



State of New Jersey
NEW JERSEY STATE PLANNING COMMISSION
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Governor

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Lieutenant Governor

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Director

Resolution No. 2011-02
Page 1 of 2

Date: February 16, 2011

R E S O L U T I O N

**GRANTING THE REQUEST FOR WAIVER OF
REQUIREMENTS FOR PLAN ENDORSEMENT
SUBMITTED BY THE TOWN OF NEWTON**

WHEREAS, in February 29, 2009, the Town of Newton executed a Memorandum of Understanding and attached Action Plan, negotiated between the State Planning Commission (Commission) and the Town of Newton and attached hereto as **Exhibit A** in its efforts to achieve plan endorsement; and

WHEREAS, in February 2009, the Commission adopted Resolution 2009-02, attached hereto as **Exhibit B**, which established an interim center in Newton Town and authorized a map change to reflect the negotiated center boundary as part of the Town of Newton's petition for plan endorsement as it continued to exert good faith efforts toward plan endorsement; and

WHEREAS, pursuant to N.J.A.C. 5:85-7.15(d), the State Planning Rules allow for interim centers to be designated as part of a petition for plan endorsement shall remain designated for two years provided petitioner continues to make progress in following its Action Plan; and

WHEREAS, in February 2011, the Town of Newton submitted a written request for a waiver of the two year term requirement for designation of an interim center, pursuant to N.J.A.C. 5:85-7.15(d), said request being attached hereto as **Exhibit C**; and

WHEREAS, pursuant to N.J.A.C. 5:85-7.6(f), the Commission is authorized to consider a written request for waiver by petitioner and a written recommendation by the Executive Director in consultation with any relevant State agencies based on a determination of whether intended comprehensive planning goals have been achieved using alternative implementation mechanisms or whether a requirement of plan endorsement is determined to be inappropriate or unnecessary to achieve intended comprehensive planning goals based on a petitioner's unique circumstances; and

WHEREAS, the Executive Director, in consultation with the relevant State agencies, has reviewed the request and progress made since creation of the interim center; and

WHEREAS, the Executive Director has established that the Town of Newton has continued to exert good faith efforts to advance its petition for plan endorsement and has made progress in completing Action Plan items since the interim center was designated; and

WHEREAS, the Executive Director has established that continuance of the interim center will result in the town achieving intended comprehensive planning goals, including *inter alia* promoting development in the center through continuing access to incentives that are in place to promote development in the center (including the Business Employment Incentive Program (BEIP) and the NJ DOT Centers of Place Programs) while also continuing to promote protection of the environs; and

WHEREAS, the Executive Director has also established that it would be inappropriate to deny access to development incentives in the interim center because it would be counterproductive to disqualify the area where focused development potential is intended from access to economic development enhancing benefits while petitioner continues to work in good faith to achieve plan endorsement; and

WHEREAS, the Executive Director has provided a written recommendation, attached hereto as **Exhibit D**, recommending that:

- the interim center continue to be designated and mapped in the State Development and Redevelopment Plan (State Plan) for a period of 18 months May 31, 2012 or until the Town of Newton completes outstanding items in its Action Plan, whichever is sooner,
- the outstanding action plan item deadlines be extended until 18 months from now May 31, 2012

provided petitioner continues to exert good faith efforts to pursue plan endorsement; and

NOW THEREFORE BE IT RESOLVED, that the Commission hereby grants a waiver to the Town of Newton to extend the term of the interim center and the outstanding Action Plan items for a period of 18 months or until petitioner completes outstanding items in its Action Plan, whichever is sooner, provided petitioner continues to exert good faith efforts to pursue plan endorsement; and

BE IT FURTHER RESOLVED, that the Chairman of the Commission and the Executive Director and staff of the Office for Planning Advocacy are hereby authorized to execute such documents and to take such other actions as may be necessary or appropriate for the implementation of this resolution.