



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
NEW JERSEY STATE PLANNING COMMISSION
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JON S. CORZINE
Governor

SUSAN BASS LEVIN
Commissioner

EILEEN SWAN
Executive Director & Secretary

**New Jersey State Planning Commission
Minutes of the Meeting Held January 17, 2007
State House Annex
Committee Room 1
West State Street
Trenton, New Jersey
As amended at 2/21/07 SPC meeting**

CALL TO ORDER

Eileen Swan, Executive Director and Secretary, called the January 17, 2007 meeting of the New Jersey State Planning Commission to order at 9:53 a.m.

OPEN PUBLIC MEETINGS ACT

Daniel P. 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

Bernard McLaughlin, Designee for State Treasurer, Bradley Abelow, Department of Treasury
John Eskilson, Public Member
Adam Zellner, Designee for Commissioner Lisa Jackson, Department of Environmental Protection
Brent Barnes, Designee for Commissioner Kris Kolluri, Department of Transportation
Monique Purcell, Designee for Secretary Charles Kuperus, Department of Agriculture
Marilyn Lennon, Public Member
Michele Richardson, Designee for Commissioner Susan Bass Levin, Department of Community Affairs
Debbie Mans, Smart Growth Ombudsman
Edward McKenna, Jr., Public Member
Thomas Michnewicz, Public Member
Lauren Moore, Manager, Office of Business Advocate & Information, Commerce & Economic
Growth Commission

Not Present

Kenneth Albert, Public Member
Michele Byers, Public Member
George Pruitt, Public Member

Others Present (See Attachment A)

Ms. Swan noted that in the absence of Vice Chair the Commission would need to select a public member from the Commission to act as Chair for the meeting. Ms. Swan requested a nomination.

Brent Barnes nominated Edward McKenna; the nomination was seconded by Adam Zellner. A roll call vote was taken. Ayes: (10) Bernard McLaughlin, John Eskilson, Adam Zellner, Brent Barnes, Monique Purcell, Marilyn Lennon, Michele Richardson, Debbie Mans, Thomas Michnewicz, Lauren Moore. Nays (0). Abstains (1). Edward McKenna.

PLEDGE OF ALLEGIANCE

Ms. Swan asked everyone to stand for the Pledge of Allegiance.

Election of Vice Chair

Chair McKenna asked for nominations for Vice-chair. John Eskilson nominated Michele Byers the nomination was seconded by Brent Barnes. No other nominations were moved and the nominations were closed. John Eskilson moved the nomination of Michele Byers and Marilyn Lennon seconded the motion. All were in favor. Chair McKenna asked for a call vote on the nomination of Michele Byers as Vice-chair. Ayes (11) Bernard McLaughlin, John Eskilson, Adam Zellner, Brent Barnes, Monique Purcell, Marilyn Lennon, Michele Richardson, Debbie Mans, Edward McKenna, Thomas Michnewicz, Lauren Moore. Nays (0). Abstains (0).

Subcommittee Reorganization

Chair McKenna commented that he felt the reorganization of the subcommittees should be held off until the appointment of a new chair. Ms. Swan noted that if everyone wanted to continue with the committees as currently structured she felt that would be fine. She pointed out that there were issues with public member attendance at the PIC and that it was critical to find out which committee members would be available to attend the January 24, 2007 meeting. She explained that because there would be two items on the agenda, the Sussex County Growth Plan and Upper Township plan endorsement application, there would need to be correct membership in attendance from the public members. Chair McKenna noted he would be available; Debbie Mans and Marilyn Lennon would also be available to attend. John Eskilson noted that he would be stepping down for the Sussex County discussion.

Chair McKenna asked for any objections to the committee membership. Ms. Purcell asked for the review of the membership.

APPROVAL OF MINUTES

Chair McKenna asked for a motion to approve the minutes of the December 6, 2006 meeting. John Eskilson made the motion and Marilyn Lennon seconded the motion. Chair McKenna asked for a roll call vote. Ayes (11) Bernard McLaughlin, John Eskilson, Adam Zellner, Brent Barnes, Monique Purcell, Marilyn Lennon, Michele Richardson, Debbie Mans, Edward McKenna, Thomas Michnewicz, Lauren Moore. Nays (0). Abstains (0).

Ms. McVicker read the membership for the PIC: John Eskilson, Chair, Michele Byers, Tom Michnewicz and Marilyn Lennon, state agency representatives from Community Affairs, DEP, DOT, AG and Governor's office. She explained that she did not have the list of membership from the Plan Development Committee, but thought the membership for the State agencies was the same. Chair McKenna asked for any objections to reaffirm the PIC and requested that the membership of the PDC be sent to everyone and if anyone wanted to volunteer or in the alternative not serve they could let Ms.

Swan know and the appropriate action would be taken at the next meeting. Ms. Purcell commented that she recalled that AG was not on the PDC (they attend the meetings but were not an official member) and requested that AG be added to the PDC. Ms. Swan noted that when the list was sent out Agriculture would be added to the membership.

CHAIR'S COMMENTS, Edward McKenna, Acting Chair

Chair McKenna had no comments at this time.

EXECUTIVE DIRECTOR REPORT, Eileen Swan, Executive Director

Ms. Swan gave a brief year in review for 2006, she reported that the Office had made great progress and was grateful to the staff and the State agencies for their dedication. She acknowledged that one of the major things accomplished was in terms of collaboration. She feels the new face of OSG reflects a concerted effort to meet the needs of the counties and municipalities with one State face and that OSG represents each of the State agencies so that all actions that are taken, whether in cross-acceptance or plan endorsement, recognize the need for each State agency to achieve their particular goals and missions and at the same time assist towns and counties in getting to their end goal and achieving good planning.

She reported that the Cross-acceptance meetings have been going very well and the Office was in the process of the scheduling of public hearings. Officially scheduled public hearings include: Atlantic County Cross-acceptance Public Hearing, January 29, 2007 from 7-9pm and attendance from Commission included Marge DellaVecchia and Ed McKenna; Hudson County, January 31, 2007 7-9pm attendance from the Commission include John Eskilson and Kenneth Albert. Pending hearings include: Passaic County Public, March 7, 2007 5pm-7pm, attendance from the Commission include Brent Barnes and Kenneth Albert; Cape May County, March 20, 2007 at 7pm-9pm, Commission attendance include Susan Weber and Marilyn Lennon. The following are currently being worked on with three possible dates: Cumberland County, February. 26, 27 or 28 at 7:00pm pending member availability and Sussex County, February 5 at 7:30pm, February 22 at 7:30pm and February 26 at 7:30pm. Ms. Swan explained that it does require a lot a work to schedule the meetings and to have at least two members of the SPC attend (one being a public representative and the other a state agencies/local government representative).

Ms. Swan reported that the PIC will be meeting on January 24 and that there are draft staff reports and PIA's on Sussex County and Upper Township posted on the OSG website. The agenda includes the Office making a presentation and recommending the Committee to move the petitions to the SPC for action. She explained that the according to the rules and guidelines the Commission must take action at its February meeting.

Ms. Swan updated the Commission on the MOU's for extension of petitions with Brick, Lakewood and Toms River. All three municipalities have agreed to an extension to complete the remaining action items. Revised action plans and proposed center boundaries are being prepared and will be circulated to the State agencies for comment. In addition, the office will be meeting with State agencies on January 25, 2007 to discuss comments and finalize the action plans and center boundaries.

Next was an update on towns that were provided an opportunity to enter into a MOU as of November 17, 2006, she explained that subsequent to the October 18 SPC meeting OSG provided five towns: Egg Harbor, Dennis, Lower, Middle, and Barnegat Townships, with the opportunity to enter into an MOU and action plan to continue working towards plan endorsement. Once finalized the SPC will be updated regarding the action plans for each petitioner. Ms. Swan noted that she has had some conversations with Egg Harbor and it looked like at this point they would not be pursuing plan endorsement. They will be working with the DEP on their waste water quality management plan and

putting plan endorsement off for time being. Ms. Swan noted that there have been some concerns raised about the timelines contained in the action plan and the provision for adjusting the timelines for good cause. Clarification letters and slightly revised MOUs have been sent to the towns to make it clear that the SPC has directed that the Executive Director of OSG may provide extensions to timelines for items in the action plan at any time for good cause.

Additional extensions have been granted to West Amwell as the Office has requested additional information pursuant to the guidelines and rules. Mansfield has also had a draft action plan circulated for review amongst the State agencies. Pre-petition meetings have been scheduled for Cape May Point, Hillsborough and Woodstown/Piles Grove. Draft petitions have also been submitted from West Cape May Borough, Cape May County and Washington Township, Mercer County. Meetings will be held with the municipalities to discuss the new plan endorsement process to explain that the Office is in a period of transition and explain to them what it means for towns. Once formal petitions are received notice will be provided in accordance with the State Planning Rules.

Next, Ms. Swan noted that she expects to bring to the State Planning Commission in March the new Plan Endorsement guidelines. Ms. Swan reported that there are four course providers for the mandatory training for planning and zoning board members and more than 4,000 board members have been trained and certified. Cross-acceptance staff to staff meetings have been conducted with nine counties: Atlantic, Cape May, Cumberland, Essex, Hudson, Passaic, Sussex, Union and Warren. All meetings have been going well and the counties are pleased. The rewrite of the State Plan continues with different members of the Office taking on rewriting each chapter.

The Goals for 2007 are to complete cross-acceptance to adopt a new State Development and Redevelopment and Plan, to revise and adopt new State Planning Rules and Plan Endorsement guidelines to strengthen the Plan Endorsement process. The Office will continue to serve as a resource and assist counties and municipalities to plan for sustainable future with the different interagency teams. She noted that the Office would be undergoing reorganization and would be putting together an Urban Team that will work with Plan Endorsement in the more urban areas and would also be working with the different interagency teams such as the BRIT, GRIT and the DOIT. The teams offer a one stop shopping experience and are able to assess the assistance that can be provided by the various agencies.

Chair McKenna thanked Ms. Swan for the incredible job and the staff for their hard work.

COMMITTEE REPORTS

Plan Implementation Committee, John Eskilson, Chair

Mr. Eskilson commented that Ms. Swan outlined the agenda for the January 24, 2007 meeting and that he had no other comments.

OCEAN TOWNSHIP PLANNING AND IMPLEMENTATION AGENDA

Mayor Dan Van Pelt thanked the Commission for the opportunity to discuss the township's planning process. Mayor Van Pelt commented that he had experienced the expression of "you lead you bleed" and hoped that future municipalities understood that the Township of Ocean bled a little bit to make the process smoother for them. He explained that it was not a complaint and that he believes in the Plan Endorsement process and hopes that other municipalities understand the importance that if they want to make a real difference in the lives of their constituents than planning is the foundation that will allow them to do that.

He noted that he started the process some seven/eight years ago and has not deviated from the course because he believes that what is being done is right not only for his community and the surrounding communities but for the State of New Jersey. He thanked Eileen Swan and Adam Zellner for their vision and commitment to the process and Rick Brown who is committed and brings a great deal of talent to the process.

He commented that a few things that stand out in his mind that need to be given some thought to one of these being the communication factor. The ability to coordinate and communicate with State Agencies and their lower staff as to exactly what the goals are for the State of New Jersey would only serve everyone well in the future. One of his concerns was that when calling a state agency and referring to Plan Endorsement the person doesn't know about Plan Endorsement. He feels there needs to be a concentrated effort on educating the vast number of State employees that are going to be in the process so that they have an understanding of what it means and the importance of it.

Next Mayor Van Pelt explained that the town center has four fundamental principles: housing opportunities, job opportunities; recreational opportunities and educational opportunities. He explained that the school was going out to bond for \$8.1 million for improvements and a gymnasium, and what was bothersome was that local government had purposely included the school's property in the town center knowing that they would need a new municipal complex and that eventually, given the population projections, they would need a new school. Because the Department of Education only uses 5 year projections for their planning purposes which was different from the requirements for build out by OSG different results ensued. The Township had a vision of having an educational institution on one site and next to it a municipal complex, eventually sharing services and eventually getting the various unions together to discuss healthcare coverage. This vision was now upset by the local board of education not understanding and sharing in the planning. He commented that there needs to be outreach to Education because they were the one entity that did not really understand Plan Endorsement and had no idea what it was.

Mayor Van Pelt explained his "cherry tree principle" the need to be honest regardless of what the consequences are and need to keep your word. He feels that the Township of Ocean has kept their word on what they are going to do for the future of their community. He suspects that at the end of the day different representatives at State levels will keep their word as well. Ocean is committed and feels that they have struck a balance with environmental protection and economic development.

It has been a rewarding process and the mayor sees the plan coming to fruition. He thanked Jung Kim and Danielle Stevens for their dedication and assistance throughout the process. .

Adam Zellner thanked Mayor Van Pelt for his persistence and creating a long term vision for the township, and for doing a great job in keeping the community informed. He noted that as the OSG staff work through fixing the process and making it a smoother process it will be more transparent and will be good for everyone. He commented that the commitment to both center based development and protection of the environs brings benefits to the community and to neighboring communities as well. The balance is important to the process.

Ms. Swan explained that for all endorsements there is a requirement for a biennial report, in the case of Ocean Township, the SPC requested that this take place at the end of the first year, due to the volume of important planning activities that were to take place within the first year of the PIA. On December 7, the first monitoring report and its related planning documents were submitted.

Ms. Swan noted that she was aware of the problem with different agencies and their knowledge of Plan Endorsement. She explained that with the new process, the Office will be requesting that "target teams" be developed in each agency to act as the "go to" team with all Plan Endorsement questions.

She also explained that there has been definitive action taken on the issue raised with the schools by inviting the Department of Education to be a member of the Smart Growth Policy Council.

Ms. Swan advised the Commission that Principal Planner Jung Kim had reviewed the monitoring report and prepared a memo recommending that for future PIA's a critical path methodology be set forth because there are certain actions required by agencies that have to take place in order for the PIA items to be done in a timely fashion. She explained that in the case of Ocean Township, who were indeed leaders in this process, they made great progress in the first half of the year but then because of issues beyond their control things became backlogged. The Office is asking at this stage that SPC allow the Office to work with the State agencies and the township to revise the timelines for items that are currently pending or due within the next year. In recognition that the delay was by no fault of the township. The Commission was in favor.

Jung Kim commented that he would suggest a "permit preview" meeting. Ms. Swan commented at that point the Office could let the municipalities know what they are facing into the future. There was a brief discussion on the permit review process to move it forward in the process so there is the opportunity to simultaneously work on the permitting issues while working on Plan Endorsement.

GENERAL PUBLIC COMMENTS

Tim Dillingham, Executive Director, American Littoral Society acknowledged that the Office has worked to improve the process. He noted that ALS have advocated particularly in the coastal areas that by law the rules on coastal management are the benchmarks on which towns need to plan and that nothing in the SPC processes gives them the authority to either set those aside or to modify them. In fact, in terms of concern of efficiencies in planning for permit reviews it is in the town's best interest to acknowledge and use those rules as a basis for their planning and to plan to comply. He feels that even with the center boundaries being changed as a result of Plan Endorsement they will still be subject to those regulations and to the extent that visions of the centers and the development contained within them is inconsistent with or non compliant with those rules and regulations there is a train wreck coming. The communications with lower staff, about what the goals are, keeping the word, striking a balance; ALS believes that all those goals are embodied in the rules that are out there. It has been painful to see the degree to which the towns have not wanted to acknowledge and look at those rules as a basis for planning. He urged that as the Commission moves forward in the process that those rules, specifically the policies that are embodied in them that do strike the balances, become a more central part of the planning process and that the towns particularly not be lead down that path presuming that they will no longer have to comply with the rules when applications for development come forward under the center proposals. To the extent that everyone believes that better outcomes can involve efficiencies and ensuring the environmental protection policies of the State and the public interest that is a good outcome, but not the primary outcome and should not come at cost of setting aside those protections that are out there already in law.

He noted that they have communicated on Ocean in anticipation of the DEP's notice which he hoped would be put out in a fair minded and objective spirit so that indeed the decisions have not been made until the public has had a chance to comment on the record.

Mr. Dillingham also addressed the suggestion regarding a critical path for permitting and explained that this is very troubling to him. He explained that there has been a tremendous debate in the State about fast track, he would argue that the way to gain permit review efficiencies and to reduce the time and the back and forth between the agencies is for the towns in the beginning to plan around the regulatory standards.

John Eskilson commented that he was not suggesting accelerating permit review but was suggesting the notion of stacking the review. He suggested a dual track to the process and to have opportunities,

particularly in areas of wastewater management planning and water planning, that could be started up front and to do it simultaneously with planning, so that when the plan endorsement process is finished towns and the public are ready to go and know what needs to be done. Mr. Dillingham responded that he would agree with that concept.

Ms. Swan stressed that it was never the intention that OSG would be promoting fast tracking permits it would be a concurrent process. There was a brief discussion on this issue.

Chris Sturm, New Jersey Future commented that she what she heard was that the revised Plan Endorsement guidelines and rules would be brought to the SPC in March and questioned what the opportunity would be for public review and comment. Ms. Swan responded that if the guidelines are ready in time to post them well in advance comments could be received at that time. If however they are not, the Office does not expect the Commission to take action on anything that hasn't had ample opportunity for public involvement. She also noted that the office has been meeting with the advocacy groups and anyone who has asked to meet with the office on the new plan endorsement guidelines.

Ms. Sturm noted that the most encouraging thing about Ocean Township is that it exemplifies the State Plan vision of compact growth surrounded by protected environmentally sensitive lands and hopes that is what it is seen when the centers are granted. Ms. Sturm invited the Commission to a session in February about the State Plan and its vision and how it has been implemented across the State. NJ Future is celebrating its 20th Anniversary this year and as part of that they are taking a big picture look at the State Plan and how much has been accomplished over its 20 year life and what the prospects are for the future and perhaps how things might be changed to be make it more effective. The session on the State Plan is being held on February 21 at 2:00.

At this point, Chair McKenna noted that he needed to leave the meeting for a few minutes and asked that John Eskilson take over as Chair.

Barbara Palmer, ANJEC had questions about the next weeks PIC meeting on the Sussex Regional Growth Plan. She noted that the Sussex SGP does not mention what the plan means to the municipalities that are covered in the plan. She noted that it has been said that it is a broad brushed vision and that until those municipalities come in for individual endorsement it doesn't actually mean all that much and that is not what the report says. She noted that they are still concerned with the legal boundaries and what it means if a municipality is challenged in court.

Ms. Swan noted that DAG Reynolds has been working on his comments and will need to work with her to clarify some further points before a written response is completed and therefore she was not ready to address this issue at this point. Ms. Swan explained that she had reviewed the report and the PIA for Sussex and that she will be ready next week to discuss in particular that endorsement. However, in general terms the Office was waiting for the written comments from the DAG.

DAG Reynolds noted that his focus has been on what legal significance certain actions taken by the Highlands Council would have for municipalities and counties plans as far as Plan Endorsement. But he could certainly broaden the focus and identify those questions. His understanding is the question is that if Sussex County receives Plan Endorsement what consequences does that have for municipalities within the county, some of the municipalities are in the highlands and some are not and there are different hypothetical situations that can be addressed.

Ms. Swan noted that when it comes to the Sussex County petition any areas that the county identified as appropriate for growth the Office has made it absolutely clear in the report and the PIA that they are just areas generally speaking the county thinks may be appropriate for growth. They are not proposed centers and absolutely not designated centers. In order for that the municipalities need to come in themselves and go through the full endorsement process and indeed would have to prove a carrying

capacity, because that has not been proven in the Sussex County report. There was a brief discussion on the county/regional plan endorsement process evolving.

With no further comments from the public Mr. Eskilson asked for Commissioner Reports.

COMMISSIONER REPORTS

Monique Purcell, Department of Agriculture

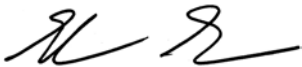
Ms. Purcell commented that the Vegetables Growers Convention is going on down in Atlantic City and that the Department is planning for the annual Agriculture Convention that will take place February 12-14 at the Tropicana. She explained that the convention is where the agriculture community sets policy.

Brent Barnes, Department of Transportation

Mr. Barnes announced that he had copies of the Mobility and Community Form to distribute if anyone was interested.

With no further comments from the Commission. Mr. Eskilson asked for a motion to adjourn, the motion was moved by Marilyn Lennon and seconded by Thomas Michnewicz. All were in favor. The meeting was adjourned at 11:08 a.m.

Respectfully submitted,



Ms. Eileen Swan
Secretary and Executive Director