

## Office of the Governor

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### News Releases

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### **Governor Signs Historic Law Allowing Towns to Steer Growth Away from Open Space**

(TRENTON)--Governor James E. McGreevey signed legislation today that allows municipalities across New Jersey to target growth to designated areas using Transfer of Development Rights (TDR). TDR allows towns to accommodate growth while preserving open space and farmland in a manner that is fair and equitable for all landowners.

“Today is a good day for New Jersey’s future. I am pleased to sign the nation’s first bill that allows towns to steer development away from open space to areas specifically targeted for growth,” said McGreevey. “New Jersey is the most densely populated state in the nation and we are losing 50 acres of farmland each day. TDR is the planning tool we need to accommodate our growing population without using up all of our open space.”

Transfer of Development Rights allows a town to transfer the development potential in an environmentally sensitive area where growth is restricted, to a separate receiving area where roads, utilities and other infrastructure already exists and is appropriate for growth. Through this process, farmland and open space is preserved and growth is targeted to areas where it makes sense.

“By signing this bill into law, Governor McGreevey has once again made New Jersey the nation’s leader in smart growth and establishes an environmental legacy for the future of our State,” said Susan Bass Levin, Commissioner of the Department of Community Affairs. “This creative approach to planning and preservation allows us to use our finite resources more effectively and efficiently.”

Through a TDR program, developers purchase development rights to build in a “receiving area” – or area that is targeted for growth, and those funds are used to permanently preserve land in the sending area – the open space or farmland - at no cost to the taxpayer. The result is that municipalities have more control over where growth occurs; landowners are compensated fairly for their land; developers have a clear picture of where they can build; and fewer public funds are spent on land acquisition.

"This bill represents a huge victory in Governor McGreevey's war on sprawl and commitment to smart growth," said DEP Commissioner Bradley M. Campbell. "Empowering municipalities to steer development away from our most precious natural resources, like our drinking water supplies and remaining forested lands, means we're securing a better future for generations to come."

"This legislation enables municipalities across the state to steer development away from agricultural lands into more appropriate areas," said Agriculture Secretary Charles M. Kuperus. "Through well-crafted TDR ordinances, New Jersey can further its leadership role in farmland preservation by preserving even more land, as well as foster more livable communities."

The law allows municipalities the flexibility to adopt a TDR program that meets their specific growth and preservation needs, subject to county planning board approval, in order to assure that regional planning needs are taken into consideration.

"This historic occasion is the culmination of work over the past year by a broad-based coalition of state agencies, local governments, agriculture groups, environmentalists and planners, as well as the Legislature, to put together a consensus proposal that will work for New Jersey," continued McGreevey, "I commend them all for their hard work."

The TDR concept is modeled after a current 10-year pilot program in Burlington County, but other examples exist throughout the State, including in the Pinelands where the Pinelands Commission has been transferring Pinelands Development Credits into growth areas since 1981.

"Municipal officials would be able to designate which land will be protected, and which will be developed through TDR participation," said Senator John Adler. "This bill would give control of development and sprawl to municipalities that adopt TDR programs, and would provide valuable open space protections without hindering economic development in a region."

"Before now, towns have had almost no recourse against developers who want to build on every plot of open land," said Assemblyman Jerry Green. "TDRs strike the right balance, allowing for the preservation of open space while still enabling new housing construction and other development."

"Acres upon acres of open space are lost every day in New Jersey to runaway growth," said Assemblyman Reed Gusciora. "TDRs will better enable us to live up to our obligation to protect our natural resources."

"New Jersey now has a new tool in its battle against overdevelopment," said Assemblywoman Linda Greenstein. "Municipalities will be able to use this tool to redirect growth away from precious open space."

The Governor has made stopping sprawl and overdevelopment one of his top priorities.

The Governor has met his goal of preserving 20,000 acres of farmland a year—the largest amount ever to be preserved in one year. Since taking office, he has preserved 450 farms covering 35,554 acres throughout the state. In addition, he has preserved over 51,000 acres of open space, including 17,000 acres in the environmentally sensitive Highlands region.

In addition, he has placed unprecedented protections on New Jersey's drinking waters. He has applied the most comprehensive water protections in the nation to more than 6,000 miles of waterways, and has designated more than 40% of the State's drinking water as Category One protection—the highest protection possible.

**State of New Jersey Governor's Office**

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