



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  
Minutes of the Meeting Held on August 3, 2022  
Zoom Video Conference**

**CALL TO ORDER**

Chairman Wright called the August 3, 2022 video conference of the New Jersey State Planning Commission (SPC) to order at 9:39 a.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, Director of Governance, NJ Economic Development Authority  
Douglas Fisher, Secretary, Department of Agriculture  
Frank Gaffney, Designee for President Fiordaliso, Board of Public Utilities  
Bruce Harris, Municipal member  
Edward J. McKenna, Vice Chair, Public Member (left at 11:25 a.m.)  
Stephen Santola, Public Member (arrived at 9:42 a.m.)  
Elizabeth Terenik, Public Member (left at 10:35 a.m.)  
Sean Thompson, Designee for Lt. Governor Sheila Oliver, Commissioner, Department of Community Affairs  
Susan Weber, Designee for Diane Gutierrez-Scaccetti, Commissioner, Department of Transportation  
Melanie Willoughby, Designee for Tahesha Way, Secretary of State, Department of State  
Thomas Wright, Chairman

**Others Present through Video conference**

See Attachment A

## **PLEDGE OF ALLEGIANCE**

Chairman Wright asked everyone to stand for the Pledge of Allegiance.

## **APPROVAL OF MINUTES**

Chairman Wright asked for a motion to approve the minutes of July 6, 2022. Bruce Harris made the motion, and Vice Chair McKenna seconded it. With no further discussion or questions, Chairman Wright asked for a roll call vote: Ayes: (10) Danielle Esser, Frank Gaffney, Secretary Fisher, Susan Weber, Bruce Harris, Ed McKenna, Sean Thompson, Elizabeth Terenik, Melanie Willoughby, Thomas Wright. Nays: (0). Abstains: (0). The July 6, 2022 minutes were approved.

## **CHAIR'S COMMENTS**

Chairman Wright said first, it was very exciting on Monday; I was able to join Murphy, much of our congressional delegation, both of our senators Menendez and Booker, Mayor Santos, and others up in Kearny, New Jersey for a groundbreaking for the portal north bridge with USDOT Secretary Pete Buttigieg. It was an exciting day. I think it is an exciting day for all New Jerseyans to see progress on the Gateway Project, which will double capacity under the Hudson River, and really starts to move forward I think on the federal infrastructure investment that we are seeing nationwide. I think we will have long-term implications for a lot of the work of this commission because of course, as Ben Franklin once called New Jersey, a keg tapped at both ends. We are an infrastructure state that benefits enormously from our geography here on the Atlantic seaboard.

I also just want maybe flag for a future discussion presentation and Frank Gaffney I am looking at specifically with the inflation Reduction Act and the possibility of federal funding for renewable energy sources and things. I'm not the only one here who is waiting with anticipation to see what kind of projects and funding and financing may be coming out of this and what it could do to stimulate New Jersey's economy and especially get us on the road for a cleaner renewable future. I would love in the future to have a conversation with this Commission about the opportunities that are going to open up, the investments, and what that might mean, Frank. If I could ask you to take that back to BPU, DEP, DOT, and other agencies, all have a role in that too.

We have an exciting agenda today with several communities recommended for plan endorsement and especially kind of working through the Burlington County communities although not exclusively Burlington County today. Afterward, we are going to have a conversation and a presentation from staff on the comments that they received and there were very substantial ones. I've spent some time going through the memo myself, and I think it points out the complication and that this is an issue that brings together so many of the challenges and opportunities that face land-use planning and infrastructure here in New Jersey; I want to say in advance that we'll have a conversation around it. I am going to open it up also to the public for comments; I am going to ask members of the public to please comment on the memo. We did receive substantial public comments, I believe, late in the process. I am going to ask all members of the public to keep their comments to three minutes so that we can get through it and give everybody a chance to talk. Then I will leave it open to the Commission; we can decide whether or not based on the late comments the fact that we just received memos last night on this, whether or not we want to vote to approve and this memo now or continue the dialogue. I think that this is a beneficial conversation and something that ought to continue. I just want to highlight that I do not want to cut off that conversation prematurely on such an important issue that I think is going to have long-term ramifications for many communities across the state of New Jersey.

Chairman Wright referred to the Director for a report.

## **EXECUTIVE DIRECTOR'S REPORT**

Since the July 6 SPC meeting:

- Cinnaminson's governing body approved the map and the PIA on July 20, resolving the condition required to move the endorsement forward.
- Four municipalities are being proposed for endorsement today (Palmyra, Stafford, Delran, Riverside)
- Morristown declined endorsement
- The Office received the Municipal Self-Assessment from Little Egg Harbor. Materials have been forwarded to the State agencies to begin their review and some follow-up documentation has been requested.
- The prepetition meeting for Berkeley was held on July 12
- Work has begun with Cape May City, which expires in October 2022, to pursue Plan Endorsement again.
- The prepetition meeting for Barnegat is scheduled for August 9.
- The Office is in receipt of a letter from the Mayor of Long Branch stating they want to pursue Plan Endorsement.

Since much of the mapping work has been completed for municipalities in the Opportunities and Constraints step, we can now look at municipalities that are earlier in the process, so that mapping discussions can begin sooner. A review of the current 18 MSAs in the process is being conducted to determine which of the pending MSAs need map updates or creation.

Toms River's biennial report and proposed map amendment are currently being finalized. It is anticipated that it will be presented to the PIC in August.

Staff comments were sent to Vernon regarding their annual report. The Township completed 18 of the 22 items due this year; extensions were granted for the remaining four items.

On today's agenda, are proposals for Palmyra, Delran, and Riverside. If these three municipalities are approved, all five municipalities below the Rancocas will be endorsed. The remaining seven above the Rancocas are being queued over the next few months. We completed the regional visioning sessions for all 12 municipalities. The final one was on July 27 for Burlington Township, Burlington City, Florence, Willingboro, and Edgewater Park. A staff member from Assemblywoman Murphy's office attended. I spoke with him after the meeting and he is interested in the process, and has asked to be kept informed. Edgewater Park remains the only municipality of the 12 that must still complete its local visioning. At the session on the 27th, approximately 20 people attended in person, and about 60 people attended virtually. We received many great comments and questions during the session. The top comments included connecting both sides of Route 130, creating multi-use connections between the communities and increasing accessibility, and expanding service along the River line. Additional comments included encouraging film/movie production and media studios in the region, increasing cooperation/sharing master plans/coordinating meetings among participating municipalities.

The Office held its final workshop for the first municipal cohort of the FEMA Resilience Accelerator. Five of the invited municipalities fully participated and got a head start on developing their resilience plan. This completes the formal portion of the first cohort. However, all Federal and State agencies have agreed to maintain the relationship with the municipalities as they move forward. Participating municipalities and state agencies have been invited to a "Funding Resilience Panel" on August 10 presented by Federal agencies. We will begin planning for the next cohort, coastal residential shortly, and it is expected to be offered in late September.

On the agenda today is the warehouse guidance and we will get into details later. Related to that we are going to continue to work on developing a model ordinance and creating a framework for the proposed technical advisory committee.

Staff presented the guidance at the DVRPC Goods Movement Task Force and the Business Action Center's quarterly meetings with the county economic development officials to discuss the warehouse guidance. The Office was approached by NJ Conservation Foundation to participate in a regional warehouse GIS siting project to identify good locations for warehousing. On October 17, the Executive Director will present at the NJTPO Freight Initiatives Committee meeting on warehousing siting.

The second meeting of the Climate Change IAC funding workgroup was completed. An agreement on the goal statement of the group was reached, as well as a discussion of a number of ideas in terms of how we can be consistent around resilience, guidance, and criteria for funding.

Staff attended the public open house in Ocean County for the Joint Base Compatibility Study. Staff participating in the Hudson County Tour sponsored by the County Planners Association. Millstone Borough and Flemington will present projects at the July 12th Federal and State Interagency Work Group Brownfields meeting.

Chairman Wright thanked the Director for a comprehensive report and asked the Commission for comments or questions.

Secretary Fisher recognized that Morristown decided not to continue with Plan Endorsement. He has two questions; one, approximately how many years were they engaged in the process?, and two, did we get a report, or do they issue a letter explaining why they cannot comply? Why are they not pursuing it? I asked that question because we all can learn from what it is that they felt that they could not do so that we can understand better why and I think they were pursuing it for a number of years.

Director Rendeiro said that yes, they were pursuing it for a number of years. We do get a formal letter; I do not officially say that they are out of the process until we get a formal letter. Sometimes they are more specific than others are, but I am going to ask Barry to respond to that.

Barry Ableman, OPA's Principal Planner, said that I would say that the number one issue had to do with the PIA; they felt that they could not commit to doing everything of the PIA for the next 10 years.

The Director asked if that was the only issue or if it was a resource issue. Barry said that they did not want to commit to the resources. On the other side, they were unclear as to what specific benefits they'd be getting for the money that they would have to be committing from their perspective for the next 10 years. I tried to explain to them that a lot of what was in the PIA was stuff that they were going to need to do with their master plan update that they've been working on. Their mayor and town committee were not willing to commit. As Donna said, they at some point in time could decide to come back but it is unfortunate and I have been working with them for a few years now.

Director Rendeiro said that technically because they sent the denial letter after the SPC action related to the extension deadline, they are still endorsed through March. If they change their mind, they can continue the process even after March, they could come back if they decide they want to. They will have been expired by them.

Chairman Wright thanked Secretary Fisher for asking that question. Many of us feel that Morristown is a community that's done a lot of terrific things in the last 10-20 years moving in the direction of what I would consider kind of a pro state plan overall growth. It is sad to see them stepping out of this process. I think it is worth spending a little bit of time. I will wear the Steve Santola hat here and say we should find out why a community like that is stepping out.

Director Rendeiro said that the way I explain it to municipalities is that we do not ask for more than what is required in MLUL but we do ask for a quality review. We do ask for more as opposed to MLUL. We will require more work related to that, we would look at it from a qualitative perspective.

Chairman Wright said that the qualitative difference is an important one that we are not looking to drop, but it is worth it when a community like Morristown, which again, I think has done such exemplary work with its redevelopment and other things. It is worth looking into that for sure.

Melanie Willoughby, Designee for Tahesha Way, Secretary of State, Department of State said that thank you to Donna, who attended three of our regional meetings with our County Economic Development directors, and they were very appreciative of having her personally explain the warehouse guidance because all of these directors have direct contact with their municipalities and their development.

With no further comments from the Committee, Chairman Wright asked to move on to old business.

## **OLD BUSINESS**

Chairman Wright referred to Director Rendeiro to start with the borough of Palmyra.

Director Rendeiro introduced the presentation by saying that we are not going to go through the full presentation because we went through it last month; Meghan is going to give a quick update on what the issue was last month and how we resolved it. Nothing has changed from the recommendation. We would be able to vote on it after the update.

This presentation can be found at:

<https://nj.gov/state/planning/assets/docs/meeting-materials/spc/materials/spc-materials-2022-0803-palmyra-2nd-PE-Presentation.pdf>

Director Rendeiro said that the recommendation remains as we had originally suggested. There was some misunderstanding in terms of what the borough had thought and what DEP had thought we clarified that and we are good with that recommendation.

John Gural, Borough Administrator of Palmyra said that we are very excited about everything that has happened. It was a lot of hard work. We appreciate Meghan especially and her office for everything that they did. Our redevelopment, as was noted and our affordable housing obligation got a lot in the works. In addition, we are happy that it all just worked out and that our plan is for endorsement.

Director Rendeiro said that this one just like Cinnaminson is conditioned upon the borough approving the PIA and the map amendment. My understanding is there is an agreement, we just have to go through the process; we have that as a condition in the resolution. Chairman Wright asked the Director to read the resolution.

The Resolution can be found at:

<https://nj.gov/state/planning/assets/docs/meeting-materials/spc/resolutions/certified-resolution-2022-08.pdf>

With no further discussion or questions, Chairman Wright asked for a motion to approve Resolution 2022-08. The motion was made by Vice Chairman McKenna and seconded by Secretary Fisher. Chairman Wright asked for a roll call vote: Ayes: (11) Danielle Esser, Frank Gaffney, Secretary Fisher, Susan Weber, Bruce Harris, Vice Chair McKenna, Sean Thompson, Elizabeth Terenik, Melanie Willoughby, Stephen Santola, Chairman Wright. Nays: (0). Abstains: (0). The Resolution 2022-08 was approved.

Director Rendeiro expressed congratulations; the certificate will be forwarded to the municipality.

## **NEW BUSINESS**

Chairman Wright referred to Director Rendeiro to start with Delran Township.

Meghan proceeded to present Delran Township.

This presentation can be found at:

<https://nj.gov/state/planning/assets/docs/meeting-materials/spc/materials/spc-materials-2022-0803-Delran-PE-Presentation.pdf>

Gary Catrambone, Mayor of Delran Township said that thanks for the opportunity to meet with everyone. I think Chairman and the commissioners, certainly Secretary Fischer and all the state reps that are here. I was impressed with the lineup. Of course, our fellow Mayors and municipal elected officials. I wanted to most importantly, thank Meghan and Tom. Meghan has been leading the way. It has been an amazing experience to see the 10,000-foot view of all the planning that is going on and the result of some of our efforts here. I will be available for questions. Thank you to all the members.

Joseph Bellina Interim Business Administrator for Delran Township thanked Meghan and the commission.

Tom Stanuikynas from the Burlington County Bridge Commission said that I want to hopefully congratulate all three towns for receiving plant endorsement today specially Delran. Mayor Catrambone, Wendy Mitchell, and the staff did a great job working hard and there was a lot of cooperation there. Also in Palmyra, Mayor Tate and John Gural were a big help in getting this through. Next is Riverside, Mayor Kimball and Meghan Jack worked hard. We worked with them on their master plan reexamination and some other documents. They are doing great things in Riverside, as well as the other two communities. I have to echo Mayor Catrambone, Meghan Wren got all this done.

Chairman Wright asked for other questions or comments from members of the commission.

Commissioner Esser said that I would just echo the accolades for the staff, Donna, Meghan, and Tom for all their hard work. This is an ongoing project. We recognize that it is a lot of hard work. We thank you for your commitment to state planning to make the state a more enjoyable place to live. Thank you.

Director Rendeiro said that if Riverside is approved, all of the south of the Rancocas Towns would be Endorsed. That is a good accomplishment.

With no further comments from the Committee, Chairman Wright asked the Director to read the resolution.

The Resolution can be found at:

<https://nj.gov/state/planning/assets/docs/meeting-materials/spc/resolutions/certified-resolution-2022-09.pdf>

With no further discussion or questions, Chairman Wright asked for a motion to approve Resolution 2022-09. The motion was made by Vice Chairman McKenna and seconded by Elizabeth Terenik. Chairman Wright asked for a roll call vote: Ayes: (11) Danielle Esser, Frank Gaffney, Secretary Fisher, Susan Weber, Bruce Harris, Vice McKenna, Sean Thompson, Elizabeth Terenik, Melanie Willoughby, Stephen Santola, Chairman Wright. Nays: (0). Abstains: (0). The Resolution 2022-09 was approved.

Director Rendeiro expressed congratulations; the certificate will be forwarded to the municipality.

Chairman Wright referred to start the presentation of the Township of Riverside.

Meghan proceeded to present the Township of Riverside.

This presentation can be found at:

<https://nj.gov/state/planning/assets/docs/meeting-materials/spc/materials/spc-materials-2022-0803-Riverside-PE-Presentation.pdf>

Director Rendeiro said that I would like to congratulate Riverside, they have stepped on all the pieces that we have asked for as the other towns have. I am looking forward to completing the side of the Rancocas.

Meghan Jack, Business Administrator for the Town of Riverside said that much like the other towns that appeared Mayor Catrambone and John Gural, I would like to thank Meghan and Tom. They are helped throughout this process has been invaluable. No doubt, we would not be in the position that we are in today to ask for the SPC endorsement if it were not for their assistance, knowledge, and diligence in trying to bring all of this together. We also hopefully look forward to your Endorsement so that we can begin the items that are outlined in the PIA. We thank you all for your time and consideration.

The Director acknowledged that Commissioner Terenik was leaving the meeting.

With no further comments from the Committee, Chairman Wright asked the Director to read the resolution.

The Resolution can be found at:

<https://nj.gov/state/planning/assets/docs/meeting-materials/spc/resolutions/certified-resolution-2022-10.pdf>

With no further discussion or questions, Chairman Wright asked for a motion to approve Resolution 2022-10. The motion was made by Secretary Fisher and seconded by Melanie Willoughby. Chairman Wright asked for a roll call vote: Ayes: (10) Danielle Esser, Frank Gaffney, Secretary Fisher, Susan Weber, Bruce Harris, Vice Chair McKenna, Sean Thompson, Melanie Willoughby, Stephen Santola, Chairman Wright. Nays: (0). Abstains: (0). The Resolution 2022-10 was approved.

Director Rendeiro expressed congratulations; the certificate will be forwarded to the municipality.

Director Rendeiro referred to Lisa Avichal to start the presentation of the Township of Stafford.

Lisa proceeded to present the Township of Stafford.

This presentation can be found at:

<https://nj.gov/state/planning/assets/docs/meeting-materials/spc/materials/spc-materials-2022-0803-stafford-township-presentation.pdf>

Chairman Wright thanked Lisa for the presentation and referred to Director Rendeiro for comments.

Director Rendeiro said that I want to thank Stafford, Mayor Myhre, and Matt von der Hayden. Stafford is a good example of a vulnerable area that is doing the right thing on resiliency. We were able to come to an agreement between DEP and the town on the mapping. This is a good example of showing how you can balance all the priorities.

Greg Myhre, Mayor of Stafford said thank you so much. Fantastic presentation, it really laid out many of the issues that we deal with in Stafford and what we are doing to become a more resilient community. Our administrator, Matt von der Hayden has worked so hard to put everything together. There are other communities like ours; I think we are unique in many ways. I like to say it is where the Pines meet the shore, we are not technically oceanfront but we are right there. On the bay, we have such a large waterfront community; we also have many people who refer to themselves as pinees in the area. We are a growing community too. When I saw that projection from the NJTPA almost 36,000 people, I was trying to imagine what the town was going to look like. I think, with what we have in mind, it could still look very similar to what is today. One of my goals has always been to make sure we are a very welcoming community. But at the same time, I want to make sure that people that are coming to this town,

and people that have lived here that we maintain the character that we have, and obviously a big part of that is making sure that we're prepared for just about anything which in the coastal community you have to be. I thank all of you.

Matt von der Hayden said that I would like to thank Donna and Lisa. They put a substantial amount of time into this effort to be able to get here. It does not happen without them with coordinating the agencies. From our observation going through the process, that ability to be able to connect all the entities has been huge because there have been so many things before Mayor Myhre and the governing body got here that they just weren't looked at. We took the opportunity to use this as our playbook to be able to look at a number of different things and formed partnerships with the state entities to be able to look at those things. The one thing that Lisa pointed out there cleaning up 186 acres of Bayfront is huge. I do not think you would normally see that in most municipalities in the state of New Jersey. We thank everybody for all his or her help.

Mark Villinger from the Ocean County Planning Department said that I want to reiterate what Donna had said. Through this process. Matt's done a great job for the township and just the coordination between the town and the state in looping us and having a voice in the process and also being able to help support the town in the efforts. I thought that the mapping itself was a great compromise. I know that there was a lot of back and forth, and I appreciate the openness of OPA working with the town. Congratulations to Stafford. Thank you.

Matt von der Hayden said that just to add to what Mark said; the whole process it does not happen without many good people. Like Mark, who has provided a number of maps and background to data we just did not have. It does not happen without a large group of people.

Chairman Wright said that that is one of the fundamental goals of the state plan. Is to create this kind of collaboration and dialogue between municipalities, counties, and the state so that everybody understands the other perspectives and can move forward this way.

With no further comments from the Committee, Chairman Wright asked the Director to read the resolution.

The Resolution can be found at:

<https://nj.gov/state/planning/assets/docs/meeting-materials/spc/resolutions/certified-resolution-2022-11.pdf>

With no further discussion or questions, Chairman Wright asked for a motion to approve Resolution 2022-11. The motion was made by Melanie Willoughby and seconded by Bruce Harris. Chairman Wright asked for a roll call vote: Ayes: (9) Danielle Esser, Secretary Fisher, Susan Weber, Bruce Harris, Vice Chair McKenna, Sean Thompson, Melanie Willoughby, Stephen Santola, Chairman Wright. Nays: (0). Abstains: (0). The Resolution 2022-11 was approved.

#### Recommendation for approval of the warehouse guidance

Chairman Wright said that he knows that there are many people who are here for this final agenda item, to discuss the warehouse guidance memo. I am going to ask first Matt to present the comments that we have received to date and revisions that have been made. Then I want to ask Donna and members of the Commission if they have questions and comments about it. Then I am going to go to the public; I know that there are members of the public here who want to talk about this. I am going to ask everyone to be as concise as possible and to limit his or her comments to three minutes or less. I am just going to say for myself, I do not want to prejudge whether or not we should take a vote on this today, I want to hear the staff recommendation and the public comments before making a determination on that. In my own mind, this memo by being out there and fostering the debate and dialogue is already having a beneficial impact on these important conversations in the State.



I do not see the need to adopt it right away as that, to some degree, rather implies that it is a finished product when I think part of the evolution of it and discussion around it is actually a very positive thing.

Director Rendeiro said that Matt is the primary author. This has been an interesting challenge because there are many different opinions about which way we should go. There are a number of folks that think it has not gone far enough. We need to make sure that it is consistent with what the administration is looking for in terms of its goals. Matt is going to talk a little bit about the comments that we received and the changes we have made to date. We think there is more work to be done.

Director Rendeiro referred to Matt Blake to start with the recommendation

Matt said that on June 10 this year, the proposed guidance was posted on the Office of Planning Advocacy website to commence the 50-day public comment period that recently closed on the 29<sup>th</sup>. Since the public comment period opened, OPA received 48 individual and group comments from members of the public, municipal and county officials, and their planning staff. I should note that numerous other comments were also received prior to the public comment period. This includes substantive comments received from members of the Plan Implementation Committee (PIC) of the State Planning Commission (SPC), the Interagency Workgroup, the state, and regional planning agency's staff, and other planning professionals. Comments were also received during the public portion of the PIC meeting that was held on October 20 of 2021, when an open discussion was held on warehouse siting guidance.

Donna had also mentioned earlier today that there has been a number of other meetings held virtually and in person where either she or I have engaged with interest groups. We think we have done a good job at getting this process out there and casting our nets to solicit comments. In all, over 70 comments were received. Without this enormous outpouring of comments, including all of the advocacy and encouragement by members of the public, advocacy groups, NGOs, counties, state agencies, and Regional Planning entities we would not have gotten this far in the process, or have been able to develop the guidance.

The majority of comments received were positive and expressed support for the SPC's efforts and the direction taken with the guidance. For example, multiple commenters characterize the guidance as being clearly and professionally prepared, providing municipalities with the tools and information needed to help them develop a comprehensive master plan, zoning, and development procedures meeting the needs of a variety of stakeholders. The majority of comments also expressed support for seeing all levels of government do more to safeguard important resources like open space, farmland water quality, and ensuring the traffic safety and quality of life concerns particularly in neighborhoods and overburdened communities addressed earlier in the planning process. This sentiment was also extended to counties, and regional and state planning entities including a few comments received in support of having the SPC update the State Development and Redevelopment Plan.

We also heard encouragement for greater use of abandoned sites and contaminated properties. As part of the overall redevelopment and infill efforts, we could not agree more. The guidance encourages all the above recommendations. Many commenters also felt that the State takes a more active role and or provides either the SPC or counties with regulatory authority to ensure that large-scale projects that have the potential for regional impacts can be appropriately reviewed and where necessary modified or denied. This is suggested to mitigate and avoid adverse impacts on adjacent communities, local resources of state and regional importance such as the highlands pilots, and vulnerable agricultural areas. These comments included numerous requests for local, county, and State government to do more to ensure that roadway capacity and related transportation infrastructure is adequate before approving new projects. It is worth noting that at least 20 of the comments received expressed opposition to the 5.5 million square foot warehouse distribution center that was recently proposed on Quaker Bridge Road in West Windsor Township that was granted Planning Board approval on June 29. These as well as other commenters also expressed the view that the guidance does not go far enough and that the legislature

should revisit the MLUL to address a host of warehouse-related issues that the guidance and municipalities cannot address under existing law.

Several commenters, particularly individuals who are confronted with large-scale projects proposed in their or near their communities, characterize the guidance as ultimately toothless and called for a statewide moratorium and more direct intervention to block particular projects which they oppose. The sentiment expressed by many of this group is that as good as these recommendations and tools may be, not every municipality is going to abide by them. There will always be those few towns that will choose to not do sound, proactive planning and approve poorly sited and designed projects that will negatively affect the residents as well as other communities if not the region. OPA shares many of the concerns that were expressed by residents from West Windsor, neighboring communities, and indeed from across the State, with respect to incidents of poorly planned development in general.

It is important to note that the State Planning Act does not provide the SPC with jurisdiction to regulate land in New Jersey. The SPC does have the authority to develop statewide policies and guidance that it exercised in developing and considering the guidance that is now before us. As stated in the executive summary, the focus of this guidance is to provide local governments with factors to consider when updating their master plans, reviewing development applications, zoning, and development standards, and encourage interagency, municipal, and county cooperation and coordination as part of a concerted regional effort.

In fact, many commenters recognize the importance of the logistics industry to New Jersey and our State's long tradition of home rule and welcome the guidance as a balanced and sensible approach. Such comments also tended to coincide with the desire to see the state take a regional approach. Projects can be accommodated where they make sense along state highways with more immediate access to major interchanges while safeguarding sensitive receptors like schools, hospitals, neighborhoods, overburdened communities, and resources that most of us would agree ought to be protected ahead of development.

As for the revisions that were made to the guidance documents since this 50-day public comment period opened on the 10<sup>th</sup>, many were grammatical in nature and were made for the purposes of clarification and integration of new and more accurate information. However, a number of subsequent comments were received during the official comment period that warranted revisions to the guidance. For example, we received a lengthy letter from Clean Water Action representing the collective concerns and recommendations of 10 environmental and advocacy organizations.

Overall, the concerns raised echo those previously mentioned and included many specific suggestions which were very helpful; many of which were incorporated throughout the document. The group letter also included numerous exhibits and source materials that will all be helpful to OPA as it considers the development of future support materials such as a model ordinance. I will just carve out a piece of the letter that we saw from Clean Water Action on behalf of the 10 groups. "We are encouraged that the legislature and administration are taking notice of uncontrolled warehouse proliferation and OPA has drafted a warehouse guidance document for review and comment. It is clear that local towns in the state as a whole have few if any tools to reject or set binding conditions for warehouse development under the MLUL. There is currently no comprehensive statewide warehouse needs assessment or smart location plan. Additionally, NJ's 2020 environmental justice law does not include warehouses. Warehouse development is largely done in speculation with no specific tenant in mind. So when a municipality is faced with making local decisions about where a warehousing proposal they are doing it without being fully informed nor are they provided adequate tools and protection to protect themselves".

Another concern received from more than one commenter was with respect to whether some of the best practices (the BMPs) or other recommended standards and requirements in the guidance are directly supported explicitly by the MLUL. OPA's position has been that while the MLUL may be silent as far as specificity on every measure recommended for municipal or county consideration, their absence doesn't preclude their usage as part of overall

negotiations with applicants as part of the site plan approval process. In all cases, municipal county authorities should consult with their land use attorneys before enacting or amending land use planning and zoning regulations.

Finally, there were also a number of recommendations that have not been included in the current draft. For example, one commenter suggested that the document define each type of warehouse use, which we distilled into three distinct types that all warehouse uses into which they typically fall. This has been done because there can be substantial variability within a single warehousing project based on its type and the potential for misclassification. However, this and other recommendations such as discussing Community Benefits Agreements and including more specific local and regional examples of tools may be worth reevaluating particularly as new information becomes available.

Originally, the staff recommendation was to go ahead and move forward with a vote. However, on the last day of the public comment period, as Donna mentioned, the Office received a substantive document of 15 pages with many exhibits. We worked very hard to integrate that into the document late in the hour, but some members of the SPC may not have had time to fully vet and consider all of those comments and recommendations. What I will say is that we certainly did integrate a fair amount of some of the suggested comments, particularly in the Best Management Practice section. Some of the recommendations and comments we felt went above and beyond what the current laws and rules currently call for. Some of these may be regulations that are overseen by DEP and other State agencies and really do not fall into the purview or jurisdiction of the municipalities with respect to requiring electric vehicles and the transition to electric trucks. We did not incorporate all of those comments for that reason. I created a quick summary of many of the types of topics and items that have been integrated into this current document since the public comment period. I will just quickly call out what those were. If I need to share my screen and folks want to see a specific section in the document happy to do that. There are about 12 of them.

In a general summary of the substantive revisions, we added additional language and discussion regarding climate mitigation measures, environmental justice, equity, and labor practices specifically labor practices to the extent of worker amenities. We recommended high cube warehouses as a conditional use versus a permitted use because it can be such an intense project and all of these echoes suggestions that we heard from you the public. We added emphasis on advancing climate, environmental protection, and energy mitigation measures and the use of the New Jersey Local Redevelopment and Housing Law. We discussed cooperative efforts and conducting regional transportation and corridor studies, a more regional approach to undertaking those studies, ahead of application. We talked about LEED building certification and other specific building and site sustainability measures. Best Management Practices were substantially expanded regarding both standards buffering, circulation, light, noise, pollution, and trucker and worker amenities. We added material regarding community representation on technical advisory committees and other advisory groups particularly in overburdened communities. We want that representation to be meaningful.

Additional description was added regarding warehouse types and uses. That is a really tough one because depending on where you go online there are different definitions and there are conflicting definitions. My biggest challenge is that there are many articles out there that take positions but there is not a lot of objective information that is out there. It was sort of beginning from scratch. Going down this road, which made it really challenging we are to some extent writing the book on a lot of this. We added language regarding the County Planning Act and the limited role with respect to the review of site plans. I know many folks want to see the county take a bigger role but that role is to some extent limited in the County Planning Act. That is just a quick summary of the comments that we actually integrated into the current document before you, and I am happy to take any questions.

Chairman Wright said thanked Matt for that overview and commended him again for a terrific piece of work. As you closed, this is a rapidly evolving area. We all know what is happening here as COVID hit, our lifestyles changed, e-commerce took off, and it has created enormous demand. Of course, from the other side, the concern is we cannot wait until this wave has crashed to figure out how to respond to it. It is a really complicated time and position. Commissioner Ed McKenna has had to leave, which means we do not have a quorum. I think the question of

whether or not we are going to vote on this has been settled for us. We will not take a vote on adopting this today. Again, my feeling is that the memo is doing good work by provoking these conversations and that is more important than necessarily final adoption by the commission. What we are going to do instead is have this conversation about these issues and get more feedback. I also hope that the comments that we received will be made available to the public and especially the one you referred to from Clean Water Action. I have had a chance to review it myself but I want to spend more time with it.

Director Rendeiro said that we likely within the next couple of days could put them all on our website. The draft as it currently sits, which is obviously not going to be the final, has been sent last night to the Commission members. It has not been published widely because we wanted to have this conversation first before we published the next proposal.

Chairman Wright asked for questions or comments from members of the commission.

Commissioner Harris said that he wants to say that he has been paying a lot of attention to these guidelines. Even though he does not live in a community that is going to be susceptible to having a warehouse, he thought it was a very interesting process. Commissioner Harris congratulated the team on getting to a document that is much more meaningful than the initial drafts and is more concise and readable for ordinary elected officials as opposed to readable by planners. The one area (and Donna has mentioned this) that I had some concerns about was the Best Practices section. We had a nice conversation yesterday and a lot of work is going to be done on that over the next few weeks. It is good that we do not have a quorum because even though we need to get this out, the product must be useful. It is beneficial that we take the time.

A question for Matt was about the warehouse definitions. They are confusing; throughout the Best Practices, there is a discussion of various size ranges. Can you come up with a great definition, would there be a good size range that could be established as categories so that there would be a good set of considerations associated with smaller size medium, large something like that?

Matt responded that actually is a really good idea, ITE is a national organization where you can go where you can look at the evolving changes to the definitions of various distribution warehouses associated with E-commerce. There are about six of them. It's pretty complex to try to sort some of those uses by intensity or size. We had a column and types of warehouses where we talk about them in terms of like size, like the breakbulk facilities that are proximate to the ports that are the big ones that take the shipping, break that down, and then ship it to smaller distribution centers that eventually ship it off to the last mile facilities. That is something that I think makes sense. I would happy to take a look at teasing that out so people know some of these other types are specifically where each fits.

Secretary Fisher said that this is great work. It seems that it is almost a bit agnostic. There are many definitions and explanations of everything but in terms of what the state is actually saying, I am not sure it refers to all the areas like environmental justice and congestion and the like. I have not dug in enough yet. I do not feel like we are actually taking a position. We are just outlining some best management practices. First, if you do happen to end up with a warehouse situation of how towns want to plan for all the traffic and all the impacts that it has. I feel it is weak unless you can point to me otherwise; it is a bit weak on sort of the vision of how New Jersey sees itself with warehousing. We know that logistics is a big factor and it is in the business enterprise of New Jersey. Developers develop, that is their job, and that is what they do. I look at this and I see certain things where I would use this document if I were a developer to show everything that I am doing based on what it is that you are saying. To me, it will help make my case and I do not know that communities could use this to say as a sort of, not a weapon, but an ability to ward it off if they do not want it. This leads me to the Ag community that does not want warehousing on prime soils. It mentions it a couple of times, but it does not really say, we do not want it on prime soils. As a state plan, we do not want to take all our prime soils out if these developments can go somewhere else. That would affect the Ag community less because the easiest place to develop is a piece of flat farmland that now can

become a warehouse. It is the easiest, best and cheapest way. I feel like there should be a stronger statement in terms of that. I also think that we need to really be a little less agnostic in this document.

Matt said that it might be a good idea to actually call out some specific land use recommendations in the executive summary. A lot of everything you just said is in the document, but it is hard to find because we have broken the document down into 13 different sections. All that stuff is in there and it is useful but at the end of the day, it needs to be simplified like what are the primary goals, strategies, and policies as far as what is the state recommending. What are your considerations for siting and the intensity of these uses? That might be something that we can expand upon in the executive summary and elsewhere in the document. It is much easier for a municipal official or member of a planning board to put their fingers on that.

Secretary Fisher said that that would be helpful and also we have 565 towns in New Jersey, some are very small but with big landmass but not much of a huge government infrastructure. Sometimes you will see signs across the state saying no more warehouses, you do not see too many saying we want warehouses. They almost have to throw their arms up, because they know they are going to end up in court or they are going to end up before some judge somewhere, or there it is going to be a variance that will take an amazing amount of legal power to be able to fight off. We have seen it in certain areas in solar. That would be my suggestion to you and what you suggested to us I think is extraordinary because it is true, it gets lost in some sections.

Matt said that just to back up what you said as far as where OPA stands is our position on primary soils and important Ag areas. Obviously, we cannot say it enough, but apparently, it needs to be more strenuously said that we do not think that it is appropriate to be locating big warehouses in agricultural development areas and farm belts in New Jersey and areas where the capacity is not there. The public has already indicated what its position is with the amount of public money spent to preserve lands in and around some of those very farms that we have seen targeted for development. This is the kind of impetus for getting our attention and the need to actually respond to this issue and do something. We do get at the issue in terms of looking back at the State Plan; it is very similar to the State Plan. You could actually go through the State Plan and see what it is talking about not siting certain types of intensive industries in Planning Areas 4 and 5 (environmentally sensitive areas and contiguous farmland). To find that becomes more of a chore and this exercise cannot be a chore. It is not going to be used. It is not going to work.

Commissioner Esser said that to make it more clear about what are the recommendations, this is the text and I understand there has to be content and text made, we put it into not bullet points per se, but maybe the structure of a planning and implementation agreement. There is an executive summary, per se., Bullet point areas appropriate for warehousing areas, not appropriate for warehousing, considerations to consider, ordinances to implement, other, when you're doing a warehouse consider protecting another piece of land at the same time. You are balancing those needs. These are the types of recommendations that towns are going to be looking for if they are going to sell it to their community. They have to be able to say this is an amenity, it is creating jobs, it is doing this, and we are creating this other park or other infrastructure that is balancing these needs. In terms of talking about all of the requirements when the warehouse comes to the local land use board, you can make suggestions there for planning implementation agreement. Then you have to have buffering, you cannot have light pollution, you have to limit access to trucks on residential roads, and you have to have setbacks of certain feet work with the Department of Transportation. There are a number of factors that you want to consider. Municipalities use these tools when they are planning.

What are the positive impacts? What are the negative impacts and how can we mitigate them? I would kind of bullet point out high level because as you said there is a lot in the chapter. You want to be able to see it very clearly. You want it to jump out on the page. If you want to direct people to the text, you can say see chapter two. Maybe the other thing is that even though there are 13 chapters, you can sub-orient. You can say Section A, and Section B so that you can navigate through the recommendations. If you have recommendations and let us just say a table of contents or PIA, then you have a directory about where you get to those recommendations.

The other suggestion I would have is if we are making concrete recommendations let us just say, buffering or whatnot. If we have sample ordinances that we think are good or that we think or maybe towns are saying here use ours as a tool we can link to those to provide some resources for towns, so they do not have to feel like they are starting at scratch. Thank you.

Commissioner Santola said that it is amazing to have two people read the same document and come to two completely different conclusions. I thought the Secretary's comments were exceptionally enlightening. Full disclosure, my company has an industrial division; we do warehouse distribution. To date, it has mostly been the towns where we have been invited. I think the document frankly should be more agnostic. I think we are reaching an impasse here as to what is this supposed to be. Is it a series of recommendations? On the other hand, is it advice for towns that are looking for assistance? I read some of this but as almost like a warning on the package of cigarettes. There is some language in here that is strong that I do not find it necessarily applicable to what we built. That leads to another issue, which is in the current market; build-to-suit is very uncommon. You are building on speculation, which means you do not necessarily know the user.

I think the document has done an amazing job of separating out the uses. Great work, Matt, you are to be commended. You are right; the last mile centers are going to have hundreds of parking spaces. If you do not see hundreds of parking spaces, that is not the intent of that particular development. I think when I read it, I looked at this is a Bible for objectors to comb through and pick and choose what they want. Maybe I am not within 500 feet of a residence and maybe real close to the highway but I do not maybe fall into some of the other categories so I am not going to mention those. I am just going to make my argument based on what is in here; I grant you that the development team would probably do the same. I really view the document and I may be 100% wrong and outvoted. As the mayor, I would say we are near 287, we are near the Turnpike, we are looking to get some guidance on how to zone and we need some help. Parts of that come through that are really much stronger.

The other concern is if you read it in its full form, we do not want to develop on farms and open space. Suburban infill is tricky because there are schools, senior uses, and single-family residences around on the way to the highway. Then we have overburdened communities like the cities that we want to redevelop but because there is going to be more truck traffic, they are getting an unfair amount of environmental pollution. As you come through it and you piece, it together that does not leave a whole lot of places. That is why my thought on the document, which again, I think is tremendous and reflect so much research in somebody who understands the industry. I can tell you a lot of it is very accurate. Developers are also using these criteria right now. If there is a site, everybody wants to know how close to the highway it is, does it go by the school or does it go by residential neighborhoods? Because those are the resistances that you are going to meet. So pointing those out I think is great. Pointing out the separate types of industrial uses that are in the market right now is extraordinarily helpful. Everybody has said and the document says we are a logistic state and that does not seem to get the balance that all of the more alarmist or preservationist sections of the document are. I agree with Danielle to try to distill it down to some bullets. My view is those bullets would be more agnostic. Obviously, I am just one voice but I do have a substantial amount of experience in this world and I am fully recognizing that. There is no question that I come at this from a distinct perspective, but I think that is part of what we are doing here.

Chairman Wright said that in response I think that one of the values of having the New Jersey State Planning Commission is that we have a forum where people will approach an issue from different perspectives. That's the appropriate way to be talking about a complex issue like this rather than everybody coming at it from one direction we are listening to and trying to wade through these issues. I think also one of the things Steve that you are talking about that this highlights is that this issue really looks different depending on the way you approach it in many different ways. One other thing I will just point out is that are you approaching it from a kind of local land use consideration (what does this site mean?). How do you build up from the ground in terms of thinking about how to best site or accommodate something or are you taking a kind of larger statewide regional perspective? I thought one of the excellent observations in the public comments received was that there is no statewide warehouse needs

assessment and maybe that is not exactly the right term I would use but a kind of understanding of what are the needs of this industry. How is it growing, where is it likely to go and how do you accommodate that? Because somehow, you are going to have to consider this issue from both points of view. Like what is happening on the ground in specific communities. What are the external pressures that are being brought to bear exactly the same way you would consider if you are talking about housing needs, you think of the local context? However, you also have to do it within the understanding of what is driving that demand and what are those factors, and how you best try to accommodate them. I think this is all moving in that direction and there is kind of a parallel conversation in the chat on this. To recognize that the State Planning Commission and Office of Planning Advocacy do not set policy but what can we do to raise the issues and try to clarify them? I do believe that one of the things that are happening right now is that we are seeing the limitations of an essentially home rule-oriented planning framework that does not really take into appropriate consideration the larger regional implications of these local decisions.

We faced this 20 years ago in the creation of the current State Plan when at the time the major kind of external concern was the preservation of the drinking water supply in the Highlands. Again, the State Planning Commission did not have the authority to dictate new policies or regulations in the Highlands. What it did in the 2001 State Plan was create a kind of policy called a special resource area that identified the Highlands as an area in which our current planning framework was going to fail and kind of helped the issue for the state legislature and eventually executive action to try and work in that area. This might be a very different set of circumstances, but I think from my perspective what we are seeing here is the kind of limitations of the current framework that we have. Maybe this is the kind of thing that in the future in a new State Plan or consideration of the State Plan Policy Map and the centers and environments designations that we have in the Plan Endorsement process ways that we can try to improve this process. I think all of us would agree it needs to be improved not by suffocating and killing an industry but by making sure that it is able to grow in ways that among other things are consistent with our guidelines for clean air and clean water and renewable energy sources, etc.

Chairman Wright asked for questions or comments from the public.

John Mulcahy, a Mercer County resident said that he has been a Mercer County resident, a lifelong resident of New Jersey, a Mercer County resident for 30 years, and a West Windsor resident for 23 of those years. First, he thanked the Commission for the thoughtful, insightful guidance focused on the best interest of the community where warehouses are being considered for development. The guidance has a focus on protecting motorists, schools, cyclists, pedestrians, and the communities overall from the significant and potentially devastating traffic, health, and environmental concerns when communities are impacted change with thousands of additional trucks passing through each day. His main message is that this needs the impact of law because it needs teeth to be taken seriously. As a way of example, for recent West Windsor deliberations on the Bridge Point 8 application, there was public comment there for four hours plus and it went almost till 11:30 almost. It was unanimously opposed because the project would change the character and of the community because of the traffic to health environmental and wetland-related concerns. This guidance came out 10 days later. When it came time for deliberations, the West Windsor Planning Board had no intent. They did not embrace the guidance; they did not want to slow down the process. In fact, on the night of deliberations on June 29, the planning board's attorney addressed the public; a full room of people opposed to this, and said that basically, they were aware of the guidance. They took the shameful position of standing room only full of angry and disillusioned residents that they did not have to follow the guidance because it was not law, not like pausing to say this is good guidance and we should look out for the best interest and want to follow. They did not have to follow up because it was not law. The State Planning Commission has provided this for guidance. It is a roadmap for planning. West Windsor chose to ignore it. On top of that, during the deliberations, the West Windsor Planning Board acknowledged on various occasions, they did not have enough info on traffic impacts, health impacts, and environmental flooding on wetlands. Still, they decided to approve the application apparently content in their ignorance in terms of what the full impacts would be. So strongly recommend that it get the impact of law.

We did have 3000 people sign a petition against this project. There's a lot of opposition to this and then just for the state planning guidance, my last word would be perhaps, a guiding principle should be that massive developments like this should be put in places where it's not going to change the fabric and character of communities. You build a house, put an extra couple of hundred square feet, and you are having a local impact. You are putting a five and a half million square foot facility with thousands of trucks each day. Your impact is well beyond the footprint of the facility. Thank you very much.

Tirza Wahrman, a West Windsor resident started by also commending the State Planning Commission, the staff, and Donna Rendeiro who has been always responsive to our concerns. She also attended the Planning Board meetings in West Windsor and a lot of the excellent planning guidance that has been published and commented on were frankly ignored openly by the West Windsor Planning Board. Residents like us are now in the uphill battle of fighting the adoption of a plan to build 5.5 million square feet of warehouses right opposite the Quaker Bridge Mall along Quaker Bridge Road and Clarksville Road, which are county roads. This site was a revolutionary war encampment that not many people know about and that was completely skipped in the documents put forth by the developer. I feel that West Windsor is really in the crosshairs here. I understand the State Planning Commission is moving as quickly as it can, but this Planning Board approval on June 29, is moving ahead full steam in real-time. There will be real-life impacts if this plan is allowed to slip through. My suggestion today is, are there allies in the legislature that the State Planning Commission can work with even if your guidance is in draft form? Because we really need for the MLUL to be revised and updated because multiple warehouses built on speculation like the one just approved in West Windsor have impacts well beyond a typical mom-and-pop store or data center or other structure that might be built on a site. That is my recommendation. I know that there was Assembly Bill 3608 in the previous session. Is there someone like Troy Singleton some thoughtful legislator who might say yes? This should be law. Thank you so much.

Amy Goldsmith, State Director for Clean Water Action said that she is on the steering committee for the Coalition for Healthy Ports. Thank you to the office and to the staff, Donna, Matt, and others who really did some big lifting getting in our comments on the last day. As you noted, they were quite extensive and I appreciate the mention several times that we do not have a needs assessment for the state, we do not have a logistics plan for the state. I know that there are some freight plans out there but not a comprehensive look. If people understand the way goods movement work, I have been working on ports issues for over 20 years and the port of Newark and Elizabeth grow at seven to 10% a year. There are now 20,000 trucks that leave the port every single day. They go somewhere and they mostly stay within a 50 to 70-mile radius. They mostly are going to warehouses and in some cases; they are going to places to deliver orange juice for containerization. That means that if we do not have a good port strategy and we do not have a strategy for dealing with electric trucks that is not in your domain but is in the domain of the NJDEP we are not going to have a comprehensive policy. We are not going to know where to put the warehouses and why we put them there and what size and for what purpose. I just want to bring that up.

Even without COVID, the port has been expanding and is continuing to expand. COVID made it worse. I think one thing that would be helpful also in the guidance that you are talking about doing a few more revisions is actually to take the program or the guidance on the road. In the case of West Windsor, which is maybe the largest proposal out there, the county actually could play a role in stopping this project because of the county roads that surround it. If the Office of State Planning went out and sort of took this guidance on the road and educated counties and towns about this rather than just hoping that people might look at it, that would be helpful. I think the idea of using this as a stepping-off point for better policy on the Municipal Land Use Law on legislation that would have real regulation, the model ordinances that you talked about maybe putting some in I think all of these would be a big help.

Guidance is a good first step and wonderful work that you all did but what's important is to get to the next step to how actually make decisions about logistics and how to regulate because that is the only way in which you can get sound planning. Thank you.



Walter Lane Director of the Office Policy and Economic Development for Somerset County said that I just want to commend Matt and the SPC for developing this guidance document. Our board has discussed this and reviewed this. I think that the warehouse guidance document is excellent. It is a good guide for dealing with these issues. It balances the needs of the logistics industry with the local concerns and makes sure we are creating quality communities. I think this highlights the opportunity for good state planning and good regional planning. The need for it and having something like the State Plan that can help guide some of these decisions looking at the regional picture is really valuable and needed. I think the counties can play a role in this as well that's when our letter kind of outlined that there are some examples of not only Somerset but other counties that have done some regional planning efforts to kind of look at this from the larger, non-municipal level and see where things fit best. Counties can also provide technical support and guidance in these documents. I just wanted to point out that we are using this document as we update our award-winning County Investment Framework and looking at how we could potentially integrate some sort of logistics nodes or logistics corridors into that mapping to help guide not only county investment decisions but hopefully local and state investment decisions as well.

Franklin Township in Somerset County did amend their zoning ordinances using some of the recommendations that came out of this guidance document to change the intensity and location of warehousing. This document is being used. I just wanted to make sure the SPC knew that it was being used not only at the county level but also at the local level. Our county is happy to continue to participate in these discussions and provide any best-case practices or uses and practices that we have been doing here and look forward to being a partner with the State Planning Commission as you move this forward. Thank you.

Chairman Wright thanked Walter. That is great to hear. I am especially pleased to hear that communities are already paying attention and incorporating these guidelines in their thinking.

Mike Theokas, Township Administrator for Bordentown, said that he is also a resident of the Township. The Township was not able to formally submit responses to the recommendations but we did have the opportunity to meet with Matt and Lisa this week, which we appreciate. We hope that our comments were beneficial to them because the conversation we had with them was certainly beneficial to us. We are in Burlington County right off of Exit 7 of the New Jersey Turnpike. This has been a topic that is front and center in the Township planning discussions. We have tried our best to stay ahead of it, regarding zoning. The issue that I have and I do not know whether this is a question or a comment and I do not know how to square the circle. It has been brought up that this is not legislative right now. It is guidance and recommendations. I do not see any other way to do it given the rule status of municipalities and their ability to manage local land use. None of us would like it if the state or the county or anybody else told us what to do in any other portion of our municipal lives, but now we are asking them to legislate land use. I do not see how we get there. I am not saying that is right or wrong. I am just pointing this out from that perspective. The only time that does happen as it goes through the courts which is a problem in the Township is when it comes to housing. It has been brought up with affordable housing. Just as an example, we have housing developments that were built via builder's remedy and industrial zones. These are the loudest complainers when warehouses are common in industrial zones. So how do we manage that? If we pass local legislation to ban warehouses, like one of my neighbors tried to do here, one of my neighboring municipalities. We are struck down in the Courts. The Courts are on the side of creating housing. This is not a discussion about affordable housing. It is just making the point where we are kind of catching it on both ends. I do not know that any legislator is going to adopt overturning local land use rights. I think it is up to the respective municipalities to be forward-thinking in their master plans and create in their book restrictions and requirements to try to manage it the best they can. Most of us would not want counties or the state in the rest of our business. We cannot ask them to do that now. If we cannot manage our own backyards unless we start going to regionalize stuff, which I am all in favor of regionalized county governments and so on and so forth. That is not necessarily the opinion of Bordentown Township by the way. That is my own opinion. Thank you for the opportunity.

Rob Tallon, a neighbor of Bordentown, from Mansfield, said that they changed our master plan, updated it, and removed the warehousing element from our commercial sites and we are actively in litigation over that now. You are correct. You will be litigated if you do that. We anticipated that. I cannot go into detail about it because it is in executive session. The lawsuit, I believe is a public record. I do not know if it is on our website if you wanted to read it. I think we are going back into our master plan to overhaul the whole thing again. We just had a resolution passed to do that. Now, I was elected as the write-in candidate because of an outcry from our community over warehouses a year and a half ago and the last group of several committeemen was elected under, that was their fame when they got in. There were four of the five of us that were on the committee that was in favor of mitigating the impacts that were being realized. Things that were being communicated to us by our residents like cracking foundations in our little town and the number of heavy trucks going through to concerns about the heavy traffic, all the things that have been stated here.

This is my personal belief, this is not from the township committee, but I look at also our environmental impacts. We are one of the communities that's a part of the Tri-County water allocation system. We provide a lot of our groundwater, and most of our groundwater that leaves our township supplies the communities that are south of us some of which were voted to be put in Plan Endorsement today. We have many impacts and if you think about the number of warehouses we brought in, I think we have approved about 10 of them. If you add to an impervious surface that almost triples or makes five times more impervious surface than we had in our community already going into pretty much one watershed. Downstream from us is the one town that will be affected right on the river is another Township. They have sent letters of concern to the DEP. There are regional impacts to this and there can be no doubt about that. As the fellow from Bordentown just mentioned, we do not want to give up our home rule. The municipal land use law does not touch just some things. This quick response to building all these warehouses, all of a sudden many things have many gaps. Many things have been shown where our planning is shortsighted. We are in a most densely populated state. We have capped landfills all around us. We have wastewater treatment plants discharging on a lot of our streams and rivers. As we go on and on, we are going to end up living in our own waste streams, I believe, personally, if we are not close to it now.

Chairman Wright thanked everyone for all the comments and said that there are many threads that are coming back through these discussions.

As I said earlier, we are not going to be voting on this today. I appreciate the comments about the need for urgency and getting this out and I certainly agree with that. At the same time, recognizing that SPC adoption of this memo is not a final step in a process but rather us doing our part in trying to advance a policy and eventually regulatory conversation that is going to have participation from the legislature, the governor's office, the agencies and a lot of others. I see a question about when is the vote anticipated. I believe we should be able to bring this to the Commission in September. We will make the public comments available for everybody to see. The staff will revise the memo based on some of those comments and incorporate them into the discussion today. I would anticipate that at the September meeting we could vote to adopt this memo. But again would just stress that adoption of the memo as many people said is not a final step in the process but rather an important step in what I think is going to be a longer process to try and create more clarity and guidance around these issues. We will continue to keep educating municipalities on looking at ways that counties can be involved and thinking it through. I think our goal for New Jersey should be to have the best, cleanest warehouse distribution system, one that is equitable, that pays its people well, does not have negative environmental impacts, and supports our economy. I think that is a goal that we are all trying to achieve

Director Rendeiro said that we would work diligently to incorporate these changes and get them out. Our target will be for the next meeting. You can see by this conversation that there are so many differences of opinions and thoughts and how to make it work it is a challenge for us but we are up to the challenge and I think we will be able to come up with something that as you said is really a first step towards continuing this conversation.

Chairman Wright said that thank goodness that we have a forum where state agencies, members of the public, municipalities, and counties, and representatives of different interest groups and industries all have an opportunity to talk openly about what they're looking for. This is the only way that we do come to a good resolution and good policy for this which is a Jersey tradition. New Jersey has often been at the front edge of some important policy environmental land use policies in our nation.

#### **ADJOURNMENT**

With no further comments from the Committee or the public, Chairman Wright asked for a motion to adjourn. The motion was made by Melanie Willoughby and seconded by Danielle Esser. All were in favor. The meeting was adjourned at 12:14 p.m.

DRAFT

**ATTACHMENT A**  
**NEW JERSEY STATE PLANNING COMMISSION ATTENDEES**  
**DATE: AUGUST 3, 2022    TIME: 9:39 AM**

Levi Klinger-Christiansen - DAG  
Meg Cavanagh – NJDEP  
Matt Baumgarner - NJDEP  
Mark Villinger – Planner, Ocean County  
Tom J. Stanuikynas - Regional Planning Manager, Burlington County Bridge Commission  
Jonathan Sternesky –HMFA  
Walter Lane - Office of Planning, Policy and Economic Development Somerset County  
John Gural – Borough Administrator, Bo. Of Palmyra  
Gary Catrambone – Mayor, Twp. Of Delran  
Greg Myhre – Mayor, Twp. Of Stafford  
Gina Fischetti – NJDCA  
Amy Goldsmith – Clear Water Action  
Rachel Giolitto – Twp. Of Stafford  
Matt von der Hyden – Business Administrator, Twp. Of Stafford  
Meghan Jack – Business Administrator, Twp. Of Riverside  
Mike Theokas – Twp. Administrator, Bordentown  
Tirza Wahrman – Resident, West Windsor  
Rob – Resident, Bordentown  
Joseph B. Bellina – Interim Business Administrator, Twp. Of Delran  
Stephen Karp  
John Mulcahy  
Francesca Giarratana  
Lee P.  
Warren Mitlak  
Naomi Richman Newman  
Khurram  
Maya Kamath  
Doreen S. Garelick  
Stephanie Farrell  
Wendy Mitchell  
Steve Althouse  
Justin Riggs  
Mario Laurenti  
Keith Anderson  
Vanessa Mondestin  
Jon Hurdle  
Stephanie Kravil  
A. Soriano