



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

STATE PLANNING COMMISSION

OFFICE OF SMART GROWTH

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JON S. CORZINE
Governor

JOSEPH V. DORIA, JR.
Acting Commissioner

BENJAMIN SPINELLI
Executive Director & Secretary

**New Jersey State Planning Commission
Plan Implementation Committee
Minutes of the Meeting held October 24, 2007
Mary Roebing Building
Trenton, New Jersey**

CALL TO ORDER

Chair John Eskilson called the meeting of the Plan Implementation Committee to order at 9:42 a.m.

Committee Members Present

John Eskilson, Chair, Public Member

Tom Michnewicz, Public Member

Debbie Mans, Governor's Office

Nicholas Angarone, 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

Acting Commissioner Joseph V. Doria, Jr.

Marilyn Lennon, Public Member

Others Present

Courtenay Mercer, Director of Planning, Office of Smart Growth

Tracie Gelbstein, Deputy Counsel, Office of Smart Growth

Danielle Esser, Policy Advisor, Office of Smart Growth

Daniel P. Reynolds, Deputy Attorney General, Division of Law

Patrick Morrissy, Public Member

APPROVAL OF MINUTES

Chair Eskilson asked for a review and approval of the minutes. Roberta Lang motioned to approve the minutes and Susan Weber provided a second. The group voted to approve minutes from meeting held on September 26, 2007.

CHAIR' S COMMENTS

Chair Eskilson had no comments at this time.

EXECUTIVE DIRECTOR'S REPORT

Ben Spinelli provided an update regarding recent meetings with prospective petitioners to discuss plan endorsement as well as the status of petitions for plan endorsement (See attachment).

Ben Spinelli mentioned that at the last State Planning Commission (Commission), the Commission approved new rules for the Plan Endorsement process that will be sent to the *NJ Register* as well as Municipal Plan Endorsement Guidelines which are available on the Plan Endorsement page of the Office of Smart Growth (OSG) website. As guidance documents become available, they too will be posted on the OSG website.

In addition, Ben Spinelli mentioned that the Smart Growth Policy Council convened a "Smart Growth Retreat" on October 19 at Mercer County Park. The Retreat was a success and was attended by approximately 25 state agencies. The Council plans to develop a strategy document for the Governor's Office based on the discussions and recommendations of the Retreat.

PRESENTATION & DISCUSSION

City of Asbury Park Plan Endorsement Biennial Report

Presentation by Leigh Jones, Planner, Office of Smart Growth

In response to the submission of the City's Biennial Report, Leigh Jones, planner with the Office of Smart Growth, provided an update on the status of the Asbury Park Planning and Implementation Agreement (PIA) and the efforts of the City to implement the endorsed plan.

Leigh Jones summarized the memo that was provided to the Commission and the public that described the progress that Asbury Park has made implementing the PIA as well as the proposed amendments to a few of the timelines of the PIA to address the realistic timeframe for ongoing implementation and as Asbury Park has made a good faith effort to implement its PIA and has generally met the requirements and timelines therein. Leigh also mentioned that the City is working with the Department of Environmental Protection (DEP) to address issues regarding wastewater capacity and environmental justice.

Terry Reidy, City Manager, and Don Sammet, Director of Planning and Redevelopment, representing the City of Asbury Park, were present at the meeting and were invited to make a statement regarding Asbury Park plan endorsement and the implementation of the endorsed plan to-date.

Don Sammet mentioned that the City has adopted a new Master Plan and is in the process of drafting a new Main Street Redevelopment Plan. The City has invited many state agencies to participate on the Main Street Redevelopment Steering Committee and has received great interest. The City has received Smart Future Planning Grant funding for this project.

The City is working on numerous other projects, including a waterfront redevelopment plan, a walkability audit being conducted/funded by the Project for Public Spaces, and a comprehensive land development ordinance re-write. The City has completed a Stormwater Management Plan.

The New Jersey Chapter of the American Planning Association is also planning a walking tour of the City.

Terry Reidy mentioned some of the exciting initiatives happening across the City. For example, the City is starting a sustainability committee and is hoping to receive a grant from the Dodge Foundation to support this initiative. In addition, the Springwood Avenue Redevelopment Plan is going before the Planning Board in the near future. Terry Reidy acknowledged the level of public involvement in the community revitalization, including a community committee that has 20 members of the public engaged, as well as a non-profit organization called "Inter-Faith Neighbors" that has received a tax credit of \$1 million a year for 10 years to support the services that it provides.

There was discussion between the committee and the representatives of Asbury Park regarding the proposed changes to the PIA.

Committee Comments on Amendments to Asbury Park PIA

Susan Weber of the NJ Department of Transportation commended the City on its coordination and noted that NJ Transit plays an active role on the Main Street Steering Committee. Susan Weber that Asbury Park is a recipient if the senior citizen safety audit pilot committee. Parsons Brinckerhoff is preparing the study.

Patrick Morrissy appreciated the successful redevelopment efforts happening in the City, but expressed concern regarding the amount of affordable housing that will be sustained going forward as the City draws market rate units into the downtown. Specifically, Patrick Morrissy wanted some assurance that there will be a provision on the part of the City to maintain some sort of balance between the new market rate units and affordable units so as to not drive local residents from being able to continue to live in Asbury Park.

There was discussion between the Committee and representatives of Asbury Park about the prospect of rent leveling as an option to enact ordinances that prevent rent gauging and avoid displacement as the market heats up. However, state law exempts new development from rent leveling for 30 years. The City stated that they are open to discussion that suggestion and any others.

Public Comments on Amendments to Asbury Park PIA

Barbara Palmer of the New Jersey Association of Environmental Commissions (ANJEC) expressed concerns about the loss of affordable housing.

Helen Heinrich of the New Jersey Farm Bureau attended the meeting of the National Association of Landscape Architects on designing for Latinos that is working with churches to reach out to community groups and praised its efforts.

Helen asked whether eminent domain is being used as part of the City's redevelopment efforts.

The City responded that it may be used in the waterfront redevelopment plan, but that it has not been used to-date.

John Eskilson recommended that the PIA with amendments be moved to the SPC. Tom Michnewicz motioned for approval of the PIA with amendments which was seconded by Roberta Lang of the Department of Agriculture. The Committee approved the motion unanimously.

Patrick Morrissy raised some questions about the Plan Endorsement process, monitoring of endorsed plans and the Office of Smart Growth's role.

Asbury Park went on to discuss some action steps that the City has take to assure the Commission that they are implementing their plan. For example, the City is working on an affordable housing strategy and is a strong supporter of affordable housing. There is a 20% set aside for affordable housing in the City, however the City is open to new and innovative ideas.

After further discussion of the housing component of the PIA, suggestions were made to delete all mentions of the Municipal Strategic Revitalization Plan, which is no longer being completed; to change the language for some of the housing items so that it is clear that they are preparing a "Housing Element, Fair Share Plan, and Affordable Housing Strategy"; and to change the timing for the completion of the Housing Element, Fair Share Plan, and Affordable Housing Strategy to January 2008.

Again the Committee recommended that the committee move the amended PIA to the SPC for approval, with additional amendments noted above. Tom Michnewicz motioned for the Committee to move the amended to the Commission for approval, which was seconded by Roberta Lang and unanimously approved by the Committee.

Discussion of Draft MOU between the Highlands Council, the State Planning Commission and the Office of Smart Growth

*Presentation by Tracie Gelbstein, Deputy Counsel, Office of Smart Growth,
Eileen Swan, Executive Director, NJ Highlands Council and
Tom Borden, Deputy Executive Director, NJ Highlands Council*

Tracie Gelbstein and Tom Borden discussed the provisions of the Memorandum of Understanding, with particular emphasis on the coordination of the planning processes between the Office of Smart Growth, State Planning Commission and the Highlands Council and the identification of centers in the draft Regional Master Plan (RMP) (see attached memo outline of coordination).

The draft RMP will acknowledge the existence of SPC designated centers, their expiration dates, any environmental features within the centers, and any other conflicts. Conflicts will be identified and handled through the plan endorsement process.

Public Comment on Draft MOU between the Highlands Council, the State Planning Commission and the Office of Smart Growth

Eric Snyder, Sussex County Planning Director, commended the State Planning Commission and the Highlands Council on sharing information and data. Mr. Snyder commended Eileen Swan, Executive Director of the Highlands Council on her leadership and vision and encouraged the Office of Smart Growth to encourage petitioners to seek plan conformance to maximize state resources.

Wilma Frey, representing New Jersey Conservation Foundation and the New Jersey Highlands Coalition, mentioned the Attorney General's memo on the relationship of the Highlands Council's Plan to the State Plan and stated that there was differing treatment between the two areas. Wilma Frey stated that she objects to overlapping and duplication of resources. The Office of Smart Growth and the State Planning Commission should not focus on the Highlands. Ms. Frey also stated that regardless of whether or not the Highlands Plan becomes endorsed, the RMP will become effective upon adoption.

Ms. Frey also proposed language amendments to the draft MOU regarding coordination and sharing of information pertaining to Cross-acceptance and center designation through the plan endorsement process.

Tony Sarrano, Morris County Planning Department, stated that he agrees with John Eskilson that the intent of the legislation should not be changed and also agrees with Eric Snyder with regard to plan conformance.

Ben Spinelli clarified that certainly the Office of Smart Growth would encourage municipalities to pursue plan conformance due the tremendous amount of resources that the Highlands Council can provide, however, municipalities in Planning Area do have the option of Plan Endorsement or Conformance.

Barbara Palmer from the New Jersey Association of Environmental Commissions stated that the Highlands Council should not be treated as any other plan would be treated. She stated that the State Development and Redevelopment Plan was not enough to protect water resources which was part of the reason for the creation of the Highland Act. Barbara Palmer stated that the Highlands Council, much like the Meadowlands Commission and the Pinelands Commission provides tremendous resources and to its constituent resources and has done a great deal of work in creating this plan.

John Eskilson responded that the State Planning Commission cannot provide to the Highlands Council what the legislature did not.

Ben Spinelli clarified the role of the Highlands Council in the plan endorsement process, stating that the Highlands Council will be at the table at every step and that the Office of Smart Growth will give appropriate and due deference.

John Eskilson noted that he hopes that there will be significantly more benefits for plan conformance and that all the municipalities in the Highlands region will choose Plan Conformance.

Deputy Attorney General Dan Reynolds noted that the MOU is consistent with the Highlands Act and the State Planning Act.

Helen Heinrich of the New Jersey Farm Bureau, noted that it will not be an easy process for data to be incorporated into the RMP. Helen Heinrich stated that there are 23 policies for agriculture in the State Plan and that they should also be incorporated in to the RMP.

Committee Action

Hearing no more individuals interested in providing public comment, John Eskilson closed the discussion to the public and motioned to move the Draft MOU to the SPC for action.

Nicholas Angarone provided a second.

The Committee unanimously approved moving the draft MOU to the SPC.

General Committee Comment

Patrick Morrissy asked general questions about general questions about the relationship of the affordable housing issue to the State Plan and the plan endorsement process.

Ben Spinelli suggested that he review the newly approved Plan Endorsement Guidelines.

John Eskilson mentioned that the Highlands Council would like to make a presentation on the draft RMP to the State Planning Commission soon.

John Eskilson also mentioned that the municipal budget cap issue will be a concern for participants in both the plan endorsement process as well as the plan conformance process and should be addressed as

soon as possible. John Eskilson added that this issue has come up in the Cross-acceptance process as well.

Meeting adjourned at 11:35 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Benjamin L. Spinelli". The signature is written in a cursive style with a large initial "B" and "S".

Benjamin L. Spinelli
Secretary and Executive Director
Dated: 1/29/08

**State Planning Commission
Plan Implementation Committee
Executive Director's Report
October 24, 2007**

Since the last PIC meeting, we have held meetings with

- Frankford, Township, Sussex County – Oct. 2
- Wantage Township – Sussex County – Oct. 9
- Hampton Township, Sussex County – Oct. 9
- Freehold Borough, Monmouth County – Oct. 16
- Wanaque Borough, Passaic County – Oct. 16
- Keyport Borough, Monmouth County – Oct. 23

Meetings to discuss new Plan Endorsement (upcoming)

- Avalon Borough, Cape May County – Nov. 20
- Eatontown Borough, Monmouth County – Nov. 20
- Morristown, Morris County – Nov. 27
- Gloucester City, Camden County – Nov. 27
- Byram Twp, Sussex County – Dec. 4
- Mendham Borough, Sussex County – Dec. 11

Update on other Petitions Since the last PIC meeting:

- Sea Isle City (Cape May) – OSG is preparing a consistency letter on the petition where we will request additional information in order to evaluate the petition for consistency with the State Plan and will provide the petitioner with an opportunity to enter into an MOU and Action Plan.
- Logan Twp (Gloucester) – submitted information in response to OSG's request in the completeness evaluation. OSG is reviewing for completeness by Nov. 13.
- Woolwich (Gloucester) has expressed interest in entering into an Action Plan and MOU agreement to address consistency issues. OSG is currently revising the draft Action Plan and will transmit to the Township soon for authorization.
- Holland (Hunterdon) – OSG sent a letter to Holland dated Oct. 4, 2007 requesting additional information to be submitted within 90 days by Jan. 7, 2008 or to notify OSG of interest to pursue an Action Plan and MOU.
- West Amwell (Hunterdon) – OSG is preparing a letter to the Township that will identify next steps for the Township to achieve Plan Endorsement through an Action Plan agreement and MOU.
- Ocean City (Cape May) submitted a petition for plan endorsement on October 1, 2007 – OSG is reviewing for completeness by Oct. 31.