



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

JAMES E. MCGREEVEY  
*Governor*

TIMOTHY J. TOUHEY  
*Chair*

SUSAN BASS LEVIN  
*Commissioner*

ADAM J. ZELLNER  
*Executive Director*

Resolution No. 2004-01  
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Date: February 18, 2004  
Patron: Michele Byers

**RESOLUTION**

**ADOPTING THE REVISED STATE PLANNING RULES WITH SUBSTANTIVE  
CHANGES WHICH DO NOT REQUIRE ADDITIONAL PUBLIC COMMENT  
AND AUTHORIZING THEIR PUBLICATION IN THE NEW JERSEY REGISTER**

**WHEREAS**, the State Planning Commission has been created pursuant to the State Planning Act, N.J.S.A. 52:18A-196 et seq.; and

**WHEREAS**, the State Planning Act in N.J.S.A. 52:18A-203 authorizes the State Planning Commission to adopt rules and regulations to carry out its purposes including the preparation and adoption of a State Development and Redevelopment Plan; the undertaking of a cross-acceptance process in conjunction therewith; and the establishment of procedures to facilitate cooperation and coordination among State agencies and local governments with regard to the development of plans, programs and policies which affect land use, environmental, capital and economic development; and

**WHEREAS**, pursuant to the aforementioned statutory authority, the State Planning Commission has previously adopted rules and regulations set forth in N.J.S.A. 5:85-1.1 et seq. that pertain to the preparation and adoption of a State Development and Redevelopment Plan; the cross-acceptance process to be undertaken in conjunction with the preparation of the State Development and Redevelopment Plan; and the establishment of procedures, *i.e.*, the review of plans for plan endorsement and the amendment of the State Plan Policy Map, to facilitate cooperation and coordination among State agencies and local governments with regard to the development of plans, programs, and policies affecting land use; and

**WHEREAS**, the State Planning Commission has determined that a comprehensive review should be undertaken of the State Planning Rules previously adopted by the Commission pursuant to N.J.S.A. 52:18A-203 for the purpose of evaluating and determining the manner in which and the extent to which such regulations should be revised; and



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**WHEREAS**, as a result of this review, the State Planning Commission has determined it appropriate to propose revisions to the State Planning Rules previously adopted by the Commission pursuant to N.J.S.A. 52:18A-203; and

**WHEREAS**, the State Planning Commission has filed a rule proposal with the Office of Administrative Law on September 2, 2003 with proposed amendments to its existing rules; and

**WHEREAS**, the rule proposal provided a 60-day public comment period; and

**WHEREAS**, the public comment period was extended an additional 30-days; and

**WHEREAS**, the State Planning Commission has received a total of 24 comments regarding the rule proposal; and

**WHEREAS**, the State Planning Commission has reviewed all of the comments in the rule proposal and has determined that certain changes to the rule proposal are necessary; and

**WHEREAS**, these changes which clarify the rule proposal include substantive changes which do not require additional public notice and comment; and

**WHEREAS**, the changes are intended to clarify the definitions of the terms "cross-acceptance", "plan endorsement", and "map amendment" in response to comments received; to clarify the provisions of the proposed rules relating to technical assistance, public participation and notice; to clarify the manner in which documents relating to cross-acceptance, plan endorsement, and map amendments will be distributed; to reinstate language regarding municipal representation for plan negotiation, to add language that clarifies that it is the State Planning Commission that adopts the Statement of Agreements and Disagreements after the negotiating committee adopts a draft Statement of Agreements and Disagreements; to clarify that plan endorsement is a two-step process that includes initial and advanced petition



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stages; to specify that there is no requirement that a petitioner seek advanced plan endorsement after it obtains initial plan endorsement; and to clarify that a petitioner enters into a Planning and Implementation Agreement with the State Planning Commission at both the initial and advanced petition stage and a Plan Endorsement Contract prior to commencing the advanced plan endorsement petition stage; and

**NOW, THEREFORE, BE IT RESOLVED** that the State Planning Commission, pursuant to its authority under N.J.S.A. 52:18A-203 of the State Planning Act, hereby approves and adopts the attached adoption notice and amended rule proposal with the changes noted and authorizes the publication of the rule together with the summary of public comments and agency responses in the New Jersey Register in accordance with the requirements of the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq.; and

**BE IT FURTHER RESOLVED** that the Chairman of the State Planning Commission and the Executive Director of the Office of Smart Growth are hereby authorized to execute such documents and to take such other actions as may be necessary or appropriate for the publication of this rule adoption.

Certification

This Resolution was adopted by the New Jersey State Planning Commission at its meeting held on Wednesday, February 18, 2004. Ayes: (11) Michele Byers, Dan Ryan, John Eskilson, Curtis Fisher, David Fisher, Tim Brill, Peter Lazaropoulos, Jim Lewis, Marge DellaVecchia, Edward McKenna, George Pruitt. Nays: (0). Abstains: (0).

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Adam Zellner, Secretary  
NJ State Planning Commission

Dated: February 18, 2004