



PROGRAM GUIDE - 2019



Cape May County Board of Chosen Freeholders

Gerald M. Thornton, Freeholder Director

Leonard C. Desiderio, Freeholder Vice-Director

E. Marie Hayes, Freeholder

Will Morey, Freeholder

Jeffrey L. Pierson, Freeholder

Program Administered by:

Cape May County Planning Department

Division of Open Space and Farmland Preservation

4 Moore Road

Cape May Court House, New Jersey 08210

Leslie L. Gimeno, PP, AICP, MPA, Planning Director

Barbara Ernst, Division Director

(609) 465-1086



Cape May County Open Space Program **PROGRAM GUIDE - 2019**

Program Introduction:

On November 9th, 1989, the voters of Cape May County approved, by a two to one margin, a ballot question endorsing the establishment of a trust fund to preserve open space and agricultural land. The trust is funded by a County property tax of one cent per \$100 assessed valuation (known as the Open Space Preservation Tax) and currently generates approximately \$4.9 million annually. Once the funds were in place, the County established the Division of Open Space and Farmland Preservation to administer the program, which focused on the outright purchase of open space parcels, and the purchase of development rights on active agricultural lands from willing sellers. From 1989 to 2018, the County was successful in purchasing 1,341 acres of open space (over \$30 million) and deed restricting 3,324 acres of farmland (over \$35 million spent). This has resulted in the permanent preservation of 4,581 acres through the utilization of more than \$65 million of Trust Fund dollars.

In 1997, the State of New Jersey passed a number of laws which expanded the potential function of the Open Space and Farmland Preservation Trust Fund programs to include recreation and historic preservation. In 2012, the County met with municipal representatives and collectively came to the conclusion that it was in the best interest of the municipalities, their residents, and visitors to consider the expansion of the program. Therefore, a thorough review of the Open Space and Farmland Preservation Program was conducted, and new program documents were developed. Each year, the Open Space Review Board revisits its policies and procedures based on information provided by stakeholders, and updates this Program Guide and all application materials. This ensures that the Program is meeting the needs of those it is intended to serve in an efficient and effective manner.

This Program Guide reflects the goals, policies, and objectives of the Cape May County Open Space Board. The Farmland Preservation Program is operated under the guidelines provided by the State of New Jersey and the State Agriculture Development Committee. However, this level of guidance for the Open Space Program was not provided through the State or required by legislation; therefore each County's Open Space Program is different. The purpose of this document is to provide a well-defined framework for the Open Space portion of Cape May County's overall program.

The decision to expand the Open Space Program into the realms of recreation and historic preservation beginning in 2013 has helped to enhance and protect our collective community assets, providing quality of life and economic stabilization benefits. Since that time, a diverse array of projects and preserved lands have come into fruition and have been added to our County's collection of resources for enjoyment by our many residents and visitors.

SECTION 1: GENERAL PROVISIONS

Purpose and Objectives:

The purpose of the Cape May County Open Space and Farmland Preservation Program is to permanently preserve public land of county significance and to support current and future regional conservation, recreation, community enhancement, and historic preservation needs throughout the County. The Program will interact with municipal officials and other stakeholders to identify community and regional needs and will utilize program funds to establish a diverse yet interconnected network of public spaces.

Program objectives are as follows:

- Permanently preserve regionally significant public open spaces and natural resources for recreation and/or conservation purposes
- Preserve active farmland throughout the County to maintain the viability of the County's agriculture industry
- Provide amenities at regional parks and recreation areas and to require maintenance thereof by project applicants, to meet local service needs
- Preserve and enhance historic resources
- Provide needed spaces and amenities for community enhancement
- Partner with local municipalities to provide funding for local open space, farmland preservation, recreation, or historic preservation initiatives, including the repayment of local debt service for these purposes

SECTION 2: ELIGIBILITY

Program Eligibility:

The following entities are eligible to apply for funding:

- Private Property Owners (Farmland Easements or Open Space Land Acquisition only)
- Cape May County's 16 municipalities
- Agencies or Departments of County Government
- Non-Profit Organizations with missions directly related to Historic Preservation (*for Historic Preservation projects only*)

Eligible Projects:

Eligible purposes, as defined by public law (N.J.S.A. 40:12-15.2 et seq), and approved by the Board of Chosen Freeholders may include the following:

1. Acquisition of land for conservation and recreation purposes
2. Development of lands acquired for recreation and conservation purposes
3. Acquisition of farmland or acquisition of development easements for farmland preservation purposes

4. Historic preservation of historic properties, buildings, facilities, sites, or areas; “structures”, as defined by the Department of the Interior, National Park Service are eligible on a limited basis (see Section 8 below)
5. Payment of debt service on indebtedness issued or incurred by the county or municipality for any of the purposes set forth above

Any funded projects must be open and accessible to the general public. A long-term management / maintenance agreement with the County of Cape May, dictating the terms of accessibility, usage of the site, and responsible party for ongoing and long-term maintenance will be required.

Ineligible Projects:

The following purposes are considered ineligible to receive funding from the Open Space and Farmland Preservation Trust Fund:

1. Any maintenance, care, custodial, equipment (trucks, tractors, boats, etc.) or policing expenditures associated with active and passive recreation and historic sites
2. Lands that are and will remain predominantly covered by buildings or structures not appropriate for environmental education, recreational use, or historic preservation
3. Projects that will have a significant adverse impact on environmental resources or open space values
4. “Soft costs”, such as engineering, architectural, surveys, permits, licensing fees, environmental analyses, audits, administration, operational costs, including in-kind services (salaries and wages) of the applicant, unless otherwise specified through the terms and conditions of an application being submitted under a “Special Dedicated Funding Round”
5. Any costs incurred prior to the submission of the application; please note that the issuance of a purchase order and/or the award of a contract shall constitute the incurrence of costs
6. Artificial Turf Athletic Fields
7. Projects located on property owned by, or predominantly for use by school districts

SECTION 3: APPLICATION PROCESS AND REQUIREMENTS

Application Deadlines:

Applications for Land Acquisition, Park/Recreation Development, and Historic Preservation Programs will be accepted three times per calendar year. Decisions on the applications will be made prior to the beginning of the next funding cycle. In 2019, the dates are as follows:

- Monday, April 15th
- Thursday, August 15th
- Monday, December 16th

In 2019, it is anticipated that there will be Special Funding Rounds related to Coastal Recreational Enhancements. Please check the website for an updated Program Guide prior to the development of applications for the August and December, 2019 Special Funding Rounds.

An application must be received by the Cape May County Planning Department by 4:00 pm on those dates; failure to do so will automatically defer the project until the next funding round.

All applications received during the application period will be reviewed for completeness. Once deemed complete, the applications will be pooled and reviewed by the Open Space Board. Application review will commence at the first regular meeting of the Open Space Board following the application deadline. Applicants will be scheduled for brief (5-7 minute) presentations during the specific meeting where their application is being reviewed. Decisions on all applications in the pool will be made prior to the next application deadline.

Application Content:

The application consists of two components: 1) the Application Form; and 2) the Application Narrative. Applicants are encouraged to provide any documentation and/or associated material as specified by the appropriate application form, including but not limited to photos, schematic drawings, engineers estimates, copies of permits, letters of support, etc.

If the applicant is a municipality, a resolution authorizing the application and documenting community support is required as part of the application. This resolution must reference not only the submission of the application to the Open Space Program, but must also contain acknowledgement of the municipal commitment to the long-term maintenance of any funded project, as outlined on the detailed maintenance schedule and budget that is required as part of the application. Applications submitted without such documentation will be considered incomplete.

1) Application Form:

Applicants are required to complete the Open Space Program Application Form in its entirety, including signatures on designated lines. Assistance for completion of the form is available from the County Planning Department, if needed.

2) Application Narrative:

In addition to the Open Space Program Application Form, applicants are also required to provide an Application Narrative that provides details on the project. Application Narratives differ based on the type of project being proposed. The Application Form should be utilized as the cover sheets for the Application Narrative. The document does not necessarily have to be typed, but it must be legible. Additional details may be required, as determined by the Board. The applicant will be asked to provide any necessary revisions.

SECTION 4: APPLICATION REVIEW AND EVALUATION

Factors for Consideration:

The Open Space Review Board has developed the following set of guidelines to be utilized when considering each application. No numerical value or ranking system is attributed to each of these individual factors.

Factor Set #1: Land Features

- Existing Land Use / Details of Site, including development restrictions, utility easements, conservation easements, etc.
- Surrounding Land Uses: Adjacency to Preserved Lands, Parks, or Natural Lands
- Site Setting: Aesthetic, Environmental and Historic/Cultural features
- Accessibility to projected users, community and regional perspectives to maximize broad spectrum of potential users
- Risk of Loss: development pressure / site decay / encroachment

Factor Set #2: Community Needs & Planning

- Level of public support for the project
- Level of municipal, community, and/or community organizations' support/commitment
- Quality and quantity of existing municipal open space, recreation, and historic resources
- Project provides diversification of open space, recreation, and/or historic resources for the region
- Consistency with local planning documents and initiatives
- Protection of parcels contributing to regional water quality and/or water supply

Factor Set #3: Leveraging of Investment / Long Term Viability

- Demonstration of how project leverages existing and planned investment in community and region
- Project matching investment by applicant and/ or municipality, including other grants or funding sources
- Use of project funds to maximize community benefit
- Project readiness and timeline for completion; please refer to Section 7 on page 8 for new information on project extensions
- Past success of applicant with similar projects, with an emphasis on applicant's performance in delivering past Open Space-funded projects on time and in-budget; applicant's performance in maintaining assets will also be strongly considered

Application Review:

When applications are received, they will be subject to an initial review for completeness by Planning Department staff. Applicants will be contacted if there are any deficiencies in the application, and will be asked to provide the necessary documentation. Once the application is deemed complete, it is eligible for placement in the pool of applications for review by the Open Space Board.

The Open Space Board meets monthly to review applications. Applicants are highly encouraged to attend the meeting where their project is being vetted in order to provide additional information and answer questions raised by Board Members. Visual aids, such as site schematics or plans are welcome, but are not required. The Board will hear comments from applicants and other interested parties during an open public section of the meeting. Project specifics amongst board members and their professionals are discussed during closed session. Additional information on the project may be requested as a result of the meeting.

Based on the review of the application, and the monies available in the Trust Fund, the Open Space Board can take the following actions:

- Recommend the approval of the project by the Board of Chosen Freeholders

- Decline the application and dismiss it from the review process
- Defer decision on the application, and place it in the pool for the next funding cycle

Applicants will be notified in writing after determination of the course of action selected by the Open Space Board. Please note that approval by the Open Space Board does not guarantee funding of the project. Final decisions on applications are made by the Cape May County Board of Chosen Freeholders and are dependent on the availability of monies in the Trust Fund.

There will be multiple opportunities for public comment. The public is welcome and encouraged to attend the regularly scheduled meetings of the Open Space Board. If a project is recommended for positive action, the matter will also be heard before the Board of Chosen Freeholders. This will be either in the form of a public hearing on the project OR in the regular public comment where a resolution regarding a particular project is listed on the Freeholder Agenda. Meeting schedules for both Boards can be found on the Cape May County website at: www.capemaycountynj.gov. Additionally, if the applicant is a municipality, a municipal resolution, which is adopted at a public meeting of the governing body, will be required as part of the application.

SECTION 5: POST-DECISION PROCESS – RECOMMENDED PROJECTS

Prior to the formal commitment of County Open Space Funds by the Board of Chosen Freeholders, the County and the applicant will determine the parameters for funding and memorialize the same in the form of a lease/management agreement, shared services agreement, or other legal document deemed appropriate by County Counsel. This document (or documents) shall dictate the terms of use for the land, buildings, and/or facilities situated thereon, including but not limited to the following:

- Intent and purpose of the project
- Public accessibility
- Short- and long-term plan for land use and land management
- Specific timeframes with milestones for park development and/or historic preservation project
- Guarantees for completion of project within the stated timeframe
- Parameters for public use and public access, including the proposed user fee schedule (if applicable)
- Parameters for sponsorships, subleases or other third-party agreements for use of the property
- Guarantee, budget, and schedule for short and long-term maintenance by the municipality
- Terms of County monitoring, and inspections (if applicable)
- Identification of minimum maintenance standards for site amenities
- Other issues deemed necessary by the nature of the project, or as required by County Counsel

For Park/Recreation projects, NJ Statute (N.J.S.A. 40:12-15.1 et seq) requires that a public hearing be held prior to the formal commitment of funds to the project by the Board of Chosen Freeholders. Appropriate public notice will be given, and applicants will be requested to attend the Public Hearing to answer any questions posed by the Board of Chosen Freeholders and/or the general public. After the Public Hearing, there is a 45 day public comment period, after which the Board of Chosen Freeholders can formally take action on the

project.

Public hearings are also held for Historic Preservation Projects. These projects also require an agreement between the County and the applicant. In addition to the bulleted items above, said contract will also specifically provide the terms of financing for the approved project. Please note that for projects that are listed on the State and/or National Historic Register, applicants will be responsible for meeting the terms and conditions associated with that designation, including obtaining Project Authorization from the State Historic Preservation Office prior to beginning work on the project and inspection and approval after the completion of the project. Details are provided in the grant contract between the County and successful applicants.

SECTION 6: NOTES FOR ALL APPLICANTS REGARDING PROJECT EXTENSIONS

Timelines for Park & Recreation and Historic Preservation projects are proposed by the applicant during the application process, and are memorialized through the Shared Services Agreement. As the agreements formally reserve funds for the specific project, it is imperative that projects be completed within the identified timeframes. During the initial few years of these components of the program, the Open Space Board was fairly flexible with granting no-cost time extensions. However, this has proven to be problematic. Beginning in 2019, the Open Space Board is strongly discouraging request for extensions, and will grant them only under limited circumstances. Applicants who seek extensions must provide a resolution by the governing body (or from the Board of Directors if the applicant is a non-profit organization) outlining a new project timeline, and identifying reasons for the delay. Requests will not be considered by the Open Space Board in absence of such a document.

SECTION 7: NOTES FOR MUNICIPAL APPLICANTS

Land Acquisition – Municipal Partnerships:

On occasion, partnerships with municipalities are developed whereby a municipality will pre-acquire a property and be repaid by the Open Space Program. The Open Space Program must be an active party in the initial acquisition; no “retroactive” funding will be provided to municipalities for lands previously purchased. In the case of a municipal “pre-acquisition” where the property will cost in excess of \$1 million, the Open Space Board reserves the option to recommend multi-year payout. This will be done in limited circumstances, as warranted by factors such as the balance of the trust fund, cost of the property, and volume of incoming applications. Please note that if a multi-year payout is recommended per statute, a public hearing by the Board of Chosen Freeholders is required, therefore a slightly extended timeframe is required for acquisition and/or reimbursement for municipal acquisition.

Park/Recreation Development Projects – User Fees:

Any user fees charged by municipalities for Open Space-funded projects must be modest, customary, and reasonable in relation to the type of facility developed and the programs offered at that facility. The Open Space Board must deem the proposed user fees to be necessary for the operation of the funded site. The municipality must demonstrate that the fees collected are recaptured for the purpose of maintaining and operating that particular facility through the establishment of a dedicated line item in the municipal budget.

Municipal obligations in this regard, including annual reporting requirements, will be made part of the Shared Services Agreement executed between the County and the municipality.

Park/Recreation Development Projects – Mortgages and Guarantees:

For grant projects in excess of \$500,000, the County may require the execution of a forgivable mortgage or other suitable guarantee to secure the County’s investment. Guarantee will be for the value of the improvement and shall continue for the life expectancy of the improvements made with grant funds.

Maintenance Standards, Programs, and Budget Acknowledgement:

The County is desirous of ensuring for the long-term viability of investment of Open Space Trust Fund dollars. As such, a detailed maintenance schedule and budget is required to be submitted as part of the application. This schedule should be developed largely informed by Maintenance Standards developed by the Open Space Program. Municipalities will be expected to adhere to the schedule set forth, both on a short-term and long-term basis, to ensure that the improved sites are properly maintained and kept in a perpetual state of “neat, clean, and orderly.” County staff may, from time to time, conduct site inspections to ensure adherence to this policy. Those inspections are not meant to take the place of or to supplement municipal inspections, but rather are for the purpose of informing the County Open Space Program of the level of commitment by the municipality to protect the project which has emerged as a partnership between the two entities.

SECTION 8: NOTES FOR HISTORIC PRESERVATION APPLICANTS:

Matching Requirements:

The Open Space Program will allow soft costs incurred by the applicant for the purpose of developing/designing a project for consideration in a specific application to the Open Space Board to “count” toward the required match. The soft costs cannot be for a general Preservation Plan, but must be specifically related to the project at hand, and must have been incurred within the timeframe of the development of the application to the Open Space Program. Proof of expenditure must be provided as part of the application packet.

As an example, if in order to develop an application in support of restoration of a building exterior, the applicant hired an architect to complete an architectural assessment and cost estimate, then the applicant may quantify the amount spent on the consultant and include it as a demonstration of their Open Space grant match for the specific project at hand. *Please note that these costs must be borne by the applicant with the understanding that there is no guarantee of approval of the project for which they were incurred.*

If, however, the applicant hired an architect to do an overall site assessment several years ago, and the project at hand is to implement a portion thereof, the fees would not be considered as eligible for Open Space grant match.

Please contact Leslie Gimeno at the Planning Department (609) 465-6875 if you have any questions on this matter.

Project Eligibility – “Structures”:

The Cape May County Open Space Program’s Historic Preservation Program has been modeled after the NJ State Historic Preservation Program and uses the U.S. Department of the Interior, National Park Service’s criteria for eligibility and definitions.

The National Park Service distinguishes “Structures” from “Buildings” as “those functional constructions made usually for purposes other than creating human shelter”. Examples and explanation of criteria can be found at: (www.nps.gov/nr/publications/bulletins/nrb15/nrb15_4.htm).

The concept of funding “structures” was discussed at the Open Space Board’s meeting held on June 28th, 2016. Conclusions were as follows:

- The National Park Service’s definition of the word “structure” must be met in order for a structure to be eligible; eligibility would be determined through the process of obtaining a Certificate of Eligibility and/or listing on the State or National Register of Historic Places.
- Structure must have significant roots in Cape May County’s history
- Structure must have documented permanent “residency” in Cape May County of Cape May
- Structure must be accessible to the general public free of charge, or for a nominal charge
- Educational programming documenting structure’s significance to/in Cape May County must be provided on an ongoing basis
- A cap of \$150,000 in Open Space grant funds will be established annually for “moveable” structures
- Applications for Historic Preservation projects for Structures would be accepted only once per year, during the August funding round. Applications for Buildings will continue to be accepted during all three funding rounds.