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PUBLIC HEARING

before

ASSEMBLY COUNTY GOVERNMENT AND REGIONAL AUTHORITIES COMMITTEE

on

ASSEMBLY BILL 3092

Designated the "Central Corridor District Development Act,"
provides for continued development along Route 1
from New Brunswick to Trenton; appropriates \$500,000

Held:
April 1, 1985
Municipal Building
South Brunswick, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Harry A. McEnroe, Chairman

ALSO PRESENT:

Peggy McNutt
Office of Legislative Services
Aide, Assembly County Government &
Regional Authorities

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TABLE OF CONTENTS

	<u>Page</u>
Assemblyman Joseph L. Bocchini, Jr. District 14	1
Barbara Wright Mayor of Plainsboro	2
Jeffrey Laurenti Private citizen	7
Howard F. Bellizio South Brunswick Township Committeeman	12
George Bolster Deputy Mayor of South Brunswick	19
Ingrid Reed Chairperson, Mercer County Planning Board	22
Paul Maticera Mayor of North Brunswick	26
Maurice Hageman Mercer County Board of Realtors and New Jersey Association of Realtors	30
Paul Cantu Plainsboro Township Committee	37
Walter Wright Private citizen	39
Steve Weinreich Private citizen	40
T. Paul Keller Administrator, North Brunswick Township	42
Bernard P. Indik South Brunswick Township Planning Board	43
Herbert Wright Private citizen	46

TABLE OF CONTENTS (continued)

Page

APPENDIX

Resolution submitted by
Howard F. Bellizio on behalf of
South Brunswick Township Committee

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cw:1-21
jb:22-52

CORRECTED COPY
ASSEMBLY, No. 3092

STATE OF NEW JERSEY

INTRODUCED JANUARY 24, 1985

By Assemblyman KARCHER

AN ACT concerning certain regional development; establishing the Central Corridor District Development Board; authorizing the issuance of bonds and notes of the board; and making an appropriation.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act shall be known and may be cited as the "Central
2 Corridor District Development Act."

1 2. The Legislature finds that:

2 a. The region known as the Route 1 corridor from the Raritan
3 River to the Delaware River is experiencing tremendous and
4 generally uncoordinated commercial, economic and residential
5 development;

6 b. This growth, which is expected to continue well into the next
7 century, is raising serious questions, concerns and problems as
8 regards the ability of the county and municipal governments in
9 the region to cope in an integrated manner with the attendant
10 pressures on the region's capital infrastructure and environmental
11 resources; and

12 c. It is appropriate and imperative that this region be provided
13 with a governmental structure and financial mechanism to facilitate
14 economic development in concert with appropriate infrastructure
15 investments and land use guidelines.

1 3. As used in this act:

2 a. "Board" means the Central Corridor District Development
3 Board created by this act;

4 b. "Bonds" means bonds issued by the board pursuant to this act;

5 c. "Constituent county" means a county with lands within the
6 district;

7 d. "Constituent municipality" means a municipality with lands
8 within the district;

9 e. "District" means the Central Corridor District as delineated
10 in this act;

11 f. "Infrastructure capital project" means the construction, im-
12 provement, expansion, repair or rehabilitation of all or part of any
13 structure, facility or equipment necessary for or ancillary to any
14 transportation system, wastewater treatment system or water
15 supply system;

16 g. "Major industrial or commercial project" means any project
17 involving the provision of at least 5,000 square feet of floor space
18 in improvements to real property for manufacturing, processing or
19 assembly of material or manufactured products, or for research,
20 office, industrial, commercial, retail, recreational, hotel or motel
21 facility purposes, or for warehousing, or any combination thereof;

22 h. "Major residential project" means any project involving the
23 construction of at least five housing units in an area of at least five
24 contiguous acres developed as a single entity, or involving the
25 construction of at least 10 housing units in an area of less than five
26 contiguous acres developed as a single entity; and

27 i. "Notes" means notes issued by the board pursuant to this act.

1 4. a. There is established in, but not of, the Department of Com-
2 munity Affairs, a public body corporate and politic, with corporate
3 succession, to be known as the "Central Corridor District Develop-
4 ment Board." The board is constituted as an instrumentality of
5 the State exercising public and essential governmental functions,
6 and the exercise by the board of the powers conferred by this act
7 shall be deemed to be an essential governmental function of the
8 State.

9 b. The board shall consist of the following members: the Com-
10 missioner of Community Affairs, or designee; the Commissioner
11 of Environmental Protection, or designee; the Commissioner of
12 Transportation, or designee; the chief executive officer of each
13 constituent county; one representative of the planning board of
14 each constituent county to be appointed by and serve at the
15 pleasure of the governing body of the respective county; one repre-
16 sentative from each constituent municipality to be appointed by
17 and serve at the pleasure of the mayor of the respective munici-
18 pality; and four public members, not more than two of whom shall
19 be of the same political party, to be appointed by the Governor with

20 the advice and consent of the Senate for terms of four years, except
21 that the public members first appointed shall serve for terms of
22 one, two, three and four years respectively. Each public member
23 shall hold office until a successor shall have been appointed and
24 qualified. A member shall be eligible for reappointment. Any
25 vacancy shall be filled in the same manner as the original appoint-
26 ment but for the unexpired term only. Each designee of a com-
27 missioner may lawfully vote and otherwise act on behalf of the
28 respective commissioner. The designation shall be in writing de-
29 livered to the board and shall continue in effect until revoked or
30 amended by the commissioner in writing delivered to the board.
31 Members shall receive no compensation for their services but shall
32 be entitled to reimbursement for expenses incurred in the perfor-
32A mance of their duties.

33 c. Each member before entering upon the duties of the office
34 shall take and subscribe an oath to perform the duties of the office
35 faithfully, impartially and justly to the best of the member's ability.
36 A record of the oaths shall be filed with the Secretary of State.
37 Each appointed public member may be removed from office by the
38 Governor, for cause, after a public hearing, and may be suspended
39 by the Governor pending the completion of the hearing.

40 d. The board shall annually elect a chairman from among the
41 public members for a term of one year and until the election of a
42 successor. A chairman shall be eligible for reelection. The board
43 shall elect a secretary and a treasurer who need not be members,
44 and the same person may serve as both secretary and treasurer.
45 Each member and the treasurer shall execute a bond to be condi-
46 tioned upon the faithful performance of the duties of the member
47 or treasurer in such form and amount as shall be prescribed by
48 the Comptroller of the Treasury. The bonds shall be filed with the
49 Secretary of State. At all times thereafter the members and
50 treasurer shall maintain the bonds in full force and effect. All
51 costs of the bonds shall be borne by the board.

52 e. The powers of the board shall be vested in the members in
53 office from time to time and a majority of the authorized member-
54 ship of the board shall constitute a quorum at any meeting. Action
55 may be taken and motions and resolutions adopted by the board at
56 any meeting by the affirmative vote of a majority of the authorized
57 membership. No vacancy in the membership of the board shall
58 impair the right of a quorum of the members to exercise all the
59 powers and perform all the duties of the board.

1 5. The board is authorized to carry out the purposes of this act
2 on behalf of and exercise its powers within the Central Corridor

3 District, which shall consist of each municipality in Mercer County
4 which is intersected by either the highway designated as U. S.
5 Route No. 1 or the highway designated as State Route No. 27 and
6 each municipality in Middlesex County south of the Raritan River
7 which is intersected by either the highway designated as U. S. Route
8 No. 1 or the highway designated as U. S. Route No. 130.

1 6. The board shall have the following powers:

2 a. To make and alter bylaws for its organization and internal
3 management and, subject to agreements with holders of its bonds,
4 notes or other obligations, make rules and regulations with respect
5 to its operations, properties and facilities;

6 b. To adopt an official seal and alter it;

7 c. To sue and be sued;

8 d. To make and enter into all contracts, leases and agreements
9 necessary or incidental to the performance of its duties and the
10 exercise of its power under this act, and subject to any agreement
11 with the holders of its bonds, notes or other obligations, consent
12 to any modification, amendment or revision of any contract, lease
13 or agreement to which it is a party;

14 e. To enter into agreements or other transactions with and
15 accept grants, appropriations and the cooperation of the United
16 States or any agency thereof or the State or any agency thereof in
17 furtherance of the purposes of this act, and to do any thing
18 necessary in order to avail itself of that aid and cooperation;

19 f. To receive and accept aid or contributions from any public
20 or private source of money, property, labor or other things of value,
21 to be held, used and applied to carry out the purposes of this act
22 subject to the conditions upon which that aid or contributions may
23 be made, including but not limited to gifts or grants from any
24 department or agency of the United States or the State or any
25 State agency for any purpose consistent with this act;

26 g. To acquire, own, hold, construct, improve, rehabilitate,
27 renovate, operate, maintain, sell, assign, exchange, lease, mortgage
28 or otherwise dispose of real and personal property or any interest
29 therein in the exercise of its powers and the performance of its
30 duties under this act;

31 h. To appoint an executive director and any other officers, em-
32 ployees and agents as it may require for the performance of its
33 duties, and fix their compensation, promote and discharge them,
34 all without regard to the provisions of Title 11 of the Revised
35 Statutes;

36 i. To borrow money and issue its bonds, notes or other obliga-
37 tions and secure the same and provide for the rights of the holders

38 thereof as provided in this act;

39 j. Subject to any agreement with the holders of its bonds, notes
40 or other obligations, invest moneys not required for immediate use,
41 including proceeds from the sale of any bonds, notes or other
42 obligations, in any obligations, securities and other investments in
43 the same manner as trust funds in the custody of the State
44 Treasurer are invested;

45 k. To procure insurance against any loss in connection with its
46 property and other assets and operations in any amounts and from
47 any insurers as it deems desirable;

48 l. To engage the services of attorneys, accountants, planners,
49 financial experts and any other advisors, consultants and agents
50 as may be necessary in its judgment and fix their compensation;

51 m. To make and contract to make loans and grants to counties
52 or municipalities, or instrumentalities thereof, within the district
53 and acquire and contract to acquire notes and bonds issued or to be
54 issued to evidence these loans, all upon any terms and conditions
55 not inconsistent with the provisions of this act as the board may
56 determine to be desirable;

57 n. To fix, revise, charge and collect any fees and charges as the
58 board may determine to be reasonable;

59 o. Subject to any agreement with holders of its bonds, notes or
60 other obligations, obtain as security for payment of all or part of
61 the principal of and interest and premium on the bonds, notes or
62 other obligations of the board, lines of credit and letters of credit
63 in any amounts and upon any terms as the board may determine,
64 and pay any fees and expenses required in connection therewith;

65 p. To make payments to the State from any moneys of the board
66 available therefor as may be required pursuant to any agreement
67 with the State or act appropriating moneys to the board; and

68 q. To do any act necessary or convenient to the exercise of the
69 foregoing powers or reasonably implied therefrom.

1 7. The board shall:

2 a. Prepare, adopt and revise from to time a District Develop-
3 ment Plan which shall set forth an integrated and compre-
4 hensive plan for the location within the district of infrastructure
5 capital projects; major residential, industrial or commercial de-
6 velopment projects; and agricultural, open space and non-
7 commercial recreational areas with a minimum contiguous acreage
8 of five acres;

9 b. Adopt rules, regulations and standards to implement the
10 District Development Plan and the provisions of this act;

11 c. Develop programs and services to promote and facilitate the
12 orderly growth and economic development of the district;

13 d. Consult with and facilitate cooperation and coordination
14 among State agencies, county and municipal governments, and
15 instrumentalities thereof, and public and private agencies, organi-
16 zations, institutions and businesses with regard to the develop-
17 ment of plans, programs and policies which affect land use, environ-
18 mental, capital and economic development issues; and

19 e. Provide technical assistance to county and municipal govern-
20 ments within the district in order to encourage the use of the
21 most effective and efficient planning and development review data,
22 tools and procedures.

1 8. a. The board may undertake, either on its own or in cooperation
2 with the State or a constituent county or municipality, or instru-
3 mentality thereof, any infrastructure capital project within the
4 district in accordance with the District Development Plan.

5 b. The board is authorized to make grants or loans to any
6 constituent county or municipality, or instrumentality thereof,
7 for all or part of the cost of any infrastructure capital project
8 undertaken by the county, municipality, or instrumentality thereof,
9 and approved by the board pursuant to this act. Each grant or
10 loan shall be in such amount and subject to such terms and condi-
11 tions as the board and the county or municipality, or instru-
12 mentality thereof, shall agree.

1 9. a. Neither the State, nor any county or municipality, or
2 instrumentality thereof, shall undertake any infrastructure capital
3 project within the district without the approval of the board as
4 provided in this act.

5 b. Each application by the State, or a county or municipality,
6 or instrumentality thereof, for an infrastructure capital project
7 permit shall be submitted to the board for review. Board approval
8 of the project shall be limited by and based upon the District De-
9 velopment Plan and the implementing rules, regulations and stan-
10 dards adopted by the board. If the board fails to approve or dis-
11 approve the application within 60 days from the date of its receipt,
12 the application shall be deemed to have been approved by the board
13 unless, by mutual agreement between the board and the applicant,
14 the 60-day period shall be extended for an additional 30-day
15 period.

16 c. The board shall review each application and disapprove an
17 application if it does not meet the provisions or requirements of
18 the District Development Plan or any implementing rules, regula-
19 tions or standards. In the event of disapproval, the board shall set

20 forth its reasons in writing and transmit a copy thereof to the
21 applicant.

1 10. a. No person shall undertake any major residential, industrial
2 or commercial project within the district without the approval of
3 the board as provided in this act.

4 b. Each application for a subdivision, site plan or building permit
5 for a major residential, industrial or commercial project within
6 the district shall be submitted to the board for review and, where
7 required, approval prior to approval by the local municipal ap-
8 proving authority. Board approval of any application shall be
9 limited by and based upon the District Development Plan and the
10 implementing rules, regulations and standards adopted by the
11 board. The municipal approval authority shall either defer taking
12 final action on an application until receipt of the board report
13 thereon or approve the application subject to its timely receipt of a
14 favorable report thereon by the board. The board shall report to
15 the municipal authority within 60 days from the date of receipt of
16 the application. If the board fails to report to the municipal ap-
17 proving authority within the 60-day period, the application shall
18 be deemed to have been approved by the board unless, by mutual
19 agreement between the board and the municipal approving au-
20 thority, with approval of the applicant, the 60-day period shall be
21 extended for an additional 30-day period, and any such extension
22 shall so extend the time within which a municipal approving au-
23 thority shall be required by law to act thereon.

24 c. The board shall review each application and disapprove an
25 application if it does not meet the provisions or requirements
26 of the District Development Plan or any implementing rules,
27 regulations or standards. In the event of disapproval, the board
28 shall set forth its reasons in writing and transmit a copy thereof
29 to the applicant and the municipal approving authority.

1 11. a. No person shall construct an access for vehicular traffic
2 between any State highway within the district and any abutting
3 land without the approval of the board as provided in this act.

4 b. Each application for the construction of an access shall be
5 submitted to the board for its review. Board approval of the
6 application shall be limited by and based upon the District Develop-
7 ment Plan and the implementing rules, regulations and standards
8 adopted by the board. If the board fails to approve or disapprove
9 the application within 60 days from the date of its receipt, the appli-
10 cation shall be deemed to have been approved by the board unless,
11 by mutual agreement between the board and the applicant, the
12 60-day period shall be extended for an additional 30-day period.

13 c. The board shall review each application and disapprove an
14 application if it does not meet the provisions or requirements of
15 the District Development Plan or any implementing rules, regula-
16 tions or standards. In the event of disapproval, the board shall
17 set forth its reasons in writing and transmit a copy thereof to the
18 applicant.

1 12. a. The board may, either on its own or in cooperation with
2 the State or constituent county or municipality, or instrumentality,
3 thereof, acquire and develop lands within the district for recreation
4 or conservation purposes in accordance with the District Develop-
5 ment Plan.

6 b. The board is authorized to make grants or loans to any
7 constituent county or municipality, or instrumentality thereof, for
8 all or part of the cost of the acquisition of land for recreation or
9 conservation purposes by the county, municipality or instru-
10 mentality thereof. Each grant or loan shall be in such amount and
11 subject to such terms and conditions as the board and the county,
12 municipality or instrumentality thereof shall agree.

1 13. a. By December 31 in each year, the chief financial officer of
2 each constituent county shall certify and pay to the board an
3 amount equal to the revenue derived from the application of the
4 current county tax rate to the taxable value of new construction
5 or improvements within the constituent municipalities within the
6 county. For the purposes of this section, "new construction or
7 improvements" means any construction, modernization, rehabili-
8 tation, renovation, alteration or repair which is subject to taxable
9 valuation for the first time in the preceding year.

10 b. The amounts received by the board pursuant to this section
11 shall be utilized by the board to meet any obligations incurred by
12 the board in carrying out the provisions of this act. The amounts
13 may be invested and reinvested by the board in the same manner
14 as trust funds in the custody of the State Treasurer are invested.

1 14. a. The board may from time to time issue its bonds, notes or
2 other obligations in any principal amounts as in the judgment of
3 the board shall be necessary to provide sufficient funds for any of
4 its corporate purposes, including the payment, funding or refunding
5 of the principal of, or interest or redemption premiums on, any
6 bonds, notes or other obligations issued by it whether the bonds,
7 notes or other obligations or interest to be funded or refunded have
8 or have not become due, the establishment or increase of reserves
9 to secure or to pay the bonds, notes or other obligations or interest
10 thereon and all other costs or expenses of the trust incident to and
11 necessary to carry out its corporate purposes and powers.

12 b. Whether or not the bonds, notes or other obligations are of a
13 form and character as to be negotiable instruments under the terms
14 of Title 12A of the New Jersey Statutes, the bonds, notes and other
15 obligations are made negotiable instruments within the meaning
16 of and for the purposes of Title 12A, subject only to the provisions
17 of the bonds, notes and other obligations for registration.

18 c. Bonds, notes or other obligations of the board, shall be autho-
19 rized by a resolution or resolutions of the board and may be issued
20 in one or more series and shall bear any date or dates, mature at
21 any time or times, bear interest at any rate or rates of interest per
22 annum, be in any denomination or denominations, be in any form,
23 either coupon or registered, carry any conservation or registration
24 privileges, have any rank or priority, be executed in any manner,
25 be payable from such sources in any medium of payment at any
26 place or places within or without the State, and be subject to any
27 terms of redemption by the board or the holders thereof, with or
28 without premium, as the resolution or resolutions may provide.
29 A resolution of the board authorizing the issuance of bonds, notes
30 or other obligations may provide that the bonds, notes or other
31 obligations be secured by a trust indenture between the board and
32 a trustee, vesting in the trustee any property, rights, powers and
33 duties in trust consistent with the provisions of this act as the board
34 may determine.

35 d. Bonds, notes or other obligations of the board may be sold at
36 public or private sale at any price or prices and in any manner as
37 the trust may determine. Each bond, note or other obligation shall
38 mature and be paid not later than 35 years from the date thereof.

39 e. Bonds, notes or other obligations of the board may be issued
40 under the provisions of this act without obtaining the consent of
41 any department, division, board, bureau or agency of the State,
42 and without any other proceedings or the happening of any other
43 conditions or things other than those proceedings, conditions or
44 things which are specifically required by this act.

45 f. Bonds, notes or other obligations of the board issued under the
46 provisions of this act shall not be a debt or liability of the State or
47 of any political subdivision thereof other than the board, and shall
48 not create or constitute any indebtedness, liability or obligation of
49 the State or any political subdivision, but all such bonds, notes and
50 other obligations, unless funded or refunded by bonds, notes or
51 other obligations, shall be payable solely from revenues or funds
52 pledged or available for their payment as authorized in this act.
53 Each bond, note and other obligation shall contain on its face a

54 statement to the effect that the board is obligated to pay the princi-
55 pal thereof or the interest thereon only from its revenues, receipts
56 or funds pledged or available for their payment as authorized in
57 this act and that neither the State nor any political subdivision
58 thereof is obligated to pay the principal or interest and that neither
59 the faith and credit nor the taxing power of the State or any
60 political subdivision thereof is pledged to the payment of the prin-
61 cipal of or the interest on the bonds, notes or other obligations.

62 g. Each issue of bonds, notes or other obligations of the board
63 may, if it is determined by the board, be general obligations thereof
64 payable out of any revenues, receipts or funds of the board or
64A payable out of any revenues, receipts or funds of the board or spec-
65 ial obligations thereof payable out of particular revenues, receipts
66 or funds, subject only to any agreements with the holders of bonds,
67 notes or other obligations, and may be secured by one or more of
68 the following:

69 (1) Pledge of revenues derived from the payments specified in
70 section 13 of this act;

71 (2) Pledge of rentals, receipts and other revenues to be derived
72 from leases or other contractual arrangements with any person or
73 entity, public or private, including one or more governmental units,
74 or a pledge or assignment of those leases or other contractual
75 arrangements and the rights and interest of the board therein;

76 (3) Pledge of grants, subsidies, contributions, appropriations or
77 other payments to be received from the United States of America
78 or any instrumentality thereof or from the State or any State
79 agency;

80 (4) Pledge of all moneys, funds, accounts, securities and other
81 funds, including the proceeds of the bonds, notes or other obliga-
82 tions;

83 (5) A mortgage on all or any part of the property, real or per-
84 sonal, of the board then owned or thereafter to be acquired, or a
85 pledge or assignment or mortgages made to the trust by any person
86 or entity, public or private, including one or more governmental
87 units and the rights and interest of the board therein.

1 15. In any resolution of the board authorizing or relating to the
2 issuance of any bonds, notes or other obligations, the board in order
3 to secure the payment of the bonds, notes or other obligations and
4 in addition to its other powers, may by provisions therein which
5 shall constitute covenants by the board and contracts with the
6 holders of the bonds, notes or other obligations;

7 a. Secure the bonds, notes or other obligations as provided in
8 section 14 of this act;

9 b. Covenant against pledging all or part of its revenues or
10 receipts;

11 c. Covenant with respect to limitations on any right to sell,
12 mortgage, lease or otherwise dispose of any notes and bonds of
13 governmental units or any part thereof or any property of any
14 kind;

15 d. Covenant as to any bonds, notes or other obligations to be
16 issued and the limitations thereon and the terms and conditions
17 thereof and as to the custody, application, investment and disposi-
18 tion of the proceeds thereof;

19 e. Covenant as to the issuance of additional bonds, notes or other
20 obligations or as to limitations on the issuance of additional bonds,
21 notes or other obligations and on the incurring of other debts by it;

22 f. Covenant as to the payment of the principal of or interest on
23 bonds, notes or other obligations, as to the sources and methods of
24 payment, as to the rank or priority of the bonds, notes or other
25 obligations with respect to any lien or security or as to the accelera-
26 tion of the maturity of the bonds, notes or other obligations;

27 g. Provide for the replacement of lost, stolen, destroyed or
28 mutilated bonds, notes or other obligations;

29 h. Covenant against extending the time for the payment of bonds,
30 notes or other obligations or interest thereon;

31 i. Covenant as to the redemption of bonds, notes and other obli-
32 gations by the board or the holders thereof and privileges of ex-
33 change thereof for other bonds, notes or other obligations of the
34 board;

35 j. Covenant to create or authorize the creation of special funds
36 or accounts to be held in trust or other wise for the benefit of holders
37 of bonds, notes and other obligations of the board or of reserves
38 for other purposes and as to the use, investment, and disposition
39 of moneys held in those funds, accounts or reserves;

40 k. Provide for the rights and liabilities, powers and duties aris-
41 ing upon the breach of any covenant, condition or obligation and
42 prescribe the events of default and terms and conditions upon
43 which any or all of the bonds, notes, or other obligations of the board
44 shall become or may be declared due and payable before maturity
45 and the terms and conditions upon which the declaration and its
46 consequences may be waived;

47 l. Vest in a trustee or trustees within or without the State any
48 property, rights, powers and duties in trust as the board may de-
49 termine which may include any or all of the rights, powers and
50 duties of any trustee appointed by the holders of any bonds or notes

51 pursuant to section 22 of this act, including rights with respect to
52 the sale or other disposition of notes and bonds of governmental
53 units pledge pursuant to a resolution or trust indenture for the
54 benefit of the holders of bonds, notes or other obligations of the
55 board and the right by suit or action to foreclose any mortgage
56 pledged pursuant to the resolution of trust indenture for the benefit
57 of the holders of the bonds, notes or other obligations, and to limit
58 or abrogate the right of the holders of any bonds, notes or other
59 obligations of the board to appoint a trustee under this act, and
60 to limit the rights, duties and powers of the trustee;

61 m. Pay the costs or expenses incident to the enforcement of the
62 bonds, notes or other obligations or of the provisions of the reso-
63 lution authorizing the issuance of those bonds, notes or other obli-
64 gations or the trust indenture securing the bonds, notes or other
65 obligations or of any covenant or agreement of the board with the
66 holders of the bonds, notes or other obligations;

67 n. Limit the rights of the holders of any bonds, notes or other
68 obligations to enforce any pledge or covenant securing bonds, notes
69 or other obligations; and

70 o. Make covenants other than or in addition to the covenants
71 authorized by this act of like or different character, and make
72 covenants to do or refrain from doing any acts and things as may
73 be necessary, or convenient and desirable, in order to better secure
74 bonds, notes, or other obligations or which, in the absolute discre-
75 tion of the board, will tend to make bonds, notes or other obligations
76 more marketable, notwithstanding that the covenants, acts or
77 things may not be enumerated herein.

1 16. The board may establish any reserves, funds or accounts as it
2 may determine necessary or desirable to further the accomplish-
3 ment of the purposes of the board or to comply with the provisions
4 of any agreement made by or any resolution of the board.

1 17. Neither the members of the board nor any person executing
2 bonds, notes or other obligations issued pursuant to this act shall
3 be liable personally on the bonds, notes or other obligations by
4 reason of the issuance thereof.

1 18. The State pledges to covenant and agree with the holders of
2 any bonds, notes or other obligations issued pursuant to authori-
3 zation of this act that the State shall not limit or alter the rights
4 or powers vested in the board to perform and fulfill the terms of
5 any agreement made with the holders of the bonds, notes or other
6 obligations or to fulfill the terms of any agreement made with the
7 holders of bonds, notes or other obligations including the obliga-

8 tions to pay the principal of and interest and premium on those
9 bonds, notes or other obligations, with interest on any unpaid in-
10 stallments of interest, and all costs and expenses in connection with
11 any action or proceedings by or on behalf of the holders, until the
12 bonds, notes and other obligations, together with interest thereon,
13 are fully met and discharged or provided for.

1 19. The State and all public officers, governmental units and
2 agencies thereof, all banks, trust companies, savings banks and
3 institutions, building and loan associations, savings and loan as-
4 sociations, investment companies, and other persons carrying on
5 a banking business, all insurance companies, insurance associations
6 and other persons carrying on a insurance business, and all execu-
7 tors, administrators, guardians, trustees and other fiduciaries, may
8 legally invest any sinking funds, moneys or other funds belonging
9 to them or within their control in any bonds, notes or other obli-
10 gations issued pursuant to this act, and those bonds, notes or other
11 obligations shall be authorized security for any and all public
12 deposits.

1 20. All State agencies and governmental units, notwithstanding
2 any contrary provision of law, may lease, lend, grant or convey to
3 the board, at its request upon any terms and conditions as the gov-
4 erning body or other proper authorities of the State agencies or
5 governmental units may deem reasonable and fair and without the
6 necessity for any advertisement, order of court or other action or
7 formality, other than the authorizing ordinance of the governing
8 body concerned, any real property or interest which may be nec-
9 essary or convenient to the effectuation of the purposes of the board.

1 21. All property of the board is declared to be public property
2 devoted to an essential public and governmental function and pur-
3 pose and shall be exempt from all taxes of the State or any political
4 subdivision thereof. All bonds, notes and other obligations issued
5 pursuant to this act are declared to be issued by a body corporate
6 and politic of the State and for an essential public and govern-
7 mental purpose and those bonds, notes and other obligations, and
8 interest thereon and the income therefrom and from the sale, ex-
9 change or other transfer thereof, and full funds, revenues, income
10 and other moneys received or to be received by the trust shall at
11 all times be exempt from taxation, except for transfer, inheritance
12 and estate taxes.

1 22. a. If the board defaults in the payment of principal of, or
2 interest on, any issue of bonds, notes or other obligations after the
3 same becomes due, whether at maturity or upon call for redemption,

4 and the default continues for a period of 30 days or if the board
5 fails or refuses to comply with the provisions of this act, or de-
6 faults in any agreement made with the holders of any issue of
7 bonds, notes or other obligations, the holders of 25% in aggregate
8 principal amount of the bonds, notes or other obligations of the
9 issue then outstanding, by instrument or instruments filed in the
10 office of the clerk of any county in which the board operates and
11 has an office and proved or acknowledged in the same manner as
12 required for a deed to be recorded, may appoint a trustee to rep-
13 resent the holders of the bonds, notes or other obligations for the
14 purposes herein provided.

15 b. The trustee may, and upon written request of the holders of
16 25% in principal amount of the bonds, notes or other obligations
17 then outstanding shall, in his or its own name:

18 (1) By suit, action or proceeding enforce all rights of the holders
19 of bonds, notes or other obligations, to require the board to carry
20 out any other agreements with the holders of the bonds, notes or
21 other obligations and to perform its duties under this act;

22 (2) Bring suit upon the bonds, notes or other obligations;

23 (3) By action or suit, require the board to account as if it were
24 the trustee of an express trust for the holders of the bonds, notes
25 or other obligations:

26 (4) By action or suit, enjoin any acts or things which may be
27 unlawful or in violation of the rights of the holders of the bonds,
28 notes or other obligations;

29 (5) Sell or otherwise dispose of bonds and notes of governmental
30 units pledged pursuant to resolution or trust indenture for benefit
31 of holders of bonds, notes or other obligations on any terms as a
32 resolution or trust indenture may provide;

33 (6) By action or suit, foreclose any mortgage pledge pursuant
34 to the resolution or trust indenture for the benefit of the holders
35 of the bonds, notes or other obligations;

36 (7) Declare all bonds, notes or other obligations due and pay-
37 able, and if all defaults shall be made good, then, with the consent
38 of the holders of 25% of the principal amount of the bonds, notes
39 or other obligations then outstanding, to annul the declaration and
40 its consequences.

41 c. The trustee shall, in addition to the foregoing, have those
42 powers necessary or appropriate for the exercise of any function
43 specifically set forth herein or incident to the general representa-
44 tion of holders of bonds, notes or other obligations in the enforce-
45 ment and protection of their rights.

46 d. The Superior Court shall have jurisdiction over any suit,
 47 action or proceeding by the trustee on behalf of the holders of
 48 bonds, notes or other obligations. The venue of any suit, action or
 49 proceeding shall be laid in the county in which the principal office
 50 of the board is located.

51 e. Before declaring the principal of bonds, notes or other obli-
 52 gations due and payable, the trustee shall first give 30 days' notice
 53 in writing to the board.

1 23. On or before March 31 in each year the board shall make an
 2 annual report of its activities for the Governor and to the Legis-
 3 lature. The report shall set forth a complete operating and finan-
 4 cial statement covering its operations during the year, including
 5 amounts of income from all sources. The board shall cause an
 6 audit of its books and accounts to be made at least once in each
 7 year by certified public accountants and the cost thereof shall be
 8 considered an expense of the board and a copy thereof shall be
 9 filed with the State Treasurer and the Comptroller of the Treasury.

1 24. All officers, departments, boards, units, divisions and com-
 2 missions of the State are authorized to render any services to the
 3 board as may be within the area of their respective governmental
 4 functions as fixed or established by law, and as may be requested
 5 by the board. The cost and expense of those services shall be met
 6 and provided by the board.

1 25. There is appropriated to the Central Corridor District Devel-
 2 opment Board from the General State Fund the sum of \$500,000.00.

1 26. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to provide for continued vigorous and rational growth and development along Route 1 corridor from New Brunswick to Trenton. Continuation of the present pattern of virtually unrestricted, uncoordinated and untidy development in this area will ultimately prove self-defeating, since the net result will surely be a poor match of infrastructure and environmental needs with a haphazard development landscape that does not maximize the area's true growth potential.

This bill establishes a Central Corridor District Development Board with the authority to plan for the location of major land developments and capital infrastructure projects in the Route 1 area from the Raritan river to the Delaware river. The board is to be composed of cabinet officials, members of the public, and representatives of the counties and municipalities within the district.

The board would be empowered to either undertake capital infrastructure projects on its own or to provide financial assistance to local government for these projects. Similarly, the board would be authorized to provide financing to counties and municipalities for the preservation of land for conservation or recreational purposes.

The board would have the authority to sell bonds to fund its projects and municipal assistance programs. Revenue to back the bonds would be derived from a portion of the property tax receipts generated by new construction and improvements.

ASSEMBLYMAN HARRY A. McENROE (Chairman): I would now like to call this public hearing to order. I would also like to apologize to this assemblage for my late arrival. I proceeded a little too far to the west, south, or southwest on Route 1. This hearing was planned for 7 p.m. I will make a few comments and we will begin.

We held a public hearing in the Borough of Princeton Hall on March 25. The legislation was reviewed carefully by each of the individuals who came before the Committee. Some critical observation was provided. Comments heard by the Committee were generally supportive of the concept of the bill; however, there was some concern expressed with the intrusion, if you will, on certain prerogatives of the municipalities and regional planning boards in the area.

Without exception, everyone seemed to recognize the importance of this bill. Comments were made, such as, "Where was this bill a few years back, when all of the development along the Corridor began to develop in a somewhat disorderly fashion?"

So, we are here tonight, and we appreciate the Borough making their complex available to us. I want to recognize my colleague, Assemblyman Joseph Bocchini, who insisted that this end of the Corridor not be overlooked and that tonight's hearing be held in this particular municipality. Thank you, Assemblyman Bocchini. If you would care to testify, please do. I believe you prefer, at this time, to observe; however, the floor is yours, if you so desire. Assemblyman Bocchini:

ASSEMBLYMAN JOSEPH L. BOCCHINI, JR.: Thank you. If I may, Assemblyman, I would simply like to indicate that I am not going to testify this evening. I would point out to the Chair, and to the members of the Committee when they receive the transcript of tonight's hearing, that you are in what I consider the core of the Corridor, with regard to this piece of legislation.

I believe the comments you will hear from speakers this evening from South Brunswick, Plainsboro, North Brunswick, and other surrounding municipalities need to be taken into consideration in a significant context. They are the people who must either live or die by this legislation, if it comes into being. I would simply like to

reiterate that. I am certain the cogent points that will be made this evening have been thought out.

I met with Speaker Karcher near the end of January in a round-table discussion, and I know that South Brunswick and Plainsboro, in particular, have taken time to go back and discuss this legislation within their communities. With that, Mr. Chairman, I will go back to my seat and leave my constituents and their representatives to continue with their testimony this evening.

ASSEMBLYMAN McENROE: Thank you, Assemblyman Bocchini. I am Harry McEnroe, the Chairman of the Assembly Transportation and Communications Committee. I will conduct this hearing. Other members include the Vice Chairman, Assemblyman Thomas Pankok, who represents District 3, Salem County and parts of Cumberland and Gloucester Counties; Assemblyman Anthony Vainieri who represents District 32, Hudson County; Assemblyman John Hendrickson who represents District 9, parts of Ocean and Burlington Counties; and Assemblyman Gerald Zecker who represents District 34, parts of Essex and Passaic Counties. They will not be here this evening. The hearing is, of course, being recorded and will be transcribed. The printed transcript will be available to the Committee members, other members of the Legislature, and the public.

I want to introduce some of the men and women here tonight. On my far left is Glen Beebe, who represents the Minority membership of the Committee; on my immediate left is Peggy McNutt, the legislative aide to the Assembly County Government Regional Authorities Committee; on my immediate right is Karen Jezierny, who represents the Assembly Majority Office; and on my far right is John Alati, an aide who also represents the Majority party.

We will now hear from the individual who first asked to be heard by the Committee this evening, the Honorable Barbara Wright, Mayor of Plainsboro:

MAYOR BARBARA WRIGHT: Good evening, Mr. Chairman. Thank you for this opportunity to testify. We are, indeed, grateful for your travel to this area. We know it is a great distance for you, and we are highly appreciative. Tonight I will deliver a statement from the Plainsboro

Township Committee. As you will notice in my testimony, we have not taken a position on Assembly Bill 3092; we will explain our plans to you. Nevertheless, we thought, because of the timing of the hearing, it was important for us to speak out at this time.

I am Barbara Wright, the Mayor of Plainsboro. Route 1 issues have been a central focus for the Plainsboro Township Committee for a number of years. In early 1983 we convened a meeting of mayors from the communities most affected by and most affecting Route 1 from a transportation viewpoint. In late 1983, the Department of Transportation convened a committee to work with the DOT staff to explore Route 1 issues, alternatives, and improvement projects. The impetus for this came largely from the availability of I-95 de-designation funds.

The communities, county, businesses, and DOT staff have been actively engaged in this process since late 1983. The final task force report on alternative funding mechanisms is due this month.

Recently, Plainsboro was involved in a discussion with more than nine neighbors which comprise the Route 1 Corridor. This process, aided by the Middlesex-Somerset-Mercer Regional Council, has resulted in an improved understanding of our neighbors, a discussion of what the Route 1 issues are, and a dialogue on the institutional mechanisms. These, we believe, are the keys to address regional concerns, and at the same time, preserve what is original and unique to each of our communities. The process of the communities meeting together is continuing, and we are hosting those meetings.

Moreover, Middlesex County hosted a series of three transportation forums which dealt with a variety of issues which included Route 1 Corridor improvements. In addition, a regrettable discussion of Route 1 is currently taking place in the Mercer County Superior Court, wherein Plainsboro, three of our neighboring communities, and Middlesex County are being sued by Princeton Borough and the Mercer County Executive. For this, we are deeply regretful.

This background is given to let your Committee know that Plainsboro and the majority of our neighbors who use Route 1 as a front door have not sat by and waited for things to happen. Plainsboro will

hold a public discussion of Route 1 issues on April 29 at 7:30 p.m. At that time, we will be better able to comment on the specifics of A-3092 and perhaps explore alternatives for dealing with the issues of the Route 1 Corridor. Some comments at this time and in advance of a more comprehensive report may be helpful.

We felt the magnitude of this bill would be so great that, given the workload we have in the Township, it would take at least two to three months for our staff to review the bill, report to us, and give us the proper guidance to enable us to make a decision that would be appropriate for our community. That is one of the reasons we delayed responding. We regret that, and we believe that by the time the Committee has the bill before it again in Trenton we will be able to testify.

Nevertheless, there is no question that there are a number of issues of Corridor-wide interest. These include the most visible ones traffic and transportation. Also included are general land use, growth, environmental concerns, housing, and community services issues.

There are currently a number of communities of interest involved in the Route 1 Corridor issues. These include the 10 or more counties to which I referred earlier, the D & R Canal Commission, private agencies such as the Middlesex-Somerset-Mercer Regional Council, and the private sector, which has expressed its concerns loudly.

The Route 1 Corridor is growing -- perhaps as fast as any area in New Jersey. The growth, in terms of job creation and economic development, is significant and positive for the State. Managing and channeling the growth in the most positive manner should be a goal of any review and discussion of the Route 1 Corridor and, certainly, of this bill.

Plainsboro will continue to work with its neighbors and all of the communities of interest in the Route 1 area to deal with issues of a regional scope, while protecting its ability to guide its own destiny in those areas where local decision-making can best do the job.

That completes my prepared statement. I will be happy to try to answer any questions you might have.

ASSEMBLYMAN McENROE: Mayor, I appreciate the Township's concern, particularly in view of its being the heart of the Corridor, in a sense, by virtue of its location. I understand your concern with the scheduling and the priority we must place on this legislation. Speaker Karcher introduced it. Obviously, it was not introduced in a vacuum. There was considerable work done. It is imaginative in scope. A substantial amount of preparation was developed before its introduction.

I know there is not much time and, as you say, three months would be to your advantage to give it that kind of review; however, it is just not available. I ask you to review it and take a strong position either in favor of it or against it. I appreciate your position and that of the Council. It is a substantial piece of legislation for a town like Plainsboro to review and take a position.

MAYOR WRIGHT: Neither we, nor the League of Municipalities, had any input during the drafting of the bill. Perhaps we have all learned a lesson. Legislation of this magnitude might be greatly improved by having some of that input in the drafting stage. That was a concern. We do not have a problem right now with the time frame. Our only difficulty was being able to respond by the time of these hearings.

As you know, we have been in budget sessions for endless hours over the past two months. Our budget was so critical that we had to resolve that issue before we could move on. We are now moving right on schedule. We will have this joint Planning Board-Township Committee meeting on April 29. By then, your Committee will have it on the agenda for May, if I understand correctly.

ASSEMBLYMAN McENROE: Yes.

MAYOR WRIGHT: At that time, we would like to testify at the Committee hearing.

ASSEMBLYMAN McENROE: Yes. We will avail you that opportunity. In defense of the Speaker, who is the sponsor, and in response to your comment, this bill, A-3092, is a piece of legislation that was drafted very carefully and which addresses a particular problem of this area. In no way has the Speaker, however, advised me that he will be inflexible in considering any proposals.

As Chairman of the Committee, I will review the proposed amendments, proposals that come before us, and objections to the bill. Let me assure you that each of the members will review any objections carefully. Any amendments drawn will be prepared and issued for public review. This will neither be done at the midnight hour, nor will it be voted on at that time. We want a good bill. The sponsor is genuinely interested in providing a bill that will be a positive factor.

MAYOR WRIGHT: Yes, we have met with the sponsor, and we recognize and have been assured by our Assembly representatives that they will assist us in amending the bill. Perhaps for this audience it would be helpful if, at some time during the hearing, you would review the process through which a bill becomes a law in the Assembly. This might let us know what is in store for us. There is one more hearing, scheduled for April 11, and the Committee hearing, again, would be the next-- Is that when it is reported out of Committee?

ASSEMBLYMAN McENROE: Yes. Your comment is healthy, and I will review that. In fact, we have brochures, which I am sure we don't have with us, that explain exactly how an idea, if you will, becomes a draft of a bill. This idea is prepared by the Office of Legislative Services and presented to the sponsor for his or her review. It is generally reviewed by the staff from the Office of Legislative Services, as well as the Majority and Minority staffs to gain input from both political parties. The bill is then prepared in draft form.

We do not always hold public hearings. They are held when there is a matter of significance to an area, when a proposal takes us in a new direction as far as law is concerned, at the request of a sponsor, or by the authority of the chairman of a committee. Every bill is heard in committee, except in circumstances where the Speaker assigns an importance to it that precludes a public hearing; however, it is always heard by the committee.

In this case, based on its importance and, frankly, at the request of the sponsor of the bill, we are holding three public hearings at which no vote will be taken. Time for public information will be provided, and dissemination of our views to the public will be a part of the hearing process. We held one in Princeton; we are now

here in South Brunswick; and we will conclude on April 11 at the State House in Trenton. On none of those occasions will any formal vote be taken, with regard to our support or any consideration of amendments.

At the conclusion of the public hearing process -- again, that is after April 11 -- the Committee will review suggestions and recommendations heard at the hearings. We will then prepare amendments for the consideration of this Committee. That will be done at our regularly scheduled Committee meeting. And, again, the public will be given an opportunity for comment and input on the amendments proposed. They can also have amendments prepared for our consideration. That will be sometime during the month of May.

We want to have the bill considered by the Committee and, I believe, after their review, they will certainly report the bill favorably and possibly amended. The bill will leave our Committee after a favorable vote to be considered by the full Assembly.

I want to thank you very much, Mayor, for coming before us. We wish you well in your deliberations.

MAYOR WRIGHT: Thank you. I am leaving for a meeting of the Planning Board, so I will excuse myself.

ASSEMBLYMAN McENROE: Next, in the order of the names, we have Jeffrey Laurenti, a private citizen. We will then have some public officials comment. Mr. Laurenti, how are you, sir?

JEFFREY LAURENTI: Very well, Assemblyman McEnroe.

My name is Jeffrey Laurenti. I live in the City of Trenton, the southernmost city in the Corridor District. I wish to emphasize from the beginning that, while I am associated with a real estate development firm, the views that I am expressing this evening to the Committee are my own and do not, in any way, represent those of the firm.

The explosion of development growth along the Route 1 Corridor in Central New Jersey has created considerable alarm among the residents of the Mercer-Middlesex area. There is a sense that we are on the brink of a transformation into the wall-to-wall suburban sprawl we know in northeastern New Jersey, with haphazard location of offices, homes, and shopping malls.

Assembly Bill 3092 is not the first legislative response to the Route 1 question. The first alarm was sounded a decade ago with the approval of Quakerbridge Mall along Route 1 in Lawrence Township, right at the West Windsor Township line. That planned -- now real -- mammoth shopping center promised to create enormous traffic problems along Route 1. The host municipality was indifferent to it, because, of course, it had a major ratable to gain, and no responsibility for the cost.

The next municipality was powerless to effect a decision, even though it was equally affected by the costs and had none of the ratable to gain. Already the harbingers of the 1980's real-estate boom were becoming clear.

At that time, three legislative leaders from the Mercer-Middlesex districts -- then-Senators Merlino, Dwyer, and Parker -- proposed strong State control over land use along State highway corridors.

While Route 1 was the immediate object of concern -- and Routes 22 in Union and 17 in Bergen were the models the bill intended to avoid -- the bill proposed a Statewide process, focused primarily on how development would impact on the usefulness of State highways for transportation purposes.

That bill authorized a State board -- including, like the Board in A-3092, the Commissioners of the Departments of Transportation, Environmental Protection, and Community Affairs, as well as public members -- to draw up detailed land-use standards, which local planning bodies would have to incorporate in their plans. Developments under five acres would be cleared directly by the local government in accordance with these standards; developments over five acres would have to be reviewed directly by the State Highway Land Use Review Board.

That bill, of course, did not pass. It was caricatured as "negative" for development. And, political leaders of vision could not arouse the public -- until the earthmovers were already at work. So, we now have a bill that deals exclusively with the Route 1 Corridor at a time when the problem is far more advanced.

Although narrower in scope, Speaker Karcher's bill deserves support. It has a simple premise: Large-scale development impacts far beyond the borders of the individual municipality. Yet, currently, it is only the municipality that exercises the public power to control, modify, or reject development projects in this Corridor. Decisions of life-or-death importance to the region are made in the context of maximizing local ratables, often shifting problems to other jurisdictions, perhaps other municipalities, more often to the State. They are not informed by a broader sense of where the public needs are for development or the future we want for our region.

Only a broader, regional entity can factor in those broader needs, so the coming development best serves New Jersey's interests.

Long ago, we recognized that the State properly takes a direct role in land-use decisions in sensitive zones, where a broader perspective than a municipality's is needed. The Pinelands Act, the Coastal Areas Review Act, the Wetlands Act, and the Hackensack Meadowlands Act are all examples of that.

A number of local governments jealously fought every one of those initiatives as unnecessary encroachments on their powers. Local governments may resist this bill as well, although I find interesting the enlightened, thoughtful views of leaders like Mayor Wright of Plainsboro, from whom we just heard, and her colleague, Township Committeeman Peter Cantu. The citizenry generally supports the premise behind this legislation, and that distinction is important to remember.

For real-estate developers, the Route 1 Corridor is hot; however, that heat won't last for long. The bill may actually be wrong in its opening section, in finding that this growth will continue well into the next century. While Princeton has certain timeless advantages, the openness of the space around it is definitely transitory.

In the unregulated market, there is something of a pack mentality: Word spreads that a given area is hot; developers rush to build there; and when the market is saturated, or the land entirely built, the pack runs off to another hunting ground.

I do not view strong land-use controls as hostile to growth. Rather, they allow us to measure more carefully our growth potential, so it may extend over generations, instead of booming and busting in a decade. As long as land is held back from immediate development, we allow ourselves, in the next generation, the option of releasing it for development 30 to 50 years from now. If we rush to develop it all now, there will be no opportunity for growth 30 years from now. We can ensure sustained economic growth in the long haul by prudence right now.

There are specific suggestions I would like to make to the Committee regarding the bill. Section 7 authorizes the Board to prepare and adopt a District Development Plan. This far-reaching plan will control all development in the Corridor; yet under this bill, the Legislature gives no direction to the Board for the criteria it expects in the standards for development. I suggest that you include in this section certain specific standards to guide the Board in its planning:

- (1) Efficiency and utilization of the State highway;
- (2) Ensure density sufficient to make public transportation systems workable in this region;
- (3) Transfer of development credits to maximize redevelopment in the two historic urban centers which define the ends of the Corridor: New Brunswick and Trenton;
- (4) Encouragement of historic preservation redevelopment in Corridor communities;
- (5) Adequate preservation of agricultural land and open space;
- (6) And, prevention of strip development.

I also suggest that the Committee consider refining the language in the bill regarding approval or disapproval. For the Board, for example, to "disapprove" a proposed development project, must it, by majority vote, approve a motion to disapprove? By failing to get a majority vote, does that mean there is nothing to report? That is clearly the implication in the provision for automatic approval, if the Board fails to make a report within 60 days. Does it make a report if a motion to approve fails by abstentions or if it adopts a motion to table?

Since these land-use decisions will have a permanent effect, it is important that public decision be made thoughtfully. The Board should have the right to give itself a 30-day extension unilaterally, and only after that should it be required to negotiate any further 30-day extension with the applicant.

The bill also seems to preclude the granting of variances from the Board's plan. Some flexibility may be warranted. Clear majority votes will be difficult, given the huge size of the proposed Board. It should be lowered to, I would suggest, no more than 12 members. And I would suggest that the 10 municipal representatives be constituted as an advisory council to select three members of the Board from among them: one chosen, perhaps, to represent the high-density communities in the district; another to represent the more mid-density communities; and another to represent the low-density towns.

Similarly, I would think each county might have one, rather than two, representatives. Also, at least two of the State public members should be required to reside in the Corridor. Perhaps there too might be some consideration given to representation for high- as well as low-density towns among the State public members.

The State might also consider adopting an approach which was part of the bill I described in the beginning of my testimony, affectionately called SHLURB, the State Highway Land Use Review Board. The Board would issue its review board standards in its plan and require local boards to incorporate them into their land-use plans; for small-scale development, it would allow local boards to enforce them and notify the regional boards of their approvals pursuant to the plan, thus giving them an opportunity to review any variances on the small-scale developments before final approval.

Major projects should, of course, be reviewed directly by the Board. Even there, the Board should be authorized to delegate its review function to the two county planning boards, which I understand was suggested in testimony presented to you last week by the Plainsboro Township Democratic Committee representatives.

The bill's authorization of bonding power for the Board is novel for a land-use regulatory panel. I worry that it is, at best, a

superfluous government spending agency, and at worst, could provide unfair competition for the private sector, in terms of financing of development.

It is not just Mercer or Middlesex residents who should be concerned about the explosion of development interests along Route 1. Citizens in the urbanized northeastern sector should also be concerned. Neither is New Jersey's overall population growing, nor is its total number of jobs rising sharply. Much of the new development is simply shifting work locations -- and you know the areas where they are to be shifted from.

Speaker Karcher is to be commended for addressing this issue directly. The uses to which our generation puts the land will remain in place for countless future generations. Our decisions must be made carefully, with an eye to long-run best interests, not simply the short-run income of landowners and the time frames of the electoral system. Jobs where they are needed and open space in a State where it is increasingly in short supply must be the goals our land-use policies promote. This bill, when modified, can help. I hope you will support it.

ASSEMBLYMAN McENROE: Thank you, Mr. Laurenti. We appreciate your comments. You have raised some interesting points and have offered reasonable proposals. I find the question of residency of members appointed by the State to be of genuine interest and something I could certainly support. The other comments relative to jobs and creating and encouraging the stability of the area are, I think, very important. We have, of course, recorded your testimony. It will be reviewed carefully. I know of your previous involvement in public questions, and I appreciate your coming before us. Thank you.

MR. LAURENTI: Thank you very much for your time and interest, Mr. Chairman.

ASSEMBLYMAN McENROE: Our next witness is South Brunswick Township Committeeman Howard Bellizio. Mr Bellizio:

HOWARD F. BELLIZIO: I just want to present you with copies of the testimony I am going to give, Mr. Chairman. (distributes written testimony)

I want to preface this testimony, Assemblyman McEnroe, by saying that we met here earlier with Assemblyman Karcher. Before I say anything else, I want to take exception to the statement that Assemblyman Karcher did a very detailed study on this. I respectfully submit that he did not do very much homework, in that when he sat at this table, we asked him why, if this was going to be a viable bill, certain municipalities were left out, namely Franklin Township in Somerset County. Franklin Township borders South Brunswick, I would say, for close to seven miles. The distance between Franklin Township and South Brunswick at Route 1 is less than a mile in most instances. It borders New Brunswick and North Brunswick.

That is a problem for us. We have been trying to work with it. It will, however, impact on the Corridor far more than South or North Brunswick will, even with the growth pattern expected along the Route 27 corridor.

ASSEMBLYMAN McENROE: We will duly note your concern recommending inclusion.

MR. BELLIZIO: The bill is not well thought out. We asked the Speaker why it was left out. He gave us an answer like, "Well, I thought I wanted it in, but then it was left out."

ASSEMBLYMAN McENROE: The Speaker has stated to me from the beginning that the bill is the framework of an idea. So, your concern and interest is still certainly viable for our consideration.

MR. BELLIZIO: Right. East Brunswick is also left out. Right now, they are proposing or starting the construction of a tower at Exit 9 on the New Jersey Turnpike. I commute to New York. Every morning I have to go through there; every night I have to come out of there. It is a mess right now, and they are not making any plans as to what they are going to do to inundate the Route 1 Corridor. I respectfully submit that many major factors have been left out of this bill.

ASSEMBLYMAN McENROE: Your two, immediate, major recommendations are that East Brunswick and Franklin Township be included in this bill?

MR. BELLIZIO: If the bill is going to fly -- which I hope it doesn't.

ASSEMBLYMAN McENROE: I gathered that.

MR. BELLIZIO: Apparently, from your comments today, we are here just to gather a few facts.

ASSEMBLYMAN McENROE: Do you agree with the concept of the bill?

MR. BELLIZIO: Let me read my presentation, and you will find out why I feel very strongly about it:

I am Township Committeeman; I am the Regional Planning Liaison for the Township of South Brunswick; I am on the Planning Board; and I was the Mayor of South Brunswick in 1984. As a member of the elected officials here, I am really taken aback.

As a lifelong resident of South Brunswick, and living along Route 1 for most of those years, I can attest that the only constant is change.

Route 1 has always been a major artery from New Brunswick to Trenton and, prior to the construction of the New Jersey Turnpike, was the major collector for all North/South traffic. It has been upgraded from a dirt road, to a median-divided highway, to a barrier-divided road with shoulder and lane expansion over the years.

After numerous accidents, studies, and fatalities -- such as Ryder's Lane and the tragic bus accident in which college kids were killed or mangled -- various locations along Route 1 have been upgraded. As with the juncture of Routes 1 and 130 in North Brunswick, now a priority for an overpass, these changes are long overdue. I could go on and on; however, history helps us learn and, hopefully, we will not make the same mistakes again. The key to almost all of these delays has been money and perhaps the lack of long-range planning at every level.

The Karcher bill and lawsuits -- for example, the one instituted by Mayor Barbara Sigmund and Mercer County Executive Bill Mathesius -- against communities such as West Windsor, Plainsboro, and South Brunswick are a travesty to which our residents and taxpayers should not be subjected. Having been involved for more than three years as a Committeeman, Mayor, and Planning Board member, I have been interested in our region.

Our working relationship with the surrounding communities has never been better, and our dialogue with the county is open, as is as our participation in all facets of the State reviews of Routes 1, 522, 27, 130, and 92. We have concerned ourselves with regional planning and have provided the following:

(1) Extensive input on the Route 1 Corridor study;

(2) Route 522 and dedication of contributions from developers toward this necessary East/West artery. This, by the way, is very close to reality. We had Princeton walk in here two weeks ago -- rather, last week -- and indicate they will build a four-lane divided highway from Route 27 to Route 1, and will do so before they even begin their development;

(3) Route 92 northern alignment to 8A of the Turnpike moves a major portion of this road into South Brunswick and will aid the Princetons, et cetera;

(4) We have worked diligently for the high-speed passenger rail stop in South Brunswick designated by the Township to be located on the Seltzer Tract and substantially financed by the Seltzers. This will provide regional, high-speed public transportation. I noticed, by the way, in the newspapers it was played down as being a major contribution; however, it is a transportation facet for those people who are moving into this area. I worked for the past 11 years in New York City, so I know what public transportation is;

(5) We are requiring development of either small parcels large tracts to dedicate to the State prescribed footage for right-of-way for the Route 1 upgrading. Substantial portions of this right-of-way have already been set aside by resolution by this Township;

(6) We have provided for regional sewer lines and have franchised the same to Stoney Brook and the Middlesex County Sewerage Authority;

(7) And, we are in the process of connecting to regional water supplies through the Elizabethtown Water Company to provide for future growth and have interconnections with adjacent municipalities for backup and emergency conditions in either direction.

This listing is not considered exhaustive of the cooperative efforts put forth by our Township to try to make our community and those around us the best possible places in which to reside and/or work. We are presently, and will continue, seeking ways to alleviate bottlenecks that are anticipated on Route 1 and adjacent roadways. The Karcher bill was introduced to us, and it was expressed that it was a starting point and could be modified, et cetera.

I respectfully request that this bill be rejected. I feel we should continue the dialogue with the communities involved, not only for Route 1 but also for the infrastructure involved. We also ask for coordination and joint meetings to resolve those items of a more regional nature.

Another level of red tape, coupled with delay and frustration, will do little to ensure that proper growth occurs. At this time, I feel the communities that have been cooperative with one another and have done the most to prepare for the future in helping with regional planning are being targeted for curtailment and the loss of home rule at the expense of certain people's personal or political gain.

I can and have pledged my support, and that of the Township as well, to our neighbors to provide the best possible solution to our problems within reason. This can only occur with assistance from the county, State, and Federal governments in an overall plan that is set forth, contributed to, and upheld. The interjection of another level of review and financing will involve unnecessary delay and cost to the already-harassed taxpayer.

Therefore, I suggest rejection of this bill as expressed in the resolutions submitted by us and our neighbors. We will continue to work and cooperate with all of the agencies presently involved. We will support regional discussions, and we request that South Brunswick be thought of in the Route 1 upgrading in terms other than the "hourglass syndrome." In the last study, we were to be the community, along with a slight portion of Plainsboro, left with four lanes, while there were six lanes to the north and six lanes to the south. I call that the "hourglass syndrome."

We are willing to cooperate. We have, by far, the longest stretch of Route 1 along the Corridor, probably close to seven miles. We have a lot of undeveloped property, and I do not think South Brunswick should be punished for what has happened to the north and south of us. We will cooperate and work with them. I hope this bill is defeated. Thank you. (applause from audience)

ASSEMBLYMAN McENROE: Thank you. You have an admirer here. Have you discussed this "hourglass syndrome" to any great length with the Department of Transportation?

MR. BELLIZIO: We have had representation on the Route 1 Corridor bill. Our Deputy Mayor, George Bolster, was assigned that responsibility last year. He continues to attend meetings. All of our committeemen cannot make every meeting. With everything that is going on -- the bill before us here, the Route 1 Corridor study, the 92, the 522, -- as part-time politicians we have been spread thin. Most of us must earn our livings elsewhere. You know what I am talking about, Harry.

ASSEMBLYMAN McENROE: I know exactly what you are talking about.

MR. BELLIZIO: The point is that we will continue. If we are not there at meetings, we are represented by our administrator, assistant administrator, or planner. We have kept an active interest, and we will continue to do so. We are concerned. We are working on regional plans. Any community that is willing to move the likes of a portion of Route 92 into its community must work very carefully. We are in a little bit of back-and-forth with Plainsboro as we try to work out the best possible solution for both. But we are willing to take it and thread it through with the least amount of upset to our people. I think we can get it through with, probably, less than one or two homes being disturbed and obtain the best route. We do not want to take away or disrupt good farm land. We are willing to do this, and we hope that our whole region will not get caught up in a massive bottleneck. But, for many years, Route 92 has been on the boards, and the way the route is going, I am afraid it will remain on the boards.

The money is not there. We cannot expect the developers to come into South Brunswick and pay for that whole road. We cannot expect them to build all of the overpasses along Route 1. We will try, however, to help them. We have been getting cooperation. There are a lot of things that have happened which, if I had my druthers, I would like to see changed.

Two bridges are being built, within half a mile of each other, over the highway railroad. They should have been compacted. Perhaps we should have built another tunnel somewhere. That would have been, maybe, half the cost. We are thinking ahead. We want to make it regional. It makes no sense for us to dump it on Monroe, Plainsboro, or North Brunswick. I received extremely good cooperation last year from each of these communities. We argue once in awhile, but that is normal.

ASSEMBLYMAN McENROE: There is very little you have said with which I have any major disagreement. You have a concern with this particular bill and this particular Board. Certainly, the intention of the sponsor is to approach, in a comprehensive way, all of the major questions that you have been involved with during the past 10 or 11 years. That is certainly his intention, and that is the framework of this legislation.

MR. BELLIZIO: There is one other point I would like to make. Then I will leave and let someone else speak. How can anyone know the community better than the people who in it? I sat at the Planning Board two nights back-to-back -- Township Committee, then Planning Board. We are often here until 1-1:30 a.m. When you bring someone in to sit down and talk to us, how much better do you know the community than the people who live here? All right? You must be willing to keep an open mind and work together with the adjacent communities. There is no one in Trenton who knows South Brunswick, including some of the engineers, as well as some of us. They cannot tell us where the problems lie with water, where flooding will occur, or these types of things. They do not live here day in and day out.

I grew up near Route 1. I commuted to Rider College in Trenton. I saw that highway change from one similar to Route 130 to Route 1 as it is now. And I knew it was coming. I saw the New Jersey Turnpike built. I see mistakes being made now, and I saw mistakes that were made then.

Paul Matacera, the Mayor of North Brunswick, is here, and he has a problem with Route 130 that should have been taken care of before all of the development there. Money was the key then. The State did not have the money. Money is the key now. The State does not have the money. We must put our forces together. I can't see creating another situation such as the Meadowlands Authority. That will not work. Thank you, sir.

ASSEMBLYMAN McENROE: Thank you. We will now ask the Deputy Mayor of South Brunswick, George Bolster, for his testimony. Mr. Bolster, how are you?

GEORGE BOLSTER: Good evening, Mr. Chairman. I am fine, thank you.

Simply stated, South Brunswick Township opposes, in the strongest possible terms, the creation by the State of New Jersey of a Central Corridor District Development Board. Since Statehood, New Jersey has properly recongized that land-use decisions are best left to local municipalities whose citizens must live with the consequences of those decisions.

The usurpation of those powers, as proposed by this legislation, is unparalleled. The monolithic "super agency" to be created will strip South Brunswick, its citizens, and landowners of fundamental rights indigenous to our democratic form of government. Accountable to no one, they can take our money and tell us what can be developed and how; they can take our land and tell us what can and cannot be included in our capital budget; and, if they so choose, they can simply stop all development or move proposed development from South Brunswick to whatever location suits their motives.

I ask you: What is the real problem here that requires such drastic action to correct? Has South Brunswick abused its planning powers to such an extent that the only viable remedy is the State takeover of those powers? Or has this State, while aggressively

promoting economic development, failed to anticipate and accomodate the effect of that development? If Route 1 was a six- or eight-lane expressway from Trenton to New Brunswick, would we be here tonight? I submit we would not.

South Brunswick is concerned about regional planning. Our residents endure the frustrating traffic delays on Route 1 at 130 in the Princetons. We have actively sought and achieved regional solutions to sewer problems. We have carefully zoned Route 1 to minimize curb cuts and other impediments to traffic flow. We have offered the Route 92/32 alternative to eliminate the profoundly adverse enviromental impact of that highway on Plainsboro and Cranbury while, in our judgment, improving the traffic flow on Route 1.

We have required developers to contribute their fair share toward the cost of road improvements necessitated by their development. We have actively pursued a rail station in Monmouth Junction, which will serve the region, not just South Brunswick. As in the past, we eagerly look to cooperate with the State, county and our neighboring municipalities to solve common problems. We encourage the State to take a more active role in that problem-solving process.

I participated in the Department of Transportation's Route 1 Advisory Committee. I support M/S/M's regional forum project as a logical expansion of that program, to continue to make more useful the dialogue between all those who are concerned about the future of our region. I look forward to exploring with our Middlesex County Freeholders and Planning Board how transportation improvement districts may provide concrete, realisitic answers to our shared transportation problem; however, I will never turn over the development of South Brunswick to an outside agency that is not fully accountable to the residents of South Brunswick. I urge you not to proceed with this legislation.

ASSEMBLYMAN McENROE: Thank you, Deputy Mayor. I want to comment on your characterization of the proposed Central Corridor District Development Board as a monolithic "super agency."

In New Jersey, we have had some experience with super agencies, if you will, at the Meadowlands and the Pinelands. They

have, generally, been responsible bodies. They were all formed within the past 10 years. I, too, submit that a responsible Governor and a responsible Legislature would appoint the type of individual to this Board who would act responsibly. I just do not see it as a power-grabbing, monolithic Board.

MR. BOLSTER: I beg to differ. I see our Planning Board members accountable to our public. If our public does not like what is going on in town, they have the option, every year, to make a change. Who is this Board, with little in the way of local representation, accountable to? The Governor? Is South Brunswick going to take it out on the Governor if they are not happy with what this Board does? That is impractical and impossible.

Further, I believe that the frustration and sense of hopelessness bred by this type of government intrusion into the lives of our people is needless. Perhaps this was not so in other situations. The Meadowlands was a far different story than development along the State highway. The Pinelands was a far different story. If the need is there, it may be appropriate. Certain areas in the State have developed in ways some of us do not like; however, no one likes what they see on Routes 22 or 17.

I believe the forward-looking elected officials of the State have seen the consequences of haphazard development. I ask, before any further consideration of this bill, you to look at our master plan and see how we have zoned Route 1. We are more aware than any State agency what Route 1 means to the future of this community and State. We are only going down this road once, and we are not going to foul it up. As Howard said -- and he has lived here, adjacent to Route 1, all his life -- we know that this is it. Development is coming, and we want it to best serve the people of South Brunswick and this region. I think we understand that better than any State agency.

ASSEMBLYMAN McENROE: Thank you, very much. I appreciate your comments. May we now hear from Ingrid Reed, Chairperson of the Mercer County Planning Board? I would like to welcome you, Ms. Reed. You may proceed.

INGRID W. REED: Thank you for holding this hearing, which is the second of three. I appreciate your holding it in the evening to make it possible for people to testify who are unable to attend during the day.

I have read the bill, and I think it is an important forward movement for New Jersey. There are many details that are important, and I know there are many details that will need to be addressed in the future. I have some comments that are broad in nature.

My name is Ingrid W. Reed, and I chair the Mercer County Planning Board. I have served on that Board for the past 12 years. I also chair the Land Use and Access Task Force of the DOT Route One Study, an effort that unfortunately has not continued to progress in the last six months. I hope it will pick up.

I believe you have received many excellent statements about the amount of development occurring on the Route 1 Corridor, the impact it has on the communities in the Corridor, the traffic congestion plaguing those who work in and travel through it, and the negative effects on the State if this development continues in an uncoordinated manner.

The need has been demonstrated convincingly that regional planning is required to guide and control development that has a regional impact. That planning, unfortunately, cannot be provided by turning only to the counties.

I want to express support for the Central Corridor District Development bill from the perspective of a county planning board member, and specifically as a Mercer County Planning Board member for two very simple reasons.

Counties do not have the power under current legislation to manage and control development that has county-wide and regional impact. We can only review and approve development that fronts on county roads or affects county drainage ways. Therefore, development with significant regional impact has gone unchecked because it did not meet this test.

Mercer County has been prevented from limiting access on Route 1. We have been prevented from phasing in new development so

that it proceeds only in step with design improvements on regional connector roads. We have tried to influence local municipalities to ensure that service roads or parallel roads provide relief for traffic created by large-scale developments, but too often, they have not listened to us.

Currently, counties are given extremely limited power to review municipal master plans from a regional perspective. We can only comment, not approve or disapprove.

The second reason is, even if legislation is passed strengthening county planning powers, as I and others are advocating, the Route 1 Corridor development would not and could not be guided and controlled by the actions of each county in the region. The development is so deeply intertwined between Middlesex and Mercer -- others have even suggested Somerset -- that it is essential that a regional plan be enforced. Simply, coordination and cooperation alone between the counties or among the municipalities will not work. I believe that Mercer must and will participate in preparing the regional plan. But, when agreement is reached, we must know that the plan will be implemented. Middlesex should want the same assurances, and I think that is the crux of the bill we have before us. We need a way to ensure that the agreement which is reached will be implemented.

I know that Speaker Karcher has been very open to suggestions about all aspects of the bill, but particularly he has asked about the proposed structure and financing.

I support a board that includes representatives of each municipality and county. Since the regional master plan will govern all future decisions, I believe it should start on the basis of local and county plans, and that two-thirds of the members of the Board should be required to approve the plan for adoption. Thereafter, a majority of the members should vote in order to approve or disapprove a development.

The approval process must be designed to streamline the cumbersome local, county, and State agency review. The initial plan that traditionally comes before a municipality must go to all bodies simultaneously in a pre-planning process for initial discussion. As

you know -- and, I think this is an important aspect of what is happening in this region -- traditional zoning rules are giving way to negotiated performance standards. Early input, as plans are shaped, is extremely important.

The proposal to include a fund for the financing of services required as a result of unbridled development is essential to making the regional plan work. We know now that there are significant costs that cannot be met at the local or county level. For example, the DOT Route One Study concludes that not only will Route 1 be hopelessly congested if development proceeds without costly improvement to the road, but the same congestion will occur on locals roads and county roads. The Transportation Trust Fund covers only a small percentage of needed improvements. Support for engineering costs is no longer included in those funds, so that providing detailed planning for road improvements puts an added burden on counties and municipalities.

I also ask that consideration be given to a tax-sharing program as part of the legislation. I know that is a difficult request, but I think it needs to be explored. Let me explain why. If a responsible plan is developed, it must address phasing in development with improvements that are done over time. Not all municipalities will have additions to their ratable base. Preservation of open space and agricultural land will require setting aside areas that will not be developed, but which will contribute to the value of all properties in the region. In the absence of tax reform, a tax-sharing measure will be an incentive to accept a plan that concentrates development in the areas that are best suited for it.

Let me go back to my original point. In the area where rapid, large-scale, complex -- and I think often high quality and distinctive architecture -- development is occurring without respect for historic boundaries, county planning boards, even with expanded powers, need a regional body of the kind proposed to provide the framework for planning. We need it in order to ensure that new development is compatible with existing communities and that it enhances their future and the future of Central New Jersey.

Thank you.

ASSEMBLYMAN McENROE: Thank you, Ms. Reed. I appreciate your comments. I would like to ask one question. As a person involved in county planning, do you see this as an intrusion or a diminution of a Board of Freeholder's responsibilities for a county?

MS. REED: The way I see it, the development we have in this region is impacting on an area that is larger than our county, or a certain part of our county. What I see this bill providing is a framework for the decision-making that both municipalities and counties have to make. I think it is very difficult to ask municipalities and counties to make wise decisions without taking the larger region into consideration.

What a neighboring municipality does can enhance development or detract from development in a municipality. I think political reality and what we know about planning in the public sector ensures that the plan will have input from all areas in this region. What we will come up with will be something that makes sense across a wider area than just a municipality or a county.

Within that framework, I see municipalities and counties being able to shape their destiny better than if they were in a free-for-all, which is what I think we have now. There has been an attempt to cooperate, but I think two things are limiting that, and they are psychological and practical.

In order to really coordinate, you need a staff to lay out the issues, get you together, consider the alternatives, find a way to agree, make a decision, and then try what the implication of that decision is. Also, psychologically, when you are coordinating, one person takes the initiative. What happens if one municipality calls the meeting and then another municipality comes? Who finally pulls it together and makes the decision that can be accepted, rejected, or negotiated by all concerned? Coordination only takes you so far. We all know that you have to reach agreement and that the agreement will be kept. Coordination doesn't do that; you are not assured when you reach an agreement that that agreement will be upheld. I think that is the problem we have had in this region. We have never known what the guiding influence will be. Once you know that, you can then plan

within that framework. That is why I think the bill is extremely important.

ASSEMBLYMAN McENROE: Thank you. I appreciate your making the point that county governments have limited planning authority.

MS. REED: We hope to change that.

ASSEMBLYMAN McENROE: It should be changed, and this Committee has that under review.

MS. REED: Thank you.

ASSEMBLYMAN McENROE: Thank you. Now I would like to call the Mayor of North Brunswick, Paul Maticera.

PAUL MATICERA: Thank you, Assemblyman. You are probably very pleased that I am coming up here with nothing in my hands.

ASSEMBLYMAN McENROE: I like a man who travels light. (laughter) It is nice to see you.

MAYOR MATICERA: I want to thank you for coming to the Central Jersey area, Assemblyman. I'm not sure where your home is. I must express my displeasure, however, at some of the other members of your Committee who could not be here this evening to share in a rather important issue for the people of the Central Jersey area, especially South Brunswick, North Brunswick, and Plainsboro. April 11 is a legislative day, and I am sure they will all be at that hearing. I hope so. If you would be so kind as to--

ASSEMBLYMAN McENROE: (interrupting) I'll take that as a compliment.

MAYOR MATICERA: Please do. If you would be so kind to just let them know of my displeasure about this evening--

ASSEMBLYMAN McENROE: (interrupting) For your information, I represent part of the City of Newark and all of the Oranges -- East Orange, West Orange, South Orange and--

MAYOR MATICERA: (interrupting) You came through the worst part of Route 1.

ASSEMBLYMAN McENROE: No, I didn't come that way. I didn't fly down either. (laughter) I took the Parkway and Route 1, and I always enjoy the trip, by the way.

MAYOR MATACERA: It is nice to have you with us. We in North Brunswick have not as yet taken an official stand on the Route One Corridor Study bill. We are, however, actively involved in the negotiations and meetings that have been going on since our initial meeting with Assemblyman Karcher after he proposed the bill back in January.

Much like Mayor Wright, we also have been quite involved in the land use ordinance revision, which was due to the monumental Mount Laurel decision given to us by the ultimate wisdom of our Supreme Court. Because of that, along with the budget process, we have not as yet taken an official position. However, we have been to our Administrative Planner, Mr. Keller, who has been very involved with the structure that had been set up when we had our mayors' meeting here in this municipal building. We began to see where we were with our own progress regarding the outcome of your bill -- much as you are doing now with the public hearing portion.

In North Brunswick, much like South Brunswick, we feel quite surely -- I feel quite surely -- that one thing this bill has done for us is to bring together the communities involved. I know South Brunswick and North Brunswick over the last couple of years -- along with the Township Committee, myself, their Council, and our Council -- have become very good neighbors because of where we have to plan and what we have to do for our own destinies.

There are some things that even this bill can't address, which are inherent in North Brunswick. For instance, we just had to settle or not settle litigation pertaining to Mount Laurel. Two had to do with the Route 1 Corridor; another had to do with the Route 130 Corridor. South Brunswick is concerned with the Franklin Township side. They are imposing a Mount Laurel situation, and that is where we are looking at serious traffic needs.

We decided to go the negotiated route, settle on "x" number of units, and phase them in over 20 years. That would be doing a phase-in type of thing. South Brunswick has also gone into something like that. Franklin Township is in the courts, and we feel that kind of impacts.

How can this be legislated on our planning levels? We are going to have a great impact which will be there because of court mandate. Some of our own local zoning has been taken away from us. I don't know what some of the problems with other communities in upper Mercer County are, but we do have that great impact.

Our position for you, sir-- Our planning board is meeting on Thursday, and we will be studying, in-depth, the bill as it exists. Our Township Council will be meeting Monday evening. We hope to formalize and adopt something that will be presented to you at your next hearing. I believe you said you have a full Committee meeting on April 29?

MS. McNUTT: There is no schedule yet.

MAYOR MATAcera: There is no schedule?

MS. McNUTT: No.

MAYOR MATAcera: We will come before you at that time with our comments -- pro and con -- and, hopefully, we will offer you some significant input, whether we are totally in favor, against, or would like to see some amendments.

The Chairman of the Mercer County Planning Board brought up something that was very interesting, and I discussed it with Mr. Keller earlier. I think it may be inherent for your Committee to look into other ways of legislating an alternative at this point in time. This may not usurp this bill, but I think we have to look at where legislation is lacking, or what legislation is on the books today that could be amended to produce some sort of regional overview.

I think the problem we have is that no one wants a Hackensack Meadowlands Commission because that is a development Commission. What we are looking for here is regional planning, and I think we all have to see the regional planning aspect. I think we all have to be concerned with what is happening to our neighbors. I don't think we want to have that type of authority taken from us. As Howard Bellizio mentioned, who knows the community better than the elected officials of a community? They are the people who are going to have to face the public with any decision they make.

I think maybe we have to look at areas where county government may not have enough control. Why do we have to create another agency of 21 people, or 12 people, or 13 people to sit and review or plan if we can do it within the structure we already have? We have local, county, and State governments. Why do we have to have local, county, State, and regional governments? I think that is part of the problem that some of us are perceiving at this point in time. Why create another level of structure -- another expense? These are some of the things we have to look at.

As Mayor Wright pointed out, maybe we have to take a little more time to review the entire process before we get into anything as cut and dry as, "Yes, we want, or no, we don't want -- or what is in-between?" We have to take that step, and I think we have to categorically take it so we know where we are going.

It is unfortunate because of what happened. Some of the litigation is a terrible insult to communities. It doesn't solve anything. All it does is spend taxpayers' dollars -- the people we are elected to represent. It is unfortunate that it had to happen.

We have to continue to plan. I am very happy and pleased that the Middlesex/Somerset/Mercer County Regional Planning Committee has taken the kind of leadership with our group to do this type of thing. If we can go along these lines, maybe we won't need a Regional Planning Commission. Maybe we can do it without that type of structuring.

These are just some of the things we wanted to point out. Our Council and Planning Board are very much aware and involved, and hopefully, sir, we will have something for you that will be more definitive.

ASSEMBLYMAN McENROE: I appreciate your comments, Mayor. Thank you for taking the time to come before the Committee.

MAYOR MATAcera: Do you have anything for me, sir?

ASSEMBLYMAN McENROE: Not really. I have just one comment. It would seem to me that in view of your presentation and concern with the Mount Laurel decisions and requirements, a regional approach with regard to planning in an area where the Mount Laurel decision has a substantial impact would be beneficial.

MAYOR MATAcera: It very well could. The thing that concerns me is the fact that this was mandated by the courts, as you are well aware. The Lynch/Lipman/Stockman bill is before both houses; it is a start to protect some of the people who are not involved right now. We had four suits -- three developer suits and a civic league suit, and here we are trying to figure out what we are going to do. We really have no choice in the matter.

If we had lost-- Our ordinance was not up to par; we realized that, and we tried to amend it. Had we lost it, we would have more than doubled our community. We would have put in at least 10,000 housing units, but we were able to negotiate a settlement for less than half of that over a 20-year period.

I don't know if we need the structuring of such a strong committee or commission to do it for us. We might be able to do it ourselves with some good guidelines, whether they come from the Legislature, the counties, or a group such as the Monmouth/Middlesex/Mercer group that is meeting right now. I think those are positive things.

The most positive thing is that we are all talking to each other. That is the most important thing.

ASSEMBLYMAN McENROE: Sure, excellent. I appreciate your comments. Thank you, Mayor. May we hear from Maurice Hageman, representing the Board of Realtors? Is that the South Brunswick Board of Realtors, or the Middlesex County Board of Realtors?

MAURICE HAGEMAN: No, sir. I am speaking on behalf of the Mercer County Board of Realtors and the New Jersey Association of Realtors.

ASSEMBLYMAN McENROE: You have the floor, Mr. Hageman.

MR. HAGEMAN: Thank you, Mr. McEnroe. I appreciate the opportunity to appear this evening and to present some of our views to you.

We have some serious concerns about the bill. I would like to share those concerns with you and also some of the positive suggestions we have. We are concerned that if the bill is enacted, there will be another bureaucracy created, which will be the forerunner of regional- and State-controlled planning. Once the die is cast, it

could go further than just the Route 1 Corridor; it could go into other areas of the State. We would rather you let us work with what we have in place in our counties and municipalities.

From what I have seen, there is more cooperation taking place as a result of this bill. It has precipitated some positive thinking. Also, the Mathesius/Sigmund suit has created a lot of thinking, and more cooperation will be coming from it.

Don't blame the counties and municipalities for the existing problems -- the traffic problems -- on Route 1. These are problems that have been created-- This was mentioned earlier when Mr. Laurenti spoke about Mercer Mall.

The Department of Transportation has known for a long time about the problems on Route 1. It is probably because of money that they have not taken steps to act on it. I have talked with people at DOT, and the plans they have for Route 1 are going to be obsolete by the time they are completed. In four or five years, they are going to have to start all over again. Some of the major bridges and intersections that will be created will have to be torn down.

Instead of planning for the next five or six years, let's get DOT to do the planning for the next 25 years. There is a serious problem with traffic on Route 1, and no one is denying that, but this is not a problem that was created by the municipalities or the counties, nor do the municipalities or counties have any jurisdiction over remedying the problem. That is a problem that can only be handled by the Department of Transportation.

With regard to the bill, we are concerned that the Board may be a little top-heavy with governmental officials. In the provisions of the bill, there are only four public members. Also, as the bill is drafted, we are concerned that this might become a "good-time boy's committee" because there is no provision for members other than by appointment. Everyone who is on the Board can be reappointed and succeed themselves time and time again, so that by the year 2005, we may still have the same 15- or 18-member committee.

Cranbury is mentioned in the bill. That is a municipality along Route 130. If Cranbury is to be included in the bill, why not

include some of the other municipalities bordering along Route 130 -- for example, East Windsor Township, Hightstown, Washington Township, and Hamilton Township? I'm not suggesting that they belong there, but there is no logic in including Cranbury. If Cranbury is included, then the others should be included too.

It was mentioned earlier that East Brunswick and Franklin Township should also be included. If we start to broaden this, I think we are going to have 50-some municipalities covered in this bill, and you are going to have a Board that will oversee the actions of roughly 10% of the municipalities in New Jersey.

This bill is going to create a Board with extremely broad powers. It even supersedes the powers of the State, the counties, and the towns. I have never seen a bill that can supersede the State without any checks or balances and without any sunset provision. They can even go into the business of the development of property or the rehabilitation of property, which would be in competition with the private sector.

ASSEMBLYMAN McENROE: Do you have a definitive comment in that area?

MR. HAGEMAN: Yes, I do. On Page 4, Section 6.g., if I may, "The Board will be permitted to acquire, own, hold, construct, improve, rehabilitate, renovate, operate, maintain, sell, assign, exchange, lease, mortgage, or otherwise dispose of real property and personal property, or any interest therein, in the exercise of its powers and performance of its duties under this act."

That is what I am referring to. Further on in the bill, there are provisions that state if they own property, all the properties will be tax-exempt. If they are tax-exempt, it will create unfair competition with the private sector. It will also create a broader burden on the municipalities wherever these developments may be.

There are no limits on the fees in Section 6.n. There are no limits on the fees, nor checks and balances on the fees that can be charged developers. This would be at the discretion of the Board. Again, we feel--

ASSEMBLYMAN McENROE: (interrupting) Well, that is within the normal authority of an appointed Board.

MR. HAGEMAN: That depends on how broad they want to go with it. Normally, if someone does not like what is being done, there is some form of checks and balances. The Board that is being created will have no checks or balances.

ASSEMBLYMAN McENROE: With reference your prior comments regarding the holding and acquiring of real estate, that language appears in all legislation; it empowers a board to function at any level. This is language that is part of the bill, and it is required that it be in the bill. You give the power to bond to an authority.

MR. HAGEMAN: We are concerned that in the interest of generating income to subsequently pay for the bonds, this may be taken on a much broader scale than what is intended. There is potential here, and--

ASSEMBLYMAN McENROE: You don't want competition from private developers?

MR. HAGEMAN: We don't want competition from private developers, nor competition with the tax dollars for the municipalities and counties.

ASSEMBLYMAN McENROE: I don't either. I agree with you.

MR. HAGEMAN: However, as I read the bill, it is permitted without any checks or balances.

ASSEMBLYMAN McENROE: That will be duly noted by the Committee.

MR. HAGEMAN: Thank you. I also happen to sit on the Mercer County Blue Ribbon Task Force for Affordable Housing. Under Section 7.a., on Page 5, I am concerned that there is potential for steering of housing. Line 3 says, "...set forth an integrated and comprehensive plan for location within the district of infrastructure capital projects, major residential, industrial or commercial development projects." There is a potential here to take care of either Mount Laurel or whatever the Board may want to do. All affordable housing may be designated to one particular area by the Board or to one region. This is a concern. All municipalities have the need for affordable housing.

We in Mercer County are concerned. We have just started an inventory as to what is there, what is available, and what is planned. There is a vast need for affordable housing in all 13 municipalities within the Mercer County region.

There is a potential for steering it or limiting it to just one area.

ASSEMBLYMAN McENROE: There is a potential for every board, whether it be a school board or a board of adjustment, for corruption, if you will, if that is your concern. In no way is it aiming to concern itself with one particular area to the detriment of another part of the region. I find that the language is routine, descriptive terminology insofar as the authority a board will have. All boards depend upon the quality of their members.

MR. HAGEMAN: If I may, sir, most boards have another authority for checks and balances, which does not exist and cannot exist because of the language of the bill itself, unless I am misreading it.

Under Section 9.a., -- I'll quote from that -- "Neither the State, nor any county or municipality, or instrumentality thereof, shall undertake any infrastructure capital project within the district without the approval of the Board as provided in this act." In this instance, they are superseding the State. It is in the bonding section, and I'll get to that in a couple of minutes, if I may.

ASSEMBLYMAN McENROE: That emphasizes the importance that the sponsor places on the regional composition of the Board. The State has no authority, unless it is given by this regional Board, which will be comprised of members from within this region to represent those municipalities.

MR. HAGEMAN: Again, the Board is going to supersede the Department of Transportation as to what may happen. For example, Route 1 will now be under the jurisdiction of the Board; they can say what can and cannot happen there. It will not be under the Department of Transportation where it rightfully belongs. We are concerned about some legislative oversight there.

In Section 18, on Page 12, once this agency is created, there are no checks and balances. It says, "The State pledges to covenant and agree with the holders of any bonds, notes or other obligations issued pursuant to authorization of this act that the State shall not limit or alter the rights or powers vested in the Board to perform and fulfill the terms of any agreement made with the holders of the bonds...."

ASSEMBLYMAN McENROE: Again, that is really part of the necessary language to provide support for the bondholders.

MR. HAGEMAN: Yes, sir. I agree with that, and I see the purpose of it. It is so that the bondholders will be encouraged to purchase the bonds. However, if it turns out five or 10 years from now that we have created a monster -- a two-headed monster -- which needs to generate income for their bondholders, the State is covenanting right now that they will do nothing to limit the powers of this Board. I have seen nothing in the bill where there will be any checks and balances or any sunset. We strongly feel that there should be some type of sunset or a potential of checks and balances as to what the Board will do.

ASSEMBLYMAN McENROE: There is existing authority -- law -- in this State that protects all of us from any abuse by a board. Any financing is reviewed by the Treasurer and the Department of Community Affairs.

MR. HAGEMAN: But, unless I am misreading something, sir, the provisions of the bill are far broader than a lot of the others. I am not here just to criticize the bill; I do have some--

ASSEMBLYMAN McENROE: (interrupting) Your comments are very helpful and I appreciate them.

MR. HAGEMAN: I have some positive suggestions. Rather than enacting this bill, or any other bill which will create a bureaucracy with more approvals-- It is difficult now. There are too many layers of approvals that must be obtained by anyone who is projecting to do anything. Even with the revised bill, we are talking about 10 houses or more. For any project in any municipality to have to go through one more layer -- again, going back to affordable housing -- is one more

expense that the general public, in the long run, is going to have to bear.

Instead, what we would suggest is--

ASSEMBLYMAN McENROE: (interrupting) We are talking about probably the most prime piece of regional developable property in this part of the United States. That is the way it seems to me.

MR. HAGEMAN: There is no question about it. It is probably the most prime piece of property in the entire United States, but, again, let's not create one more level of bureaucracy. Let's encourage the municipalities to work together and to discuss their growth plans.

As I mentioned, it has already started as a result of the Mathesius/Sigmund suit.

Let's encourage or force DOT to work on a plan to handle the traffic problem, not just for the next five years, but to work on it for the next 25 or 30 years. Plan east/west roads in addition to Route 1 -- roads such as S-92 and 522 that were mentioned. Encourage an infrastructure bank on a State level whereby funds will be available and can be drawn down by municipalities and counties for water and sewer, for road improvements, and for road development. While all of this is being done, do whatever we can to continue to encourage growth in the area, and also to encourage development and input of affordable housing throughout the region. That is definitely needed because of the input of commercial development that is taking place. There is not enough affordable housing throughout Central New Jersey to support the development growth that is coming in. I am afraid that this bill will thwart this type of development for affordable housing.

ASSEMBLYMAN McENROE: Thank you. At our last hearing, one of our concerns was that we were not hearing from those developers who would be involved in providing residential housing. You have presented some excellent ideas to us. We are going to transcribe your comments, but if you would be kind enough to summarize some of your comments, I think that would be very helpful to us.

MR. HAGEMAN: I spoke to Ms. McNutt earlier. I apologize for not having my comments in writing, but I will send you the highlights of my testimony.

ASSEMBLYMAN McENROE: You represent a large part of the constituent interests in this bill.

MR. HAGEMAN: The Mercer County Board of Realtors has approximately 1,900 members, and the New Jersey Association of Realtors has between 26,000 and 27,000 members. We are not just interested in what is good for our pocketbooks and our commissions; we are concerned because we have to live in, support, and sell the development that is going to take place in this area in the future. We are concerned about intelligent growth, but growth that can be practically accommodated.

ASSEMBLYMAN McENROE: It is nice to hear that; I appreciate it, Mr. Hageman.

MR. HAGEMAN: Thank you.

ASSEMBLYMAN McENROE: Thank you. Can we hear from Peter Cantu from Plainsboro? I understand you are a Councilman also?

PETER CANTU: Yes. Thank you, Assemblyman McEnroe, for the opportunity to speak to your Committee this evening. My name is Peter Cantu. I am a member of the Plainsboro Township Committee, and I have served there for the past 11 years. I was also the Mayor of Plainsboro Township and served on the Planning Board of Plainsboro Township for seven years.

As Mayor Wright indicated, Plainsboro Township plans to provide specific comments in April or May about the bill that is before your Committee. Since I will be participating in the development of these comments and our position, my purpose tonight is not to address the details of the bill, but rather to share with the Committee some general comments from the perspective of a long-term, regional resident, and a member of local government.

Speaker Karcher is to be congratulated for the initiative that this bill represents. While there may be differences of opinion regarding the mechanics of this bill, I feel there is near unanimous support for the concept of regional planning. There should be effective regional planning, a mechanism for developing the plan, enforcing the plan, and providing for the infrastructure improvements.

In my opinion, this bill and the process surrounding it have provided a positive form for discussion of the issues, and hopefully,

for the development of a solution which will best serve our regional needs. The alternative process that has been offered by some -- that of pitting community against community, and county against county in senseless litigation -- I feel would be unproductive and represents the ultimate waste of taxpayers' dollars. The basis for this litigation is the assumption that the developing communities of the region are driven by some lust for ratables and have little or no regard for the impact of these ratables on the region.

In fact, this characterization has been made in previous testimony before this Committee, specifically at the hearing in Princeton. This characterization, in my opinion, is totally inconsistent with my experience in local government, and particularly with my observation of my neighboring community's and my community's efforts to address our common problems of growth management.

While we can all point to mistakes in planning, I have had to deal with them, and I think others have had to deal with them in the region. These, in my opinion, are far overshadowed by the self-generated growth pressures and the inadequate tools that have been provided to the communities to deal with these pressures.

The process that will best address the concerns is one that encourages communication and input and retains flexibility to respond to that input.

I have heard detail tonight, both from Mayor Wright and the representatives from South and North Brunswick. A litany of efforts has been made and attempts have been made to provide a regional perspective to the planning that is occurring and the concerns that are occurring within this region. I think those are on line, and in fact, I have participated in a number of those efforts.

What we are looking for, and the concerns that the communities have with this bill is that, through the process, you retain the flexibility you spoke about earlier in addressing those concerns. If there is to be legislation, it should incorporate the concerns of the region and it should provide a tool for regional planning that incorporates input from the regional communities that are represented here tonight.

Thank you for the opportunity to speak to you this evening.

ASSEMBLYMAN McENROE: Thank you very much. I appreciate your taking the time to be with us this evening. We have four individuals left who wish to be heard. May we hear from Mr. Walter Wright, a resident of Plainsboro, please? Mr. Wright, how are you, sir?

WALTER WRIGHT: Mr. Chairman, my name is Walter Wright, and I have been a resident of Plainsboro for 20 years and a resident of Middlesex County all my life.

Some of my testimony is going to be negative and a little bit critical of the State, but I do have a suggestion. I hope it is a constructive one. It has been said that Plainsboro is in a race for ratables. This is not so. The ratables have been thrust upon the Township; we didn't solicit them, and the result is that our local municipal tax rate went from 0 cents to 33 cents per hundred dollars in five years.

In addition, whenever we get involved with the State, Plainsboro seems to get burnt financially. We are again being asked to get involved.

Some of our past history is as follows: Approximately 18 years ago, S-92 was promised in the near future by the State. As a result of this promise, 6,000 garden apartments were built. The inaction by the State has resulted in the construction of our bypass, which is the result of a bond indebtedness by this Township that cost us in excess of \$5,000 per year.

Some years ago, we regionalized our school system with West Windsor. The citizens, under the direction of our State government, voted on a referendum to finance our school operation on a cost-per-student basis. Within a few years, the State government in its wisdom negated our vote with the famed Thorough and Efficient educational bill. We are now paying 50% of the school bill, while only sending 35% of the students to the schools.

Speaker Karcher talked about a 21-member Board, which will regulate our zoning. What assurance do we have that this Board will not become a politically controlled situation where, again, Plainsboro will come out in second or third place? If, indeed, this proposal comes to pass, why not address the problem at its source? Route 1,

which has been in service for over a half a century, should be brought up to date, utilizing the latest planning and technological advancements.

The State seems incapable of coping with progressive innovations; thus, once again, an authority could be formed and financed by converting this transportation facility to a toll road. In this way, it wouldn't be taxing the taxpayers, but placing the cost on the user.

These are just comments of a resident of the area.

ASSEMBLYMAN McENROE: I appreciate your comment relative to a toll road. That is a twist I hadn't thought of. (laughter) That would encompass another whole set of hearings, believe me.

MR. WRIGHT: It would be placing the load on its origin.

ASSEMBLYMAN McENROE: I know exactly -- not to be trite -- where you are coming from. I totally appreciate your position, and your comments have been duly noted. I appreciate your taking the time to come before us. Thank you, Mr. Wright.

MR. WRIGHT: Thank you, sir.

ASSEMBLYMAN McENROE: Our next speaker will be Steve Weinreich. Steve, how are you? You are from South Brunswick?

STEVE WEINREICH: I am fine, thank you. Yes, I am from South Brunswick. In your introductory remarks this evening, you said that a question that came out of the Princeton hearing was, "Where was this bill a few years back?" What the people want to know is, where was Route 1 a few years back? Where was the plan for Route 1? We see nothing. The only thing we have been told to date -- at least what I have read in the papers and have been able to find out from our township people -- is that the Department of Transportation wants to add one lane each way on Route 1, and that there are no immediate plans to do it in South Brunswick. We are going to do it up north and down south, but we are going to be left in the middle with a bottleneck. The additional lane doesn't solve anything anyway.

We have left transportation planning to the State. We have new buildings in town, we have roads, we have seen right-of-ways set aside for new roads, and where the State has asked us for right-of-way

for Route 1, we have provided it. Our Planning Board has made deals with the developers so that we can get that land.

It seems to me that planning on the regional level has left us with the hourglass -- Mount Laurel II, no Route 95, and no Route S-92. If the State came to us and offered a plan for a two-lane service road -- two lanes north on the east side of Route 1 and two lanes south on the west side, which incidentally requires very little more land than what the State is asking for now -- we would have limited access of Route 1 all the way through this Corridor. Yet, we could provide services to the new buildings on a lower-speed road and provide a pathway for public transportation, which would be manageable. It is not manageable on Route 1 as it now exists, nor on Route 1 as it would be if it were widened.

My major point is that the State should not say, "Let us take control of this area, and then we will decide what to do with it." Come to us with a plan and say, "This is what we believe is the best way to develop the area," and if the plan is comprehensive and right, then I see no reason why these communities would not be willing to go along with it.

We are not trying to grab everything for ourselves. We have to use that road, right down through everybody else's community. We have to live with our neighbors, and we want to live in a nice place, but nobody is coming to us with a plan. The State is just saying, "Let's set up a commission, give us the power, and once we have the power, then we'll tell you what to do." I, as a citizen, find that completely unacceptable.

Thank you.

ASSEMBLYMAN McENROE: Thank you. I appreciate your point; however, in my view, this is not legislation that is intended to grab power or usurp the authority of municipalities. As I see it, it is an effort in the most urbanized state in the Union, on this most heavily traveled and most valuable corridor area, to regulate and foster the orderly development and mutual cooperation of each municipality.

MR. WEINREICH: May I suggest that--

ASSEMBLYMAN McENROE: (interrupting) They are not the sponsor's comments; they are mine as someone who takes this seriously. I have no intention of intruding on the rights of South Brunswick or any other community.

MR. WEINREICH: Nevertheless, that is the effect of the bill.

ASSEMBLYMAN McENROE: I can totally understand your concern with Route 1, its development, and its stages through the years. There seems to be an uncertainty as to where it really should be going.

MR. WEINREICH: Incidentally, I'm not only concerned about Route 1; I'm concerned about Route 130, and I'm concerned about the east/west roads as well.

ASSEMBLYMAN McENROE: Well, this addresses more than transportation, as you know.

MR. WEINREICH: Yes, but our big problem-- The reason why our growth is outstripping our facilities is because of transportation. That is where we have not been supported by the State, even to the extent of knowing what land we must provide for future expansion. It is very difficult, certainly on a municipal basis, to get that land when there is no commitment from the State for future development, or support for the purchase or acquisition of land.

ASSEMBLYMAN McENROE: Thank you very much, Mr. Weinreich.

MR. WEINREICH: Thank you.

ASSEMBLYMAN McENROE: May we hear from Mr. T. Paul Keller, Administrator of North Brunswick Township? Mr. Keller?

T. PAUL KELLER: Good evening, Mr. Chairman. I'll be very brief because I think Mayor Matacera summarized the Township's position. I would like to reiterate some of the comments concerning the conversation, discussion, and exchange of views and ideas that are ongoing between the 10 municipalities that are directly affected by the bill.

I think there are a number of issues we have explored in the past several months, and I think the exchange is something that piggybacks on the comments that you just made to the gentleman who spoke prior to me. The bill has forced us to sit down and mutually discuss the issues that are supposed to be addressed by the bill.

I believe the time involved to formulate an alternate solution by the municipalities and their representatives certainly is significant. I would suggest that more time be given to that particular process so the municipalities could better respond to the Karcher proposal.

That is basically all I have to say. I believe we are making progress. We have been able to sit down and discuss the issues. The one common link, of course -- and many people have dwelled on it this evening -- is the transportation issue because of the Route 1 Corridor. We have discussed the land use issue, in addition to the transportation issue.

ASSEMBLYMAN McENROE: I appreciate your comments. Thank you, Mr. Keller. Next is Mr. Bernard Indik from the South Brunswick Planning Board. How are you?

BERNARD P. INDIK: I would like to identify myself. I have been on our Township Planning Board for the last 10 years, and I am reasonably familiar with the kinds of problems that South Brunswick and our sister communities have been facing.

In a larger perspective, the growth that we have developed, and it has been engendered in this area, I think, is important for the entire State. It strikes me that the kind of development that is occurring -- I'm talking about the jobs, housing, and related support structures that are necessary -- is an essential part of the economic, political, and social development of this State. Because I feel that way, and because of the experience I have had both in thinking about and living in the area, not only along Route 1, but along Route 27, I am interested in not only some kind of mechanism -- some kind of method of producing a cooperative effort; however, I am also interested in a variety of proposals that seem to make sense. Many of these have been in place for quite a number of years. Most of them have required inter-community concern.

I want to speak to a number of these ideas because I think, while I have difficulty, as a lot of people do, with the idea of another layer of organizations -- or whatever you want to call them -- the objective of coordinated effective development is very desirable.

I think it is appropriate and important to develop some mechanism of both State and private developer contribution to the proposed pattern of development. I can tell you, from my own experience with our Planning Board, that we have done both of those. We are not adverse to some kind of cooperative effort, but we like the idea of cooperative effort rather than litigation effort, and we are more interested in working out plans that take into consideration the concerns of the municipalities involved.

For example, along the Route 1 Corridor between New Brunswick and Trenton, it seems reasonable to be more concerned with North Brunswick, South Brunswick, Plainsboro, West Windsor, and Lawrence than it does with the other communities in the area. Those towns are most heavily impacted; those towns are more interested and more knowledgeable about what is happening to them because their leadership is best informed about what is happening and what is proposed for the future.

Along those lines, the next point I want to make is that the towns involved with Route 1 are the ones that are most fully aware. I make that point because I think they are the towns that ought to be primarily involved in the decision-making process. I similarly believe that the towns through which the Route 27 Corridor moves in this part of the county and in the northern part of Mercer County ought to be concerned with Route 27. As a matter of fact, along Route 27, that group of towns made a proposal to the State Department of Transportation back in 1979. We were jointly there with Freeholder Crabiel and the people from Somerset, and we made a proposal. We had a program of what ought to be done, and we suggested some mechanisms to try to implement it. Very little of that has been done. It is not because the local communities weren't concerned about it, nor that the local communities didn't have a plan.

I should also point out that the towns, particularly along the Route 1 Corridor, are very planning-oriented towns. They have focused on what they are concerned about. I can tell you that they are facilitating the development, as you are well aware, of a substantial number of first-class job sites. They have all asked for the

assistance of the State Department of Transportation for an effective six-lane Route 1. We have all been involved in looking at what kinds of grade-separated intersections we need. Several of those towns, including our own -- South Brunswick -- have worked out and initiated private developer contributions for the needed upgrading of our road system. We have developed Route 522, our major east/west artery. We have made major contributions toward that infrastructure, and we are also initiating some action at the Route 1/Route 92 intersection. We have been doing this for the last four years in order to engender contributions by the private developers because it is in their interest, as well as the public interest, to produce the needed upgrading.

Further, it seems to me that several towns in the area are also interested in facilitating two major aspects of mass transportation that should take major amounts of traffic off Route 1. For example, the Mayor and our Council, the prior Mayor and Council, and the Mayor and Council before them went through a substantial process to make sure that we would get a rail stop in South Brunswick. I understand from the newspapers just this past weekend that things are looking up for that.

I think the people in Lawrence are looking for the same kind of rail stop to help handle their obvious flow of people.

Further, I think it is crucial that we have a public bus -- Suburban or whatever -- from East Brunswick, with park and ride stops, all along the Corridor and down into Trenton. In a number of areas, we can work out arrangements to have vans that will move from the stops to the large industrial office complexes. I think that can and should be done. It is probably one of the best and cheapest first steps to solve some of the transportation problems along the road.

I agree with Mr. Weinreich with reference to service roads. Some of those service roads are essential. I also think the idea we talked about with regard to S-92 moving to 8A or 8 -- I would prefer 8A at this point -- and bypassing Princeton is Princeton's primary concern.

All of these kinds of things will take both State and private developer contributions to bring about, and I think these specific kinds of projects-- Route 27, for example, ought to be four lanes, except in Kingston and Franklin Park, in terms of its movement through South Brunswick and North Brunswick. It is obvious if you travel the road, as I do everyday, and you go down Route 1. You have the same kind of problem moving between here and Trenton.

Many of these ideas are not novel with me. I have tried to pull together the various ideas that many of the people I've talked to and listened to have brought to me. It is not for want of ideas; it is basically for want of a mechanism to provide the financing.

Planning ideas are available. It is a basic mechanism of financing, and I think public and private developer financing is the proper mechanism.

ASSEMBLYMAN McENROE: Thanks. I appreciate your comments. You certainly identified the problems in the area very well. You are quite knowledgeable of the difficulties ahead of us.

Next we have Mr. Herbert Wright. Mr. Wright, I know you appeared at our last hearing. You are the last individual who has asked to be heard by the Committee tonight.

HERBERT WRIGHT: I was not. I called in last week. I signed up here tonight when I found my name wasn't on the list. There has been some finagling with--

ASSEMBLYMAN McENROE: (interrupting) I will take full responsibility, but there has no finagling. I find your name here, and I would like to welcome you on behalf of the Committee. We have your testimony recorded from the Princeton hearing.

MR. WRIGHT: That was only on one point that seemed to be appropriate to that locale.

ASSEMBLYMAN McENROE: Okay. Do you have another point this evening?

MR. WRIGHT: I have several other points. I would like to call your attention to some papers I have here. I would like you folks to take them with you. Please, miss? (hands papers to Committee Aide)

ASSEMBLYMAN McENROE: Mr. Wright, are you appearing as a private individual?

MR. WRIGHT: A disenchanted citizen.

ASSEMBLYMAN McENROE: A disenchanted citizen. The record will show that. You now have the floor.

MR. WRIGHT: Thank you. I have a statement I would like to read. It is related more to the history of what appears to me to be the misadventures in the Route 1/Route 92 area. After that, I would like to speak against some of the bombasts and lambastes that have been directed -- if not directed, at least seem to be directed -- at South Brunswick and our way of managing our planning affairs. I totally believe that they are as good as any municipality in the group of 10 that presumes to call themselves the Corridor.

If you look at the map and spread it out, it doesn't look like a corridor. It looks like a Rorschach inkblot, and maybe some psychiatrist should run a test on it to see why these particular geographical areas -- political entities -- are lambasting the Corridor, which is composed of those municipalities that are really the Route 1 geography. I'll continue with my written statement.

ASSEMBLYMAN McENROE: May I interject a thought as Chairman?

MR. WRIGHT: Sure.

ASSEMBLYMAN McENROE: I am very impressed with your elected officials and your planning officials in South Brunswick. I think the quality of their testimony will be borne out by the transcript of this hearing, and I think we have had a very pleasant evening.

MR. WRIGHT: There has been an unwarranted attack by both the Legislature and the courts. I find this abominable.

Several weeks ago, Princeton Mayor Barbara Sigmund was alarmed about who was using the Princeton Post Office. This concern was evident in newspaper stories, but it never seemed to involve the postal authorities who control such matters. It was a misdirected effort.

However, an adversarial lawsuit has been filed which is capricious and impossible to understand. Perhaps I should have mentioned the motivation. The Corridor towns are facing a juggernaut

of developments; they could have taken these concerns as friendly commiseration and dealt with them in joint agenda conferences.

I would like to interrupt my statement. People seem to have an idea that these developments -- these tremendously impressive buildings, evaluations, and labor-sensitive groups -- are creating a windfall of wealth for the towns. They are creating headaches beyond which there are almost insoluble problems. For someone to come along and lambaste us, trying to get some of the gravy, as they think of it, is just not worthy of legislation to support that kind of thing.

However, an adversarial lawsuit has been filed-- Oh, I've already read that.

The objective of the assault on the Route 1 Corridor municipalities -- and I think of only those on Route 1--

ASSEMBLYMAN McENROE: (interrupting) The assault is the legislation?

MR. WRIGHT: It is the legislation, the lawsuit, and much of the discussion.

ASSEMBLYMAN McENROE: You know, I am here to hear and provide comments and testimony relative to the legislation to the other Committee members. I won't comment on the lawsuit because we are not here to interpret the law or to define responsibilities.

MR. WRIGHT: I am not asking you to do that. This is background as to--

ASSEMBLYMAN McENROE: (interrupting) This is a legislative hearing, not a judicial hearing.

MR. WRIGHT: This is background information because I am in opposition to this legislation. This legislation is unwarranted, unjustified, and supportive of the most odious elements in the misadventures in the area.

The Route 1 Corridor development is legal and unassailable under the present New Jersey land use laws. If there was an attack on what is going on here, it should have been an attack against those laws which are odious to the municipalities because they force them into time constraints and accepting development at a faster rate than we would like to have. That is the kind of thing I think this municipality would have understood and accepted in a friendly way.

The beef from those not contending with the Corridor problems seems to be misdirected. The objective of the assault on the Route 1 Corridor municipalities by adverse legislation and a lawsuit is not clear. The objective is to impose outside control on Corridor growth and to harass emerging Corridor municipalities. That is what we are. The roads that are here were essentially here when the Hessians marched through New Jersey -- when the Revolution was taking place. We are confronted with that kind of road pattern, and we are trying to bring it up to date for a new kind of growth, but there is no help from anyone, except our own efforts to balance development by zoning. The officials are doing very well with that. We have high technology, we have housing, and we have warehousing, but we are not getting rich. Our taxes go up every year, just like everybody else's.

This is analogous to New York City's current efforts to control development in New Jersey's Hudson Riverfront towns. If you ever go there to see the Statue of Liberty, look at the waterfront in Manhattan and then look at the waterfront in New Jersey. It looks like something left over from World War II. They are not allowed to have funds, and they threaten jobs in New York City.

ASSEMBLYMAN McENROE: Well, we're working on that.

MR. WRIGHT: They lambaste that little waterfront up there by any means they can. We have the same analogy right here. There are those who envy, those who mistrust, those who want to put on an extra layer of government, and cut the growth down by an attack that is back-door stuff.

The big-fish power play is even more obnoxious between neighboring municipalities and counties. This approach to regional planning will prove disastrous. I am for regional planning, but I don't consider that a prelude to planning.

The older municipalities adjacent to the Route 1 Corridor are plaintiffs in a legal attack on the planning of Corridor towns. Unfortunately, these older towns suffer from earlier inadequate planning. The Corridor towns are attempting to avoid and correct such earlier planning errors, and they are doing very well with it.

Someone mentioned open space. I'll bet there isn't a municipality here in Central Jersey that has more land laid aside for parks, recreation, and open space. We have balanced growth, and we are not going to make the mistakes they made in other places. We are seeing to it that new roads do not have -- the Corridor roads, the circulation roads, and the artery roads -- built-up housing. There are no nice big \$350,000 homes as there are in Montgomery Township or Princeton. They have streets through there, but they are all residential. There are no arteries for traffic. They don't serve the need for moving people, either by public transportation, trucks, cars, or anything else.

Planning is at fault here. Proposed Route 92 to Route 32 is a regional asset which diverts Route 206 traffic from the Princetons and provides safe, convenient access to the New Jersey Turnpike for the whole Princeton region. It is hard to believe that the Princetons would subject Cranbury and Plainsboro to a useless and disruptive north/south highway segment, while gaining their own long sought Route 206 bypass relief.

Denying Princeton citizens a modern highway to the New Jersey Turnpike can prove to be a latter-day planning error for townspeople and officials alike.

ASSEMBLYMAN McENROE: That is why you support regional planning?

MR. WRIGHT: I support regional planning, but I do not want to be knocked in the head with it. We have had regional planning.

I attended a meeting last week called by the Middlesex County Planning Board. All the municipalities brought in the needs they had regarding transportation, bottlenecks, recommendations, and the need for highways to accommodate certain things. They were all put down, considered, and treated. The chairman of that group was masterful in bringing out the needs, the reasons for the needs, and the priorities of those needs. This is planning at a regional level to me.

I don't see any planning for Mercer County; they don't even have a master plan for their roads. A lot of the problem as to why development doesn't come about rests with the backwardness, the

indifference, the poor siting, or the poor economic situation -- the tax situation. There are many poor situations that lie outside the area of planning. These are totally ignored by planners, yet they need to be understood.

In tonight's Home News on page 5 or 6, there is a great story about Somerset, Middlesex and Mercer Counties regarding ratables. South Brunswick isn't the big leader; we're not the big winner. Somerset is, and we are in the middle. Mercer County is lower. They had better attack Somerset County if they want to get in on the gravy train -- if they call that a gravy train.

Denying Princeton citizens a modern highway to the New Jersey Turnpike could prove to be a latter-day planning error for townspeople and officials alike. Such a highway enlarges on the "dinky" transportation concept in this century for more Princetonians to benefit. When I say "dinky," I am making reference to the little railroad that runs out of Princeton. Now there is an opportunity with Route 92 for them to have a very updated, safe, and high-capacity highway right to the Turnpike.

In this area, everybody speaks about the need for an east/west highway. There it is. You would be surprised at how much objection there is to that highway. I can't believe it; it is there.

ASSEMBLYMAN McENROE: But, it does focus on the need for a regional, rational approach.

MR. WRIGHT: I'm not sure it is regional. From adversarial points of view, it is going to be nothing more than a donnybrook. We now know where these municipalities stand.

ASSEMBLYMAN McENROE: There has been comment tonight that if nothing comes of this evening other than having the exchange of views on the need for cooperative review and efforts by municipalities in the Central Corridor to have an idea of what is happening, then that will be beneficial. I don't think there is anything adversarial about the intention of this bill.

MR. WRIGHT: The die has been cast.

ASSEMBLYMAN McENROE: I think it has been cast in New Jersey as the most populated State with the enormous difficulties we have in

the areas of transportation and planning. We could go through the whole list of toxic waste and solid waste planning. All of these things impact on New Jersey, and New Jersey alone, because of New Jersey's location, its density, and its needs in entering the 21st century.

MR. WRIGHT: Well, I don't know if we are here to discuss toxic waste, but I think we could do something about that too. We have an environmental impact group in this town that has been very diligent in finding out where these odorous operations are located. We tried to bring them to the State's attention for a period of years. I was the first one to blow the whistle on the Jone's Pit 25 years ago.

ASSEMBLYMAN McENROE: This Committee has a responsibility to solid waste also, but tonight we are discussing the Corridor bill.

MR. WRIGHT: I know.

ASSEMBLYMAN McENROE: I really think we have been very fair to everyone tonight. I appreciate everyone's participation and support. Again, the bill is under continual review. Our next hearing will be held at the State House on April 11 at 1 p.m. April 11 is a Thursday, and all of you are invited.

Again, we appreciate your comments and help. We are a Legislature that is looking for ways to serve our people. Thank you.

(HEARING CONCLUDED)

APPENDIX

A RESOLUTION IN OPPOSITION TO A-3092, THE
CENTRAL CORRIDOR DISTRICT DEVELOPMENT ACT

WHEREAS, the South Brunswick Township Committee has reviewed proposed legislation A-3092, entitled An Act Establishing the Central Corridor District Development Board, and additionally met and discussed said legislation with its sponsor, Assemblyman Karcher, and the Township's Assembly District representative, Assemblyman Bocchini; and

WHEREAS, said legislation is intended to create a Route 1 Corridor Development Board which would regulate growth in accordance with "appropriate infrastructure investments and land use guidelines" which are undefined in the legislation; and

WHEREAS, the Development Board would be authorized to create a district development plan for the location within the district of infrastructure capital projects, major residential, industrial and commercial development projects, and agricultural, open space and non-commercial recreation areas with minimum contiguous acreage of five acres and the legislation fails to set forth any planning and land use standards for the creation of such plan; and

WHEREAS, South Brunswick Township and many of its neighboring communities have previously initiated meetings for the exchange of ideas and land use concerns and the legislation implies that the local municipalities located in the corridor are unwilling and unable to coordinate development in the corridor; and

WHEREAS, the Township Committee hereby expresses its continued willingness to engage in reasonable efforts to establish

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regional cooperation in the Route 1 corridor area, but cannot support any measure which effectively delegates its powers of planning and zoning to bodies over which it has no control; and

WHEREAS, the proposed legislation asserts that a governmental structure above the local level, with significant policy-making authority and broad financial powers, is necessary to guide development in the corridor; and

WHEREAS, the Board would be comprised of twenty one people: three representatives of the State from departments which already have jurisdiction over many aspects of the development which they are to monitor as members of the Board; residents of Route 1 corridor municipalities, chosen by the Mayors with no requirements that they be elected officials; and four members appointed by the Governor to serve as voting members but who are not required to have any direct relationship with the Route 1 corridor; and

WHEREAS, the proposed Board is to be created solely to govern development in the Route 1 corridor, thereby discriminating against other growth corridors in the state; and

WHEREAS, the Board's proposed power to enter into contracts, leases and agreements, and to accept aid, grants, appropriations and contributions appears unbridled and exempt from control by any higher authority; and

WHEREAS, the Board would have the authority to acquire, improve, dispose and otherwise deal in real estate to exercise its powers, with no provisions for consultation with or approval from local planning boards or governing bodies; and

WHEREAS, the Board would have the authority to issue

bonds, notes or other obligations with no requirement to determine their effect on local municipalities' fiscal conditions; and

WHEREAS, the Board could charge any fees it determines to be reasonable for an undefined set of services it may provide; and

WHEREAS, the Board, a body responsible to no electorate, requiring no approval from higher authority and without holding public hearings, would have the authority to "do any act necessary or convenient to the exercise of the foregoing powers or reasonably implied therefrom", thereby giving it the power to overrule local regulations and governing bodies on critically important development issues; and

WHEREAS, the Board could prepare, adopt and revise a District Development Plan which would supersede all local Master Plans and Planning Board functions and would have final review over all infrastructure development projects, including both new construction and rehabilitation of transportation systems, wastewater treatment systems, water supply systems, any industrial or commercial projects involving structures of 5000 square feet area or more, residential projects with as few as five housing units, and all other uses of land requiring five or more acres; and

WHEREAS, in conjunction with the foregoing, the Board could adopt any rules, regulations and standards to implement the Development Plan and the provisions of the act; and

WHEREAS, the regulations of the Board could prevent any municipality in the corridor from undertaking any infrastructure capital project or major residential or commercial project on its own as the legislation would require all projects to be approved

by the Board prior to construction, adding delays of up to sixty days or more to the approval process; and

WHEREAS, all accesses for vehicular traffic between any state highway within the Route 1 corridor and any abutting land would require the approval of the Board, leading to delays of up to sixty days; and

WHEREAS, the funding for the operation of the Board is to be provided by residents of the constituent counties in an amount equal to the taxable value of new construction or improvements within the municipalities included in the corridor area, which provision may result in a county tax increase for all county residents, not just those in the corridor; and

WHEREAS, other provisions of this proposed legislation may have equally deleterious effects on the communities affected;

NOW, THEREFORE, BE IT RESOLVED on this 5th day of March, 1985, by the Township Committee of the Township of South Brunswick, County of Middlesex, State of New Jersey, that:

1. Although the Township of South Brunswick is in favor of regional cooperation to fulfill the needs of current and future residents, it is opposed to this legislation, as drafted, and to the concept of a "super agency", such as the board contemplated in it, which would have the authority to make policy decisions and would be given the resources to implement those decisions while circumventing the established planning process, avoiding citizen input and overruling most aspects of local government structure, thereby discriminating against the local residents and stripping their own elected officials of much of their policy-making authority and ability to implement same.

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2. A certified copy of this Resolution be sent to Governor Thomas Kean, Assemblymen Alan Karcher, Joseph Bocchini and Joseph Patero, Senator Francis McManimon, the Mayors of all the effected Route 1 corridor municipalities, the Mercer County Executive, the Mercer County Board of Chosen Freeholders, and the Middlesex County Board of Chosen Freeholders.

I do hereby certify that the foregoing is a true copy of a Resolution passed by the Township Committee of South Brunswick at a meeting duly held on the 5th day of March, 1985.

Isidore A. Thorpe

