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Spring Preview

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A glimpse into the future: Developers and communities cooperate to solve problems

Each and every one of the developers I represent are appropriately focused on the finish line, i.e., when will my project be approved? However, they also want to



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know what the future holds, e.g., can the approval process possibly get any more complicated, lengthy or expensive? If you want the “inconvenient truth,” here are the answers – yes, yes and yes. Of course, there are exceptions such as big cities and economically distressed small towns where the tax base is dwindling and economic development is encouraged. However, in the typical suburban battlegrounds where “sprawl” has become synonymous with all that is evil with development, the challenges for developers will continue to grow.

The suburban land use codes written in the 1950s and 1960s are being updated and populated with new environmental regulations. Expanding flood plains, riparian corridors, farmland preservation and

tree replacement requirements are just a few examples of regulations intended to make already challenging sites virtually impossible or certainly cost prohibitive to develop. State and federal agencies have also been flexing their collective muscles by a new concept, “regulation through confusion.” The definition of a “wetland” is no longer clear, access to property is no longer a foregone conclusion, the minute bog turtle continues to win battles with bulldozers and overloaded sewer plants result in valuable permits going down the you know what.

Throw in some well-funded civic organizations, more sophisticated municipal oversight and elected officials forced to take public stands against any growth and you have a recipe for the perfect storm. Of course, no one said it would be easy. The delays would certainly be bad enough, but what of the additional expense? For example, those traffic impact fees, fees in lieu of park and recreation land, sewer tapping fees, water connection fees, off-site road improvements will in some measure get passed on to the

ultimate tenant or buyer, but the market can only bear so much additional cost without driving some developers out of business and pushing the cost of housing beyond any concept of affordability.

However, like most dark clouds, there needs to be a silver lining. Call it “smart growth,” “sustainable development,” “green building” or any other trendy lexicon you so desire. The bottom line is that the development community is finding better ways to present its plans, streamline the permits process and create an end-product far more attractive and respectful of the environment than ever before. The use of best management practices for stormwater management, traffic calming measures, alternative utility sources, village and other sustainable designs are all methods of presenting and implementing development in a less threatening and more adaptive approach.

Even elected officials are getting into the game by recognizing that, at least for the time being, real estate development is a critical component of sustained economic growth. Brownfields need

to be redeveloped, adaptive re-uses must be found for closed military facilities and our inner cities and small towns must be revitalized. The butcher, the baker and the candlestick maker cannot survive without new customers and without new office buildings, industrial complexes and residential communities, those customers will not exist. Creating communities that have education, recreation and commerce within walking distance reduces traffic and the need for additional roads and infrastructure.

Developers and communities must find new ways to co-exist and to cooperate to solve problems, whether real or perceived. Cooperation begins with good communication and professional presentation. As noted author Lilly Waters has said, “the success of your presentation will be judged not by the knowledge you send but by what the listener receives.” Remember these words and the process will be less painful.

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