



**State of New Jersey**  
DEPARTMENT OF COMMUNITY AFFAIRS  
NEW JERSEY STATE PLANNING COMMISSION  
101 SOUTH BROAD STREET  
PO Box 204  
TRENTON NJ 08625-0204

JON S. CORZINE  
Governor

JOSEPH V. DORIA, JR.  
Commissioner

BENJAMIN L. SPINELLI  
Executive Director  
and Secretary

Resolution No. 2009-02  
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Date: February 18, 2009

**RESOLUTION**

**ESTABLISHING AN INTERIM CENTER IN NEWTON TOWN, NEW JERSEY**

**WHEREAS**, pursuant to the State Planning Act, N.J.S.A. 52:18A-196 et seq. (the Act), the State Planning Commission (the Commission) has prepared and adopted a State Development and Redevelopment Plan (the State Plan) which includes a State Plan Policy Map; and

**WHEREAS**, in adopting the State Plan, the Commission has utilized the concept of centers as the organizing planning principle for achieving a more effective and efficient pattern of development in the State of New Jersey; and

**WHEREAS**, the State Plan identifies five types of centers: Urban Centers, Regional Centers, Towns, Villages, and Hamlets, and sets forth policies regarding the identification, delineation, development and redevelopment of same; and

**WHEREAS**, the Commission is empowered, pursuant to N.J.S.A. 52:18A-203, to adopt rules and regulations to carry out and implement its statutory responsibilities and purposes; and

**WHEREAS**, pursuant to its authority under N.J.S.A. 52:18A-203, the Commission has adopted regulations, set forth in N.J.A.C. 17:32, that establish procedures for filing of petitions with the Commission for the purpose of, *inter alia*, seeking plan endorsement and amendments to the State Plan Policy Map of the State Plan as a means to implement the State Plan and to foster cooperation and coordination of planning activities between State agencies and county and local governments; and

**WHEREAS**, in October 2006, the Commission passed resolution 2006-04 extending deadlines for initial plan endorsement for petitioners interested in continuing to work towards Plan Endorsement conditioned upon entering into a Memorandum of Understanding (MOU) and Action Plan with the Office of Smart Growth for so long as petitioner exerts good faith efforts to work toward Plan Endorsement as determined by the Executive Director of the Office of Smart Growth; and

**WHEREAS**, in October 2007, the Commission adopted Guidelines for pursuing new plan endorsement and authorized submission of amendments to the plan endorsement rules to reflect the requirements of new plan endorsement; and

**WHEREAS**, in June 2008, the Commission passed resolution 2008-07 further extending plan endorsement deadlines for petitioners proceeding with new plan endorsement as authorized pursuant





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to resolution 2006-04, in order to allow planning activities to continue while plan endorsement rules were revised and submitted for review by the Office of Administrative Law; and

**WHEREAS**, Newton has consistently exerted good faith efforts to pursue new plan endorsement, as evidenced by the following:

- January 2007 - Newton performed significant outreach efforts during the preparation of their Urban Design Plan completed January 2007, which was deemed sufficient to justify a waiver of the Visioning Requirements of new plan endorsement
- August 2007 - Newton Town of Sussex County, attended a pre-petition meeting with OSG and representatives of relevant State Agencies, expressing interest in pursuing new Plan Endorsement, including an intention to retain its Regional Center
- August 2007 - Newton Town Council appointed a Plan Endorsement Advisory Committee by resolution
- February 2008 - Newton submitted a Municipal Self-Assessment Report
- August 2008 - OSG submitted a consistency review to Newton
- September 2008 - OSG forwarded draft Action Plan to Newton
- December 2008 - OSG forwarded an addendum to the Action Plan to Newton

**WHEREAS**, Newton has indicated willingness to continue pursuit of plan endorsement, including but not limited to adopting the MOU and Action Plan as agreed to by the Commission; and

**WHEREAS**, the Executive Director has determined that petitioner Newton continues to work in good faith toward plan endorsement and recommends the Commission authorize a map change to designate an interim center for Newton as it continues to exert good faith efforts toward plan endorsement; and

**WHEREAS**, it is the Commission's intention to allow for designation of interim centers for municipalities working in good faith to obtain plan endorsement, as determined by the Commission; and has authorized a plan endorsement rule amendment to reflect same; and

**WHEREAS**, the Permit Extension Act of 2008, has extended a portion of the designated center in Newton;

**WHEREAS**, according to the Office of the Attorney General "Nothing in the Permit Extension Act precludes the State Planning Commission, as part of their consideration of a petition for Plan





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Endorsement or as part of the process of revising and readopting the State Development and Redevelopment Plan itself, from exercising its authority to designate centers or the designation of existing centers"; and

**WHEREAS**, an interim center boundary has been negotiated and agreed upon between the relevant State agencies and petitioner that is more appropriate than the portion of the center that is extended pursuant to the Permit Extension Act without jeopardizing environmentally sensitive areas; and

**WHEREAS**, the negotiated interim center boundary for Newton Town as shown in **Exhibit A** attached hereto:

- is consistent with the intention of resolutions 2006-04 and 2008-07
- will enable the success of incentives in place to promote development in the center (including the Business Employment Incentive Program (BEIP) and the NJ DOT Centers of Place Programs), and
- is consistent with the State Plan, the Permit Extension Act and relevant State agency regulations.

**NOW THEREFORE BE IT RESOLVED**, that the Commission hereby agrees to authorize a map change to reflect the negotiated interim center boundary in Newton Town for so long as petitioner continues to exert good faith efforts to pursue Plan Endorsement as determined by the Commission.

**BE IT FURTHER RESOLVED**, that the members of the Commission and the Executive Director and staff of the Office of Smart Growth are hereby authorized and directed to execute such documents and to take such other actions as may be necessary or appropriate for the implementation of this resolution.

This Resolution was adopted by the New Jersey State Planning Commission Ayes at its meeting held on Wednesday, February 18, 2009. Ayes (10) Kenneth Albert, Elizabeth Semple, Brent Barnes, Monique Purcell, James Souder, Patrick Morrissy, Edward McKenna, Shing-Fu Hsueh, Charles Richman, and Louise Wilson. Nays (0). Abstains (0).

Benjamin L. Spinelli, Secretary  
NJ State Planning Commission





# Town of Newton Interim Center Boundary

1 inch = 1,500 feet  
0 500 1,000 2,000 Feet

