



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
OFFICE OF SMART GROWTH
PO BOX 204
TRENTON NJ 08625-0204

JON S. CORZINE
Governor

SUSAN BASS LEVIN
Commissioner

EILEEN SWAN
Executive Director

August 15, 2006

Mr. Dante DiPirro
Executive Director
N.J. Highlands Council
100 North Road
Chester, NJ 07930

Dear Dante:

Because of the complex issues presented by Sussex County seeking Plan Endorsement of its countywide plan simultaneously with the creation of the Highlands Regional Master Plan it is important and appropriate that we try to address some of those issues. Working with you over the past weeks has been very positive and I hope the following correctly captures the approach we discussed to ensure that our common goals are achieved while supporting the planning endeavors of Sussex County. Accordingly, we set out the following schedule for the steps necessary for the evaluation of the Sussex County Plan Endorsement Petition.

On July 14, 2006, the Highlands Council submitted a letter requesting additional information and clarification on the petition for State Plan Endorsement submitted by Sussex County. The requested information and clarification will provide a mechanism to avoid potential conflicts between the State Plan and the pending Highlands Regional Master Plan.

The Office of Smart Growth's letter to Sussex County dated August 1, 2006, request that additional information from Sussex County along with other items identified by OSG as important for the evaluation of the county's petition. Sussex County was provided up to 90 days to respond to that request for information. The letter also clarified that Sussex County, OSG and the State Planning Commission will agree that identification of potential growth areas does not equate to endorsement or designation of new centers. Any new center can only be designated by a municipality as the result of a municipal petition for Plan Endorsement.

Following the release of a draft Regional Master Plan, the Highlands Council will provide comments on the Sussex County petition with an emphasis on consistency with the draft Regional Master Plan within the Planning Area. This emphasis is in recognition that Sussex County will not be seeking plan endorsement for the portion of the county in the Preservation Area. It is our understanding that in reviewing the county's Plan Endorsement application, the Highlands Council can not require Sussex County to modify its master plan to conform to the goals, requirements, and provisions of the draft Regional Master Plan for the portion of the

county within the Highlands Planning Area because such conformance is voluntary under the Highlands Act. Nevertheless, we recognize that the Highlands Council may provide information and identify policy differences between the draft Regional Master Plan and the county's petition in order to inform the State Planning Commission's review. Additionally, the Highlands Council's comments on the county's petition will not include proposed State Policy Map changes.

In our view it may be inappropriate for the Highlands Council's review of Sussex County's Plan Endorsement application to use any new data or analysis contained in the draft regional master plan to contend that existing previously designated centers which pre-dated the Highlands Act are inappropriate or should not be recognized. These center designations are set to expire in 2008. However, a review of the proposed growth areas and other areas in the county plan should be undertaken using the science and data that will form the basis for the draft regional master plan. Throughout the process, OSG, Sussex County and the Highlands Council will review all available relevant information, share all available relevant information and engage in discussions to assist in the Plan Endorsement process and to avoid potential conflicts between the county plan and the Highlands Regional Master Plan to the greatest extent possible. The goal will be for the State Planning Commission, OSG, the Highlands Council and Sussex County to work through issues of common concern.

Following the incorporation of the comments and review of the county petition, the Sussex County petition for Plan Endorsement will be submitted to the State Planning Commission for approval, if appropriate, in November or December 2006. Throughout this process, all parties agree to work collaboratively regarding the mutually agreed upon schedule and the methodology for evaluation of the Sussex County petition. Sussex County will benefit by getting a timely resolution to a process to which it has invested 5 years of effort and a great deal of resources and have the opportunity to apply the advanced science utilized in formulating the Highlands Regional Master Plan. The State Planning Commission will get clarity on the effect of approving a regional plan endorsement petition and will have the ability to move forward on this application pursuant to the established rules and guidelines. Another result will be that municipalities will have the ability to judge the consequences of consistency with an endorsed county plan or conformance with the Highlands Regional Master Plan with minimal confusion.

I look forward to working with you and your staff on resolving the interesting issues presented by the evaluation of the Sussex County petition at a time when your draft Regional Master Plan is being released. I appreciate your willingness to help us move this petition through the endorsement process in a manner that is cooperative and productive. Sussex County has, in good faith, invested in the sound analysis and comprehensive planning efforts necessary to chart the future of their county. Your commitment to assisting those efforts is encouraging.

Sincerely,

Eileen Swan
Executive Director

ES:bs

c: Eric Snyder, Sussex County