
City of Linden

Municipal Public Access Plan

Submitted by: Linden City

Approved by the New Jersey Department of Environmental Protection:
December 10, 2014

Adoption by the City:
February 18, 2015

Prepared By:
Department of Engineering
Dolores Maslo, Liaison – Hawk Rise Sanctuary



Approval of this plan does not eliminate the need for any Federal, State, County or municipal permits, certifications, authorizations or other approvals that may be required by the Applicant, nor shall the approval of this plan obligate the Department to issue any permits, certifications, authorizations or other approvals required for any project described in this plan.

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Introduction

The intent of this document is to provide a comprehensive public access plan for the City of Linden which lays out their vision for providing access to tidal waters and shorelines within the municipal boundary. This Municipal Public Access Plan (MPAP) was developed in accordance with N.J.A.C. 7:7E-8.11 and in collaboration with the New Jersey Department of Environmental Protection (NJDEP), and has been approved by the NJDEP. The development and implementation of this MPAP supports the policy of local determination of public access locations and facilities, while safeguarding regulatory flexibility and potential funding opportunities for Linden City.

Public rights of access to and use of the tidal shorelines and waters, including the ocean, bays, and tidal rivers, in New Jersey are founded in the Public Trust Doctrine. First set by the Roman Emperor Justinian around A.D. 500 as part of Roman civil law, the Public Trust Doctrine establishes the public's right to full use of the seashore as declared in the following quotation from Book II of the Institutes of Justinian:

“By the law of nature these things are common to all mankind – the air, running water, the sea, and consequently the shores of the sea. No one, therefore, is forbidden to approach the seashore, provided that he respects habitations, monuments, and the buildings, which are not, like the sea, subject only to the law of nations.”

Influenced by Roman civil law, the tenets of public trust were maintained through English common Law and adopted by the original 13 colonies. Following the American Revolution, the royal right to tidelands was vested to the 13 new states, then to each subsequent state, and has remained a part of public policy into the present time. Through various judicial decisions, the right of use upheld by the Public Trust Doctrine has been incorporated into many state constitutions and statutes, allowing the public the right to all lands, water and resources held in the public trust by the state, including those in New Jersey.

The NJDEP adopted new rules governing public access on November 5, 2012 that enable municipalities to develop and adopt MPAPs to govern public access within their municipality. This MPAP consists of an inventory of public access locations, plus plans to preserve and enhance access based on community needs and State standards.

This plan was then developed in collaboration with the NJDEP, Linden City's Planning Board, Linden City's Environmental Commission, and the Hawk Rise Sanctuary Committee and was presented to the Planning Board for approved to submit to the NJDEP in January 2014. Upon receiving approval from the NJDEP on December 10, 2014, the MPAP was incorporated into the Land Use/Open Space Element of the Master Plan by resolution (see Appendix 2) on February 18, 2015. All public access decisions made within Linden City after this date will be consistent with this plan.

Authority for Municipal Public Access Plans

The authority for a municipality to develop a MPAP is derived from the Coastal Zone Management Rules, N.J.A.C. 7:7E, adopted by NJDEP on November 5, 2012. The premise of the authorization of Municipal Public Access Plans is that public access to tidal waters is fundamentally linked to local conditions. Municipalities have a better awareness and are more responsive to these conditions than a broader State “one size fits all” mandated public access plan.

The voluntary development of a MPAP by Linden City enables the municipality to better plan, implement, maintain, and improve the provision of public access for its residents and visitors. The MPAP will be incorporated into the Land Use/Open Space Element of the municipality’s Master Plan, in accordance with the Municipal Land Use Law (N.J.S.A 40:55D). The MPAP, as an official component of the municipal Master Plan, informs and/or identifies public access requirements associated with any proposed development or redevelopment project.

Upon approval of the MPAP by the Department and incorporation into the Master Plan, Linden City will be responsible for ensuring that public access to tidal waterways along the municipality’s shorelines is provided in accordance to this plan. For each new public access project, Linden City will provide NJDEP with a letter confirming its consistency with this MPAP. Any permit issued by the NJDEP will reflect this and ensure that public access requirements are satisfied in accordance to this plan. Per N.J.A.C. 7:7E -8.11(j)4, Linden City is required to submit a progress report on plan implementation to NJDEP within five (5) years from date of plan adoption.

The sections of this plan as indicated below are prescribed by the Coastal Zone Management Rules, N.J.A.C. 7:7E, adopted by NJDEP on November 5, 2012. See Appendix 1.

State of New Jersey Public Access Goals

Through the New Jersey Coastal Zone Management Rules (see N.J.A.C 7:7E-1.1 (c)), the State of New Jersey establishes a broad set of coastal protection goals, including the following specifically addressing public access.

- Effectively manage ocean and estuarine resources through sustainable recreational and commercial fisheries, as well as through the safe and environmentally sound use of coastal waters and beaches.
- Provide meaningful public access to and use of tidal waterways and their shores.
- Preserve public trust rights to tidal waterways and their shores.
- Preserve and enhance views of the coastal landscape to enrich aesthetic and cultural values and vital communities.
- The enhancement of public access by promoting adequate affordable public facilities and services.
- Create and enhance opportunities for public access to tidal waterways and their shores, on a non-discriminatory basis.
- Maintain all existing public access to, and along tidal waterways and their shores.

- Provide opportunities for public access to tidal waterways and their shores through new development.
- Provide public access that does not create conditions that may be reasonably expected to endanger public health and safety, damage the environment, or create significant homeland security vulnerability.

Linden City's Municipal Public Access Plan embraces and reflects these goals and will help preserve, protect, and enhance the public's ability to access the Public Trust lands which surround the City.

I. Municipal Public Access Vision

A. Overview of Municipality

1. Municipal Description

Linden City is an established suburban community of approximately 40,500 residents located in southeastern Union County, New Jersey. The 11.4 square mile city is located on the western shore of the Arthur Kill and is bordered by the Rahway River to the South. Linden represents a major transportation hub in New Jersey and is traversed by a number of important roads and railroads including the New Jersey Turnpike, Routes U.S. 1 & 9, Interstate 278, the Staten Island Railroad (currently abandoned), and the Amtrak/Northeast Corridor Line.

There are a variety of existing land uses in Linden, almost all of which can be categorized as developed uses. These include such uses as residential, commercial/service, industrial, and transportation/utilities. Higher areas of the City to the north and west are dominated by residential and commercial land uses. To the east exists low-lying areas of marshes, wetland and floodplains. Two major rivers dominate the geographic landscape of Linden. The Arthur Kill, forming the eastern boundary of the City, separates New York from New Jersey. The Rahway River, forming the southern boundary of the City, separates Union County from Middlesex County. Linden gently slopes from approximately 90 feet above sea level on North Wood Avenue at Drapkin Avenue to sea level at the City's eastern boundary along the Arthur Kill. A number of small tributaries of both the rivers traverse the City forming the City's eastern floodplain. This area was initially developed for heavy industrial use which continues to this day. Today, State and Federal environmental regulations enacted over the past several decades influence City planning and development decisions.

These rivers and tributaries make up the tidal waters of Linden and, therefore, public access to these waters is important to the City of Linden for both residential satisfaction and community pride. Several public access locations exist throughout Linden, however, due to safety concerns, most are restricted for use. Public access in Linden is provided by the municipality to the community through the access location at Hawk Rise Sanctuary Project. The site offers nature trails and several viewing stations. The Hawk Rise Sanctuary Project

involved capping an existing landfill and the restoration of 95 acres of greenway. Linden protects and ensures public access through maintenance of the Hawk Rise Sanctuary.

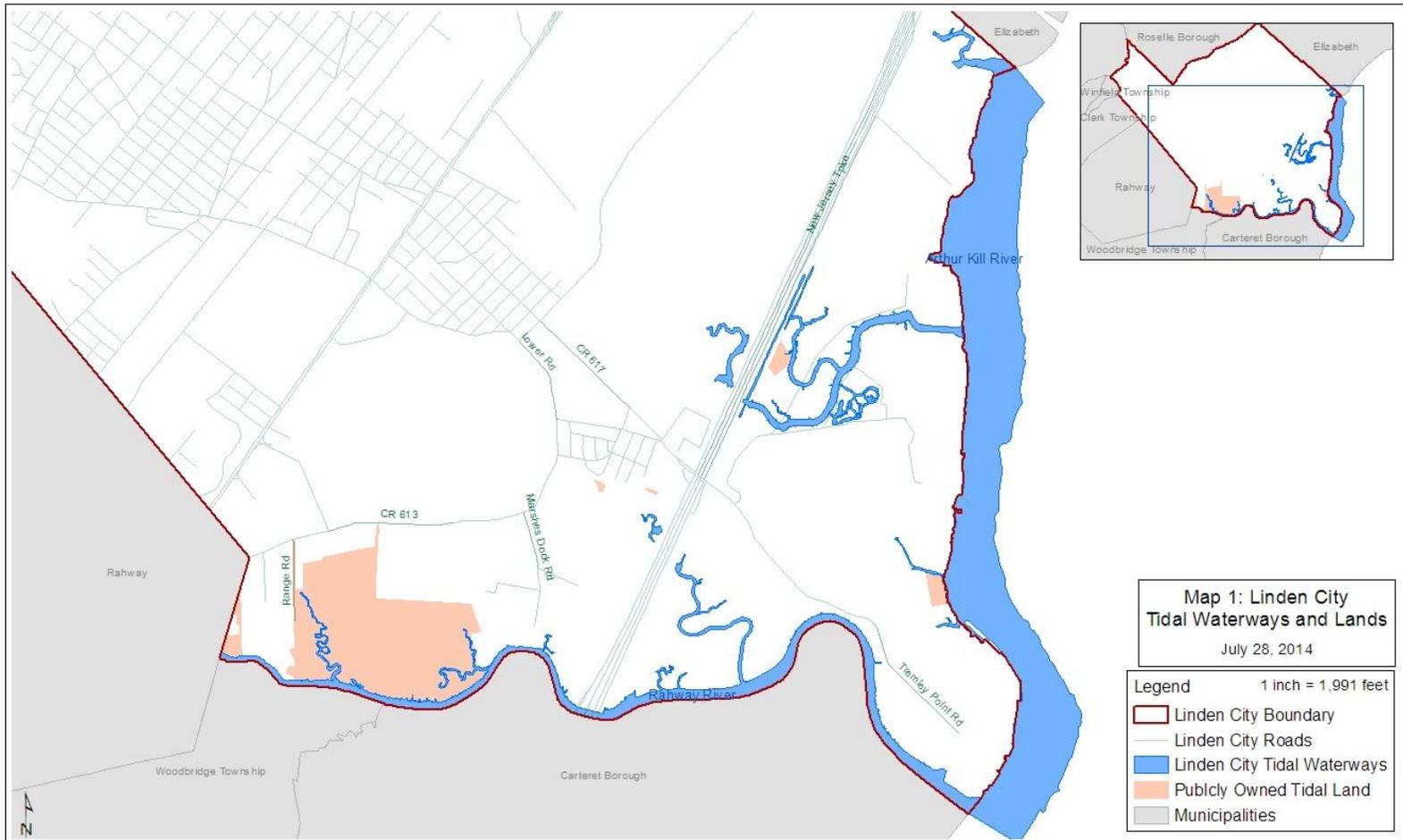
2. Public Access Description

Public Access in Linden City is provided by the municipality and consists of a series of nature trails at the Hawk Rise Sanctuary (the Sanctuary), which is located off of Range Road. The Sanctuary is located at the southern end of the City along the Rahway River, which is tidal at this portion. This facility provides public access by providing a parking area and walkways, both of which are handicap accessible, through the riparian areas along the river. Informational signs, viewing stations, several benches, and restrooms are also provided at this facility for public enjoyment. This public access is protected and ensured through inclusion in the City's Recreation and Open Space Inventory (see Appendix 4). The overall goal of this MPAP is to establish Linden City's plan to maintain and enhance all existing public access locations to and along tidal waterways and their shores.

3. Map 1 Linden City Tidal Waterways and Lands

This map shows all the tidal waterways within the municipality and all lands held by the municipality.

Map1: Linden City Tidal Waterways and Lands



B. Municipal Public Access Goals and Objectives

As part of the planning process, this MPAP has been reviewed and is consistent with the following goals/elements/policies established in Linden City's Master Plan:

- 1. Goals**
 - Provide public improvements to maximize public access to the waterfront.
- 2. Elements** – Recreation and Open Space
- 3. Policies** – Provisions for a variety of residential and non-residential uses that will improve the quality of life for the City's residents.
- 4. Objectives**
 - Participate in State and Federal programs that support the development and redevelopment of industrial areas; or the improvement of the City's infrastructure; or that improve the City's quality of life with new, expanded or rehabilitated community facilities, parks and public open space.
 - Encourage municipal actions that will guide the long-range appropriate use and management of lands within Linden in a manner that will promote the public health, safety, morals and general welfare of present and future residents.
 - Promote a desirable visual environment.
 - Establish new and upgrade existing municipal recreation facilities.
 - Prevent the degradation of the environment through the improper use of land.
 - Provide sufficient space, in appropriate locations, for commercial, residential, industrial, recreation, and open space uses.
 - Encourage development which contributes to the enhancement and improvement of the community

In addition to those goals outlined within the Master Plan, Linden City establishes the following State required goals (#1-3), as well as the following as goals specifically for public access:

- 1.** All existing public access shall be maintained to the maximum extent practicable.
- 2.** Maintain safe and adequate access locations for fishing in those areas where fishing is safe and appropriate.
- 3.** Provide clear informative signage for access locations.
- 4.** Provide the most comprehensive access possible for the limitations faced in Linden City.

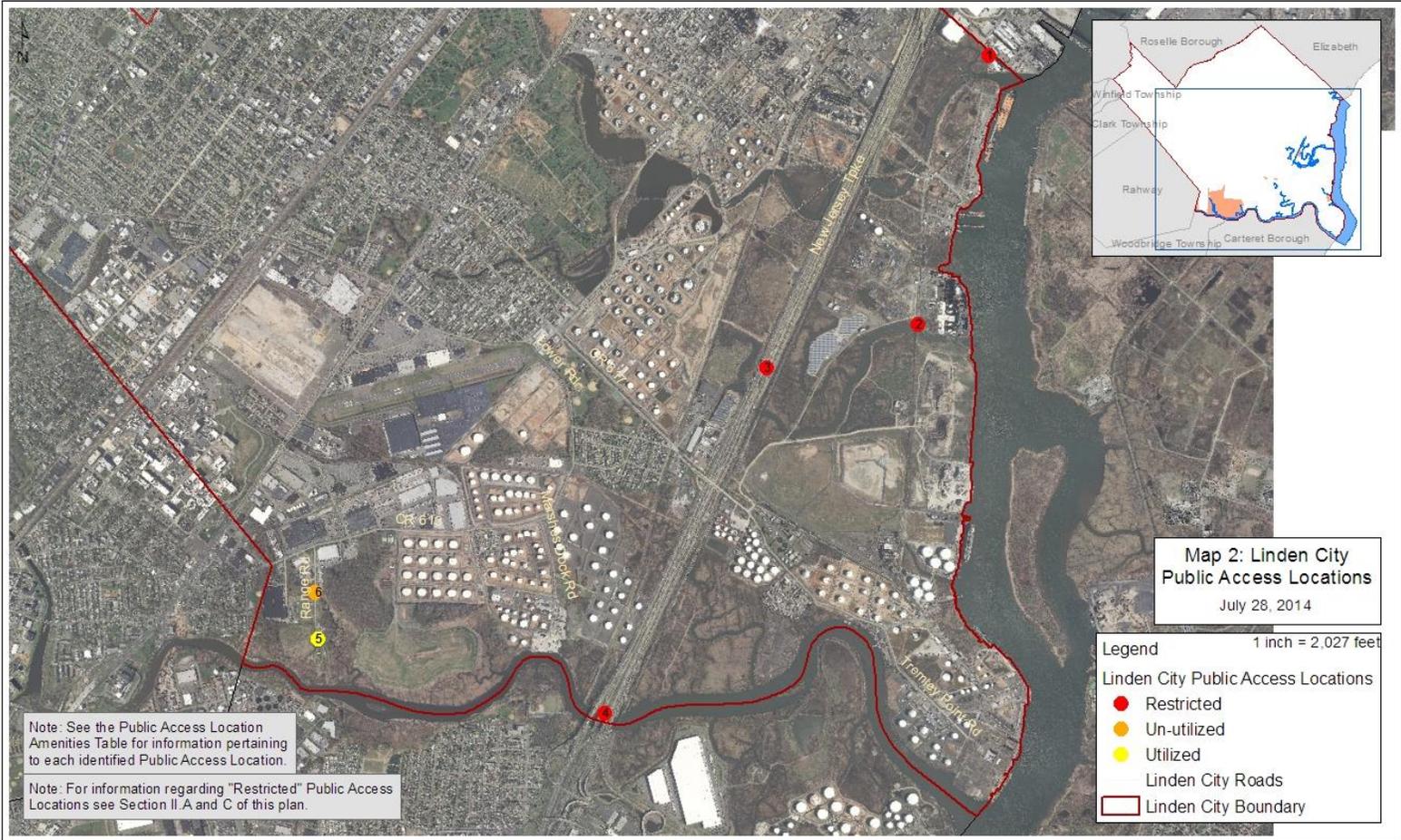


II. Existing Public Access

A. Public Access Locations

Map 2 Linden City Public Access Locations, identifies an inventory of all public access locations within Linden City, whether they are currently Utilized or Un-utilized by the public, or if they are Restricted to the public, along with their attributes of improvements, and activities. See **Table 1**, located in Appendix 3, for detailed information for each location.

Map 2: Linden City Public Access Locations



Of the public access locations identified below on Map 2, only 1 location (#5) is utilized by the residents and visitors of Linden City. This location is the Hawk Rise Sanctuary. Four (4) of the identified locations (#1-4) are restricted from public use due to the public health and safety issues that occur from these locations being a public right-of-way for either railroad tracks or the New Jersey Turnpike. The remaining location (#6) is not currently utilized by the public and is located on Range Road just north the parking area of the Hawk Rise Sanctuary. Linden City has no plans to provide enhancements to this location since enhancements to public access exist and will continue to occur just south at the Hawk Rise Sanctuary.

B. Improved Public Access Locations

Map 3 Linden City's Improved Public Access Locations, provides an inventory of the existing public access locations that currently provide access to public trust lands and waters. See **Table 1**, located in Appendix 3, for detailed information this location.

Due to a variety of constraints (property ownership, property use, and public health and safety issues) along the majority of Linden City's waterfront, the only improved area for public access is the location of the Hawk Rise Sanctuary, seen in Map 3. For more information about the feasibility of public access locations in other areas of the City, needs the Community Needs Assessment on page 12.

Map 3: Linden City Enhanced Public Access Locations



Hawk Rise Sanctuary

The Hawk Rise Sanctuary (the Sanctuary) provides a location for residents and visitors to experience and learn about the natural environment in their area. The Sanctuary contains elevated walkways that traverse Kings Creek, a tidal tributary to the Rahway River, and the surrounding wetlands.

Location

The Sanctuary is located to the north of the Rahway River off of Range Road.

To locate the Sanctuary two (2) identification signs have been placed on Lower Road, one in each direction, to direct the public to the entrance of the Sanctuary.

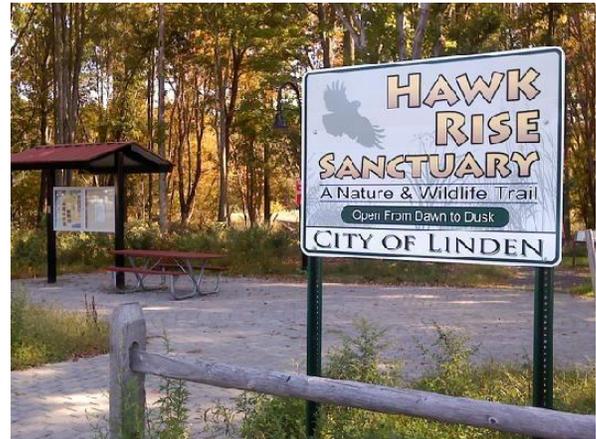


Sign located on Lower Road

Parking and Handicap Accessibility



The Sanctuary welcomes visitors with a parking area that includes 10 parking spots, 2 of which are reserved for handicap accessibility.



Public Access

Upon leaving the parking area, you come upon the entrance area which contains two informative kiosks that provide information about the Sanctuary and its walkways, as well as the public restroom.

One (1) of the two (2) information kiosks located at the entrance of the Hawk Rise Sanctuary.

Take a Hike!
Explore the easy-to-follow trails and boardwalk.
Find evidence of an ancient glacier.
Investigate the many different habitats here.
Overlook the Rahway River.
Learn about the diverse values of urban wetlands.
Experience an urban oasis forever protected for people, plants, and wildlife.
Discover what YOU can do to help protect this amazing urban resource.

Hawk Rise Sanctuary: Restoring an Urban Landscape for People and Wildlife
A Brief History
The story of Hawk Rise Sanctuary begins in the mid-1800s when Linden was incorporated. Like most communities in the 1800s and early 1900s, refuse was either burned or thrown into open pits. As the City grew, refuse was collected and deposited into "the swamp" which, at the time, was considered useless land.
The first "sanitary landfill" was opened in 1937. Instead of burning garbage or leaving it exposed, it was collected, compacted, and covered with soil each day. Linden's sanitary landfill was opened in the 1950s and operated until it was ordered to close in 2007 because antiquated practices did not comply with new landfill regulations.
After the 55-acre landfill was officially closed, the City began to develop its vision for a greenway along the Rahway River. With 50 acres of wetlands and 36 acres of forest, Hawk Rise Sanctuary currently comprises over 140 acres of open space for people and wildlife.

City of Linden's Vision
"A greenway along the Rahway River that provides wildlife habitat as well as accessible open space for passive recreation and nature study."

A birds-eye view of Hawk Rise Sanctuary

From the entrance area you can continue on walkways which will take you throughout the Sanctuary. Ten (10) additional information boards can be located at various places on the walkways. These informative signs provide the viewer with details about the area and habitat that surround them. These signs provide information about watershed, the life cycle of a landfill, habitats that exist on the edge of development, obtaining green energy from garbage, mitigation, salt marshes, the Rahway River, geography, and forest communities.

Image of the Hawk Rise Sanctuary Trail Map



Note: Any proposed walkways portrayed or discussed in this plan will need approval of any Federal, State, County or municipal permits, certifications, authorizations, or other approvals prior to construction.

C. Limitations to Public Access

Based on the existing conditions within Linden City the following limitations to public access currently exist:

1. Temporary Restrictions

The use of the Hawk Rise Sanctuary nature trails and facilities is open all year round, however, is closed for inclement weather and is restricted from use between dusk and dawn.

2. Permanent Restrictions

Public Access Locations #1-4 (see Map 2 above) are restricted from public use due to the following public health and safety issues:

Locations #1 and #2 are a public right-of-way that contains railroad tracks.

Locations #3 and #4 are located on the New Jersey Turnpike.

If these conditions change in the future, restrictions to public access within Linden City will be re-evaluated.

III. Community Needs Assessment

Past Needs and Considerations

Linden City performed a community needs assessment after the Director of Science for the Linden Public Schools realized that there were no outdoor educational locations within the City of Linden. The New Jersey Meadowlands Commission was contacted to gather information regarding their facility, education programs, and what could be done about this situation in Linden. Local officials considered the condition of the waterfront throughout Linden and where potential locations could be developed. The mayor at the time had begun making plans for the old landfill site, which would soon be capped, and local discussions began about the feasibility of using this location to provide the public a place to access the Rahway River. The area directly to the West of the old landfill includes a tidally flowed tributary to the Rahway River. The City determined this area would be an ideal location to bring outdoor education and recreation to Linden by providing walkways throughout the tidally flowed. The City partnered with the New Jersey Audubon Society, to build walkways through a forested, marshy area along the Rahway River, to the west of the capped landfill. These walkways would be used by Audubon to give educational tours, and also by school teaches to promote stewardship and a sense of place in students, along with enhancing their curriculum. The area would be named the Hawk Rise Sanctuary (the Sanctuary). After initial plans were developed, local officials began to present the idea to local stakeholders. Presentations were given to the Community Advisory Panel of the Bayway Complex, which included ConocoPhillips, Infineum, CoGen Technologies and Dupont. The Linden Industrial Association was also contacted for input. The proposal was announced and discussed at the public portion of the City Council meetings. The public had an opportunity to comment at

these meetings and could also contact members of the Council individually with any concerns or questions regarding the proposal. Any questions and concerns were taken into consideration during planning and construction. Further meetings and presentations were held to inform and engage the public during the planning process. These meetings were held with the Linden Chamber of Commerce, the Linden Kiwanis Club, the Linden School Administrators Association, the Linden Environmental Commission and a second presentation to the Community Advisory Panel to provide an update on the project.

The City felt the Hawk Rise Sanctuary (the Sanctuary) would meet the needs of the community by providing a safe and visually appealing location for the public to walk through tidal waterways. The area provides passive recreation, birding opportunities, and educational information through the use of an easily navigated walkway, which is also handicap accessible. The Sanctuary stands out from the other parks within the City because it is located away from the main activity in the City. Even though it's in the heart of the industrial area, it provides a peaceful retreat from the sounds of the industrial park and gives a true sense of being in the outdoors.

Current Needs and Considerations

Now that the Sanctuary is open to the public, the City Council continues to receive public comments regarding possible improvements. There has been a demand for benches and additional restrooms. Since receiving these comments the City has installed eight benches along the walkways throughout the Sanctuary and would like to install additional benches when possible. Currently, a temporary restroom facility exists on site for visitors to utilize. In the future the City plans to construct a larger, permanent restroom facility that would also include a storage garage for an emergency vehicle that could provide emergency access to the walkways.

In addition to the improvements the Sanctuary has provided, the City of Linden recognizes the need for more recreational opportunities within the boundaries. Although the Sanctuary provides much visual access to the Rahway River, there are no locations that provide physical access to the water. The City is planning another phase of construction to provide additional trails and a kayak/canoe launch site. Additional walkways will possibly allow an additional public access location to be provided.

These additional enhancements will be located at the Hawk Rise Sanctuary since the City has determined the potential to provide public access in another location within the City is not feasible at this time. The properties on the shore of the Arthur Kill River are all privately owned, have heavy industrial uses, and are not currently required to provide public access (per N.J.A.C. 7:7E). The only property located on the shore of the Rahway River that is not privately owned and can provide public access is the site of the Hawk Rise Sanctuary. The properties adjacent to the tidally-flowed tributaries to either of these water bodies are also privately owned with no potential for providing public access. There are four locations throughout the City where a public right-of-way does intersect tidal water. These locations

are identified on Map 2, above, as #1 through #4 and are restricted from public use due to the public health and safety issues that occur from these locations being a public right-of-way for either railroad tracks or the New Jersey Turnpike. The only remaining public land that intersects tidal water within the City is the right-of-way of Range Road just north of the Hawk Rise Sanctuary, identified as #6 on Map 2, above. Linden City has no plans to provide enhancements to this location since enhancements to public access exist and will continue to occur just south at the Hawk Rise Sanctuary.

If these conditions and/or the feasibility of providing public access at these locations changes in the future, Linden City will re-evaluated their public access needs and potentially consider new potential locations.

IV. Implementation Plan

Linden City has created an Implementation Plan composed of Priorities, Preservation of Public Access Locations, Signage, Proposed Access Improvements and Facilities, and Municipal Tools for Implementation as described in the following section:

A. Priorities

Linden City developed the following priorities:

1. Maintain Existing Public Access

The maintenance of the existing public access provided at the Hawk Rise Sanctuary will require the clearing of walkway debris, replacing glass panels when needed, updating of signs, emptying trash receptacles, maintaining existing vegetation, replacing vegetation as needed, and walkway repair when needed. This maintenance will be done by the Department of Public Properties and the necessary funding will be allocated in the yearly budget.

2. Planned Enhancement to Public Access Locations and/or Facilities

Pending funding considerations, the public restroom facilities at the Hawk Rise Sanctuary will be updated to permanent facility, additional walkways will be added, and a inclusion of a kayaking/canoe launch site. The inclusion of benches along the walkways at the sanctuary has been completed.

B. Preservation of Public Access Locations

Linden City developed the following preservation and conservation measures:

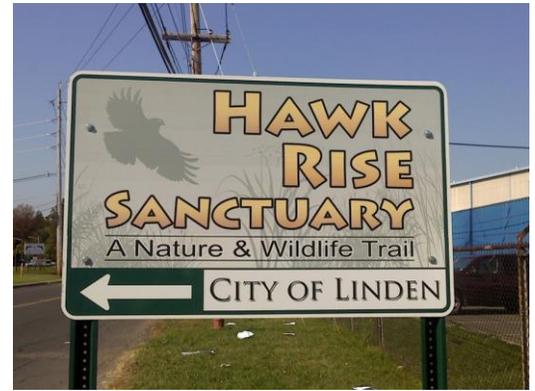
The Hawk Rise Sanctuary Preserve will be added to the City's Recreation and Open Space Inventory (see Appendix 4).

C. Signage

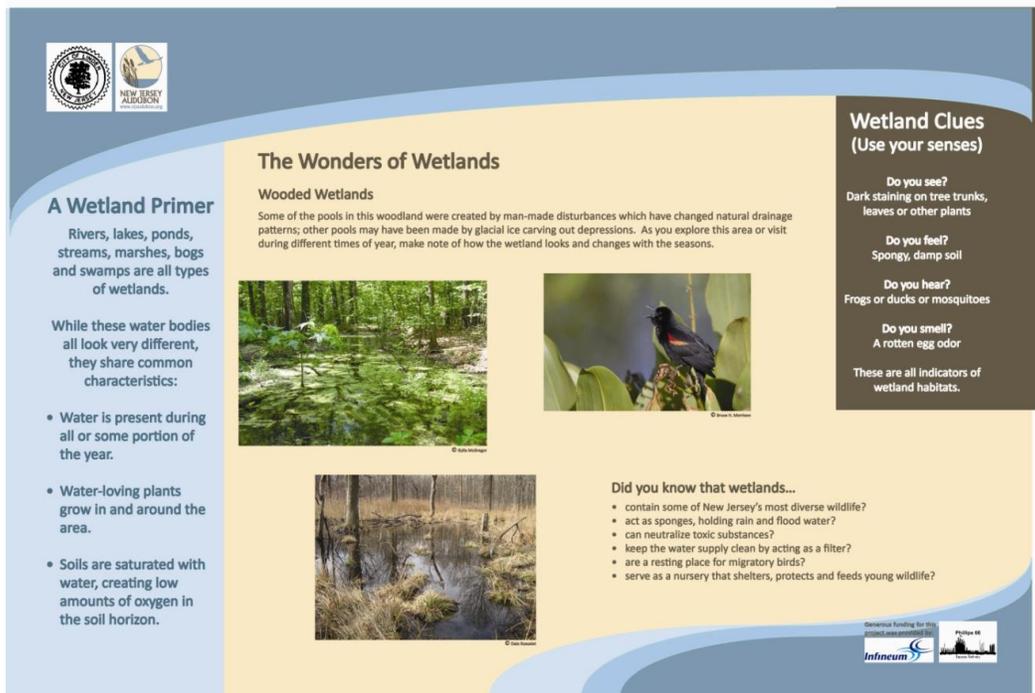
Linden City has provided the following signage:

Signage is provided on site for parking and displaying the Hawk Rise Sanctuary as a tidal water public access location. Two signs are located on Range Road, one in each direction, to increase ease of access to the Hawk Rise Sanctuary.

Two kiosks exist at the parking area of the Hawk Rise Sanctuary, and 10 education panels exist throughout the walkways.



“The Wonders of the Wetlands”: educational sign located in the Hawk Rise Sanctuary.



All public access signage will be maintained by the Division of Transportation and Parking, of the Department of Public Property and Community Services.

D. Proposed Access Improvements and Facilities

Linden City has proposed the following access improvements and facilities at the Hawk Rise Sanctuary:

1. Benches, to be added to the existing or future walkway (in addition to those existing)
2. Extension of existing nature walkway
3. Permanent restroom facilities on site
4. Kayak/canoe launch
5. Mile post markers

E. Municipal Tools for Implementation

Linden City has the following tools for the maintenance, enhancement and development of public access locations:

1. Maintenance Tools

The funds necessary for maintenance of Hawk Rise Sanctuary are allocated in the City's yearly budget and will be conducted by the Linden City Department of Public Works as described in the Public Works employee contracts.

Any maintenance to existing public access signs or the installation of new public access signs will be handled by the Linden City Transportation and Parking Division. See Appendix 5 for the ordinance which designates this responsibility.

Based on the review of existing City ordinances, it has been determined that no other specific ordinances, plans, or programs are currently in place, or need to be put in place, to maintain public access.

2. Enhancement Tools

The main obstacle to completing the enhancements discussed in this plan is the availability of funding. In order for enhancements to occur, funding is needed. In addition to routine budgeting, which covers the routine maintenance of the Sanctuary, additional funding sources are needed. A Public Access Fund has been established to allow for the collection of funds. See Section F and Appendix 6 below.

F. Municipal Public Access Fund

Linden City has created a Municipal Public Access Fund as follows:

1. Any development within the City's boundary that requires a Coastal Area Facility Review Act (CAFRA) or Waterfront Development permit, and would also be required to provide onsite public access as a condition of that permit, will contribute to Linden City's Public Access Fund (the Fund) in lieu of providing this access.
2. Money collected in the Fund must be used towards the proposed enhancements to public access identified in this plan.
3. A contribution to the Fund by the project developer/applicant will be required upon NJDEP approval of the developer/applicant's permit application and the amount contributed will be consistent with the formulas found at N.J.A.C. 7:7E-8.11(f).

The resolution #(will be recorded upon adoption) establishing the dedication by rider for the municipal Public Access Fund can be found in Appendix 6. This Trust Fund has been dedicated under the provisions of N.J.S.A. 40A:4-39.

G. Implementation

Linden City has created an Implementation Schedule as follows:

1. Existing Maintenance

Existing maintenance will be done as needed at the Hawk Rise Sanctuary. All necessary funding will be allocated each budget round.

2. Enhancements to Existing Locations

The addition of benches at the Hawk Rise Sanctuary Preserve has been completed .

All other projects depend on funding and will be delayed until funds become available.

V. Resolution of Incorporation

Linden City has approved a resolution for the incorporation of the MPAP. See Appendix 2 for the resolution.

APPENDIX 1
Municipal Public Access Plans
Required Sections per NJAC 8.11 (e)

1. (e) 1 Statement describing overall **goal of the MPAP** and the **administrative mechanisms** (for example, conservation restrictions, easements, ordinances) that either are already in place, or that shall be put in place to ensure that the municipality will meet public access goals
2. (e) 2 Statement of **Consistency with...Master Plan**
3. (e) 3 Public access **needs assessment** that evaluates:
 - existing access locations and capacities
 - practical limitations (esp. parking and bathrooms)
 - alternatives to address any limitations determined to exist
 - need for additional locations
4. (e) 4 **Digital Map and Inventory** identifying...:
 - tidal waterways within municipality and adjacent lands held by municipality
 - existing and proposed public access ways
 - proposed public access facilities
 - identified facilities compliant with ADA
5. (e) 5 **Implementation strategy**
 - forms of proposed public access responsive to needs assessment (i)
 - comprehensive list of specific public access projects and initiatives with implementation schedule (ii)
 - proposed tools to implement the plan, including (iii)
 - i. adoption or amendment of muni ordinances
 - ii. uses of monetary compensation (Public Access Fund), if any
 - proposed modifications to existing plans, ordinances & programs to implement MPAP (iv)
 - proposed compliance with ACOE requirements for shore protection projects [see 8.11(r)] (v)
 - cost of implementing, constructing and maintaining the access facilities proposed in the plan and specifies how this cost will be funded (vi)
 - implementation schedule (vii)
 - ordinances in place/to be adopted re signage requirements (viii)
 - measures to permanently protect public access per MPAP (ix)
 - examples/models of easements/restrictions for permanent protections (x)
 - draft resolution incorporating DEP-approved MPAP into a MP element (xi)

APPENDIX 2

Model Resolution for Incorporating MPAP into Master Plan

(upon adoption the final resolution will replace this model)

Resolution # _____

Title: A RESOLUTION APPROVING THE MUNICIPAL PUBLIC ACCESS PLAN

WHEREAS, the *{municipality name}* Municipal Public Access Plan (MPAP) was submitted to the Township Council and reviewed at the regular meeting of *{date}*, and

WHEREAS, the governing body has approved the plan as submitted, and

WHEREAS, the governing body recognizes the need to make the MPAP an authorized component of municipal decision-making by incorporating it into the municipal master plan,

NOW, THEREFORE, BE IT RESOLVED by the *{municipality governing body}* of *{municipality name}*, the “*{municipality name}* Municipal Public Access Plan,” a copy of which is attached, is hereby approved.

FURTHER RESOLVED, the MPAP shall be incorporated into the municipal master plan within *{element}*.

FURTHER RESOLVED a copy of the plan shall be sent to the New Jersey Department of Environmental Protection for review and approval in accordance with N.J.A.C.7.7 and 7.7E.

I hereby certify the foregoing to be a resolution adopted by the *{governing body}* at a meeting held on *{date}*.

Municipal Clerk

Appendix 3
Public Access Table

Table 1 Linden City Public Access Location Amenities

ID	SIGNS	PARKING	NUM_ PARKING	STREET	BADGE, SWIMMING, FISHING, SURFING	PLAYGRD, PIER, BOATLNCH, MARINA	PARK	FOOD/ DRINK	RESTRM	SEATS	H/C	SHORE- LINE	ACCESS_ TYPE
1		No	0	Railway ROW	No	No	No	No	No	No	No	River	Visual
2		No	0	Railway ROW	No	No	No	No	No	No	No	River	Visual
3		No	0	NJ Turnpike	No	No	No	No	No	No	No	River	Visual
4		No	0	NJ Turnpike	No	No	No	No	No	No	No	River	Visual
5	Yes	Yes	12	Range Rd	No	No	Yes	No	Yes	Yes	Yes	River	Visual
6		No	0	Range Rd	No	No	No	No	No	No	No	River	Visual

Please note:

Locations #1 and #2 are located on a public right-of-way that contains railroad tracks and are restricted from public use due the public health and safety issues caused by these locations.

Location #3 and #4 are located on the New Jersey Turnpike and are restricted from public use due to the public health and safety issues caused by these locations.

Location #5 is the location of the Hawk Rise Sanctuary.

Location #6 is currently not being utilized.

APPENDIX 4
Recreation and Open Space Inventory

Page 1 of 5

EXHIBIT 1 to DECLARATION
RECREATION AND OPEN SPACE INVENTORY

A Local Unit which receives a loan or grant from the State of New Jersey, Office of Green Acres shall not dispose of, or divert to a use for other than recreation and conservation purposes, any lands (1) acquired or developed with Green Acres or Federal Land and Water Conservation Fund assistance or (2) held by the Local Unit for recreation and conservation purposes at the "time of receipt of Green Acres funds" (the restricted lands) N.J.S.A. 13:8A-47. The primary purposes of this recreation and open space inventory (ROSI) are to document all restricted lands and to provide notice of the restrictions to title searchers.

Instructions

All restricted lands must be described on the completed ROSI by their block and lot identification numbers as shown on the current, official tax map and specify whether or not each parcel is funded or unfunded parkland. The Local Unit shall submit a tax map current as of the date of Green Acres application showing each parcel of parkland listed on the ROSI, with the approximate boundaries of each such parcel clearly marked in colored ink. Staff knowledgeable of the Local Unit's land use regulations and the uses of its land holdings must complete this ROSI. If only a portion of a current tax lot is to be restricted, the phrase *part of or portion of* shall be used on the ROSI. Deletion or omission of lands listed on previously submitted ROSI's is prohibited without prior written approval of the Office of Green Acres (See N.J.A.C. 7:36-20.3).

The completed ROSI must be duly executed and certified by the Local Unit's Chief Executive Officer and planning board chairperson (or equivalent). The page number and the total number of pages in the completed ROSI must be entered at the top right corner of each page.

All pages, including this Page 1 and the following Page 2, of the ROSI must be submitted.

Special Notes

Lands held by school boards, parking authorities, housing authorities, and similar public agencies without primary recreation or conservation responsibilities should not be inventoried unless they are also held for recreation and conservation purposes by the Local Unit.

If lands held by the Local Unit for recreation and conservation purposes are omitted from this ROSI by mistake, inadvertence, or otherwise, such lands shall be subject to the same terms and conditions, covenants, and restrictions as they would be if they were included. This ROSI, as completed and duly executed, shall be incorporated into, and be a part of, both (1) the Green Acres Project Agreement and (2) the Declaration of Encumbrance.

Recommendations

The Local Unit's planning board, and other boards or commissions, are encouraged to participate in the preparation and review of this ROSI. When preparing the ROSI, the listed parcels of parkland should be confirmed by reference to the tax maps that are required to be submitted as part of the Green Acres application (See N.J.A.C. 7:36-6.4(a)3ii or 12.4(a)4ii).

The Local Unit's governing body and planning board should designate, with appropriate descriptive labels, all lands listed on this ROSI in any revision or update of the following master plan elements: recreation plan, conservation plan, and land use plan.

The Local Unit's governing body should officially and permanently dedicate all lands held for recreation and conservation purposes. However, failure to do so shall have no effect on the validity of the Declaration.

Rev. 1/29/99

**EXHIBIT 1 to DECLARATION
RECREATION AND OPEN SPACE INVENTORY**

Definitions

For the purposes of this ROSI, the following definitions shall apply whenever the quoted words, or a form of the word are used:

“Declaration” means the recordable, written instrument executed by the Local Unit which declares that all of the Local Unit’s funded and unfunded parklands are subject to Green Acres restrictions.

“Development” means any improvement or physical alteration designed to expand or enhance the use of parkland for recreation and conservation purposes.

“Funded parkland” means parkland that a Local Unit has acquired or that a Local Unit has developed with Green Acres funding.

“Held” means owned, leased, or otherwise controlled (by the Local Unit for recreation and conservation purposes).

“Lands” means real property, including improvements, rights-of-way, riparian and other rights, easements, privileges, and any other rights or interests in, relating to, or connected with real property.

“Local Unit” means a municipality or county, or other local political subdivision of this State, or any agency thereof whose primary purpose is to acquire, administer, protect, develop, and maintain lands for recreation and conservation purposes.

“Parkland” means land acquired, developed, and/or used for recreation and conservation purposes.

“Recreation and conservation purposes” means the use of lands for parks, natural areas, forests, camping, fishing, reservoirs, water reserves, wildlife preserves, hunting, boating, winter sports and similar uses for either public outdoor recreation or conservation of natural resources, or both, pursuant to the Green Acres Bond Acts. This term also includes the use of historic areas pursuant to P.L. 1974, c.102; P.L. 1978, c.118; P.L. 1983, c.354; P.L. 1987, c.265; P.L. 1989, c.183; P.L. 1992, c.88; and P.L. 1995, c.204; and the use of historic buildings and structures pursuant to P.L. 1992, c.88 and P.L. 1995, c.204; and the use of ecological and biological study areas pursuant to P.L. 1989, c.183; P.L. 1992, c.88; and P.L. 1995, c.204.

“ROSI” mean the listing of all parcels of land held by a Local Unit for recreation and conservation purposes at the time of receipt of Green Acres funds, including a description sufficient to identify each such parcel.

“Time of receipt of Green Acres funds” means at all times beginning on the date of the letter from the Department under N.J.A.C. 7:36-6.7 or 12.5 notifying the Local Unit of the amount of the Green Acres funding award and ending on the date of receipt of the first transmittal of Green Acres funds.

“Unfunded parkland” means parkland, other than funded parkland, that is held by the Local Unit for recreation and conservation purposes at the time of receipt of Green Acres funds.

Legislative References

N.J.S.A. 13:8A-1 et seq.; N.J.S.A. 13:8A-19 et seq.; N.J.S.A. 8:A-35 et seq. (as amended and supplemented); N.J.A.C. 7:36-1 et seq.; 16 U.S.C. 460 s.1 et seq.

**EXHIBIT 1 TO DECLARATION
RECREATION AND OPEN SPACE INVENTORY**

Local Unit: City of Linden

County: Union

NOTE: All lands held for recreation and conservation purposes (1) must be described by their block and lot identification number as shown on the current, official tax map and (2) keyed to a current, legible, official map of the Local Unit and current tax map of Local Unit. The official map used for this ROSI is named "Location of Park and Recreation Areas - City of Linden" and is dated December 7, 1977 and updated as of December 14, 2010.

Developed and Partially Developed Lands Held for Recreation and Conservation Purposes

<u>Key</u>	<u>Municipal</u>	<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Acres</u>	<u>Funded/Unfunded</u>
1.	Linden	Bachelor Avenue Park	434	6	0.82	x
2.	Linden	Buchanan Street Park	574	14	0.74	x
3.	Linden	Charles Street Park	83	5	0.67	x
4.	Linden	Clinton Street Play Area	535	5	0.43	x
5.	Linden	James Dobson Park	196	5	2.28	x
6.	Linden	Capt. James Dunn Memorial Park	206 & 207	10 & 7	3.28	x
7.	Linden	George N. Milkosky Memorial Park	478	1	4.07	x
8.	Linden	McGillvray Place Park	487	2	0.81	x
9.	Linden	George Farawell Memorial Park	142	9	0.26	x
10.	Linden	Fifth Ward Park	15	1	1.46	x
11.	Linden	Dr. Martin Luther King, Jr. Memorial Park	139 & 140	1 & 11	6.24	x
12.	Linden	Hagel Avenue Park	5	1	0.53	x
13.	Linden	Hattie Johnson Playground	104	7	0.46	x
14.	Linden	Cpl. R. Knosky Memorial Park	352	14	2.06	x
15.	Linden	C. Lawson Memorial Park	192	3	1.59	x
16.	Linden	Lexington Avenue Park	424	3	1.37	x
17.	Linden	Veterans Memorial Park	568	11 & 14	32.09	x
19.	Linden	Newton Street Park	219	4	0.67	x
20.	Linden	St. Marks Park	58	1	4.67	x
21.	Linden	Seventh Ward Park	557	1	1.91	x
22.	Linden	Sunnyside Park	267	2	1.72	x
23.	Linden	Al Kalla Park	359	26	8.15	x
24.	Linden	Tremley Park	568	15	2.49	x
25.	Linden	L/Cpl. Melnyk Memorial Park	532	6	1.32	x
26.	Linden	Sgt. A Wales Memorial Park	242	10	0.92	x
28.	Linden	Woodrow Wilson Memorial Park	274	2	6.37	x
30.	Linden	Cleveland Avenue Park	133	14	0.37	x

Subtotal of Acres on this page

87.75 Acres

Total Acres of developed and partially developed lands from all pages of this ROSI

107.94 Acres

**EXHIBIT I TO DECLARATION
RECREATION AND OPEN SPACE INVENTORY
(Continued)**

Developed and Partially Developed Lands Held for Recreation and Conservation Purposes

<u>Key</u>	<u>Municipal</u>	<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Acres</u>	<u>Funded/Unfunded</u>	
31.	Linden	James Iozzi Memorial Park	41	2.01	8.36	x	
32.	Linden	Eddy Avenue Park	533 & 534 561 & 562	1 & 1 3 & 2	2.87	x	
44.	Linden	Seventeenth Street Park	524	31	4.00	x	
45.	Linden	General C. Pulaski Memorial Park	466	2.01	1.93		x
46.	Linden	West Munsell Avenue Park	466	2.03	2.64		x
47.	Linden	Wood Avenue Plaza (Amphitheater)	212	26	0.39	x	

**EXHIBIT 1 TO DECLARATION
RECREATION AND OPEN SPACE INVENTORY**

Local Unit: City of Linden County: Union

NOTE: All lands held for recreation and conservation purposes (1) must be described by their block and lot identification number as shown on the current, official tax map and (2) keyed to a current, legible, official map of the Local Unit and current tax map of Local Unit. The official map used for this ROSI is named "Location of Park and Recreation Areas - City of Linden" and is dated December 7, 1977 and updated as of December 14, 2010.

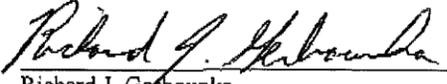
Wholly Undeveloped Lands Held for Recreation and Conservation Purposes

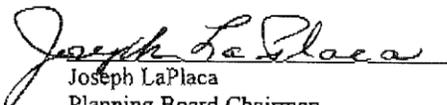
<u>Key</u>	<u>Municipal</u>	<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Acres</u>	<u>Funded/Unfunded</u>
29.	Linden	Blancke Street Park	286	10	0.12	x
33.	Linden	Louis Avenue Park	509	5 & 6	0.28	x
34.	Linden	Mack Place Park	503	6	0.29	x
35.	Linden	Thomas J. Weiser Park	216	1	0.58	x
36.	Linden	Windsor Road at Stiles Street	393.01	1	0.21	x
37.	Linden	Miltionia Street Park	354-1	1	0.14	x
48.	Linden	Hawk Rise Conservation Easement	581			
				part of lot 11.03	75.9	
				& part of lot 17	19.7	

Subtotal of Acres on this page **97.22 Acres**

Total Acres of wholly undeveloped lands from all pages of this ROSI **97.22 Acres**

CERTIFICATION: I HEREBY CERTIFY that this Exhibit 1 to Declaration, comprising a total of three pages, is a complete and accurate listing of all lands held by the Local Unit, as of this 14th day of December, 2010, for recreation and conservation purposes during the time of receipt of Green Acres funding. This ROSI is being submitted to Green Acres as part of the project entitled Hawk Rise Environmental Walkway Project.


Richard J. Garbounka
Mayor
Date: December 14, 2010


Joseph LaPlaca
Planning Board Chairman
Date: December 14, 2010

APPENDIX 5
Sign Ordinance

(upon adoption the final resolution will replace this model)

FIRST READING:

ORD. NO. _____

2ND AND FINAL READING:

**AN ORDINANCE DESIGNATING THE LINDEN TRANSPORTATION AND
PARKING DIVISION TO INSALL AND MAINTAIN ALL SIGNS ASSOCIATED
WITH THE MUNICIPAL PUBLIC ACCESS PLAN**

WHEREAS, the New Jersey Department of Environmental Protection requires all communities that contain tidal waters to provide for public access; and

WHEREAS, existing and future signage for public access is required; and

WHEREAS, installation and maintenance of signage is a requirement of N.J.A.C. 7:7E-8.11(t).

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
LINDEN IN THE COUNTY OF UNION, NEW JERSEY**, as follows:

1. The Division of Transportation and Parking, of the Department of Public Property and Community Services, is named as the entity for all signage in the City of Linden.
2. This Ordinance shall take effect in accordance with applicable law.

PASSED:

President of Council

APPROVED:

Mayor

ATTEST:

City Clerk

ordsignage

APPENDIX 6

Public Access Trust Fund Resolution

(upon adoption the final resolution will replace this model)

RESOLUTION: _____

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR MUNICIPAL PUBLIC ACCESS FUND REQUIRED BY THE STATE OF NEW JERSEY

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, Alexis Zack, Chief Financial Officer provides for receipt of various donations to the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Municipal Public Access Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Linden of the County of Union, New Jersey as follows:

- 1.** The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of Municipal Public Access Fund from such dedicated revenues.
- 2.** The Clerk of the City of Linden County of Union is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

PASSED:

President of Council

APPROVED:

Mayor

ATTEST:

City Clerk