

Pinelands bill rejected

Byrne kills plan to weaken preservation law

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TRENTON — Governor Byrne said yesterday he could not support a bill restructuring the Pinelands Protection Act, and Sen. Steven P. Perskie (D-Atlantic), the sponsor, accused the governor of a breach of faith.

Environmentalists have attacked the Perskie bill as an effort to weaken the Pinelands Commission and open up the 1,000-square-mile Protection Area, the outer ring of the preserve, to land developers.

The governor's office issued a pointedly terse and unequivocal statement late yesterday:

"Governor Byrne announced today he has informed Sen. Steven Perskie (D-Atlantic) he cannot support S-3335, which would amend the Pinelands Preservation Act."

That apparently left no room for support or endorsement of the Perskie bill by the governor in any form.

The statement was seen not only as a public victory for environmentalists, but as a signal to the 52 Pinelands municipalities there now is no excuse for delaying "conformance."

Conformance is the term the Pinelands Commission uses to describe the process by which towns amend zoning and building ordinances according to uniform land-development standards set down by the

commission.

The governor's statement climaxed a struggle within his circle of advisers, where his chief, Counsel, Daniel J. O'Hern, reportedly supported the Perskie amendments and Donald Linky, director of the Office of Policy and Planning, opposed them.

While a public hearing on the Perskie bill was in progress Tuesday, Byrne said he would withhold his support for it unless the commission endorsed it.

And Terrence D. Moore, executive director of the 15-member commission, said that day the bill was unac-

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ceptable to him. To change the law now would be unnecessary and confusing, said Moore.

The conformance project is to be completed by January, and 32 of the 52 towns already are at work on it, he said. Two municipalities are to be certified by the commission as in compliance this month.

Some environmentalists have charged that developers were encouraging the municipalities to delay conformance while the Perskie bill was pending in the Legislature.

Among other flaws in the bill, said Moore, was a provision that would require a two-thirds vote (10 members) to uphold a commission denial of a project application. Only a simple majority is necessary now.

"Perskie has said his bill would give the state the last word," said Moore. "I think we would interpret that as the last whisper."

Perskie, a Byrne loyalist on many issues in the past and one of the original sponsors of the Pinelands Protection Act, issued an unusually sharp retort phoned by aides to reporters. Perskie said he first raised his proposals with the governor in December.

Byrne invited him to submit specific proposals to correct problems he saw, said Perskie, who has complained local government too often is without a voice in Pinelands development.

"Since that time, my office has been engaged in an intensive effort to resolve these problems, enlisting at various times the support of many other offices, including those of Congressman (William J.) Hughes (D-Atlantic-Cape May)," said Perskie.

"Throughout this period, we have been repeatedly assured by the governor's office these efforts were undertaken in good faith, and that reasonable suggestions would, in fact, be entertained and accepted.

"The bill that was introduced this month meets this standard, and in fact has been regarded as an acceptable and affirmative suggestion by the governor's office.

"The governor has advised me that, in spite of the merit of this bill, he feels that he cannot approve it because of the adverse reaction to the proposal from many whom he labels 'his constituency.'

"I consider this position to be a substantial breach of faith, and a deep, personal and political disappointment," the statement said.

Perskie said earlier this week the Pinelands plan was "not working and cannot work." To the contrary, Moore said, the plan was finding acceptance in the region, and to change it now probably would require review and concurrence by U.S. Interior Secretary James Watt, a step that would be anathema to many conservationists.

The commission has developed a plan of transfer development rights that would permit landowners where development is limited or barred to sell the rights elsewhere in the Pinelands.

Under one Perskie proposal, these credits could be transferred to any part of the state. Conservationists said that change would bring confusion to an already difficult concept and wreak chaos.

While some of the infighting went on, Byrne was off to Moscow and other points on a trade mission.

Environmentalists, perhaps more concerned than they normally would have been with Byrne, their Pinelands champion, out of the country, mounted a strong counterattack, lobbying and buttonholing legislators and reporters. It was clear before the Senate committee hearing on Tuesday the bill was in deep trouble.

Office file