

Summary

1. Determine where the project is in the municipal permit process.
2. Contact your town's environmental commission.
3. Determine if there are wetlands on-site.
4. Respond to the Adjacent Landowner Notification.
5. Determine which state permits and regulations may apply to the development.
6. Assemble a community group to spearhead and monitor the issue.
7. Depending on where the project is in the local and state permitting process, determine with the community group if you need an attorney.
8. Determine if you need an environmental consultant.
9. Obtain information on local animals and plants.
10. Make your voice be heard.



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New Jersey Audubon's Ten Steps to Opposing Bad Development



The project cannot proceed if it does not have approval from the local governing body. Residents can provide information to local governing committees that can help these committees make the right decisions.



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Ten Steps to Opposing Bad Development

Note: NJ Audubon does not assert that all development is bad. By “bad” we wish to connote development activities that degrade or otherwise impair our natural heritage.

1) Determine where the project is in the municipal permit process. The municipal clerk should be able to answer the following questions.

- Does it have preliminary approval?
- Does it have final approval?
- Are planning or zoning variances required? Have these been granted?

2) Contact your town’s Environmental Commission. The commission allows community groups to have input into the planning process. Many of New Jersey’s municipalities have an Environmental Commission. Your township clerk should be able to provide local contact information. If your town does not have an environmental commission, consider starting one.

3) Determine if there are wetlands on the site. Wetlands are protected by statute. The applicant for development should be required to obtain a Letter of Interpretation (LOI) from the NJ Department of Environmental Protection (NJDEP) regarding the presence/absence and extent of wetlands, as well as a Freshwater Wetlands Permit if any wetlands or buffer areas are to be impacted. The NJ Freshwater Wetlands Protection Act of 1988 protects wetlands with endangered or threatened species present by adding a 150’ buffer, so make sure that the site has been adequately surveyed for Endangered and Threatened species.

4) Respond as directed to the Adjacent Landowner Notification of wetlands project issued by the NJDEP. A response is usually required within 15 days of the notification.

5) Determine which state permits and regulations may apply to the development. Residents may be able to provide information that can help NJDEP make the correct decisions about permits. NJDEP’s switchboard phone number is 1-877-WARNDEP. In addition to Freshwater Wetlands LOI’S and permits, the following items (and perhaps others) may be required by NJDEP:

- Category 1 Stream Anti-degradation permit
- Coastal Zone Management rules (CAFRA) permit
- Sewer Service Extension
- Stream Encroachment Permit
- Wastewater Management Plans
- Stormwater Management Permits
- Groundwater Permits

6) Assemble a community group to spearhead and monitor the issue. There is strength in numbers. The community group is an incredibly effective mechanism for working with your local political leaders, media, planning and zoning boards, and NJDEP.

7) Depending on where the project is in the local and state permitting process, determine with the community group if you need an attorney. A good attorney can level the playing field between residents and developers.

8) Determine with your group and attorney if you need an environmental consultant. Consultants can be hired to examine the property and can be expert witnesses when the project is brought before the township committee, planning and zoning boards and/or board of adjustment. Environmental consultants can help determine the following:

- Presence of endangered species and critical habitat.
- Presence and delineation of wetlands.
- Water quality, quantity and treatment.
- Steep slopes.
- Presence of limestone geology, or other subsurface conditions unsuitable for

development.

9) Information on known local animals and plants can be obtained from the following sources:

- NJ Geoweb is an online mapping service that provides environmental information. You may find that tool here: <https://www.nj.gov/dep/gis/geoweb splash.htm>
- The NJ Natural Heritage Program (609-984-1339) for endangered species sightings.
- The NJ Endangered Species Program (609-292-9400) for endangered species critical habitat mapped through the Landscape Project.

10) Make your voice be heard.

- Inform and educate reporters about the issue.
- Mount a “Letter to the Editor” Campaign in the local newspaper to express residents’ concerns and raise public awareness.
- Share copies of this press with your local elected officials.
- Orchestrate a local petition campaign.
- If state permits are required, organize a writing campaign to the Governor, NJDEP Commissioner and state legislators to oppose the granting of these permits.
- Contact relevant conservation organizations in New Jersey.

What then? A possible 11th step: When a bad development has been defeated, the question remains as to what will happen to the land. One possibility is purchase by the town, county, state, private conservation organization, or some combination of these entities, for protected open space. This option can be raised as a win-win alternative for the would-be developer and the community: the developer receives some remuneration for the land, and the land is protected.