

New Jersey Conservation Foundation  
Association of New Jersey Environmental Commissions (ANJEC)  
Burnham Park Association  
Musconetcong Mountain Conservancy  
New Jersey Audubon  
New Jersey Highlands Coalition  
NJ League of Conservation Voters  
NY/NY Baykeeper  
Pinelands Preservation Alliance  
Raritan Headwaters Association  
Stony Brook-Millstone Watershed Association

## **MEMORANDUM**

**Date:** April 1, 2013

**To:**

Assemblyman Prieto, Chair, Assembly Budget Committee  
Assemblyman Schaer, Vice Chair, Assembly Budget Committee  
Assemblyman Coutinho, Chair, Assembly Commerce and Economic Development Committee and  
Primary Sponsor  
Assemblyman Gusciora, Vice Chair, Assembly Commerce and Economic Development Committee  
Assemblyman Singleton, Primary Sponsor  
Assemblywoman Watson Coleman, Primary Sponsor  
Assemblyman Ramos, Primary Sponsor  
Assemblyman Green, Primary Sponsor  
Assemblyman Bramnick, Primary Sponsor  
Assemblyman Bucco, Primary Sponsor  
Assemblyman Burzichelli, Co-Sponsor  
Assemblyman Coughlin, Co-Sponsor  
Assemblywoman Stender, Co-Sponsor  
Assemblyman Fuentes, Co-Sponsor  
Assemblywoman Mosquera, Co-Sponsor  
Assemblywoman Riley, Co-Sponsor  
Assemblywoman Lampitt, Co-Sponsor  
Assemblywoman Munoz, Co-Sponsor  
Assemblywoman Sumter

**From:**

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**Re: A3680, New Jersey Economic Opportunity Act of 2013**

Thank you for the opportunity to offer amendments to A-3680 (outlined on page 2). We appreciate the desire to rejuvenate and support economic development in New Jersey; however, we have concerns about where A3680 targets these efforts.

There is general consensus that the state should support “smart growth,” and not support sprawl development. Both the 2001 State Plan and the proposed Strategic Growth Plan make this point. Smart growth means supporting development and redevelopment in our cities, inner suburbs and industrial areas – areas where infrastructure already exists, including water supply, access to sewers, and transportation, especially mass transit, rail, and bus service.

1. Smart growth has traditionally comprised State Planning Areas PA1 (Urban), PA2 (Suburban) and designated Centers. ***We urge that the bill conform its target priority and incentive areas to smart growth areas as so defined, and that PA 3, PA4a, PA4b and PA5 be removed from the legislation.***

2. We are deeply concerned that some specifics of this legislation conflict with the previously enacted Pinelands Protection Act and Highlands Water Protection and Planning Act and with their mandated regional plans that support smart growth -- the Pinelands Comprehensive Management Plan and the Highlands Regional Master Plan.

**2a. In the Pinelands,** all incentive areas should be in accordance with the Pinelands Comprehensive Management Plan. Villages, which are generally small and residential, are not appropriate locations for the incentives envisioned and should be removed from the bill. The “regional growth areas” and Towns are the appropriate focus in the Pinelands region. Villages are recognized in the Pinelands Act as discrete [settlements that are to be retained for their rural, community character](#).

**2b. In the Highlands Region,** the “planning area” is inappropriate as a broad categorical focus for the bill’s incentives. Rather, the bill should direct its incentives to areas in the Planning Area that were identified in the adopted 2008 Highlands Regional Master Plan developed pursuant to Sections 10 and 11 of the Highlands Act. (Attachment A) Appropriate areas for the bill to include are the Planning Area Existing Community Zone and Highlands Designated Centers. The Highlands Regional Master Plan apportioned the Planning Area into zones based on updated, verified, detailed data and analysis, responding to the Highlands Act required resource assessment. (Attachment B) The Planning Area Existing Community Zone is the zone that is appropriate for the development incentives in A3680, along with the centers designated by the Highlands Council, so long as there is infrastructure capacity to support new growth. The other Zones are the “Protection Zone” and the “Conservation Zone,” and 3 smaller “Environmentally Sensitive” Subzones, all of which are inappropriate areas to focus the development incentives in the bill.

We respectfully ask you to amend the bill ***to remove inappropriate areas*** from the incentive and priority areas in this legislation, and ***insert appropriate language that references the Highlands Act and its Regional Master Plan.***

Thank you very much for your consideration of our comments and amendments. We look forward to working with you on changes as the bill moves forward.

## **Proposed Amendments to A.3680, the NJ Economic Opportunity Act of 2013:**

6. Section 2 of P.L.2011, c.149 (C.34:1B-243) is amended to read as follows: *(Please similarly amend definitions located elsewhere in the legislation.)*

2. As used in [this act] P.L.2011, c.149 (C.34:1B-242 et seq.):

"Qualified incentive area" means [an] any area designated pursuant to P.L.1985, c.398 (C.52:18A-196 et seq.) as Planning Area 1 (Metropolitan), Planning Area 2 (Suburban), [or any urban, regional, or town] **DELETE: [Planning Area 3 (Fringe Planning Area), or Planning Area 4A (Rural Planning Area)]**, a designated center under the State Development and Redevelopment 1 Plan [; an area zoned for development pursuant to] ; or a designated growth center in an endorsed plan until June 30, 2013, or until the State Planning Commission revises and readopts New Jersey's State Strategic Plan and adopts regulations to refine this definition as it pertains to Statewide planning areas, whichever is later; a smart growth area and planning area designated in a master plan adopted by the New Jersey Meadowlands Commission... a regional growth area **DELETE: [village, and] or** Town designated in the comprehensive management plan prepared and adopted by the Pinelands Commission pursuant to section 7 of the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-8); **DELETE: [the planning area of the Highlands Region as defined in section 3 of the "Highlands Water Protection and Planning Act," P.L.2004, c.120 (C.13:20-3), and] INSERT: the Planning Area Existing Community Zone designated in the 2008 Highlands Regional Master Plan pursuant to sections 10 and 11 of P.L. 2004, c. 120 (C.13:20-4), the Highlands Water Protection and Planning Act** and any Highlands center designated by the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4); ....

"Qualified incentive area" shall not include an area designated pursuant to the State Development and Redevelopment Plan adopted, as of the effective date of P.L.2008, c.78, pursuant to P.L.1985, c.398 (C.52:18A-196 et seq.) as **INSERT: Planning Area 3 (Fringe), Planning Area 4A (Rural), Planning Area 4B (Rural/Environmentally Sensitive) or Planning Area 5 (Environmentally Sensitive)**, **DELETE: [except for any area within Planning Area 4B or Planning Area 5 that is a deep poverty pocket, a designated center or a designated growth center in an endorsed plan, the site of a qualified incubator facility, transit oriented development, disaster recovery project, tourism destination project, or any federally owned land approved for closure under a federal Base Realignment Closing Commission action, 1 or any [property consisting of a] vacant commercial building having over 400,000 square feet of office, laboratory, or industrial space**

available for occupancy for a period of over one year or [is] any site that has been negatively impacted by the approval of a "qualified business facility," as defined pursuant to section 2 of P.L.2007, c.346 (C.34:1B-208).] INSERT: nor shall it include the Protection Zone, the Conservation Zone, or any of the Environmentally Sensitive Sub-Zones delineated by the 2008 Highlands Regional Master Plan pursuant to sections 10 and 11 of P.L. 2004, c. 120 (C.13:20-4), the Highlands Water Protection and Planning Act.

## ATTACHMENT A

### Excerpts from the Highlands Water Protection and Planning Act that dictate the goals and contents of the Highlands Regional Master Plan with reference to the Planning Area

**10. a.** The goal of the regional master plan with respect to the entire Highlands Region shall be to protect and enhance the significant values of the resources thereof in a manner which is consistent with the purposes and provisions of this act.

***c. The goals of the regional master plan with respect to the planning area shall be to:***

- (1) protect, restore, and enhance the quality and quantity of surface and ground waters therein;
- (2) preserve to the maximum extent possible any environmentally sensitive lands and other lands needed for recreation and conservation purposes;
- (3) protect and maintain the essential character of the Highlands environment;
- (4) preserve farmland and historic sites and other historic resources;
- (5) promote the continuation and expansion of agricultural, horticultural, recreational, and cultural uses and opportunities;
- (6) preserve outdoor recreation opportunities, including hunting and fishing, on publicly owned land;
- (7) promote conservation of water resources;
- (8) promote brownfield remediation and redevelopment;
- (9) encourage, consistent with the State Development and Redevelopment Plan and smart growth strategies and principles, appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, **in or adjacent to areas already utilized for such purposes, and discourage piecemeal, scattered, and inappropriate development**, in order to accommodate local and regional growth and economic development in an orderly way while

protecting the Highlands environment from the individual and cumulative adverse impacts thereof; and

(10) promote a sound, balanced transportation system that is consistent with smart growth strategies and principles and which preserves mobility in the Highlands Region.

## **ATTACHMENT B**

### **Resource Assessment required by the Highlands Act**

11. a. The regional master plan shall include, but need not necessarily be limited to:

(1) A resource assessment which: (a) determines the amount and type of human development and activity which the ecosystem of the Highlands Region can sustain while still maintaining the overall ecological values thereof, with special reference to surface and ground water quality and supply; contiguous forests and woodlands; endangered and threatened animals, plants, and biotic communities; ecological factors relating to the protection and enhancement of agricultural or horticultural production or activity; air quality; and other appropriate considerations affecting the ecological integrity of the Highlands Region; and

(b) includes an assessment of scenic, aesthetic, cultural, historic, open space, farmland, and outdoor recreation resources of the region, together with a determination of overall policies.