

Director's Report :

SPRAWL AND MT. LAUREL

by Jeff Tittel, Chapter Director

For years people have blamed the Mt. Laurel housing decision, which requires communities to provide "affordable" (low-income) housing, for causing sprawl in New Jersey. One of the recent candidates for Governor even made this a themesong. The argument fails: the fundamental causes of sprawl are poor planning, such as the siting of roads and sewer lines, market forces, and economic conditions.

Some communities that have found themselves in the middle of a Mt. Laurel lawsuit blame everyone but themselves for their predicament. The Fair Housing Act establishing the Council on Affordable Housing was passed in 1985. There is no excuse for being subject to a lawsuit. Either a town council is playing possum or it is deliberately setting itself up for a lawsuit. To illustrate the latter, some town councils make zoning changes so that a politically connected developer can put in an application. Then, when the citizens come out in opposition, the council opposes the project. Next, the developer sues the town under Mt. Laurel and the case is settled out of court to give the developer the zone change desired. To avoid this scenario, towns should protect themselves by getting certified by COAH. Only a third of the towns in New Jersey have been certified.

New Jersey is losing land to sprawl for many reasons other than Mt. Laurel.

Affordable housing units have counted for only about 5% of housing growth in New Jersey since 1985. The biggest loss of open space in parts of New Jersey is from the development of McMansions, with average lot sizes for single-family homes rising from 1.3 acres in the 1980s to 2.7 acres today. The culprit that is driving sprawl in New Jersey is the extension of our highway system and the outward march of jobs. The "Edge City"

office parks in places like Cherry Hill, Parsippany, Bedminster and Holmdel mean that people can live another 45-minute commute out from what once was the outer ring of the old suburbs.

Developments like Merrill Lynch in Hopewell, Bloomberg in Montgomery, Merck in Readington and BASF in Mt. Olive, are the driving force for the outward migration of housing from the existing developed areas. Since the average commute is about 20 minutes or 25 miles to the jobsite, this puts increasing demand for housing in the region around these new office parks. There are currently proposals for another 20 million square feet in the Princeton area and 15 million square feet in the

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Parsippany-Florham Park-Interstate 287 corridor. This equates to approximately 120,000 jobs in just these two areas. More than McMansions will be needed to house these workers.

What must be recognized is that each new office park and mall generates a need for additional housing, and that is what the Council on Affordable Housing rules recognize. The more jobs and non-residential ratables you have, the higher your obligation becomes to provide affordable housing. The ratables chase begets the housing chase.

COAH will soon be re-examining its formula for a new round of allocating every community's fair share of affordable housing. We believe that some changes should be made. The regional share of affordable housing should not be allocated to towns that are not growing. West Amwell should not be penalized for Hopewell's growth. The builder's remedy, which calls for one affordable housing unit for every four market units, should be eliminated. COAH certification should be mandatory for every municipality. Towns should be able to select alternative affordable housing sites if, after six years, no development has taken place, or if the sites are

environmentally sensitive. COAH should expand its criteria for environmental sensitivity to include endangered species habitat and potable water supply reservoir watersheds. All new development should be required to contribute to help a municipality meet its affordable housing obligation.

We also need to come up with better ways to fund affordable housing in New Jersey. There is a need for at least 500,000 units. One mechanism is a Housing Trust Fund that would provide low-cost construction loans and grants to municipalities and housing non-profits. Another mechanism would be legislation to provide tax credits for developers who build affordable housing.

Eliminating Mt. Laurel would not end sprawl or revitalize our cities. All it would do is accelerate the decay of our cities and the outward migration of jobs and housing into our last remaining areas of open space. To eliminate Mt. Laurel a constitutional amendment would be required and this would be very divisive. New Jersey has a real shortage of affordable housing. Without COAH, how will we meet that need? New Jersey had sprawl before there was Mt. Laurel and will have even more sprawl if Mt. Laurel is repealed. States without affordable housing laws have sprawl as well.

Eye On Washington

(Continued from previous page)

6/21/01: Protection for our National Monuments - An amendment to the Interior Department funding bill that would protect our National Monuments from destructive oil drilling and mining activities. The amendment, offered by Rep. Nick Rahall (D-WV), passed the House of Representatives by a vote of 242 to 173. The entire NJ delegation, Andrews, Ferguson, Frelinghuysen, Holt, LoBiondo, Menendez, Pallone, Pascrell, Payne, Rothman, Roukema, Saxton, Smith voted YES, the environmental vote.

6/21/01: Protecting Public Water and Local Communities from Polluting Mining Activities - A vote to keep in place critical environmental regulations needed to protect against damage from hardrock mining operations. The amendment to the Department of Interior appropriations bill (H.R. 2217), offered by Rep. Jay Inslee (D-WA) and Steve Horn (R-CA), passed the House of Representatives 216 to 194. The entire NJ delegation, Andrews, Ferguson, Frelinghuysen, Holt, LoBiondo, Menendez, Pallone, Pascrell, Payne, Rothman, Saxton, Smith voted YES, the environmental vote... EXCEPT Roukema, who did not vote.

6/21/01: Destructive Oil and Gas Development off Florida's Coastline - A vote to prohibit oil and gas drilling in certain areas off Florida's coasts. The amendment from Representatives Jim Davis (D-FL) and Joe Scarborough (R-FL) to the Interior Appropriations bill (H.R. 2217) passed the House of Representatives 247 to 164. The entire NJ delegation, Andrews, Ferguson, Frelinghuysen, Holt, LoBiondo, Menendez, Pallone, Pascrell, Payne, Rothman, Roukema, Saxton, Smith voted YES, the environmental vote.

5/16/01: Restrictions on International Family Planning Assistance

The House approved an amendment to the Foreign Relations Authorization Act (H.R. 1646) to maintain the global gag rule, which restricts the actions of overseas family planning programs. This amendment, introduced by Representative Henry Hyde (R-IL), passed by a vote of 218 to 210. Voting NO, the environmental vote: Andrews, Frelinghuysen, Holt, Menendez, Pallone,

Pascrell, Payne, Rothman, and Roukema. Voting YES, Ferguson, LoBiondo, Saxton, and Smith.

SUPREME COURT DECISIONS IN 2001: CLEAN AIR

In one of the most anticipated decisions of 2001, the US Supreme Court ruled unanimously in favor of the EPA's authority to set clean air regulations. In 1979, the EPA declared that a safe level of ozone is 0.12 parts per million over a one-hour period. Under the Clean Air Act, states with higher smog levels were required to develop pollution control plans to bring them into compliance with this standard. The standard was immediately challenged in court by a wide array of industries and some states that wanted to avoid clean up. A federal appeals court stayed EPA from enforcing the new rule pending an appeal to the Supreme Court. On Tuesday, February 27th, in an opinion written by Justice Antonin Scalia, the Supreme Court held that first, the EPA's regulating authority was constitutional and second, that the agency may not consider economic costs when setting clean air standards to protect the public's health.

EXXON VALDEZ FINE EXCESSIVE

A federal appeals court ruled in November that the \$5.3 billion in punitive damages the Exxon Corporation was ordered to pay for the 1989 Exxon Valdez oil spill in Alaska, the worst in the nation's history, was excessive, and told a judge to set a lower amount. To date Exxon has not paid a penny in fines.

SALMON NOT AN ENDANGERED SPECIES

In a decision that could affect the fate of salmon throughout the American West, a federal judge in Eugene ordered that Oregon coastal coho salmon may no longer be declared threatened under the Endangered Species Act — a finding that knocks the legal legs from under two dozen West Coast salmon and steelhead listings made by the Fisheries Service since 1991.

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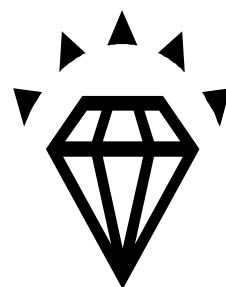
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