In the Zone: Environmental Considerations in Local Land Use Planning

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Home Rule

Here in the Garden State

• 564 municipalities, 21 counties, 600+ school districts
• Multiple levels of government (State, County, Federal)
• Each has own authority
• Various kinds of local government

Image credit: worldatlas.com
Home Rule

Ending Local Control? Fuhgeddabouit!

• Constitutional authority to govern as localities see fit
• Must obey State and United States Constitution
• Structural, functional, fiscal, personnel authority
• Exceptions
Municipal Land Use Law (MLUL)

- N.J.S.A. 40:55D-1 et seq.
- Governs municipal planning, zoning, subdivision, and site plan powers
- Enact a Master Plan, establish zoning ordinances
- Municipal zones: residential, commercial, industrial, etc. and their uses
- Planning, zoning, and land use boards
In the Zone

Development and the Environment

• Focus on the local level considerations
  • Alignment with the Master Plan
  • Tax ratables and services
In the Zone

Development and the Environment

• Focus on the **local level** considerations

• What is the area zoned for?
• Does it meet the conditions or require variances?
• Does it need to come before a land use board at all?
Development and the Environment

• Focus on the **local level** considerations
  
  • Building footprint/coverage
  • Stormwater
  • Quality of life
  • Aesthetics and “neighborhood character”
In the Zone

Warehouse Sprawl

Image credit: nj.com
In the Zone

Warehouse Sprawl: State Action

• Office of Planning Advocacy Guidance
  • Goals: Proactive rather than reactive approach
  • Regional approach to planning and siting
  • Encourage you to look holistically at the guidance in eleven areas and ways to address those challenges
Warehouse Sprawl: State Action

- Office of Planning Advocacy Guidance
  - Types of Warehouses
  - Municipal Considerations
  - The Role of Redevelopment and Brownfields
  - Public Health and Overburdened Communities
  - Transportation, Traffic, and Road Safety
  - Sustainable Design
  - Mitigation Best Practices
Warehouse Sprawl: State Action

- Office of Planning Advocacy Guidance
  - Community Involvement and Public Engagement
  - Taking a Regional Approach
  - Special Resource Area Considerations
  - The Role of State Agencies
In the Zone

Warehouse Sprawl: State Action

• Types of Warehouses
  • All warehouses are not created equal!
  • Zoning should be a living document
  • “General industrial” – be specific
  • Major distribution center
  • Large fulfillment center
  • Last-mile fulfillment center
  • High cube and automated warehouse centers
Warehouse Sprawl: State Action

• Municipal Considerations
  • Master plan and zoning – proactive planning
  • Warehouse type will have different impacts
  • Infrastructure
  • Farmland and siting considerations
  • Think area-wide
  • Impact, Cost-Benefit Analyses
  • Conditional uses (“limit and extent”)

New Jersey League of Conservation Voters Education Fund
Warehouse Sprawl: State Action

State Planning Commission
Warehouse Siting Guidance

Should be organized in a compact form and located in State-designated Smart Growth Areas, Centers, Nodes, State-approved sewer service areas, and other appropriate areas proximate to regional highway network and rail lines/yards access in Metropolitan, Suburban or Fringe Planning Areas.

Exclude, adequately buffer, and protect areas and/or avoid sites comprising a prevalence of State-regulated areas and natural resources of local, regional, and state significance, including aquatic resources, flood hazard areas, freshwater wetlands, riparian zones, transition areas, steep slopes, and threatened and endangered species habitats as identified under NJDEP’s Landscape Project.

Areas and sites identified for preservation and/or protection under local, county, regional, or state programs and plans, including any portion of land or site within a designated Agricultural Development Area, should be excluded from warehouse development. Larger properties (e.g., 10 or more acres) comprising a prevalence of Primary Soils should likewise be avoided.

State Planning Commission Policy
In the Zone

Warehouse Sprawl: State Action

- Redevelopment of brownfields, landfills, and formerly industrial sites
  - Consideration of overburdened communities and disproportionate impacts
- Public Health and Overburdened Communities
  - Air quality and health impacts
  - Warehouses not listed as source of pollution itself in Environmental Justice law, so special consideration needed
Warehouse Sprawl: State Action

• Transportation, Traffic, and Road Safety
  • Not all roadways are local
  • Clearly design and enforce routes, signs, consider time restrictions

• Sustainable Design
  • Require LEED or solar-ready facilities
  • Green infrastructure, require “no-idling”
Warehouse Sprawl: State Action

- Mitigation Best Practices
  - Close to transportation and away from sensitive receptors
  - Screening with vegetative buffers
  - Siting activity deeper within property line
  - Reducing light and noise pollution and impacts
  - Consideration for entry/exit and traffic routes
  - Climate and labor impacts and best practices
Warehouse Sprawl: State Action

- Community Involvement and Public Engagement
  - Early and consistent
  - “Good neighbor” policies
  - Technical advisory committees
  - Public meetings/information sessions
Warehouse Sprawl: State Action

• Regional Approach
  • “If impacts are regional, planning should be as well.”
• Special Resource Areas
• Role of State Agencies
In the Zone

Warehouse Sprawl: Legislative Action

• Legislative Actions
  • Challenge of Home Rule
  • S 3688 (2021): Report to neighboring municipalities with regional impact analysis
  • S 4067 (2021): Excludes farmland from “redevelopment” or “rehabilitation” area
  • A 4475 (2022): County planning board review for warehouses and installation of solar (in some circumstances)
Warehouse Sprawl: Local Action

- Howell Township
  - Defined warehouses in ordinance to pinpoint the use
  - Defined where warehouses, distribution centers, and fulfillment centers were each allowed

- Franklin Township (Somerset County)
  - Warehouse/fulfillment as a conditional use in the Business and Industry Zone
  - Prohibited within 500 feet of residential
  - Required to be served by public water and sewer
THANK YOU

Questions?

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