

**New Jersey State Planning Commission
Minutes of the April 23, 2003 Meeting
Department of Community Affairs
Conference Room 129
101 South Broad Street
Trenton, New Jersey**

CALL TO ORDER

The 169th meeting of the New Jersey State Planning Commission was called to order by Timothy J. Touhey, Chair at 9:35 a.m. on Wednesday, April 23, 2003.

OPEN PUBLIC MEETINGS ACT

Dan Reynolds, Deputy Attorney General 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

Michele Byers, Executive Director, New Jersey Conservation Foundation
Dan Ryan, Designee for Commissioner Bradley Campbell, Department of Environmental Protection
John Eskilson, Public Member (arrived at 9:44 a.m.)
David Fisher, Public Member
Brent Barnes, Designee for Commissioner John Lettiere, Jr., Department of Transportation
Monique Purcell, Designee for Secretary Charles Kuperus, Department of Agriculture
Peter Lazaropoulos, Public Member
Marilyn Lennon, Public Member
Marge Della Vecchia, Designee for Commissioner Susan Bass Levin, Department of Community Affairs
Daniel Levine, Designee for State Treasurer John E. McCormac, Department of Treasury
Edward McKenna, Jr., Public Member
Dr. George Pruitt, Public Member
Lauren Moore, Representative for Secretary William Watley, Commerce and Economic Growth
Commission
Timothy J. Touhey, Jr., Chairman and Public Member

Not Present

Martin Bierbaum, Governor's Office
Donna Pearson, Public Member
Gary Paparozzi, Public Member

Others Present (See Attachment A)

CHAIRMAN'S COMMENTS, Timothy J. Touhey, Chairman

Chairman Touhey requested that during the next 30 days he would like the State agencies to work on gathering information as it relates to environmental issues surrounding the Big Map employment and population projections in order to move towards the Cross-acceptance process. He also requested that the designees report back to their respective Commissioner and explain that he would like each of them to attend the May meeting at which time he would be announcing the Cross-acceptance process. He also noted that at the New Jersey Association of Counties meeting the Governor indicated that all maps will fold into the State Plan Map and there would be a Cross-acceptance process. Chairman Touhey feels that the Governor's message continually is being lost and it is incumbent on the Commission that it begin to move the process and begin to layout the ground work for Cross-acceptance. He further noted that he felt there should be a uniformed message from the cabinet members and it is imperative of the Commission to begin the process and undo the confusion created by the BIG Map.

Dan Ryan from the Department of Environmental Protection indicated that Commissioner Campbell asked him to let the Commission know that DEP will participate with the counties in a Cross-acceptance process.

There was discussion on this initiative, the importance of all the State agencies working together and the importance of communicating to the public the process the Commission will be undergoing with regard to Cross-acceptance. Chairman Touhey clarified that hopefully on May 21 there would be a letter sent from the Commission to all counties regarding the process and what the Commission is looking to do, quantify it and what is expected from them with regards to their research, data, and their agreements. The letter will represent the beginning to Cross-acceptance, timelines will be identified and it will be very clear upon what direction the Commission is taking.

Public Comment

There were no public comments at this time.

Chairman Touhey placed on the table for discussion Resolution No. 2003-05 Extension of Public Comment of Rule Proposal Providing for Readoption and Recodification of State Planning Rules, with Certain Minor Amendments, for Publication in the New Jersey Register.

David Fisher noted that he has had several discussions with either the Plan Implementation Committee or the State Planning Commission about the issue and it began last November when the NJ Builders Association and others were concerned that there may not have been adequate direction from the Deputy Attorney General's office in terms of what the Commission's latitude was in considering modifications to the Rules. He noted that it had been extended once already to make a 90-day comment period. He noted that in March the Builders Association wrote again because the Commission had not gotten any specific direction from Dan Reynolds in terms of where we could go with some issues, specifically map amendments outside of Cross-acceptance. He felt that it was nice to see that the comment period was extended, but felt that everyone probably has already submitted comments since the initial comment period ended on the April 21st. He noted that he was for the resolution, but that there can be a dialogue and the concerned interest groups can submit additional comments in the next 30 days.

Chairman Touhey asked for a motion to move the resolution. Edward McKenna moved the resolution and John Eskilson seconded the motion. There were no further comments from the Commission or the public. Chairman Touhey asked for a roll call vote. Ayes: (13) Michele Byers, Dan Ryan, John Eskilson, David Fisher, Brent Barnes, Monique Purcell, Peter Lazaropoulos, Marilyn Lennon, Marge Della Vecchia, Daniel Levine, Edward McKenna, George Pruitt, Timothy J. Touhey. Nays: (0). Abstains: (0).

DIRECTOR'S REPORT, Adam Zellner, Executive Director

Mr. Zellner reported that the Smart Future Planning Grants are continuing to go out. Announcements have been made in Ocean County, bringing seven towns together, Asbury Park/Neptune, who will be working in a partnership on regional planning, and additional announcements in several other counties will be forthcoming in a matter of days.

He also reported that the Legislative Committee meeting was postponed for 30 days to allow the department's legislative package to be finalized.

Lastly, Mr. Zellner thanked the staff for their time and effort in preparing for the meeting.

Monique Purcell, Department of Agriculture inquired if the Commission would be receiving information on the Smart Future Grants. Mr. Zellner noted that the office was in the process of putting together a package of the announcements, what the office sees as forthcoming and some of the details of the program. There was discussion on whether or not the grants were available to individual towns. Mr. Zellner noted that there was more of a regional effort being pursued and the office is talking with towns and asking them to reach out to neighboring towns to coordinate their planning efforts. John Eskilson also noted that perhaps there could be more incentives if a town is part of a regional plan.

COMMITTEE REPORTS**Plan Implementation Committee, Michele Byers, Chair**

Michele Byers reported that as the Commission moves towards Plan Endorsement the PIC is finishing up with center designation applications and is working to encourage towns to move toward Plan Endorsement. She further noted that the centers being designated today in the coastal towns have one-year semi expiration and the Committee is encouraging towns outside the coastal area to move toward Plan Endorsement once the center designation is achieved.

Ms. Byers made a motion to move Resolution No. 2003-01 Designating the West Creek Village Center and Delineating Critical Environmental Sites over the West Creek Village and the Westecunck Creek where they Traverse the West Creek Village Center in Eagleswood Township, Ocean County. Edward McKenna seconded the motion. There were no comments from the Commission.

Public Comment

Jeff Tittel, director of the New Jersey Sierra Club commented that he was not sure why the Commission was still designating centers and they should be putting their efforts into Plan Endorsement. He was concerned especially that a place like Eagleswood that the designation has impacts on both CAFRA and the Big Map. He feels that the Commission should wait, come back when there is clarification on the BIG Map and where the Commission will be on Cross-acceptance. He also commented that given the area and the amount of development that is likely to happen along the Route 9 corridor outside the designation, it seems like the Commission is codifying a lot of sprawl. He further noted that there are major questions about water supply in the area because there are depleted aquifers. There is currently an aquifer study being conducted and it is not known if there will be water for the amount of development that is taking place. Until the water situation is made clear there shouldn't be a designation.

Don Kirchhoffer noted that the last page of the Plan Implementation Agenda (PIA) states, "encourage retention of large contiguous open space – with county and NJDEP explore measure other than large lot zoning". He questioned why the Commission would rule out large lot zoning and feels that ruling it out with that the phrase would be inappropriate.

Helen Heinrich, New Jersey Farm Bureau, noted that the State Plan does not say anything about large lot zoning. Therefore, the text should be removed from the PIA.

There was discussion on the phrase “other than large lot zoning”. It was determined that the PIA would be amended to say “in addition to large lot zoning”. Michele Byers moved the amendment and Edward McKenna seconded the motion. There were no further comments. Chairman Touhey asked for a roll call vote. Ayes: (13) Michele Byers, Dan Ryan, John Eskilson, David Fisher, Brent Barnes, Monique Purcell, Peter Lazaropoulos, Marilyn Lennon, Marge Della Vecchia, Daniel Levine, Edward McKenna, George Pruitt, Timothy J. Touhey. Nays: (0). Abstains: (0).

Ms. Byers introduced Resolution No. 2003-03 Designating the Layton Village Center and the Hainesville Village Center and the Delineation of Critical Environmental Sites over Sensitive Streams and Wetlands Proximate to and within the Village Center in Sandyston Township, Sussex County.

Mayor George Harper of Sandyston commented that they are committed to the planning process and that it was a very happy day for Sandyston. He also thanked the Commission for their review and consideration of Sandyston’s petition.

Ms. Byers moved Resolution No. 2003-03 and Edward McKenna seconded the motion.

Public Comment

Jeff Tittel, Sierra Club, noted that he was deeply troubled by the Sandyston designation. He indicated that the Governor had just upgraded nine reservoirs and six major streams to category one. Because of the Category 1 designation Sandyston should not be designated for growth. He further noted that he felt that Sandyston did not meet the center designation criteria. A major concern was that they are not certified by the Council on Affordable Housing and may become points of attack by lawyers that would like to force builders remedy down communities throats. Next, he commented that Layton was a Hamlet that is mostly farmland with endangered species and that they shouldn’t be putting in sewers in such a place. Mr. Tittel also commented that Hainseville is also very disturbing for the same reasons: it meets none of the criteria and does not have housing densities, employment, jobs ratio. His biggest concern was that it has a great deal of zoning for commercial along the highway.

Lastly, he feels the Commission is working an exercise in futility and that there is a potential for future major developments in an area where there should not be growth. It also completely undermines the Governor’s agenda when it comes to protecting the States water supply. He suggested that the Commission hold off and Sandyston should go through Plan Endorsement.

Chairman Touhey thanked Mr. Tittel for his comments and indicated that these types of concerns should be brought up at the Plan Implementation Committee.

Mayor George Harper of Sandyston responded to Mr. Tittel’s concerns, expressing that the town is committed to controlling any sprawl and holding back on what might be sprawl. He further noted that the town has worked very hard with the Commission on all the Plan Implementation Committee’s concerns.

Ms. Byers noted that many of the Mr. Tittel’s concerns were discussed and resolved at the Plan Implementation Committee meeting. Further, the Department of Environmental Protection did an intensive job of revising the center boundary. She also noted that the Committee wants to encourage towns to come and work towards Plan Endorsement and the center designation is a carrot for the towns to come to the Commission. There are a number of things that need to happen as a result of the designation, such as petitioning for COAH in one year. Further, she noted that center designation expires in six years and the Commission feels that is a fair amount of time to achieve some of the planning efforts. At that point the community would go through Plan Endorsement.

Further discussion ensued regarding COAH certification for Sandyston. Eric Synder, Planner for Sandyston noted that both Sandyston and Montague have authorized him to pursue a joint application for Small Cities Funding through the Department of Community Affairs to meet their COAH obligation. He will also be preparing the certification application for Sandyston. He noted that one of things that a town gets from center designation is a least credit when applications for funding are submitted through State agencies, which is a direct benefit to Sandyston and Montague that will accrue from the process.

With no further comments, Chairman Touhey asked for a roll call vote. Ayes: (12) Michele Byers, Dan Ryan, David Fisher, Brent Barnes, Monique Purcell, Peter Lazaropoulos, Marilyn Lennon, Marge Della Vecchia, Daniel Levine, Edward McKenna, George Pruitt, Timothy J. Touhey. Nays: (0). Abstains: (1) John Eskilson.

Mr. Eskilson explained that he had been advised to recuse himself for the discussion at the PIC meeting and he abstained on voting for the resolution for that reason only. He did note, however, that he supported the mayor of Sandyston.

Jospeh Buto, Committee Member, noted that Montague and Sandyston are attempting to use as many joint ventures as possible with regards to their planning efforts. He applauded the Commission for allowing them to survive and work through some environmental constraints, and said that he appreciated their comments.

Ms. Byers introduced Resolution No. 2003-04 Designating the Montague Town Center in Montague Township, Sussex County. Ms. Byers moved Resolution No. 2003-04 and Edward McKenna seconded the motion. There were no comments from the Commission.

Public Comment

Jeff Tittel, Sierra Club, noted that at looking at the report, Montague is not looking to change any zoning, nor is it planning for mixed use development. He explained that there is zoning along the Rt. 206 corridor for 900,000 square feet of commercial development with no additional housing. However, there is no density transfer and it isn't a sewer service area. He also noted that it does not meet the center designation criteria. He feels that if the Commission follows through with the designation it will be putting its stamp on a big area of commercial sprawl.

Joseph Buto, Committee Member, responded that they have made attempts to create larger zoning along the Rt. 206 corridor in the recent months and that there is a pending COAH certification. He also explained that State, Federal or non-profit organizations consume 73% of the total area and the portion being designated is part of the 27% remaining that the town can have control over. Lastly, he explained that a majority of the property along Rt. 206 is in the Federal Park System and will not be developed for commercial growth.

There was a lengthy discussion on how the figure of 900,000 square feet was determined. Mr. Drake responded that 900,000 square feet is a gross estimate but demonstrates that the Commission needs to work together. Designation will enable the Office of Smart Growth and the township to work together in order to avoid the negative impacts of poorly planned development.

With no further comments, Chairman Touhey asked for a roll call vote. Ayes: (12) Michele Byers, Dan Ryan, David Fisher, Brent Barnes, Monique Purcell, Peter Lazaropoulos, Marilyn Lennon, Marge Della Vecchia, Daniel Levine, Edward McKenna, George Pruitt, Timothy J. Touhey. Nays: (0). Abstains: (1) John Eskilson.

COMMISSIONER REPORTS

Monique Purcell, Department of Agriculture

Ms. Purcell reported that the department and the State Agriculture Development Committee, through its Farmland Preservation Program has been meeting the county agriculture development boards and county planners to talk about the Department's strategic targeting project, a project that is coordinating farmland preservation and retention efforts with proactive planning. They are looking for counties to update their agriculture development areas, and target and prioritize farmland preservation on the statewide level. She noted that this project was the first component of the Department's five component plan smart growth plan. She further noted that there would be a couple more meetings to be held in early May and the Department hoped to have a drafted statewide map by the end of June.

Dan Ryan, Department of Environmental Protection

Mr. Ryan reported that the comment period for the BIG Map ends on April 25. He also thanked Rick Brown and Paul Drake for their work on the center boundaries for Sandyston.

John Eskilson, Public Member

Mr. Eskilson thanked the DEP Commissioner for spending time with about 100 people in Sussex County. The Commissioner really listened to their concerns; they talked about conflicts in the map and how lay out a strategy as to how to resolve the conflicts.

Marge Della Vecchia, Department of Community Affairs

Ms. Della Vecchia noted that the Department is hopeful that it will soon be able to share the Smart Growth legislative package they have been developing with the Commission. She noted that it has been a great experience trying to weave together all of the departments into the legislation and weave the State Planning Commission into it as part of the smart growth tool package for municipalities and counties. She further noted that the Department is committed to monitoring and working with towns to make designation as easy as possible.

Michele Byers, Public Member

Ms. Byers reported on the Highlands, which were designated by the Commission as a Special Resource Area. She noted that the Highlands Coalition has been going out to local officials to start a dialogue to see what local officials need and what they feel are the problems. She feels that there is a huge amount of recognition in the Highlands community about how important it is to the State, particularly the water supply. These communities are looking to the State for support and help in preserving the areas. A major concern is how to deal with the issues on a regional basis.

David Fisher, Public Member

Mr. Fisher asked if there were minutes from the last meeting. Mr. Zellner responded that there had been problems with reproducing them and that they would be sent out for the next meeting. He also asked what had happened to the Lawrence Township proposed designation. Mr. Zellner reported that Lawrence had requested to be removed from the agenda.

He also noted that during the next Cross-acceptance the Commission should really focus on determining where growth is going to be accommodated and how best to plan for the growth that is known, especially with respect to the relationship of population, jobs growth, and housing.

Brent Barnes, Department of Transportation

Mr. Barnes reported that the Department’s website now contains a good description of their Capital Investment Strategy for the next several years, focusing on fix-it first and limiting capacity increase to 4%.

Lauren Moore, Commerce and Economic Growth Commission

Mr. Moore reported that the Commission is committed to being an active participant in the legislative package and Cross-acceptance.

Ms. Della Vecchia noted that she had the opportunity to preview the NJN’s program “Race for Open Space” and that it was a very good program. Secondly, she noted that Tim Touhey represented the Commission at the NJCM Reporter’s Roundtable, which was also a good program.

Chairman Touhey thanked Adam Zellner and staff for internally debating the issues of the BIG Map over the last six months.

Public Comment

Candy Ashmun commented on the discussions that were held today and hoped that someone has told the towns that are in the backlog for center designation that someday they may have to show up for Plan Endorsement and maybe it should be done now. She also commented on the State Planning Rules for Cross-acceptance. (See Attachment B)

Jeff Tittel, Sierra Club, commented that it is good to have discussions like today’s in front of the full Commission. He expressed that there needs to be a better notification process of what is on the agenda. He suggested that there be an email distribution of the agendas and packets. He also noted that there is a lot of work ahead for the Commission with respect to the Plan Endorsement. He also wished the Commission luck with the next Cross-acceptance process.

Don Kirchoffer asked for clarification about Cross-acceptance and the BIG Map.

Chairman Touhey responded that all data from the departments will come into the Commission as it relates to the policy direction of the State Plan. It will then go out to the counties and municipalities for review. The Commission will get their input and then go through Cross-acceptance.

With no further comments from the Commission or the public the meeting was adjourned at 11:35 a.m.

Respectfully submitted,

Adam Zellner
Secretary and Executive Director

Dated: May 19, 2003