



State of New Jersey
DEPARTMENT OF STATE
NEW JERSEY STATE PLANNING COMMISSION
P.O. Box 820
TRENTON, NEW JERSEY 08625-0820

PHILIP D. MURPHY
Governor

THOMAS K. WRIGHT
Chairman

SHEILA Y. OLIVER
LT. GOVERNOR

DONNA A. RENDEIRO
Executive Director/Secretary

**New Jersey State Planning Commission
Plan Implementation Committee
Minutes of the Meeting Held on December 16, 2020
Zoom Video Conference**

CALL TO ORDER

Danielle Esser called the December 16, 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
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

Danielle Esser asked everyone to recite the Pledge of Allegiance.

CHAIRWOMAN'S COMMENTS

Danielle Esser wished everyone happy and healthy holidays.

EXECUTIVE DIRECTOR'S REPORT

Director Rendeiro wished everyone happy and healthy holiday.

NEW BUSINESS

Further discussion on the Township of Holmdel Map Amendment

Director Rendeiro spoke. As we all recall, in the month of September we received a petition for a map amendment from the Walters Group for an affordable housing project in the Township of Holmdel. The original petition requested one block and lot be change to a PA-1 from the current PA-2 because the impervious cover requirements is in a PA-2 in a CAFRA zone was problematic for the project

We took a look at the petition and made the recommendation to expand the area because one block and lot map amendment is not consistent with the Sate Plan. The recommendation came as a result of an analysis that looked at the area in question and a number of options available. The recommendation ultimately made to the Plan Implementation Committee was to expand the area to include the complete area of north of the railroad tracks.

As you can recall from the map, the areas to both sides of the recommended expanded area are PA-1 with the existing land used that is consistent with a PA-1. There is some critical environmental areas that we felt were important to protect. We worked with DEP and we made the recommendation under the condition that the Township of Holmdel will enact an ordinance to protect the Critical Environmental Site (CES) with an overlay zone that will prevent further development there. In addition, there was some previously identified CESs that had been built upon so we made some adjustments and removed items that did not belong in the CES.

We received three or four public comments in support of the map amendment and two that were not in support of the map amendment. One that felt that affordable housing should go to places like Newark and Paterson which is not what we feel is appropriate. The affordable housing belongs in every town and from a policy prospective, we do not feel that it is supported by the goals of the State Plan.

We received a fairly substantial comment from the Township of Hazlet, who had a number of concerns with some validity in terms of policy and equity. They went further to request that we take a look at the area that is south of the railroad tracks up to the Garden State Parkway that comprises both PA-2 and PA-5 areas. We had agreed at that meeting that we would look further at that area but that we would ask the committee to approve the original recommendation because of the time sensitivity of obtaining the affordable housing tax credit.

The committee did approve the original recommendation with the promise that the office would go back and take a look at the remaining recommendation from the Township of Hazlet.

On the record you will see the staff report that talks about the specific zoning reasons why the current recommendation that we are making does not support the expanded map amendment for the following reasons:

- A number of the discussion items were related to zoning and where the affordable housing, in Hazlet's opinion, should go in the Township of Holmdel. That is out of the purview of the State Planning Commission. We are not authorized to tell a municipality where they should put their affordable housing project unless they go through the Plan Endorsement process. As of right now the Township of Holmdel has not indicated that they are interested in going through the process of Plan Endorsement.
- The second reason is that it's not within the scope with the analysis of the map amendment. The expanded area in question is somewhere between a ¼ quarter and a third the size of the entire town. We do not believe that we should be looking at a map amendment of that size without doing comprehensive planning throughout the entire town.

Plan Endorsement is a voluntary process and unless the Township of Holmdel wishes to go through that process, we do not have the authority or it is not within the scope of the map amendment because of the large area.

In addition, probably half of the recommended expansion is in the PA-2. That's an area that the State Planning Commission and the State Plan identifies as an area of growth. Having that change to PA-1 would make no difference regarding whether or not development is available there. The only reason it was necessary for the original Petition is because the area in question is in the CAFRA zone. The area that is recommended for expansion is not within the CAFRA zone and PA -2 gives the same growth opportunity as PA-1.

The remaining half of the recommended expanded area is in PA-5. There are some environmental constraints that will prevent us from making that planning area change. Details are provided on the staff memo as part of the materials and can be accessed through our website.

With those items in mind, it's still the staff recommendation to maintain the recommendation that we had made in November and not to expand the map amendment to include the areas between the railroad tracks and the Garden State Parkway.

Director Rendeiro asked for comments from the members of the commission.

Danielle Esser spoke. What the PIC is being asked to consider is for the map amendment to be put forward by the Township of Holmdel to expand the PA-2 into a PA-1. Part of that is to accommodate the affordable housing development that has been proposed.

PUBLIC COMMENTS

Andrew Bayer, special counsel to Holmdel Township, spoke. As you recognized, we submitted Mr. Phillips report and we concurred with the recommendations from your staff on behalf of the Township of Holmdel. The other fact is for the committee to be aware of is that NJ HMFA did award this project with the tax credits since we last met.

James Gorman, attorney from Hazlet Township, spoke. I understand that Holmdel put themselves in this box, the committee should understand that as well. Your regulations are clear, the official map is clear. It's clear that this particular property was in PA-2 not in PA-1. Hazlet has no objection for this site to be developed for affordable housing, but going back past a year ago Holmdel understood that this area was all a PA-2.

I think fostering that type of behavior is wrong and I think that Hazlet has borne the brunt of Holmdel's discriminatory attitude toward affordable housing for years. They shoveled all affordable housing in one corner of the town, trying to get approval from the PIC and the SPC to allow that area in Holmdel to be further expanded.

The PIC has the authority when a request is made for a proposed map amendment for a particular lot and you think it is in your jurisdiction to say let's make that change to the northern portion of the town above the railroad track? That's what you have done.

Director Rendeiro responded. Yes. There are a number of factors that go into what we can consider. By adding the expanded areas in your recommendation, it expands the areas to a very large portion of the town. We made a professional opinion and the recommendation that it's too large of an area without doing an entire plan endorsement process. That is the recommendation from the professional planners standpoint in our office.

Mr. Gorman asked a question in response to a plan amendment, the one thing that is in the table is a four acre plan amendment. The answer to that should be no. You have decided internally to create a much larger plan amendment for roughly 25% of Holmdel Township and your response back to Hazlet when we are saying don't look at 25%, make it 50%. Your response back is that is too much.

Where is that line? How is that decision made of what's okay and what's too much?

Director Rendeiro responded. The underlining use in our opinion and the underlying facts that are on the ground do not, in our opinion, support a planning PA-1. The PA-2 that is half of the extension allows for the same type of growth as you would see in the PA-1. The additional piece, which is PA-5 has environmental features on it that we would not consider allowing for growth. That's one of the factors we look at. The PA-2 that you are recommending going to a PA-1 allows the same type of growth as the PA-1. The underlying land use conditions that are on that expanded site do not land itself on PA-1.

Paul Phillips, Holmdel Township planner, spoke. Clearly Holmdel does not support further expansion of PA-1 beyond that which it's been recommended by OPA and the rationale for that was set forth in detail in our letter dated December 14th. It supports the position and reasoning outlined by you this morning.

The area that Hazlet is proposing for additional PA-1 expansion, if you look at the area in terms of its built characteristics and their zoning, it's basically one or two acre residential zoning, tracks of preserve farm land. As you indicated the State Plan policy map 30% is in PA-5. I'm estimating about 70% in PA-2. Again, very different development characteristics than the more intensively developed lands and zoning north as of the railroad tracks as you have indicated. In the area designated as a PA-5, there are large numbers of mature forests lands, wetlands and several category one designated streams in this area as well. Holmdel will be in support of the State's position at this point. Thank you.

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

ADJOURNMENT

With no further comments from the Commission or the public, Danielle Esser asked for a motion to adjourn. The motion was made by Danielle Esser and seconded by Sean Thompson. All were in favor. The meeting was adjourned at 10:33 a.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Donna Rendeiro".

Donna Rendeiro, Secretary
State Planning Commission

Dated: March 17, 2021

ATTACHMENT A

NEW JERSEY STATE PLANNING COMMISSION ATTENDEES

DATE: DECEMBER 16, 2020 TIME: 9:30 AM

Jonathan Sternesky – NJHMFA
Dave DuMont – NJDEP
Matt Baumgardner – NJDEP
James Gorman – Gorman Law - Hazlet
John Delduca – Walter’s Group
Michael Gross – Walter’s Group
Paul Phillips – Holmdel, Twp. Planner
Cherron Rountree – Holmdel Twp. Administrator
Andrew Bayer – Special Counsel, Holmdel Twp.