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Expecting a friendly audience in Trenton

Developers heartened by lawmakers' attitude toward removing roadblocks

BY ANDREW KITCHENMAN

NEW JERSEY'S PROPERTY developers have long clamored for more certainty about how their applications would be handled by the government. After a mix of legislative setbacks and victories in years past, a new tone in Trenton has some hoping the Garden State will create a more competitive development atmosphere.

Two cases in point are a pair of bills passed in the

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WATER Advocates lobby Christie administration for support

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closing days of the last legislative session: one extended the Permit Extension Act, while the other pushed back the deadline for counties and towns to file wastewater management plans.

When former Gov. **Jon S. Corzine** signed the permit extension bill, he vetoed the wastewater bill. Wastewater plans matter because they can freeze sewer service areas — thus limiting where new development can take place.

But development advocates will push for the wastewater bill in the new session, and already have had some success advancing a bill that prevents towns from harming applica-

tions by changing the rules governing development halfway through the process.

But the economy could be a more important factor than the election of Gov. **Chris Christie**. The recession has stalled construction, and made some officials supportive of removing hurdles to development.

Michael Allen Seeve, president of **Mountain Development**, in Clifton, said officials now understand that hurdles to development harm both the state's economy and tax revenues — a change from when they first passed the Permit Extension Act in 2008.



Robert Lieb, left, chairman of Mountain Development Corp., and Michael Allen Seeve, president, review plans in the office in Clifton.

"When it first came out, the development community was at the front end of the downturn," Seeve said of the Permit Extension Act.

The Legislature's recent support for development bills is an encouraging sign, Seeve said. "It's certainly not a panacea for the problems of the state, but it is a good first step," he said.

Corzine's veto of the wastewater bill has set the stage for builders and other business advocates to lobby Christie's administration to support the measure, which would have extended until 2011 the deadline for counties and towns to file wastewater management plans. The previous deadline expired last April, but it appears that local governments failed to meet that deadline, and the state has taken no action against them.

Michael Gross, environmental counsel for the New Jersey Builders Association, said the state regulations mandating the plans were poorly thought out, with the state giving local governments only nine months to prepare the plans. He said that no towns or counties have complied with the law.

Gross, an attorney with Middletown-based **Giordano, Halleran & Ciesla**, said the plan deadline must be changed.

"It's very important to lift that threat," Gross said.

Bill sponsor Sen. **Steven Oroho** (R-Sparta) expressed disappointment with the veto, noting that the measure had broad, bipartisan support. The Senate passed the bill by a 30-1 vote and the Assembly passed it 60-13 on Jan. 11.

Oroho said existing rules requiring limits on sewer-service areas give too much

authority to the state Department of Environmental Protection.

"The DEP was essentially the zoning and the planning board for every municipality" without the law, Oroho said. He expressed frustration that the state hasn't approved a roughly four-year-old wastewater management plan developed by Sussex County. He noted that the county plan is aligned with the state's smart-growth goals.

He said current restrictions on development increase sewer-service bills, contribute to unemployment among the building trades and encourage sprawl by pushing development into properties that require septic systems.

He expects the bill will be reintroduced in the new legislative session.

The new push for the law is supported by officials with both the New Jersey Business & Industry Association and the New Jersey Chamber of Commerce.

Arthur Maurice, NJBIA senior vice president, said his organization would support such an effort, a position shared by **Michael Egenton**, chamber vice president.

"It goes to the heart of building some predictability and certainty to our members," Egenton said.

Michael McGuinness, chief executive officer of NAIOP-New Jersey, noted that both the wastewater bill and the Permit Extension Act received broad bipartisan support in both houses of the Legislature.

"We're pretty confident that the new Legislature will do a repeat of what it did this winter," McGuinness said of the support for the wastewater bill. ♦

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