



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

JON S. CORZINE
Governor

SUSAN BASS LEVIN
Commissioner

CHRISTIANA FOGLIO
Chair

EILEEN SWAN
Executive Director & Secretary

**Minutes of the Meeting Held May 17, 2006
Thomas Edison College Prudence Hall
101 West State Street Trenton, New Jersey**

CALL TO ORDER

Chris Foglio, Chair called the May 17, 2006 meeting of the New Jersey State Planning Commission to order at 9:46 a.m.

OPEN PUBLIC MEETINGS ACT

Daniel P. Reynolds, Deputy Attorney General 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

Bernard McLaughlin, Designee for State Treasurer, Bradley Abelow, Department of Treasury
Kenneth Albert, Public Member
John Eskilson, Public Member (arrived at 10:00 a.m.)
Liz Semple, Designee for Commissioner Lisa Jackson, Department of Environmental Protection
Brent Barnes, Designee for Commissioner Kris Kolluri, Department of Transportation
Roberta Lang, Designee for Secretary Charles Kuperus, Department of Agriculture
Marilyn Lennon, Public Member (arrived at 9:55 a.m.)
Marge Della Vecchia, Designee for Commissioner Susan Bass Levin,
Department of Community
Affairs
Debbie Mans, Smart Growth Ombudsman (arrived at 10:13 a.m.)
Edward McKenna, Jr., Public Member
Lauren Moore, Manager, Office of Business Advocate & Information, Commerce & Economic Growth
Commission
Christiana Foglio, Chair and Public Member



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Not Present

Michele Byers, Public Member
Thomas Michnewicz, Public Member
George Pruitt, 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 19, 2006 meeting. Marge Della Vecchia made the motion and Ed McKenna seconded the motion. Chair Foglio asked for a roll call vote. Ayes (10): Bernard McLaughlin, Kenneth Albert, John Eskilson, Liz Semple, Brent Barnes, Roberta Lang, Marge Della Vecchia, Edward McKenna, Lauren Moore and Chris Foglio. Nays (0). Abstains (0).

CHAIR'S COMMENTS, Christiana Foglio, Chair

Chair Foglio noted that the only action by the Commission on the Agenda was the discussion of the creation of a subcommittee to review the public notification process with regards to plan endorsement. She explained that she would like volunteers to serve on the subcommittee and bring recommendations to the Commission.

John Eskilson, Marilyn Lennon, Ed McKenna and Liz Semple volunteered to serve on the committee, which would hold two conference calls before the next State Planning Commission meeting. At the next Commission meeting they would report back with some suggestions on improving the public notification process.

COMMITTEE REPORTS

Plan Implementation Committee, John Eskilson, Chair





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Mr. Eskilson reported that the PIC is working on the West Amwell petition for plan endorsement and has also started a very interesting and productive discussion regarding the regional Plan Endorsement process and what it means and what the relationship is to municipal plan endorsement.

EXECUTIVE DIRECTOR REPORT, Eileen Swan, Executive Director

Ms. Swan updated the Commission on the activities of the last month. She explained that staff have been working on the rules for planning and zoning board member training. Comments have been received on the proposed rules and since there were no substantive changes the office is seeking to have rule adoption published in the July 3rd Register. She noted that classes have been held by NJPO and that Rutgers did a pilot program. There was discussion on when the 18-month clock starts for receiving the training.

Ms. Swan reported the Ben Spinelli would be leading the cross-acceptance process and that in-house staff have reviewed the statewide issues. The information is being put together and would be out shortly for comment. In addition, the office has been working on the mapping aspect and making sure that the mapping is in accordance with the policies of the State Development and Redevelopment Plan.

On Plan Endorsement, Ms. Swan, reported that staff has started to work with the CAFRA towns with respect to the Policy Directive. She noted that Upper Township has signed the MOU and meetings are being held with other towns. Further, due to the number of plan endorsement applications that will be coming in and the immense amount of work by office, the plan endorsement process will be retooled. The other agencies are involved, so that the benefits will be meaningful. Ms. Swan also noted that the office will be looking at sample model ordinances that will be put on-line as references.

Ms. Swan noted that at the last Commission meeting she was asked to report back on the issue of dedesignation of centers. She reported that she has reviewed the concerns raised. She explained that the office will be moving forward to make the process a better process and how best it could be set up so that these types of problems could be avoided. She feels that the Commission works with the other state agencies and they are all in it together it should be a joint process. She explained that monitoring of endorsed petitions won't be just by OSG, but the other agencies will be working with OSG. Each agency would come to OSG and indicate if things are happening that are not consistent with



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their programs that they notify OSG, everything would grind to a halt and those benefits would go away because the area is no longer consistent and an intense review of the project would take place. If it is consistent and endorsed everything should move forward in an expedited fashion, because the planning has already been done. The study of the concerns raised is indicative of the need to learn from the past and ensure that the process is corrected.

She explained that OSG is working to make the plan endorsement process, such that towns will clearly understand what consistency means and clearly understand what deviation for lack of consistency means. Agencies will work together and recognize where lines are drawn and assist in the monitoring. She further explained that she felt the SPC would want her to spend time retooling and improving the process as we learn from what has happened in the past.

There was a brief discussion on the outreach to municipalities and how to communicate the process in the best way. It was also suggested that the League of Municipalities and ANJEC could be a good partner in the process of outreach. There was also discussion that the counties also need to be included as part of the global outreach process.

John Eskilson raised his concerns over the process with respect to how the other state agencies deal with endorsed towns and counties. He noted that the process needs to be predictable and in writing and be formal so that everyone knows what the rules of engagement are and it is clear. And that it needs to happen on the back end.

Chair Foglio commended Ms. Swan for her initiative on retooling the process. She noted however, that she is concerned that one piece that always stands out is measuring the plan in terms of economic growth and that understanding the Governor's challenges and the need to move the state and stabilize the economy. She feels that this is something that should be looked into before moving to far into the process of putting out a Plan. Ms. Swan responded that she has meet with the Gary Rose, Chief of the Economic Growth in the Governor's office to discuss how the two entities can work together in the process. There was a brief discussion on working with the Action Council on the Economy.

At this point, Chair Foglio opened the floor up to public comments.



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PUBLIC COMMENTS

Jeff Tittel, Director of New Jersey Sierra Club—Mr. Tittel expressed his concern regarding monitoring compliance with agreements made with municipalities that have received plan endorsement. He offered that citizens and advocacy groups could play a part in monitoring compliance. Mr. Tittel referred to letters and petitions from citizens about centers and the development that has been occurring outside of the centers in violation of established PIAs. He stated that failure to adequately track compliance does a disservice to the Commission and does a disservice to the whole concept of the State Plan because there are consequences from those things. He briefly outlined some examples: the Millville site known as “Holly Farms” or the “Connective Tract”, Wanaque and Princeton Ridge. He feels that when the retooled process is set up the public should be included. Mr. Tittel also noted that one of the things that needs to be looked at is the concept of negative growth, that the State Plan can actually encourage growth that undermines good planning and undermines good economic growth. He explained that another part of the problem of the State Plan is that there is no natural resource inventory included as part of it and it lacks a fundamental strategic approach for assessing those resources and where they are the most appropriate.

There was a brief discussion on advocacy groups and how Mr. Tittel thought it might be good to involve them in the monitoring process.

Tom Dallessio, New Jersey Director of Regional Plan Association—Mr. Dallessio noted that he was commenting on behalf of the Coalition for Affordable Housing and the Environment. He explained that there are a number of organizations within the coalition that have looked at the issue of cross-acceptance. He briefly summarized a formal letter to the State Planning Commission, dated May 17, 2006. (See attachment B)

Paul Chrystie, Executive Director of the Coalition on Affordable Housing and the Environment—Mr. Chrystie complimented staff on the requirements for plan endorsement consistency and that the document was incredibly more comprehensive than the earlier version. He noted that it still appears to allow for endorsement of a plan as consistent when it's not though it will be consistent at some point in the future. He also feels that the benefits to the municipalities should be incorporated into the rules and that there should be a point system and that more points awarded for being consistent and no points if a plan is not consistent. He also feels that it is critical if the Commission is going to grant



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endorsement, and say that they are consistent, they have to be consistent at the time of designation, not at some point in the future. The earlier discussion of municipalities not following the PIA is exactly the reason why at the time of endorsement there needs to be consistency. He encouraged the Commission to think about the benefit that can be offered and that weakening of standards cannot be one of the benefits of consistency.

Don Kirchhoffer, New Jersey Conservation—Mr. Kirchhoffer expressed his concern on the legality of setting up a working group to discuss public involvement in the Plan Endorsement process via conference calls and it not being open to the public. Mr. Eskilson explained that the working group would bring forth a recommendation that would then be vetted publicly. This satisfied Mr. Kirchhoffer.

Barbara Palmer, Association of New Jersey Environmental Commission—Ms. Palmer on behalf of all of the environmental commissions across the state and the municipalities thanked the Commission for moving the cross-acceptance process forward. She also expressed her concern over the public meeting on public participation not being open to the public, but was glad there would be an opportunity for input. She also urged the Commission to begin the cross-acceptance process with a public meeting, noting the list of statewide issues at this point is a year to two years old. She feels it would hold up the process if the public had no input until after the counties.

Helen Heinrich, New Jersey Farm Bureau—Ms. Heinrich indicated that she is veteran at attending meetings and developing the State Plan, because the Farm Bureau sees the State Plan as an opportunity to finally get planners talking about how to plan for agriculture. She indicated that she was very pleased with what she heard today and the direction that the Commission is going. She further noted that her group has been concerned over the years with center designations that strictly focus on the very small parts of the communities. The plan endorsement process was developed so that the entire community could receive planning attention. They are concerned about how the Commission is going to take those little centers that did not take into consideration the environment and bring that into the review of their center designations or PIAs and so forth, because it is long over due. She also noted she was glad to hear that economic development was being looked at. Economic development of agriculture is one of Secretary Kuperus' major focuses and is a good opportunity for the agricultural community. Lastly, she offered her assistance in the process.



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Laurette Kartina, Somerset County—Ms. Kartina reiterated her appreciation on behalf of the Somerset County Planning Board for the Commission's efforts in addressing the remaining issues that need to happen in cross-acceptance so that it can move forward. She also noted that there seems to be some confusion in terms of the order of when the statewide issues will be discussed at the county/municipal and public level. She feels that there are two different things going on and offered the counties as a vehicle for vetting the issues of statewide importance, the approach that is being recommended by the State Planning Commission, as well as the counties serving as the vehicles for negotiations. She felt that there were two levels, how these decisions have to take place and how they are applied and that the counties can assist in both of the levels and provide support to the Commission to vet them publicly the same way they went through cross-acceptance and were the vehicle for getting a broad base of public participation.

Ms. Swan responded that the county process that had happened in the past would continue; however, the public had expressed their concern that they not find out what is happening after 21 county meetings had been held.

With no other comments from the public, Chair Foglio asked for Commissioner reports.

COMMISSIONER REPORTS

John Eskilson, Public Member

Mr. Eskilson shared his experience with Sussex County with regards to economic development. He explained that they are currently engaged in something called "The Vision 20/20 Process." They are taking the concepts of the State Plan and the county's strategic growth plan and actually using them to market the county and direct growth in the appropriate areas and working with municipalities to expedite the process so that when there is someone interested they can get them up and running in under a year.

Liz Semple, Department of Environmental Protection

Ms. Semple responded to a comment made about DEP's Wastewater Quality Management Plan not being updated. She noted that they the Department is re-evaluating them right now. The department is seeking an extension for the sunsets but would like to have suggestions from the public interest groups that



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would help avoid thwarting affordable housing with the rules. She noted that it was not the department's intention to thwart affordable housing.

A discussion ensued regarding Smart Growth Grants and requiring them to include an economic development assessment as part of the grant.

Edward McKenna, Public Member

Mr. McKenna thanked Mr. Dallessio for his letter and for keeping it short. He noted that he appreciated the suggestion and it was a good one.

Marge Della Vecchia, Department of Community Affairs

Ms. Della Vecchia reported that the Department had established a Green Task Force and the first meeting was held and included an impressive representation from various divisions within the Department and included the Board of Public Utilities, DEP and Governor's Office. The intent of the Task Force is bring together all of the resources, not unlike the economic development initiatives, to ensure that we bring together resources to coordinate "green" initiatives as well. The Task Force talked about design guidelines used for special needs affordable housing that is currently actively underway. She also noted there was discussion on how they could best work with municipalities to provide assistance and technical assistance in auditing and upgrading their municipal buildings to be more energy efficient in alignment with the Governor's energy efficiency mandate.

Debbie Mans, Governor's Office

Ms. Mans commented that she participated in the meeting and that it was a good meeting. It is anticipated that the within the next few weeks a job description will be posted for the position of Director of Energy Savings. She noted that this position will be within the Treasury Department and reporting to the Treasurer, but would potentially be the energy efficiency czar and play an active role in the Green Task Force.



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With no further business or comments, Chair Foglio asked for a motion to adjourn, the motion was moved by Edward McKenna and seconded by Marilyn Lennon. All were in favor. The meeting was adjourned at 10:57 a.m.

Respectfully submitted,

Eileen Swan
Secretary and Executive Director

Dated: June 27, 2006