

## RESOLUTION

### DESIGNATING THE VERNON TOWN CENTER IN VERNON TOWNSHIP, SUSSEX COUNTY

**WHEREAS**, the State Planning 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 which includes a State Plan Policy Map; and

**WHEREAS**, in adopting a State Development and Redevelopment Plan, the State Planning Commission has utilized the concept of Centers as the organizing planning principle for achieving a more effective and efficient pattern of development in the State of New Jersey; and

**WHEREAS**, the State Development and Redevelopment Plan accordingly identifies five types of Centers: Urban Centers, Regional Centers, Towns, Villages, and Hamlets, and sets forth policies regarding the identification, delineation, development and redevelopment of Centers; and

**WHEREAS**, the State Planning Commission is empowered, pursuant to N.J.S.A. 52:18A-203 of the State Planning Act, to adopt rules and regulations to carry out and implement its statutory responsibilities and purposes; and

**WHEREAS**, pursuant to its authority under N.J.S.A. 52:18A-203, the State Planning Commission has adopted regulations, set forth in N.J.A.C. 17:32, that establish procedures for filing of petitions with the State Planning Commission for the purpose of seeking amendments to the State Plan Policy Map of the State Development and Redevelopment Plan in order that the Map and Plan can better serve to foster cooperation and coordination of planning activities between State agencies and county and local governments; and

**WHEREAS**, the Township of Vernon, Sussex County, filed a petition with the State Planning Commission in August of 1998 during Cross-acceptance II as part of the Sussex County Cross-acceptance Report, pursuant to the provisions of N.J.A.C. 17:32-8 which were in effect prior to January 7, 2002, seeking to amend the State Plan Policy Map of the State Development and Redevelopment Plan in

order that three cores, Vernon, Mountain Creek and McAfee, of the Township of Vernon as more specifically described in the Township's petition, be granted Regional Center Designation, under the State Development and Redevelopment Plan; and

**WHEREAS**, the State Planning Rules, N.J.A.C. 17:32-1.1 et seq., as amended on January 7, 2002, provide that petitions for map amendments filed with the State Planning Commission prior to March 1, 2001 will be considered and treated as petitions for map amendments under the provisions of N.J.A.C. 17:32-8 which were in effect prior to January 7, 2002; and

**WHEREAS**, the Executive Director of the Office of Smart Growth reviewed the petition filed by the Township of Vernon and determined that the petition meets the requirements of N.J.A.C. 17:32-8 which were in effect prior to January 7, 2002; and

**WHEREAS**, the Executive Director of the Office of Smart Growth forwarded a report dated May 20, 2003 to the Plan Implementation Committee evaluating the petition and recommended that the Township modify its petition to request designation as a Town Center rather than a regional center and deleting the area known as McAfee from the petition, and the Township agreed to do so; and

**WHEREAS**, the Executive Director of the Office of Smart Growth in the report dated May 20, 2003 to the Plan Implementation Committee evaluating the petition, found that the Vernon Town Center had substantially met the Center design guidelines to be designated as a Town Center and recommended approval of the petition subject to a reduction of the Center Boundary and modification of the Planning and Implementation Agenda in accordance with the recommendations outlined in that report; and

**WHEREAS**, the Plan Implementation Committee conducted a public hearing on May 28, 2003 with regard to the petition filed by the Township of Vernon; and

**WHEREAS**, the Plan Implementation Committee reviewed and considered the petition for designation of the Vernon Town Center, the Center Boundary and the Planning and Implementation Agenda, the report of the Executive Director of the Office of Smart Growth to the Plan Implementation Committee dated May 20, 2003 evaluating the petition, and the comments made regarding the petition at its hearing on May 28, 2003; and

**WHEREAS**, the Plan Implementation Committee, at its May 28, 2003 meeting, requested information from the Department of Environmental Protection regarding water supply and wastewater allocation and treatment issues in Vernon Township; and

**WHEREAS**, on June 10, 2003, the Department of Environmental Protection provided a summary of water supply and wastewater treatment issues in Vernon Township that expressed concern over potable water supplies, projected population growth, and wastewater allocations in the Walkkill Valley; and

**WHEREAS**, the Department recommended a series of actions and studies to be undertaken by Vernon Township as part of its Planning and Implementation Agendas to provide additional information to protect water quality and ensure adequate supply in the Walkkill Valley; and

**WHEREAS**, the Township of Vernon has agreed to the revisions of the Planning and Implementation Agenda and modification of the Center Boundary contained in the Township's petition in accordance with the recommendations outlined in the report of the Executive Director of the Office of Smart Growth dated May 20, 2003 to the Plan Implementation Committee; and

**WHEREAS**, the Plan Implementation Committee concurred with the recommendations summarized in the report forwarded by the Executive Director of the Office of Smart Growth to the Plan Implementation Committee on May 28, 2003 to designate the Vernon Town Center, subject to revisions of the Planning and Implementation Agenda and modification of the Center Boundary in accordance with the recommendations outlined in that report; and

**WHEREAS**, the Executive Director of the Office of Smart Growth has recommended approval of the petition to designate the Vernon Town Center, as revised, with the revised Center Boundary; and

**WHEREAS**, the State Planning Commission has considered the revised petition submitted by the Township of Vernon, including the revised Planning and Implementation Agenda, the revised Center Boundary, the findings of the Executive Director of the Office of Smart Growth with regard to the petition, the recommendations of the Commission's Plan Implementation Committee with regard to the petition, and all of the comments and written correspondence submitted to the Office of Smart Growth and the State Planning Commission with regard to the petition; and

**WHEREAS**, the State Planning Commission has determined it appropriate to approve the amendment of the State Plan Policy Map for the purpose of designating a portion of the Township of Vernon as the Vernon Town Center, as more specifically described in the Township's revised petition, with a revised Center Boundary; and

**NOW, THEREFORE, BE IT RESOLVED**, that, the State Planning Commission, pursuant to N.J.A.C. 17:32, hereby approves the amendment of the State Plan Policy Map for the purpose of designating a portion of the Township of Vernon as the Vernon Town Center, as more specifically described in the Township's revised petition, with a revised Center Boundary; and

**BE IT FURTHER RESOLVED**, that, in approving the amendment of the State Plan Policy Map for the purpose of designating a portion of the Township of Vernon as the Vernon Town Center, it is understood that the Township of Vernon will continue to carry out its plans in accordance with the goals, strategies and policies of the State Development and Redevelopment Plan and in accordance with its revised Planning and Implementation Agenda; and in particular to the amendments to the Planning and Implementation Agenda that have been made as a result of the recommendations made by the New Jersey Department of Environmental Protection that the Township of Vernon conduct a new build-out analysis to determine the accuracy of projected wastewater flows to be generated by the Vernon Town Center, and an environmental analysis of the Town Center; within eighteen months; and

**BE IT FURTHER RESOLVED**, that Vernon Township immediately implement the groundwater monitoring program that was required by the Department of Environmental Protection and agreed to by the Township as part of the Department's approval of the Vernon Interceptor allocation approval; and

**BE IT FURTHER RESOLVED**, that, in conditionally approving the amendment of the State Plan Policy Map for the purpose of designating the Vernon Town Center, it is understood that the designation of the Vernon Town Center shall automatically expire eighteen months from the date of designation if, upon determination by the State Planning Commission, it can be shown by that time that the Township of Vernon did not complete the build-out analysis to determine the accuracy of projected wastewater flows to be generated by the Vernon Town Center; did not complete the environmental analysis of the Town Center; or did not implement the previously agreed groundwater monitoring program; and

**BE IT FURTHER RESOLVED** it is also understood that New Jersey Department of Environmental Protection, the Office of Smart Growth and the Township of Vernon will work diligently and cooperatively with each other in the review and exchange of the information relevant the aforementioned analysis' in order to meet the eighteen month deadline referenced above. For good cause this deadline may be extended through mutual agreement of the State Planning Commission and the Township of Vernon; and

**BE IT FURTHER RESOLVED**, that, if the buildout analysis conducted by the Township shows that projected flows exceed the current allocation for the Township, or the constraints indicated by the environmental analysis are more limiting, then the Town Center boundaries will be reduced to reflect the environmental constraints and the limits of the Township's current wastewater allocation; and

**BE IT FURTHER RESOLVED**, that, in conditionally approving the amendment of the State Plan Policy Map for the purpose of designating the Vernon Town Center, the Township will continue to work on and complete the other items in its Planning and Implementation Agenda that are critical to water quality and supply in the Walkkill Valley, particularly stormwater and septic system management plans; and

**BE IT FURTHER RESOLVED**, that, in approving the amendment of the State Plan Policy Map for the purpose of designating the Vernon Town Center, it is understood that such amendment in no way exempts property owners and/or development applicants within the area affected by this amendment from securing all approvals required by law from the relevant federal, state, county and/or local agencies, nor does this amendment override or modify the terms and conditions under which said approvals are secured; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Governor, the Senate Co-Presidents, the Assembly Speaker, members of the Legislature representing the Township of Vernon and the Sussex County Board of Chosen Freeholders and Planning Board, the governing body of the Township of Vernon, the Planning Board of the Township of Vernon, and the Commissioners and Secretaries of State Agencies.

Certification

This Resolution was adopted by the New Jersey State Planning Commission at its meeting held on Wednesday, July 16, 2003. Ayes: (11) Joanna Dunn Samson, Curtis Fisher, Monique Purcell, Peter Lazaropoulos, Marilyn Lennon, Brent Barnes, Marge DellaVecchia, Daniel Levine, Edward McKenna, George Pruitt, Timothy J. Touhey. Nays: (0). Abstains: (1) Michele Byers.

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Adam Zellner, Secretary  
NJ State Planning Commission

Dated: July 28, 2003