



## **GREEN ACRES**

### **LOCAL AND NONPROFIT ASSISTANCE PROGRAM**

## **Acquisition of Properties with Structures**

*Revised 7/10/2024*

A local government unit or nonprofit contemplating the acquisition of a property that contains one or more structures as part of a Green Acres project has three options:

- (1) Include the structures within the area of Green Acres participation with the understanding that the structures may only be used to directly support the use of parkland for outdoor recreation and conservation purposes (examples of acceptable uses described in more detail below), except in the case of certain historic structures;
- (2) Demolish the non-historic structures, subject to the requirements below, to create open space; or
- (3) Exclude the portion of the property containing the structures from the area of Green Acres participation. Please note that any reduction in scope that occurs post-appraisal must be reviewed by Green Acres as it may impact the Eligible Land Cost.

The applicant must describe its plans for any structures in the pre-appraisal documents submitted to Green Acres at the start of the acquisition process.

### **Inspection for Historic Properties**

Regardless of whether plans for the structures involve allowable uses or demolition, the Garden State Preservation Trust Act and Green Acres' regulations require that an applicant must inspect any structures on the property to determine if they are or may be historic. This inspection must include the following steps:

1. Checking the [LUCY 2.0 Online Map Viewer](#) to see if the property has already been identified as historic;
2. Conducting a site visit; and
3. Obtaining information from the landowner regarding the age of the structure(s) and any historical linkages.

The applicant must summarize the results of the inspection, including a copy of the LUCY map, in a Notice of Findings that is submitted to Green Acres. This information may be provided on the Pre-Appraisal Fact Sheet or submitted as a separate Notice. Please note that the required inspection

must be done in advance of the appraisal, in order to give the applicant sufficient time to assess their options regarding the structures.

If the inspection results in the applicant concluding that the property is not historic, the applicant must include a statement to that effect in the Notice of Findings package submitted to Green Acres.

If any of the inspection steps indicates that a property is or may be historic, the applicant must prepare and submit to the State Historic Preservation Office a Request for Determination of potential eligibility for inclusion of the historic structure in the New Jersey Register of Historic Places (please see attached).

If the Historic Preservation Office makes a determination that the structure is eligible for inclusion in the New Jersey and National Register of Historic Places, the structure may not be demolished. Applicants must reach out to Green Acres and the Public Land Compliance Section in the Office of Transactions and Public Land Administration for guidance regarding the use of historic structures on Green Acres property.

For some properties, the Historic Preservation Office may determine that, while the structure is not historic, there is a possibility or likelihood of archaeological resources on the site. In these situations, the applicant is asked to ensure that any demolition or development of the site is conducted in a way to avoid damaging these resources.

### **Post-Acquisition Use of Structures That Will Remain**

Post-acquisition use of structures must comply with N.J.A.C. 7:36-4.4 (Acquisition of Structures by a local government unit) or N.J.A.C. 7:36-15.4 (Acquisition of Structures by a nonprofit) and N.J.A.C. 7:36-25.7 (Construction of Buildings on Funded Parkland; Use of Existing Buildings on Funded Parkland).

Acceptable post-acquisition uses of structures include restrooms, concession stands, park equipment storage sheds, and parkland maintenance facilities because they support the use of the property for outdoor recreation and conservation. It is extremely important to reach out to Green Acres and DEP's Public Land Compliance section as soon as possible in the acquisition process, specifically before appraisals are initiated, if the applicant plans on proposing an alternative use of structures on the site.

Any underground storage tanks that will remain in use post-closing must be tested prior to closing to ensure that they have not leaked and contaminated the soil or groundwater. Underground storage tanks on the property that will not be used post-closing must be removed in accordance with [NJDEP Underground Storage Tanks regulations](#).

### **Demolition of Structures**

If the Historic Preservation Office finds that a structure is ineligible for inclusion in the Register of Historic Places, the structure may be demolished using Green Acres funding. Please note the

following considerations regarding demolition of structures as part of a Green Acres acquisition project:

- To be eligible for reimbursement, demolition costs must be incurred by the Green Acres applicant, not the landowner. If the property is being acquired within a cooperative project, reimbursement for demolition can be made only to a party previously identified and approved as a Green Acres applicant on the *Proposed Cooperative Acquisition Information Form*.
- Reimbursement for demolition costs is subject to available funding. These costs are capped at 10% of the Eligible Land Cost or \$100,000, whichever is less. Demolition of structures within Urban Aid municipalities is exempt from this cap.
- Related costs, such as underground storage tank and above ground storage tank testing and removal, septic tank/system removal, asbestos removal, and well decommissioning are eligible for reimbursement, subject to available funds. All actions must be completed in accordance with applicable state and local regulations. Please note the following requirements for these ancillary items:
  - Any underground storage tanks that will not be retained for use post-closing must be removed prior to closing to ensure that they have not leaked and contaminated the soil or groundwater. This is the case even if demolition of the structure will take place after closing. The applicant is responsible for remediating any contamination discovered as a result of a leaking tank.
  - Above ground storage tanks shall be removed and properly disposed of. If any past or present discharge(s) associated with an above ground storage tank are identified, the ground below the tank must be evaluated, including the collection and laboratory analysis of soil samples as described in the Technical Requirements for Site Remediation, N.J.A.C. 7:26E.
  - Any underground septic tank/system on the Property shall be pumped, crushed, and backfilled in accordance with applicable state and local regulations. Permit documentation to confirm closing of the septic tank/system must be provided to Green Acres.
  - Wells shall be properly decommissioned by a New Jersey licensed well driller in accordance with Well Construction and Maintenance; Sealing Of Abandoned Wells Rules, N.J.A.C. 7:9D. Applicant must submit to Green Acres the approved well closure decommissioning form, obtained from the NJDEP Bureau of Water Allocation.
- The applicant's attorney or Qualified Purchasing Agent must ensure that each contract related to the demolition and removal is let in conformance with the Local Public Contracts Law, N.J.S.A. 40A:111 et seq.

- If the demolition happens after closing, the removal a structure(s) may be subject to N.J.A.C. 7:36-25.6 (Change in Purpose or Use of Funded or Unfunded Parkland) if the structure has been used for recreational purposes in the interim period.
- Only demolition costs incurred within twelve months of the applicant drawing down Green Acres funding for land costs will be eligible for Green Acres reimbursement. Funds will be held for demolition only if the applicant indicates at the time of closing that the structure(s) will be demolished within twelve months.
- All above-grade structures and man-made debris shall be disposed of off-site, in accordance with applicable State and local regulations. If any hazardous materials are identified in or on the structure (e.g., asbestos), the applicant may be required to submit documentation of proper disposal of those hazardous materials with their request for reimbursement.

## **Guidelines for Preparing and Submitting a HPO Request for Determination**

As per the State Historic Preservation Office, a Green Acres applicant proposing to purchase a property that includes a potentially historic structure(s) must:

1. Obtain a minimum of 15 photos of the building & property. The photos shall include images depicting all of the exterior facades, the primary interior spaces, and the setting of the building and surrounding property, taken from all of the cardinal directions and mapped on a site plan of the property. Each photograph shall be labeled with what it depicts and from where it was taken. If there are multiple buildings as part of the project, all buildings shall have exterior and interior photographs taken of them, labeled and mapped on a site plan.
2. Provide a description of the structure, including:
  - a. Street address
  - b. Block and lot location
  - c. Estimated date of construction and any additions/remodeling
  - d. Architectural style
  - e. Description of exterior
  - f. Description of interior
  - g. Setting
  - h. History
3. Transmit the photos and description to the NJDEP's Historic Preservation Office via the [email submittal process](#), noting that the submittal is a Request for Determination, and copying your Green Acres Project Manager.
4. Send a copy of the notice to the New Jersey Historic Trust and to the county historical commission or advisory committee, the county historical society, the local historic preservation commission or advisory committee, and the local historical society, if those entities exist in the municipality/county in which the project site is located.