



State of New Jersey

DEPARTMENT OF STATE
NEW JERSEY STATE PLANNING COMMISSION
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CHRIS CHRISTIE
Governor

GERRY SCHARFENBERGER, Ph.D.
Director

KIM GUADAGNO
Lieutenant Governor

**New Jersey State Planning Commission
Minutes of the Meeting Held on October 17, 2012
State House Annex
Committee Room 1
125 West State Street, Trenton, New Jersey**

CALL TO ORDER

Vice Chair Eskilson called the October 17, 2012 meeting of the New Jersey State Planning Commission (SPC) to order at 9:32 a.m.

OPEN PUBLIC MEETINGS ACT

Vice Chair Eskilson announced that notice of the date, time and place of the meeting had been given in accordance with the Open Public Meetings Act.

ROLL CALL

Members Present

Kenneth Albert, Public Member
John Eskilson, Public Member
Roberta Lang, Designee for Douglas Fisher, Secretary, Department of Agriculture
Michele Brown, Chief Executive Officer, NJ Economic Development Authority (arrived at 9:34 am)
Dominick Fiorilli, Designee for Lt. Governor Kim Guadagno, Department of State
Joyce Paul, Designee for Richard Constable, Commissioner, Department of Community Affairs
Marc Larkins, Chief Executive Officer, Schools Development Authority
Marilyn Lennon, Designee for Bob Martin, Commissioner, Department of Environmental Protection
Thomas Michnewicz, Public Member
Andy Swords, Designee for James Simpson, Commissioner, Department of Transportation

Members Not Present

Shing-Fu Hsueh, Mayor, West Windsor, Public Member
Edward McKenna, Chairman, Public Member

Others Present

(See Attachment A)

PLEDGE OF ALLGIANCE

Vice Chair Eskilson asked everyone to stand for the Pledge of Allegiance.

APPROVAL OF MINUTES

Vice Chair Eskilson asked for a motion to approve the Minutes of the September 12, 2012 meeting. Commissioner Lennon made the motion and it was seconded by Commissioner Michnewicz. There were no discussions, comments or changes. All were in favor, no opposed or abstentions.

CHAIR'S COMMENTS

Vice Chair Eskilson had no comments at this time.

DIRECTOR'S REPORT

Director Scharfenberger report that since the last State Planning Commission meeting, the Office for Planning Advocacy (OPA) has continued to work on revising the Draft State Strategic Plan (Plan). He explained that the final public hearing was held on September 13 in Jersey City with about 50 people attending. Many were familiar faces who had attended earlier hearings and reached out to OPA in the past. He further explained that the 30-day written comment period concluded on Monday, October 15. A total of 80 written comments were received. Of these, 52 were robo e-mails from an environmental group. Most of the written correspondence reiterated points made at the public hearings and the earlier written comment period.

It was reported that during the interim period, work has continued on the agency plans and criteria. OPA staff has also continued to discuss the Plan at various forums around the state. Director Scharfenberger and Deputy Director Dan Kennedy conducted a webinar on September 19 for the Institute of Continuing Legal Education (ICLE) in New Brunswick. The topic was the State Plan and how it will affect local government. A total of 85 people registered to participate. Director Scharfenberger also participated in a panel entitled, "Economic Impact Forum: DEP Waiver Rule" on September 27 in East Windsor. The program was sponsored by the Middlesex Regional Chamber of Commerce. In addition, Director Scharfenberger attended a meeting of the Passaic County Heritage Tourism Plan (PCHTP) Technical Advisory Committee on October 11 in Totowa. The Committee reviewed the results of a public workshop held in September and a draft of the Master Plan.

Director Scharfenberger also reported that staff was also currently working with the DAG for the Commission's response to the Permit Extension Act.

The OPA's Brownfields Program, continues its work on a number of projects including:

- Coordinating a State/Federal Brownfields Interagency Workgroup to assist a targeted number high-value Brownfields redevelopment projects throughout the State. The Brownfields Interagency Working Group, consisting of representatives from OPA, EPA, DEP and NJIT, conducted follow up meetings and conference calls with representatives of Newark, Paterson and Elizabeth to finalize a list of projects to bring before the Brownfields Redevelopment Interagency Team (BRIT). A November 1st meeting is scheduled to be held at NJIT in Newark. The list of projects are as follows:
 - Newark – Frelinghuysen Avenue Corridor and Lister Avenue Corridor
 - Paterson – National Guard Armory project and Great Falls project
 - Elizabeth - Parcels B&D in midtown near the train station

Other Brownfields activities include:

- Working with Middle Township on opportunities for Brownfields redevelopment and identifying both State and federal resources to assist. The Township was also seeking advice on a landfill-to-solar project
- Continuing to work with the City of Linden on Brownfields redevelopment opportunities in both the Tremley Point and Transit Village area. The City has asked for OPA's assistance with moving the Tremley Point Turnpike connector road project forward
- The BF program continues to participate in the Sustainable Jersey/Rutgers Center for Urban Environmental Studies (CUES) Brownfields Task Force. The objective will be to develop a Brownfields Tool Box for Sustainable Jersey that includes a suite of actions which local Green Teams can take to support the cleanup and adaptive reuse of the Brownfield sites in their community.
- Continuing support to Somerville, a prior BRIT project and designated Brownfields Development Area for the remediation and redevelopment of the landfill in conjunction with their Transit Village/Downtown redevelopment projects that includes residential and commercial uses
- Working with a redeveloper and the City of Elizabeth on the Brownfields redevelopment of a large tract of land in the Port area of, adjacent to the Newark Bay and east of the Jersey Garden Mall. The proposal is for a mixed use project (approx 300 market rate residential units; 200K+ sqft of retail; 300K sqft of office and a 300 unit 4-star hotel) inspired by Asian architecture and culture. The project is considering presenting to the BRIT early 2013.
- Working with Ewing Township regarding redevelopment plans for the area encompassing both the former GM and Naval Jet Propulsion sites, adjacent to the Trenton/Mercer Airport.

Upcoming BRIT projects include:

- The Hanover Township/Berlex redevelopment site -- commercial redevelopment project of a former pharmaceutical laboratory
- Berkeley Township -- Town Center Redevelopment Plan -- this is the redevelopment of approximately 400 acres consisting of the Beachwood Plaza, the NJ Pulverizing site and the South Brunswick Asphalt site.

In closing, Director Scharfenberger once again thanked the members of the Commission, the Administration and State Agencies for all of the support, assistance and especially, patience as the finishing touches were being put on the State Strategic Plan. He noted that a final version was very close to completion, and felt that it would be a solid document that will serve the residents of New Jersey well for years to come. The completion of the public hearings now puts the Plan on track for a vote by the SPC before the end of the year.

NEW BUSINESS

Resolution No. 2012-07 Approving the Petition for Plan Endorsement Submitted by the City of Cape May and Designating a Town Center and a Planning Area Amendment

Vice Chair Eskilson noted that the City of Cape May's petition was heard at a Plan Implementation Committee meeting held on September 26, 2012. At that time there was a unanimous consensus to move the petition for endorsement by the full SPC.

Ms. Meade noted that Mayor Dr. Mahaney and Craig Hurless, consultant for the City of Cape May (City), were in attendance.

Ms. Meade provided a PowerPoint presentation on the City's petition. She outlined the timeline of the Plan Endorsement process which started in 2008. Ms. Meade noted that the completion of the City's action plan took less than a year.

Ms. Meade explained that in addition to the center designation the petition included a planning area change. She noted that there was an area currently designated in the State Plan as a "park." The recommendation was to change this area to "military", as it was currently part of the Coast Guard Base. She also noted that there had been communication with the Coast Guard regarding the proposed change and that the Coast Guard had agreed with the change.

Commissioner Lennon at this time requested that Ms. Meade explain an area that was also notched out in the City. Ms. Meade noted that the area was referred to as the Sewell Tract and had been subject to a settlement and it would be addressed later in her presentation.

Ms. Meade then proceeded to review how the City's plans aligned with the State Plan goals.

Commissioner Lennon noted, during Ms. Meade's presentation, she was formally going on the record, that DEP would be recusing themselves from any discussion or vote on the City's petition for Plan Endorsement. Ms. Meade then proceeded to continue her presentation.

Next, Ms. Meade explained that since the PIC meeting that City had requested some minor modifications to the Planning and Implementation Agenda (PIA). The modifications were a result of the City requesting additional items be included in the PIA. She further explained that the additional items had been discussed with the State agency partners to ensure that all the assistance being requested was acceptable.

Vice Chair asked Mayor Dr. Mahaney if he would like to contribute to the conversation. Mayor Dr. Mahaney commented that it was his pleasure to appear before the SPC. He explained that the Plan Endorsement process was something that he proposed in 2008 when he returned to office as a local elected official. He explained that upon his return he found that all of the City's planning documents were in the process of expiring or had expired including the City's center designation, which he had personally spearhead in 1998. He noted that he felt that the Plan Endorsement document gave the City the opportunity to update its master plan, complete a floodplain management plan, complete a COAH plan, which had been completed and certified. He noted the first units of the COAH plan would be online next year. The completion of the floodplain plan allowed the City's homeowners to receive a 15% discount on flood insurance. He noted that Plan Endorsement became the all encompassing document. He further noted, that during the Plan Endorsement process the City worked on Sustainable New Jersey and received a Silver Certification the last two years and with the designation this year the City repeats as a small municipality champion for towns under 5,000 in population. He explained that putting all the elements together including the two key ones Sustainability New Jersey and Plan Endorsement, the City now had a sustainability plan for the next 20 years.

Mayor Dr. Mahaney explained that the reason for the additional PIA items was because the City has all of its projects mapped out and how they integrate with one another, how they intertwine with the City's long range capital planning and long range project planning. The additional PIA allow the City to work with the State departments to get the technical assistance needed and have priority for funding to put the projects online at the appropriate times and not increase the indebtedness of its

residents.

Mayor Dr. Mahaney thanked Director Scharfenberger and Ms Meade for the help and support given over the last few years. Lastly, he noted that the City would soon be filing its Public Access Plan, which they have worked on with DEP over the last several years.

Vice Chair Eskilson thanked the Mayor for his long record of public service and for the perseverance in the Plan Endorsement process.

Vice Chair asked for questions or comments from the SPC regarding the presentation or petition. With no comments from the SPC, Vice Chair Eskilson opened the floor to public comments on the City of Cape May matter.

Public Comment on City of Cape May Matter

Chris Sturm, New Jersey Future commended the Mayor for what looked like a terrific planning effort. She noted that Cape May was one of New Jersey's gems and the local leadership is working to keep it that way. Ms. Sturm inquired as to the nature of DEP's recusal. She noted that DEP plays an important regulatory role in the CAFRA district and if DEP had concerns perhaps those concerns might impede implementation of the PIA.

Don Palombi, Deputy Attorney General noted that he didn't think the recusal related to the concerns of Ms. Sturm. He also noted that DEP did not have to set forth at this time the nature of the recusal.

Ms. Sturm then questioned if DEP supported the petition. Vice Chair Eskilson noted that the nature of the recusal is that DEP did not want to have any discussion about this particular application and felt it was inappropriate to have further discussion.

Mr. Palombi noted that he could not speak for DEP but that that the nature of the recusal was that DEP was not commenting today.

Vice Chair Eskilson noted that Michele Brown had arrived prior to the Cape May Petition and welcomed her to the SPC.

Vice Chair Eskilson asked for a motion on Resolution No. 2012-07. The motion was made by Commissioner Lang and seconded by Commissioner Michnewicz. With no further comments or discussion from the SPC, Vice Chair Eskilson asked for a roll call vote on Resolution No. 2012-07 Approving the Petition for Plan Endorsement Submitted by the City of Cape May and Designating a Town Center and a Planning Area Amendment. Ayes: (9) Ken Albert, Michele Brown, John Eskilson, Roberta Lang, Dominick Fiorilli, Joyce Paul, Marc Larkins, Thomas Michnewicz, Andy Swords. Nays: (0). Abstentions (0). Resolution No. 2012-07 was approved.

Resolution No. 2012-08 Approving the Petition for Plan Endorsement Submitted by the City of Long Branch and Designating a Regional Center

Vice Chair Eskilson noted that the City of Long Branch's petition was heard at the Plan Implementation Committee meeting held on September 26, 2012. At that time there was unanimous consensus to move the petition with a positive endorsement to the full SPC.

Ms. Meade introduced representatives from the City of Long Branch, Howard Whoolley, Business Administrator, Robert Beckelman, Attorney and Michele Bernich, Zoning Officer.

Ms. Meade provided a brief review of the discussion at the PIC meeting. She explained that at the PIC meeting there was a discussion on the City's request for an Urban Center designation which

would include the entire City and a Regional Center which does not include the entire City. The PIC decided that the data supported a Regional Center. Therefore, the City requested that two additional areas be included in the center. The additional pieces fall in the center and within the CAFRA general permit area.

Vice Chair Eskilson noted that the PIC felt that they would have liked to support the City's petition for an Urban Center however, the standards for the designation were not within range, particularly for the jobs requirements. The PIC also felt that such designation might be subject to challenge and that there was not an immediate difference from a regulatory or a grant standpoint. The PIC agreed to the Regional Center designation noting that should the circumstances change within the City that there be an accelerated process for the City to reappear before the SPC to request a change to an Urban Center designation.

Ms. Meade continued by explaining that the City had a general CAFRA permit, which was a permit by rule. Pursuant to the rule the construction of any development that requires a CAFRA permit within the Oceanfront Redevelopment Zone was authorized by DEP provided that the development was in compliance with the Redevelopment Plan Ordinance.

Ms. Meade noted that in order to address the PIC's recommendation with respect to the Urban Center designation, the PIA contained language under Item 1 indicating that the City in its biennial report may request the SPC to reconsider an Urban Center designation provided there was supporting documentation included outlining how the City meets the Urban Center criteria.

Howard Whoolley, Administrator, City of Long Branch thanked Ms. Meade and the OPA for all the work they have done with respect to the City's petition. Mr. Whoolley provided a PowerPoint presentation outlining the City's plans and how they aligned with the goals of the State Plan.

Mr. Whoolley noted that the City had reviewed and approved the PIA.

Vice Chair Eskilson thanked Mr. Whoolley for the presentation and open the floor to comments or questions from the SPC.

Commissioner Lennon commented it was great to see the City's plan before the SPC. She asked for clarification on the boundaries and whether the boundaries of the center extended beyond the redevelopment zone. Ms. Meade responded that the center boundaries was almost the entire city minus some Critical Environmental Sites that align with the 150 foot riparian zone buffers and that the center designation was bigger than the redevelopment zone.

Commissioner Lennon commented on the City's CAFRA general permit by rule. She explained that even though there was a general permit, the redevelopment was still a regulated activity. Under CAFRA, the only activities that could come in eligible under general versus an individual permit were those areas that have been specified, scoped out and examined under the current redevelopment zone in the City. She noted that the designation did not change the redevelopment zone in any way, activities in the new center designation still would be regulated by CAFRA either as a general permit, which would be done strictly in conformance with the precepts of the redevelopment zone or subject to an individual permit under CAFRA that include all the prohibitions that are in place regarding activities on the beach and in the water.

Commissioner Lennon stressed that the center designation would not extend the CAFRA general permit to the rest of City even though there would be a center overlay that might increase allowable densities for a CAFRA permit.

Mr. Beckelman noted that the City did not disagree with Commissioner Lennon's assessment. But, he noted that the redevelopment area under the general permit and redevelopment zone did include the

pier area. He noted that staff had recommended the Regional Center boundary but did not include the riparian. The pier and development would still be controlled by the general CAFRA permit and any development outside that which was not governed by the general CAFRA permit would be governed by the CAFRA Rules.

There was a brief discussion on how the designation in no way lessens the current regulations under CAFRA and that all the protections for the environment, activities and special resources are still in place and how the center boundary has no impact on the CAFRA general permit.

Vice Chair Eskilson thanked Mr. Whoolley for the presentation and congratulated him on all the hard work that the City has done.

Public Comment on City of Long Branch Matter

There was no public comment at this time.

Vice Chair Eskilson asked for a motion on Resolution No. 2012-08. It was moved by Commissioner Albert and seconded by Commissioner Michnewicz. With no further comments or discussion from the SPC, Vice Chair Eskilson asked for a roll call vote on Resolution No. 2012-07 Approving the Petition for Plan Endorsement Submitted by the City of Cape May and Designating a Town Center and a Planning Area Amendment. Ayes: (10) Ken Albert, Michele Brown, John Eskilson, Roberta Lang, Dominick Fiorilli, Joyce Paul, Marc Larkins, Marilyn Lennon, Thomas Michnewicz, Andy Swords. Nays: (0). Abstentions (0). Resolution No. 2012-08 was approved.

Staff Recommendation to Initiate SPC Initiated Map Amendment Process: Mount Olive Township, Morris County (Motion)

Dan Kennedy, Deputy Director, OPA provided a PowerPoint presentation on the Staff Recommendation to Initiate SPC Initiated Map Amendment Process in Mount Olive. Deputy Director Kennedy briefly reviewed the State Planning Rules that allow the SPC to self initiate a map amendment. He explained that the proposed map amendment was located in the Flanders area of Mount Olive and not related to the previous proposed map amendment in Mount Olive.

Deputy Director Kennedy detailed the recommendation explaining that the proposed Policy Map amendment would impact 400 lots or roughly 400 acres in Mount Olive Township. It was also noted that the proposed change was located within the Planning Area of the Highlands region and was in an area that Mount Olive Township had stated that they were not going to seek conformance with the Highlands Regional Master Plan. It was explained that the area has infrastructure in place and was not environmentally sensitive, which it was believed to have been when it was determined to be a Planning Area 5 (an environmentally sensitive designation). During the presentation, Deputy Director Kennedy provided context for the location of the proposed change within the Township with respect to roadways, landmarks and adjacent planning area designations. He noted that the proposed area was adjacent to Roxbury Township which was a Planning Area 1, but the area could also have attributes for Planning Area 2. However, there are no other contiguous Planning Area 2 designations in the region. He explained that OPA felt because of the existing mapping paradigm which require about one square mile to designate a planning area that the proposed area fits Planning Area 1 next to Roxbury Township. He noted that the northwest boundary was defined primarily by the line between the Preservation and Planning Area, the western boundary lines up with Planning Area 1 in Roxbury, aligns with the current County Wastewater Management Plan sewer service area lines, and Flanders Bartley Road.

Deputy Director Kennedy further noted that approximately 83% percent of the area was designated by the Regional Master Plan, as an Existing Community Zone and a small percentage of the area, by the Regional Master Plan definition, was environmentally sensitive. He explained that there was low

ranked habitat within the area. In addition, the current zoning provides middle to high level density, light industrial and commercial in the area.

Deputy Director Kennedy noted that the proposed change would basically allow for redevelopment and repurposing and then summarized that the area: approximately 95% of the tax lots were improved, approximately 83% of the area was an Existing Community Zone according to the Highlands Regional Master Plan, a very small percentage of the area had State threatened or endangered species and it has been confirmed by working with the local engineer and the county that potable water and sewer service is available with capacity to support infill development and redevelopment of existing uses.

He explained that the OPA has worked closely with Morris County, Mount Olive and the Highlands Council and that they would not be surprised by the action. The OPA also believes that the action would be consistent with the municipal master plan and also with the DEP/County Sewer Service Areas, which were not yet final at this time.

The recommendation from OPA was for the SPC to make a motion and approve the motion to judiciously move forward with the recommendation provided, allow the process to take place and for OPA to bring back the results of the process for SPC decision and final action.

Vice Chair Eskilson clarified the points for the proposed map amendment: the area was adjacent to Planning Area 1 in Roxbury, a Planning Area 2 might be another option, but was not available to use because of technical map considerations and it was not large enough to do that, the area was near or fully developed at this point, near or fully sewered, and it has at least or believed to have town, county and Highlands Council acknowledgement and/or support.

Deputy Director Kennedy noted that in the end if a specific development was to come through and trigger DEP or Highlands standards that were based on either statute or regulation this change would not exempt them from the processes that might be in place to protect critical natural resources or have more efficient use of public infrastructure.

Vice Chair Eskilson questioned whether the small threatened or endangered species mentioned was regulated in another fashion and would be vetted through the wastewater planning process. Mr. Kennedy noted that it has already been and that many of the areas also overlap with wetlands features, which were regulated federally or by the State.

Commissioner Lennon commented that the proposed map amendment was the type of common sense approach that should be taken where there is infrastructure present and capacity available. She also noted that if there were regulated features on a site, there were still protections in place and layers of government that would guide development.

Deputy Director Kennedy noted that these types of map amendments were not a long range strategy, but was a transition strategy that was discussed in the draft State Strategic Plan. He noted that if the Plan was adopted by the end of the year that the State Plan Policy Map stays in place for a period. As such, the SPC would have to rethink the connections with important State incentives and regulations.

Vice Chair Eskilson asked for questions or comments from the SPC on the Mount Olive matter. There were none at this time.

Public Comment on Mount Olive Matter

Chris Sturm, New Jersey Future noted the New Jersey Future supports lining up the planning areas with infrastructure and environmental features. She questioned if the proposed amendment was

mostly in the sewer service area or all within the sewer service area. Deputy Director Kennedy responded that the area was all within the proposed sewer service area.

With no further questions or comments Vice Chair Eskilson asked for a motion to initiate the map amendment process as described for Mount Olive Township. Commissioner Swords made the motion and it was seconded by Commissioner Michnewicz. There was no further discussion. All were in favor, no opposed or abstentions. The motion carried.

PUBLIC COMMENTS

There were no public comments at this time.

COMMISSIONER REPORTS

There were no Commissioner reports at this time.

ADJOURNMENT

With no further comments from the SPC or the public, Vice Chair Eskilson asked for a motion to adjourn. The motion was made by Commissioner Lennon and seconded by Commissioner Michnewicz. All were in favor. The meeting was adjourned at 10:44 a.m.

Respectfully submitted,



Gerry Scharfenberger, Ph.D.
Secretary, State Planning Commission

Dated: November 1, 2012

NEW JERSEY STATE PLANNING COMMISSION

DATE: OCTOBER 17, 2012

TIME: 9:30 AM

LOCATION: COMMITTEE ROOM 1, STATE HOUSE ANNEX,
TRENTON, NJ

NAME	AFFILIATION
CRAIG HUMLESS	CAPE MAY CITY
DAN SIMMONS	Ocean County Planning Dept
Bill Puzio	NJ DEP
Melon Henrich	NJ FB
Chris Storm	NJF