



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
OFFICE OF SMART GROWTH
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Governor

SUSAN BASS LEVIN
Commissioner

EILEEN SWAN
Executive Director

**New Jersey State Planning Commission
Plan Implementation Committee
Minutes of the Meeting Held November 29, 2006
Thomas Edison College, Prudence Hall
101 West State Street
Trenton, New Jersey**

CALL TO ORDER

Chair Eskilson called the meeting of the Plan Implementation Committee Meeting to order at 9:45a.m.

Committee Members Present

John Eskilson, Chair
Tom Michnewicz, Public Member
Debbie Mans, Governor's Office, Smart Growth Ombudsman
Michelle Richardson, Representative of Acting Commissioner Susan Bass Levin, Department of Community Affairs
Liz Semple, Representative of Commissioner Lisa Jackson, Department of Environmental Protection
Susan Weber, Representative of Commissioner Kris Kolluri Department of Transportation
Roberta Lang, Representative of Secretary Charles Kuperus, Department of Agriculture

Committee Members Not Present

Michele Byers, Public Member
Marilyn Lennon, Public Member

Others Present

Edward McKenna, State Planning Commission Member
Eileen Swan, Executive Director, Office of Smart Growth
Ben Spinelli, Chief Council and Policy Director, Office of Smart Growth
Barbara Palmer, Association of NJ Environmental Commissions
Paul Christie, Coalition for Affordable Housing and the Environment

Candy Ashmun, New Jersey Conservation Foundation
Chris Strum, New Jersey Future
Dave Troast, Sparta Township
Don Kirchoffer, New Jersey Conservation Foundation
Jeff Tittel, New Jersey Sierra Club
Helen Heinrich, New Jersey Farm Bureau
Eric Snyder, Sussex County Planning Director
John Weingart, Highlands Council Chair
Gary Gardener, Vernon Township Deputy Administrator
Wilma Frey, Highlands Coalition
Christine Marion, Morris County Planning Department
Others-see attached

APPROVAL OF MINUTES

Chair Eskilson asked for a motion to approve the minutes of July 22 and August 23, 2006 Plan Implementation Meetings. Roberta Lang moved the motion and Elizabeth Semple seconded. All were in favor. Michelle Richardson abstained.

CHAIR' S COMMENTS

There were no comments at this time.

EXECUTIVE DIRECTOR'S REPORT, Eileen Swan, Executive Director

There were no comments at this time.

DISCUSSION

Proposed Revisions to the Plan Endorsement Process

Ben Spinelli, Chief Council and Policy Director of the office of Smart Growth, gave a presentation of the proposed revision to the Plan Endorsement process based on the "Table of Requirements and Benefits" supplied to members and public (attached).

Following the presentation, the Committee discussed the need to be careful in writing the rules, and to be flexible with regard to the specific requirements for the action plan and Memorandum of Understanding (MOU) with municipalities. The Committee also discussed the need to have a plan to standardize documents, and to have models available to reduce duplication of efforts. The discussion then moved to the connection between county/regional plans and municipal plan endorsement, and how streamlining efforts would create "targeted" benefits that increase the visibility of projects consistent with an endorsed plan. It was then noted that access to benefits would be dependent on the municipality's progress toward Plan Endorsement. The question was raised as to what exactly those benefits are for municipalities that have a history of poor planning. In general, the benefits include links to government approvals and processes like Transfer of Development Rights (TDR), redevelopment, COAH substantive certification, etc., which would all encourage participation in Plan Endorsement. Committee members also suggested impact fees, taxing districts and a legal shield, which would require legislative support. The Committee felt that there needed to be more coordination between local boards of education and planning boards. In addition to single point of contact for Plan Endorsement, the

committee also stated the need for single point of contact with financing programs within the state. The discussion then moved to the link between existing regulations and the requirements of Plan Endorsement, including the regulatory benefits that might be associated with Plan Endorsement.

Public Comment on Plan Endorsement the Proposed Revisions to the Plan Endorsement Process

Barbara Palmer of the Association New Jersey Environmental Commissions stated that the Natural Resources Inventory (NRI) should be included in the initial assessment, along with a report on variances over the last five years. She also stated that she would like more information on the Smart Growth scorecard, the legal shield and the Environmental Justice Plan. Ms. Palmer also felt that the open space tax could not be mandated. She relayed concern that the list of requirements may be too long and hard to review, and suggested that a more user-friendly document be created for municipal officials. She ended by speaking about the tie-in with COAH substantive certification.

Paul Christie of the Coalition for Affordable Housing and the Environment stated that flexibility of requirements for Plan Endorsement was acceptable as long as there were clear standards, and streamlining does not cut out the public. Mr. Christie ended by stressing the need to get municipalities with histories of poor planning into the process.

Candy Ashmun of the New Jersey Conservation Foundation stated that the self-assessment was the most important part of Plan Endorsement, and that the Plan Endorsement guidelines should be clearer on the mechanics of the process. She felt it was particularly important to demonstrate how the Environmental Resources Inventory (ERI) relates to the Land Use Plan.

Chris Sturm of New Jersey Future began by stating that the Office of Smart Growth needed a strategy to promote growth communities to participate, and that municipalities should come into the assessment with its growth areas defined. Ms. Sturm felt that the requirements that "implement" should be put in the Plan Implementation Agreement. She then stated that a legislative strategy should be created for the benefits of Plan Endorsement, and that the Cross Acceptance process should take place every ten years.

Dave Troast of Sparta Township stated that there was a need for a predictable process and real benefits.

Don Kirchoffer of the New Jersey Conservation Foundation asked if monitoring of Plan Implementation Agreements (PIA) had occurred, to which Eileen Swan responded in the affirmative.

Jeff Tittel of the New Jersey Sierra Club stated that the State should have a strategic plan/vision for major project areas to identify sites inappropriate for certain types of development.

Helen Heinrich of the New Jersey Farm Bureau stated that the guidelines were not clear that the assessment was looking for existing documents. She further felt that the farmland requirements were vague.

Eric Snyder, Sussex County Planning Director, stated the need for a regional perspective when reviewing projects, and that the PIA should include real implementation steps. He also stated the

importance of monitoring and reviewing development approvals in making sure towns are implementing what was endorsed. Mr. Snyder ended by raising the question as to what to do with towns that have not lived up to their Plan Implementation Agreement, particularly existing designated centers.

With no further comments from the public, Chair Eskilson closed public comment on the Proposed Revisions to the Plan Endorsement Process.

Eileen Swan explained that the report would be sent to the agencies for final review before coming back to the State Planning Commission (SPC). The Committee decided that the report could go directly to the SPC, rather than coming back to the Committee.

SPC and Highlands Council Coordination

Chair John Eskilson stated that he would like to discuss centers, what it means to opt-in, and how the SPC reviews the Highlands Regional Master Plan for endorsement. Eileen Swan stated that, by regulation, centers hold until expiration and that the SPC can review Highlands information at the time of renewal through the endorsement process. Chair Eskilson then stated that he wants buy-in of all agencies on this point, to ensure centers are not regulated out of existence.

It was stated that the Preservation Area is solely within Highlands Council's jurisdiction, but that the Planning Area falls under dual jurisdiction. It was suggested that the Office of Smart Growth and the Highlands Council do outreach together to explain what it means to go through either consistency review process.

There was agreement that the SPC needed to determine how it would review regional plans before it could begin to review the Highlands Regional Master Plan. The SPC also needs to determine how it will review subsequent "sub-regional" and municipal plans. It was agreed that differences between the Highlands Regional Master Plan and the State Plan would have to be worked out through endorsement, and that the SPC would not simply "rubber stamp" the Highlands Regional Master Plan. The Committee felt the need for a legal opinion as to what the SPC endorsement of the Highlands Regional Master Plan means for the review of municipal endorsements in the Planning Area.

John Weingart, Highlands Council Chair, was given an opportunity to speak on the Council's behalf. He stated that the Highlands Council would review and vote on whether to release draft plan at the November 30th meeting. He stated that the Highlands Council would like a MOU with the SPC. He also stated that Highlands Council staff would like the opportunity to meet to discuss any petitions for Plan Endorsement in the Highlands region.

Eileen Swan clarified that the Office of Smart Growth had provided the Highlands Council staff with all the documents related to any Plan Endorsement petitions in the Highlands, and given them opportunity to discuss with staff and provide comment. She also explained that a draft MOU had also been discussed amongst the staffs, but could not get agreement from the Highlands Council staff. Ms. Swan relayed the desire for Office of Smart Growth staff to see the land use capability map layers.

Public Comment on SPC and Highlands Council Coordination

Gary Gardener of Vernon Township and Fred Sauljich, a planning consultant, expressed concern about center designation in light of the Highlands Regional Master Plan. They also stated that they were happy with the new Plan Endorsement process, and did not think it too onerous.

Wilma Frey of the Highlands Coalition questioned Chair John Eskilson's participation in the discussion, to which Chair Eskilson replied that the discussion was about Highlands coordination in general, and therefore not a conflict of interest. He further invited Ms. Frey to request an opinion of the Deputy Attorney General regarding the same. Ms. Frey further stated that there needed to be clear leadership by the State on the processes of endorsement and conformance. She also stated that the Highlands Regional Master Plan should be the plan for the Highlands region, to which Chair Eskilson explained his concern that her statement was contrary to the "voluntary" intent of the Highlands legislation.

Christine Marion of the Morris County Planning Department expressed concern about the coordination of Cross Acceptance with the Highlands regional Master Plan, and that there existed the potential for duplication of efforts.

David Troast of Sparta Township stated his concerns with the timing of the Highlands Regional Master Plan and the limited amount of public comment allowed. He felt that municipalities should not be forced to opt-in to the Highlands Regional Master Plan.

Paul Christie of the New Jersey Coalition on Affordable Housing and the Environment stated that scientific evidence should factor into the mapping done by the SPC, and that the SPC should not be wedded to dates just because of regulation and statute.

Eric Snyder of Sussex County stated that the Highlands Council should show good faith with regard to the review of the Sussex Plan and petition for Plan Endorsement, as the county and the SPC have done so in coordinating the review with the Highlands Council all along.

Helen Heinrich of the New Jersey Farm Bureau stated that the Highlands Regional Master Plan does not have the extensive public process of the State Plan, thus giving SPC decisions public validity. She also felt that the SPC needed to look at the Highlands Regional Master Plan with statewide perspective, and recognize the larger implications of the Plan. She relayed her concern that the Highlands Regional Master Plan was just an environmental plan without smart growth components.

With no further comments from the Committee or the public, the meeting was adjourned by consensus at 12:35p.m.

Respectfully Submitted,

Eileen Swan
Secretary and Executive Director

Dated: December 14, 2006

