



GREEN ACRES

LOCAL GOVERNMENT UNIT AND NONPROFIT GUIDE

Encroachments

Land acquired with Green Acres funding must be available for public recreation and conservation purposes and cannot have encroachments that would prohibit the use of the land for such purposes.

For Green Acres purposes, an encroachment is any structure or improvement that extends, without permission, over a property line onto the land to be acquired with Green Acres funding. Encroachments may include a fence, driveway, shed, wall, landscaping, etc.

When a survey or site visit identifies an encroachment on the project site, Green Acres will withhold its funding until the encroachment issue is resolved.

Resolving the Problem

The local government unit or nonprofit will need time to resolve the encroachment issues prior to obtaining payment from Green Acres.

First choice:

The local government unit or nonprofit quickly eliminates the encroachment and obtains Green Acres funding.

Second choice:

Depending on circumstances and location of the encroachment, the local government unit or nonprofit may request removal of the area of encroachment from the Green Acres project site. This will require review and, under most circumstances, adjustment of the appraisals/Certified Market Value, and revisions to the survey to reflect the amended project site. Green Acres will only consider this choice if the encroachment cannot be eliminated in a timely manner, the encroachment site is not critical to the project, and its removal will not have a negative impact on the use of the project site for recreation and conservation purposes.

In exceptional circumstances, Green Acres may obtain from the local government unit or nonprofit, a written commitment to eliminate the encroachment, including a specific timeline. If Green Acres is satisfied that the encroachment will be resolved in a timely manner, it may agree to release funding.

Note: After the release of Green Acres funding, any encroachment that is not quickly eliminated will be considered a diversion of public parkland, which the local government unit or nonprofit must resolve through the State House Commission application process. (See Green Acres rules at N.J.A.C. 7:36-26.)