, boating, cross-country and downhill skiing, hang gliding, kayaking, motorized vehicle racing, off-road motorcycling or four-wheel driving of any kind, orienteering, pistol and rifle shooting, rock climbing, rocketeering, rodeo, spelunking, sky diving, sport parachuting, body contact sports (i.e., sports in which it is reasonably foreseeable that there will be rough bodily contact with one or more participants), surfing, trampolining, tree climbing, tree rope swinging, water skiing, white water rafting, and wind surfing.

(c) Notwithstanding the provisions of subdivision (a), this section does not limit liability which would otherwise exist for any of the following:

(1) Failure of the public entity or employee to guard or warn of a known dangerous condition or of another hazardous recreational activity known to the public entity or employee that is not reasonably assumed by the participant as inherently a part of the hazardous recreational activity out of which the damage or injury arose.

(2) Damage or injury suffered in any case where permission to participate in the hazardous recreational activity was granted for a specific fee. For the purpose of this paragraph, a "specific fee" does not include a fee or consideration charged for a general purpose such as a general park admission charge, a vehicle entry or parking fee, or an administrative or group use application or permit fee, as distinguished from a specific fee charged for participation in the specific hazardous recreational activity out of which the damage or

injury arose.

(3) Injury suffered to the extent proximately caused by the negligent failure of the public entity or public employee to properly construct or maintain in good repair any structure, recreational equipment or machinery, or substantial work of improvement utilized in the hazardous recreational activity out of which the damage or injury arose.

(4) Damage or injury suffered in any case where the public entity or employee recklessly or with gross negligence promoted the participation in or observance of a hazardous recreational activity. For purposes of this paragraph, promotional literature or a public announcement or advertisement which merely describes the available facilities and services on the property does not in itself constitute a reckless or grossly negligent promotion.

(5) An act of gross negligence by a public entity or a public employee which is the proximate cause of the injury.

Nothing in this subdivision creates a duty of care or basis of liability for personal injury or for damage to personal property.

(d) Nothing in this section shall limit the liability of an independent concessionaire, or any person or organization other than the public entity, whether or not the person or organization has a contractual relationship with the public entity to use the public property, for injuries or damages suffered in any case as a result of the operation of a hazardous recreational activity on public property by the concessionaire, person, or organization.

O

Assembly Bill No. 3114

CHAPTER 1071

An act to add Section 831.25 to the Government Code, relating to public liability.

[Approved by Governor September 12, 1984. Filed with Secretary of State September 12, 1984.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3114, Harris. Public liability.

Existing law provides that neither a public entity nor a public employee is liable for an injury caused by a natural condition of unimproved public property. Case law has construed that provision to be inapplicable to injuries occurring off the public property.

This bill would provide that neither a public entity nor a public employee is liable for any damage or injury to property, or for emotional distress unless the plaintiff has suffered substantial physical injury, off the public entity's property caused by land failure of any unimproved public property if the land failure was caused by a natural condition of the unimproved public property. It would provide that immunity would not benefit a public entity or employee who had actual notice of probable damage that was likely to occur because of the land failure and who failed to warn, as specified.

The bill would specify that a natural condition exists and property shall be deemed unimproved notwithstanding the intervention of minor improvements made for the preservation or prudent management of the property in its unimproved state that did not contribute to the land failure.

*The people of the State of California do enact as follows:*

SECTION 1. Section 831.25 is added to the Government Code, to read:

831.25. (a) Neither a public entity nor a public employee is liable for any damage or injury to property, or for emotional distress unless the plaintiff has suffered substantial physical injury, off the public entity's property caused by land failure of any unimproved public property if the land failure was caused by a natural condition of the unimproved public property.

(b) For the purposes of this section, a natural condition exists and property shall be deemed unimproved notwithstanding the intervention of minor improvements made for the preservation or prudent management of the property in its unimproved state that did not contribute to the land failure.

(c) As used in this section, "land failure" means any movement of land, including a landslide, mudslide, creep, subsidence, and any

other gradual or rapid movement of land.

(d) This section shall not benefit any public entity or public employee who had actual notice of probable damage that is likely to occur outside the public property because of land failure and who fails to give a reasonable warning of the danger.

(e) Nothing in this section shall limit the immunity provided by Section 831.2.

(f) Nothing in this section creates a duty of care or basis of liability for damage or injury to property or of liability for emotional distress.

O

INTERDEPARTMENTAL  
MEMORANDUM



Department of  
Planning & Economic Development  
Administration Building  
646-2500

Date: January 14, 1988

To: William D. McDowell

From: Chester P. Mattson

Subject: Update on acreage breakdowns in Ramapo Range,  
Mahwah and Oakland

Total: 9159 Acres

7458 in Mahwah

1701 in Ramsey

Breakdown:

3539 Acres -- protected parkland

\* County, Ramapo  
Reservation 1634

\* Ramapo State Forest 967

\* Ringwood State Park 938

840 -- publicly owned, not protected

\* 530 Bergen County

\* 18 DOT

\* 77 Mahwah owned

\* 9 Housing Authority

\* 206 Oakland owned

4780 Acres -- privately held, with  
4031 in Mahwah, and  
749 in Oakland

9159

New Jersey State Library

- Of the 4780 Acres of  
privately held land, 3916 (or 82%) are held by 10  
entities, as follows:

* Scout Camps	1100
Glen Grey -	734
Yaw Paw -	185
Tamarack -	181
* Ramapo Land -	945
* Frasco (with Dator & No. Mahwah Realty)	557
* Napolitano (Ramapo Mountain Top)	461
* River Bend	363
* Wehren	214
* Sachs	197
* Dewey Elect.	89

3916

CPM/kb





New Jersey Office  
P.O. Box 181  
17 Fairmount Road  
Pottersville, NJ 07979-9999

(201) 439-3007

STATEMENT OF BRUCE R. RUNNELS,  
DIRECTOR, NEW JERSEY FIELD OFFICE,  
THE NATURE CONSERVANCY,  
BEFORE THE STATE OF NEW JERSEY ASSEMBLY'S  
COMMITTEE ON CONSERVATION, NATURAL RESOURCES AND ENERGY  
APRIL 20, 1988

Chairperson Ogden, members of the Committee, my name is Bruce Runnels and I am the Director of The Nature Conservancy's New Jersey Field Office. I would like to thank the Committee for this opportunity to present The Nature Conservancy's views on additional steps that the State can pursue to preserve New Jersey's extraordinary natural heritage. And, I commend you for having the foresight to consider this issue while there is still time to act.

The Nature Conservancy is a national, nonprofit corporation that identifies, protects and manages ecologically significant natural areas and the diversity of life they support. The Conservancy's 48 state offices, supported by over 400,000+ members (including over 12,300 New Jerseyans), have protected over 3 million acres in all 50 states (including almost 9,500 acres in New Jersey).

The first step in our work--identification--is the most important because it drives all of our subsequent efforts, particularly our land acquisition program. This identification work is accomplished through Conservancy-developed computer-assisted biological inventories that are now functioning in 47 states, including New Jersey.

Here known as the New Jersey Natural Heritage Program, this inventory serves as an invaluable source of scientific information that can be used in guiding all efforts--public and private--to protect the unique features of New Jersey's changing landscape. Once again, I want to thank this Committee for its support of legislation (now pending before the full Senate) that would permanently establish the New Jersey Natural Heritage Program in the State's Department of Environmental Protection.

Once important natural areas have been objectively identified, the next step is to place the highest priority natural features into sympathetic ownership through acquisition or other legal means of protection. This task is formidable.

The New Jersey Natural Heritage Program has identified over 400 separate natural areas that need further protection, including many species that are on the brink of extinction and that occur nowhere else in the world. New Jersey has as much natural diversity as any state east of the Mississippi River, excluding perhaps the State of Florida.

Yet, scientists have estimated that the world is currently losing species at the rate of one per day and that by the year 2000 the rate of species loss will approach one per hour. This rate of loss is unrivaled at any time in our history, including the mass extinctions of prehistoric times. Harvard Biologist, Dr. E. O. Wilson, has said, "The one process ongoing in the 1980's that will take millions of years to correct is the loss of genetic and species diversity by the destruction of natural habitats. This is the folly our descendants are least likely to forgive us..."

There is no reason to believe that New Jersey is immune from these trends. New Jersey is the country's most densely populated state ~~in the country~~, with approximately 10% of the country's population living within 50 miles of New Brunswick. It has been estimated that we are losing close to 75,000 acres of habitat and farmland in New Jersey each year. A rough survey covering 25% of the Natural Heritage Program's list of important natural features reveals that close to 100,000 acres are held privately and are subject to inadvertent and immediate loss. Simple math shows that the challenge of protecting the legacy of New Jersey's natural values in the face of a rapidly expanding population and economy is enormous.

To help meet this challenge, The Nature Conservancy has launched a \$5,000,000 campaign in New Jersey--to be privately funded--that would protect the State's 12-15 most important natural areas, covering several thousand acres worth more than \$10,000,000 from High Point to Cape May. But this is just the beginning. Conservation efforts of other private groups and public agencies, including the State of New Jersey, absolutely must continue.

The problem is that we are running out of time and money. Government leaders tell us that what we protect in the next five years is all that will be left for the enjoyment and appreciation of future generations of New Jerseyans. Further, the Governor's Council on New Jersey Outdoors found that a minimum of \$800 million is needed to meet our current open space and recreational needs.

Fortunately, many of the tools needed to meet this challenge are already in place. For example, the New Jersey Green Acres Program has achieved an admirable record of success in protecting natural areas and recreational facilities. Funded with major bond issues, these protection efforts have been accomplished in two ways--through state acquisitions and through administration of the Green Trust.

Unfortunately, as the database of the New Jersey Natural Heritage Program grows, the list of unfunded priority state acquisitions lengthens day by day. Similarly, the Green Trust--a program of environmental incentive grants and low-interest loans to local municipalities--is faced with a list of worthy applications much longer than it can ever hope to meet at current funding levels.

The Nature Conservancy recommends that the ongoing work of the New Jersey Green Acres Program and the Green Trust be revitalized and recharged with the institution of a stable funding source. No longer can these programs depend on the "band-aid" approach to funding--it must be recognized that extinction and loss of open space is upon us and that there are no second chances.

A number of funding alternatives are being employed successfully elsewhere, including real estate transfer fees, state/private matches, resource severance taxes, lottery proceeds, tax-exempt bonding, hotel/motel fees, recreation related sources, dedicated funds, and many others. The national office of Nature Conservancy has prepared a survey of other state land protection funding initiatives, which I will submit to this Committee as an addendum to my written testimony, with your permission.

In the meantime, I would like to cite three representative examples. Florida has approved a realty transfer fee that generates \$300 million each year for natural areas protection. Last year, New York approved a \$250 million bond issue that will be used to fund acquisition of ecologically significant open spaces. Or, consider this: even as I speak, a conference committee of the Minnesota legislature is reviewing a bill that would establish a \$1 billion Resource Conservation Trust, funded from proceeds of the state lottery.

Soon, we must decide what is best for New Jersey. I submit what is most important is that some sort of comprehensive funding program be developed in time to provide the necessary protection.

In addition to our recommendation for the establishment of a stable funding source, The Nature Conservancy would further urge consideration of the following:

1. Incorporate a private matching component into the state's natural areas funding mechanism, tied to the protection of Natural Heritage Program priority sites. In this way, public-private partnerships will be fostered and the private philanthropic dollars devoted to conservation of ecologically significant natural areas will be stimulated.

Precedent for this matching program exists in several states. The State of Indiana matches each \$1 raised privately for protection of Indiana natural heritage sites with \$1 of public money up to a total of \$10,000,000. Similar programs exist in Illinois, Iowa, Hawaii, Maine, Minnesota, Virginia, Washington, Wisconsin, Connecticut, and Delaware.

2. Encourage use of the New Jersey Natural Heritage Program's database in making choices about where land should be acquired and protected by both the public and private sectors.
3. Provide incentives for private landowners to set aside Natural Heritage Program sites. One option would be to consider a schedule of property tax abatement or relief, similar to the farmland preservation program. This would help maintain the status quo while the most threatened lands are protected through traditional methods, such as acquisition.

4. Continue to support the State's Open Lands Management Program, which provides funds to landowners for the purpose of making natural areas and recreation lands more accessible to the public. Stewardship and management are critical elements of natural areas protection that cannot be overlooked. Funds for the Open Lands Management Program are included in the Governor's current proposed budget.

Our wild natural heritage provides the parts, the raw materials, that sustain human progress. Over 50% of today's prescription drugs contain a natural ingredient as their active component. Yet, only 2% of the world's plant species have been tested for their potentially life-saving qualities. Furthermore, we know that undisturbed whole ecosystems are vital for preservation of globally significant species, for aesthetic values, for flood control, and for water quality.

Past scientific and technological achievements have made it clear that if we fail to preserve living remnants of the natural landscape--ecosystems and the diversity of life they support--we will be foolishly discarding the essential, irreplaceable parts of cultural advancement and quality of life that we enjoy today.

The work of The Nature Conservancy, and our recommendations to this Committee, start with the premise that the lives of all New Jerseyans will be impoverished if we fail to systematically identify, protect and manage our natural heritage. We must begin to think about preservation of our natural features as part of the infrastructure of economic vitality and growth.

The Conservancy applauds this Committee's initiative in contributing to the planning process by exploring new ideas and variations on old themes. Now, the challenge will be to implement them before it is too late.

Respectfully submitted,



Bruce R. Runnels, Director  
New Jersey Field Office  
The Nature Conservancy

BRUCE R. RUNNELS  
Director, New Jersey Field Office

The  
ature  
onservancy



P.O. Box 181  
17 Fairmount Road  
Pottersville, NJ 07979-0181  
(201) 439-3007

35X



MONMOUTH COUNTY PLANNING BOARD

**ROBERT W. CLARK, P.P.**  
DIRECTOR OF PLANNING

LL OF RECORDS ANNEX • FREEHOLD, NJ 07728 • 201 431-7460

ISSUES RELATED TO OPEN SPACE PRESERVATION

Liability & Vandalism

Liability is a major concern to everybody involved with local government these days. Municipalities have to consider it when acquiring open space and landowners have to consider it when granting public access to their private property. This fear of liability has caused many towns to greatly reduce their open space acquisition plans.

We see two potential solutions to the liability problem. Both would make it possible for towns to actively pursue open space acquisitions with a diminished liability.

The first potential solution is the hold harmless approach. Under this approach, municipalities and landowners that grant public access would be held harmless of all liability. Instead, the State of New Jersey would assume all liability burdens on behalf of towns and landowners that have granted access over their land.

The second approach entails the creation of a State insurance pool for local governments and landowners that grant public access to their properties. This method would be very helpful in gaining public and municipal acceptance of open space acquisition techniques such as access easements along stream corridors.

The vandalism issue could also be addressed through an insurance pool that would reimburse landowners adjacent to public open spaces who suffer from vandalism via public open space.

Technical Assistance

There is a need among municipalities, non-profit organizations, developers and the builders associations for technical expertise related to preserving and managing open space.

Staff envisions a special unit within Green Acres and/or the Department of Community Affairs that would hire extension agents who would provide information and services similar to those provided by the Marine Extension and Agricultural Extension Services. This unit could also develop and distribute open space manuals dealing with the technical aspects of acquisition, design and management. The unit could also act as an advocate for the preservation of open space.

Such a unit would be very helpful in the design of linear parks and waterfront trails as well as neighborhood and urban parks. Less common forms of parks, such as town commons and squares, pocket parks and informal "social spaces" could be brought to the public's attention. This unit would also be helpful in assisting builders associations in improving the designs of subdivisions and Planned Unit Developments to incorporate open space needs. The unit could also aid local and county open space Planning efforts and would be able to such advise local governments on how to respond to situations for which they may be unprepared, such as a landowner wanting to donate a section of a stream to a town government.

### Agricultural Lands

The State Agriculture Retention program should be streamlined to avoid costly delays in development rights acquisition. Under the current system it generally takes over a year to buy easements from farmers. During that time costs go up and, in some cases, the farmers sell to developers.

Another idea would be to enable local, county or State governments to purchase (fee-simple) agricultural lands and then place a deed restriction on the land. Subsequently, the land could be auctioned off and the proceeds placed in a revolving fund. This would allow government to move a little faster in acquiring agricultural lands.

Still another approach would be to give counties the right of first refusal on farmland. This right would at least give counties an opportunity to purchase land without getting caught up in a bidding war with the private sector.

The possibility of decoupling the purchase of development easements from the 8-year program should also be investigated.

### Scenic Districts

Scenic districts are made up of three parts: 1) the scenic view (object); 2) the scenic corridor (direct lines of sight); and 3) the scenic viewshed which incorporates the view and the corridor along with the surrounding areas that put the view into context.

The mechanism for such an approach would be an amendment to the Municipal Land Use Law (MLUL) to allow for the designation of scenic views, corridors, viewsheds and districts. Special requirements (such as setback height restrictions or facade requirements) could be imposed on construction within a district so as not to detract from the scenic view. The ability to require scenic district easements would also be helpful in maintaining scenic views.

In addition, there should be State guidelines that define what constitutes a scenic view. For example, a prominent hill may not be scenic. However, when viewed as a backdrop down the main street of a town or village, that same view may be very scenic and worth preserving.

## Funding

In any any space program, funding is critical. One funding method would be to amend the MLUL to not only permit the designation of open space districts at the municipal and county levels, and the assessment of open space impact fees, whereby a developer is assessed a fee based on his development's contribution to the open space need in the district, determined on an acres/population basis. This "fee" could be a cash contribution to an open space acquisition fund or a dedication of land itself for open space. Commercial development should also be assessed an impact fee for its contribution to a town's open space need.

A realty transfer tax is another method whereby funds could be raised for open space acquisition. The funds could either be raised at the local or State level. Money raised at the State level could be funneled back to the county and municipal governments for open space and agricultural land acquisition.

One other funding mechanism would be a dedicated tax at the local or county level. Monmouth County voters recently approved of the idea of dedicated County tax for the acquisition open space. However, there is no enabling legislation to allow counties to levy such a tax.

## Waterfronts

There has been much talk recently of the open space opportunity along all water bodies and water courses. It should be understood that certain water bodies can support certain activities and that, in some cases, sound management would require limits on the location and character of recreational opportunities.

To preserve existing open spaces along water bodies and water courses, local governments should not be permitted to dispose of public property (including rights-of-way) along these waterfront areas. In addition, no non-water dependent structures should be built or allowed to be built on public property within a public right-of-way.

Consideration should be given to the creation of a special acquisition fund within Green Acres for the acquisition of such water's edge areas as stream corridors.

A final need worth noting is a clear mechanism for the conveyance of lands, such as wetlands, to public bodies.



19APR88





William deCamp, Jr.  
11 Barberry Lane  
Short Hills, N. J. 07078

# The Izaak Walton League of America

DEFENDERS OF SOIL, AIR, WOODS, WATERS, AND WILDLIFE

## OCEAN COUNTY CHAPTER

### Outline of Testimony of William deCamp, Jr.

President, Ocean County Izaak Walton League (Save Barnegat Bay)

to: Assembly Committee on Conservation, Natural Resources and Energy

Hearing on Saving Open Space

April 20, 1988

- 1 - Since we know that nonpoint source pollution (residential runoff) is the major source of water pollution in the shore's estuaries, the need to save open space should be thought of as (among other things) a water quality issue. Beach closings and survival of marine species are at stake. *Without saved open space, acceptable coastal water quality may be impossible to maintain.*

(The New Jersey shellfishing industry is particularly threatened by the diminishing water quality resulting from the disappearance of open space around northern Barnegat Bay, which is where clams harvested from polluted waters to the north are purified.)

- 2 - For the purpose of protecting "Endangered or Threatened Wildlife or Vegetation Species Habitat" and "Critical Wildlife Habitat" under NJAC 7:7E-3.36 and NJAC 7:7-3.37 respectively, the CAFRA threshold should be lowered to a single unit for these habitats. The present twenty-five unit threshold does little to protect species.
- 3 - Finding money for aquisition or finding a willing donor of land is only half the problem. One must then find some agency, governing body or organization to accept the land. This is sometimes extremely difficult. It would be a great service if some state agency could accept small parcels of unmanaged land.

Thank you.

# Coalition for Better Planning

RD 1, P.O. Box 941  
Vernon, New Jersey 07462  
(201) 488-7858

## COMMENTS TO THE MEMBERS OF THE ASSEMBLY COMMITTEE ON CONSERVATION, NATURAL RESOURCES AND ENERGY April 12, 1988

C.H. Coster Gerard - President  
George Carfagno, Jr. - Legislative Agent

### Introduction and Background

On behalf of the Coalition for Better Planning, I would like to thank Chairperson Ogden and the members of the Conservation, Natural Resources and Energy Committee for this opportunity to present the Coalition's recommendations for additional steps that the State can pursue to preserve open space and to provide increased recreational opportunities.

The Coalition for Better Planning is a local membership organization focussing on land use planning issues in Sussex County and on the State level. We have actively supported Assemblyman Shinn's efforts to enact TDR enabling legislation and continue to do so.

### Recommendations

**TDR Enabling Legislation** - We urge the Committee to endorse Assemblyman Shinn's TDR bill, A. 456, and the forthcoming amendments to the bill that will elaborate on the creation of development rights banks. The Coalition believes that this legislation provides the most effective and equitable tool for addressing New Jersey's growth management and landowner equity concerns.

Additionally, Committee members should consider a resolution to the State Planning Commission seeking the Commission's formal endorsement of TDR as a growth management/equity compensation tool in the Draft Preliminary Development and Redevelopment Plan. In not taking a formal position on TDR, the State Planning Commission has placed itself in the unenviable position of recommending large-lot zoning in rural areas without providing realistic (equitable) means for compensating aggrieved landowners.

**State Farmland Retention Program** - Like the farmland retention programs in other northeastern states, New Jersey's program is encountering extraordinary land development pressure. Additional easement purchase funding is immediately needed, and the Coalition recommends the consideration of a second bond referendum to provide acquisition funds. Assuming the passage of TDR enabling legislation, funding from such a referendum could also be used to provide capitalization money for TDR development rights banks as outlined in Assemblyman Shinn's current TDR bill.

The Committee should also endorse the SADC's development of alternative land protection measures such as the term easement, and should consider the potential for "rollover" of development rights purchased through the farmland retention program into qualified municipal TDR programs, again anticipating the passage of enabling legislation.

**Land Trust Development** - Through their familiarity with local issues and politics and the ability to act more quickly than state agencies, land trusts across

the country have clearly demonstrated their effectiveness in addressing both urban and rural land use issues.

Unlike many of our northeastern neighbors, New Jersey has not fully utilized the community or rural land trust as a vehicle for local or regional land preservation and maintenance. In Massachusetts, for example, the right of first refusal on an agricultural parcel in the State's Agricultural Preservation Retention (APR) program can be assigned to a local land trust. Doing so not only extends the financial and staffing resources of the APR program, it provides more local input on land use issues. New Jersey land trusts can serve similar functions.

The Coalition recommends that this Committee consider the creation of a state coordinating body for land trust organizations. Such an organization would provide services similar to and could be modeled after Connecticut's Land Trust Service Bureau, a joint effort between the State and The Nature Conservancy providing technical, legal and organizational assistance to Connecticut's 80+ land trusts. Organizations such as New Jersey's Natural Lands Trust or the New Jersey Conservation Foundation would be likely candidates to assume such a role.

**Greenways and Greenspaces** - The conservation and planning communities generally agree that a system of greenways and greenspaces linking our existing urban, suburban and rural open space areas represents the most effective expenditure of our limited land preservation monies. But before we can begin to develop such a system on a regional or state level, general criteria for the evaluation of potential greenway parcels is needed. In conjunction with the development of evaluation criteria, model ordinances covering stream corridors, steep slopes and scenic easements, to name a few, must be developed and made available to land trusts and conservancy organizations working in these areas.

The Coalition recommends that the Committee explore the creation of a comprehensive, statewide greenway system. Organizations such as the MSM Regional Council, Regional Plan Association, and Delaware and Raritan Greenway Project should be contacted for their input on model ordinances. The Green Acres Legacy Program and current state mapping initiatives, in concert with the development of model ordinances, could serve as the template for a statewide greenway program. Additional funding for Green Acres land acquisition and mapping should also be made available.

**Stable, Adequate Source of Funding for Natural Resource Protection** - The long-term success of the above bond-supported programs is threatened by the lack of a stable, ongoing source of funding. Without stable funding, the continuity of such programs is always in question. Moreover, future land preservation programs might never be developed beyond the conceptual phase due to inadequate, unpredictable funding.

Currently, New Jersey's AAA bond rating is among the best in the country. But increased reliance on bonding as a funding mechanism (beyond 4-5% of the total state budget) will lower that rating. The effect of such a lowering would increase the State's "cost" for the money, further diminishing our already limited preservation budget.

The Coalition supports bonding on a short term basis to deal with the land preservation emergencies now before us, but strongly recommends that Committee members support legislative initiatives that provide a stable, adequate source of funding for natural resource protection as a long-term solution.

I would be pleased to discuss any of the above recommendations at the Committee's convenience, and again, thank you for providing the opportunity to participate in this very important process.

George Carfagno, Jr.  
Coalition for Better Planning

# **AZZOLINA**

---

**CONGRESS '88**

1715 HIGHWAY 35, SUITE 104  
MIDDLETOWN, NJ 07748  
(201) 671-6488

STATEMENT ON OPEN SPACE  
BY JOE AZZOLINA  
APRIL 19, 1988

The issue of preserving open space is of supreme importance in the New Jersey due to rampant development and unchecked growth. The influx and expansion of industry and the volatile shifting of population bases has threatened the quality of life even in rural areas of our state.

I am not opposed to economic growth because it is a source of prosperity for our municipalities and state. However, I am opposed to this type of development continuing without proper monitoring and restraints. Controlled growth is the only way we can continue to grow without threatening our quality of life.

Our open spaces, park lands and farmlands are a precious resource and need to be protected from overdevelopment. Right now, our rate of expansion and growth is overwhelming in certain communities and we as legislators and private citizens must work to preserve our land.

During my last tenure in the General Assembly, I fought to preserve our open space by sponsoring legislation to lessen the impact of the Mount Laurel Housing Decision. I also supported legislation that was directed at cleaning and preserving our environment.

I offer my wholehearted support as a former legislator to Assemblyman Joe Kyrillos' Green Acres bill, which will appropriate \$23.7 million in remaining funds from the Green Acres Act of 1983. I also want to applaud Assemblyman Kyrillos' plans to introduce another Green Acres Bond Issue for some \$200 million in funding. I encourage Gov. Tom Kean to sign this bill into law and to consider the proposal for a second bond in the name of preserving our park lands and open space.



COUNTY OF CUMBERLAND  
BOARD OF CHOSEN FREEHOLDERS  
790 EAST COMMERCE STREET  
BRIDGETON, NEW JERSEY 08302

April 18, 1988

JOHN R. REINARD  
FREEHOLDER

Assemblywoman Maureen Ogden  
Chairperson  
ASSEMBLY COMMITTEE ON CONSERVATION  
Natural Resources & Energy  
State House Annex, CN-068  
Trenton, NJ 08625

Dear Assemblywoman Ogden:

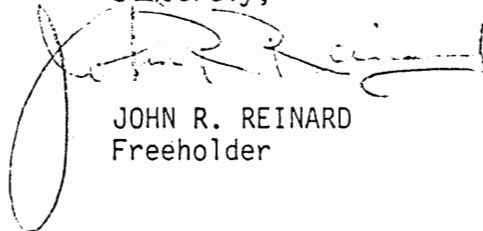
I deeply regret that my schedule precludes attendance at your committee's series of important public hearings on the subject of open lands preservation.

It would be greatly appreciated if you would have these enclosed comments entered on the official record and distributed to your fellow committee members.

We are particularly interested in new methods to save open land in Cumberland County and thank you and your committee for bringing this subject into the area of public consideration.

We hope the ideas put forth in this statement can be incorporated in future legislative initiatives.

Sincerely,



JOHN R. REINARD  
Freeholder

JRR:nc

CC: Assemblyman Frank LoBiondo

ASSEMBLY COMMITTEE ON CONSERVATION,

NATURAL RESOURCES AND ENERGY

Public Hearing on Preservation  
Of Open Lands

Remarks From:

Freeholder John Reinard

Cumberland County Board of Chosen Freeholders

I thank the Assembly Committee on Conservation, Natural Resources and Energy for affording this opportunity to open a dialogue on public policy relating to new and creative methods for preserving open lands and providing recreational opportunities.

It is especially pleasing to see Assemblyman Frank LoBiondo as a member of this committee. His participation is a continuation of the strong commitment Frank made to environmental issues when serving as a member of the Cumberland County Board of Chosen Freeholders.

As New Jersey grows and prospers, tremendous pressure is placed on the Garden State's last remaining open lands. Cumberland County, as part of southern New Jersey, is one of the few portions of the state with significant pristine land and prime recreational resources.

These resources are enjoyed as a matter of course by those residing in this section of the state and we would like to think that this lifestyle will always be available here.

Observing the experiences of other portions of the state, we know that will not be so unless definite steps are taken now to encourage the preservation of our remaining open lands.

To do nothing is to consent to unplanned growth which may or may not respect the desires of our citizens.

Cumberland County is currently engaged in a Congressionally-authorized National Park Service study of the Maurice River, the Manumuskin River and the Menantico River. The purpose is to devise a locally-drafted management plan for these important waterways and to determine if they should be included in the national Wild and Scenic Rivers system.

From the very beginning of this process, our federal legislators, the National Park Service and our county government have all made it clear that condemnation of privately held land will not occur.



In our public forums on the Wild and Scenic process, time and time again private landowners make it clear that they want to retain their property. They do not want unnecessary government intrusion into their property rights.

By the same token, many of these landowners voice their determination to keep the property managed in accordance with open lands policy.

They just want to be ensured of their rights to enjoy the natural land.

So we find that often there is no conflict between government and the private landowner in wanting to preserve open land. The question becomes who can best keep the land in its natural condition.

To this point, it has been government's policy to purchase sensitive lands, often at great expense to the taxpayers.

Yet, the mounting cost of land acquisition, coupled with tighter government budgets, serves to reduce drastically the amount of acres that can be purchased from the private sector, even if the landowner is a willing seller.

New concepts must be considered.

Far more land could be preserved if the state devoted its resources to the purchase of development rights, instead of buying the entire parcel.

Through a purchase of permanent easements on the property, state government could ensure that while a section of open land remained in private hands, it would not be developed.

Under such a system, the state would not be burdened with the role of caretaker.

Instead, a property owner who has already demonstrated a commitment to preserving the land would continue to manage the parcel.

We feel that such a program, clearly formulated, would be very popular with conservation-minded private property owners and those who feel that financial compensation should be a necessary ingredient of the conservation process.

We thank you for presenting the opportunity for input on this topic and hope our suggestions will assist you in formulating new and more effective public policies for preserving our open spaces.



# Maryland Department of Natural Resources

Capital Programs Administration  
2012 Industrial Drive  
Annapolis, Maryland 21401

William Donald Schaefer  
Governor

Torrey C. Brown, M.D.  
Secretary

Michael J. Nelson  
Assistant Secretary  
for Capital Programs

April 11, 1988

Honorable Maureen Ogden  
Assembly Woman & Chairperson  
of the Assembly Committee on  
Conservation, Natural Resources  
and Energy  
New Jersey General Assembly  
Trenton, New Jersey 08625

Dear Assemblywoman Ogden:

We are pleased to provide the enclosed information in response to your recent inquiry concerning Maryland's Program Open Space. Accomplishments of Program Open Space beginning in fiscal year 1970 to fiscal year 1989 are as follows:

Funds allocated to POS from the sale of \$20 Million in State bonds plus the allotment of a portion of the half of one percent State transfer tax on real estate:

**\$444,600,000**

Half of the above amount (\$222,300,000) is for State land acquisition. The other half (\$222,600,000) is for local (county and municipal) land acquisition and recreation development.

ATTACHMENT #1 breaks down the distribution of these funds from fiscal 1970 through fiscal 1989

ATTACHMENT #2 breaks down the distribution of just the "Local side of Program Open Space, FY 1970 - 1987.

ATTACHMENT #3 demonstrates the expenditure of these funds during the period FY 1970 through FY 1987.

Telephone: (301) 974-2231

DNR TTY for Deaf: 301-974-3683

49X

Honorable Maureen Ogden  
April 11, 1988  
Page 2

There is no deadline on expenditures. The funds are retained on account for payment and reimbursed as approved projects are finalized. The monthly draw down is generally around \$2,000,000/month.

#### **The Financing of PROGRAM OPEN SPACE.**

Financial support for PROGRAM OPEN SPACE comes from two sources:

1. Authorization for issuance of state bonds. This fund is known as the Outdoor Recreation Land Loan of 1969 (only \$20 million in bonds were issued), and,
2. A .5% State transfer tax which is used to retire bonds issued for the Program, and to provide funds in addition to the bonds. PROGRAM OPEN SPACE is essentially a pay-as-you-go program.

#### **The Allocation of FUNDS.**

Each year, the Governor of Maryland recommends to the General Assembly in the form of a "Bill" the appropriations for the next fiscal year.

#### **The dividing of Funds between State and Local Government.**

1. Half of all money available under PROGRAM OPEN SPACE is used by State agencies and Baltimore City. The only State agencies eligible to receive funds are the Department of Natural Resources, the St. Mary's City Commission, and the Agricultural Land Preservation Foundation.
2. The other half of the money available under the Program is allocated to the twenty-three counties and Baltimore City.

#### **The Appropriation of the State Share.**

The annual PROGRAM OPEN SPACE appropriation bill lists the State projects by name and the amount of funds which may be spent for each project. The

bill also authorizes the total amount of land in acres which may be owned by the State.

**Example:**

Gunpowder (Baltimore and Harford Counties)- approximately 115 acres but not to exceed 15,646 acres...\$1,000,000.

**The Utilization of the State Share.**

Funds are appropriated for acquisition of land only for the Department of Natural Resources, St. Mary's City Commission and The Agricultural Land Preservation Foundation. A direct grant is also included in the State share for Baltimore City for acquisition and development of recreation areas.

**The procedure for acquiring State Open Space areas.**

**The Department of Natural Resources**

1. Identifies lands to be acquired
2. Prepares project area acquisition maps
3. Submits maps and recommended priorities to the Department of General Services

**The Department of General Services**

1. Secures appraisals and surveys
2. Negotiates for the property
3. Recommends purchase contracts to the Board of Public Works
4. Holds settlement

**The appropriation and allocation of the local share.**

The annual appropriation bill lists a lump sum figure for use by the local government.

**The responsibility of distributing funds at the local level.**

An allocation committee, composed of members of the General Assembly and four public members appointed by the Governor, is charged with the responsibility for distributing that portion of the appropriations to be used at the local level.

**Requesting a Local Program Open Space Grant**

Honorable Maureen Ogden  
April 11, 1988  
Page 4

All counties, Baltimore City, and incorporated cities and towns may apply for PROGRAM OPEN SPACE assistance. All incorporated cities and towns must apply through the county liaison officer. The county liaison officer should make every effort to insure that all incorporated cities and towns have the opportunity to share in the use of PROGRAM OPEN SPACE funds. All potential projects from a county must be identified in the County's Annual Program which is submitted to the Department of State Planning and the Department of Natural Resources on December 1st of each year. If a problem arises whereby an incorporated city

or town is denied use of PROGRAM OPEN SPACE funds, the Department of Natural Resources should be contacted and a meeting will be set up to discuss the funding alternatives.

**All Local projects must be in conformance with a  
County-wide Comprehensive Recreation and Open Space Plan**

Continued eligibility for receipt of Program Open Space funds is now dependent upon the completion of a county-wide Comprehensive Local Recreation and Open Space Plan. Each Comprehensive Plan must provide a balanced program for preserving significant natural areas, open space areas, as well as passive and active recreational and park areas. The County-wide plan must also describe open space and park deficiencies that exist within each county including municipalities and propose goals to eliminate those deficiencies.

Guidelines for the development of these comprehensive plans are available from the Department of State Planning and the Department of Natural Resources.

**Formula for use of POS funds at the local level.**

Half of all money distributed to the twenty-three counties and Baltimore City must be used for the acquisition of land. One hundred percent of the cost of acquiring the land can be reimbursed. The remaining half of the money can be used for

Honorable Maureen Ogden  
April 11, 1988  
Page 5

acquisition and/or development of open space land and recreational facilities for which the political subdivision can be reimbursed up to 75% of the total cost.

**The Local Government is reimbursed for the State Share of the project cost.**

The local share of PROGRAM OPEN SPACE is reimbursable. The local government completes either the acquisition of land or the development of recreation facilities at its own expense and

forwards to the Department of Natural Resources documentation of expenses incurred. The Department then reimburses the local government for the percentage of state funds due.

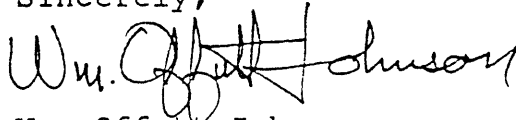
I hope this brief explanation of Program Open Space will provide the information you are searching for. Please call if you have any questions.

For more detail on Maryland's Program Open Space, please find enclosed the following:

March 1986, Concept Paper on POS for the President's Commission on Americans Outdoors and January 1987 General Assembly Briefing paper on Program Open Space.

By the way, we are working on an educational film to promote the recommendations of the President's Commission on Americans Outdoors. I have taken the liberty to enclose a few brochures on this effort for your information.

Sincerely,



Wm. Offutt Johnson  
Assistant Director

WOJ/slt  
Enclosures

PROGRAM OPEN SPACE  
APPROPRIATIONS BY FISCAL YEAR

					STATE SHARE \$ 222,300,000	LOCAL SHARE \$ 222,300,000
DNR	ST. MARY'S CITY COMMISSION	BALTO. CITY DIRECT. GRANT	AGRICULTURAL LAND PRESERVATION			
\$8,580,000	\$	\$920,000	\$		\$9,500,000	
8,580,000		720,000			9,300,000	
8,730,000	250,000	720,000			9,700,000	
11,950,000	350,000	720,000			13,000,000	
10,405,000	375,000	720,000			11,500,000	
9,100,000	250,000	3,000,000			12,350,000	
8,800,000	100,000	300,000			9,200,000	
4,400,000	350,000	750,000			5,500,000	
5,650,000	350,000	750,000			6,750,000	
10,700,000	500,000	800,000	2,000,000		14,000,000	
8,650,000	350,000	1,000,000	1,000,000		11,000,000	
8,900,000	350,000	750,000	2,000,000		12,000,000	
7,600,000	250,000	650,000	3,500,000		12,000,000	
7,600,000	250,000	650,000	3,500,000		12,000,000	
4,750,000	250,000	500,000	2,500,000		8,000,000	
7,750,000	100,000	1,150,000	3,000,000		12,000,000	
7,500,000	0	1,000,000	3,500,000		12,000,000	
8,000,000	0	1,000,000	3,000,000		12,000,000	
10,500,000	0	1,000,000	3,000,000		14,500,000	
15,000,000	0	1,000,000	0		16,000,000	
\$173,125,000	\$4,075,000	\$18,100,000	\$27,000,000		\$222,300,000	
39%	1%	4%	6%		50%	

LAND PRESERVATION PROGRAM ENACTED IN 1979

BEING PLACED ON PROGRAM OPEN SPACE DURING GENERAL ASSEMBLY OF 1984

DISTRIBUTION

THE AGRICULTURAL LAND PRESERVATION PROGRAM IS AUTHORIZED TO RECEIVE A SEPARATE  
FUNDING OF AT LEAST \$5 MILLION.



Program Open Space

Expenditures

FY 1970 thru FY 1987

FY	State Share	Local Share
1970	\$ 503,162	\$ -0-
1971	1,899,374	1,083,662
1972	4,305,656	3,682,129
1973	4,719,001	3,653,698
1974	7,190,124	9,351,263
1975	19,528,715	14,422,825
1976	10,783,747	6,811,419
1977	6,910,481	12,654,409
1978	15,338,520	12,110,952
1979	8,247,961	9,373,692
1980	6,704,214	9,994,614
1981	9,669,337	10,507,531
1982	11,702,289	14,331,903
1983	11,020,604	11,076,022
1984	13,949,534	10,467,075
1985	15,817,507	6,911,928
1986	8,835,966	9,620,390
1987	17,535,515	7,770,245
Total	\$174,658,707	\$153,823,757

Note: These are actual expenditures within each fiscal year; the funds spent in a particular year include that years appropriation plus prior year appropriations.

KMA:mrw  
10/16/87

PROGRAM OPEN SPACE LOCAL SHARE

FY 1970 - 1987

Total Allocations to the Counties  
During the Life of the Program

County	Total Allocation Thru FY 1987	(Acquisition-100%) 50% Acquisition Allocation	(Acquisition/ Development-75%) 50% Acq./Dev. Allocation
Allegany	\$ 2,276,541	\$ 1,138,270.50	\$ 1,138,270.50
Anne Arundel	21,550,245	10,775,122.50	10,775,122.50
Baltimore	27,263,502	13,631,751.00	13,631,751.00
Calvert	1,800,905	900,452.50	900,452.50
Caroline	823,835	411,917.50	411,917.50
Carroll	4,477,023	2,238,511.50	2,238,511.50
Cecil	2,491,000	1,245,500.00	1,245,500.00
Charles	4,188,638	2,094,319.00	2,094,319.00
Dorchester	919,317	459,658.50	459,658.50
Frederick	5,076,190	2,538,095.00	2,538,095.00
Garrett	927,183	463,591.50	463,591.50
Harford	7,627,787	3,813,893.50	3,813,893.50
Howard	11,315,541	5,657,770.50	5,657,770.50
Kent	651,663	325,831.50	325,831.50
Montgomery	34,772,293	17,386,146.50	17,386,146.50
Prince George's	32,654,087	16,327,043.50	16,327,043.50
Queen Anne's	1,128,695	564,347.50	564,347.50
St. Mary's	2,450,799	1,225,399.50	1,225,399.50
Somerset	596,929	298,464.50	298,464.50
Talbot	1,324,592	662,296.00	662,296.00
Washington	4,052,921	2,026,460.50	2,026,460.50
Wicomico	2,482,509	1,241,254.50	1,241,254.50
Worcester	2,493,991	1,246,995.50	1,246,995.50
Total	\$173,346,186	\$86,673,093.00	\$86,673,093.00
Baltimore City Regular	\$ 18,453,814		
Total Regular Apportionment	\$191,800,000		
Baltimore City Direct Grant	\$ 16,100,000		

NOTE: Baltimore city is exempt from the 50/50 split of funds for acquisition and development.