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PUBLIC HEARING

before

ASSEMBLY COMMITTEE ON CONSERVATION,  
NATURAL RESOURCES AND ENERGY

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

April 21, 1988  
Somerset County Environmental  
Education Center  
Basking Ridge, 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  
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CN 068  
Trenton, New Jersey 08625





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

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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.



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ASSEMBLYWOMAN MAUREEN OGDEN (Chairperson): I'd like to thank everyone for being here this morning. This is the fourth and last hearing that the Committee on Conservation, Natural Resources and Energy is holding throughout the State on open space; open space needs and how to attain our goal of preserving at least 300,000 more acres.

With me this morning is the Vice Chairman of the Committee, Joe Kyrillos, from Monmouth County. To his left is Judy Jengo, who is with the Assembly Majority staff, and to my right is Len Colner who is with Legislative Services.

We really had extremely well-attended and interesting hearings so far. Many innovative suggestions have been made in terms of preserving more open space. Of course, the key to it is always funding. But what has been suggested in addition to another very large bond issue for Green Acres, is public/private partnership. Many from the local and county level have said that they would like to be more involved in terms of open space dollars. They would like some mechanisms to raise funds themselves to preserve open space. Some would like to see any purchase of open space be removed from the caps. There is recommended that the borrowing capacity be increased or exempted in terms of purchasing open space.

We heard particularly from the Director of Planning of Bergen County yesterday, the need to be aware of redevelopment in older suburbs, and to craft the tools that we will be needing in the years to come to deal with that phenomena.

We also heard several times, and stated in very poignant terms, about the need for open space in urban areas. As someone said the other day, "It's getting to the point where the street tree is the only open space that people in urban areas are enjoying."

Another point that's been made several times is the need for the right of first refusal to go beyond just farmland, to deal with other critical areas; and to not just be at the

State level, but a power that could be at the county and the local level.

An additional suggestion was the need for highlighting our concern for natural resources. If it's really the number one priority that all of us believe, then it should be reflected in the official structure of the government, and it should be a cabinet level post.

These are just some of the ideas that have been brought to the Committee in the past three hearings. We're certainly looking forward to everyone who's here today and listening to their testimony, and either reiterating the points that have already been made, or else bringing new thoughts to the Committee.

It is our intention, after all these hearings are finished -- which of course today is the last one -- and we receive the transcripts, or probably even before, starting to work on a package of legislation and then having a press conference. The entire Committee -- there are five members of the Committee -- will be sponsoring that legislation.

I guess the prime reason that I don't want to have another hearing -- or two more hearings, as various people have suggested -- is that I do feel that this is a critical need with a sense of urgency, and we should get on with it -- as much as I would like to continue traveling around the State and listening to what people have to say. Of course, everyone is free to send their statements to the Committee, and they will be given a very thorough review.

We do have a list of people who have called and signed up. We're going to start out with this list. If there are others who are in the room today who haven't been in touch with Legislative Services to say that they would like to speak, I urge you to sign one of these forms that's right up here.

Before we start, would you like to say anything, Joe?

ASSEMBLYMAN KYRILLOS: I think you summarized it quite well, Maureen. I'll just add that it's been very heartening to see this kind of turnout at each of the four hearings. We were in Middletown yesterday, which is in my legislative district. We had a turnout similar to this, and heard lots of very good testimony, as we have in Trenton and in Cape May before that. It's been a great education for me, and I'm sure it has been for some other members of the Committee, some of whom obviously are not here today.

I thank you for being here, and look forward to hearing what you have to say.

ASSEMBLYWOMAN OGDEN: Thank you, Joe. As with the other hearings, we'll begin first with State agencies or representatives of State government, and then go to the county and any other elected officials, and then to private organizations.

Using those guidelines, the first person would be John Epling, who is Director of the Office of State Planning, although I don't see him here. Is there a representative here?

M A R T I N B I E R B A U M: Yes. Good morning. I'm Martin Bierbaum, the Assistant Director of the Office. The Director took ill last evening and called me up and asked me to stand in for him. Tom Dallessio on my right is the Legislative Liaison for the office as well. Okay?

ASSEMBLYWOMAN OGDEN: Yes.

MR. BIERBAUM: Good morning, Chairperson Ogden, Vice Chairman Kyrillos, and members of the Assembly Committee on Conservation, Natural Resources and Energy. I am Martin Bierbaum, the Assistant Director of the Office. I am here today to speak about open space on behalf of the Executive Director, and Secretary of the State Planning Commission, John Epling.

As you may know, the State Planning Commission is currently preparing the State Development and Redevelopment

Plan. In January, a draft of the preliminary State Plan was released by the Commission for State agency review and public comment. Based upon comments received, revisions will be made and the Commission will approve a preliminary plan to be released for cross-acceptance with the 21 counties and 567 municipalities of the State, probably by late this summer. A final plan should be adopted at the completion of this process in late 1989 or early 1990. My comments today on open space will relate to the goals enunciated in the State Planning Act, and the provisions in our January draft preliminary plan.

It is important to recognize, however, that we are only at the beginning of the State Planning process. Although the boundaries of our work have been defined by the State Planning Act, our strategies and policies to manage growth are only beginning to evolve. My comments, therefore, should be taken in that context.

The State Development and Redevelopment Plan, pursuant to provisions of the State Planning Act, has seven fundamental goals:

- 1) To promote beneficial economic growth;
- 2) To provide adequate public services at a reasonable cost;
- 3) To protect natural resources;
- 4) To revitalize urban areas;
- 5) To provide housing at a reasonable cost;
- 6) To preserve and enhance historic, cultural, open space and recreational lands and structures;
- 7) To ensure sound and integrated planning statewide.

Achievement of any of these goals, and all of these goals, necessarily involves considerations of open space.

In addition, the draft plan identifies three areas of particular concern in terms of open space. They are the following:

- Revitalizing older cities and suburbs;
- Managing suburban and rural growth; and
- Protecting natural resources including farmland.

I'd just like to say a few words about each of these three areas of particular concern.

First, open space in older urban and suburban areas: Successful revitalization of our urban areas requires the appropriate integration of open space. Open space is just as essential to the reestablishment of commercial, administrative, and financial districts, as it is to the repopulation of residential neighborhoods. Cities traditionally rely on large urban parks to provide for their recreational and social needs for public space. We can point to Central Park in New York, the Mall in Washington, D.C., the Lake Shore in Chicago, the Commons and Public Gardens in Boston. Urban revitalization efforts often focus around public open spaces such as our own Liberty State Park in Jersey City. On a smaller scale, people in urban areas are attracted to open spaces such as vest-pocket parks, which serve the human need for open space in the immediate vicinity of workplaces and high density residential areas.

As you know, most of New Jersey's cities were the product of the industrial age, and often open spaces were sacrificed to development pressures. Today, with the transformation of New Jersey's economic base from an industrial to a high technology and service sector economy, new opportunities are beginning to emerge for innovative commercial and residential patterns of development. These new patterns must recognize open space needs in the renewal and redesign of our cities.

For instance, some of the City of Newark's vacant, city-owned parcels might become attractive for redevelopment as residential and commercial uses if there were a strong public commitment to a system of integrated open spaces. New Jersey's

urban centers, and a number of their older suburbs, have waterfront areas. In the 19th century and throughout most of the 20th century, these waterfront areas have been crowded out with industrial and commercial uses, and access to them was limited. Now they offer unusual opportunities in terms of revitalization. The construction of the aquarium on Camden's waterfront and the private development now taking place along the Hudson River in Jersey City and Hoboken are just two dramatic examples.

Open space is not the sole responsibility of the public sector. Where possible, private development in our older urban areas, whether for housing or commercial purposes, should be encouraged to incorporate open spaces in their designs.

In terms of managing suburban and rural areas, open space policy might take a slightly different focus. The sprawl of suburban development has often left few public lands available, at a price the public can afford, for recreational and open space uses. Open space in these areas are often privately held and inaccessible to the general public. The rise of anti-growth sentiment in some suburban communities is in part based on the realization that undeveloped land is scheduled for future commercial development. The prospect of even higher land prices means that open land in these communities will not be around for very long. Even private uses that once guaranteed open space, if only in the form of a golf course or a swim club, are now subject to being redeveloped to a higher intensity use because of higher land values.

If the suburbs continue to absorb the population and employment growth, which New Jersey expects over the next 20 years, open spaces must be planned for and reserved now. Concerns for ratables on the part of municipalities must be carefully balanced by the qualitative value of open space that makes a community a desirable place to live.

Again, the responsibility for preserving open space is one to be shared by both the public and private sectors. It is not just the existence of open spaces but also the design of these spaces that will optimize their use and enjoyment.

Just parenthetically -- if I can digress for a moment -- when Tom called me and asked me to appear here today to testify, I live just over the hill in Berkeley Heights, and I thought to myself-- I hadn't been up this road or to this center in a few years, but I remembered I'd come down the road into Basking Ridge and go past a farm where we had regularly shopped, and then make a right turn at the Somerset County Airport. I went passed the farm and noticed it was no longer there. There was a huge condominium development on that site. I then made a right at the corner where I thought the Somerset County Airport was, and lo and behold there's another huge housing development on that site. Coming in this morning at nine o'clock was just a dramatic example of what I'm trying to convey here in terms of the testimony.

Protecting natural resources is another mandate of ours and given special attention in the draft plan. While the diminishing availability of open spaces in urban and suburban areas has been a continuing concern, maintaining broad expanses of open spaces in rural areas has also been a growing concern. The increasing pressures of development on prime agricultural land and in environmentally sensitive land, threatens the resources of the State which we have for years taken for granted. We are limited, however, in the tools we have available to protect these resources and retain rural open spaces. I would encourage you to carefully examine new programs and policies which, in conjunction with zoning, fee-simple purchase, and development rights purchase, enable governments at all levels in the State to protect our heritage as the Garden State, and to maintain the aesthetic qualities of our remaining open spaces.

The disappearance of open space in New Jersey has reached serious proportions. Given the density of the population and the intensity of the development in the State, we cannot afford a passive open space policy. Land not reserved for specific open space is land that will very likely be developed. Furthermore, in light of air pollution and transportation concerns, we need to make certain that open space is accessible to people where they live and where they work.

In the older urban and suburban areas, an affirmative open space policy must capitalize on the new opportunities emerging there. As waterfront areas open up, and as abandoned land becomes available, an open space policy becomes another tool to encourage revitalization. In suburban and rural areas experiencing strong development pressures, an affirmative open space policy is essential to carefully balance economic growth and concerns for ratables with preserving and enhancing the existing quality of life. An affirmative open space policy is also imperative in order to preserve farmlands as well as protect other non-renewable natural resources. Without an affirmative open space policy tailored to meet the various needs of each of these areas, open space simply will not compete effectively with other land uses.

In conclusion: At the State level, principal responsibility for open space lies with the Department of Environmental Protection's Green Acres Program, the Department of Agriculture, the Governor's Council of New Jersey Outdoors, and the cooperative efforts between New Jersey, New York and Connecticut through the Regional Planning Association. In advocating that an affirmative open space policy is essential to the future of New Jersey, I am suggesting that legislative action along with ample appropriations will be required.



We at the Office of State Planning will be carefully evaluating the existing and needed tools to assist you in the development of an affirmative and effective open space policy. The State Planning Commission, working with counties, municipalities, and State agencies, will be formulating a State Plan over the next 18 months, which should help you to develop a consensus on how open space needs can be met as we move into the 21st century. Thank you.

ASSEMBLYWOMAN OGDEN: Thank you. One of the points made by an individual who spoke yesterday was -- and basically it was a criticism of the recommendations so far of the State Planning Commission -- is that it's not tied in to our basic resource, which is water supply. Would you care to comment on that?

MR. BIERBAUM: Well, that's something that we are sensitive to, and I think you have to remember that we're just at the front end of this process, which will take a year and a half. We're about to go out to the counties with our maps, with our plans, and to look at where water supply is a concern, where sewers are or are not, match up the data that we developed over the last six months with what they have. But I can assure you that water resources and sewers and water pollution are a critical concern of the plan.

ASSEMBLYWOMAN OGDEN: I don't mean sewers. I mean aquifers.

MR. BIERBAUM: Aquifers, and water quality related to the aquifers, is an important consideration that we are taking into account. In the environmentally sensitive areas, we're in the process of developing a nitrate dilution model in consultation with DEP, which will hopefully set some standards for development based on considerations of water quality.

ASSEMBLYWOMAN OGDEN: Has the State Planning Commission basically undertaken, or maybe amplified what already existed, of statewide natural resources inventory? I

mean, the plans that you're recommending, are they based on natural resources as they currently exist?

MR. BIERBAUM: We worked from maps and advice given us by DEP -- by the Department of Environmental Protection. They were included as part of our factor maps and resource maps to develop our State map. Now what we're doing is going out to the-- Well currently we're engaged in a State review process and reviewing their comments, which is their reaction to what we've done with the information that they've provided us. When this process is complete, a revised draft of the plan then goes back to the State Planning Commission. They will hopefully by the end of the summer, vote to release that revised draft, which will then go to the counties. Then we'll be looking at what we've done with a much finer grain with the counties and local officials, again, to make sure that it's consistent with local information.

ASSEMBLYWOMAN OGDEN: From the description of your trip here this morning and what has happened to two landmarks -- the airport and the farm -- it's obvious that the Fair Housing Act is having quite an impact, and a real impact on open space. Do you see yourself making any recommendations when those two come into conflict, as they seem to be increasingly in a number of towns?

MR. BIERBAUM: Currently, a tentative agreement has been worked out, because this plan will not be promulgated until 1990, to adhere to guidelines with the Council on Affordable Housing up to that time. Subsequent to that, there will have to be a careful balancing between the affordable housing concerns -- which, by the way, is one of our legislative mandates, to see that housing is provided at reasonable cost, and we have to be particularly sensitive too -- and also concerns for open space and natural resources.

We have taken the position that planning done properly can prudently balance these concerns. That's why I think the point was made in the testimony by the Director -- and provided by me -- here today that this is not just a public concern but a public/private concern. And we're really looking for innovative tools to make sure that this can happen.

In some ways, quite frankly, the State Planning Commission and the Office of State Planning, under existing legislation we're hamstrung in some ways. We don't have zoning powers. So, in terms of local municipalities, our recommendations are somewhat limited. Our protection of natural resources with respect to farmland right now is pretty much limited to farmland purchase programs, farmland preservation through lease purchase or fee-simple purchase. We're told by county planners that they're very quickly running out of money to effectively manage that program.

So that's why the point again was made to examine existing tools. In the hope that the legislative doors are open, we can come back with recommendations in terms of future needs; both financial in terms of appropriations, and also in terms of rule making and legislative powers.

ASSEMBLYWOMAN OGDEN: Well that of course is really the main purpose of these four hearings, to hear from those who testify what needs to be done, what's not working, and what legislation needs to be enacted so that we can move forward.

Are there any questions that you have, Joe?

ASSEMBLYMAN KYRILLOS: Yes. I represent the northern Monmouth County part of the State and a small part of Middlesex County, in an area that probably mirrors the State as a whole in their high fevered anxiety about the loss of open space, and traffic congestion. These are folks that left New York and other more congested areas, for the Monmouth County suburbs. I'm concerned about the fact that we have gotten probably the highest Mount Laurel affordable housing mandate of any area in

the State. We heard folks from that area yesterday who are otherwise strong conservationists, concerned about open space, but very critical about the State Plan because of its designation of that area as a future growth area, growth corridor. Their feeling is -- and my feeling is, and I think rightly so -- that we really can't handle any more growth. We certainly have had more than our fair share of Mount Laurel housing, and the rest of it. What would you say to those folks who are advocates of regional planning because they want to have a more balanced approach to growth, yet for these very same reasons are opposing the State Master Plan? How is this cross-acceptance process going to help them voice their feelings and concerns, and how can you accommodate them?

MR. BIERBAUM: I think first of all I would say to them that they have to recognize the limits of the State Planning Commission and the State Planning Act. Our role is really a limited role, and what that draft preliminary State Plan represents is an assessment of where we are today, with something of an anticipated vision of what we at the Planning Commission and the Office of State Planning think most New Jerseyans would like to be in the year 2010.

Now, if Monmouth County was designated as a growth area, that's based on certain criteria which we focused on; information that was provided by DEP and DOT. It had a lot to do with existing roads. It had a lot to do with where sewers are. And based on that information, we're saying that these areas -- or this particular area -- has the facilities in place to grow, and growth probably will happen there. Now, if local people -- your constituents -- decide that it's not in their best interest to grow, people on the State Planning Commission have no way to tell them that they ought to grow. On the local level they will have to effectively take steps to preserve open space, or do things that will slow their growth. But we have no zoning powers. We're not coming down to the municipalities--

ASSEMBLYMAN KYRILLOS: Well what penalties -- from the DOT, from the DEP -- would be forthcoming if they were to reject the plan? What would they not be eligible for or be qualifying for?

MR. BIERBAUM: You raised the obverse of the situation that we're often asked about out in the outlying areas. In outlying areas that don't currently have facilities, developers and farmers are currently telling us that it's much easier for us to stop growth because we can stop DOT and DEP from putting in the necessary infrastructure. But if we're not going to cause havoc with the State's economy, how can we guarantee that that growth will go into places that are already developed and have the infrastructure available, such as Monmouth County? And quite frankly, at this point, we're somewhat limited in guaranteeing that if we slow growth in one area, we can guarantee that it will be fostered in another area, because we don't know what the reactions of local people in Monmouth County and other places that already have the infrastructure, will be. So this is a more serious concern, or is being voiced more heatedly to us by people in the limited growth areas than it is in the growth areas.

DOT and DEP really can't do very much if you decide not to grow. That's a local decision. You already have the infrastructure. You already have the water systems. You already have the sewers and the roads. There's nothing that they can withhold to encourage growth. It works quite the opposite way.

ASSEMBLYMAN KYRILLOS: Very briefly describe -- I know we have a lot of speakers and I don't want to belabor this but -- the cross acceptance process, with the timetable and how you go about it.

MR. BIERBAUM: Okay. First I ought to try to convey that this is truly an open process. The Commission and the staff are working very diligently to make sure that this is an

open process. When we go out and go public speaking sometimes people seem skeptical about that. This is not a finished plan in final form. Right now this is a draft preliminary plan.

In terms of where we are currently: A draft preliminary plan was submitted to the Commission in January. The Commission approved it at its January 29 meeting. The official release date was February 16; that was releasing the plan to the public for public comment and to the State agencies for their review. The State agencies had 45 days to review the plan. They submitted their comments to us by April 1. We're now examining and studying those comments. At the last Commission meeting in March, the public comment period was extended another 30 days. So that period now runs until May 16.

At the end of that public comment period all of those public comments, combined with the State agency reviews that have already been submitted, will be studied and incorporated in a revised draft of the plan, which will then again be submitted to the State Planning Commission. The State Planning Commission will study that revised document and study all the comments that they receive. Hopefully sometime by the end of the summer they will vote or approve a revised draft which will then go to the counties, the 21 counties.

The counties are then responsible for pulling in their municipalities, holding hearings, going over with their municipalities their local master plans, zoning ordinances, local land use regulations, and coming up with an analysis that will allow us to determine where municipalities and counties are consistent and inconsistent, compatible and incompatible with the basic thrust and policies of the State Plan. It's a comparing and contrasting process that they will be undergoing. This process will take approximately six months. The counties are required to file a report at the end of the period, highlighting the consistencies and inconsistencies, compatibilities and incompatibilities.

Municipalities are invited, if they don't agree with what's in the county report, to file a dissenting report, or a report which may in part dissent or in part concur with what the counties have done.

All of this information will then come back to the State Planning Commission and the Office of State Planning. It will be collated, analyzed, gathered, presented. The State Planning Commission will discuss and debate the nature of this information; make changes or recommendations to the State Plan at that time. We expect that this will take three to four months with staff and Commission working closely together.

Eventually then a final plan will be promulgated based on all of this information. That will then again go to public hearing. Comments will again be made. Those comments will then be given serious consideration. And at that point a final plan will be promulgated to become the State Plan of New Jersey.

After this process is complete, I should say though, it's not ended. Under the statute we are then required to monitor and evaluate the State Plan and go through this cross-acceptance process every three years. So this was envisioned -- I think wisely so -- by the Legislature as an ongoing process.

ASSEMBLYMAN KYRILLOS: I suspect you'll have to monitor things because after that long process I presume a lot will be changed and outdated. But I appreciate your comments. Thank you.

ASSEMBLYWOMAN OGDEN: I just have one other question in connection with your attachment D, which is the breakdown on county by county basis of total area developed, available, and undevelopable. I see that you have figures for three of the counties. And it's also broken down according to the tiers. I wondered first what "undevelopable" means -- whether that's currently deed restricted or in public hands or in nonprofit, and it's going to be kept in open space, or whether it means

because of environmental reasons? And secondly, when you envision all this will be finished?

MR. BIERBAUM: When you say when it will be finished, do you mean in terms of final numbers?

ASSEMBLYWOMAN OGDEN: Yes. A lot of it says, "In progress."

MR. BIERBAUM: Yes. Let me provide, perhaps, some context to why we did what we did, and how we arrived at those numbers, and how this process is continuing.

There was much concern voiced, particularly by the development community, over the summer. In fact, they spent quite a bit of money and did quite a bit of work in promulgating their own draft plan in reaction to our draft plan. One of their basic contentions was that there is not sufficient land in New Jersey to continue building to meet the housing needs and commercial development needs of the State through the year 2010, if we adhere to the policies and the map provided with our early draft plan.

In response to that, the Office of State Planning undertook a rather ambitious mapping project, where we worked from 170 Department of Environmental Protection aerial photos, which photographed the entire State in March 1986. We began to identify stream corridors, environmentally sensitive areas, areas that were already developed, and then open space areas; to try and get some handle on what the potentially available, developable land is in the State. This is not a very precise process. What our consultants told us we're looking for is some kind of ratio, like six to one or seven to one, in terms of projected population housing and employment needs, to potentially developable land. The numbers cannot be read with a great deal of precision in any case. What we did was annually measure areas that are potentially available for development, and those that are unavailable for development because they are environmentally sensitive or already developed, to try and develop this ratio.



A preliminary report, a draft report, was presented at the March Commission meeting which accompanied those numbers. I don't know if you've seen that, but it explains what those numbers mean. It also explains that those numbers were just the first cut. That was the first attempt at planimetering, and we were going to do a second and third measurement which would be submitted to the Commission in the upcoming months. So if you don't have that additional information, I would be happy to provide that to you. But those numbers first of all--

ASSEMBLYWOMAN OGDEN: Well, to come back to the question I was asking about what the category of undevelopable means, that means stream corridors, steep plains, flood plains--

MR. BIERBAUM: Wetlands--

ASSEMBLYWOMAN OGDEN: --and wetlands. It doesn't have anything to do with current ownership?

MR. BIERBAUM: (continuing) --and areas already developed. No. We worked from aerial photos. It had nothing to do with property lines and deed restrictions. That's why I was making a point about the ratio, because we feel that that ratio, if you go five to one, six to one, seven to one -- which is a safe ratio -- that allows for a certain degree of tolerance that takes into account property restrictions. In other words, what we're trying to say is, we think we have six or seven times the amount of land available that would be necessary for projected needs to 2010, based on what the Department of Labor and Department of Commerce are telling us residential and commercial land needs might be, and that's what we're playing with. We're trying to come up with a number like that, again, to meet some of the objections that were raised by some of the more vociferous interest groups who were objecting to some aspects of the plan a few months ago.

ASSEMBLYWOMAN OGDEN: So the developers are saying that you're not providing for enough for the necessary development needs according to their criteria, and you're

saying we're going to have between five and seven times what we need?

MR. BIERBAUM: Yes, and this mapping effort was an attempt to document that. It's still ongoing.

The second thing the developers are saying to us -- the builders' associations, which I mentioned in response to Assemblyman Kyrillos' question -- is that even if there is available land, we are much better off at slowing growth in limited growth areas, than we are in guaranteeing growth in areas that are already developed because of the non growth, or anti growth sentiment which is already emerging in the suburbs. That's another issue we have to look into, but I think Assemblyman Kyrillos has made that point in restating the positions of some of his constituents, and that's a concern of ours.

ASSEMBLYWOMAN OGDEN: Thank you very much.

MR. BIERBAUM: Thank you.

ASSEMBLYWOMAN OGDEN: At this time I'd like to call Katie Porter, who's Co-chairman of the Governor's Council on New Jersey Outdoors.

KATHRYN PORTER: Good morning. It's a pleasure to be here. I am very glad to have this opportunity to speak to you. My name is Kathryn Porter. I'm the Vice Chairman of the Governor's Council on New Jersey Outdoors.

I'm not going to speak at great length because from what you have said about the people who have testified already, most of them testified before the Governor's Council on New Jersey Outdoors, and many of the ideas are expressed in our report. What I will do is to make sure that every member of your Committee has this report, and that will be my statement.

The Governor's Council on New Jersey Outdoors was established by Governor Kean as an advisory council. We were charged to assess and make recommendations concerning New Jersey's outdoor recreation and open space needs through and

beyond the year 2000. We are further charged to determine what financial and institutional means are required to assure the continued preservation, wise usage, and high quality of New Jersey's open space and recreation resources.

The process was a six month process. We heard testimony from various consultants on a State level, county, local officials, land preservation specialists, recreation specialists, people who are involved with handicapped specialties. We held four hearings, similar to what you've done, throughout the State. We had 27 hours of testimony and 150 people testified on a broad range of issues; whether it was special interest issues such as the Norwood Tract or Pyramid Mountain, on down to the special issues, again, of the handicapped and aged, from our cities, our local, State, municipal, county officials. All of that testimony is there for you to read and to assess.

The Council would be very glad to meet with you and discuss some of the ideas that in our six months we did not have time to pursue. There were many ideas in this report that should be pursued and looked at as alternative sources of revenue, ideas of how we can better manage our parks and open space.

I would like to, just for the record, give you our executive summary. The key findings of the Council:

New Jersey lands which should be preserved as open space are quickly being lost to development uses. I don't have to tell you that. We know that.

New Jersey's supply of recreation facilities is inadequate to meeting existing and projected recreation demands. There is a deficit of 373,000 acres of open space for public use and enjoyment. New Jersey's Green Acres Program has been very successful in increasing the supply of public open space and recreation facilities. There are insufficient funds for proper operation and maintenance of existing public recreation facilities.

New Jersey's existing land use regulatory system is fragmented, insensitive to regional impact of development, and unprotective of open space.

The recreation needs of New Jersey's urban, aging, and handicapped populations are not being adequately met.

There is a need for greater public understanding of a conservation ethic.

There is a need for a permanent council to examine New Jersey's open space and recreation needs, and the techniques for addressing them.

And to summarize our key recommendations for New Jersey:

- Acquire 373,000 acres of public open space, while suitable lands are available and economically obtainable.

- Establish stable sources of funding for public open space and outdoor recreation operation, maintenance, and capital needs.

- Consider operation adoption of an approximate \$800 million State bonding program to effectuate the acquisition of public open space and development of recreation facilities.

- Revise and improve implementation of New Jersey's land use control system, with specific attention to the regional impact of development and the protection of environmentally sensitive areas.

- Advance a program to make New Jersey's public recreation areas and facilities accessible to, and usable by its urban, aging, and handicapped populations.

- Develop a conservation ethic through a comprehensive environmental education program.

- Finally, establish a permanent council on open space and outdoor recreation.

A start has been made in many of these areas. There was a bond issue passed in 1987, which will continue Green Acres for one more year. I could say it's a drop in the bucket but it's a step in the right direction.

The State Planning Commission is working and utilizing many of our findings, and we stand ready to continue to work with them.

I would urge you to also look and to support some Federal legislation that is on the docket, which is the American Heritage Trust Act, introduced in both the House and the Senate. This would create a permanent trust account for land and water conservation funds, and the historic preservation fund, with principals that cannot be used for other purposes.

Finally, I would commend you for holding these hearings, and again, reiterate that if the Governor's Council on New Jersey Outdoors is made a permanent council, I feel we can assist you in your role, assist you in your endeavors, in that we do have a great deal of information that should be pursued, that is viable for New Jersey, and can make us stronger. Thank you.

ASSEMBLYWOMAN OGDEN: Thank you very much, Katie. I certainly read your report, but I think it would be helpful for us to hear in some more detail--

MS. PORTER: I will make sure-- The Legislature did receive them I know, but things do get buried. Our main concern is, we did not say yes to being on this Council in order to come up with a report that would sit on a shelf. Every day the articles in the newspapers are there speaking to the need. All of the people that you're going to hear this morning are going to be expressing the same needs. I just brought an article that was in the local Daily Record yesterday, which says, "Space Shortages Moves to the Great outdoors." This talks about the loss of private campgrounds which are succumbing to development, and the fact that they are turning 40,000 to 5,000 campers away from State parks. There's a need right there. Thank you.

ASSEMBLYWOMAN OGDEN: Thank you very much. From the Morris County Park Commission, Quentin-- Is it Schleider?

Q U E N T I N   C .   S C H L E I D E R ,   J R . :   Schleider.  
(correcting pronunciation)

ASSEMBLYWOMAN OGDEN:   Yes?

MR.   SCHLEIDER:   Chairman   Ogden,   Vice   Chairman  
Kyrillos, ladies and gentlemen, as the Director of the Morris  
County Park Commission, I would like to formally express  
appreciation to you for the initiatives which have been made to  
preserve the open space legacy for the future generations here  
in New Jersey. Many of these programs have been innovative and  
will contribute greatly to assuring high quality of life in the  
Garden State.

We certainly endorse your efforts, and all the  
suggestions that have been made to enhance the existing  
resources to acquire and preserve that open space. There are  
some things that can be done more immediately than others, and  
I would like to address a few of those this morning.

While much has been done, it is apparent to most  
residents of the State that time is running out to designate  
and acquire open space. Ironically, these critical processes  
have been exacerbated, at least from my perspective and the  
Director of the Morris County Park Commission -- which is the  
State's largest -- through the current Green Trust program,  
which has consumed a greater proportion of the Commission's  
available and finite capital debt, and which keeps it tied up  
for a longer period of time. The result is fewer resources to  
acquire not only new parkland, but fewer resources to acquire  
critical areas to protect existing parkland.

The previous system of challenge grants permitted  
local funds to go further, and even encouraged the private  
sector to contribute additional open space as the local  
commitment to the project. The current trust program does not  
provide the same incentive.

In a recent television program during which State Senator Leanna Brown interviewed both Helen Fenske and myself, Assistant Commissioner Fenske stated that open space available for acquisition by the public sector would disappear in New Jersey by the year 2000. If this is the case, does the importance of the Green Trust as it relates to the critical acquisition land function diminish? I believe that a bold experiment which looked promising -- that is, the Green Trust program -- has not been all that we had hoped. Instead of aiding the process, it indeed is frustrating it, at least for the Morris County Park Commission. I strongly urge your Committee to carefully evaluate that program, and if my observations are correct, that the State of New Jersey take decisive action to return the program to the former program of challenge grants.

While I am somewhat critical of the Green Trust program, I believe that the Green Acres Program has been extremely effective here in New Jersey. One aspect of their function -- and unfortunately it's not observed by all government echelons or all agencies -- involves permanent interest in public lands, such as easements or diversion of public lands. Recently, the Morris County Park Commission was involved with the Algonquin Trans Continental Pipe Line, which, had it not been for the intervention of the Green Acres Program and the people in the Department of Environmental Protection, the damages awarded to the Commission would have been substantially less. The program not only assures the integrity of existing open space, it yields significant resources for additional acquisition programs. I am certain that the program will come under attack from those parties who view parks as utility corridors or places to develop public buildings. I strongly urge that the vital function of the Green Acres Program in this area not be compromised.

In relation to this function, I believe that a careful inventory should be made of current open space holdings by all governmental echelons. Land which may be of great economic value but offers little in the way of conservation or recreation value, might be divested with the funds from those divestments being diverted into new acquisition programs of less expensive, better quality open space for recreation and conservation resources. An example of such a trade currently in process is the possible return of 18 acres of prime commercial land to the Mennen Company in the Town of Morristown and the Township of Morris, with the proceeds being dedicated to the preservation of Pyramid Mountain, one of the last wilderness areas in one of the most rapidly developing areas of the State. The role of the Green Acres Program and the Department of Environmental Protection in this process has assured that the greatest public interest is and will be served. Everyone will benefit in the process. Valuable ratables will be returned to the tax rolls, while quality open space will be acquired and preserved for future generations. Certainly such a program needs to be carefully monitored, but its advantages are too great to have it simply dismissed, since it puts no additional economic burden on the public, and indeed it yields economic benefit.

Finally, a program which would permit the transfer of development rights, in my view would greatly benefit the effort to preserve quality open space for the future here in New Jersey. The program is controversial, and unless carefully structured, could result in unfortunate abuses. But again, the potential benefits are too great to simply dismiss the concept.

In closing, I wish again to thank you for your efforts in preserving open space, and for holding these hearings.

ASSEMBLYMAN OGDEN: Thank you. I just would like to ask a question in connection with your advocacy of challenge grants instead of the current way the Green Trust is working.



What would you ideally like to see, maybe a combination of the two?

MR. SCHLEIDER: Actually, I think the former program, as least from our perspective, was much more productive. An example of that is at Mahlon Dickerson Reservation, which happens to be the Commission's largest holding. A man by the name of Richard Saffin bequeathed a fairly large holding to the Commission, and as a result of that bequest it became the match for a Green Acres \$2 million grant. Those \$2 million are currently being used to acquire hundreds of additional open space acres. The impact of the Commission's capital budget, which is finite -- we're within \$200,000 of our cap -- is that it didn't tie up any of that money. Under the current Green Trust program, if we receive a \$600,000 grant in the Trust -- as we have in two of our acquisition programs -- all \$600,000 is pledged against that capital indebtedness.

And what even exacerbates it further, if the county floats its own bonds it repays them within seven to eight years. The Green Trust program has a 20-year payback. So as a result, we have a fewer dollars to devote to other acquisition or even park development projects. It has become a very serious problem to the Morris County Park Commission. We're a lot uncomfortable about going back and asking for more money, but we're almost being forced to try to do that, or go to some other mechanism to increase that capital fund.

ASSEMBLYWOMAN OGDEN: Thank you. William Foelsch, who is Executive Director of the New Jersey Recreation and Park Association?

W I L L I A M F O E L S C H: Good morning. My name is Bill Foelsch, and I am Executive Director of the New Jersey Recreation and Park Association. I'd also like to acknowledge Paul Laub, our incoming President, who is here in the audience today.

Our Association is an educational, research and advocacy organization. It's our mission to promote the growth and public appreciation of New Jersey's open spaces and to facilitate the abilities of the public to interact with those spaces.

Our membership is comprised of a variety of disciplines and settings, including the governmental settings -- anywhere from the State down to the local municipal levels -- and also private nonprofits, nursing homes, and hospitals. We have a broad constituency. We additionally have well over 200 citizen members who serve on county and municipal park and recreation boards and commissions. This diverse membership reflects the field's broad range of service delivery options for outdoor and indoor recreational pursuits.

Others have testified in these hearings highlighting a variety of innovative methods for open space preservation, such as conservation easements, land banks, transfer development rights, farmland preservation, clustered and tiered zoning initiatives, and the like; all this in the aspect of looking at an open space crisis here in the State, and new methods to preserve those lands. We support the enactment of enabling legislation which will broaden the opportunities of government to implement these options, thereby resulting in the protection of tens of thousands of additional acres of open space.

It is important to note here, however, that an equally critical need exists for new staff within our Green Acres Program who can work with all these planning tools at the local level to focus our open space preservation efforts into cohesive programs. This was a major topic of concern for two speakers at Monmouth County's recent Green Spaces, Livable Places workshop, where we need some assistance from State agencies -- and we believe, most appropriately, the Green Acres Program -- to come into our local communities and work and

leverage these amongst the regional area; not just town by town or parcel by parcel.

While we do not underestimate the importance of the above stated planning and zoning techniques in preserving open space, we know that the most effective weapon currently available to conservation interests in New Jersey is a properly funded Green Acres Program. This program has identified the acquisition and development needs of New Jersey's open spaces, and has enjoyed enthusiastic and grass roots political support. We recommend that new funding for the State and local portions of the Green Acres Program retain the highest priority for action of our Legislature.

As a first step in this process, this Committee we're appearing before today has favorably reviewed Assembly Bill A-93, creating the Natural Resources Preservation and Restoration Fund through an increase in the Real Property Transfer Fee. Yesterday, A-93 unanimously passed the Assembly Appropriations Committee, and we urge that each member of this Committee call for a favorable vote of the full Assembly as soon as possible.

Step two in the fulfillment of the Green Acres legacy is an immediate call for support of a minimum \$800 million Green Acres bond referendum in 1989. This is consistent with the recent recommendations of the Governor's Council on New Jersey Outdoors in targeting the protection of 373,000 acres of new public lands. Even at this level, thousands of acres of critical open spaces will be lost within the next ten years. Our projections indicate well over \$200 million annually is needed to retain a minimum quality of environment, and to keep pace with the recreational development and redevelopment needs of our cities and towns. An \$800 million bond referendum, coupled with a stable source of funding as proposed in the Natural Resources Preservation and Restoration Fund, will keep pace with our current and projected needs through the 21st century.

In my introduction of our Association, I noted that we have a diverse constituency of membership. I repeat this fact to establish the primary role of our membership as service providers. Over 70% of our members in the Association are involved in the provision of facilities and services, most of them in governmental agencies. Governmental agencies have played a dominant role in the delivery of recreation services. Although currently experiencing limits to per capita growth due to governmental budget caps, we continue to expand services at this level. We maintain our role as the largest single force in recreation service delivery within in the State.

Service expansion has continued most effectively where public agencies have been allowed a level of flexibility and innovation. This State has experienced a change of service philosophy and operation in the past decade, evolving from a concept of governmental recreation as a free service to an orientation to specific market service pricing. Recreational fees and charges have become an established fact for many municipal and county recreation agencies currently. Unfortunately, the great majority of our service providers at this level, especially the municipal level, are limited from the direct use of fees for program development and maintenance costs.

I'd like to note at this time that A-93, as passed and amended yesterday, includes a provision of park improvement trusts and park preservation trusts. This is the first enabling legislation to allow more flexibility on the part of municipalities and counties to protect open space through their own efforts.

Beyond this, the single most important recommendation we offer in the area of improvement of service delivery in local government setting is the enactment of legislation permitting all public recreation agencies to establish operating trust funds to enable user fees to be committed to

program service. This must be coupled, however, with a concern that user fee development for program expansion not be accomplished at the expense of those disabled, underprivileged or aged citizens currently not being served or underserved.

Outdoor recreation service delivery systems must also seek to provide full physical access for our disabled citizens. Equal access to outdoor recreation facilities and services must be incorporated into all future open space, shore protection, and outdoor facility development funding programs. Our Association has worked extensively in support of this concept, and we respectfully refer the Committee to the report of the Governor's Conference on Recreation Resources, as provided to Governor Kean on June 19, 1985. This was a precursor to the Governor's Council on New Jersey Outdoors. This report offers specific recommendations targeting the special needs of disabled citizens, including prioritized funding for rehabilitation, retrofitting and promotion of existing facilities to improve physical accessibility. We also concur with the need to improve the planning and implementation of transportation services to recreational resources for disabled, disadvantaged, and aged residents.

Our list of priority concerns for open space preservation and recreational development could proceed for many additional pages. Rather than restate the concerns, we recommend that this Committee review -- as proposed by Mrs. Porter before -- "Challenges for the Future," the report of the Governor's Council on New Jersey Outdoors, published in March, 1987. This is the best possible summary of New Jersey's outdoor recreation and open space needs. The report generated very specific and workable proposals for action on what we feel are topics of priority importance: the improved funding of maintenance functions in our parklands; the critical need for improvement to urban recreational facilities, programs and staff credentials; incorporation of the concepts of wellness

and physical vitality into our outdoor programing; and last, but not least, the expansion of environmental education efforts to all user groups. This is particularly important knowing that we're in Somerset County's featured environmental educational facility today. These topics deserve the full review of the Legislature and we hope that this report will provide the foundation of your analysis.

I'd like to conclude this testimony with reference to two additional recommendations made by these earlier studies.

The first, from the proceedings of the 1985 Governor's Conference on Recreational Resources, focuses on the needs of resource managers and recreation service providers for access to better information and research. We have yet to develop a method of action or an agency responsible for documenting the economic, sociological, and psychological impact of what we preserve and what services we provide. While the Green Acres Program staff does a very credible job of information retrieval and analysis for the Statewide Comprehensive Outdoor Recreation Plan, this does not fulfill the greater need for data in support of our mission; statements, objectives, and budgets. This report suggests a close cooperation of State government and our institutions of high education meeting this objective. We recommend the creation of a properly funded research institute in cooperation with the State university system to accomplish this purpose. While conceivably relegated to a low priority concern of this Committee, our Association suggests that this deserves a very high priority in view of its long-term potential for improving the decision making process.

Finally, the Governor's Council on New Jersey Outdoors in their report recommended the establishment of a permanent New Jersey Outdoors Council to analyze and refine the conditions of New Jersey's outdoor recreational resources. This Council should be charged with what seems to be an underlying theme of these hearings, and also their hearings;

that the improvement and promotion of a conservation ethic, and appreciation for New Jersey's open space resources is absolutely necessary for the survival in this country's most densely populated state. We need and deserve equal status with this great State's business and industry initiatives and their similar councils. An active and permanent council will be critical to building an intelligent and supportive constituency.

I thank you for the time you offered me to present my testimony.

ASSEMBLYWOMAN OGDEN: Thank you very much, Bill.

MR. FOELSCH: Thank you.

ASSEMBLYWOMAN OGDEN: I see there's one other public organization I neglected to call before, the Essex County Park System's Sara Hanson?

S A R A H A N S O N: Good morning.

ASSEMBLYWOMAN OGDEN: Good morning. I'd like to say at the outset that if it's possible for you to just summarize--

MS. HANSON: That's what I intended to do.

ASSEMBLYWOMAN OGDEN: --since we have the written report, it would be helpful.

MS. HANSON: Just for the record, my name is Sara Hanson. I'm with the Essex County Department of Parks, Recreation and Cultural Affairs. I'm testifying on behalf of our Director, Carmine Capone, who unfortunately could not be here today.

I won't go through all the testimony that we have written down because you have it for your final record, but I will highlight some of the points that are highlighted and talked about in the testimony.

Basically, we're very pleased that these hearings are being held, and we hope that the outcome of this is that there will be solutions that are presented to the Committee that can be acted on in a decisive manner, and that will ensure an equitable balance between open space preservation and development within the State.

We are very concerned about the Green Acres Program also. We think it's a very important program and has done a lot to preserve open space, as well as develop recreational facilities within the State. It's important that another bond issue be considered and supported by the State Legislature. Without another bond issue, funding will not continue for this program. In addition, a permanent source of funding is critical to ensure that this program is carried on into the future.

In the written testimony we've outline a few ideas on how to preserve open space, as well as meeting the needs of landowners within the State. I won't go into those right now.

Just very quickly, we talk about allowing local zoning to build more units on less property, so to speak, and that "excess" property is then donated to the local recreational department for parkland. If that's not appropriate, then monies would be deposited in a special fund for acquisition or recreation development.

Also, transfer of development rights is another idea. Clustering is another idea. I'm sure you've heard all of these before.

One concern I do want to highlight -- it was briefly mentioned here -- is our concern over private nonprofit organizations such as Boy Scouts and YMCAs that are land rich, cash poor. They need to be encouraged to work with conservation groups that could purchase their property, perhaps develop part of it, and leave the remainder as open space.

Another area which I haven't heard mentioned today -- I don't know if it was mentioned in previous hearings -- is the problem with maintenance. Yes, we need to acquire open space, and we need to develop recreation facilities. We also have to think in the long term of what is it going to cost in maintenance dollars, especially with garbage disposal. Refuse costs are outlandish at this point.



Another area concerning Green Acres that I would like to highlight -- which was just highlighted in previous testimony -- is that the Green Acres Program needs to go beyond the point that it's at now. They need additional staff so that they can take the statewide outdoor recreation plan, work with local communities, help them develop master plans which can then be implemented. Right now I think we work too much on a piecemeal basis. We need to get a more cohesive effort.

Additionally, the response to the State Development and Redevelopment Plan indicates that there is an acceptance for the need for planning on a statewide basis. We're getting a little bit away from the home rule, and the importance of preserving our natural resources. In addition, the '88 survey, conducted by the Center for Public Interest Polling, clearly states that New Jerseyans are concerned about preserving natural resources, more concerned than economic growth. It's not to say that we shouldn't have economic growth, but again, we need to maintain a balance between the two.

Then in closing I'd just like to say that it's time for all of us to stop reacting to crisis situations, and become more proactive in our approach to future trends and needs of our residents. Today is a very good start of this. I hope it continues. Through making the Governor's Council on New Jersey Outdoors a permanent body, I think that will add even more impetus to the movement. Thank you very much.

ASSEMBLYWOMAN OGDEN: You're suggesting that Green Acres should have one or more individuals who would really be proactive, as opposed to just responding to requests from municipalities and counties. They would look at the overall greenways map, for instance, and go to these municipalities and counties and say, "We think you should be applying for this property."

MS. HANSON: Exactly, and going beyond the greenways map that's just been developed and the blueways map -- it's

been called different things -- but helping them identify potential acquisitions within their communities. Municipalities don't have the resources to do that on their own, and a lot of times just don't do it. And we lose valuable property that way. For a county park system, a park that's three acres is too small. That's not necessarily too small for a municipal park system though.

ASSEMBLYWOMAN OGDEN: Do you have the same criticism that the Morris County Park System has about the Green Trust, that you'd like to go back to the challenge grant?

MS. HANSON: I think everybody would like the challenge grants, but we have not had as many problems as the Morris County Park Commission has with the trust program. Thank you.

ASSEMBLYWOMAN OGDEN: Thank you very much. Tom Wells from the New Jersey Conservation Foundation?

T H O M A S W E L L S: Good morning, Assemblywoman Ogden, and Assemblyman Kyrillos. My name is Tom Wells. I'm Assistant Director for the New Jersey Conservation Foundation. I'm pleased to have the opportunity to participate in these discussions concerning New Jersey's open space and recreational needs.

The central mission of the New Jersey Conservation Foundation over the last quarter century has been to promote preservation of open space throughout the State. Although New Jersey has taken great strides to set aside lands during this period, the current pace of development threatens to engulf what remains, if we do not act swiftly.

New Jersey has substantially changed in character in the last decade. Sprawl has seen to that. Our new economy, based on information and service and aided by the most intensively developed highway system in the country, has made a city of our State. The demand for protection of critical areas and recreational open space is unprecedented. Not only are

present funding levels inadequate, but new mechanisms must be put in place and fostered to meet present and future needs.

Legislation sponsored by Assemblyman Villane, A-93 -- which as been mentioned previously today -- we firmly support and hope that it receives swift passage

Also, the recommendations of the Governor's Council on New Jersey Outdoors we believe are quite comprehensive, and that there is an urgent need for their implementation as well.

New concepts also need to be explored:

- Municipal and county land banks, funded by dedicated portions of the Realty Transfer Fee, merit consideration. I know that Assemblywoman Ogden has had a bill to that effect introduced in the previous session. I believe it's in this session as well. Such programs are in place in other states, such as in Massachusetts. Another potential source of funding would be an excess capital gains tax on realty transfers, similar to that which is used in Vermont.

- The right of first refusal concept should be extended to all lands receiving preferential assessment under the Farmland Assessment Act. This right should be transferable to private land trust groups, as it is in Massachusetts. A-1361, sponsored by Assemblywoman Ogden, should be supported.

- The transfer of development rights, now in legislation sponsored by Assemblyman Shinn, also deserves support.

Additional funding to the State Natural Lands Trust is needed to ensure that this agency has the staff and resources to:

- 1) Accept and maintain wetlands and buffer areas that will be made available to it as a result of the recently enacted freshwater wetlands legislation;

- 2) Provide the opportunity for regular interaction and cooperation between the Natural Lands Trust and the Wetlands Mitigation Council;

3) Provide incentives for the establishment of local land trusts, such as technical assistance and start-up grants.

The Open Lands Management Program, which offers grants to private landowners who permit public access, is by far the least costly method of providing public passive recreation. Bills to provide funding for this program, sponsored by Assemblyman Frelinghuysen and Senator Pallone, deserve swift passage.

In recent years, the land use regulatory system at the State and local levels has placed increasing amounts of environmentally sensitive land off limits to development. However, the potential open space and recreation opportunities these lands could provide is often lost, in part, because there is no comprehensive planning framework to guide their use for open space purposes. The State, through the DEP, could promote establishment of greenways at the local and county levels through the provision of technical assistance and planning and implementation grants to local governments. These grants could be modeled after those administered by the Division of Coastal Resources under the State's Coastal Zone Management Program.

Also, a mechanism needs to be found to stop the conversion of development of watershed lands owned by public and private water companies to development. Perhaps a commission should be established, as it has been in Connecticut, to investigate this problem and to recommend solutions. One possible means to slow the loss of watershed lands would be to bar the use of water supply bond funds by water companies which continue to divert their watershed lands to development.

Another area in which New Jersey is rapidly losing open space -- which was mentioned by the previous speaker -- is in the sale and subsequent development of tax-exempt lands owned by charitable organizations such as the Boy Scouts and the Catholic Church to name a few. There are certainly many

more. A system should be instituted to give government, and perhaps private land trust organizations, the right of first refusal on these lands. Perhaps a multi year rollback tax could be instituted on conversions of such lands to development, the proceeds of which could be used to fund open space acquisition.

Another area that is of great concern right now is the current Federal administration's lack of concern for open space preservation, which we feel must be reversed. It is our hope that whoever wins in November at the Federal level, will begin to work in partnership with the states on open space and recreational projects that demonstrate a concern for our quality of life and that of future generations.

Finally, we'd like to take the opportunity to acknowledge the tremendous efforts that Assemblywoman Ogden has made in support of open space preservation, particularly in the recently enacted Freshwater Wetlands Act, last year's bond issue for open space and cultural activities, and her efforts in support of farmland preservation, to name a few.

We appreciate the opportunity to take part in these very timely and important discussions. Thank you very much.

ASSEMBLYWOMAN OGDEN: Thank you, Tom. One of your ideas here, the excess capital gains tax on realty transfer, you're talking about the difference between what a developer buys land for and then what he sells it for development?

MR. WELLS: Right. It actually would be a tax on land speculation. The developers don't really make the money so much as the speculators who hold it and turn it over. Often they may turn it over under an option in that case, you know, a development proposal so they would be a developer. But in Vermont this excess capital gains tax has been used on farmland. It's a declining scale, where if the land is turned over in a short amount of time, there is heightened tax. If it's held and turned over, over a longer period of time, the

tax on the gain declines to be zero at some stated time period. I'm not sure what the parameters are, but I think it warrants consideration. I think it's only used in relation to farmland in Vermont, but I'm not sure.

At any rate, I think it's a concept that certainly merits some consideration here, where I think all of us are well aware of the kinds of gains that are being experienced in land transfers in the course of a few months, maybe six months or a year. They're just unprecedented, especially out in Hunterdon County now that Route 78 has been completed through the Watchung Reservation. Some of the turnovers in rural Hunterdon County have just been unbelievable now that it's connected up to the New York metropolitan area. I'm sure there are other examples down in Monmouth as well, and all over the State.

ASSEMBLYWOMAN OGDEN: Thank you very much, Tom. Now we'll go back to the order of how people have requested to speak. Richard Kane from the Audubon Society? Rather, order that they signed up in.

R I C H A R D K A N E: Good morning, Assemblywoman Ogden, Assemblyman Kyrillos, ladies and gentlemen. I am Richard Kane, Director of Conservation, New Jersey Audubon Society, speaking today for the Society.

New Jersey Audubon is a nonprofit organization of 10,000 members with a mission in conservation, environmental education, and wildlife research. We have been interested from our beginnings in the last century -- I do not date from the last century but our organization does -- in the conservation of open lands, and we maintain 15 sanctuaries around the State as wildlife habitat and open space.

ASSEMBLYWOMAN OGDEN: Rich, if you'd be willing to summarize whatever parts you can in the interest of those who are waiting, I'd appreciate it.

MR. KANE: This is not a long statement. It's about six and a half minutes.

We think the time is right for a State push to acquire several hundred thousand acres of open space. The recent wetlands legislation made it harder to develop in 300,000 acres of previously unprotected wetlands. The Governor's Council targets 373,000 acres for protection. There have been bills proposed which would establish a permanent funding source of some \$50 million or more annually for natural resources. Watershed tax relief would complement these efforts nicely. The sentiment of the citizens is clearly for open space. No Green Acres Bond Issue has ever failed. Citizens contribute hundreds of thousands of dollars to the tax checkoff. Some 189 organizations supported the Wetlands Bill. So, clearly the facts conspire to urge us now to acquire quality open space. The circumstances are right; the tools are there.

Audubon is most concerned, however, with what lands are chosen for open space conservation. That question is prior to the question of how to preserve land. We would like first to direct attention toward which lands are to be preserved and talk about the how.

The State's Outdoor Recreation Plan of 1984 ranked recreational activities by popularity according to the number of man-days. Walking ranked number three. Nature walking ranked number nine. Birding ranked number twelve. These ranked ahead of most active recreation in most sports. Organizations concerned with wild lands are all increasing their memberships rapidly in this State. Our own membership has tripled in less than five years. These facts suggest that much of the land to be targeted for acquisition should be quality open space, good wildlife habitat, and viable for our increasing passive recreational needs.

Also, there needs to be a concerted effort to acquire the best lands for wildlife conservation and for recreation, not merely what is cheap and available, to reach a quota. Too often open space preservation has been controlled by those factors and not necessarily by needs and priorities.

For example, one priority often neglected has been conservation of lands for migratory birds. There are many others, I select that one because it is an interesting example. As a principal flyway state on the Atlantic Coast, New Jersey sports a very high bird list. We have submitted -- I'm not reading -- additional testimony about certain areas which are critical migratory bird corridors in this State that should get a look at for preservation.

The resources that we have are closely tied to new emerging patterns for passive recreational demands. There are good lands here in the State to preserve for those purposes.

Recent circumstances and the quality of the land urge a priority push to acquire open space in the northern central highlands region of New Jersey. The accompanying map -- which you have -- proposes a highlands forest preserve in North Jersey, and it indicates which lands are already State owned in a color code. By picking up lands in the Newark Watershed, Sterling Forest, and other smaller areas, a large contiguous forest preserve of optimal wildlife habitat and excellent recreational quality could be created. The Regional Plan Association recently called for a necklace of open space in the northern area because of heavy tristate development. The State Planning Commission urged the protection of water supplies, wildlife habitat, steep slopes, wetlands and sensitive natural areas, especially, "large parts of northern Passaic County and the mountain areas in Oakland and Mahwah are listed as areas where growth should be limited." Recently a citizens' group urged the preservation of Pyramid Mountain. You already heard about that so I'll pass on over that. But the point is that these latter areas that I mentioned are on the periphery of this proposed highlands reserve. These circumstances make the idea of a highlands preserve even more appealing.



The centerpiece of the proposal is the Newark Watershed. It's owned by the City of Newark and is Newark's water supply. The area is perhaps the best tract available in the northern part of the State -- if not in the whole State -- with high quality wildlife habitat, lakes and existing trails for recreation, and important wetlands and rich forests that protect the water supply. We feel it should be number one in the State's effort to acquire needed open space because it is high quality, and because it is near growth and population centers in Morris, Passaic, Essex and Bergen Counties. The Newark Watershed is 35,000 acres. About 20,000 acres have been declared suitable for development in a recent study by the Watershed Corporation. Experience shows that if 20,000 acres are suitable, 20,000 acres get developed. The remaining 15,000 acres presumably are steep sides and wetlands, unsuitable for development.

The land is in Sussex, Morris and Passaic Counties. If preserved in its entirety it would link the currently preserved forest regions in the north central highlands, and it would preserve the best land. The 15,000 acres that are unsuitable for development might not have to be acquired by the State if they are regulated by the Wetlands Bill and by steep side ordinance protection. In effect, by acquiring 20,000 acres, a contiguous preserve of 100,000 acres would be created. However it is done, the entire 35,000 acres ought to be protected, either by purchase, or by purchase plus regulation, or by some kind of partnership between the State and Newark.

Other select lands in addition to the Newark Watershed where open space efforts should be focused we believe -- this is not necessarily a completely exhaustive list -- but at least in the Hunterdon Plateau, the Sourland Mountains, the Delaware River Corridor, Passaic River wetlands, Rockaway Valley, Raritan Estuary, the Ramapo Mountain area, the Delaware Bay Shore, Cumberland County tracts, and the Cape May Peninsula.

Where Federal or county efforts make State acquisition unnecessary, then State efforts can be turned to other tracts. An example is in the Cape May Peninsula right now. There is a strong initiative on the part of the Federal government to establish the Cape National Wildlife Refuge. That would be an excellent outcome.

In order to preserve open space for conservation and recreation, we would encourage the following measures:

1) A bond issue of at least \$200 million -- hopefully more -- for acquisition of some of the lands we have described. Green Acres Bond Issues have never been defeated in New Jersey.

2) A permanent and stable source of funding -- which has been mentioned by others -- for preservation and restoration of natural resources to the tune of 50 or 60 million a year, so that the acquisition and restoration programs can be planned and not be forced to be haphazard.

3) Thirdly, we think that perhaps monies from the State surplus could be used for acquisition of open space. It would be an investment in the future we think. Thank you.

ASSEMBLYWOMAN OGDEN: Thank you very much, Rich. Several other speakers have also touched on the key point in your testimony, which is the Newark Watershed and the whole area up there that abuts New York State. And one of the suggestions being made was that we have a bistate commission, because Sterling Forest -- which is over the border -- is pretty critical that it remain open as far as water supply and flooding are concerned, especially in our Passaic Watershed.

MR. KANE: Yeah. If the Sterling Forest portion that extends into New Jersey were acquired, then the necklace of forest preserve would be complete. That would be the last piece. Thank you very much.

ASSEMBLYMAN KYRILLOS: Thank you for the map. It's very well done.

ASSEMBLYWOMAN OGDEN: Yes, appreciate the map too.

MR. KANE: Yes. That was prepared by Tom Bosakowski of Watershed Watch. They are also very interested in the same thing we are.

ASSEMBLYWOMAN OGDEN: The next speaker, Ella Filippone from the Passaic River Coalition, might have some further comments on this subject.

E L L A F. F I L I P P O N E: Good morning, Mrs. Ogden, Mr. Kyrillos, ladies and gentlemen. I'm Ella Filippone, the Executive Director of the Passaic River Coalition, which is a watershed association headquartered here in Basking Ridge. I'm going to skip the wherefores and whatfores on the first page, (referring to her prepared testimony) which are mainly my introductory comments.

However, I think it's important that we emphasize, as have others, that the State of New Jersey must commit considerable monies for needed acquisitions because of anticipated interpretations of laws already passed, which are vital to maintain the environmental integrity of certain areas of our State. Acquisition of riverfront parks -- which has been mentioned previously, and is always referred to as the Liberty Park, the Hudson River Projects, and such -- by-pass projects such as our Passaic River Restoration Program, which is not being done under any kind of commission or authoritarian form of government. These kinds of projects where local governments join together to work on greenways, should be encouraged. Setback requirements and redevelopment should be required at all riverbanks with public access where possible.

Our Passaic River Restoration Project, which is currently in a major phase of planning, got started with a small grant to develop a master plan from the Office of Coastal Resources. Mr. Wells just commented on that briefly, on that particular program. The County of Bergen provided administrative funds to keep the project going, and during that

time, through our efforts, an element of the Water Resources Development Act of 1986 will bring \$5 million for the final implementation of this project. This effort will bring new parkland to Harrison, Kearny, North Arlington, Lyndhurst, Rutherford, East Rutherford, and Garfield, all old, blue-collar, urban communities. A key element is that each of these towns got their initial acquisition money from Green Acres, which translates into the non Federal match for this Federal program. It's rather unique that we have our cost sharing for a Federal program already, and that it was made possible by Green Acres. As a matter of fact, the Corps of Engineers is kind of surprised that we have this money already.

Our problem with the Passaic River Restoration Program right now is that no program currently exists within the New Jersey Department of Environmental Protection which would allow this project to go up river into the freshwater areas. Such planning funds should be made available.

Emergency funds must be established. All too often environmentally sensitive lands are threatened by development, and the money is not readily available. The Pyramid Mountain project in Montville and Kinnelon is such an example. Wetlands throughout the Passaic River Basin fall into this category, and should be acquired so that we are freed from development attempts. I doubt whether those of us who have spent so much time and effort to work for the passage of the Wetlands Act, can curtail the attempts toward development of these sensitive lands because of the technicalities of definition and delineation. Currently we are being overwhelmed with applications which go to the wetland line, and all too often this line is conservative. A substantial amount of money should be dedicated to acquiring these lands now.

For the future, we should also recognize that lands which provide recharge to our aquifer areas should be preserved. Such lands, which would be added to the wellhead

protection areas to be known as groundwater protection zones, should also have a high priority.

Each municipality should be required to inventory its open space lands and its future needs. Contained within these plans should also be a section on the cultural heritage of a community. Historic buildings in these towns should be noted, inventoried, photographed, and records kept. From this work should come an element of each town's master plan, which would concentrate on open space acquisition, and the establishment of parks, either in the formal sense for recreation, or as wildlife habitat.

In that same vein, all counties should be required to establish a county open space master plan. Our urban counties, which had established parks during the 19th century, should reexamine these jewels of New Jersey, and restore and maintain them. Essex County's Olmstead parks should be much better maintained. And if the County does not have the resources to do so, the State should do all it can to aid not only in a restoration, but in an education program to allow the public to know how important these parks are. I doubt that a majority of the residents of Essex County know that the person who designed Branch Brook Park, Eagle Rock Reservation, the Weequahic Park, and the South Mountain Reservation, is the same person who designed Central Park in New York City.

The New Jersey Green Acres office should undertake a special study to identify lands held by nonprofit agencies which can no longer hold onto their lands. Tom Wells also referred to the problem with the Boy Scout lands and the Catholic Church, and we concur that these kinds of activities have to come under better control by the State and by other organizations dedicated to land acquisition.

We have been appalled at the State's position on the Kuser Mansion at High Point State Park. This park was the first land donated to the State of New Jersey by the Kuser

family. For New Jersey, this park is comparable to what Yellowstone is to the National Park System. This mansion should be restored, and if because of State regulations it becomes too costly, why can't regulations be made to by-pass these cumbersome rules and permit private intervention?

Finally, we come to the most important lands in New Jersey, those lands which are considered the watersheds for water supply of the State. Some are currently owned by the water purveyors, and certain of these lands in Bergen and Morris County are being sold off because of a ruling by the Public Utilities Commission. The public is outraged, and were funds available, we would hope the State could have interceded. However, this crisis is currently ongoing. Looking at the consultant's report, for example, on the sale of the lands by the Hackensack Water Company's subsidiary Rivervale Realty, much of the reasoning for this action stems from a lack of interest in such lands through the laws of the State of New Jersey. This must be changed.

These watershed lands are as important as parkland, yet it is taxed according the whims of the municipality in which it is located. Some of these lands are in another municipality and owned by another, which if new technology makes water treatment easier, the specter of income may entice a municipality to sell off these lands. The horror of such activities calls for action towards preservation and the need to create innovative programs for both the water purveyor and the local municipality. Most of all it calls for a totally new attitude toward the way these watershed lands are perceived. They are as important for the public good as parks, and should at the least receive the same tax-exempt treatment.

We have been through our flood plain watch working with a vast network of groups in northern New Jersey for the preservation of the Ramapo Mountain area, Sterling Forest lands, and so forth, which Richard Kane just recently commented

about. These lands too should become a special project of the State so that over time a base area of open space crowns the Garden State from the Delaware Water Gap to the Hudson River.

We have attempted to limit our concern so that the most important of our concerns would be presented in a short period of time. We certainly would be happy to work with the Committee, and to do all we can to see that the open space needs of our State are maintained.

ASSEMBLYWOMAN OGDEN: Thank you, Ella. When you say that the counties should be required to establish a county open space master plan, I thought that the counties already had to do that.

MS. FILIPPONE: Some of them do, some of them do not. I know that Morris County and Essex County have an open space master plan and they update it periodically. Bergen County has a very very old one. It doesn't do it on a periodic basis. I think the format of a open space master plan in some of our other counties in the State is very simplistic and barely exists at all. So I think there has to be a defined minimum and maximum that they should develop as far as an open space master plan is concerned. And it should also address the environmental sensitivities of these counties. Counties like Morris County have a great deal of environmentally sensitive land, and they're having a great deal of pressure for development.

ASSEMBLYWOMAN OGDEN: Another point that you brought up about purchasing wetlands in the Passaic Basin particularly-- Are you saying that where there's a dispute between the State's delineation of the wetlands, and where for instance your organization thinks the wetlands extend beyond that, that that's what should be acquired?

MS. FILIPPONE: I think that we have to begin to develop a much more aggressive acquisition program in wetlands, because in so many of the projects in which we're involved,

we're finding that the development goes right up to the wetland line right now because the buffer element does not come into play until next year. At the same time, we have been finding more and more that the technical delineation by the experts that are hired by developers comes in low. And what we're trying to encourage within the Department of Environmental Protection is that these wetlands be defined at their peak capacity, so that at least the wetlands line that is drawn for development comes up to that area of the transition zone that is at its maximum.

I think that there is a program that is currently being started with the DEP that is called the Priority Wetlands Program which would acquire wetlands, but we're going to lose a lot even in this year. We had 17 applications in the last month coming in on the Passaic River Basin for stream encroachment, all of them dealing with wetlands in the central basin. We fear that the wetlands in Troy Meadows, Great Peace Meadow, and some of the others, we're going to lose them before next year. It's a very intensive effort, and the developers said to us -- and we know it -- that we can't do anything about them building right up to whatever wetlands line is agreed upon. So I don't know whether we can act as quickly as is necessary, but I can tell you that we are under a great deal of pressure with development in the Central Passaic Basin, which is our flood area.

ASSEMBLYWOMAN OGDEN: So you mean, Ella, that they're going to be lost because of being silted up--

MS. FILIPPONE: A combination of that, but right now--

ASSEMBLYWOMAN OGDEN: --and the urban activities that are coming right to the beginning of the wetland? Is that what you are saying?

MS. FILIPPONE: That's correct, and the fact that the State of New Jersey also does not have any authority to require stormwater detention on a developer's property, so that many of



the developers are now coming in with large developments -- over 200 units -- and all of the stormwater is just being directed into the rivers or streams whereby they get their stream encroachment permits. So there is no detention or retention upstream. Where this is regulated is on the municipal level, and the municipalities do not require stormwater detention in all cases. As a matter of fact, some of them discourage it. And therefore where you may have set aside a wetlands for mitigation purposes or some kind of preservation purpose at this point or years ago -- such as Troy Meadows -- they're beginning to suffer from siltation and also from the discharge of these urbanizing areas right up to the wetland line. And our high quality wetland lines that we had, for what they would be in the Passaic Basin, are going to be stressed even more.

ASSEMBLYWOMAN OGDEN: I thought that detention was required under the Stormwater Management Act?

MS. FILIPPONE: Not until there is a plan, and there is no plan in every one of our counties. Now, Morris County is working on a stormwater management plan in the Upper Rockaway, and eventually they'll get down into the eastern part of Morris County, but right now they're not there and that's where a lot of the development is occurring.

ASSEMBLYWOMAN OGDEN: You mean there has to be a county-wide plan in order for municipalities to be required--

MS. FILIPPONE: To be required, yes. Or municipalities may get some funding from DEP to develop their own stormwater management plan, but unfortunately this is all voluntary, and many of the municipalities in the Passaic Basin-- I think there are only six in the Passaic Basin that requested funds from the DEP under the municipal program. So if a town does not want to do stormwater detention, or have stormwater management at this point in time since it's voluntary, we're out in the cold.

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ASSEMBLYWOMAN OGDEN: Thank you very much, Ella. Dave Pieffer has signed up next, but I don't see him here. Is there someone here representing the Upper Raritan Watershed Association? (no response) If not, we'll go on to Sally Dudley of the Association of New Jersey Environmental Commissions.

S A L L Y D U D L E Y: Good morning. I want to thank you for giving us the opportunity to talk about New Jersey's open space needs.

I'm going to skip over the first part of my statement which repeats a lot of the information that you've already heard today, and I suspect you've heard it elsewhere as you've traveled around the State. It relates to the crisis that we are facing in open space preservation in New Jersey with land prices rising, and municipalities making efforts to preserve land against increasing pressures; with nonprofits selling their lands off, and also the water companies, which previous speakers today have talked about.

There are a couple of steps that Association of New Jersey Environmental Commissions is particularly interested in seeing carried forward in order to promote open land preservation in New Jersey.

We are a nonprofit education organization for some 300 municipal and county environmental commissions throughout the State. Our members have been working with local planning and zoning boards, county, State, and Federal agencies for the last 20 years to protect natural resources and provide recreational opportunities through a variety of open space preservation techniques. And environmental commissions are very interested in continuing to do this.

First, New Jersey needs an adequate and stable funding source for the State's natural resource programs. The Natural Resources Preservation and Restoration Fund, approved yesterday by the Assembly Appropriations Committee, would establish that

stable financial base. I urge this Committee to support that bill and work for its swift passage. With a stable source of funding, for the first time State and local governments will be able to identify the areas that need to be preserved and work to set those areas aside.

While the Natural Resources Preservation Fund will establish a stable source of funding, it will not meet the documented needs of New Jersey's counties and municipalities for open space and recreation lands. A Green Acres Bond Issue of at least \$200 million incorporated in the Green Trust concept would allow funds to be recycled and stretched, and would be a good first step to allow these local agencies to acquire the most threatened areas.

We also need to encourage the use of open space preservation techniques that do not require outright purchase. As land prices escalate in New Jersey, it is ever more important for government agencies to be able to use creative techniques to protect open space. For example, legislation enabling municipalities to transfer development rights could go a long way toward protecting recreation and agricultural lands at less cost to the taxpayer than outright fee acquisition.

Finally, we need to establish a system of greenways to make the best use of what open lands we have already set aside to leverage those lands for future generations. Greenways would link publicly accessible open space in our increasingly urbanized State, and would help maintain a high quality of life for all of our residents. By strengthening existing tools and programs, New Jersey could get a good start on establishing greenways systems throughout the State.

I have a natural interest in making use of environmental commissions to get greenways started in municipal areas. Environmental commissions are charged to keep an index of open areas, both publicly and privately owned, in their communities. These open space indexes vary quite considerably

in their extent and detail. But I think they are a good first step and could be expanded to help identify areas that could be acquired for greenways. And a program that would give environmental commissions the resources to put together complete open space indexes with the kinds of maps that they could look at and show to their town councils that would give a visual picture of greenway possibilities, I think would go a long way towards putting this concept into effect.

I would urge that you consider a State and local matching grant program similar to what Mrs. Filippone and Tom Wells of the Conservation Foundation talked about, that would enable local environmental commissions to refine their open space indexes, prepare the maps, and get the plans going for greenways in municipalities. I would be happy to discuss this proposal further.

I thank you for your interest in open space preservation.

ASSEMBLYWOMAN OGDEN: The last point that you made here, Sally, are you talking about something more narrow actually than a natural resource inventory, or one aspect of it I guess?

MS. DUDLEY: It is one aspect of it, yes. It's the lands that are open. It would use the material in the natural resource inventory, but--

ASSEMBLYWOMAN OGDEN: But not be as extensive or take as much time.

MS. DUDLEY: Right. I think it would be a simpler project. I think a lot of the base work has been done.

ASSEMBLYWOMAN OGDEN: Thank you very much.

MS. DUDLEY: Thank you.

ASSEMBLYWOMAN OGDEN: Is there a representative here from the Trust for Public Land, Northeast Regional Office? (no response) Judith Wadia of the Weehawken Environmental Committee?

J U D I T H    W A D I A: I would like to first thank Assemblywoman Ogden for being interested in preserving open space. I'm from the Weehawken Environment Committee, and we now have an urgent need for some open space.

To give the people here just a very short background on Hudson County, some of the towns in Hudson County are the most densely populated towns in the United States. We have the least open space and parkland in New Jersey. We have less than .3% of the open space that's available in all of New Jersey. In this very dense area we do have people living that come from all economic brackets. Many of the people in Hudson County can't afford to go away for vacations and things like that, and the only places they have at all where they can be outside are the very very few parks and open spaces that we have.

The open space that we have left in Hudson County is between the Palisades and the Hudson River. It's a thin strip of land running along the Hudson River. In many places it's 200 or 300 or 400 or 500 feet wide. That's the whole width of this space. This is what many of you have heard about as the new "Gold Coast." The gold is all for the developers, not for the people that live there.

We have the Palisades, which are a beautiful outcropping of rocks, and unfortunately the Palisades are not protected south of the George Washington Bridge. They have been protected north of the George Washington Bridge and in New York State, but they're not protected in Hudson County. Part of the problem we have in Weehawken is that we do have 20% open space in our zoning ordinance, but we also -- those of us on the environment committee -- have a great desire to protect the Palisades. The Palisades come to almost exactly 20% of the development area, and so if we want to protect the Palisades and call them open space, then we don't have any land left for any type of open space for recreation area.

We have piers and a beautiful waterfront, and as many of you know, in many other cities in the United States -- like Boston and San Francisco -- the waterfront is an area where people come and enjoy, and it's an area for the public. But unfortunately our waterfront is being developed by private people for uses such as private residences on piers; that the public will not be able to use a lot of the waterfront areas. There is a public walkway that has been mandated by the State from Bayonne to the George Washington Bridge, a 30 foot wide walkway. But in many areas, many of the developers have ignored the State mandate for the walkway, and in many other areas where the piers are being developed for office space and residential use, the walkway becomes a big driveway. In order to get on and off the piers, the cars are all the time crossing this walkway that was meant for pedestrian use and jogging and that sort of thing.

The views we have from Weehawken and from other places in Hudson County are world famous. All the time there are tourist buses that come full of Japanese tourists, tourists from all over the world, to take pictures of this view. Unfortunately, even-- When we talk about open space, we're talking also about the sky and just the views of the river and the views of the sky. In other words, we almost have no land left, so the only thing now we have left are views of the sky and views of the water. And unfortunately I think in the next two years we're going to even lose these views.

I gave a diagram there to Assemblywoman Ogden. We're fighting now for a view plain where from the top of the Palisades you would be able to see to the middle of the Hudson River, and then across to New York. The developers want a Palisades plain where all buildings can be built to the level of the height of the Palisades to go right out to the middle of the water. In that case, we won't be even be able to see the Hudson River any more, and even some of the view of the New York buildings will be blocked.

Probably most of you are familiar with the view as you approach the Lincoln Tunnel. You see a view of New York City right before you go into the tunnel. This view is also going to be taken away by two big office towers built by Hartz Mountain Industries. That last view of New York before you go into the tunnel is in Weehawken, and unfortunately I think we're losing that also. That's a view that is enjoyed by people from the whole State.

One problem that we have is within the Municipal Land Use Law. We would hope maybe that can be amended. The Municipal Land Use Law states that a certain amount of land has to be set aside for common open space to be used by people who live or work in the development. In other words, that land does not have to be used by people in the community where the development is taking place. So we have the case now where a developer comes in and can create, let's say, tennis courts for their employees. But according to the Municipal Land Use Law they don't have to be used by the general public. They can create a cluster of housing for residences with children's playgrounds and parklands, but these, according to the Municipal Land Use Law, do not have to be open to the general public. We would like to have the Municipal Land Use Law amended in a way that some of the land of a development should be able to be used by the general public.

The Township of Weehawken now has a Green Acres plan for redoing some of the stone wall and the sidewalk along the Boulevard that overlooks the river and the view of New York, and we're very happy about that. Unfortunately, we're afraid that the view of New York and the view of the water is going to be gone within the next two years.

One thing we're trying to now put into the zoning ordinance as part of our open space requirement is that some of the rooftops on buildings that will be built in this area be landscaped so that we at least have some greenery. We're

hoping that the landscaped rooftops, some of them will be able to be used by the public for recreation. As you can see, we're pretty desperate.

The one thing we would like to suggest, and of course it would have to be done very quickly, is that in each municipality along the waterfront that one of the piers be acquired by the State as open space for the people of the State. All the way from Bayonne to the George Washington Bridge there are still a few piers in each community, and if only they could be acquired, there would at least be some area of space left.

The last thing is public access. This whole site that is now being developed is a very very difficult site because there's very few ways of actually getting down to the waterfront. We have been petitioning the developers for some sort of public access so people can walk down to the waterfront. The State is planning a north/south transit way along the base of the Palisades that will have 120 feet of busways and railroad tracks. There is now no plans for public access of some sort of walkway that will go over these tracks and over this roadway so that the public can get to the waterfront walkway and to some open space if we can get it. Thank you very much.

ASSEMBLYWOMAN OGDEN: Judith, you know that Assemblyman Kronick is a member of this Committee--

MS. WADIA: Yes.

ASSEMBLYWOMAN OGDEN: I gather he couldn't come today, but he has a bill in that I hope your group is going to be strongly supporting, as well as others.

MS. WADIA: Yeah.

ASSEMBLYWOMAN OGDEN: In fact, there's staunch opposition to it by the developers, so we'll need a lot of support to pass both houses.



MS. WADIA: Well, that is our problem. The developers just have so much more money and ways of influencing people than we have.

ASSEMBLYWOMAN OGDEN: Well, we're probably going to be hearing that bill in this Committee in the next month or two.

MS. WADIA: Yeah, well we'll be sure to support it.

ASSEMBLYWOMAN OGDEN: Good. I appreciate that.

MS. WADIA: Thank you.

ASSEMBLYWOMAN OGDEN: Joseph -- is it Chesonis? --

J O S E P H   A .   C H E S O N I S: Yes.

ASSEMBLYWOMAN OGDEN: -- of the Urban Systems Concept Group.

MR. CHESONIS: Thank you very much for the opportunity. During the drive down here I looked around, and when I finally I got down to Basking Ridge I thought I was in a different state. Green grass, horses, broad proud roads, planted strips, ducks walking around on the grass out here. It's a beautiful area.

I just came from Hudson County. I would like to use Hudson County's issues to illustrate the ways and means for identifying and acquiring and maintaining open space and recreational areas.

I think the issue in Hudson County -- as Judy just said, the "Gold Coast," and tremendous density -- is something that I think-- The Assemblyman down here was questioning earlier the member of the Office of State Planning about the State Plan, whether he can just veto it or a community can do it. And it's that type of fear, because they can just go through Hudson County and take a look at it. That's what's lining up for them. It's obvious. It's interesting that in the State Plan, when it's presented it's always kicked off by saying "Well, within the next 20 years we're going to have a million people. Where are we going to put them?" This type of thing. And, as a professional city planner, that's one way to

look at the inevitable future, like a big wave hitting you. On the other hand, maybe we could have 500,000, not a million.

But I want to go back to an issue, to describe a little bit about Hudson County, relative to the ways and means of acquiring open space. I will probably be coming up with non traditional methods. I would like to explore methods that are outside of the field of finance and the real estate business, and that's basically what we're doing here. How to shave off a little on this side and do it over here. You know, the real estate and financial packaging.

Here's a study of Hudson County. It says in there that there is 1.6 acres of open space per 1000 people. The average at the time this was done was 5.6 acres per 1000 people. It says by 1990 -- which is only two years away -- the county should have acquired 2700 acres of open space. To my best knowledge, I don't think the county has acquired one acre. But we have two more years yet to go here. Okay? This is 1988, and 1990 is just around the corner. The development densities in this county are the highest in the country, approaching Manhattan's density. This study was done in 1974. It was approved by the county planning board in 1974, using 1970 statistics. We have a State Plan now coming through looking from 1990 to 2010, 20 years from now. This thing is almost 18 years old. Now we're looking for a plan to jump us over another 20 years.

I'm a professional city planner. I love documents like this here. They really mean something because they help to guide us. On the other hand, I don't think it's worth the paper it's printed on, personally speaking, because it hasn't gotten us our 2700 acres. What it has gotten is a lot more population and less open space. That's basically what this is.

I would like to try to approach ways and means in a different way. We have to have a better balance between a money driven versus a long-term public good method of making public decisions. Now, I will try to explain this.

I'm sure everybody knows that Hudson County is a beautiful county. Okay? I read The Star-Ledger and usually four times a week we have some excerpts of all sorts judicial actions going around, chasing or disclosing what has happened and what has not happened with our money.

The first thing I'd like to get into is land use controls. It must be shared between the existing State, county and local levels, and not be the exclusive domain of the local municipalities. This is more of an issue with the State Plan so I don't really want to get into it here, but what I'm trying to do over here is make the open space plan -- the bill, okay? -- reach into other pieces of legislation that's happening here. Not just solely only within its own confines.

I do believe that there's two basic types of hierarchies that there ought to be done, one is that transportation systems need huge areas, and open park and recreation needs huge areas. Beyond that, you fill it in with economic development and residentials and commercials in between. But on the other hand, it seems to be going the other way. In Hudson County we have tremendous density in tiny roads. The State Plan is proposing us to be a corridor, higher density, and tier one types of communities for the rest of the area, high density. Okay? Something has to give. And with no open space available to do anything with--

The next thing we ought to really think about -- and I'm very serious about this -- is tax reform. There is an immense confusion on how much and how do we pay to keep our government going.

I worked with solid waste for a while, helping the recycling bill. There they didn't want to touch sales taxes as a way of financing the recycling efforts, or anything with solid waste; which is an obvious linkage, because what you buy you usually have to get rid of. You know, the more you buy, you more money is available to get rid of it. On the other

hand, what they do is raise funds for higher dumping fees for landfills. The more you recycle, the less dumping fees you have, so the less money goes back to recycling. I mean, this is crazy.

But anyhow, I just got done with my taxes, and I would like to see-- The State of New Jersey is not an entity in itself, nor is the Federal government. I pay those three damn forms. I pay the Federal form, and I send it out. It comes from me, to make that thing work. The State form I send out, and I have my property tax and school taxes. There has to be a way -- because I'm leading up to something here.

I think with the old deteriorating systems in the city, with the solid waste disposal costs going up to \$150 a ton, nowhere to dump it. The cost of government in highly dense areas is going to go up dramatically, and we ought to expect it. There is no shenanigans, there is no devious ways of deferring cost. It's going to be costlier. That's all. In terms of tax reform, I would like to know that. You know, how much I paid in sales, in gas, when I punch this button or get this product or get rid of this thing and all those other things, I think I ought to be knowing how much this is. We have lower taxes than in New York City, but we're lining up for a lot of stuff that's going to be happening over the next 20 or 30 years for us; statewide, not even talking about the country, that's almost gone. So, I'm looking for a way how to describe the taxes so I can know what the hell is going on.

The next thing is that there has to be a better way of property taxes. In Weehawken as an example, Hartz Mountain is coming in with two more towers to block the view on the helix going down into the Lincoln Tunnel. In the morning rush hour you could sit there for a half hour and watch the view of New York City -- okay? -- not 15 minutes, a half an hour. The motivation behind that is that the town of Weehawken has to have more ratables. That's why this thing goes up. Money

driven versus the long-term public good driven. I'm getting after that. You've got to get into a better balance. I know the State Tax Commission -- I guess it is -- is talking about having a statewide tax, and part of it coming from a local area. I think that's a step in the right direction.

Okay, just a couple more.

Again using the Hudson County experience, but not solely limited to it, another source of funding is from the penalties for those dealing with death and other depraved activities should be increased dramatically and used to fund long-term, life oriented activities.

The first one is drugs. A lot of kingpins live in New Jersey, own a lot. There's a lot of street activity in Hudson County. I think there's a rough estimate from the Feds who say that there's \$200 million worth of cash flow going up and around this area here. I mean, they weigh the money. You don't even count it. You weigh it. So what I'm saying is that all persons dealing, delivering it, the middlemen, even the bosses -- pray tell, no one every got caught from any of the families -- all of their assets. It's destroying our town. No one is going to be around to use our open spaces. You go into our local parks up there, it's smoking grass, popping, doing things like that. People are afraid to go into those things.

The next source of money -- still with that category of death and depraved activities -- is public and private corruption, including organized crime. Private corruption, Ivan Boesky. He gets away with \$100 million. It's a shame. I could go into others. The newspaper, The Ledger is filled with all of this type of activities here, and they just get tapped on the shoulder and said, "No, no. Don't do that." Assets, offshore accounts like that ought to be tapped and secured and transferred into open space and recreation. Long-term life oriented as opposed to the other thing.

The next one is windfall profits derived from rezonings and variances granted by local municipalities. A piece of that action ought to be taken directly right out of it. For example, most of Hudson County is already built up to capacity. You go to planning board meetings and it's variances, variances, variances. "I want a variance," spot rezoning, all over the place, even the waterfront. Something that was designed initially for industrial two story houses now 17 stories. Now, who gains from that? There should be explored a public taking of property where you take it, but you have to compensate the person. But there's also a public giving without just compensation, a public giving. Variances are being given without any sort of concept about their cash flow and a return on investments that's made on this. The developer just comes in and says, "I need 250 units here because of economic hardship." The town fathers, and by the methods that your mind can only conjure up, has the good will to approve it without have any knowledge of, if I give you this extra variance, that the town doesn't get any sort of money coming back for open space.

Now, the State Plan is asking for higher and higher developments in areas that are extremely high. I think we ought to share in those fruits of high densities that are going to be coming in, and turn it into open space.

In Hudson County I know I worked in 1979 until 1983 on one area where the plan recommends-- In Union City, there was 12 acres on St. Michael's Monastery. A basilica sitting on 12 acres, initial terrain forested area -- okay? -- what it was like once upon a time. The Archdiocese of Newark wanted to sell it for \$2 million. I think it was \$2 million. Everybody haggled. The local municipality couldn't pick up the extra amount that's needed for cost sharing for Green Acres and all that. It was sold for \$4 million. It then went through a couple of developers. It went up to around \$10 million. Now

there's going to be 129 condos and parking areas planted on a 10 acre open space area in Union City. Now, this took from the late 1970s until just this year. The bulldozers are in there. The local municipalities just don't have the cash to pull off an opportunity like this, but Union City has practically no parks, all wall to wall.

That's why I love coming down here. I really congratulate you for having it down here. It's like going away on a junket, you know. It's such a beautiful area down here. Thank you very much.

ASSEMBLYWOMAN OGDEN: Just one question.

MR. CHESONIS: Yes?

ASSEMBLYWOMAN OGDEN: Does Hudson County currently have an open space master plan?

MR. CHESONIS: No.

ASSEMBLYWOMAN OGDEN: They don't?

MR. CHESONIS: Well, it's included in this here. (referring to earlier mentioned report)

ASSEMBLYWOMAN OGDEN: It's in there, but they have made no progress?

MR. CHESONIS: We've got two more years to get 2700 acres.

ASSEMBLYWOMAN OGDEN: I guess what's really needed is political push.

MR. CHESONIS: There's a series of steps that have to be followed. There is a green string that flows through this, like in engineering problems. Okay? There is a green string that flows through how you get the darn thing done. Like you're looking for techniques, you have this technique, this technique, this technique, a menu of techniques. Yes, I agree with you. There has to be a solid plan. Maybe the new county executive would be willing to tackle it, but he can't tackle a plan without any money available. What are you going to do? The towns have the traditional historic role of, "This is my

kingdom, my zone, my land use," and there you go again. So what could a county do? A county has no authority over local land uses. And the towns are caught in the middle of trying to get municipal ratables. And you get into that deadly cycle, and when looking for open space you've got to get out of that deadly cycle of no power on one side, no money -- my own jurisdiction-- (inaudible) Yes, I believe that would be--

ASSEMBLYWOMAN OGDEN: So really what's needed is some sort of, as you said, windfall profits on the variances.

MR. CHESONIS: Exactly. There's a public giving and a public taking. It's the flip side of a public taking. There ought to be a public giving.

I really do believe we ought to tackle somehow or other the drug problem in terms of bounty systems. Have environmental organizations -- much like the Hells Angels in a way -- you can get half the booty if we find your lead is the best.

ASSEMBLYWOMAN OGDEN: Well we do have the forfeiture bill, but that money is going to the Attorney General's office and to all the county prosecutors, and education and the school system, probably for a statewide network of alliances, more to the Department of Health. The difficulty with what you suggest is that there's a great need for treatment, prevention, and education. So the money that's coming from forfeiture or penalties with drug dealers is going into preventing it.

MR. CHESONIS: I don't believe you one iota, and the reason why I say this is this. The Genovese family has been in existence for over 35 years, since prohibition. Okay? That's the answer. That's my statement to all of the monies going into that. Listen, there's a big chunk of it around, and it's untouchable almost. You know what I mean? The little pound here, half a million over here street value, that's chunk change. We're talking about heavy money. And I think money makes the sun come into my eyes and blinds me. I don't see



anything. I think we're getting a lot in that. We've got to connect doing something good for our State's open space recreation, with getting after these son of a guns who are destroying our kids. There's money in it. They weigh it. They don't even count it. They weigh it. Thank you very much.

ASSEMBLYWOMAN OGDEN: Thank you. The last person who signed up is Mrs. William Gural?

E L A K R A U S E: (from audience) I'm sorry for interrupting you but I'm representing the Trust for Public Land-- (inaudible)

ASSEMBLYWOMAN OGDEN: All right. I had called you before and no one was here. Mrs. Gural, do you want to go next?

E L E A N O R G U R A L: Thank you for letting me be here. I've been listening to you talking about public land and how to finance it. On the other hand, I'm kind of amazed that when a group of citizens gets together where there is land that is available, we have such a hard time telling people about it, convincing them. I'm here to talk specifically on one thing in general, and a few others.

There is this land of the Houdaille Quarry. It was left over after the 78 construction debris was dumped into it. Seventy acres of it was given to--

ASSEMBLYWOMAN OGDEN: This is in Springfield, isn't it?

MS. GURAL: Yes, I'm sorry. I'm Eleanor Gural, and I'm from Springfield.

Seventy acres of it was turned over to the Union County Park Commission, the Union County Freeholders, in return for the land that was taken from the Watchung Reservation. There's about 90 acres of it left that belongs to the State. Now this land right now has obviously had all this rock and earth dumped into it, so it can hardly be called a virgin forest now. But it's already beginning to grow things, and it's our understanding that it's been declared excess land. We really can't understand why this would be when the State is

saying they want 300,000 acres of land and don't know where they're going to get them from. Here they have almost 100 acres in a very populated area. Even though our area has the Watchung Reservation and Bryant Park and others, the area surrounding us is full. There is never going to be another piece of land this big available in this area.

We -- and specifically a friend of mine -- have written and called, to try to get attention to this land. And so now I am coming to you as another means of getting attention to the fact that this land is there. It is available. We think it's absolutely criminal to let it be developed.

ASSEMBLYWOMAN OGDEN: How do you know the State is planning to develop it -- or sell it, rather.

MS. GURAL: Yeah, okay. I have a letter here from Hazel Gluck's office, written by a Michael Barrett -- who I understand is now no longer with them, because I tried to call him -- but he says here--

ASSEMBLYWOMAN OGDEN: So it's the Department of Transportation that owns the land rather than the Environmental Protection?

MS. GURAL: Right. They say that not only now that it's been declared an excess-- They're now talking about selling it back to the Houdaille Quarry. There was a Federal investigation on that purchase in the first place because two years before the State bought it the Houdaille Quarry had had it on the market for \$3.5 million. At the time the State bought it, three estimates were done on it, and the highest one was \$7.6 million I think. The State bought it for more than that. They bought it for \$8 million. Why they think now that they have to offer it back to them-- Apparently there is a law -- I haven't found the law-- I would assume that if there is such a law that it has to be offered to the original owners, that this would be for condemned land. This land was not condemned. It had been on the open market. So anyway, that's one reason I'm here.

This other gentleman had a county planning board report from I think it was '74. I have one from '71. At that time they recommend the Houdaille Quarry land -- this is before the State became involved with it at all -- as being one of the few pieces of land in Union County that the county could still hope to preserve. At this time, I very strongly urge that if it every came on the market the county should buy it. Our feeling now is that either the State should turn it over to the county, or that they keep it and leave it as open land. There will presumably be recreational things developed in the county part of the land, and we feel that what's around the land as a buffer area should be left as open land for breathing space, for water, for all the--

ASSEMBLYWOMAN OGDEN: Have the county freeholders passed a resolution by, or been in contact with, the Department of Transportation?

MS. GURAL: They passed a resolution. They were going to look into it before the elections. We went back to a meeting after the elections and everyone looked totally blank and said, "Oh yeah, what was it we said about that a couple of months ago?" So, we were very discouraged. I mean, before the election they were fighting as to who was going to sponsor this resolution to have someone look into the purchase of this land. And afterwards, even the people who were fighting to sponsor gave us a completely blank look. The implication was that they had some vague memory of this, but obviously nothing had happened, or nothing they were going to tell us about anyway.

I brought a Union County map if you're interested in seeing the land. You're probably familiar with it.

So we're hoping. I have here a letter that my friend -- who has worked so hard on this -- wrote to Governor Kean, that kind of outlines it. I'll give you that. (witness approaches Chairperson with various materials) If you're interested in this other letter or any of the material--

ASSEMBLYWOMAN OGDEN: Well, if you want to keep the originals, I'll give you my card and you can send me copies.

MS. GURAL: Well, this is a copy.

ASSEMBLYWOMAN OGDEN: Oh, okay.

MS. GURAL: And this is the letter that came from Mrs. Gluck's office--

ASSEMBLYWOMAN OGDEN: You have to be in front of the microphone in order to have it on the record. Sorry.

MS. GURAL: (returns to witness table) This is a letter that came from Hazel Gluck's office. It refers a lot to this amphitheater thing, which as far as we're concerned, is a dead issue. In Mrs. Schneider's letter she didn't bring that up again, but apparently in reviewing it he realized that had been one of the issues. But I'm not here to talk about that now because we feel that this issue has been resolved. What we're interested in now is seeing that the rest of this land is preserved.

A couple of other things that are not directly related. I have some other suggestions on land use that I feel would help preserve more vacant land.

One is that in the '50s, I think it was, there was a change in the definition of what the highest and best use was, so that now private people who want to have larger lots with trees and open space on them are not only tempted to sell it because of the high land prices, but they're also penalized for keeping it because of the high taxes. I feel that there should be a change in the interpretation of this law again, because I feel that we're seeing now the highest and best use of land is not always to develop every bit of it. I agree with this landfall (sic) -- land wind tax -- oh, what is it?

ASSEMBLYWOMAN OGDEN: Windfall profits tax.

MS. GURAL: Yeah. I feel that instead of having to pay such high property taxes, that there should be a landfall profit taxes, so that if it is sold this is when the money is

collected. But it seems to me that it's very counterproductive for people to be penalized for keeping open land. I think that certainly in areas like this where people have big lots, we recognize that it not only makes the area more beautiful, but also it is environmentally desirable to have some big lots.

As far as financing, I think that we should do away with this tax rebate system. I can't understand the idea of what the point is of collecting taxes and then sending them all back again. Not only is it dumb, but it must be very costly to be sending them back and having that whole office. Once we've collected the taxes, why not use it for open land? I suppose this needs some sort of legislative act to authorize this, but I think this should be considered.

Another thing that I think is very important, at least in communities, is this whole dumping thing, because as long as every open lot has people dumping on it illegally, people are not going to be very supportive of open land in their areas. I know even in Springfield where we live there is a little lot down the road that's absolutely full of cans and bottles. We also have other land where people sneak in and dump. I think that either the State or the municipalities with the encouragement of the State, have to get stricter laws about dumping, and I think there have to be very high fines. I think the law enforcement people should be given every encouragement to enforce this; maybe even a reward given for people who find dumpers. I think a Neighborhood Watch group should be set up. This may seem like a different subject, but I think it's going to be more and more of a problem. People are going to be less and less supportive of any open land in their area, because they're going to say, "It's ugly. It's dangerous."

I think that the Legislature needs to come to terms with this container bill. You know, we've been pussyfooting around about it. I think this one that Kean has suggested now is ridiculous, saying you're going to get more rebates if you

pay two cents extra on every plastic container you get. What we need is a refund program. Other states have found that their open land gets cleared up better by having a refund program. Kids go around and collect some of the containers where they get refunds.

ASSEMBLYWOMAN OGDEN: You mean a bottle bill?

MS. GURAL: Yes, except not just bottles.

ASSEMBLYWOMAN OGDEN: Deposit legislation then?

MS. GURAL: Yeah.

ASSEMBLYWOMAN OGDEN: We've tried that, and since I've been in the Assembly for six years it's failed twice, unfortunately.

MS. GURAL: But you have to keep on trying. I know. I'm not blaming the people who are here.

ASSEMBLYWOMAN OGDEN: Some of the counties are now doing it on their own. I think that will help provide an impetus. I hope.

MS. GURAL: Well, I think many things have to be tried many times before they work. I think they have to keep on trying. I think that the idea of -- I've forgotten which Assemblyman it was who wanted to put a higher tax on plastic bottles or containers than on glass ones -- it was excellent. I don't know why the glass industry fought that? I should think they would have loved it. But it seems to me that it has to be done or else our lands are still going to get more filled with junk.

I also wanted to say that I'm very sympathetic to the people here who are from the city areas. I think that our whole open land program is not going to work if we can't clean our cities up, because we're going to get more and more suburban sprawl. When I was having my hair cut the other day the girl that was cutting my hair was saying that she and her husband were looking for a house. One of the barbers was saying, "Well, do you know where such and such a town is?" She

said, "No, I never heard of it. It's probably out in the boonies someplace." She didn't want to move way out. She was living in Harrison and she wanted to live in that area, but she wanted a house. She's probably going to end up moving out in what she calls the "boonies" because she can't afford a house closer in. On the other hand, a lot of our cities have-- Newark has acres and acres of ruined buildings that nobody is living in. I think the Legislature has to do everything they can to make the cities more livable places. I think until that's done we're going to keep on having more and more pressure on open lands. Thank you.

ASSEMBLYWOMAN OGDEN: Thank you very much. I'll see what I can do in connection with the sale of this land by the DOT, and I'll let you know.

MS. GURAL: Okay. Yes, it was my understanding that before the DOT could sell land it had to go through the EPA. I just can't imagine why it was ever released as being excess. Thank you.

ASSEMBLYWOMAN OGDEN: Thank you. The representative then from the Trust for Public Land.

MS. KRAUSE: Thank you. My name is Ela Krause. I am a Project Manager for the Trust for Public Land. The theme of our testimony is supporting private/public open space preservation efforts in the State of New Jersey.

ASSEMBLYWOMAN OGDEN: Would you just spell your name too, please, for the record.

MS. KRAUSE: It's Ela Krause, E-L-A, Krause, K-R-A-U-S-E.

The Trust for Public Land -- or for short TPL -- is a national nonprofit land conservation organization, but we are also working throughout the State of New Jersey on diverse open space planning and acquisition projects in cooperation with local, county, and State agencies, and local nonprofit conservation organizations. Current projects include the

creation of the Lower Hudson Waterfront Conservancy, the preparation of the Palisades Conservation Plan, and the implementation of the Bayshore Waterfront Access Plan, a joint project with the Monmouth County Planning Board, the Monmouth County Park System, the Bayshore Development Office, and the Monmouth County Conservation Foundation. We have also completed a substantial limited development project not far from here in Mendham, where through a donated transaction with AT&T, TPL was able to acquire 600 acres and sold 120 acres to a developer for cluster development. We were able to retain the other 480 acres for open space and set up a land trust that now manages the open space.

ASSEMBLYWOMAN OGDEN: Where does your funding come from?

MS. KRAUSE: In part we fund ourselves through our transactions, pre-acquisition work with the State of New Jersey and the Federal agencies -- such as the National Park Service or the Forest Service -- and part through foundation grants, and in part through contract work with public agencies, such as some of our planning contracts. But that's what my testimony is about.

Today, TPL is here to encourage the State to undertake more public/private initiatives on behalf of land preservation, as proposed in the report prepared by the Governor's Council on New Jersey Outdoors. In particular, I would like to bring two specific points to the attention of the Committee: First, the role of nonprofit intermediaries in State acquisition projects, and second, the importance of local land trusts in the identification and management of environmental and recreational resources, and what the State could do to strengthen these efforts. At the conclusion of my remarks I would like to comment on two specific open space projects, which will need the attention of the State in the very near future.



Nonprofit organizations such as the Trust for Public Land, and others -- such as the Nature Conservancy, the National Audubon Society, the Sierra Club, the New Jersey Conservation Foundation, and so on -- and dozens of other private conservation groups and watershed associations already assist public agencies in open space acquisition and management. They are capable of doing more with the help of State and local government, especially for the purpose of preacquisition of open space on behalf of government agencies.

The reasons for involving qualified nonprofit intermediaries in preacquisition projects include:

First, timing: In many instances when landowners need or choose to sell property, they want to do so quickly and are unwilling to wait for completion of the agency's acquisition process. An intermediary nonprofit organization, equipped with sufficient resources, can buy or otherwise secure property immediately until the agency has completed its process. Furthermore, in light of rapidly appreciating land values, an option today can potentially save the agency money while at the same time keeping the landowner from seeking subdivision approval.

Secondly, assemblages: Nonprofit intermediaries can assemble several smaller properties and sell them as one unit to a public agency, giving the property more conservation value.

Third, The ability and latitude to negotiate: Typically, landowners are less charitable toward a government institution or, being aware of the agency's ultimate power of eminent domain, feel less inclined to willingly and amicably sell to the agency. Other landowners insist on total confidentiality which the public agency is not always in a position to offer. In addition, nonprofit land acquisition experts are often trained in tax issues and negotiations for bargain sales -- a combination of a charitable donation and cash, where the private landowner takes a tax deduction for the gift portion of the sale.

The fourth reason is that nonprofits are able to use unusual transaction structures and extra measures to complete projects. They can go to great lengths to make a transaction work. They can, for instance, engage in limited development projects, where the sale portion of the property not used for conservation purposes is put back on the market with appropriate development restrictions attached to it. Nonprofits can even co-venture with private developers to facilitate the approval process for environmentally sensitive development projects.

The last reason I would like to mention for using nonprofits as intermediaries in agency acquisition projects is by law, public agencies cannot risk taxpayers' money. Whereas, to make a transaction work, nonprofit intermediaries frequently must and can risk their own capital in advance of being assured of a public agency's takeout price. This is especially important in situations where the timing of the transaction is critical. With the potential of an upside -- meaning, an ability to negotiate bargain sales on certain projects or engage in additional fund raising from private sources -- intermediaries have an incentive to take risks on behalf of agencies, risks that the agency cannot take but are necessary to make the transaction work.

The major key to using intermediaries in helping to carry out the State's, counties', and the municipalities' acquisition agendas in the most efficient manner, is the availability of public funding for open space acquisition. TPL therefore strongly urges the State of New Jersey to pass both a new Green Acres Bond Issue, as well as pass legislation which would create a permanent source of funding for open space acquisition, such as the proposed Natural Resource Trust Fund. Parts of the funds should be made available on a matching basis to encourage both donations of property values, as well as county-wide and municipal initiatives to generate open space

acquisition funds through dedicated taxes, bond issues, or development exactions through zoning. The State should further consider passing enabling legislation which would allow growing municipalities to levy impact fees or exactions from private developers for off site open space acquisition and development.

In addition to stressing the need for increased public agency acquisitions, I would like to take this opportunity to emphasize the special role of local land trusts in complementing the activities of public park agencies. These local nonprofit, community-based organizations should be fully recognized as important actors in the State's open space preservation efforts, and should be partially supported through public funding.

The typical land trust is a community-based 501 (c) (3) nonprofit organization, incorporated for the purpose of acquiring and managing land for the public benefit, as well as educating the public on land conservation issues, and is supported solely through private contributions from individuals, corporations, and foundations. Although typically not equipped to complete complicated land transactions, these local land trusts are often the recipients of donations of conservation lands or easements from members of the community. In addition, they are most useful in both identifying local land resources, as well as monitoring development or land use conflicts, or the implementation of government sponsored protection programs such as the Freshwater Wetlands legislation. The effectiveness of such open space legislation can be greatly enhanced if citizens feel that they have a stake at their implementation and enforcement through the involvement of land trusts.

Regional land trusts can also provide an excellent vehicle for coordinating the implementation of multijurisdictional greenway projects which are currently under way or planned in the State of New Jersey. They can help

to identify protection strategies and mediate between multiple private and public parties involved in these complex projects. They can also play a role in carrying out specific acquisition or easement projects, and in the long-term management of these linear open space corridors.

We have a few suggestions as to what the State's role could be in facilitating local land protection efforts.

First, the State should pass legislation which reduces the liability of private landowners who allow public access to their property, through granting easements to governmental or charitable organizations such as land trusts.

The State could also facilitate those efforts by passing legislation which facilitates the tax exemption process of private land made available for public access or other conservation purposes.

Third, by increasing funding for such innovative programs as the Department of Environmental Protection's Open Lands Management Grant Program, it's also necessary to expand this program to include urban open space projects, which currently don't have access to this program.

Fourth, the State could facilitate those efforts by providing additional incentives for land trusts to undertake comprehensive resource, ownership, and land use inventories, which identify open space opportunities and environmental resources in their communities. A good example is the current practice of the Department of Environmental Protection's Division of Coastal Resources to provide local coastal planning grants to both municipalities and counties, as well as nonprofit planning and conservation organizations. I'm not aware of a program that would do the same for other areas as this point.

Fifth, the State could facilitate those efforts by providing matching funding for proactive training and technical assistance to citizens, landowners and municipalities on the

importance of land trusts. This training should be carried out in cooperation with experienced land conservation organizations and land stewards.

Sixth, by encouraging joint projects of public agencies and land trusts to acquire and manage open space and environmental resources through statewide plans and legislation.

Before I conclude, let me highlight two specific opportunities facing the State's open space agenda, the implementation of the Hudson Waterfront Walkway, and the conservation of the Lower Palisades.

The State has already made a substantial commitment to the Walkway through incorporating a public access requirement into the Waterfront development permit process for major waterfront projects. This process is administered through the Division of Coastal Resources. However, the implementation of the 18-mile long walkway on non development sites, as well as long-term control and long-term management of this unique resource, have not yet been addressed comprehensively. TPL's proposal to create a multijurisdictional conservancy, the Lower Hudson Waterfront Conservancy, is a first attempt to address some of these issues, and has already attracted substantial private funding. However, several issues, including liability, the exaction and enforcement of long-term legal restrictions, and funding of a comprehensive management concept for this endeavor can only be resolved in cooperation with several State agencies and State funding.

The other example I'd like to mention is the Lower Palisades Greenway, a proposal which is now being prepared through a joint effort of the Regional Plan Association and the Trust for Public Land. This is another example of the substantial private interest and investment in the protection of open space resources in this State. The funding for this project comes both from the State agency as well as private foundations. The implementation strategy now under

consideration calls for the involvement of many different players, including the Palisades municipalities, Hudson and Bergen Counties, as well as local volunteer efforts. Similar to the Hudson Waterfront Walkway, however, this ambitious project can only be accomplished through a combination of regional coordination and State support, and it might involve a nonprofit intermediary or land trust to facilitate this process.

In conclusion, experience in other states -- such as Connecticut and Massachusetts -- has shown that private citizens are willing to get more actively involved in the land protection movement than most people realize. We encourage the State to recognize the potential of private citizens' involvement through concrete steps towards supporting efforts as proposed in this testimony. To be an effective player in this era of unprecedented growth and development pressures, the State must take advantage of the energies and the open space commitment of everyday citizens to make this open space agenda work.

Thank you for the opportunity to testify before this hearing.

ASSEMBLYWOMAN OGDEN: Thank you. I don't know whether you were here earlier when Judith Wadia from the Weehawken Environmental Commission spoke, I think she would be glad to hear that an effort is moving along through your good offices, and hopefully other levels of government.

MS. KRAUSE: Right. I didn't bring, unfortunately, a copy of that conservative proposal, but I would like to forward it to your attention.

ASSEMBLYWOMAN OGDEN: Thank you very much. Is there anyone else in the audience who wishes to speak? (affirmative response) One more.

B R U C E E. K E E L E R: I'm Bruce Keeler, the Director of the Somerset County Park Commission. The first thing I'd like to do is offer everyone here of course a belated welcome.

It is a pleasure to have the Committee use this particular facility as the site for one of the hearings.

The need for preserving open space in New Jersey is well-documented and not a relevant part of this hearing, therefore, let's delve right into methods that might help the preservation process:

1) Better cooperation and a sharing of ideas and specific projects should be encouraged between the not-for-profit organizations with open space goals and all levels of government. Much has been accomplished, but more interfacing could lead to greater amounts of open space acreage being saved quicker at reasonable costs.

2) Monmouth County has innovated a new method to preserve open space via positive support of a recent public referendum that gives its Freeholder Board the option to spend up to \$4 million annually for acquisition purposes only. This action just points out the problem that counties face when purchasing open space at today's market prices. Because debt limits imposed by State law govern what can be spent for park and recreation capital improvements, almost all the capital money is now being used for land and nothing remains to develop or improve the park system; the latter cost also sharply escalating each year. Maybe it's time for the State Legislature to assess these capital debt limitations and amend the laws to:

a) Create separate sections for land acquisition and development with their respective monetary caps. And, based on some conversation that I've heard here this morning, it's possible that this is being addressed now in A-93, which was introduced by Assemblyman Villane.

b) Create a new section that would allow land acquisition to be removed from the current capital debt limitation and give local governments the right to go to the voters by public referendum and determine whether the voters

would support an extra millage tax to provide the funds for the land acquisition program.

3) The State Green Trust is a positive step toward creating a stable funding base for acquiring open space, and New Jersey should be proud it enacted such legislation. A major problem facing the Trust is that the start-up monies to make the revolving trust effective have not been realistic. We can't wait 10 to 15 years for the Trust to slowly build, so that it is able to generate enough incoming interest to handle the monies being requested for the State and local acquisition programs. Therefore, some consideration should be made to:

a) Pass a massive State bond referendum that would immediately provide \$500 million to \$750 million for the Trust. Even those figures might be a little low.

b) Keep working on the potential legislation that would add annual amounts to the Trust; legislation such as the added realty transfer tax and the hotel/motel tax. A \$1 billion trust is not a magic figure which will always be able to cover costs for the many facets of the open space to be preserved and developed. It is doubtful whether land and/or development costs will ever decrease. A steady income into the Trust would be a curb against future inflation.

c) To help generate instant infusion into the Trust, the Legislature should consider directing the Lottery Commission to provide a special three-month game whose net proceeds would be dedicated to the Trust.

d) A checkoff could be used on the State Income Tax forms to give concerned residents a chance to donate directly to the Trust.

4) At local levels of government, officials should become more aware of good land use planning methods. A lot of these have been discussed today. The new Freshwater Wetlands Act will add a positive force in limiting development along our State's freshwater tributaries, but transfer development



rights, cluster and density zoning should be carefully considered as a means of providing open space where people are being concentrated. When used judiciously, with good sense and a feeling of appreciation for your neighboring community, these development methods are not dirty words that should evince instant scorn.

5) The method and timing of getting funds from the State Green Acres or the Green Trust, must also be considered. Many times, approved projects have to wait a year or more before the Legislature passes the funding resolution that provides the money for the project. In most cases, whether acquisition or development, the costs have escalated and the money provided does not cover the final contracted costs. Sometimes these additional costs can be substantial, especially for local communities with minimal funding bases.

Banks and lending institutions in New Jersey control more money than the State, and have it more readily available. Why can't the State consider a guaranteed loan program where local governments could borrow, temporarily, the approve project grant amount at a low -- or a decent -- interest rate from a certified bank or lending institution immediately upon notification that their project has been approved? Then repay the lending institution the principal when the project funds become available from the State. The interest paid between the approved project date and the actual receipt of the State monies could be considerably less than any increased costs incurred by just waiting for the funds from the State. Additionally, the interest/principal payments to the State, when in effect, would probably be not much more than the interest payment to the lending institution.

The State would guarantee that the money for the principal would be forthcoming, in exchange for a fair rate of interest the bank would charge the local government.

There are many more qualified financial experts who could take this idea and develop a more workable scenario. I am not a financial expert.

6) The Committee should also keep in mind that the Federal government controls money that comes into the State for park, recreation, and conservation purposes. Most of these funds are allocated through the current Land and Water Conservation Fund administered by the National Park Service within the Department of the Interior. This fund, apportioned amongst all the states, has decreased in size these past several years through congressional action -- or inaction, if you will -- from a high of \$780 million in the 1970s to the current \$25 million in Fiscal Year '87. Alternative methods of increasing this money flow are being explored.

Several congressional bills have been introduced to create an American Heritage Trust Act for open space, patterned somewhat after our State Green Trust, and recommended as part of the findings of the recent President's Commission on Americans Outdoors report. The most promising of these bills being the joint legislation, H.R. 4127 and S. 2199, introduced respectively by Representative Morris Udall and Senator Chafee. This Act would create a dedicated trust providing at least \$1 billion a year in usable interest to help pay for Federal, State, and local land acquisition, development, and rehabilitation costs. The trust, once established, could eventually allocate more than \$1 billion annually, dependent on the funding base and inflation factors. These monies would be allocated to specific expenditure areas as determined by a set percentage formula. Part of this proposed formula would distribute 10% of the total annually to states who have established open space trusts with purposes similar to the Federal Heritage Trust. However, this money could only go to the corpus of the State Trust, and only the interest from the corpus would then be available for State use and distribution.

to local governments. This portion of the Heritage Trust could conceivably begin in 1990 and run 10 years. I might get back to that in a minute. It does not, in essence, pattern completely our own State Trust, so there is some discussion point there that we have with the Federal government in reference to that particular area.

7) Of course -- adding a little levity here in this instance -- preserving open space may be a moot point, if the State Master Plan is adopted with the current sixth and seventh tiers intact. Present day farmers and large landholders will have a hard time trying to sell land that can only have one developed unit per 10 or 20 acres; a move guaranteed to preserve open space via negative development. These sections of the State Plan, however, are sure to be modified to make it more equitable to the large landowner; thus preserving open space will always be a prime goal for park, recreation and conservation benefits. Since tourism is New Jersey's number one product, let's be sure we have the beaches, lakes, streams, mountains, natural areas and recreational facilities that will offer our residents and visitors a quality of life they can enjoy.

I thank you for this opportunity to present the views of our Somerset County Park Commission and staff to the Committee, and sincerely hope that the hearings will produce some constructive means of helping preserve the much needed open space in our rapidly developing State.

ASSEMBLYWOMAN OGDEN: Thank you very much, Bruce. I like your idea of involving local banks. I've been trying to think of what other ways we could involve the banks, because we certainly have a lot here in New Jersey and they have a lot of money.

MR. KEELER: They have all the money. Mostly, we're in hock -- I think everyone's in hock, including the State -- to the lending institutions all through the area, meaning New

York as well as Pennsylvania. There has to be some suitable method of doing this. I know that I speak not only for our Park Commission but for many of them, and you heard it from some of the other people who have testified, that the period of time between the project acceptance and the money coming from the State due to the allocation process, is a problem. If we can combat that in some way, it would, I think, sincerely help an awful lot of the actual acquisition and development that goes on within the areas. I have heard cases of small communities -- and I refer to small communities more than the counties because we do have a fairly stable funding base -- but some of the small communities after a period of time have had to turn the grants down because they cannot raise the escalated amounts of money that were there in the period between the grant being accepted and then the grant monies coming in at a later date.

ASSEMBLYWOMAN OGDEN: Do you feel, Bruce, as Morris County does, that there should be maybe at least a partial reversion of Green Acres to the challenge grants as opposed to the Green Trust?

MR. KEELER: We've not had that much of a problem with the Green Trust. I think that probably goes on an individual basis. Our particular county will accept the money any way we can get it, and we'll need it. It's our contention that you have to figure for the long range on the greater majority of the communities in our State. Again, I go back to those local communities who have a hard time digging money up for matching grants at a 50% level, although within the urban communities that could be 75%, or just 25% out of the grant. Even then some of the urban communities have a hard problem in getting 25% of the grant. So, I think the loan program is a viable--

ASSEMBLYWOMAN OGDEN: Maybe a slight modification to help particular situations.

MR. KEELER: Yes. If they wanted to put a certain percentage of the fund back into challenge grants, I think that would be a wise thing to do, yes.

ASSEMBLYWOMAN OGDEN: Thank you very much, Bruce.

MR. KEELER: Thank you for the opportunity.

ASSEMBLYWOMAN OGDEN: This concludes the series of four hearings on open space and ways to preserve it. I'd like to thank everyone for coming here this morning and this afternoon, and particularly those of you who waited until the end. Thank you.

(HEARING CONCLUDED)



## APPENDIX





STATEMENT TO THE  
ASSEMBLY COMMITTEE ON CONSERVATION,  
NATURAL RESOURCES AND ENERGY  
OPEN SPACE HEARINGS

APRIL 21, 1988

SOMERSET COUNTY ENVIRONMENTAL EDUCATION CENTER  
BASKING RIDGE, NEW JERSEY

NEW JERSEY RECREATION & PARK ASSOCIATION  
COLLEGE AVE. GYMNASIUM, RM 205  
NEW BRUNSWICK, NJ 08903  
201-846-8453

STATEMENT TO THE  
ASSEMBLY COMMITTEE ON CONSERVATION, NATURAL  
RESOURCES AND ENERGY

APRIL 21, 1988

SOMERSET COUNTY ENVIRONMENTAL EDUCATION CENTER  
BASKING RIDGE, NEW JERSEY

Good day. My name is William Foelsch and I am Executive Director of the New Jersey Recreation and Park Association. The New Jersey Recreation and Park Association is a non-profit educational, research and advocacy organization created for the purpose of broadening the opportunities for all residents of the State of New Jersey to enjoy quality leisure experiences. It is our mission to promote the growth and public appreciation of New Jersey's open spaces and facilitate the abilities of the public to interact with those spaces.

Our membership is comprised of a variety of disciplines and settings, including governmental and private, non-profit park and recreation systems managers at the state, county, municipal and scholastic levels; therapists in direct leadership roles at public and private hospitals and nursing homes; students from New Jersey's five Colleges providing recreation and leisure service curriculums; and well over 200 citizen members who serve on county and municipal park and recreation boards and commissions. This diverse membership reflects this field's broad range of service delivery options

for outdoor and indoor recreational pursuits.

I wish to compliment the Committee members for their exhaustive attention to this hearing process. We know that the testimony offered through the preceding three hearings offered concrete recommendations for action in preservation of New Jersey's open space legacy. We also know that an "Open Space Crisis" exists and it grows more serious by the day. Every public interest poll and public vote on the subject reaffirms that our residents place a high priority on Quality of Life issues, and call for immediate protection of woodlands, fields, stream corridors and natural areas. Others have testified in these hearings highlighting a variety of innovative methods for open space preservation such as conservation easements, landbanks, transfer of development rights, farmland preservation, cluster and tiered zoning initiatives. We support the enactment of enabling legislation which will broaden the opportunities of government to implement these options, thereby resulting in the protection of tens of thousands of additional acres of open space. It is important to note here however, that an equally critical need for exists for new staff within our Green Acres program who can work with all these planning tools at the local level to focus our open space preservation efforts into cohesive programs.

We do not underestimate the importance of the above stated planning and zoning techniques in preserving open space, but we know that the most effective weapon currently available to conservation interests in New Jersey is a properly funded Green Acres program. This program has identified the acquisition and development needs for New Jersey's open spaces and has enjoyed enthusiastic grass roots and political support. We recommend that new funding for the State and Local portions of the Green Acres Program retain the highest priority for action.

As a first step in this process, this Committee has favorably reviewed Assembly Bill A-93 creating the Natural Resources Preservation and Restoration Fund through an increase in the Real Property Transfer Fee for both new and existing construction, providing a stable source of capital funds for parks, forests and wildlife management projects, shore protection improvements and flood management programs. Yesterday, A-93 unanimously passed the the Assembly Appropriations Committee and we urge that each member of this Committee call for a favorable vote of the full Assembly as soon as possible.

Step two in the fulfillment of the Green Acres legacy is an immediate call for support of a minimum \$ 800 million Green Acres Bond Referendum in 1989. This is consistent with the recent recommendation of the Governor's Council on New Jersey

Outdoors in targeting the protection of 373,000 acres of new public lands. Even at this level- thousands of acres of critical open spaces will be lost within the next ten years. Our projections indicate that our state's Natural Resources programs will require over to \$ 200 million annually to retain a minimum quality of environment and to keep pace with the recreational development and redevelopment needs of our cities and towns. An \$ 800 million bond Referendum coupled with the stable source of funding from the Natural Resources Preservation and Restoration Fund will keep pace with our current and projected 21st Century demands.

In my introduction of NJRPA, I noted the diverse constituency of our membership. I repeat this fact to establish the primary role of our membership as service providers. Over seventy percent of the members of our Association are involved in the provision of facilities and services in governmental agencies. Government has long played the dominant role in the delivery of recreation services. Although experiencing limits to per-capita growth due to governmental budget caps, service expansion continues and government maintains its role as the largest single force in recreation service delivery.

Service expansion has continued most effectively where public agencies have been allowed a level of flexibility and innovation. This State has experienced a change of service

philosophy and operation in the past decade, evolving from a concept of governmental recreation as a free service to an orientation to specific market service pricing. Recreational fees and charges have become an established fact for many municipal and county agencies. Unfortunately, the great majority of service providers, especially at the municipal level, are limited from the direct use of fees for program development and maintenance costs.

The single most important recommendation we offer for the improvement of service delivery in local government settings is the enactment of legislation permitting all public recreation agencies to establish operating trust funds to enable user fees to be committed to program service. This must be coupled, however, with a concern that user fee development for program expansion not be accomplished at the expense of those disabled, underprivileged or aged citizens currently not served or underserved.

Outdoor recreation service delivery systems must also seek to provide full physical access for our disabled citizens. Equal access to outdoor recreation facilities and services must be incorporated into all future open space, shore protection and outdoor recreation facility development funding programs. Our Association has worked extensively in support of this concept and we respectfully refer the Committee to the Report of the Governor's Conference on

Recreational Resources as provided to Governor Kean on June 19, 1985. This report offers specific recommendations targeting the special needs of disabled citizens, including prioritized funding for the rehabilitation, retrofitting and promotion of existing facilities to improve physical accessibility. We also concur with the need to improve the planning and implementation of transportation services to recreational resources for disabled, disadvantaged and aged residents.

Our list of priority concerns for open space preservation and recreational development could proceed for many additional pages. Rather than restate these concerns we recommend that this Committee review Challenges For the Future, the report of the Governor's Council on New Jersey Outdoors March 1987) as the best possible summary of New Jersey's outdoor recreation and open space needs. The report generated very specific and workable proposals for action on what we feel are topics of priority importance- the improved funding of maintenance functions in our parklands; the critical need for improvement to urban recreation facilities, programs and staff credentials; incorporation of the concepts of wellness and physical vitality into our outdoor programming; and expansion of environmental education efforts to all user groups. These topics deserve the full review of the Legislature and we hope that this Report will provide the foundation of the your analysis.

I wish to conclude this testimony with reference to two recommendations made by earlier studies. The first is part of the proceedings of the 1985 Governor's Conference on Recreational Resources focusing on the needs of resource managers and recreation service providers for access to information and research. We have yet to develop a method of action or an agency responsible for documenting the economic, sociological and psychological impact of what we preserve and what services we provide. While the Green Acres program staff does a very credible job of information retrieval and analysis for the Statewide Comprehensive Outdoor Recreation Plan (SCORP), this does not fulfill the greater need for data in support of our mission statements, objectives and budgets. The report suggests the close cooperation of State government and our institutions of higher education in meeting this objective. We recommend the creation of a properly funded research institute in cooperation with the State University system to accomplish this purpose. While conceivably relegated to a low priority concern of your Committee, our Association suggests this deserves a very high priority in view of its long term potential for improving decision making abilities and for building an informed constituency for the outdoors.

Finally, the Governor's Council on New Jersey Outdoors Report recommended the establishment of a permanent Council on New



Jersey Outdoors to analyze and refine the conditions of New Jersey's outdoor recreational resources. This Council should be charged with what seems to be an underlying theme of these hearings- that the improvement and promotion of a conservation ethic and appreciation for New Jersey's open space resources is absolutely necessary for survival in this country's most densely populated state. We need and deserve equal status with this great state's business and industry initiatives. An active and permanent Council will be critical to building an intelligent and supportive constituency.

Thank you for offering me the privilege of presenting this testimony.

New Jersey State Library



COUNTY OF ESSEX

NICHOLAS R. AMATO  
COUNTY EXECUTIVE

DEPARTMENT OF PARKS, RECREATION  
AND CULTURAL AFFAIRS  
115 CLIFTON AVENUE  
NEWARK, NEW JERSEY 07104  
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CARMINE E. CAPONE  
DIRECTOR

**STATEMENT FOR THE ASSEMBLY COMMITTEE ON**  
**CONSERVATION, NATURAL RESOURCES AND ENERGY**

**INTRODUCTION**

The Essex County parks system has the distinction of being the first county park system in the United States. Not only was Essex County a forerunner in establishing a parks system, but county officials enlisted the expertise of the world-renowned Frederick Law Olmsted, Sr. and his associates in the design of our parks and reservations.

The people of Essex County are very proud of their parks system. Covering 5,663 acres and serving a county population of over 850,000, the system provides three golf courses, three reservations, 13 parks, 63 tennis courts, two community centers, a zoo, an environmental center and an ice skating complex. More than 500,000 people use the county's ballfields and picnic areas each year and a staff of 200 provide recreational and educational programming for county residents. A staff of more than 200 fight the constant battle to maintain the parks.

The following issues and suggested solutions, are presented to the Committee in the hope that decisive measures will be taken to ensure an equitable balance between development and the preservation of open space in our populous state.

**PRESERVATION OF OPEN SPACE AND RECREATION INCENTIVES**

At the present time, the Green Acres program provides counties and municipalities the opportunity to apply for assistance to acquire or develop recreational areas. However, after 1989 only a minimal amount of funding will be available.

The Governor's Council on New Jersey Outdoors has recommended that the State adopt a bond issue to provide for the acquisition of open space and the development of recreation facilities. Since the Council reported a deficit of more than 370,000 acres of open space, it is imperative that the legislature support a major bond issue within the year. Without such support, valuable open space will be lost to development and "The Garden State" will become a misnomer.

Further, it is essential that we provide a permanent source of funding within the State to assist local and regional agencies in the acquisition of open space as well as the development and rehabilitation of existing facilities. One such source is the Natural Resources Preservation and Restoration Fund. This legislation, first introduced in 1986, is an integral part of the fight to preserve our dwindling natural resources. I urge the Committee to utilize all your resources to ensure passage of this legislation in the near future.

Another alternative to the problem of balancing development, open space and recreation is to encourage local planning boards to develop an attractive incentive program for developers to contribute land or money for recreational services within their communities. It is not appropriate to ask landowners to give up their property without some type of compensation. However, an equitable solution would be to allow developers to build more units on less property, while maintaining the overall density. This "excess" property could then be deeded to the local government for recreation use. If the property in question is too small or not suitable for recreation, money could be placed in a special trust to be used for acquisition or development of recreation facilities. In this way, the landowner would not be unjustly penalized and the community would benefit.

Another area of concern is the sale of open space by non-profit groups (i.e. Boy Scouts, YMCA's) who are "land rich and cash poor." These areas should not be overlooked in our quest to preserve open space and recreation facilities. These groups should be encouraged

to contact private conservation bodies that could purchase the property, build housing on a portion of it and through deed restrictions, preserve the remainder as open space.

Transfer of development rights is another option that should be considered. Again, it is a method that allows for the presevation of open space without undue harm to landowners.

### MAINTENANCE

There is a growing need to develop an assistance program for counties and municipalities to continue, as well as improve, ongoing maintenance operations and repair of existing facilities within their jurisdiction.

Within the urban areas of the State, there is a critical need to maintain existing park and recreation facilities. Many counties and municipalities do not have the resources to combat the problems of vandalism and neglect that have led to the severe deterioration of existing facilities. Currently, most funding provides for the acquisition and development of recreation areas. However, resources need to be made available to provide for the ongoing maintenance of these areas.

In Essex County, one way we have addressed the increase in refuse removal is to institute a refuse fee under our permit system. Collected monies are deposited in a designated fund that is used to supplement the county budget for refuse removal within the park system. Obviously, this is not the only solution. However, it is one that has worked well in Essex County.

Planners, architects and engineers should be encouraged to look at the long term maintenance costs when planning to acquire open space or develop recreation facilities. There is no benefit to the citizens if hundreds of thousands of dollars are spent to acquire and/or develop facilities and then cannot be maintained.

### CLOSING

The State Outdoor Recreation Plan needs to continue to move beyond the Green Acres Program. However, to do this they will need additional staff. If given the proper resources, Green Acres will be able to actively assist local communities in the development of an open

space/recreation master plan. This process would help ensure the implementation of the Green Acres Plan. The Bureau of Recreation should also be involved with such an outreach program.

The previously mentioned incentives, as well as those suggested by others appearing before this Committee, to preserve open space and improve recreation facilities need the support of the State to be effective. The initial response to the State Development and Redevelopment Plan indicates an acceptance of the need for planning on a statewide basis and the importance of preserving our natural resources. Further, the 1983 survey conducted by the Center for Public Interest Polling clearly states that New Jerseyans place more importance on the preservation of open space than economic growth. This is not to say we should discourage development within the state. However, we do need to balance that development with the preservation of open space.

It is time for all of us to stop reacting to crisis situations and become more pro-active in our approach to future trends and needs of our residents.

Carmine E. Capone  
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# *New Jersey Conservation Foundation*

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Testimony of Thomas Wells, Assistant Director  
New Jersey Conservation Foundation

Before the  
Assembly Committee on Conservation, Natural Resources and Energy  
Concerning methods of preserving open lands and  
providing recreational opportunities in New Jersey  
April 21, 1988, Basking Ridge, New Jersey

GOOD MORNING. I AM PLEASED TO HAVE THE OPPORTUNITY TO PARTICIPATE IN THESE DISCUSSIONS CONCERNING NEW JERSEY'S OPEN SPACE AND RECREATIONAL NEEDS. THE CENTRAL MISSION OF THE NEW JERSEY CONSERVATION FOUNDATION OVER THE LAST QUARTER-CENTURY HAS BEEN TO PROMOTE PRESERVATION OF OPEN SPACE THROUGHOUT THE STATE. ALTHOUGH NEW JERSEY HAS TAKEN GREAT STRIDES TO SET ASIDE OPEN LANDS DURING THIS PERIOD, THE CURRENT PACE OF DEVELOPMENT THREATENS TO ENGULF WHAT REMAINS, IF WE DO NOT ACT SWIFTLY.

NEW JERSEY HAS SUBSTANTIALLY CHANGED IN CHARACTER IN THE LAST DECADE. SPRAWL HAS SEEN TO THAT. OUR NEW ECONOMY, BASED ON INFORMATION AND SERVICE AND AIDED BY THE MOST INTENSIVELY DEVELOPED HIGHWAY SYSTEM IN THE COUNTRY, HAS MADE A CITY OF OUR STATE. THE DEMAND FOR PROTECTION OF CRITICAL AREAS AND RECREATIONAL OPEN SPACE IS UNPRECEDENTED. NOT ONLY ARE PRESENT FUNDING LEVELS INADEQUATE, BUT NEW MECHANISMS MUST BE PUT IN PLACE AND FOSTERED TO MEET PRESENT AND FUTURE NEEDS.

THE LEGISLATION CURRENTLY BEFORE THE ASSEMBLY, SPONSORED BY ASSEMBLYMAN ANTHONY VILLANE, IS AN ESSENTIAL STEP IN THE RIGHT DIRECTION. A-93 MUST BE SUPPORTED, TO SUPPLY A STABLE SOURCE OF FUNDING FOR NATURAL RESOURCE FUNCTIONS.

14x

THE RECOMMENDATIONS OF THE GOVERNOR'S COUNCIL ON NEW JERSEY OUTDOORS ARE COMPREHENSIVE, AND THERE IS AN URGENT NEED FOR THEIR IMPLEMENTATION.

NEW CONCEPTS ALSO NEED TO BE EXPLORED:

\* MUNICIPAL AND COUNTY LAND BANKS, FUNDED BY DEDICATED PORTIONS OF THE REALTY TRANSFER FEE, MERIT CONSIDERATION. SUCH PROGRAMS ARE IN PLACE IN OTHER STATES. ANOTHER POTENTIAL SOURCE OF FUNDING IS AN EXCESS CAPITAL GAINS TAX ON REALTY TRANSFERS, SIMILAR TO THAT WHICH IS USED IN VERMONT.

\* THE "RIGHT OF FIRST REFUSAL" CONCEPT SHOULD BE EXTENDED TO ALL LANDS RECEIVING PREFERENTIAL ASSESSMENT UNDER THE FARMLAND ASSESSMENT ACT. THIS RIGHT SHOULD BE TRANSFERABLE TO PRIVATE LAND TRUST GROUPS, AS IT IS IN MASSACHUSETTS. A-1361, SPONSORED BY ASSEMBLYWOMAN MAUREEN OGDEN, SHOULD BE SUPPORTED.

\* THE TRANSFER OF DEVELOPMENT RIGHTS, NOW IN LEGISLATION (A-456) SPONSORED BY ASSEMBLYMAN ROBERT SHINN, DESERVES SUPPORT.

ADDITIONAL FUNDING TO THE STATE NATURAL LANDS TRUST IS NEEDED TO INSURE THAT THIS AGENCY HAS THE STAFF AND RESOURCES TO:

1. ACCEPT AND MAINTAIN WETLANDS AND BUFFER AREAS THAT WILL BE MADE AVAILABLE TO IT AS A RESULT OF THE RECENTLY ENACTED FRESHWATER WETLANDS LEGISLATION:
2. PROVIDE THE OPPORTUNITY FOR REGULAR INTERACTION AND COOPERATION BETWEEN THE NATURAL LANDS TRUST AND THE WETLANDS MITIGATION COUNCIL, AND
3. PROVIDE INCENTIVES FOR THE ESTABLISHMENT OF LOCAL LAND TRUSTS, SUCH AS TECHNICAL ASSISTANCE AND START-UP GRANTS.

THE OPEN LANDS MANAGEMENT PROGRAM, WHICH OFFERS GRANTS TO PRIVATE LANDOWNERS WHO PERMIT PUBLIC ACCESS, IS BY FAR THE LEAST-COST METHOD OF PROVIDING PUBLIC PASSIVE RECREATION. BILLS TO PROVIDE FUNDING FOR THIS PROGRAM, SPONSORED BY ASSEMBLYMAN RODNEY FRELINGHUYSEN (A-338) AND SENATOR FRANK PALLONE (S-1563) DESERVE SWIFT PASSAGE.

IN RECENT YEARS, THE LAND-USE REGULATORY SYSTEM AT THE STATE AND LOCAL LEVELS HAS PLACED INCREASING AMOUNTS OF ENVIRONMENTALLY SENSITIVE LAND OFF LIMITS TO DEVELOPMENT. HOWEVER, THE POTENTIAL OPEN SPACE AND RECREATION OPPORTUNITIES THESE LANDS COULD PROVIDE IS OFTEN LOST, IN PART, BECAUSE THERE IS NO COMPREHENSIVE PLANNING FRAMEWORK TO GUIDE THEIR USE FOR OPEN SPACE PURPOSES. THE STATE, THROUGH THE DEP, COULD PROMOTE ESTABLISHMENT OF GREENWAYS AT THE LOCAL AND COUNTY LEVELS THROUGH THE PROVISION OF TECHNICAL ASSISTANCE AND PLANNING AND IMPLEMENTATION GRANTS TO LOCAL GOVERNMENTS. THESE GRANTS COULD BE MODELED AFTER THOSE ADMINISTERED BY THE DIVISION OF COASTAL RESOURCES UNDER THE STATE'S COASTAL ZONE MANAGEMENT PROGRAM.

THE FUTURE SUCCESS OF NEW JERSEY'S OPEN SPACE PRESERVATION EFFORTS WILL DEPEND UPON DEVELOPING A WIDE DIVERSITY OF METHODS IMPLEMENTED IN A TRUE SPIRIT OF INTERGOVERNMENTAL AND PRIVATE/PUBLIC COOPERATION.

WE APPRECIATE THE OPPORTUNITY TO TAKE PART IN THESE VERY TIMELY AND IMPORTANT DISCUSSIONS.





new jersey audubon society

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April 21, 1988

STATEMENT OF NEW JERSEY AUDUBON SOCIETY TO THE ASSEMBLY  
COMMITTEE ON CONSERVATION, NATURAL RESOURCES AND ENERGY

ON PRESERVING OPEN LANDS

I am Richard Kane, Director of Conservation, New Jersey Audubon Society, speaking for the Society today.

New Jersey Audubon Society is a non-profit organization of some 10,000 members with a mission in conservation, environmental education and wildlife research. We have been interested from our beginnings in the conservation of open lands and we maintain 15 sanctuaries around the state as wildlife habitat and open space for passive recreation. We have testified at length on this issue of open space conservation before the state planning commission and the Governor's Council on New Jersey Outdoors.

We think the time is right for a state push to acquire several hundred thousand acres of open space. The recent freshwater wetlands legislation has made it harder to develop in 300,000 acres of previously unprotected wetlands. The Governor's Council on New Jersey Outdoors targets 373,000 acres for protection. There have been bills proposed which would establish a permanent funding source of some 50 million annually for natural resources. Watershed tax relief would complement these efforts nicely. The sentiment of New Jersey citizens is clearly for open space, wildlife habitat and areas for active and passive recreation. No Green Acres Bond Issue has ever failed in the state--every one has passed. Citizens contribute hundreds of thousands of dollars to the tax check-off for wildlife. Some 189 organizations in New Jersey backed the Freshwater Wetlands Bill. Clearly the facts conspire to urge the state to acquire quality open space. The circumstances are right; the tools are there; the people want it.

New Jersey Audubon is most concerned, however, with what lands are chosen for open space conservation. That question

is prior to the question of how to preserve land. We would like first to direct attention toward which lands are to be preserved and then talk about the how. The state's Outdoor Recreation Plan of 1984 ranked recreational activities by popularity according to number of man-days. Walking ranked #3; nature walking ranked #9; and birding ranked #12. These ranked ahead of most active recreation and most sports. Organizations concerned with wild lands are all increasing their memberships rapidly in this state. Our own membership has tripled in five years. These facts suggest that much of the land to be targeted for acquisition should be quality open space, good wildlife habitat, and viable for our increasing passive recreational needs.

Also, there needs to be a concerted effort to acquire the best lands for wildlife conservation and for recreation, not merely what is cheap and available, to reach the desirable quota. Too often open space preservation can be controlled by those factors and not necessarily by needs and priorities. A priority often neglected, for example, has been the conservation of lands for migratory birds. As a principal flyway state on the Atlantic coast, New Jersey sports the 4th highest bird list among the states. Submitted with this testimony is our New Jersey Audubon White Paper on migratory bird conservation, with recommendations for conservation of certain corridors in the state which are critical to the needs of some 349 bird species. New Jersey also has, because of its latitude and diverse physiographic regions, an interesting and diverse blend of southern and northern vegetation, reptiles, amphibians and mammals, in addition to its birds. These resources are closely tied to emerging patterns of passive recreation demands. There are good lands here to preserve for those purposes.

Recent circumstances and the quality of the land urge a priority push to acquire open space in the northern central highlands region of New Jersey. The accompanying maps proposing a highlands forest preserve in North Jersey show which lands are already state-owned. By picking up lands in the Newark Watershed, Sterling Forest, and other smaller areas, a large contiguous forest preserve of optimal wildlife habitat and excellent recreational quality could be created. The regional plan association recently called for a necklace of open space in the northern area because of heavy tri-state development. The State Planning Commission urged the protection of water supplies, wildlife habitat, steep slopes,

wetlands and sensitive natural areas, especially "...large parts of northern Passaic County and the mountain areas in Oakland and Mahwah are listed as areas where growth should be limited." Recently a citizens' group has urged the preservation of Pyramid Mountain in Kinnelon and Montville, the watershed for Boonton Reservoir, and the county was approached with a proposal to effect a land swap of a parcel in Morristown to protect the Watershed area from development, and preserve habitat and open space. These latter areas are on the periphery of this proposed highlands reserve. These circumstances make the idea of a highlands reserve even more appealing.

The centerpiece of the proposal is the Pequannock (Newark) Watershed (green on the accompanying map) which is owned by the City of Newark and is Newark's water supply. This area is perhaps the best tract available in the northern part of the state, with high quality wildlife habitat, lakes and existing trails for recreation, and important wetlands and rich forests that protect the water supply. We feel it should be number one in the state's effort to acquire needed open space both because it is high quality and because it is near growth and population centers in Morris, Passaic, Essex and Bergen Counties. The Newark Watershed is 35,000 acres. About 20,000 acres have been declared "suitable" for development in the recent study done for the NWCDC. The remaining 15,000 acres presumably are steep sides and wetlands, unsuitable for development. The land lies in Sussex, Morris and Passaic Counties, and, if preserved in its entirety, would link the forests at Picatinny to the other highland areas now owned by the state, and would preserve the best land in the highlands. The 15,000 acres unsuitable for development might not have to be acquired by the state if they are regulated by the Wetlands Bill and steep side ordinances. In effect, by acquiring the 20,000 acres declared suitable for development, a contiguous preserve of 100,000 acres would be created. However it is done, the entire 35,000 acres should be protected, either by purchase, or by purchase plus regulation, or by some kind of partnership with Newark.

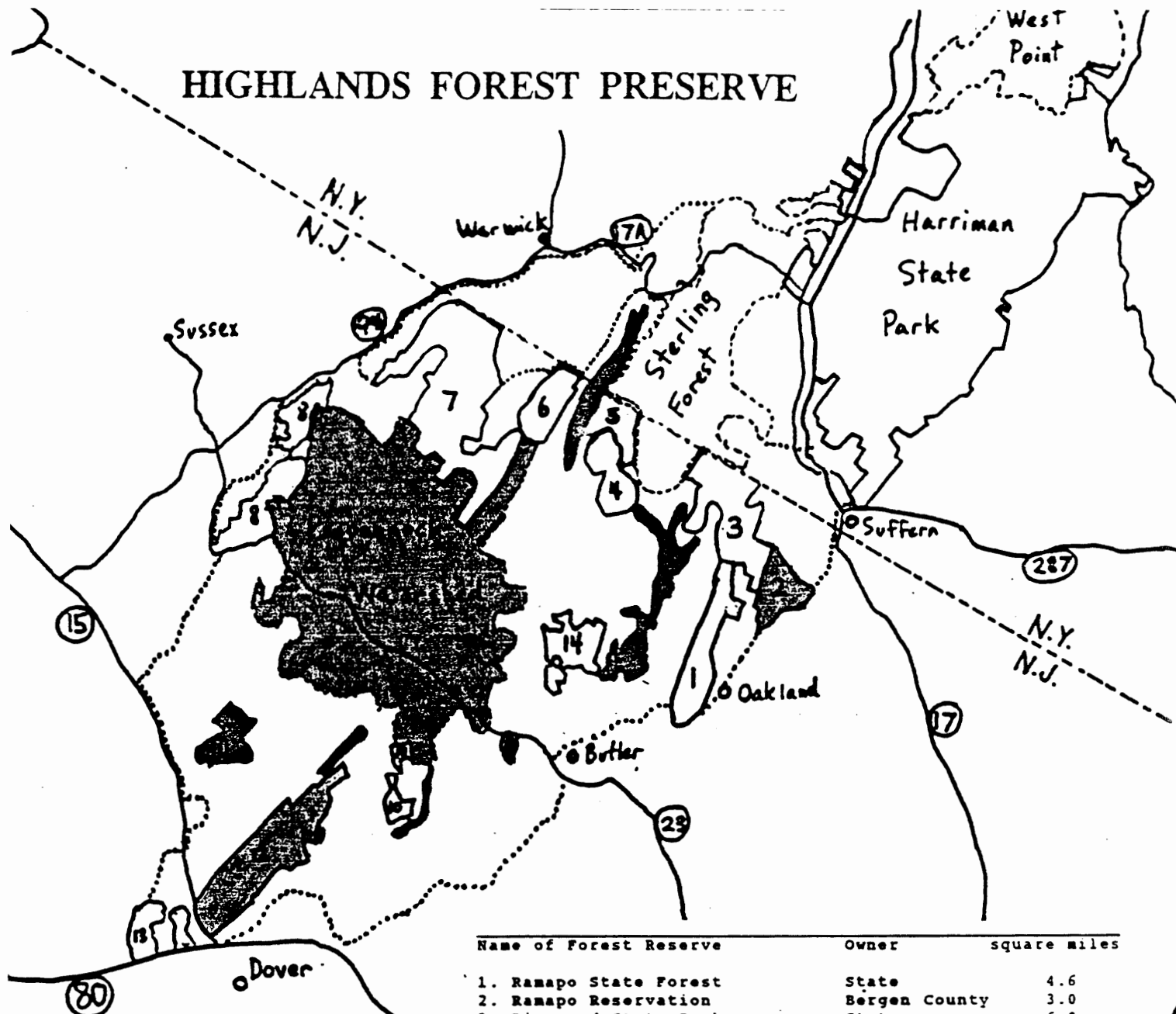
Other select lands in addition to the Newark Watershed where open space preservation efforts should be focused include the Hunterdon Plateau, the Sourland Mountains, the Delaware River Corridor, Passaic River wetlands, Rockaway Valley, Raritan Estuary, the Ramapo Mountain area, the Delaware Bay Shore,

Cumberland County tracts, and the Cape May Peninsula. Where federal or county efforts make state acquisition unnecessary, then state efforts should be turned to other tracts. For instance, this may occur in the Cape May peninsula, if the proposed Cape May National Wildlife Refuge becomes a reality.

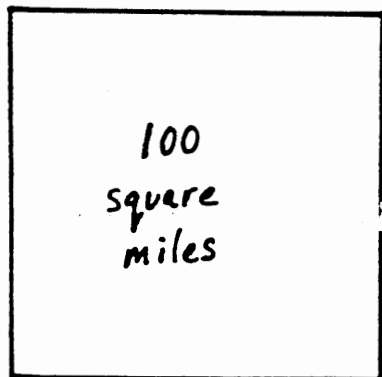
In order to preserve open space for conservation and recreation, we encourage the following measures:

1. A bond issue of some \$200 million or more for acquisition of some of the lands we have described. Green Acres Bond Issues have never been defeated by New Jersey voters.
2. A permanent and stable source of funding for preservation and restoration of natural resources to the tune of 50 or 60 million per year, so that acquisition and restoration can be planned and not be forced to occur haphazardly.
3. Perhaps monies from the state surplus could be used for acquisition of open space. It would be an investment in the future.

# HIGHLANDS FOREST PRESERVE



..... proposed boundary  
 ● large lakes  
 (17) major highways



Name of Forest Reserve	Owner	square miles
1. Ramapo State Forest	State	4.6
2. Ramapo Reservation	Bergen County	3.0
3. Ringwood State Park	State	6.9
4. Greenwood Lake State Park	State	3.4
5. Wanaque FWMA	State	2.5
6. Abraham Hewitt State Park	State	3.3
7. Wawayanda State Park	State	16.0
8. Hamburg Mountain FWMA	State	6.2
9. Silas Condict Park	Morris County	.8
10. Farny State Park	State	1.8
11. Mahlon Dickerson Reservation	Morris County	2.7
12. Piccatinny Arsenal	US Army	10.3
13. Berkshire Valley FWMA	State	3.0
14. Norvin Green State Forest	State	3.7
15. Pequannock Watershed	City of Newark	64.0
16. Sterling Forest	Private Corp.	31.8
17. Harriman State Park	NY State	74.2
18. West Point Milit Reservation	US Gov	18.0
total size of proposed reserve		489.0
land area needed for reserve including 15 + 16		328.6
land area needed in N.J. section only		241.1
N.J. section minus lakes (20) + housing (50)		171.0

FWMA = fish and wildlife management area

map prepared by:

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to = Federal Land  
 = Newark Watershed  
 = State Land  
 = County Land  
 21x

# OPERATION: Flight Path

## NJAS White Paper on Migrating Birds

Birds are an integral part of our world. They are a vital thread in the web of all living things. They enhance the quality of life on earth. They serve as important indicators of environmental health and stability. They are economically beneficial and may play key roles that we, as humans, do not apprehend—roles that the survival of our species may depend upon.

The survival of birds, as with all living things, is tied to habitat. The right amount and the right kind insures survival. Historically, protection efforts have focused upon habitat where birds nest. More recently, the destruction of the South American rain forests (where many of "our" birds spend over half their lives) has forced us to a global consciousness. We now know that unless wintering habitat is preserved, too, the birds that we call "ours" will cease to exist.

What has been largely overlooked in the global picture is the habitat that birds require during their long migrations—a grave mistake. Migratory habitat is just as critical as nesting and wintering habitats because it provides food and sanctuary during the most dangerous and stressful period in a bird's life. Without proper habitat at key links along the migration routes, global protection efforts will come to nothing. Protect all of the mixed deciduous and coniferous woodlands of the Northeast, protect all of the mountainous forests of Venezuela and Colombia, and Canada Warblers would still decline if the habitat they depend upon during migration dwindles.

What few people in our state realize is that New Jersey, the most populated state in North America, is one of those key migration links. For some species, it is the only link.

Located within our borders can be found:

- The largest hawk migration in North America; more than a quarter of a million hawks, eagles, and vultures every autumn.
- The second largest concentration of migrating shorebirds in the Continental United States; one million birds dependent upon the beaches of Delaware Bay during the month of May.
- An avian diversity surpassed only by the southern states of Texas, California, and Florida.

Why is New Jersey so critical to migrating birds?

BECAUSE: New Jersey is a coastal state and the Atlantic Ocean poses a barrier to migration. Birds, accordingly, concentrate along the coast.

BECAUSE: New Jersey lies along the route linking key nesting areas of North

America to wintering areas in South America.

BECAUSE: New Jersey's northwest corner is part of the Appalachian mountain system, a flight path used by birds for 200,000 years.

BECAUSE: New Jersey's coast offers the first (and last) significant wetlands suitable for shorebirds on their way from (and to) the arctic.

BECAUSE: New Jersey has a tremendous diversity of habitats that may be utilized by many different species: forest, marsh, grassland, lakes, islands, river valleys, swamps, mountains, beaches, mudflats, rivers, and streams.

BECAUSE: The largest concentration of Horseshoe Crabs in the world lay their eggs in Delaware Bay and provide an irreplaceable source of food for shorebirds each spring.

BECAUSE: Over 90% of the birds that use the New Jersey coast each fall are immature, without the survival or foraging skills of adults; thus the importance of sufficient habitat is magnified.

BECAUSE: New Jersey has one of the world's most important migratory bottlenecks—Cape May.

BECAUSE: Of New Jersey's 349 regularly occurring bird species, only 21 are nonmigratory; and of our 200 breeding species, 179 are migratory.

The problem is that habitat essential to migrating birds is being lost at an alarming rate and land preservation efforts are inadequate. Protection strategies are still geared for breeding and wintering birds or for individual threatened species.

Even more alarming, management practices in areas that are protected and are used by migrating birds often render habitat less suitable for use by migrating birds. For example, if woodlands are cut to increase breeding habitat for woodcock, ninety species of woodland birds are prevented from foraging during migration. For example, water levels in impoundment pools are left high, even when seasonally lowering levels would create habitat for thousands of shorebirds.

The New Jersey Audubon Society believes that the need for migratory bird habitat is the weak link in global protection efforts and that unless the needs of migrating birds are recognized and met, numbers of North America's birds will continue to decline. We believe that New Jersey plays a key role and that research, preservation, and land management efforts in both the public and private sectors must focus on the needs

of migrating birds. The purchase of Higbee Beach by the New Jersey Division of Fish, Game and Wildlife; the Nature Conservancy's South Cape May Meadows Preserve; and, more recently, the designation of the Delaware Bay Sister Shorebird Reserves are models of insight. We want to see more like them. In addition, we feel that the following specific actions should be taken:

1. THAT guidelines be established to assist developers building in known migration corridors.
2. THAT tax incentives be established for large land holders (private and corporate) who maintain their holdings for migrating bird use.
3. THAT migration figure more prominently in school environmental curricula and national educational packages and programs.
4. THAT bird migration data be incorporated into existing state and private wildlife inventories.
5. THAT the needs of migrating birds be assigned to the same plane of interest and resource allocation accorded breeding species.
6. THAT management strategies recognize the needs of migrating birds and equally consider the benefits of serving breeding birds and the potential loss to migrants.
7. THAT management strategies that benefit one or a few species be replaced by strategies that benefit larger numbers of species.
8. THAT buffer zones be established around wetlands, both protected and unprotected.
9. THAT certain key areas, or "New Jersey Flyways" not now fully protected be designated as "migration corridors" and that conservation strategies be developed within them. These areas are:  
The entire Kittatinny Ridge  
Pequanock Watershed  
Wawayanda Plateau  
Hunterdon Plateau  
Sourland Mountains  
Delaware River Corridor  
Palisades Region  
Hackensack Meadows  
All Passaic Wetlands  
Rockaway Valley  
Watchung Ridges  
Raritan River Estuary Wetlands  
Ramapo Mountain Area  
Black River Wetlands  
Garden State Parkway Corridor  
Delaware Bay marshes and coast  
Cape May Peninsula  
Cumberland County

22x

## New Jersey Audubon Society

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### THE INCREDIBLE ACCIDENT

Thirty-five minutes from Manhattan, within an hour's drive of sixty percent of New Jersey's residents, lies the greatest natural treasure in New Jersey--The New Jersey Highlands. That a Canadian-zone forest should exist at all in temperate New Jersey is a geologic accident. That a pristine wilderness should have endured here for so long is a miracle. But out of accident and miracles this generation has been granted a treasure whose value lies beyond any price--because it is irreplaceable.

The key to this treasure is a 35,000 acre tract: the Newark Watershed, the largest private landholding in the state. The tract borders on Hamburg WMA, Waywayanda State Park, and Farney State Park, along with private, federal, and municipal natural areas. Protect the watershed and it becomes the foundation of a 100,000-acre wilderness--a greenbelt to knit the highlands together.

Those who see the watershed for the first time are inevitably shocked. A place this wild and this beautiful seems out of place in New Jersey--and it is! Minutes off Route 23, your road plunges into hemlock ravines and navigates ridges crowned with native white pine. Black bears, coyote, porcupine, mink and otter are found here. Native brook trout live their silent lives in streams that run in rivulets of sunlight and shadows.

The birds--sharp-shinned hawks, winter wrens, myrtle warbler, white-throated sparrow--are found again no closer than the Adirondacks; the plants that are found--wild calla, leatherleaf, star flower and bog rosemary--recall an age when ice ruled the land.

How did this miracle survive? In part because the land protected itself. The steep granite slopes shrugged off would-be residents; the thin, acid soil was intolerant of agriculture. And as New Jersey's population grew, the water that fell and was filtered by the land became a treasure. In 1900, thirty-five thousand acres of the watershed was purchased and safeguarded by the city of Newark. For nearly a century, the highlands have maintained their integrity by paying ransom in the currency of all living things--water. But the economic scale has tipped. Land in New Jersey, even poor land, has become more valuable than water. Very soon, the watershed will begin paying a tribute in land to development.

The New Jersey Highlands are a wilderness with all its blessings and all the vulnerability of wilderness. Any development, no matter how generous the zoning, destroys the fabric of wilderness. And we are left with a patchwork woodland--no different than any other. Only 10% of the area could be developed. A pitiful gain for a tremendous loss to New Jersey's citizens.

In the New Jersey Highlands, we have been granted one last opportunity to not repeat the mistake of those who preceded us.

by Richard Kane, Director of Conservation  
New Jersey Audubon Society

Newark's Pegannock Watershed has perhaps the most diverse avifauna of any comparably sized forest area in the state, with over 120 breeding species. Its position straddling the ridges of the New Jersey Central Highlands make it a migration corridor for numbers of other transient species using the area in stopover. The lakes and reservoirs are heavily used by migrating waterfowl while raptors follow the ridges (Bearfort Mt., Kanouse Mt.); thousands of forest birds feed during passage on the abundant insects and fruits. Resident species of the Watershed include some of the state's endangered and threatened species: Pied-billed Grebe, Red-shouldered Hawk, Cooper's Hawk, Barred Owl, N. Goshawk, Osprey and Great Blue Heron among others.

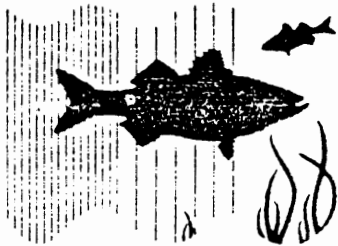
The area's birdlife has been extensively documented by field work of the Urner Ornithological Club of Newark, of New Jersey Audubon Society and of Watershed Watch through regular breeding bird surveys from the late 1960's through the late 1980's. In fact it is one of the best reported areas ornithologically in the state and deservedly so. What gives the Watershed its bird diversity and abundance is first of all its forest size, and secondly its varied forest habitats: hemlock-hardwood, laurel slopes, spruce plantings, wooded swamps and bogs. All of these are excellent for different species. Marshes, wet meadows and lake shores are also valuable bird habitats.

The resident bird population includes many of New Jersey's hawks and owls; many boreal species characteristic of northern forests and high elevations, like Hermit Thrush, Winter Wren, Golden-crowned Kinglet, Red-breasted Nuthatch, Blackburnian Warbler; many forest long distance migrants (FLM's) between here and the tropics, such as Hooded and Worm-eating Warblers, Veery, Ovenbird, cuckoos and tanagers; and finally, a number of wetland species: Great Blue Heron, Virginia Rail, Pied-billed Grebe, Common Moorhen, Red-winged Blackbird and Wood Duck. Especially interesting for birds are Cherry Ridge, Bearfort Mountain, both sides of Route 515, Arvin Meadow, both sides of Clinton Road and, at certain seasons, the reservoirs and lakes.

The Watershed, although it is near growth areas in four counties, remains a wilderness. Precisely because it is near a lot of people its natural values become more important to preserve. New Jersey Audubon has identified the area as one of the key migration corridors in the state. Watershed Watch is to be commended for maintaining up-to-date information on the region's bird life. Bird conservation in the Watershed will need to concentrate on maintaining forest size, especially hemlock-hardwood, laurel slopes and spruce plantations to assure diversity. Ongoing inventories of boreal species and endangered-threatened species should be maintained. Wetlands and shorelines need to be protected. Too much



edge effect from development may result in immigration of suburban species that will compete with forest distance migrants. A recent study reported in Wilson Bulletin underscored the importance also of immigration from nearby forests by forest species to maintain the abundance of FLM's. Isolation of forest preserves was shown to reduce both density and species richness at 6 sites of hemlock-hardwood in the Northeast. Isolation also increases immigration of suburban(edge) species. Species found to be decreasing at these 6 sites because of suburban immigration and destruction of surrounding forest are: Red-eyed Vireo, American Redstart, Hooded Warbler, Eastern Wood-pewee, Canada Warbler, Black-throated Green Warbler and Ovenbird. All of these are in the Pequannock Watershed. The only effective management tool for conservation of these now common but declining forest birds of the Pequannock Watershed is forest preservation before they become endangered.



# PASSAIC RIVER COALITION

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Hearings on Open Space, Assembly Committee on Energy and the Environment, Held at the Somerset County Environmental Education Center, Basking Ridge, April 21, 1988

Presented by Ella F. Filippone, Ph.D., Executive Administrator

The Passaic River Coalition is an urban watershed association with its headquarters here in Basking Ridge. We have since 1969 been involved in the many and varied elements of water and land management, concentrating on the 112 municipalities in the Passaic River Basin.

During this time, we have participated in the several Green Acre Bond Issue initiatives, and worked with certain municipalities to obtain funds under this program to acquire environmentally sensitive lands. In the early days of the Green Acres program, there was little focus on specific goals for land acquisition. It was pretty much a program for those who had an interest in acquiring prime lands and/or buildings. Under this approach some fine lands and buildings were preserved; however, missing was a defined purpose for the program. When Hermia Lechner took over the administration of the Green Acres program several years ago, a new approach came to the office, which took into consideration the environmental sensitivities of land, which was a giant step forward. So that over the years, we have seen the Green Acres program undertake acquisitions and responsibilities of considerable merit.

For the future, needless to say, the State of New Jersey must commit considerable moneys for needed acquisitions because of anticipated interpretations of laws already passed, which are vital to maintain the environmental integrity of certain areas of our state. Acquisition of riverfront parks, such as our Passaic River Restoration Project, should have a high priority. Setback requirements in development and redevelopment should be required on all riverbanks with public access where possible. Our Passaic River Restoration Project, which is currently in a major phase of planning, got started with a small grant to develop a Master Plan from the Office of Coastal Resources. The County of Bergen provided administrative funds to keep the project going, and during that time, through our efforts, an element of the Water Resources Development Act of 1986 will bring \$5 million for the final implementation of the project. This effort will be new parkland to Harrison, Kearny, North Arlington, Lyndhurst, Rutherford, East Rutherford, and Garfield. A key element is that each of these towns also got their initial acquisition money from Green Acres, which translate into the non-federal match. Our project is unique because we have the cost sharing needed to undertake this federal project.

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Our problem is that no program currently exists within the N.J. Department of Environmental Protection which would allow the PRRP to go up-river into the freshwater area. Such planning funds should be made available.

Emergency funds must be established. All too often environmentally sensitive lands are threatened by development, and the money is not readily available. The Pyramid Mountain project in Montville and Kinnelon is such an example. Wetlands throughout the Passaic Basin fall into this category, and should be acquired so that we are freed from development attempts. I doubt whether those of us who have spent so much time and effort to work for the passage of the Wetlands Act can curtail the attempts toward development of these sensitive lands because of the technicalities of definition and delineation. Currently, we are being overwhelmed with applications which go to the wetland line, and all too often this line is conservative. A substantial amount of money should be dedicated to acquiring these lands now.

For the future, we should also recognize that lands which provide recharge to our aquifer areas should be preserved. Such lands, which would be added to the wellhead protection area to be known as ground water protection zones should also have a high priority.

Each municipality should be required to inventory its open space lands and its future needs. Contained within these plans should also be a section on the cultural heritage of a community. Historic buildings in these towns should be noted, inventoried, photographed, and records kept. From this work should come an element of each town's master plan, which would concentrate on open space acquisition, and the establishment of parks, either in the formal sense, for recreation, or as wildlife habitat.

In that same vein, all counties should be required to establish a County Open Space Master Plan. Our urban counties, which had established parks during the 19th Century, should reexamine these "jewels" of New Jersey, and restore and maintain them. Essex County's Olmstead parks should be much better maintained, and if the county does not have the resources to do so, the State should do all it can to aid not only in a restoration, but in an education program to allow the public to know how important these parks are. I doubt that a majority of the residents of Essex County know that the person who designed Branch Brook Park, Eagle Rock Reservation, a Park, and the South Mountain Reservation is the same person who designed Central Park in New York City.

The N.J. Green Acres Office should undertake a special study to identify lands held by nonprofit agencies, which can no longer hold on to their land. An example of such a problem is the land which was donated to the Boy Scouts in the Palisades by John D. Rockefeller in the 1940's, and which has been the subject of much concern by the citizens of the area. While the agreement between the Scouts and the Rockefeller family clearly indicated that this land could be sold at some time, we must wonder whether this was

the intent, given the dedication to land preservation of the donor family. Certainly, these types of situations will arise in the future, and the State should be ready to act, and not be dependent on nonprofit land conservation agencies for assistance.

We have been appalled at the State's position on the Kuser Mansion at High Point State Park. This park was the first land donated to the State of New Jersey by the Kuser family. For New Jersey, this park is comparable to what Yellowstone is to the National Park System. This mansion should be restored, and if because of state regulations it becomes too costly, why can't regulations be made to bypass these cumbersome rules and permit private intervention.

Finally, we come to the most important land areas in New Jersey --- those lands which are considered the watersheds for water supply of the State. Some are currently owned by the water purveyors, and certain of these lands in Bergen and Morris County are being sold off because of a ruling by the Public Utilities Commission. The public is outraged, and were funds available, we would hope the State could have interceded. However, this crisis is currently ongoing. Looking at the consultants report, for example, on the sale of lands by the Hackensack Water Company's subsidiary, Riverdale Realty, much of the reasoning for this action stems from a lack of interest in such lands through the laws of the State of New Jersey. This must be changed. These watershed lands are as important as parkland, yet it is taxed according to the whims of the municipality in which it is located. Some of these lands are in another municipality and owned by another, which if new technology makes water treatment easier, the specter of income may entice a municipality to sell off these lands. The horror of such activities calls for action towards preservation and the need to create innovative programs for both the water purveyor and the local municipality. Most of all it calls for a totally new attitude toward the way these watershed lands are perceived. They are as important for the public good as parks, and should at the least receive the same tax exempt treatment.

We have been through our Flood Plain Watch working with a vast network of groups in northern New Jersey for the preservation of the Ramapo Mountain area, Sterling Forest lands, etc. These lands should become a special project of the State so that over time a vast area of open space crowns the Garden State from the Delaware Water Gap to the Hudson.

We have attempted to limit our comments so that most of our concerns could be presented in ten minutes, an all to short a time for such a important subject.

Thank you for the opportunity to participate.



association of new jersey  
environmental commissions

Testimony before Assembly Committee on Conservation, Natural  
Resources and Energy

April 21, 1988

Sally Dudley  
Executive Director, Association of New Jersey Environmental  
Commissions

The Association of New Jersey Environmental Commissions is a non-profit educational organization for the state's 300 municipal and county environmental commissions. For nearly 20 years our members have been working with local planning and zoning boards, county, state and federal agencies to protect valuable natural resources and provide recreational opportunities in their communities through a variety of open space preservation techniques. We commend the Committee for taking the time to reach out to citizens across the state on this very important subject.

As in so many areas of environmental protection, New Jersey has been a leader in open space protection. The state's pioneering Green Acres program has enabled municipalities to create hundreds of recreational areas and set aside thousands of acres of open space for future generations. It is important to remember that the Green Acres program has benefited New Jersey's residents in the obvious ways of opening up recreational opportunities. It has also helped prevent costly public expenditures for pollution control by protecting natural resource areas like watersheds, forests and aquifer areas. And by making our communities attractive places to live and work, it has made a substantial contribution to our state's healthy economy.

As you have heard from others, the Green Acres program is not able to meet the genuine and documented demands. For the last several years, Green Acres has had \$20 million available for loans and grants to local units of government. This year alone Green Acres received more than \$90 million in applications. The Governor's Council on New Jersey Outdoors has identified an \$800 million need if New Jersey is to meet the minimum needs of its citizens for open space preservation and recreational opportunities.

Funds from the last Green Acres Bond issue -- passed with overwhelming support by the voters less than five years ago -- will soon be exhausted. The pressures to convert our remaining open land to housing developments, office parks and shopping centers are incredibly strong. Private landowners are being offered fabulous amounts of money by developers. Water companies and non-profit organizations like the Boy Scouts, are beginning to see their land holdings as a financial resource rather than a natural and social resource and are offering substantial tracts of land for sale.

Recognizing that there is no "second chance" to preserve land, local government officials are constantly looking for ways they can protect significant open space areas in their towns. They recognize the environmental and economic benefits of open space preservation. The state-local partnership that the Green Acres program has fostered has been a vital force for New Jersey's economic and environmental health. It is vital that we work together to enable that partnership to continue in the years to come.

There are a number of steps that New Jersey can take to preserve open lands and provide recreational opportunities in the future.

First, we need adequate and stable funding for the state's natural resource programs. The Natural Resources Preservation Fund, approved by the Assembly Appropriations Committee just yesterday would establish that stable financial base. I urge you to support that bill. With a stable source of funding, for the first time state and local governments to look at their natural resource base, identify the areas that need to be preserved and work to set those areas aside.

While the Natural Resources Preservation Fund will establish a stable source of funding, it will not meet the documented needs of NJ's counties and municipalities. A \$200 million Green Acres bond issue, incorporating the Green Trust concept to allow funds to be recycled and stretched would provide state and local agencies with the financial resources needed to acquire the most threatened areas.

Second we need to encourage the use of open space preservation techniques that do not require outright purchase. As land prices escalate in New Jersey it is ever more important for government agencies to be able to use creative techniques to protect open space for preservation and recreation. For example, legislation enabling municipalities to transfer development rights could go a long way toward protecting recreation and agricultural lands at less cost to the taxpayer than outright fee acquisition.

Finally, we need to establish a system of Greenways to make

the best use of what open lands we have already set aside to leverage those lands for future generations. Greenways would link publicly accessible open space in our increasingly urbanized state, and would help maintain a high quality of life for all New Jersey's residents. By strengthening existing tools and programs, New Jersey could get a good start on establishing Greenways systems throughout the state.

Use Environmental Commissions to get Greenways established.

Environmental Commissions are charged to keep an index of open areas, both publicly and privately owned in their communities. They are also trained to think and plan beyond municipal boundaries and to understand the local and regional data base. Given the resources, environmental commissions could use their local and regional data bases to identify potential linkages between open space areas and to go about establishing Greenways.

I urge you to consider a state/local matching grant program that would enable local environmental commissions to refine their open space indexes and prepare the maps that would allow us to implement Greenways throughout the state.

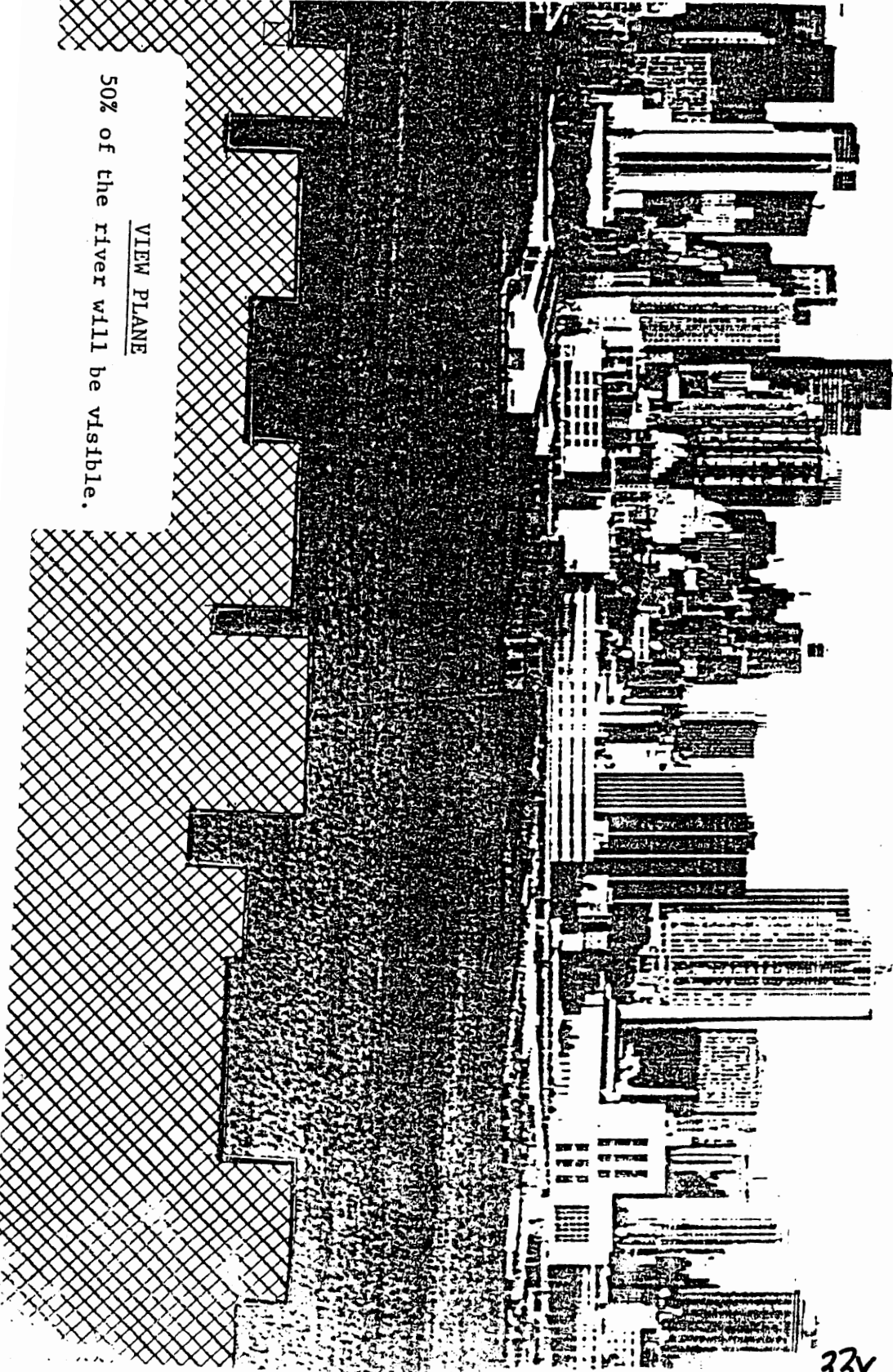
I would be happy to discuss this proposal further.

Thank you for your interest.

PALISADES PLANE  
None of the river will be visible.



VIEW PLANE  
50% of the river will be visible.



April 25, 1988

Maureen Ogden; Chairperson  
N.J. Assembly Committee On Conservation,  
Natural Resources And Energy  
State House Annex  
CN-068  
Trenton, New Jersey 08625

MAY 20 1988

RE: Written Follow-up To My Testimony At The 4/21/88 Open Space/  
Recreational Opportunities Hearing In Bask Ridge, N.J.

Dear Assemblyperson Maureen Ogden:

Please accept this written follow-up to my 4/21/88 testimony.  
The suggestions I presented were very rough and need to be refined.

THANK YOU

When driving here, I look around and think I'm in a different State than the one I live in. Lots of green grass, flowering trees in full bloom, broad proud roads with amply planted side strips, a horse farm nearby with them gently grazing, and wild ducks walking around the front lawn of the building in which this hearing is being held. I feel I'm on a junket to some paradise island....I'm from Hudson County.

Instead of trying to further the art of developing more confusing and contorted Ways and Means of getting purchase money and/or property title for more public open space areas in New Jersey, I would like to present some methods using the local level and Hudson County to illustrate other ways and means.

## 1. Open Space & Rec. Needs of Hudson County

It's interesting to talk of urban planning expectations and what happened to great plans. The Hudson County Land Use Study and Plan of 1974 states:

- A. There are (1970 data) 1.7 acres of County/local public open space areas per 1000 people here. The standard should be 5.6 acres per 1000 population.
- B. In Northern Hudson County (Union City, North Bergen, West New York, Secaucus, Guttenberg & Weehawken) the 1970 ratio was much lower, 1.3 acres per 1000 population.
- C. It was then projected (with recommended sites) that by 1990's population, Hudson County would have to acquire about 2700 additional acres to bring it up to standard.

To date (1988), not one single acre was acquired but population

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120 77th St., North Bergen, N.J. 07047 (201) 854-7152

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densities are increasing more rapidly than the 1974 projections assumed it will. It's 2 years until 1990 shows up. Do you think Hudson County will acquire the needed 2700 acres of meaningful open space and recreational opportunities by then???? At these land values here???

Here's an example of what happened to one of the recommended open space/rec. sites--Union City's St. Micheal's Monastery, built in the mid-1800's. This 12 acre site (2 built and 10 open) was considered surplus by the Arch Diocese of Newark and put the word out in the late 1970's that the entire site was up for sale. Both widespread grief and anger was expressed by the Arch Diocese's decision. The grief was obvious--the anchor in the region represents the trend of others that seem to be going down the tubes. The huge "basilica" type church was going to be demolished and the site used for a K-Mart shopping center. Just what people need in an overly stressed area.

It is interesting how the anger of the population was focused. First, at the Catholic Church:

- A. How could such a sacred site (used for over 100 years for generations to worship and the graves of those who spent their lives here) be almost instantaneously changed into a K-Mart Shopping Center?
- B. Isn't it outrageous that after over 100 years of member donations and Union City's waving of all property tax liabilities for this period (even on that open section zoned for residential) that the Arch Diocese of Newark can get the highest price possible for this site, pocket the money and leave this community? At least, how can the public be compensated (in this case Union City) for over a century of waving property tax liabilities when that site is sold on the free and open market (as any other private property) to the highest bidder. The Arch Diocese gets its high price, not because it is to remain as a religious land use, but because of its real estate development potential!

Second, at the Political Leaders:

- A. Can't Union City or the County swing a deal with the Arch Diocese to secure this site?
- B. Couldn't a funding package of Federal and State grants, non-profit preservation foundations, surrounding communities, and private companies be pulled together to buy this property for the area's open space needs?

By the early 1980's, the answer was NO! Federal funding was cut drastically, Union City and Hudson County were in economic straits, couldn't even afford their share of formula grants because of "higher" priority public needs. After the ownership passed between other

developers at an increasingly higher price and Union City granting zoning variances, over 100 condo units are to be build on this open site. The church has been sold to another religious organization. This Spring, the bull-dozer came in to prepare the open site for the foundations and utility lines for these condo's. Is this progress?

Conclusions:

- A. Plans, no matter how well thought out, are worthless without the power and resources to back them up.
- ✓ B. Should the local community be compensated for over a century of waving property taxes when the exempt property is sold for its real estate, not religious, development potential value?
- C. It seems all levels of government grants and private funding sources are in the leveraging game---trying to make \$5.00 look and act as two \$10's.. In reality, it can't be done and it is deceptive to think that it can be. County and local levels of government do not have the budgets to support the professional skills and time costs to jump through all the hoops to package funding for such vitally needed projects.
- D. Securing the remaining open space in Hudson County to meet close to it's needs is going to be costly. But it is cheaper to pick it up now rather than waiting 10 more years. This is the "Gold Coast" not a remote rural settlement. It seems that every square inch is targeted for development and public intervention will step on someone's plans for making an economic killing here.

2. Needed Posture For Open Space/Rec. Acquisition:

Hudson County and indeed the State of New Jersey is under a growth "SIEGE"! The "Ways and Means" of doing government up to now need to be changed to meet this new challenge and sets of opportunities. The business of government -as-usual, is out, or I feel needs to be reshaped to better address these new dynamics. We should be able to pass our communities and the State on to our children and their children in a better shape than we have it now. Not a worse one.

We have to get a better balance between a "Money-Driven" State versus a "Long Term Public Good-Driven" State.

The issue of acquiring adequate public open space in Hudson County illustrates the fact that "Money-Driven" objectives have long over-ridden "Long Term Public Good" objectives. The same could be said in other Counties around this State.

Here, keeping down of the cost of governmental services and the relentless search for property tax ratables have distorted local land uses to the point of making it almost unaffordable to live here and denude of any public open space and amenities that when you get a few bucks in your pocket, you prefer to leave here and maybe try to settle in Basking Ridge for the better life. God Bless those who can't.

3. WAYS AND MEANS For Acquiring Open Space And Rec. Opportunities

Other people speaking here act as if they are fine-tuned lawyers, financial planners, developers, bankers and real estate brokers. Certainly you are looking for and best use these type of do-able methods. I would like to spread out our horizon of solutions and link other resourceful areas for tapping using Hudson County to illustrate these.

A. Windfall Profits From Public Land Use Decisions/Improvements

- (1). Acquired By Non-Profit Organizations (See Above: p.3, part B) through the sale of real estate where local, State & Federal taxes have been waved over the years. For example, when property is sold for its highest private market value and use, not only should the past locally waved property taxes (compounded) be paid to the local municipality, but the State should get a share of the profits above that if it were sold to another non-profit organization for a public purpose use. Rationale for this is that the non-profit status is not to be used to dabble in the private real estate market and using this status as a cover for making windfall profits.
- (2). Huge private developer profits acquired from selected municipal spot or small area up-zonings need to be publically shared. Once granted, the developers' books must be available for review and windfall profit share assessment. The rationale for this is not related to local property tax assessment. It is the reverse of a public entity can not take private property without compensating the private owner. Here, the public entity can not give (by up-zoning a spot or area) to a private property owner without having that owner compensate the public entity for the profits made from this action. This is a standard technique in depressed areas where the public entity gives zoning, etc. type advantages to stimulate private development. But to do this in an area of booming real estate development, this "public-giving" rule must apply. The up-zonings along the Hudson River waterfront is where such "public-giving" is occuring on a large scale. The procedure mentioned in #1, above, should apply also here. The State's Attorney General should investigate those large scale up-zonings that have occurred around the State. One area that I would like to see investigated now is Weehawken's granting very high zoning densities to Hartz Mountain in front of the Lincoln Tunnel helix ramp. The results of this granting is also going to block the view from the helix of the New York Skyline and Hudson River.

B. Interest Bearing State-Backed Bonds Whose Principle is Not Paid Off, Only Traded

I promised not to talk about financial instruments but here is one that is used in European Countries to fund very large capital projects. Used here, these can be called Open Space & Recreation Bonds, with these characteristics:

- (1). Used for the long term "parking" of money for the security and interest earned.
- (2). The interest paid by the State's General Fund revenues.
- (3). The principle is not immediately available but (ex. is available in about 2 weeks) can be drawn on the State's reserves or when additional Bonds are purchased/traded.
- (4). This is a form of long term savings where the interest can be compounded for retirement, etc..
- (5). This purpose is for a long-term-public-good and should be sold as such in the present money-driven economy by the State by tax refund check-off, open market, etc..

C. A Blind-Source Money-Parking Certificate

This suggestion even raises the hair on my back but tries to use the \$Billions floating around in this Country and the World. No one would ever think that the banks in Switzerland and other countries are a threat to this country. The "Swiss Bank Account" or "Off-Shore Bank Account" seems to be a very honorable way of doing business. Why not do the same for gathering the resources for open space/recreation acquisition here? This is not a mechanism for laundering money, just using it as it is being parked for a long time. Though the Blind-Source Money-Parking Certificate would have many of the characteristics of above B, except for the interest bearing portions, I could do further work on it if you feel it should be pursued. There are many Millions of dollars moving around in Hudson and other New Jersey counties that could be tapped for this public purpose this way.

D. The Penalties For Those Dealing With Death, Death-Related Products & Corrupt Public and Private Schemes Should Be Very, Very Great

The last few years, papers as The Star-Ledger, The Dispatch, the Jersey Journal, the New York Times, The Record & the Hudson Reporter and the like, have been telling us of how a Money-Driven mentality has been a destructive force operating in many New Jersey Counties & drastically affecting us living in them. The assets from these death & public deprivation actions of individuals and "organizations" must be captured to the fullest, not from the activity only. . . . If such activity is proven, then all the assets are penalized, even if they were gained through "honest" means before or after this activity. Gains made from short term destructive activities should be turned into long term life sustaining projects, per this hearing.



E. An Open, Direct & Honest Method of Tax Reform Must Be Initiated

I would like to suggest a type of tax reform as viewed from the bottom of the pile of tax payers. The technology for implementing this is available and used, to a limited degree, by all taxing authorities. I could be called in for a tax audit and have the last 10 years of my economic life pass in front of me or at least on the sheet of paper the auditors hold close to them.

All of us pay taxes to all levels of government in all sorts of hidden, indirect and finally direct ways on or before the April 15th Tax-Day. As larger public budgets loom over us all in New Jersey, very few of us know where taxes go to or how they are raised from us. Here are two tax reforms which could go a long way in knowing the cost of government and bringing us all very close to how tax expenditures are made on the local, County, State and Federal levels. These reforms will certainly enable us to acquire more open space and recreational opportunities throughout the State.

(1). Tax Payers' Choice On Expenditures By Program Category:

Along with the numerous pages in the State's (& Federal) income tax booklet mailed to each tax payer would be one page stating the amount of taxes needed to be raised and the governing units' proposed expenditures by program category. In New Jersey, the State's income tax booklet would supply the Local, County and State's proposed program expenditure sheet and to be returned and compiled by the State with his/her regular income tax return. On this sheet would be a place for agreement with proposed program expenditures or one which is preferred and made up by the tax payer.

The results of the tax payers' choices would be summarized and distributed to all levels of government in the State. If the tax payers' choice is more than 15% of that the governing bodies proposed, the elected officials are mandated to reconcile the difference and present a new budget to be adopted by them.

Obviously, this approach to budget making would require a better way of informing the citizens than the present public hearing approach where very few people attend and is often performed with dubious practices.

(2). A More Simplified Method of Computing Taxes Owed:

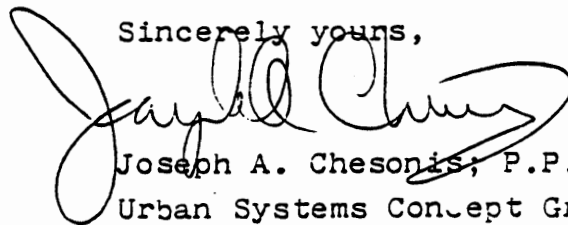
Somehow, I would like to be assured that everyone is paying their fair-share of taxes. With this year's Federal tax simplification, I know I got it in the neck. Confusion, unfairness and rage abounded by the April 15th Tax-Day this year.

Although this hearing on Open Space and Recreation acquisition Ways and Means is not the place for a detailed analysis/recommendation on tax reform, here are some general characteristics of such reforms that would have an impact on this hearing's goals.

- a. Too much of what should be the responsibility of the legislative process is included in the tax computation process. I think I missed over \$100 million of deductions and possible "shady" loop holes that much better informed on such practices readily use. I know I paid too much taxes this year and because of my ignorance on such fine-tuned practices, I gave in and paid it. Too many of us do the same. I think #(1), page 7 would be far better.
- b. Too much short-term "Money-Driven" objective are included in computing taxes, not long-term "Public Good-Driven" objectives.
- c. A good look should be made at tax computation of gross income/revenues/sales and not the Adjusted Gross Income where so many get away with unfair deductions. Ultimately, consumers pay all taxes.
- d. All taxes paid to various public and private (public surrogates) entities are to be entered in tax computations to avoid being double taxed
- :  
:  
:  
:etc.

I hope these suggestions for raising acquisition resources for Open Space & Recreation Opportunities are helpful. If you like, I can enlarge on those you chose to explore further. Enjoyed given a chance to testify at your public hearing and would like to see the next hearing held in Hudson County.

Sincerely yours,



Joseph A. Chesonis; P.P.; AICP  
Urban Systems Concept Group, Inc.

cc: Assemblyman Dave Kronick  
Hudson County Executive  
Robert C. Janiszewski  
N.J. Senator Thomas F. Cowan  
U.S. Senator Frank Lautenberg  
U.S. Congressman Frank Guarini  
John M. Davis; AIA





1988

BOARD OF CHOSEN FREEHOLDERS  
RESOLUTION

Res. #

43

Date 5/4/88

BPD:PJS:re

Page # 1 of 2

MEMBERS	AYE	NAY	NOT VOTING	ABSENT
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Dyke	/			
owd, Chrm.	/			
TOTALS	7	—	—	—

Subject: Norwood Boy Scout Camp

ed by:

Seconded by:

Dollar Amt.:

Approved by:

WHEREAS, the State of New Jersey has placed the Norwood Boy Scout Camp situated in the boroughs of Norwood, Rockleigh and Alpine in the County of Bergen, on the State Register of Natural Areas; and

WHEREAS, the United States Department of the Interior, National Park Service, believes the tract is worthy of evaluation for inclusion in a National Natural Landmark; and

WHEREAS, the Board of Chosen Freeholders in Resolution Number 7 on February 16, 1983, unanimously expressed their support for the acquisition of said tract; and

WHEREAS, this tract was recognized by the Bergen County Planning Board in its Recreation & Open Space Planning Concepts map, adopted July 2, 1973, as proposed State Open Space; and

WHEREAS, the Bergen County Park Commission in its Resolution Number 7354 on February 14, 1983, unanimously supported and encouraged the purchase of "this most valuable natural terrain for posterity"; and

WHEREAS, the Palisades Interstate Park Commission in its Resolution of February 2, 1987, unanimously reaffirmed, "that the Norwood Tract is a natural area worthy of preservation and encourages state and/or local officials to protect this natural resource"; and

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New Jersey State Library

WHEREAS, numerous organizations and environmental groups whose membership total more than 80,000 citizens of New Jersey, have written in support of preservation of this tract; and

WHEREAS, legislators of the State of New Jersey have seen fit to introduce bills S 2328 and A 2932 which provide for the purchase and maintenance by the State Department of Environmental Protection, of the Norwood tract and three other properties that are, "environmentally significant and must be preserved"; and

WHEREAS, the Bergen County Executive and Board of Chosen Freeholders recognize the exceptional value of the Norwood tract as the last remaining closed canopy forest on the western slopes of the Palisades and a historical, natural resource in Bergen County worth of preservation for present and future generations;

NOW, THEREFORE, BE IT RESOLVED, that the Bergen County Executive and Board of Chosen Freeholders express to ALL CONCERNED, their strong support for the legislative bills S 2328 and A2932; and

BE IT FURTHER RESOLVED, that a copy of this resolution will be immediately forwarded to Governor H. Kean. New Jersey Department of Environmental Protection, New Jersey State Senate President, John F. Russo, and the Speaker of the General Assembly, Chuck Hardwick, all county legislators representatives and Division of Green Acres.



# Sierra Club

NEW JERSEY CHAPTER  
360 Nassau Street, Princeton, N.J. 08540  
(609) 924-3141

STATEMENT FOR THE RECORD OF THE ASSEMBLY COMMITTEE ON CONSERVATION,  
NATURAL RESOURCES AND ENERGY HEARINGS ON OPEN SPACE AND RECREATIONAL  
OPPORTUNITIES, APRIL, 1988

by Albert Kent, Urban Trails Committee

My experience in open space preservation and recreational opportunities has been mainly as a volunteer in helping plan and develop the Lenape Trail and West Essex Bikeway in Essex County and the Patriots Path in Morris County.

Each of these projects fits well with the greenway concept expoused by Assistant Commissioner Fenske and others as a way of maximizing the aesthetic and recreational usefulness of open space.

Unfortunately, the three projects have been ten to fifteen years in the making and are still far from completed. I am told that nationally, five years is a more typical time for planning and developing such undertakings.

It seems to me that the State, through its Division of Parks and Forests, should assume a substantially greater role in planning assistance in projects of this type.

In the Lenape Trail project, for instance, use of Public Service Electric and Gas powerline rights-of-way serves as a key ingredient in linking a variety of parks and other places of interest along a thirty mile route.

After literally years of desultory negotiating, the County secured an agreement with Public Service for the public use of these rights-of-way for walking. Certain insurance coverage was provided by the County. Two or three years later, Public Service demanded increased insurance coverage under a prohibitively expensive commercial policy and the project is now in limbo.

Certainly there must be a way around such a difficulty. Since power lines already cross existing parkland on easements, why could not the County or State purchase a right-of-way for one dollar and lease back a utility easement for a dollar a year to the power company? Would this perhaps solve the problem? Local people do not seem to have the capacity to work out such ideas. State help is needed. As time goes by, land under power lines in suburban areas tends to get leased away for parking lots for adjoining development so help in such matters is needed soon.

In the case of the West Essex Bikeway on the abandoned Caldwell Branch Railway, Green Acres allowances for land acquisition failed to permit purchase of the entire five mile right-of-way so the County now holds two-thirds of the line with the most important segment leading to the main objective, Grover Cleveland Park in Caldwell, being sold off to private buyers. Only a miracle will now save this project from being a second rate, truncated bikepath to nowhere. More State help is or at least was needed to help avoid a fiasco.

The Patriots Path, which is an outstanding example of a suburban-rural greenbelt pedestrian way and bikeway, has numerous gaps in the original fifteen mile section and several missed or nearly missed opportunities in the proposed western extension. A stronger role at the State level could have been helpful here.

In conclusion, I believe that either by way of legislation or administrative policy, a greater role must be taken by the State in planning and other specific assistance to local entities in pursuing major trail and bikeway linear park projects particularly those listed under the State Trails Plan of 1982.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

23 Crescent Dr. RD 1  
Princeton NJ 08540

5/1/88

Office of Legislative Services  
State House  
Trenton NJ 08625

Dear Sir:

I am writing with respect to Open Space Preservation. Although I could not attend the recent hearings chaired by M. Ogden, I would like the following to go in the public record:

I am completely in favor of major funding programs for acquisition of NJ's fast-dwindling open space. If NJ is to obtain the 375,000 acres the Gov's Council on NJ outdoors recommended (which is actually not sufficient given NJ's growth rate), we must provide approx. 2 billion dollars within the next 5 years. Given the rapid escalation of land prices, if NJ doesn't act now it will be too late.

I favor a 1988/89 bond issue much greater than the \$200 million one I have heard is being proposed, PLUS a stable funding source such as a real estate transfer tax (one which does not exempt new construction).

For farmland preservation I favor passage of a state-wide TDR bill - this is the only effective means, in my opinion, to preserve more than a few thousand acres of farmland - PDR or outright purchase is simply too expensive.

Thank you for your attention.

Sincerely yours,  
Denny O'Neal

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