

RESOURCE PLANNING AND MANAGEMENT*

State *Planning Advisory Committee*
**(formerly, The Regional Design System)*

Report #2

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D E V E L O P M E N T
R E D E V E L O P M E N T
STATE
and
PLAN

RESOURCE PLANNING AND MANAGEMENT

State Planning Advisory Committee

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Preface

•The mission of the Resource Planning and Management State Planning Advisory Committee (RPM-SPAC) is to advise the Office of State Planning and the State Planning Commission on the conception and implementation of the Resource Planning and Management Structure of the proposed State Development and Redevelopment Plan. This Committee was organized by the Office of State Planning in accordance with the State Planning Act (N.J.S.A. 52:18A-204), and pursuant to a resolution by the State Planning Commission (SPC Resolution 88-014) to contribute to the formulation of an effective State Development and Redevelopment Plan through a multi-disciplinary, structured dialogue.

As another vehicle for public participation in the State Planning process (see State Planning Rules, N.J.A.C. 17:32-4.6), the RPM-SPAC met three times during the extended Cross-acceptance period of Negotiations to discuss and report findings and recommendations to the Office of State Planning. Comprised of individuals with varying backgrounds and wide expertise, the RPM-SPAC represented a balance of interests to review the Interim State Development and Redevelopment Plan and accompanying documents, major issues arising from the negotiations phase of cross-acceptance, and any other matters referred by the State Planning Commission and OSP.

Committee Acknowledgments

In addition to the members of the Resource Planning and Management State Planning Advisory Committee who have generously contributed their time and efforts in order to produce this report, the Committee benefited from the input of Lawrence Twp. Committeewoman Gretel Gatterdam (representing Jack Trafford), Sandy Batty (representing Sally Dudley), Creigh Rahnkamp and Carol Romagnano (representing David Taylor), John Madera (representing Arijit De) and Eleanor Campbell (representing Michelle Byers). Others who contributed to the dialogue included: George Horzepa, N.J. Department of Agriculture; Jon Erickson, New Jersey Future; Marie Kneser, South Branch Watershed Association; and Lynda Singleton, Camden City.

Meetings

The Resource Planning and Management SPAC convened on January 29, February 19 and March 9, 1992 in Camden, Somerville and Newark to organize, engage in discussions on the Resource Planning and Management Structure of the Interim State Development and Redevelopment Plan and the Interim Report of the New Jersey State Planning Commission on Implementation Issues, and identify the boundaries of debate and the areas of consensus. "Findings" and "Recommendations" were identified during each of these meetings and were noted in summaries produced after each meeting. This report represents the Resource Planning and Management SPAC's contribution to the State planning discussion during the Negotiations phase of Cross-Acceptance, and is a follow-up to the November 1990 report of the Regional Design System SPAC.

Discussion

During the course of its deliberations, the Committee considered a number of items pertinent to the Resource Planning and Management Structure of the Interim Plan and the Interim Implementation Report. A consensus process was used to reach agreements on the major findings and recommendations.

The Resource Planning and Management Committee also received a presentation from Stephen Dragos, President of the Somerset Alliance for the Future, on the Alliance's mission and its "Vision Plan". The Committee discussed the "Vision Plan" in a case study approach to highlight related planning and implementation issues.

Overview

The Resource Planning and Management State Planning Advisory Committee discussed 4 areas of interest as related to the Interim Plan and the Interim Implementation Report. They included:

- * interpretation of the State Plan and conflict resolution;
- * implementation mechanisms (i.e., incentives and regulations);
- * municipal planning and promotion of "Communities of Place;" and,
- * employment and housing relationships.

This Committee recommended 4 specific actions of note:

- 1) the Governor should institute an Executive Order to ensure consistency among State agency plans and programs;
- 2) all levels of government should participate in "cleaning-up" the approval process;
- 3) the State Planning Commission should better communicate the State Plan and the process to the public; and,
- 4) local governments, where appropriate, should prepare and/or amend their plans and ordinances to promote implementation of the goals and policies of the Plan.

The findings and recommendations of the Resource Planning and Management SPAC are contained within this report. This report also includes comments received following the conclusion of these meetings, and are being offered without Committee consensus for further discussion.

The Committee focused its discussions on the Interim Report of the State Planning Commission on Implementation Issues. The findings and recommendations listed below mostly relate to this report. However, the Committee did review the Interim State Development and Redevelopment Plan and have provided some findings and recommendations to assist the State Planning Commission in its deliberations.

ISSUE #1; Who will interpret the SDRP? How will conflicts be resolved?
"Implementation Tasks for the State Planning Commission #1-9".
"Implementation Issues for State Agencies #1-3". (See Interim
Report of the State Planning Commission on Implementation
Issues.)

Findings;

1. An institutional framework for resolving actual conflicts emerging from State Plan implementation will be necessary.
 - a. The SPC could assume the role of State Plan interpreter.
 - b. An effective means of State Plan interpretation and conflict resolution may be provided by the N. J. League of Municipalities' board of arbitration proposal contained in the League' s Municipal-County Planning Partnership bill or an arbitration process such as is utilized by the State of Oregon or the Canadian province of Ontario.
2. The State Development and Redevelopment Plan should be described more as a process than a plan; however, this should not obscure the importance of the goals, strategies, policies and objectives of the Plan.
3. It is generally accepted that State government operates inefficiently. The State Plan was enacted to rectify some of these problems by coordinating decision-making regarding growth and development on all levels of government.
 - a. A well-defined State Plan that provides a framework for the coordination of State agency, county aid. municipal plans and programs, will benefit both the public and the private sector.
 - b. There needs to be some formal mechanism to ensure that the plans and programs of State agencies are coordinated.
4. A gubernatorial executive order would provide an organizing principle for State agency implementation of the adopted State Plan.
 - a. Those members of the committee who expressed reservations regarding recommending an executive order took the position that a recommendation to issue an executive order should not be made prior to knowing what the adopted State Plan is going to contain. The concern is that this action would make the Plan regulatory. A Committee member indicated that, given the generality of many of the Plan's provisions and the restrictive nature of those proposals which are most likely to be implemented, regulatory use would be a terrible mistake.

Findings (continued);

- b. The influence of the executive order will be directed at the State agency level. It will not address implementation of the adopted State Plan at the local level.
 - c. The recommended executive order does not address the need to create a clear, understandable approval process. For the regulatory process to run smoothly, policy disputes among the levels of government should be resolved and plans made consistent.
 - d. The executive order cannot solve all implementation issues. It is only part of the solution.
5. There is no current, authorized and expedited approval process for the development of centers. Presently, multiple approvals are required from a variety of governmental agencies.
 6. Providing incentives for implementation of the adopted State Plan (distinct from issuing an executive order) is necessary to successful State Plan implementation.

Recommendations:

1. The Governor should issue an executive order requiring State agencies to conform their policies, plans and programs to the adopted State Development and Redevelopment Plan; but any such executive order, to be fair and viable, must address the following issues:
 - a. dispute resolution between State agencies where there is conflict over policy or goal application;
 - b. variances and exceptions in appropriate situations;
 - c. recognition of past investments and commitments (i.e., 'grandfathering' of projects in the pipeline); and,
 - d. timing and sequencing of Plan-backed restrictions and incentives.
2. Some members of the committee felt that the executive order should limit itself to a focus on the creation of centers.

Issue #2; Plan implementation and the development process. "Tools to Efficiently and Equitably Manage Growth – legislative Issues #4-8" (See Interim Report of the State Planning Commission on Implementation Issues.)

Findings;

1. TDR programs will not be implemented until people are resigned to growth and are convinced that they must plan for it. Successful implementation of TCR, as currently enabled, is questionable.

Findings (continued);

2. Implementation tools (tax incentive programs, Transfer of Development Rights [TDR], etc.) need to be available and coordinated with the relevant agency programs to ensure effective and equitable compliance actions. Without additional tools, the ability of the State to guide development based on the State Plan is not balanced with the ability to bring about growth.
3. The State Planning Commission needs to be more explicit about the fact that judges will be looking at the State Development and Redevelopment Plan when deciding development issues.
4. Many of the State Plan's goals and objectives are influenced by the State's tax structure. (Additional discussion regarding tax implications of the State Plan was tabled until the Impact Assessment was released and reviewed.)

Recommendations;

1. Regional tax sharing programs, such as the one practiced in the Hackensack Meadowlands Development Commission (HMDC) district, coupled with incentives could be a model for structuring a tax system which would further the goals and objectives of the State Plan.
2. A process for involving the local community in the design of receiving centers in TDR programs should be developed.
3. Municipalities should consider making a provision that where tracts of 100-250+ acres of contiguous undeveloped land exist (often with multiple owners), then with willing owners, part or all of the development rights in accordance with the zoned density may be tightly clustered as a village on a portion of that tract using alternative wastewater disposal, including irrigation of lawns and the open protected land. The remaining land should be deed-restricted to any development rights that may not have been purchased, and assigned uniform or varied lot sizes depending on the situation. This could provide an alternate and equitable strategy for farmland preservation.
4. Other tools to be considered on the municipal level should include a provision for "variable lot sizes," optional clustering, etc.

Issue #3; Municipal planning and the promotion of communities of place. "SPG task #7 : Promote the Concept of "Communities of Place ' " .
"Improving Substate Planning Capabilities – legislative Issues #1-3". (See Interim Report of the State Planning Commission on Implementation Issues .)

1. A refined planning process for the sizing and siting of centers is needed.

Findings (continued):

2. A mechanism is needed to ensure that a sufficient number of centers, taking into account their service boundaries, have been designated to accommodate projected growth.
3. The education of local and county planning officials on the Interim and adopted State Plan is a large task that will require more resources than are presently being allocated.
4. The focus of local planning is often reactionary and regulatory, rather than proactive in its planning.
5. A Committee member held that it is self-evident that an overall goal is more livable communities, which to most people means elbow room and a feeling of green. Given this, the Committee member found that environmental conservation will be a concern to be addressed in the planning and promotion of centers.
6. A member of the Committee held that, since New Jersey is 100% self-dependent for its water resource, this should be addressed in all aspects of capacity-based planning and development.
7. Some members of the Committee found that comprehensive planning requires the inclusion of environmental conservation measures (e.g., water conservation, recycling, etc.) in order to avoid a bias towards expensive capital projects.
8. Some members of the Committee felt that centers identified along Federal or State highways need thorough capacity-based planning and staging related to acceptable levels of function. Without mass transit as a viable means of sharing traffic impact, these centers may cause increased congestion on key access points of the highway corridor.
9. The existing and potential peripheral impacts of centers needs to be assessed, with strict attention to size and content of centers related to infrastructure and resource capacity. Also, the impacts of new regional centers on existing centers (e.g., urban centers, regional centers and towns) should be analyzed.
10. According to some members of the Committee, the proposal for a county/municipal planning partnership, which requires compatible capital improvement plans for roads, sewers, bridges, sewer and water service, may prove inadequate without the inclusion of compatible plans for environmental conservation measures. However, several other Committee members felt that the addition of "environmental conservation measures" was vague enough to be used to override local land use home rule, and therefore did not favor mandatory environmental conservation measures as a part of infrastructure planning.
11. Planning decisions should be made at the local level whenever possible.

Recommendations:

1. The Implementation Report should include recommendations for zoning reform, including, for instance, the provision of greater detail in the Municipal Land Use Law (MLUL) section on developer agreements, and flexible zoning provisions for new and expanding centers.
2. Educational efforts regarding the State Plan should be extended. Informative articles in newspapers as well as educational programs on New Jersey Network should be pursued.
3. A municipal/county planning partnership should be established to develop a county capital improvement plan (including provisions for sewer, water, drainage and transportation systems) in which municipalities and their respective counties would participate, ensure consistency among their plans and programs, and engage in dispute resolution.
4. Planning guidelines and manuals, and other forms of technical and financial assistance (e.g., planning expertise, existing State loans or grants, infrastructure seed money, etc.) are needed for the development of "Communities of Place".
5. Planning for communities of place must take into account changing demographics, and changes and innovations in architecture and communications.
6. The planning and siting of centers should be done in ways compatible with the State Plan.
7. Provision of roads, sewer and water service, drainage and bridges should include an analysis of efficiency.
8. Environmental aspects of capital planning must be considered so that capital plans can be properly reviewed.
9. Capital plan consistency between municipal and county governments should be required for all capital projects for which money can be legally bonded.

Issue #4: Housing and employment issues. (See the Interim State Development and Redevelopment Plan.)

Findings;

1. The growth accommodation process currently being conducted during Cross-acceptance by the counties and municipalities in cooperation with the State Planning Commission, will provide an idea of how county and local governments plan to balance employment with housing.

Findings (continued);

2. Due to municipal reliance on the property tax structure, municipalities will prefer commercial to residential development. Unless this system is changed, it will be difficult to encourage municipalities to balance commercial and residential development.
3. A new process for planning and presenting growth is needed in order to ensure public acceptance.
4. People are potentially afraid both of the appearance of new housing (especially higher-density development), and the new people who are going to move in.
5. Retro-fitting of strip developments should be undertaken where possible in order to create centers in areas where strip development now predominates.
6. The redesign of proposed development projects may provide opportunities for the creation of centers.
7. Interim Plan Housing policy on Nondiscrimination (ISDRP p. 52, Policy 12) does not cover people with disabilities. The current policy ignores a large segment of people who need all types of housing, and it is not enough to lump these individuals under the label of "special needs groups".

Recommendations:

1. The adopted State Plan should provide, as guidance, an approximate range for a balance between housing and employment. The Plan should also be practical about encouraging housing in close proximity to employment.
2. To encourage the mixed-use center development advocated by the Interim State Plan, the State Planning Commission must provide more graphics/visuals in the amended Interim and adopted State Development and Redevelopment Plan. This is necessary if people are to understand exactly what the State Plan means by "communities of place."
3. The retro-fitting process needs to be advanced through education.
4. Training programs for governing bodies and planning boards should be established regarding options, tools, and choices available in the development of centers.
5. The adopted State Plan should include specific policies to address retro-fitting of strip developments.
6. The adopted State Development and Redevelopment Plan should contain a revised Housing policy on Nondiscrimination that includes those with "disabling conditions".

Additional Input from Committee Members

The following comments were received after the conclusion of the three Resource Planning and Management State Planning Advisory Committee meetings held during the extended period of Negotiations. "They are offered without Committee consensus to provide additional input, and may be further discussed during the Issue Resolution phase of Cross-acceptance.

A committee member made available "The Burlington County Agriculture Development Board Comments to the New Jersey State Planning Commission". Major recommendations from this report include the following: (a) a Rural Centers Task Force should be created to begin the process of educating, reforming and coordinating State permitting agencies that will need to understand and respond to the problems of rural townships who are attempting to implement the State Plan; (b) given the potential impact planning area designations may have on the equity interests of landowners, a transfer of development rights bank should be immediately created to help facilitate implementation of State Plan goals; (c) the State Planning Commission, through the State Plan, and the State legislature, through immediate legislative action, need to provide a Rural Center Infrastructure Bank capable of providing financial assistance to those rural communities looking to equitably implement the goals of the State Plan; and, (d) the State Planning Commission and State agencies must be flexible in the use and interpretation of planning area and center designations in order to allow municipalities to change these designations when necessary to achieve the equitable implementation of the State Plan's goals.

Regarding recommendation (d) above, the Burlington CADB report references the 1973 Blueprint Commission Report on the Future of New Jersey Agriculture. Under the Blueprint proposal, municipalities would have designated 70% of their remaining agricultural land as being within an agricultural open space preserve. No more than 30% of the township's remaining farmland could be developed over time. The Burlington CADB recommends that this approach be utilized to implement the goals of the State Plan within all of Planning Area 4.

Another Committee member submitted a draft memo regarding "Hamlets, Villages, Towns, Corridor Centers in Rural Development Areas" that included potential incentives for these centers. Recommendations on State initiatives in this regard were forwarded for further Committee discussion.

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