

The background of the slide features a grayscale image of various leaves and water ripples. The leaves are scattered across the top and middle sections, while the bottom section shows a close-up of water ripples. A semi-transparent white rounded rectangle is centered on the slide, containing the text.

# Tune-Up Time

Coping with Changing Priorities

ANJEC Congress,

Oct. 15, 2010

# Time to Act

## Do Not Linger On Dangerous Ground

### Time of Decision Act

On May 5, 2010 the NJ legislature passed what is known as the “time of decision rule” (A-437)S-82). Governor Christy signed the legislation into law. This legislation goes into effect on May 5, 2011.

The rule is simple but has far reaching consequences for land use regulation, planning and zoning. In sum, **it modifies the municipal land use law and requires that applications for development must be reviewed using the planning and zoning regulations in place when the application is filed.**

This will preclude the municipality from changing zoning and other land development ordinances while the application is pending. This means that **you will be “stuck” with what may be inappropriate regulations for the life of the application.**

The passage of this law means that municipalities may want to quickly (before May 5, 2011) review their planning and zoning regulations to remove inappropriate zoning, or at least identify areas in need of revision.

# The Act Is Simple

**AN ACT** concerning the review and approval of applications for development and supplementing P.L.1975, c.291 (C.40:55D-1 et seq.).

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

C.40:55D-10.5 Developmental regulations, certain, govern review of application.

1. Notwithstanding any provision of law to the contrary, those development regulations which are in effect on the date of submission of an application for development shall govern the review of that application for development and any decision made with regard to that application for development. Any provisions of an ordinance, except those relating to health and public safety, that are adopted subsequent to the date of submission of an application for development, shall not be applicable to that application for development.

2. This act shall take effect one year next following enactment.

Approved May 5, 2010.



Responses May be Complex Because  
There Are...

# Overarching Concerns

- Economic Distress
- Political “Fundamentalism”
- Utilitarianism

VS

- “Sustainability”
- Adaption to Climate Change
- Emphasis on Environmental Justice

# Economic Distress

- Home foreclosures up
- New Home Sales Down
- Sales of Existing Homes Down
- Home Values Declining
- Perception That Property Tax is Too High
- Current problems loom large/future problems can take care of themselves

# Political “Fundamentalism”

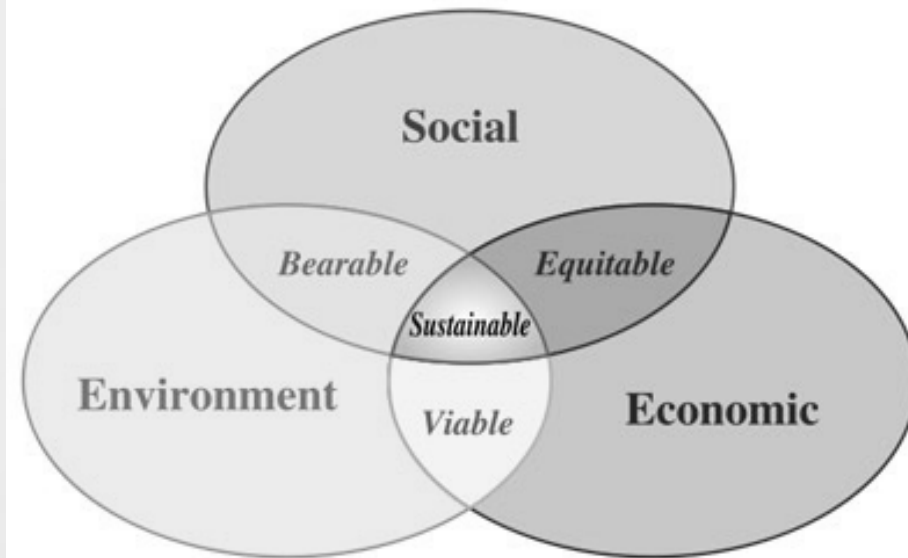
- Seeks simple “common sense” solutions.
- Believes Government and Politicians Can’t Be Trusted.
- Believes Government Should be Small Enough “To Drown It In a Bathtub”.
- Denies “Inconvenient Truths”
- Present Orientation

# Utilitarianism

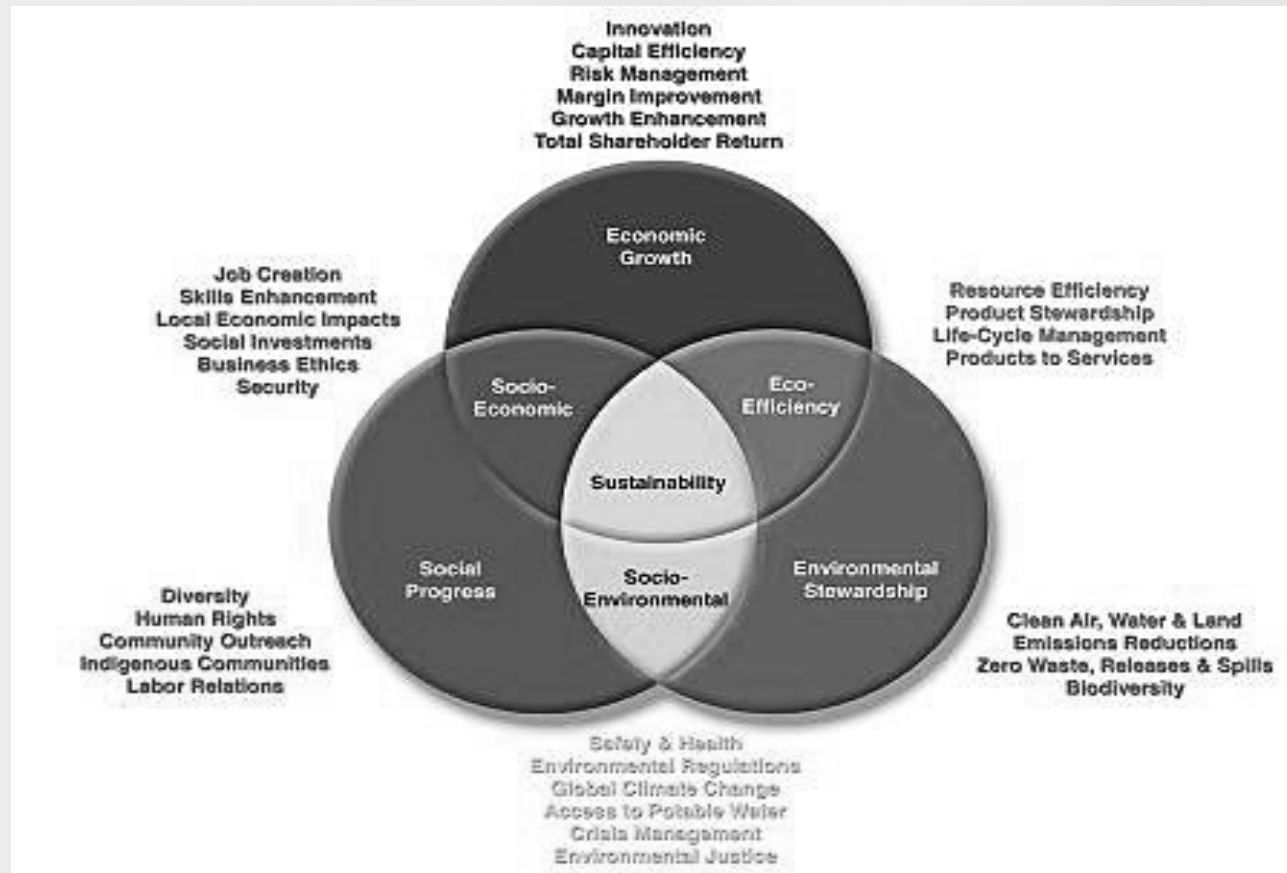
- Value established only by humans
- Value Depends on Utility
- The Best Social Organization Emerges from “Pleasure Seeking”

# Sustainability

- Actions in Search of an Operating Definition



# Sustainability Evolving



# Sustainability In New Jersey

- **Sustainable Jersey**
- SUSTAINABLE JERSEY™ is a certification program for municipalities in New Jersey that want to go green, save money, and take steps to sustain their quality of life over the long term.
- The program emphasizes three broad elements that follow the previous diagram:
- **Prosperity** – support your local economy and use community resources
- **Planet** – practice responsible environmental management and conservation
- **People** – embrace social equity and fairness
- **Sustainable Jersey:**
  - Identifies concrete actions that municipalities can implement to become "certified" and be considered leaders on the path to sustainable communities
  - Provides clear "how to" guidance and tools to enable communities to make progress on each action
  - Provides access to grants, and identifies existing and new funding opportunities for municipalities to make progress toward the actions
- To date 313 municipalities (55%) have registered and 34 (6%) have been certified.



# Adaption to Climate Change

- Many Still Deny It Exists Or That Humans Are the Cause
- Possible Actions Seem Contradictory or Confounding
- But many helpful actions already have a wide public acceptance: e.g. land preservation.
- Don't Lead With Your Chin!

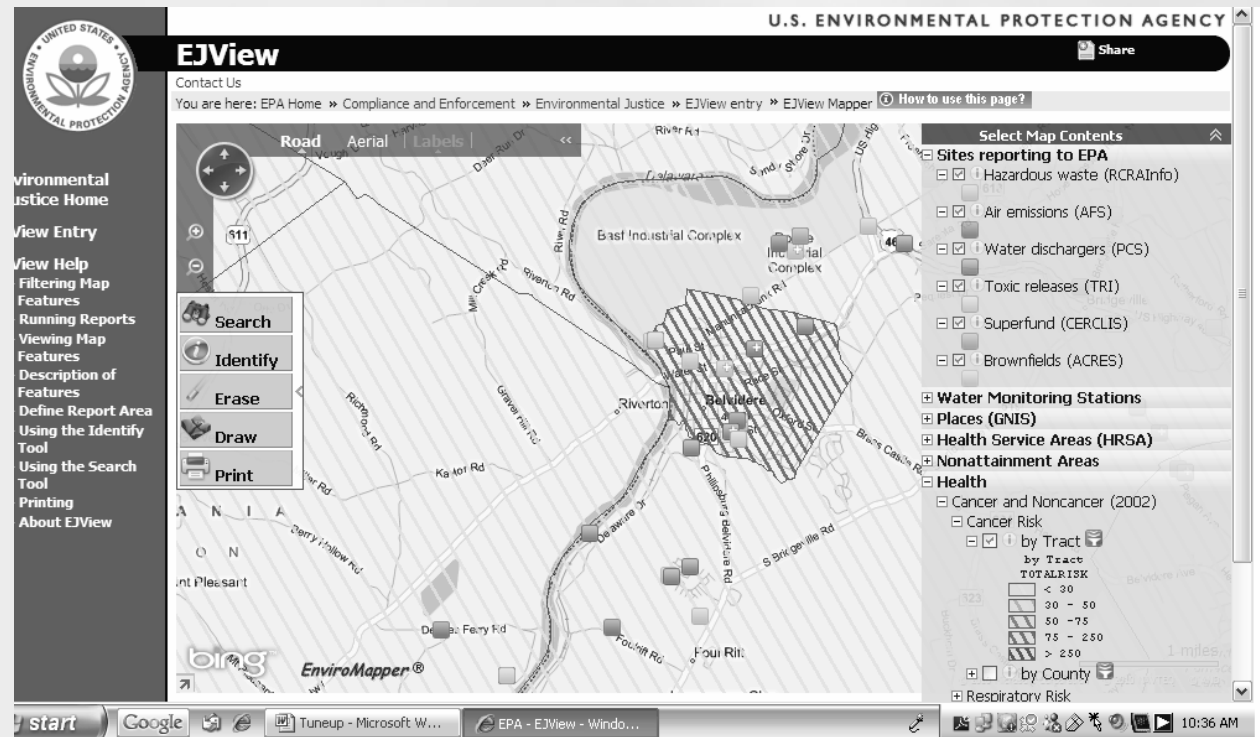
# Environmental Justice

- Rapidly Emerging
- Strong Commitment by US EPA
- EPA Definition:

***“Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. EPA has this goal for all communities and persons across this Nation. It will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work”. U.S. E.P.A.***

- EPA developing tools for community action: EJ View

# Example of EJ View Data Use: Q: Why does Belvidere have a Higher Cancer Risk than its surroundings?



# Local Actions

## *Examine and Upgrade Your ERI*

- Re-examine Your ERI
- As The Objective Basis Of All Local Planning And Land Use Regulation The ERI Must Support Intended Actions To Withstand Challenges.
- Your ERI Must Be Digital
- A Digital ERI Can Be Used As A “Visioning Tool” Or “Flight Simulator” To Evaluate Potential Actions

## Local Actions

### *Look for “Inappropriate” Zoning*

- Zoning Must Support Public Health, Safety And Welfare— *For All*
- *Past Decisions May No Longer Be Relevant: Commercial Strips Along Highways, Industrial Zones Where A Railroad Once Was Present, Densities Beyond Carrying Capacity, New Resource Definitions Assumptions*

# Local Actions

## *Analyze Land Use Trends*

- GIS Can Be Used To Evaluate The Direction And Character Of Actual Growth And Visualize It
- This Analysis Can Be Compared To The Natural Resources To Assess Impacts
- From These Analyses Future Actions Can Be Planned.



## Local Actions

### *Enhance Public Participation*

- As Municipal Advisors Monitor The “Pulse” Of The Community.
- Provide Multiple Opportunities
- Treat The Public Respectfully
- Learn To Listen, Don’t Wait To Talk
- Provide Educational Opportunities On Matters Relevant To The Community
- Include All Socio-economic Groups



# Stay Aware of Policy Changes

- Legislation: Remember That The Time Of Decision Law Was Introduced Multiple Times Before Passage.
- Watch The Nj Legislature's Web Site
- Watch The New Jersey Register And DEP Websites For Announcements Of Proposed Rules
- Participate and Comment

# Plans and Policy Changes

- Follow ALL The Rules: Expect Challenges
- Use Objective Facts As The Basis
- Anticipate The Opposition In The Design Of You Proposals
- Have A Longer View Than Opposition
- Build Flexible Coalitions *During* The Process



# Is Your Environmental Commission Sustainable?

***“An environmentally sustainable organization seeks to participate within its community and seeks to balance economy, society and environment within its operations. Through seeking balance, an organization may better steward natural and economic resources taking into account the needs of future generations.”***

Can you find the Triple Bottom Line?