

MAR 29 2019 RCVD



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Edward Purcell
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March 29, 2019

Transmitted via E-mail to Melanie.willoughby@sos.nj.gov

Department of State
Office of Planning Advocacy
P.O. Box 820
Trenton, NJ 08625

Re: PRN 2019-0626

To Whom It May Concern:

I have reviewed the State Planning Commission's rule proposal entitled "State Planning Rules; Period of Endorsement," issued on March 4, 2019. 51 N.J.R. 307(a). This amendment would extend any town center designation with an "expiration date on or before December 31, 2019 [to] June 30, 2020."

As an initial matter, the State Planning Commission should simply permit the expiration of town center designations. The legislature has not renewed the Permit Extension Act, which had acted as the vehicle for previous town center designation renewals. Without this law in effect, there is no basis, either in policy or in law, to extend town center designations yet again.

Department of State
Office of Planning Advocacy
March 29, 2019
Page 2

Extending town center designations, without the consent of the host municipality, is problematic for municipalities which wish to streamline their zoning codes. Municipalities have the prerogative to revise their zoning codes. As the State Planning Commission is aware, municipalities with town center designations must maintain certain overlay zones and commissions made necessary by their designation. Consequently, municipalities with town center designations are constrained in their ability to revise their zoning. As an example, one of our municipal clients is unable to make certain reasonable zoning changes until its current town center designation ends. N.J.A.C. 5:85-7.23.

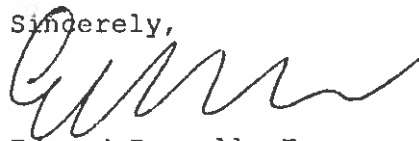
If the State Planning Commission is not willing to simply allow town center designations to expire, then this office respectfully requests that the following amendment be made to the proposed rule:

(g) Any center with an expiration date on or before December 31, 2019, is extended to June 30, 2010. Notwithstanding the foregoing, any such municipality may opt out of having its center renewed by transmitting a resolution requesting same to the State Planning Commission within [ninety (90) days after the effective date of this rule]. The State Planning Commission shall provide notice of any such resolution in the New Jersey Register.

Department of State
Office of Planning Advocacy
March 29, 2019
Page 3

I thank the State Planning Commission for its review and consideration of this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'E. Purcell', written in a cursive style.

Edward Purcell, Esq.

EP/bl

cc:

Frank Marshall, Esq., Counsel, New Jersey State League of
Municipalities (fmarshall@njlm.org)



COUNTY OF SOMERSET PLANNING BOARD

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20 Grove Street, P.O. Box 3000
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April 22, 2019

Ms. Melanie Willoughby, Director
Office for Planning Advocacy, NJ Department of State
P.O. Box 820
Trenton, NJ 08625-0820

APR 25 2019 RCVD

Subject: State Planning Rules: Period of Endorsement Proposed Amendment: NJAC 5:85-7.21

Dear Director Willoughby:

On behalf of Somerset County, thank you for the opportunity to provide comments on the proposed amendment to the State Planning Rules: Period of Endorsement Proposed Amendment: NJAC 5:85-7.21 published in the NJ Register on March 4, 2019. As a longtime supporter of regional planning efforts and the State Development and Redevelopment Plan (SDRP), Somerset County Planning Board fully supports the extension of center designations for all centers with designations expiring on December 31, 2019 to June 30, 2020.

Somerset County and its municipalities are long-term supporters of the center-based growth principles of the State Development and Redevelopment Plan (SDRP). The State Plan Policy Map was a major factor in the criteria-based mapping process used to create the Somerset County Investment Framework Map (CIF) which was recognized as a model by the State Planning Commission via a resolution in October 2013. The CIF, adopted as part of Somerset County's Master Plan in 2014, provides a framework for planning and investment decisions to ensure growth is encouraged in Priority Growth Investment Areas (PGIAs). It also ensures that preservation initiatives are implemented in Priority Preservation Investment Areas (PPIAs). Currently SDRP designated centers are represented on the CIF Map as "Priority Growth Investment Areas" and "Local Priority Areas." To advance the CIF, the Supporting Priority Investment in Somerset County Initiative has supported municipal smart growth planning and economic development efforts in these areas. This initiative has won numerous statewide planning awards. In addition, Somerset County is the home to the first designated tri-municipal Regional Center (the Boroughs of Raritan and Somerville, and a portion of Bridgewater Township) in the State. The Somerset Regional Center was originally designated in 1996 and received Plan Endorsement in 2013. The Somerset Regional Center has a longstanding, successful planning and implementation track-record. An updated Regional Center Strategic Plan was adopted in July 2018.

Somerset County and our municipalities have undertaken a significant effort to advance and implement center-based development patterns consistent with the SDRP and will continue to do so. This body of work should demonstrate the County's and our municipalities' commitment to maintaining their center designations. Therefore, Somerset County strongly supports the continued designation of previously designated centers and endorsed plans.

- Mission Statement -

The County of Somerset is committed to excellence and innovation in public service, promoting the well-being of all residents and communities by providing effective, efficient and responsive leadership.

Somerset County Is An Equal Opportunity Employer

In addition, the State Planning Commission should consider the permanent designation of all of the previously designated centers. As an alternative to permanent designation, an extension of the designation period for a minimum of ten (10) years should be considered. Please note this time period would be consistent with requirements of the NJ Municipal Land Use Law for the update of municipal Master plans every ten (10) years.

On behalf of the Somerset County Planning Board, I would like to offer our assistance to advance the State Planning process. Please do not hesitate to contact me to discuss additional ways Somerset County can help in defining a new way forward that strengthens the State Plan as a whole. You may reach me via email at lane@co.somerset.nj.us or by telephone at (908) 231-7178.

Thank you for your consideration.

Sincerely,



Walter C. Lane, PP/AICP
Director of Planning

Cc: Somerset County Board of Chosen Freeholders
Somerset County Planning Board
Somerset County Mayors and Municipal Planning Board Chairs
Troy Fischer, Chair, Somerset County Regional Center Partnership
Michael Lysicatos, President, New Jersey County Planners Association
Peter Kasabach, Executive Director, NJ Future
Nat Bottigheimer, NJ Director, Regional Plan Association
Charles Latini Jr., President, American Planning Association- NJ Chapter



**New Jersey State League
of Municipalities**

222 West State Street, Trenton, New Jersey 08608
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Michael J. Darcy, CAE, EXECUTIVE DIRECTOR

Michael F. Cerra, ASSISTANT EXECUTIVE DIRECTOR

April 2, 2019

Via E-Mail: Melanie.Willoughby@sos.nj.gov

Office of Planning Advocacy,
Department of State
PO Box 820
Trenton, NJ 08625

Re: PRN 2019-026

To Whom It May Concern:

I am writing on behalf of the New Jersey State League of Municipalities to comment on the State Planning Commission's rule proposal entitled "State Planning Rules; Period of Endorsement," issued March 4, 2019. 51 N.J.R. 307(a). This amendment would extend any town center designation with an "expiration date on or before December 31, 2019 [to] June 30, 2020."

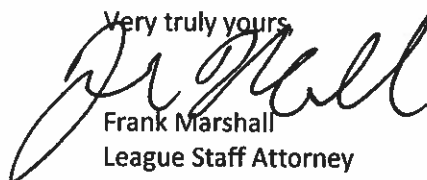
The League is well aware of the considerable time and effort municipalities expended in order to meet the standards required to achieve town center designation. Likewise, we are aware of the Commission's efforts in reviewing and approving municipal plans. However, until recently, the process for issuing endorsements and town center designations has been stalled, creating uncertainty in those municipalities already endorsed and forcing them to expend efforts to plan for life after the expiration of their designation.

The League supports the extension of the endorsement period, provided municipalities have the flexibility to opt out. The consequence of allowing designations to expire would mean that previously designated municipalities would no longer be eligible certain preferential funding treatment and resources unless they once again re-establish plan endorsement. While we certainly see merit in extending the endorsement period for those municipalities that wish to continue with their endorsement status, the League does not support a wholesale expansion for all applicable municipalities.

To that end, the League respectfully requests that amendments be made to the proposal that would allow a municipality the option to opt-out of having their designation period extended. A municipality that opts-out will then be able to more freely revise and streamline their zoning, something that is currently not easily achieved while under town center designation.

I thank the State Planning Commission for its review and considerations of this matter. And, I look forward to working with the Commission on this and future matters.

Very truly yours,



Frank Marshall
League Staff Attorney



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May 3, 2019

Melanie Willoughby, Director
Office for Planning Advocacy, Department of State
P.O. Box 820
Trenton, NJ 08625-0820
Melanie.Willoughby@sos.nj.gov

Dear Ms. Willoughby:

Please accept these comments on your recently proposed amendment to extend the expiration dates of certain applicants. There are several plan endorsements and center designations with the Barnegat Bay watershed which would be extended under the proposal.

Save Barnegat Bay's mission is to restore and protect Barnegat Bay and its ecosystem. We advance our mission by being a strong and independent voice for the Bay throughout the watershed, including all of Ocean and part of Monmouth Counties.

While the proposed amendment extends expiration dates for specified geographic areas, applicants must first leave in place smart growth policies by reconstructing old areas and not allow for clear cutting of trees in order to be eligible for myriad economic incentives as described in your proposal.

Unfortunately, we have experienced major increases in new development as older commercial areas remain vacant. Yet this effort to increase ratable and taxable incomes has not been successful in providing for the diversity and sustainability needed in these changing times. At the same time, we can't help but recognize that the impact of these new and drastic construction processes has not helped the health of Barnegat Bay.

Over the past fifty years, Ocean County's population has increased to nearly 600,000 residents. Meanwhile the latest 303d List of impaired water bodies shows a steep decline in water quality with most segments not supporting aquatic life.

Toward that end, we suggest that the State Planning Commission extension should create a separate designation for Barnegat Bay municipalities. Adding the need for each town to demonstrate working toward adopting better practices for stormwater in sub-watershed areas, TMDLs, as well as other impacts on Barnegat Bay as a critical and important requirement supporting tourism and the fishing industry. Make sure that each geographic area has adopted Smart Growth and Sustainable policies within a specified period of time.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Britta Wenzel', with a stylized, flowing script.

Britta Wenzel
Executive Director

Newmeyer, Martha

From: o [\[mailto:bk1492@aol.com\]](mailto:bk1492@aol.com)

Sent: Saturday, March 9, 2019 10:12 AM

To: Willoughby, Melanie <Melanie.Willoughby@sos.nj.gov>; letters@nytimes.com

Subject: [EXTERNAL] Fwd: Notice of Publication in NJ Register for Proposed Rule Amendment to N.J.A.C. 5:85-7.21 re public comment on below

rarritan township should not be designated as a center. its economic situation is not conducive to considering it a center in this area. this comment is for the public record. some of the 2008 planning is way way off in 2019 which is 11 years later. we are using old information which is not relevant in 2019. this comment is for the public record please receipt.
jeanpubliee jean public1@gmail.com

-----Original Message-----

From: Newmeyer, Martha <Martha.Newmeyer@sos.nj.gov>

Cc: McVicker, Wendy <Wendy.McVicker@sos.nj.gov>

Sent: Fri, Mar 8, 2019 10:11 am

Subject: FW: Notice of Publication in NJ Register for Proposed Rule Amendment to N.J.A.C. 5:85-7.21

Please be advised that the NJ State Planning Commission's proposed amendment to N.J.A.C. 5:85-7.21 (Plan Endorsement-Period of Endorsement) has been published in the March 4th, 2019 NJ Register. You may access the rule proposal at:

<https://nj.gov/state/assets/pdf/proposed-rules-changes/2019-0304-spc-proposed-rules-amendments.pdf>

Written comments are due by May 3rd, 2019 and should be submitted to:

Melanie Willoughby

Office for Planning Advocacy, Department of State

P.O. Box 820

Trenton, NJ 08625-0820

or

Melanie.Willoughby@sos.nj.gov