



## **New Jersey environmentalists, developers disagree over the shaping of state planning legislation**

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**BY TOM HESTER SR.**

New Jersey environmental activists charged Thursday that an influential coalition of developers and their allies are hiding behind smart growth, economic recovery, and the election, to push a series of bills through the Legislature that the activists see as proposals that would undermine environmental protections, local zoning and planning, the rights of citizens, and the government's authority to protect the environment.

At a Statehouse press conference, the environmentalists released a memo from the Smart Growth Economic Development Coalition and corresponding new legislation that highlight what they charge is a hidden agenda including a plan to push for passage in November and December lame duck session a bill, that they contend is "the worst in a package that serves narrow self interests at the expense of taxpayer's money, health, and quality of life."

"This bill will dictate to the people of New Jersey where and how they should grow, to what densities they should grow, and how much they should spend on subsidies to developers," said Sierra Club of New Jersey Director Jeff Tittel. "Developers and their cronies will have the power to stop environmental protections, to force towns to accept development, and to stop the preservation of open space - all without any meaningful public input. This bill is the (state Council on Affordable Housing) COAH on steroids and will create a developer dictatorship."

Ted Zangari, a lawyer with Newark-based Sills Cummis & Gross and a coalition participant, said the 21-member coalition has been open about its efforts for at least two years. He said the coalition has a package of 12 development and planning bills and has seen five approved by the Legislature and governor. He said the coalition would like to see the remaining seven measures passed in the lame duck session but would be satisfied if the proposal reshaping the state Planning Commission is approved.

Zangari said the Planning Commission bill has not been finalized. He also said any measure the coalition finds a legislator to sponsor must be officially introduced, face committee hearings, possible amendments, floor debate and votes and review by the governor.

Zangari said the coalition refers to the Planning Commission revision proposal as "a legacy bill for the state of New Jersey. We envision a state of New Jersey master plan with teeth that drives growth and other policy decisions of the state while balancing the need to protect the environment," he said.

The environmentalists provided reporters with a copy of correspondence Zangari, sent to members of the coalition sent to members updating them on the status of the group's efforts.

In the correspondence Zangari writes, "As you may know, the Smart Growth Economic Development Coalition's 'stimulus package' of suggested legislation includes a bill that would

overhaul the state Planning Commission. The draft legislation -- copy attached along with a summary -- is the product of a diverse working group of land use and real estate professionals, chaired by my law partner Tom Hall, representing many of the 20 plus member organizations within the coalition.

"Highlights of the bill include: Removal of state agencies from the roles they currently play; the state Planning Commission is reconstrued as a citizen body which has state agency representatives as non-voting members. Elevation of the CEO of the state Planning Commission to a cabinet-level position. Transfer of the commission to Treasury. Imposition of a mandate requiring all state agencies to conform to the State Plan."

Zangari continues, "The legislation overhauling the state Planning Commission is the only bill yet to be introduced. We are close to reaching a consensus within the coalition and are aiming to have the legislation introduced by late September."

The coalition includes, among others, the New Jersey Builders Association, the Building Contractors Association, Counselors of Real Estate, the Economic Development Association, the Industrial & Office Real Estate Brokers Association, the International Council of Shopping Centers, the National Association of Industrial and Office Properties, the Newark Real Estate board, the Newark Regional Business Partnership, the New Jersey Association of realtors, the Business & Industry Association, the State Chamber of Commerce, PlanSmart NJ, the Regional Plan Association, and the Society of Industrial and Office Realtors.

PlanSmart NJ describes the coalition as comprised of groups who ware "building a package of legislative initiatives to revise laws and regulations to support redevelopment efforts in places around the state that have been identified as being the right places to grow."

The environmentalists charge that in the past six months, the coalition has pushed through seven of the bills on its agenda, including the Licensed Site Professional bill, which privatizes toxic cleanups, and the Permit Extension Act, which extends all permits.

They charge the Permit Extension Act is so bad that even the Bush Administration opposed it, but Zangari argues the measure was necessary to spark construction and jobs in the state.

The newest bill proposes to increase the power and role of the state Planning Commission. The environmentalists charge that by hiding behind smart growth, this bill will undermine environmental protections and planning statewide. They said the proposed legislation, called the Smart Growth Economic Stimulus Act, will be moving in lame duck session and will have influential sponsors.

"Calling this smart growth is just like when the Bush Administration hid behind "Clear Skies and Healthy Forests" to try to destroy protections at the national level," Tittel said. "This legislation is the opposite of smart growth; it's dumb growth."

Zangari said the legislation would not permit construction in environmentally-sensitive areas but encourage it in urban areas and places where the state presently permits development. He said a cabinet-level planning commissioner is needed to reshape the state master plan to coordinate the location of, for example, new businesses, housing, hospitals and highways. He said in some instances, state agencies don't follow the current mast plan.

"Wouldn't it be great for a re-elected Governor Corzine or a newly-elected Governor Daggett or Christie to have a new state planning commissioner who could come up with a new master plan with a year from now that would target where you would want to see transportation money spent, business located, new housing and not have a hodge-podge of policies zigging and zagging?"

"Gone are the days when a 100-acre cornfield can be turned into a housing development," Zangari added.

The environmentalist maintain that under the legislation, the Planning Commission and the director would have sweeping powers over every aspect of land use, planning and environmental regulation. They charge planning officials will have the power to review, stop, overturn, or change all other agency plans, regulations, and capital spending. They charge the planning officials could overturn the state Department of Environmental Protection rules and they could force the Department of Transportation to build roadways to help developers. The charge planning officials would have the power to overturn mapping plans and regulations of the Highlands Council, Pinelands Commission, and Meadowlands Commission.

"This is the first time that there has been a real attack to destroy regional planning through legislation that will undermine the authority of these commissions," Tittel said.

"The governor, legislators and candidates need to stand up to the narrow, near-sighted interests behind this legislation and nip it in the bud now before it can bloom in lame duck or beyond," said Dave Pringle, campaign director for New Jersey Environmental Federation. "We need economic development that protects public health and the environment, while this bill does just the opposite for the benefit of a special few at the expense of the many, citizens and taxpayers."

"The state will give power to the Planning Commission to ignore the Pinelands Plan, the Highlands Plan and undermine decades or years of planning in these regions as it is not required to follow the plans," said Mike Pisauro of New Jersey Environmental Lobby. "The state will give the power to a select few to determine how New Jersey protects its people and its natural resources. The Planning Commission can overrule and ignore science by prohibiting regulations from going into affect merely because it does not fit their plan. It can overrule the rules when it deems appropriate in specific instances regardless of the environmental impacts. In an effort for short term gains the state is planning on incurring long term problems that will do more economic harm than we have gained."

"This is Orwellian," Tittel said. "We're using the term smart growth to undermine smart growth and growth management in New Jersey. What we're doing is setting up is a junta and a dictator that works with the developers against the environment and the people of New Jersey. This bill will grant extreme powers to a small group of people that will dictate to the rest of the state how and where the state should grow. This is the biggest abuse of power and giveaway to developers in state history."