

**PEER REVIEW
TECHNICAL ADVISORY COMMITTEE**

**REPORT ON THE
DRAFT PRELIMINARY STATE DEVELOPMENT AND REDEVELOPMENT PLAN**

SUBMITTED TO THE OFFICE OF STATE PLANNING

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Committee Members

John DeGrove (Moderator)
Florida Atlantic University

Michael Coleman
Michael Coleman Associates

Robert Liberty
One Thousand Friends of Oregon

John Keith
Regional Plan Association

Douglas Porter
Urban Land Institute

Douglas P. Wheeler
Conservation Foundation

Richard Roper
Woodrow Wilson School

Carl G. Lindbloom
Carl G. Lindbloom Associates

Patricia S. Clarke
Somerset County Planning Board

Richard Ginman
OMB/Division of Planning

Staff Facilitator

Hilda Blanco

The Peer Review Technical Advisory Committee of the Office of State Planning met on April 25th and 26th, 1988 at the Woodrow Wilson School, Princeton University. Richard Roper was the host. The following report presents a summary of the committee's discussions.

OVERALL ASSESSMENT

The Peer Review Advisory Committee was unanimous in its view that the Preliminary Plan draft represents a very good start toward planning and growth management for New Jersey. One member called it a heroic attempt with many positive features." The draft plan articulates the intent of the legislation in an effective fashion, and it sets out both a substantive and procedural framework for growth management in New Jersey that should be able, with appropriate clarification, strengthening, and augmentation as suggested below, stand as a document to shape New Jersey's growth to and after the end of the century. There are, to be sure, gaps and weaknesses, and these will be dealt with below, especially in the areas of implementation, infrastructure and funding. Even so, the preliminary draft plan is a very good start on what will be a long and demanding process.

The Committee identified and rtisms.qprt the following major concerns with the draft Preliminary State Plan:

- o the need for a better presentation of the Plan;
- o concern over areas outside the jurisdiction of the Plan;
- o the need to develop effective programs for Tier 1 cities;
- o the need to articulate the importance of design in the Plan;
- o the need to build a constituency for planning;
- o the lack of a fiscal element in the Plan;
- o the need to incorporate new legislation and funding in the Plan;
- o the need to develop rationales for selling the Plan;
- o the need to clarify and expand on the cross-acceptance process and plan implementation;
- o the need to take a consistent position on the role of counties in planning;
- o the need to explore the development of numerical benchmarks for the goals of the Plan;
- o the need to provide secure funding for planning;

- o the need to address weaknesses in the agricultural policy; o
- the need to address infrastructure needs and funding better;
- o the need to address the potential competition between Tier 1 and Corridor Centers;
- o the need to develop an aggressive affordable housing strategy.

These concerns are further expanded in the sections that follow.

1. Better Presentation of the Plan. The first issue discussed was the need for a better presentation of the Plan. Some members felt that the Plan was overlong and repetitive, others urged for the need to have all policies pertaining to a tier in one place, and thus for retention of the existing organization in the Plan. There was a consensus on the following points:
 - a. There is a need for 2 or 3 types of document. One for the public at large, preferably a glossy brochure/Sunday supplement that presents a clear vision of New Jersey's future, chock full of graphics and catchy phrases. The Committee felt that an outstanding professional writer should be commissioned to write this public document. The following people were suggested: Frank Etfcper at Rutgers, Martin Keys from Springfield, William Gaby, Neal Peirce from the National Journal, and John McEhee. Many members of the committee felt that Neal Peirce would be their first choice.
 - b. With a good public document there is no need for a Volume I. The technical document should be contained in one volume. However, there should be a good executive summary. It was felt that the document that John Epling wrote called an executive summary was well-written, and could be made into an executive summary if the comparisons between the April and the January draft were dropped.
 - c. There is a need for a good index, and a good and more detailed table of contents. The Committee urged that the technical language should be kept out of the Plan as much as possible, the simpler the better. More graphics should be used throughout the text, especially comparing the outcomes with and without the Plan. The Committee also urged to make liberal use of headings and subheadings to organize the text.
 - d. Confusion regarding the organizing elements in the Plan—Goals, Objectives, Strategies, Policies, and Standards was expressed. It was felt that their definition and the role they play in the Plan needs to be explained up front, and that perhaps with the consolidation of the volumes we might be able to drop one level.

- e. There were complaints about the mapping. Many of the maps were felt to be illegible. County maps were missing.
 - f. To deal with the repetitiveness of many of the policies in Volume H, it was suggested that either those that apply to all the growth tiers, and those that apply to all the limited growth tiers could be consolidated into separate chapters—Growth Tier Policies, and T. frnrfiwi Growth Tier Policies—and leave only policies distinctive of the tiers under each tier chapter. Or, if up front a matrix-like summary of the differences between the tiers were to be provided, preferably on the flip side of the tier map, then the reader could grasp right away the differences, and the repetition of the policies could be more tolerable.
2. Concern over Areas Outside the Jurisdiction of the Plan. The Committee expressed great concern that a large part of the State, in our calculation, approximately 46%, is outside the jurisdiction of the State Plan. There was concern for the Hackensack Meadowlands and Coastal Area facilities Review Act (CAFRA) in particular. Since the Pinelands has a good planning component, the Committee was not as concerned about the Pinelands. This concern also extends to the public authorities. The Committee recommended that the Plan and the Commission needs to have a more proactive position about these areas and agencies. The Plan should contain a strong statement about the need for coordination between these agencies and the State Plan. The benefits of voluntary coordination should be spelled out in the Plan, e.g., in the case of the Meadowlands, the Meadowlands doesn't have jurisdiction over traffic outside its area, and yet regional traffic congestion is the greatest problem this agency is experiencing now.
3. Effective Program for Tier 1 Cities. The Committee had two major concerns about Tier 1 municipalities. First they were concerned by what they saw in the Plan as a cookie-cutter approach to the cities. Second, they were concerned that as drafted, there isn't enough of a hook in the Plan to get the cities actively involved in cross-acceptance.
- a. Tier 1 cities, which the Committee christened the "sweet sixteen", were felt to be all different, with different opportunities and constraints, within different regional economies, and requiring different projects or ~~programs~~ to turn each around. This point, the Committee felt, ought to be brought out more clearly in the Plan.
 - b. It was felt that providing priority funding for infrastructure in these cities would not be enough of an incentive. The issue of human services was felt to be crucial. At the same time, the Plan's approach in these cities, so overwhelmed with a multitude of problems, needs to be pragmatic and targeted. It was strongly recommended that the Plan ensure secure funding for strategic

planning in these cities. Based on this kind of planning that identifies the resources, opportunities and constraints in each city, and tailors strategies and funding to each unique context, during cross-acceptance, each city could enter into a dialogue with the State through the Planning Commission. Through this dialogue, each city, in cooperation with the State Planning Commission, would identify a major problem area, and a major project/program in their redevelopment scheme that the State would pledge funding for. Such an approach was felt to provide a tangible hook that could persuade the sweet sixteen that there is something new in the Plan for them. As it stands, the draft calls for priority funding for the sweet sixteen in many categorical programs, but this priority is an existing priority. The State pledging the funding for an essential element in a city's redevelopment program was felt to respond to the unique nature of each city's problem, and at the same time add a real incentive for the sweet sixteen to become active in the state planning process.

A key point made was that for the Plan's overall strategy to work, incentives powerful enough to actually bring about central city accommodation of a share of the new growth is a must. Otherwise, the anti-urban sprawl component of the Plan won't work either.

4. The Importance of Design. Another concern that received much attention and support during the meetings was the lack of importance given to design in the Plan. The Plan, the committee argued, spends more time talking about stopping development than demonstrating how development should occur (although, it is true that there are places where development, no matter how well conceived, is inappropriate). It was felt that community design was an essential factor in maintaining or enhancing the quality of life in suburban and rural environments as well as in the redevelopment of cities. The assumption of the committee was that the way to sell the Plan is to argue that it is meant to improve the quality of life. It was noted that there is a rising intolerance for the "uglification" of the built environment. The issue was raised as to whether aesthetic design might be legally problematic in the State. Members claimed that in New Jersey, the Courts, in general, are receptive to design considerations. The Plan, the Committee generally agreed, had to highlight community design ~~iffiflues~~ better and require design review as part of site plan and subdivision review. It was suggested that National Endowment for the Arts (NEA) would be a good source for information on community design, the topic for their 1988-89 ~~program~~ being the design of cities.
5. ~~fii-iir~~Knrr a Constituency for Planning. Another concern was voiced, not ~~fn'TOPrt~~ at the Plan but at the process. The Committee felt that there is a need to build a constituency for planning. Stressed were the need for support ~~from~~ the Governor and the Legislature, the need to engage planning advocacy groups more effectively, and to continue working with the press. Also, the committee placed great emphasis on the need to

provide training and technical assistance to local officials and planners, and to establish a series of workshops to educate key groups.

6. The lack of a Fiscal Element in the Plan. There was a concern expressed for the lack of a fiscal element in the Plan. ZssnflB such as the property tax system, impact fees, ratables, and SLERPC's recommendations on a new construction tax were felt to be key to the implementation of the Plan. The committee felt that the Plan needs to convey at least, in general, a position on these JSSIRPS, that treating these issues as the current draft does, as issues to be commented on during cross-acceptance and then fleshed in for the Final Plan, is not an acceptable or viable option.
7. Pie Need to Incorporate New Legislation and Funding Initiatives in the Plan. The Committee was informed by staff of the reason for the current treatment of the above issues in the Plan—the Commission has taken the position that the Plan should be framed within the existing legislative and funding framework. The Committee argued that the Plan should not accept the existing legislative and funding framework as constraints. The majority of the members felt that the current Plan will not be able to be implemented without new legislation and funding, and strongly recommends that the Commission reconsider their position, seeking further action from the Governor and the legislature as necessary.
8. "Ra-Hratales for Selling the Plan. The Committee felt that there are three major ways to sell the Plan: as improving the quality of life; as providing infrastructure more effectively; and as responding to new demographic trends. These rationales need to be conveyed more clearly and graphically in the Plan.
9. Cross-Acceptance and Plan Implementation. The Committee brought up the issue of implementation of the Plan with respect to how the policies and standards are to be applied and administered. The Committee felt that there is a need, in particular with respect to how the Plan is to be implemented by state agencies, to spell out in the Plan, for example, how trade-offs between policies might be handled and how long it might take to get municipalities and counties up to par. Also, the issue of the role of municipalities in the cross-acceptance process was not clear to many members of the Committee. The Committee felt that the role of municipalities needs to be articulated more explicitly. In general, the Committee recommended the development of an evolving implementation strategy. Also they recommend trial runs of cross-acceptance focusing on an enthusiastic county and a problematic one* to get a realistic sense of the process, the timing and the staff efforts involved. Some committee members felt that cross-acceptance is likely to take from 3 to 5 years. In general there was a feeling that the State Planning Staff and Commission has not figured out how to conduct cross-acceptance, with the result that municipalities have little understanding of how and whether to get involved. The Plan needs to

state more precisely how conflicts will be resolved, perhaps specific conflict resolution mechanisms. Finally, the Committee stressed the need for the Governor to take the lead in assuring that state agency policies conform to the plan as a way of strengthening cross-acceptance.

10. The Role of Counties in Planning. One Committee felt that the Plan must take a consistent position on the role of counties in planning. One Plan ought to indicate clearly that in effect, regional planning in the State is to occur primarily at the county level. One Committee also felt very strongly that in order for counties to assume this role, funding for planning needs to be secured.
11. Numerical Benchmarks. Some members of the Committee called for numerical standards. It was argued that the use of numerical standards is the best way to ascertain the extent to which the Plan has been implemented as well as to enable the monitoring and evaluation of the Plan's performance. Some committee members, however, felt that this would be a grave mistake. They argued that more numerical standards would lead to greater opposition for the Plan.

Out of the discussion the following position evolved, to which the majority of the committee subscribed. What the Plan needs is benchmarks, not so much at the scale of the existing standards, but at the scale of Statewide goals. Such benchmarks would include the amounts of land to be preserved for agricultural use, and for conservation purposes. Also, it was proposed that the Plan provide population and job allocations by Tiers, as well as density standards. These benchmarks should be conceived as guidelines for negotiation during cross-acceptance that would allow for local diversity. The assumption was that these benchmarks over time may turn into standards.

While there was not a general consensus on the matter, several committee members felt that it would be helpful for the committee to provide some benchmark examples such as those outlined below:

Agricultural lands Preservation Benchmark

By the time* of the 1990 Census of Agriculture New Jersey will have retain^ at least XXX,000 acres of land, held by farmers with gross annual sales of \$10,000 or more.

Tier 1 Cities Population Benchmark

According to the best available estimates [from the Department of Census] the population within the 1988 boundaries of all Tier 1 cities will have remained stable or have increased between 1990 and 1994.

Tiers 3 and 4 Population Allocation Benchmark

According to the best available estimates [from the Department of Census] the population growth within the boundaries of Tiers 3 and 4 areas will account for at least XX% of the population increase for the entire state between 1990 and 1994.

Tiers 3 and 4 Residential Density Benchmark

At least XX% of the undeveloped land in Tiers 3 and 4 will be zoned to allow multifamily housing and the overall population density for new development within these tiers will be XXX persons/acre.

12. Funds for Planning. There was a strong consensus that the Plan needs to provide funds for planning. Many policies in the Plan call for municipalities and counties to conduct more research and planning. These policies are not likely to be implemented unless there is secure funding in place. The Committee also recommended that this funding should have as a requirement training of local staff on the State perspective. It was noted that the funding level needed to study support for planning in Florida has been estimated at \$50 million.
13. Weaknesses in the Agricultural Policy. The Committee felt that there were fundamental weaknesses in the agricultural policy:
 - a. There was a long discussion about the reasons for protecting agriculture, some committee members questioned the viability of the industry itself in the State, but others argued strongly that an argument cannot be sustained from the facts, and provided data on New Jersey Agriculture that strongly suggested the viability of agriculture as an economic enterprise in New Jersey. The point was argued that the goal of preserving agriculture has more to do with protecting open space than with protecting the industry, but the majority felt that agricultural and deserved to be protected to support agriculture as an important industry in New Jersey. Out of this discussion, it was pointed out that the Plan needs to present adequate data to support its agricultural policy. Data such as prices per acre curves, viable economic units, and in general data documenting agricultural trends in the State would be useful, it was argued, for developing standards for the agricultural tier.

The Committee agreed that the Plan needs to indicate how much farmland is to be protected statewide.

It was felt: that the April draft's policies were more protective of agriculture than the January draft. First, it was agreed that the 1:5 clustering provision in the January draft will not protect agriculture, but will lead to sprawl in rural areas. Clustering

should take place somewhere else. Also, it was argued, that the existing right to farm provisions are not strong enough to protect agriculture when conflicts between residential uses and agricultural uses arise. They must be strengthened through the Plan. Third, there was a ~~strong~~ consensus in the Committee that same kind of TCR system was essential to the success of an agricultural protection strategy. They urged the Commission and staff to reincorporate such a system into the next draft.

- d. It was felt by some committee members that the "landing-zone" for any TCR's from farmlands should be in Tiers 3, 4 and parts of Tier 5, thereby accomplishing both the objective of preservation of farmland and achievement of a higher density of residential development.
- e. The Committee pointed out that New Jersey had already made a strong regulatory (Pinelands) and financial (statewide) commitment to agriculture, and that alone calls for a strong component for agriculture in the Plan.

14. Infrastructure and Its Financing. The Committee agreed that the Plan needs to address the issue of infrastructure needs and the funding of infrastructure better, it was felt that the issue of the provision of infrastructure is a key element that the Plan must address. It was argued by some members of the Committee that the single problem generating most support for state planning is traffic congestion. This makes it imperative for the Plan to develop a responsible system of growth, stressing the need to pay for infrastructure as you grow. It was pointed out that the huge sums needed for catch-up costs demonstrates that, thus far, the State has not adequately factored in infrastructure costs into the costs of development. This point, the Committee felt, needs to be brought out dramatically in the Plan.

The issue of the need for firm figures in the Plan on the backlog for infrastructure was the subject of a lively debate. Ultimately it was agreed that the detailing of an infrastructure needs assessment is a long-term project, but that the current draft should incorporate a general strategy linking the Plan to the costs of infrastructure. In this regard, there was mention of a non-degradation rule that would require that new impacts be addressed before development occurs. In general, it was felt that the Plan needs to differentiate between the costs generated by future growth, and the backlog costs and to develop rational strategies to deal with both, pointing out the requirements in of new funding or enabling legislation.

15. Potential Competition between Tier 1 and Corridor
Committee was concerned about potential competition between Tier 1 and Corridor Centers. It was felt that the allocation of population to tiers and corridor centers might make clear the potential or lack of potential for conflict. It was suggested that the staff could develop

non-ocrapeting strategies. In Boston, for example, it was cited, there are parcel-to-parcel linkage agreements. He might devise, in the same fashion, agreements with developers of Corridor Centers, whereby they would agree to develop an agreed upon amount of land in a Tier 1 municipality as a condition for developing a certain amount in a corridor Center.

The Committee also felt that the Plan needs to set clearer priorities for Tier 1 municipalities in terms of both infrastructure funding as well as social services programs. There should be a clear message that there is to be a public outlay of funds for Tier 1 cities.

This issue highlighted for the Committee the need to pay closer attention and develop in more detail in the Plan the interaction among tiers.

16. The Need for an Aggressive Affordable Housing Strategy. The Committee had a number of concerns about affordable housing. First, there was a consensus that the Plan ought to contain an aggressive affordable housing program that includes segments of the middle class. It was argued that the State should invest 4 to 5 times its current annual allocation for housing programs and leverage this amount cleverly to have a significant impact on the housing problem. Since larger segments of the population are finding it more difficult to own a home, it was felt that the State needs to expand its categories and institute measures to ensure affordable housing for even the middle class. It was pointed out that some communities are doing just that. Hoboken, for example, has instituted an affordable housing ordinance that requires developers to set aside 10% of their units for low and moderate income, and 10% for middle income. The need to develop revenues for affordable housing programs, such as using a real estate transfer tax, was also discussed.

Also discussed was the need to monitor housing prices during the life of the Plan to take counter measures to prevent undue price escalation. The Committee stressed the need to face up to the trade-offs that may be required to meet affordable housing objectives.

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One Committee member furnished us with additional comments of the plan that, of course, were not discussed by the Committee, and therefore cannot be presented other than as the individual thcu#its of the committee member. The moderator felt that many of these observations were important, and for the most part were consistent with the spirit of the Beer Review Permittee's discussions. These cements were.

1. Policy A.2.3.2 and 3: These slope criteria are typical of a number of conservation criteria that do not distinguish between urban and rural development. It is entirely appropriate to preserve slopes in rural areas and often appropriate in urban areas. However, in urbanizing areas that will become* fairly dense urban centers (or are already), preservation of the natural landscape in toto does not make sense. Certainly there are landscapes that should be preserved, and others that may have mitigation measures applied, and others that may be bulldozed to allow urban-type development. Few cities, either European or American, that I knew of, would have developed as interesting and exciting urban centers with the major constraints on preservation of natural resources prescribed by this plan. Some attempt should be made to permit mitigation measures and selective override of preservation in favor of city building.
2. I make this point also with the policies on scenic corridors, which are admirable but unworkable as they stand. Again, the discussion should distinguish between urban and rural areas. City features viewed from major highways, for exartple, should not require a 200-foot setback, or, perhaps, any setback. The policy clearly has in mind pristine rural areas but should also refer to urban scenic corridors, with different standards altogether.
3. Stream corridors: same problem. I do not believe that every stream corridor should be protected by these measures. Dense urban areas should have some options for treatment, including building right up to the edge of the stream and perhaps even over the stream. Buffers of 150 feet simply are not appropriate in many urban areas.

Beyond this problem, you may want to address the definition of a stream. Is it like a wetland? - anything that even rareHs wet? Technically, I supposed, the entire land surface is part of a stream system. Something short of that should be defined.

4. The plan should give some recognition to the time that much of the planning called for (such as in the corridor development section) will take. With the strictures for citizen participation, comprehensive treatment of many issues, and requirements for much data, planning will take years. In the meantime, years of development will be taking place. How should this development be treated?

5. The suggestion on page 203 (of Volume II) that sewer systems be installed years ahead of projected operation disregards the cost involved, which will not be recouped by users. Putting in both on-site treatment systems and dry sewer lines will substantially increase housing costs.
6. The second paragraph on p. 183 describing development in limited growth areas attempts to be all things to all people. Either . development should be limited to that supported by "existing public facilities," or some development supported by "wise investments in capital facilities" should be allowed, in other words, say what you mean more clearly.