

P U B L I C   H E A R I N G

before

ASSEMBLY STATE GOVERNMENT, FEDERAL & INTERSTATE RELATIONS  
AND VETERANS AFFAIRS COMMITTEE

ON

ASSEMBLY BILLS NO. 879 and 2144  
(CAPITAL IMPROVEMENT PROGRAM)

Held:  
December 9, 1980  
Assembly Chamber  
State House  
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Richard J. Codey (Chairman)  
Assemblyman Gerald Cardinale

ALSO:

Wayne L. Bockelman, Research Associate  
Office of Legislative Services  
Aide, Assembly State Government, Federal & Interstate Relations  
and Veterans Affairs Committee

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ASSEMBLYMAN RICHARD J. CODEY (Chairman): Good morning. We would like to start today's hearing. The subject matter includes two bills, A-879, by Assemblyman Hurley, and A-2144, by Assemblyman Gallo. Assemblyman Gallo, would you like to start the hearing, please?

A S S E M B L Y M A N D E A N A. G A L L O: Thank you, Mr. Chairman. I have given you a copy of Assemblyman Hurley's remarks and I would hope that they will be made part of the record. He was unable to attend, and he asked me to submit them on his behalf. I would also like to thank you, Mr. Chairman, for having these bills heard. They are bills of what I classify significant importance.

I come before you to ask for your support for something that, as I indicated, is very important: the preservation and the integrity of the Legislature. I do not exaggerate when I say that it is essential that the Legislature require oversight of the work done by the Division of State and Regional Planning if this body is to maintain its position as a co-equal branch of government. The bills you have before you this morning do this, and I hope that you give them careful consideration.

My bill, A-2144, and a bill by my colleague Assemblyman Hurley, A-879, which you also have on your agenda, requires that any plan proposed by the Division of State and Regional Planning in the Department of Community Affairs, pursuant to P.L. 1961, c. 15, be submitted to the Legislature for review prior to its implementation. Assemblyman Hurley and I differ a bit on the specific measures which the Legislature must take in order to approve or disapprove a proposed plan submitted to it by the Division. Nonetheless, the principle is the same: bureaucracy is required to receive the approval of the Legislature before it implements plans which may have a wide-ranging impact on New Jersey.

My bill stipulates that any plan from the Division would be referred to the appropriate standing reference committees in the Legislature by the presiding officer in each house. Those committees would have 45 days within which to comment. No plan would be deemed approved unless the Legislature passed a concurrent resolution approving it within 60 days. Assemblyman Hurley's bill provides that the plan would be considered approved unless the Legislature disapproved it within 60 days of transmittal.

These bills have been introduced to address a specific problem which now faces us. In 1977, the Division of State and Regional Planning circulated a draft State Development Guide Plan for comment. Some revisions were made and another revised draft plan was published prior to public hearing this Fall. The comments requested by the Department of Community Affairs this Fall during the public hearing involved the proposed use of this plan. The Administration wanted comment on whether the plan should be used in concert with New Jersey's regulatory law, or whether the plan should only be used as a guide for the State with regard to the investment of State resources. Either way, it is clear that the State Development Guide Plan will have a tremendous impact on New Jersey. At this point, the Legislature has had nothing to say about this plan.

If the State Development Guide Plan is implemented, or enforced, by the Administration through the use of regulatory law, it would constitute the greatest expansion of Executive power this State has ever seen. It

would be difficult to envision a more blatant and extensive seizure of power by the State.

Think what this would mean: The whole weight of New Jersey's Administrative Code, which now numbers some 35 volumes of regulations, would be brought to bear upon the counties and municipalities of New Jersey to force them to bend to the will of the Executive Branch - in this case, more specifically the Department of Community Affairs - with regard to zoning, planning, and development. The State would thus effectively structure New Jersey without regard to local governments. Local governments would become incidental to the development of our State.

Even if the State chooses to use the plans only as a guide for State investment, it would be able to effectively control development in New Jersey just as well. So many municipalities and counties have predicted their plans for housing and roads upon State approval and State investment that it would be disastrous for them if the State channeled all investments away from them. Many of these towns have supported bond issues which they now might not benefit from.

We are talking about State and Federal monies here. The Governor controls the flow of Federal money and State money at this point, not the Legislature. The destination of Federal monies as well as State investment would be affected by this plan. Millions and millions of dollars are involved.

This money is a decisive club. Road money, sewer grants, Green Acre money, public transportation funds, water supply system money - maybe even EDA loans - would be used as leverage to force the approval or disapproval of a variety of development projects.

If you have had a chance to read the plan, you will realize that it is the means by which the Governor is going to accomplish his "urban revitalization" plans. The development of the State is funneled into approximately 30% of the State where development already exists. The rest of the State will be left for "limited growth" purposes and agricultural use. The population estimates are questionable in the plan, they even differ from the independent consultant's figures upon which the Pinelands plan was based, and they suggest that the Governor is forcing his own will on New Jersey and using the Department of Community Affairs to do it, even if his plans don't fit the facts.

There are several specific problems with the provisions of the State Development Guide Plan. I will mention one which strikes close to home. Right now, the Public Advocate has engaged several of the towns in my district in a suit over low-cost housing. Actually there are 27 municipalities that are being sued. The State Development Guide Plan has many of these towns in a "limited growth" area. I can foresee a serious conflict between the so-called Mt. Laurel decision and the State Development Guide Plan. Our municipalities are going to be caught between an arrogant Judiciary and an equally arrogant Executive.

Almost two years ago this Guide Plan was being enforced before it was even approved by the Department that created it. Take, for example, the proposed development of an executive headquarters in Peapack, Somerset County. After the proposed development was approved by the municipality, the Division of State and Regional Planning sent a letter to the borough clerk stating the following:

"The Division is also concerned that the applicant's proposal, if realized, would conflict with Governor Byrne's urban revitalization goals...."

"The Division would recommend that State funds not be utilized for this segment of Rt. 206...."

"In the absence of this action we strongly advise the borough to reject the proposal as being inconsistent with local plans and the predominant characteristics of the borough."

This letter was written in January of 1979. It was later rescinded. But, it proves that this plan was being implemented without the benefit of public or legislative hearings. The plan is being used like a gun, held at the head of every municipality trying to encourage economic development within its own boundaries.

The reason that I am here this morning is to say that it is outrageous that this State Development Guide Plan has not been submitted to the Legislature. It is clear from the information we have received that the plan has already influenced the progress of some development projects, even though it is just a draft. This cannot be allowed to continue. The Governor and some bureaucrats have planned New Jersey's future in a detailed way without so much as tipping their hats to the Legislature.

This House, together with the Senate, is supposed to be the policy-making body of our State Government. Nothing could be more important with regard to public policy than a statewide, comprehensive, development plan which directs growth to take place in only some parts of the State. A-2144 and A-879 gives the Legislature what it should have had when this whole State Development Plan process started: the right to review the actions of the Executive and approve only those policies which are consistent with what the Legislature determines to be in the best interest of the citizens of this State.

I would urge this Committee's serious and thoughtful consideration in approving this bill for the entire Legislature to address, and I would be glad to answer any questions that you may have, Mr. Chairman.

ASSEMBLYMAN CODEY: Mr. Cardinale.

ASSEMBLYMAN CARDINALE: I have only been down here for less than a year, but do you think, in your experience, that it is reasonable to limit the legislative input into this kind of a situation to the need to take a positive action within a given time frame? It seems to me that things don't happen within a given time frame in my experience, but that is very limited. Would you care to comment on that?

ASSEMBLYMAN GALLO: Well, I am very concerned, Assemblyman Cardinale. The State in this action effectively does away with local zoning. Now, I have served as a Councilman in Parsippany-Troy Hills, and I have served as a Freeholder, and it is important to have those who are closest to that problem area, meaning the local government, to be able to determine their own destiny.

I am shocked that the Governor has pursued this avenue. I was shocked two years ago when the Governor pursued that avenue and blatantly came out with statements that if in fact you did not adhere to the housing requirements, and other requirements as outlined in his plan at that time, funds would be withheld -- and that was loud and clear. I am concerned

with the perception that the citizens are receiving at this stage, and also the local officials. The time frame that you are talking about is one in which if we do not act and we allow this State Development Guide Plan to go into effect-- I have talked to people; some people think it is in effect now. I am not sure whether it is or isn't. But, certainly, we are allowing them, if we do not act on this, to further erode the prerogatives of the Legislature, and I object very strongly to allowing that to happen. If there is any legislation that is going to come out, or if there are any laws that are going to come out regarding zoning and things of that nature, it should be fully aired, as we are airing it today, and it should be fully addressed by the entire Legislature, and not by a handful of individuals in Community Affairs, or from the Governor's office, saying they know what is right and best for the people of New Jersey.

I was appalled at the number of hearings that took place without our knowledge. There were four or five hearings that took place throughout this State, and I never once had any knowledge of those. Frankly, until the press questioned me about this, I did not know that they were even having hearings on this or that this was a fait accompli and that they were asking for comments. So, I think the hearing process certainly was done in a fashion that we are not accustomed to. Something of this magnitude should have been not only covered by the press, but they should have been informed. The media should have brought this out to the public so that they would have had an opportunity to question the plan and also offer some of their comments as far as revisions were concerned. But, that didn't take place.

I think if you check the records, Mr. Chairman, and the testimony that was given at those meetings, you will find that there were very few involved. I don't say that is because the people of this State are apathetic to this. I just think they were not aware of what was going on, and if they were aware of it, certainly the local officials would have made themselves available to that committee system and demonstrated their concerns. So, again, I would think there should be renewed hearings on this, and I am not sure it should be done through the Community Affairs Department. I think your Committee, dealing in this area, is the perfect avenue to address the issues that the citizens are concerned with, and the local officials are concerned with.

ASSEMBLYMAN CARDINALE: I would share your view, but I would like your opinion relative to the differences in the mechanisms between the two bills before us for effecting the legislative oversight. It does seem to me initially, on looking at the two proposals, that one proposal sort of allows things to take place as long as the Legislature does not act. Given the rules of the legislature which make it so difficult sometimes for actions and attention, even if one hundred percent of the legislature, or nearly that, is interested in something, it doesn't necessarily come to pass.

ASSEMBLYMAN GALLO: Well, that is the difference that I explained before. Assemblyman Hurley's bill is one in which if the legislature does not act, it becomes law. My bill would require that it be given to the committees by both the Speaker and the Senate President. The committee system would have 45 days to review that, and at that time if they so desire to have public hearings, and things of that nature, I would think it would be up to the Chairman. But, after 45 days, it is then given to the Legislature.

The legislature has to respond within 15 days. If the legislature does not respond in 15 days, the plan dies. So, it takes absolute action by the legislative body, and I think that is an important phase and that is where Assemblyman Hurley's bill and mine differ.

But, I feel so strongly about the legislature being involved in this decision because we are talking about probably one of the most important decisions that I as a legislator may have to vote on. This affects every single citizen in this State.

ASSEMBLYMAN CODEY: Assemblyman, the situation that you mentioned in Peapack, I believe it was, did the Department call the local officials? Did they write to them? How was that--?

ASSEMBLYMAN GALLO: It was a written letter to them, and then it was later recinded.

ASSEMBLYMAN CODEY: Oh, they just said they had made a mistake?

ASSEMBLYMAN GALLO: I don't have a copy of the letter they sent back, but they did recind it.

ASSEMBLYMAN CODEY: I have no further questions. Thank you very much.

ASSEMBLYMAN GALLO: Thank you, Mr. Chairman. Thank you, Assemblyman Cardinale.

ASSEMBLYMAN CODEY: Our next witness will be Mayor Patrick Fiorelli.

M A Y O R P A T R I C K F I O R E L L I: Mr. Chairman.

ASSEMBLYMAN CODEY: How are you doing, Mayor?

MAYOR FIORELLI: I am here not as the Mayor of Vineland; I am here as the Chairman of the Legislative Action Committee for the New Jersey Conference of Mayors.

Truthfully, we could say that we support both pieces of legislation we are now discussing; although in honesty, I personally think that Assemblyman Gallo's bill is the more active bill that we would like to see put into play.

One of the problems that we run into here constantly is the glorious thought, passed on to us by the State whenever they want something, of "home rule", and whenever they don't want something, they take it away from us. We are beginning to believe that home rule is fiction, that we no longer have any control.

On a local level, I have been one who, for several years now, has fought for the separation of Executive and Legislative powers within municipal government. I would do so on the State level, except I think there are some things in the domain of the legislature. One is the oversight -- the right to have a say over rulings by bureaucracy.

Somewhere about 15 or 16 years ago, it seems that the wisdom of the State bureaucracy has taken over the function of the Legislature. They were able to write programs, promulgate them, put them into effect by executive order, and if a local mayor goes back to one of his legislators to ask about it, the poor fellow knows nothing about it because it was never brought before him.

Assemblyman Gallo referred to four public hearings. Three of those public hearings were held prior to public notification, and on the day of the fourth hearing, a public notice was put out. If a Mayor were

to do that, he would be under some sort of a citation from the Attorney General's office for doing such a thing.

We faced the wisdom of bureaucracy before, and I cite you one individual case - and I believe Assemblyman Gallo referred to it - and that is the State Housing Plan that was promulgated a couple of years ago by the same Department of Community Affairs, under the direction of Mr. Ginman. With all due respect to Mr. Ginman, the City of Vineland at that time was notified that it should build another, I believe, 5,042 low-income homes. That was the figure set forth by the State. Truthfully, the Conference of Mayors found out about this quite by accident. On the day of our Board meeting, I asked for copies of the ruling. We were told there were none available, and then miraculously, within about two hours, copies appeared.

The figure of 5,042 homes would have increased the population of the City of Vineland by 40% -- all low income, government subsidized homes, the surest way to bankrupt the community. We separated the list of these homes and sent them to more than 500 mayors in the State, notifying them of what their allotment was. We received answers such as, "You are crazy; it can't be." In one case, I believe it was in Monmouth County, the mayor said that if the State proposes to close down the Monmouth County race park and give it to us to build homes, we can do it. Another response was that we would have to annex the two neighboring townships to have enough lots to do that. There was no rhyme nor reason to what was done. It was written in an office somewhere and local planners were never contacted. The legislature obviously had no say in it, yet we were faced with it. It is still around somewhere. It is still tied up in the courts.

These are the sorts of things that we can't afford to face. I point out a very good reason why. Of the 567 mayors in this State probably 530 are part-time mayors, some who receive compensation as low as \$500 a year. They can't attend all the hearings. Believe me, gentlemen, if you could see the stack of notices that come across my desk from Community Affairs and DEP, and every other department of the State, about public hearings, I would be tied up at probably five meetings a day, five days a week, and I don't know if any use would come out of even going to testify because we have testified at some hearings where it seems to have been of no avail whatsoever.

I believe the Legislature must have some control over this. I don't believe it was ever designed by our State Constitution that a bureaucratic system could, in effect, write laws - and they are laws; they do carry with them penalties and punishments; they do carry the threat of withdrawal of money, or the withholding of various funds. So, as far as I am concerned, and as far as the mayors of this State are concerned, they are laws, but they are laws that never come before the Legislature.

Now, this isn't meant in any way to be derogatory or threatening, but we have an option. As you well know, when members of the General Assembly or the Senate run for office, they come to the local level of government, to the mayors and governing bodies, for aid in the election. If the Legislature passes laws, or rules, detrimental to the municipal governments, we have an option: we don't support you; we support the other fellow, and we change the Legislature. If bureaucracy promulgates these rules, we have no course

of change because no matter who is elected to the legislature, or who the Governor is, the bureaucracy remains the same. It is embedded in Civil Service, which is good and fine protection. The leadership changes, but the basic middle strata of civil servant remains to continue writing these rules. In this particular plan were local planners consulted or did they just say there is going to be a hearing and you can come? We spend a lot of money in the municipalities for planners. The counties spend a lot of money for planners, yet with all of our coordination on the local and county levels, we seem to keep running into things with the State that have complete and total disregard for anything that we have planned.

We have, in my particular community, monuments to stupidity -- poor planning in the past. We have learned from them. I don't think the State had had these. I don't think the State has seen these. I don't think they realize that through our mistakes we have learned. I find it very difficult to think that someone could, for example, sit in an office in Trenton on West State Street and write up a particular order governing something that is being built in Cape May, or West Wildwood, or Newark, or Vineland, or Trenton for that matter, and know as much about it as the local officials.

Again, if there were public hearings under the Legislature, we could come and present our case - possibly not the 567 mayor of the State - and through our Association we could tell you what we believe to be right and what we believe to be wrong. You would make the final determination, but we must have that recourse. I think this is a very critical point. As Assemblyman Gallo said, it is a question of whether or not the Legislature is being told, in effect, that it is a stepchild, that they can by-pass you, that they don't need you. I refer to a particular ruling that came through where 5,000 square feet of soil was disturbed: "You must receive a permit from the Soil Conservation Division", which was written up by bureaucracy. I asked one of our Assemblyman, "Where were the sponsors of this bill? Why weren't they at the Rotary Meeting to hear what we thought of it?" He had never heard of it. It never came before them. I think that is the danger.

I refer you to a statement made by a man, about government, who expounded upon the theory that seems to prevail today in Trenton: that all rules of governing must be moved up to the State level because the local officials do not have the overall wisdom to govern themselves. Now, that is a beautiful theory, except that statement was made in 1934 by the Chancellor of Germany, Adolf Hitler. I am not saying that we are getting to that state in the State of New Jersey, but I don't think we can afford to gamble. I would say we have to have one or the other of these two bills as protection.

As I said before, I would favor the bill by Assemblyman Gallo, because it does provide for activity within 45 days, where the other merely leaves the question moot if nothing is happening.

That, gentlemen, is our position. We hope that you will understand it and we hope that we can have such legislation to protect us, not from ourselves but from higher levels of government. Thank you.

ASSEMBLYMAN CODEY: Doctor Cardinale?

ASSEMBLYMAN CARDINALE: No questions.

ASSEMBLYMAN CODEY: Excuse me, sir.

MAYOR FIORELLI: Yes?

ASSEMBLYMAN CODEY: The Conference of Mayors is not part of the League of Municipalities, is it?

MAYOR FIORELLI: No, the League of Municipalities is a separate group.

ASSEMBLYMAN CODEY: Does the Conference of Mayors--?

MAYOR FIORELLI: We total a little over 500. There is another association which is working with us lately. I think their opinion is the same as ours.

I serve on the Board of the League of Municipalities and I believe their opinion on the Hurley-Gallo Bills is similar to what we have expressed.

ASSEMBLYMAN CODEY: Thank you, Mayor.

The next witness will be Mr. Donald Epstein of the New Jersey Builders Association.

D O N A L D E P S T E I N: Thank you very much, Mr. Chairman. My name is Donald Epstein. I represent the New Jersey Builders Association. I am a professional planner, former Chairman of the Plainfield Planning Board, Vice President and Chairman of Governmental Affairs, Central Jersey Chamber of Commerce, and the General Environmental Chairman of the New Jersey Builders Association. Also, I am a life director and former Regional Vice President of the New Jersey Builders Association.

Let me begin by indicating that the New Jersey Builders Association favors Assembly Bill 879 and Assembly Bill 2144. After hearing the speakers we had this morning, we give preference to the Gallo Bill, No. 2144, and urge your release of these bills from this Committee.

We have carefully reviewed this plan and will highlight some of the concerns today which we hope will show the need for full legislative consideration. We intend to prepare comments to the DCA regarding the shortfalls we feel exist in this plan, and to properly register our Associations' concerns. We are, however, deeply concerned that this plan is being implemented without broad input from legislators, nor do we feel that adequate consideration has been given to the concerns expressed by representatives of industry and the citizens of New Jersey.

Although we do consider many of the goals proposed by the architects of this plan to be laudable, and also agree that New Jersey must plan for sensible growth in the future, we do not believe this proposal has received the consideration and review necessary for a plan of this scope.

Any land use policy adopted will have broad social and economic repercussions for the citizens of New Jersey and this State as a whole. We believe that these factors, while acknowledged as necessary considerations, are secondary to the thrust of this plan. For this reason, we ask you, as elected officials responsible to the citizenry of New Jersey, to carefully review this plan. After careful consideration of its design and implications, you should sanction a plan which is consistent with your knowledge of what is in the best interest of New Jersey.

There are cases already where this plan has been used to restrict development and contained in the text of this plan it admits that "since 1977 the Division of Planning has used the State Development Guide Plan as a reference", and also states that "Some agencies have found the plan useful and have incorporated its major recommendations within their own

programs."

Beyond the reality of DCA's use of the 1977 draft plan, as stated, the Department has also utilized this plan as a justification to stop federal funding assistance -- all, we remind you, without even having the legislature review this document. This has occurred, for example, with the Gloucester Count MUA when applying for an expansion. The Department of Community Affairs stepped in and told Gloucester County they could not apply for the expansion proposed, and diminished the federal assistance to the level that DCA felt was appropriate and consistent with their plan.

All of this has taken place without benefit of public hearings, nor consideration by the duly elected representative of the people of this State who must go back to their constituents and explain, for example, why affordable housing in New Jersey is becoming obsolete. They must explain that the land available to develop, because of the restraints imposed upon it by this plan, will cause land costs to skyrocket, putting the price of a new home out of the reach of not just middle-income families in our State, but all families except those with the highest earnings. This, coupled with the increase in costs necessitated by government agency regulation, will make the "American dream" of homeownership New Jerseyites' impossible dream in the future.

There is evidence today that fifteen to twenty percent of the cost of a new home is attributed to excessive regulations. The implementation of this plan will significantly increase this figure further. Upon review of this plan, we understand that the proposed area for growth is in the urban corridors, and future plans for major investments will be concentrated in this area. Although we agree that revitalizing our cities is important and we encourage this concept, we wonder, at whose expense? This plan almost certainly takes away the right of the consumer to determine where they choose to live. I suppose the creators of this plan believe that if the cities are the only place to find housing, people will flock there. I believe this assumption to be terribly short-sighted. The plan might succeed in forcing growth out of the suburbs, but it might force growth to Texas, or some other state.

It is also reasonable to expect that the State will tell IBM, General Electric, or Sony to build in Newark or else forget building in New Jersey. While the State can stop development, it cannot force it to occur. People can and will just as easily move out of the State.

This plan only addresses the commitment on the part of the State to upgrade and expand facilities, such as transportation and sewers, in the cities, in order to best utilize limited capital resources. This plan does not address the major social ills which have heavily contributed to the migration from the cities in the first place.

What about the schools, crime, and high taxes which have always been the major deterrents to city living? Or, do the proponents of this plan expect everyone to move in and then face these issues? People have moved from the cities to the suburbs giving up the luxury of modern sewers in exchange for septic tanks, waving goodbye to mass transportation, and taking on the additional financial responsibility of another car and added fuel expenses in order to maintain a sense of wellbeing, and exercise their

right to decide where they will live. It is doubtful that upgraded and expanded sewers and transportation centers will become an incentive for moving into the cities.

The plan itself states that high tax rates, high insurance costs, and frequent lack of mortgage financing have contributed significantly to the cities' decline. How does this plan lower taxes and insurance premiums, or make available more mortgage money? Does the State propose to tell the insurance companies to lower their rates in the cities, or don't do business there? Does the State intend to tell the banks how and where to conduct business, or does the State plan to get into the insurance business in order to make these incentives available so this plan has some chance for success?

All successful businesses realize there must be evidence of a market for a product before investing large sums of money. Housing as a product is no different. Builders would not be building single-family units in the suburbs if there was not an overwhelming demand for such housing. Obviously, a builder, as a practical businessman, would be reluctant to invest his money in urban construction without evidence of such demand. The Bureaucracy has determined that people should live in the cities, and that little opportunity for other development should exist, therefore forcing such a philosophy. This decision by the bureaucracy will not create a demand for that which does not exist yet.

To our knowledge, only 30% of New Jersey is presently developed. The Pinelands encompasses an additional 23%. This leaves approximately 47% of the State available for growth. However, it must be noted that within this 47%, a considerable portion is already drastically limited for growth through the implementation of other land management plans already in place, such as: Wetlands, Floodplains, Farmlands, CAFRA, and others as well. Also contained within this 47% are large areas that are undevelopable. As you can see, we are already talking about limited growth potential without the implementation of this plan.

Each time we adopt a non-growth policy, the cost of the remaining land increases drastically, an increase directly attributed to government policies.

The plan expresses the desire to reduce duplication of facilities and proposes to commit state capital where it meets the need, while at the same time this plan disregards the vast sums of capital investment already expended.

For instance, the plan defines much of Sussex and Morris counties as limited growth areas. A substantial capital investment has already been invested in such major arteries as Routes 8, 287, 15, 23, and 46. This investment was made based on the premise that this area had high potential. Do we now abandon this theory and investments and restrict growth here, leaving these arteries under-utilized, wasting large sums of money already expended and now put additional capital into urban corridors based on yet another theory that this area has high growth potential? I must also note that the Sussex and Morris area is producing some of the most affordable housing in Northern New Jersey, and can accommodate, nicely, future development without detriment to the general welfare of the State, while at the same time insuring a return on the capital investments already made.

We further believe that this plan will not readily cut down on the duplication of services and State investments. We believe that many citizens will continue moving to the suburbs and will require sewers and roads. We do believe, however, that these homeowners and taxpayers will foot the bill for this plan and pay for services. They will be paying property taxes for needed services and a State tax which will be paying for the services required to revitalize the cities as well as those they personally require.

This plan also attempts to protect existing farmland from development, assuming that the State knows best what is good for owners of farmland. Is it really fair to tie the farmer to his farm? Is it not his choice to decide what to do with his property? Many of New Jersey's farm areas are in a state of decline. Many of our farmers cannot compete with the more efficient farms elsewhere. Some farmers are just not in the position to, nor do they have the desire to continue farming. We believe they should also continue to have the right to determine what is best for them.

The points I have briefly mentioned highlight only a few of the foreseeable problems if this plan is adopted. But, the most outstanding and glaring fault we find with this plan is the absence of legislative oversight. The scope and long-term economic impact of this plan demands thorough review by the Legislature, who is responsible to the public, the people who elected them to guide and direct the future of New Jersey, people whose lives will be greatly affected by any repercussions a plan of this magnitude presents.

The plan itself calls for legislation to implement many of the policies it contains and assumes the Legislature will champion laws necessary to implement this plan, a plan crafted, proposed, and adopted without legislative sanctions.

The Legislature has always acted in the best interest of the public and has dealt responsibly with the public concerns for preservation of natural areas by providing the Coastal Area Facility Review Act, the Wetlands Act, the Floodplains Act, and the Pinelands Act, to name only a few, thereby granting authority to agencies to administer and regulate necessary policy. Why then are the architects of this plan opposed to legislative oversight if they are acting responsibly in addressing the future needs of New Jersey?

We urge you to release these bill from your Committee, and further call upon you to encourage prompt consideration by the entire Legislature in order to, once and for all, understand what the future of New Jersey will be. Again, gentlemen, our preference is for Assembly Bill 2144.

ASSEMBLYMAN CODEY: All right. Doctor, do you have any questions?

ASSEMBLYMAN CARDINALE: Do you see any need for any state plan, aside from the question of legislative oversight? Let's say the Legislature came up with a plan that was similar to this plan. Do you feel there is any validity to the State having an overall guide plan?

MR. EPSTEIN: Yes.

ASSEMBLYMAN CODEY: I have one question. Throughout your presentation you talk about people wanting to live where they choose. What would you say to the argument that the people who are poor don't have the right to live where they would like to because, for example, Vineland doesn't want any low-income housing, so we have forced low income people all into certain areas of our State, people who don't have the right to live in the "nicer"

areas because they can't afford housing in those areas since the towns don't allow for low income housing?

MR. EPSTEIN: I liken that very much to the upward mobility of some small companies that cannot afford the very fancy high-rise office buildings, but will start in a second-class type of structure and eventually will be able to work themselves up in some cases and acquire better quarters. The government does provide rental assistance, and does have rental assistance programs, and we are in favor of having support for people that need housing.

ASSEMBLYMAN CODEY: No, you are confusing where they live as opposed to other things.

MR. EPSTEIN: I don't like to see anybody tell people where they should live.

ASSEMBLYMAN CODEY: Well, when we have zoning, that does that; we are doing that, aren't we? You know, I can't afford to buy an acre of two of land in some of our municipalities and I am forced to live only where I can afford it, because I can't afford to live in their town due to their restrictions.

MR. EPSTEIN: I think towns should be able to have some say over zoning and lot size, and so forth.

ASSEMBLYMAN CODEY: That seems to be in contradiction with what you say about people being able to live where they want to. That is obviously not true in many, many areas of our State.

Okay, thank you very much.

Mr. James Sinclair, Deputy Commissioner of the Department of Community Affairs.

J A M E S S I N C L A I R: Good morning. I am Jim Sinclair. This is Dick Ginman, who is the Director of the State Division of Planning.

I would like to make a brief statement opposing these bills, representing the Department and the Administration.

Today we are here to consider two bills, Assembly Bill No. 879, and Assembly Bill No. 2144, which require the State Guide Plan to be submitted to the Legislature for approval before becoming effective. The State Guide Plan is a comprehensive State Planning document intended to provide a general framework for State and Federal investment decisions and local land use policies. It is not a statewide zoning ordinance, nor is it intended to be so.

While it is not of a mandatory nature, it would promote orderly growth by providing an overall perspective for local land use decisions. The Legislature, recognizing the need for such overall State guide, authorized the Executive Branch to develop a State Guide Plan in the 1961 enabling act. The need for orderly, balanced growth and development prompted the Legislature to delegate this planning authority to the Executive Branch in a manner which was both efficient and constitutionally correct. These bills, if enacted, would undermine both the promise of efficiency and constitutionality.

The purpose of these bills is to extend the power of the Legislature, in addition to its current responsibilities, to manage as well as legislate land use development. In order to appreciate that historically this has been an Executive function, it may be useful to review the history of

comprehensive planning in New Jersey.

During Governor Hughes' Administration, the State was experiencing a growth boom, and, as a consequence, local plans and zoning ordinances were prepared to handle the onslaught. Public policy-makers were concerned with the ability of the public sector to keep pace with projected growth, and "urban sprawl" became a national concern. As a result, Governor Hughes convened an interdepartmental committee of State agency representatives to advise the Division on the preparation of the plan.

The committee examined local land use plans and discovered a projected statewide population of 20 million which would be distributed in a crazy-quilt pattern throughout the State, a pattern which would threaten both our natural resources and the public services needed to support such a widespread distribution of population.

In response to this situation, an executive plan was created known as the "Horizon Plan" which dealt with the intensity of urbanization, open space, agriculture, and transportation. The Horizon Plan recommended ways to accommodate that growth while also protecting basic resources needed to support growth.

The Horizon Plan was widely discussed with the public and considerable support was expressed. However, the plan was regarded as too long-range to assist the capital program decisions that State and local agencies had to make. Formulation of an intermediate plan was deferred when efforts had to be directed to the urban unrest of the late '60's and early '70's.

In 1972 Governor Cahill established a State Planning Task Force, consisting of three citizens and ten cabinet officers, charged with assuring that the development of the State and its resources be realized in an orderly manner. Hearings were held and testimony taken, leading to the inescapable conclusion that some form of State planning strategy was needed, and that a formal body to review and adopt such a plan should be instituted. Several forms and structures were analyzed and recommendations were made to Governor Cahill, but no action was taken in the remaining months of this administration.

Governor Byrne was presented with the Cahill Task Force Report. He authorized the preparation of a new plan, the creation of the Governor's Office of Policy and Planning, and the structuring of the Cabinet Committee on Development Policy and Projects.

The first draft of the new plan entitled, "The State Development Guide Plan," was released in September, 1977. During the development of the plan and prior to release, the recommendations were thoroughly discussed at both the county and State agency planning levels. Thereafter, many meetings and presentations were held for the public and specific interest groups. A second draft was prepared reflecting the comments received during that lengthy discussion period. That draft was discussed thoroughly with the Governor's Office of Policy and Planning and the Cabinet Committee on Development Policy and Projects prior to its public release in May of 1980. Since its release, numerous comments have been received directly through public hearings and through presentation before groups.

The plan's purpose is to provide a framework for making State decisions about investments of State and Federal dollars that influence land development. It is not a State zoning envelope, although many have

suggested it should be. It is a management tool to facilitate the coordination and evaluation of functional plans and investment alternatives for which the Executive Branch is responsible.

While the plan's primary use is directed inward to State agencies, there is no denying it can be helpful in shaping local and county objectives. The Legislature has specifically required in its Local Land Use Law that the State plan be considered when local master plans are developed. For this reason, county planning agencies were initially solicited prior to the first draft in 1977 and consulted with each revision.

Consistency between State plans and county and regional plans has been pursued by the Division of Planning to the extent possible prior to formal adoption. In the nine northeastern New Jersey counties - Hudson, Bergen, Essex, Union, Passaic, Morris, Somerset, Middlesex, and Monmouth - a formal process of three-way plan comparison was undertaken among each county, tri-State and State. Basic Agreement among most aspects of the plan was achieved in numerous discussions of both general policy and map designations. While formal agreements were struck between each county and tri-State, similar agreements, although possible between each county and the State, were delayed until the State plan acquires formal status. In the four counties of the Delaware Valley Regional Planning Commission - Mercer, Burlington, Camden, and Gloucester - a slightly different approach was used since each county is a participating member of the Regional Agency. As a voting member, each participant approved the DVRPC Plan signifying agreement with the county plans. The State Plan was judged to be essentially consistent with the formally adopted DVRPC Plan for areas outside the Pinelands Protection Area.

For the remainder of South Jersey, the State Plan recognizes the two districts established in the Pinelands Protection Act, and the districts described in the plan prepared by the Department of Environmental Protection, pursuant to the Coastal Area Facilities Review Act. As specific plans emerge from the Pinelands Commission, they would be incorporated into the State Plan.

In Hunterdon, Warren, and Sussex Counties, plan coordination discussions are underway. On Thursday of this week, we will be meeting again with Sussex County.

What the foregoing discussion indicates is that the Guide Plan is the product of synthesizing numerous functional plans and policies - relating to water supply and quality, transportation, open space, housing, air quality, economic development, wetlands, agriculture, coastal resources, and others - to one another and to long-range goals which are supported by various acts of the Legislature and the Federal Congress. Such plans and policies are not new; what is new is the process of considering each of these not in isolation but as components of coordinated governmental actions which influence the long-term development of New Jersey.

A planning document, such as this one, is meant to be a guide which can be changed as projections and growth factors change. A legislatively approved plan would inhibit such flexibility and tend to freeze planning development for extended periods of time.

These extensive efforts to coordinate plans are increasing the harmony of development policy. This has resulted in a planning process

that evolved over nearly twenty years and has a clear record of interaction with the principal policymakers.

Opportunities to review and provide direct comments on the development of the plan have been extended to each member of the Legislature on both the 1977 and 1980 drafts. Furthermore, legislators have had the opportunity to discuss the plan in public forums with both the opponents and proponents and the Division. Our records show that some of the legislators have availed themselves of this opportunity. Ample time and opportunity remain for legislators to review the substantial progress made to date and offer their recommendations.

Watching over the process of planning carries with it a heavy responsibility to contribute to the resolution of differences - a process that really never ends. I urge you to reconsider the approach outlined in the bills and to join with us and the hundreds of contributors who hope to make this a truly significant planning process.

ASSEMBLYMAN CODEY: Thank you, Mr. Sinclair. Dr. Cardinale, do you have any questions?

ASSEMBLYMAN CARDINALE: Why do you object to legislative oversight?

MR. SINCLAIR: I think there is a constitutional issue that I, since I am not an attorney, cannot address, but I believe that there is a constitutional issue that doesn't allow it. In the normal legislative process, the Governor participates in the process with the power of veto. This, in fact, is turning it around. I think there have been some court cases in Connecticut and Alaska that would seem to bear this out. But, as I said I am not an attorney. That's the Administration's position, and that has been fairly consistent, that the Governor and the Administration object to it.

ASSEMBLYMAN CARDINALE: Is this guide used by other agencies of State government in order to make decisions that will affect things like local sewer authority bonds, and things like a plan for development that is proposed before a county, be that private or public development?

MR. SINCLAIR: The guide plan itself is a framework for decision-making. Whether it affects the issuance of a sewer authority bond or not, I don't believe that is the case, although it may affect a decision-making process within the government in terms of allocation of resources - say the bond funds under the Clean Water Act, or something like that.

The plan itself is an articulation of State policy, a policy that exists without the plan. The policy still exists, except it isn't there for people to examine.

ASSEMBLYMAN CARDINALE: Let me rephrase that question a little bit. Some prior testimony by some officials has indicated that there is a certain degree of uncertainty among public officials as to what the real effect of this document is. Is it just some sort of advisory opinion or is it something which has the effect of law? It didn't appear at the hearing today, and I don't know whether there is a future witness who will talk about it, but the Gloucester County Sewer Authority - and I am not sure that I am giving you the right name, but that is the agency that is involved - the Executive Director of that group has spoken before various members of the Legislature and has indicated that this guide plan has been used, sort of at the last minute, to change the methodology that was used to finance the expansion of that sewer plant, and has changed it to the extent that they have gone, at that point

in time, to private financing rather than to other forms of financing which would have been available to them. This is because at the last moment, after all of the environmental, etc. conditions had been met by both the State and Federal governments, and the local government, this plan was used by someone in the Department of Environmental Protection to void the prior approvals that had been given to that bond issue.

MR. SINCLAIR: I am not familiar with that case.

ASSEMBLYMAN CARDINALE: Specifically, or in general, what is the status of that?

MR. SINCLAIR: Okay. Maybe Mr. Ginman knows this case.

MR. GINMAN: Specifically with regard to the Gloucester County MUA, there is some misinformation about that particular assessment. The Department of Environmental Protection is required by law, through the Federal program that they administer, and that relates generally to the 208 Water Quality Planning Program that they administer, to assess the effects of the land use as well as the flow of the sewerage and so on. In doing so, they asked the Gloucester County MUA for a clear statement as to what lands would be affected by the extension of the lines. The Gloucester County MUA consistently refused to provide that information and, in fact, no comparison could ever be made since the MUA literally refused to cooperate with the process of a land use concern going along with a sewer provision concern. I think there is a certain reality that if you build sewer lines, you can expect that land will be developed.

What was being asked of the Gloucester County MUA was that they provide the information of what they expected to develop over a certain period of time. They argued that they weren't empowered to control land use, therefore they could not tell the Department of Environmental Protection. That became the axis of the argument. It was not an argument as to whether the State's plan was different from a local plan, or whatever. That was really what the argument was about -- the refusal to get involved in the process.

ASSEMBLYMAN CARDINALE: Where they actually asked, in relation to this plan, to guarantee that no growth would take place, which was not consonant with the standard set up in this plan?

MR. GINMAN: They were asked to provide information regarding certain parts of that county which certainly did extend into the Pinelands and other areas, as to what its effect would be on land use. Certainly, our plan reflects the concerns of the Pinelands; it reflects the concerns of the Delaware Valley Regional Planning Commission who had adopted a plan along with Gloucester County as to the extent of land development in the area, and we were reflecting the same concerns, yes.

ASSEMBLYMAN CARDINALE: So, yes is your answer. Okay.

When you were evaluating the various alternatives, which I am sure must have been before you as you were making selections of what was going to go into the plan, did you have various alternatives, and did you make selections?

MR. GINMAN: From the beginning of the planning process that Mr. Sinclair described to you, back in 1961, alternative development schemes have been considered, and that process had gone on even on a less formal basis during the Cahill administration. I think alternatives have always been considered in the planning process, but in reality when you start to work fairly closely with the county level of government, you are not really presented with a wide range of alternatives. Some of the opportunities are closed off to you and

you have to become more realistic as to what is literally possible within the financing structure of the county, within the financing structure of the community, and the State government. It tends to boil down to very few options.

ASSEMBLYMAN CARDINALE: You see, the presentation carries with it a very clear implication that there was a great deal of consultation with the planning groups.

MR. GINMAN: That's correct.

ASSEMBLYMAN CARDINALE: (continuing) And - perhaps I am reading too much into what was said - but that you considered their wishes and therefore did not have any need to go down below to the municipalities, and so forth. In these choices that were made, were these essentially the choices that were made by the various counties, or were these choices where you just listened to what the county had to say and then chose your own plan?

MR. GINMAN: In each one of the counties, all of the 21 counties of the State, there are various levels of planning activities. Some counties have a fairly large staff; some are very small in staff. Some rely to a great degree on municipal plans, and some provide a great degree of coordination and oversight at the county level. We tried to work within whatever structure seemed to be prevalent in whatever county and took advantage of what actually had been occurring at that time. To the extent that those policies could be considered consistent with overall state policy, I am not prepared to say that in every county and in every possible location that complete harmony exists at this time. There are still differences of opinion, and we believe that those are differences that can be worked out over a period of time.

ASSEMBLYMAN CARDINALE: An earlier speaker made the statement that you have had four hearings, or so, in relation to this plan, and that three of those hearings were held prior to the notices of those hearings being made available to local officials, is that correct or it is incorrect? I have no way of knowing.

MR. GINMAN: Well, I don't believe that is the case. Certainly, I can't speak for the U.S. Mails. We have heard of some real horror stories, but certainly ample time was provided in sending out the information prior to that. I should also caution that in no way are we constrained to any public hearings. Included in the documentation presented to you as an appendix is a list of the pertinent meetings that we have held and presentations that we have held since the beginning of this process in 1976. This is not an end process. What we are trying to demonstrate is that this is a continuing process of constantly listening to peoples' concerns, whether they be by telephone, whether they be by letter, whether they make a personal appearance, or whether we are invited to an organization to make our case and listen to their concerns, we believe all of these are viable means of communication and I would not want to limit myself or limit communities or limit anyone else to any standard format, although we try to provide as many wide and various formats as possible.

ASSEMBLYMAN CARDINALE: In answer to my first question, you indicated that essentially it is a technical problem of constitutionality that leads you to oppose legislative oversight. Would you, as members of the administration, support a change in that technical requirement so that we could change the constitution to have legislative oversight, or some oversight by some elected

officials on things that are done by agencies such as yours, when they affect large numbers of people.

MR. SINCLAIR: I guess the fundamental issue here is that in effect the Legislature, as I understand the process, is constantly looking at what the administration is doing. I mean that is the function of the legislature, to change the laws and to review. Oversight is constant and on-going. But, when-- I guess I won't speak for the administration, but I will speak for myself personally. When oversight becomes a tool for doing nothing, or for preventing what should go on from going on, then I have an objection to that. But, as Dick said, in this particular case, this is not an end product. It is not a regulatory device. It is an announced policy that changes as time changes and as administrations change. But, at least having it out there is a framework for discussions, it is a framework for arguing about things -- you know, peoples' concerns. And, instead of having decisions made in some sort of haphazard way or by some mysterious system, it is a framework which an administration can be judged by -- how it allocates its resources.

ASSEMBLYMAN CODEY: You gave an answer to Assemblyman Cardinale's question about what should be done. I would think the problem is that what you think should be done and what maybe I think or what Assemblyman Cardinale thinks may be different. The other difference is that we were elected to do what we think is right; whereas, you were only appointed. I think that is part of the problem, that people are implementing policy who were not elected by anyone, and who really aren't responsive to people because they are not up for election.

MR. SINCLAIR: I understand that. I work for the Governor, who is elected, and ultimately everybody that works for the Governor is responsible to him and he to the electorate.

ASSEMBLYMAN CODEY: Well, we can get into a long discussion on that but I don't want to.

In your statement you mentioned clear record of interaction with principal policy-makers. Who are those?

MR. SINCLAIR: We have a listing in the appendix.

ASSEMBLYMAN CODEY: Off the top of your head.

MR. GINMAN: Certainly, all of the counties that are involved in the process of planning and in some cases those extend to Freeholders as well as County Planning Board members. It varies from county to county. There is a record of having met with all of the State agencies involved in that process. In many cases, municipalities come forward and have particular problems and concerns that they would like to have addressed. As I said, certain legislators have taken the opportunity to discuss their problems with us. We have gone over that with them.

ASSEMBLYMAN CODEY: I am glad that you mentioned that. I note you changed a word in your presentation from, "Our records show that three legislators availed themselves of this opportunity" to "Our records show that some...." Why did you change that?

MR. GINMAN: It could be more than three.

ASSEMBLYMAN CODEY: It seemed like it was a zinger, which you later on modified.

MR. GINMAN: Unfortunately, not a lot of legislators took advantage of the opportunity. It would be perhaps inaccurate to limit it to only three.

There may have been four or five or six. It was not a lot.

ASSEMBLYMAN CODEY: I don't know how much you know about the job that I have, but to think that we have time, to realize what is going on in every department is absolutely ridiculous, to think, you know, that if you send me some form letter in the mail about some regional plan that I am going to respond right away is ridiculous. I think both of you gentlemen know that. I think that if two of you come to the proper committee and say, "Here is our plan. This is our jurisdiction. Let's sit down and go over it," well, then, that is a different ball game -- okay? I don't think that sending a form letter to every legislator is really doing the job. You are not going to get any response from that until such a time as our constituents say, "Hey, they are doing this and it affects us." If we don't know anything about it, that's when we call. But, I don't see anywhere where you have come forth to the Legislature - maybe you have gone to the Governor - and said, "Here is our plan. What do you think? This has far-reaching implications." So, I don't accept that ample opportunity for legislators for review. That is nonsense. That is absolute nonsense. I had never heard of this plan. I had no idea about it until I was approached about the bills in my committee. So, review by the Legislature is absolutely non-existent. That is why we are here today. Maybe this could have been avoided by you coming to the committee and just having a sit-down discussion regarding this whole plan.

MR. SINCLAIR: We are certainly amenable to that.

ASSEMBLYMAN CODEY: You are amendable afterwards though. You know, you are not amenable before. You know, you would just rather, at times, forget us until somebody gets on your back.

Thank you, gentlemen.

Our next witness is James Moreford of the Society for Environmental Economic Development.

J A M E S M O R E F O R D: Chairman Codey, Assemblyman Cardinale, I'm James Moreford, Executive Director of the New Jersey Society for Environmental Economic Development. New Jersey SEED is a coalition of organizations concerned with the promotion of responsible economic growth and development. Our membership is drawn from throughout the business, industry, labor spectrum, including the New Jersey State AFL-CIO, and the New Jersey State Chamber of Commerce.

We thank you for conducting this public hearing on two very important bills, A-879, and A-2144. SEED has been a leading advocate of proposals to provide meaningful legislative oversight, the need for which is dramatically demonstrated by the proposed State Development Guide plan, upon which the bills under consideration here today would have a profound impact.

Mr. Chairman, we urge you to favorably consider and report A-879 and A-2144, or a committee substitute combining both proposals.

The proposed State Development Guide Plan is such a dramatic policy-setting document that it simply must have the active participation of the Legislature. It must not be allowed to happen simply by administrative fiat.

Passage of A-879 or A-2144 will permit the Legislature to determine if the State of New Jersey should adopt an urban development strategy that would virtually shut off development in the suburbs. While a policy that stresses redevelopment and maintenance of the inner cities may have merit, the issue has such far-reaching implications for the economic future of New

Jersey that the Legislature simply must be a party to the adoption of such a policy.

Approval of A-879 and/or A-2144 will provide the Legislature an opportunity to determine if the proposed State Development Guide Plan goes beyond the intent of the Legislature and the authority it granted to the Division of State and Regional Planning. The Legislature should determine if a State Development Guide Plan that incorporates the map that imposes certain land use programs that are not established anywhere in the law, goes too far. The Legislature should determine if the State of New Jersey should, as the plan states, control and restrict development, limit road improvements and highway construction, discourage residential development, avoid extensive clearing of forest areas, maintain buffers, banks, steep slopes, etc., etc.

Approval of A-879 and/or A-2144 will permit the Legislature to consider, and we hope reject, the proposal that New Jersey needs a state zoning plan to diminish economic opportunities and ratables in other than urban areas. While not promoted as such, it will have the effect of requiring and mandating rather than guiding.

Mr. Chairman, traditionally the private sector, business, industry, and home-seekers, have created the pattern and the direction of growth. Builders and developers simply respond. Businesses locate motivated by market forces peculiar to them. The public government sector, roads, transportation, energy, utilities, schools, etc., provide the needed services and utilities. The better these two sectors work together to plan and anticipate, the easier it is for the government to provide those services. The essential point is that the private sector is free to respond to the consumer, and the government sector follows with needed services. That has been the traditional way in America and in New Jersey, a system based upon free market principles.

SEED respectfully requests, Mr. Chairman, that this Committee convey to the Commissioner of the Department of Community Affairs that it is the intention of this Committee to move this legislation, therefore urging the Department to delay adoption of the proposed State Development Guide Plan until the Legislature had has a reasonable period of time to address this issue through consideration of A-879 and/or A-2144.

Mr. Chairman, with your indulgence may I change hats and make just a very brief comment on behalf of the New Jersey State Chamber of Commerce, for which I am Director of Governmental Relations? The State Chamber also urges you to support the bills before you today. We have serious problems with the proposed State Development Guide Plan. New Jersey's cities are simply not capable of accommodating the new development which the proposed plan would seek to force.

Furthermore, companies which cannot locate facilities where they feel their economic interests warrant will simply locate in other states.

The State Chamber believes A-879 and A-2144 are proposals that make very good sense. We would suggest, however, that the Legislature amend them to include a provision that the guide plan have the approval of the Commission on Capital Planning and Budgeting.

Secondly, the State Chamber would suggest that the legislation should allow the Legislature ninety to one hundred and twenty days to act, rather than the sixty days currently provided in the bill, or at least in A-2144,

because we feel it is just not enough time.

Third, we would ask that A-2144 be amended to require a public hearing, conducted jointly by the standing reference committees.

Finally, Mr. Chairman, we urge that the Committee act favorably on these proposals with all deliberate speed. Thank you very much.

ASSEMBLYMAN CARDINALE: I just have one or two questions, if I may, Mr. Chairman. There have been some hearings by the Department relative to this plan. Was your organization notified of those and did you attend?

MR. MOREFORD: We had notification of the hearings. We were not able to study the Guide Plan, which had come out just briefly before, and make the kind of responses required at a public hearing. Currently, both organizations have in preparation written statements to go to the Department of Community Affairs before the middle of this month.

ASSEMBLYMAN CARDINALE: I think this Committee would like to have copies of those presentations.

MR. MOREFORD: You surely will have them.

ASSEMBLYMAN CARDINALE: Thank you.

ASSEMBLYMAN CODEY: Thank you, Mr. Moreford.

Our next witness will be Paul McConnell.

P A U L M C C O N N E L L: Mr. Chairman, Assemblyman Cardinale, my name is Paul McConnell, and I represent the New Jersey Asphalt Pavement Association. Today in the absence of Mr. William J. Abbott, their Executive Director who was not able to be present, I want to thank you for the opportunity of being here and present just a brief statement as to the position of the Association, and others, with regard to this pending legislation.

It is encouraging that the New Jersey State Assembly has responded to the concern of many citizens regarding the far-reaching effects that the imposition of the State Development Guide Plan will have on the future economic growth of the State.

In particular, we support the concept of Legislative oversight of administrative plans that ignore the wisdom of local planning and development, imposing instead State "super agencies" that literally control the destiny of our citizens.

The limited growth areas, along with Pineland, Green Acres, Wetlands, Flood Plains, CAFRA, and the intended agricultural preservation areas, combine to place under State administrative control just about 70% of New Jersey.

We support the concept of preserving certain pristine areas of the State for the present and future enjoyment of all our citizens, but 70% of the State under control by Trenton is an ambitious concept that goes well beyond preservation of pristine areas.

In truth, the plan has no place in a free society that cherishes "home rule" and relies on the judgment of those dedicated individuals who volunteer their time to serve on County and Municipal Planning Boards.

In an arrogant sort of way, the plan questions the intelligence of the past and would have us believe that the best judgment for the future will emanate from the Department of Community Affairs, and other designated State departments.

We do not buy the idea, nor do we think the citizens of New Jersey would buy that idea, nor do we think they would even accept the plan if it

went to referendum in November, and possibly the referendum would be in the best democratic tradition for such a broad based plan.

We urge you to consider seriously and act upon this legislation, and we advise you also, with pleasure, that concurring with this statement is the New Jersey Alliance for Action, and also the Southern New Jersey Development Council. This statement is signed by New Jersey Asphalt Pavement Association, William J. Abbott, Executive Director. Thank you, sir.

ASSEMBLYMAN CODEY: Thank you, sir.

Our next witness will be Herman Simonse.

H E R M A N S I M O N S E: Thank you. I'm Herman Simonse, and I am here today speaking as President of the Northern New Jersey Chapter of the National Association of Industrial and Office Parks. This Association represents approximately one hundred of the major developers and builders throughout New Jersey. The members of this Association are responsible for private investment of hundreds of millions of dollars annually, and the creation of thousands of private jobs annually.

We support the basic concepts of both A-879 and A-2144, and we specifically support both of these bills as they relate to the State Development Guide Plan.

I will not take the time this afternoon to repeat the many arguments that we have heard in opposition to the State Development Guide Plan, and in support of the two bills that we are discussing. It would be redundant, and there are other speakers who have specific questions that they would like to ask.

Our Association feels that this is just another land use, anti-development, negative private-capital-investment piece of legislation, or should be a piece of legislation, but really is nothing more than a document which should not be approved without legislative review and approval.

It is, without question, the most sweeping and all encompassing document that has yet been considered by the State of New Jersey.

Other people have mentioned this, and I would just like to repeat that the members of the Legislature - you members of the Assembly that are sitting here today - are the ones that represent us. You must answer to us for your actions. This is not true with the members of the cabinet, and their various appointed division and bureau heads. So, we feel strongly that both of these bills should be released and should be approved. We also feel very strongly that the State Development Guide Plan should have the full scrutiny of the entire legislature.

I can only conclude by wondering aloud, after listening to the Department of Community Affairs presentation, why this document, why this wonderful, wonderful document that has taken twenty years to come about - we were told it had its genesis in 1961 - if it is to do all these good things for the State of New Jersey and for the people of the State of New Jersey, and if it is something that we have been looking for for 20 years to come into being, why then is the Department of Community Affairs and the administration so fearful of having this come before our elected representatives? Thank you.

ASSEMBLYMAN CARDINALE: Thank you. There are no questions.

John Van Hardt.

J O H N V A N H A R D T: My name is John VanHardt, and I am representing

the Utility Contractors of New Jersey. We are a State organization, with approximately 300 members.

We are basically in favor of the two bills, as mentioned many times this morning. Because of the lateness of the hour, and because of the timing in bringing this to the public's awareness, we totally favor any additional time that may be gained through this.

Also, I would like to make mention of the New Jersey Register, dated September 4th, which announced the State Development Guide Plan hearing schedule to ask for comments on the alternative uses to be considered for the Plan.

The first use establishes the Governor's Cabinet Committee on Development as the final authority for development throughout the State, superseding all other State agencies and their regulations.

Their second alternative use requires approval by the Cabinet Committee on Development, but excludes established regulatory activities.

We would like your Committee to please take note of these, and also, if you could, act in favor of these proposed bills. Thank you.

ASSEMBLYMAN CARDINALE: Thank you.

Richard Forman.

R I C H A R D F O R M A N: My name is Richard Forman. I am representing the Associated General Contractors of New Jersey, a 200 member organization engaged in road building, bridge building, and heavy construction throughout the State.

We highly favor these bills and it is our understanding that this Development Guide was to be a guide, not a regulatory club to threaten the orderly growth of communities.

As was already mentioned, in the past two years the Development Guide Plan has been used twice in an attempt to stop deserved and desired development. In the first instance, the Beneficial Finance Corporation - their home office in Peapack - was threatened. This multi-million dollar project was situated in a no-growth zone, according to the DCA, and they instructed the Peapack Government to cancel the project. Beneficial finally paid for their own road, adding several million dollars to the cost of the project.

At about the same time, the DCA was busy canceling a Federal grant for the sewerage expansion by the Gloucester County Sewerage Authority after all permits had been approved. The Authority went ahead anyway and borrowed from private sources. The Administrator of the Sewerage Authority was told by a DCA official that, "she had growth."

The Associated General Contractors vigorously oppose these dictatorial tactics and supports the bills. Thank you.

ASSEMBLYMAN CARDINALE: Thank you very much.

Robert Woodford.

R O B E R T W O O D F O R D: Thank you. I am Robert Woodford, Vice President of the New Jersey Business and Industry Association. I want to add our support to the legislative oversight proposals for the State Development Guide Plan.

We draw a major distinction between the mere preference in the funding of urban projects, which appears to have an opportunity for restoring the infrastructure of the cities, and a program, on the other hand, which is coupled with that in the Guide Plan to defeat development - attempts at development - in other areas of the State.

The Guide Plan itself points to the declining manufacturing economy in New Jersey. The Guide Plan points to the need for additional housing in New Jersey, and it is clear that the discouraging of growth in areas outside of the cities is not a panacea for providing the housing and the industrial and other economic activity that is needed by New Jersey in those cities.

While we agree with an emphasis on rebuilding the cities, we must disagree with any plan that attempts to draw artificial lines on a map to determine where housing and economic activity will occur. Therefore, it is of vital importance to the Legislature that it assert its authority in the review of the way in which this delegated power to an administrative agency has been used in drawing up the Guide Plan. There is no question, beyond development, the economy of New Jersey is of greater importance than this for the review of the Legislature. We therefore support either of these bills, or any form of oversight, in the alternative, that the legislature would impose upon the Guide Plan. We also support the oversight function of the legislature generally in regard to all regulations. Thank you.

ASSEMBLYMAN CARDINALE: Thank you.

Mr. Kenneth Pyle.

K E N N E T H P Y L E: Good afternoon. My name is Ken Pyle. I am here wearing a variety of hats, but today I will wear three. I am the President of the Society for Environmental Development -- Environmental Economic Development Mr. Moeford represented a while ago. I am here also as a member of the New Jersey Economic Development Council and the New Jersey Permanent Coordinating Committee.

It is my belief that the Legislature is long overdue in renewing its powers of control over our government on an equal footing with the Executive Branch. For the past decade we have been inundated with a plethora of redundant regulations, many of which originated either through an Executive Order or through a bureaucratic action based upon an original bill or statute which was probably two or three pages in length, out of which grew ninety-eight to one hundred and thirty pages of regulation, applied to land use, air, highway access, water, and I can go on and on, as you very well know.

We support the intent and the content of both of the bills, both Assemblyman Hurley's and Mr. Gallo's. We are now looking at a situation where the Department of Community Affairs and the Governor's Council on Planning has developed a zoning map for the entire State, and are moving to adopt it officially. This has been referred to, rather quaintly I believe, as a coordinating device. The representative from the Governor's office expressed that this was a coordinating device.

I don't think we need this. We have other means of coordination in the State and in the government. This plan has the potential of shutting down growth in New Jersey, everywhere except the urban centers. The nature of the map portrays all of the land use programs that have been adopted into the law, CAFRA, Wetlands, Floodplains, Pinelands, Green Acres Program, and Blue Acres Program. A key problem with this plan is that the map also imposes certain land use programs that are not law: farm land preservation; sky land region; Interstate 287, projected route; the coastal zone management strategy, which of course is growing out of the CAFRA situation; the protection of aquifers; the single source aquifer aspect; steep banks; the Delaware-Raritan

Canal; the Delaware Water Gap; Barrier Islands; and, of course, on top of this we have the Rivers and Harbors Act of 1890 under the jurisdiction of the Corps of Engineers. We have flood plains restrictions. We have the Delaware River Basin Commission, which divided the Delaware River and Bay up into six zones, and exemplified some control over those zones.

This limits future growth in New Jersey essentially to one million acres of urban redevelopment and ties another one million acres of suburban land in what has been termed "land reserve", which would virtually be unbuildable due to related red tape and regulations.

The plan is a social and economic document as well as a zoning map. It states throughout that its purpose is to control and restrict development, limit road improvements and highway construction, discourage residential development, avoid extensive clearing of forest areas or disruption of wild life; maintain buffers, banks, steeps, and slopes, and so on and so on. The revised plan has been the subject of five public hearings, all of which took place before many people that would be interested in it received notice, and a 179 page document, described above. However, in the original concept, we did have opportunity to discuss this. We gave our reactions and our observations to representatives of the Department of Community Affairs, and I might say that they were studiously ignored and not considered as far as I am concerned.

The plan could be officially adopted on December 15, 1980, under the Administrative Procedures Act and without action by the State Legislature. Administration officials describe the plan as merely compilation of all the various land use programs that exist or that have been suggested in New Jersey. One of the purposes, they say, is to steer Federal and State monies away from the suburbs and into the urban centers to get a bigger bang for the buck. Now, here, I think, there is a large fallacy in existence because the reasons that industry and business left the urban centers initially are still there intact: The lack of security; the congestion; the lack of adequate labor; the poor services; the high taxes, etc., etc. All of these factors still remain; so in order to redevelop the urban centers, the Governor has this to give some sort of control or pressure, such as this.

The Development Guide Plan has the potential of becoming the end-all authority for growth in New Jersey, and could place this authority in the hands of the Governor's Cabinet Committee on Development. The Plan, on the other hand, could simply be maintained in its present form as a guideline whose essential purpose is still to thwart growth in the non-urban areas. Under any circumstances, the State does not need a State zoning plan to diminish economic opportunities in other than urban centers. The whole concept strikes at the heart of the home rule system, and there are some serious constitutional, legal questions. Your participation is needed if we are to prevent the imposition of this State Development Guide Plan. Thank you.

ASSEMBLYMAN CARDINALE: Thank you very much.

Mr. Robert Young. I have to apologize, Mr. Young, for passing your name on the list, but there was a transition period here and it hadn't been checked off. I'm sorry.

ROBERT YOUNG: I thank you for the invitation to present our support of the Assembly Bills 879 and 2144. My name is Robert Young. I represent the New Jersey Industrial Development Association, of which I am President.

Basically, today I will briefly review with you the purpose and responsibilities of IDA and state the problem that we have with the New Jersey Development Guide Plan.

New Jersey IDA consists of 165 member organizations, all responsible for the economic development function of New Jersey. The representatives come from the State of New Jersey, the New Jersey Economic Development Authority, the Division of Economic Development, and offices within the State itself, the State Chamber of Commerce, the County Economic Development Departments throughout the State, the municipalities, the utilities - natural gas, electric, water companies, and New Jersey Bell - the railroads, various banks in the State of New Jersey, and, as associates, title companies, associations such as the New Jersey Business and Industry Association, the New Jersey Alliance for action, etc.

Our goals and objectives are to promote sound industrial development activities in New Jersey, and to assist the State of New Jersey with that prime goal I have outlined here in my presentation, which I will leave for personal reading.

Our involvement with the State Development Guide Plan touched upon four areas during the year. First was the March 14th meeting where the Gloucester County officials presented their State Development Guide Plan draft experience. Their half hour taped presentation, that we taped, is revealing and an excellent indication of future implementation and its problems.

The New Jersey IDA legislative committee, during 1980, has supported all of the legislative oversight bills, and there are some letters attached from our organization, and from myself relative to that.

The five public hearings that were held were held without adequate notice to us, and immediately after the holiday weekend of Labor Day, September 3, 9, 11, 16, and 18. New Jersey IDA received the State Development Guide Plan summary report on September 15th, and the full version of the revised draft on October 20th.

New Jersey IDA's major concerns with the Guide Plan are as follows: We feel that they will severely hamper the efforts towards New Jersey's economic development program, and to assist the expansion of existing and new industrial corporations.

Two, we feel that competitive states favorably anticipate the desire of New Jersey officials to, number one, slow down the economic development program; number two, to restrict the development of industrial facilities; and, three, to provide incentives against employment opportunities and ratables which we feel this plan does.

Three, the competitive states favorably anticipate attracting the interest of our major private developers that were represented here from the NAIOP.

Four, the plan contains two hotly contested segments - the Pinelands preservation area, and the Shore Protection Master Plan - which may or may not remain in their existing format.

We feel that the plan digs at the heart of the home rule. In other words, the New Jersey implementation fosters master plan zoning and land use regulations; however, this plan represents a statewide takeover of those areas with the clout of both Federal and State funding.

Finally, we recommend a future direction for the State Development Plan, number one, for it to slow down in its implementation. We feel that segments of this plan are excellent, and other parts do very little but to appeal to the high pressure groups of today. We mandate that the plan be carefully reviewed with officials responsible for the future economic development of that State, and some of those were all represented here today.

The Plan, as I understand it, is earmarked for signing into activity on December 15th or 16th of this month. We, for that reason, encourage you to pass the legislation that you have proposed to pass.

We thank you for the kind offer to make the presentation before the Assembly Committee. Hopefully, the facts here will assist your Committee with the implementation of the programs that we have outlined here. Thank you.

ASSEMBLYMAN CARDINALE: Thank you very much. Would you see a need for any overall guide plan -- aside from the question we are dealing with today of legislative oversight?

MR. YOUNG: I see, primarily, within the plan that is there, that there is a complete lack of any economic considerations whatsoever, and the thrust of what the State is attempting to do as far as attracting new industry and its existing industry. The municipalities and the counties have effectively, I believe, come up with Master Plans. They have been delegated the authority to do that, and for the most part they are all intact and conceivably could formulate a State Development Plan based on the closer association of the counties, which are more closely related to those municipalities within them. That is my personal opinion.

ASSEMBLYMAN CARDINALE: Would it be safe for us to assume that your real objection here is not so much to the manner but to the actual substance of the plan?

MR. YOUNG: Exactly.

ASSEMBLYMAN CARDINALE: Whether it has legislative oversight or not, your real concern is that the plan just does not provide a good economic base for the State?

MR. YOUNG: Exactly, it really does not take into consideration any economic basis. As a matter of fact, one of the statements within the Plan is that our attraction and ability to stop losing manufacturing plants are beyond the comprehension of the Plan, and it is impossible to do because they are going to be lost to the south belt anyway. This is totally absurd. Obviously, it was-- I don't know where it came from, or who even said the statements, but they are irresponsible statements. Everything that relates to the economic considerations has been left out, and where there are materials that are contained in here which identify themselves as economic, they are totally erroneous.

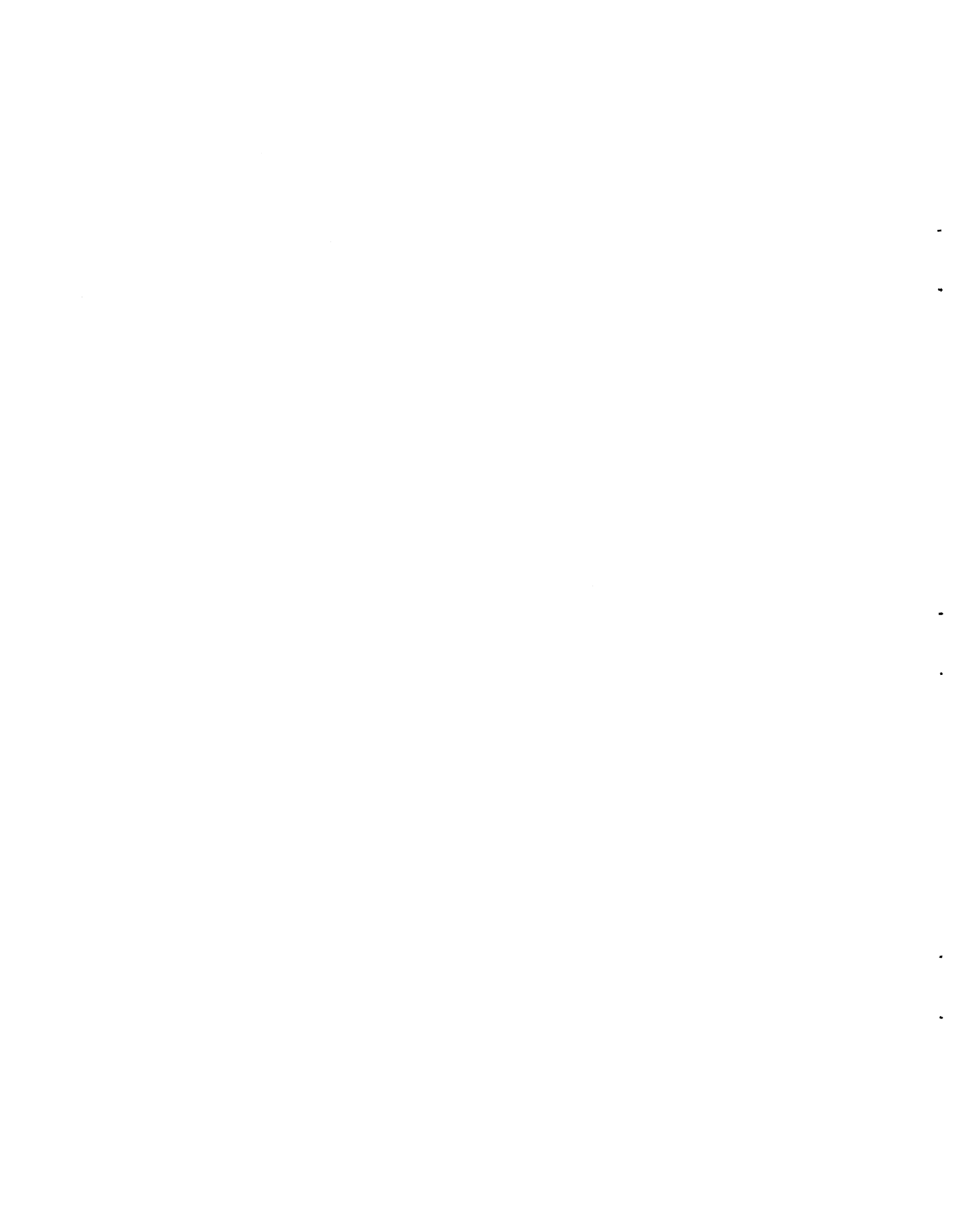
Our main thrust is, wherever you have an environmental consideration that there be with it an economic consideration.

ASSEMBLYMAN CARDINALE: Thank you very much.

MR. YOUNG: Thank you very much.

ASSEMBLYMAN CARDINALE: Is there anyone else here who wishes to testify today? If not, then the hearing is adjourned.

(hearing concluded)



Statement of  
Assembly Minority Leader James R. Hurley  
on the  
State Development Guide Plan  
December 9, 1980

Planning is an essential ingredient in these days of dwindling natural resources, burgeoning development and growing populations. But planning is futile -- and often destructive -- when it is done without the full participation and knowledge of as many people as possible.

It is people that planning affects, not buildings or forests or highways. The objects on this earth are important to people only if they affect people. Thus, planning must be the same as all phases of government: by, for and of the people.

Certainly, it would be impossible for nearly eight million New Jerseyans to participate directly in anything of this nature. But that is why a representative Legislature is elected.

The State Development Guide Plan, first published as a preliminary draft in September, 1977, and updated some 18 months ago, has been developed by the Department of Community Affairs, Division of State and Regional Planning.

It has not, in any official manner, come before the Legislature. Yet in its own words, the planning division says:

"For the State Plan to be meaningful, we need the input of everyone. Only in this way can it truly reflect the needs and aspirations of the people of New Jersey."

But the State Development Guide Plan has quietly become the law of the land in New Jersey's future development without one whit of legislative approval, public approval, constitutional basis or statutory authority -- simply by default.

To put it simply, the State Development Guide Plan is a statewide zoning map designed to inhibit development throughout most of the state and to encourage development where a handful of top Administration executives want it.

As long ago as January, 1979, the Division of State and Regional Planning attempted to block the construction by a private corporation of a new executive headquarters in Peapack, Somerset County, on the excuse that such a building "would conflict with Governor Byrne's urban revitalization goals..." and by threatening to cut off state funds to Route 206 in Peapack.

At the time this letter was written, the Guide Plan was little more than a year old, and it is clear that it was being enforced then -- before it was even fully revised and approved by the Administration. That particular letter was later rescinded, but the fact that it was ever written should be a warning flag.

This State Plan has no basis in law, and yet it has been having the subtle and insidious effect of law.

This is not government by, for and of the people. Rather, it seems more like government by, for and of the bureaucracy.

For this reason, I have reintroduced a bill I introduced in the last session of the Assembly that would require legislative approval of the plan prior to any enforcement of the standards and concepts contained in the plan.

It is not necessarily the content of the plan to which I address myself here -- although there are parts about which I would be more than willing to argue -- and it is not the content of the plan which is important at this point.

It is the nature of the plan -- the fact that it reflects not the needs and aspirations of the people of New Jersey, but a state planning division's idea of those needs and aspirations.

The Guide Plan is being used to deny a variety of permits that involve state agencies and to withhold state and federal funds for public works projects in any area which the authors of the plan have deemed should not grow. The opposite, of course, would be true in those limited areas where the planners would like more growth -- primarily the urban centers.

Those few insiders who happen to read the New Jersey Register have been asked to comment on the plan itself, and to choose one of two methods of enforcement:

(1) "Consistency with the Guide Plan would be required of all investment and regulatory actions in which State agencies participate in an administrative, advisory or policy-making capacity unless justification for any inconsistency is approved by the Cabinet Development Committee."

(2) "Consistency with the Guide Plan would be required, unless explicitly justified and approved by the Cabinet Development Committee, of all State policy-making and investment decisions but not of regulatory activities where the standards for review and approval have been firmly established by statute or practice."

In other words, shall we give the Governor's cabinet absolute power to ignore law, tradition and justice in imposing this bureaucrat's plan on New Jersey? Or shall we only allow the Governor's cabinet to slip its unsolicited interference in between the cracks in the law and the established rules?

It hardly even matters what the Guide Plan suggests, when you consider the unbridled power that the Governor and his cabinet officers on the Cabinet Development Committee are handing themselves with this Guide Plan.

Make no mistake about these hearings. They appear to be held prior to some sort of approval that would implement the plan. The plan, however, has already been implemented. Municipalities have received letters warning them not to violate the Guide Plan, on pain of losing state and federal aid, and countless proposed development projects are being endangered by the existence of a plan that has no legal right to exist.

While it is good and admirable to ask citizens for their "input" into a plan such as this, that input cannot be fully expressed and publicly known without involving the legislative process.

I would hope that any plans to implement the Guide Plan by the Governor's office would not be carried out until and unless this legislative process is completed.

And certainly, federal officials should not grant the plan any standing when considering funds for New Jersey projects, until and unless the legislative process in this matter is completed.

People, after all, are the state. The bicameral, representative government established under the New Jersey Constitution is a system designed to handle any and all business of government. There is no logical reason to circumvent that system now, with a plan that would ultimately affect every man, woman and child, alive or yet unborn, in the state.

I sincerely hope that the system is allowed to work in this most volatile of issues before we are in a position of having to undo something that is already done.

PELLETTIERI AND RABSTEIN  
ZAZZALI, ZAZZALI AND WHIPPLE

RICHARD A. LYNCH

**EXECUTIVE BOARD MEMBERS**



*to become someone and those who want to accomplish something. There is less competition in the second category."*

Jean Monnet 1888-1979

Chartered September 22, 1955

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FRANK ARMENANTE  
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DOMINICK DE BENEDETTO  
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AL WURF

## **NEW JERSEY STATE AFL-CIO**

106 West State Street  
Trenton, New Jersey 08608  
(609) 989-8730

**TESTIMONY**  
of  
**N. J. STATE AFL-CIO**  
on  
**STATE DEVELOPMENT GUIDE**  
and  
**ASSEMBLY BILLS 879 & 2144**  
**DECEMBER 9, 1980**  
**ASSEMBLY CHAMBERS, TRENTON, N. J.**

The N. J. State AFL-CIO is strongly opposed to arbitrary regulations and zoning restrictions that could be authorized under the State Development Guide Plan as proposed. We urge this committee to give favorable consideration to Assembly Bills 879 and 2144 which would require legislative approval before new zoning requirements could be implemented under this act.

Considering the economic plight and runaway shop syndrome which New Jersey and the entire Northeast is staggering under, it's inconceivable to us that the state would create still another bureaucratic morass to stifle the growth of business and development.

While labor agrees with the noble goal of rebuilding New Jersey's urban areas, we don't feel that it can be done at the expense of home rule. No one in state government, neither the Governor nor the State Department of Community Affairs, should be authorized to take-away a county's right to self rule and development.

We can't agree with the concept that some all-prevading presence in Trenton knows what is best for communities in our Northwest sector. County and local officials in that area were elected by the people to make the vital decisions regarding economic development and preservation of the environment.

The State AFL-CIO is greatly concerned by the potential economic consequences implicit in the State Development Guide Plan. New Jersey, with some of the toughest environmental laws in the nation, already has a reputation for being anti-business. Further regulations will only add to that stigma and drive more employment and business opportunities from our borders.

Assembly Bills 879 and 2144 will at least place reins on the unbridled executive authority being contemplated under this plan and provide an avenue for legislative oversight and a balanced input of ideas.

Thank you.

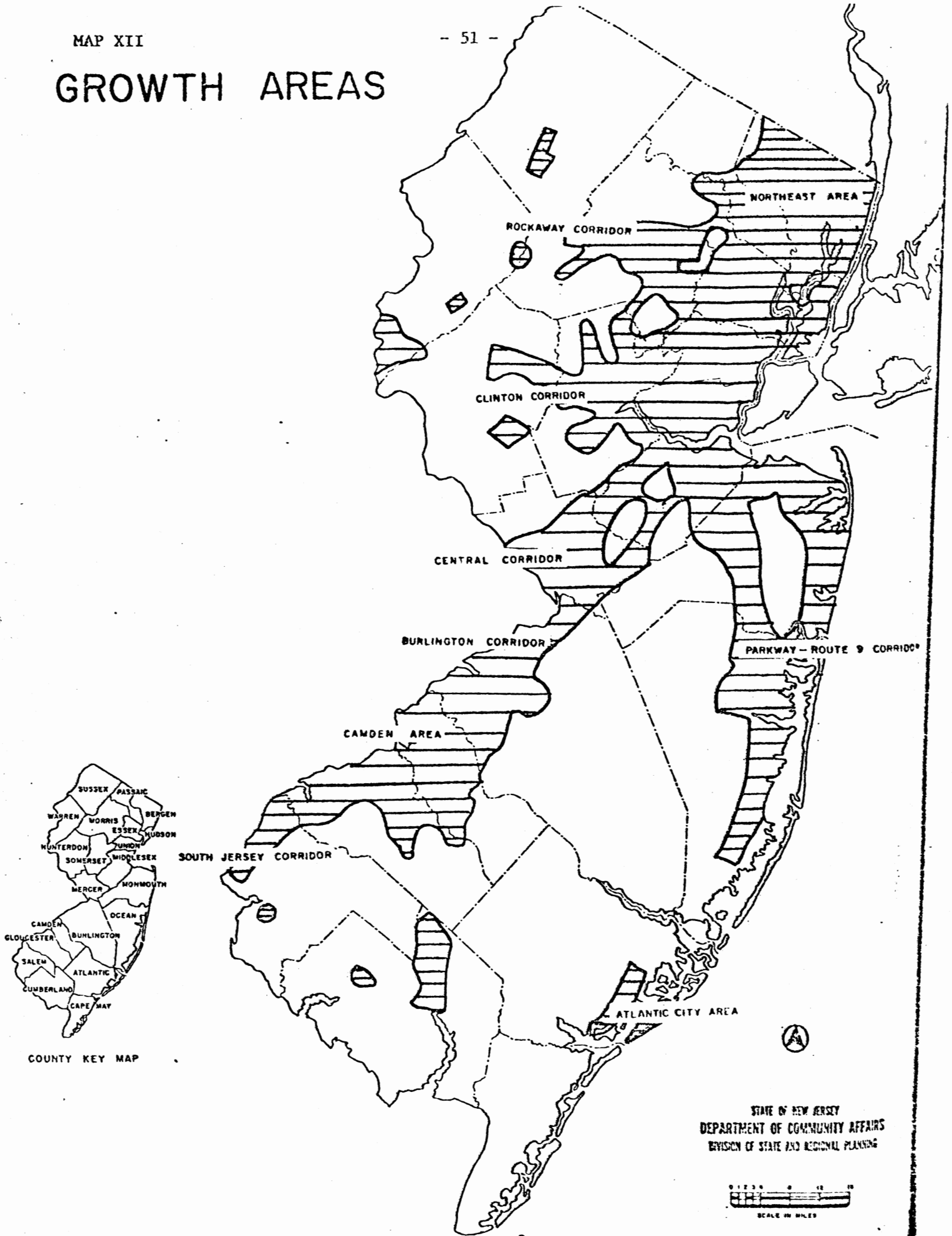
Sincerely,

  
Charles H. Marciante

Most associations did not receive notification of any of the five Development Guide Plan hearings conducted by the Department of Community Affairs between September 3 and September 18, 1980. As a result, very few people attended the hearings and to our knowledge, no business or industry related associations had the opportunity to comment. The original adoption date was October 17, 1980, the new date as we understand it is December 15, 1980. It would seem a plan as extensive as the Guide should be aired publicly with all interested parties afford ample opportunity to comment. We respectfully suggest that the Committee obtain a further extension of the adoption deadline pending legislative action on A-879 and/or A-2144.

*James H. Decker  
Immediate Past President  
New Jersey Automobile Assn.*

# GROWTH AREAS



COUNTY KEY MAP

STATE OF NEW JERSEY  
DEPARTMENT OF COMMUNITY AFFAIRS  
DIVISION OF STATE AND REGIONAL PLANNING



APPENDIX

LIST OF PRESENTATIONS AND DISCUSSIONS REGARDING THE STATE DEVELOPMENT  
GUIDE PLAN, 1975 to date.

SAMPLE "PLAN COMPARISON" MEMORANDUM, "MIDDLESEX COUNTY LAND USE  
CROSS-ACCEPTANCE JOINT STATUS REPORT," June 30, 1979.

STATEMENT OF THE NEW JERSEY COUNTY PLANNERS ASSOCIATION,  
September 9, 1980.

STATE DEVELOPMENT GUIDE PLAN PRESENTATIONS

NOTE: A presentation is characterized by the following -- description of the state planning program to audiences which have had generally little exposure to this or previous state planning programs. While opportunities for discussion of the Plan by the audience are provided during presentations, their purpose is primarily to explain the Plan to the audience rather than to obtain specific suggestions for staff consideration.

1976

- 5/1 "South Jersey in Transition -- A Workshop in Land Use Planning," sponsored by Glassboro State College, Glassboro, NJ
- 5/27 Special Board Committee of the Year 2000 Plan, Delaware Valley Regional Planning Commission, Philadelphia, PA
- 6/1 Governor Brendan Byrne and staff, Trenton, NJ
- 6/21 Commissioner David Bardin, Deputy Commissioner Rocco Ricci, Assistant Commissioners Glenn Paulson and Betty Wilson, Division Directors and staff, Department of Environmental Protection, Trenton, NJ
- 6/28 Commissioner Joseph Hoffman and staff, Department of Labor and Industry, Trenton, NJ
- 8/13 William T. Cahill, Chairman, other members and staff, Capital Budgeting and Planning Commission, Trenton, NJ
- 10/28 Commissioner Alan Sagner, Assistant Commissioners Peter Stangl and Donald Goodkind, and staff, Department of Transportation, Trenton, NJ
- 12/17 Planning Liaison Committee, Office of State Economic Planning, Trenton, NJ

1977

- 2/10 Commissioner John J. Horn and staff, Department of Labor & Industry, and members of the State Economic Development Council, New Brunswick, NJ
- 2/18 Planning and research staff, New Jersey Public Service Electric and Gas Company, Newark, NJ
- 2/18 Urban Affairs staff, New Jersey Bell Telephone Company and William Shore, Regional Plan Association, Newark, NJ
- 3/3 Public officials forum, sponsored by the Middlesex County Planning Board, New Brunswick, NJ

1977

- 3/8 Housing and Land Use Seminar, sponsored by the Metropolitan Regional Council, Union County
- 3/10 Senior Planning Class, Tenafly High School, Tenafly, NJ
- 3/16 Housing and Land Use Seminar, sponsored by the Metropolitan Regional Council and Monmouth County Planning Board, Freehold, NJ
- 3/21 Housing and Land Use Seminar, Central Sub-Region, sponsored by Metropolitan Regional Council & Middlesex County Planning Board, Piscataway, NJ
- 3/23 Housing and Land Use Seminar, Eastern Sub-Region, sponsored by Metropolitan Regional Council and Middlesex County Planning Board, Perth Amboy, NJ
- 3/29 Housing and Land Use Seminar, Southern Sub-Region, sponsored by Metropolitan Regional Council and Middlesex County Planning Board, South Brunswick, NJ
- 3/31 Citizens Advisory Task Force on Open Space and Recreation, convened by the Green Acres Program, Department of Environmental Protection, Trenton State College, Ewing, NJ
- 3/31 Mercer-Somerset-Middlesex Regional Study Council (Samuel Hammill, Executive Director, and others), Princeton, NJ
- 4/1 Kenneth Pyle and others, Alliance for Action, Trenton, NJ
- 4/13 New Jersey Municipal Planners Association, New Brunswick, NJ
- 4/19 Millville Kiwanis Club, Millville, NJ
- 5/16 Wilbur Smith and Associates, Trenton, NJ (NOTE: This is but one of many consulting firms which have received briefings on the Plan.)
- 5/17 Darryl Caputo, New Jersey Conservation Foundation, and Candance Ashmun, New Jersey Association of Environmental Commissions, Trenton, NJ
- 6/24 Charles Coyle and Community Development Representatives, Department of Labor & Industry, Trenton, NJ
- 6/28 New Jersey Conservation Foundation and the Mercer-Somerset-Middlesex Regional Study Council, Cranbury, NJ
- 6/29 New Jersey County Planners Association, Atlantic City, NJ
- 8/5 John Madden, Planning Director for Bridgewater Township, Trenton, NJ
- 9/28 Northwestern Area Chapter, New Jersey Federation of Planning Officials, Clinton, NJ

1977

- 9/2) Wayne Township Chapter, League of Women Voters, Wayne, NJ
- 10/13 Richard McManus and Frederick Conley, Administrator and Solicitor, Bernards Township, Trenton, NJ
- 10/14 Al Leigh, Citizens Committee on Land Use, Franklin Township, Trenton, NJ
- 10/22 New Jersey Environmental Congress, Princeton, NJ
- 11/3 Economic Development Committee, State Chamber of Commerce
- 11/9 Northeast Area 208 Public Advisory Committee, Wayne, NJ
- 12/9 Clara Barton School, Bordentown, NJ
- 12/15 Upper Raritan 208 Public Advisory Committee, Somerville, NJ

1978

- 1/4 Burlington County Planning Board and staff, Mount Holly, NJ
- 1/11 Monmouth County 208 Public Advisory Committee, Freehold, NJ
- 1/12 Public Forum, sponsored by the Mercer County Planning Board, Trenton, NJ
- 1/18 Southern Area Chapter, New Jersey Federation of Planning Officials, Centerdon, NJ
- 1/26 Central Area Chapter, New Jersey Federation of Planning Officials, Princeton, NJ
- 1/31 Northern Area Chapter, New Jersey Federation of Planning Officials, Clifton, NJ
- 3/7 State Planning Conference, Newark, NJ
- 3/15 Eighth Annual Environmental Commissioners Conference, Trenton, NJ
- 3/15 Sussex County Planning Board and guests, Newton, NJ
- 3/23 New Jersey Chapter, American Institute of Planners, Princeton, NJ
- 3/29 South Jersey Development Council, Atlantic City, NJ
- 4/6 Planning students, Flemington, NJ
- 4/18 Lower Delaware 208 Public Advisory Committee, Upper Deerfield, NJ
- 4/19 Delaware-Atlantic Area of the New Jersey Federation of Planning Officials, Sewell, NJ

1978

- 4/20 Upper Delaware 208 Public Advisory Committee, Phillipsburg, NJ
- 4/21 Planning students, McGuire Air Force Base
- 4/26 Southern New Jersey Chapter of Professional Engineers, Cherry Hill, NJ
- 6/29 Regional Plan Assembly for Cumberland County, Bridgeton, NJ
- 10/27 Trenton City Planning Board and citizens, Trenton, NJ
- 11/8 Passaic Valley Mayors Association, Spring Valley, NY
- 11/15 Sussex County Planning Board and citizens, Newton, NJ
- 12/5 North Jersey Branch, American Society of Civil Engineers, West Orange, NJ
- 12/19 Rural Resources Committee, Centerton, NJ

1979

- 1/11 County Agricultural Agents, New Brunswick, NJ
- 1/19 Monmouth-Ocean Development Council, Freehold, NJ
- 3/21 North West Chapter, New Jersey Home Builders Association, Clinton, NJ
- 3/30 Cabinet Committee on Permit Coordination, Trenton, NJ
- 4/19 Office of Policy and Planning Conference on Economic Policy, Drumthwacket, Princeton, NJ
- 5/3 Morris County Planning Board, Morristown, NJ
- 5/8 Somerset County Planning Board, Somerville, NJ
- 5/21 Middlesex County Planning Board, Freehold
- 5/23 Bergen County Planning Board, Hackensack
- 6/20 Alliance of Manufacturing & Metals Processing Industries, Edison
- 6/21 Essex County Planning Board, Belleville
- 7/10 Middlesex County Planning Board, New Brunswick
- 7/11 Union County Planning Board, Elizabeth
- 8/9 Salem County political delegation, Drumthwacket

1930

7/18 Office of Legislative Services staff, Trenton  
8/11 Warren County Planning Board and staff, Belvidere  
8/14 Public presentation at Swartsward State Park  
9/3 Public Hearing, Rutgers' Robeson Campus Center, Newark  
9/9 Public Hearing, Richard Stockton State College, Pomona  
9/11 Public Hearing, New Jersey State Museum Auditorium, Trenton  
9/16 Public Hearing, Hackettstown High School Library, Hackettstown  
9/18 Public Hearing, Rutgers' College Center, Camden  
10/2 New Jersey Economic Development Council, Newark  
10/7 Public meeting of the Morris County Planning Board, Morristown  
10/30 Economic Development Committee of the State Chamber of Commerce, Newark  
10/31 New Jersey Builders and Housing Forum  
11/7 Conference, co-sponsored by the New Jersey Alliance for Action and the Department of Community Affairs, Forsgate Country Club

## STATE DEVELOPMENT GUIDE PLAN DISCUSSIONS

NOTE: For the purpose of this listing, a discussion includes a presentation component, but the major emphasis is on obtaining additional technical information from the audience. Typically, discussions involve fewer people and are informally structured. They also tend to involve people who have some familiarity with previous state planning efforts and often with the current effort as well.

### 1975

Between March and May of this year, staff of the Bureau of Statewide Planning visited each of the 21 county planning boards to solicit any comments on how a State Plan should be structured and what role the counties should play in the context of a State Plan. County planners were asked to identify major issues within their jurisdiction and to provide any materials, such as county plans, which might be assistance in preparing state-level plans.

### 1976

- 4/13 Secretary of Agriculture Phillip Alampi and staff, Trenton
- 4/15 Robert Stokes and staff, Green Acres Program, Department of Environmental Protection, Trenton
- 4/20 Commissioner Patricia Q. Sheehan, Department of Community Affairs, Trenton
- 4/20 Staff of the Division of Water Resources, Department of Environmental Protection, Trenton
- 4/22 Daniel Pawling, Tri-State Regional Planning Commission, Trenton
- 4/30 Paul Arbesman, Director of Environmental Quality; David Kinsey, Office of Environmental Review; and staff, Department of Environmental Protection, Trenton
- 5/11 Keith Rosser and Robert Engle, Department of Transportation, Trenton
- 6/10 Robert Richmond, Tri-State Regional Planning Commission, Trenton
- 9/9 Stephen Carroll and staff, Tri-State Regional Planning Commission, Trenton
- 10/1 Leo Laaksonen and staff, Mercer County Planning Board, Trenton

1976

10/15 Robert Halsey and staff, Monmouth County Planning Board, Freehold

10/20 Douglas Powell and staff, Middlesex County Planning Board, New Brunswick

10/21 Dumont VanDoren and staff, Hunterdon County Planning Board, Flemington

10/28 Dudley Woodbridge and staff, Morris County Planning Board, Morristown

11/3 Elwood Jarmer and staff, Cape May County Planning Board, Cape May

11/4 Thomas Thomas and staff, Ocean County Planning Board, Toms River

11/9 Andrew Paszczowski and staff, Sussex County Planning Board, Newton

11/11 William Roach and staff, Somerset County Planning Board, Somerville

11/15 Charles Richmond (Assistant Director) and staff, Gloucester County Planning Board, Clayton

11/22 Russell Miles and staff, Warren County Planning Board, Belvidere

11/23 Joseph Patermo and staff, Camden County Planning Board, Pennsauken

11/24 James Rogers and staff, Passaic County Planning Board, Paterson

11/29 Bernard Cedar and staff, Burlington County Planning Board, Mount Holly

11/30 Office of Legislative Services, Trenton

12/1 Staff, Union County Planning Board, Elizabeth

12/8 Staff, Essex County Planning Board, Belleville

12/9 Chester Ambler and staff, Salem County Planning Board, Salem

12/12 John Holland and staff, Cumberland County Planning Board, Bridgeton

12/15 Sussex County Planning Board and staff, Newton

12/16 Staff, Hudson County Planning Board, Jersey City

12/22 Donald Clark and staff, Bergen County Planning Board, Hackensack

12/28 Gregg Crescenzo and staff, Atlantic County Planning Board, Atlantic City

12/28 Constance Gibson and staff, New Jersey Mortgage Finance Agency, Trenton

1977

- 1/13 Raymond Petterson and staff, Office of State Economic Planning, Trenton
- 1/20 David Davies and staff, Division of Housing, Department of Community Affairs, Trenton
- 1/24 Robert Stokes and staff, Green Acres Program, Department of Environmental Protection, Trenton
- 3/3 Staff, Division of Water Resources, Department of Environmental Protection, Trenton
- 3/9 Joseph Miri and consultants, Water Supply Master Plan project, Division of Water Resources, Department of Environmental Protection, Trenton
- 3/23 Water Quality staff, Division of Water Resources, Department of Environmental Protection, Trenton
- 5/20 Staff, Bureau of Statewide Planning Department of Transportation, Trenton
- 8/18 Staff, Tri-State Regional Planning Commission, Trenton
- 8/26 Planning directors of northern New Jersey counties, representatives of Regional Plan Association and of the Tri-State Regional Planning Commission, New Brunswick
- 11/22 Staff, Division of Water Resources, Department of Environmental Protection, Trenton
- 11/29 Leo Laaksonen and Ray Worob, Mercer County Planning Board, Trenton
- 12/1 John Moore, Department of Transportation, Trenton
- 12/13 Joseph Miri, Water Supply Master Plan, Department of Environmental Protection, Trenton
- 12/29 George Horzepa, 208 staff, Department of Environmental Protection, Trenton

1978

- 1/12 Anthony Ricigliano and staff, Division of Water Resources, Department of Environmental Protection, Trenton
- 2/10 Members and staff, Capital Budgeting and Planning Commission, Trenton
- 2/22 Somerset County Planning Board staff, Trenton
- 3/30 Mayors and planning boards of six communities in northern Somerset County, Bernards

1978

- 4/20 Tri-State and Middlesex County Planning Board Staff, New Brunswick
- 4/25 Cross-acceptance discussions with Middlesex County, Tri-State and local staffs, South Brunswick
- 5/2 Northeast Area 208 Land Use Subcommittee, Boonton
- 8/15 Cross-acceptance discussion with Tri-State and Somerset County planning staff, Somerville
- 8/25 Cross-acceptance discussion with Tri-State and Union County planning staff, Elizabeth
- 10/25 Cross-acceptance discussion with Tri-State and Monmouth County planning staff, Freehold
- 11/3 Cross-acceptance discussion with Tri-State and Hudson County planning staff, Jersey City
- 11/14 Cross-acceptance discussion with Tri-State and Passaic County planning staff, Paterson
- 12/8 Cross-acceptance discussion with Tri-State and Bergen County planning staff, Hackensack

1979

- 2/22 Cross-acceptance discussion with Tri-State and Somerset County staff, Somerville
- 2/27 Cross-acceptance discussion with Tri-State and Bergen County staff, Hackensack
- 2/28 Follow-up discussion with Cumberland County Planning Board, staff, county and local officials, Bridgeton
- 3/7 Cross-acceptance discussions with Tri-State and Monmouth County staff, Freehold
- 3/28 Cross-acceptance discussions with Tri-State and Middlesex County staff, New Brunswick
- 3/29 Cross-acceptance discussions with Tri-State and Passaic County staff, Paterson
- 4/5 Cross-acceptance discussions with Tri-State and Union County staff, Elizabeth

1979

4/16 Industrial Park Developers Association, Trenton

5/1 Cross-acceptance discussions with Tri-State and Somerset County staff, Somerville

5/15 Cross-acceptance discussions with Tri-State and Monmouth County staff, Freehold

5/24 Cross-acceptance discussions with Tri-State and Middlesex County Planning Board staff, New Brunswick

6/1 Cross-acceptance discussions with Tri-State and Morris County Planning Board staff, Morristown

6/5 Cross-acceptance discussions with Tri-State and Essex County Planning Board staff, Belleville

6/6 Cross-acceptance discussions with Tri-State and Somerset County Planning Board staff, Somerville

6/15 Cross-acceptance discussions with Tri-State and Middlesex County Planning Board staff, New Brunswick

6/22 Cross-acceptance discussions with Middlesex County Planning Board and Tri-State staff, New Brunswick

6/29 Cross-acceptance discussions with Tri-State and Monmouth County Planning Board staff, Freehold

7/10 Northeast 208 Planning Section, DEP and Tri-State, Trenton

8/3 Atlantic County Planning Board staff, Trenton

8/16 Passaic County Planning Board staff and consultants, Paterson

8/21 Tri-State, DEP, Middlesex County Planning Board staffs, New Brunswick

9/6 Passaic County Planning Board staff and Tri-State staff, Clifton

9/18 Tri-State and Middlesex County Planning Board staffs, New Brunswick

9/25 Tri-State and Passaic County Planning Board staffs, Clifton

10/3 Tri-State staff, New York City

10/10 Bergen County Planning Board staff, Hackensack

10/23 Tri-State staff, New York City

11/8 Tri-State staff, New York City

11/13 Tri-State staff and Middlesex County Planning Board staff, New Brunswick

1979

- 12/14 Tri-State and Middlesex County Planning Board staffs, New Brunswick
- 12/20 Commissioner of Community Affairs, State Office of Farmers Home Administration, Assemblyman Herman and staff of the Gloucester County Utilities Authority

1980

- 1/10 John Weingart and Stewart McKenzie, Division of Coastal Resources, Department of Environmental Protection, Trenton
- 2/5 Atlantic County Planning Board staff, Atlantic City
- 2/15 Christopher Warren, Salem County Planning Board, Salem
- 2/27 Terry Moore and staff, Pinelands Commission, New Lisbon
- 3/19 Tri-State staff, New York City
- 3/26 Tri-State staff and Somerset County Planning Board staff, Somerville
- 4/29 Pinelands Commission staff, New Lisbon
- 4/30 Planning directors of Hunterdon, Sussex and Warren Counties, Flemington
- 5/2 Pinelands Commission staff, New Lisbon
- 5/14 Tri-State and Middlesex County Planning Board staffs, New Brunswick
- 5/23 Tri-State and Bergen County Planning Board staffs, Hackensack
- 6/10 Tri-State and Monmouth County Planning Board staffs, Freehold
- 6/26 Atlantic County Planning Board staff, Atlantic City
- 7/2 Hunterdon County Planning Board staff, Flemington
- 7/9 Cape May County Planning Board staff, Cape May Court House
- 7/22 Ocean County Planning Board staff, Toms River
- 7/29 Farmers Home Administration staff, Robbinsville
- 7/30 Tri-State and Division of Water Resources (DEP) staffs, Trenton
- 10/14 Arthur Young, lobbyist, and spokesmen of various industrial associations

MEMO

TO: Joel S. Weiner, Tri-State Standing Committee on Land Use,  
Energy and Environment

Richard A. Ginman, Director, Division of State and Regional  
Planning, New Jersey Department of Community Affairs

Douglas S. Powell, Director, Middlesex County Planning Board

FROM: Katharine Poslosky, Tri-State Land Use Coordinator for  
New Jersey

Mary Winder, Principal Planner, Division of State and Regional  
Planning, New Jersey Department of Community Affairs

John A. Sully, Comprehensive Planning, Middlesex County  
Planning Board

DATE: June 30, 1979

SUBJECT: Middlesex County Land Use Cross-Acceptance Joint Status Report

---

CC: F. Johnson, F. Lapp, R. Richmond, D. Pawling, D. Stansfield,  
R. Hoeh

This report has been prepared jointly by the staffs of the Middlesex County Planning Board (MCPB), the Division of State and Regional Planning, New Jersey Department of Community Affairs (NJDCA), and the Tri-State Regional Planning Commission (TSRPC).

The report summarizes the consistency and inconsistency of the land use policies, plan maps, and year 2000 population, employment and housing targets of our respective agencies. A detailed Policy Comparison Worksheet is attached. Information regarding map analysis is available in the files of each agency.

On the basis of this report, staffs recommend that the Middlesex County Planning Board, the New Jersey Department of Community Affairs and the Tri-State Regional Planning Commission may now proceed to consider the cross-acceptance of each other's land use plans.

Policy Worksheet

Consistencies

Staff review of each agencies plans indicates that there are no policy inconsistencies. Generally, the land use plans of the three agencies seek to alter the trends which would cause detrimental economic and environmental impacts. Emphasis is on strengthening older urban centers, encouraging new development at densities that would support public investments such as sewer and water systems, conserving critical lands, and balancing jobs, dwellings and services.

Middlesex County staff requests consideration of the following policy refinements. (See attached Supplementary Comments.)

Mapping

Agreement has been reached among MCPB, NJDCA and TSRPC staffs with regard to the changes requested for the TSRPC & NJDCA maps.

Middlesex County has recommended several changes to TSRPC Economic Centers and Residential Densities maps, all of which are within the context of policy consistency.

Proposed Action: It is recommended that TSRPC make those changes agreed to by staff.

Middlesex County has also requested changes in the state plan map (see attached map).

Proposed Action: Revisions will be made to the State Development Guide plan when all recommendations have been made by each of the New Jersey Tri-State counties.

Year 2000 Planning Targets

Population targets are consistent among the three agencies.

Housing unit targets were not available for comparison at this time.

Employment

TSRPC            337,000

NJDCA            not addressed

MCPB            359,000

Middlesex County employment target is inconsistent with TSRPC by +6.5%.

Proposed Action: Agree to table. TSRPC is now in the process of reevaluating year 2000 target numbers.

KP:mh

Supplementary Comments - Middlesex County

II.1. Critical Lands - Water Resources

Along with the State, Middlesex County believes that Tri-State's description of water supply watersheds and headwater areas is too vague for practical application, since it could include very large areas.

Accordingly, we request further refinements in Tri-State's definition and mapping of these areas, to more clearly define those portions actually considered "critical lands."

III.1. Criteria for designation of open land areas

Middlesex County requests clarification of a portion of the State's policy statement on Limited Growth Areas, i.e. "They also do not contain concentrations of environmentally sensitive lands nor prime farmland which merit particular state attention at this time." We do not believe that this statement is accurate, as applied to portions in the Limited Growth in Middlesex County.

For example, the Limited Growth Area shown east of Rt. 130 and north of Rt. 522 in South Brunswick contains Pigeon Swamp, which is scheduled to receive an \$8 million State investment via the Green Acres Program for acquisition as an important groundwater recharge area and passive recreation area. It will be a State Park. Unless the policy statement is altered, this area should be designated as "Open Space" in the SDGP.

A second example concerns the prime agricultural area in Plainsboro, Cranbury and West Windsor (Mercer Co.). While not as large in the aggregate as some other areas designated "Agricultural" on the SDGP map, this district nevertheless contains some 4500± acres of Class I and II actively-farmed lands. It presently is designated as part of Limited Growth Area, and does not have public sewer or water.

The County believes that this area is of sufficient quality as agricultural land to "merit particular state attention" in any future agriculture preservation program.

Accordingly, we request either amendment of the SDGP map to designate this area as "Agricultural", or alterations of the policy statement to clearly support programs to preserve agriculture on prime farmlands within the Limited Growth Area.

III.4. Centers

A. Re: "Urban-Aid Cities" (State Guide Plan)

In Middlesex County, New Brunswick and Perth Amboy are designated by the SDGP as "urban-aid cities". As such, they are to receive priority in investments, in accordance with the State's policy of strengthening older cities and discouraging new scattered development of the sort that has occurred in the past.

In general, we believe this policy to be appropriate for the County and the State, so long as it does not exclude assistance to other more recent major development concentrations which play a major economic role in the State and region. Such newer development concentrations also have an array of needs, especially regarding transportation. Underlying these is the need to better integrate such newer concentrations with the older urban areas they complement, and with lower-density suburban areas.

A realistic policy for investment prioritization must recognize both older and newer existing economic centers as particular targets for public investment, although the types of investment needed will differ in some ways. In the older centers, a renewal and strengthening of the urban fabric and infrastructure is essential if new private investment is to be attracted. In and adjacent to most newer centers, improvements in the road and transit networks which link the center itself together with the urban/suburban fabric surrounding it are needed.

Both types of investment priority speak to existing needs of major existing economic nodes; both should be recognized in the State Development Guide Plan.

At the same time, we strongly agree with the State and Tri-State that public investments should not encourage the development of additional economic nodes.

III.4. Centers

B. Re: Major Center Designations and Characterization

In Middlesex County, the Woodbridge-Metropark economic center is designated as a "smaller" or "area" center, whereas New Brunswick is designated as a "primary" or "regional" center.

The relative designations of these two major aggregations of office and retail jobs suggest a difficulty with Tri-State's characterization and definition as they apply to major non-downtown economic centers which are neither solely highway-oriented shopping centers nor isolated corporate buildings along interstate highways. The Woodbridge - Metropark complex includes both a primarily auto-oriented shopping center (the largest in the Northeast) and an office area served by the Metropark Amtrak station and the Garden State Parkway. Close by is the Hess Company headquarters building. Total office space in this economic center is 1.53 million sq. ft, retail space 1.52 million sq. ft.

However, unlike the traditional "downtown" central business district as described by Tri-State for a primary center, this center has no cultural facilities other than movie theaters, and no immediately adjacent industrial areas, although large industrial aggregations are relatively close. Housing, principally suburban single family detached, surrounds the Woodbridge - Metropark center on all sides.

In sum there appears to be no designation in Tri-State's system which adequately characterizes a Woodbridge-Metropark, which is neither "down-town" in the traditional sense, nor solely highway-oriented, nor remote and unfunctional.

Consequently, we suggest that an additional category be created to characterize existing newer centers which are more similar in size than in character to a traditional CBD.

If an additional category cannot be created at this time, we propose that Woodbridge-Metropark be designated as a primary or regional center instead of a smaller or area center.

IV.2. Jobs/Housing Balance

On a regional basis, Tri-State's policy that "low and moderate income housing should exist even in areas (municipalities?) where densities are kept low for environmental reasons" seems unexceptionable.

However, unless the intent of this policy is clarified, it can be cited to support those seeking to develop critical land, in the name of low or moderate income housing, in areas where ample non-sensitive lands are available, albeit at higher cost. This reasoning has been used elsewhere in the United States, and in the New York region.

There are two problems with such reasoning. First, environmentally-sensitive areas lend themselves to low/moderate income housing no better than to middle/upper income housing; sites inappropriate for one are equally inappropriate for the other. Low/moderate income dwellers should not be subjected to environmental hazards not permitted for upper income dwellers.

Second, certain environmentally-sensitive land, while initially cheaper than non-sensitive land, ususally is more expensive to properly develop because of the need to offset either the environmental hazards to the development or the development hazards to the environment. Consequently, there may be little or no savings in properly developing environmentally sensitive land relative to non-sensitive land. Similarly, to carefully develop only the non-sensitive parts of a mostly-sensitive site is economically suited only to luxury housing.

Therefore, we request that Tri-State clarify this policy in order that it not be misused.

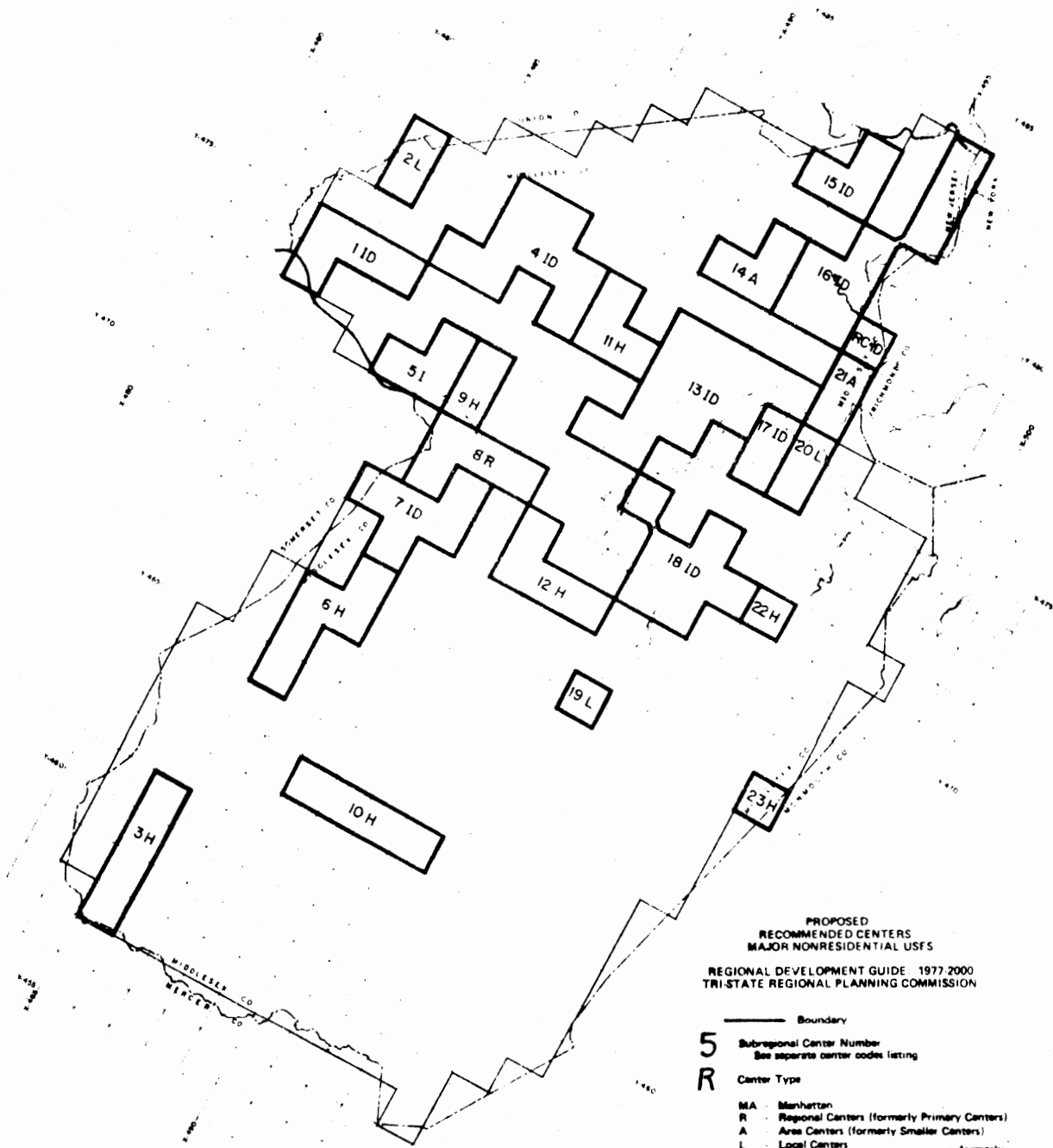
IV.3. Facilities and Services

Re: Priority for funding of recreational projects

Both the RDG and the SDGP emphasize the importance of recreation projects which serve "older areas" (RDG) or "close-in open space and recreation areas for urban residents." (SDGP).

However, most recently the majority of the State's Green Acres funding has been directed to areas far from centers of population and economic development. While not wishing to detract from the conservation aspect of such investment in, for example, the Pinelands, we wish to note that the State's policy implicit in recent actions seems to contradict that in the SDGP.

We strongly believe that State's highest investment priority with recreation funding should be directed at those portions of the state where population pressures - and thus pressures on recreation and resource conservation land - are the highest.



PROPOSED  
RECOMMENDED CENTERS  
MAJOR NONRESIDENTIAL USES  
REGIONAL DEVELOPMENT GUIDE 1977-2000  
TRI-STATE REGIONAL PLANNING COMMISSION

- Boundary
- 5** Subregional Center Number  
See separate center codes listing
- R** Center Type
- MA - Manhattan
- R - Regional Centers (formerly Primary Centers)
- A - Area Centers (formerly Smaller Centers)
- L - Local Centers
- H - Highway-Oriented Commercial } formerly  
Mixed Local  
Centers
- ID - Industrial Districts
- I - Institutional Centers
- U - Unifunctional Centers

TBRPC Map information: 6/9/77, 9/29/77, 1/12/78, 6/14/79  
Subregional Map Prepared: 10/17/79

MIDDLESEX CO. NEW JERSEY  
REFERENCE  
MIDDLESEX CO. PLANNING BOARD  
DECEMBER, 1979

TRISTATE REGIONAL PLANNING COMMISSION

#3703 10/7/79

RESOLUTION # : CROSS-ACCEPTANCE OF MIDDLESEX COUNTY LAND USE PLAN

WHEREAS, the Tri-State Regional Planning Commission adopted its land use element entitled *Regional Development Guide 1977-2000* by Resolution 541, dated June 9, 1977, and subsequently amended it by Resolution 556, dated September 29, 1977, by Resolution 569, dated January 12, 1978, by Resolution 649, dated June 14, 1979, and by Resolution 650, dated June 14, 1979; and

WHEREAS, as mandated by Resolution 541, the land use element is to be reviewed in detail with state and subregional planning agencies in an effort to reach consistency of their plans and the *Regional Development Guide 1977-2000*; and

WHEREAS, the Commission established procedures for the cross-acceptance of the Tri-State/subregional land use plans, by Resolution 575, dated March 9, 1979; and

WHEREAS, pursuant to the procedures set forth by Resolution 575, a comparison among the *Middlesex County Comprehensive Master Plan, Land Use Element; 1979 (Draft)* and related documents of Middlesex County Planning Board, the *Tri-State Regional Development Guide 1977-2000*, and the *State Development Guide Plan*, dated September 1977, of the Division of State and Regional Planning, New Jersey Department of Community Affairs, has been conducted jointly by the staffs of the above agencies; and

WHEREAS, the extent of mutual consistency among the above plans has been identified by the above parties in a jointly prepared Status Report; and

WHEREAS, the Middlesex County Planning Board has requested certain changes to the maps in the *Regional Development Guide 1977-2000* that show recommended concentrations of nonresidential activities and recommended densities for new residential developments, and these changes have been evaluated for consistency to the criteria accepted by the Land Use, Environment and Energy Committee for approving changes in the above maps; and

WHEREAS, the Middlesex County Planning Board has cross-accepted the *Regional Development Guide 1977-2000* by resolution of the Board/Agency dated October 9, 1979, with the exceptions noted in its resolution; and

WHEREAS, the Land Use, Environment and Energy Committee of the Tri-State Regional Planning Commission has evaluated the comparison of the land use elements and recommends to the Commission acceptance of the Middlesex County plan with the exceptions referred to below;

NOW, THEREFORE, BE IT RESOLVED that the Tri-State Regional Planning Commission accept the *Middlesex County Master Plan, Land Use Element* and related documents of Middlesex County Planning Board, with the exceptions noted on the attached Status Report; and

BE IT FURTHER RESOLVED that the Commission accepts the changes to the maps in the *Regional Development Guide 1977-2000* requested by Middlesex County Planning Board as shown by the attached revised plan maps; and

BE IT FURTHER RESOLVED that the Commission will attempt to resolve the differences noted on the attached Status Report, particularly those in the employment target figure for year 2000; and

BE IT FURTHER RESOLVED that the Tri-State Regional Planning Commission may, upon further study, update, revise or amend its *Regional Development Guide 1977-2000*, but if it seeks to change any plan policies, target figures or maps evaluated during the cross-acceptance process, it will notify the Middlesex County Planning Board of its intention to do so and the reason for the proposed change, and will solicit from the Middlesex County Planning Board its review and comment prior to any further Commission action.

This resolution shall take effect this 15th day of September, 1979.

KP:hm

31x



# New Jersey County Planners Association

One Lafayette Place, Freehold, New Jersey 07728 (201)431-7460

*President*  
Elwood R. Jarmer  
Cape May County

*Vice President*  
Donald J. Clark  
Bergen County

*Secretary*  
H. Joseph DiPasquale  
Monmouth County

*Treasurer*  
Fred F. Suljic  
Sussex County

The following statement regarding the proposed New Jersey Development Guide Plan is offered on behalf of the New Jersey County Planners Association by Elwood R. Jarmer, President, on this date of September 9, 1980.

- Concept - The Association supports the need for and the concept of a Guide Plan for New Jersey. Such a Guide Plan should be adopted in some formal process and be implemented through all the State's investment and regulatory actions.
- Implementation - The Association supports the concept of cross-acceptance between individual, adopted County Plans and the State Guide Plan. While agreement in some cases may be difficult if at all possible, some formal process should be available and specifically identified in the Guide Plan. The Association would be pleased to meet and discuss the specifics of such a formal cross-acceptance process.
- Pinelands - The seven South Jersey County Planning Agencies have serious problems with the Pinelands Plan as presently constituted. Prior to any inclusion of the Pinelands Plan in the Guide Plan, the Department of Community Affairs should thoroughly review and evaluate the Pinelands Plan regarding economic impact, sound planning, methodology and consistency with adopted state, regional, county and local plans.

*Implement through Counties*

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Bernard Cedar, Burlington  
*County Planning*  
*Enabling Legislation*  
Robert D. Halsey, Monmouth

32x



# INDUSTRIAL DEVELOPMENT ASSOCIATION

May 14, 1980

The Honorable John Paul Doyle  
Legislative Oversight Committee  
Dover Mall  
Rts. 166 & 37  
Toms River, New Jersey 08753

Dear Mr. Doyle:

## SUPPORT FOR ASSEMBLY BILL - 879

The New Jersey Industrial Development Association (N. J. IDA) wishes to go on record in support of Assembly Bill 879 sponsored by Assemblymen Hurley and Chinnici.

## REASONS FOR SUPPORT

New Jersey IDA members believe that:

- (1) A comprehensive development guide plan for the State of New Jersey absolutely needs the review process described with A-879.
- (2) A public hearing or a series of public hearings is necessary in order to include the professional input from the collective interest of New Jersey IDA members, SEED members (Society for Environmental, Economic Development), NAIOP members (National Association of Industrial & Office Parks) and other development organizations that are or could become directly harmed by the proposed development guide plan.
- (3) Since the current draft form of the Comprehensive Development Guide has been officially used by the staff of the Department of Community Affairs, a public hearing could provide to a legislative committee actual examples of delay, conflicting decisions, and significant loss of money. These experiences from the private and municipal developers should be made part of the consideration before the final form of the New Jersey Comprehensive Development Guide is adopted and implemented.
- (4) The New Jersey philosophy should encourage reasonable development of industrial and office facilities and not provide a development plan that may hinder, prevent, discourage, or possibly stop economic development progress within the State during 1980.

33x

May 14, 1980

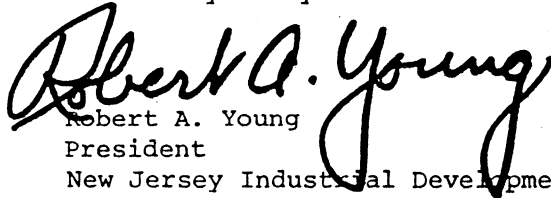
NEW JERSEY INDUSTRIAL DEVELOPMENT ASSOCIATION

The New Jersey Industrial Development Association (N. J. IDA) is a non-profit development organization with a membership uniting 165 of New Jersey's economic development and corporation location specialists. The membership includes professional industrial developers from State, County and Municipal economic development departments; business development department representatives from the utilities, railroads, and financial institutions; private office and industrial development firms; and the industrial real estate brokers. The sole purpose of this organization (founded in 1953) is to promote a balanced job-creating development program within the State of New Jersey. The Association members attempt to retain New Jersey's existing industrial corporations while attracting new and expanding corporations to our State.

In recent times, the goal of N. J. IDA has been a difficult task due to the numerous review boards, restrictions, cost of money, inflation, etc. One of the State's best sources of putting the New Jersey economy back into gear has been and still is the industrial and office park developers. Our Association is extremely concerned that the well-planned industrial or office park may become an asset of the past if the existing draft-form of the Comprehensive Development Guide Plan is officially adopted and implemented without a full review and significant modifications. The New Jersey Industrial Development Association membership endorses Assembly Bill No. 879 for passage and signing.

We thank you for this opportunity to present our views. We would not only appreciate your comments on this matter, but would welcome the opportunity to discuss this matter with you should you have any questions or require further explanation.

Yours very truly.



Robert A. Young  
President

New Jersey Industrial Development Association  
231 Third Street  
Lakewood, New Jersey 08701

RAY/lis

1979 NEW JERSEY INDUSTRIAL DEVELOPMENT ASSOCIATION

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