

STATE OF NEW JERSEY
DEPARTMENT OF STATE
STATE PLANNING COMMISSION
OFFICE OF PLANNING ADVOCACY



STATE OF NEW JERSEY

DEPARTMENT OF STATE

New Jersey Business Action Center- Office for Planning Advocacy

MUNICIPAL
PLAN ENDORSEMENT
GUIDELINES

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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) (N.J.S.A. 40:55D-1 et seq) 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, or agricultural resources, or conflict with the planning of neighboring municipalities and/or the region. The 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.

In 2020, the Guidelines were updated to reflect a commitment to streamlining the process and ensuring resiliency to climate change as an outcome. These 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 offer a unique opportunity to receive coordinated technical support from participating State agencies. In addition to the Office of Planning Advocacy (OPA), the State agencies committed to the process include: the State Departments of Agriculture (NJDA), Transportation (DOT), Environmental Protection (DEP), and Community Affairs (DCA), as well as agencies, authorities, and programs such as Business Action Center(BAC), the Economic Development Authority (EDA), State Agriculture Development Committee (SADC), NJ 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, New Jersey Sports And Exposition Authority (NJSEA) (formerly Meadowlands Commission), and the Highlands Water Protection and Planning Council ("Highlands Council"). Additional State agencies are available to assist with the Endorsement process as appropriate.

Upon endorsement of a municipal plan, the municipality is entitled to financial and technical incentives that will assist in making its endorsed plan 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 Planning Advocacy 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 Planning Advocacy. A checklist of items required at each step is available at: <https://nj.gov/state/planning/assets/docs/pe-docs/pre-doc-pa-checklist.pdf>.

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Part II. Plan Endorsement Process

Process Outline

Listed below are the 10 steps in the Plan Endorsement process. The state has specified timeframes within which it must 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
Step 1: Pre-Petition		
a	Petitioner submits letter from Mayor requesting pre-petition meeting along with existing planning documents and a list of same.	Variable
b	OPA and State agencies review documents on preliminary basis. OPA and agencies conduct pre- petition meeting with at least one elected official from the municipality present.	Meeting scheduled within 30 days of submission.
Step 2: Plan Endorsement Citizens' Advisory Committee*		
a	Mayor appoints Advisory Committee by resolution at a public meeting of the governing body** .	Variable
Step 3: Municipal Self-Assessment*		
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 public meeting of the governing body** and adopts a resolution to pursue Plan Endorsement.	Variable
Step 4: State Opportunities & Constraints Assessment		
a	OPA, DEP, DOT, NJ Transit, and NJDA conduct opportunities and constraints analyses. OPA produces an Opportunities and Constraints Report for consideration by petitioner during visioning.	Report produced within 45 days of receipt of submission requirements for step 3.
Step 5: Community Visioning*		
a	Petitioner conducts community visioning, adopts Vision Statement, and submits it to OPA. Visioning must include at least two facilitated workshops and at least two public hearings (one before the planning board and one before the governing body**). OPA will work with the town and/or consultant on the structure of the community visioning process.	Variable
Step 6: Consistency Review***		
a	OPA provides notice of commencement of consistency review of petition with State Plan and provides interested parties an opportunity to request that OPA conduct a public hearing .	Public may request a public hearing within 10 days of OPA posting notice.

Step 6: Consistency Review***, continued		
b	State agencies conduct consistency review. OPA 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 90 days 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 60 days of conclusion of consistency review.***
Step 7: Action Plan Implementation		
a	SPC considers draft MOU and Action Plan.	Consideration via public hearing at earliest feasible time, preferably next regularly-scheduled SPC meeting with at least 10 days' notice.
b	Petitioner conducts one public hearing** before the Planning Board for recommendation, and one public hearing** before the governing body to authorize execution of MOU and commitment to Action Plan by resolution. Action Plan and MOU may be considered at one joint public hearing** of the two entities.	Resolution passed within 60 days of notice of SPC approval of MOU and Action Plan.
c	OPA issues Certificate of Eligibility.	Issuance within 10 days 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.
Step 8: Recommendation Report and Draft Planning & Implementation Agreement (PIA)		
a	OPA produces recommendation report and finalizes a draft PIA with petitioner.	Report produced within 60 days of completion of Action Plan.
Step 9: State Planning Commission Endorsement		
a	OPA presents Recommendation Report and draft PIA to the Plan Implementation Committee (PIC) of SPC at a public hearing .	Consideration by PIC within 45 days of receipt of Recommendation Report. PIC makes a recommendation on petition to SPC.
b	SPC considers petition, Recommendation Report, PIA and proposed mapping changes at public hearing .	SPC considers petition at a public hearing within 45 days of receipt of PIC recommendation.
Step 10: Monitoring and Benefits		
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 Meetings Act, N.J.S.A. 10:4-6.*

****OPA 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, OPA 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 the 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 OPA 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
- Conservation Plan and Natural Resource Inventory (NRI)
- Open Space and Recreation Plan and Recreation and Open Space Inventory (ROSI)
- Housing & Fair Share Plan
- 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 developed or adopted planning documents or ordinances (e.g. stormwater management plan and annual stormwater permit report, wastewater management plan, capital improvement plan, transportation plans/studies, climate mitigation or resilience plan).

A Plan Endorsement Checklist, including a complete list of items to be submitted during each step, is available at <https://nj.gov/state/planning/assets/docs/pe-docs/pre-doc-pa-checklist.pdf>.

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). OPA 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 submitting the community's existing planning documents), OPA shall schedule a pre-petition meeting with the petitioner and relevant State and regional agencies. In addition, county representatives are invited to attend.

During the pre-petition meeting, OPA shall explain the goals, requirements, opportunities and benefits of Plan Endorsement and answer questions that the petitioner may have about the process. OPA 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. OPA and State agencies will also discuss any preliminary concerns with the municipality's planning team. The petitioner should be prepared to discuss municipal planning goals and objectives and what it seeks 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 OPA throughout the Plan Endorsement process. The Advisory Committee also acts to increase public awareness of, and involvement by the general public in the process, to ensure maximum participation by the community in planning its future.

A primary purpose of the Advisory Committee is to gain a broad understanding of the needs, desires and intentions of the community with regard to land use, while also having the benefit of some planning expertise. For this reason, members of the public-at-large as well as members of the municipal 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 in the efforts of the committee. The Mayor may serve on the Committee in his/her capacity as a member of the governing body. It is important to ensure that committee membership is representative of the whole of the community, serving without bias toward any one or more interest groups.

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 Planning Advocacy's official website at www.nj.gov/state/planning/. 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 IV¹ 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, the Green Team, 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. Priority should be given to inclusion of underrepresented and vulnerable community residents.

If a municipality has an appointed a Green Team, it could serve as the Advisory Committee. Additional community representatives as identified above in the criteria above should be added to the Green Team for the purposes of Plan Endorsement if necessary.

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 should lend a broader and diverse 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 member of any of the entities represented on the Advisory Committee.

The Advisory Committee should lead the preparation of the Plan Endorsement petition, , attending meetings, and conducting the self-assessment and community visioning. Copies of all materials submitted to OPA 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. Other important responsibilities of the Committee will include negotiating an Action Plan with OPA, facilitating completion of Action Plan items, and eventually, providing the governing body with submissions to be provided to OPA for endorsement by the SPC. All appointments to the Advisory Committee shall be in accordance with the municipality's Ethics Code (if any) and the Open Public Meetings Act (N.J.S.A. 10:4-6 *et seq.*), and shall 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 <https://www.nj.gov/state/planning/assets/docs/pe-docs/pe-doc-sample-advisory-committee-resolution-2007-1017.pdf>.

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

¹ 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.

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

Step 3: Municipal Self-Assessment Report

The Municipal Self-Assessment Report (MSA) is the means by which the municipality reviews its existing and future conditions. It identifies demographic trends, inventories natural and community resources, and assesses the consistency of current planning and zoning documents with the State Plan. The MSA provides status and trends as to key municipal characteristics such as: population, housing (including status of affordable housing), economy, transportation, water and sewer infrastructure, and natural, cultural and recreational resources. Specific submissions, if known, should include data on the square footage of commercial properties, number of households and acreage of vacant lands per the municipal tax assessment. By identifying existing conditions, the community can better understand its assets and challenges to inform its community visioning process.

In addition, the MSA should include:

- Any requests for waivers of Plan Endorsement requirements, which must be accompanied by justification for same. (See N.J.A.C. 5:85-7.6 for waiver requirements.)
- Any proposed changes to the State Plan Policy Map, providing justification for same; for example, describing how those changes support both local and State objectives.
- A description of proposed future planning activities.
- A statement as to the benefits the municipality seeks and anticipates from Plan Endorsement. For municipalities with designated centers and/or endorsed plans, a copy of all monitoring reports created pursuant to the State Planning Rules.

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. 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 Planning Advocacy. The Report template is available at https://www.nj.gov/state/planning/assets/docs/pe-docs/municipal_self_asses_guidelines-2020-03.pdf.

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 (as a GIS shape file) accompanied by a zoning schedule for use in the Opportunities & Constraints Assessment.
- Important community assets for NJDEP climate vulnerability assessment

If the requested digital format is not available, please provide a high-resolution scanned copy and consult with the OPA 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 OPA. (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: <https://www.nj.gov/state/planning/assets/docs/pe-docs/pe-doc-sample-self-assessment-resolution.pdf>.

Step 4: State Opportunities & Constraints Assessment

Within 45 days of the municipality's satisfaction of submission requirements for the Municipal Self-Assessment Report, OPA and State agencies will assess local opportunities and constraints with regard to development, infrastructure, natural resources and climate change. 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 (OPA)
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 climate change mitigation and vulnerability (DEP)
7. Assessment of farmland preservation and agricultural retention opportunities (NJDA)
8. Assessment of community preparedness (NJ OEM)

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 and its development potential based on 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. Vulnerability to climate change impacts will be a consideration applied to all these systems. DEP will additionally provide a vulnerability assessment of state and regional assets in the petitioning municipality to the impacts of climate change. Assessment and recommendations will be made on community climate change mitigation.

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 including goods movement and parking capacity.

NJ TRANSIT will review the level of public transportation using NJ Land Use & Transit Application, which is available at: NJLUTRANS.org. This is a mapping tool that was created in partnership with Rutgers that shows the type of transit, level of service, commuting patterns, demographics, along with several other layers that provide the municipality with a statistical indicator for understanding the relationship between land use configuration and the appropriate future level of public transportation services, such as bus, light rail and commuter rail. The NJ Land Use & Transit Application 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 information provided by NJ TRANSIT is offered as a baseline indicator to inform the visioning process, the next step in Plan Endorsement. For more information please refer to: <https://njlutrans.org/>

As part of the Opportunities and Constraints Assessment, the Office of Planning Advocacy may schedule a site visit to the municipality to better understand the dynamics of the community, and to enable OPA and the 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 to serve as a reference 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 OPA 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.² 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 regarding public noticing for 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 municipal master planning 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. It is vitally important that the municipality take efforts to engage socially vulnerable populations who have historically been underrepresented in these processes. Visioning is most effective when the municipality employs techniques for reaching the greatest number of residents, consistent with the town's demographics, 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. OPA has prepared a guidance document on community visioning standards which is posted on its website at: <https://www.nj.gov/state/planning/assets/docs/pe-docs/pe-doc-community-visioning-standards.pdf>. (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 two facilitated workshops and one public hearing. OPA and relevant State agencies will work closely with the petitioner to help facilitate a successful visioning process. Additional guidance may be requested from OPA.

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 minimum 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. Longer term (2050, 2070 and 2100) visions should be established to address the increasing threats of climate change overtime.

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

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 should then consider a resolution to approve the Vision Statement and submit it to OPA. A Draft Resolution for adopting the Vision Statement may be requested from OPA.

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, OPA will draft an Action Plan and MOU incorporating feedback from the various State agencies and considering the requests of the municipality. The Action Plan outlines the steps required to get endorsed by the SPC. 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 the "Standards" section of these Guidelines (see Part III Plan Endorsement 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, OPA 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

OPA 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 OPA 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. 5:857.15(b).

The Action Plan and MOU must 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 both the planning board and the governing body of the municipality 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 petitioner submits the resolution and signed MOU and Action Plan to OPA. A Draft Resolution for authorizing execution of the MOU and Action Plan is available at: www.nj.gov/state/planning/. Failure to execute the MOU within a reasonable period of time, as agreed to by the Executive Director, will result 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, provided that 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 agencies and OPA staff 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 Rules or demonstrated they have addressed their obligation to provide for affordable housing.

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 OPA 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 action items agreed to in their endorsement. 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: OPA Recommendation Report and Draft PIA

Upon satisfactory completion of the Action Plan, OPA 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 OPA 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 will consider the recommendation report at a regularly-scheduled meeting, occurring no sooner than ten (10) days following the provision of public notice of same. 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 denied.

The SPC shall consider the PIC's recommendation within 45 days of receipt [by way of a noticed public hearing to be held?] during a regularly scheduled meeting of the Commission. The SPC will either affirm, revise, or reverse the PIC's recommendation based on its determination of consistency. If the SPC determines that the plan that is the subject of 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 the subject of the petition along with any PIA, is inconsistent with the State Plan, then it will either request that petitioner make necessary changes to address requirements to achieve consistency, or it will deny the petition. Within 30 days of the SPC's determination, the OPA 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 a State agency working group 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 Planning Advocacy 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 OPA 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. Reports 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 PIA report should, in narrative form:

- outline any concerns or potential revisions sought for the PIA
- discuss the level and quality of assistance by State agencies and the 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 major subdivision and site plan projects approved since endorsement or submission of last biannual report
- list and briefly describe all capital improvements approved or completed since endorsement or submission of last biennial report
- list capital improvements planned for the next 2-5 years

OPA will report on the endorsed municipality'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 at: <https://www.nj.gov/state/planning/assets/docs/pe-docs/pe-doc-sample-biennial-report.pdf>.

Additionally, a municipality must consult with OPA at least thirty (30) days prior to adoption of any significant revision(s) to its endorsed plan. Any proposed revision that does not comply with the endorsed plan and PIA is subject to revocation of Plan Endorsement by the SPC. 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 provide basis of endorsement
- Capital improvement programs
- Zoning map or zoning schedule

This consultation is to ensure that the proposed revision(s) will maintain the consistency of the endorsed plan with the State Plan (before adoption) such that the benefits from the state agencies may 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 after adoption or significant revisions to the planning documents identified above, petitioner shall submit a copy of the final document(s) to OPA. 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, its planning documents 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:

- The State Development and Redevelopment Plan (“State Plan”) State programs and initiatives (e.g., 2018 The State of Innovation: Building A Stronger & Fairer Economy in New Jersey, COAH, CAFRA, WQMP, Water Supply Master Plan, Energy Master Plan, Climate Change Resilience Strategy (Sept 2020), Coastal Resilience Plan (Sept 2020), Stormwater Management permit requirements, and DOT corridor studies and the NJ TRANSIT 2030 Strategic Plan and/or NJ Transit 5-year Capital Plan (released June 5, 2020))
- 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 the goals. The petition shall also describe how local land use and zone districts (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 with respect to 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 as needed to implement the endorsed plan.

Regional agency benefits may also be available to petitioners that align plans with both the State Plan and applicable regional plans. Petitioning municipalities located in the New Jersey Highlands Region for instance, may be eligible for financial assistance in developing plan components that address consistency with the Highlands Regional Master Plan (RMP). Conformance with the Highlands RMP is an optional consideration for land areas within the Highlands “Planning Area.” Those choosing full conformance are entitled to Highlands Council funding for development of all required plan elements. Those conforming only for “Preservation Area” lands receive funding for all required plan elements but may *also* develop RMP-consistent plan components for municipal-wide application that are eligible for Highlands Council funding. More information on Highlands conformance, Center designation, TDR programming and grant funding is available through the Highlands Council website at: <https://www.nj.gov/njhighlands>.

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 in the 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 a 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. It may be important to optimize use of existing structures in such circumstances, via rehabilitation and reuse. Economic growth and development can also occur, and be encouraged to occur, via means other than physical development, for example through promotion of existing businesses and downtown areas, modifications to zoning ordinances to provide for more varied and/or mixed uses, and investment in tourism and/or recreation planning and programming opportunities.

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 and development regulations must be reexamined within the past ten years as required by the MLUL. Zoning ordinances should be revised as necessary to address issues raised in the Zoning Board's annual report and to ensure consistency with Master Plan updates. 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 are strongly encouraged to coordinate with the Office of Planning Advocacy so that the new plan does not require further changes as a result of Plan Endorsement. Where a petitioner has not yet commenced a master planning process, OPA will work with relevant state agencies, county and regional planning agency, to identify available resources, grants and technical assistance available to update various planning elements in support of attaining endorsement for consistency with state policies and goals.

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 and Plan Implementation

Agreement, the Office of Planning Advocacy will work with petitioner and State agencies to determine the steps required to receive endorsement. OPA, 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 SPC website at: www.nj.gov/state/planning/. A general classification of requirements is outlined here, with later sections defining items 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. OPA 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 and implementing ordinances 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 called "systems," "capacity-based," "integrated" or "holistic" planning, to plan for sustainability requires that master plan elements and other planning documents be considered in an interrelated fashion and not as independent parts. Critical areas to consider for incorporation into and as applicable, throughout all aspects of the municipal planning program should include: energy efficiency, conservation, and generation, greenhouse gas reduction, climate and flood resiliency, green design, land and water conservation, healthy regional agricultural systems, waste management, toxins reduction, environmental justice, social equity, and community-wide availability of multi-modal transportation opportunities. This holistic approach to planning helps municipalities determine which policies and practices are most appropriate and suitable to local conditions and should inform both the community Vision Statement, and compliance with MLUL (40:55D-28(b)(16)).

A statement describing the extent to which the municipality's current plans address sustainability should be submitted as part of the Municipal Self-Assessment Report. It should be noted that Plan Endorsement will require that a climate change resiliency element be incorporated into the Master Plan (as a component of the PIA if one is not already included).

The State requires municipalities to incorporate measures into its plans, ordinances and capital investments that proactively address climate resiliency and flooding; environmental justice: conserve energy, land and water resources; and reduce both 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 and ordinances. Many of the below strategies and implementation documents represent "Actions" that municipalities can also undertake towards certification under the Sustainable Jersey program that can found on its website at: <https://www.sustainablejersey.com/>. While many of the following actions are not required for endorsement, they are recommended here for municipal consideration.

SUSTAINABILITY CATEGORY	ACTION/STRATEGY	RELEVANT DOCUMENTS (Required unless conditional)
LAND USE	<p>Encourage infill and Brownfield redevelopment. Require green building design for municipal, commercial and residential buildings, including standards for municipal facilities and redevelopment areas.</p> <p>Adopt Green Infrastructure and Building design policy for municipal, commercial and residential buildings. Adopt a Sustainability Pledge.</p>	<p>Redevelopment plan, zoning, design guidelines. Sustainability Statement. Sustainability Plan. CAFRA Consistency Statement. Buildout Analysis. Stormwater Management Plan and implementing ordinance.</p> <p>Conditionally required: Historic Preservation Element. Econ. Dev. Plan. Flood Control Plan.</p> <p>Recommended: <u>Model Resources</u>: Green Building Ordinance. Green Development Checklist. Green Building & Env. Sustainability Plan Element. <u>Enhanced Stormwater Control Ordinance. Green Infrastructure Plan.</u></p>
RESOURCE Natural PROTECTION	<p>Center-based development. Growth management. Land & Water Conservation. Agricultural best management practices. Supporting regional agriculture, e.g. Farmers Markets and Community Gardens. Green infrastructure.</p> <p>Tree & Woodlands Management. Natural Resource Protection ordinances. Easement</p>	<p>DEP Model Well-Head, Riparian and Water Conservation Protection Ordinances. Open Space & Recreation Plans and voter approved dedicated funding. Conservation Plan and implementing ordinances. Natural Resource Inventory.</p> <p>Conditionally required: Farmland & Agricultural Retention/Preservation Plans. Habitat Conservation Plan. Conservation Design and Non-Contiguous Clustering. Septic Density Ordinance. Public Spaces Plan.</p>
TRANSPORTATION	<p>Reduce auto-dependency and publicly-owned vehicle emissions: use clean alternative fuels. Establish Transit Villages/Transit-Oriented-Development. Mixed Use/Center-based development, and connectivity between neighborhoods, street, and transit systems; improving safety for pedestrians, cyclists, and motorists</p>	<p>Land use plan. Circulation plan. Redevelopment Plan, zoning ordinances, and design guidelines.</p> <p>Conditionally required: TOD zoning ordinance. Public Spaces Plan.</p> <p>Recommended: <u>Model Resources</u>: Bicycle & Pedestrian Audit and outline for Bicycle-Pedestrian Plan. Municipal Fleet Inventory. TOD zoning ordinance.</p>
ENERGY	<p>Maximizing energy conservation and efficiency. Encourage and provide programs and incentives for renewable energy uses. Adopt Green Purchasing policies.</p> <p>Energy efficiency for government facilities/buildings and new construction. Municipal/county energy aggregation program. Municipal wind, solar and geothermal programs. Upgrade/retrofit light pollution and water conservation.</p> <p><u>Commercial/Residential Energy Efficiency Outreach</u></p>	<p>Community Facilities Plan. Capital Improvement Program. Development ordinances and standards for municipal facilities and redevelopment areas/projects.</p> <p>Conditionally required: Utility Services Plan</p> <p>Recommended: <u>Model Resources</u>: GHG Reduction Plan. Solar, Wind and EV charging stations ordinances as permitted uses. GHG and Energy Audits on municipal buildings. Carbon Emission Inventory.</p>

WASTE MANAGEMENT	<p>Improving local materials reductions, reuse and recycling programs.</p> <p>Improving local materials reductions, reuse and recycling programs. Maintenance of public property</p>	<p>Recycling Statement of Consistency. Recycling Ordinance.</p> <p>Conditionally required: Solid Waste Management Plan. Recycling Plan.</p> <p>Recommended: <u>Model Resources</u>: Recycling & Waste Reduction Edu. & Compliance. Commercial & institutional Recycling. Construction & Demo Waste Rec. Household Hazardous Waste. Non-Mandated Material Rec. Materials Re-Use. Pay-as-you-throw program. Green Grounds & Maintenance Policy. Model Recycled Materials and Compositing.</p>
CLIMATE PLANNING	<p>Climate Resilience Strategy</p> <p>Emergency Management. Hazard Mitigation</p> <p>Climate Resiliency Strategy</p>	<p>Land Use, zoning and design guidelines. Community Visioning. Climate Resiliency planning.</p> <p>Required: Coastal Vulnerability Assessment.</p> <p>Recommended: <u>Model Resources</u>: Climate Action Plan. Community Sustainability Plan. Community/Municipal Carbon Footprint. Community Asset Mapping. Extreme Temp. Event Plan. Heat island Assessment. Vulnerable Populations Assessment for Emergencies.</p>
DIVERSITY & EQUITY	<p>Environmental justice in Planning, Zoning and representation</p>	<p>Assess opportunities for integrating environmental justice issues into the community master plan and land development ordinances and polices. Develop and implement an education and outreach program on environmental justice issues. Establish a Task Force/Advisory Committee to evaluate the adequacy of municipal planning and zoning to address environmental justice issues. Prepare an action plan. Develop and implement an education and outreach program on environmental justice issues Diversity on Boards & Commissions. Lead education & outreach.</p>
PUBLIC INFO & COMMUNITY ENGAGEMENT	<p>Improve Public Engagement in Planning and Zoning</p> <p>Establish Green Team</p>	<p><u>Model Resources</u>: Municipal Communications Strategy. Online public service systems. Digitizing public information. Post information of high interest on the municipal website. Develop and implement an open government data policy.</p>

OPA 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 municipalities to include a statement in the master plan regarding the planning objectives, principles, assumptions, policies and standards upon which it is based. See N.J.S.A. 40:55D-28(1). For purposes of Plan Endorsement, this statement should include each of the sections listed below.

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 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, and growth. This section should also analyze how these changes affect the objectives of the master plan or the assumptions that underly it.

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. However, plans and issues with implications beyond the 20-year projection must be considered, including but not limited to MPO Long-Range Plans (NJTPA, DVRPC, SJTPO), state agency capital plans (e.g. NJ TRANSIT), and impacts from climate change. Opportunities and constraints identified here must be addressed in relevant elements of the master plan. The Opportunities and Constraints Report provided by OPA 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, including through the iterative process involved in land use planning (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 pedestrian-friendly and 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 and mass transit, 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 accessible 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.

In addition, land use planning should promote Green Building design, energy efficiency and greenhouse gas reduction into building codes and development, such as establishing EV charging stations. It should enable local renewable energy generation, and make new developments solar and demand-response ready. It should likewise, holistically address social and environmental equity issues and climate change impacts and mitigation. Dense, center-based development is more efficient and climate sensitive, and creates a sense of place that results in higher social resilience.

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 use every available tool to retain, enhance, or create pedestrian-friendly environments that celebrate the inherent nature of the city, avoiding such things as large surface parking lots and incompatibly deep building setbacks. The competitive advantages of our cities and towns lie in their concentration of resources, people, land uses, transportation modes, culture and history. Land use and redevelopment planning should build on these advantages. Likewise, urban infill and redevelopment planning should meaningfully address social equity issues as part of identifying and meeting the economic, health, and transportation needs of low-income communities and residents who will be impacted by any proposed development project or plan.

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 and provide for their proper build-out and integration into the community. With Center Designation and the State resources and assistance that accompany it, it may be far more feasible to retrofit aging, vacant retail complexes and obsolete suburban office parks 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, climate resilience 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. Opportunities for infill development and redevelopment of existing sites and areas should be evaluated and taken advantage of before consideration is given to greenfield development. Infill and reuse of previously developed areas conserves resources, reduces stormwater run-off, optimizes investment in existing infrastructure (roadways, water/sewer lines, electric, gas, etc.), and eliminates vacancies and potentially unsightly neighborhood conditions.

Where appropriate, 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, retail and mass and micro transit 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 and public spaces in a comprehensive fashion that is balanced with other measures that adequately

protect and preserve important open space and farmland outside their boundaries. Therefore, OPA 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
- Flood Risk or Vulnerability Assessment Maps

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.

The MLUL 40:55D-28(b)(2)(f) includes the requirement below that should be achieved in endorsed communities:

- (f) including, for any land use element adopted after the effective date of P.L.2017, c.275, a statement of strategy concerning:
 - (i) smart growth which, in part, shall consider potential locations for the installation of electric vehicle charging stations,
 - (ii) storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure, and
 - (iii) environmental sustainability;

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), as provided in [reference material?].

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 developers. The official map deserves substantial deference in land use board decision-making regarding development applications. Reviewing boards should allow for deviations from subdivision and site plan standards 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, it is expected that a petitioner with a redevelopment plan(s) pursuant to the Local Redevelopment & Housing Law use the full leveraging capabilities permitted by that law to ensure that the plan incorporates elements important to the community such as a compatible design and lay-out, attention to aesthetics in site planning, architecture and landscaping, use of green building techniques, affordable housing units, supporting public improvements and other benefits.

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 center-based, mixed-use development. Potential tools include: Planned Unit Development (PUD), form-based codes, incentivized overlay zones for mixed use and redevelopment, and design guidelines and allowances for compact development patterns such as conservation design (on-site clustering), and non-contiguous 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 important goals such as fostering inclusionary development and development of interconnected public spaces. 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 of 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 3 years
- Board of Adjustment reports prepared for each of the past 3 years pursuant to NJSA 40:55D70.1

Housing

Housing Element (master plan element) – absolute requirement

Filing a Petition for Substantive Certification to COAH or have Round 3 Judgements of Repose and Compliance with a Court-approved Housing Plan – conditional requirement

Settlement (as applicable) – absolute requirement

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

Good affordable housing means more than the raw number of units. Housing should be located in pedestrian-friendly, mixed-use Centers. The intensity and 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. The concept of mixed use is not achieved 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 within walkable distances of 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 accessibly only by means of a car. In addition, prospective housing sites should not be encumbered by environmental constraints, should not encroach on environmentally sensitive areas, and should be in areas with supporting infrastructure. Housing should be appropriate to the scale and resources of the area. If needed, 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 retail-based land use strategy of retail and age-restricted housing ignores the fact that retailers need a labor pool that is not likely accommodated by local housing. These workers then have to drive in from outside the municipality, contributing to air pollution, traffic congestion and need for on-site parking. For Plan Endorsement, the state expects a far more efficient linkage of housing to jobs and infrastructure.

The housing plan shall also contain 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 based on its form and intensity, in areas consistent with the State Plan. For example, large-scale projects incorporating affordable housing should be sited in areas designated for growth by the State Plan or through the Plan Endorsement process. Individual group homes and accessory apartments, on the other hand, may require no special designation, fitting well within existing residential zones or as upper-story uses over retail or office spaces in business districts. Although these Guidelines will not require a specific type of ordinance, the municipality is expected 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(s)* – 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 the general health, welfare and safety of the State's residents. The Plan Endorsement petition shall include the items indicated as required in the listing below, which together, 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 all State environmental regulations and should incorporate a variety of environmental protection strategies as outlined in the "Implementation Ordinances" section below.

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. However, if coupled with other growth management techniques such as Conservation Design, Contiguous and Non-Contiguous Clustering, and Transfer of Development Rights programs, large lot zoning can, in limited instances, be effectively employed to limit consumptive development patterns, while protecting and preserving environmentally sensitive areas, open space, and productive farmland.

Natural Resource Inventory (NRI) – absolute requirement

An NRI, also referred to as an Environmental Resource Inventory (ERI), is a document that uses narrative, maps, tables and illustrations to describe the municipality's existing natural and cultural resources including water, land, historic features, flora and fauna, and the conditions and activities that impact them, including climate change. It is a factual document that provides a basis for policy decisions related to land use. An NRI should cover, 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;
- Vegetative features and conditions, 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 and geologic conditions;
- Hydrology, including all surface waters, 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, and floodprone areas and floodplains;

- 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 as outlined in the NRI, including, to the extent appropriate:

- Energy
- Open space
- Water supplies and their drainages
- Forests
- Soil
- Steep slopes
- Marshes
- Wetlands
- Coastal resources including flood prone areas, 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.

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

Contaminated Sites and Other Hazards Inventory

DEP will provide petitioners with an inventory of sites known to emit pollution or be contaminated. Petitioners should consider such sites in community planning generally, to protect the public health and the environment, to plan for and encourage clean-up and restoration, where appropriate, and to ensure that incompatible uses are not introduced prior to site remediation or post-remediation. To address environmental justice issues specifically, petitioners must cross-apply the inventory information with demographic data to ensure that planning does not adversely or disproportionately affect overburdened communities, which means any census block group, as determined by the most recent United States Census, in which (1) at least 35 percent of the households qualify as low-income households; (2) at least 40 percent of the residents identify as minority or members of a State recognized tribal community or (3) at least 40 percent of the households have limited English proficiency.

For example, a plan that considers environmental justice issues must avoid zoning/planning that allows for the development affordable 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. To address areas identified as overburdened communities, petitioners must develop plans (preliminary, at minimum) to ameliorate existing conditions to the extent feasible, and to devise long-term solutions. State agency assistance (technical, financial, regulatory) may be required to fully build and/or effectuate such plans,

but municipal planning supported by community involvement is the place to start. Whether effectuated in the short-term or phased in over some number of years, local plans must envision a future in which all residents are provided with a healthy environment in which to live, free of the impacts of harmful air, land, or water pollution.

A similar analysis should be provided with respect to flood-prone areas of the community and for areas anticipated to experience sea-level rise due to global warming and/or land subsidence, as a component of Municipal Resiliency Strategy planning (see below).

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. In municipalities where a Total Maximum Daily Load (TMDL) Implementation Plan (IP) has been adopted to comply with TMDL limits for a local water body, the Protection Plan for Stream Corridors will be designed to support the IP in obtaining targeted standards, and designated uses (e.g., drinking, fishing, swimming). These measures typically include effluent limits for wastewater discharges, point source stormwater controls, best management practices for point sources of stormwater, and non-point sources of pollutants.

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 (as outlined in the below Implementation Ordinances section), 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 also include conservation requirements and implementation measures designed to mitigate for any loss 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. The SPC encourages development and implementation of regional habitat conservation programs. 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-municipal, cooperative plan.

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.

Municipal Resilience Strategy

Implementation Ordinances – absolute requirements unless otherwise stated

To implement the conservation plan, a municipality must adopt the following ordinances:

- Water Conservation Ordinance
- Wellhead Protection Ordinance
- Stream Corridor Protection Ordinance
- Floodplain Ordinance
- Stormwater Ordinance
- Community tree save, landscaping limits

The implementation ordinances below are conditional requirements, depending upon applicability and circumstances:

1. TMDL Ordinance
- Septic Density Ordinance
 - Steep Slope Ordinance
 - Forest & Tree Protection Ordinance
 - Habitat Protection Ordinance

The following land use concepts should be considered for incorporation into ordinances as appropriate, and may be added to the PIA if appropriate/required to address circumstances:

- Conservation Design zoning techniques that permanently protect environmentally sensitive lands
- Contiguous and Non-Contiguous Clustering
- Transfer of Development Rights (TDR)
- Large-lot zoning where utilized in tandem with any of the above design techniques
- Overlay Zoning techniques

Zoning and other development regulations must be consistent with all required conservation documents. As a final note, Open Space and Farmland Preservation programs work in tandem with the Conservation Plan element. Such programs are best guided by adopted plans, voter-dedicated trust funds and advisory boards. Each of these is addressed in a different section, below.

Green Building and Environmental Sustainability (master plan element) - desired

As climate change, energy use, and environmental sustainability take on a larger role in the future of New Jersey's policies, the Green Building and Environmental Sustainability plan (GBESP) element is an ideal opportunity to address these critical issues. The GBESP should:

- Encourage and promote the efficient use of natural resources;
- Consider, encourage and promote the development of public electric vehicle charging infrastructure;
- Consider the impacts of buildings on the environment and optimize climatic conditions through design; and
- Allow ecosystems to function naturally, including conservation and reuse of water, and stormwater treatment.

The GBESP element should be developed consistent with the New Jersey Energy Master Plan and Statewide Climate Change Resilience Strategy (pending) and link to other applicable master plan elements.

Environmental Justice & Social Equity

All New Jersey residents, regardless of income, race, ethnicity, color, or national origin, have a right to live, work, and recreate in a clean and healthy environment. Historically, New Jersey's low-income communities and communities of color have been subject to a disproportionately high number of environmental and public health stressors, including pollution from numerous industrial, commercial, and governmental facilities located in those communities and, as a result, residents in the State's overburdened communities have suffered from increased adverse health effects including, but not limited to, asthma, cancer, elevated blood lead levels, cardiovascular disease, and developmental disorders.

The U.S. Environmental Protection Agency (EPA) defines environmental justice as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies."¹ EPA has further explained that:

"Fair treatment" means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

"Meaningful involvement" means that people have an opportunity to participate in decisions about activities that may affect their environment and/or health; the public's contribution can influence the regulatory agency's decision; community concerns will be considered in the decision-making process; and decision makers will seek out and facilitate the involvement of those potentially affected.

In addition to considerations above in the siting of affordable housing, municipalities should have in place guidance and policies that will ensure that their residents receive fair and equitable treatment in decision-making that affects their quality of life.

Municipalities should adhere to the following principles and best practices for the effective consideration of environmental justice in their programs and activities:

1. Cultivate awareness: Municipalities must seek out information to ensure awareness of how their programs or activities may have disproportionate adverse effects on overburdened communities.
2. Create and support forums for diverse voices: One of the most critical aspects of environmental justice is to ensure the meaningful involvement of overburdened communities in decision-making regarding the issues that affect their health and welfare. Municipalities must actively and carefully listen and respond to the concerns and issues that their residents raise to them.

3. Protect and assist our vulnerable communities: Municipalities should always strive to protect the public health of environmental justice neighborhoods and to assist neighborhoods in making improvements to promote a healthy living environment.

To address the challenges and take advantage of opportunities to protect and assist overburdened communities, municipalities should adopt the following best practices, based on the three basic principles enumerated above.

1. Cultivate awareness
 - a. Municipalities can utilize resources and training provided by the United States Environmental Protection Agency³ or New Jersey Department of Environmental Protection⁴ for their staff, elected officials and boards to build awareness of environmental justice issues.
 - b. Municipalities should examine their zoning, policies, programs and activities to identify potential environmental justice impacts, challenges and opportunities. The following considerations should guide this examination:
 - i. Are you aware of where the environmental justice communities are in your municipality?
 - ii. Does your municipality have programs or activities that cause environmental disturbances, such as construction or other activities that may lead to temporary or permanent pollution of air, water or soil, noise pollution or increased truck or other vehicle traffic?
 - iii. Do you have programs that could assist overburdened communities in improving public health, such as availability of healthy outdoor space and activities, access to safe, energy-efficient and affordable housing; access to low-carbon public transportation; and access to healthy food?
2. Create and support forums for diverse voices
 - a. Given the many challenges and limitations that overburdened communities face, “meaningful involvement” may not be effectively provided by solely using standard public notice and comment procedures for municipal activities. Proactive outreach to and support for these communities is essential. Municipalities should use the following best practices for proactive outreach that will empower our EJ communities and give us an opportunity to listen carefully to diverse voices:
 - i. For general outreach, designate an environmental justice liaison for the community, keep a master list of key community leaders for communications purposes, include groups or individuals representing overburdened neighborhoods in the stakeholder process before issuing proposed ordinances, zoning or policies, and respond to feedback provided by those engaged in the process.
 - ii. For project-specific outreach, conduct proactive outreach to overburdened

³ <https://www.epa.gov/environmentaljustice/environmental-justice-learning-center>

⁴ <https://nj.gov/dep/ej/>

neighborhoods for any new or expanded development or activity to provide early notice and allow for effective community input.

- iii. For effective public notice, use accessible language, translate notices, post notices where community members are likely to see, conduct outreach to community leaders, and make information available in advance of public meetings, in an easy-to-access place and format.

3. Protect and assist vulnerable communities

- a. First, do no harm: avoid harmful impacts and mitigate for unavoidable impacts.
- b. Look proactively for opportunities to provide resources and support to enable overburdened communities.

Implementation:

Develop and Implement Municipal Action Plans

- Municipalities should complete an initial assessment of the environmental justice challenges and opportunities in their programs and activities
- Using the EJ Action Plan Template provided by NJDEP, municipalities will develop a draft Municipal EJ Action Plan and make it available for public comment
- Municipalities will finalize their EJ Action Plans and post on their website

Municipalities will provide training and resources to their staff, elected officials and boards to build awareness of environmental justice issues.

Municipalities will designate an environmental justice liaison.

Municipalities will develop a master contact list of groups or individuals representing environment justice in their community.

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 travel by automobile. Transportation planning includes vehicular traffic and parking as well as transit, bicycling and walking, goods movement and other modes such as aviation and waterborne transportation. These modes shall be coordinated with one another and with land use to maximize accessibility. For example, 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 into municipal 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) must include 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 – Freight & Distribution Centers

Goods movement is an essential part of both regional and local economies, especially in New Jersey. Consideration should be given to the need for designating suitable areas for freight transportation facilities, large-scale industrial warehouse development, and related traffic. With the incredible growth of e-commerce over the past decade, distribution fulfillment centers are of particular concern. 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. Local governments need to be aware of the growing demands placed on their towns by truck traffic and truck-reliant land uses. While the national and global movements of freight are beyond the jurisdiction of a municipality, a more integrated approach to freight planning and land-use decision-making, offers opportunities to reduce congestion, improve air quality, and enhance operational efficiency and reduced costs to the local transportation system. Designing and signing truck routes that avoid bottleneck locations, such as weight-restricted bridges, underpasses, and narrow intersections, is one important strategy for consideration. Similarly, opportunities to utilize existing rail infrastructure for goods movement and to encourage economic investment or the potential to relocate rail facilities to support goods movement and economic investments should be identified. As the movement of goods and location of associated facilities are closely linked to state and federal highway system access and related infrastructure, the Office of Planning Advocacy will assist the petitioner in engaging and convening the appropriate agencies and MPO's in identifying technical planning assistance, grants and other resources where there is need. This can be particularly helpful where a local circulation and goods movement issue requires a more regional focus and solution, such as the creation of corridor or subarea plans to address congestion or safety issues on certain highway and rail freight corridors, regions, and/or major intermodal facilities that experience high traffic and crash volumes.

Pedestrians and Bicycling - Complete Streets

Complete Streets are streets for everyone. They are designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities. Complete Streets make it easy

to cross the street, walk to shops, and bicycle to work. They allow buses to run on time and make it safe for people to walk to and from train stations.

Ultimately, the solution for a pedestrian and bicycle friendly environment must be comprehensive, incorporating considerations of land use, planning 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.

While Circulation Plans should address a Complete Streets approach, older plans may not adequately provide for a multi-modal approach and will need to be updated. Some municipalities may also decide to develop a Bicycle-Pedestrian Plan, or in cases where a more site-specific plan is better-suited for an existing or proposed mixed use center, a Public Spaces Plan. In all cases, the adoption of a Complete Streets Policy, is considered threshold first step to receiving Plan Endorsement.

By adopting a Complete Streets policy, communities direct their transportation planners and engineers to routinely design and operate the entire right of way to enable safe access for all users, regardless of age, ability, or mode of transportation. This means that every transportation project will make the street network better and safer for drivers, transit users, pedestrians, and bicyclists—making your town a better place to live. Creating Complete Streets means transportation agencies must change their approach to community roads.

For more information on adopting a Complete Streets Policy, please refer to the Sustainable Jersey program at <https://www.sustainablejersey.com/>

Another excellent resource is NJDOT's, *Complete and Green Streets for All, Model Complete Streets Policy & Guide – Making New Jersey's Communities Healthy, Equitable, Green & Prosperous*.

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.

Transit-Oriented Development (TOD)

TOD involves the concentration of development around transit stations; the most common are train stations, but they can be bus, light rail, or any other public transportation station. Development is typically mixed-use and

dense, providing residents amenities in close proximity. The goal is to create livable and sustainable places in which people can live, work, and play all in the same community, without requiring the use of a car.

TOD can provide many benefits to communities. Because of its emphasis on dense, mixed-use development, TOD enables residents to easily walk or bike between home, work, and recreational destinations, which contributes to good health. Fewer cars also mean less pollution and noise, better air quality, and potentially, fewer accidents. The narrower streets and slower speeds associated with TOD also increase the safety of pedestrians and bicyclists. With development concentrated downtown, other land can be preserved as productive farmland or recreational open space. Attractive, community-oriented downtowns with cultural and recreational amenities encourage residents to spend money in the community and invite visitors, contributing to the community's economic vitality. Property values also tend to be highest for those nearest the transit stop.

While the elements of TOD will vary from community to community, there are some elements that are found in most projects. These include:

- Medium- to high-density housing and employment centers
- TOD projects within a half-mile from the transit stop
- Mixed-use (housing, commercial, office, retail, civic)
- Streets accessible, safe, and attractive for all users
- Street and block design at pedestrian scale
- High street connectivity
- On-street parking or parking decks, instead of surface parking

For more information please refer to: <http://www.njtod.org/>

For Plan Endorsement, the municipality shall first work with OPA and NJ Transit to re-calculate an area's transit score using NJ Transit's formula. The transit score is a planning tool used to: a) determine the appropriate future level of transit service, given a community's proposed land use plan; and b) 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. More information on the Transit Score Report can be found at <http://www.njtod.org/about-us/what-is-transit-oriented-development/>.

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 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 its 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 institution of shared parking spaces based on surrounding uses. For example, 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 normally require if considered separately. Likewise, adjacent surface parking lots should be connected where feasible, 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 of parking. For example, on-street parking should be geared towards short-term users and should 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 so 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 should 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 necessity for and extent of public roadways and sewer lines, as well as the need for pump stations and stormwater treatment facilities. Flaws and weaknesses in existing utilities 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):

- Annual report on compliance with Stormwater Permitting requirements (MS4)
- 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 and floodplain ordinance
- Water supply plan

The municipality should consider the policies and provision of the State Water Supply Master Plan and include them in 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 and 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 buildings, 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 meaningful areas 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
- Public Spaces
- 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 preservation.

In combination with other elements, especially the Land Use element, the Community Facilities Plan should incorporate the principles listed and described below.

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 accessibility needs of the population. Standard per capita multipliers are one means of performing this assessment, but should not be a substitute for assessing the actual 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.

Public Access Plan (master plan element) – conditional requirement

The public's right to access tidal waters and their shorelines, embodied in the Public Trust Doctrine, has existed prior to the inception of the State of New Jersey and continues to this day. A municipal Public Access Plan element provides for, encourages, and promotes permanently protected public access to all tidal waters and adjacent shorelines consistent with the public trust doctrine. A public access plan shall include:

- a map and inventory of public access points, public facilities that support access, parking, boat ramps, and marinas;
- an assessment of the need for additional public access;
- a statement of goals and administrative mechanisms to ensure that access will be permanently protected; and a strategy that describes the forms of access to satisfy the need for such access with a schedule and tools for implementation.

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, separating incompatible land uses, 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 OSRP should provide a framework for implementation. Through an OSRP, the municipality identifies and examines the open space and recreation resources of the community; evaluates their quality, function, accessibility and extent; assesses whether they address the needs of the community (in consideration of its population and demographics); determines whether they include the most significant expanses of open space in the community (e.g., for environmental sensitivity, scenic viewshed preservation, unique defining features); and sets forth a plan to protect and enhance existing facilities while seeking out new or expanded facility options and/or open space as needed, to address gaps in the existing open space/recreation network.

The OSRP should promote a variety of strategies for securing/preserving open space and should prioritize the areas of interest to the community. Available strategies include, but are not limited to:

- Conservation zoning techniques that permanently protect the most productive agricultural lands and environmentally sensitive areas;
- Contiguous & Non-contiguous clustering;
- Transfer of Development Rights (TDR);
- Overlay zoning techniques;
- Development easements acquisition;
- Land acquisition (and resale with restrictions);
- Large-lot zoning where utilized in tandem with any of the above design techniques;
- Center-based development (e.g. village or hamlet); and
- 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 community, and regional parks and from active recreation ranging from sports and playgrounds to more passive recreation, such as hiking trails, and places to fish, and paddle by kayak or canoe.

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 or tidal waterway access to allow all residents to experience this great resource.

Supply and Demand

The supply of open space and recreation amenities must accommodate current and anticipated future 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, as do opportunities for municipalities and their respective counties to partner in maintaining sites of common interest.

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 and landscape 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 berms and 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
- **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 exhibit a clear and reasonable sense of the municipality's economic role(s).

Programs and Policies

In planning for economic development, the 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
- Transit Villages Initiative
- 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, its 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, permitted and proposed uses (if different), supplemented by mapping of the sites. An 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.

In the smallest, most rural of Centers, such as historic hamlets and villages, municipalities may choose to focus on sustainable economic development opportunities that involve little to no physical growth. Economic development may be fostered by other means such as tourism (including heritage, eco- and agri-tourism) and recreation, small-scale infill projects, zoning changes to permit mixed uses and/or alternative accessory uses, and establishment of local or regional business associations to promote and enhance existing commerce and sponsor special events.

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. However, if coupled with other growth management techniques such as Conservation Design, Contiguous and Non-Contiguous Clustering and Transfer of Development Rights programs, large lot zoning can be effectively employed to limit consumptive development patterns, while protecting and preserving environmentally sensitive areas, open space and productive farmland.

For Plan Endorsement, municipalities with a significant agricultural industry, or where agricultural uses comprise at least 1000 acres of active agricultural land within the municipality, must have a comprehensive Agriculture Retention/Farmland Preservation Plan and ordinances to protect farmland and support 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;
- Non-contiguous clustering;
- Transfer of Development Rights (TDR);
- Development easements acquisition;
- Land acquisition (and resale with restrictions);
- Center-based development (e.g. village or hamlet); and
- Dedicated funding source(s) for the preservation of agricultural land (dedicated tax, bond indebtedness).

For the Top 50 municipalities in the state in terms of active agricultural acreage as identified by the SADC, the following is required for Plan Endorsement:

1. Establishment and maintenance of an agricultural advisory committee
 - Have in place an Agricultural Advisory Committee, made up of at least 3, but not more than 5 residents of the municipality. The mayor with the consent of the municipal governing body shall appoint members. A majority of the members must be actively engaged in farming and own a portion of the land they farm. The number of full-time vs. part-time farmers should be established in by-laws or by ordinance. The Committee shall be separate from the Open Space committee and report to the municipal planning board. Land acquisition decisions should be coordinated between the Agricultural Advisory and Open Space Committees.
2. Maintenance of a dedicated source of funding for farmland preservation.
 - The municipality shall establish and maintain a dedicated source of funding for farmland preservation or an alternative means of funding for farmland preservation, such as but not limited to: a dedicated funding source; repeated, continuing annual appropriations; or repeated issuance of bonded indebtedness.
3. Adoption of a comprehensive farmland preservation plan element as outlined in the MLUL (NJSA 40:55D-28b (13), including but not limited to:
 - Agricultural Land Base
 - Agricultural Industry
 - Land Use Planning Context
 - Farmland Preservation Program
 - Future Farmland Preservation Efforts
 - Agricultural Economic Development Strategies
 - Natural Resource Conservation Coordination
 - Agricultural Industry Sustainability, Retention and Promotion

4. Adoption of a Right to Farm ordinance consistent with SADC model that is in conformance with the Right to Farm Act.

For municipalities that are outside of the Top 50 list but with greater than 1,000 acres of active agricultural land, the following is required:

1. Adoption of a Farmland Preservation Plan as per SADC guidelines, which include:
 - Inventory of farm properties
 - Map of significant areas of agricultural land
 - Municipal ordinances supporting and promoting agriculture as a business
 - Plan for preserving as much farmland as possible
 - Funding mechanism for preserving agricultural lands
 - Actions encouraging donation of permanent development easements
2. Adopt a Right-to-Farm ordinance consistent with SADC model.

For municipalities with less than 1,000 acres of active agricultural land, the following is required:

1. Adoption of a Right-to-Farm ordinance consistent with SADC model.

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, recognize and celebrate its heritage, and preserve significant sites that contributed to its origins, development and role in the history of the nation, 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 promotion of historic and cultural resources, urban revitalization, adaptive reuse, and tourism. Preservation and adaptive reuse of historic structures provide opportunity to not only capitalize on prior investment of capital, labor and resources, but 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 condition and 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 standalone, but ideally should be located in the historic preservation element of the master plan. A survey methodology should clearly identify the standards used 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

In addition to the inventory, the historic preservation plan should outline strategies for the preservation, restoration and/or adaptive reuse of historic properties. There must be a discussion as to the degree to which other master plan elements are consistent with and lend support to the preservation of these resources. For

internal consistency, historic preservation should find support throughout the municipality's master plan, such that it is integral to the community planning program. The historic preservation plan shall also consider the items listed below.

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 is 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 context-sensitive selection of items such as streetlamps and street furniture, and traffic calming and other pedestrian amenities should be carefully considered, particularly for sites intended to attract visitors. 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 property owners about financial incentives available for preservation and adaptive reuse and should encourage, and to the extent feasible assist, those interested in taking advantage of them. Municipalities should consider providing 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 include:

- 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 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 to concentrate development elsewhere. Petitioners may themselves propose sites or areas appropriate for TDR receiving zones, as well. Those seeking to encourage growth may benefit from development rights transferred, whether from sites within the municipality or from other growth-restricted parts of the state. The Highlands Council for example, offers a TDR program for which a substantial number of development credits have already been “banked.” Municipalities interested in establishing a Highlands Receiving Zone should contact the Highlands Council for assistance. The Highlands Council offers grant funding specifically for the process of conducting receiving zone feasibility studies (see: <https://www.nj.gov/njhighlands/hdcbank/receiving>).

Where the Plan Endorsement process and TDR planning are working under separate timeframes, 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. To reduce the amount of solid waste entering our landfills and/or incinerators, municipalities should seek to reduce waste and reuse materials prior to simply disposing of them. Municipalities should encourage residents, as well as businesses and industrial entities to participate in waste reduction and recycling practices. In conjunction with service providers, municipalities should ensure periodic distribution of updated information explaining where and how to recycle in the area, and detailing what items are suitable to which recyclers. The state also encourages petitioners to consider developing or participating in composting programs to address food and vegetative waste, and to encourage conservation practices generally.

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
- Requirements for flood controls, including green landscape design, for development projects and measures for reducing development in Flood Hazard Areas (FHAs)
- Evaluation and updates to municipal-wide stormwater management plans to address existing problem areas and prepare for the anticipated widespread effects of climate change

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.

Submission of the municipal annex of the County Hazard Mitigation plan or a local hazard mitigation plan.

Climate Resilience Planning

The following 3-step outlines how municipalities should evaluate and address local climate change impacts as they seek Plan Endorsement. DEP will provide assistance and guidance for these activities.

Step 1: Assess Vulnerable Areas (this should be coordinated with hazard mitigation assessment):

Assess flood risks that at a minimum identifies areas within the municipality that are subject to exposure to 3, 5 and 7-foot of sea-level rise and the 1% (100-year) and 0.2% (500- year) storms as part of the Municipal Self-Assessment. The petitioner may utilize existing tools (e.g. NJ FloodMapper or FEMA Community Profiles tool) to perform this assessment. If the county has adopted a hazard mitigation plan, it will include an overall risk assessment and should include an annex for each municipality. DEP will provide a more detailed vulnerability assessment as part of the Opportunities & Constraints Assessment.

Delineation of proposed new, or modification of existing, center boundaries shall at a minimum seek to exclude areas subject to a 3-foot rise above the mean higher-high water levels, as well as avoiding other areas identified as vulnerable to flooding from a 1% storm, as practicable. The DEP may provide the required mapping and/or spatial data and/or provide technical assistance for this assessment.

Prior to endorsement, the municipality must demonstrate that it is taking steps to minimize future asset exposure, by changes to zoning, land development requirements or other methods. These steps will be identified in coordination with the DEP and will depend on the municipality's development and/or redevelopment plans and existing ordinances.

Step 2: Develop a Local Resiliency Strategy:

Subsequent to Plan Endorsement by the SPC, as part of the Plan Implementation Agreement, the municipality must develop and adopt a Local Resilience Strategy that will address how to avoid or minimize the threats to identified vulnerable areas and address other anticipated climate change impacts, such as increased temperatures. The Local Resilience Strategy must address vulnerable areas in a comprehensive fashion. The specific actions that each municipality takes will vary depending on the extent and scale of identified vulnerable areas. Required actions include incorporation of climate change and associated impacts into the master plan; adoption of a municipal code coordinated floodplain development ordinance; establishment of a climate change/risk communication education and outreach program; and zoning changes consistent with the vulnerability assessment (as appropriate). Additional actions may include, but are not limited to site plan standards/review, post-disaster recovery plan, enhancement or protection of tidal marshes and other ecological features that buffer communities from flood impacts, and flood mitigation. Each action strategy must detail a proposed implementation schedule, identify non-local assistance/resources needed, and identify a measurable outcome (e.g. completion of a plan, securing sources of funding, updating an ordinance). DEP will provide technical assistance as needed during the development and implementation of the Local Resiliency Strategy.

Step 3: Periodically Demonstrate Action to Address Vulnerabilities:

As part of the biennial review associated with Plan Endorsement, the endorsed municipality shall document that it has completed implementation measures identified in its Local Resilience Strategy. Recognizing that some actions may require a longer term to be implement, should updates or revisions need to be made to the adopted Local Resilience Strategy implementation strategies or the actions, the municipality can work with the DEP to modify the plan appropriately

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. It should 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.nj.gov/state/planning/.