



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
NEW JERSEY STATE PLANNING COMMISSION
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JON S. CORZINE
Governor

SUSAN BASS LEVIN
Commissioner

EILEEN SWAN
Executive Director & Secretary

**New Jersey State Planning Commission
Minutes of the Meeting Held December 6, 2006
Thomas Edison College
Prudence Hall
101 West State Street
Trenton, New Jersey**

CALL TO ORDER

Eileen Swan, Executive Director and Secretary, called the December 6, 2006 meeting of the New Jersey State Planning Commission to order at 9:45 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.

Ms. Swan noted that both the Chair and Vice Chair were not present at the meeting and that the Commission would need to select a public member to act as Chair for the meeting. Ms. Swan also reported that Chris Foglio had submitted her letter of resignation as a member and Chair of the Commission to the Governor.

Edward McKenna made a motion to nominate John Eskilson to Chair the meeting and the motion was seconded by Marilyn Lennon. A roll call vote was taken. Ayes: (10) Bernard McLaughlin, Kenneth Albert, Adam Zellner, Brent Barnes, Monique Purcell, Marilyn Lennon, Debbie Mans, Edward McKenna, Thomas Michnewicz, Lauren Moore. Nays (0). Abstains (0).

ROLL CALL

Members Present

Bernard McLaughlin, Designee for State Treasurer, Bradley Abelow, Department of Treasury
Kenneth Albert, Public Member
John Eskilson, Public Member
Adam Zellner, Designee for Commissioner Lisa Jackson, Department of Environmental Protection
Brent Barnes, Designee for Commissioner Kris Kolluri, Department of Transportation
Monique Purcell, Designee for Secretary Charles Kuperus, Department of Agriculture
Marilyn Lennon, Public Member
Marge Della Vecchia, Designee for Commissioner Susan Bass Levin, Department of Community Affairs
(arrived at 10:00 am)
Debbie Mans, Smart Growth Ombudsman

Edward McKenna, Jr., Public Member
Thomas Michnewicz, Public Member
Lauren Moore, Manager, Office of Business Advocate & Information, Commerce & Economic
Growth Commission

Not Present

Michele Byers, Public Member
George Pruitt, Public Member
Christiana Foglio, Chair and Public Member

Others Present (See Attachment A)

PLEDGE OF ALLEGIANCE

Ms. Swan asked everyone to stand for the Pledge of Allegiance.

APPROVAL OF MINUTES

Chair Eskilson asked for a motion to approve the minutes of the October 18, 2006 meeting. Thomas Michnewicz made the motion and Brent Barnes seconded the motion. Chair Eskilson asked for a roll call vote. Ayes (10) Bernard McLaughlin, Kenneth Albert, Adam Zellner, Brent Barnes, Monique Purcell, Marilyn Lennon, Debbie Mans, Edward McKenna, Thomas Michnewicz, Lauren Moore. Nays (0). Abstains (0).

CHAIR'S COMMENTS, John Eskilson, Acting Chair

Chair Eskilson had no comments. At this time he asked for a motion to move Resolution No. 2006-04 Approval of the Annual Meeting Schedule of the State Planning Commission for 2007. Ed McKenna made the motion and it was seconded by Marilyn Lennon. Chair Eskilson asked for a roll call. Ayes (10) Bernard McLaughlin, Kenneth Albert, Adam Zellner, Brent Barnes, Monique Purcell, Marilyn Lennon, Debbie Mans, Edward McKenna, Thomas Michnewicz, Lauren Moore. Nays (0). Abstains (0).

EXECUTIVE DIRECTOR REPORT, Eileen Swan, Executive Director

Ms. Swan discussed a memo that was forwarded to the Commission regarding Resolution 2006-04 acted upon at the last meeting. She indicated that the resolution included the amendments discussed at the last meeting.

Ms. Swan provided an update on Plan Endorsement noting that pre-petition meetings with the coastal region for Monmouth County, Hillsborough Township have been held and Cape May Point will be scheduled for a pre-petition meeting. The Office has put forward the proposal to work with petitioners with consistency issues through an MOU and Action Plan, the mechanism that was agreed upon at the last SPC meeting. Letters were sent on November 17 to five petitioners offering them an opportunity to continue to work with the Office and the State agencies towards Plan Endorsement and requesting that the municipalities authorize the action by having a public meeting prior to January 16, 2007. She explained that if confirmations to work with the Office in this new manner are not received the Office will continue to the process per the rules, by writing a report, taking it to the PIC and consider whether the application is to be endorsed. These municipalities include: Egg Harbor, Denise, Lower, Middle and Barnegat.

Ms. Swan then provided an update on the CAFRA towns that did enter into the MOU for the prior six month extension that was agreed upon. Upper Township's original extension ended October 26 and

was extended until November 30. They have successfully completed their action plan requirements and submitted the required information. She noted that Upper will be making a presentation at a December 14, 2006 PIC meeting on their plan. She noted that the Office worked hard with the PIC members to agree to have an extra meeting and then to have a location in order to continue working with the township in good faith.

Brick Township's original extension ended on November 23 and was extended to February 28, 2007 to allow the Township time to complete action plan items. Toms River and Lakewood Township's extensions also expired November 23, both towns have action plan items that have not yet been completed along with some consistency issues with both petitions. Ms. Swan explained that in a letter of November 22, 2006 the Office provided each town with an opportunity for an additional six month extension under the terms previously approved by the Commission and their response is due back by December 15. The Office and State agencies will meet with Toms River on December 7 and with Lakewood on December 11. Ms. Swan noted that the Mayor of Lakewood was present and had indicated that he would be speaking to the Commission during the public comment period.

Ms. Swan noted that under the provisions of the rules extensions can be granted for requesting additional information from municipalities and extensions have been provided to the following municipalities: Mansfield Township, West Amwell Township, Middlesex County, Western Monmouth, Stafford Township and Sussex County. A letter offering West Amwell to go to the additional six month extension is in the works because there was talk of them doing an agricultural retention plan. In order to get them to the point where all the agencies can agree that they are ready for endorsement the Office feels that this retention plan is something that needs to be addressed.

Next, Ms. Swan provided an update on center designation monitoring. She explained that in August and September the Office sent letters to every municipality with a designated center that was set to expire before 2010, approximately 100 centers. She explained that this was done to make sure that towns are aware of their obligations to report back to the Office on their center designation and the work that they were required to do. To date monitoring reports have been received from 37 municipalities and the Office was expecting to receive reports from approximately another 20 municipalities that had responded and requested additional time.

Chair Eskilson asked if there was any direction given to the municipalities with regard to Plan Endorsement or the benefits of moving forward regardless of their expiration date. Ms. Swan explained that it was covered in the letter. Chair Eskilson also questioned the direction that was given to the Highlands towns. Ms. Swan noted that those towns had received the same letters. She noted that the Office has received from Highlands towns resolutions concerning whether they have sewer service through DEP and how the Highlands Plan impacts that and the Office had also received resolutions that speak to their center designation and are asking the State Planning Commission and the Office where the entities stand on those issues. She explained that the response letter to those towns set forth rules and the obligations under the designation of those centers and the timelines established, so that the towns are clear that the Office of Smart Growth is adhering to those obligations. She also explained that the Office was in the process of writing a letter to those Highlands towns to explain what the rules are pertaining to designated centers.

Marilyn Lennon noted that the Lakewood planner made a comment in a newspaper that if they were going for center designation or Plan Endorsement that they would be exempt from CAFRA and that she did not think that was accurate. Chair Eskilson asked that discussion on Lakewood wait for the public comment to allow the Mayor to come up first and then deal with the Lakewood issues.

Next Ms. Swan provided an update on the revisions of Plan Endorsement, which were discussed at the last PIC meeting. She explained that the Office is at the point where it has worked with each of the agencies extensively under the direction of Ben Spinelli. She thanked the agencies for the time and

dedication that they have given to the process. She noted that the office had developed a list of what each agency was requiring in order to feel comfortable with endorsement, what each agency was going to do to assist the municipalities through the process, each agency was asked for teams to work with Plan Endorsement and a point of contact who would be responsible for all related questions. The Office is working towards a targeted approach so that the benefits will flow to the municipalities when they have reached the bar for each of the agencies involved. The Office is also preparing a letter to go out to the State Commissioners and Secretaries involved in Plan Endorsement to show what the Office is asking of each agency and what the agency has committed to as well.

Next, Ms. Swan reported that there have been discussions within the Office now that Highlands Draft Plan has been released. She explained that the Office will be asked to endorse the plan and the questions have been raised as to what that process will be. Preliminary conversations in the Office resulted in using the new endorsement process with some slight changes. She explained how the standards for regional Plan Endorsement petitions differ from municipal petitions. The first step would be to go through the self assessment stage so the Highlands would do a review to see if they are consistent with the SDRP policies and they will be asked to write a narrative on each of their Plans as they pertain to those policies and their consistency to them. . The Highland's Master Plan will also be reviewed by the State agencies to see if it consistent with their goals, regulations and policies.

Chair Eskilson noted that he was pleased that the Office is dealing with the process issues however, the Highlands Act requires the Council to submit their Plan to the Commission within 60 days of adoption by the Council and the Commission will have until May to deal with finalizing the process. He also noted his concerns that revisions are being made to the Plan Endorsement process and that we are still moving forward. Chair Eskilson further noted that he felt that there were some legal questions that needed to be dealt with such as, what does it mean if the Commission lends its endorsement to the Highlands Plan--is it then adopted in to the State Plan and then are those criteria that are in that endorsed plan to be used as we pass judgment on municipalities that come forward for Municipal Plan Endorsement that have not 'opted in'. He feels that if that is the case that is contrary to the legislative intent that the Planning Area remains voluntary. He felt that the Commission needed direction and asked the Commission's blessing to have DAG Reynolds look into the matter. There was brief discussion on this matter and a request from the Office to send a letter from the Commission requesting the GIS files from the Highlands Council so that the Office could begin reviewing the mapping of the Highlands Draft Plan.

Ms. Swan reported that on December 14 Upper Township would be providing a presentation on their petition for Plan Endorsement. She also updated the Commission on the status of Cross-acceptance noting that the Office has held seven staff to staff meeting with the counties and staff to staff negotiations were held with the following counties since the last Commission meeting: Union, Burlington, Atlantic and Cumberland. Ms. Swan thanked the staff for their hard work and long hours and recognized the staff present.

COMMITTEE REPORTS

Plan Implementation Committee, John Eskilson, Chair

Mr. Eskilson reported that at the last meeting the Committee discussed the Plan Endorsement guidelines proposals and various Highlands issues. He noted that the Plan Endorsement Guidelines would hopefully be heard by the Commission in January.

GENERAL PUBLIC COMMENTS

Meir Lichtenstein, Mayor of Lakewood Township thanked the Commission for allowing him the opportunity to provide comments. He commented that the Township of Lakewood entered into the Plan

Endorsement process to engage in cooperative regional planning and to ensure that the Township's planning documents were consistent with the smart growth planning principles that form the basis of the State Development and Redevelopment and to maintain its existing Coastal Regional Center as required by the CAFRA regulation. He further noted that the petition demonstrates Lakewood's commitment to smart growth and balances growth and development while protecting critical environmental resources and open space. He also explained that Lakewood Township is the fastest growing Township in the State as reported by NJ Department of Labor and Workforce and clarified why they were a regional center and how they are supported as a regional center. Mayor Lichtenstein explained that they had met with the Office through the Summer, Fall and now Winter to facilitate the process and to address the concerns raised in consistency letters by OSG and correspondence related to the Action Plan. He explained that his concern was that the township had submitted the required Status Reports, which were submitted on June 22, August 23, September 22, October 23 and November 22 and had begun holding the requisite public meetings on the Initial Plan Endorsement Application. On the day before their second scheduled public meeting they received comments from OSG regarding their proposed center concept and based on discussion with OSG staff the township decided not to proceed with the hearing until substantive discussions could be held on the center concept. He explained they feel that the correspondence received from OSG has been general in nature and not specific enough to provide adequate direction given the complexities of the planning concepts associated with smart growth and center based development. He further noted that they have expressed their concerns over the rigidity of the CAFRA regulations in regards to impervious coverage and center or planning area status. He also noted that at a regional planning workshop on October 13 OSG and State partnerships promised to consider a possible gradation of impervious coverage limits to be considered for coastal communities like Lakewood. He noted that in order for Lakewood to retain their coastal center designation under CAFRA they were asking that the OSG and State agencies ensure that any remaining issues that need to be resolved be done in an efficient and timely manner. He feels that Lakewood has worked very hard to meet all the scheduled deadlines in the action plan and is committed to doing so.

He explained that Lakewood has a very good working relationship with Ms. Swan and the OSG staff and that the carrot for the towns was that they would keep their center designations by being endorsed by the March 15 deadline. He did not see how Lakewood could meet that deadline if they don't have OSG working with them. He noted that they make a point of getting the public's input and hearing their comments. He further noted that they did not want to speed up the process and exclude members of the public from having their say, at the same time they have very dedicated volunteers and they continue to move forward. He feels that they need more time and more specific responses from OSG and meetings that are very pointed and say "this area needs to be changed or this area is o.k." As opposed to generalities, he understands that the OSG is trying to empower the town and let them lead the direction but as the deadline approaches one of two things he feels need to happen and appealed to the Commission for were: either an extension for CAFRA or to know that the OSG would meet with them as often as needed. He explained that he does not know what they will do if they don't make the deadline.

Chair Eskilson commented that the CAFRA extension is beyond the means of the Commission. He noted that the request for specificity was legitimate and explained that the Commission and OSG will work with Lakewood to do everything they could within their means to move the process, but could not promise an answer. He also explained that there was the opportunity go through the PIC and discuss the differences in an open forum.

Ms. Swan thanked the Mayor and acknowledged the work that Lakewood has put into the project. She explained from the Office's perspective what had been done on the endorsement; the first letter that was sent out was January 5, 2006, which spoke to the creation of a larger center being neither warranted from a State Plan perspective nor locally desirable considering township's planning and the concern of the regional approach; May 23, 2006 letter that referenced the justification of centers and

also spoke to consistency with the State Plan and raised the issues of concern with the direction the town was still taking on that matter; November 8, 2006 letter also spoke to the center concept and OSG's concern over the proposed regional center and the proposal to allow for almost the entire municipality to be designated as a regional center being inconsistent with the State Plan. She also noted that apart from the letters there was constant communication with the town and its professionals by Joe Donald and Jung Kim to voice concerns, in addition there was a three town meeting in October that talked about some of these issues and to provide direction. She feels that the Office has been giving due diligence to this matter. She explained that endorsement is not just working with OSG it is also working with State agencies to make sure the requirements of each agency are met in the process. Ms. Swan also noted that DEP has been in lock step with the OSG on the review of the center proposals as they have been received by the township and they are on record with OSG in sending the same message. She also explained that Lakewood had requested a series of meetings that she was reluctant to agree to, she felt that was more appropriate to have one meeting, which was scheduled for December 11, and then if a additional meeting was still needed at the conclusion it be scheduled at that time. There is also the difficulty of getting the various State agencies to leave Trenton due to workloads and other demands. Ms. Swan committed to attending a meeting in Lakewood and suggested that it could be a regularly scheduled public meeting of the township. The Office has received a series of letters from concerned citizens in Lakewood asking OSG to come down and do a presentation but Ms Swan felt that it would be better to present at a regularly scheduled public meeting with the Township. Ms. Swan further explained that at the end of the plan endorsement process there was a 90 day commitment to get the CAFRA designation before the expiration date of March 15, 2007 and that she was concerned that it was not possible since Lakewood was not advanced enough with their application with the regards to center designation.

There was a discussion on the critical need to have the petition moved forward with respect to economic development, jobs and how the 90 days following endorsement play into the process and whether the town would even meet the deadline. Mayor Lichtenstein was happy to hear the commitment from OSG, the other agencies and the Commission to work with Lakewood but there could be no commitment on the ability to achieve Plan Endorsement by the March date.

Chris Sturm, New Jersey Future thanked the Commission for the opportunity to testify on the evolving Plan Endorsement rules. She explained that New Jersey Future was very excited to see the direction that was being taking and applauded the Commission on the interagency cooperation efforts taking place. She noted that New Jersey Future would like to see in the next month-six weeks a lot more specificity to the Plan Endorsement proposal. She noted that the smart growth assessment -100 day period where agencies will be reviewing the towns existing documents was a brilliant idea however, she was curious as to what kind of feedback the municipalities would be getting from the State agencies, especially DEP on growth areas. She explained that it would be great if the towns walked away with a good understanding of what they could do within the growth areas, but was not sure what could be committed to. She feels that the list of benefits and requirements was still a wish list; she urged the agencies to get specific about what they are requiring and what will be given as benefits. In order for New Jersey Future to go to the towns and say this is a good deal there needs to be real benefits, she feels the is not yet there.

Ms. Sturm also commented on the Water Quality Management Rules, she noted that DEP is looking at a regional approach and talking about being very specific about environmental protection, and are talking about what criteria would be used if land gets sewer service and what type of environmental protection is going to be required. She feels it needs to be lock step with the endorsement process. She also encouraged the Commission to have DEP come before them to discuss the rules.

Ms. Sturm also noted that she had testified at the PIC meeting suggesting that the Cross-acceptance process be done every 10 years, since the agencies and OSG need to put so many resources into Plan Endorsement and she was not sure how it would be able to be done.

Ms. Sturm also commented that they really want to see that Plan Endorsement work in places that are going to grow and how the Commission might reach to communities that might not be coming in because of COAH or a coastal issue and making sure that they have the resources to do endorsement and making it manageable for the big cities that have so many different neighborhoods. She noted that New Jersey Future were happy to help offer advice.

There was a brief discussion on how the non profits might be helpful in sharing models, documents and/or standards that they had seen with the Commission to help see what they are looking for.

COMMISSIONER REPORTS

Edward McKenna, Public Member

Mr. McKenna requested that Ms. Swan on behalf of the Commission send a letter to Chris Foglio for her services as chair.

Monique Purcell, Agriculture

Ms. Purcell recognized the fabulous work of the OSG staff as well as Roberta Lang from Agriculture for her commitment to working with OSG.

Marilyn Lennon, Public Member

Ms. Lennon echoed the comments regarding staff doing a great job. She also referenced a letter in the Commission's packet from John Weingart, Chair of the Highlands Council which referenced the terms of process and reviewing the Highlands Draft Plan and that it might make sense for a subcommittee of the Commission review the draft plan. There was a brief discussion that the process that is already set being used and that the time for commenting and endorsing the Highlands Draft Plan would be reviewed by DAG Reynolds. There was also discussion on the timing of reading the document.

Debbie Mans, Governor's Office

Ms. Mans thanked everyone for their work.

Marge Della Vecchia, Department of Community Affairs

Ms. Della Vecchia reported that they are actively working on the Governor's goal of 100,000 units of affordable housing and putting a plan together. She noted that for staff purposes, they would be calling on OSG staff and COAH staff to become up to speed on the affordable housing goals, so that all staff are looking at the same parameters and goals. She also reported that HMFA had received two national honors, but was not yet allowed to announce one; the other was on behalf of Commissioner Levin and also the Department of Human Services for the Housing Resource Center.

Adam Zellner, Department of Environmental Protection

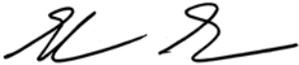
Mr. Zellner thanked DEP staff members Liz Semple and Bill Purdie for all the work they have put in. He also noted that DEP was working on a "score card or a check list" to realign their resources to be a little bit more proactive and aligned with market forces, a bit more eyes open in terms of projects and how they move in stacking the department's limited resources to focus on those projects that frankly aren't ready to move and are under pressure to move and are consistent with local planning efforts. The larger part of the "score card" would be marrying up the sister agencies and their priorities.

Brent Barnes, Department of Transportation

Mr. Barnes reported that DOT was about to roll out a product called Mobility and Community Form which links transportation and land use from the vision level right into land development ordinances. The department will be running some pilot programs and was looking forward to the participation by the State agencies.

With no further comments from the Commission. Chair Eskilson asked for a motion to adjourn, the motion was moved by Marilyn Lennon and seconded by Ed McKenna. All were in favor. The meeting was adjourned at 11:21 a.m.

Respectfully submitted,



Ms. Eileen Swan
Secretary and Executive Director