

July 2010

# Land Use Reform in New Jersey

## Improving Conditions on the Ground



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40<sup>th</sup> Anniversary • 1968-2008

# An Introduction to PlanSmart NJ

## *Better Land Use, Better Lives*

Formed in 1968, PlanSmart NJ's mission is to improve the quality of community life through sound land use decisions – sound plans, regulations and investment and incentive programs.

Over the years, PlanSmart NJ has:

- Shaped laws
- Developed new policy frameworks
- Invented new planning tools
- Published books
- Conducted federally-funded research
- Advised governments and professional associations
- Partnered to create effective organizations
- Initiated public/private partnerships
- Facilitated consensus

We have sustained our reputation for balance and professionalism that has brought respect for our positions for forty years.

For the last four decades, we have studied problems separately: the loss of jobs, lack of affordable housing, traffic congestion, pollution, loss of farmland and habitat, urban distress and the concentration of poverty. Our experience confirms that it is better land use – shaping the right type, amount, density, mix and location – that will improve conditions in all these areas, creating a better quality of life for all of us in the future.

Rather than relying on the rhetoric of others, PlanSmart NJ keeps focused on what we think the land use system can and should deliver: a better economy and environment, while reducing costs and improving economic and racial integration. We have developed a number of innovative tools and strategies to reform government decision-making to get the job done.

For the next few years, we will be focused on a four-pronged strategy focused on implementing land use reforms:

- 1) The State Plan, supported by State Planning Act reform, to reflect the strategic direction and performance standards we seek, while documenting the different conditions in different locations that will require different actions in each region to meet future goals.
- 2) Land use regulations to reform specific state agency regulations as well as local zoning that obstruct growth in growth areas and allow uncoordinated decision-making to degrade the function of regional systems.
- 3) Constituency-building to stand up to the forces who support the status quo by building power across the usual boundaries of interests and geography.
- 4) Public education in media and speeches, to explode myths about growth, density and the environment that obstruct reform.

PlanSmart NJ's members and supporters invest in us because they believe that our experience, reputation, professionalism and strategies will protect their current interests in New Jersey and ensure a better future for everyone in the long-term.

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## Improving Conditions on the Ground

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## Chapter 1

### It's about the economy . . . **AND** everything else!

For more than forty years, supporters of PlanSmart NJ have had their eyes on the big picture and the long-term. Economic growth, with its benefits and challenges, has always been central to our mission. But it has never been our goal. Our goal is much bigger.

Through sound land use and regional cooperation, we strive to renew the landscape so that communities in the future will have a better quality of community life. This requires a more sustainable economy **and** environment, based on resource efficiency (benefits per dollar) and regional equity (access throughout a region to good jobs, affordable housing, performing schools and safe neighborhoods). Policies that affect any one of them, affect the others. And they are all affected by land use.

Our goal is to advance all of them, improving conditions on the ground for all. These goals are not only interconnected, but **inseparable**. But in New Jersey's fragmented land use decision-making system, each goal is advanced like a Rubik's Cube that has many players.

Each goal is a face on the Cube – jobs, housing, transportation, natural resources, energy, and social and economic integration. But each player is making his decisions on the basis of advancing only one square on one side of the Cube. Added up, the actions of all the players will consistently block any one from winning. It is a system that is based on lose/lose.



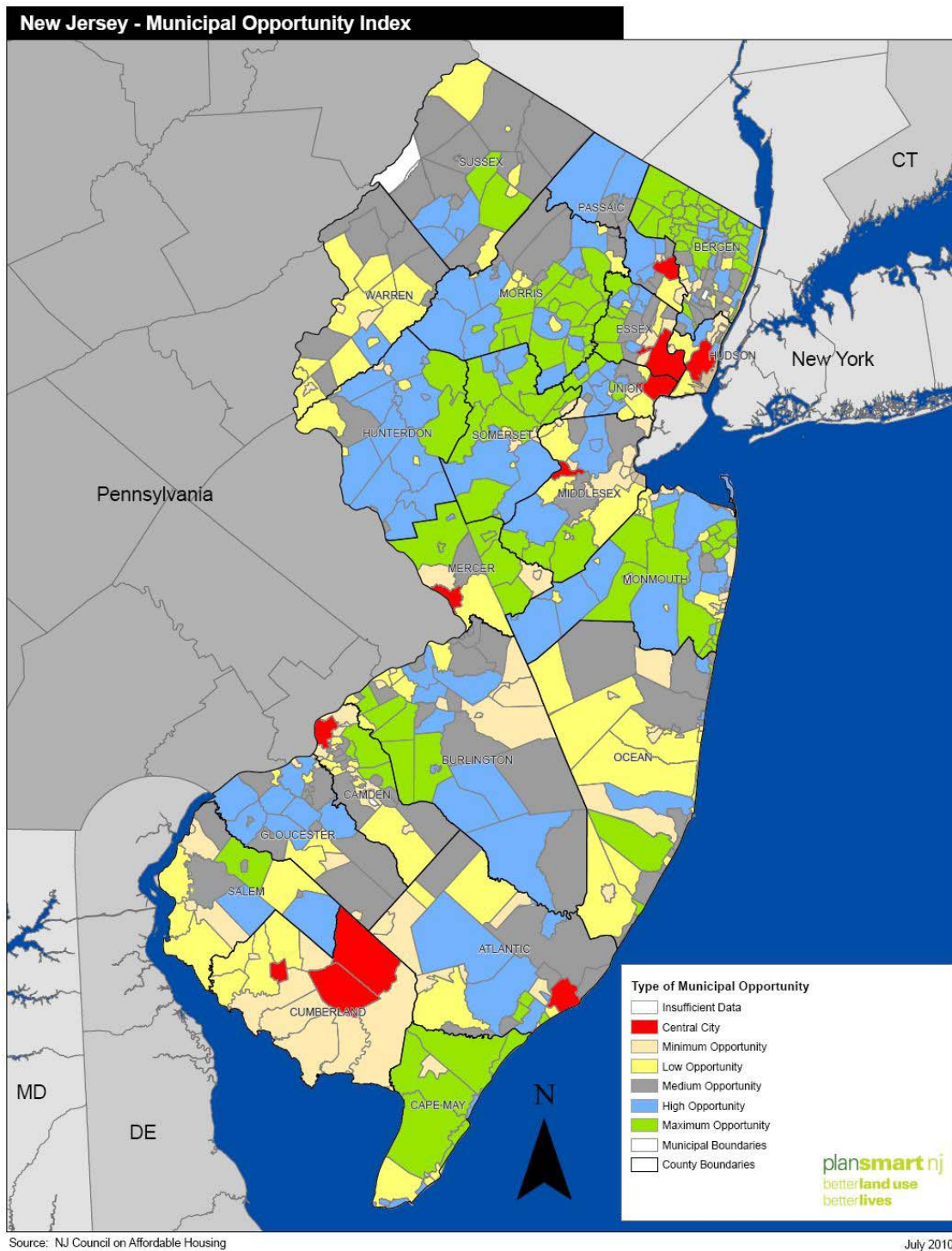
PlanSmart NJ's goal is to create a framework that will make sure that all the players in the land use decision-making system – government and the private sector – **work together**. The framework would ensure that one player's actions can only advance if it does not impede the progress of another. This would transform the system into one based on win/win.

**New Jersey's economy: Rebirth or deathwatch?** Why is it important to change the system now? New Jersey has one of the biggest budget deficits in the country. And because New

Jersey is closer to build-out than any other state, it means that the usual answer to fiscal problems – which is to encourage growth on open land – cannot be applied.



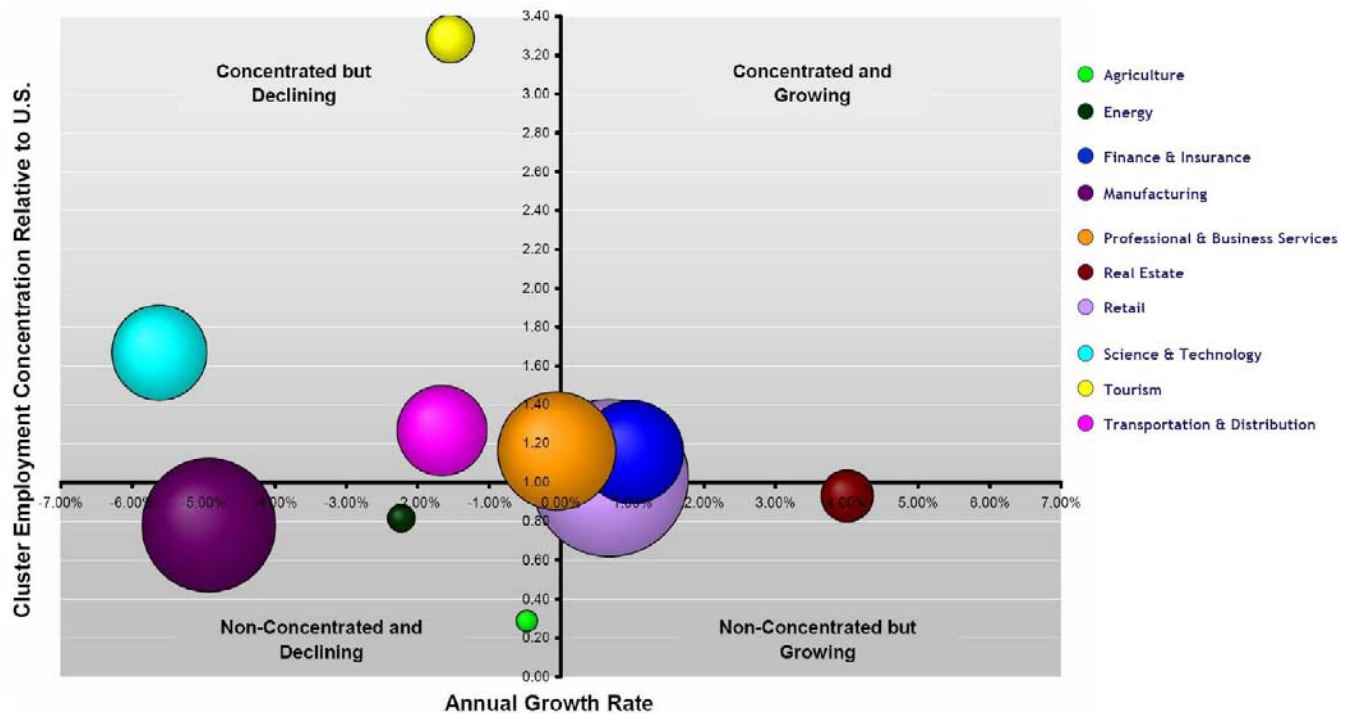
Furthermore, New Jersey is a bundle of contradictions. It is still one of the most prosperous states in the nation, but has some of the poorest cities.



New Jersey has long been known for its excellent schools and great infrastructure, but the State is struggling to keep up with maintenance or to make strategic investments in these systems.

In spite of its impressive infrastructure, New Jersey residents have the third longest commute in the nation.

In spite of its well-respected, well-educated and skilled labor force, recent data reveals an alarming exodus of skilled jobs and high-wage earners.



Will New Jersey's assets or its liabilities define the future?

Often named as contributing to the State's problems are high taxes, the high cost of housing, traffic congestion, the morass of government regulations and a dwindling amount of open space. All of these are related to land and the system governing its use.

**It's all connected to land use** An important and yet often overlooked thread connecting New Jersey's problems is land use. Land use decisions, in turn, affect job growth, housing prices, patterns of economic and racial segregation, transportation, water resources, natural habitats and the functioning of regional systems that affect our overall cost of living and quality of life.

New Jersey's existing land use pattern blends its original settlement pattern, which goes back centuries, with a new one that has been built primarily over the 20<sup>th</sup> century. The old settlement pattern was based on walkable communities, originally connected by rivers and canals, later, by trolleys and trains.

In contrast, the newer land use pattern is widely dispersed, with development that is built at low densities and single uses, designed to be connected almost exclusively by automobiles.

The newer development has created opportunities for home ownership for some, and transformed New Jersey's economy into the fifth largest office market in the country. In fact, about 80% of all the offices that have ever been built in New Jersey were built between 1980 and 1990.

The newer pattern is described by those who focus on its assets as "suburban" and by those who focus on its liabilities as "sprawl." Whichever way you look at it, this new pattern is an inefficient use of land, supported by government investments in new roads, sewers and other infrastructure, which result in neglect of existing infrastructure in older communities. And it is largely inaccessible to many sections of the population – the elderly, disabled, poor, and people of color.

**New Jersey needs to find growth capacity at build-out** If the previous assessment does not provide enough reason to alter the new development pattern, there is also the compelling fact that there is no growth capacity in it.

New Jersey will run out of open, developable land sooner than any other state in the country. If we want to grow our economic base, we must change from building primarily on greenfields to building primarily where there is already development – both in urban and suburban locations. This is something land use policy has not been set up to do. It would require changing almost everything.

**Growth capacity** in developed places must be built:

- **through understanding how much growth we need, where, and what we need new growth to do to improve conditions in each region.**

How many and what kind of jobs are needed to strengthen the economic base of each region of New Jersey – urban, suburban, rural? What housing will these workers be able to afford? And where should new jobs and housing be located to meet the needs of the economy and the constraints of the environment, optimize transit, and reduce the concentration of poverty?

The answers to these questions could build a shared vision of the future of New Jersey, far more integrated government actions (beginning with a

focused economic development strategy, for one), and a far more strategic, operational and enforceable State Plan than we have.

- **through transforming the transportation system to be transit-centric, and more New Jersey-centric.**

A transit-centric system does not require most trips to be on public transit, but requires a focus on shifting as many trips from auto-dependency as possible. The target for this mode-shift should be set to meet the greenhouse gas emissions reduction standards.

With the investment in the new ARC Tunnel under the Hudson, New Jersey's transit capacity will be doubled in many places. We must have a land use and transportation plan to use the new capacity as strategically as possible. This should include capturing more suburban employment centers in an expanded bus-to-rail Jersey-centric system. This will require a new, stronger state role in integrating land use and transportation planning to ensure that the transportation system can *grow*.

- **through integrating natural resource regulations by watershed, based on *improving* conditions, rather than protecting land from development.**

This requires the state to be more specific about existing conditions and setting performance standards to improve these conditions in each watershed. As above, it requires the state to play a more active role in land use to achieve these improvements.

Although watershed boundaries are not coterminous with County boundaries, the County is the logical administrative agent. Counties are able to bring together all the regional goals for jobs, housing, transportation, natural resources, energy and de-concentrating poverty and work with its municipalities to optimize results and to agree on actions to achieve goals.

- **through reducing the concentration of poverty and changing investment and incentive programs to favor redevelopment.**

To build stronger redevelopment markets will require a new approach to jobs, affordable housing and transportation programs in order to open up opportunities in suburban employment centers and re-concentrate new jobs and housing in transit hub locations.

The current land use decision-making system is designed to create what it created in the 20<sup>th</sup> century. Because New Jersey is close to build-out, this



pattern will not sustain us in the future. In order to change the land use pattern, we must change the system that produces it.

**Failed attempts to fix land use: 1975 Municipal Land Use Law; 1986 State Planning Act** Powerful laws have been enacted in the past to improve land use planning. In 1975, the Municipal Land Use Law was adopted to require municipalities to plan their land use. It did not specify however, what local plans should be designed to achieve and it pays only lip service to the need to coordinate plans with neighbors or the state.

In 1986, the State Planning Act was adopted to integrate the planning, regulations and spending of all agencies of government to create a more efficient and productive land use pattern. The State Planning Act was based on the premise that a more center-based land use pattern, created by a more integrated and efficient system of planning, was the means to meet economic, environmental, resource efficiency and regional equity goals.

In other words, the framers thought New Jersey's land use should become more like its original pattern – a network of compact, mixed-use, walkable communities that are connected by public transportation, allowing large tracts of land to be preserved for water, other natural resources and recreation.

The trouble is, the Act did not give the State Planning Commission or anyone else the power it needed to make this happen. It left the land use decision-making system untouched. The contradictions in the system, mean that the goals in the State Plan have been virtually impossible to meet.

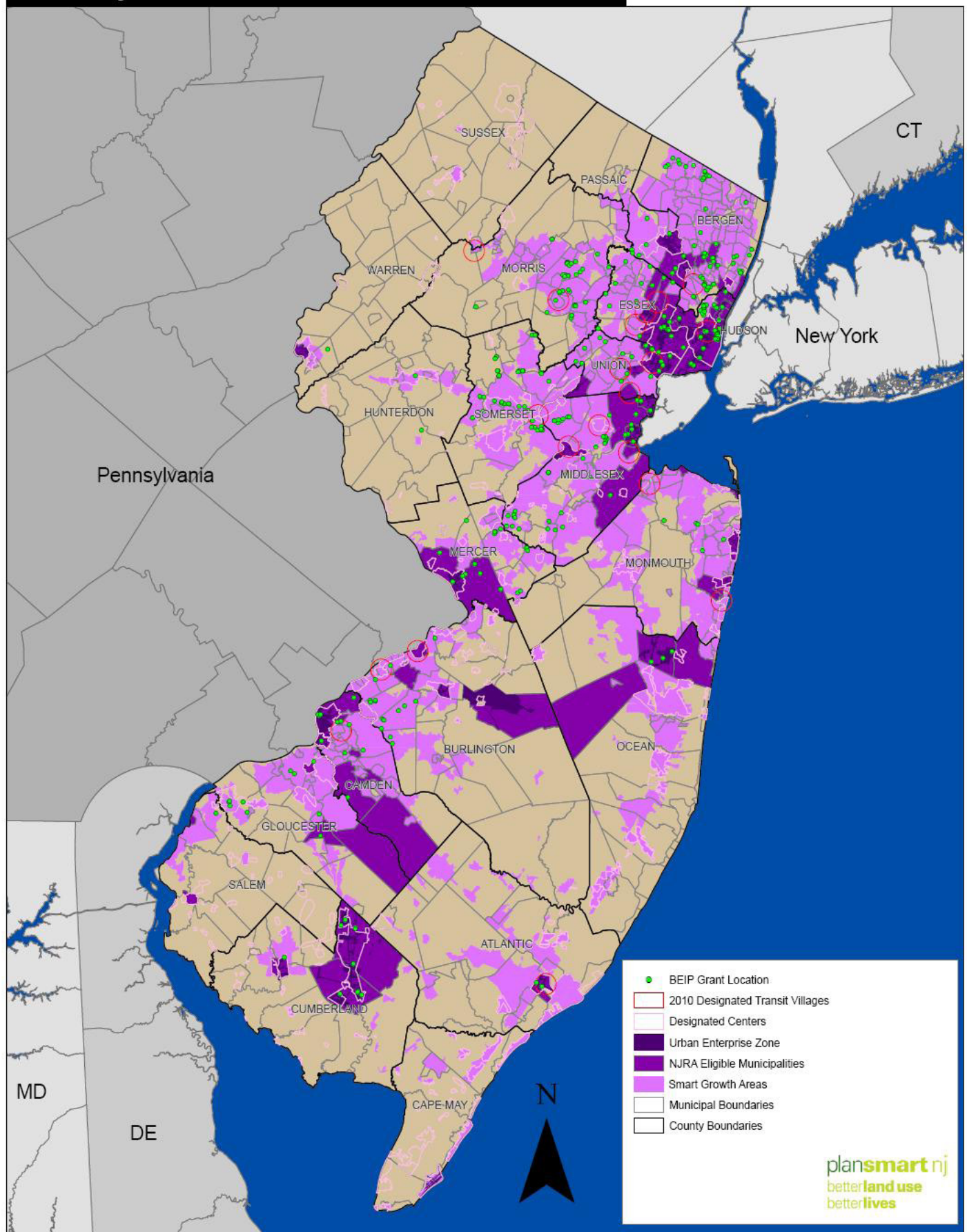
Today, there is general agreement that the State Plan – to date – has failed to meet any of its goals. Changing land use patterns has been far more difficult to accomplish than planners ever imagined.

It has become clear that promoting center-based development alone will not be enough to improve conditions for most people. What New Jersey needs is a State Plan that promotes center-based development that is designed to improve existing conditions – improve the functionality of shared systems – in specific ways. And the State Planning Commission must be given the power to hold decision-makers accountable.

The following questions must be answered before land use patterns will change significantly enough to achieve the promised outcomes: How much growth do we need, where? To do what, exactly?

**PlanSmart NJ's Smart Growth Economy Project:** In 2005, PlanSmart NJ correctly foresaw the economic crisis facing New Jersey that today no one disputes. We responded by setting up a **Smart Growth Economy Project** and made it the centerpiece of our work program for several years.

## New Jersey - Incentives to Growth within Smart Growth Areas

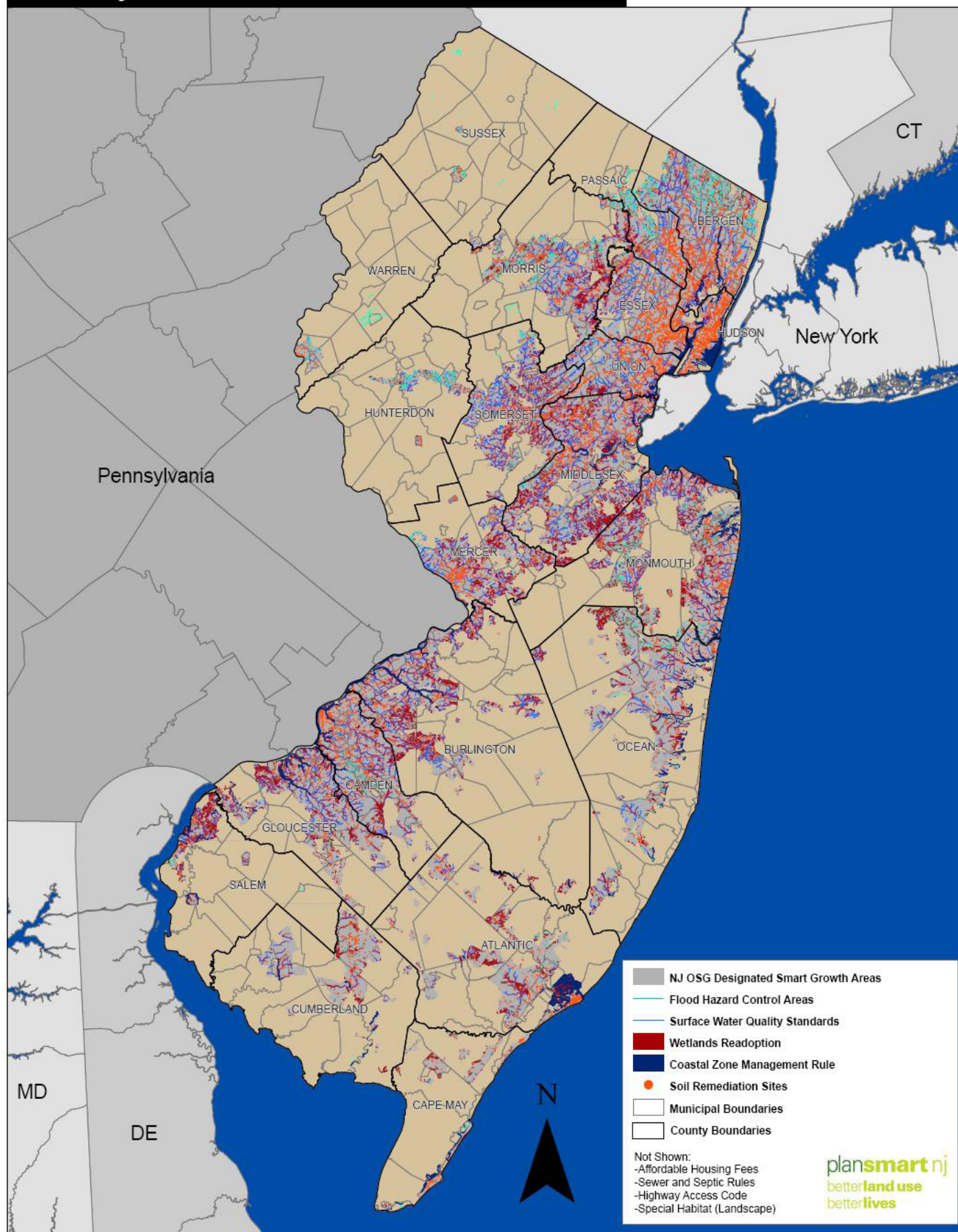


Source: NJOSG, NJRA, NJDOT, NJ Commerce, NJEDA

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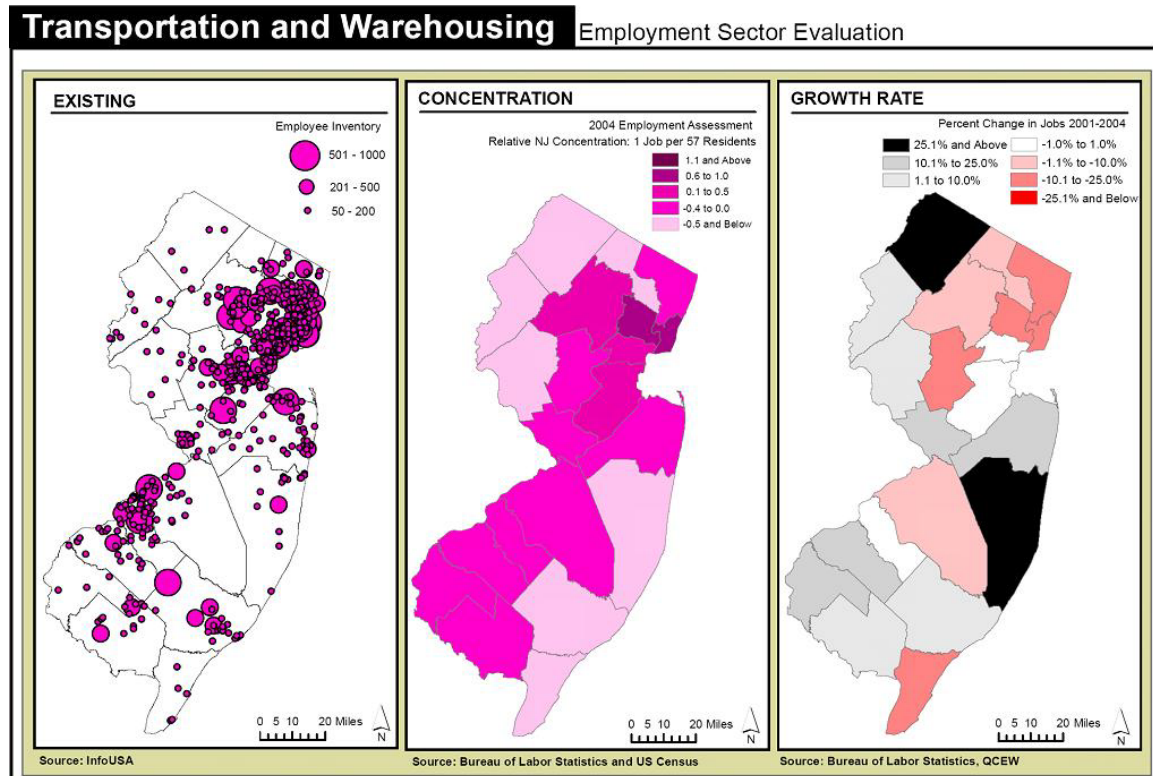


## New Jersey - Barriers to Growth within Smart Growth Areas



The purpose of the Project was three-fold:

- First, to educate planners on the economic engines that drive growth. If planners are to manage growth to get better outcomes on a range of issues, they must understand and value it properly.



- Second, to correct the imbalance in New Jersey's approach to growth. Today's approach sees the environment as fragile, but the economy as taking care of itself. Efficiency and regional equity are not considered at all. We see that all four – economy, environment, efficiency and equity – are vital to New Jersey's future. They are not just interconnected, they are inseparable.
- Third, to determine ways to harness the economic engines driving growth to get better outcomes on the ground for more people.

New Jersey must have a land use decision-making system that produces the jobs and housing we need, in places that will improve conditions on the ground.

The Smart Growth Economy Project was focused on New Jersey's **land use decision-making process**, because plans, zoning, state regulations and capital investments all affect whether it is easy or difficult to attract, retain or expand business.

In particular, the Project was focused on specific issue areas: **jobs, housing, transportation, water, energy** and **racial and economic integration**. These are all land use issues that affect the economy by affecting the capacity of communities to grow. They are also issues that affect the quality of community life and the cost of living that affects the ability of companies to attract and retain workers. Again, these issues are inseparable.



## Chapter 2: Connecting the “dots” through land use

**Fixing New Jersey’s broken land use system:** Once the connection between land use and the economy and the many associated issues is made, it is clear that the current land use decision-making system is dysfunctional – it does not produce what New Jersey needs. In our analysis of the system, we saw three specific problems. It is:

1. **Fragmented**, with many independent state agencies, authorities, counties, districts and 566 municipalities controlling land use.
2. **Directionless**, lacking both comprehensive and strategic goals.
3. **Lacking an effective decision-making process** that is regional, transparent, accountable and focused on outcomes.

In PlanSmart NJ’s Smart Growth Economy Project, we have produced a vision of a new system, one that is at once more comprehensive and strategic, with three new planning tools designed to solve the three problems listed above. And more importantly, produce better outcomes on the ground.

**Planning for all we need:** One of the ways in which we envision addressing the fragmentation of the current system is to promote both horizontal integration (across issues, across agencies), and vertical integration (state to local levels of government).

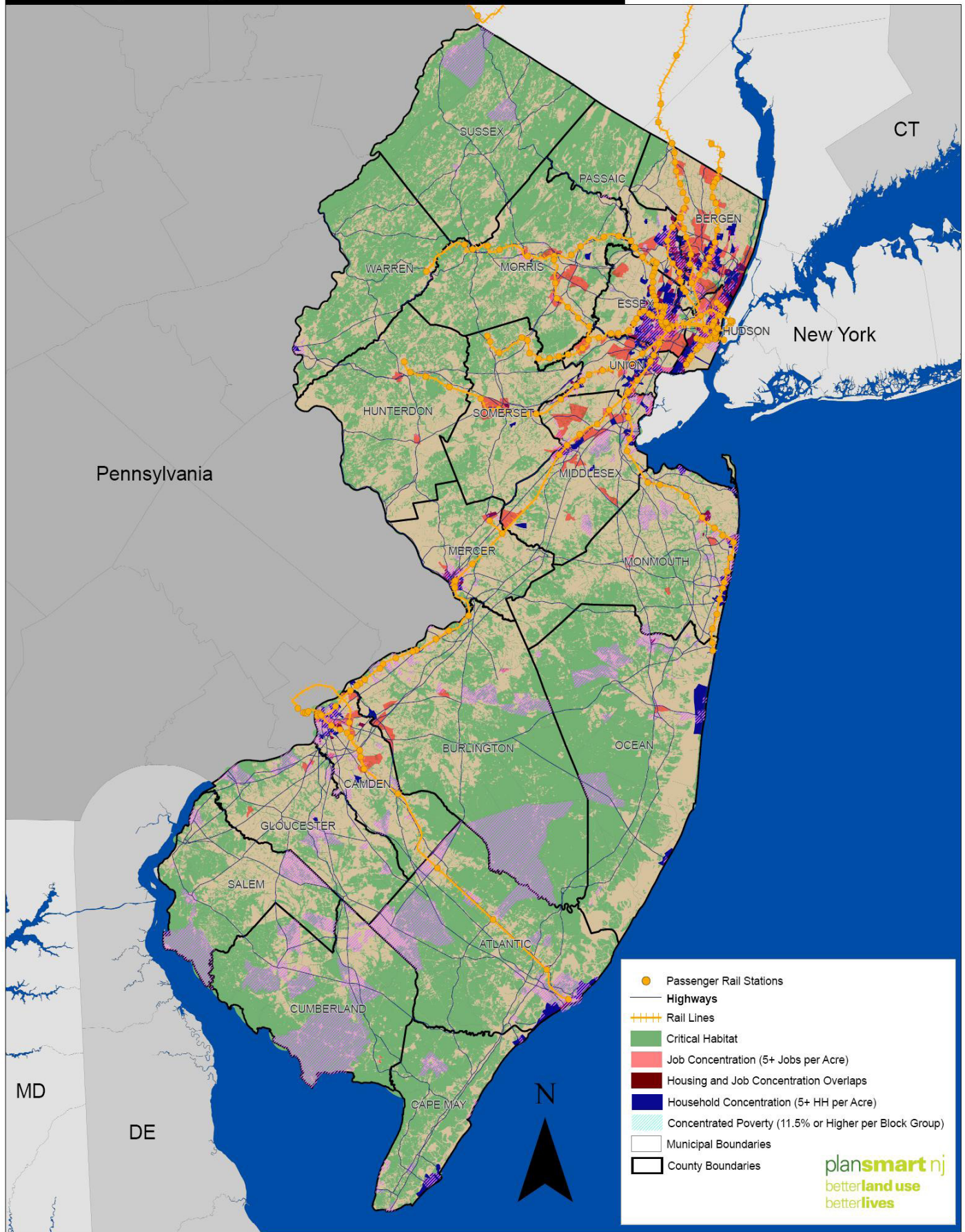
**First, the system needs horizontal integration** – across issues. Our new system is designed to improve conditions in the Economy **and** the Environment **and** resource Efficiency **and** regional Equity – **4E Planning**. Improving conditions in all four E’s are essential to the future quality of life in New Jersey. Optimizing a range of goals, not maximizing any one – is the solution we seek.

Horizontal integration is also across boundaries – across state agencies and across municipal and county boundaries.

In the current land use decision-making system, a single state agency – the Department of Transportation, for example – will not be able to create as efficient and functioning a transportation system on their own, as they would if all the other players in the system, were acting together toward a single set of goals.

Similarly, a single municipality will never be able to solve problems of traffic-congestion or water pollution or flooding on their own. They need the other municipalities who are in the same region to coordinate their actions toward improvements to the system as a whole.

# New Jersey - Existing Conditions Around Passenger Rail Lines



Source: NJ Transit 2008, U.S. Census 2000, NJ DEP 2007, NJ Transit - Transit Score Data

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**Next, the system needs vertical integration** – from state to local government. Our new system is not based on a top-down regulatory system. The old “command-and-control” model won’t work in a system that hopes to manage complexity.

Instead, this integrated system is based on state agencies setting standards and targets for regional systems – regional economies, watersheds, transportation and other regional infrastructure and for reducing disparities among municipalities. These are all functions they have the responsibility and authority to perform.

**The common language of targets:** We would want these standards and targets to be drawn from adopted policy (laws, regulations, etc.) or accepted “best practices.” They need to be powerful in order to transform policy and achieve results.

These standards and targets are expected to serve as the framework – the common language – for organizing the actions of many players. They provide the whole system with direction, a common purpose: a shared vision of the future of New Jersey, improving conditions for everyone.

The targets are numeric, a statewide number that can be disaggregated to counties, setting performance standards and targets for watersheds and other definable regions. The disaggregation to counties would recognize different conditions in different counties; a shared vision of the future of the state, but with each county starting from a different place.

These metrics define the common goals for the entire system – state agencies, county and local governments, authorities and districts – all those who make decisions that will affect the achievement of the target. They also provide the means to monitor progress and to hold decision-makers accountable for results.

To make it manageable, we have reduced the targets to just five areas that are designed to be connected to each other:

1. A job target for each region to create a prosperous economy – rural, suburban and urban.
2. A housing target, related to the job targets – defining the incomes of the workers and other households, and therefore defining the affordability of the housing needed.
3. A mode-shift (transportation) target to reduce auto-dependency and greenhouse gas emissions by shifting travel to transit, biking or walking.
4. A target to reduce the concentration of poverty and increase racial and economic integration.

5. A target for each watershed to improve the quality and quantity of water resources and protect critical habitats.

Targets in each of these five areas create a simple set of goals – the amount of growth we need, where, to improve conditions important to everyone, for the long-term.

These simple targets provide the criteria for evaluating the land use plans, regulations, investments and other programs that the many players in the system create. They cut across administrative boundaries and across issue areas. We can more clearly see if each player’s actions are moving us toward these targets or not.

We envision a land use system that uses a shared vision of the future to set top-down nature of targets. We have developed a concept for how these targets would be set, calling them **Planning Calculators** for each of these areas:

Since conditions across the state vary, however, statewide targets should not be applied uniformly to each region. So we have also created a **Land Use Score**, a bottom up metric to reflect the different needs of different places. Some may need more jobs, some more housing. Some places may need market rate housing, and some places may need more affordable housing. Some places may have little water and others may have an excess of wastewater treatment capacity.

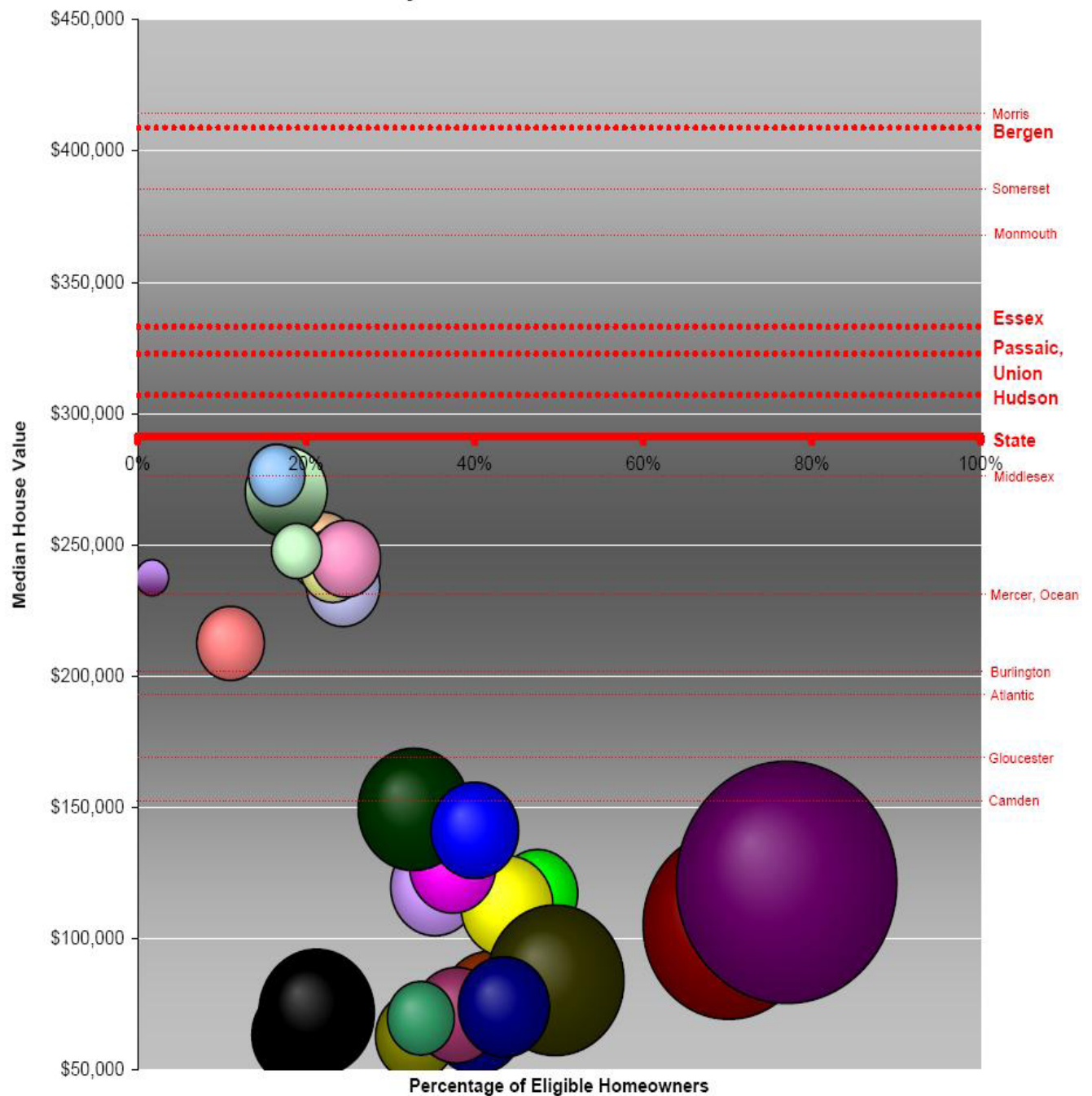
Although each Planning Calculator is independent in some ways, they are all interconnected through land use. A starting point, however, must be with jobs. Although environmental constraints have been documented and mapped in detail, there is little known about the geography of the economy, or what different sectors need to prosper in New Jersey.

For the new land use decision-making system to work, a priority must be given, therefore, to an analysis of which sectors should grow in which region to strengthen the economic base of that region and the state as a whole, paying attention to numbers of jobs and their likely incomes.

From this assessment, we can understand what range of housing types the workers would be able to afford; where the jobs and housing should be located to optimize transit, make the most efficient use of infrastructure, reduce the concentration of poverty and improve water resources – and serve the needs of the economy.



## Housing Affordability for Individual Workers By Industry Sector Clusters within the State



### Industry Sector Clusters

#### Agriculture

- High-Level
- Mid-Level
- Entry-Level

#### Energy

- High-Level
- Mid-Level
- Entry-Level

#### Finance & Insurance

- High-Level
- Mid-Level
- Entry-Level

#### Real Estate

- High-Level
- Mid-Level
- Entry-Level

#### Pro. Bus./Sci. & Tech.

- High-Level
- Mid-Level
- Entry-Level

#### Retail

- High-Level
- Mid-Level
- Entry-Level

#### Manufacturing

- High-Level
- Mid-Level
- Entry-Level

#### Tourism

- High-Level
- Mid-Level
- Entry-Level

#### Trans. & Warehousing

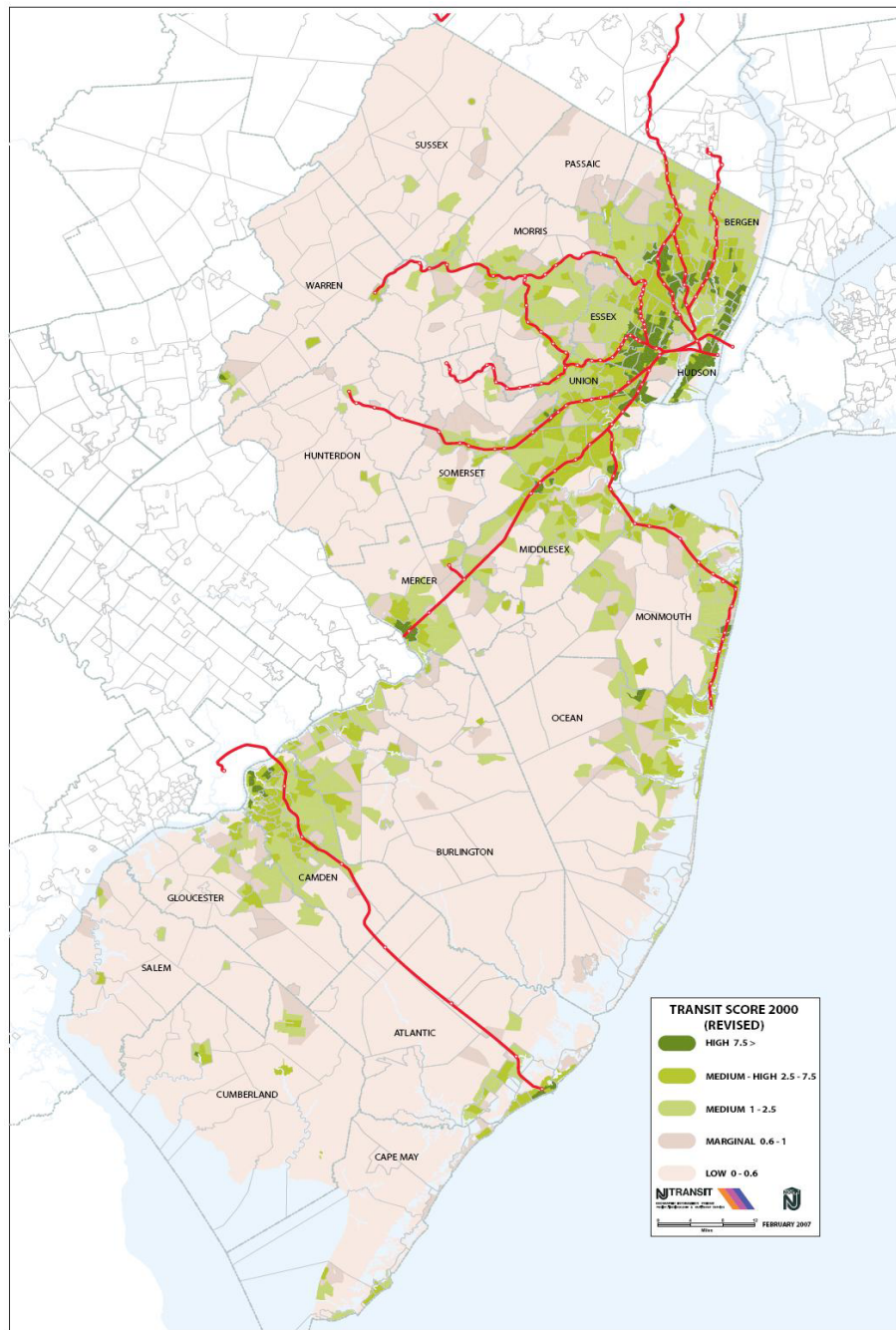
- High-Level
- Mid-Level
- Entry-Level

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The **Land Use Score** provides this geographic assessment of conditions on the ground. It should be the starting place – a base map – for developing a new State Development and Redevelopment Plan.

New Jersey Transit, for example, has developed a Transit Score, which can be used as a layer in the Land Use Score Map. The Transit Score is a way of measuring the potential feasibility of different kinds of transit services, based on the overall density of development.



For example, in a place like Jersey City or Newark, the score may be high, capable of supporting frequent commuter rail services. For low density places like Montgomery Township or small centers like Salem City, an infrequent jitney service may be all that can be supported.

A Transit Score map, combined with a map of current transit services, can indicate where growth should be located to make efficient transportation investments.

Another example of a layer of the mapped Land Use Score is a simple system of evaluating watersheds – where growth can be located to reduce the impact on the water. This system is easily mapped, based on impervious coverage (how much land is built on already). For example, if the coverage is less than 10%, conditions should be protected from development. If coverage is more than 30% there is impairment that can be targeted for improvement through redevelopment and new, center-based development.

The Land Use Score maps the conditions that new growth is expected to enhance or protect. Data collection and analysis can be limited to the important layers that are needed and the targets that must be met – reducing costs of planning.

The Planning Calculators and the Land Use Score were designed to inform the planning process. ***Data itself never creates a plan.*** The plan must be created by integrating the information and making policy decisions about benefits and risks.

**Re-engineering the State Plan:** Together the Planning Calculators and Land Use Score provide a far more useful way to revise the **State Plan Policy Map**, which is the basis for so much controversy. Our tools cover all of the goals included in the State Planning Act, and provide a more comprehensive basis on which to revise the current State Plan Policy Map than the current draft-update, which is based solely on environmental conditions.

The Plan must take information about what the experts in state agencies, supplemented by stakeholder and advocate experience, know about what New Jersey needs to improve conditions – the **jobs** we need to strengthen the economic base of each region, the **housing** that will be affordable to all, the **transportation** system that will reduce auto-dependency and increase travel options, how to improve the condition of water and other **natural resources**, and, and how to improve **regional equity**, which means to racial and economic integration and eliminate concentrations of poverty and the disparities among communities.

We see these areas as **functional plans**. The information in each functional plan will be assigned to specific locations and mapped. The reconciliation of all

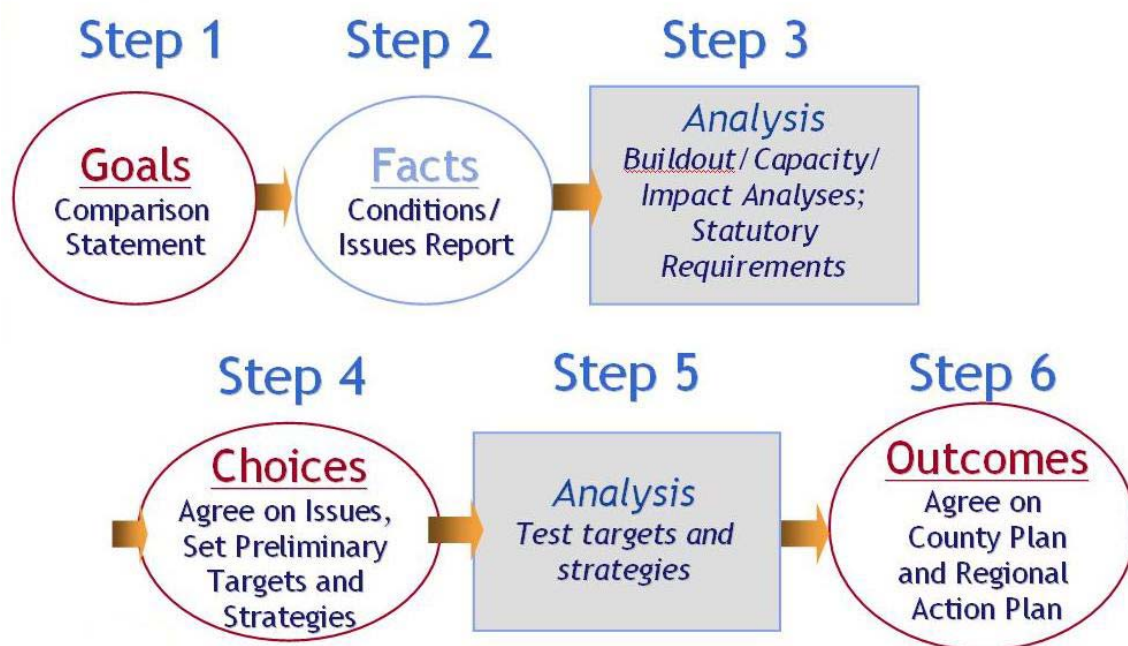
these factors to **optimize results across the board**, will result in a new State Plan Policy Map and will inform a more dynamic and strategic State Plan.

The Map and Plan will be based, not on existing conditions as it is today, but on the direction that the state wants to go. It will be designed to solve problems and improve conditions on the ground.

**Regional planning in a Home Rule state – the RAP:** Although goals, facts and targets can inform public decisions, ultimately the choices must be made within a public process, with transparency, accountability, and accessibility.

In addition, a process must be found that will integrate the various decisions and coordinate the actions of many players, to reach the shared, statewide goals and regional targets.

For this purpose, we developed the **Regional Action Plan Process (RAP)**. The RAP is designed to provide a framework for addressing state and regional goals, across issues, through a partnership of all levels of government, focused on accountability for results.



The County starts the RAP process by convening their municipalities, together or in sub-regions. The first few steps can be done before the public meetings begin: compile an inventory of county and municipal goals; compile a build-out analysis of zoning, a capacity analysis of gray and green infrastructure, and trend job and demographic projections; review the targets assigned by the State’s Planning Calculators and the unique conditions described by the Land Use Score map; analyze the issues as they emerge from this information.

When the public meetings take place, the focus is on whether or not the issues have been effectively identified, whether the targets are appropriate and what actions they will each take that will – together – meet the targets. Then, there must be an assessment of whether the agreements are likely to meet the targets or not before a final Regional Action Plan (RAP) can be approved.

**Expected Results:** PlanSmart NJ’s new land use system is designed to manage regional systems across administrative boundaries. Working with Home Rule, instead of against it, we have devised a planning system that separates state and regional interests from local issues.

PlanSmart NJ’s tools empower state agencies to take responsibility for their legislative mandates (protect the environment, provide an effective transportation system, produce affordable housing) without “telling” municipalities what to do. Instead, it allows them to get more specific about the State’s responsibilities to all its residents. Our metrics allow each agency to align its programs with those of other agencies, without compromising results – in fact, better coordination and integration of decision-making is likely to get better results than under the current system.

Our vision for a new system, replaces the current contradictory system in which one agency gives incentives for growth and others create overwhelming obstacles

Applying this structure for reducing the fragmentation of government decision-making, giving the system strategic direction, is likely to result in:

- ✓ **Focused economic development** to grow enough jobs to create a sustainable economy and to provide good opportunities for the current and future workforce. It can reduce competition within New Jersey and make our economy more competitive in global competition.
- ✓ **More housing** that matches the incomes of workers and special needs populations. These targets provide the framework for regional tax-base sharing and a comprehensive reform of COAH.
- ✓ **New jobs and houses located to:**
  1. **Make New Jersey the most transit-friendly state** in the nation, which will improve mobility, air quality and efficiencies;
  2. **Make the most efficient use of infrastructure;**
  3. **Reduce the concentration of poverty**, which will reduce the overwhelming fiscal and social costs of segregation; and
  4. **Improve water resources** and critical habitats by prioritizing land preservation, regulations and investments by watersheds.

## Chapter 3: The Strategy – How to get there from here

The second phase of our Smart Growth Economy Project is already underway. It is designed to reform the dysfunctional land use system – the plans, regulations and infrastructure decisions that are currently fragmented, directionless and without an effective state or regional planning process to address state and regional problems.

Our work is built around four key strategies:

### **1. Change the Plan, Change the Map:**

We are seeking funding to analyze existing and proposed legislation, rules, Executive Orders and other adopted policies for targets to make our Planning Calculators and Land Use Score more robust and ready to replace the State Plan Policy Map.

The intent of this work is to have the strength of federal and state laws provide the backbone of a more effective land use system. The targets drawn from laws, regulation and best practices can establish the framework for integrating the independent actions of all levels of government, without being prescriptive.

New Jersey's body of adopted policy – on the environment, housing, transportation, urban revitalization issues – all have goals that have not been met. We want to extract these goals, transform them into quantifiable targets supported by the literature of best practices, to drive legally supportable change. PlanSmart NJ has an extensive network of land use and environmental lawyers, civil and environmental engineers, planners, developers and non-profit advocates with experience in the public and private sector to help us with this work.

These performance standards, targets and planning objectives will be written into functional plans (see Re-engineering the State Plan) for jobs, housing, transportation, water and other natural resources, and regional equity. The purpose is to create a Map and Plan that will reflect a shared vision of the future that will optimize results in all program areas. The actions of all agents of government, from state to municipal planning boards, can be evaluated in terms of this shared vision and the expected results in each area.

### **2. Change thinking, change regulations:**

- Department of Transportation (DOT): We have been advocating for some time that DOT change some regulations that are based on some outmoded thinking and limit the ability to meet transportation targets. For example, we want to **explode the myth that mobility requires free-flowing vehicular traffic everywhere**, which leads DOT to obstruct growth in growth areas because of an outmoded view of “mobility.”



Instead, we must raise the awareness that increasing congestion (density) in selected places will foster more opportunities for transit use and other modes of travel, thereby improving mobility.

In addition, we have been **advocating the setting of mode-shift targets** as the basis for regulations and infrastructure investments and incentive programs. This is supported by existing legislation plan that sets 2020 and 2050 targets to reduce greenhouse gas emissions, of which the transportation sector produces about 40%.

This, in turn, requires that the next Long Range Transportation Plan that DOT produces must have a map and make land use recommendations by location to support their priority investments.

Furthermore, we have been working **to explode the myth that DOT is powerless to control local land use**. Under the current system, local land use planning and zoning is auto-dependent and directly responsible for a major portion of gridlock on the State's system, undermining other modes of travel. Through its local funding and other programs as incentives, DOT has the power to protect the functionality and efficiency of the transportation system, reduce auto-dependency and create the most transit-friendly state in the country.

- Department of Community Affairs (DCA): PlanSmart NJ has advocated all state agencies, particularly DCA, **focus on the police power of local zoning**. Zoning is like eminent domain: a police power over land use. The Constitutional “mandate” for affordable housing is nothing more than the Court saying that the police power of zoning can only be applied **to advance the general welfare**.

This is not radical. We know that the public does not allow for local officials to use eminent domain anyway they wish – there are clear and important limits. The same should be true for zoning.

At a time when both the public sector and the private sector have no money, New Jersey must use the power it has that costs nothing – the power of regulation.

This is important today, since the state is embroiled in controversy over how to transform its housing programs. Instead of seeking a market-driven system, it makes sense to set up a system whereby the structure of government regulations – the zoning itself plus supportive state agency regulations and infrastructure investments – creates what is needed. Incentive and investment programs can be added, when the economy recovers, to get even better results.

Besides reforming zoning, of course, New Jersey's housing programs must include a stable source of funding to supplement the supply of new units with rehabilitated units and housing vouchers.

We have also advocated to DCA, where the State Planning Commission now resides, that there can be – must be – **state and regional planning in a Home Rule state**. The State Planning Commission must transform the State Development and Redevelopment Plan with a new Statewide Policy Map, based on Planning Calculators and Land Use Scores.

Unlike the current one, **this map would reflect current conditions that need to be protected or improved in the future through planning** – strong and weak employment centers, housing opportunities, concentrations of poverty, transit potential, impervious coverage in watersheds, etc.

Coupled with targets for each of these conditions, the new Map and State Plan will provide a better, more comprehensive basis for growth decisions. It will move the land use system from a static approach to a more dynamic, future-oriented approach. The new Map and Plan will reduce the cumulative impact of over 560 local planning board decisions, and make it more likely that state and regional goals will be met.

- Department of Environmental Protection (DEP): PlanSmart NJ has been advocating for some time that DEP change some regulations that are based on some outmoded thinking and limits the ability to meet environmental targets.

For example, we want to **explode the myth that less development is better for the environment**, which leads DEP to obstruct growth in growth areas and promote low density development that is not low enough to protect resources, thereby creating sprawl and degrading environmental resources.

In addition, we **advocate the use of watershed-based targets** as the basis for integrating various programs of DEP, including habitat and groundwater protection.

This can provide a framework for local government decision-making, resulting in zoning that is more likely to conserve appropriate areas effectively and develop and redevelop areas that will meet statewide and regional targets.

Furthermore, we want to **explode the myth that DEP is powerless to control local land use**, which leads DEP to ignore the *de facto* sprawl

land use pattern that their regulations create. It also leads DEP to ignore their power to set targets – by watershed, for example – which can, in turn, drive partnerships across County and municipal boundaries to meet regional water and habitat goals.

We also **advocate aggressive conservation practices** as a valid means to protect resources system-wide, and create growth capacity in appropriate locations.

**3. Build strength, change politics:** In order to build a coalition to support reform of the land use decision-making process, addressing housing, transportation, redevelopment and water resource programs, we will continue to build **Planning Innovation Networks**. This is the only way to build a constituency of supporters and explode the myth that nothing can be done to change outcomes in New Jersey.

**4. Change thinking, change voting:** We will continue an **aggressive public education program** through the media, with a series of **op-eds** and **press releases** written and **editorials** and **news articles** suggested to the press from PlanSmart NJ's extensive list of newspaper, radio and television contacts.

## Frequently asked questions about land use

Q1. How can these ideas be put into practice when local government controls land use?

- A. Our proposals are merely a way for each town's Home Rule actions to be coordinated with state government to achieve state and regional goals that have been adopted in laws and regulations. We have found that most local officials understand all too clearly that many issues are regional and cannot be addressed locally – traffic, watersheds, even growth pressure. Most will accept regional planning to deal with these issues – as long as they have a seat at the regional table. Even the most avid Home Rule advocate wants some protection from their neighbors Home Rule!

Q2. Why should politicians accept target-based planning and want to be made more accountable?

- A. Our proposals were developed with input from public officials who knew that if the system were to be implemented, they would be more accountable for meeting targets. But the transparency of the process helps to provide cover, if a target is not met. For example, if the target for affordable housing cannot be met for fiscal reasons, that will be clear in our process. Transparency and accountability go hand in hand.

Q3. What makes you think that government can do this?

- A. Until about 10 years ago, New Jersey had a national reputation for being progressive and innovative. Reform is the only way forward. No one doubts that our economy is in danger, and it is in danger in part because of the broken land use decision-making system. Even the best economic development strategies will fail to attract and keep jobs if there is no housing and no good way to get to work. And if the conditions which concentrate poverty in so many of our urban areas are not addressed, the State will be forced to throw money at law enforcement, corrections, health care, failing schools and crumbling infrastructure. The reforms we advocate could improve our economic competitiveness, reduce costs (or at least create more benefits per dollar), and more effectively protect and improve the environment. These are all achievements of a sound land use system.

Q4. Where should government start?

- A. First, the State Plan Policy Map should be revised by creating an Existing Conditions Map showing what conditions should be improved by more strategic growth and conservation strategies. These conditions include the Transit Score, environmental constraints, infrastructure capacity and

economic and demographic conditions, such as where and what kind of jobs and housing exist, and where concentrations of poverty can be found.

Then the State Plan Policy Map can be created showing growth targets by location (jobs and housing), located to optimize transit use, improve racial and economic integration and improve water and habitat protection. This will create a map quite different from the one we have.

At the same time, DEP, DOT and DCA should all revise their rules to ensure that they will support growth in the State Plan's growth centers and prevent sprawl in conservation areas. This will mean each agency rethinking their approach to land use, understanding the power they have to protect state systems, which will allow them to coordinate Home Rule to produce these outcomes through targets and a regional planning process (RAPs). The whole will be greater than the sum of the parts.

Each government entity must recognize that planning outside jurisdictional boundaries – working with others on shared goals – is just as important as what they do inside their jurisdiction.

It will mean DEP must create standards and targets for each watershed and set standards for other critical resources, based on desired outcomes. DOT will have to expand their definition of mobility to include transit and identify priority transportation corridors. And DCA will have to allow the State Planning Commission to fulfill its statutory functions and COAH to abandon "growth share" and follow the State Plan and the *Mt. Laurel* Doctrine.

Q5. What would be the benefit of a State Plan as you envision it?

A. The results will mean that:

- a. Urban advocates will not be isolated to fight a bootstraps battle when their strength is sapped at the regional level.
- b. Environmental advocates can focus on meeting regional resource goals, instead of fighting project-by-project battles.
- c. Home Rule advocates can concentrate on local issues, knowing regional issues will be addressed – and they will have a role to play in it.
- d. The development community can coordinate their actions with government at all levels to meet job and housing growth and/or revenue in sectors that are important to each region.



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