



State of New Jersey
DEPARTMENT OF STATE
NEW JERSEY STATE PLANNING COMMISSION
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**New Jersey State Planning Commission
Plan Implementation Committee
Meeting Summary for February 26, 2020
State House Annex
Committee Room 14, 4th Floor
125 West State Street, Trenton, New Jersey**

CALL TO ORDER

Chair Robinson called the February 26, 2020 meeting of the New Jersey Plan Implementation Committee (PIC) order at 2:13 p.m.

OPEN PUBLIC MEETINGS ACT

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

ROLL CALL

Members Present

Danielle Esser
Susan Weber, Designee for Diane Gutierrez-Scaccetti, Commissioner, Department of Transportation
Elizabeth Semple, Designee for Catherine McCabe, Commissioner, Department of Environmental
Sean Thompson, Designee for Lt. Governor Sheila Oliver, Department of State
Freeholder Director Shanel Robinson, Chair, County Member

Others Present

See Attachment A

PLEDGE OF ALLEGIANCE

Chair Robinson asked everyone to stand for the Pledge of Allegiance.

New Business

Director Rendeiro announced that there are three items to be discuss. Starting with the Biennial Review for Berkeley Township, The Director noted that normally the Biennial Reviews does not necessary come to the Plan Implementation Committee but because Berkeley Township is requesting a map amendment, for this reason came to the Plan Implementation Committee for review and discussion. It'll be determined if should move to the State Planning Commission.

Director Rendeiro referred the presentation to Lisa Avichal.

DISCUSSION

Presentation and Discussion on Biennial Reviews – Berkeley Township

Lisa commented that the Township of Berkeley received Plan Endorsement approval on July 6, 2012. Also that recently, the Township submitted its Biennial Report along with a State Plan Amendment request. A request to continue the Township's Transfer of Development Rights (TDR) program has also been submitted and is currently being reviewed.

Lisa commented about the Planning Implementation Agreement (PIA) status. That according to Township of Berkeley's Biennial Report, 13 out of the 31 PIA items have been completed and 18 are underway.

Lisa continued that after the receipt of a November 26, 2018, Preliminary and Final Subdivision application to construct 51 lots and buildout of the final remaining portions of the Manitou Park Redevelopment Area, it came to the Township's attention that properties that were previously indicated as Suburban Planning Area (PA-2) had been redesignated as Environmentally Sensitive Planning Areas (PA-5) as part of the 2012 Plan Endorsement process. As indicated on the State Plan Policy Map, approximately 9.54 acres of the 11.8-acre subdivision are now within the PA-5 designation.

Lisa commented that officials in Berkeley Township have provided an expert report to the NJ Department of Environmental Protection as evidence that the environmental conditions within the proposed disturbance area do not appear to be consistent with conditions that typify lands in a PA-5 area, even though the current NJDEP landscape data indicates that large sections of the proposed amendment area are ranked as either Rank 4 (State Endangered) or Rank 3 (State Threatened). Since the 2012 Plan Endorsement, the evidence provided to NJDEP indicates that the environmentally sensitive nature of the area in question does not rise to the level of requiring a PA-5 designation. The New Jersey Department of Environmental Protection has conceptually agreed to this map amendment under the condition that an offsite mitigation agreement be met as mitigation during the permitting phase in order to conduct habitat enhancements.

Lisa commented that this change from PA-5 to PA-2 has major implications on the project as without this change, CAFRA impervious coverage is limited to 3%. Also, since the site is currently designated as a PA-5, the proposed development is now restricted from the extension of sewer service and inclusion within the sewer service area. The site cannot be utilized as a productive asset for the community nor can it be part of the Township's future affordable housing obligation.

Lisa commented that the Township believes that the PA-5 designation is not appropriate for the following reasons:

- DuBois Environmental Consultants prepared a CAFRA Environmental Impact Statement (EIS) in November 2018.

- A disturbed deciduous brush/shrubland area of significant size displayed evidence of historic and current disturbance not characteristic of traditional pine barren forest communities and does not represent a natural shrubland classification.

- The EIS could not identify any wetland or vernal pool habitat on the site or in the immediate vicinity, and although a portion of the site is listed as suitable habitat for the state endangered northern pine snake and state threatened corn snake, no critical nesting or denning habitats for these creatures could be found.

- It was determined that the proposed disturbance area was not a suitable habitat for the threatened Pine Barrens tree-frog or threatened barred owl and is located within the Coastal Suburban Planning Area as conceptually accepted by NJDEP for the purposes of CAFRA.

· The development area does not fit 2 of the 3 Delineation Criteria regarding PA-5

. Population exceeds 1,000 people per square mile.

. Development Area exhibits only two of the nine features listed in the third criterion.

Lisa commented that the Township is seeking this amendment in order to complete the buildout of the redevelopment area, without having to implement comprehensive environmental controls or remediation as would be associated with construction within PA-5.

Lisa's recommendation is that this State Plan Map Amendment be approved.

Director Rendeiro commented that in summary there are 9.5 acres that originally was indicated as Suburban Planning Area (PA-2) and that during Plan Endorsement was changed to PA5. The Director commented that Berkeley Township has provided an expert report to the NJ Department of Environmental Protection as evidence that the environmental conditions within the proposed disturbance area do not appear to be consistent with conditions that typify lands in a PA-5 area.

Director Rendeiro commented that The New Jersey Department of Environmental Protection has conceptually and verbally agreed to this map amendment under the condition during the permitting phase that an offsite mitigation agreement be met in order to conduct habitat enhancements. The Director also proposed to look at the map where she showed a small area where the Township can complete their Affordable Housing. The Director commented that there are some items that need to be completed before is presented to the State Planning Commission.

Elizabeth Semple agreed with Director Rendeiro and suggested Berkeley Township to submit to the PIC a Resolution by the Governing body that addresses all the open items.

Chair Robinson made a recommendation to require the Township to present the Resolution as discussed to the Plan Implementation Committee.

Chair Robinson opened the floor to the public for comments on the Berkeley Township matter.

Jim Oris, Director of Planning from Berkeley Township. Mr. Oris thanked the Committee for the time and consideration. He commented that the Township is been working hard and for a long time to make sure to do everything the right way. Also, that He personally will be working on the resolution, ordinance and all the required documentation. Mr. Oris requested to the Commission to keep the process moving.

Elizabeth Semple asked Mr. Oris about how many units are in the project.

Mr. Oris responded that there are 51 units including 2 units for a very low income.

Rick Brown, from Department of Environmental Protection commented that he have worked close with the Township on trying to move forward with the project, unfortunately the proposed development is now restricted from the extension of sewer service and inclusion within the sewer service area.

Glen McDonald, Executive Director of Homes for All. Asked the Commission for help to move forward with this project. He expressed that this is not a nonprofit or luxury homes that this is basic workforce housing.

Director Rendeiro and all the members of the Plan Implementation Committee agreed a long with Berkeley Township to work on drafting the Resolution and look forward to move forward.

Chair Robinson thanked everyone and with no further comments, move to the next discussion.

Discussion on County/Regional Endorsement Guidelines

Director Rendeiro commented that both the State Planning Act and the current rules encourage regional planning; however, that there are no specific guidelines to effectuate an endorsement of such planning efforts. The Director asked for the commissions consideration regarding the proposed new guidelines.

Director Rendeiro and Meghan Wren are to presented the recommendations.

Meghan commented that there have been at least 5 categories of regional planning discussed as potential applicants for voluntary Regional Plan Endorsement:

1. A single County looking fro Endorsement of a County plan
2. Multiple Counties working together on a cooperative plan.
3. A County working with Municipalities as partners.
4. Several Municipalities working together without their County's involvement.
5. An entity other than a County working with multiple Municipalities, such a Burlington Bridge Commission or Cumberland Development corporation.

Meghan added that although counties have limited local land authority, county Master Plans provide and important framework for local planning and infrastructure decisions and for aligning and coordinating land use policies for all levels of government. Also that there are many other ways Counties can provide guidance and technical assistance. Counties are also interested in retaining their center designation status and see County Plan Endorsement as a potential way to achieve this goal and/or help Municipalities do so. Additionally, through County/Regional plan endorsement, Municipalities that choose to comply with a County/Regional plan could benefit from elements of a County/Regional plan that are relevant to them, such as resiliency, hazard mitigation or farmland preservation, that have been developed for the County with Municipal detail. This utilization would reduce submission requirements and streamline Municipal PE. Meghan added that the County PE process could help spur interest and greater Municipal participation in the State Planning process.

Director Rendeiro asked if anyone had any questions or comments.

Danielle Esser commented that some of the requirements are identical to the Municipal process. She strongly suggested to encourage counties or regional entities to also do the heavy lifting on a Municipal level. She explained that if they are doing a Regional plan but in order for the towns to get in to the plan, they should be able to provide with ordinances. That would be very helpful on the process.

Director Rendeiro requested the commission to submit comments and/or recommendations to be able to present it to the State Planning Commission.

Public Comments

Mark Remsa from Burlington County suggested to be done by Resolution as an stronger commitment,

Also, to remove the second step and allow for another version that will bring together and let the County and the Municipality to do it all at once.

Director Rendeiro thanked Mr. Remsa for the suggestions that she will look in to it before the State Planning Commission meeting. Also that she will need to wait to open rules.

Walter Lane from Somerset County commented that he's looking forward to work and see improvement on the State Planning.

Chair Robinson recommended to move forward with the recommended changes to the State Planning Commission.

Discussion on Changes to the Municipal Self Assessments Template/Guidelines

Director Rendeiro commented that a primary goal of the Office is to update the Plan Endorsement Process with a goal toward simplification and ease of compliance without compromising good planning practices. The Director added that one of the first steps toward that goal is to revise at the Municipal Self Assessment Guidelines that are currently in place toward accomplishing a more streamlined approach to this step.

Director Rendeiro referred the presentation to Meghan Wren.

Meghan commented that the original template was 31 pages for a document that OPA hopes will be in the range of about 12 pages and gave the impression that the assessment process was more complex than it needs to be. She added that this rewrite is intended to simplify the process for Municipalities so that they can achieve Plan Endorsement in a timely and cost effective manner. Also, that there are considerations that were not in place in 2009 that must be addressed in 2020 and that these items were added.

Meghan referred everyone to the Municipal Self-Assessment Template Guidelines - Statement of Changes for guidance and a better understanding.

Danielle Esser commented that this is a great plan, that when a Town submits their prepetition material, they submit what they have. With the updated document the Town will be able to find things in a more productive way. Danielle added that the Town should be able to identify what they need to comply with the requirements.

Elizabeth Semple commented that she agrees with the fact that towns should know that we are available to help and that hopefully revised guidelines will ensure a better understanding of the procedures and requirements.

ADJOURNMENT

With no further comments from the Committee or the public, Chair Robinson asked for a motion to adjourn. The motion was made by Commissioner Danielle Esser and seconded by Elizabeth Semple. All were in favor. The meeting was adjourned at 3:47 p.m.

Respectfully submitted,



Donna Rendeiro, Secretary
State Planning Commission

Dated: May 13, 2020