

Municipal Fiscal Impact Committee #1

Brian Kelly, Chesterfield Township

Richard Reading, Richard Reading Assoc.

Susan Craft, NJ State Ag. Devpt. Committee

Phil Caton, Clarke Caton Hintz

Kevin McManimon, McManimon & Scotland

Edward McManimon, McManimon & Scotland

Matt Johnson, Burlington County Planning Dept.

Keith Henderson, Council Of Affordable Housing

Jeff LeJava, NJ Highlands Council

Chris Sturm, NJ Future

Mark Pfeiffer, NJ Dept. of Community Affairs

Brian Schilling, Rutgers Univ.

Kim Ehrlich, NJ Economic Devpt. Authority

Bob Wagner, American Farmland Trust

Issue: Municipalities undertaking TDR face numerous costs related to public education, planning and investment in infrastructure.

Purpose: TDR must be made more fiscally attractive for towns than the status quo to help reduce the risk of implementation.

General Recommendations:

- Identify all categories of costs for implementing TDR.
- Financial and commitment phasing.
- Grandfather municipalities as they gain TDR approvals
- Create one-stop portal at state for TDR municipalities & developers

Cost of planning and design:

- Simplify statutory requirements to what is essential.
- Increase Planning Assistance Grants.
- Authorize planning grants for counties.
- Recommend use of DEP's Local Gov't Greenhouse Grant Reduction Program.
- Use State Agency expertise more efficiently.

Education:

- Compare municipal fiscal impact of TDR vs. traditional zoning.
- Create a planning manual for TDR towns.

Infrastructure:

- Clarify authority of towns to charge developers for share of receiving district improvements.
- Provide access to NJ Environmental Infrastructure Fund.
- Consider use of State School Construction Funds.
- Consider TDR towns to get priority status for Green Acres
- Prioritize DOT funding for TDR projects

Early infrastructure costs:

- Provide transitional financial support
- Dedicate existing realty transfer fee to TDR towns.
- Allow municipal realty transfer fee
- Look creatively at TDR Bank Board assets

Incentives for developers:

- Consider UEZ model (corporate tax credits, sales tax reductions)
- Expedited review and approval schedules

Legal protection:

- Heighten legal “presumption of validity”
- Limit time period TDR ordinances can be challenged
- Consider whether State staff can provide informal legal support

Receiving District Infrastructure Committee #2

Tony DiLodovico, CMX Engineering

Matt Blake, American Littoral Society

Liz Semple, Rick Brown, NJDEP

Chris Sturm, NJ Future

Dianne Brake, PlanSmartNJ

Anthony Soriano, Morris Co. Dept. of Planning

Joy Farber, Office of Smart Growth

Jim Coe, Hatch Mott McDonald

Lawrence Baier, NJDEP

David Fisher, The Matzel & Mumford Org.

Steven Bruder, NJ State Ag. Devpt. Committee

Kathy Stuart, Office of Sen. Sweeney

Brent Barnes, NJDOT

Issue: TDR implementation stalls if receiving district infrastructure is not in place and permit approvals are not obtainable.

Purpose: Simplify the process and requirements for getting needed permits.

Recommendations:

- Eliminate uncertainty in wastewater planning process by identifying different types of receiving areas by
 - location (in a Sewer Service Area or not);
 - size of receiving district;
 - wastewater capacity measures.
- Prioritize TDR infrastructure capacity testing for DEP and other grants.

Recommendations

- Create phased planning/commitment process, using romantic relationship analogy:
 - each phase has checklist with clearly defined standards for state review;
 - first phase: town shares TDR concept; state identifies permitting constraints upfront;
 - second: preliminary TDR plan subject to “initial determination of TDR viability” by state
 - third: state and town decide if they can commit; possibility of pre-permitting w/conditions.

Recommendations

- Allow phased water & wastewater solutions
- Provide decentralized wastewater treatment options.
- Have TDR ombudsman to resolve obstacles.
- Need clear public information from State on where water and wastewater capacity exists.

Recommendations

- Need waiver process for access permits from DOT for TDR receiving districts.
- Give priority to TDR towns for Local Aid funding formula.
- Consider stormwater utilities for large receiving districts.

Coordinated State Agency Committee # 3

Bob Melvin, Group Melvin Design

Tom Borden, Highlands Council

Keith Henderson, Council On Affordable Housing

Karl Hartkopf, Office of Smart Growth

Brent Barnes, DOT

Courtenay Mercer, 4Ward Planning

Roberta Lang, NJ Dept. of Agriculture

Susan Craft, State TDR Bank Board

Chris Sturm, NJ Future

Liz Semple, DEP

Tim Dillingham, American Littoral Society

Mike Cerra, NJ League of Municipalities

Dianne Brake, PlanSmart NJ

Issue: Implementation of TDR gets too complicated for municipalities without major coordination and assistance from the state. The plan endorsement process is too time consuming and complex.

Purpose: The town and the state must be in a partnership and share joint ownership of TDR plans.

Recommendations:

- Create phased planning and commitment process between town and state.
 - Dating period: sharing information, including environmental constraints; small planning grant
 - Engagement: preliminary TDR plans; more detailed investigation; 2nd phase planning grant
 - Marriage: town passed detailed review; state and town committed to work together to implement TDR; State shares infrastructure costs; consequences if either side backs out.

Recommendations

- State to facilitate TDR permit approvals using team approach:
 - each agency accountable for resolving issues
 - work within flexibility allowed under regs
 - educate permit staff at DEP and DOT on agency's policy toward TDR
 - in DEP, implement permit efficiency task force
 - identify point people from each state agency

Recommendations

- Executive Order from Governor's Office.
- Establish TDR Czar/authority/team at state w/ power.

Recommendations

- Still considering role of plan endorsement.
Plan endorsement requires higher level support in agencies.
- Clarify basic environmental standards.
- Address environmental mitigation issues

Recommendations

- Address impact of insufficient funding on obtaining infrastructure permits.
- Apply for new federal planning funds.
Consider pilot TDR planning projects.

Market Viability/REMA Committee # 4

Jim Hartling, Urban Partners

Courtenay Mercer, 4Ward Planning

Steven Bruder, SADC/TDR Bank

Louis Joyce, Salem County

Bruce Paparone, Paparone New Homes

Phil Caton, Clarke Caton Hintz

David Fisher, Matzel & Mumford/K.Hov.

Chris Sturm, NJ Future

Helen Heinrich, NJ Farm Bureau

Candace Ashmun, Pinelands Commission

Keith Henderson , COAH

Dan Asay, Mannington Township

Kim Ehrlich, NJEDA

Todd Zimmerman, Zimmerman/Volk Assoc.

Issue: Preparing an economically viable TDR plan and Real Estate Market Analysis is time consuming and complicated.

Purpose: Make TDR planning process and the REMA more effective, less complicated and less expensive.

Recommendations:

- Propose early pre-REMA “reality” check
 - State calculates reasonable total housing absorption/growth for town over 30 years;
 - town performs preliminary assessment to show portion of growth to be dedicated to receiving area, how big sending area can be and size of market for sellers and buyers of credits.

Recommendations

- Explore creation of additional transfer program options like an “enhanced” non-contiguous clustering program.
- Consider reducing planning and REMA requirements for “voluntary” TDR programs.

Recommendations

- Explore holding certain regulations constant, once TDR ordinance is adopted.
- Change COAH rules so TDR towns not subject to COAH minimum presumptive densities.
- Need wastewater solution from DEP for projects of 50-100 homes, 100-200 homes.

Recommendations

- Ensure developers have access to TDR credits, possibly through role played by statewide TDR bank, SADC or ratio of credits between sending and receiving areas.
- Provide incentives for participation by sending area landowners.

Recommendations

- Create two TDR educational brochures
 - for municipal leaders
 - for landowners
- Add new purpose to MLUL: “to save environmentally sensitive areas and farmland in a fair way.”

Transfer Program Options Committee #5

Monique Purcell, NJ Dept. of Agriculture

Tom Beaver, NJ Farm Bureau

Steve Bruder, SADC

Phil Caton, Clarke Caton Hintz

Fred Hardt, Law Offices of Fred Hardt

John Hasse, Rowan University

John Stokes, Pinelands Commission

Joy Farber, Office of Smart Growth

Candace Ashmun

Jim Waltman, Jennifer Coffey, Stonybrook Watershed

Todd Zimmerman, Zimmerman/Volk Assoc.

Issue: The complexity, time and detail associated with current TDR process deters town participation.

Purpose: Give towns simpler options, while addressing equity.

Recommendations

- Broaden Non-contiguous Cluster (next slide)
- Provide reasonable permitting path for decentralized wastewater treatment plants.
- Affordable housing issues need to be addressed beforehand.
- Transfer goals should be regional in scope.
- Monitor research on alternative transfer programs (like impervious surface area).

Broaden Non-Contiguous Cluster:

- Must be voluntary.
- Don't require common ownership of parcels.
- Towns can identify receiving & sending areas.
- Allow easement &/or fee purchases.
- Towns &/or land trusts etc. can hold easements.
- Doesn't have to result in a PUD.
- Review & approval before Planning Board.
- Municipalities determine density bonuses.
- Requires amendment to MLUL.

Affordable Housing/COAH Committee #6

Ed Schmierer, Mason, Griffin and Pierson

Keith Henderson, COAH

Jennifer Feltis, DEP

Phil Caton, Clarke Caton Hintz

Dianne Brake, PlanSmart NJ

Sandy Batty, ANJEC

Issue: Changing COAH rules
have disrupted and deterred TDR
planning processes.

*Purpose: To ensure COAH
requirements do not impede
implementation of TDR
programs.*

Recommendations:

- TDR towns should be in compliance with their constitutional obligation to provide affordable housing.
- There should not be an increased growth share obligation due to TDR bonus units.
- As long as town meets overall obligation, allow flexibility in TDR receiving area.

Recommendations

- Allow REMA to override COAH presumptive minimum densities, based on financial feasibility of TDR project.
- With voluntary TDR programs, allow credit mismatch between sending and receiving areas, so that receiving area can be smaller and growth more controlled.

Recommendations

- Recognize TDR receiving areas likely to be more affordable than what might otherwise have been developed.
- TDR receiving areas should receive priority for State affordable housing subsidies.
- TDR statute should allow density bonuses in exchange for more low/mod units in receiving areas.

Recommendations

- School funding issues in receiving areas should be addressed upfront so they will not deter towns from participating in TDR.
- Affordable housing obligations should not be one size fits all; should depend on affordability of community and employment. Towns need to provide a range of housing opportunities.

