



State of New Jersey

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Executive Director

**New Jersey State Planning Commission
Plan Implementation Committee
Minutes of the Meeting Held on April 20, 2022
Zoom Video Conference**

CALL TO ORDER

Commissioner Danielle Esser called the April 20, 2022 meeting of the New Jersey Plan Implementation Committee (PIC) order at 9:36 a.m.

OPEN PUBLIC MEETINGS ACT

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

ROLL CALL

Members Present

Bruce Harris, Municipal member
Danielle Esser, Director of Governance, NJ Economic Development Authority
Nick Angarone, Designee for Shawn LaTourette, Department of Environmental Protection
Sean Thompson, Designee for Lt. Governor Sheila Oliver, Department of Community Affairs
Susan Weber, Designee for Diane Gutierrez-Scaccetti, Department of Transportation

Others Present through Video conference

See Attachment A

PLEDGE OF ALLEGIANCE

Commissioner Esser asked everyone to recite the Pledge of Allegiance.

APPROVAL OF MINUTES

Commissioner Esser asked for a motion to approve the Minutes of the February 16, 2022 meeting. Nick Angarone made the motion; seconded by Sean Thompson. Ayes: (4) Danielle Esser, Susan Weber, Nick Angarone, Sean Thompson; Abstains: (1) Bruce Harris. The February 16, 2022 minutes were approved.

CHAIRWOMAN'S COMMENTS

Commissioner Esser informed the Commission that she was filling in for Chairwoman Robinson today and that she did not have any comments.

EXECUTIVE DIRECTOR'S REPORT

Director Rendeiro welcomed Commissioner Harris to the PIC.

NEW BUSINESS

Galloway Township Presentation

Director Rendeiro began by introducing Meghan Wren for the presentation.

This presentation can be found at:

<https://nj.gov/state/planning/assets/docs/meeting-materials/pic/materials/PIC-Galloway-recommendation-report-2022-4-20.pdf>

Commissioner Esser asked for any questions or comments from the members.

Nick Angarone, NJDEP asked which model ordinance we've been referring to – the Sustainable Jersey one or the DEP one? Meghan responded that the one that we've been forwarding to communities at the prepetition meeting was originally from the DEP, but generated by Sustainable Jersey. When you look at it carefully, it has a sort of disclaimer at the beginning that says, "Here's a sample ordinance alternate but alternative days won't be accepted for points for Sustainable Jersey. When you read the ordinance it recommends just alternate days and it has some alternative suggestions. There is some evidence that having specific suggestions encourages the public to more likely water on certain days. Nick Angarone wanted to clarify that we are referring to the Sustainable Jersey ordinance because we rewrote it specifically because of the economic watering issue.

Director Rendeiro said that there's an inconsistent statement in the ordinance and we just want to make it consistent so that the town can get Sustainable Jersey points as well as provide the right legal mechanism for conservation. We will have a little more clarity on it before it goes to the SPC.

Commissioner Harris said that Chatham borough has been silver-certified Sustainable Jersey for several years. We've had a water conservation ordinance that has been in place before Sustainable Jersey, and we use the even and odd method. We refused to switch because people would be confused and this works very well.

Nick Angarone added that it's been a decade since we tried to do this. And the issue that we were finding was that when you set odd and even watering schedules, people were more apt to go out and water whether they needed it or not. The original ordinance was only in the case of a declared drought emergency.

Nick Angarone asked that in terms of the EV charging issue, what are we recommending at this point? Meghan responded that the comment that the township had made on it was related to their concern about being required to do something that was a bigger lift than what it looked like on the surface. That was a misreading of the PIA action which didn't say that they needed to put a certain amount of charging stations at their municipal building. It was actually to make the town EV friendly. They can choose three action items. They can update zoning ordinances to require pre-wiring for EV chargers as part of a redevelopment plan for a specific zone. They've already done that.

I think this is another one where maybe we should go back together with DEP because some of this was included in our plan endorsement guidelines saying that this is what we want to require before it is made a requirement. As I understand some of these items are not above and beyond they're just what's required now. As this is written and as we agreed when we did our plan endorsement guidelines, they're supposed to choose three of these four items. The first one was one is adopted PEV ordinance to include regulation and design standards for EVSE, EV parking spaces, and design guidelines for installation of EVSE and they've done that one also, training for local officials and require local first responders to participate in education. That's not one of the ones that they've done. Then there's incentive EV ready by reducing or waiving permit fees and providing recognition for businesses and entities to do it. And they've done that one. There's one more commitment from three or more partners for the workplace or multifamily chargers. They've got close to that, I don't think they have quite three but they have a couple and this is a two to five-year timeframe, so they're likely to get it and that would be an extra because they've already got three of the items that are required.

Nick Angarone said that they met the requirements and wanted to know if we are suggesting that we change that to a recommendation. Meghan responded that it would be the way to do it. In their biannual report, they could just report on any progress that they've made in any additional electric vehicle areas. But in terms of what we typically require, you could either argue that it should just be removed, because when I go through a PIA template, if something's already accomplished, we just remove it. Or the way it's worded right now, it says must do three. If they did a biannual report, they could just say, Okay, this is done.

Nick Angarone said that let's recognize that they've met the requirements. I do think that leaving them there as a recommendation is worthwhile. And in that particular case, there are a lot of grant programs for EV charging stations right now and we can provide that information to them. If there's a broader issue with upgrading the electric service in their municipal building we can provide that information as well.

Commissioner Harris asked about the New Jersey Transit stop that they're talking about. Have they talked to New Jersey Transit? I couldn't tell from the map. If the station would be in what's designated as either a redevelopment area. Meghan responded that the station is something that it seems that they had some activity on a while back, and not as much recently, and they didn't want it to go away. I don't know if they've done advocacy and had conversations and due diligence recently. It's there as something that they'd like to see happen. They had talked about a Transit Village at one time in Pomona. I'm not sure exactly where that all stands. I just wanted to include it and I think I worded it in such a way that, they want to look into it. If we can support them by looking into and connecting them with the right people, I think that's where we are with it.

Commissioner Esser asked if there was anyone from Galloway. Meghan responded that due to a personal emergency there is no one present.

Commissioner Harris said that he would like to think that the fact that plan endorsement would help them get Transit's attention. I know from our negotiations with Transit for another station, they have a lot of requests, and the stations are tens of millions of dollars.

Susan Weber, NJT said that would be very preliminary. I know I'm aware peripherally of their desire to have a station stop. In Galloway, I think it was mentioned at the prepetition meeting if I recall. But yes, they would have to

talk to Transit. And I'm guessing that they probably did at some point. They can certainly pursue that if they want to. In our Transit Village initiative, one of the requirements is to have a transit facility in place to be designated as a Transit Village. If they were to get something like that, it would be a long haul.

Sean Thompson, DCA, said that there have been laws adopted over time. The recommendations may be required under the law, such as the electric vehicle ordinance which is now in place whether or not a community adopts the electric vehicle ordinance. It's valid and in place and has to be complied with by all municipalities.

Commissioner Esser said that she just has a couple of quick questions or confirmations. Going through the report and looking at the map that was shown on page 13 and understanding that this endorsement primarily is pulling back the center designations to the cores except for some expanded suburban PA2 along Route nine. The protection of the critical environment sites in environmentally sensitive lands and other areas that were previously included in the center. Is that an accurate characterization of the map amendments being proposed? Meghan responded that it was accurate.

Commissioner Esser said that for everybody's benefit that Galloway was previously endorsed and they look to continue their endorsement. Meghan said that they had centers designated before the endorsement process. This is their first official endorsement process.

Director Rendeiro said that several municipalities had centers endorsed before a formal endorsement process in the rules. Many of the centers that are going through expiration now had not gone through the endorsement process as we know it today.

Commissioner Esser said that they've been a designated center for over 20 years. This is their first official plan endorsement. From a Plan Implementation Committee, you don't often see towns coming in and pulling back their centers adding their environmental protections. I would applaud Galloway for understanding what it needs and what it doesn't need in terms of development purposes and protection. What is their primary driver for them pursuing plan endorsement? They want to do good planning, is it because they want to maintain those core designations where they're pulling back their centers?

Meghan responded that they are committed to their center-based planning and they do want to direct development to the areas that are infill and redevelopment. They were hoping for a couple of other things that they had asked for like partnerships with the State Planning Commission to try to work on those things. One item has some similar price tags and timeframes as the transit station, they'd also like to see a full interchange at exit 40 on the Garden State Parkway. They were very much hoping to get PA2 in the area that I mentioned before. They didn't get between Oceanville and Jimmie Leeds Road south of Oceanville where they'd like to have a sewer service area. Those were some of the things that we're hoping to get from the process. They are a little disappointed that they didn't get the things that they asked for. They are as a community very committed to not having additional sprawl in the area, they want their community to stay the way it is. I participated with them in their visioning and it seems there is a consensus with all the folks that came out and with their leadership. They liked the community the way it is. They want to build additional walkability and vibrancy in their centers. They have 10 redevelopment zones along Route 30 and Route 9. They're trying to focus their development in places that are in need of rehabilitation and redevelopment.

Director Rendeiro said that you're going to see more communities, particularly on the barrier islands and in vulnerable areas, where the recommendation will be to cut back on some of those center designations primarily because of climate change issues and other environmental issues. The key is to get the balance right so that they have economic development opportunities but at the same time they are protecting their vulnerable areas. Some agreements are going to be easier than others. While Meghan's right, they weren't pleased by losing some of it, they are working with us and they are being very flexible and understanding why they needed to pull back in some of those areas. We continue to work and try to balance some of the competing goals where you need to give them

opportunities for economic growth, but also recognize the vulnerabilities that many of these coastal communities are going to have.

Commissioner Esser asked the Committee for a motion to open for public comment. The motion was made by Nick Angarone and seconded by Commissioner Harris. All were in favor.

Rhyan Grech, Pinelands Preservation Alliance, saw on one of the slides that Megan presented stormwater management The Pinelands Commission just a couple of months ago adopted new stormwater rules that all of the townships have a year to pass an ordinance to come into compliance. I think if I'm understanding correctly from the presentation today, the portion of Galloway that we're talking about in terms of this endorsement is all outside the Pinelands. Meghan responded that yes.

Commissioner Esser asked the Committee for a motion to close the public comment. The motion was made by Nick Angarone and seconded by Commissioner Harris. All were in favor.

Nick Angarone said that he wants to make sure that we reference whatever we agreed to change in the PIA.

Commissioner Esser said that you would want to make sure that the department and the Office of Planning Advocacy work collaboratively with the municipality to ensure that the ordinance is current and relevant to current conditions and acceptable to the Department.

Director Rendeiro asked if Nick Angarone was referring to the conservation ordinance. Nick Angarone responded that he was referring to the water conservation ordinance and our discussion about the EV-friendly issue. Megan had identified three other highlighted issues in her presentation that Mr. Angarone didn't know if we needed to address. Director Rendeiro said except for the EV issue, the other items were just updates to what you had seen in the written documentation. If you're okay with those changes, then those will go as they were presented. I believe there were two of them because there was a total of four that were highlighted. Two that we did not hear any concern over, the third one was the conservation and the fourth was the EV matter.

Commissioner Esser said that for the record we just list all the areas that will be updated for the final recommendation report.

Director Rendeiro said that the proposed updates would be the conservation ordinance and the electrification items. F3 and I9 items on the PIA. What I would suggest is that the motion recommends forwarding to the full Commission with updates to those two items.

With no further comments from the members of the Committee, Commissioner Esser asked for a motion to approve and move the recommendation to the SPC, Nick Angarone made the motion, and Sean Thompson seconded the motion. With no further discussions or questions, Commissioner Esser asked for a roll call vote: Ayes: (5) Danielle Esser, Susan Weber, Nick Angarone, Sean Thompson, and Bruce Harris. Nays: (0). Abstains: (0). the recommendation was approved.

Discussion – Expiring Centers

Director Rendeiro said that this is a quick update on where we're at on the expirations. The Governor signed Executive Order 292 which eliminated the public health emergency. In paragraph six, he allowed rulemaking bodies to modify the order that stated that there was no expiration date on the centers. The proposed proposal to present to the Commission would be to terminate the municipalities who have written to us and that we have written confirmation that they do not want to pursue endorsement. The DAG is reviewing to determine whether we can do it by resolution or rule update, either at the May or the June meeting, depending on how quickly we can get that

done. All other expirations that are subject to the extension will have a proposed expiration date of December 31. We are working with many of them, and many of them are very close.

It is not appropriate to extend them indefinitely because many of these centers were designated at least 10 years ago or longer. There were many on the ground circumstances that have changed since they were endorsed. A December 31 deadline is appropriate. I think a revocation of centers and endorsements for those municipalities who have said they do not want to pursue plan endorsement should be done as soon as we can get that on the agenda and a December 31 deadline for all others.

One thing to consider is that if by December 31 a municipality has gotten to a certain point (perhaps the Opportunities and Constraints Report or the Consistency Review) that the SPC could grant a 90-day extension if necessary. If anybody has any comments let me know.

Commissioner Esser said that she is assuming that you'll provide a list of the 21 communities that would go away and you'll provide a list of those that have an extension through December. Director Rendeiro responded that yes and that will be included in either the resolution or the rules. In any event, there will be a resolution, either authorizing the rule change or authorizing the deadline change. It is a good idea to revoke the extension for those 21 with all of the other municipalities that are working so hard to get to endorsement, it is not appropriate to keep the endorsement for those that do not want to pursue it.

Commissioner Esser said that she's assuming that we have email addresses for everybody so we can distribute that information. Director Rendeiro responded that yes, we will notice before the meeting and we will notice to all the municipalities that are affected.

Commissioner Esser asked the commission for questions or comments.

Nick Angarone, NJDEP, said that the last list that I saw was from February. There were the 21 that declined. There were nine that were undecided or unknown and we're intending to extend them as well. Director Rendeiro responded that we are because the DAG did not think it was appropriate to terminate them because it could be considered arbitrary. It was more of a risk to terminate them if for some reason they hadn't either read their emails or the like. Since that time, that list is largely the same. We did hear from one or two others I believe it was Chesterfield that said no, we have official notification from them. They're 21 might be 22 and then there was one other that I am expecting a mayor's letter to continue through endorsement. I'm expecting that sometime next week.

Nick Angarone suggested that the idea that a town did not answer emails or phone calls which the staff made concerted efforts for over multiple years and just because they don't answer makes it okay to extend them. Director Rendeiro said that if you will recall my original recommendation was to include them and we will go back to look at that again.

Sean Thompson asked if there will be attempts to get a response before the resolution was drafted and ultimately voted upon. Director Rendeiro responded that it is anticipated that before it goes in front of the Commission hopefully in May or before the end of April, we will both reach out to them via phone and email and then get a letter from me that says this is the intention. We will reach out to you as we normally do. We'll get you the meeting materials ahead of time.

Sean Thompson asked if the communication will go to the mayor, the council, the planning board, attorney? Director Rendeiro said that whenever we do formal communication it goes to the mayor and copies to the official contact that we have been given from the municipality. In some cases, it's the BA, the planner, or their consultant.

Commissioner Esser said that to Sean Thompson's point maybe you are saying that maybe the information is not up to date. Is that what you're trying to get to Shawn there's a reason why they're not responding.

Sean Thompson asked Commissioner Harris that if you're an elected official, you get correspondence. Do you throw it in the garbage, can you respond, is it important, what do you do, do you have time to read it. Commissioner Harris responded that I get correspondence and so does the administrator, I read it. This is not something I would put to the side.

Director Rendeiro said that we make sure that we have the right mayor at every new administration and every New Year we make sure our mayor list is updated. At a minimum the mayor is correct. We generally know when the municipality is changing planners. We do everything we can to contact them and will continue to do so.

Nick Angarone asked that you'll be contacting just the 21 or 22 that have decided specifically told you previously that they are not moving forward with Plan Endorsement.

Commissioner Esser said that everyone is going to be contacted. By December 31 they have to be endorsed. Can OPA handle that? That's 80 petitions to go through. Is December 31 truly reasonable? What is the benchmark that needs to be achieved by December 31? I think we need to see what the proposal is that we're putting out there.

Director Rendeiro responded that obviously, the first order of business is for 21, and those letters would go out first. And yes, I understand the deadline is close that's why adding that ability to extend for that 90 days should be considered, if they've reached a certain point that likely could be the consistency or the opportunities and constraints. Particularly if we are holding it up because of our ability to respond in terms of getting a map done and those types of things. To be fair, it's not as this as if this is new news. We've been working with all of these folks for two and a half years at least. They know that there's been an impending deadline. Having that ability to extend for 90 days, I think is important. I do also believe that the reason we're not getting a lot of responses is that there's this vague date that doesn't exist. Maybe the answer is to move the deadline to March 31st, if this body decides that March 31 is a better date I'm sure that would be acceptable. At some point, we need a date certain. Otherwise, we'll never get through these.

Commissioner Esser asked the Director that you'll be keeping the Plan Implementation Committee apprised of what the logistical next steps are. You're going to put something out there Are they going to come back to the PIC? Director Rendeiro responded that there's nothing for you to vote on today.

Commissioner Esser said that is this going to be something that we're going to have to vote on at all. If so it could probably come back to the PIC. If it's a voting item, then this should be something that we should review before it goes to the commission. Director Rendeiro responded that it will bring it back to the May PIC and then bring it to the June commission.

Sean Thompson said that is the correspondence being emailed or mailed. Do you want to send certified mail and make sure that someone is signing for it to demonstrate that it's been received? I'm not concerned about the regs, but at least there's an acknowledgment that it had been delivered. Director Rendeiro responded that we certainly could, what we normally do is send it by regular mail and email. But if you want, we can certainly send it by certified.

Nick Angarone said that without the extension when do the centers expire? Director Rendeiro responded that right now the way the executive order is written it's indefinite. I don't believe that this should go on indefinitely. If you take a look at executive order 292 paragraph six, it says that any extension and whether that's SPC extensions or anything else in state government does not expire. I will keep you updated. We'll bring it back to the PIC in May as an update and possible voting to the full SPC.

Commissioner Esser agreed with Director Rendeiro on bringing it to the SPC for discussion, The Commissioner thanked the Director and the Committee for a robust discussion.

With no further comments from the Committee, Commissioner Esser asked for a motion to open for public comments. Bruce Harris made the motion, and Nick Angarone seconded the motion. All were in favor.

With no further comments from the public, Commissioner Esser asked for a motion to close public comments. Bruce Harris made the motion, and Nick Angarone seconded the motion. All were in favor.

ADJOURNMENT

With no further comments from the Committee or the public, Commissioner Esser asked for a motion to adjourn. The motion was made by Nick Angarone and seconded by Sean Thompson. All were in favor. The meeting was adjourned at 10:46 a.m.

Respectfully submitted,



Donna Rendeiro, Secretary
State Planning Commission
Dated: May 18, 2022

ATTACHMENT A

**NEW JERSEY STATE PLANNING COMMISSION
PLAN IMPLEMENTATION COMMITTEE
ATTENDEES
APRIL 20, 2022**

Rachel D. - NJDA
David DuMont – NJDEP
Matt Baumgardner - NJDEP
Jason Kasler – NJPO
Walter Lane – Planning Director, Somerset County
Rhyan Grech – Pinelands Preservation Alliance
Mark Villinger – Ocean County
K. Sitlick – Morris County, Planning Dept.
Dr. Keisha Cogdell –
Stephanie Farrell – Keith Davidson’s Office
Ruth Foster – NJDEP
Jonathan Sternesky – NJHMFA
Angela