



State of New Jersey

DEPARTMENT OF STATE
NEW JERSEY STATE PLANNING COMMISSION
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Resolution No. 2013-02
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Date: January 16, 2013

R E S O L U T I O N

**AUTHORIZING A MEMORANDUM OF UNDERSTANDING AND ACTION PLAN
BETWEEN THE BOROUGH OF MILLSTONE, SOMERSET COUNTY
AND THE STATE PLANNING COMMISSION
AND ESTABLISHING AN INTERIM VILLAGE CENTER**

WHEREAS, pursuant to the State Planning Act, N.J.S.A. 52:18A-196 et seq. (the Act), the State Planning Commission (the Commission) has prepared and adopted a State Development and Redevelopment Plan (the State Plan) which includes a State Plan Policy Map; and

WHEREAS, in adopting the State Plan, the Commission has utilized the concept of centers as the organizing planning principle for achieving a more effective and efficient pattern of development in the State of New Jersey; and

WHEREAS, the State Plan identifies five types of centers: Urban Centers, Regional Centers, Towns, Villages, and Hamlets, and sets forth policies regarding the identification, delineation, development and redevelopment of same; and

WHEREAS, the Commission is empowered, pursuant to N.J.S.A. 52:18A-203, to adopt rules and regulations to carry out and implement its statutory responsibilities and purposes; and

WHEREAS, pursuant to its authority under N.J.S.A. 52:18A-203, the Commission has adopted regulations, set forth in N.J.A.C. 5:85, that establish procedures for filing of petitions with the Commission for the purpose of, *inter alia*, seeking plan endorsement and amendments to the State Plan Policy Map of the State Plan as a means to implement the State Plan and to foster cooperation and coordination of planning activities between State agencies and county and local governments; and

WHEREAS, in October 2006, the Commission passed resolution 2006-04 extending deadlines for initial plan endorsement for petitioners interested in continuing to work towards Plan Endorsement conditioned upon entering into a Memorandum of Understanding (MOU) and Action Plan with the Office of Smart Growth for so long as petitioner exerts good faith efforts to work toward Plan Endorsement as determined by the Executive Director of the Office of Smart Growth; and

WHEREAS, in June 2008, the Commission passed resolution 2008-07 further extending plan endorsement deadlines for petitioners proceeding with plan endorsement as authorized pursuant to resolution 2006-04; and

WHEREAS, the Borough of Millstone (Millstone), Somerset County contacted the Office of Smart Growth (OSG) now known as the Office for Planning Advocacy (OPA) to seek Plan Endorsement and establish a Village Center; and

WHEREAS, Millstone has consistently exerted good faith efforts to pursue plan endorsement, as evidenced by the following:

- September 18, 2005 – Millstone attended a pre-petition meeting with the OSG and representatives of relevant State Agencies, expressing interest in pursuing Plan Endorsement, with the intention of establishing a Village Center boundary.
- April 21, 2008 – Millstone appointed Plan Endorsement Advisory Committees by resolution
- May 11, 2009 – Millstone submitted Municipal Self-Assessment Reports
- July 17, 2009 – OPA submitted Opportunity and Constraint Reports to Millstone
- November 15, 2011 – OPA completed their consistency reviews for and provided them with an Action Plan that addresses outstanding requirements needed to complete prior to receiving Plan Endorsement
- December 12, 2012 – OPA provided a revised Action Plan that addresses outstanding requirements to complete Plan Endorsement

WHEREAS, the Director has determined that petitioner, Millstone, continues to work in good faith toward plan endorsement and recommends the Commission authorize a map change to designate an interim center for Millstone as it continues to exert good faith efforts toward plan endorsement; and

WHEREAS, it is the Commission's intention to allow for designation of interim centers for municipalities working in good faith to obtain plan endorsement, as determined by the Commission; and

WHEREAS, an interim Village Center boundary has been negotiated and agreed upon between the relevant State agencies and petitioner; and

WHEREAS, the negotiated interim Village Center boundary for Millstone as shown in Exhibit A attached hereto:

- is consistent with the intention of resolutions 2006-04 and 2008-07
- has been evaluated by OPA and deemed consistent with the State Development and Redevelopment Plan.

NOW THEREFORE BE IT RESOLVED, that the Commission hereby agrees to authorize a map change to reflect the negotiated interim Village Center boundary in Millstone for so long as petitioner continues to exert good faith efforts to pursue Plan Endorsement as determined by the Commission.

BE IT FURTHER RESOLVED, that the members of the Commission and the Executive Director and staff of the OPA are hereby authorized and directed to execute such documents and to take such other actions as may be necessary or appropriate for the implementation of this resolution.

MEMORANDUM OF UNDERSTANDING
BETWEEN
STATE PLANNING COMMISSION
AND
THE BOROUGH OF MILLSTONE, SOMERSET COUNTY

This Memorandum of Understanding (MOU), dated _____, 2013 is hereby entered into by and between the New Jersey State Planning Commission (the “Commission”) and the Borough of Millstone, Somerset (the “Petitioner”) to set forth terms for achieving consistency with the State Development and Redevelopment Plan (the “State Plan”) and qualifying for plan endorsement.

WHEREAS, the Petitioner has, pursuant to N.J.A.C. 5:85-7, submitted a petition for Plan Endorsement to the Office for Planning Advocacy, successor to the Office of Smart Growth, (referred to herein as the “Office” or “OPA”); and

WHEREAS, the Commission evaluates petitions on the basis of the consistency of plans with the goals, policies and strategies of the State Plan, and is authorized to enter into an agreement in the form of a Memorandum of Understanding (MOU) that includes the attached Action Plan (which is incorporated by reference) so that a petitioner’s plan may be found to achieve consistency with the State Plan and Plan Endorsement by the Commission; and

WHEREAS, the Petitioner wishes to establish an interim center pursuant to N.J.A.C. 5:85-7.15(c) as it works through the attached Action Plan to achieve Plan Endorsement; and

WHEREAS, the Petitioner and the Commission wish to enter into an MOU that specifically sets forth requirements for Petitioner and actions by State agencies and attached Action Plan, to achieve State Plan consistency, including establishing the boundaries of an interim Village Center; and

WHEREAS, entering into this MOU is strictly voluntary.

Accordingly, in recognition of the forgoing the parties hereby agree as follows:

1. OPA and relevant State agencies have reviewed the petition and supporting documentation to evaluate that information and determine any actions necessary for the Petitioner to take in order to be found consistent with the goals and policies of the State Plan.

2. OPA has prepared a negotiated Action Plan, attached hereto and marked as **EXHIBIT A**, which sets forth the actions for State agencies and Petitioner to take in order to achieve Plan Endorsement, including the timeframe(s) for completion of those requirements and the steps to be taken by relevant State agencies to review and support the Petitioner’s petition for Plan Endorsement.
3. OPA, relevant State agencies and the Petitioner have negotiated the boundaries of an interim Village Center, attached hereto as **EXHIBIT B**, to be designated by the Commission upon issuance of a Certificate of Eligibility within 10 days of receipt of a fully executed MOU and Action Plan.
4. The interim center shall remain designated for two years from the date of receipt of a Certificate of Eligibility indicating that the revised interim center boundary is approved by the Commission, and provided that the Petitioner continues making progress in following the attached Action Plan.
5. All deadlines contained in the attached Action Plan were reached through voluntary agreement between the petitioner and the SPC and may only be amended for good cause shown at the discretion of the Director of OPA.
6. In the event the Petitioner fails to meet the timelines agreed to in the attached Action Plan, the Petitioner’s Plan Endorsement petition will be evaluated based on the current State Plan as of the date of the default.
7. In the event that the failure to meet the timelines agreed to in the Action Plan is the result of the failure of a State agency to take a necessary action or complete a review of the Petitioner’s submitted documents within the time specified by the Action Plan, the Petitioner will be granted a reasonable extension of the deadline by the Director of OPA contained in the Action Plan impacted by said failure.

The terms of this MOU and the attachments hereto are hereby agreed to between the Commission and the Petitioner.

 Petitioner (*name, title*) _____
Attest

Date:

 State Planning Commission _____
Attest

Date:

MILLSTONE DRAFT ACTION PLAN						
	12/10/2012					
NOTE: Each Action Item and Deliverable shall fully resolve the corresponding Consistency Issue and related Items.						
Item No.	Subject	Consistency Issue	Action Item	Deliverable	Municipal Deadline	State Deadline
A2	Memorandum of Understanding (MOU)	Millstone Borough needs to sign the MOU	Millstone Borough will complete the items on their Action Plan that acknowledges their intent to complete the Action Plan	Signed MOU	To be signed and returned w/in six weeks after the SPC approves the Action Plan	
A3	Population figures	While Millstone provided projections with a 20 year horizon, these numbers should be confirmed by the County's population estimated for the County Wastewater Quality Management Plan.	Working with the Somerset County Planning staff, prepare population figures that account for planned development, redevelopment and preservation	Population Projections	Prior to endorsement	
B3	Utilities	Wastewater Treatment and Associated Zoning Amendments	Millstone should continue to work with Somerset County to ensure that it is properly represented in the proposed Somerset County Wastewater Management Plan. Millstone shall continue to provide sufficient and appropriate data (zoning, treatment plant data, projections etc.) to Somerset County to assist in development of the Somerset County Wastewater Management Plan.	Chapter in Somerset County Wastewater Quality Management Plan	Within 1 year after signing MOU	Within 45 days of submission
B4	WQMP	Septic Management Plan	Pursuant to the adoption of the new Water Quality Management Planning (WQMP) rules at N.J.A.C. 7:15-5.25(e)3, Wastewater Management Planning (WMP) agencies are required to implement a Septic Management Plan (SMP) for areas within their jurisdictions that are served by individual subsurface sewage disposal systems (ISSDSs), a Septic Management Plan will need to be developed.	DEP - Office of Planning and Sustainable Communities	Prior to endorsement	
D1	Plan Implementation Agreement (PIA)	Finalize DRAFT PIA	Millstone Borough will review and revise PIA that will be reviewed by OPA and state agencies	Revised Draft PIA	Prior to endorsement	Within 45 days of submission

Millstone Endorsement

