



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
OFFICE OF SMART GROWTH
PO Box 204
TRENTON NJ 08625-0204

JON S. CORZINE
Governor

JOSEPH V. DORIA, JR.
Commissioner

BENJAMIN SPINELLI
Executive Director

December 9, 2008

The Honorable Thomas F. Kelaher
Mayor of Toms River Township
33 Washington Street
PO Box 728
Toms River, NJ 08754-0728

Re: Toms River Township Plan Endorsement - Extension for Action Plan Items

Dear Mayor Kelaher:

After receiving your request for a time extension for Toms River Township to complete the items in its Action Plan, the Office of Smart Growth (OSG) brought the matter before the State Planning Commission (SPC) and its Plan Implementation Committee (PIC). Based on presentations on the request from both OSG and your Township planner, the SPC decided to grant the Township a one-year extension. The extension will take effect on January 1, 2009, with all items in the Action Plan to be completed by December 31, 2009. The Township will not be determined to have defaulted on its obligations under the approved Memorandum of Understanding by virtue of this extension. The decision also includes the caveat that by July 1, 2009, item A1, the delineation of center boundaries, must be completed. At this time, OSG staff will report to the SPC on the Township's progress with its Action Plan, and if center boundaries have not been finalized with State agency support, the SPC may choose to terminate the extension. Over the next year, the Township is also required to report monthly to OSG and quarterly to the SPC on the status of its work on the Action Plan. Both reports should be formal, written documents and the Township should anticipate the possibility of presenting to the SPC on a quarterly basis on the matter.

At the November 21st PIC meeting, OSG staff, PIC members, and members of the public expressed concern about the amount of time the Township has been in Plan Endorsement and the general lack of progress made on resolving inconsistencies between its petition and the State Development and Redevelopment Plan despite the time with which it's had to do so. Presently, the only Action Plan item completed is E1, for which the Township submitted a copy of its Emergency Operating Plan approval from the New Jersey State Police. Before the end of 2008, OSG will be working with Township representatives to determine new deadlines for the individual items contained within the Action Plan. While the resolution of center boundaries will likely be the first item addressed, OSG strongly suggests that the Township simultaneously begin serious work on all of the other outstanding items. OSG understands the extent to which many of these items are contingent upon final center boundaries, but draft

boundaries should not preclude commencement of work on these items or on items with less of a direct connection to center boundaries (C1, F1, and others).

OSG is very eager to see Toms River complete the Plan Endorsement process. However, this will require a good deal of substantive work over the course of the next year. The Township should expect several meetings with State agencies throughout the extension period to resolve inconsistencies and review deliverables submitted to fulfill the Action Plan.

Thank you for commitment to pursuing Plan Endorsement. Should you have any questions or concerns, please feel free to contact Leigh Jones, Planner for Toms River Township within OSG, at (609) 633-6119 or via email at Leigh.Jones@dca.state.nj.us.

Sincerely,

A handwritten signature in black ink that reads "Benjamin L. Spinelli". The signature is written in a cursive style with a large initial "B" and a distinct "L.S.M." at the end.

Benjamin L. Spinelli
Executive Director

BLS:lj

- c: Mark Mutter, Municipal Clerk
- Jay Lynch, PP, AICP, Township Planner
- Paul Gleitz, PP, AICP, Heyer, Gruel & Associates
- Mark Troncone, Township Attorney
- Karl Hartkopf, PP, AICP, Planning Director, OSG
- Leigh Jones, Planner, OSG
- State agency representatives *via email*
- Toms River PE File