March 17, 2010

The Hon. Chris Christie
Governor
State of New Jersey
PO Box 001
Trenton, NJ 08625

RE: VETO S-82/A-437, Time of Decision

Dear Governor Christie:

On behalf of the Association of New Jersey Environmental Commissions (ANJEC), I am requesting that you veto S-82/A-437, which eliminates the “time of decision” rule.

ANJEC represents environmental commissions in 380 municipalities in every county of the state. The commissions advise their local governments on sustainable land use, review site plans and recommend environmental ordinances that will preserve local natural resources, protect water supply, and promote energy savings. This bill will hinder their efforts to do proactive land use planning in their towns.

The bill’s wording is vague. It references “submission of an application,” but does not say what submission entails. If it does not mean a complete application, how is a municipality to judge if the application is valid and contains enough information to stop the clock on all regulatory changes regarding this piece of property?

This bill would create an administrative nightmare for towns, which will be required to track what different regulations were in place for each application filed with the town.

Towns cannot do ordinance revisions overnight, as developers have claimed. Land use ordinances must be introduced, given 35 days for planning board review, and then have a second reading with a public hearing. This process gives a developer ample warning of changes affecting his property.

An application at the time of submission would freeze local zoning, so that the public could not fully participate in the process and weigh in how a major application would impact their community. Not even inaccuracies in the zoning ordinance could be corrected once the application was in.
The legislation is opposed by a broad group of organizations in addition to ANJEC, including the New Jersey State League of Municipalities, the NJ Chapter of the Sierra Club, the New Jersey Environmental Federation, New Jersey Conservation Foundation, and the New Jersey Planning Officials. They are all concerned that this will tie the hands of municipal government so that it can not fully use the powers given under the NJ Municipal Land Use Law.

We would like the opportunity to meet with you to discuss all the implications of this bill before you consider signing it.

Sincerely,

Sandy Batty
Executive Director

Cc: Richard Bagger, Esq., Chief of Staff, Office of the Governor
    Jeffrey S. Chiesa, Esq., Chief Counsel, Office of the Governor
    Barbara S. Hutcheon, Esq., Special Counsel, Office of Governor