

New Jersey Planning Law Review

April 10, 2010

NJAPA

The State
Development and
Redevelopment Plan

Thank You Brent Barnes

- He graciously supplied me with this powerpoint which is somewhat altered from its original form.
- The presentation will be available at <http://www.njlocator.com>, which will be listed again at the end of the presentation.

New Jersey Planning Law: Foundations: The SDRP

State Planning Act

- The New Jersey State Planning Act (NJSA 52:18A-196 et seq.) was adopted by the State Legislature in 1985 in response to Mount Laurel II (Fair Housing Act, NJSA 52:27D-301 also passed in 1985)

New Jersey Planning Law: Foundations: The SDRP

- The State Planning Act does *not* apply (NJSA 52:18A-206) to lands within the federally designated Pinelands (see Pinelands Protection Act, NJSA 13:18A-23 et seq.), the New Jersey Meadowlands (Hackensack Meadowlands Reclamation and Development Act, NJSA 13:17-1 et seq., coastal area (Coastal Area Facilities Review Act, NJSA 13:19-1 et seq.) and now the New Jersey Highlands Preservation Area (Highlands Water Protection and Planning Act, NJSA 13:20)

New Jersey Planning Law: Foundations: The SDRP

State Planning Act: Fundamental principles:

- a reasonable balance between public- and private-sector investment in infrastructure, which is key to the fiscal health, economic prosperity, and environment of the state;
- coordinated planning between the state and local governments, which can ensure that economies, efficiencies and savings are achieved regarding public- and private-sector investment in the state;

Continued...

New Jersey Planning Law: Foundations: The SDRP

State Planning Act: Fundamental principles:

- revitalization of the state's urban centers, necessary if all New Jersey citizens are to benefit from growth and economic prosperity;
- provision of adequate and affordable housing in reasonable proximity to places of employment, which ensures equal social and economic opportunity in the state; and
- conservation of resources and the protection of environmental qualities, which are vital to quality of life and economic prosperity.

New Jersey Planning Law: Foundations: The SDRP

State Planning Commission

- The State Planning Act also created the State Planning Commission and an Office of State Planning (NJSA 52:18A-196 *et seq.*). OSP is now known as the Office of Smart Growth
- The 17-member State Planning Commission includes seven state agency representatives: Agriculture, Community Affairs, Treasury, Governor's Office of Policy and Planning, Economic Development Authority, Environmental Protection, and Transportation; two municipal and two county representatives; one Professional Planner; and five citizen appointees.
- Commission members serve six year terms.

New Jersey Planning Law: Foundations: The SDRP

State Planning Commission: Functions

- preparing, adopting, maintaining, and updating the *State Development and Redevelopment Plan*
- preparing and adopting a long-term infrastructure-needs assessment (INA), a statewide program that is unique to New Jersey;
- developing and promoting procedures to facilitate planning and policy cooperation and coordination between state agencies and local governments with regard to the planning and development of land use, environmental, capital facility and economic development issues;

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New Jersey Planning Law: Foundations: The SDRP

State Planning Commission: Functions, cont.

- providing technical assistance to local governments;
- reviewing state- and local-government planning procedures and relationships and make recommendations to enhance their efficiency and effectiveness; and
- reviewing and commenting on capital improvement programs and any legislation that appropriates funds for capital projects in light of their relationship to the *State Development and Redevelopment Plan*.

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New Jersey Planning Law: Foundations: The SDRP

State Planning Commission: Functions, cont

- adopting the State Planning Rules (NJAC 17:32 et seq), which establish procedures for preparation of the SDRP, cross-acceptance, and SDRP implementation tools such as the Plan Endorsement process.

New Jersey Planning Law: Foundations: The SDRP

State Development & Redevelopment Plan

- Is mandated by the State Planning Act of 1985 (NJSA 52:18A-196 et seq.) and establishes state-level planning policy.
- The first SDRP was adopted by the State Planning Commission (SPC) in June 1992.
- The statute requires that it be updated on a three-year cycle (Plan readopted in 2001)
- The SDRP is *amended* and *adopted* through a three-phase “cross-acceptance” process that includes a comparison phase, a negotiation phase, and a final phase.

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New Jersey Planning Law: Foundations: The SDRP

State Development & Redevelopment Plan

- It is *implemented* through the activities of various state departments and, at the municipal level, *implemented* and *amended* through “Plan Endorsement.”
- think of the plan as two intersecting matrices: one an outgrowth of a future vision presented in narrative (policy) form, the other stemming from an on-the-ground (e.g., mapped) view of the state.
- **Statewide Goals** deal with individual topical areas; **General Policies** frame the strategic and tactical aspects of planning decisions. These are the “future vision.”

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New Jersey Planning Law: Foundations: The SDRP

State Development & Redevelopment Plan

- **Planning Areas** provide a regional framework for infrastructure development decisions; and **Centers**, areas to which growth should be focused, provide the geographic perspective.
- Planning Areas provide a geographical framework for application of topical policies (see *Statewide Policies*, below)

New Jersey Planning Law: Foundations: The SDRP

SDRP Planning Areas:

- PA1 – Metropolitan Planning Area
 - Densities of more than 1000 persons/sq mile
 - Population cluster of greater than 25,000 persons
 - Land area greater than 1 square mile
 - Existing public water and sewer systems
 - Access to public transit

New Jersey Planning Law: Foundations: The SDRP

CAVEAT!

Town	Alpine, NJ	Fort Lee, NJ
County	Bergen	Bergen
Pop	2,183	35,461
SqMi	6.4	2.5
pop/sqmi	341	14,184

But what about parklands?

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SDRP Planning Areas:

- PA2 – Suburban Planning Area
 - Densities of less than 1000 persons/sq mile
 - Contiguous with PA1
 - Land area greater than 1 square mile
 - Existing or planned infrastructure with capacity to support development

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SDRP Planning Areas:

- PA3 – Fringe Planning Area
 - Densities of less than 1000 persons/sq mile
 - Served by rural roadways and utilities; generally lacking wastewater systems except in centers
 - Land area greater than 1 square mile
 - Lands not meeting criteria for PA4 or PA5

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SDRP Planning Areas:

- PA4 – Rural Planning Area
 - Densities of less than 1000 persons/sq mile
 - Land area greater than 1 square mile
 - Generally served by on-site water and wastewater systems
 - Generally characterized by agricultural production, woodlands or other vacant lands

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SDRP Planning Areas:

- **PA4B** – Rural /Environmentally Sensitive Planning Area
 - Densities of less than 1000 persons/sq mile
 - Land area greater than 1 square mile
 - Generally served by on-site water and wastewater systems
 - Generally characterized by agricultural production, woodlands or other vacant lands
 - Land satisfying the delineation criteria for Rural Planning Area (PA4) that also meets the delineation criteria for the Environmentally Sensitive Planning Area (PA5) is designated as Rural/Environmentally Sensitive (PA4B)

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SDRP Planning Areas:

- PA5 – Environmentally Sensitive Planning Area
 - Densities of less than 1000 persons/sq mile outside of centers
 - Land area greater than 1 square mile, exclusive of centers
 - Includes environmental features such as
 - Trout production/maintenance waters
 - Pristine non-tidal watersheds feeding Cat 1 waters
 - Threatened & Endangered species habitat
 - Coastal wetlands
 - Significant features such as slopes, ridgelines, unique ecosystems
 - Prime forest

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SDRP Planning Areas:

- **PA5b – Environmentally Sensitive/Barrier Islands Planning Area**
 - Densities of less than 1000 persons/sq mile outside of centers
 - Land area greater than 1 square mile, exclusive of centers (shapes obviously different due to barrier island morphology)
 - Includes environmental features such as
 - Wait, wait, let me think for a second here....barrier island habitat
 - Threatened & Endangered species habitat
 - Coastal wetlands
 - Natural Dune Ecosystems, Vegetation and fauna
 - Intended to protect barrier island ecosystems while directing development into centers.

New Jersey Planning Law: Foundations: The SDRP

SDRP Centers:

- “Centers are the State Plan’s preferred vehicle for accommodating growth” (SDRP, p 230)
- Over 100 Centers designated via 3 ½ processes;
 - Eight Urban Centers designated in original State Plan (the ½ process)
 - Center Designation
 - Initial Plan Endorsement
 - New Plan Endorsement

CRITERIA FOR CENTER DESIGNATION/PLANNING FOR THE YEAR 2020

	URBAN	REGIONAL CENTER PA1, 2	REGIONAL CENTER PA3, 4, 5	TOWN	VILLAGE	HAMLET
Area (in square miles)		1 to 10	1 to 10	<2	<1	10 to 50 acres without community wastewater; <100 acres with community wastewater
Population	>40,000	>10,000	>5,000	1,000 to 10,000	<4,500	25 to 250
Gross Population Density (people/square mile)	>7,500	>5,000	>5,000	>5,000	>5,000	3,000
Housing		4,000 to 15,000	2,000 to 15,000	500 to 4,000	100 to 2,000	10 to 100
Gross Housing Density (dwelling units/acre)	>4	>3	>3	>3	>3	>2
Employment	>40,000	>10,000	>5,000	>500 to 10,000	50 to 1,000	
Jobs: Housing Ratio	>1:1	2:1 to 5:1	2:1 to 5:1	1:1 to 4:1	.5:1 to 2:1	

Note: Criteria are intended to be applied flexibly. Density criteria are relevant primarily to new Centers and to the growth areas of existing Centers, and are less relevant to the built-up portions of existing Centers. Designation criteria refer to the Center's planning horizon year (for example, 2020 population rather than current population).

New Jersey Planning Law: Foundations: The SDRP

- SDRP Cores:

- “Cores are the downtowns and major neighborhood commercial concentrations of our traditional communities” (SDRP 229)
- Activity centers of Centers, or of the urban matrix

- SDRP Nodes:

- Two kinds Commercial-Manufacturing Nodes, Heavy Industry-Transportation-Utility Nodes
- Two Cores and 15 or so Nodes exist via 3 ½ processes;
 - Through Cross Acceptance
 - Center Designation
 - Initial Plan Endorsement (technically prohibited in 2001 Plan)
 - New Plan Endorsement (technically prohibited in 2001 Plan)
- Who knows what the future brings for these entities

New Jersey Planning Law: Foundations: The SDRP

State Development & Redevelopment Plan

- There are eight statewide goals based on the mandates set forth in the enabling legislation.
 - Revitalize the state's cities and towns
 - Conserve the state's natural resources and systems
 - Promote beneficial economic growth, development and renewal for all residents of New Jersey
 - Protect the environment, prevent and clean up pollution

New Jersey Planning Law: Foundations: The SDRP

State Development & Redevelopment Plan

- **Statewide goals, cont.:**
 - Provide adequate public facilities and services at a reasonable cost
 - Provide adequate housing at a reasonable cost
 - Preserve and enhance areas with historic, cultural, scenic, open space and recreational value
 - Ensure sound and integrated planning statewide

New Jersey Planning Law: Foundations: The SDRP

State Development & Redevelopment Plan

- There are 19 **Statewide Policies** that broadly govern implementation of the SDRP and apply uniquely within each of the Planning Areas. The policy areas are:
 - Equity
 - Comprehensive Planning
 - Public Infrastructure Priorities
 - Infrastructure Investments
 - Economic Development
 - Urban Revitalization
 - Housing
 - Transportation
 - Historic, Cultural & Scenic Resources
 - Air Resources
 - Water Resources
 - Open Lands & Natural Systems
 - Energy Resources
 - Waste Stream Management
 - Agriculture
 - Coastal Resources
 - Planning Regions & Resource Areas
 - Design

New Jersey Planning Law: Foundations: The SDRP

State Development & Redevelopment Plan

■ How is the Plan Developed?

- Cross-Acceptance, a novel consensus process
- OSG uses the 21 counties as our negotiating entities for 566 municipalities
- A three phase process; Comparison, Negotiation, and a Final phase
- Laid out in State Planning Act, Administrative Code and Tradition

New Jersey Planning Law: Foundations: The SDRP

State Development & Redevelopment Plan

- **How is the Plan Amended & Implemented?**
 - Center Designation (obsolete)
 - Initial Plan Endorsement / Advanced Plan Endorsement (being transitioned out)
 - New Plan Endorsement

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Additional Outgrowths of the State Plan

Smart Growth Areas

- Created to allow binary decision making
- Planning Areas 1, 2 and Centers
- In addition, growth areas as agreed upon by the SPC and the Pinelands, the Meadowlands and, one would presume someday, the Highlands.

Look for our new plan in theatres Summer / Fall 2010

- For more on the Office of Smart Growth, the State Planning Commission, and the State Development and Redevelopment Plan, visit <http://www.njsmartgrowth.com>.
- A copy of this presentation is available at <http://njlocator.com>
- If you have any other questions, suggestions; please email me at:
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