

STATE

STATE PLANNING COMMISSION

Plan Endorsement

Period of Endorsement

Adopted Amendment: N.J.A.C. 5:85-7.21

Proposed: March 4, 2019, at 51 N.J.R. 3(1)

Adopted: May 15, 2019, by State Planning Commission, Melanie Willoughby, Acting Director.

Filed: <DATE>, **without change**.

Authority: N.J.S.A. 52:18A-203

Effective Date: <DATE>.

Expiration Date: <DATE>.

Summary of Public Comments and Agency Responses:

The Commission received written comments from the following individuals and representatives of organizations:

1. Edward Purcell, Esq., DiFrancesco Bateman;
2. Walter Lane, Director of Planning, Somerset County Planning Board;
3. Frank Marshall, New Jersey State League of Municipalities (NJLM);
4. Britta Wenzel, Executive Director, Save Barnegat Bay;
5. Jean Public

COMMENT: The Somerset County Planning Board expressed support for the proposed amendments. The Board agreed that given the time, effort, and expense expended on plan endorsements and center designations, the plan endorsements and center designations should be extended to prevent additional costs. The Board suggested permanent center designations of previously designated centers or a minimum 10-year extension on existing centers.

RESPONSE: The Commission appreciates the support for the State Development and Redevelopment Plan, the Plan Endorsement process, and the work of the municipalities with designated centers. The effort and expense of plan endorsement must be juxtaposed with the impact of failing to re-establish plan endorsements or center designations. Failure to re-establish plan endorsement or center designations may only compound the problem for municipalities as these designations facilitate smart growth in myriad ways, including eligibility for economic incentives and triggering of land use standards. Accordingly, these amendments provide a limited extension to delay the potential incursion of significant costs to impacted municipalities and ensure continuity for businesses in the near-term that are considering economic development and re-development projects while also facilitating smart growth by requiring municipalities to re-establish plan endorsements or center designations.

COMMENT: The NJLM expressed support for the proposed amendments, but suggested that municipalities should have a means to opt out of the proposed extensions.

RESPONSE: The Commission appreciates the support for the State Development and Redevelopment Plan, the Plan Endorsement process, and the work of the municipalities with designated centers. The amendments provide a limited extension to allow municipalities to determine whether to re-establish their plan endorsements and center designations. These

amendments are appropriately limited in scope to delay the potential incursion of significant costs to impacted municipalities and ensure certainty for businesses in the near-term that are considering economic development and re-development projects while also facilitating smart growth by requiring municipalities to re-establish plan endorsements or center designations. If they do not take further action by June 2020, their centers will expire. Creating an opt-out provision is beyond the scope of this rulemaking. However, these amendments do not affect municipalities' ability to modify their existing plan endorsements and center designations pursuant to N.J.A.C. 5:85-7.24 or seek map amendments pursuant to N.J.A.C. 5:85-8.3.

COMMENT: Edward Purcell, Esq., expressed opposition to the extension and suggested that an opt out provision should be added because one of his firm's municipal clients is unable to make certain reasonable zoning changes until its center designation expires.

RESPONSE: The Commission understands that not all municipalities want to continue their center designation. See also response to the preceding comment.

COMMENT: Save the Barnegat Bay expressed concerns that the population in Ocean County has increased by nearly 600,000 over the last 50 years and that the Commission should create a separate designation for Barnegat Bay municipalities to ensure that they work toward adopting better stormwater practices.

RESPONSE: Setting a separate designation for Barnegat Bay municipalities is outside the scope of this rulemaking; however, the Commission looks forward to working with all municipalities to address resiliency, sustainability, stormwater impacts, and water quality concerns through the Plan Endorsement process before re-establishing plan endorsements and center designations.

COMMENT: Jean Public submitted a comment stating that Raritan Township should not be a designated center, because it is not conducive to be a center.

RESPONSE: Raritan Township has not been designated as a center by the Commission.

Federal Standards Statement

N.J.S.A. 52:14B-23 (P.L. 1995, c. 65), require that a State agency that adopts, readopts, or amends rules that exceed Federal standards or requirements include in the rulemaking a comparison with Federal law. The adopted amendments do not cause the rules to, or amend any rule that does, exceed Federal standards or requirements, as there are no Federal standards or requirements. Therefore, a Federal standards analysis is not required.

Full text of the adopted rules follows:

N.J.A.C. 5:85-7.21 Period of endorsement

(a) – (f) (No change.)

(g) Any center with an expiration date on or before December 31, 2019 is extended to June 30, 2020.