

SENATE, No. 4153

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 15, 2021

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator BOB SMITH

District 17 (Middlesex and Somerset)

SYNOPSIS

Appropriates \$80,539,578 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT appropriating \$80,539,578 from constitutionally dedicated
2 corporation business tax revenues and various Green Acres funds
3 to assist local government units to acquire or develop lands for
4 recreation and conservation purposes.

5
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8
9 1. As used in this act:

10 “Constitutionally dedicated corporation business tax revenues”
11 means corporation business tax revenues dedicated pursuant to
12 Article VIII, Section II, paragraph 6 of the State Constitution in the
13 “Preserve New Jersey Green Acres Fund” for the acquisition or
14 development of lands by local government units for recreation and
15 conservation purposes in accordance with the provisions of
16 P.L.2016, c.12 (C.13:8C-43 et seq).

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

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

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

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

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

33 “Preserve New Jersey Green Acres Fund” means the fund
34 established pursuant to section 6 of the “Preserve New Jersey Act,”
35 P.L.2016, c.12 (C.13:8C-48).

36 “Stewardship activity” means the same as the term is defined in
37 section 3 of the “Preserve New Jersey Act,” P.L.2016, c.12
38 (C.13:8C-45).

39

40 2. There is appropriated to the Department of Environmental
41 Protection the following sums for the purpose of providing grants or
42 loans, or both, to assist local government units to acquire lands for
43 recreation and conservation purposes pursuant to section 4 of this
44 act and for the purpose of providing grants or loans, or both, to
45 assist local government units to develop lands for recreation and
46 conservation purposes pursuant to section 5 of this act:

47 a. \$76,802,956 from constitutionally dedicated corporation
48 business tax revenues. Of the amount appropriated pursuant to this

1 subsection, the sum of \$2,170,956 is available due to interest
2 earnings on the constitutionally dedicated corporation business tax
3 revenues; and
4 b. \$3,736,622 from the “Garden State Green Acres
5 Preservation Trust Fund” and any Green Acres fund established
6 pursuant to a Green Acres bond act, made available due to loan
7 repayments and interest earnings.
8
9 3. There is appropriated from the General Fund to the
10 “Preserve New Jersey Green Acres Fund” the sum of \$76,802,956
11 to implement the provisions of this act.
12
13 4. a. The following planning incentive acquisition projects to
14 acquire lands for recreation and conservation purposes are eligible
15 for funding with the moneys appropriated pursuant to section 2 of
16 this act:
17

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Oakland Boro	Bergen	Boro of Oakland Open Space & Recreation Plan	\$500,000
River Vale Twp	Bergen	Watershed Property Acquisition	500,000
Burlington County	Burlington	Planning Incentive	1,000,000
Bordentown Twp	Burlington	Bordentown Twp Open Space Acq	500,000
Eastampton Twp	Burlington	Planning Incentive	111,500
Evesham Twp	Burlington	Planning Incentive	750,000
Medford Twp	Burlington	Open Space Incentive	500,000
Moorestown Twp	Burlington	Open Space Preservation Plan	500,000
Mount Laurel Twp	Burlington	Mt Laurel Acquisition Plan	750,000
Gibbsboro Boro	Camden	Greenway Acquisition	400,000
Caldwell Boro	Essex	Caldwell OSRP Update	250,000
Livingston Twp	Essex	Livingston Twp Open Space Acquisition	500,000
Verona Twp	Essex	Verona Open Space Acquisition	500,000
Gloucester County	Gloucester	Open Space Plan	1,000,000
Bethlehem Twp	Hunterdon	Open Space Plan Implementation	500,000
Delaware Twp	Hunterdon	Open Space Acquisition	500,000
Kingwood Twp	Hunterdon	Open Space Plan	500,000
Raritan Twp	Hunterdon	Land Acquisition Plan	500,000
Readington Twp	Hunterdon	Greenway Incentive Plan	500,000

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Union Twp	Hunterdon	Union Twp Open Space Plan	500,000
Mercer County	Mercer	Mercer County Planning Incentive	1,250,000
Hamilton Twp	Mercer	Hamilton Township Open Space Acquisition	750,000
Lawrence Twp	Mercer	Open Space Plan Acquisition	500,000
Pennington Boro	Mercer	Pennington Greenbelt Planning Incentive	375,000
Princeton Boro	Mercer	Princeton Open Space Acquisition	500,000
Robbinsville Twp	Mercer	Green Links Program	500,000
West Windsor Twp	Mercer	West Windsor Planning Incentive	500,000
Middlesex County	Middlesex	Middlesex County Open Space Acquisition	1,250,000
North Brunswick Twp	Middlesex	North Brunswick Plan	750,000
South Brunswick Twp	Middlesex	Open Space Acquisition	750,000
Monmouth County	Monmouth	Planning Incentive Acquisition	1,250,000
Holmdel Twp	Monmouth	Holmdel Planning Incentive Acquisition	500,000
Howell Twp	Monmouth	Planning Incentive 2	750,000
Millstone Twp	Monmouth	Millstone Planning Incentive-Project Evergreen	500,000
Madison Boro	Morris	Madison Boro Open Space Acquisition	500,000
Ocean County	Ocean	Planning Incentive Grant	1,000,000
Manchester Twp	Ocean	Planning Incentive	750,000
Point Pleasant Beach Boro	Ocean	Open Space & Recreation Acquisition	500,000
Passaic County	Passaic	Open Space Plan Acquisitions	1,250,000
Somerset County	Somerset	County Open Space Acquisition	1,000,000
Bernardsville Boro	Somerset	Bernardsville Boro Open Space & Recreation Land Acquisition	500,000
Montgomery Twp	Somerset	Open Space Acquisition 5	500,000
Peapack - Gladstone Boro	Somerset	Open Space Acquisition	500,000
Frankford Twp	Sussex	Frankford Twp Planning Incentive	462,500
Union County	Union	Open Space & Recreation Plan	1,500,000
TOTAL			\$29,349,000

- 1
- 2 b. The following projects to acquire lands for recreation and

1 conservation purposes located in municipalities eligible to receive
2 State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.), either
3 as of June 30, 2021 or the effective date of this act, are eligible for
4 funding with the moneys appropriated pursuant to section 2 of this
5 act:

6

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Bloomfield Twp	Essex	Third River Park and Preserve	\$1,000,000
Union City	Hudson	4100 Palisade Ave Acq	1,000,000
Rahway City	Union	East Cherry Street Park Acq	179,000
TOTAL			\$2,179,000

7 c. The following standard acquisition projects to acquire lands
8 for recreation and conservation purposes are eligible for funding
9 with the moneys appropriated pursuant to section 2 of this act:

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LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
East Rutherford Boro	Bergen	Richard Outwater House Acq	\$500,000
Wood-Ridge Boro	Bergen	Wood-Ridge Recreation Complex Acq	750,000
Edison Twp	Middlesex	Glendale Park Acq	750,000
Fair Haven Boro	Monmouth	Spagnuolo Acq	500,000
Lincoln Park Boro	Morris	Lincoln Park Floodplain Acq	213,518
Mountainside Boro	Union	Our Lady of Lourdes Fields	478,000
TOTAL			\$3,191,518

11 d. The following site-specific incentive acquisition projects to
12 acquire lands for recreation and conservation purposes are eligible
13 for funding with the moneys appropriated pursuant to section 2 of
14 this act:

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LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Lambertville City	Hunterdon	Closson Property Acq	\$500,000
Parsippany-Troy Hills Twp	Morris	Kosut Tract Acq	400,000
Hardwick Twp	Warren	White Lake Natural Resource Area Addition	265,000
TOTAL			\$1,165,000
GRAND TOTAL			\$35,884,518

1 5. a. The following projects to develop lands for recreation and
2 conservation purposes, located in municipalities eligible to receive
3 State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) either
4 as of June 30, 2021 or the effective date of this act, or sponsored by
5 densely populated counties, are eligible for funding with the
6 moneys appropriated pursuant to section 2 of this act:
7

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Atlantic City	Atlantic	Gardner’s Basin Improvements	\$596,450
Pleasantville City	Atlantic	Bayview Avenue Waterfront Park	633,333
Cliffside Park Boro	Bergen	Gorge Road Park Improvements	187,500
Garfield City	Bergen	Columbus Park Improvements	1,200,000
Hackensack City	Bergen	Columbus & Carver Park Improvements	1,200,000
Burlington County	Burlington	Willingboro Lakes Improvements Ph II	1,000,000
Pemberton Twp	Burlington	Pemberton Sports Filed Lighting	1,200,000
Vineland City	Cumberland	Romano Complex Improvements	1,200,000
Essex County	Essex	Multi-Park Improvements 2021	1,519,525
Belleville Twp	Essex	Fairway Park Improvements	601,954
Bloomfield Twp	Essex	Clarks Pond South & Vassar Field Improvements	503,160
East Orange City	Essex	Oval Parks Improvements	1,200,000
Newark City	Essex	Broadway Park	1,200,000
Orange City Twp	Essex	Military Park Improvements	1,200,000
Glassboro Boro	Gloucester	S. Delsea Dr. Sports Complex Turf Project	1,000,000
Bayonne City	Hudson	DiDomenico Park & Pool	1,200,000
Hoboken City	Hudson	Cove Park Waterfront Improvements	576,300
Hoboken City	Hudson	Southwest Park Development	1,200,000
Jersey City	Hudson	Leonard Gordon Park	1,200,000
Kearny Town	Hudson	Harvey Field Improvement	1,200,000
Kearny Town	Hudson	Passaic River Shoreline & Dock	1,200,000
Weehawkin Twp	Hudson	Waterfront Multi-Use Pavilion II	1,200,000
West New York Town	Hudson	Washington Park Improvement	537,964

Trenton City	Mercer	Amtico Square Skatepark Complex	1,200,000
Carteret Boro	Middlesex	Arthur Kill River Walk North	1,200,000
Old Bridge Twp	Middlesex	Cottrell Farm Park Development	1,200,000
Perth Amboy City	Middlesex	Veteran Memorial Park Improvements	1,200,000
Brick Twp	Ocean	Mallard Point Park Redevelopment	712,500
Brick Twp	Ocean	Multi-Park Improvements 2	1,102,536
Passaic County	Passaic	Dundee Island Park Phase II	1,800,000
Passaic City	Passaic	Multi-Park Improvements 2021	1,200,000
Paterson City	Passaic	Vista Park Development Project	221,558
Hillside Twp	Union	Athletic Courts Resurfacing Project	304,550
Plainfield City	Union	Rushmore Ave. Rec. Complex – Phase II	1,200,000
Roselle Boro	Union	Home Terrace Park Improvement	1,200,000
TOTAL			\$35,297,330

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

7

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Egg Harbor Twp	Atlantic	Tony Canale Park Expansion	\$900,000
Bergen County	Bergen	Riverside County Park South	1,500,000
Fairview Boro	Bergen	Bergen Boulevard Park	90,000
North Arlington Boro	Bergen	Fisher Field Improvements	117,683
Wallington Boro	Bergen	Hathaway Park Improvements	219,384
Ewing Twp	Mercer	ESCC Pool Area Improvements	524,390
Freehold Boro	Monmouth	Liberty Park Improvements	127,243
Highlands Boro	Monmouth	Snug Harbor Skate Park	599,013
Middletown Twp	Monmouth	Multi-Park Improvements	737,750
Seaside Heights Boro	Ocean	North Bayfront Boat Ramp	286,500
Bound Brook Boro	Somerset	Billian Legion Park Development	70,325

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TOTAL \$5,172,288

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2 c. The following standard park development projects are
3 eligible for funding with the moneys appropriated pursuant to
4 section 2 of this act:

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LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Hamilton Twp	Atlantic	Leipe Recreation Complex Expansion	\$600,000
Hazlet Twp	Monmouth	North Hazlet Community Park	600,000
Carneys Point Twp	Salem	Recreation Complex Improvements	600,000
TOTAL			\$1,800,000

6
7 d. The following projects for stewardship activities are eligible
8 for funding with the moneys appropriated pursuant to section 2 of
9 this act:

10

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Evesham Twp	Burlington	Black Run Preserve Stewardship	\$50,000
Cumberland County	Cumberland	Trail Development on Mid-County Park	486,060
Belleville Twp	Essex	Fairway Park River Bank Walkway	267,012
Washington Twp	Gloucester	Washington Lake Park – Phase II	315,000
Westville Boro	Gloucester	Thomas West Park Pond Improvements	65,540
Mercer County	Mercer	Watson’s Creek Living Shoreline	150,000
Middletown Twp	Monmouth	Poricy Park Watershed Improvements	143,500
Millstone Twp	Monmouth	Barnegat Bay Preserve	108,330
Passaic County	Passaic	Lambert Castle Landscape Restoration	500,000
Bound Brook Boro	Somerset	North Park Project	300,000
TOTAL			\$2,385,442
GRAND TOTAL			\$44,655,060

11
12 6. a. Any transfer of funds, or change in project sponsor, site,
13 or type, listed in section 4 or 5 of this act shall require the approval

1 of the Joint Budget Oversight Committee or its successor.

2 b. To the extent that moneys remain available after the projects
3 listed in section 4 or 5 of this act are offered funding pursuant
4 thereto, any project of a local government unit that previously
5 received funding appropriated or reappropriated from any Green
6 Acres bond act, any annual appropriations act, or the Garden State
7 Green Acres Preservation Trust Fund for recreation and
8 conservation purposes, or that receives funding approved pursuant
9 to this act, shall be eligible to receive additional funding, as
10 determined by the Department of Environmental Protection, subject
11 to the approval of the Joint Budget Oversight Committee or its
12 successor.

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

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

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

36 b. There is appropriated to the Department of Environmental
37 Protection such sums as may be, or may become, available on or
38 before June 30, 2022, due to interest earnings or loan repayments in
39 any "Green Trust Fund" established pursuant to a Green Acres bond
40 act or in the "Garden State Green Acres Preservation Trust Fund,"
41 for the purpose of providing:

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

46 (2) additional funding, as determined by the Department of
47 Environmental Protection, to any project of a local government unit
48 that previously received funding appropriated or reappropriated

1 from any Green Acres bond act, any annual appropriations act, or
2 the Garden State Green Acres Preservation Trust Fund for
3 recreation and conservation purposes or that receives funding
4 approved pursuant to this act, subject to the approval of the Joint
5 Budget Oversight Committee or its successor. Any such additional
6 funding provided from a Green Acres bond act may include
7 administrative costs.

8
9 8. This act shall take effect immediately.

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11
12 **STATEMENT**

13
14 This bill appropriates \$80,539,578 from constitutionally
15 dedicated corporation business tax (CBT) revenues and various
16 Green Acres funds to the Department of Environmental Protection
17 (DEP) to provide grants or low-interest loans, or both, to assist local
18 government units in the State to acquire or develop lands for
19 recreation and conservation purposes.

20 Of the total amount appropriated, \$76,802,956 is from
21 constitutionally dedicated CBT revenues, and \$3,736,622 is made
22 available due to loan repayments and interest earnings. The funds
23 made available due to loan repayments and interest earnings are
24 from the “Garden State Green Acres Preservation Trust Fund” and
25 various Green Acres funds established pursuant to a Green Acres
26 bond act.

27 The CBT revenues appropriated in this bill are provided from
28 constitutionally dedicated CBT revenues pursuant to Article VIII,
29 Section II, paragraph 6 of the State Constitution, approved by the
30 voters of the State in November 2014.

31 The “Preserve New Jersey Act” implements the constitutional
32 dedication of CBT revenues for open space, farmland, and historic
33 preservation. The “Preserve New Jersey Green Acres Fund” was
34 established by section 6 of the “Preserve New Jersey Act.” The act
35 provides that a certain amount of the portion of dedicated CBT
36 revenues allocated each year for the Green Acres program is to be
37 used for: the acquisition of lands for open space, including Blue
38 Acres projects, and development projects on State lands
39 administered by the DEP’s Division of Fish and Wildlife and
40 Division of Parks and Forestry; grants and loans to fund local
41 government open space acquisition and development projects; and
42 grants to nonprofit entities to acquire or develop lands for
43 recreation and conservation purposes.

44 This bill appropriates funds to be used for grants and loans to
45 fund local government open space acquisition and development
46 projects. Further, of the funding allocated for local open space
47 acquisition and development projects, a certain percentage may be
48 used to fund stewardship activities undertaken by local

1 governments. “Stewardship activity” is defined in the act as an
2 activity, which is beyond routine operations and maintenance,
3 undertaken to repair or restore lands acquired or developed for
4 recreation and conservation purposes for the purpose of enhancing
5 or protecting those lands for recreation and conservation purposes.

6 The total amount of funding allocated for local government
7 projects listed in this bill is \$80,539,578. Of this amount,
8 \$35,884,518 is for projects to acquire lands for recreation and
9 conservation purposes, and \$44,655,060 is for projects to develop
10 lands for recreation and conservation purposes.

11 Of the sum for projects to acquire lands for recreation and
12 conservation purposes: \$29,349,000 is allocated for planning
13 incentive open space acquisition projects (i.e., projects located in
14 municipalities and counties that have an open space tax and an
15 approved open space plan); \$2,179,000 is allocated for projects in
16 “urban aid” municipalities; \$3,191,518 is allocated for standard
17 open space acquisition projects (i.e., projects located in
18 municipalities that do not have an open space tax); and \$1,165,000
19 is allocated for site-specific incentive acquisition projects (i.e.,
20 projects located in municipalities that have an open space tax, but
21 do not have an open space plan).

22 Of the sum for projects to develop lands for recreation and
23 conservation purposes: \$35,297,330 is allocated for local park
24 development projects in urban aid municipalities or sponsored by
25 densely populated counties; \$5,172,288 is allocated for local park
26 development projects in densely or highly populated municipalities
27 or sponsored by highly populated counties; \$1.8 million is allocated
28 for standard local park development projects (i.e., projects located
29 in municipalities that do not meet the criteria of the prior two
30 categories); and \$2,385,442 is allocated for stewardship activity
31 projects.

32 The projects listed have been approved by the DEP and the
33 Garden State Preservation Trust (GSPT).

34 The projects approved by the bill include projects in “urban aid”
35 and densely or highly populated municipalities and counties. The
36 bill defines a “densely or highly populated municipality” as a
37 municipality with a population density of at least 5,000 persons per
38 square mile or a population of at least 35,000 persons; a “densely
39 populated county” as a county with a population density of at least
40 5,000 persons per square mile; and a “highly populated county” as a
41 county with a population density of at least 1,000 persons per
42 square mile.

43 To the extent that there are funds remaining after the local
44 government unit projects listed in this bill are offered funding, the
45 bill also authorizes the DEP, with the approval of the Joint Budget
46 Oversight Committee (JBOC), to use those funds to provide
47 additional funding for local government unit projects listed in this

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- 1 bill as well as for local government unit projects previously
- 2 approved for funding pursuant to various other laws.