



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
NEW JERSEY STATE PLANNING COMMISSION
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JON S. CORZINE
Governor

SUSAN BASS LEVIN
Commissioner

BENJAMIN SPINELLI
*Acting Executive Director &
Secretary*

**New Jersey State Planning Commission
Minutes of the Meeting Held April 18, 2007
Health & Agriculture Building
Auditorium – 1st Floor
369 South Warren Street
Trenton, New Jersey**

CALL TO ORDER

Ed McKenna called the April 18, 2007 meeting of the New Jersey State Planning Commission to order at 9:44 a.m.

OPEN PUBLIC MEETINGS ACT

Julie Cavanagh, Deputy Attorney General 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

Bernard McLaughlin, Designee for State Treasurer, Bradley Abelow, Department of Treasury
Kenneth Albert, Public Member
John Eskilson, Public Member
Elizabeth Semple, Designee for Commissioner Lisa Jackson, Department of Environmental Protection
Jim Lewis, Designee for Commissioner Kris Kolluri, Department of Transportation
Roberta Lang, Designee for Secretary Charles Kuperus, Department of Agriculture
Marge Della Vecchia, Designee for Commissioner Susan Bass Levin, Department of Community Affairs
Debbie Mans, Smart Growth Ombudsman
Edward McKenna, Jr., Public Member
Thomas Michnewicz, Public Member (arrived at 9:44 am)
Lauren Moore, Manager, Office of Business Advocate & Information, Commerce & Economic
Growth Commission
George Pruitt, Public Member
Louise Wilson, Public Member

Not Present

Robert Bowser, Public Member
Michele Byers, Public Member

Marilyn Lennon, Public Member

Others Present (See Attachment A)

PLEDGE OF ALLEGIANCE

Ed McKenna asked everyone to stand for the Pledge of Allegiance.

CHAIR'S COMMENTS, Edward McKenna, Acting Chair

Chair McKenna acknowledged that he had no other comments at this time expect to congratulate Eileen Swan on her new positions as Executive Director of the Highlands Council and then thanked her for her great leadership as the Executive Director of the Office of Smart Growth. He also welcomed Ben Spinelli as the Acting Executive Director of the Office of Smart Growth.

APPOINT ACTING CHAIR

Chair McKenna asked for a motion to appoint an Acting Chair. Mr. Eskilson made a motion to appoint Ed McKenna and it was seconded by Marge Dell Vecchia. All were in favor.

APPROVAL OF MINUTES

Chair McKenna requested one minor change to the minutes on page two where it said "the following towns have come into or will be coming into the Office for pre-petition meetings, Holland Township, Hunterdon County" he requested to amend the minutes by deleting the words "under court directive to do so." With the change, Chair McKenna asked for a motion to approve the minutes. George Pruitt made the motion and Marge Della Vecchia seconded the motion.

Chair McKenna asked for a roll call vote: Ayes (9) Bernard McLaughlin, Ken Albert, Elizabeth Semple, Roberta Lang, Marge Della Vecchia, Debbie Mans, Edward McKenna, Thomas Michnewicz, George Pruitt. Nays (0). Abstains (4) John Eskilson, Jim Lewis, Lauren Moore and Louise Wilson.

EXECUTIVE DIRECTOR REPORT, Benjamin Spinelli, Acting Executive Director

Ben Spinelli commented that he was excited to be taking Ms. Swan's place and looked forward to working with the Commission.

He reported on the Plan Endorsement process noting that there are currently 14 active pending petitions (12 municipal, 2 regional); 5 petitions have received initial Plan Endorsement to date and that over the past 3 years the office had conducted pre-petition meetings with more than 60 municipalities and regional entities. All of the petitions, with the exception of Holland and Woolwich, are working through an extension or Action Plan towards Plan Endorsement. The next petitions that will require action by the Commission are Stafford and Brick. The Action Plans for Dennis and Middle Township were distributed to the Commission and public for their review and comments since they had been updated and were agreed upon by both municipalities. There were no comments at this time.

At the February PIC meeting, Office of Smart Growth staff made a presentation on Brick's petition for initial Plan Endorsement. The municipality was present at the meeting. At the March PIC meeting, Office of Smart Growth staff made a presentation on the proposed revisions to the Plan Endorsement Process.

Since the last SPC meeting, the Office received a petition for Plan Endorsement from Woolwich Township, Gloucester County on March 30, 2007 and the Office will review the petition for completeness by April 30, 2007. A completeness determination was made on Holland Township's (Hunterdon County) petition. The Office determined that the petition was not complete and identified some preliminary consistency concerns.

Pre-petition meetings were held or will be held with the following towns: Plumsted Township, Ocean County; Bridgeton City, Cumberland County; Dover Town, Morris County; and Carneys Point, Salem County.

Next, Mr. Spinelli provided an update on Cross-acceptance. He explained that the Office had conducted nine public hearings to date which included the following counties: Sussex County, Cumberland County, Passaic County, Cape May County, Gloucester County, Union County, Salem County, Atlantic County and Hudson County. The next three public hearings include: Burlington County on April 18, 2007; Bergen County on May 8, 2007 and Warren County on May 16, 2007. Since the last SPC meeting, staff-to-staff meetings were held with Salem County, Bergen County, Burlington County, Mercer County and Ocean County.

Mr. Spinelli further commented that the Office of Smart Growth staff was also in the process of drafting the update to the State Plan. He explained that there were previous discussions of how the State Plan will resemble the elements of a municipal master plan and that those elements have been assigned to the staff and to the relevant State agencies for their input into the elements. He noted that hopefully by mid-June the Office would be in a position to have something for the Commission to review. He also noted that the staff will be incorporating a lot of the input received from the public meetings and staff to staff meetings.

Chair McKenna thanked all the public members that have been making the public hearings. He also thanked Mr. Spinelli and the staff for their efforts in holding all the meetings and that it has been remarkable. He also noted that it was the Governor's desire and the Commission's desire to move forward. Mr. Spinelli commented he was remiss in not giving enough credit to the OSG staff in driving the meetings forward and for their work in the process.

Mr. Spinelli welcomed new member Louise Wilson, from Montgomery Township. Lastly, he acknowledged the recent promotions of DEP staff members Liz Semple and Ross MacDonald and recognized them on their achievements.

PRESENTATION -- Proposed Revisions to the Plan Endorsement Process – discussion of Draft Rules and Plan Endorsement Guidelines

Tracie Gelbstein and Danielle Stevens gave a PowerPoint presentation on the proposed revised draft Plan Endorsement Guidelines. There was a question and answer period following the presentation. A number of points were raised by Commission members. Commissioner Pruitt questioned whether there was a regional and shared services element to the process; time for completion of process; monitoring of the process; and the life span of the process. Commissioner Eskilson raised concern as to whether there was a rule process for which the State agencies would have consequences if a deadline was not met. Commissioner Wilson agreed that there needs to be benefits and predictability in the process in order for the municipalities to come to the table and understand the process. There was a brief discussion on the Board of Public Utilities rules that afford actual benefits in smart growth areas. A discussion also took place on the approval of waste water and water quality plans taking a parallel track with the Plan Endorsement process. Commissioner Eskilson also identified the issue of defining "public notification" and how that would take place. There were some suggestions for a municipal newsletter, municipal and/or school television channels, and houses of worship.

With no other comments from the Commission members, Chair McKenna opened the floor to public comment on the presentation.

PUBLIC COMMENT ON PRESENTATION

Tim Dillingham, American Littoral Society, commented that he felt the Office was headed down the right road. He noted that the key to Plan Endorsement was integration and that there should be an integration of education. The process should not try to reshape some of the policies already established particularly the natural resource policies and ones embodied in statutes such as CAFRA, Freshwater Wetlands Act, and the Water Supply Act, but it should bring those elements together. Predictability is an important part of the process. He suggested that that Commission ought to look at where the smart growth funding goes and how effectively that has been applied and monitored. He also commented that the process should not be used to try and circumvent other laws including CAFRA and the Wetlands Act.

Dillingham also commented that threatened and endangered habitat is a huge issue in terms of where growth happens and doesn't happen. The Commission needs to keep in mind that the consequences for State agencies have to be structured in a way that respects the laws that they have to operate under because the Commission doesn't have the authority or the discretion to modify them through its processes. He noted that one of the downsides of the MLUL is that conservation is not a required element of the plan. He also commented that as he glanced through the rules there are elements that call for the integration and coordination with programs that are not yet in place, such as a local coastal management planning process or a habitat planning process. How they get fleshed out is an open question.

Lastly, he commented on the public participation. The more the Commission can do to make that more effective and a quality process the more it will pay off. He feels it needs to go beyond requiring more than a couple public hearings by the governing body. He suggested an opportunity for interested parties to register themselves with the process to be notified of actions and then the burden is on that person.

Chris Strum, New Jersey Future, congratulated the Office on the progress of Cross-acceptance. She noted that completing the Cross-acceptance process is going to be the key to the success of the Plan Endorsement process. She also thanked the public members for their participation at the hearings. She explained that she felt the Office was on the right path with the respect to the new Plan Endorsement Guidelines especially with all the attention to public involvement. She was pleased to see that the build-out analysis that needs to be done for endorsement is the same one for COAH and DEP. She expressed that they had some concerns understanding that a lot of the agencies are under budget crunches and planning is the first thing to go. She explained that the process is incredibly resource intensive and it was never going to work unless the State agencies are able to maintain the investment that they are making. She suggested that a message come from the Governor's Office that the Plan Endorsement process is important and agencies need to maintain their investments of time, staff and resources.

She further commented that the draft rules provide that the State Planning Commission reviews whether the petitioner's plan and the proposed PIA are consistent with the State Plan but that a consistent master plan or zoning ordinances do not need to be in place in place to get endorsement. She questioned why they would want a process in place that didn't require a consistent master plan and some basic ordinances. There was a brief discussion on this concern.

Lastly, she noted that New Jersey Future would be doing a better job of getting the word out that the Plan Endorsement process is really starting to work. She suggested OSG issue press releases, newsletters or articles every time a petition is approved, and DCA pressroom become more involved.

Chair McKenna suggested that after Cross-acceptance perhaps some forums and a "road show" be done to get the word out on plan endorsement.

Mike Cerra, League of Municipalities, echoed the congratulations to Mr. Spinelli. He commented that that most of his notes he made have already been address with regard to time tables and benefits. A consequence to the State agencies if they don't act in a timely fashion is a good idea. He feels that in a true partnership there has to be benefits and consequences on both sides. It also has to be taken into account that we are asking taxpayer dollars to be delivered. He asked that as the process evolves that the Commission take a look disincentives to complete plan endorsement; what is in place that might discourage towns from entering the process, such as what the upfront costs are for local governments. There was a brief discussion on how the League might be of assistance in evaluating what the upfront costs are to a municipality.

Candy Ashmun, New Jersey Conservation Foundation, noted that she would be submitting detailed comments and would particularly like to work with OSG on the appendices and how they look in terms of working with a municipality. She noted that she hoped the revisions move forward fast and that the staff has done a tremendous job. She commented that the visioning piece is really important. She noted that on the third page of the guidelines it says that the advisory committee is optional. She suggested that the municipality be mandated to have an advisory committee, small enough to operate but big enough to carry messages back and forth. She also questioned the timetable for moving the new process ahead quickly. There was a brief discussion on the timetable indicating the Office hoped to iron out the guidelines in the next month, so that either May or June they would be up for Commission action. The guidelines would be adopted as new guidelines under the old rule.

Barbara Palmer, ANJEC, commented that she was glad to hear about the progress of Cross-acceptance and Plan Endorsement. She thanked the Office for making the materials available for review prior to the meeting. She noted that she felt that there was too much detail about the process in the revised draft rule and that some of it could be removed and made reference to in the guidelines. She also pointed out that some of the requirements in the draft rules are not completely consistent with the requirements in the draft guidelines right now. She pointed out that the draft guidelines make a lot mention of the action plan where the rules refer to the PIA and that the guidelines ask for annual status reports and the rules say biannual. She commented that ANJEC supports the rule change requiring holding two public hearings during the Plan Endorsement process.

Next Ms. Palmer made some comments on the draft municipal plan endorsement guidelines. In general, she pointed out that there was a lot of detail and explanation about the petition process and the required elements, but the guidelines were missing a concise step by step detail. The draft is also missing a significant link to the State Plan and the goals and policies. She also noted that ANJEC views the NRI and the Recreation and Open Space Inventory as essential elements of an initial assessment. She suggested that they be raised on the list of possible requirements. They also strongly support the requirement for community visioning. However, they are concerned that the municipal requirements be doable and affordable. She noted that a build-out analysis is not easy and that an estimated timeline for the whole process be outlined. She also suggested a waiver provision for items not relevant. She also commented that ANJEC was pleased to see the recommendation for the Plan Endorsement advisory committee. Lastly she noted that she will be sending specific detailed comments on draft guidelines and the draft rule.

Don Kirchoff, New Jersey Conservation Foundation, questioned how the Office was going to do Plan Endorsement when there are 566 municipalities and how will those be prioritized.

Mr. Spinelli responded that has been part of the discussions and that the Pinelands municipalities can be backed out; the Highlands municipalities that are either in the preservation area or choose to go for Highlands conformance can also be backed out bringing the number down. The other side would be

who we encourage to be the first ones to come in. He noted that he feels we wait until the process is in place on how the Office makes those initial public outreach efforts. Mr. Kirchhoff questioned if the Office had the authority to force municipalities to come in for Plan Endorsement. Mr. Spinelli responded that there was no authority, but there were links between other State programs that require municipalities to come in such as the COAH requirement.

Dan McCoy, resident of Salem County, commented the Commission was charged with a big task after listening to the Plan Endorsement presentation. He commented that he appreciates the Commission's efforts to be fair and to include everyone in the process. He noted that the residents of Salem County feel that whatever comes from the environment is very important. However, he feels that requirements must be warranted. He explained that he would like to put a face on the issue and explained the circumstances of his 88-year old mother-in-law's farm. He explained that in the western part of Salem County they were not eligible for farmland preservation and that needs to be changed. Planning Area 5 is a big threat to elderly farmers in Salem County. He thanked the Commission for listening and wished them good luck.

Helen Heinrich, New Jersey Farm Bureau congratulated the work of the Office and for the good planning that will be happening for the agriculture community. Plan Endorsement is good. She suggested that a table of contents be included in the Plan Endorsement Guidelines. She also expressed that the farming community feels that they are not adequately notified and she would like to work with OSG to make that happen. She noted that she did not see anything in the guidelines with regard to public participation. She noted that with respect to the visioning process she has yet to find anyone in the country that knows how to vision for agriculture. Lastly, she commented that in the TDR Act it requires that when a community has their TDR ordinance prepared they have to go through Plan Endorsement. She noted that Woolwich was in the process but there was nothing in the package that says where they were in terms of the TDR.

Laurette Katrina, Somerset County Planning Board, commented that they were grateful for the hard work put into the Plan Endorsement Guidelines and that they were pleased with the direction that Plan Endorsement was heading. She also explained the she understands what the municipalities are concerned about with the costs of Plan Endorsement and the resources involved. However, she sees enormous opportunities for counties and municipalities to work together. She also commented that perhaps creating a matrix where the requirements of municipal endorsement are aligned with the requirements for county endorsement and identifying the cross-over points might be helpful. She noted that Somerset is always an advocate for their municipalities and would like to offer workshops for them. She also suggested that OSG team up with RPA and APA to help educate the municipalities and the consultant community in the Plan Endorsement requirements and that they would be happy to host those types of events.

At this point there was a brief recess.

COMMITTEE REPORTS

Plan Implementation Committee, John Eskilson, Chair

In Mr. Eskilson absence, Chair McKenna reported that that there was no further report to be given.

GENERAL PUBLIC COMMENTS

Budd Harris, Salem County commented on the proposed DEP changes in Salem County (specifically Pennsville, Carney's Point and Oldsman) from PA2 to PA5 and how they were in the designated Smart Growth Corridor. He noted that he felt the Salem County Cross-acceptance hearing held the previous night went very good. He acknowledged that along with him were a number of residents that came to

express similar opposition to the planning area changes. They felt that the change would devalue their land and cripple them as a community.

There was a lengthy discussion between Mr. Harris and the Commission members regarding the residents concerns. It was suggested that the three towns should come into OSG for Plan Endorsement. Liz Semple also commented that the DEP supports OSG and thanked Mr. Harris for his valued comments. She also noted that regardless of the planning area the DEP regulations would still be upheld.

Tim Dillingham, American Littoral Society, commented that they attended the hearing on the previous night and they support the planning area changes. He noted that the SPC most likely designated the areas as PA2 inaccurately last time around. He commented that there needs to be a balance of goals in the State Plan.

There was a brief discussion on the mapping modification process and how it becomes the Commission's final decision. Chair McKenna thanked the representatives for coming up to Trenton and indicated that the Departments of Agriculture and DEP and the SPC will work together in the process and strongly suggested that the towns come in together for Plan Endorsement.

Helen Heinrich, New Jersey Farm Bureau, commented that member Ben Casella was to attend the Salem County public hearing and read a statement on behalf of the Farm Bureau. She noted that the western area is distressed and is trying to do the right thing. She applauded the proposed changes.

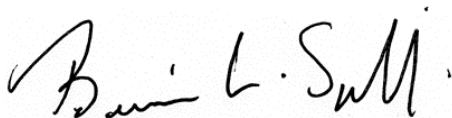
With no further comments from the public Chair McKenna asked for Commissioner Reports.

COMMISSIONER REPORTS

There were no Commissioner reports.

With no further comments from the Commission. Chair McKenna asked for a motion to adjourn, the motion was moved by Liz Semple and seconded by Roberta Lang. All were in favor. The meeting was adjourned at 1:05 p.m.

Respectfully submitted,



Benjamin Spinelli
Acting Secretary and Executive Director