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A1338/S743 Undermines Regional Planning in the Highlands, Pinelands Adds Farmland, Open Space to “Smart Growth Areas”

A1338/S743, which extends the effective period of the Permit Extension Act of 2008 and expands the locations for permit extensions, will be considered by the Assembly Housing and Local Government Committee on January 30th.

Extending permits in smart-growth areas during an economic downturn is not unreasonable.

However, the bill undermines regional planning by amending its definition of “environmentally sensitive area” to remove the Pinelands and Highlands regions from areas where permit extensions are prohibited. Why should preservation areas in the rest of the state be exempt from permit extensions, but not the water-rich Pinelands and Highlands regions? The bill also includes a confusing clause that extends all permits in the Pinelands, raising potential conflicts with federal law. (See sections 3 (i) and section 2 (b) (2).)

The bill creates a new definition for a smart-growth area that includes places that have never been included before, and should never be included:

- The entire Highlands Planning Area, including not only identified growth areas, but also many environmentally sensitive areas where growth should not occur.
- Planning Area 4, The Rural Planning Area, which comprises much of the countryside of New Jersey, characterized by “large masses of cultivated or open land” where the state’s intention is to “maintain large contiguous areas of farmland and open space and accommodate growth in Centers.”¹

¹ State Development and Redevelopment Plan, 2001, p. 205 – 213.

- Planning Area 3, The Fringe Planning Area, a “predominantly rural landscape” with limited infrastructure, appropriate for “development and redevelopment in appropriately located and designed Centers to accommodate growth that would otherwise occur in the Environs.”²

This new definition of smart growth areas clearly conflicts with the Christie administration’s State Strategic Plan, which emphasizes farmland preservation in Agriculture Development Areas. It contradicts the Highlands Act by describing the entire Highlands Planning Area as appropriate for growth. While this new definition will have a limited effect on which permits can be extended, we believe the longer-term intent may be to establish an expansive definition for where growth should be encouraged that could be used in future legislation, thereby opening these rural and environmentally sensitive areas to a host of development incentives.

As organizations committed to sound land-use planning, we oppose the bill as written. It should be amended to simply extend the date that permit extensions expire, rather than redefine smart growth areas and undermine the Highlands and Pinelands regional planning efforts.

Thank you for your consideration.

² State Development and Redevelopment Plan, 2001, p 200 – 205.