



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
STATE PLANNING COMMISSION
OFFICE OF SMART GROWTH
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SUSAN BASS LEVIN
Commissioner

CHRISTIANA FOGLIO
Chair

EILEEN SWAN
Executive Director & Secretary

**New Jersey State Planning Commission
Plan Implementation Committee
Minutes of the Meeting Held August 24, 2005
Department of Community Affairs
Conference Room 129
101 South Broad Street
Trenton, New Jersey**

CALL TO ORDER

Chair Eskilson called the meeting to order at 9:30AM.

Committee Members Present

John Eskilson, Chair

Thomas Michnewicz, Public Member

Marge DellaVecchia, Designee of Acting Commissioner Charles Richman, Department of Community Affairs

Jim Lewis, Representative of Commissioner John Letteire, Department of Transportation

Liz Semple, Representative of Commissioner Bradley Campbell, Department of Environmental Protection

Committee Members Not Present

Marilyn Lennon, Public Member

Michele Byers, Public Member

Secretary Charles Kuperus, Department of Agriculture

Patrick Gillespie, Governor's Office, Smart Growth Ombudsman

Others Present

Maura McManimon, Executive Director, Office of Smart Growth

William Harrison, Chief Council, Office of Smart Growth

Daniel Reynolds, DAG, Department of Law & Public Safety

Susan Weber, Department of Transportation

Daniel Van Pelt, Mayor of Ocean Township

Stan Slachetka, Planner for Ocean Township
Jeff Tittel, NJ Sierra Club
Candy Ashmun, Association of NJ Environmental Commissions
Others-See Attachment A

CHAIR'S COMMENTS, John Eskilson, Chair

Chair Eskilson explained that Ocean Township would be making a presentation on their petition for plan endorsement to the Committee early in the process to enable both the Committee and the public to ask questions prior to the close of the public comment period on September 1.

EXECUTIVE DIRECTOR'S REPORT, Maura McManimon, Executive Director

Ms. McManimon explained that the Ocean Township Plan Endorsement petition was just the first of approximately twenty potential petitions linked to the DEP Coastal Zone Management rule. After the presentation by Ocean, staff of the Office of Smart Growth and DEP would give an overview of the rule and the potential workload.

PRESENTATIONS

Ocean Township Plan Endorsement Petition, by Ocean Township

Mayor Daniel Van Pelt of Ocean Township gave a brief description of the community and the planning process undertaken by the Township. Stan Slachetka, Planning Consultant for Ocean Township, gave a presentation on the Township's Plan Endorsement Petition, specifically highlighting proposed changes to the State Plan Policy Map and the creation of the Waretown Town Center.

Discussion followed between DEP and the Township regarding designation of Oyster Creek as a C1 waterway, implementation of the zoning in the Town Center, sewer service areas and a waste water management plan update, as well as information needed for CAFRA Center designation.

There was discussion about integration of the Township's plans with the DOT's Route 9 corridor study. Further, the proposed rail to trail path paralleling Route 9 and other bicycle and pedestrian opportunities were discussed. Stan Slachetka also explained that the Township's plans should have little effect on population and employment projection numbers, except to shift them into the Town Center via TDR. In addition, the Township explained that its affordable housing obligation would be primarily met in the Center, with some additional units in PA2 areas of the town.

DOT and the Township agreed to include language about new road infrastructure in the Plan Implementation Agreement. There was also discussion about the need for the proposed Volunteer Way extension.

There were no further comments from the Committee at this point. Chair Eskilson opened the floor to public comments.

Public Comment on the Ocean Township Petition for Plan Endorsement

Ron Shimanowitz, attorney with the law firm of Hutt & Shimanowitz, spoke on behalf of Shoreline Management and Development Realty Company Inc., owners of two properties totaling 128 acres in Ocean Township. Mr. Shimanowitz explained that they had sent a letter summarizing their objections to the Ocean Township petition for plan endorsement to the Office of Smart Growth. (Maura McManimon acknowledged receipt of same.) His client's first concern was with public notification. Specifically, that they had not received direct notice, considering their well-known status as stakeholders through ongoing COAH matters. Mr. Shimanowitz then relayed his substantive concern that Shoreline's property, although located in a proposed sewer service area, is not within the proposed Town Center and has been slated for a planning area change to a PA5. Mr. Shimanowitz recommended to the Committee that they not take action to recommend the petition to the full State Planning Commission until further consideration was made with regard to Shoreline's concerns.

Jeff Tittel, NJ Sierra Club, relayed concerns about planning for growth near a nuclear power plant. He also explained that there are problems with water supply and environmental issues in the Barnegat Bay that needed to be more thoroughly addressed in the Township's plans. Mr. Tittel had further questions and concerns about capacity analyses, jobs and housing projections, traffic, open space, endangered species habitat, timing with the CAFRA rules and eminent domain.

Don Kirchoffer, NJ Conservation Foundation, urged the Committee to include clear and strong deadlines in the Plan Implementation Agreement. He further recommended that endorsement be withdrawn automatically if deadlines are not met.

LeAnn Foster-Sitar, American Littoral Society, commented that the Town appeared to have a good vision, but that the application should not have been deemed complete because of missing information—specifically the natural resource inventory (NRI). She also relayed concerns about water and sewer capacity.

Paul Chrystie, Council on Affordable Housing and the Environment, expressed the need for specific detail related to the Township's affordable housing plan, and the relationship of sewer service areas to inclusionary sights.

Teri Jover, NJ Future, expressed concern that meeting materials were not made available to the public with enough time to review.

Helen Heinrich, NJ Farm Bureau, pointed out the need to keep track of how much land was changing from one planning area to another, and asked that plan endorsement petition presentations address efforts in the whole community, not just the center. She also commented on the need for proof of public notification, and the need for additional public participation opportunities in light of changes negotiated with state agencies after the regulatory public hearing by the petitioner had occurred.

Candy Ashmun commented on the lack of a natural resource inventory in Ocean Township's petition, and stated that it should be in the master plan. She also recommended that a Task Force be set up to reassess the plan endorsement process with regard to initial versus advanced plan endorsement.

John Eskilson agreed that the initial versus advanced plan endorsement issue needed to be reviewed, particularly since Ocean Township and other shore towns seem to be heading towards advanced endorsement in light of CAFRA expectations. Stan Slachetka, planner for Ocean Township, reiterated the point by explaining the cost to Ocean Township in pulling together just an initial petition, and that more work up front would make the process unbearable.

With no further comments from the public, Chair Eskilson closed public comment on Ocean Township's petition for plan endorsement. He stated that the public comment period for this petitions ends September 1.

Update on CAFRA Rules, by Office of Smart Growth

Maura McManimon reported that memos were sent on July 20th to the Mayors of municipalities with expiring CAFRA centers, to inform them of the DEP Coastal Zone Management (CZM) Rule proposal published in the July 5th NJ Register. She explained that the rule proposal provided opportunity to temporarily re-establish expired mainland coastal centers, provided the municipality met the deadlines for having a pre-petition meeting and having a petition deemed complete. (Attachment B-Summary of the rule proposal as submitted to the Committee).

With no further comments from the Committee or the public, the meeting was adjourned by consensus.

Respectfully Submitted,

Eileen Swan
Secretary and Executive Director

Dated: June 28, 2006