



State of New Jersey

DEPARTMENT OF STATE
NEW JERSEY STATE PLANNING COMMISSION
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CHRIS CHRISTIE
Governor

GERRY SCHARFENBERGER, PH.D.
Director

KIM GUADAGNO
Lieutenant Governor

**New Jersey State Planning Commission
Minutes of the Meeting Held September 28, 2011
State House Annex
Committee Room 1
125 West State Street, Trenton, New Jersey**

CALL TO ORDER

John Eskilson, Vice-Chair, called the September 28, 2011 meeting of the New Jersey State Planning Commission to order at 9:41 a.m.

OPEN PUBLIC MEETINGS ACT

Deputy Attorney General Julie Cavanagh 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

Kenneth Albert, Public Member (arrived at 9: 45 a.m.)
John Eskilson, Public Member
Monique Purcell, Designee for Douglas Fisher, Secretary, Department of Agriculture
Caren Franzini, Chief Executive Officer, NJ Economic Development Authority
Chuck Richman, Designee for Lori Grifa, Commissioner, Department of Community Affairs
Shing-Fu Hsueh, Mayor, West Windsor, Public Member
Marc Larkins, Chief Executive Officer, Schools Development Authority
Michele Siekerka, Designee for Bob Martin, Commissioner, Department of Environmental Protection
Thomas Michnewicz, Public Member
Jim Lewis, Designee for James Simpson, Commissioner, Department of Transportation

Not Present

Lt. Governor Kim Guadagno, Department of State
Edward McKenna, Chairman, Public Member

Others Present

(See Attachment A)

PLEDGE OF ALLGIANCE

Vice-Chair Eskilson asked everyone to stand for the Pledge of Allegiance.

APPROVAL OF MINUTES

Vice-Chair Eskilson asked for a motion to approve the minutes of the April 20, 2011 meeting. Commissioner Michnewicz made the motion and it was seconded by Commissioner Siekerka. There was no discussion, comments or changes. All were in favor, no opposed or abstentions. The minutes were approved.

CHAIR'S COMMENTS

Vice-Chair Eskilson moved to the next item on the agenda which was the reorganization of the Plan Implementation Committee (PIC) and the reinstatement of the Plan Development Committee (PDC). The change to the PIC was to remove the Office for Planning Advocacy (OPA) from the committee and add the Lieutenant Governor or her designee. The balance of the committee remained the same. Vice-Chair Eskilson asked for a motion to approve the PIC as presented. Commissioner Purcell made the motion and it was seconded by Commissioner Michnewicz. There was no discussion, comments or changes. All were in favor, no opposed or abstentions. The PIC was approved as presented.

OPA staff recommended that that PDC be reconstituted. The recommended membership included the following: Department of Environmental Protection (DEP), Department of State (DOS), Department of Agriculture (NJDA), Department of Community Affairs (DCA), Department of Transportation (DOT), Chairman McKenna and John Eskilson. There was no discussion or comments on the proposed membership. Vice-Chair Eskilson asked for a motion to approve the PDC as presented. Commissioner Purcell made the motion and it was seconded by Commissioner Larkins. All were in favor, no opposed or abstentions. The PDC was approved as presented.

DIRECTOR'S REPORT

Gerry Scharfenberger, Director reported that the OPA had officially been moved from the DCA to the DOS. Consistent with the official move all OPA staff were given DOS e-mail addresses and all web related links were migrated to the Business Action Center website. DCA officially turned over the management of the Development Opportunities Interagency Team (DOIT) and the Greyfields Redevelopment Interagency Team (GRiT) to OPA. The OPA staff continues to work diligently to complete the Plan Endorsement (PE) petitions currently in the system. No new PE petitions will be accepted. Director Scharfenberger provided an update on the State Strategic Plan and The Governor's Institute Workshop which was held in May. Lastly, it was reported that the Governor along with the Lt. Governor and senior administration officials have been briefed on the State Strategic Plan and that other briefings would be held in the near future.

Vice-Chair Eskilson asked for questions or comments from the State Planning Commission (SPC) members on the Director's Report.

Monique Purcell questioned if there was a list of towns that were currently looking to complete PE. Director Scharfenberger responded that a list could be provided and that there were 17 towns out of 137 wishing to complete PE.

Commissioner Franzini thanked the staff for putting together the Governor's Institute and noted that it was a great learning experience.

RESOLUTIONS

Resolution 2011-03 Approving the Petition to amend the Planning Implementation Agreement submitted by the Borough of Cape May Point

Kate Meade, Planner for OPA stated that Cape May Point was endorsed by the SPC with a village designation in July 2009. Cape May Point has made progress, the general store had been renovated and restored. The renovation added 25 seats without increasing the foot print of the general store. She explained that it may not seem like a very significant amount of progress however, the general store was the only commercial establishment in Cape May Point. It had doubled in size and increased tax revenue. Additional progress included in 2010, for the first time beach grass was not needed to stabilize the dunes. Ms. Meade discussed the amendments to the Planning Implementation Agreement (PIA) which included minor changes in items b2, b3, b4, b5, d2 and d5 which had a 2012 due date. Ms. Meade recommended that the date be changed to 2015 due to the action taken by Governor Christie to approve legislation mandating that master plan reexaminations have every 10 years instead of six years. The requested changes reflect the next time Cape May Point will be reviewing their master plan in line with the recently signed legislation.

Deputy Mayor Van Hesswick, commented that Cape May Point usually gets things done ahead of schedule. She explained that the town would like to take advantage of the Governor's suggestion that master plans be reviewed every 10 years. Mayor Van Hesswick requested that Cape May Point's deadlines be extended to 2015 in accordance with the 10 year mandate thereby allowing everything to be aligned. Deputy Mayor Van Hesswick thanked everyone from the old SPC and the new OPA for their work in helping Cape May Point achieve PE. She feels that the State's comments were always well received and she appreciated the input from everyone. She also noted that Cape May Point feels they are always ahead of the game and that they would complete the PIA quickly.

Vice-Chair Eskilson thanked Cape May Point for their hard work and for preserving resources, and that SPC appreciates the commitment to planning.

Vice-Chair Eskilson asked for comments or questions from the Commission on the Cape May Point item. There were none at this time. There were no questions or the comments from the public. Vice-Chair Eskilson asked for a motion to approve Resolution 2011-03. The motion was made by Commissioner Hsueh and seconded by Commissioner Michnewicz. There were no discussions. All were in favor, no opposed or abstentions. Resolution 2011-03 was approved.

Resolution 2011-04 Approving the Petition to Amend the Planning Implementation Agreement submitted by the Township of Upper

Ms. Meade reported that Upper Township received PE and center designation from the SPC in February 2007 and completed their first biannual review in 2009. Ms. Meade discussed the progress made by the township and noted the township was given a Smart Future Grant to develop a form based code. She explained that the code was never adopted but the concepts were incorporated into the township's new zoning and master plan re-examination. In addition to the Smart Future Grant, DOT provided a grant to the township to evaluate the highway access code in the centers along Route 9. At the May 25th PIC meeting there was a discussion of an area wide CAFRA permit in the center, which was brought up by Paul Dietrich the municipal engineer.

Vice-Chair Eskilson asked for comments or questions from SPC members on Ms. Meade's presentation.

Commissioner Purcell asked about the County TDR plan described in the biennial report. She asked if OPA paid the county for their work. Ms. Meade noted that was a mistake in the report. The OPA paid \$100,000.00 for that grant which was paid to the county. Mr. Dietrich was misinformed.

Vice-Chair Eskilson asked for questions or comments from the public on this matter. There were none. Vice-Chair Eskilson asked for a motion to approve Resolution No. 2011-04. The motion was made by Commissioner Purcell and seconded by Commissioner Michnewicz. There were no discussions. All were in favor, no opposed or abstentions. Resolution No. 2011-04 was approved.

Resolution No. 2011-05 Approving the Petition for Plan Endorsement and Designating Centers by the Township of Middle in Cape May County

Vice-Chair Eskilson noted that Middle Township's petition was discussed and heard at by the PIC with a recommendation to proceed to the Commission. He further noted that at that time, he made comments on the record about his concern of being the only public member present and that he did not feel it was appropriate to unilaterally act on the petition. Vice-Chair Eskilson noted that he supports the petition.

Ms. Meade acknowledged that the following officials from Middle Township were present : Elizabeth Terenik the planner, Vince Orlando, Engineer and Mayor Susan DeLanzo, Jim Pickering, solicitor and the Cape May County Planning Director Leslie Geimeno and then proceeded with a PowerPoint presentation on the Township of Middle's Plan Endorsement petition. The presentation provided background on the petition, demographics for the region, consistency between the State Plan Goals and Middle Township's plans and their proposed centers. She also explained that the process took seven years total and that four of those years were spent working on the action plan defined by State agencies.

Mayor DeLanzo commented that it was a pleasure to be at the meeting and to be able to represent the people of Middle Township. Mayor DeLanzo thanked Bill Purdie of DEP, Rick Brown of DEP and Kate Meade for their efforts in assisting in Middle Township in the PE process. She explained that the past seven years Middle Township had worked very diligently to achieve the goals of PE. The process takes a lot time and money. To accomplished the goals Middle Township hired a planner, reestablished the Environmental Commission, conducted a transportation study, completed a natural resource inventory, completed a build-out analysis, completed a nitrate dilution study (the first in the State), adopted an environmental assessment ordinance and updated its new master plan with zoning changes which were all to be in accordance with guidelines from the State. Mayor Delanzo explained that it was frustrating to hear some of objections about water issues. She noted that the water issue objections are regional issues and that Middle Township has been addressing the issues and would continue to address the issues and with the county and State. In closing, the Mayor noted that the residents of Middle Township want to preserve the environment, to maintain the quality of life that has been enjoyed and allow economic development to continue in a responsible way, with a planned direction and to be partners in protecting the natural resources.

Vice-Chair Eskilson thanked the mayor, council and citizens for all of the hard work and for persevering through a difficult and long process, for what the Mayor does as an elected official and for caring about the community which was clear through the comments.

Vice-Chair Eskilson asked for questions or comments from the Commission.

Commissioner Richman noted that he believed there was some litigation in terms of the new master plan and centers. He questioned, without getting into the litigation, whether the subject location was physically in the center now. Ms. Meade responded that that she believed the Conifer site is within the center. There was a brief discussion on this issue.

Commissioner Purcell asked that if the centers were expired and if the SPC's action for initial plan endorsement or new PE? Ms. Meade noted that it was initial plan endorsement however, the coastal centers were expired. Commissioner Purcell questioned if the centers would be redesignated. Ms. Meade responded that in initial plan endorsement there was a 90-day review for CAFRA centers and that the coastal centers are slightly different in terms of impervious coverage. Middle Township's coastal center on the mainland did sunset. Ms. Meade explained that if Middle Township was to get

approved in 90-days the DEP would be reviewing the centers for CAFRA center designation. Ms. Meade explained that the PIA had been timed such that the County had until December 15, 2011 to submit the municipal chapter for Middle's Wastewater Management Plan. Middle Township's chapter needs to be completed before any CAFRA action is taken.

Commissioner Siekerka commented that the Ms. Meade was correct in her outline. The DEP cannot proceed forward with CAFRA designation until the December 15th deadline.

Commissioner Purcell congratulated Middle Township on its work and felt they had done all the homework and that they had been very specific with respect to environmental sensitivity.

Vice-Chair Eskilson opened the floor for public comment on the Township of Middle's Plan Endorsement Petition

PUBLIC COMMENT

Matt Blake, American Littoral Society (ALS) commented that they have been a member of the public participating in the process since the beginning. Mr. Blake explained that ALS, among other members of the public and other environmental groups have throughout the process submitted comments and letters to OSG now OPA and had not received responses to the letters. He feels that because those comments and concerns were not answered many of the concerns raised early on in the process got perpetuated and raised opposition. Some of the concerns raised included the build-out and 70% increase in growth and population and the increase in summer population by 2012 not being considered. The CAFRA standards and coastal consistency statement do not marry with the build-out. The USGG DEP report contains various water supply scenarios and the build-out doesn't address the issues. Impacts to wetlands, ecological base flow and streams are already being seen in Middle Township.

Mr. Blake noted that the ALS had submitted a letter to the SPC prior to the meeting and had hoped it had been read. He also noted that he was concerned with the low number of members present at the PIC meeting when the petition was initially discussed. He further noted some overwhelming concerns such as the fact that the presentation failed to mention that the Conifer site was situated in the Cape May Refugee and within the Refugee Acquisition Boundary. That removing the portions of those centers would be a good step to improving the plan. That the one acre zoning largely overlays the township's remaining upland forest that borders and buffers the sounds and back bay areas along Route 9.

Lastly, Mr. Blake noted that there were a lot of good things in the plan and was encouraged to see the township move forward on an Open Space and Recreation Plan. He thanked the township for its efforts.

Jody Carrara, Project Director for ANJEC commented that in 1999 Middle Township proposed the same development and sewers but because of the water supply issue it was defeated. She noted that there was legislation stating that no new sewers could be put in the ground unless there was adequate water supply and that Wildwoods were supplying some of Middle Township's water. Ms. Carrara noted that Middle Township has done a great job and congratulated them. She feels the DEP has not done a great job.

Creigh Rahenkamp, private Planner commented that for many years the Commission has heard him complain about PE and center designation because the PE process had not paid attention to housing, economic growth and how to intelligently use land. Mr. Rahenkamp noted that to him Middle Township's has done the best job in the last 15 years. The presentation, reflected that the community asked the questions about the employment growth, what jobs could be expected to be generated and what incomes those jobs would supply to the people in the area. Demographics were looked at, including households, what kind of housing was going to be needed and the hard job of comparing what was actually needed to the existing zoning and then correcting the mismatch. He feels that

there is a mismatch throughout the State because there is no relationship between zoning and market demand. The township addressed the center areas and strategically narrowed them down to those areas that would support enough growth over the next plan horizon. Mr. Rahenkamp acknowledged the issues associated with plumbing and infrastructure but noted the amount of planned growth in the center was very prudent. He felt that the centers had been rationally evaluated and would very much support the petition. He applauded OPA staff for working with Middle Township on the issues that he had been hammering the SPC on for so long. Lastly, Mr. Rahenkamp commented that it was very gratifying to see a PE done correctly.

With no further comments from the public, Vice-Chair Eskilson asked for a motion to approve Resolution No. 2011-05. Commissioner Richman made the motion and it was seconded by Tom Michnewicz.

Commissioner Franzini had two concerns. The first being whether the current zoning reduced the number of units that had been permitted in the centers. Ms. Meade responded that there was more housing in the center and less housing in the environs. Ms. Meade said that there were more small units over retail because smaller units are consistent with market demand. There was a brief discussion on this concern.

Secondly, Commissioner Franzini questioned if there was a process in place to review a development application by DEP to ensure that there was water available before development occurs.

Vince Orlando, Engineer for Middle Township, Planner and licensed landscape architect, responded that there were many development procedures in place and that most projects would need sewer extension, water extension and CAFRA permits. He noted that only small projects within the town would only need local approval, every project that taps into the sewer would need a sewer extension permit and water permit.

Commissioner Richman questioned if the nitrate dilution model was used to set the bottom boundary on the rural zoning. Mr. Orlando responded that was exactly what was done and that the nitrate model worked out to set the acreage required to meet the 10 parts for the nitrate dilution standard. Commissioner Richman asked if there was any discussion about the zoning being even higher in order to not cut out the landscape as much. Mr. Orlando noted that with the new zoning in place there are limited parcels to be developed. He also noted that there was no increase in zoning and felt that some were led to believe clustering was going to increase density. The number of units was the same based off of the new zoning, the difference being smaller lots.

Commissioner Siekerka commented that DEP has been working very closely with the county and the local officials on Middle Township's petition by following the geological survey study and working very closely to implement strategies from that. She explained that today was just a step in the process, that there were still things that needed to happen and that DEP would continue to work very closely with the county and Middle Township on their plans.

Vice-chair Eskilson questioned if the county's plan for wastewater was advancing to meet the deadline? Commissioner Siekerka responded yes for the December deadline.

With no further discussion, Vice-Chair Eskilson asked for a roll call vote. Ayes: (10) Ken Albert, John Eskilson, Monique Purcell, Caren Franzini, Chuck Richman, Shing-Fu Hsueh, Marc Larkins, Michele Siekerka; Thomas Michnewicz, Jim Lewis. Nays: (0). Abstains (0).

PUBLIC COMMENTS

There were no public comments at this time.

COMMISSIONER REPORTS

There were no Commissioner Reports.

ADJOURMENT

With no further comments from the SPC or the public, Vice-Chair Eskilson asked for a motion to adjourn. The motion was made by Commissioner Franzini and seconded by Commissioner Michnewicz. All were in favor. The meeting was adjourned at 10:36 a.m.

Respectfully submitted,



Gerry Scharfenberger, Ph.D.
Secretary, State Planning Commission

Dated: November 22, 2011



NEW JERSEY STATE PLANNING COMMISSION

Attachment A

DATE: SEPTEMBER 28, 2011

TIME: 9:30 AM

LOCATION: COMMITTEE ROOM 1, STATE HOUSE ANNEX, TRENTON, NJ

NAME	AFFILIATION & ADDRESS	PHONE
Helen Horvitz	K&J Farm Bensale	
Tony Carraja	AWTEC - Mendham NJ	
Susan Weber	NJDOT	609-530-3658