



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

GREEN ACRES PROGRAM
MAIL CODE 501-01
P.O. BOX 420
TRENTON, NEW JERSEY 08625-0420
TEL: (609) 633-2944 FAX: (609) 292-8105

BOB MARTIN
Commissioner

May 17, 2017

Mayor Richard M. Onderko
Borough of Manville
325 North Main Street
Manville, NJ 08835

Dear Mayor Onderko:

In the five years since Super Storm Sandy made landfall in New Jersey, the New Jersey Department of Environmental Protection (NJDEP) Sandy Blue Acres Buyout Program (SBABP) has partnered with 14 New Jersey municipalities to move homeowners out of harm's way and to reduce the threat to life and property from future flood events.

Occasionally, local officials in the buyout areas contact the SBABP with questions regarding the appropriate and permitted uses of the vacant State-owned parcels after demolition has occurred. These areas either are maintained by the local authorities, as agreed upon in a Memorandum of Understanding entered with NJDEP, or by a managing division with NJDEP.

The enclosed document provides general guidance on approved uses of the land purchased through the SBABP, as stipulated by Federal and State regulation. Any proposals or plans that deviate from permitted uses require notice to and written approval from the SBABP before any physical work is undertaken. In addition, permission to proceed with a deviating use may be required from other programs within NJDEP.

This document is provided to refresh your familiarity with the generally allowed uses of SBABP properties. Please feel free to contact me if you have any further questions.

Thank you,

Courtney Wald-Wittkop
NJDEP Sandy Blue Acres Buyout Program

w/ Encl.

cc; Nancy Kagan (via email)



NJDEP BLUE ACRES BUYOUT PROGRAM COMMUNITY LAND USE GUIDANCE



Introduction:

Communities and municipalities often have questions concerning permissible uses of State-owned open space once demolition of existing structures has occurred. This document provides initial guidance on the types of post-acquisition projects that are permissible on State-owned property. The first consideration should always be whether a project is possible, appropriate to its surroundings, and is sustainable in the existing environment.

The following list serves as a general guide to open space use that addresses typical situations. However, the Blue Acres Buyout Program must review any situation that differs from the uses cited in the FEMA regulations with the State of New Jersey and our State and Federal mitigation funding partners, particularly any usage that is contradictory to the open space intent or that deviates from prevailing floodplain management principles. **Before proceeding with local land-use planning, please contact the Blue Acres Buyout Program at (609) 292-1310 for further guidance.**

Objective:

After being acquired by NJDEP, a property must be maintained permanently for open space purposes and must remain consistent with natural floodplain functions - forever.

To remain compliant with the Federal Emergency Management Agency (FEMA) regulatory restrictions (44 C.F.R. § 80.19), which are imposed on all Blue Acres properties being purchased by NJDEP, communities managing land protected by the Blue Acres Program must follow the open space guidance below.

Uses Generally Allowed on Acquired Open Space Land:

- Public restrooms are the *only walled and roofed buildings* allowed;*
- Nature reserves and parks for outdoor recreational activities;
- Public picnic shelters, pavilions, and gazebos, with associated foundations, provided structures are not walled;*
- Small-scale recreational courts, ball fields, golf courses, and bike and walking paths;*
- Camping* (with prior approval if allowed by municipal ordinance) except where adequate warning time is not available to allow for evacuation;
- Small boat ramps, docks, and piers to serve a public recreational use;

* **May only be possible with prior approval from the New Jersey Division of Parks & Forestry and with the proper local/State/Federal permits that may be required.**

Uses Generally Allowed on Acquired Open Space Land (cont.):

- Minimum number of unpaved access roads, driveways, and camping pads to facilitate acceptable uses of the acquired property. Existing paved roads can be reused for such purposes;**
- Unimproved, unpaved parking consistent with open space uses and natural floodplain functions, particularly trails, grass, hard-packed earth, and graded gravel;
- Drainage facilities intended to service onsite needs;
- Wetlands management;
- Vegetative site stabilization, agricultural cultivation, and
- Installation of signs when designed not to trap debris.

Uses Not Allowed on Acquired Open Space Land:

- Walled buildings (*Public restrooms are the only walled and roofed buildings allowed*);
- Reuse of pre-existing structures, unless all walls are removed;
- Flood damage reduction or control structures (i.e. levees, dikes, berms or floodwalls);
- Any action that poses health, safety or environmental risk in the floodplain;
- Above- or below-ground pumping stations, storage tanks, or switching stations;
- Installation of septic systems or reuse of pre-existing septic systems, except to service a public restroom;
- Placement of fill materials or other uses that obstruct the natural and beneficial use of the floodplain (except where necessary to avoid impacting onsite archeological resources);
- Fences and all other obstructions in the floodway (Fences outside of the floodway must be designed to minimize the trapping of debris.);
- Storage of inventory supporting a commercial operation or governmental facility, including wheeled vehicles or movable equipment;
- Cemeteries, landfills, or storage of any hazardous or toxic materials;
- Paved roads, highways, bridges, and paved parking. Paved parking includes asphalt, concrete, oil treated soil, or other material that inhibits floodplain functions; and
- Any uses determined by the State/Grantee, FEMA, or FEMA Regional Administrator as inconsistent with the regulations, this Guidance, or deed restrictions.

NOTE: If the project being proposed for State-acquired floodplain land is: (1) not explicitly permissible; or (2) not consistent with the deed restrictions, Federal grant agreement or direct funding stipulations, or this Guidance, then Blue Acres officials will need to coordinate with the local floodplain administrator and the appropriate FEMA Regional Office to evaluate the proposed use.

*** May only be possible with prior approval from the New Jersey Division of Parks & Forestry and with the proper local/State/Federal permits that may be required.**

******Reuse of existing paved surfaces for recreational uses on the acquired property consistent with allowable uses is generally acceptable; however paved surfaces beyond those directly required for such uses should be removed.