

Interim Statement  
*of Agreements,*  
**Disagreements and Concerns**  
*of the State Development*  
and Redevelopment Plan

*Prepared by:*  
The New Jersey Office of State Planning  
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## New Jersey Cross-Acceptance Process

### Introduction

In January 1989 New Jersey's 21 counties and 567 municipalities began the first statewide process of intergovernmental planning and coordination in the State's history. The process is known as cross-acceptance, and it is the foundation upon which the State Development and Redevelopment Plan is being built. The cross-acceptance process involves three phases: comparison, negotiation and issue resolution. 'This Interim Statement of Agreements, Disagreements and Concerns reflects the results of both the comparison and negotiation phases of the process, which are described below in greater detail. This Statement also outlines the upcoming issue resolution phase, which begins after an assessment of the Interim Plan's economic, fiscal, intergovernmental coordination, housing affordability, environmental quality and public service delivery impacts has been completed.

### The Comparison Phase

The cross-acceptance process began with the approval and release of the Preliminary State Development and Redevelopment Plan (Preliminary Plan) by the State Planning Commission. The Preliminary Plan describes a vision for 21st Century New Jersey and includes policy direction State, county and municipal governments could follow toward making that vision a reality.

Each county was asked to compare the Preliminary Plan to its own plans and regulations. As the official cross-acceptance negotiating entities, the counties facilitated this same comparison and response among their respective municipalities. In addition to findings and recommendations on consistency and compatibility with the Preliminary Plan, the counties were asked to determine whether or not New Jersey Department of Labor population and employment projections (by county) were reasonable. If not, the counties were to identify their "preferred" growth levels. They were also asked to identify how the growth would be accommodated in accordance with the vision advanced in the Preliminary Plan, and to identify the necessary infrastructure to support the new growth. The final component of the comparison report was to include recommendations for changes and corrections to the Preliminary Plan map. Municipalities that disagreed with the county reports were invited to submit their own findings and recommendations to the Commission directly.

The first county report was issued in July 1989, just six months after the release of the Preliminary Plan for cross-acceptance. Ten counties had reported on their findings by the end of the year and nine more issued findings by the spring of 1990. The last report, however, was not received until 25 months after the cross-acceptance process began. Forty-four individual municipalities filed their own reports with the State Planning Commission. These municipal reports included issues that were either not addressed in their county's report or a disagreement with the county was noted. (Please see Appendix A, which documents the State Planning Commission's receipt of each of these reports.)

Public education and intergovernmental cooperation have been – and continue to be – critical components of the process. Forty five days after the release of the Preliminary Plan, each of the counties began co-sponsoring informational meetings with the State Planning Commission to explain the Plan in detail to citizens, public officials and interest groups. Follow up meetings with counties and municipalities continued after these introductory sessions. The Office of State Planning (OSP), which supports the Commission in its duties, participated in literally hundreds of meetings with counties, municipalities, interest groups and civic organizations throughout the State. (Please see Appendix B for a listing of cross-acceptance meetings conducted by the Office of State Planning and the State Planning Commission's Plan Development Committee.)

Office of State Planning established five State Planning Advisory Committees (SPAC) to structure and ensure public participation in the State planning process. These committees were asked to contribute to the formulation of the State Plan by serving as a microcosm of the larger public debate. Each committee met to establish the boundaries of debate, develop a series of findings and recommendations, foster a consensus-building process, and issue periodic reports to the Office and the Commission.

Over 80 individuals and interest group representatives provided their expertise to review the Preliminary Plan and major policy issues arising throughout the comparison and negotiation (described below) phases of cross-acceptance. Reports of the Housing, Natural Resources and Regional Design System Committees were forwarded to the Commission in November 1990. A report of the Peer Review Committee was completed in May 1991. A report has not been produced for the Business and Labor Committee. The five SPACs are intended to be permanent Committees contributing to the development of the Plan throughout cross-acceptance.

## The Negotiation Phase

As the comparison phase reports were reviewed and analyzed, 64 common issues emerged to signal the need for refinements and improvements to the Preliminary State Plan. Broken down into groups of urban, suburban, rural, regional design and process issues, staff analyses included a statement of the issue; specific Plan strategies and policies affected; the range of concerns reported about the issue; and, alternative remedial actions available to resolve the issue. As the analyses were developed for each county, the Commission appointed its Plan Development Committee (PDC) to function as the negotiating entity on its behalf. The Committee began its efforts with informal meetings with each county, their respective municipalities and concerned citizens during the early months of 1990 to discuss their comparison reports in greater detail.

While these meetings continued, administrative rules were developed for the next phase of cross-acceptance, negotiation. Approved on July 2, 1990, the rule provided for the creation of "Local Negotiating Committees" (LNCs) to represent the counties during the negotiation process. The LNCs, according to the rule, should be appointed by the County Freeholder Board and must have at least three members, two of whom must be planning board members. The other member may be a member of the county planning staff. The rule also specified that the Plan Development Committee would continue to function as the Commission's negotiating entity, and that at least three of its members must be present for the negotiating sessions with the counties. A 45-day notice for the negotiating sessions between the LNC and PDC was issued for each county. (Please see Appendix C for a listing of Negotiation Phase meetings.)

In addition to the Plan Development Committee's outreach to local and county officials that preceded the negotiation process, the State Planning Commission sponsored training in "interest-based" bargaining for each of the county planning departments. Unlike position-based bargaining, which is common to traditional labor-management negotiations, this training focused on techniques that could be used to solve problems and facilitate consensus-building among the various interests working to craft the State Plan. Finally, in preparation for the actual negotiation sessions, the Committee agreed to establish various types of resolutions to the issues arising in cross-acceptance.

The Committee was particularly concerned about the focus of negotiations as a result of the pre-negotiation sessions. The discussions with local officials frequently strayed from specific policies and strategies proposed in the Preliminary Plan to more philosophical concerns, such as home rule. Another frequent concern voiced at these sessions involved how the State Plan would be implemented, yet the Commission was

given no implementation authority in the State Planning Act. While these are certainly legitimate issues of concern, this drift away from actual substance threatened any productive discussion of the Plan itself. This problem was overcome through an administrative framework developed by the Office of State Planning for facilitating the negotiation sessions.

Five types of agreements could result from the negotiation sessions. Described in detail below, these resolutions are organized by county in this Interim Statement of Agreements, Disagreements and Concerns. Explicit agreement indicates that specific wording or mapping changes were resolved to the satisfaction of both parties; agreement in principle signals that a consensus resolution was agreed upon, and specific language would be developed in conjunction with the drafting of the Interim State Plan; agreement to deal with an implementation issue assures local officials that, while beyond the scope of the Commission's authority, the issue would be addressed in an "Implementation Report" that will accompany the release of the Interim Plan; agreement to identify concerns provides for including the general philosophical problems as a matter of public record in this Interim Statement of Agreements, Disagreements and Concerns; and, agreement to defer permits the Plan Development Committee the opportunity to canvass each of the counties and develop alternative policy options to solve the problem. In those instances where the issues could not be resolved within the framework described above, the LNC and PDC would simply agree to disagree.

At least three negotiation sessions occurred with each county. All of the sessions were held in the counties; municipalities were commonly represented on the LNC appointed by the Freeholders. Only one county, Essex, had municipal negotiating committees organized to represent views that differed from the county's. The process for each began with meetings between the Office of State Planning and the county planning staff to reach preliminary agreement on as many issues as possible and to establish the agenda for future negotiating sessions between the LNC and PDC. Public sessions between the LNC and the Office of State Planning staff followed and the agreements and disagreements resulting from the inter-staff sessions were reviewed. If the LNC supported the inter-staff agreements, negotiations on the disagreements continued. In those cases where the Office of State Planning staff did not feel it had sufficient guidance from the PDC, the issue remained a disagreement or was deferred for further discussion at the subsequent LNC/PDC negotiation session. Agreements were either confirmed or revised at the LNC/PDC negotiation session. Once again, discussion continued on the disagreements in an attempt to reach an alternative resolution. Each of the deferred issues were discussed in detail as well. The negotiation results for each county session were recorded and published in a Negotiation Update for each county.

Once again, public participation and education played an important role in the negotiation process. Each of the LNC/OSP and LNC/PDC meetings were open to the public. Public comment was encouraged and vigorous at the negotiation sessions. The Negotiation Update for each county was made

available to the public and served to set the agenda for three regional public forums, which were held specifically to hear public reaction to the Preliminary Plan and the negotiation process.

This negotiation structure proved to be remarkably successful. The 64 major issues were presented and discussed according to the unique perspective of each Local Negotiating Committee. In total, 548 resolutions were negotiated among all 21 counties. Of these 487 agreements broke down as follows:

- o 123 explicit agreements;
- o 186 agreements in principle;
- o 124 agreements on implementation items;
- o 54 agreements on items resolved as concerns; and
- o 54 agreements to defer.

Only 7 of the 548 resolutions resulted in disagreement. Fifty-four issues were deferred with 18 of the 21 counties. These deferred items fall into five categories, including: Tier 1; Tier 5; Agricultural Issues/Tier 6 Equity; Environmental Issues/Tier 7; and, Volume III guidelines. Due to the policy changes involved in these deferred items, mapping issues were deferred pending the outcome of negotiations.

These deferred issues represent a temporary resolution of the issue and they will be revisited with each of the counties upon the release of the Interim State Development and Redevelopment Plan. The Commission has provided for a 150-day negotiation period following the release of the Interim Plan in order to resolve the issues and record these outstanding items as either agreements or disagreements. Mapping issues will also be resolved during that period.

At the same time, the Interim Plan will be undergoing an assessment of its economic, fiscal, intergovernmental coordination, housing affordability, environmental quality, community life and public service delivery impacts. These impacts will be measured against trend development patterns and the results of the study will be publicly released and reviewed during the last phase of cross-acceptance, issue resolution.

#### The Issue Resolution Phase

The issue resolution phase is expected to begin later this summer. An administrative rule is now being formulated, but given the open process for comment and revision to the rule, its ultimate contents are still uncertain. The State Planning Act does, however, provide some guidance on the structure of the issue resolution phase. It requires the Commission to hold no less than six public hearings prior to the adoption of the State

Development and Redevelopment Plan. It also specifies that the Plan cannot be adopted sooner than 30 days or later than 60 days after the last public hearing. And yet, these public hearings cannot be held until the impact assessment is completed and ready for public review.

As of this writing, it is the Commission's hope to begin the issue resolution phase in December 1991 and to adopt the first New Jersey State Development and Redevelopment Plan in March of 1992.

## RESULTS

### ISSUES

#### **I. A(3)EEMENTS**

##### **A. Explicit Agreements:**

###### **VOLUME I: BERGEN COUNT?**

###### 1. Negotiable Item #7 - Economic Development

AT ISSUE: It is the County's position that the use of local development corporations (LDCs) as an economic development tool should not be limited to Tier 1 communities. LDCs have been used effectively in several Tier 2 communities.

RESUEZT: The PDC and LNC agree that the absence of LDC policies in other tiers does not necessarily preclude their use and that the PSDRP will be reviewed to clarify the issue.

###### 2. Negotiable Item f8 - Economic Development-State Facilities

AT ISSUE: The County is concerned that State funding for cultural facilities will be limited to Tier 1 communities. It is the County's position that existing cultural facilities should not be denied access to future State funding regardless of their tier designation.

RESULT: The PDC and LNC agree that the plan should not imply that existing cultural facilities would be dropped or abandoned. The County should cite specific policies to the contrary for the PDC to review and revise as needed.

###### 3. Negotiable Item #10 - Water Supply

AT ISSUE: It is the County's position that private water companies should be required to prepare a capacity analysis

for use by the municipalities. Such an analysis should not be a municipal burden since most municipalities do not supply their own water. A capacity analysis by private companies is not suggested by the PSDRP. The County feels that only the NJDEP or suppliers can determine capacity, not the municipalities.

RESULT: The PDC and LNC agree that Policy 1.1, Page 35, Vol. II will be revised to include all water purveyors.

4. Negotiable Item #14 - Stream and Scenic Corridor Standards

AT ISSUE: The County contends that the PDSRP's setbacks and buffers are unattainable in developed areas. The State Plan needs to develop suburban standards which recognize and preserve stream and scenic corridors within the parameters of a developed area.

RESULT: The PDC and LNC agree that upon further clarifying discussions, existing PSDRP policies and guidelines adequately address this issue but that alternative policies or guidelines submitted by the County will also be considered.

5. Negotiable Item #15 - Air Quality-Energy Conservation

AT ISSUE: It is the County's contention that the PSDRP does not adequately address energy conservation issues.

RESULT: The PDC and LNC agree that additional energy conservation policies submitted by the County will be considered for inclusion in the Plan.

6. Negotiable Item #16 - Planning Education

AT ISSUE: In reference to Comprehensive Planning Policy 1.5, Guideline b, it is the County and municipal position that planning education for municipal officials should be voluntary. The County agrees that planning courses and seminars should be made available to planning officials if they so desire to attend, but making this training mandatory would be asking too much of people who volunteer their time to serve on local planning boards.

RESULT: The PDC and LNC agree that the State should promote and support planning education so as to be consistent with Policy 1.5 in the Comprehensive Planning section of Volume II

of the PSDRP. It is agreed that Volume III was intended only to be a set of guidelines and not to be mandatory in nature.

**VOLUME II: MERCER COUNTY**

1. Negotiable Item #9 - Tiers 6 and 7 Rural Development Area Character

AT ISSUE: The County was concerned about coverage percentages offered in Volume III of the Preliminary Plan being equated with zoning. Other mechanisms are available to protect environmental areas and agricultural areas.

RESULT: The PDC and LNC agree that Volume III guidelines are not mandatory and were not meant to be interpreted as zoning and they should not be applied on small parcels of land. In addition, small, environmentally-sensitive sites (ESS) exist in all tiers and can be protected and recognized in the State Development and Redevelopment Plan through the application of the Plan's Statewide Strategies for Natural and Cultural Resources.

2. Negotiable Item #5 - Council on Affordable Housing's (COAH) Use of the State Development and Redevelopment Plan

AT ISSUE: The County prefers to see wetlands, stream corridors, greenways and blueways recognized as potentially undevelopable land areas in Tier 4, and believes that COAH should not use these areas as a basis for fair share housing allocations.

RESULT: The PDC and LNC agrees in principle that housing policies in the Interim Plan, including COAH allocations, need to be carefully weighed along with environmental constraints. Both parties also agree that the Interim Plan would include language that developable and undevelopable land exist in all tiers.

**VOLUME III: HUDSON COUNTY**

1. Negotiable Item #17: Mixed-Use Development

AT ISSUE: Established urban neighborhoods could be adversely affected by large-scale mixed-use developments. Not all neighborhoods are suitable for mixed-use developments.

RESULT: The OSP clarified the policy for the LNC, stating that mixed-use is intended to be used in ways that are commensurate with community scale and market demand, recognizing that this development pattern is not appropriate in every neighborhood. The scale, scope and intensity of local redevelopment projects in urban areas is a municipal prerogative. The PDC and LNC agree that mixed-use developments are not appropriate to every neighborhood.

2. Negotiable Item #18: Permit Streamlining

AT ISSUE: Streamlining is primarily and generally necessary at the State level and for regional agencies, such as the HMDC, although there may be instances where this is appropriate on the county or municipal levels. "One-stop shopping" for requisite State permits should be provided. Greater Coordination within and between State agencies should be encouraged.

RESULT: The PDC and LNC agree that while streamlining is certainly necessary at the State level, the problem is not confined to any one level of government.

3. Negotiable Item #29: Corridor Center vs. Urban Center

AT ISSUE: Urban centers should receive priority for State capital expenditures and facilities over corridor centers.

RESULT: The PDC and LNC agree that urban centers should be given priority over corridor centers.

VOLUME IV: ATLANTIC COUNTY

1. Negotiable Item #9: Impact of State Development and Redevelopment Plan (SDRP).

AT ISSUE: An impartial economic analysis must be performed analyzing impacts on population, jobs, rateables, economic development on a town, county and regional basis.

RESULT: The PDC and LNC agree that an Economic Impact Assessment will be performed on the Interim Plan, as required by State statute.

2. Negotiable Item #11: The effect of SDRP on Agricultural land values and borrowing power.

AT ISSUE: How will the SDRP impact land values in rural areas, and the farmers' ability to borrow against the value of their land?

RESULT: "The PDC and LNC agree that the impact of the SDRP would be evaluated in the required impact assessment that will accompany the Interim State Plan. The parties also agree to drop the reference to the Interim Statement of Agreements, Disagreements and Concerns.

VOLUME V: CAMDEN COUNTY

1. Negotiable Item #2: Funding for the Implementation of Adaptive Reuse/Conversion Policy

AT ISSUE: Parts of the County are currently in an adaptive reuse/conversion stage. Target houses are capable of conversion to apartments and many of the commercial structures are being converted to multi-uses including residential and commercial.

Funding to support this policy, both for the technical work and for backing reconstruction through various programs, should be provided.

RESULT: The PDC and LNC agree that adaptive reuse/conversion is appropriate in parts of Camden County. There are existing Federal and State programs that support this policy. Additionally, the inclusion of this policy in the Plan will help agencies focus on enhancing implementation of this policy.

2. Negotiable Item #4: Financing Transportation Planning and System Management

AT ISSUE: Transportation planning with the emphasis on traffic capacity management and flexible rapid transit, para-transit systems, rail corridors and pedestrian/bicycle ways is needed in Camden County. Bus transit has also been identified as a very important (but lacking) element in Camden County.

RESULT: The PDC and LNC agree enhanced transportation planning, system management and transit service are necessary to maintain and improve circulation in Camden County. Inclusion of this series of transportation policies in the

Plan should result in improved mobility in the County. *The* OSP will monitor this issue, following the Final Plan adoption, as part of the Monitoring and Evaluation Process.

3. Negotiable Item #5: Disagreement with the Office of Management & Budget (OMB) Municipal Distress Index Criteria

AT ISSUE: The Municipal Distress Index criteria (including per capita income, ratio of older housing [pre-1940] and equalization valuation per capita), exhibits discrepancies between economic forces in the NYC-Northern New Jersey Metropolitan area and the Phila-Southern New Jersey Metropolitan area.

RESULT: The PDC and LNC agree that OMB's Municipal Distress listing is inappropriate as a Tier 1 delineation criteria. Tier 1 should focus on form and areas exhibiting distress should be addressed, regardless of the tier designation, where it is prevalent, as a Statewide Strategy.

4. Negotiable Item #7: State Certification of Economic Development Programs.

AT ISSUE: The County would encourage the development of local economic programs and plans. Although the State may wish to provide assistance, guidelines and make recommendations for improvements, these plans should not need to "conform" to State certification requirements.

RESULT: The PDC and LNC agree that the interest of both parties is served by the establishment of local Economic Development Offices and the language of the Plan should reflect certification only in the event that a community seeks priority consideration.

5. Negotiable Item #8: The Protection of Undeveloped Stream Corridors

AT ISSUE: A very important aspect of stream corridor protection is ensuring that adjacent municipalities with contiguous stream corridors cooperate to protect the corridor. This will be facilitated through the County's District meetings.

RESULT: The PDC and LNC agree that the protection of contiguous stream corridors are of statewide importance and are presented and discussed in the Statewide Strategies

chapters of the Preliminary State Development and Redevelopment Plan (PSDRP). Stream corridors often continue beyond a municipality's boundaries, therefore, it is appropriate for the County to coordinate planning for protection of the corridors through processes such as Camden County's District Planning Process.

6. Negotiable Item #9: A Final State Plan Should Not be Adopted Until an Impact Assessment is Completed

AT ISSUE: The County supports legislation that recommended an impartial economic, fiscal, social, and environmental impact assessment of the Plan's impacts before a Final Plan is adopted.

KESUDT: "The PDC and LMC agree that the impact assessment will be completed on the Interim State Plan, as required by State statute.

7. Negotiable Item #10: The Need for Reasonably Priced Housing is Very Apparent Throughout Camden County.

AT ISSUE: Reasonably-priced housing must be supported by all levels of Government, not just through Council on Affordable Housing (COAH) requirements, but through additional action programs. The Delaware Valley Regional Planning Commission has created the Regional Affordable Housing Committee to further research this problematic policy area.

RESULT: The PDC and LNC agree that the Plan language will be revised to provide policy direction for a range of reasonably priced housing beyond low and moderate income housing currently addressed by the COAH.

8. Negotiable Item #12: The Plan Should Not be Implemented Without Proper Review

AT ISSUE: The County is concerned that mandated regulations will be adopted and enforced by the State based upon the current general State Development and Redevelopment Plan (SDRP), and its strategies, policies and guidelines. These should be further defined and appropriate standards should be proposed to clarify their intent. Work sessions with the public should be held by appropriate State agencies prior to the enactment of these regulations.

RESULTS The PDC and LNC agree that the Plan will be implemented by many parties and implementation of Plan policies can only occur through existing or Executive authority, after proper rulemaking procedures have been executed or through legislative action.

9. Negotiable Item #13: Recognition of Historic Preservation Districts

AT ISSUE: Many of the County's "older" municipalities have active historic preservation societies and/or districts. Even municipalities that do not have active programs support the idea of rehabilitation of historic structures and preservation districts.

RESULT: The PDC and LNC agree that historic structures and districts are important elements for a community and they should be identified, evaluated and protected, where warranted. The parties also agree to consider any additional language offered by the County regarding this policy.

10. Negotiable Item #19: Policy 1.6 Tier 3: Land Planning and Development – Urban Boundaries

AT ISSUE: Gibbsboro's municipal boundaries are coexistent with the Tier 3 boundary. The opportunity to establish an "urban boundary," which appears to be an effort to create "greenbelts" around Tier 3 areas, is suitable only for-certain types of municipalities (i.e., the rural towns). It is less likely that suburban towns, such as Gibbsboro, would be able to establish such -boundaries.

It is suggested that the County has suggested that the State Plan should be modified to clarify its intent and to establish criteria for drawing urban boundaries. The clarification should focus on municipalities similar to Gibbsboro that are surrounded by growth or developing

RESULT: The PDC and LNC agree that Tier 3 towns surrounded by developed or developing areas (Tiers 2 & 4) should not establish urban boundaries, as the surrounding area is already urban or urbanizing.

11. Negotiable Item #21: Relevance of Policy Language to Developed Communities. (Tier 1, Policy 3.7 – Mixed Use Development and Policy 1.8 – Recommending the Formulation of a Community Design Plan).

AT ISSUE: Brooklawn believes that mixed use development and a design plan would be superfluous, since major design elements are in place and wholesale demolition and rebuilding in this community is unlikely.

The County believes that even though Brooklawn is fully developed, community design plans could be incorporated into sustained renewal (conversion/reuse) plans. The formulation of a well considered community design plan will help Brooklawn slow down the disinvestment process that is occurring in many older communities.

RESUL/F: The PDC and LNC agree that redevelopment is an ongoing process and in order to accomplish the objective of these policies, communities that are "fully developed" should continue to plan and establish guidelines for redevelopment.

12. Negotiable Item #24: Historic Areas, Policy 1.2 - Registration

AT ISSUE: Camden City recommended a modifying the Plan to list all significant sites and structures in a Municipal Register, in addition to those included in the National and State Registers, as is suggested in the Plan.

The County agrees with Camden City that this policy should be expanded to include municipal registers in addition to the National and State Registers.

Camden City pointed out that while introductory paragraphs in the Historic Area chapter of the Plan discussed municipal efforts in historic preservation, municipalities are not mentioned in Policy 1.2. This policy should be expanded to include municipal registers.

RESULT: The PDC and LNC agree that the language in Policy 1.2 should be expanded to include recognition of the Municipal Register of historic structures, districts and areas. This will bring the policy language into conformance with the "intent" section.

13. Negotiable Item f25: Land Planning and Redevelopment - Policy 1.4, Funding Urban Recreation

AT ISSUE: Camden City has noted, and Camden County agrees, that funding from appropriate State departments and other sources is critical for the successful implementation of this policy. The development and maintenance of open space.

parks, and recreation facilities require additional and permanent funding sources and the creation of a structure to administer them.

RESULT: "The PDC and LNC agree that the policy calls for the funding of urban recreation and it should result in improved urban recreation opportunities. The Office of State Planning will monitor this issue, following Final Plan adoption, as part of the Monitoring and Evaluation Process.

14. Negotiable Item #26: Housing Development – Policy 4.8, Housing Enterprise Zones

AT ISSUE: Camden City has noted, and the County agrees, that incentives and controls should be established for users and residents as they are for developers. The City and County believe that the Housing Enterprise Zones Policy should be expanded to include the establishment of incentives and controls for users and residents as they are currently for developers.

RESULT: The PDC and LNC agree that housing incentives and subsidies need to be applied to both developers and residents in Housing Enterprise Zones. The Plan language in Policy 4.8 will be revised to incorporate the necessary language.

VOLUME VI: UMICN COUNTY

1. Negotiable Item #2: Permit Streamlining

AT ISSUE: Regulatory delays should be minimized at the State level. The municipal permitting process should be left alone since the problem does not lie at the municipal level. Consolidating regulations into a unified statewide development regulation, as has been suggested, is inappropriate.

RESULT: The PDC and LNC agree that permit streamlining is necessary at the State level. The parties further agree that it may also be necessary, based upon local review, at the County and municipal levels of government.

2. Negotiable Item #6: The Final State Plan Should be Reviewed Prior to Adoption

**AT ISSUE:** The County and municipalities want the opportunity to evaluate and comment upon the State Plan's impact and to suggest alternatives prior to its adoption.

**RESULT:** The PDC and LNC agree that all parties concerned will be afforded an opportunity to evaluate and comment on the Interim Plan. "They also agree that copies of the Interim Plan, Impact Assessments and Implementation Report will be supplied to counties and municipalities prior to the public hearings required by statute.

Negotiable Item #10A: Comprehensive Planning – Project Reviews\*

**AT ISSUE:** The review process for projects of significant regional impacts should include the municipalities.

**RESULT:** The PDC and LNC agree that the Plan should be clarified to ensure that the municipal role in project reviews will not be pre-empted.

\*Please Note: Negotiable Item #10 was treated as a two-part issue. Please see page 7 for the resolution of issue 10B.

4. Negotiable Item #15: Stream Corridor Buffers in Developed Areas

**AT ISSUE:** The State Plan does not adequately address areas in Tier 2 municipalities that are already developed up to the banks of stream corridors. Some communities cannot meet the State Plan's stream corridor buffer guidelines because of existing development. The Office of State Planning explained, however, that the Preliminary State Development and Redevelopment Plan (PSDRP) does not require specific setbacks from all streams in urban areas. While traditional flood control measures may be infeasible, innovative watershed and stormwater management techniques, coupled with facilities improvements, should be considered in urban areas.

**RESULT:** The PDC and LNC agree that based upon further discussion, clarifying the PSDRP, the existing PSDRP policies and guidelines adequately address this issue.

5. Negotiable Item #16: Solid Waste Disposal - Planning and Facilities

AT ISSUE: The State Plan should be modified to place greater emphasis on recycling, out-of -state disposal, regional solid waste management solutions and strict limitations on the siting of solid and hazardous waste facilities in Tier 1 municipalities. More emphasis should be placed on source reduction rather than waste disposal.

OSP explained that effective waste management involves source reduction, recycling, resource recovery and disposal. The State Plan acknowledges and supports the existing regulatory and infrastructure investment mechanisms with respect to solid and hazardous waste management.

RESULT: The PDC and LNC agree with this recommendation, policy clarification, and also agree that the County's view is not inconsistent with that of the PSDRP.

6. Negotiable Item #20: New Tier Designation – Change portion of Tier 1 to "Tier 8 Historic District"

AT ISSUE: To preserve the integrity of the prevailing architecture in historic districts, the County has recommended creating a "Tier 8 Historic District" for portions of Tier 1.

RESULT: The PDC and LNC agree that historic districts need to be recognized. However, rather than creating a new tier, the parties agree that the Statewide Strategies, which could possibly be coupled with an ESS designation, adequately address the needs of historic districts.

**VOLUME VII: OCEAN COUNTY**

1. Negotiable Item #9: Infrastructure Funding Priorities

AT ISSUE: The State Development and Redevelopment Plan (SDRP) must ensure that funds will be available to meet municipal needs statewide, not just to direct funds to urban areas. All tiers need funds to maintain and upgrade existing services and facilities. The Plan must allow infrastructure funding in tiers 5, 6, and 7 if a public need has been established.

RESULT: The PDC and LNC agree that funding for the maintenance and upgrading of infrastructure should be

available to meet municipal needs statewide in all tier designations if a public health or safety need has been established.

2. Negotiable Item #10: State Planning Commission (SPC)  
Treatment of Comments Contained in the County and Municipal Reports

AT ISSUE: There is a fear that changes recommended in the County Cross-Acceptance Report will be ignored by the Commission.

RESULT: The PDC and US1C agree that the cross-acceptance process is a cooperative effort intended to give counties and municipalities an active role in shaping the SDRP.

3. Negotiable Item #14: Municipal Participation in State Planning Process

AT ISSUE: Municipal officials want to be reassured that the SPC will allow them to comment on the State Plan throughout cross-acceptance.

RESULT: The PDC and LNC agree that the cross-acceptance process is a cooperative effort intended to give counties and municipalities an active role in shaping the SDRP.

4. Negotiable Item #16: Tier Housing Policies – Housing Design Standards

AT ISSUE: Tier policies that call for improved housing standards need clarification to indicate that the standards apply only to basic protection of public health and safety. Otherwise, if mandated, they could lead to increased housing costs.

RESULT: The PDC and LNC agree that improved housing design standards are encouraged by the Plan, but not mandated.

5. Negotiable Item #17: Statewide Site Plan/Subdivision Standards

AT ISSUE: A standard site plan/subdivision manual should not be mandated for statewide use, but offered as a guide book. The County is opposed to proposed legislation that mandates its use.

KESUEZT: The PDC and LNC agree that design or performance guidelines offered in the Plan are recommendations for the purpose of technical assistance.

6. Negotiable Item #18: Tier 3 Policies – Application of Mixed Use Policies

AT ISSUE: Not all Tier 3 municipalities have developed in a pattern as assumed in the Preliminary State Development and Redevelopment Plan (PSDRP). Therefore, strategies that call for mixed-use zoning would not work well.

RESULT: The PDC and LNC agree that the SDRP encourages compact growth where appropriate, and included policies concerning mixed-use as one set of tools to accomplish this goal. Mixed-use is intended to be used in ways that are compatible with community scale, recognizing that this development pattern may not be appropriate in every area.

7. Negotiable Item #21: Basing Infrastructure Priorities on Tier Delineation

AT ISSUE: The County explained that one of its municipalities believes that State funding priorities should be based on need, not tier designation. Moreover, the municipality feels the tier system should not be used as a basis for funding and permitting decisions. The tier system should not be implemented.

RESULT: The PDC and LNC sustained the earlier agreement reached with the OSP, through which both parties disagreed with a municipal recommendation that funding priorities should not be based on the tier system and that the tier system not be implemented. The parties (PDC and LNC) noted that promoting growth in certain areas and managing how and where growth should occur within these areas responds to a legislative mandate to provide a plan "...which shall identify areas for growth, agriculture, open space conservation and other appropriate designation."

8. Negotiable Item #22: Small Towns and Funding for Housing Rehabilitation

AT ISSUE: Small towns are often ignored in receiving funding for housing rehabilitation. If these towns are to provide for affordable housing, they need to be provided with funds.

RESULT: The PDC and LNC agree that small towns need funding for housing rehabilitation if they are to provide affordable housing.

9. Negotiable Item #23: Funding for Economic Development

AT ISSUE: Tier 3, Policy 3.1 recommends that the State fund regional or county-level economic development offices to coordinate economic development functions. A municipality was concerned that these offices would create another level of bureaucracy. The money is needed more at the county level.

RESULT: The PDC and LNC agree that regional or county-level economic development offices should be established to provide a coordinated and comprehensive approach to economic development. The PDC and LNC also agree, as recommended in the Policy, that these offices be funded by the State.

10. Negotiable Item #24: Regionalization of Affordable Housing

AT ISSUE: There is a need to regionalize affordable housing, but it should be at the County level, not at the State level (Tier 3, Policy 4.1).

RESULT: The PDC and LNC agree that counties and municipalities should plan a comprehensive housing program which will encourage a wide range of housing choices at reasonable cost.

**VOLUME VIII: HUNTERDCW COUNT?**

1. Negotiable Item #P2: Park Land in Tier System

AT ISSUE: Should the State Development and Redevelopment Plan (SDRP) classify all lands into tiers, regardless of ownership status, zoning categories and land use activities.

RESULT: The PDC and LNC agree that the SDRP will recommend that park lands of less than one square mile in contiguous area be classified into an appropriate adjacent tier based on the application of tier criteria. Larger park lands will be delineated as parks. Small park lands should be identified on maps maintained by counties and municipalities.

2. Negotiable Item #P7B: Rural Development Guidelines\*

AT ISSUE: The County believes that carrying capacity measures should be well understood and not based on a single tool, such as the nitrate dilution model.

RESUI/P: The PDC and LNC agree that planning guidelines are advisory and not regulatory, and define the meaning of a policy by providing a way to measure a minimum level of its attainment. The parties also agree that the nitrate dilution model will be removed from the SDRP.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 4 under the "Agreements In Principle" section for the resolution of P7A.

#### Negotiable Item #P8: Character of Small Communities of Place

AT ISSUE: The County believes that infill and rehabilitation should be sensitive to architecture heritage; fringe development should be compatible with existing community character.

RESULT: The PDC and LNC agree that the SDRP will encourage development within or adjacent to existing Communities of Place that is compatible with the desired community character by emphasizing community design.

#### 4. Negotiable Item #A16: Statewide Transportation Policy 1.1

AT ISSUE: Guideline a. of this policy states: "The NJDOT, counties and municipalities should be proactive in the development of transportation facilities which promote the objectives of the SDRP." Hunterdon County approaches transportation planning from a different perspective.

RESULT: The PDC and LtC agree that planning guidelines are advisory and not regulatory, and define the meaning of a policy by providing a way to measure a minimum level of its attainment. Alternate mechanisms, such as siting large traffic generators in proximity to existing infrastructure with available capacity; separating local and through traffic along major transportation corridors; and, developing street standards which are more cost effective and sensitive to the rural environment will be addressed in handbooks and through technical assistance.

**VOLUME IX: GLOUCESTER COUNTY**

1. Negotiable Item #1: Tier 7 Delineation

AT ISSUE: Lack of uniform support for a Statewide Plan. The value of an environmentally sensitive area should not depend on municipal nomination or delineation. There should be uniform statewide policy standards for the protection of environmentally sensitive lands. The County believes it should not be a municipal option to designate anything not fulfilling statewide standards.

RESULT: 03-ie PDC and LNC agree that the protection of environmental features is achieved under the Statewide Strategies in the Plan and should not depend on local nomination or delineation.

2. Negotiable Item #8: Economic Impact Analysis

AT ISSUE: An Economic Assessment is vital to the implementation of the Plan. A Final Plan should not be adopted without an assessment of its potential impact of infrastructure costs, land equity, housing costs, etc.

RESULT: The PDC and LNC agree that the Impact Assessment will be completed on the Interim Plan. An Impact Assessment will be conducted on the Interim Plan as required by law. The Final Plan will only be adopted after the assessment has been performed. The assessment will address the impact of the Plan on the economy, the environment, community life, fiscal capacity and intergovernmental relations.

3. Negotiable Item #9: Infrastructure Needs Assessment

AT ISSUE: The requirement to conduct an infrastructure needs assessment was burdensome for many municipalities. The State Planning Commission (SPC) should take the lead in preparing a comprehensive assessment of infrastructure needs. The Division of Local Government Services in the Department Community Affairs (DCA) and SPC could provide a tremendous amount of guidance and technical assistance.

RESULT: The PDC and LNC agree that the State Planning Act requires the Commission to prepare an infrastructure needs assessment. The parties also agree that the OSP will continue to provide technical support through out the State planning process to assist counties and municipalities in linking infrastructure and local planning.

4. Negotiable Item f 12: Plan Impacts on Growth Municipalities

AT ISSUE: Many rapidly growing municipalities are looking to limit growth, but the State Plan's growth designations will promote yet higher densities, overtaxing existing infrastructure and school facilities. State agencies should assist growing municipalities in the costs of accommodating growth.

RESULT: "The PDC and LNC agree that the Plan calls for this commitment. According to the Plan, the State as well as local government has the responsibility to consider the anticipated development of an area and to proactively plan for facilities to accommodate growth.

**VOLUME X: SALEM COUNT?**

1. Negotiable Item #8: Classification of Elmer as a Village Rather Than Tier 6B

AT ISSUE: As a fully developed community, Elmer fulfills most of the requirements of a village (except sewers), the area meets the description of an existing village and should be designated as such, within an agricultural area.

RESULT: The PDC and LNC agree with this village designation.

2. Negotiable Item #11: Penns Grove is Seeking a Change From the Tier 3 Designation

AT ISSUE: Penns Grove meets all the criteria for a Tier 1 community and would like to receive possible benefits associated with this tier designation.

RESULT: The PDC and LNC agree that Penns Grove meets Tier 1 criteria, therefore, the tier designation should be modified to reflect this request.

Negotiable Item #12: Designation of Salem City

AT ISSUE: The City recommends delineating the entire City as Tier 3 (no Tier 6 or 4). Tier 3 reflects current infrastructure location and allows the City to better accommodate rural growth.

RESULT: The PDC and LNC agree that this change may be appropriate. Salem City may be defined as a Urban Center Policy Area in the Interim Plan.

**VOLUME XI: MCHMOUTH COUNTY**

No issues were resolved as agreements with Monmouth County.

**VOLUME XII: MCKRIS COUNTY**

1. Negotiable Item #P5: Rural Development Guidelines

AT ISSUE: The County has noted that carrying capacity measures should be well understood in order to be implemented properly. Should the State Development and Redevelopment Plan (SDRP) define guidelines, procedures, and design standards that determine the capacity of rural land to accommodate development?

RESULT: The PDC and LNC agree that detailed guidelines and procedures for carrying capacity analyses will be provided through handbooks and other technical assistance.

2. Negotiable Item #P11: Models and Regulations

AT ISSUE: The County believes that SDRP provisions should be flexible to accommodate local conditions. Should the SDRP recommend implementation of statewide standards?

RESULT: The PDC and LNC agree that planning guidelines are advisory and not regulatory, and will provide technical assistance by interpreting the meaning of a policy.

3. Negotiable Item fAlb: Statewide Comprehensive Planning Policy 1.5 – Upgrading Planning Capability: Planning Education\*

AT ISSUE: The County notes that counties should only encourage, and not require, training, as indicated by Guideline b.-Training Citizen Planning Officials and Guideline c.-Training Professional Planning Staff, (Both:) Counties and municipalities should require, and provide adequate funding for training...

RESULT: The PDC and LNC agree that Policy 1.5 states that the State should promote and support planning education.

Planning guidelines pursuant to this policy are advisory and not regulatory, and provide technical assistance.

4. Negotiable Item #A2b1: Statewide Comprehensive Planning Policy 2.2 – Coordinating Planning: County and Municipal Plans\*

AT ISSUE: The County believes that Guideline c.–Preparing County/Municipal Implementation Plans–implies vertical integration (Policy 2.3), and counties and municipalities are concerned that the consequences of inconsistency with the SDRP are unclear.

RESUEZT: The PDC and LNC agree that Guideline c. will be considered in the context of Policy 2.3.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 20 under the "Implementation" section of this Update for the resolution of A2b2.

5. Negotiable Item fA27(1): Statewide Biological Diversity Strategy 1 – Ecosystem Management\*

AT ISSUE: A policy statement that addresses the prospective development rights and opportunities of wetlands areas should be included in the SDRP.

Result/T: The PDC and LNC agree that development opportunities in wetland areas are defined by existing statutes and regulations administered by the New Jersey Department of Environmental Protection (DEP).

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 23 under the "Implementation" section of this Update for the resolution of A27(2).

#### **VOLUME XIII: BURUNSKH COUNTY**

1. Negotiable Item #1: Equity Protection/Transfer of Development Rights (TDK)

AT ISSUE: Support is needed for legislative action to provide for statewide TDR as a planning tool to implement the goals of the plan while mitigating the windf all-wipeout syndrome associated with land use actions. Agricultural preservation funding should receive highest priority in Tier 6 areas.

RESULT: The PDC and LNC agree that TDR is one of the mechanisms that is included in the State Plan to provide equity protection by eliminating the windfall-wipeout syndrome associated with land use actions.

2. Negotiable Item #10: Infrastructure Financing

AT ISSUE: The County feels that long range infrastructure provisions and maintenance needs should be identified and a priority system established to meet those defined needs. Existing deficient infrastructure should receive priority consideration in the funding system.

Areas in need should be determined and receive priority regardless of tier designation. Agriculture strategies should address infrastructure funding to support agriculture (e.g., roads to get crops to markets). The infrastructure funding section should address needs for infrastructure in rural areas to support agriculture (e.g., road maintenance).

RESULT: The PDC and LNC agree that capital facilities priority systems will be presented more comprehensively in the Interim Plan. Maintenance of existing systems will continue to receive priority over new infrastructure construction.

3. Negotiable Item #13: Regional Planning Coordination

AT ISSUE: The county noted that townships have expressed support for stronger county planning efforts and increased State assistance for local growth management projects. The appropriate level to centralize the planning process and yet account for the vast differences between areas of the State, is the County. They are large enough to encompass numerous municipalities yet small enough to effectively service an area.

RESUOT: The PDC and LNC agree that regional coordination is being addressed by the increasing role undertaken ty the Burlington County Office of Land Use Planning. This is evident in both cross-acceptance and by initiating the county-wide consensus planning program.

4. Negotiable Item #14: Economic Analysis of the State Plan

AT ISSUE: An economic analysis of the impact of the State Plan should be conducted prior to any final adoption. Its

ramifications should be identified and analyzed. The final Plan should incorporate the study's major findings.

KESUE/F: The PDC and LNC agree that an Impact Assessment will be completed prior to the formulation of the Final State Plan.

5. Negotiable Item #18: Land Banking (Statewide Housing Policy 2.3)

AT ISSUE: The County recommends a plan requirement that land banking acquisition be connected to specific objectives that are consistent with municipal master plans to avoid the perception of public sector interference in the marketplace.

PESUEZT: The PDC and LNC agree that municipalities and counties should connect land banking acquisitions to specific objectives and sites consistent with municipal or county master plans.

6. Negotiable Item #20: Statewide Housing Policy 1.2, Reducing Housing Costs

AT ISSUE: The County has called for intergovernmental coordination in the development of a comprehensive statewide housing plan. Specifically, the development of a comprehensive statewide housing plan should include input by the municipalities and counties.

RESUE/T: The PDC and LNC agree that the development of a comprehensive statewide housing plan should include input from the counties and municipalities.

7. Negotiable Item #21: Economic Development

AT ISSUE: The State should promote and support economic development through county-based economic development offices, economic development Offices should be included as the County develops its comprehensive planning capacity.

RESOEJT: The PDC and LNC agree that the appropriate level for economic development planning offices in suburban and rural areas is the county.

8. Negotiable Item #23: Implementation

A3? ISSUE: The County believes the Plan should be used as a guidance and technical assistance program, not as mandated official State policy. The relationship between the State Plan and plans of other State agencies, such as NJ Department of Transportation, NJ Department of Environmental Protection, and NJ Department of Community Affairs should be addressed. The State Plan covers areas such as transportation, housing, environmental protection that are already addressed by the functional agencies.

RESULT: The PDC and LNC agree that one purpose of the State Plan will be to serve as a growth management policy document. Clarifying the Plan's intent is necessary; language stating the same should be included in a preface to the Interim Plan.

Negotiable Item #28: Flood Plain Regulations

AT ISSUE: Springfield Township believes that flood plain development regulation and historic preservation inventories and protection should be controlled at the municipal level.

RESULT: The PDC and LNC agree that flood control and historic preservation measures should incorporate municipal input and regulatory efforts, however, the County and State share in the responsibility to protect the public's health, safety, and welfare.

VOLUME XIV: PASSAIC COUNTY

1. Negotiable Item #2B: Loss of Potential Tax Rateables\*

AT ISSUE: The effects of government actions on property values is a municipal concern in Passaic County. Some municipalities feel that there are proposals in the State Plan which could result in the lowering of the development potential of tracts of land. Municipalities will probably resist attempts to place lands in low-growth tiers if they feel such areas have the potential for producing rateables. The municipal view is that these actions will lead to a loss of potential rateables without compensation. Property tax reform offers a potential solution to their problem.

RESULT: The PDC and LNC agree that the full impact of the Interim Plan will be addressed in the Impact Assessments

conducted on the Interim Plan, which will consider the Plan's economic, fiscal, environmental, intergovernmental relations, and community life impacts.

\*Please Note: Issue #2 was discussed and resolved as a two-part issue. The resolution of Issue 2A is reported under the "Concern" section on page 12.

2. Negotiable Item #8: Comprehensive Planning

AT ISSUE: The County is concerned that requiring compatibility between local, plans and the State Development and Redevelopment Plan (SDRP) pre-empts home rule. The OSP explained to the LNC that the State Planning Act (P.L. 1985, c. 398) is not intended to contradict provisions of the New Jersey State Constitution, the New Jersey Municipal Land Use Law or the County Planning Enabling Act. Specifically, the State Planning Act calls for the SPC to "develop and promote procedures to facilitate cooperation and coordination among State agencies and local governments with regard to the development of plans, programs and policies which affect land use, environmental, capital and economic development issues."

RESUE/T: The PDC and LNC agree that Comprehensive Planning Policy 2.3 does not require the vertical integration of plans.

3. Negotiable Item #9: Capital Facilities – County and State Review of Plans

AT ISSUE: The County suggested that the State should define what is meant by "review" in Capital Facilities Policy 1.2. If veto power is suggested, then this is unacceptable. The OSP explained that in order to provide adequate capital facilities and related services at a reasonable cost, the State believes that county and municipal governments should ensure that such facilities are planned in accordance with the growth management goals and objectives of the State Plan. Capital Facilities Policy 1.2 calls only for State review of county or local plans, and is not meant to imply any veto power over such plans by the SPC. This policy helps to ensure the vertical integration of plans, and aids in the preparation of an infrastructure needs assessment required by the State Planning Act.

RESUI/r: The PDC and LNC agree that this is a policy clarification issue and that this policy is not meant to imply any veto power over county or local plans by the SPC.

4. Negotiable Item #10: Economic Development – Planning Offices

AT ISSUE: The State should not require local financial support of economic development offices, as implied by Economic Development Policy 1.2.

RESULT: The PDC and LMC agree that Economic Development Policy 1.2 does not call for the mandatory establishment of municipal or county economic development offices. This is only a recommended mechanism for the coordination of economic development activities at the municipal and county levels of government.

5. Negotiable Item #11: Economic Development – Mixed-Use Developments

AT ISSUE: The County cautioned that the State should recognize that mixed-use development is not appropriate for all communities. The OSP explained that mixed-use is intended to be used in ways that are commensurate with community scale and market demand, recognizing that this development pattern is not appropriate in every neighborhood. The scale, scope and intensity of local redevelopment projects in urban areas is a municipal prerogative. The PDC has emphasized the need to devise an Urban Design Handbook to address some of the concerns raised by this issue.

RESULT: The PDC and LNC agree that this is a policy clarification issue. The PDC and LNC agree that mixed-use developments are not appropriate in every neighborhood.

6. Negotiable Item #17: Scenic Corridors

AT ISSUE: West Milford Township would like to see the extensive system of marked and unmarked hiking trails which traverse it designated as "scenic corridors" in the State Plan. The County Planning Board is supportive of West Milford's proposal, as they also occur in several Passaic County municipalities. The Board hopes to work with the SPG to determine the best method to achieve this objective.

RESULT: The PDC and LNC agree that, since the County is supportive of the municipal position, the County will designate the appropriate trails as scenic corridors.

**VOLUME XV: CAPE MAY COUNTY**

1. Negotiable Item #1: Economic Impact Assessment

AT ISSUE: An economic impact assessment must be provided that includes the cost of infrastructure, urban revitalization and the value of equity losses due to growth curtailment, should this become a reality.

RESUE/Cs The PDC and LNC agree that an economic impact assessment will be performed on the Interim Plan, as required by State Statute.

2. Negotiable Item #11: Delineation of Proposed Cape May National Wildlife Refuge

AT ISSUE: The County has included the proposed refuge on the Cape May tier maps. It should be incorporated into the State Development and Redevelopment Plan (SDRP) as an open space project.

RESULT: The PDC and LNC agree that the proposed Cape May National Wildlife Refuge should be delineated on SDRP tier maps.

3. Negotiable Item #4: Accommodation of Coastal Area in Tier System

AT ISSUE: The Preliminary State Development and Redevelopment Plan (PSDRP) tier system does not currently consider the coastal area. Existing criteria, strategies and policies do not adequately reflect the concerns of the coastal communities. The SDRP must recognize the needs of the County's coastal communities.

RESULT: The PDC and LNC agree that the tier system and the statewide strategies should be strengthened in terms of their relevance to the coastal region, in order to adequately address the diversity and needs of the coast. Such language, when drafted, will be referred to the Division of Coastal Resources, coastal counties and the PDC for review.

**VOLUME XVI: MIDDLESEX COUNTY**

1. Negotiable Item FPS-3: Planning Goal

AT ISSUE: 'The State Development and Redevelopment Plan (SDRP) should include a goal calling for the establishment of a continuing planning process that maximizes public and other interest-group involvement and as well as maximum coordination between all levels of government. Policies should promote coordinated regional planning at the county level, including roles for advisory committees, public outreach, and provisions for continuing funding mechanisms to support planning.

RESULT: The PDC and LNC agree that the cross-acceptance process is a cooperative effort intended to give counties, municipalities, the public and other interest groups an active role in shaping the Plan. The PDC and LNC further agree that the last goal in the Preliminary State Development and Redevelopment Plan (PSDRP), "Ensure sound and integrated planning statewide," responds to the County's concern.

Negotiable Item FPS-4: Plan Review Process

AT ISSUE: The SDRP should call for and describe procedures for coordination of State, county and municipal plans through the cross-acceptance process on a periodic basis. The State should not have review power over municipal and county plans.

RESULT: The PDC and LNC agree that some municipalities may have misinterpreted the intent of the cross-acceptance process. The Interim Plan may include language that clarifies the review and revision process.

3. Negotiable Item FPS-6: Economic Development - Balance Development

AT ISSUE: The SDRP should specify a strategy for economic growth that balances resource protection with the needs of the agricultural, housing, industrial, retail, service and resort components of New Jersey's present and future economy,

RESULT: The PDC and LEC agree that the impact assessment will address this issue. Appropriate changes will be included in the Final SDRP.

4. Negotiable Item #PS-9: Regional Design System (RDS)

AT ISSUE: The SDRP should expand the elements of the RDS to include: "Town Centers" (mixed-use development concentrated at lower densities than "Corridor Centers"); "Waterfront Redevelopment Areas" (water-oriented mixed-use development with a provision for public waterfront access); and, "Downtown Preservation Areas" (providing mixed-use development with marketing and promotion emphasis to preserve and enhance existing commercial activity). The County proposes locations for all of these elements, which are recommended on Figure 2 in the Middlesex County Cross-Acceptance Report (page 9).

RESULT: The PDC and LNC agree that "town centers," "waterfront redevelopment areas," "downtown preservation areas," and other designations may be in the RDS in the Interim Plan. Those elements will be integrated into the RDS as community design technique guidelines in an RDS or urban design handbook or manual that will be prepared by the OSP.

5. Negotiable Item #PS-10A: RDS - Planning\*

AT ISSUE: The SDRP should recommend the preparation of detailed design plans for each delineated area element of the RDS. These plans should include: provision of alternatives to the automobile, traffic reduction methods, parking and vehicular movement, safe pedestrian movement, design standards, balanced mix of land uses, and protection of the natural environment.

RESULT: The PDC and LNC agree that an RDS or urban design manual, to be prepared after the release of the Plan, will include design guidelines.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 9 under the "Implementation" section for the resolution of PS-10B.

6. Negotiable Item #PS-14: Tier 7

AT ISSUE: The SDRP should recommend that all Tier 7 areas be subject to rigorous review for environmental protection standards and requirements of State and local governments. The Tier 7 designation does not, however, represent an environmental zoning classification.

RESULT: The PDC and LNC agree that a Tier 7 designation does not constitute a recommendation for an environmental zoning classification.

VOLUME XVII: SOMERSET

1. Negotiable Item #4: Economic Impact Assessment

AT ISSUE: An assessment of the economic impact of the State Development and Redevelopment Plan (SDRP) must be completed and discussed publicly before adoption of the final SDRP. The impact of the SDRP on labor supply, the high cost of housing, the availability of adequate land for future development, and the local tax base has to be included in any economic impact study.

RESULT: The PDC and LNC agree that the Impact Assessment will address these issues. Appropriate changes will be included in the Final Plan.

2. Negotiable Item #6: Housing Cost

AT ISSUE: SDRP policies, if implemented, should not increase the cost of housing. An analysis of land available for new housing at reasonable prices should be performed.

RESULT: The PDC and LNC agree that it is not the intention of the SDRP Housing Policies to increase the cost of housing. However, the Impact Assessment of the Plan will evaluate its impacts on housing cost.

3. Negotiable Item #7: Housing for Specialized Populations

AT ISSUE: The State Plan should address the full spectrum of housing needs within the State. An analysis of the State's housing needs should be included the Plan. Policies addressing the various segments of the housing market must be included. For example: one area of concern is the effect of the rising cost of maintaining housing for senior citizens; another is the narrowness of the Council on Affordable Housing (COAH) income guidelines—many households in need of affordable housing fall outside of the guidelines; a third area are the housing needs of specialized populations and policies regarding group homes, homeless shelters and transitional housing, these should all be included in the Plan.

RESULT: The PDC and LNC agree that the issue of Housing policies for specialized populations need to be addressed. Specific concerns for the Preliminary Plan raised by Somerset County will be reviewed by the OSP and recommendations will be made to the PDC for their consideration for inclusion in the Interim SDRP.

4. Negotiable Item #9: Aviation Facilities

AT ISSUE: Bedminster notes that any changes in the classification of private airports should recognize local zoning and land use and should be consistent with the intent of the State Plan, There should be a difference between changing the operations of smaller recreation airports and larger public aviation facilities with the burden of proof moving in favor of municipalities for local airports.

Montgomery states that a balance must be achieved between the capacity and demands of an aviation system, and the existing and planned land uses surrounding the system, which are often in conflict. This must be analyzed at the local level as every system and zone plan is unique.

RESULT: The PDC and LNC agree that the New Jersey Department of Transportation (DOT) may revisit air travel policies and develop policies that are sensitive to local land use conflicts. Specific language changes to the Preliminary State Development and Redevelopment Plan (PSDRP) recommended by Somerset County and municipalities will be reviewed by the OSP staff and recommendations will be made to the PDC for their consideration for inclusion into the Interim SDRP.

5. Negotiable Item #15: Community Character

AT ISSUE: Far Hills and the County suggested adding language to indicate that economic development activities should be of an appropriate scale and consistent with the community's identity and character.

RESULT: The PDC and LNC agree that policy language will be clarified to address the fact that economic activities should be appropriate to the scale of and consistent with the community's character and its surrounding areas.

6. Negotiable Item #16: Village Character

AT ISSUE: The County explained that some villages and hamlets may want to maintain a residential character (South Branch) and not encourage interrelated mixed uses as stated in Regional Design System (RDS) Policy 3.1. Villages and hamlets may or may not evolve into higher forms of central places.

KESOHT: The PDC and LNC agree that Policy 3.1 encourages municipalities to plan for their communities in a manner which is commensurate with its scale and character.

7. Negotiable Item #27: Capital Facilities Financing and Development Policy 2.3 – a) Off-Tract Improvements in Tiers 5, 6 and 7/Public Funding; b) Off-Tract Improvements in Tiers 2, 3, and 4, and Communities of Central Places/Partnership

AT ISSUE: The County and Montgomery Township suggest this policy be modified to permit off-tract improvements in Tiers 5, 6 and 7 where deemed desirable by the municipality.

- a. In Tiers 5, 6 and 7, off-tract improvement should be supported by the public if they are not contrary to tier intent.
- b. Private contribution towards off-tract improvement should be flexible and negotiable rather than a regulatory process. The PSDRP makes this seem non-negotiable.

RESULT: a) The PDC and LNC agree that Capital Facilities Financing and Development, Policy 2.3, Funding Priorities recommends that State, county and municipal governments may support off-tract improvements in Tiers 5, 6 and 7 if they are not contrary to tier intent and when necessary to protect the public health and safety; and

b) the PDC and LIC agree that Capital Facilities Financing and Development Policy 2.3 recommends that private contributions toward of f-tract improvements be part of a negotiated partnership between all levels of government and the private sector.

8. Negotiable Item #30: Scenic Areas

AT ISSUE: The County has expressed the need to establish a process for the nomination of scenic areas. Jurisdictional issues must be considered. Subject to the development of an

acceptable nominating process (similar to the National Historic Register nomination process), the County would recommend that scenic areas be made part of the Plan by reference.

RESULT: The PDC and LNC agree that although existing PSDRP policies and guidelines adequately address this issue, alternative policies or guidelines submitted by the County should be discussed and recommendations will be made to the PDC for consideration.

#### Negotiable Item #31: Housing and Community Development

A3<sup>1</sup> ISSUE: Bernards Township felt that land banking for affordable housing is acceptable, but raised the question of its purpose.

RESULT: The PDC and LNC agree that land banking for affordable housing is meant to stabilize land values for the orderly development and redevelopment of affordable housing in municipalities.

#### 10. Negotiable Item #32: Tier 6

AT ISSUE: Montgomery Township believes that Tier 6 should also include other open spaces, not just "productive agricultural lands." Bedminster Township has agreed that agriculture should not be confused with agribusiness.

RESULT: The PDC and LNC agree that open space as well as other land uses exist and are supported by the Plan in Tier 6 areas. It is further agreed that the Plan does not confuse agriculture with agribusiness.

#### VOLUME XVIII: SUSSEX COUNTY

##### 1. Negotiable Item #P-6B: Rural Development Guidelines\*

AT ISSUE: The County feels that the presence or absence of sewers is not sufficient to determine whether development is appropriate. The Plan should consider the carrying capacity of lands. A variable density environmental constraints ordinance based on carrying capacity may be preferable. Sussex County has carrying capacity guidelines in place. Should the State Development and Redevelopment Plan (SDRP) utilize sewer service as a tier delineation criteria, or

should the SDRP define guidelines, procedures and design standards to determine the ability of land to accommodate development and redevelopment?

KESUDT: The PDC and LNC agree that guidelines and procedures for carrying capacity analyses, which recognize and evaluate existing municipal and county efforts, will be provided through handbooks and other technical assistance.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 5 under the "Agreements In Principle" section of this Update for the resolution of P-6A.

2. Negotiable Item fP-10B: State Funding\*

*Kf* ISSUE: The County notes that county and local governments are already fiscally overburdened and believes that State-mandated programs should be funded by the State. The possible fiscal ramifications of the Plan should be addressed.

RESULT: The PDC and LNC agree that the economic ramifications of the Plan will be addressed in the impact assessment of the Interim Plan. Both documents will be subject to public scrutiny during the issue resolution phase of cross-acceptance.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 10 under the "Implementation" section of this Update for the resolution of P-10A.

3. Negotiable Item #A-4: Rural Land Planning and Development

AT ISSUE: Sussex County notes that its existing development already exceeds the population densities proposed in the SDRP guidelines and recommends a carrying capacity approach.

RESULT: The PDC and LNC agree that the issue is associated with item P-6 – Rural Development Guidelines. The parties also agree that planning guidelines are advisory and that detailed guidelines and procedures for carrying capacity analyses, which recognize and evaluate existing municipal and county efforts, will be provided through handbooks and other technical assistance. The parties further agree to exclude the nitrate dilution model from the Interim Plan.

**VOLUME XIX: CUMBERLAND COUNTY**

1. Negotiable Item #7: Natural Resource Policies

A3<sup>1</sup> ISSUE: The County believes the Plan should assist counties and municipalities in protecting critical habitats, environmentally sensitive areas, river and stream corridors, and other areas of unique or outstanding natural resources. "The Plan should particularly provide tools for balancing development and conservation, such as model ordinances, design alternatives and the like. Innovative techniques for promoting environmental protection and development patterns, sensitive to environmental needs, are needed.

RESULT: The PDC and LNC agree that the State, counties and municipalities should work together to protect the State's natural resources. Statewide Strategies and Policies in the Preliminary State Development and Redevelopment Plan (PSDRP) address air quality, biological diversity, critical slopes, historic areas, recreational areas and public open space, scenic corridors, stream corridors and water supply sources located in all seven tiers.

In addition, counties and municipalities are encouraged to identify environmentally-sensitive sites (ESS) in their local master plans to ensure protection of these areas in accordance with appropriate Statewide Strategies and Policies, regardless of tier designation. This information may be submitted to the OSP for data-base sharing purposes. The OSP will recommend to the PDC that the Statewide Environmental Strategies and Policies should be reviewed, and if new ones are needed for the protection of ESS, they should be added. Specific language recommended by Cumberland County will be reviewed by the OSP and recommendations will be made to the PDC for their consideration for inclusion into the Interim State Development and Redevelopment Plan (SDRP). The recommended language regarding this issue will be submitted to the County for review and comment before inclusion in the Interim SDRP.

Negotiable Item #13: Economic Impact Analysis

AT ISSUE: The County supports an economic impact study of the draft Interim Plan as well as the appropriate Plan modifications prior to the adoption of a final document. As has been mentioned in other parts of the County's report, the Plan should not add another layer of regulation or bureaucracy to an already burdensome review process.

Financial and positive program incentives should be encouraged wherever possible in place of regulation to achieve a particular land use or planning objective.

RESULT: The PDC and LNC agree that an Impact Assessment, focusing on economic, fiscal, social and environmental factors, will be conducted by an impartial party upon completion of the Interim Plan as required by State statute N.J.S.A. The final Plan will be produced after completion of the third phase of cross-acceptance. Issue Resolution, which will include discussion on both the results of the Negotiation Phase and the Impact Analysis of the Interim Plan.

VOLUME XX: WARREN COUNTY

1. Negotiable Item #4A: Adequate Funding Resources for the Local Planning Process\*

AT ISSUE: The County notes that the Plan cannot be implemented without a clear understanding as to where the financial and technical resources will come from to support it and its programs. Due to a lack of funds and an eroding tax base, many municipalities do not have the staff or the funds to conduct local planning at the level recommended in the Plan. Municipalities require assistance in the capital budgeting aspects of land use planning.

RESULT: The PDC and LNC agree that OSP will continue to provide technical support throughout the State planning process to assist counties and municipalities in improved capital budgeting and planning at local levels.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 11 under the "Implementation" section of this Update for the resolution of 4B.

Negotiable Item #14A: Rural Land Planning and Development\*

AT ISSUE: The proposed density of 100 persons per square mile is inconsistent with existing patterns of development in Warren County; a carrying capacity approach is recommended. The nitrate dilution model is not well understood. Technical assistance is needed to enable municipalities to determine the level of existing resources, such as groundwater.

RESULT: The PDC and LNC agree that guidelines presented in the Preliminary State Development and Redevelopment (PSDRP)

are advisory and not regulatory. 'The nitrate dilution model will not be included in the State Development and Redevelopment Plan (SDRP).

\*Please Note: This issue was discussed and resolved in three parts. Please refer to page 8 under the "Agreements in Principle" section of this Update for the resolution of 14B and page 14 under the "Implementation" section of this Update for the resolution of 14C.

3. Negotiable Item #15A: Tier 5 Open Space Requirements\*

AT ISSUE: The County reports that limiting development to 5 percent of a parcel is disturbing to municipalities for two reasons: First, the County infers a taking of personal property rights without compensation; and Second, it is an erosion of home rule.

KESDUF: The PDC and LMC agree that guidelines presented in the SDRP are advisory, not regulatory. Adoption of these guidelines is at the discretion of the municipality.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 14 under the "Implementation" section of this Update for the resolution of 15B.

4. Negotiable Item #16A: Critical Slopes and Stream Corridors\*

AT ISSUE: The County believes that the control of development in steep slope areas is the responsibility and prerogative of municipal government. The New Jersey Wetlands Law provides sufficient protection to stream corridors and the SDRP should not create additional regulations.

KESUE/T: The PDC and LNC agree that guidelines presented in the PSDRP are advisory and not regulatory.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 8 under the "Agreements in Principle" section of this Update for the resolution of 16B.

5. Negotiable Item #22B: Reexamination of the State Plan\*

AT ISSUE: The County suggests that in order to be consistent with the Municipal Land Use Law, the SDRP should be re-examined every 6 years. The 3-year review and revision cycle creates cumbersome and unnecessary paperwork for smaller

municipalities. The County would like specific information about the process for revision of the Plan map between the 3-year amendment cycle.

RESULT: The PDC and LNC agree that OSP should establish a process for State Plan amendments, within the statutory 3-year cycle, to reflect certain changes in existing conditions.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 17 under the "Concerns" section of this Update for the resolution of 22A.

6. Negotiable Item #23A: Phillipsburg' s Urban Level Classification\*

AT ISSUE: "The County reports that Phillipsburg is really a freestanding/core center city, totally within northwestern New Jersey and should be listed as an "Urban Center" municipality, such as places like Long Branch and Asbury Park, which are similar in size.

RESDI/P: The PDC and LNC agree that criteria for the designation of centers will be revised. The designation of Phillipsburg as a center will be considered in the context of revised criteria.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 17 under the "Concerns" section of this Update for the resolution of 23B.

**VOLUME XXI: ESSEX COUNTY**

1. Negotiable Item #12: Economic Development – Neighborhood Targeting

AT ISSUE: Belleville believes that municipalities should take the lead in designating neighborhood strategy areas rather than giving State departments and counties the major responsibility. The County agrees that designating neighborhood target areas should be the responsibility of the municipalities.

RESULT: The PDC and LNC agree that this is a policy clarification issue. Municipalities should take the lead in designating neighborhood strategy areas.

2. Negotiable Item #16: Tier 2 – Community Character

AT ISSUE: Essex Fells, North Caldwell and Nutley stated that mixed-use patterns of development are not appropriate in many municipalities. Community character is well-established in these areas and mixed-use patterns of development would conflict with the existing character of many communities. The County reports that the concept of mixed-use developments does not sit well with some stable, fully-developed municipalities in Essex County. Mixed-use developments should only be implemented where appropriate.

RESUZ/T: The PDC and LNC agree that this is a policy clarification issue. The OSP and LNC further agree that mixed-use developments are not appropriate in every neighborhood.

3. Negotiable Item #18: Certified Economic Development Programs

AT ISSUE: Nutley is not in favor of the concept of certification recommended in the Preliminary State Development and Redevelopment Plan (PSDRP). As written, the policy statement implies that a municipality has to prepare an economic development program and receive "certification" from the State.

RESULT: The PDC and the Nutley Negotiating Committee agree that every municipality is not required to develop an economic development program. The OSP and LNC further agree that this only applies to those municipalities seeking priority consideration for economic development programs.

\*Please Note: In accordance with the State Planning Rules, the PDC and Municipal Negotiating Committee for Nutley discussed this issue in the presence of the LNC. The resulting agreement was made between the Municipal Negotiation Committee and the PDC.

4. Negotiable Item #19: Housing Redevelopment – Neighborhood Targeting of Programs

A3? ISSUE: Nutley recommends deleting this policy. The State should not be involved in the targeting of neighborhoods for its programs. This responsibility should be left to the municipalities.

RESULT: The OSP and the Nutley Negotiating Committee agree that this is a policy clarification issue. Municipalities should take the lead in designating neighborhood strategy areas.

\*Please Note: In accordance with the State Planning Rules, the PDC and Municipal Negotiating Committee for Nutley discussed this issue in the presence of the LNC. The resulting agreement was made between the Municipal Negotiating Committee and the PDC.

5. Negotiable Item #21: Human Development and Public Safety

AT ISSUE: Essex Fells' citizens are concerned with the four most important characteristics New Jerseyans use to evaluate their community quality of life (i.e., the crime rate, the environment, quality of education and community appearance) cited in the PSDRP. Since Essex Fells reflects the needs and desires of most New Jerseyans, the problems of crime and education should be listed on the Essex County Negotiating Agenda and the Interim Plan should describe in detail goals, strategies and policies directed toward crime and education.

The County supports this statement, noting that since the goals of the State Development and Redevelopment Plan (SDRP) are to develop a better quality of living and sound planning in New Jersey, it is appropriate for the Plan to recognize the issues of crime and education. The Plan, however, should address these issues in more detail.

RESULT: The PDC, LNC and the Essex Fells Negotiating Committee agree that additional Human Development and Public Safety policies need to be incorporated into the Interim Plan.

\*Please Note: In accordance with the State Planning Rules, the PDC and Municipal Negotiating Committee for Nutley discussed this issue in the presence of the LNC. The resulting agreement was made between the Municipal Negotiating Committee and the PDC.

B. Agreements in Principle!

VOLUME I: BERGEN COUNT?

1. Negotiable Item #1 - Tier 1

AT ISSUE: The Tier 1 designation is not acceptable to some of Bergen's municipalities. The designation carries an unwanted and unnecessary stigma. These communities do not "fit" the Critical Issues and Tier Intent outlined in the PSDRP. These are not distressed communities. They fear disinvestment resulting from a Tier 1 designation.

RESULT: The PDC and LNC agree that it would be desirable to remove the Municipal Distress Index as a criterion for Tier 1 designations and to address distress under the Statewide Strategies if an acceptable tier format can be maintained.

2. Negotiable Item #2 - Sewer Criterion for Tiers

AT ISSUE: The County believes that the presence or absence of sewers should not be a criterion for delineating tiers (e.g. Tier 5). This results in the improper categorization of fully/almost fully-developed municipalities as "rural". It is hard to categorize any Bergen County municipality as being beyond the metropolitan periphery.

RESULT: The PDC and LNC agree that it would be desirable to have additional factors as delineation criteria for Tier 4 if that information or data are reasonably available, and if such factors do not conflict with one another.

The PDC and LNC further agree in principle that developed communities that are not sewered, and are surrounded by other developed, sewered communities, may be considered to be the same tier as the surrounding communities if the overall integrity of the tier system is not compromised.

3. Negotiable Item #3 - Tier 2 vs. Tier 4

AT ISSUE: There are several Bergen County communities designated as both Tier 2 and Tier 4. According to the County, the Tier 4 sections more closely resemble "stable suburbs" due to the lack of vacant land and the already in-place infrastructure systems. Present tier criteria artificially differentiate between new and old neighborhoods.

RESUE/T: The PDC and LNC agree that where a tier distinction within a municipality appears to be artificial and has no substantive policy ramifications, the tier split will be reviewed on a case-by-case basis to remove the distinction as long as the integrity of the tier system is reasonably maintained. Where the distinction has substantive value, the distinction will remain.

4. Negotiable Item #4 - Tier 7

AT ISSUE: According to the County, present Tier 7 guidelines are not applicable in suburban areas. Certain Tier 7 guidelines, written for larger expanses of land, are not workable in developed areas. This makes the recognition and preservation of natural resources and environmentally significant features, through the nomination of small Tier 7 areas, less effective.

RESUE/T: The PDC and LMC agree that the County should review its Tier 7 nominations and resubmit them as ESS nominations which would be managed under proposed Statewide Strategies.

5. Negotiable Item #6 - Capital Facilities - State Funding Priorities

AT ISSUE: The County believes Tier 2 should be prioritized over Tiers 3 and 4 for State capital facilities funding. It is the County's contention that the older suburbs (Tier 2) need help in maintaining necessary services. Additionally, the County has recommended that the State Plan prioritize Tiers 5, 6 and 7 for funding.

RESULT: The PDC and LMC agree that the overall criteria for funding prioritization needs to be restudied and that there are forms and types of development within the existing Tier 2 that should receive priority funding.

Negotiable Item #9 - Land Use-Tier 2

AT ISSUE: The County would like to see Tier 2 communities included in the Regional Design System. This would recognize and help preserve existing centers in the older suburbs. Design tools are necessary to support and protect community character in the midst of strong redevelopment pressures.

RESULT: The PDC and LNC agree that urban and suburban areas need to be better integrated into the Regional Design System.

An Urban Design Manual, to be prepared after the release of the Plan, will include provisions to accomplish that integration.

Negotiable Item #11 - Human Development

AT ISSUE: According to the County, serious social issues exist in the suburbs as well as the cities. As such, the State Plan's human development policies should not be limited to Tier 1 municipalities.

RESUE/P: The PDC and LNC agree that the absence of human development policies in other tiers does not necessarily preclude their use and that Human Development Statewide Strategies and Policies applicable to all tiers will be added.

8. Negotiable Item #13 - Economic Development - Permit Streamlining

AT ISSUE: This is a two-part issue. First, the County and its municipalities see permit streamlining as more of a State problem than a municipal problem. They see the project review and permitting delays taking place at the State level and not at the local development review level. Secondly, Bergen's municipalities often lack the strong local planning tools envisioned in the PSDRP. As such, they are reluctant to give up some of the few development controls they feel they possess now, until such other tools are made available to them.

RESUCP: Agreement in Principle - The PDC and LNC agree in principle that permit streamlining should occur. Furthermore, in the policies throughout the plan that deal with permit streamlining, a clause ought to be added to indicate that permit streamlining should be accomplished "in ways consistent with good planning practice."

**VOLUME II: MERCER CXXMTT**

1. Negotiable Item #4 - Tier 3 Intent

AT ISSUE: Some Mercer municipalities suggested sub-tiers for Tier 3 towns (i.e., 3A and 3B) to distinguish between places that have the land to support peripheral growth from those towns where growth opportunities are limited to redevelopment and infill.

Mercer County does not necessarily agree with this approach. The County asserts that urbanization and growth inducement are not necessarily appropriate for some Tier 3 towns.

RESULT: The PDC and LNC agree that desirable community character that currently exists should be maintained and enhanced. Policies that emphasize the preservation of the character of existing towns of differing scales could be clarified.

2. Negotiable Item #6 - Mapping Detail in Tiers 6B and 7

AT ISSOE: The County believes that a State Plan map should be a general guide, and county and municipal maps be used to provide more detail. Since zoning is a municipal function, very detailed mapping of environmental constraints is best left to the municipality.

RESULT: The PDC and LNC agree that the Plan Map is intended to be a general growth management guide and not intended to be a zoning map. Small, environmentally-sensitive sites should be mapped locally on master plan maps. These may be filed with the Commission as part of a statewide data base.

3. Negotiable Item #7 - 208/WQM Amendments

AT ISSUE: The County raised several questions regarding the delineation of Tiers 4 and 5. Specifically, the county questions whether planned sewer service should be the sole criteria for distinguishing between Tiers 4 and 5, noting that other infrastructure is important. Further, using planned sewer service does not, by itself, carry out the Tier intent. Also, development located in Tier 4 should not imply that sewer service will be supplied immediately.

RESULT: The PDC and LNC agree on the following points:

- o Sole use of sewer service to distinguish between Tiers 4 and 5 is inadequate;
- o The Interim Plan should address sophisticated application of the Regional Design System, particularly in regard to utilizing decentralized wastewater facilities with centralized management;
- o The final Plan must be sufficiently flexible in order to allow for technical amendments; and,

- o The PDC needs to discuss how the boundary between Tiers 4 and 5 will affect growth management.
- o Further discussion on the definition of "planned sewer service;" "limited sewer service;" and dealing with "amendments in process" is required.

**VOLUME 111s HUDSCN COUNT?**

1. Negotiable Item #2: Designating Counties as "Urban Centers"

AT ISSUE: Counties in which a majority of its municipalities are designated as Tier 1 municipalities should be designated "urban centers" for the purpose of priority treatment with respect to urban policy programming. This definition should be included in the urban center designation in the hierarchy of central places. This would acknowledge the special needs of these counties and the unique characteristics and interrelationships of such a county's municipalities in terms of their infrastructure, transportation, planning, capital facilities and economic development needs. Existing urban center municipalities within the county's borders would remain separately on the urban center list and would not be counted toward the majority total of Tier 1 municipalities needed for the county's urban center designation, nor the county's priority treatment with respect to urban policy programming.

RESULT: One PDC and LNC agree that the concept of an urban county/center should be considered, as stated and defined by the County in the statement above.

2. Negotiable Item #4: Disagreement with DOL Population and Employment Projections

AT ISSUE: The State Planning Commission asked each county to comment on whether or not the DOL's population and employment projections were reasonable. The State Planning Commission also asked each county to identify their "preferred" growth levels. The County disagrees with the DOL population and employment projections presented in the Preliminary State Development and Redevelopment Plan. The County's population and employment projections should be incorporated into the Interim Plan and should be used in any State analysis of the Plan.

RESUI/P: The PDC and LNC agree that the County's population and employment projections, as reported in the County's cross-acceptance report, represent a reasonable and acceptable range of growth. The PDC and LNC further agree that as those projections are, for the most part, based on 1980 data; they are subject to change as final 1990 census population data and more current employment data becomes available.

3. Negotiable Item #6: Planning Guidelines and Urban Design Standards

AT ISSUE: Planning guidelines and urban design standards, including "urban neighborhoods of place," need to be formulated for Tier 1 municipalities. "Urban neighborhoods of place" are defined as those areas within Tier 1 municipalities which contain a primarily residential or commercial communal identity and cohesiveness.

RESUE/P: The PDC and LMC agree that urban design is an integral part of urban revitalization and that an Urban Design Manual will be prepared by the OSP to address such concepts as "urban neighborhoods of place." The PDC and LNC further agree that the Regional Design System will be reviewed to better integrate urban areas into the system.

4. Negotiable Item #8: Repair and Maintenance vs. Replacement

AT ISSUE: Repair and maintenance is not necessarily the most cost-effective strategy in urban areas. Tier 1 infrastructure replacement should be included as a high priority issue.

RESUE/P: The PDC and LNC agree that, in some instances, and particularly in urban areas, full scale replacement of an infrastructure system may be required to adequately support existing and future development. The parties also agree that, in those instances, the Plan should acknowledge that replacement is a necessary component of the repair and maintenance priority.

5. Negotiable Item #10: Transportation - Recognition of Regional Function

AT ISSUE: The Plan should give consideration to the unique traffic issues that affect Hudson County, e.g., use of local

streets as part of the regional road system, Trans-Hudson traffic, waterfront development, insufficient parking and Meadowlands development. Statewide transportation strategies should place more emphasis on addressing areas that serve as regional transportation centers.

**RESULT:** The PDC and LNC agree that strategies and policies should be devised to separate regional mobility demands from local mobility demands in order to better address the unique - regional (i.e., Trans-Hudson) role Hudson County plays.

6. Negotiable Item #13: Economic Development - Job Training

**AT ISSUE:** The State Plan should include policies that promote public/private job training and retraining programs.

**RESULT:** The PDC and LNC agree that additional human services policies need to be incorporated into the Interim Plan. The OSP will rely on input from Hudson and other counties on this issue.

7. Negotiable Item #15: Capital Facilities Financing & Development

**AT ISSUE:** The County believes that a 15-year capital improvement program is unrealistic on a municipal level.

The Office of State Planning clarified the Plan's intent with regard to the CIP policies. The intention is to have municipalities prepare:

1) a Master Plan with 15-20-year horizon; 2) an assessment of the infrastructure needed to support the Plan; and 3) a 6-year CIP which will reflect an incremental fulfillment of those needs.

**RESULT:** The OSP's explanation of the Plan's intent regarding this issue is acceptable to the LNC. The PDC concurred that the applicable policies will be rewritten to reflect this clarification.

Negotiable Item #19: CQAH Regulations Have a Suburban Orientation

**AT ISSUE:** Emphasis should be placed on providing adequate housing for low and moderate income households in Tier 1 areas. A new policy (Policy 3.4) under Housing, entitled

"Coordination with the Council on Affordable Housing (COAH); Implementation," should be added to the Plan. The LNC recommended a new policy that should state:

"Coordination with COAH requires special consideration of creative implementation mechanisms. These implementation methods should be particularly sensitive to the unique housing needs of Tier 1 areas."

RESULT: The PDC and LNC agree that language such as that provided by the County will be considered in order to craft policies that will better define how COAH might relate to urban tiers.

9. Negotiable Item #20: Air Quality - Regionally-Generated Air Pollution

AT ISSUE: Local entities should not be penalized by regulatory agencies for regionally-generated air quality problems that are beyond their control (e.g., Trans-Hudson crossings).

The LNC recommended adding the following language to Policy 1.6: "Attainment of national ambient air quality standards should focus first upon regionally generated emission, including those produced by the interstate road network. Air quality should be viewed in the context of the State Plan goal of urban revitalization."

RESULT: The PEC and LNC agree in principle that air quality issues must be addressed at the regional level and that language to highlight the regional nature of the problem, such as that proposed by the County will be considered for inclusion in the Interim Plan. The PDC and LNC further agree, however, that National Ambient Air Quality Standards are set at the Federal level and, therefore, are beyond the scope of the State Planning Commission to affect directly.

10. Negotiable Item #21: Open Space - Urban Policies and Standards

AT ISSUE: The State Plan should address the unique open space needs of cities. The Plan's emphasis seems to be on preserving large tracts of contiguous property. Park rehabilitation should have equal priority with park purchase, Tier 1 communities should receive priority funding.

Moreover, the open space possibilities in Hudson County are located largely in the area under the jurisdiction of HMDC. The agency's cooperation is critical if comprehensive open space and recreation planning is to be achieved.

KESUUT: The PDC and LNC agree that recreation and open space priorities are unclear in the PSDRP and that the overall criteria for funding and program prioritization needs to be restudied by the PDC. The PDC and LMC further agree that, in most cases, park rehabilitation in Tier 1 carries a higher priority than acquisition and should be noted as such in any overall prioritization structure (See Issue #7, page 12, with regard to issues involving HMDC).

11. Negotiable Item #22: Sewers - Funding Priorities & Regulatory Standards

AT ISSUE: The County recommends adding the following policy language to the Plan:

"The DEP should be sensitive to the sewer needs of Tier 1 communities, in particular with regard to the existence of combined wastewater and storm systems. Although the replacement of combined systems is feasible, it is prohibitively expensive. The DEP should provide regulatory standards for combined systems that are sensitive to both the environmental needs and financial abilities of affected municipalities."

Result/P: The PDC and LNC agree in principle that the State should be sensitive to both the environmental needs and financial abilities of a municipality when dealing with combined sewer systems, to the extent that the State has such discretion under the Federal Clean Water Act. Language such as that proposed by the County will be considered for inclusion in the Interim Plan to highlight this concern. Additionally, these proposals will be forwarded to DEP for their consideration.

12. Negotiable Item #24: Water Supply

A3? ISSUE: The reliance of communities on water sources outside their municipal boundaries requires strong protective measures to insure the quality and quantity of their water supplies. Development standards in affected tiers should be sensitive to these communities' water needs.

RESULT: The PDC and LNC agree that these water supply sources need to be protected. The PDC and LNC further agree that it is not the Plan's intent to differentiate the relative importance of a given water supply source based on the geographic location of the eventual consumer. It is the Plan's intent to promote effective management of all potable water supplies.

13. Negotiable Item f25: Flood Control - Urban Regulations

AT ISSUE: Due to the unique characteristics of urban areas, traditional flood control techniques are infeasible. Developed urban areas located within flood plains should be subject to alternative regulatory controls that are sensitive to the development characteristics of those urban areas.

RESULT: The PDC and LNC agree that flood control policies need to be more explicit regarding the utilization of alternative approaches for flood control in urban areas.

14. Negotiable Item #26: Human Development

AT ISSUE: Representatives from human development agencies, such as the Departments of Education, Law & Public Safety, Corrections, Higher Education, Health, and Human Services should provide input into the cross-acceptance process in order to address the social consequences of the Plan's policies. Among the issues included should be job training, day care, education, health, welfare and criminal justice. The social consequences of Plan's policies must be included in any analysis of the State Plan, The County recommends that the following language should be added to the Plan: "It is recognized that human services are critical to the revitalization of Tier 1 areas. Due to the disproportionate share of social service needs which Tier 1 areas encounter, additional resources, including funding, must be available to these areas. In addition, the use of public-private partnerships and nonprofit organizations should be encouraged to develop and implement social service programs.

RESULT: The PDC and LNC agree that additional "Human Development" policies need to be incorporated into the Interim Plan and that language such as that proposed by the County will be considered for inclusion in the Interim Plan.

The PDC and LEC further agree that the social consequences of the Plan need to be considered and should in turn be considered for inclusion in the Plan assessments to be released with the Interim Plan.

15. Negotiable Item #28: Map Change - "Palisades Open Space Overlay"

AT ISSDE: The goal of the "Palisades Open Space Overlay" is to recognize the natural character of the Palisades while acknowledging appropriate development that complements the unique qualities of the Palisades. Municipalities, that have not already, should supplement their municipal land use regulations to address this goal.

Special management overlays in Tier 1 areas should be included within the State Plan. A special management overlay is defined as a geographic area within Tier 1 that combines environmentally sensitive features with a variety of developed and/or developable areas. The following language should be added to the Plan:

"Special management overlays should encourage a reasonable balance of appropriate development that complements the unique qualities of the special management overlay. Municipalities, that have not already, are encouraged to supplement their municipal land use regulations to address this goal."

RESUE/T: The PDC and LNC agree that areas of unique character and location such as the Palisades need to be addressed in the Plan and that language such as that proposed by the County will be considered for inclusion in the Interim Plan.

16. Negotiable Item #30: Required Planning Programs

AT ISSDE: The PSDRP requires a number of plans be prepared to address functional areas such as housing and economic development. Several of these plans appear to be duplicative efforts, thereby potentially placing an unnecessary drain on local resources (e.g., the "certification" concept appears to be limited to only one area, i.e., economic development. This presents an inconsistency).

RESULT: The PDC and LNC agree that the Plan will be reviewed to ensure that planning policies are more explicit and that there are no redundancies in planning programs.

17. Negotiable Item #31: Tier Designation

AT ISSUE: The town of Guttenberg has requested that it be moved from Tier 2 to Tier 1. Given that Guttenberg is surrounded by Tier 1 municipalities, its physical interrelationships with those municipalities and its urban character, the County wholeheartedly supports Guttenberg being redesignated as Tier 1.

RESUE/T: The PDC and LNC agree that Tier 2 communities with an existing urban character, that are surrounded by Tier 1 communities, and exhibit physical (i.e., infrastructure) and social interrelationships with those Tier 1 communities may be considered to be the same tier as the surrounding communities, if the overall integrity of the tier system is not compromised.

VOLUME IV: ATLftttFIC

1. Negotiable Item #2: Seasonal Stress on Coastal Infrastructure

AT ISSUE: The State Plan does not recognize the seasonal burdens faced by coastal counties and municipalities.

RESUUT: The PDC and LNC agree to drop the "deferred" category of the above stated agreement, in principle. The Committees also agreed to add the "Division of Coastal Resources, and the County" to the statement indicating that review of the policy language will also be necessary.

2. Negotiable Item #3: Sub-Tiers or additional categories to reflect the diversity of conditions within the seven tiers.

AT ISSUE: The current tier system did not consider the coastal area when it was developed. Tier strategies, policies and criteria do not adequately reflect the unique qualities of the coast. The current statewide strategies are not comprehensive in regard to the coast.

RESULT: The PDC and LNC agree to drop the "deferred" category of the above stated agreement in principle. The Committees also agreed to add the "Division of Coastal Resources, and the County" to the statement indicating that review of the policy language will also be necessary.

Negotiable Item #5: Funding and priorities for infrastructure maintenance in tiers. County and municipalities expressed concern that Preliminary State Development and Redevelopment Plan (PSDRP) funding priorities are focused on urban areas and growth tiers.

AT ISSUE: 'The County recommends top funding priority for maintenance of health and safety in all tiers, then next priority should be Tier 1. The SDRP must ensure that funding will be available to address municipal needs in all municipalities and tiers, particularly rural areas. The County feels it is proper to target Tier 1, but if the SDRP is encouraging compact growth, infill development and Communities of Place, then it must also support it with funding priority. As written, priorities do not support regional solutions.

RESUE/T: The PDC will study criteria for funding prioritization and provide greater specificity about public health and safety funding priorities for infrastructure needs, particularly with respect to Tiers 5, 6 & 7. The parties also agree that the tier system proposes to guide the programmatic priorities of State agencies; it does not prohibit appropriate State assistance for emergent needs to protect the public health and safety in any tier.

4. Negotiable Item #10A: Urban Development Issues

AT ISSUE: The SDRP must identify urban development issues, including the cost of demolition, land acquisition, environmental approvals, and public/private partnership incentives.

RESUE/T: The OSP and LNC agreed that urban revitalization issues should be made explicit, now and had agreed to defer resolution of this issue until the PDC had developed these strategies more completely. After further discussion among the PDC and LNC, the parties agree to drop the "deferred" categorization of this agreement in principle.

VOLUME V: CAMDEN

1. Negotiable Item #11: The Regional Design System is Unclear and Does Not Contain Provisions for Highly Developed Counties Such as Camden

AT ISSUE: Corridor Centers do not appear feasible in developed counties such as Camden. However, the County is

interested in the development of an expanded Regional Design System. There is a need to address, "Downtown and Neighborhood Preservation," as well as to clarify the provisions of the system oriented toward developed regions.

RESUE/T: The PDC and LNC agree that urban and suburban areas need to be better integrated into the Regional Design System. An Urban Design Manual, to be prepared after the release of the Interim Plan, will include provisions to accomplish that integration.

2. Negotiable Item #22: Tier Change

AT ISSUE: The Borough Commissioners unanimously agree that the tier designation for the Borough of Pine Valley, should be changed from Tier 4, Suburbanizing Area, to Tier 5, Exurban Reserve. The Borough has no intention of encouraging significant development.

Camden County agrees that Pine Valley should be listed under Tier 5, Exurban Reserve, instead of its current listing as Tier 4, Suburbanizing Area. As stated in the 201 Facilities Plan for Wastewater Treatment for the Delaware River Drainage Basin of Camden County, approved by the EPA in 1981, Pine Valley will remain on septic tanks for at least the next 20 years and will not be sewered.

RESULT: The PDC and LNC agree that Pine Valley does not have the capacity to accept significant new development and the area will be designated Tier 5 when the Borough documents its development capacity.

3. Negotiable Item #23: Housing Policy 2.6, Revitalization Without Displacement, and Housing Redevelopment Policy 4.11, Redevelopment Without Displacement

AT ISSUE: Camden City pointed out that, as currently drafted, this policy addresses immediate and short-term displacement effects. Low income residents or residents on fixed income might be displaced as tax assessments and rental values rise.

The County agrees with Camden City and would like further clarification of this issue by the State Planning Commission.

RESULT: The PDC and LNC agree that the Plan contains language that encourages redevelopment without displacement. The City should offer specific recommendations for improvements to these Plan policies.

4. Negotiable Item #27; Tier 1 Should Not Receive Funding Priority

AT ISSUE: Haddonfield does not agree with the proposed funding prioritization that could result in funding for necessary infrastructure replacements being channeled away from Haddonfield and into surrounding Tier 1 communities.

Some of these sub-regional systems will have to be funded for extension into adjoining non-tier 1 communities or urban policy areas. The County agrees with Haddonfield and would like the State Planning Commission to clarify this issue.

RESULT; The PDC and LNC agree that the overall criteria for funding prioritization needs to be restudied and that there are forms and types of development within existing Tier 2 that should receive priority funding.

VCtiJME VI: UNION COUNT?

1. Negotiable Item #5: Tier 1 Description

AT ISSUE: Tier 1 communities are concerned the designation may project a negative image. "Distressed Communities" are not places where people want to live. Calling Tier 1 municipalities "Redeveloping Communities" would be a more positive description. The State Plan should recognize the need for a Tier 1 subtier to account for differences between those presently identified as Tier 1 municipalities.

RESULT: The PDC and LNC agree that it would be desirable to remove the municipal distress index as a criterion for Tier 1 and to address distress under Statewide Strategies if an acceptable tier format can be maintained.

2. Negotiable Item #7: The Final Plan Should Not be Prepared Prior to the Availability of the 1990 Census Data

AT ISSUE: By waiting for the 1990 Census results, the State would have a more accurate view of where its current population is within its various regions. It is not

appropriate to proceed without such information. This would replace speculative conclusions as to population and densities.

RESULT: Agreement in Principle – The PDC and LNC recognize the significance of current census and other population data in the development and implementation of the State Plan. The parties agree in principle that the latest available population data, including census results, will be considered in formulating and implementing the State Plan.

3. Negotiable Item #11: Capital Facilities – Capital Improvement Plans (CIP)

AT ISSUE: The County expressed concern regarding the 15-year cycle recommended for localities to project and prioritize capital expenses. The OSP explained, however, that the Plan's intention is to have municipalities prepare: 1) a Master Plan with a 15-20-year horizon; 2) an assessment of the infrastructure needed to support that plan; and, 3) a 6-year CIP which will reflect an incremental fulfillment of those needs.

RESULT: The PDC and LNC agree that the explanation clarified the Plan's intent. The applicable policies will be rewritten to reflect this clarification.

4. Negotiable Item #18: Capital Facilities – Public Expenditures for On-Tract Facilities in Tier 2

AT ISSUE: This policy may be too absolute. In certain instances, public sector involvement is needed for the provision of on-tract capital facilities.

RESULT: The PDC and LNC agree in principle that there may be some instances where county and municipal expenditures for on-tract capital facilities would be necessary in Tier 2 areas. The PSDRP should be reviewed to ensure that municipalities are not precluded from utilizing mechanisms that may help attain compatibility with the goals of the State Plan.

Negotiable Item #19: Housing – Displacement

AT ISSUE: The County believes that the State Plan should be modified to reflect the need for adequate relocation planning prior to any displacement activities.

KESUUP: The PDC and LtC agree that policies reflecting the need for relocation planning are desirable and that the Plan will be reviewed and revised accordingly to incorporate relocation planning.

6. Negotiable Item f21: Tier 7 Nominations

AT ISSUE: The County has nominated several small Tier 7 areas to preserve locally recognized environmentally sensitive features. However, the OSP explained that the PDC is considering including a series of policies by which "Environmentally Sensitive Sites" (ESS) may be identified, mapped and managed in accordance with appropriate Statewide Strategies and Policies, independent of tier or Regional Design System designations. These would be included in the Statewide Strategies for Natural and Cultural Resources. Such provisions will give counties and municipalities the opportunity to nominate areas to be recognized by the State Plan for protection without a Tier 7 designation.

KESUCP: The PDC and LNC agree that the County should resubmit its Tier 7 nominations as ESS nominations.

**VOLUME VII: OCEAN COUNTY**

1. Negotiable Item #5: Seasonal Population Fluctuation and Stress on Infrastructure

AT ISSUE: The SDRP needs to make special recognition of the capital needs of municipalities and counties impacted by seasonal population fluctuations.

KESUE/T: The PDC and LNC agree to drop the "deferred" category of this agreement in principle and confirmed that the Division of Coastal Resources and the County will review proposed Interim Plan language to address this issue.

2. Negotiable Item #6: Assumptions on the Condition and Capacity of Urban Infrastructure – Infrastructure Funding Priorities

AT ISSUE: Urban infrastructure that is obsolete or poorly maintained is not capable of accommodating the new levels of service envisioned in the PSDRP, It is often more cost efficient to provide new infrastructure in towns and suburbs (Tiers 3 and 4) than to expand and improve urban infrastructure.

Result: The PDC and LNC agree that the Plan language should be clarified to specify that public health and safety is the priority for infrastructure priorities statewide. Urban centers will receive priority treatment after public health and safety needs have been addressed.

3. Negotiable Item #7: Accommodation of Coastal Area in Tier System

AT ISSUE: SDRP must recognize the needs of developed and undeveloped coastal communities. The majority of barrier island municipalities had requested a new tier designation to address their unique qualities and needs. The County report recommends that the SPC adopt a separate tier delineation for coastal municipalities. This position is advocated by the municipalities of: Ship Bottom, Mantoloking, Lavallette, Harvey Cedars, Barnegat Light, Beach Haven, Long Beach.

RESUE/P: The PDC and LNC agree that statewide strategies and policies will be prepared to address the concerns of coastal areas and their unique attributes. Such language, when drafted, will be forwarded to the PDC, the Division of Coastal Resources and the County for their review.

4. Negotiable Item #15: Capital Facilities – Support for On-Tract Facilities

AT ISSUE: Tier 3, Policy 2.4 should read: The State, counties and municipalities should not provide support for on-tract capital facilities. [These facilities should be provided by the private sector]. which do not support municipal and State goals beyond tract boundaries. The county recommendations for deletions are [bracketed], and additions are underlined.

Result/T:" The PDC and LNC agree that increments of on-tract public facilities can be provided by the public sector if it serves a public goal, purpose, or interest, beyond the private development.

5. Negotiable Item #19: Capital Facilities – Provision of Infrastructure to Link Growth Tiers

AT ISSUE: Certain policies need to be clarified to ensure that infrastructure links between growth tiers are permissible (meaning infrastructure that passes through Tiers 5, 6 or 7 to connect Tiers 1, 2, 3 or 4).

HESUUF: The PDC and LNC agree that the Plan language should be clarified regarding infrastructure links between tiers and their secondary impacts. The parties also agree that the issue should be referred to the Implementation Committee to consider new policies for the Implementation Report.

**VOLUME VIII: HUNTERDCH COUNTY**

1. Negotiable Item #P1: Limestone Areas

AT ISSUE: The County has noted that subsurface limestone needs to be carefully considered in siting development, as it is prone to sinkholes and is sensitive to ground water contamination.

RESULT: The PDC and LNC agree that the SDRP will include policies for the management of development in areas of subsurface limestone deposits among the Statewide Strategies for Natural and Cultural Resources.

2. Negotiable Item #P3: Sewer Criterion for Tiers

AT ISSUE: The County stated that the presence or absence of sewers is not in itself sufficient to determine whether development is appropriate given considerations of public health, community character/design.

RESULT: The PDC and LNC agree that the SDRP will incorporate additional factors as delineation criteria for Tier 4, provided that these factors are presented in the context of a comprehensive, capacity-based planning approach and that supporting data are available. The parties also agree that the SDRP will support the provision of appropriate infrastructure supporting Communities of Place within Tiers 5, 6 and 7.

3. Negotiable Item #P7A: Rural Development Guidelines

AT ISSUE: The County believes that carrying capacity measures should be well understood and not based on a single tool, such as the nitrate dilution model. Opportunities for alternative infrastructure must be satisfactorily addressed when the capacity for development is limited.

RESULT: The PDC and LNC agree that planning guidelines are advisory and not regulatory, and define the meaning of a policy by providing a way to measure a minimum level of its

attainment. The parties also agree that policies in the SDRP will emphasize the use of alternative or community wastewater treatment systems as an alternative to large-lot zoning where water quality is a limiting factor.

4. Negotiable Item #A12: Statewide Economic Development Strategy 7.0 – Rural Areas

AT ISSUE: The appropriate State departments, counties and municipalities should establish a coordinated and comprehensive approach to economic development at all government levels.

RESUE/F: The PDC and LNC agree that policies in the SDRP will address types of economic development that are consistent with rural character and that do not create undue development pressure in such areas.

5. Negotiable Item #A15: Statewide Housing Policy 2.8 – Housing and Community Development: Development Standards

AT ISSUE: The County believes that design standards should be applied to high density developments on a permissive, not mandatory basis, in order to be aesthetically pleasing and compatible with existing historic structures.

OSP/LNC RESUE/T: The OSP and LNC agreed to defer this issue, so that it could be discussed in further detail by the PDC and LNC.

PDC/LNC RESULT: The PDC and LNC agree that planning guidelines are advisory and not regulatory, and define the meaning of a policy by providing a way to measure a minimum level of its attainment. Design guidelines will be developed through technical assistance to municipalities and in handbooks.

6. Negotiable Item #A17a1: Statewide Biological Diversity Policy 1.1 – Ecosystem Identification & Management\*

AT ISSUE: Because of the confidential and general nature of mapping endangered species, there is skepticism about the practicality of protecting endangered species.

RESULT: The PDC and LNC agree that policies in the SDRP will encourage the identification and mapping of critical habitats by local governments for inclusion in local master plan conservation elements.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 10 under the "Implementation" section of this Update for the resolution of A17a2.

7. Negotiable Item #A18: Statewide Critical Slope Areas Policy 1.2 – Critical Slope Areas: Design

AT ISSUE: The County believes that performance-oriented design standards are preferable to outright restriction of development; architectural review of highly visible structures is desired.

RESULT: The PDC and LNC agree that mechanisms to manage development in critical slope areas will be addressed in handbooks and through technical assistance.

8. Negotiable Item #A19: Statewide Flood Control Policy 2.2 – Flood Control: Storm Water Management

AT ISSUE: The policy states: "Municipalities, in cooperation with counties, and the NJDEP should prepare and implement watershed based storm water management plans for each flood control priority area..."

The County has suggested that a proactive, regional approach to storm water management should be pursued on the County level. The issues of maintenance, safety, as well as engineering should be addressed.

RESULT: The PDC and LNC agree that mechanisms to promote storm water management in flood control priority areas will be addressed in handbooks and through technical assistance.

9. Negotiable Item #A20: Statewide Historic Areas Policy 1.4 – Historic Areas: Construction Codes and Development Regulations

AT ISSUE: The County has suggested that there is a need to relax the Building Officials and Code Administrators (BOCA) codes when the rehabilitation of historic structures is involved.

KESUE/T: The PDC and LNC agree that planning guidelines are advisory and not regulatory, and define the meaning of a policy by providing a way to measure a minimum level of its attainment. Mechanisms to promote flexibility in rehabilitation of historic structures will be addressed in handbooks and through technical assistance.

10. ^Negotiable Item #A21: Statewide Recreation and Public Open Space Policy 1.1 – Recreation and Public Open Space: Planning and Design

AT ISSUE: The County has recommended that the open space needs of an expanding population be considered as part of an infrastructure needs analysis, beyond those identified in the guidelines of Volume III of the Preliminary State Development and Redevelopment Plan (PSDRP).

RESUE/T: The PDC and LTC agree that planning guidelines are advisory and not regulatory, and define the meaning of a policy ty providing a way to measure a minimum level of its attainment. Mechanisms to assist in planning for recreation and open space will be addressed in handbooks and through technical assistance.

11. Negotiable Item #A22a: Statewide Recreation and Public Open Space Policy 1.7 – Recreation and Public Open Space: Stable Funding Sources\*

KF ISSUE: The PSDRP policy states: "The State, counties and municipalities should devise a system of stable funding sources for the acquisition, development and maintenance necessary to implement a recreation and public open space program, making use of funds from both public and private sources."

The County believes that it is unrealistic to rely on public funding to meet the future open space needs of an expanding population.

RESUL/T: The PDC and LNC agree the SDRP will include a policy that fiscal impact on the municipal tax base should be considered and addressed as part of public land acquisition.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 10 under the "Implementation" section of this Update for the resolution of A22b.

12. Negotiable Item #A24: Statewide Recreation and Public Open Space Policy 1.10 – An Affirmative.. .Approach: Adequate Facilities Requirements

AT ISSUE: The County has noted the need for some entity to accept responsibility for deed restricted open space (e.g., as with open space set asides in cluster development) to ensure that the terms of the deed restriction are enforced and that the land is managed and maintained in a manner consistent with the intended use.

RESULT: The PDC and LNC agree that mechanisms to ensure that deed-restricted open space is protected from development (such as regional open space agencies, or not-for-profit organizations) will be addressed in handbooks and through technical assistance.

13. Negotiable Item #A25: Statewide Stream Corridors Policy 1.1 – Protection: Buffer Areas

AT ISSUE: The County has noted that setbacks from streams are desirable provided that this buffer area can be used to calculate site density.

RESUUT: The PDC and LNC agree that planning guidelines are advisory and not regulatory, and define the meaning of a policy by providing a way to measure a minimum level of its attainment. The application of guidelines will be addressed in handbooks and through technical assistance.

14. Negotiable Item #A26: Statewide Stream Corridors Policy 1.2 – Protection: Storm Water Management Facilities

AT ISSUE: The County has recommended a regional approach to storm water management to reduce the amount of sedimentation that occurs in streams.

RESULT: The PDC and LNC agree that planning guidelines are advisory and not regulatory, and define the meaning of a policy by providing a way to measure a minimum level of its attainment. Mechanisms to control storm water runoff will be addressed in handbooks and through technical assistance.

VOLUME IX: OOOCESTER COUNT?

1. Negotiable Item #4: The Tier 4 Delineation Criteria is Unrealistic and Confusing

AT ISSUE: The Gloucester County Utility Authority is under contractual obligation to each municipality to serve all areas within the consolidated sewer service region, which is inconsistent with the Tri-County 208 plan. In addition, many Tier 5 & 6 areas, already committed to development through subdivision approvals were overlooked.

RESULT: The PDC and LNC agree that Tier 4 criteria, based solely on waste water planning is unsatisfactory in defining future suburbanizing regions. Tier changes, however, must be supported with documentation. The County should indicate which alternative the State Planning Commission Resolution of May 25, 1990, the capacity based planning approach, or the designation of central places supports the tier modification. All modifications should be compatible with and respect the goals of the Plan.

2. Negotiable Item #7: Density standards for Rural Tiers

AT ISSUE: The 100-persons-per-square-mile density standard in rural tiers is unrealistically low. Densities in all municipalities (except one) are already above this standard.

RESULT: The PDC and LNC agree that development of an area should be balanced with the area's natural and built capacity to support that development. Capacity based planning should be the basis to determine density in rural areas. Municipalities should undertake studies to determine a reasonable density given the available infrastructure or natural carrying capacity in order to be considered consistent with the Plan. In the absence of such an analysis, 100 persons per square mile is the recommended base for new development outside of corridor centers, towns, villages and hamlets.

3. Negotiable Item #11: Implementation of the Regional Design System

AT ISSUE: The Plan must offer a clear means of implementing the Regional Design System if villages and hamlets are to become more than a concept. There are concerns over higher densities, the need for sewers and cost liabilities, and

market demand. Who will perform the detailed planning needed for development? What would be the institutional arrangements among three levels of government? How would infrastructure be supported? How much flexibility would municipalities have in controlling density?

RESULT: The PDC and LNC agree that clarification and implementation of the Regional Design System will be addressed in the Interim Plan. In addition, two Technical Reference Documents are currently under development to further clarify the Regional Design System. They will be released following the Interim Plan.

VOLUME X: SALEM COUNTY

1. Negotiable Item #6: Expansion of Tier 3, Carneys Point and Pennsville

AT ISSUE: Carneys Point and Pennsville have identified an area that reflects the long-term expansion of the towns' sewer service area. The County agrees with the recommendation.

RESULT: The PDC and LNC agree that the area in question, which falls between the New Jersey Turnpike and Route 295, is a logical extension of development and Tier 5. The area identified as Tier 3 by the County will be considered the long-term urban services boundary. The parties also agree that updated sewer service information will be forwarded to the State Planning Commission.

2. Negotiable Item #9: Rejection of "Communities of Place" Concept

AT ISSUE: Mannington does not believe that the village concept reflects the Township's future. A Tier 4 designation expresses the Township's desire to attract industry. The Office of State Planning pointed out that the village concept, applied in Mannington, would allow the Township to attract the industry it desires and at the same time establish an efficient pattern for future development.

RESULT: Agreement in Principle – After hearing more about the mixed-use concept from the PDC, the parties agree to consider delineation of an area in the Township as a village. The OSP will assist Mannington in trying to plan for the accommodation non-residential uses in Communities of Place.

3. Negotiable Item f10: Corridor Center Designation for Oldmans Township

AT ISSUE: The Township hopes this designation will help to establish a commercial base within the 295 corridor. However, the Office of State Planning pointed out that the Township does not meet the necessary criteria. There are four general criteria for the nomination of the corridor centers: a linear transportation corridor, a strong existing and projected market demand for development; a sufficient supply of developable land, and, a primary route which crosses municipal boundaries. The area designated in Oldmans Township satisfies three of the four criteria, the one that is lacking is the projected demand.

RESULT: Agreement in Principle – The PDC and INC agree that the Office of State Planning should meet with local officials to explore appropriate growth patterns, such as a village designation.

VOLUME XI: MMKX7IH COUNTY

1. Negotiable Item #G-1A: Preliminary State Development and Redevelopment Plan (PSDRP) Overall Content

AT ISSUE: The County considered that many of the strategies and policies were not clearly written and not consistent with one another, and were therefore difficult to interpret. The strategies and policies should be rewritten in a clear and concise manner. Monmouth County would like their proposed new wording for the strategies and policies to be used in the Final Plan.

RESULT: The PDC and LNC agree that specific language changes referring to Volume II of the Preliminary Plan recommended by Monmouth County will be reviewed by the OSP and recommendations will be made to the PDC for their consideration for inclusion into the Interim Plan. Consistency among all strategies and policies and any of the accepted recommendations will be maintained throughout the Plan.

Negotiable Item #G-5A: Equity

AT ISSUE: The County considered that development densities recommended in the PSDRP for Tiers 5, 6, and 7 are not realistic without a means to compensate the landowners.

Legislation to permit transfer of development rights and other mechanisms need to be in place before any tiers with severe density restrictions, recommended in Volume III of the Preliminary Plan, are officially designated.

RESULT: "The PDC and LNC agree that the recommended densities for Tiers 5, 6, and 7 currently in Volume III of the Preliminary Plan are guidelines and are not mandatory requirements. The OSP staff will forward Monmouth County's proposed new language for strategies and policies regarding this issue to the PDC.

3. Negotiable Item #G-6: Role (Authority) of the State Planning Commission (SPC)

AT ISSUE: The County is concerned that the SPC will become another level of bureaucracy. Care should be taken so this does not occur. Any additional reviews that are suggested in the PSDRP should be done according to a strict time schedule (14 days).

RESULT: The PDC and LNC agree that the Commission, under the State Planning Act, is not intended to be another level of bureaucracy and has no independent review powers. If any advisory comments from the staff are requested by other State agencies, counties, or municipalities, they should be addressed and submitted in an expeditious manner so as not to cause any costly delays. Specific language changes to the Preliminary Plan recommended by Monmouth County will be reviewed by the OSP and recommendations will be made to the PDC for their consideration for inclusion into the Interim SDRP. Consistency among all strategies and policies and the accepted recommendations will be maintained throughout the SDRP.

4. Negotiable Item #G-8: Applicability of Statewide Strategies and Policies

AT ISSUE: The County noted that the Statewide Strategies and Policies are not applicable to every municipality, especially to those that are completely developed. These municipalities should only have to do those studies and activities that make sense for their towns.

RESULT: The PDC and LNC agree that not every Statewide Strategy and Policy is applicable to each municipality. The OSP staff will recommend to the PDC language that clarifies

where and when strategies are appropriate, by including explanatory introductory paragraphs in the Statewide Strategies section of the Interim Plan with descriptions of existing conditions in categories of communities, the strategy intent, and the desired visionary aspects of the intent. Furthermore, the language in existing (and any new) strategies and policies will be reviewed to clarify where and when they may be applicable. Specific language changes to the PSDRP recommended by Monmouth County regarding this issue will be reviewed by the OSP, and recommendations will be made to the PDC. The proposed language changes will be submitted to the County for review and comment before inclusion in the Interim SDRP. Consistency among all strategies and policies and the accepted recommendations will be maintained throughout the Plan.

5. Negotiable Item #G-9: Community Character

AT ISSUE: The County is concerned that the PSDRP encourages a variety of land uses and housing types for each community. This mix may not be appropriate for each town. In addition, the plan includes other strategies and policies such as establishing uniform design standards and performance standards, prescribing economic growth and transportation programs and certain Regional Design System components that also affect community character.

RESULT: The PDC and LNC agree that specific language changes to the Preliminary Plan recommended by Monmouth County will be reviewed by the OSP and recommendations will be made to the PDC for consideration for inclusion into the Interim SDRP. Consistency among all strategies and policies and the accepted recommendations will be maintained throughout the SDRP. The OSP staff will recommend to the PDC language which clarifies that strategies and policies that affect community character will only apply in appropriate locations. Any specific language changes regarding mixed-use will be submitted to the County for review and comment before inclusion in the Interim Plan.

6. Negotiable Item #S-1A: Funding Priorities – The Basis for Allocating State Funding for Capital Facilities

AT ISSUE: The County disagrees with the PSDRP's funding priorities. Maintaining existing and related services that protect public health and safety should be the first State funding priority for all tiers, not just for Tier 1. Any

additional funds for capital facilities should be allocated on the basis of a needs assessment as well as planning criteria, rather than tier designation.

RESULT: The PDC and LNC agree that maintaining existing facilities and related services that protect public health and safety throughout the State is the first funding priority. The PDC and LNC further agree that any additional funds for capital facilities should be allocated on the basis of a needs assessment and planning criteria in addition to the tier system.

7. Negotiable Item #S-2: On-Tract/Off-Tract Financing

AT ISSUE: The County believes that municipalities, including those designated as Tier 1, should not be forced to contribute to developer improvements, on-tract and off-tract. Developers should pay for these improvements whenever possible and municipalities should contribute only when the municipality determines that it is necessary.

RESULT: The PDC and LNC agree that OSP staff will recommend language to the PDC that ensures consistency between Statewide Capital Facilities and Service Strategies and Policies and Tier 1 Capital Facilities and Service Strategies and Policies. The specific wording recommendation made by Monmouth County to use "may" instead of "should" in Statewide and Tier 1 Strategies and Policies referring to this issue will also be made to the PDC for consideration for inclusion into the Interim SDRP. Consistency among all strategies and policies and the accepted recommendations will be maintained throughout the SDRP. Any specific language changes regarding on-tract/off-tract financing will be submitted to the County for review and comment before inclusion in the Interim Plan.

8. Negotiable Item #S-3: Capital Facilities in Tiers 5, 6, and 7

AT ISSUE; State funding for roads and bridges should be granted in Tiers 5, 6, and 7 when a road linking other tiers passes through these limited-growth tiers or when public safety and health is involved.

RESULT: The PDC and LNC agree that the intent of the Preliminary Plan, is for roads in all tiers to be maintained. OSP staff has recommended to the PDC that new transportation policies are needed in Tiers 5, 6, and 7, that address

highway linkage. Wording such as "highway access will be carefully managed so as not to induce additional growth" will also be recommended. The PDC and LNC also agree that specific language changes to the Preliminary Plan recommended by Monmouth County will be reviewed by the OSP, and recommendations will be made to the PDC for consideration for inclusion into the Interim SDRP. Consistency among all strategies and policies and the accepted recommendations will be maintained throughout the SDRP.

9. Negotiable Item #S-5: Flood Control Stormwater Management Policies

AT ISSUE: The County has recommended including the following in the revision of the PSDRP: (1) stormwater management and flood control should be addressed in separate, but adjacent sections of the SDRP; (2) there is a need for separate strategies and policies for non-tidal and tidal areas; (3) in addition, tidal areas which are developed should have different strategies and policies than those that are undeveloped, and for each of these two categories there should be separate policies for coastal and mainland areas; and, (4) for both tidal and non-tidal areas, there should be different policies for the replacement of existing structures and the building of new structures.

RESULT: The PDC and LNC agree that stormwater management and flood control should be addressed in separate but adjacent strategies and policies, and that Monmouth County's recommendations regarding this matter will be reviewed by the PDC. The PDC and LNC further agree that separate, relevant Statewide Strategies and Policies should be developed for tidal and non-tidal areas and for other issues raised by Monmouth County. Such language, when drafted, will be referred to the PDC, the Division of Coastal Resources, and the County for review and comment before inclusion in the Interim SDRP.

10. Negotiable Item #S-6: Regional Design System Concept

AT ISSUE: The County concern is that the concept of central places as described in the PSDRP was not acceptable to almost all municipalities in the County. Most municipalities that had Tiers 5, 6, and 7 designations also contained growth tiers. They want new development to be concentrated in the

growth tiers and not to create new growth areas in Communities of Place. In addition, the designation of the components of the Regional Design System should not be mandatory.

RESULT: The PDC and LNC agree that Policy 2.4 should be rewritten as follows: The SPC should recognize corridor centers, villages and hamlets nominated by counties and municipalities and delineate their boundaries in the final SDRP. Areas with potential for new villages and/or new hamlets can be designated by municipalities and counties without specifying their precise location.

11. Negotiable Item #S-7: Energy, Noise and Community Design

AT ISSUE: The County recommends the addition of Statewide Strategies and Policies for the following subjects: Energy Conservation; Noise; and Community Design.

RESULT: The PDC and LNC agree that additional energy, noise, and community design policies will be considered for inclusion into the Interim SDRP. Any specific language changes regarding these issues will be submitted to the County for review and comment before inclusion in the Interim Plan.

12. Negotiable Item #T-1: Tier 1 – The Density, Scale and Character of Tier 1

AT ISSUE: The County noted it is crucial that redevelopment in Tier 1 municipalities be compatible with the density, scale, and character of surrounding areas. Developers should not be allowed to use the Tier 1 designation as a tool to support large-scale redevelopment projects that do not conform to zoning regulations and are not compatible with the character of neighboring sites.

RESULT: The PDC and LNC agree that current desirable community character should be maintained and enhanced. Policies that emphasize redevelopment should be clarified to address the diversity existing in municipalities and their differing needs and scales of redevelopment efforts. The scale, scope, and intensity of local redevelopment projects in urban areas is a municipal prerogative in accordance with the Municipal Land Use Law. It is agreed that specific language changes to the Preliminary Plan recommended by Monmouth County will be reviewed for consideration for inclusion into the Interim SDRP. Consistency among all

strategies and policies and the accepted recommendations will be maintained throughout the Plan. Any specific language changes regarding this issue will be submitted to the County for review and comment before inclusion in the Interim Plan.

13. Negotiable Item #T-3: Tier 7 – Environmental Protection in Developed Areas

AT ISSUE: The County recommended that there should be special strategies and policies for environmentally-sensitive areas designated within Tiers 1, 2, 3, and 4. Most of the Tier 7 strategies and policies are recommended for rural areas and do not work well for proposed Tier 7 areas surrounded by Tiers 1, 2, 3, and 4.

FESUE/T: The PDC and LNC agree that Monmouth County will resubmit to the OSP the smaller (less than one square mile) Tier 7 sites designated ESS. These sites will be filed with the State and serve as a data base, but will not appear on the State tier map. A footnote should appear on the State tier map indicating that more detailed information is found on the County and municipal maps, and then should be included on the County's map and on municipal maps. Statewide, not Tier 7, Strategies and Policies will apply to ESS. The OSP will recommend to the PDC that the Statewide Environmental Strategies and Policies should be reviewed, and if new ones are needed for the protection of ESS, they should be added. The PDC and LNC also agree that specific language changes to the Preliminary Plan recommended by Monmouth County will be reviewed by the OSP and recommendations will be made to the PDC for consideration or inclusion into the Interim Plan. Consistency among all strategies and policies and the accepted recommendations will be maintained throughout the SDRP. Any specific language changes will be submitted to the County for review and comment.

14. Negotiable Item #M-3A: Historic Town and Sensitivity Buffer\*

AT ISSUE: Monmouth County proposes an "Historic Town" designation and "Sensitivity Buffer" delineation, as defined and explained below:

"A town possessing an exceptional number of historic structures and places. In rural settings, these towns frequently exist as traditional centers surrounded by

historic landscapes. The policies for Historic Towns and Sensitivity Buffers would emphasize the preservation of these historic resources."

The Borough of Allentown, for which the Historic Town category was created, does not want the wholesale redevelopment of its historic district that might be suggested by the existing Tier 3 policies and it is fearful that it would become the nucleus for additional ring development along its border if it were designated as a village. (See Volume III Guidelines for Villages and County of Monmouth checklist comment on Tier 3 Policy 1.6).

RESULT: The PDC and LNC agree that sites that have historic significance can be designated as environmentally-sensitive sites. These sites will be filed with the State and serviced as a data base, but will not appear on the State tier map. They should be included on the County map and on municipal maps. Statewide Natural and Cultural Resources Strategies and Policies will apply to protect the historically-significant site and its surrounding areas. The OSP will recommend to the PDC that Statewide Natural and Cultural Resources Strategies and Policies should be reviewed, and if new ones are needed for the protection of historically-significant sites and sensitivity buffers, they should be added.

\*Please Note: This issue was resolved as a 2-part issue. Please refer to Page 13 in the Implementation Section for the resolution of Item #M-3B.

#### **VOLUME XII: MORRIS COUNTY**

##### 1. Negotiable Item #P1: Tier 1 Criteria

AT ISSUE: The County believes that Tier 1 criteria should be modified to remove the stigma currently associated with this designation, while still providing for revitalization needs. The County feels that the municipal distress index should not be used in Tier 1 criteria, as it may inaccurately characterize areas.

OSP/LBC RESULT: Defer – The OSP and LNC agreed to defer the resolution of this issue, as the PDC is considering it pursuant to SPC Resolution #90-006 dated May 25, 1990.

PDC/LNC REBOOT: Agreement in Principle – The PDC and LNC agree that Tier 1 criteria will be revised in the SDRP to remove the municipal distress index if an acceptable

alternative is defined. The SDRP will include statewide strategies and policies to promote "community revitalization" regardless of tier designation.

2. Negotiable Item #P2: Environmental Protection in Urban Areas

AT ISSOE: The County- has noted that watershed management is needed to protect existing and suspected sources of water supply, but ECRA and other environmental requirements limit opportunities for infill or redevelopment. How should environmental protection be balanced with needs for redevelopment in developed areas?

RESULT: The PDC and LNC agree that the SDRP will emphasize the complementary relationships between environmental protection, support for the value of, and opportunities for, existing development and/or redevelopment via appropriate policies that provide for intergovernmental coordination.

3. Negotiable Item #P3: Suburban Redevelopment

AT ISSUE: The County believes that intensification of development in existing developed suburbs should not degrade community character or result in the imposition of fiscal burdens. Does the Preliminary State Development and Redevelopment Plan (PSDRP) encourage redevelopment in suburbs that may result in negative changes to community character?

RESUCT: The PDC and LNC agree that the tier intent for Tier 2 states that, "Future growth must be absorbed prudently in order to maintain the attractive quality of life that currently characterizes these Tier 2 municipalities." The SDRP will include a policy (-ies) to encourage redevelopment in developed suburbs that will be compatible in intensity and design and will make a positive contribution to the character of that community and its region. Design recommendations will be addressed in supplementary handbooks and through technical assistance.

4. Negotiable Item #P4: Suburban Tier Criteria

AT ISSOE: The County believes that tier criteria should consider differences in community character and the capacity for growth. The SDRP should include additional tiers or sub-tiers that reflect the diversity of conditions in the suburbs.

OSP/LNC REBOOT: Defer ~ The OSP and LNC agreed that the PDC is considering this issue pursuant to SPC Resolution #90-006 dated May 25, 1990.

PDC/LNC RESULT: Agreement in Principle – The PDC and DSC agree that the SDRP will be reasonably flexible in application and interpretation of tier criteria as well as in consideration of tier intent. This flexibility will accommodate the diversity of conditions in suburbs, and in various tier designations.

5. Negotiable Item #P6: Secondary Agricultural Areas

AT ISSUE: Policies pertaining to agricultural lands outside of Tier 6 should address the eligibility and participation of these lands for farmland preservation and/or opportunities for development. Should the SDRP address agriculture outside of designated agricultural areas?

OSP/U\*C RESULT: Defer – The OSP and LNC agreed that in response to the SPC Resolution #90-006 of May 25, 1990, the SDRP will include appropriate statewide strategies and policies that encourage Communities of Place, rural development, and farmland preservation.

PDC/LNC RESULT: Agreement in Principle – The PDC and LNC agree to continue the dialogue as statewide strategies for agriculture are developed. The SDRP will include appropriate statewide and tier policies that will address agriculture throughout the State.

6. Negotiable Item #P7: Corridor Center Development

AT ISSUE: The County believes that corridor center densities and building heights should be compatible with community character. Should a wider range of densities for corridor center development be encouraged?

RESULT: The PDC and LNC agree that policies in the SDRP will emphasize comprehensive, intergovernmental corridor region development planning as the context for design to balance community character with regional transportation and development objectives. Guidelines and procedures for corridor center development will be provided in handbooks and through other technical assistance.

7. Negotiable Item fP8: Other Communities of Place

AT ISSUE: The County feels that communities of place concepts should be applied to maintaining and enhancing the character of existing developed communities. Should the SDRP provide for other types and locations for communities of place, particularly in existing developed areas?

RESULT: The PDC and LNC agree that policies in the SDRP will encourage the application of regional design (including communities of place) concepts in existing developed areas, where appropriate, in order to maintain and enhance community character in accordance with SDRP objectives.

8. Negotiable Item fP10a: Permit-Project Streamlining\*

AT ISSUE: The County is concerned that permit streamlining might result in local government responsibility for which the State has traditionally been responsible. Should permit and project streamlining be initiated by government as an important incentive for continued growth?

RESULT: The PDC and LNC agree that the delegation of permit authority is defined by the State Legislature, and therefore is beyond the scope of the SDRP. Permit streamlining will be advocated in the SDRP as a cooperative effort among State and local government to be achieved in ways consistent with sound planning practices.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 16 under the "Implementation" section of this Update for the resolution of Plan.

9. Negotiable Item #A2a: Statewide Comprehensive Planning Policy 2.2 – Coordinating Planning: County and Municipal Plans

AT ISSUE: The County suggests that planning activities should be coordinated with all "appropriate" agencies within county or municipal government, rather than "all" county and municipal agencies, as suggested in "Guideline a. Ensuring Conformance Among Plans & Regulations" "Guideline b. Coordinating Agency Plans and Actions."

Result/P: The PDC and LNC agree that long-range, comprehensive planning has implications for, and should be informed by, agencies not traditionally involved with land use planning activities (such as school boards and health and human

service agencies}. 1516 SDRP will encourage consultation and coordination that involves the broadest possible range of agencies.

10. Negotiable Item #A5; Statewide Capital Facilities Financing & Development Policy 1.1 – Planning: State Department Plans

AT ISSUE: The County notes that the above policy suggests that State departments should identify and prioritize capital facilities and related services costs over a 15-year period. A 15-year capital financing period may be excessive, especially when compared to other states.

KESUOT: The PDC and LNC agree that policies in the SDRP will distinguish the long-term objectives of an infrastructure needs assessment from the relatively short-term objectives of capital financing programs. The 15-year period will be reviewed and, if appropriate, modified in the context of the infrastructure needs assessment published with the SDRP and in the context of the Implementation Report of the SPC.

11. Negotiable Item #A6a: Statewide Capital Facilities Financing & Development Policy 1.2 – Planning: County and Municipal Plans

AT ISSUE: The County reports that a 15-year capital financing period may be excessive, which is indicated by the above-referenced policy. It states that counties and municipalities should identify and prioritize capital facilities and related services costs over a 15-year period.

RESUC/P: The PDC and LNC agree that policies in the SDRP will distinguish the long-term objectives of the infrastructure needs assessment from the relatively short-term objectives of capital financing programs. The 15-year period will be reviewed and, if appropriate, modified in the context of the infrastructure needs assessment published with the SDRP and in the context of the Implementation Report of the SPC.

12. Negotiable Item #A7; Statewide Capital Facilities Financing & Development Policy 2.4 – Funding Priorities: Extensions

AT ISSUE: The County believes that "Guideline a. Restricting Expansion of Facilities to Ensure Infill" is inappropriately restrictive.

RESUCT: "The PDC and LNC agree that policies in the SDRP will support the extension of capital facilities for public health and safety or where otherwise compatible with SDRP objectives.

13. Negotiable Item #A8b: Statewide Economic Development Policy 3.1 – Capital Facilities and Public Services: Adequate Facilities/Services, Guideline a.-Establishing Levels of Service

AT ISSUE: The County feels that all infrastructure cannot be defined in terms of "level of service." A consensus should be reached on methods of determining "appropriate" levels of service.

RESULT: The PDC and UC agree that this and associated policies in the SDRP will define "adequate" capital facilities and related services in a measurable context, such as levels of service, that is sensitive to differences in local circumstances and community character. Guidelines and procedures to establish these levels will be provided through handbooks and technical assistance.

14. Negotiable Item fA9(1): Statewide Economic Development Policy 3.2 Capital Facilities and Public Services: Utility/Energy System\*

AT ISSUE: The County reports that some municipalities are troubled by "Guideline a. Coordinating Utilities with Statewide Objectives." Some municipalities are concerned that local participation will be excluded from the decision making process with respect to any prospective location of utility plants.

RESULT: The PDC and LNC agree that the SDRP will reinforce relationships among policies so that energy facilities are provided in a manner responsive to statewide, regional, and local concerns.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 20 under the "Implementation" section of this Update for the resolution of A9(2).

15. Negotiable Item #A10(1): Statewide Economic Development Policy 5.3 – Revitalizing Redeveloping Cities/Suburbs: Cultural Facilities\*

AT ISSUE: The County believes that cultural facilities should be promoted and supported in centers of all scales.

Result/P: The PDC and LNC agree that the SDRP will reinforce policies to provide cultural facilities in a manner responsive to the overall development and redevelopment objectives of Urban Centers, as well as all other centers.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 20 under the "Implementation" section of this Update for the resolution of A10(2).

16. Negotiable Item #A11(1): Statewide Housing Policy 1.1 – Reducing Housing Costs: Streamlining the Permitting Process, Guideline d.-Consolidating Regulations\*

AT ISSUE: The County believes that the State should not institute a single, consolidated development regulation to be applied, to all levels of government, as indicated by the above guideline.

Result/F: The PDC and LNC agree that streamlining policies in the SDRP will promote consolidation of development regulations within each level of government, rather than among levels.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 21 under the "Implementation" section of this Update for the resolution of All(2).

17. Negotiable Item #A18: Statewide Housing Strategy 3 – Coordination with the Council on Affordable Housing (CQAH)

AT ISSUE: The County believes that the solution to providing an adequate supply of affordable low- and moderate-income housing should not be limited to current CQAH guidelines.

RESUUT: The PDC and LNC agree that policies in the SDRP, and relationships among policies, will emphasize maximizing housing choice in terms of income groups, tenure types, and locations including, but not limited to, low- and moderate-income housing.

18. Negotiable Item #A19: Statewide Housing Policy 3.1 – Coordination with CQAH: CQAH Needs Allocations

AT ISSUE: The County believes that this policy is unclear and its implications are uncertain.

RESULT: After discussion clarifying the policy, the PDC and LNC agree that policies in the SDRP, and relationships among policies, will promote the implementation of municipal master plan housing elements while discouraging development incompatible with other provisions of the SDRP.

19. Negotiable Item #A23(1): Statewide Transportation Strategy 2  
- An Integrated and Efficient Transportation System\*

AT ISSUE: The County believes that NJ Transit and . transportation management associations should be considered important entities and responsible agencies in this strategy.

RESULT: The PDC and LNC agree that the policies in the SDRP, and relationships among policies, will promote the involvement of State and regional transit and transit management agencies in providing an efficient and integrated transportation system.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 21 under the "Implementation" section of this Update for the resolution of A23(2).

20. Negotiable Item #A24(1): Statewide Transportation Policy 2.1  
- An Integrated/Efficient Transportation System: Highway Funding Prioritization\*

AT ISSUE: The County believes that mechanisms should be identified for relating capital improvement plans and transportation master plans with the SDRP, particularly for recurring and backlog needs.

RESULT: The PDC and LNC agree that policies in the SDRP, and relationships among policies, will help to determine priorities among projects.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 21 under the "Implementation"<sup>1</sup> section of this Update for the resolution of A24(2).

21. Negotiable Item #A24+: Statewide Transportation Policy 2.9 -  
- An Integrated/Efficiency Transportation System: Air Travel

AT ISSUE: Public Comments included in the County Cross-Acceptance Report note that existing airport facilities and operations need to be maintained.

RESULT: The PDC and LNC agree that the SDRP will promote the maintenance of existing airport facilities and the provision of airport safety zones by municipalities.

22. Negotiable Item #A25a(1): Statewide Air Quality Policy 1.1 -- Coordinating Development Patterns: Land Use Patterns Guideline b.\*

AT ISSUE: The County objects to this guideline, noting that requiring air quality assessments will further complicate development and contradicts permit streamlining policies in the SDRP.

RESULT: The PDC and LNC agree that policies in the SDRP, and relationships among policies, will promote air quality provisions in local and county master plans, as well as in specific development projects.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 22 under the "Implementation" section of this Update for the resolution of A25a(2).

23. Negotiable Item #A25b(1): Statewide Air Quality Policy 1.1 - Coordination Development Patterns: Land Use Patterns, Guideline c.-Preventing Increases in Emissions\*

AT ISSUE: The County is concerned that limiting retail parking spaces, as indicated in the above guideline, may be detrimental to the viability of businesses.

EESUOT: The PDC and LNC agree that the SDRP will promote a variety of approaches to modify land use patterns, in order to prevent increases in air pollutant emissions, where appropriate.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 22 under the "Implementation" section of this Update for the resolution of A25(2).

24. Negotiable Item #A26(1): Statewide Air Quality Policy 1.4 - Coordinating Development Patterns: Alternate Travel Means, Guideline a.-Encouraging Transportation Management Agencies\*

AT ISSUE: The guideline states that private or public contributions to a regional transportation management agency should be encouraged that will result in reduced overall contaminant emissions for new development in Tier 4 and in Rural Development Areas. The County believes that contributions should not only be encouraged in Tier 4,

RESULT: The PDC and LNC agree that the SDRP will promote a variety of alternative travel means relevant to both developed and developing areas, which could be implemented, as appropriate.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 22 under the "Implementation" section of this Update for the resolution of A26(2).

25. Negotiable Item #A28(1): Statewide Biological Diversity Policy 1.1 – Ecosystem Management: Ecosystem Identification & Management\*

AT ISSUE: The County feels that critical habitats should be identified, but not as part of the SDRP cross-acceptance process, as the policy indicates.

Result: The PDC and LNC agree that policies in the SDRP will encourage the identification and mapping of critical habitats by local governments for inclusion in local master plans.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 23 under the "Implementation" section of this Update for the resolution of A28(2).

26. Negotiable Item #A32(1): Statewide Critical Slope Areas Policy 1.1 – Development and Redevelopment: Identification/Delineation\*

AT ISSUE: The County believes that individual municipalities should determine what constitutes a critical slope.

RESULT: The PDC and LNC agree that the policies in the SDRP will encourage the establishment of uniform standards for the identification and mapping of critical slope areas by the State and/or local governments for inclusion in local master plans.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 23 under the "Implementation" section of this Update for the resolution of A32b.

27. Negotiable Item fA33(1): Statewide Flood Control – General\*

AT ISSUE: The County reported that some municipalities consider the general intent and-specific proposals of statewide flood control impractical from legal ("taking") and planning practices, as all development "effects" storm water runoff.

KESUCT: The PDC and LNC agree that the SDRP will promote a variety of approaches for flood control relevant to both developed and developing areas that could be implemented as appropriate.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 24 under the "Implementation" section of this Update for the resolution of A33(2).

28. Negotiable Item #A37(1): Statewide Flood Control Policy 2.3 – Proactive Flood Hazard Controls: .. .Outside Flood Plains\*

AT ISSUE: The County noted that the current enabling legislation does not support the actions recommended by this policy.

RESULT: The PDC and LNC agree that policies in the SDRP will promote the use of existing storm water management, soil erosion, drainage, and flood control programs in managing development and redevelopment outside of flood plains.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 24 under the "Implementation" section of this Update for the resolution of A37 (2).

29. Negotiable Item #A43(1): Statewide Scenic Corridors Policy 1.1 – Identification: Identification/Delineation\*

AT ISSUE: The County feels that scenic corridors should be identified, but not as part of the SDRP cross-acceptance process.

RESULT: "The PDC and LNC agree that policies in the SDRP will encourage identification and mapping of scenic corridors by State and/or local governments for inclusion in local master plans.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 24 under the "Implementation" section of this Update for the resolution of A43(2).

30. Negotiable Item #A46: Statewide Waste Disposal Strategy 1 – Waste Disposal Planning and Facilities

AT ISSUE: The County does not believe it is necessary to restrict new development and redevelopment activities near waste-to-energy facilities because certain industrial/commercial development is compatible.

RESULT: The PDC and LNC agree that the strategy will emphasize the provision of Policy 1.2, "Waste Disposal: Development/Redevelopment." The policy identifies the appropriate areas for these restrictions as, "Where there is sufficient evidence that off-site contamination could affect public health or safety..."

31. Negotiable Item #A49(1): Statewide Water Supply Sources Policy 1.4 – Water Supply: Development Regulations for Wastewater Disposal, Guideline a.-Development Capacity Analysis – Applying the Nitrate Dilution Model\*

AT ISSUE: The County reports that legal and technical assistance is needed to develop alternative approaches and to avoid misapplication of the nitrate model.

RESULT: The PDC and LNC agree that policies in the SDRP will emphasize the use of alternative or community wastewater treatment systems as an alternative to large lot zoning, where water quality is a limiting factor for development.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 25 under the "Implementation" section of this Update for the resolution of A49(2).

32. Negotiable Item #A69: Tier 7 ~ Criteria

AT ISSUE: The County believes that criteria should be flexible; not all tier criteria should not have to be satisfied for a specific delineation; not all policies need to be applied, even if they are not relevant.

OSP/LNC RESULT: Defer ~ The OSP and LNC agreed that the SPCs PDC is considering this issue pursuant to SPC Resolution #90-006 dated May 25, 1990.

PDC/LNC RESULT: Agreement in Principle – The PDC and LNC agree that criteria for tiers in the SDRP will be reasonably flexible in application and interpretation of tier criteria

as well as in consideration of tier intent. This flexibility will accommodate the diversity of conditions in suburbs in various tier designations.

**VOLUME XIII: BURLBJ3DCW**

1. Negotiable Item #5: The use of the Office of Management & Budget (OMB) Distress List as a Criteria for Designating Tier 1

AT ISSUE: The OMB list should not be considered part of the criteria by which Tier 1 is designated. Tier 1 should be framed with more positive language, in order not to stigmatize areas so designated. Additionally, policies should be crafted to address pockets of distress in otherwise stable communities.

RESULT: The PDC and LNC agree to change the category of this issue. The new criteria is still being developed. The parties also agree that Tier 1 should focus on form and areas exhibiting distress should be addressed, regardless of the tier designation, where it is prevalent, as a Statewide Strategy.

2. Negotiable Item #6: The Council on Affordable Housing (CQAH) and the State Plan

AT ISSUE: The County noted that the Plan's housing policy needs to be clarified concerning COAH, particularly in Tiers 5, 6 & 7. Burlington County feels that the SPC should work toward clarifying the relationship between the Plan and CQAH to minimize confusion. Florence Township also stated that land use and funding for CQAH housing should be integrated with State Plan strategies and policies.

RESULT: The PDC and LNC agree that language clarification is necessary in the Interim Plan to explain housing policy intent, particularly in Tiers 5, 6 & 7.

3. Negotiable Item #8: Housing Policy 2.5, Housing and Community Development

AT ISSUE: Burlington County suggested the policy appears to add an additional layer over CQAH as well as requiring specific neighborhoods to be "targeted."

RESULT: The PDC and LNC agree that a comprehensive master plan, including a detailed Housing Element, should be sufficient to identify specific areas for housing and community development, and therefore, no additional layer is created.

4. Negotiable Item #9: Tier 5 – Criteria Should be Redefined or Eliminated

AT ISSUE: Burlington County raised the possibility that large lot development will occur in Tier 5 areas, eliminating the possibility for "future growth." The County also believes that State financing of infrastructure to promote clustering associated with agriculture and farmland preservation should receive priority regardless of tier designation (e.g., TDR receiving zone in Tier 5 should receive priority infrastructure to promote agriculture preservation).

Result/T: The PDC and LNC agree that Tier 5 needs to be more clearly defined. Land development patterns, development opportunities along with agricultural and natural resource based land uses for this region will be presented and discussed. TDR receiving zones which result in Communities of Place as well as easement purchase will be given consideration for priority in Tier 5 areas.

5. Negotiable Item #12: Growth Center Designations

AT ISSUE: The County communicated several concerns on behalf of its municipalities: They are reluctant to designate new growth centers due to a lack of incentives to do so without being able to devise a related preservation benefit elsewhere in the township. The Preliminary State Development and Redevelopment Plan's (PSDRP) growth strategy seems to discourage a variety in densities, and some of the land use recommendations contained in Volume III for villages are objectionable. Communities in the TDR pilot project have designated villages or growth centers to accommodate growth. Other townships suffering from "overdevelopment" (areas fully developed that feel they can't accommodate additional growth) have rejected the Regional Design System concept as counter productive. Overdevelopment = traffic woes.

Municipalities are reluctant to identify growth corridors; they fear they will lose planning control over corridors

within their community and concrete examples of clearer descriptions of growth incentives and permit expediting are needed.

RESULT: The PDC and LNC agree that urban and suburban areas need to be better integrated into the Regional Design System, An Urban Design Manual, to be prepared after the release of the Plan, will include provisions to accomplish that integration.

6. Negotiable Item #19: Statewide Strategy, Natural Resources

AT ISSDE: The County has recommended that the existing language concerning Statewide Natural Resource policy provisions should be strengthened. Language in Strategy 1, Development and Redevelopment should be changed from, "only when the effects on the natural hydrology regime have been minimized..." to, "only when NO SIGNIFICANT NEGATIVE EFFECTS on the hydrologic regime will occur."

The language in Policy 1.5, Managing Development should be modified to read as follows: "NO SIGNIFICANT SOIL DISTURBANCES OCCUR" for critical slope areas.

RESULT: The PDC and LNC agree that development of steep slope areas should not result in erosion, the creation of excess stormwater runoff and flooding downstream.

VOLUME XIV: PASSAIC COUNTY

1. Negotiable Item #3: Permit Streamlining – Home Rule

AT ISSUE: The streamlining of the development and redevelopment review process raises concerns with a number of municipalities. While most jurisdictions agree with the concept of streamlined regulations, many do not support efforts to adopt new laws that promote uniform standards at the expense of local conditions, problems and needs.

RESULT: The PDC and LNC agree that it is not the intent of the State Plan to promote uniform standards at the expense of local conditions, problems and needs. The parties further agree that, while permit streamlining is necessary at the State level; it may also be necessary, based upon local review, at the County and municipal levels of government.

2. Negotiable Item #4A: Development Financing of Infrastructure Improvements\*

AT ISSUE: Participation in the cross-acceptance process has not generated a County or municipal understanding of the extent to which new development should pay for public infrastructure, open space and service needs. Municipal negotiations with developers are still somewhat informal. The County is looking for State guidance for determining development financing of infrastructure improvements.

RESULT: The PDC and LNC agree in principle that the overall criteria for funding prioritization needs to be restudied.

\*Please Note: Issue #4 was discussed and resolved as a two-part issue. The resolution of Issue 4B is reported under the "Implementation" page 11-12.

3. Negotiable Item #6: Tier 1 - Negative Image of Tier 1

AT ISSUE: The SPC should reconsider the definition of Tier 1. The tier criteria are not adequate when they are applied to all such designated municipalities. In some cases, a Tier 1 designation may place a stigma on the community which is misleading. The problem seems to lie with the use of the Municipal Distress Index as a tier delineation criterion. Some components of the Index, such as pre-1940 housing, do not necessarily reflect distress. The Passaic County Planning Board has recommended that a sub-Tier 1 (e.g., Tier IB) be devised to include current Tier 1 municipalities, such as Haledon, which are distinct from the 16 most distressed cities on the list.

RESULT: The PDC and LNC agree that it would be desirable to remove the Municipal Distress Index as a criterion and to address distress under the Plan's Statewide Strategies sections if an acceptable tier format can be maintained.

4. Negotiable Item #12: Housing - Inclusionary Zoning

AT ISSUE: The Borough of Ringwood objects to the State Plan's inclusionary zoning language in Housing Policies 3.2 and 3.3. Citing its environmentally sensitive landscape, its designation as a "conservation community" not subject to a regional CQAH obligation, its substantive COAH certification, its satisfaction of its indigenous housing need, and its lack of public sewer facilities, the Borough has requested that

the Passaic County Cross-Acceptance Report be amended to delete any reference to mandated inclusionary zoning for the community.

The County believes that inclusionary zoning should not be required in any tier since this would inhibit the local choice of inclusionary zoning locations. Inclusionary zoning could induce unwanted growth in Tiers 5, 6 and 7, and should be eliminated from these tiers. This policy should be reworded in this respect so that the environment and natural resources will be protected. Hamlets are too small for inclusionary zoning.

RESUE/T: The PDC and LNC agree that the Preliminary State Development and Redevelopment Plan (PSDRP) does not require the use of inclusionary zoning by any municipality. Rather, the Plan suggests directing the development of any subsequent housing into Communities of Place. The parties further agree in principle that the intent of both policies should be clarified in the Interim Plan.

5. Negotiable Item #13: Housing – Regional Contribution Agreements for Tiers 2 and 3

AT ISSUE: The County stated that regional contribution agreements (RCAs) are not a suitable concept for providing housing in most tier 2 municipalities. These municipalities often use RCAs for housing in Tier 1. Additionally, RCAs are not suitable in Tier 3 except for distressed communities.

RESOL/T: The PDC and LNC agree that there may be cases where the use of RCAs is appropriate for Tier 2 and Tier 3 communities.

6. Negotiable Item #14: Regional Design System

AT ISSUE: Development should not be encouraged in Tier 7 in Passaic County. The State should reword Regional Design System Policy 7.1 to discourage unsuitable development in Tier 7. The OSP explained that in rural development areas, the Plan recommends that housing densities should be based upon the carrying capacities of the natural and built environments. Housing development at higher densities should be permitted in corridor centers, villages and hamlets where appropriate and consistent with design criteria and infrastructure provided with respect to those places.

RESULT: The PDC and LNC agree in principle that the Regional Design System does not encourage growth beyond County and municipal capacities to support that growth, nor beyond what they have identified as their preferred levels of growth. "The parties further agree that the policies related to Communities of Place in Tier 7 should be clarified in this regard.

7. Negotiable Item #15: Tier Changes – Tier 7 Nominations

AT ISSUE: The County has nominated several small Tier 7 areas to preserve locally recognized environmentally sensitive features. The OSP explained, however, that the PDC is considering including, among the Statewide Strategies for Natural and Cultural Resources, a series of policies by which "Environmentally Sensitive Sites" (ESS) may be identified, mapped and managed in accordance with appropriate Statewide Policies, independent of tier or Regional Design System designations.

RESUE/F: The PDC and LNC agree in principle that the County should resubmit its Tier 7 nominations as ESS nominations.

8. Negotiable Item #16: Sewer Criteria for Tiers – Tier Delineation

AT ISSUE: The presence or absence of sewers should not be a threshold for making tier designations. This results in the improper categorization of fully- and almost fully-developed areas as "rural" (e.g., Tier 5), or conversely, large, undeveloped tracts as "suburbanizing" (e.g.. Tier 4) due to outdated 208 plans.

RESUUT: The PDC and LNC agree that it would be desirable to have additional factors as delineation criteria for Tier 4 if that information or data are reasonably available, and if such factors do not conflict one with the other.

The PDC and LNC further agree that, and when a County and/or municipality can demonstrate to the SPC that it has devised more sophisticated analyses that are consistent with a capacity-based planning approach, and that tier changes are warranted based on those analyses, then the OSP may review and reconsider the current tier delineations that rely on the sewer distinctions.

9. Negotiable Item #18A: Comprehensive Planning – Horizontal Integration of County and Municipal Plans\*

A3? ISSUE: Guideline "c" for Comprehensive Planning Policy 2.2 does not implement the policy. This is vertical, not horizontal integration. The OSP noted that the County does not disagree with the policy, but with the guideline, which may in fact contradict the policy. This guideline may have been placed under the wrong policy. It should be noted, however, that the guidelines in Volume III are advisory, not regulatory. They provide technical assistance in defining the meaning of a policy through a means by which to measure a minimum level of its attainment.

RESU&T: The PDC and LNC agree with the policies calling for the horizontal and vertical integration of municipal, County and State plans.

\*Please Note: This issue was discussed and resolved as a two-part issue. The resolution of issue 18B is reported under the "Defer" section page 8-9.

10. Negotiable Item #19A: Economic Development – Review and Evaluation of State Performance\*

AT ISSUE: The Guidelines in Volume III for Economic Development Policy 1.1 outline tasks that should be performed by municipalities. Local actions are not mentioned in the policy statement. The policy statement should reflect this, or Guideline "a" should be changed by removing any references to local tasks.

The County does not disagree with the policy, but with the guidelines, which, they believe, contradicts the policy. However, further review of the guidelines indicates that they do support the policy, as the municipal and county actions would supply the data necessary for the SPC to evaluate economic performance.

RESUE/T: The PDC and LNC agree in principle with the policy calling for the State review and evaluation of New Jersey's economic performance. The parties also agree in principle that the municipalities and counties play an important role in the data exchange necessary for the performance of this review.

\*Please Note: This issue was discussed and resolved as a two-part issue. The resolution of issue 19B is reported under the "Defer" section page 9.

VOLUME XV: CAPE MAY COUNT?

1. Negotiable Item #6: Infrastructure Funding Priorities

AT ISSUE: As a non-urban area, Cape May County is concerned about the equitable distribution of funds throughout the State. Agricultural, rural, resort and suburban areas have existing and future infrastructure needs should not be ignored for the purpose of urban redevelopment. The Plan has been accused of having urban redevelopment as its primary focus. The Plan must show and state that this is not the case.

RESUE/F: The PDC and LNC agree that funding for the maintenance and upgrading of infrastructure should be available to meet municipal needs statewide in all tier designations if a public health or safety need has been established. The SPC is considering changes to funding priorities in the PSDRP to reflect possible modifications in the tier system, pursuant to SPC Resolution No. 90-006.

2. Negotiable Item #10: Tier 5 Capital Facilities Financing

AT ISSUE: Tiers 2 through 4 Capital Facilities Financing policies recommend sharing costs through public/private partnerships. Tier 5, Capital Facilities Financing Policy 2.3 recommends that all facilities be funded by the private sector. In Cape May County, rapidly developing mainland municipalities making use of public/private partnerships are unsewered, thus delineated as Tier 5. Since these municipalities have implemented cost sharing for parks and capital facilities, public/private partnerships should be allowed in Tier 5.

RESUUT: The PDC and LNC agree that prioritization will be re-examined for capital facilities consistent with tiers, such as transit improvements for all tiers, agriculture funding in Tier 6 and parkland and wildlife preserves in Tier 7. The parties also agree that life-threatening health or safety situations would receive priority. Discretionary funding for growth inducing projects would use tier delineations for priority.

3. Negotiable Item #15: Coastal Economy

AT ISSUE: The County has noted the PSDRP suggests diversification of the economy. This should be re-examined with consideration of a goal to preserve the coast for the natural and recreational asset that it is.

RESUE/P: The PDC and LNC agree that the SDRP statewide strategies and policies concerning the coast should encourage a balance between protecting natural, recreational and aesthetic features, and maintaining the coastal economy. Such language, when drafted, will be referred to the Division of Coastal Resources, the PDC and coastal counties for review.

4. Negotiable Item #16: Seasonal Stress on Coastal Infrastructure

AT ISSUE: The County believes the SDRP should specifically recognize the capital needs of municipalities and counties impacted fcy seasonal population fluctuations. Capital improvements to highways are a special concern.

RESUUT: The PDC and LNC agree that the PSDRP statewide strategies and policies concerning capital facilities should acknowledge seasonal population impacts in the coastal area. Such language, when drafted, will be referred to the Division of Coastal Resources, the PDC and coastal counties for review.

5. Negotiable Item #17: Mainland Economy

AT ISSUE: The County pointed out that the situations that face the coastal communities also concern mainland resort towns. Like the coastal area, mainland communities face seasonal stress on infrastructure. The SDRP should recognize this.

RESULT: The PDC and LNC agree that the PSDRP statewide strategies and policies concerning capital facilities should acknowledge seasonal population impacts in the coastal area including the mainland areas. Such language, when drafted, will be referred to the Division of Coastal Resources, the PDC and coastal counties for review.

6. Negotiable Item #18; Economic Development Policy 3.2

AT ISSUE: *The County has endorsed the recommendation of Atlantic Electric regarding wording of Economic Development Policy 3.2: Capital Facilities and Public Services: Utility Plant/Energy Systems.*

RESUUT: *The PDC and LNC agree that utility infrastructure is essential to the economic growth of the State, in addition to the maintenance and growth of our communities. This may require specific wording changes to the policy which will be submitted to the PDC for their review.*

VOLUME XVI: MIDDLESEX COUNTY?

1. Negotiable Item FPS-7: Planning Goal – Transportation

AT ISSUE: *The SDRP should provide a specific transportation planning goal, similar to Middlesex County's master plan, in order to ensure that a safe and efficient transportation network is maintained to meet the needs of residents, visitors, and businesses in the State. It should also ensure the adequate delivery of goods and services to support the economy of the State.*

RESULT: *The PDC and LNC agree that the statewide goal to, "provide adequate public services at a reasonable cost," is intended to include provision of a safe and efficient transportation network. The description of this goal needs to be expanded to define the public services and to create a public service list that specifically includes transportation.*

2. Negotiable Item FPS-8: Infrastructure Funding Priorities

AT ISSUE: *Edison, South Plainfield, Woodbridge, Piscataway, Milltown, Metuchen, Spotswood, Helmetta, and Monroe have identified areas where an infrastructure repair/upgrading policy for Tier 2 should be applied without the "distressed community" and redevelopment emphasis tied to Tier 1 criteria.*

*The County has expressed its agreement with these desires. There is a need to identify specific areas within Tier 2 that do not have adequate existing infrastructure. These areas should be separately classified as Tier 2A and should be given priority for Federal, State and county funding assistance for infrastructure improvement, repair and*

upgrading. This priority should not be tied to redevelopment or "distressed community" designations as in the Tier 1 classification.

RESULT: The PDC and INC agree that the overall criteria for funding prioritization needs to be restudied and that there are forms and types of development within the existing Tier 2 that should receive priority funding.

3. Negotiable Item #T-5A: Woodbridge Township/Tier 2A\*

AT ISSQE: Woodbridge Township has requested designating the majority of the area of Woodbridge as Tier 2A from the PSDRP Tier 2 to reflect the major infrastructure investment needed for repair and replacement. The County is in agreement.

Result: The PDC and LNC agree that the overall criteria for funding prioritization needs to be restudied and that there are forms and types of development within Tier 2 that should receive funding priority.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 14 under II. Mapping Issues in the "Agreements To Change Tier Map" section for the resolution of T5-B.

4. Negotiable Item #T-7C: Old Bridge Township/Tiers 1 and 7\*

AT ISSUE: The Lawrence Harbor Township has requested several tier changes as follows:

1. Change Tier 5 and Tier 2 areas in the Madison Park section to Tier 4 (to reflect undeveloped lands expected to develop with available sewer service) , and to Tier 1 (to reflect possible redevelopment and infrastructure deficiencies) .

The County report supports these changes.

RESUE/T: The PDC and I\$C agree that the overall criteria for funding prioritization needs to be restudied and that there are forms and types of development within Tier 2 that should receive funding priority.

\*Please Note: This issue was discussed and resolved in three parts. Please refer to page 11 under the "Agreements In

Principle" section of this Update for the resolution of T7-C, and page 18 under the "Disagreement" section for the resolution of T7-B.

5. Negotiable Item #T-10B: Cranbury Township/Tiers 6A, 6B and 3\*

AT ISSUE: Cranbury Township has requested the following tier changes:

1. Change Tier 4 designation on the west side of Main Street south of the Village to Tier 6B.

The County supports the changes; except for the Station Road Tier 5 change due to the expected construction of sewer service to the area.

RESUCT: The PDC and LiNC agree that Item #5 be recognized as an environmentally sensitive site within Tier 6.

\*Please Note: This issue was discussed and resolved in three parts. Please refer to page 9 under the "Agreement" section of this Update for the resolution of T10-C, and page 12 under the "Agreements in Principle" Update for the resolution of T10-B.

**VOLUME XVII: SOMERSET COUNTY**

1. Negotiable Item #3: Capital Facilities

AT ISSUE: This policy should be worded more strongly to ensure that State agencies adhere to local planning requirements in permitting facilities. Conditional approvals, where granted, should have a timetable requirement to meet the capital facilities planning of the municipality.

RESUCT: The PDC and LNC agree that specific language changes to the Preliminary Plan recommended by Somerset County and its municipalities will be reviewed by OSP staff and recommendations will be made to the PDC for consideration for inclusion into the Interim SDRP.

2. Negotiable Item #8: CQAH in Tiers 5, 6 & 7

AT ISSUE: Bedminster, Bernards, and Montgomery Townships all felt that the housing policy stating that a community

permitting development in Tiers 5, 6 and 7 will have additional CQAH requirements imposed upon it is an "inappropriate penalty."

The County noted that restrictions on the location of affordable housing by tier or Community of Place could pose hardships and jeopardize attainment of both CQAH and SDRP goals.

The OSP acknowledged the need to clarify the language discussing the relationship between the Plan and CQAH, specifically housing policy intent in Tiers 5, 6 and 7. The SPG mandate is to promote the provision of an adequate supply of affordable housing. Housing concerns, however, should be carefully weighed along with environmental constraints. Although the SPC has accepted Coach's housing allocations through 1993, the Plan intent is to encourage development into a compact settlement pattern, taking into consideration the location of existing infrastructure to accommodate that growth.

Result: The PDC and LNC agree that the PSDRP Statewide Housing Policy will be reviewed and recommendations to clarify the language discussing the relationship between the Plan and CQAH will be made.

3. Negotiable Item #11: Water Supply Policy 1.4c – Development Capacity Analysis

AT ISSUE: The County believes that this methodology must be further tested to determine if it is truly the better indication of carrying capacity. New Jersey Department of Environmental Protection (DEP), Chapter 199, revisions for on-site disposal program may be another tool.

RESUCT: The PDC and LNC agree that the nitrate dilution model is one of a number of means for establishing acceptable density guidelines for land development. This provision is not mandatory.

Negotiable Item #13: Historic District Maps

AT ISSUE: North Plainfield has suggested that a list of all historic sites and districts on the New Jersey Register should be made an official part of the SDRP by reference.

RESULT: The PDC and LNC agree that sites with historic significance can be designated as "historically significant sites." These sites will be filed with the State and serve as a data base component, but will not appear on the State tier map. They should be included on the County map and on municipal maps. Statewide natural and cultural resources strategies and policies will apply to protect these sites and the surrounding areas. If new ones are needed for the protection of these sites, they should be added.

5. Negotiable Item #17: Locating Villages and Hamlets

AT ISSUE: The County has related the concerns of Manville, Montgomery, Bedminster and Bridgewater Townships, which believe that existing and new villages should be permitted within Tier 4, only when consistent with the Municipal Master Plan.

RESULT: The PDC and LNC agree that the criteria for designation of an existing or new village needs to be restudied, and that an existing or new village could be in a Tier 4 area.

6. Negotiable Item #18: Corridor Center Designation

AT ISSUE: Bedminster and Montgomery Townships feel that Corridor Center designations should be approved by the County and municipality in addition to the State.

RESULT: The PDC and LNC agree that the SPC should recognize corridor centers, towns, villages and hamlets nominated by counties and municipalities. Their boundaries should be delineated in the Final SDRP.

7. Negotiable Item #19: Corridor Center Transportation Routes

AT ISSUE: The County believes that the primary transportation routes serving corridor centers should include highways and inter-municipal principal arterials of less than four lanes to recognize differences in scale and statewide highway conditions.

RESULT: The PDC and LNC agree that the criteria for designation of a corridor center needs to be restudied. In

addition, the relationships between major transportation routes and corridor center locations needs to be further clarified.

8. Negotiable Item #21: Central Place Boundary Designations

AT ISSUE: Montgomery recommended that preliminary boundary designations of central places should not be included in the Interim State Plan, but, identified through on-going discussions prior to adoption of the Final Plan.

Result: The PDC and LNC agree that preliminary designations of central places should be included in the State Plan. They further agree that the boundaries could be modified through on-going discussions and detailed design plans.

9. Negotiable Item #22: Town Centers & Business Districts

AT ISSUE: Suburban town centers, traditional town centers and business districts should be added as another element to the RDS. They generally fall between towns and villages in terms of the hierarchy of central places, and are located on secondary travel corridors.

RESULT: The PDC and LNC agree that existing town centers and business districts need to be recognized. The forms and functions of these centers could be considered for inclusion in the communities of place definition.

10. Negotiable Item #25: Storm Water Management Programs and On-Site Regulations and Standards

AT ISSUE: North Plainfield and Far Hills are concerned about the County strategies and policies related to flood control, specifically: 1) the need for a clarification of the definition of high and medium priority areas; and 2) the need for greater protection of developed areas.

RESULT: The PDC and LNC agree that the OSP will review the criteria for high and medium flood control priority areas and the applicability of the existing New Jersey Flood Control Master Plan to current conditions. Furthermore, the OSP and LNC agree that the Interim Plan will balance the needs for conventional methods of flood hazard protection with proactive flood control measures. The proactive flood control policies will address the needs of the existing developed areas as well as the developing areas.

11. Negotiable Item f33A: Additional Municipal Comments\*

AT ISSUE: The complexity, clarity, and consistency of strategies, policies and guidelines in Volume II and Volume III.

RESULT: The PDC and LNC agree that specific recommendations referring to Volume II of the Preliminary Plan recommended by Somerset County and its municipalities will be reviewed by the OSP and recommendations will be made to the PDC for their consideration for inclusion into the Interim Plan.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to under the "Deferred" section for the resolution of 33B.

VOLUME XVIII: SUSSEX COUNTY

1. Negotiable Item #P-1: Seasonal Infrastructure Stress

AT ISSUE: In Sussex County, many seasonal lake communities have evolved into year-round communities; State funding is needed to mitigate public health and safety pressures on water and waste systems and to rehabilitate substandard housing. Should the SDRP provide capital investment and affordable housing policies and strategies for seasonal lake communities in the northwest part of the State?

OSP/LNC RESULT: Agreement in Principle ~ The OSP and LNC agreed that the SDRP will provide policies to support capital investment in infrastructure for existing, as well as new seasonal communities, the conversion of seasonal communities and the acquisition and maintenance of public open space.

PDC/LNC RESULT: Agreement in Principle – The PDC and LNC agree that the SDRP will provide policies to support capital investment in infrastructure for former and existing seasonal communities.

2. Negotiable Item #P2-A: Relationship of SDRP to Out-of-State Plans\*

AT ISSUE: The Sussex County transportation network is overburdened by commuter traffic and State funding for improvements has not been forthcoming. Should the relationship between the SDRP and out-of-State plans be defined?

RESULT: Agreement in Principle – The PDC and LNC agree the SDRP will address the relationship of the SDRP to the plans of neighboring states, in consultation with border counties and municipalities.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 13 under the "Concerns" section of this Update for the resolution of P-2B.

3. Negotiable Item #P-3: Rural Revitalization and Infrastructure

AT ISSUE: The County has stated that the massive costs and disruption of daily routine created by the effort to maintain and repair decayed urban infrastructure may not be worthwhile. Some municipalities are concerned that inclusion in Tiers 5, 6 & 7 will preclude State funding for rural revitalization and for infrastructure, even where public health and safety is an issue. Should the SDRP place a priority on urban revitalization and the provision and maintenance of infrastructure in urban areas or should funding for community revitalization and infrastructure be available throughout the State?

KESUE/P: The PDC and LNC agree that policies in the State Plan will address community revitalization throughout the State. The parties also agree that policies in the State Plan will emphasize that funding should be available to promote communities of place and for public health and safety .needs, through the State.

4. Negotiable Item #P-4: Rural Council on Affordable Housing (CQAH) Allocations

AT ISSUE: The County believes that affordable housing quotas should not apply in Tiers 5, 6 & 7. The PDC noted, however, that the State must balance a legislative mandate to manage growth with a constitutional mandate to provide affordable housing. A variety of mechanisms should be available to improve the diversity of housing opportunities, in order to support a work force that will assure the economic growth that is essential to the future of New Jersey.

RESULT: The PDC and LNC agree that policies in the SDRP will emphasize that in rural areas, locations and densities of new development should not exceed those appropriate to rural carrying and development capacities.

5. Negotiable Item #P-5: Rural Economic Development

AT ISSUE: Open space, recreational and agricultural preservation interests must be balanced with the need to provide a stable tax base and reasonable employment opportunities in rural areas. Should the SDRP encourage economic development in rural areas other than that which is agriculturally or recreationally related?

RESUT/P: The PDC and UC agree that policies in the SDRP will encourage types of economic development in rural communities of place and other appropriate areas, that will support agricultural needs as well as the economic, community and service needs of a diverse, non-agricultural population.

6. Negotiable Item #P-6A: Rural Development Guidelines

AT ISSUE: The County feels that the presence or absence of sewer is not sufficient to determine whether development is appropriate. The Plan should consider the carrying capacity of lands. A variable density environmental constraints ordinance based on carrying capacity may be preferable. Sussex County has carrying capacity guidelines in place. Should the State Development and Redevelopment Plan (SDRP) utilize sewer service as a tier delineation criteria, or should the SDRP define guidelines, procedures and design standards to determine the ability of land to accommodate development and redevelopment?

Result/T: The PDC noted that it is considering carrying capacity approaches for tier criteria. The PDC and LNC agree that the SDRP will incorporate additional factors as delineation criteria provided that these factors are presented in the context of a comprehensive, capacity-based planning approach and that supporting data are available.

7. Negotiable Item #P-11A: State Agency Coordination\*

AT ISSUE: The County suggests that the compatibility of State agency functional plans with the SDRP may result in allocations of funds and permits away from rural areas.

RESUC/P: Agreement in Principle – The PDC and LNC agree that policies in the SDRP will emphasize that rural areas will be eligible for State funds, and that permits are granted on the basis of carrying capacity analyses and sound planning practice and not solely on the basis of tier or policy area designation.

\*Please Note: This issue was discussed and resolved in three parts. Please refer to page 10 under the "Implementation" section of this Update for the resolution of P-11B and page 14 under the "Disagreements" section of this Update for the resolution of P-11C.

8. Negotiable Item #P-12A: Permit-Project Streamlining\*

AT ISSUE: The County believes that regionalism is best served by County and municipal cooperation. The County feels that statewide uniform development regulations should not be implemented, and that equal priority should be given rural areas. Should permit and project streamlining be initiated by all levels of government as an important incentive for continued growth?

result: Agreement in Principle – The PDC and LNC agree that permit streamlining policies in the SDRP will specify that approaches be consistent with good planning practice. These approaches can be accomplished by providing more rapid and predictable determinations of where growth is appropriate or inappropriate based on carrying capacity analyses and in consideration of other SDRP policies, and by coordinating with existing State, regional and local administrative and technical responsibilities.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 11 under the "Implementation" section of this Update for the resolution of P-12B.

9. Negotiable Item fP-16: Regional Planning

AT ISSUE: Sussex County believes that counties are the appropriate entity to carry out the policies and strategies of the SDRP. Should the SDRP provide a greater role for counties in regional planning and in the implementation of the SDRP?

RESUUT: The PDC and LNC agree that policies in the SDRP will emphasize that counties are the appropriate entity to carry out regional level policies and strategies of the SDRP, in coordination with municipal and State level efforts.

10. Negotiable Item #A-1: Tier 1 Capital Facilities 2.0 – Capital Facilities Financing and Development

AT ISSDE: The County believes that rural areas should not bear the costs of revitalizing cities; revitalization should not be at the expense of necessary improvements in rural areas. The appropriate State Departments should place the highest priority on statewide capital facilities and services for Tier 1 municipalities after maintenance and repair responsibilities are met statewide.

Result: The PDC and LNC agree that this issue is associated with P-3 – Rural Revitalization and Infrastructure. The parties agree that policies in the State Plan will give priority to public health and safety needs, as well as infrastructure needs generated by development and redevelopment that is consistent with sound planning practice, throughout the State.

11. Negotiable Item #A-2: Statewide Capital Facilities 1.1 – Planning: State Department Plans

AT ISSUE: The County notes that many rural towns and villages have the same problems as Central City Business Districts and should receive similar assistance.

KESUE/T: The PDC and LNC agree that the issue is associated with Item #P-3 – Rural Revitalization and Infrastructure. The parties agree that policies in the SDRP will give priority to the revitalization of small communities, public health and safety needs, as well as infrastructure needs generated by development and redevelopment that is consistent with sound planning practice, throughout the State.

12. Negotiable Item #A-3: Statewide Recreation and Open Space Policy 1.1 – Planning and Design

AT ISSUE: The SDRP should reflect needs of municipalities for transportation, public safety and other improvements created by the existence of public and private recreational facilities such as State and Federal parks, ski resorts and lake communities.

KESUE/T: The PDC and LNC agree the issue is associated with Item P-1 – Seasonal Infrastructure Stress. The parties agree that the SDRP will provide policies to support capital investment in infrastructure for existing as well as new seasonal communities, the conversion of seasonal communities and the acquisition and maintenance of public open space.

13. Negotiable Item #A-6A: Statewide Biological Diversity Policy  
1.1 – Ecosystem Management: Ecosystem Identification & Management\*

AT ISSUE: The County notes that the identification of large tracts of existing woodlands of 50 acres or more or other critical habitats is beyond the resources of any local government, except when a development of sufficient size is proposed that can generate that information.

RESULT: The PDC and LNC agree that policies in the SDRP will emphasize that local governments are the appropriate entities to identify critical habitats.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 13 under the "Implementation" section of this Update for the resolution of A-6B.

#### **VOLUME XIX: CUMBERLAND COUNTY**

1. Negotiable Item #1: Home Rule

AT ISSUE: Local and County governments recognize the value in coordinating plans and programs that have inter-County or inter-municipal impact. There is a concern, however, that in promoting a regional planning strategy, local governments will be directed, as a result of the State Plan, to give up their land use authority to the State. The Plan should promote a balance between good regional coordination and the maintenance of control.

RESULT: The PDC and LNC agree that Volume I of the Interim Plan will show the relationship of the State Plan to the statutory framework (Municipal Land Use Law, etc.) of municipal, county and State government. The Implementation Report will describe how State agencies may implement the Plan.

2. Negotiable Item #4: Coastal Area Facilities Review Act (CAFRA) Zone and Regulations

AT ISSUE: The County suggests that while the CAFRA zone is officially exempt from participation in the State planning process, there should be coordination with CAFRA to promote coastal management that is more in keeping with municipal and

county objectives. "This may mean strict enforcement of environmental regulations in some areas, and the relaxation of those regulations in other areas to foster development.

The County identified two municipalities that have villages in the CAFRA region with an industrial and cultural heritage, which are different than other villages. The County would like to see this difference reflected in CAFRA maps and the State Plan.

RESOE/T: The PDC will investigate "Maritime Villages" and cooperate with CAFRA to refine and promote this concept in keeping with the special statewide Coastal Policies being proposed.

3. Negotiable Item #5: Protection of Water Supply

AT ISSUE: The County believes the State Plan should be used to promote aquifer protection, discourage ground and surface water withdrawal from the region, and protect private and public water supplies from contamination. Regional growth rates should reflect the capacity of the water supply to sustain them. Recharge areas should be protected.

RESUE/P: The PDC and LNC agree that water supply sources need to be protected. Strategies and policies pertaining to water supply protection will be reviewed to ensure effective management of all potable water supplies. Specific language recommended by Cumberland County regarding private well protection will be reviewed by the OSP. Recommendations will then be made to the PDC for their consideration for inclusion into the Interim SDRP. The proposed language regarding this issue will be submitted to the County for review and comment before inclusion in the Interim SDRP.

4. Negotiable Item #6: Plan Implementation

AT ISSUE: The County believes there should be considerable clarification of the funding priorities, regulatory implications, program development, and State agency participation associated with the Plan prior to its adoption, since this is a new process with no track record on implementation. There should be linkage between the policies outlined and the manner in which the Plan is actually used. The County also notes that State initiatives have historically placed financial and statutory obligations on local governments which have been very difficult to bear.

This has been particularly true for less affluent counties and municipalities. Cumberland County is looking for assurances written in the Plan that there will be steps taken to provide the programs and funding needed to implement the Plan in a positive and constructive manner.

The OSP explained that there is no central mechanism with regulatory or enforcement powers to directly implement the SDRP. Instead, the SPC, in performing its coordinating role, will rely heavily on the plans, policies and programs of State departments, counties and municipalities. The OSP also stressed the commitment of these governmental entities to the State planning process is absolutely essential to its ultimate success.

RESULT: The Interim Plan and Implementation Report will discuss prioritization schedules. The PDC and LNC agree there should be greater State agency involvement in the State planning process and State agency strategies for implementing the Plan should be part of the Implementation Report.

5. Negotiable Item #8: Farmland Equity

AT ISSUE: The County believes that the Plan should implement programs and policies that address the concerns of farmland equity. The farming community strongly feels Tier 6 designations will result in a loss of land value, which would decrease the financial assets of the farm operation. It is important that programs and policies recommended by the Cumberland County Agricultural Development Board are linked to the implementation of the Plan. The County also recommended that Tiers 5 and 6 should be consolidated and that a rural development tier be created in conjunction with the Regional Design System (RDS).

Result: The PDC agrees to examine the concept of a single Rural Tier in conjunction with the RDS;

2. The PDC and LNC agree to foster agriculture as a viable industry and activity;
3. The PDC and LNC agree to incorporate policy suggestions from the Department of Agriculture;
4. The PDC and LNC agree that the SPC will work with the Department of Agriculture to develop a series of programs to address the land equity issue, some of which may need to be implemented concurrently with final Plan adoption;

The Cumberland County Board of Agriculture, Agriculture Development Board and agricultural community will participate with the Department of Agriculture in developing agricultural strategies and policies for the State Plan.

Negotiable Item #9: Affordable Housing

AT ISSUE: The County believes the Plan should provide greater opportunities for affordable housing, but should focus on more innovative, non-regulatory techniques. The County states that current regulatory structures add considerable costs to a home in New Jersey.

RESULT: 'The PDC and LKC agree that language clarification is necessary in the Interim Plan to explain housing policy intent, both for reasonably-priced housing beyond the Council on Affordable Housing (COAH) definition as well as for affordable housing consistent with COAH allocations. The County believes the State Plan should also address economic incentives in addition to regulations to promote affordable housing.

7. Negotiable Item f10: Clarification of the PSDRP Policies

AT ISSUE: The County states that a number of policies outlined in the PSDRP are unclear. Some of these are listed under other issues. Generally, the problems with clarity have to do with policy intent or the manner in which it will be implemented.

Result/P: The PDC and LNC agree that specific language changes referring to Volume II of the PSDRP recommended by Cumberland County will be reviewed by the OSP and recommendations will be made to the PDC for their consideration for inclusion in the Interim Plan.

8. Negotiable Item f!2: Natural Resource Policies: Open Space Conservation

AT ISSUE: The Plan should be used to protect the open spaces of the County. The Plan should distinguish between the open space and recreational demands of local residents and those demands that come from the influx of tourists. Funding priorities should distinguish between these different demands.

RESUI/F: The PDC and LNC agree that protecting open space is an important concern. Open space conservation policies should address both the need to provide recreational opportunities for the indigenous population as well as for recreational activities that satisfy a regional or broader need. The County is encouraged to participate in the PDC discussion of the issue. Specific language recommended by Cumberland County will be reviewed by the OSP and recommendations will be made to the PDC for their consideration for inclusion into the Interim SDRP. The recommended language regarding this issue will be submitted to the County for review and comment before inclusion in the Interim SDRP.

9. Negotiable Item #5: Urban Redevelopment

AT ISSUE: The County feels the Plan should be a vehicle for promoting downtown revitalization and improving the infrastructure and quality of life in urban areas. This goal should be implemented through the continued development of strategies and policies in the Plan that act as catalysts to attract business and redevelopment to urban centers; not through severe regulation and restrictions of activities beyond urban areas. "Urban Enterprise Zones" are good examples of kinds of positive catalysts that would come from this planning process.

RESULT: The PDC and LNC agree that the issue of urban redevelopment needs further expansion. The PDC is considering the inclusion of Urban Revitalization Strategies and Policies in the statewide strategies section of the Interim Plan, which would address the need for revitalization regardless of tier or policy area designation. Cumberland County is encouraged to participate in the PDC discussion of this issue. Specific language recommended by Cumberland County will be reviewed by the OSP and recommendations will be made to the PDC for their consideration for inclusion into the Interim SDRP. The recommended language regarding this issue will be submitted to the County for review and comment before inclusion in the Interim SDRP.

10. Negotiable Item #17: Rural Economic Development

AT ISSUE: The County states that the Plan should find ways to promote economic opportunity in rural areas and to reward municipalities that undertake strong conservation efforts. Again, the objective here is to use the Plan to promote the

protection of rural areas by focusing on development opportunities in certain key communities and activities. These communities and activities should be designated in the Plan.

RESUUT: The PDC and LNC agree that the economic development strategies and policies, as well as the natural and cultural resources protection policies, should be reviewed to address the County's concerns. The PDC agreed to review the PSDRP Statewide Environmental Strategies and Policies, and if new ones are needed for the protection of environmentally-sensitive sites, they will be added. In addition, the Economic Development Strategies and Policies will be reviewed and expanded, if necessary, to address economic development issues of statewide significance, such as mining and tourism. Specific language recommended by Cumberland County will be reviewed by the OSP and recommendations will be made to the PDC for their consideration for inclusion into the Interim SDRP. The recommended language regarding these issues will be submitted to the County for review and comment before inclusion in the Interim SDRP.

#### 11. Negotiable Item #18; Natural Resource Development

AT ISSUE: The County suggests that a consistent approach to natural resource development, such as sand mining activity, in a manner that promotes a predictable regulatory process, and environmental safeguards should be developed in the Plan. Natural resource management practices for forest land, agricultural land and other natural resources in the County should be in keeping with the objectives of the Plan.

PESUUP: The PDC and LNC agree that the economic development strategies and policies, as well as the natural and cultural resources protection policies, should be reviewed to address the County's concerns. Statewide Environmental Strategies and Policies will be reviewed by the PDC, and if new ones are needed for the protection of environmentally-sensitive sites, they will be added. In addition, the Economic Development Strategies and Policies will be reviewed and expanded, if necessary, to address economic development issues of statewide significance, such as mining and tourism. Specific language recommended by Cumberland County will be reviewed by the OSP and recommendations will be made to the PDC for their consideration for inclusion into the Interim SDRP. The recommended language regarding these issues will be submitted to the County for review and comment before inclusion in the Interim SDRP.

**VQLJUME XX: WARREN COUNT?**

1. Negotiable Item #1B: Home Rule\*

AT ISSUE: Compatibility of State agency functional plans may result in allocation of funds and permits away from rural areas. How will the State Plan be utilized by State agencies in decision making?

RESULT: The PDC and LNC agree that policies in the SDRP will emphasize that rural areas will be eligible for State funds to meet certain objectives, such as public health and safety needs and the promotion of communities of place. The parties also agree that permits should be granted on the basis of carrying capacity analyses and sound planning practice.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 18 under the "Disagreements" section of this Update for the resolution of 1A.

2. Negotiable Item #3A: Agricultural and Environmental Protection\*

AT ISSUE: The County believes that agricultural viability and environmental sensitivity have not been understood in the growth management context of the tier system and would be more effective as a statewide strategy or policy.

RESULT: The PDC and LNC agree that the SDRP will define the appropriate roles and relationships between the statewide and tier policies; will provide a statewide agriculture policy; and, the SDRP will emphasize differences in the design of, and objectives for, rural development (including rural economic development and other forms of development) and associated public facilities and services among exurban, agricultural and environmentally sensitive areas.

\*Please Note: This issue was discussed and resolved in seven parts. Please refer below for the resolution of 3C and 3D; refer to page 10 under the "Deferred" section of this Update for the resolution of 3B; pages 10 & 11 under the "Implementation" section of this Update for the resolution of 3E and 3F; and page 15 under the "Concern" section of this Update for the resolution 3G.

3. Negotiable Item #3C: Agricultural and Environmental Protection

AT ISSUE: The County feels that the State should clarify for County and local governments the benefits of delineating – or sanctions for failure to delineate – agricultural and environmentally sensitive areas.

RESULT: The PDC and LNC agree that although the State Planning Act does not require counties and municipalities to bring their master plans into conformance with the SDRP, policies in the SDRP will emphasize the benefits of delineating agricultural and environmentally sensitive areas.

4. Negotiable Item #3D: Agricultural and Environmental Protection

AT ISSUE: The County believes that some of the criteria for Tier 7 are too broad and too subjective to have meaning at the State level.

RESULT: The PDC and LNC agree that policies in the SDRP will encourage the identification and mapping of critical habitats by local governments for inclusion in local master plan conservation elements.

5. Negotiable Item #5B: Intergovernmental Coordination/Regional Planning

AT ISSUE: There is a suspicion that OSP and the SPC will become an unmanageable bureaucracy if it assumes a role in the review of those developments that may have a "significant regional impact."

RESUE/P: The PDC and LNC agree that policies in the SDRP will emphasize that counties are the appropriate entity to carry out regional level policies and strategies of the SDRP, in coordination with municipal and State level efforts.

Negotiable Item #7: Urban Revitalization

AT ISSUE: The County believes that it will be more costly, to adequately rehabilitate and upgrade existing infrastructure in the urban areas to support intensive revitalization than to build new infrastructure elsewhere in the urban and suburban fringe. Should urban areas be rebuilt to densities of the past?

RESULT: The PDC and LNC agree that the Plan language should be clarified to specify that public health and safety is the priority for infrastructure statewide. Urban centers will receive a priority after health and safety needs have been achieved. The parties also agree that there should be a continuing dialogue among the counties, municipalities and the OSP in developing and refining the infrastructure needs assessment. The assessment also should consider educational facilities.

7. Negotiable Item #8: Rural Economic Development

AT ISSUE: The County believes that open space, recreational and agricultural preservation interests must be balanced with the need to provide a stable tax base and reasonable employment opportunities in rural areas. Rural municipalities need technical assistance to adequately rehabilitate and upgrade the existing housing stock.

RESULT: The PDC and LNC agree that policies in the SDRP will encourage types of economic development in rural communities of place and other appropriate areas that will support the economic and community service needs of a diverse, non-agricultural rural population, as well as agricultural needs. The parties also agree that community revitalization will be addressed in the Interim Plan as a statewide strategy.

8. Negotiable Item #10A: Regional Design System (RDS)\*

AT ISSUE: The County states that the Regional Design System proposes to induce development in rural communities of place and suggests severe restrictions on development in the surrounding countryside. This concept is inconsistent with the life-style and objectives of Warren County residents, many of whom left concentrated urban areas for rural areas. Municipalities (not developers) should control the size of communities of place. Local determinations regarding appropriate growth should be recognized by State agencies.

RESULT: The PDC and LNC agree that policies will emphasize that in rural areas, location and densities of new development should be compatible with rural carrying capacity and rural character of the area.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 12-13 under the "Implementation" section of this Update for the resolution of 10B.

9. Negotiable Item #12B: Legal Support\*

AT ISSUE: The County feels that counties, and especially municipalities, are vulnerable to lawsuits concerning strategies, policies and the State Plan map designations. The SDRP will create another avenue for adversaries to litigate their cases.

RESUE/T: The PDC and LNC agree that if municipalities review and amend their plans and ordinances to be compatible with the SDRP, then technical and legal assistance, including affidavits, briefs and interpretive statements, should be provided, as appropriate, by the OSP. The PIC will consider recommending the creation of an "Office of Municipal Support" in the Attorney General's office, to provide legal support to municipalities.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 13 under the "Implementation" section of this Update for the resolution of 12A.

10. Negotiable Item #13A: Rural Council on Affordable Housing (COAH) Allocations\*

AT ISSUE: The County reports that there is a perception that communities that have developed affordable housing plans must be in "growth" tiers, especially where the proposed developments are at densities that require extensions of sewer and water facilities. A supply of affordable housing is essential for economic development in Warren County.

RESULT: The PDC and LNC agree that policies in the Interim Plan will clarify the relationship between the mandates of COAH and the State Plan, and will emphasize that in rural areas, locations and densities of new developments should not exceed those appropriate to communities of place and rural carrying capacity.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 15 under the "Concerns" section of this Update for the resolution of 13B.

11. Negotiable Item #14B: Rural Land Planning and Development

AT ISSUE: The proposed density of 100 persons per square mile is inconsistent with existing patterns of development in Warren County; a carrying capacity approach is recommended.

•The nitrate dilution model is not well understood. Technical assistance is needed to enable municipalities to determine the level of existing resources, such as groundwater.

RESULT: The PDC and LNC agree that policies in the SDRP will emphasize that appropriate levels of development should be determined on the basis of carrying capacity and sound planning practice.

12. Negotiable Item #16B: Critical Slopes and Stream Corridors

AT ISSUE: The County believes that the control of development in steep slope areas is the responsibility and prerogative of municipal government. The New Jersey Wetlands Law provides sufficient protection to stream corridors and the SDRP should not add additional regulations.

RESULT: The PDC and LNC agree that policies in the SDRP will emphasize that counties and municipalities are the appropriate entities to manage development in critical slope areas and stream corridors.

13. Negotiable Item #17: Tier System – General

AT ISSUE: The County notes that specific lands within a given tier may not meet the criteria used to designate the lands in which the property falls. This results in an injustice to the landowner, whose land is dissimilar to those surrounding lands. The State Plan should rely only on statewide strategies and policies to implement its growth management objectives.

RESULT: The PDC and LNC agree that policies in the SDRP will emphasize that the tier system is not a zoning classification to be applied to specific parcels of land, but a classification system meant to generally describe existing conditions. Because of the general nature of the tier system, it is possible that an area that generally meets the criteria for a particular tier may have within it small areas that meet the criteria for another tier.

14. Negotiable Item #18: Miscellaneous Word Changes

AT ISSUE: The County notes that during the comparison phase many municipalities recommended word and policy changes in the SDRP. There is a concern that these recommendations will

be ignored. How will specific word changes, recommendations and comments made by municipalities be treated during negotiations and in the Interim Plan?

RESQCT: The PDC and LNC agree that the cross-acceptance reports are being used to review the SDRP. The proposed recommendations will be considered in the formulation of the Interim Plan. There will be additional opportunities for public comment before adoption of the final Plan.

15. Negotiable Item #19A: Open Space Preservation\*

AT ISSUE: The County reports that communities that actively save open space feel penalized by the smaller tax base that results when property is removed from the tax rolls. There should be a mechanism to compensate municipalities for lost tax revenues.

RESULT: The PDC and LNC agree that policies in the Plan should emphasize the benefits to municipalities of open space preservation, including reduced needs for services, relative to development.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 15-16 under the "Concerns" section of this Update for the resolution of 19B.

VOLUME XXI: ESSEX COUNT?

1. Negotiable Item #4: Housing Objectives of the PSDRP

AT ISSUE: Essex Fells states that any mandated change in density, housing type, or any requirement for a certain zoning incidence or mixed-use development, would detract from local ambiance and would pose economic jeopardy for selected Tier 2 communities. The strength of these communities, the Township notes, is stability in the face of neighborhood change.

The County is concerned that the PSDRP's housing objective, which states "a diversity of adequate housing types.. .with efficient access to shopping and employment," is too encompassing and imperils local zoning. Many of the older suburban municipalities in Essex County are fully developed. Requiring this diversity would destroy the unique character of many of these areas and possibly alter historic patterns of growth. The State should only mandate this objective where appropriate.

RESUCT: The PDC and UC agree that redevelopment in fully-developed municipalities must be sensitive to and enhance the existing community character.

2. Negotiable Item #5: Tier 7 Designations in Suburban Settings

AT ISSUE: The County suggests that Tier 7 needs to be reconsidered so that it can be better applied to suburban settings like Essex County. In order to protect small pockets of environmentally sensitive lands in developing areas, the SPC should reword the tier criteria to allow smaller Tier 7 designations. Cedar Grove Township noted this concern in a letter dated March 4, 1991.

Relevant notes to this issue include:

1. The Millburn Township Environmental Commission has requested that the Fox Hill Reserve in Millburn Township be designated as Tier 7. This 33-acre tract contains 4.5 acres of wetlands, numerous plant species and prime habitats for owls, pileated woodpeckers and other animal species.
2. The Township of Essex Fells has requested that the Trotter Tract be designated as Tier 7. This 99.6-acre tract is a prime recharge area for the Township's wells, contains a virgin forest, provides a habitat for many upland species of wildlife and is a landscape of exceptional scenic value.

RESUE/P: The PDC and LNC agree that the County should resubmit its Tier 7 nominations (including the Fox Hill Reserve and the Trotter Tract) as Environmentally Sensitive Sites nominations, which would identify small areas for protection without the necessity for a Tier 7 designation.

Negotiable Item #6: Tier Structure and Intent

AT ISSUE: The County is concerned that as written, Tier 1 designations stigmatize municipalities. West Orange also noted this problem. The promise of unidentified state aid does not compensate for a negative Tier 1 image. The intent and criteria for this tier should be reconsidered to mitigate this problem. The County has suggested the following for State consideration:

1. Re-examine the cut-off point of the Municipal Distress Index if it is to remain a Tier 1 criterion;

2. Place the "Sweet 16" Urban Centers into a separate category;
3. Give a higher funding priority to Tier 1 municipalities that are not "Sweet 16" Urban Centers;
4. Redefine Tier 1 or change the criteria so that the definition is more representative of the municipalities in this group; and,
5. Modify the Tier 1 criteria to permit a portion of a municipality to receive this designation.

RESULT: The PDC and LNC agree that it would be desirable to remove the Municipal Distress Index as a criterion for Tier 1 and to address distress under statewide strategies if an acceptable tier format can be maintained.

4. Negotiable Item #7: Water Supply Management

AT ISSUE: Essex Fells and Nutley Borough reported that water supply issues are not mentioned in Tiers 1-4, even though these areas generate their own potable water supplies. Water supply and quality are very important issues in these areas and, as such, should not be overlooked in the State Plan.

The County also reported that many municipalities in Essex County feel that the subject of water supply was not addressed adequately in the State Plan. The State should identify, monitor and regulate aquifers and reservoirs.

RESULT: The PDC and LNC agree that water supply sources need to be protected and that the Plan should promote effective management of all potable water supplies.

5. Negotiable Item #8: The State Plan's Relationship to CQAH

AT ISSUE: Essex Fells believes that the OSP, especially in the short run (to 1993) should not circumvent or supersede CQAH procedures. In the long run (post-1993), procedures must be mutually agreed upon, with CQAH prescribing procedures that, while not in conflict with the State Plan, are workable because they have been tested in the courts and successfully survived six years of implementation.

The County reports that municipalities are uncomfortable with the State Plan's housing goals, strategies and policies and their relationship with CQAH. The State Plan should be more

specific about its role with regard to affordable housing (i.e., Is the State Plan going to supersede COAH's rules and regulations?).

RESUE/P: The PDC and LNC agree that the State Plan's housing policies, particularly as they relate to COAH, should be more clearly defined in the Interim Plan.

6. Negotiable Item #10: Economic Development – Mixed-Use Development/Adaptive Reuse

AT ISSUE: Belleville reports that its industrial areas are not suitable for mixed-use development, and the erosion of its industrial base is undesirable. Belleville suggests that measures should be taken to attract new occupants to vacant industrial complexes.

Essex County notes that the concept of mixed-use developments does not sit comfortably with some stable, fully-developed municipalities in Essex County. Mixed-use developments should only be implemented where appropriate.

KESUUF: The PDC and LNC agree that adaptive reuse is not intended to be a mandatory economic development tool and should only be used where appropriate.

7. Negotiable Item #11: Housing Linkages

AT ISSUE: Belleville is concerned that requiring commercial developers to incur obligations for portions of the housing needs generated by their projects could discourage redevelopment.

The County reports that recent trends indicate that the majority of Essex County commercial developments are in urbanized areas (e.g., Newark) and areas having vacant land for industrial purposes (e.g., Fairfield). Taking into consideration the housing situation the former faces, it would be an advantageous method to have commercial developers contribute to the housing needs of the area in relation to their projects. The County, then, can only see housing linkages occurring where housing is significantly needed.

Results The PDC and LNC agree that housing linkages should be employed only where market conditions make such linkages feasible.

8. Negotiable Item f!3: Housing – Design Standards

AT ISSUE: Housing design standards, which may require technical expertise from multiple levels of government, should clearly reflect local interests and prerogatives. However, the Municipal Land Use Law does not permit a municipality to amend its land use regulations to include housing design standards beyond basic safety and health requirements.

The County believes that the State should not bear the full responsibility of setting housing design standards. Similarly, not all municipalities possess the technical expertise of setting such standards. A collaborative effort is one solution.

RESULT: The PDC and LNC agree that the development of housing design standards should be a joint effort between municipalities and the Department of Community Affairs. The PDC and LNC further agree that such "standards" are optional.

9. Negotiable Item #14: Housing – Displacement

AT ISSUE: Montclair believes that the State Plan should encourage legislation that would provide bonus payments, above and beyond fair market value, to relocated businesses and households so that they may remain in their community when displacement from a redevelopment project is unavoidable.

RESULT: The PDC and the Montclair Negotiating Committee agree in principle that policies reflecting the need for relocation planning are desirable and that the Plan will be reviewed and revised accordingly.

\*Please Note: In accordance with the State Planning Rules, the PDC and Municipal Negotiating Committee for Montclair discussed this issue in the presence of the LNC. The resulting agreement in principle was made between the Municipal Negotiating Committee and the PDC.

10. Negotiable Item f20: Water Supply as a Growth Management Tool

AT ISSUE: Essex Fells believes the State Plan should make water supply and protection the primary guideline for controlling, limiting, redirecting and stimulating growth in New Jersey. The State should assess existing and projected

water supplies (including aquifers); present and projected water demand; and describe more fully the consequences of development on these water supplies. Until this is done, other proposals for stimulating, limiting or redirecting growth should be cast as recommendations rather than requirements.

The County states that water supply alone, however, is just a single, albeit important, facet in determining proper growth levels. Other factors that share in the character of an area should be considered with equal vigor. The County would be supportive of a growth analysis technique that would utilize water supply as well as other significant variables.

OSP/LNC RESULT: Deferred - The OSP and the Municipal Negotiating Committee agreed to defer this issue until the PDC/LNC negotiation session on March 26, 1991.

PDC/LNC RESULT: Agreement In Principle - The PDC, LNC and the Essex Fells Negotiating Committee agree that it is essential to have other factors, such as water supply, as delineation criteria, provided that these factors are presented in the context of a comprehensive, capacity-based planning approach, if that data are reasonably available.

#### C. Agreements on Implementation:

##### VOLUME I: BERGEN COUNTY

##### 1. Negotiable Item #5 - Comprehensive Planning - Funding

AT ISSUE: It is the County's position that State funding for planning should not be limited to counties and Tier 1 municipalities. In order to promote an enhanced planning capability at all levels of government, State funding should be a matching, annual per capita grant for every county and municipality.

RESULT: The PDC and LNC agree that State funding of planning for municipalities and counties statewide is a critically important implementation issue and will be included in the Plan Implementation Report to be released with the Interim Plan.

**VOLUME II: MERCER COUNT?**

1. Negotiable Item # 1 - Absence of Legislation

AT ISSUE: Mercer County and its municipalities believe that legislative action is absolutely necessary for effective implementation of the State Plan. Some of this legislation has already been enacted and includes: Highway Access Management Act; Transportation Development District Act and tax reform. Others still require passage by the New Jersey Legislature, including: the County/Municipal Partnership Act; and statewide authorization for transfer of development rights. In addition, new legislation should be prepared providing for phasing and concurrency.

RESULT: The PDC and LNC agree that appropriate legislation providing for statewide transfer of development rights, the County/Municipal Partnership Act, phasing and concurrency legislation, and tax reform is desirable for effective and equitable implementation of the State Development and Redevelopment Plan. If the above-stated items are not law by the time the Interim State Development and Redevelopment Plan is prepared, they will be supported in the New Jersey State Planning Commission's Implementation Report that will accompany the Interim Plan.

2. Negotiable Item #2 - Mass Transit Threshold

AT ISSUE: Mercer County recommends including a new policy that addresses the implementation of mass transit in corridor centers. Because the densities in these places may be low in the initial phases of development, partnerships between all levels of government and private developers will be necessary in order to finance the infrastructure.

RESULT: The PDC and LNC agree that the Commission, along with the New Jersey Department of Transportation and New Jersey Transit, will revisit the policies that address the provision of mass transit in corridor center development. Providing mass transit services for corridor center projects may require additional resources for proactive public infrastructure investment. This is an implementation issue and will be addressed in the Implementation Report that will accompany the Interim Plan.

Negotiable Item #8 - Tier 6 Implementation\*

AT ISSUE: The lack of a mechanism to address the equity issue makes the implementation of Tier 6 policies difficult. TDR is essential.

RESULT: The PDC and LNC agree that the equity issue will be addressed in the Implementation Report, where specific strategies and recommendations such as fee-simple purchase, purchase of development rights, and TDR will be addressed and evaluated.

\*Issue #8 was discussed and resolved as a two-part issue. The second part of the issue is reported under the "Defer" section.

VOLUME III: HUDSON COUNTY

1. Negotiable Item #3: State Funding for Plan Related Activities

AT ISSQE: The State should provide adequate funding to support any municipal or County activities that are mandated as a result of the State Plan, such as planning activities; neighborhood targeting; non-profit housing; public/private partnerships in transportation; and any policies that state that counties and municipalities should support, ensure or encourage certain activities. The County has requested a statement to that effect be incorporated into the Interim Plan.

RESULT: The PDC and LNC agree that funding for Plan-related activities is a critically important implementation issue and will be included in the Plan Implementation Report to be released with the Interim Plan. The Implementation Committee will have to decide whether or not a statement such as that recommended by the County is appropriate for inclusion in the Interim Plan.

2. Negotiable Item #5: Identifying Sources and Inter/Intra Agency Prioritization

AT ISSUE: The State Plan should indicate specific sources of funding for specific functional categories. Intra and interagency programs should be prioritized (e.g., do mass transit programs have priority over highway projects, or do housing programs have priority over transportation programs?).

RESULT: The PDC and LNC agree that this issue will be considered by the Plan Implementation Committee for inclusion in the Implementation Report.

3. Negotiable Item #12: Economic Development - Certified Economic Development Programs

AT ISSUE: The State shall provide the funding necessary to produce an Economic Development Program. The program "model" should not go beyond the capability of the municipality to either prepare or implement.

RESULT: The PDC and LNC agree that funding for Plan-related activities, including economic development programs, is a critically important implementation issue and will be included in the Plan Implementation Report to be released with the Interim Plan.

4. Negotiable Item #14: Economic Development - Job Access

AT ISSUE: Stronger transportation linkages are needed between employment opportunities and housing within Tier 1 areas. County residents do not always have access to in-county jobs. The existing public transit system has not kept pace with the shifting employment locations. A policy should be added to the Plan stating that "Priority funding should be made available for intra-county transportation, providing access between the County's residential concentrations and centers of employment."

RESULT: The PDC and LNC agree that transportation should be responsive to shifting employment patterns, and that mechanisms to achieve this objective, including the prioritization of funding, will be addressed in the Plan Implementation Report to be released with the Interim Plan.

Negotiable Item #16: Hazardous Waste - ECRA

AT ISSUE: ECRA makes redevelopment so costly that, without State funds to subsidize clean-up costs, project delay or abandonment results.

RESULT: The PDC and LNC agree that this issue will be included in the Plan Implementation Report to be released with the Interim Plan.

**VOLUME IV: ATLANTIC COUNTY**

1. Negotiable Item #1A: Funding for Implementation of SDRP.\*

**AT ISSUE:** Financial incentives and opportunities should play a key role in implementing the SDRP. The State must provide adequate and continuous funding in order to implement SDRP growth management strategies. Increased funding must occur with Plan adoption. County wants SDRP to positively both recommend and identify funding sources and programs necessary to implement Plan.

**RESULT:** The PDC and LNC agree funding for the implementation of the final SDRP is an issue that should be addressed in the State Planning Commission's Implementation Report that will accompany the Interim Plan.

\*Please Note: This issue was discussed as a two part issue. Issue IB is discussed under the "Concern" section, page 9.

2. Negotiable Item #10B: Urban Development Issues

**AT ISSUE:** Funding for planning and implementation must be addressed.

**RESULT:** The PDC and LNC agree that adequate funding is desirable for effective urban revitalization, and this position will be supported in the Implementation Report.

3. Negotiable Item #6: Wastewater Treatment in Designated Communities of Place

**AT ISSUE:** The County is interested in exploring options for sewer service in rural areas to promote growth under the Communities of Place concept. The County Wastewater Management Plan currently discourages the type of wastewater treatment options envisioned in the Regional Design System described in the Preliminary Plan. The County would want to tie designation of Communities of Place to the provision of wastewater treatment.

**RESULT:** The PDC and LNC agree that wastewater management for Communities of Place is an implementation issue that should be included in the Implementation Report in a section on the Regional Design System. It was also agreed that if this issue were not addressed, the Regional Design System would face serious difficulties in terms of implementation.

**VOLUME V: CAMDEN**

1. Negotiable Item #6: Redevelopment of Cities

AT ISSUE: There should be very clear identification of urban redevelopment issues like infrastructure costs, streamlined environmental permitting (ECRA), more attractive tax structure, etc. There should be a "plan of attack" to make cities like Camden vibrant again. This should be defined by goals, objectives, and dates of these implementation items stressed.

RESULT: The PDC and LNC agree that infrastructure funding, permit streamlining and other issues regarding urban revitalization are important to the implementation of the Plan. They will be included in the redevelopment section of the Implementation Report which will accompany the release of the Interim Plan and forwarded to the State Administration Legislature, counties, municipalities and the public.

2. Negotiable Item #16: Implementation Issues Should be Resolved Prior to Adoption of a Final State Plan.

AT ISSUE: The implementation program should be clarified and expanded. It should respond to the questions regarding plan implementation prior to Final Plan adoption.

RESULT: The PDC and LNC agree that a more thorough understanding of implementation devices is necessary to continue the County and local review of the State Plan. Implementation issues will be addressed in the Implementation Report, which will be released with the Interim Plan.

3. Negotiable Item #18: Policy 1.2, Tier 3, Permit

AT ISSUE: The procedural process for the approval of site plans and subdivisions is set by law through the Municipal Land Use Law (MLUL). Changes in procedure should be made through legislative action by the State. Gibbsboro commented that the delay process usually occurs because of the requirements for permits issued at other levels of government and not at the local level.

The County noted that it currently issues preliminary and final approvals for County Land Development Review of county highway access, right-of-way, reservation/dedication strips,

cartways, and off-site improvements including drainage systems. This is all done in a timely fashion which should help Gibbsboro and other Camden County municipalities avoid delays.

RESULT: The PDC and LNC agree that permit streamlining should result in a more timely review of development/redevelopment applications. Gibbsboro' s recommendation that in order to accomplish permit streamlining other levels of government will have to review their permitting processes will be presented in the Implementation Report that will be published in conjunction with the Interim Plan.

#### **VOLUME VI: UNICN COUNT?**

##### 1. Negotiable Item #3: State-Mandated Programs - Funding

AT ISSUE: Many Union County municipalities face yearly fiscal pressures with layoffs of professional personnel and larger percentages of their budgets being allocated to the uniformed services. The State Plan does not indicate where municipalities are to obtain funds to undertake additional responsibilities.

RESULT: The PDC and LNC agree that State funding of planning for municipalities and counties, statewide, is a critically important implementation issue and will be included in the Plan Implementation Report which will initiate or support legislation to fund planning at the municipal and county levels.

##### 2. Negotiable Item #9: Comprehensive Planning - State Funding Prioritization

AT ISSUE: State planning grants should be made available to all municipalities regardless of tier designation. Funding should not be limited to counties and Tier 1 municipalities as recommended in Volume III of the PSDRP. Many communities face yearly fiscal pressures, with professional personnel being laid off, and larger percentages of their municipal budgets are being devoted to the uniformed services. They do not have the resources, and the State Plan fails to indicate where the municipalities are to obtain the funds to undertake comprehensive planning activities.

RESULT: The PDC and LNC agree that State funding of planning for municipalities and counties, statewide, is a

critically important implementation issue and will be included in the Plan Implementation Report to be released with the Interim Plan.

3. Negotiable Item #10B: Comprehensive Planning – Project Reviews

AT ISSUE: The total carrying capacity must be established by a regional entity so that a small project's impact can be assessed.

RESULT: The PDC and LNC agree that a capacity-based planning approach should be considered by the PDC and Plan Implementation Committee for inclusion in either the Interim Plan or the Implementation Report.

4. Negotiable Item #22: Farmland Equity

AT ISSUE: The State Plan will negatively impact the agricultural economies of many rural communities in the State. The loss of farmland equity will reduce the farmers ability to borrow the money necessary for them to operate.

RESULT: The PDC and LNC agree that this is an implementation issue and that the Plan's impact on agricultural economies will be addressed in the Implementation Report and the Agricultural Impact Assessment.

**VOLUME VII: OCEAN COGMPT**

1. Negotiable Item #1: Coordination of State Agencies

AT ISSUE: The County and municipalities have been consistently frustrated by conflicting policies and regulations among various State agencies. The State agencies must make a commitment that required permits are issued for projects consistent with the SDRP, particularly for infrastructure projects.

RESULT: The PDC and LNC agree that there is a need for greater government coordination and permit streamlining to ensure maximum efficiency in processing permits. This position will be supported in the Implementation Report.

Negotiable Item #8: Equity Loss in Agricultural Areas

AT ISSUE: The SDRP must provide for the maintenance of land values and owner equity in Tier 6 areas. As the main agricultural area in the County, Plumstead Township has demonstrated a commitment to agriculture by adopting a right-to-farm ordinance and through agricultural zoning. The municipality believes Tier 6 delineation will place a further strain on farmers if there is no provision for equity maintenance. The Township suggests linking Tier 6 designation with enrollment in a farmland preservation program.

RESULT: The PDC and LNC agree that equity recommendations provided by the County will be included in the Implementation Report released with the Interim Plan.

3. Negotiable Item #13: The Need for Additional Legislation to Implement SDRP Policies

AT ISSUE: There is concern that some policies of the SDRP will not be implementable within existing regulations. There appears to be a need for additional legislation.

RESULT: The PDC and LNC agree that additional legislation may be desirable for effective and equitable implementation of the SDRP. This will be included in the Implementation Report. If the County has specific recommendations, these recommendations should be forwarded to the SPC for inclusion in the Implementation Report.

4. Negotiable Item #20: Provision of Needed Infrastructure to Designated Tier 3 Town

AT ISSUE: A public sewer system is needed in New Egypt, Plumstead Township, in order to accommodate desired growth. The OSP, in its meeting with the LNC, recognized that there is a need to identify and encourage adequate instruments with which to implement the Regional Design concept, including facilitating infrastructure funding mechanisms (e.g., impact fee legislation) and designating Community Service Boundaries to deal with the phasing of infrastructure.

RESULT: The PDC and LNC agree that adequate instruments to implement the Regional Design System concept are required.

This position will be supported in the Commission's Implementation Report which will accompany release of the Interim Plan.

VOLUME VIII: HUNTERDON COUMFT

1. Negotiable Item #P13: Intergovernmental Coordination

AT ISSUE: "The County has recommended that regional roles for SDRP implementation should be administered by counties, with State funding, in order to be responsive to local concerns and authorities.

RESUI/P: *The* PDC and LNC agree that appropriate roles and procedures for intergovernmental coordination will be addressed in the SDRP and in the Implementation Report of the SPC.

2. Negotiable Item #A10: Statewide Capital Facilities Financing and Development Policy 1.2 – Planning: County and Municipal Plans

AT ISSUE: Some municipalities perceived that long range planning is not feasible at the local level; if feasible it is undesirable as it will promote growth and development.

RESUE/P: 'The PDC and LNC agree that mechanisms to coordinate priorities among State and local agencies for the financing and development of capital facilities and related services, will be recommended in the Implementation Report of the SPC.

3. Negotiable Item #A13: Statewide Housing Policy 1.1 – Reducing Housing Costs: Streamlining the Permitting Process

AT ISSUE: The County has stated that a mechanism is needed to speed review of permits and to enhance local understanding of the State permitting process.

RESUEJT: The PDC and LNC agree that mechanisms, such as data sharing, standardization of data requirements, and a liaison between State and municipal agencies would reduce delays and will be addressed in the Implementation Report of the SPC.

4. Negotiable Item #A17a2: Statewide Biological Diversity Policy 1.1 – Ecosystem Identification & Management

AT ISSUE: Because of the confidential and general nature of mapping endangered species, there is skepticism about the practicality of protecting endangered species.

RESULT: The PDC and LNC agree that procedures to encourage the exchange of information among counties, municipalities, NJDEP, and OSP to improve planning efforts will be addressed in handbooks, through technical assistance, and in the Implementation Report of the SPC.

5. Negotiable Item #A22b: Statewide Recreation and Public Open Space Policy 1.7 – Recreation and Public Open Space: Stable Funding Sources

AT ISSUE: The PSDRP policy states: "The State, counties and municipalities should devise a system of stable funding sources for the acquisition, development and maintenance necessary to implement a recreation and public open space program, making use of funds from both public and private sources."

The County believes that it is unrealistic to rely on public funding to meet future open space needs of an expanding population.

RESULT: The PDC and LNC agree that the Implementation Report will address an assessment of the fiscal impacts of open space acquisition. The parties also agree that mechanisms to promote private sector involvement in preserving recreational and open space, such as cluster development and TDR, will be addressed in handbooks.

6. Negotiable Item #A27a: Statewide Water Supply Sources Strategy 1 – Protection of Water Supply Sources\*

AT ISSUE: The County expressed a concern that although there are methods for identifying aquifer recharge areas, such as fracture trace analyses, the reliability of these methods are unknown. The County seeks clarification from the State of the reliability of these methods before utilizing them.

RESULT: The PDC and LNC agree that mechanisms to assist counties and municipalities in the identification of aquifer recharge areas and in undertaking capacity analyses will be addressed in handbooks and through technical assistance.

\*Please Note: This issue was discussed and resolved in two parts. Please refer below to the "Concerns" section for the resolution of A27b.

7. Negotiable Item #A28: Regional Design System – General

AT ISSUE: The County believes that a number of issues, including landowner equity, sewage disposal and the limitations of traditional zoning, must be resolved prior to implementation.

RESULT: The PDC and LNC agree that mechanisms to promote the Regional Design System, such as Transfer of Development Rights, alternative methods of sewage disposal, and mixed-use zoning, may be addressed in the Implementation Report of the SPC.

VOLUME IX: G3XfUCEffIER COUMIT

1. Negotiable Item #2: Higher Density Zoning and Development to Support Public Transit

AT ISSUE: Local officials need assurances that if they plan and develop at higher densities, public transit will be forthcoming. Local officials need an up-front commitment that if communities increase zoning densities, transit benefits will follow. Long-term Capital Programs (10-15 years) may indicate future transit programs and provide municipalities goals and incentives for higher density zoning.

RESULT: The PDC and LNC agree that the "corridor planning" process described in the PSDRP identifies the need for interdisciplinary, multijurisdictional planning for growth corridors. Growth corridor planning, including the need for State and local coordination in capital programming, will be addressed in an Implementation Report that will accompany the Interim Plan.

Negotiable Item #3: Growth Impact on Developed Communities

AT ISSUE: Smaller communities, expecting little growth, are feeling the negative impacts of growth from surrounding municipalities. Mechanisms need to be established to enable communities to better coordinate their planning efforts with surrounding municipalities. County enabling legislation

should be enhanced and strengthened. More municipalities should participate in regional planning boards as prescribed in the Municipal Land Use Law.

RESULT: 'The PDC and LNC agree that planning and coordination should continue to occur with increasing County coordination and assistance. The need for enhancement of County enabling legislation will be addressed in an Implementation Report that will accompany the Interim Plan.

3. Negotiable Item #5B: Tier 6 and Landowner Equity

AT ISSUE: The County is concerned about the loss of land value due to Tier 6 delineation and restrictions placed on development. There will be no Tier 6 in Gloucester County designation without a clearly defined program of farmland compensation.

RESULT: The PDC and LNC agree that the equity issue will be addressed in the Implementation Report prepared by the SPC's Implementation Committee, which will be released with the Interim State Plan.

4. Negotiable Item #6: Infrastructure Funding

AT ISSUE: The County is concerned that State infrastructure investments that would have been made in rural areas in the absence of a State Plan will instead be directed to urban areas. The Plan must include a clear statement that "all areas in need of infrastructure investments for maintenance purposes for the public health safety and welfare will receive funding."

RESULT: The PDC and LNC agree that the maintenance of existing systems will continue to receive priority over new infrastructure construction. Capital facilities priority systems will be presented more comprehensively in the Interim Plan and in the accompanying Implementation Report.

5. Negotiable Item #10: Adequate Funding Resources

AT ISSUE: The Plan cannot be implemented without a clear understanding as to where the financial and technical resources will come from to support the Plan and its programs.

RESULT: The PDC and LNC agree that increased planning at the local level will enhance implementation of the final State Plan. This issue, additional assistance for local governments in order to support plan implementation, will be included in the Implementation Report that will be distributed with the Interim Plan.

VOLUME X: SALEM COUNTY

1. Negotiable Item #4: Technical Assistance

AT ISSUE: The County believes that the Plan be too expensive to implement (e.g., rewrite zoning codes). Municipalities need technical and financial assistance to enable them to conduct long-term planning programs.

RESULT: The PDC and LNC agree that increased planning at the local level will enhance the implementation of the final State Plan. This issue, additional assistance for local government in order to support Plan implementation, will be included in the Plan Implementation Report that will be distributed with the Interim Plan.

2. Negotiable Item #5: Implementation of the Plan

AT ISSUE: It is unclear how the Plan will be implemented and how much implementation will cost. There are several concerns revolving around implementation of the Plan for example, how will the concept of villages and hamlets be implemented? What zoning is compatible with various tier designations?

RESULT: The PDC and LNC agree that a more thorough understanding of implementation devices is necessary to continue the County and local review of the Preliminary State Development and Redevelopment Plan (PSDRP). The Interim Plan will be accompanied by an Implementation Report, both documents will be subject to public review and comment period before adoption of the Final Plan.

VOLUME XI: MCNMOOTH COUNTY

1. Negotiable Item #G-2: Funding and Technical Assistance for Planning Activities

AT ISSUE: The County considered that the PSDRP recommends that municipalities perform a whole host of planning

activities ranging from expanding planning capacity to preparing specific inventories, studies, and plans. If the State is encouraging local governments to perform these functions, the County believes State funding and technical assistance must be provided. In addition, some municipalities are currently working at an effective level of planning and do not have to upgrade their efforts.

RESULT: 'The PDC and LNC agree that State funding and technical assistance^ for county and municipal comprehensive planning, which is called for in the Preliminary Plan, is an important implementation issue. This issue will be addressed in the Implementation Report. In addition, the Interim Plan will clearly define the recommended planning studies necessary for effective planning, in accordance with the New Jersey Municipal Land Use Law, and after consideration of specific language changes recommended by Monmouth County.

2. Negotiable Item §G-4: Legislation to Implement Plan Policies and Strategies\*

AT ISSUE: The County believes that numerous strategies and policies in the PSDRP require new legislation for effective implementation. Moreover, the County recommends that the SPC work closely with the New Jersey Legislature in order to ensure implementation. This legal support must be in place before the SDRP is formally adopted.

RESULT: The PDC and LNC agree that additional legislation is important for effective and equitable implementation of the Plan. Such recommendations will be included in the Implementation Report. Specific legislative recommendations made by Monmouth County (including but not limited to transfer of development rights and impact fee legislation), which the County deems necessary for implementation of the Plan, will be forwarded to the Commission for consideration for inclusion in the Implementation Report.

\*Please Note: The OSP and LNC agreed on specific language for this resolution. However, at the PDC/LNC meeting, the word "desirable" was change to "important."

3. Negotiable Item IG-5C: Equity

AT ISSUE: The County recommended that more creative ways to preserve natural resources, other than lowering development densities to such an extreme, should be explored (See County's Tier 5 definition).

KESUE/T: The PDC and LNC agree that the protection of land equity is an important concern to which the Plan will remain sensitive. The issue will also be addressed by a variety of implementation instruments included in the Implementation Report. The impact on land value needs to be addressed in all the tiers, and ought to be applied not only to farmland, but to natural resource preservation and the timing and phasing of development. The OSP staff will forward Monmouth County's proposed new language for strategies and policies regarding this issue to the Plan Implementation Committee for consideration.

4. Negotiable Item #G-7: State Agency Coordination

AT ISSUE: The County felt that conflicting policies and regulations exist among the various State agencies and even within the same agency. Sometimes, State policies and regulations change right in the middle of an approval process of a project, creating delays and confusion.

The County believes that State agencies should have and enforce consistent and coordinated strategies, policies, and regulations.

RESULT: The PDC and LNC agree that there is a need for greater government coordination and permit streamlining within and between State agencies to ensure maximum efficiency in processing permits. This position will be supported in the Implementation Report.

5. Negotiable Item #M-3B: Historic Town and Sensitivity Buffer

AT ISSUE: Monmouth County proposes an "Historic Town" designation and "Sensitivity Buffer" delineation, as defined and explained below:

"A town possessing an exceptional number of historic structures and places. In rural settings, these towns frequently exist as traditional centers surrounded by

historic landscapes. The policies for Historic Towns and Sensitivity Buffers would emphasize the preservation of these historic resources."

The Borough of Allentown, for which the Historic Town category was created, does not want the wholesale redevelopment of its historic district that might be suggested by the existing Tier 3 policies and it is fearful that it would become the nucleus for additional ring development along its border if it were designated as a village. (See Volume III Guidelines for Villages and County of Monmouth checklist comment on Tier 3 Policy 1.6).

Special attention should not only be directed to historic sites, but also to the lands adjacent to officially-designated historic districts, in order to preserve their existing character. Because these areas may cross municipal boundaries, it is acknowledged that the State, counties, and municipalities should work together in determining reviewing procedures and guidelines for projects of regional significance that may have an impact on such district.

**RESULT:** The PDC and LNC agree that all levels of government should establish review procedures and guidelines for developments impacting more than one municipality. This issue will be addressed in the Implementation Report that will be released along with the Interim SDRP. The OSP will recommend Monmouth County's wording regarding this policy to the PDC for consideration.

#### **VOLUME XII: MCKRIS**

##### 1. Negotiable Item #P9: State Agency Coordination

**AT ISSUE:** The County believes that a mechanism should be developed to determine if State policies, regulations, programs and spending plans are consistent with each other and compatible with the SDRP. Should procedures be defined for State agencies to resolve conflicts to yield results compatible with the SDRP?

**RESULT:** The PDC and LNC agree that procedures for reviewing plans, programs, and spending by State agencies to determine consistency with the SDRP will be addressed in the Implementation Report of the SPC. The SDRP will include a monitoring and evaluation program that will determine the extent and effectiveness to which the SDRP is being used to guide the actions of State agencies.

2. Negotiable Item #P10(2): Permit Project Streamlining

AT ISSUE: The County is concerned that permit streamlining might result in new responsibilities for county or local governments for which the State has traditionally been responsible. Should permit and project streamlining be initiated by government as an important incentive for continued growth?

RESULT: The PDC and LNC agree that the delegation of permit authority is defined by the State Legislature, and therefore, is beyond the scope of the SDRP. Practices for permit streamlining will be addressed in the Implementation Report of the SPG.

3. Negotiable Item #P12: Technical and Legal Support

AT ISSUE: The County believes the State should assist and defend municipalities that enter litigation in implementing provisions of the SDRP. Should counties and municipalities be provided with legal and technical assistance from the State in implementing the SDRP?

RESULT: The PDC and LNC agree that mechanisms by which the State may provide technical and legal assistance, including handbooks, reports, briefs, and affidavits to explain or interpret the provisions of the SDRP, will be addressed in the Implementation Report of the SPC.

4. Negotiable Item #P13 (2): Intergovernmental Coordination

AT ISSUE: The County believes that regional coordination should be achieved through consensus without reducing local discretion and authority. Does statewide and regional growth management conflict with local discretion and authority?

RESULT: The PDC and LNC agree that implementation concerns relative to intergovernmental coordination should be identified by municipalities for consideration in the preparation of handbooks and the Implementation Report.

5. Negotiable Item #P14: Tier System Implementation

AT ISSUE: The County reports that tier designations should not prohibit land uses permitted by local development ordinances, but should support local ordinances where

compatible with the SDRP. Should the SDRP identify how State agencies will incorporate tier designations in decision making, and how designations will relate to local master plans and development ordinances.

RESULT: The PDC and LNC agree that Morris County and its municipalities are concerned about the relationship of policies in the SDRP to local master plans and development ordinances. The role of tier designations in State agency and local decisions will be considered by the Implementation Committee for inclusion in the SDRP and in the Implementation Report of the SPC.

#### Negotiable Item #P15(1): Financing Implementation

AT ISSUE: The County believes that local governments should not absorb all the costs of implementing the SDRP. Implementation effectiveness should not be determined by local financial resources. Should SDRP policies be coordinated with the availability of necessary implementation programs and funding?

RESULT: The PDC and LNC agree that the need for programs and funding sufficient to support local government planning activities toward achieving compatibility with provisions of the SDRP will be addressed in the Implementation Report of the SPC.

#### 7. Negotiable Item #P16: Linkage Fees

AT ISSUE: The County states that linkage relationships must be based on housing needs and legal authority. Off-site impact fees should be realistic. Should linkage fees be used to finance housing development through economic development, and impact fees to finance off-site infrastructure improvements?

RESULT: The PDC and LNC agree that the need for enabling legislation for linkage and impact fees will be addressed in the Implementation Report of the SPC.

#### 8. Negotiable Item #P17: Suburban Infrastructure

AT ISSUE: The County believes that specific methods of financing suburban infrastructure involving the public and private sectors should be suggested, tested, and

implemented. Should the SDRP identify means to finance infrastructure and service needs associated with suburban development and redevelopment.

RESGUF: The PDC and LNC agree that the County will prepare an assessment of suburban infrastructure needs in cooperation with the OSP. The means to finance infrastructure and service needs associated with new suburban development and redevelopment will be addressed in the Implementation Report of the SPG.

9. Negotiable Item #P18: Suburban Growth Management

AT ISSUE: The County believes that municipalities need a clear legal mechanism to manage orderly development and redevelopment. Should the timing and phasing of future suburban growth be conditioned by the availability of necessary public facilities and services, capacity of natural resources, etc.

RESUE/T: The PDC and LNC agree that the following will be supported in the SDRP and in the Implementation Report of the SPC: legislation that enables municipalities to promote, direct, and/or limit development based on existing or concurrent infrastructure capacity; natural resources carrying capacity, and other criteria; and programs to support planning that reconciles development regulations with infrastructure investments.

10. Negotiable Item #P19(1): Rural Land Equity

AT ISSUE: The County feels that growth management practices that adversely effect individual land values, municipal revenues, and agricultural operations should be minimized in all areas. Should more comprehensive solutions be provided to prevent disproportionate windfalls and wipeouts in the value of undeveloped land in rural areas due to growth management? Public comments supplementing the County's report also reflect this concern.

OSP/IWC RESUUT: Implementation – The OSP and ENC agreed that any adverse impacts on land values or agriculture operations resulting from the implementation of the SDRP is an implementation issue that will be addressed in the Implementation Report accompanying the Interim Plan.

PDC/LNC RESULT: The PDC and LNC agree that the protection of land equity is an important concern to which the Plan will remain sensitive. The issue will also be addressed by a variety of instruments in the Implementation Report. The impact on land value needs to be addressed in all the tiers, and ought to be applied not only to farmland, but to natural resource preservation and the timing and phasing of development. The OSP staff will forward Morris County's proposed new language for strategies and policies regarding this issue to the Plan Implementation Committee for consideration.

11. Negotiable Item #P20: Regional Design Implementation Tools

AT ISSUE: The County notes that given development opportunities under existing zoning, mechanisms are necessary for municipalities to shift growth into communities of place. Should the SDRP provide for design guidelines, infrastructure improvements, and regulatory authority necessary to establish communities of place?

RESULT/P: The PDC and LNC agree that legislation, technical assistance, and financial assistance supporting the establishment and maintenance of communities of place will be addressed in the Implementation Report of the SPC.

12. Negotiable item #A2b(2): Statewide Comprehensive Planning Policy 2.2 – Coordinating Planning: County and Municipal Plans

AT ISSUE: The County believes that Guideline c.-Preparing County/Municipality Implementation Plans, implies vertical integration (Policy 2.3), and counties and municipalities are concerned that the consequences of inconsistency with the SDRP are unclear.

RESULT: The PDC and LNC agree that the issue is associated with policy issue #15 "Financing Implementation." Appropriate benefits to local governments to promote compatibility among county and municipal plans and regulations with the SDRP will be addressed in the Implementation Report of the SPC.

13. Negotiable Item #A9(2): Statewide Economic Development Policy 3.2 – Capital Facilities and Public Services: Utility/Energy System

AT ISSUE: The County reports that some municipalities are troubled by "Guideline a.-Coordinating Utilities with Statewide Objectives." Some municipalities are concerned that local participation will be excluded from the decision making process with respect to any prospective location of utility plants.

RESULT: The PDC and LNC agree that this issue is associated with policy issue #P9, "State Agency Coordination." Procedures for the consideration of SDRP policies and local circumstances in the provision of energy facilities will be addressed in handbooks, through technical assistance, and in the Implementation Report of the SPC.

14. Negotiable Item #A10(2): Statewide Economic Development Policy 5.3 – Revitalizing Redeveloping Cities/Suburbs: Cultural Facilities

AT ISSUE: The County believes that cultural facilities should be promoted and supported in centers of all scales.

RESULT: The PDC and LNC agree that this issue is associated with policy issue P20 "Regional Design Implementation Tools." Mechanisms to ensure that Regional Design objectives are considered in the development of major cultural facilities will be addressed in handbooks, through technical assistance, and in the Implementation Report of the SPC.

15. Negotiable Item fAll(2): Statewide Housing Policy 1.1 – Reducing Housing Costs: Streamlining the Permitting Process, Guideline d.-Consolidating Regulations

AT ISSUE: The County believes that the State should not institute a single, consolidated development regulation to be applied to all levels of government, as indicated by the above guideline.

RESULT: The PDC and LNC agree the issue is related to policy issue #P10, "Permit/Project Streamlining." Mechanisms to consolidate regulations within each level of government that result in "significant economies, efficiencies, and savings in the development process" (State Planning Act) will be identified in handbooks, through technical assistance, and in the Implementation Report of the SPC.

16. Negotiable Item #A23(2): Statewide Transportation Strategy 2 – An Integrated and Efficient Transportation System

AT ISSUE: The County believes that New Jersey Transit and transportation management associations should be considered important entities and responsible agencies in this strategy.

RESULT: The PDC and LNC agree the issue is associated with policy issue #P9, "State Agency Coordination." The roles of transit agencies and procedures for their coordination will be addressed in handbooks, through technical assistance, and in the Implementation Report of the SPC.

17. Negotiable Item #A24(2): Statewide Transportation Policy 2.1 – An Integrated/Efficient Transportation System: Highway Funding Prioritization

AT ISSUE: The County believes that mechanisms should be identified for relating capital improvement plans and transportation master plans with the SDRP, particularly for recurring and backlog needs.

RESUE/P: The PDC and LNC agree this issue is associated with policy issue #P17, "Suburban Infrastructure." Mechanisms to define and incorporate SDRP priorities in agency master plans, capital improvement programs, and related decision making will be addressed in handbooks, through technical assistance, and in the Implementation Report of the SPC.

18. Negotiable Item #A25a(2): Statewide Air Quality Policy 1,1 – Coordinating Development Patterns: Land Use Patterns, Guideline b.

AT ISSUE: The County objects to this guideline, noting that requiring air quality assessments will further complicate development and contradicts permit streamlining policies in the SDRP.

RESULT: The PDC and LNC agree that the issue is associated with policy issue #P15, "Financing Implementation." The provision of air quality assessments in planning processes, as well as in development review, including technical and financial resources for such assessments, will be addressed in handbooks, through technical assistance, and in the Implementation Report of the SPC.

19. Negotiable Item #A25b(2): Statewide Air Quality Policy 1.1  
- Coordinating Development Patterns: Land Use Patterns,  
Guideline c. -Preventing Increases in Emissions

AT ISSUE: The County is concerned that limited retail parking spaces, as indicated in the above guideline, may be detrimental to the viability of business.

KESUUP: The PDC and LNC agree this issue is associated with policy issue #P15, "Financing Implementation." Legal, technical and financial resources to implement these approaches will be addressed in handbooks, through technical assistance, and in the Implementation Report of the SPC.

20. Negotiable Item fA26(2): Statewide Air Quality Policy 1.4 -  
- Coordinating Development Patterns: Alternate Travel Means,  
Guideline a.-Encouraging Transportation Management Agencies

AT ISSUE: The County believes that contributions should not only be encouraged in Tier 4. The guideline states that private or public contributions to a regional transportation management agency should be encouraged that will result in reduced overall contaminant of emissions for new development in Tier 4 and in Rural Development Areas.

KESUCT: The PDC and LNC agree this issue is associated with policy issue #P15, "Financing Implementation." Legal, technical and financial resources necessary to implement alternative travel means will be addressed in handbooks, through technical assistance, and in the Implementation Report of the SPC.

21. Negotiable Item #A27(2): statewide Biological Diversity  
Strategy 1 - Ecosystem Management

AT ISSUE: A policy statement that addresses the prospective development rights and opportunities of wetlands areas should be included in the SDRP.

RESOEa<sup>1</sup>: The PDC and LNC agree the issue is associated with policy issue #P12, "Technical and Legal Support." Constraints and opportunities for development in critical habitats provided under existing statutes will be reviewed and, if appropriate, legislative and administrative changes will be addressed in handbooks, through technical assistance, and in the Implementation Report of the SPC.

22. Negotiable Item #A28(2): Statewide Biological Diversity Policy 1.1 – Ecosystem Management: Ecosystem Identification & Management

AT ISSUE: The County feels that critical habitats should be identified, but not as part of the SDRP cross-acceptance process, as the policy indicates.

RESUC/T: The PDC and LNC agree this issue is associated with policy issue #P9, "State Agency Coordination." Procedures to encourage the exchange of information among counties, municipalities, DEP, and OSP to improve planning efforts will be addressed in handbooks, through technical assistance, and in the Implementation Report of the SPC.

23. Negotiable Item #A32(2): Statewide Critical Slope Areas Policy 1.1 – Development and Redevelopment: Identification/Delineation

AT ISSUE: The County believes that individual municipalities should determine what constitutes a critical slope.

RESQE/F: The PDC and LNC agree this issue is associated with policy issue #P9, "State Agency Coordination." Procedures to encourage the exchange of planning information will be addressed in handbooks, through technical assistance, and in the Implementation Report of the SPC.

24. Negotiable Item #A33(2): Statewide Flood Control – General

AT ISSUE: The County reported that some municipalities consider the general intent and specific proposals of the Statewide Flood Control impractical from legal ("taking") and planning practices, as all development "effects" storm water runoff.

RESULT: The PDC and LNC agree this issue is associated with policy issue fP12, "Technical and Legal Support." Legal, technical, and financial resources necessary to implement these approaches will be addressed in handbooks, through technical assistance, and in the Implementation Report of the SPC.

25. Negotiable Item #A37(2): Statewide Flood Control Policy 2.3  
- Proactive Flood Hazard Controls: .. .Outside Flood Plains

AT ISSUE: The County noted that the current enabling legislation does not support the actions recommended by- this policy.

RESULT: The PDC and LNC agree this issue is associated with policy issue #P12, "Technical and Legal Support." Legal, technical, and financial resources to implement these approaches will be addressed in the handbooks, through technical assistance, and in the Implementation Report of the SPC.

26. Negotiable Item #A43(2): Statewide Scenic Corridors Policy  
1.1 - Identification: Identification/Delineation

AT ISSUE: The County feels that scenic corridors should be identified, but not as part of the SDRP cross-acceptance process.

RESULT: The PDC and LNC agree this issue is associated with policy issue #P9, "State Agency Coordination." Procedures to encourage the exchange of information among counties, municipalities, the DEP, and OSP to improve planning efforts will be addressed through technical assistance and in the Implementation Report of the SPC.

27. Negotiable Item #A49(2): Statewide Water Supply Sources  
Policy 1.4 - Water Supply: Development Regulations for  
Wastewater Dispensing, Guideline a.-Development Capacity  
Analysis - Applying the Nitrate Dilution Model

AT ISSUE: The County reports that legal and technical assistance is needed to develop alternative approaches and to avoid misapplication of the nitrate model.

RESULT: The PDC and LNC agree that the issue is associated with policy issue #P12, "Technical and Legal Support." Application of the nitrate model will be addressed in handbooks and technical assistance.

**VOLUME XIII: BORLINKPCN COUNTY**

1. Negotiable Item #3: State Support for Local Activities

AT ISSUE: The County supports State funding for local activities initiated as a result of the Plan. The SDRP calls for municipalities to perform increased activities including staffing of functions such as planning. Municipalities cannot provide the level of funding necessary to support these sophisticated functions.

RESULT: The PDC and LNC agree that increased planning at the local level will enhance implementation of the final State Plan. This issue, additional assistance for local government in order to support plan implementation, will be included in the Plan Implementation Committee's Report that will be distributed with the Interim Plan.

2. Negotiable Item #17: Permit Streamlining

AT ISSUE: The County cautioned that permit streamlining should not result in a less thorough review process or deregulation.

RESULT: The PDC and LNC agree that during the process of permit streamlining the public interest served by permit processes should be maintained. Permit streamlining will be presented in the Implementation Report which will be published in conjunction with the Interim Plan.

3. Negotiable Item #22: Tiers 2 & 4 Housing Linkage, Policy 4.5 & 4.8

AT ISSUE: There are no provisions for housing linkages in the Municipal Land Use Law. This linkage is employed in other parts of the country and is consistent with sound planning principals. This policy's application and the need for legislation to implement should be addressed.

RESULT: The PDC and LNC agree that the provision of enabling legislation to establish linkages between housing and non-residential development is desirable. This issue will be addressed in the Implementation Report which will accompany the release of the Interim Plan.

4. Negotiable Item #24: impact Fees

AT ISSUE: The County has noted the need to enact legislation to authorize the collection of impact fees and developer contributions to help defray the cost of providing facilities and services to new development.

RESUCT: The PDC and LNC agree that legislation enabling the collection of impact fees is an implementation concern. Infrastructure provision and financing will be discussed in the Implementation Report which will be released along with the Interim Plan.

5. Negotiable Item #25: Toxic Waste Cleanup

AT ISSUE: The County has called for accelerated clean-up of ECRA sites, noting that its municipalities have also expressed this concern: "The cleanup and reclamation of already identified toxic waste sites should be tremendously accelerated."

RESUC/T: The PDC and LNC agree that cleanup and reclamation of toxic waste sites should not impede the revitalization of urban areas. This position will be supported in the SPC's Implementation Report which will accompany the release of the Interim Plan.

6. Negotiable Item #29: Implementation Funding

AT ISSUE: Implementation must be clearly explained with examples provided. The Plan needs to expand the discussion of State and local sources of funding for stated incentives stated in the Plan. The sanctions for non-compliance should be expressed in addition to the costs associated with implementation.

RESULT: The PDC and LNC agree that some of the implementation devices for the State Plan are not clear in the PSDRP. The SPC will release an Implementation Report that will address implementation devices, along with the Interim Plan.

VOLUME XIV: PASSAIC

1. Negotiable Item #1: Funding for Comprehensive Planning

AT ISSUE: With many municipalities facing increased fiscal pressures, there is a need to provide State funding for programs and planning efforts discussed in the strategies and policies of the State Plan. The OSP should identify

funding sources for counties and municipalities to do the types of planning necessary to comply with these program guidelines.

RESULT: The PDC and LNC agree that State funding of planning, for municipalities and counties statewide, is a critically important implementation issue, and will be included in the Plan Implementation Report to be released with the Interim Plan.

2. Negotiable Item #4B: Capital Facilities – Development Financing of Infrastructure Improvements

AT ISSUE: The legality of requiring developments to provide adequate public open space is questionable except in cluster or P.U.D. development.

RESULT: The PDC and LNC agree that the issue of "linkages" as it applies to financing of public infrastructure is an implementation issue, and will be included in the Implementation Report to be released with the Interim Plan.

3. Negotiable Item #5: Affordable Housing – Linkage to New Development

AT ISSUE: The extent to which new development should pay for lower-income housing is viewed as a legal issue. Existing rules and regulations do not permit such a housing linkage. New legislation would be needed.

RESULT: The PDC and LNC agree that linking affordable housing to new development is an implementation issue and will be included in the Plan Implementation Report to be released with the Interim Plan.

#### VOLUME XV: CAPE MAY COUNTY

1. Negotiable Item #2: Implications of Plan Adoption and Implementation

AT ISSUE: The County believes that Plan adoption implies Plan implementation. It should be clearly stated that the SDRP is an advisory document, and that implementation can only be achieved by proper rule-making and legislation, as required by law.

KESOCT: The PDC and LNC agree the legal status of the final SDRP is an implementation issue that will be addressed in the SPC's Implementation Report, which will accompany said Plan.

2. Negotiable Item f3: Funding for New Programs – State Mandate/State Pay

AT ISSUE: The need to provide State funding for any programs mandated by the SDRP.

RESULT: The PDC and IMC agree that programs and initiatives in the SDRP should be supported by all levels of New Jersey Government.

Negotiable Item #12: Cape May Natural Wildlife Refuge

AT ISSUE: The County believes that the proposed refuge should be recommended for adequate State and Federal funding in the SDRP.

RESUOT: The PDC and LNC agree that PSDRP Recreation and Public Open Space Policy 1.5: Acquisition and Facilities Development Priorities supports the acquisition of unique lands in New Jersey, such as the proposed Cape May National Wildlife Refuge. However, the need for funding for the acquisition of lands is an implementation issue that will be addressed in the SPC's Implementation Report, which will accompany the Interim Plan.

4. Negotiable Item #13A: Funding for Beach Restoration and Protection\*

AT ISSUE: The County believes the SDRP should propose a stable funding source for beach restoration and protection.

KESUCT: The PDC and LNC agree that a stable funding source is desirable for beach restoration and protection, however, funding for the implementation of the final SDRP is an issue that should be addressed in the SPC's Implementation Report that will accompany the Interim Plan.

\*Please Note: Issue #13 was discussed and resolved as a two-part issue. The resolution of Issue #13B is reported under the "Concern" section on page 9.

5. Negotiable Item #22A: Conditions for Reinstating Tier 6 in the County Maps for the SDKP

AT ISSUE: In order for the County to delineate agricultural areas, certain conditions must be included in Tier 6 policies. Such conditions would provide a basis for Cape May County to provide for Tier 6 in the tier mapping system.

A policy strongly recommending a major bond issue of \$500 million for preservation of agriculture should be included as a Tier 6 policy.

RESULT: The PDC and LNC agree that funding for agricultural preservation is an issue that should be addressed in the SPC's Implementation Report that will accompany the Interim Plan.

#### VOLUME XVI: MIDDLESEX COUNTY

1. Negotiable Item FPS-1: State Funding

AT ISSUE: The SDRP should provide a specific methodology for the allocation of State funding for, and should identify specific programs needed to meet, municipal infrastructure and service needs.

RESULT: The PDC and LNC agree that this is an implementation item. The Plan Implementation Committee (PIC) will address this issue as part of the Implementation Report which will be issued along with the Interim Plan.

2. Negotiable Item FPS-2: Funding Priorities

AT ISSUE: The SDRP should define how the State will establish and implement reasonable and equitable procedures to set priorities for State spending for infrastructure, open space, and other program funding in relation to the tier and RDS Strategies of the Plan.

RESULT: The PDC and LNC agree that funding priorities in the tier system and the RDS for infrastructure, open space and other programs are important implementation issues and may be included in the PIC Report to be released with the Interim Plan.

3. Negotiable Item #PS-5: Permit Streamlining

AT ISSUE: 'The SDRP should define streamlined regulatory procedures for those areas of the State where growth tiers and regional design system elements are identified in the Plan.

RESULT: The PDC and LNC agree that this is an implementation item. The PIC will address this issue as part of the Implementation Report which will be issued along with the Interim Plan. The Report will contain recommendations to the Executive and Legislative Branches of government on Plan implementation.

4. Negotiable Item FPS-10B: RDS -- Planning

AT ISSUE: The SDRP should recommend implementation mechanisms to include: transfer of development rights, public infrastructure funding programs, development phasing, impact fees, land development review for regional impacts, property tax reform, and flexible or performance standard approaches to land development regulation.

RESULT: The PDC and LNC agree that the need for certain legislation to implement the RDS is an implementation issue . and will be included in the PIC to be released with the Interim Plan.

5. Negotiable Item #PS-11: Agriculture Preservation

AT ISSUE: The County, supported by Middlesex County Agriculture Development Board in a letter of July 6, 1989, believes that the Plan should clearly identify Tier 6A and 6B as priority areas for implementation of agriculture preservation programs. These areas should not represent a request to establish agriculture zoning or land use restrictions of any kind.

RESULT: The PDC and LNC agree that the utilization of the tier system for agriculture preservation programs is clearly an implementation issue and will be included in the Plan Implementation Report to be released with the Interim Plan.

6. Negotiable Item #PS-12: Agriculture Preservation

AT ISSUE: The County, supported by Middlesex County Agriculture Development Board in a letter of July 6, 1989

believes the Plan should endorse and seek adoption of legislation that will allow implementation of transfer of development rights or credits; continuing funding of agricultural easement purchase programs; and agriculture land development cooperatives, corporations, or trusts, that will result in preservation of agriculture lands. The delineation of Tier 6A and 6B lands should be conditioned upon the availability of such programs.

RESOEJT: The PDC and LNC agree that agricultural preservation programs and legislation are critically important implementation issues and may be included in the Plan Implementation Report to be released with the Interim Plan.

7. Negotiable Item FPS-15: Tier 7

AT ISSUE: The SDRP should recommend and seek adoption of legislation that will allow implementation of transfer of development rights or credits; continuing funding for environmentally-sensitive land acquisition; conservation easements; and land development cooperatives, corporations or trusts that will result in preservation of environmentally-sensitive areas.

KESUE/T: 03ie PDC and LNC agree that additional legislation may be desirable for effective and equitable implementation of the Plan's strategies and policies for the preservation of environmentally-sensitive areas. The County's recommendations will be considered in the Plan Implementation Report.

8. Negotiable Item FPS-16: Plan Implementation

AT ISSUE: The SDRP should require the OSP to periodically update the status of implementation mechanisms that include: transfer of development rights or credits; refinements to zoning and land development control enabling law and model regulations to allow mixed-use, stronger clustering provisions, planned unit development and performance standard approaches; establishment of infrastructure, housing and open space trust funds or banks; better design standards; better coordinated wastewater management planning regulations; infrastructure extension phasing in relationship to development plans, ability to pay and resource capacity constraints; impact fees; county development review for regional impacts; and assistance to

development cooperatives, corporations or trusts to allow quality development while preserving open space, natural resources or agriculture.

RESULT: The PDC and LNC agree that the provision of periodic updates by the OSP on the status of implementation mechanisms is an important implementation issue and may be included in the Plan Implementation Report to be released with the Interim Plan.

9. Negotiable Item #SG-7: Toxic and Hazardous Waste Site Clean-up

AT ISSUE: The SDRP should include provisions that will expedite the clean-up of sites contaminated by toxic and hazardous waste.

RESULT: The PDC and LNC agree that clean-up and reclamation of toxic waste sites must be addressed. This position will be supported in the SPC's Implementation Report, which will accompany release of the Interim Plan.

**VOLUME XVII: SOMERSET COUNTY**

1. Negotiable Item #2B: Capital Facilities in Tier 1\*

AT ISSUE: The County believes that State facilities siting should be a revitalization tool for Tier 1 communities. The State must ensure that the total impacts of its facilities are evaluated as part of the siting process. Some State facilities generate impacts that can and should be mitigated. For example, some State facilities draw populations that are in need of services from the municipalities as well. Without some type of mitigation for social and economic impacts, some State facilities may actually cost Tier 1 communities more than the benefits derived from them. Also, municipalities must be part of the siting process from the earliest stages.

RESULT: The PDC and LNC agree that this is an implementation item. The Plan Implementation Committee (PIC) will address this issue as part of the Implementation Report which will be released along with the Interim Plan.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 15 under the "Concern" section for the resolution of 2A.

2. Negotiable Item #1: Funding and Technical Assistance for Planning Activities

AT ISSUE: The PSDRP recommends that municipalities perform a whole host of planning activities ranging from expanding planning capacity to preparing specific inventories, studies and plans. If the State is encouraging local governments to perform these functions, State funding and technical assistance must be provided. The Borough of Far Hills noted in its report to the SPC that the focus should be on long-range comprehensive planning.

RESUL/P: The PDC and LNC agree that State funding and technical assistance for county and municipal comprehensive long-range planning, called for in the Preliminary Plan, is an important implementation issue. This issue will be addressed in the Implementation Report. In addition, the Interim Plan will clearly define the recommended planning studies necessary for effective planning, in accordance with the New Jersey Municipal Land Use Law.

Negotiable Item #5: Equity

AT ISSUE: The County would like to see policies that address potential wipeouts and windfalls created by the implementation of the Plan. Prior to adopting such policies, however, the State should assess policies in place in other jurisdictions. For example, the public sector benefits from the increase in value caused by the location of subway stops in the Washington DC system.

Also, policies addressing significant loss of value caused by implementation of the Plan need to be addressed, specifically for farmland, open space and major environmentally sensitive areas. Tools such as Transfer of Development Rights (TDR), preservation programs, and Green Acres should be included within the Plan.

RESUE/T: The PDC and LNC agree that land equity is an important implementation concern and that the SDRP will remain sensitive to the possibility of land value changes. The issue will also be addressed by a variety of implementation instruments included in the Implementation Report.

4. Negotiable Item #10: Capital Facilities Plan Review Process

AT ISSOEs Bernards and Montgomery Townships believe the State should not have review power over municipal and county capital facilities plans. Review of local plan items should be restricted to those that have an impact of regional nature.

RESULT: The PDC and LNC agree that this is an implementation issue. The PIC will address this issue as part of the Implementation Report which will be released along with the Interim Plan.

Negotiable Item #12: Waste Disposal

AT ISSUE: The County, Far Hills and North Plainfield want to underscore the importance of regional solutions to solid waste management. The Plan's strategies and policies should emphasize source reduction, recycling and resource recovery.

RESUE/P: The PDC and LNC agree that facility impacts such as regionalization, source reduction, recycling and resource recovery are important factors in determining waste disposal sites. The State may assist in coordinating municipalities and counties with the facility siting process. This issue will be addressed in the Plan Implementation Report.

Negotiable Item #20: Corridor Center Density

AT ISSUE: Montgomery Township suggested that varying levels of building intensity and forms of development should be permitted within corridor centers, depending on their regional role, community identity, and carrying capacity limitations.

RESULT: The PDC and LNC agree that is an implementation issue. The PIC will address this issue as part of the Implementation Report which will be released along with the Interim Plan.

Negotiable Item #26: Highway Access Management

AT ISSUE: The County recognizes the need for a (legal) basis for denying access on a county road. The Municipal Land Use Law and County enabling legislation have not been amended to include this. The County is looking to the SPC to initiate this effort.

RESULT: The PDC and LNC agree that the State Highway Access Management Code allows counties and municipalities to set standards regarding highway access. Additionally, the PIC will address the issue of State, county and municipal coordination, including the regulation of infrastructure, in the Implementation Report that will be distributed with the Interim Plan.

8. Negotiable Item #28: Capital Facilities Financing and Development, Policy 1.3

AT ISSUE: The County, Bernards and Montgomery Townships noted that the implementation of Policy 1.3, the provision of adequate capital facilities as a condition for approval of new development, requires additional legislation.

RESULT: The PDC and LNC agree that the need for additional legislation necessary to implement the provision of adequate capital facilities as a condition for approval of new development will be considered by the PIC and recommendations may be made in the Implementation Report that will be distributed along with the Interim Plan.

Negotiable Item #29: Planning: Adequate Facilities

AT ISSUE: Bernards and Far Hills have recommended modifying the policy to reflect that approvals are subject to applicable case law and existing enabling legislation.

The County supports the concept; however, "adequate facilities" needs to be defined and State legislation is required to implement this policy.

RESULT: The PDC and LNC agree that planning for adequate facilities as called for in the Preliminary Plan is an important implementation issue. This issue will be addressed in the Implementation Report which will be issued with the Interim Plan.

VOLUME XVIII: SUSSEX COUNT?

1. Negotiable Item #P-8: Regional Design implementation Tools

AT ISSUE: Municipalities lack the fiscal and regulatory support to provide the necessary facilities to implement the RDS. Should the SDRP provide for design guidelines and

regulatory authority and encourage State permitting and funding for infrastructure and transit services necessary to establish communities of place?

RESULT: The PDC and LNC agree that legislation, technical assistance, funding and intergovernmental coordination to enhance implementation of the RDS will be considered by the Plan Implementation Committee (PIC) for inclusion in the Implementation Report that will accompany the release of the Interim Plan.

2. Negotiable Item #P-10A: State Funding

AT ISSUE: The County notes that county and local governments are already fiscally over-burdened and believes that State-mandated programs should be funded by the State. The possible fiscal ramifications of the Plan should be addressed.

RESULT: The PDC and LNC agree that program needs and sufficient funding to support local government planning activities toward achieving compatibility the SDRP will be considered by the PIC for inclusion in the Implementation Report accompanying the Interim SDRP.

3. Negotiable Item tP-HC: State Agency Coordination

AT ISSUE: The County suggests that the compatibility of State agency functional plans with the SDRP may result in allocation of funds and permits away from rural areas.

OSP/LNC RESULT: Deferred – The OSP and LNC deferred resolution of this issue so that it could be discussed in greater detail with the PDC.

PDC/LNC RESULT: Implementation – The PDC and LNC agree that a policy to recommend appropriate mechanisms to ensure the formulation of procedures for the review of plans, programs and spending by State agencies, in order to determine consistency with the SDRP, will be considered by the PIC for inclusion in the Implementation Report that will accompany the release of the Interim SDRP.

4. Negotiable Item #P-12B: Permit-Project Streamlining

AT ISSUE; The County believes that regionalism is best served by County and municipal cooperation. The County

feels that statewide uniform development regulations should not be implemented, and that equal priority should be given rural areas. Should permit and project streamlining be initiated by all levels of government as an important incentive for continued growth?

RESULT: The PDC and LNC agree that principles for permit and project streamlining will be considered by the PIC for inclusion in the Implementation Report that will accompany the release of the Interim Plan.

5. Negotiable Item #P-13: Technical and Legal Support

AT ISSUE: Although the Plan is not zoning, communities with zoning ordinances at odds with the Plan regarding development densities may have difficulty in defending their ordinances. Should counties and municipalities be provided with legal and technical assistance from the State in implementing the SDRP?

OSP/LNC RESULT: Agreement in Principle -- The OSP and LNC agreed that if municipalities that review and amend their plans and ordinances to be compatible with the SDRP, then technical and legal assistance, including affidavits, briefs and interpretive statements, should be provided as appropriate by OSP.

PDC/LNC RESULT: Implementation -- The PDC and LNC affirmed the language of the OSP/LNC resolution. However, the parties agree to reclassify Item #P-13 as an implementation issue.

6. Negotiable Item #P-14B: Intergovernmental Coordination\*

AT ISSUE: The County notes that municipalities should maintain their own authority in implementation of SDRP. How should implementation of the SDRP relate to local discretion and authority?

RESULT: The PDC and LNC agree that implementation concerns relative to intergovernmental coordination should be identified by municipalities for consideration in the preparation of handbooks and by the PIC for inclusion in the Implementation Report accompanying the Interim SDRP. The parties also agree that implementation of the SDRP should emphasize incentives rather than sanctions.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 13 under the "Concerns" section of this Update for the resolution of P-14A.

7. Negotiable Item #P-15: Rural Land Equity

AT ISSUE: The County feels that the use of mitigation programs to protect rural land equity (e.g., PDR and TDR) should be better defined. Should more comprehensive solutions be provided to prevent disproportionate windfalls and wipeouts in the value of undeveloped land in rural areas due to growth management?

OSP/LNC RESOLD: Deferred – The OSP and LNC agreed to defer resolution of this issue, noting that legislation providing for measures such as, transfer of development rights (including sharing of tax revenues and infrastructure support for receiving areas); purchase of development rights; stable and guaranteed minimum funding in each county; as well as local administration of these programs and other measures, will be considered by the PIC of the SPC for inclusion in the Implementation Report accompanying the Interim SDRP.

PDC/LNC RESUUT: Implementation – The PDC and LNC agree that legislation providing for transfer of development rights, purchase of development rights, and stable and guaranteed minimum funding in each county, as well as local administration of these programs and other measures, will be considered fcy the PIC of the SPC for inclusion in the Implementation Report accompanying the Interim SDRP.

8. Negotiable Item #A-5: Statewide Natural and Cultural Resource/Tiers 6 & 7 Intent – General Protection of Natural and Cultural Resources/Agricultural Pressure

AT ISSUE: The County notes that landowner equity must be balanced with the protection of natural and cultural resources and with farmland preservation concerns.

OSP/LNC KESUE/T: Deferred – The OSP and LNC agreed to defer this issue pursuant to SPC Resolution f90-006, which gives the PDC authority to consider new statewide agricultural strategies.

PDC/LNC RESULT: Implementation – The PDC and LNC agree that the issue is associated with Item P-15 – Rural Land Equity. The parties also agree that legislation providing

for transfer of development rights (including sharing of tax revenues and infrastructure support for receiving areas), purchase of development rights, stable and guaranteed minimum funding in each county as well as local administration of these programs, will be considered by the PIC of the SPC for inclusion in the Implementation Report accompanying the Interim SDRP.

9. Negotiable Item #A-6B: Statewide Biological Diversity Policy 1.1 – Ecosystem Management: Ecosystem Identification & Management

AT ISSUE: The County notes that the identification of large tracts of existing woodlands of 50 acres or more or other critical habitats is beyond the resources of any local government, except when a development of sufficient size is proposed that can generate that information.

RESULT: The PDC and LNC agree that procedures to encourage the exchange of information among counties, municipalities, the New Jersey Department of Environmental Protection and OSP in order to improve planning efforts, will be addressed in handbooks, through technical and funding assistance and will be considered by the PIC of the SPC for inclusion in the Implementation Report.

#### **VOLUME XIX: CUMBERLAND COUNTY**

1. Negotiable Item #2: Permit Streamlining

AT ISSUE: The County believes the State Plan should be a vehicle through which the State can shorten the time it takes to get a permit, reduce red tape and coordinate permit objectives. This means that there must be considerable involvement of State agencies during the cross-acceptance and implementation phases of the planning process.

RESUI/r: The PDC and LNC agree that permit streamlining should occur, consistent with good planning practice, to encourage a more timely review of development and/or redevelopment applications. This issue will be addressed in the Implementation Report that will accompany the release of the Interim SDRP. Specific language recommended by Cumberland County pertaining to permit streamlining will be reviewed by the OSP and recommendations will be made to the Plan Implementation Committee (PIC) for their consideration

for inclusion in the Implementation Report. The proposed language regarding this issue will be submitted to the County for review and comment before inclusion in the Implementation Report and technical assistance manuals.

### Negotiable Item #3: Transportation Objectives

AT ISSUE: The County states that better coordination of State programs is needed to direct public transit, port development and rail and air transport projects. These are projects which clearly assume regional roles and since State funding is an integral part of project development, the State has a legitimate role in coordinating these activities.

RESULT: The PDC and LNC agree that there is a need for greater municipal, county and State coordination regarding transportation objectives. The issue of intergovernmental coordination will be addressed in the Implementation Report that will be distributed with the Interim SDRP. Specific language recommended by Cumberland County pertaining to the coordination of intergovernmental coordination and transportation objectives will be reviewed by the OSP and recommendations will be made to the PIC for their consideration for inclusion in the Implementation Report. The proposed language regarding this issue will be submitted to the County for review and comment before inclusion in the Implementation Report and technical assistance manuals.

### 3. Negotiable Item #14: Intergovernmental Coordination

AT ISSUE: The County believes the Plan should be used to coordinate the planning and regulatory functions of local, county and State governments. "Coordination" implies a less than mandatory process for bringing planning goals and objectives into line. The cross-acceptance process is the vehicle through which this coordination should occur.

RESULT: The PDC and LNC agree that there is a vital need for greater governmental coordination. Appropriate roles and procedures for intergovernmental coordination will be addressed in the Implementation Report that will be distributed along with the Interim Plan.

VOLUME XX: WARREN COUNTY

1. Negotiable Item #3E: Agricultural and Environmental Protection

AT ISSUE: The County believes that although environmentally sensitive areas are best identified at the municipal and county level, local identification is often beyond the capacity of local government.

RESULT: The PDC and LNC agree that procedures to encourage the exchange of information among all levels of government to improve planning efforts will be addressed in handbooks and through technical assistance and will be considered for the PIC of the SPC for inclusion in the Implementation Report.

2. Negotiable Item #3F: Agricultural and Environmental Protection

AT ISSUE: The County suggests that a determination should be made about the extent of funds available for land acquisition or easement agreements. It is unreasonable for the State to expect property owners to bear the financial burden of natural resources protection for the entire State.

RESULT: The PDC and LNC agree that the PIC will consider equity concerns – raised in the context of environmental protection and agricultural preservation issues – for inclusion in the Implementation Report.

3. Negotiable Item #4B: Adequate Funding Resources for the Local Planning Process

AT ISSUE: The County notes that the Plan cannot be implemented without a clear understanding of where the financial and technical resources will come from to support it and its programs. Due to a lack of funds and an eroding tax base, many municipalities do not have the staff or funds to conduct local planning at the level recommended in the Plan. Municipalities require assistance in the capital budgeting aspects of land use planning.

RESULT: The PDC and LNC agree that increased planning at the local level will enhance implementation of the final State Plan. The issue, as well as additional financial assistance for local governments in order to support plan implementation, will be considered by the Plan

Implementation Committee (PIC) for inclusion in the Implementation Report that will be distributed with the Interim Plan.

4. Negotiable Item #5A: Intergovernmental Coordination/Regional Planning

AT ISSUE: The County believes the SPC should coordinate the activities of State agencies before it regulates local planning initiatives.

RESULT: The PDC and LNC agree that procedures to facilitate State agency coordination will be considered by the PIC for inclusion in the Implementation Report accompanying the Interim SDRP.

Negotiable Item #6A: Rural Land Equity

AT ISSUE: The County has stressed the fears of landowners about the SDRP's proposed restrictions on development of rural areas, which they feel, will deprive them of their land equity. This fear is causing farmers to flee New Jersey and is undermining the viability of farming. The SDRP should acknowledge that there is a cost to agricultural preservation. The Plan relies too heavily on TDR. A stable source of funding for farmland preservation should be established before a TDR program is implemented; TDR should be statewide.

RESULT: The PDC and LNC agree that TDR is only one of many tools available for agricultural protection. Legislation providing for transfer of development rights (including sharing of tax revenues between sending and receiving areas; and infrastructure support for receiving areas), purchase of development rights and stable and guaranteed minimum funding in each county, as well as local administration of these programs and other appropriate measures will be considered by the PIC of the SPC for inclusion in the Implementation Report accompanying the Interim SDRP.

Negotiable Item #9: Technical Assistance

AT ISSUE: The County believes that municipalities lack the technical and regulatory support needed conduct the studies and provide the facilities necessary to implement the planning programs, tier and statewide policies of the SDRP.

RESULT: The PDC and LNC agree that increased planning at the local level will enhance implementation of the final State Plan. The PIC is considering the nature and extent of technical assistance, handbooks, guidelines and regulatory support for municipal implementation, to be recommended in the Implementation Report. Any such assistance, handbooks or guidelines should be developed in consultation with County and local officials.

7. Negotiable Item #10B: Regional Design System

AT ISSUE: The County states that the Regional Design System proposes to induce development in rural communities of place and suggests severe restrictions on development in the surrounding countryside. This concept is inconsistent with the life-style and objectives of Warren County residents, many of whom left concentrated urban areas for rural areas. Municipalities (not developers) should control the size of communities of place. Local determinations regarding appropriate growth should be recognized by State agencies.

RESULT: The PDC and LNC agree that mechanisms to support municipalities that desire to control the ultimate size of a community – and the limits of services – will be considered by the PIC for inclusion in the Implementation Report.

8. Negotiable Item #11: Regional Design Implementation Tools

AT ISSUE: The County feels that municipalities lack the fiscal and regulatory support to provide the facilities necessary to implement the Regional Design System.

RESULT: The PDC and LNC agree that legislation, technical assistance, funding and intergovernmental coordination to enhance implementation of the Regional Design System will be considered by the PIC of the SPC for inclusion in the Implementation Report that accompanies the release of the Interim SDRP. Implementation recommendations should emphasize benefits of utilizing the Regional Design System rather than sanctions.

9. Negotiable Item #12A: Legal Support

AT ISSUE: The County feels that counties, and especially municipalities, are vulnerable to lawsuits concerning

strategies, policies and State Plan map designations. The SDRP will create another avenue for adversaries to litigate their cases.

RESULT: The PDC and LNC agree that if municipalities review and amend their plans and ordinances to be compatible with the SDRP, then technical and legal assistance, including affidavits, briefs and Interpretive statements, should be provided as appropriate by the OSP. The PIC will consider recommending the creation of an "Office of Municipal Support" in the Attorney General's office, to provide legal support to municipalities.

10. Negotiable Item #14C: Rural Land Planning and Development

AT ISSUE: The proposed density of 100 persons per square mile is inconsistent with existing patterns of development in Warren County; a carrying capacity approach is recommended. The nitrate dilution model is not well understood. Technical assistance is needed to enable municipalities to determine the level of existing resources, such as groundwater.

RESULT: The PDC and LNC agree that detailed guidelines and procedures for non site-specific carrying capacity analyses, which measure cumulative impacts and recognize and evaluate existing municipal and county efforts, will be provided through handbooks and other technical assistance. The parties also agree that the State should provide funding and technical assistance to local governments in determining the level of existing resources, such as groundwater, in connection with carrying capacity analyses.

11. Negotiable Item #15B: Tier 5 Open Space Requirements

AT ISSUE: The County reports that limiting development to 5 percent of a parcel is distributing to municipalities for two reasons: First, it infers that a taking of personal property rights without compensation; and. Second, it is an erosion of home rule.

RESULT: The PDC and LNC agree that mechanisms to promote open space preservation by municipalities will be included in handbooks, technical assistance and considered by the PIC for inclusion in the Implementation Report.

**VOLUME XXI: ESSEX COUNT?**

1. Negotiable Item #2: State Funding for Plan-Related Activities

AT ISSUE: The Township of Essex Fells believes the State Plan should address the Plan's over-reliance on local resources for its implementation.

The County feels the PSDRP fails to provide funding mechanisms for many of its proposed policies. The County added that it is unlikely that many of the goals and objectives outlined in the PSDRP can be accomplished unless there is an accompanying funding package to finance the implementation of the Plan.

RESULT: The PDC and LNC agree that funding for Plan-related activities is a critically important implementation issue and will be included in the Plan Implementation Report to be released with the Interim Plan.

**D. Agreement to Identify Concerns:**

**VOLUME I: BERGEN COUNT?**

1. Negotiable Item #12 - Economic Development-State Dept. Facilities

AT ISSUE: It is the County's opinion that payments in lieu of taxes for state-owned facilities should not be limited to local municipalities. Counties and school districts should also be the recipients of these payments.

RESULT: The PDC and LNC agree that changes to the P.I.L.O.T. formula, ^to include counties and school districts, will be listed as a concern in the Interim Statement of Agreements and Disagreements.

**VOLUME II: MERCER COUNT?**

No issues were resolved as concerns in Mercer County.

**VOLUME III: HODSCW COUNT?**

1. Negotiable Item #7: The Role of the HMDC in the State Planning Process

AT ISSUE: The HMDC should be actively involved in the cross-acceptance process to better promote regional comprehensive planning. The State Planning Act should be amended to include the HMDC within the State Plan's jurisdiction. The Plan needs to address the HMDC's standing within the statewide funding priority scheme. The HMDC should be assigned a tier designation for the purpose of funding priority.

RESULT: The PDC and LNC agree that this issue will be listed as a concern in the Interim Statement of Agreements and Disagreements.

2. Negotiable Item #9: Home Rule

AT ISSUE: County and municipal land use controls will be in accordance with State statutes including the Municipal Land Use Law and the County Enabling Act.

RESULT: The PDC and LNC agree to list this issue as a concern on the Interim List of Agreements and Disagreements. While it was agreed that the State Planning Act is not intended to contradict provisions of the New Jersey State Constitution, the New Jersey Municipal Land Use Law or the County Enabling Act, the County has requested that the above statement be inserted into the Interim Plan.

3. Negotiable Item #11: Reliance on Property Tax

AT ISSUE: The tax structure should be changed from the reliance on the property tax to a more equitable tax system. The County feels that tax reform to alleviate the reliance on property tax is critically important to the implementation of the Plan.

RESULT: The PDC and LNC agree that this issue will be listed as a concern in the Interim Statement of Agreements and Disagreements.

VOLUME IV: ATLANTIC COUNTY?

1. Negotiable Item #1B: Funding for Implementation of SDRP.

AT ISSUE: Financial incentives and opportunities should play a key role in implementing the SDRP. The County wants SDRP to positively both recommend and identify funding sources and

programs necessary to implement Plan. They, specifically want open space and farmland preservation programs identified.

RESULT: The PDC and LNC agree that the County's desire for adequate funds to implement farmland and open space preservation programs would be included in a list of concerns as part of an Interim Statement of Agreements and Disagreements that will accompany the distribution of the Interim Plan.

2. Negotiable Item #7: Participation of Division of Coastal Resources in State Planning Process and CAFRA regulations

AT ISSUE: In order to be effective in the coastal area, the SDRP and State Planning process must coordinate all planning agencies, particularly the Division of Coastal Resources, to cooperatively resolve common issues. The support and commitment of the State Planning Commission is essential. The County believes that the comparison phase resulted in better communications with other regional agencies, and wishes to continue this intergovernmental coordination.

RESULT: The PDC and LNC agree that the general lack of coordination of State policies and programs with respect to the coastal areas would be included in a list of concerns as part of an Interim Statement of Agreements and Disagreements that will accompany the distribution of the Interim Plan.

**VCO3ME V: CAMDEN COUNTT**

1. Negotiable Item fl: State Funding Appropriations

AT ISSUE: State mandated programs should be supported with adequate, long-term funding. The County suggests pooling limited funding by planning districts or through multi-town agreements. A mechanism at the State level to finance Plan policies must be established.

RESULT: The PDC and LNC agree that multi-jurisdictional agreements to carry out Plan programs are encouraged and desirable. The parties also agree to record the County's concern with respect to adequate long-term funding in a list of concerns that will be forwarded to the State Administration, Legislature, counties, municipalities and the public, concurrently with the Interim Plan.

2. Negotiable Item #3: Funding and Implementation of Fasting Regulatory Programs

AT ISSUE: There needs to be follow through, funding and implementation of existing New Jersey statutory regulations before additional mandatory programs are adopted (e.g., Municipal Stormwater Management Plans - 90% NJ State funding; Municipal Land Use Law, Chapter 291, 1975, 13C, 40:55-093).

This issue statement supports the content of the State Development and Redevelopment Plan with respect to the implementation of existing regulations concerning Stormwater Management policies. The funding in regulation and government initiatives is addressed in Camden County issue #1.

RESULT: The PDC and LNC agree that the implementation of policy provisions of the PSORP will be addressed by the Executive and Legislative branches of government. The County's concern regarding the funding of Stormwater Management planning will be included in the list of concerns that will be forwarded to the State Administration, Legislature, counties, municipalities and public concurrently with the Interim Plan.

3. Negotiable Item #14: A Coordinated Effort is Needed for Tax Reform and Equalization Programs to Replace Local the Rateables Chase

AT ISSUE: The current practice of reacting to development application pressures must be replaced with better land use planning.

RESOUT: The PDC and LNC agree that tax inequities resulting in municipalities chasing rateables undermines coordinated planning. The current administration has modified tax practices, which should minimize these inequities. The tax reform issue will be included in a list of concerns that will accompany the distribution of the Interim Plan to the counties, municipalities. Legislature, State Administration and all other parties.

4. Negotiable Item #15: Elected Officials Should Have a Larger Role in Plan Oversight

AT ISSUE: The County believes that the final SDRP decisions will be made by the State Planning Commission. The New Jersey State Legislature and local government officials should have oversight and stronger decision making authority in this process. Municipalities emphasize the importance of continued local responsibility for land use planning and zoning.

RESULT: The PDC and LNC agree that after the Final Plan is adopted, elected officials should consider its policies and strategies while undergoing their own decision making processes. The implementation of the Plan will rely heavily upon the decisions of elected officials including municipal and State officers. The parties also agree that Camden County's concern regarding oversight and the role and responsibility of elected officials will be included in a list of concerns that will accompany the distribution of the Interim Plan to the State Administration, Legislature, counties, municipalities and the public.

5. Negotiable Item #17: The Need to Review and Revise the State Plan Every Three (3) Years

AT ISSUE: Lindenwold disagreed with the three year review and revision cycle for the State Plan, stating it created cumbersome and unnecessary paperwork for smaller municipalities.

Camden County noted that the time frame for revisions of the SDRP (currently three years) and the municipal master plan, as governed by the Municipal Land Use Law (currently 6 years) should be eventually standardized to be completed in conjunction with one another. This will cut down on cumbersome and unnecessary paperwork for all municipalities.

RESULT: The PDC and LNC agree that the three year revision cycle for the State Plan is mandated by the State Planning Act. The concern regarding the burden this cycle places on municipalities will be incorporated in a list of concerns that will accompany the distribution of the Interim Plan to the counties, municipalities, Legislature, State Administration and other interested parties.

6. Negotiable Item #20: Policy 4.9, Tier 3, Housing Development: Housing Linkages

AT ISSUE: This policy states that there should be a balance of land uses within a municipality and that non-residential uses should be directly linked to the availability of housing. This also assumes that there is a precise and proportional correlation between the availability of jobs and the location of residences. The policy ignores the possibility that urban or suburban areas may have regional employment centers.

RESULT: The PDC and LNC agree that the County and municipalities have a concern about Policy 4.9 (Volume II,

page 64) becoming mandatory. The County and municipalities also believe regional instruments are needed to carry out the intent of this policy. This issue will be listed in the Commission's list of agreements, disagreements and concerns that accompanies the Interim Plan.

7. Negotiable Item #28: Goal of the Plan

AT ISSUE: Camden County believes that a broad consensus should be achieved that balances all key components of the Plan.

RESULT: The PDC and LNC agree that the Final Plan should reflect a broad consensus including legitimate planning, environmental, fiscal and economic considerations, while achieving a reasonable balance among them. Camden County's position regarding achieving a consensus on a reasonable balance will be included in a list of concerns that will accompany the distribution of the Interim Plan to the Counties, municipalities Legislature, State Administration and other interested parties.

**VOLUME VI: UNICK COUNT?**

1. Negotiable Item #1: Home Rule

AT ISSUE: The maintenance of municipal jurisdiction over land use decisions is important to municipalities. The County believes that the State Plan will arbitrarily supersede municipal rights to regulate their land uses. The Guidelines suggested in the State Plan should not be mandatory as they do not consider the unique character of each community.

For example, the County believes the State Plan forces redevelopment with increased density into Tier 1 without a statement of limits. (This was also the concern expressed in Issue #17, which was merged with this issue at the PDC/LMC meeting). The County would like to see the following statement in the Interim Plan: "No increase in density could be imposed upon any municipality if it is in conflict with its current zoning, land use laws and master plans."

RESULT: The PDC and LNC agree that the issue of "Home Rule" will be listed as a concern in the Interim Statement of Agreements and Disagreements. The PDC and LNC also agree that Issue #17, which resulted in a disagreement between the

OSP and LNC would be combined with this issue and resolved similarly (i.e., concern).

2. Negotiable Item #4: Tax Reform

AT ISSUE: The tax structure should be changed to reduce the reliance on the property tax. The State should review the strategies found in the SLEEP Report and, with some modifications, adopt them.

RESUKT: The PDC and LNC agree that the issue of "tax reform" will be listed as a concern in the Interim Statement of Agreements and Disagreements.

3. Negotiable Item #8: Update of State Plan

AT ISSUE: The State Planning Act requires an update of the State Plan every three years. The Municipal Land Use Law requires municipalities to update their master plans every six years. Changing the update of the State Plan to six years would make the processes consistent.

RESULT: The PDC and LNC agree that the suggestion to change the timeframe for revising the State Plan will be listed as a concern in the Interim Statement of Agreements and Disagreements.

4. Negotiable Item #14: State Plan Coordination with Council on Affordable Housing (COAH)

AT ISSUE: The County is concerned that COAH's goals and objectives are not consistent with the State Plan goals related to preserving the character of fully-developed communities.

RESULT: The PDC and LNC agree that the issue of COAH coordination with the State Plan will be listed as a concern in the Interim Statement of Agreements and Disagreements.

5. Negotiable Item #23: Transportation/Aviation – Excessive Airplane Noise

AT ISSUE: Airport noise impacts can be significant and can include impaired hearing, tension, and the reduction in the attractiveness and value of property. This is a concern for communities in the vicinity of Newark Airport.

The State Plan indicates that the New Jersey Department of Transportation, in cooperation with municipalities and airport operators, should study the aviation system, evaluating its needs in terms of safety and capacity. This should be expanded to include the impacts from airport noise. The State should coordinate efforts with the Federal Aviation Administration (FAA) to modify arrival and departure routes to minimize noise impacts.

RESULT: The PDC and LNC agree that the issue of excessive airplane noise in the vicinity of airports will be listed as a concern in the Interim Statement of Agreements and Disagreements.

#### VOLUME VII: OCEAN COUNTY

##### 1. Negotiable Item #2: Further Erosion of Home Rule

AT ISSUE: There is concern that the SDRP represents a widespread usurpation of traditional municipal planning responsibilities. The SPG is seen as a new level of bureaucracy.

RESUE/P: The PDC and LNC agree to include the County's concern over any potential adverse effects of implementation on home rule in a list of concerns as part of an Interim Statement of Agreements and Disagreements. This list will accompany the distribution of the Interim Plan.

##### 2. Negotiable Item #3: Timing and Phasing of Growth; The Need to Attract Rateables

AT ISSUE; Municipalities are concerned about the need to include extensive land areas in growth tiers, because of the belief that the tier designations will never be revised. They want the SDRP to ensure that they will be able to continue to add to their ratable base, in a manner consistent with municipal plans and community character.

RESULT: The PDC and LNC agree that, while there is a legislative mandate that the SDRP be reviewed and revised every three years, the County's concern that these periodic revisions may not occur, will be included in a list of concerns as part of an Interim Statement of Agreements and Disagreements that will accompany the distribution of the Interim Plan. The County Negotiating Committee would like to

discuss a formal amendment procedure with the PDC for addressing issues that arise within the three year revision cycle of the State Plan.

3. Negotiable Item #4: The SDRP is Perceived as a Statewide Zoning Device

AT ISSUE: Municipalities expressed concern that the SDRP would be used as a statewide zoning map.

RESULT: The PDC and LNC agree to include the misperception about the use of the SDRP as a zoning device in a listing of concerns as part of an Interim Statement of Agreements and Disagreements that will accompany the distribution of the Interim Plan.

4. Negotiable Item #12: Provision of Affordable Housing on Barrier Islands

AT ISSUE: Barrier Island communities question the reasonableness of requiring them to provide affordable housing beyond their indigenous need. Affordable housing policies should take into account that most barrier island communities are resorts.

RESULT: The PDC and LNC agree that the provision of affordable housing on barrier islands beyond their indigenous need will be included in a list of concerns as part of an Interim Statement of Agreements and Disagreements. This list will accompany the distribution of the Interim Plan to the counties, municipalities, Legislature, Administration and all other interested parties for review.

**VOLUME VIII: HUNTERDCN COUNT?**

1. Negotiable Item #A27b: Statewide Water Supply Sources Strategy 1 – Protection of Water Supply Sources

AT ISSUE: The County expressed a concern that although there are methods for identifying aquifer recharge areas, such as fracture trace analyses, the reliability of these methods are unknown. The County seeks clarification from the State of the reliability of these methods before utilizing them.

RESULT: The PDC and LNC agree that the reliability of fracture trace analysis should be clarified.

**VOLUME IX: GLOUCESTER COUNTY**

No issues were resolved as concerns in Gloucester County.

**VOLUME X: S&LEM COUNTY**

1. Negotiable Item #3: Erosion of Home Rule

AT ISSUE: The County is concerned that the State Development and Redevelopment Plan (SDRP) may increase the State's authority over the local planning process. A clearer explanation of how^ the Plan would be implemented and to what .extent it would impact the zoning powers of municipalities is necessary.

RESULT: The PDC and LNC agree that the SDRP's effect on the practice of home rule will be included in a list of concerns as part of an Interim Statement of Agreements and Disagreements that will accompany the distribution of the Interim Plan to the Counties, Municipalities, Legislature, State Administration and all other interested parties for review.

**VOLUME XI: MCHMDUTH COUNTY**

1. Negotiable Item IG-3: Home Rule

AT ISSUE: The County recommended that the State should provide technical assistance and act as a funding source, not as a regulator of local planning. The strategies and policies should reflect this concern (See proposed language in Monmouth County report).

RESULT: The PDC and LNC agree that the issue of home rule will be listed as a concern in the Statement of Agreements and Disagreements that will be released simultaneously with the Interim SDRP. Specific language changes to the PSDRP recommended ty Monmouth County will be reviewed by the OSP and recommendations will be made to the PDC for their consideration for inclusion into the Interim Plan. Consistency among all strategies and policies and the accepted recommendations will be maintained throughout the SDRP.

**VOLUME XII: MCRRIS COUNT?**

1. Negotiable Item #P13a: Intergovernmental Coordination

AT ISSUE: The County believes that regional coordination should be achieved through consensus without reducing local discretion and authority. Does statewide and regional growth management conflict with local discretion and authority?

RESULT: The PDC and LNC agree that municipalities should identify to the county and the SPC and, where appropriate, recommend alternatives for specific policies that are interpreted to conflict with home rule, which will be considered for clarification in the SDRP.

**VOLUME XIII: BORUNGFCN**

1. Negotiable Item #2: Erosion of Home Rule

AT ISSUE: A clearer explanation of how the Plan would be implemented and the extent of its impacts on the zoning powers of municipalities is needed.

RESULT: The PDC and LNC agree that the SDRP ' s effect on home rule will be included in a list of concerns as part of an Interim Statement of Agreements and Disagreements that will accompany the distribution of the Interim Plan to the counties, municipalities, Legislature, State Administration and all other interested parties for review.

2. Negotiable Item #4: Tax Reform

AT ISSUE: The County has noted that the rateables chase undermines coordinated land use planning. Without a comprehensive tax reform and equalization program, municipalities will continue to compete for local rateables, frustrating all efforts to establish a coordinated, regional land use planning process.

RESULT: The PDC and LNC agree that tax inequities that result in municipalities chasing rateables undermines coordinated planning. The current Administration has modified tax practices that should minimize these inequities. The tax reform issue will be included in a list of concerns that will accompany the distribution of the Interim Plan to the counties, municipalities. Legislature, State Administration and all other parties.

3. Negotiable item #7: CQ&H and the State Plan

AT ISSUE: Pemberton Township, an Urban Aid municipality exempt from prospective need, has stated that future inclusionary obligations should not be incurred.

RESULT: The PDC and LNC agree that possible future affordable housing allocations from COAH are a concern in Pemberton Township. This concern will be included in a list of concerns that will be forwarded to the State Administration, Legislature, counties, municipalities and public, along with the Interim Plan.

4. Negotiable Item #15: Cross-Acceptance Procedures

AT ISSUE: Several process-related comments and questions have arisen through the comparison phase of cross-acceptance, and are noted below:

Municipalities felt they were not given sufficient time to review the Plan; considering "the massive size of the three volumes which make up the Plan, and the considerable number of major policy issues, objectives and strategies covered in the Plan."

The County raised additional process related concerns, including: 1) Cross-acceptance checklist was too detailed, confusing and slowed down the review process; 2) there is not a mechanism in the checklist process for establishing priorities. Simple majority of agreement/disagreement does not yield definable direction for policy or planning; and 3) there does not appear to be sufficient opportunity for public input in the negotiation and issue resolution phase of cross-acceptance.

RESULT: The PDC and LNC agree that many of these concerns are being addressed by the State planning process. The State Planning Rule identifies public participation and flexibility regarding the requirements for timely submissions of reports. These comments will be incorporated into the list of concerns as part of an Interim Statement of Agreements and Disagreements that will accompany the distribution of the - Interim Plan to the counties, municipalities Legislature, State Administration and all other interested parties for review.

5. Negotiable Item #16: Planning Guidelines

AT ISSUE: The County stressed that uniform controls regulating site plans and housing subdivisions should not be made mandatory by the Plan.

RESUE/Fs The PDC and LNC agree that any design or performance guidelines offered specifically by the SPC in the Plan or its supporting documents are recommendations for the purpose of technical assistance. The County's concern regarding uniform controls will be included in a list of concerns that will be forwarded to the State Administration, Legislature, counties, municipalities, and the public.

6. Negotiable Item #26: Air and Water Pollution Standards

KF ISSUE: The County believes that the NJ Department of Environmental Protection should be required to rectify, by court action if necessary, the interstate impacts of air and water pollution where the quality is below NJ State standards.

RESUI/F: The PDC and LNC agree that there are environmental systems that require interstate coordination and management. This concern will be included in a list of concerns as part of the Interim Statement of Agreements and Disagreements that will accompany the distribution of the Interim Plan to the State Administration, Legislature, Counties, Municipalities, and all other interested parties for review.

7. Negotiable Item #27: Adherence to Tier Delineations

AT ISSUE: New Hanover and Springfield Townships stated that enforcement of a particular tier designation on a particular site may be undesirable where existing and/or pending development on the site is inconsistent with tier designation. Municipal development plans could be hampered if strict adherence to the tier designation is mandatory whether they be public sewer service areas, private sewer service areas or community septic systems serving a limited development. Any restrictions to be imposed on individual properties inconsistent with the tier in which they lie raises serious concerns at the municipal level.

They are also concerned about and object to the State imposing density and lot size standards that are inconsistent with those which are in effect in the municipality.

RESULT: The PDC and LNC agree that the misperception of the use of the SDRP as a zoning device will be included in a list of concerns as part of an Interim Statement of Agreements and Disagreements that will accompany the distribution of the Interim Plan to the Counties, Municipalities, Legislature, State Administration and all other interested parties for review.

**VOLUME XIV: PASSAIC COUNTY**

1. Negotiable Item #2A: Loss of Potential Tax Eatables

AT ISSUE: The effects of government actions on property values is a municipal concern in Passaic County. Some municipalities feel that there are proposals in the State Plan which could result in the lowering of the development potential of tracts of land. Municipalities will probably resist attempts to place lands in low-growth tiers if they feel such areas have the potential for producing rateables. The municipal view is that these actions will lead to a loss of potential rateables without compensation. Property tax reform offers a potential solution to their problem.

RESULT: The PDC and LNC agree that the issue of property tax reform will be listed as a concern in the Interim Statement of Agreements and Disagreements to be released concurrently with the Interim Plan.

**VOLUME XV: CAPE MAY COUNTY**

1. Negotiable Item #5: Policy Consensus

AT ISSUE: The County believes that Plan policies should not be adopted and/or implemented unilaterally until a consensus has been reached. For this purpose, the SPC should develop and adopt as part of the SDRP, a specific set of procedures for achieving this consensus and for the negotiation of disputed points.

RESULT: The PDC and LNC agree that the cross-acceptance process is a cooperative effort intended to give counties and municipalities an active role in shaping the SDRP. The Final Plan should reflect a broad consensus on many, but not all, of the difficult issues that face the State today. The parties also agree to include the County's concern in a list of concerns as part of an Interim Statement of Agreements and Disagreements that will accompany the distribution of the Interim Plan.

2. Negotiable Item #14: Riparian Grants

AT ISSUE: The County believes the riparian grant process should be reassessed with appropriate legislative recommendations in order to reduce the cost of grant acquisition to property owners, for whom claims were retroactively assessed by the Act.

RESULT: The PDC and LNC agree that the County's concern regarding the riparian grant process and the costs of acquiring clear title to riparian lands will be included in a list of concerns as part of an Interim Statement of Agreements and Disagreements that will accompany the distribution of the Interim Plan.

3. Negotiable Item #13B: Funding for Beach Restoration and Protection

AT ISSUE: The County believes the Shore Protection Master Plan should be updated.

RESULT: The PDC and LNC agree that the County's desire to have the Shore Protection Master Plan updated will be included in a list of concerns as part of an Interim Statement of Agreements and Disagreements that will accompany the distribution of the Interim Plan.

4. Negotiable Item #20: CAFRA 25-unit Threshold

AT ISSUE: Existing CAFRA regulations do not call for the review of residential developments of 24 units or less. As a result, the coastal area has been deluged with development applications for projects of 24 units that escape CAFRA review and regulations. The County has stressed the need for a lower review threshold than the current 25 unit limit.

RESULT: The PDC and LNC agree that the County's concern over the CAFRA 25 unit threshold will be included in a list of concerns as part of an Interim Statement of Agreements and Disagreements that will accompany the distribution of the Interim Plan.

5. Negotiable Item #21: CAFRA Agricultural Land Mitigation Regulations

AT ISSUE: The County feels that the policy proposed by the Division of Coastal Resources is unacceptable as a farmland

preservation policy. This proposal would require mitigation within Tier 6 or Agricultural Development Areas, but not require mitigation efforts in lands outside of these areas. Such a policy would not only be counter to SADC and County policy, but would have the effect of eliminating the farm preservation program in coastal counties. This policy would make agricultural mapping and designation undesirable to the point where no coastal counties would identify Tier 6, and eliminate ADA'S altogether.

RESOI/P: The PDC and LNC agree that Cape May County's concern and objections to the Division of Coastal Resources CAFRA regulations regarding agricultural land mitigation will be included in a list of concerns as part of an Interim Statement of Agreements and Disagreements that will accompany the distribution of the Interim Plan.

VOLUME XVI: Mmnr.RgRy COUNT?

No issues were resolved as concerns in Middlesex County.

VOLUME XVII: SOMERSET COUNT?

1. Negotiable Item #2A: Capital Facilities in Tier 1

AT ISSUE: The County believes that State facilities siting should be a revitalization tool for Tier 1 communities. The State must ensure that the total impacts of its facilities are evaluated as part of the siting process. Some State facilities generate impacts that can and should be mitigated. For example, some State facilities draw populations that are in need of services from the municipalities as well. Without some type of mitigation for social and economic impacts, some State facilities may actually cost Tier 1 communities more than the benefits derived from them. Also, municipalities must be part of the siting process from the earliest stages.

RESULT: The PDC and LNC agree that changes to the P.I.L.O.T. formula, to include counties and school districts, will be listed as a concern in the Interim Statement of Agreements and Disagreements.

VOLUME XVIII: SUSSEX COUNT?

1. Negotiable Item #P-2B: Relationship of SDRP to Out-of-State Plans

AT ISSUE: The Sussex County transportation network is overburdened by commuter traffic and State funding for improvements has not been forthcoming. Should the relationship between the SDRP and out-of-State plans be defined?

RESULT: The PDC and LNC agree the New Jersey Department of Transportation should improve Routes 15, 23 and 206 to meet needs generated by out-of-State development. This will be included in the Interim Statement of Agreements, Disagreements and Concerns that will be released in conjunction with the Interim Plan.

## 2. Negotiable Item #P-14A: Intergovernmental Coordination

AT ISSUE: The County notes that municipalities should maintain their own authority in implementing the SDRP. How should implementation of the SDRP relate to local discretion and authority?

RESUE/T: The PDC and LNC agree that municipalities should identify to the County and the SPC and, where appropriate, recommend alternatives for, specific policies that conflict with home rule, which will be considered for clarification in the Interim SDRP.

## **VOLUME XIX: CUMBERLAND COUNT?**

### 1. Negotiable Item #11: Tax Reform

AT ISSUE: The tax situation in New Jersey should be changed so local governments do not have to rely on the property tax. Too often, municipalities must chose between a land use they do not want and a ratable that they need. This kind of dilemma is counter-productive to proper land use planning and goes to the heart of the planning problem in New Jersey. The Plan should address this issue in a clear, concise and bi-partisan fashion, or many of the recommendations of the Plan will be rendered meaningless.

RESULT: The PDC and LNC agree that tax inequities undermine coordinated planning. The tax reform issue, as expressed by the County, will be included in a list of concerns as part of an Interim Statement of Agreements and Disagreements that will accompany the distribution of the Interim Plan to the counties, municipalities, Legislature, Administration and all other interested parties for review.

2. Negotiable Item #16: State Agency Involvement in Cross-Acceptance Negotiations

AT ISSUE: There needs to be a greater involvement of State agencies in shaping the Plan. State agencies must be more involved in cross-acceptance. From State agencies reaction to some of the strategies and policies under discussion is essential.

RESULT: The PDC and LNC agree that State department and agency input in the cross-acceptance process is essential and has, in fact, been mandated by the State Planning Act, as well as encouraged by practice. State agency participation in the State planning process, as expressed by the County, will be included in a list of concerns as part of an Interim Statement of Agreements and Disagreements that will accompany the distribution of the Interim Plan to the counties, municipalities, Legislature, Administration and all other interested parties for review.

VOLUME XX: WARREN COUNTY

1. Negotiable Item f2B: Rural Infrastructure\*

AT ISSUE: There is a concern that the PSDRP's growth management strategies for rural areas will preclude State investment in rural transportation improvements, even where public health & safety is an issue. A number of routes, such as 31, 46, 57 and 94, serving interstate transportation needs, require immediate attention by the New Jersey Department of Transportation (DOT). The SDRP must recognize rural needs for adequate infrastructure to support economic development and not focus solely on urban revitalization.

RESULT: The PDC and LNC agree to include concerns about the need for DOT to improve routes 31, 46, 57 and 94 (in order to meet the needs generated by interstate commerce) will be incorporated into an Interim Statement of Agreements, Disagreements and Concerns. The listing will accompany the distribution of the Interim Plan to the counties, municipalities, the Legislature, the State administration and other interested parties.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page under the "Disagreements" section of this Update for the resolution of 2A.

2. Negotiable Item #3G: Agricultural and Environmental Protection

AT ISSUE: The County suggests that priorities should be set with respect to natural resource protection.

RESULT: The PDC and LNC agree that the New Jersey Department of Environmental Protection (DEP) should consider the creation of priorities for endangered species and natural resource protection. This will be included in an Interim listing of agreements, disagreements and concerns, which will accompany the distribution of the Interim Plan to the counties, municipalities, the Legislature, the State Administration and other interested parties.

3. Negotiable Item #13B: Rural CQAH Allocations

AT ISSUE: The County reports a perception that communities that have developed affordable housing plans must be in "growth" tiers, especially where the proposed developments are at densities that require extensions of sewer and water facilities. A supply of affordable housing is essential for economic development in Warren County.

RESULT: The Warren County LNC recommends that COAH should postpone its 1993 allocations pending adoption of the final SDRP and that allocations should relate to carrying capacity, should be considered by CQAH. This concern will be incorporated in a list of concerns that will accompany the distribution of the Interim Plan to the counties, municipalities, the Legislature, the State Administration and other interested parties.

4. Negotiable Item #19B: Open Space Preservation

AT ISSUE: The County reports that communities that actively save open space feel penalized by the smaller tax base that results when property is removed from the tax rolls. There should be a mechanism to compensate municipalities for lost tax revenues.

RESULT: The PDC and LNC agree that the County's concern about funding or tax relief mechanisms should be included in the Interim Statement of Agreements, Disagreements and Concerns. Specifically, the County feels that these measures should be established for municipalities preserving open space for statewide use and benefit, when such preservation creates an infrastructure or service burden on the

municipality. This list of concerns will accompany the distribution of the Interim Plan to the counties, municipalities, the Legislature, the State administration and other interested parties.

5. Negotiable Item #20: Tax Reform

AT ISSUE: The County feels that the tax situation in New Jersey should be changed so local governments do not have to rely entirely on the property tax. Too often municipalities must choose between a land use that they do not want and a rateable that they need. This kind of dilemma does not promote proper land use planning and goes to the heart of the planning problem in New Jersey. Without recommendations resulting from the Plan to address this issue in a clear, concise and bi-partisan fashion, many of the recommendations of the Plan will be rendered meaningless.

RESULT: The PDC and LNC agree that the inequity resulting in municipalities chasing rateables not only undermines but actively works against sound and coordinated planning. The tax reform issue will be included in the list of concerns that will accompany the distribution of the Interim Plan to the counties, municipalities, the Legislature, the State Administration and other interested parties for review.

6. Negotiable Item #21: State Planning Commission Representation

AT ISSUE: The County believes that the northwest region of the State is not represented on the SPC. The urban areas are sufficiently represented but the rural areas have no one and, the County feels, this is reflected in the bias of the SPC. The northwest should, participate in the development of policies that will ultimately affect them.

RESULT: The PDC and LNC agree to include the lack of a representative on the SPC from the northwest in a list of concerns that will accompany the distribution of the Interim Plan to the counties, municipalities, the Legislature, the State Administration and other interested parties.

7. Negotiable Item #22A: Reexamination of the State Plan

AT ISSUE: The County suggests that in order to be consistent with the Municipal Land Use Law, the SDRP should be re-examined at least every 6 years. The three-year review and

revision cycle creates cumbersome and unnecessary paperwork for smaller municipalities. The County would like specific information about the process for revision to the Plan map between the three-year amendment cycle.

RESULT: The PDC and LNC agree that the concern regarding the burden this three-year cycle places on municipalities will be incorporated in a list of concerns that will accompany the distribution of the Interim Plan to the counties, municipalities, the Legislature, State administration and other interested parties.

8. Negotiable Item #23B: Phillipsburg's Urban Level Classification

AT ISSUE: The County reports that Phillipsburg is really a freestanding/core center city, totally within northwestern New Jersey and should be listed as an "Urban Center" municipality, such as places like Long Branch and Asbury Park, which are similar to it in size.

RESULT: The PDC and LNC agree to include the County's concern that Phillipsburg should be listed as an Urban Level I, and not a satellite of the Allentown-Bethlehem MSA, in the list of concerns that will accompany the distribution of the Interim Plan to the counties, municipalities, the Legislature, the State Administration and other interested parties for review.

**VOLUME XXI: ESSEX County**

1. Negotiable Item fl: Tax Reform

AT ISSUE: The County reports that tax rateables that are generated by development do not support the sustained public costs of infrastructure and services. Municipalities can no longer depend heavily on property taxes to finance the debt for public services. The State should provide alternatives to the property tax as a means of financing needed public services.

RESULT: The PDC and LNC agree that the issue of tax reform will be included in the Interim Statement of Agreements, Disagreements and Concerns to be released with the Interim Plan.

2. Negotiable Item #3: Home Rule

AT ISSUE: Essex Fells states that there are strategies and policies in the State Plan that are in conflict with the practice of home rule. These strategies and policies refer to: controlling sprawl, redevelopment, infill development, permit streamlining, mixed-use development and maximum utilization of existing and planned infrastructure. The Township believes these concepts should be classified as "disagreements" and should be addressed in the Interim Plan.

The County echoed the municipality's concern, noting that the State planning effort could ultimately undermine "home rule." The best effort in planning is provided at the local level. The State should address the roles and options of each level of government in relation to the State Plan.

RESULT: The PDC and LNC agree that the issue of "home rule" will be included in the Interim Statement of Agreements, Disagreements and Concerns to be released with the Interim Plan.

E. Agreement to Defer;

VOLUME I: BERGEN COUNTY

No issues were deferred in Bergen County.

VOLUME II: MERCER COUNTY?

1. Negotiable Item #3 - Social Welfare Issues in Tier 1

AT ISSUE: In terms of Tier 1 issues, Mercer County is concerned that a number of important social welfare issues need to be addressed in order for revitalization to truly occur in the State's capital. These issues have not been given adequate attention in the PSDRP.

RESULT: The PDC and LNC agree that the social welfare issues should be deferred until the PDC hears more from other counties.

2. Negotiable Item #8 - Tier 6 Implementation

AT ISSUE: The County believes that policies allowing for the creation of new villages in Tier 6 could help resolve the equity issue.

RESULT: The PDC and LNC agree to defer the issue regarding siting new villages in Tier 6 until the PDC has consulted further with other counties. The parties also agree that any transfer program should be planned within a regional framework, with the boundaries defined and the villages providing the buffers to farms (not visa versa).

### 3. Negotiable Item f 10 - Tier 6

AT ISSUE: Mercer County believes that the State Planning Commission must address the viability of agriculture as an industry in New Jersey and in specific regions of the State. Support industries and infrastructure that can accommodate farm machinery must be provided in these regions. Mercer also believes that an amendment process for the creation of villages is needed. These could provide decentralized facilities via centralized management.

RESULT: The PDC and LNC agree to defer this issue until the PDC can consult with the other counties. The parties also agree that agriculture could be a viable industry in Mercer County, providing that adequate tools and resources for farmland preservation and profitability are available. Additionally, policies in the State Development and Redevelopment Plan that may distinguish between "long-term agriculture core areas" and "short-term agriculture areas" may offer solutions to this issue.

## **VOLUME III: HUDSCW COUNTY**

### 1. Negotiable Item #1: Changing Existing Tier System

AT ISSOE: The County is generally satisfied with the present tier designation as it relates to Hudson County with the exception of issues that have been identified during the comparison and negotiation phases. Any changes to the present system will have to include assurances that the priorities presently afforded to Hudson County, with the exception of issues that have been identified during the comparison and negotiation phases, would remain intact and that the County, as a whole, would be treated uniformly.

RESULT: The PDC notes the LNC's concern about changes with respect to Tier One. Given the nature of Hudson County, this issue is of obvious and significant concern to the County. The PDC and LNC agree that before any changes are made in this regard, the County will be afforded an opportunity for

meaningful participation in the analysis of options, and the PDC will make an effort to take Hudson County's concerns into account.

2. Negotiable Item #23: Scenic Corridors - Urban Standards

AT ISSUE: The definition and regulation of scenic corridors should be refined to include an urban orientation. The scenic corridor guidelines that presently exist in the State Plan, as they relate to Tier 1 areas, should only be applied where feasible or appropriate. All guidelines should be particularly sensitive to the unique character of scenic corridors in Tier 1 areas.

RESULT: The PDC and LNC agree that this issue of an urban orientation for scenic corridor guidelines be deferred pending the PDC's further analysis of the Volume III format. The PDC and LNC further agree that if guidelines are provided with the Interim Plan, environmental and natural resource issues need to be carefully crafted so that they may be reasonably applied to urban areas.

**VOLUME IV: AOZDANTIC COUHTT**

1. Negotiable Item #4: Implementation of Agricultural Policies and Equity Programs.

AT ISSUE: Funding and programs for maintaining agricultural equity must be in place before the implementation of the SDRP. Atlantic County would like to see the Tier 6 designation linked to the State farmland preservation program. Tier 6 and agricultural policies are acceptable, but need funding to implement.

RESULT: The PDC and LNC agree to defer discussion on this issue since the Plan Development Committee is currently in the process of formulating an approach to address a range of agricultural issues.

2. Negotiable Item #8: Tier 7 policies, coastal wetlands

AT ISSUE: Atlantic County has substantial land areas of coastal wetlands that they have designated as Tier 7. The PSDRP's Tier 7 policies do not consider coastal wetlands, and do not consider that wetlands often abut highly developed areas. This issue is linked to Tier 1 delineation criteria. The County has two Tier 1 municipalities, both with

substantial coastal wetlands. Designating all of these communities as Tier 1 does not make sense. The County recommends that the Tier delineation criteria be revised to allow the designation of Tier 7 within Tier 1, so that a municipality could either be all Tier 1, or both 1 and 7.

RESULT: The PDG and LNC agree to defer this issue until the PDC decides to either alter Tier delineation criteria or add policy provisions to accommodate anomalies that may result from the application of those criteria. (See SPC Resolution No. 90-006, May 25, 1990).

**VOLUME V: CAMDEN COUNTY**

No issues were deferred in Camden County.

**VOLUME VI: UNICW COUNT\***

1. Negotiable Item #12: State Funding and Programs – Priority to Tier 1 for State Expenditures and Programs

AT ISSUE: The County believes that Tier 1 municipalities should not be prioritized over other areas of the State for State funding or programs.

RESULT: The PDC and LNC agree to defer this issue pending the proposed restructuring of Tier 1 and any redefinition of priorities resulting from those changes.

2. Negotiable Item #13: Capital Facilities – Public Expenditures for On-Tract and Off-Tract Facilities

AT ISSUE: The County believes that State expenditures for on-tract and of f-tract capital facilities should not be prioritized to Tier 1.

RESULT: The PDC and LNC agree to defer this issue pending the proposed restructuring of Tier 1 and any redefinition of priorities resulting from those changes.

**VOLUME VII: OCEAN COUNTY**

1. Negotiable Item #11: Tier Applicability in Coastal Area

AT ISSUE: Tier 3 policies will allow compact and concentrated development (which Surf City opposes). A Tier 4

designation would better preserve the environmental sensitivity and community character.

REBOOT: The PDC and LNC agree to defer the discussion until Surf City, which raised the concern, has reviewed the resolution to Issue #7.

VOLUME VTII: HUTITEERDCW COUNTY

1. Negotiable Item #P4: Rural Tiers

AT ISSUE: The County is concerned that agricultural viability and environmental sensitivity have not been understood in the growth management context of the tier system, and would be more effective in the Statewide Strategies and Policies.

RESUE/P: The PDC and LNC agree to defer this issue as per the SPC Resolution 90-006 (May 25, 1990), which authorizes the PDC to consider changes in the nature of the tier system and statewide policies. The parties also agree that the SDRP will define appropriate roles and relationships among statewide and tier policies; and the SDRP will emphasize differences in the design of, and objectives for, rural development and associated public facilities and services among exurban, agricultural, and environmentally sensitive tiers.

2. Negotiable Item #P9: Other Communities of Place

AT ISSUE: The County- is concerned that the integrity and special character of existing villages and hamlets would be threatened if the majority of new growth in the County were focused in or around existing settlements. The County has suggested that the SDRP provide for new villages and hamlets in Tier 6 and 7 where a carrying capacity analysis demonstrates that the site is suitable and infrastructure can be provided efficiently.

RESUL/F: The PDC and LNC agree to defer this issue pursuant to SPC Resolution 90-006, May 25, 1990. The PDC is reconsidering the definition of appropriate opportunities for new development in appropriate forms in Tiers 5, 6 and 7. As part of this reconsideration, development of new villages and hamlets in Tiers 6 and 7, where development capacity is documented and design is compatible with tier intent, will be considered for inclusion in the Interim SDRP.

**VOLUME IX: QUOCEFFTER COUNTY**

1. Negotiable Item #5A: Tier 6 and Landowner Equity\*

**AT ISSUE:** The County is concerned about the loss of land value due to Tier 6 delineation and restrictions placed on development. There will be no Tier 6 in Gloucester County without a clearly defined program of farmland compensation.

\*Please Note: Negotiable Item f5 was discussed and resolved as a two-part issue. Please refer to P. 6 in the Implementation section for the resolution of Item #5B.

**RESULT:** The PDC and LNC agree to defer the issue until statewide strategies and policies for agriculture are developed for their consideration to the LNC.

**VOLUME X: SALEM COUNTY**

1. Negotiable Item #1: Tier 6/Agriculture - Rejection of Agricultural Policies and the County's Inability to Designate Agricultural Areas

**AT ISSUE:** The County has not delineated agricultural areas for several reasons. The County feels that the Plan is perceived to be regulatory, and will restrict land to agricultural use only (confusion with zoning); banks will use the Tier 6 designation to influence collateral, and farmers' ability to borrow money may diminish; municipalities were unwilling to commit land to agricultural designation because they did not wish to restrict land use (leave the decision to the landowner whether to sell or continue farming); farmers are in debt and need the ability to sell land to remain solvent and continue in agriculture; fear of loss of State capital funding; and, several municipalities consider Tier 5 a more appropriate designation for the area in question.

**RESULT:** The PDC and LNC agree that the State Planning Commission has recognized the concerns expressed by the Salem County agricultural community. The PDC has directed staff to consider the development of a set of Statewide Strategies and Policies for agricultural development. The intent of creating such strategies is to be responsive to these mandates and concerns by strengthening agricultural viability through the establishment of statewide policies. The emerging strategies and policies will focus on the long-term viability of agriculture in the defined regions. These

policies will be available for review by the LNC and agriculture community prior to the release of the Interim Plan.

2. Negotiable Item #7: Mapping - Expansion of Tier 5 in Carney's Point reduction of Tier 6

AT ISSUE: The expansion of Tier 5 will allow for future growth along major transit corridors within the municipality (the Turnpike and Route 295).

FESUL/T: The resolution of this Item will be deferred until Statewide Strategies and Policies for agriculture have been developed.

**VOLUME XI: MCWfIKXJffl COUNTY**

1. Negotiable Item #G-1B: Inclusion of Volume III as part of the SDRP

A3? ISSUE: The County would like Volume III to be eliminated from the Plan.

KESUE/T: The PDC and LNC agree to defer the issue of the role of Volume III as it is being reconsidered by the PDC, pursuant to the SPC Resolution of May 25, 1990.

2. Negotiable Item #G-5B: Equity

AT ISSUE: The County concern is that development densities recommended in the PSDRP for Tiers 5, 6, and 7 are not realistic without a means to compensate the landowners. Legislation to permit transfer of development rights and other mechanisms need to be in place before any tiers with severe density restrictions, recommended in Volume III of the Preliminary Plan, are officially designated.

RESUUT: The PDC and LNC agree to defer this issue because the role of Volume III is being reconsidered, pursuant to Resolution No. 90-006, passed by the SPC on May 25, 1990.

3. Negotiable Item #M-1: Bayshore Tier Designation

AT ISSUE: The County recommended that an example where more flexible Tier 1 criteria is needed is for the Bayshore communities. The communities in the Bayshore, north of

Routes 35 and 36, share a number of common characteristics. The median income levels are lower than those of the County as a whole, and some of the existing housing stock, much of which was originally built for seasonal use when the bayshore was a popular summer resort, is in need of rehabilitation.

•These communities are part of larger municipalities. This entire area should be targeted for increased State funding.

RESUE/T: The PDC and LNC agree to defer this discussion due to the fact that the PDC is currently reconsidering the statewide revitalization strategies and policies for Tier 1 communities, pursuant to Resolution No. 90-006 passed by the SPG on May 25, 1990.

4. Negotiable Item #M-4/T-2: Tier 5B Folded into Tier 5

AT ISSUE: The County proposed a new tier, as described below. Tier 5B - Environmentally-Sensitive Exurban Reserve:

A tier in which natural resources are protected by encouraging relatively low-density residential uses and low-intensity, limited-capacity, on-site "package plants." Tier 5B areas contain important natural resources, but are more appropriate for a special Tier 5 designation than a Tier 6B or 7 designation because they contain or are surrounded by lands that have undergone significant suburbanization.

Agriculture, public open space and recreation, and conservation should be permitted as co-uses in Tier 5B areas, and the land development ordinances for these areas should require or provide incentives for deed-restricting land for these purposes. These ordinances would permit the use of such "flexible design" techniques as clustering, the transferring of development density among multiple properties, and averaging lot sizes.

Municipalities should make use of the substantial tract areas that will remain undeveloped in the Tier 5B areas to increase the amount of stormwater infiltration and the quality of the runoff that eventually reaches the surface waters of the watershed. In addition, traffic reduction ordinances should be encouraged to aid in the reduction of paved parking areas.

RESULT: The PDC and LNC agree that the issue of the definition of Tier 5 will be deferred while the PDC continues to explore a clarification of the meaning of the tier, pursuant to Resolution No. 90-006, passed by the New Jersey SPC on May 25, 1990.

5. Negotiable Item #S-4: Mixed-Use Development

AT ISSUE: The County considered that the PSDRP's definition for multi-use development (comprehensively-planned development that contains at least three interdependent uses) is too ambitious for Monmouth County. Some towns would consider having mixed-use development on a much smaller scale. No town was interested in mixed-use development as defined in the SDRP. The definition of mixed-use should be expanded to include smaller-scale, mixed-use development alternatives.

RESUL/T: The PDC and LNC agree to defer this issue because the County concern revolves around not only the concept of mixed-use, but also the role of Volume III, which is being reconsidered by the PDC pursuant to the SPC resolution of May 25, 1990.

6. Negotiable Item #T-2: Tier 5

AT ISSUE: The County considered that as currently defined. Tier 5 is not realistic. The County recommends a new definition for Tier 5, which preserves natural resources by encouraging relatively low-density residential development or low-coverage, non-residential development with self-contained wastewater treatment plants.

RESULT: The PDC and LNC agree that the issue of the definition of Tier 5 will be deferred while the PDC continues to explore a clarification of the meaning of the tier, pursuant to Resolution No. 90-006 passed by the New Jersey SPC on May 25, 1990.

**VOLUME XII: MCRRIS COUNTY**

1. Negotiable Item #P19(1): Rural Land Equity\*

AT ISSUE: The County feels that growth management practices that adversely effect individual land values, municipal revenues, and agricultural operations should be minimized in all areas. Should more comprehensive solutions be provided to prevent disproportionate windfalls and wipeouts in the value of undeveloped land in rural areas due to growth management? Public comments supplementing the County's report also reflect this concern.

RESULT: The PDC and LNC agree to defer resolution of this issue since the PDC is drafting new agricultural policies pursuant to SPC Resolution #90-006 dated May 25, 1990.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 19 under the "Implementation" section of this Update for the resolution of P19 (2).

VOLUME XIII: BUREJN3DQN COUNTY

1. Negotiable Item #11: Agricultural Preservation Financing

AT ISSUE: Due to the scarcity of funds available for the preservation of agriculture, acquisition of development rights and agriculturally based TDK programs should only be applied in Tier 6 areas.

RESULT: The PDC and LNC agree to defer this issue pending the development of Agricultural Policy provisions of the Interim Plan. The County was invited to take an active role in the upcoming policy discussion.

VOLUME XIV: PASSAIC COUNTY

1. Negotiable Item #18B: Comprehensive Planning – Horizontal Integration of County and Municipal Plans

AT ISSUE: Guideline "c" for Comprehensive Planning Policy 2.2 does not implement the policy. This is vertical, not horizontal integration. The SPC Resolution of May 25, 1990, authorized the PDC to consider to what extent Volume III guidelines should be moved to Volume II or become part of a technical guide or manual. Until those decisions are made, the review of the present guidelines will be deferred.

RESULT: The PDC and LNC agree that the issue concerning guidelines for the horizontal and vertical integration of plans be deferred pending the PDC's further analysis of the Volume III format.

2. Negotiable Item #19B: Economic Development – Review and Evaluation of State Performance

AT ISSUE: The Guidelines in Volume III for Economic Development Policy 1.1 outline tasks that should be performed by municipalities. Local actions are not mentioned in the

policy statement. The policy statement should reflect this, or Guideline "a" should be changed by removing any references to local tasks.

The SPC Resolution of May 25, 1990, authorized the PDC to consider to what extent Volume III guidelines should be moved to Volume II or become part of a technical guide or manual. Until those decisions are made, the review of the present guidelines will be deferred.

RESUUT: The PDC and LNC agree that the issue concerning guidelines be deferred pending the PDC's further analysis of the Volume III format.

### 3. Negotiable Item #20: Air Quality – Guidelines in Volume III

AT ISSUE: Air Quality Policy 1.1 and 1.2 should be restated to reflect that the guidelines in Volume III outline tasks for municipalities to perform. The policy statements do not indicate municipal tasks. As an alternative, the guidelines should be reviewed to better reflect what is stated in the policy statement. In addition, the guidelines seem to indicate that standards have already been developed.

The SPC Resolution of May 25, 1990, authorized the PDC to consider to what extent Volume III guidelines should be moved to Volume II or become part of a technical guide or manual. Until those decisions are made, the review of the present guidelines will be deferred.

RESULT: The PDC and LNC agree to defer this issue pending the future role of Volume III Guidelines in the State Plan.

### 4. Negotiable Item #21: Air Quality Assessment

AT ISSUE: Preparing air quality assessments is too expensive for municipalities and may contradict the policy to reduce regulatory costs and delays. The Air Quality Policy 1.2 Guidelines, if carried out to their extreme (e.g., all capital facilities improvements), would be too broad in their application, resulting in added costs and delays for even the most inconsequential improvements (e.g., street paving or bridge repairs).

The SPC Resolution of May 25, 1990, authorized the PDC to consider to what extent Volume III guidelines should be moved

to Volume II or become part of a technical guide or manual. Until those decisions are made, the review of the present guidelines will be deferred.

RBSQEFF: The PDC and LNC agree to defer this issue pending the PDC's analysis of the future role of the State Plan's Volume III guidelines. If the guidelines are to remain a part of the Plan, the issue of possible added costs and delays will be addressed.

5. Negotiable Item f22; Air Quality - transportation Management Agencies

AT ISSUE: Guideline "a" for Air Quality Policy 1.4, which calls for the municipal encouragement of contributions to a transportation management agency, is an unnecessary cost-inducing requirement. It is not realistic to expect small municipalities to accomplish the tasks in the guidelines.

RESULT: The PDC and LNC agree to defer this issue pending the PDC's analysis of the future role of the Volume III guidelines in the State Plan.

6. Negotiable Item #23: Water Supply

AT ISSUE: In reference to Water Supply Policy 1.4, Guideline b, it is financially impracticable or too late to require sewers for most seasonal dwelling conversions in Passaic County. The policy should consider this.

The SPC Resolution of May 25, 1990, authorized the PDC to consider to what extent Volume III guidelines should be moved to Volume II or become part of a technical guide or manual. Until those decisions are made, the review of the present guidelines will be deferred.

RESUE/P: The PDC and LNC agree to defer this issue pending the PDC's analysis of the future role of the Volume III Guidelines in the State Plan. If the Guidelines are to remain a part of the Plan, the issue of "retrofitting" existing communities that were subject to seasonal conversions years ago will be addressed.

7. Negotiable Item #24: Rural Development Area Character

AT ISSUE: The Rural Development Area guideline, to preserve at least 95% of the gross area of a development parcel in agricultural use and/or open space, is too stringent.

The SPC Resolution of May 25, 1990, authorized the PDC to consider to what extent Volume III guidelines should be moved to Volume II or become part of a technical guide or manual. Until those decisions are made, the review of the present guidelines will be deferred.

RESULT: The PDC and LNC agree that the issue concerning the suggested open space ratio for the Rural Development Area be deferred pending the PDC's further analysis of the Volume III format.

**VOLUME XV: CAPE MAY COUNTY**

1. Negotiable Item #7: Agricultural Uses

**AT ISSUE:** Agricultural uses should be expanded to allow aquaculture, salt hay farming and the smaller high-value truck and roadside farm stands that serve the large seasonal tourist population.

RESULT: The PDC and LNC agree that aquaculture, salt hay farming, and small truck and roadside farms are important agricultural uses in Cape May County and should be managed consistent with statewide strategies and policies on agriculture. The SPC, however, is considering changes to agricultural policies in the Plan, pursuant to SPC Resolution Kb. 90-006.

2. Negotiable Item #8: Agricultural Practices

AT ISSUE: The County believes the Plan should provide a better definition of toxics, and reasonable provisions for their use should be allowed regarding farm practices such as fertilizers and pesticide use, conditioned upon best management practice as recommended by County Agricultural Extension Services.

RESULT: The PDC and LNC agree that the SPC is considering changes to agricultural policies in the Plan, pursuant to SPC , Resolution No. 90-006.

3. Negotiable Item #9: Water Supply

AT ISSUE: The agricultural tiers should be accorded the highest priority for water supply, especially in drought periods.

RESUE/T: The PDC and LNC agree that in order for agriculture to continue, adequate and reliable water supplies are necessary, however, the SPC is considering changes to agricultural policies in the Plan, pursuant to SPC Resolution Kb. 90-006.

4. Negotiable Item #11: Comments and Recommendations on Volume III: Agricultural Area Size; Water Supply; and. Nitrate Dilution Model

AT ISSUE: Several issues and concerns about the baseline measurements included in Volume III of the PSDRP were reported by the County.

RESULT: The PDC and LNC agree that discussion on the role and content of Volume III of the PSDRP should be deferred as the PDC is currently formulating an approach to address the role of Volume III in the Interim Plan.

5. Negotiable Item #22B: Conditions for Reinstating Tier 6 in the County Maps for the SDRP\*

AT ISSUE: In order for the County to delineate agricultural areas, certain conditions must be met. Such conditions would provide a basis for Cape May County to provide for Tier 6 in the tier mapping system.

The County believes that the current mitigation policy of the Division of Coastal Resources should be changed to satisfy objections of all parties. The current DCR policy requiring mitigation by replacement of farmland or a contribution of the monetary equivalent is inconsistent with the current agriculture preservation program of the State Agriculture Development committee.

RESUEJT: The PDC and LNC agree that the SPC is considering changes to agricultural policies in the Plan, pursuant to SPC Resolution No. 90-006.

\*Please Note: Issue f22 was discussed and resolved as a two-part issue. The resolution of Issue #22A is reported under the "Implementation" section on page 8.

**VQLOE XVI: MIDDLESEX COUNTY**

1. Negotiable Item #PS-13: Agriculture Preservation

AT ISSUE: The SDRP should call upon the State to prepare long-term agriculture economic development and marketing studies and plans for all Tier 6 areas in order to support agricultural viability and to ensure support services are available to the agriculture industry in those areas.

RESULT: The PDC and LNC agree to defer discussion on this issue as the PDC is currently in the process of formulating an approach to address a range of agricultural issues. In the May 25, 1990 Resolution, the PDC was authorized to consider the development of a set of statewide strategies and policies for agricultural development.

2. Negotiable Item fSG-1: Specificity of Volume III

AT Issues Specific standards or guidelines governing land development should be separated from the SDRP and presented as separate implementation manuals or guidance documents.

RESUE/T: The PDC and LIC agree to defer discussion on this issue as the PDC is currently formulating an approach to address the role of Volume III of the Preliminary Plan in the Interim Plan, as per the May 25, 1990 SPC Resolution.

3. Negotiable Item #SG-2: Policy 1.2.a (Volume III, page 3-192)  
- Nitrogen Standard

AT ISSUE: The Nitrogen Standard to be used in nitrate dilution modeling that determines density provisions for land development should be addressed in DEP's standards for water quality and should be referenced as such by the SDRP.

RESUE/T: The PDC and LEC agree to defer discussion on this issue as the PDC is currently formulating an approach to address the role of Volume III of the Preliminary Plan in the Interim Plan.

4. Negotiable Item fSG-3: Policy 1.3.a (Volume III, page 3-193)  
- Water Supply in Rural Areas

AT ISSUE: The SDRP should make provisions for densities of land development that can support the cost of extension of

public water supply systems to rural areas where contamination has resulted in loss of private well supplies.

RESULT: The PDC and LNC agree to defer discussion on this issue as the PDC is currently formulating an approach to address the role of Volume III of the Preliminary Plan in the Interim Plan.

5. Negotiable Item fSG-4: Policy 1.4.d (Volume III, page 3-196)  
– Traffic Speed on Rural Roads

AT ISSUE: The SDRP should include provisions for the movement of slow-moving farm vehicles and equipment in the transportation planning for agricultural areas.

RESULT: The PDC and *INC* agree to defer discussion on this issue as the PDC is currently formulating an approach to address the role of Volume III of the Preliminary Plan in the Interim Plan.

6. Negotiable Item fSG-5: Policy 1.S.c (Volume III, page 3-197)  
– Size of "Agricultural Land Units"

AT ISSUE: The SDRP should not designate a minimum size for "agricultural land units." Viable farming areas should reflect market considerations and should be of whatever size is appropriate to local conditions, including zoning, soil and crop types.

RESULT: The PDC and LNC agree to defer discussion on this issue as the PDC is currently formulating an approach to address the role of Volume III of the Preliminary Plan in the Interim Plan.

7. Negotiable Item #SG-6: Policy 1.1.c(3) (Volume III, page 3-215) – Clearing of Lands

AT ISSUE: The SDRP guidelines for land clearing should be revised to permit land clearing necessary for pedestrian movement and outdoor activity areas appropriate to the development type.

RESULT: The PDC and LNC agree to defer discussion on this issue as the PDC is currently formulating an approach to address the role of Volume III of the Preliminary Plan in the Interim Plan.

8. Negotiable Item #SG-8: Corridor Center Floor Area Ratio  
(FAR)

AT ISSUE: The PSDRP calls for FAR of up to 4.0 for Corridor Centers. This FAR exceeds the character of existing suburban office development. Edison allows a maximum .75 FAR. Consideration should be given to lowering the Corridor Center FAR.

This issue was included in the Middlesex County Cross-Acceptance Report, Appendix A, page 14. It was raised by Edison Township at a municipal meeting held on May 2, 1989. A letter of July 19, 1989 offered the suggestion that Corridor Centers be renamed "Regional Economic Development Corridors."

RESULT: The PDC and LNC agree to defer discussion on this issue as the PDC is currently formulating an approach to address the role of Volume III of the Preliminary Plan in the Interim Plan.

**VOLUME XVII: SOMERSET COUNTT**

1. Negotiable Item #14: Tier One

AT ISSUE: The County noted North Plainfield's objection to a Tier 1 designation. Tier 1 criteria are not acceptable to some of Somerset's Tier 1 towns. The designation carries an unwanted and unnecessary stigma.

RESULT: The PDC and LNC agree to defer the issue of Tier 1 Designation Criteria as per the SPC Resolution of May 25, 1990, which authorizes the PDC to consider the changes to the delineation criteria. The parties also agree that the Municipal Distress Index is not adequate as a criterion for designation of Tier 1. Municipal distress may be addressed under the statewide strategies if an adequate tier format can be maintained.

2. Negotiable Item #23: Community of Central Place Designations

AT ISSUE: Somerset County municipalities agree that the County will work with municipalities to identify central place designations based on the designation criteria and municipal input.

RESULT: The PDC and LNC agree to defer these community of central place designation issues until factual data provided

by the LNC, in a later staff-to-staff meeting, is examined and the resolution of the other RDS issues are clarified.

### 3. Negotiable Item #24: Tier Delineation

AT ISSUE: All municipalities agree that the County should raise a number of policy issues affecting tier delineation: 1) the definition of "planned sewer"; 2) clarification of "limited sewer capacity"; 3) the "1 sq. mi" mapping convention for delineation; 4) will OSP and DEP verify the environmental resource data substantiating Tier 7, 6B and ESS designations prior to adoption of the Interim Plan;? and, 5) "pipeline project."

RESULT: The PDC and LMC agree to defer these mapping issues until the resolution of the other tier delineation issues are clarified by the State and further data provided by the LNC is reviewed in a later staff-to-staff meeting.

### 4. Negotiable Item f33B: Additional Municipal Comments

AT ISSUE: The complexity, clarity, and consistency of strategies, policies and guidelines in Volume II and Volume III.

RESULT: The PDC and LNC agree to defer the issue of the role of Volume III as it is being reconsidered by the PDC, pursuant to the SPC Resolution of May 25, 1990.

## VOLUME XVIII: SUSSEX COUNTY

### 1. Negotiable Item #P-7: Secondary Agricultural Areas

AT ISSUE: It is unclear whether exclusion of farmland from Tier 6 will adversely affect priority for purchase of development rights under the State farmland preservation program. Should the SDRP support the use of funds outside of Tier 6 for purchase of development rights?

RESULT: The PDC and LNC agree to defer this issue pursuant to Resolution #90-006 whereby the SPC granted authority to the PDC to propose alternative agriculture preservation strategies. The PDC is presently considering this issue in the context of concerns raised by a number of counties.

2. Negotiable Item #P-9: Other Communities of Place

AT ISSUE: The County states that the current rural tier delineations do not take into account the unique circumstances of Sussex County's lake communities, current rural densities and infrastructure capacity. Opportunities for development should be available where a carrying capacity analysis demonstrates that a site is suitable and infrastructure can be provided efficiently. The tier system should be sensitive to local differences in existing development. Should the SDRP provide for new villages and hamlets in Tiers 6 & 7 where a carrying capacity analysis demonstrates that a site is suitable and infrastructure is efficiently provided and for special community of place designations for lake communities?

RESULT: The PDC and LNC agree to defer this issue pursuant to SPC Resolution #90-006 of May 25, 1990, the PDC is reconsidering the definition of appropriate opportunities for new development in appropriate forms in Tiers 5, 6 & 7. The resolution also permits the PDC to consider changes in the nature of the tier system, regional design system, and statewide policies. As part of this reconsideration, development of new villages and hamlets in Tiers 6 & 7, where development capacity is documented and design is compatible with tier intent, and the definitions of villages and hamlets, will be considered for inclusion in the Interim SDRP.

VOLUME XIX: CUMBERLAND COUNTS'

Wo issues were deferred in Cumberland County.

VOLUME XX: WARREN COUNTY

1. Negotiable Item #3B: Agricultural and Environmental Protection

AT ISSUE: The County feels that Tiers 5, 6 and 7 should be consolidated.

RESULT: Deferred - The PDC and LNC agree to defer resolution of this issue since the PDC is re-examining the tier system and is considering the consolidation of some of the tiers into a rural policy area, pursuant to SPC Resolution #90-006.

2. Negotiable Item #6B: Rural Land Equity\*

AT ISSUE: The County has stressed the fears of landowners about the SDRP's proposed restrictions on development of rural areas, which they feel, will deprive them of their land equity. This fear is causing farmers to flee New Jersey and is undermining the viability of farming. The SDRP should acknowledge that there is a cost to agricultural preservation. The Plan relies too heavily on TDR. A stable source of funding for farmland preservation should be established before a TDR program is implemented; TDR should be statewide.

RESULT: The PDC and LEC agree to defer the suggestion to consolidate Tiers 5, 6 and 7 to avoid equity loss due to rural tier delineations, pursuant to the SPC Resolution #90-006 of May 25, 1990.

\*Please Note: This issue was discussed and resolved in two parts. Please refer to page 12 under the "Implementation" section of this Update for the resolution of 6A.

VOLUME XXI: ESSEX COUNTY?

1. Negotiable Item #9: Tier 1 Priority for State Expenditures and Programs

AT ISSUE: Nutley Township believes that state funding should not be limited to Tier 1 municipalities. Many suburban towns, especially older neighborhoods in Tier 2 municipalities, have pressing needs and social issues similar to Tier 1 municipalities.

Essex County concurs with the State's intent to revitalize Tier 1 municipalities, however, there are portions of Tier 2 municipalities that are deserving of Tier 1 benefits. The County suggests that the Tier 1 criteria be modified to account for distressed sub-areas within a municipality.

RESULT: The PDC and LNC agree to defer this issue pending the proposed restructuring of Tier 1 and any redefinition of priorities resulting from those changes.

2. Negotiable Item #15: Air Quality Assessments for Small Development Projects

AT ISSUE: Montclair believes that smaller projects, such as the redevelopment of existing buildings should be exempt from

air quality regulations requiring the preparation of air quality assessments.

KESUttf: Pursuant to SPC Resolution f90-006, the PDC and the Montclair Negotiating Committee agree to defer this issue pending the PDC's analysis of the future role of the State Plan's Volume III guidelines.

\*Please Note: In accordance with the State Planning Rules, the PDC and Municipal Negotiating Committee for Montclair discussed this issue in the presence of the LNC. The resulting agreement to defer this issue was made between the PDC and the Municipal Negotiating Committee.

3. Negotiable Item #17: Capital Facilities Financing and Development – Off-Tract and On-Tract Facilities Funding Prioritization

AT ISSUE: Roseland and West Orange raised these points regarding PSDRP policies on Capital Facilities Financing and Development:

1. The State should modify the priority system to utilize a system based upon both need and future impact, instead of the tier system alone. Possibly some type of incentive system can be initiated;
2. The State Plan should not obligate a Tier 1 municipality to pay more than its fair share for off-tract facilities;
3. State funding for off-tract facilities should not be limited to Tier 1 municipalities; and,
4. The State Plan should not require or obligate local government to provide on-tract facilities anywhere.

Essex County reported that its municipalities disagree with the priority system proposed by the State regarding the financing and development of on- and off-tract capital facilities. The proposed priority system should be modified, especially in the area of Tiers 1 and 2. Also, on- and off-tract facilities should not be mandated.

RESOE/P: Pursuant to SPC Resolution #90-006, the PDC and LNC agree to defer this issue pending the proposed restructuring of Tier 1 and any redefinition of priorities resulting from those changes.

**II. DISAGREEMENTS**

**VOLUME I: RRRGEM COUNTY**

There were no disagreements on issues in Bergen County.

**VOLUME II: MERCER COUNTY**

There were no disagreements on issues in Mercer County.

**VOLUME III: HUDSON COUNTY**

1. Negotiable Item #27: Funding for Planning - "Urban County" Priority

AT ISSUE: Tier 1 municipalities and "urban counties" should receive priority for enhanced planning capability. "Urban counties" are defined as those counties in which a majority of their municipalities are designated as Tier 1 municipalities.

RESULT: The PDC feels that planning capability should be enhanced statewide with no priorities afforded due to a jurisdiction's urban, suburban or rural location.

**VOLUME IV: ATLANTIC COUNTY**

There were no disagreements on issues in Atlantic County.

**VOLUME V: CAMDEN COUNTY**

There were no disagreements on issues in Camden County.

**VOLUME VI: UNION COUNTY**

There were no disagreements on issues in Union County.

**VOLUME VII: OCEAN COUNTY**

There were no disagreements on issues in Ocean County.

**VOLUME VIII: HUNTERDON COUNTY**

There were no disagreements on issues in Hunterdon County.

**VOLUME IX: GLOUCESTER COUNTY**

There were no disagreements on issues in Gloucester County.

**VOLUME X: SALEM COUNTY?**

1. Negotiable Item #2: Tier 6B, 7/Environmentally Sensitive Areas – Rejection of Natural Resource Policies and the County's Inability to Accept Environmentally Sensitive Area Designation

AT ISSUE: The policies regarding Tier 6B & 7 are perceived to be regulatory in nature and municipalities are unsure of what they might mean; how the designation might effect a municipality's ability to develop and its home rule powers. Moreover, the area delineated is too large (the entire Maurice River watershed). The impact of a Tier 6B & 7 designation landowners should be clarified. The OSP pointed out that the identification of Tier 6B & 7 is to protect the natural resources of the County and State. The responsibility to protect these areas should be shared by all levels of government.

RESULT: The PDC and LNC could not resolve this issue to the satisfaction of both parties.

**VOLUME XI: MCWMOU3H COUNTY?**

1. Negotiable Item fM-2: Suburban Corridor – The Definition of Corridor Center

AT ISSUE: The County recommended that the definition of corridor center should be expanded to include Monmouth County's "Suburban Corridor" definition: An economic development area which would contain mixed-uses, excluding housing, and would have a maximum F.A.R. of 0.4.

RESULT: The PDC and LNC disagree with the Monmouth County recommendation to expand the corridor center definition to include suburban corridors.

**VOLUME XII: MCKRIS COUNTY**

There were no disagreements on issues in Morris County.

**VOLUME XIII: BURUN3DCN COUNTY**

There were no disagreements on issues in Burlington County.

**VOLUME XIV: PASSAIC COUNTY?**

1. Negotiable Item f7: Tier 7 – Criteria Applicability in Developed Areas

AT ISSUE: Many municipalities in Passaic County feel the pressure to add rateables to their tax base, causing conflicts in some communities having lands which could be designated as environmentally sensitive. For example, there is an area in the Borough of Ringwood that is zoned for, and partially developed with, industrial uses. The County believes Ringwood has established proper planning guidelines and controls. This area presently contains a Tier 7 designation, but, due to its level of development, should be designated as Tier 5 instead. In order to avoid other such inconsistencies, the OSP should review the criteria for Tiers 5 and 7 as they pertain to areas where development patterns have already been established.

The OSP explained that Tier 7 may also include areas that are already developed. There may be cases where "micro-tiers" (less than one square mile in size) would be created if developed areas were "pulled out" of Tier 7 and placed into another tier.

RESULT: The OSP and PDC disagree with the proposed tier change since the PSDRP allows existing development to be accommodated within Tier 7. The PDC had suggested that the area in question be designated a "village." The LNC and the municipality were not receptive to this recommendation. Therefore, the result remains a disagreement.

**VOLUME XV: CAPE MAY COUNTY**

There were no disagreements on issues in Cape May County.

**VOLUME XVI: MIDDLESEX COUNTY**

There were no disagreements on issues in Middlesex County.

**VOLUME XVII: SOMERSET COUNTY**

There were no disagreements on issues in Somerset County.

**VOLUME XVIII: SUSSEX COUNTY**

1. Negotiable Item #P-11C: State Agency Coordination

AT ISSUE: The County feels that municipalities should have control over State agency implementation.

RESULT: Disagreement – The IiNC believes that State agency permits should be granted without regard to tier or policy area designation. The PDC did not agree with this aspect of the resolution.

VOLUME XIX: CUMBERLAND COUNTY

There were no disagreements on issues in Cumberland County.

VOLUME XX: WARREN COUNTY

1. Negotiable Item #1A: Home Rule

AT ISSUE: The Plan, and particularly the standards recommended in the Plan, are perceived by some municipalities to be regulatory in nature and to usurp municipal land use authority. How should implementation of the SDRP relate to local discretion and authority?

RESULT: The PDC and LNC could not come to agreement on a resolution to this issue. The PDC explained that the Interim Plan will include language to explain its relationship to the Municipal Land Use Law, the Fair Housing Act, the Council on Affordable Housing and other appropriate statutes and State agencies. This was not acceptable to Warren County.

2. Negotiable Item #2A: Rural Infrastructure

AT ISSUE: There is a concern that the PSDRP's growth management strategies for rural areas will preclude State investment in rural transportation improvements, even where public health & safety is an issue.

RESULT: The PDC and LNC could not come to agreement on a resolution to this issue. The PDC noted that policies in the State Plan would emphasize that funding should be available to promote communities of place and for public health and safety needs, throughout the State.

VOLUME XXI: ESSEX COUNTY

There were no disagreements on issues in Essex County.

APPENDIX A

RECEIPT OF COMPARISON PHASE REPORTS

DMCE

Mercer	July 9, 1989
Cumberland	August 3, 1989
Morris	August 11, 1989
Salem	October 27, 1989
Atlantic	December 6, 1989
Monmouth	December 15, 1989
Cape May	December 18, 1989
Somerset	December 19, 1989
Bergen	December 20, 1989
Middlesex	December 21, 1989
Hunterdon	February 21, 1990
Gloucester	February 26, 1990
Passaic	February 27, 1990
Burlington	February 28, 1990
Camden	February 28, 1990
Union	March 12, 1990
Ocean	March 30, 1990
Hudson	April 2, 1990
Sussex	May 16, 1990
Warren	September 21, 1990
Essex	February 7, 1991

APPENDIX A (Continued)

RECEIPT OF INDIVIDUAL MUNICIPAL REPORTS

	<b>DATE</b>
Hopewell Borough (Mercer)	July 21, 1989
East Windsor (Mercer)	July 28, 1989
Lawrence Twp. (Mercer)	August 3, 1989
Pennington (Mercer) West	August 7, 1989
Windsor (Mercer) Hopewell	August 12, 1989
Twp. (Mercer) Princeton Twp.	February 2, 1990
(Mercer) Washington Twp.	March 12, 1990
(Mercer) Commercial Twp.	March 30, 1990
(Cumberland) Vineland City	March 28, 1990
(Cumberland) Milledale City	March 30, 1990
(Cumberland) Deerfield Twp.	April 2, 1990
(Cumberland) Jefferson Twp.	April 2, 1990
(Morris) Absecon (Atlantic)	February 7, 1990
Ocean Twp. (Monmouth)	March 29, 1990
Wildwood City (Cape May) Far	January 11, 1990
Hill (Somerset) No.	March 29, 1990
Plainfield (Somerset)	June 27, 1989
Franklin (Somerset)	November 22, 1989
Bedminster (Somerset)	December 13, 1989
Montgomery (Somerset)	December 27, 1989
Bernardsville (Somerset)	February 2, 1990
Branchburg (Somerset)	February 7, 1990
Bernards (Somerset) Green	February 14, 1990
Brook (Somerset) Perth Amboy	February 28, 1990
(Middlesex) Clinton	March 9, 1990
(Hunterdon)	March 29, 1990
	March 19, 1990

APPENDIX A (Continued) RECEIPT OF  
INDIVIDUAL MUNICIPAL REPORTS - Continued

West Milford (Passaic)	March 30, 1990
Ringwood (Passaic)	March 30, 1990
Bloomington (Passaic)	April 5, 1990
Mansfield (Burlington)	March, 1990
Moorestown (Burlington)	March, 1990
Springfield Twp. (Burlington)	March, 1990
Surf City (Ocean)	February 15, 1990
Fredon Twp. (Sussex)	July 6, 1990
Sparta (Sussex)	July 25, 1990
Wantage (Sussex)	July 25, 1990
Washington Twp. (Warren)	March 22, 1990
Essex Fells (Essex)	March 26, 1990
Nutley (Essex)	March 26, 1990
West Orange (Essex)	April 12, 1990
Montclair (Essex)	August 9, 1990
Cedar Grove (Essex)	March 7, 1991
Millburn (Essex)	March 7, 1991

## APPENDIX B

## THE NEW JERSEY CROSS-ACCEPTANCE PROCESS

I. Comparison Phase - OSP Field Meetings

COASTAL REGION		CENTRAL REGION		NORTHEAST REGION		NORTHWEST REGION		SOUTHWEST REGION	
DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY
1/12/89	Atlantic	1/9/89	Mercer	1/19/89	Bergen	1/19/89	Warren	1/24/89	Camden
1/19/89	Atlantic Cape May		Middlesex	1/24/89	Bergen	1/23/89	Morris/ Morristown	1/26/89	Salem Burlington
1/20/89	Cumberland	1/11/89	Monmouth	1/26/89	Bergen	1/25/89	Hunterdon	1/30/89	Camden
1/25/89	Atlantic	1/17/89	Monmouth	2/8/89	Union	1/26/89	Sussex		Gloucester
1/26/89	Cape May	1/18/89	Monmouth	2/16/89	Bergen	1/30/89	Hunterdon	2/1/89	Burlington
1/27/89	Cumberland	1/31/89	Somerset	2/17/89	Passaic	1/31/89	Hunterdon	2/2/89	Burlington
2/3/89	Cumberland		Mercer		Essex	2/7/89	Morris	2/3/89	Camden
2/7/89	Cape May	2/1/89	Somerset	2/21/89	Hudson	2/16/89	Warren	2/7/89	Camden
2/16/89	Cumberland	2/4/89	Monmouth		HMDC	2/23/89	Warren	2/9/89	Burlington
2/21/89	Cape May	2/17/89	Middlesex	2/23/89	Bergen	2/27/89	Sussex		Camden
2/23/89	Atlantic		W.Windsor	2/27/89	Bergen/ Hasbrouck Hgts	2/27/89	Hunterdon	2/16/89	Gloucester
2/27/89	Atlantic	2/28/89	Somerset	3/1/89	Essex	3/9/89	Hunterdon	2/22/89	Burlington/ Florence
2/28/89	Cumberland	3/2/89	Somerset	3/8/89	Essex	3/15/89	Warren/ Liberty Twp	2/23/89	Burlington
3/7/89	Ocean	3/9/89	Middlesex	3/16/89	Union		Morris	2/27/89	Burlington
3/8/89	Cape May	3/13/89	Mercer/ Lawrence Twp	3/21/89	Union		Sussex/ Andover		Gloucester
3/17/89	Cumberland			3/30/89	Bergen			2/28/89	Salem
3/18/89	Cumberland	3/14/89	Monmouth		Hudson			3/1/89	Burlington
3/23/89	Atlantic Cape May	3/15/89	Middlesex	4/7/89	Bergen	3/20/89	Sussex/ Stillwater		Salem
3/29/89	Cumberland	3/21/89	Middlesex		Passaic		Morris/ Dover	3/6/89	Salem
4/3/89	Ocean	3/23/89	Monmouth/ Freehold Boro	4/18/89	Bergen		Warren/ Lopatcong Twp	3/8/89	Burlington/ Burlington City
4/4/89	Ocean	3/27/89	Middlesex	4/19/89	Bergen	3/21/89	Warren/ Lopatcong Twp	3/11/89	Salem
4/5/89	Cape May	3/29/89	Monmouth/ Middletown Twp	4/25/89	Essex	3/21/89	Morris	3/14/89	Camden
4/12/89	Ocean			4/27/89	Essex		Chester	3/17/89	Burlington
4/19/89	Cape May		Mercer	5/5/89	Passaic		Warren/ Washington Twp		Camden
4/20/89	Atlantic/ Buena Boro Buena Vista Twp	3/30/89	Mercer	5/9/89	Essex		Warren/ Sussex/ Andover Twp	3/18/89	Salem
4/24/89	Ocean/Jackson Twp	4/4/89	Mercer		Newark	3/22/89	Warren/ Hardwick Twp	3/20/89	Camden
4/25/89	Ocean/Plumstead	4/5/89	Monmouth/ Millstone Twp	5/11/89	Union		Warren/ Hopewell Twp	3/23/89	Burlington
4/27/89	Ocean/ Absecon	4/10/89	Monmouth/ Upper Freehold	6/2/89	Essex/ Newark		Warren/ White Twp	3/22/89	Burlington
4/27/89	Cumberland Cape May	4/12/89	Mercer	6/5/89	Bergen/ Ridgefield Park		Sussex/ Sussex/	3/27/89	Burlington
5/10/89	Atlantic	4/13/89	Middlesex/ N-S Brunswick		HMDC	3/23/89	Warren/ White Twp	3/28/89	Salem
5/25/89	Cumberland/ Vineland	4/20/89	Mercer	6/13/89	Hudson		Warren/ Sussex/	3/29/89	Burlington
		4/25/89	Mercer	6/7/89	Hudson			4/5/89	Camden
				6/22/89	Hudson			4/10/89	Salem

## APPENDIX B (Continued)

## THE NEW JERSEY CROSS-ACCEPTANCE PROCESS

## I. Comparison Phase - QSP Field Meetings

COASTAL REGION		CENTRAL REGION		NORTHEAST REGION		NORTHWEST REGION		SOUTHWEST REGION	
DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY
5/26/89	Atlantic	5/1/89	Mercer	6/28/89	Bergen/ Englewood		Hopatcong Twp		Gloucester
5/31/89	Cape May	5/8/89	Monmouth/ Wall Twp	7/6/89	Hudson		Warren/ Freylinghuysen	4/12/89	Camden
6/9/89	Cumberland		Wall Twp	7/6/89	Hudson		Freylinghuysen	4/25/89	Burlington/ Burlington City
6/9/89	Cumberland	5/9/89	Middlesex	7/12/89	Hudson	3/27/89	Warren/ Byram	4/27/89	Burlington
6/20/89	Ocean/Plumstead		Mercer	7/20/89	Bergen		Warren/ Allamuchy Twp	5/4/89	Burlington
6/29/89	Cape May	5/15/89	Mercer	8/16/89	Hudson	3/28/89	Warren/ Allamuchy Twp	5/5/89	Salem
7/5/89	Cumberland	5/23/89	Mercer/ Hopewell Twp	8/29/89	Union Roselle Park		Warren/ Pohatacong	5/10/89	Salem
7/25/89	Cumberland		Mercer	9/14/89	Union Kenilworth		Warren/ Knowlton Twp	5/15/89	Camden/ Clementon
8/10/89	Cape May	5/30/89	Somerset		Kenilworth	3/29/89	Warren/ Knowlton Twp	5/18/89	Burlington
8/15/89	Ocean	6/7/89	Middlesex	9/28/89	Essex		Warren/ Sparta	6/1/89	Camden
10/23/89	Cape May	6/8/89	Mercer	10/10/89	Essex	3/29/89	Warren/ Sparta	6/2/89	4 Counties
11/1/89	Atlantic	6/14/89	Somerset	10/18/89	Essex		Warren/ Warren	6/9/89	Camden / Salem
1/5/90	Cumberland	6/15/89	Mercer	11/1/89	Essex	4/3/89	Warren/ Blairston	6/12/89	Gloucester
1/29/90	Cape May	6/21/89	Middlesex	12/7/89	Bergen		Warren/ Blairston	6/14/89	Burlington
	Atlantic/ Atlantic City	6/29/89	Middlesex	11/1/89	Essex	4/4/89	Hunterdon/ Readington-	6/27/89	Burlington
1/30/90	Gloucester	6/30/89	Mercer		Kenilworth		Hunterdon/ Readington-	7/19/89	4 Counties
3/9/90	Atlantic	7/19/89	Middlesex	1/9/90	Passaic		Lambertville	8/10/89	Salem
3/14/90	Cumberland		Monmouth	2/14/90	Union	4/6/89	Warren/ White-Hardwick	8/19/89	Salem
3/22/90	Bridgeton		Somerset/ Bedminster Twp	2/20/90	Hudson		Warren/ White-Hardwick	8/28/89	Camden
	Cumberland	8/4/89	Somerset	2/26/90	Hudson		Frelinghuysen	9/7/89	Gloucester
3/27/90	Gloucester	8/7/89	Somerset/ No. Plainfield	2/27/90	Hudson	4/7/89	Hunterdon/ Lebanon	9/9/89	Gloucester
3/30/90	Camden	8/10/89	Middlesex	3/1/90	Hudson		Lebanon	9/11/89	Camden
		8/20/89	Middlesex	3/13/90	Essex	4/10/89	Warren/ Washington Twp	9/18/89	Gloucester
		8/30/89	Middlesex	3/15/90	Essex		Washington Twp	9/23/89	Salem
		9/1/89	Somerset	3/20/90	Hudson	4/11/89	Warren/ Allamuchy Twp	9/25/89	Gloucester
		9/28/89	Middlesex	5/4/90	HMDC		Hunterdon/ Lebanon Twp	9/26/89	Gloucester/ Clayton
			Mercer				Hunterdon/ Lebanon Twp		
		9/28/89	Mercer				Tewksbury Twp	9/27/89	Camden
		10/30/89	Mercer				Warren/ Independence	10/5/89	Gloucester
		11/8/89	Mercer			4/13/89	Hunterdon/ Clinton	10/13/89	Burlington
		11/9/89	Somerset				Sussex/ Sussex/	10/18/89	Salem
		11/13/89	Middlesex					11/1/89	Burlington
		11/21/89	Monmouth					11/3/89	Burlington
		11/27/89	Somerset					11/6/89	Burlington

APPENDIX B (Continued)

THE NEW JERSEY CROSS-ACCEPTANCE PROCESS I.

Comparison Phase - OSP Field Meetings

COASTAL REGION		CENTRAL REGION		NORTHEAST REGION		NORTHWEST REGION		SOUTHWEST REGION	
DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY
		11/27/89	Mercer				Stillwater Twp	11/9/89	Burlington
		1/3/90	Monmouth			4/14/89	Warren/Franklin	11/13/89	Burlington
		1/5/90	Middlesex			4/17/89	Hunterdon/ Frenchtown		
		1/25/90	Middlesex			4/24/89	Hunterdon		
		3/21/90	Somerset			4/26/89	Hunterdon/ Delaware Twp		
		4/18/90	Somerset			4/27/89	Warren Sussex/Andover		
		4/24/90	Monmouth			4/28/89	Warren/White Twp		
		5/2/90	Mercer/ Freehold Middlesex/ New Brunswick Twp			5/1/89	Warren/Allamuchy		
		5/4/90	Middlesex			5/2/89	Hunterdon/Franklin		
		5/10/90	Monmouth			5/3/89	Sussex/Sparta- Byran		
		5/11/90	Monmouth/ Middletown			5/4/89	Hunterdon/Kingwood Sussex/Stanhope		
		5/11/90	Mercer/ Lawrenceville			5/9/89	Morris		
		5/11/90	Middlesex Monmouth			5/9/89	Essex/ Newark		
		5/17/90	Middlesex			5/10/89	Warren/Liberty Morris/Mendham		
		5/17/90	Mercer/ Lawrence Twp			5/11/89	Sussex/Montague Hunterdon/ Lambertville- Sandyston		
		6/6/90	Mercer				Warren/Hope		
		6/8/90	Middletown				Warren/ Franklin- Independence		
		6/13/90	Mercer Trenton				Hunterdon/ Frenchtown		
		6/15/90	Middlesex/ New Brunswick Twp			5/15/89	Warren/Greenwich Sussex/ Sussex/Sparta		
		6/16/90	Mercer				Sussex/Stillwater		
		6/20/90	Mercer/ Trenton						
		6/22/90	Mercer			5/16/89	Warren/Greenwich Sussex/ Sussex/Sparta		
		6/25/90	Mercer			6/1/89	Sussex/Sparta		
						6/5/89	Sussex/Stillwater		

APPENDIX B (Continued)

COASTAL REGION		CENTRAL REGION		NORTHEAST REGION		NORTHWEST REGION		SOUTHWEST REGION	
DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY
						6/19/89	Hunterdon Sussex/Hamburg		
						6/20/89	Warren/ Washington Twp		
						6/22/89	Sussex/Wantage		
						6/27/89	Hunterdon/ Alexandria		
						7/6/89	Sussex/Sparta		
						7/11/89	Sussex/Sparta		
						7/12/89	Sussex/Lafayette		
						7/13/89	Hunterdon/Clinton		
						7/14/89	Sussex/ Ogdensburg		
						7/19/89	Sussex/ Hardyston-Hampton		
						7/20/89	Warren/Hardwick		
						7/26/89	Morris		
						8/2/89	Morris Warren/Hardwick		
						8/9/89	Sussex/Vernon		
						8/14/89	Sussex/ Ogdensburg Boro		
						8/15/89	Sussex/ Branchville		
						8/26/89	Sussex/Franklin Boro		
						8/29/89	Sussex/ Hardyston Twp		
						9/1/89	Warren/Hardwick		
						9/7/89	Sussex/Byram		
						9/12/89	Warren/Allamuchy		
						11/20/89	Morris		
						11/30/89	Hunterdon		
						1/11/90	Warren		
						1/18/90	Sussex/Hamburg		
						1/30/90	Warren/ Washington Twp		
						2/13/90	Hunterdon		

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THE NEW JERSEY CROSS-ACCEPTANCE PROCESS

I. Comparison Phase - OSP Field Meetings

APPENDIX B (Continued)

THE NEW JERSEY CROSS-ACCEPTANCE PROCESS

I. Comparison Phase - OSP Field Meetings

COASTAL REGION		CENTRAL REGION		NORTHEAST REGION		NORTHWEST REGION		SOUTHWEST REGION	
DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY
						2/27/90	Sussex		
						3/15/90	Morris		
						3/21/90	Hunterdon		
							Morris		
						4/11/90	Sussex		
						4/24/90	Sussex		
						5/16/90	Warren		
							Sussex		
						6/27/90	Hunterdon/ Alexandria		

APPENDIX

THE NEW JERSEY CROSS-ACCEPTANCE PROCESS

PDC^P\_re\_-Negotiation Meetings

COASTAL REGION		CENTRAL REGION		NORTHEAST REGION		NORTHWEST REGION		SOUTHWEST REGION	
DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY
2/7/90	Atlantic	1/24/90	Mercer	4/4/90	Bergen	3/21/90	Hunterdon	1/31/90	Salem
	Cape May	3/7/90	Middlesex	5/9/90	Passiac		Morris	4/18/90	Gloucester
	Ocean	3/21/90	Somerset		Essex	5/16/90	Sussex		Camden
4/18/90	Cumberland	5/2/90	Monmouth	5/30/90	Hudson		Warren		Burlington
6/6/90	Ocean							6/1/90	4 Counties
								6/14/90	Salem
								6/18/90	Burlington
								6/21/90	Salem

## THE NEW JERSEY CROSS-ACCEPTANCE PROCESS

II. Negotiation ProcessA. OSP/County Planning Staff

COASTAL REGION		CENTRAL REGION		NORTHEAST REGION		NORTHWEST REGION		SOUTHWEST REGION	
DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY
9/17/90	Cape May	9/28/90	Monmouth	6/21/90	Bergen	7/5/90	Morris	9/6/90	Camden
9/28/90	Atlantic	10/18/90	Middlesex	6/27/90	Union	8/13/90	Sussex	9/11/90	Burlington
10/13/90	Cumberland	10/21/90	Mercer	6/28/90	Bergen	8/13/90	Hunterdon	9/17/90	Salem
10/24/90	Ocean	11/7/90	Somerset	6/29/90	Hudson	8/23/90	Morris	9/24/90	Gloucester
				8/16/90	Union	8/30/90	Morris		
				7/5/90	Hudson	9/7/90	Morris		
				7/6/90	Bergen	9/12/90	Hunterdon		
				7/9/90	Hudson	9/21/90	Morris		
				7/13/90	Hudson	10/3/90	Sussex		
				8/21/90	Union	11/5/90	Sussex		
				9/17/90	Hudson	12/17/90	Warren		
				9/21/90	Passaic	1/13/91	Warren		
				10/3/90	Essex	1/14/91	Warren		
				10/4/90	Passaic				
				10/12/90	Essex				
				11/29/90	Essex				
				1/31/91	Essex				
				2/26/91	Essex				
					Nutley				
				2/27/91	Essex				
					Essex Fells				
				3/4/91	Essex				
					Essex Fells				

B. OSP/LNC Meeting

COASTAL REGION		CENTRAL REGION		NORTHEAST REGION		NORTHWEST REGION		SOUTHWEST REGION	
DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY
9/17/90	Cape May	8/8/90	Mercer	8/8/90	Hudson I	9/19/90	Hunterdon	9/18/90	Camden
9/28/90	Atlantic	9/11/90	Middlesex	9/4/90	Bergen	10/4/90	Morris	9/24/90	Gloucester
10/13/90	Cumberland	10/4/90	Monmouth	9/6/90	Union	10/15/90	Morris	9/26/90	Burlington
10/24/90	Ocean	11/13/90	Somerset	9/24/90	Hudson II	10/18/90	Hunterdon		
				10/25/90	Passiac	11/20/90	Sussex		
				3/5/91	Essex	12/5/90	Sussex		
						2/4/91	Warren		
						2/11/91	Warren		

C. PDC/LNC Meetings

COASTAL REGION		CENTRAL REGION		NORTHEAST REGION		NORTHWEST REGION		SOUTHWEST REGION	
DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY	DATE	COUNTY/ MUNICIPALITY
9/8/90	Ocean	9/26/90	Mercer	9/11/90	Bergen	10/25/90	Hunterdon	9/14/90	Salem
10/3/90	Atlantic	11/1/90	Monmouth	10/1/90	Hudson	1/7/91	Morris	10/18/90	Camden
10/29/90	Cumberland	11/13/90	Middlesex	10/19/90	Union	1/24/91	Sussex	10/26/90	Gloucester
11/9/90	Cape May	11/19/90	Somerset	11/8/90	Passiac	2/27/91	Warren	11/7/90	Burlington
				3/26/91	Essex				

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## APPENDIX D

## IV. STATE PLANNING ADVISORY COMMITTEES

DATE	SPAC COMMITTEES	LOCATION
1/30/90	Regional Design System	"Main Street", Voorhees
2/2/90	Natural Resources	Frelinghuysen Arboretum, Morristown
2/14/90	Housing	Morris 2000, Morristown
2/28/90	Regional Design System	Rutgers University, New Brunswick
3/16/90	Natural Resources	Rutgers University, New Brunswick
3/23/90	Housing	DevCo, New Brunswick
3/28/90	Business & Labor	PSE&G Headquarters, Newark
4/4/90	Regional Design System	Rutgers University, New Brunswick
4/20/90	Natural Resources	Rutgers University, New Brunswick
5/2/90	Regional Design System	Rutgers University New Brunswick
5/11/90	Housing	COAH, Lawrence Twp
5/15/90	Business & Labor	PSE&G Headquarters, Newark
5/24/90	Natural Resources	Rutgers University, New Brunswick
6/13/90	Regional Design System	Hannoch Weisman, Trenton
6/19/90	Natural Resources	Rutgers University, New Brunswick
7/9/90	Regional Design System	Hannoch Weisman, Trenton
7/12/90	Housing	Stockton State College, Pomona
7/23/90	Natural Resources	The Farmhouse, Farm Bureau, Trenton
9/11/90	Housing	Rutgers Law School, Newark
9/17/90	Regional Design System	Rutgers University, New Brunswick
10/22/90	Regional Design System	Chamber of Commerce of Southern New Jersey, Pennsauken
10/23/90	Natural Resources	NJDEP, Trenton
12/6/90	Peer Review	Hyatt Regency, New Brunswick
12/7/90	Peer Review	Hyatt Regency, New Brunswick