



**2020 APPLICATION FOR THE MORRIS COUNTY
OPEN SPACE TRUST FUND**

DEADLINE: FRIDAY, JUNE 12, 2020, 4:30 P.M.

Do not attach any materials that are not expressly requested in this application as these materials will not be accepted. Moreover, all maps submitted must be 8 1/2" X 11" in size. Anything larger, and the application will be deemed incomplete and returned to the applicant. The application must be stapled and not contained in a binder, folder, etc.

Please submit all information requested in the application checklists. Any missing information will deem the application incomplete.

IMPORTANT: TWO COPIES and a digital version of an appraisal, conducted in accordance with Section 3.3.6.2 of the Morris County Preservation Trust Fund Rules and Regulations, are due with the application by 4:30 P.M. Friday, June 12, 2020 along with the Project Finance Sheet (Page 4B).

PLEASE BE ADVISED THAT HANDWRITTEN SUBMISSIONS OF APPLICATION WILL NOT BE ACCEPTED. THANK YOU.

Project Title: Watnong Brook Greenway
Name of Municipality or Charitable Conservancy: Borough of Morris Plains
Address: 531 Speedwell Avenue
Morris Plains, NJ 07950
Chief Executive Officer: Jason C. Karr, Mayor 973-538-2224
Contact Person: Gail Fraser, Esquire
Phone Number: 973-726-9378
E-Mail of Contact Person: gfraser@fraserlawoffice.com
E-Mail of Chief Executive Officer: jkarr@morrisplainsboro.org

Type of Application: (check all appropriate boxes)

- ☒ Acquisition in Fee Simple
☐ Acquisition of Less Than Fee Simple (i.e., conservation easement/development easement)- Complete Schedule D on p. 10 --
Please include copy of deed/easement language
☐ Both Acquisition in Fee Simple and Less than Fee Simple
☒ Primarily Passive Recreation
☐ Primarily Active Recreation
☐ Passive Recreation and Active Recreation

Is this the priority application being submitted by the applicant (If more than one application is being submitted)? ☐ No ☐ Yes

Have you made an application for this project to the Morris County Open Space Trust Fund before? ☒ No ☐ Yes When? _____

Location of Site:

Municipality: Borough of Morris Plains

Street Address: 131 Mountain Way

Is the property located in the Highlands? ☐ No ☒ Yes

If yes, please indicate: ☒ Planning Area ☐ Preservation Area ☐ Preservation Area and Planning Area

<u>Block</u>	<u>Lot</u>	<u>Acres</u>	<u>Acres To Be Acquired</u>
<u>63</u>	<u>48</u>		<u>3.29</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
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<u> </u>	<u>TOTAL:</u>	<u>0.00</u>	<u>3.29</u>

Existing Use Of Site: House of worship

Site Location Map (8 1/2" x 11") (Attach a legible street map with site clearly indicated)

Tax Map (8 1/2" x 11", please) (Attach tax map with site clearly indicated)
Outlining Boundaries of Site to
be Acquired and Identifying
Adjacent Land Uses

Current Owner(s) of Site: Trinity Evangelical Lutheran Church

If known, please include

Address 131 Mountain Way

City Morris Plains State NJ Zip Code 07950

(Attach deeds for all properties subject to the application)

Is the Site Subject to
Foreclosure and/or Tax
Lein Sale?

☒ No ☐ Yes

Proposed Short and Long
Term Use of the Site by the
Applicant:

Passive recreation (open space), preservation of wildlife habitat and native plants and trees, assure continued availability of important path connecting neighborhoods of Mountain Way and Jaqui Ave, Mayfair Road, and Brook Drive, preservation of integrity of Watnong Brook, a tributary to Whippany River, flood mitigation.

Copy of Existing Property
Survey (if available)

(Attach)

Existing Deed Restrictions None

Encumbrances and Utility

Easements (if any)

25 ft. sewer easement; 55 ft. Watnong Brook Drainage Easement

Potential for Development of Non-Open Space Uses on the Site:
Development Application:

(check all appropriate boxes)

Conceptual Plan	☐ Yes	☒ No
Preliminary Subdivision	☐ Yes	☒ No
Final Subdivision	☐ Yes	☒ No
Preliminary Site Plan	☐ Yes	☒ No
Final Site Plan	☐ Yes	☒ No

Zoning of the site:

(Provide zoning designation per most current zoning map. Provide minimum lot size and permitted uses)

Property is located in R-2 zone - One Family Dwelling, public buildings and uses. Minimum lot area: 18,000 sf. Portion of Trinity Evangelical Lutheran Church property could be subdivided into one conforming building lot with frontage on Jaqui Avenue.

Is the site designated for compliance with a Mount Laurel court settlement or identified in a Complaint for Declaratory Judgement for affordable housing, or designated in an adopted master plan or zoning ordinance for affordable housing? ☐ Yes ☒ No

Structures:

Is the site predominantly covered by buildings or structures? ☐ Yes ☒ No

Are there any potentially historic structures on the site? ☐ Yes ☒ No

List all structures on the site, provide est. square footage and proposed use.

Trinity Evangelical Lutheran Church building with attached parish building and storage shed will remain on subdivided lot not acquired by the Borough of Morris Plains. The property to be subdivided and acquired by the Borough will remain undeveloped and continue as a wildlife preserve, and stream and wetlands preservation.

Demolition:

Indicate which (if any) structures identified above will be demolished.

Provide TOTAL estimated demolition cost of each structure.

None

Infrastructure Issues:

Is the site currently served by public water? ☒ Yes ☐ No

Is the site currently served by public sewer? ☒ Yes ☐ No

Are there plans to extend sewer and/or water to the site? ☐ Yes ☒ No

The nearest water hookup is on site away.

The nearest sewer hookup is on site away.

Ownership:

Is the site owned by a developer? ☐ Yes ☒ No
Is the site held in an estate? ☐ Yes ☒ No
Do you have a signed contract with the owner(s)? ☐ Yes ☒ No

If yes, for what price? (Attach a copy of the contract.) \$ _____

If yes, what is the anticipated closing date? (Provide month and year.) _____

If no, what is the status of negotiations? (If there is a verbal agreement on price, but no signed contract, indicate below.)

Offer was made to property owner. Church ByLaws do not permit a congregational vote until July 19, 2020. Once Church decision is made, the Borough will notify the Open Space Committee whether the application will proceed or is to be withdrawn.

Cost of Acquisition:

A completed Project Finance Sheet

(Page 4B) is due by 4:30 P.M. Friday, June 12, 2020 with the application.

Will you be the final owner of the property? ☒ Yes ☐ No

If no, to whom will ownership be transferred? _____

Will Green Acres funding be used to acquire this specific project?

☐ Yes ☒ No

If yes, submit a copy of the funding request, or evidence of existing Green Acres balance, with your application.

Land Would Principally Serve: (Check one)

☐ Neighborhood ☒ Town ☐ Region ☐ County ☐ State

Consistency With Other Plans: (Please document all responses)

The site acquisition is consistent with: (check all appropriate boxes)

☐ Municipal Master Plan

While this particular parcel is not identified for acquisition in the current Borough Open Space Plan, its importance is recognized as it would protect the Watnong Brook and flood mitigation along all the properties downstream and preserve a path connecting neighborhoods.

☐ County Open Space Element

Does your municipality share any active recreational facilities with another municipality?

☒ Yes ☐ No

If yes, which town(s) and how?

Athletic fields shared with Morris United Soccer League, Lacrosse and Little League serving surrounding communities of Morris Township and Morristown, municipal swimming pool open to all - residents and non-residents, playgrounds and trails open to all.

If acquired, how will the lands be managed?

Borough of Morris Plains will maintain property, remove dead trees and brush.

Project Finance Sheet

Project Title: Watnong Brook Greenway

Applicant (Municipality or Charitable Conservancy): Borough of Morris Plains

Municipality of Project: Borough of Morris Plains

Appraisal Firm: Newmark, Knight & Frank Appraisal as of date: June 30, 2020

1/01/04 as of value: \$ _____ Post-Highlands appraised value: \$215,000

Total Cost of Land = \$ 215,000

(NOTE: Do **NOT** include ancillary costs such as appraisals, surveys and legal fees.)

[illegible]

Morris County OSTF Acquisition Funds Requested = \$ 204,000

Acquisition Balance = \$ 11,000

Source of Acquisition Balance:

Applicant Green Acres Grant \$ _____

Status of Grant (i.e., approved and available, pending):

Municipal Open Space Trust Fund \$

(Complete Schedule C on p. 9)

Other Municipal Funds \$11,000

Non Profit Green Acres Grant \$ _____

Other Grants & Donations \$ _____

Please specify Source(s):

Municipal Funds

Morris County OSTF Demolition Funds Requested = \$ 0

Source of Demolition Balance: _____

TOTAL MORRIS COUNTY 2020 GRANT REQUEST = \$ 204,000.00

I certify that this information reflects the accurate financing of the project

Susan C. K
Governing Body representative and/or Non-Profit trustee

7-8-20
Date

*** *This page is due on June 12, 2020 with the application and appraisal* ***

This site contains the following natural resource characteristics:
(Check all appropriate boxes)

- | | |
|--|-------------------------------------|
| ☒ Flood plains | Percentage of Site: <u>38%</u> |
| ☒ Wetlands | Percentage of Site: <u>10%</u> |
| ☒ Steep Slopes | Percentage of Site: <u>5%</u> |
| ☐ Bluffs & Ridge Lines | Percentage of Site: <u> </u> % |

- ☒ Aquifer Recharge Area/Aquifer
☐ Headwaters of FW1 Streams
☒ Headwaters of FW2 Streams (specify)
☐ Stream Corridors for FW1 Streams
☐ Stream Corridors for FW2 Streams
☐ Lake Shores

- ☐ Historic & Archaeologic Features (*specify and cite sources*)

None

- ☒ Specimen Trees/Mature Forests (*specify and cite sources*)

Mature forests, see pictures attached.

- ☐ Endangered/Threatened Wildlife Habitat (*specify and cite sources*)

None known

- ☐ Endangered/Threatened Vegetation (*specify and cite sources*)

None known

- ☐ Unique or Exceptional Ecosystems (*specify and cite sources*)

None

HEADWATERS OF FW2 STREAMS - WHIPPANY RIVER. Sources are FEMA FIRM, NJDEP wetlands maps and Southeast Morris County MUA topo maps

Special Hazards: (Check all appropriate boxes)

☐ Mine Holes (*Specify and give current status*)

None

☐ Sink Holes (*Specify and give current status*)

None

☐ Hazardous Substance Contamination (*Specify and give current status*)

None

☐ Abandoned Landfills (*Specify and give current status*)

None

Note: We may contact you to request additional data.

Project Narrative:

Using this page ONLY, please explain why this project is a high priority for your municipality or organization. This is an opportunity for you to make a case for your project and to convey special features/factors of the site, which may not be adequately conveyed elsewhere in the application.

The acquisition of this parcel is uniquely important to the Borough for two reasons: (1) preservation of natural habitat, prevention of stream encroachment, and flood mitigation, and (2) preservation of existing path connecting two neighborhoods. The subdivision is L-shaped, with each leg of the L separately important.

To the northern side of the subdivided property are single-family homes w/frontage on Brook Dr. South and Jaqui Ave. To the south of the property owned by Trinity Evangelical Lutheran Church ("Church") are single-family homes with frontage on Franklin Place and Mountain Way. To the west of the property is Mountain Way.

The Watnong Brook flows generally southwest, eventually feeding Speedwell Lake in Morristown and joining the Whippany River. Approximately 1/4 mile upstream is Watnong Pond, a feature of the Borough's Watnong Park, a popular park with fishing, picnicking, basketball and playground opportunities. Downstream, the Watnong Brook flows towards the Morris Plains Library, eventually to the Central Avenue park (where the MP Community Garden is located), continuing to Morris County Central Park.

That portion of the proposed preserved property to the north of the Watnong Brook is heavily wooded with mature trees, shrubs, groundcovers and native flowers. Much of this property along the brook is in the flood plain with steep banks along the brook. This woodland provides a habitat and protected breeding areas for white-tailed deer, red fox, squirrels, chipmunks, various birds (including the Great Blue Heron & white Ibis) ducks, geese, turtles, snakes and fish and other small animals.

In 1987-88, the County of Morris undertook a flood control project to lower the 100 year flood hazard area with the successful outcome of lowering the flood profiles to elevations that are below the first-floor elevation of the Church. This permitted the Church to complete a proposed addition. The project included dredging the brook to mitigate flooding, installing concrete riprap along the banks of the brook to prevent erosion, and creating two floodways below the new bridge on Mountain Way. Currently, the concrete riprap is hardly visible, with plants, grasses, flowers and brush growing through and along the banks. This portion of the proposed acquisition would be preserved for passive purposes only (open space).

The second important reason for preservation of the property is to maintain in perpetuity the path from Jaqui Ave. to the parking lot of the Church, connecting neighborhoods to the east with neighborhoods to the west. The only possible conforming lot on the entire tract would have frontage on Jaqui Ave. at the current dead-end. While there is a sewer easement in that area, the current location of the path would provide the only access to the driveway on the conforming lot. That paved, illuminated path provides access for the Jaqui Ave., Brook Drive, Mayfair Road, Park Way neighborhoods to Mountain Way where both Borough Schools are located. Children in the Jaqui Ave. area walking to Mountain Way School (Pre-K to Grade 2) and Borough School (Grades 3-8) would have to walk along busy Route 202 were it not for this path. In addition, this path provides easy access for local residents walking to the NJ Transit Morris Plains Station. This is one of many connecting paths throughout the Borough created to connect neighborhoods to our downtown.

SCHEDULE B

RECREATIONAL FACILITIES NEEDS ASSESSMENT FOR ACTIVE RECREATION PROJECTS ONLY

In order for the Committee to have a better understanding of the underlying need for additional active recreational facilities in your municipality, please provide the following information.

Conceptually speaking, what types of recreational facilities are proposed for this site?

N/A

Explain what factors are contributing to the need for additional active recreational facilities in your municipality.

SCHEDULE C

Financial History of Open Space Trust Fund

Current Tax Rate (per \$100.00 of Assessed Valuation): _____ cents

Year of inception of municipality's Open Space Trust Fund: _____

Municipality's total anticipated Open Space Trust Fund collection for 2020: \$ _____

*****Use the Excel worksheet to detail revenues and expenditures by year
from the year of inception.*****

**SUBMIT THE EXCEL WORKSHEET (in electronic format)
WITH THE APPLICATION.**

SCHEDULE D

(Complete only if property is being acquired in less than fee simple)

Specify type of easement and summarize deed restrictions placed on land. You **must** include a copy of easement/deed language with your application and said language shall be supplied to your appraiser.

Will the public have access? ☐ Yes ☐ No

Please explain below.

What is planned for the residual property?

Has the value of the easement been determined? ☐ Yes ☐ No

If so, how?

How and who will monitor owner's compliance with the terms of the easement?

CERTIFICATION

I, Jason C. Karr, Mayor, hereby certify to the best of my knowledge that this
Chief Executive Officer
 application is a true and accurate portrayal of the site proposed for acquisition under the
 Morris County Open Space Trust Fund.

Signature: Juan C. K

Attest: Roanne Dorman

Title: MAYOR

Title: Acting Clerk

Date: 7-8-20

Date: 7/8/20

Note:

Certification Must be signed by the Mayor (municipal applicants) or Executive Director/President (non-profit applicants).

PUBLIC HEARING
(for municipalities)

In accordance with the Rules and Regulations of the Morris County Preservation Trust Fund, the
Governing Body of Borough of Morris Plains conducted a public hearing on this
(Municipality)
application on 07/16/2020.
(date: mm/dd/yyyy)

Clerk's Signature

NOTE:

1. The public hearing for the open space application may occur during the normally scheduled municipal governing body meeting, but the hearing must be advertised independently of the normal meeting schedule (which is often published in the beginning of each year). **Failure to meet this requirement will necessitate re-advertisement and repetition of the public hearing.**
2. The open space public hearing advertisement must be published at least 10 calendar days prior to the date of the hearing. **Failure to meet this requirement will necessitate re-advertisement and repetition of the public hearing.**
3. A formal governing body resolution authorizing submittal of the application must be submitted to fulfill application requirements.

Submit the following documents:

- Official Affidavit of Publication from newspaper showing date of publication of advertisement;
- A copy of the minutes from the hearing (portion pertaining to the application only);
- Formal governing body resolution authorizing submittal of the application.

CHARITABLE CONSERVANCY

(Name)

(Project Title)

Please submit a copy of:

- ☐ The organization's by-laws
- ☐ The organization's Certificate of Incorporation
- ☐ Current proof of qualification as a charitable conservancy*

How will the charitable conservancy maintain the property? (please explain)

What would happen to land(s) if the conservancy no longer existed? (please explain)

What land(s) do you currently own?

** A qualified charitable conservancy is a corporation or trust whose purposes include the acquisition and preservation of land or water areas or of a particular land or water area, or either thereof, in a natural, scenic or open condition, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and which has received tax exemption under section 501 of the 1954 Internal Revenue Code.*

CHARITABLE CONSERVANCY
PUBLIC COMMENT AND MUNICIPAL REVIEW

Charitable Conservancies *are required* to present the application at a public meeting of the municipality's governing body.

Municipal Governments are given the opportunity to review and comment on an application submitted by a charitable conservancy. This page must be submitted to the municipality for completion, along with a copy of the application.

Charitable Conservancy: Borough of Morris Plains

Project Title: Watnong Brook Greenway

The Governing Body of the Municipality of _____ having heard the application submitted by _____ at a public meeting of its governing body on _____ and having reviewed the application, submits the following comments:

Signed: _____
Mayor

Dated: _____

Submit to County:

1. Cover letter to municipality including application as an attachment and detailing request to be placed on the agenda for a public presentation.
2. Minutes of municipality's public meeting including any public comments received.
3. This page signed by the Mayor of the municipality.

Any change in the properties and/or acreage of the application must be submitted to the municipality in writing.

Morris County Open Space Trust Fund
Property Owner Consent for Site Visit

Project Title: Watnong Brook Greenway

Applicant (Municipality or Charitable Conservancy): Borough of Morris Plains

Municipality of Project: Borough of Morris Plains

Block (s): 63 **Lot (s):** 48

I/We, as owner(s) of the above-referenced property, do hereby grant permission to representatives of Morris County to walk the property, take photographs and examine structures to be acquired as part of the 2020 Open Space Trust Fund application being submitted by Borough of Morris Plains

Access Granted: _____ **Access Denied:** _____

_____ Print Name	_____ Signature	_____ Date
_____ Print Name	_____ Signature	_____ Date
_____ Print Name	_____ Signature	_____ Date
_____ Print Name	_____ Signature	_____ Date

No modifications to this form will be accepted.