

# **PLANNING FOR NATURAL AND CULTURAL RESOURCES**

*A Report of the Natural Resources  
State Planning Advisory Committee*

*Report #2*

**April 1992**

# NATURAL RESOURCES

## State Planning Advisory Committee

### *Membership*

**Ann Auerbach**

*President, N.J. League of Women Voters*

**Mary Louise Blanchard**

*Assistant Director, Association of N.J.  
Environmental Commissions*

**Michael Bolan**

*Banisch Associates*

**John Carlton**

*Carlton Design*

**Earl Ervey**

*Member, N.J. State Board of Agriculture*

**David Fisher**

*Director of Regulatory Affairs,  
Ernst, Ernst, & Lissenden*

**Robert Flynn**

*Executive Director, Evesham Municipal  
Utilities Authority*

**Steven George**

*President, N.J. Farm Bureau*

**Robert Greenbaum, Esq.**

*Partner, Greenbaum, Rozve, Smith, Ravin,  
Davis and Bergstein*

**Roderick MacDougall**

*Member and Former President, Cook College  
Board of Managers*

**James Miller**

*President, Homestead Ventures, Inc.*

**David Moore**

*Director, N.J. Conservation Foundation*

**George Neiswand**

*Professor, Rutgers University*

**Judith Schleicher**

*Former President, N.J. Federation of  
Planning Officials*

**G. Erwin Sheppard**

*Sheppard Farms Inc.*

**James Sinclair**

*Vice President, N.J. Business and  
Industry Association*

**James Truncer**

*Secretary-Director, Monmouth County Board of  
Recreation Commissioners*



## Preface

The mission of the Natural Resources State Planning Advisory Committee (Natural Resources SPAC) is to advise the Office of State Planning and the State Planning Commission on a range of natural and cultural resource issues in 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), 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 Natural Resources 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 Natural Resources 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 Office of State Planning.

## Committee Acknowledgments

In addition, the Natural Resources State Planning Advisory Committee benefited from the input of Eleanor Campbell (representing Mr. Moore), Helen Heinrich (representing Mr. George), Jan Larson and Pearl Schwartz (representing Ms. Auerbach), and Taylor Palmer Jr. (representing Mr. Ervey). Others who contributed to the dialogue include: Larry Schmidt, N.J. Department of Environmental Protection and Energy; Faith Hahn, Monmouth County Park System; and Abby Fair, Association of New Jersey Environmental Commissions.

## Meetings

The Natural Resources SPAC convened on January 21, February 27, and March 20, 1992 in New Brunswick, Middletown and Morris Township to organize, engage in discussions on natural and cultural resource issues in 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 Natural Resources 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 Natural Resources SPAC.

## Discussion

During the course of its deliberations, the Committee considered a number of items of interest to natural and cultural resource experts, as found in the Interim Plan and the Interim Implementation Report. A consensus process was used to reach agreements on major findings and recommendations.

The Natural Resources State Planning Advisory Committee heard a presentation on the Special Area Management Plan (SAMP) now being considered in the Hackensack Meadowlands district. This unique planning initiative, which attempts to base regulatory actions on an understanding of the cumulative effects of development on the environment, may be further examined by the Committee to determine its possible planning applications outside the Hackensack Meadowlands district.

The Natural Resources SPAC also reviewed a report by Preservation New Jersey on historic preservation in the Interim State Development and Redevelopment Plan. Key findings of this report follow. In addition, the Committee discussed the amendments to the Interim Plan (resulting from the 3/17/92 Plan Development Committee meeting).

•This Committee expressed an interest in discussing further how State agencies would implement the policies of the adopted State Development and Redevelopment Plan; how mediation might be utilized as a method of dispute resolution in the land use area; what incentives may be available for urban revitalization; and the viability of mandatory transfer of development rights programs as a tool available to counties & municipalities to manage growth.

## Overview

The Natural Resources State Planning Advisory Committee discussed the following 9 areas of interest as related to the Interim Plan and the Interim Implementation Report:

- \* practical difficulties associated with capacity-based planning;
- \* development in centers;
- \* general findings and recommendations related to the Interim Implementation Report;
- \* whether, given the existing unresolved issues, State Plan adoption should be postponed;
- \* general findings and recommendations regarding the use of transfer of development rights programs;
- \* issues relating to agricultural viability in New Jersey;

- \* treatment of critical environmental sites in the Interim Plan;
- \* recommendations for changes to the Interim Plan regarding historic preservation; and,
- \* provision of sewer and water service in hamlets under the proposed amendments to the Interim Plan.

The findings and recommendations of the Natural Resources State Planning Advisory Committee 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; Practical difficulties associated with capacity-based planning.

Findings;

1. Municipalities are likely to be reluctant to embrace capacity-based planning for the following reasons:
  - a. The cost of generating the data necessary for capacity-based planning is substantial. Accordingly, many municipalities may be unwilling to make this investment.
  - b. Municipalities are very likely to prefer the status-quo, particularly in regard to zoning. They will attempt to fit the concept of planning areas into their existing zoning scheme.
2. There is a need for expedited research on the preparation of a technical manual for capacity-based planning, as referenced in the Implementation Report, If municipalities and counties are to respond affirmatively to the designation of centers and community development boundaries, then defining the parameters for capacity-based planning is crucial.
3. Capacity-based planning must be broadened beyond physical considerations to include economic and social considerations. This focus on economic and social aspects is necessary so that the human element is included in a capacity analysis. As an example, it was suggested that the urban enterprise zones in urban areas were a response to human needs in urban areas. It was also suggested that the process of examining social and economic factors would result in the need to make choices. In contrast, some members of the committee felt that social and economic issues should not necessarily be considered an essential element of capacity analysis, but as outside goals that may be desirable to achieve.
4. Reasonable environmental standards must be chosen (neither too strict nor too lax) in order for capacity-based planning to make sense.
5. Planning is a multi-faceted process that includes more than capacity analysis.
6. A concern for who pays and who benefits must be a part of capacity-based planning.

Recommendations;

1. The committee recommended the development of a model for capacity-based planning and zoning that can be done more easily and less expensively. These guides should provided guidance as to whether the conditions of a specific municipality require a capacity analysis that looks at many factors or just one or two.

## Recommendations:

2. Related to Recommendation #1, the committee recommended that consultants be hired to produce manuals on capacity-based planning. These manuals would be in the form of "how to" s for municipal and county use and would include case studies and identification of legal issues and concerns.
3. Regarding capacity analysis, developed communities should examine the possibility of repairing natural resources which have been damaged. Relatedly, it was recommended that the repair of such natural resources be included in redevelopment plans.
4. The committee found that the needs of people in rural and urban areas should be considered in capacity analysis. The committee recommended that it might be appropriate for consultants to examine how economic, social and cultural issues might be incorporated into a capacity analysis.
5. Manuals, presentations and guidelines demonstrating the multi-faceted nature of planning need to be provided to counties and municipalities. Beyond a capacity analysis, guidance is needed on economic growth, affordable housing and road capacity analysis and conservation strategies.
6. The League of Municipalities and the Federation of Planning Officials should sponsor a conference on capacity-based planning. This conference should provide planning manuals to attendees and, generally speaking, help local planning bodies use capacity-based planning to produce defensible planning decisions.
7. The Special Area Management Program process practiced by the HMDC in the Meadowlands may provide a intergovernmental cooperation model for reconciling environmental with other planning goals.

## Issue #2; Development in Centers.

### Findings;

1. Developing in centers can protect agricultural or environmentally sensitive lands by redirecting potential growth demand into more concentrated settlements, where services and infrastructure can be provided with greater efficiency.
2. By focusing development in centers, there is a danger that without guaranteed incentives or assistance, gaining development approval will become even more difficult to obtain due to focused opposition from adjoining land owners.
3. The Interim Plan's public investment priority for centers does identify incentives for development in centers, though it is likely that additional financial incentives will be needed.



Recommendations:

1. Priority permitting for center development, including mandatory time frames for review, must be established.
2. Funding sources and priorities must be sought to provide the necessary Infrastructure for center development.

Issue #3; Interim Implementation Report issues.

Findings;

1. Municipal involvement in capacity-based planning may duplicate DEPE efforts and result in a proliferation of regulations.
2. The Interim Implementation Report has the potential of increasing the layers of government.
3. County drainage regulations should be made more consistent with each other and the State.
4. Drainage regulations, such as those in Somerset County, which allow the County to assume management of drainage facilities, provided the detention basin is built according to county standards, provides an incentive for better managed development.
5. There is some disagreement whether the voluntary consistency designation of local plans outlined in the Interim Implementation Report will help expedite the review of development proposals.
6. Regarding Implementation Report, State Planning Commission Task #3, Establish a Monitoring and Evaluation Program to Continually Assess Plan Impacts (p. 4), the potential exists for the State Plan to be unjustly blamed for negative economic trends in the State.
7. Regarding Implementation Report, State Planning Commission Task #8, Budgeting for Substate Education and Training Programs (p. 7), county and municipal focus on zoning and site plan review restricts the ability of local and county planning bodies from focusing on long range planning concerns and objectives.
8. Regarding Implementation Report, State Planning Commission Task #8, Budgeting for Substate Education and Training Programs (p.7), while the training of lay planners is certainly important, the issue of time commitments by board members and elected officials transcends training. Even with adequate training of members, many boards are so busy with site plan and subdivision reviews that capital improvement planning and master planning are squeezed from their agendas.

**Findings (continued);**

9. Regarding Implementation Report, State Planning Commission Task #9, Prepare Planning Manuals and Guidelines (p.8), the Interim Plan's proposed periodic identification and recognition of existing and evolving "Communities of Place" seems an extremely casual approach to promoting the State Plan's major design recommendation.
10. Regarding Implementation Report, State Planning Commission Task #6, Initiate a State Agency Planning/Permit Review and Coordination Program (p.6), the SPC's assumption of an advocacy role in a State agency planning & permit review and coordination program is likely to be critical to the successful implementation of the SDRP.
11. Regarding Implementation Report, Legislative Issue #14, Incentives for Conservation of Natural Lands (p. 38), there is a premise that a finite set of "natural lands appropriate for conservation", should remain undeveloped and that all other lands should be developed to their maximum carrying capacity. Public agencies are encouraged to develop long range capital improvement plans and to impose development impact fees in order to finance the infrastructure needed to keep pace with all this development. The Implementation Report fails to mention that land appropriate for development may also be appropriate for conservation and that a no development alternative may be the least expensive in the long run as well as preferable in terms of quality of life issues.
12. Regarding Implementation Report State Agency Issue #3, State Agency Technical Assistance (p.12), the establishment of a inter-governmental data management system would have a positive impact on the quality of decisions. Additionally, sharing of available data offers a potential savings of tax dollars by eliminating unnecessary duplication of effort.
13. Regarding Implementation Report, Legislative Recommendation #7, Expediting Regulatory Processes (p. 32), the SPC advocates devolving responsibility for regulatory review and permitting as a means of improving the regulatory process. There are two major problems with this recommendation:
  - a. It assumes a level of skill and staffing at the lower levels of government that does not exist and may be more costly to achieve than maintaining and improving the processes at the State level.
  - b. The pressure to abandon regulatory objectives for short term relief or benefit increases as the level of review authority decreases. In certain cases, a detached and objective regulatory approach on the State level is preferable.

Findings (continued);

14. Regarding Implementation Report/ Legislative Recommendations, Section D, Protecting the State's Natural Resources (p.37), the statement that open space and recreation (Green Acre Trust) is funded through the year 2010 is true, but it is also misleading as it implies that additional funding is not needed. Absent a new open space bond issue, no additional projects can be funded until outstanding loans are repaid. While the fund is replenished as principal and interest on the loans are paid, the value of the fund continues to diminish over time.
15. Regarding Implementation Report, Legislative Recommendation #13, Taxing of Publicly Owned Watershed Lands (p.37), the SPC appears to be adopting a philosophy that land which cannot be developed is lost. In the case of publicly owned watershed lands, this undevelopable land serves multiple functions benefiting the public, including water quality protection, recreational opportunities, habitat preservation, and water supply enhancement. Accordingly, this should not be considered a loss of land for which the host municipality should be compensated.

Recommendations:

1. The role of counties in the planning process should be to review municipal plans and appropriate development projects from a regional perspective and to ensure consistency among plans and avoid a duplicative review process.
2. Regarding incentives for the conservation of natural lands (in conjunction with the consideration of development projects- particularly smaller projects), drainage or conservation easements should be established on privately-owned property, as opposed to subdividing and separating the open space for dedication to a homeowner's association or municipal or other governmental agency to manage.
3. Implementation Report, Legislative Issue #12, Employer Provided Transportation Programs (p.37). This section should identify how traffic management associations can assist in improving air quality.
4. Implementation Report, Legislative Issue #14, Conservation of Natural Lands (p.38). This section should identify the role/need for the Green Acres and Green Trust programs at the county and municipal levels.
5. Implementation Report, State Planning Commission Task #3 (p.4), Establish a Monitoring and Evaluation Program to Continually Assess Plan Impacts. The Interim Plan's monitoring and evaluation program should differentiate between those conditions which are and those which are not consequences of the Plan.

Recommendations (continued);

6. Regarding Implementation Report, State Planning Commission Task #8, Budgeting for Substate Education and Training Programs (p.7), the Department of Community Affairs and/or Office of State Planning should support training programs for local and county planning officials as well as professional planners.
7. Regarding Implementation Report, State Planning Commission #8, Budgeting for Substate Education and Training Programs (p.7), OSP should initiate a comprehensive evaluation and analysis of the fundamental structure and available resources of planning decision-making in the State.
8. Regarding Implementation Report, State Planning Commission Task #9, Prepare Planning Manuals and Guidelines (p.8), the preparation of planning manuals and other educational efforts must be given high priority if this vision is to become reality.
9. Regarding Implementation Report, State Planning Commission Task #6, Initiate a State Agency Planning/Permit Review and Coordination Program (p.6), in the development of a State agency planning & permit review and coordination program, the SPC's functions should include the initiation of policy as well as review of policy initiatives by others.
10. Regarding Implementation Report, State Planning Commission Task #6, Initiate a State Agency Planning/Permit Review and Coordination Program (p.6), the SPC should prepare guidelines for agency functional plans to ensure that each agency's plan is comprehensive and addresses key issues relative to the SDRP.
11. Regarding Implementation Report, Legislative Issue #14, Incentives for Conservation of Natural Lands (p.38), municipalities should be reminded that they have a choice in determining how much development they are willing to accept as well as deciding where it should be. However, municipal choice regarding the level as well as the location of development is constrained by property rights, CQAH requirements, environmental regulations, regional agencies, economics, technology, market factors, the Municipal Land Use Law and a host of other factors.
12. Regarding Implementation Report State Agency Issue f3. State Agency Technical Assistance (p. 12), in developing an inter-governmental data management system, it would be advantageous for the data system to include existing infrastructure, including publicly owned land as well as pending capital projects. It is necessary for existing State agencies to be able to communicate among themselves via computer technology.
13. Regarding Implementation Report, Legislative Recommendation #7, Expediting Regulatory Processes (p. 32), municipalities should update master plans and development regulations to encourage projects that are desirable.

Recommendations (continued):

14. Regarding Implementation Report, Legislative Issue #18, "right-to-farm" Programs (p.41), strengthening of existing "rights-to-farm" should apply to all farms with farmland easements purchased by the State or counties. This would help to protect the public investment in any instances where a farm is not included in Planning Area 4 for whatever reason. Some members of the committee felt that all "right to farm" programs should apply Statewide, regardless of a farm's location.
15. Regarding Implementation Report, Legislative Recommendations, Section D. (p.37), Protecting the State's Natural Resources, additional funding for open space and recreation is needed prior to 2010.
16. Regarding Implementation Report Legislative Recommendation #13, Taxing of Publicly Owned Watershed Lands (p.37), unless the State establishes a policy of making in lieu of property tax payments on all public lands, no such policy should apply to watershed lands.
17. Regarding Implementation Report, Section IV Introduction (p. 16), rewrite the sentence beginning on line 5 to read as follows: The Commission is fully aware of the difficulties that municipalities have in carrying out their responsibilities in planning and regulating development in a complex and fragmented intergovernmental system. Municipal environmental commissions are important resources for these tasks. Their legislatively defined responsibilities require them to study, identify and recommend the use and development of municipal natural resources and open lands, [and it] The Commission...

Issue #4; Given the existing unresolved issues, should SDRP adoption be postponed?

Findings;

1. Postponing SDRP adoption will not likely achieve consensus.
2. The planning problems which resulted in passage of the State Planning Act still exist and must be confronted.
3. Further delay of SDRP adoption may hurt the Plan's credibility.
4. The unavailability of the Impact Assessment has made it difficult to judge the impacts of the Interim SDRP.
5. Implementation issues regarding regulatory reform, planning processes and tools and a process for resolution of conflicts must be better resolved.
6. The Communities of Place concept is confusing and will require an education process to communicate what is meant.

### Recommendations;

1. Some committee members felt that greater resolution of regulatory reform issues should be addressed prior to SDRP adoption. Specifically, these issues include the following:
  - a. incentives available for implementation of centers and planning areas concepts.
  - b. process for resolution of conflicts resulting over SDRP implementation and interpretation (e.g. an institutionalized mediation process)
  - c. institution of mandatory time frames for regulatory review,
  - d. tax incentives—particularly for urban revitalization should be identified.
2. State Plan adoption should not be deferred, though the adopted State Planning Commission rules for State Plan map amendments and consistency review should be employed as appropriate and necessary.
3. Amendments to the Municipal Land Use Law and County enabling legislation should be considered. However, this should not delay State Plan adoption.
4. Equity aspects of the State Plan should be addressed prior to Plan adoption in order to achieve the greatest consensus possible.
5. The State Plan and Implementation Report should acknowledge the requirements of the Federal Clean Air Act amendments.
6. The appropriate State agencies should work with the Office of State Planning and the State Planning Commission to resolve implementation issues.
7. Private sector input should be encouraged in formulating State agency implementation reports (relative to how the regulatory system should change as a result of the State Plan).

### Issue #5: Transfer of Development Rights Programs.

#### Findings;

1. Purchase of Development Rights programs have been proven effective. The effectiveness of transfer of development rights programs remains contingent on provision of incentives and disincentives and meeting certain criteria (e.g. providing adequate infrastructure, regulatory relief, density bonus, and downzoning appropriate, sensitive lands in sending areas).

**Findings (continued) :**

2. Transfer of development rights programs can be implemented in a variety of ways including agreements between developers, landowners and municipal officials; designating all development within a municipality as a receiving zone, and the more traditional concept of designating a site specific receiving zone.
3. Developers need certainty and incentives to encourage their participation in a transfer of development rights program.
4. Several smaller receiving zones may be preferable to one large one.
5. Transfer of development rights programs may require procedural, regulatory incentives for simple wastewater treatment.
6. Allowing counties and municipalities the ability to purchase development rights directly from sending area landowners is an important feature of a successful program.

**Recommendations :**

1. A detailed manual describing how transfer of development rights programs can be designed is needed. This manual should discuss the relationship of transfer of development rights and purchase of development rights programs to other land preservation tools. The use of these tools should also be made clear in the Implementation Report.
2. The infrastructure requirements of receiving areas should be a focus of a successful transfer of development rights program.
3. Local governments should have the ability to participate in transfer of development rights programs such that they can purchase development rights from sending zone landowners to help create an active market for the use of development rights.
4. Some committee members felt that assuming the legal authority is provided for transfer of development rights programs under the Municipal Land Use Law, local governments should implement such programs subject to certain criteria that will insure a successful program (e.g., adequate infrastructure, density bonus in receiving areas, justification for protection of sending area).

Issue #6; Agricultural viability in New Jersey/Implementation Report.  
Legislative Recommendations 16-21.

**Recommendations :**

1. Collateral needs of farmers should be examined in light of agricultural viability—particularly in those cases where development rights have been severed from the farm.

Recommendations (continued);

2. A permanent source of funding is needed to fund farmland easement purchase.
3. Some committee members felt that pension funds for farmers could be established in order to lessen reliance on sale of land for retirement.
4. A program to assist young farmers in acquiring farms should be developed. Development of this program should examine farm viability and income as they relate to ability to pay a mortgage, and the role of deed restricted farmland in this process.

Issue #7; Treatment of critical environmental sites in the ISDRP.

Findings;

1. The Department of Environmental Protection and Energy has completed a study on scenic corridors that may be useful in producing the final State Plan.

Recommendations;

1. The final State Plan should include specific policies regarding how critical environmental sites should be treated in the various planning areas. This is necessary because critical environmental sites are of different types and therefore require different management.
2. The Department of Environmental Protection and Energy's scenic corridor study should be released so that its recommendations can be incorporated into the final State Plan and Implementation Report.

Issue f8; Preservation New Jersey's recommendations for changes to the Interim State Plan.

Recommendations;

1. Regarding State Planning Goal #7 (p. 13), Preserve and Enhance Historic, Cultural, Open Space and Recreational Lands and Structures, this goal should include the identification of historic sites of local importance on local registers. This point is important because protection of historic sites takes place on the local level.
2. Regarding State Plan section titled, "Planning Areas: The Geographic Framework for Communities of Place" (p. 27), this section (and in other places appropriate) should be amended to clarify that critical environmental sites include historic sites.



Recommendations (continued) a

3. Regarding Statewide policies for Historic, Cultural and Scenic Resources (p. 59), the introduction should be amended to include mention of the role of municipal historic preservation commissions and local and county environmental commissions as the bodies often responsible for identification, designation and regulation of local historic sites and districts.
4. Regarding Statewide policies for Historic, Cultural and Scenic Resources (p.59), a policy should be added that addresses the need to fund municipal and county surveys and to maintain and develop publicly-owned historic sites. This need for funding should also be included in the Implementation Report.
5. Regarding the Glossary of the Interim State Plan (p. 154), the definition of "Historic Site" should be amended to include historic sites not yet identified and included in State, county and municipal registers. It is important, however, that the definition be worded carefully so that it is understood that just because a site may fall under the definition of a historic site, it does not enjoy any protective status until included in an official historic register.

Issue #9; Provision of sewer and water service in hamlets under the proposed amendments to the Interim Plan.

Findings;

1. Development should first occur where there is capacity in existing towns, villages and hamlets.
2. The development of new villages is preferable to the development of new hamlets.
3. If villages are not identified, the development of hamlets is preferable to a traditional subdivision.
4. Provision of water and sewer service to hamlets may not prove economically viable. It may also cause excessive financial burdens on landowners within the hamlet who must support these services.

Recommendations;

1. While some members of the committee would prefer development requiring water and sewer service to be accommodated in towns or villages, should this not be possible, the criteria in the State Plan for identifying planned hamlets should read as follows: "It is planned to cluster housing and community services that would occupy one or several tracts. Although it may include public water and sewer systems, the planned number of units and related development should not exceed the natural carrying capacity of said tract(s)."

Recommendations (continued):

2. However, other members of the committee felt that hamlets served by water and sewer should not be constrained by natural carrying-capacity and that density should reflect the capacity of the land as modified and enhanced through the provision of utilities.

Additional Input From Committee Members

The following includes comments received following conclusion of the three Natural Resources 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 suggested that notice of all petitions for consistency review or map amendments and their depositions be published in the N.J. Register. This would provide a single reliable source of information on pending and completed actions, ensuring that groups and agencies with regional or Statewide interests would be able to monitor all such actions. It was also suggested that regional and interstate agencies not be excluded from petitioning for map amendments. Presently, they are only eligible to petition for consistency reviews. Finally this committee member suggested that a change to the draft rule which allows the Commission to disapprove petitions for map amendments if the land area involved has been the subject of a previous petition within the previous three years. It is suggested that the rule allow for consideration of separate petitions in cases where the petition seeks changes of a different nature (i.e., separate petitions seeking a planning area change and a scenic corridor designation).

Another committee member made the following suggestions regarding the Rural Planning Area: (a) center development should not occur without local and State regulatory authorities being sensitive to the economic disruptions caused by the shift of development opportunities from environs to centers; (b) right to farm protections should be applied equally in all planning areas; (c) the State Plan should incorporate language which specifically references those conditions (i.e., zoning, density allowances) which predated the State Plan for use in any future appraisal procedure used in purchase or transfer of development rights programs; (d) the effective date of the final SDRP should be postponed until outstanding questions can be resolved; (e) the establishment of transfer of development rights programs should be an extension of the proven purchase of development rights programs (method of site selection, appraisal, etc.), not implemented as a mandatory program; (f) regarding agriculture viability, the State Plan must leave farmer's development right equity intact because it is a cushion against anti-competitive losses and "hassle factors"; (g) the concept of a pension fund for farmers should be deleted, in favor of developing a realistic tolerance for clustered housing or purchase of development rights programs as options for retirement needs; (h) critical environmental sites should take effect only after specific State enabling legislation which sets forth the terms for adoption and accompanying economic mitigation measures; (i) hamlets should "float" in

rural areas, thereby helping to retain development right potential and perhaps lessening the level of public funds needed to mitigate losses; and, (j) the number of units in a hamlet served by water and sewer should be able to exceed natural carrying capacity.

The following comments were offered by another Committee member, regarding the Rural Planning Area: (a) County Agricultural Development Boards should be involved in a formal manner in the planning and implementation process; and (b) difficulties with mapping, the equity issue, and delay of the Impact Assessment justify delay or at least caution in the adoption of the State Plan.

This Committee member also 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.

**NATURAL RESOURCES STATE  
PLANNING ADVISORY COMMITTEE**

New Jersey Office of State Planning

**Director:**

John W. Epling

**Assistant Directors:**

Robert Kull  
Charles Newcomb

**Project Manager:**

Thomas Dallessio

**Principal Author:**

John Gilbert

**Production Staff:**

Diane Chepega  
Cynthia Everett  
John Gilbert  
Mary Housel  
William Purdie  
Teri Schick

New Jersey Office of State Planning  
Department of the Treasury  
150 West State Street, CN 204  
Trenton, NJ 08625  
(609) 292-7156