



State of New Jersey
DEPARTMENT OF STATE
NEW JERSEY STATE PLANNING COMMISSION
P.O. BOX 820
TRENTON, NEW JERSEY 08625-0820

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 September 1, 2021
Zoom Video Conference**

CALL TO ORDER

Chairman Wright called the September 1, 2021 video conference of the New Jersey State Planning Commission (SPC) to order at 9:31 a.m.

ROLL CALL

Members Present

Danielle Esser, Director of Governance, NJ Economic Development Authority (arrived at 9:35 a.m.)
Douglas Fisher, Secretary, Department of Agriculture
Edward J. McKenna, Vice Chair, Public Member
Elizabeth Terenik, Public Member
Frank Gaffney, Designee for President Fiordaliso, Board of Public Utilities
Melanie Willoughby, Designee for Tahesha Way, Secretary of State, Department of State
Nick Angarone, Designee for Shawn LaTourette, Commissioner, Department of Environmental Protection
Sean Thompson, Designee for Lt. Governor Sheila Oliver, Commissioner, Department of Community Affairs
Shanel Robinson, County Commissioner Director, County Member
Bruce Harris, Municipal Member
Stephen Santola, Public Member
Thomas Wright, Chairman

Others Present

See Attachment A

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.

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 the July 7, 2021. Vice Chair McKenna made the motion, and it was seconded by Commissioner Harris. With no further discussion or questions, Chairman Wright asked for a roll call vote: Ayes: (10) Frank Gaffney, Doug Fisher, Bruce Harris, Nick Angarone, Edward McKenna, Sean Thompson, Shanel Robinson, Elizabeth Terenik, Melanie Willoughby, Thomas Wright. Nays: (0). Abstains: (1) Stephen Santola. The July 7, 2021 minutes were approved.

Chairman Wright asked for a motion to approve the minutes of the August 4, 2021. Commissioner Robinson made the motion, and it was seconded by Commissioner Harris. With no further discussion or questions, Chairman Wright asked for a roll call vote: Ayes: (10) Frank Gaffney, Doug Fisher, Bruce Harris, Nick Angarone, Edward McKenna, Sean Thompson, Shanel Robinson, Elizabeth Terenik, Melanie Willoughby, Thomas Wright. Nays: (0). Abstains: (1) Stephen Santola. The August 4, 2021 minutes were approved.

CHAIR'S COMMENTS

Chairman Wright welcomed Stephen Santola as the new member of the SPC. Chairman Wright referred to Mr. Santola for introduction to the SPC.

Stephen Santola thanked everyone for the welcoming emails. He commented that for seventeen years he has been the Executive Vice President and General Counsel of Woodmont Properties', before that he was in private practice where he specialized in real estate and land use. For the past eight to ten years, Mr. Santola has been a board member of NJFuture and a board member of the NJ Builders Association and a participant in many panels. Mr. Santola commented that Woodmont Properties specializes mostly on redevelopment in downtown and transit villages and he expressed to be fortunate to build a beautiful project in downtown Red Bank under the former Mayor McKenna.

After describing Woodmont's position as an affordable housing advocate, his position on the Livingston Planning Board and that of former mayor and council member, Mr. Santola stated that he hopes to bring a balance to the Commission. He expressed that he is a believer that preservation and economic development go hand in hand.

Chairman Wright commented that the state employees are to return to work on October 18. He is looking forward to having the SPC meetings in-person again at the end of 2021 or the beginning of 2022. Chairman Wright expressed to be proud of the way the Commission, the staff and the agency partners have been able to keep going forward on this difficult time.

The Chairman believes that he is not the only one with enormous interest on reading the latest census numbers and would like to flag on a future commission meeting or other opportunities to start looking at what has happened in the State of New Jersey over the past decade.

Chairman Wright commented on how far the State has come in the past twenty years. Chairman Wright commented that he suggested Director Rendeiro add this in the agenda to a future meeting and to invite either a state agency partner or outside guests to come and talk to the Commission about what these numbers mean because they will have profound implications for the work of the Commission moving forward.

EXECUTIVE DIRECTOR'S REPORT

Director Rendeiro commented that with Steven's appointment, the Commission has 13 filled seats out of the 17 identified in the State Planning Act. The Director announced that Meghan Wren has completed all requirements for her AICP and can now officially put those letters after her name. That makes two AICP planners in the Office.

The full time Return to the Office date for the Office has been postponed until October 18 to coincide with the Governor's Executive Order requiring all state employees to be fully vaccinated or be subject to at least weekly testing. It is not likely that we will be going into the office part time at this time, although we can go into the office periodically as needed.

The Director commented there is a promising candidate for Steven Karp's replacement who is internal to the state. Hopefully, that that will help to expedite the process.

Director Rendeiro commented that since the August 4. SPC meeting:

- The City of Wildwood completed their MSA
- Princeton's prepetition meeting was held and they are working on their MSA
- Red Bank's prepetition meeting is scheduled for September 14
- South Bound Brook has declined participation in the process

The Director commented that once Princeton and Red Bank are presented to the commission, Chairman Wright from Princeton and Vice-Chair McKenna from Red Bank would need to recuse themselves from any vote.

The Office received a response from Morristown regarding the PIA. While they are still committed to completion, they have asked for some accommodation on the completion dates for some items, due to budget constraints. We are currently reviewing their requests.

Discussions have begun with Somerset County regarding the re-endorsement of the Somerset County Regional Center. Since the Center does not expire until October of 2023, the re-endorsement process currently proposed in the rule update will likely preside, if approved. We have received the status of their PIA from the County and staff is reviewing it now. We have also asked the County to determine if the municipalities in the current center still have an interest in remaining and to determine whether it makes sense for others to join the Regional Center.

A meeting was held with Somerset County municipalities who have Centers that will be expiring to see if we can coordinate their responses and assist with any questions they may have. Somerset County facilitated the meeting with an eye toward regional endorsement of the County and municipal plans. OPA is looking for Somerset County to be the first County endorsed and hoping to continue to hold Somerset County as a great example of a regional planning.

The Director commented that a meeting was held on August 31 with the NJ Infrastructure Bank, DEP, and the Borough of Millstone. The purpose is to apprise the Mayor of the resources available to support the construction of water and sewers in the municipality and to get feedback from NJIB regarding resources available to assist the Borough.

Director Rendeiro commented that on today's agenda Matt Blake would be presenting the final language proposal for the rule update in addition to an updated schedule. There were two extensive PIC meetings and one meeting with the SPC and that all the comments have been incorporated into the proposal. The Director commented that OPA believes that this can be moved toward approval and that the formal public process can begin.

Director Rendeiro commented that the second item on today's agenda is the map amendment proposal from PSE&G that was petitioned by PSE&G to support the South Jersey Wind Port. The public comment period has expired. Meghan Wren will be presenting that proposal.

Director Rendeiro commented that Vernon Township adopted a resolution approving Plan Endorsement, the PIA and the execution of the MOU. OPA can now begin the process of posting the map amendment to the New Jersey Register.

Director Rendeiro commented that a draft of the OPA Resiliency Guidance document is near complete and comments from DEP were incorporated. Meetings were held with a small group of NGO planning partners to “kick the tires” and to discuss whether further refinement was necessary prior to a larger distribution. Some changes were made, primarily to the format of the document. The document is almost finalized and will be ready for general distribution once the document is polished, likely within the next two weeks. The document is based on DEP’s guidance website and points municipal officials to their links in order to ensure consistency with DEP guidance.

Planning continues for the FEMA Boot camp. The new term, “Resiliency Accelerator” will likely be the final name, as it is more indicative of the goals of the program, since some amount of resiliency planning will be a threshold requirement and the term “Boot camp” is indicative of a “first step”. A questionnaire regarding the training needs that municipal officials need to assist them in resiliency planning was included in OPA’s recent edition of the newsletter and those comments will be incorporated into the final curriculum.

OPA held a status call with Jeanne Herb at the Rutgers Climate Change Resource Center to determine the best path forward regarding the Climate Resilience Corps. As of right now, there are seven municipalities participating. All projects are nearing completion with a vulnerability assessment as the work product. Discussion occurred around how best to utilize the new funding; many ideas were discussed and will work toward a solution. The Director commented that one very promising idea that was also discussed with FEMA is to link the two programs toward a comprehensive planning initiative coordinating an effort on technical assistance and how to marry hazard mitigation planning with land use solutions. The Director commented that discussions will continue.

Director Rendeiro commented that OPA will be scheduling the Rutgers data tool demonstration for the second half of September. She asked if any Commission member would like to attend to let her know.

The Director commented that the Office is joining JCNEER (Jacques Cousteau Natural Estuarine Research Reserve) as a general partner in their NJ Coastal Resiliency Collaborative, with expertise in policy, standards and rules, outreach and education, integrated planning, the State Plan, Plan Endorsement and the Municipal Land Use Law. The immediate activity includes participating in their technical assistance coffee chats. The goal of the program is to connect communities with professionals that can help with various aspects of resilience work through the NJCRC’s network of partners. The first Coffee Chat will be virtual on September 17. DEP will present the new local resilience toolkit. OPA will also be assisting on the Watershed Plan Project regarding sample PIA and a small blurb on EO 89 and its connection to Plan Endorsement.

Director Rendeiro commented that OPA continue to discuss designation of centers in vulnerable areas with DEP at the staff level. OPA has scheduled an in person discussion (a brainstorming session) with staffs from OPA and DEP on September 22 to resolve some differences between the Climate Change Strategy and the Center designation process.

The Interagency Climate Change Council meeting was held on August 10. Topics discussed include IAC governance going forward and developing departmental action plans. It was agreed that the IAC would meet monthly. The Director has been asked to be prepared at the next meeting to present how the State Planning Commission/Department of State will approach our plan once I mentioned that work has begun on the topic. The Director represents not only the Commission but also the Secretary of the State.

The Office reached out to BPU to see if they would be willing to participate in a meeting regarding Princeton’s desire to bury their utility lines. The topic came up during the prepetition meeting with Princeton. Frank Gaffney from BPU has agreed to hold the initial meeting and to address the issue. OPA will begin to schedule the initial meeting. The Director commented that this could be an example of what can be done for municipalities on plan endorsement.

The Office participated in a zoom call to review the progress of the Highlands Economic Sustainability Plan and provided input. It is anticipated that a draft of the Plan will be presented to the public later this year.

NJ Bayshore Council met and discussed their NJPACT comments as well a site visit by the DEP Commissioner LaTourette. There are several items in the State's draft budget of interest to the Bayshore Council. OPOA is reviewing their position for comment.

Director Rendeiro commented that the office would be participating in two sessions at the League of Municipalities Conference in November. The first will be led by the Office and will focus on the technical assistance that we provide in partnership with FEMA and Rutgers. The second session will include OPA staff that will present at a Sustainable Jersey session regarding the partnership we have with Sustainable Jersey.

The third edition of OPA's newsletter was distributed on August 10. The newsletter went to 411 subscribers. There remains formatting challenges and the "campaign manager" program says that its analytics are not dependable. We are hoping to schedule a call with our representative sometime before the next newsletter to see if we can resolve some of those obstacles.

Chairman Wright asked if the League of Municipalities are going to be in-person. The Director responded that the League session will be held in person and that there are a number of significant safety protocols in place.

Commissioner Harris asked what the roll of OPA would be with the BPU on Princeton's desire to bury their utility lines. The Director responded that OPA will be coordinating the meeting that brings people to the table; OPA will not be speaking on behalf of the state agencies partners.

The order of the agenda was moved to hear New Business first.

NEW BUSINESS

PSE&G Map Amendment - Resolution #2021-14

Director Rendeiro commented that PSEG submitted a map amendment application for identification of an expansion of the utility heavy industry node. The Director commented that the proposal is consistent with the goals of the State Plan.

Director Rendeiro referred to Meghan Wren for the presentation. The presentation materials can be found in the following link:

<https://nj.gov/state/planning/assets/docs/meeting-materials/spc/materials/spc-materials-2021-9-1.zip>

Secretary Fisher commented on letters of support from affected municipalities. The Secretary asked if towns or townships usually send letters of support. Meghan responded that in the rules, letters of support are not a requirement, but that we do ask for them. There is a letter from the Township in process and we expect to receive it shortly. Director Rendeiro confirmed that in the rules there is no requirement for a letter of support and that as Meghan mentioned, there is a letter of support from the Township on the way.

The Director commented that in Matt Blake's presentation about the rule update, he will talk about a discussion about whether or not a public hearing should be included. The question centered on whether it should be mandated for a municipality to hold a public meeting to show (or not show) their support.

Robert Rech, Regulatory Consultant for PSE&G commented that OPA requested the letter from Lower Alloway's Creek Township. This request was submitted to the Town and that they are working on getting the mayor to sign the letter and he is hoping to get it by the end of the week. PSE&G has been in the local and the regional community for number a years and continues to work with the town and the county to address concerns about traffic. PSE&G nuclear power plant has a maintenance agreement where twice a year an additional 1,000 to 1,500 employees will be onsite for a period of a month to work on maintenance. Mr. Rech commented that when the initial project was presented to the

town, the only concern was about the potential traffic that they may be getting. Mr. Rech commented that the expectation of the impact should be minimum.

Mr. Rech commented that the towns are supportive and see this as an opportunity for continued growth and economic activities in the town as the project expands and develops; it is hoped that it will continue to mature with the offshore wind industry in New Jersey.

Secretary Fisher commented that as a former Legislator and a County Commissioner for that district, he suggested providing the letter of support because there will probably be other concerns. Knowing that in the past there had been other projects by PSE&G, it will be very helpful to have those letters of support.

Director Rendeiro commented that there has not been an issue regarding the issuance of the letter of support and it is expected that we will be receiving that letter shortly. Mr. Rech agreed with the Director and will make sure to provide the letter.

Chairman Wright agreed and asked Secretary Fisher if he would like to hold the action until the letter is received. Secretary Fisher responded that it was not necessary.

Commissioner Esser agreed with Secretary Fisher's comments and that because this is an industrial node it should be consistent with the State Planning goals.

Chairman Wright asked for a motion to approve Resolution No. 2021-14. Secretary Fisher made the motion and it was seconded by Vice Chair McKenna. With no further discussions or questions, Chair Wright asked for a roll call vote: Ayes: (12) Danielle Esser, Frank Gaffney, Secretary Fisher, Bruce Harris, Nick Angarone, Edward McKenna, Sean Thompson, Shanel Robinson, Elizabeth Terenik, Melanie Willoughby, Stephen Santola, Tom Wright. Nays: (0). Abstains: (0). Resolution No. 2021-14 was approved.

Chairman Wright congratulated Lower Alloway's Creek Township, Salem County, and PSE&G. Chairman Wright expressed his excitement to be able to see that the State Plan is now moving into the area of supporting the renewal energy goals as State of New Jersey.

OLD BUSINESS

Final Proposal on Rule Language - Resolution #2021-13 Authorizing Rule Language Update and Updated Timeline

Chairman Wright referred to Director Rendeiro to introduce the proposal.

Director Rendeiro commented that because of a number of conversations and input, now it is time to move to the public process. There is going to be a sixty-day public comment period as part of the normal rule update process.

The Director commented that included in the materials for today's meeting, there is a summary by Matt Blake in reference of what the changes were. Also included was a track changes document that talks about specific language. The Director suggested that there is no need to go over the specific language unless there is a specific topic of interest. Also, that before posting, comments can be sent out by email after today's meeting. The Director referred to Matt Blake for the presentation of the final proposal on the rule language.

This presentation materials can be found in the following link:

<https://nj.gov/state/planning/assets/docs/meeting-materials/spc/materials/spc-materials-2021-9-1.zip>

Comments from Commission members were addressed and incorporated in the final rule language proposal.

Director Rendeiro asked Matt Blake to bring up and show to the commission the proposed rulemaking timeline. The revised timeline was presented and discussed, with an estimated adoption in late first quarter, 2022. Chairman Wright commented that the 60-day comment period is very important and he want to make sure to publicize and encourage people to give a feedback and commentary during that time. Director Rendeiro agreed with Chairman Wright. She also commented that depending on how many comments are received, some changes might be required.

Chairman Wright asked to confirm that the resolution in front of the Commission is simply to authorize the Director to start this process. Director Rendeiro responded that the resolution is to authorize the rule language, as proposed, and to utilize that proposal for the official rule making process and to approve the updated timeline. Director Rendeiro commented that as she mentioned before, this is not the final proposal. The final proposal will come out after the public comment period. The public will have the ability to comment for 60 days and based on the result of those comments the language will be finalized.

Chairman Wright commented that after the language is finalized, it would come back to SPC for approval.

Nick Angarone asked the date for the PE centers expiration. Director Rendeiro responded that on January 11, 2022. Nick commented that when these rules are adopted, would any of those centers be eligible for re-endorsement. Director Rendeiro responded that no. They will have to start from scratch.

Nick Angarone commented that he does not want to speak for OAL or the DAG but that in DEP's rule making experience you cannot make a substantive change upon adoption. That if the commission thinks that there is something that is a concern, it should be considered and addressed now.

Director Rendeiro commented that the current rules would be in effect on January 12. In the legislation that was approved, A-5838, that identified January 11 as the deadline, there is an ability for the Office to request a 90-day extension from the Governor's Office. The Director commented that she believes that both houses need to pass a resolution to approve it. She also believes that will be the way to address the issue of expiring Centers being eligible for re-endorsement.

Vice Chair McKenna commented that recognizing that conflict, he suggested making the request for the current rule extension now. Director Rendeiro commented that she was looking to consider making that request sometime in September or October. Commissioner Esser agreed with Vice Chair McKenna on making the request now. Director Rendeiro agreed to prepare the request.

Commissioner Esser suggested an amendment to the rule proposal to allow the re-endorsement process to be eligible to those municipalities whose endorsement expires within a certain amount of time.

Director Rendeiro asked if the Commission wants to request that the Governor extend the January 11 date so the centers do not expire or if the Commission wants to allow them to expire and make the amendment suggested by Commissioner Esser, or both. They are two different efforts. The Director commented that 76 towns are not going to get through the process by January.

Commissioner Esser agreed that they are two different things. We should look into the legal parameters and build it into the rules for the Director to have the capability to say that if a community is working in good faith and are otherwise eligible, the Director can decide if they can move forward with renewal.

Director Rendeiro proposed to add a sentence to the rules stating, "For those municipalities that expire as of January 11, 2022 OPA will extend the expedited renewal process". Additionally, the Director will begin the discussion on whether or not there is a possibility to extend the January 11 date. Director Rendeiro commented that she will work separately on the extension, that the sentence will be added to the rules, and that she believes that the resolution can be kept as is because there will be two separate transactions.

Commissioner Esser commented that the resolution should be stated to read, "as amended".

After discussion, the final amended language was read by Director Rendeiro to say, "NOW THEREFORE, BE IT RESOLVED that the Commission approves the language as amended related to include those municipalities whose endorsement expires on January 11, 2022 to be able to be consider for the expedited renewal process."

Director Rendeiro said that the schedule and topics are to be updated through the formal rulemaking process.

Chairman Wright asked for a motion to approve Resolution No. 2021-13. Vice Chair McKenna made the motion and it was seconded by Commissioner Esser. With no further discussions or questions, Chair Wright asked for a roll call vote: Ayes: (12) Danielle Esser, Frank Gaffney, Secretary Fisher, Bruce Harris, Nick Angarone, Edward McKenna, Sean Thompson, Shanel Robinson, Elizabeth Terenik, Melanie Willoughby, Stephen Santola, Tom Wright. Nays: (0). Abstains: (0). Resolution No. 2021-13 was approved.

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

Commissioner Esser thanked the Director and the OPA for their hard work.

Rhyan Grech from the Pinelands Preservation Alliance commented that the Director referenced that the staff is currently working on a set of rules that specifically defines what the expedited renewal process will look like. The Director responded that is in the today's draft highlighted in yellow in the document.

Ms. Grech asked if a number of municipalities are scheduled to expire in January and that these rules under the best scenario may not be able to be adopted until March, are those municipalities able to be considered for expedite process. The Director responded that the amendment was previously discussed about adding that sentence that says even though they would have expired, they are entitled to be considered for the expedited process. Any municipality can go to a renewal process whether or not they are eligible to go through the expedited process where the requirements are going to be less.

ADJOURNMENT

With no further comments from the Commission or the public, Chairman Wright asked for a motion to adjourn. Vice Chair McKenna made the motion, and it was seconded by Commissioner Harris. The meeting was adjourned at 11:21 a.m.

Respectfully submitted,



Donna Rendeiro, Secretary
State Planning Commission
Dated: October 6, 2021

ATTACHMENT A
NEW JERSEY STATE PLANNING COMMISSION ATTENDEES
DATE: SEPTEMBER 1, 2021 TIME: 9:31 AM

Steven Gleeson - DAG
Matt Baumgardner - NJDEP
Dave DuMont - NJDEP
Rhyan Grech - Pinelands Preservation Alliance
Meg Cavanagh - NJDEP
Jason Kasler - AICP/PP NJPO
Brianna Keys - Governor's Office
Walter Lane - Planning Director, Somerset County
Susan Weber - NJDOT
Robert Rech - Regulatory Consultant, PSE&G
David Hinchey - PSE&G
Noami Barnes -
A. Rosario -
SM -
Melisa Dulinski -