



State of New Jersey  
DEPARTMENT OF COMMUNITY AFFAIRS  
101 SOUTH BROAD STREET  
PO Box 204  
TRENTON, NJ 08625-0204

JON S. CORZINE  
Governor

CHARLES A. RICHMAN  
Acting Commissioner

Resolution No. 2009-05  
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Date: September 16, 2009

RESOLUTION

**AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING  
BETWEEN THE STATE PLANNING COMMISSION AND THE TOWNSHIP OF BERKELEY**

**WHEREAS**, pursuant to the State Planning Act, N.J.S.A. 52:18A-196 et seq. (the Act), the State Planning Commission (the Commission) has prepared and adopted a State Development and Redevelopment Plan (the State Plan) which includes a State Plan Policy Map;

**WHEREAS**, the Commission is empowered, pursuant to N.J.S.A. 52:18A-203, to adopt rules and regulations to carry out and implement its statutory responsibilities and purposes;

**WHEREAS**, pursuant to its authority under N.J.S.A. 52:18A-203, the Commission has adopted regulations, set forth in N.J.A.C. 5:85-1.1 et seq., that establish procedures for filing of petitions with the Commission for the purpose of, *inter alia*, seeking plan endorsement and amendments to the State Plan Policy Map of the State Plan as a means to implement the State Plan and to foster cooperation and coordination of planning activities between State agencies and county and local governments;

**WHEREAS**, the Township of Berkeley (petitioner) has decided to pursue plan endorsement and has satisfied the plan endorsement requirements of: attending a pre- petition meeting, submitting existing planning documents, appointing a Plan Endorsement Advisory Committee (PEAC), preparing and submitting a Municipal Self-Assessment Report, reviewing the State agency Opportunities and Constraints and Assessment Report, performing community visioning and preparing a vision statement to the extent that these requirements have not been waived;

**WHEREAS**, petitioner has indicated its intention to continue pursuit of plan endorsement including, but not limited to, adopting the Memorandum of Understanding (MOU) and undertaking the tasks included in the attached Action Plan as negotiated between staff of the Office of Smart Growth and relevant State agencies and the Township of Berkeley, once the MOU has been adopted by the Commission;

**WHEREAS**, the Executive Director has performed a consistency review of the submissions of petitioner and has determined that additional action must be taken to achieve consistency with the State Plan;

**WHEREAS**, the Executive Director has consulted with relevant State agencies and petitioner to negotiate a draft Memorandum of Understanding (MOU) and attached Action Plan for consideration by the Commission at this public hearing;



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**WHEREAS**, petitioner has indicated its intention to continue pursuit of plan endorsement including, but not limited to, adopting the MOU and undertaking the tasks included in the attached Action Plan, once the MOU has been executed by the Commission; and

**WHEREAS**, petitioner and OSG, in consultation with relevant State agencies, agreed to revise the negotiated Action Plan by deleting items A1 to A3 relating to designating an interim center and renumbering item A4 as A1, as shown in a revised Action Plan; and

**WHEREAS**, the Executive Director has determined that petitioner continues to work in good faith toward plan endorsement and recommends that the Commission authorize execution of the MOU and revised action plan entitled "**Berkeley Township Action Plan – Approved by the State Planning Commission September 16, 2009**" attached hereto as **Exhibit A**;

**NOW THEREFORE BE IT RESOLVED**, that the Commission hereby agrees to authorize and adopt the MOU and revised Action Plan between the Commission and petitioner; and

**BE IT FURTHER RESOLVED**, that the members of the Commission and the Executive Director and staff of the Office of Smart Growth are hereby authorized and directed to execute such documents and to take such other actions as may be necessary or appropriate for the implementation of this resolution.

**Certification**

This Resolution was adopted by the New Jersey State Planning Commission at its meeting held on Wednesday, September 18, 2009. Ayes (11) Kenneth Albert, Ronald Chen, Brent Barnes, Charles Richman, John Eskilson, Shing-Fu Hsueh, Liz Semple, Edward McKenna, Roberta Lang, Bernard McLaughlin, Louise Wilson. Nays (0). Abstains (0).

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Donna Rendeiro, Secretary  
State Planning Commission

