

## **Summary of November 8, 2004 Cross-Acceptance Meeting**

On November 8, 2004, the Warren County Planning Department held a meeting of municipal officials to update the Planning Departments progress on the Third Round of Cross-Acceptance. The main purpose of this meeting was to go over components of the draft report and to review population estimates produced by the Planning Department. Bill Harrison was in attendance from the New Jersey Office of Smart Growth.

Mr. Dech gave a summary of the Draft Cross-Acceptance Report. About half of Warren County Municipalities have submitted their response to the 13 item county questionnaire. Then the methodology of the build out analysis was discussed.

The following are questions and statements the 25 municipal representatives in attendance had during the comment period.

### **Draft Report / Highlands Issues**

Q – What about properties in the Highlands Core Area (Villa Madonna in Allamuchy Township) that wants to redevelop, the changes proposed will not alter the foot print of existing structures, will this be permitted under the Highlands regulations?

A –DEP is currently setting up the rules and regulations that will oversee development on core properties. The Highland Council has yet to meet; their first duty is to develop a management plan. Any project denied by DEP should reapply next May when there might be greater flexibility in the regulations.

C – When projects in the Highlands are disapproved the tax base in the municipality is stressed. Municipalities need tax ratables to offset expanding costs; the Highlands Legislation by preventing development creates an additional tax burden on existing residents.

R – This concern of devaluing your municipal tax base due to the Highlands Act must be written into your Cross-Acceptance response.

Q – Why doesn't the Core Area of the Highlands follow CR 519 through out White Township?

A – The Core Area traverses away from CR 519 to Oxford Township Center so as not to create a "Hole" in the Core.

Q – Is the Hope Center in Hope Township in the Core?

A – No, there are no Core Areas in Hope Township.

Q - Is the Draft Report on the Web?

A – No, but it can be e-mailed to any one who would like a copy.

Q – What are the boundaries of the Highlands Planning Area in Warren County?

A – The Highlands Planning Area covers all of Warren County except the Townships of Hardwick, Blirstown and Knowlton.

Q – What's the difference between the Highlands Core Area and the Highlands Planning Area?

A – There are significant building restrictions with in the Core Area.

Q – Are the Municipal Cross-Acceptance reports circumvented by the Highlands Legislation?

A – It is important that every municipality in the State participate in Cross Acceptance...but for those municipalities with in the Highlands Region it is even more important to participate. All the information collected from municipalities through Cross Acceptance will be shared with the Highlands Council. The council needs to know how municipalities plan to grow.

Q – How many Warren County communities will want 5 residential units per acre?

A – TDR's will offer communities an opportunity to develop in a traditional town center manner. With that in mind there may not be any Warren County communities willing to participate in a TDR program, but there are many urban communities to the east and south that are very interested in TDR developments.

C – I feel that the Highlands legislation may mandate the location of TDR islands within municipalities do not want such development.

R – This is highly unlikely. There are many communities out side the Highlands that are interested in TDR development.

Q – What's impacts can municipalities adjacent to the Highlands Planning Areas expect.

A – The way the legislation reads municipalities not located in the Highlands Planning Area, but in a county that contains the Highlands Region, will have the option to choose whether or not to participate as a receiving area for a TDR program. Also they may find greater development pressure because so much land is being removed as supply for development.

Q – What if there are not enough receiving zones for TDR transfers? Will the State dictate where Receiving zones are placed?

A – That is highly unlikely, and even if the State did identify areas to work with to accept additional growth it would not be in Planning Areas 4, 4b or 5. The State would look to more urban areas where 5 units per acre is a typical development pattern like Morristown.

Q - How do TDR's benefit us?

A – It benefits the landowner by selling their development rights at pre-Highland rates. You still own the property and have some added capital in your pocket.

Q - How would one sell their development rights?

A – This is done from private owner to private owner with municipal involvement, or through a statewide TDR bank or the Highlands TDR bank.

C – No community in Warren County wants TDR density in their Community.

R – That may be true but there are communities in New Jersey that do want your development.

Q – If a municipal planning board disapproves an application can the developer of that application go to the state and request that their project become a TDR, and in effect bypass the municipal authority similar to the builders remedy for COAH?

A – TDR's can only occur if the participating municipalities approve of the plan.

Q – Are there provisions in the Highlands Legislation to add land to the Planning Area?

A – Yes in the legislation municipalities may petition to have property added to the Highlands Planning Area.

C – The TDR process sounds logical, but how long before this can go into effect?

R – The State Office of Smart Growth is working on establishing 4 pilot TDR programs across the state. It is hoped that these pilot projects will spur additional interest in the TDR program.

Q – Are there tax breaks for properties located in the Highlands core area?

A – Part of the Highlands Legislation is to provide a tax stabilization fund for lost revenue at the municipal level.

Q – Why should a municipality in the Highlands Region participate in Cross-Acceptance?

A – It is important that every municipality in the State participate in Cross-Acceptance...but for those municipalities with in the Highlands Region it is even more important to participate. All the information collected from municipalities through Cross-Acceptance will be shared with the Highlands Council. The council needs to know how municipalities plan to grow.

Q – I’m concerned that if a municipality enters in to a TDR program the State may come along and require additional density placed upon the site than what the township had originally planned.

A – No one at the State is advocating this. Growth will be guided to the area its best suited for, Planning Areas 1 and 2.

C – The plan should concentrate on redevelopment, not development.

R – That is part of the County Strategic Plan.

Q – Are Centers the first point of contact for concentrated growth?

A – Not necessarily, it depends on the nature of the center.

Q – Are existing centers (hamlets) a point for more mandated growth from the State?

A – No, that is not the States intention. Centers were left out of the Highlands.

### **Population Projections**

C – White Township feels that there total build out population number is too high. Looking at the data they feel an error was made when Brookfield was added into the estimate and extrapolated out to 2035. This skewed the results.

R – The Planning Department will look at your concerns and if warranted will work up new build out figures.

C - Lopatcong Township feels it build out figure is too high. Looking at the data they feel that we used incorrect building permit data.

A – The Planning Department will recheck the data we received and relay any changes warranted with the municipality.

Q – In Harmony Township there is a COAH housing site of a proposed 303 housing units, under the new COAH growth share standards will more affordable units need to be built because of this development, which is providing affordable housing?

A – The affordable units do not trigger an additional obligation. It is unclear/unknown if market units provided as part of an inclusionary development are calculated in the growth share. The regulations need to be consulted on this question.

Q – What if a large development that is proposed and calculated into future growth is not built. COAH will receive this information and mandate additional low-mod units in the township for dwelling units never built.

A – COAH will adjust their figures if this situation occurs. According to the rules COAH will monitor growth rates in a municipality every 3, 5 and 8 years to determine compliance. In addition when a municipality submits its fair share plan it may use its own numbers as long as they are justified.

Q – Once population figures go to the state will there be an opportunity to adjust them?

A – All figures will need to go through cross acceptance and negotiation.

Q – Did the Planning Department include two large housing projects in Allamuchy?

A – No they were not included. The planning Department will look into this.

Q – In Knowlton Township there is a Low Density Zone which will slow down growth as a result. The projections should account for lower density zoning.

A – Alternative methodology can be looked at to take in to account all zoning densities.

C – Mansfield Township figures are too high.

R – The Planning Department will look at them again to check for inconsistencies.

Q – Are the 2015 base line population figures going to COAH?

A – The 2015 population estimates will be part of the Cross-Acceptance report. The State will share this report with all state agencies including COAH.

Q – What happens in the year 2015 if the projected population numbers are higher than the actual number of residents? Will COAH give the municipality some flexibility?

A – The State Plan document is one tool COAH will use in setting housing requirements. It is important for municipalities to always have an updated comprehensive Housing Element to their Master Plan.

Q – How did you base your population figures?

A – We used several methods, historic ratio, trend analysis and a detailed analysis of each municipality.

Q – Did the county create a build out analysis for each municipality?

A - Yes

C – The Highlands Map displayed at the meeting is incorrect. The area in Pohatcong Township between Rt. 78 and CR 635 is in the core area.