



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	201
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Agree Conditionally

### General Topic:

#### County/NE Proposed Change to State Plan Section:

Alternative population and build out scenario for 2020. They did not submit alternative employment figures, but their silence does not imply endorsement. Rather, time and expertise prevented them from cross acceptance.

Figure 4

Population Projections and Maximum Build-Out Scenarios

Hunterdon County, NJ

METHODOLOGY

The attached spreadsheet contains three sets of population and household figures for Hunterdon County, disaggregated by municipality. Also attached is a map showing the maximum number of homes that can be built in each municipality (build-out potential) by block and lot. Below is a description of each set of figures and the manner in which they were derived.

#### 2000 US Census Figures

The first set of population and household figures reflects population, households and persons per household according to the 2000 US Census. In the year 2000, Hunterdon County had a population of 121,987.

#### 2020 HCPB Projections

The second set of figures represents projected growth to the year 2020. The Hunterdon County Planning Board (HCPB) derived these figures in October of 2002, using a four-step process:

1. Hunterdon County Planning Board staff prepared population and household projections using 2000 Census figures as a starting point. In addition, NJ State Data Center (SDC) 2010 and 2020 population projections were considered, as were historical growth rates of each municipality over the past four decades and development applications submitted to the Hunterdon County Planning Board since the year 2000.

The SDC population projections were used as the initial 2010 and 2020 projections. From there, staff compared these figures to those derived from a database associated with a computer model (County Transportation Model) developed for transportation planning purposes.<sup>1</sup> Where the SDC projections exceeded the database calculations of build-out, the latter figures were used.

The HCPB factored in residential development applications pending before the Hunterdon County Planning Board to estimate additional housing units that might be built by the year 2010. The 2000 Census estimate of persons per household was used to estimate the additional population in the year 2010; in other words, households were translated into population using a household size factor. Municipal historical growth rates over the past four decades were also reviewed. Staff compared the initial projections prepared by the SDC to the build-out calculations generated by the County Transportation Model.



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From there, some adjustments were made. For example, staff made the decision to apply a 1% growth rate to 2010 and another 1% growth rate to 2020 for those municipalities that experienced a negative growth rate between 1990 and 2000. There was no basis for assuming that a negative growth rate would continue necessarily. At the same time, there was no sound information leading staff to the conclusion that expansive growth rates would occur in the following two decades. However, there were two exceptions to this:

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1 While the County Transportation Model (a.k.a. Land Use and Travel Demand Projections for Major Highway Corridors in Hunterdon County, July 2001) is intended for transportation modeling purposes, the database can also provide a snap shot of future “build out potential” of tax parcels. By relying on zoning, acreage and property class data of every property in Hunterdon County, the computer model roughly calculates maximum build out potential of households by block and lot.

- Frenchtown: 2000 Census population = 1,488  
Growth rate (1990 – 2000) = -2.6%  
Estimated acres of developable property = 227  
Estimated acres developed by 2010 = 100  
HCPB 2010 population projections = 1,724  
HCPB 2020 population projections = 1,742

- Milford: 2000 Census population = 1,195  
Growth rate (1990 – 2000) = 1,370  
Estimated acres of developable property = 245  
Estimated acres developed by 2010 = 40  
HCPB 2010 population projections = 1,294  
HCPB 2020 population projections = 1,307

- Additional adjustments were made in Clinton, Raritan and Readington Townships based on proposed/pending land preservation activities itemized by the municipalities.

2. In April, 2004 Banisch Associates, Inc. completed a visual land development scenario of projected households for the Hunterdon County Planning Board, using a second computer model called Build Out Simulator (BOS). BOS is an extension of ArcGIS that allows the user to subdivide tax parcels according to existing zoning or various alternative zoning techniques. The purpose of BOS is to provide a visual snap shot of future development scenarios.

BOS subdivides developable tax parcels using zoning information and select environmental data. Developable land was determined by the 2003 tax classification codes. Only those parcels identified as Vacant or Farm Qualified were considered developable. Zoning information such as minimum lot size, frontage requirements and open space requirements were gathered from each municipal land development ordinances.



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Subdivisions accounted for wetlands by incorporating a 50 foot buffer around NJDEP-identified wetlands and a 150 foot buffer around wetlands that drained to Category One waterways.<sup>2</sup>

The BOS modeling exercise attempted to subdivide developable parcels to meet the HCPB 2020 population and household projections. Where there was insufficient developable land to meet the HCPB projections, the projections were reduced accordingly. The BOS scenarios were prepared for each municipality and the population/household projections adjusted to reflect BOS development potential. The Townships of Bethlehem, Clinton, Tewksbury and Union are approaching full build-out by 2020 based on running the BOS model. Clinton Town, Lambertville and the Boroughs of Flemington, Frenchtown, Glen Gardner, High Bridge, Lebanon, Milford and Stockton are as well.

The numbers were then compared to the results of the maximum residential build-out (see HCPB Total Build-out) and where the latter yielded a lesser number, that was used in place of the initial 2020 projection.

3. The North Jersey Transportation Planning Authority is also preparing population projections for its 13-county region. The County used figures derived for Alexandria, Delaware, Frenchtown, High Bridge, Stockton and Tewksbury, as the growth rates were determined to be the most reasonable.

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<sup>2</sup>The State designated new Category One waterways subsequent to the completion of the BOS 2020 visual scenario development. Wetlands associated with them were therefore not assigned a 150 foot buffer.

4. At various points during the preparation of population projections, municipalities were given the opportunity to review and revise them according to local knowledge. Several municipalities adjusted figures somewhat, as they did for the total residential build-out analysis.

### HCPB Total Residential Build-Out

The third set of figures represents the maximum residential build-out potential of the County by municipality, which is represented in the attached chart and on an accompanying map. The map indicates the number of new homes that can be built on each developable property by municipality.<sup>3</sup> The build-out scenario relies upon the same transportation model database as the initial projections (see Step 1, 2020 Population Projections). The objective is to estimate the number of residential units that can still be built within Hunterdon County, irrespective of future time frames, according to current municipal zoning, pending developments, preserved land, and select environmental constraints. The Highlands Preservation Area was handled differently from the rest of the County by applying environmental constraints unique to this area, consistent with the recently enacted Highlands Water Protection and Planning Act.

The methodology for calculating build-out is explained below.

1. In order to achieve the most realistic picture of potential development in the County, the lands most likely to

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develop were chosen. These are the farm-assessed and vacant lands corresponding to property tax classifications 1, 3B, or a combination of 1 or 3B with any of the following: 1/3B, 2/3B, 3AB, 4A/3B, 4B/3B & 4C/3B. An explanation of these codes follows:

- 1 = vacant
- 2 = residential
- 3A = farm regular
- 3B = farm qualified
- 4A = commercial
- 4C = Apartment

2. All preserved farmland and open space known to the County Planning Board were then removed from the selection.

3. Any land containing an environmental constraint on development was then removed from the gross parcel area. The environmental constraints for areas outside of the Highlands Preservation Area are:

- Slopes equal to or greater than 20% (based on NJGS Digital Elevation Model).
- Wetlands with a 50-foot buffer (based on NJDEP Wetlands).
- “Category One” streams with a 300-foot buffer (based on NJDEP stream classifications).

4. The environmental constraints for parcels within the Highlands Preservation Area are:

- Slopes equal to or greater than 20% (based on NJGS Digital Elevation Model).
- A 300-foot buffer around all water bodies including wetlands.
- Upland forested tracts (where an entire parcel was forested, one additional unit was permitted).

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3These maps differs from the BOS-generated maps. The two series of municipal maps were derived using two different computer modeling techniques and differing assumptions and data. Furthermore, the BOS maps (which are not attached) show conceptual subdivision of parcels. The attached build-out map identifies build-out by assigning a number to each developable parcel, indicating the number of homes that could be built out.

The Highlands Act has put into effect emergency DEP regulations in the Preservation Area. These regulations include restrictions on development on slopes of 20% or greater, disturbance within 300 feet of water bodies, and disturbance to upland forests. The regulations do provide for limited disturbance on slopes and in upland forests. The build out model could not account for site-specific instances that might warrant these situations. However, it allowed for at least one house on any tract entirely encumbered by forest cover to prevent situations that would effectively preclude all development potential of a property.

5. Potential residential development outside of the Highlands Preservation Area was calculated by dividing minimum lot size (based on municipal residential zoning) by the remaining residentially zoned land on a parcel-by-parcel basis.



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6. Potential residential development within the Highlands Preservation Area was calculated by dividing minimum lot size (based on nitrate dilution modeling) by the remaining residentially zoned land on a parcel-by-parcel basis.

Nitrate dilution modeling provides an indication of appropriate lot sizes for septic system-based residential development to prevent excessive levels of nitrates from entering drinking water supplies. Many municipalities in the Preservation Area of Hunterdon County have completed nitrate dilution modeling. These results were applied to the build out analysis<sup>4</sup>. The reason for doing so is that the Highlands Act requires septic system densities to be established in the Preservation Area. Furthermore, the legislation requires these analyses to be based on “deep aquifer recharge available for dilution.” It is our understanding that the modeling already completed in these communities in fact utilized this particular approach to nitrate dilution modeling.

7. Parcel zoning was assigned based upon the mid-point of the parcel. In other words, if a particular parcel was located in two separate zones, the zone used to calculate additional development was the zone that contained the midpoint of the parcel in question.

8. Additional units as displayed on each map were rounded down if the decimal was between .00 and .49. The figures were rounded up if the decimal was between .50 and .99. In calculating the total additional units for each municipality, the decimals were not rounded.

9. In cases where a development had received municipal approval or was expected to receive municipal approval, the approved numbers were used in lieu of the calculated numbers.

10. Draft build-out figures and associated maps were reviewed by municipalities and adjusted as needed based on local knowledge.

### Limitations of Projection and Build-Out Methodologies

Population/household projections and build-out scenarios can only provide a general sense of the scope of future growth given available information. The absence of detailed data on soil capabilities, site constraints, stormwater management requirements, and other factors that influence growth potential and development constraints of individual properties limit the accuracy of the build-out scenarios. Information pertaining to preserved lands, development applications, zoning, etc may be incomplete or dated in some instances as well. Finally, due to the recently enacted Highlands legislation, it is extremely difficult to project growth potential both in the Highlands Preservation Area and Highlands Planning Area. The Highlands Preservation Area is subject to certain environmental restrictions, effective August 10th of this year and will be subject to further constraints in the coming years. Many of these constraints are unknown at this point and could drastically alter projections and maximum build-out potential.

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<sup>4</sup>In Tewksbury Township, current zoning in the Highlands Preservation Area is stricter (lot size requirements are larger) than the results of the nitrate dilution study. Therefore, current zoning was used at the municipality's request



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The Highlands Planning Area will be subject to fewer environmental regulations, most likely, and in fact, could be the recipient of substantially more growth than anticipated. This, too, is an unknown at present and will probably be uncertain until a Highlands regional master plan is adopted in the next two years.

In conclusion, the projections and build-out scenarios should be viewed as meaningful tools to inform county and local planning decisions, to the extent that the best available information was used to generate these figures. However, in the end, they are at best an educated guess as to future scenarios, recognizing the limitations involved. Build-out scenarios can and will be adjusted routinely to reflect changes in zoning and other situations that will warrant re-running these scenarios. We hope municipalities will be able to use these numbers as one of many factors that help inform planning decisions in the future.

This document was prepared by the Hunterdon County Planning Board, 8/27/04; updated 10/26/04, 12/20/04, and 01/07/05.

### **Preliminary State Plan Section as Currently Proposed:**

Appendix A. Population, Employment, Other Stats

### **Section in Existing State Plan:**

### **Additional Information Regarding Proposal:**

### **Staff Response:**

Your comment is noted. Without a specific alternative for employment, there is no point from which to discuss them. The population and household figures will be evaluated when determining the final numbers.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	202
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Agree Conditionally

### General Topic:

#### County/NE Proposed Change to State Plan Section:

What are the preferred patterns of growth appropriate to Hunterdon County?

Many believe that Centers should not necessarily become the targets for development. Historic villages and towns that dot the County's countryside will lose their character if overwhelmed by development. Flemington is the County's only true Center in that it contains just about all of the uses and services needed to function as such. Other towns, villages and hamlets are not self-sufficient in this way. Centers need infrastructure and once that is imposed, the Centers lose their integrity and become sprawling places. Furthermore, this infrastructure is very expensive. Center designation should not be linked to the Highlands legislation. Municipalities fear that by designating a Center, they will be forced to accept growth from the Highlands Preservation Area. The mayor of one municipality believes that designating the Borough as a Village Center, coupled with designation as a Historic District will strengthen local ability to accommodate growth while preserving village character through design guidelines with the benefit of State support. Another individual feels that Center designation allows municipalities to delineate community development limits (i.e. boundaries) and facilitate infill development, rather than Center expansion at the periphery.

#### Preliminary State Plan Section as Currently Proposed:

Policies for Centers

#### Section in Existing State Plan:

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4. The preferred approaches for managing growth to achieve the Goals of the State Plan are through the mapping of Center Boundaries to identify areas for development and redevelopment and Environs protection in suburban and rural New Jersey and the identification of Cores and Nodes as places for more intensive redevelopment in metropolitan New Jersey.

#### Additional Information Regarding Proposal:

#### Staff Response:

While no specific recommendation is being proposed, the last two comments put forth by Hunterdon County demonstrate ways municipalities can work with the State Development and Redevelopment Plan to determine what type of Center.. Hamlet, Village or Town is appropriate for a community.

Centers are the State Plan's preferred vehicle for accommodating growth. Centers promote community, protect the environment, provide enhanced cultural and aesthetic experiences, and offer residents a superior quality of life. A Center's compact form is considerably more efficient than sprawl, providing opportunities for cost savings across a wide range of factors. Compact form also translates into significant land savings. A Center's development form and structure, designed to accommodate diversity, is also more flexible than single-use, single-purpose sprawl, allowing Centers to evolve and adapt over time, in response to changing conditions and markets.





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County:	HUNTERDON COUNTY	OSG Item No.	202
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NE Item No.	0	Preliminary Staff Recommendation: Agree Conditionally	

As Centers are planned to be the location for much of the growth in New Jersey, it is critical that they be located and designed with the capacity to accommodate desired growth. While specific Centers may not be appropriate for additional growth, in a regional context, Centers should be planned to accommodate growth projections. Centers that are targeted for growth should contain a sufficient amount of land to support this growth, including new or expanded capital facilities and affordable housing, without constraining the market or allowing monopoly land pricing.





## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	237
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Agree Conditionally

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Targets and Indicators

Findings: There are a number of additional targets and indicators that should be considered in support of various State Plan Goals. They are listed in the following recommendations.

**Recommendations:**

1. The 2004 Preliminary State Plan proposes a number of new indicators related to Goal #3 of the State Plan Promote Beneficial Economic Growth, Development and Renewal for All Residents of New Jersey. One of the proposed indicators is the percent (or number of acres) of brownfield sites that are redeveloped. Another appropriate indicator would be the percent of greyfield sites (or number of acres) redeveloped. Greyfield sites are abandoned or underused sites with infrastructure capacity.
2. The proposed Headline Indicator for the percentage of new development, population and employment located in Planning Areas 1 and 2 and in Centers in Planning Areas 3-5 should be divided into two Indicators. They should distinguish between desired growth in PA 1 and 2 and desired growth within Centers in PA 3-5, with different thresholds established.
3. New Indicator: Consumption of state water supply for human needs. Target: Natural replenishment of ground and surface water supplies exceed consumption for all human purposes (industrial, agricultural, drinking water) by a \_\_\_\_ percent, accounting for a specified and safe margin of safety.
4. New Indicator: Percent of New Jersey's waterways that support aquatic life fit for human consumption. Target: Residents can consume the fish from NJ rivers, streams, estuaries, and coastal waterways; shellfish recover and can be sustainably harvested from NJ bays and estuaries.
5. New indicator: New development, population and employment located proximate and with convenient access to safe, reliable, readily available mass transit systems. Target: % of new growth is served by readily available, safe, reliable, mass transit systems in PA 1 and 2 and in Centers.
6. New indicator: Percent of land in NJ covered by regional stormwater management plans. Although all municipalities must prepare and adopt municipal stormwater management plans, regional stormwater management plans (watershed-based plans) are optional. Since the State Planning Commission strongly endorses regional planning, this is a valid indicator.
7. New Indicator: The degree to which the State provides financial and technical assistance to communities/counties with Endorsed Plans. Target: Dollar commitment (in actual dollars and staff time) to Endorsed Plan municipalities and counties.

**Preliminary State Plan Section as Currently Proposed:**

Key Indicators

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Goal 3: Promote Beneficial Economic Growth, Development and Renewal for All Residents of New Jersey

### Section in Existing State Plan:

### Additional Information Regarding Proposal:

### Staff Response:

#### STATEWIDE ISSUE

Completion of the full list of targets and indicators is forthcoming as part of the work of our consultants.

1. While the redevelopment of greyfields is desirable, an inventory of greyfield sites has not been compiled and thus this indicator is not possible to construct at this time.
2. PA1, PA2, centers, and growth areas (which are part of endorsed plans) are at the core of the development objectives of the State Plan. A split between PA1/PA2 and centers would complicate unnecessarily the measurement of this indicator.
3. While an important issue, the suggested indicator may not be the best way to measure progress towards balancing water supply and demand.
4. The health of the state's waterways and the aquatic life those waterways support are important to track. However, we are currently considering dropping this indicator as the data available throughout the state is of questionable use as a broad-based measure of actual conditions. Expanding the definition of this indicator as suggested will not overcome the limitations of the data nor will make it more applicable as a useful indicator.
5. It is not feasible to provide mass transit for 100% of PA1, PA2 and centers. However, we are considering an indicator that would measure transit availability.
6. While discussion of stormwater management planning is worthy of inclusion in the State Plan, this indicator is a process-based indicator that is not a useful way of guiding land use decision making. A regional approach to stormwater management is preferred. However, a properly crafted local plan can be just as effective as a good regional plan. Tracking the scope of the approach rather than the effectiveness would not yield useful data.
7. Dollars alone do not necessarily indicate success. We believe that a more accurate measure of State level support is the benefits both technical and financial afforded to municipalities and counties with Plan Endorsement. We are identifying these as part of a comprehensive renewal of Plan Endorsement currently underway.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	204
Source:	County Report	Approved by OSG Director	
NE Item No.	1	Preliminary Staff Recommendation:	Agreement

**General Topic:**

Infrastructure (Not Trans)

**County/NE Proposed Change to State Plan Section:**

State Plan Policy Map

Centers are the State Plan's vehicle for accommodating growth (p. 230). Hunterdon County contains numerous [places that qualify as] Centers, especially small villages and hamlets, which do not have the infrastructure to accept much more growth. Likewise, some say that many are historical places whose integrity might be best protected by limiting growth around these places. Should the State Plan include a policy that specifically acknowledges that existing Centers do not necessarily have to accommodate additional growth?

It is the overwhelming consensus that the State Plan should have a policy acknowledging that existing hamlets, villages and towns do not necessarily have to accommodate additional growth. Most of these communities do not have the infrastructure to support additional growth. Furthermore, new development threatens the historical integrity of these places. One local official notes the importance of historic district ordinances to help protect existing Centers.

**Preliminary State Plan Section as Currently Proposed:**

Centers

**Section in Existing State Plan:**

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Centers are the State Plan's preferred vehicle for accommodating growth. Center-based development patterns are superior to sprawl for a number of reasons (see sidebar on page 231). A Center's compact form is considerably more efficient than sprawl, providing opportunities for cost savings across a wide range of factors. Compact form also translates into significant land savings. A Center's development form and structure, designed to accommodate diversity, is also more flexible than single-use, single-purpose sprawl, allowing Centers to evolve and adapt over time, in response to changing conditions and markets. Centers promote community, protect the environment, provide enhanced cultural and aesthetic experiences, and offer residents a superior quality of life.

**Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE:**

The State Plan is a guidance document that directs growth to areas with existing infrastructure. It leaves it up to local entities to plan accordingly. If they want to discourage additional growth within their hamlets, villages or towns, they should be addressed at the municipal level. In addition, Plan Endorsement does not require the creation of a Center.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	207
Source:	County Report	Approved by OSG Director	
NE Item No.	3	Preliminary Staff Recommendation:	Agreement

**General Topic:**

Environmental

**County/NE Proposed Change to State Plan Section:**

Topic #3: Special Resource Areas

Special Resource Areas (p. 171 of 2001 State Plan) are regions with unique characteristics of statewide importance. The State Plan calls for additional policies - over and above the statewide policies and policies applicable to Planning Areas uniquely applicable to each Special Resource Area. The first and only such region at present is the Highlands. Do you feel that any other place(s) in Hunterdon County deserve Special Resource Area designation?

The Sourland Mountain is recommended for Special Resource Area designation.

**Preliminary State Plan Section as Currently Proposed:**

Statewide Policy 18. Special Resource Areas

**Section in Existing State Plan:**

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Recognize an area or region with unique characteristics or resources of statewide importance and establish a receptive environment for regional planning efforts. The Highlands region has been recognized as the first Special Resource Area in New Jersey.

A Special Resource Area is an area or region with unique characteristics or resources of statewide importance which are essential to the sustained well being and function of its own region and other regions or systems—environmental, economic, and social—and to the quality of life for future generations.

The State Plan seeks to foster increased communication and cooperation among state agencies, counties and municipal governments and to establish a receptive environment for regional planning efforts. In addition to the Planning Regions Established by Statute, the Plan acknowledges that there are areas of special resource value that would especially benefit from comprehensive regional planning.

**Additional Information Regarding Proposal:****Staff Response:**

The Sourland Mountain region and its unique resources are currently being studied. A grant from the Office of Smart Growth has been provided for this study. Based on the research supplied by the Sourlands Planning Council, we agree that the Sourlands should be designated a Special Resource Area. However, any determination is ultimately the decision of the State Planning Commission.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	210
Source:	County Report	Approved by OSG Director	
NE Item No.	5	Preliminary Staff Recommendation:	Agreement

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Topic #5: Collaborative Planning

Policy 28 calls for using a common set of household, employment and population forecasts in plans, programs and project design. But the State Plan also includes multiple forecasts developed by different entities, including Metropolitan Planning Organizations, NJ Department of Labor and counties. Do you believe one set of uniform forecasts should be used to make State and local policy decisions? Most individuals believe a range should be maintained for purposes of making policy decisions, although some prefer a unified set of projections

**Preliminary State Plan Section as Currently Proposed:**

28. Unified Demographic Forecasts

**Section in Existing State Plan:**

(p. 115 of 2001 State Plan)

28. Unified Demographic Forecasts

Prepare and use a common set of household, employment and population forecasts in plans, programs and project design.

**Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE:**

While common projections allow for common discussion points, projections are necessarily generated for specific purposes and therefore are often quite divergent. Although the OSG is considering unifying as many projection sets as possible, the effort needs to be taken slowly and carefully. NJDOT has long supported the idea of a common, or unified set of population and employment forecasts that would show trend and plan scenarios. This proposed approach would prove useful to state agencies in their planning efforts.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	212
Source:	County Report	Approved by OSG Director	
NE Item No.	6	Preliminary Staff Recommendation:	Agreement

### General Topic:

### County/NE Proposed Change to State Plan Section:

Topic #6: Plan Endorsement

Plan Endorsement results from a voluntary process set up by the State Planning Commission to determine whether a municipal, county or regional plan is consistent with the State Plan. Plan Endorsement brings with it State capital funding priorities, priority for state grants and loans, planning and technical assistance, (p. 13 of the 2001 State Plan and pp. 7-9 of 2004 Preliminary State Plan). Municipalities interested in receiving initial Plan Endorsement must submit extensive information and planning documents, beyond what typically is included in a master plan. To receive Advanced Plan Endorsement, municipalities must provide yet more planning documents and analyses to the State. Advanced Plan Endorsement brings with it additional financial, technical and planning assistance from the State. In total, the full Plan Endorsement review process is expected to take approximately 1.5 to 2 years at a minimum.

Plan Endorsement will affect local planning in the coming years. For instance, any municipality interested in establishing a Transfer of Development Rights program must first receive Plan Endorsement. The new Highlands Master Plan will be submitted to the State Planning Commission for Plan Endorsement (for sections related to the Highlands Planning Area). Municipalities that choose to bring their own master plans into consistency with the Planning Area policies of the Highlands Master Plan will receive certain financial benefits. Do you think that your municipality would benefit from Plan Endorsement? Are there any disadvantages or stumbling blocks you see to pursuing Plan Endorsement? Participants generally believe it is not worthwhile to pursue plan endorsement aside from the fact that COAH will require it according to its third round rules.<sup>14</sup> Concerns include the potential cost and complexity of Plan Endorsement and skepticism that the presumed financial and regulatory benefits of Plan Endorsement outweigh the costs. One suggestion is to submit all municipal plans with the County Plan for endorsement.

Findings: Plan Endorsement is a process established by the State Planning Commission that results in an official determination that a municipal, county or regional plan is consistent with the State Plan. Plan Endorsement is set up as a two-step process. Initial Plan Endorsement requires the submission of a set of documents. Advanced Plan Endorsement is more involved, and requires the submission of far more planning documents and analyses. Initial Plan Endorsement presumably entitles the petitioner to a limited set of benefits including "technical assistance, direct state capital investment, priority for state grants and loans, and procedural (permit streamlining) regulatory changes." (2004 Plan Endorsement Guidelines, p. 29). With Advanced Plan Endorsement comes additional benefits.

Initial Plan Endorsement is required for assured protections through COAH. It is also a pre-requisite for municipal TDR ordinances under the recently enacted statewide TDR legislation.

Recommendations:

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1. The Plan Endorsement guidelines published by the Office of Smart Growth provide detailed instruction on how to proceed. However, greater clarification must be provided regarding a variety of submission materials such as Habitat Conservation Plans, Total Maximum Daily Load Implementation Plans, Source Water Protection Plans, and even Septic Management Plans. These are new concepts for municipalities, for no such mandatory or optional plans are recognized under the Municipal Land Use Law. The State should provide guidance, examples and minimum expectations regarding Plan content for each of these items.

2. The Plan Endorsement Guidance document requires petitioners interested in seeking transportation-related benefits to indicate how their zoning ordinances provide land uses capable of supporting transit services. Aside from pedestrian and bicycle-friendly land uses and land use patterns, more rural communities simply do not have the densities to support meaningful transit opportunities. While compact, mixed-use environments may be the desirable way to grow, densities associated with bus and rail service are not realistic in many cases. The State Planning Commission must recognize this in reviewing Plan Endorsement petitions.

3. The Plan Endorsement process as outlined in the guidance document, is potentially a very lengthy process. Office of Smart Growth staff anticipates an 18-month process for both Initial and Advanced Plan Endorsement. According to the guidance document, it could well be upwards of two years for both Initial and Advanced Plan Endorsement. Pre-application meetings with staff will certainly be helpful in expediting the process. But a deluge of applications will most likely create extensive delays. In the end, given the implications of revocation of substantive certification from COAH and potential delays in adopting TDR ordinances, the State Planning Commission must provide assurances to municipalities that their applications will be processed in a timely manner.

4. Finally, Plan Endorsement has been discussed conceptually for a long time, including the State agency benefits to be accorded endorsed plans. State agencies must clearly specify and commit to the benefits that municipalities and counties can expect to receive upon Initial and Advanced Plan Endorsement. Those under consideration that are listed in the 2004 Plan Endorsement Guidelines should be finalized as quickly as possible.

### **Preliminary State Plan Section as Currently Proposed:**

#### **I. Plan Endorsement**

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Once the State Planning Commission has endorsed a plan as consistent with the State Plan, State agencies will be providing benefits to the county or municipality that will assist in implementing the endorsed plan. This assistance will include providing technical assistance, direct state capital investment, priority for state grants and loans, and substantive and procedural (permit streamlining) regulatory changes.

### **Section in Existing State Plan:**

Page 13

A municipal, county or regional plan and accompanying development regulations will be reviewed for consistency with the guidelines for Plan Endorsement adopted by the State Planning Commission. If the Commission finds the plan consistent, it will be endorsed and therefore eligible for priority assistance and incentives that flow from such endorsement. The designation of Centers is part of the Plan Endorsement process.

The purpose of Plan Endorsement is to increase the degree of consistency among municipal, county, regional and





## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	212
Source:	County Report	Approved by OSG Director	
NE Item No.	6	Preliminary Staff Recommendation:	Agreement

state agency plans, and the State Plan, and to facilitate the implementation of these plans.

### **Additional Information Regarding Proposal:**

#### **Staff Response:**

##### **STATEWIDE ISSUE:**

We intend to propose a comprehensive update to the Plan Endorsement process and the attendant guidelines. The new proposed Plan Endorsement process will be a comprehensive and constructive engagement between municipalities and interested state agencies that will yield better planning results and access to real benefits as a consequence of endorsement.

These issues will be considered as part of any future revision to the Plan Endorsement Guidelines. Additionally, the Office of Smart Growth will work with municipalities to assist them in achieving plan endorsement, including posting guidelines for preparing appropriate documents for Plan Endorsement.

The State Plan supports providing transit service to rural centers and areas, where appropriate. Given limited operating funding, however, the NJ TRANSIT needs to distribute services where they are most effective.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	214
Source:	County Report	Approved by OSG Director	
NE Item No.	8	Preliminary Staff Recommendation:	Agreement

**General Topic:**

Agricultural

**County/NE Proposed Change to State Plan Section:**

Policy 1, Agricultural Land Retention Program Priorities

· Statewide policies on agriculture (p. 160 of 2001 State Plan) assign funding priorities for farmland preservation in the following order: 1. Rural Planning Area; 2. Fringe Planning Area and Environmentally Sensitive Planning Areas, 3. Metropolitan and Suburban Planning Areas (1 and 2). If a county or municipality received approval of a farmland preservation plan by the State Agriculture Development Committee, then the priority scheme would be based on the applicable plan. Do you have any comments on this priority scheme? The majority concur that PA 4B should be assigned the same high priority as PA 4 in the State Plan.

Findings: Policy 1 under the Statewide Policies for Agriculture recommends a priority scheme for awarding farmland preservation funding. The policy grants highest priority to properties in PA 4, followed by PA 3 and 5, and finally PA 1 and 2. The policy statement is silent on PA 4B. In the fall of 2004, the State Agriculture Development Committee (SADC) was considering revising its criteria for farmland preservation applications, following the same ranking scheme. Thus, PA 4 properties would receive a higher score than the others. According to SADC staff, the SADC has treated properties in PA 4 and 4B the same historically. However, more recent discussions with SADC staff indicate that the ranking criteria are being revisited by a farmland preservation policy subcommittee. It is premature to definitively say how the SADC will rank PA 4B farmland preservation properties in the future.

Recommendations: Policy 1 under Statewide Policies for Agriculture should be changed to give Planning Areas 4 and 4B top priority for farmland preservation funding. The SADC should follow this policy in ranking future farmland preservation applications.

**Preliminary State Plan Section as Currently Proposed:**

1 Agricultural Land Retention Program Priorities

**Section in Existing State Plan:**

Page 160

Sustainable Agriculture and Comprehensive Planning

1. Agricultural Land Retention Program Priorities

Funds for farmland retention should be given priority in the following order, unless a county or municipal farmland preservation plan has been prepared and approved by the State Agriculture Development Committee (in which case, priority shall be based on said plan):

1. Rural Planning Area
2. Fringe and Environmentally Sensitive Planning Areas
3. Metropolitan and Suburban Planning Areas



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	214
Source:	County Report	Approved by OSG Director	
NE Item No.	8	Preliminary Staff Recommendation:	Agreement

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2. Preservation of the Agricultural Land Base

Consider the expenditure of public funds for preservation of farmland as an investment in public infrastructure and thereby emphasize the public's interest in maintaining long-term agricultural viability.

3. Coordinated Planning 4. New Development

Coordinate planning efforts of all levels of government to ensure that policies and programs promote agriculture. Plan and locate new development to avoid negative impacts on agriculture.

5. Creative Planning and Design Techniques 6. Agricultural Water Needs

Encourage creative land planning and design through tools such as clustering, phasing and density transfers, purchase and donation of development rights, agricultural enterprise zones and districts and the provision of self-contained community wastewater treatment systems to serve Centers, to accommodate future growth in ways that maintain the viability of agriculture as an industry, while avoiding conflict with agricultural uses.

Include consideration of the water needs of the agricultural industry in water supply planning at all levels of government.

Agriculture and Economic Development

7. Provision of Capital Facilities 8. Access to Capital

Provide adequate capital facilities including grain storage and food processing facilities to enhance agriculture in rural areas. Improve access to capital funds, including rural revolving loan funds and rural venture capital networks, operating funds and portfolios that reduce the reliance on land as an asset for collateral or retirement.

9. Enhancing the Agricultural Industry 10. Diversify the Rural Economy

Promote economic development that supports the agricultural industry on municipal, county and statewide levels. Promote beneficial economic growth that recognizes the need to provide the essential facilities and infrastructure to diversify the rural economy. Provide opportunities for business expansion, off-farm employment, on-farm income generating enterprises such as agricultural-related educational or recreational activities and environmental activities such as leaf composting.

11. Enhance Agricultural Marketing 12. Simplify the Regulatory Process

Enhance marketing programs to promote the sale of New Jersey agricultural products. Adapt the permitting, licensing and land-use planning and regulation processes to be sensitive to agricultural needs, to enhance the industry and to facilitate new agricultural development.

13. Local Ordinances and Building Codes Sensitive to Agricultural Use 14. Right to Farm

Promulgate local ordinances and state building code and fee criteria which are sensitive to the special purposes of agricultural construction and seasonal use.

Coordinate actions of state and local government to encourage the maintenance of agricultural production by protecting farm operations from interference and nuisance actions when recognized methods or practices are applied, and to ensure that the numerous social, economic and environmental benefits of agriculture serves the best interests of all citizens in the state.

15. Aquaculture

Recognize aquaculture as an agricultural activity.

Agriculture and Environmental Protection

16. Promote Agricultural Management Practices 17. Incorporate Agricultural Land in Recycling of Organic



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	214
Source:	County Report	Approved by OSG Director	
NE Item No.	8	Preliminary Staff Recommendation:	Agreement

### Materials

Encourage the use of agricultural management practices to ensure sustainable and profitable farming while protecting natural resources. Use appropriate agricultural lands for the recycling of non-farm generated biodegradable and organic materials.

### Human Resources

#### 18. Housing Supply and Financing 19. Vocational and Technical Training

Use federal and state funding to expand the supply of decent, safe and reasonably priced housing that will benefit those employed in agriculture.

Create and expand access to training and technical assistance for agriculture and agriculture-related businesses.

#### 20. Agricultural Education 21. Encourage Young and First-time Farmers

Create and expand agricultural education and leadership opportunities through basic skills training, and vocational and entrepreneurial training on the secondary, county college and university levels. Coordinate federal, state and local financial incentives and tax and regulatory policies to encourage more individuals to enter the agricultural industry.

#### 22. Promote the Value of Agriculture 23. Agro-tourism and Eco-tourism

Educate New Jersey residents on the economic and environmental value of sustainable agriculture in New Jersey and its important contribution to the state's quality of life. Expand opportunities for agro-tourism and eco-tourism.

Policy 1. Agricultural Land Retention Program Priorities Policy 21. Encourage Young and First-time Farmers

### Additional Information Regarding Proposal:

#### Staff Response:

#### STATEWIDE ISSUE:

Productive farmland, no matter what Planning Area it is in, is an important State resource. The Sustainable Agriculture and Comprehensive Planning Policy 1 prioritizes agricultural acquisitions based on the Agriculture Smart Growth Plan and the Strategic Targeting Initiative of the SADC.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	215
Source:	County Report	Approved by OSG Director	
NE Item No.	9	Preliminary Staff Recommendation:	Agreement

**General Topic:****County/NE Proposed Change to State Plan Section:**

Water Resources

Should the State Plan include policies addressing stormwater management, in response to the new stormwater management rules that emphasize 1) nonstructural approaches to stormwater management; 2) aquifer recharge and 3) water quality protection? Most participants agree that State Plan policies should emphasize nonstructural approaches to stormwater, aquifer recharge, and water quality protection. Some feel that the State's stormwater regulations already address this.

**Preliminary State Plan Section as Currently Proposed:**

Water Resources

**Section in Existing State Plan:**

Page 151

29. Natural Systems and Nonstructural Methods

Use naturally functioning systems and nonstructural methods for stormwater management and flood control in public and private development, wherever practicable.

30. Stormwater Management Systems

Plan for stormwater management and flood control systems on a watershed basis, incorporating where feasible natural systems and nonstructural methods, including increased filtration.

**Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE:**

Proper management of stormwater control facilities is a critical local function. However, long-term management of these facilities is beyond the capabilities of small municipalities to manage. Creation of stormwater utilities may a methodology for ensuring proper care and upkeep of these facilities. This recommendation may be beyond the scope of the State Development and Redevelopment Plan to address.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	217
Source:	County Report	Approved by OSG Director	
NE Item No.	11	Preliminary Staff Recommendation:	Agreement

**General Topic:**

Transportation

**County/NE Proposed Change to State Plan Section:**

Transportation and Economic Development

· Should Policy 24, Traffic Calming (p. 144 of 2001 Plan) be changed to read Encourage the use of traffic calming techniques to enhance pedestrian and bicycle circulation, [and], increase public safety and protect community character within compact communities and other locations where local travel and land access are a higher priority than regional travel? Participants believe that protecting community character is an important aspect of traffic calming. Maintaining the County's built-in road design, like curves, slopes, and narrow road widths, all assist in traffic calming.

· Should a new policy be included that ensures that roadway improvements, other than highways, designed to increase safety and/or efficiency of the traveling public, give equal consideration to all modes of transportation, including pedestrian and bicycle mobility, as well as equal consideration to those living in the immediate environs? Participants agree that ideally, transportation improvement programming should give equal consideration to all modes of transportation. However, some note that this concept would be difficult to implement, and may have limited application for specific areas in the County.

**Preliminary State Plan Section as Currently Proposed:**

Transportation and Economic Development

**Section in Existing State Plan:**

Page 144

24. Traffic Calming

Encourage the use of traffic calming techniques to enhance pedestrian and bicycle circulation and safety within compact communities and other locations where local travel and land access are a higher priority than regional travel.

**Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE:**

The county recommendation is compatible with the State Plan which seeks to encourage road design that is consistent with the character and context of the community.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	219
Source:	County Report	Approved by OSG Director	
NE Item No.	13	Preliminary Staff Recommendation:	Agreement

**General Topic:**

Environmental

**County/NE Proposed Change to State Plan Section:**

Clustering, Density Transfer, and Transfer of Development Rights

· Clustering, density transfer and TDR are applicable according to the SDRP in Planning Area 4 while silent in Planning Area 5. Should these tools be available in Planning Area 5, providing natural resources are adequately protected? There is no strong consensus on this topic. Some feel these tools should be applicable in PA 5 as well as other Planning Areas. While clustering is not a popular idea, it can be used to preserve environmental resources. Others note that land is too expensive in north Jersey therefore TDR is not really applicable. Still others believe these tools should not be applied in PA 5. Land in PA 5 usually limits development potential due to constraints such as poor ground water recharge or unsuitable soils for septic disposal. Landowners should not be given TDR sending credits for land with environmentally sensitive features when they are otherwise undevelopable.

**Preliminary State Plan Section as Currently Proposed:****Section in Existing State Plan:**

?

**Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE:**

The purpose of TDR is to compensate landowners for the development rights of their land. As environmentally sensitive features can limit development, it doesn't necessarily preclude development entirely. These credits are used to compensate landowners for surrendering all development rights based upon an accurate assessment of the development potential of the sending parcels.





## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	222
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Agreement

**General Topic:**

Environmental

**County/NE Proposed Change to State Plan Section:**

Planning Area 5 Implementation Strategies

Findings: The State Plan offers 12 examples of local planning implementation strategies to support the policy objectives of Planning Area 5. Cluster development is absent from the list of strategies. Clustering homes may or may not be appropriate in Planning Area 5, depending upon site-specific factors. Water resource limitations and risks posed by small lot sizes is an example of a possible reason to avoid clustering. However, in other instances, clustering may be appropriate. A site may be encumbered by critical grassland habitat, for instance. Assuming the property is not otherwise preserved, it might make sense to cluster a limited number of homes to reduce the impact on the habitat and preserve as much contiguous habitat as possible.

Recommendation: Include clustering as a Planning Area 5 local planning implementation strategy. However, include qualifying language that states it should only be used if it can maximize natural resource protection and not in situations where it would compromise environmental resources. Clustering should perhaps be referred to as conservation development it should be defined in a way that emphasizes its intent not simply of securing open space, but maximizing environmental resource protection.

**Preliminary State Plan Section as Currently Proposed:**

Environmentally Sensitive Planning Area (PA5) Implementation Strategy, Challenge & Response

**Section in Existing State Plan:**

Page 220

To achieve consistency with State Plan Goals, municipal, county, regional and state agencies should implement Statewide Policies by undertaking the following activities:

Prepare and maintain Environmental Resource Inventories (ERIs) and incorporate ERI information into master plans.

Perform a community build-out analysis to determine opportunities for and impacts of future development under existing zoning.

Map and protect Critical Environmental Sites and Historic and Cultural Sites.

Identify strategies for linking Centers with the region and accommodating seasonal travel and tourism demands.

Coordinate permitting and land-use approval requirements that encourage development and investment in Centers.

Identify strategies to protect natural systems and their functions.

Identify strategies to enhance tourism and recreation-based activities.

Identify opportunities to assemble and connect open space networks and large contiguous areas of undisturbed habitat.

Ensure that areas critical to water supply and quality are protected.

Identify opportunities to accommodate growth and development in Centers through provision of infrastructure, particularly wastewater systems in Centers.

Recognize and facilitate the participation of the private sector in achieving the objectives of the State Plan in the



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	222
Source:	County Report	Approved by OSG Director	
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Environmentally Sensitive Planning Area.

Support needed improvements for downtown business communities by establishing programs such as Special Improvement Districts in Centers.

Capitalize on the opportunities for redevelopment in Centers afforded by redevelopment laws and brownfields redevelopment programs. Establish and maintain a publicly accessible inventory of sites recommended for redevelopment.

Identify areas of active agriculture and develop strategies to enhance the viability and preservation of these farms.

### **Additional Information Regarding Proposal:**

### **Staff Response:**

#### **PROPOSED STATEWIDE ISSUE:**

Clustering should occur in all planning areas where appropriate. The strategy when effectively implemented can at times protect natural resources while in other locations farmland and in other places open space. It is a Smart Growth tool that is supported by SDRP.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	224
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Agreement

### General Topic:

#### County/NE Proposed Change to State Plan Section:

Planning Areas 1 and 2 v. Planning Areas 3, 4, 4B and 5

Findings: The State Plan's intent is to encourage growth in Planning Areas 1 and 2 and to accommodate growth in Planning Areas 3-5. Statewide Policy #1 under Capital Planning and Budgeting Coordination states "Municipal, County, regional and state agencies should invest in infrastructure in ways to guide growth and prevent sprawl by: promoting growth in Centers and other appropriate areas in the Metropolitan and Suburban Planning Areas; and accommodating growth in Centers and protecting the Environs in Fringe, Rural and Environmentally Sensitive Planning Areas." Yet, language recognizing the need to limit the overall volume of growth in Planning Areas 3-5 is difficult to discern. The State Plan calls for accommodating growth in Centers and maintaining the Environs in open lands. While it may be desirable to direct growth to Centers, the State Plan should clearly note that the underlying policy intent of the Planning Areas is to limit the overall amount of growth so that new development avoids conflicts with the Planning Area policy objectives.

Recommendations: The State Plan should highlight the intent not only to direct growth to Planning Areas 1 and 2 but to limit future development in Planning Areas 3, 4, 4B and 5. This is especially appropriate in Planning Areas 4, 4B and 5, where excessive growth can create conflicts with agricultural areas and environmentally sensitive areas. To some extent, it is also applicable in Planning Area 3, which is intended to accommodate growth but also to serve as a buffer between more developed Planning Areas 1 and 2, and more rural Planning Areas 4, 4B and 5. Furthermore, the State Plan Policy Objectives for PA 4, 4B and 5 should be amended to recognize that not all PA 4, 4B and 5 communities are suited for the creation of new Centers or significant expansion of existing Centers. Excessive growth and the creation of numerous Centers have the potential to fragment natural resources, agricultural lands and other features of these Planning Areas. While it may be appropriate in some places, it should not be expected in all places. This is a determination that can only come about through the local planning process and, ultimately, Plan Endorsement.

#### Preliminary State Plan Section as Currently Proposed:

Planning Areas

#### Section in Existing State Plan:

Page 186

Each Planning Area has Policy Objectives that guide growth in the context of its unique qualities and conditions. These Policy Objectives are intended to guide state, county and municipal planning in general and, specifically, to establish a regional system of Centers (with Cores and Neighborhoods) and Nodes to promote growth in Metropolitan and Suburban Planning Areas; guide the location and size of Centers to accommodate growth in Fringe, Rural and Environmentally Sensitive Planning Areas; and provide management for the Environs. The Policy Objectives also shape and define the application of the Statewide Policies in each Planning Area.

#### Additional Information Regarding Proposal:

#### Staff Response:

Friday, July 13, 2007

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## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	224
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Agreement

**STATEWIDE ISSUE:**

Directing growth to Planning Areas 1 and 2, and limiting future development in Planning Areas 3, 4, 4B and 5 is a major objective of the SDRP. However, it still allows the local planning process to determine where development is appropriate.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	227
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Agreement

**General Topic:**

Agricultural

**County/NE Proposed Change to State Plan Section:**

Planning Areas 4 and 4B top priority for farmland preservation funding.

Policy 1, Agricultural Land Retention Program Priorities (p. 160, 2001 State Plan)

Findings: Policy 1 under the Statewide Policies for Agriculture recommends a priority scheme for awarding farmland preservation funding. The policy grants highest priority to properties in PA 4, followed by PA 3 and 5, and finally PA 1 and 2. The policy statement is silent on PA 4B. In the fall of 2004, the State Agriculture Development Committee (SADC) was considering revising its criteria for farmland preservation applications, following the same ranking scheme. Thus, PA 4 properties would receive a higher score than the others. According to SADC staff, the SADC has treated properties in PA 4 and 4B the same historically. However, more recent discussions with SADC staff indicate that the ranking criteria are being revisited by a farmland preservation policy subcommittee. It is premature to definitively say how the SADC will rank PA 4B farmland preservation properties in the future.

Recommendations: Policy 1 under Statewide Policies for Agriculture should be changed to give Planning Areas 4 and 4B top priority for farmland preservation funding. The SADC should follow this policy in ranking future farmland preservation applications.

**Preliminary State Plan Section as Currently Proposed:**

1 Agricultural Land Retention Program Priorities

**Section in Existing State Plan:**

Policy 1, Agricultural Land Retention Program Priorities (p. 160, 2001 State Plan)

Findings: Policy 1 under the Statewide Policies for Agriculture recommends a priority scheme for awarding farmland preservation funding. The policy grants highest priority to properties in PA 4, followed by PA 3 and 5, and finally PA 1 and 2.

**Additional Information Regarding Proposal:****Staff Response:**

Productive farmland, no matter what Planning Area it is in, is an important State resource. The Sustainable Agriculture and Comprehensive Planning Policy 1 prioritizes agricultural acquisitions based on the Agriculture Smart Growth Plan and the Strategic Targeting Initiative of the SADC.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	229
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Agreement

**General Topic:**

Agricultural

**County/NE Proposed Change to State Plan Section:**

Areas of Agricultural Industry Growth

Findings: The 2004 Preliminary State Plan introduces a new term called "Areas of agricultural industry growth." These are areas designed to preserve agriculture or its support industries and are reflective of a municipal and county Farmland Preservation Plan element of the Master Plan. These areas fall within the State Plan's proposed definition of "Smart Growth Areas" which means Planning Areas 1 and 2, designated Centers, and areas designated for growth including areas for agricultural industry growth. It explains that smart growth areas outside of Planning Areas 1 and 2 are intended as compact development forms that absorb growth, which would otherwise occur in the Environs.

Areas for agricultural industry growth suggest more industrialized areas where intensive agriculture or supportive activities may prevail. While these activities are legitimately located outside of Planning Areas 1 and 2, they are by no means well suited for "compact development forms."

Recommendations: Areas of agricultural industry growth should be recognized as existing or planned agricultural industry nodes, rather than smart growth areas.

**Preliminary State Plan Section as Currently Proposed:**

Agriculture and Economic Development

Page 30

Areas for Agricultural Industry Growth means those areas designed to preserve agriculture or its support industries and are reflective of a municipal and county Farmland Preservation Plan element of the Master Plan.

**Section in Existing State Plan:****Additional Information Regarding Proposal:****Staff Response:**

STATEWIDE ISSUE:

Areas of agricultural industry growth should be recognized as existing or planned agricultural industry nodes, rather than smart growth areas.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	234
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Agreement

**General Topic:**

Environmental

**County/NE Proposed Change to State Plan Section:**

Highlands Planning and Preservation Areas

**Findings:** The Highlands Regional Master Plan will be adopted 18 months from the time the Highlands Council first meets. The Highlands Preservation Area will be subject to the policies and regulations contained in the Highlands Regional Master Plan once it is adopted. Consequently, the State Plan policies will not have application there, notwithstanding the incorporation of select policies into the Highlands Plan.

**Recommendations:** Once the Highlands Regional Master Plan is adopted, the State Plan should remove State Plan Policy Map designations of Planning Areas, Centers, Critical Environmental Sites and Historic and Cultural Sites from the Highlands Preservation Area. Instead, it should contain an overlay map of the Preservation Area with features applicable to the Highlands Regional Master Plan. This can follow the same approach as is used for the Pinelands Management Areas. Additionally, the State Plan should consider removing the Highlands from the Special Resource Area designation and placing it (or at least the Preservation Area portion) in the section entitled "Planning Regions Established by Statute." The State Planning Act specifically cites the Pinelands Protection Act and the Hackensack Meadowlands, Reclamation and Development Act, directing the State Planning Commission to rely on the respective plans/regulations in developing the State Plan. However, the Highlands Act is now in place and effectively creates a region established by statute.

**Preliminary State Plan Section as Currently Proposed:**

The Highlands

**Section in Existing State Plan:**

Page 173

To achieve consistency with the Goals of the State Plan, the state of New Jersey, in cooperation with federal and interstate agencies, municipal, county and regional governments, the private sector and the public, should initiate the following activities:

Establish an intergovernmental planning initiative, inclusive of public participation, to:  
identify and address the existing and prospective conditions, opportunities, and challenges of the Highlands Region;  
secure the protection of water quality and water supply, natural resources, open space, unique landscape and community character;

promote sustainable economic development; and  
encourage redevelopment, especially in existing urban areas.

Undertake a regional capacity analysis to determine levels and locations of growth that can be sustained within the Highlands Region while maintaining the functional integrity of the regional ecosystems, agriculture, water supplies and local community character.

Establish sound planning, development and water use practices to maintain and enhance the quality and function of the water ecology—including the ground water, aquifer recharge areas, headwater streams, rivers, lakes, reservoirs and the forested areas that support system functions—and the sustainable management of water resources for both





## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	234
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local and extra-regional use.

Link the planning and implementation strategies to the ongoing watershed planning initiative established by NJDEP.

Apply the implementation strategies of the applicable Planning Areas as described in the State Plan.

Recognize and enhance the existing linkages between the Highlands region and the areas beyond the region especially in regards to tourism and sustainable resource use, agriculture and economic development.

Coordinate the identification of historic areas, historic sites, archeological sites, landscapes and scenic features unique to the Highlands region for inclusion in the state and national registers of historic places, in county and municipal master plans and as Historic and Cultural Sites.

Link public pedestrian and cycling access to the Highlands Trail and ensure transportation access to support eco-tourism, agri-tourism and recreation opportunities. Investigate and encourage the provision of alternate transportation modes within and to the Highlands region.

Prioritize the targeting of funds for land acquisition in order to protect critical natural, historic, scenic and agricultural resources within the Highlands region.

### **Additional Information Regarding Proposal:**

#### **Staff Response:**

#### **STATEWIDE ISSUE:**

OSG will, in fact, retract the Special Resources Area designation to demonstrate that the Highlands is a "Planning Region Established by Statute" and a Highlands Preservation Area overlay will be created for the State Plan Policy Map when the Highlands Regional Master Plan is completed.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	235
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Agreement

**General Topic:**

Transportation

**County/NE Proposed Change to State Plan Section:**

Transportation Policies

Findings: The protection of community character is an important aspect of traffic calming. This is generally the consensus finding among Cross-Acceptance participants. This language should therefore be added to Policy 24, Traffic Calming , under Statewide policies governing Transportation and Economic Development (2001 State Plan, p. 144).

Recommendations: The State Plan Policy should be changed to read as follows: Encourage the use of traffic calming techniques to enhance pedestrian and bicycle circulation, [and], increase public safety and protect community character within compact communities and other locations where local travel and land access are a higher priority than regional travel.

**Preliminary State Plan Section as Currently Proposed:**

24 Traffic Calming

**Section in Existing State Plan:**

Page 144

Traffic Calming

Encourage the use of traffic calming techniques to enhance pedestrian and bicycle circulation and safety within compact communities and other locations where local travel and land access are a higher priority than regional travel.

**Additional Information Regarding Proposal:****Staff Response:**

STATEWIDE ISSUE:

Specific recommendations that enhance transportation and smart growth policies to encourage walkable communities should be included in the State Plan,, as recommended by the above county, because it is they are compatible with the overall direction of the Plan.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	239
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Agreement

**General Topic:**

Environmental

**County/NE Proposed Change to State Plan Section:**

Highlands

Once the Highlands Regional Master Plan is adopted, the State Plan should remove State Plan Policy Map designations of Planning Areas, Centers, Critical Environmental Sites and Historic and Cultural Sites from the Highlands Preservation Area. Instead, it should contain an overlay map of the Preservation Area with features applicable to the Highlands Regional Master Plan. This can follow the same approach as is used for the Pinelands Management Areas. Additionally, the State Plan should consider removing the Highlands from the Special Resource Area designation and placing it (or at least the Preservation Area portion) in the section entitled "Planning Regions Established by Statute."

**Preliminary State Plan Section as Currently Proposed:**

The Highlands

**Section in Existing State Plan:**

Page 173

To achieve consistency with the Goals of the State Plan, the state of New Jersey, in cooperation with federal and interstate agencies, municipal, county and regional governments, the private sector and the public, should initiate the following activities:

Establish an intergovernmental planning initiative, inclusive of public participation, to:  
identify and address the existing and prospective conditions, opportunities, and challenges of the Highlands Region;  
secure the protection of water quality and water supply, natural resources, open space, unique landscape and community character;

promote sustainable economic development; and  
encourage redevelopment, especially in existing urban areas.

Undertake a regional capacity analysis to determine levels and locations of growth that can be sustained within the Highlands Region while maintaining the functional integrity of the regional ecosystems, agriculture, water supplies and local community character.

Establish sound planning, development and water use practices to maintain and enhance the quality and function of the water ecology—including the ground water, aquifer recharge areas, headwater streams, rivers, lakes, reservoirs and the forested areas that support system functions—and the sustainable management of water resources for both local and extra-regional use.

Link the planning and implementation strategies to the ongoing watershed planning initiative established by NJDEP.

Apply the implementation strategies of the applicable Planning Areas as described in the State Plan.

Recognize and enhance the existing linkages between the Highlands region and the areas beyond the region especially in regards to tourism and sustainable resource use, agriculture and economic development.

Coordinate the identification of historic areas, historic sites, archeological sites, landscapes and scenic features unique to the Highlands region for inclusion in the state and national registers of historic places, in county and municipal master plans and as Historic and Cultural Sites.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	239
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Agreement

Link public pedestrian and cycling access to the Highlands Trail and ensure transportation access to support eco-tourism, agri-tourism and recreation opportunities. Investigate and encourage the provision of alternate transportation modes within and to the Highlands region.

Prioritize the targeting of funds for land acquisition in order to protect critical natural, historic, scenic and agricultural resources within the Highlands region.

### **Additional Information Regarding Proposal:**

#### **Staff Response:**

##### **STATEWIDE ISSUE:**

OSG will, in fact, retract the Special Resources Area designation to demonstrate that the Highlands is a "Planning Region Established by Statute" and a Highlands Preservation Area overlay will be created for the State Plan Policy Map when the Highlands Regional Master Plan is completed.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	241
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Agreement

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Plan Endorsement

Findings: Plan Endorsement is a process established by the State Planning Commission that results in an official determination that a municipal, county or regional plan is consistent with the State Plan. Plan Endorsement is set up as a two-step process. Initial Plan Endorsement requires the submission of a set of documents. Advanced Plan Endorsement is more involved, and requires the submission of far more planning documents and analyses. Initial Plan Endorsement presumably entitles the petitioner to a limited set of benefits including “technical assistance, direct state capital investment, priority for state grants and loans, and procedural (permit streamlining) regulatory changes.” (2004 Plan Endorsement Guidelines, p. 29). With Advanced Plan Endorsement comes additional benefits.

Initial Plan Endorsement is required for assured protections through COAH. It is also a pre-requisite for municipal TDR ordinances under the recently enacted statewide TDR legislation.

**Recommendations:**

1. The Plan Endorsement guidelines published by the Office of Smart Growth provide detailed instruction on how to proceed. However, greater clarification must be provided regarding a variety of submission materials such as Habitat Conservation Plans, Total Maximum Daily Load Implementation Plans, Source Water Protection Plans, and even Septic Management Plans. These are new concepts for municipalities, for no such mandatory or optional plans are recognized under the Municipal Land Use Law. The State should provide guidance, examples and minimum expectations regarding Plan content for each of these items.
2. The Plan Endorsement Guidance document requires petitioners interested in seeking transportation-related benefits to indicate how their zoning ordinances provide land uses capable of supporting transit services. Aside from pedestrian and bicycle-friendly land uses and land use patterns, more rural communities simply do not have the densities to support meaningful transit opportunities. While compact, mixed-use environments may be the desirable way to grow, densities associated with bus and rail service are not realistic in many cases. The State Planning Commission must recognize this in reviewing Plan Endorsement petitions.
3. The Plan Endorsement process as outlined in the guidance document, is potentially a very lengthy process. Office of Smart Growth staff anticipates an 18-month process for both Initial and Advanced Plan Endorsement. According to the guidance document, it could well be upwards of two years for both Initial and Advanced Plan Endorsement. Pre-application meetings with staff will certainly be helpful in expediting the process. But a deluge of applications will most likely create extensive delays. In the end, given the implications of revocation of substantive certification from COAH and potential delays in adopting TDR ordinances, the State Planning Commission must provide assurances to municipalities that their applications will be processed in a timely manner.
4. Finally, Plan Endorsement has been discussed conceptually for a long time, including the State agency benefits to be accorded endorsed plans. State agencies must clearly specify and commit to the benefits that municipalities



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	241
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Agreement

and counties can expect to receive upon Initial and Advanced Plan Endorsement. Those under consideration that are listed in the 2004 Plan Endorsement Guidelines should be finalized as quickly as possible.

### **Preliminary State Plan Section as Currently Proposed:**

#### **I. Plan Endorsement**

Page 8

The goals of Plan Endorsement are to: 1. Encourage municipal, county, regional and state agency plans to be coordinated and support each other to achieve the goals of the State Plan; 2. Encourage counties and municipalities to plan on a regional basis while recognizing the fundamental role of the municipal master plan and development regulations; 3. Consider the entire municipality, including Centers, Cores, Nodes and Environs, within the context of regional systems; 4. Provide an opportunity for all government entities and the public to discuss and resolve common planning issues; 5. Provide a framework to guide and support state investment programs and permitting assistance in the implementation of municipal, county and regional plans that meet statewide objectives; 6. Learn new planning approaches and techniques from municipal, county and regional governments for dissemination throughout the state and possible incorporation into the State Plan; and 7. Ensure that petitioners fully comply with the requirements of applicable State land use statutes and regulations in the Plan Endorsement process.

#### **Section in Existing State Plan:**

Page 14

3. Planning should be closely coordinated with, and supported by, investments, programs and regulatory actions.

### **Additional Information Regarding Proposal:**

#### **Staff Response:**

##### **STATEWIDE ISSUE:**

We intend to propose a comprehensive update to the Plan Endorsement process and the attendant guidelines. The new proposed Plan Endorsement process will be a comprehensive and constructive engagement between municipalities and interested state agencies that will yield better planning results and access to real benefits as a consequence of endorsement.

These issues will be considered as part of any future revision to the Plan Endorsement Guidelines. Additionally, the Office of Smart Growth will work with municipalities to assist them in achieving plan endorsement, including posting guidelines for preparing appropriate documents for Plan Endorsement.

Current standards that set minimum densities to qualify for transit services are geared towards existing developed areas of the state. However, there needs to be a mechanism to bring transit benefits to existing populations in the state's rural areas. This would include serving rural centers, either existing or proposed, with transit service, even though the densities do not meet current criteria.

The processes of COAH certification and Plan Endorsement should work in tandem since they both pertain to local planning. Adequately addressing a community's affordable housing obligation is essential to good planning. Preparation of an appropriate housing plan will be addressed on a community-specific basis in the Plan Endorsement process.

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## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	243
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Agreement

**General Topic:**

Transportation

**County/NE Proposed Change to State Plan Section:**

Route 31 Congestion Mitigation Project

Findings: Congestion on Route 31 in the Raritan Township/Flemington Borough area has been a growing concern for area residents, business officials and elected officials for literally decades. Aside from widening and intersection improvements on existing Route 31, NJDOT was committed to solving this problem through a two-pronged approach:

- a. Elimination of the Flemington Circle by grade separating the intersection of Route 31 and 202,
- b. Construction of the Flemington Bypass, a four lane limited access highway from Route 202, east of Voorhees Corner Road to Route 31, just north of Bartles Corner Road.

Two years ago, the State's Smart Growth Policy Council was charged with ensuring that statewide programs and projects are consistent with smart growth principles. This smart growth initiative, coupled with the high cost of the Flemington Bypass in the face of declining State revenues, has led the NJDOT to initiate the development of a smart growth alternative for the Flemington Bypass that provides greater connectivity with the local road system. Over the past several months, NJDOT and its consultants, together with the Municipal Land Use Center, have worked with Flemington, Raritan, Hunterdon County and stakeholders in the region to study alternative Smart Growth solutions to the traffic issues plaguing this area that simultaneously support local land use, community character, open space and environmental community goals. The grade-separated solution to the Flemington Circle is also being reconsidered at the request of local and County officials.

Recommendations: Flemington and Raritan are jointly submitting an application for a Smart Future Planning Grant to develop a regional land use/transportation plan. This plan will provide the vision and implement strategies for the Route 31 alternative solutions that emerge from NJDOT's ongoing planning process. In February 2005, the New Jersey Department of Community Affairs announced its funding support in the amount of \$150,000. The State is urged to fund and provide necessary technical support for the outcome of this Smart Growth planning process as a demonstration of its commitment to support regional planning and to support designated Centers.

**Preliminary State Plan Section as Currently Proposed:**

24 Traffic Calming

**Section in Existing State Plan:**

Page 144

Traffic Calming

Encourage the use of traffic calming techniques to enhance pedestrian and bicycle circulation and safety within compact communities and other locations where local travel and land access are a higher priority than regional travel.

**Additional Information Regarding Proposal:****Staff Response:**

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## **New Jersey State Planning Commission Negotiation Worksheet Policy Issues**

County:	HUNTERDON COUNTY	OSG Item No.	243
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Agreement

The Office of Smart Growth has provided \$150,000 to Raritan and Flemington toward the study of the Route 31 / 202 Circle and the South Branch Parkway and for the preparation of a Comprehensive Development Plan for the Route 31 corridor.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	245
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Agreement

**General Topic:**

Environmental

**County/NE Proposed Change to State Plan Section:**

Sustainable Development

Findings: The 2001 State Plan both defines and promotes the notion of sustainable development - "development that meets the needs of the present without compromising the ability of future generations to meet their own need" (p. 335). Sustainable development is critical to the long-term viability of our land and water resources and to public health and safety. Sustainable development is not measured alone by standards such as LEED (Leadership in Energy and Environmental Design), the national rating system for "green" buildings. Sustainable development demands changes to planning procedures at the local level that provide the performance-based incentives for designing sites accordingly. But it also demands expedited State permitting to provide the financial incentive to proceed (time equals money). One example is the need for expedited permits for innovative, nonstructural sewerage treatment plants. The Willow School in Peapack-Gladstone is a premier example of a sustainable development site. This should serve as an important model for understanding and revamping permitting systems as necessary.

Recommendations: The State Planning Commission must coordinate interagency understanding of and support for sustainable development. State agencies must revisit and overhaul as needed their own permitting programs, particularly environmental permitting, to facilitate sustainable development.

**Preliminary State Plan Section as Currently Proposed:**

Appendix D. Glossary

**Section in Existing State Plan:**

Page 335

Sustainable Development means development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

**Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE:**

We are working with the Interagency Team and the Counties to incorporate the State Plan into state agencies' programs and regulations. It is our interpretation that planning decisions made with the State Plan as a guide to facilitate sustainable development.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	246
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Agreement

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

State Planning Act

**Findings:** The State Planning Act requires the State Plan to be readopted at least every three years from the time of the initial adoption. The first State Plan was adopted in 1992. Since then, it was readopted once (2001) and is now undergoing the third round of Cross-Acceptance. The timetable established by statute for conducting Cross-Acceptance is an ambitious one which has not been achieved thus far. Cross-Acceptance is an extremely comprehensive process that has demanded far more time than the statute sets forth. It is also a far too labor and resource intensive process for counties and municipalities to undertake according to this schedule.

**Recommendations:** The State Planning Act should be amended to provide for a six-year cycle for re-adoption of the State Plan. This is consistent with the timeframes for municipal master plan reexaminations and is a far more realistic and achievable goal.

**Preliminary State Plan Section as Currently Proposed:**

Introduction to the Preliminary Plan

**Section in Existing State Plan:****Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE:**

We agree that the cycle should be longer and we will recommend this to the Legislature. The planning process should be tied to either the municipal master planning timelines or to the release of census data to give the plan a rational basis for updating.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	203
Source:	County Report	Approved by OSG Director	
NE Item No.	1	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Agricultural

**County/NE Proposed Change to State Plan Section:**

State Plan Policy Map

The State Plan contains a section called the State Plan Policy Map (beginning on p. 181 of the 2001 State Plan). The State Plan Policy Map presents the geographic framework for implementing the statewide policies contained in the Plan. The State is divided into seven Planning Areas regions of at least one contiguous square mile characterized by natural features, land use characteristics and infrastructure systems that distinguish each Planning Area. The State Plan Policy Map contains policies and delineation criteria for each Planning Area. After reviewing the description of Planning Area 4 Rural, Planning Area 5 Environmentally Sensitive, and Planning Area 4B, Rural/Environmentally Sensitive, please consider whether you believe woodlands should be considered a criterion for Planning Area 4 or Planning Area 5.

Some feel it should be a criterion for Planning Area 4, others for Planning Area 5 and still others for both Planning Areas, depending, presumably, upon the use or function of the woodlands. Those who support retaining it as a Planning Area 4 criterion are concerned that in the future, farmers may encounter difficulties harvesting trees if they are in Planning Area 5 because of the emphasis on environmental protection. At the same time, participants note that the State Plan should offer a better definition of woodlands.

**Preliminary State Plan Section as Currently Proposed:**

State Plan Policy Map

**Section in Existing State Plan:**

Page 181 is where the Plan Policy Map is defined. There is no mention in the plan about a definition of woodlands.

**Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE:**

Planning Area designations are based on set criteria that include all the benefits of healthy woodlands.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	205
Source:	County Report	Approved by OSG Director	
NE Item No.	1	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Environmental

**County/NE Proposed Change to State Plan Section:**

State Plan Policy Map - need to better fine Planning Areas 4B and 5

Is there enough distinction between Planning Areas 4B and 5 as written in the State Plan? Perhaps there needs to be more clearly delineated policy distinctions between the two Planning Areas. Participants believe that the State Plan needs to offer clearer policy distinctions between Planning Areas 4B and 5.

**Preliminary State Plan Section as Currently Proposed:**

Rural/Environmentally Sensitive Planning Area (PA4A) Implementation Strategy, Challenge & Response

**Section in Existing State Plan:**

Page 215

Delineation Criteria

Land satisfying the delineation criteria for Rural Planning Area (PA4) that also meets the delineation criteria for the Environmentally Sensitive Planning Area (PA5) is designated as Rural/Environmentally Sensitive (PA4B).

**Additional Information Regarding Proposal:****Staff Response:**

STATEWIDE ISSUE:

The PA4B subset is used to designate agricultural lands where environmentally sensitive constraints exist. PA4B is not intended to limit agriculture in these areas but to limit development. When development does take place, it should respect the natural resources of the area.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	206
Source:	County Report	Approved by OSG Director	
NE Item No.	2	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Agricultural

**County/NE Proposed Change to State Plan Section:**

Topic #2: Open Lands and Natural Resources

The State Plan offers several policies concerning the protection and management of forested areas (p. 155 of the 2001 State Plan). Today's farmland assessment program provides for reduced taxation on forested lands managed for timber production. Some organizations support legislative change to also allow reduced taxation on forested lands which are managed for public health and safety purposes - such as water supply and water quality protection and ecological sustainability.

Do you feel that the State Plan should include a policy addressing this? Participants suggest that private property owners receive a tax benefit if the lands preserve ecological resources, protect watershed lands or provide other public health/safety benefits. The State's farmland assessment program necessitates timber production on certain qualifying wooded sites to receive the tax reductions offered through the program. Aggressive timber practices can undermine natural resource values of woodlands. Perhaps a benefit could be awarded for forest management planning that favors selective cutting and environmentally based forest stewardship practices.

**Preliminary State Plan Section as Currently Proposed:**

Forested Areas

**Section in Existing State Plan:**

Page 155

**27. Prime Forested Areas**

Cooperate in mapping prime forest areas by municipal, county, regional and state agencies throughout the state to ensure coordination of planning efforts and to support state and local forestry and resource protection efforts.

**28. Urban Forestry**

Maintain existing trees and plant new trees in developed areas through sound planning and management, applying urban forestry principles.

**29. Commercial Use of Forest Resources**

Manage forest resources on a long-term, sustained-yield basis in terms of the viability and productivity of commercial timber use. Forestry practices should be sensitive to the environmental value of forested lands, and forestry should be carried out to the maximum extent practicable without impairing environmental quality.

**30. Public Acquisition of Forest Resources**

Acquire forest resources that serve an overriding public purpose for public use and preservation.

**31. Water Quality**

Design forest management practices to protect watersheds, wetlands, stream corridors and water bodies from nonpoint source pollution and other adverse effects to water quality and aquatic habitat.

**32. Scenic Qualities**

Protect scenic qualities of forested areas that are visible from public roads, trails and waterways from visually intrusive land uses. Preserve these qualities through setbacks and other scenic corridor maintenance programs.

**33. Private Forested Lands**



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	206
Source:	County Report	Approved by OSG Director	
NE Item No.	2	Preliminary Staff Recommendation:	Disagreement

Provide incentives by all levels of government for the continued maintenance of forested lands in private ownership.

### 34. Maintaining Tree Resources

Encourage the planting and maintenance of trees, including the establishment of small forested areas of native species in communities, by all levels of government statewide.

### Additional Information Regarding Proposal:

#### Staff Response:

#### STATEWIDE ISSUE:

Taxation must be legislatively mandated. This recommendation falls outside the scope of the State Development and Redevelopment Plan.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	208
Source:	County Report	Approved by OSG Director	
NE Item No.	3	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Environmental

**County/NE Proposed Change to State Plan Section:**

The Highlands,

Capacity analysis of the Planning Areas and adjacent communities should be prepared.

Master Plan for COAH & Highlands Master Plan

Voluntarily designated receiving zones for TDR

The Highlands Special Resource Area strategies contained in the State Plan include a regional capacity analysis to determine levels and locations of growth that can be sustained within the Highlands Region, while maintaining the functional integrity of the regional ecosystems, agriculture, water supplies and local community character. The Highlands Water Protection and Planning Act may increase development potential not only in the Highlands Planning Area but also in adjacent communities, including Hunterdon County communities located in the Piedmont region. Should the State Plan include a policy calling for the new Highlands Master Plan to undertake a capacity analysis not only of the Preservation Area but also of the Highlands Planning Area and adjacent communities that may feel the impacts of growth leap-frogging further south?

Participants strongly agree that capacity analysis of the Planning Areas should be prepared.

Findings: The Highlands Water Protection and Planning Act was adopted into law by the New Jersey legislature on June 10, 2004. The Act introduces numerous provisions governing planning, regulation and government spending in the Highlands Region. It creates a Council, responsible for preparing and adopting a Highlands regional master plan. The master plan, upon adoption, is submitted to the State Planning Commission for Plan Endorsement (for that portion of the Plan addressing the Highlands Planning Area).

The Highlands Region is divided into the Preservation and Planning Areas. Major new development within the Preservation Area is subject to a variety of new environmental restrictions and regulations imposed by NJDEP. Municipalities in the Highlands Preservation Area must bring their own master plans and ordinances into compliance with the Highlands regional master plan once it is adopted; otherwise, the Highlands regional master plan preempts local plans and regulations. The Highlands Council must identify Transfer of Development Rights sending zones within the Highlands Preservation Area from which development will be transferred. Similarly, it must identify TDR receiving zones within the Highlands Planning Area into which the sending zone development rights will be transferred. Among the areas to be considered for receiving zones are designated Centers. Receiving zones are voluntary, to the extent that municipalities with identified receiving zones are not required to accommodate growth in them. However, the Highlands Act provides financial and regulatory incentives to do so. Among other things, this includes priority funding for land preservation and impact fees for capital improvements necessitated by new development.

**Recommendations:**

1. Although the Highlands Planning Area provisions are voluntary for municipalities, other State regulations as they relate to the Highlands suggest the contrary. Under the new COAH rules, municipalities must submit their master plans for Plan Endorsement by the State Planning Commission or risk having substantive certification





## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	208
Source:	County Report	Approved by OSG Director	
NE Item No.	3	Preliminary Staff Recommendation:	Disagreement

revoked. The Highlands Council also must submit its regional master plan to the State Planning Commission for Plan Endorsement. If municipal master plans for communities in the Highlands Planning Area are inconsistent with the Highlands regional master plan, how will Plan Endorsement proceed? How much leverage will municipalities have that resist receiving zones identified in the Highlands regional master plan? It may be incumbent upon the municipalities to demonstrate why a receiving zone will be inappropriate in their communities. But the State Planning Commission and the Highlands Council must be responsive to and supportive of valid municipal concerns and documentation.

Hunterdon County communities are united in their belief that growth in this region must be limited in order to protect statewide natural resources, support agriculture and preserve rural character. The Highlands TDR provisions have the potential to overwhelm Hunterdon County with growth. An analysis of developable lands in Hunterdon County's Planning Area suggests that tens of thousands of additional units could be transferred in from other municipalities and counties to the Highlands Preservation Area. This would overburden existing infrastructure, compromise if not destroy the area's environmental integrity and undermine the State Plan's intent to redirect growth to existing suburban and urban areas. The Highlands Council is urged to work cooperatively with Hunterdon County and its communities to carefully review available data, local planning objectives and municipal and county goals.

2. The Highlands Act acknowledges "special critical environmental areas and other critical natural resource lands where development should be limited" (Section 11(6)g). It also notes that Planning Area lands designated for conservation in the regional master plan can be considered as TDR sending zones (Section 13f). Hunterdon County's Planning Area may very well host locations that qualify for conservation. The proposed State Plan Policy Map is indicative of the extensive environmental resources underlying this area including watersheds of Category One, trout and potable water supplies; critical habitats of threatened and endangered species; and various other resources. The Highlands Council is urged to work closely with Hunterdon County's Planning Area communities and with the County to assess the potential for locating sending zones in the Highlands Planning Area.

3. The benefits offered to TDR receiving zone municipalities (including those outside of the Highlands that voluntarily designated receiving zones) do not outweigh the burdens associated with corresponding growth. The additional growth associated with the TDR receiving zone will very likely impose significant costs " infrastructure maintenance, school operating costs, traffic " to name a few. While impact fees may assist in offsetting construction costs, they will not fully cover long-term capital and maintenance costs. Assigning farmland and Green Acres applications greater weight in such municipalities relative to those that do not is insufficient. To be equitable and to provide municipalities with real incentives, the impacts of growth must be equalized by a commensurate increase in long-term tangible benefits to the communities.

### **Preliminary State Plan Section as Currently Proposed:**

The Highlands

### **Section in Existing State Plan:**

Page 173

Undertake a regional capacity analysis to determine levels and locations of growth that can be sustained within the Highlands Region while maintaining the functional integrity of the regional ecosystems, agriculture, water supplies

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## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	208
Source:	County Report	Approved by OSG Director	
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and local community character.

### **Additional Information Regarding Proposal:**

#### **Staff Response:**

##### **PROPOSED STATEWIDE ISSUE:**

The SPC has no authority over the Highlands Preservation Area and a Highlands Preservation Area overlay will be created for the State Plan Highlands Policy Map when the Highlands Regional Master Plan is completed. For the Planning Area, The legislation that enabled the creation of the Highlands Preservation and Planning Areas already provides for a mechanism that will allow municipalities to "opt in" to the Highlands Plan and once the Highlands Master Plan is adopted, it will be submitted to the SPC for Plan Endorsement and incorporated into the State Plan. Accordingly, the State Plan will reflect the goal of protection of the resources of the Highlands Region as well as identify areas appropriate for growth.

The recommendation regarding capacity analysis in the Highland Planning Areas is noted.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	209
Source:	County Report	Approved by OSG Director	
NE Item No.	4	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Infrastructure (Not Trans)

**County/NE Proposed Change to State Plan Section:**

Topic #4: Public Investment Priorities

New growth Centers should not be built to accommodate projected growth while existing urban and suburban Centers languish in neglect and disrepair.

The State Plan sets forth a system of allocating public investments across New Jersey (p. 116 of the 2001 State Plan). Do you agree with the priority scheme put forth in the Plan? Participants agree with the Public Investment Priorities as presented in the Plan.

The State Plan projects that between the years 2000 and 2020, New Jersey will grow by approximately 1.4 million people. Hunterdon County's population is projected to be approximately 147,000 by 2020, an increase of 26,221 from 2000. The State Plan is based on the premise that all of projected growth should be accommodated. It is the intent of the State Plan that the full amount of growth projected for the state should be accommodated. (p. 116) Do you agree with this policy statement?

Participants feel that it is unrealistic to accommodate projected growth without compromising quality of life. Chances are, the State's infrastructure cannot accommodate this growth, nor can the natural environment. The State should recognize that there is a maximum threshold beyond which the State cannot afford to grow. It is inappropriate to base goals on unrealistic projections. New growth Centers should not be built to accommodate projected growth while existing urban and suburban Centers languish in neglect and disrepair. The State must reinvest in these areas and redirect growth accordingly.

**Preliminary State Plan Section as Currently Proposed:**

Public Investment Priorities

**Section in Existing State Plan:**

Page 116

It is the intent of the State Plan that the full amount of growth projected for the state should be accommodated. Plan Strategies recommend guiding this growth to Centers and other areas identified within Endorsed Plans where infrastructure exists or is planned and where it can be provided efficiently, either with private or public dollars. (Designated Centers are included in the category of communities with Endorsed Plans.) Public investment priorities guide the investment of public dollars to support and carry out these Plan Strategies.

d. It is in the public interest to encourage development, redevelopment and economic growth in locations that are well situated with respect to present or anticipated public services and facilities, giving appropriate priority to the redevelopment, repair, rehabilitation or replacement of existing facilities and to discourage development where it may impair or destroy natural resources or environmental qualities that are vital to the health and well-being of the present and future citizens of this state;

New Jersey State Planning Act, N.J.S.A. 52:18A-196.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	209
Source:	County Report	Approved by OSG Director	
NE Item No.	4	Preliminary Staff Recommendation:	Disagreement

### Additional Information Regarding Proposal:

#### Staff Response:

##### STATEWIDE ISSUE:

The State Plan seeks to accommodate population and economic growth that is diverse in its socioeconomic and demographic makeup. The Plan encourages more constructive land use patterns to balance growth and preservation. The State Planning Commission continues to explore ways to analyze land use and growth patterns.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	211
Source:	County Report	Approved by OSG Director	
NE Item No.	5	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Topic #5: Collaborative Planning

Policy 29 calls for restructuring the state and local tax and revenue system to promote revitalization in urban areas and minimize the ratables chase. If the State were to restructure the tax and revenue system to reduce the fiscal impacts of growth on communities, would your community be willing to participate in an inter-municipal Transfer of Development Rights program by designating a receiving area (an area that would accept growth in exchange for preserving lands in another community)?

Because of real estate values in the northern part of the State, participants question the economic viability of TDR. The concern is that it would result in undesirable density bonuses in the receiving areas. Generally, they do not welcome the idea of being a TDR receiving area. New Jersey's urban areas should receive growth through TDR. Hunterdon County municipalities do not want to be receiving areas for development transferred from the Highlands Preservation Area.

**Preliminary State Plan Section as Currently Proposed:**

29. Tax Systems and the Ratables Chase

**Section in Existing State Plan:**

page 115

29. Tax Systems and the Ratables Chase

Restructure the state and local tax and revenue system to promote revitalization in cities and towns and to minimize the impact of the ratables chase on sound and coordinated planning.

**Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE:**

The Highlands Council is currently working on their Regional Master Plan to determine the type and location of development within the Highlands. The Council's plan will be coordinated with the State Plan. The above issues will be addressed within this process. But either way, becoming a TDR receiving area is a choice, not a requirement. Additionally, the Highlands legislation specifically authorizes the voluntary transfer of development rights to any appropriate location in any municipality in the seven Highlands counties, including municipalities outside of the Highlands Region.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	213
Source:	County Report	Approved by OSG Director	
NE Item No.	7	Preliminary Staff Recommendation:	Disagreement

### General Topic:

### County/NE Proposed Change to State Plan Section:

Infrastructure Investments - "Fast Track" Legislation

Policy 13 (p. 122 of 2001 State Plan) calls for streamlining regulatory review of projects either located in Centers of other areas targeted for growth, as indicated in Endorsed Plans. The policy statement suggests that such projects be moved ahead of others for priority review. The County asked: Do you agree with the idea of streamlining regulatory review of projects in areas targeted for growth by municipalities? If so, how do you think this solution compares to that proposed in the "Builders Bill?" [a.k.a. "fast-track" legislation] Several participants note that the State lacks the resources to carry out provisions of the fast track legislation. Some are not concerned, since they lack any smart growth areas in which the legislation's provisions apply. Others within PA 2 areas are anxious about implementation of the bill.

Findings: The recently enacted permit-streamlining legislation (known as the "fast-track" legislation) provides a system of streamlining certain state permits in Planning Areas 1 and 2, Centers and areas in need of redevelopment. The idea is to help stimulate development and redevelopment in "Smart Growth" areas, consistent with the State Plan.

Many entities express concern about the way that this legislation proposes to streamline permits. The bottom line is that the needed environmental scrutiny associated with obtaining NJDEP permits may be compromised. While facilitating development in Planning Areas 1 and 2 and designated growth Centers may be appropriate, it should not be done to the possible detriment of the environment and public health and safety.

Recommendations: Under Infrastructure Investments, the 2001 State Plan contains a statewide policy calling for fast tracking projects in centers by moving those applications ahead of others but not in the manner of the provisions adopted in the fast track act (p. 122). The State needs to reconsider the fast track legislation in terms of permitting provisions to ensure that projects are still given needed environmental scrutiny.

### Preliminary State Plan Section as Currently Proposed:

13 Expeditious Regulatory Review Within Centers and Areas with Endorsed Plans

### Section in Existing State Plan:

Page 122

13. Expeditious Regulatory Review Within Centers and Areas with Endorsed Plans

Provide expeditious regulatory review of public and private sector projects and programs that are located within Centers or areas with Endorsed Plans planned by municipalities or counties, by moving them ahead of others for priority review and by providing intergovernmental and interagency reviews.

### Additional Information Regarding Proposal:

Friday, July 13, 2007

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## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	213
Source:	County Report	Approved by OSG Director	
NE Item No.	7	Preliminary Staff Recommendation:	Disagreement

### Staff Response:

#### STATEWIDE ISSUE:

"Fast track" legislation is not a part of the State Plan. The recommendations and goals of the State Plan that seek to direct growth to areas where infrastructure and resource capacity can support development does not include avoiding appropriate environmental scrutiny of proposed projects. Adequately protecting resources, including resources in areas designated as favored for growth, is a goal of the State Plan and should be reflected in rules and regulations that support that policy.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	216
Source:	County Report	Approved by OSG Director	
NE Item No.	10	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Transportation

**County/NE Proposed Change to State Plan Section:**

Transportation Systems Management

· Should Policy 19, Regional and Local Traffic Patterns (p. 143 of 2001 State Plan), be changed to read Separate regional through traffic from local traffic by way of limited access bypass roads when planned to minimize sprawl and adverse impacts on adjacent communities [where] and when alternative circulation patterns using existing and/or proposed roads are not feasible? There are no strong feelings about changes to the policy. Bypasses are a solution in some cases, but if not planned properly, can generate traffic and negatively impact existing neighborhoods.

**Preliminary State Plan Section as Currently Proposed:**

Transportation Systems Management

**Section in Existing State Plan:**

Page 143

19. Regional and Local Traffic Patterns

Separate regional through traffic from local traffic by way of limited access bypass roads planned to minimize sprawl and adverse impacts on adjacent communities where alternative circulation patterns using existing roads are not feasible

**Additional Information Regarding Proposal:****Staff Response:**

STATEWIDE ISSUE:

While we agree with the recommendation to separate regional traffic from local traffic, specific alternatives should not be dictated by the State Plan, rather solutions should be sought by considering the context of the area being examined.





## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	218
Source:	County Report	Approved by OSG Director	
NE Item No.	12	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Historic, Cultural and Scenic Resources

· Should Policy 4, Historic Resources and Development Regulations (p. 144 of 2001 State Plan) be changed to read Protect the character of historic sites, landscapes, structures and areas through comprehensive planning, flexible application of zoning ordinances and engineering practices, construction codes and other development regulations? The consensus is to include engineering practices.

Findings: The protection of historic, cultural and scenic resources demands not only planning and effective regulations and codes, but also proper engineering practices. These engineering practices may require unique and "context-sensitive" solutions to roadway design and other infrastructure changes to protect important resources.

Recommendations: Policy 4, Historic Resources and Development Regulations (p. 144 of 2001 State Plan) should be changed to read "Protect the character of historic sites, landscapes, structures and areas through comprehensive planning, flexible application of zoning ordinances and engineering practices , construction codes and other development regulations."

**Preliminary State Plan Section as Currently Proposed:**

Historic, Cultural and Scenic Resources

**Section in Existing State Plan:**

Page 144

4. Historic Resources and Development Regulations

**Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE:**

The State Development and Redevelopment Plan is a planning document that provides guidance to state and local officials, The State Development and Redevelopment Plan is not an engineering "best practices" document.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	220
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Environmental

**County/NE Proposed Change to State Plan Section:**

Woodlands, Planning Area 4 and Planning Area 5

The following findings and recommendations emerged from discussions with municipalities and Hunterdon County Planning Board staff review of the State Plan (2001) and Preliminary State Plan (2004).

**Findings:** The State Plan recognizes undeveloped wooded tracts as Planning Area 4. However, it considers prime forested areas a criterion for Planning Area 5. Prime forested areas are defined as forests containing mature stands of native species or areas that exhibit optimal conditions for the sustainable production of prime, state, locally important or unique forest resources as reported in Forestland Planning Guide, NJ Forest Service, 1988. Hunterdon County is not at all familiar with the referenced guidance material. More importantly, forest resources, while certainly a valuable agricultural commodity (in which case, a Planning Area 4 designation would be more appropriate), address critical environmental needs as well. Criteria for identifying forest resources appropriate for a Planning Area 5 designation should not be based on timber production, but rather on such factors as ground water recharge, water quality and stormwater management, habitat value, erosion control, air quality value and other related environmental benefits.

**Recommendation:** Woodlands should be recognized for their multiple environmental benefits as a criterion for Planning Area 5. Planning Area 4 should recognize woodlands but only if the primary desired land use policies of selected wooded areas are agricultural, rather than environmental.

**Preliminary State Plan Section as Currently Proposed:**

Environmentally Sensitive Planning Area (PA5) General Description

**Section in Existing State Plan:**

Page 215

Environmentally Sensitive Planning Areas are characterized by watersheds of pristine waters, trout streams and drinking water supply reservoirs; recharge areas for potable water aquifers; habitats of endangered and threatened plant and animal species; coastal and freshwater wetlands; prime forested areas; scenic vistas; and other significant topographical, geological or ecological features, particularly coastal barrier spits and islands.

**Additional Information Regarding Proposal:****Staff Response:**

STATEWIDE ISSUE:

Planning Area designations are based on set criteria that include all the benefits of healthy woodlands.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	221
Source:	County Report	Approved by OSG Director	
NE Item No.		Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Environmental

**County/NE Proposed Change to State Plan Section:**

Criteria for Planning Area 5

Findings: Planning Area 5 criteria include a variety of environmental factors, ranging from water resources to habitats to significant natural features of landscapes. Collectively, the health and management of all of these resource is critical. According to the 2001 State Plan "[t]he future environmental and economic integrity of the state rests in the protection of these irreplaceable resources. (p. 215). While Planning Area 5 recognizes prime aquifer recharge areas, it fails to acknowledge areas of poor aquifer recharge. The Sourland Mountain is prime example of this. If over developed or developed without due consideration of best management practices, areas of poor aquifer recharge could indeed present a threat to the future environmental and economic integrity of the state.

Recommendation: Planning Area 5 should include an additional criterion, namely areas of poor aquifer recharge.

**Preliminary State Plan Section as Currently Proposed:**

Environmentally Sensitive Planning Area (PA5) Policy Objectives

**Section in Existing State Plan:**

P215

Environmentally Sensitive Planning Areas are characterized by watersheds of pristine waters, trout streams and drinking water supply reservoirs; recharge areas for potable water aquifers; habitats of endangered and threatened plant and animal species; coastal and freshwater wetlands; prime forested areas; scenic vistas; and other significant topographical, geological or ecological features, particularly coastal barrier spits and islands.

**Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE:**

Municipalities in PA5 should be doing resource planning based on potable water and soil conditions to accommodate septic systems. These factors will directly dictate the density of development in these areas. The local analysis will account for the variable conditions in the State from place to place.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	223
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Environmental

**County/NE Proposed Change to State Plan Section:**

Historic and Cultural Sites

Historic and Cultural Sites

Findings: The 2004 Preliminary State Plan suggests that Historic and Cultural Sites be limited to Planning Areas 1,2,3,4 and 5b or in Centers. It states "It is the current policy of the State Planning Commission not to map Critical Environmental Sites or Historic and Cultural Sites within Planning Areas that are already considered to be environmentally sensitive, namely Planning Areas 4b and 5" While the designation of CES' may be duplicative in environmentally sensitive Planning Areas (i.e. 4B and 5), Historic and Cultural Sites are not necessarily "environmentally sensitive." In fact, the Planning Area 5 Policy Objective for Historic Preservation calls for "the preservation and adaptive reuse of Historic and Cultural Sites

The State Plan should recognize Historic and Cultural Sites as resources to document in the municipal master plan and protect through appropriate local strategies. However, the mapping of individual structures and sites becomes exceedingly cumbersome on the State Plan Policy Map. Therefore, the State Plan should retain policies calling for the identification and protection of HCS', however, it should limit mapping to sizable sites and districts.

Recommendation: Permit and encourage the mapping of Historic and Cultural Sites in all Planning Areas. However, a minimum size threshold should be imposed so that sites are readable and understandable on the State Plan Policy Map

**Preliminary State Plan Section as Currently Proposed:**

Historic, Cultural and Scenic Resources

**Section in Existing State Plan:**

Page 224

The State Plan Policy Map provides for the designation and mapping of Critical Environmental Sites and Historic and Cultural Sites specifically to provide policy direction for resource protection and enhancement. Sites may be submitted in Cross- acceptance or through the map amendment process established by the Commission under its rule-making authority. Sites that are forwarded to the Commission for inclusion in the State Plan Policy Map as CES or HCS:

1. contain one or more of the requisite features (see box on page 224);
2. are less than one square mile in extent or have a configuration (linear or highly irregular) not conducive to application of Planning Area Policy Objectives;
3. are identified in municipal or county master plans, state functional plans, environmental resource inventories, or other documentation; or
4. are protected by state regulations, local ordinance, public ownership or deed restriction, if applicable; and
5. are not currently under regulatory review at the time of submission of the petition for delineation.

**Additional Information Regarding Proposal:**

Friday, July 13, 2007

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## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	223
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Disagreement

**Staff Response:****STATEWIDE ISSUE:**

Historic and Cultural Sites will be mapped as points on the State Plan Map as directed by the State Planning Commission.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	225
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Disagreement

### General Topic:

### County/NE Proposed Change to State Plan Section:

Growth Centers v. Limited Growth Centers

Findings: The 2001 State Plan recognizes that not all Centers are necessarily destined for growth (pp. 10, 230, 249), but this language is relatively obscure. The State Plan says "While specific Centers may not be appropriate for additional growth, in a regional context, Centers should be planned to accommodate growth projections." (p. 230). Beyond that, Centers are generally described as desirable locations and forms for new development in virtually all Planning Areas. The Highlands Water Protection and Planning Act acknowledges Centers as potential receiving sites for the Transfer of Development Rights. The "fast track" legislation assigns Centers the same status as Planning Areas 1 and 2 in terms of applying the fast track permitting provisions. Yet some Centers may be designed for limited growth, given a variety of considerations, including infrastructure limitations and/or environmental constraints. Fast-track provisions seem inappropriate in such locations.

Recommendations: The State Plan should contain more explicit language throughout the document, acknowledging the legitimacy of designating limited growth Centers and distinguishing limited growth Centers from growth Centers via policy language.

### Preliminary State Plan Section as Currently Proposed:

Centers

### Section in Existing State Plan:

Page 10

The amount of growth that should occur in any particular Center and its Environs depends upon its capacity characteristics, and the unique opportunities and constraints presented by the Planning Area in which it exists. Centers and their Environs should be planned and maintained so that they develop a unique character and 'Sense of place.' These are attributes of desirable communities described as livable communities in the section "2020 Vision" Livable Communities and Natural Landscapes."

P230

As Centers are planned to be the location for much of the growth in New Jersey, it is critical that they be located and designed with the capacity to accommodate desired growth. While specific Centers may not be appropriate for additional growth, in a regional context, Centers should be planned to accommodate growth projections. Centers that are targeted for growth should contain a sufficient amount of land to support this growth, including new or expanded capital facilities and affordable housing, without constraining the market or allowing monopoly land pricing.

P 249

The identification and designation of Centers should be based upon capacity information and existing and desirable future development patterns. Counties and regional agencies should analyze the capacities of infrastructure, natural resources, social and economic/fiscal systems and use this information in working with their municipalities to identify the proper locations, number and sizes of Centers necessary to accommodate projected population and



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	225
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Disagreement

employment growth to the Year 2020

### **Additional Information Regarding Proposal:**

#### **Staff Response:**

##### **PROPOSED STATEWIDE ISSUE:**

Center designation is an acknowledgement of a pattern of development either what has previously taken place or potential growth that the State Development and Redevelopment Plan encourages.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	226
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Environmental

**County/NE Proposed Change to State Plan Section:**

Stand-Alone Office Campus Nodes

Findings: Hunterdon County is home to a few stand-alone office campuses which are located in Planning Areas 4B and 5 as currently proposed. These complexes are not located within an existing concentration of commercial facilities. Rather, they are stand-alone uses on isolated campuses. Therefore, they do not appear to fall within the definition of an existing "Commercial-Manufacturing Node." Commercial-Manufacturing Nodes are defined as having a significant concentration of commercial, light manufacturing or warehousing and distribution facilities, and activities that are not located in a Center or organized in a compact manner, but could meet performance standards for locating in a Center. That is, they could be retrofitted to reduce dependency on cars, diversity land uses and create physical connections to nearby communities. Existing office campuses are generally not designed to accommodate a mix of residential and nonresidential uses. Surely, campus design can evolve over time so that it incorporates some of the design principles of the State Plan. However, one cannot expect these facilities to necessarily qualify as existing or future Centers.

Recommendations: Expand the definition of Commercial-Manufacturing Node to acknowledge stand-alone office campuses that are not necessarily a part of a concentration of commercial facilities.

**Preliminary State Plan Section as Currently Proposed:**

State Planning Goals and Strategies

**Section in Existing State Plan:**

Page 9

Nodes

Within Planning Areas, the State Plan also recognizes two different types of Nodes—concentrations of employment and economic activity that are not organized in compact, mixed-use forms. These may be Commercial-Manufacturing Nodes or Heavy Industry-Transportation-Utility Nodes. Where appropriate, these places should be retrofitted over time to reduce automobile dependency, diversify land uses, and enhance linkages to communities.

**Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE:**

It is true that office campuses represent a significant level of land use in the state. However, the node concept was created to accommodate land uses, such as manufacturing, that may not be desirable in a mixed-use setting. In comparison, office use is more compatible with other uses such as residential and retail.





## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	228
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Agricultural

**County/NE Proposed Change to State Plan Section:**

State Plan Policy Map: Intent and policy objectives for Planning Area 4B

Findings: The language defining the intent and policy objectives of Planning Area 4B is sufficiently vague to cause great concern in Hunterdon County. Are farms in PA 4B considered as viable economically as farms in PA 4? Will the SADC accord equal weight to PA 4B farms as they will to PA 4 farms applying for farmland preservation funding? The policy objectives for PA 4B state that development and redevelopment should follow the policy objectives of PA 5. Does this apply to agriculturally-related development and redevelopment? The farm community is greatly concerned that increased regulation is inevitable in PA 4B at the State and local levels, and that this will ultimately drive agriculture out of business.

Recommendations: State agencies most notably the Department of Agriculture and Department of Environmental Protection must set clear policy direction for and distinctions between how land in PA 4B will be treated relative to PA 4 and PA 5. These policy directions must be supportive of agriculture if we are truly interested in maintaining farming as a viable enterprise in New Jersey. Hunterdon County would be pleased to help craft the broader policy language for PA 4B to address these critical issues.

**Preliminary State Plan Section as Currently Proposed:**

Rural/Environmentally Sensitive Planning Area (PA4A) General Description

**Section in Existing State Plan:**

Page 214

Some lands in the Rural Planning Area (PA4) have one or more environmentally sensitive features qualifying for delineation as Rural/Environmentally Sensitive (PA4B). This subarea contains valuable ecosystems or wildlife habitats. Rural/Environmentally Sensitive Planning Areas are supportive of agriculture and other related economic development efforts that ensure a diversity within New Jersey. Any development or redevelopment planned in the Rural/Environmentally Sensitive Area should respect the natural resources and environmentally sensitive features of the area.

**Intent**

The Intent of the Rural/Environmentally Sensitive Planning Area (PA4B) is the same as its underlying Planning Area, Rural Planning Area (PA4) for existing uses of the land.

**Policy Objectives**

Development and redevelopment in the Rural/Environmentally Sensitive Planning Area should follow the Policy Objectives presented in the next section for the Environmentally Sensitive Planning Area (PA5). This includes promoting agricultural practices that prevent or minimize conflicts with sensitive environmental features.

**Delineation Criteria**

Land satisfying the delineation criteria for Rural Planning Area (PA4) that also meets the delineation criteria for the



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	228
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Disagreement

Environmentally Sensitive Planning Area (PA5) is designated as Rural/Environmentally Sensitive (PA4B).

### **Additional Information Regarding Proposal:**

#### **Staff Response:**

##### STATEWIDE ISSUE:

The PA4B subset is used to designate agricultural lands where environmentally sensitive constraints exist. PA4B is not intended to limit agriculture in these areas but to limit development. When development does take place, it should respect the natural resources of the area.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	230
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Smart Growth Areas

**Findings:** The proposed definition of Smart Growth Area in the 2004 Preliminary State Plan is inconsistent with the definition contained in the "fast track" legislation. The State Plan's definition focuses on Planning Areas 1 and 2, areas designated for growth and designated Centers. According to the fast track legislation, smart growth areas applicable in Hunterdon County include PA 1 and 2, designated Centers or designated growth Centers in an endorsed plan. Designated growth Centers are not defined or distinguished from designated Centers, which creates ambiguity in how and where the expedited permit reviews are applied.

**Recommendations:** Smart Growth Areas should be limited to PA 1 and 2 and designated growth Centers (as opposed to limited growth Centers). Designated growth centers need to be distinguished from other types of designated Centers (i.e. Centers with tight community development boundaries limiting the amount of additional growth). Both the State Plan and fast track legislation should be amended to reflect this and to bring definitions into consistency.

**Preliminary State Plan Section as Currently Proposed:**

Metropolitan Planning Area (PA1) General Description

Page 30

Smart Growth Area means Planning Areas 1 and 2, designated centers, and areas designated for growth, including areas for agricultural industry growth, in a plan that has been endorsed by the State Planning Commission. The purpose of designating smart growth areas outside of Planning Areas 1 and 2 is to create compact development forms that absorb growth that would otherwise occur in the Environs. Smart growth areas should be integrated into a regional network of communities with appropriate transportation linkages.

**Section in Existing State Plan:****Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE:**

The State Plan does not prohibit growth or development anywhere in the State. However, if the Plan is to be a useful guidance document and a method of rewarding good planning, then Centers must necessarily accommodate growth that is appropriate for that particular center. Larger scale development is ideally directed to "smart growth areas" in PA 1, PA 2 or Centers. Rural areas of the state will undoubtedly experience some amount of growth which should primarily be accommodated within designated centers. Ultimately, any development that takes place must be appropriate for its location and scaled to and designed within the both the resource and infrastructure constraints of that location.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	231
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Economic

**County/NE Proposed Change to State Plan Section:**

Smart Conservation Areas

Findings: If the State Planning Commission proposes to define "smart growth areas," it should also include a definition of "smart conservation areas." Smart conservation embraces two key concepts. It includes the idea of preserved lands in the environs of smart growth areas. But the term should also promote sustainable development in the environs of smart growth areas. Sustainable development is planned and designed in a way that preserves and regenerates the natural environment. Since development is bound to continue even in the environs of Planning Areas 3-5, it must be done with the utmost respect for the natural environment and rural landscapes within which it resides.

Recommendations: The State Plan should add a definition for the term "smart conservation areas" consistent with the discussion above.

**Preliminary State Plan Section as Currently Proposed:**

Fringe Planning Area (PA3) General Description

Page 30

Smart Growth Area means Planning Areas 1 and 2, designated centers, and areas designated for growth, including areas for agricultural industry growth, in a plan that has been endorsed by the State Planning Commission. The purpose of designating smart growth areas outside of Planning Areas 1 and 2 is to create compact development forms that absorb growth that would otherwise occur in the Environs. Smart growth areas should be integrated into a regional network of communities with appropriate transportation linkages.

**Section in Existing State Plan:****Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE:**

We believe this concept is adequately addressed by policies and programs for the preservation of land and natural resources and for Center-based development.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	233
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Population Projections

Findings: The 2001 State Plan says "the intent of the State Plan [is] that the full amount of growth projected for the state should be accommodated." (p. 116) This policy statement is strongly opposed by Hunterdon County. As noted by the Califon Borough Governing Body, "As the most densely populated, most congested state in the Union, New Jersey must begin to seriously consider the question of sustainability" (Califon Borough Negotiating Agenda Items, 2004). Does the State know how and where this growth can realistically be accommodated without undermining some of the key underpinnings of the State Plan and before irreparable harm to the environment and quality of life is done? Has it sufficiently analyzed zoning, and natural and built capacity limitations to even roughly estimate the extent of growth that can reasonably be accommodated? Can some 1.4 million additional people be accommodated in the State without truly compromising the environmental integrity and the rural economy of places like Hunterdon County, even if development were to occur in the form of Centers? It is not only the configuration of growth but also the amount of growth that necessarily impacts the natural and built environments. The Highlands legislation more or less requires the types of analyses that can help give us a handle on growth limitations and opportunities, at least for that region. But it is an issue that must be addressed statewide.

Recommendations: The above statement should be removed from the State Plan. Furthermore, the State Plan should provide or reference a technical document that sets forth methods and thresholds for determining appropriate levels of growth that support, rather than unravel, the State's vision. The State must invest in detailed, transparent and grounded studies to truly assess the State's carrying capacity to accommodate future growth, particularly in its more suburban and urbanized areas, where the State Plan encourages growth to occur.

**Preliminary State Plan Section as Currently Proposed:**

Public Investment Priorities

**Section in Existing State Plan:**

Page 116

It is the intent of the State Plan that the full amount of growth projected for the state should be accommodated. Plan Strategies recommend guiding this growth to Centers and other areas identified within Endorsed Plans where infrastructure exists or is planned and where it can be provided efficiently, either with private or public dollars. (Designated Centers are included in the category of communities with Endorsed Plans.) Public investment priorities guide the investment of public dollars to support and carry out these Plan Strategies.

**Additional Information Regarding Proposal:****Staff Response:**

STATEWIDE ISSUE:

The State Plan seeks to accommodate population and economic growth that is diverse in its socioeconomic and demographic makeup. The Plan encourages more constructive land use patterns to balance growth and



## **New Jersey State Planning Commission Negotiation Worksheet Policy Issues**

County:	HUNTERDON COUNTY	OSG Item No.	233
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Disagreement

preservation. The State Planning Commission continues to explore ways to analyze land use and growth patterns.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	236
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Environmental

**County/NE Proposed Change to State Plan Section:**

Add "and engineering practices" to Historic Resources and Development Regulations

Findings: The protection of historic, cultural and scenic resources demands not only planning and effective regulations and codes, but also proper engineering practices. These engineering practices may require unique and "context-sensitive" solutions to roadway design and other infrastructure changes to protect important resources.

Recommendations: Policy 4, Historic Resources and Development Regulations (p. 144 of 2001 State Plan) should be changed to read

"Protect the character of historic sites, landscapes, structures and areas through comprehensive planning, flexible application of zoning ordinances and engineering practices, construction codes and other development regulations."

**Preliminary State Plan Section as Currently Proposed:**

4 Historic Resources and Development Regulations

**Section in Existing State Plan:**

Page 144

Protect the character of historic sites, landscapes, structures and areas through comprehensive planning, flexible application of zoning ordinances, construction codes and other development regulations

**Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE:**

The State Development and Redevelopment Plan is a planning document that provides guidance to state and local officials, The State Development and Redevelopment Plan is not an engineering "best practices" document.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	238
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Disagreement

### General Topic:

### County/NE Proposed Change to State Plan Section:

#### Affordable Housing Round III

Findings: On December 20, 2004, the new rules governing the third round of affordable housing were published in the New Jersey Register. Under the new rules, municipal obligations will be generated through what COAH is calling a 'growth share' formula. The growth share formula calculates affordable housing obligations based on a ratio of affordable units to residential and non-residential growth that occurs in the municipality between 1999 and 2014. The entire obligation must be delivered between 2004 and 2014.

Municipalities project their growth-share obligation using population, household and employment projections published in the State Plan and plan for that growth accordingly in their respective Master Plan Housing Elements. Housing Elements and Fair Share Plans must be submitted to COAH and granted substantive certification in order to receive the protections accorded municipalities through the COAH process. For the first time, municipalities must receive initial Plan Endorsement from the State Planning Commission within the first three years of obtaining substantive certification or else COAH may take such actions as revocation of the municipality's substantive certification (5:94-2.3c).

Finally, COAH establishes certain criteria for locating affordable housing projects. Sites zoned to produce a portion of the growth share obligation (providing that the zoning yields greater than one affordable unit per eight market rate units or a density increase to accommodate affordable housing) must either be located in PA 1 or 2 or else in a designated Center. The same holds true for municipally-sponsored affordable housing production, 100% affordable housing construction, select innovative approaches, and affordable housing produced through a partnership program wherein two or more municipalities cooperate in the construction of affordable housing. The only mechanism providing relief from these site suitability criteria is a waiver process. COAH relies on a recommendation from the Office of Smart Growth that the selected site would be consistent with the State Plan before granting a waiver.

#### Recommendations:

1. In response to their Cross-Acceptance responsibilities, counties across New Jersey are producing population and housing projections and, in some instances, employment projections. Both metropolitan planning organizations (MPO's) and the NJ Department of Labor also produce projections, though projection periods may vary from entity to entity. Regardless of the numbers ultimately adopted by the State Planning Commission, Hunterdon County urges COAH to permit municipalities to utilize County projections. In Hunterdon County, population and household projections resulted from an exhaustive two-year process of analysis, refinement, discussions with the MPO and review by municipalities. Hunterdon County published a summary document describing the approach it used in calculating population and housing projections as well as maximum build-out potential. The County urges the MPO's and NJ Department of Labor to provide transparency to their methodologies and data so that municipalities undertaking their Housing Elements fully understand how the numbers are derived. Additionally, the State Planning Commission should negotiate projections jointly between counties, MPO's and the NJ Department of Labor.





## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	238
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation: Disagreement	

2. COAH's rules call for a variety of affordable housing projects to locate in Centers within Planning Areas 3, 4, 4B and 5 regardless of size. But smaller scale projects should not necessarily have to locate in Centers within rural and environmentally sensitive Planning Areas. Municipally-sponsored construction, for example, may result in a but a handful of new units or one or two group homes. In an existing rural area, why should such a facility become the foundation for a Center? Bethlehem Township cites an example of 12-unit group home to be located on 10 acres of municipally-owned land in PA 4B. No other residential or commercial construction is envisioned for the site. In this instance, the intent is to provide affordable housing within a rural setting, consistent with the surroundings. The Office of Smart Growth must develop criteria to provide waivers in these types of situations.

### **Preliminary State Plan Section as Currently Proposed:**

#### **Section in Existing State Plan:**

#### **Additional Information Regarding Proposal:**

#### **Staff Response:**

##### **STATEWIDE ISSUE:**

Most projection generators provide documentation as to their methodology. For example, NJTPA even provides the model that they use so that one can run the model differently on other assumptions. As far as negotiation, NJDOL is required to use and document a particular procedure for their projections. Therefore, they are not able to alter their procedures.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	240
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Agricultural

**County/NE Proposed Change to State Plan Section:**

Planning Area 4 v. 4B and Agricultural Viability

Findings: Analysis of GIS data, including updated information about Category One watersheds, resulted in the elimination of PA 4 and its replacement with PA 4B in Hunterdon County. The agricultural community expresses concern about the implications of heightened environmental regulation that may be associated with a PA 4B designation in the future.

Agricultural activities encounter a host of obstacles that make farming an increasingly difficult enterprise. Ironically, this is happening despite overwhelming approval by voters across New Jersey to support farmland preservation. The Right to Farm Act assures important protections from nuisance complaints for farming activities that are consistent with “Best Management Practices” established by the State Agriculture Development Committee or site specific agricultural management practices recommended by the County Agriculture Development Board. However, the time and cost of addressing and responding to nuisance complaints creates a burden for the farm community.

Farmers are also encountering a host of new environmental regulations. The recently adopted animal feeding operations permitting rules (addressing water quality), stormwater management rules, impervious surface limitations on preserved farms receiving federal farming through the State’s easement purchase program, and the Highlands Act all heighten environmental regulation over agricultural activities. While environmental regulation is important, it can reach the point of jeopardizing the long-term economic viability of agriculture.

Hunterdon County actively promotes the continuation of its rural, agricultural heritage to the greatest extent possible. It is aggressively preserving farmland and finding ways to maintain agriculture as a viable economic enterprise. Right-to-farm legislation and other measures that protect and advance agricultural activities are critical today and into the future if we are to continue to support agriculture.

Recommendation: The intent of Planning Area 4B is to apply Planning Area 4 policies to existing uses (including, presumably farming activities) and to apply PA 5 policies when land is subject to development or redevelopment. At the same time, however, the State Plan qualifies the latter statement by including the promotion of agricultural practices that prevent or minimize conflicts with sensitive environmental features. The agricultural policies governing PA 4 state “Guide development to ensure the viability of agriculture and the retention of farmland in agricultural areas” (2001 State Plan, p. 210). Among the statements of intent for PA 4 is to “promote a viable agricultural industry” (p. 208). State agencies must be sensitive to the agricultural community and the desire in rural areas to support both farmland preservation and farming as an economically viable activity. Farmers need assurance that properties in PA 4B will not be overburdened with regulation but instead, be treated as existing uses, subject to PA 4 policies.

**Preliminary State Plan Section as Currently Proposed:**



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	240
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Disagreement

Rural Planning Area (PA4) Policy Objectives

### Section in Existing State Plan:

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#### 6. Agriculture and Farmland Preservation:

Guide development to ensure the viability of agriculture and the retention of farmland in agricultural areas. Encourage farmland retention and minimize conflicts between agricultural practices and the location of Centers. Ensure the availability of adequate water resources and large, contiguous tracts of land with minimal land-use conflicts. Actively promote more intensive, new-crop agricultural enterprises and meet the needs of the agricultural industry for intensive packaging, processing, value-added operations, marketing, exporting and other shipping through development and redevelopment.

### Additional Information Regarding Proposal:

#### Staff Response:

##### STATEWIDE ISSUE:

The PA4B subset is used to designate agricultural lands where environmentally sensitive constraints exist. PA4B is not intended to limit agriculture in these areas but to limit development. When development does take place, it should respect the natural resources of the area.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	242
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Environmental

**County/NE Proposed Change to State Plan Section:**

Stormwater Management

**Findings:** The State's new stormwater management planning rules present a comprehensive approach to municipal stormwater management that addresses water quantity and flow rates, ground water recharge and water quality protection. This is consistent with State Plan policies governing nonstructural approaches to stormwater management. The stormwater management rules also require municipalities to address facility maintenance needs and to impose mitigation requirements on major development projects that cannot otherwise meet local stormwater management ordinance provisions. Mitigation approaches appear to be one of the trickier components of municipal stormwater management plans and ordinances.

**Recommendations:** The NJDEP should provide municipalities with guidance on appropriate mitigation strategies and techniques. Moreover, the State should be aggressive in providing better mechanisms (possibly including stormwater utility entities, much like sewer utility authorities) to assist municipalities in ensuring proper long-term maintenance of stormwater management facilities. This is especially critical as a result of the new stormwater management rules. Stormwater management approaches will likely include many more and smaller, on-lot facilities - both structural and nonstructural. Homeowners associations may not be equipped or even aware of the numerous on-site facilities (particularly nonstructural facilities) that must be maintained to assure long-term viability.

**Preliminary State Plan Section as Currently Proposed:**

Statewide Policy 14. Waste Management, Recycling and Brownfields

**Section in Existing State Plan:****Additional Information Regarding Proposal:****Staff Response:****PROPOSED STATEWIDE ISSUE:**

Although protecting and enhancing water resources through coordinated planning efforts is a goal of the State Plan, this recommendation that "NJDEP should provide municipalities with guidance on appropriate mitigation strategies and techniques" is noted, but is not appropriate for inclusion in the SDRP.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	244
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Fast Track Legislation

Several participants note that the State lacks the resources to carry out provisions of the fast track legislation. Some are not concerned, since they lack any smart growth areas in which the legislation's provisions apply. Others within PA 2 areas are anxious about implementation of the bill. Under Infrastructure Investments, the 2001 State Plan contains a statewide policy calling for fast tracking projects in centers by moving those applications ahead of others but not in the manner of the provisions adopted in the fast track act (p. 122). The State needs to reconsider the fast track legislation in terms of permitting provisions to ensure that projects are still given needed environmental scrutiny.

**Preliminary State Plan Section as Currently Proposed:**

OTHER

**Section in Existing State Plan:****Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE:**

"Fast track" legislation is not a part of the State Plan. The recommendations and goals of the State Plan that seek to direct growth to areas where infrastructure and resource capacity can support development does not include avoiding appropriate environmental scrutiny of proposed projects. Adequately protecting resources, including resources in areas designated as favored for growth, is a goal of the State Plan and should be reflected in rules and regulations that support that policy.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	HUNTERDON COUNTY	OSG Item No.	232
Source:	County Report	Approved by OSG Director	
NE Item No.	0	Preliminary Staff Recommendation:	Pending

**General Topic:**

Environmental

**County/NE Proposed Change to State Plan Section:**

Special Resource Areas

Findings: The 2004 Preliminary State Plan identifies one Special Resource Area (SRA) in New Jersey, namely the Highlands. However, it certainly does not limit SRA's to the Highlands. Furthermore, the State Plan does not merely acknowledge Special Resource Areas. Each SRA is accompanied by a set of policies or planning and implementation strategies unique to it that "support integrated regional planning for the purpose of sustaining and protecting the resource and amenity value of the area" (2001 State Plan, p. 172).

Recommendations: The Hunterdon County Cross-Acceptance Report nominates one additional Special Resource Areas for inclusion in the State Plan " the Sourland Mountain. Assuming that the State Planning Commission accepts this region as an SRA, it should invite the entities that nominated it to play an integral role in developing recommended policies and planning and implementation strategies for inclusion in the State Plan.

**Preliminary State Plan Section as Currently Proposed:**

Statewide Policy 18. Special Resource Areas

**Section in Existing State Plan:**

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The State Planning Commission may identify Special Resource Areas and municipalities, counties and the public are encouraged to propose Special Resource Areas.

The Commission intends that the recognition of a region as a Special Resource Area should prompt action to implement and support integrated regional planning for the purpose of sustaining and protecting the resource and amenity value of the area.

**Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE:**

The Sourland Mountain region and its unique resources are currently being studied. A grant from the Office of Smart Growth has been provided for this study. Based on the research supplied by the Sourlands Planning Council, we agree that the Sourlands should be designated a Special Resource Area. However, any determination is ultimately the decision of the State Planning Commission.