

## **Speaking Out**

### **The Power of Public Participation**

Get Involved to Protect the Place You Call Home

Stony Brook-Millstone Watershed Association  
2004

## **The Stony Brook-Millstone Watershed Association**

Since 1949, our member-supported organization has worked on behalf of local residents to protect, preserve, and enhance our local environment. We are dedicated to caring for the integrity of the natural ecosystems of the 265 square miles of central New Jersey drained by the Stony Brook and the Millstone River. We focus on environmental education, watershed stewardship and water resource advocacy—helping future generation understand the wonders and workings of the natural world we are preserving on their behalf.

We are headquartered on a 825-acre nature reserve in Pennington that includes a community supported organic farm, nature center, pond, and a 10-mile trail system that leads visitors through our woodlands, wetlands, and fields.

Many activities within our watershed affect the quality of streams, wetlands, ground water, and forests. By changing how we carry out these activities, we can improve our environment and our quality of life. So whether at home, work, or play, we can all make a difference.

If you have questions about this report or want to learn more about membership, support, volunteer opportunities, and new programs, please contact us at (609) 737-3735.

## Acknowledgements

On behalf of the Stony Brook-Millstone Watershed Association, I would like to thank all of the wonderful and talented people and institutions that helped create the publication “The Power of Public Participation.” The effort is an important part of our mission to preserve the water quality and natural resources in the drainage basin of the Stony Brook and Millstone River, which comprises 265 square miles in central New Jersey. Moreover, we believe that our efforts can also provide guidance, and model and format language, for citizens who are working together to protect water quality and resources in their communities. We hope that the years of hard-won experience that we have poured into this publication, and many others, will help the people of central New Jersey and across the country protect the places we, and they, call home.

This guide is one of a series that educates citizens about important laws, practices and programs that govern how water quality and natural resources are protected. This guide was created to encourage public participation in local planning decisions by explaining how the municipal planning process works, and by providing resources and tips to help citizens participate. We hope that armed with this knowledge, citizens will find the courage to participate in these vital forums.

I would like to highlight and thank the talented people and institutions that contributed to the creation of this guide. First, this guide seeks to embody the experience this Association has had with local activism and planning, which dates back to our founding in 1949. I am grateful to all our supporters, to our volunteer Board of Trustees, and to the many fine people who have worked here over the years for their contributions to our institutional experience and wisdom. I especially want to thank Noelle MacKay, the Deputy Director of the Association and Director of our Watershed Management Program. Noelle both manages the staff team that produces these publications, and orchestrated the menu of publications, including being an author and editor. She is ably assisted by contributions by staff member Christine Altomari, and a Princeton University intern, Sara Barbow. We also extend our thanks to staff members Peggy Savage and Stacy Ho, and from Andrea Lehman, a consulting editor, Fran Varacalli of the South Branch Watershed Association, and Tim Dillingham from the American Littoral Society, for guidance in reviewing and developing this report.

Finally, we are pleased and honored to acknowledge that this project was made possible through the guidance, support and generosity of The Fund for New Jersey and the Concordia Foundation. We are grateful that these institutions have demonstrated their faith in our efforts, and I hope this outcome justifies their investment in our work.

We intend that this publication, as all our work, is subject to ongoing evaluation and improvements. Moreover, we would be pleased to answer any questions you may have about its content. So do not hesitate to contact us with questions, ideas or feedback on this effort.

George S. Hawkins

Executive Director  
July 2004

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## A. Introduction

New Jersey's beautiful countryside is disappearing right before our eyes—at a rate of 50 acres per day! Farms and forests are rapidly succumbing to development throughout this most densely populated state.

In the last decade alone, the population of New Jersey has grown by 10%. The population growth within the Stony Brook-Millstone Watershed, located in central New Jersey, grew by 26%, putting increased pressure on the environment and local resources. Commercial buildings, parking lots and houses have replaced our farm fields and forests. Traffic inches along our roadways, unhealthy air advisories have become routine; 70% of our waterways are impaired by runoff and discharges; and groundwater supplies dwindle during recent droughts.

Land use changes do not happen randomly. They are planned and outlined according to specific rules in your community's Master Plan, zoning and land use ordinances. Community development follows specific patterns decided upon by town officials, who direct where development and conservation should occur. If you are concerned about development in your community, your municipal officials need to hear these concerns and ideas from community members.

It is critical that citizens get involved early in the planning and review process, before decisions are finalized!

“Every important change in our society, for the good, at least, has taken place because of popular pressure—pressure from below, from the great mass of people”

--Edward Abbey

## B. About This Guide

Perhaps you are concerned about a potential development on a nearby field, or a recent news article has sparked your attention. Maybe you want to take action on an issue but you don't know exactly where to start. The Stony Brook-Millstone Watershed Association created this guide to encourage citizens to speak out and participate more effectively to protect natural resources in our watershed region. This guide is designed to help you get started by

- Understanding how development, land-use planning, and policy decisions are made and how they affect your community;
- Building relations and working with similarly concerned citizens and community organizations;
- Understanding how to protect public health, natural resources, and ensure a better quality of life for all residents in your municipality;
- Preparing comments and testimony to influence planning decisions.

As a citizen-based organization, the Stony Brook-Millstone Watershed Association depends on our members and volunteers to maintain the woods, wetlands, and habitats on our reserve. But we know that to maintain a healthy watershed we need to extend these efforts and depend on citizens throughout the counties and communities where land-use decisions affect the quality and quantity of our water supplies.

Our Association recognizes that citizens and local officials need to

- First, understand the value and benefits natural resources provide to the community, such as cleansing our air, filtering pollutants from our water, shading our communities, and providing habitats.
- Second, the Association depends on citizens to become involved at the local level to speak out and support conservation measures and appropriate development decision.
- Third, town officials and volunteers need to work together, to create innovative plans and to enact ordinances and zoning that will protect natural resources today and for future generations.

This guide will help you have an effective voice!

“To thy own self be true.”  
--William Shakespeare

### **C. Your Voice Needs to Be Heard**

Sprawling development is a problem that harms communities at every level by

- drawing vitality and commerce from existing neighborhoods and separating people from each other in auto-dependent developments;
- destroying habitat and threatening our natural resources with increasing pollution from automobiles and runoff from new roads, roofs, and parking lots; and
- increasing the demand for water, while at the same time, increasing impervious cover, which limits groundwater resources from being replenished.

All around the state, individuals and communities are speaking up and influencing planning decisions within their municipalities. You can also stand up and speak out in favor of appropriate planning decisions that can sustain natural resources and are designed to enhance existing neighborhoods.

By teaming up to harness community knowledge and willpower, New Jersey residents are protecting crucial natural resources. They are preserving farms, protecting water supplies, saving scenic views, providing recreations, and protecting wildlife habitats for generations to come.

The land, air, water, habitats, and other important features of our communities need caring and dedicated people to speak for them with thoughtfulness, credibility, and sound information. You can be their voice!

“A bird does not sing  
because it has an answer.  
It sings because it has a song.”  
--Chinese Proverb

## **D. The Basics of Municipal Planning**

Citizens can not only become involved on specific development projects, but can also participate in the long-term planning process for your community, as outlined below.

New Jersey is a strong “home rule” state, which means that New Jersey laws provide broad powers to municipal governments through the New Jersey Municipal Land Use Law (MLUL – N.J.A.C. 40:55D):

- to protect public health, safety and welfare;
- to ensure compatible land uses; and
- to preserve cultural and natural resources.

The New Jersey Municipal Land Use Law (MLUL) was originally adopted in 1975. It defines the responsibilities of the local Planning and Zoning Board, and provides municipalities the right to zone and enact ordinances if a current Master Plan is prepared.

A Master Plan is the blue print for a municipality that depicts current land uses and guides decisions for appropriate growth and conservation in your community. A Master Plan can provide a cohesive planning approach by outlining development goals and objectives for a community. These are then incorporated into different planning components such as the land use, housing, and conservation elements. This plan should also be coordinated with other regional planning processes at the county and state level.

A well-crafted Master Plan can be a vital tool to protect local resources for the future of your community. If you want future growth to be positive, you need to take an active interest in efforts to update your town’s Master Plan or ordinances that guide development in an appropriate manner.

## **E. Getting Started: What Citizens Can Do**

Citizen input and participation is inherent in most public programs and decisions, including the review and comment on land-use changes, planning documents, development proposals, and required permits. There are many opportunities during these review processes where citizens' comments are invited, encouraged, and taken into consideration. It is important to be aware of these events and participate!

Depending on the issue, your concerns may be readily addressed through a few phone calls. However, for more complex projects your involvement and efforts may become quite lengthy. Here are six major points to help focus your efforts:

### **1. Learn the Status of the Project**

Contact the municipal clerk's office or planning department to understand the review process and important deadlines for hearings and comments. Ask about the role of the township, county, and state in the necessary review and decisions on pertinent site plans and permits. Do not miss these opportunities to get involved.

### **2. Identify Partners**

Gaining support from neighbors, your town's environmental commission, town council or other local groups will be very beneficial to influence planning decisions. These allies can quickly help you become more familiar with the planning process and how best to proceed to articulate your concerns and recommendation.

### **3. Participate at Public Hearings**

Testifying at meetings and public hearings may seem intimidating, but it can be overcome. You are an important representative of the community and have the right to communicate your concerns! But be ready for some long nights!

### **4. Publicize Your Concerns**

There are many ways to publicize your concerns, including: written comment letters, testimony, flyers, Web sites, or new articles or editorials. By publicizing your concerns you may gain more supporters, not only from your neighborhood but also from town officials. Many voices speaking together can have more influence on decisions than an individual voice!

### **5. Research the issue**

Informally discuss the project plans with your municipal leaders to better understand the project, the review process, and to express your concerns. Research the relevant local or state policies and regulations that may apply to the project. Participate in the review or permitting process.

Some initial issues to consider include:

- How is the property zoned?
- Do public water and sewer service this site?
- Will septic systems or wells be used?

- What resources could be impacted by the project?

#### 6. Summarize the Information

Develop a synopsis of the project and your concerns early in the process. Explore the positive or negative effects of the project on your neighborhood and community, on the environment, and on the region. Prioritize the most important or serious aspects and clarify your concerns so that others will understand these important issues and what is at stake.

Each of these six points are discussed in more detail throughout this guide.

“Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it is the only thing that ever does.”

--Margaret Mead

## **F. Learn the Status of the Project**

If you are interested in commenting on a specific development project, begin your work at the local municipal planning department and clerk's office. With a simple phone call you can learn a wealth of information regarding the status of the review process, whether the plans have been approved or not, and the upcoming dates for meetings or hearings for the project.

Remember, by the time the public is notified of a proposed development, the applicant may have already invested many months in preparing reports and designs.

You may wish to schedule a meeting with the planning department to review and discuss some of the pertinent project documents, which may include:

- The development application and reports;
- A list of necessary permits that is included with all major site development plans;
- environmental permit applications and any environmental assessments, if applicable;
- Comment letters from municipal Environmental Commission or other groups;
- The minutes, recorded tapes, and agendas of previous meetings;
- The agendas and items for upcoming sessions.

A site visit is also an important step in the review process because it will help you understand the site conditions and potential impacts of the proposed project. However, you cannot trespass on private property. Speak with members of the environmental commission or planning board, who can gain permission for site access, and accompany them on a site visit. Document your concerns with photographs, sketches, and notes. Photographs may be very persuasive when testifying.

Detailed information to help research local and state environmental policies and regulations are outlined in Sections L through O of this report.

“The goal of life is living in agreement with nature.”

--Zeno (335 BC - 264 BC)

**Citizen Action Example:**

**Wetland Encroachment**

**Montgomery SeNSE**

“A coalition working to preserve Montgomery’s quality of life.”

In October 2000, local residents of Montgomery Township, NJ learned that a local corporation was considering quadrupling the size of the offices in the township and constructing an alternative access road. The proposed roadway would disturb wooded wetlands, bisect a housing development, and serve as a bypass for a major thoroughfare.

**Actions:**

Local residents expressed concerns about the traffic impacts to the neighborhood and the impacts to the environment. Initially they wrote letters to papers and garnered support from the Environmental Commission. They testified at hearings, submitted written comments, worked with an environmental organization, and organized citizen forums to discuss the various concerns.

A fundamental objective of the coalition was to encourage community leaders to collaborate with residents and value their input in the decisions process.

**The Outcome:**

A wetland evaluation was undertaken and funded by the township, which confirmed the presence of rare and threatened species, and exceptional critical habitats. Based on the report, the roadway proposal was withdrawn.

Due to the efforts of these concerned citizens, the protection of natural resources was later integrated into revisions to the Master Plan, zoning, and conservation ordinances. Members of the coalition were appointed to the planning board, environmental commission, and other township committees.

## **G. Identify Partners: Build a Coalition**

Teaming up and working with other individuals and organizations that share your concerns and goals will help you distribute the workload and improve the likelihood of getting your concerns addressed. Many voices speaking together can have more influence on decisions than an individual. A coalition can be created by engaging concerned neighbors, local watershed associations, historic preservation groups, land-trust organizations, garden clubs, and other civic or environmental groups.

Outlines below are helpful tips on how to build a coalition.

1. First, contact neighbors and friends who may be interested in or affected by the issue or concerns, and identify folks willing to get involved and attend upcoming meetings. State and municipal laws require that property owners within 200 feet of a proposed project be notified of the impending development. A list of these property owners should be included with the development plans and be available at your municipal planning office.
2. Organize an informal meeting at your home or public library to discuss the issues. Your passion about the issues can excite others to join and support your efforts. Prepare an agenda and some initial suggestions for your audience to discuss.
3. Evaluate the support for your actions and the potential talents within your new coalition. Identify the members' strengths and interests in areas such as writing press releases, reviewing site plans and development designs, and contacting politicians. Develop a game plan for how to proceed using the resources that specific group members bring to the coalition.
4. Create flyers, posters, handouts or petitions to publicize the issue and announce upcoming meetings, hearing, and deadlines. Mail or leave flyers with interested neighbors, local shops, community centers, and town hall. Additional information on publicizing the issue is outlined in Section L.
5. For broader support, reach out to local groups, such as neighborhood associations, watersheds, garden clubs, township boards such as the environmental commission, open-space committees, land-trust groups, historic societies, and the League of Women Voters. These groups can provide assistance and guidance to help you better understand issues, policies, regulations, and strategies before speaking with officials and boards.

The Stony Brook-Millstone Watershed Association is one of many regional and statewide organizations that offer this type of support to citizens. Additional information can be found in the Resource list in Appendix D.

“When I find myself fading, I close my eyes and realize my friends are my energy.”

--Anonymous

## Benefits of Building Partnerships

- Shared Purposes that can be a strong foundation for long-term relations.
- Increased Resources increases your efficiency, membership and potential impact.
- Improved Communication is provided from hearing different perspectives, trusting each other more, reducing conflicts, increased willingness to share ideas.
- Innovative Solutions can be developed from the variety of skills and perspectives that the partnerships foster.
- Increased Public Support is obtained by better understanding project goals and processes.
- Increased Moral and Image for the coalition is obtained by increasing public involvement and productivity, and improving public perceptions

*Conservation Partnership*, published by the National Fish and Wildlife Foundation, 1993.

## **H. Implement a Successful Advocacy Program**

Here are some additional tips from the Conservation Partnership Report on implementing successful advocacy campaigns.

- Advocacy campaigns are usually initiated by a small group of people, but broad public participation is critical to achieve results.
- Partnering with other organizations will increase your efficiency and support for the campaign.
- Coordinate and plan your activities and schedules: and clarify tasks and roles.
- Identify your resources and needs including skills, contacts, funding and services. Membership recruitment is also a key strategic component.
- Employ coalition etiquette by listening to various viewpoints, agreeing on decision processes, prioritizing issues, sharing the credit, and thanking your partners.

### 10 Common Characteristics of Successful Collaborations

1. Create genuine ownership among partners.
2. Clear collaborative purposes and goals.
3. Common group values and good accountability.
4. A balance of power among partners and autonomy of all partners.
5. Authority at the table and partners able to speak for their organizations.
6. Careful idea development and planning.
7. Clarity and agreement on structure and governance options.
8. Adequate organizational support.
9. Equal recognition and credit to all partners.
10. A defined time frame and a plan for the future.

Excerpt from *Greater Than the Sum of Our Parts?: A Local Funders' Guide to Collaborating with Peers*. October 2003. Commissioned by The Council of New Jersey Grantmakers. [www.cnjg.org](http://www.cnjg.org).

## I. Work with Local Officials

Working with local officials can prove beneficial when gathering information, forming connections for your coalition, and registering your complaint or support for an issue. Outlined below are strategies to cultivate positive relations with officials to gain their respect to further your cause.

1. Arrange informal conversations or meetings with town officials. This may be the best way to obtain significant information about the issues at hand and to explain your concerns. Your objections may be more successfully accomplished calmly over a cup of coffee, rather than in a shouting match at a hearing.
2. Invite members of your town council, environmental commission, open-space commission, or planning board to your coalition meetings or to visit the project site. They may welcome support from the community.
3. Review news articles to understand how elected officials view various issues. Ask whether you can help them or support their efforts on this project.
4. Request the opportunity to speak at an upcoming planning board or commission meeting, by contacting the board chair and ask to be placed on the monthly agenda. What you say may touch other community members who are interested in the issue.
5. Follow up conversations or testimony with a written description of your concerns, and provide it to the relevant public officials.
6. Appendices A and B describe the responsibilities and authority of various municipal boards, commissions, and key staff positions. Most town officials are volunteers and the clerk's office will help you contact them. Keep in mind that members of planning and zoning boards must remain objective during a review of site-development plans.
7. Consider contacting elected state and federal representatives who may share your concerns and help you work with government offices.

“How lovely to think that no one need wait a moment; we can start now, start slowly changing the world.”

--Anne Frank

### **Citizen Action Example:**

#### **Coalition Building**

#### **Sensible Transportation Options Partnership (STOP)**

Worked to address concerns over the proposed highway bypass.

In 1999, the NJ Department of Transportation (NJDOT) proposed to alleviate congestion by building a roadway along local waterways near Princeton, New Jersey.

#### **Actions:**

Initially, a few residents raised concerns that the proposed road would harm the Elm Alley, a historically significant tree-lined entrance road to the local communities. These residents joined efforts with others who expressed concerns about historic buildings, a local state park, as well as the potential impacts to the environmental setting.

Residents from various towns and diverse groups worked together to raise awareness of the proposed Bypass and encourage citizen participation in the review process. The following actions were accomplished by the coalitions:

- organized public forums and workshops;
- publicized the issues through Web sites, editorials, signs, and posters;
- published independent evaluations of the issues;
- submitted thousands of letters and e-mails; and
- organized canoe trips on the Millstone River to videotape and document the wildlife habitats that would be impacted.

#### **Outcomes:**

These actions raised awareness of the issue, compelled people to act, supported arguments that a thorough Environmental Impact Statement (EIS) was necessary to evaluate alternative road alignments, and implemented a successful stakeholder process.

IN 2004, the NJDOT complete a comprehensive EIS of 19 alternatives and selected the road alignment that would minimize impacts to historic features, neighborhoods, and the critical habitat of threatened species. This alternative was supported by 30 independent citizen organizations.

You can read a summary of these findings at [www.thewatershed.org](http://www.thewatershed.org) and at <http://policy.rutgers.edu/vtc/pennsneckareaeis/index.html>.

## **J. Participate at Public Meetings**

After completing some background research about a project, you or the coalition may wish to summarize the issues and prepare recommendations, which can then be presented at upcoming public hearings. Speaking up or testifying at meetings and public hearings may seem overwhelming, especially when discussions are heated. Though you might feel intimidated, you can and must speak up for your concerns. You and your coalition are important representatives of the community and have the right to voice your position!

Come to a public hearing with an open mind, and be an active listener. It is important to hear all sides of the debate and really understand other opinions and messages so you can form your own response. Being a good listener is just as important as being a good speaker.

Be ready for some long nights, as discussions at these meetings tend to run late, and bear there organizational tips in mind to effectively communicate your concerns.

### **1. Be familiar with the public hearing process.**

- To be sure or all the facts, call your municipal planning office, town council members, or environmental commission to verify what has been reported.
- Summarize your concerns, the positive and negative aspects of the project, and any alternatives.
- Contact the municipal clerk or review local newspapers to determine when boards and commissions will be holding meetings or hearings on the project. These meetings are open to the public.
- The public may be asked to register to speak at a hearing. Be sure that your name gets on this list. You can decline to speak later if others have adequately addressed you concerns.

The developer and his or her experts are initially provided the opportunity to present the overall project, followed by specific aspects, such as site features, environmental concerns, building layout, parking details, or impacts to community services. Depending on the magnitude of the project, this testimony may occur over several nights.

- The planning board and its professionals then have an opportunity to cross-examine, or question, the experts.
- Adjacent landowners and other members of the public may then pose questions to the applicant or professionals. Outline and prioritize the most significant points, since speaking time may be limited. Remember to relay your concerns in the form of a question. For example: “Can the developer explain how our local roads will handle the projected volume of traffic?” At the discretion of the board chairperson, the public may make comments, give opinions, or provide testimony at the end of the hearing, which can be late in the night.
- The public may also cross-examine each witness or professional expert, therefore, comprehensive notes on testimonies will rove useful. If

possible, your coalition should tape record or video tape the proceedings to use as a reference throughout the hearing process.

2. Be an effective speaker.

- Introduce yourself to the board, provide your address, and state whey the issues concern you. Impacts to public health, safety, and the environment are important and valid concerns.
- Stay calm when expressing your questions. Focus on the issues, not politics or personalities. It is important to be clear and concise in presenting your findings, and it demonstrates that you value their time.
- Stay within the requested time.
- Always remember to thank the board for their time and attention.

“Tell me and I’ll forget.  
Show me and I may remember.  
Involve me and I’ll understand.”

--Anonymous

“Behold the Turtle. He makes progress only when he sticks his neck out.”

--James Bryant Conant

## **K. Publicize Your Concerns**

Media attention can dramatically affect your campaign support by increasing awareness of the issues and gathering more members to your cause. An Advocacy Guide developed by the United Nations Association in 2002 described methods to support publicity campaigns [[www.unausa.org](http://www.unausa.org), go to Advocacy > Advocacy Resources]. Some of these media tips are outlined below.

### Create a Compelling Message

- Create a compelling message that will energize the public and inform those still deciding on the issue.
- Keep the message simple and clear to understand.
- Make it easy to use as a 15-30 second sound bite, and easy to repeat in new reports.

### Write a Press Statement, Flyer, or Fact Sheet

- Create a catchy headline.
- Outline the 5 W's for the project: Who, What, Where, When, and Why.
- Emphasize why your efforts are important to the public.
- Explain how your broad-based coalition reflects the public interest.
- Tie the local project to the larger statewide or national issue.
- Include the most important concern in the first paragraph, with more general information at the end.
- Do not use regulatory acronyms or jargon.
- Provide images to highlight your point.
- Ensure that the organization contact information is on all handouts.

### Prepare a Press Packet

- Include the press statement or fact sheet.
- Create organizational background information and biographies or the campaign leaders.
- Include a calendar or upcoming activities or events for the organization.
- Make the press packet available at all meetings.
- Implement An Effective Publicity Program.

Energy invested in clever publicity may sway public opinion and decision makers. To create an effective publicity program, consider the following actions:

1. Encourage a rapport with the local media. Invite the local papers to publish an article on the issue and invite them to visit the site or attend your coalition meetings and upcoming hearings.
2. Write letters to the news editor, contact editorial boards, or advertise in local newspapers.

3. Create flyers, posters, handouts, and other publicity items to spread word about the issues and to announce all upcoming meetings, hearings, and deadlines. These flyers are “calling others to action” so make sure your concerns are clear, and explain why people need to act. Mail or leave the flyers with interested neighbors, local shops, community centers, and town hall.

4. Establish a Web site and an e-mail list serve, and mail newsletters and flyers.

“They always say time changes things, but you actually have to change them yourself.”

--Andy Warhol (1928 – 1987)

**Citizen Actions Example:**

**Publicity Helps Enforcement**

The Shark River Cleanup Coalition helped stop runoff impairments to a stream.

In 2003, an improperly planned commercial development caused huge amounts of sediment (estimated at 150 tons) to be washed into a local waterway in Neptune, New Jersey.

Actions:

Outraged members of the Shark River Cleanup Coalition posted photographs of the problem areas on their Web site along with an article chronicling the history of the issue. Letters were submitted to local and state offices. A citizens' rally was also held at the site.

Outcome:

Shortly thereafter, a stop work order was issued by the Soil Conservation District to repair the damage and modify construction activities.

Documentation of site condition and the rally raised awareness of an important erosion concern, compelled citizens and public officials to act, and gained additional supporters to protect the health of the stream.

Discussions continue about appropriate enforcement actions and modifying regulations.

You can review the story at <http://www.sharkriver.org> (link doesn't work)

## **L. Evaluate Local Plans and Ordinances**

The next four sections outline potential issues and resources that may guide your research and advocacy efforts.

It is important to gather your own independent and reliable information, and incorporate this research into letters, testimony, or news editorials that clearly explain your concerns to the public and the decision makers.

The extent of your research will depend on the magnitude of the project and the complexity of the issues. Working with knowledgeable partners can be beneficial in utilizing a variety of skills and distributing the workload. Remembers to keep your notes and files organized, as your research could produce volumes of documents that you may need to reference.

1. A first priority is to determine whether the proposed project is consistent with both your township's current regulations and plans for the future. As explained in the previous section, you can understand how land can be developed in your community by reviewing the pertinent municipal zoning, land use ordinances, and the goals and objectives section of the master plan.
2. Remember that the protection of natural resources can drive the review of development plans, master plan reviews and amendments, and zoning ordinances. Local ordinances may require the applicant to evaluate impacts to natural resources, such as ground water and septic suitability evaluations, stream corridor and steep slope protection, floodplain and habitat preservation, and the implementation of better land use management practices. Keep in mind that State programs may also regulate some of these environmental issues.
3. Some related reports that may be helpful in your review include the township or county plans for water management, wastewater, and open space; natural resource inventories; and transportation reports. These reports outline strategies and long-term plans to address issues of water supply, sewers, storm water runoff, open-space protection, traffic management, and projected future growth.

“Most of the important things in the world have been accomplished by people who have kept on trying when there seemed to be no hope at all.”

--Dale Carnegie, author

## **M. Research State Policies**

The protection of natural resources is a critical component of smart growth planning for New Jersey, its counties, and municipalities. In recent months [2004], New Jersey state policies, regulatory program, and court decisions have provided greater support for planning decisions that combat sprawl, preserve rural character, and protect water supplies and critical habitats.

Useful information for land us decisions and to protect natural resources is available on the Web site of the New Jersey Department of Environmental Protection (NJDEP) and the Department of Community Affairs (DCA). The NJDEP provides easy access to several relevant programs through their anti-sprawl Web site at [site no longer valid]. Some of these resources include:

- The State Plan; Water Supply Protection; Category One Protected Waterways; Stormwater Management; Brownfield Redevelopment; and GIS Mapping Tools.
- Natural Heritage Program for Threatened and endangered Wildlife; Land Use Regulatory Program; Historic Preservation Programs; Green Acres and Farmland Preservation Programs; Parks and Forest Programs; and
- Smart Growth Programs; Council of Affordable Housing; Highlands, Pinelands and Meadowlands Programs.

For significant projects with regional impacts, consider submitting your comments or concerns in writing directly to the Commissioner of NJDEP ([www.state.nj.us/dep](http://www.state.nj.us/dep)) and/or the Governor's Office ([www.state.nj.us/governor](http://www.state.nj.us/governor)).

Three relevant state programs and policies are highlighted below:

- More commonly known as the State Plan, the New Jersey State Development and Redevelopment Plan outlines statewide goals, strategies, and policies to improve decisions on land use and updated every three years to coordinate and guide planning at all levels of government ([www.state.nj.us/dca/divisions/osp](http://www.state.nj.us/dca/divisions/osp)).
- Executive Order #4, issued by Governor McGreevey in 2002 (bad link) seeks to ensure that state projects, funding, and permitting decisions are consistent with the State Plan. It directs growth to more urban areas, where infrastructure already exists, and away from sensitive rural areas. The order affects state decisions on highway improvements, transit options, water, sewer, open space, and schools.
- State Resource Mapping: The NJDEP provides Internet access to detailed maps that highlight detailed information about your neighborhood regarding land uses, open space, soil types, watersheds, critical habitats, public water supplies, areas of groundwater contamination, wetlands, and much more. These maps were developed using Geographic Information Systems (GIS) data. The NJDEP i-MapNJ Web site allows the general public to readily generate these maps for local sites. This

site-specific information can be very helpful in your evaluations  
([www.state.nj.us/dep/gis/depsplash.htm#](http://www.state.nj.us/dep/gis/depsplash.htm#)).

“I would fell more optimistic about a bright future for man if he spent less time proving that he can outwit nature and more time tasting her sweetness and respecting her seniority.

--E. B. White (1899 – 1985)

## N. Understanding State Regulations and Permits

Development applications often require permits that must be approved by the county or state government. These permits may cover wetlands, sewers, septic systems, stormwater controls, water supply, or roadway improvements.

For example, the NJDEP Land Use Regulations pertain to potential disturbances to wetlands, and encroachments on floodplains, and streams. The Land Use Web site includes very helpful information to the most frequently asked questions about wetlands, which may also concern you ([www.nj.gov/dep/landuse](http://www.nj.gov/dep/landuse)).

It may seem daunting to speak with a government official, but with the right preparation, you can obtain valuable information, establish positive rapport, and gain new allies. Review the development plans and permit lists to identify which agencies are involved in the project.

1. Refer to the NJDEP Web site directory to identify the appropriate permitting office ([www.nj.gov/dep](http://www.nj.gov/dep)).
2. Check the agency Web sites to determine if the permit status, compliance, and monitoring data can be obtained online.
3. Requests for information should be submitted in writing to the appropriate federal or state office. The Federal Freedom of Information Act (FOIA) and the New Jersey Open Public Records Act (OPRA; NJS A 47:1A-1 et seq.) grant the right to gain access to government documents.

To facilitate a timely response, identify:

- the project name, owner, and locations;
- permit identification numbers (when applicable);
- the reason for your request;
- a concise summary of your concerns;
- any approaching deadlines such as upcoming public hearings.

The NJDEP received over 9,000 requests for information under the Open Public Records Act (OPRA) program in 2002. Because of the quantity of requests, act early to seek information to meet your deadlines.

“Facts are stubborn things;  
and whatever may be our wishes, our inclinations,  
or the dictates of our passion,  
they cannot alter the state of facts and evidence.”

--John Adams (1735 – 1826)

## **O. Research Legal Decisions**

Recent court decisions regarding municipal planning, zoning, and land use can also provide useful information for your research. Rulings in four cases in the communities of Rumson, Mt. Olive, East Amwell, and Bedminster support zoning to preserve environmental resources and farming. For details on these decisions, visit the Rutgers Law School Web site (<http://www.lawlibrary.rutgers.edu/oal/search.shtml>).

If necessary, contact a law clinic or attorney to better understand the legal implications of the issues at hand. Appendix D identifies two free law clinics. Sometimes it may be more appropriate to hire expert witnesses to add to the evidence, and your coalition should plan ahead to address these expenses.

“Law is order, and good law if good order. Even when laws have been written down, they ought not always remain unaltered.”

--Aristotle (384 BC – 322 BC)

## **P. Conclusion**

If you lament the rapid disappearance of beautiful countryside, farms, and forests; if traffic congestion menaces your local roadways; if your neighborhood endures days of unhealthy air quality; if waterways in your region are impaired; then take time to prioritize your concerns and help organize your neighbors. Speak out!

You can get involved in the decisions on a specific project or in the overall process for your community.

Help your local leaders identify where future growth is appropriate in the community, and how it can be accommodated with minimal impacts to the existing environment, while enhancing the community. Speak out!

Help these leaders preserve environmental resources and the cultural features of your town for future generations. Speak out!

The Association hopes this guide will help you to understand the planning process, and how to become an effective participant in land-use decisions. If you have additional questions, please contact the Stony Brook-Millstone Watershed Association or visit our Web site.

“you must be the change you wish to see in the world.”

--Mahatma Gandhi

## **Appendix A. Municipal Boards and Their Roles**

Municipalities have various boards, commission, and committees to assist in decision processes, planning, operations, and managing different powers. Understanding their roles and their authority will help you effectively contact the most appropriate parties.

**The governing body** includes elected officials, such as the mayor and township committee or council. They develop, amend, and enforce budgets, laws, regulations, and ordinances in accordance with the master plan, township ordinances, and laws. Elected officials on a town council appoint the members of the following advisory boards.

**The planning board** is a volunteer board the manages growth in the community through a master plan, land-us ordinances, and zoning. Members review and vote on development plans.

**The zoning board** of adjustment is a volunteer board that interprets the zoning map, land-us ordinances, and site plans and suggests alterations to regulations in a yearly report sent to the planning board and governing body.

**The environmental commission** is a volunteer commission that aims to protect open spaces and natural resources. It reviews development plans and serves as advisor to the planning board, zoning board, and town council regarding proposed land uses.

**The historic preservation commission** is a volunteer commission that creates an inventory of all historic sited and related areas and advocated for zoning an site designs to protect these cultural and natural resources.

**The open-space commission** is a volunteer commission that many towns have recently formed to protect and acquire farmlands and other open space. It may serve as advisor for recreational parklands.

Most County Planning Departments in New Jersey have many of these similar boards with similar responsibilities. The board members are appointed by the elected freeholders or County Executive Director.

## **Appendix B. Municipal Staff and Their Roles**

The size of a municipal staff depends on the community population. Some communities employ large staffs, while others partner with neighboring communities or subcontract to engineering or planning firms. Understanding how your community functions and how responsibilities are distributed will allow your efforts to be more effective.

**The town manager** or administrator manages the municipal budget, staff, and daily operations.

**The municipal clerk** can usually provide helpful direction for your inquiries or concerns by giving you access to directories, laws, regulations, reports, and ordinances affecting the township.

**The health officer** is required by the state to create public health ordinances, respond to health-related concerns, and oversee matters involving water supply, septic systems, garbage dumping, and other sanitary issues.

**The municipal planner** reviews development application, schedules application hearings for construction projects, and assists in long-term planning for the growth of the community.,

**The municipal engineer** reviews development applications and issues various permits for construction projects, soil-erosion control, stormwater management, and roadway improvements.

**The construction code official** reports to the municipal engineer and inspects projects to enforce local regulations.

## **Appendix C. Helpful Definitions**

The likelihood of a development application being approved often depends on how well the development plans support the principles outlined in the master plan and subsequent zoning ordinances. Terms pertaining to these proposals are explained below.

**A community master plan** provides a framework to guide future growth in the municipality. BY reviewing this plan, citizens can better understand the goals, objectives, direction, and strategies that the community intends to pursue to direct growth.

Development plans must comply with that vision in order for the community to remain healthy and vibrant. Additional information on master plans is available at (include direct link to [http://www.thewatershed.org/images/uploads/SBMWA\\_Master\\_Plan\\_Guide.pdf](http://www.thewatershed.org/images/uploads/SBMWA_Master_Plan_Guide.pdf)).

**Conforming applications** apply when the application complies (or conforms) with all aspects of the ordinances. The planning board can approve conforming applications, but citizens can still provide testimony to modify these applications to generate a more favorable design.

**A Conceptual Site Development Plan** (NJ MLUL 40:55D-10.1) can relate to either housing or commercial development. They are presented informally to a sub-committee of the Planning Board in order to gauge initial interest or reservation about the development proposal. Often environmental assessments and permit applications are far from complete at this stage.

**A General Development Plan** (NJ MLUL 40:55D-45.1) may include, but not be limited to, the following: a general land us plan showing the density and intensity of use of the entire planned development, the residential density, and the nonresidential floor area ration land use plan; a traffic and pedestrian circulation plan; open space area; utility plans; stormwater management plans; an environmental inventory of the site's natural and cultural features; probable impact of the development on the environmental attributes of the site; supporting community facilities which may be included in the proposal; a housing plan; public services which may be provided; the financial impacts to the municipality or school districts; a proposed timing schedule; and a municipal development agreement.

The planning board shall grant or deny approval of a general development plan within 95 days after submission of a complete application. They may also grant conditional approvals. Once the planning board has approved a general development plan, it may be amended or revised only upon application by the developer, and approved by the planning board.

The general development plan approval shall not exceed 20 years from the final approval date. IN the event that a developer does not apply for preliminary site approval within five years of the approved date of the general development plan, the planning board shall have cause to terminate the approval.

**A Minor subdivision** (NJ MLUL 40:55D-47) refers to a subdivision of one or more developable lots that does not include any new street extensions or off-tract improvements. The planning board may waive the notice and public hearing for a minor subdivision application, and approval shall be granted or denied within 45 days of the date of a complete submission.

The zoning requirements and general terms and conditions shall not be changed for a period of two years after the approval. The planning board can grant an extension not exceeding one year if the developer proves there were delays in obtaining other governmental approvals or permits.

**Final approval of a site plan or major subdivision** (NJ MLUL 40:55D-52) mandates that the zoning requirements applicable to the preliminary approval shall not be changed for a period of two years after the final approval date. IN the case of a major subdivision, the planning board may extend such period of protection for extensions of one year but not to exceed three extensions.

In the case of a subdivision of 50 acres or more, or site plan for 150 acres or more, or site plan development of nonresidential floor area of 200,000 square feet or more, the planning board may grant extensions longer than two years, taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) economic conditions, and (3) the comprehensiveness of the development.

**A zoning ordinance** which should comply with the goals presented in the master plan, regulates zoning for a community and provides land-use compliance guidelines for developers. When a developer wants to develop land in a way contrary to what's prescribed by a zoning ordinance or the master plan, the developer must apply for a variance.

**A bulk variance**, also known as an area variance, is needed when a building application does not comply with the setback, height, lot, or area requirements of the zoning ordinance. Bulk regulations govern the size, location, and dimensions of buildings and improvements on a parcel of land. The zoning board of adjustments can approve a bulk variance or may require adjustments in site design to minimize any impacts.

**A use variance** is required when a development application includes a land use prohibited by the existing zoning ordinance. The zoning board of adjustment can approve a use variance if the applicant demonstrates that the project would not cause damage to the public or conflict with the master plan. An example of this type would be for a variance for a retail business in an area zoned for residential use. To obtain a use variance, the applicant must demonstrate that the provisions of the zoning laws cause an unnecessary hardship, The applicant must establish that the requested variance meets the following conditions:

1. The owner cannot realize a reasonable return on the property as zoned.

2. The hardship must be unique to the owner's property and not applicable to a substantial portion of the zoning district.
3. Granting the variance will not alter the essential character of the neighborhood.
4. The hardship is not self-created.

In the case of *Everhart v. Johnston* (1968), the owner proposed renovating a residence into an office in order to generate greater revenue from commercial rent. The court denied the use variance because generating the "most profitable use is immaterial."

## **Appendix D. Resources and Contact Information**

### **New Jersey Organizations and Agencies**

#### **American Littoral Society – Mid-Atlantic Chapter**

Focuses their efforts on coastal areas, shoreline land use, and habitat protection. It has a long history of coastal policy development, grassroots work, and public interest litigation.  
<http://www.littoralsociety.org>

#### **Association of New Jersey Environmental Commissions**

Promotes public interest in protecting natural resources, sustainable development, and reclamation, and supports citizens and nonprofit organizations. Offers a wide variety of resources, including ordinances, environmental resource papers, and issue papers.

<http://anjec.org/>

#### **Environmental Law Clinic, Rutgers University School of Law**

Provides legal assistance to groups to enforce environmental laws and challenges government actions that threaten to harm the environment.

<http://www.law.newark.rutgers.edu/clinics/environmental-law-clinic>

#### **League of Women Voters – New Jersey Chapter**

Provides resources on voter information, civic participation, current public policy issues, and public involvement on natural resource topics. Offers a way to contact local and state officials.

<http://lwvnj.org/>

#### **New Jersey Audubon Society**

Advocated and educates the public about New Jersey wildlife, plants, and their habitats. Provides publications and other educational resources.

<http://www.njaudubon.org/>

#### **New Jersey Department of Community Affairs**

Houses the Office of Smart Growth. Also offers financial and technical assistance on topics concerning community affairs.

<http://www.state.nj.us/dca/>

#### **New Jersey Department of Environmental Protection**

Provides statewide environmental programs and information as well as regulatory financial assistance to protect and maintain natural resources.

<http://www.state.nj.us/dep/>

#### **New Jersey Environmental Federation**

Provides updated environmental news and takes an advocacy role in environmental issues in New Jersey.

<http://www.cleanwateraction.org/njef/>

**New Jersey Future**

Focuses on working with state government to promote smart growth, sustainable development, affordable housing, and implementation of the State Plan and provides assistance to interest groups on these matters.

<http://www.njfuture.org/>

**New Jersey Public Research Interest Research Group**

Advocates for a variety of environmental and public interest issues, utilizing a large college-based membership, and citizens.

<http://www.njpirl.org/>

**New Jersey Smart Growth Gateway**

Provides online resources for citizens wanting to promote smart growth, and is sponsored by New Jersey Future organizations.

<http://smartgrowthgateway.org/>

**New Jersey State League of Municipalities**

Offers navigational tools for the New Jersey State Legislature and advocates for municipalities. Produces a magazine, *New Jersey Municipalities*, for municipal affairs.

<http://njslom.org/>

**New Jersey Sierra Club**

Advocated for local, statewide, and national environmental issues.

<http://newjersey.sierraclub.org/>

**South Branch Watershed Association**

Runs several environmental programs and projects and provides assistance to local citizen groups interested in protecting natural resources in their watershed.

<http://sbwa.org/>

**Stony Brook-Millstone Watershed Association**

Runs several environmental programs to provide tailored advice, guides, and workshops primarily to New Jersey citizens and organizations. The Natural Lands Network and the Watershed Institute, sponsored by SBMWA, bring together a network of organizations, comprising watershed organizations and other nonprofits, local governments, and concerned citizens who are committed to preserving open space, farmland, and natural resources.

<http://www.thewatershed.org/>

**Tri-State Transportation Campaign**

Represents an alliance of public interest, transit advocacy, planning, and environmental organizations working to reverse increasing automobile dependence and sprawl development on a statewide and regional level.

<http://www.tstc.org/>

**The Watershed Institute**

Provides support to local watershed association throughout New Jersey to protect surface water and natural resources, and is sponsored by the Stony Brook-Millstone Watershed Association

<http://thewatershedinstitute.org/>

## National Organizations and Agencies

### Audubon Society

Focuses on the enjoyment and protection of critical birding habitats and offers a variety of programs on conservation issues. This national organization has also created a specific packet on building coalitions, available at

<http://www.audubon.org/campaign/pdf/collaboration.pdf>

<http://www.audubon.org/>

### Center for Watershed Protection

Works with local, state, and federal government agencies, environmental consulting firms, watershed organizations, and the general public to provide objective and scientifically sound information on effective techniques to protect and restore watersheds.

<http://www.cwp.org/>

### Community and Environmental Defense Services

Helps citizens win smart growth victories, and produced the publication “How to Win Land Development Issues.”

<http://www.ceds.org/>

### Conservation Technology Information Center, Purdue University

Produced the publication *Building Local Partnerships*.

<http://ctic.purdue.edu/KYW/Brochures/BuildingLocal.html>

### Mid-Atlantic Environmental Law Center

Provides environmental legal services to public interest organizations. Has helpful resource guides, including a guide for obtaining information from local and state agencies, available at

<http://www.maelc.org/clean-water/take-action-save-your-watershed.html>

<http://www.maelc.org/>

### National Park Service

Offers online resources regarding parks, forests, and histories preservation and provides a community toolbox with fact sheets on techniques to get groups organized.

<http://www.nps.gov>

### Nonpoint Education for Municipal Officials

Furnishes educational tools for land-use decisions, nonpoint source pollution in runoff, and natural resource protection.

<http://nemo.uconn.edu/>

**U.S. Environmental Protection Agency**

Offers nationwide environmental programs, regulations and assistance, with a Web page devoted to the Concerned Citizen Resources.

<http://www.epa.gov/epahome/citizen.htm>