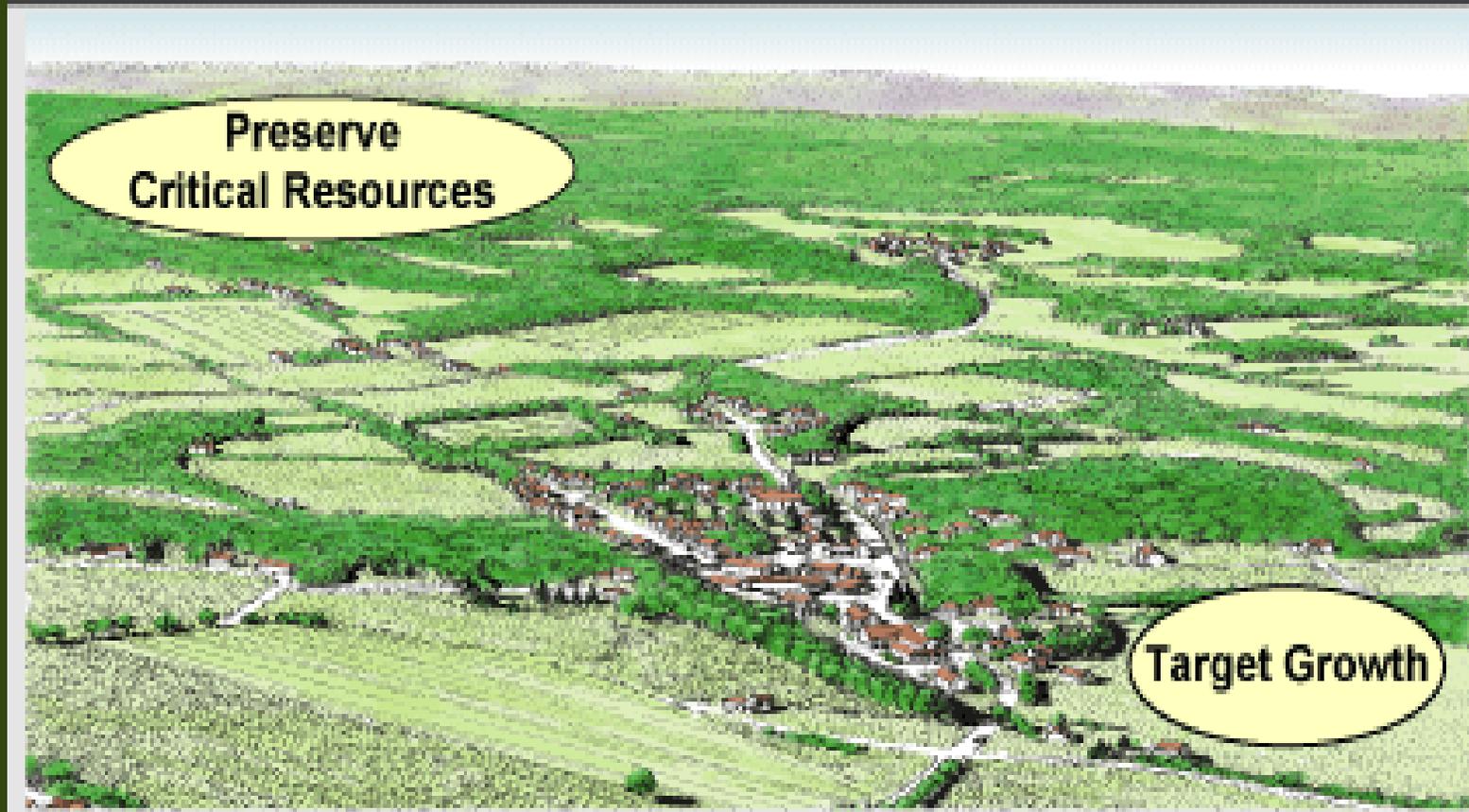


# The Status of TDR Implementation in New Jersey



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



# How Does TDR Work?



Courtesy: ANJEC

# The Promise of TDR

- Preserve natural and cultural resources



# The Promise of TDR

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



# 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



# 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



# 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

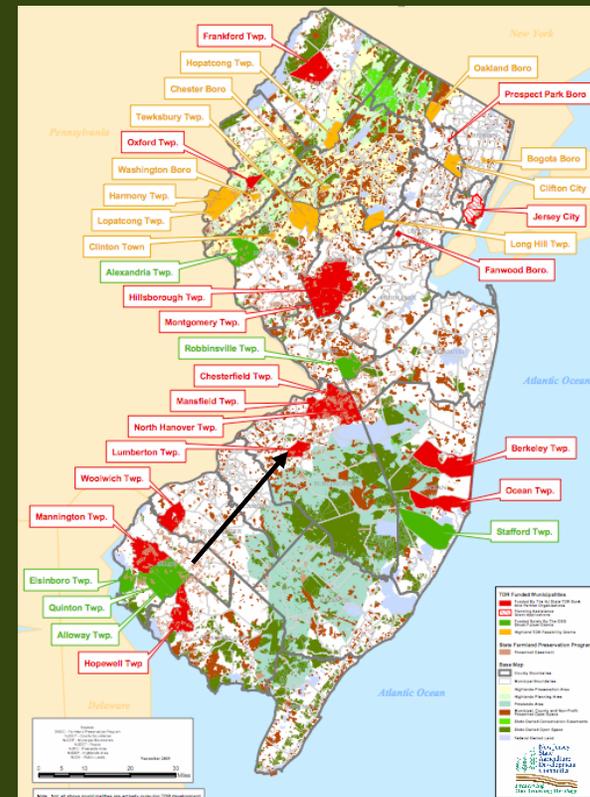


# Lumberton Township

Adopted: 1995

Purpose: Farmland preservation

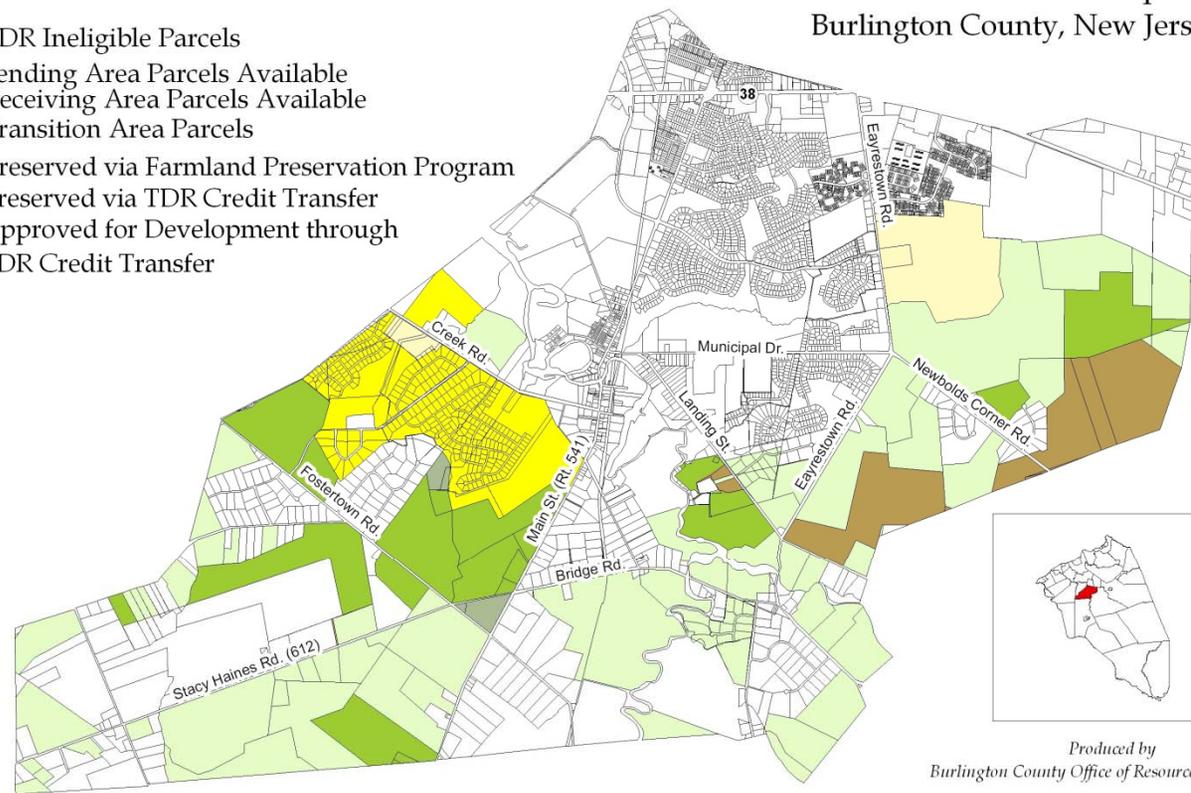
Achievements: - Preserved 840 acres  
- Density increased in receiving area subdivisions



# Lumberton Township

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

-  TDR Ineligible Parcels
-  Sending Area Parcels Available
-  Receiving Area Parcels Available
-  Transition Area Parcels
-  Preserved via Farmland Preservation Program
-  Preserved via TDR Credit Transfer
-  Approved for Development through TDR Credit Transfer



Produced by  
Burlington County Office of Resource Conservation

August 2006  
Data Source: Lumberton parcels developed  
in house by Burlington County Data Processing

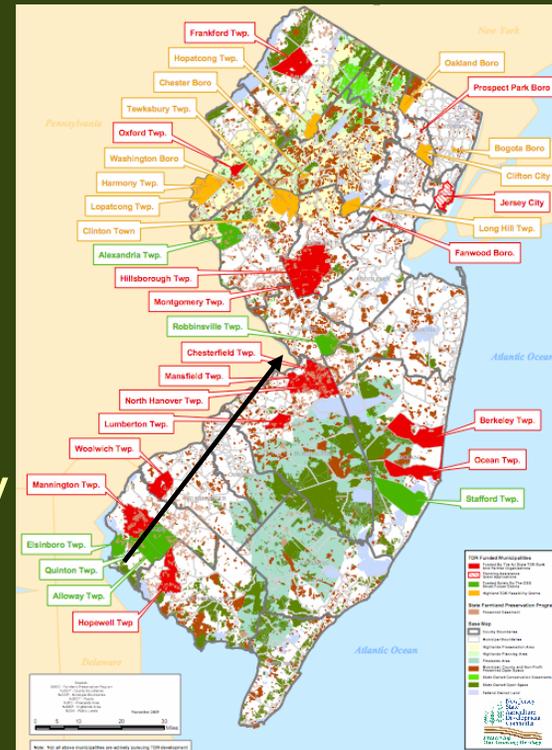
# Chesterfield Township (1997)

**Purpose:** Farmland preservation & creation of village center

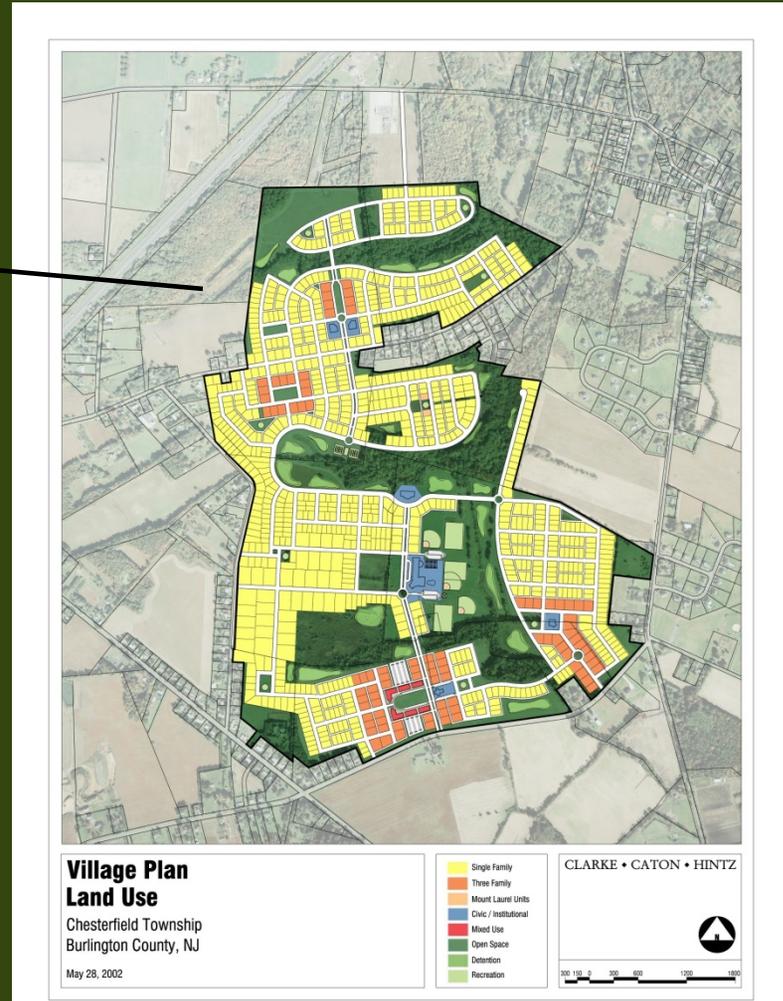
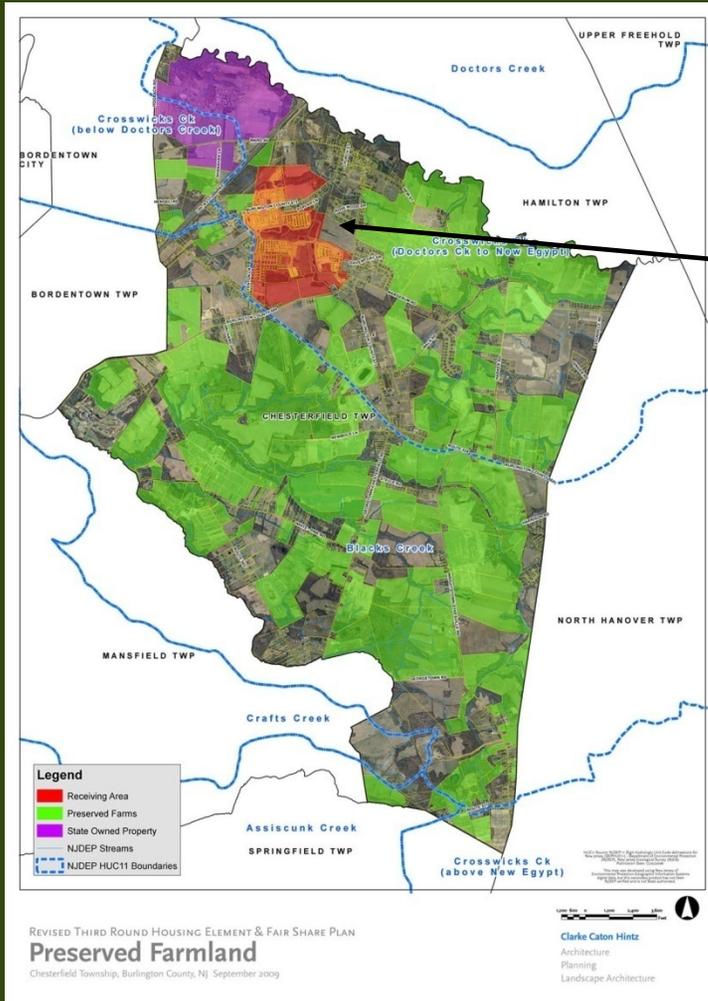
**Sending Area:** 10,000 acres

**Achievements:**

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



# Chesterfield Township, Burlington County



# Chesterfield Township, Burlington County



Transfer of Development Rights (TDR) Task Force

# 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

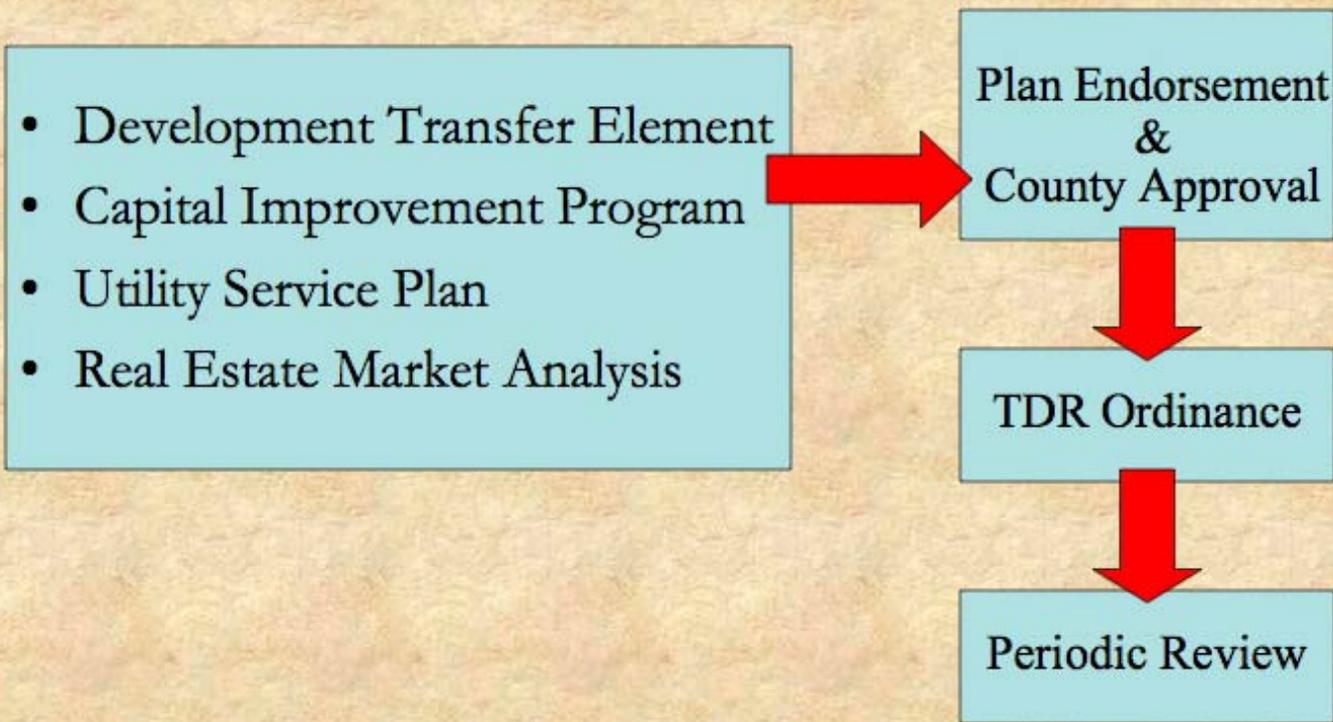


# State Transfer of Development Rights Act (2004)

## TDR Planning Process

.....

### Legislative Requirements



## 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)





# 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

### Inactive efforts

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

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Hopewell Township, Cumberland County

Berkeley Township, Ocean County

Woolwich Township, Gloucester County



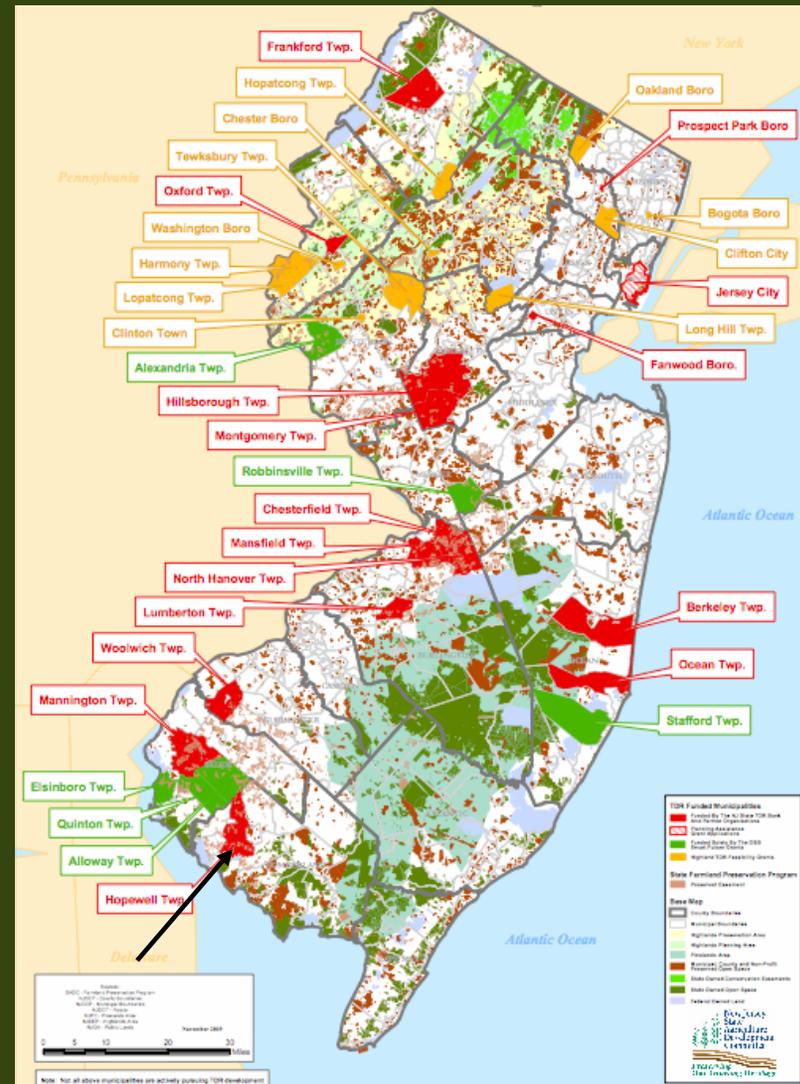
# Hopewell Township, Cumberland County

Purpose: Farmland preservation

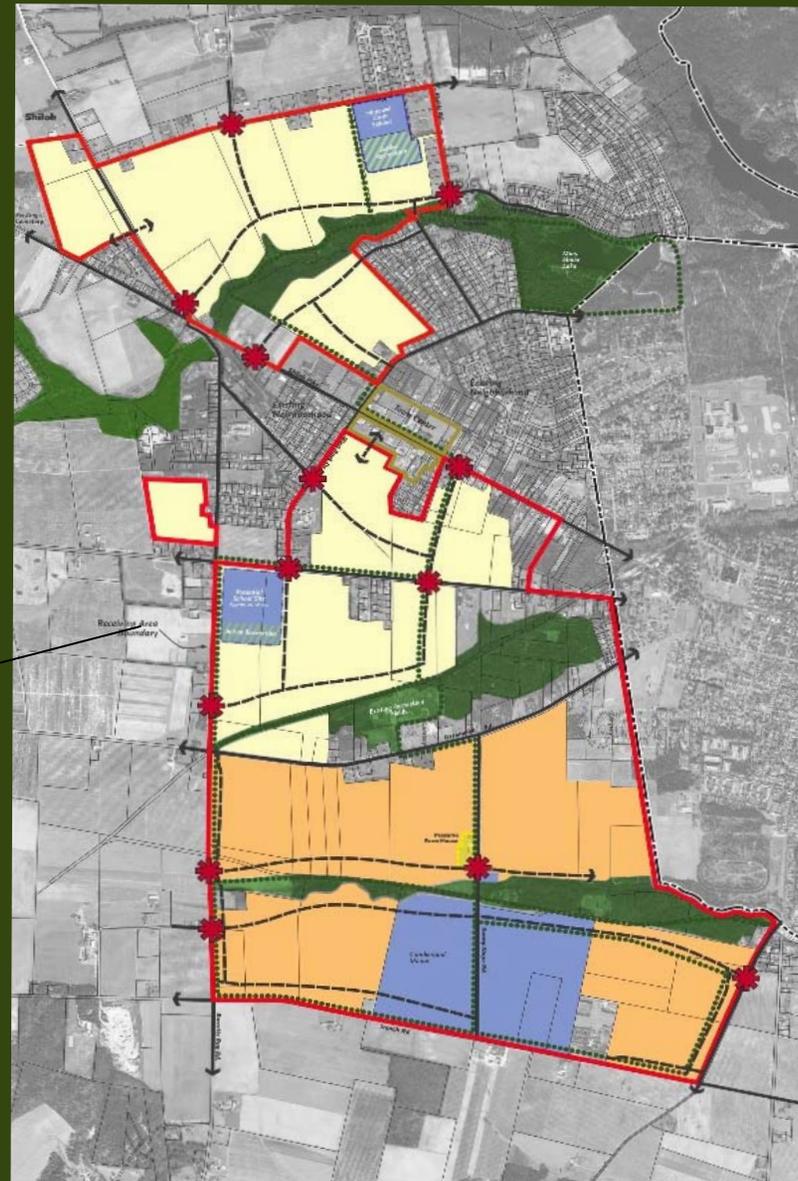
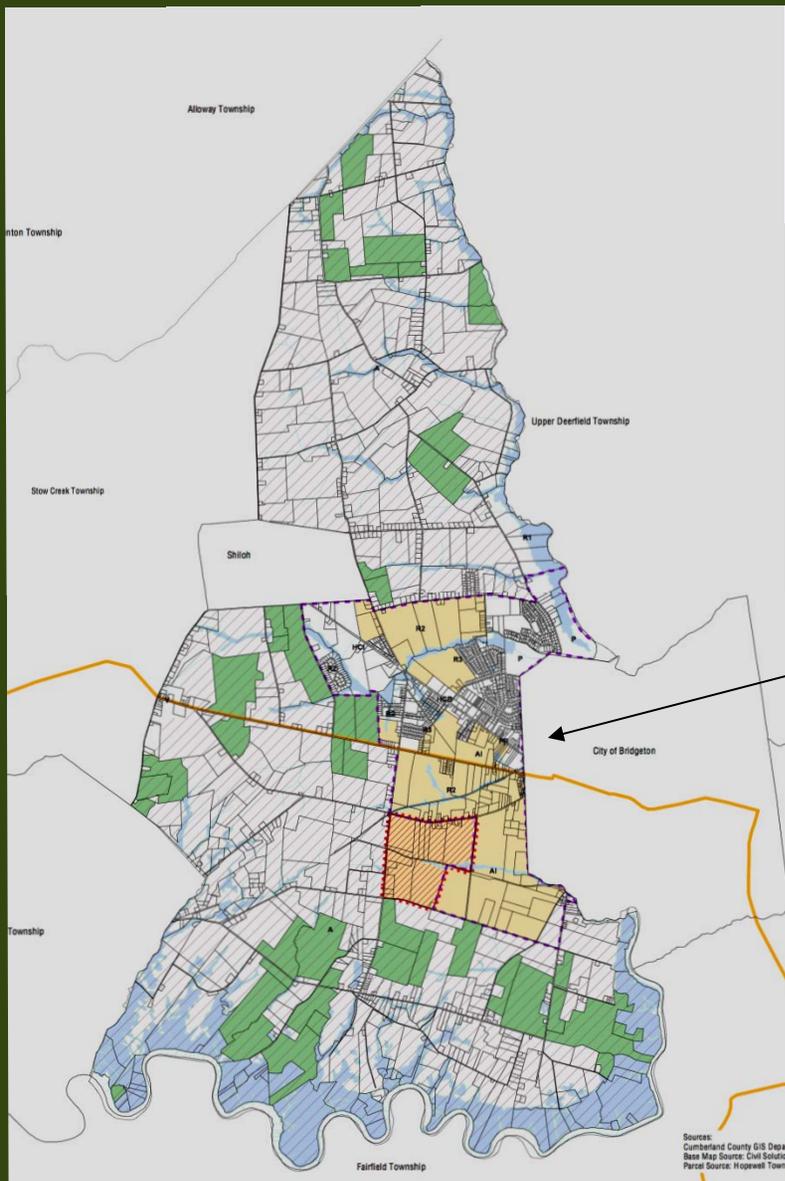
Start Date: March 2005

Sending Area: 9,200 acres

Receiving Area: 1,450 acres



# Hopewell Township, Cumberland County



# Hopewell Township, Cumberland County

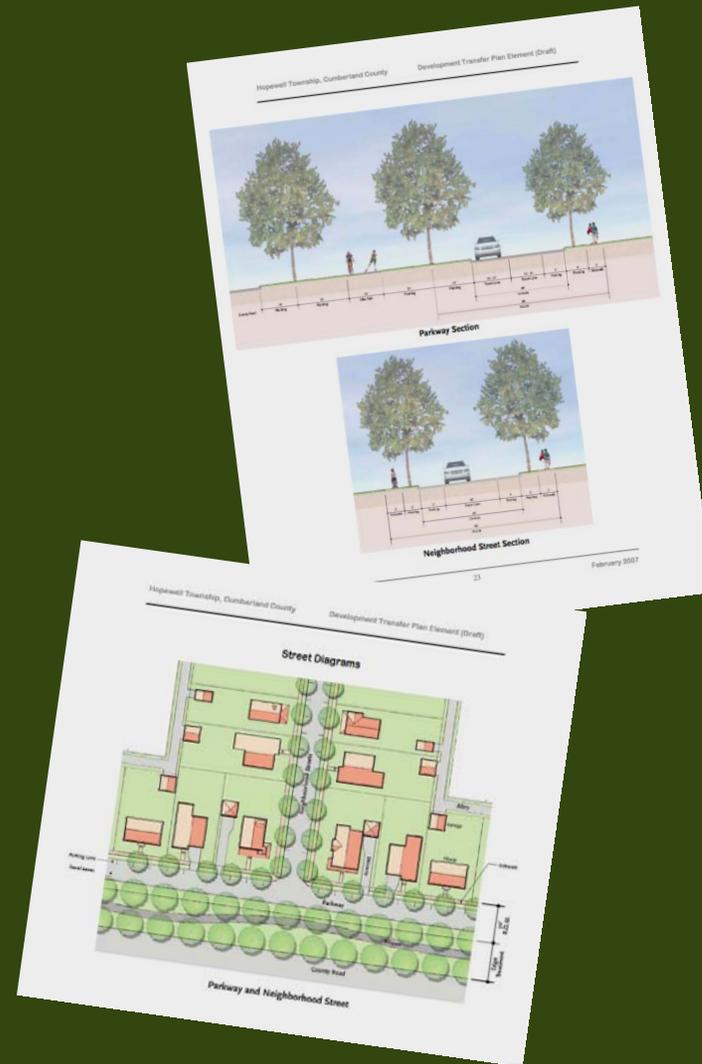
## Status

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



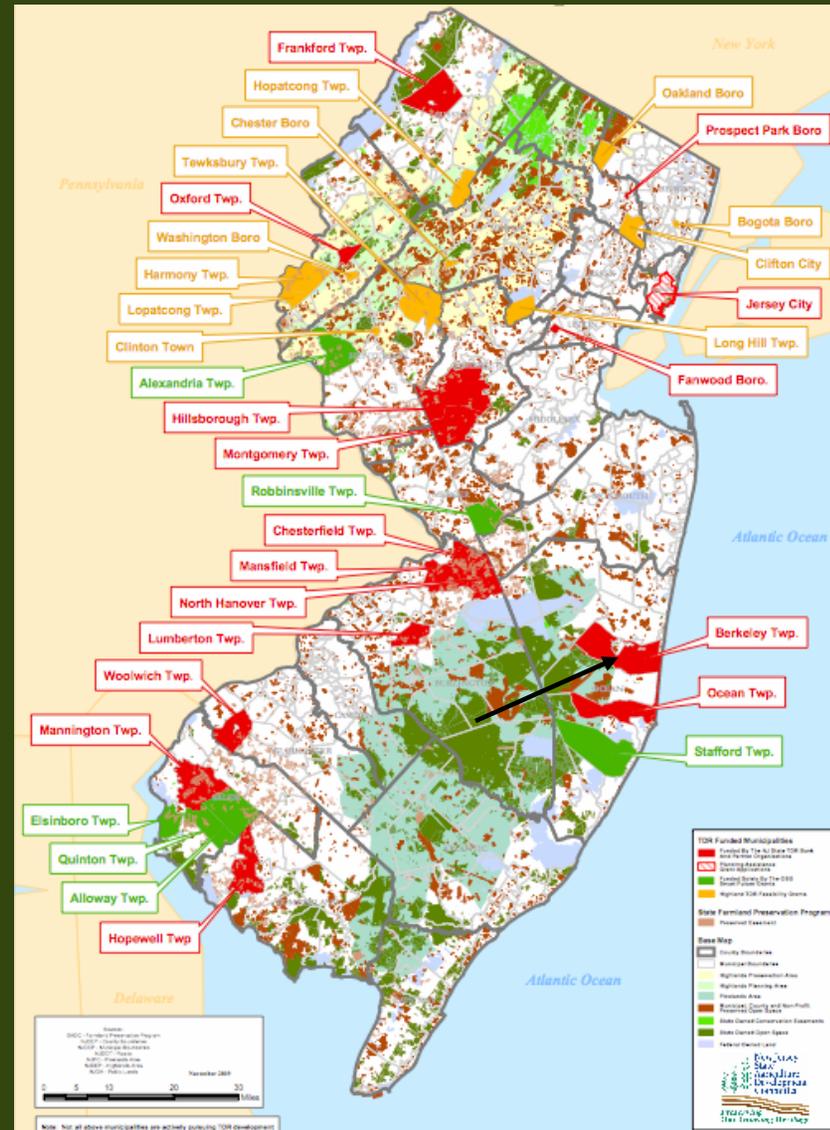
# Berkeley Township, Ocean County

Purpose: Open space,  
town center

Start Date: March 2005  
(pre-petition)

Sending Area: 600 acres

Receiving Area 600 acres





# Berkeley Township, Ocean County

## 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



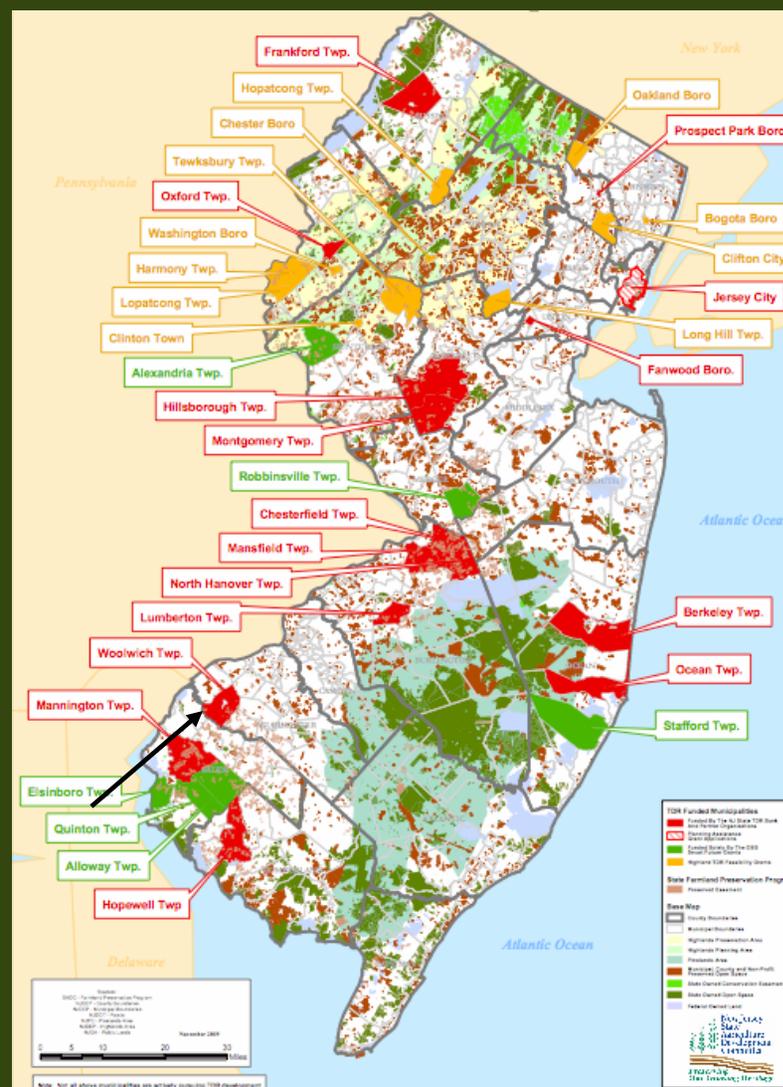
# Woolwich Township, Gloucester County

**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

## TOWNHOUSE

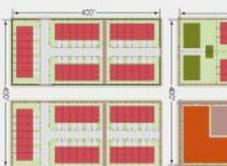
town scale



- Zoning Acreage - 74.32 acres
- Maximum Number of Units - 1000 d.u.
- Minimum Number of Units - 800 d.u.
- Densities - See TDR Market Analysis

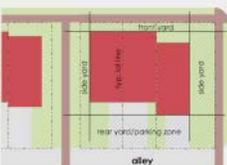
### ARCHITECTURE AND DESIGN

block scale



- | min   | max           | design elements  |
|---|---------------|--|
| Block Length                                    | 175' - 500'   | Contextual Neighborhood Consistency                                    |
| Block Perimeter                                 | 1150' - 1800' | Special Architectural Features at Corners                              |
| Sidewalk Width                                  | 5' - 10'      | Public and Private Outdoor Spaces accessible and visible to the public |
| Planting Strip Width                            | 4' - 10'      |  |
| Mid-block Crossings                             |               |  |
| Number per block                                | 1 - 3         |  |
| ROW width                                       | 15' - 20'     |  |
| Road width                                      | 5' - 10'      |  |
| Decorative Street Lighting (Distance on Center) | 50' - 75'     |  |

site scale



- | min                 | max               | design elements   |
|---------------------|-------------------|---|
| Lot Area            | 1500 sf - 2625 sf | No more than 8 units built in a row   |
| Lot Width           | 20' - 30'         | Provide common mid-block crossing through building to rear alley if 8 units are built |
| Corner Lot          | 20' - 35'         |   |
| Lot Depth           | - 75'             |   |
| Building Coverage   | - 60%             |   |
| Impervious Coverage | - 80%             |   |
| Front Yard Setback  | 5' - 15'          |   |
| Side Yard Setback   | 0' - 15'          |   |
| Rear Yard Setback   | 20' - -           |   |

public realm



- | min                               | max       | design elements                        |
|-----------------------------------|-----------|--|
| Building Height                   | 30' - 45' | Dormers                                |
| First Floor Elevation             | 2' - 5'   | Gables                                 |
| Roof Height                       | 24' - 36' | Recessed Entries                       |
| Window-to-Eave Offset             | 1' - -    | Cupolas or Towers                      |
| Front Façade Fenestration         | 30% - -   | Pillars or Posts                       |
| Side and Rear Façade Fenestration | 20% - -   | Bay Windows                            |
| Building Face or Roof Offset      | 2' - -    | Balconies/Balconettes                  |
|                                   |           | Decorative Cornices                    |
|                                   |           | First Floor Canopies                   |
|                                   |           | Decorative Patterns on Exterior Finish |
|                                   |           | Visible Open or Covered Stoops         |
|                                   |           | Porches                                |

private realm



- | min                          | max       | design elements  |
|------------------------------|-----------|--|
| First Storey Clear Height    | 10' - 15' | Building walls shall be Brick, Stone, Stucco or similar material   |
| Roof Pitch                   | - 9/12    | Synthetic Trim Board   |
| Front and Side Encroachments | - 8'      | Roof materials shall be Cedar Wood Shingles, Rolled Seam Metal, Slate, Architectural Asphalt Shingles, Tiles or similar material |
| Stoop                        | - 4'      | Roof types shall be fan, gable, gambrel, mansard, hipped, salt box or combinations thereof                                       |
| Bay Window                   | - 4'      | Exterior Chimneys shall be finished in Brick, Stone or Stucco  |
| Awning                       | - 4'      | Chimney tops shall have decorative details   |
| Solar Screen                 | - 4'      | All rooftop equipment shall be screened from view  |
| Balcony/Balconette           | - 8'      |  |
| Rear Deck                    | - 8'      |  |

26 • zoning regulations and design standards

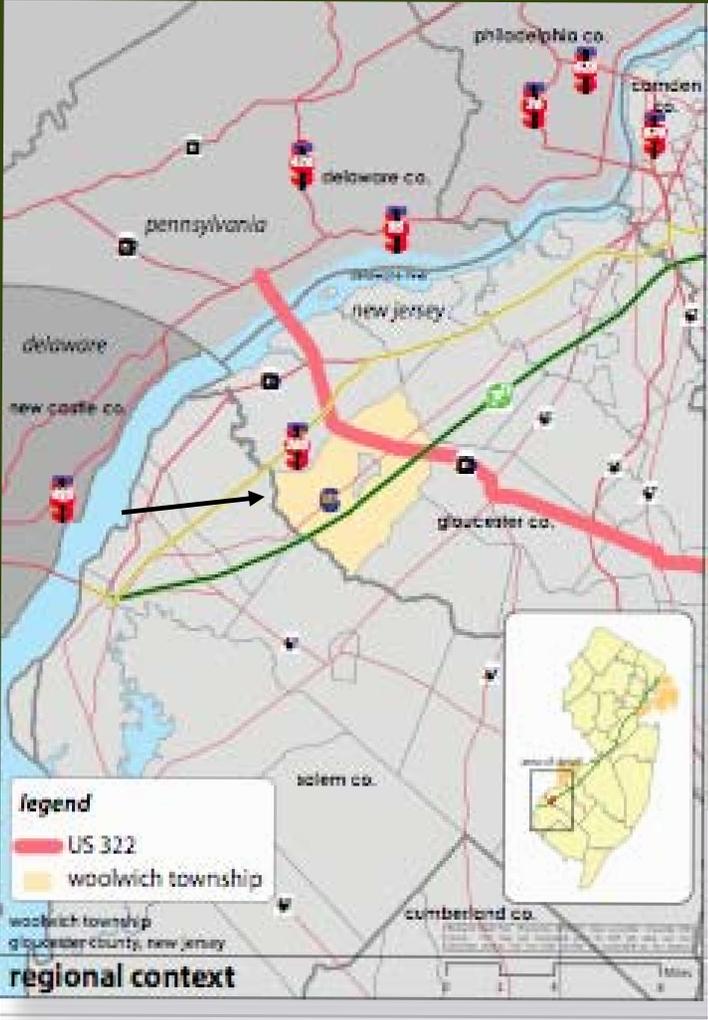


View looking along Route 322 Boulevard with residential flats defining the edge: A pedestrian-friendly boulevard functions as the spine of the regional center allowing residential uses to develop along the edges.



m|k • 34

# 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

