



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
NEW JERSEY STATE PLANNING COMMISSION
PO BOX 204
TRENTON NJ 08625-0204

JON S. CORZINE
Governor

SUSAN BASS LEVIN
Commissioner

CHRISTIANA FOGLIO
Chair

EILEEN SWAN
Executive Director & Secretary

Resolution No. 2006-04
Page 1 of 4

Date: October 18, 2006
Patron: George Pruitt

RESOLUTION

EXTENSION OF REVIEW PERIOD FOR ADDITIONAL 18 MONTHS OR UNTIL NEW STATE PLANNING RULES ARE ADOPTED, WHICH EVER IS SOONER, IN ORDER TO WORK WITH PETITIONERS THAT HAVE OUTSTANDING CONSISTENCY ISSUES WITH PLAN ENDORSEMENT PETITIONS

WHEREAS, the Office of Smart Growth reviews petitions for plan endorsement for consistency with the goals, policies and strategies of the State Development and Redevelopment Plan (State Plan) in accordance with the State Planning Act, N.J.S.A. 52:18A-196 et seq. and the State Planning Rules, N.J.A.C. 5:85-7.1 et seq., and

WHEREAS, the Office of Smart Growth makes recommendations and prepares reports to the State Planning Commission on the consistency of plan endorsement petitions with the State Plan; and

WHEREAS, the State Planning Commission and its duly authorized committees consider petitions for plan endorsement based on the Office of Smart Growth's recommendations; and

WHEREAS, the Office of Smart Growth and State agencies have conducted substantive reviews of county and municipal petitions for plan endorsement over the past year; and

WHEREAS, as a result of these substantive reviews, the Office of Smart Growth and State agencies have requested additional information that needs to be considered before the Office of Smart Growth can make a recommendation to the State Planning Commission; and

WHEREAS, the petitioning entities have been unable to provide the additional information to the Office of Smart Growth and the State agencies for review and evaluation within the time periods set forth in the State Planning Rules; and

WHEREAS, properly prepared planning activities require time, must be subject to adequate public input throughout the planning process and should not be unduly rushed; and

WHEREAS, the time periods contemplated by the State Planning Rules were established for the benefit of the petitioning entities to provide them with the assurance that their petitions for plan endorsement would be considered and evaluated within a reasonable amount of time, and





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Page 2 of 4

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WHEREAS, the time periods in the State Planning Rules are in reality operating to penalize petitioners undertaking these beneficial planning activities; and

WHEREAS, the petitioning entities have stated a desire to provide the additional information as soon as it is available so that they may continue in the plan endorsement process; and

WHEREAS, absent an extension of time for petitioners to provide the additional information and the Office of Smart Growth and other State agencies to review that information, the Office of Smart Growth would be required under the State Planning Rules to make a recommendation based on petitions that they currently find to be inconsistent with the State Plan; and

WHEREAS, in seeking to foster comprehensive and coordinated planning and to achieve the goals, policies and strategies of the State Plan, it is desirable for the Office of Smart Growth to continue to work with the petitioning entities and help enable them to achieve Plan Endorsement; and

WHEREAS, at the State Planning Commission meeting of September 20, 2006, the Office of Smart Growth proposed a mechanism to allow the Office of Smart Growth, the relevant State agencies and the petitioning entities to continue to work towards Plan Endorsement; and

WHEREAS, under this proposed mechanism, any petitioning entity may agree to enter into a Memorandum of Understanding (MOU) and an Action Plan with the Office of Smart Growth that states the obligations of each of the parties in exchange for extending the consistency review period; and

WHEREAS, the Action Plan will be negotiated between the Office of Smart Growth, the other State agencies and a petitioning entity and will describe the specific planning activities needed to be completed and time periods within which to complete each of them before the Office of Smart Growth prepares the consistency report to the SPC; and

WHEREAS, the extension of time would be conditioned on the petitioning entity's compliance with the MOU and Action Plan, and the petitioning entity's good faith effort to work towards Plan Endorsement, as determined by the Executive Director of the Office of Smart Growth; and





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Resolution No. 2006-04
Page 3 of 4

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WHEREAS, the petitioning entity shall have the MOU and Action Plan authorized at a public meeting of the local governing body and shall take any other action necessary to formally execute the MOU and Action Plan within 60 days of receipt of formal request from the Office of Smart Growth to enter into a MOU and Action Plan; and

WHEREAS, should the petitioning entity either fail to execute the MOU within the 60-day timer period (or unless otherwise agreed) or fail to comply with the terms of the MOU and Action Plan once executed, the Office of Smart Growth shall immediately prepare and submit a consistency report to the State Planning Commission for review in accordance with N.J.A.C. 5:85-7.6 based on the information currently on file in the Office; and

WHEREAS, the extension of the review period is meant solely to give petitioning entities the opportunity to bring their documents into consistency with the State Plan prior to the State Planning Commission considering their petition, and in no way undermines the authority of the State Planning Commission to make the final decision on a plan endorsement petition; and

WHEREAS, pursuant to the Coastal Zone Management Rules, N.J.A.C. 7:7E-5B.6(c), the Department of Environmental Protection temporarily re-established mainland coastal centers in the CAFRA area in order to give municipalities additional time to work towards achieving plan endorsement as a prerequisite to maintaining permanent CAFRA center designations; and

WHEREAS, the temporary re-establishment of those mainland coastal centers will expire on March 15, 2007; and

WHEREAS, any extension of time agreed to by the State Planning Commission and the Office of Smart Growth for consideration of a petition for plan endorsement does not and will not have an impact on the March 15, 2007 expiration of the temporary reestablishment of the mainland coastal centers in the CAFRA area; and

NOW THEREFORE BE IT RESOLVED that State Planning Commission hereby authorizes that the time periods contemplated by the State Planning Rules for the consideration of petitions for plan endorsement be relaxed, and the time period for staff review be extended for 18 months or until new plan endorsement rules are adopted, whichever is sooner, with the period of extension to commence upon certification of this Resolution; and





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Page 4 of 4

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BE IT FURTHER RESOLVED that the Executive Director of the Office of Smart Growth is hereby authorized to negotiate and enter into a Memorandum of Understanding and an Action Plan, and any amendments thereto, with any entity eligible to seek Plan Endorsement from whom the Executive Director requests additional information prior to the State Planning Commission's consideration of the petition for endorsement; and

BE IT FURTHER RESOLVED that the Executive Director of the Office of Smart Growth will give notice to the State Planning Commission and all parties registered with the Office of Smart Growth upon execution of an MOU and Action Plan, and any amendments thereto, that the Office of Smart Growth negotiates pursuant to this Resolution; and

BE IT FURTHER RESOLVED that the Office of Smart Growth will post all executed MOUs and Action Plans on the Office of Smart Growth website; and

BE IT FURTHER RESOLVED that the State Planning Commission will consider amendments to the MOUs and Action Plans for errors and omissions at the meeting following the posting of the executed MOUs and Action Plans on the OSG website.

Certification

This Resolution was adopted by the New Jersey State Planning Commission at its meeting held on Wednesday, October 18, 2006. Ayes: (11) Bernard McLaughlin, John Eskilson, Adam Zellner, Brent Barnes, Monique Purcell, Marilyn Lennon, Marge DellaVecchia, Debbie Mans, Thomas Michnewicz, George Pruitt, Christiana Foglio. Nays: (0). Abstains: (0).

Eileen Swan, Secretary
NJ State Planning Commission

Dated: November 27, 2006