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1985

PUBLIC HEARING

before

ASSEMBLY COUNTY GOVERNMENT AND REGIONAL AUTHORITIES COMMITTEE

on

ASSEMBLY BILL 4127

(Requires Every County to Form a Planning Board and Adopt a Master Plan)

October 28, 1985
Room 420
State House Annex
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Harry A. McEnroe, Chairman
Assemblyman Anthony P. Vanieri
Assemblyman John T. Hendrickson, Jr.

ALSO PRESENT:

New Jersey State Library

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

TABLE OF CONTENTS

	<u>Page</u>
Alfonse Scerbo Freeholder, Morris County Board of Chosen Freeholders	2
Bill Mathesius County Executive, Mercer County, New Jersey	5
Guy Millard Executive Director New Jersey Association of Counties	11
William G. Dressel, Jr. Assistant Director League of Municipalities	12
Bruce Schragger, Esq. Attorney for West Windsor and Hopewell Townships	15
Anthony Pizzutillo New Jersey Builders Association	19
Fred Suljic President, County Planners Association	21
Tracey DeSarno Legislative Liaison, Essex County, New Jersey	27
Kellogg Birdseye Chairman, Land Use and Community Development Subcommittee League of Municipalities	28
Lynn Beer, Executive Director New Jersey Federation of Planning Officials	30
Susan Covais New Jersey Association of Realtors	32
APPENDIX:	
Letter from New Jersey Association of Realtors	1x
Letter from Morris County Board of Chosen Freeholders	3x

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 12, 1985

By Assemblymen McENROE, NAPLES and PANKOK

AN ACT concerning county planning and amending R. S. 40:27-1, R. S. 40:27-5 and P. L. 1968, c. 285 and supplementing chapter 27 of Title 40 of the Revised Statutes.

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

1 1. R. S. 40:27-1 is amended to read as follows:

2 40:27-1. The [board of chosen freeholders may] *governing body*
3 *of each county shall* create a county planning board of not less
4 than five nor more than nine members. The members of such plan-
5 ning board shall be [the director of the board of chosen freeholders,
6 one member of the board of chosen freeholders, to be] appointed
7 by the [director.] *governing body, and shall include* the county
8 engineer, if the board exceed six in number, and other citizens
9 who may not hold any other county office [and who shall be ap-
10 pointed by such director of the board of chosen freeholders with
11 the approval of that body]. One of the [remaining] members shall
12 be appointed for two years, two shall be appointed for three years,
13 and all additional remaining members shall be appointed for four
14 years, and thereafter their successors shall be appointed for the
15 term of three years from and after the expiration of the terms
16 of their predecessors in office. All members of the county planning
17 board shall serve as such without compensation, but may be paid
18 expenses incurred in the performance of duties.

1 2. R. S. 40:27-5 is amended to read as follows:

2 40:27-5. The [board of chosen freeholders in] *governing body of*
3 any county after receiving the advice of the county planning board
4 [is hereby empowered to] *shall* adopt and establish and thereafter

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

5 as often as the [board] *governing body* may deem it for the public
6 interest, to change or to add to an official county map, showing
7 the highways, roadways, parks, parkways, and *any other features*
8 *contained in the master plan adopted pursuant to R. S. 40:27-2,*
9 *including* sites for public builings or works, under county juris-
10 diction, or in the acquisition, financing or constructon of which the
11 county has participated or may be called upon to participate. Such
12 map shall be deemed to have been established to conserve and pro-
13 mote the public health, safety, convenience, and welfare. Before
14 acting thereon in the first instance and before adopting any amend-
15 ments thereto such [board of chosen freeholders] *governing body,*
16 after notice of time and place has been given by one publication
17 for each of three successive weeks in a newspaper of general
18 circulation in the county and after written notice to the county engi-
19 neer, county planning board, county park commission, if such exists,
20 and such other county officers and departments as the [board]
21 *governing body* shall designate and to the municipal clerk and sec-
22 retary of the planning board of each municipality in the county,
23 shall hold a public hearing or hearings thereon at which such rep-
24 resentatives entitled to notice and such property owners and others
25 interested therein as shall so desire shall be heard.

26 Before holding any such public hearing such [board of chosen
27 freeholders] *governing body* shall submit such proposed change or
28 addition to the county planning board for its consideration and
29 advice and shall fix a reasonable time within which such county
30 planning board may report thereon, not, however, less than 20 days;
31 upon receipt of such report from the county planning board or
32 upon the failure of such board to report within the time limit so
32A fixed such [board of chosen freeholders] *governing body* may
33 thereupon act upon the proposed change, but any action adverse to
34 the report of the county planning board shall require the affirmative
35 vote of the majority of all the members of such [board of chosen
36 freeholders] *governing body.*

37 When approved in whole or part by the [board of chosen free-
38 holders in] *governing body* of any county, such county official map
39 or part thereof shall be deemed to be binding upon the [board
40 of chosen freeholders] *governing body* of the county and the
41 several county departments thereof, and upon other county boards
42 heretofore or hereafter created under special laws, and no expen-
43 diture of public funds by such county for construction work or the
44 acquisition of land for any purpose enumerated in section 40:27-2
45 of this Title shall be made except in accordance with such official
46 map.

47 Nothing herein prescribed shall be construed as restricting or
 48 limiting the powers of [boards of chosen freeholders] *governing*
 49 *bodies* from repairing, maintaining and improving any existing
 50 street, road, viaduct, bridge or parkway not shown on such official
 51 maps, which does not involve the acquisition of additional land or
 51A of park commissions as otherwise provided by law.

1 3. Section 4 of P. L. 1968, c. 285 (C. 40:27-6.2) is amended to
 2 read as follows:

3 4. The [board of freeholders] *governing body* of any county
 4 having a county planning board shall provide for the review *and*
 5 *approval* of all subdivisions of land within the county by said county
 6 planning board [and for the approval of those subdivisions af-
 7 fecting county road or drainage facilities as set forth and limited
 8 hereinafter in this section]. Such review [or] *and* approval shall
 9 be in accordance with procedures and engineering and planning
 10 standards adopted by resolution *or ordinance, as appropriate*, of
 11 the [board of chosen freeholders] *governing body*. These standards
 12 shall *include, but not* be limited to:

13 a. The requirement of adequate drainage facilities and ease-
 14 ments when, as determined by the county engineer in accordance
 15 with county-wide standards, the proposed subdivision will cause
 16 storm water to drain either directly or indirectly to a county road,
 17 or through any drainageway, structure, pipe, culvert, or facility
 18 for which the county is responsible for the construction, mainte-
 19 nance, or proper functioning;

20 b. The requirement of dedicating rights-of-way for any roads
 21 or drainageways shown on a duly adopted county master plan or
 22 official county map;

23 c. Where a proposed subdivision abuts a county road, or *would,*
 24 *in the opinion of the county planning board, have a significant*
 25 *impact on the traffic flow on a county road which does not abut*
 26 *the subdivision, and* where additional rights-of-way and physical
 27 improvements are required by the county planning board, such
 28 improvements shall be subject to recommendations of the county
 29 engineer relating to the safety and convenience of the traveling
 30 public and may include additional pavement widths, marginal access
 31 streets, reverse frontage and other county highway and traffic
 32 design features necessitated by an increase in traffic volumes, po-
 33 tential safety hazards or impediments to traffic flows caused by
 34 the subdivision;

35 d. The requirement of performance guarantees and procedures
 36 for the release of same, maintenance bonds for not more than 2
 37 years duration from date of acceptance of improvements and agree-

38 ments specifying minimum standards of construction for required
 39 improvements. The amount of any performance guarantee or
 40 maintenance bond shall be set by the planning board upon the
 41 advice of the county engineer and shall not exceed the full cost
 42 of the facility and installation costs or the developer's proportion-
 43 ate share thereof, computed on the basis of his acreage related
 44 to the acreage of the total drainage basin involved plus 10% for
 45 contingencies. In lieu of providing any required drainage ease-
 46 ment a cash contribution may be deposited with the county to
 47 cover the cost or the proportionate share thereof for securing
 48 said easement. In lieu of installing any such required facilities
 49 exterior to the proposed plat a cash contribution may be deposited
 50 with the county to cover the cost of proportionate share thereof
 51 for the future installation of such facilities. Any and all moneys
 52 received by the county to insure performance under the provisions
 53 of this act shall be paid to the county treasurer who shall provide
 54 a suitable depository therefor. Such funds shall be used only for
 55 county drainage projects or improvement for which they are
 56 deposited unless such projects are not initiated for a period of
 57 10 years, at which time said funds shall be transferred to the
 58 general fund of the county, provided that no assessment of bene-
 59 fits for such facilities as a local improvement shall thereafter be
 60 levied against the owners of the lands upon which the developer's
 61 prior contribution had been based. Any moneys or guarantees
 62 received by the county under this paragraph shall not duplicate
 63 bonds or other guarantees required by municipalities for municipal
 64 purposes[.]; and

65 e. Provision may be made for waiving or adjusting requirements
 66 under the subdivision resolution to alleviate hardships which would
 67 result from strict compliance with the subdivision standards.
 68 Where provision is made for waiving or adjusting requirements
 69 criteria shall be included in the standards adopted by the board
 70 of chosen freeholders to guide actions of the county planning board.

71 Notice of the public hearing on a proposed resolution of the
 72 [board of chosen freeholders] governing body establishing pro-
 73 cedures and engineering standards to govern land subdivision
 74 within the county, and a copy of such resolution, shall be given by
 75 delivery or by certified mail to the municipal clerk and secretary
 76 of the planning board of each municipality in the county at least
 77 10 days prior to such hearing.

1 4. Section 5 of P. L. 1968, c. 285 (C. 40:27-6.3) is amended to
 2 read as follows:

3 5. Each subdivision application shall be submitted to the county

4 planning board for review and [where required,] approval prior
 5 to approval by the local municipal approving authority. County
 6 approval of any subdivision application [affecting county road
 7 or drainage facilities] shall be limited by and based upon the rules,
 8 regulations and standards established by and duly set forth in
 9 a resolution adopted by the [board of chosen freeholders] county
 10 governing body. The municipal approval authority shall either
 11 defer taking final action on a subdivision application until receipt
 12 of the county planning board report thereon or approve the sub-
 13 division application subject to its timely receipt of a favorable
 14 report thereon by the county planning board. The county planning
 15 board shall report to the municipal authority within 30 days from
 16 the date of receipt of the application. If the county planning board
 17 fails to report to the municipal approving authority within the
 18 30-day period, said subdivision application shall be deemed to
 19 have been approved by the county planning board unless, by mutual
 20 agreement between the county planning board and municipal ap-
 21 proving authority, with approval of the applicant, the 30-day period
 22 shall be extended for an additional 30-day period, and any such
 23 extension shall so extend the time within which a municipal ap-
 24 proving authority shall be required by law to act thereon.

1 5. Section 7 of P. L. 1968, c. 285 (C. 40:27-6.5) is amended to
 2 read as follows:

3 7. The county recording officer shall not accept for filing any
 4 subdivision plat unless it bears the certification of [either] approval
 5 [or of review and exemption] of the authorized county planning
 6 board officer or staff member indicating compliance with the pro-
 7 visions of this act and standards adopted pursuant thereto, in
 8 addition to all other requirements for filing a subdivision plat
 9 including compliance with the provisions of "The Map Filing Law"
 10 (P. L. 1960, c. 141). In the event the county planning board shall
 11 have waived its right to [review,] approve or disapprove a sub-
 12 division by failing to report to the municipal approval authority
 13 within the 30-day period or the mutually agreed upon 30-day
 14 extension period, as outlined in section 5 above, the subdivision
 15 shall be deemed to have county planning board approval, and at
 16 the request of the applicant, the secretary of the county planning
 17 board shall attest on the plat to the failure of the county planning
 18 board to report within the required time period, which shall be
 19 sufficient authorization for further action by the municipal plan-
 20 ning board and acceptance thereof for filing by the county record-
 21 ing officer.

1 6. Section 8 of P. L. 1968, c. 285 (C. 40:27-6.6) is amended to
 2 read as follows:

3 8. The governing body of any county having a county planning
4 board may provide for the review *and approval* of site plans for
5 land development [along county roads or affecting county drainage
6 facilities as provided in subsection e. of this section and for the
7 approval of such development] as hereinafter set forth [and lim-
8 ited for the purpose of assuring a safe and efficient county road
9 system]. Such review and approval shall be in conformance with
10 procedures and standards adopted by resolution or ordinance as
11 appropriate of the governing body. Notice of the public hearing
12 on a proposed resolution or ordinance of the governing body estab-
13 lishing procedures and standards to govern the review and regula-
14 tion of land development [along county roads or affecting county
15 drainage facilities as provided in subsection e. of this section],
16 *within the county* , and a copy of such resolution or ordinance, shall
17 be given by delivery or by certified mail to the municipal clerk,
18 secretary of the planning board and secretary of the board of
19 adjustment of each municipality in the county at least 10 days
20 prior to such hearing. These procedures and standards shall *in-*
21 *clude, but not* be limited to:

22 a. The submission of a site plan, prior to the issuance of a
23 municipal building permit, drawn in accordance with standards in
24 the resolution or ordinance for any proposed land development,
25 excluding single family residential development but including
26 proposed commercial, industrial, multi-family structures containing
27 five or more units, or any other land development requiring off-
28 street parking area or producing surface runoff in excess of stan-
29 dards set forth in the site plan review and approval resolution or
30 ordinance of the governing body.

31 b. The requirement of dedication of additional right-of-way in
32 accordance with the county master plan adopted by the county
33 planning board or an official county map adopted by the governing
34 body. Where by reason of special or unusual conditions said total
35 additional right-of-way is to be secured from just one side of an
36 existing road, only one-half of the additional right-of-way may be
37 required to be dedicated.

38 c. The requirement of physical improvements subject to recom-
39 mendations of the county engineer relating to the safety and
40 convenience of the traveling public, including drainage facilities,
41 or other highway and traffic design features as may be deemed
42 necessary on such county road or roads in accordance with the
43 engineering and planning standards established in the site plan
44 review and approval resolution or ordinance of the governing body.

45 d. The requirement of performance and payment guarantees and

46 procedures for the release of same, maintenance bonds of not more
 47 than two years' duration from the date of acceptance of improve-
 48 ments, cash contributions, and agreements specifying minimum
 49 standards of construction for required improvements. Procedures
 50 for, and limitations on the requirement of such guarantees or cash
 51 contributions shall be governed by the provisions of this act.

52 e. The requirement of adequate drainage facilities and easements
 53 when, as determined by the county engineer in accordance with
 54 county-wide standards, the proposed site plan will cause storm
 55 water to drain either directly or indirectly to a county road or
 56 through any drainage-way, structure, pipe, culvert or facility for
 57 which the county is responsible for the construction, maintenance
 58 or proper functioning.

59 **【Site plans for land development not along a county road that**
 60 **include less than one acre of impervious surfaces are exempt from**
 61 **county site plan review.】**

1 7. Section 12 of P. L. 1968, c. 285 (C. 40:27-6.10) is amended
 2 to read as follows:

3 12. In order that county planning boards shall have a complete
 4 file of the planning and zoning ordinances of all municipalities in
 5 the county, each municipal clerk shall file with the county planning
 6 board a copy of the planning and zoning ordinances of the munici-
 7 pality in effect on the effective date of this act and shall notify
 8 the county planning board of the introduction of any revision or
 9 amendment of **【such an ordinance which affects lands adjoining**
 10 **county roads or other county lands, or lands lying within 200 feet**
 11 **of a municipal boundary, or proposed facilities or public lands**
 12 **shown on the county master plan or official county map】** *those*
 13 *planning and zoning ordinances*. Such notice shall be given to the
 14 county planning board at least 10 days prior to the public hearing
 15 thereon by personal delivery or by certified mail of a copy of the
 16 official notice of the public hearing together with a copy of the
 17 proposed ordinance.

1 8. Section 13 of P. L. 1968, c. 285 (C. 40:27-6.11) is amended to
 2 read as follows:

3 13. The *appropriate* county planning board shall be notified of
 4 any application to the board of adjustment under **【Revised Statutes**
 5 **40:55-39** in such cases where the land involved fronts upon an
 6 existing county road or proposed road shown on the official county
 7 map or on the county master plan, adjoins the other county land or
 8 is situated within 200 feet of a municipal boundary **】** *section 56*
 9 *of P. L. 1975, c. 291 (C. 40:55D-70)*. Notice of hearings on such
 10 applications shall be furnished by the appellant in accordance with

11 **§** P. L. 1965, c. 162 (C. 40:55-53) **§** section 7.1 of P. L. 1975, c. 291
 12 (C. 40:55D-12).

1 9. Section 15 of P. L. 1968, c. 285 (C. 40:27-6.13) is amended to
 2 read as follows:

3 15. Whenever a hearing is required before a zoning board of
 4 adjustment or the governing body of a municipality in respect to
 5 the granting of a variance or establishing or amending an official
 6 municipal map **§**involving property adjoining a county road or
 7 within 200 feet of an adjoining municipality**§**, and notice of said
 8 hearing is required to be given, the person giving such notice
 9 shall also, at least 10 days prior to the hearing, give notice thereof
 10 in writing by certified mail to the county planning board. The
 11 notice shall contain a brief description of the property involved,
 12 its location, a concise statement of the matters to be heard and
 13 the date, time and place of such hearing.

1 10. (New section) Within one year after the effective date of
 2 this act, each county shall adopt a master plan pursuant to R. S.
 3 40:27-2 and, thereafter, shall amend and revise the plan as
 4 necessary.

1 11. This act shall take effect immediately.

STATEMENT

This bill would require every county to form a planning board, adopt a master plan, and would broaden the power of county planning boards to review site plan and subdivision applications.

At present, counties are permitted, but not required to appoint planning boards. The governing body of any county having a county planning board is required to provide for the review of all subdivision applications within the county, but planning board approval is only required for subdivisions affecting county road or drainage facilities. Standards governing planning board review and approval are specifically set forth in existing legislation.

This bill would require every county to appoint a planning board pursuant to R. S. 40:27-1. The bill would also require county planning board approval of all subdivision applications, regardless of the location of the proposed development within the county, and would allow the county greater flexibility in establishing the standards governing review and approval of subdivision applications.

The bill would also authorize counties with planning boards to review and approve site plans for land development which takes place anywhere in the county. At present, the governing body of

any county having a county planning board may only provide for the review of site plans along county roads or affecting county drainage facilities. In addition, the bill would allow the county greater flexibility in establishing the standards which govern the site plan review process.

Finally, the bill would involve the county more directly in the land development process as it affects the county as a whole, and not just county roads and drainage facilities. Specifically, the bill would require all municipalities to provide a copy of all planning and zoning ordinances, and any amendments thereto, to the appropriate county planning board. Any person who submits an application to the board of adjustment regarding land situated anywhere in the county pursuant to section 56 of P. L. 1975, c. 291 (C. 40:55D-70) would be required to provide notice to the appropriate county planning board. Finally, notice would have to be provided to the county planning board by any person who requires a hearing before a zoning board of adjustment or the governing body of a municipality with respect to the granting of a variance or establishing or amending an official municipal map affecting land anywhere within the county.

Although any county which has established a planning board is currently required to adopt a master plan pursuant to R. S. 40:27-2, not all counties have done this. Were this bill to be enacted, every county would be required to adopt a master plan within one year of this bill's enactment, and to revise it as necessary, thereafter.

ASSEMBLYMAN HARRY A. McENROE (Chairman): I would like to welcome everyone to our public hearing, called by me as Chairman of the County Government and Regional Authorities Committee. I am Harry McEnroe, Assemblyman from Essex County. With me is Assemblyman Hendrickson, a member of the Committee who represents Ocean County.

This hearing has been called to accept -- with great appreciation -- comments relative to A-4127, a bill I have introduced. Its intent is to broaden and strengthen the role of County Planning Boards, and to encourage more involvement on the part of counties in site plan review and subdivision applications throughout the State. In our view -- certainly in my view -- New Jersey is the most densely populated State in the Union, with over 7-1/2 million people. It would seem incumbent that we do everything in our power to ensure that the State continues to develop in an orderly manner. As each decade passes, we confront the need for open space and the need for development.

New Jersey is a State which is 35% developed; whereas, our neighboring State of Pennsylvania -- as I understand it -- is only 6% to 7% developed. The State of New York, the largest State in the Union, also has a development percentage of approximately 7%. So, we are a State that requires careful review and orderly development if we are to survive. I believe this bill will not intrude, but rather will promote a greater harmonious relationship between the competing interests in our State. It is not intended to usurp home rule; it is intended to enhance the opportunity for a cooperative effort on the part of everyone in government and in the private sector to work together in order to make New Jersey a better and better place in which to live.

So, we are here to listen. There will be no consideration of amendments today. The bill will be considered by the Committee sometime in the future. Certainly, we are appreciative of your interest in coming before the Committee and offering your thoughts which are certainly welcome. They will be considered very seriously. We will certainly accept thoughts concerning how the bill can be improved and amended, but we are here this morning mainly to ascertain the thoughts of all us who are interested in our State.

We will begin by hearing from the Freeholder from Morris County who called earlier and asked to be heard first. Freeholder Alfonse Scerbo?

FREEHOLDER ALFONSE SCERBO: Gentlemen, my name is Alfonse Scerbo. I am a member of the Morris County Board of Freeholders. With me this morning is our Deputy Director Alex DeCroce. By way of introduction, I want to point out that I have served 22 years in local government, nine in Boonton and 13 in Morris County, with the greater portion of my energies devoted to public works.

I served 10 years on the Boonton Planning Board and two years on the County Planning Board. I only brought that out to point out to you that I have always been a strong, vociferous advocate of home rule, especially in the area of zoning. I firmly believe that decision-making, particularly in planning, works best at the local level. However, over the past few years my dedication to that principle has suffered some severe jolts.

I would like to give you an example. Morris County has adopted a unique 10-year county-wide flood and drain control program, funded solely out of the county treasury to the tune of \$23 million. This program encourages municipalities, on an 85-15, 75-25 split with the county, to solve the small problems which lead into the big flood disasters that we experienced in 1984 and in prior years.

However, we are discovering to our dismay that because the county has little or no power to control municipal developments, many of the projects we have worked on and are working on are defeated by new developments in adjoining municipalities which we are not aware of until it is too late, and they aggravate the situation we think we are correcting.

By extension, we see this same problem surfacing in plans for transportation improvements, water supply, sewerage systems, flood plans, and road projects.

I would like to give you another small example. We had an area in which Morris County was going to replace a bridge. We wished to change the alignment of the bridge to meet a new alignment for a road. However, the developer maintained the road as it was. He didn't

notify the County Planning Board that this was going to happen, and we could not change the alignment of the bridge. We couldn't replace the bridge. It just seems these kinds of things are constantly coming up and they seem to aggravate situations which could be corrected if there were an overall overseer of these problems.

Last week the Morris County Board of Freeholders unanimously endorsed A-4127 and delegated me to ask for your support. Reluctantly perhaps, but our logical conclusion is that County Planning Boards must have broader regional or county-wide powers to influence helter-skelter development that ignores effects on neighboring areas.

We commend your insight in discussing this concept, and we urge your recommendation for passage of A-4127. Thank you very much for permitting me to express Morris County's position. If you have any questions, or if you need further information from us, we would be happy to supply it.

ASSEMBLYMAN MCENROE: Mr. Scerbo, there is a part in the bill which requires that every county have a master plan established within one year of the passage of the bill. Would that present a problem for Morris County?

FREEHOLDER SCERBO: Absolutely not. I believe Morris County and most of the other counties I know of have been working on master plans off and on. We have never, in all honesty, been under the gun to have one. However, I believe if this bill passes and we are given a due date, I think most counties could come up with a master plan without too much trouble.

ASSEMBLYMAN MCENROE: You think that within one year is reasonable?

FREEHOLDER SCERBO: I think so, yes, sir.

ASSEMBLYMAN MCENROE: Okay, thank you. Mr. Hendrickson, do you have any questions?

ASSEMBLYMAN HENDRICKSON: Mr. Scerbo? Freeholder, I'm sorry.

FREEHOLDER SCERBO: That's quite all right.

ASSEMBLYMAN HENDRICKSON: What role do you see the Municipal Planning Boards playing as the bill is presently worded?

FREEHOLDER SCERBO: Looking over these proposals, I don't see any change at all in their present setup. I think the change should be that the county should have a greater overseeing power so if a developer comes in and he is going to— You see, we are only allowed input when it involves a county road or county drainage. If we could have some input into the effect of local development which may not infringe on county roads but which will certainly infringe on a neighboring municipality, I think this would be a big help.

In one way this may seem to infringe on a municipality, but this will help that municipality at another time.

ASSEMBLYMAN HENDRICKSON: How would you address this if a municipality says, "Yes, we think it is good for our town," and the county says "no"? What adjustment would you make? How would you—

FREEHOLDER SCERBO: Well, I thought of that, Assemblyman. I think the Assembly, several years ago, in your wisdom did create a board which oversees its county—

ASSEMBLYMAN HENDRICKSON: Municipal land use?

FREEHOLDER SCERBO: No, it oversees complaints against zoning or the zoning officers. I am embarrassed to say I forgot the name of the board.

ASSEMBLYMAN HENDRICKSON: That's all right.

FREEHOLDER SCERBO: There could be the same type of control. There could be a Board of Appeals, if you will. If there were a dispute between the county and the municipality, this Board could come in, sit, and listen to both sides, and rule on it.

ASSEMBLYMAN HENDRICKSON: Well, at least on county roads at this point, Boards of Freeholders do hear appeals of decisions regarding—

FREEHOLDER SCERBO: Yes. However, generally, by the time they get to us — in all honesty — it is fait accompli. The developer has the blessing of the municipality. As you know, there are time constraints on most of these things, and most of the recommendations of County Planning Boards have very little enforcement power behind them. If municipalities choose to ignore them, nine out of ten times they can ignore them.

ASSEMBLYMAN MCENROE: That is one of the intents of the bill, to evaluate that role.

FREEHOLDER SCERBO: Right. I think if you can create that one level where everyone would have to stop and consider what it is doing to the surrounding area, you will have accomplished a great deal.

ASSEMBLYMAN MCENROE: Thank you, Freeholder. We appreciate your coming before the Committee, and the expression of support of the resolution on the part of your Freeholder Board is certainly appreciated.

FREEHOLDER SCERBO: Thank you very much for your time.

ASSEMBLYMAN MCENROE: We will next hear from the County Executive of Mercer County, Mr. Bill Mathesius. Bill, good morning.

BILL MATHESIUS: Good morning. In lieu of formal testimony, I have prepared a letter to you which comments on a couple of points I would like to bring up. Most of all I commend you, sir, for your foresight in introducing this bill. Your sponsorship displays an uncommon understanding of an extremely critical situation that has cried out for some remedy and has received little or no response in the past. As you drive down Route #1 you know what I am talking about.

I would submit that this bill should not promote a battle between home rule advocates and regional control, or oversight advocates. It can work in a mutually constructive fashion. It has to because there are currently many situations in municipalities in Mercer County and Middlesex County that have reached a crisis point because of what land planners call "negative externalities." When one million square feet of development goes into Plainsboro, for example, it has to affect West Windsor, South Brunswick, and neighboring municipalities. This bill goes some distance to give people, i.e. County Planning Boards, the opportunity to become involved where neighboring municipalities would in effect have no say with Municipal Planning Boards.

In Mercer County I have taken a rather aggressive position. We have sued communities to have the Supreme Court enforce this type of control so that we are permitted to have some say when those negative externalities impinge upon neighboring municipalities. I am pleased to

say that the Supreme Court has elected to hear a petition. In other words, it is another step in the process. I look forward to an affirmative ruling from that board which will help County Planning Boards.

I am concerned that county officials are exempted from service on a Planning Board. I am currently a member of a Planning Board by statute, as is my appointed Freeholder whose advice and consent is obtained from the Freeholder Board. I have appointed a Democrat, Anthony Cimino, and he shares my view that county officials can contribute significantly to the more pragmatic concerns, if not the political and electoral concerns. So, if I were to offer an amendment, I would request that we be permitted to continue service on that Board.

In response to Assemblyman Hendrickson's concern about municipal boards, I see, as does Freeholder Scerbo, no diminution of the effect of a Municipal Planning Board. We, the county, have no desire to become involved in planning and zoning per se, absolutely none. I find service on the County Planning Board to be boring, time-consuming, and headache producing. It is Excedrin headache number 85, but it has to be done.

In my aggressive mode we have undertaken some of the things you have promoted in the bill as to be read into the case law and statutes as they exist today. That is to say, when we on the Mercer County Planning Board perceive that there is an obvious and clear negative effect from a development, we do try to impose certain conditions on the granting of our approval. It does extend it beyond the two primary elements, county roads and water drainage concerns. We say there is a third concern when a negative effect can be demonstrated from the evidence. We then step in and say we have the authority under case law and under a broad reading of the statutes to have some say.

We do not want to take over municipal planning. We recognize the less strident mandates of home rule. In other words, we feel that it is an appropriate home rule decision. But there are occasions—When you drive up Route #1 — and I realize Assemblyman Hendrickson comes from a different direction, but it is seen there also -- and a development is coming in, municipalities tend to lose their home rule

rights and it becomes developer rule, because once a developer has land, there are vested interests which are paramount beyond the ability of the local municipality to change whatever condition exists which calls for change.

So, that is one factor which will promote this bill in order to help local municipalities and their Planning Boards.

I do not want to belabor the point. I do applaud your and Assemblyman Pankok's sponsorship of this bill. I think it is terrific. It goes against the grain of what I think of as strident opposition -- but not fully thought out opposition -- when one comes to look at what New Jersey is today, the most densely populated State in the United States by far. It is not even close. When we take the Pinelands out of consideration, we are 1,000 people per square acre, or some kind of complicated situation, and we cannot tolerate it; we really can't. So I really commend you, Assemblyman. I really hope this bill comes out in some form; anything is better than we have now.

ASSEMBLYMAN MCENROE: Thank you very much. I have one question. As the County Executive in Mercer County, this could cause an increase in the general purpose budget of the county. Can you still support it if we say we need four more planning assistants.

MR. MATHESIUS: I think that would be money well spent. Regarding your question regarding the County Master Plan, we are in the process of adopting a County Master Plan. I think that by this bill requiring a Master Plan to be produced by each county, it will cause each county to assess what it has. Many times this is not done because it is not mandated. When the counties get around to it they do it, but this does promote a tremendously intense interest in looking at Mercer County and actually saying, "look at what is happening here," and, "look at what is happening there." In 1985, this is something every county should be concerned about.

I am not concerned. I would welcome additional planning staff for this purpose, and I would be able to defend that to the people because it would contribute to a beneficial quality of life.

ASSEMBLYMAN MCENROE: I appreciate that very much. Thank you. John, do you have any questions?

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ASSEMBLYMAN HENDRICKSON: Yes. We spoke about County Executives a few minutes ago and you mentioned the Pinelands. I live there, and we are now facing a lot of problems in the Pinelands. This may not seem relevant but it is. I testified to this, not against environmental issues and not about the approach that everything is being blacktopped and we were going to lose everything, which wasn't quite true, but on the side of the municipalities that have lost the ratables which are not going to be replaced. We just went through passing a piece of legislation to help them with their infrastructure, negating the whole confiscation from without. I believe there were approaches to protect the landowners -- the residents.

Ocean County has a Master Plan. Ocean County did go to the full extent of the law and created a County Planning Board. As Mayor for 12 years and as an elected Committeeman for quite some time -- a total of 24 years -- I have lived with it, and I don't see anything wrong with strengthening a municipal land use law which gives leverage regarding the traffic problem between municipalities.

Public hearing are a good direction to go in. I think this is a vehicle that will perhaps address the problem. I am not sure this is the vehicle to use to take care of the problem. We have a Municipal Land Use Law. We have the Hackensack Meadowlands, where there is a combined redistribution, if you will, of the ratables. That is what I really believe in, rather than taking on police power and wielding that like a hammer over the municipalities. At some time, more likely than not, we are going to be getting into loggerheads as to the problem.

The bedroom communities cost us a great deal in our local schools, and we know it is practically impossible for a broad based tax to pick up 100% of the cost -- being logical a few days before election -- to replace our school-educational financing cost. It is very difficult if not impossible.

MR. MATHESIUS: You actually brought up the underlying need and why we are in the fix we are in regarding development. It is simply because of the ratable situation. It is a broad based tax that must eventually be developed by someone better than us, I guess. However, it is much more than a traffic problem. I am sympathetic to

WISCONSIN LEGISLATURE

the municipalities that invite ratables simply because they offset the cost for the residential taxpaying public. They do not, however, fully comprehend the nature of the cost of the ratable.

When we look at the 20-year infrastructure needs and the fiscal needs -- the Mount Laurel needs -- that come along with that ratable, the problem is really a tax question. In the long run a loss occurs, as opposed to an optimum gain when the ratables come in.

I use West Windsor as an example, where they have 36 buildings, 18 of which have been built and 18 are in the process of approval. This exceeds the fire equipment. Now, they look at the ratable as an advantage to offset residential cost, but then they have to get a one-half million dollar fire truck that can get above a fourth floor. Those types of hidden costs cost a township more than the ratable returns.

So, it is deceptive, and I appreciate what you are saying. I have sympathy for the zoning powers of the municipality, but when that million square feet comes into a municipality, the Mount Laurel numbers are changed in neighboring municipalities because of the regional approach taken by the courts. I am against Mount Laurel, by the way, but we have it. Consequently, we pay our prices in varied forms, but we are always paying, and the ratables are not the magic answer.

ASSEMBLYMAN HENDRICKSON: If I may, Mr. Chairman?

ASSEMBLYMAN MCENROE: Go ahead, sir.

ASSEMBLYMAN HENDRICKSON: That's why I addressed the Hackensack Meadowlands. I know exactly what you are talking about. Really, rather than say "invite," I think a better term would be "geographical distribution." I do not think the Mayor is out there running around -- I don't think he has the time, nor does the Town Council -- extending invitations. I think it is the geographical problems we have that are attracting those corridors, i.e. Route #1 and some other areas in the State of New Jersey.

I think we also have to address the Gateway problem in Monmouth County. That is eventually going to be a National Resort, as I see it, in time to come; it is going to be the Gateway for Hancocks. That should be taken care of, but I don't believe it can be done

through a County Planning Board. I think it has to be done more along the lines of the Hackensack Meadowlands. There has to be a distribution, if you will, of the planning, and that will somehow help the distribution of the ratables.

I understand there is industrial and commercial in some areas and there are bedroom communities. In our area, we are talking about \$3,600 to send the average regional student to high school. So, whether we like it or not we are becoming a bedroom community in South Jersey without the advantage of offsetting it through commercial investment.

MR. MATHESIUS: There is no question about it, and that is a tax factor which is very hard to reconcile. We can't do it, but the answer is not to take all of our land and put pretty buildings on it and call it high-tech.

ASSEMBLYMAN MCENROE: Also worth commenting on is the fact that county governments are supported by \$2 billion in tax moneys throughout the State of New Jersey, which is approaching over 20% of the State budget. Counties are very much a subdivision of State government, deriving power from the Legislature and the Administration. So, there is a lot of money being spent by our taxpayers, all in the area of real property taxes to support county governments. So, I think we have an obligation to ensure that they are functioning in an area commensurate with the amount of money being spent to support them.

ASSEMBLYMAN HENDRICKSON: Don't misunderstand me. I agree that something has to be done. I think our contention is with the vehicle used. I commend you and this piece of legislation. I think it has at least brought it into the light of day. I think through these public hearings hopefully we will come up with something that is not going to set the counties and municipalities against each other.

ASSEMBLYMAN MCENROE: That is exactly why we began with a public hearing, and that is why we are encouraged by the Freeholders and County Executives. We are certainly going to have further comment before the day is over.

We thank you. It was good to see you, Bill.

MR. MATHESIUS: I appreciate the opportunity. Thank you very much.

ASSEMBLYMAN MCENROE: Our next speaker is the Executive Director of the State Association of County Officials, Mr. Guy Millard.

GUY MILLARD: Gentlemen, my name is Guy Millard. I am the Executive Director of the New Jersey Association of Counties. The Board of Directors of the New Jersey Association of Counties has not yet been able to formally consider A-4127. Therefore, at this time I cannot state our Association's position on this legislation. However, the NJAC Legislative Committee has reviewed A-4127 and, recognizing the need for regional planning, strongly supports the concept of the bill and believes that the county is the appropriate level for this to occur.

There is a growing awareness of the need for change in the planning process. Land use and development decisions made in one municipality are increasingly affecting other municipalities and often a whole region. If efforts at regional planning are to be at all meaningful, and if attempts at rational, integrated land use planning are to have a successful impact on the growth patterns in our State, then the County Planning Boards, as the logical entity for this responsibility, should be given the statutory authority to carry out these objectives.

A number of county officials who have considered this problem in depth are scheduled to testify before this Committee today. I congratulate you, Chairman McEnroe, and the cosponsors of A-4127 for coming to grips with this critical subject.

We look forward to working with you, your Committee, and the League of Municipalities in attempting to come to grips with this very critical issue. Thank you.

ASSEMBLYMAN MCENROE: Thank you very much. I don't have any questions. It was nice to see you, and thank you for relaying the position of your Association to you.

Our next witness is Bill Dressel, representing the New Jersey League of Municipalities. Good morning, Mr. Dressel.

WILLIAM G. DRESSEL, JR.: Good morning. Thank you, Mr. Chairman. My name is Bill Dressel. I am Assistant Director of the League of Municipalities. I am accompanied this morning by Bruce Schragger. Mr. Schragger is attorney for the Townships of Hopewell and West Windsor in Mercer County.

I appreciate the opportunity to be heard on this legislation this morning. The attached statement you have on A-2147 was prepared by our General Counsel, Fred Stickel, and it expresses the sentiment of the League's Legislative Committee, which recently acted on this legislation.

Due to the fact that Mr. Stickel is unable to attend today's meeting, I would like to read his testimony into the record, and then I would like to make some comments. Mr. Schragger would also like to make some comments.

As I said, Mr. Stickel is General Counsel to the New Jersey State League of Municipalities. He was one of the principal drafters of the Municipal Land Use Law, adopted in 1975, with several revisions thereto. Mr. Stickel practiced law for 45 years, specializing in the field of zoning and land use control. Mr. Stickel is violently opposed to A-4127. If enacted as drafted, it will do more to destroy home rule at the local level than Mount Laurel I and II.

A-4127 is rather cleverly drawn to indicate at the outset a change from the power being vested in a Board of Chosen Freeholders to that of the governing body of each county. However, as the statement attached to the bill indicates, it would broaden the power of the County Planning Board to review site plan and subdivision applications. That statement is the understatement of the year, for what the bill does is to vest complete power in the County Planning Board prior to the approval by the local municipal approving authority, to pass upon every minor or major subdivision application made to the local authority. This power of site plan review is extended to the County Planning Board as well.

There is absolutely no necessity for extending the power of the County Planning Board beyond that which presently exists. When we drafted the present County Planning Act bill in 1968, we fought this

same battle and finally convinced the county that its planning functions, subdivisions, and site plans should be limited to those site plans and subdivision applications affecting county road or drainage facilities. As the present bill is written, the County Planning Board must act on all site plan and subdivision applications prior to any approval of the local municipal authority.

Land use control has been vested in the municipal authority since the Constitution authorized the Legislature to enact enabling legislation granting such power to the municipal authorities. The Constitution does not authorize such power to be vested in the County Planning Board or any county agency.

The Municipal Land Use law enacted in 1975 was the result of five to six years work and it is recognized throughout the State as well as the nation as an outstanding law regulating land use. Assembly Bill 4127 would destroy one of the basic purposes of that Act, namely to speed up consideration and approval of subdivision and site plans at the local level. Specific time limits are spelled out within which the local Planning Board or Board of Adjustment must act on various applications. The way this bill is written, requiring the County Planning Board to act in each instance on every application, these time limits for the municipal authority to act could not be met. This bill also provides for notice to the County Planning Board of all applications to the Board of Adjustment. Again, this will unnecessarily tie up the local Board's action on applications for variances, site plans, or subdivisions.

This section is obviously an attempt to have the County Planning Board act as a super Planning Board or Board of Adjustment overseeing all of the Boards of Adjustment and Planning Boards in their county. This is totally unacceptable and contrary to the established practice in this State and the constitutional mandate.

I would also like to point out to you a very serious defect in the County Planning bill as presently written and proposed. Both the present bill and the proposed bill attempt to give the County Planning Board the right to acquire dedication of additional rights of way for the widening of county roads, but make no provision for the

payment of just compensation to the property owner who is required to dedicate additional land for county road purposes. This is not only contrary to the Constitution of this State and the United States, which requires just compensation when lands are taken by a public authority, but it is also contrary to three rulings decided by unpublished opinions of the Superior Court and Appellate Division of New Jersey.

In conclusion, I strongly recommend that this bill not be released from Committee for any further action on the part of the Legislature. I understand that there is a study underway by certain county planning officials to re-draft the County Planning Act and that they are not the author of this bill. The League and myself stand ready to assist any group or groups who desire to make revisions in the County Planning Act so long as the County Planning Act recognizes that the local municipal authority should and must play the principal and major role in land use control in this State.

That is the end of Mr. Stickel's statement, Mr. Chairman. However, before I defer to Bruce Schragger, I would like to further amplify the last paragraph of Mr. Stickel's statement. The League believes that there are too many overlapping problems of jurisdiction between county and municipal responsibilities and the planning process. The issue needs to be studied. We understand the issue is being studied right now by a couple of groups composed of county officials and others.

I would urge you today to hold this legislation and to consider a resolution authorizing a study commission composed of some of the folks who are meeting independently on this issue, and also League officials, county officials, and, most importantly, representatives from the State agencies -- the Department of Community Affairs, the Department of Transportation -- that have jurisdiction over local planning issues. That is a very important issue and it is one where we have to take a look at the overall implications before we come forth with legislation.

With your indulgence, I would now like to defer to Mr. Schragger.

ASSEMBLYMAN McENROE: Thank you. Mr. Schragger?

BRUCE SCHRAGGER: Thank you, Bill. Mr. Chairman, members of the Committee, I am Bruce Schragger, attorney for West Windsor and Hopewell Townships. I appear here today on behalf of Carolyn Bronson, the Deputy Mayor of West Windsor who called early this morning to tell me that her child was sick and she could not get a baby-sitter. On behalf of the League of Municipalities, I—

ASSEMBLYMAN MCENROE: That wasn't good planning. (laughter)

MR. SCHRAGGER: I have been involved as a municipal attorney for some 18 years, other than for a three-year leave of absence when I brought Bill Mathesius into this County as my first assistant prosecutor. In any event, this is an area we disagree on.

I prepared no formal remarks since Mr. Stickel had done so. I thought I might better respond to questions and give some insight, based on my experiences.

Number one, of course you have the Constitutional disability I would say — Article IV, Section VI, Paragraph II — which states that the Legislature may enact general laws under which municipalities, other than counties, may adopt zoning ordinances, and it goes on from there. So, we have a particular constitutional problem that ought to be reviewed in terms of the breadth of what you are attempting to do here.

Number two, I would say the idea of having a mandated County Master Plan makes a lot of sense. I have argued vehemently with Bill as he brings his law suits against the municipalities on the Route #1 Corridor. It is great to tell us about our planning when you don't a— We didn't have a County Planning Board and no Master Plan.

Number three, I think there are problems we forget about. We have a problem in growth brought about by a suddenly expanding economy. It was not too many years ago when we had a contrasting economy and we just paid off our debt to the government on unemployment. I just think when we look at something, we have to look at what an added bureaucracy will do to the industry, research, and business corporations that are coming into New Jersey if they know they will have this additional level of bureaucracy? It is easy to say in a good economy, "We don't have to worry about it." Hopefully, it will remain this way, but none of us are soothsayers so we cannot say that.

Number four, the bill does not address inter-county issues and how to resolve them. Assemblyman Hendrickson has come up with some suggestions, but certainly the Route #1 Corridor is not addressed by this bill because it is allegedly a Middlesex-Mercer County issue.

Number five, the bill does not address the time constraints placed on municipalities. As some of you who were here will recall, those time restraints were really brought about through pressure by the business community which felt that local governments were not responding rapidly for whatever reason -- some good, some allegedly bad. This adds to that particular problem.

The ratable issue has been discussed. A great percentage of the ratable does go back to the county and can be used to support the infrastructure that Bill is so concerned about.

The bill does not address the issue of whether or not there would be any preemption. Normally, courts say that higher government's activity preempts a lower government's activity.

The bill does not address standards. It leaves standards very open; whereas, in the Local Municipal Land Use Law standards and the authority of the agency are fairly specific. They seem to be very general in this bill, and the conflict is obviously not addressed.

If zoning is a local problem, and if it is a tax problem, this bill does not address it.

Bill did use, in his normal way, the term "negative externalities." If the issue is "negative externalities," which I assume is the effect on roads, drainage, and other infrastructure beyond a building or a development on a county highway, that is something that may very well be addressed.

All of us are concerned. West Windsor is particularly concerned about what is going on. If you look at the West Windsor ratables with the lack of what we think of as minimum coverage, you say, "Is that good planing?" You then go up or down the road and say the same thing. Who is at fault? The Department of Transportation, as an example, has permitted curb cuts for all of these areas. I think Mr. Dressel's earlier comments regarding the ability to draft something which requires action and interaction on the part of all these groups were very important. Without that, you are really nowhere.

Going back to negative externalities, if the issue is who pays for the drainage that is a block away and is being affected by the development and its county drainage, then the legislation — as in the Municipal Land Use Law — should have a provision for what is in effect "off-track improvements."

I am concerned that this is a piece of legislation which has been drafted in good faith in an attempt to resolve a serious problem in certain areas of the State, which may become more serious in other areas of the State as we continue to grow. But, a bill of this kind must take into consideration both the constitutional issue and the issue of bringing together all agencies which have jurisdiction. For instance, the Department of Community Affairs has jurisdiction over certain large-sized residential developments, and over condominium and cooperative developments. My concern is, this bill does not do this, and without looking at the whole picture and coming up with a package which takes care of everything, not only do you lose the great local control issue, or home rule issue, you also lose the chance and ability to adopt something, even though it may not be as expeditious, that may really look at this problem and come up with a real solution.

I will try to answer any questions you may have, Mr. Chairman.

ASSEMBLYMAN MCENROE: Mr. Schragger, in Mr. Stickel's prepared statement, delivered by Mr. Dressel, in the first paragraph he mentions his involvement as a—

Good morning, Assemblyman. Assemblyman Vanieri has just joined us.

ASSEMBLYMAN VANIERI: Good morning.

ASSEMBLYMAN MCENROE: Mr. Stickel refers to the adoption of the Municipal Land Use Law in 1975, and then he refers to several revisions thereto. Do you recall when revisions were made, or when the most recent revisions were made?

MR. SCHRAGGER: The last revisions were made about a year or two ago.

MR. DRESSEL: I believe it was 1982.

MR. SCHRAGGER: There are some which are presently going through the legislative process.

ASSEMBLYMAN McENROE: Are any of them related in a sense to this subject or concept?

MR. SCHRAGGER: Well, they are not addressing the power of the counties, no.

ASSEMBLYMAN McENROE: But, are they addressing the need for intergovernmental responsibilities and cooperative efforts in any way?

MR. SCHRAGGER: Not to my knowledge, not specifically.

ASSEMBLYMAN McENROE: Do you have any questions, John?

ASSEMBLYMAN HENDRICKSON: Testimony given by the County Executive brought up the subject of a fire engine. In my experience -- and I will mention the development because it has since had problems, it is Eagle Point-- The developer at Eagle Point was requested to increase and, in fact, double open space for recreation and also fire stations, and he did it. So, I believe there is leverage out there right now which allows for the municipalities to at least address their fire concerns. I would not want that brought in now as a problem in planning when we can address the issue of fire engines. I just add that to my other testimony, that's all.

MR. SCHRAGGER: I can speak to that. You know, the volunteer fire department has been seeking a hook and ladder for years, long before the development started, and a study was undertaken. A determination was made to purchase one. I think we have one that goes five stories high, which takes in West Windsor Township. This is not an unreasonable height limitation. We have all the built-in new controls for fire now which, as you have probably heard, most of the local officials are very concerned about, but they do exist.

West Windsor, on its own, has adopted what is known as a Transportation Improvement District. We feel it is valid and constitutional. Some of the developers have questioned that, and it is an area that might be clarified in the Municipal Land Use Law. In effect the town has said, "We are putting up \$10 million towards improvements of not direct roadways but indirect areas that are going to be affected by your development. We are requiring you as a developer to contribute your fair share in accordance with a formula that looks at the traffic which will be generated by you."

So, there are ways this can be done. It could be put into the Municipal Land Use Law as a requirement. Consideration can be given to county roads, and the county can be given the opportunity at that point to be heard.

ASSEMBLYMAN MCENROE: Thank you very much. We appreciate your coming before the Committee and offering your comments.

MR. SCHRAGGER: Thank you.

MR. DRESSEL: Thank you, Mr. Chairman.

ASSEMBLYMAN MCENROE: I just want to inform Assemblyman Vanieri that we are taking testimony at the public hearing portion of our Committee meeting relative to A-4127. We have heard from Freeholder Scerbo of Morris County. We have heard from Mr. Mathesius, the County Executive of Mercer County. We have heard from Guy Millard, the Executive Director of the Association of Counties. And, we have just heard from Mr. Bill Dressel, accompanied by Mr. Schragger, representing the League of Municipalities. Mr. Schragger is the municipal attorney of West Windsor Township.

At this time, I would like to welcome Mr. Anthony Pizzutillo, representing the New Jersey Builders Association. Good morning.

ANTHONY PIZZUTILLO: Good morning, Mr. Chairman and members of the Committee. I would just like to make a brief statement with regard to A-4127.

The New Jersey Builders Association predominantly represents residential developers, but it also represents commercial and industrial developers. In reviewing A-4127, as so many of the past speakers mentioned, we believe it is well thought-out and that it was drafted in good faith. Basically, the concept was drafted in good faith; however, the process of developing a County Planning Board that is empowered to review all subdivision and site approval applications, would really be creating another layer of bureaucracy; a layer which we feel would only cause an additional excessive burden to the developer in providing a ratable in a particular area.

In the case of residential development, there is existing documentation that does prove that delay and over-regulation does transform into higher prices to the consumer for housing. This is of

great concern to us, especially in this State where we are concerned with affordable housing.

Again, we feel that this additional layer of bureaucracy would be a problem even though we believe the regional planning concept is a sound one. We suggest and recommend to the Committee that they work with a legislative study group which would look at this issue, and also the concerns the Governor has brought up, as well as those of the Legislature, through the Statewide Planning Commission Bill that Senator Stockman has introduced. We believe this is the process that has to be taken in order to look at the problems which transcend municipal interests, such as infrastructure.

We would like to work with you on that, but we would also like you to consider the practicality of implementing a bill such as A-4127, which has been brought up here today, insofar as the County Planning Boards having to review and file requests which presently go through municipalities. For instance, the Middlesex County Planning Board, which is probably one of the better Planning Boards in this State — it has a sophisticated staff and resources available — has four planners on staff that review subdivision applications. With 25 municipalities funneling their applications through the County Planning Board, we see delays that would prevent municipalities from meeting their time restrictions established in the Municipal Land Use Law.

I have heard that the Woodbridge Township Planning Board meets weekly to review applications. Magnifying that through a growth area such as Middlesex County would show you the practical problems that would exist with the implementation of such a law.

Bergen County, for instance, has 70 municipalities. What are the staffing requirements that would be necessary, and where would those funds come from, especially since county budgets are restricted under the cap law.

So, these are the concerns we see with this bill regarding the practicality of implementing it. Again, as I stated, we feel the concept is an important one which needs to be considered as New Jersey evolves.

Basically that is my statement. I would like to leave you with my statement on record, and if there are any questions I would be glad to answer them.

ASSEMBLYMAN MCENROE: Thank you, I appreciate your thoughts. I really do not have any questions. I do recognize your concern and I appreciate the comments you made relative to the potential for an increase in single family dwellings for the consumer. But, again, it is a matter of concern to us. We are addressing the constitutional questions. We are reviewing that. It was brought to our attention by Mr. Schragger.

However, I assure you that we intend to work cooperatively and look at the entire picture before any motion is made to release or report the bill favorably from the Committee.

We hope you will provide us with further information and input. We understand and appreciate some of the frustrations felt by the private builders in our State relative to our concern regarding environmental and planning matters.

I assure you that your position will be evaluated very carefully.

MR. PIZZUTILLO: Thank you for your time.

ASSEMBLYMAN MCENROE: Thank you.

We are going to convene our regular meeting very shortly, but at this time we are going to hear from Mr. Fred Soljic, President of the County Planners Association.

Mr. Soljic, on your left is Assemblyman Anthony Vanieri and on your right is Assemblyman Hendrickson. We are happy to see you here this morning.

FRED SULJIC: What I am going to do this morning, gentlemen-- Please excuse me, I have had a terrible cold for the last week. The Executive Committee of the New Jersey County Planners Association, which as nearly 300 planners -- some of which are licensed; some are not, but they have experience and education behind them -- met this past Friday. We found out about a week ago about Assembly Bill 4127. What I would like to do is to indicate for the record that within the next day we will give you a typed copy of what I am presenting, because this has been written up since we met in Freehold late Friday afternoon.

ASSEMBLYMAN MCENROE: You have our Committee aide, Ms. McNutt's address?

MR. SULJIC: Yes, and we will pass it on to her.

I will read from my statement, and then respond to some of the statements made by previous speakers this morning.

Before I do that, I would like you to know that as the President of the County Planners Association -- 1985 is my term as President-- We have almost 300 planners, and the Association consists of all the County Planning Boards and their staffs. As you well know, there are two counties that do not currently have staffs, and their duties have been delegated to the County Engineer's office as they relate to transportation, site plan subdivision, and what have you.

There are 19 other counties that do have full-time staffs. They are known either as the County Planning Board staff or, as is the case with Sussex County and others, the Planning Department, planning conservation and economic development. We are the staff to not only the Board of Freeholders and the County Planning Board but also to the 208 Water Quality Advisory Committee, the Solid Waste Advisory Committee and the Agricultural Development Board in the counties that have them as we do in Sussex and in at least nine or 10 of the other counties.

ASSEMBLYMAN MCENROE: Are you making your statement now?

MR. SULJIC: I am starting now, yes.

ASSEMBLYMAN MCENROE: Okay. Thank you. Are you from Sussex County?

MR. SULJIC: I have been the Planning Director of Sussex County for the past eight years.

ASSEMBLYMAN MCENROE: Thank you.

MR. SULJIC: The New Jersey County Planners Executive Committee recently met to review Assembly Bill 4127. We have some general comments which we wish to present to you, but we know that most of the County Planning Boards are still reviewing Assembly Bill 4127. By the way, most of the counties do have some studies or plans that could very easily, within a year's time -- possibly no more than 18 months -- be put together.

In Sussex County we do have a Land Use Plan and a Housing Allocation Plan that was done in 1978, and was further updated with our 208 Water Quality Management Plans. In addition, as six other counties which have 208 Water Quality Management Plans themselves.

For the past year much has been discussed about the need for regional planning and implementation. Local planning and zoning issues, such as land use, transportation, housing, storm water, historic preservation, water resources, solid waste, economic development, and community development are no longer local problems. Such problems are regional in nature and there are simply not enough resources at the local level alone to begin to address them.

Counties are one of the more appropriate levels of government to implement solutions to these problems, and we are an extension of the State government. More importantly, we do work very closely -- as is the case with many of our counties -- with our local municipalities.

The New Jersey County Planners therefore wholeheartedly support your Committee's work on A-4127. The Fair Housing Act of 1985, Storm Water Management Plans, 208 Water Quality Plans, the expected passage of Senate Bill 1464, and the State Planning Commission, are examples of legislative intent that recognize the importance of regional planning and the role of County Planning Boards.

Specifically, every county forming a Planning Board and adopting a Master Plan with voting power for County Planning Boards to review all site plans and subdivisions is definitely an improvement. Most of us do it now. Most of us have off-track improvement standards that we apply. In our case, in Sussex County, we review all site plan subdivisions. We feel that is within our purview.

We feel that the existing legislation we are currently working with has become terribly outdated since 1968. The Municipal Land Use Law is continually being subjected to some sort of amendment during almost every legislative session.

Assembly Bill 3150, which has been pending since January -- the beginning of this year -- talks about an August 1, 1988 deadline date for reexamination of the Local Master Plan. As it relates to counties, we would think that there should be at least a 12- to

18-month deadline prior to that in order to have a County Master Plan prepared, recognizing that we can probably do that—

ASSEMBLYMAN MCENROE: I have just one quick question. In your county, your Planning Staff evaluates subdivision and site plan review.

MR. SULJICK: That's correct.

ASSEMBLYMAN MCENROE: Do you do that on the opinion of your County Counsel?

MR. SULJICK: We do that on the opinion of our County Counsel and our Planning Board Counsel, as well as other counsels simply because the Municipal Land Use Law has been amended so many times there is a tremendous gap in between the two pieces of legislation. In the case of suburbanizing and rural counties, we have to make those interpretations. If you look at Somerset, Bergen, and Atlantic Counties, you will see that they have off-track improvement. They even ask now for escrow funds from developers, much as the Municipal Land Use Law does. In many cases, legal concerns indicate to us that we should promote that idea in this area.

Another problem is the 30-day review. Most of the County Planning Boards have agreed in giving advice to their staffs and to the Association that we ought to increase that 30 days to possibly 45 and no more than 60. That would still be within the purview of many of the applications that are now required under the Municipal Land Use Law for site plans and subdivisions.

By the way, the Municipal Land Use Law indicates that if the Town Planning Board does not have a review by the County Planning Board it can still condition that preliminary site plan or preliminary subdivision review. In most instances we are able to perform that.

The 30 days is a little short, but we do not recommend 90 or 120 days; we recommend something in the area of 45 to 60 days. That is a very practical time frame to follow.

Also, with regard to 4127, it does not now, as presented and written, have a Freeholder sitting on the County Planning Board. We would ask that you retain at least one Freeholder on that Board. We would leave it up to the New Jersey Association of Counties as to whether there should be two or more Freeholders.

In the case of Sussex, Warren, and Hunterdon Counties, which only have three-member Freeholder Boards at this point in time -- and probably for the next few years -- we have two out of three Freeholders sitting on the County Planning Board. This has not presented any problems for us; in fact, it has strengthened the Boards. But, because most of the other counties have five, seven, or nine members-- And I used to work for Hudson County where there were nine members, and there still are today.

ASSEMBLYMAN MCENROE: I am glad to hear elected officials don't create any problems.

MR. SULJIC: In fact, it just gives much more support to capital improvement programs and things of that nature. Also, transportation improvement plans and development plans are very important, because from Ocean County up to Sussex County -- which is the 11-county area under the North Jersey Transportation Coordinating Council -- all transportation projects emanate from the county following numerous discussions with the municipalities which put them on the TIP, or Transportation Improvement Program. That is very important for Water Quality Plans because they are much stronger than County Master Plans. Since they are signed by the Governor, we feel things of that nature need to be reviewed.

In conclusion, we support 4127, but we think it is very timely to set up a task force or a committee to work with this Committee. That body would involve the League of Municipalities, the Association of Counties, the Federation of Planning Officials, the County Planners Association, the Alliance for Action, the homebuilders, possibly the New Jersey Association of Environmental Commissions, the NJDEP, and the DOT. The NJDEP -- the Department of Environmental Protection -- is probably the largest land use regulatory agency in this State, or probably in most states, and probably larger than it wants to be. We know from talking to the DEP on everything from water quality, groundwater discharge permits, and county health acts that they would like to see responsibility for these programs given back to the counties.

When we talk about not having enough staff, I don't know if that is really true because in our case we have 12 people and we do economic development, water quality, solid waste, and planning for the County Planning Board. I know other counties that get many more grants than we do from the Federal and State governments have 20, 25, 30, or 40 people.

But, in terms of having a County Master Plan, most of us already have those studies and documents in hand. So, we would ask that you continue this, especially in light of Senate Bill 1464, the State Planning Commission Act, which we expect to come about -- the Fair Housing Act, Chapter 222, is dependent upon it. We think it is very timely that in the next one, two, or three months you continue these hearings. The New Jersey County Planners Association would be very willing to help your Committee with preparing any necessary modifications.

We are waiting in the wing, so to speak, to give you any assistance you may need. Thank you.

ASSEMBLYMAN MCENROE: Thank you, we appreciate your positive response. Are there any questions from the members of the Committee? (no questions) Thank you, Mr. Soljic.

Oh, there is just one question from Mr. Hendrickson.

ASSEMBLYMAN HENDRICKSON: Do you feel strongly that the Municipal Land Use Law could not be updated and perhaps strengthened to take on some of the action we are all worried about rather than making the county a super agency?

MR. SULJIC: Well, the county has never really been a true super agency. The Municipal Land Use Law indicates in its amendments that notices have to be sent to the County Planning Board, and things of that nature.

But I want you to understand that the majority of the counties are suburbanizing and rural, and in our case 24 towns rely quite heavily-- Tonight we teach a course on how to write a Master Plan. We use consultants from around the State. We charge a very nominal fee. We tell them the do's and don'ts of reexamination reports. We have worked with the Federation of Planning Officials. I

don't think the Municipal Land Use Law gets eroded whatsoever, and it does not make the county a super agency. It just basically reestablishes it as an agency that works in cooperation with them.

ASSEMBLYMAN HENDRICKSON: What I said was, couldn't we strengthen the Municipal Land Use Law to address some of this rather than make counties into planners. I am from the County of Ocean, so we have an excellent Planning Board. We do the reviews. I am sure you are familiar with Steve.

MR. SULJIC: Oh, yes. Steve sits on our Executive Committee.

ASSEMBLYMAN HENDRICKSON: We do that with the municipalities already.

MR. SULJIC: I think the way it is going with two different laws, if you felt you could really do that Municipal Land Use Law— But that has always been geared toward the municipalities, and because of home rule and 567 plus municipalities, I don't think the Municipal Land Use law can do it. The legal advice we have always gotten is to operate under two different acts. So, I think strengthening the County Enabling Act certainly does not mean that we are eroding or taking away any powers from the municipalities. In many cases they rely upon us for the ratables — for the resources — and we have no problem with sharing that.

Sometimes it is hard to get towns to come out when we are trying to discuss an issue, unless of course it is a landfill or something of that nature.

ASSEMBLYMAN MCENROE: Thank you very much.

I would now like to call Tracey DeSarno, Legislative Liaison from Essex County.

TRACEY DeSARNO: Thank you, Mr. Chairman.

ASSEMBLYMAN MCENROE: I am sure you are familiar with the members of the Committee.

MS. DeSARNO: Yes.

I would like to offer Essex County's strong support for Assembly Bill 4127. Some may interpret the proposed changes as according more authority to County Planning Boards; however, our interpretation is that A-4127 helps to provide some long awaited tools

that will allow planning to take place in a comprehensive manner rather than through of a piecemeal approach involving plans that impact county infrastructure or other structures.

The extent to which development is taking place throughout most of the counties in New Jersey, as well as the wide range of accompanying impacts, requires that Planning Boards be kept abreast throughout their entire respective counties and not just along county roads.

The proposed changes also tend to make county planning legislation a little more consistent with the Municipal Land Use Law, which is a more modern piece of legislation.

Our Planning Directors reviewed the legislation, and they have some minor amendments to add. I have submitted these amendments to you, so I do not think there is any reason to go into them now.

ASSEMBLYMAN MCENROE: We appreciate that, and we appreciate your comments regarding consistency in planning. I think that is one of the major intentions of the legislation.

Are there any questions from the members of the Committee? (no questions) Thank you, Ms. DeSarno.

We have a few more people to be heard. We will now ask Kellogg Birdseye, Chairman of the Land Use Subcommittee for the League of Municipalities. Sir, do you wish to be heard?

KELLOGG BIRDSEYE: Yes, sir. Mr. Chairman, members of the Committee, I am Kellogg Birdseye, Chairman of the Land Use and Community Development Subcommittee of the League of Municipalities Legislative Committee. Thank you very much for this opportunity to testify.

As you know from the comments made and the testimony which has already been given, this legislation rearranges the role of municipal planning vis-a-vis county planning, and the League of Municipalities is unalterably opposed to it.

The League's Legislative Committee voted unanimously to oppose the bill because it feels that the effect of this legislation is contrary to the State Constitution, Article IV, Section VI, which clearly places land use administration in the hands of the municipal officials.

Aside from the questions of constitutionality, the Legislature Committee sees no reason why counties should be brought into the planning process as intensely as required by Assembly Bill 4127. Land use administration in New Jersey is, by and large, the highest quality and cultivates sound municipal planning and growth. Communities throughout the State utilize the current Land Use Law to preserve, promote, and assure the character of their jurisdictions; a character which is, in effect, the expression of local voters and resident taxpayers. The creation of a new land use authority, removed from this vital local control and influence does a serious injustice to current processes and operating procedures which have evolved over the years under the scrutiny of local officials, the Legislature, and the courts.

Notwithstanding these criticisms of Assembly 4127 made by my Subcommittee and the entire Legislative Committee of the League, they feel that all counties ought to adopt Master Plans and that the standard for county review of municipal subdivisions, as they impact traffic flows on county roads, ought to be further reviewed. As Chairman of the Subcommittee, let me make known its willingness to assist in this review.

Also, may I second the suggestion made by Bill Dressel when he testified regarding the formation of a commission to review the entire legislative problem? Needless to say, our Legislative Subcommittee would be more than delighted to cooperate in any way we can. Thank you for this opportunity to speak.

ASSEMBLYMAN MCENROE: Thank you very much, sir.

I will make one comment. On page 2 of your statement you refer to the creation of a new Land Use Authority. I really did not intend through my sponsorship of the legislation to create another authority. I am really trying to offer a circumstance where there can be a greater level of cooperation from, and further involvement of counties.

I don't disagree totally with your comments regarding the creation of a particular authority, but as I see it, this should be a partnership between municipalities and counties.

MR. BIRDSEYE: I think I can speak for most of the Committee members when I say that they agree with that as a general principle. Again, I would endorse the thought that Bill Dressel advanced, that a commission with broad representation focusing on this problem would probably make some very worthwhile and constructive additions to the present legislation.

ASSEMBLYMAN MCENROE: Please express our appreciation to your Subcommittee. We look forward to further input from the League and its Subcommittees, and stand ready to consider any amendments or further review of the bill. Thank you.

Are there any questions from the members of the Committee?

ASSEMBLYMAN HENDRICKSON: I would just like to state that I agree with you, Mr. Chairman. I don't think we need another authority, but I do think we need more hearings on this particular vehicle in order to help everyone.

MR. BIRDSEYE: I think the commission idea offers a very good, sound, constructive approach.

ASSEMBLYMAN MCENROE: Thank you, sir.

May we now hear from Lynn Beer, representing the New Jersey Federation of Planning Officials? Good morning, Ms. Beer. It is nice to see you; however, we do have some time constraints so please make please make your statement brief.

LYNN BEER: I will be brief, Mr. Chairman.

ASSEMBLYMAN MCENROE: We appreciate it.

MS. BEER: In fact, I will send a written report of my revised statement, because much of what I would have said will be redundant.

My name is Lynn Beer. I am the Executive Director of the New Jersey Federation of Planning Officials. The Federation membership is made up primarily of local planning and zoning boards throughout the State of New Jersey. In addition to that, I happen to be Chairman of a local Planning Board in Bergen County.

While we feel this issue needs to be studied and that it is an idea whose time is right, the Federation would like to go on record as being opposed to A-4127 as it is presently drafted.

We do support the idea of a county having a Planning Board. We also support the idea that every county should have a well developed Master Plan. As a local Planning Board Chairman, I support that idea very strongly.

We also support the concept raised in the bill, that the time is right for county jurisdiction to go beyond just having subdivision and site plan applications for projects that touch on a county road or affect the drainage. However, we do have concerns, and at this point we cannot support the right of review and approval of all subdivisions and site plan applications. We would like to suggest some other type of language that might deal with size, the amount of parking, or the size of a parking lot.

We feel it is important for the county to have the right to review and perhaps make recommendations regarding site plan and subdivision applications.

We have a concern about the time frames, and many people have gone into that subject today. We certainly feel that the time frames in the Municipal Land Use Law constrain some of us that have very large site development applications. We are unalterably opposed to adding 30 days, particularly if that approval is prior to the local approval; however, we would favor simultaneous application, where we could work with the county. In conjunction with some strengthening of the County Planning Act we would like to see some of the concerns you have placed in the Municipal Land Use Law — the State law which governs our local Boards.

We are concerned as to how this bill may affect the recently enacted Housing Act, and the State Planning Commission Bill which has passed the Senate and is awaiting Assembly passage. We would urge, as did Mr. Dressel and Mr. Birdseye, the establishment of either a study commission, a committee, or working with some of the independent organizations that are already looking at this item. This group could be made up of State, county, and local officials, who would perhaps have some input in drafting a bill that would answer some of the questions raised by the five or 10 people who spoke prior to me.

ASSEMBLYMAN MCENROE: Thank you very much. We appreciate your comments.

I am now going to recess this public hearing for 15 minutes. We reconvene at 10 minutes before noon. We are doing this to accommodate the schedules of my colleagues. Both of them have prior appointments which make it necessary for them to leave us.

We will now convene our regularly scheduled meeting in order to give consideration to part of our published agenda.

RECESS

AFTER RECESS:

ASSEMBLYMAN MCENROE: We are reconvening to consider further testimony on A-4127. Is there anyone present who wishes to speak on this bill?

Sue Covais?

SUSAN COVAIS: I have a statement with me and I would like to have it made part of the record.

ASSEMBLYMAN MCENROE: Okay, we will make it part of the record.

MS. COVAIS: I just want to make a few quick points on the bill. My name is Sue Covais, and I represent the New Jersey Association of Realtors. We have 30,000 members, and we are opposed to Assembly Bill 4127.

I was listening to the other testimony and made a couple of notes. The way the Association sees this, there are two assumptions regarding this bill. One is that the county is going to be the planning body. Some of the testimony I heard leads me to believe that the county will be the final word. As far as we are concerned, we are not really sure who is going to have the final word.

Another assumption is that it will control development. I am not sure that is going to happen in the future, and I don't think anyone can really see that. One of the questions I have is, if the County Planning Board is going to control development, then what is the purpose of the Municipal Planning Board? In other words, suppose they both agree that there is going to be no more development? I don't

think anyone can see into the future, nor predict what is going to happen.

One thing we can see is due to this bill, there are going to be two layers of bureaucracy when a developer goes for a subdivision. Basically, as I see it, the bill doesn't change the planning process for a subdivision that is being reviewed; it adds another level on top of the process. If there are problems with the Municipal Planning process, it adds another whole level which is basically identical. This is not going to solve problems. We think it is going to create confusion, additional cost for the taxpayers in the local municipalities, and also for a person who is going to buy a home from a developer. If the developer is going to have to pay more money, he is going to have to pass it on to someone, and we all know it will get passed on to the homeowner.

Another question that has already been brought up is, who has the final say? On page 3, Section 4C-- Section 4 actually talks about the county: "...will review and approve all subdivisions," etc. What could happen as a result of Section C is that if a county feels that a development will significantly affect the traffic flow on a road that does not abut the county, it could deny approval of that subdivision. Where does the developer stand at that point? What happens if the municipality says yes and the county says no?

These are the basic problems we see and that is why we oppose the bill. If you have any question, I would be glad to answer them.

ASSEMBLYMAN MCENROE: Thank you. I think you are the third or fourth person to comment on an additional layer of bureaucracy. You have it in your formal testimony, and I appreciate that. However, I really do not endorse that idea because I feel that we are intending to improve -- if not streamline somewhat down the road -- the planning process. I appreciate the concern of the realtors because they are often over regulated. Their concern and opposition is, frankly, of paramount interest to me because I do not want to sponsor a bill which inhibits the development of our residential area or our commercial opportunities.

So, I want you to know that realtors will have the opportunity to refine the bill. I assure you that I do not intend to create another layer of bureaucracy.

I think I raised this very early in the hearing. I am concerned with the potential for an increased load due to the additional personnel that might be needed in the area of planning, but that might be a small price to pay for an improved quality of life in the residential areas of the State.

So, we have your comments. We appreciate them, and we are going to make them part of today's record. You may assure the Association that their concerns are important to me, to my cosponsor, Mr. Pankok, and to the members of this Committee.

MS. COVAIS: Thank you, Mr. Chairman.

ASSEMBLYMAN McENROE: We also have listed as potential speakers Ms. Carolyn Bronson, Deputy Mayor of West Windsor. Is Ms. Bronson here? (no response) She is not here at this time.

Is Mr. Clark, Monmouth County Planner, present? (no response)

I know Mr. Hamill was here. He represents the Somerset, Mercer, and Middlesex planning officials. He is not present at this time, but I am sure he will offer input and comment regarding the legislation.

Is there anyone else in this room who wishes to be heard? (no response)

Before I close this hearing, I want to thank our aide, Ms. McNutt and the minority aide, Mr. Harkness, for joining us. I would also like to offer my appreciation to the other Committee members who joined us for this hearing.

The hearing is now adjourned.

(HEARING CONCLUDED)

APPENDIX



NEW JERSEY ASSOCIATION OF REALTORS®

EXECUTIVE OFFICE: 295 PIERSON AVENUE (201)494-5616
MAILING ADDRESS: P.O. BOX 2098, EDISON, N.J. 08818

October 28, 1985

TO: MEMBERS OF THE ASSEMBLY COUNTY GOVERNMENT
AND REGIONAL AUTHORITIES COMMITTEE

RE: ASSEMBLY BILL 4127: "An Act concerning county planning."

The 30,000 member New Jersey Association of REALTORS is opposed to Assembly Bill 4127.

A-4127 would impose an additional layer of bureaucracy on the planning process that will not only be costly to the taxpayers, but to owners of real property and consumers in the housing market as well. We believe that the costs of housing and other real estate sales will increase due to the added cost of the County Planning procedure mandated by this bill.

If the sponsors feel that the present system where the municipalities control to a large degree what happens in their area is deficient, A-4127 is not a cure but rather will only serve to compound the problems. If problems on the municipal planning level are perceived, adding an additional planning body with the same purpose is redundant and will be costly to the taxpayers. This bill will not, in effect, alter the factors a municipality looks at in making its determination for approval of a development project. Rather, it will only add the County to the same process which will lead to bureaucratic delays for developers and will create confusion about who has the final say regarding subdivision approvals.

New Jersey should have learned by now that regulation for regulation's sake does not work, rather it is an impediment to good government and equitable economic development.

NJAR feels Assembly Bill 4127 is a property owner's and businessperson's nightmare. For example, it would be possible to secure local approval for a subdivision only to find that the County Planning Board, exercising the authority in A-4127 (Page 3, Section "4(c)", lines 23-26), decides that in its opinion the SUBDIVISION SIGNIFICANTLY IMPACTS THE TRAFFIC FLOW ON A COUNTY ROAD WHICH DOES NOT ABUT THE SUBDIVISION, AND, THEREFORE, TURNS DOWN THE REQUEST.

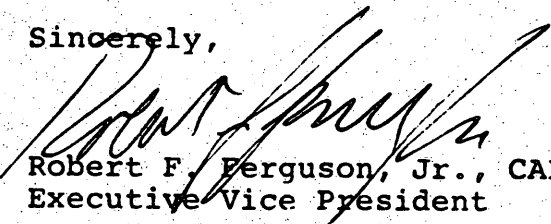
In a sense, A-4127 places the property owner in "double jeopardy".

A-4127 is a bill which will impede the housing development industry in this state along with adding costs to the taxpayers because it creates a double layer of bureaucracy where no one is sure who has the power to approve or disapprove a subdivision on a property.


New Jersey's municipalities do not need a bill like A-4127. Please vote against releasing this bill from committee.

Thank you.

Sincerely,



Robert F. Ferguson, Jr., CAE
Executive Vice President



Susan Covais
Government Affairs Director

/sc

MORRIS COUNTY BOARD OF CHOSEN FREEHOLDERS

Director

Patric J. Hyland

Deputy Director

Alex DeCroce

Carol J. Rufener

Frederick W. Knox, Jr.

Walter J. Luger

Alfonse W. Scerbo

Carol J. Murphy

**County Counsel**

Armand L. D'Agostino

County Administrator

Fred J. Rossi

Clerk of the Board

Virginia Shea

October 25, 1985

To Whom It May Concern:

This is to advise that at the regular Freeholder Meeting on October 23rd, Freeholder Alfonse Scerbo made a motion to support Assembly Bill 4127, which would give increased powers to the County Planning Boards.

This motion was seconded by Freeholder Alex DeCroce and passed unanimously, with seven Yes votes.

The Morris County Board of Chosen Freeholders urges legislative support for A-4127.

Sincerely,

Virginia Shea

Clerk of the Board

VS

3x

