



State of New Jersey

DEPARTMENT OF STATE
BUSINESS ACTION CENTER
OFFICE OF PLANNING ADVOCACY
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TRENTON, NJ 08625-0820

PHILIP D. MURPHY
Governor

TAHESHA WAY
Secretary of State

SHEILA Y. OLIVER
LT. GOVERNOR

DONNA A. RENDEIRO
Executive Director

MEMORANDUM TO: Plan Implementation Committee
FROM: Donna Rendeiro
RE: Center Extension Recommendation
DATE: May 13, 2022

With the execution of Executive Order No. 292 (2022) ("EO 292"), Governor Murphy revoked the Public Health Emergency but maintained the State of Emergency. The State Planning Commission Centers were included in the previous executive order that extended the Center designations until the Public Health Emergency was revoked; however, EO 292 indicates that all extensions remain as long as the State of Emergency remains in effect.

EO 292 further allows the rule-making body to modify the extensions, EO 292, paragraph 6, and toward that end, the following staff proposal is put forward for approval.

There are 89 out of the total 94 municipalities whose Centers and/or Plan Endorsement remain extended. Five of the original 94 municipalities have been endorsed through the Plan Endorsement Process (Millstone, Vernon, Allentown, Upper Township, and Galloway).

The 89 Centers that remain breakdown as follows (see below for the list of municipalities):

- 22 municipalities have sent written confirmation that they do not intend to pursue endorsement and/or center designation
• 11 have not responded to several requests regarding their intention to pursue endorsement
• 11 have indicated they wish to pursue but there has been no meaningful attempt to pursue endorsement
• 45 are in some stage of the process and are meaningfully engaged in pursuing endorsement

RECOMMENDATION

It is recommended that the State Planning Commission take the following actions:

- Terminate the status of the 22 municipalities that have sent written confirmation that they do not intend to pursue endorsement and/or center designation, via resolution at the next Commission meeting. Include

those additional municipalities that indicate the same intention via written confirmation received up to the date of the action.

- Declare a Center endorsement deadline of March 31, 2023, for the remaining 67 municipalities via resolution at the next Commission meeting.

#### ACTION PLAN

- The Office of Planning Advocacy will send to all 89 municipalities a letter via certified mail providing notice of the proposed action and include a call to action to respond if their intention is different than what we indicate as their status. Three draft letters are proposed, based on the status of the municipality (see attached drafts).
  - Written confirmation of the intent to abandon the process
  - Lack of meaningful action
  - Currently working in good faith
- Present to the Commission for approval a resolution that:
  - Terminates those that do not intend to pursue endorsement
  - Declares the termination date of March 31, 2023, for the remaining municipalities
  - Authorizes publication of the Notice of Rule Modification in the New Jersey Register

#### HISTORY/RELEVANT FACTS

- The relevant Centers were extended via various permit extension acts and then through Executive Order No. 103 (2020) (“EO 103”) declaring the Public Health Emergency and the State of Emergency due to the COVID-19 pandemic on March 9, 2020 (note that the Public Health Emergency and the State of Emergency are two different declarations).
- On March 4, 2022, Governor Murphy signed EO 292 which terminated the Public Health Emergency but maintained the State of Emergency and maintained the extensions. However, paragraph 6 of EO 292 authorizes revocation or modification of those extensions:
  - “All actions taken by any Executive Branch departments and agencies in whole or in part to respond to the Public Health Emergency presented by the COVID-19 outbreak, and extended pursuant to Executive Order No. 281 (2022) and attached in the Appendix thereto, including but not limited to any Administrative Orders, Directives, and Waivers, remain in full force and effect pursuant to the Disaster Control Act, N.J.S.A. App. A:9-33 et seq, until revoked or modified by the department or agency head, or until the State of Emergency is no longer in effect, whichever is sooner, except that any Administrative Order, Directive, or Waiver extended pursuant to Executive Order No. 281 (2022) that was revoked after the effective date of Executive Order No. 281 shall not remain in full force and effect.” (emphasis added).
- The status of expiring Centers has been communicated to the affected municipalities on numerous occasions via letters from the Executive Director as well as interactions between the planners and the municipalities. There are 11 municipalities that have not responded to numerous requests.

- After review and consultation, the Executive Director recommends that this action be completed via resolution. This recommendation is based on the fact that the original modification to N.J.A.C. 5:85-7.21(g) was done via resolution (2020-07), under the authority granted by Executive Order 103.
- While there was the consideration of beginning the formal rulemaking process, the Executive Director does not recommend this course of action because:
  - The actions via resolution would only be negated if the State of Emergency is revoked. If that happens, the expirations would revert to the existing rule, which has an expiration of June 30, 2020.
  - It is unlikely that the State of Emergency will be revoked before March 31, 2023; but if it is revoked, the result would be as follows:
    - For the municipalities that would have immediately terminated centers based on this recommendation, there is no difference in the result;
    - For the remaining municipalities with a recommended deadline of March 31, 2023, Centers will be terminated as of the date of the revocation of the State of Emergency. This risk is minimal as the deadline is less than 10 months away.
  - A rule-changing process could take an extended period and would likely become effective very close to the proposed deadline.

**LETTER FOR MUNICIPALITIES THAT WE HAVE RECEIVED WRITTEN NOTIFICATION....**

As you are aware, your State Planning Commission Endorsement and/or your State Planning Commission Center designations have been extended over the past several years due to various permit extension legislation and more recently, the COVID Public Health Emergency and the State of Emergency.

The Office of Planning Advocacy is in receipt of your letter dated \_\_\_\_\_ indicating that \_\_\_\_\_ does not intend to pursue further Endorsement and/or Center designation.

Pursuant to Governor Murphy’s Executive Order 292, paragraph 6, and in consideration of your written confirmation that \_\_\_\_\_ no longer wishes to maintain its Endorsement and/or Center, the Office of Planning Advocacy is anticipating recommending to the State Planning Commission that your Endorsement and/or Center designation be terminated as of \_\_\_\_\_.

Specifically, paragraph 6 of Executive Order 292 states:

“All actions taken by any Executive Branch departments and agencies in whole or in part to respond to the Public Health Emergency presented by the COVID-19 outbreak, and extended pursuant to Executive Order No. 281 (2022) and attached in the Appendix thereto, including but not limited to any Administrative Orders, Directives, and Waivers, remain in full force and effect pursuant to the Disaster Control Act, N.J.S.A. App. A:9-33 et seq, until revoked or modified by the department or agency head, or until the State of Emergency is no longer in effect, whichever is sooner, except that any Administrative Order, Directive, or Waiver extended pursuant to Executive Order No. 281 (2022) that was revoked after the effective date of Executive Order No. 281 shall not remain in full force and effect.”

Please keep in mind that if you change your mind now, or in the future, we stand ready to assist you with your land use planning activities. If you have any questions regarding this information, or other related matters, please do not hesitate to reach out to your Area Planner \_\_\_\_\_ at \_\_\_\_\_ or me at \_\_\_\_\_.

**LETTER FOR EXPIRATION DEADLINE FOR MUNICIPALITIES WITH NO CONTACT**

As you are aware, your State Planning Commission Endorsement and/or your State Planning Commission Center designations have been extended over the past several years due to various permit extension legislation and more recently, the COVID Public Health Emergency and the State of Emergency.

The Office of Planning Advocacy has not received information from you regarding your intention to pursue Plan Endorsement and Center designation.

Pursuant to Governor Murphy’s Executive Order 292, paragraph 6, the Office of Planning Advocacy is anticipating recommending to the State Planning Commission that Endorsement and/or Center designations expire on March 31, 2023.

Specifically, paragraph 6 of Executive Order 292 states:

“All actions taken by any Executive Branch departments and agencies in whole or in part to respond to the Public Health Emergency presented by the COVID-19 outbreak, and extended pursuant to Executive Order No. 281 (2022) and attached in the Appendix thereto, including but not limited to any Administrative Orders, Directives, and Waivers, remain in full force and effect pursuant to the Disaster Control Act, N.J.S.A. App. A:9-33 et seq, until revoked or modified by the department or agency head, or until the State of Emergency is no longer in effect, whichever is sooner, except that any Administrative Order, Directive, or Waiver extended pursuant to Executive Order No. 281 (2022) that was revoked after the effective date of Executive Order No. 281 shall not remain in full force and effect.”

Even though we cannot guarantee you will be able to achieve endorsement by the deadline, please keep in mind that we will work diligently to get you through the process promptly if you choose to pursue endorsement. We need to hear from you by \_\_\_\_\_. Keep in mind that this deadline also requires a like commitment on your part. While we know that this process takes some time, this deadline may be achievable if we work together toward successful completion.

If you have any questions regarding this information, or other related matters, please do not hesitate to reach out to your Area Planner \_\_\_\_\_ at \_\_\_\_\_ or me at \_\_\_\_\_.

## LETTER FOR GENERAL EXPIRATION DEADLINE

As you are aware, your State Planning Commission Endorsement and/or your State Planning Commission Center designations have been extended over the past several years due to various permit extension legislation and more recently, the COVID Public Health Emergency and the State of Emergency.

The Office of Planning Advocacy has been working with you during this time to advance your interest in good land-use practices in these challenging times. We appreciate your commitment to this effort.

Pursuant to Governor Murphy's Executive Order 292, paragraph 6, the Office of Planning Advocacy is anticipating recommending to the State Planning Commission that all Endorsement and/or Center designations expire on March 31, 2023.

Specifically, paragraph 6 of Executive Order 292 states:

"All actions taken by any Executive Branch departments and agencies in whole or in part to respond to the Public Health Emergency presented by the COVID-19 outbreak, and extended pursuant to Executive Order No. 281 (2022) and attached in the Appendix thereto, including but not limited to any Administrative Orders, Directives, and Waivers, remain in full force and effect pursuant to the Disaster Control Act, N.J.S.A. App. A:9-33 et seq, until revoked or modified by the department or agency head, or until the State of Emergency is no longer in effect, whichever is sooner, except that any Administrative Order, Directive, or Waiver extended pursuant to Executive Order No. 281 (2022) that was revoked after the effective date of Executive Order No. 281 shall not remain in full force and effect."

Please keep in mind that we will work diligently to get you through the process before the deadline. This deadline also requires a like commitment on your part. While we know that this process takes some time, this deadline is achievable if we work together toward successful completion.

If you have any questions regarding this information, or other related matters, please do not hesitate to reach out to your Area Planner \_\_\_\_\_ at \_\_\_\_\_ or me at \_\_\_\_\_.

STATE PLANNING COMMISSION  
RESOLUTION #2022-05, EXHIBIT A  
(SUBJECT TO CHANGE)

MUNICIPALITIES WITH CENTERS THAT WILL EXPIRE ON JULY 1, 2022

- Township of Southampton (Burlington County)
- City of Bridgeton (Cumberland County)
- Township of Lawrence (Cumberland County)
- Borough of Hightstown (Mercer County)
- Township of Robbinsville (Mercer County)
- Township of Cranbury (Middlesex County)
- Township of East Brunswick (Middlesex County)
- Borough of Metuchen (Middlesex County)
- Borough of Lincoln Park (Morris County)
- Borough of Mendham (Morris County)
- Township of Eagleswood (Ocean County)
- Borough of Totowa (Passaic County)
- Borough of Elmer (Salem County)
- Borough of Far Hills (Somerset County)
- Borough of South Bound Brook (Somerset County)
- Borough of Hopatcong (Sussex County)
- Township of Sandyston (Sussex County)
- Borough of Andover (Sussex County)
- Borough of Branchville (Sussex County)
- Township of Montague (Sussex County)
- Township of Washington (Warren County)
- Borough of Washington (Warren County)

STATE PLANNING COMMISSION  
RESOLUTION #2022-05, EXHIBIT B  
PAGE 1 OF 2  
(SUBJECT TO CHANGE)

MUNICIPALITIES WITH CENTERS THAT WILL EXPIRE ON MARCH 31, 2023

- Borough of Ridgefield (Bergen County)
  
- Beverly (Burlington County)
- Burlington City (Burlington County)
- Burlington Township (Burlington County)
- Cinnaminson (Burlington County)
- Chesterfield (Burlington County)
- Delanco (Burlington County)
- Delran (Burlington County)
- Edgewater Park (Burlington County)
- Florence (Burlington County)
- Palmyra (Burlington County)
- Riverside (Burlington County)
- Riverton (Burlington County)
- Willingboro (Burlington County)
  
- Avalon (Cape May County)
- Cape May Point (Cape May County)
- North Wildwood (Cape May County)
- Ocean City (Cape May County)
- Stone Harbor (Cape May County)
- West Wildwood (Cape May County)
- Wildwood City (Cape May County)
- Wildwood Crest (Cape May County)
  
- Gloucester City (Camden County)
  
- Commercial Township (Cumberland County)
- Maurice River (Cumberland County)
- Millville (Cumberland County)
- Vineland (Cumberland County)
  
- Flemington (Hunterdon County)
  
- Borough of Hopewell (Mercer County)
- Princeton (Mercer County)
  
- Borough of Milltown (Middlesex County)
- Township of South Brunswick (Middlesex County)



STATE PLANNING COMMISSION  
RESOLUTION #2022-05, EXHIBIT B

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(SUBJECT TO CHANGE)

- Asbury Park (Monmouth County)
- Atlantic Highlands (Monmouth County)
- Borough of Englishtown (Monmouth County)
- Freehold Borough (Monmouth County)
- Borough of Manasquan (Monmouth County)
- Township of Neptune (Monmouth County)
- Red Bank (Monmouth County)
  
- Dover (Morris County)
- Morristown (Morris County)
- Borough of Mount Arlington (Morris County)
- Netcong (Morris County)
  
- Brick (Ocean County)
- Little Egg Harbor (Ocean County)
- Ocean Township (Ocean County)
- Plumsted (Ocean County)
- Seaside Heights (Ocean County)
- Stafford (Ocean County)
- Tuckerton (Ocean County)
  
- Bloomingdale (Passaic County)
- Borough of Haledon (Passaic County)
- Borough of Wanaque (Passaic County)
  
- Salem City (Salem County)
- Woodstown (Salem County)
  
- Bedminster (Somerset County)
- Bernardsville (Somerset County)
- Bound Brook (Somerset County)
- Township of Franklin (Somerset County)
- Manville (Somerset County)
- North Plainfield (Somerset County)
- Rocky Hill (Somerset County)
- Warren Township (Somerset County)
- Borough of Watchung (Somerset County)
  
- Sparta (Sussex County)
- Borough of Stanhope (Sussex County)
  
- Township of Hope (Warren County)