Increasingly, municipalities faced with growth pressure and resident concerns over loss of quality of life have chosen to adopt strategies such as land-use regulation and open-space preservation to mitigate the negative effects of growth. This article examines the circumstances under which municipalities chose to adopt such techniques in the face of increasing development pressure. Using case studies of three New Jersey municipalities, I examine the role of local actors and events in affecting local public policy change.

Explanations of local suburban politics usually revolve around the public-choice model, which interprets municipalities as local “public goods” clubs that set terms of membership, and household and businesses then distribute themselves according to their demand for taxes and services by “voting with their feet” (Lewis 1996). This approach assumes that under majority rule the “median voter,” or household with the median income will get the public services and taxes they demand. Fischel (2001) argues that this model works best in suburban municipalities with homogenous populations, simple governance structures, and a majority homeowning population.

Under the public choice approach, local policy decisions concerning land-use regulation, property taxes or service provision are generally explained through a municipality’s constituent characteristics. (Clingermayer 1996; Fischel 2001). For example, there is considerable evidence that socioeconomic factors and growth pressures are significant in explaining the popularity of restrictive land-use controls (Bates and Santerre 1994; Pogodzinski and Sass 1994; Donovan and Nieman 1992; McDonald and McMillen 2004) and open-space preservation (Bates and Santerre 2001; Howell-Moroney, 2004; Romero and Liserio 2002; Solecki, Mason, and Martin 2004). However, these studies do not take into account the agency of individual actors and events to affect local land-use decision-making. Schneider and Teske (1995) argue that “public entrepreneurs,” actors who perceive opportunity for policy changes and advocate for innovative ideas by creating coalitions and reframing the debate over contentious issues, are the primary agents for local political change.

Public entrepreneurs, whether working within local government or through a civic association, have three things in common. First, they discover unfulfilled needs and tap into latent demand that others don’t see. They are therefore not only able to anticipate electoral change, but actually able to shape it as well, primarily by introducing new dimensions to ongoing debates and reframing issues on terms favorable to themselves. Second, they are able to capitalize on the opportunities they identify. In doing so, they

Abstract

This article examines the process by which municipalities switch strategies in response to growth pressure. Utilizing a case study approach of three New Jersey communities, this article argues that changes in local growth strategies are brought about by advocates who incorporate fiscal arguments with quality-of-life concerns and capitalize on a perceived development threat to achieve a more favorable political environment. By reframing local debate over formerly contentious issues such as open-space preservation and environmental quality, advocates are able to permanently change the local political culture. However, such action can have exclusionary consequences and act as a hindrance to the implementation of a balanced-growth approach to urban development.

Keywords: growth management local advocacy; municipal politics

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bear the reputational and emotional risk involved in pursuing a course of action without the assurance of success. A loss of political capital could lead to a loss in support for further policy activities. Third, they assemble the human, physical, and financial resources necessary to achieve their goals. In other words, they must be able to network and mobilize coalitions.

Schneider and Teske (1995) examine the emergence of what they refer to as “antigrowth” entrepreneurs, those who question the conventional wisdom that economic growth and urban development are the primary goals of local government. They survey 788 cities across the country, and find that population growth, homeownership, and the presence of a small organization (whether a civic, neighborhood, or taxpayer group) is instructive in predicting whether or not an “antigrowth” entrepreneur will emerge. Suburban environmental groups are uniquely qualified to advocate for local policy change, as they tend to be small and therefore more likely to organize for collective action. In addition, these groups are likely to be socially and economically representative of the municipalities they purport to represent. They also provide a mechanism for certifying the credentials of potential leaders, thereby allowing the leader to move from small groups to larger collectives.

Public entrepreneurs are aided by what Birkland (1998) refers to as “focusing events,” which “can lead interest groups, government leaders, policy entrepreneurs . . . or members of the public to identify new problems, or to pay attention to existing but dormant problems, potentially leading to a search for solutions in the wake of apparent policy failure” (p. 55). Integral to this process is “. . . the availability of a number of active, vocal groups to exploit the symbolic and political power of these events (Birkland 2007, 19). Birkland is concerned primarily with rare and unexpected events such as natural disasters and industrial accidents as catalysts for national level policy change. In the case of municipalities, where property values serve as a primary motivation for involvement in local politics, land-use decisions can serve a similar purpose. A perceived development threat can lead to demand for change in public policy.

► Change in Local Growth Strategies

This article examines political change within the context of local responses to growth, in particular; how and why municipalities chose to switch strategies in response to growth pressure. Daniels (1999) outlines the basic approaches available to municipalities to deal with growth. The first is the traditional pro-growth strategy, predicated on the belief that growth will broaden the tax base and guided by an ideology which favors individual property rights and market forces. The second is a slow-growth approach, in which case residents resist proposed developments and “. . . arm themselves with an arsenal of growth management techniques” (p. 74). The slow-growth approach is predicated on a desire for stability and some degree of control over the rate, scale, and timing of development. Slow-growth communities are often characterized by protracted battles with developers, robust public participation, and an active citizen “watchdog” group. In the middle, Daniels identifies a more balanced-growth approach, which acknowledges and even encourages certain growth, but only in areas where the infrastructure exists to support it, and away from open spaces, farmland, and environmentally sensitive areas that society desires to preserve.

In recent years growth has been increasingly criticized on all fronts, from causing environmental degradation to exacerbating social segregation to negatively affecting quality of life (Benfield, Raini, and Chen 1999). More recently, however, the traditional equation of growth with revenue generation has been challenged by numerous fiscal impact studies which have shown that development often costs more in terms of service provision than it generates in local revenue (Burchell et al. 2002; Freedgood and Wagner 1992). In reviewing the literature on fiscal impacts, Burchell and Listokin (1992) conclude that residential development typically incurs a net deficit, because of the increased public cost of accommodating new schoolchildren and additional service expenditures, in terms of police, sewer, and infrastructure. Open space is generally fiscally preferable to residential development. These conclusions are born out by a number of cost-of-community-services studies which have demonstrated that development (particularly residential) costs more in terms of municipal services than it generates in revenue (Freedgood and Wagner 1992, Rudolph 1994). These studies have added to the perception of development, particularly residential development, as a “negative ratable”—that is, generating more costs than revenue (Orfield 2002). Such perceptions have been instrumental in increasing demand for government intervention to mitigate the negative effects of development, for instance through stricter land-use regulation, or by funding open-space preservation. States in particular have taken a more active role in land-use decision making (Bollens 1992). New Jersey has a number of state-level slow-growth policies in place, including subsidies for municipal-level open-space acquisition (described below), which slow-growth advocates are able to take advantage of.

Daniels notes that slow-growth policies enacted locally tend to lead to more exclusive communities. Adopting a policy of minimizing residential development to secure a more favorable fiscal situation can have exclusionary consequences, as such action affects both residential housing demand by increasing local amenity value and supply and by restricting the amount of developable land (Downs 2004). A number of studies have shown that restrictive land-use zoning and growth controls have exclusionary consequences (Pendall 2000). Successful implementation of smart-growth policies requires both an awareness of the consequences of restricting development, and a willingness to plan accordingly.
I argue that advocates who are able to marshal both quality-of-life and fiscal arguments, and capitalize on a perceived development threat to achieve a more favorable political environment, are instrumental in precipitating local political change. By reframing local debate over formerly contentious issues such as open-space preservation and environmental quality, advocates are able to permanently change the local political culture. However, the role of interest groups in affecting public policy has been interpreted both positively, as an expression of participatory democracy, and negatively, as a means to protect entrenched powerful interests at the national level (Baumgartner and Leech 1998), or as a parochial expression of “not in my backyard” (NIMBY)ism at the local level. Local action can therefore have exclusionary consequences and implications for regional equity.

New Jersey Setting

I utilize a multi-case study approach based at the municipal level, which is appropriate given the variable context and multiple variables involved in the process and the nature of the research question (Yin 1994). New Jersey is an ideal setting for undertaking this research. Widely perceived to be already “built out,” New Jersey is identified as a suburban bellwether state. It is one of the first to be exposed to emerging economic trends and morphological patterns associated with suburbanization in an increasingly suburban nation; namely, increasingly dense and racially heterogeneous suburbs, municipal fragmentation, sprawling development patterns, and loss of open space and farmland. New Jerseyans are consequently very sensitive to issues of growth, and are therefore more likely to be receptive to the fiscal arguments outlined above. Moreover, concern over development has led to increased demand for statewide intervention, and New Jersey is often identified as a national innovator in growth management and open-space preservation. The Green Acres and Farmland preservation programs serve as local sources of funding for open space and farmland preservation respectively. Although these programs have been in existence for decades, the Garden State Preservation Trust (GSPT) Act of 1998 created a stable source of revenue, and greatly expanded local funding options. Municipalities are eligible for a Planning Incentive Grant if they have established a dedicated source of funding (generally a portion of the property tax) and prepared a farmland or open space plan as an element of their master plans. They can then apply for a block grant to acquire land identified within their plan, forgoing a costly multiple-review process.

The passage of an open space tax is indicative of a shift in local growth politics. The popularity of open-space preservation is demonstrated by the recent growth in state and local referenda on open-space preservation (Trust for Public Lands 2002-2005), and open-space preservation and growth management are often framed as part of the same process (Hollis and Fulton 2002). Daniels (2005) attributes the rise in popularity of open space to citizen frustration with the inability of local regulatory and incentive strategies to manage growth. Consequently, local acquisition should be interpreted as another tool by which municipalities address local growth and fiscal concerns.

As of January 2006, all twenty-one counties and 218 municipalities had passed an open-space tax by voter referendum. With a large number of potential cases to choose from, I used a multiple-step process to narrow down the selection. First, I undertook a dozen preliminary case studies to establish some common themes, such as the organization and leadership of open-space advocates and a perceived local development threat. I also noticed that municipalities tended to fall into two broadly construed categories: those whose initial interest in open space and managing growth revolved around primarily aesthetic/environmental amenity reasons, and those concerned more with the fiscal benefits of preservation. However, in neither case were these arguments mutually exclusive. Several municipalities were eliminated because they did not contribute uniquely to my understanding of the local acquisition process, or didn’t say much about the political, environmental, and social dynamics involved. Second, I began narrowing down these cases to a few municipalities which were representative of the others (in other words, at least one from each of the categories described above) and had the most explanatory power (meaning the municipality’s narrative touched on multiple common themes as opposed to just one). Third, the remaining cases were then shown to both representatives from the state (Department of Community Affairs) and a nonprofit organization (New Jersey Future) who also made recommendations. In researching the case studies, I rely primarily on interviews with state and local public officials, as well as residents and members of local environmental advocacy groups in each of the municipalities I examined. In addition, I utilize local newspaper accounts, consultants’ reports, and publicly available documents such as comprehensive plans and open space plans.

I examine three towns; Hopewell Township in Mercer County, Holmdel Township in Monmouth County, and East Brunswick Township in Middlesex County. All three towns are wealthy, have seen substantial population growth, and have become active in preserving open space since the mid-1990s. See figure 1 for township locations. The switch in growth strategies was advocacy group driven in both Hopewell and Holmdel Township, as local residents formed environmental organizations to advocate for open space, while in East Brunswick, the process was mayoral driven.
Growth of Advocacy Movements

In all three towns, opposition arose toward an entrenched “pro-growth” administration which had operated on the hitherto conventional understanding that new development implied increased local revenue generation. In Hopewell and Holmdel, opposition primarily came from resident groups concerned about the environmental consequences of overdevelopment, particularly water quality degradation. They labored to make their case in an unfavorable political climate by involving local residents and bringing scientific knowledge and expertise to bear on environmental issues. In East Brunswick, a political outsider ran for Mayor on a platform linking open-space preservation, development, and municipal-revenue generation as part of an integrated plan to curb undesirable development. In all cases, political success ultimately came from appealing to homeowners by combining the fiscal benefits of limiting growth with more general quality-of-life concerns.

Local resident groups in Holmdel and Hopewell organized themselves around specific environmental issues. For example, in 1987, a group of residents formed the Friends of Hopewell Valley Open Space (hereafter, Friends) to oppose a proposed bypass link, which would have bisected a well-known bird habitat and the largest stand of American beech trees in the Hopewell Valley. Friends discussed various strategies and tools available to them, such as attaining 501(c)3 status to permit tax-exempt fundraising, and enlisting local scientific expertise to promote their cause. Limited in their resources, they targeted three types of land worthy of protection; forests considered to be of high habitat quality, riparian corridors, and groundwater recharge areas. As a means to engage and involve the public, they involved both local and outside expertise to bolster their arguments. For example, they relied on local knowledge and expertise in undertaking a biological inventory of plant and animal species as well as conducting a breeding bird survey. In addition, a biologist was recruited to rank forests in order of habitat importance and published as “The Woodlands of Hopewell Valley” (White 1990). However, a scientific understanding of species diversity, groundwater recharge, and the need for ecological connectivity did not necessarily translate into success. The group quickly learned that it was crucial for its members to familiarize themselves with land-use regulations, zoning.
codes, acquisition and preservation tools, and perhaps most importantly, to increase the breadth and scope of arguments to expand their audience.

In Holmdel during the early 1990s, the mayorally appointed environmental commission began to test their legally defined role (as defined in the New Jersey Municipal Land Use Law as one of “advise and consent”) by attempting to affect land-use decision making, even directly challenging the pro-development administration. For example, the commission produced a series of award-winning studies entitled *Greenways of Holmdel*, funded by the New Jersey Department of Environmental Protection. The purpose of the studies was to promote the establishment of “green way” linkages along three main riparian corridors running through the township. The commission also added scientific validity to their reports by cataloging and mapping existing open spaces and natural features, and by taking water samples to measure quality. To undertake such inventories, they organized a series of guided stream walks, in which residents were encouraged to participate in identifying flora and fauna they spotted during the walk (Fink 2004). Not only did these walks help catalogue existing natural features and heighten awareness of local ecosystems, but they also created good public relations between the commission and local residents.

However, both Friends and the Holmdel environmental commission were limited in their effectiveness, as they were operating in a political environment which was not conducive to their agenda. During the 1990s, Friends had some successes in acquiring open space, despite an adversarial relationship with the both existing township administration and a small but vocal farming community. At the time, large landowners who interpreted land-use issues in terms of property rights often viewed Friends as a challenge to municipal-authority-controlled Hopewell politics. Although there would seem to be mutual interest in land preservation (in fact, several farms had already been protected through deed restriction by the time Friends got started), there was a certain degree of tension between the farming community and Friends for a number of reasons (Stiles 2005).

First, the farming community was skeptical to the insistence on the part of Friends (as well as Green Acres) that public access be allowed on any protected property. They were anxious about liability and the harassment of livestock as a possible result of public access. Second, Friends was critical of the existing Farmland protection program, citing that it often served as little more than a subsidy for wealthy landowners, whose properties may be little more than hobby farms, earning less than 5 percent of their income from farming. Furthermore, the property appraisal methodology for farmland, based on farm industry and not on preservation quality, did not comport with their preservation agenda. Third, the fact that many Friends members were relatively new to the township only enhanced their carpetbagger image, and exacerbated the “old timer” versus “newcomer” tension, which brought up discussion over who really “belonged” in Hopewell Township. Naturally, this limited the effectiveness of Friends, which soon realized that it needed access to political power if it was going to affect or change public policy.

In Holmdel, the activism of the environmental commission created tension with the township council, who tended to back development proposals as a means to improve municipal finances (Kaufman 2005). For example, in 1994, the Commission advocated for an ordinance to protect streams with a 150-foot buffer. The township council claimed the buffers were “indefensible” as they would infringe on private property rights and prove too onerous for small landowners, and reduced them (Fink 2004). Similar arguments were also used against the environmental commission’s suggestions that the municipality actively preserve open space to create greenways.

Consequently, the commission was limited in its effectiveness, as it was dependent on an administration that was ambivalent to its goals. In fact, the mayor had Larry Fink, president of the commission, whom he never got along with, replaced. This increased tension and irked the public, as Larry had been well liked and respected. The good will generated by the actions of the environmental commission, increasing development pressure during the 1990s, and an unsympathetic and unresponsive town government produced conditions ripe for change.

In response to being fired, Larry organized an independent citizen’s group, Citizens for Informed Land Use (CILU), for the purpose of raising awareness about open-space issues. CILU representatives began holding meetings, organizing petition drives, and attending key county and state land-use meetings (Drone 2005). No longer dependent on or associated with the Mayor, CILU members freely criticized the administration.

In East Brunswick, there was no parallel organization to Friends or the Holmdel Environmental Commission. With the exception of a 1991 open-space referendum that was defeated because it was vague in regard to goals and procedures and was not well promoted (Eaker 2005), there had been little political movement toward curbing the tremendous amount of growth East Brunswick had incurred during the statewide development boom of the 1980s. At the time, preserving open space was largely interpreted as a property-rights issue, and gained little traction among a constituency which largely perceived itself as rural. As in Hopewell Township, the thought of external regulatory interference which intruded into local decision making was anathema in a home-rule municipality.

In 1996, Bill Neary, a lifelong resident of East Brunswick who ran on a platform of curbing rapid development, ran for Mayor and won. He bemoaned the loss of open land, and often referred to the more bucolic and rural East Brunswick of his youth. Lacking government experience, he presented
himself as a frustrated local citizen who had finally decided that “something had to be done,” and criticized the existing regime as having “done nothing.” The 1980s real estate boom had caught up with local residents, who were ready for his message. He was able to craft an appealing message to voters about the ability of open space preservation and down-zoning to curb development and improve municipal finances. The Mayor’s plan consisted of three broad goals; first, to limit development of residentially zoned land through open space acquisition; second, to down-zone remaining residential land to decrease future growth; and third, to pursue highly ratable commercial development as a means to increase local revenue.

In all three towns, advocacy for change came from actors both within and outside of the municipal administration for different reasons. In East Brunswick, the Mayor ran on a platform of controlling development and boosting municipal finances through an integrated plan of appropriating land use controls and state open space subsidies. In Holmdel and Hopewell, advocacy came from actors outside the administration with limited success. It would require more than just determined advocates to bring about change.

The Catalytic Event

A key factor in the transformation of local policies is what I am referring to as a “catalytic” event. This usually takes the form of some sort of a development threat, whether real or perceived. The proposed development, usually with the backing of the administration, serves as a rallying point for advocates, who are able to tap into latent demand for slow-growth policies. The administration underestimates opposition to the development, ultimately leading to their political downfall.

In Hopewell, Friends were able to achieve success by capitalizing on a series of seemingly unrelated events which culminated in an eventual change in the political composition of the township committee. In the mid 1990s, Bristol-Myers Squibb (BMS) began marketing a 450-acre tract of land they owned in southern Hopewell, one of the few parts of the town provided with sewer services through the Exing Lawrence Service area (ELSA). To make the site attractive to potential buyers and available for development, BMS made an agreement in January 1997 with ELSA for 330,000 gallons per day (gpd) for a ten-year period. In October, Merrill Lynch announced it would purchase the site from BMS for $38 million. See figure 2 for the portions of Hopewell serviced by sewers and location of the site. Among the plans was to build a 1.2-million-square-foot office complex to eventually employ five thousand workers once all necessary approvals and permits were granted to the project.

Merrill Lynch sold the campus-like development to Hopewell largely as taxpayer relief, and released a report in December 1997 which predicted that the development would add approximately $370 to $400 million in assessed value to Hopewell Township’s tax base at full build out (Burchell and Listokin 1997). The existing administration, which consisted exclusively of Republicans, favored the plan as a means to bring in a “clean” ratable. In September 1998, the Hopewell Township Planning Board granted final site plan and subdivision approval for the first phase of the development. In addition, support came from the state, which found the project consistent with the State Plan (Alexander 1998), and in the “best” interest of the community and environment. The state agreed to provide various economic incentives and business loans and helped to secure $30 million in federal funds for improving the nearby highway interchange, a project previously relegated to long-range plans.

Similarly, in Holmdel Township, Chase Manhattan Bank had purchased and received development approval of a large 416-acre tract zoned for office/institutional uses. See figure 3 for location of the property. However, after briefly considering moving their headquarters to Holmdel from Midtown
Manhattan, Chase Manhattan decided to expand in Brooklyn. By 1997 they were interested in getting rid of the property. Howard Schoor, a developer, expressed interest in purchasing the property and developing a 550 residential unit subdivision. To make the proposed development more attractive to the community, Mr. Schoor marketed it as an age-restricted senior center, which would ostensibly maximize township ratables, as the school budget would not have to support an influx of new children. The administration favored the plan, citing its positive impacts on municipal finances ($2 million a year in additional revenue). However, to make the plan a reality, several things needed to happen. First, the zoning had to change from office/institutional to residential, and in order for the developer to be able to make a profit the density needed to be increased. Second, the 1989 wastewater management plan needed to be altered, as the proposed development would require sewer extensions since it was located in the southern (largely unsewered) portion of the township (see figure 3 for the extent of sewer coverage in Holmdel).

The specific location of the proposed development proved pivotal. Earlier, in 1994, the administration had bowed to pressure from the environmental commission and rezoned portions of southern and western Holmdel from 2.5 acre to four-acre minimum lot size. However, they had included a stipulation that if sewers were ever made available, then age-restricted residential at two units an acre would be allowed on lots over ninety acres (one of the Chase tract parcels was exactly ninety-one acres). In retrospect, the administration had clearly expected (and openly advocated for) sewer extension into southern Holmdel, in anticipation of the proposed development. Publicly, the township engineer defended the action by citing the numerous septic problems faced by homeowners in the southern portion of the township. He argued that extending sewers was the means by which to address this potential public health issue. As an added incentive, the developer offered to pay for sewer lines to the Chase tract site out of his own pocket (Kaufman 2005; Lewis 1996).

Growing Opposition

In both Hopewell and Holmdel, opposition arose to the perceived threat presented by the Merrill Lynch and Chase tract development respectively. In Hopewell, several hundred residents attended a January 1998 public meeting to protest the administration’s support for the proposed office park. Those opposed to the development and the general governance of the Township formed the “Coalition to Save Hopewell Valley” (hereafter the Coalition). Although there was overlap in goals and membership with Friends, the Coalition was overtly political, and presented itself as a broad citizen’s coalition advocating smart growth and organized primarily around opposition to the Merrill Lynch development (Sziber 2005).

The Merrill Lynch debate only intensified in 1998. In April, Merrill Lynch officials suggested that the entire project was in doubt, largely because company officials questioned whether ELSA was able to supply adequate sewage capacity. In response, the state approved $24 million in financing for a nine-mile sewer line, far longer than any ever approved by the state, linking the sewer works in Trenton with the 450-acre Merrill Lynch site in Hopewell. Perhaps most consequential, however, was the announcement that the linkage with Trenton would provide up to 2.5 million gallons per day (later reduced to 1.3 million gallons per day) of capacity to the Merrill Lynch tract. Included in the proposed service area would have been a portion of the areas presently within the ELSA sewer service area plus approximately eight hundred additional acres.

Given that the Merrill Lynch development, once fully built, would have required capacity for approximately 330,000 gallons per day of discharge, it became clear that there would be available sewer capacity for additional development. In January 1998,
the Stony Brook-Millstone Watershed Association released a report that detailed the potential secondary impacts of the Merrill Lynch development. They found that the Trenton Sewer option was likely to generate more than 2,200 new homes, create 105,000 auto trips daily and cause more than $13 million in tax deficits annually, when indirect costs were included. Furthermore, Coalition members also pointed out that because of the high user fees charged by ELSA, the opportunity for Trenton to sell its excess sewer capacity for much needed revenue, and the need to pay for the additional sewage capacity would not only contribute to the pressure to pursue the Trenton option but also require rapid build-out of the connected properties to recoup connection costs, thus making way for hasty development decisions.

Similarly, in Holmdel, CILU used the Chase tract as a rallying point around which to organize their grievances against the administration, and their activities paid off. The Asbury Park Press, which had traditionally declined to take sides on local issues, published an editorial laudatory of the efforts of local activists and supportive of preserving the Chase tract (Asbury Park Press 1999). A June 1999 survey of township residents commissioned by CILU indicated that approximately 75 percent wanted the tract to be at least partially preserved, and over half opposed extending sewers into the southern portion of the township (Gollin 1999).

At this point, the mayor and others felt that the results were a clear mandate for preserving the entire Chase tract for open space and preventing the sewer line of southern Holmdel. The mayor commented: “This should put an end to all further discussion” (on both developing Chase and on sewer line southern Holmdel) (Gollin 1999). Thus, by 1999, Holmdel officials officially gave up pursuing zoning changes and extending sewer services. They informed Chase Manhattan that the Township would oppose any development plans.

Both CILU and Coalition members were able to ride the antidevelopment public sentiment to political victory in their respective towns. In November 1998, Mary Lou Ferrara and Jon Edwards, members of the Coalition to Save Hopewell Valley became the first Democrats to win seats on the Hopewell committee in twenty years. They were able to garner support from Kathy Bird, an existing Republican Committeewoman, who eventually switched party affiliation (Edwards 2005). Reflecting the various interest groups which formed its political base, the Coalition backed majority on the Township Committee proposed a broad platform of abandoning the sewer extension proposal, opposing build out of the remainder of the Merrill Lynch site by eliminating the Industrial/Office Park zoning designation, down-zoning those areas deemed environmentally sensitive, and preserving as much open space as possible. The original 1 cent open space tax passed in 1997 was raised to 2 cents in 1998, and between January 1998 and September 2004, 2,250 acres were preserved for a total cost to the township of approximately $30 million (Smeltzer 2004).

In 2000, Larry Fink, the president of CILU and former head of the environmental commission ran for town council and won, the first Democrat to win a seat on the Holmdel committee in twenty-seven years, largely based on opposition to the Chase tract. In 2002, shortly after the Chase Manhattan tract project was closed, another Democrat, running on an open space platform, also won. By 2004, for the first time in anyone’s memory, there was a Democratic majority on the Township Committee. Between 1999, when the open-space tax was passed and 2004, the township purchased 564 acres of open space in addition to the 416-acre Chase tract, and certain segments of southwestern Holmdel were rezoned for conservation zoning.

The proposed sewer line extension in Hopewell and the proposed development of the Chase tract in Holmdel proved far more effective at mobilizing public opinion than any actual development. In Hopewell, until knowledge of the sewer line (which one activist referred to as an “uncontrollable dynamic” set loose within their municipal borders) was made public, opposition was relatively low key. Once elected to office, the new administrations in both Hopewell and Holmdel actively pursued down zoning and open-space acquisition.

A Different Path in East Brunswick

East Brunswick did not witness a specific catalytic event. Unlike Holmdel or Hopewell Township, where advocacy for preservation came from actors outside the township political structure, in East Brunswick preservation was fully integrated as part of a larger effort to control development and address municipal finances and was largely marketed as such by the mayor; “He (Mayor Neary) ran on a platform of residential growth reduction through open space preservation and re-development of the township’s commercial zones” (as quoted in Jenkins 2005). I will briefly outline each of these.

In 1997, the mayor formed the Save Open Space (SOS) Committee, whose purpose was to map potential acquisitions, identify selection criteria for targeting funding, and to organize a local referendum to pass an open-space tax (Eaker 2005). To identify potential acquisitions, every vacant or undeveloped parcel at least five acres in size was identified, from which those zoned for what was considered a “good” zonable (such as commercial), or those containing inappropriate uses (such as a land fill) were eliminated. Each parcel was then ranked from 1 to 10 in terms of desirability as open space, based on criteria such as contiguity with existing open space, natural features, cost, availability, and potential development threat. Once compiled, this list was kept secret from both the community and developers to quell speculation and potential lawsuits. Since passing an open-space tax in 1997, East Brunswick has been able to leverage $5 million in township
funds to purchase over $35 million (about 275 acres) in open space using state and county funds (East Brunswick Democratic Organization 2005).

The second portion of the mayor’s plan was to down-zone portions of the township to reduce potential development. In 1999, East Brunswick officials rezoned 4,300 rural acres (nearly 25 percent of the total area of the town) from one-and two-acre density (R1, R2) zoning to what was designated “rural preservation zoning,” which required one unit per six acres. As down-zoning (or “right zoning” as the mayor refers to it) is a potentially contentious issue, a planner with expertise in the area was hired to undertake the proposed zoning changes. The down-zoning was largely defended on both rural character and environmental grounds, which the mayor noted are generally more acceptable, as defending open-space acquisition as a means simply to prevent development is less politically palatable. The administration argued that the area in question was unsewered, contained wetlands and vernal ponds, was a state designated aquifer recharge area, and was technically within the northernmost portion of the environmentally sensitive Pine Barrens (Stratton 2005). The rezoning took effect in 2001, when it was amended to permit increased densities under a number of cluster options.

Ironically, the first two parts of the mayor’s plan, which removed land from the development market was the justification for the third part of the plan—the need to develop (or redevelop) other properties to make up for foregone ratables. As the mayor noted:

We must not assume that the mix of business and residential taxes can continue to face perilous tax increases without consequences to our quality of life. Development strategies for a town that has no new land to develop must be prepared to be innovative and creative in our quest for tax ratables. (as quoted in Jenkins 2004)

The mayor argued that the town should “fight development, not growth,” by which he meant that if a certain amount of growth is inevitable, then it should at least bring in revenue for the town, and be done in a manner in which the town approved. As a result, the administration pursued a policy of attracting what they considered “positive ratables,” those land uses which generate more in municipal revenue than cost in expenditures, such as commercial, office, and certain types of high-end residential development.

However, this has not come without cost, as advocating for development or even perceived as being pro-growth had become politically unpopular. The mayor attempted to assuage any fears about further residential development by securing senior housing on the argument that seniors “don’t produce kids and don’t drive in rush hour traffic” (Neary 2005). Nevertheless, any potential development has left the mayor vulnerable to political attacks. Whereas his political opponents had initially resisted preservation as an intrusion into home rule and advocated for development as revenue generating, they now criticized the administration for any proposed development. Open-space preservation and growth management were no longer partisan issues.

Reframing the Debate

Table 1 below outlines the major events and actors in each of the three towns.

In all three towns, motivated individuals were instrumental in bringing about political change by building a base of support and creating a more favorable political environment to directly challenge the existing administration. Group organization, the use of expertise, involving residents in local outreach efforts, and the ability to capitalize on opposition to a proposed development by marshaling fiscal arguments and stressing the negative aspects of growth were vital in changing the manner in which growth and open space were discussed in public debate.

In all three municipalities, environmentalists had run into resistance from the administration, landowners, and “old timers,”
who viewed preservation (particularly state- and county-funded open space) as an affront to individual property rights. Furthermore, the prevailing wisdom at the time was that residential development (particularly high-end development) was a positive ratable, and was therefore good for the fiscal well being of the township as it increased municipal revenue. However, perceptions of development as well as the funding environment for preservation were changing, and with them, residents’ demands of their local government.

Not only were advocates able to anticipate electoral change, they were actually able to shape it as well. Advocates were able to challenge the existing institutional arrangements by transforming the debate over open space from one of “preservation versus property rights” to one of “development versus quality of life.” They were able to shed doubt on the conventional wisdom that the pursuit of ratables should be the primary focus of municipal land use policy, by citing all the negative externalities associated with development, a position supported by an increasing number of sophisticated fiscal impact and cost of service studies. They successfully linked environmental concerns with local issues such as traffic congestion and sprawl, and presented open space preservation and down-zoning as an alternative to development and the pursuit of ratables.

The catalytic event described in the last section served as rallying points for opposition. Prior, advocacy groups like CILU and Friends had labored and agitated for change, often in opposition and without success. For CILU, the Chase property served as a convenient focal point for attention and resistance, from which they were effectively able to galvanize opposition (Shramko 2005). The group broadened their appeal to homeowners by highlighting often overlooked consequences of development. They criticized the existing administration as promoting “over-development” to generate tax revenue without factoring in infrastructure, educational, social, and environmental costs.

CILU employed a number of successful tactics to raise awareness about the potential threat of the Chase tract to what they considered “the magic of Holmdel”—relatively low taxes, good schools, and a rural atmosphere. First, they displayed build-out maps at public meetings, graphically depicting the much higher density that could be built at the proposed zoning change. Second, they appealed to the self-interest of local property owners, by addressing issues such as taxes: “keep taxes low by reducing municipal and school expenses,” schools: “prevent overcrowding in our schools,” and quality of life: “generations of Holmdel children have enjoyed growing up surrounded by beautiful views and open space. Why shouldn’t yours? Help us restore the magic that is Holmdel!”

In East Brunswick, the three-pronged effort to boost municipal finances was intended to be coordinated so that each effort—re zoning, open space preservation, and redevelopment—would complement other efforts to enhance overall quality of life. As the mayor commented: “We’ve stopped development in our rural area. Now we’re concentrating on smart growth, development that helps our residents in places where it should be” (as quoted in Jenkins 2004). To educate the public about the fiscal benefits of preserving open space and to legitimize its policies, the administration illustrated the comparative benefits of preserving open space and down-zoning residential areas. For example, assuming full build out of 1,348 new homes, the administration concluded that the education costs (assuming two kids per household over twelve years) would exceed potential tax revenue by over $200 million (assuming an average home value of $150,000, and assessment of $2.90 per $100) over the same period. It is thus not hard to see why preventing further residential development was desirable on the part of existing residents.

The actions of the East Brunswick mayor made for a different political situation, particularly in regards to his relationship with the Lawrence Brook Watershed Partnership, a local environmental advocacy and educational group. As the organization did not provide the organizational or electoral base of the mayor’s rise to power and was not limited in its goals or scope to East Brunswick, the ensuing relationship between mayor and organization was much more acrimonious. Although acknowledging his political success, the partnership felt the mayor was more interested in helping out politically connected developers than actually preserving needed open space, and questioned his commitment to the environment, as they felt he was more concerned with providing recreational ball fields than protecting environmentally sensitive areas (Hommer 2005).

The use of fiscal arguments played a key role in changing local debate, giving slow-growth positions broad-based support. In Hopewell and Holmdel this was more the product of political happenstance—preservation was initially advocated by local environmental organizations operating largely unsuccessfully outside of the township government who were motivated primarily by environmental considerations, particularly the preservation of environmentally sensitive areas. It was only through a catalytic event that support for slow growth policies were able to gain political traction. These events broadened the appeal of slow growth policies by including fiscal concerns. In East Brunswick, the use of open space as a tool for enacting fiscal policy was immediate and deliberate. As an administration official said, “The environmental arguments for open space are OK, but it’s generally the fiscal arguments that make the case” (Eaker 2005).
collectives. In the case of Holmdel Township, this is demonstrated by the eventual election of the president of CILU to Holmdel mayor. However, it is perhaps the ability to organize and network among actors at local, regional, and state levels that advocacy groups have the greatest advantage, and proved crucial in garnering leverage for information as well as funding. A wide coalition of public and private actors at all levels of government has made this easier in New Jersey.8

Networking is facilitated by the fact that local activists often are actively engaged in, or associated with, a number of like-minded organizations. For example, Ted Stiles, the Friends of Hopewell Valley Open Space president, was involved with advocacy groups at the local (Hopewell Township Environmental Commission), county (Mercer County Open Space Board), regional (Delaware & Raritan Greenway) and state level (New Jersey Conservation Foundation). Such connections proved extremely important in developing an understanding of zoning, land-use law, local politics, and fundraising. For example, to preserve the Chase tract, CILU members officially formed “Friends of Holmdel Open Space,” a 527c organization which allowed them to undertake fundraising. To raise awareness and solicit support, information packets were sent out to about one hundred different land trust organizations throughout the state, including the Monmouth Conservation Foundation, of which several CILU members were trustees, the New Jersey Land Trust, and the New Jersey Conservation Foundation, seeking advice, referral, and dollars. By making the case that the Chase tract offered something for all, Friends of Holmdel Open Space was able to incorporate a much broader coalition of partners and negotiate for increased funding. A CILU member commented:

This was a perfect example of everything being done right. There was considerable public involvement. Various interests—private and public—worked well together as a team. Considerable technical and environmental research went toward building a strong case for preservation. The system was worked to perfection at various stages of the process—so that the Municipal Master Plan, local ordinances and land use policy, State Plan Cross Acceptance procedures and strengthened relationships with state and county politicians, planning, environmental and agricultural officials all worked toward the same goal. (Gollin 2001 PLS PROVIDE PG #)

► Whither Balanced Growth?

However, all three administrations have faced challenges since assuming power and have become vulnerable to attack. These challenges generally resulted from the changed political climate, as each administration has come under political fire for proposing new development. In both Hopewell and Holmdel, the new administrations have been criticized for proposing development to address their state mandated affordable housing obligation (as per the Council on Affordable Housing). In Holmdel, for example, the administration proposed a cluster zoning clause to the master plan, which would allow new development in the southwestern portion of the township. The proposed amendment was criticized as advocating a pro-growth stance. Opponents distributed postcards depicting row after row of housing, warning about a “Levittown in southern Holmdel.” The administration immediately changed the proposed zoning from designation from cluster zoning to conservation zoning. In Hopewell, the administration proposed a high-density, traditional neighborhood development in the portion of the township serviced by sewer. This was also criticized as being “pro-growth.” East Brunswick, which had pursued a mixed policy of encouraging certain ratable development while minimizing development deemed a “ratable loser,” has actually allowed more development than the other two townships. As such, the mayor has come under attack from both his political opponents for a proposed mixed-use development, but also from environmental groups, which distrust him on issues concerning environmental preservation.

However, pursuing a vigorous slow-growth policy can also elicit criticism. In Hopewell, the administration faced criticism in part because of their proposed rezoning of the Merrill Lynch site to residential. Once the proposed sewer extension was removed from the agenda (and with it the possibility of residential development), the public had no desire for a protracted and expensive court battle with Merrill Lynch over the rezoning of the proposed office park from office to residential (Stiles 2005). Thus, demand for a municipal slow-growth policy appears to have begun to erode once benefits were no longer immediately obvious, or once sacrifice was required. By 2004, resentment of the proposed development in southern portion of Hopewell combined with the public’s unwillingness to fight Merrill Lynch led to the electoral defeat of the coalition majority on the committee (Coryell 2004).

This brings into question the feasibility of introducing a balanced-growth agenda (somewhere between pro-growth and slow growth). The interaction of local agendas within a state policy framework can lead to selective policy adaptation and implementation. The case studies suggest that municipalities will chose those techniques which appeal to them (such as subsidized open-space preservation), while rejecting those that are perceived to present a burden (such as increasing density or accommodating residential development). This clearly has implications not only for regional and statewide equity concerns because of the exclusionary consequences of such action, but also brings into doubt the environmental benefit of advancing policies which subsidize acquisition while simultaneously allowing municipalities to engage in activities of dubious environmental quality (such as down-zoning).
Two differing interpretations emerge from these cases; first, advocacy for political change is undertaken by civic-minded local activists who educate and organize themselves, convince others of their cause, and permanently transform their community. It is in this sense the embodiment of local civic action, and some would argue the backbone of federalist democracy. Second, slow-growth policies are largely undertaken by communities in a position to take advantage of a favorable state policy environment as a response to a real or perceived development threat, resulting in increasing exclusivity and an exacerbation of spatial inequality. The introduction of the Planning Incentive Grants privileged those communities with the resources available to meet the requirements imposed by the grants. By taking advantage of state policy through organization and mobilization, municipalities and local actors often feel that they are simply playing by the rules to improve their community. In interviews I conducted with members of both Citizens for Informed Land Use and Friends of Hopewell Valley Open Space, all responded with pride that they had made a positive contribution to their community, and felt they had quite literally changed the town for the better.

This may be true, but focusing attention solely on benefits of local participation and mobilization avoids acknowledging that local policies occur in fragmented political landscape dominated by homeowners’ property interests and weak regional planning mandates that produce unjust consequences that often conflict with other social goals. Rarely are the regional consequences of local action discussed. Furthermore, growth pressure has led to an increased demand for state level intervention across the country, and numerous states have introduced open space and growth management legislation and subsidies (APA 2002; Wilson and Patterson 2002). This research has implications for the equity of state action, which favors those municipalities able to mobilize to take advantage of the policy, and for local planners, who often legitimize or enable local planning efforts, without effectively taking into account the consequences of the policies and actions they support.

This work also raises a number of issues regarding the development of local environmental policy, which were briefly mentioned but deserve much greater scrutiny. First, a closer examination of the social and political tension between new comers and old timers in formerly rural areas experiencing rapid growth for the first time (such as Hopewell) is warranted as it impinges on a larger discussion concerning who or what exactly constitutes a “community.” Second, the role of non-governmental groups in affecting local policy decisions is worth further examination. The new policy environment established through state funding, in particular the requirement mandating planning, has created an emerging market for consultants and other private actors who encourage municipalities to avail themselves of the available funding, and hire them to undertake the planning aspects.

Notes
1. There is, however, some disagreement on this. For example, Brody, Carrasco, and Highfield (2006) find that wealth is negatively correlated with support for “sprawl reduction policies.”
2. The Green Acres open space program was created in 1961 and is administered by the New Jersey Department of Environmental Protection. Green Acres provides funding for municipal and non-profit matching grants as well as state acquisitions. The Farmland Preservation program provides grants to counties, municipalities and non-profit groups to purchase development easements, and is administered through the State Agriculture Development Committee (SADC). In addition, SADC directly purchases farms and development easements from landowners and oversees the Transfer of Development Rights Bank.
3. The trust appropriates $98 million per year of sales tax revenue through 2009 (plus an additional authority to issue $1 billion additional worth of bonds) to acquire one million additional acres of open space. These funds are to be divided between historic preservation funds, farmland preservation, and Green Acres projects, and are available to non-profits. Between July 1999 and July 2006, 93,000 acres of farmland and 134,099 acres of open space have been preserved through the Garden State Preservation Trust.
4. All three towns meet the criteria of high socioeconomic status and growth pressure as outlined in the literature discussion. According to the 2000 census, median household income was $75,956 for East Brunswick, $112,879 for Holmdel, and $93,640, for Hopewell, all well above the New Jersey Median Household income of $53,146. Hopewell grew by 6.4 percent during the 1980s, and 39 percent during the 1990s. Holmdel grew somewhat more slowly at 36 percent during both the 1980s and 1990s. East Brunswick grew at 15.5 percent during the 1980s, but only 7.4 percent during the 1990s. This is probably because of the township having been largely built out. By contrast, New Jersey’s population grew at a rate of 5 percent in the 1980s and 8.9 percent in the 1990s.
5. Although the majority of Hopewell is unsewered, a portion of the southern part of the township is serviced through ELSA, because of an amendment in the township’s 1991 Wastewater Management Plan (Ewing Township lies immediately to the south of Hopewell). See figure 2.
6. In all, seventy-four parcels were identified, totaling 1,431 acres. The committee noted that if developed, 1,348 new housing units could be developed at full build-out conditions.
7. East Brunswick’s down-zoning was struck down by the New Jersey Appellate Court (Joseph Bailes et al. v. Township of East Brunswick 2005). The court found that the down-zoning was arbitrary and unreasonable, was not required to serve the stated goals of environmental protection, farmland preservation, and open space preservation, and would impose an inequitable burden on landowners. Additionally, the Court argued that down-zoning was not an effective method of preserving agriculture in an urban fringe area such as East Brunswick.
8. The overwhelming success of open space at the ballot box has put pressure on local municipalities to react, and they now seek expertise and knowledge to secure matching funds. This has created a burgeoning market for consultant organizations and non-profits. As an example, The Delaware Valley Regional Planning Commission (DVRPC) offers municipalities everything from technical advice, such as GIS services and build-out analyses, to assistance with Green Acres negotiations, fundraising, and grant writing.

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