



State of New Jersey
DEPARTMENT OF STATE
NEW JERSEY STATE PLANNING COMMISSION
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Executive Director/Secretary

**New Jersey State Planning Commission
Plan Implementation Committee
Minutes of the Meeting Held on November 24, 2020
Zoom Video Conference**

CALL TO ORDER

Chairwoman Robinson called the November 24, 2020 meeting of the New Jersey Plan Implementation Committee (PIC) order at 9:33 a.m.

OPEN PUBLIC MEETINGS ACT

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

ROLL CALL

Members Present

Danielle Esser, Director of Governance, NJ Economic Development Authority
Freeholder Director Shanel Robinson, Chair, County Member
Nick Angarone, Designee for Catherine McCabe, Commissioner, Department of Environmental
Sean Thompson, Designee for Lt. Governor Sheila Oliver, Department of State
Susan Weber, Designee for Diane Gutierrez-Scaccetti, Commissioner, Department of Transportation

Others Present through Video conference

See Attachment A

PLEDGE OF ALLEGIANCE

Chairwoman Robinson asked everyone to recite the Pledge of Allegiance.

APPROVAL OF MINUTES

Chairwoman Robinson asked for a motion to approve the minutes of the October 28, 2020 meeting. Nick Angarone made the motion and it was seconded by Susan Weber. With no further discussion or questions, Chairwoman Robinson asked for a roll call vote: Yes:(4) Susan Weber, Nick Angarone, Sean Thompson, Shanel Robinson. Nays: (0). Abstains: (1) Susan Weber. The October 28, 2020 minutes were approved.

CHAIRWOMAN'S COMMENTS

Chairwoman Robinson spoke and wished everyone a happy and a healthy Thanksgiving. Today before us we have one objective to look over the proposed map amendment for Holmdel Township. Our charge is to do what we are capable to do and then being able to pass on to the SPC.

Chairwoman Robinson referred to the Executive Director for a background history on the map amendment for Holmdel.

EXECUTIVE DIRECTOR'S REPORT

Director Rendeiro spoke. The property has been identified by Township of Holmdel for an affordable housing project. As they began their project, they were under the impression that portion of the project was in the PA-1. It is a linear strip of 85ft. that borders the Hazlet border. However, the entire property site is in PA-2. This would not normally be an issue because other than CAFRA areas, you can do the same thing in PA-1 as you do in PA-2. Because the property is in a CAFRA zone (and in fact the CAFRA border is on the property line) there is a fairly significant difference in the impervious cover allowance between PA-1 and PA-2. As a result, the Petitioner has asked for map amendment.

We received the petition for the map amendment on September 8th. Lisa Avichal who is our planner for Monmouth County and Matt Blake worked on the analysis.

One thing to know, is we are still in the public comment period which does not end until December 22th. If the discussion is extended into the December PIC meeting, either through public comment or otherwise, that delay will not delay the presentation to the SPC which is scheduled for January 6, 2021. The SPC cannot hear the matter until after the public comment period ends.

At that meeting, just for the record, the Vice-Chair, Ed McKenna needs to recuse himself from the Holmdel discussion and the vote.

So far we have received six public comments, understanding that the public comment period is still open. If we receive any additional comments, they will be forwarded to the members, posted on the website and they will be send to all interested parties.

We received one extensive comment from Hazlet and they are going to speak in turn on presenting their position of the proposal.

We received a letter from the Township of Holmdel attesting that they have no objections to the office's recommendation.

We received three letters of support from The Latino Coalition of New Jersey, The Latino Action Network and from Solutions To End Poverty Soon (STEPS).

We did get one comment against the project and I am compelled to respond to it. There were numerous comments regarding things outside of the purview of the SPC that I will not address. But the part that is relevant to us, states that she does not believe the zoning changes recommended are acceptable because of the massive loss of population and that there is plenty of land in Newark and Paterson and such cities for affordable housing.

Despite the perception that there is a massive loss of population in New Jersey, there is also a massive need for safe, decent and affordable housing among New Jersey residents. One in ten live below the poverty line. New Jersey is the 6th most expensive state for renters and 40% of our population is considered working poor, 20% spend more than 50% of their income in housing and in order to afford a small two bedroom apartment a resident must earn over \$28 an hour. This population is productive, working and deserves to have safe affordable housing.

It has long been a policy of the State Development and Redevelopment Plan to provide equitable affordable housing and services to all residents regardless of their income level. The type of housing that we are providing in these projects is safe, well maintained and provides the opportunity for teachers, firefighters, police and health care workers that are starting out in their careers. The housing is for our children or our grandchildren just graduating from college and starting their lives, it is for our seniors, our parents and our grandparents to live near their families in communities where they made their lives. All of these populations are assets to our communities and these opportunities should be provided equally. So while we respect your opinion which will be placed on the record, it is not in line with the goals of the State Planning Commission.

NEW BUSINESS

Proposed Map Amendment for Holmdel Township

Director Rendeiro referred the presentation to Matt Blake.

Matt Blake Spoke. The proposed amendment is requested to support a municipally sponsored, 50-unit 100% affordable housing family rental project, which received a preliminary major site plan approval from the Township Planning Board on August 18, 2020, pursuant to Ordinance 2020-06 - Township's 2019 Housing Element, Fair Share Plan, and Settlement Agreement with the Fair Share Housing Center (FSHC).

The property is currently vacant and would benefit from redevelopment. While wetlands are present, the approved site plan adheres to State regulatory setbacks. The proposed use and associated density conforms with the underlying zoning and mix of housing types already well-established in the general area.

The property is located along Holmdel's municipal border with the Township of Hazlet, the boundary of which aligns with the northern extent of the Suburban Planning Area (PA-2) within Holmdel. Approximately 900 linear feet of the property's frontage are immediately adjacent with the Metropolitan Planning Area (PA-1) that is located directly across Holmdel's shared municipal boundary with Hazlet. The CAFRA zone overlays a very small portion of Holmdel, in the northeast corner of the Township, and extends southward to where its jurisdictional boundary abuts the subject property's southern boundary with Middle Road.

The project was predicated on the Petitioner and Township's understanding that a 1.5-acre portion of the vacant 3.87-acre property, was located within the Metropolitan Planning Area (PA-1) as part of a split designation with Suburban Planning Area (PA-2). In subsequent correspondence with OPA, the Petitioner and Township were advised that the property is wholly within PA-2, as reflected in the State Plan Policy Map.

The Petitioner's report addressed existing land use as it relates to the property and surrounding area of Holmdel, which it broadly described as extending north of the Garden State Parkway (GSP), and generally coterminous with the sewer service area boundaries of the Bayshore Regional Utility Authority, where both public sewer and water are uniformly available. The Report accurately characterizes the many commonalities between the described area and that of the adjacent Metropolitan Planning Area (PA-1) to the north and east of the subject property in terms of land use patterns, intensity, and environmental features.

In review of that portion of Holmdel north of the GSP and inclusive of the property, the Petitioner's Report accurately notes the many land use changes that have taken place since the State Plan Policy Map was adopted. Over this period, the described area has undergone increased development and land use changes at greater intensities - particularly with respect to the expansion of new housing, including numerous large-scale townhouse developments, as well big box retail strips along Route 35.

Given the existing development patterns and zoning matrix underpinning the area as outlined in the table OPA provided, it is apparent that Holmdel has consciously targeted a denser mix of growth in the northernmost portion of the Township, particularly north of the NJ TRANSIT Railroad, and in association with the Route 35 commercial corridor which bisects the surrounding Metropolitan Planning Area (PA-1) encompassing both Hazlet and Middletown Township's.

Steven Karp presented a map to the commission.

Matt Blake continued. As for the Petition's consistency with the Metropolitan Planning Area (PA1), while inclusion of the property and proposed use are compatible with the criteria and intent of PA-1, the Office does not believe a parcel-specific approach adequately advances the goal of comprehensive planning and sound public policy as envisioned in the State Plan and set forth for PA-1. In fact, the State Plan notes that Planning Areas are meant to identify "geographic areas that are suitable for the common application of policy." In other words, State Planning Areas have common characteristics, goals and implementation strategies to provide appropriate policy guidance for each area.

As such, the merits of this Petition rested on determining whether a larger geographic area was appropriate for a State Plan Policy Map redesignation. For the above-stated reasons, the Office

believes a map amendment is warranted, but only the condition that a minimum, it include the area north of the Railroad encompassing approximately one square mile.

While the Office, as part of its analysis, also examined land use patterns and zoning in the sewered areas south of the Railroad, particularly those zoning districts traversed by and within the vicinity of the GSP, this area appears less suitable for inclusion into PA-1 in comparison to the described area north. The main reason is that majority of the area resides within the Township's Residential & Agricultural Zone (R-40 A&B), where the permitted and dominant land pattern is single family subdivisions, largely on .98-acre lots (43,000 s. f.), not multi-family townhomes. Part of it is within PA-2 (Suburban), with a smaller portion in PA-5 (Environmentally Sensitive).

Based on local land use and zoning, the described residential area does NOT appear to be a location where the Township is seeking to accommodate "much of the State's future redevelopment or to revitalize urban cities and towns, and more compact patterns of development" as the State Plan indicates for a PA-1. Whereas the opposite can be said for the area north of the Railroad as outlined.

The entire described area appears to meet the threshold PA-1 criteria with respect to minimum population density and the availability of public utilities. However, the presence of utilities and population density are not the only factors the Office considers. OPA's approach and intent, wasn't to justify establishing the largest PA-1 as possible, or to redesign State Planning Areas across the entire town.

That process is for Plan Endorsement. OPA's task was limited to determining possible boundaries for an expanded PA-1 in the vicinity of the subject property and this Petition. And that based on OPA's analysis, was justifiable and warranted. Clearly, the land use patterns and zoning in place north of the Railroad is the most indistinguishable from the surrounding PA-1.

As part of its review, OPA also consulted with NJDEP, which requested SPC approval be conditioned upon Holmdel Township agreeing to enact an overlay ordinance to further protect a stream segment and associated wetlands and habitat within the proposed (PA-1) that is subject to an existing Critical Environmental Site (CES). NJDEP further recommended removing portions of the CES that are now developed. OPA supports these recommendations.

In summary, the OPA recommends SPC approve the petition with the following changes as reflected in the "Proposed State Plan Mapping" provided by our Office:

- Amend the State Plan Policy Map to redesignate the entire area (proposed area) from the Railroad north to Holmdel's municipal boundary with Hazlet and Middletown Townships, from Suburban Planning Area (PA-2) to Metropolitan Planning Area (PA-1).
- Amend the State Plan Policy Map to realign the boundaries of the existing (CES).
- Condition SPC approval on the Township agreeing to enact an overlay ordinance that recognizes and protects that portion of the CES proposed to remain in place that encompasses the less developed stream segment, associated wetlands and habitat

OPA believes these changes will not only strengthen the merits of the petition, but also advance a more comprehensive planning and public policy approach that supports the State Plan's goals and policies.

Director Rendeiro said that while the Petition requested a map amendment for a single block and lot, it is not the practice of the Office to designate single lot planning area changes. It is neither good planning practice, nor consistent with the intent of the State Plan and by encompassing the entire recommended area. By incorporating the entire recommended area, consistency with the State Plan to designate the recommended area as a Planning Area 1. from Hazlet to Holmdel and Middletown.

The Director commented that Jim Gorman will speak on behalf of Hazlet.

PUBLIC COMMENTS

Michael Gross, from the Walter's group, thanked the commission and OPA for all the help and hoped to take the action to the SPC for consideration at the meeting in January. Mr. Gross commented that John Delduca, principal from the Walter's organization, was available to answer any questions.

Mr. Gross spoke. This particular application is partnered with HMFA for tax credits. It's important to obtain due to the competition among affordable housing developers. We support the staff recommendation for this expanded PA-1 area and urged the PIC to look through the smoke that Hazlet has provided. We don't think that the issue of clean hands is relevant to this consideration of whether the area should be changed from PA-2 to PA-1. Hazlet indicates that this is not affordable housing, but as we know at the Walter's organization, it's always about affordable housing and the objections to it.

On the merits it is interesting to note that Hazlet, in effect, conceits the legitimacy of the change from PA-2 to PA-1. They just want the area to be further expanded. After the OPA staff has explained why the area should not be expanded, I assumed that Holmdel is also waiting on resolving this issue.

I urge the members of the PIC to support the staff recommendation and to vote affirmatively today so that we can move forward with the tax credit application to the HMFA. Thank you.

Andrew Bayer, special counsel to Holmdel Township spoke. We have with us Paul Phillips who is the Township Planner for questions.

Holmdel Township's goal has always been to address our constitutional obligation through the Mt. Laurel process to provide for their fair share of affordable housing. Holmdel Township. has two certifications on Affordable Housing from 1997 to 1999 and it's been before the Court for the 1999 to 2025 period. What we call the Middle Road site, which is the property in question, has been part of the Township's strategy for affordable housing since 2008 under different developers over the years. We were actually before COAH in 2008 when we were seeking certification at that time and this project was part of COAH mediation.

I can represent everyone present that, in terms of the project with 50 units, was never in question. In terms of the Township's obligation, and because of the mapping issue which Donna had pointed out earlier, the Township's 3rd round affordable housing plan is in jeopardy. The obligation is 297 units and

this site which is 50 rental units will provide the Township with 100 affordable housing credits toward its overall obligation.

The court order approving the settlement agreement between the township and Fair Share Housing Center required the township to obtain site control of this property in question. After negotiations with the owner we were not able to reach an agreement on the price and the township exercised its power of Eminent Domain to obtain site control in conformance with the court order, the Township's appraisal of the property was \$1.5 million dollars which we had deposit into court and we are now in Eminent Domain proceeding involving value of the property with the property owner.

In addition as noted, we entered in to a developer's agreement with the Walter's group to develop this site on behalf of the Township and given the Walter's group experience in developing projects state wide, the Township Committee was confident that they could get this project done for the Township. As Mr. Gross noted, this is a tax credit project and to make the tax credits score competitively, it agreed to provide a soft loan to the Walter's group in the amount of \$1 million to further the development's financial feasibility.

The Township has committed approximately \$2.5 million to the development of this 50 unit affordable housing site and the recommendation to change this property in the area in question to PA-1.

Paul Phillips, Holmdel Township Planner, spoke. The Township supports this proposed amendment largely based on the planning rational that has been articulated by staff this morning. In particular, the area which is the subject of the map amendment, has similar characteristics to PA-1 lands in both Hazlet and Middletown in that the subject area is largely developed. In fact, it is the most developed portion of Holmdel with access to sewer water and infrastructure so the map amendment will be consistent with the Plan, goals and criteria associated with PA-1 designation.

James Gorman, attorney from Hazlet Township, spoke. When Holmdel and the Walter's group says that they acted in good faith pursuing an approval from DEP, perhaps DEP made a mistake. Long before they adopted the ordinance and the site plan, they knew that this site was PA-2. Ms. Rendeiro, kindly during the middle of the pandemic, and Mr. Brown at DEP sent me emails and I sent them to them in May; that did not stop them. They kept on going forward and they ignored reality until Mr. Phillips recognized reality now. This is all PA-2.

Holmdel does not object to affordable housing on this site, it just has to conform to the current regulations. We estimate that they can fit approximately 33 to 34 affordable units on this site as a PA-2 within the CAFRA 30% limitation. They did it for 50; they did not care about reality. They did not care about the emails from Ms. Rendeiro or Mr. Brown. They adopted the ordinance in July and had the emails from May.

Let me be clear, this can be an affordable housing site with 33 to 34 units and that it is not a problem for Hazlet. With 50 units and because they went ahead under the fiction that it was PA-1 and PA-2, they jammed it all up against the Hazlet border because that's where the alleged PA-1 was so they pushed all of their site improvements up there. We can pull up maps.

And by the way, right now they have an approved preliminary site plan to do just that. And that won't change if you change this to PA-1 for the entire Northern Holmdel area or just for their site. Their approved site plan can be built.

How is that fair, they ignored reality, we pointed that out to them, but they continued to ignore and then they come to ask you at the PIC and later to the SPC to bail them out with a site plan that is deficient with a 5 foot differential set back from the Hazlet border to this property.

Holmdel really wants to pretend to care about affordable housing. I sent over a YouTube link to the planning board meeting in Holmdel where Mr. Bayer and Jennifer Beahm attended before the planning board where they were considering what sites to put in their affordable housing plan.

Mr. Gorman started the YouTube video, unfortunately due to difficulty with the sound, Director Rendeiro asked for the link's information and offered to forward it over to the members of the PIC.

Mr. Gorman commented that Jennifer Beahm, Planner for Holmdel, said that there is a ton of land to develop in the southern part of Holmdel. They don't want sewer in the southern portion of the town.

Chairwoman Robinson suggested to forward the link to the members of the PIC to review it and discuss it in the next meeting in November.

Director Rendeiro agreed and suggested that they will recommend to the members to not make any decisions today, to continue the discussion in the December PIC and make a decision at that point.

Mr. Gorman agreed and offered to send a portion of the transcript.

Mr. Gorman showed a map of exit 114 at the Middletown Holmdel border, where the Potter Farm is, and said that Holmdel doesn't want a development there; it's in the sewer service area for someone to apply to Holmdel to put an affordable housing project. This is not the look they want for Holmdel. That is why Hazlet is suggesting that the area north part of the parkway be included as PA-1.

Mr. Gorman said that if you go along the parkway with the Art Center in a sensitive PA-5 with 17,500 seat amphitheater, Bay Shore Regional Hospital. All this area north of the parkway should probably be PA-1 including the Potter Farm. What I realized is that you are not the zoning board, what you are doing is creating either an easier pathway to develop or making it more restricted. It's harder to get the necessary state permits in order to develop sites.

Director Rendeiro suggested to give Holmdel the opportunity to respond. In the interim, they will review Hazlet's proposal and will have a response in the December meeting.

Danielle Esser spoke. As a member of the SPC there is a State Plan that looks at local ordinances but in terms of the location site of the development that has to do with local zoning. The SPC evaluates on a higher policy level based on the conditions on ground in terms of the intensity of development.

Chairwoman Robinson asked Mr. Gorman when the transcript would be available. Mr. Gorman said by Monday or Tuesday.

Steven Karp spoke. PA-5 was map based on a category 1 stream corridor.

Michael Gross commented that the award of the tax credit is scheduled for December 10th. We feel we need a positive recommendation by the PIC to the SPC in order to get the tax credit approved.

Let me propose an alternative procedure in terms of the staff recommendation to change from PA-2 to PA-1 north of the railroad tracks. Hazlet has requested that the area be expanded to the Garden State Parkway. What I would request, because we don't want to jeopardize the tax credits, is for the PIC to vote for the recommendation today and then consider the extension of the Garden State Parkway in the December meeting.

Director Rendeiro commented that it is a consideration to leave to the members and to understand that the recommendation does not hold any legal standing until the SPC votes.

Mr. Gross said that he understands completely and that the recommendation from the PIC will be considered in the award of the tax credits. If that was not to be the case, I would not be urging you to vote today on the staff recommendation. We fully recognized that the SPC can disagree, but HMFA is looking for that recommendation from the PIC.

Director Rendeiro commented that the public comment period is not over and that could change the recommendation.

Director Rendeiro asked if any member of the public who would like to speak.

Frank Argote-Freyre spoke. I am testifying on behalf of three civil rights organizations, The Latino Coalition of New Jersey, The Latino Action Network and The Latino Action Network Foundation. I am not here to voice an opinion on CAFRA regulations or the previous coverage. There are many folks better qualified to do that. I'm here today to address the critical shortage of affordable housing across New Jersey. For years we have worked through the courts and legislature to ensure that diverse families both economically diverse and racially and ethnically diverse can live where ever they want in this great state and our philosophy is simple – the person cutting the grass should have the opportunity to live in a community as the person who's lawn is being mowed. So toward that end we favor the designation of this property as PA-1 so there can be greater housing on the site.

Holmdel is an extremely high income community with very little diversity and it's essential that affordable housing be provided there as soon as possible. Holmdel has an excellent school system and we would like for families of less financial means to have access to those types of educational opportunities.

I may add that there is a very little affordable housing in Holmdel or Monmouth County for that matter and so that makes this particularly important for us. This site has been designated for affordable housing for many years. We submitted a letter to the SPC which was referenced earlier on September 26th, 2020 explaining our thoughts on this development and its importance for affordable housing.

Kyra Price, Vice-President of Solutions To End Poverty Soon (STEPS) and assistant secretary for the State Conference in NAACP spoke. I'm in total support for the Walter's Group project in the Township of Holmdel. My staff is confident that the Walter's Group will successfully deliver the affordable housing that is needed it for the residents of New Jersey. Thank you.

James Williams, Director of Racial Justice Policy for Fair Share Housing spoke. This is a text book example of a Mt. Laurel situation. The generational change that can come from these affordable units

being build there is what inclusion, integration and diversity looks like here in the State. We know that Holmdel is working hard to make sure that this community is reflective of the entire New Jersey and not just in one particular population. We know schools, education, health care. All these things add generational change. They add work, they create a common growth that we are looking for. We support and hope that this moves forward. Thank you.

Michael McNeil, Executive Director to Solutions To End Poverty Soon (STEPS), Chairman of the State Conference in NAACP and part of the board for Fair Share Housing, spoke. I also agree with all the comments and things that were said. One of the important things I want to say is that I have the opportunity for over 35 years to work on the affordable housing and I have been by Holmdel and everywhere else. You have to remember that we never recovered from Superstorm Sandy, and affordable housing is something very important to us and what better group could you have than Walter's Group doing this project. I had the liberty of meeting them, working with them and being on some of their projects that they opened up for the first time. What beautiful work! It's not just about the affordable housing or building houses, they have concerns about people. I had the opportunity to meet Jack and his father who does a lot of work within communities. I want to say that, all in good faith, this town has a very good organization and we support Walter's Group going forward to build this affordable housing project. I and the organization that I represent support it one hundred percent.

Director Rendeiro commented that she believed that all agreed for this recommended area should become PA-1 with the understanding and her personal commitment to take Mr. Gorman's comments very seriously and with whatever is within the purview and within the authority of the SPC will be certainly considered. Her recommendation is to come back in December to see whether it makes sense to expand the area based on comments received and analysis with DEP.

Chairwoman Robinson thanked everyone for their comments. Agreed with the Director's recommendations, and asked the members to listen to the YouTube video along with the transcripts provided by Mr. Gorman. Also, to understand that the PIC can only rule on what the PIC has control over and to keep in mind that the Mt. Laurel issue and affordable housing is a right for everyone to have safe and affordable housing and this should be the reflection of the State of New Jersey.

Danielle Esser spoke. Given on how competitive tax credits are and given the value of the educational system of the Township of Holmdel and the fact that the Town is approving a high number of affordable units, I think that compels the SPC to support this change. The affordable housing is a State policy priority and the fact that the municipality wants to accommodate more units for children and families who can benefit from those amenities. I support to move it forward, I agree there is always an opportunity to look at things in steps.

The area is sewered which will score high and because of the schools and is already in a smart growth area, this is just going to increase the number of units. If you are answering a policy question, my question is, is it no longer competitive if you can only get only 33 units versus 50? The conditions on the ground support PA-1, there is no reason to deny that. If you are going to bring it back and if you want to bring the case effectively I suggest showing what the recommended density are for PA-1 and what the recommended are for this area.

Director Rendeiro commented that SPC or PIC don't approve the project or have any say on what the project is that the Commission's purpose is to look at the planning area.

John Delduca spoke. The 33 number is not correct. You cannot get 33 units because you get below a certain number in terms of affordable housing and tax credits because of the cost of your overall transaction, it's no longer feasible to build. Even if you could get 33, it's an infeasible project, the project will become invisible, 50 units is actually on the small side.

Nick Angarone spoke – About the tax credits, what are the implications if the PIC and the SPC don't hear about it for several weeks?

Director Rendeiro spoke. If the PIC moves at least this portion to the SPC before the December date, the HMFA will consider that as a positive move and take that into account in their award even if there is no legal authority for the PIC decision and even though the public comment period has not ended. The HMFA has agreed that if the PIC moves it forward, it will consider that a positive move and will and that will assist in the scoring of the project.

Michael Gross spoke – It is important for a timely prospective that if we want affordable housing built in a timely manner that we get awarded in this round.

Director Rendeiro spoke – I believe the recommendation in front of us would be to recommend that at least at a minimum that the staff recommendation move forward to the SPC be approved with the understanding that there is a commitment to look at the expansion proposed by Mr. Gorman and address that at the next meeting. We could either make a recommendation to expand the area or not with appropriate justification at the December meeting.

But I believe even Mr. Gorman agrees that the minimum amount up to the railroad tracks be approved and then we'll do it in two phases, approve up to the railroad today and look at whether or not to expand the area within the next month. Is that a correct statement?

James Gorman spoke – Not really because you are doing it piecemeal and don't think that is the function. It should be done at its entirety, should the site be a PA-1? Probably. All north of the Parkway should be PA-1? We think so.

Your staff reported back and said everything north from the railroad, you can even make an argument that they can even go to the other side of the Parkway. I sympathize with the Walter's Group that they got themselves in the position where their funding may be at risk. They have ignored the reality for almost six months at this point time they created their own hardship. I don't think this is fair.

Director Rendeiro spoke – Mr. Gorman, whether you are right or not is not a subject that we want to debate here today. Understand that the equal goal of State Planning is to provide affordable housing and this action covers that by doing it in this manner.

We all agree that the procedure is not in front of this Committee. What is in front of the Committee right now is to determine whether or not the area should be PA-1. We, the Office, believe that it should be at a minimum from the railroad tracks, north. We have committed to look into the rest of it, whether it is done piecemeal or not, it is going to get the same review. We have to balance that by looking at the entire town. If we are going to do it to that extent, it should go to Plan Endorsement; whether the Township wants to do that or not, that's their call, it's not our call.

James Gorman spoke. What jurisdiction is before the SPC or the PIC? Is it a petition by one property owner? Is it an action by the SPC to look at it at its own initiative? Or is it Plan Endorsement?

Director Rendeiro spoke. There are three ways to do a map amendment. The first is that the SPC can initiate only in the circumstances where there is information that they didn't know at the time of the initial assessment. That is not the case here. The second way is through the municipality through plan endorsement. There is no indicator by the Township of Holmdel that they want to go through Plan Endorsement. This is one of the reasons we cannot look at the town in total. The third one is to have a third party request the map amendment. Which is the case here.

The Walter's Group has a petition for the single blocking lot which is not compatible with the State Plan. That is why we expanded the area.

I continue to say that the proposition that is up to the members is do we approve the existing proposal from staff with the commitment to look at is further recommended by you through to the Garden State Parkway. We will look at it, will respond, but as an equal goal to the State Plan in addition to integrated planning an equal goal is affordable housing. I don't think is in the best interest of the SPC or the state to hold up the project giving that we all agree that at least should it be from the railroad track forward.

James Gorman spoke. I just want to clarify that under that third process where a third party request map amendment, that then the SPC and the PIC has the authority to go beyond that one property. Is that what you are saying?

Director Rendeiro spoke. What we are saying is that I have to make a recommendation to the PIC and the SPC that the proposed map amendment is consistent with the State Plan and meets the goals of the State Plan. Whatever changes need to be made as a result of that recommendation, that's where we can make the changes. As an example, the original petition was for one block and lot. We could not approve that because is not consistent with the State Plan.

In the rule says I have to make a determination as whether or not the petition is consistent with State Plan. Because the one single block and lot is not consistent, we looked at the planning areas, surrounding areas, and on-the-ground circumstances and made a determination based on the facts and the existing land use and their current zoning as it is today and made the determination that we made today.

Andrew Bayer, Special Counsel for Holmdel Township, spoke. What happened to Hazlet today is a fundamental misunderstanding of the Mt. Laurel law. I realized that is not the planning issue we are discussing now. As Donna had indicated, we can supply additional material to the Commission in response to what is been submitted including these videos and we will do that.

We support the request Donna has made to do it in phases so that the Walter's Group tax credit application is consider by HMFA. Thank you.

Nick Angarone spoke – Want to clarify. Donna, regarding the commitment to look at the planning area changes beyond the railroad tracks to the parkway. Is it a question whether we can and should do that? Or whether we are going to actually evaluate the planning area change?

Director Rendeiro spoke - We will evaluate the proposed planning area change based on review from the land used perspective with DEP's input and make a recommendation that is within the scope of the State Planning Commission regarding whether or not that planning area should be recommended to be expanded to include the area proposed by the Township of Hazlet.

Nick Angarone spoke – I have a concern with looking at areas outside of the Plan Endorsement process. If there is any question for me of the area north of the tracks, I would make the same statement because while I agree that the underlying land use is consistent with the PA-1, looking at planning area changes of the scale would amount to a five acre development proposal. It makes me somehow uncomfortable. So going beyond that, looking to a full third of the Township. I am even more uncomfortable.

Director Rendeiro spoke – And that will be one of the considerations. There is no commitment here to make the recommendation, the commitment here is to look at it and if there is a reasonable reason for us not to do that, then that certainly will be something that we need to consider.

When we come back in December, we could either make the recommendation that says we support the expansion or we don't. All is going to be based on conversations we will have as we do the analysis and absolutely we will include you. You are right, if are going to do a larger area of the town it does require Plan Endorsement and that may be the reason we may not be able to look at it. The only commitment here is that we look at it and see if make sense to make the recommendation to expand the area.

Danielle Esser spoke. This Committee and the SPC had another map amendment within the year or two and historically so perhaps it will be helpful for the staff to provide the PIC with some context surrounding what the map amendment had been. That can provide some context and comfort knowing on what has been asked.

Sean Thompson asked to restate the recommendation for the motion.

Director Rendeiro spoke. The recommendation will be to approve the forwarding of the staff recommendation to the SPC that ends at the railroad tracks with the commitment that we will review a recommendation regarding whether or not we are able to, within the scope of the SPC's authority, make the proposal to expand the PA-1 to include the area through to the Garden State Parkway.

Chairwoman Robinson asked for a motion to move forward with the recommended conditions to the State Planning Commission. Danielle Esser made the motion and was seconded by Sean Thompson. With no further discussion or questions, Chairwoman Robinson asked for a roll call vote: Yes:(4) Danielle Esser, Susan Weber, Nick Angarone, Sean Thompson, Shanel Robinson. Nays: (0). Abstains: (0).

ADJOURNMENT

With no further comments from the Commission or the public, Chairwoman Robinson asked for a motion to adjourn. The motion was made by Danielle Esser and seconded by Nick Angarone . All were in favor. The meeting was adjourned at 11:11 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donna Rendeiro". The signature is written in a cursive style with a large initial 'D'.

Donna Rendeiro, Secretary
State Planning Commission

Dated: March 17, 2021

ATTACHMENT A

NEW JERSEY STATE PLANNING COMMISSION ATTENDEES

DATE: NOVEMBER 24, 2020 TIME: 9:30 AM

Walter Lane – New Jersey Association of Counties
Jonathan Sternesky – NJHMFA
Dave DuMont – NJDEP
Matt Baumgardner – NJDEP
Margaret Cavanagh – NJDEP
Ruth Foster - NJDEP
James Gorman – Gorman Law
Jelena Lasko - NJDOT
John Delduca – Walter’s Group
Michael Gross – Walter’s Group
McKinely Mertz
Paul Phillips – Holmdel, Twp. Planner
Cherron Rountree – Holmdel Twp. Admininstrator
Andrew Bayer – Special Counsel, Holmdel Twp.
Kyra Price – Vie-President, Solutions To End Poverty Soon (STEPS)
James Williams – Fair Share Housing Center
Mike McNeil -
D. Dimmee
Ashlyn Spector
Isabel Rodriguez Denis
Francis Argote-Freire