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Director

MEMORANDUM

DATE: February 14, 2011
TO: State Planning Commission
CC: Town of Newton, Mayor Kristen S. Becker
SPC Interested Persons
FROM: Gerry Scharfenberger, Ph.D., Director
RE: Recommendation Regarding Request for Waiver by Town of Newton

Request for Waiver

The Town of Newton has provided us with a written request for a waiver of the two year term of its interim center and for an extension of outstanding Action Plan items. The interim center was designated by the State Planning Commission (Commission) by Resolution 2009-02 on February 18, 2009 for a period of two years as an Action Plan item consistent with the new State Planning Rules at N.J.A.C. 5:85-7.14(b). Since that time the Town of Newton has continued working toward completing Action Plan items in its pursuit of plan endorsement. Ten items have been completed. Eight items in the action plan are requests to consider or the responsibility of other agencies. Ten items are in draft and seven items have not been initiated.

Standard of Review

The Office for Planning Advocacy (OPA) and our State agency partners have reviewed the written request for waiver. The State Planning Rules provide for the Commission to waive any of the requirements of plan endorsement, other than advisory committee appointment and membership or community visioning, based on a written request by petitioner and a written recommendation by the Executive Director in consultation with relevant State agencies. The recommendation is to be based on a determination of whether comprehensive planning goals have been achieved using alternative implementation mechanisms or whether a requirement of plan endorsement is determined to be inappropriate or unnecessary to achieve intended comprehensive planning goals, based on a petitioner's unique circumstances. N.J.A.C. 5:85-7.6(f).

Analysis

Newton's town center contains compact mixed uses scaled for pedestrians. It's a high performance place that functions as a town center. The center designation provides incentives for developers that further limit the development environs. In addition, Newton's environs contain constraints that impede development, which have been excluded from the Center. The concept of

center based development coupled with appropriate protection of the environs is the central organizing principle of the State Development and Redevelopment Plan (State Plan). The designated center fulfills an important role in promoting appropriate economic development opportunities within the center.

Newton's town center provides many economic benefits that Newton takes advantage of. Newton participates in HMFA the "Live where you work" (LWYW) program. The LWYW program is a home mortgage incentive program that provides low-interest mortgage loans to homebuyers purchasing homes in towns where they are employed. Newton also takes advantage of the BEIP program. Under the BEIP program, businesses that execute agreements with EDA and create jobs receive annual cash grants based on the number of new jobs they have created in the State. In addition, Newton takes advantage of the NJDOT Centers of place program. In the past they have received \$250,000 in grants for streetscape improvements to Main Street. In light of the above, it would be inappropriate to allow the interim center to expire while petitioner continues to pursue plan endorsement.

Conclusion

After review of the progress made to date by the Town of Newton in its pursuit of plan endorsement, and the unique circumstances of Newton's land use patterns and planning and zoning efforts to date, it is my recommendation that the Commission grant the request for waiver. Specifically, I recommend the term of the interim center and the outstanding action items be extended for 18 months or until all outstanding items in the Action Plan have been completed, whichever is sooner, provided the petitioner continues to exert good faith efforts to continue to pursue plan endorsement.