



State of New Jersey

DEPARTMENT OF STATE
BUSINESS ACTION CENTER
OFFICE OF PLANNING ADVOCACY
PO Box 820
TRENTON, NJ 08625-0820

PHILIP D. MURPHY
Governor

TAHESHA WAY
Secretary of State

SHEILA Y. OLIVER
LT. GOVERNOR

DONNA A. RENDEIRO
Executive Director

**New Jersey State Planning Commission
Plan Implementation Committee
Minutes of the Meeting Held on February 16, 2022
Zoom Video Conference**

CALL TO ORDER

Chairwoman Robinson called the February 16, 2022 meeting of the New Jersey Plan Implementation Committee (PIC) order at 9:32 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 Governor Sheila Oliver, Department of Community Affairs
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 January 19, 2022 meeting. Danielle Esser made the motion; seconded by Sean Thompson. The January 19, 2022 minutes were approved.

CHAIRWOMAN'S COMMENTS

Chairwoman Robinson did not have comments.

EXECUTIVE DIRECTOR'S REPORT

The governor had reinstated the state of emergency in January and extended it into February for an additional 30 days. We don't have a definitive answer yet, but it looks as if he is not going to extend another 30 days, assuming the numbers go in the direction that they have been going recently. It sounds as if we're getting close to ending the public emergency.

One of the things I'll be looking at is potentially getting some software where we could hold hybrid Commission meetings as well as PIC meetings. Probably not for the March SPC meeting, possibly for the April meeting.

The County Planners Association is meeting on Friday as a hybrid model. I will be there and I will look to see if their software would make sense for us. In addition, we're also starting to check with the Statehouse regarding what restrictions we have there. Because of the impending elimination of the public health emergency, the extensions for our centers will likely expire in March. I didn't have anything for action on the agenda, I thought it would be a good opportunity for me to share with you our plans for what we are looking to do with the centers and how we're working with the municipalities.

NEW BUSINESS

Discussion of Center Expiration

Director Rendeiro presented the current status of the 94 municipalities that were extended, in addition to newly expired Centers.

Danielle Esser asked if anybody gets to do a renewal. The Director responded that we did Upper as a renewal. If we do it as a renewal until the rules are adopted, we have to ask for waivers from either me on some of the cases or the full SPC, depending on what the situation is. We believe they would have normally been a candidate for the renewal until the rules are adopted.

Danielle Esser asked that when they expire, have they been communicating to them that they're expiring by a certain date or is there anything else that anybody can do now to stay in the process? The Director responded that they expire the day the public emergency is revoked. Once the emergency is revoked, the centers expire. At this point, the extension was February 10th, therefore the date would be March 10th. We can't give a specific date because we don't know if the governor is going to extend it further.

In terms of communication, Director Rendeiro responded that there are four formal letters from me and the planners speak with the municipalities regularly, with the staff as well as to the elected officials. If we haven't heard from them periodically, we send an email informing that everything was going to expire on January 22nd. We

reached out to every one of them, we explained to them this process and they understood it. There are 12 that we haven't heard from.

Danielle Esser asked that is there anything else that anybody could do in this last 30 days to stay in or is it too late at this point. The Director responded that it's too late at this point, the only thing we could do is get them expedited through the process. A lot of that has to do with capacity from the state agencies, if we could get the state agencies to respond as quickly as they can. We have a lot of towns going through and what we tell the municipalities is that the State has to respond within a certain amount of time. The municipalities don't have those same deadlines, that's part of the rules because we understand they're busy. The faster they get things to us, the faster we can turn them around. Particularly the ones that are later in the process, they absolutely understand what we can do to get through the process. They understand that we are working very hard to do so.

Nick Angarone asked that unless they've already been endorsed, at the end of the emergency, technically, everybody expires? The Director responded that the only ones that don't expire are the municipalities with dates that are later than today. And that includes the four that were endorsed in this recent past.

Nick Angarone said that you mentioned that DAG thought that it was less easy to do something but I don't fully understand how that plays into everybody that expires. The Director responded that before we knew that the elimination of the public health emergency was imminent, one of my questions to the DAG was that there's two categories that I was looking at, one is 21 municipalities that have written to us saying they're not going to pursue plan endorsed and then there was a group of 13 that is now 12 that we have not heard from. My feeling is if we haven't heard from them in two and a half years, likely they're not going to participate. Those two groups are the groups that I was looking at modifying the extension to have their centers expire sooner than later. What the DAG came back with was, the 21 that have formally said they're not participating, those are easy, because we have a confirmation from them. The 12, it's less easy because of the public health emergency, they weren't paying attention. It could have been considered arbitrary and capricious. I didn't want that to happen. I was going to make the recommendation that we only do the 21. Now we're hearing that the public health emergency may end on March 10th. It doesn't make sense to go through that process on March 2nd.

If the Governor does extend it another 30 days, then maybe we look at it, but I don't see that happening. By the time we get the letters out, the notice to the state agencies and by the time you take away your CAFRA notice it would have expired anyway. I'm less inclined to recommend that. For the 21, it is still a possibility.

Nick Angarone asked that if there is any opportunity or for the State Planning Commission to extend any of these. The Director responded that there is a reference in the rules that allows to do a certificate of eligibility that allows the benefits to continue. I will confirm this with the DAG, but the way I read it, there needs to be at least a PIA in place. As previously discussed if they're in the opportunities and constraints portion and that it's on the PIA we can come to an agreement on the map and the PIA can get approved, we may be able to do it, but they have to be far along in the process.

There are 18 that are right now in the opportunities and constraints. We have probably three or four weeks to get through that and at that point the biggest issue is have we come to an agreement on the map. The other ones are the MSA's if we have the MSA in place and if we can get a quick turnaround from the state agencies on the opportunities and constraints, we can certainly consider seeing if there's anything we can do for them.

Nick Angarone commented that DEP is part of the effort on getting the opportunities and constraints, an agreement on the mapping and that getting through the O&Cs and MSAs it's a significant stretch. Director Rendeiro agreed with Mr. Angarone and said that there are some that could move along quickly into the process.

Sean Thompson asked by moving along means that there are submitted documents to be review. The Director responded that yes once we're in the opportunities and constraints portion, we have everything we need from the municipality until we do the PIA. When the planners start doing the opportunity constraint, they already starting

the PIA and the O&C is starting, but we can't really complete it until we get through that first step. There'll be less time in between those sections.

Sean Thompson asked that what the likelihood of the information submitted from the municipality is. The Director responded that it depends on the municipality. They have been told that we need to get through this sooner than later and in some respects, it's a state agency issue. If we can't agree with the map or there were a difficulty getting some answers back. In many cases, if we don't get the information from the municipality, we can't act. It's a combination of issues.

If you look at these 18 from Burlington County, Stafford, Galloway, Vineland and Brick are close. Bedminster is just starting, Beverly Burlington City, Delanco, Edgewater Park, Florence, Willingboro, Palmyra, Riverton, Cinnaminson, Delran and Riverside are all part of the Route 130 corridor. Those are 12 of the 13 Burlington Townships that still have some concerns, which is why we have not received their MSA. We're looking at breaking up the Route 130 corridor into two distinct South of the Rancocas and North of the Rancocas. As of right now they are doing their visioning stages.

What we will likely do is endorse them individually and then when all of them are endorsed, we will do the regional endorsement. We have been waving the visioning in some cases because the visioning has been completed very recently without changes. I wouldn't waive a visioning if they last visioning was 10 years ago.

For Morristown, we've had a draft recommendation in the PIA for some time now. There were some changes to the maps that were waiting for Morristown to come back and tell us if it's okay. As soon as they come back and tell us that they support it, I can have them at the next PIC meeting.

The other concern we had in some cases was that in January, their administration changed. So they had to go back and talk to their new administration. We need to make sure that the new administration is on board. I'm confident that most of these 18 can get through within a few months. Many, I'd say by June.

Sean Thompson asked that if there was a formal communications that are also aside from the expiration and if did provide an assessment of documentation or information needed to continue it on with the process. Director Rendeiro responded that the four formal letters that I had sent over these last four years specifying that their Centers and their endorsements would expire on January 11. We encouraged them to either reach out to their planners or the planner to reach out to find out where they were in the process. If we did not hear from them, we reached out to those municipalities and in many cases what we've gotten that they want to pursue it, that they're going to do it, those are the informal yeses. But in some cases, we've gotten quick responses, and in other cases, we haven't. We've been working with them, and every one of the planners have been working with their territories and their municipalities to let them know where they are in the process. Megan seems to have the most towns.

Meghan Wren, OPA Planner, said that there are vast differences between the capacities of the municipalities and their understanding of the process, some were thinking that the deadline meant that was when they had to have their MSA in and not when they had to do the MSA. No matter how many times it's described, it doesn't always sink in and sometimes you're describing it to a BA, the mayor, the planner or the administration. It's hard to get everybody on the same page about understanding the process.

The Director added that we also send them the documentation of the process that's on the website which lays out all of the steps and we do what we can to inform. Many of these towns that we're working with, especially the smaller towns don't have a planning staff or somebody dedicated to doing this. There are some towns that are very proactive in this and those are the ones that are moving along pretty quickly.

Danielle Esser said that it sounds like you've done a lot of communication. The question is, do the towns know what you're asking them to do. Do they understand what it means if their center goes away. Do they understand that it means that they lose impervious cover and that would impact development in their community for future land uses

on town and on areas that they have zoned for higher intensity. I'm wondering what the letter says. If it says, that by letting your center designation lapse, you are going to lose an intensity for development in your downtown.

Director Rendeiro said that the formal letters don't go into that detail. The work with the municipalities do. Keep in mind that many of these municipalities are now in vulnerable areas and by going through this process they are going to lose much of their centers.

Danielle Esser said that it did notice that 20% of the ones that were not participating are in the Highlands. It would be interesting if you've done metrics of like which ones are CAFRA, Highlands, suburban and which ones are in the Salem node versus Cumberland, etc. The Director responded that that we've done that. We did a survey, we specifically asked if you're not going to do plan endorsement, why not. Primarily the answer is that there are no incentives. And until we can get additional incentives, you have the towns that want to do it because it's the right thing to do and largely those are the folks that are going through the process. It's the right thing to do to do good land use practices to get quality land practices and quality master plans and zoning. Those are the ones that are in the process. Frankly there are no financial incentives for them to do it, it costs them money to do it. It takes a lot of resources from the town and we don't give them any money to give them. Anything that is given in terms of additional impervious cover is important for those municipalities that are in vulnerable areas. When they go through it, they're getting their centers cut. Trying to explain why it's important to do this is easy to do it for those municipalities that want to do the right thing. For the ones that can't afford to do it, the incentives are not there and until those start getting better, we're not going to get people dropping everything and running through this process.

The 45 that are later in the process are the municipalities that want to do it for the right reasons. They want to do good land use practices, they just need a little technical assistance and we can offer it to them. Those are in the homestretch. Those that don't, the 2 main reasons that they don't, is that it's a lack of resources and a lack of incentives.

Susan Weber from NJDOT asked if it would be a good idea to put in the letter that goes to municipalities that are definitely expiring to say that they will not be eligible for agency benefits anymore or whether it's, it should be communicated in some other way. In our case, we have extensive local aid programs where plan endorsed and communities with centers get extra points in the review of their projects and I think some of them have come to take that for granted. I don't know if any community will be blindsided by that. The Director responded that we do communicate that verbally when we talk to them. We mention it when they do the prepetition meeting in the beginning. We do not put it in the formal letter because some of those benefits may or may not going away. Most municipalities get that local aid grant, whether they're in plan endorsement or not.

It's very difficult for a municipality especially the smaller ones to say let's spend all the money we need to do plan endorsement when there aren't planning grants to pay for some of those things. That's what we find is the biggest pushback from the municipalities. They think it's a great idea. In some of the municipalities, they have the BA or the engineer running it. They're not planners so it's a lot of cat herding on their part and we will be there to help them as best we can, but we can't write it for them.

Susan Weber said that she understands, unfortunately the extra point in municipal aid and other programs that's all we can offer right now. Director Rendeiro said that other thing that I tried to do is the facilitation of meetings, if they have issues that they can't get resolved. We facilitate those meetings, but I don't speak for our state agency partners. We can convene these meetings. If we don't get an acknowledgment that because you're doing good planning, we can change the answer, we bring people to the table. We do that and that is very helpful. People really do appreciate that. We have to be able to say, because of plan endorsement you got this decision and sometimes that happens, and sometimes it doesn't.

Matt Blake, OPA planner said that in addition to the lack of benefits, at least in the highlands, many of my towns that are not moving forward with center extension and getting endorsed is that they feel already regulated by the

Highlands Act and the perception is why we would want to add more burden. Many of these towns have more than half of their landmass that's in the preservation area which is severely restricted to the development opportunities. They want to take advantage of what opportunities remain in their planning areas or in their smaller towns that are historically built out. They don't really perceive the benefit.

Director Rendeiro said that the biggest benefit is the additional impervious cover that DEP can give them. If they're already built out, there's not a benefit there. If you're talking about vulnerable areas right now, where we're looking to reduce that area of impervious cover in that area of development. Even if we keep some of their centers, and even if we keep some of their growth areas it's going to be shrinking significantly because of climate change issues.

Nick Angarone said that the impervious benefit is only in CAFRA. There's no limitations statewide. The other is relatively significant benefit is in delineation of sewer service area and because we went through that process several years ago and updated the vast majority of the state, there's not a lot of that in negotiation right now.

Director Rendeiro said that this is a good process that most municipalities agreed that it's a good process. They want to do the right thing to be able to conserve, grow and balance. They just don't always have the capacity to do so. They like getting the technical assistance that we can offer. Until they get some resources to be able to do it, that's what makes it difficult for them.

Chairwoman Robinson said that there's been some proactive outreach and an active discussions into the two plus years. The category of concern and municipalities who have not responded one way or another, they may not understand what's at stake. However, even in the communication if there were interests you would think they would say that they're interested and there has been opportunities for technical assistance and the like.

Director Rendeiro said that we have many counties that are very proactive and supportive. They have technical assistance as well as financial assistance for their municipalities. You will see that those counties that are very much involved are the ones that are active municipalities. I've always been a strong proponent of regional planning, regional plan endorsement. There are a number of counties probably five or six that are very proactive and willing to assist their municipalities. That has driven participation up. Some counties don't have the ability or resources to do the same thing. I continue to thank the counties that are able to do something. One of our outreaches has been going to the counties to say help us reach out to the municipalities and we've done that on a number of occasions as well. The counties are absolutely integral in this process.

PUBLIC COMMENTS

There were no comments from the public.

Director Rendeiro said that we will await the final determination about when this public emergency will end and if it's extended, that gives us an additional 30 days. Because they expire doesn't mean we can't continue to work with them doesn't mean we can't continue to welcome them back into the process at any point in time.

Nick Angarone, Chairwoman Robinson and Sean Thompson requested the Director to share the list of the municipalities via email. Director Rendeiro agreed to email and post the list in the web under materials for today's meeting.

ADJOURNMENT

With no further comments from the Committee or the public, Chairwoman Robinson asked for a motion to adjourn. The motion was made by Sean Thompson and seconded by Nick Angarone. All were in favor. The meeting was adjourned at 10:33 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donna Rendeiro". The signature is written in a cursive style with a prominent initial 'D'.

Donna Rendeiro, Secretary
State Planning Commission
Dated: April 20, 2022

ATTACHMENT A

**NEW JERSEY STATE PLANNING COMMISSION
PLAN IMPLEMENTATION COMMITTEE
ATTENDEES
FEBRUARY 16, 2022**

Jelena Lasko - NJDOT
Rachel D. - NJDA
Erica Lockhart - NJBAC, Communications
David DuMont – NJDEP
Matt Baumgardner - NJDEP
Sudhir Joshi - NJDOT
Keith Henderson – NJDCA
Jason Kasler – NJPO
Walter Lane – Planning Director, Somerset County
Rhyan Grech – Pinelands Preservation Alliance
Mark Villinger – Ocean County
Mirah Becker
Olivia
A. Soriano