



## *State of New Jersey*

DEPARTMENT OF COMMUNITY AFFAIRS  
STATE PLANNING COMMISSION  
OFFICE OF SMART GROWTH

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Acting Executive Director & Secretary

**Middlesex County Cross-acceptance III Public Hearing  
New Jersey State Planning Commission  
Minutes of the Meeting Held June 14, 2007  
Middlesex County Planning Department  
Middlesex County Planning Board Meeting Room  
40 Livingston Avenue  
New Brunswick, New Jersey 08901**

### **WELCOME & INTRODUCTIONS**

Benjamin Spinelli, Acting Executive Director in the Office of Smart Growth (OSG), called the June 14, 2007 meeting of the New Jersey State Planning Commission to order at 5:10 p.m. Mr. Spinelli proceeded to introduce the State Planning Commission (SPC) members in attendance. Louise Wilson, Local Government Representative and Deborah Mans, State Agency Representative attended on behalf of the SPC. Mr. Spinelli then introduced Middlesex County Planning Department staff in attendance. George Veverides, Middlesex County Planning Director and Mirah Becker, Middlesex County Supervising Planner attended on behalf of the Middlesex County Planning staff. John Sully, Nicolas Tufaro and Daniel Ryan also attended on behalf of the Middlesex County Planning Department. The Honorable Camille Fernicola, Freeholder also attended on behalf of the Middlesex County Board of Chosen Freeholders. Mr. Spinelli then introduced staff attending on behalf of the Office of Smart Growth (OSG) and OSG's State Agency partners. The following people were in attendance on behalf of OSG: Barry Ableman, Principal Planner and Lorissa Whitaker, Area Planner. The following people were in attendance on behalf of OSG's State Agency partners: Helene Rubin, New Jersey Department of Transportation.

### **OPEN PUBLIC MEETINGS ACT**

Mr. Spinelli announced that notice of the date, time and place of the meeting had been given in accordance with the Open Public Meetings Act.

### **PLEDGE OF ALLEGIANCE**

Mr. Spinelli asked everyone to stand for the Pledge of Allegiance.

### **OVERVIEW OF MIDDLESEX COUNTY CROSS-ACCEPTANCE & THE STATE PLAN**

Mr. Spinelli provided an overview of the third round of the Cross-acceptance process. Mr. Spinelli stated that Middlesex County was the fifteenth county to conduct a public hearing for the third round of the Cross-acceptance process. This dialogue included a breakdown of the issues that were discussed at the internal, interagency and staff-to-staff meetings, as it related to Middlesex County. Mr. Spinelli also discussed the revisions to the State Development & Redevelopment Plan (State Plan). Mr. Spinelli stressed the importance of the policies and goals of the State Plan. The recent Plan Endorsement revisions were also discussed.

Mr. Spinelli also discussed issues specific to Middlesex County. The following issues were discussed: COAH, Routes 18 and 1, mass transit, the MOM Line, infrastructure investments and the proposed Special Resource Area (SRA) designation of the Raritan Bayshore.

### **MIDDLESEX COUNTY CROSS-ACCEPTANCE REPORT PRESENTATION**

The Honorable Camille Fernicola, Middlesex County Freeholder opened up the Middlesex County Cross-acceptance Report Presentation by stating that Middlesex County has been incredibly active in all three Cross-acceptance rounds. Freeholder Fernicola then commended OSG for its active partnership with Middlesex County. Freeholder Fernicola was excited to see SPC adopt the recommendations provided by Middlesex County, as it relates to important statewide issues. Freeholder Fernicola ensured confidence in OSG listening to the public. Freeholder Fernicola then introduced George Veverides, Middlesex County Planning Director.

Mr. Veverides thanked the municipalities within Middlesex, as well as Middlesex County staff, for their efforts and commitment to the process. Mr. Veverides noted the positive aspects of State Agency coordination. He then mentioned that Middlesex County is rapidly growing and that there will be added development pressure to grow in Central Jersey because of the Highlands, Pinelands and Meadowlands legislation. Mr. Veverides hopes to see coordinated plans throughout the county and region. Middlesex County will be amending the Strategic Planning Area 1 (SPA1) County Plan Endorsement petition to provide one comprehensive plan for the whole county. Mr. Veverides proceeded to thank OSG for the opportunity to provide more input. Mr. Veverides then introduced Mirah Becker, Middlesex County Supervising Planner.

Ms. Becker stated that the negotiations between OSG and Middlesex County have come to the highest level of agreement with some exceptions. Middlesex County provided documentation to ground-proof Critical Environmental Sites (CESs) and Planning Area 5 (PA-5) within the region. Ms. Becker provided that this process should be intended to achieve sound planning and sustainable growth, as well as the protection of our natural resources. Ms. Becker echoed Mr. Veverides thoughts on State Agency coordination and applauded OSG for facilitating such coordination. Ms. Becker then thanked Middlesex County planning staff – Ryan Rapp, Nicholas Tufaro and John Sully.

Mr. Spinelli then opened the hearing to the public.

### **PUBLIC COMMENT**

**Commenter 1:** Mr. Charles Newcomb, consultant for William Herbert, submitted a letter requesting a map amendment for Durham Corner Road on Quad 71 in South Brunswick. According to Mr. Newcomb, the 2002 aerials do not depict changes in this area that once reflected agricultural land but has since received approvals for a 22-lot subdivision. The

property is currently used as a warehouse operation (along Davidson and Cranbury Roads). The appellate division approved the plans for Block 22.01, Lot 2.03. Mr. Newcomb stressed that the area no longer suits the current planning area delineation, as depicted in the 2001 State Plan. He also stressed that the associated Critical Environmental Sites (CESs) and wetlands delineations are also incorrect. Mr. Newcomb requested the planning area changes, as well as the removal of the CESs. Mr. Newcomb is requesting reclassification from Planning Area 4 (Rural Planning Area) (PA-4) to Planning Area 2 (Suburban Planning Area) (PA-2).

**Commenter 2:** Mr. Alex Wiener, one of the founding members of the Milltowners, a group that focuses on the redevelopment of the areas along Ford Avenue (Michelin Site) surrounding Mill Pond. Mr. Wiener stressed that Mill Pond is environmentally sensitive because the site is extremely contaminated due to the former presence of the rubber industry. Mr. Wiener believes that the State needs to prioritize this site for remediation. Mr. Wiener stated that developers are currently fighting over the redevelopment of the site and that possible eminent domain may be used for the area by the municipality. Most importantly, Mill Pond needs to be cleaned up and that development around the pond will be devastating to the area. The current Planning Area 1 (Metropolitan Planning Area) (PA-1) designation is inappropriate, as it does not adequately protect the water supply for the region. Mr. Wiener is requesting that the area be designated as a Planning Area 5 (Environmentally Sensitive Planning Area) (PA-5), as to protect habitat around the pond.

**Commenter 3:** Mr. Michael Lewycky of the Milltown Shade Tree Commission spoke to support the PA-5 designation of the Mill Pond area and the Lawrence Brook. Mr. Lewycky stated that the brook should be protected with a linear feature that includes supporting buffer of vegetative lands and flood-prone areas. Mr. Lewycky stated that a comprehensive redevelopment plan is currently being revised by the redeveloper, which would propose a ten percent increase in population. Milltown Borough proposed that Mill Pond be designated as a historic district. Mr. Lewycky also provided that a letter from the Borough Planner to Middlesex County Planning Department was submitted without the knowledge of the Governing Body and Borough Officials and should not be entertained as it is an incorrect reflection of what the town is seeking.

**Commenter 4:** Mr. David Charette of Langan Engineering, consultant to Cranbury Brickford, LLC, is seeking appropriate remedial activities along Block 10, Lot 10 and Block 10, Lot 1. This site is a former chemical corporation (produced explosives) in the 1940s and has sat idle since its closure. It is currently contaminated and the New Jersey Department of Environmental Protection (NJDEP) has conducted the preliminary remedial measures for his client and has approved a Remedial Action Work Plan (RAWP). The area is currently designated as Planning Area 4B (Rural/Environmentally Sensitive Planning Area) (PA-4B) and that a PA-2 designation would be more appropriate as the site is zoned Light Industrial, straddles a State highway and the wetlands delineations are incorrect.

**Commenter 5:** Ms. Carol Jegou, a member of the Milltowners in Milltown Borough, also requested that OSG disregard the letter from the Borough Planner to Middlesex County Planning Department, as it was submitted without the knowledge of the Governing Body and Borough Officials and should not be entertained as it is an incorrect reflection of what the town is seeking. She requests that the area surrounding the Mill Pond reflect a PA-5 designation, as there are major concerns for the drinking water that comes from Mill Pond and the Lawrence Brook. She also provided that Mill Pond is home to wood turtle and various other habitats. It is also a fishing site for town citizens. Ms. Jegou also states that saving the surrounding wetlands is critical and this is why a PA-5 classification is absolutely necessary.

**Commenter 6:** Mr. Charles Jegou, a member of the Milltowners in Milltown Borough, requests that the Mill Pond area be changed from PA-1 to PA-5, as it is a prime water source for the town. Mr. Jegou provided Milltown was affected by flooding and power outages during the April 2007 storm. He believes that the wetlands surrounding Mill Pond also need to be protected to mitigate flooding problems. Mr. Jegou provided that inappropriate development will adversely affect the drinking water and that cleaning this area should be top priority for NJDEP. Mr. Jegou states that NJDEP should also issue more Category 1 (C1) Stream classifications to streams that feed drinking water sources, particularly for this area along the Lawrence Brook.

**Commenter 7:** Mr. Dennis Toft of Wolff & Samson, representing Old Bridge Township, is requesting a factual correction in Old Bridge for a site that is within a Sewer Service Area (SSA) and has received Preliminary and Final Site Plan approvals in 2005. Portion of the property is located in PA-2 with the remainder located within a PA-5. The PA-5 designation is based on wetlands that were delineated in 1986. Since then, a Letter of Interpretation (LOI) was revived in 2006 to identify the correct delineation of the wetlands. Mr. Toft is requesting that the remaining PA-5 be re-designated as PA-2.

**Commenter 8:** Mr. Bill Herbert (client of Mr. Charles Newcomb, Commenter 1) of Country Communities, LLC reiterated the concerns of Mr. Newcomb. Mr. Herbert's property, located in South Brunswick, is currently seeing a lot of commercial and industrial development. An LOI has been issued for the property, as it relates to road improvements for the area. Although Mr. Herbert has received final approvals, the developer has chosen to delay the start of the project until a planning area change is considered.

**Commenter 9:** Mr. Tom Vigna of North Brunswick Township provided that the 2004 Preliminary Plan depicts some areas as PA-5. There are two sites in which Mr. Vigna requested a planning area re-designation. The first site is a 20-acre site that received preliminary approvals for a 20-lot subdivision (Block 227, Lots 18; 41.01 & 41.02). Mr. Vigna requests that this site be re-designated to PA-1. The second site is located south of the Northeast Corridor Line (New Jersey Transit) adjacent to the Johnson & Johnson Redevelopment Area along the Route 1 Corridor. As this is the largest gap along the Northeast Corridor line, North Brunswick would like to rezone the property as a Transit Village and is currently conducting a feasibility study through the Township Planning Board. New Jersey Transit would like to build an above-grade turn-around for the trains where a 22 acre area, which currently designated a PA-5 as they are associated with wetlands. Mr. Vigna requests that this site be re-designated to PA-1.

**Commenter 10:** Mr. John Taikina of North Brunswick TOD Associates provided that starting in March of 2005, his company began purchasing Johnson & Johnson property for a Transit-Oriented Development (TOD) project. However, the July 2006 Preliminary Map Update provided by NJDEP re-designated certain portions of the property as PA-5 and CES. Mr. Taikina is requesting that these areas be reclassified back to PA-1 and that the CESs revert back to the 2001 State Plan. This is critical as this project will be a new town for 6,000 people (affordable and workforce housing included) within a center-based development framework.

**Commenter 11:** Mr. Sam Rizzo of Old Bridge Township is concerned with the emphasis on the environs outside of the Town Center. Mr. Rizzo requests that the PA-5 should be apart of the Town Center designation as it needs more attention. Mr. Spinelli responded in stating that Plan Endorsement should address and emphasize the importance of these areas.

**Commenter 12:** Mr. Matt Guers provided insight into property located within South Brunswick Township (see Commenter 1 and Commenter 8). Mr. Guers believes that the property should be reclassified from PA-4 to PA-2 as it is adjacent to existing infrastructure and industrial/warehouse distribution facilities.

**Commenter 13:** Mr. Alan Godber of the Lawrence Brook Watershed Partnership, LLC submitted comments as it relates to protecting environmental features in North Brunswick, Milltown Borough, South Brunswick, New Brunswick and East Brunswick. Mr. Godber believes that the following general comments on the State Plan should be addressed: Parks should be included in the State Plan at a much smaller level; Preserved Agricultural Areas should be depicted in the State Plan; an Agricultural Area designation should be created for Middlesex County; the State Plan is failing to reflect what actually exists; CESs need to be clarified; and the SPC should provide reasons as to why changes are proposed.

Mr. Godber also provided that the following general comments on the Lawrence Brook Watershed: Accentuate the protection of Riparian Areas; Small, Unnamed Tributaries should be depicted on the State Plan Policy Map (SPPM); Historical Sites should be depicted on the SPPM; and OSG should correct the delineation of SSAs especially where sewer does not exist.

Mr. Godber believes that the following issues must be addressed for Milltown Borough: Map steep slopes on the SPPM and designate areas adjacent to Property 50 as CES.

Mr. Godber believes following changes need to be addressed by OSG for East Brunswick Township: Map steep slopes on the SPPM.

Mr. Godber believes following changes need to be addressed by OSG for New Brunswick City: Map steep slopes on the SPPM; clarify the PA-5/PA-1 designation along the Lawrence Brook-Raritan River intersection; and reexamine the PA-1 (unsewered) designation for the Rutgers Gardens on Cook Campus.

Mr. Godber believes that the following issues must be addressed for North Brunswick Township: reexamine the PA-1 (unsewered) designation for the Rutgers Gardens on Ryders Lane on Cook Campus; create a Riparian Corridor along the whole length of the Lawrence Brook and its tributaries; redesignate the North Brunswick side of Farrington Lake as PA-5 (as seen on the East Brunswick side); and redesignate the Jonkins & Skaritka farms as PA-5.

Mr. Godber believes that the following issues must be addressed for South Brunswick Township: Areas in Quad 70/79 should be changed to PA-5; areas within the Great Ditch that are home to the wood turtle should be changed to PA-5; areas near Davidson Mill Road and Route 130 should be changed to either PA-4, PA-4B or PA-5; Dean's Pond should be reexamined for environmental sensitive features; and areas south of Durham Corner's Road from Ireland Brook east to residential construction should be designated as PA-4B.

Mr. Godber believes that the following issues must be addressed for North Brunswick and South Brunswick Township: Large wetland areas around Oakley's Brook to the railroad tracks should be delineated as PA-5 and that the current CES designations do not provide adequate protection.

Mr. Godber believes that the following issues must be addressed for New Brunswick, North Brunswick and Milltown: Extend the PA-5 area from the tidal portion of the Lawrence Brook up to the non-tidal region.

**Commenter 14:** Mr. Michael Shakajran of the Lawrence Brook Watershed Partnership spoke about Mill Pond in Milltown Borough. Mr. Shakajran stated that the Milltown Governing Body desires a PA-5 designation around the pond, as it is heavily contaminated by former and existing rubber companies. Mr. Shakajran is also concerned that the Middlesex County Negotiation Worksheets states that the Borough does not desire a Historic/Cultural Site (HCS) designation when this is not the case. Mr. Shakajran believes that OSG should protect steep slopes, wetlands and riparian areas by depicting them on the SPPM. Mr. Shakarjan provided two new proposals for consideration by OSG. They are as follows: 1) Protect area between end of Finnigans Lane and Northeast Corridor Rail Line; 2) Extend PA-5 designation through entire length of Lawrence Brook.

Mr. Spinelli then asked if there was anyone else who wished to comment at this time.

#### **STATE PLANNING COMMISSION (SPC) COMMENTS**

The SPC members in attendance did not provide any comments.

#### **ADJOURN**

Mr. Spinelli adjourned the hearing at 7:00 p.m.