

ATTACHMENT III: PRELIMINARY COMPENSATION PROPOSALS FOR MAJOR DISPOSALS OR DIVERSIONS OF PARKLAND

General Notes:

- As part of the application process, applicants are required to submit a preliminary compensation proposal as part of the pre-application and a final compensation proposal as part of the final application. A preliminary compensation proposal is based on estimates of the value and size of the proposed disposal or diversion and proposed replacement land (if any). As part of the final compensation proposal, the applicant is required to adjust its proposal to take into account the appraised value of the diverted and replacement parcels, the actual surveyed acreage of these lands and any easements or other relevant encumbrances identified through the title search.
- Replacement land is required for certain types of disposals or diversions of parkland, and is generally the method of compensation preferred by the Department. However, in many cases, the applicant may choose between replacement land, monetary compensation or a combination of both. If replacement land is offered, it must be at least equivalent in acreage to the parkland to be disposed of or diverted. If an easement is proposed to be disposed of or diverted from parkland, the ratio of the replacement land to the affected parkland can be 1:1, with either a subsurface easement or fee land as replacement. All other disposals or diversions of parkland are subject to a minimum 2:1 (or higher) replacement land/parkland ratio. However, if the applicant chooses to mix monetary compensation and replacement land, it may offer 1:1 replacement land and make up the difference between the 1:1 land and the minimum 2:1 (or higher) compensation ratio with cash compensation.

This attachment summarizes the requirements of N.J.A.C. 7:36-26.10 and is intended to serve as guidance for the preparation of preliminary and final compensation proposals. Please check the box next to the applicable preliminary compensation proposal category or categories:

☒ **1. Minimum Compensation Ratios for Replacement Land (taken from Table 1 at NJAC 7:36-26.10(g))**

If the applicant chooses to offer replacement land as the method of compensation the following conditions apply:

- The proposed replacement land must be determined to be eligible pursuant to *N.J.A.C. 7:36-26.10(d)2i-iii*.
- If replacement land is offered, it must be at least equivalent in acreage to the parkland to be disposed of or diverted. (*N.J.A.C. 7:36-26.10(d)3*)
- The proposed replacement land shall be of reasonably equivalent or superior quality and have a market value that is equal to or greater than the parkland proposed for disposal or diversion. (*N.J.A.C. 7:36-26.10(d)5 and 6*)
- If the proposed replacement land is inadequate to meet the market value and quality requirements mentioned above, the Department shall require the applicant to supplement its proposal with additional compensation in excess of that which would otherwise be required under Table 1. (*N.J.A.C. 7:36-26.10(d)7*)
- The replacement lands shall be, to the extent possible, located in the same municipality in which the parkland proposed for disposal or diversion is located and shall not consist of land on which streets are shown on a subdivision plan as either

offered for dedication or dedicated but not constructed. (*N.J.A.C. 7:36-26.10(d)8 and 9*)

- The proposed replacement land shall either be free of contamination by hazardous substances or shall be remediated to the Department's satisfaction prior to its dedication as parkland. (*N.J.A.C. 7:36-26.10(d)10*)
- The applicant is required to provide appraisals, surveys and title work for any proposed replacement land as part of the final application. (*N.J.A.C. 7:36-26.11(b)1, 2 and 3*) All technical reports must be prepared to the Department's specifications. In some circumstances, appraisal waivers may be available under *N.J.A.C. 7:36-26.10(l)*, if the applicant is willing to propose a higher compensation ratio than would otherwise be required.

The minimum acreage of the replacement land to be provided for a specific type of disposal or diversion of parkland shall be determined in accordance with the provisions outlined below or in Table 1 of *N.J.A.C. 7:36-26.10(g)*. (*N.J.A.C. 7:36-26.10(d)4*)

Subsurface easements:

Project Sponsor	Appraisals	Appraisal waiver	Notes:	Rule Citation:
Public	1:1	1:1	Applicant may offer either a surface easement to be used for recreation and conservation purposes or a fee simple interest in land.	<i>N.J.A.C. 7:36-26.10(i)1</i>
Private	2:1	4:1		

Surface easements:

Project Sponsor	Appraisals	Appraisal waiver	Notes:	Rule Citation:
Public	1:1	2:1	Applicant may offer either a surface easement to be used for recreation and conservation purposes or a fee simple interest in land.	<i>N.J.A.C. 7:36-26.10(i)1</i>
Private	4:1	6:1		

Other Diversions and disposals:

Project Sponsor	Appraisals	Appraisal waiver	Notes:	Rule Citation:
Public	2:1	3:1	- Appraisals must be submitted with the final application package, or; - An appraisal waiver must be obtained pursuant to <i>N.J.A.C. 7:36-26.10(l)</i> .	<i>N.J.A.C. 7:36-26.10(j)1i</i>
Private	4:1	6:1		<i>N.J.A.C. 7:36-26.10(j)1ii</i>

Legalization of past diversions and disposals:

Project Sponsor	Appraisals	Appraisal waiver	Notes:	Rule Citation:
Public	5:1	10:1	- The Department may/can take mitigating circumstances into account when determining appropriate compensation ratios.	<i>N.J.A.C. 7:36-26.10(j)3ii</i>
Private	20:1	N/A	- An appraisal waiver cannot be obtained when legalizing a past "private" diversion or disposal.	<i>N.J.A.C. 7:36-26.10(j)3iv</i>

Please also include the following information in the preliminary compensation proposal when choosing to offer replacement land as compensation:

- Block(s) and lot(s) of any proposed replacement land(s) (*N.J.A.C. 7:36-26.10(d)1iv*); and
- The street address of the proposed replacement land(s), if available (*N.J.A.C. 7:36-26.10(d)1iii*); and
- The size of the proposed replacement land(s) in acres (for replacement land(s) larger than one acre) or square feet (for replacement land(s) smaller than one acre) (*N.J.A.C. 7:36-26.10(d)1iii and iv*); and
- A description of the proposed replacement land(s) (prepared by completing Section II of the Environmental Assessment, **Attachment I**, for each parcel) (*N.J.A.C. 7:36-26.10(d)1i*); and
- A description of the intended recreational and conservation use for the proposed replacement land(s) (*N.J.A.C. 7:36-26.10(d)1ii*); and
- Information sufficient for the Department to verify that the proposed replacement lands are eligible as replacement under *N.J.A.C. 7:36-26.10(d)2i-iii*; and
- A preliminary assessment report, prepared in accordance with the Technical Requirements for Site Remediation, *N.J.A.C. 7:26E*, for each proposed replacement parcel (*N.J.A.C. 7:36-26.9(d)5 and N.J.A.C. 7:36-26.10(d)10*); and

Summary Table for Legalization of Past Diversions and Disposals

Proposed Replacement Property	6300 Meadowview	1401 64 th Street	7903-7909 River Road	1811 Paterson Plank Road	Total Acres/Value	3:1 ratio
Description/Eligibility	Owned by NBBOE Not ROSI	Owned by NBBOE Not ROSI	Owned by Hudson County Not on ROSI	Owned by Hudson County Not on ROSI		

Intended Recreational and Conservation Use	Continued Recreation Space protected from future development	Continued Recreation Space protected from future development	Valuable Developable Property preserved as open space	Recreation Space in an underserved area of North Bergen		
Block/Lot	B 205 L 22	B 205 L 30	B 437 L 2.01 and 2.02	B 27 L 27		
Acres	2. 69 acres	2.07 acres	0.7 acres 30492 sq.ft.	1.57 acres	7.03 acres	+2.779
Value	\$1,975,000	\$2,455,000	\$1,410,000	\$1,875,000.	\$7,715,000	