



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
STATE PLANNING COMMISSION
OFFICE OF SMART GROWTH
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RICHARD J. CODEY
Acting Governor

SUSAN BASS LEVIN
Commissioner

CHRISTIANA FOGLIO
Chair

MAURA K. MCMANIMON
Acting Executive Director

**New Jersey State Planning Commission
Minutes of the Meeting Held January 19, 2005
Thomas Edison College
Prudence Hall
101 West State Street
Trenton, New Jersey**

CALL TO ORDER

The January 19, 2005 meeting of the New Jersey State Planning Commission was called to order by Christiana Foglio, Chair at 9:49 a.m.

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
Curtis Fisher, Governor's Office
Monique Purcell, Designee for Secretary Charles Kuperus, Department of Agriculture
Marilyn Lennon, Public Member
Brent Barnes, Designee for Commissioner John Lettiere, Department of Transportation
Daniel Levine, Designee for State Treasurer John E. McCormac, Department of Treasury
Edward McKenna, Jr., Public Member
Thomas Michnewicz, Public Member
George Pruitt, Public Member
Gary Marx, Representative for Acting Secretary Virginia Bauer, Commerce & Economic Growth
Commission
Christiana Foglio, Chair and Public Member

Not Present

Susan Bass Levin, Commissioner, Department of Community Affairs
Peter Lazaropoulos, Public Member

Others Present (See Attachment A)

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES

Chair Foglio asked for a motion to approve the minutes of the December 1, 2004 meeting. Edward McKenna so moved and Michele Byers seconded the motion. Chair Foglio asked for a roll call vote. Ayes: (11) Michele Byers, Dan Ryan, John Eskilson, Curtis Fisher, Monique Purcell, Marilyn Lennon, Brent Barnes, Edward McKenna, Thomas Michnewicz, George Pruitt, Christiana Foglio. Nays: (0). Abstains: (1) Daniel Levine.

CHAIR'S COMMENTS, Christiana Foglio

Chair Foglio noted that the structure of the Commission's committees was being slightly changed and assignments to the committees would be discussed.

Maura McManimon reported on the new committee structure. She explained that there was going to be a new Cross-acceptance Negotiation Committee and that Edward McKenna had agreed to be the chair. The Plan Implementation Committee was also restructured and John Eskilson would serve as Chair. (Attachment B)

ELECTION OF VICE-CHAIR

Chair Foglio nominated Michele Byers to serve as Vice-chair. George Pruitt seconded the motion. Chair Foglio asked for a roll call vote. Ayes: (12) Michele Byers, Dan Ryan, John Eskilson, Curtis Fisher, Monique Purcell, Marilyn Lennon, Brent Barnes, Daniel Levine, Edward McKenna, Thomas Michnewicz, George Pruitt, Christiana Foglio. Nays: (0). Abstains: (0).

EXECUTIVE DIRECTOR REPORT, Maura McManimon, Acting Executive Director

Ms. McManimon introduced herself as the new acting executive director and secretary to the State Planning Commission and noted that she looks forward to working with everyone in her new capacity. A report was given on the 64 CAFRA centers that are due to expire on February 7th and that the Office of Smart Growth is working with the Department of Environmental Protection on a resolution to the matter. She further noted that Assemblyman Van Drew had introduced a Bill to extend the centers until the end of year. She explained that should the centers expire on February 7th the Office would work with the towns to expedite the plan endorsement process for those towns affected.

Tracie Gelbstein, Office of Smart Growth gave an update on the Cross-acceptance process. She reported that the office had received final reports from Middlesex, Essex and Salem Counties and that staff will be conducting internal reviews to resolve any disagreements prior to going out to conduct the staff to staff meetings with the counties.

She noted that it may be possible to have the Statement of Agreements and Disagreements at the May 2005 State Planning Commission meeting for the Commission to adopt.

Chair Foglio questioned if a private property owner had any say with regards to the way a municipality or county mapped a specific parcel. A lengthy discussion ensued regarding this issue. It was determined that any comments received by a county from a private property

owner were being included in the final County Cross-acceptance report and would be taken into consideration by the Office of Smart Growth and the State Planning Commission members.

COMMITTEE REPORTS

It was announced that the Plan Implementation Committee meeting that was tentatively scheduled for January 26, 2005 was cancelled.

PRESENTATION

A presentation was given by Paul Lalli, Gensler Architects & Planning, and Athena Sarafides, NJDEP, on the "US Green Building Council and LEED: Overview to Developing Sustainable Development." A question and answer period followed the presentation.

PUBLIC COMMENTS

Terri Tallon-Hamil, Committeewoman, Mansfield Township requested that the Cross-acceptance negotiation meetings be held in the evenings to ensure that the public has the opportunity to fully participate. She also commented that she felt that Mansfield Township was not getting the proper direction from the County.

Maura McManimon indicated that the Commission could prepare a letter to the municipalities in conjunction with the League of Municipalities to outline how the Counties are the negotiating entity and how they need to be in contact with their municipalities.

Dianne Brake, President, Regional Planning Partnership, expressed frustration that she hasn't seen any debates at any committee meeting or State Planning Commission meeting, noting that prior Commissions had found Cross-acceptance to be extremely controversial and worthy of vibrant conversations at many different committee meetings. She felt that if there were issues emerging from the Cross-acceptance reports, the Commission should start airing those issues, understanding that all the reports haven't been seen. For example, the discussion about map changes are going to be dealt with specifically whether or not something is planning area 5 or 2. If the review standards have already been decided, that should be made clear to the municipalities and the public.

Michele Byers responded that the a discussion on the Cross-acceptance responses has not been held yet because the reports are just coming in and as Commission members have nothing in front of them to start debating. A lengthy discussion ensued regarding this issue.

Maura McManimon responded that a public meeting of the Cross-acceptance Negotiation Committee would be scheduled to discuss the process and guidelines that will be followed throughout the Cross-acceptance process in terms of how specific issues are handled across the board.

Candace Ashmun, stated that the Commission is way ahead of where the former Commission was when it invented Cross-acceptance and thinks the current Commission is doing a much better job. She noted that the Commission should not forget that they have a Plan, even though everyone talks about the map all the time. She indicated that the map is based on the criteria in the Plan--if you want to change the criteria change it. There is a preliminary Plan that is supposed to be under discussion and everybody forgets it. The changes in the map would have to reflect the criteria in the Plan, so some of the discussion should be whether it is the right criteria. She feels that some of the discussion at the public meetings and everywhere else can be referred back to the criteria. She also noted that there are many ways the map gets

changed: one is changing the Plan; another is the petition process for the individual property owner; and finally, plan endorsement. She noted that the Plan is a regional statewide plan not a block and lot zoning map. Further, the discussion during cross-acceptance is a government-to-government, bottom-up discussion from the municipal level and up. She explained that she understands an individual property owner's concern because of fast track, but suggests that what the Commission needs to do is prepare a statewide plan based on as much agreement between the counties, municipalities and yourselves as you can. And then get down to the lot and block level when you get the map amendment petition level or someone has come in for plan endorsement.

Dr. Pruitt responded that Ms. Ashmun's comments were very helpful and wise counsel from someone who has been involved in the process for a long time. He noted that one thing he tries to remind everyone is at the end of the day there are some results that are expected from the Commission. One observation that he has made is that one of the deficiencies of the process is that it is so process centered that it confuses its means with ends. He noted that we have a good plan, however, the frustrations expressed are the inability to make it work, implement it and actually to have things on the ground happen that were informed by the Plan. He feels that one of the major contributors is the mindless obsession that is built in the system with process minutia and commentary and feedback, so that you never get to pull the trigger and make a decision to move. At the end of the day, we should be held accountable as to whether we have a good plan that makes a tangible difference to the people that live in the State. That has got to be our focus and objective. He feels the Commission has behaved itself very well and that there is a good calibration with a very competent and able staff. He further noted that he was pleased with what he has seen and the Commission takes its work seriously. Lastly, he noted that he looks forward to getting on with it and getting it done, not to shut off the commentary, but feels the Commission's job is to listen but not necessarily engage. He doesn't want to sit and respond or justify the actions of the Commission with every person who has a point of view who wants to use the Commission as a platform to express it. He explained that he was not trying to be mean spirited, just that when the minutes are written of the tenure of this Commission, he does not want it to be described that we engaged in thoughtful discussion and had good process. He wants to know that when we started, this is what the world looked like, and when we finished this is what the world looked like, and we made a difference.

Edward McKenna noted that he was thrilled to have Maura in her new position and expressed his deepest confidence in her ability to handle the position.

Mr. McKenna further noted that he was involved in the original cross-acceptance process. A lot of the initial problems resulted from a complete lack of understanding on anyone's part of how the process should work. He noted that those problems are gone and now at least everyone knows the process and that we have established we have a good State Plan. What he explains to people is that this time the Commission is dealing with really fine-tuning, so the process can move at a much quicker pace and will be much smoother. Certainly the counties have knowledge of what their responsibilities are. He was concerned to hear about Mansfield, and wants to make sure that the counties are fulfilling their responsibility to work and communicate with the municipalities. Mansfield should know that they have the opportunity to come here and go to the public meetings to be heard. He also doesn't want to debate the minute details, we have great professionals that are guiding us and that are going to deal with all those criteria that we are supposed to work from. He is expecting to get a product put before him that is the culmination of that process. The debate will be on what is put in front of us and then there will be an intelligent discussion. Even the negotiation committee will rely on staff to be fully educated on what the issues are, and not superimpose individual opinions that will supersede our staff without some logically reasonable basis for doing it.

COMMISSIONER REPORTS

MONIQUE PURCELL, DEPARTMENT OF AGRICULTURE

Ms. Purcell reported that Susan Craft, former farmland preservation coordinator in Burlington County, has been named the new executive director for the State Agriculture Development Committee. She also reported that the State Agriculture Convention was being held January 24th through January 26th at the Taj Mahal in Atlantic City. She noted that John Weingart, Chairman of the Highlands Council would be speaking on Wednesday.

BRENT BARNES, DEPARTMENT OF TRANSPORTATION

Mr. Barnes reported that Commissioner Lettiere is the new president of the American Association of State Highway and Transportation Officials (AASHTO) a national transportation organization. He is very interested in smart growth issues and that will be a central part of his year as president of AASHTO. The first part is a conference of northeastern states transportation commissioners that will be on March 9 and 10 at Philadelphia to talk about Pennsylvania and New Jersey land use and transportation issues on a regional basis.

MICHELE BYERS, PUBLIC MEMBER

Ms. Byers requested, an update, at the next full State Planning Commission meeting or Plan Implementation Committee meeting, on the status of the fast track law, with regard to previous Governor McGreevey's executive order, and how it relates to what is going on out in the field during Cross-acceptance as a result. She also asked for an update on the Highlands Council and how they will interact with the Commission during Cross-acceptance and the Plan Endorsement Process in the planning area of the Highlands.

CURTIS FISHER, GOVERNOR'S OFFICE

Mr. Fisher announced that a few weeks ago Governor Codey signed an executive order on an issue related to what the State will be like in the future related to the development of offshore wind facilities on New Jersey's shore. To the benefit of New Jersey citizens Mayor McKenna accepted the appointment as chairperson.

With no further comments from the Commission or the public, Chair Foglio asked for a motion to adjourn, so moved, Curtis Fisher seconded, all were in favor. The meeting was adjourned 11:35 a.m.

Respectfully submitted,



Maura K. McManimon
Acting Secretary and Executive Director

Dated: January 24, 2005