



AMERICAN LITTORAL SOCIETY

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December 8, 2008

Via Electronic Mail

Ben Spinelli, Executive Director
Office of Smart Growth
Department of Community Affairs
New Jersey State Planning Commission
PO Box 204
Trenton, NJ 08625

Dear Mr. Spinelli and Commission members,

Re: State Planning Commission 12/3/08
Agenda Item
Toms River Township Plan Endorsement – Request for Extension of Action Plan Deadlines

The Littoral Society continues to work with municipalities engaged in the Plan Endorsement (PE) process throughout Ocean County. Specifically, in reference to the agenda item above, we ask that you consider the following comments.

We have routinely met with Toms River Township Planner Jay Lynch and other Township representatives, with at least two meetings occurring in 2008, to discuss our recommendations for successful PE. During our meetings we discussed specific items that we feel are necessary for the municipality to achieve Coastal Consistency. These included:

- Ordinance recommendations and open space planning
- Sample ordinances, including Riparian buffer ordinance that was part of Brick Township's approved PE
- Stormwater management review including Nutrient Pollution concerns for Barnegat Bay

As the commission is aware, the Township has pursued PE since January 2005, including a withdrawal of their petition in December of that year. A subsequent resubmission was complete for review in February 2006, but was found inconsistent by State agencies in May 2006. Since then, they have had 2 and half years to complete action plan items. Instead of implementing meaningful PE actions, the Township has only routinely requested and received deadline extensions from OSG.

In spite of the lack of any substantive progress on these items, the SPC has again in response to Toms River's request granted the municipality an extension; the fourth extension on their action plan.

With that, the commission noted that Toms River will need to have philosophical changes in their approach to planning if they are to achieve consistency with the State Development and Re-Development Plan and rightfully required monthly updates to OSG and quarterly SPC reports from the municipality with an option of termination of the extension at 6 months.

While we understand that the commission, as well as our organization, would like to see a successful petition for Toms River, we note that when the commission receives the required quarterly submissions of the Township's work towards that goal, it must be scrutinized for substantive actions, and absent any proof of substantive measures towards the action plan or coastal consistency, we expect that the option of termination of the process will be enacted.

We remind you that "developed" towns in Ocean County similar to Toms River have successfully gone through the endorsement process (i.e. Brick, Stafford) in much less of a time than 3 years.

When considering the reports of the Township, we expect that the commission will not only look for an agreement on center boundaries but also will ensure that significant and meaningful coastal resource protection objectives with measurable criteria are underway. Many ordinances addressing priority issues facing the coast – particularly ongoing pollution of Barnegat Bay from development - can be drafted and adopted regardless of the outcome of center boundaries. In fact, many SPC and DEP approved examples are readily available.

This is most important due to that fact that, in theory, the action of the commission to allow Toms River to stay in the PE process will also allow the expired Toms River Coastal Center boundaries to be reinvigorated through the Permit Extension Act. In fact, it is increasingly looking like Toms River's objective in this process is to simply authorize more intensive development, without undertaking the work to put in place reasonable, necessary safeguards regarding protecting Barnegat Bay and the coast from development related impacts. This is wholly inappropriate given the recognition of the degradation of Barnegat Bay and the negative impact such overdevelopment would add to its already imperiled condition.

The re-instatement of this boundary is not far removed from the PA1 designation the Township has repeatedly stated it desires. The persistence of the Township for this inappropriate designation is what was most responsible for the delay in progression of the PE process.

Without appropriate steps for coastal protection and PE appropriate planning measures, the development that will continue to be proposed during this extension could negatively impact coastal resources and further degrade Barnegat Bay.

Toms River's Coastal Center not only allows higher impervious coverage allowances throughout the municipality, but also lowers forest preservation requirements on new development. Forest preservation is important to provide a natural system to help improve water quality. This is particularly important due to the fact that the stormwater regulations do not require specific levels of nutrient removal – a key problem for the Barnegat Bay ecosystem.

Clearly, the Plan Endorsement process and ultimate center designations vs. coastal center boundaries are currently working at cross-purposes. The commission must not enable the Township to manipulate the process and should quickly terminate this newest action plan extension if appropriate environmental protections and planning actions are not evident.

We all agree that a legitimate attempt at the Plan Endorsement process will produce results that bring the community on a path towards smart, sustainable growth and it is up to the commission to ensure that this occurs. We look forward to your utmost attention to this matter.

Respectfully,

Helen Henderson
Atlantic Coast Project Manager

C: Open Letter