



State of New Jersey
DEPARTMENT OF STATE
NEW JERSEY STATE PLANNING COMMISSION
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PHILIP D. MURPHY
Governor

THOMAS K. WRIGHT
Chairman

SHEILA Y. OLIVER
LT. GOVERNOR

DONNA A. RENDEIRO
Executive Director/Secretary

**New Jersey State Planning Commission
Plan Implementation Committee
Minutes of the Meeting Held on April 19, 2023
Zoom Video Conference**

CALL TO ORDER

Chairwoman Robinson called the April 19, 2023 meeting of the New Jersey Plan Implementation Committee (PIC) order at 9:30 a.m.

OPEN PUBLIC MEETINGS ACT

It was announced that notice of the date, time, and place of the meeting has been given in accordance with the Open Public Meetings Act.

ROLL CALL

Members Present

Nick Angarone, Designee for Shawn LaTourette, Department of Environmental Protection

Danielle Esser, Director of Governance, NJ Economic Development Authority (arrived 9:33 a.m.)

Bruce Harris, Municipal member

Keith Henderson, Designee for Lt. Governor Sheila Oliver, Commissioner, Department of Community Affairs

County Commissioner Director Shanel Robinson, Chair, County Member

Susan Weber, Designee for Diane Gutierrez-Scaccetti, Department of Transportation

Others Present through Video Conference

See Attachment A

PLEDGE OF ALLEGIANCE

Chairwoman Robinson asked everyone to recite the Pledge of Allegiance.

APPROVAL OF MINUTES

Chairwoman Robinson asked to defer approval of the Minutes of the March 15, 2023 meeting to the next PIC meeting for approval.

CHAIRWOMAN'S COMMENTS

Chairwoman Robinson did not have comments.

EXECUTIVE DIRECTOR'S REPORT

Director Rendeiro said that as you all remember, I have been reporting on the New Jersey FEMA accelerator program for the last year and a half now. I want to make a little announcement that I was notified that initiative one of two, nationwide FEMA administrator awards for climate resilience.

Director Rendeiro said that for the record, Daniel Esser has now joined the meeting.

NEW BUSINESS

Plan Endorsement Proposal for Middle Township

Director Rendeiro referred the presentation to Meghan Wren.

Meghan proceeded to present the Plan Endorsement Proposal for Middle Township.

This presentation can be found at:

<https://nj.gov/state/planning/assets/docs/meeting-materials/pic/materials/2023-0419/pic-materials-2023-0419-Middle-PIC-Recommendation-Report-4-14-23.pdf>

Director Rendeiro thanked Meghan for the presentation and said that I like to say that middle was a tough one. Middle has because of its numerous environmental features. This one was a difficult one. We do believe that what we presented is a good compromise. But like all compromises, nobody got everything they wanted, and everybody got something that they wanted. And so we believe this is a good balance for all of the goals of the state plan. So overall, we do believe it's consistent. I just want to bring that to everybody's attention.

Commissioner Esser said that I will like to hear what the concerns were from the DEP side.

Director Rendeiro responded by saying that there were a couple of parcels that DEP did not feel were appropriate to put in the center that we did put in. And Megan can go into some of the details. But essentially, for example, there were, I believe, two parcels that were in the Fair Share Plan for affordable housing, that there are some teething issues on those sites that still need to go through the DEP permitting process. But I felt it was important if they're trying to comply with their affordable housing obligation, that those items belong in the center, at least until they can get through the whole permitting process review.

Meghan Wren said that there's one major site on the Indian trails site that's critical to the settlement agreement. We did put a CES over it. So the developer, would be required to do a habitat suitability determination before development. We felt that leaving it in the hands of the regulatory process, as opposed to excluding the potential for fulfilling their housing obligation was the better way to present it. There are also the boundary of the one of the nodes was in question and we followed the boundary that had been approved by the SPC in 2015 with a map amendment, and I'd felt that the exclusion of residential uses was a protection for not having people move into harm's way because flooding was the consideration there. There's one place where there's a KAFRA permit pending,

and we felt that adding the extra burden of having to go back for a map Amendment should they get the KAFRA permit was something that it didn't make as much sense from our perspective to force them to do that. It's in a redevelopment area. And it's a redevelopment of a property that we felt it was appropriate to include. There is a list of places where the two agencies deferred. I think those are the primary descriptions.

Vincent Orlando, Engineer and Planner, Middle Township said that we have a pretty good familiarity with the town. First, I want to recognize Meghan Wren. For the last 16 months, we've been reading to dive into the plan. Some of our conversations were heated, as can be imagined. But in the end, I think that the plan that she presented is a good compromise. As Donna said, there was some winners some losers. The town feels that this was a plan that we can stand by township committee did approve it on Monday night. We recognize there's a couple of sites out there that we're still going to keep an eye on. And when we go for our biannual review, we may come in for map amendments. One of the things that Meghan kept the door open for us is for these sites, if the owners come in and do threaten endangered species studies and can prove that there's no problems that the state would then maybe consider these properties back into a center, which I thought was a good compromise. There's a lot of unknowns. As you know, these properties have been out there for a number of years. I understand the DEP's concern that some of these centers shouldn't be in. But the example that I think Meghan gave was our 40 acres that are for affordable housing in the Indian Trail site. That was a big discussion with the Office of Fair Share Housing during our settlement agreement. There's upwards of 80 affordable homes, slated for that particular site. And that's a big component for us. We're glad that site is included in the center. And it has to go to DEP for some type of approval. We did put a CES overtop of it. We understand that there'll be threatened endangered species studies for the developer. I just want to thank Meghan, the Office of State Planning, working with the township, and we're hopeful that the committee will vote yes, on our petition. Thank you very much.

Director Rendeiro thanked Mr. Orlando for his comments.

Julia Somers, Commissioner, SPC said that I'm very concerned about when we plan to place affordable housing in places where it may not be permissible or permitted. Because as I tried to tell people, affordable housing doesn't trump the environment. It's really important that the approval be noted that there are these conflicts. And just because there is an approval, I realized that there is a CES. Just because there is an approval, it has to be made very clear. That doesn't mean that you're going to get permitted by the DEP. But again, I hate it when affordable housing gets put where it may not be permitted. And it happens too often.

Director Rendeiro said that I agree with you it's a larger issue than this conversation, because it goes back to what goes into the Fair Share Housing Agreement. It's a topic that we are looking at in the office in terms of our next policy recommendation. So I do understand your concern. I do understand that that's an issue. And we're hoping to do some policies related to that this year.

Keith Davis, Attorney, Middle Township said that I just wanted to go on record. I'm an attorney at Nehma, Davis and Goldstein, I represent an affected property owner in middle Township, Stephen Settop. He owns property that's designated on the tax map and middle as block 1436.01 Lots 6, 7, 11 and 13. And block 1434 Lots 22, 23 and 24. Ms. Rendeiro, I wrote to you on January 10, 2022, a letter making a formal request that the Office of Planning Advocacy advocate for the inclusion of this tract of real estate in a town center, a portion of the property is or has historically been in a town center, we ask that the town center designation be extended temporarily, and also geographically to include the entirety of the property holdings, Mr. Settop was successful in acquiring some contiguous parcels. We have obtained letters from DEP establishing wetland boundaries, and there certainly a vast majority of the tract that is suitable for a real estate development that is otherwise cleared. And we asked to be included in the town center so that we could proceed with our DEP permitting, in order to determine whether the site would be suitable for a KAFRA permit, as part of that process TNA study would presumably have to be completed. We are one of the tracks that I believe is not being included. By virtue of what's been presented to the Commission today. My client is obviously disappointed by that it has plans for a project that we believe would be not only environmentally sensitive, but also a positive addition to Middle Township hopeful by Mr. Orlando's comments that I heard today that this remains an open question. It's not necessarily for closed to being designated in the town center in the future, subject to a TNA

study that's performed. But I did want to go on record just indicating that we remain hopeful and willing to work with the Commission to have this tract of real estate included in a town center in cooperation with Middle Township and the Office of Planning Advocacy in the future. Thank you.

Director Rendeiro thanked Mr. Davis for his comments and said that you are correct. For example, the TNA issue, if the habitat suitability study that you can perform which you'd have to do anyway, as part of your development. If it comes back and shows that there is not some substantial TNA, we can look at a map amendment, there is a shot at the first year where they're not biennial reviews the first year it's, it's annually, it might take you almost that long to get to get that done anyway. But one of the things that we do look at is we do understand that sometimes it can throw an HSD that you can. If you can refute some of that information, we will certainly look and reconsider that. I understand your concern, I'd like to be able to move this forward and then deal with the individual issues as you're able to do those studies.

Mr. Davis thanked Director Rendeiro for acknowledge his comments.

Chairwoman Robinson thanked Director Rendeiro and Meghan for the presentation.

With no further discussion or questions Chairwoman Robinson asked for a motion to move the recommendation for Plan Endorsement of Middle Township to the SPC. The motion was made by Danielle Esser and seconded by Keith Henderson. Chairwoman Robinson asked for a roll call vote: Ayes: (5) Danielle Esser, Susan Weber, Bruce Harris, Keith Henderson, and Chairwoman Robinson. Nays: (1) Nick Angarone. Abstains: (0). The recommendation for Plan Endorsement of Middle Township to the SPC was approved.

Director Rendeiro congratulated Middle Township and that it will be presented to the SPC on May 3.

Map Amendment for the Township of Toms River

Director Rendeiro referred the presentation to Lisa Avichal.

Lisa proceeded to present the Map Amendment for the Township of Toms River.

This presentation can be found at:

<https://nj.gov/state/planning/assets/docs/meeting-materials/pic/materials/2023-0419/pic-materials-2023-0419-toms-river-Map-Amendment-PIC-presentation.pdf>

Director Rendeiro said that this is considered a minor map amendment. It's not a major change to what is already there.

With no further discussion or questions Chairwoman Robinson asked for a motion to move the recommendation for Map Amendment for the Township of Toms River to the SPC. The motion was made by Danielle Esser and seconded by Bruce Harris. Chairwoman Robinson asked for a roll call vote: Ayes: (6) Danielle Esser, Susan Weber, Bruce Harris, Nick Angarone, Keith Henderson, and Chairwoman Robinson. Nays: (0). Abstains: (0). The recommendation for Map Amendment for the Township of Toms River to the SPC was approved.

Chairwoman Robinson asked the commission members for any comments not related to the presentations.

Keith Henderson, Designee for Lt. Governor Sheila Oliver, Commissioner, Department of Community Affairs said that in response to Donna's opening comments before, about the funding. Where's it coming from FEMA?

Director Rendeiro responded by saying that yes. That was the resilience accelerator. It's not funding, it was technical assistance. And what that was, was that FEMA mentioned to us that that initiative for the accelerated program, one-one of two nationwide FEMA administrators awards.

Keith Henderson asked Director Rendeiro that DVRPC has taken the lead on the bottom part of the state but the other top MSA in the country is the northeast New Jersey, New York. Have you heard anything about who's taking the lead on that?

Director Rendeiro responded by saying that for the folks that are on this call that did not receive that message, my guess would be NJTPA.

Director Rendeiro read the message from DVRPC "March 1, 2023, the USEPA announced the first phase of a new \$5 billion climate pollution reduction grant program established in the inflation Reduction Act split in two phases. EPA will first award \$250 million in planning grants by formula and then competitively award \$4.6 billion in implementation grants. Under phase one, EPA will directly award up to \$1 million to each of the 67 most populous metropolitan statistical areas MSAs in the country to develop a climate action plan to reduce greenhouse gas emissions in their MSA. The DVRPC region falls within the Philadelphia, Camden, and Wilmington. MSA are the sixth largest in the country made up of 11 counties, four states and three MPOs. Each MSA must appoint one organization is lead entity. The executive director of DVRPC was pleased to inform that after discussions with SJTPO and Wilma Pepco and one of principal cities of Philadelphia DVRPC will serve as the lead entity. They plan to submit their notice of intent to proceed next week prior to April 28 deadline, and by preparing a climate action plan for the MSA, our local governments and DVRPC will be eligible to apply for up to \$4.6 billion, or at least a portion of the \$4.6 billion in competitive implementation grants available nationally under phase two, EPA will launch phase two with a notice of funding opportunity in late 2023. Eligible applicants with be those with projects covered under the climate action plan developed in phase one". This was a notice that we received from DVRPC I am assuming NJTPA has gotten the same award I would think with DVRPC is one of the top 67 most popular, would think the area in NJTPA would at least be in that ballpark or greater.

Nick Angarone, Designee for Shawn LaTourette, Department of Environmental Protection said that I'll certainly follow up. It's my understanding that the NJDEP is the lead for I think there's a New Jersey specific grant. And I believe the Grants are greater. New York, New Jersey, Pennsylvania, Newark, Jersey City region, I believe the lead is New York City. As I gather more information on this. I'll certainly let you know.

Keith Henderson said that that's why I'm asking that because I see that DVRPC and SJTPO worked out how they were going to divvy up that part of the state, but we have a much larger piece up in the Northeast, and it just seems more environmentally oriented than transportation oriented. I was thinking that maybe DEP might be taking a more active role in the northeast part of the state.

Nick Angarone said that I'm not clear right now of what the distinction is between of the regional efforts versus the statewide effort. I know that New Jersey, for example, is getting I think \$3 million to the same program.

Director Rendeiro said that when we have further information, and we get more details, we will certainly relay that information.

Meghan Wren said that at the APA conference, this program was mentioned. And it said that each state would get the \$3 million and that each 67 cities in the country would each get 1 million. It would seem like if they meet that criteria, some of the North Jersey cities might have that \$1 million coming. But it sounds like in the Camden, Philadelphia Wilmington area they pulled it and are giving those \$1 million amounts to the MPOs is what it sounds like. How many of the New Jersey, North Jersey cities get the \$1 million would be worth asking.

Director Rendeiro said that I think we just don't know right now. We need to get some more clarification. And as we get that clarification.

ADJOURNMENT

With no further comments from the Committee or the public, Chairwoman Robinson asked for a motion to adjourn. The motion was made by Danielle Esser, and seconded by Nick Angarone. All were in favor. The meeting was adjourned at 10:25 a.m.

ATTACHMENT A

**NEW JERSEY STATE PLANNING COMMISSION
PLAN IMPLEMENTATION COMMITTEE
ATTENDEES
APRIL 19, 2023**

Matt Baumgardner – NJDEP
David DuMont – NJDEP
Ruth Foster – NJDEP
Meg Cavanagh - NJDEP
Rachel DeFlumeri – NJDAG
Robert Hudak – Planner, Toms River
Vincent Orlando – Planner and Engineer, Middle Twp.
Keith Davis – Attorney, Middle Twp.
Joe Forte – DOS, SOS
Co. Christian – Sayreville
Julia Somers – SPC, Commissioner
Anthony Soriano – Morris County
Thomas J. Coan
Lyndsy Newcomb
Kevin O'brien
Peter Lomax
Michael Gross
Kara
Ernie
Greg de Marrais
Leslie Gimeno