



State of New Jersey
DEPARTMENT OF STATE
NEW JERSEY STATE PLANNING COMMISSION
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PHILIP D. MURPHY
Governor

THOMAS K. WRIGHT
Chairman

SHEILA Y. OLIVER
LT. GOVERNOR

DONNA A. RENDEIRO
Executive Director/Secretary

**New Jersey State Planning Commission
Plan Implementation Committee
Minutes of the Meeting Held on August 18, 2021
Zoom Video Conference**

CALL TO ORDER

Chairwoman Robinson called the August 18, 2021 meeting of the New Jersey Plan Implementation Committee (PIC) order at 9:33 a.m.

OPEN PUBLIC MEETINGS ACT

It was announced that notice of the date, time and place of the meeting has been given in accordance with the Open Public Meetings Act.

ROLL CALL

Members Present

County Commissioner Director Shanel Robinson, Chair, County Member Danielle Esser, Director of Governance, NJ Economic Development Authority Nick Angarone, Designee for Shawn LaTourette, Department of Environmental Protection Sean Thompson, Designee for Lt. Governor Sheila Oliver, Department of State Susan Weber, Designee for Diane Gutierrez-Scaccetti, Department of Transportation

Others Present through Video conference

See Attachment A

PLEDGE OF ALLEGIANCE

Chairwoman Robinson asked everyone to recite the Pledge of Allegiance.

APPROVAL OF MINUTES

Chairwoman Robinson asked for a motion to approve the Minutes of the July 21, 2021 meeting. Danielle Esser made the motion; seconded by Sean Thompson. The July 21, 2021 minutes were approved.

CHAIRWOMAN'S COMMENTS

Chairwoman Robinson commented that, as part of today's agenda, we will go over the rules at a high level for final changes. She thanked everyone for their responses, comments, and feedback. Having the updated rules of engagement in will be beneficial to the municipalities and those who are seeking endorsement.

EXECUTIVE DIRECTOR'S REPORT

Director Rendeiro announced that full Commission has a new member. His name is Stephen Santola who is the General Counsel and the Executive Vice President of Woodmont Properties. He has been nominated by the Governor and confirmed by the Senate as a public member and will be joining the Commission next month.

Director Rendeiro commented that the office is not officially back to the office yet. it is anticipated that a full, 5 day a week schedule may be in place after the Labor Day holiday weekend.

Director Rendeiro commented that on agenda there are two major efforts. First, Matt Blake will present the final proposal for the rule language update. Since this presentation was previously given via a page-by-page presentation, a summary memo including all the overall changes will be presented. A final document that was distributed prior to this meeting provides the detailed language for your reference. The Director does not anticipate that there will be a need to go over every single item, that Matt will go over the specific changes that were previously discussed. The Director noted that there were comments received from Commissioner Esser which will be discussed throughout the meeting.

The second item is new business, the proposal for the PSE&G map amendment and that there is still about two weeks left of the public comment period which will closed before the next SPC meeting. The office received one public comment and a comment from Fish and Wildlife. Meghan Wren will explain why OPA believes that the map amendment is appropriate for approval.

OLD BUSINESS

Final Proposal on Rule Language

Director Rendeiro commented that once the final language is approved by the PIC, it will be presented to the SPC for approval and the schedule will be updated to go out for public comment as part of the rule process. The Director referred the presentation to Matt Blake.

These materials can be found in the following links:

[08/18/21 State Planning Rules Materials \(nj.gov\)](#)

[08/18/21 State Planning Rules Track Materials \(nj.gov\)](#)

[08/18/21 State Planning Rule Outline Materials \(nj.gov\)](#)

Mr. Blake summarized the changes in the document.

Matt Blake commented on a still open item with reference to 5.85-7.21 - Period of Endorsement. Currently, if a municipality does not go through the process to renew their endorsement, it dies a natural death. SPC takes no action, and it just expires. Based on discussions, a proposal is for OPA to place notice in the Register upon the expiration. The Executive Director has inquired with DAG as to whether official action should be taken by the SPC. Additionally, OPA was asked if Register notice should follow revocation by SPC. These items are still open but will be determined prior to SPC presentation of these rules.

Related to the renewal process, Commissioner Esser suggested to be more specific on the language, rather than discretionary terms, regarding what is requested. The Director agreed to look into it and also commented that every circumstance can't be treated exactly the same, so some discretion is necessary.

Sean Thompson agreed with Commissioner Esser. He commented that there are various discussions involving the SPC and DAG and that ultimately with OAL and that the lack of clarity is going to result in making modifications or to have to respond to any concerns that the OAL may have.

Nick Angarone commented on section 7.22(d) - He asked if there is sufficient enough time for the municipalities to do the things that are outstanding in the nine-year mark and for the ED to make a determination that they can move forward with their renewal. The Director responded that it would depend on what is outstanding. The eight year begins the review process. A notice will be sent out at the eight-year mark, if there are any outstanding issues is when conversations will begin and will give them one year to decide if they want or not to proceed.

Danielle Esser agreed with the eight-year mark. Also suggested to keep a written communication with communities on their biennial report to document any lack of process. Director Rendeiro agreed to add in section 7.22(b) reference that OPA will report status concerns regarding completion of PIA towards eligibility for PE renewal.

Nick Angarone asked in reference to section 7.23(d), what happens if a town does not submit a letter within the time period referenced.

Commissioner Esser asked how they could not be eligible if everyone should be eligible for renewal. The Director responded that if they don't complete their PIA items and or they have no intentions on completing the items, they would not be eligible for renewal, but will be eligible for the full endorsement process.

Sean Thompson asked if the Director is prohibiting someone from petitioning. The Director responded no; the difference is renewal versus starting from scratch. This is the renewal process where if they have done what they are supposed to be doing for the past ten years, good planning can be recognized, and an abbreviated process can be approved. It's an expedited way toward endorsement with evidence of a good planning. A municipality is eligible for renewal when everything that is required is being done including continuing to practice good land use policies that are comply with the State Plan.

After discussion, Commissioner Esser, Sean Thompson and Nick Angarone agree that the Executive Director can determine eligibility of the renewal process, in consultation with the PIC and notice to the SPC. SPC action will only be required upon recommendation of renewal, and not determination of eligibility.

Nick Angarone asked if an answer was received from the DAG in reference to the petitioner is required to pay for costs associated with having a municipality conduct the hearing. The Director responded that the initial response from the DAG was that it is permissible, but that it will be reconfirmed with the DAG.

Commissioner Esser inquired whether a municipality could request a map amendment. The Director responded that they don't necessarily have to. That there are three ways to request a map amendment - either the SPC

can initiated, the municipality if they are in PE during their biennial review or a third party typically done by a developer.

Commissioner Esser commented that a private entity should not be able to pursue map amendment. That only the municipality should pursue map amendment. The Director confirmed that in the current rules it's stipulated that a private entity can pursue map amendment. If we eliminate that provision, it will be a major change.

Commissioner Esser asked that what costs are eligible for reimbursement. The Director suggested that eligible costs should only be the hard costs of the meeting without the staff costs and that whatever is involve in doing a public meeting. The Director agreed to define the costs.

The Director commented that the rules language will be updated with today's changes. The Director asked to submit any additional comments before the Wednesday before the SPC meeting on September 1st.

With no further comments from the Commission, Chairwoman Robinson asked for a motion to move the rules language forward to the SPC with the plan of the changes, additions and amendments from today's discussion be sent out with review and feedback. The motion was made by Nick Angarone and seconded by Danielle Esser. With no further discussions or questions, Chairwoman Robinson asked for a roll call vote: Ayes: (5) Danielle Esser, Susan Weber, Nick Angarone, Sean Thompson, Chairwoman Robinson. Nays: (0). Abstains: (0). To move the rules language to the SPC was approved.

NEW BUSINESS

PSE&G Map Amendment

Chairwoman Robinson referred the presentation to Meghan Wren.

This presentation can be found in the following link:

[08/18/21 PSEG Map Amendment \(nj.gov\)](#)

Nick Angarone commented that it's accurate that the NJDEP have issued a number of permits for phase one and that there are still ongoing actions that will apply to phase two including the rule making to amend the upper wetlands boundary. Further permits and approvals will be necessary for Phase II.

Nick Angarone, in reference to comment 1d regarding the Nuclear Regulatory Commission (NRC) that the NRC does not have jurisdiction over the site itself but does have jurisdiction over any proposed work that will impact site security for the reactor. Those security concerns will be made to PSE&G by the NRC. PSE&G and the NJDEP similarly can't talk about the security concerns publicly. Also, that the PSE&G plans have been shared with the NRC as well as the NJDEP Bureau of Nuclear Engineering.

Nick Angarone, in reference to comment 1f regarding EJ Law (Environmental Justice) issues, the EJ law directed the NJDEP to develop and adopt rules on how overview those sites that are captured by the EJ Law. He said that there are currently no rules in place. That review will also look at the impacts of truck traffic on EJ communities, the department's mapping of communities that need definition within the EJ Law including Salem City, Bridgeton, and other communities in that area.

Commissioner Esser asked if this will be ready to go by September. Director Rendeiro responded yes and added that if there are any additional comments in the next two weeks, they will be incorporated; the public comment period has been open since May so it's not likely we will receive more, but if so, we will send that information to the PIC members. Otherwise, the Director commented that this recommendation will go to the SPC. Meghan Wren agreed with the Director.

Director Rendeiro commented that what is in front of the PIC is a determination that the area meets the definition of industrial node. OPA makes the recommendation that it does and believes that it complies with the State Plan not only from the mapping perspective but also from the goals perspective. OPA will continue to submit any comments related that will be appropriate for the state agencies to answer.

Director Rendeiro proposed for the Committee to vote to move to the SPC pending any additional public comments that OPA receives between now and the end of the public comment period. The Director said that this is not time sensitive because it is part of phase two, but she expressed the importance of the Commission to show their support for the Clean Energy goals. The Director commented that all the issues connected to the nuclear power plan are not under the jurisdiction of the SPC.

Commissioner Esser wanted to confirm that PSE&G has provided all the information that has been requested, PSE&G has been a good partner in this process, OPA has no concerns with the proposed map amendment and that it's consistent with the process that it's intended to do.

Director Rendeiro commented that PSE&G is being very responsive to anything OPA asked. At this point, the only outstanding item is if OPA receives any additional public comments.

Nick Angarone asked for clarification on what are the specific conditions. Director Rendeiro responded that the conditions for them to address are resiliency and the EJ Law issues prior to the next SPC meeting.

With no further comments from the members of the Commission, Chairwoman Robinson asked for a motion to move this forward to the SPC providing any amendments to be forward the PIC members and if necessary to the SPC agenda. The motion was made by Danielle Esser and seconded by Nick Angarone. With no further discussions or questions, Chairwoman Robinson asked for a roll call vote: Ayes: (5) Danielle Esser, Susan Weber, Nick Angarone, Sean Thompson, Chairwoman Robinson. Nays: (0). Abstains: (0).

Chairwoman Robinson open for comments from the public.

Rhyan Grech from Pinelands Preservation Alliance asked if after the SPC reviews the rules if there is going to be a public comment period. Director Rendeiro responded that after the SPC approves the language, there will be time for a public comment period, and it will be noticed in the register as part of the regular rule update process.

Rhyan Grech asked if the updated draft will be available. The Director responded that once the update is done based on today's conversations, the track changes and the clean copy of the rules will be available in the website.

ADJOURNMENT

With no further comments from the Commission or the public, Chairwoman Robinson asked for a motion to adjourn. The motion was made by Nick Angarone and seconded by Danielle Esser. All were in favor. The meeting was adjourned at 11:20 a.m.

Respectfully submitted,



Donna Rendeiro, Secretary
State Planning Commission

Dated: September 15, 2021

ATTACHMENT A

**NEW JERSEY STATE PLANNING COMMISSION
PLAN IMPLEMENTATION COMMITTEE**

ATTENDEES

DATE: AUGUST 18, 2021

Walter Lane – Planning Director, Somerset County

Meg Cavanagh - NJDEP

Ruth Foster - NJDEP

Frank Gaffney - BPU

Jason Kasler - AICP/PP - Kasler Associates, PA

Tori Kemp - Ocean County

Rhyan Grech - Pinelands Preservation Alliance

Jonathan Sternesky - NJHMFA

A. Rosario -