

# Plan Endorsement Guidelines

State of New Jersey  
Department of Community Affairs  
New Jersey State Planning Commission  
Office of Smart Growth



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**State Agency Partners:**  
NJ Department of Agriculture  
NJ Board of Public Utilities  
NJ Department of Education  
NJ Department of Environmental Protection  
NJ Department of Transportation  
NJ Department of Corrections  
Commerce & Economic Growth Commission  
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# **Plan Endorsement Guidelines**

## **Table of Contents**

### **Section 1: Plan Endorsement Explained**

- 1.1 Introduction and Purpose
- 1.2 Plan Endorsement Process
- 1.3 Plan Endorsement Benefits

### **Section 2: Applying for Plan Endorsement**

- 2.1 Pre-Petition Meeting
- 2.2 Initial Plan Endorsement Petition Requirements
  - A. Planning and Implementation Agreement
  - B. Requirements for County and Municipal Petitioners
    - 1. Additional county petition requirements
    - 2. Additional municipal petition requirements
  - C. Timeline for Initial Plan Endorsement Review
- 2.3 Advanced Plan Endorsement Petition Requirements
  - A. Plan Endorsement Contract
  - B. Advanced Plan Endorsement Requirements
  - C. Timeline for Advanced Plan Endorsement Review

### **Section 3: Benefits of Plan Endorsement**

- 3.1 Regulatory Benefits
- 3.2 Funding Benefits
  - List of Current or Proposed Funding Programs

### **Section 4: Review of Initial and Advanced Plan Endorsement Petition**

### **Section 5: Monitoring and Amending Endorsed Plans**

### **Section 6: Appendices**

- 6.1 Petition Process Flow Charts
- 6.2 State Plan Policy Map Amendments
- 6.3 Plan Endorsement Application Form
- 6.4 NJ Department of Agriculture Plan Endorsement Thresholds
- 6.5 Plan Implementation Agreement: Sample Requirements from NJ Department of Transportation
- 6.6 Resources

## **SECTION 1: PLAN ENDORSEMENT EXPLAINED**

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### **1.1 INTRODUCTION AND PURPOSE**

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#### ***Introduction***

Plan Endorsement is a tool developed by the State Planning Commission to provide the technical assistance and the coordination for municipalities, counties, regional and State agencies to meet the publicly supported goals of the State Planning Act (N.J.S.A. 52:18A-196 et seq). That act recognized that though land use decision making has been delegated to the local municipalities by the New Jersey Constitution and Legislature, the municipalities are often not supported by coordinated state and county planning and public investments. Similarly, local plans of neighboring municipalities often conflict. The Legislature found that the public purpose of developing the New Jersey economy while protecting natural resources, providing adequate and diverse housing, and redeveloping cities required coordinated state action to control what is now known as sprawl. To that end the Legislature created a State Planning Commission mandated to create and implement a cooperatively developed state plan that would delineate areas for growth and redevelopment and areas for the protection of natural resources and farming. The plan is the State Development and Redevelopment Plan (State Plan), and an implementing tool is the Plan Endorsement Process described below.

Plan Endorsement is a voluntary review process that is designed to assist government agencies at all levels to develop and implement plans that will achieve the goals, policies and strategies of the State Plan. The process establishes a method by which government agencies at all levels may develop capital investment and planning decision-making mechanisms that are consistent with the State Plan and are therefore coordinated with each other. Technical assistance is provided throughout the endorsement process by the Office of Smart Growth and other State agencies. The end product of the review is intended to provide sufficient information so that the State Planning Commission, acknowledging the local context, can make a final determination as to the level of State Plan consistency achieved by the petitioner, and the petitioner's commitment to the implementation of the State Plan.

#### ***Purpose***

The purpose of the Plan Endorsement process is to reach the following goals by increasing the consistency among municipal, county, regional and State agency plans with each other and with the State Plan, and to facilitate the implementation of these plans.

The goals of plan endorsement are to:

1. Encourage municipal, county, regional and state agency plans to be coordinated and support each other to achieve the goals of the State Plan;
2. Encourage municipalities and counties to plan on a regional basis while recognizing the fundamental role of the municipal master plan and development regulations;
3. Consider the entire municipality, including Centers, Cores, Nodes and Environs, within the context of regional systems;
4. Provide an opportunity for all government entities and the public to discuss and resolve common planning issues;

5. Provide a framework to guide and support state investment programs and permitting assistance in the implementation of municipal, county and regional plans that meet statewide objectives; and
6. Learn new planning approaches and techniques from municipal, county and regional governments for dissemination throughout the state and possible incorporation into the State Plan. (The New Jersey State Development and Redevelopment Plan, 2001, page 14).
7. Ensure that petitions for Plan Endorsement are consistent with applicable State land use statutes and regulations.

Please keep these goals in mind as you review the Plan Endorsement Guidelines. The first section outlines the process and benefits of Plan Endorsement. Sections 2 and 3 explain each of these in greater detail. Section 4 addresses how the State Planning Commission will evaluate these petitions for overall consistency with the State Plan. Section 5 describes the process for monitoring and amending endorsed plans. A series of appendices provides additional information on the process.

Also, please note that when the State Planning Commission is referenced in this document, it refers to the full commission as well as any committee that may review and make recommendations on petitions.

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## **1.2 PLAN ENDORSEMENT PROCESS**

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### **Pre-Petition Meeting**

Any municipality, county or regional entity that wishes to petition for Plan Endorsement can request a Pre-petition meeting with the Office of Smart Growth and representatives from other state agencies (e.g. DEP, DOT, Ag, COAH). The purpose of this meeting is to advise petitioners on the requisite planning documents they need to submit in order to have their petition for plan

endorsement considered by the State Planning Commission. The Pre-petition meeting is also an opportunity to discuss the items that should be included in the Plan Endorsement Contract.

### **Stage 1: Initial Plan Endorsement Petition**

For the first stage, Initial Plan Endorsement, a petitioner submits the fundamental planning documents, which most municipalities and counties will have already prepared, including the master plan, to the State Planning Commission. These planning documents will be reviewed by the Office of Smart Growth, which, after consultation with other State agencies, will make a recommendation to the State Planning Commission as to the consistency of the petitioner's plan with the State Plan.

### **Stage 2: Planning and Implementation Agreement**

The purpose of the Planning and Implementation Agreement is to outline the commitments on the part of the State and the petitioner to implement the endorsed plan. While reviewing petitions for both Initial and Advanced Plan Endorsements, the Office of Smart Growth will work with the petitioner to prepare a Planning and Implementation Agreement. That agreement will be submitted to the State Planning Commission for approval with the petition for Plan Endorsement.

A petitioner can choose to stop at Stage 2, or continue on to Advanced Plan Endorsement via the following stages.

### **Stage 3: Plan Endorsement Contract**

Once a petitioner has received Initial Plan Endorsement, it may seek Advanced Plan Endorsement by the State Planning Commission of its planning efforts beyond those required for their initial petition. The Plan Endorsement Contract is a joint agreement signed by the State Planning Commission and the petitioner at the beginning of the Advanced Plan Endorsement process. The purpose of the Plan Endorsement Contract is to set forth the requirements that the petitioner must meet in order to achieve Advanced Plan Endorsement, including those requirements that will continue after the plan is endorsed, any assistance that will be provided by state agencies to help the petitioner to meet these requirements, and what the petitioner will receive in State regulatory and financial benefits once the plan has been endorsed.

### **Stage 4: Advanced Plan Endorsement Petition**

Once the petitioner and the State have satisfactorily completed and enacted all of the items outlined in the Plan Endorsement Contract, the Office of Smart Growth will make a recommendation to the State Planning Commission concerning the petition for Advanced Plan Endorsement. If approved, the petitioner would then become eligible for the regulatory and funding benefits specified in the Plan Endorsement Contract. Once a petitioner has had a petition for Advanced Plan Endorsement approved by the State Planning Commission, it may request to amend its approved advanced petition to reflect new planning initiatives.

### **Stage 5: Bi-annual Status Reports**

Once a municipality, county, or regional entity has had its plan endorsed, the State Planning Commission requires that it submit status reports to the Office of Smart Growth every two years.

This provides an opportunity for the petitioner to demonstrate progress with the Planning and Implementation Agreement or Plan Endorsement Contract and to identify changes needed to an endorsed plan or to planning area boundaries on the State Plan Policy Map that are impacted by the endorsed plan. Failure by a petitioner to honor the terms and conditions of a Planning and Implementation Agreement can form the basis for an action by the State Planning Commission to revoke endorsed plan status, unless the petitioner's action was dependent on a state agency action that did not occur.

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### **1.3 PLAN ENDORSEMENT BENEFITS**

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In order to promote the implementation of an endorsed plan, each State agency member of the State Planning Commission, and other agencies at the request of the State Planning Commission or the Executive Director of the Office of Smart Growth, has prepared a list of proposed benefits for Plan Endorsement petitioners. These benefits include funding programs and regulatory provisions that will apply in growth areas or place a higher priority on or, in some cases, only apply within an area that is the subject of a plan that has been endorsed by the State Planning Commission. The State agencies will make the necessary regulatory and programmatic funding changes to implement these provisions, to the extent allowable by law.

The Office of Smart Growth will compile and update a list of all State agency benefits and make the list available to prospective petitioners seeking Plan Endorsement. Table 1 provides a preliminary listing of the benefits under consideration.



## **SECTION 2: APPLYING FOR PLAN ENDORSEMENT**

The State Planning Commission recognizes the significant effort necessary for communities to complete the Plan Endorsement process. While the Commission encourages a thorough comprehensive petition, consistent with the State Plan, this revised process allows petitioners the flexibility to decide which level of plan endorsement to pursue – initial or advanced plan endorsement - as well as to structure a plan endorsement contract that meets the specific needs of the municipality or county.

### **Eligibility**

Any municipality, county or regional grouping of municipal and/or county governing bodies, or regional or State agency, with the authority to implement plans, may petition the State Planning Commission for Plan Endorsement.

### **Regional Planning Priority**

One of the goals of the State Plan is to *ensure sound and integrated planning and implementation statewide* (The New Jersey State Development and Redevelopment Plan, 2001, Goal 8). As such, the State Planning Commission will give priority to petitions received from counties, regional entities, and urban complexes, as well as to municipalities that submit their master plans as part of a petition from a county, regional entity or urban complex. The State Planning Commission will also give priority consideration to municipal petitions that have the support of counties with endorsed plans and joint petitions from more than one municipality within a region.

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### **2.1 PRE-PETITION MEETING**

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The Office of Smart Growth strongly encourages municipalities, counties and regional entities to schedule a pre-petition meeting to provide guidance to petitioners on the requirements and benefits of plan endorsement, before they submit a plan endorsement application. At least 30 days prior to the Pre-petition meeting, potential petitioners shall submit to the Office of Smart Growth:

- Existing master plans, including any adopted optional elements;
- Any other adopted planning documents, including, in the case of a municipality, the adopted zoning map, any zoning schedule, and any adopted capital improvement programs.

### ***Petition Committees***

The State Planning Commission recommends that petitioners create a committee to prepare the initial petition on behalf of the governing body. For a municipal petitioner, the committee should include a representative from the governing body, the planning board, the board of adjustment, the Board of Education, the sewerage authority, several public members representing diverse interests, such as social, economic, housing, environmental, agricultural, and where applicable, the Environmental and the Historic Preservation Commissions. The committee for county petitions should include a representative from the governing body, the planning board and other county entities such as utility or improvement authorities.

For county petitioners, the committee should also include local government representatives and several public members from the county or region representing social, economic, housing, historic, agricultural and environmental interests. Membership on committees for regional petitions should cover the interests of the region served by the plan.

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## **2.2 INITIAL PLAN ENDORSEMENT PETITION REQUIREMENTS**

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The Initial Plan Endorsement stage is designed to be a review of the petitioner's planning documents for consistency with the goals, policies and strategies of the State Plan, with the State Plan Policy Map, and with applicable State statutes and regulations.

In order to initiate the plan endorsement process, the petitioner shall submit the following documents:

- Master plan, including all required elements
- Statement of community vision and public participation
- Statement regarding any proposed changes to the State Plan Policy Map
- Statement of any coordinated planning efforts with adjoining municipalities, counties or regional entities
- Other planning documents, many of which are likely in the master plan already:
  - Present and Future Population, Households and Employment Projections
  - Existing Planning Maps – zoning and land use
  - Natural Resource Inventory - most data can be provided to petitioners by DEP and should include any corrections proposed by the town or county based on more recent data
  - Copy of or status report on Agriculture Retention Plan, and County Comprehensive Farmland Preservation Plan or Municipal Farmland Preservation Plan, if available
- Petitioners shall also submit a proposed Planning and Implementation Agreement.

Municipalities and counties have different responsibilities under their respective land use planning laws. As a result, the materials requested by the State Planning Commission for Plan Endorsement are intended to be consistent with the County Planning Act and the Municipal Land Use Law (MLUL). County and municipal petitioners should refer to their appropriate sections below. The State Planning Commission will give priority consideration to regional petitions and encourages municipalities and counties to petition for Plan Endorsement together.

#### **A. REQUIREMENTS FOR COUNTY AND MUNICIPAL PETITIONERS**

- Current county or municipal Master plan and any available sub-elements.

An up-to-date Master plan and other related planning documents are essential for the coordinated planning of land uses, open space, and civic functions. Where counties or municipalities recognize a need for better planning resources, the Office of Smart Growth will work with the applicant on a scope of work needed, with a timeline for completion.

- Copy of adopted Master plan and any amendment including all master plan required elements and date of adoption;
- Status of any optional Master plan elements or other plans, such as Open Space, Agriculture Retention, Farmland Preservation, Wastewater Management, Transportation/Circulation and where appropriate also submit municipal subplans (for example Neighborhood Revitalization Plans and Redevelopment Plans). Include copies and date of adoption.
- Copy of any Master plan Reexamination Report adopted on or after the adoption of the master plan and date of adoption;
- Copy of any relevant Board of Education Five year facilities plan;
- Analysis of any master plan elements that were not addressed in an existing master plan reexamination report.
- Statement describing the petitioner’s current and future planning and regulatory activities already committed to by the petitioner.
- Copy of adopted capital improvement program.
- County Comprehensive Farmland Plan or Municipal Farmland Preservation Plan

- Statement of Community Vision and Public Participation

Petitioners are asked to submit a narrative of the visioning and public participation processes that were conducted, demonstrating how the public has been involved in the preparation of the master

plan and other documents that shape the community vision. In a state where land use controls are a local responsibility while infrastructure funding and regulatory systems are at higher levels of government, nothing is more critical than coordination and public support and understanding. Involving the public in every step of the Plan Endorsement process is critical. The State Planning Rules outline the basic requirement for public participation in the process.

To plan for the future, a community must have a vision of what it wants its future to be. The State Plan contains a vision for New Jersey in the year 2025 and establishes a set of policies for achieving that vision. Local governments can use the same approach. Vision statements may describe a future of the municipality, county, or region in 20 years as it relates to land development, redevelopment, preservation and conservation of resources, transportation, economic growth, housing diversity and affordability, the provision of public facilities and intergovernmental coordination.

Community knowledge and experience benefit the planning process in many ways. It can help shape the plans and build local support for community development projects on the front end of the planning process. The joint efforts of community members on working toward a vision can improve community relations and the quality of life within the community.

Principles to consider during a visioning process include: a diverse mix of land uses and activities; circulation systems that connect transportation modes more efficiently, reduce reliance on automobile usage, and promote pedestrian opportunities; a built environment that is appropriate to the scale of the location; a regional approach to planning that considers impact on and needs of neighboring municipalities and counties; affordable housing opportunities; and design techniques that prevent sprawl and protect and preserve environmentally sensitive areas.

The Office of Smart Growth is available to assist petitioners in the visioning process and with technical assistance. For further information, please review *Designing New Jersey* (Office of State Planning, 2000). Hard copies are available from the Office of Smart Growth, or you can retrieve a copy off of the OSG website at:  
<http://www.state.nj.us/dca/osg/docs/designingnj060100.pdf>.

- Statement regarding any proposed changes to the State Plan Policy Map

All petitioners proposing State Plan Policy Map Amendments, to be implemented through either initial plan endorsement or a subsequent advanced plan endorsement petition, are required to submit the information outlined in Appendix 6.2.

- Statement of Planning Coordination

The Municipal Land Use Law requires municipalities to prepare a statement addressing the relationship of their Master plan to that of the county, neighboring municipalities, and the State Plan and to the Solid Waste Management Act. The State Planning Commission asks that municipalities submit this statement, along with the items below, and that counties submit a narrative that includes the items below as well.

- A statement on consistency of current land use related regulations with the municipal master plan, county master plan; applicable regional plans, such as wastewater management plans, Pinelands Comprehensive Management Plan, New Jersey Meadowlands master plan, Delaware and Raritan Canal Commission plan and state agency plans; open space/recreation plan, a housing element and fair share plan currently before or certified by COAH if applicable, agriculture smart growth plan, Metropolitan Planning Organization (MPO) Regional

Transportation Plans, and regulations, such as Coastal Area Facility Review Act (CAFRA);

- A description of any planning coordination that has been undertaken with adjoining jurisdictions;
- A description of any outreach efforts to include other municipalities or counties in the initial petition, or an explanation of why no such efforts were undertaken;
- A description of coordination activities, if any, with relevant Boards of Educations;
- A statement detailing any ongoing local or regional planning or development activities by any level of government and the level of development activity by the private sector; and
- A description of potential conflicts of petitioner's vision with existing or projected planning and regulatory efforts by other agencies, for example, Open Space plans, Wastewater Management Plans, Transportation Plans, State infrastructure planning and/or development, public development, or court ordered land uses.

- **County or Municipal Agriculture Plans**

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Petitioners are asked to submit either copies of or status reports on the following plans, if petitioner has prepared or is in the process of preparing them:

- Agriculture Retention Plan
- County Comprehensive Farmland Preservation Plan or Municipal Farmland Preservation Plan

- **Planning and Implementation Agreement**

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The Planning and Implementation Agreement (PIA) identifies how the petitioner will achieve the goals and visions described in the endorsed plan and a schedule for doing so, and how the State Planning Commission and State agencies provide technical and financial assistance to help advance the implementation of the endorsed plan. Petitioners must submit a proposed PIA outlining how they intend to put their endorsed plan into effect and which benefits they expect from the State. A petitioner and the State Planning Commission will enter into the PIA at the same time as the plan is endorsed by the State Planning Commission.

For an example of the types of items that could be included in a PIA, please refer to Appendix 5 for a sample listing of elements that could be requested by the NJ Department of Transportation for a PIA.

***If the following items are already contained within the Master plan, simply refer to the pages in the Master plan where the items can be located.***

- **Present and Future Population, Households and Employment Projections.**

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Projections of population, household and employment growth are an essential guide for the development of the municipality and county. The State Planning Commission asks that petitioners provide the following information:

- Existing population, households and estimated job opportunities as indicated in the Census 2000 and Department of Labor Statistics;
- Growth or decline of population, households and employment over the last 20 years as indicated by the trends in Census 2000 data;

- State and county projections for local population, household and employment for the horizon year 2025 and an analysis of differences with local projections, if any;
- Future growth targets indicating how much of the state’s forecasted or projected population and employment the county expects to absorb, based upon existing forecasts or projections used by the respective MPO in whose area the county is located, accompanied by a map or visual description of the areas targeted for growth. The use of forecasts or projections other than those of the MPO should be justified.
- Municipal growth targets should be aligned with county or regional growth targets, whether or not the municipality is participating in a county or regional strategic plan. If the municipal growth targets are not aligned, a detailed justification for the reasons of the disagreement should be included.
- If a Housing Element and Fair Share Plan have been submitted to the Council on Affordable Housing for third round substantive certification, municipal residential and employment growth targets should be consistent with growth projections submitted to COAH and should include ten-year projections of probable residential and employment growth.

- Existing Land Use Inventory and/or Zoning Maps.

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The State Planning Commission requires petitioners to submit existing zoning and land use inventories that include, but are not limited to the following for consideration of the initial petition. In order to avoid processing delays and allow for easy dissemination of information to the public and reviewing bodies, all information should be submitted in an electronic format. Maps should utilize GIS format, where feasible, or other formats that can be converted to GIS format. See <http://www.nj.gov/dep/gis/standard.htm> for details about map standards.

- A map or aerial depicting existing land uses
- Current zoning map (for municipal petitioners)
- Community Facilities Map providing information concerning the location of community facilities and services, e.g. municipal and county buildings, community colleges, schools, libraries, police and fire protection, etc. Please include a statement of facility capacity where applicable.
- Existing and proposed affordable housing sites in a Housing Element and Fair Share Plan currently before or certified by the Council on Affordable Housing, if applicable.
- Digital municipal block and lot data, if available.

- Natural Resource Inventory:

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The State Planning Commission asks that petitioners prepare a Natural Resource Inventory as part of the plan endorsement initial petition. If municipalities or counties do not already have their own Natural Resource Inventory, they can gather most of the necessary data from the Department of Environmental Protection to help prepare the inventory. Petitioners can modify, supplement, or replace the information provided by the DEP with more recent or more detailed information. The petitioner must also submit any available local information on the following: steep slopes, beaches and dunes, open space, public lands, including natural areas and private conservation areas or wildlife refuges, and conservation easements, including those entered pursuant to the farmland preservation program. The Natural Resource Inventory narrative must reflect the specific conditions of the municipality and provide adequate detail to allow consideration of any local conditions meriting special consideration.

The Natural Resource Inventory should generally include, but is not limited to:

- Habitat for threatened, endangered and priority species, including critical habitat as defined under CAFRA; areas identified as necessary to protect, sustain or restore plant or animal populations identified in state or federal recovery or management plans;
- Areas of critical water supply concern including but not limited to important water supply areas, Category 1 drainage areas, wellhead protection areas, aquifer recharge areas, source water protection areas and shellfish transition or buffer areas defined under Freshwater Wetlands Protection Act and coastal wetlands act;
- Wetlands defined under Freshwater Wetlands Protection Act and coastal wetlands:
- Open space, public lands, including natural areas and private conservation areas or wildlife refuges, and conservation easements, including those entered pursuant to the farmland preservation program;
- Natural features such as steep slopes (including coastal bluffs), beaches and dunes, geology, soils, forest cover, and hydrography, including Wild and Scenic River data
- Watershed boundaries (HUC 14);
- Critical Environmental Sites as identified by the State Planning Commission

## **1) ADDITIONAL COUNTY PETITION REQUIREMENTS**

- **Build-out and Capacity Analysis**

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Using the current zoning maps of municipalities contained within the county, the petitioner will prepare an estimate of the potential location and amount of residential, commercial, industrial and public development possible at build out for the county based on current planning, ordinances, and regulations. Based on that build-out analysis, the county must also submit an inventory of available natural and built infrastructure along with an analysis of the estimated capacity of the infrastructure to accommodate the outcomes of current planning at build out.

## **2). ADDITIONAL MUNICIPAL PETITION REQUIREMENTS**

- **Municipal Environmental Justice Inventory**

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The Department of Environmental Protection will provide all municipal petitioners with an inventory of the following sites, that are known to either emit pollution or be contaminated, for reference, review and consideration during comprehensive planning efforts.

- Facilities that submit a Release and Pollution Prevention Report under the Worker and Community Right to Know Act 34:5A and the Worker and Community Right to Know Regulations N.J.A.C. 7:1G;
- Facilities that submit an Emission Statement under the Air Pollution Control Act N.J.S.A. 26:2C-1 to -25.2 and N.J.A.C. 7:27-21;
- Facilities regulated under the Toxic Catastrophe Prevention Act (TCPA), N.J.S.A. 13:1K-19 to -35 and N.J.A.C 7:31;
- Facilities regulated under Spill Compensation and Control Act N.J.S.A. 58:10-23.11 and the Discharge Prevention Control and Countermeasure Regulations (DPCC) N.J.A.C.7:1E;

- Hazardous Waste Treatment Storage and Disposal (TSD) facilities under the Solid Waste Management Act 13:1E-1–48 and the Hazardous Waste Regulations N.J.A.C. 7:26G;
- Brownfields, as defined by Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1 et. seq.; and
- The Known Contaminated Sites, as identified on the Department of Environmental Protection Known Contaminated Site List.

- Housing

Municipal petitioners must submit the following housing components as part of the required housing element of the master plan:

- Provide information describing the existing availability and opportunities to create diverse housing opportunities, including affordable housing;
- Provide information that demonstrates a commitment to plan for housing that is appropriate to the scale, capacity and environmental resources of the community, including opportunities for affordable housing; and
- Provide information on how residential zoning looks to create a coordinated planning effort by creating linkages to other neighborhoods and business centers such as; bike and pedestrian pathways and sidewalks.

- Transportation

If the petitioner has a circulation plan element, please submit the document as part of the application. If not, they may provide instead a general overview of existing and proposed transportation infrastructure and an assessment of its ability to accommodate projected development. This overview should consider all transportation modes: automobile, transit (bus, rail, light rail, bus rapid transit, ferry and paratransit), bicycle, pedestrian, goods movement (truck and rail freight), air and waterborne, and should reflect the goals and objectives of the respective MPO Regional Transportation Plan.

- The State Planning Commission asks that the petitioner demonstrate compliance with the Municipal Land Use Law (MLUL) requirement that the municipal zoning ordinance provides for the “regulation of land adjacent to State highways in conformity with the State Highway Access Management Code,” at C.40:55D-62d.
- For those municipalities with a public use airport, the State Planning Commission asks that the transportation information indicate the municipality’s compliance with the Airport Safety Zoning Act, as required by the MLUL, C.40:55D-28b(2)(c).
- The State Planning Commission asks that the petitioner demonstrate compliance with the MLUL provision in the municipal zoning ordinance for the “regulation of land adjacent to State highways in conformity with the State Highway Access Management Code,” at C.40:55D-62.d.

- Infrastructure

If the petitioner has a utility service plan element of the master plan, please submit that as part of the petition. In addition, the State Planning Commission asks that petitioners provide any available information on the existing infrastructure, including extent and location of municipal, county, state and federal roads, wastewater collection systems, stormwater collection systems and discharge points, and public water supply systems, including conveyance, and any well, surface



water intake, treatment facilities, and discharge location. The submission of this information in digital GIS data sets is encouraged.

Stormwater Management Plan: The Department of Environmental Protection's rules on stormwater management [N.J.A.C. 7:8-1.1 et seq.] require municipalities to have prepared Stormwater Management Plans by February 2, 2006. After that date, Stormwater Management Plans will be a requirement for all pending and future petitions for Initial Plan Endorsement.

### **C. TIMELINE FOR INITIAL PLAN ENDORSEMENT PETITION REVIEW**

The Office of Smart Growth has 30 days to review submitted petitions and assess for completeness. Once the Executive Director has received all of these documents, and the petition has been deemed complete, the State agency staff – coordinated by the Office of Smart Growth – will have 45 days within which to review the petition. The Executive Director may hold a public hearing at the written request of the governing body of a municipality or county which is not the petitioner or a total of at least 10 written requests from other governmental agencies, advocacy groups or individuals with a demonstrated interest in the petition within 10 days of notifying interested parties. Following the review period, the Executive Director of the Office of Smart Growth has 60 days to prepare a report on the consistency or inconsistency of the petitioner's plan and proposed Planning and Implementation Agreement to the State Plan and submit that to the State Planning Commission and the petitioner. The Executive Director may request additional information extending the 60-day review period by an additional 45 days. The State Planning Commission has 60 days within which to recommend endorsing the plan and the Planning and Implementation Agreement.

If the Office of Smart Growth has not made a recommendation to the State Planning Commission within the 60-day time period, the petitioner has the right to submit the petition directly to the Plan Implementation Committee. The State Planning Commission must make a determination on the petition within 90 days after receiving it.

The Executive Director of the Office of Smart Growth shall, within 30 days of the Commission's determination, notify the petitioner of that determination and within 45 days post the public notice.

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### **2.3 ADVANCED PLAN ENDORSEMENT PETITION REQUIREMENTS**

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A municipality or county may choose to apply for Initial Plan Endorsement and stop there. However, the State Planning Commission strongly recommends that petitioners take advantage of the additional funding and regulatory benefits available through Advanced Plan Endorsement by either applying for Initial and Advanced Plan Endorsement at the same time, or proceeding on to Advanced Plan Endorsement after receiving Initial Plan Endorsement. It is through this process that petitioners can designate growth areas (centers); take a coordinated approach with state agencies to seeking regulatory benefits and plan approvals; and receive the top level of funding priority.

For those municipalities, counties or regional entities that seek Advanced Plan Endorsement, the State Planning Commission and the petitioner will draft a Plan Endorsement Contract.

## **A. THE PLAN ENDORSEMENT CONTRACT**

The Plan Endorsement Contract is a document signed by both the State Planning Commission and the petitioner outlining the commitments the petitioner is making to meet the requirements of plan endorsement and the commitments the state agencies are making to provide resources to help the petitioner implement that plan.

For the petitioner, the Contract will identify the planning documents required for advanced plan endorsement, over and above those required for the initial petition. The Contract will also detail the obligations of State agencies to provide financial and technical assistance and to enumerate the benefits made available to the petitioner upon completion of specified planning and implementing activities.

The Contract is meant to be flexible so that the requirements match the features of the petitioner's land area and the associated Plan Endorsement benefits. State agencies will work with the petitioner to identify the specific requirements of the petition. For example, a center designation for a Planning Area 4 site and associated regulatory benefits require comprehensive planning for all facets of the community, and therefore the contract will set forth more planning requirements. If a petitioner is seeking approval of a Farmland Preservation Plan for the purpose of receiving funding from the State Agriculture Development Committee, and there were no environmentally sensitive lands within the plan, their contract may only address the requirements related to the preparation of that plan. Alternatively, if a petition doesn't involve farmland or environmentally sensitive lands, many of the planning requirements listed below will not apply.

## **B. ADVANCED PLAN ENDORSEMENT REQUIREMENTS**

The following is a comprehensive list of the potential requirements for an Advanced Plan Endorsement petition. The specific requirements and benefits for each petition will be set forth in a Plan Endorsement Contract, as discussed above.

Many of the requirements are inter-related, and petitioners can benefit from inter-agency coordination on seeking multiple planning approvals simultaneously. Petitioners that wish to receive approvals for various plans, such as Water Quality Management Plans or Stormwater Management Plan, through Advanced Plan Endorsement, must also fulfill the specific requirements for those plans.

### **1.) COUNTY PETITION REQUIREMENTS**

#### ***Transportation and Circulation Plans***

- Comprehensive Transportation Plan.

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County petitioners should have in place a comprehensive transportation plan, which may be part of the County Master Plan, reflecting existing and future mobility, that includes consideration of all transportation modes: automobile, transit (bus, rail, light rail, bus rapid transit, ferry and paratransit), bicycle, pedestrian, goods movement (truck and rail freight), air and waterborne.

The transportation plan should be consistent with the respective MPO Regional Transportation Plan.

Indicate in the County Master Plan/Transportation Plan how the county will coordinate participation of their municipalities in joint or collective efforts to solve regional transportation problems and prioritize among local transportation needs. Indicate if current coordination efforts will require strengthening and how the county intends to achieve this.

- **Transportation System Capacity Analysis.**

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County petitioners should have in place a technical (baseline vs. future) analysis to determine the capacity of the transportation system to accommodate future forecasted or projected growth and land use/development patterns, with the anticipated outcome of identifying both deficiencies in the transportation system and opportunities for solutions in all transportation modes including automobile, transit (bus, rail, light rail, bus rapid transit, ferry and paratransit), bicycle, pedestrian, goods movement (truck and rail freight), air and waterborne, and how mode shifts would occur.

Where applicable, the analysis should encompass the relationship of the county's transportation network to that of neighboring counties in a regional context. County future analysis should take into account the County Master Plan, projects planned in the Department of Transportation Master Plan, Five-Year Capital Plan elements, future major new transit investment projects, and forecasted or projected population and employment growth, based upon existing forecasts or projections submitted with the Initial Petition. The use of forecasts or projections other than those of the Metropolitan Planning Organization (MPO) should be justified. Depending upon the size, character and transportation facilities of the county, methods of capacity analysis could range from simple field observations of problem areas to a county-wide transportation study with detailed data on traffic volumes, transit ridership patterns, turning movements and level of service calculations.

In counties that contain, or lie adjacent to, an international or public use airport(s), indicate in the County Master Plan/Transportation Plan or have a separate aviation planning document that describes how and to what degree the aviation facilities impact the county and region in terms of economic development, quality of life, and regional transportation needs. If the county lacks such a planning document, within or outside the County Master Plan, the Planning and Implementation Agreement should contain a stated intent to incorporate an aviation component or generate a county aviation plan within two years.

### ***Natural Resources and Open Space Plans***

- **Open Space, Recreation, and Parks Plan**

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County petitioners should have in place a plan that articulates the county governing body's vision of open space and recreation. It should establish a philosophical and practical justification for the protection and preservation of open space and recreation opportunities. The plan should identify and examine open space and recreation resources important to the county government and its residents, and provide an implementation strategy to protect, manage, and improve them. Specific guidelines are available at <http://www.nj.gov/dep/greenacres/osrpg.doc>.

- **County Historic Preservation Plan**

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County petitioners should have in place a county historic preservation plan element within the county master plan that considers identified historic and/or archaeological resources potentially

eligible for listing or already listed on the New Jersey Register of Historic Places. The plan shall set forth the county's long-range goals for historic preservation and describe specific ways to achieve those goals.

- **Agricultural Retention Plans**

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County petitioners should establish and maintain a dedicated source of funding for farmland preservation or an alternative means of funding for farmland preservation, such as, but not limited to:

- A dedicated tax
- Repeated, continuing annual appropriations; or
- Repeated issuance of bonded indebtedness

Have in place a County Comprehensive Farmland Preservation Plan that has been adopted by the County Planning Board in consultation with the County Agriculture Development Board and County Board of Agriculture. The format of the plan should be consistent with the outlined presented in Appendix 6.4, *New Jersey Department Of Agriculture Plan Endorsement Thresholds*.

County petitioners should supply a description and illustration of how the areas targeted for preservation relate to the areas targeted for growth in the county based on the county's growth projections.

## **2.) MUNICIPAL PETITION REQUIREMENTS**

- **Planning and Design**

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All petitioners are required to perform a Build-out and Capacity Analysis with the following steps:

- Using current planning, zoning, ordinances, and regulations, the petitioner will prepare an estimate of the potential build-out of the municipality, documenting location and size of residential, commercial, industrial and public development.
- Analyze the estimated capacity of the natural and built infrastructure to accommodate the impact of current planning at build-out.
- Evaluate the potential planning alternatives and explore supportive creative solutions to reserve, conserve or reuse capacity and expand on alternative build-out scenarios.
- Provide a statement explaining how the municipality's planning encourages consistency with the principles of planning in the SDRP.
- Provide the municipal design guidelines if available and/or detail any ongoing efforts to develop, adopt and implement them. These guidelines should promote spatially defined, visually appealing and functionally efficient places; establish a discernable identity; promote circulation systems with connectivity and multi-modal function; maintain appropriate scale for the built environment; and encourage consideration and redesign of current areas of sprawl. Include any provisions for sustainable or "green building" as demonstrated or indicated in the planning or design literature or use the United States Green Building Council's LEED Green Building Rating System.

- Housing

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All petitioners seeking Advanced Plan Endorsement must submit written documentation demonstrating that the municipality has received current substantive certification from the Council on Affordable Housing or a judgment of compliance from the Court.

- Transportation

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Petitioners seeking transportation benefits must submit the following transportation components:

- Demonstrate in the Master Plan Circulation Element that the petitioner has partnered with adjacent municipalities and counties to solve regional transportation problems; for example, the effect a major traffic generator might have on a neighboring municipality.
- Determine the capacity of the transportation system to accommodate projected growth and land use/development patterns, with the expectation of finding solutions to problems in all transportation modes, as well as ways to reduce auto dependency and increase transit usage, biking and walking. Where applicable, the analysis should encompass the relationship of the transportation network of the petitioner to that of adjacent municipalities and the county within the context of the county/regional vision. Depending upon the size, character and transportation facilities of the petitioner, methods analysis could range from simple field observations of problem areas to a municipal transportation study with detailed data on traffic volumes, transit ridership patterns, turning movements and level of service calculations;
- Indicate how the petitioner will design new development/redevelopment projects to maximize the most efficient use of the transportation system by creating compact, mixed use environments conducive to transit, bicycle and pedestrian travel;
- Demonstrate that there is a zoning ordinance in place that provides land uses capable of supporting transit services, such as compact, mixed use environments within the municipality that are conducive to transit, bicycle and pedestrian travel. This also applies to existing and programmed transit projects in the Statewide Transportation Improvement Program (STIP);
- If the petitioner contains a rail, light rail, bus rapid transit, ferry or major bus terminal, demonstrate the intent to explore opportunities through a visioning process, to advance transit-oriented development, or where appropriate, create a Transit Village according to the New Jersey Transit Village Initiative criteria; and
- Evidence of a comprehensive parking strategy, such as shared/time-shared parking arrangements, that maximizes parking opportunities. The petitioner will include in core areas a parking management plan that examines techniques to balance parking demand and supply, as well as alternatives that might reduce the future need for parking. These alternatives should include parking pricing, remote parking and other Transportation Demand Management (TDM) methods. The parking strategy also will include a plan to promote, develop and manage park-and-ride opportunities so as to maximize transit availability.

- Environment

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**Cultural Resource Inventory.**

Petitioners may prepare an inventory that identifies and evaluates cultural resources as a basis for future planning and protection measures. The Cultural Resource Inventory must include an analysis of the impact of each component and element of the current or proposed municipal master plan on the preservation of identified historic sites and districts. The inventory must include the results of a survey of historic and/or archaeological resources already listed or potentially eligible for listing on the New Jersey Register of Historic Places, utilize mapping (GIA format) and photography, and detail the survey methodology utilized to conduct the inventory. See N.J.S.A. 40:55D-28 and 65.1.

### **Environmental Plans**

In most situations, in order to address all issues relevant to State agency review for consistency with the State Plan, it will be necessary to submit more than one of these plans as part of the petition. Where required by State statute or regulation, a plan must be consistent with the applicable State programs, regulations and policies.

- A **Municipal Environmental Justice Plan**. Using the data provided by the Department of Environmental Protection for Initial Plan Endorsement, the petitioner shall prepare a municipal Environmental Justice inventory that includes a comparative spatial, or mapped, analysis of racial and/or ethnic and low-income populations living in a municipality to existing sources and known future sources of pollution, such as industrial and commercial zones and other regulated facilities noted on the following list. The analysis should address whether the sites are causing adverse consequences for any residential communities. This analysis should consider pollution-generating industries located on the boundaries within or outside of a petitioning municipality that may be adjacent to minority and low-income populations within the petitioning municipality.

The plan shall ensure that municipal planning does not adversely and/or disproportionately affect minority and low-income individuals. Planners may want to cite local land use and zoning regulations, hazardous waste management and siting, resource conservation and recovery, water quality, open and recreational space planning, traffic patterns, waterfront access, economic development and affordable housing patterns and other planning elements to demonstrate Environmental Justice criteria.

- A **Historic Preservation Plan** element based upon a Cultural Resource Inventory shall be adopted as part of a municipal master plan. The municipality must also adopt a historic preservation ordinance that sets forth a process for designation and protection of historic sites and districts. The ordinance must articulate the design guidelines or standards for regulating these properties in order to prevent their unauthorized loss, alteration, or demolition, and where applicable, empower a local historic preservation commission to administer the Historic Preservation Plan. See N.J.S.A. 40:55D-28.
- An **Open Space, Recreation and Parks Plan** which articulates a local government's vision of open space and recreation. It should establish a philosophical and practical justification for the protection and preservation of open space and recreation opportunities. The plan identifies and examines open space and recreation resources important to a local government and lays out an implementation strategy to protect, manage, and improve them.

Specific guidelines are available at:

<http://www.nj.gov/dep/greenacres/osrpg.doc>

- A **Habitat Conservation Plan** which specifies conservation requirements and implementation measures to fully mitigate any incidental take of the suitable habitat of a State listed Endangered or Threatened species consistent with the requirements at N.J.A.C. 7:25B. Conservation Plan requirements may include a mix of options that include the creation, enhancement, restoration, acquisition or preservation of habitat and/or monetary contributions for these purposes.
- A **Coastal Consistency Plan**, where applicable, that addresses management and natural resource protection through demonstration of consistency of local zoning and plans with the goals of the Coastal Zone Management Program found in the Coastal Zone Management rules at N.J.A.C. 7:7E. The Coastal Consistency Plan should be consistent with any existing Federal River Management Plan for a wild and scenic river.
- A **Water Resource Management Plan** completed, implemented, and adopted as an amendment to the Water Quality Management Plan pursuant to the Water Quality Management Planning Rules at N.J.A.C. 7:15. A Water Resource Management Plan is comprised of the following plans, where applicable. Alternately, the petitioner may prepare a water supply and wastewater capacity needs analysis and demonstrate full compliance with the standards established at N.J.A.C. 7:15;
  - A **Water Infrastructure Plan** that includes a capacity analysis of existing public sewer and water infrastructure, a needs analysis to determine potential need based on a build out analysis, an analysis of the difference between capacity and need, an analysis of alternatives to address the difference, giving preference to addressing needs through reuse of wastewater and water conservation, and selection of a plan which will restore, maintain and enhance water and water related resources by: restoring the quality of surface and ground waters to meet surface and ground water standards, and to protect existing, designated or desired uses of the waters; and ensure adequate quantity of surface and ground waters to meet current and future ecological and water supply needs.
  - A **Total Maximum Daily Load (TMDL) Implementation Plan** that includes, when a TMDL has been adopted for a local waterbody, the means to attain water quality standards and/or support designated uses, where these have been found to be impaired due to one or more pollutants. Implementation measures may include effluent limits for wastewater discharges, point source stormwater controls, best management practices for point sources of stormwater and nonpoint sources of pollutants, as well as other actions determined to be needed through the TMDL.
  - A **Stream Corridor Protection Plan** that would establish a basis for a municipal wide Stream Corridor Protection Ordinance. The plan will consider all waterways within or forming the boundary of a municipality

and any State required stream setback, wetland transition area, and riparian buffer. The plan will establish a comprehensive waterways map which will denote the standard limits of construction disturbance for each waterway based upon the best currently available information. The plan will identify areas where existing or proposed development patterns conflict with and any State required stream setback, wetlands transition area, and riparian buffer. The plan may provide for a systematic procedure to allow for alternative stream corridor construction setbacks based on an evaluation of the specific stream corridors in the study area to determine the extent of the features critical to supporting the functions of a healthy riparian buffer for the stream corridors in question and the requirements of applicable State statutes and regulations. The plan may also identify and prioritize locations for rehabilitation of areas with disturbed stream corridors.

- A **Septic Management Plan** which establishes the strategies and implementation measures necessary to ensure that septic systems are properly maintained and that new systems are located, designed, installed and maintained in accordance with State statute and regulation so as to protect ground water quality and to ensure the continuing viability of this means of wastewater management.
  
- A **Municipal Stormwater Management Plan** establishing the municipal strategy and process for addressing stormwater related issues. The plan must incorporate all elements and the design and performance standards noted in the Stormwater Management Rules at N.J.A.C. 7:8-4.1 et seq. and be as protective as those outlined in the rules or alternative standards in an adopted regional stormwater management plan. Municipal stormwater management plans are also a requirement of both the Tier A and Tier B NJPDES permits under N.J.A.C. 7: 14A-25.6 and 25.8 which implements the USEPA's Phase II Stormwater Permit Program.

After February 2, 2006, by which time all municipalities are required to have submitted stormwater management plans to DEP, this will become a requirement for all petitions for Initial Plan Endorsement.

- A **Source Water Protection Plan** which identifies and outlines a structured approach to managing potential sources of contamination and threatening activities that occur within the source water protection area. Source water protection plans include delineation of the source water protection area, an inventory of known and potential contamination sources, a determination of water supply system susceptibility to these contaminants, public outreach and education about threats, implementation measures to prevent, reduce or eliminate threats, and contingency planning strategies to deal with water supply contamination or service interruption emergencies. Source Water Protection Plans can be developed for the protection of either groundwater supplies of drinking water, wellhead protection areas or surface water supplies, intakes and reservoirs and their drainage. A Source Water Protection Plan may be developed on a regional basis or local basis as appropriate.



- An inventory of sites suitable for water resource protection, acquisition, critical species protection, redevelopment and natural resource restoration. The complete inventory shall set priorities among the elements of the inventory for specific treatment under existing and proposed ordinances.

- **Agriculture**

All petitioners that have significant agriculture resources, as evidenced on the State Plan Policy map, are required to consider the following agriculture components as outlined in Appendix 6.4:

- Create an Agriculture Advisory Committee: All municipal petitioners with significant agricultural lands will demonstrate the establishment of an Agricultural Advisory Committee made up of at least three, but no more than five residents with the majority being actively engaged in farming and owning a portion of the land they farm.
- Establish and maintain a dedicated source of funding for farmland preservation or an alternative means of funding for farmland preservation, such as, but not limited to:
  - A dedicated tax
  - Repeated, continuing annual appropriations; or
  - Repeated issuance of bonded indebtedness
- Adopt a Right to Farm ordinance that includes regular notices to all residents and landowners. The ordinance shall be in conformance with the Right to Farm Act and no more restrictive than the State’s model ordinance;
- Develop, adopt and implement ordinances, policies and other strategies that is supportive of agricultural economic development opportunities and enhancing the viability of the local agricultural industry; and
- Develop an Agricultural Retention Plan that includes the components required for the Farmland Preservation Plan element of the Master Plan as outlined in the MLUL (N.J.S.A. 40:55D-28b(13)). This plan shall be developed in consultation with the Agricultural Advisory Committee. The Agriculture Retention Plan shall be coordinated with the County Agriculture Development Board and the County Board of Agriculture.

**C. TIMELINE FOR ADVANCED PLAN ENDORSEMENT PETITION REVIEW**

The Executive Director of the Office of Smart Growth has 60 days to review submitted petitions and assess for completeness, according to the Plan Endorsement Contract. Once the Executive Director has receive all of the required documents, and the petition has been deemed complete, the State agency staff, coordinated by the Office of Smart Growth, will have 45 days within which to review the petition. The Executive Director may hold a public hearing at the written request of the governing body of a municipality or county which is not the petitioner or a total of at least 10 written requests from other governmental agencies, advocacy groups, or individuals with a demonstrated interest in the petition within 10 days of notifying interested parties. Following that review, the Executive Director has 90 days to prepare a report on the consistency or inconsistency of the petitioner’s plan and proposed Planning and Implementation Agreement with the State Plan and submit that to the State Planning Commission and the petitioner. The Executive Director may request additional information, extending the 90-day review period by an additional 45 days. The State Planning Commission has 60 days within which to recommend endorsing the plan and the Planning and Implementation Agreement.

If the Office of Smart Growth has not made a recommendation to the State Planning Commission within the 90-day time period, the petitioner has the right to submit the petition directly to the Plan Implementation Committee at its next schedule meeting. The State Planning Commission shall take action on the petition within 90 days after receipt of the request from the petitioner that the State Planning Commission review the petition.

The Executive Director of the Office of Smart Growth shall, within 30 days of the Commission's determination, notify the petitioner of that determination and within 45 days post the public notice.

### **SECTION 3: THE BENEFITS OF PLAN ENDORSEMENT**

The State Planning Commission is committed to providing the resources and incentives to assist municipalities, counties and regional entities to enter into and complete the Plan Endorsement process. State agencies are identifying program funding and regulatory provisions that will be available to municipalities and counties as they progress through the plan endorsement process. These benefits represent an unprecedented effort to fundamentally restructure and coordinate the planning priorities and investments in smart growth at the State level, integrate State decision making with local planning decisions and make plan endorsement into a rewarding and productive process for all participants.

Once the State Planning Commission has endorsed a petitioner's plan as consistent with the State Plan, state agencies will be providing benefits to the county or municipality that will assist in implementing the endorsed plan. This assistance will include providing technical assistance, direct state capital investment, priority for state grants and loans, and substantive and procedural (permit streamlining) regulatory changes.

Some benefits will be available once the initial petition for Plan Endorsement is approved. These benefits will be aimed primarily at providing technical and financial assistance to the petitioner for implementing its endorsed plan. Other benefits will become available to the community through Advanced Plan Endorsement, as particular planning requirements are met. Not all of the benefits will apply to or be of interest to every municipality and county with an endorsed plan. The specific commitments on behalf of the State agencies to provide funding and regulatory benefits to the petitioner, along with the petitioner's planning requirements, will be set forth in the Plan Endorsement Contract.

To help petitioners with submitting the documents required for plan approvals from different agencies, such as a Water Quality Management Plan from the Department of Environmental Protection or a petition for substantive certification from the Council on Affordable Housing, the State Planning Commission can arrange a consolidated approach through Advanced Plan Endorsement. Frequently, similar information is required for different programs. The State Planning Commission will bring all the parties to the table, to streamline the process and make it easier for petitioners to meet the qualifications for several programs.

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### 3.1 REGULATORY BENEFITS

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Most of the following regulatory benefits will become available once the petitioner has fulfilled the terms of the Plan Endorsement Contract and received Advanced Plan Endorsement.

#### **Regulatory Coordination**

A major benefit of the Plan Endorsement process stems from the integration of land use planning with the regulatory decision-making process. For local governments who achieve Plan Endorsement, the follow regulatory coordination benefits apply:

- After Initial Plan Endorsement, the New Jersey Department of Environmental Protection will provide a coordinated regulatory process for specific projects that are consistent with the State Development and Redevelopment Plan as requested by the local government entity;
- Through Advanced Plan Endorsement, the New Jersey Department of Environmental Protection will provide streamlined regulatory approvals in newly designated growth areas; and
- Various environmental plans (i.e. stormwater, habitat conservation) that are developed and approved by DEP as part of the plan endorsement process will be considered approved for other Department regulatory purposes.

#### **Plan approvals**

Petitioners will be able to obtain approvals of the following through the plan endorsement process. The benefit of a comprehensive, rather than piecemeal, approach to seeking these approvals is the coordinated review of the state agencies that is available during Plan Endorsement. State agencies may provide assistance in assembly of data needed for the preparation of the plans and provide guidance as to plan content and acceptable planning strategies but will not prepare these plans. Petitioners are required to fulfill the specific requirements of each plan.

#### **Department of Environmental Protection Plans**

- Municipal Environmental Justice Plan
- Historic Preservation Plan
- Open Space, Recreation and Parks Plan
- Habitat Conservation Plan
- Coastal Consistency Plan
- Water Resource Management Plan
- Water Infrastructure Plan
- Total Maximum Daily Load (TMDL) Implementation Plan
- Stream Corridor Protection Plan
- Septic Management Plan
- Municipal Stormwater Management Plan
- Source Water Protection Plan

#### **COAH certification of the Housing Element and Fair Share Plan.**

COAH encourages municipalities to develop a plan for addressing its affordable housing obligation early in the initial plan endorsement process, when flexibility of approach is

optimal, and will work closely with municipalities that receive initial plan endorsement to help them achieve COAH substantive certification. Substantive certification is a requirement of Advanced Plan Endorsement and will ensure the municipality will be able to fulfill its affordable housing obligation with protection from a builder's remedy lawsuit that could impede that implementation. COAH will provide priority assistance to municipalities seeking Advanced Plan Endorsement.

**Facilitating utility availability in Smart Growth Areas**

The Board of Public Utilities (BPU) has proposed regulations that will reduce the up front money developers have to pay to receive utility service in smart growth areas and ensure that they will be reimbursed more quickly for those up front costs. BPU is also developing regulations that would establish a pilot program that would provide incentives to utilities to guarantee that developers in Smart Growth Areas will have utility service available on time to meet their schedules.

**Comprehensive Permitting Issues Assistance**

As part of the services offered by the Department of Environmental Protection for municipalities seeking to become endorsed, the Department will research historic permitting issues within the community to identify the needs and issues which are most critical to protecting natural resources and systems, public health, and historic sites and provide guidance tailored to these issues that will help a petitioner to complete its petition for Plan Endorsement.

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### 3.2 FUNDING BENEFITS

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The State agencies are in the process of reviewing their funding programs to determine which programs will be available for municipalities with Initial Plan Endorsement and which will be available with Advanced Plan Endorsement. For some funding programs priority points will be awarded following Initial Plan Endorsement and additional priority points will be awarded when additional tasks are completed. See Table 1 for a list of the programs under consideration.

**TABLE 1**

| STATE AGENCY   | PROGRAM BENEFIT   |
|--|---|
| <b>Agriculture</b>   | Farmland Preservation Programs (Plan Endorsement criteria will be considered when the SADC criteria is revised to incorporate Smart Growth initiatives) |
|  |   |
| <b>Casino Reinvestment Development Authority</b>   | Casino Reinvestment Development Loans   |
|  |   |
| <b>Commerce</b>  | Brownfields Incentive for Industrial Cleanup  |
|  | Urban Enterprise Zone Program   |
|  | Sustainable Development Loan Fund   |
|  |   |
| <b>Corrections</b>   | Highway & Clean Shore Program   |
|  | Paying Communities Back Program   |
|  | Southern State Industries Program   |
|  |   |
| <b>Board of Public Utilities</b>   | Clean Energy Program (CEP)<br>Energy Star Homes Program<br>New Jersey SmartStart Buildings® Program<br>NJ Million Solar Roofs Partnership               |
|  | Alternative Fuel Rebate Program   |
|  |   |
| <b>Department of Transportation</b><br>Note: *NJDOT cannot alter the distribution of funds that are subject to formula allocation.<br><br>However, plan endorsement will be used as a prioritization tool for project selection where feasible | Capital Investments in the State Highway and Transit Systems  |
|  | Local Aid for Centers of Place Program  |
|  | Locally Initiated Bicycle and Pedestrian Projects   |
|  | Local Aid Programs  |
|  | Local Bicycle/Pedestrian Planning Assistance (if needed for PIA items)  |
|  | Local Planning Technical Assistance (if needed for PIA items)   |
|  | State Highway Access Permits per State Highway Access Management Code   |
|  | Transit Village Initiative (multiple funding sources)   |
|  | Transportation Enhancements Program   |
| <b>Department of Environmental Protection</b>  | Drinking Water State Revolving Fund Program   |
|  | Environmental Infrastructure Financing Program  |
|  | Green Acres Grants & Loans  |
|  |   |

|  |   |
|--|---|
| <b>Economic Development Authority</b>  | Bond issuance for Revenue Allocation Districts and Redevelopment Area Bonds |
|  | Brownfield Redevelopment Loan Program                                       |
|  | Business Employment Incentive Program                                       |
|  | Downtown Beautification Program   |
|  | Fund For Community Economic Development                                     |
|  | Hazardous Discharge/site remediation loans and grants                       |
|  | Local Development Financing Fund  |
|  | NJEDA Direct Loans  |
|  | NJEDA Loan Guarantees   |
|  | Real Estate Development Program   |
|  | Smart Growth Pre-development funding  |
|  | Statewide Loan Pool For Business  |
|  |   |
| <b>Department of Community Affairs</b> | 100% Mortgage Program   |
|  | Adopt-A-Neighborhood  |
|  | At Home/Downtown program  |
|  | Brownfields Redevelopment Technical Assistance                              |
|  | Community Housing Development Organization Seed Money Loans                 |
|  | Consolidated Municipal Property Tax Relief Aid                              |
|  | Garden State Historic Preservation Trust - grants                           |
|  | Green Homes Office  |
|  | Hispanic Affairs Grants   |
|  | Historic Preservation Revolving Loan Program                                |
|  | HOME - Rental rehabilitation  |
|  | Home Buyer Mortgage Program   |
|  | HOME- Housing Production Investment Fund                                    |
|  | HOME- Neighborhood Preservation*  |
|  | Homeownership for Performing Employees                                      |
|  | Home-Plus Program   |
|  | Low-Income Housing Tax Credit Program                                       |
|  | Main Street NJ Technical Assistance   |
|  | Market Oriented Neighborhood Investment                                     |
|  | Multi-family Rental Housing Program   |
|  | Neighborhood Preservation   |
|  | Neighborhood Preservation Balanced Housing Program                          |
|  | New Jersey Redevelopment Authority Loans                                    |
|  | New Jersey Urban Site Acquisition Program                                   |
|  | Planning Assistance Unit  |
|  | Police and Firemen's Retirement System Mortgage Program                     |
|  | Recreation and Park Department Assistance                                   |
|  | Redevelopment Area Bond Financing   |
|  | Regional Contribution Agreements  |
|  | Revenue Allocation Districts  |
|  | Small Cities Community Development Block Grant                              |
|  | Smart Future Planning Grants  |
|  | Smart Start   |
|  | Special (Business) Improvement District Challenge Grants                    |

|  |   |
|--|---|
|  | Special (Business) Improvement District loans |
|  | Special Improvement Districts (SIDs)          |
|  | Residential Site Improvement Standards        |
|  |   |
| <b>Local Government Services (DCA)</b> | Distressed Cities Program                     |
|  | Extraordinary Aid - (SMPTR)                   |
|  | Residential Site Improvement Standards        |



## **SECTION 4: REVIEW OF INITIAL AND ADVANCED PLAN ENDORSEMENT PETITIONS**

In evaluating petitions for Plan Endorsement, the State Planning Commission stresses the importance of planning efforts that demonstrate:

- Coordination of plans with planning and regulatory activities of other governmental agencies, i.e., municipal boards (utility and education), state and regional planning and regulation for wastewater management, regional agency planning and regulation, neighboring jurisdictions; and
- Consistency of the petitioner’s general vision statement with the State Plan, including the accommodation of growth in appropriate areas, redevelopment, preservation of natural and cultural resources, housing diversity and affordability, equity and environmental justice, the provision of public facilities and intergovernmental coordination;
- Consistency and adherence to applicable State land use statutes and regulations;
- Evidence of sufficient supporting data such as the Natural Resource Inventory, population estimates, infrastructure inventory, and other inventories;
- Existence of ordinances and/or other tools to implement plans, such as a local tax for open space acquisition to implement an Open Space Plan, land use ordinances that implement the land use element of the Master Plan, a Right-to-Farm ordinance to support Farmland Preservation; and
- Commitment to reach agreed upon targets in a timely fashion to implement the Plan Implementation Agreement and the Plan Endorsement Contract.

### **Consistency with the State Plan**

According to the State Planning Rules (N.J.A.C. 5:85-1 et seq), “Consistency with the State Plan” means that the State Planning Commission determines that a municipal, county or regional plan, or plan amendment, submitted for plan endorsement or a map amendment submitted for approval, is the same as or has the same effect as the provisions in the State Development and Redevelopment Plan. In determining consistency the State Planning Commission will consider the ability of the submitted plan to achieve the targets and indicators contained in the State Plan that are applicable to the petitioner; the extent to which the activities listed to be undertaken in each planning area to achieve consistency with the State Plan goals and implement Statewide policies have been or will be done; the consistency of the plan with applicable statutory and regulatory provisions; and whether the plan is based on current information and data. Consistency will be evaluated based on all the provisions of the State Development and Redevelopment Plan with particular emphasis on the following provisions:

1. The Statewide goals, policies and strategies;
2. The policies that apply to all planning areas;
3. The intentions for each relevant planning area;
4. The policy objectives for each relevant planning area;

5. If any change to a planning area boundary is proposed, the delineation criteria, intent and policy objectives for each planning area impacted by any boundary change;
6. The delineation criteria and intent for Critical Environmental Sites and Historic and Cultural Sites;
7. If there is a designated center or a center is proposed for designation, the policies for centers, including the center design policies, and environs; and
8. If a center is proposed for designation or a change to the boundary of a designated center is proposed, the criteria for designating the type of center that is proposed to be designated or modified.

### **Indicators and Targets**

The State Planning Commission also will evaluate a petition for Plan Endorsement based upon the Indicators and Targets, as set forth in the 2001 State Development and Redevelopment Plan Indicators and Targets, and updated through Cross-acceptance III.

The State Plan lists eight goals and strategies by which the Indicators and Targets measure state-level progress toward reaching the Vision of New Jersey for 2025. These goals are as follows:

- Revitalize the State's Cities and Towns
- Conserve the State's Natural Resources and Systems
- Promote Beneficial Economic Growth, Development, Renewal for all Residents of New Jersey
- Protect the Environment, Prevent and Clean Up Pollution
- Provide Adequate Public Facilities and Services at a Reasonable Cost
- Provide Adequate Housing at a Reasonable Cost
- Preserve and Enhance Areas with Historic and Cultural, Open Space and Recreational Value
- Ensure Sound and Integrated Planning and Implementation Statewide

The State Planning Commission will use the Indicators and Targets as a tool to quantify the extent to which petitions meet and successfully implement the goals, policies and strategies of the State Development and Redevelopment Plan. The State Planning Commission is revising the Indicators and Targets within the State Plan as part of Cross-acceptance III.

The State Planning Commission will base its evaluation only on those indicators that apply to the particular petition. For example, if a petitioner is completely within a Planning Area 1 (Metropolitan Planning Area/PA1), the Commission will not review its petition for the amount of open space or farmland preserved.

## **SECTION 5: MONITORING ENDORSED PLANS**

### **Plan Endorsement Status Report**

The State Planning Commission is committed to working with municipalities and counties to implement their endorsed plans. Municipalities, counties or regional entities that have received Plan Endorsement (initial or advanced), must provide the Office of Smart Growth, at least every two years, with a Status Report. The State Planning Commission also requires entities with endorsed plans to submit a Status Report within six months of adoption of a new or significantly revised plan, reexamination report, land use ordinance or regulation that deviates from the adopted Master plan; significantly revised capital improvement programs, new or significantly revised zoning map or zoning schedule; or other program submitted as part of the petition for plan endorsement.

The Status Report is the mechanism to continue communication with and assistance from the State Planning Commission, the Office of Smart Growth and other State agencies.

The Status Report gives a municipality, county or regional entity with an endorsed plan the opportunity to propose changes to the Planning and Implementation Agreement or amendments to the endorsed plan, including planning area boundaries on the State Plan Policy Map.

Status reports must be adopted by resolution and outline the main issues, including the successes and obstacles that have been encountered since the plan was endorsed.

The Status Report should contain the following elements;

1. An update on the progress toward the goals of the Planning Implementation Agreement.
2. A list of any major problems and objectives that have effected land development in the municipality, county, or regional area since the plan was endorsed.
3. A discussion of the extent to which such problems and objectives have been reduced or have increased since the previous progress reports and/or since the plan was endorsed.
4. A discussion of the extent to which there have been significant changes in the assumptions, policies and objectives that formed the basis of the endorsed plan, Planning and Implementation Agreement or the boundaries on the State Plan Policy Map. In particular, comment on any changes to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, and changes in State, county and municipal policies and objectives.
5. A list of any major changes or updates to existing plans, reexamination reports, land use ordinances and regulations, capital improvement programs and any other programs or implementation measures submitted as part of the petition for plan endorsement or that would alter the terms of the Planning and Implementation Agreement.
6. For municipal petitioners, list any additions of or changes to redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, c. 79 (C.40A: 12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans.
7. For an amendment to an endorsed plan or Planning and Implementation Agreement:
  - a. Statement describing how the amendment promotes local, regional and State goals and objectives and impacts public sector decisions; the reason(s) why the amendment cannot await the next revision of the State Development and

- Redevelopment Plan; and the reason(s) why the amendment is being proposed as part of a Status Report instead of a biennial report; and
- b. Report describing how the proposed amendment is consistent with the State Plan and helps the municipality, county, regional and State agencies achieve consistency with the State Plan and the endorsed plan or previously designated centers; or why the current Planning and Implementation Agreement that is proposed to be changed cannot be implemented and why the proposed change to the Planning and Implementation Agreement will accomplish the same purpose as well as or better than the originally agreement.

The State Planning Commission will use the Status Report to assess the implementation of endorsed plans and will take comprehensive and timely reports into consideration when reviewing endorsed plans that are approaching their expiration dates. Failure by a petitioner to honor the terms and conditions of a Planning and Implementation Agreement can form the basis for an action by the State Planning Commission to revoke endorsed plan status, unless the petitioner's action was dependent on a state agency action that was not made.

## **SECTION 6: APPENDICES**

Appendix 6.1: Steps in the Plan Endorsement Petition Process

Appendix 6.2: State Plan Policy Map Amendments

Appendix 6.3: Plan Endorsement Application Form

Appendix 6.4: NJ Department of Agriculture Plan Endorsement Guidance

Appendix 6.5: Plan Implementation Agreement: Sample Requirements from NJ  
Department of Transportation

Appendix 6.6: Plan Endorsement Resources

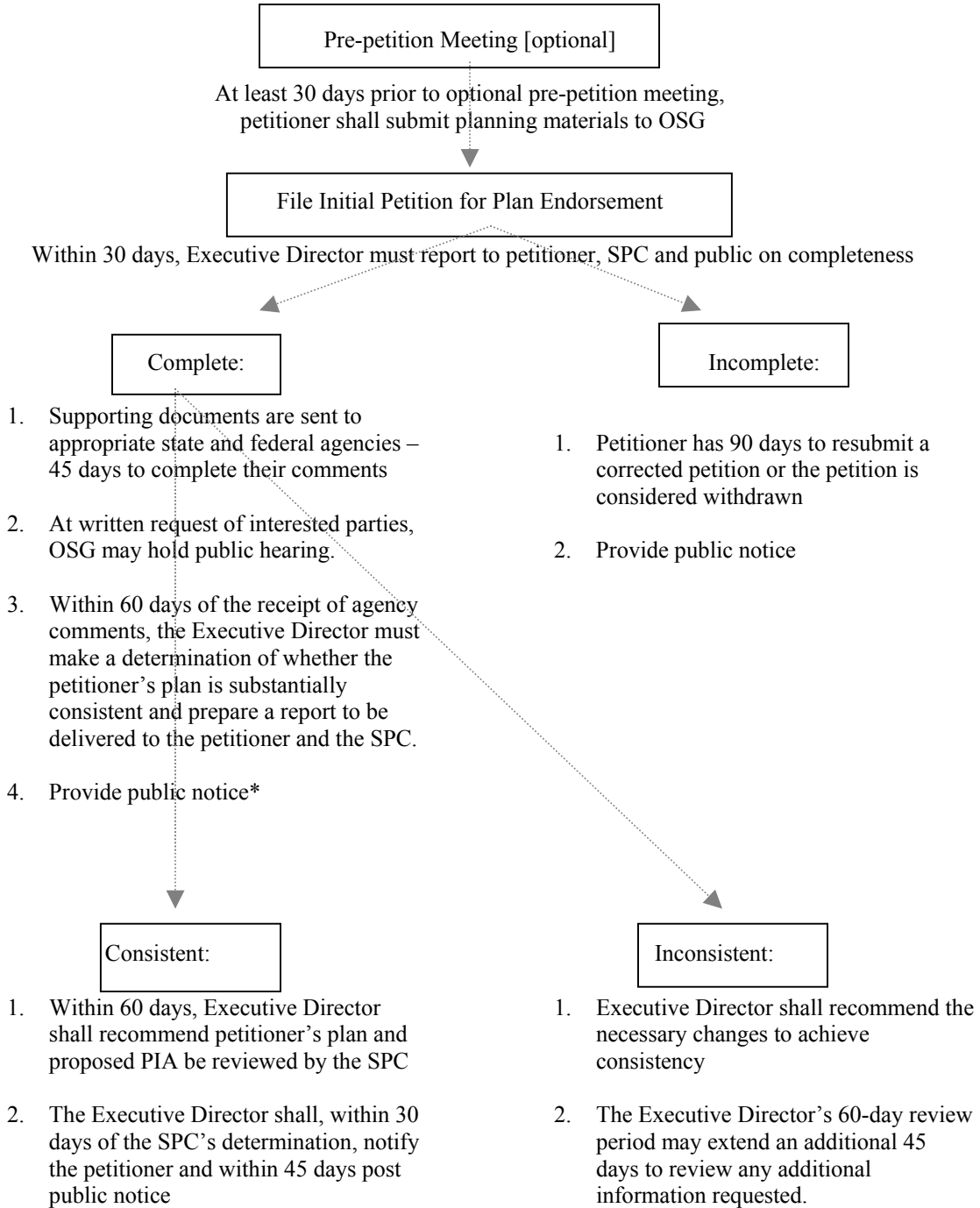
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**APPENDIX 6.1: STEPS IN THE PLAN ENDORSEMENT PETITION PROCESS**

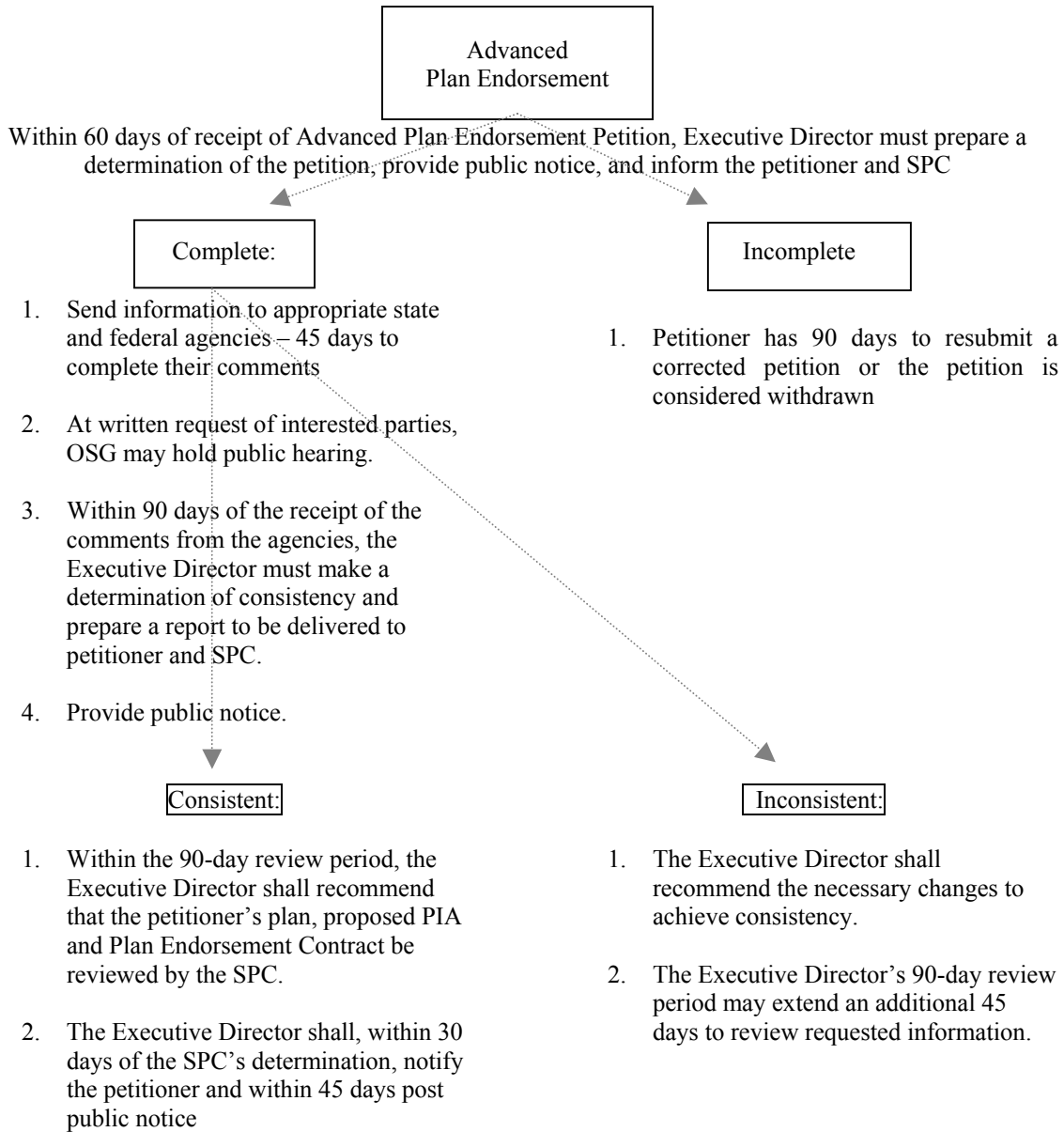
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The flow charts on the following two pages illustrate the process and timeline for reviewing Initial and Advanced Plan Endorsement petitions.

**Process for reviewing Initial Plan Endorsement:**



**Process for reviewing Advanced Plan Endorsement:**





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## APPENDIX 6.2: STATE PLAN POLICY MAP AMENDMENTS

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If a petition for initial or advanced plan endorsement includes a request for an amendment to the State Plan Policy Map, the following items should accompany that request:

1. A justification for the mapping change, supported by the policies within the State Plan that apply to the site. This includes policies that pertain to Planning Areas and designations of centers, as well as local and regional population, household and employment growth projections; or

A justification for the mapping change based on local data that is considered to be more up-to-date and accurate.

Justifications should include:

- A statement of agreement with the State Plan goals, policies, strategies and an explanation of how the proposed map amendments are consistent with the State Plan and are consistent with the mapping criteria and intent of the proposed planning area;
  - A narrative demonstrating and justifying any center boundary, cores, nodes, Critical Environmental Sites, Historic, Cultural and Scenic Sites, and/or other planning area changes consistent with the delineation criteria and policies contained in the State Plan, for centers and otherwise, and how these changes will accommodate local and regional population, household and employment growth targets in ways consistent with the Intent of the Planning Areas; and
  - Existing and proposed affordable housing sites, if a municipality has petitioned for or received substantive certification from the Council on Affordable Housing.
2. A statement describing the interest of the entity or individual submitting the petition in the land area under consideration, including, at a minimum:
    - For a State agency: its public policy (planning or regulatory) interests
    - For an entity or individual: his, her or its financial, ownership or contractual interests and a description of any pertinent regulatory actions occurring during the immediate past five years or planned/anticipated in the next three years regarding the use of the property.
  3. A statement describing how the amendment promotes local, regional and State goals and objectives and impact public sector decisions; and the reason(s) why the amendment cannot await the next revision of the State Plan.
  4. A report describing how the proposed amendment is consistent with the provisions of the State Plan and any adjoining municipal, county or regional plan endorsed by the State Planning Commission, citing the pertinent provisions in each plan; and how the proposed amendment helps each municipality, county and regional agency impacted by the proposed amendment achieve consistency with the State Plan and any adjoining municipal, county or regional plan endorsed by the State Planning Commission.
  5. Technical information on the boundaries of the proposed mapping change. The current and proposed State Plan Policy Map boundaries should be depicted on drafting film or in a digital file at a scale of 1:24,000 and corresponding to the United States Geological Survey (U.S.G.S.) 7.5 minutes topographic quadrangle maps. Each map should be plotted/drawn so that it registers with the neat lines on the corresponding U.S.G.S. topoquad. (U.S.G.S. Topoquads are available at the

N.J. DEP map store as well as other map stores.) The OSG uses E.S.R.I. Arc/Info for maintaining our digital map files.

Each map should be labeled with its USGS quadrangle name in the lower right corner. The State Planning Commission quadrangle reference number should appear under the name. The name of the county, and the date of the proposal should be placed in the lower left corner. All maps should edge match with adjacent maps. Lines should meet closely, and adjoining polygons should have the same area designation.

Contact Steve Karp, at the Office of Smart Growth at 609-292-3160 or [skarp@dca.state.nj.us](mailto:skarp@dca.state.nj.us) if you need any more details on the map requirements.

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**APPENDIX 6.3: PLAN ENDORSEMENT APPLICATION FORM**

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**New Jersey State Planning Commission  
Petition for Plan Endorsement**

**SPC/OSG Use:                      Date Received:                      Expiration Date of 30-day Review Period:**

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**1. Petitioner:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2. Authorized Agent:**

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_

**3. Identify Plan(s) submitted for Plan Endorsement (please check all that apply):**

The plan(s) submitted must include at least one entire municipality.

- Regional Strategic Plan
- County Master Plan
- Urban Complex Strategic Revitalization Plan
- Municipal Strategic Revitalization Plan
- Municipal Master Plan

**4. Was a pre-petition meeting held with the Office of Smart Growth?** Yes \_\_\_ Date \_\_\_ No \_\_\_

**5. Was notification of this petition provided in accordance with the State Planning Rules, N.J.A.C. 5:85-1.7?** Please provide evidence of the notification. Yes \_\_\_ No \_\_\_ Date \_\_\_

**See below for checklist of required enclosures.**

Forward completed forms and enclosures to:  
Adam Zellner  
Executive Director  
Office of Smart Growth  
ATTN: State Planning Unit  
NJ Department of Community Affairs  
101 South Broad Street  
P.O. Box 204  
Trenton, NJ 08625-0204  
Phone: 609-292-7156

**Enclosures: (check)**

- \_\_\_\_\_ 1. List of the documents being submitted.
- \_\_\_\_\_ 2. Certified copy of resolution from each governing body requesting plan endorsement endorsing the petition being submitted and designating the official of the municipality, county or regional agency to submit the petition and execute the PIA.
- \_\_\_\_\_ 3. Copies of the minutes of each public meeting at which plan endorsement petitions are reviewed and of the meeting at which the resolution endorsing the petition was approved. Minutes shall include summary of public comments and copies of written comments filed before, or present at, the public meeting.
- \_\_\_\_\_ 4. Copies of the minutes of the meeting at which the petition was approved. The minutes shall include a summary of public comments and copies of written comments filed before, or present at, the public hearing.
- \_\_\_\_\_ 5. Narrative description of public participation and planning coordination efforts used to prepare and adopt the plan and to develop and submit the petition and the PIA.
- \_\_\_\_\_ 6. Written documentation indicating good-faith effort to include neighboring jurisdictions in the plan endorsement process.

Regional petitions must include written documentation indicating good-faith effort to include all municipalities and counties within the region of participation in the regional plan and, where applicable, a list of municipalities and counties that would or could not participate in the regional plan.

- \_\_\_\_\_ 7. If approval by another State agency of a plan being submitted for advanced plan endorsement is also being sought, then all information necessary for that agency to review that plan.

Ten (10) copies \_\_\_\_ or one (1) electronic copy \_\_\_\_\_ of the required elements, in accordance with the requirements set forth in the Plan Endorsement Guidelines for Initial Petitions for Plan Endorsement.

**General Requirements for Initial Plan Endorsement**

(both county and municipal petitioners)

- \_\_\_\_\_ 1. Current master plan, including optional elements and other elements outlined in Plan Endorsement Guidelines.
- \_\_\_\_\_ 2. Statement of community vision and participation
- \_\_\_\_\_ 3. Statement regarding proposed changes to the State Plan Policy Map
- \_\_\_\_\_ 4. Maps delineating the boundaries of current and proposed State Plan Policy Map planning areas, centers, cores, nodes, critical environmental sites and historic and cultural sites, parks and military installations.
- \_\_\_\_\_ 5. Planning coordination statement.
- \_\_\_\_\_ 6. Projections of population, employment and household growth.
- \_\_\_\_\_ 7. Natural Resource Inventory
- \_\_\_\_\_ 8. Status of Farmland Preservation Plan and Agriculture Retention Plan, if available (County or Municipal)
- \_\_\_\_\_ 9. Proposed Planning and Implementation Agreement

**County Requirements**

- \_\_\_\_\_ 1. Build-out and capacity analysis

**Municipal Requirements**

- \_\_\_\_\_ 1. Housing information
- \_\_\_\_\_ 2. Transportation information
- \_\_\_\_\_ 3. Infrastructure information
- \_\_\_\_\_ 4. Environmental Justice Inventory

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## APPENDIX 6.4: NEW JERSEY DEPARTMENT OF AGRICULTURE PLAN ENDORSEMENT GUIDANCE

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### INITIAL PLAN ENDORSEMENT

**Submit a copy of or status on the following plans, if available:**

#### MUNICIPAL PETITIONS

- Municipal Farmland Preservation Plan
- Agricultural Retention Plan

#### COUNTY PETITIONS

- County Comprehensive Farmland Preservation Plan
- Agriculture Retention Plan

### ADVANCED PLAN ENDORSEMENT

#### MUNICIPAL PETITIONS

- Have in place an Agricultural Advisory Committee, made up of at least 3, but not more than 5 residents of the municipality. The mayor with the consent of the municipal governing body shall appoint members. A majority of the members must be actively engaged in farming and own a portion of the land they farm. The number of full-time vs. part-time farmers should be indicated. The Committee shall be separate from the Open Space committee and report to the municipal planning board. Land acquisition decisions should be coordinated between the Agricultural Advisory and Open Space committees.
- Shall establish and maintain a dedicated source of funding for farmland preservation or an alternative means of funding for farmland preservation, such as, but not limited to:
  - A dedicated tax
  - Repeated, continuing annual appropriations; or
  - Repeated issuance of bonded indebtedness
- Have in place an adopted Agriculture Retention Plan, that includes the components required for the Farmland Preservation Plan element of the Master Plan as outlined in the MLUL (N.J.S.A. 40:55D-28b(13)) that has been developed in consultation with the Agricultural Advisory Committee.
  - The Agriculture Retention Plan shall include, but not be limited to:
    - An inventory of farm properties in the municipality and a map illustrating the significant areas of agricultural land. **(PIG)**
    - A detailed statement of existing farming characteristics and potential direction for the future based on recent trends. **(PIG)**
    - A detailed statement showing that municipal plans and ordinances support and promote agriculture as a business. **(PIG)**

- A plan projecting the acreage to be preserved in year one, year three, year five and year 10 by leveraging monies made available by the Garden State Preservation Trust Act. **(PIG)**
  - A description and illustration of how the areas targeted for preservation relate to the areas targeted for growth in the municipality and region based on the county's growth projections.
  - Plans, adopted by the municipality, to enhance the development of the agricultural industry in the municipality. **(PIG)**
  - A description of how the Ag Retention Plan addresses the 23 agricultural policies of the State Plan. **(PIA)**
  - A list with descriptions of all planning techniques adopted by the municipality that channel growth into mixed-use compact development forms, including small scale clustering in agricultural areas.
  - A description of the buffer requirements as adopted by the municipality that separate agricultural uses from other land uses.
  - A description of strategies, adopted by the municipality, that support and encourage farmer participation in State and Federal farm conservation programs.
  - Illustration of periodic outreach strategies, adopted by the municipality, including the use of landowner surveys.
  - Illustration of periodic outreach strategies, adopted by the municipality, including the use of educational forums. **(PIA)**
  - Documentation reflecting how the municipality supports the implementation of the Right-to-Farm Act adopted by the municipality.
- The plan should have a regional focus and be coordinated with surrounding municipalities and the County Farmland Preservation Plan if applicable. It should be clearly demonstrated that the Ag Retention Plan was developed in coordination with the County Ag Development Board and County Board of Agriculture.
  - Have in place a meaningful Right-to-Farm ordinance that is in conformance with the Right-to-Farm Act and no more restrictive than the State's model ordinance, including regular notices to all residents and landowners.
  - Have in place ordinances and policies that are supportive of agricultural economic development opportunities and other strategies that support and enhance the viability of the local Ag industry. For example:
    - Building requirements & fee schedules in accordance with Department of Community Affairs regulations.
    - Fencing
    - Wildlife control
    - Marketing, packaging, processing
    - Accessory uses (i.e. equipment dealers), ag sales, home occupations, etc.
    - Trespass & vandalism
    - Buffers
    - Special consideration of agricultural operations when developing ordinances.

**(PIG)** *Currently required by the SADC in order to participate in the Planning Incentive Grant program.*

## COUNTY PETITIONS

- Shall establish and maintain a dedicated source of funding for farmland preservation or an alternative means of funding for farmland preservation, such as, but not limited to:
  - A dedicated tax
  - Repeated, continuing annual appropriations; or
  - Repeated issuance of bonded indebtedness
  
- Have in place a County Comprehensive Farmland Preservation Plan that has been adopted by the County Planning Board in consultation with the County Agriculture Development Board and County Board of Agriculture. The plan should include the following:

**A. PRESERVATION OF FARMLAND**

**I. Projected Farmland Preservation Goals**

A. Acres available in the County to be preserved

- Farmland Assessed Lands
- Agricultural Development Areas
- State Development and Redevelopment Plan by Planning Areas and Pineland Areas

B. Projected acres to be preserved

- One Year
- Five Years
- Ten Years

C. County Coordination

- Review of Agricultural Development Area Criteria and Designation
  - Soils
    - Conflicting Infrastructure
    - Nonagricultural Development Pressure
    - Other factors including, but not limited to:
      - Soils;
      - Current and anticipated local land use plans and regulations;
      - Farmland Assessment status;
      - Anticipated approvals for non-agricultural development;
      - Accessibility to publicly funded water and sewer systems;
      - Compatibility with comprehensive and special purpose county and State plans;
      - Proximity and accessibility to major highways and interchanges;
      - Minimum size of an ADA;
      - Landowner sign-up;
  - Land within boroughs, towns or cities and designated centers
    - Inclusion of entire or partial lots and blocks;
    - Land ownership;
    - Natural and special features;
    - Type and distribution of agriculture.
  - Consistency with County Master Plan
  - Consistency with other Open Space Preservation efforts
  - Consistency with identified growth areas
  - Develop liaison with adjacent counties
  - Coordinate with non-profits
  - Coordinate with SDRP

D. Municipal Coordination

- Develop liaisons with participating municipalities



- Expand the Program into new municipalities
  - Coordinate with open space initiatives
  - Coordinate with non-profit organizations
  - Determine consistency with Municipal Master Plan and zoning ordinances
  - Coordinate with State Development and Redevelopment Plan
  - Coordinate with Planning Incentive Grant program
  - Consistency with identified growth areas
- E. Farmland Preservation Techniques
- Purchase of Development Easements
  - Fee Simple Acquisition
  - Planning Incentive Grants
  - Donation
  - Installment Purchase
  - Cooperative Projects
    - DEP Green Acres Program
    - Non-profit Organizations
    - Municipalities
    - Other
- F. Eight-Year Program Initiatives
- Outreach & incentives

**II. Source of Funding**

- A. County
- B. Municipal
- C. Other

**III. Administrative Resources for Implementation**

- A. County Planning Staff
- B. County Agriculture Development Board Staff
- C. Legal Counsel
- D. Coordination with other Agencies
  - County Planning Board
  - County Economic Development Agencies
  - County Agricultural Extension Agents
  - Soil Conservation Districts
  - USDA's Natural Resources Conservation Service

**B. DEVELOPMENT OF THE AGRICULTURAL INDUSTRY IN THE COUNTY**

- Right to Farm Program implementation
- Farm Link coordination with SADC
- An agricultural component to the County Economic Development plan, including outreach and industry promotion.
- Coordination with the NJDA and the SADC
- Coordination with Rutgers Cooperative Extension Service
- Initiatives that encourage the development of the agricultural industry in the County.
- A comprehensive look at the existing farming characteristics of the County and potential direction for the future based on recent trends.

- A description and illustration of how the areas targeted for preservation relate to the areas targeted for growth in the county based on the county's growth projections.

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**APPENDIX 6.5: PLAN IMPLEMENTATION AGREEMENT  
SAMPLE REQUIREMENTS FROM NJ DEPARTMENT OF TRANSPORTATION**

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The following is a sample list of planning expectations of the NJ Department of Transportation that could be included in a Plan Implementation Agreement.

Counties

- Have in place a smart growth oriented bypass policy consistent with State Development and Redevelopment Plan (SDRP) Transportation Policy 19, which calls for limited access bypasses where no alternatives for using the existing roadway system exist. If a county does not have such a bypass policy, the PIA should contain a stated intent to incorporate such a policy into the County Master Plan/Transportation Plan within one year.
- State in the Planning and Implementation Agenda (PIA) that the county will study the benefits of establishing a county highway access management code as provided for in the State Highway Access Management Code at N.J.A.C. 16:47-9.1 (a).

Municipalities

- State in the PIA that the municipality will explore, where applicable, the appropriateness of developing Access Management Plans for pertinent sections of state highways, as provided for in the State Highway Access Management Code at N.J.A.C. 16:47-6.1 et. seq.
- State in the PIA that the municipality will study the benefits of establishing a municipal highway access management code as provided for in the State Highway Access Management Code at N.J.A.C. 16:47-9.1 (a).

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## APPENDIX 6.6: PLAN ENSORSEMENT RESOURCES

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### DEPARTMENT OF COMMUNITY AFFAIRS

Susan Bass Levin, Commissioner

#### OFFICE OF SMART GROWTH, 609-292-7156

Adam Zellner, Executive Director  
Robin Murray, PP, AIA, Assistant Director  
William Harrison, Policy Director  
Maura McManimon, Policy Outreach Director  
Vanessa Zoe Morin, Research Director

#### Area Planning Representatives

Paul Drake, PP/AICP, Unit Manager - Hunterdon, Somerset, Sussex, Warren  
Joe Donald, PP - Atlantic, Cape May, Cumberland, Ocean, Monmouth  
Khara Ford – Burlington, Camden, Gloucester, Salem  
Megan Lang – Bergen, Essex, Hudson, Morris, Passaic  
Charles Latini, PP/AICP- Mercer County  
Curt Lavalla, AICP – Middlesex, Union

### STATE PLAN REFERENCE MATERIAL

Anything you need regarding the State Plan of New Jersey is located at [www.NJSmartgrowth.com](http://www.NJSmartgrowth.com). Publications, meeting announcements, planning resources, planning legislation including the State Planning Rules are available at the web site. Office of Smart Growth 609-292-7156.

### MAPPING

In addition to the CD-ROM of the Preliminary State Plan Map, sent to all counties and municipalities, maps and map data are available on the OSG web site. For general questions about data interface and State Plan application of such, please contact:

Steven Karp, Cartographer 609-292-7156

### DATA

The population and employment projections submitted as Section Seven of this document are a compilation of demographic, population, housing and economic data from the New Jersey Department of Labor, the U.S. Census Bureau and New Jersey's Metropolitan Planning Organizations.

Department of Labor <http://www.nj.gov/labor/lra/>

U.S. Census Bureau <http://www.census.gov/>

MPOs (see below)

Mapping data can be found at:

U.S.G.S. Topoquads 609-777-1038/1039.

<http://www.state.nj.us/dep/gis/newmapping.htm>.

[https://njgin.state.nj.us/NJ\\_NJGINExplorer/index.jsp](https://njgin.state.nj.us/NJ_NJGINExplorer/index.jsp)

### INTERAGENCY SMART GROWTH TEAM

#### Coordinators

Office of Smart Growth- James Requa & Carmen Valentin 609-292-7156

#### Members

Board of Public Utilities  
 Commerce and Economic Growth Commission-  
 Council on Affordable Housing  
 Department of Agriculture  
 Department of Community Affairs  
 Department of Education  
 Department of Environmental Protection  
 Department of Transportation  
 Department of Treasury  
 Economic Development Agency  
 New Jersey Housing and Mortgage Finance Agency  
 New Jersey Transit  
 School Construction Corporation

**METROPOLITAN PLANNING ORGANIZATIONS (MPO's)**

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|   |  |
|---|--|
| <p>Joel S. Weiner<br/>         Executive Director<br/>         North Jersey Transportation Planning Authority<br/>         One Newark Center 17th Floor<br/>         Newark, NJ 07102<br/> <a href="http://www.njtpa.org">www.njtpa.org</a></p> | <p>Bergen, Essex, Hudson, Hunterdon, Middlesex,<br/>         Monmouth, Morris, Ocean, Passaic, Somerset,<br/>         Sussex, Union and Warren; and two cities: Newark<br/>         and Jersey City.</p> |
|---|--|

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|   |  |
|---|--|
| <p>Timothy G. Chelius<br/>         Executive Director<br/>         South Jersey Transportation Planning<br/>         Organization<br/>         Farley Service Plaza<br/>         P O Box 351<br/>         Hammonton, NJ 08037<br/> <a href="http://www.sjtpo.org">www.sjtpo.org</a></p> | <p>Atlantic, Cape May, Cumberland, and Salem</p> |
|---|--|

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|   |  |
|---|--|
| <p>John J. Coscia<br/>         Delaware Valley Regional Planning Commission<br/>         111 S. Independence Mall East<br/>         The Bourse Building, 8th Floor<br/>         Philadelphia, Pa 19106-2515<br/> <a href="http://www.dvrpc.org">www.dvrpc.org</a></p> | <p>Burlington, Camden, Gloucester and Mercer in New<br/>         Jersey; Bucks, Chester, Delaware, Montgomery and<br/>         Philadelphia counties in Pennsylvania</p> |
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## **OTHER PLANNING RESOURCES**

American Planning Association- [www.planning.org](http://www.planning.org)

NJ Chapter American Planning Association- [www.NJAPA.org](http://www.NJAPA.org)

Municipal Land Use Center @ The College of New Jersey - [www.tcnj.edu/mluc](http://www.tcnj.edu/mluc)

Regional Plan Association- [www.rpa.org](http://www.rpa.org)

Regional Planning Partnerships- [www.planningpartners.org](http://www.planningpartners.org)

ULI—the Urban Land Institute- [www.uli.org](http://www.uli.org)

Project for Public Spaces- [www.pps.org](http://www.pps.org)

Coalition for Affordable Housing and the Environment- [www.cahenj.org/index.html](http://www.cahenj.org/index.html)