

# PUBLIC NOTICES

## COMMUNITY AFFAIRS

### (a)

#### STATE PLANNING COMMISSION

##### Notice of Effect of Permit Extension Act of 2008 on State Planning Commission Designated Centers

Take notice that the Department of Community Affairs, in accordance with Section 5 of the Permit Extension Act of 2008, P.L. 2008, c. 78 (Act), has provided a general notice of the effect of the Act in the November 3, 2008 New Jersey Register (see 40 N.J.R. 6486(a)). The Department of Environmental Protection, the Highlands Council and the Pinelands Commission have provided general notices of the effect of the Act in the October 6, 2008 New Jersey Register (see 40 N.J.R. 5851(c), 5853(a) and 5853(b), respectively). This notice is intended to supplement those notices with respect to the effect of the Act on State Planning Commission designated centers. The Act was signed by Governor Jon S. Corzine on September 6, 2008 and became effective immediately.

The purpose of this notice is to advise the public as to the impact of the Act on State Planning Commission designated centers. It is important to note that the State Planning Commission (Commission or SPC) has not taken formal action to extend designated centers. Any extensions are by operation of law.

#### Effective Date

The Act tolls the running of the period of approval for any governmental approvals in existence from January 1, 2007 through July 1, 2010. The tolling period, however, cannot extend such approvals beyond December 31, 2010. The Act's definition of the term "approval," as it relates to State Planning Area designated centers, includes plan endorsement and center designations pursuant to the State Planning Act, P.L. 1985, c. 398.

#### Relevant Provisions

The Act excludes any permit or approval issued within an "environmentally sensitive area," which includes areas designated in the State Development and Redevelopment Plan in effect as of September 6, 2008 as Planning Area 4b (Rural/Environmentally Sensitive), Planning Area 5 (Environmentally Sensitive) or critical environmental sites; the Pinelands Area and the Highlands Region. However, any areas designated as growth areas by either the Pinelands Commission in the Pinelands Comprehensive Management Plan or the Highlands Council in the Highlands Regional Master Plan are not included as environmentally sensitive areas.

Centers designated as growth areas by the Commission are not, as a group, recognized pursuant to the Act as growth areas. For State Planning

Commission designated centers, the presence of underlying "environmentally sensitive area" designations as defined in the Act will determine whether or not a center or a portion of a center is extended. However, it is important to note that the Act's provisions for extensions do not preclude the Commission from exercising its authority under the State Planning Act and the regulations promulgated thereto. Accordingly, petitions for plan endorsement or the process of revising and readopting the State Development and Redevelopment Plan (State Plan) can result in mapping changes. In addition, it is possible for the Commission to designate centers as a result of plan endorsement or to designate interim centers for those petitioners actively pursuing plan endorsement.

It is important to note that SPC designated urban centers do not expire. In addition, cores and nodes designated after January 7, 2002 also do not expire. Accordingly, these are not impacted by the Act.

#### State Planning Commission Designated Centers in Multi-Jurisdictional Areas

##### Highlands Region

State Planning Commission designated centers located within the Highlands Region are not extended pursuant to the Act. The Highlands Council published a notice in the October 6, 2008 New Jersey Register (see 40 N.J.R. 5853(a)) indicating that presently there are no areas designated for growth in the Highlands Region and that the Highlands Council may in the future designate growth areas in the Highlands Region. There are 88 municipalities within the Highlands Region which are listed in the October 6, 2008 New Jersey Register notice. Accordingly, until such time as the Highland's Council designates growth areas in the region, the Permit Extension Act does not apply. However, the Commission is not precluded from designating centers in the Planning Area of the Highlands Region, subject to the terms and conditions contained in the Memorandum of Understanding between the Commission and the Highlands Council, the Commission's policy directives and the plan endorsement rules. The Highlands Council may also designate centers in the Preservation and Planning Area of the Highlands Region through municipal Plan Conformance. However, the designation of a center in the Highlands Region by either the Commission or the Highlands Council will not automatically result in the applicability of the Permit Extension Act until such time as the Highlands Council designates any such center as a growth area.

A listing of State Planning Commission designated centers within the Highlands Region and the expiration dates for same are listed below in Table 1. Specific inquiries regarding the impact of the Act on extension of permits in the Highlands Region should be submitted to the Highlands Council.

Table 1 - State Planning Commission Designated Centers in the Highlands Region Not Qualified for Extensions

<u>County</u>	<u>Municipality</u>	<u>Center Name and Type</u>	<u>Creation Date</u>	<u>Expiration Date</u>
Morris	Dover	Dover/Regional	Dec. 2, 1994	Jan. 7, 2008
Morris	Mendham	Mendham/Village	Feb. 24, 1995	Jan. 7, 2008
Morris	Morristown	Morristown/Regional	Dec. 1, 1995	Jan. 7, 2008
Morris	Mount Arlington	Mount Arlington/Village	Dec. 5, 2001	Jan. 7, 2008
Morris	Netcong	Netcong/Town	Sept. 27, 2000	Jan. 7, 2008
Passaic	Bloomingtondale	Bloomingtondale/Town	Feb. 25, 1998	Jan. 7, 2008
Passaic	Wanaque	Wanaque/Town	Feb. 25, 1998	Jan. 7, 2008
Somerset	Bedminster	Bedminster/Village	Sept. 20, 2001	Jan. 7, 2008
Somerset	Bernardsville	Bernardsville/Town	April 28, 1999	Jan. 7, 2008
Somerset	Far Hills	Far Hills/Village	March 1, 2001	Jan. 7, 2008
Sussex	Byram	Byram/Village	May 19, 2004	May 19, 2010

Sussex	Hopatcong	Hopatcong/Town	April 28, 1995	Jan. 7, 2008
Sussex	Newton	Newton/Regional	Sept. 24, 1993	June 30, 2010
Sussex	Sparta	Sparta/Village	July 16, 2003	July 16, 2009
Sussex	Stanhope	Stanhope/Town	Oct. 16, 2002	Oct. 16, 2008
Sussex	Vernon Township	Vernon/Town	July 16, 2003	July 16, 2009
Warren	Hope Township	Hope/Village	June 28, 2000	Jan. 7, 2008
Warren	Hope Township	Mount Herman/Hamlet	June 28, 2000	Jan. 7, 2008
Warren	Oxford Township	Oxford/Village	Jan. 28, 1998	Jan. 7, 2008
Warren	Washington Borough	Washington/Town	May 26, 1999	Jan. 7, 2008

**Pinelands Area**

The State Planning Commission does not designate centers for any land that is in the Pinelands Area. Rather, the Pinelands Commission designates Regional Growth Areas and the State Planning Commission's regulations shall deem these growth areas to be equivalent to SPC designated centers under the State Plan. There are 53 municipalities within the Pinelands Area, 26 of which contain Regional Growth Areas designated by the Pinelands Commission. A general description of the Pinelands growth areas and the impact of the Act on development within these centers was published by the Pinelands Commission in the October 6, 2008 New Jersey Register.

In addition, a number of municipalities are located partially within and partially outside of the Pinelands Area. Among these, there are several municipalities having State Planning Commission designated centers (Ocean Township of Ocean County, Stafford Township of Ocean County and Upper Township of Cape May County). The designated centers and endorsement of these municipalities are not subject to the Act because the plan endorsement, including any center designations, does not expire until after the tolling period. Specific inquiries regarding the impact of the Act on extension of permits in Pinelands growth areas should be submitted in writing to: New Jersey Pinelands Commission, P.O. Box 7, New Lisbon, NJ 08064.

**CAFRA Area**

One provision of the Act relates to coastal centers delineated by the Department of Environmental Protection (Department or DEP) pursuant to the Coastal Area Facility Review Act (CAFRA), N.J.S.A. 13:19. That provision extends DEP coastal centers for municipalities that have both petitioned the State Planning Commission for plan endorsement prior to March 15, 2007 and are consistent with the provisions of the Coastal Zone Management Rules at N.J.A.C. 7:7E-5B.6. In addition, certain SPC designated centers have been accepted by the DEP as CAFRA centers.

Specific inquiries regarding the impact of the Act on extension of DEP coastal centers and CAFRA centers, as well as CAFRA permits, should be directed to the DEP. Information regarding the applicability of the Act with respect to DEP's CAFRA and coastal centers is available on the website at: <http://www.state.nj.us/dep/oppce/extension.htm>.

If the website does not address a particular issue, questions may be directed to the department by phone at (609) 292-3600 or submitted in writing to NJ DEP, Office of Permit Coordination and Environmental Review, P.O. Box 423, Trenton, NJ 08625-0423 or via electronic mail at: [www.nj.gov/dep/oppce/permitcoord/htm](http://www.nj.gov/dep/oppce/permitcoord/htm).

**State Planning Commission Designated Centers in Areas outside of the Highlands Region and the Pinelands Area**

The following analysis, based on underlying planning areas and critical environmental sites, determines whether, and if so to what extent, State Planning Commission designated centers that are outside the Pinelands Area and the Highlands Region, but which may be within the CAFRA Area, are impacted by the Permit Extension Act. These fall into three broad categories depending upon the underlying Planning Area and critical environmental sites. These designated centers may be subject to boundary revisions. Specifically, if a designated center has underlying designations of Planning Areas 1, 2, 3, 4 and/or 5b, then the center or portions thereof within these Planning Areas are extended, except for any portion of the center that is a critical environmental site. If a designated center has underlying designations of Planning Area 4b, Planning Area 5 and/or critical environmental sites, then the center or portions thereof within these Planning Areas and sites are not extended.

**Designated Centers Fully Extended with Original Boundaries**

Designated centers falling entirely within Planning Areas 1, 2, 3, 4 and/or 5b, and containing no critical environmental sites, are extended pursuant to the Act, with original boundaries. These are listed in Table 2.

**Designated Centers Partially Extended with New Boundaries**

Designated centers partially within and partially outside of Planning Area 4b and/or Planning Area 5 are recognized as growth areas only for those portions that are within Planning Areas 1, 2, 3, 4 and/or 5b and are not a critical environmental site. These are listed in Table 3, including an approximation of the percentage of the land of the original center that remains.

**Designated Centers Not Extended**

Designated centers entirely within Planning Area 4b, Planning Area 5 and/or critical environmental sites, are not recognized as growth areas pursuant to the Act, and are not extended. These are listed in Table 4.

The following tables provide a listing of the status of these affected State Planning Commission designated centers. Specifically, Tables 2, 3, and 4 describe the impact on State Planning Commission designated centers in areas outside of the Highlands Region and the Pinelands Area including the impact, if any, of the Act on center designations. The listing includes original expiration dates, new expiration dates and any relevant boundary implications.

Those municipalities that are located in the CAFRA Area are marked with an asterisk "\*". These municipalities have CAFRA centers adopted by the Department as well as State Planning Commission designated centers. Please contact DEP directly for information on the impact of the Permit Extension Act on these CAFRA centers.

**Table 2 - State Planning Commission Designated Centers Extended Pursuant to the Act Entirely in Planning Area 1, 2, 3, 4 and/or 5b**

<u>County</u>	<u>Municipality</u>	<u>Center Name and Type</u>	<u>Creation Date</u>	<u>Original Expiration Date</u>	<u>New Expiration Date</u>
Bergen	Ridgefield	Ridgefield/Town	May 20, 1994	Jan. 7, 2008	Dec. 31, 2010
Burlington	Chesterfield	Chesterfield/Hamlet	April 26, 2000	Jan. 7, 2008	Dec. 31, 2010
Burlington	Chesterfield	Crosswicks/Village	April 26, 2000	Jan. 7, 2009	Dec. 31, 2010

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Burlington	Chesterfield	Sykesville/Hamlet	April 26, 2000	Jan. 7, 2008	Dec. 31, 2010
Burlington	Chesterfield	TDR Receiving Area	April 26, 2000	Jan. 7, 2008	Dec. 31, 2010
Burlington	Southampton	Vincentown/Village	Sept. 22, 1999	Jan. 7, 2008	Dec. 31, 2010
Camden	Gloucester City	Gloucester City/Town	Jan. 28, 1998	Jan. 7, 2008	Dec. 31, 2010
Cape May	Avalon Borough*	Avalon/Town	Oct. 27, 1999	Jan. 7, 2008	Dec. 31, 2010
Cape May	Stone Harbor Borough*	Stone Harbor/Town	Oct. 27, 1999	Jan. 7, 2008	Dec. 31, 2010
Cumberland	Commercial Township*	Mauricetown-Haleyville/Village	June 19, 2002	June 19, 2008	Dec. 31, 2010
Hunterdon	Flemington Borough	Flemington/Town	Dec. 5, 2001	Jan. 7, 2008	Dec. 31, 2010
Mercer	Hightstown	Hightstown/Town	March 26, 1997	Jan. 7, 2008	Dec. 31, 2010
Mercer	Hopewell	Hopewell/Village	Sept. 24, 1993	Jan. 7, 2008	Dec. 31, 2010
Mercer	Robbinsville Township	Washington Town Center/Town	April 22, 1998	Jan. 7, 2008	Dec. 31, 2010
Middlesex	Franklin Township/South Brunswick Township	Kingston/Village	May 16, 2001	Jan. 7, 2008	Dec. 31, 2010
Middlesex	Metuchen Borough	Metuchen/Town	March 26, 1997	Jan. 7, 2008	Dec. 31, 2010
Monmouth	Allentown	Allentown/Village	May 15, 2002	May 15, 2008	Dec. 31, 2010
Monmouth	Neptune Township*	Midtown Neptune/Town	June 19, 2002	June 19, 2008	Dec. 31, 2010
Ocean	Little Egg Harbor Township*	Mystic Island/Town	June 28, 2000	Jan. 7, 2008	Dec. 31, 2010
Ocean	Little Egg Harbor Township*	Parkertown/Village	June 28, 2000	Jan. 7, 2008	Dec. 31, 2010
Ocean	Little Egg Harbor Township/Tuckerton Borough*	Tuckerton/Town	June 28, 2000	Jan. 7, 2008	Dec. 31, 2010
Ocean	Plumsted Township	New Egypt/Town	July 24, 1996	Jan. 7, 2008	Dec. 31, 2010
Passaic	Haledon	Haledon/Town	April 26, 2000	Jan. 7, 2008	Dec. 31, 2010
Passaic	Totowa	Totowa/Town	June 24, 1998	Jan. 7, 2008	Dec. 31, 2010
Salem	Woodstown	Woodstown/Town	Oct. 29, 1998	Jan. 7, 2008	Dec. 31, 2010
Somerset	Warren Township	Warren/Town	Oct. 16, 2002	Oct. 16, 2008	Dec. 31, 2010

Table 3 State Planning Commission Designated Centers Partially Extended Pursuant to the Act Partially in Planning Areas 4b, 5 and/or Critical Environmental Sites (CES)

<u>County</u>	<u>Municipality</u>	<u>Center Name and Type</u>	<u>Creation Date</u>	<u>Original Expiration Date</u>	<u>New Expiration Date</u>	<u>Area Remaining in Center Percent</u>
Atlantic	Galloway Township*	Oceanville/Village	Dec. 5, 2001	Jan. 7, 2008	Dec. 31, 2010	72 percent
Atlantic	Galloway Township*	Smithville/Town	Dec. 5, 2001	Jan. 7, 2008	Dec. 31, 2010	89 percent
Atlantic	Galloway Township*	Wrangleboro Estates Town/Town	Dec. 5, 2001	Jan. 7, 2008	Dec. 31, 2010	76 percent
Cape May	Wildwood City, Wildwood Crest, North, West*	The Wildwoods/Regional	April 22, 1998	Jan. 7, 2008	Dec. 31, 2010	95 percent
Cumberland	Bridgeton City*	Bridgeton Regional/Regional	Dec. 5, 2001	Jan. 7, 2008	Dec. 31, 2010	86 percent
Cumberland	Lawrence Township*	Cedarville/Town	June 18, 2003	June 18, 2009	Dec. 31, 2010	99 percent
Cumberland	Millville-Vineland*	Millville-Vineland/Regional	May 20, 1994	Jan. 7, 2008	Dec. 31, 2010	99 percent
Mercer	Princeton Borough, Princeton Township	Princeton/Regional	Sept. 29, 1995	Jan. 7, 2008	Dec. 31, 2010	94 percent
Middlesex	Cranbury Township	Cranbury/Village	June 26, 1996	Jan. 7, 2008	Dec. 31, 2010	79 percent
Middlesex	Milltown Borough	Milltown/Town	Sept. 18, 2002	Sept. 18, 2008	Dec. 31, 2010	99 percent
Morris	Lincoln Park	Lincoln Park/Town	May 15, 2002	Jan. 7, 2008	Dec. 31, 2010	84 percent

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Monmouth	Atlantic Highlands Borough*	Atlantic Highlands/Town	March 29, 2000	Jan. 7, 2008	Dec. 31, 2010	93 percent
Monmouth	Englishtown	Englishtown/Village	June 19, 2002	Jan. 7, 2008	Dec. 31, 2010	40 percent
Monmouth	Freehold Township	Freehold/Town	Oct. 22, 1997	Jan. 7, 2008	Dec. 31, 2010	99 percent
Monmouth	Long Branch City*	Long Branch/Regional	May 1, 1996	Jan. 7, 2008	Dec. 31, 2010	89 percent
Monmouth	Manasquan Borough*	Manasquan/Town	May 24, 2000	Jan. 7, 2008	Dec. 31, 2010	93 percent
Monmouth	Red Bank Borough*	Red Bank/Regional	May 29, 1996	Jan. 7, 2008	Dec. 31, 2010	71 percent
Salem	Salem City*	Salem/Regional	Dec. 1, 1999	Jan. 7, 2008	Dec. 31, 2010	99 percent
Somerset	Manville Township	Manville/Town	June 28, 2000	Jan. 7, 2008	Dec. 31, 2010	78 percent
Somerset	North Plainfield Borough	North Plainfield/Town	Oct. 16, 2002	Oct. 16, 2008	Dec. 31, 2010	91 percent
Somerset	Watchung Borough	Watchung/Village	Oct. 16, 2002	Oct. 16, 2008	Dec. 31, 2010	70 percent
Ocean	Eagleswood Township*	West Creek	April 3, 2003	March 23, 2009	Dec. 31, 2010	89 percent
Somerset	Bound Brook Borough/ South Bound Brook	Boundbrook-South Bound Brook/Town	June 28, 2000	Jan. 7, 2008	Dec. 31, 2010	86 percent
Somerset	Bridgewater/Raritan/ Somerville	BRS Regional	May 29, 1996	Jan. 7, 2008	Dec. 31, 2010	92 percent
Somerset	Rocky Hill Borough	Rocky Hill/Village	May 16, 2001	Jan. 7, 2008	Dec. 31, 2010	99 percent
Sussex	Branchville	Branchville/Village	June 16, 2004	June 16, 2010	Dec. 31, 2010	61 percent
Sussex	Newton	Newton Town, Regional	Sept. 24, 1993	Jan. 7, 2008	Dec. 31, 2010	1 percent

**Table 4 - State Planning Commission Centers Not Extended Pursuant to the Act Entirely in Planning Areas 4b, 5 and/or Critical Environmental Sites**

<u>County</u>	<u>Municipality</u>	<u>Center Name and Type</u>	<u>Creation Date</u>	<u>Expiration Date</u>
Cape May	Cape May City*	Cape May/Town	Oct. 27, 1999	Jan. 7, 2008
Cape May	Cape May Point Borough*	Cape May Point/Village	April 23, 1998	Jan. 7, 2008
Cumberland	Commercial Township*	Laurel Lake/Village	June 19, 2002	June 19, 2008
Cumberland	Commercial Township*	Port Norris/Village	June 19, 2002	June 19, 2008
Cumberland	Maurice River Township*	Delmont/Village	Feb. 2, 2000	Jan. 7, 2008
Cumberland	Maurice River Township*	Dorchester- Leesburg/Village	Feb. 2, 2000	Jan. 7, 2008
Cumberland	Maurice River Township*	Heislerville/Village	Feb. 2, 2000	Jan. 7, 2008
Cumberland	Maurice River Township*	Mauricetown Station/Hamlet	Feb. 2, 2000	Jan. 7, 2008
Cumberland	Maurice River Township*	Port Elizabeth-Bricksboro/Village	Feb. 2, 2000	Jan. 7, 2008
Middlesex	East Brunswick Township	Historic Old Bridge/Village	May 19, 2004	May 19, 2010
Ocean	Seaside Heights Borough*	Seaside Heights/Town	July 16, 2003	July 16, 2009
Salem	Elmer	Elmer/Town	Dec. 3, 1997	Jan. 7, 2008
Somerset	Bedminster	Pluckemin/Village	Sept. 20, 2001	Jan. 7, 2008
Somerset	Far Hills	Far Hills/Village	Sept. 20, 2001	Jan. 7, 2008
Sussex	Andover	Andover/Town	Dec. 4, 1996	Jan. 7, 2008
Sussex	Sandyston Township	Hainesville/Village	April 23, 2003	April 23, 2009
Sussex	Sandystown Township	Layton/Village	April 23, 2003	April 23, 2009
Sussex	Montague Township	Montague/Town	April 23, 2003	April 23, 2009

Additional information regarding the applicability of the Act with respect to the State Planning Commission plan endorsements and designated centers is available on the Office of Smart Growth's website, <http://www.nj.gov/dca/divisions/osg>. If the website does not address a particular issue, questions may be directed to the office by phone at (609)

292-7156 or via electronic mail at [osg@mail@dca.state.nj.us](mailto:osg@mail@dca.state.nj.us) or submitted in writing to New Jersey Department of Community Affairs—Office of Smart Growth, 101 South Broad Street, P.O. 204, Trenton, NJ 08625-0204.