

LUARC Meeting – Thursday, August 28, 2008

Roll Call was read.

LUARC Commission members present: John H. Fisher, III, Chair; Joseph V. Doria, Jr.; Marvin Reed; Gary Passanante; Steven M. Cozza; Elizabeth Cervenak (for Treasurer David Rousseau); Jane Kenny. Absent: Robert F. Casey.

Sunshine Notice was read by the Secretary.

Minutes of the July 24, 2008 meeting were approved.

Chairman Fisher introduced Hannah Shostack as the Executive Director of LUARC.

Four organizations with an interest in regional planning and smart growth gave testimony:

1. Dianne Brake, President, PlanSmart New Jersey

Said that land use and tax reform are critical to the success of LUARC. LUARC should be goal oriented. The State of New Jersey is in dire financial straits. Regional planning and regional tax base sharing can be helpful. New Jersey is close to 50 years from being totally "built out." That being the case, how can New Jersey get redevelopment going? Regional planning may be possible without consolidation. New Jersey sets targets in policy areas for regions to meet; local governments work together to achieve regional goals. Regional cooperation does not require consolidation. There are multiple benefits to the regional approach.

2. Martin Bierbaum, Director, Municipal Land Use Center at the College of New Jersey

MLUC is not a policy organization; it has a bias for action. MLUC's focus is on implementation. These are challenging times for New Jersey which present unique opportunities. Planners deal in rationality. Rationality is qualified by issues of scale, questions of capacity, problems with resources, cost factors and efficiencies. Issues of scale need to be weighed against the value of home rule. Home rule is a defense against State agencies. Functional State agencies have turf issues. Better State performance might weaken appeal of home rule to municipalities. Examples of productive intergovernmental areas: the Administrative Office of the Courts, County Environmental Health Act, Uniform Construction Code.

3. Peter Kasabach, Executive Director, New Jersey Future

Regional planning will lead to greater efficiencies. NJF's purpose is to be the watchdog of the State Plan. Unfortunately, the State Plan has no teeth; it is good on planning, but short on action. County centered land use planning will lead to efficiencies and is probably the most practical solution. The State Plan exists, but municipalities have no reason to coordinate with State Plan. Advocates regional tax sharing. The Meadowlands is the best example.

Regional tax sharing works against the “ratable chase.” Many public school districts are already regional. The public schools are a good place to start because they are the biggest share of the property tax.

4. Carlos Rodrigues, Vice President and New Jersey Director, Regional Plan Association

Why does a regional planning organization care about consolidation? RPA is interested in outcomes for planning process. We are not getting the outcomes we want. Many planning decisions are not made at appropriate level. Property taxes are an important question that RPA is interested in. RPA is interested in property taxes because heavy reliance on the property tax distorts land use decisions. Because of this heavy reliance on the property tax, many planning boards feel pressured to make land use decisions that have a positive fiscal impact for the municipality. What can be accomplished to improve the situation without consolidation? Many local functions can be dealt with on a regional or multijurisdictional basis. Need to find tangible incentives for regional or multijurisdictional cooperation. Need to deal with the assumption of debt and fiscal responsibilities of multiple jurisdictions. There is an absence of alternatives to property taxes for municipal revenue raising.

Discussion of information from the above four presentations:

Steven Cozza: LUARC is prohibited from looking at consolidating public school districts. NJF claims that there is room in LUARC statute to allow looking at school districts.

Joseph Doria warned against LUARC broadening its approach into public schools. LUARC has more than enough to deal with without looking at the public schools.

Dianne Brake: LUARC can look at disparities between municipalities as a way to bridge to the public school issue. Giving the municipalities a seat at the table can ease municipal suspicions.

Marvin Reed: land use planning and zoning considerations more than any other factor led to the defeat of consolidation referendums between the two Princetons.

Hannah Shostack: tax base sharing was not favored by the State Legislature as an alternative.

Dianne Brake: argues that “winners and losers” is an issue of framing.

Three advocacy groups gave testimony:

1. Joseph Doyle, Executive Director, New Jersey Planning Officials

Represents 11,000 planning board members. Every municipality has a master plan that is coordinated with the State Plan. NJPO initiated the State Planning Act. Municipalities, through cross-acceptance with the counties, coordinate their master plans with the State Plan. 95 per cent of development proposals are approved without controversy. Why don't we have regional zoning boards? Municipalities use home rule to keep zoning questions in town before the municipal zoning board. Denies that planning boards are a fiscal arm of the State.

2. Alan Mallach, Executive Board, Housing and Community Development Network of New Jersey

HCDNNJ is the principal advocacy group for urban revitalization. The central issue is not the number of municipalities but the level and scale at which services are performed. Size does not guarantee efficiency. LGS could be enhanced to help municipalities govern more efficiently. The State should establish benchmarks for individual services to guide municipal performance. There is a need for standards for evaluating service performance. State needs to rethink how it relates to municipal governmental performance.

3. Joanne Harkins, Director of Land Use and Planning, New Jersey Builders Association

Represents New Jersey's home builders. Home construction is a highly regulated business. Redevelopment is more than 50 per cent of home construction in New Jersey today. Municipalities must merge to provide staff and capacity to do efficient, effective planning. Zoning creates housing problem in New Jersey. Need to be able to build more high density housing in New Jersey. Land use policies need to be more regionally oriented. Market relevant zoning and municipal consolidation need to be done. LUARC must find optimal size for municipalities. New Jersey needs major structural changes.

Mr. Fisher asked if there was any other business which the Commission would like to discuss. Since no other business, adjournment was unanimously approved.