



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
NEW JERSEY STATE PLANNING COMMISSION
101 SOUTH BROAD STREET
PO BOX 204
TRENTON, NJ 08625-0204

JON S. CORZINE
Governor

SUSAN BASS LEVIN
Commissioner

EILEEN SWAN
*Executive Director
and Secretary*

Resolution No. 2007-01
Page 1 of 4

Date: February 21, 2007
Patron:

RESOLUTION

ENDORSEMENT OF THE PETITION FOR INITIAL PLAN ENDORSEMENT FOR UPPER TOWNSHIP, CAPE MAY COUNTY

WHEREAS, the State Planning 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, in adopting a State Plan, the State Planning Commission has laid out goals, policies, and objectives for the use of land in the State of New Jersey (including the concept of Planning Areas and Centers as the organizing planning principles for achieving a more effective and efficient pattern of development in the State); and

WHEREAS, the State Planning Commission is empowered, pursuant to N.J.S.A. 52:18A-203 of the State Planning Act, to adopt rules and regulations to carry out and implement its statutory responsibilities and purposes, including establishing a process for the endorsement of municipal, county and regional plans that are consistent with the State Plan; and

WHEREAS, pursuant to its authority under N.J.S.A. 52:18A-203, the State Planning Commission has adopted regulations, set forth in N.J.A.C. 5:85-7.1 et seq., that establish procedures for filing of petitions with the State Planning Commission for the purpose of requesting Plan Endorsement in order that the State Plan and State Plan Policy Map can better serve to foster cooperation and coordination of planning activities between State agencies and county and local governments; and

WHEREAS, the State Planning Commission encourages municipalities, regions, and counties to demonstrate that their plans are consistent with the goals, policies and objectives of the State Plan, thereby rendering their plans eligible for Endorsement by the Commission; and

WHEREAS, on December 21, 2005, Upper Township submitted a petition for Initial Plan Endorsement to the State Planning Commission; and

WHEREAS, the Upper Township petition for Initial Plan Endorsement was deemed complete by the Executive Director of the Office of Smart Growth on January 20, 2006; and

WHEREAS, the Petition, plans and supporting documents were sent to the State agencies represented on the State Planning Commission and were subject to a 45-day review period by the relevant State and Federal agencies pursuant to N.J.A.C. 5:85-7.5(c) and (d); and





State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
NEW JERSEY STATE PLANNING COMMISSION
101 SOUTH BROAD STREET
PO Box 204
TRENTON, NJ 08625-0204

JON S. CORZINE
Governor

SUSAN BASS LEVIN
Commissioner

EILEEN SWAN
*Executive Director
and Secretary*

Resolution No. 2007-01
Page 2 of 4

Date: February 21, 2007
Patron:

WHEREAS, the Staff and Executive Director of the Office of Smart Growth and representatives of all relevant state agencies reviewed the petition and supporting documentation filed by Sussex County; and

WHEREAS, based upon review of the petition and supporting documents by the Office of Smart Growth, comments received from the relevant State agencies, the Pinelands Commission and the public, negotiations with representatives of Upper Township and the terms of an agreed upon Planning and Implementation Agreement (PIA), it has been determined that the Petition and proposed PIA, as revised, meets the requirements of N.J.A.C. 5:85-7.1 et seq. for Initial Plan Endorsement; and

WHEREAS, the Staff and Executive Director of the Office of Smart Growth, in a report dated February 9, 2007 to the State Planning Commission, found that the Upper Township has met the criteria for initial plan endorsement, and recommended endorsement of the Petition and revised PIA as consistent with the State Plan subject to compliance with the terms and conditions of the revised PIA; and

WHEREAS, the Plan Implementation Committee conducted a public hearing on January 24, 2007 with regard to the petition for initial plan endorsement filed by Upper Township; and

WHEREAS, the Plan Implementation Committee reviewed and considered the petition for Initial Plan Endorsement submitted by Upper Township, the revised PIA, the public comments received at the public hearing and the February 9, 2007 report from the Staff and Executive Director of the Office of Smart Growth to the Plan Implementation Committee evaluating the petition which has been revised since the public hearing to reflect the concerns of the Committee and the public; and

WHEREAS, the Plan Implementation Committee concurs with the recommendations summarized in the February 9, 2007 Report of the Office of Smart Growth that the Petition is consistent with the State Plan and recommends endorsement of the Petition by the State Planning Commission; and

WHEREAS, the Executive Director of the Office of Smart Growth has recommended approval of the Petition and revised PIA for the reasons set forth in a revised February 9, 2007 Report from the Executive Director and Staff of the Office of Smart Growth, and

WHEREAS, the State Planning Commission has considered the petition submitted by Upper Township, the revised Planning and Implementation Agreement, the February 9, 2007 Report from the Office of Smart Growth, the recommendations of the Commission's Plan Implementation





State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
NEW JERSEY STATE PLANNING COMMISSION
101 SOUTH BROAD STREET
PO Box 204
TRENTON, NJ 08625-0204

JON S. CORZINE
Governor

SUSAN BASS LEVIN
Commissioner

EILEEN SWAN
*Executive Director
and Secretary*

Resolution No. 2007-01
Page 3 of 4

Date: February 21, 2007
Patron:

Committee, comments from all relevant state agencies with regard to the petition, and all of the public comments received by the State Planning Commission with regard to the petition; and

WHEREAS, the State Planning Commission has determined that the petition for initial plan endorsement submitted by Upper Township with supporting documents, and the revised Planning and Implementation Agreement, is consistent with the State Plan as required by N.J.A.C. 5:85-7.6(c);

NOW, THEREFORE, BE IT RESOLVED, that, the State Planning Commission, pursuant to N.J.A.C. 5:85-7.6(c), hereby endorses the petition for Initial Plan Endorsement of Upper Township for the reasons set forth in the February 9, 2007 Report prepared by Staff and the Executive Director of the Office of Smart Growth; and

BE IT FURTHER RESOLVED, that the State Planning Commission hereby authorizes its secretary and principal executive officer, Eileen Swan, to execute the attached Planning and Implementation Agreement; and

BE IT FURTHER RESOLVED, that endorsement of the Upper Township petition for Initial Plan Endorsement is contingent upon Upper Township fulfilling the terms and conditions contained in the attached Planning and Implementation Agreement and that Upper Township shall accordingly be obligated to work on and complete the various items in the Planning and Implementation Agreement within the prescribed time periods and to continue to carry out its plans in accordance with the goals, strategies and policies of the State Development and Redevelopment Plan; and

BE IT FURTHER RESOLVED, that, in approving the petition for initial plan endorsement submitted by Upper Township, it is understood that N.J.A.C. 5:85-7.13 provides that the endorsement may be revoked if the State Planning Commission determines that Upper Township has failed to fulfill the obligations contained in or substantially violated the terms of the Planning and Implementation Agreement; and

BE IT FURTHER RESOLVED, that the State Planning Commission and Upper Township have entered into a mutual planning partnership by virtue of the Planning and Implementation Agreement, and therefore it is the obligation of all relevant State agencies to provide the assistance to Upper Township necessary to accomplish the tasks specified in the Planning and Implementation Agreement consistent with statutory and regulatory requirements and to the extent of available resources; and





State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
NEW JERSEY STATE PLANNING COMMISSION
101 SOUTH BROAD STREET
PO BOX 204
TRENTON, NJ 08625-0204

JON S. CORZINE
Governor

SUSAN BASS LEVIN
Commissioner

EILEEN SWAN
*Executive Director
and Secretary*

Resolution No. 2007-01
Page 4 of 4

Date: February 21, 2007
Patron:

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Governor, the Senate President, the Assembly Speaker, members of the Legislature representing Upper Township, the Cape May County Board of Chosen Freeholders and County Planning Board, the Pinelands Commission, the Commissioners and Secretaries of all State Agencies and that notice of this decision be provided as set forth in N.J.A.C. 5:85-7.6(d) and (e).

Certification

This Resolution was adopted by the New Jersey State Planning Commission at its meeting held on Wednesday, February 21, 2007. Ayes: (9) Bernard McLaughlin, Kenneth Albert, Elizabeth Semple, Brent Barnes, Monique Purcell, Marge Della Vecchia, Debbie Mans, Edward McKenna, Thomas Michnewicz. Nays: (0). Abstains: (0).

Eileen Swan, Secretary
NJ State Planning Commission

Dated: February 21, 2007

