

Oppose Time of Decision Bill (A-437)

The Association of New Jersey Environmental Commissions (ANJEC) represents environmental commissions in 380 municipalities in every county of the state. The commissions advise their local governments on land use, review site plans and recommend environmental ordinances that will preserve local natural resources, protect water supply, and promote energy savings.

ANJEC opposes A-437. This legislation would eliminate the "time of decision" rule for development applications submitted to the municipal Planning Board or Zoning Board of Adjustment. Under this bill, just the motion of filing an application with the appropriate body would make it immune from any changes in municipal ordinances. This means a totally incomplete or insufficient application would protect the applicant from any municipal legislative amendments. The applicant would be exempt from any land use planning changes, such as new ordinances protecting local environmental features like streams or slopes, or requiring energy efficient measures, or progressive land use changes recommended by master plan updates.

ANJEC has worked with many towns to help them craft ordinances that protect the quality of life for their residents and the environment of their towns. Almost always these ordinances take more than a year from introduction to time of passage, and often much public discussion precedes the actual introduction of the ordinance. Developers have plenty of advance notice on changes in the ordinances. They also have the opportunity to participate in the process because every ordinance adoption requires a public hearing.

ANJEC helps towns to compile environmental resource inventories, which gives municipal officials the information on the location of environmentally sensitive features in their towns. Once the inventory is completed, the next step is to enact an ordinance to protect the feature. If this bill is passed, builders would be able to skirt amendments to ordinances that adopt new planning concepts or reflect any new data that is compiled by the town.

This bill would thwart sound land use planning by municipalities and would handicap them in their attempts to craft well-worded, deliberated ordinances.