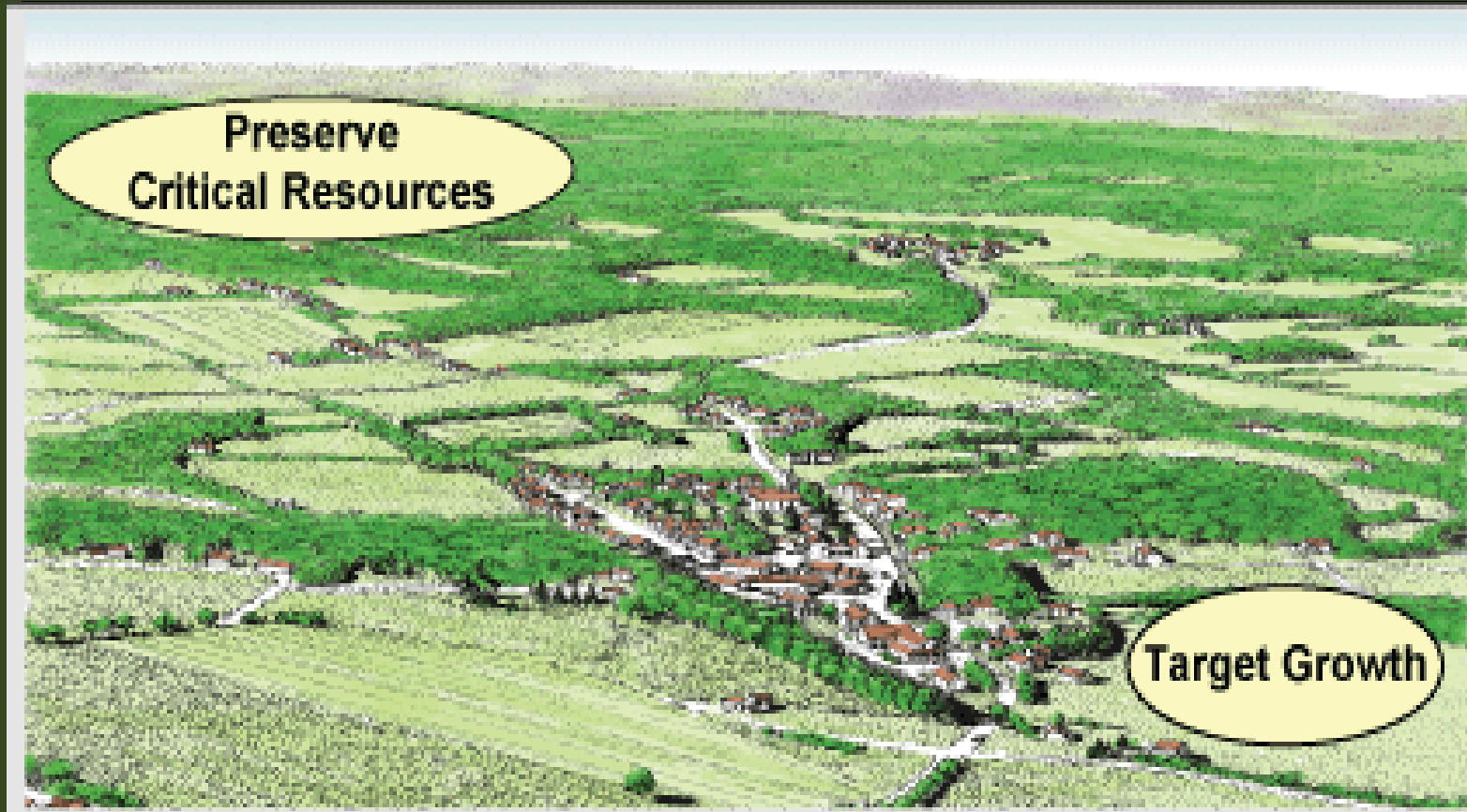


The Status of TDR Implementation in New Jersey



Task Force Meeting #1
December 2, 2009

Transfer of Development Rights (TDR)

How does it work?

Why is it important?

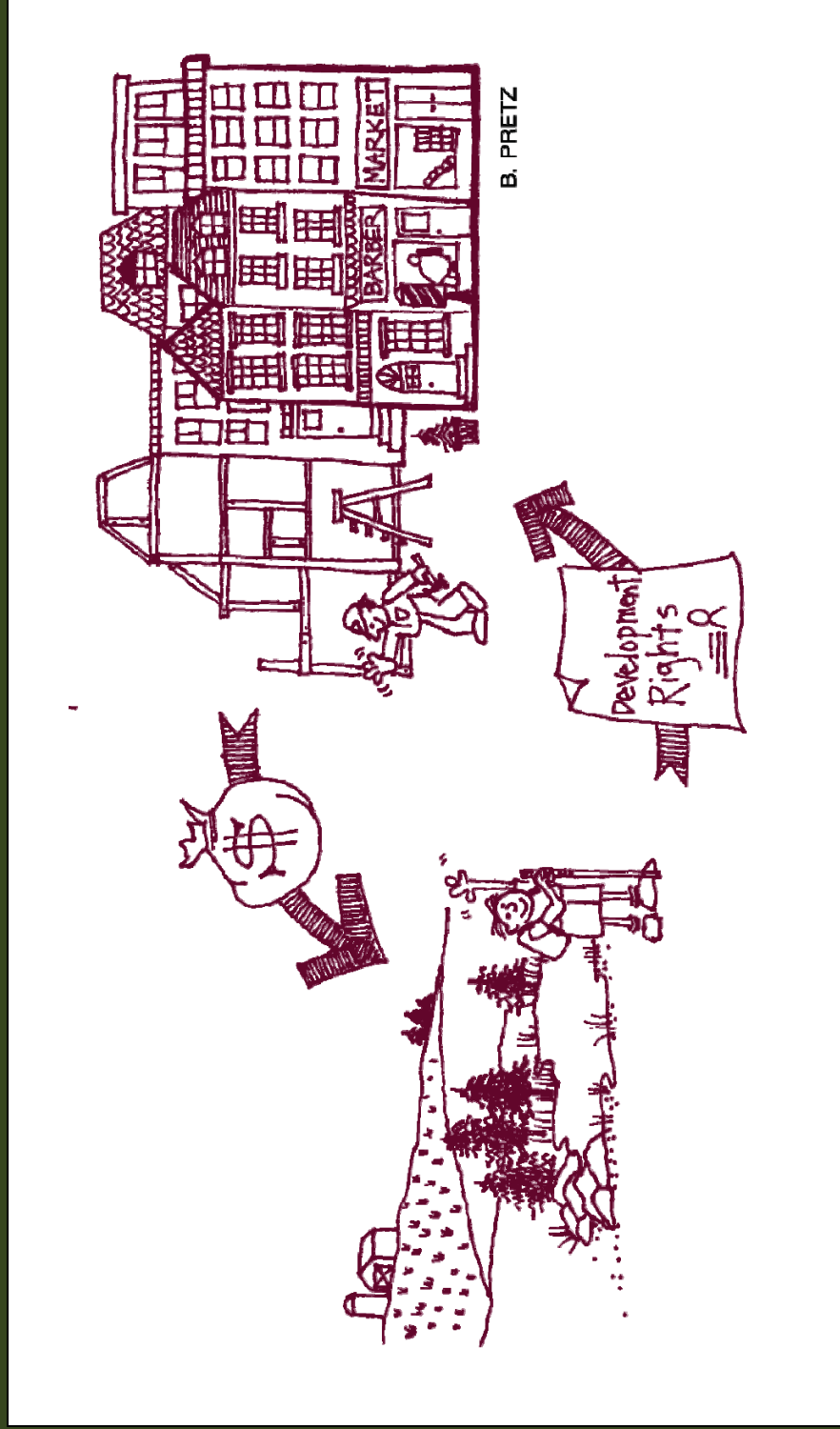
How is it being used in New Jersey?

- Established programs
- Case studies of municipal efforts

Obstacles to implementation

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How Does TDR Work?



Courtesy: ANJEC



The Promise of TDR

- Preserve natural and cultural resources
-



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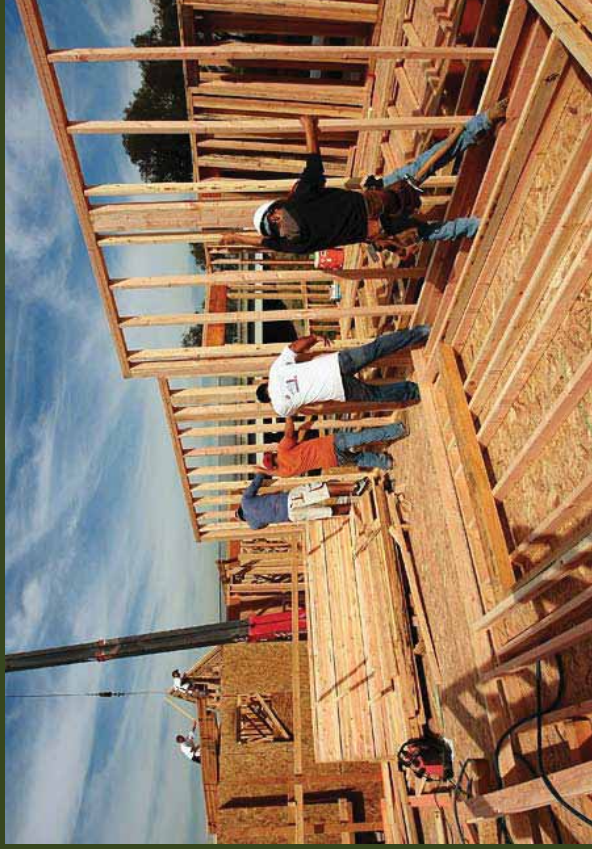
The Promise of TDR

- Achieve landscape- scale preservation using a market-driven, privately-financed approach



The Promise of TDR

- Promote well-planned economic growth



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Enabling Legislation for TDR in New Jersey

Pinelands Protection Act (1979)

Highlands Water Protection and Planning Act (2004)

Burlington County TDR Demonstration Act (1989)

State Transfer of Development Rights Act (2004)

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New Jersey Pinelands Protection Act (1979)



Purpose: Protect important ecological region of 1.1 million acres

TDR Program: Pinelands Development Credit Program (& others)

Sending Area: Preservation and agricultural areas

Receiving Area: Designated Regional Growth Areas

Achievements: Over 50,000 acres of protected lands



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Highlands Water Protection and Planning Act (2004)

Purpose: Protect water and other natural resources in 88-municipality region

TDR Program: Highlands TDR Program

Sending Area: Most undeveloped areas

Receiving Area: Voluntary areas in appropriate locations

- Achievements:**
- * Credit allocation
 - * TDR Bank ready to purchase rights
 - * Grants to 11 possible receiving districts



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Burlington County Transfer of Development Rights Demonstration Act (1989)

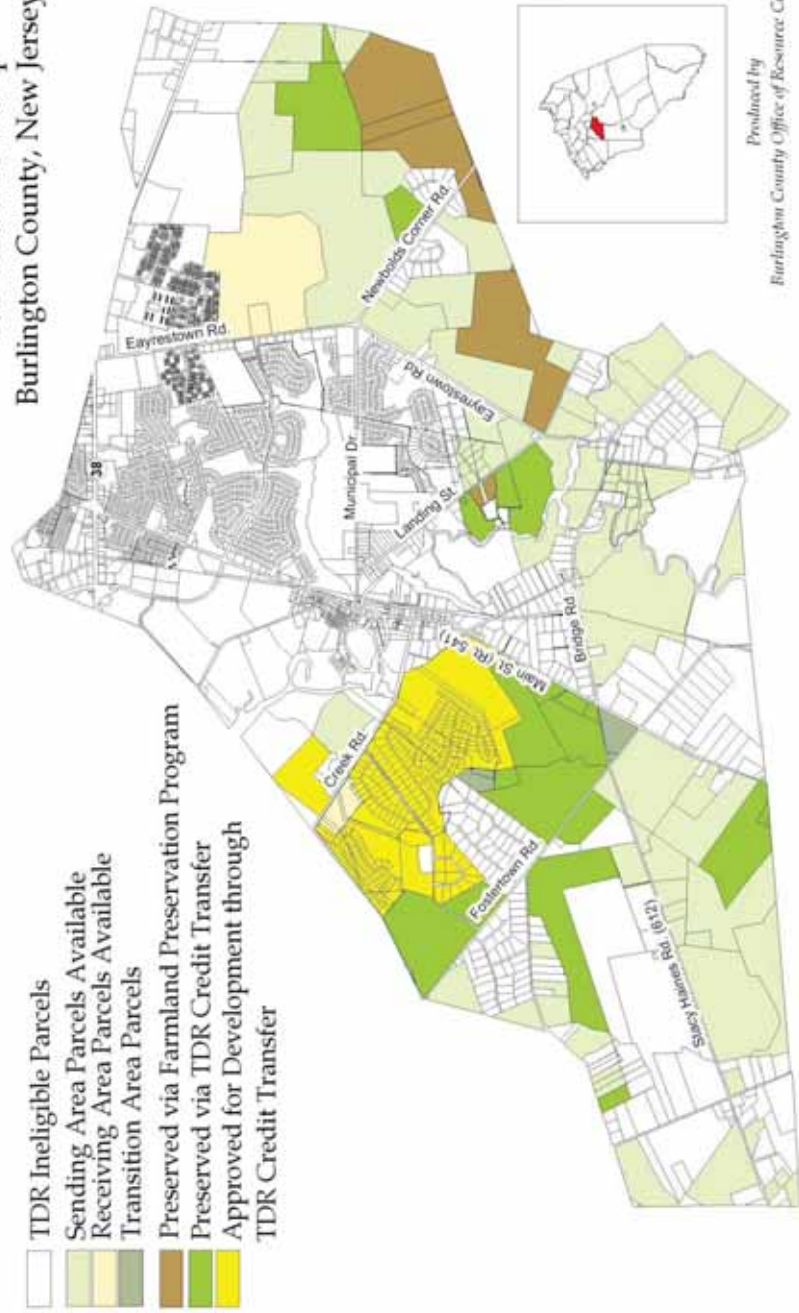
Purpose: To permit municipalities in Burlington County to serve as pilot projects for the state in using TDR

Participating municipalities: Lumberton Township
Chesterfield Township

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Lumberton Township

Transfer of Development Rights Programs I & II - Current Status Lumberton Township Burlington County, New Jersey



Produced by
Burlington County Office of Resource Conservation

August 2006

Data Source: Lumberton parcels-developed
in house by Burlington County Data Processing

Chesterfield Township (1997)

Purpose:

Farmland preservation & creation of village center

Sending Area: 10,000 acres

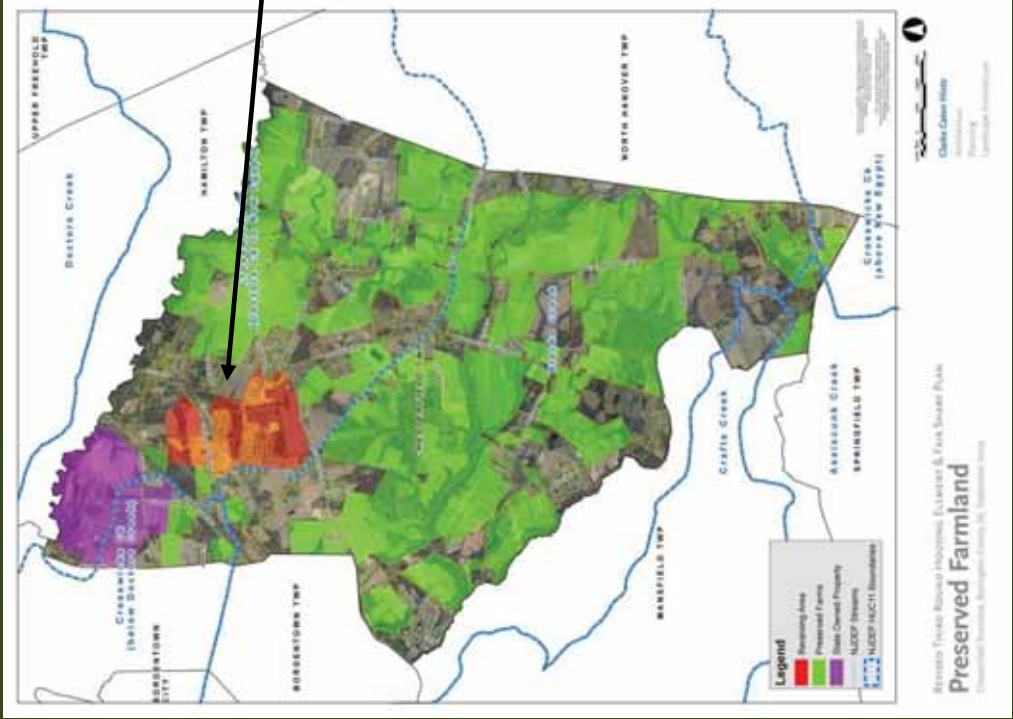
Achievements:

- Sending area largely preserved
- 800 housing units approved
- New school under construction



Transfer of Development Rights (TDR) Task Force

Chesterfield Township, Burlington County



Chesterfield Township, Burlington County



Chesterfield Township, Burlington County



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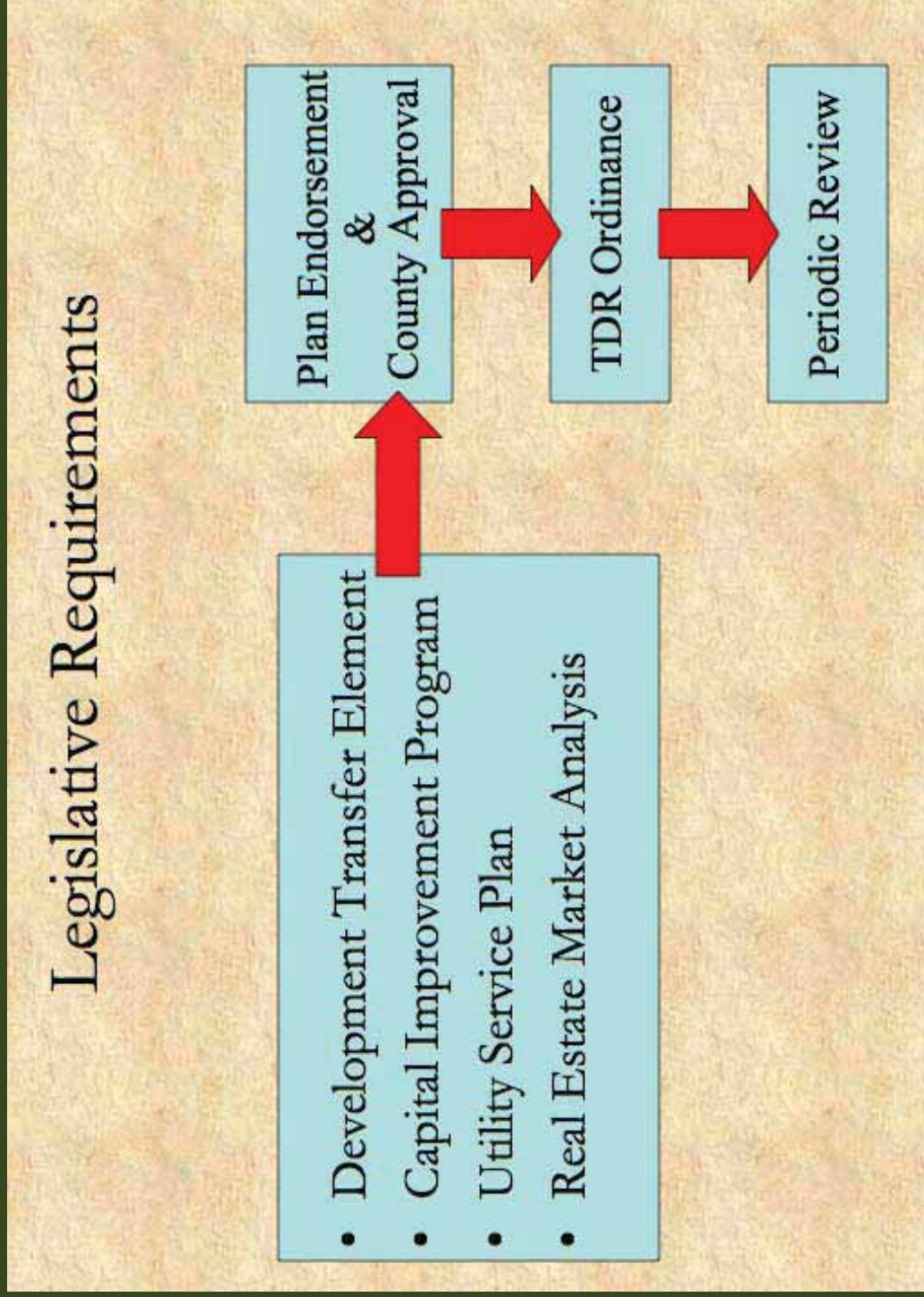
State Transfer of Development Rights Act (2004)

- Authorizes both intra-municipal and inter-municipal programs statewide
- Authorizes the State TDR Bank Board to provide Planning Assistance Grants
- Requires several planning activities

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State Transfer of Development Rights Act (2004)

TDR Planning Process



Plan Endorsement Requirements
from the State Planning Commission

- Step 1 Pre-Petition
- Step 2 Plan Endorsement Advisory Committee
- Step 3 Municipal Self-Assessment
- Step 4 State Opportunities & Constraints Assessment
- Step 5 Community Visioning
- Step 6 Consistency Review
- Step 7 Action Plan Authorization and Completion
- Step 8 Recommendation Report and Draft Planning & Implementation Agreement (PIA)
- Step 9 State Planning Commission Endorsement

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Potential State Agency Involvement

Division of Water Quality Management (DEP)

Division of Fish & Wildlife (DEP)

Division of Land Use Regulation (DEP)

Department of Transportation (DOT)

State Agriculture Development Committee (SADC)

NJ TDR Bank Board (grant recipients)

Council on Affordable Housing (COAH)

State Planning Commission (SPC)

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State Transfer of Development Rights Act (2004)

Municipal Participation

Active Efforts

Berkeley Township

Frankford

Hillsborough Township

Hopewell Township

Jersey City

Mannington Township

Mansfield Township

North Hanover

Ocean Township

Adopted Ordinance: Woolwich

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State Transfer of Development Rights Act (2004)

Municipal Participation

Inactive efforts

Alexandria Township

Cape May County regional plan

Fanwood Borough

Montgomery Township

Quinton, Elsinborough, Alloway regional plan

Robbinsville Township

Stafford Township

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State Transfer of Development Rights Act (2004)

CASE STUDIES

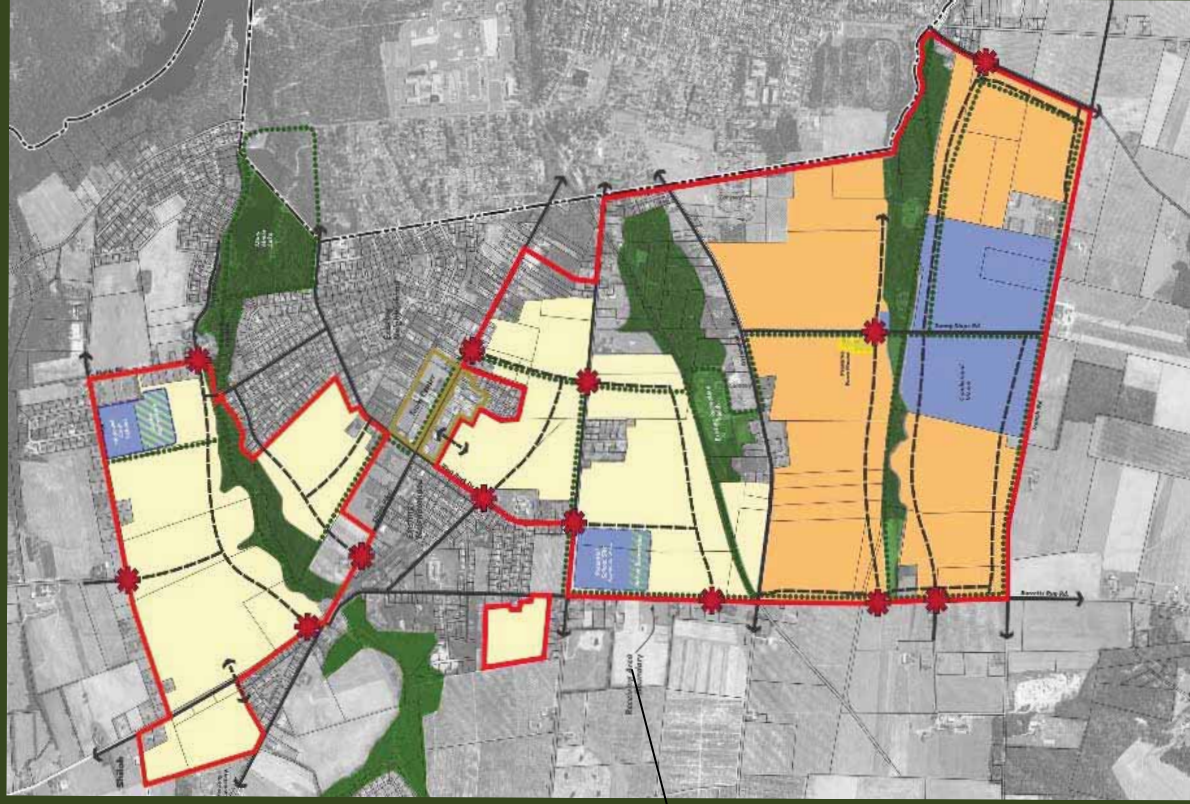
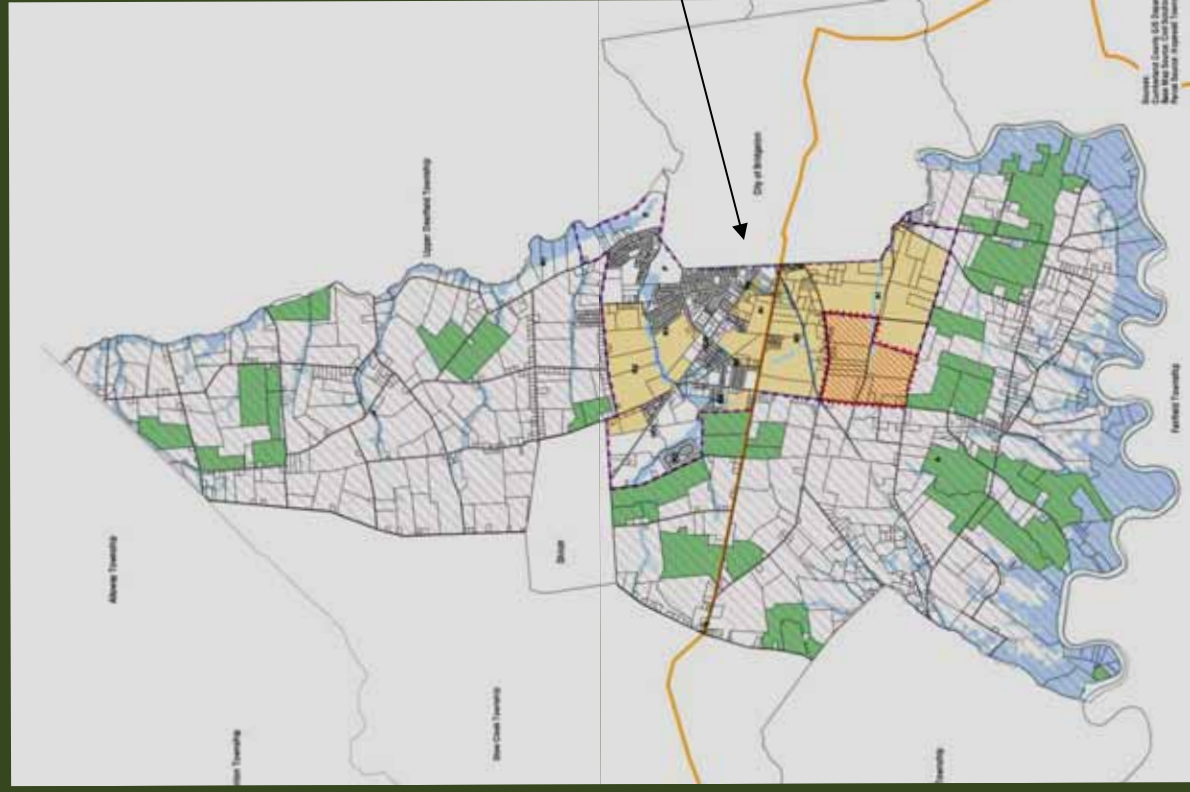
Hopewell Township, Cumberland County

Berkeley Township, Ocean County

Woolwich Township, Gloucester County

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Hopewell Township, Cumberland County



Hopewell Township, Cumberland County

Status

Complicated REMA process -
took more than two years

COAH rule changes
presented road block for
density issues

Complex infrastructure issues

After 4.5 years, the key issues
with state agencies are still
unresolved; process is stalled



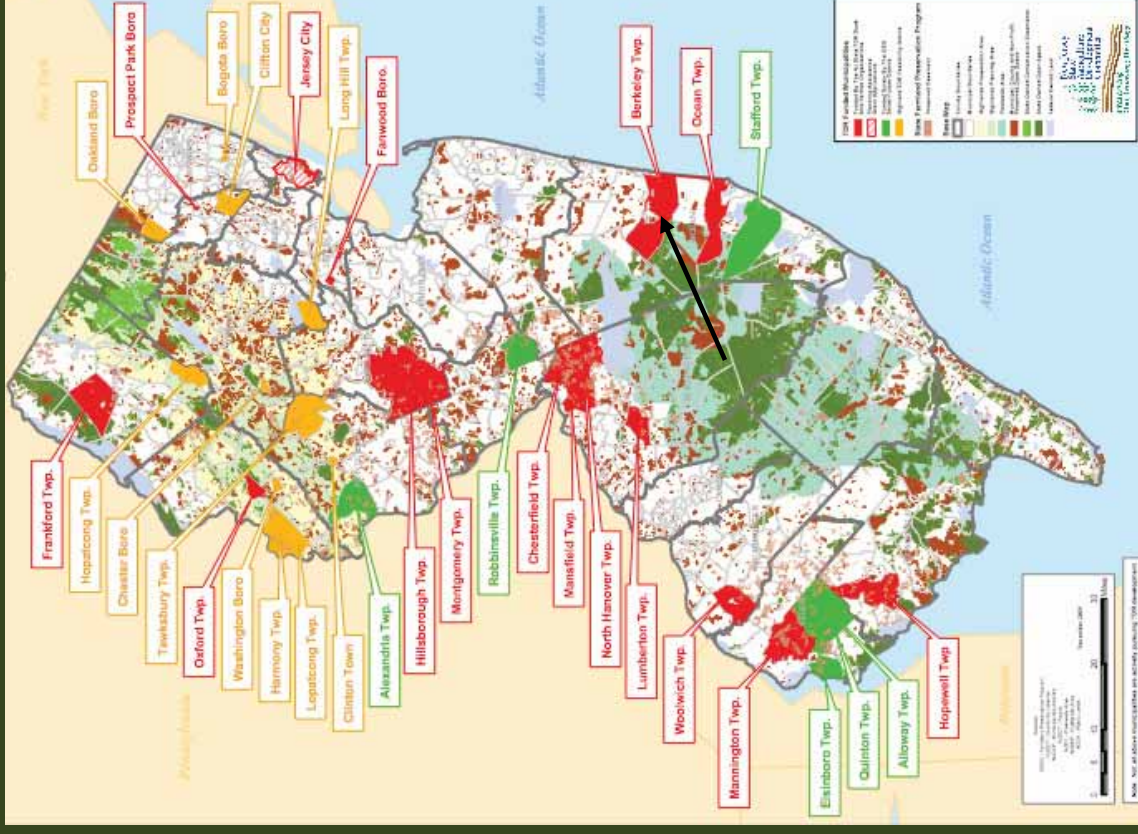
Berkeley Township, Ocean County

Purpose: Open space, town center

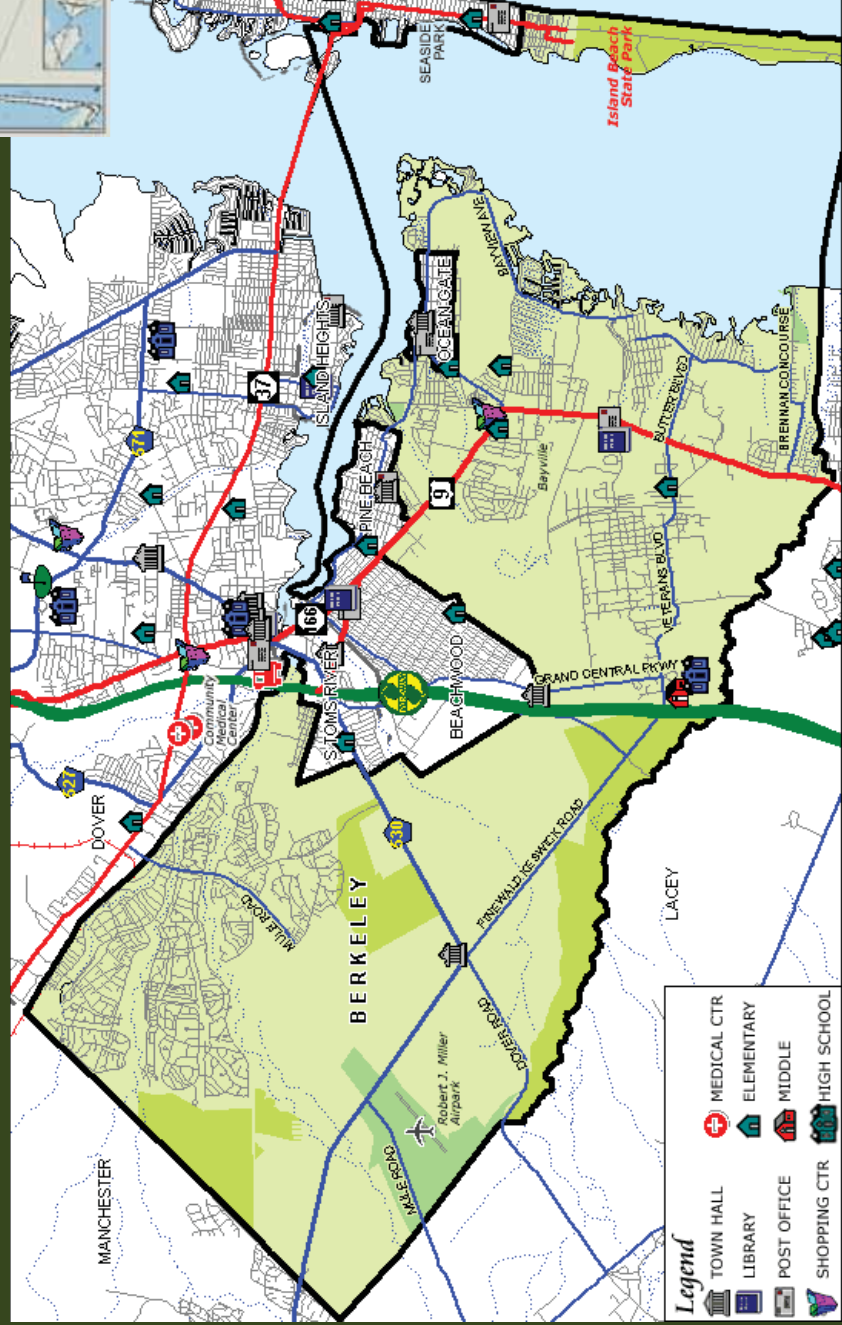
Start Date: March 2005 (pre-petition)

Sending Area: 600 acres

Receiving Area 600 acres



Berkeley Township, Ocean County



Berkeley Township, Ocean County

Status
Planning process has taken 5 years, to date
Credit evaluation for mixed-use, multiple zones is complex
Receiving area has been redesigned numerous times due to REMA results
Final plan is anticipated in 2010



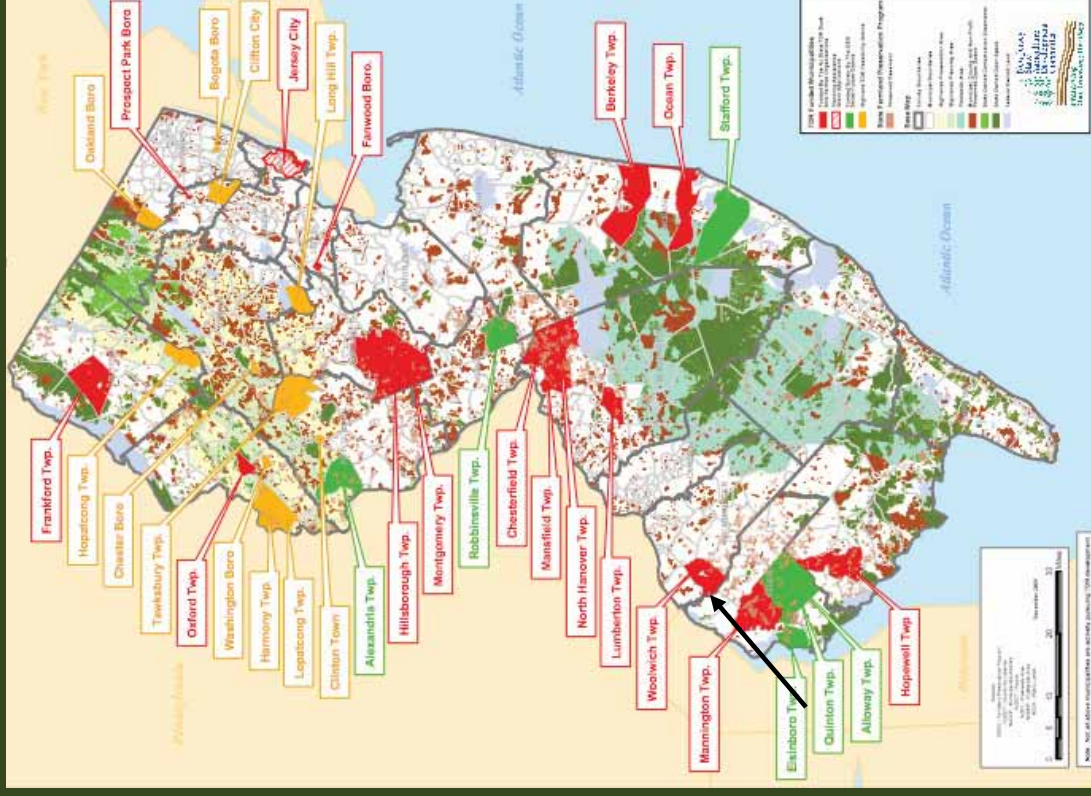
Woolwich Township, Gloucester County

Purpose: Farmland preservation and town center

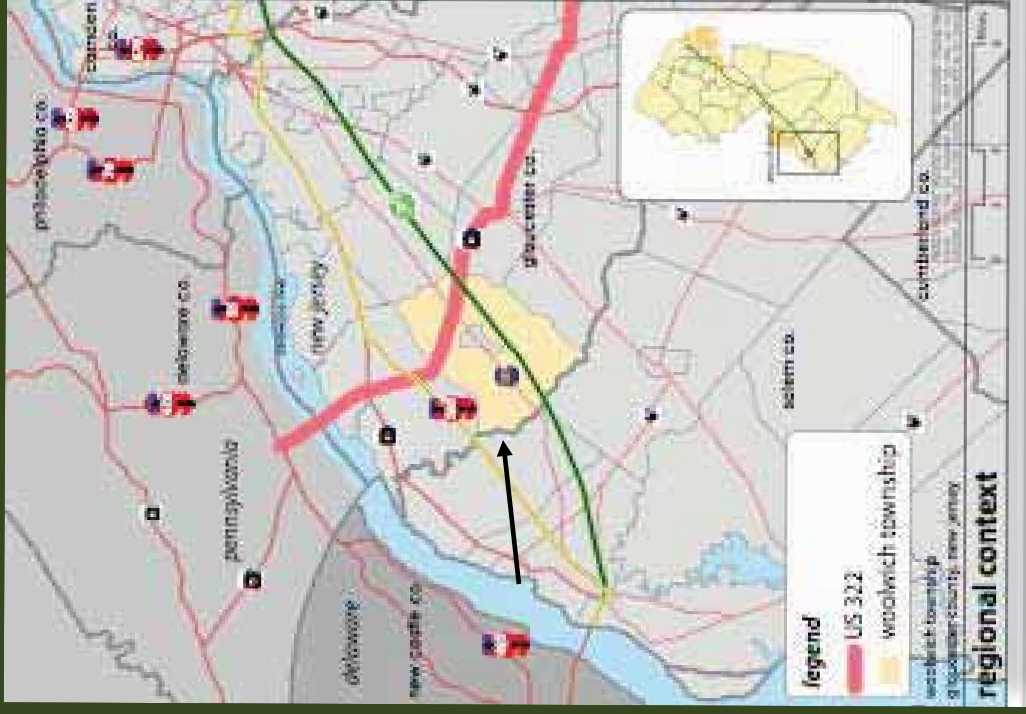
Start Date: Late 2004

Sending Area: 4,000 acres

Receiving Area: Two receiving areas totaling 868 acres



Woolwich Township, Gloucester County



Woolwich Township, Gloucester County

Status and Achievements
TDR Ordinance adopted in
2008
First completed TDR program
of 2004 Act
Wastewater issues are
unresolved
Planning process took 4
years



Obstacles in TDR Implementation

- Expensive, lengthy process
- Community concerns with higher density
- Cost and complexity of preparing for rapid growth
- The need for state agency support and coordination
- Potential COAH problems
- Difficulty getting state approvals for infrastructure
- Potentially high costs for developers
- Fiscal disincentive for regional transfers

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