

PLAN THIS!



American Planning Association
New Jersey Chapter

Making Great Communities Happen

A Publication of the New Jersey Chapter of the American Planning Association

Volume 6, Issue 2

March — April 2008

PRESIDENT'S CORNER: THE STATE OF THE STATE TDR ACT

By Courtenay Mercer, NJAPA Chapter President

On March 29th, 2004, Governor McGreevey signed the long over do State Transfer of Development Rights (TDR) Act into law (N.J.S.A. 40:55D-137 et seq.). The law was the result of a collaboration between planners and policy wonks, as well as, environmental, farmer and developer advocates. Its passage was lauded by many as the savior of NJ's rural landscape. To mark the four-year anniversary of this momentous law, this issue of *Plan This!* is dedicated to the success, failure and promise of TDR in New Jersey.

As planners, we could not help but be excited by the promise of the State TDR Act, which gives communities control over the pattern and design of development. TDR is a sustainable planning technique that balances growth and development, and provides private dollars for preservation. TDR is the antithesis of the sprawl pattern so prevalent in NJ.

(Continued on page 2)

Highlands TDR: Creating Voluntary Receiving Zones

By Eileen Swan

Executive Director, Highlands Water Protection & Planning Council

In the Highlands Region, undeveloped lands are a finite resource and provide drinking water for Highlands residents and nearly half the State's population. Protecting and enhancing these undeveloped lands, and the resources on and within them, is the primary objective of the Highlands Water Protection and Planning Act (Highlands Act). To achieve this objective, the Highlands Act empowers the Highlands Water Protection and Planning Council (Highlands Council) with establishing a regional transfer of development rights (TDR) program for the 860,000-acre Highlands Region.

TDR is as a land use tool that permits a community to utilize

(Continued on page 6)



Inside this issue ...

Chesterfield TDR.....	Page 4
Planning for TDR in Woolwich.....	Page 8
Courts Fluster Non-Contiguous Cluster...Page	10
Call for Volunteers.....	Page 11
Post-Carbon Cities.....	Page 12
Upcoming Events.....	Page 14
Call for NJAPA Planning Award Nominations.....	Page 17
Call for NJAPA Planning Conference Sessions.....	Page 18
Zoning for Successful TDR Programs	Page 20
GIS & Privacy	Page 24
Top Ten Websites of 2008	Page 25
Consultant Directory.....	Page 26

Congratulations to FAICP Recipient Philip Caton

Philip B. Caton AICP/PP, Senior Partner at Clarke Caton Hintz in Trenton, recently became a Fellow of the American Institute of Certified Planners, one of the highest honors that the American Institute of Certified Planners (AICP) bestows upon a member. This honor is a recognition of the achievements of the planner as an individual, elevating the Fellow before the public and the profession as a model planner who has made significant contributions to planning and society.

Phil, whose career spans over 30 years, directs Clarke Caton Hintz's professional planning staff in providing planning, zoning, affordable housing and land development services. He has testified as a planning expert before over half of the Superior Courts in New Jersey as well as municipal Planning and Zoning Boards of Adjustment throughout the state. Phil is a highly regarded authority on affordable housing and a court appointed master in the State of New Jersey. Phil has directed land use programming, site planning and redevelopment initiatives for public agencies and as a private consultant. He has prepared Redevelopment Plans, Master Plans and zoning ordinances as a planning consultant to various municipal agencies in the state, including Trenton, Camden, Jersey City and Elizabeth. His public experience includes serving four years as Director of the Division of Housing and Urban Renewal at the NJ Department of Community Affairs, an experience that included administration of the Hotel and Multiple Dwelling Act, the Uniform Relocation Act and staffing the NJ Redevelopment Authority - a statewide housing and redevelopment agency which operates through NJDCA. Prior to his state appointment, Phil served as Director of Redevelopment for the City of Trenton and as Director of the New Trenton Corporation, a public/private partnership which was pivotal in transforming the city's Central Business District.

From all of your friends and colleagues at NJAPA, congratulations, Phil!



PLAN THIS!

A Publication of the New Jersey Chapter of the American Planning Association
 American Planning Association
 New Jersey Chapter
 122 S. Michigan Avenue
 Chicago, IL 60603-6107
 (312) 431-9100
 www.planning.org

PLAN THIS is a bi-monthly publication of the New Jersey Chapter of the American Planning Association. This publication is available only to members of the New Jersey Chapter.

The NJAPA Bulletin committee welcomes submission of original articles, editorial letters, photographs, news items, and classified advertisements. The committee reserves the right to only publish submissions that are deemed appropriate for this publication. The views published in the bulletin are not necessarily those of the NJAPA.

Rebecca M. Hersh, AICP/PP
 Bulletin Editor
rebeccamhersh@aol.com

Michael L. Powell
mpowell@njcdc.org

Jeffrey Perlman
jeffperlman@gmail.com

To find out more information on joining the New Jersey Chapter or if you would like to place an advertisement in future bulletins please contact:

Michael E. Levine, AICP
 NJAPA Chapter Administrator
 P. O. Box 200402
 One Riverfront Plaza
 Newark, NJ 07102-9715
 Phone (973) 286-4708
 Fax: (973) 504-7097
mlevine@njapa.org

Submit all address changes to:
 American Planning Association
 122 S. Michigan Avenue
 Chicago, IL 60603-6107
 (312) 431-9100
 Or online at: www.planning.org

...THE STATE OF THE STATE TDR ACT

(Continued from page 1)

Recognizing the importance of this balanced growth tool, the State dedicated significant technical and financial resources to assist municipalities in implementing TDR. So why, nearly four years later, has not a single municipality adopted a TDR ordinance pursuant to the Act? Moreover, why have several municipalities tried to circumvent the Act with "almost" TDR ordinances (discussed in further detail in a subsequent article)? Having worked tirelessly over the past four years to implement TDR, I am intimately aware of the issues facing TDR, and the incentives needed to make it a more viable tool.

One of the most common complaints about TDR is that it is complicated. The concept in itself is baffling to many, and the intricacies required in the Act do not make it any simpler. I personally feel that the requirements of the law are necessary to ensure a viable and equitable TDR program. It is the responsibility of professional planners to know the requirements of the Act, and relay them to their clients in a manner that makes sense. Meanwhile, the public misconceptions and misunderstandings about TDR can be remedied through public outreach that occurs early and often. Frequently, the very people TDR is meant to help—the landowners—are the most vocal opponents. Including landowners and other key stakeholders throughout the process is critical to achieving success. Communicating the TDR message is probably the easiest challenge to overcome if the community is willing to have an open, collaborative planning process.

Harder to overcome than communication is the cost of TDR. For a rural municipality without access to infrastructure, the cost to plan for TDR can be upwards of a half a million dollars. The cost goes down proportionally for suburban and urban communities. When weighed against the cost to the municipality to purchase development rights, the cost to plan for TDR is cheap. However, in this time of budget caps and

plummeting bond ratings, it may still be a jagged pill to swallow. Unfortunately, the Act only allows for a \$40,000 cost-share grant through the State TDR Bank, and the competitive grants from the Office of Smart Growth still cannot cover the difference. A community wishing to pursue TDR has to go into it with eyes open, and think about the long-term return on investment, both in attracting appropriate ratables and maintaining quality of life.

In addition to the planning costs, are those costs associated with the bricks and mortar implementation of TDR. Again, this burden is heavier for rural communities without access to sewer and/or water, and with limited transportation infrastructure. Moreover, in most cases, development occurs at a faster rate in TDR communities because of desirable densities and the relative ease of local approval for those densities. This faster paced development will mean a more rapid expansion of resident needs like education, emergency services and recreational facilities. Compared to sprawl development, the municipality can be more prepared and expect savings over the long run for these services and infrastructure, but that is hardly a relief when you have to explain the coming years' budgets to the taxpayers.

Finally, communities (and developers) wishing to pursue TDR still have to make their way through the bureaucratic red tape at the State for permits and infrastructure improvements. State Plan Endorsement*, a requirement of the State TDR Act, gives the community a nod of approval for their efforts and affords them greater access to the State agencies. Still, TDR communities need even more assistance to make the TDR program become a reality.

All of the above are the main reasons why only one community, Woolwich Township, is approaching the TDR finish line after four years. This diatribe is not to say that TDR is unattainable or impractical. Perseverance and strong com-

munity leadership can overcome these challenges (as was the case in Chesterfield and Woolwich, both discussed in detail in subsequent articles). Nevertheless, why should these challenges be born largely by the community and its leaders? The State agencies have done their best to provide assistance, but are limited by financial, statutory and/or regulatory obstacles that even the best intentioned cannot overcome. I know this well, having been one of those “best intentioned” for the past four years. Real institutional change needs to occur to make TDR and other smart growth principles easier to implement than sprawl.

Below are a few recommendations that would make TDR easier for towns:

- Raise the statutory \$40,000 cost-share planning grant from the State TDR Bank to at least \$100,000.
- Provide an exemption to the municipal budget cap for State Plan Endorsement, which would also cover the costs associated with TDR.
- Prioritize State infrastructure funds to Plan Endorsed communities, and TDR receiving zones in particular:
 - * The State Transportation Improvement Program (TIP) should prioritize projects in TDR receiving areas. The TIP currently prioritizes projects on a “need” basis, in other words, where congestion has gotten so bad that improvements are necessary. TDR communities have made the effort to head off the congestion by reducing sprawl and designing a better road network for the impending development. These proactive projects should be prioritized for funding over projects that are necessary only because of poor planning.
 - * Providing multi-modal transportation opportunities is critical to any center-based development. The NJ Transit should prioritize the routing of transit service to town or regional centers that accommodate TDR credits.
 - * Supporting water and sewer infrastructure is critical to achieve TDR densities. Accordingly, the Environmental Infrastructure Trust (EIT) should expand the Smart Growth Financing Program to include TDR receiving areas.
- Various State entities should provide for more flexibility in the review of projects in TDR receiving areas:
 - * The NJDOT Highway Access Code should more easily accommodate traffic patterns associated with center-based development by providing for a specialized and flexible access level for Plan Endorsed communities.
 - * The Residential Site Improvement Standards (RSIS) should provide an easier waiver process for Plan Endorsed communities.
 - * NJDEP should provide a “one-stop” permitting process for TDR receiving areas where permits can be considered regionally for the entire receiving area, rather than one project at a time. Moreover, the review of these permits should be prioritized over other permits.
- Incentive programs, similar to those associated with Urban Enterprise Zones and redevelopment areas, should be created for TDR receiving areas. These programs could provide funding for needed infrastructure and services without additionally burdening the municipality or developers.
- Property tax relief and Extraordinary Aid should be prioritized to Plan Endorsed communities.
- In recognition of the savings TDR affords the Garden State Preservation Trust (GSPT), TDR communities should have access to a dedicated pot of funding for open space acquisition and park development that supports the TDR receiving area. The funding should be automatic and be some percentage of the value of the TDR credits purchased by private interests.
- Similar to Maryland and Massachusetts, there should be a State entity that has jurisdiction over all of the State’s land use agencies to ensure

that there is a real and coordinated effort to promote sustainable land use practices. The State Planning Commission (SPC), already populated with the Commissioners of these agencies, seems most appropriate. Accordingly, the SPC and the Office of Smart Growth should be empowered to coordinate any regulatory changes necessary to make the above happen.

Municipalities have difficult short-term fiscal and political choices to make, which despite the long-term benefits of smart growth, the up-front costs often cause municipalities to make not so sustainable decisions. As we all know, these decisions have resulted in sprawl. The above is just a small sampling of initiatives that could make smart growth land use practices easier to implement. As planners, we need to advocate for the institutional changes that will make smart growth easier than sprawl. The passage of the State TDR Act gave us the tool, now we need the support to make that tool work.

** References to State Plan Endorsement can be interchanged with Highlands Plan Conformance or Pinelands Certification, as applicable.*

The President’s Corner reflects the President’s opinion and not necessarily that of the NJAPA Executive Committee or NJAPA membership. The President can be contacted at pres@njapa.org.

Write for the NJAPA Newsletter!

The NJAPA Bulletin welcomes planning-related articles, editorials, event announcements, and photos. E-mail submissions and questions to NJAPA Bulletin Editor Rebecca Hersh at: rebeccamhersh@aol.com

Upcoming Deadlines:

- Friday, April 25 for the May/June 2008 issue
- Friday, June 27 for the July/August 2008 issue
- Friday, August 29 for the Sept/Oct 2008 issue

Chesterfield Township TDR: A New Jersey Success Story

By Philip B. Caton, PP, AICP and Lisa Specca, PP, AICP of Clarke Caton Hintz, consulting planners to Chesterfield Township

Ten years ago Chesterfield Township, a rural community in northern Burlington County, enacted a Transfer of Development Rights (TDR) ordinance designed to channel future residential growth into a new neo-traditional village. Notwithstanding some minor setbacks and adjustments along the way, the program has been a tremendous success and is accomplishing the goals established by the Township Committee and Planning Board when they endorsed TDR. Although TDR in Chesterfield is voluntary, not mandatory, not a single major subdivision application for land in the Township's Sending Area has been processed by the Planning Board since TDR was enacted. Instead, virtually all the residential development during that period has been channeled into the Receiving Area.

Landowners, farmers, homebuilders, affordable housing advocates, and open

space preservationists share common ground in Chesterfield to make the vision of TDR a reality. While Old York Village has been taking shape, the agricultural heritage of the rest of Chesterfield has been enhanced with over 6,800 acres of its land preserved through TDR implementation and the County and State Farmland Preservation Programs. These advances in preserved agriculture and open space lands were accomplished despite burgeoning residential growth in neighboring communities.

The Success of the Receiving Area Drives the Success of the Program

When fully developed, Old York Village will consist of up to 1,200 homes in a wide variety of attached and detached models, a new elementary school adjacent to centralized recreational facilities, a network of neighborhood parks, and a mixed use village center with neighborhood retail and convenience uses to serve local market needs.

Subdivision approvals have been granted or are pending for 90% of the village and construction is proceeding in five of the developments by four different homebuilders. Over 250 certificates of occupancy have been issued, with nearly 600 additional units approved or under construction. A mixed use neighborhood including over 275 residential units and 44,000 square feet of commercial use is currently under Planning Board review. Residential sales at Old York

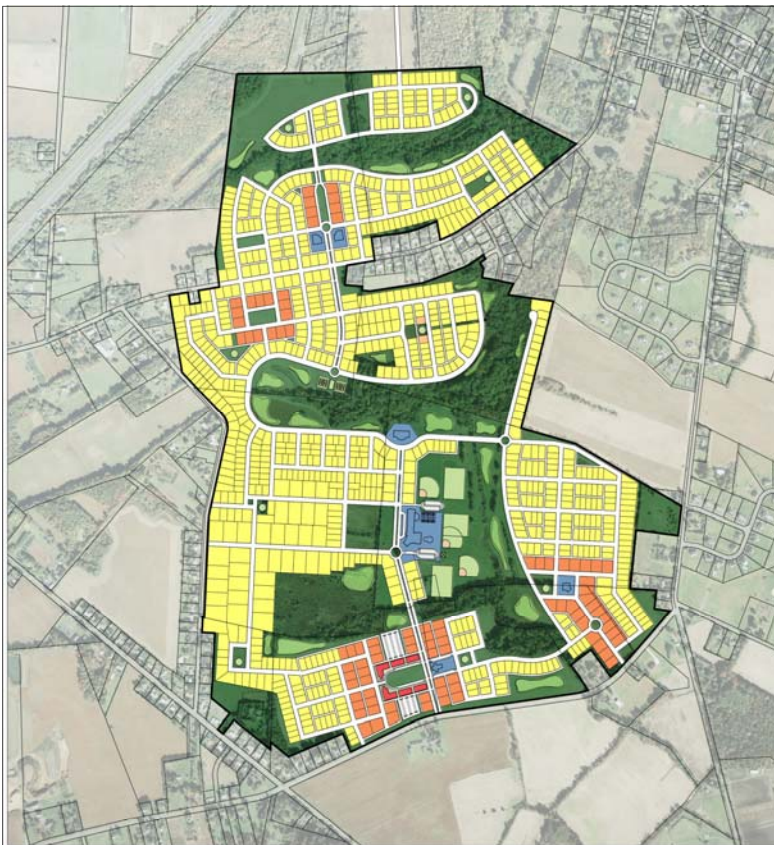
Village have held up in the recent economic downturn. Although the village is not immune from the softening in the housing market which extends to nearly every corner of the state, developers in Chesterfield were able to hold prices until the fall of 2007 before moving to price concessions and other incentives.

In order to maintain tight control over aesthetics and design, the plans for each tract must conform to the Township's conceptual village plan. Site planning and architectural design standards have been adopted to ensure the design of buildings and the relationship among them echoes traditional American building styles and development patterns. Costs of roads, sewer infrastructure, drainage facilities, and common recreational facilities are distributed equitably among the developers through offsite cost-sharing ordinances. Construction of several neighborhood parks and the Village Square is proceeding in step with residential development.

A school referendum was passed by the Chesterfield voters in December of 2007 for construction of a new elementary school in the middle of the new village within convenient walking distance of the vast majority of new homes. The Township is partnering with the School Board on the purchase of land for the recreational facilities adjacent to the school. Consequently, the public will be able to utilize the facilities when school is not in session pursuant to an agreement between the Township and the School Board. Coordinated planning and design of the new school to address educational and recreational needs is projected in 2008.

The Village Design Plan

In 2002, the Township adopted an amendment to the 1997 Master Plan, the plan from which the Transfer of Development Rights (TDR) concept originated in Chesterfield. This Master Plan Amendment, which was created with funding assistance by a Department of Community Affairs Smart Growth Grant, refined



Village Plan Land Use

Chesterfield Township
Burlington County, NJ

May 28, 2002



CLARKE • CATON • HINTZ



the planning for circulation, recreation, open space, commercial, civic, and residential components of the Planned Village within the Receiving Area. Design Guidelines and Bulk Standards following traditional neighborhood design principles were adopted in December 2002. A Special Area Standard for Streets and Sidewalks in Old York Village which differs from the Residential Site Improvement Standards (RSIS) was adopted by the New Jersey Site Improvement Advisory Board in October 2003.



Development Credit Values

Burlington County commissioned a real estate study in 2000 to determine the value of credits in Chesterfield. This study concluded that credits at that time should fall within a range of \$18,000 to \$24,000 per credit. In fact, many of the sales which occurred at the beginning of the program were at \$23,000 per credit. However, as the program matured and developers optioned land in Receiving Area the value of credits escalated to contracts which were signed at \$65,000 per credit in 2006. The high value of credits has been critical in maintaining TDR's attractiveness to landowners as compared with selling to a developer on-site development.

Receiving Area Infrastructure

Developing infrastructure to provide for sewer service and potable water was a significant accomplishment in the TDR process. The Township created a new Wastewater Management Plan (WWMP), which was approved by the NJDEP in 1999, to provide sewer service to the Receiving Area. In addition, sewer service was extended to bordering residences and the Village of Crosswicks to solve septic problems on small historic village lots. A total of \$5.7 million was bonded through the Environmental Infrastructure Trust Fund to provide a pump station and force main connections from

the sewage treatment plant located at the State's Wagner Youth Correctional Facility. The 1999 WWMP also coordinated a water franchise area for potable water for the Receiving Area.

COAH

The Township is meeting its affordable housing obligation by integrating low and moderate income housing units with market rate units throughout the Receiving Area. A key component of Chesterfield's TDR program was the satisfaction of the Township's twelve (12) year cumulative low and moderate affordable housing obligation of 67 affordable housing units. In 2003 the Hon. John A. Sweeney, AJSC entered a Final Judgment of Compliance and Repose which found the Township's Housing Element and Fair Share Plan to be in compliance with the NJ Fair Housing Act and the Mount Laurel doctrine in satisfying the municipality's first and second round fair share need. That judicial determination provided the Township with 6 years of repose (until 2009).

All of the Township's affordable housing is being constructed within the Receiving Area and integrated architecturally with the market rate housing units. Affordable housing in Chesterfield has taken the form of twins and quads, in buildings

which approximate the scale of single family detached houses, row houses and apartments over shops.

Outside Agency Support

Chesterfield has consistently received critical financial and technical support from Burlington County over the ten years of the program. The County has provided valuable technical assistance and has been instrumental in planning two credit auctions. The State of New Jersey Department of Community Affairs and Environmental Protection have also been instrumental to the success of the TDR program. This assistance was pivotal, particularly given the Chesterfield's small tax base and limited resources.

Recognizing Chesterfield's Planning

Chesterfield Township's TDR program and Village Plan have been recognized with a 2004 national planning award from the American Planning Association and with awards from the American Society of Landscape Architects (NJ Chapter), New Jersey Future, the NJ Department of Environmental Protection and the American Planning Association (NJ Chapter). The success of the Chesterfield program helped fuel the New Jersey Legislature's decision in 2004 to extend the authority for municipi-

(Continued on page 16)

...Highlands TDR

(Continued from page 1)

market forces to encourage the transfer of development potential from areas that the community wants to preserve, called sending zones, to areas that are more appropriate to accommodate increased growth, called receiving zones. Land-owners in the sending zones receive compensation for restricting development on their property. As a market-based system, payment for this lost development potential comes from purchasers who buy credits representing the lost development potential in the sending zones. The credits then entitle the purchaser to build in a receiving zone at a density greater than that permitted in the underlying zoning.

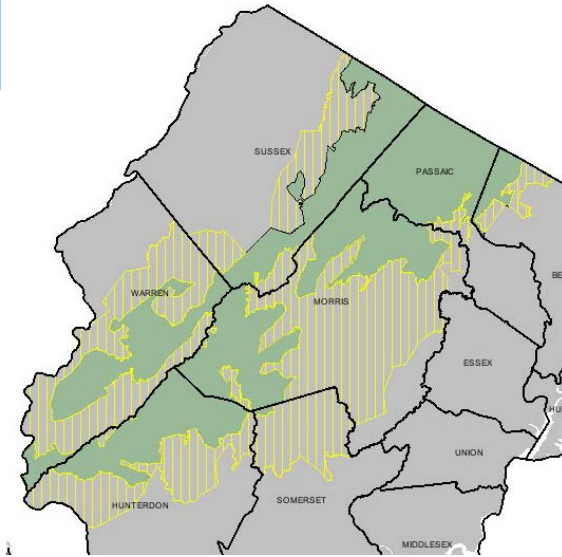
As part of the Highlands TDR program, the Council is to identify areas within the Highlands Region that may be suitable for locating receiving zones. The Highlands Act precludes the Highlands Council from requiring conforming municipalities to accept its recommendations concerning the location of voluntary receiving zones. The Final Draft Regional Master Plan, available on the Highlands Council's website at www.highlands.state.nj.us, includes a regional GIS-based analysis of the potential voluntary receiving zones in the Highlands. Whether the potential voluntary receiving zone areas identified by the Council, as well as areas outside of the Highlands Region but within the seven counties, serve as voluntary receiving zones is left to the determination of the municipalities themselves. Given the voluntary nature of the TDR program's receiving zones, the Council must work cooperatively with municipalities to identify what areas, if any, are appropriate to serve as receiving zones.

Recognizing that planning for a receiving zone involves costs, the Highlands Council established a \$1 million Voluntary Receiving Zone Feasibility Grant Program in the spring of 2007. This grant program is designed to assist municipalities in assessing the potential for locating a receiving zone within their communities. Eligible municipalities, which need not be within the Highlands Region but

must be in one of the seven Highlands counties (Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren), will receive both financial support and technical assistance from the Council. Participation in the grant program requires a commitment by a municipality to fully evaluate the feasibility and desirability of designating a receiving zone, but does not obligate a municipality to establish such a zone. To date, two municipalities have been awarded grants under the program while several others are currently preparing applications.

This grant program is incremental to allow municipalities to first conduct an initial examination of proposed receiving zones and hold discussions with the Highlands Council before studying the impacts of any receiving zone development scenarios. Specifically, in Phase I of the grant program, municipalities will be required to understand and document the character of proposed receiving zone, including its zoning, environmental condition, infrastructure needs, and maximum development potential given the local and regional real estate market. Municipalities are also required to devise at least two conceptual development scenarios for the proposed receiving zone. Once municipalities have completed this work, the Highlands Council will assess and consider the information provided. Individual grant amounts for the first phase of work are capped at \$25,000, but may be increased with authorization by the Council upon a demonstration of a particularized need.

Municipal participation in Phase 2 of the program will be based upon the scope and merits of work conducted in Phase I, and will be subject to subsequent review and authorization by the Council. Municipalities eligible to enter Phase 2 will conduct an impact analysis comparing base zoning development to at least two conceptual TDR receiving zone development scenarios. This impact analysis will look at the affect of the development scenarios on water supply needs, wastewater generation, number of school children, affordable housing obligations, and traffic generation, and fiscal



consequences. The evaluation shall also include a discussion of how the development scenarios address local community character and support surrounding land use conditions and local planning initiatives. Importantly, information derived from this analysis will aid municipalities in determining whether they want to seek receiving zone designation by the Highlands Council and proceed with planning for a receiving zone. Grant amounts for the second phase of work will be based upon the scope of the work to be conducted under that phase.

Municipal Benefits

As specified by the Highlands Act, receiving zones under the Highlands TDR Program are voluntary. To encourage municipalities to designate voluntary receiving zones, the Highlands Act provides a number of benefits to municipalities in the Planning Area that conform to the Regional Master Plan and establish a receiving zone which provides for a minimum density of five (5) dwelling units per acre for the residential portion of the receiving zone. Planning Area municipalities that meet these criteria may:

- charge up to \$15,000 per unit impact fee for all new development within the voluntary receiving zone;
- receive up to \$250,000 in an enhanced planning grant to offset the planning and other related costs of designating and accommodating voluntary receiving zones;
- receive a grant to reimburse the reasonable costs of amending municipal development regulations to accommo-

- date voluntary receiving zones;
- receive legal representation by the State in actions challenging municipal decisions regarding TDR provided that pre-requisites are met; and
- receive priority status in for any State capital or infrastructure programs.

For municipalities outside of the Region but within the seven Highlands counties, they are entitled to the same benefits above except for legal representation and priority status. Importantly, municipalities outside the Region must receive plan endorsement from the State Planning Commission to participate in the Highlands TDR Program.

For Preservation Area municipalities or Planning Area municipalities that choose not to conform to the Regional Master Plan, the Council has separate authority to provide financial and technical assistance to implement participation in the Highlands TDR Program. Additionally, such authority may be used to provide financial and technical assistance to municipalities that choose not to satisfy the five dwelling unit per acre threshold and instead seek to designate a receiving zone with a lower residential density.

Process

The process is initiated by a municipality submitting to the Highlands Council a resolution from the governing body indicating the municipality's interest in assessing the feasibility of establishing a voluntary receiving zone. Along with the resolution, the municipality must complete and submit the grant application. As part of the application, the municipality must attach a scope of work, cost proposal, and schedule addressing the requirements of the grant program. Additionally, the municipality must identify any outside consultants and sub-consultants that will be assisting the municipality with work under the grant and include a detailed scope and cost proposal submitted by the consultants in support of grant activities.

Upon receipt of the grant application, the Highlands Council Staff will review the application and make a recommenda-

tion to the Highlands Council for approval and award of the grant. Upon grant award, the municipality is entitled to receive half of the grant amount. The remainder of the grant will be provided on a reimbursement basis upon submission of the final Phase I report and acceptance by the Highlands Council. If the results of Phase I indicate that a proposed receiving zone may be feasible and the municipality desires to proceed, then the Highlands Council may award a grant to complete an impact analysis and development scenario evaluation required during Phase 2.

Grant Activities

There are many tasks to be conducted by a municipality under the grant. First, the municipality must identify and evaluate potential receiving zones based upon municipal vision as articulated in the municipality's master plan, and if within the Highlands Region, the Highlands Plan. The town must explain why particular sites were selected and the criteria used in making selections.

Second, the municipality must provide a description of the physical characteristics and zoning of the potential receiving zone. This information includes identifying environmental constraints within one mile of the potential zone such as streams corridors/buffers, wetlands, 100-year floodplains, threatened and endangered species habitat, steep slopes, forest and woodlands, existing open space, and important soils/recharge areas. The municipality must also describe the extent of development currently built within the potential zone along with that permitted by the municipality's development regulations. Additionally, the municipality must identify water supply and wastewater utilities provided to the zone, discuss whether those utilities have capacity to service additional development and describe if there is public transportation access to the zone.

Third, the town must do a real estate market analysis of the potential receiving zone. This includes discussing the unit values of various residential and non-residential development, underlying land

values, and the local real estate market's ability to absorb additional development within the potential receiving zone.

Fourth, the municipality must devise at least two conceptual development scenarios for the potential receiving zone based upon the results of the real estate market analysis. This requires describing the type and number of additional units (including commercial and mixed use if appropriate) above base density that is acceptable to the municipality; discussing how parking, ingress, egress, infrastructure needs and emergency services will be addressed; and providing an estimate of the potential project value of the two development scenarios. It is also critical that the municipality state whether existing utilities have the capacity to service the additional development by providing either an Intent to Serve letter from the local utility authority or an engineering report indicating that there is sufficient capacity to meet increased utility demand.

Fifth, and finally, the municipality must prepare a draft Phase I report to the Highlands Council comprehensively discussing each of the items above.

In order to fulfill the resource protections contemplated by the Highlands Act, the Legislature realized that there must be various mechanisms to preserve environmentally sensitive lands in the Highlands Region. TDR is one of those tools. Successful implementation of the Highlands TDR program will ensure that additional growth is properly planned and help support ongoing regional land preservation needs. For more information regarding the Highlands Receiving Zone Feasibility Grant Program, please contact Jeffrey Lejava, Highlands TDR Program Administrator & Staff Attorney, at (908) 879-6737 ext. 131 or by e-mail at jeff.lejava@highlands.state.nj.us.



Planning for TDR in Woolwich Township

By Caroline Armstrong, AICP/PP
melvin | kernan LLC

In March 2007, Woolwich Township New Jersey became the first municipality in the state to adopt a Transfer of Development Rights Plan under the 2004 TDR statewide enabling legislation. Such acclaim, however, is not an end to itself, but rather a means to an end. For without the ability to implement TDR, Woolwich Township's agrarian roots will rapidly vanish.



Despite its location just 30 minutes from Philadelphia, Woolwich Township's rural, agricultural heritage endured through most of the 20th century. As recently as 1990, only 1,459 people resided in this 21-square mile community. However, in the decade following, development pressures sent its population soaring by nearly 108% to 3,032. Between 2000 and 2005, the Township's population grew by another 148% to 7,518, according to the second highest growth rate in the entire northeastern United States.

Though it surrounds the small town of Swedesboro, Woolwich historically lacked its own traditional town center or main street to anchor new development. Consequently, the influx in population quickly resulted in unchecked sprawl. The impacts of past planning decisions – sprawling, large lot residential development, consumption of farmland, school construction costs, traffic and absence of commercial ratables – raised the ire of residents and prompted Township leaders to reverse these

trends while the opportunity still existed. Following a two-year planning process, which began in early 2005, the Township Planning Board adopted a Transfer of Development Rights Plan, along with a Utility Services Plan, and reviewed draft ordinances and a Real Estate Market Analysis. Days later, the Township Committee adopted a TDR Capital Improvement Program and authorized transmittal of the TDR Plan and Petition for Plan Endorsement to the Office of Smart Growth.

TDR Receiving Zones and Planned Regional Center

The TDR Plan is modeled after the New Jersey State Plan vision of directing growth into compact, mixed use centers and preserving the environs for agricultural, open space and environmental benefits. The Plan redirects the bulk of future potential growth into two tightly configured receiving zones. The larger receiving zone is part of a 2.7 square mile planned Regional Center on Route 322. The Regional Center will include not only the receiving zone, but also Woolwich Adult, a planned development that will contain 1,029 age-restricted units (including affordable units), and 2.7 million square feet of commercial space on 750 acres. The receiving zone site

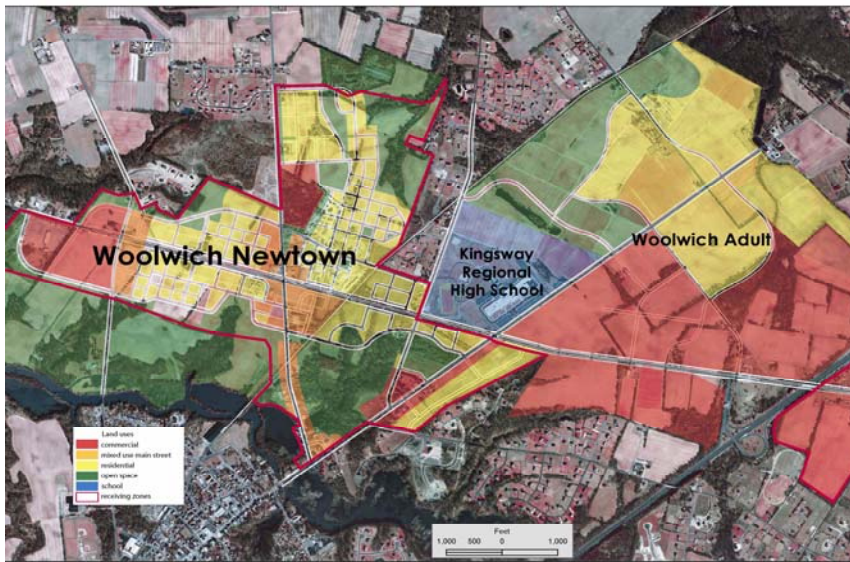


was chosen for its proximity to the historic main street of Swedesboro, Exit 2 of the Turnpike, the existing regional middle and high school campus, and Woolwich Adult property. Bald eagle habitat to the south of Woolwich New Town is protected with a green buffer.

Part of the larger receiving zone includes Woolwich New Town. The land plan for this one square mile new town is based on Traditional Neighborhood Design principles. Woolwich New Town will contain 3,217 housing units – predominantly twins, townhouses, flats, and units above retail - and no more than 100 single family units. Its pedestrian-scale mixed-use main street will connect Woolwich New Town to downtown Swedesboro, helping to reinforce both places. Net densities of 15 to 28 units per acre will ensure that 20 parks and public spaces, as well as main street destinations, are within easy walking distance of virtually all homes in the receiving zone. Pedestrian-friendly intersections, and a wide landscaped median will enable people to cross Route 322 safely. A dedicated lane along 322 will open up future opportunities for bus rapid transit in this region.

Two additional commercial areas within the receiving zone anchor the Regional Center. The commercial area to the far west will provide locally-oriented uses and services, albeit largely automobile-oriented. The commercial node at the eastern end of the Regional Center will offer regional services, an appropriate solution, given its proximity to the Turnpike.

The second receiving zone – Auburn Road Village – is located adjacent to Weatherby - a large planned development that is well under construction. Auburn Road Village will host 502 mixed housing types, 50,000 square feet of commercial space, and 30 acres of parks and open space on 125 acres.



Zoning and design standards set forth regulations at a town, block, site and building scale in the form of an urban design code. Photos and graphics are used to illustrate the intended purpose and goals of the code. These are complemented by minimum and maximum standards for architecture and design, parking, edge, buffer and environment, which establish an appropriate rhythm to the buildings and streetscape. While respecting traditional design principles, the code also encourages innovation and sustainable development practices to achieve state-of-the-art 21st century solutions, setting forth practices such as low-impact stormwater management techniques and green building solutions.

connecting these resources to existing parks and preserved farms, Woolwich Township's environs will be knitted into large, contiguous blocks of undeveloped lands, that support agriculture, enhance habitats and offer scenic vistas. The sending area is primarily zoned for 1.5 and 2 acre lots. Virtually all land not otherwise preserved, approved for development or under construction, falls in the sending zone. This ensures the permanent protection of a vast region that would otherwise succumb to sprawling, large lot housing developments.

Equity Protection

Equity protection is central to land-owner buy-in into TDR. When a zoning

Sending Zone

The sending zone, located in the environs of the TDR receiving zones, comprises over 4,100 acres of farmland, open space, and woodlands. By

tool is new and relatively unknown, landowners are that much more leery of its impact. Woolwich Township did not "downzone" the sending zone prior to implementing TDR. Instead, the TDR credits (development rights) maintain values based on today's zoning. Only if landowners opt out of TDR are they subject to 15 acre zoning.

Implementation Status

Implementation of the TDR Plan requires adoption of a TDR ordinance and timing and cost-sharing solutions for major infrastructure, such as water, sewer, stormwater and roads. Woolwich Township is negotiating with water and sewer utilities, NJDEP, and NJDOT to finalize these issues. Implementation also requires Initial Plan Endorsement from the State Planning Commission. The process is underway presently. The Township's submissions were deemed complete, and the Township has responded to the State's request for some additional information. Once the Township receives Plan Endorsement, solicits comments on the TDR Plan from Gloucester County, and conducts a hearing on the mandatory real estate market analysis, the TDR ordinance can be adopted. This is all expected to happen during the first half of 2008.

Lessons Learned

TDR is an invaluable tool for municipalities whose planning goals include smart growth, equity protection, sustainability and land preservation. Woolwich Township's experience thus far may provide some useful insights for those considering a similar route:

- Make public outreach an ongoing priority – Woolwich leaders reached out to its constituents through meetings, workshops, resident survey, website information, and hearings. Town meetings were held early on drawing 250 – 350 people per session. A special meeting of property owners in the sending zone was held to answer questions and address concerns.

(Continued on page 17)



Vision of the Route 322 Corridor

Courts Fluster Non-Contiguous Cluster

By Courtenay D. Mercer, PP/AICP

Before the State TDR Act, the Ogden Amendment (L. 1995, c. 364, § 2) to the Municipal Land Use Law (MLUL) provided for cluster development between noncontiguous parcels. From 1995 to 2004, non-contiguous planned unit development (PUD) was the only game in town for municipalities outside Burlington County or the Pinelands. Often thought of as TDR-“lite”, non-contiguous cluster is less complicated to implement and still results in land preserved through private investment.

The non-contiguous cluster provision of the MLUL, however, is rather ambiguous and vague. Municipalities have interpreted it in myriad ways to satisfy their growth management needs. It was commonly thought that a few municipalities over-stretched their authority under the non-contiguous cluster provision, but were able to rebuke challenge in the absence of TDR. Upon the passage of the State TDR Act, planners and land-use attorneys theorized that the courts would be less flexible in their interpretation of the non-contiguous PUD now that TDR was permissible throughout the state. Two municipalities recently proved this conjecture accurate when the courts invalidated their “non-contiguous cluster” ordinances because they too closely resembled TDR.

Builders League of South Jersey, Inc. vs. Township of Franklin et als
Docket No. A-1247-05T5

The 2004 Franklin Township (Gloucester) Master Plan called for the conservation of land and channeling of growth through the use of non-contiguous planned residential development that would allow “[d]evelopment rights within the sending area...be transferred into the Receiving Area” (2004 Master Plan, Franklin Township, Gloucester County). Not so cleverly as it turns out, the Master Plan went on to say, “that this use of non-contiguous planned residential clusters is not intended to be interpreted under the recently enacted legislation that per-

mits the statewide Transfer of Development Rights.”

In September 2004, the Township amended its zoning code and map to put all land in the R-A Residential District into either a Sending Area or a Receiving Area (Ordinance No. 4004-13). The ordinance did allow for conventional subdivisions and contiguous clusters in both the sending and receiving areas; however, allowed for non-contiguous planned residential development to occur only in the receiving area. In addition, it allowed non-contiguous lands to be combined to create a conforming lot.

In October 2004, the Builders League of South Jersey filed suit with the Superior Court of New Jersey, Gloucester County Law Division, claiming among other things, that Franklin’s ordinance “established a TDR program in a manner not authorized by the MLUL” (Docket No. GLO L-1753-04-PW). The Township contended that the ordinance was not TDR because it was voluntary to transfer rights to the receiving area. Judge Bowen found for the Plaintiff in September 2005, and invalidated the ordinance “insofar as it is non-compliant with N.J.S.A. 40:55D-137 et seq”. The Township appealed the decision to the Superior Court of New Jersey Appellate Division (Docket No. A-1247-05T5). In July 2007, the Appellate Division affirmed the lower court decision and provided detailed reasoning for the same.

The Court determined that the Township’s ordinance exceeded the authority granted by the MLUL for non-contiguous PUD, because it was not limited to planned developments and that it did not require that the properties be developed as a “single entity” or be in “common ownership”—the hallmarks of a PUD. Moreover, the Court determined that several aspects of the ordinance made it reminiscent of TDR; including, “the establishment of sending and receiving ar-

eas...preliminary studies of topography and critical habitat, restrictions on future development, density bonuses and municipal authority to enforce the development restrictions”.

Thus, the court determined that the Township was seeking to implement a transfer of development rights program. As such, the ordinance was invalid because it did not meet the requirements of the State TDR Act.

Flynn Tucker, LLC., et al vs. Township of Springfield et al
Docket No. L-108-06 (Consolidated)

The background of the adoption of the three Springfield Ordinances in question is rather convoluted, and accordingly, the Court invalidated them on the basis of procedure. Despite Judge Sweeney’s ability to end his decision with the procedural invalidation, he opted to “rule upon the procedural challenges...lest the defendants assume that the ordinances are substantially valid and can be re-adopted in their same form”. For the purposes of this article, the procedural issues are not relevant, and only Judge Sweeney’s opinion as it relates to TDR will be discussed.

In March 2006, Springfield Township (Burlington) adopted three ordinances that allowed for a transfer of density from sending zones to receiving zones at three-acre zoning. If property-owners opted not to participate in the density transfer, they were subject to ten-acre zoning. (Ordinances 2006-5, 2006-6 and 2006-7) The Township contended that they adopted these ordinances under the “non-contiguous density transfer” provisions of the MLUL (N.J.S.A. 40-55D-65(c)). Judge Sweeney, however, emphasized that the MLUL does not contain such a term, and that the only allowance for “clustering between non-contiguous parcels” was through planned unit development.

Judge Sweeney ultimately concluded that the Township had created a “hybrid form” of TDR. First, the ordinance es-

established districts where development rights could be transferred to and from, effectively creating TDR sending and receiving zones. Moreover, the ordinance included terms such as “development potential”, “development transfer” and “development potential transfer”, which by definition, are all associated with the TDR provisions of the MLUL. The ordinance also provided for a preservation mechanism, another concept associated with TDR.

Judge Sweeney also took issue with the fact that the Township ordinance openly admitted that the bonus densities might not be attainable if some parties in the sending or receiving zone opted not to participate. He said that this was evidence of “a TDR plan without the assurances necessary to render it a TDR plan in compliance with the MLUL”, indirectly referring to the provisions for a market analysis in both the Burlington and State TDR enabling legislation. Due to the over-reaching yet unsupported nature of the Springfield ordinances, Judge

Sweeney deemed them invalid insofar as they did not meet the statutory requirements of the TDR provisions of the MLUL.

Conclusion

In both cases, the Courts determined that the municipalities exceeded the authority of the non-contiguous cluster provisions of the MLUL. The Courts were vehement about the need for any non-contiguous clustering to occur pursuant to PUD. Any deviation from this provision would render the scheme a TDR. In the Franklin case, the Court was also keen to point out that the development was to be treated as a “single entity” or be in “common ownership”. In both cases, the municipalities admitted that they had passed their non-contiguous ordinances because they did not have the resources or political will to pursue TDR. The Courts took exception to this, and pointed out the legislature’s desire to provide safeguards and assurances for all parties through the TDR provisions of the MLUL. The Ap-

pellate Division put it best in the Franklin decision, “[s]imply stated, municipalities are not free to pick and choose the elements of the TDR program that it likes and disregard the provisions that it finds burdensome.”

These Court decisions do not disqualify one’s ability to pursue non-contiguous cluster via the planned development provisions of the MLUL. Instead, they put municipalities, planners and land use attorneys on notice that the courts are using a strict interpretation of those provisions. Non-contiguous cluster, when implemented appropriately, is a good first step toward balanced growth. If your non-contiguous cluster ordinance walks, talks or quacks like TDR, however, it will be interpreted as TDR.

Please note that this unsolicited advice is coming from a professional planner—a land use attorney should be consulted when pursuing non-contiguous cluster.

Call for NJ APA Volunteers

The NJAPA is seeking volunteers to participate in the following initiatives:

- The Sustainable Design Committee is creating a **pro-bono Planning Assistance Program** to assist municipal governments with sustainable design plans. The goal of this program is to advance community development projects that embody sustainability principles and practices in both design and operation. The Planning Assistance Program will be an two and a half day workshop in which the chosen municipality will receive the assistance of a team of NJ Professional Planners to create a Sustainable Design Plan for a site of the municipality’s choosing. The session will include public information gathering sessions, stakeholder interviews, design sessions and a final recommendation presentation. The municipality will receive a report that summarizes the planning process, rendered design concepts, design standards, implementation strategies, and professional services recommendations and costs estimates to implement the Plan. The APA-NJ feels that it is important to assist communities and offer services such as this to bring sustainability issues to the forefront. We seek to build a pool of members interested in volunteering their time to staff a workshop. We hope to run one to two programs a year, starting this fall. Volunteers will not be asked to serve on every panel, but rather will be chosen based on their expertise and the needs of the community.
- The NJAPA is looking to form an ad hoc Committee to update *The Complete Guide to Planning in New Jersey*. There have been a number of legislative and regulatory changes since the guide’s last publication. The Committee will serve to review, revise and/or seek contributors to up-date this publication.

If you would like to participate in any of these initiatives, please contact the Chapter Administrator, Michael Levine, at mlevine@njapa.org or (973) 286-4708.



American Planning Association
New Jersey Chapter

Making Great Communities Happen

Post Carbon Cities: Planning for Energy & Climate Uncertainty

By Linda E. Wills, PP/AICP

Portions of this article are used with permission from "Post Carbon Cities: Planning for Energy and Climate Uncertainty," by Daniel Lerch, The Post Carbon Institute, www.postcarboncities.net.

Is your town ready for peak oil and global warming? Since the February 2007 release of the highly publicized report by the Intergovernmental Panel on Climate Change (IPCC), we have been hearing much about the unprecedented challenges that climate change brings to humanity. Peak oil, defined by Daniel Lerch of the Post Carbon Institute as "the coming high point and subsequent decline of world oil production," presents similarly complex challenges. According to Mr. Lerch, an increasing number of petroleum analysts estimate that we will likely pass peak oil by 2010, which translates into escalating oil prices and volatility in supply and price. In his recently released guidebook, "Post Carbon Cities: Planning for Energy and Climate Uncertainty," Mr. Lerch sums up the oil problem in three main points:

1. Production of "easy oil" has peaked.
2. "Difficult oil" can't make up the difference.

3. The remaining oil isn't all ours to buy. Demand is rising, especially from developing countries, and more oil is coming from troubled parts of the world.

"Post Carbon Cities" conjoins the issues of peak oil and global warming, the latter largely being a product of fossil fuel consumption, in a "climate-peak convergence." The guidebook meets energy and climate uncertainty head-on with a call to action to those involved with municipal government.

Act Locally

Greenhouse gas concentrations are up and rising. The average global temperature continues to rise, with uncertain consequences. Some effects on the global ecosystem are inevitable. In the short term, we need to sharply reduce greenhouse gas emissions and adapt to the first effects of global warming. Over the long term, we don't know how the global ecosystem will change, and how, in turn, local and regional climates will change. And we certainly don't know how these changes will affect the local and regional economies.

These uncertainties create a number of vulnerabilities for local governments. For instance, what if the price of oil passes \$100 a barrel? How will local activities be impacted? How will the local water supply be affected by shifting climate? As we witnessed after Hurricane Katrina, state and federal governments do not have the ability to meet each municipality's needs in a crisis.

Hence, communities need to prepare for peak oil and climate change. But how can our municipalities set meaningful budgets, make long-range land use and transportation plans, and serve residents and the local business community in the face of such uncertainty? "Post Carbon Cities" responds with guidance to meet three critical goals:

1. Break dependence on oil;
2. Stop contributions to global warming;
3. Prepare the community for energy and climate uncertainty.

Take Four Initial Steps

Mr. Lerch draws upon the experiences of local governments to provide four initial steps your municipality can take to address peak oil and global warming:

1. Sign the Mayors Climate Protection Agreement and endorse the World Mayors and Municipal Leaders Declaration on Climate Change. Your mayor's signature commits your municipality to achieving greenhouse gas reductions in the absence of federal leadership. See www.coolmayors.com and www.iclei.org/montrealsummit.
2. Join the ICLEI (International Council for Local Environmental Initiatives)'s Cities for Climate Protection Campaign. ICLEI works with municipalities worldwide to reduce greenhouse gas emissions. See www.iclei.org.
3. Sign the Oil Depletion Protocol to set a target for reducing oil consumption in your community. See www.oildepletionprotocol.org.
4. Establish a Peak Oil Task Force. A volunteer task force can assess your community's vulnerabilities in peak

The "Climate-Peak Convergence"

PEAK OIL

WHAT'S THE ISSUE?

1. Oil prices depend on oil flows.
2. Oil is more difficult to produce.
3. Oil supply is less stable.
4. OPEC can't make up the slack anymore.

WHY IS THIS A PROBLEM?

- **Overdependence on oil**
- **Short-term challenges**
(unexpected price changes, occasional shortages)
- **Long-term challenges**
(how will global, regional and local economies respond?
how can municipalities budget and plan?)

GLOBAL WARMING

WHAT'S THE ISSUE?

1. We know that some effects are inevitable in the short term.
2. We don't know exactly how the global ecosystem will change in the long term.

WHY IS THIS A PROBLEM?

- **Dependence on global ecosystem**
- **Short-term challenges**
(dealing with first effects)
- **Long-term challenges**
(long-term changes to climates and economies)

**"Energy and Climate
Uncertainty"**

oil and develop recommendations for actions. The “Post Carbon Cities” guidebook provides suggestions for organizing and operating a task force.

Adopt Five Principles for the Long Term

Integrate these principles into your municipality’s decision-making and planning:

1. Deal with transportation and land use (or you may as well stop now). The built-in oil dependency of our cities and suburbs is the biggest obstacle to significantly reducing energy use. Incorporate peak oil and climate change in your long range land use and transportation planning now. Don’t just tinker with zoning codes and transportation funding – take the time and commit the resources to make serious changes.

- Fundamentally rethink your municipality’s land use and transportation practices, from building and zoning codes to long-range planning. Are your regulations and procedures encouraging developers to build the best possible buildings and neighborhoods for a world without cheap oil? Are you discouraging the kinds of developments that will function poorly when gasoline is three times as expensive as today?
- Make land use and transportation decisions with 100 year time-frames. What are the energy and mobility assumptions going into your current

Know your municipality’s vulnerabilities, because there isn’t necessarily anyone else thinking about them.

big infrastructure investments? Are you planting the seeds

for energy prudent land use patterns?

- Organize with neighboring jurisdictions to address challenges at a regional level. Are you integrating cities and suburbs in a regional transportation plan? Are you protecting farmland and industrial areas throughout the region?

2. Tackle private energy consumption.

- Use the tools you already have to encourage energy conservation and

efficiency in the private sector. Create incentives and support for innovations like zero-energy buildings, combined heat and power systems, and industrial symbiosis. Lead by example in public projects and public-private partnerships.

- Engage the business community aggressively. Resource efficiency saves money, and new “green” industrial and business practices are a growing opportunity for economic development. Challenge your local business leaders to reinvent the local economy for the post-carbon world.

3. Attack the problems piece-by-piece and from many angles.

- Meet your goals with multiple, proven solutions. Don’t look for a few big fixes on energy and greenhouse gases. Instead, pursue many different kinds of solutions at different scales, from promoting individual energy efficiency to rethinking the fundamentals of your economy.
- Enlist the entire community. Set community goals and then spur action from all sides – supply and demand, public and private, household and business – to meet them.

4. Plan for fundamental changes...and make fundamental changes happen.

- Educate and involve fellow elected officials and staff about the challenges of energy and climate uncertainty and the need to change their operating assumptions accordingly. These are the people who will be guiding your community through the coming crises. Raise awareness of the problems and they will be better prepared to come up with solutions.
- Educate and involve other stakeholders, which include business leaders, real estate developers, planners, architects, landowners, financiers, engineers, community leaders, and citizens. Make sure they understand the seriousness of the challenges, and challenge them to come up with solutions.
- Lead your municipality’s transition by integrating peak oil and climate change considerations into your own decision-making. See that every project smoothes the transition and reduces

energy and climate vulnerability.

5. Build a sense of community.

Neighborhoods with a strong sense of community are usually the ones that fare best in the long run: citizens, businesses, and local institutions help each other weather short-term challenges, and they organize to meet long-term challenges. The knowledge, skills, experiences, and social capital of a strong community contribute more to a municipality’s resilience over time than any multi-million dollar infrastructure project. More than

anything else, the resilience that comes from a strong sense of community will help

your municipality meet the challenges of energy and climate uncertainty. Here are ways to build a sense of community throughout your neighborhoods:

- Strengthen neighborhood associations;
- Protect neighborhood schools and set up community-school partnerships;
- Allow a mix of uses in both buildings and neighborhoods;
- Protect affordable housing, and allow accessory dwellings;
- Develop a community policing program;
- Encourage street fairs and farmers markets; and
- Build public squares to encourage public interaction.

In short, do anything you can to get people talking, forming relationships, and investing in the larger community.

Join the Post Carbon Cities Network

The Post Carbon Cities network provides news, resources for policymakers and planners, and forums for sharing common problems and lessons learned. See www.postcarboncities.net.

The ready and cheap supply of oil and natural gas is currently as presupposed and essential to our economy as the supply of potable water is to our communities.

UPCOMING EVENTS

TransAction 2008

April 2-4

Atlantic City, NJ

The 32nd Annual NJ State Transportation Conference & Expo will be held at the Taj Mahal Hotel & Casino in Atlantic City and will feature federal, state, local and private experts on funding sources, planning, operations, services, consulting, and technology. Qualifies for 4.5 CM credits through AICP. For more information, visit the conference website: <http://www.njcost.com/transaction.htm>.

Building Capacity in Community-Based Organizations for Brownfields Redevelopment

April 4, 2008, 9am-4pm

New Brunswick, NJ

Learn about a program to build capacity in CDCs and other community-based organizations to participate in brownfields redevelopments. Workshop qualifies for 4.5 CM credits through AICP and features regional expert panels, break out sessions, and a luncheon. Hosted by National Center for Neighborhood and Brownfields Redevelopment with support from the U.S. Environmental Protection Agency. Register online at: <http://policy.rutgers.edu/brownfields>

MAC URISA 2008 Regional GIS Conference

April 7-9

Mount Laurel, NJ

Conference information, registration and the conference brochure is available at <http://www.macurisa.org>.

MTA's Sustainability Agenda

April 14, 6pm

New York, NY

The Metropolitan Transportation Authority presents a discussion of "The MTA's Sustainability Agenda" led by MTA Director of

Policy and Media Relations Ernest Toller-son. The presentation will be followed by a question-and-answer session. Wollman Lounge, Albert Nerken School of Engineering, 51 Astor Place, Manhattan. Free. For information, go to: <http://www.cooper.edu/month.html>.

Regional Plan Association's 18th annual Regional Assembly

April 18, 2008

New York, NY

RPA's 18th Annual Regional Assembly, titled "Oil & Water: Adapting to Scarcity" focuses on the need for creative approaches to the region's and America's urgent energy and climate concerns. As the presidential election looms on the horizon, discussing these pressing topics of national significance in our region can help lay the groundwork for an enlightened vision of sustainability both regionally and nationally. For more information, go to <http://www.rpa.org/ra2008>.

APA National Annual Conference 2008

April 27-May 1, 2008

Las Vegas, NV

Come to the 100th annual planning conference in Las Vegas, Nevada from Sunday April 27 to Thursday May 1, 2008. Enjoy 200-plus conference sessions, mobile workshops, training seminars, and networking opportunities in a city that is tackling a wide range of planning issues and problems as it continues to grow. For more information, and to register for the conference, visit www.planning.org.

Greening Rooftops for Sustainable Communities Conference

April 30-May 2

Baltimore, MD

This annual event features the very latest in green roof and green wall research,

design, and policies. Hosted by the City of Baltimore and Green Roofs for Healthy Cities, the conference also includes a two day industry tradeshow featuring a wide range of exhibitors showcasing the latest in green roof and green wall technology. All policy related sessions and workshops delivered at the conference have been approved for AICP continuing education credits. For more information and to register go to www.greenroofs.org.

SPRAWL

March 20th – August 24, 2008

Jersey City Museum

Jersey City Museum, in collaboration with several other participating New Jersey venues, has organized SPRAWL, a bold, multi-venue exhibition that will bring together work by artists statewide to focus on New Jersey's legacy of sprawl. The effects on urban, suburban, rural and marginalized landscapes are all addressed by these exhibitions. For information, go to http://www.artdaily.com/index.asp?int_sec=2&int_new=23130

Climate Change & Land Use: Global warming impacts on land use planning and project approvals

May 5 & 6,

Tarrytown, NY

First-of-its-kind conference on the impacts of climate change on land use. Experts from early adopter jurisdictions around the country and leading land use professionals and attorneys have been assembled. For more information, call 1-800-854-8009; or email registrar@lawseminars.com.

To include an event on this calendar, please e-mail rebeccamhersh@aol.com

The Harrison Approach: Getting There from Here

Friday, May 16, 2008, 1 – 4 pm

Experience first-hand how brownfield revitalization is transforming the Town of Harrison, with its 300 acres of abandoned industrial sites, into a New Urbanist community. The APA-NJ Chapter invites members to a motorcoach/walking tour and a panel session with leading brownfield redevelopment practitioners. Further details will be announced in the near future at www.njapa.org.



NJ APA Executive Committee

President

Courtenay Mercer, AICP/P.P.
Mercer Planning Associates
46 Marlborough Avenue
Middlesex, NJ 08846
Term: 11/07-11/10
Phone: (732) 369-6491
E-Mail: pres@njapa.org

Past President

Carlos Rodrigues, AICP/P.P.
Regional Plan Association
179 Nassau Street, 2nd floor
Princeton, NJ 08542
Term: 11/07-10/09
Phone: (609) 228-7080
E-Mail: crodrigues@rpa.org

First Vice-President

Deborah Lawlor AICP/P.P.
[New Jersey Meadowlands Commission](#)
1 DeKorte Park Plaza
Lyndhurst, NJ 07071
Term: 11/07 - 11/09
Phone: (201) 460-4671
E-Mail: slopehl@optonline.net

Second Vice-President

Jeffrey Perlman, AICP
Heyer, Gruel, & Associates
63 Church Street
New Brunswick, NJ 08901
Term: 11/06-10/08
Phone: (732) 828-2200
E-Mail: jeffiperlman@gmail.com

Treasurer

John Reiser
Planning - Office of Smart Growth
P.O. Box 800
Trenton, NJ 08625-0800
Term: 11/07-10/09
Phone: (609) 943-9938
E-Mail: jreiser@newrisedesigns.com

Secretary

Amy Sarrinikolaou, AICP/P.P.
CMX
200 State Highway Nine
Manalapan, NJ 07726-0900
Term: 11/07 - 10/09
Phone: (732) 577-9000
E-Mail: asarrini@hotmail.com

Professional Development Officer

Charles Latini Jr., AICP/P.P.
Heyer, Gruel & Associates
63 Church Street
New Brunswick, NJ 08901
Term: Appointed Annually
Phone: (732) 828-2200
E-Mail: Charleslatini@yahoo.com

Housing Committee Chair

Vito A Gallo, P.P.
17 Sheridan Road
Summit, NJ 07901
Term: Appointed Annually
Phone: (908) 418-3732
E-Mail: vitoagallo@comcast.net

Legislative Committee Chair

Michael Powell
NJ Community Development Corporation
P.O. Box 6976
Paterson, NJ 07509
Term: Appointed Annually
Phone: (973) 413-1635
E-Mail: mpowell@njcdc.org

Redevelopment Committee Chair

Robert Cotter AICP/P.P.
[Jersey City Division of City Planning](#)
30 Montgomery Street, Suite 1400
Jersey City, NJ 07302
Term: Appointed Annually
Phone: (201) 547-5010
Fax: (201) 547-4323
E-Mail: bobbyc@icnj.org

Sustainable Design Committee

Angela S. Clerico, LEED-AP
Banisch Associates, Inc
111 Main Street
Flemington, NJ 08822
Term: Appointed Annually
Phone: (908) 782-0835 x21
E-Mail: angelaclerico@banisch.com

Northeast Area Representative

Linda Wills, AICP/P.P.
878 Traphagen Road
Wayne, NJ 07470-7996
Term: 11/06 - 10/08
Phone: (201) 460-3879
E-Mail: lewills@optonline.net

Northwest Area Representative

Eric Snyder, AICP/P.P.
Sussex County Administrative Center
1 Spring Street, Newton 07860
Term: 11/06 - 10/08
Work: (973) 579-0500
Phone: (973) 267-3244
E-Mail: esnyder@sussex.nj.us

Central Area Representative

Maura McManimon-Fennessy, AICP/P.P.
NJ Housing and Mortgage Finance Agency
P.O. Box 18550
Trenton, NJ 08650-2085
Term: 11/06 - 10/08
Phone: (609) 278-8803
E-Mail: maura_mcmanimon@hotmail.com

Southern Representative

Tara B. Paxton AICP/P.P.
[Township of Brick](#)
401 Chambers Bridge Road
Brick, NJ 08723
Term: 11/06 - 10/08
Phone: (732) 262-4783
E-Mail: tpaxton@twp.brick.nj.us

Southern Shore Representative

Louis C. Joyce, AICP/P.P.
Land Dimensions Engineering
6 East High Street
Glassboro, NJ 08028
Term: 11/06 - 10/08
Phone: (856) 307-7800
E-Mail: lcj50@yahoo.com

Bulletin Editor

Rebecca Hersh, AICP/P.P.
Alan M. Voorhees Transportation Center
Bloustein School of Planning & Public Policy
Rutgers, The State University of New Jersey
33 Livingston Avenue, Fifth Floor
New Brunswick, New Jersey 08901
Term: Appointed Annually
Phone: (609) 915-5365
E-Mail: rebeccamhersh@aol.com

1st Year Student Representative

Katie White
Rutgers University
27 Seaman Street
New Brunswick, NJ 08901
Phone: (952) 200-6416
E-Mail: Whit0931@umn.edu

2nd Year Student Representative

Carrie McCarthy
Rutgers University
63 South Adelaide Ave
Highland Park, NJ 08904
Phone: (703) 725-2901
E-Mail: cmm@eden.rutgers.edu

Chapter Administrator

Michael E. Levine, AICP
[NJ Chapter of the APA](#)
C/O URS Corporation
One Riverfront Plaza
14th floor, P.O. Box 790
Newark, NJ 07102-9715
Phone: (973) 286-4708
Fax: (973) 504-7097
E-mail: mlevine@njapa.org

Webmaster

Brian Carson
E-Mail: webmaster@njapa.org

...Chesterfield Township TDR: A New Jersey Success Story

(Continued from page 5)

policies to enact TDR ordinances from Burlington County to the entire state.

Lessons from Chesterfield's TDR

Planning matters. The design (not just the zone plan) of the Receiving Area – circulation, stormwater management, open spaces, recreation, elementary school and other institutions, commercial center, walking and bicycling paths – was critical to the success of Old York Village. The design plan makes the process predictable for the Planning Board, the applicants and the public and ensures that the design of each successive subdivision will be coordinated with the others in the Receiving Area. The high quality of the Village plan supports the value of Receiving Area real estate which, in turn, supports the value of credits in the Sending Area.

TDR creates a collaborative dynamic between the Planning Board and the applicant. In Chesterfield, both the Planning Board and the applicants have a clear understanding at the outset of the components of the Receiving Area plan set forth in the Master Plan. Furthermore, the Planning Board recognizes that six acres of land will be preserved in the Sending Area for every house constructed in the Receiving Area. The dynamic with the applicant is collaborative, not combative as it can be in communities where residential development is

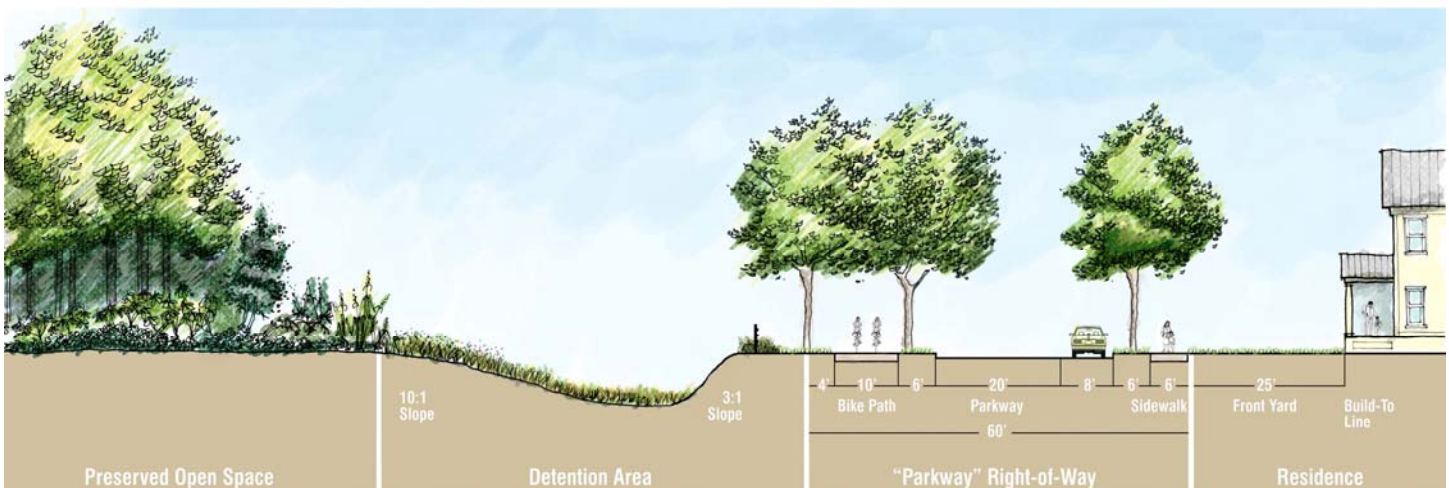
perceived as a burden.

TDR can accelerate the pace of development and generate pressure on the local tax rate. Chesterfield averaged 13 residential building permits annually between 1990 and 2000 (prior to the start of construction of Old York Village) and has averaged over 50 building permits annually since the construction started. Not surprisingly, this growth is putting stress on the public sector infrastructure. As an illustration, a \$38 million bond referendum was passed by the voters in December, 2007 to fund a new, consolidated elementary school in the Receiving Area. Since the State is promoting TDR as a land use policy which embodies the philosophy of the State Plan, it is counter-productive to saddle TDR towns with the fiscal burden of accelerated development. The TDR statute should be amended to provide towns which implement TDR sufficient State funding to neutralize any net negative fiscal impacts of TDR.

TDR is a complex and expensive undertaking which requires a sustained commitment from local political and planning leaders. The State statute sets forth a rigorous process to which municipalities must adhere prior to the adoption of an ordinance implementing TDR. The statute requires that the municipality prepare a series of Master Plan Elements, a Capital Improvement Plan and a Real

Estate Market Analysis and elicit comment from the public, the County and the State government (through Plan Endorsement). While this framework may be appropriate for mandatory TDR, the expense and complexity of the current statutory requirements are obstacles even to municipalities which are interested in a voluntary TDR program. The TDR statute should be amended to create a distinction between mandatory and voluntary TDR and to require a lower level of analysis and documentation for voluntary versus mandatory TDR.

TDR is worth it! Notwithstanding the amount political will, administrative time and money required to prepare for and launch a TDR program, the results of that effort can be stunning. Chesterfield is channeling virtually all of the residential growth which – under conventional zoning – would have sprawled across over 10,000 acres into a neo-traditional, mixed-use, walkable community of 1,200 homes on 560 acres. The two “futures” of Chesterfield could not be more divergent. Consequently, although there is certainly room for improvement in the statute as noted above, if the conditions are suitable for TDR it presents an opportunity for municipalities to effect positive change in their patterns of land use which cannot be approached through any other mechanism.



Stormwater and Parkway Street Section



...Planning for TDR in Woolwich Township

(Continued from page 9)

- Be flexible and be prepared to adjust the TDR program – Local constituents will likely suggest ways to tailor the program to fit the unique local context or local issues. For instance, Township leaders responded to fiscal concerns raised by sending zone property owners who must pay the engineering costs if they choose to appeal their TDR credit allocation. Specifically, they agreed to provide a partial reimbursement (in the form of a fraction of a TDR credit) to landowners who successfully demonstrate that their property can yield at least 20% more units (i.e. TDR credits) than the TDR credits allocated initially by the Township. This partial reimbursement roughly equates with the cost of the required engineering studies.
- Coordinate with neighboring municipalities – It is important to keep “the region” apprised of the TDR program to ensure their support. Woolwich

Township responded to issues raised by Swedesboro representatives at a regional meeting by adjusting its proposed street grid and introducing a new park in Woolwich New Town to buffer an historic site.

- Partner with State, regional and county government – Most likely, the TDR program will impact or require improvements to county or state infrastructure. Most likely, they will be brought into the TDR process by virtue of the plan endorsement process anyhow. But towns can build on this through creative solutions. For instance, NJDOT hosted a series of design workshops with Woolwich Township, private developers, and other state agencies to develop a consensus solution for an integrated street network within the Regional Center that allowed Route 322 to continue to function

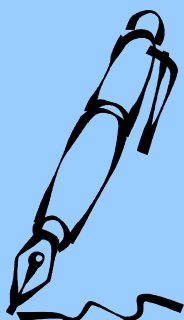
as a regional highway.

- Think ahead toward implementation – As the TDR plan is being crafted, the municipality should attend to the practical realities of long term implementation. For example, it is imperative that basic needs such as sewer and water start to be identified and addressed from day one, so that timing and delivery of needed infrastructure happens according to plan.



Write for the NJAPA Newsletter!

The NJAPA Bulletin welcomes all planning-related article submissions, editorials, event announcements, and photographs. Please e-mail submissions and questions to NJAPA Bulletin Editor Rebecca Hersh at: rebeccamhersh@aol.com



Upcoming Deadlines:

- Friday, **April 25** for the May/June 2008 issue
- Friday, **June 27** for the July/August 2008 issue
- Friday, **August 29** for the Sept/Oct 2008 issue
- Friday, **October 31** for the Nov/Dec 2008 issue

Call for Award Nominations

Submissions for NJAPA's 2008 Awards for Planning must be received by 5pm on July 11, 2008.

These awards honor plans, planning and design initiatives, reports, built projects, individuals and organizations that are in the forefront of planning and design in New Jersey. Recipients of NJAPA's 2008 Awards for Planning will be recognized for their achievements at the NJAPA/Rutgers University Annual Planning Conference November 6-7, 2008 at the Hyatt Regency Hotel in New Brunswick and will receive a certificate and a free ticket to the event.

Submission details coming soon.

Call For Sessions 2008 Annual Planning Conference

Hyatt Regency Hotel
New Brunswick, New Jersey
November 6 – 7, 2008

New Jersey Chapter of the American Planning Association
and
Edward J. Bloustein School of Planning and Public Policy at Rutgers, The State University of New Jersey

Session Proposals Due June 16, 2008

Send submissions to:
Rebecca Hersh, AICP/PP
Phone: 609-915-5365
Email: rebeccamhersh@aol.com

All proposals MUST include:

1. Session Title
2. A brief (1-2 paragraphs) description of the session
3. Proposed speakers and moderators
4. Session coordinator/moderator contact information
5. How the session will meet AICP Certification Maintenance (CM) criteria
 - The content of CM activities must be designed to meet a specific planning-related training objective.
 - The content of CM activities must be designed to teach subjects in appropriate depth and scope for the level of the typical AICP member (i.e. a planner in current practice with at least two years of professional experience). Note: Activities that are intended for planning commissioners are not eligible.
 - The content of CM activities must be unbiased and non-promotional. An organization's services or products may be discussed prior to or after the completion of the CM credit portion of the activity.
 - The content of CM activities must address demonstrated educational needs of AICP members.
 - The content of CM activities must communicate a clearly identified educational purpose or objective.
 - Activities must be led by one or more experts on the subject discussed during the activity. An expert is defined by APA as a professional who has made a contribution to the profession through practice, teaching, research, or publications; completed works that proclaim individuality and mastery of the principles of planning taught; and whose work demonstrates outstanding quality and professionalism.
 - CM activities must use learning methodologies and formats that are appropriate to the activity's educational purpose or objectives.

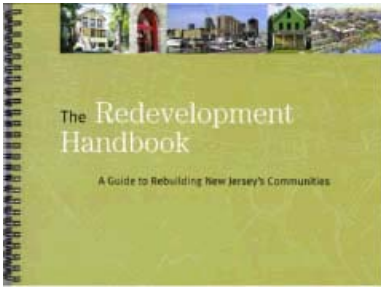
Sessions that do not contain this information will not be considered.

Tips for Successful Sessions

- Provide a discussion groups/exchange format rather than a lecture
- Focus on findings, not on process
- Be ready to provide contact information session notes, and handouts to all attendees
- Focus on best practices that can be applied in other localities
- Present tangible issues (as opposed to research results)
- Use expert speakers
- Visual (PowerPoint) presentations

Note: All session speakers, moderators and panelists must register and pay for the conference.

Redevelopment Handbook: A Guide to Rebuilding NJ's Communities



by Stan Slachetka and David G. Roberts © 2003. This *Handbook* has been jointly published by the NJ Department of Community Affairs and the NJ Chapter of the American Planning Association. This book "is an easy-to-understand, practical guide that will help municipalities that are considering redevelopment."

NJAPA Member Price:

\$30.00 per copy
+\$5.00 shipping & handling
\$35.00 total per copy

Non-Member Price:

\$40.00 per copy
+\$5.00 shipping & handling
\$45.00 total per copy

Order Form: Redevelopment Handbook

Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Email Address: _____

of Copies: _____ X \$35.00= _____
(member price)

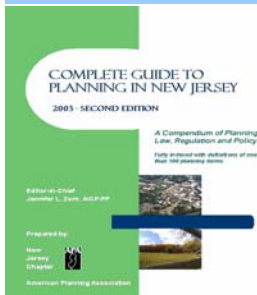
of Copies: _____ X \$45.00= _____
(non-member price)

Total Enclosed: \$ _____

Make checks payable to "NJ APA."

Send checks to: NJAPA, P. O. Box 200402, One Riverfront Plaza, Newark, NJ 07102-9715

Complete Guide to Planning in New Jersey – Second Edition

**NJAPA Member Price:**

\$30.00 per copy
+\$5.00 shipping & handling
\$35.00 total per copy

Non-Member Price:

\$40.00 per copy
+\$5.00 shipping & handling
\$45.00 total per copy

Order Form: Complete Guide to Planning in New Jersey — Second Edition

Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Email Address: _____

of Copies: _____ X \$35.00= _____
(member price)

of Copies: _____ X \$45.00= _____
(non-member price)

Total Enclosed: \$ _____

Make checks payable to "NJ APA."

Send checks to: NJAPA, P. O. Box 200402, One Riverfront Plaza, Newark, NJ 07102-9715

Zoning for Successful TDR Programs

By Tom Daniels

Reprinted by permission of the American Planning Association. All rights reserved.

This article appeared in the December issue of "Zoning Practice". It provides a good historical perspective and national examples of TDR, as well as tips for implementing TDR. Please note, however, that some information contained in this article may not be relevant to TDR in NJ. The State TDR Act (N.J.S.A. 40:55D-137 et seq.) should be referenced when pursuing TDR in NJ.

Good development design and the protection of large areas of farmland, open space, and natural areas are two primary goals of smart growth. Yet achieving these goals in a common process is often elusive. Since the late 1960s, the transfer of development rights has held considerable promise for preserving rural landscapes by moving development potential from the countryside into designated growth areas. To date, thousands of TDR transactions have occurred, but not as many as some proponents might have hoped.

A major obstacle to the creation of effective TDR programs has been local zoning. A local government's by-right zoning may allow ample development opportunities for developers who choose not to acquire TDRs, and local elected officials may choose to grant greater densities through bonus zoning without requiring that developers acquire and apply TDRs. Also, developers may be wary of encountering bureaucratic and procedural delays if they propose a development that uses TDRs, compared to a development that simply

follows by-right zoning. Within designated growth areas, local residents may oppose increased densities that come with developments that use TDRs, for fear that the increased density will not be well designed, will result in more congestion, and will reduce property values. In areas designated for resource protection, rural landowners may resist suggested downzonings that may be used in conjunction with TDRs because they perceive a loss in property values.

There are several ways local governments can use the zoning ordinance to create effective TDR programs. But first it is important to understand how the TDR process works.

WHAT IS A TRANSFERABLE DEVELOPMENT RIGHT AND HOW DOES IT WORK?

A transferable development right is the right to create a residential building lot or to construct a dwelling unit or build additional square footage onto a commercial, industrial, or residential structure. A TDR is not one of the rights that come with property ownership. A TDR must be created through state enabling legislation and a local ordinance to allow a landowner to transfer a development right to another parcel owned by someone else. A local government creates a market in development rights between landowners in designated preservation areas (sellers) and developers (buyers) who can then use the TDRs to build at a higher density in the designated growth areas.

A local government creates a TDR program through four main steps. First, the

local government identifies one or more sending areas from which TDR will be moved and gives landowners in the sending areas a certain number of TDRs. For instance, Montgomery County, Maryland, gave landowners in its sending area one TDR for every five acres owned. So a landowner who had 100 acres received 20 TDRs. This allocation formula, together with the size of the sending areas, determines the total potential number of TDRs available.

Next, the local government must identify one or more receiving areas that could accommodate higher density development than currently exists in the receiving area. Then the local government determines how many TDRs a developer must acquire from one or more landowners in the sending areas in order to receive approval for increased density. For instance, Montgomery County allowed one additional dwelling unit on an acre for each TDR a developer purchased and applied to a residential development project in the receiving area. The local government must set a maximum for the total potential number of TDRs that can be applied in the receiving areas, thus establishing the maximum amount of development those receiving areas can accommodate. Finally, the local government must set up a process for:

- confirming the use of TDRs by a developer;
- placing a conservation easement on lands in the sending area from which TDRs have been sold; and
- keeping track of how many TDRs landowners in the sending areas still have.

A developer will need to execute a deed of transferable development rights to show that TDRs have been severed and purchased from a property in the sending area. A conservation easement is a legally binding contract between the landowner and the local government, stating the restrictions (for example, agricultural, forestry, or open space land uses) that apply to the property. The property is still privately owned, and there is usually no right of public access.

In sum, a local government creates a mar-

HOW THE TRANSFER OF DEVELOPMENT RIGHTS WORKS

SENDING AREA

(ZONED AGRICULTURE)

Farm Parcel A

sends TDRs
Farm is preserved through a conservation easement.

RECEIVING AREA

(R-2, MEDIUM DENSITY RESIDENTIAL)

Housing Development Parcel B

purchased TDRs allow more housing units.

Developer buys TDRs on Farm Parcel A and transfers them to Parcel B. Developer can then build more housing units than zoning ordinance would normally allow. Parcel A can no longer be developed, except for farming.

Source: Adapted from Daniels and Moore, 1997, p. 177.

ket for TDRs by assigning a certain number of TDRs to landowners in sending (or preservation) areas and requiring developers who want to build at higher than by-right densities in receiving (or growth) areas to purchase TDRs from landowners in the sending areas. The price of the TDRs is established through negotiations between a willing buyer and a willing seller, like an ordinary real estate transaction. A key feature of successful TDR programs is continued demand for TDRs from developers who see potential profits from purchasing TDRs and using them to develop projects in the receiving areas. One reason that TDR programs have not worked well in rural areas is that there is often insufficient development activity and little demand from developers for TDRs.

A local government creates a market for TDRs by assigning a certain number of TDRs to landowners in sending areas and requiring developers in receiving areas to purchase TDRs from landowners in the sending areas.

ensure that TDRs have a value. Another reason that TDR programs have a poor track record in rural areas is that there are usually many more TDRs in the sending areas than there are places to use them in the receiving area. This oversupply of TDRs drives down prices and discourages landowners in the sending areas from sell-

ing TDRs.

PUTTING THE TDR PROGRAM IN THE ZONING ORDINANCE

The local government can create a separate TDR ordinance, but a better approach is to include it as part of the local zoning code. Because a comprehensive plan sets the legal foundation for the zoning ordinance or TDR program, a local government should first amend its comprehensive plan to reflect the identified sending and receiving areas.

To add a TDR program to the zoning ordinance involves several changes. First, new definitions must be added to reflect the language of the TDR program, such as definitions for transferable development rights, sending area, receiving area, deed of transferable development rights, and deed of easement. Next, the TDR option must be added to the list of permitted uses in the zoning districts that are the designated sending areas, along with the minimum size parcel eligible for TDRs, the TDR allocation method, and the procedures for legally severing TDR and using a conservation easement to permanently preserve the sending area property. Then the TDR option must be added to the list of permitted uses, special exceptions, or conditional uses within the zoning districts that comprise the receiving areas.

Although developers may prefer by-right zoning for the use of TDRs, the conditional use process allows the governing body to impose conditions for approval to address development impacts that may affect the community. The conditional use process

Developers need to recognize that their use of TDRs will result in better financial returns than developments that meet only by-right zoning.

once a conditional use permit has been granted, a local government could waive the preliminary land development plan and go straight to the final plan stage. This in effect grants the developer vested rights in the development, and final approval is mainly a formality.

The zoning ordinance

should include:

- a purpose clause, explaining the reason for establishing the TDR ordinance;
- the authorization for the TDR ordinance in the state enabling legislation, and a basic explanation of the TDR program;
- the procedure for sale of TDRs from a sending area, including a definition of the sending area, how TDRs are calculated, procedures for severing TDRs from land in the sending area, and the conservation easement that is applied to land from which TDRs have been severed;
- how TDRs can be used in a receiving area, including a definition of the receiving area, how the use of TDRs is calculated, design requirements and changes to base zoning standards (area and bulk standards), and the conditional use process and the land development and subdivision plan process for approval of a development that uses TDRs; and
- definition in the ordinance spelling out whether the TDR program is mandatory or voluntary. Most are voluntary, allowing a landowner the choice of selling off a certain number of building lots and selling a certain number of TDRs. (Under a mandatory program, such as at Lake Tahoe, Nevada, a landowner may not be allowed to build on the property, but can still sell TDRs.)

HOW CAN THE TDR PROGRAM AVOID ZONING OBSTACLES?

A TDR program blends financial incentives with planning and zoning. For a TDR program to be effective, developers need to recognize that their use of TDRs will result in better financial returns than developments that meet only by-right zoning. Local officials are often eager to encourage development in designated growth areas and may grant developers bonus density in return for certain design features or infrastructure. For TDR programs to work, local officials cannot “give away” density in designated receiving areas. Any increase in

(Continued on page 22)



© Rendering of what a new town or village, created with the use of Transferable Development Rights, would look like in St. Lucie County, Florida.

...Zoning for Successful TDR Programs

(Continued from page 21)

density through a rezoning in a receiving area must require the developer to acquire and apply development rights. This requirement can be spelled out in the zoning ordinance.

Local governments may find that there is some trial and error involved in setting byright zoning in the sending and receiving areas and as bonus

densities in the receiving areas. Don't be afraid to make changes. Over time the TDR program may require occasional adjustments to the zoning ordinance to respond to changing conditions in the real estate market, changes in the comprehensive plan, or density or land-use provisions that did not produce the intended outcomes.

Calvert County, Maryland, began the nation's first county-level TDR program to preserve open space in 1978. Part of the program has featured a single-zone TDR in which the sending area and the receiving area are the same. Calvert County started with an existing zoning density standard that allowed one house per five acres and allowed one house per 2.5 acres in its Rural Community districts with the purchase of TDRs. In 1999 the county attempted to slow development by downzoning its Rural Community districts to one house per 10 acres, but allowed up to one house per two acres with the purchase of TDRs. Then, in 2003, in the face of continued growth pressures, the county again downzoned the Rural Community districts to one house per 20 acres, allowing only one house per four acres with the purchase of TDRs (see McConnell et al, 2007).

A TDR program can incorporate bonus zoning through the use of multipliers. Multipliers are bonus TDRs that reward developers for building desirable developments in the receiving areas. For example, St. Lucie County, Florida, gave one TDR per acre to landowners in its sending area because the underlying zoning is one dwelling unit per acre. A developer who buys a

TDR can obtain a TDR bonus of 1.5 additional TDRs for each TDR purchased by building workforce housing (based on 80 to 120 percent of the median area household income), building higher education facilities, building a research and development park, or attracting a "targeted industry," such as an electronics manufacturer.

Developers want as much certainty as

possible in the development process. Thus, expedited rezoning and subdivision and land development reviews are important to encourage developers to use TDRs. West Lampeter Township in Lancaster County, Pennsylvania, requires a developer to apply for a conditional use permit when proposing a development that uses TDRs. The conditional use process means that the elected officials will have to vote on the project. Once the project receives conditional use approval, the township will waive the preliminary plan review and go straight to final plan review. This waiver in effect grants a developer vested rights in the project.

One way to keep property owners in receiving areas mollified is to use a form-based code. Ultimately, a form-based code is easier to do if the receiving area is a greenfield site. St. Lucie County has incorporated form-based code elements into its land development regulations, which relate to the TDR ordinance. The ordinance won an Award of Excellence from the Florida Chapter of the American Planning Association in 2006 and an award from the Form-Based Codes Institute in 2007.

The county's land development regulations include, for example:

- The development shall incorporate principles of Traditional Neighborhood Design, including a mix of land uses, a mix of building types, a mix of housing for different income levels, a pedestrian-friendly block and street network, and a significant amount of public open space.
- Neighborhood size shall be scaled upon a

five-minute walk radius (approximately 0.25 mile) or a total area of 125 acres, as measured from the Neighborhood Center.

- Each neighborhood shall have well-defined edges, and range from 80 to 150 acres in size. The shape or form of the neighborhood is flexible, provided that the 0.25-mile radius benchmark for scale is maintained.
- A neighborhood shall provide a variety of dwelling unit types and prices that support a broad range of family sizes and incomes.
- A neighborhood shall contain at least one civic building, such as a school, social center, fire or police station.
- A neighborhood shall contain at least one local store.
- Blocks shall be scaled to accommodate a variety of building types.
- A neighborhood shall have an interconnected network of public streets designed to balance the needs of all users, including pedestrians, bicyclists, and motor vehicle operators (Treasure Coast Regional Planning Council, 2006b).

Warwick Township in Lancaster County, Pennsylvania, created a dual-zone TDR program to preserve farmland in the sending areas but tied it to the expansion of commercial and industrial space in its receiving area. The increased development in the receiving area thus expands the local property tax base without adding school-age children. This produces a net revenue gain for the township. The Campus Industrial Zone receiving area is 167 acres. The township zoning allows only 10 percent maximum lot coverage by-right. For each TDR that a landowner/developer acquires, another 4,000 square feet of lot coverage is allowed, up to a maximum of 70 percent coverage. The township has preserved nearly 1,000 acres of farmland through its TDR program, which got a major boost when a regional hospital decided to locate in the Campus Industrial Zone and needed to purchase more than 100 TDRs.

Downzoning in sending areas has been a major obstacle to creating effective TDR programs. One way that local governments have attempted to minimize the effects of downzoning is to create single zones that serve as both the sending and receiving areas. In a single-zone TDR, the transfer of development rights rearranges develop-

One way that local governments have attempted to minimize the effects of downzoning is to create single zones that serve as both the sending and receiving areas.

ment, often to cluster the development and maintain some open space. This is primarily a rural residential strategy. The by-right zoning in a single-zone TDR program generally uses a density standard, so that one house lot may be developed for every certain number of acres. For instance, if the density standard is one house per five acres and a landowner has 20 acres, then the landowner could create four building lots by right. The landowner could purchase a TDR from another property and create an additional lot, for a total of five lots on the 20 acres, but some of the open land, such as 50 percent or 10 acres, would be placed under a conservation easement restricting future development. Farmland protection zoning of one house per 20 acres (or more) is rarely used in a single-zone TDR.

The single-zone TDR is not a recommended method for several reasons. First, it encourages more people to move out to the countryside and live in automobile-dependent developments. In other words, this new development adds to sprawl, though perhaps in a more attractive setting. Second, the additional development is likely to lead to increased conflicts with nearby farm operations. And third, it encourages greater use of on-site septic systems, which contribute to groundwater pollution. In Maryland, for example, there are 14 county TDR programs, of which only Montgomery County uses a dual zone that clearly separates sending and receiving areas. Montgomery County downzoned its rural area from one house per five acres to one per 25 and then gave each landowner in the sending area one TDR per five acres.

St. Lucie County adopted a single-zone TDR program, but requires that a landowner or two or more landowners have a minimum of 500 acres and develop their land in a new urbanist town or village. In return, the county agrees to provide central sewer and water service, even to new towns or villages outside the county's urban service boundary.

Take the case of an owner of a 500-acre parcel outside the USB who proposes to build a new village development:

- The landowner must set aside at least 75 percent of the site as open space.
- The minimum density is five dwelling units per acre, so the 125 acres of development land must support at least 625 dwelling units, of which 50 units (eight

percent) must be Workforce Housing units.

- Transferable development rights moved from the open space for use as Workforce Housing receive a multiplier of 2.5. The remaining land set aside for open space receives a multiplier of 1.25.
- The landowner can receive additional TDR multipliers (bonuses) by attracting a target industry, institution of higher learning, or a research facility.

TDRS: THE NEXT GENERATION

The next generation of TDRs will feature the transfer of development rights across political jurisdictions and landscape-scale preservation. TDR programs may provide a way to encourage greater regional cooperation, especially in the Northeast, where townships control planning and zoning.

In 2000, the State of Pennsylvania authorized the use of TDRs across municipal boundaries if the municipalities have a written intergovernmental agreement or have adopted a multimunicipal plan. Even though dozens of multimunicipal plans have been completed, to date, no TDRs have moved from one municipality to another. An obvious problem: Why would one municipality want to provide space for another's development?

In 2004, the State of New Jersey passed legislation allowing the transfer of development rights not only across municipal boundaries but from a sending area anywhere in the state to a receiving area anywhere in the state. New Jersey is proposing to use transfer of development rights as a key tool in preserving the NJ Highlands.

King County, Washington, has preserved more than 92,000 acres since 1999, mainly through a single transaction that enabled it to put many TDRs in its bank. In 2004, the county paid \$22 million for TDRs from a 90,000-acre tract owned by Hancock Timber Resource Group. Development rights can be transferred to inside Seattle's urban growth boundary to allow taller buildings in downtown Seattle, or for a 50 percent increase in the number of homes allowed in some unincorporated parts of the county. For instance, in 2006, R.C. Hedreen Co. paid \$930,000 to King County's TDR Bank for 31 rural development rights. In exchange, the company was allowed to add 62,000 square feet of residential space and increase the height of a building it owned above 300 feet.

THE LEGALITY OF TDRS

The concept of transferable development rights came into practice in 1968 when New York City adopted a TDR program in the form of transferable air rights to protect historic landmarks (Preutz 1997). In 1978, the U.S. Supreme Court upheld New York City's transferable air rights program and found that the owners of Grand Central Station could earn a reasonable profit by transferring development potential above the station to another site in the city. That is, the owners of Grand Central could build higher than the zoning height limit would normally allow on another site (see *Penn Central Transp. v. New York City*, 438 U.S. 104 (1978)).

TDRs have drawn the interest of elected local officials because of the potential to avoid the Fifth Amendment takings issue that has plagued proposals to downzone property as a way to manage growth. Thus far, the courts have not given definitive direction on the legality of using TDRs as just compensation. In *Suitum v. Tahoe Regional Planning Agency*, 96 U.S. 243 (1997), the U.S. Supreme Court ruled that the plaintiff, Mrs. Suitum, did not have a "ripe" situation because she had not tried to sell her TDRs and had not determined what they were worth.

In *Williamstown County Regional Planning Commission v. Hamilton Bank of Johnson City*, 473 U.S. 172 (1985), the Supreme Court ruled that "if a State provides an adequate procedure for seeking just compensation, the property owner cannot claim a violation of the Just Compensation Clause [of the Fifth Amendment] until it has used the procedure and been denied just compensation." In short, the role of TDRs as "just compensation" has not been fully resolved by the courts.

OPINION CORNER: GIS and Privacy

By Atanas E. Entchev, AICP
ENTCHEV GIS Architects

Are GIS systems privacy intruders, or do they merely expose unrealistic privacy expectations? I think it is more of the latter. Just like a GIS exposes slivers and overlaps in property maps, but does not create them (as many tend to think), it sometimes exposes privacy issues where they existed previously. And just like the value of a stock goes up or down because of how well a company performs relative to the stock analysts' expectations, the "privacy quotient" of a GIS is often measured against the users' perceptions of privacy.

Privacy - Real or Perceived?

Not too long ago a U.S. monthly magazine delivered a unique copy to its 40,000 subscribers. Each copy had a different cover. On each cover was an aerial photo of the subscriber's neighborhood, with a circle around the subscriber's house. The magazine wanted to make a point, and it did. A lot of people were stunned, although the ones I spoke with couldn't explain why. They just didn't think it would be that easy to get an aerial photo of their house.

Google, Microsoft and Yahoo! have all released interactive online mapping systems. They are more than just slick and appealing. Google Maps links the map you generate with Google's vast index of Internet searches. The results can be unexpected. When I searched for my name, Google Maps came up with the location of my previous place of employment, where I worked more than four years ago.

To a lot of people these would be examples of how GIS is a privacy intruder. To me, these are examples of the public's unrealistic expectations of privacy. Was I surprised that a Google search turned up the name of my ex-employer? I wasn't. But Google made a connection that

I no longer make. And when Google put that dot on the map, the information took on a different meaning.

Is GIS the Bad Guy?

When designing and implementing a GIS, we are required to take into account a whole host of non-technical concerns, weighted based on national or local legislation, community customs, business practices, etc. Increasingly, privacy is among the top issues concerning GIS implementers. But the concern seems to be more about perceived privacy.

An example: A typical municipal GIS implementation includes a link to property assessment data. A typical dilemma a municipal official has is: "Should we make this available to the public?" It just feels like there is too much information available at the fingertips. But it is all public information anyway, isn't it? In my many years of experience with municipal GISs, the most common instance of municipal GIS "abuse" is looking up how much one's neighbor paid in taxes - clearly a non-evil, non-malicious query, one that can be easily accomplished in a trip to the tax assessor's office. Nevertheless, "privacy concerns," often left to the discretion of the local official, all too often dictate what will go into the GIS and what to be left out.

Seminars dealing with privacy issues in GIS include examples of how a clever burglar can use the New Jersey Open Public Review Act (OPRA) to gain access to information, and then use GIS to analyze that information, in order to determine where to strike next. A typical example is that of the person requesting information about houses with dog licenses, then about houses where senior citizens live, and then about houses with alarm systems. At which point the municipal official becomes suspicious, denies the information request, and prevents



the perpetrator-to-be from firing up his GIS application, executing a Boolean logic SQL query, and plotting out a map of his targets. An unlikely scenario, in my opinion.

Feel-Good Privacy

I am not taking an anti-privacy stance. I am convinced that everyone can benefit from a common, better understanding of the real issues of privacy in GIS, and from having common, realistic privacy expectations. Let us not cripple the GIS system to meet some vague privacy perceptions. Let's deal with real privacy issues, and work to correct privacy misconceptions where they exist. GIS is not the bad guy. Stop shooting the messenger.

This article originally appeared in Directions Magazine in 2005. It has been updated to reflect changes in technology since 2005. A link to the original article can be found at: http://www.directionsmag.com/article.php?article_id=810&trv=1.



This list of the top ten planning websites appears on the website Planetizen. Each year Planetizen compiles a list of the top planning websites of the year. This year's list, as well as lists from previous years, can be found at: <http://www.planetizen.com/websites/2008>.

Planetizen's annual list of the 10 best planning, design and development websites (along with a few honorable mentions) represents some of the top web resources for those interested in planning, design, and development. This list is based on nominations by Planetizen readers and staff, and judged against a common set of criteria, including standards of web accessibility. Please contact Planetizen at editor@planetizen.com if you have nominations for next year's list.

City of Sound

www.cityofsound.com

The engrossing posts on this blog cover topics as various as singing roads and Antarctic substations – but somehow they all connect back to the shared themes of cities, architecture, design, media and culture. Penned by Dan Hill, a Swiss-born Englishman living in Sydney, Australia, City of Sound is consistently well-written, thoughtful, and surprising.

Honorable Mention: [WebUrbanist](#) – another standout blog that blends cities and culture.

Florida Housing Data Clearinghouse

Shimberg Center for Affordable Housing, Univ. of Florida
flhousingdata.shimberg.ufl.edu

The Florida Housing Data Clearinghouse website is a great example for agencies who want to provide access to relevant data and statistics. Visitors to the site are greeted with a map of the state, and can drill down into individual cities and counties to retrieve figures affecting the availability of affordable housing. Users can find population growth projections, new construction and sales data, and housing and wage trends with data access tools that allow comparisons by jurisdiction.

Honorable Mention: [Urban Design Tools - Low Impact Development](#) – a useful site for planners looking to learn more about stormwater management techniques.

NYC/London Interactive Transit Map

brail.org/transit/

These two web tools by software developer Gregory J. Brail combine transit data and Google Maps to create the easiest way yet to figure out how to get somewhere using public transit in New York and London. By clicking (or typing in the address) of your starting point and destination, these interactive transit maps instantly plot the shortest travel route using each city's underground metro. Even Google's own Transit website doesn't provide such easy point-and-click trip planning.

Ourbania

www.ourbania.com

Ourbania is a fun, interactive site that lets you explore the world through buildings. Supported by an online community of "real estate enthusiasts," the site encourages visitors to post information about real life structures - from bridges to skyscrapers. Users can add photos and notes, and plot a building's location using a Google-powered map. Like the design of certain building? Visitors can find out the architect, and see what other buildings they might have designed (provided they are uploaded to the site). With a large base of international members, Ourbania lets anyone who's interested in buildings connect.

Post Carbon Cities

www.postcarboncities.net

With global warming on the minds of the people in charge of managing cities, many officials are looking to learn about sustainable urban policies and practices. Post Carbon Cities has taken up the challenge of helping local governments understand and respond to the challenges of peak oil and global warming by bringing together a valuable set of resources on energy and climate change. The site's blog provides overviews and advice on topics such as green building and transit-oriented development. A Planetizen reader favorite.

Rethink College Park

www.rethinkcollegepark.net/blog

David Daddio and Rob Goodspeed, two planning students at the University of Maryland, wanted to put their planning and technology skills to work to help the college town of College Park, Maryland. The result is Rethink College Park, a website that provides community members with information on plans in the community, as well as a way to discuss proposals. The site features a blog and an interactive development map that plots development projects and proposed transit routes.

Honorable Mention: [Ballpark and Beyond](#) – another great citizen planner-driven blog tracking development in their community.

StreetsBlog

NYC Streets Renaissance/Open Planning Project

www.streetsblog.org

StreetsBlog provides unparalleled coverage of transportation and planning issues in New York City, making it the envy of transportation advocates in cities across the country. Part of the NYC Streets Renaissance Campaign sponsored by the Open Planning Project, the website supports the group's efforts to reorient the city's transportation policies away from the car and towards cyclists and pedestrians. Daily updates on issues from congestion and parking pricing to road and sidewalk design make StreetsBlog a must read for anyone who's interested in creating sustainable transportation policies.

Survey LA

Office of Historic Resources, Dept. of City Planning, City of L.A.
preservation.lacity.org/survey

The SurveyLA website is part of the City of Los Angeles' Historic Resources Survey – a five-year effort partially funded by the Getty Foundation to identify all the historically significant buildings and structures in the city. In addition to providing information about the project to the public, the site allows visitors to participate in the multi-year planning effort by identifying historic resources through an online survey. In addition, visitors can search for surveyed properties and view images of the city's historic and cultural landmarks. Full disclosure: Planetizen's parent company, Urban Insight, was hired by the City of L.A. and the Getty Foundation to develop the SurveyLA website.

Trulia Hindsight

hindsight.trulia.com

A side project of the real estate site Trulia.com, Hindsight uses home sales data to create animated maps of development over time. Using color coded dots on the street grids of urban areas, visitors can watch as the population of Plano, Texas doubles in a decade and examine the effect of growth controls on towns like Bolinas, CA. You'll be hard pressed to find a more vivid portrait of how cities grow.

Walk Score

www.walkscore.com

Looking to find a house where you don't have to get in your car every time you want to get a gallon of milk? That's where Walk Score comes in. Enter your address, and it finds the distance to the nearest grocery stores, post offices, restaurants, libraries, movie theaters and other destinations, and then assigns a score based on the walkability of your location. Walk Score is the perfect tool for anyone looking to find a home or office in a walkable neighborhood.

CONSULTANT DIRECTORY

FX FOWLE



Planning & Urban Design Studio
Commercial / Residential Studio
Interiors Studio
Cultural/ Educational Studio
Transportation Studio

MARK STRAUSS, FAIA, AICP, PRINCIPAL
FXFOWLE ARCHITECTS, PC
22 WEST 19 ST | NEW YORK, NY 10011
T 212.627.1700 | WWW.FXFOWLE.COM

ENTCHEV.DOT.COM

gis | gps
database integration

5 Elm Row, Suite 207
New Brunswick, NJ 08901
p: (732) 246-1192
f: (732) 246-1193
www.entchev.com

URBITRAN

PLANNERS • ENGINEERS • ARCHITECTS

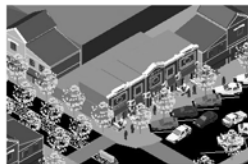
SUSTAINABLE SMART PLANNING

- MASTER PLANNING
- BROWNFIELD REDEVELOPMENT
- SITE PLANNING & DESIGN
- TRANSIT ORIENTED DEVELOPMENT
- ENVIRONMENTAL SERVICES
- SMART GROWTH AND SUSTAINABLE DESIGN
- BICYCLE-PEDESTRIAN PLANNING
- TRAFFIC ENGINEERING & TRANSPORTATION PLANNING
- DOWNTOWN & REDEVELOPMENT PLANNING
- CORRIDOR AND INFILL REDEVELOPMENT PLANNING

570 BROAD STREET, SUITE 501 • NEWARK, NJ 07102
973.643.0807 • www.urbitran.com
NEW YORK • NEW JERSEY • CONNECTICUT • PENNSYLVANIA

H2M

CELEBRATING 75 YEARS



- Master Plans & Zoning
- Redevelopment
- Housing
- Parks & Recreation
- Community Design & Visioning
- Strategic Plans
- GIS

555 Preakness Avenue, Totowa, New Jersey 07512
Tel (973) 942-0700 Fax (973) 942-1333 Email h2m@h2m.com

CVDA

- Community Planning
- Vision Plans and Urban Design
- Economic Development
- Community Park, Recreation, and Open Space Plans
- Neotraditional Village Planning

Carter van Dyke Associates

40 Garden Alley • Doylestown, Pennsylvania 18901-4325
215-345-5053
www.CVDA.com



REMINGTON & VERNICK ENGINEERS AND AFFILIATES

Helping Communities Build A Better Future for More Than A Century

Corporate Headquarters

Haddonfield, New Jersey

856-795-9595

Visit Our Web Site
at www.rve.com

Eng-Wong, Taub & Associates

Traffic Engineers & Transportation Planners

- Traffic Engineering
- Transportation Planning
- Master Planning
- Pedestrian, Bicycle & Parking
- Traffic Simulation & Analysis
- Transit Studies & Traffic Safety

One Gateway Center, 26th Fl.
Newark, NJ 07102
(973) 693-4488

MBE Certified
www.eng-wongtaub.com

THE METRO COMPANY, LLC

Planning • Housing • Finance • Development • Consulting

347 Varick St., Suite 117A
Jersey City, NJ 07302
(201) 435-6500

Fax: (201) 435-6560

E-mail: portney@metroco.com

STUART PORTNEY
President

CONSULTANT DIRECTORY

karabashian eddington planning group

27 gordon's alley
atlantic city nj 08401
phone 609.347.0311
fax 609.347.1819
keplanninggroup.com

a limited liability company

municipal planning •
urban design •
master plans •
redevelopment •
landscape architecture •



Hoyer, Gruel + Associates

63 Church Street
Second Floor
New Brunswick, NJ 08901

tel 732 828 2200
fax 732 828 9480
email MAIL@HGAPA.COM

(community planning consultants)



CORPORATE HEADQUARTERS:
Eleven Tindall Road, Middletown, NJ 07748
732.671.6400 f: 732.671.7365

REGIONAL OFFICES IN:
Moorestown, Toms River & Clark, NJ

www.tandmassociates.com

Master Planning/Land Use Regulations
Environmental Services, Site &
Landscape Design



Environmental, Planning, and Engineering Consultants

THE VALUE OF STRATEGIC THINKING

Contact: Gary Bickle
100 Centre Boulevard, Suite 106J
North Marlton Crossing, Marlton, NJ 08053
tel 856 797-9930 | fax 856 797-9932

New Jersey • New York City • Hudson Valley Region • Long Island • Baltimore/Washington Area

Satisfaction by Design



Engineering
Surveying
Planning
Landscape Architecture

KELLER & KIRKPATRICK
900 Lanidex Plaza, Parsippany, NJ 07054
Tel: (973)377-8500 Fax: (973)887-0925



PROFESSIONAL PLANNING & ENGINEERING, LLC

Engineering • Landscape Architecture • Surveying • Planning

210 Malapardis Road Suite 104 • Cedar Knolls, NJ 07927
Tel: 973-267-3244 • Fax: 973-267-9816 • www.ppecorp.com

creative land use design

**LAND DIMENSIONS
ENGINEERING**

www.landdimensions.com

6 East High Street
Glassboro, NJ 08028

856/307-7800
856/307-7805 fax

GIBBONS
ATTORNEYS AT LAW

**PLANNING,
ZONING, LAND USE,
& REDEVELOPMENT**

Peter J. Carton, Esq. • Douglas J. Janacek, Esq. • Howard D. Geneslaw, Esq., PP, AICP

**GIBBONS, DEL DEO, DOLAN,
GRIFFINGER & VECCHIONE, P.C.**

Phone: 973-596-4500 • Fax: 973-596-0545
e-mail: firm@gibbonslaw.com • website: www.gibbonslaw.com

CONSULTANT DIRECTORY

Planners

Landscape Architects

Urban Designers

Architects

Transportation Planners

Engineers

WWW.URSCORP.COM



URS Corporation
 One Gateway Center
 Suite 1000
 Newark, NJ 07102
 Tel: 973.504.7090
 Fax: 973.504.7097



Richard Grubb & Associates, Inc.
 Cultural Resource Consultants

- Phase I, II and III Archaeological Investigations
- Archaeological Monitoring
- Historic Architectural Surveys, Assessments and Evaluations
 - Historic American Building Survey (HABS)
 - Historic American Engineering Record (HAER)
 - Cultural Resource Management Plans
 - Investment Tax Credit Applications

30 North Main Street • Cranbury • NJ • 08512
 609-655-0692 • Fax 609-655-3050 • mail@richardgrubb.com



MASER
 CONSULTING P.A.

Consulting, Municipal & Environmental Engineers
 Planners • Surveyors • Landscape Architects

Joseph J. Layton, P.P., AICP
John A. Madden, P.P., AICP
Marcia R. Shiffman, P.P., AICP, C.L.A.

53 Frontage Road, Suite 120
 P.O. Box 4017
 Clinton, NJ 08809
www.maserconsulting.com

PLANNING SERVICES
 COMMUNITY PLANNING
 REDEVELOPMENT PLANNING
 AFFORDABLE HOUSING
 RECREATION PLANNING
 LAND PLANNING AND URBAN DESIGN



LGA ENGINEERING, INC.
 CONSULTING ENGINEERS & SURVEYORS

A Full Service Engineering, Planning and Surveying Firm
 Specializing in the Following:

Planning Services:

- Redevelopment
- Feasibility Studies
- Municipal Planning
- Parks & Recreation Design & Planning

- Streetscape Design & Planning
- Landscape Architecture
- Concept Planning
- Urban Design

A BIRD'S EYE SERVICES GROUP COMPANY

Jennifer C. Beahm, P.P., AICP, Vice President
 Jeffrey L. Janota, P.P., AICP, Associate

750 Vassar Avenue, Lakewood, NJ 08701 Tel: 732.961.2162 Fax: 732.961.2163
 51 Port Terminal Blvd., Bayonne, NJ 07002 Tel: 201.858.3700 Fax: 201.858.3733
www.birdsall.com

To place an event announcements classified ad, consultant directory ad, single insertion ad, RFP, RFQ, or other notice in the NJAPA newsletter, please contact Chapter Administrator Michael Levine at mlevine@njapa.org or (973) 286-4708.

Sign up for APA's 2008 National Planning Conference in Las Vegas

Come to the 100th annual planning conference in Las Vegas, Nevada from Sunday April 27 to Thursday May 1, 2008. Enjoy 200-plus conference sessions, mobile workshops, training seminars, and networking opportunities in a city that is tackling a wide range of planning issues and problems as it continues to grow. For more information, and to register for the conference, visit www.planning.org.

