

# History of Sussex County's Open Space Program



Photo by Barbara Heskins Davis

*First property preserved with Sussex County Open Space Trust funds  
Green Township, 2003*

*“One revived rural community could be the beginning of the renewal of our country. But to be authentic, this would have to be a revival accomplished mainly by the community itself. Done by the ancient rule of neighborliness, by the love of precious things, and by the wish to be at home.” Wendell Berry*

## Creation of a Funding Source

Sussex County voters supported the establishment of a dedicated tax for open space and farmland preservation on November 7, 2000. The tax passed overwhelmingly with 73% of the vote. A total of 55,104 Sussex County residents voted on the referendum, 40,305 of whom voted “yes” to the question of approving a “non-binding referendum to create the Sussex County Farmland, Recreation and Open Space Trust Fund.”<sup>1</sup>

In July of 2001, Sussex County began collecting the tax at a rate not to exceed \$0.02 per \$100 of equalized real property valuation. The Sussex County Farmland, Recreation and Open Space Trust Fund (the Trust) generates approximately \$2 million per year.

Supported by the results of the referendum, the Sussex County Board of Chosen Freeholders allocated 10% of the Trust to open space preservation, and 90% to farmland preservation. The 10% (currently \$200,000) of the Trust dedicated to open space preservation is distributed through a competitive grant program open only to Sussex County and the 24 municipalities in Sussex County.

Open space preservation grants can be used for a variety of eligible purposes, including the acquisition of:

- “Land or water areas mostly natural or totally undeveloped to provide:
  - parkland or green spaces.
  - public outdoor recreational facilities (active and/or passive)

- protection of ecologically sensitive areas.
- preservation of lands exhibiting exceptional flora or fauna.
- preservation of areas of scenic, historic or cultural value.
- Protection of critical water supplies such as areas containing municipal/county wells, aquifer recharge protection areas and watershed areas.”
- “Other open space acquisitions as recommended by the Open Space Trust Fund Advisory Committee and deemed appropriate by the Board of Chosen Freeholders.”
- “Payment of debt service for new projects under consideration.”<sup>2</sup>

Recreational development costs, costs associated with acquisition (survey, appraisal, engineering), and maintenance or custodial expenses are all ineligible expenditures of the County Open Space Trust Fund.

In addition to Sussex County’s Open Space Trust, nine municipalities throughout the county have open space trust funds. In 1998, Green Township was the first to establish an open space trust. Hampton and Frankford Townships followed in 1999. In 2000, Byram and Sparta Townships and Hopatcong Borough created open space trust funds. Three more municipalities—Fredon, Vernon and Hamburg—established Open Space Trust Funds in 2001.

Each of these communities has documented its open space programs in an open space and recreation plan, or as in the case of Hamburg, by resolution as a “Protection Initiative”. The funds in these trusts can be used for a number of purposes, which are described on the chart **Sussex County Municipal Open Space Trusts – 2002**. In 2002, local Open Space Trust funds generated nearly \$1 million (\$976,191) to purchase and develop open space land.

## **Establishment of a Leadership Committee**

On March 27, 2002, the Sussex County Board of Chosen Freeholders established the Open Space Trust Fund Advisory Committee (the Committee). The Committee is comprised of 8 members, one of whom is a Freeholder acting in ex-officio capacity. The head of the Sussex County Office of Conservation and Farmland Preservation serves as technical advisor to the Committee.

Appointees to the Committee must be Sussex County residents and no two can be from the same municipality. Appointees to the Committee serve three-year terms and must represent the following Sussex County interests:

- Sussex County Planning Board;
- Business community;
- Eco-tourism community;
- Environmental community;
- Leisure community;
- Municipal and/or recreational community.

The Freeholder Board designates the Chairperson and Vice-chairperson. The Chairperson’s responsibilities include presiding at all meetings and acting as an ex-officio member of any sub-committee that may be created. The Vice-chairperson’s responsibilities include performing the Chairperson’s role in his or her absence, and performing any tasks that the Chairperson assigns to the Vice-chairperson.

The Committee’s first responsibility was the 2002 open space grant round. This entailed developing criteria to guide the annual open space grants and making funding recommendations to the Freeholders. It is also the Committee’s responsibility to prepare this Open Space and Recreation Plan. After the Plan’s completion, the Committee’s sustained role will be to “review, prioritize and make recommendations . . . on the funding of projects which fall into the municipal/County category.”<sup>3</sup>

## **Inauguration of County Trust Fund Grants**

The inaugural grant round for the Sussex County Farmland, Recreation and Open Space Trust was held in 2002. The Open Space Trust Fund Advisory Committee and Morris Land Conservancy developed the criteria to guide the grant application process. (See the first application and grant criteria in **Appendix D**.) Since open space taxes collected in 2001 had not been appropriated that year, the 2002 grant round featured a total of \$390,000, which is roughly double the annual amount dedicated to open space preservation.

Seven projects throughout the County received funding for a variety of open space acquisition projects. The Freeholder Board approved funding on February 28, 2003. The table below lists each project, the municipality where it is located, and the amount of funding it received.<sup>4</sup>

<i><b>Project</b></i>	<i><b>Municipality</b></i>	<i><b>Funding</b></i>
Muckshaw Ponds	Fredon Township	\$95,000
Johnsonburg Swamp	Green Township	\$50,000
Paulinskill Valley	Hampton Township	\$60,000
Lubbers Run	Byram Township	\$80,000
Black Creek	Vernon Township	\$30,000
Lake Owassa	Frankford Township	\$10,000
Town of Newton	Sparta Township	\$65,000

## **County Open Space and Recreation Plan Consistency**

It has been the goal in developing the Open Space and Recreation Plan for Sussex County to demonstrate consistency with other plans and documents that pertain to the county’s growth and development. Discrepancies and contradictions among the various plans could lead to confusion and inefficient planning. In addition to the Sussex County Open Space and Recreation Plan, other plans pertinent to the County’s future are the New Jersey State Development and Redevelopment Plan, the Strategic Growth Management

Plan, the New York – New Jersey Highlands Regional Study and the Department of Environmental Protection’s (NJDEP) Blueprint for Intelligent Growth map (“BIG” Map). The goals of the Sussex County Open Space and Recreation Plan are to preserve environmentally sensitive areas and lands that provide recreation opportunities. Through open space preservation, the county also seeks to protect historic and cultural resources, preserve scenic vistas, maintain the rural character of the county, enhance quality of life and protect water quality and quantity.

## **New Jersey State Development and Redevelopment Plan**

In broad terms the New Jersey State Development and Redevelopment Plan (State Plan) seeks to maintain the integrity of the natural and cultural landscape, to conserve natural resources, to revitalize urban areas, and to place emphasis on development in appropriate locations. The State Plan classifies broad regions as planning areas according to their current and future uses. In Sussex County, the majority of land is classified as either Planning Area 4A (Rural Planning Area), Planning Area 4B (Rural/Environmentally Sensitive Planning Area) or Planning Area 5 (Environmentally Sensitive Planning Area). In Stanhope, located in the extreme southern section of the County, a small portion is classified as Planning Area 2 (Suburban Planning Area).

Running northeast through the Kittatinny Valley and along Route 206 in Sandyston and Montague Townships are swaths of land designated as PA4 and PA4B. Most of the remainder of the county’s unprotected land—in the Highlands and along the eastern slope of the Kittatinny Ridge—is classified as PA5. According to the classification system, the goal for PA4 lands is to remain rural in appearance with a focus on agricultural production. The State Plan recommends that efforts be made to maintain the open space and critical habitats present in the environmentally sensitive lands of PA5. The State Plan also suggests that any future development that takes place within PA4, PA4B and PA5 should capitalize on the efficiencies of developing in areas with pre-existing or planned infrastructure.<sup>5</sup>

In addition to this general assessment of Sussex County’s lands, the State Development and Redevelopment Plan lists the Highlands region as a Special Resource Area. This designation is reserved for regions with “unique characteristics or resources of statewide importance which are essential to the sustained well being of its own region and other regions or systems...and to the quality of life for future generations.”<sup>6</sup> Approximately 70% of the lands within the Highlands have been mapped as PA5. In addition to other goals, the report stresses the importance of maintaining “the functional integrity of the regional ecosystems, agriculture, water supplies and local community character.”<sup>7</sup>

To complement preservation of rural and environmentally sensitive areas, the State Plan contains proposed centers, where growth and industry should be focused. In Sussex County these centers include such areas as Hainesville, Montague, Branchville, Sussex-Wantage, Vernon, Newton, Andover, Lake Mohawk, Franklin, Ogdensburg, Hamburg and Hampton.<sup>8</sup>

The State Plan generally seeks to maintain the character of communities, while preserving rural lifestyles and environmentally sensitive areas. The State Plan envisions this occurring consistently with additional growth in Sussex County.

## **The New York – New Jersey Highlands Regional Study**

The New York – New Jersey Highlands Regional Study, produced by the United States Forest Service, stresses the importance of maintaining an adequate surface and groundwater supply that will continue to meet the needs of local users. The Study calls for the conservation of contiguous forests by using best management practices on private land, and for continued public acquisition of Highlands resources. This aspect of the study is similar to the recommendations made in the Open Space and Recreation Plan, which highlights the environmentally sensitive lands in the Highlands. The report's emphasis on the protection of water quality is also in accord with municipal leaders throughout Sussex County. Furthermore, the Highlands Region is renowned for its natural beauty and ample recreation opportunities. Preservation in this area of the County may protect scenic vistas and provide additional resource-based recreation.<sup>9</sup> The County has provided recommendations about how preservation efforts in the Highlands should proceed.

## **Sussex County Strategic Growth Management Plan**

Funded through a grant from the New Jersey Department of Community Affairs, the Sussex County Strategic Growth Management Plan expected completion date is autumn 2003. Upon completion, the Plan will be submitted to the State Planning Commission and, if endorsed, by the Commission, the Plan will play an integral role in determining not only where and what type of growth will occur in the County, but how the State of New Jersey will invest its funds and use its regulatory authority to foster that growth. Since the completion of the Sussex County Open Space and Recreation Plan precedes the completion of the Strategic Growth Management Plan, consistency between the two documents cannot be determined. However, the advisory committee developing the Strategic Growth Management Plan was supplied drafts of the Open Space and Recreation Plan. Morris Land Conservancy has also shared data with the consultants for the strategic growth planning process. Sharing common data and resources helps to promote planning consistency.

## **Sussex County Comprehensive Farmland Preservation Plan**

The goal of the Sussex County Comprehensive Farmland Preservation Plan is to preserve farmland and support the agricultural industry in the Sussex County. Many of the goals of the Comprehensive Farmland Preservation Plan are consistent with those of the Open Space and Recreation Plan. These include the protection of historic and cultural resources, maintenance of Sussex County's rural character, protection of water quality and quantity, and preservation of scenic vistas. Additionally, the two programs draw from the same funding source. The Sussex County Farmland, Recreation and Open Space Trust Fund has dedicated 90% of its funds to farmland preservation.

Agriculture defines the character of Sussex County. Retaining productive agricultural lands will help ensure the preservation of the county's rural economy, historic resources, scenic vistas, groundwater recharge, and suitable habitat for a number of species. These benefits of farmland preservation are all specific goals enumerated for the county's open space preservation program.<sup>10</sup>

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- <sup>1</sup> Sussex County Board of Chosen Freeholders Resolution Re: Adopting Rules and Regulations for Sussex County Open Space Trust Fund.
- <sup>2</sup> Sussex County Board of Chosen Freeholders Resolution Re: Adopting Rules and Regulations for Sussex County Open Space Trust Fund.
- <sup>3</sup> Sussex County Board of Chosen Freeholders Resolution Re: Adopting Rules and Regulations for Sussex County Open Space Trust Fund.
- <sup>4</sup> Sussex County Board of Chosen Freeholders Resolution Re: Final Approval of Open Space Applications for the 2002 County Funding Round.
- <sup>5</sup> New Jersey State Planning Commission. *New Jersey State Development and Redevelopment Plan*. March 1, 2000.
- <sup>6</sup> New Jersey State Planning Commission. *New Jersey State Development and Redevelopment Plan* March 1, 2000, p. 171.
- <sup>7</sup> New Jersey State Planning Commission. *New Jersey State Development and Redevelopment Plan*. March 1, 2000, p. 173.
- <sup>8</sup> Policy Map of the New Jersey State Development and Redevelopment Plan – Sussex County. New Jersey Office of State Planning. November 13, 2001.
- <sup>9</sup> United States Department of Agriculture – Forest Service. *New York-New Jersey Highlands Regional Study: 2002 Update*.
- <sup>10</sup> Sussex County Comprehensive Farmland Preservation Plan. Draft Report. March 2003.