

## Part II

### State Plan Issues for the Plan Development Committee (PDC)

Dr. M.A. Bierbaum

May 28, 2008

#### Agriculture

- **Farmland Preservation** -- State Plan should clarify that agriculture is an industry, not open space. See policy 9, p. 161. The goal of farmland preservation should be clear in the State Plan that it is not open space preservation, but to maintain the viability of the agricultural industry in the state. Policy language tilts too much in direction that agriculture is an open space opportunity. Cumberland. Disagree.
  - *Should the State Plan include a strengthened statement about the fact that agriculture is an industry and not open space? If so, what should it state?*

#### Environmental Protection

- **Coastal Resources** -- The State Plan should recognize that coastal communities are under-funded because of the seasonal nature of demands placed on these communities raising important social equity issues. Cape May. Disagree. Staff position: This issue should not be raised to the level of other equity concerns in the State Plan. Many services, for example schools, are not geared towards summer populations and these municipalities receive disproportionately high-incomes during those summer months
  - *Do coastal resource issues as related to State funding to coastal communities rise to the level of equity issues within the State Plan?*

- **Energy Resources** – The State Plan should include a regional sustainable energy framework. Somerset. Disagree. Staff position: State Plan already contains a number of policies regarding energy planning, however we may consider modifying one of the existing policies to integrate a sustainable energy framework. (Comment: This entire section needs to be reviewed in light of the State’s recently released Energy Master Plan.)
  - *What aspects of the New Jersey Energy Master Plan ought to be included in the State Plan?*
- **Open Lands & Natural Resources** – The State Plan should limit TDR sending credits in PA 5 because these lands are environmentally sensitive and likely not developable. Hunterdon. Disagree. Staff position: The recommendation defeats the purpose of TDR’s as a reasonable market-based compensation approach. This issue is an implementation concern.
  - *Should TDR’s application be prioritized by Planning Area within the State Plan, targeting Planning Area 4 and limiting their application to Planning Area 5?*
- **Open Lands & Natural Resources** – The State Plan should include a recommendation to provide tax incentives as a reward for sustainable forest management planning that favors selective cutting and environmentally-based forest stewardship practices. Hunterdon. Disagree. Staff position: Tax policy is beyond the scope of State Plan. This issue is an implementation concern.
  - *Should the State Plan include recommendations related to tax policy and more specifically in this case tax policy incentives to encourage forest stewardship practices?*

- **Waste Management, Recycling, Brownfields** -- State Plan should give brownfields remediation high priority for funding and planning efforts. See State Plan Statewide Policy 14, page 159. Essex. Agree.
  - *Should the State Plan elevate the priority for planning and funding of brownfields remediation efforts above existing language in the State Plan?*
  
- **Waste Management, Recycling, Brownfields** – Brownfields Redevelopment should receive increased funding; and those within an Urban Complex should be given the highest priority for Brownfields funding. Hudson. Disagree. Staff position: Already include relevant policies in the State Plan. Special Treatment for Hudson County? (Policies 8-10, p. 159)
  - *Should brownfields remediation be prioritized and especially with respect to Planning Area 1 or the “urban complex”?*

**Planning Regions Established By Statute**

- **State Plan Relationships with Planning Regions Established by Statute** -- The State Plan should include a policy that calls for the reconciliation for State Plan, Pinelands and CAFRA policies. This may apply to the Highlands Region as well. Atlantic, Ocean. Agree.
  - *Should the State Plan include a policy that calls for the reconciliation of its policies with statutorily established planning regions?*
  - *What might those policies include?*
  
- **State Plan Relationships with Planning Regions Established by Statute** -- The State Plan should include a policy and practice that seeks to coordinate land use designations on either side of the Pinelands boundary. Ocean. Agree.
  - *Should the State Plan include a policy that calls for the coordination of land use designations on either side of the Pinelands boundary? What of other planning regions established by statute?*

- **State Plan Relationships with Planning Regions Established by Statute** -- The State Plan should address issues related to growth in the Pinelands Growth Areas. Atlantic. Disagree. Staff position: This is beyond the scope of the State Plan.
  - *Should the State Plan include policies related to Pinelands Growth Areas?*
  
- **State Plan Relationships with Planning Regions Established by Statute** -- The State Plan should intervene with the Pinelands and CAFRA as they treat growth areas under their respective jurisdictions as if they were pristine preservation areas and not supposed to have any development. Atlantic. Disagree. Staff position: This is beyond the scope of the State Plan.
  - *Should the State Plan include policies related to Pinelands growth areas and CAFRA?*

**State Plan & The Highlands Plan –**

- The State Plan should include additional information about the benefits of the Highlands Regional Plan to the State, but which may come at the expense of municipalities that may be losing portions of their ratable bases. Warren. Agree.
  - *Should the State Plan include a general statement about its relationship to the Highlands Plan that includes the way that State benefits may be achieved at the expense of municipal costs?*
  
- The State Plan should include a statement that addresses the way that the Highland Council constitutes a usurpation of Home Rule. Warren. Disagree.
  - *Should the State Plan include a general statement about the way that the Highlands Plan may usurp Home Rule?*

- The State Plan, once the Highlands Regional Plan is adopted, should remove the Highlands from the “Special Resource Area” designation and place it within the section entitled “Planning Regions established by Statute.” Hunterdon. Agree.
  - *Should the State Plan move the Highlands Region from the “Special Resource Area” designation and instead place it within the section entitled “Planning Regions Established by Statute once the Highlands Regional Plan is adopted?”*
- With respect to the Highlands Regional Plan and State Plan mapping issues, once the Highlands Regional Plan is adopted, the State Planning Commission should remove the State Plan Policy Map designations of Planning Areas, Centers, Critical Environmental Sites and Historic and Cultural Sites from the Highlands Preservation Area, and instead contain an overlay map of the Highlands Regional Plan Map. Hunterdon. Agree.
  - *Should the Highlands Regional Plan Map replace the State Plan map as an overlay of the State Plan Map with respect to the Highlands Region once the Highlands Regional Plan is adopted?*
- The State Plan should include policies that provide funding for and facilitate the implementation of TDR’s with respect to the Highlands Regional Plan. Warren, Morris, Hunterdon. Agree.
  - *Should the State Plan include policies that provide funding for and facilitate the implementation of TDR’s within the Highlands Region?*

**Special Resource Areas**

- Designate the Sourland Mountains as a Special Resource Area. Mercer, Somerset, Hunterdon. Agree.
  - *Should the Sourland Mountains be designated as a Special Resource Area?*

- Do not designate the Millstone Valley as a Special Resource Area. Somerset Staff position: Agrees with county that it lacks adequate documentation to be designated as a Special Resource Area at this time. Somerset. Agree.
  - *Should the Millstone Valley be denied a “Special Resource Area” designation at this time?*

### Design

- The State Plan should not vilify the automobile, while it is reasonable to promote public transportation as well as walking and bicycling where appropriate. Atlantic. Somerset. Disagree. Staff position: The State Plan does not vilify the automobile, but promotes alternatives to it in appropriate ways.
  - *Should additional policy language be included in the State Plan to ensure that automobile travel is not “vilified” in any way?*
  - *If so, what might such policy language include?*
- The State Plan’s current Design Policies are too urban-oriented and need to include rural-oriented design policies. Cumberland. Disagree. Staff position: The State Plan already recognizes the differences between rural and urban landscapes and the need for context sensitive design. This is both a policy and implementation concern.
  - *Should additional policy language be included in the State Plan to address concerns related to rural-oriented design?*
  - *If so, what might such policy language include?*

## ***Part II***

### **State Department & Agency – Policy Drafting Requests**

**Dr. M.A. Bierbaum**

**May 19, 2008**

- **Agriculture**: Assign to: Department of Agriculture; to add emphasis for providing adequate funding and technical assistance for the preservation of the environs, particularly farmland, open space and environmentally sensitive lands.
- **Agriculture** – Assign to: Department of Agriculture, DEP; to devise policy language that creates financial incentives for receiving areas to encourage developers to invest in density transfer –based resources, e.g., TDR.
- **Agriculture** – Assign to: Department of Agriculture/SADC; to provide highest priority for farmland preservation funding for Planning Areas 4 and 4B.
- **Agriculture** – Assign to: Department of Agriculture, DEP; State Plan should change language in Policy 3—Coordinated Planning, page 28, to read as follows: “... better coordination of farmland preservation efforts with open space, recreation, and historic preservation investments” to “... better coordination of farmland preservation efforts with all infrastructure investments, including but not limited to highways, sewer service, storm water management, open space, recreation and historic preservation investments.” Burlington.
- **Agriculture/Environment** – Assign to: Department of Agriculture, DEP; State Plan needs to clarify policies with respect to small-scale wastewater facilities for compact areas in rural areas. These policies are currently vague and costly. (Disagree) Cape May. Staff position: Unclear why this should be a disagreement.

- **Agriculture/Environment** – Assign to: Department of Agriculture, DEP; State Plan should ensure that there is consistency between DEP and SADC in providing water allocation permits for preserved farmland. Cape May (Disagree) Staff position: The regulations in regard to water allocation permits is beyond the scope of the State Plan. (Unclear why this should be a disagreement based on this staff position.)
- **Environment -- Open Lands & Natural Resources** -- Assign to: DEP; to devise additional policy language that places additional focus on linkages in the Metropolitan Planning Area.
- **Environment -- Open Lands & Natural Resources** – Assign to: DEP; to devise additional policy language to ensure that environmental restoration initiatives are more strategically designed to help revitalized communities.
- **Environment -- Open Lands & Natural Resources** – Assign to: DEP; to expand the list of open space acquisition priorities by including the following selection criteria:
  1. critical environmental sites
  2. greenbelts that help to define centers
  3. greenways;
  4. lands containing of significant agricultural, recreational, scenic or environmentally sensitive areas;
  5. lands needed to meet existing and future needs for active recreation;
  6. parks, plazas and public spaces in urban areas to enhance community character and support redevelopment efforts;
  7. habitats for threatened and endangered species;
  8. open space lands intended to accommodate storm water and wetlands mitigation projects;
  9. agricultural lands located within adopted local PIG project areas and County/State Agricultural Priority Areas;
  10. Waterfront areas and undeveloped lands adjoining and buffering public water supply sources.

- **Environment -- Open Lands & Natural Resources** – Assign to: DEP; to change the wording of Policy 30 on page 156 to encourage the preservation of forest resources that serve an overriding public purpose for public use and preservation through the application of public acquisition, conservation easements and other mechanisms.
- **Environment -- Open Lands & Natural Resources** – Assign to: DEP; to change the Green Acres formula to better assist urban areas to transform brownfields into greenfields. (Disagree) Hudson
- **Environment -- Open Lands & Natural Resources** – Assign to: DEP; to prioritize public open space acquisition investments for active recreation purposes within Planning Areas 1, 2, 3 and Centers; and passive recreation investments in PA4, 4B and 5. (Disagree) Somerset
- **Environment -- Open Lands & Natural Resources** – Assign to: DEP; to maximize water supply protection by preserving riparian areas. See Policy 30, p. 156. Utilize conservation easements, stream corridor protection ordinances, best management practices and other strategies in addition to public acquisition to preserve and enhance riparian areas. (Disagree) Somerset.
- **Environment -- Coastal Resources** – Assign to: DEP; The State Plan should prohibit on-site wastewater disposal systems in barrier island communities. Policy 16, p. 163. Re-word to state that the State Plan should encourage that all barrier island communities be serviced by a public wastewater collection and treatment system. Cape May. (Disagree) Staff position: This seems to propose a one-size fits all solution that is inappropriate.
- **Environment -- Coastal Resources** – Assign to DEP; The State Plan should acknowledge that beaches and waterways are forms of infrastructure that require proper preservation and replenishment requiring adequate funding. Cape May (Disagree) Staff position: Barrier islands are an important state resource that are already protected through beach replenishment and other resource protection measures. (Unclear from the staff’s position as to whether such phenomena should be considered “infrastructure” for planning purposes.)

- **Environment -- Energy Resources** – Assign to: DEP, BPU; to change policy for PA’s 3-5 to make available BPU’s Green Energy incentives and rebates available to them in addition to PA’s 1, 2. Salem. (Disagree). Staff Position: These incentives are already available to centers in PA’s 3-5.
- **Environment -- Waste Management, Recycling, Brownfields -- Water Quality Impacts** – Assign to: DEP; Reduce the impacts of contaminated sites on water supply and natural systems- Statewide Policy 14, page 158, County recommendation is to “reduce the impacts of contaminated sites on water supply and natural systems by identifying and prioritizing the clean-up of brownfields sites that area impacting or threaten to impact surface and ground water, particularly potable water resources; increase the risk of human exposure to hazardous substances, or have existing or potential health and safety impacts to current and/or future residents and workers. Also prioritize the clean-up of brownfields and contaminated sites that are a threat to natural areas such that their ecological, open space or recreational value; or future development potential may be undermined. Somerset
- **Environment Water Quality** – Assign to: DEP; Water Resources Policy 5, Water Quality/Individual and Community On-site Wastewater Treatment Systems, p. 148. Somerset. (Disagree) Staff position: Existing language already captures this policy. Somerset County is proposing substitute policy language – “Individual and community on-site wastewater treatment systems would be well-designed and maintained to produce treated effluent suitable for recharging ground water or for assimilation into surface water bodies.”
- **Transportation/Design** – Assign to: DOT, OSG; The State Plan should include flexibility with respect to design standards in Town Centers. NJDOT is a special concern in these regards.
- **Transportation/Design/Transportation-Land-use Integration** – Assign to: DOT, OSG; The State Plan should encourage sustainable design in the revitalization of communities and stronger linkages in transportation, land use and redevelopment planning.

## State Plan Policy Map Issues

*Dr. M.A. Bierbaum*

*May 28, 2008*

### For PDC Consideration:

*(These issues involve policy implications related to the Resource Management and Mapping System so have been elevated for PDC consideration.)*

#### Agree

- The nodes concept needs to be reconsidered given the inconsistency between the general definition of a “node” and the policy for commercial/manufacturing nodes in the State Plan. (Policy)
- The State Plan should be amended to reflect the ability to designate non-center growth areas for agricultural nodes in PA3, 4, 5 or as part of an endorsed plan. (Policy)
- The State Plan should acknowledge that some Centers are not expected to grow. (Policy)
- Growth in Centers and PA’s 1, 2, 3 should not be imposed on municipalities. (Policy)
- Growth in Centers and PA’s 1,2, 3 should not occur if it results in over-fragmentation of ecological, environmental and agricultural resources. (Policy)

#### Disagree

- State Plan needs to provide objective standards for delineation of Planning Areas. (Policy)
- There needs to be more clear policy distinctions between PA4b and PA5. (Policy)
- PA5 should include an additional planning area criterion, i.e., “poor aquifer recharge.” (Policy)
- Woodlands should be characterized as either PA4 or PA5 depending on an assessment of their environmental value and use, e.g., timber production. (Policy)
- Farmers need assurance that properties in PA4B will not be over-burdened with regulation, but instead be treated as existing uses, subject to PA4 policies. (Policy)

- Areas without sewers should not be mapped as PA1. PA1, PA2 versus PA3, PA4, PA4b, PA5 should make it more clear that the intent for the first two is clearly to encourage growth, while the intent for the remaining four is clearly to discourage growth. This point is especially important for otherwise it may be possible to designate an excessive number of centers in rural and environmentally sensitive areas that will fragment natural resources, agricultural land as and other features of these Planning Areas. (Policy)
- If commercial and industrial development is focused in one municipality as part of the center concept, those municipalities, which are lacking in these ratables will suffer. This is an issue that must be addressed by the State Plan. (tax-sharing?) (Policy)
- The centers concept is inappropriate in PA 4, 5. (Policy)
- Center policies, density criteria should recognize and enable the distinction between growth, limited growth and non-growth centers. See p. 235 of the State Plan. (Policy)
- The State Plan needs to overcome the public's preference for low density through public education and outreach. (Policy)
- Do not remove the CAFRA Coastal Centers formerly designated from the State Plan Policy Map. (Policy)
- The State Plan should provide more guidance as to the appropriate size for nodes. (Policy)
- There is no benefit to designating centers, cores and nodes in PA1. (Policy)

**Agree in Part/Disagree in Part**

- Continue to disagree with Planning Area delineation criteria, particularly Planning Areas 2-5 (Bergen, Mercer, Somerset) The following recommendations were made through the cross-acceptance process:
  1. **Capacity Analyses** -- *a capacity analysis of systems must be undertaken to determine where growth can be supported. Systems such as sewer service, water, transportation and other systems as well as plans to improve or expand them must be undertaken to determine where growth can be supported. (Agree)*
  2. **Planning Area Delineation** -- *Planning Area delineation criteria should be more specific and clear to include such*

*criteria such as density, development patterns, zoning and environmental constraints. (Disagree. Planning Areas are intended for use as general guidelines, not as tools for zoning.)*

3. **Planning Area 3 Function/Role** -- *Planning Area 3 should have specific, clear, delineation criteria or the delineation criteria for the other Planning Areas should be changed to minimize the land area in PA3. The true intent of Planning Area 3 is either unknown or confusing. (Disagree. Planning Area 3 is intended as a “residual category” or land that does not fit the criteria for other planning areas. As such, the land’s future has not yet been determined. It is assumed it can either be developed or preserved when the time is right based on the overall planning decision for the area.)*

4. **Planning Area Delineation – Population Density** -- *There should be greater differentiation between Planning Area delineation criteria. The delineation criteria for Planning Areas 2, 3, 4, 4b, and 5 all contain the criteria “population density of less than 1,000 people per square mile.” (Disagree. Population is only one of the delineation criteria for each of these Planning Areas. Considering all the criteria enables one to determine the appropriate Planning Area and therefore future land uses.)*

5. **Planning Area Delineation -- Population density as a sole determinant** — *Population Density should not be the sole determinant of Planning Area designation. (Agree. Population density should not be the sole determinant of Planning Area designation as density is only one of the delineation criteria for each of the Planning Areas.*

- Modify Planning Area 5 policies and criteria to reflect existing low intensity agricultural uses.

*Existing low-intensity agricultural uses are at times interspersed throughout PA5 areas and play an important role in protecting these resources, but are not recognized in the PA5 description and policies. It is important that an open dialogue occur on these issues.*

*Consequently, the following policies are recommended for inclusion in the State Plan:*

- 1. the existence of low-intensity agricultural and forestry uses should be included as a PA5 delineation criterion on page 216 (Disagree. These uses should not define PA5.);*
- 2. High priority should be given to public investments to preserve existing low-intensity agricultural and forestry uses in PA5 (Disagree. The intent is to preserve agriculture in PA5, but what is reflected here is simply the existing evaluation criteria already established by the farmland preservation program.);*
- 3. A balance is encouraged between the objectives of Right-to-Farm Act and environmental protection priorities in PA5 and PA4B areas, particularly within the Highlands municipalities and State-designated Special Resource Areas such as the Sourland Mountains (Agree. The implementation strategies of both PA4, PA5 should acknowledge “right-to-farm” laws);*
- 4. Policy Objective 6 on page 218 should be strengthened by including the implementation of best management practices that minimize storm water run off impacts of agricultural activities and that minimize impacts to threatened and endangered species habitat. (Disagree. While protection of such habitats is important, adding legal protections for these species is more appropriate than adding them to every policy in the State Plan;)*
- 5. Remove the following statement from Policy 6 since it appears to conflict with the intent of PA5 – “Actively promote more intensive, new-crop agricultural enterprises and meet the needs of the agricultural industry for intensive packaging, processing, value-added operations, marketing, exporting and other shipping through development and redevelopment.” This policy*

***For further consideration by OSG, State Departments & Agencies***  
*The following are for the most part mapping conventions calling for additional cooperation and coordination among OSG and other State departments and agencies, counties and municipalities in producing data sets and additional geographic information.*

**OSG Staff Agrees**

- Routinely update State Plan Policy Map.
- Represent Highlands Preservation and Planning Areas on the State Plan Map.
- Illustrate municipal parks, recreational sites and open spaces on the State Plan Policy Map.
- Create a map of permanently preserved open space.
- Improve communications among jurisdictions and OSG to better track critical environment sites, open spaces and natural areas.
- Do not rely exclusively on NJDEP wetlands maps for CES identification.
- Distinguish CES's from HCS's as they stand for different purposes.
- Work closely with DEP-SHPO to develop a Historic and Cultural Centers Data set.
- Develop an accurate, detailed, statewide sanitary sewer service and facility data set.
- Not all highway interchanges should be designated as "nodes." Instead, nodes should be identified as a result of the plan endorsement process to acknowledge commercial, industrial or agricultural uses.
- Identify redevelopment areas, transit villages and revitalization areas on the State Plan Policy Map if the information becomes available.
- The State Plan Policy Map should identify areas in the State where redevelopment is slated as not all of the Metropolitan Planning Area takes on redevelopment character. Delineation criteria should be

changed to include only historic sites, districts, archeological sites, and other culturally significant elements of the built environment.

**OSG Staff Disagrees**

- Link State department and agency data sets to the State Plan Map.
- De-clutter the State Plan Policy Map as it has too many critical environmental sites.
- Map wellhead protection areas on the State Plan Policy Map.
- Map freshwater wetlands as shown on DEP freshwater wetlands maps as CES or PA5.
- Map Aquifer Re-charge areas and develop additional policies to protect these areas.
- Since HCS's are on the State Plan Policy Map for informational purposes only, they should be contained on a second map.
- Impose a minimum size threshold on HCS's
- CES's should be mapped in PA4b and PA5 although it may seem redundant to underscore the importance of these sites, which might lead to interfering with them completing construction.
- C1 waters and their buffers should be either CES's or PA5's.
- Planning Areas as at least one-square mile in size should be reconsidered.
- Fully developed boroughs should not be PA1 or PA2 since they cannot accommodate any more development.
- A sub-category of the Metropolitan Planning Area (PA1) should be created to reflect the diversity of different urban communities included in this Planning Area.
- There may be habitats important to threatened and endangered species in PA1 and PA2 that should be classified as PA5.
- CES should be added as an overlay to PA4b and PA5.
- Rural towns require special consideration as they are more like PA1, PA2 and less like the rural areas that surround them.
- There is a need to better define PA4b, 5 as the distinctions between the two are not clear enough.
- There should be a new Planning Area to designate preserved farmland.
- Prime Agricultural Soils should be mapped and provided with a special designation on the State Plan Policy Map.

- Major highways should be viewed as barriers to higher planning areas to allow for the expansion of the roadways to meet infrastructure needs. (Policy)
- Environmental constraints, e.g., Category 1 streams, should not extend across a divided highway since the highway acts as a barrier. (Policy)
- Areas upstream of Category One Waters should not be designated as PA1. (Policy)
- Proposed rail lines should be included on the State Plan Policy Map.

DRAFT