



State of New Jersey
DEPARTMENT OF STATE
NEW JERSEY STATE PLANNING COMMISSION
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LT. GOVERNOR

DONNA A. RENDEIRO
Executive Director/Secretary

**New Jersey State Planning Commission
Plan Implementation Committee
Minutes of the Meeting Held on July 22, 2020
Zoom Video Conference**

CALL TO ORDER

Chairwoman Robinson called the July 22, 2020 meeting of the New Jersey Plan Implementation Committee (PIC) order at 9:40 a.m.

OPEN PUBLIC MEETINGS ACT

It was announced that notice of the date, time and place of the meeting had been given in accordance with the Open Public Meetings Act.

ROLL CALL

Members Present

Andrew Swords, Designee for Diane Gutierrez-Scaccetti, Commissioner, Department of Transportation

Danielle Esser, Director of Governance, NJ Economic Development Authority

Elizabeth Semple, Designee for Catherine McCabe, Commissioner, Department of Environmental Freeholder Director Shanel Robinson, Chair, County Member

Sean Thompson, Designee for Lt. Governor Sheila Oliver, Department of State

Others Present through conference call

See Attachment A

PLEDGE OF ALLEGIANCE

Chairwoman Robinson asked everyone to recite the Pledge of Allegiance.

APPROVAL OF MINUTES

Chairwoman Robinson asked for a motion to approve the minutes of the May 13, 2020 meeting. Before the motion, Director Rendeiro informed that there will be a change to Danielle Esser's title on the minutes. Chairwoman agreed and asked for a motion. Danielle Esser moved the motion and it was seconded by Sean Thompson. With no further discussion or questions, Chairwoman Robinson asked for a roll call vote: Yes:(5) Danielle Esser, Andrew Swords, Elizabeth Semple, Sean Thompson, Shanel Robinson. Nays: (0). Abstains: (0). The May 13, 2020 minutes were approved.

CHAIRWOMAN'S COMMENTS

Chairwoman Robinson -Certainty in this new normal, we have been moving forward with our agenda and what needs to be done that what is what is tasked for this Committee. I applaud each and every one of you for your efforts and commitment to getting the job done and so I hope that you and your families continue to be safe during this time. We're truly in this together.

EXECUTIVE DIRECTOR'S REPORT

Director Rendeiro stated that on today's agenda we have two discussion items. The first is the proposed changes to the Plan Endorsement Guidelines and before I refer the presentation to Matt. I would like to comment that we had committed to work and make the process easier for municipalities. At first look, these guidelines are adding more to the process and, in fact, there additional requirements, but the changes here are the result of adding the Climate Resiliency requirements that are a function of EO89, and additional requirements on Environmental Justice; there are some logistical and smaller changes, as well. These are important additions. Many of these guidelines have not been updated in about 12 to 15 years so we need to look at what is the priority for today. As a result of Executive Orders, we are required to mandate to addressing Climate Change and Environmental Justice. These requirements are the added components.

The other thing to remember is that this is not the end, this is the next interaction of the guidelines. We'll continuously look at how we can update the guidelines. Also, these changes do not to impact the rules. We're anticipating to opening the rules at some point in the near future.

The second item on the agenda for today is the Plan Endorsement Renewal Guidelines. We believe that a town coming in that's already been endorsed and has demonstrated good planning activities should be able to get the benefit of the doubt versus the folks that are coming new to the process. We want to recognize prior planning efforts. We're looking into collapsing and differentiating between a newly endorsed community and what we're calling a renewal. This is still very early on in the discussion. We want everyone's input as we expand on it. We just want to make sure we're going in to the right direction.

If you will recall, in March we streamlined the Municipal Self Assessment Guidelines, so this is the next interaction in what we're looking to do. Matt Blake worked on the process initially; since this document went out we did receive comments from Walter Lane from Somerset County and he distributed out to the folks at the County Planners Association. I want to make sure we get an input from New Jersey Future and other stakeholders as well as the League to see how we can incorporate

as much public comment; Danielle had a really good suggestion about putting together a template which will do but we need to see what's going to be in it first and then will create the template from the documents as they get closer to being finalized.

NEW BUSINESS

DISCUSSION ON PLAN ENDORSEMENT GUIDELINES UPDATES

Executive Director Rendeiro asked Matt Blake to present the discussion

Matt Blake went through the document and started at the table of contents where some sections were added. First, Environmental Justice, Social Equity and Climate Resilience Planning were added. Matt continued with the Introduction, commenting that much of the changes were not substantive, such as updating citations and dates, documents and links.

Liz Semple commented that climate change mitigation is treated separately in EO 89. Emission reduction should also be included. Sustainable Jersey action is a good model. The State should encourage municipalities to use to Sustainable Jersey Gold Star standards to guide the municipalities. State resources support these efforts.

Liz Semple continued that DEP does not limit mitigation to only hazard mitigation. It includes climate change effect mitigation.

Matt continued and commented that the updated document encourages the towns to participate in the Sustainable Jersey program. Stronger language with respect to participation, including greenhouse gas reduction measures could be added.

Matt – On page 6, Process outline, commented that we received a comment from DEP on step 5, Community Visioning, which we'd like to discuss. Currently, this step requires three facilitated workshops as part of visioning, OPA recommends a minimum of two meetings, but we are certainly looking for greater participation. There were two workshops in Woolwich where barely anybody showed up. The intent is to do everything we can to help the public engage, particularly vulnerable communities.

Liz Semple commented that DEP has a program called "A Seat at The Table" that brings those who are socially vulnerable into the conversation regarding climate change.

Director Rendeiro suggested adding this as an item open to discussion with the members.

Daniel Esser is in favor of reducing the number of public hearings and public comments involved. Timeline should be streamlined further on the state side by reducing agency response time to give the municipality a faster turn-around time. While the process has added resiliency, the overall process hasn't changed.

Director Rendeiro said that we need to reach out to the state agencies to get buy in to shorten their timetables. It is difficult for most agencies to response more quickly than they do now. It's not good

to shorten the timetables and then not be able to deliver. DEP has many programs that must review petitions for Plan Endorsement.

Liz Semple – probably around 20 programs.

Director Rendeiro – 30 -45 days for DEP?

Liz Semple – I think we should have a goal and see. Another thing is how many there are to do at one time.

Matt Blake - On Page 9, Step 2 Plan Endorsement Advisory Committee, we received a comment from Walter Lane to add municipality input.

Matt continued to Page 10 and commented that Green Team should be involved in some capacity in the decision making if possible.

Director Rendeiro – Using the Green Team covers two areas. Municipal Green Teams work with to Sustainable Jersey; using them as the Plan Endorsement Advisory Committee makes it a little less onerous for the municipality because of there is one committee, one focus, one set of meetings that can serve two purposes.

Matt Blake - moving on to Page 11, there is a suggestion about requiring a resolution for creating a Plan Endorsement Advisory Committee that includes the names of members. Our thought was to not required naming membership on the Advisory Committee in the resolution as that could delay implementation and could invalidate the resolution if one named member resigns.

Daniel Esser – commented that for the folks who are named may be more invested in the work; the resolution could add alternates. In favor of adding names.

Director Rendeiro– commented that should be optional but not mandatory.

Freeholder Director Robinson – Agrees with the optional and not mandatory due to administration task. Provide a link and who is responsible for updating the names should be involved.

Also received a comment from Walter Lane, one requirement should include a determination of consistency between the municipal and the county plan.

Matt commented that on Page 12. For the MSA, we added that important community assets should be added for NJDEP Climate vulnerability.

Moving on to Step 4. State Opportunities and Constraints, new items added include assessment on climate change mitigation and vulnerability, assessment of community preparedness (NJOEM).

Matt Blake continued with Page 13. Received comment from NJ Transit to update the NJ Land Use and Transit Data Application with a new link.

Page 14, The planning horizon looks at a 20 year plan but with certain issues like climate change, we're looking at 2050 to 2070 and up to 100 years. The vision should be established to address the increasing threats of climate change overtime.

For Pages 15, 16 and 17 - No major changes.

Page 18. Step 10 – On Monitoring and Benefits, and the PIA (Plan Implementation Agreement), we're not looking for every document produced for over 10-15 years. The submission of the last biennial report could be the starting point. Also, if there is a change in the capital improvements planned for the next 2-5 years. A municipality must consult with OPA at least 30 days prior to adoption of any significant revisions to the endorse plan.

Page 19. Part III – On Consistency Standards, we updated some different programs and documents for the towns to consider. At the bottom of the page new language was added from the Highlands Commission.

Page 20. Additional language was added from the Highlands to encourage rehabilitation and reuse. Documents need to be up-to-date, and to reflect that the master plan reexam is now required every 10 years instead of six years.

Page 21 strongly encourages towns to coordinate with OPA where a new master plan does not require further changes.

Page 22, Sustainability, should include a statement describing the extent to which the municipality's current plans address sustainability; the statement should be submitted as part of the municipal Self-Assessment report.

Many of the strategies and implementation documents represent "Actions" for Sustainable Jersey that municipalities can also undertake toward certification under the Sustainable Jersey program. Their website is a great tools for the municipalities to take advantage of it.

Director Rendeiro - Other than adding requirements, we're also providing tools where, for example, they can find model of ordinances. These are additions based on what we're facing now in the State.

Liz Semple - confirmed that under the Natural Resource Protection Act, the model Well-Head, Riparian and water conservation protection ordinances were included.

Matt Blake- Will separate what is mandatory and what is optional (conditional).

Page 25. Added that land use planning should promote Green Building design, energy efficiency. Matt commented that this a topic that Liz Semple spoken about earlier.

Liz Semple - suggested a new title (new section) for the Climate Resiliency section.

Matt - Agreed to add a new section.

Page 26. Language from the NJ Highlands and the Land Use Plan (master plan element) - absolute requirement. We're looking to see if part of that submission includes Flood Risk or Vulnerability Assessment Maps.

Page 27. This is a Citation from MLUL on certain things that towns now are required to address as part of the update to their master plan.

Page 28. Emphasis added for inclusionary zoning for the provision of affordable housing.

Pages 29 and 30 - Updates on the language.

Page 31. Conservation Plan (master plan element) absolute requirement. Steep slope language is added. Depending on the conditions within the municipality, the conservation plan shall also include contaminated sites and other hazards inventory. The area previously called Environmental Justice & Social Equity was updated to include language by Debbie Mans from DEP with changes in terminology. Instead of Environmental Justice Communities is now is called "Overburdened Communities".

Matt commented that DEP questioned how a town determines what a potentially contaminated or a high risk site is? Matt asked Liz Semple if there is some input on this to be added.

Liz Semple responded that with the Legislation pending, they may need to fill in the details and that should happened any day.

Page 32. Protection Plan for Stream Corridors - It's been moved and slightly updated. There will be some language proposed for deletion that needs to be updated.

Page 33. Question received regarding the removal of habitat: Are monetary contributions from municipalities where mitigation of T&E habitat is proposed there is a sort of taken of a removal of an habitat.

Liz Semple - From the DEP perspective, the requirement will occur at the permitting stage. It's hard to say generically weather or not is possible.

Director Rendeiro - You may want to say that the monetary contribution is possible. Or something like legally permissible.

Matt continued with Consistency Plan - Liz, do you have any comments?

Liz Semple commented that the resilience strategy is further down.

Director Rendeiro - We'll be looking at the document after the meeting to make sure there are no duplicates.

Page 34. Implementation Ordinances. Absolute requirements unless otherwise state. Matt asked Liz Semple for comments.

Liz Semple - I think I have to go back and talk to the water and the habitat protection staff. We should keep it as conditional.

Matt - The conditional requirements are TMDL, Septic Density, Sleep Slope, Forest Tree Habitat, and others.

Page 35. Land Use Concepts considered for incorporation into ordinances as appropriate and may be added to the PIA. Other techniques such as conservation, contiguous and non-contiguous clustering, and overlay zoning which were not available when this document was first drafted.

Liz Semple - Open space and Blue Acres should be added back to their original section.

Matt - Green Building and Environmental Sustainability desired. Suggested to move this section and perhaps reworked as somewhat redundant with other language.

Liz Semple – Sustainable Jersey Gold Star breaks down information for Green Buildings. We don't need to be redundant regarding Green Buildings.

Matt - Pages 36 and 37. Environmental Justice and Social Equity. This is a new section; we encourage everyone to familiarize yourselves with it.

Pages 38 and 39. Transportation. More emphasis on Goods Movements, freights and distribution centers, Complete Streets; this is a new section with updated language.

Page 40. Transit-Oriented Development, new section with programs, tools and concepts that we want the towns to be aware of.

Page 41. Parking. We received a comment from NJ Transit suggesting to add a section on TNCs after parking. OPA asked to provide suggested language articulating NJ Transit policy for TNCs as it relates to Plan Endorsement and land use planning goals.

Andy Swords – Need to see and discuss this internally at the agency and Susan Weber wants to weigh in.

Page 42. Utilities. Depending on conditions within the municipality: flood plan, water supply plan, community facilities and public spaces may be an element.

Page 44. Public Access Plan. New section: This comment came from NJDEP which makes sense in coastal communities. Conditional requirement.

Pages 45 and 46. Recreation and Open Space Inventory (ROSI) it's a conditional requirement if seeking Green Acres Funding.

Open Space and Recreation (OSRP) it's an absolute requirement. Also some additional language provided by the Highlands. Adding non-contiguous clustering as a tool, overlay zoning techniques and large-lot zoning where utilized in tandem with the above techniques.

Page 47. Economic Development. Absolute requirement in particular for Urban Centers and Urban Coordinating Council's (UCC) targeted cities and eligible municipalities. Added Transit Village Initiative to the Program and Policies section.

Page 48. Redevelopment Opportunities. New language provided by the Highlands under Organizations and Business.

Page 49, 50 and 51. Agriculture. A substantial rewrite provided by the Department of Agriculture was added.

Page 52 and 53. Historic Resources. Recently updated. Preservation Plan is a conditional requirement.

Page 54. Transfer of Development Rights. New language and nice plug for making use of Highlands TDR credits.

Page 55. Recycling This is a new language from the Highlands.

Page 56 and 57 and 58. Examples of mitigation measures. Evaluation and updates to municipal-wide stormwater management plans to address existing problem areas and prepare for the anticipated widespread effects of climate change.

Climate Resilience Planning. New section, comments provided by DEP.

Capital Improvement Program (CIP).

Director Rendeiro - If you have any specific word, language or things that need to be changed, please send it in to both Matt and myself.

My real goal will be to get it to the Commission at the August meeting but recognizing that there are a lot of changes and everybody may need some time to go through the changes. What I will ask is that if you need more time to send us comments, please let us know and we'll accommodate that. There is no real rush to get it on to the August meeting; we could also move it in to the September SPC meeting. Understand we'll not move it along if people need additional time to comment.

Director Rendeiro asked the member of the Committee for any comments.

Freeholder Director Robinson – addresses a lot of what is required by EO 89. We can move it to the SPC, but does not believe in waiting longer than needed. As long as we get the comments in, that's good.

Andy Swords – Wants to work internally and make sure they are comfortable at their level.

Danielle Esser – applaud OPA to ensure that the new plan endorsement will work for the municipalities.

Sean Thompson – Agree with the chair to move this forward, although not urgent, but should work to get this out there. Donna and Matt great job.

Liz Semple - Thanks for including all the new issues and the EO requirements.

Director Rendeiro asked for questions or comments from the public.

PUBLIC COMMENTS

Rhyan Grech, Pineland Preservation Alliance – Appreciate the presentation. A comment on visioning process and public involvement throughout the plan endorsement process, municipalities should meet where the people are. How best to get involvement from those who historically have not been involved. Habitats should not be destroyed. Post documents on website so that the public can be involved.

Director Rendeiro - Thank you Rhyan for the comments. Matt can work on the language on the habitat piece. It's on the website under the Plan Implementation Committee meeting materials.

Walter Lane – Commended Matt and Donna in incorporating the newer information. Participation should have flexibility to meet the requirements as long as they meet the goals.

Director Rendeiro – one week to comment but we will accommodate if more time is needed.

DISCUSSION ON PLAN ENDORSEMENT RENEWAL GUIDELINES

Director Rendeiro - We'll introduce you to the concept. Any comments you may have please copy Barry and myself.

We should differentiate between municipalities who have been through the process and those who are new. The guidelines that we're using today don't acknowledge the fact a municipality may have already completed 10 years of good planning efforts. We want to be able to streamline the process for those that have a history of good planning. That's why we're calling this process Renewal of Endorsement. Right now, there is no way to recognize the difference. We want to make that differentiation and in this regard we're trying to make the process easier for the municipalities and recognizing a municipal history of good Planning.

If you all notice in the original Endorsement guidelines have 10 steps; we've collapsed those 10 into 5 steps. Part 1 is a Renewal Request. We propose a letter from the Mayor as we do normally to petition for Endorsement Renewal. With that letter will come a statement of consistency. That will include planning accomplishments in the past 10 years, including adopted plans, ordinances, what had been done from the economic development perspective, status of your infrastructure in capital improvement plans, transportation and complete streets, sustainability, center base development, affordable housing compliance, resiliency, hazard planning and mitigation including recovery plans and climate change mitigation, protection and restoration activities, farmland preservation, equity and environmental justice. Additionally, a statement on how planning and economic growth and development goals are consistent with and advance the goals and policies of State Plan, a statement and coordination with the county plans and applicable, proposed map amendment in GIS format including any recommended modifications to planning, areas, centers or nodes should be included. The past 10 years of demographic information should be included. You can get that information

either based on historical census information and the projection for the next 10 years that you can get that through your MPO's.

The petition should include a narrative that describes planning actions taken in the last 10 years. Topics to cover should include current master plan status, reexaminations, ROSIs, the most recent PIA along with the status of each item, the latest hazard mitigation plan and progress reports, climate change plan, community energy plans, resiliency plans. Include current zoning maps in PDF and GIS format if available. That is the equivalent of the prepetition request.

Send us what you have and tell us where you are in your planning process. An update from the last time we reviewed. We'll have an endorsement renewal meeting and we will combine the opportunities, constraints, action plan and the PIA. Involving the County Planning Agency, whether is a planning department or a regional entity is advisable. If there are any inconsistencies like no having a resiliency plan, the office will create, in conjunction with the state agencies, a recommendation to the State Planning Commission that we renew the endorsement. We will continue to monitor, as usual.

We are looking for guidance, address the ability to reduce the burden on the municipality and recognize their good planning practices. We will not consider this process if, during previous endorsement period, there was not a proper implementation of the PIA and nothing is being done or accomplished, clearly this process will not apply to those players.

Director Rendeiro asked for questions or comments from the Commission Members.

Barry Ableman – 10-year renewal; every few years they are doing biennial reviews so it's not like we haven't heard from them during that time.

Ciara Bradley from League of Municipalities – How is the burden reduced for the municipalities; could not hear? Asked to repeat.

Director Rendeiro - Reduced the burden on the municipalities because the way the guidelines are today, when an endorsement expires the municipality has to go through the process as if they had never been through the process. By putting together these renewal guidelines and collapsing some of the requirements we're looking to recognize municipalities who planned properly in the past by reducing their submission requirement. What we're looking is for an update since our last review.

Walter Lane from the Association of Counties – Definitely moving in the right direction.

Freeholder Director Robinson agrees and it makes sense that they do not have to go through the lengthy process again.

Danielle Esser – whatever we can do to streamline the process is what she is looking for.

Director Rendeiro – one week to comment but we will accommodate if more time is needed.

ADJOURNMENT

With no further comments from the Commission or the public, Chairwoman Robinson asked for a motion to adjourn. The motion was made by Sean Thompson and seconded by Commissioner Danielle Esser. All were in favor. The meeting was adjourned at 11:13 a.m.

ATTACHMENT A

**NEW JERSEY STATE PLANNING COMMISSION
PLAN IMPLEMENTATION COMMITTEE ATTENDEES
DATE: JULY 22, 2020 TIME: 9:30 AM**

Tim Evans - NJ Future
Rhyan Grech - Pinelands Preservation Alliance
Ciara Bradley - League of Municipalities
Stephen Madsen - HMFA
Meg Cavanagh - DEP
Walter Lane - Association of Counties
Susan Weber - DOT