



State of New Jersey

DEPARTMENT OF STATE
NEW JERSEY STATE PLANNING COMMISSION
PO Box 820
TRENTON NJ 08625-0820

CHRIS CHRISTIE
Governor

GERRY SCHARFENBERGER, PH.D.
Director

KIM GUADAGNO
Lieutenant Governor

**New Jersey State Planning Commission
Minutes of the Meeting Held on July 6, 2012
State House Annex, Committee Room 3
125 West State Street, Trenton, New Jersey**

CALL TO ORDER

John Eskilson, Vice Chair, called the July 6, 2012 meeting of the New Jersey State Planning Commission (SPC) to order at 9:30 a.m.

OPEN PUBLIC MEETINGS ACT

Vice-Chair Eskilson 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

Kenneth Albert, Public Member
John Eskilson, Public Member
Monique Purcell, Designee for Douglas Fisher, Secretary, Department of Agriculture
Caren Franzini, Chief Executive Officer, NJ Economic Development Authority
Dominick Fiorilli, Designee for Lt. Governor Kim Guadagno, Department of State
Joyce Paul, Designee for Richard Constable, Acting Commissioner, Department of Community Affairs
(arrived at 9:35 am)
Shing-Fu Hsueh, Mayor, West Windsor, Public Member
Marc Larkins, Chief Executive Officer, Schools Development Authority
Liz Semple, Designee for Bob Martin, Commissioner, Department of Environmental Protection
(arrived 9:36 am)
Thomas Michnewicz, Public Member
Andy Swords, Designee for James Simpson, Commissioner, Department of Transportation

Members Not Present

Edward McKenna, Chairman, Public Member

Others Present

(See Attachment A)

APPROVAL OF MINUTES

Vice Chair Eskilson asked for a motion to approve the Minutes of the April 30, 2012 meeting. Commissioner Purcell made the motion and it was seconded by Commissioner Swords. There were no discussions, comments or changes. All were in favor, no opposed or abstentions. The Minutes for April 30, 2012 were approved.

CHAIR'S COMMENTS

Vice Chair Eskilson had no comments at this time.

DIRECTOR'S REPORT

Director Scharfenberger updated the SPC on the activities of the Office since the last SPC meeting. He noted that the Office continues to work on revising the Draft State Strategic Plan (SSP) explaining that one additional public hearing would be held and at the conclusion of the mandatory 30-day written public comment period the revised SSP would be sent to the SPC for final action. It was also noted that Director Scharfenberger and Deputy Director Dan Kennedy continue to present on the draft SSP at various venues throughout the State.

Director Scharfenberger reported that the State Strategic State Plan Steering Committee had met for the fourth time. The topics of discussion included an update on the final SSP adoption, the SPC Plan Endorsement Schedule, the scheduling of "Kick Off" meetings, the identification of lead agencies for the working groups, an update and description of the roles and responsibilities of the North Jersey Sustainable Communities Consortium and a discussion on the interagency coordination for the Lakewood Township Plan Endorsement petition.

Director Scharfenberger further reported that the Brownfields Redevelopment Task Force has been working with the City of Linden on various brownfields issues and Superfund sites in the Tremely Point redevelopment area, as well as other parts of the City. Other brownfields related activities include updating a Redevelopment Resource Kit to be posted on the OPA website, partnering with Rutgers University to develop a Brownfields Toolkit, coordinating a State/Federal Interagency Workgroup to assist a targeted number of high-value brownfields redevelopment projects and providing continued support to Somerville for their designated Brownfields Development Area. Upcoming Brownfields Redevelopment Interagency Team projects include the Hanover Township/Berlex redevelopment site and the Berkeley Township/Town Center Redevelopment Plan.

The OPA continues to move existing open grants through to completion. Lastly, Director Scharfenberger thanked the members of the Commission, the Administration and State agencies for their continued support, assistance and patience with respect to finalizing the draft SSP. He also acknowledged the residents and organizations that have contacted the office over the last few months and allowed OPA the opportunity to keep them apprised on the progress of the revisions to the SSP.

NEW BUSINESS

Staff Recommendation to Initiate SPC Initiated Map Amendment Process: West Atlantic City in Egg Harbor Township – Atlantic County (Kate Meade)

Ms. Meade indicated that there was an overlap in the presentation for Egg Harbor Township and Edison Township. She noted that the presentation would start with a general overview of the map amendment process, which was the same for both municipalities. She would then proceed with the background information for West Atlantic City, at the conclusion stop for questions and answers and motion from the SPC. She would then move directly to the background information for Edison Township.

Ms. Meade explained that the current SPC rules allow the SPC to initiate Policy Map changes based on limited circumstances. The limited circumstances are based on new information related to the goals, strategies, policies and delineation criteria of the State Plan provided that the new information alters the assumptions that were the basis for adopting the Policy Map initially. She further explained that should the SPC decide to move the process forward, the OPA would prepare the necessary reports and exhibits, which were in draft form, schedule and provide notice of a public hearing in the vicinity of the proposed change. The appropriate notice on the hearing would be distributed to the property owners within 200 feet of the proposed change. Following the hearing, comments would be submitted to the SPC along with an updated report. Then, upon approval by the SPC, appropriate notice would be sent to the New Jersey Register. Ms. Meade noted that since West Atlantic City falls within the Coastal Area Facility Review Act (CAFRA) there would be an additional step, whereby DEP would review the amendment and invoke a change to the impervious coverage per the CAFRA regulations.

Ms. Meade provided a PowerPoint presentation for the proposed map change in West Atlantic City in Egg Harbor Township explaining that the proposed area was currently in a Planning Area 5 and that the proposal was to amend the proposed area to a Planning Area 1. Ms. Meade reported that the proposed change was agreed to during the last round of Cross-acceptance and logged in the Statements of Agreements and Disagreements (SAD) as Issue #20. Ms. Meade also noted that there was Municipal Resolution #2008-415 designating the proposed area as an area in need of redevelopment. The redevelopment area encompasses the proposed change and some additional land which was previously designated as a Planning Area 1. She explained that OPA reviewed the parcels and how the land was assessed (31 lots assessed as vacant, 100 lots assessed as residential, 37 lots commercial and 2 lots as public property).

Ms. Meade explained that the available underlying assumption during the last round of Cross-acceptance indicated that the area was environmentally sensitive and it was subsequently agreed that the planning area would be changed. The current available data disproves the underlying assumption and OPA feels that the area would be more appropriate for development than for preservation. It was also noted that there was a redevelopment project seeking local and State approvals within the proposed area for amendment.

Vice Chair Eskilson asked for questions or comments from the Commission on the West Atlantic City item.

Commissioner Purcell asked for clarification as to whether the Landscape Project was the primary reason of the area being designated a Planning Area 5. Ms. Meade explained that it was assumed that because the area was adjacent to the water that it was environmentally sensitive, she didn't believe that the landscape data was available at the time of the initial classification. Rick Brown, NJDEP commented that initially DEP believed that the area in question was a Bay Island thereby; having great significance in the coastal regulations. Mr. Brown further noted that over time it was demonstrated to the DEP that West Atlantic City was not a Bay Island, thereby proving that the fundamental assumption that triggered the environmentally sensitive ranking for the site was incorrect.

Commissioner Franzini asked for clarification as to whether West Atlantic City would have to go back to DEP for CAFRA to ensure that there was no negative impact on the environment and water. Ms. Meade confirmed that should the SPC approve the amendment, DEP would need to conduct a CAFRA review. Commissioner Semple also noted that DEP staff has already agreed with the change, therefore it would move forward with the CAFRA notice. Commissioner Franzini also questioned whether OPA looks to preserve open space around the water when making changes to land abutting the water.

Ms. Meade explained that a back portion of the site did include some vacant areas that were excluded from the proposed change. Vice Chair Eskilson noted that he felt that land preservation is addressed in the Plan Endorsement process rather than in the map change process. Commissioner Franzini asked whether there were areas that would remain open to waterways/open ways. Ms. Meade explained that

there were areas that were not included in the map amendment and that it would be up to the municipality to determine how the areas are planned for development.

Vice Chair Eskilson asked for comments from the municipality. Peter Miller, Administrator, commented that Cross-acceptance started in 1998, that he has been the administrator during this entire period and that working with staff the last couple of years has been good. He noted that the municipality was very happy to be sitting in the room today and waiting for the SPC to act in an affirmative manner.

Vice Chair Eskilson asked for questions or comments from the public on the West Atlantic City matter. There were no comments from the public.

Vice Chair Eskilson asked for a motion to initiate the map amendment process to change the map from a Planning Area 5 to a Planning Area 1 in West Atlantic City as discussed. Commissioner Purcell made the motion and it was second by Commissioner Michnewicz. There was no further discussion. All were in favor, no opposed or abstentions. The motion carried.

Staff Recommendation to Initiate SPC Initiated Map Amendment Process: Edison Township – Middlesex County (Kate Meade)

Ms. Meade provided a PowerPoint presentation on the potential map change in Edison Township noting that the proposed area was currently in a Planning Area 5 and the request was to amend the area to a Planning Area 1. She explained that the proposed area was listed in the Township's Master Plan as a Warehouse Industrial District and that it currently housed industrial development. It was noted that the OPA believed the proposed area was contained in the draft Wastewater Management Plan, or at least the developable portion of the site. It was further noted that there has been discussions between the DEP and the County on the matter. Ms. Meade continued her presentation by reviewing various maps of the proposed changes.

Vice Chair Eskilson questioned whether the Planning Area 5 designation was related to habitat issues. Ms. Meade explained that it was believed when the area was initially designated that outdated aeriels were used and did not show that development was already present. She further noted that there were 250 acres zoned as light industrial and 319 acres within the Raritan River Revitalization District, located in an Economic Development Area. Ms. Meade further explained that there was a major project within the area that had already received local development approvals and DEP Treatment Works approval.

Lastly, Ms. Meade noted that OPA was recommending that the SPC take affirmative action to initiate the map amendment process.

Vice Chair Eskilson asked for comments or questions from the SPC on the Edison Township matter. There were no comments or questions from the SPC.

Vice Chair Eskilson asked for comments from the public on the Edison Township matter.

PUBLIC COMMENT ON EDISON TOWNSHIP MATTER

Chris Sturm from New Jersey Future questioned whether there was information on the portion of the land that would remain Planning Area 5. Commissioner Semple indicated that the southern portion of the area was a floodway and that the northern portion was habitat and partially wetlands. She explained that proposed area for change to a Planning Area 1 was included in the Middlesex Sewer Service Area, was non-habitat and was elevated out of the floodplain.

With no further comments from the public on the Edison Township matter, Vice Chair Eskilson asked for a motion to initiate the map amendment process modifying the map from Planning Area 5 to Planning Area 1 in Edison Township as discussed. Commissioner Franzini made the motion and it was seconded by Commissioner Michnewicz. There was no further discussion or comments. All were in

favor, no opposed or abstentions. The motioned carried.

Resolution No. 2012-04 Approving the Petition for Plan Endorsement Submitted by the Township of Berkeley and Designating Centers, Cores and Nodes – Karl Hartkopf

Vice Chair Eskilson noted that the Berkeley matter had been considered by the PIC and that the PIC voted unanimously to move the item to the SPC with a favorable recommendation.

Commissioner Michnewicz advised the Vice Chair that he needed to recuse himself from the Berkeley matter.

Mr. Hartkopf noted that he would do a brief introduction to set up the petition and then the municipality's consultant would do a brief presentation, followed by the SADC's Executive Director Susan Payne who would speak about the TDR process. Mr. Hartkopf focused on the items that the town had completed and how those items coordinate with the State Plan. Some of the items that the municipality worked on included implementing a TDR program, passing multiple environmental protection ordinances, preserving over 40% of the municipality for recreation, parks and open space, redeveloping the underutilized Beachwood Plaza, saving tax dollars on infrastructure, creating better zoning that would create a more robust supply of housing, to include multi-family units, in walkable areas.

Mr. Hartkopf explained that the South Brunswick Asphalt brownfield site was going to have a more significant focus within the Township now that endorsement was complete, by way of TDR being a catalyst for redevelopment and making the site economically viable to clean up. He noted that there has already been coordination between the State and county regarding the clean up and discussions regarding the Western Boulevard Access Road taking traffic off Route 9 by allowing access to a second phase of Town Center II.

Mr. Hartkopf highlighted some of the changes to the planning areas and discussed the background on why the changes were being made. Lastly, Mr. Hartkopf noted that OPA was making a positive recommendation that the SPC act affirmatively on endorsement of the Berkeley petition for Plan Endorsement and designated centers, cores and nodes.

Stan Slachetka, Consultant for Berkeley Township provided a PowerPoint presentation on the work and accomplishments of the township with respect to their petition for Plan Endorsement. Mr. Slachetka acknowledged the work of David Roberts, professional planner and his predecessor, in working with the Township and carrying out a tremendous amount of the work which got the Township before the SPC today (Attachment B).

Council President Jim Burns from Berkeley Township read a statement on behalf of Mayor Carmen Amato who was unable to attend the meeting. (Attachment C)

Council President Burns also provided his own comments indicating that the Township was doing its best to clean-up and preserve the Barnegat Bay. For example, a land swap with the Board of Education had just been completed in an attempt to preserve the watershed where some of the areas presented drain directly into the lagoons and waterfronts. The plan would also help the Route 9 problem and the clean-up of the Berkeley Shopping Center. Council President Burns thanked the SPC for its time.

Vice Chair Eskilson thanked the Township for their perseverance with respect to Plan Endorsement process.

Berkeley Township Councilman-at-Large John Bacchione commented that it was his pleasure and honor to address the SPC. He noted that the process began 10 years ago and much effort and consideration had been put forth to date. Further noting that through the careful planning efforts of the Township's professionals, State planning staff and in concert with the leadership of Mayor Amato and the entire Berkeley Township Council the residents of Berkeley Township were assured of a bright

future; a future that addresses housing needs, recreation, open space, land preservation and the redevelopment of retail areas. Councilman Bacchione commented that the proactive planning that Berkeley's petition puts forth will help protect the Barnegat Bay by limiting future growth with an emphasis of promoting growth on currently developed or disturbed areas and reducing suburban sprawl and increasing land preservation through TDR. He noted his full support for the petition for Plan Endorsement. He looks forward to meeting the needs of the residents while protecting the environment but most importantly, Barnegat Bay. Lastly, he thanked the SPC for its consideration on the petition.

Vice Chair Eskilson asked for questions or comments from the members on the Berkeley matter.

Director Scharfenberger noted OPA had received comments from the American Littoral Society on July 3, 2012 and that those comments had been distributed to the SPC prior to the meeting and entered into the public record. (Attachment D)

Commissioner Albert questioned the population projections for the Township. Mr. Slachetka responded that the population was currently a little more than 40,000 and the projections, depending on the methodology used, range from 52,000 to 57,000.

Commissioner Purcell congratulated Berkeley for their hard work. She noted that the plan was very comprehensive, addressed all the goals of the State Plan and feels it is the type of plan that the Commission should be prioritizing from the Statewide perspective especially due to the TDR component.

At this time, Vice Chair Eskilson asked that public comment on Berkeley be held to allow for the representatives of the SADC to provide an update and its relationship to the SPC regarding TDR specific to the Berkeley petition.

Susan Payne, Executive Director of the SADC and Executive Director of the State TDR Bank Board introduced staff members Steve Bruder, Senior Planner and Tim Brill Planning Manager. Ms. Payne noted that Mr. Bruder had been very involved in assisting the State agencies in the review of Berkeley's plans.

Ms. Payne explained that before she started with the State in 2005, she held a position in the planning offices for Burlington County. She noted that TDR started outside of the Pinelands in 1989 with the Burlington County Demonstration Act. The Act, in 1989, included a \$21 million component of bond referendum which capitalized the State TDR Bank. In 1993, the State TDR Bank Act was created, creating the bank itself. In 2004, statewide TDR-enabling legislation was passed. Ms. Payne noted that TDR is a tough planning tool, but was an important and powerful planning tool. She further noted that the SADC has been working with NJ Future and the State agencies to understand how State agencies could help accelerate and advance the implementation of TDR throughout the State.

Ms. Payne explained the four basic functions of the State TDR Bank: Development Potential Purchase, Loan Guarantees, TDR Registry and Planning Assistance Grants. The State TDR bank was set up so that where there was an adopted and operating TDR project the Bank could use its funds to purchase development rights and then resell them. The Bank also provides grants to counties and municipalities to do the same, similar to the Farmland Preservation Program. The difference for TDR is that the development rights can be resold to the private sector and the funding recouped.

The second function of the Bank is to provide loan guarantees provided the property is in a TDR program, the rights to subdivide no longer exist and the property owner has credits. The Bank will then provide a loan guarantee to the lending agency provided the TDR credit is being used as collateral. This, in turn, provides a solid footing for a bank to lend based on the TDR credit value.

The TDR Bank is responsible for keeping a statewide registry of TDR projects. The Bank works closely with municipal representatives to ensure that this function is completed. Lastly, the TDR Bank

provides planning assistance grants up to a maximum of \$40,000 for work related to certain master plan elements required under the TDR Act. Ms. Payne noted that technical assistance is also provided by reviewing TDR documents and providing comments and observations based on previous experiences.

Ms. Payne noted that TDR was a critical tool to help the State accomplish its land use goals, both on the conservation end and the development end. She further noted that TDR was not only zoning, but permanent land conservation. TDR also allows for tapping into the private sector to assist with land conservation.

Ms. Payne highlighted some of the TDR preservation efforts within the Pinelands, Chesterfield Township (Burlington County) and Lumberton Township (Burlington County). Ms. Payne offered the SADC and TDR Bank's help and collaboration with the SPC in making the TDR process a success.

Steve Bruder talked about what was done with respect to the Real Estate Market Analysis (REMA), which was a required element in the State TDR Act. He explained that the REMA was a crucial aspect for setting up a TDR project. Explaining that the REMA looks at land values in the sending and receiving area, the monetary value, the value of what is proposed in the receiving area demonstrating the economic relationship between the sending area credits that are to be derived and the development for the various land use categories in the receiving area. The REMA examines the likelihood that a market will be created to transfer the credit so the TDR program ultimately functions. He further explained that at the end of the process, once the ordinance has been adopted, the State TDR Act requires periodic reviews and allows for additional opportunities for changes provided the assumptions and the REMA have changed or the ordinance needs to be amended. The periodic reviews are done at three years, and five years. The five year review looks to determine if the ordinance is reasonable and whether 25% of the credits have not been transferred. At that point there is an opportunity for the landowners and those involved in the TDR program to go to the township and reassess whether the TDR program was still appropriate. Every five years after that there is additional review. Mr. Bruder noted that the TDR Bank looks forward to working with the Township and that it has been a pleasure working with the township and the OPA staff.

Vice Chair Eskilson asked for questions or comments from the SPC on the TDR Program or how it was being applied in Berkeley Township. There were no comments from the members at this time.

Commissioner Franzini commended the OPA staff and Berkeley Township for 10 years of great work. Commissioner Franzini noted there was discussion on conversions from Planning Area 2 and Planning Area 5 and asked what those totals were and if they were changing with the plan. Commissioner Franzini also questioned the environmental impact in terms of the impervious coverage going from 30% to 80% in the industrial node and Town Center II and whether it had been looked at in totality. Stan Slachetka responded that due to the increase of permitted impervious coverage in the industrial node and core in Planning Area 2 there was a balance as a result of areas changing from Planning Area 2 to Planning Area 5. There was a brief discussion on this issue and what the totals were in terms of acreage.

Commissioner Franzini commented that the DEP Commissioner has been very vocal and clear on Barnegat Bay and wanted to make sure that everything in the proposed Plan Endorsement benefits, or goes toward protecting areas along Barnegat Bay.

Commissioner Semple responded that the number two priority of the DEP Commissioner's goals is to protect Barnegat Bay and to move all of the DEP's programs towards protecting Barnegat Bay. She noted that the department's actions to reinforce Berkeley's Plan Endorsement and its TDR program moving forward would be the adoption of the sewer service area that accommodates the denser growth and the reduction of the sewer service area where there was a Planning Area 5 and a reduction of sprawl. In addition, the CAFRA Center Notice will put in place the impervious cover limits as well as some environmental protection ordinances that will be a requirement of the CAFRA Center

Designation.

She further noted that the CAFRA Rules, mentioning a question in the American Littoral Society's letter to the SPC, were still in place and establishes the impervious coverage limits that are implemented through the CAFRA Center notice and CAFRA program. Further noting that at some point moving forward if there was a shift through the department's implementation plan to implement the State Strategic Plan the department would have to put in place a mechanism to address that change in a different manner.

Commissioner Semple also noted that the challenge and interesting part of protecting the Barnegat Bay is that it needs to be done with the actions Berkeley has already done in identifying the stormwater outfalls, thinking about green infrastructure and ways to have creative and balanced solutions to protecting the environment as well as accommodating humans in the environment.

Commissioner Franzini thanked Commission Semple for her response and was glad to hear the Department's support for the record. She further noted that she felt Berkeley's plan was exactly how development should occur in a smart way with a balance of the environmental community, the development community and provide for development where infrastructure was already in place.

Commissioner Purcell commented that the stormwater outfall project that was presented today was static information. She explained the Soil Conservation Districts and the Department of Agriculture have signed an agreement with the DEP to upload all the stormwater data statewide. It is anticipated that the information on a statewide basis would be available in the Fall and be a valuable planning tool.

With no other comments from the Commission, Vice Chair opened the floor to the public on the Berkeley Township petition.

PUBLIC COMMENT ON BERKELEY TOWNSHIP MATTER

Chris Sturm from New Jersey Future commended Berkeley Township on 10 years of planning and the State agency staff that have been working with Berkeley. Ms. Sturm noted that Berkeley has taken a big picture view and holistic approach to get planning right in their Township. In addition, she noted that the use of TDR was important as it was the first time seeing TDR employed in a redevelopment setting making areas more economically viable while at the same time, preserving plots of remaining forested land. She felt that there were great opportunities for State agencies to continue to work with Berkeley during the implementation phase.

Ms. Sturm noted that the stormwater concerns raised by the increased impervious coverage were legitimate. She explained that the Stormwater Management Rule allowed for green infrastructure, but towns have not been able to receive approval by the DEP. She noted that retrofitting Berkeley's redevelopment sites to use green infrastructure will be complicated and a great opportunity for DEP to provide technical assistance on how to finance green infrastructure as well as provide technical assistance on the regulatory approval process. She recommended that the department, through the CAFRA approval look at Berkeley as a pilot for implementing green infrastructure in the Barnegat Bay Watershed, in addition to the stormwater retrofits that had already been committed to.

Ms. Sturm commented that the second big issue was Route 9. She explained that the DOT had been working on Route 9 for a long time and that Berkeley was going to need help from the DOT, as a partner, not just a regulator. Ms. Sturm further noted that now that the SPC was poised to endorse Berkeley's plan as being everything that it wants to see, it should look at how the State agencies could work as partner with both green infrastructure and Route 9. Lastly, she noted that NJ Future encourages the SPC to lead the way in identifying and strengthening those partnerships.

With no further comments from the public or the Commission on the Berkeley Township matter, Vice Chair Eskilson asked for a motion on Resolution No. 2012-04 Approving the Petition for Plan

Endorsement submitted by the Township of Berkeley and Designating Centers, Cores, and Nodes.

Commissioner Franzini made the motion and it was seconded by Commissioner Hsueh. There was no further discussion, Vice Chair Eskilson asked for a roll call. Ayes: (10) Ken Albert, John Eskilson, Monique Purcell, Caren Franzini, Dominick Fiorilli, Joyce Paul, Shing-Fu Hsueh, Marc Larkins, Liz Semple, Andy Swords. Nays: (0). Abstains (0). The resolution was approved.

PUBLIC COMMENTS

There were no public comments at this time.

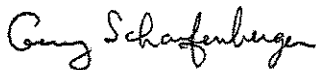
COMMISSIONER REPORTS

Vice Chair Eskilson noted that the Highlands Act states that the Highlands Plan will come to the SPC for endorsement and to his recollection it had not yet happened. He further noted he was aware that it was being looked at and hoped the SPC would be able to collaborate with the Highlands Council in the near future.

ADJOURMENT

With no further comments from the Commission or the public, Vice Chair Eskilson asked for a motion to adjourn. The motion was made by Commissioner Hsueh and seconded by Commissioner Michnewicz. All were in favor. The meeting was adjourned at 11:17 a.m.

Respectfully submitted,



Gerry Scharfenberger, Ph.D.
Secretary, State Planning Commission

Dated: July 10, 2012

Attachment A

NEW JERSEY STATE PLANNING COMMISSION

DATE: JULY 6, 2012


TIME: 9:30 AM

LOCATION: COMMITTEE ROOM 3, STATE HOUSE ANNEX,
TRENTON, NJ

NAME	AFFILIATION
STAN SLACHETKA	T+M ASSOCIATES / BERKELEY TWP.
Peter Miller	Township of Egg Harbor
Helen Horvath	NJ Farm Bureau
Susan Payne	State TDR Bank
Steven Bruder	State TDR Bank
Chris Sturm	New Jersey Future
Sam Olin	T+M Associates, Berkeley Twp?
Councilman James Byrnes	Berkeley Twp
Councilman John Bachione	" "
Fred Eberan	Administrator " "
SUSAN WEBER	NJDOT

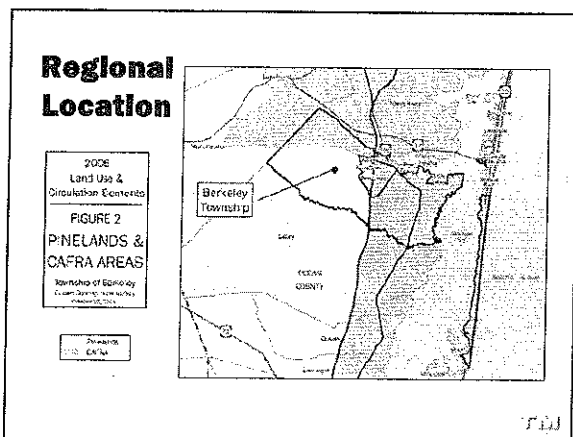
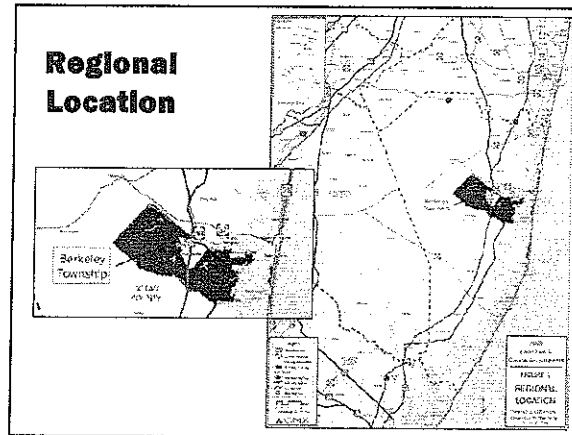
NJ State Planning Commission

**TOWNSHIP OF BERKELEY
PLAN ENDORSEMENT APPLICATION**



July 6, 2012

Stan Slachetka, P.P., AICP
Jim Oris, P.E., CME

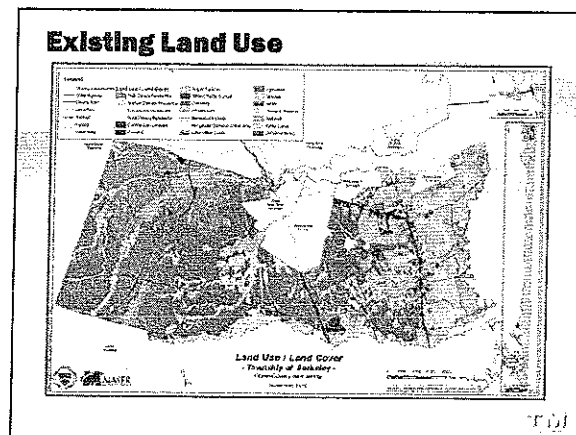


Timeline and History

- Early 2002 – Planning Steering Committee
- 2002 to 2003 – Community Visioning
- August 2004 – Plan Endorsement Pre-petition
- 2004 – 2012 – Completion of Plan Endorsement Application and TDR Program Setup

Why Plan Endorsement is Important to Berkeley's Residents

- Revitalize and Redevelop Route 9 Corridor to improve and diversify available goods and services
- Improve Traffic and Circulation
- Clean up contaminated sites
- Increase Housing Choices
 - Different Types of Housing
 - Range of Affordability
- Protect Environment and Barnegat Bay
- Enhance Quality of Life



Community Vision Statement

- Retrofit existing strip-type development along Route 9 into mixed-use developments
- Promote in-fill development and efficient use of infrastructure
- Promote well-designed town centers as the focus of the Township's growth
- Preserve environmentally-sensitive coastal and undeveloped forest resources
- Maximize circulation and mobility options

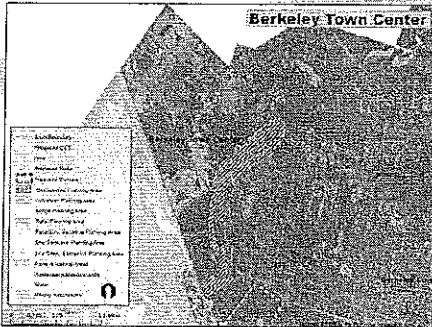
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Components of Plan Endorsement

- Town Center I
- Town Center II – Core
- Light Industrial Node
- Transfer of Development Rights Program
- Planning Area Changes
- Planning & Implementation Agreement (PIA)

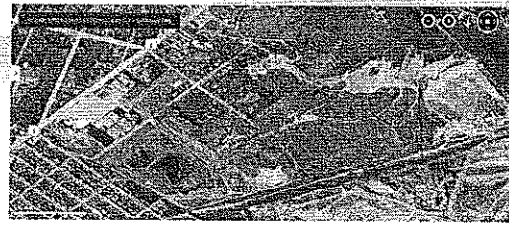
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Town Center I



TMI

Town Center I – Existing Conditions



TMI

Town Center I – Existing Conditions

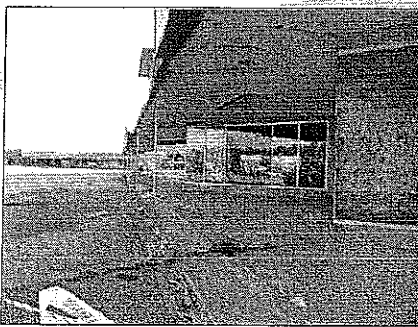
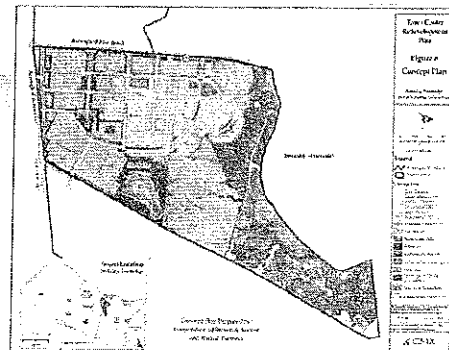


Photo credit: Patricia Miller - Berkeley Patch

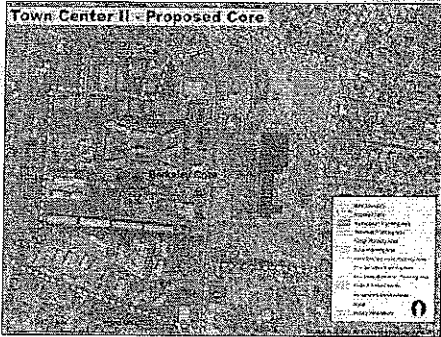
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Town Center I Concept Plan



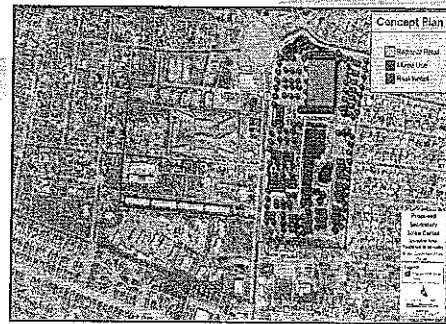
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Town Center II - Core



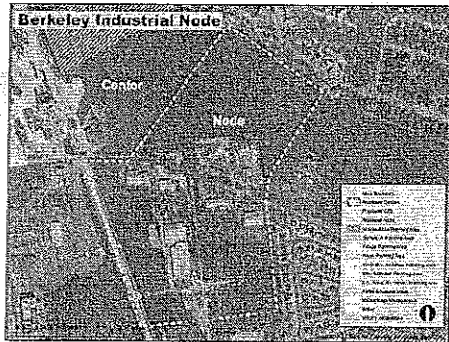
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Town Center II - Core Concept Plan



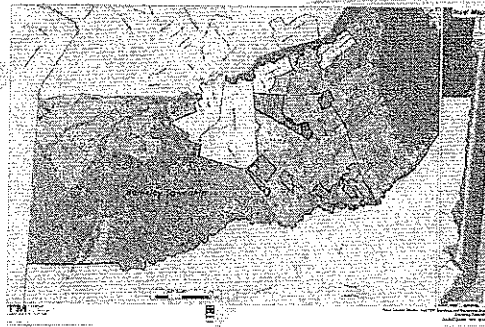
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Light Industrial Node



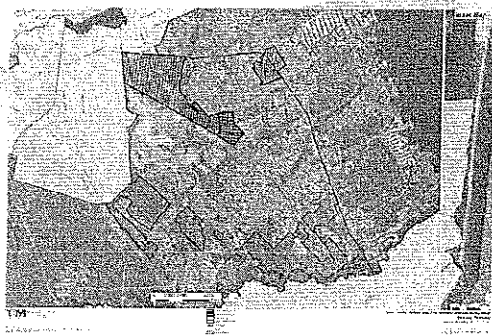
T.M.

Transfer of Development Rights (TDR)



T.M.

Transfer of Development Rights (TDR)



T.M.

TDR Sending Areas

Sending Area	Total Acres	Current Zoning
AA	348	R-150, R-400 & RHB
A	88	CR, R-150 & R-400
B	163	R-150
C	71	R-150
D	170	R-150 & R-400
	840*	
		*Includes parkway and street-fronted parcels

T.M.

TDR Receiving Areas

Receiving Area	Total Acres	Current Zoning	Proposed Zoning
Berkeley Town Center	443	Town Center	Town Center Redevelopment Plan
Town Center 2	92	R-200, R-MF & HB	Town Center 2 Overlay District
Node C	145	CR, R-200, R-400 & CR	Corridor Node Overlay District
Industrial Node	79	Light Industrial	Light Industrial
	760		

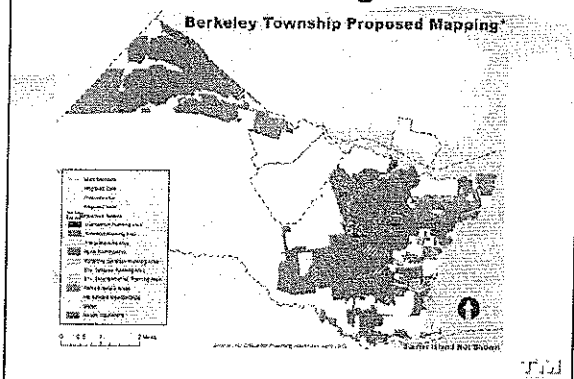
TJL

TDR Receiving Areas

Receiving Area	Townhomes	Duplexes	Multifamily	Commercial Floor Space (sf)
Town Center 1 Phase II	150	62	0	0
Town Center 2	48	12	100	150,000
Light Industrial Node	0	0	0	520,000
Node C	314	300	0	0
Total	512	374	100	670,000

TJL

Proposed State Planning Areas



TJL

Planning & Implementation Agreement (PIA)

- ♦ Sets forth responsibilities of Township and State agencies in implementation of Plan Endorsement
- ♦ General guidelines for implementation
- ♦ Key actions by Township
 - ♦ Adoption of Environmental Ordinances
 - ♦ TDR Element and Ordinance
 - ♦ Monitoring Reports

TJL

Planning & Implementation Agreement (PIA)

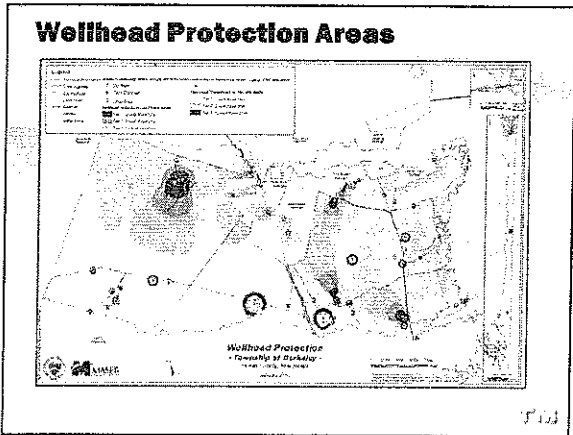
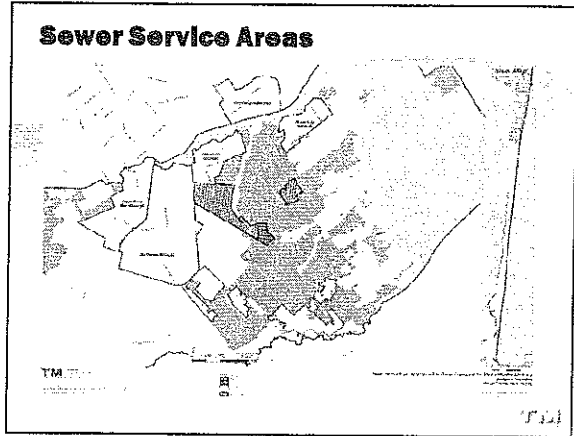
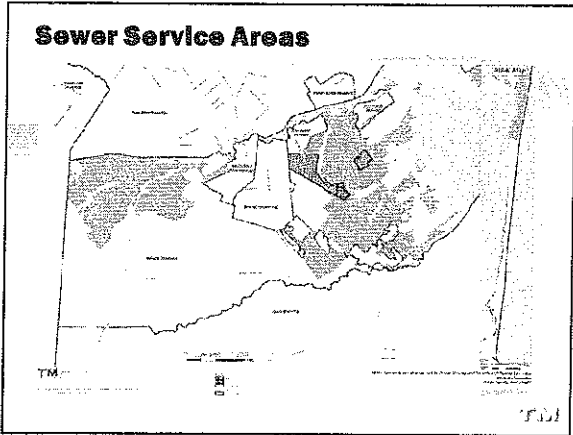
- ♦ Key Actions by State agencies
 - ♦ OPA Notice of Planning Area and Center Boundaries
 - ♦ NJDEP CAFRA Notice
 - ♦ Technical Assistance to Township
- ♦ Key Actions by County
 - ♦ Review of TDR Ordinance
 - ♦ Western Boulevard Extension

TJL

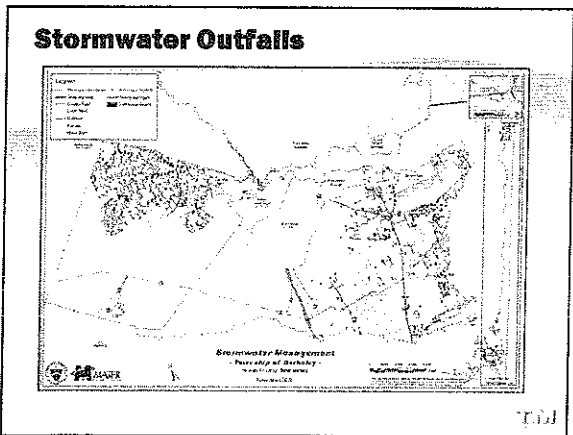
Infrastructure Capacity

- ♦ Sufficient Sewer Capacity to Accommodate Anticipated Growth
- ♦ Water Supply Adequate
- ♦ Road Capacity and Design Improvements
 - ♦ Western Boulevard Extension
 - ♦ Improvements to Route 9
 - ♦ Other Circulation Improvements

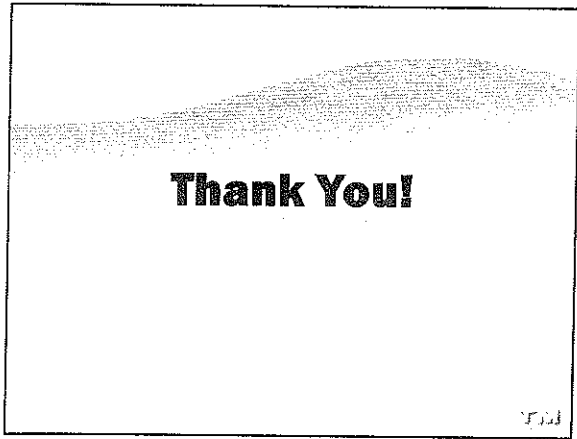
TJL



- ### Protection of Barnegat Bay Watershed
- Reduction of PA-2 Areas proximate to the Bay
 - Stormwater Management Plan – Adopted in 2005
 - Environmental Resources Inventory
 - Water conservation strategies
 - Water quality management



- ### Next Steps – Additional Public Input
- TDR Hearings on TDR Plan Element and Ordinance
 - Western Boulevard Alternative Analysis by County
 - CAFRA Public Notice
 - PIA – Implementation of Plan Endorsement



Attachment C

Carmen F. Amato, Jr.
Mayor

Post Office Box B
Bayville, NJ 08721
732-244-7400



July 2, 2012

Written Comments for New Jersey State Planning Commission Meeting

July 6, 2012

I would like to take this opportunity to thank the State Planning Commission for the opportunity to submit written comments. As you are aware, over the last five years, Berkeley Township has been working very hard to achieve Plan Endorsement and Town Center designation, which will benefit the Township and its residents.

Through Plan Endorsement, Berkeley Township will be able to redevelop stagnant and declining commercial areas in the township; create a vibrant new Berkeley Town Center; bring new jobs and ratable's to the township; provide needed shopping and services for our residents and improve traffic flow along the Route 9 corridor and throughout the township.

This project will also provide new public open space and recreation opportunities for our township and preserve critical environmental resources. Lastly and just as importantly, it will facilitate the clean up environmentally contaminated sites.

Berkeley's plans are consistent with New Jersey's strategic planning objectives and new proposed State Plan which means, direct growth into areas with existing infrastructure and away from critical natural resources, undeveloped land and environmentally sensitive areas; promote redevelopment and infill development; support economic development that benefits regional and statewide goals and objectives and Improve the environment in our precious Barnegat Bay watershed.

One of the most important benefits to the township of plan endorsement is the redevelopment of the Beachwood Shopping Plaza and the creation of the new Berkeley Town Center. The Berkeley Town Center will offer a mix of residential and commercial uses, and an attractive and a vibrant setting for shopping and dining. A preservation area in the southern area of the center would remain undisturbed to protect the wetlands and other natural features found along the Mill Creek, along with a variety of open space and civic spaces to provide recreation and public gathering places, and foremost, the clean up of existing soil and water contamination.

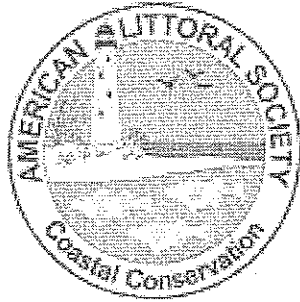
Berkeley Township appreciates the efforts of all those who are involved in this process and it is hopeful we will be entering a new phase - from planning to the actual implementation of the plan.

Very truly yours,

BERKELEY TOWNSHIP

A handwritten signature in black ink, appearing to read "Carmen F. Amato, Jr.", written over a horizontal line.

Carmen F. Amato, Jr.
Mayor



AMERICAN LITTORAL SOCIETY

18 HARTSHORNE DR, SUITE 1, HIGHLANDS, NJ 07732
Phone: 732-291-0055 · www.littoralsociety.org · Fax: 732-291-3551

July 3, 2012

Via Electronic Mail
State of New Jersey
Department of State
New Jersey State Planning Commission
PO BOX 820
TRENTON NJ 08625-0820

Dear Commission Members:

RE: Resolution No. 2012-04 Approving the Petition for Plan Endorsement Submitted by the Township of Berkeley and Designating Centers, Cores and Nodes

These comments follow our previous objections to this petition's approval as presented during our testimony at the Plan Implementation Committee meeting in June regarding the "Draft Report for Plan Endorsement for the Township of Berkeley, Ocean County".

We submit these comments in writing due to this State Planning Commission meeting being scheduled for July 6th, two days after the 4th of July holiday when staff is unavailable to attend in person (as are many members of the public).

In summary, this application for endorsement:

- Does not adequately address the impacts to Barnegat Bay associated with the significant new development proposed;
- Is internally inconsistent and incomplete;
- Leaves significant questions that should be addressed prior to any endorsement unanswered, including State Agency "coastal consistency" determination

The science is clear: Barnegat Bay is dying from years of neglect and overdevelopment of the watershed's lands. Although it is within our organization's ability to present policy, technical stormwater and coastal regulatory testimony on this proposal for endorsement, today's focus is really simply about more common sense.

Governor Christie has implemented a 10-Point plan to protect and restore the Bay.

Unfortunately, the only portion of the plan that can address land use and future development on a watershed basis with a focus on needed Bay restoration and protection -- the Special Area

Management Plan (SAMP) – remains at a standstill. Until this portion of his plan is moving forward none of these proposals for Plan Endorsement in the Barnegat Bay watershed should be moving forward.

Additionally, we have yet to receive a formal explanation from the New Jersey Department of Environmental Protection or this Commission as to how the Coastal Area Facility Review Act Planning Area Mapping will continue under the new strategic planning process which proposes to remove all mapping as mechanisms for identifying and locating differing levels of growth intensities. Therefore, you must also consider the flux of the current State Plan Endorsement process and approvals throughout the coastal zone should not move forward.

Years of stormwater runoff pollution from development and too little fresh water flow to the Bay have caused a scientific condition known as “eutrophication”. This excessive fertilization of the water, caused by anthropogenic nitrogen levels above the Bay’s natural, healthy carrying capacity, creates a cascade of impacts on the life of the Bay, including too much algae, destruction of seagrass beds and stinging jellyfish - all of which harm our enjoyment of the Bay and our region’s economy.

The health of the Bay is crucial to a 3.4 billion dollar shore economy including tourism, boating, fishing and real estate values. The Bay has experienced a reduction of fin fish and shellfish from loss of sea grass habitat. These crashing numbers impact industry and sport.

How can this commission consider an endorsement that does not consider all of the impacts that this level of additional growth will have on Barnegat Bay?

The endorsement proposal contains no examination of the impact to the Bay of the proposed growth and development.

This endorsement is premature on many levels beyond not acknowledging the cumulative impacts on pollutant loads to the Bay. In fact, the petition fails to provide any answers as to how or if all the infrastructure elements required to support the proposal requirements, such as adequate water supply, transportation improvements and wastewater infrastructure will come to fruition –and or at what cost to the taxpayers.

First, this draft report discusses the ‘need’ for the Western Boulevard extension. The comment on page 8 of the report “Our recommendation recognizes Berkeley Township’s efforts over the past decade to direct its destiny by focusing market forces on areas of existing infrastructure and capacity thus preventing the need to build new infrastructure and capacity. We look forward to working with the municipality as it continues to refine its plans and implement them”.

This statement is in direct conflict with the ‘need’ created by this proposal for the extension of Western Boulevard. If this proposal for plan endorsement moves forward, you will have solidified, created and added to the ‘need’ for this road beyond “existing infrastructure and capacity”.

At present time, Ocean County is in preliminary review of the “Western Boulevard Concept Development Study” (a proposed Route 9 alternative roadway) to assess alternative routes, including future ‘No Build’ conditions.

The first public meeting held on June 19th anticipates the “Concept Development Study” for Western Boulevard will provide the ‘final documentation phase’ by February 2013. This study which is yet to be completed for 8 months is a crucial piece to your consideration of this plan today. The stated goal for this transportation infrastructure is “to relieve congestion along Route 9 from Beachwood Borough to Lacey Road as well as to provide motorists alternative routes through the area...establishing a clearly defined purpose and need while minimizing impacts to the surrounding area and costs”.

This concept study proposal only reviews a portion of the proposed development of this plan endorsement petition, i.e. only some of Berkeley’s proposal before you today is taken into consideration for future accommodating transportation needs.

This plan endorsement, at a minimum, should be resubmitted including only the maximum potential future transportation infrastructure currently available, e.g. State Highway Route 9. For this commission to approve anything beyond that is a disservice to an entire region of Ocean County and does not hold true to “areas of existing infrastructure and capacity”.

Second, this draft report finds consistency with the State Development and Re-Development Plan, including Planning Area Changes. As previously mentioned, the future fate of the “State Plan” has not been fully determined and Planning Area Changes are no longer a firm commitment to levels of impervious cover and forest preservation requirements for development proposed in the coastal area. Will municipalities continue to be legally bound by Planning Areas in the coastal zone including impervious coverage limits and forest preservation requirements?

Third, Transfer of Development Rights (TDR) is said to have ‘created a way to shift development away from the remaining forested areas of Pinewald to the underutilized properties along the Route 9 Corridor’. How does the level of development, which necessitates the extension of Western Boulevard, a Route 9 bypass road, benefit the Route 9 corridor underutilized properties?

We do not feel there is adequate documentation of the environmental benefits through this TDR plan. There are 5 sending areas and 4 receiving areas proposed. All the focus of the discussion is placed on the density/intensity potential and REMA outcomes; also a discussion of the municipality’s ability to create “a mechanism for ending the legal mess” which is presumed to refer to unclear title status of affected properties.

Instead of facilitating conservation objectives on a regional basis, the goal of the proposed TDR seems to be only to provide to be sufficient for development to occur. However, with this endorsement, TDR is not a complete guarantee. Development will still occur as endorsed

“centers” or “nodes” will be recognized by CAFRA for an increase for up to 70% or 80% impervious coverage.

Aside from neglecting potentially desirable conservation objectives, the TDR program does not address regional growth management objectives either: 500 acres of the NJ Pulverizing site is NOT included in the sending area equations (due to limits of receiving area to accommodate this quantity of sending area and buildings onsite) but remains vulnerable to development.

Even not taking this large vulnerable area into consideration, still the TDR receiving area could allow 11 million sq feet of additional nonresidential floor area in Berkeley. This is approximately 7-8 big box Home Depot type warehouses in an environmentally sensitive area of the Barnegat Bay. Additionally, the last paragraph on Page 22 of the Draft report addressing the calculations for the NJ Pulverizing site are confusing as written and are not easily discernible in relation to this plan.

The draft report on pages 23-24 makes note of the 5 sending areas which total 840 acres of forested and open lands including Threatened Forest Habitat/Rank 3 and wetlands, but the report does not provide specific quantities of these features or environmental benefits for the public’s consideration.

It is also unclear if all of this proposed sending area’s land is still undeveloped (as this process has taken years and many areas have already been fragmented).

Conversely, the report provides the detailed development that will result from this plan’s approval:

Berkeley Town Center = 443 acres Phase I and Phase II redevelopment plan

- 700 dwelling units and 550,000 sq feet commercial
- Page 26: “Accommodating planned growth within the Town Center will require the extension of Western Boulevard to serve the rear of the site so that anticipated traffic volumes do not add to the already overburdened Route 9 corridor”.

Town Center 2 = 92 acres Proposed CAFRA Core = 80% Impervious Cover

- 158 dwelling units (12 duplexes, 46 townhomes and 100 multifamily) and 140,000 sq feet of retail and 10,000 sq feet of additional restaurant space

Node C = 145 acres

- 73 parcels “Located primarily on the southbound side of Route 9 in the vicinity of Harbor Inn Road... This zone has the potential to become a mixed-use “Southern Village” adjacent to Dudley Park and the Barnegat Branch Trail bike path being developed by Ocean County”. *Harbor Inn Road is located at the northern end*

of Berkeley Township near Ocean Gate and Dudley Park is located at the Southern end of Berkeley Township immediately adjacent to Cedar Creek. This appears to be an error in this report. Please advise on this inconsistency.

- 114 Single res units 147,000 sq ft commercial, (or 300 duplexes, 316 townhouses 147,000 sq feet commercial)

Light Industrial Node = 79.3 acres

- CAFRA Node for increased IC (up to 80% limited by 70% zoning) 241 parcels with 11 owners; existing commercial space is 127,394. Details of future commercial space do not appear to be provided.

TOTAL 759 acres receiving areas for new, high density development

The high amounts of impervious coverage that will follow this endorsement will add significant pollutant loads to Barnegat Bay and should NOT be endorsed at this time.

Further, at the Plan Implementation Committee it was noted that the local water purveyor is not currently capable of providing adequate water supply to support this endorsement. A new well would be necessary and it was stated the approximate cost would be “no big deal, of a couple of million dollars” expense.

No mention of the environmental effects of the additional water withdrawals on baseflow to nearby streams or increases in size of wellhead protection areas of known contaminated areas was mentioned.

In closing we respectfully remind this Commission that an approval of this Plan Endorsement at this time will be repeating the same old land decisions which created the Bay’s problems in the first place. We must begin to regionally protect the land to save Barnegat Bay!

For all of the reasons stated above we believe the Commission must DENY this petition for endorsement at this time.

Thank you for your time and consideration.

Respectfully,

Helen Henderson
Helen Henderson
Policy Advocate

C: Open Letter