



November 11, 2011

**Memo to:** Senator Van Drew, Senator Oroho, Assemblyman Coutinho

**Contact:** [Chris Sturm](#), Senior Director of State Policy, (609) 393-0008, 114

**Re:** S2950/A4128, the “Adaptive Approval” bill

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I am writing to you as sponsors of S2950/A4128, the “Adaptive Approval” bill, to express New Jersey Future’s concerns.

New Jersey Future is a nonprofit, nonpartisan organization committed to promoting land use policies that help revitalize cities and towns, protect natural lands and farms, provide more transportation choices beyond cars, expand access to safe and affordable neighborhoods and fuel a prosperous economy.

I know you share your constituents’ concerns about the quality of their communities. We recently released a [Monmouth University poll](#) that captured some of the specific ways residents think about where they live. Key findings include:

- New Jersey residents feel that the way the state has grown and developed over the past two decades has made it both less affordable and more difficult to travel.
- While economic concerns are more pronounced today than they were a decade ago, increased interest in attracting new businesses and creating jobs does not trump support for the environment.
- New Jerseyans are enthusiastic about communities where a variety of transportation options already exist and neighborhoods are within walking distance of shopping and other services.

We are concerned that S2950/A4128 will circumvent good local planning and the public planning process that we all rely on to shape our communities. While we might not always agree on what is the best land use for a given piece of property, we do know that there is a public process for aligning community interests and market demand. This bill unfairly says that market demand is the only important factor when making land use decisions, and that is clearly unacceptable. The bill not only allows applicants to skirt the normal project review process, but prevents municipalities from denying projects unless they can demonstrate “substantial detriment to the public good”, which is an extraordinarily high legal bar.

As an organization committed to sound land use planning, New Jersey Future cannot support S2950/A4128, and I respectfully ask you to reconsider your support. I hope you’ll contact me at [csturm@njfuture.org](mailto:csturm@njfuture.org) or 609-393-0008, x114 if you have any questions about our position or would like to discuss the bill. Thank you for your consideration.

CC: Andrew Hendry, Bill Caruso