

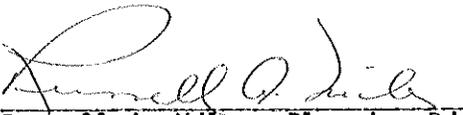
OPEN SPACE PLAN  
WARREN COUNTY, N.J.

Prepared in 1974 by

ROBERT CATLIN & ASSOCIATES  
City Planning Consultants  
Denville, N.J.

Revised in February, 1980 by  
Warren County Planning Board Staff  
Belvidere, N.J.

I hereby certify that the Warren County Open Space Plan was adopted by resolution of the Warren County Planning Board at a meeting held on March 31, 1980.

  
\_\_\_\_\_  
Russell A. Miles, Planning Director

WARREN COUNTY BOARD OF CHOSEN FREEHOLDERS

Garabed Haytaian, Director  
Christopher Maier  
George E. Thompson

WARREN COUNTY PLANNING BOARD

Wallace Whitford, Chairman  
Mary Harpster, Vice-Chairman  
Marian Lecki, Secretary

Eugene Bleiweiss  
William Freer, Sr.  
Fred W. Fuchs  
Garabed Haytaian, Freeholder Director  
George E. Thompson, Freeholder

David Hicks, County Engineer  
Russell A. Miles, Planning Director  
John H. Pursel, Attorney

## CONTENTS

|  | <u>Page</u> |
|--|-------------|
| INTRODUCTION   | 1           |
| POPULATION   | 3           |
| OPEN SPACE INVENTORY   | 9           |
| OPEN SPACE & THE NATURAL ENVIRONMENT                                       | 11          |
| PROPOSED COUNTY OPEN SPACE RESERVATIONS                                    | 15          |
| METHODS OF OPEN SPACE PRESERVATION   | 20          |
| ADMINISTRATION   | 29          |
| APPENDIX   |             |
| Open Space & Related Grant-In-Aid Programs                                 | 32          |
| Sample Cluster Zoning Provisions   | 35          |
| Sample Flood Plain Zoning Regulations                                      | 38          |
| State of New Jersey Enabling Act for Park<br>Commissions                   | 44          |
| State of New Jersey Enabling Act for Boards of<br>Recreation Commissioners | 55          |

## TABLES

|   | Following Page |
|---|----------------|
| 1. POPULATION GROWTH  | 5              |
| 2. POPULATION PROJECTS  | 8              |
| 3. EXISTING PARK & OPEN SPACE FACILITIES BY<br>OWNERSHIP & REGION | 9              |
| 4. EXISTING COUNTY, STATE & NATIONAL OPEN SPACES                  | 9              |

## ILLUSTRATIONS

|                                    | Following Page |
|------------------------------------|----------------|
| PLANNING REGIONS                   | 3              |
| POPULATION DENSITY BY MUNICIPALITY | 5              |
| POPULATION PROJECTIONS             | 8              |
| GEOLOGIC FEATURES                  | 12             |
| OPEN SPACE PLAN                    | 16             |

## INTRODUCTION

The rapid and largely unanticipated development experienced throughout New Jersey, and particularly in metropolitan areas, has focused the attention of most people on what is now an obvious error of government and other responsible groups, namely, the failure to conserve open space for future generations and, for that matter, for the present generation. As new growth in many areas of the State devoured acres and even square miles for residential, commercial and industrial uses at an ever-increasing rate, less and less land remained available to meet growing demands of society for outdoor recreation and public open space areas. The consequence is that many political jurisdictions will perhaps never be able to provide a reasonable minimum amount of open space, or, if they can, only at exorbitant prices produced by soaring land values.

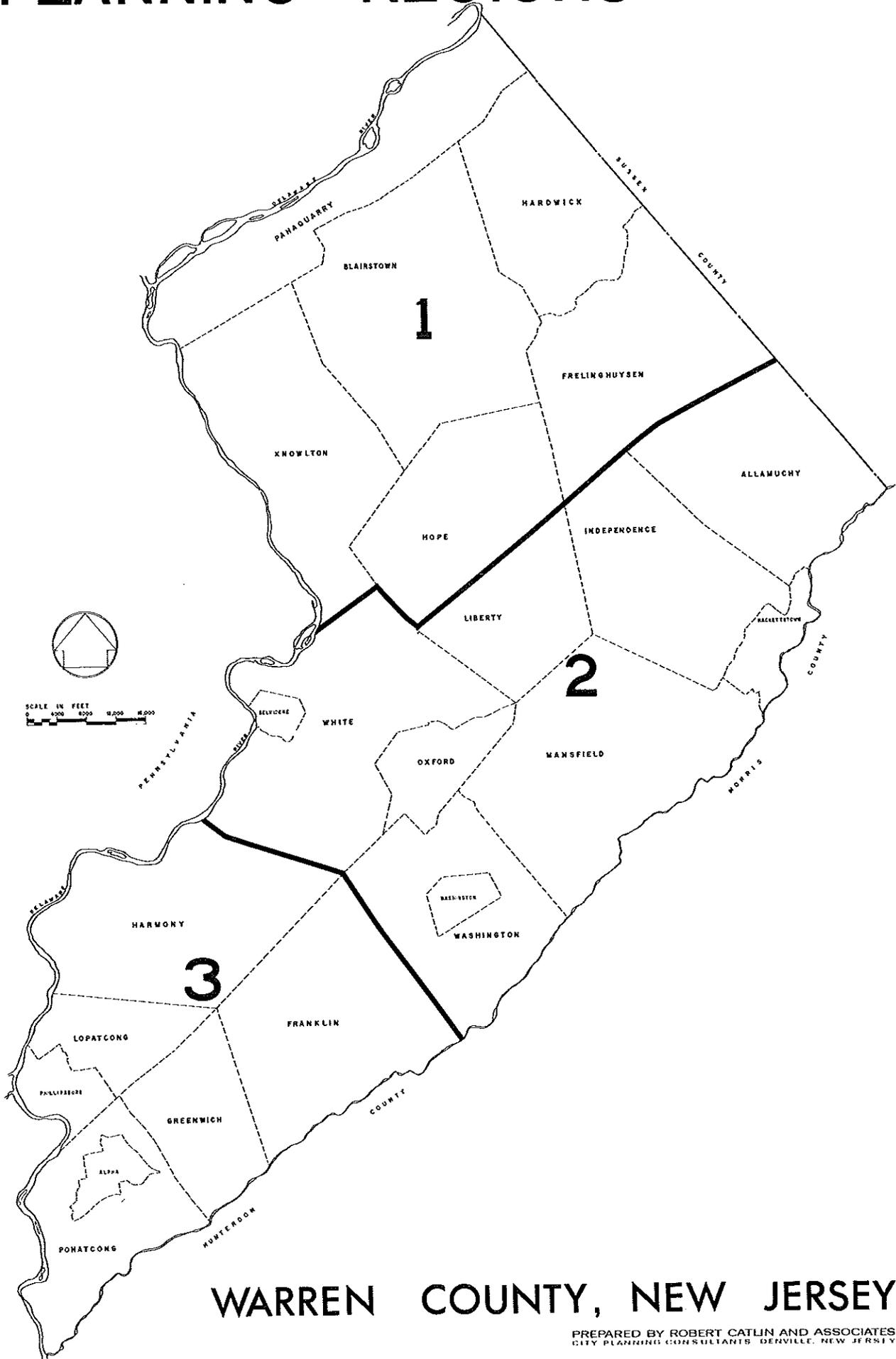
As the demand for land increases, Warren County runs the risk of losing unusual opportunities for the preservation of open space that will be of immeasurable benefit to future generations. This situation is inevitable as vacant land in counties closer to the metropolitan core become more scarce, forcing developers and home seekers to outlying areas offering abundant land at relatively low prices. Faced with this prospect, only timely action on the part of the County and its various municipalities

can assure proper direction of new growth and a proper balance of open space and recreational land.

Knowing the consequences of delay, the Board of Chosen Freeholders, in the early part of 1972, authorized the commencement of studies leading to the development of this Open Space Plan which addresses the total concept of open space and preservation of the County's natural environment and natural resources. Subsequently, a public hearing was held and, as a result of the response at that hearing, a number of proposals were deleted from the original Open Space Plan and this report has been prepared.

Open space planning is only a part of the overall planning effort of Warren County. The Open Space Plan must be coordinated with other facets of the County's planning program including general development, transportation, utilities and resource development. As plans for these elements become more firmly established and as population growth occurs, periodic review of open space objectives will be required. This will provide the necessary guarantee of continued preservation of the County's natural beauty and heritage for generations to come.

# PLANNING REGIONS



## WARREN COUNTY, NEW JERSEY

PREPARED BY ROBERT CATLIN AND ASSOCIATES  
CITY PLANNING CONSULTANTS, DENVILLE, NEW JERSEY

## POPULATION

The basic determinant of park and open space needs , as of any community facility , is population . Therefore , a prerequisite to establishment of park and open space objectives is a review of past population trends and a projection of future growth .

### Planning Regions

Since Warren County comprises 362 square miles and because of its historical development and physical characteristics , its development pattern is not uniform and population is not evenly distributed . Various municipalities have closer orientation to one section of the County than to others by way of employment , transportation or other factors . In order to establish a more realistic basis , not only for population projections , but also for park locations that will more efficiently serve the population , the County has been subdivided into three broad planning regions , each comprising several municipalities . These regions are arranged as follows :

Region 1.

Blairstown Township  
Frelinghuysen Township  
Hardwick Township  
Hope Township  
Knowlton Township  
Pahaquarry Township

Region 2.

Allamuchy Township  
Belvidere  
Hackettstown  
Independence Township  
Liberty Township  
Mansfield Township  
Oxford Township  
Washington  
Washington Township  
White Township

Region 3.

Alpha  
Franklin Township  
Greenwich Township  
Harmony Township  
Lopatcong Township  
Phillipsburg  
Pohatcong Township

Naturally, the three regions are not isolated and there are many overlapping influences. Also, these regions, and particularly Region 2, might be further subdivided. However, it is believed that any further breakdown would serve no meaningful purpose in terms of the broad scope of open space planning.

Past Growth

The population growth by decade from 1940 to 1970 is shown for the County, each planning region and each municipality in Table 1. As reflected here, the County's 1970 population was 73,879 persons, an increase of 10,659 or 16.9 per cent over the 1960 population of 63,220. Overall growth since 1940 was 23,698 persons or 47.2 per cent. The County's growth rate has been increasing, although there was no significant increase in the rate between 1960 and 1970.

Regionally, there have been more significant population changes. Region 1 has experienced a steadily increasing rate of growth over the past three decades and exceeded the County's rate in all but the 1950 - 1960 decade. Blairstown had the largest numerical increase since 1940 followed by Knowlton, Hope, Frelinghuysen and Hardwick in that order. Pahaquarry lost one person in this period. There has been no development in Pahaquarry since the entire Township is part of the Delaware Water Gap National Recreation Area. Percentagewise, Hope had the largest increase in the 1940-70 period followed by Knowlton, Frelinghuysen, Blairstown and Hardwick.

Region 1 has the smallest population and lowest population density of the three regions, but it is the second fastest growing.

Region 2 is the largest region and contains the most municipalities. It also contains the largest population and is the fastest growing of the three regions. Approximately 38.5 per cent of the Region's 1940-70 growth was in Hackettstown. However, significant increases also occurred in Mansfield, Independence, Liberty and Washington Townships.

The population of Region 3 is almost equal to that of Region 2. Region 3 is the smallest region, but has the largest population density. In recent decades it has been the slowest growing, although in 1940 it contained over 56 per cent of the County's population. Of the seven municipalities in Region 3, Pohatcong has shown the greatest numerical increase, while Lopatcong has had the largest percentage increase since 1940.

TABLE 1.  
POPULATION GROWTH  
WARREN COUNTY N. J.  
1940 - 1970

|                     | 1940          |                 | 1950          |                  | 1960       |                  | 1970         |                  | 1970               |                           | Increase<br>1940 - 1970 |             |
|---------------------|---------------|-----------------|---------------|------------------|------------|------------------|--------------|------------------|--------------------|---------------------------|-------------------------|-------------|
|                     | Population    | Per Cent Change | Population    | Numerical Change | Population | Numerical Change | Population   | Numerical Change | Area<br>in sq. mi. | Persons<br>Per<br>sq. mi. | Numerical               | Per Cent    |
| <b>REGION 1</b>     |               |                 |               |                  |            |                  |              |                  |                    |                           |                         |             |
| Blairstown          | 1,449         |                 | 1,571         | 122              | 8.4        | 1,797            | 226          | 14.4             | 2,189              | 392                       | 21.8                    | 51.1        |
| Frelinghuysen       | 715           |                 | 779           | 64               | 9.0        | 845              | 66           | 8.5              | 1,118              | 273                       | 32.3                    | 56.4        |
| Hardwick            | 367           |                 | 370           | 3                | 0.8        | 370              | 0            | 0                | 548                | 178                       | 48.1                    | 49.3        |
| Hope                | 646           |                 | 681           | 35               | 5.4        | 833              | 152          | 68.0             | 1,140              | 307                       | 36.9                    | 76.5        |
| Knowlton            | 1,084         |                 | 1,260         | 176              | 16.2       | 1,442            | 182          | 14.4             | 1,738              | 296                       | 20.5                    | 60.3        |
| Pahaquarry          | 72            |                 | 67            | -5               | -7.0       | 63               | -4           | -6.0             | 71                 | 8                         | 12.7                    | -1.4        |
| Region Total        | 4,333         |                 | 4,728         | 395              | 9.1        | 5,350            | 622          | 13.2             | 6,804              | 1,454                     | 27.1                    | 57.0        |
| Per Cent of County  | 8.6           |                 | 8.7           | 8.5              |            |                  |              |                  | 9.2                |                           |                         |             |
| <b>REGION 2</b>     |               |                 |               |                  |            |                  |              |                  |                    |                           |                         |             |
| Allamuchy           | 688           |                 | 736           | 48               | 7.0        | 973              | 237          | 32.2             | 1,138              | 165                       | 17.0                    | 65.4        |
| Belvidere           | 2,060         |                 | 2,406         | 346              | 16.8       | 2,636            | 230          | 9.6              | 2,641              | 5                         | 0.2                     | 28.2        |
| Hackettstown        | 3,287         |                 | 3,894         | 605              | 18.4       | 5,276            | 1,382        | 35.5             | 9,472              | 4,196                     | 79.5                    | 188.0       |
| Independence        | 1,046         |                 | 1,169         | 123              | 11.8       | 1,509            | 340          | 29.1             | 2,057              | 548                       | 36.3                    | 96.7        |
| Liberty             | 441           |                 | 529           | 88               | 20.0       | 760              | 231          | 43.7             | 1,229              | 469                       | 61.7                    | 178.7       |
| Mansfield           | 1,254         |                 | 1,497         | 243              | 19.4       | 2,130            | 633          | 42.3             | 3,546              | 1,416                     | 66.5                    | 182.8       |
| Oxford              | 1,548         |                 | 1,489         | -59              | -3.8       | 1,657            | 168          | 11.3             | 1,742              | 85                        | 5.1                     | 12.5        |
| Washington          | 4,643         |                 | 4,802         | 159              | 3.4        | 5,723            | 921          | 19.2             | 5,943              | 220                       | 3.8                     | 28.0        |
| Washington Twp.     | 1,320         |                 | 1,765         | 445              | 33.7       | 3,055            | 1,290        | 73.1             | 3,585              | 530                       | 17.3                    | 171.6       |
| White               | 1,335         |                 | 1,536         | 201              | 15.1       | 1,832            | 296          | 19.3             | 2,326              | 494                       | 27.0                    | 74.2        |
| Region Total        | 17,624        |                 | 19,823        | 2,199            | 12.5       | 25,551           | 5,728        | 28.9             | 33,679             | 8,128                     | 31.8                    | 91.1        |
| Per Cent of County  | 35.1          |                 | 36.4          | 40.4             |            |                  |              |                  | 45.6               |                           |                         |             |
| <b>REGION 3</b>     |               |                 |               |                  |            |                  |              |                  |                    |                           |                         |             |
| Alpha               | 2,301         |                 | 2,117         | -184             | -8.0       | 2,406            | 289          | 13.7             | 2,829              | 423                       | 17.6                    | 22.9        |
| Franklin            | 1,540         |                 | 1,530         | -10              | -0.6       | 1,729            | 199          | 13.0             | 1,973              | 244                       | 14.1                    | 28.1        |
| Greenwich           | 1,125         |                 | 1,217         | 92               | 8.2        | 1,397            | 180          | 14.8             | 1,482              | 85                        | 6.1                     | 31.7        |
| Harmony             | 1,465         |                 | 1,763         | 298              | 20.3       | 2,039            | 276          | 15.6             | 2,195              | 156                       | 7.7                     | 49.8        |
| Lopatcong           | 1,450         |                 | 1,737         | 287              | 19.8       | 2,703            | 966          | 55.6             | 3,144              | 441                       | 16.3                    | 116.8       |
| Phillipsburg        | 18,314        |                 | 18,919        | 605              | 3.3        | 18,502           | -417         | -2.2             | 17,849             | -653                      | -3.5                    | -2.5        |
| Pohatcong           | 2,029         |                 | 2,540         | 511              | 25.2       | 3,543            | 1,003        | 39.5             | 3,924              | 381                       | 10.8                    | 93.4        |
| Region Total        | 28,224        |                 | 29,823        | 1,599            | 5.7        | 32,319           | 2,496        | 8.4              | 33,396             | 1,077                     | 3.3                     | 18.3        |
| Per Cent of County  | 56.3          |                 | 54.9          | 51.1             |            |                  |              |                  | 45.2               |                           |                         |             |
| <b>COUNTY TOTAL</b> | <b>50,181</b> |                 | <b>54,374</b> | <b>4,193</b>     | <b>8.4</b> | <b>63,220</b>    | <b>8,846</b> | <b>16.3</b>      | <b>73,879</b>      | <b>10,659</b>             | <b>16.9</b>             | <b>47.2</b> |

Source: U. S. Census of Population  
Calculations by Consultants

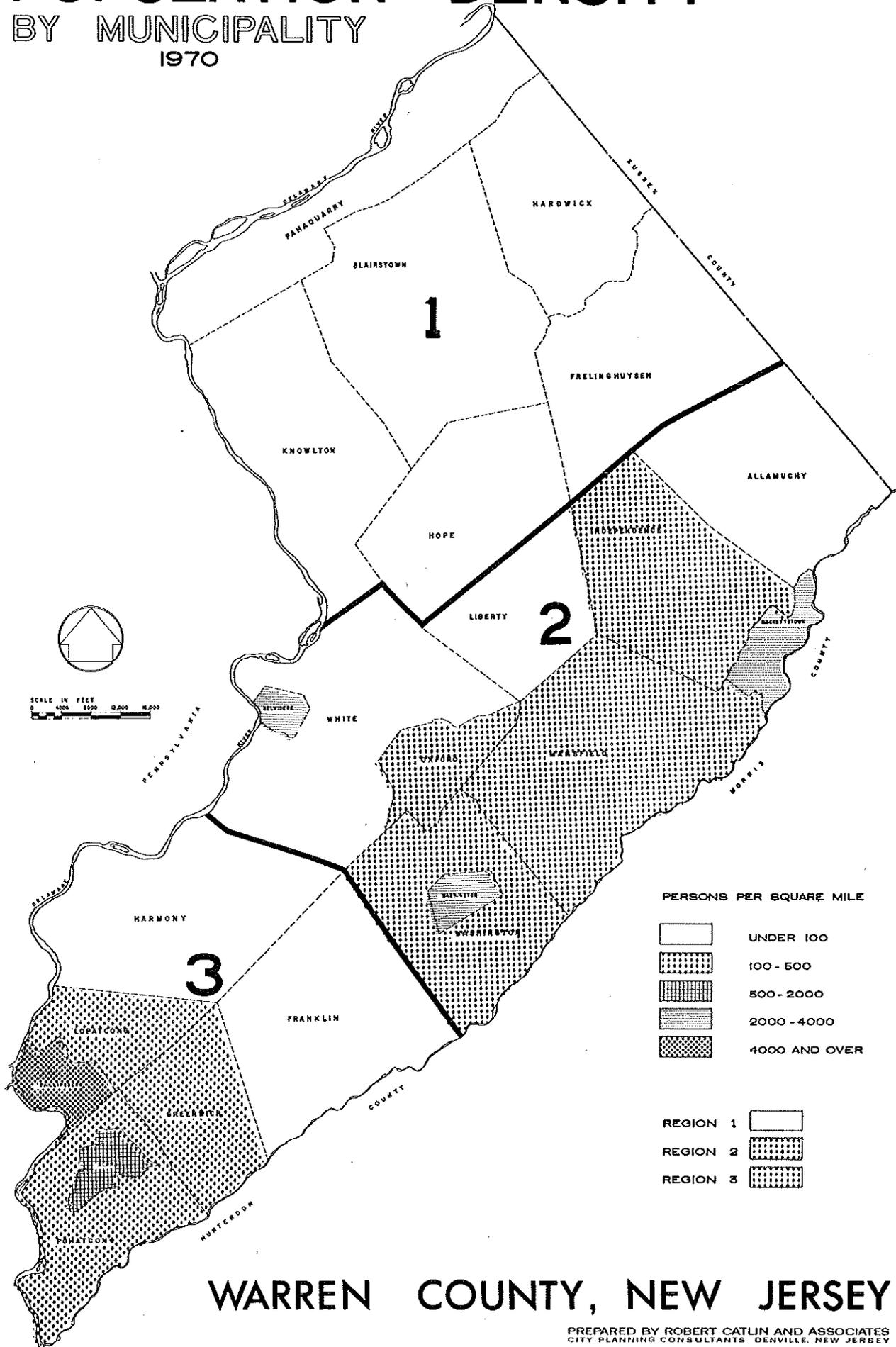
Past growth is not the only barometer of future growth and the trends described above may be amplified or reversed by many factors. Highway construction and regional developments are examples. Route I-80, along with the Delaware Water Gap National Recreation Area, is expected to increase development pressures in Region 1 and the northern part of Region 2. Likewise, Route I-78 should accelerate growth in Region 3.

#### Future Growth

Projections of future population have been made previously by the Warren County Planning Board and the Regional Plan Association. In 1966, the County Planning Board estimated that the population in the year 2000 would reach approximately 190,000. The latest projection by the Regional Plan Association shows an estimated 210,000 persons in the year 2000. Both these projections fall within reasonable limits on the basis of studies made in connection with this report. The estimated population in the year 2000, based on these studies, is 200,000.

Regardless of which projection may prove to be the more accurate, they all indicate a significant increase in the County's rate of growth. The accuracy of the projection is actually less important than the timing or coordination of open space provision with population growth. This emphasizes the need for periodic review of population in terms of the pace of land acquisition for parks and open space. Therefore, planning policy should be

# POPULATION DENSITY BY MUNICIPALITY 1970



## WARREN COUNTY, NEW JERSEY

PREPARED BY ROBERT CATLIN AND ASSOCIATES  
CITY PLANNING CONSULTANTS DENVER, NEW JERSEY

geared to numbers of people rather than a given year in order to compensate for possible errors in projection.

Estimated future population for the County and each of the three regions by decade is shown in Table 2 and is further reflected on the accompanying plate. These exhibits indicate the population of the County should reach 92,500 in 1980, 125,000 in 1990 and 200,000 by the year 2000. Regionally, future population trends should be as follows:

|          | <u>1980</u>   | <u>1990</u>   | <u>2000</u>   |
|----------|---------------|---------------|---------------|
| Region 1 | 10,268        | 16,375        | 30,000        |
| Region 2 | 43,567        | 60,625        | 100,000       |
| Region 3 | <u>38,665</u> | <u>48,000</u> | <u>70,000</u> |
| Total    | 92,500        | 125,000       | 200,000       |

Park Standards to Serve the Population

There are no firmly established standards for the amount of County park land that should be available to the population. Actual requirements will vary according to local conditions and desires as well as the availability of other open space areas. However, general guide lines have been developed by various recreation and open space organizations. From these various sources an average standard of approximately 12 acres per 1,000 persons is suggested for general purpose parks. Based on the projected

population in the year 2000 of 200,000, Warren County should have 2,400 acres for general park use. Additionally, other County park facilities might be provided as local conditions warrant as follows:

1. Special purpose parks such as golf courses, a sports center or arena, zoos, and arboretums.
2. Conservation areas.
3. Linear parks.

Regionally, the general purpose park requirement might be broken down in the approximate amounts listed below, keeping in mind that, depending upon location, a given park could serve areas in two regions.

|                 | <u>Acres</u> |
|-----------------|--------------|
| <u>Region 1</u> | 360          |
| <u>Region 2</u> | 1,200        |
| <u>Region 3</u> | <u>840</u>   |
| Total           | 2,400        |

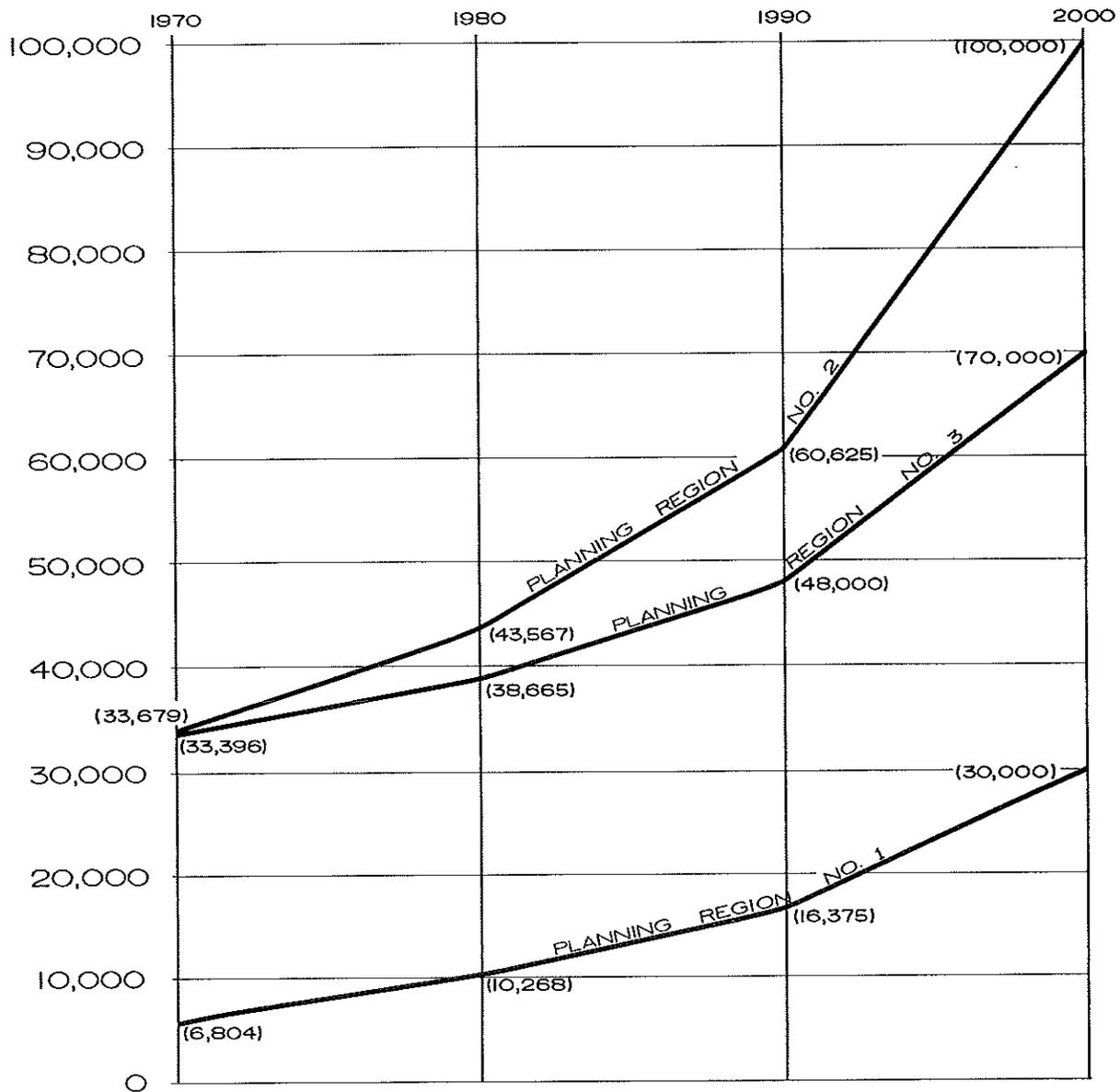
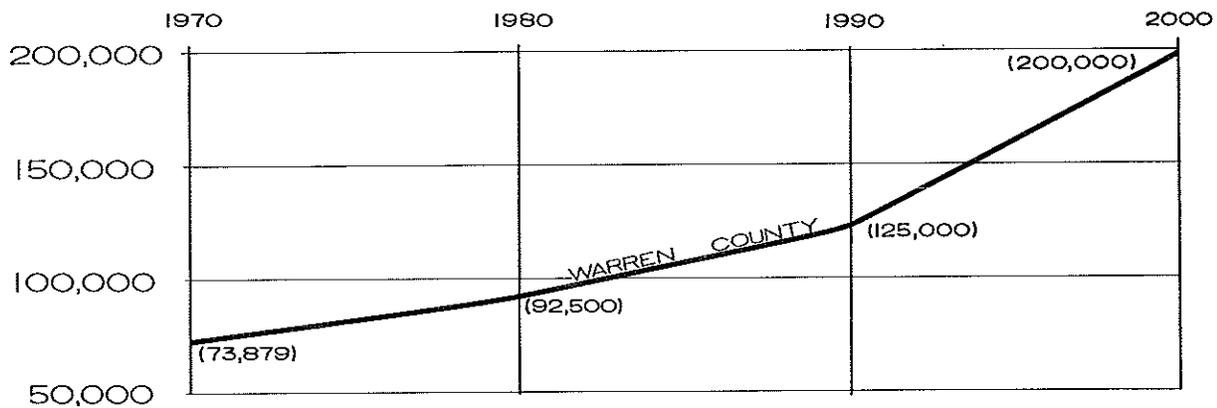
TABLE 2.  
POPULATION PROJECTIONS  
WARREN COUNTY, N.J.  
AUGUST 1972

|               | 1980   |                  | 1990    |                  | 2000    |                  | Year 2000 |        |
|---------------|--------|------------------|---------|------------------|---------|------------------|-----------|--------|
|               | Pop.   | % of<br>Co. Pop. | Pop.    | % of<br>Co. Pop. | Pop.    | % of<br>Co. Pop. | Municipal | County |
| REGION #1     |        |                  |         |                  |         |                  |           |        |
| Blairstown    | 3,286  | 32.0             | 5,158   | 31.5             | 9,300   | 31.0             | 74.4      |        |
| Frelinghuysen | 1,694  | 16.5             | 2,686   | 16.4             | 4,890   | 16.3             | 39.1      |        |
| Hardwick      | 832    | 8.1              | 1,326   | 8.1              | 2,430   | 8.1              | 19.4      |        |
| Hope          | 1,817  | 17.7             | 2,964   | 18.1             | 5,580   | 18.6             | 44.6      |        |
| Knowlton      | 2,639  | 25.7             | 4,241   | 25.9             | 7,800   | 26.0             | 62.4      |        |
| Pahaquarry    | 10,268 | 11.1             | 16,375  | 13.1             | 30,000  | 15.0             | 240.0     | 360    |
| REGION #2     |        |                  |         |                  |         |                  |           |        |
| Allamuchy     | 3,306  | 7.6              | 8,273   | 13.7             | 21,800  | 21.8             | 174.4     |        |
| Belvidere     | 2,957  | 6.8              | 3,520   | 5.8              | 4,900   | 4.9              | 39.2      |        |
| Hackettstown  | 11,251 | 25.8             | 12,852  | 21.2             | 14,200  | 14.2             | 113.6     |        |
| Independence  | 3,151  | 7.2              | 5,210   | 8.6              | 10,300  | 10.3             | 82.4      |        |
| Liberty       | 1,624  | 3.7              | 2,290   | 3.8              | 3,700   | 3.7              | 29.6      |        |
| Mansfield     | 4,944  | 11.4             | 7,328   | 12.1             | 12,800  | 12.8             | 102.4     |        |
| Oxford        | 2,133  | 4.9              | 2,816   | 4.6              | 4,400   | 4.4              | 35.2      |        |
| Wash. Boro.   | 6,616  | 15.2             | 7,872   | 13.0             | 10,900  | 10.9             | 87.2      |        |
| Wash. Twp.    | 4,653  | 10.7             | 6,496   | 10.7             | 10,700  | 10.7             | 85.6      |        |
| White         | 2,932  | 6.7              | 3,968   | 6.5              | 6,300   | 6.3              | 50.4      |        |
|               | 43,567 | 47.1             | 60,625  | 48.5             | 100,000 | 50.0             | 800.0     | 1,200  |
| REGION #3     |        |                  |         |                  |         |                  |           |        |
| Alpha         | 3,442  | 8.9              | 4,512   | 9.4              | 7,000   | 10.0             | 56.0      |        |
| Franklin      | 2,513  | 6.5              | 3,600   | 7.5              | 6,300   | 9.0              | 50.4      |        |
| Greenwich     | 1,933  | 5.0              | 3,840   | 8.0              | 9,100   | 13.0             | 72.8      |        |
| Harmony       | 2,513  | 6.5              | 3,120   | 6.5              | 4,550   | 6.5              | 36.4      |        |
| Lopatcong     | 4,060  | 10.5             | 5,760   | 12.0             | 10,150  | 14.5             | 81.2      |        |
| Phillipsburg  | 18,946 | 49.0             | 20,064  | 41.8             | 21,700  | 31.0             | 173.6     |        |
| Pohatcong     | 5,258  | 13.6             | 7,104   | 14.8             | 11,200  | 16.0             | 89.6      |        |
|               | 38,665 | 41.8             | 48,000  | 38.4             | 70,000  | 35.0             | 560.0     | 840    |
| GRAND TOTAL   | 92,500 | 100.0            | 125,000 | 100.0            | 200,000 | 100.0            | 1,600.6   | 2,400  |

Source: Robert Catlin & Associates

# POPULATION PROJECTIONS

WARREN COUNTY, N.J.



*2/1/80*

## OPEN SPACE INVENTORY

In order to establish a further basis for developing park and open space proposals, an inventory of all existing Federal, State, County, municipal and private open space and recreation areas was made. The information obtained from this inventory is summarized in Tables 3 and 4 and is further shown on the accompanying map.

Municipal parks and recreation areas, including those associated with schools, amounts to only <sup>727</sup>404 acres, representing only 1.8 per cent of all governmentally-owned open space land. These figures are based on a 1969 survey by the then Department of Conservation and Economic Development. *which was updated in 1972 and again in 1980.* In all probability there has been some increase in local recreation land since 1969, but even so, the total acreage would fall far below a desirable standard of 8 acres per 1,000 persons. Based on the 1970 population, the total municipal recreation land need would be 592 acres or more than twice the existing acreage reported in 1969.

County-owned open space is virtually non-existent. There is only one County park, this being a four-acre area opposite the Courthouse in Belvidere. The only other County-owned land that could otherwise be

## OPEN SPACE INVENTORY

In order to establish a further basis for developing park and open space proposals, an inventory of all existing Federal, State, County, municipal and private open space and recreation areas was made. The information obtained from this inventory is summarized in Tables 3 and 4 and is further shown on the accompanying map.

County-owned open space is virtually non-existent. There is only one County park, this being a four-acre area opposite the Court House in Belvidere. The only other County-owned land that could otherwise be partially classified as open space is the 60-acre Welfare House and Farm in Mansfield Township.

State parks and other State open space facilities, including those in acquisition process, total 12,961 acres or 56 percent of governmentally-owned open space. Virtually all of this land is located in Regions 1 and 2.

The largest State facility is Worthington State Forest in Pahaquarry, Blairstown and Knowlton. It is anticipated that this facility of 5,824 acres will ultimately become absorbed by the Delaware Water Gap National Recreation Area.

The next largest State facility is Allamuchy Mountain State Park, consisting of 3,390 acres. This is followed by the Pequest Fish and Wildlife

TABLE 3.  
EXISTING PARK, RECREATION & OPEN SPACE FACILITIES  
BY OWNERSHIP AND REGION  
WARREN COUNTY, N.J.

|                 | <u>Municipal (1)</u> | <u>County (2)</u> | <u>State (3)</u><br>* | <u>National (4)</u><br>* | <u>Total</u> |
|-----------------|----------------------|-------------------|-----------------------|--------------------------|--------------|
| REGION 1        |                      |                   |                       |                          |              |
| Blairstown      | 15                   | -                 | 968                   | 312                      | 1,295        |
| Frelinghuysen   | 3                    | -                 | 214                   | -                        | 217          |
| Hardwick        | -                    | -                 | -                     | 320                      | 320          |
| Hope            | 17                   | -                 | 235                   | -                        | 252          |
| Knowlton        | -                    | -                 | 519                   | 765                      | 1,284        |
| Pahaquarry      | -                    | -                 | 4,405                 | 8,587                    | 12,992       |
| Region Total    | 35                   | -                 | 6,341                 | 9,984                    | 16,360       |
| REGION 2        |                      |                   |                       |                          |              |
| Allamuchy       | 2                    | -                 | 3,390                 | -                        | 3,392        |
| Belvidere       | 39                   | 4                 | 5                     | -                        | 48           |
| Hackettstown    | 33                   | -                 | 479                   | -                        | 512          |
| Independence    | 79                   | -                 | 67                    | -                        | 146          |
| Liberty         | -                    | -                 | 753                   | -                        | 753          |
| Mansfield       | -                    | 60                | 1,248                 | -                        | 1,308        |
| Oxford          | 137                  | -                 | 306                   | -                        | 443          |
| Washington Boro | 39                   | -                 | -                     | -                        | 39           |
| Washington Twp. | 29                   | -                 | -                     | -                        | 29           |
| White           | 2                    | -                 | 343                   | -                        | 345          |
| Region Total    | 360                  | 64                | 6,591                 | -                        | 7,015        |
| REGION 3        |                      |                   |                       |                          |              |
| Alpha           | 58                   | -                 | -                     | -                        | 58           |
| Franklin        | 10                   | -                 | -                     | -                        | 10           |
| Greenwich       | -                    | -                 | -                     | -                        | -            |
| Harmony         | 14                   | -                 | 9                     | -                        | 23           |
| Lopatcong       | 25                   | -                 | 7                     | -                        | 32           |
| Phillipsburg    | 43                   | -                 | -                     | -                        | 43           |
| Pohatcong       | 182                  | -                 | 13                    | -                        | 195          |
| Region Total    | 332                  | -                 | 29                    | -                        | 361          |
| TOTAL           | 727                  | 64                | 12,961                | 9,984                    | 23,736       |

\* Includes land to be acquired.

Sources: (1) Municipal Outdoor Recreation Facilities in New Jersey, 1969  
Department of Conservation & Economic Development.  
(2) Warren County Planning Board.  
(3) Various State agencies and Consultants' calculations.  
(4) National Park Service & Consultants' calculations.

TABLE 4.  
EXISTING COUNTY, STATE & NATIONAL OPEN SPACES  
WARREN COUNTY, N.J.

|                                       | <u>Area<br/>in Acres</u> |
|---------------------------------------|--------------------------|
| <b>COUNTY</b>                         |                          |
| County Park (Belvidere)               | 4                        |
| Welfare House & Farm                  | <u>60</u>                |
| County Total                          | 64                       |
| <br><b>STATE</b>                      |                          |
| Finesville State Park                 | 3                        |
| Stephens State Park                   | 133                      |
| Jenny Jump Forest                     | 967                      |
| Worthington State Forest              | 5,824                    |
| Bursch Sugar Maple                    | 25                       |
| Johnsonburg Natural Area              | 11                       |
| Osman Forest                          | 10                       |
| Oxford Furnace Historic Site          | 1                        |
| Allamuchy State Park                  | 3,390                    |
| Delaware River Access Areas           | 190                      |
| Hackettstown Fish Hatcheries          | 340                      |
| Hackettstown State Game Farm          | 440                      |
| Pequest Fish & Wildlife Area          | 1,574                    |
| Dept. of Trans. Scenic Easement Areas | <u>53</u>                |
| State Total                           | 12,961                   |
| <br><b>NATIONAL</b>                   |                          |
| Delaware Water Gap Recreation Area    | <u>9,984</u>             |
| <br><b>TOTAL</b>                      | <br>23,009               |

Sources: County Planning Board  
Various State Agencies  
National Park Service

Area of 1,574 acres, Jenny Jump Forest, 967 acres, and various other smaller facilities including State Fish and Game lands.

The most dominant open space facility is the Delaware Water Gap National Recreation Area. Ultimately, this Federal park, including the proposed Tocks Island Dam and Lake, will cover some 70,000 acres in New Jersey and Pennsylvania. Of the 70,000 acres, 40,000 are in New Jersey and over 15,000 in Warren County. The latter includes Worthington State Forest.

Regionally, there is very uneven distribution of open space in the County. This uneven distribution is not significant in terms of the fact that most of the open space is in Federal or State facilities which are intended to serve larger regional areas rather than the needs of any one locality. The most dominating feature of the inventory is the virtual total lack of County parks which would provide facilities intended to meet the needs of County residents.

## OPEN SPACE & THE NATURAL ENVIRONMENT

An important objective of open space planning is the identification of features of the natural environment which are not suitable for development or which pose problems or limitations to development. This indicates a very close relationship between land use planning and open space planning with the goal being to guide development to areas that will have the least impact on natural elements that are essential to the support of population. Frequently, areas that are not suitable for development are appropriate for recreation and other open space use. Therefore, identification of the various physical features of the County will aid in determining where future growth might be directed and where future parks might be located, at the same time establishing a basis for the type of planning measures necessary to create open space in areas that should remain undisturbed.

As a means of meeting this objective, the various geologic and landform characteristics of the County were identified with the aid of Geonics, Inc., a firm specializing in environmental sciences and engineering. These various characteristics were then put in map form, in generalized form, to indicate various degrees of development restriction. Seven categories, as

*Handwritten signature*

Regionally, there is very uneven distribution of open space in the County. This uneven distribution is not significant in terms of the fact that most of the open space is in Federal or State facilities which are intended to serve larger regional areas rather than the needs of any one locality. The most dominating feature of the inventory is the virtual total lack of County parks which would provide facilities intended to meet the needs of County residents.

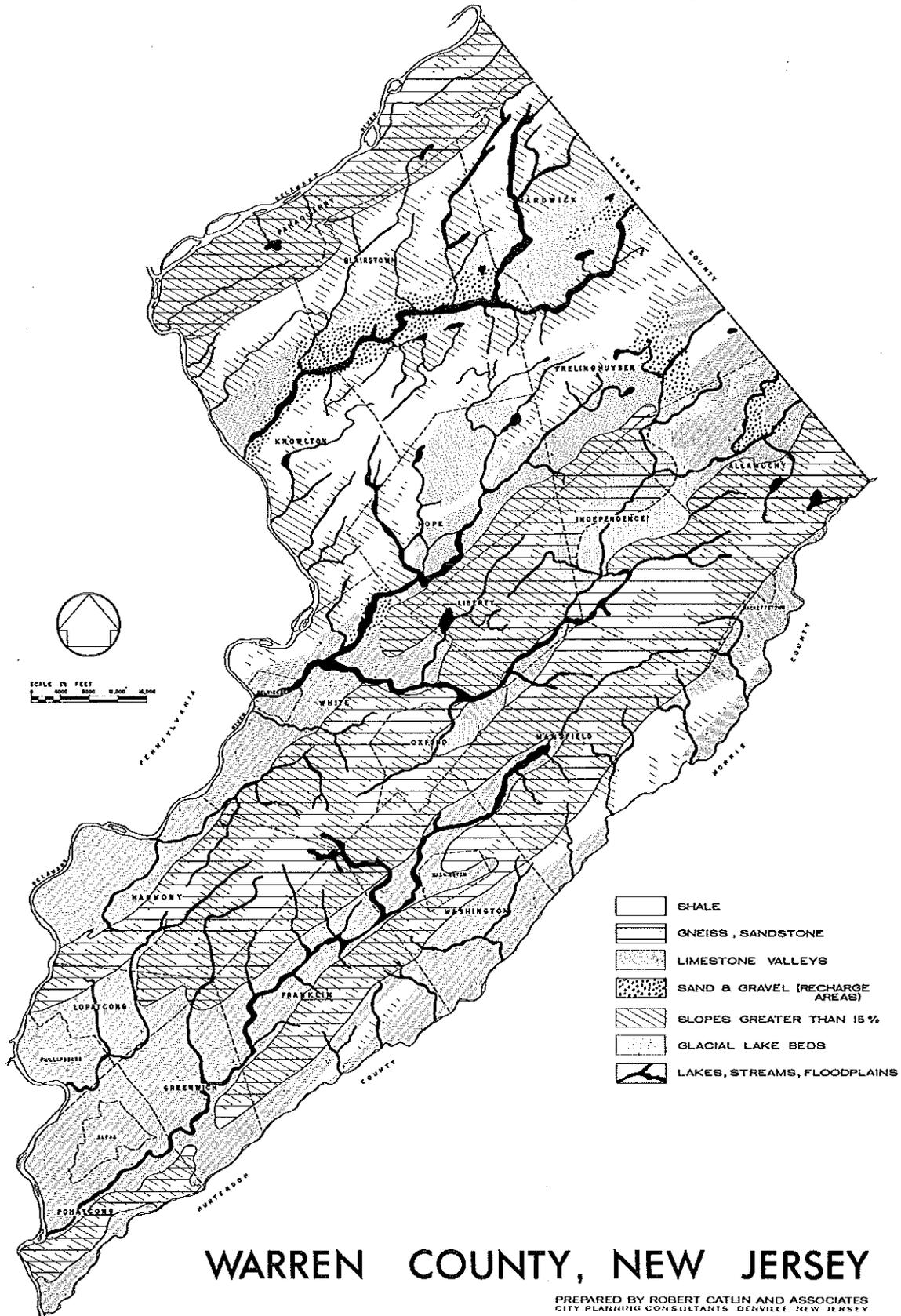
shown on the accompanying map, resulted and are explained below in order of development restriction.

1. Shale. Areas identified as shale represent the most suitable land for urbanization and generally present little problem for development. These areas have slopes less than 15 per cent and are usually well-drained. Although certain amounts of open space will be needed in these areas to support intensive development, they should probably not be considered as prime areas for meeting regional open space needs.

2. Gneiss and Sandstone. Outcrop areas of gneiss and sandstone pose some problems for development, since rock frequently must be blasted for excavation and ground water supply tends to be unreliable. In large measure, gneiss and sandstone is found in the more level, mountain top areas. These areas tend to be suitable for open space uses, but may be suitable for urbanization depending upon specific local conditions.

3. Limestone Valleys. Most of Warren County's development has taken place in the limestone valleys. These areas are relatively flat and their soils are quite productive for agricultural use. However, they are relatively flood-prone and tend to be cavernous, thus transmitting large amounts of water rapidly. Central sanitary sewerage treatment facilities are important and development should be restricted to areas above the flood plains.

# GEOLOGIC FEATURES



## WARREN COUNTY, NEW JERSEY

PREPARED BY ROBERT CATLIN AND ASSOCIATES  
CITY PLANNING CONSULTANTS DENVER, NEW JERSEY

4. Sand & Gravel Recharge Areas are found within the limestone valleys, particularly along the Paulins Kill River in Knowlton and Blairstown. Because of their value in replenishing water supply, such areas should receive only limited development.

5. Slopes. These are areas with grades of 15 per cent or more found in either shale areas or in gneiss and sandstone areas. Such areas generally have thin soil cover and rock outcrops and are subject to heavy runoff in periods of high precipitation. They also pose limitations in terms of all-weather access and slope failure potential. Such areas require protection and are attractive for open space use.

6. Glacial Lake Bed. Glacial Lake Beds possess wetland characteristics and generally lack the stability to support construction. When drained they have desirable qualities for agricultural use.

7. Surface Water. Areas shown as surface water include streams, lakes and flood plains. Flood plains are prime areas for open space use and should be protected from development.

In Warren County, areas ideally suited to urbanization are at a relative premium, while areas generally not suited to concentrated development exist in many forms. There are large flat to gently-sloping

areas with excellent drainage (limestone valleys), extensive corridors abounding in vegetation and wildlife (stream valleys and reaches), rugged mountainous terrain, some of which is heavily forested, and other areas requiring conservation which are suitable for a wide variety of recreational uses.

Obviously, it will be impossible to preclude development entirely from all areas exhibiting unfavorable development characteristics. However, Warren County offers excellent opportunity for protection from irresponsible development. Proper planning can protect those areas requiring protection and at the same time insure sufficient open space to provide for the needs of the future. Only by working within the limits set by the natural environment, however, can the County be developed in a rational manner.

## PROPOSED COUNTY OPEN SPACE RESERVATIONS

There are two areas for acquisition as County open space shown on the plan. Early in the report, it was noted that Region 2, shown on the Population Density map, was the area most appropriate for a large County open space reservation, followed by Region 3. It was also suggested that one open area, if appropriately located, could serve two regions.

### Scotts Mountain Reservation

In the early development of the Open Space Plan in 1972, the review of possible sites revealed the suitability of the area known as the Ingersoll Tract, actually a part of the watershed of the Lopatcong Water Company.

It was evident at that time, the Water Company was phasing out its operation and that the Ingersoll-Rand Company was no longer dependent on the small reservoir located within this tract.

It was determined that its location, scenic beauty, accessibility to both the Phillipsburg area and Washington area made this a very desirable area to preserve as open space for the citizens of Warren County. Preliminary site investigations revealed that the area was ideally suited for the development of an environmental education center as well as other passive or low intensity recreational uses. For these reasons, it was one of the principal proposals put forth in the 1974 Open Space Plan and is now in the 1980 plan

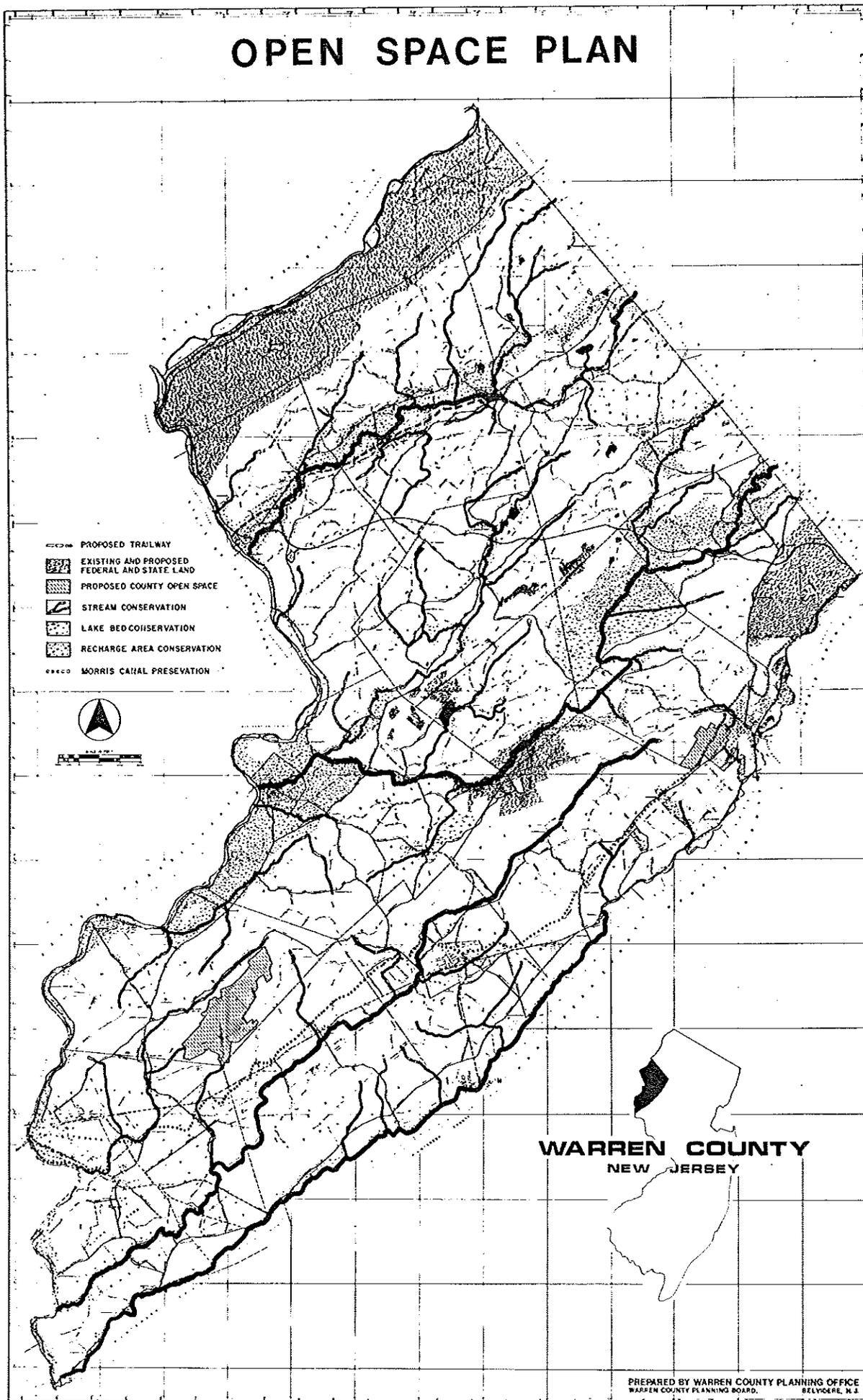
one of the two proposed acquisition areas.

This area, shown on the map entitled Open Space Plan, contains an area of approximately 1,500 acres, most of which is owned by the Ingersoll-Rand Company, but some of the important tracts are owned by other private individuals, and it is important to the utility of this reservation that all of the parcels be acquired.

#### Trout Brook Reservation

Along a section of the Old Morris Canal, which forms the boundary between Hackettstown and Independence Township, is located the approximately 300 acre tract which is the second major area proposed for acquisition by the County as a part of its Open Space Plan. This area, located so close to the population center in Hackettstown, Mansfield and Independence Township, is ideally suited as an open space reservation in that it offers a substantial land area in a rapidly developing section of the County with a variety of physical features that enhance the recreational value of the site. The most prominent physical feature in the area is the Morris Canal, stretching almost one mile in length forming an axis through the site. The towpath is still in reasonably good condition and can provide an attractive pedestrian path which could form an important link for a longer utilization of the Canal extending southward to Port Murray and northward through Hackettstown to Saxton Falls and the Allamuchy State Park. The portion of the proposed Trout Brook Reservation located in Independence Township is a relatively steep hillside which can be utilized for limited trails and overlook sites offering an

# OPEN SPACE PLAN



**WARREN COUNTY**  
NEW JERSEY

unusual view of the Hackettstown area. One of the principal advantages of the site is its proximity to the population in and around Hackettstown and the fact that much of that population would be within walking distance of this proposed County facility.

#### Other Open Space and Conservation Areas

Using the Inventory of the Natural Environment, various areas of the County in which development should be restricted have been outlined. These areas include stream beds and flood plains, glacial lake beds and water recharge areas. The extent of these areas makes acquisition by the County or other governmental levels impossible, however, when municipal open space and recreation plans are being prepared, portions of these areas can be included in municipal acquisition programs. These physical features have been outlined on the County Open Space Plan to emphasize to the public and units of local government the importance of preserving these features of the natural environment to the greatest extent possible.

1. Stream Conservation Areas. Major stream channels have been delineated on the Open Space Plan to carry out the County's objectives which include protection of the natural environment. The protection of these stream channels can be implemented through flood plain zoning administered by units of local government. The intent of flood plain zoning is to protect these critical areas from encroachment. If development were left unchecked to encroach upon the flood way of the streams, then serious damage could result at that location as well as other locations downstream. The

protection of the flood plains of our streams will not only preserve the scenic beauty but will, in a large measure, help to control the problems of erosion and sediment which, at the present time, plague other parts of the State.

2. Lake Bed Conservation. The remnant of an old glacial lake along the Pequest River, in Independence and Liberty Townships, known in this area as the Great Meadows, represents an unusual natural feature which will require unusual efforts to protect. This area, which is unique because of its deep, organic soil, underlain by extensive deposits of sand and gravel, represents an area of specialized agriculture. This area is rich in groundwater because the sands and gravel, together with the organic soil, are able to retain tremendous quantities of water. Any development that would disrupt the natural conditions in this area could destroy not only the water supply but part of the agricultural economic base of the County. Efforts should be made, through local land use controls, to limit development in this lake bed conservation area in order to protect this unusual natural feature.

3. Recharge Area Conservation. Several areas, particularly in the northern part of the County, have been designated as recharge areas because of their unique geology. In each instance, these are areas of limestone with a deep over burden of unconsolidated sands and gravel. These areas, which are well suited for surface water infiltration to groundwater, have been designated on the map in an effort to call attention to a valuable natural resource and, wherever possible, this resource should be protected from extensive development

which could destroy the function of groundwater recharge. The areas along the Paulinskill and the Bear Creek are extensive and particularly well suited for groundwater recharge. It is recommended that, wherever possible, local government, through its zoning, planning or site plan review procedure, make every effort to protect these areas.

## METHODS OF OPEN SPACE PRESERVATION

There are various methods available for implementing an open space plan. Probably the most commonly used technique is outright acquisition of ownership in fee simple by a governing body or other public agency. In recent years, Counties and municipalities in New Jersey have been assisted financially in such acquisition by the State Green Acres and Federal open space programs. These programs are discussed in the Appendix. In many instances, these programs have provided as much as 100 per cent of the cost of acquisition. However, the amount of land required for open space and mounting land costs make public purchase of all needed land financially impracticable. Moreover, the growing concern with preserving the natural environment demands employment of other techniques that will preclude or restrict development according to the natural limitations of the land.

A listing and brief description of various alternate methods of land acquisition and open space preservation are presented below.

### 1. Donation of Land.

The most simple and certainly one of the least expensive methods of

area be designated primarily as a wildlife preserve and limited to passive recreational use.

11. Musconetcong River. Another linear park is proposed along the Musconetcong River in Franklin, Washington and Mansfield Townships. A similar facility along the Musconetcong has been proposed in Hunterdon County and some land has already been acquired by that County. Such coordinated policy along both banks of the River will provide stream protection as well as an opportunity for stream-oriented recreational use.

#### Other Open Space & Conservation Areas

Using the natural environment inventory, various areas of the County in which development should be restricted have been outlined. These areas include stream beds and flood plains, areas of steep slope, glacial lake beds and water recharge areas. The extent of these areas makes acquisition by the County or other governmental levels impossible. However, they are outlined here for the purpose of emphasizing to the public and to local units of government the importance of preserving these features of the natural environment to the greatest extent possible. Measures and approaches for conserving these areas are discussed in the following section of this Report.

acquiring land is by donation. Frequently, either individuals or large corporations will donate land to a public body, usually for either philanthropic reasons or because of tax incentives offered by the Internal Revenue Service. The recipient of the land is usually obligated only for legal and engineering costs. Of course, the public agency cannot be assured of receiving gifts of land nor would it normally have a choice of time and location. Nevertheless, it is a method that should be promoted whenever possible.

## 2. Pre-Emptive Purchasing.

This method involves acquisition, usually by a private group, to reserve land for later public purchase at such time as it becomes financially feasible. It could also involve acquisition in advance of actual need in order to avoid rampant speculation. Under either approach, cost is lower to the public body than it normally would be.

The more common approach is by a private tax-exempt group established for the purpose of holding land in trust for later sale to the public body. It allows for the establishment of a revolving fund so that when resold, funds can be used for purchase of other properties.

### 3. Purchase of Easements or Development Rights.

Although not frequently used, this method involves acquisition of less than the complete title or fee interest in the land. Usually, it involves the acquisition of the owner's rights to do certain things with his land or restrict the use of the land in such manner as will carry out the intent of the easement. In some sections of the country the purchase of easements or development rights has been used to prevent farmland from going into development. Easements might also be used to preserve a scenic view, protect a stream or limit building height (air rights).

There is presently before the State Legislature a bill which would provide enabling legislation for the transfer of development rights. Essentially, this new technique would involve the establishment of zoning districts in which development other than farming is essentially prohibited. However, the district would be assigned a pre-determined number of dwelling units. The right to development of these dwelling units would be transferred to other districts permitting development by requiring applicants to acquire development rights from the undevelopable district.

4. Purchase-Leaseback.

This method involves the purchase of an area to preserve an open land use. The property is then leased to the former owner or other individual who would continue the existing use. Such an approach also offers an opportunity for maintaining agricultural uses.

5. Purchase-Saleback.

Like the purchase-leaseback arrangement, the purchase-saleback method involves purchase of an area, but more land than is needed, and resale of excess area for uses consistent with an open character. This method has been used only infrequently.

6. Option-Agreement Plan.

This is a method of purchasing land on an installment plan whereby a governmental unit contracts to buy a given number of acres a year for a specified period of time. For example, if the period is ten years, one-tenth of the area would be purchased each year. This approach avoids a large public expenditure in any one year, at the same time reserving the entire area. The owner benefits by spreading capital gains over a period of years.

The foregoing methods of open space preservation are primarily

concerned with the acquisition or preservation of specific areas by a governmental agency, all of which might be appropriate at the County level. However, the greatest ability and opportunity for preserving open space and areas of environmental importance lie at the local level of government and expenditure of public funds would not be involved. The approaches available to local government are essentially related to the zoning power. The more commonly used methods are described below:

#### 7. Cluster Zoning.

Cluster zoning, in one form or another, is now being employed by many New Jersey Municipalities. The cluster concept involves reduction in lot size from that normally required in a given zone district, at the same time maintaining the same density or number of lots that would normally be permitted, and the assembling of lots into small groups or clusters. The unused land resulting from the lot size reduction would be reserved as permanent open space, either through dedication to the municipality or by establishment of an organization or home owners' association to insure maintenance.

When used in its purest degree, the cluster concept would apply more to large-lot areas (approximately one acre or more) and lot size

reduction would be 50 per cent or greater. Most lots would have direct access to the open space area which would spread throughout the development.

The cluster approach offers advantages to the developer and the municipality as well as to the homeowner. The developer benefits through reduced road and utility improvements. The municipality gains needed open space for recreation and other local facilities, it benefits through the preservation of land less suitable for development, such as, flood prone areas, steep hillsides or other ecological amenities and obtains savings in street maintenance. The advantages to the homeowner are many, including a smaller lot to maintain, convenience to recreation facilities and nearness to an open space environment.

A variation of cluster zoning is often referred to as density zoning. In concept and approach it is the same as cluster zoning except that lot size reduction is less (a maximum of approximately 25 per cent) and the resulting amount of open space is also less. Density zoning would normally apply to lots of 20,000 square feet or more and usually it is used to obtain a park or school site rather than more extensive open space area produced by true clustering.

## 8. Flood Plain Zoning.

Growing concern with flooding problems along with the damage and havoc created by floods have, in recent years, prompted municipalities throughout the State to adopt flood plain zoning regulations. The purpose of such regulations is to restrict or control development within areas which are subject to frequent flooding or which have flooding potential. Flood plain zoning usually involves the delineation of the flood plain based on previous flooding history, the prohibition of any development or structure that would increase flooding potential and regulations for the floor levels of structures erected within the flood plain. The reduced development can result in a permanent open character and will avoid large, future public expenditures for flood relief and flood damage. As previously mentioned, the cluster concept can be instrumental in preserving flood plain areas.

## 9. Planned Unit Development (PUD).

Another development concept which is rapidly growing in popularity, and one which can be effective in preserving open space, is planned unit development or, as it is more frequently called, PUD. PUD can assume a variety of forms, but usually it involves the planning and development

of a large tract of land on a comprehensive basis rather than the common practice of piecemeal, tract by tract development. Some of the more common features of PUD are as follows:

- a. Development of a large tract of land (500 acres or more is common) on a unified basis.
- b. It can entail a mix of uses, including residential, commercial, industrial and recreation.
- c. Varying residential types and densities.
- d. Clustering of development and large amounts of open space.

Because of the large area involved it is possible to provide a full range of services and utilities in a PUD. Although higher density than normally allowed is usually involved, it is possible to create large areas of open space and to use the land in the most appropriate way based on natural or physical limitations. Wetlands, steep slopes and other areas physical or environmental hazard areas can be left undisturbed and development confined to areas capable of sustaining construction.

#### 10. The Natural Resources Approach.

The foregoing approaches to open space preservation are presented only as examples and some methods may not be appropriate in every

municipality in Warren County. In some municipalities, modifications of them may be suitable or completely different approaches may be found more workable. The objective sought here is to make municipalities aware of the possibilities for preserving open space and encourage them to plan for development within the limitations of the natural environment.

Major features of the County's natural environment which pose limitations to development have been identified previously. The broad approach used for the entire County should be carried forward and refined by each municipality so that each can develop planning and zoning measures suited to its individual needs yet consistent with the overall objectives of open space for the County as a whole. This can be accomplished by undertaking a natural resources inventory or identification of the natural or physical limitations of the municipality and relating this information to existing development, road and transportation facilities and utility systems. From this information, each municipality can then develop a plan for the most appropriate utilization of all land within the framework of the natural environment and design measures and controls that will preserve open space where most useful.

## ADMINISTRATION

The development of a County park system requires the establishment of an administrative framework for operation of the system as does any County facility. To aid in the formation of recommendations for the administration of a park system in Warren County, a survey of other County park organizations in the State was undertaken.

There are three basic forms of County park organizations, namely, park commissions, park departments and boards of recreation commissioners. Of the twenty-one Counties in New Jersey, thirteen have park organizations as follows:

### Park Commissions

Bergen  
Camden  
Cape May  
Essex  
Hudson  
Morris  
Passaic  
Somerset  
Union

### Park Departments

Middlesex  
Ocean

property taxes. Even if the costs were financed entirely from property taxes, the increase in County taxes, based on 1974 County taxes, would have been only 8.8 per cent. To the average taxpayer in the County, this would have meant an increase in his total taxes of less than 2 per cent. These figures tend to indicate that the establishment and maintenance of a County park system would not overburden the County financially and the cost should be small in terms of the benefits accruing to each resident, not only in direct recreational advantages, but also in terms of open space to be preserved and environmental features protected.

Board of Recreation Commission

Hunterdon  
Monmouth

The park commission is the most popular type of organization with nine of the thirteen Counties falling under this category. The major advantage to a park commission is that it is an independent organization, much like an authority, which relieves the governing body of administrative responsibilities and involvement. A park commission, in addition to other powers, may acquire and maintain park lands, construct and maintain recreation structures, park roadways and other facilities, and acquire lands under the power of eminent domain. At the same time, a commission is under the authority of the Board of Freeholders to the extent that it relies on the Board for appropriation of funds and authorization to acquire property. A copy of the State Enabling Act for park commissions pertaining to Warren County is contained in the Appendix.

Middlesex and Ocean Counties have park departments. The department is part of the organizational structure of the County government with the department head directly accountable to the Board of Freeholders. One of the Freeholders is Chairman of the department and a superintendent

is appointed. Its organization and operation is therefore similar to that of any County department.

Hunterdon and Monmouth Counties have Boards of Recreation Commissioners. A board of commissioners is similar to a park commission in that it has independent authority and similar powers. However, a board of commissioners can be established by resolution of the Board of Freeholders, whereas, establishment of a park commission requires a referendum. In addition, appropriations to a board of commissioners are not limited by a millage rate applied to true value of property as is a park commission. Also, disbursements of a board of commissioners are made through the County treasurer's office as opposed to a park commission which maintains its own depository and makes its own disbursements.

Based on long-range considerations, establishment of either a park commission or a board of recreation commissioners would appear to be the most efficient type of organization. With the anticipated future growth of Warren County, the responsibilities of the Board of Freeholders will be expanding in many areas and a park commission or board of commissioners will relieve the Board of the additional task of development and administration of a park system.

APPENDIX

## OPEN SPACE & RELATED GRANT-IN-AID PROGRAMS

There are several State and Federal grant-in-aid programs which can be instrumental in implementing an open space plan and providing financial assistance in acquiring open space at both the County and municipal levels. The various programs in existence as of this writing are described below, although it must be noted that availability of funding at the present or any future time is uncertain.

### 1. GREEN ACRES PROGRAM

This program provides grants of 50 per cent to municipalities and Counties for acquisition of open space for recreation and conservation purposes. The Green Acres Program is operated independently of but coordinated with Federal open space programs and concurrent applications are submitted for complimentary grants, thus offering the possibility of 100 per cent funding of acquisition costs. The program is administered by the office of the Commissioner, New Jersey Department of Environmental Protection.

### 2. LEGACY OF PARKS

This Federal program is administered by the Department of Housing and Urban Development. It is a 50 per cent grant program coordinated with the State's Green Acres Program. In addition to acquisition, some administrative costs are covered. The Legacy of Parks Program combines three former HUD programs, namely, Open Space, Urban Beautification and Historic Preservation.

### 3. LAND AND WATER CONSERVATION FUND

This Federal program is administered by the U.S. Department of the Interior, Bureau of Outdoor Recreation through the office of the Commissioner, New Jersey Department of Environmental Protection. Like the Legacy of Parks Program, it provides 50 per cent funding and is coordinated with the Green Acres Program for complimentary grants. The Land and Water

Conservation Fund covers both acquisition and development costs for park lands, conservation areas and open space facilities.

4. MULTI-PURPOSE WATERSHED PROJECTS

The Multi-Purpose Watershed Project Program provides technical and financial assistance for the planning, design and installation of watershed improvement projects which may include fish and wildlife developments and public recreation. It is administered by the U.S. Department of Agriculture through the New Jersey Department of Agriculture.

5. URBAN PLANNING ASSISTANCE PROGRAM (701 Program)

This Federal program is intended primarily to provide financial assistance for the preparation of comprehensive development plans including master plans and usually covers two-thirds of the cost. Since comprehensive planning programs are a prerequisite for eligibility for many Federal and State grant-in-aid programs, the Urban Planning Assistance Program can be of valuable assistance to implementing an open space program. Additionally, an open space plan would normally be part of a comprehensive development plan. The 701 Program is administered by HUD through the New Jersey Department of Community Affairs.

6. SOIL CONSERVATION

Local governmental units may enter into agreements with the Soil Conservation District to receive free or nominal cost services including technical plans, standards, information and assistance regarding soil, water and related natural resource conditions as they relate to proposed or potential sites for open space, recreation or development uses. This information can be of great value in determining the suitability or limitations of land for various uses.

7. ENVIRONMENTAL AID ACT

Under the Environmental Aid Act the New Jersey Department of Environmental Protection provides matching grants of up to \$2,500 to local

environmental groups for the purpose of undertaking various types of environmental studies including natural resource inventories. The Act also provides for technical assistance in lieu of State aid.

#### 8. FORD FOUNDATION

Complimenting the Environmental Aid Act are grants available from the Ford Foundation for similar environmental studies. Grants of up to \$5,000 are available which can be used as the locality's matching share of cost under the State program. The environmental studies covered by the Ford Foundation and State Program can represent a significant input to a local Master Plan Program and development of an open space plan.

SAMPLE #

CLUSTER ZONING PROVISIONS

- A. DEFINITION OF CLUSTER ZONING. A permitted reduction in lot size and lot area requirements in major subdivisions in which the density requirement (dwelling units per acre) is maintained and where all resulting open land within said subdivision is either deeded to the Township or reserved permanently for park, recreation and other open space uses, all in accordance with the provisions of Sections B and C.
- B. MINIMUM LOT SIZE REQUIREMENTS FOR CLUSTER ZONING. In major subdivisions employing the use of cluster zoning, as defined above, the minimum lot size of 40,250 square feet may be reduced to not less than 15,000 square feet measured within 150 feet of the front street right-of-way line; provided, however, that where lot size is so reduced, the minimum front, rear and side yard requirements may be reduced proportionately to not less than 50 feet, 50 feet and 15 feet respectively.
- C. CONDITIONS FOR USE OF CLUSTER ZONING.
1. Any subdivision employing the use of cluster zoning shall have not more than one building lot per acre of land in the total area of the tract.
  2. That percentage of the total tract equal to the percentage that the average lot areas are reduced from 40,250 square feet shall be deeded to the Township or reserved as permanent open space.
  3. The area deeded to the Township or reserved as open space shall be not less than 10 acres unless said area is to be joined to adjoining permanent open space or unless a smaller area is shown on the Master Plan or Official Map of the Township.

4. The area so deeded or reserved shall be used only for one or more of the following purposes:
  - (a) Undeveloped open space for conservation purposes .
  - (b) Recreation facilities provided not more than 10 per cent of the area is occupied by buildings , structures and pavement .
  - (c) Development of lakes , ponds or other bodies of water for flood control , water supply , recreation and similar purposes .
  - (d) Public uses designated for the property in question on the Master Plan provided not more than 10 per cent of the area is occupied by buildings , structures and pavement .
  
5. The area so deeded or reserved shall be at a location and of a shape as required by the Planning Board provided —
  - (a) Said area shall adequately accommodate one or more of the permitted uses listed above and shall complement the existing and contemplated future surrounding development .
  - (b) Said area shall be adaptable to the above permitted uses without undue public expenditure that might be required by reason of adverse topography , adverse drainage or soil conditions or inadequate accessibility .
  
6. If the area is to be reserved as open space rather than being deeded to the Township , provision shall be made for the establishment of an organization for the ownership and maintenance of said open space and such organization shall not be dissolved nor shall it dispose of any of same by sale or otherwise (except to an organization conceived and established to own and maintain

the common open space) without the written consent and approval of the governing body of the Township. Provision shall also be made for a feasible method of providing for the cost of ownership and maintenance.

7. Nothing contained herein shall be construed to require the Planning Board to approve any subdivision employing cluster zoning if said subdivision is in conflict with any provision of the Master Plan or if said subdivision will in any way result in a land use pattern that will adversely affect that portion of the Township in which it lies.

SAMPLE  
FLOOD PLAIN ZONING  
REGULATIONS

(a) FLOOD LOSSES RESULTING FROM PERIODIC INUNDATION.  
Within the Township of \_\_\_\_\_ there exists certain flood hazard areas subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base all of which adversely affect the public health, safety and general welfare.

(b) DEFINITIONS.

(1) "Flood Hazard Area" means the maximum area of the flood plain which is likely to be flooded once every 100 years or any area for which mudslides can reasonably be anticipated.

(2) "Flood Plain" means an area, usually a relatively flat or low land area adjoining a river, stream or watercourse, which has been in the past or can reasonably be expected in the future to be covered temporarily by flood.

(3) "Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to properties and structures, primarily for the reduction or elimination of flood damage to lands, water, and sanitary facilities, structures, and contents of buildings.

(4) "Floodway" means the minimum areas of a riverine flood plain reasonably required for passage of flood waters. The limits of the floodway will vary according to conditions within the flood plain.

(5) "100 Year Flood" means a flood of such magnitude as may reasonably be expected to be equaled or exceeded on an average

of once every 100 years; the term also means that level of flooding having a 1 per cent probability of occurrence in any year.

(6) "Substantial Improvement" means any repair, reconstruction, or improvement of a property, the cost of which equals or exceeds 50 per cent of the fair market value of the property either (a) before the improvement is started or (b) if the property has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any wall, ceiling, floor, or other structural part of the building commences.

(7) "Water Surface Elevation Data" means the elevations in relation to mean sea level expected to be reached by floods of various magnitudes and frequencies at pertinent points along a stream or in the flood plains of coastal areas.

(c) GENERAL CAUSES OF FLOOD LOSSES. Such flood losses are caused by:

(1) The cumulative effect of obstructions in floodways causing increases in flood heights and velocities.

(2) The occupancy of flood hazard areas by uses vulnerable to floods or hazards to others which are inadequately elevated or otherwise protected from flood damages.

(d) METHODS USED TO ANALYZE FLOOD HAZARDS. This Section uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps:

(1) Selection of a regulatory flood which is based upon engineering calculations which permits a consideration of such flood factors as its expected frequency of occurrence, the area inundated and the depth of inundation. The regulatory flood selected for this Section is representative of large floods known to have occurred in this region and are reasonably characteristic of what can be expected to occur on the particular streams subject

to this Section. It is the general order of a flood which could be expected to occur on the average once every 100 years.

(2) Calculation of water surface profiles based upon a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

(3) Computation of the floodway required to convey this flood without increasing flood heights to an extent which would cause substantial upstream or downstream damage to existing or reasonably anticipated future development.

(4) Delineation of floodway encroachment lines within which no obstruction is permitted which would cause such damage.

(5) Delineation of the floodway fringe i.e. that area outside the floodway encroachment line but which is still subject to inundation by the regulatory flood.

(e) STATEMENT OF PURPOSE. It is the purpose of this Section to promote the public health, safety and general welfare and to minimize those losses described in paragraph (a) above by provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or cause increased flood heights or velocities.

(2) Require that uses vulnerable to floods including public facilities which serve such uses be provided with flood protection at the time of initial construction.

(3) Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.

(f) FLOOD HAZARD AREAS CREATED. There are hereby created within the Township of \_\_\_\_\_ Flood Hazard Areas shown on the Zoning Map of the Township of \_\_\_\_\_ annexed hereto and made a part hereof.

(g) PERMITTED USES IN FLOOD HAZARD AREAS. The uses permitted within any flood hazard area are those uses permitted and regulated by this Ordinance for the zone district in which the area may be located, as said zone districts are set forth and delineated on the Township of \_\_\_\_\_ Zoning Map, subject to the following further limitations:

(1) Proposed permanent structures within the flood plain area having special flood hazards shall be required to have first floor elevations at or above the level of the 100-year flood. Exceptions may be granted by the local government only for non-residential structures which, together with attendant utility and sanitary facilities, are adequately floodproofed up to the level of the 100-year flood.

(2) No use, including land fill, shall be permitted within the eligible area if the proposed use, in conjunction with all other uses permitted since enactment of the ordinance, would increase water surface elevations of the 100-year flood more than 1 foot. An applicant for such land use may be required to furnish specific information as to the effect of his proposed action on future flood heights.

(3) To the extent existing data permit, all proposed developments and improvements within the eligible area shall be designed and constructed in accordance with all of the other requirements of this Ordinance.

(4) Any relocation or realignment of river and stream channels shall be prohibited if it would reduce the natural valley storage capacity of the area with respect to the 100-year flood.

(h) SUBMISSION OF SITE PLAN. Notwithstanding any other provisions of this Ordinance, no structure shall hereafter be erected or constructed within any flood hazard areas unless and until a site plan shall have been submitted to the Planning Board for its review and approval in accordance with Section \_\_\_\_\_ of this Ordinance. Said site plan shall, in addition to the information required under Section \_\_\_\_\_ of this Ordinance, show the following information:

(1) The existing and proposed contours at a contour interval of one foot.

(2) The proposed elevations of the levels of the lands involved at the corners of the foundation of any structure or structures.

(3) The lowest elevation of the lowest proposed floor level within any proposed structure after its completion.

(4) The layout of existing and proposed public streets and the nature, extent and location of existing and proposed public utilities servicing and to service the premises in question.

(i) REQUIREMENTS IN FLOOD HAZARD AREA. The Planning Board shall not approve any site plan required in any flood hazard area unless and until it is satisfied that the following requirements have been met:

(1) The lowest floor level of any proposed structure will not be reached by the overflow of the regulating flood established for this Section.

(2) Proper facilities have been or will be provided for the disposal of sanitary sewage and of storm drainage.

(3) Any proposed structure, when built, may be occupied without peril to the health or safety of the occupants.

(4) Any proposed structure or attendant protective measures will not impede the flow of surface waters through any watercourse or cause an increase in flood heights or velocities.

(j) TIME LIMITS. The Planning Board shall act upon any site plan submitted under paragraph (h) above within 90 days of the date of filing thereof, or such other extension of time as the applicant may agree to. Failure of the Planning Board to act within said time limit shall be deemed to be a denial of any site plan submitted.

(k) ISSUANCE OF PERMITS. No building permit shall be issued by the Building Inspector for any proposed structure to be located within a flood hazard area unless and until the Planning Board shall have approved a site plan submitted in accordance with this Section. Upon approval or denial of any site plan required by this Section, the Secretary of the Planning Board shall forthwith notify the Building Inspector thereof. No Certificate of Occupancy shall be issued by the Building Inspector unless and until proof has been submitted to him that all conditions of the site plan approval have been fully met and complied with.

(l) FLOOD REGULATIONS TAKE PRECEDENT. Within the boundaries of the Flood Hazard Areas, the laws and ordinances concerning flood plains, floodproofing, floodway preservation and other measures designed to reduce flood losses shall take precedence over any conflicting laws, ordinances and codes.

STATE OF NEW JERSEY ENABLING ACT  
FOR PARK COMMISSIONS

40:37-95 1. Applicable to all counties; inoperative until approved by voters.

The provisions of this Act shall apply to all counties, but shall remain inoperative in any county until submitted to and approved by the voters thereof in the manner provided in sections twenty-two, twenty-three and twenty-four hereof.

40:37-95 2. Park Commission.

In any county which has adopted or shall adopt the provisions of this Act, the Board of Chosen Freeholders shall by resolution passed by the affirmative vote of a majority of the whole Board, elect a county park commission consisting of 9 residents of the county, to be known as "the county park commission" (inserting name of county).

In any county which has heretofore adopted the provisions of this Act the said county park commission shall consist of 9 members instead of 5 members and the 4 additional members shall be appointed by resolution passed by the affirmative vote of a majority of the whole Board of Chosen Freeholders.

40:37-95 3. Commissioners; term

The commissioners first elected shall hold office for the term of 1, 2, 3, 4 and 5 years respectively, as indicated and fixed by the Board of Chosen Freeholders. All commissioners thereafter elected shall serve for the term of 5 years and all vacancies shall be filled by the Board of Chosen Freeholders for the unexpired term only. The members of the commission shall serve without compensation but their necessary expenses shall be allowed and paid from funds of the commission by the county treasurer upon warrants signed by the president or vice-president and secretary.

In counties now having a county park commission under the provisions of the Act of which this Act is amendatory and consisting of 5 members, the additional 4 members to be appointed under this amendatory

Act shall hold office for the terms of 1, 2, 3 and 4 years, respectively, as indicated and fixed by the Board of Chosen Freeholders, and thereafter all such commissioners shall be appointed for a term of 5 years, and all vacancies shall be filled by the Board of Chosen Freeholders for the unexpired term only. In counties not now having such a county park commission the commissioners first appointed shall hold office, as follows: 2 each for terms of 1, 2, 3 and 4 years and 1 for 5 years, respectively, as indicated and fixed by the Board of Chosen Freeholders, and thereafter all commissioners shall be appointed for terms of 5 years and all vacancies shall be filled by the Board of Chosen Freeholders for the unexpired terms only.

40:37-95 4. Officers; appointees; term; compensation.

The commission shall annually choose from among its members a president and vice-president, and shall elect a secretary and such other officers and appoint employees as it may deem necessary. It shall also fix and determine the compensation, term of office, duties and powers of its appointees and remove them at pleasure and make all rules and regulations respecting the same. The county treasurer shall be the treasurer of the commission.

40:37-95 5. Powers of commission; records; meetings.

The commission may sue and be sued, use a common seal, make by-laws, and carry out the objects of this Act as hereinafter set forth. It shall keep a record of its proceedings and shall maintain a suitable office where its maps, plans, papers, documents, accounts and other records shall be kept open to public inspection under reasonable regulation, subject to the limitations of section sixteen. Three members shall constitute a quorum for the transaction of business at any meeting of the commission, and the affirmative vote of three members shall be necessary for the taking of any action. The meetings of the commission shall be public.

40:37-95 6. President; vice-president; secretary; duties; disbursements.

The president shall preside at all meetings of the commission, and shall, with the treasurer sign all checks, drafts, notes, requisitions of funds, contracts and other agreements and obligations of the commission.

In the absence or incapacity of the president, the vice-president shall have all the powers and perform all the duties of the president. No disbursements shall be made, except upon the affirmative vote of three members of the commission. All disbursements by the commission shall be by check, signed by both the president and treasurer. In the absence or incapacity of the secretary and at such other times as the commission may prescribe or approve, some other person shall be designated by the commission to act as such secretary who shall have all the powers and perform all the duties of the secretary.

40:37-95 8. Adverse interest of officer or employee; misdemeanor.

It shall be a misdemeanor for any member of the park commission or any officer or employee appointed by it, to be interested directly or indirectly in purchasing any real estate or any right or interest therein, or in furnishing any of the materials, supplies or labor for the erection or construction of any building or improvement contemplated by the provisions of this Act or in any contract which the park commission is empowered to make.

40:37-95 9. Office; expenditures; limitation; appropriation of moneys from revenue producing facilities.

The Board of Chosen Freeholders shall provide the commission with a suitable office and upon the establishment of the commission may make available for expenditures by the commission such sums as the Board of Chosen Freeholders may by a majority vote approve. Except as provided in Section 10 of this Act, the amount to make available in any calendar year for the expenses of the commission shall not be greater than the excess, if any, of a value of all property in the several taxing districts of the county, as determined by the county board of taxation, over the amount to be paid by the county in such year for debt service on bonds or other obligations for park purposes issued by the county pursuant to said Section 10. The Board of Chosen Freeholders shall also have power to appropriate to the use of the commission, in addition to the sums appropriated for expenses as aforesaid, such moneys as may arise from revenue-producing facilities operated by the commission.

40:37-95 10. Moneys required to be raised by taxation; bonds .

The commission may draw the moneys provided and made available by the Board of Chosen Freeholders for the purposes of this Act on requisition duly signed and approved by its president and secretary. In addition to any other funds or moneys provided for the purposes of this Act pursuant to the provisions hereinabove or in Section nine contained, the Board of Chosen Freeholders of the county may provide funds for land and improvements by the commission or for the payment of notes previously authorized or issued to provide such funds, by the issuance of bonds or other obligations of the county in pursuance of article one of chapter one of this Title, but in no case shall the amount of such bonds or other obligations, both authorized and outstanding at any one time, exceed in the aggregate the sum of one million dollars (\$1,000,000.00), plus the amount of any funds on hand applicable to the payment of the principal of such outstanding bonds or other obligations.

40:37-95 11. Depositories.

The commission may select a depository or depositories wherein all public moneys and other funds of the commission shall be deposited, any bank organized under the laws of the United States, having its place of business in this State, or any bank or trust company organized under the laws of this State. The designation of such depository or depositories shall be by resolution of the commission. The commission or any of its employees charged with custody of such public funds shall thereafter, in accordance with the resolution provided aforesaid, deposit such funds or other moneys belonging to the commission, only in the depository or depositories so named, and upon so depositing in good faith such funds or moneys such employee shall be relieved of any liability for loss of such funds or moneys which may be due to the insolvency or closing of such depository or depositories.

40:37-95 12. Records; annual statements; audits .

The commission shall at all times keep or cause to be kept full and accurate accounts of its receipts and expenditures, and of its resources

and liabilities, and shall prepare or cause to be prepared detailed annual statements thereof, and shall employ the services of the Division of Local Government of the State Department of Taxation and Finance or of a competent registered municipal accountant of New Jersey to audit, annually, the books, accounts and statements of the commission, and shall cause copies of said annual audits, when completed, to be preserved as part of its permanent records and shall transmit certified copies of such audits to the Board of Chosen Freeholders of said county.

40:37-95 13. Powers.

The commission may:

- a. Acquire, maintain and make available to the inhabitants of the county, public parks, playgrounds and recreation places;
- b. Locate such public parks, playgrounds and recreation places at such point or points within the limits of the county as it may determine;
- c. Preserve, care for, lay out, construct, maintain, and improve any such parks and places and by itself, or jointly with the State Highway Commission, Board of Chosen Freeholders, or any municipality or other public body, provide for the construction, improvement or maintenance of any roadway or boulevard, within such park or parks or other places;
- d. Lay out, construct and maintain such sidewalks, roadways, service ways, bridle paths, footpaths, or other ways within any such park or parks or other places;
- e. Construct, reconstruct, alter, provide, renew and maintain such buildings or other structures, playgrounds and the equipment thereof, as it may determine;

- f. Enter into contracts with any person, or municipality or other public body, with respect to the laying out, construction or maintenance thereof;
- g. Engage, or contract for, the services of competent engineers or engineering firms, and do all other Acts and things as may in the judgment of the commission be necessary or proper to effectuate and carry out the plan and purposes of this Act, but such contract and employment shall not be for a longer period of time than 5 years; provided, however, that this provision shall not preclude the commission from extending any such contract and employment for a period of not exceeding 5 years from the date of such extension;
- h. Where no regularly organized full-time county park police department has been or shall hereafter be established pursuant to law, appoint and commission as many special policemen to patrol such county parks, playgrounds and recreation places as it may deem necessary and any such special policeman shall have the same powers therein as may be exercised by a municipal policeman pursuant to law and such special policeman shall be charged with the duty of preserving order and shall have power to arrest and to hold any offender against the public peace in such county parks, playgrounds and recreation places;
- i. Subject to the approval of the Board of Chosen Freeholders lease to the highest bidder, after published advertisement not less than 10 days prior to award of lease, park lands or concessions therein to produce revenues from facilities required for or incidental to the operation of such public parks, playgrounds or recreation places; provided, however, that the period of any such lease shall not exceed 5 years.

40:37-95 14. Right to acquire real estate and other property.

With the approval of the Board of Chosen Freeholders of the county, the commission may acquire by gift, purchase or condemnation, such real estate and rights therein, and such other property as it may deem necessary and proper for its purposes. All such property shall be acquired by the commission in the name of the county.

40:37-95 15. Power of eminent domain.

Whenever the commission shall have determined to take and acquire any real estate or any right or interest therein for any public park or place which it has located as provided in this Act, and cannot acquire the same by agreement with the owner, by reason of disagreement as to price, the legal incapacity or absence of the owner, of his inability to convey valid title, or for any other reason, the compensation therefor shall be ascertained and paid in the manner directed in and by chapter one of the Title Eminent Domain.

40:37-95 16. Surveys; maps.

Before proceeding to purchase or condemn real estate for a public park or place, the commission shall determine the location and quantity of the same to be included in any park or place, and cause a survey thereof to be made together with a map showing the real estate to be embraced therein. The map shall be kept by the commissioners in their office, and the boundary lines of every park or place shall be recorded in a book to be kept by them for that purpose.

The commission shall not be obliged to disclose such location, surveys or maps to public inspection until it has taken proceedings to condemn real estate or any right or interest therein necessary therefor.

40:37-95 17. Real Estate owned by municipality; conveyance to county.

The governing body of any municipality may without the payment of consideration, convey to the county wherein such municipality is located, for park purposes, any real estate heretofore or hereafter acquired by the municipality which in the judgment of the governing body is not needed for

municipal use and may cause to be executed good and sufficient conveyance or conveyances therefor.

40:37-95 18. Roadways; parkways; grade; alteration.

The commission may within such park or parks or other places not only lay out and open roadways, parkways, and boulevards as herein provided, but may also establish the grade thereof and change or alter the same, and straighten, widen, alter or relocate any existing or new roadway, parkway or boulevard which may be acquired by it.

40:37-95 19. Sale of land not required for park purposes; auction.

If all the members of the park commission shall by resolution determine that any real estate or park thereof acquired in pursuance of this Act is no longer required for park purposes and that the interest of the public will be better served by the sale thereof, the commission may certify such resolution to the Board of Chosen Freeholders. If the Board of Chosen Freeholders concurs therein, that real estate or part thereof may be sold for cash at public sale to the highest bidder.

40:37-95 20. Vacation or roadways and other ways.

The commission may by a four-fifths vote and with the approval of the Board of Chosen Freeholders of the county vacate or surrender any roadways, service ways, bridle paths, footpaths, or other ways within any such park or parks or other places.

40:37-95 21. Rules and regulations; protection of parks penalties.

The commission may make, alter, amend and repeal rules and regulations for the protection, regulation and control of such parks, and the roads, driveways, sidewalks, paths, lakes, pools, fountains, trees, flowers, shrubs, statuary, buildings and other things contained therein, and may prescribe penalties for the violation thereof. Any such penalty shall not be more than one hundred dollars (\$100.00) or less than two dollars (\$2.00) but it need not be for a specific amount; and the commission may

provide that the penalty shall be in such amount, not less than one given sum nor greater than another given sum, as may be fixed by the court in its discretion. The commission may sue for and collect the penalty so fixed in a civil action in any court of competent jurisdiction. All fines and penalties recovered shall be used by the commission for the same purposes and in the same manner as its other funds. Such rules and regulations shall not take effect until ten days after their adoption by the commission and after their publication once a week for two weeks in at least five newspapers circulating in the county.

40:37-95 22. Adoption of Act; referendum; notice.

Whenever the Board of Chosen Freeholders shall, not later than sixty days before the next ensuing general election, pass a resolution authorizing the submission of the question of the adoption or rejection of this Act to the voters of the county, the county clerk shall give public notice that such submission will be made at the next ensuing general election. The notice shall be by publication of at least once a month in each calendar month after the passage of the resolution, in two or more newspapers published and circulating in the county.

40:37-95 23. Ballots.

The county clerk shall cause the question to be printed upon the sample and official ballots for the general election in substantially the following form:

"To vote upon the public question printed below, if in favor thereof, mark a cross (X) or plus (+) in the square at the left of the word "yes", and if opposed thereto mark a cross (X) or plus (+) in the square at the left of the word "No."

|     |  |
|-----|--|
| Yes | "Shall a county park commission be appointed in . . . . .  |
| No  | county pursuant to chapter (inserting the number of the<br>chapter of this Act), pamphlet laws of one thousand nine<br>hundred and fifty-six?" |

40:37-95 24. Adoption by majority vote; commissioners appointed within 90 days.

If upon the canvass of the vote at such election it shall appear that a majority of those voting for or against the question so submitted have voted in favor thereof, this act shall thereupon become operative and the Board of Chosen Freeholders shall, within ninety days thereafter appoint the commissioners herein authorized to be appointed.

40:37-95 25. Existing Laws relating to county park systems, etc., not repealed.

Nothing herein contained shall repeal any existing law relating to the establishment of county parks or be construed to apply to any county which prior to the date of the adoption of this act may have established a county park system or a county park commission under the provisions of any other law.

40-37-95 26. Office and expenses of commission.

The Board of Chosen Freeholders shall provide the commission, established pursuant to the Act to which this Act is a supplement, with a suitable office and upon the establishment of the commission may make available for expenditures by the commission such sums as the Board of Chosen Freeholders may by a majority vote approve. The Board of Chosen Freeholders may make available for expenditures authorized by the commission such sums as the Board of Chosen Freeholders may by a majority vote approve. Except as funds are otherwise provided by law for land and improvements, the amount so made available in any calendar year for the expenses of the commission shall not be greater than the excess, if any, of a sum equal to  $\frac{3}{4}$  of a mill on each dollar of the aggregate true or full value of all property in the several taxing districts of the county, as determined by the county board of taxation, over the amount to be paid by the county in such year for debt service on bonds or other obligations for park purposes issued by the county pursuant to law. The Board of Chosen Freeholders shall also have power to appropriate to the use of the commission, in addition to the sums appropriated for expenses as aforesaid,

such moneys as may arise from revenue-producing facilities operated by the commission. The commission may draw the moneys provided and made available by the Board of Chosen Freeholders for the purposes of this Act on requisition duly signed and approved by its president and secretary.

STATE OF NEW JERSEY ENABLING ACT FOR  
BOARDS OF RECREATION COMMISSIONERS

40:12-1. Board of recreation commissioners; appointment and terms;  
existing boards continued.

The mayor or other chief executive officer of any municipality and the Board of Chosen Freeholders of any county may in his or its discretion appoint not less than 3 nor more than 7 persons, citizens and residents of such municipality or county, as the case may be, as members of a board of recreation commissioners. The commissioners first appointed shall be appointed for terms of 1, 2, 3, 4, and 5 years respectively, in such manner that the term of at least 1 commissioner and not more than 2 commissioners shall expire in each year according to the number appointed as fixed by the mayor or other chief executive officer in municipalities and the Board of Chosen Freeholders in counties. In case of the increase of a board from 3 to 5 members or in case of the increase of a board from 5 to 7 members, the additional commissioners shall be appointed, 1 for 4 and 1 for 5 years and in case of the increase of a board from 3 to 7 members, 2 of the additional commissioners shall be appointed for 4 years and 2 shall be appointed for 5 years. Thereafter all appointments shall be for the term of 3 years if the board consists of 3 members or 5 years if the board consists of 5 or 7 members, according to the number appointed to comprise the board, and vacancies shall be filled for the unexpired term only. The members shall serve until their respective successors are appointed and shall qualify. The members shall receive no compensation for their services.

All such boards heretofore appointed are continued and shall be governed by the provisions of Sections 40:12-1 to 40:12-8 of this Title, but nothing in said sections shall apply to any municipality governed by the commission form of government under the provisions of subtitle 4 of this Title.

40:12-2. Additional commissioners in certain municipalities.

L.1930, c. 154, p. 576, entitled "A supplement to an Act entitled 'An Act concerning playgrounds and recreation places in this state and providing for the establishment, equipment, maintenance, control, use and regulation thereof' (Revision of 1911), as supplemented," approved April sixteenth, one thousand nine hundred and thirty, saved from repeal. [This Act provided that in municipalities having recreation commissioners under sections 40:12-1 to 40:12-8 of this title, who were on April sixteenth, one thousand nine hundred and thirty, engaged in operating a community house, the governing body of such municipality could increase the number of commissioners to not less than nine nor more than fifteen.]

40:12-3. Acquisition of property; costs estimated and determined.

The Board of recreation commissioners may acquire lands for public playgrounds and recreation places, by gift or purchase, and it shall from time to time select lands for public playgrounds and recreation places, and when deemed necessary or advisable by such board, select lands for an approach or approaches by way of ingress thereto and egress therefrom of such size and dimensions as they shall think suitable, regard being had to the population of the neighborhood.

They shall cause surveys and maps to be made thereof together with a careful estimate, as nearly accurate as may be, of the probable costs of acquiring such lands, and a statement of the annual rental and duration of term, if it is proposed to lease the same, together with an estimate of the cost of preparing such lands and suitably equipping the same by the erection of buildings, stands, seats and other structures and apparatus for such playgrounds and recreation places.

Such surveys, maps and estimates shall be submitted to the board or body of the county or municipality having control of the finances, with a request that an appropriation be made for the purpose of acquiring or leasing such lands, as the case may be, and suitably preparing and equipping the same.

40:12-4. Acquisition of property; authorization; condemnation.

If such board or body by resolution authorizes the acquisition of such lands and appropriates a sum for the purchase and equipment thereof, or authorizes the leasing thereof and appropriates a sum for the equipment thereof, the board shall proceed to acquire the same by purchase, condemnation or lease, as the case may be, and suitably prepare and equip the same for a playground and recreation place, or approach thereto.

If the board is unable to agree with the owner or owners as to the price and terms of purchase, or if, by reason of any legal disability, or the absence of any owner or owners thereof, or for any other cause, an agreement for the purchase of such lands or any part thereof, or any rights or interests therein cannot be made, the board may cause such lands or any rights or interests therein to be condemned and taken on behalf of such municipality or county, and the compensation to be made therefor shall be ascertained and paid or tendered in the manner provided in chapter 1 of the title Eminent Domain (20:1-1 et seq.).

The board may cause any lands so acquired to be laid out and improved as a public playground, recreation place or an approach thereto.

The title to all lands acquired or taken under the provisions of sections 40:12-1 to 40:12-8 of this title shall vest in the municipality or county, and all leases of land for such purpose shall be in the name of the municipality or county, as the case may be.

40:12-5. Games and exhibitions; admission fee; no charge for children.

In order to provide the funds, in whole or in part, necessary to improve, maintain and police the playgrounds or recreation places under its control, the board of recreation commissioners may arrange and provide for the giving of exhibitions, plays, concerts, games and contests, and may use and employ such playgrounds or recreation places for the purpose of giving thereon exhibitions, plays, concerts, games and contests.

The board may charge and collect a reasonable admission fee for each person entering such playground or recreation place.

40:12-6. Control of grounds; preservation of order; assistants.

The board of recreation commissioners shall have full control over all lands, playgrounds and recreation places acquired or leased under the provisions of sections 40:12-1 to 40:12-9 of this Title and may adopt suitable rules, regulations and by-laws for the use thereof, and the conduct of all persons while on or using the same; and any person who shall violate any of such rules, regulations or by-laws shall be deemed and adjudged to be a disorderly person.

The custodians, supervisors and assistants appointed by the board shall, while on duty and for the purpose of preserving order and the observance of the rules, regulations and by-laws of the board, have all the power and authority of police officers of the respective municipalities in and for which they are severally appointed.

The board may appoint a recreation director for a term not to exceed 3 years, a secretary or clerk, and such number of custodians, supervisors and assistants for the several playgrounds and recreation places under its control as they shall think necessary, and fix and determine their salaries.

40:12-7. Appropriation for current expenses; office.

The board or body having control of the finances of each county and municipality having playgrounds and recreation places shall annually fix, determine and appropriate a sum sufficient for the care, custody, policing and maintenance of such playgrounds and recreation places, and for the expenses of the several boards of commissioners, which shall be raised by taxation in the same manner as other taxes.

The board or body having control of the finances shall provide a suitable office or offices for the board of recreation commissioners.

40:12-8. Costs and expenses; bonds; special fund.

The money necessary to pay for lands purchased or condemned

for such playgrounds and recreation places, and for providing and equipping the same, from time to time, may be raised and provided by the board or body having control of the finances by general taxation, as other taxes are raised and levied, or by the issuance of temporary loan bonds, or by the issuance of permanent bonds. All such bonds or other obligations shall be issued and paid in the manner provided by article 1 of chapter 1 of this title (40:1-1 et seq.).

All moneys received by the board shall be paid over to the municipal or county treasurer and be by him kept in a special fund, which shall be under the control of the board and used only for the purpose of defraying the expenses of improving, maintaining or policing the playgrounds and recreation places and for the other expenses of the board.

40:12-9. Joint action by municipalities or by municipality and school district or county.

Any two or more municipalities in any county or any municipality and the coterminous school district or any municipality and county may jointly acquire property for and improve, operate and maintain any playgrounds, playfields, gymnasiums, public baths, swimming pools or indoor recreation centers, and may appropriate money therefor. The municipality may pay over to the board of education of the school district such money as may be so appropriated to be disbursed by the said board of education for any of such joint purposes.

40:12-10. Establishment and maintenance of system of recreation; referendum.

The governing body of every municipality of county, in which the voters have adopted or shall adopt a proposition for the establishment and maintenance of a system of public recreation as hereinafter provided, shall establish and maintain, or maintain if already established, a system of public recreation including playgrounds, and shall annually levy and appropriate for the maintenance thereof an amount not less than the minimum nor more than the maximum amount specified in the petition and on the ballot, or in the resolution and on the ballot, as hereinafter provided.

40:12-11. Petition for submission; submission on resolution of governing body.

Upon petition to the governing body of the municipality or county signed by electors of the municipality or county equal in number to fifteen per cent of the votes cast therein at the last preceding general election, filed thirty days before a general or special election, or upon resolution of the governing body of the municipality or county of their own motion, a proposition in substantially the following form shall be submitted and placed upon the ballot at such ensuing municipal or county election.

40:12-12. Ballot; form and content; vote required for adoption.

The proposition shall be in substantially the following form:

|     |   |
|-----|---|
| Yes | "Shall the municipality or county of ..... establish a system of recreation including playgrounds and annually levy and appropriate for the maintenance |
| No  | thereof the sum of not less than ..... dollars nor more than .....dollars?"   |

If a majority of the votes cast on such proposition be in favor thereof it shall be adopted. In municipalities or counties where such recreation system is already established, the question solely of maintenance may be submitted and reference to establishment may be omitted.

40:12-13. Repeal or amendment of adopted proposition; submission to voters.

The governing body of any municipality or county may of their own motion submit to the electors the question of the repeal or amendment of any proposition originally submitted by it of its own motion and adopted, and the electors may in any case cause such resubmission by petition signed and filed as provided in section 40:12-11 of this title

for an original submission. By appropriate action the governing body shall make effective any repeal or amendment which may be voted by a majority of the electors voting thereon.

40:12-14. Joint municipal action.

Any two or more municipalities may jointly establish and maintain, or maintain if already established, a public recreation system and playgrounds, as provided in sections 40:12-10 to 40:12-13 of this title.

40:12-15. Forest reserve as public park.

The governing body of any county or municipality may enter into an agreement with the board of conservation and development for the maintenance of a forest reserve, or any portion thereof, which portion may be a pond or lake, as a public park; and from time to time to appropriate money and to pay the same to the board of conservation and development to be expended by it for the maintenance and improvement of such state property.