

BOROUGH OF RED BANK

COUNTY OF MONMOUTH

RESOLUTION NO. 14-45

**RESOLUTION ADDRESSING THE BOROUGH OF RED BANK'S REQUEST FOR AN
AMENDMENT TO ITS RECREATION AND OPEN SPACE INVENTORY ("ROSI")**

Councilman DuPont offered the following resolution and moved its adoption:

WHEREAS, the New Jersey Green Acres Program was created in 1961 to meet New Jersey's growing recreation and conservation needs; and

WHEREAS, all lands that a county or municipality holds for recreation and conservation purposes at the time that it accepts Green Acres funds are subject to a Green Acres restriction (and are known as "unfunded parkland."). The Recreation and Open Space Inventory ("ROSI") is the master list of Green Acres-encumbered properties in each municipality (both funded parkland and unfunded parkland.); and

WHEREAS, each Local Unit (municipality or County) is required to prepare a ROSI as a condition of applying for and receiving Green Acres funding. The ROSI lists all Green Acres-funded properties ("funded parkland") as well as all other lands held for conservation and/or recreation purposes at the time the Local Unit last received funding from Green Acres ("unfunded parkland"). Lands listed on a ROSI include those owned, leased, or otherwise controlled by the Local Unit and may include land owned in fee, land leased by the Local Unit for recreation purposes, land owned by a private entity upon which the Local Unit holds a conservation easement, or any land in which the Local Unit holds a specific recreation and/or conservation interest; and

WHEREAS, in or about 1994, the Borough acquired property located at Block 8, Lots 1, 1.01, 4 and 4.01 for the ancillary use of such property by the Red Bank Public Library and by the Borough. See Bond Ordinance No. 1993-26

WHEREAS, the Borough subsequently constructed a parking lot on Block 8, Lot 4 for public parking at the Red Bank Public Library (the "Library Parking Lot"); See Bond Ordinance No. 1994-5 and

WHEREAS, the Borough utilized an existing parking lot on Block 8, Lot 1 for public parking and has record of selling 12 parking permits on said lot in 2001, 2002 and 2003; and,

WHEREAS, the Borough allowed K. Hovnanian to utilize the parking lot on Block 8, Lot 1 for use during construction of their corporate headquarters across the street from said lot and the lot, which was later used by DOT contractors during reconstruction of the Front Street and Maple Avenue intersection work, and the Borough received a \$17,000 contribution to repair the lot upon completion of construction and subsequently restored the parking lot on May 25, 2011; See *Resolution No. 2008-66* and

WHEREAS, the undeveloped area north of and including Lot 1.01 and portions of Block 8, Lot 1 adjacent to the Navesink River have been utilized by kayakers and others seeking access to the Navesink River (hereinafter " Maple Cove"); and

WHEREAS, despite the fact that the Library Parking Lot and Maple Cove Parking lot properties were not originally acquired by the Borough for Open Space or Recreation Purposes, the Library Parking Lot and Maple Cove Parking Lot inadvertently were listed on the Borough's ROSI in February 1, 1985 which is prior to the Borough owning the property; and

WHEREAS, this mistake was brought to the Borough's attention as a result of a complaint filed by a user of Maple Cove regarding the alleged use of the Maple Cove public parking spaces on Lot 1 by those persons not using or accessing Maple Cove; and

WHEREAS, if a local government unit believes that its' ROSI is inaccurate, *N.J.A.C.* 7:36-25.3 authorizes a local government unit to submit a request to the New Jersey Department of Environmental Protection ("NJDEP") for an amendment to its ROSI; and

WHEREAS, the Borough submitted a request to the NJDEP for amendment to its ROSI to remove that portion of Maple Cove that is used as a public parking lot and Block 8, Lots 4 and 4.01, which includes the Library Parking Lot; and

WHEREAS, the NJDEP found that the Borough ROSI amendment request had merit and directed the Borough to schedule and conduct a public hearing on the ROSI amendment request as required by *N.J.A.C.* 7:36-25.3(h); and

WHEREAS, Public Hearing Notice for the Borough's proposed ROSI amendment states that the Borough will be "Removing portion of Block 8, Lot 1, 0.25 ac (Maple Ave Parking) & Block 8, Lot 4, 0.43 ac (Library Parking Lot) the reason being they were not originally held for conservation/recreation purposes and are held as general parking in support of the library; and

WHEREAS, on December 30, 2013, the Borough conducted the required public hearing on its ROSI Amendment Request; and

WHEREAS, the Borough intends to modify its proposal to Green Acres to leave all of Block 8, Lot 1, Maple Avenue Lot on the ROSI; and

WHEREAS, although it was the original intent of our Green Acres submission to remove all of Block 8, Lot 4 from the ROSI, based upon public comment, the Council will only pursue removal of a portion of Lot 4 including the parking lot area and area immediately adjacent to the Library Building, and through subdivision, will create a new lot that includes northern end of Lot 4 which together with Lot 4.01 will remain on the ROSI; and,

WHEREAS, in connection with the Borough's request for a ROSI Amendment and the Public Hearing thereon, the Borough believes that certain inaccuracies and misinformation has been disseminated by and to the public and the Borough wishes to clarify and eliminate any confusion regarding the purpose of the ROSI amendment and the Borough's intentions regarding the parcels to be so removed from the ROSI; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Red Bank hereby declare as follows:

1. The Borough has no plan or intention to sell any of the Lots mentioned in this Resolution for private development purposes.
2. That the request to remove Lot 1 and Lot 4 to be removed from the ROSI was only driven by the fact they were not acquired for Open Space and Recreation Purposes but were intended to provide parking to the Library.
3. That in response to public comment and in consideration of the most recent use history of the properties that it is in the best interest of the Borough to maintain Lot 1 on the ROSI and only remove a portion of Lot 4 from the ROSI to maintain same for support of the Library.

BE IT FURTHER RESOLVED by the a copy of this Resolution be provided to the New Jersey Department of Environmental Protection.

Seconded by Councilman Murphy and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Murphy	(x)	()	()	()
Councilwoman Burnham	(x)	()	()	()
Councilwoman Horgan	(x)	()	()	()
Councilwoman Lewis	(x)	()	()	()
Councilman Zipprich	(x)	()	()	()
Councilman DuPont	(x)	()	()	()

Dated: February 12, 2014