



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 June 1, 2022
Zoom Video Conference**

CALL TO ORDER

Chairman Wright called the June 1, 2022 video conference of the New Jersey State Planning Commission (SPC) to order at 9:30 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

Nick Angarone, Designee for Shawn LaTourette, Commissioner, Department of Environmental Protection
Danielle Esser, Director of Governance, NJ Economic Development Authority
Frank Gaffney, Designee for President Fiordaliso, Board of Public Utilities
Sudhir Joshi, Designee for Diane Gutierrez-Scaccetti, Commissioner, Department of Transportation
Edward J. McKenna, Vice Chair, Public Member
Frank Minch, Designee for Douglas Fisher, Secretary, Department of Agriculture
Stephen Santola, Public Member
Elizabeth Terenik, Public Member
Sean Thompson, Designee for Lt. Governor Sheila Oliver, Commissioner, Department of Community Affairs (arrived at 9:36 a.m.)
Melanie Willoughby, Designee for Tahesha Way, Secretary of State, Department of State (arrived at 9:44 a.m.)
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 the May 4, 2022. Frank Gaffney 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, Frank Minch, Sudhir Joshi, Nick Angarone, Edward McKenna, Elizabeth Terenik, Melanie Willoughby, Stephen Santola, Thomas Wright. Nays: (0). Abstains: (0). The May 4, 2022 minutes were approved.

CHAIR'S COMMENTS

Chairman Wright said that since the last meeting of this Commission our nation has seen two horrific tragedies in Buffalo, New York, and Uvalde, Texas. That daily tragedy from gun violence across the country I am sure all of us have been shocked and horrified by the news from that, mourning, and wondering what we can do. While we look to our federal legislators to try to address this. I believe in deeply is community and trying to create communities where people will know and care for and are in touch with each other.

I believe that the physical form of our communities does influence behavior on what happens in some small ways. This does not prevent an 18-year-old disturbed person from getting an assault rifle; but, but maybe it does create places where people are just going to be safer through all of the physical interventions and the work we do. I try to relate on a personal level by creating places where people will know their neighbors, where they will be protected from all of the dangers, whether it is access to clean air and water, safety from the automobile and traffic accidents.

Chairman Wright referred to the Director for a report.

Director Rendeiro recognized the arrival of Sean Thompson, Designee for Lt. Governor Sheila Oliver, Commissioner, Department of Community Affairs to the meeting.

EXECUTIVE DIRECTOR'S REPORT

The Director began by saying that the last SPC meeting:

- OPA completed the buildout analysis for Bound Brook
- Flemington's Trend Report has been completed
- OPA reviewed and commented on Dover's draft MSA
- Warren Township has begun its Municipal Self-Assessment
- Bloomingdale and Franklin Township have opted out of the Plan Endorsement process

Much progress has been made in the Burlington County municipalities. Ten of the 12 local visioning sessions have been completed with two requesting waivers (one was granted; one is under review). One regional visioning session was held and a second is being scheduled. Additionally, numerous map meetings have been held among the municipalities and DEP. We received DEP's Opportunities and Constraints Report. Likely, the first three municipalities (Palmyra, Riverton, and Cinnaminson) will be presented to the PIC at their June meeting for endorsement recommendation and additional groups of municipalities will follow. It is hoped that all 12 municipalities will be endorsed by the fall, and then the regional endorsement will follow.

Mapping discussions are in full swing with discussions that include Middle Township, Stafford Township, the Wildwoods, Commercial Township, Galloway, Vineland, Route 130 municipalities, Ocean City, Stone Harbor, Maurice River, Toms River, Brick, Dover, Bound Brook, and Manville. Additionally, some DEP layers have been incorporated into OPA's maps, and catch-up continues.

As part of the Toms River biennial review, the municipality has asked for a map amendment. We are close to an agreement and will be bringing the proposal to the PIC, then the SPC shortly.

The FEMA Resilience Accelerator project is progressing. The Riverine cohort is well underway with a partnership meeting held in April with all seven municipalities, state agencies, and the consultants and the first workshop meeting was held on May 9. While the second in-person workshop was scheduled for May 23, it had to be rescheduled due to the Somerset County cyber security breach. We did, however, hold the scheduled NJ Future presentation on Stormwater Utilities. The second workshop is in process of rescheduling. It is anticipated that the participating municipalities will come away with appropriate resources to complete their resilience plan. The remaining two cohorts, coastal and coastal tourism, will be scheduled toward the end of the summer with preparatory communications being sent mid-summer. There are 23 potential municipalities in all three cohorts.

The resilience guidance document was updated and the updated version was uploaded to the website.

The Director said that a draft of the warehouse siting guidance is under internal review. We expect to be able to publish for public input shortly. A request from CoStar News requested information regarding the status of the warehouse guidance. Answers were prepared, approved by the Governor's office, and forwarded to them.

The subcommittee work for the Interagency Council on Climate Change has begun. OPA is participating in two subcommittees. The first, the Funding Subcommittee, is being led by the Office and has been scheduled for June 13. The Office is participating in the Environmental Systems and Land Use Subcommittee is scheduled for June 2. Additionally, there is a meeting scheduled for June 3 for the senior representatives. This meeting will include a presentation by the Assistant Commissioner Mazzai providing an update on the NJ PACT rules.

Director Rendeiro said that the staff participated in the second meeting of the Regional Compatible Use Study for Joint Base Mc-Guire-Dix-Lakehurst. Sponsored by Ocean County Commissioners and including Burlington County and surrounding municipalities, this effort will update the Compatible Land Use Study completed in 2009. The goal of the study is to ensure that land-use practices at the joint base are done in collaboration with surrounding municipalities and to protect and preserve the Joint Base. The Base spans over 40,000 acres and is responsible for over 40,000 jobs (the second largest in the state after the State). This project, once a bit further along is something that will be presented to the Commission as this is a great example of regional planning.

Related to Environmental Justice, the Executive Director is the representative of the State Planning Commission and the Secretary. As anticipated, most environmental justice efforts are within the Commission's purview and have been included in PE requirements. The Department's (inclusive of the SPC submission) was forwarded to DEP.

OPA participated in the Brownfields IAWG Core Team meeting on May 12. This was the first meeting held with the group in three years, with more than 35 representatives from Federal and State agencies attending. The purpose of the meeting was to plan for a relaunch of the program in mid-summer. The IAWG provides a forum for brownfield developers to present their projects to many state and federal agencies at once so that a comprehensive approach to funding and financing programs can be developed. The Director said that the next meeting is going to be in July, in which they are going to start looking at potential projects. If anybody has a major Brownfields project that possibly could use some funding, please let me know.

The South Jersey Transportation Planning Organization (SJTPO) has vastly enlarged its technical study/planning budget and is looking for concepts for its use. There are potential partner opportunities here as they start to discuss visioning and engagement. The Office will work on setting up a brainstorming session shortly.

The office continues to participate in DOH's Age-Friendly Council, Rutgers' Megalopolitan Coastal Transformation Hub Collaborative Stakeholder Advisory Panel (MACH CSAP), DEP's quarterly Brownfields meetings, the Federal and State Brownfields Interagency Workgroup, and many other regional planning authorities.

Chairman Wright asked the Commission for comments or questions. Director Rendeiro referred to Nick Angarone for a quick rule update.

Nick Angarone, Designee for Shawn LaTourette, Commissioner, and Department of Environmental Protection said that two items that you may have actually seen in the news last week, the Department formally published yesterday the rules associated with the environmental justice law that was passed back in 2020. That is a formal proposal starting the public comment process. You can find the proposal on the department's website as well as within the New Jersey register. Second, you may have seen in the news the department has held stakeholder update meetings in the last week, including the meeting of the Interagency Council on climate resilience that Donna referred to in her presentation by Assistant Commissioner Vince Mazzei. On the 3rd, we will go over for the agencies what will be proposed as an emergency rule that updates the Flood Hazard Area Control Act rules and the Stormwater Management rules. As emergency rules, once they are proposed they are effective immediately and then the department has, I believe 90 days, to go through the formal process. The basis of the emergency rule is that as folks are rebuilding post-Ida, we want to ensure that they are utilizing the best available information for rebuilding and that includes, for example, increased precipitation data that the department has released in the last several months and additional Flood Hazard Area Control Act criteria. These requirements would likely have been incorporated into the full NJ PACT rule updates that we have been talking about for a while. Considering the post-Ida response, it was critical that we have gotten these new requirements out before people rebuild and before the federal funding that is coming into the state kind of moves some of those projects along. The expectation is that the emergency rule will be proposed, and again, effective immediately likely sometime this month. State agencies will get a briefing on it later this week.

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

NEW BUSINESS

Center Extension Proposal

Director Rendeiro introduced the presentation by saying that as you all know, the governor signed Executive Order 292 that revoked the health state of emergency but maintained the state of emergency. As you will recall, there are two separate declarations, one is a health care emergency and one is a general state of emergency. In executive order 292, he did revoke the health care state of emergency, but also maintained the centers unless a rulemaking body chose to modify them. I have worked with our DAG and the Governor's office in terms of language in the proposal that has been sent and all of you and the appropriate bodies have approved that language. We presented the proposal and discussed it last month at the PIC and we received approval this past PIC meeting to go forward with the following proposal.

On the advice of the PIC, they suggested that we send certified letters to 89 municipalities that have centers. That number comes from the total of 94 that was subject to the expiration of the extension minus the five that we have already endorsed. We sent out three separate letters, all by certified mail. One letter (and you saw it in your package) stated that we have received formal notification that they do not want to pursue Plan Endorsement. The second letter addressed the municipalities who have said that they want to continue the process, but there has been no meaningful progress. The third is the municipalities that have worked very closely with us and are in various stages of completion.

The proposal for the 21 (and actually, that number went to 22; I will explain why in a minute). The original number in the proposal and on the documentation you received was 21. Those folks are the folks that have sent us in writing that they do not want to continue with the Plan Endorsement process. We are proposing a center termination date of July 1, which is one month away. It is our feeling that if they do not want to pursue Plan Endorsement, they should not receive any potential benefits compared to the municipalities that are going through a concerted effort. For the rest of the municipalities, we are proposing a center deadline of March 31, 2023. That gives us approximately nine months to get through the process and most, we believe will. There are going to be some that do not but we believe most will. We also believe that setting a deadline will encourage the municipalities that are slower to respond to have an incentive to respond. I think it is important that we do that so that we can get through this large number of municipalities. Some are moving very quickly, some are moving a little bit slowly and a lot is in between.

The proposal here is for the 21 municipalities that have written to us and said they do not want to pursue, terminate their extensions on July 1, 2022, and the remaining expirations on March 31, 2023. We sent those letters early last week, we sent out 89 certified letters. We are starting to receive all the confirmations back and we are getting some phone calls back, most of whom are saying thank you. Some needed some clarification. We did not really receive anything that was negative. The reason the number of our formal no's went from 21 to 22 was the Township of Franklin in Somerset County has bowed out since you received the package that I had sent last week. The remaining went down to 67 from 68.

In your package is the resolution as well as the notice that we need to post in the New Jersey Register.

Chairman Wright said that it has been on our docket for a long time now to try to start to move forward on these. Of course, I am sorry to see towns decide not to move forward. Steve and others have talked about trying to get a better handle on why they make that decision. At the same time, I think that kind of inaction does not help us with the Commission. Moving forward, there are now 22 communities that have expressly said they do not plan to move forward. I think that as a Commission we can now focus on those communities that do want to come in over the next spring trying to bring t in into compliance and then maybe start to move outward to try to bring more into the fold.

My sense of this is that Donna and the team will have a lot of work to finalize those 68 that we're not moving on, we know that some of those probably won't move but even if the number is somewhere in the 50s, it'll be a lot of work over the next year. This strikes as the right balanced approach to doing this. I am not the only one who has been hearing from outside groups saying, "When are you going to start to move forward on this and expire those designations were the communities that made it clear they're not going to pursue redesignation and move forward".

Director Rendeiro commented that the municipalities could come in at any time they want.

Chairman Wright asked the Commission for comments or questions.

Commissioner Esser said that to be clear, the action that we are taking is to terminate 21 municipalities and that the remaining 68 will have nine months endorsed. The Director responded that yes, specifically the 22 will expire on July 1 and the remaining will expire on March 31, 2023.

Chairman Wright said that 22 communities would expire in one month. For the others, we are giving them a deadline through the next spring. Director Rendeiro agreed and Commissioner Esser said to give a deadline to receive Plan Endorsement.

Director Rendeiro said that we have received some informal phone calls to ask if I wanted to do this, what are the next steps and how to do it. In addition, it did create; I will call it an awakening, in some cases. The ones that are just starting now, it is going to be somewhat tough to get them through in nine months but we will give them a shot.

We obviously are going to first prioritize the ones that are working diligently now and it will come in on a first-come, first-served basis as we can handle the volume from our capacity in our office and DEP's capacity. We need to make sure that we can get them through. Originally, we had talked about a December 31 deadline but that extra three months to March 31 might give us a few more that we can get through.

Commissioner Esser said that 45 that are meaningfully engaged, there is nine months. I am on the PIC I understand the recommendation that the PIC made. I am trying to understand the nine months for the 45 that are engaged. Assuming that most of them are not going to reach that milestone, most of them are not going to make it even if they are engaged. They are not going to be endorsed by that date. The Director responded that there is a good shot most of them will be endorsed.

Director Rendeiro said that we had 25 already within the O&C process. Then another 21 are working on their MSA. It is likely we will get a good percentage of those. Do not forget, we talked about Burlington County, that is 12 right there that we are getting through. I think the vast majority will and I think the fact that there is a deadline will give them an encouragement to move a little faster than they have in the past.

Director Rendeiro read the Resolution.

The Resolution can be found at:

<https://nj.gov/state/planning/assets/docs/meeting-materials/spc/resolutions/certified-resolution-2022-05.pdf>

With no further discussion or questions, Chairman Wright asked for a motion to approve Resolution 2022-05. The motion was made by Vice-Chair McKenna and seconded by Frank Gaffney. Chairman Wright asked for a roll call vote: Ayes: (11) Danielle Esser, Frank Gaffney, Frank Minch, Sudhir Joshi, Nick Angarone, Edward McKenna, Sean Thompson, Elizabeth Terenik, Melanie Willoughby, Stephen Santola, Thomas Wright. Nays: (0). Abstains: (0). The Resolution Approval of Modification of Temporary Rule Pursuant to Executive Order No. 292 was approved.

Status of Burlington Regional Endorsement Process

Director Rendeiro said that we have 12 municipalities coming in for regional endorsement for the Burlington County Route 130 corridor. The approach we are taking is we are endorsing individual municipalities and then once all of those municipalities are endorsed, we will consider making the recommendation for a regional endorsement. I have to thank (unfortunately, Tom Stanuikynas was not able to join us today). He is from the Burlington County Bridge Commission that is the planning arm for Burlington County, he has played a huge role and he is a good example of how important regional county planning can play in the regional endorsement. Not only has he helped Meghan and Lisa herd the cats, but they have also participated in the visioning, he has helped do the visioning in many of the municipalities. He has also created much of their municipal self-assessment and has really reduced the lift for the municipalities. We thought was important for this Commission to see where we are at and what is involved so that you have a baseline knowledge because as I mentioned, starting probably next PIC meeting the first three municipalities will be coming to the PIC for endorsement. Then in groups of two or three, as they are ready for the next several months, they should be coming in front of the PIC and then ultimately to the SPC. We are hopeful that we can get all 12 municipalities through the process by the fall and perhaps to the regional endorsement at that point. I thought it was important for this Commission to see where we are at, what the status is, and how we are approaching this in preparation for seeing these municipalities come through.

The Director turned it over to Meghan and Lisa as the two planners that are working on all of these municipalities. Primarily Meghan is dealing with the south of the Rancocas municipalities; Lisa is dealing with the North of the Rancocas municipalities. They support each other. Between Meghan, Lisa and Tom, it is a huge team effort.

This presentation can be found at:

<https://nj.gov/state/planning/assets/docs/meeting-materials/spc/materials/spc-materials-2022-0601-status-report-route-130-delaware-river-corridor.pdf>

Director Rendeiro said that the only thing I want to add that is what has become really evident as we're working through this process is there are so many aspects of land use planning that we can look at regionally through this process whether it's stormwater management, whether it's resilience, whether it's a warehouse citing issue. These municipalities are starting to see the value in that in looking at things regionally and really addressing the items that should be addressed regionally and embracing that concept. That has come out pretty clearly in this process. I am pleasantly surprised that many of those items you are going to see in the PIA can be addressed this way.

Chairman Wright said thank you for that update. I will say since I worked, I remember the original designation it was in the village of Roebing. The Commission actually got a standing ovation from the audience when we endorsed that plan. As been pointed out by Donna, Megan, Lisa, and everybody it really was the county taking such a leadership role in that. As we are going through this the second time we need to have the municipalities more directly involved. I am pleased to see this moving forward in your timeline, of course, there is a kind of 1999, 2009, 2019, and then suddenly things get going. I do hope that through this process, and maybe, Steve, I am channeling you a little bit here, but you know, then you talk about in the concerns that kind of question about the time and cost and what does it get. I hope that through this process we will be able to put a finer point on what the benefits communities have gotten for having this regional plan endorsed for the last 20-plus years. What came out of that before the process started. The more detailed and the more concrete we can be on articulating those, I think the better since I consider this one of the model center designations and plan endorsements that we have done as a Commission through the State Planning process. I am sure that you are working on that and I hope that will be something that will come out powerful in the narrative.

Director Rendeiro said that we continue to advocate for that. I think what we can offer today is the regional approach to resiliency to bringing the state agencies to the table to deal with many of these items. Megan and Lisa were part of a meeting that had three of the Mayor's there and they were also excited to get together and start talking about the mutual challenges and the mutual opportunities that they had that just to create that dialogue among the neighboring municipalities was huge. To continue those, Meghan had said something similar to what they have in the Coastal Coalition in South Jersey to create a kind of coalition that gets folks together every couple of months that talks about what have you found. What has been working? What is not working? What can I take from you? What can you take from me? That is I think one of the pieces we can offer today. That is not cash, but it is huge.

Nick Angarone said that I just want to reiterate support for doing this at the regional scale whether it is County or multiple municipality, whatever that is. It is something that we are trying to do throughout the State from a resilience perspective even from the State planning perspective. By doing the mapping at a multi municipal scale makes much more sense than running into arbitrary political boundaries that we cannot look at of what is on the other side of that because we are doing individual municipal plan endorsement. There is always going to be a boundary. I really support doing this at the regional scale. To the extent that we can push that, I think it is something that is worth doing.

Chairman Wright said that I just want to underscore Nick. I think that is very well put. The Delaware River does not really care which side of the municipal boundary it is on. We ought to pay attention to those things.

Chairman Wright asked for other questions or comments from members of the commission. We are not voting on anything. To be clear, the intention is to be bringing a few of these municipalities to the PIC later this month. It is possible in the July meeting we will be seeing some plan endorsements coming up.

Director Rendeiro said that we would do everything we can to get the first three to the PIC in June and to the SPC in July.

Stephen Santola said that one thing that I would note and support is there seems to be an orderly process to this. The municipalities are talking and presumably, they are publicizing within their own communities. I also presume that the landowners that might be affected are being considered or at least having an opportunity to be heard. The regulated community is somehow being made aware and it is not coming as a surprise or in any way affecting plans that may be ongoing where municipalities and private companies are investing significant dollars to have the rules change rather quickly under their feet. I think the idea of doing this in a regional manner obviously has to be applauded. We are the State Planning Commission. If you are not in support of that, you are on the wrong zoom call. I do appreciate the fact that it's being done in an orderly and processed manner being led by you Chairman obviously you can do these things without the political overtones that sometimes other organizations bring to it. From that perspective, I am supportive.

Chairman Wright thanked Commissioner Santola. The Chairman said that I agree that understanding the process and making sure it's not something that's throwing a curveball to any of the participants is really important and to see these things through.

Vice Chair McKenna said that I like to congratulate and thank Meghan and Lisa for some spectacular work as well as Donna and everybody in the office, very exciting. I have been waiting for this for 20 years.

Director Rendeiro recognized Naomi Barnes from OPA. The Director said that Naomi is the one that does those maps and she is more of a behind the scenes kind of person but without her we could not move this forward.

Chairman Wright said that when we bring the plans up for endorsement we will have a chance also to thank and congratulate our municipal and county partners who, as been stated many times, are doing a terrific work.

Chairman Wright asked the members of the public for comments or questions.

Stephanie Farrell from Mehmed Davis & Goldstein, PC said that I just had a quick question in connection with the March 2023 deadline. In prior meetings that I sat it on, there were discussions about the concerns about getting everything done by that date and there was a mention of potentially having an opportunity to further extend. I also understand the importance of having a deadline to get things moving along. You are going to have communities that are willing to put the time and effort in and then once they have done that, they are up against a deadline and what happens if they are just not quite there?

Director Rendeiro responded that one of the reasons we moved originally the conversation was to set the deadline December 31. Because of that concern, we extended it into March. We are going to have to look at them individually on a case-by-case basis. I do believe that, and I have to check with the DAG on this, the Commission does have the ability to extend for a month or two if we are very close. We will make sure that we work with the municipalities that show a good faith effort to get them through as quickly as we can. Many of these folks are probably halfway through the process at this point. There are going to be a couple that are going to hit the deadline very closely. I think for the most part, it is likely we will get everybody through or at least most and the ones that don't we'll deal with it on an individual basis depending on how far they go and how much of a good faith effort they have shown. Chairman Wright agreed with the Director.

ADJOURNMENT

With no further comments from the Committee or the public, Chairman Wright asked for a motion to adjourn. The motion was made by Frank Gaffney and seconded by Vice Chair McKenna. All were in favor. The meeting was adjourned at 10:37 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donna Rendeiro". The signature is fluid and cursive, with a large initial 'D'.

Donna Rendeiro, Secretary
State Planning Commission
Dated: July 6, 2022

ATTACHMENT A
NEW JERSEY STATE PLANNING COMMISSION ATTENDEES
DATE: JUNE 1, 2022 TIME: 9:30 AM

Walter Lane - Planning Director, Somerset County
Levi Klinger-Christiansen - DAG
Meg Cavanagh – NJDEP
Mark Villinger – Planner, Ocean County
Susan Weber – NJDOT
David DuMont – NJDEP
Ruth Foster - NJDEP
Jelena Lasko – NJDOT
Keith Henderson - DCA
Stephanie Farrell - Nehmad Davis & Goldstein, PC
A. Soriano