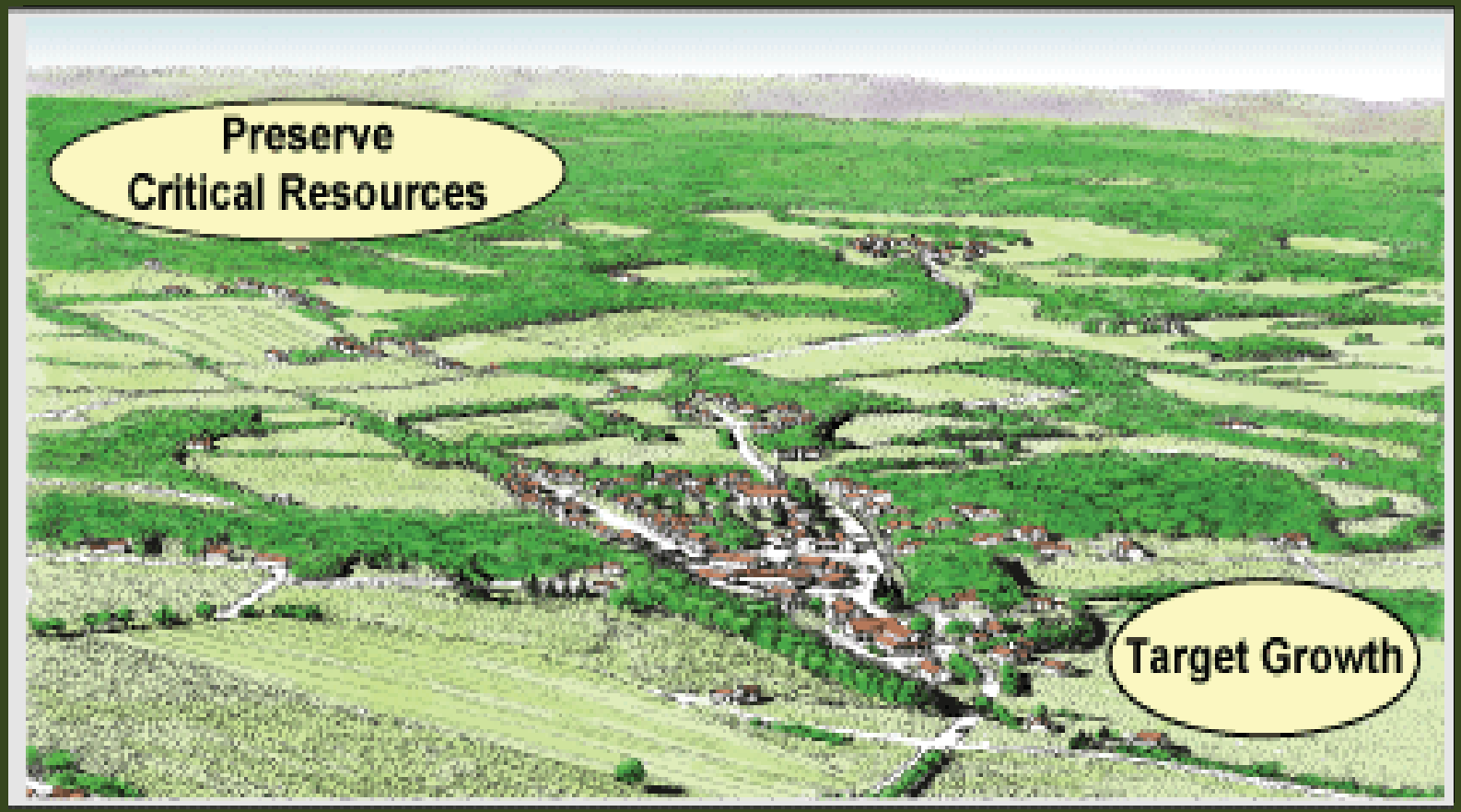
The Status of TDR Implementation in New Jersey



Task Force Meeting #1
December 2, 2009

NEW JERSEY FUTURE

Transfer of Development Rights (TDR) Task Force

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

How Does TDR Work?

Courtesy: ANJEC

Transfer of Development Rights (TDR) Task Force

The Promise of TDR

- Preserve natural and cultural resources

-

The Promise of TDR

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

Transfer of Development Rights (TDR) Task Force

The Promise of TDR

- Promote well-planned economic growth

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)

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

Transfer of Development Rights (TDR) Task Force

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

Transfer of Development Rights (TDR) Task Force

Burlington County Transfer of Development Rights Demonstration Act (1989)

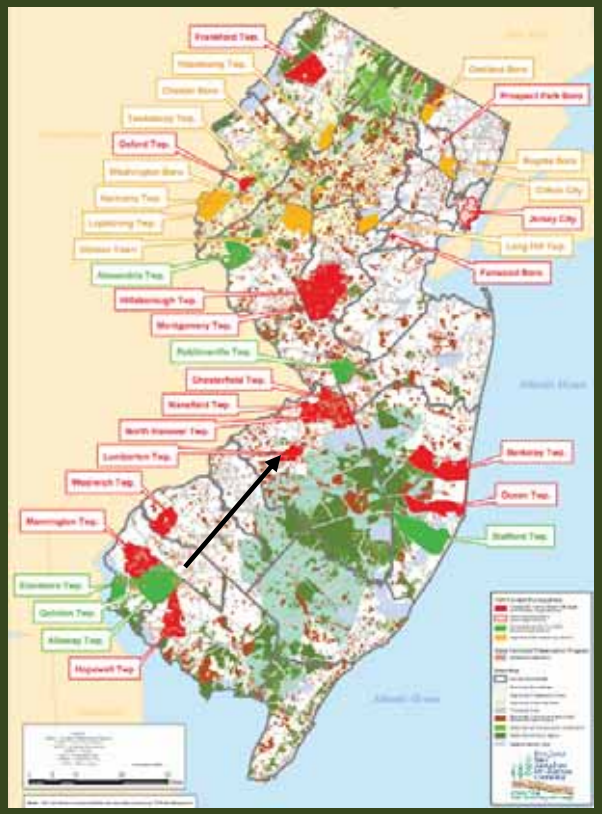
Purpose:	To permit municipalities in Burlington County to serve as pilot projects for the state in using TDR
Participating municipalities:	Lumberton Township Chesterfield Township

Lumberton Township

Adopted: 1995

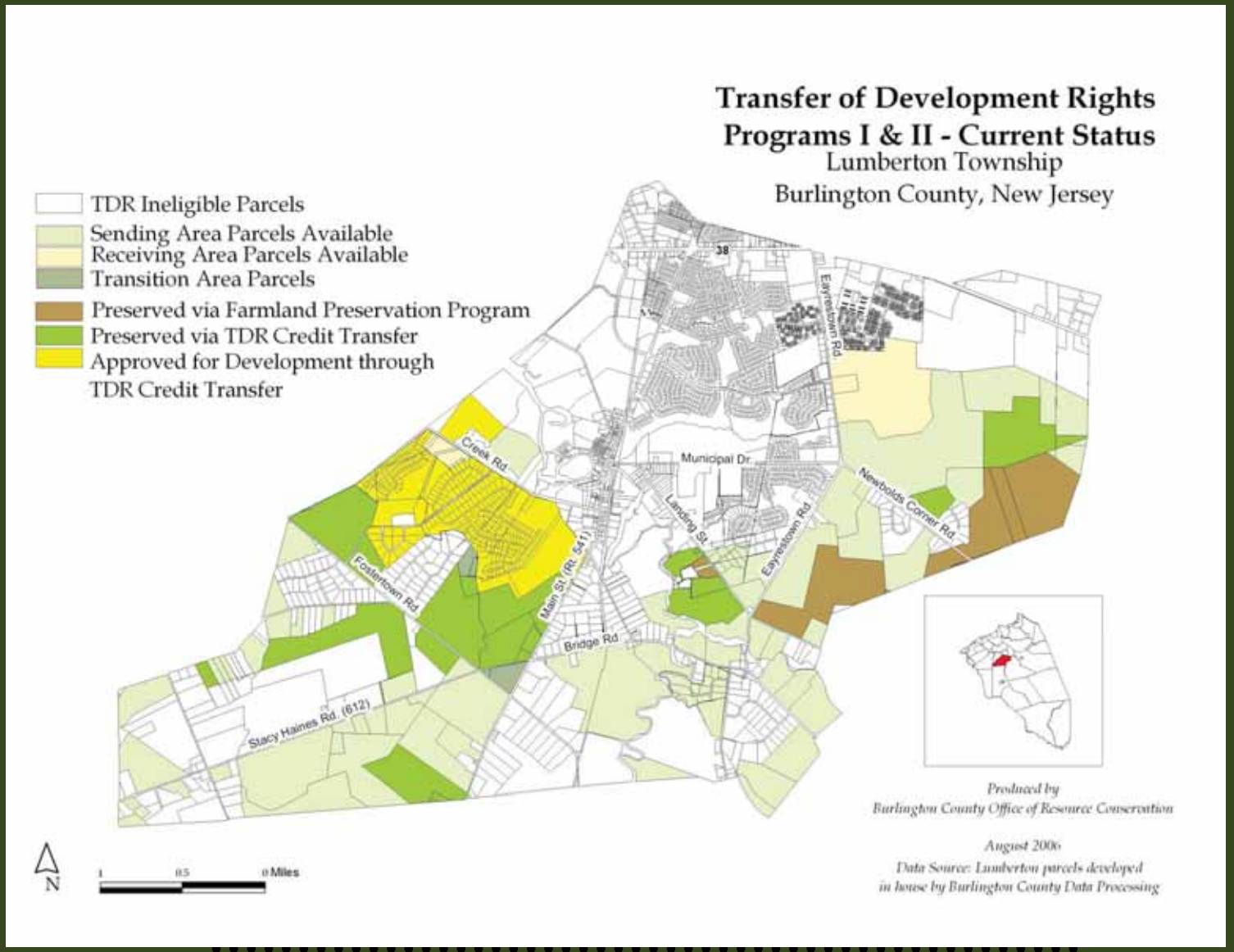
Purpose: Farmland preservation

Achievements:
- Preserved 840 acres
- Density increased in receiving area subdivisions



Transfer of Development Rights (TDR) Task Force

Lumberton Township

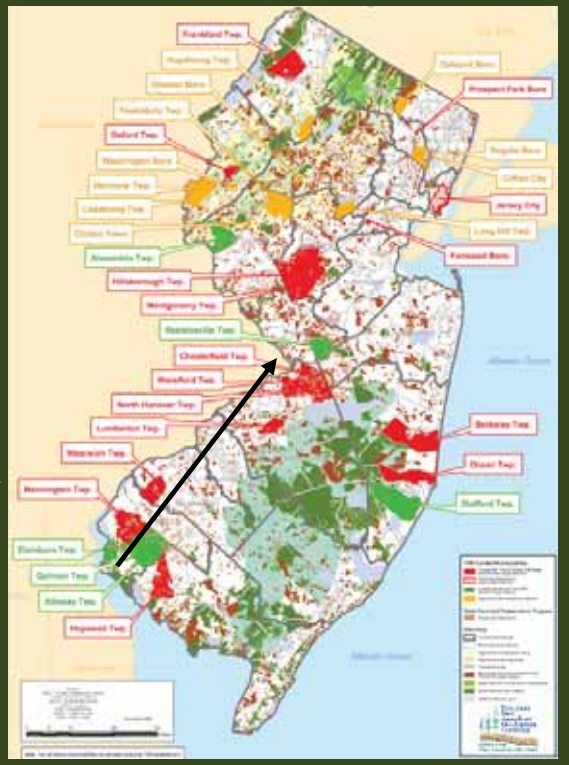


Chesterfield Township (1997)

Purpose: Farmland preservation & creation of village center

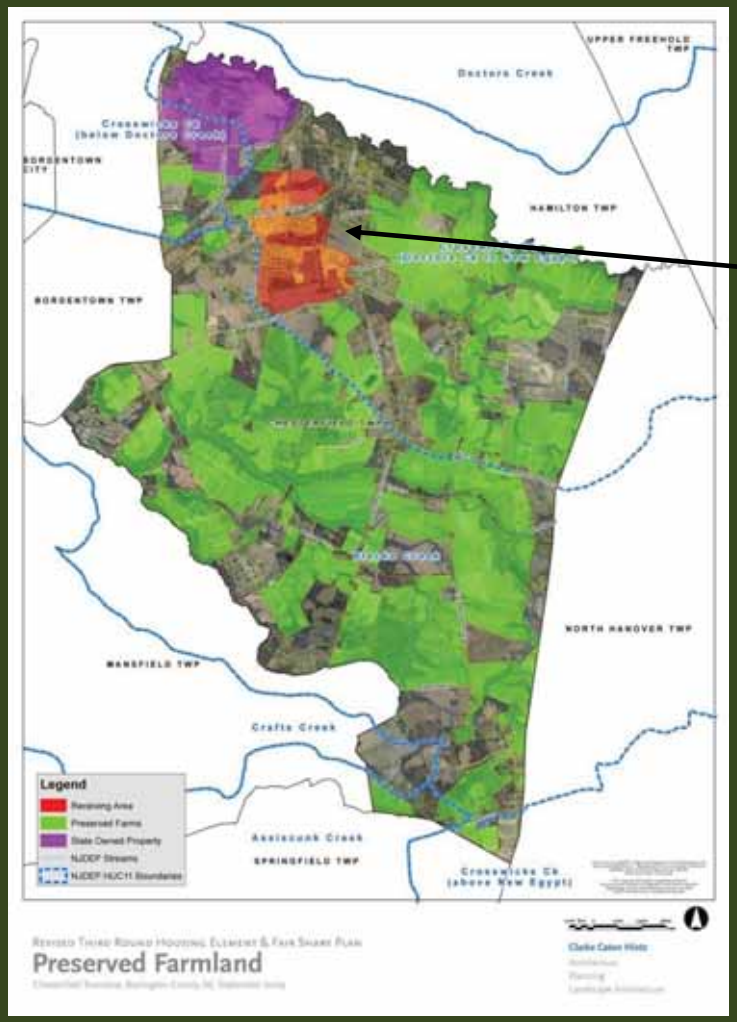
Sending Area: 10,000 acres

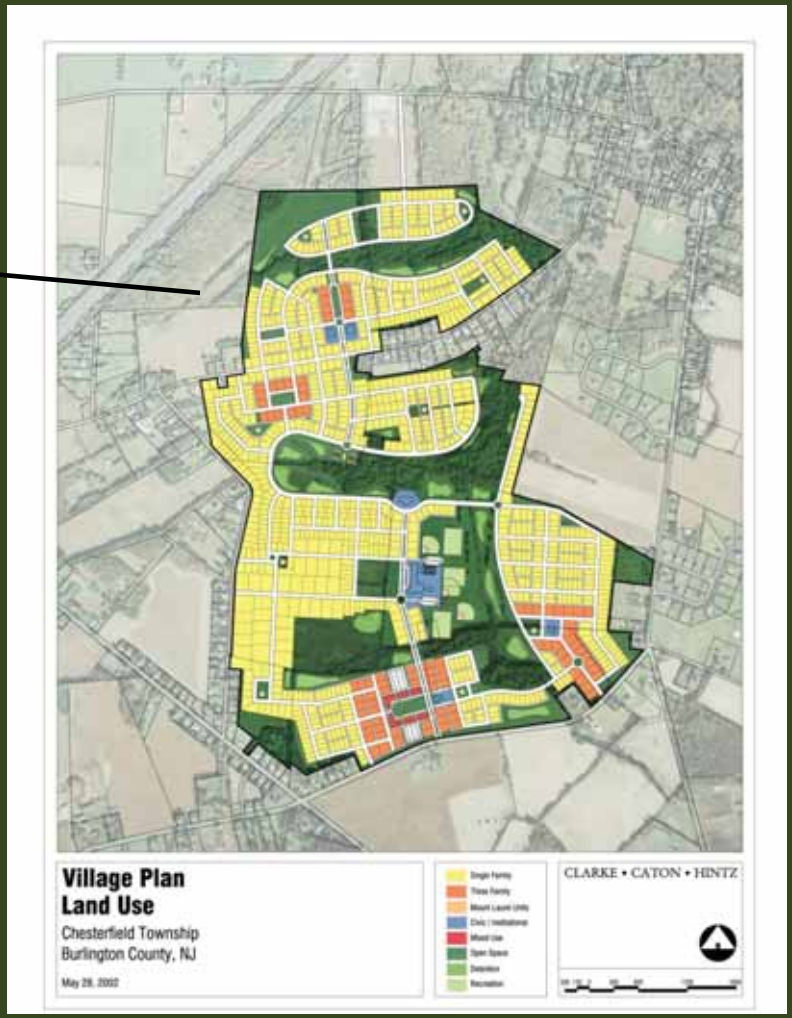
Achievements:
- Sending area largely preserved
- 800 housing units approved
- New school under construction



Transfer of Development Rights (TDR) Task Force

Chesterfield Township, Burlington County





Transfer of Development Rights (TDR) Task Force

Transfer of Development Rights (TDR) Task Force

Chesterfield Township, Burlington County

Chesterfield Township, Burlington County

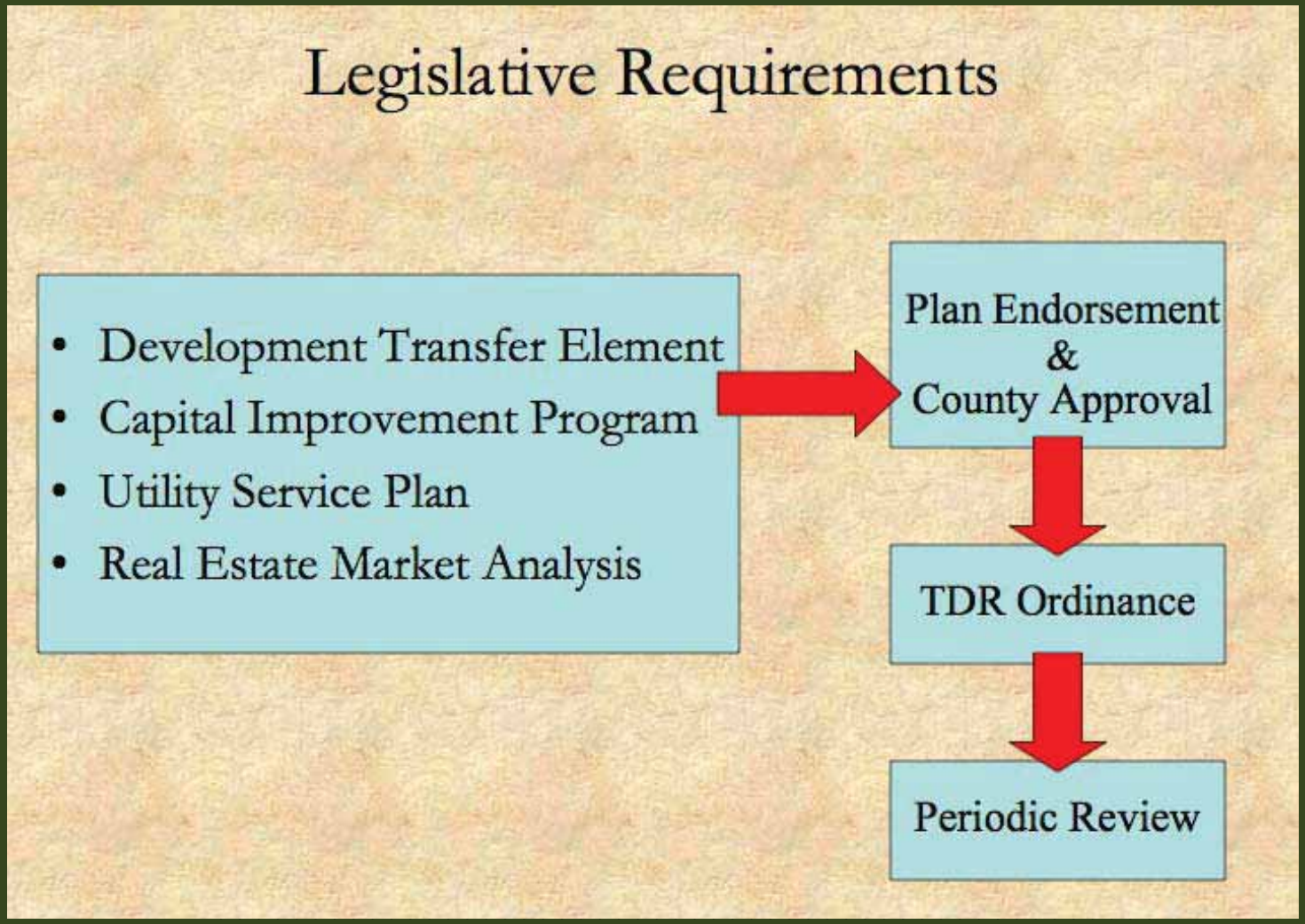
Transfer of Development Rights (TDR) Task Force

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

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

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)

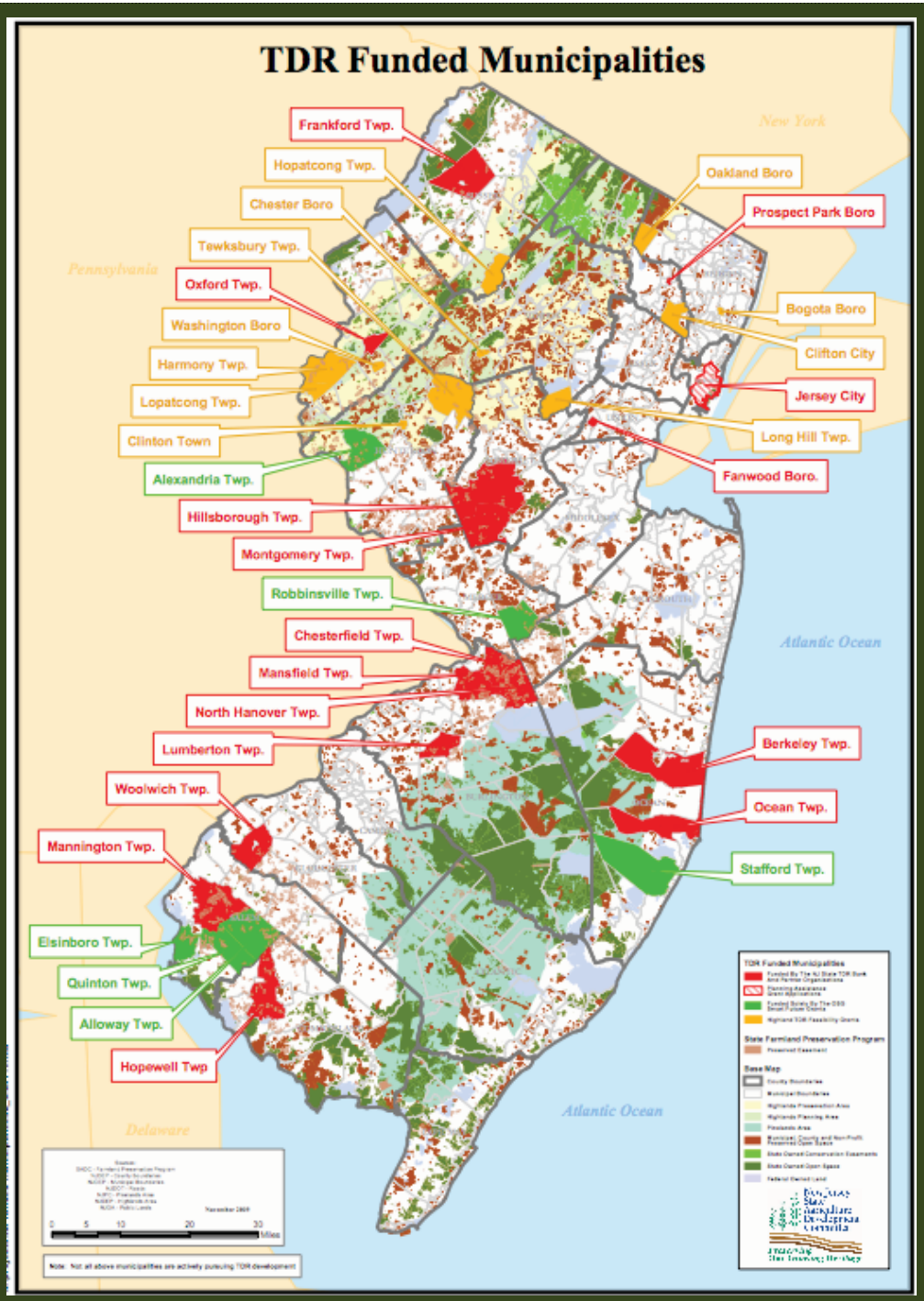
NJ TDR Bank Board (grant recipients)

Council on Affordable Housing (COAH)

State Planning Commission (SPC)

Participation Under the Statewide Act

(red and bright green)



Transfer of Development Rights (TDR) Task Force

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

State Transfer of Development Rights Act (2004)

Municipal Participation

<u>Inactive efforts</u>

Alexandria Township

Cape May County regional plan

Fanwood Borough

Montgomery Township

Quinton, Elsinborough, Alloway regional plan

Robbinsville Township

Stafford Township

State Transfer of Development Rights Act (2004)

CASE STUDIES

Hopewell Township, Cumberland County

Berkeley Township, Ocean County

Woolwich Township, Gloucester County

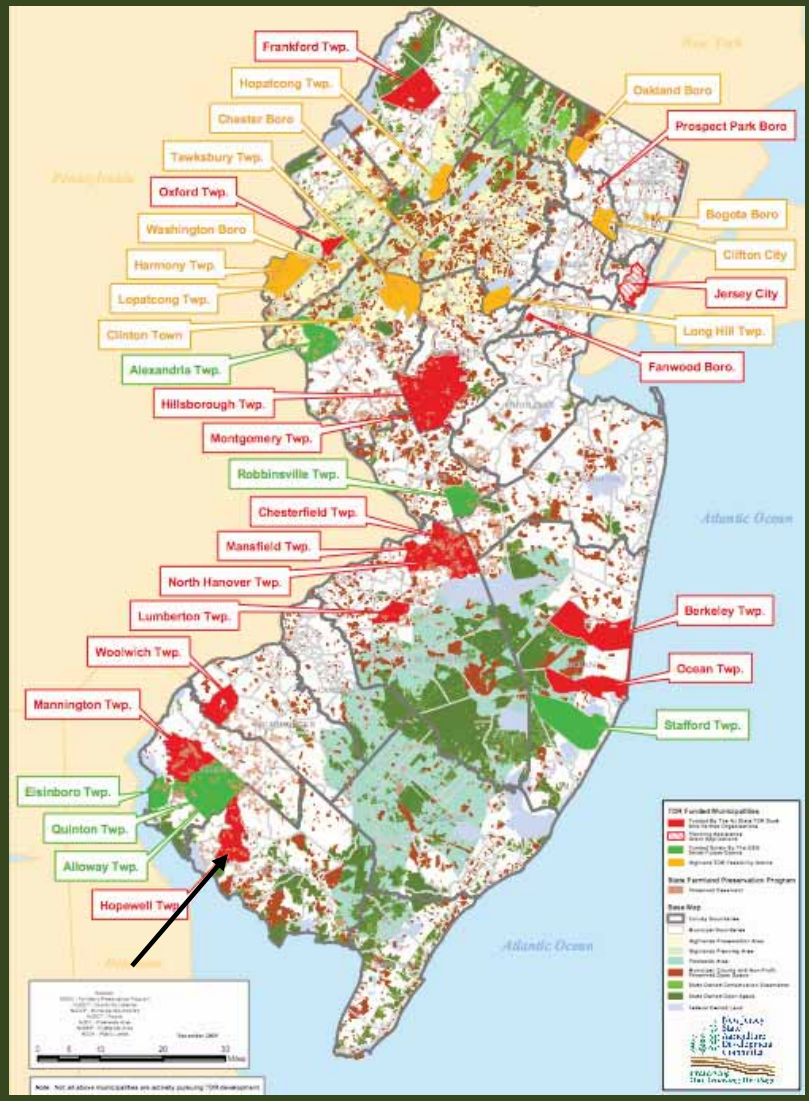
Hopewell Township, Cumberland County

Purpose: Farmland preservation

Start Date: March 2005

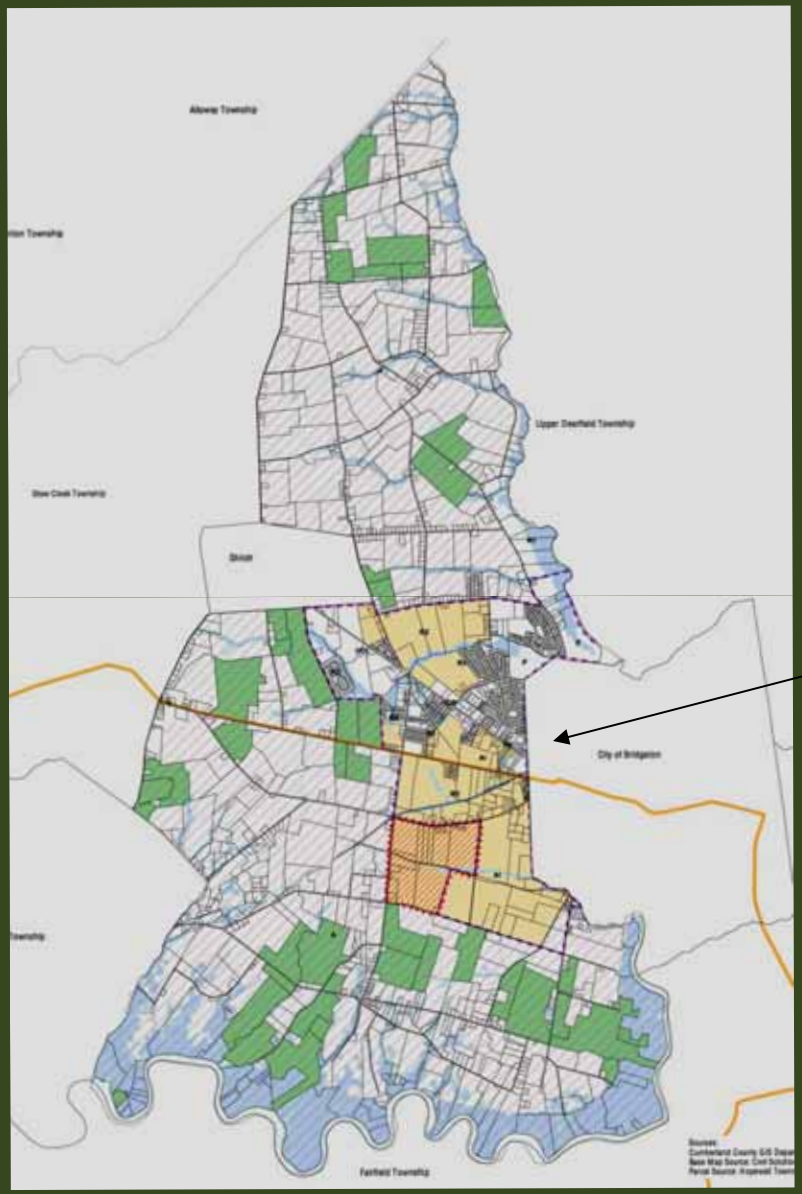
Sending Area: 9,200 acres

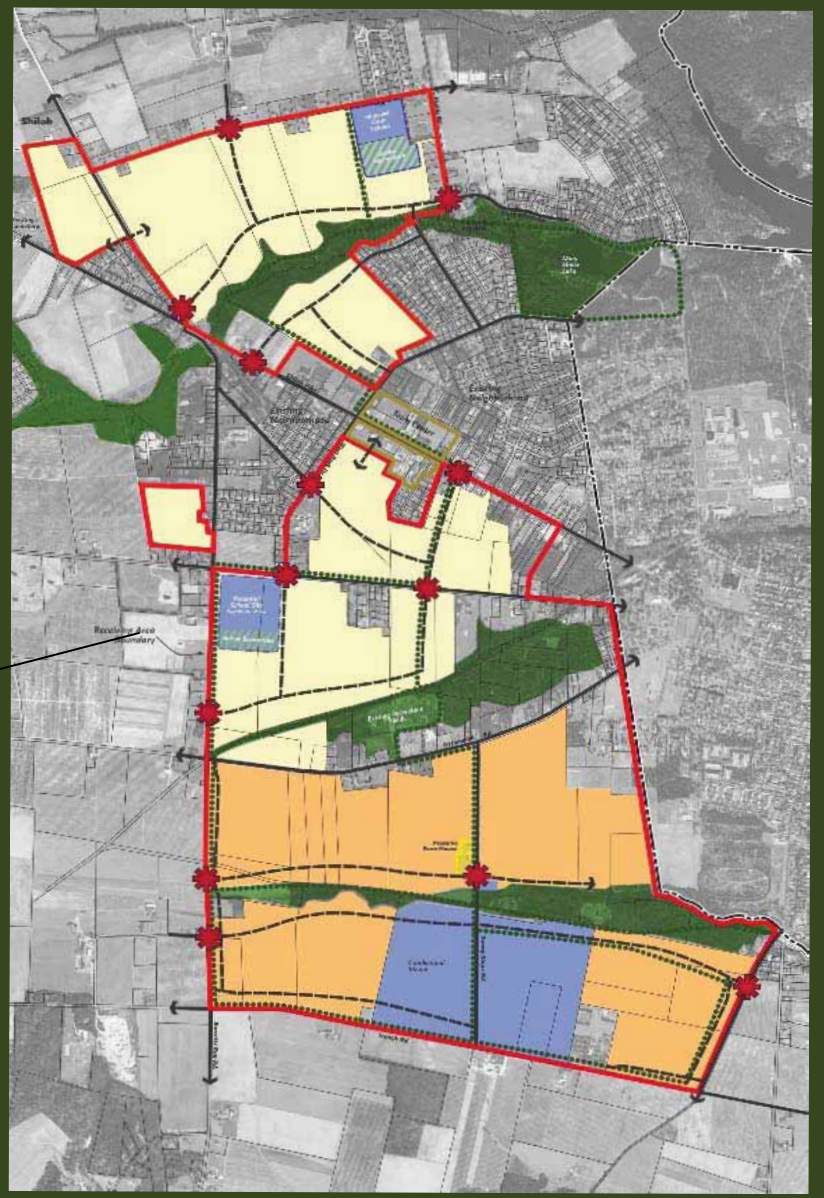
Receiving Area: 1,450 acres



Transfer of Development Rights (TDR) Task Force

Hopewell Township, Cumberland County





Transfer of Development Rights (TDR) Task Force

Hopewell Township, Cumberland County

Status

Complicated REMA process - took more than two years

COAH rule changes presented road block for density issues

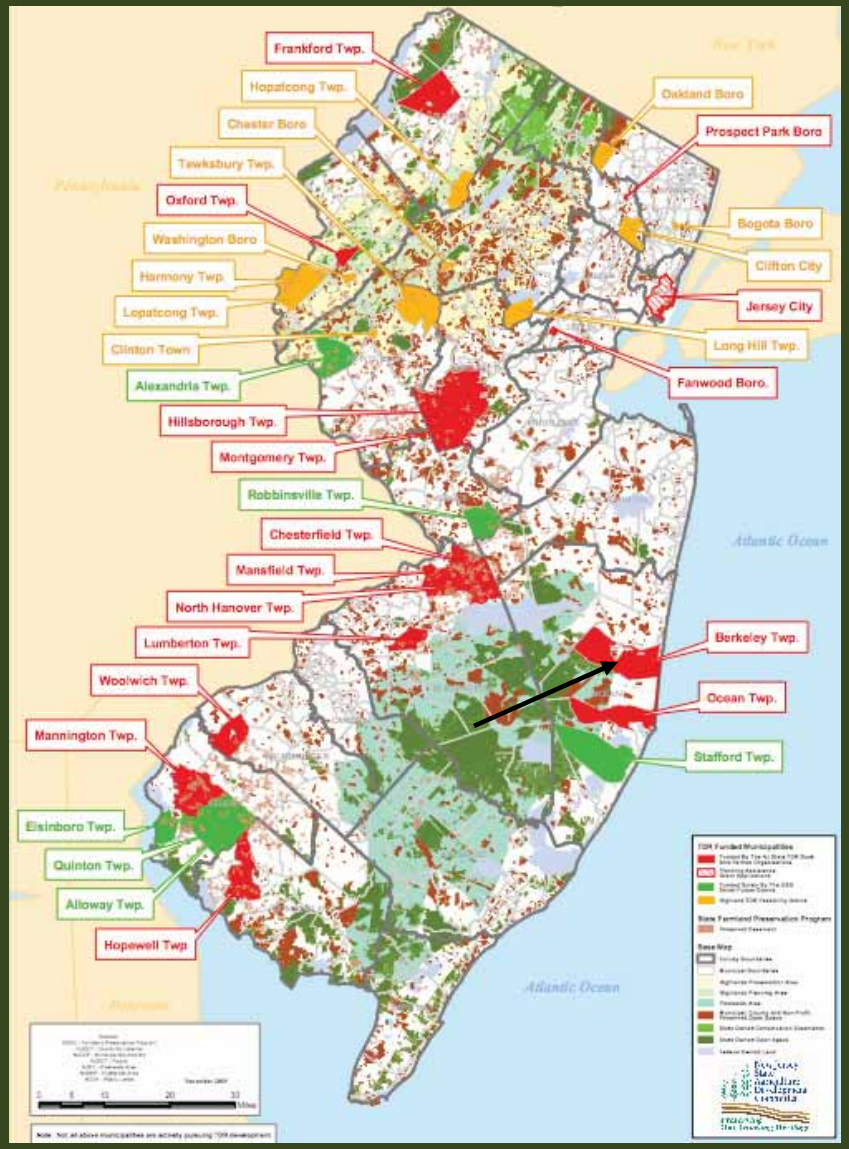
Complex infrastructure issues

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

Transfer of Development Rights (TDR) Task Force

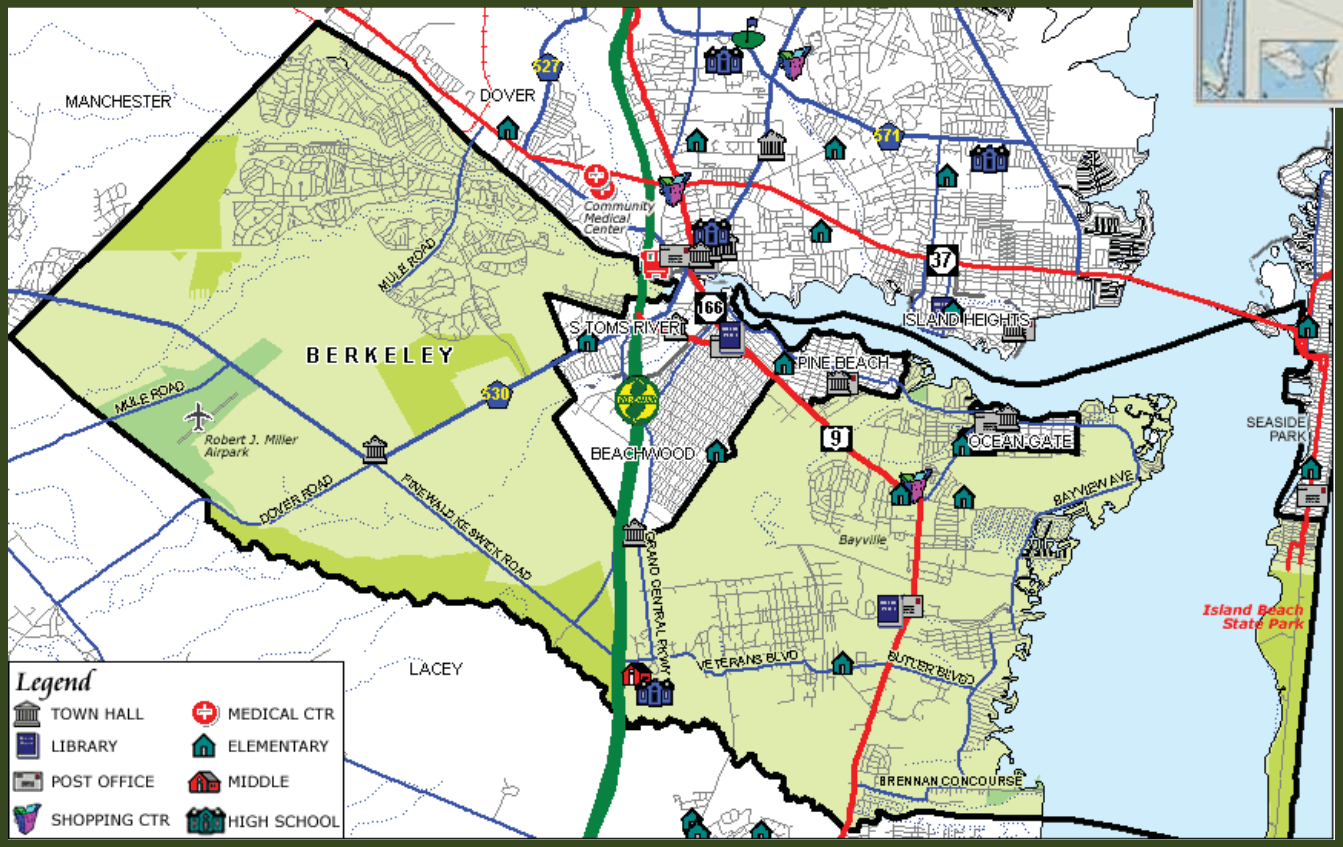
Berkeley Township, Ocean County

Purpose:	Open space, town center
Start Date:	March 2005 (pre-petition)
Sending Area:	600 acres
Receiving Area	600 acres



Transfer of Development Rights (TDR) Task Force

Berkeley Township, Ocean County



Transfer of Development Rights (TDR) Task Force

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

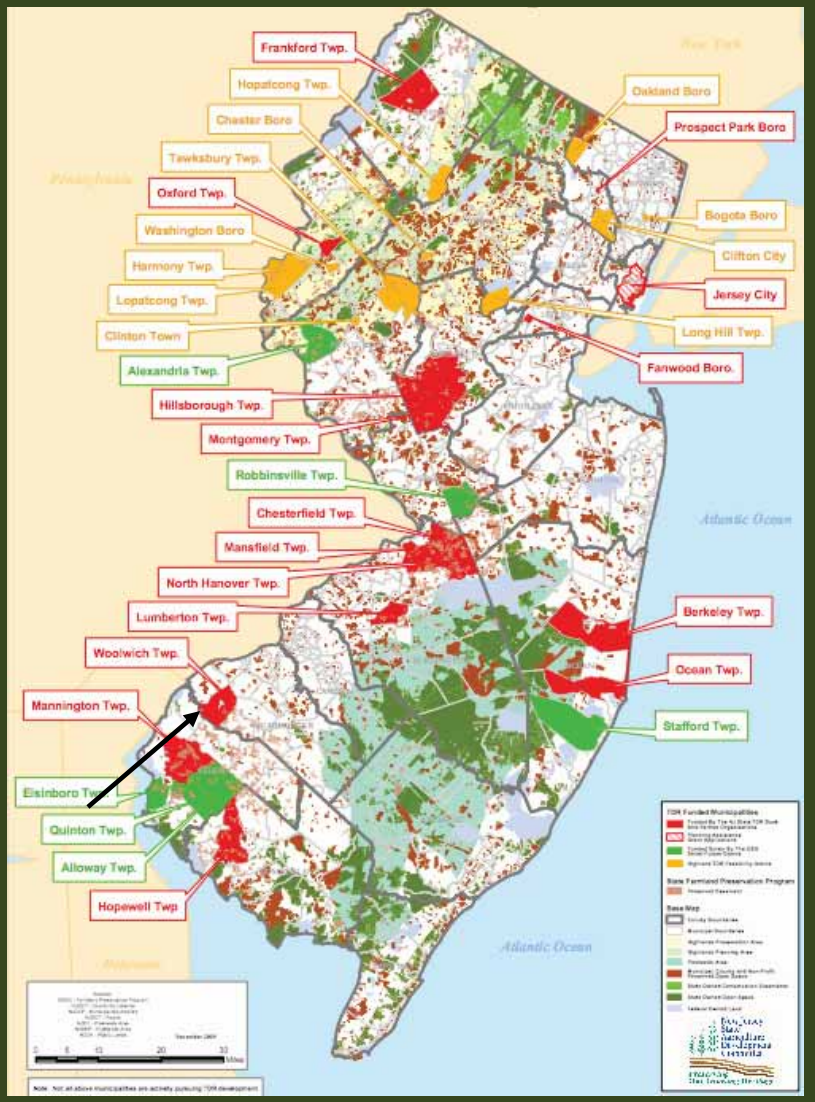
Woolwich Township, Gloucester County

Purpose: Farmland preservation and town center

Start Date: Late 2004

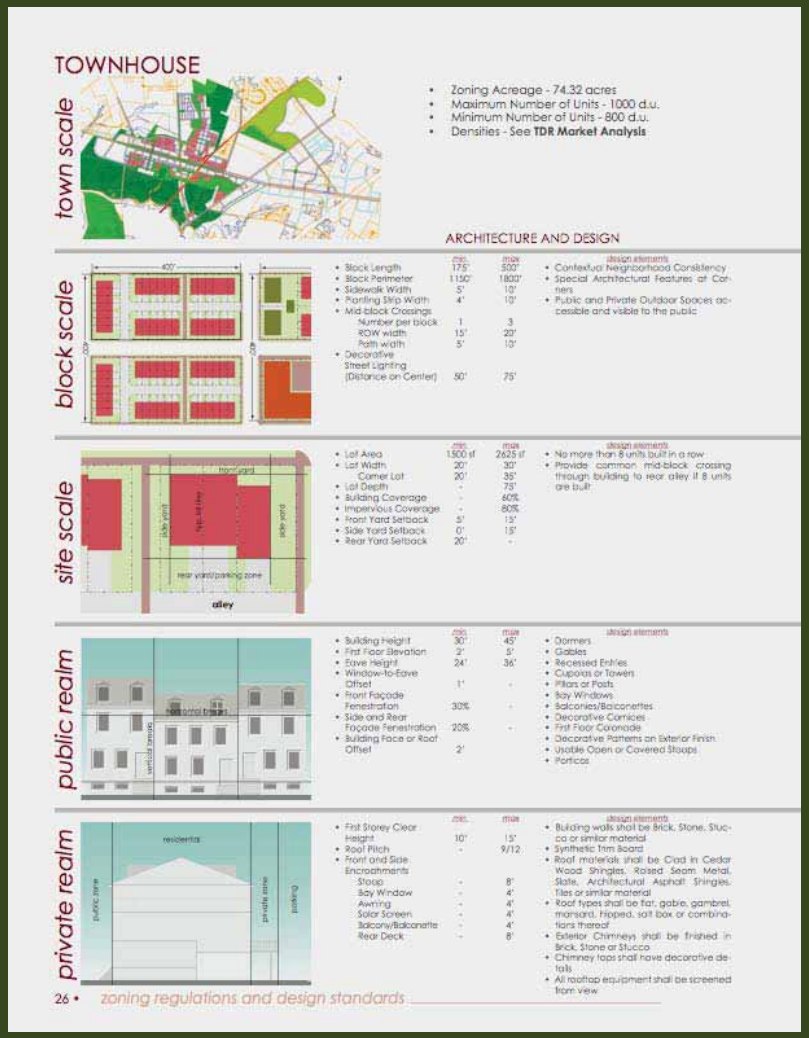
Sending Area: 4,000 acres

Receiving Area: Two receiving areas totaling 868 acres



Transfer of Development Rights (TDR) Task Force

Woolwich Township, Gloucester County



View looking along Route 322 Boulevard with residential flats defining the edge: A pedestrian-friendly boulevard functions as the spine of the regional center allowing residential uses to develop along the edges.

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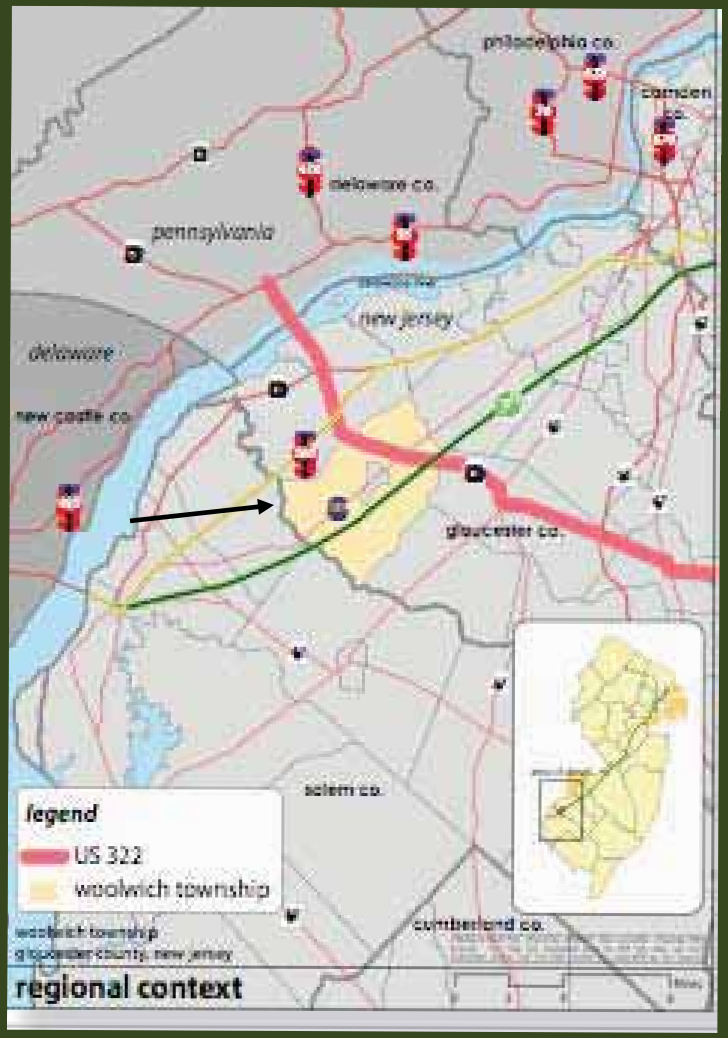
Transfer of Development Rights (TDR) Task Force

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

Transfer of Development Rights (TDR) Task Force

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