

**civil engineer**

# Strategies in the development process must be flexible with each unique and particular situation

**By Richard Kenderian, PE, PP**

With the antidevelopment sentiments on the rise due to several years of growth, widespread construction and added traffic, the approach to the entitlement or approval process can sometimes be akin to knowing when to double down or hold your bets during a high stakes Black Jack game. The variations to those approaches multiply if the proposed use is not "as of right" as a Permitted Use. As in all business, and sometimes life in general, the higher the risk the greater the potential gains.



Like in a high stakes Black Jack game, a sound and proven strategy will provide the best chances for success. Strategies in the development process must be flexible to be altered with each unique and particular situation. For instance, in a Permitted Use scenario, the developer and his team would in all likelihood want to take an approach which would be swift, gain substantial momentum and inertia to move through the process in as rapid a manner as possible in order to avoid potential obstacles which may arise from an awakening public or governmental body. A Permitted Use in a particular zone often goes unnoticed until such a time that that use is brought to the attention of others by an application for the use itself. In the cases

where a Permitted Use is desirable through the eyes of the public or public officials, the developer has some latitude to negotiate variances to the local regulations for additional benefits to his project. However, in a case where a Permitted Use such as a high traffic generator in an already congested area is filed, the most intelligent strategy is to design the project in compliance with all regulations to avoid the ability of objectors or government officials wishing to slow down or defeat the project, from gaining a foothold in being able to do so.

Then, there are those projects which are smart and practical from a governing body's point of view, as it either clears a blighted area or provides badly needed ratables without taxing the city infrastruc-

ture, but one which does not receive popularity with the general public. In these instances, it is important to understand that the general public has little knowledge of the workings of government, taxation and monetary demands necessary in keeping a city running. In these cases it is essential that the developer work closely with the governing body in order to develop an intelligent public relations campaign which will enlighten the general public, make the public feel a part of the process instead of a helpless spectator and make the governing body appear heroic. In these instances, the developer would benefit from an added budget in displays; computer animation technologies, electronic presentations as well as sit

down meetings with the governing body and selected members of the general public.

In all instances, it is extremely important to understand human nature and the sociology of how people react in a group as opposed to on an individual basis. For instance, an individual will act in a completely different manner in a one-on-one presentation than if that person is being lectured to within a large group of his neighbors. In those instances, the developer and his team (often portrayed as evil, greedy land rapers by the media) are the bad guys, and the public will take on a mob mentality. It is important to diffuse the situation (the mob) by inviting the group to participate in the project's design and development. This may sound ridiculous but can be accomplished by asking that the group solicit a four or five member committee sometimes called a "site plan review committee," to represent the whole group (or mob). In this manner, the surrounding neighborhood is represented by a group selected by them, which small enough so that a one to one (more or less) dialogue can be achieved.

During planning meetings with neighbors' representatives all concerns should be intently listened to and noted. Whether the developer can accommodate this committee or not on any given point should not be committed to one way or another at the meeting it is raised. A short time period (one to two weeks) should pass and the developer's team should arrive at appropriate solutions to address neighbors' concerns or arrive at a method to graciously decline requests by neighbors, indicating that a sincere attempt was made to accommodate them, but was impractical or not feasible for specific reasons. In every case, the negotiator on the developer's team must be sincere and forthright. He must remember that the committee chosen by the neighbors was in all likelihood chosen because of their intelligence or leadership abilities.

In conclusion when dealing with public bodies and their constituents, it is extremely important to remember one common factor, you are dealing with human beings whom exhibit traits of human nature. It is important to put yourself into the position and philosophy of those people on the opposite side of the fence. In this manner, the formula lies within resolving the problem from their side of the equation, and control is kept on the developer side.

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