



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
STATE PLANNING COMMISSION
OFFICE OF SMART GROWTH
PO BOX 204
TRENTON NJ 08625-0204

RICHARD J. CODEY
Acting Governor

CHARLES A. RICHMAN
Acting Commissioner

CHRISTIANA FOGLIO
Chair

MAURA K. MCMANIMON
Executive Director

**New Jersey State Planning Commission
Minutes of the Meeting Held May 18, 2005
Thomas Edison College
Prudence Hall
101 West State Street
Trenton, New Jersey**

CALL TO ORDER

Christiana Foglio, Chair at 10:00 a.m., called the May 18, 2005 meeting of the New Jersey State Planning Commission to order.

OPEN PUBLIC MEETINGS ACT

Maura McManimon, Executive Director of the Office of Smart Growth and Secretary to the State Planning Commission 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

Joanna Dunn Samson, Designee for Commissioner Bradley Campbell, Department of Environmental Protection

John Eskilson, Public Member

Patrick Gillespie, Smart Growth Ombudsman

Monique Purcell, Designee for Secretary Charles Kuperus, Department of Agriculture

Marilyn Lennon, Public Member

Brent Barnes, Designee for Commissioner John Lettiere, Department of Transportation

Marge Della Vecchia, Designee for Commissioner Susan Bass Levin,

Department of Community

Affairs

Daniel Levine, Designee for State Treasurer John E. McCormac, Department of

Treasury

Edward McKenna, Jr., Public Member

Thomas Michnewicz, Public Member

Lauren Moore, Manager, Office of Business Advocate & Information, Commerce &

Economic Growth Commission

George Pruitt, Public Member

Christiana Foglio, Chair and Public Member





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Not Present

Michele Byers, Executive Director, New Jersey Conservation Foundation
Peter Lazaropolous, Public Member
Others Present (See Attachment A)

PLEDGE OF ALLEGIANCE

Chair Foglio asked everyone to stand for the Pledge of Allegiance.

APPROVAL OF MINUTES

Chair Foglio asked for a motion to approve the minutes of the April 20, 2005 meeting. Joanna Samson so moved and John Eskilson seconded the motion. Chair Foglio asked for a roll call vote. Ayes: (9) Joanna Dunn Samson, John Eskilson, Monique Purcell, Peter Lazaropolous, Marilyn Lennon, Brent Barnes, Thomas Michnewicz, Lauren Moore, Christiana Foglio. Nays: (0). Abstains: (2) Patrick Gillespie and Edward McKenna.

CHAIR'S COMMENTS, Christiana Foglio, Chair

Chair Foglio deferred her comments until later in the meeting.

EXECUTIVE DIRECTOR REPORT, Maura McManimon, Executive Director

Maura McManimon reported that the office is working on addressing ground rules for mapping issues and revamping the internal process for Cross-acceptance. She noted that the Office is in the process of setting up an agenda and developing ground rules for establishing the policy committee meeting which she was directed to do at the last meeting. She also reported that staff is working on setting up a meeting between the State Planning Commission and the Highlands Council to discuss the two entities working together during Cross-acceptance. She indicated that John Eskilson had volunteered to participate in the meeting and if any other Commissioners wanted to participate to please let her know. She anticipated that the outcome of the meeting might result in the creation of a Memorandum of Agreement.

Ms. McManimon further reported that three Plan Endorsement petitions were in the works; Plainsboro, Ocean Township and Dover Township. Lastly, she reported that Commissioner Levin announced that there will be a Shore Area TDR pilot program and that two communities will be selected to implement TDR in the shore region.



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Chair Foglio moved to Committee reports noting that Don Samment and Terrance Reidy were present from Asbury Park.

Committee Reports

Plan Implementation Committee, John Eskilson, Chair

Mr. Eskilson reported that Resolution No. 2005-01 Endorsing the Plan of Asbury Park and Designating Asbury Park as an Urban Center was on the agenda and moved the resolution; Brent Barnes seconded the motion. Mr. Eskilson also commended the municipal officials for their effort.

Chair Foglio opened up the floor for discussion from the Commission members.

Marge Della Vecchia commented that the Office of Smart Growth (OSG) staff gave a great presentation at the PIC meeting and that many of the issues that were raised at the PIC meetings had been addressed in the revised Planning and Implementation Agreement (PIA). One of the prime concerns was the timeframes and that they were open ended, she noted that they had been revised and tightened up. Noting that Asbury Park was not necessarily the perfect fit if we only looked at each of the numbers however, staff reviewed density and housing per acre and it fits in that respect as an urban center. Lastly, she noted that she was very pleased to have the resolution before the Commission.

Monique Purcell congratulated Asbury Park and the staff on the work that they had completed.

Pat Gillespie noted that the city is at turning point and this sort of designation is the kind of think that we in State government should be doing to help cities like Asbury Park. The city has endured a lot over the past 20 or 30 years and they are poised now for a major come back and we can help them and approve the resolution.

Marilyn Lennon commented that from her experience in environmental planning, when you look at the criteria for the density of an urban center, if Asbury Park had proceeded with this redevelopment activity years ago, you would have a population now that would probably reflect the 40,000 person criteria. However, if you look at the difference between resident population and summer population you know that any shore community can have upwards of 100,000 people on any given summer day.

Edward McKenna commented that looking at the PIA it may look on the surface that a lot of things are ongoing; however, most of them all tie in around the master plan and what



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the municipality is doing with the master plan as far as design standards and so on. He noted that in May there was a reaffirmation of the governing body and he feels very comfortable knowing that the same government representatives are in place to see the redevelopment through. He also congratulated Asbury Park on the fabulous job and that the people of Asbury Park should be proud.

With no further comments from the Commission, Chair Foglio opened the floor up for comments from the public on the Resolution for Asbury Park.

Don Kirchhoffer, New Jersey Conservation Foundation complimented the planning that had gone into the Plan Endorsement petition by both Asbury Park and the Office of Smart Growth. He noted that the Planning and Implementation Agreement is a poor model. He feels it is vague and wonders how it will be implemented. He recommended that the PIA be changed in the way that it is written and communicated, so that it is more readable and understandable when it is reviewed in two years.

John Eskilson responded that over the years he has shared some of the concerns as Mr. Kirchhoffer with regards to PIAs. He feels that if we are going to produce a document that has measurable outcomes, we need to look at the other side of the agreement, state assistance. If we are going to make sure that the local side is measurable, we should be sure that the state side is measurable because the PIA is a contract. There should be measurable outcomes and objectives on both sides of the agreement otherwise it is not a fair contract. He felt Mr. Kirchhoffer's comments were fair criticism and moving forward, that is something that will be looked at.

Candace Ashmun, Association of New Jersey Environmental Commissions provided support for Mr. Kirchhoffer's comments on the PIA. She also provided comments on having the resolution indicate that Asbury Park is a CAFRA center. (See Attachment B).

Joanna Samson indicated that technically she understood Ms. Ashmun's argument, but she applauds the Commission in saying, look here is the situation where designating an Urban Center doesn't fit neatly within our rules, but it's an area where there's been so much action and so much thoughtful movement in that direction that we should support that flexibility in the rules. She felt technically, under DEP rules, until the process happens, we can't designate it a CAFRA center until it has already been designated an urban center by the State Planning Commission.

Marilyn Lennon noted that she would oppose any recommendation for including language reflecting that Asbury Park was a CAFRA center. She didn't feel that the designation of Asbury Park was precedent setting.



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Edward McKenna commented that on page three of the resolution it indicates that “a CAFRA permit is a statement of consistency with DEP policies and programs and Plan Endorsement; and whereas, DEP granted the City its CAFRA permit.” He felt we were overstating the obvious and we would be overstepping our bounds as far as the Commission was concerned if it was referred to as a CAFRA Urban Center.

Marge Della Vecchia also indicated that she would not support a change in the resolution feeling that it unfairly sells short the city and their true initiation and work to truly make this the Urban Center that it is.

Chris Sturm, New Jersey Future commented that they are delighted that Asbury Park has come forth and that the Plan Endorsement process is moving forward. She also wanted to underscore the points made with respect to the PIA. It is really supposed to be a contract and it is hard to see how anyone could use this as a contract and measure progress towards it. It is a wonderful list of planning actions that the city wants to undertake. But they believe strongly that all future PIA’s should be structured in a way so that both municipal action and state action are clearer and can be measured.

Terence Reidy, Asbury Park City Manager, said that they were delighted to be here and very grateful for all of the support that they received, not just from the Commission, but really from all of the State departments. In terms of Asbury Park being first, he feels they are lucky and that there is a very positive model that has been set.

Don Sammet, Asbury Park Planner, commented that the idea of Asbury petitioning for the designation as a center was first considered as part of the 2001 Master Plan Re-examination Report, so it is not something that is new to the city that came up because of something written in the CAFRA permit. He explained that being here represents not only Asbury Park’s past and current planning, but also its commitment to planning in the future, addressing affordable housing issues, environmental issues, land use issues— they are on the right track.

With no further comments from the Commission or the public Chair Foglio asked for a roll call vote. Chair Foglio asked for a roll call vote. Ayes: (11) Michele Byers, Joanna Dunn Samson, John Eskilson, Patrick Gillespie, Monique Purcell, Peter Lazaropoulos, Marilyn Lennon, Brent Barnes, Edward McKenna Thomas Michnewicz, Lauren Moore, Christiana Foglio. Nays: (0). Abstains: (0).

PUBLIC COMMENTS



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Chris Sturm, New Jersey Future, commented on this stage of Cross-acceptance and about the process of Plan Endorsement. They feel that Plan Endorsement is the key to implementing the State Plan and they are excited about what has happened today. They urged the Commission to come up with some mechanism to encourage towns to come back in two or three years to get advanced Plan Endorsement and to offer really significant benefits for doing so. They think advanced Plan Endorsement should be so detailed that the State can defend a municipality's land use plan in court. And they think that would be a huge incentive to get towns to want to participate. New Jersey Future will be promoting that on their own during this gubernatorial campaign.

Mr. Eskilson asked New Jersey Future to recommend to the Commission how to connect the dots with making the State's outcome measurable. He feels that is a way to get towns in for advanced Plan Endorsement.

Ms. Sturm agreed and noted that they are actually looking at that as well as thinking about traditional mechanisms to make that happen. She also commented that they would like to see in the Plan Endorsement process used in growth areas to provide an alternative to the streamlined permitting offered in the fast track legislation. They feel that if the review was careful enough and considered all of the regulatory constraints, and if enough agency staff were involved in the Plan Endorsement process, you could actually have the approval of advanced Plan Endorsement include an indication of what regulations were non-negotiable and which ones were, and that would offer developers a lot more predictability. Lastly, Cross-acceptance, and the State Planning Commission's role in it, is at a critical juncture right now. There is so much tension with the new technology, the new GIS data, and how to incorporate it. The data is important --- to the regulatory information that effects development approval, and to State Plan Map. They urged the creation of the subcommittee as soon as possible, and that the subcommittee get to work on this issue.

Pat Gillespie noted that it in order to marry up Plan Endorsement to the streamlined permitting process that is in the Smart Growth Law would require a change in the law. That is something that, at least on his behalf, he is talking to legislators about, but can't guarantee what is going to be the outcome of that process.

Chair Foglio noted that until a policy has been established there will be nothing being reviewed and that there is still time for real dialogue to take place.

Mike Cerra, New Jersey League of Municipalities, commented that it was a good thing to move Asbury Park through. Mr. Cerra had some comments regarding Plainsboro and their Plan Endorsement petition. He explained that he had been in a meeting with the mayor of Plainsboro and his planning staff in drafting a response to their letter of



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incompleteness to the Office of Smart Growth, and that he was not speaking for Plainsboro. He noted some general impressions and some concerns based on the letter they letter they received. He believed the distinction between what is required under the guidelines and things that are being thrown in the letter as recommendations or things to be considered are blurred and goes beyond the guidelines for initial plan endorsement. There needs to be a clear clarification of what is required, because not all towns will be able to respond as Plainsboro did. He also noted that if there is a deadline approaching, the rules allow for the OSG to request an extension, which would be a better alternative than sending a letter of incompleteness. Further, he noted that the League has always been territorial when it comes to Cross-acceptance and defends it. The League sees it as a bottoms-up process where we contribute to the development of the State Plan. Towns and counties have put in a great deal of work and resources into the development of their plans. So when they hear of talk of incorporation of data that has not been vetted through Cross-acceptance, that in many cases hasn't been reviewed, they are worried. The towns and counties have been involved, and he would ask that that part of the partnership be honored and move along in the Cross-acceptance process now. If data is not incorporated and we have to respond to it, it sets back the process that goes along. He noted that local governments would oppose any movement in that direction very strenuously. The towns and the counties have put in a great deal of time already and incorporating data that has not been vetted through the Cross-acceptance process is a concern. That is part of the partnership and local governments oppose that direction.

Laura Dodge, National Association of Industrial Office Properties commented that they were happy to see that the policy committee is being set up to establish procedures for proposal and changes to the map criteria. She explained that NAIOP is really concerned about what the procedure will be to ensure Cross-acceptance and their ability to comment upon data that will show on these maps, because a lot of that information is critical to their planning processes. They represent developers, and are involved in a lot of the contaminated property development, and they rely upon this as a very important tool. She noted that from her own experience they view this whole process as invaluable to the State.

With no further comments from the public Chair Foglio closed the public comment portion of the meeting.

COMMISSIONER REPORTS

Marge Della Vecchia, Department of Community Affairs



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Ms. Della Vecchia reported on an initiative that the Department of Human Services, Department of Community Affairs and HMFA are working on called the "The Housing Resource Center". It is an internet-based affordable housing site, which contains an up-to-date log of information on the locations of available apartments, single family homes and affordable housing units. The second part of this web site, which makes it completely unique, is that it also has a link to services that are available for those in need of affordable housing and for those in need of special needs housing. The HMFA doesn't manage those sites; they are actually linking them up to the various community sites. She encouraged everyone to get the word out that the site is up and running. The site web address is www.njhousing.gov.

Chair Foglio commended Ms. Della Vecchia on the website and felt that it would be a very helpful tool. She also congratulated both Asbury Park on the designation as an Urban Center and having their plan endorsed and the OSG staff for the work that they had done on the petition.

With no further comments from the Commission or the public, Chair Foglio asked for a motion to adjourn, the motion was moved all were in favor. The meeting was adjourned 10:55 a.m.

Respectfully submitted,

Maura K. McManimon
Secretary and Executive Director

Dated: May 25, 2005