



State of New Jersey

DEPARTMENT OF STATE
NEW JERSEY STATE PLANNING COMMISSION
PO Box 820
TRENTON, NJ 08625-0820

CHRIS CHRISTIE
Governor

GERRY SCHARFENBERGER, PH.D.
Director

KIM GUADAGNO
Lieutenant Governor

Resolution No. 2012-04
Page 1 of 3

Date: July 6, 2012

RESOLUTION

APPROVING THE PETITION FOR PLAN ENDORSEMENT SUBMITTED BY THE TOWNSHIP OF BERKELEY AND DESIGNATING CENTERS, CORES AND NODES

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

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. 5:85-7.1 *et seq.*, that establish procedures for filing of Petitions for Plan Endorsement with the Commission for the purpose of encouraging consistency of submitted plans with the goals and policies of the State Plan in order to foster sound and comprehensive planning and cooperation and coordination of planning activities between State agencies and county and local governments; and

WHEREAS, the Township of Berkeley Township submitted a Petition for Plan Endorsement to the State Planning Commission pursuant to the provisions of N.J.A.C. 5:85-7.1 *et seq.*, seeking approval of its Petition and endorsement of its plan, including:

- a comprehensive master plan with extensive supporting documents
- a Transfer of Development Rights (TDR) implementation mechanism complying with the State TDR Act N.J.S.A. 40:55D-13.7 *et seq.*, for the purpose of transferring development from undeveloped portions of the town into areas with existing infrastructure
- a request for designation of Nodes, Cores and Centers

WHEREAS, the Petition, plan and supporting documents were received and comprehensively reviewed by the State agencies represented on the Commission; and

WHEREAS, the Staff and Director of the Office for Planning Advocacy reviewed the Petition filed by the Township of Berkeley, the comments received by the relevant State agencies and the public and determined that the petition meets the requirements for Plan Endorsement; and

WHEREAS, the municipality, Staff and Director of the Office for Planning Advocacy in consultation with relevant State agencies have proposed center boundaries as shown in **EXHIBIT A** attached hereto; and

WHEREAS, a draft Planning Implementation Agreement (PIA) has been negotiated and agreed upon between the relevant State agencies and petitioner; and

WHEREAS, the Staff and Director of the Office for Planning Advocacy presented findings of the comprehensive review to the Plan Implementation Committee (PIC) on June 13, 2012, including said proposed State Plan map designations and a draft (PIA); and

WHEREAS, the PIC reviewed and considered the Petition, concurred with the recommendation to approve the Petition, moved the petition for consideration by the full Commission at its next regularly scheduled meeting; and

WHEREAS, has recommended that the Commission approve the Petition, grant Plan Endorsement of the plan, with the understanding that continued Endorsement relies on the continued satisfaction of the terms of the PIA as shown in **EXHIBIT B**, and

WHEREAS, the Commission has determined that: the plan submitted by the Township of Berkeley, including designation of centers as shown in **EXHIBIT A**, is consistent with the State Plan, provided the terms of the PIA as shown in **EXHIBIT B** are satisfied.

NOW, THEREFORE, BE IT RESOLVED, that the Commission hereby affirms the Director's determination on consistency with the State Plan and approves the Petition for Plan Endorsement, thus granting Plan Endorsement to the plan submitted by the Township of Berkeley; and

BE IT FURTHER RESOLVED, that the Commission hereby authorizes amendments to the Policy Map to designate Nodes, Core and Centers in the Township of Berkeley as shown in **EXHIBIT A**; and

BE IT FURTHER RESOLVED, that maintenance of endorsement of the Township of Berkeley, is contingent upon continued progress on the PIA, attached hereto as **EXHIBIT B**, which has been developed in conjunction with the Staff of the Office for Planning Advocacy and relevant State agencies; and

BE IT FURTHER RESOLVED, that the Commission acknowledges that the PIA:

- memorializes the agreed upon planning implementation mechanisms,
- reflects a commitment, on the part of the Township of Berkeley to continue to implement its plan
- reflects a commitment, on the part of the relevant State agencies, to provide agreed upon benefits, and
- reflects a commitment, on the part of the Township of Berkeley and the relevant State Agencies, to work together to effectively implement the goals, strategies and policies of the State Plan; and

BE IT FURTHER RESOLVED, that in approving the Petition and granting Plan Endorsement, and designating centers, it is understood that the endorsement Center, Core and Node designations may be revoked if the Commission determines that the Township of Berkeley has either made substantial changes to its endorsed plan without adhering to rules set forth in N.J.A.C. 5:85 or substantially violated the terms of its PIA, as shown in **EXHIBIT B**, so that the plan of the Township of Berkeley is no longer consistent with the State Plan; and

BE IT FURTHER RESOLVED, that this endorsement shall take effect upon the passage of this resolution; and

BE IT FURTHER RESOLVED, that the Chairman of the State Planning Commission and the Director of the Office for Planning Advocacy are hereby authorized to execute such documents and to take such other actions as may be necessary or appropriate for the implementation of this resolution.