

STATE OF NEW JERSEY  
DEPARTMENT OF COMMUNITY AFFAIRS  
STATE PLANNING COMMISSION  
OFFICE OF SMART GROWTH



# MUNICIPAL PLAN ENDORSEMENT GUIDELINES

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For additional information, please contact:

Department of Community Affairs  
Office of Smart Growth  
101 South Broad Street  
P.O. Box 204  
Trenton, NJ 08625-0204

Phone: 609-292-7156  
Fax: 609-292-3292  
Email: [osgmail@dca.state.nj.us](mailto:osgmail@dca.state.nj.us)  
Website: [www.njsmartgrowth.com](http://www.njsmartgrowth.com)

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# Part I. Introduction

Municipal Plan Endorsement is a voluntary review process designed to ensure the coordination of State, county and municipal planning efforts in achieving the goals and policies of the State Planning Act (Act). The State Development and Redevelopment Plan (State Plan) is the blueprint for achieving these goals and provides the template for coordination. The endorsement process expands upon the requirements of the Municipal Land Use Law (MLUL) and incorporates many planning initiatives of the State agencies. It is through Plan Endorsement that local, county and State governments may work together to develop coordinated capital investment and planning implementation mechanisms that are consistent with the State Plan and with each other. Completion of the Plan Endorsement requirements makes the petitioner eligible for a host of benefits provided by State agencies.

The State Planning Commission (SPC) updated the Guidelines for Plan Endorsement in 2007 to create a more cooperative, predictable and useful process. The focus of Plan Endorsement is on where and how new development and redevelopment can be accommodated in accordance with the goals of the Act. These Guidelines take a capacity-based planning approach to plan for a sustainable future. They seek to encourage development in locations that have the resources to accommodate long-term growth utilizing existing or anticipated public services and facilities. They seek to discourage development where it may, directly or indirectly, impair or destroy significant natural, historic and agricultural resources or planning of neighboring municipalities and the region. The updated Guidelines also emphasize the importance of public participation throughout the process. In a state where land use controls are a local responsibility while infrastructure funding and regulatory programs are managed at regional and State levels of government, nothing is more critical than coordination, public support and understanding. Involving the public in the Plan Endorsement process is essential to its success.

These updated Guidelines set out the standard by which a municipal petition will be reviewed and evaluated for consistency with the State Plan. They focus on creating a plan and implementation strategy appropriate to the individual circumstances of each municipality.

The Guidelines provide a user-friendly process that can be readily applied in all types and sizes of municipalities and provide a unique opportunity to receive coordinated technical support from the participating State agencies. In addition to the Office of Smart Growth (OSG), the State agencies committed to the process include: the Governor's Office of Economic Growth (OEG), the State Departments of Agriculture (NJDA), Transportation (DOT), Environmental Protection (DEP), Education (DOE), Community Affairs (DCA), and Human Services, as well as agencies, authorities, and programs such as Main Street New Jersey (MSNJ), the Economic Development Authority (EDA), State Agriculture Development Committee (SADC), Environmental Infrastructure Trust (EIT), Office of Green Acres, State Historic Preservation Office (SHPO), Housing and Mortgage Finance Agency (HMFA), Council on Affordable Housing (COAH), New Jersey Transit (NJ Transit), Schools Development Authority (SDA), Board of Public Utilities (BPU), New Jersey Historic Trust (NJHT), Pinelands Commission, Meadowlands Commission (NJMC), and the Highlands Council. Additional State agencies are available to assist with the Endorsement process as appropriate.

Upon Endorsement of a municipal plan, municipalities are entitled to financial and technical incentives that will assist in making their endorsed plans a reality. These incentives are based on the endorsed plan and may include enhanced scoring for grant funding, low-interest loans, tax credits, prioritized technical assistance, and coordinated regulatory review among the State agencies. The State Planning Commission and the Office of Smart Growth continue to work with the State agencies to identify additional incentives for municipalities to complete the process.

Most steps in the Plan Endorsement process involve the submission of multiple items to the Office of Smart Growth. A checklist of items required at each step is available at [www.njsmartgrowth.com](http://www.njsmartgrowth.com).

# Part II. Plan Endorsement Process

## Process Outline

Listed below are the 10 steps for the Plan Endorsement process. The state has specified timeframes within which it has to respond to submissions by the petitioner. All timeframes are calculated in calendar days. These timeframes as well as the public participation forums built into the process are highlighted in **bold**.

No.	Action	Timetable
<b>Step 1: Pre-Petition</b>		
a	Petitioner submits letter from Mayor requesting pre-petition meeting along with existing planning documents and a list of same.	Variable
b	OSG and State agencies review documents on preliminary basis. OSG and agencies conduct pre-petition meeting with at least one elected official from the municipality present.	Meeting scheduled within <b>30 days</b> of submission.
<b>Step 2: Plan Endorsement Citizens' Advisory Committee*</b>		
a	Mayor appoints Advisory Committee by resolution at a <b>public meeting of the governing body.**</b>	Variable
<b>Step 3: Municipal Self Assessment*</b>		
a	Petitioner conducts self assessment and produces a Municipal Self-Assessment Report including any requests for waivers pursuant to N.J.A.C. 5:85-7.6(a).	Due within one year of pre- petition meeting. See N.J.A.C. 5:85-7.7(d).
b	Petitioner presents findings and conclusions of self assessment at a <b>public meeting of the governing body**</b> and adopts a resolution to pursue Plan Endorsement.	Variable
<b>Step 4: State Opportunities &amp; Constraints Assessment</b>		
a	OSG, DEP, DOT, NJ Transit, and NJDA conduct opportunities and constraints analyses. OSG produces an Opportunities and Constraints Report for consideration by petitioner during visioning.	Report produced within <b>45 days</b> of receipt of submission requirements for step 3.
<b>Step 5: Community Visioning*</b>		
a	Petitioner conducts community visioning, adopts Vision Statement, and submits it to OSG. Visioning must include at least <b>three facilitated workshops</b> and at least <b>two public hearings</b> (one before the planning board and one before the governing body)**. OSG will work with the town and/or consultant on the structure of the community visioning process.	Variable
<b>Step 6: Consistency Review***</b>		
a	OSG provides notice of commencement of consistency review of petition with State Plan and provides interested parties an opportunity to request that OSG conduct a <b>public hearing</b> .	Public may request a public hearing within <b>10 days</b> of OSG posting notice.

<b>Step 6: Consistency Review***, continued</b>		
b	State agencies conduct consistency review. OSG develops draft MOU and Action Plan, in consultation with municipality, if inconsistencies exist. Action Plan outlines the necessary steps for petitioner to achieve Plan Endorsement, assistance from State agencies, and the benefits available to the municipality upon endorsement.	Consistency review concludes within <b>90 days</b> of receipt of submission requirements. If petition is inconsistent, Action Plan and MOU provided to petitioner within this period. If found consistent, Recommendation Report is prepared within <b>60 days</b> of conclusion of consistency review.***
<b>Step 7: Action Plan Implementation</b>		
a	SPC considers draft MOU and Action Plan.	Consideration at earliest feasible time, preferably next regularly scheduled <b>SPC hearing</b> with at least 10 days notice.
b	Petitioner conducts one <b>public hearing**</b> before the Planning Board for recommendation, and <b>one public hearing**</b> before the governing body to authorize execution of MOU and commitment to Action Plan by resolution. Action Plan and MOU may be considered at <b>one joint public hearing**</b> of the two entities.	Resolution passed within <b>60 days</b> of notice of SPC approval of MOU and Action Plan.
c	OSG issues Certificate of Eligibility.	Issuance within <b>10 days</b> of receipt of signed MOU and resolution from petitioner.
d	Petitioner works with State, county and regional agencies to complete Action Plan.	Variable, depending on agreed-upon Action Plan timetable.
<b>Step 8: Recommendation Report and Draft Planning &amp; Implementation Agreement (PIA)</b>		
a	OSG produces recommendation report and finalizes a PIA with petitioner.	Report produced within <b>60 days</b> of completion of Action Plan.
<b>Step 9: State Planning Commission Endorsement</b>		
a	OSG presents Recommendation Report and draft PIA to the Plan Implementation Committee (PIC) of SPC at a <b>public hearing</b> .	Consideration by <b>PIC</b> within <b>45 days</b> of receipt of Recommendation Report. PIC shall make a recommendation on petition to SPC.
b	SPC considers petition, Recommendation Report, PIA and proposed mapping changes at <b>public hearing</b> .	SPC considers petition at a <b>public hearing</b> within <b>45 days</b> of receipt of PIC recommendation.
<b>Step 10: Monitoring and Benefits</b>		
a	Municipality, State and regional agencies (as applicable) follow through on PIA including delivery of benefits to municipality.	Endorsement lasts 10 years.

*\*The Executive Director, in consultation with relevant State agencies, may waive Step 2, 3 and/or 5, if a petitioner has met the requirements. The SPC, in consultation with relevant State agencies, may waive any other requirement if the goals of comprehensive planning are being met using alternative means from those outlined in the State Planning Rules and Plan Endorsement Guidelines. See N.J.A.C. 5:85-7.6.*

*\*\*For public meetings and hearings, petitioner submits proof of notice in the form of affidavit of publication,, meeting minutes, summary of public comments and a copy of a certified resolution. Both public meetings and hearings must satisfy the requirements of the State Planning Rules and be consistent with the Open Public Meeting Act, N.J.S.A. 10:4-6.*

*\*\*\*OSG may move the petition directly to Step 8 if the review shows that the petition is consistent with the State Plan. In such a case, OSG will produce the recommendation report in place of the draft MOU and Action Plan.*

# Step 1: Pre-Petition

The primary purpose of the pre-petition step is to introduce the municipality to State agency partners and to introduce Plan Endorsement to the municipality. During this step, the municipality submits its existing planning documents for preliminary review and meets with State agency representatives at a pre-petition meeting. It also gives petitioner the opportunity to indicate desired outcomes of the Plan Endorsement process.

## Submission of Letter and Planning Documents

The Mayor shall submit a letter to OSG requesting a pre-petition meeting. The letter requesting a pre-petition meeting shall be accompanied by the petitioner's existing planning documents and a list of same. The letter should include a statement of goals and intent in pursuing Plan Endorsement. At the pre-petition stage, a municipality is not required to create new planning documents, only to submit current or draft plans to the extent they exist, including:

### Master Plan and Related Support Documents

- Most recent adopted Master Plan and any draft elements currently being considered
- Master Plan Reexamination Report(s)
- Official Map pursuant to N.J.S.A. 55D-32
- Land use map
- Zoning map and zoning schedule
- zoning ordinance and other land development standards
- A Conservation Plan and Natural Resource Inventory (NRI)
- An Open Space and Recreation Plan and Recreation and Open Space Inventory (ROSI)
- Redevelopment Plan(s) and/or Rehabilitation Plan(s) adopted pursuant to the Local Redevelopment and Housing Law (LRHL)
- Farmland Preservation/Agricultural Retention Plan

### Other Planning Related Documents

- Resource protection ordinances
- Inventory of pending major subdivision and site plan applications
- Inventory of approved major subdivision and site plan projects for the past 5 years
- Board of Adjustment reports for each of the past 5 years pursuant to NJSA 40:55D-70.1
- Annual reports of the Board of Health and Environmental Commission for the past 5 years
- Any enforcement actions taken by the NJ DEP
- Any other adopted planning documents (e.g. stormwater management plan, wastewater management plan, capital improvement plan)

A Plan Endorsement Checklist, including a complete list of items to be submitted during each step, is available at [www.njsmartgrowth.com](http://www.njsmartgrowth.com).

## Document Format Requirements

All petition documents shall be submitted in electronic format and one hard color copy. This makes it easier to distribute documents among agencies and make them available to the public. Electronic documents should be in open, readily accessible formats, such as a Portable Document File (PDF) or in their original formats (e.g. Word). OSG strongly encourages municipalities to make it standard practice when using a consultant to obtain both original and PDF formats of planning documents in addition to hard copies. It is also requested that municipalities submit the digital zoning map and parcel map (if available) in a form compatible with Environmental Research Institute Arc Map software such as a Shape file.

## **Pre-Petition Meeting**

Within 30 days of receiving the letter requesting a pre-petition meeting and the community's existing planning documents, OSG shall schedule a pre-petition meeting with the petitioner, relevant State and regional agencies. In addition, county representatives are invited to attend.

During the pre-petition meeting, OSG shall explain the goals, requirements, opportunities and benefits of Plan Endorsement and answer questions that the petitioner may have about the process. OSG will provide the petitioner with tools and educational materials to assist in achieving Plan Endorsement, as well as contact information for State agency representatives who will be working with the municipality throughout the Plan Endorsement process. OSG and State agencies will also discuss any preliminary concerns with the municipality's planning. The petitioner should be prepared to discuss their planning goals and objectives and what they seek to achieve through Plan Endorsement.

## **Waiver**

The requirements for the appointment of an advisory committee, the completion of a municipal self-assessment, and/or the undertaking of a visioning process may be waived at the discretion of the Executive Director, in consultation with the relevant State agencies, if petitioner has satisfactorily completed the requirement or has substantially complied with the intent of that requirement. The Executive Director shall advise the SPC of any such waiver(s) at the next regularly scheduled SPC meeting following the decision.

Any other requirement of Plan Endorsement may also be waived by the SPC, at its discretion, based on a written request by petitioner and a written recommendation by the Executive Director, made in consultation with the relevant State agencies. The SPC may approve the waiver if it determines that comprehensive planning has been satisfactorily achieved using alternative means, or if a requirement is determined to be inappropriate or unnecessary to achieve intended comprehensive planning goals, based on a petitioner's unique circumstances.

## **Step 2: Plan Endorsement Advisory Committee**

The petitioning municipality shall appoint a Plan Endorsement Advisory Committee to guide the Plan Endorsement process and serve as a liaison between the petitioner and the OSG throughout the Plan Endorsement process. The Advisory Committee also acts to increase public awareness of and involvement of the general public to allow for greater involvement of the community in planning its future.

A primary purpose of the Advisory Committee is to gain a fair reflection of a broader view of the desires and intentions of the community while also having the benefit of some planning expertise. That is why members of the public-at-large as well as members of the planning board are included. A representative of the governing body is included to assure the governing body is aware of the issues being raised and to provide support from the community leadership to the efforts of the committee. The mayor may serve on the Committee in his capacity as a member of the governing body. It is desirable to avoid membership being skewed toward representation by any one segment of the community.

At a public meeting, the Mayor shall appoint the Advisory Committee with the advice and consent of the governing body by resolution. A model resolution is available on the Office of Smart Growth's official website at <http://www.njsmartgrowth.com>. The Advisory Committee shall consist of between 5 and 10 people including:



- at least one representative of the governing body, of which the mayor is considered a member for this purpose
- at least one Class IV<sup>1</sup> member of the planning board
- at least one member of another local board, commission or committee (such as a representative from: the zoning board of adjustment, the Board of Education, the Chamber of Commerce, the Environmental and Historic Preservation Commissions, or the Agricultural Advisory Committee)
- at least two members of the public, who reside within the jurisdiction of the petitioner, and represent diverse interests, such as social, economic, housing, environmental, or agricultural interests. The public members may not hold an elected position or hold an appointment in or be employed by the municipality.

In addition to contributing individual insights and preferences, the five appointed members specified above also serve to provide necessary experience on relevant issues within their area of expertise. The governing body member can and should contribute insight into concerns and limitations relating to the governance of the community. The planning board member brings technical expertise on the master plan and land use ordinances. The additional local board member brings expertise on the particular board on which it serves. The public members lend a broader perspective, and can represent the interests of the community-at-large, independent from any obligations or restraints (real or perceived) of the elected or appointed members. The additional members (up to five) should be appointed to round out the background and experience of the others. Accordingly, it is preferred that there be no more than one governing body, planning board or other entity represented on the Advisory Committee.

The Advisory Committee should lead the preparation of the Plan Endorsement petition, gathering the existing planning documents, attending meetings, and conducting the self-assessment and community visioning. Copies of all materials submitted to OSG should first be vetted through the Advisory Committee. All municipal professional and appointed officials should be at the disposal of the Advisory Committee to assist in the endorsement process. The Committee shall act as liaison with the State, county, regional agencies and local officials throughout the process to ensure open and clear dialogue. The Advisory Committee will be responsible for reporting recommendations to the local planning board for its review. Another important responsibility of the Committee will be to negotiate an Action Plan with OSG, facilitate completion of Action Plan items, and eventually provide the governing body with submissions to be provided to OSG for endorsement by the SPC. All appointments to the Advisory Committee shall be in accordance with the individual municipality's Ethics code (if any), the Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) and be made so as to avoid the appearance of impropriety. Appointments are to be made at public meeting by the governing body. See N.J.A.C. 5:85-7.8(a).

A Draft Resolution for creating a Plan Endorsement Advisory Committee and the appointment of its members is available at [www.njsmartgrowth.com](http://www.njsmartgrowth.com). The Resolution should identify the name and role of each appointed member.

## Step 3: Municipal Self-Assessment Report

### **Municipal Self-Assessment Report**

The Municipal Self-Assessment Report (MSA) is the means by which the municipality reviews its existing conditions. It includes identification of: demographic trends, inventories of its resources, and assesses

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<sup>1</sup> The class IV member holds no other municipal office, position or employment, except when it serves on a 9 member (consolidated) board, in which case it is possible for a class IV member to be considered as also serving on the zoning board of adjustment or may serve also on a historic preservation commission. If possible, it is preferred that the class IV member not hold multiple appointed positions.

the consistency of current planning and zoning documents with the State Plan. Another function of the MSA is to provide information on the key characteristics of the population, housing and economic conditions, public facilities and services, transportation, water and sewer infrastructure, and natural, cultural and recreational resources. Specific submissions include data on the square footage of commercial properties, number of households and acreage of vacant lands per the municipal tax assessment. By identifying the conditions, the community can better understand its assets and challenges to inform its community visioning process. Municipalities are also asked to include any requests for any waiver of a requirement of Plan Endorsement including a justification for the waiver. See N.J.A.C. 5:85-7.6 for waiver requirements.

The municipality shall include in the Report any proposed changes to the State Plan Policy Map, providing a justification describing how those changes support both local and State objectives. The MSA should also include proposed future planning activities. In addition, the MSA shall state the benefits the municipality seeks and anticipates, once endorsed. Municipalities with designated centers and endorsed plans should provide a copy of all monitoring reports created pursuant to the State Planning Rules with the Self-Assessment Report.

A template for this Report has been developed to complement these Guidelines and provide further guidance on preparing the Report for State agency review to determine consistency with the goals, policies and strategies of the State Plan. The template may be completed by the Advisory Committee or a planner employed by the municipality. If prepared by a planner, the contents of the Report should be reviewed by the Advisory Committee prior to release to the Office of Smart Growth. The Report template is available at [www.njsmartgrowth.com](http://www.njsmartgrowth.com). It is preferred that the municipality download the template as a word document and enter data directly into the template to produce the Self-Assessment Report.

The MSA should also include the following information. These items should be in a digital form compatible with Environmental Research Institute Arc Map software such as a shape file:

- Parcel or other pertinent mapping (to the extent that these files exist) to ensure accurate mapping of proposed centers and other features.
- A zoning map accompanied by a zoning schedule for use in the Opportunities & Constraints Assessment

If the requested digital format is not available please provide a high resolution scanned copy and consult with the OSG planner on specifications regarding the format and resolution of the map submission.

#### **Resolution to Pursue Plan Endorsement**

Once the Municipal Self-Assessment Report is complete, the Advisory Committee shall present the Report to the governing body at a public meeting. The governing body shall consider the Report and adopt a resolution to pursue Plan Endorsement and submit the Report and accompanying documentation to OSG. See N.J.A.C. 5:85-7.9. A Draft Resolution for adopting the report and authorizing pursuit of Plan Endorsement is available at [www.njsmartgrowth.com](http://www.njsmartgrowth.com).

## **Step 4: State Opportunities & Constraints Assessment**

Within 45 days of the municipality's satisfaction of submission requirements for the Municipal Self-Assessment Report, OSG and State agencies will assess local opportunities and constraints with regard to development, infrastructure and natural resources. The review will compare the Municipal Self-Assessment Report with the most up-to-date regional and statewide data to determine whether trend growth is sustainable based on the resources and infrastructure available in the municipality, region and State. The analysis includes:

1. Trends analysis of growth and development (OSG)
2. Transportation opportunities and constraints assessment (DOT, NJ TRANSIT)
3. Wastewater and water supply capacity analysis (DEP)
4. Environmental constraints review (DEP)
5. Assessment of additional potential impacts on natural, historic and cultural resources (DEP)
6. Assessment of farmland preservation and agricultural retention opportunities (NJDA)

The trends analysis is used to predict what the community will look like in the future if build out of the municipality happens with the current zoning in place. The purpose of the activity is to illustrate to the municipality the development potential in the petitioning community based on its existing development regulations and any land constraints imposed by existing development and regulated or preserved natural and cultural resources.

The Department of Environmental Protection will review water and wastewater capacity based on current plans and permits. DEP will also evaluate environmental constraints and other potential natural, historic and cultural resource impacts of the current planned development pattern.

The Department of Agriculture will provide a county and municipal profile that describes existing farmland (preserved and non-preserved) and current agricultural activities for municipalities with significant agriculture (more than 5% of its land base).

The Department of Transportation will provide information on access code levels and congestion management system data for any state highways that traverse the municipality, as well as any major capital projects, open grants, corridor studies, and any other significant issues as they pertain to transportation.

NJ Transit will provide the municipality with its 2000 Transit Score, a statistical indicator for understanding the relationship between land use configuration and appropriate future level of public transportation services, such as bus, light rail and commuter rail. The Transit Score is a planning tool for municipalities and should be used as part of the community's overall planning effort and be viewed in light of local conditions, trends and plans. The 2000 Transit Score is offered as a baseline indicator to inform the visioning process, the next step in Plan Endorsement.

As part of the Opportunities and Constraints Assessment, the Office of Smart Growth may schedule a site visit to the municipality in order to better understand the dynamics of the community, and to enable OSG and the State agencies to visualize the community's attributes and challenges based on personal knowledge.

The assessment is provided to the petitioner in a written Opportunities and Constraints Report intended to serve as a reference document to inform the visioning sessions in conjunction with the Municipal Self-Assessment Report.

## Step 5: Community Visioning

To achieve Plan Endorsement, a petitioning municipality must have undergone a community visioning process resulting in the adoption of a Vision Statement. The petitioner, with the Advisory Committee taking the lead, undertakes visioning prior to the State agency consistency review. Upon approval of the Vision Statement, the petitioner shall submit the resolution and Vision Statement to OSG pursuant to the State Planning Rules.

Visioning is a process by which a community envisions the future it wants, and plans how to achieve it.<sup>2</sup> The process shall engage the public in many ways through a variety of tools. Tools include surveys, mapping exercises, focus groups, public forums, workshops, tours, press releases, newsletters, public displays, webpage, email distribution, and special events. See N.J.A.C. 5:85-7.11(a) for specific requirements of noticing visioning workshops. Each tool is designed to gain public consensus regarding the community's future. A well-planned and organized visioning process will ensure that your master plan and development decisions are understood and supported by the community as a whole.

Approaches to visioning are varied, and should be tailored to the individual community and its circumstances. Visioning is most effective when the municipality employs techniques for reaching the greatest number of residents, accurately representing their views of the future, and bringing it all together in a formal Vision Statement with clearly articulated goals and objectives. The timeframe for visioning can range from one to six months or longer, depending on the nature of the issues facing the community. OSG has prepared a guidance document on community visioning standards which is posted on its website at: <http://www.njsmartgrowth.com>. See also See N.J.A.C. 5:85-7.11(a). The Advisory Committee should conduct as many meetings as necessary and appropriate to arrive at the final vision. However, at a minimum, the Committee shall hold at least three facilitated workshops and two public hearings. OSG and relevant State agencies will work closely with the petitioner to help facilitate a successful visioning process. Additional guidance, including *Designing New Jersey* (Office of State Planning, 2000), may be requested from OSG or may be found at <http://www.njsmartgrowth.com>.

The Municipal Self-Assessment Report and the Opportunities & Constraints Report should guide the visioning process, providing the reality check needed to create a sustainable vision. The Vision Statement, goals and objectives, shall be consistent with the State Plan, and should guide the municipality's planning, not just for the short term, but with a 20-year planning horizon that forecasts the local conditions at the conclusion of that period. The Vision Statement should be incorporated into the next master plan update and be used to inform implementation strategies.

Materials used to perform the visioning shall be compiled, preferably by the Advisory Committee, into a summary report that indicates actions taken to satisfy visioning requirements. Once the Vision Statement has been prepared, the Report and Vision Statement shall be presented to the governing body at a public hearing. Preferably, the presentation is made by the Advisory Committee. The governing body considers a resolution to approve the Vision Statement and submit it to OSG. A Draft Resolution for adopting the Vision Statement is available at [www.njsmartgrowth.com](http://www.njsmartgrowth.com). Completion of steps 1-3 and 5 or approved waivers for same, initiates the consistency review. See N.J.A.C. 5:85-7.12. Petitioners are encouraged to adopt the Vision Statement into the master plan during this step, but may also do so later in the Plan Endorsement process.

## Step 6: Consistency Review

### State Agency Review

Within 90 days of receipt of the required submissions, the State agencies will compare the Petition with the State Plan goals, policies and strategies for consistency. If the petition is deemed inconsistent, OSG will draft an Action Plan and MOU incorporating feedback from the various State agencies and considering the requests of the municipality. The Action Plan and MOU outline the steps petitioner needs to take to bring local plans into consistency with the State Plan applying the standards for plans and ordinances defined in Standards section of these Guidelines (see Part III Plan Endorsement

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<sup>2</sup> Steven C. Ames, Oregon Visions Project: *A Guide to Community Visioning: Hands-On Information for Local Communities.*, APA Planners Press, 1993.

Consistency Standards). See also N.J.A.C. 5:85-7.13(d) regarding items necessary for a petition to be found consistent. The Action Plan shall also provide the timelines within which to complete the actions, the assistance to be provided by the individual State agencies, and the benefits available upon endorsement.

Where a municipality has all the required documents up-to-date and consistent with the State Plan, OSG will move the petition directly to Step 8 and produce a recommendation report for the SPC in place of the draft MOU and Action Plan.

### **Request for Public Hearing**

OSG shall provide notice to the public that the consistency review has begun. A public hearing may be held during the review period to receive testimony on the petition either upon the receipt of 10 written requests or at the discretion of the Executive Director. Any such hearing will be held in the locality of interest prior to the conclusion of the 90-day state agency review period. See N.J.A.C. 5:85-7.13(e).

### **Development and Execution of Action Plan and MOU**

The Action Plan is the means by which the State takes a coordinated approach to help petitioners address the Plan Endorsement requirements. The Action Plan requirements and benefits will be tailored to the characteristics of the individual municipality, and its timetable developed in consultation with the petitioner to make it feasible based on local schedules and resources. If a petitioner is considering designations for growth areas pursuant to other State laws and programs (e.g. CAFRA centers, areas in need of redevelopment, Transfer of Development Rights (TDR) sending and receiving areas), the State agencies' review will also take into account those program requirements as OSG develops the Action Plan. The Action Plan will also incorporate any steps necessary to achieve the specific benefits sought by the petitioner, as appropriate. The substance and timetable of the Action Plan will vary based on the level of consistency of existing plans.

The municipality will have the potential for the SPC to designate an interim center as an action plan item. The provisions for designation will be built into the Action Plan and will be based on discussions with State agencies regarding appropriate boundaries. Interim centers shall remain designated for two years provided the petitioner continues making progress in following the Action Plan, and may be revoked by the SPC in the event petitioner fails to satisfy Action Plan deadlines. See N.J.A.C. 5:85-7.15(b).

The Action Plan and MOU must first be approved by the SPC before the petitioner can authorize adoption. The SPC considers the MOU and attached draft Action Plan at a SPC hearing.

Within 60 days of the SPC's execution of the MOU, the MOU and attached Action Plan shall be presented to the planning board and the governing body at one or more public hearings. See N.J.A.C. 5:85-7.15(a)2. The public hearing before the planning board is required to ensure that the local public body authorized to adopt and update the master plan understands the actions that the municipality agrees to take to bring the planning documents up to date and into consistency with the State Plan. The petitioner officially executes the Action Plan and MOU by resolution at a hearing before the governing body. The petitioner may hold a joint public hearing for simultaneous consideration by the planning board and governing body. Upon adoption, the Resolution and signed MOU and Action Plan are submitted to OSG. A Draft Resolution for authorizing execution of the MOU and Action Plan is available at [www.njsmartgrowth.com](http://www.njsmartgrowth.com). Failure to execute the MOU within a reasonable period of time, as agreed to by the Executive Director, results in the petition being considered withdrawn without prejudice.

Once adopted by the governing body, the Action Plan may only be amended for good cause shown at the discretion of the Executive Director, if the resulting plan is consistent with the State Plan. Notice of amendments to an action plan will be provided to the SPC and the public. N.J.A.C. 5:85-7.15(d).

## Step 7: Action Plan Implementation

Once the proposed Action Plan is adopted by the local governing body (within 60 days of the SPC's execution of the MOU), the Executive Director shall issue a Certificate of Eligibility for Plan Endorsement. The SPC can designate an interim center once the Certificate of Eligibility is issued. The Certificate of Eligibility represents to the State a municipality's commitment to adopt and implement a plan based on available resources. With the Certificate, the petitioner shall receive direct assistance from the State agency smart growth teams to help attain consistency with the State Plan and realize its community vision. The State agency team will also provide guidance regarding regulatory and programmatic approvals so that upon completion of the Action Plan, a municipality has prepared plans that comply with appropriate State agency programs, such as CAFRA Center designations pursuant to the Coastal Zone Management (CZM) Rules or a Petition for Substantive Certification from COAH (or other lawfully established mechanism) to meet a community's affordable housing obligations.

A municipality holding a Certificate is also entitled to enhanced scoring for planning grants (to the extent that the grants are supported through New Jersey's annual budget process) and may be considered for approval of certain growth area designations under other state laws and regulations, including Designation of Areas in Need of Redevelopment outside of Smart Growth Areas (if appropriate).

Please note that the Certificate does not automatically provide the municipality with approval for these specific programs or circumvent any additional requirements. Instead, approval of these growth area designations has been linked to the Plan Endorsement process so that a municipality that is identifying areas for future development and redevelopment considers the opportunities and constraints of that growth on the surrounding areas of the municipality and region.

During this stage, the petitioner will also work with OSG and the agencies to negotiate the terms of the Planning & Implementation Agreement (PIA). This is a written agreement between the SPC and the petitioner that sets forth the planning, implementation measures and benefits needed to successfully implement the petitioner's plan. The PIA ensures implementation of the plan is consistent with State Plan goals, policies and strategies. The PIA items will be prepared on a case-by-case basis depending on the circumstances of the individual municipality. The PIA will be adopted as part of the resolution of the SPC granting Plan Endorsement to the petitioner. The municipality's endorsement will be contingent upon fulfilling the obligations in the PIA. See N.J.A.C. 5:85-7.17 to 7.19.

## Step 8: OSG Recommendation Report and Draft PIA

Upon satisfactory completion of the Action Plan, OSG will have 60 days within which to prepare a recommendation report to the SPC to endorse the petition and any accompanying PIA. See N.J.A.C. 5:85-7.18(a). If OSG has not made a recommendation to the SPC within the 60-day time period or if the petitioner disagrees with a recommendation from a subcommittee of the SPC (see below), the petitioner has the right to submit the petition directly to the SPC and its duly authorized committee. See N.J.A.C. 5:85-7.18(d).

## Step 9: State Planning Commission Endorsement

The Plan Implementation Committee (PIC) is a subcommittee of the SPC authorized to review plan endorsement petitions. Within 45 days of receipt of the recommendation report on consistency pursuant to N.J.A.C. 5:85-7.14(a) or 7.18(a), or a direct petition pursuant to N.J.A.C. 5:85-7.14(b)3 or 7.18(d), the PIC considers the recommendation report at its next regularly scheduled meeting provided there is sufficient advance public notice (10 days). If the PIC requires additional information from petitioner before making its determination, it may add an additional 45 days after receipt of the requested information before making a recommendation. The PIC will recommend to the SPC that the petition be: considered for approval, considered for approval with revisions or denial.

The SPC shall consider the PIC's recommendation within 45 days of receipt of its recommendation. The SPC decision will either be to affirm, revise or reverse approve, deny the recommendation on the petition or a direct petition based on its determination of consistency. If the SPC determines the plan that is subject to the petition, along with any PIA is consistent with the State Plan, it shall approve the petition and authorize execution of the PIA. If the SPC determines the plan that is subject of the petition along with any PIA is inconsistent with the State Plan, then it will either request petitioner make necessary changes to address requirements to achieve consistency or deny the petition. Within 30 days of the SPC's determination, the OSG Executive Director shall notify the petitioner of the decision in writing. Within 45 days of the decision a notice shall be published in the New Jersey Register. See N.J.A.C. 5:85-1.4(b).

## Step 10: Monitoring and Benefits

Endorsement by the SPC marks the beginning of an ongoing partnership between the municipality and the State. As part of the PIA, State agencies will provide benefits to the municipality to help implement the endorsed plan. Benefits include prioritized technical assistance, direct state capital investment, priority for state grants and low-interest loans, and coordinated regulatory review. The benefit package will be drafted at the time of the Action Plan so that there is an understanding of what the municipality will need to do in order to be eligible to receive the State's resources, and what resources will be made available during or at the end of the process. A list of potential benefits that are available to the municipality upon endorsement is included below at Part IV Plan Endorsement Benefits. The benefits also include creation of State agency working groups in each of the various State and regional agencies dedicated to working directly with plan endorsed towns to coordinate project application reviews. The list of potential benefits may be updated from time to time to reflect additional programs that may be linked to Plan Endorsement. Municipalities are also encouraged to identify benefits and technical assistance that they would like considered by the State for inclusion in the benefits package to support their plans for the future.

The Office of Smart Growth will monitor the PIA to ensure that the municipality and other participants are meeting the PIA timelines and requirements. One year from the date of endorsement, the municipality shall submit to OSG a report regarding the progress of the PIA including the status of PIA efforts – both past due and upcoming. Biennial reports are then due every two years thereafter. The reports shall include any annual Zoning Board of Adjustment Reports (see N.J.S.A. 40:55D-70.1), any planning board reports and significant updates to other planning materials submitted as part of the petition, including zoning ordinances and other implementation measures adopted since endorsement. It shall state how the items reflect consistency with the State plan and terms of the PIA. See N.J.A.C. 5:85-7.22(b).

The report should discuss, in narrative form, the following:

- outline any concerns and potential revisions for the PIA

- discuss level and quality of assistance by State agencies and its impact on plan implementation
- identify any need to amend or update the endorsed plan, the State Plan Policy Map, or the PIA
- inventory pending major subdivision and site plan applications
- inventory approved major subdivision and site plan projects for the past 5 years
- list and brief describe all capital improvements approved or completed since endorsement

OSG will report on the endorsed town's progress under the PIA and forward any annual or biennial reports received to the SPC for its consideration. Discussion of issues relevant to the endorsed plan will occur at regularly scheduled SPC and PIC meetings as necessary. An example of a monitoring report is posted on our website at: <http://nj.gov/dca/divisions/osg/plan/pedocs.html>

Additionally, at least thirty (30) days prior to adoption of or significant revisions to the plan, OSG requires an endorsed town to consult with it. Examples of revisions that are subject to this consultation are changes to the following documents to the extent they deviate from the endorsed plan and PIA:

- Master plan
- Reexamination report(s)
- Land use ordinances or regulations that deviate from the adopted master plan
- Capital improvement programs
- Zoning map or zoning schedule

This consultation can ensure that the municipality's plan maintains consistency with the State Plan before adoption and the benefits from the State agencies continue to flow to the municipality to fully implement the endorsed plan. See N.J.A.C. 5:85-7.22(c).

Additionally, within 30 days of adoption or significant revisions to the planning documents identified above, petitioner shall submit a copy of the final document(s) to OSG. The impacts of the new or significantly revised planning document shall be addressed in the next regularly scheduled annual or biennial report.



# Part III. Consistency Standards

## Introduction

The State Planning Commission looks for two broad levels of consistency in reviewing a Plan Endorsement petition.

First, there is **internal consistency** – consistency at the local level. The petition must demonstrate consistency between the Vision Statement and its planning to programs and local ordinances. The petition provides information about how the Vision Statement and master plan are being implemented through programs and ordinances. There must also be consistency within each of these plans and programs. For example, one element of a master plan should not contradict the objectives and recommendations set out in another. If inconsistencies exist, the petitioner should explain why they exist and what is being done to address them.

Second, there is **external consistency** – consistency of the Vision Statement, plans and implementation measures in relation to:

- State Development and Redevelopment Plan (“State Plan”)
- State programs and initiatives (e.g. Economic Growth Strategy, COAH, CAFRA, WQMP, Water Supply Master Plan, DOT corridor studies)
- Any relevant federal land use programs (e.g. military bases, national parks)
- Regional plans (e.g. Pinelands, Highlands, Meadowlands, MPO, watershed management or corridor plans, etc.)
- County plans and programs

The State Plan is the primary benchmark by which the SPC determines the consistency of a petition. Therefore, the petition must discuss how it supports the goals of the State Plan, and the Policies, Targets and Indicators that relate to each of those goals. The petition shall also describe how local land use and zones (whether existing or proposed), correspond with Centers and Planning Areas depicted on the State Plan Policy Map. The petition shall reference the criteria for Centers and Planning Areas in making this justification.

Consistency is also considered against State agency plans and programs that further smart growth principles. The petitioner must therefore demonstrate consistency in a comprehensive fashion to fully enjoy the benefits of endorsement including the ability to obtain permits and approvals from the State and regional agencies to implement the endorsed plan.

Compliance with the Municipal Land Use Law (MLUL) and other relevant legislation is a necessary prerequisite for good planning at the local level. However, the MLUL requirements are minimum legal standards that alone do not guarantee good planning. The ultimate purpose of master plans and regulations is not to merely fulfill minimum legal requirements or planning standards, but to enhance the quality of life for your community. For instance, engineering standards for sidewalks, medians and crosswalks may not necessarily translate into a pedestrian-friendly environment. The true test for a pedestrian-friendly environment is whether people can safely and comfortably walk through a neighborhood, not just the presence of sidewalks of a certain width. This is why visioning and public participation is so important to developing your comprehensive plan.

### Applying the State Plan to a diverse New Jersey

The State Plan recognizes that New Jersey, although relatively small, is an extremely diverse state in its people and built and natural environments. Flexibility is an important feature in the application of the State Plan’s policies and mapping criteria. However, the recognition of local conditions and

constraints does not mean overriding sound planning principles. For example, the rural character of an area does not justify sprawling development, and hence consideration should be given to accommodating growth in a Village or Hamlet to help preserve open space and natural resources.

As much of New Jersey is built out, many of the municipalities that will petition for Plan Endorsement are not blank slates where the State Plan could be applied in a wholesale manner. The key factor in these situations is whether a municipality has the vision, plans, programs and regulations in place for a better future. Does the planning framework exist so that the municipality can take full advantage of opportunities for revitalization and redevelopment? A vacant strip mall can be an opportunity for mixed-use redevelopment, making more efficient use of the land to relieve development pressure on open space, enhancing the pedestrian environment, and achieving environmental benefits through green design. Where a municipality is built out, the determination of its consistency for Plan Endorsement will hinge on its plans for the future.

### **Documents need to be up-to-date**

All planning documents shall be up to date to adequately address the municipality's current and projected planning conditions and issues. This means that the master plan must be adopted within the past six years as required by the MLUL. Zoning ordinances should be revised as necessary based on the review of the annual zoning report and to bring them into consistency with the updated Master Plan. A reexamination report will be acceptable in lieu of a full master plan only in cases where:

- The last full master plan remains up to date, due to limited change in the municipality;  
or
- There has been some change in the municipality, but the reexamination report serves as a substantive update of the master plan

For a municipality with good comprehensive planning already in place, State agency review may show that only minor additions and amendments will be necessary in order to achieve consistency with the State Plan and other State agency programs. In other cases, more steps may be required. Therefore, where a petitioner has started or is about to begin a master planning process, they should coordinate with the Office of Smart Growth so that the new plan does not require further changes as a result of Plan Endorsement.

### **What is actually required?**

The actual requirements for each petitioner will depend on individual planning issues that exist in the municipality as well as the benefits sought by that petitioner. In preparing the Action Plan, the Office of Smart Growth will work with State agencies to determine the steps that shall be taken to receive endorsement. OSG, with the help of the relevant State agencies, will also supply the petitioner with specific educational material, resources and examples for each one of the requirements in order to fully support the efforts of the petitioner to attain consistency with the State Plan. The resources will be regularly updated as new research and samples become available. All resources can be found on the website at [www.njsmartgrowth.com](http://www.njsmartgrowth.com). A general classification of requirements is outlined here, with later sections defining this status on a document-by-document basis.

- Absolute requirements – adopted planning documents required in all cases, unless otherwise agreed to between the municipality and the State agencies (e.g. land use plan, housing plan, development ordinances).
- Conditional requirements – adopted planning documents required based on existing conditions such as rapid growth or land consumption, presence of agricultural base, significant socioeconomic needs, etc. OSG and state agency partners will make the determination as to whether certain conditions apply.
- Benefit-related requirements – planning documents required in relation to benefits sought by petitioner.

- Desired documents – generally not required but encouraged; may be part of the PIA.

## Sustainability – the Foundation of Integrated Planning

All master plan elements shall be consistent with the State Plan’s vision for sustainability. Sustainable planning means incorporating policies and actions into the various elements of the master plan that will meet the needs of the present generation without compromising the ability of future generations to meet their own needs. Although it is often expedient to plan for the present and near future, the State Plan’s vision for New Jersey describes smart growth as sustainable growth that creates communities of enduring value.

Whether we call it systems planning, capacity-based, integrated or holistic, to plan for sustainability requires that master plan elements and other planning documents are considered in an interrelated fashion and not as independent parts. Critical areas to be examined should include (where appropriate): energy management, greenhouse gas reduction, green design, water conservation, healthy regional agricultural systems, waste management, toxins reduction, sustainable economic development, mobility and access, and environmental education. This holistic approach to planning helps municipalities determine which policies and practices are most appropriate and suitable to local conditions and the Vision Statement.

The State strongly encourages municipalities to incorporate measures into its plans, ordinances and capital investments that conserve energy and water and reduce greenhouse gas emissions and solid waste. The table below illustrates how various strategies for sustainability can be incorporated into master plan elements and other standard planning documents:

<u>SUSTAINABILITY STRATEGY</u>	<u>RELEVANT DOCUMENTS</u>
Reduce auto-dependency	Land use plan, circulation plan, redevelopment plan, zoning, design guidelines
Perform greenhouse gas and energy audits on municipal buildings	Community facilities plan
Develop a carbon emission inventory and greenhouse gas reduction action plan	Action plan should link to relevant plan elements and ordinances.
Maximizing energy conservation and efficiency	Utility service plan, development ordinances
Encourage and provide incentives for alternative and renewable energy uses	Utility service plan, development ordinances

<u>SUSTAINABILITY STRATEGY</u>	<u>RELEVANT DOCUMENTS</u>
Requiring and promoting water conservation and use efficiency	Conservation plan, development ordinances
Green business: providing programs and incentives for sustainable business and business practices	Economic development plan
Requiring and/or encouraging "green building": especially when developing standards for municipal facilities and redevelopment areas while also encouraging green design for other private sector projects	Community facilities plan, capital improvement program redevelopment plan, development ordinances (incentives for green design)
Institute toxins reduction programs	Health department regulations
Use of agricultural best management practices	Farmland preservation and agricultural retention plan
Supporting regional agriculture, e.g. Farmers markets	Agricultural retention plan, economic development plan
Adopting green purchasing policies	Community facilities plan, capital improvement program, operating budget
Adopt solid waste plans that encourage the three r's: reduce, reuse and recycle	Solid waste management plan, community facilities plan, utility service plan, recycling plan
Improving local materials reduction, re-use and recycling programs.	Solid waste management plan, community facilities plan, utility service plan, recycling plan
Reduce publicly owned vehicle emissions: use clean alternative fuels and technologies to reduce energy use and air emissions via fleet management and alternative technologies	Community facilities plan, capital improvement program
Educate municipal leaders and agencies about sustainability practices they can adopt	
Provide public education and outreach to help residents incorporate sustainable practices into their homes and lifestyles	

A statement regarding how the municipality's plans are currently sustainable is preferably submitted as part of the Municipal Self-Assessment Report. A sustainability element may also be incorporated into the Master Plan.

OSG suggests presenting submissions using the template Self-Assessment Report to aid in orderly and comprehensive presentation of petition materials. See N.J.A.C. 5:85-7.9(a) for submission requirements.

## Master Plan - General Information

The MLUL authorizes inclusion of a statement regarding planning objectives, principles, assumptions, policies and standards upon which the master plan is based. See N.J.S.A. 40:55D-28b(1). For the purposes of Plan Endorsement, we expect this section to include the following:

### **Relationship between Vision Statement and master plan**

The section should incorporate a discussion of the outcomes of the community visioning process and outline how the Vision Statement has been or will be incorporated into the master plan. The discussion should outline goals and objectives flowing from the Vision Statement and based on principles of sound planning and sustainable development.

### **Review of changes since last master plan update or re-examination**

The section should incorporate a review of significant changes, including but not limited to: zoning amendments, redevelopment plans, planning studies or projects, natural disasters, growth. This section should also analyze how these changes affect the objectives and assumptions of the master plan.

### **Current conditions: analysis of recent trends, existing conditions and needs**

The section shall include socioeconomic data and analysis as well as a more qualitative assessment of existing conditions and needs with regard to both people and the environment (built and natural). Problems and deficiencies identified here must be addressed in relevant elements of the master plan.

### **Future conditions: growth projections, build-out analysis, capacity & sustainability analysis**

The section should consider 20 year projections with regard to population, household and economic growth; land consumption; and infrastructure and resource capacity. Opportunities and constraints identified here must be addressed in relevant elements of the master plan. The Opportunities and Constraints Report provided by OSG shall serve as the basis for this analysis.

### **Statement of coordination**

The section shall discuss how the municipality's plans and related activities are coordinated with the plans of neighboring municipalities, the county, regional planning agencies, and the State Plan consistent with the requirements of the MLUL at N.J.S.A. 40:55D-28(d). This section should also briefly describe how the municipality's planning fits in the regional context, to be discussed in greater detail in the relevant sections.

## Land Use

The Plan Endorsement submission must include all existing documents pertaining to land use, as this is one of the primary tests for consistency with the State Plan. These documents are evaluated to be sure they are internally consistent through an iterative process (e.g. a redevelopment plan being reconciled into the next update of the land use plan). Whether it is urban redevelopment, retrofitting

of suburban sprawl, or new development, the State Plan calls for growth to be concentrated in Centers, while protecting the Environs.

The center or core of a neighborhood or town should be composed of mixed-use buildings that provide diverse housing for residents, space for local professionals, and opportunities to shop, dine and enjoy the character of the neighborhood. Civic uses such as post offices, libraries, municipal offices, as well as parks and plazas should be appropriately sited within the center. These important features will not only serve as venues for civic events, but can also act as focal points, visual termini, and gathering places for the community. Recognizing that centers will vary according to their regional context, further guidance for land use planning and development is outlined below.

#### *Urban rehabilitation, infill, and redevelopment*

Our developed cities and larger towns need to focus reinvestment and development into areas that are served by mass transit and possess adequate infrastructure. Upgrades to infrastructure in cities and older suburbs must be considered when planning for redevelopment. Petitioners planning for infill and redevelopment should be sensitive to the context of the existing urban fabric, including the street layout and areas or buildings in stable condition. In redevelopment, urban municipalities should not be tearing up this fabric with suburban design, such as a large parking lot or deep setbacks. The competitive advantage of our cities and towns lie elsewhere, in their concentration of resources, people, land uses, transportation mode, culture and history. Land use and redevelopment planning should build on these advantages.

#### *Retrofitting suburban sprawl*

Many suburban communities with little or no land remaining for new development are considering redevelopment and infill opportunities. The State Plan does not support the designation of a center in this context if local planning maintains the status quo, replacing one big box store, strip mall or "towne centre" with another. Even if current opportunities are limited, the municipality should have the planning and ordinances in place that identify potential centers to retrofit aging, vacant retail complexes into mixed-use, pedestrian-friendly developments.

Many of the retail complexes of the past were constructed with very high parking ratios, resulting in large swaths of asphalt. In these older complexes, the parking lot rarely reaches capacity. The current trend has been to occupy some of the lot with a pad site. This is only a short-term remedy. A defunct mall should be reconstituted to provide retail services along with a mix of office, residential and specialty uses by constructing new buildings on the parking lot. Parking can be situated behind the new structures or be wrapped with retail uses on the ground floor.

#### *New centers in suburban, rural and environmentally sensitive areas*

The use of undeveloped land to accommodate growth must be carefully considered in connection with existing and planned infrastructure, natural resources and agriculture. Sprawl development produces negative fiscal impacts due to infrastructure extensions and improvements as well as negative impacts to existing natural and agricultural resources. Larger greenfield developments should occur either as a logical extension of the existing urban fabric or as a completely self-contained new town, village or hamlet where there is a mix of housing, jobs and retail opportunities. Compared to the redevelopment scenarios above, a new center of development is truly a blank slate to incorporate the range of good planning principles from green design to mixed use in a comprehensive fashion. Therefore, OSG will review new center proposals and additions with a much stricter application of State Plan criteria.

#### **Land Use Plan (master plan element) – absolute requirement**

In developing a land use plan, the municipality should consider various sets of data in an overlay fashion, including:

- Land Use Inventory/Map
- Natural Resource Inventory and Maps
- Community Facilities Map
- Historic Resource Inventory
- Stable versus distressed areas – opportunities for revitalization through redevelopment or rehabilitation
- Existing and preserved farmland
- Transportation network
- Airport safety and other restricted zones
- Water and Wastewater capacity

Such an analysis should help determine how to balance development and preservation and ensure that center-based development also means capacity-based development. In this regard, the land use plan should be linked to and complemented by other elements of the master plan.

#### **Land Use Inventory or Map – absolute requirement**

The land use map should follow standard colors (e.g. green should represent parks and open space, not a developed land category).

#### **Official Map – desired document**

The MLUL permits the governing body to adopt or amend an official map of the municipality by ordinance, which shall reflect the appropriate provisions of the up to date master plan unless a majority of the governing body votes otherwise. See N.J.S.A. 40:55D-32. The official map is deemed conclusive with respect to the location and width of streets, public drainage ways and the location and extent of flood control basins and public areas, whether or not such streets ways, basins or areas are improved or unimproved or are in actual physical existence. Adoption of the official map is intended to provide for orderly municipal growth at the least cost to the taxpayers. It enables a municipality to limit development of lands designated or delineated for future public use (streets, parks and other municipal improvements) and shift some of the cost of public improvements to the developers. The official map deserves substantial deference in planning board decision-making regarding development applications allowing for deviations in subdivision or site plan proposals only when reasonably justified by the particular conditions and circumstances.

#### **Redevelopment and/or Rehabilitation Plan(s) and Redeveloper Agreements – conditional requirement, document(s) must be submitted if they exist**

Municipalities should identify and prioritize opportunities for redevelopment, infill and rehabilitation to accommodate future growth. These areas with existing improvements, infrastructure and buildings already embody the capital, labor and resources from their initial development.

For Plan Endorsement consistency, it is expected that a petitioner with a redevelopment plan(s) use the full leveraging capabilities permitted by the Local Redevelopment & Housing Law to demand better design, affordable housing, public improvements and other benefits, rather than letting the developer lead the planning.

#### **Zoning Ordinance, Schedule and Map – absolute requirement**

To implement the land use plan, a municipality must have zoning documents in place that meet the consistency requirements of these Guidelines. Where development and growth are proposed, the zoning ordinance shall have mechanisms to promote mixed-use development. Potential tools include

Planned Unit Development (PUD), incentivized overlay zones for mixed use, design guidelines and allowances for compact development patterns such as clustering. A PUD may allow phased development for growth to occur in a more orderly fashion, with a greater integration of varying uses than could be achieved through zoning alone. See MLUL requirements at N.J.S.A. 40:55D-39(b). Overlay zoning should include density bonuses for stronger design and achievement of other standards. Redevelopment plans can be a powerful tool in applying design guidelines or form-based codes.

Single-use zoning has had the effect of producing a repetitive landscape of highway business and tract housing that is devoid of aesthetic quality and of limited functional use. Residents are forced to use their cars, even for trips less than a quarter mile. In contrast, a neighborhood built around smart growth principles is readily accessible to all residents, due to the mixture of uses within a smaller area and a vibrant and engaging pedestrian environment.

### **Documents detailing recent and upcoming developments – absolute requirement**

As Plan Endorsement occurs in real time and not in a vacuum, it is vital that the petitioner provide information about developments in the pipeline. Specifically, the petition shall include documents detailing recent or upcoming developments, such as:

- Inventory of pending major subdivision and site plan applications
- Inventory of approved major subdivision and site plan projects for the past 5 years
- Board of Adjustment reports prepared for each of the past 5 years pursuant to NJSA 40:55D-70.1

## **Housing**

### **Housing Element & Fair Share Plan (master plan element) – absolute requirement**

### **Filing a Petition for Substantive Certification to COAH or Compliance with Court-ordered Housing Settlement (as applicable) – absolute requirement**

The Plan Endorsement petition must include a Housing Element & Fair Share Plan that fulfills sound planning principles for housing complies with the Mount Laurel Doctrine. The Housing Plan shall be designed to achieve the goal of providing housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing. Housing should respect the architectural style and character of surrounding structures. Municipalities should strive for diversity of housing to provide for citizens of all ages, income levels and lifestyles.

Good affordable housing means more than a raw number of units. Housing should be located in pedestrian-friendly, mixed-use Centers. The intensity of the mixture of uses will depend on the context: an urban downtown may contain housing and compatible uses (e.g. retail) within the same building, while a rural hamlet may have different uses that are adjacent and well-connected for pedestrian access. It does not connote mixed use if housing is adjacent to, but separated from, other uses by buffer zones, wide roads, cul-de-sacs, landscaping berms, retention basins, or other obstacles for pedestrians. If residential neighborhoods outside a mixed-use core are to be included within a Center, these neighborhoods should be compact and walkable to the services in the core.

The housing plan shall discuss where affordable housing is to be located. As discussed above in terms of center-based development, “affordable housing site” should not signify a large single-use tract isolated from other uses and other housing types except by the means of a car. In addition, prospective housing sites should not be encumbered by environmental constraints, and should be in areas with supporting infrastructure. Housing should be appropriate to the scale and resources of the area. Regulatory changes to fulfill these objectives should be part of amendments to development regulations called for by the PIA.



In assessing the affordability and cost of housing, the municipality should also keep in mind the cost of transportation and utilities. If housing is located in an area where residents must drive significant distances or onto highways for even the most basic services or convenience retail, this effectively adds to the cost of housing. An imbalance of housing and jobs will also yield problems. For example, a ratables-based land use strategy of retail and age-restricted housing ignores the fact that those retailers need a labor supply not being accommodated by local housing. These workers then have to drive in from outside the municipality, resulting in greater traffic congestion. For Plan Endorsement, the state expects a far more efficient linkage of housing to jobs and infrastructure.

The housing plan shall also contains an analysis of growth projections to be consistent with other planning documents, including the Municipal Self-Assessment Report, the land use plan, the community facilities plan, and the Board of Education 5-year facilities plan.

### **Draft Implementing Documents/Ordinances – absolute requirement**

The petitioner shall have mechanisms and incentives to help provide affordable housing in a manner consistent with good planning, smart growth principles and the character of the community. Affordable housing is to be located in areas designated for growth by the State Plan or through the Plan Endorsement process. Although these Guidelines will not require a specific type of ordinance, we expect the municipality to utilize at least some of the tools in the toolbox:

- *zoning ordinance* – absolute requirement for which affordable housing provisions are desired
- *Development Fee Ordinance and Spending Plan* – desired document
- *Redevelopment plan* – conditional requirement (document(s) must be submitted if they exist) for which affordable housing provisions are desired

## Conservation

Conservation of natural resources is important to the quality of life and general health, welfare and safety of the State's residents. for the Plan Endorsement petition shall include the items listed below that identify and characterize the environmentally significant features of the municipality and set out the land use plans, policies, strategies, recommendations and regulations that the municipality employs to facilitate protection and sustainable use of those features. Plans and ordinances relevant to natural resources shall satisfy the requirements of the State environmental regulations and should incorporate a variety of environmental protection strategies, including, but not limited to:

- Conservation zoning techniques that permanently protect environmentally sensitive lands
- Transfer of Development Rights (TDR)
- Development easements acquisition
- Land acquisition (and resale with restrictions)
- Center-based development (e.g. village and hamlet)
- Consideration of environmentally sensitive lands in the municipal Open Space Preservation and Farmland Preservation programs
- Resource protection ordinances

As much as possible, environmental conditions shall be reflected on the State Plan Policy Map and on local land use and zoning documents and maps. This will ensure that developers and property owners have important advance information on how to shape proposals for development of the land around them, thereby saving time, money and effort in local and State review processes while at the same time protecting these environmental features from adverse impacts.

The State does not consider large-lot zoning in and of itself as a means of preserving environmentally sensitive features. Development pressures throughout New Jersey have reached a point where such zoning leads to the fragmentation of these areas. While downzoning, or large lot zoning, reduces the number of homes that may be built, it spreads out the homes in such a way that consumes more land. The land that remains is often no longer viable as the original environmental feature.

### **Natural Resource Inventory (NRI) – absolute requirement**

A NRI, also referred to as an Environmental Resource Inventory (ERI), is a document that uses narrative, maps, tables and illustrations to describe all of the municipality's existing natural and cultural resources including water, land, historic features, flora and fauna, and the conditions and activities that impact them. It is a factual document that provides a basis for policy decisions related to land use. An NRI should include, but not be limited to, the following:

- Identification of public and private lands preserved or held in conservation easements such as wildlife refuges and properties preserved through the farmland preservation program
- Vegetation, including habitat for threatened, endangered and priority species and forest cover
- Wildlife including index of plant and animal species
- Critical Environmental Sites (CES) and Historic and Cultural Sites (HCS) as identified on the State Plan Policy Map;
- Soils
- Hydrology, including HUC 14 watershed boundaries, areas of critical water supply concern, including Category 1 drainage areas, wellhead protection areas, Wild and Scenic River data, aquifer recharge areas, source water protection areas, and shellfish transition or buffer areas
- Wetlands as defined under the Freshwater Wetlands Protection Act and coastal wetlands laws; and
- Natural features such as steep slopes (including coastal bluffs), beaches and dunes.

### **Conservation Plan (master plan element) – absolute requirement**

Based on the NRI, the conservation plan shall provide for the preservation, conservation and sustainable utilization of natural resources, including, to the extent appropriate:

- Energy
- Open space
- Water supplies and their drainages
- Forests
- Soil
- Marshes
- Wetlands
- Coastal resources including beaches and dunes
- Harbors
- Rivers, estuaries, lakes and other waters
- Fisheries
- Endangered or threatened species habitat

The conservation plan should explain how it relates to the conservation activities of adjacent towns and regional entities to better coordinate resource protection and land acquisition efforts.

### **The Conservation Plan shall include the following sections:**

*Protection Plan for Stream Corridors*

This plan establishes a waterways map considering all waterways within or forming the boundary of a municipality and any State required setback, wetland transition area, riparian buffer, and the standard limits of construction disturbance for each waterway based on current information. If applicable, the plan should enable agriculture and forestry to continue in a way that protects these critical resources. The plan should identify present development that conflicts with the State required setbacks, wetlands transition areas, and riparian buffers, as well as identify locations with disturbed corridors and rehabilitation of these corridors. Additionally, plans should be consistent with the plans of neighboring municipalities that share stream corridors; cooperation and collaboration between municipalities that have stream corridors in common is critical.

#### *Environmental Justice Inventory*

DEP will provide petitioners with an inventory of sites known to emit pollution or be contaminated. Petitioners must cross-apply this information with demographic information to ensure that planning does not adversely or disproportionately affect minority and low income individuals. For example, a plan that considers environmental justice issues must avoid zoning/planning that allows for the development of low income housing near sites which emit pollutants, and /or are contaminated or *potentially* contaminated. In order to remain consistent on a broad scale, municipalities must communicate when planning for either low-income developments or high-risk sites, especially those near municipal borders.

**Depending on the conditions within the municipality, the Conservation Plan shall also include the following sections:**

#### *Habitat Conservation Program, for towns with significant habitat*

Some communities have significant areas of State and Federally listed endangered or threatened species habitat. In these communities, the Conservation Element of the Master must also include a habitat conservation program. This program will likely include the adoption of appropriate environmental resource protection ordinances, land use zoning requirements, and site plan/subdivision standards that collectively protect endangered or threatened species habitat. Additionally, there must be specific recognition and consideration of habitat protection in other municipal programs, for example, the prioritization of open space purchases, siting of Affordable Housing and the development of public infrastructure, including active recreation areas.

This program should include conservation requirements and implementation measures that are designed to fully mitigate any incidental taking of the suitable habitat of a State listed endangered or threatened species. Requirements and measures may include the creation, enhancement, restoration, acquisition or preservation of habitat and/or monetary contributions for these purposes. It must be recognized that ecosystems do not follow political boundaries, but rather flow continuously across them. Development and implementation of regional habitat conservation programs is encouraged. Collaboration between neighboring municipalities when planning for habitat conservation is crucial since the identification of wildlife corridors can help facilitate critical habitat conservation. A successful habitat protection program will create an ecosystem management approach that will include an integrated, multi-municipality, cooperative plan.

#### *Total Maximum Daily Load (TMDL) Implementation Plan (IP), to comply with TMDL limits*

When a TMDL has been adopted for a local water body, the IP must include a plan to obtain these standards, or support the use designated (e.g., drinking, fishing, swimming). These measures typically include effluent limits for wastewater discharges, point source storm-water controls, best management practices for point sources of storm-water, and non point sources of pollutants.

#### *Coastal Consistency Plan, for towns in the CAFRA zone*

Coastal consistency plans must address management and natural resource protection through demonstration of consistency of the local zoning with the goals of the Coastal Zone Management Program. The Coastal Consistency Plan should be consistent with any existing Federal River Management plan for a wild and scenic river.

As natural resources do not follow political boundaries, we encourage that a conservation plan look beyond the municipality and to other municipalities, sectors, and levels of government to better coordinate resource protection. By undertaking this coordination, maximum natural resource and ecological conservation can be achieved on a regional scale. As more municipalities enter into the Plan Endorsement process, the state will encourage conservation planning beyond municipal boundaries and more from a resource level such as habitat, watersheds, and aquifers.

### **Implementation Ordinances – absolute requirements unless otherwise stated**

To implement the conservation plan a municipality will have to adopt the following ordinances:

- Water Conservation Ordinance
- Wellhead Protection Ordinance
- Stream Corridor Protection Ordinance
- TMDL Ordinance (conditional requirement)
- Septic density ordinance (conditional requirement)
- Steep slope ordinance (conditional requirement)
- Habitat Protection Ordinance (conditional requirement)
- Zoning and other development regulations must be consistent with all required conservation documents

## Transportation

Transportation and land use should be considered together in a balanced and integrated approach. In planning for transportation, the petition shall cover the whole range of modes, not just vehicular traffic but also parking, transit, bicycling and walking, goods movement and other modes such as aviation and waterborne transportation as applicable. These modes shall be coordinated with one another and with land use to maximize accessibility, e.g. bus stops should be comfortably walkable from adjacent land uses. The petitioner should refer to NJDOT's Mobility & Community Form Patterns for ideas on how to balance and integrate land use and transportation in its planning.

### **Circulation Plan (master plan element) – absolute requirement**

The sections below detail the various transportation modes to be considered in the circulation plan, where applicable. A multi-modal approach integrated with land use is emphasized throughout this section of the Guidelines and it is expected that the circulation plan will do the same. For any transportation benefits sought by the petitioner, the circulation plan (and other relevant elements) includes the appropriate planning framework to justify State investment. The circulation plan must take into account the functional highway classification system of the Federal Highway Administration and the provisions of the State Highway Access Code (if municipality contains state highways).

#### *Road Networks*

A circulation plan is more than a laundry list of proposed road improvements in reaction to large development projects. The plan needs to consider roads in the context of a network, taking a proactive approach that not only anticipates but shapes development. Many municipalities are overly reliant on arterials while local streets are underutilized due to the presence of cul-de-sacs and a lack of connections between different developments. Transportation and land use need to be

coordinated to mitigate traffic impacts. Development should be concentrated in Centers that contain alternative transportation modes as well as a road network. Centers are ideally located off highways, as this is the best means for these roads to serve a dual role for mobility and development. For towns with significant agriculture, movement of farm vehicles and plans for improvement to enhance movement of equipment and goods to the market should be addressed in the circulation plan.

### *Goods Movement*

Goods movement is an essential part of both regional and local economies. Consideration should be given to the need for designating loading areas for deliveries. Freight transportation facilities are of particular significance. Because of New Jersey's position within the Northeast freight corridor, and the anticipated long-term growth in port-related traffic, some municipalities may also be affected by regional needs for dedicated freight parking facilities, such as truck terminals and rest stops. Although the national and global movements of freight are beyond the jurisdiction of a municipality, local governments need to be aware of the demands placed on their towns by truck traffic and truck-reliant land uses such as warehousing. Designating and signing truck routes that avoid bottleneck locations, such as weight-restricted bridges, underpasses, and narrow intersections, is one important strategy for consideration. Opportunities to utilize existing rail infrastructure for goods movement and to encourage economic investment or the potential to re-activate rail facilities to support goods movement and economic investment should be identified.

### *Pedestrians and Bicycling - Complete Streets*

When it comes to walking, it is easy for policymakers, engineers, and planners to discuss pedestrian amenities such as sidewalks and medians with some theoretical pedestrian in mind. The question that really needs to be asked is this: "would you walk in this area?" Even with sidewalks, the answer may very well be no due to wide roads, frequent curb cuts, fast-moving traffic, and irregularly spaced buildings.

Ultimately, the solution for a pedestrian and bicycle friendly environment must be comprehensive, incorporating considerations of land use and design. The network of sidewalks should connect homes with parks, public buildings, shopping and entertainment venues. Street width, measured from façade to façade, should be considered in relation to building heights. For example, relatively narrow streets create a sense of enclosure while very wide streets surrounded by low, squat buildings tend to be less pedestrian friendly.

Sidewalks, crosswalks, brick pavers or textured concrete, pedestrian islands, street furniture, and other pedestrian amenities should serve the end objective of enhancing mobility and accessibility. For example, the width of a sidewalk should be determined by the uses that front on to it and the amount of foot traffic expected along its run. Special pavers should serve an aesthetic purpose as well as act as a visual mechanism to slow down drivers.

Bicyclists should have similarly accommodating facilities and amenities. Bicyclists should be able to reach key destinations via bike paths separated from the roadway or through dedicated bike lanes along the road right-of-way. The installation of amenities such as bike detectors at key intersections and bike racks throughout the community can further enhance mobility for residents wishing to use non-motorized means of transportation.

### *Transit*

Future development should be conscious of the area's transit potential and designed to take advantage of existing infrastructure and transit service and/or to foster demand for new service where appropriate. Where rail stations and bus hubs exist, the circulation plan shall consider transit-oriented development with the goal of bringing in more people, economic development, and a variety of

housing types closer to transit service. Buildings and streetscape around transit stops need to be designed in a complementary fashion so that pedestrians do not have to dodge through traffic and traverse a large parking lot. A municipality should refer to the standards set forth in NJ Transit's Transit-Friendly Land Use Program as guidance when considering how to successfully implement transit-oriented development.

For Plan Endorsement, the municipality shall first work with OSG and NJ Transit to re-calculate an area's transit score using NJ Transit's formula. Transit Score Report and related documents are found at [www.njsmartgrowth.com](http://www.njsmartgrowth.com). The transit score is a planning tool best used to determine the appropriate future level of transit service given a community's proposed land use plan and to educate communities as to the necessary residential and employment densities to support desired levels of transit service. State assistance for transit will be focused towards municipalities that take steps to coordinate service with land use and community design so that there is or will be real ridership demand.

Any municipality seeking restoration of rail service along an existing track must have the development regulations in place to protect the right-of-way from incompatible uses such as single-family homes that will likely generate noise complaints.

A municipality with significant amounts of age-restricted and/or special needs housing must give due consideration to the provision of paratransit (including dial-a-ride, shuttles, jitneys, shared taxis) in its circulation planning.

Where ferry or other water transportation exists, this mode shall also be part of the discussion in connection with other transit modes, parking and waterfront development. Ferry terminals should be treated in the same way as other major transit stops when considering land use mix and intensity. Inter-modal connections and non-auto accessibility should also be priority considerations.

### *Parking*

The separation of land uses and buildings each with their own required parking has made for inefficient use of land and resources in many towns. One policy that can be negotiated with interested parties in an area with little available parking is to institute shared parking spaces based on surrounding uses. The peak parking demand hours of an office and a hotel are at different times during the day. These two uses could share a smaller number of spaces than they would create the need for separately. Likewise, adjacent surface parking lots should be connected so that both automobiles and pedestrians may pass between them.

On-street parking should be provided throughout the community where appropriate. Along major thoroughfares, on-street parking can contribute to the overall safety of the street. The parking lane and parked cars can serve as a buffer for pedestrians from passing traffic, and narrowed lane widths cause drivers to slow down.

In more urbanized contexts where parking demand appears to exceed supply, the circulation plan shall contain an array of strategies for pricing, timing and location. For example, on-street parking should be geared towards short-term users and be more expensive than deck parking. Signage can help direct drivers to parking locations so that their cars do not linger in traffic. As noted in the Land Use section, the competitive advantage of our cities and towns is not free parking, but the richly built environment that encourages people to get out of their cars and walk.

Where a transit hub exists, the parking strategy should accommodate park-and-ride commuters in coordination with the area's other parking needs and promote inter-modal transfers as to encourage transit use. Any parking permit or fee program for transit or park-ride oriented parking shall provide equal access for residents and non-residents alike.

## Greenways

Mobility and access within and beyond Centers can be further enhanced by the provision of greenways for pedestrians, bicyclists and other users. Former railroads and other right-of-ways represent excellent opportunity for greenway connections. Greenways shall link residential areas with recreational amenities and provide an alternate means to access public and commercial services in the Center.

### **Zoning Ordinance consistency – conditional requirements**

As with the circulation plan, the zoning ordinance must be compliant with the *State Highway Access Management Code*, if the municipality contains state highways, by demonstrating that it has not approved any non-conforming uses since the adoption of the Act. The ordinance must also comply with the *Airport Safety and Zoning Act* if the municipality contains or is affected by a public use airport.

## Utilities

In order to ensure long-term security and sustainability, infrastructure and utilities planning needs to be closely intertwined with land use planning so that capacity can efficiently fulfill managed and mitigated demand. To deliver best value on infrastructure investments, development shall be concentrated in Centers first, as well as PA1 and PA,2 while avoiding environmentally sensitive and agricultural areas, to the greatest extent possible. Center-based development reduces the length required for roads and sewer lines, as well as the need for pump stations and stormwater treatment facilities. Flaws and weaknesses in existing utility should be considered when planning for development so that steps can be taken to identify and address those issues. As with transportation, planning for utility infrastructure should guide the location, amount, and timing of growth while simultaneously considering the projected development and associated demand. Since transportation is already covered under circulation planning, the infrastructure and utilities element shall contain data and recommendations for:

- Solid waste
- Wastewater
- Water
- Communications
- Energy

Some of these topics may overlap with planning documents related to community facilities and conservation.

**To address infrastructure adequacy, the petition shall contain the following documents (absolute requirements):**

- Municipal Stormwater Management Plan and Ordinance
- Wastewater Management Plan

**Depending on conditions within the municipality, the following may also be required (conditional requirements):**

- Utility Service Plan (master plan element)
- Flood Control Plan

The municipality should consider the policies and provision of the State Water Supply Master Plan and include them into their utilities planning as well as their master plan. The above plans shall also consider both the demand and supply side of infrastructure as described below:

### *Managing Demand*

In addition to encouraging appropriate compact development, there are other means of reducing demand for infrastructure and utility services while supporting the same level of growth.

Green building may reduce infrastructure load and operational costs, and should be encouraged in development regulations to enhance the affordability of housing and the cost of conducting business. Municipalities can look to the construction or refurbishment of their own facilities as opportunities to apply green design and should reference accepted green building standards to ensure buildings are designed for energy conservation and cost-effectiveness.

Municipalities should also look to reduce solid waste via source reduction measures such as unit pricing for waste collection (see Recycling section for further details) and encouraging businesses to adopt green practices (e.g. reduced packaging where possible).

### *Managing Capacity*

After calculating demand incorporating various mechanisms for reuse and conservation, municipalities should assess capacity, including the age and quality of existing infrastructure. Where possible, municipalities should undertake shared services with other towns or through the county to improve the efficiency of existing systems.

## Community Facilities

Just as the location of government, institutions, and parks set the development framework for colonial Philadelphia or Savannah, community facilities today should serve a similar role as the backbone of a municipality's development. These public buildings and facilities should be located and designed to be the landmarks and focal points of a community. Local government also has the ability to lead the way in design, green building, historic preservation and other fields by setting examples for private sector development.

### **Community Facilities Plan (master plan element), including inventory and map – absolute requirement Board of Education 5-Year Facilities Plan – absolute requirement**

The Community Facilities Plan and other relevant documents should cover all land, buildings and equipment that are publicly owned or provide a public service (e.g. through a non-profit). Categories for community facilities include:

- Educational
- Social services
- Cultural
- Recreational
- Government buildings
- Health care
- Public safety
- Public utilities
- Solid waste management (e.g. recycling center, composting facility)



Some of these topics may be covered in other elements of the master plan such as utilities, recreation, or historic.

In combination with other elements, especially the Land Use element, the Community Facilities Plan should incorporate the following principles:

#### *Coordination with Other Agencies and Sectors*

The municipality should maximize the efficiency of existing and planned resources by coordinating with the provision of facilities and services by other levels of government (e.g. county library) as well as non-governmental providers (e.g. daycare center).

#### *Connection to Growth*

Existing facilities should be assessed to ensure that they meet the needs of the population. Standard per capita multipliers are one means of performing this assessment, but should not be a substitute for assessing the accessibility of these facilities. In addition, the amount of growth projected by the municipality in its master plan and other planning documents needs to be supported by corresponding investments in community facilities. If there are significant constraints to capacity and resources, the municipality should reconsider how to manage its projected growth.

#### *Connection to Land Use*

These facilities vary greatly in how they should be placed in the context of the overall community. Some facilities such as schools, libraries, plazas, police stations, and municipal buildings should be focal points for the community, mixed in with other uses to provide a wide range of potential positive externalities (e.g. accessibility to residents, enhanced safety, foot traffic for retail). Emergency services should be located to ensure quick response times to the various sections of a municipality; this can be challenging in sprawling development. Social services need to support broader community development goals – e.g. daycare options near home and/or work. Waste facilities should be isolated or buffered from most land uses.

Schools in particular play a significant role in a municipality's built environment due to their potential impacts, both positive and negative, on community development, land use and transportation. It is critical that land use decisions and school siting be coordinated. Schools should not be isolated campuses but part of the neighborhood fabric, doubling as focal points for the community as a whole. Whether by local streets and or walking/biking paths, schools should be accessible by modes other than the car or school bus, thereby helping to reduce transportation costs. Where possible, walking/biking should be the primary mode of access for schools.

#### *Green Design and Managing Demand*

As municipalities are owner-operators of many of their public facilities, there is significant opportunity to implement green building techniques as facilities are developed or refurbished. Such measures will help reduce operational costs.

#### *Shared Services*

Wherever possible, there should be consideration of shared services. Certain facilities, such as school recreation property, may be underutilized at certain times of the year, week or day, and therefore should be open to the general public during these times.

# Open Space and Recreation

In a state as dense as New Jersey, open space and recreation facilities are vital for our quality of life and public health. These amenities should be incorporated into the planning of a municipality as part of the overall infrastructure to best serve local residents and other users. In addition to active and passive recreation potential, open space can serve a number of conservation-related functions, including serving as a buffer for a waterbody, handling stormwater runoff and providing habitat for wildlife.

For much of urban history, the town square or plaza has been a defining feature in the development pattern. Parks and recreation facilities at the neighborhood level should serve as an organizing structure for center-based development, while regional facilities serve a parallel function town-wide.

## **Recreation & Open Space Inventory (ROSI) – conditional requirement if seeking Green Acres funding**

### **Open Space and Recreation Plan (OSRP) – absolute requirement**

An OSRP articulates a local government's vision of open space and recreation. It should establish a philosophical and practical justification for the protection and preservation of open space and recreation opportunities. The purpose of an OSRP is to provide a framework for implementation. Through an OSRP, you identify and examine open space and recreation resources important to you and lay out ways to protect and enjoy them. The OSRP should contain a variety of strategies, including but not limited to:

- Conservation zoning techniques that permanently protect the most productive agricultural lands and environmentally sensitive areas
- Transfer of Development Rights (TDR)
- Development easements acquisition
- Land acquisition (and resale with restrictions)
- Center-based development (e.g. village or hamlet)
- A dedicated funding source for the preservation of open space

#### *Variety*

An open space and recreation plan shall provide for a variety of amenities, both from a geographical perspective from neighborhood to regional parks and from active recreation ranging from sports and playgrounds to more passive recreation, such as hiking trails. Neighborhood-level parks and recreation has tended to be a greater issue than regional facilities in petitions to date.

#### *Accessibility*

In Centers, neighborhood parks and facilities should be accessible for pedestrians and bicyclists via sidewalks, bike paths and greenways, the latter of which can also connect residents to larger parks and other public facilities and centers without the need for a car. (See also under Circulation – Pedestrians and Bicycling and Greenways).

Whether it is the Jersey Shore or the State's bays, lakes and rivers, waterfront access is an important and sometimes challenging issue. Municipalities shall fulfill their obligations as owners of lands and waters subject to public trust rights, working to maintain and enhance public access to the waterfront, where appropriate, by acquiring land or easements. Coastal municipalities should provide affordable beach access to allow all residents to experience this great resource.

## *Supply and Demand*

The supply of open space and recreation amenities must accommodate demand, not just based on overall quantitative standards but also considering the points discussed above related to variety and accessibility. The ratio of the acreage of large regional parks to the local population cannot substitute for parks accessible to neighborhood residents by walking. There needs to be a balance in the provision of open space and recreation opportunities. Planning should inventory existing and projected supply and demand with this criterion in mind.

As with community facilities, municipalities should explore shared services as a means of enhancing supply. School and university recreation facilities have obvious potential for shared services.

## *Design*

There are a variety of tools that can be used to enhance a local public space including landscaping, hardscaping, pedestrian paths, solar orientation, water features and so on. Haphazard application of these tools can produce an overly complicated and unusable space. Although it is not the intention of this document to outline all the aesthetic principles for park design, the first lesson is to keep it simple. The second is to design with existing needs and challenges in mind, whether it is to deaden traffic noise (with plantings or a water feature), to improve pedestrian links, or to provide a space that can also accommodate outdoor public events.

# Economic Development

## **Economic Development Plan (master plan element)**

- **absolute requirement** for areas that are key to the overall health of the statewide economy, in particular Urban Centers and Urban Coordinating Council's (UCC) targeted cities and eligible municipalities
- **benefit-related requirement** if the municipality seeks related economic development benefits from the State as part of the PIA

For Plan Endorsement, the State will review local economic development plans and strategies based on linkages between the considerations outlined below. The following factors should help define the overall economic development strategy in targeting appropriate types of businesses for investment in the area.

## *State and Regional Economic Context*

Larger centers, especially Urban and to some extent Regional Centers, are expected to be the primary engines of statewide economic growth, supporting the key industry sectors that export goods and services. These centers contain research institutions such as universities and hospitals, significant concentrations of corporations and other businesses, and support legal, financial and management services.

Regional Centers and some Towns serve the regional economy by containing county seats and related business, larger non-research hospitals and other institutions, a concentration of comparison retail and services, and perhaps a larger corporate headquarters.

Smaller centers such as Villages and Hamlets are geared more toward convenience retail and services that serve a local consumer market.

These orders of economic activity are cumulative in the sense that the larger centers also include the other activities such as convenience retail in neighborhood-level commercial districts. While the above classifications will not be applied in a rigid manner, the Plan Endorsement petition should have a clear and reasonable sense of the municipality's economic role(s).

### *Programs and Policies*

In planning for economic development, municipality shall identify opportunities presented by any existing programs coordinated or supported by the State, county and other agencies:

- Innovation Zones
- Foreign Trade Zones
- Technology Incubators
- Edison Innovation Fund
- Urban Fund
- Urban Enterprise Zones
- Special/Business Improvement Districts
- Main Street NJ
- Other State, county and regional economic development initiatives

The economic plan shall take advantage of such opportunities by ensuring that other aspects of its planning, including land use, infrastructure and community development are fully interwoven with the economic strategies.

### *People*

Economic development entails more than bricks-and-mortar or ratables accompanied by a conversion of square footage to job numbers. In order to ensure and enhance the economic well-being of local residents, strong consideration must be given to the local labor supply, their skills and capacity. Where it is necessary, economic development initiatives should include the following people-based strategies:

- Educational and training components
- Financial and technical support for entrepreneurial and business startup activity
- Incubator support for small and new business: serviced offices; legal, financial and administrative services, "hot desk"
- Social services that support workers and small business activity – health care, daycare, transportation
- Community benefits agreements or similar mechanism incorporating the above

### *Land and Buildings*

The economic plan shall estimate the square footage of the existing, approved, and planned supply of various types of commercial space. Supply should be measured against demand, whether it is the growth of a particular sector or the customer base for retail.

### *Redevelopment Opportunities*

The economic plan shall also inventory opportunities for redevelopment and rehabilitation, including brownfields and greyfields sites, to prioritize the reuse of existing developed vacant space. These inventories should include property data such as location, size, land use, zoning, access, ownership status, proposed use (if different), supplemented by mapping of the sites. A NJ Brownfields SiteMart nomination form is required for each of the brownfield sites to be added to the SiteMart. The above data should form the basis for a comprehensive redevelopment strategy, if appropriate, to determine appropriate land use and development possibilities in a coordinated fashion.

### *Infrastructure/capacity*

Projected economic growth must be aligned with existing and planned infrastructure and services:

- Housing
- Transportation
- Utilities
- Water and sewer
- Police/fire/emergency
- Schools

This discussion may make reference to other relevant sections of the master plan. Any deficiency in capacity should be addressed with strategies for managing growth and improving the efficiency between these services and land use.

### *Organizations and businesses*

In municipalities with larger Centers, the economic plan shall consider the various organizations that provide or have the potential to provide for significant multiplier effects, transfer of knowledge and technology, and other positive externalities based on their economic activity:

- Major businesses
- Concentrations of certain sectors
- Research institutions
- Federal government facilities (research, military)

The plan shall describe existing relationships between these organizations and potential enhancements.

In municipalities with smaller Centers that do not have these kinds of economic and technology generators, the plan shall consider economic development at a smaller scale, including for example:

- Suppliers of goods and services to the above organizations if they are in the region
- Retail and services for more localized markets

This portion of the plan shall also consider the role of business organizations, chambers of commerce, community development groups, colleges, vocational schools, and other relevant stakeholders in implementing an economic development strategy.

## Agriculture

From a planning perspective, maintaining a vibrant agricultural industry is critical to the increasing focus on sustainability. With rising fuel costs, energy uncertainty, and the public health concerns associated with the long distances across which food products are increasingly transported, maintaining food sources within close proximity is of paramount importance. Because agriculture is an industry in which land is the primary instrument of production and a farmer's primary asset, it is imperative to retain the land base by identifying and prioritizing key areas for preservation. Efforts should be made to steer development away from critical agricultural areas and into areas with existing infrastructure, or to marginal lands where infrastructure makes sense.

The State does not consider large-lot zoning in itself a means of preserving farmland. Development pressures throughout New Jersey have reached a point where such zoning leads to the breakup of farmland, and results in non-agricultural uses permitted under existing zoning. Down-zoning, or large

lot zoning, reduces the number of homes that can be built, but spreads out the homes in such a way that consumes more land. The land that remains is no longer viable for agricultural use.

For Plan Endorsement, municipalities with a significant agricultural industry, or where agricultural uses comprise at least 5% of the overall land use within the municipality, must have a comprehensive Agriculture Retention/Farmland Preservation Plan and ordinances to protect farmland and agriculture. The future of New Jersey's agriculture depends upon innovative planning techniques, economic development, natural resource conservation, and programs and policies to sustain a viable agricultural industry. These documents should contain a variety of strategies, including but not limited to:

- Conservation zoning techniques that permanently protect the most productive agricultural lands
- Transfer of Development Rights (TDR)
- Development easements acquisition
- Land acquisition (and resale with restrictions)
- Center-based development (e.g. village or hamlet)
- A dedicated funding source for the preservation of agricultural land (dedicated tax, bond indebtedness)

#### **Agricultural Retention/Farmland Preservation Plan - conditional requirement**

The plan should include but not be limited to, an Inventory of farm properties and a map illustrating significant areas of agricultural land. Evidence of ordinances that support and promote agriculture as a business, strategies designed to minimize or eliminate incompatible uses, planning techniques that encourage mixed use compact development such as clustering, and a statement of consistency with State Plan agricultural policies shall be included in the plan. An Agriculture Retention Strategy should be approved by the New Jersey State Department of Agriculture and include policies supportive of agricultural economic development opportunities, such as fencing, wildlife control, accessory uses, (agricultural sales) trespass and vandalism and buffers. The plan should address the preservation of as much farmland as possible in the short term by leveraging monies made available by the Garden State Preservation Trust Act through a variety of mechanisms including utilizing option agreements, installment purchases, encouraging donations of permanent development easements, and establishing and maintaining a dedicated source of funding for farmland preservation. This leverage of monies should include a projection of acreage to be preserved in one, three, five and ten year increments. The plan should also include a statement of existing farm characteristics and potential direction for the future, coordination with neighboring municipalities and the County Farmland Preservation Plan, a statement of areas targeted for growth versus areas targeted for agricultural preservation and the relationship with the county's growth projections. The plan shall also include a description of how the Plan addresses the agricultural policies of the State Plan.

#### **Right-To-Farm Ordinance - conditional requirement**

The ordinance should be in conformance with the Right to Farm Act and include a statement of how the municipality supports implementation of the Right to Farm Act. The ordinance should be no more restrictive than the state's right to farm model ordinance.

#### **Agricultural Advisory Committee - conditional requirement**

The Committee shall be made up of at least three, but no more than 5 residents, with the majority of the Committee being actively engaged in farming and owning a portion of the land they farm. The Agricultural Advisory Committee is responsible for encouraging farmers to participate in state and federal farm conservation programs, landowner surveys, educational forums, reviewing existing and proposed programs and ordinances for impacts to agriculture, and assisting in developing an agricultural component of the community's Economic Development plan element of the master plan.

### **Implementation Program (conditional requirement)**

Municipalities are asked to have in place ordinances and strategies that are supportive of agricultural economic development opportunities and the local agricultural industry. Municipalities may be asked to consider the following issues in order to effectively implement the agriculture retention/farmland preservation plan:

- Building requirements & fee schedules in accordance with Department of Community Affairs regulations
- Fencing
- Wildlife control
- Marketing, packaging, processing
- Accessory uses (i.e. equipment dealers), agricultural sales, home occupations, etc.
- Trespass & vandalism
- Buffers
- Special consideration of agricultural operations when developing ordinances

Models, samples and standards that provide in detail how to satisfy the agricultural requirements for Plan Endorsement are found on the Office of Smart Growth website.

## **Historic Resources**

Historic resources contribute to New Jersey's sense of place. The structures, neighborhoods, and landscapes we see every day shape the way we think about our environment and contribute to New Jersey's significance. Historic resources attract visitors to New Jersey supporting our tourism industry and enriching the education of our children. To retain New Jersey's sense of place, historic preservation needs to be a priority. Many significant historic structures and landscapes are listed in the National and New Jersey Registers of Historic Places. Municipalities may also implement local ordinances to designate and regulate historic sites and districts and provide design criteria and guidelines pursuant to the authority of the MLUL. See N.J.S.A. 40:55D-107 to 112.

Municipalities with historic structures should consider how to use historic preservation for a range of purposes including preservation and promotion of historic and cultural resources, urban revitalization, adaptive reuse, and tourism. Preservation and adaptive reuse of historic structures can capitalize on the past investment of capital, labor and resources to enhance a community's identity.

### **Historic & Cultural Resources Inventory – conditional requirement**

The first step in planning for historic preservation is to develop a detailed inventory that identifies and evaluates the significance of historic and cultural resources already listed or potentially eligible for nomination to the National and New Jersey Registers of Historic Places. The inventory can be stand-alone, but ideally should be located in the historic preservation element of the Master Plan. A survey methodology should clearly identify the standards to determine the significance of a historic site, historic district, or cultural landscape. The inventory should include GIS mapping, photography, and narrative.

### **Historic Preservation Plan (master plan element) – conditional requirement**

The historic preservation plan should also outline the strategies for the preservation, restoration and adaptive reuse of these properties. There must be a discussion of the impacts of other master plan elements on the preservation of these resources in either the inventory or the historic preservation plan. The plan shall also consider the following:

### *Preservation and Context*

In urban areas and areas in need of redevelopment, careful consideration should be given to the surrounding context through mechanisms such as historic districts and design guidelines to ensure appropriate design of infill and new development. Adaptive reuse is successful when the historic integrity of structures and places are preserved and new uses are incorporated into the existing fabric of an area. Effective planning and design concepts for historic resources can renew a sense of place by making the area more aesthetically pleasing and strengthening community ties and pride. A historic preservation plan for urban areas and areas in need of redevelopment should also link preservation to broader community development and revitalization goals.

Consideration must also be given to the surrounding streetscape or landscape. Design guidelines should incorporate street lamps, street furniture, traffic calming and other pedestrian amenities. Historic structures or cultural landscapes in rural areas should be buffered appropriately to protect the significance of the historic landscape. Special consideration of public access and amenities should be given to sites that serve a cultural or recreational role.

### *Education and Outreach*

A historic preservation plan includes strategies for education and outreach to serve a wide range of goals, including:

- Encourage research and education of history and culture
- Educate property owners on the significance of historic sites, historic preservation plans and regulations
- Educate property owners on restoration and rehabilitation techniques
- Promote economic development and tourism

### *Funding*

Petitioners should educate and encourage property owners to use a variety of financial incentives for preservation and adaptive reuse. Municipalities should allow for short-term tax exemptions or abatements to encourage rehabilitation.

Tax credits are also an important source of financing:

- The Federal Historic Preservation Tax Credit (HPTC) provides a tax break for rehabilitation of income-producing historic buildings
- Low-Income Housing Tax Credit (LIHTC) offers incentives for the construction of affordable housing
- Investment Tax Credit (ITC) allows for 20 percent credit for the rehabilitation of income-producing residential

To qualify for tax credits, a property has to be a "certified historic structure" listed in the National Register of Historic Places and rehabilitation of the structure must adhere to the National Park Service Secretary of the Interior's Standards for Rehabilitation.

Other sources of funding and the entity that administers the programs are listed below:

- Certified Local Government Grants, New Jersey Historic Preservation Office (HPO)
- Garden State Historic Preservation Trust, New Jersey Historic Trust (NJHT)
- Historic Preservation Revolving Loan Fund, NJHT
- Emergency Grant and Loan Fund, NJHT
- Cultural Trust Capital Preservation Grants, NJHT



## Implementation Documents and Mechanisms – conditional requirements

In addition to the funding resources described above, the historic preservation plan should be supported by a range of planning tools including:

- Historic Commission - guides the protection of historic and cultural resources and advises the governing body and planning board as necessary
- Historic Preservation Ordinance
- Transfer of Development Rights (TDR) – rights to demolish structures, replace façades or erect additions can be exchanged for credits to build in a designated receiving area
- Rehabilitation Plan – encourages property improvements to complement preservation activities and enhance the context

## Transfer of Development Rights

The state may encourage or, in certain cases, require a petitioner to pursue Transfer of Development Rights (TDR) in the Plan Endorsement process or as part of the PIA if the municipality faces development pressures on open space, farmland, environmentally sensitive areas, or historic resources and has opportunity elsewhere to concentrate development. Where the Plan Endorsement process and TDR planning are working under separate time frames, it is expected that the two will be coordinated so that proposed:

- Centers correspond with TDR receiving areas for projected development and necessary infrastructure investments
- Environs protection, farmland preservation and/or historic preservation strategies correspond with TDR sending areas

TDR planning must also consider market conditions and the mechanisms by which credits will be transferred.

If the municipality is planning for TDR or requested to do so by the state as part of Plan Endorsement, the following documents will be required in order to comply with the State TDR Act (N.J.S.A. 40:55D-137 *et seq.*):

- Development Transfer (master) Plan Element
- Capital Improvement Plan
- Utility Service Plan
- Real Estate Market Analysis
- Development Transfer Ordinance
- County approvals

## Recycling

The MLUL and other legislation highlight the importance of a recycling plan element. In an effort to reduce the amount of solid waste entering our landfills and/or incinerators, municipalities should seek to reduce waste and reuse materials prior to recycling. The remaining waste can be disposed in landfills or incinerators.

### Statement of consistency– absolute requirement

The petition shall include a statement of consistency with the district recycling plan (i.e., County Solid Waste Management Plan), including municipal strategies to achieve the State's Recycling Plan Goals and reduce municipal solid waste. The statement shall include:

- Provisions for collection
- Disposition and recycling of mandatory recyclable materials
- Disposition and recycling of construction and demolition waste
- Educational strategies for businesses and residents
- Provisions for the disposal of household hazardous waste
- Strategies to reduce and reuse waste
- Provisions for the disposal of universal waste

#### **Municipal Recycling Ordinance(s) – absolute requirement**

Provide the municipal recycling ordinances required pursuant to N.J.S.A. 13:1E-99.13(a).

#### **Municipal Recycling Element (master plan) - desired**

A municipal recycling element should incorporate State Recycling Plan goals, including provisions for the collection, disposal and recycling of recyclable materials designated in the municipal recycling ordinance, and for the collection, disposition and recycling of recyclable materials within any development proposed for the construction of 50 or more units of single-family residential housing or 25 or more units of multi-family residential housing and any commercial or industrial development proposal for the utilization of 1,000 square feet or more of land. See N.J.S.A. 40:55D-28(b)(12).

## Hazard Planning

#### **Incorporation of mitigation measures into relevant planning documents – conditional requirement**

In planning for public safety, the municipality needs to inventory potential hazards and consider how to mitigate them. Hazards relevant to various parts of New Jersey include:

- Coastal erosion
- Floods
- Homeland security
- Hurricanes
- Landslides
- Nuclear facilities
- Severe storms
- Storm surges
- Wildfires

Examples of mitigation measures include:

- Appropriate land use planning that does not overtax road capacity
- Ability to rely on a road network rather than a single highway for evacuation
- Adequate provision of emergency services in line with growth
- Requirement of flood controls, including green landscape design, for development projects and measures for reducing development in Flood Hazard Areas (FHAs)

#### **Letter from the NJ State Police approving the local Emergency Operating Plan – absolute requirement**

A balanced perspective is necessary to ensure that we do not sacrifice everyday quality of life in the face of intermittent risk, especially as it is impossible to plan away all risk. In this regard, the municipality should also have an Emergency Operating Plan, consistent with state guidelines, that provides for coordinated responses and actions.

## Capital Improvement Program (CIP)

### **CIP – absolute requirement**

Implementation tools have been discussed in a number of the above sections. The CIP has been set aside as it is linked to several master plan elements, including circulation, community facilities, and utilities. A CIP should cover a term of at least six years and establish priorities for projects in coordination with relevant investments by federal, state and county governments, and be consistent with other municipal planning documents. The program should at a minimum:

- Encompass major current or planned projects involving federal, state, county and other public funds or supervision
- Prioritize projects according to urgency and need for revitalization, and recommend a time sequence for their implementation
- Contain estimated project costs and indicate probable operating and maintenance costs and revenues
- Account for existing sources of funds and any need for additional sources of funds for the implementation and operation of each project
- Be based on existing information in the possession of municipal departments and agencies and take into account public facility needs indicated by the master plan or permitted under other municipal land use controls
- Estimate the displacement of persons and establishments and related cost caused by each recommended project

In the event the CIP is prepared in connection with a TDR program, it shall include the location and cost of all infrastructure and a method of cost sharing if any portion of the cost is to be assessed against developers pursuant to any relevant ordinance adopted by the governing body regarding contribution for off-tract water, sewer, drainage and street improvements. See N.J.S.A. 40:55D-140(b) and N.J.S.A. 40:55D-42. These cost considerations will need to be considered in the Real Estate Market Analysis (REMA) and the effects of the needs identified in the CIP and Utility Service Plan on development potential in the receiving zone. See N.J.C.A. 5:86-2.8(a)(1).

## Part IV. Plan Endorsement Benefits

Once the State Planning Commission has endorsed a petitioner's plan as consistent with the State Plan, State agencies will provide benefits to the municipality to assist in implementing the endorsed plan. This assistance will include technical assistance, direct State capital investment, priority for state grants and low-interest loans, preferential interest rates, and a coordinated regulatory review for projects consistent with endorsed plans. **Financial assistance from State agencies is always subject to annual state budget appropriations earmarked for applicable programs during any given fiscal year.**

The benefits package will be put together at the time of the Action Plan so that the municipality and State agencies have a mutual understanding of what the municipality will need to do in order to be entitled to the State's resources, and what the State needs to do to dedicate resources and earmark funds, if appropriate. The municipality and State agencies should consider as part of the benefits package all future projects for which the municipality seeks state financial and technical assistance.

For a complete listing of available State agency benefits, please see the Plan Endorsement Benefits Chart, which is available at: [www.njsmartgrowth.com](http://www.njsmartgrowth.com)