



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

CHRISTIANA FOGLIO
Chair

EILEEN SWAN
Executive Director & Secretary

Resolution No. 2006-04
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Date: October 18, 2006
Patron:

RESOLUTION

**AUTHORIZING THE OFFICE OF SMART GROWTH AND THE STATE AGENCIES TO
CONTINUE TO WORK WITH PETITIONERS FOR PLAN ENDORSEMENT THAT HAVE
OUTSTANDING CONSISTENCY ISSUES PURSUANT TO AN EXTENSION OF THE TIME
PERIODS OF THE STATE PLANNING RULES ON THE BASIS OF THE EXECUTION OF A
MEMORANDUM OF UNDERSTANDING BETWEEN THE PETITIONER AND THE STATE
PLANNING COMMISSION**

WHEREAS, the Office of Smart Growth has been working with petitioners for plan endorsement (petitioning entities) in accordance with the State Planning Rules, N.J.A.C. 5:85-7.1 et seq., and

WHEREAS, the State Planning Commission evaluates and approves petitions for Plan Endorsement on the basis of their consistency with the goals, policies and strategies of the State Development and Redevelopment Plan (State Plan); and

WHEREAS, the Office of Smart Growth and the State agencies have conducted substantive reviews of petitions for plan endorsement; and

WHEREAS, as a result of these substantive reviews, the Office of Smart Growth and the State agencies have identified areas of concern that need to be addressed before the Office of Smart Growth can make a recommendation to the State Planning Commission that these petitions are consistent with the State Plan; and

WHEREAS, in order to evaluate these petitions for consistency with the State Plan, the Office of Smart Growth has sent each petitioner a letter outlining the areas of concern and requesting additional information within a specified period of time; and

WHEREAS, the petitioning entities have been unable to provide the requested additional information to the Office of Smart Growth and the State agencies for review and evaluation, within the time periods contemplated under the State Planning Rules for evaluation of petitions for Plan Endorsement; and



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WHEREAS, properly prepared planning activities require time, must be subject to adequate public input throughout the planning process and should not be unduly rushed due to time constraints; and

WHEREAS, the time periods contemplated by the State Planning Rules for the consideration of petitions for plan endorsement do not, in many cases, afford appropriate and sufficient time periods for the completion of such planning activities to take place and consequently may operate to penalize petitioners for plan endorsement for not meeting such time requirements; and

WHEREAS, the petitioning entities have stated a desire to undertake the necessary steps required for evaluation of their current planning efforts and to take the necessary actions identified by the Office of Smart Growth, the relevant State agencies and the State Planning Commission for the petitioning entities to receive Plan Endorsement; and

WHEREAS, the time periods contemplated by the State Planning Rules for the consideration of petitions for plan endorsement have been established for the benefit of the petitioning entities to provide them with assurance that their petitions for plan endorsement will be considered and evaluated within appropriate timeframes, and

WHEREAS, absent an extension of the particular time periods set forth in the State Planning Rules with the concurrence of the petitioning entities and an allowance for the Office of Smart Growth and relevant State agencies to work cooperatively with the petitioning entities, the options for the Office of Smart Growth are to either recommend that a petition be found inconsistent with the State Plan or seek a petition's withdrawal; and

WHEREAS, in seeking to foster sound planning, it is both preferable and desirable for the Office of Smart Growth to continue to work with the petitioning entities and enable them to continue progressing toward achieving Plan Endorsement; and

WHEREAS, at the State Planning Commission meeting of September 20, 2006, the Office of Smart Growth proposed a mechanism to allow the Office of Smart Growth, the relevant State agencies and the petitioning entities to continue to work towards Plan Endorsement; and

WHEREAS, under this proposed mechanism, a petitioning entity, in an effort to continue to work towards Plan Endorsement, may agree to an extension of the time period within which





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its petition is to be evaluated under the State Planning Rules and, with the approval of the State Planning Commission, accordingly enter into an agreement with the Office of Smart Growth, memorialized by a Memorandum of Understanding (MOU) to continue to work towards Plan Endorsement within the extended time period; and

WHEREAS, any extension of time authorized by an MOU would be contingent on the petitioning entity's compliance with an approved and mutually agreed-upon Action Plan, compliance with the MOU, and the petitioning entity's good faith efforts to progress towards Plan Endorsement, as determined by the Executive Director of the Office of Smart Growth; and

WHEREAS, an agreed-upon Action Plan will describe specific tasks, establish a timeline for completion of the items in the Action Plan and for evaluation of the petition, and condition the time extension on continuing active participation of the petitioning entity in the plan endorsement process; and

WHEREAS, the Office of Smart Growth and the State agencies will work with each petitioning entity to develop an acceptable Action Plan with appropriate timelines for the associated tasks; and

WHEREAS, it is imperative for all parties involved to move the process forward, and therefore, in the event that a petitioning entity seeks to enter into an MOU with the State Planning Commission, the petitioning entity shall be required to take any and all actions necessary to execute the MOU no later than 60 days from the date that the Office of Smart Growth formally notifies the petitioner of the opportunity to do so; and

WHEREAS, should the petitioning entity choose not to execute the MOU within this 60 day time period (or unless otherwise agreed) in order address the consistency issues contained in an agreed-upon Action Plan, the Office of Smart Growth shall immediately forward the Consistency Report to the State Planning Commission for review in accordance with N.J.A.C. 5:85-7.6; and

WHEREAS, once an agreement is reached regarding timelines within the Action Plan, and the MOU is authorized at public meeting of the petitioning entity's governing body, the timelines within the Action Plan will become binding, non-negotiable and only subject to further extension for good cause at the discretion of the Executive Director of the Office of Smart Growth,





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NOW THEREFORE BE IT RESOLVED that State Planning Commission hereby authorizes that the time periods contemplated by the State Planning Rules for the consideration of petitions for plan endorsement may be extended with the concurrence of a petitioning entity and directs that the Office of Smart Growth, upon the extension of such time periods with the concurrence of a petitioning entity, to continue to work with any petitioning entity currently seeking Plan Endorsement through a pending petition, that commits to achieving Plan Endorsement by entering into a Memorandum of Understanding which includes an Action Plan establishing timelines for completion and evaluation of all requirements for achieving Plan Endorsement; and

BE IT FURTHER RESOLVED that the Executive Director of the Office of Smart Growth is hereby authorized to negotiate and enter into a Memorandum of Understanding and an Action Plan with any entity currently seeking Plan Endorsement through a pending petition and that, in entering into any such Memorandum of Understanding and an Action Plan, the Executive Director is further authorized to establish extended timelines for completion and evaluation of all requirements for the petitioning entities to achieve Plan Endorsement as, in her discretion, may be necessary and reasonable to accommodate the needs for the petitioning entities to work with the Office of Smart Growth and relevant State agencies to provide necessary documentation of its planning efforts and to resolve issues of consistency with the State Plan and achieve Plan Endorsement.