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## COMMENTARY

# The Fix for a Broken Land-Use System: Go Regional

By Andrew R. Davis

If it ain't broke, don't fix it" is a statement typically uttered in resignation to maintain the status quo. It's rooted in a sentiment that resists change unless and until change seems necessary.

But perhaps the time has come to acknowledge that the land-use-control system in New Jersey is broken — not only in terms of the chaotic regulatory climate in which it exists, but also in its vulnerability to incompetent administration, misuse of process and corruption.

Home rule is a longstanding tradition not necessarily mandated by the 1947 constitution. It is a practice that has been vociferously supported — and sometimes blindly defended out of a parochial concern that control exercised from anywhere other than local government could lead to mischief.

The issue was highlighted last month in the criminal complaints against scores of elected officials who allegedly had actual or perceived influence over land-use approvals.

A complaint filed against the mayor of a municipality in the Meadowlands district is telling. In response to a query from the government's cooperating witness,

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posing as a real estate developer seeking expedited approvals in exchange for cash, the mayor allegedly indicated that a local zoning change would not be a "heavy lift." But he and another individual who also was charged allegedly added that a problem could occur at the Meadowlands Commission. Presumably the "problem" would be the exercise of integrity — the resistance to an arbitrary, influenced zoning change.

The mayor is alleged to have stated that "the only way to get the commission to do what they did not want to do was through the 'back door' in Trenton." Although this statement implies that the commission could be controlled by officials in the Capitol, for the most part the Meadowlands Commission has traditionally been spared from pernicious and overt control over routine zoning matters.

Created by the Legislature in 1968, the commission was given the task of bringing order to haphazard and often corrupt land-use practices that resulted in uncontrolled dumping in local wetlands. Regional land-use control, as it was contemplated back then, also would help address environmentally disastrous consequences that flowed from ill-considered land-use decisions.

Forty years out, few would dispute that regional planning and zoning in the Meadowlands has worked out pretty well; the look and feel of the landscape provides anecdotal evidence. Scientific studies bear out that good planning has led to good design, which in turn has led to an improved environment. And control of land use by paid, professional staff, largely free of political interference, has

fostered this success. (Disclosure: I was employed by the commission between 1995 and 2000 as director of land use management and legal affairs.)

While public employees at any agency may at times act irresponsibly or arbitrarily, abuse of the process seems much less likely to occur at quasi-governmental, independent authorities than at the local level, where the process is run largely by lay planning and zoning boards, and to a certain extent, elected officials.

With 566 municipalities, 21 counties, three regional zoning agencies, a cumbersome state development and redevelopment plan and cross-acceptance process, a Byzantine affordable-housing program, and an ever-expanding litany of environmental regulations that affect real estate development, it's clear that New Jersey's current land-use system is in chaos.

The time has come to consider an overhaul.

There is no particular model that is guaranteed to work better than the current system. What is being suggested is a dialog to consider wholesale changes to the system. We need to seriously consider "going regional." We need to think about moving the approval process to a broader geographical level. One alternative would be to assign most large-scale land-use decisions to five or six regional entities modeled after the Meadowlands Commission.

Some mechanism for local input should remain. But most land-use decisions should emanate from a higher form of government, where better planning and coordination of sensible development is more readily attainable. ■