



State of New Jersey
NEW JERSEY STATE PLANNING COMMISSION
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Governor

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Resolution No. 2017-02
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Date: January 18, 2017

RESOLUTION

**CONDITIONALLY APPROVING THE PETITION FOR PLAN ENDORSEMENT
SUBMITTED BY THE TOWNSHIP OF TOMS RIVER
AND DESIGNATING STATE PLAN MAP AMENDMENTS**

WHEREAS, the State Planning Commission (Commission), pursuant to its responsibilities under the State Planning Act, N.J.S.A. 52:18A-196 *et seq.*, has prepared and adopted a State Development and Redevelopment Plan (State Plan) which includes a State Plan Policy Map; and

WHEREAS, pursuant to its authority under N.J.S.A. 52:18A-203, the Commission has adopted regulations, that establish procedures for filing of Petitions for Plan Endorsement with the Commission, N.J.A.C. 5:85-7.1 *et seq.*, and amending the State Plan Policy Map, N.J.A.C. 5:85-8.3 *et seq.*, for the purpose of encouraging consistency of submitted plans with the goals and policies of the State Plan in order to foster sound and comprehensive planning and cooperation and coordination of planning activities between State agencies and county and local governments; and

WHEREAS, the Township of Toms River (Township) submitted a Petition for Plan Endorsement to the Commission pursuant to the provisions of N.J.A.C. 5:85-7.1 *et seq.*, and subsequently worked with the Office for Planning Advocacy (OPA) and relevant state agencies to revise and supplement these materials and is now seeking approval of its Petition and endorsement of its plan, including:

- a municipal smart growth management plan (SGP)
- a reexamination of the master plan with extensive supporting documents
- a request for designation of a three Regional Centers, Cores, and Planning amendments throughout the municipality
- agreed upon sewer service area and approved County Wastewater Quality Management Plan

WHEREAS, in response to the effects of Superstorm Sandy, the Township seeks to update its Master Plan to establish the consideration of resiliency to the threats of tidal and coastal storm flooding throughout the appropriate elements of the Master Plan; and

WHEREAS, the Township and its residents recognize the great economic, recreational and

environmental value of Barnegat Bay, the Township has agreed to work with the New Jersey Department of Environmental Protection (NJDEP) to reduce the deleterious effects of uncontrolled storm water runoff from sites undergoing redevelopment by establishing requirements for water quality controls that will reduce runoff from redevelopment sites that, due to their current conditions or size, would not otherwise need to provide water quality; and

WHEREAS, the Township has recently inventoried its lands under public ownership and agreed to work with the NJDEP to identify and add to the Recreational Open Space Inventory maintained by the NJDEP Green Acres Program such lands as appropriate where the environmentally sensitive nature of the lands render them unsuitable for active recreation or community facilities; and

WHEREAS, the Commission recognizes the Township's renewed effort to craft a set of municipal plans that embrace many smart growth principles and acknowledges that there are concerns about the sustainability of the Township's continued population growth from a transportation system perspective; and

WHEREAS, the Petition and supporting documents (as revised and supplemented) were received and comprehensively reviewed by the State agencies represented on the Commission; and

WHEREAS, the Township and the Staff and Director of the OPA, in consultation with relevant State agencies, have collaborated to delineate three proposed regional centers, cores and Planning Area modifications as shown in the map, **EXHIBIT A** attached hereto; and

WHEREAS, a Planning Implementation Agreement (PIA) in association with this conditional endorsement has been negotiated and agreed upon between the relevant State agencies and the Township, a copy of the PIA is attached hereto as **EXHIBIT B**; and

WHEREAS, the Staff and Director of the OPA reviewed the Petition filed by the Township, the comments from the relevant State agencies, and comments from the public and determined that the Petition conditionally meets the goals of the State Plan; and

WHEREAS, the Staff and Director of the OPA have determined that the Petition will meet the requirements for Plan Endorsement when, as detailed in the PIA, the Township revises and adopts the official zoning map, Township zoning ordinances, resiliency element and the Master Plan (where necessary), reflecting proposed changes to centers, planning areas, and cores based on the SGP; and

WHEREAS, the Staff and Director of the OPA presented findings of the comprehensive review, including the proposed State Plan Policy Map amendments and the PIA, to the Plan Implementation Committee (PIC) on December 21, 2016, recommending that the Commission grant conditional Plan Endorsement to the Township; and

WHEREAS, the PIC reviewed and considered the Petition, concurred with the recommendation to conditionally approve the Petition, and moved the Petition for consideration by the full Commission at its next regularly scheduled meeting; and

WHEREAS, the PIC has recommended that the Commission conditionally approve the Petition, grant Plan Endorsement of the plan, with the understanding that continued Plan Endorsement and formal amendment of the State Plan Policy Map relies on the continued satisfaction of the terms of the PIA, **EXHIBIT B** attached hereto; and

WHEREAS, the State Plan Policy Map will only be formally amended as proposed as an action of the Commission upon the Township's successful completion of the above listed conditions; and

WHEREAS, the review of CAFRA consistency under N.J.A.C 7:7-13.16 will only commence upon formal amendment of the State Plan Policy Map; and

WHEREAS, the Commission has determined that: the plan submitted by the Township, including changes to State Plan Policy Map designations and designation of centers as shown in **EXHIBIT A**, is conditionally consistent with the State Plan, provided the terms of the PIA, **EXHIBIT B**, and this Resolution are satisfied.

NOW, THEREFORE, BE IT RESOLVED, that the Commission hereby affirms the Director's determination that the Petition for Plan Endorsement is consistent with the State Plan and conditionally approves the Petition for Plan Endorsement, thus granting conditional Plan Endorsement to the plan submitted by the Township; and

BE IT FURTHER RESOLVED, that this conditional Plan Endorsement shall take effect upon the passage of this Resolution; and

BE IT FURTHER RESOLVED, that the Commission acknowledges that the PIA:

- memorializes the agreed upon planning implementation mechanisms;
- reflects a commitment, on the part of the Township to continue to implement its plan;
- reflects a commitment, on the part of the relevant State agencies, to provide agreed upon benefits; and
- reflects a commitment, on the part of the Township and the relevant State Agencies, to work together to effectively implement the goals, strategies and policies of the State Plan; and

BE IT FURTHER RESOLVED, that the Commission's conditional Plan Endorsement is contingent upon the Township's continued progress on the PIA, **EXHIBIT B**, including adopting a municipal zoning map and zoning ordinance reflecting proposed changes to centers, cores and planning areas; and

BE IT FURTHER RESOLVED, that that the Commission hereby authorizes the conditional Plan Endorsement to become a final Plan Endorsement upon the Township's adoption of a municipal zoning map and zoning ordinance and resource protection ordinances, as set forth in the PIA, **EXHIBIT B**; and

BE IT FURTHER RESOLVED, that failure to adopt a municipal zoning map and zoning ordinance, as set forth in the PIA, **EXHIBIT B**, within eighteen months of the effective date of this Resolution will result in the expiration of this conditional Plan Endorsement unless the Commission acts affirmatively to extend the conditional Plan Endorsement and provide more time for completion of these conditions; and

BE IT FURTHER RESOLVED, that the Commission hereby authorizes formal amendments to the State Plan Policy Map in the Township, as shown in **EXHIBIT A**, such authorization shall be made effective by the Director of the OPA after the Township revises and adopts its municipal zoning map and zoning ordinance reflecting proposed changes to centers, planning areas, and cores; and

BE IT FURTHER RESOLVED, that notwithstanding the Commission's conditional Plan Endorsement, any proposed development and/or disturbances to the sensitive resources within the Township will be reviewed by the NJDEP in the permitting stages of any proposed project;

BE IT FURTHER RESOLVED, that in approving the Petition and granting conditional Plan Endorsement, it is understood that the Commission's endorsement may be revoked if the Commission determines that the Township has made substantial changes to its endorsed plan without adhering to the rules governing Plan Endorsement, N.J.A.C. 5:85-7.1 *et seq.*, and amending the State Plan Policy Map, N.J.A.C. 5:85-8.3 *et seq.*, or substantially violated the terms of its PIA, **EXHIBIT B**, so that the plan of the Township is no longer consistent with the State Plan; and

BE IT FURTHER RESOLVED, that the Chairman of the Commission and the Director of the OPA are hereby authorized to execute such documents and to take such other actions as may be necessary or appropriate for the implementation of this Resolution.