



State of New Jersey

DEPARTMENT OF STATE
NEW JERSEY STATE PLANNING COMMISSION
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TRENTON NJ 08625-0820

CHRIS CHRISTIE
Governor

GERRY SCHARFENBERGER, PH.D.
Director

KIM GUADAGNO
Lieutenant Governor

**New Jersey State Planning Commission
Minutes of the Meeting Held on September 17, 2014
State House Annex
Committee Room 15
125 West State Street, Trenton, New Jersey**

CALL TO ORDER

Chair McKenna called the September 17, 2014 meeting of the New Jersey State Planning Commission (SPC) to order at 9:36 a.m.

OPEN PUBLIC MEETINGS ACT

Deputy Attorney General Don Palombi 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
Roberta Lang, Designee for Douglas Fisher, Secretary, Department of Agriculture
Cathy Scangarella, Designee for Lt. Governor Kim Guadagno, Department of State
Joyce Paul, Designee for Richard Constable, Commissioner, Department of Community Affairs
Shing-Fu Hsueh, Mayor, West Windsor, Public Member
Dan Kennedy, Designee for Bob Martin, Commissioner, Department of Environmental Protection
Andy Swords, Designee for Joseph Bertoni, Acting Commissioner, Department of Transportation
Ray Martinez, Chief Administrator, Motor Vehicle Commission
Edward McKenna, Chairman, Public Member
Charles McKenna, Chief Executive Officer, Schools Development Authority

Members Not Present

John Eskilson, Public Member
Thomas Michnewicz, Public Member

Others Present

(See Attachment A)

PLEDGE OF ALLEGIANCE

Chair McKenna asked everyone to stand for the Pledge of Allegiance.

APPROVAL OF MINUTES

Chair McKenna asked for a motion to approve the Minutes of the January 15, 2014, meeting. Commissioner Lang made the motion and it was seconded by Commissioner Kennedy. With no further discussion, Chair McKenna, asked for a roll call vote. Ayes: (9) Ken Albert, Andy Swords, Roberta Lang, Cathy Scangarella, Joyce Paul, Shing-Fu Hsueh, Dan Kennedy, Ray Martinez, Ed McKenna. Nays: (0). Abstains: (1) Charles McKenna. The minutes were approved.

Chair McKenna proposed a resolution allowing the SPC to go into Executive Session in order to receive legal advice on item eight of the agenda.

Commissioner Lang made the motion on the proposed resolution and it was seconded by Commissioner Kennedy. With no further discussion, Chair McKenna asked for a roll call vote. Ayes: (10) Ken Albert, Andy Swords, Roberta Lang, Cathy Scangarella, Joyce Paul, Shing-Fu Hsueh, Dan Kennedy, Ray Martinez, Charles McKenna, Ed McKenna. Nays: (0). Abstains: (0). The resolution was approved (Attachment B). The Commission adjourned in order to go into Executive Session at 9:41 am.

Regular session was called back to order at 9:57 a.m.

CHAIR'S COMMENTS

Chair McKenna commented that if the SPC were to vote in the affirmative on Resolution No. 2014-02 the action would send the proposed rule amendment to the NJ Register for publication, thus starting the 60-day public comment period.

He further stressed that an affirmative action did not end the process but started the public comment process with which the SPC would welcome any written comments on the rule proposal.

DIRECTOR'S REPORT

Director Scharfenberger reported on the work of OPA since the last SPC meeting.

He noted that the fifth meeting of the Brownfields Interagency Work Group (IAWG) was held on June 12, 2014. Over 60 State and Federal agencies attended the meeting and provided guidance and programmatic suggestions to the municipalities of Toms River and Perth Amboy to help their Brownfields redevelopment projects. The projects that were presented were:

Township of Toms River – Ciba/BASF Site

The project is the redevelopment of a 320 acre former dye manufacturing facility operated by the Ciba-Geigy Corporation on a 1,250 acre partially wooded site now owned by BASF. The site is a Superfund site, though only one portion of the site remains heavily contaminated. The preferred end use is as an employment center to help cut down the 2-1 disparity between Ocean County's labor force and private sector jobs. If successfully redeveloped, the market would drive the yield, and by creating employment opportunities it would potentially reduce commuting demands on the Garden State Parkway.

The second project presented by Toms River was the Downtown Site. This project involves Toms River's 63-acre downtown waterfront area; an underutilized industrial center currently comprised of privately- and publicly-owned lots which the Township would like to redevelop as a mixed-use transit village to capitalize on its proximity to the river, a major bus terminal and county offices.

Expected Results (within the entire Redevelopment Area) are:

1. 50,000 SF of new retail space;
2. 660 new residential units, including at least 132 affordable units (20%);
3. Creation of a transit village designed to capitalize on waterfront location; and

4. Additional office space.

City of Perth Amboy – Downtown and Raritan River Gateway Redevelopment Project

The proposed project encompasses 1.2 miles of riverfront property along the Raritan River and approximately 140 acres. The majority of the project is comprised of vacant brownfields and industrial buildings. The project area is the gateway to the city as one approaches from the south by train or on Route 35 via the Victory Bridge. The City hopes to see a mixed-use tourism/destination development that will encompass a combination entertainment/commercial district in Phase I of the project. Project Benefits include:

1. Jobs
2. Increased Tax Base,
3. Retail Opportunities,
4. Waterfront Access
5. Recreation/Green Space creation for the neighborhood.

The second project was the Perth Amboy Redevelopment Agency relocation project. The proposed project is within the DEP's designated Brownfields Development Area and relates to an existing business located within the redevelopment area with a designated redeveloper. The company currently employs 175 individuals, the majority of which are Perth Amboy residents who walk to work. The commercial laundry operations encompass about 70K square feet and operates around the clock providing laundry service for hospitals and retirement homes. The company is looking for a 40K square foot building or property to build on to expand operations. The City would like this operation to remain in Perth Amboy, along with the 100 jobs it will be creating. The discussions between the State and Federal agencies were focused on potential funding and creative financing tools to keep and grow the tax ratable base and retain and expand the job base.

OPA is undertaking a Corporate Campus Repurposing project designed to help municipalities deal with the growing problem of large vacant commercial properties within their borders. A letter from OPA was drafted and sent to every municipality in the State asking to forward information on properties that met the following criteria: minimum 250,000 sq. ft. of built space on 10 or more acres. As a result, 30 properties in 26 municipalities have been identified to date. OPA is currently scheduling meetings with each of the municipalities.

OPA is also a core team member of the Morris Canal Working Group (MCWG). The main goals of the group are to establish a plan that will foster the preservation of the Morris Canal and its associated features, encourage heritage tourism, generate economic development opportunities for the municipalities along the canal corridor, and create a greenway using the Morris Canal's right-of-way as a framework. A full day conference was held in March at the Frelinghuysen Arboretum in Morris County and the group is currently planning the municipal outreach phase of the project.

OPA continues to work as a core team member of the Together North Jersey initiative. The project is currently winding down, with all 18 local demonstration projects completed and the draft Regional CEDs going through internal review. The team will be looking forward to securing a grant to fund the implementation phase in early 2015.

OPA has also been heavily involved in assisting Monmouth County with its Master Plan update. The draft master plan is due for completion by the end of the year.

OPA has been asked to serve on the Historic Preservation Task Force of Sustainable New Jersey. This task force will bring together State agencies, universities, government, non-profit organizations, businesses, stakeholders and experts to define sustainability standards for historic and cultural resources. The task force is also charged with creating a menu of actions that will be worth points in the municipal certification program.

OPA has also helped create a "Deal Flow" section for the Oct. 7-9 Brownfields Conference in

Philadelphia. OPA will be taking the lead as a conduit for marketing NJ Brownfields sites as supplied to us by our Brownfields stakeholder communities.

Lastly, Director Scharfenberger thanked the members of the Commission, the Administration and State agencies for all the support and assistance they have provided OPA on its various initiatives.

NEW BUSINESS

Resolution No. 2014-02 – Proposing for Public Comment a Regulation Amending N.J.A.C. 5:85-7:21 an Extending the Period of Certain Plan Endorsements and Center Designations

Chair McKenna asked for a motion to approve Resolution No. 2014-02. Commissioner Kennedy made the motion and it was seconded by Commissioner Hsueh. With no further discussion, Chair McKenna asked for a roll call vote. Ayes: (10) Ken Albert, Andy Swords, Roberta Lang, Cathy Scangarella, Joyce Paul, Shing-Fu Hsueh, Dan Kennedy, Ray Martinez, Charles McKenna, Ed McKenna. Nays: (0). Abstains: (0). Resolution No. 2014-02 was approved.

PUBLIC COMMENT

Chris Sturm, New Jersey Future congratulated the staff for all the great work that has been done at the local level to jump start sustainable economic development. She also referenced a hand-out regarding the work that NJ Future was doing in consultation with DEP with respect to urban water infrastructure. The project is entitled *Ripple Effects: The State of Water Infrastructure in New Jersey Cities and Why It Matters*.

Ms. Sturm expressed her disappointment that public comment was not taken prior to the vote on Resolution No. 2014-02. Ms. Sturm noted that she was going to recommend a different course of action. She explained that NJ Future believes that center designations are very important. She noted that NJ Future recognizes that there are 87 centers that were probably going to expire in June of next year. Ms. Sturm noted that the center designations matter mostly in the coastal areas, where the designation determines the amount of impervious coverage for a development and has a big impact on the development. She further noted that the impact was less clear in areas outside the coastal area. However, a designation outside the coastal areas makes those locations eligible for economic incentives programs like GrowNJ and the ERRG program. She explained that New Jersey Future had analyzed all of the grants made under the GrowNJ and ERRG between January and June and there was one grant made to Salem City that was conditioned upon it having a center. She further explained that if a municipality was outside Planning Area 1 and 2 and did not have a center it was still eligible for a grant, but at a very low level.

Ms. Sturm commented that NJ Future would like to encourage the SPC, in the next 60-days, to think about how it could help the affected communities update their centers.

She further noted that it was unfortunate that the State Strategic Plan was delayed to incorporate the impacts of Super Storm Sandy and that an update has yet to be released, thus, leaving the centers unchanged, despite all the county planning work that is going on. Ms. Sturm further explained that the sewer service areas have changed and have been pulled back. Two hundred thousand acres are no longer in sewer service areas and the center designations should be updated to reflect the changes and growth should not be encouraged in these areas.

Ms. Sturm also explained that since Sandy there is a better understanding of the risks of flooding, noting that New Jersey has the 3rd highest claims for flood programs in the nation. She further noted that there is a major land use problem in vulnerable areas, especially along the coast and NJ Future understands that the risk will only increase as sea levels continue to rise.

Ms. Sturm referenced a map of Little Egg Harbor and Tuckerton (attachment c), where NJ Future has

a planner working with the communities to help figure out what the risks are and how they will need to respond. She explained that the map shows the center boundaries for Little Egg Harbor and Tuckerton and shows the areas that will likely be flooded in 2050 if a 10% storm occurs, which is a storm that is likely to happen once every 10 years. She explained that there were a lot of areas within the center that are high and dry and are appropriate for future investment. But there are some areas that if investments happened today would be "wasted" in 35 years. She noted that NJ Future recognizes that these communities are having a tough time dealing with this new reality. She further noted that DCA has a terrific planning grant program funded by federal monies and that they have been giving out a lot grants to communities to help them anticipate these risks and plan ahead. She suggested that this pot of money be made available to coastal communities with centers to help them update their centers.

Ms. Sturm noted that she believed that today, the Department of Housing and Urban Development was going to announce a National Disaster Resilience Competition where \$1 billion would be made available to states and cities throughout the country with \$180 million being set aside for New York, New Jersey and New York City. NJ Future has requested a meeting with DEP to discuss how the State wants to use these monies and what would be the best grant proposal that might allow New Jersey more than its allotted share. This program could be an opportunity for coastal communities to figure how to plan for growth that is going to be resilient in the long term.

Lastly, Ms. Sturm explained that given all of NJ Future's concerns they were going to recommend that the Commission hold the resolution this month in order to investigate the DCA planning grant opportunities and to see to what extent those funds might indeed be available. In addition, for the SPC to recognize a way to streamline the center designation process, recognizing that the plan endorsement process is complicated and too expensive and finally to recognize that the SPC has until June 2015 for the centers to expire.

Chair McKenna thanked Ms. Sturm for her comments. He also noted that there was nothing prohibiting the SPC from encouraging municipalities to revisit their center boundaries but there may be many municipalities that do not need to and the SPC would be penalizing them by not moving forward. In addition, Chair McKenna noted that the SPC has the ability to amend the proposed rule after receiving public comments.

Ms. Sturm suggested that the SPC ask DEP to provide the SPC with a list of coastal centers that have this vulnerability. She also suggested that perhaps the SPC could bifurcate the amendment to allow extension of the center outside the CAFRA zone.

Helen Henderson, American Littoral Society commented that Ms. Sturm made a lot of good points and would not take up the SPC's time to reiterate them. Ms. Henderson noted she too would have like to offer public comment and offered information that may have changed the resolution on the way SPC moved forward on proposing the amendments. She noted that that she liked Ms. Sturm's suggestion of bifurcating out the coastal centers and to look at those separately from the other centers.

Ms. Henderson commented that along with the issue of sea level rise there is the matter of the Water Supply Master Plan. She noted specifically that as it relates to Ocean County and Lakewood's endorsed center that the Ocean County Northern Wastewater Plan is at or above 80% capacity. There was a brief discussion regarding the coastal centers in Toms River and Lakewood. It was noted that Toms River and Lakewood have not been endorsed by the SPC and therefore, do not have State Plan Centers so the proposed rule amendment would not affect the two municipalities from a State Plan point, because they don't have State Plan status. It was recommended that the concerns regarding the centers in Toms River and Lakewood be submitted in writing so they can be addressed interagency wide and responded to as a Commission.

Ms. Henderson further noted that it was important to look at hazard mitigation planning separately in the coastal centers, whether or not they are endorsed or have received full plan endorsement. In

addition, in other center areas waste water capacity planning and the impacts to water quality management are still extremely deficient in looking at and planning for impact on water quality and storm water runoff, which is a problem throughout the State.

With that being said, Ms. Henderson said that the American Littoral Society would take the opportunity to articulate their comments during the comment period. She thanked the SPC for their time.

Chair McKenna noted that the SPC would be responding to every comment received.

Lastly, Ms. Henderson noted that she felt that the three year time frame seemed like an arbitrary selected number and suggested there be a shorter time frame with possible benchmarks.

There were no further public comments at this time.

Chair McKenna introduced and welcomed to the Commission new members, Ray Martinez, Charles McKenna and Dan Kennedy.

COMMISSIONER REPORTS

Commissioner Albert renewed his previous comments from the January meeting regarding the State Redevelopment Plan. He feels that the SPC is not fulfilling its primary obligation under the statute. He feels the SPC is dealing with much less important things. He noted that he respects the work of the OPA and was glad that it has continued on a high level.

He noted that for decades New Jersey has been at the forefront of long term planning but has given up that role. Everyone has agreed on the importance of doing planning, but a plan without implementation or an implementation phase is not worth very much. He explained that the construct of the State Planning Act retrained the power and control of State Planning with the administration and overlaid a public input aspect to it through public members and local members where other ideas could come to the fore. He feels that the SPC is giving that up unnecessarily and incorrectly. He noted that he wasn't sure if it even paid to adopt the draft State Strategic Plan at this point, explaining that by definition a strategic plan is a short term plan to address some of the aspects of the recession. He feels at the very least the SPC should be evaluating the three year old plan to see if it still has the same validity. He further noted that the draft plan does have a balanced approach to preservation and redevelopment and this needs to be reasserted.

Chair McKenna commented he couldn't disagree with Commissioner Albert. He noted that he has been in touch with Director Scharfenberger on a constant basis. He explained that it was his understanding that the plan was being updated and would be resubmitted to the SPC for review and that the administration was presently looking at it. He further noted that the administration supports very strongly redevelopment of the State, creation of jobs and all that is included within the State Plan.

ADJOURNMENT

With no further comments from the SPC or the public, Chair McKenna asked for a motion to adjourn. The motion was made by Commissioner Kennedy and seconded by Commissioner Swords. All were in favor. The meeting was adjourned at 10:29 a.m.

Respectfully submitted,



Gerry Scharfenberger, Ph.D.
Secretary, State Planning Commission
Dated: September 30, 2014

NEW JERSEY STATE PLANNING COMMISSION

DATE: SEPTEMBER 17, 2014TIME: 9:30 AMLOCATION: COMMITTEE ROOM 15, 4TH FLOOR, STATE HOUSE
ANNEX, TRENTON, NJ

NAME	AFFILIATION
Susan Weber	NJDOT
MaryjuddHaddock-Weiler	NJ Highlands Council
Stacy McCormack	American Littoral Society
Chris Sturm	NJF
Elizabeth George- ^{Shawyer}	NSBA



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CHRIS CHRISTIE
Governor

GERRY SCHARFENBERGER, Ph.D.
Director

KIM GUADAGNO
Lieutenant Governor

Resolution No. 2014-03
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Date: September 17, 2014


RESOLUTION

PROPOSING EXECUTIVE SESSION FOR THE PURPOSE OF OBTAINING
LEGAL ADVICE

WHEREAS, pursuant to the Open Public Meetings Act, the public may be excluded from those portions of a meeting at which certain matters are discussed, including those matters falling within the attorney client privilege;

NOW, THEREFORE, BE IT RESOLVED THAT, consistent with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-12(b), the State Planning Commission shall now adjourn to an executive session for the purpose of obtaining legal advice with regard to agenda item number eight, the proposed publication for public comment of an amendment to N.J.A.C. 5:85-7.21.

I hereby certify that this resolution was
duly adopted by the State Planning Commission
at its meeting on September 17, 2014


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

