



State of New Jersey
DEPARTMENT OF STATE
NEW JERSEY STATE PLANNING COMMISSION
P.O. BOX 820
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PHILIP D. MURPHY
Governor

THOMAS K. WRIGHT
Chairman

SHEILA Y. OLIVER
LT. GOVERNOR

DONNA A. RENDEIRO
Executive Director/Secretary

Resolution No. 2022-05
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Date: June 1, 2022
Patron: Thomas Wright

RESOLUTION
APPROVAL OF MODIFICATION OF TEMPORARY RULE PURSUANT TO EXECUTIVE ORDER NO. 292

WHEREAS, the State Planning Commission's regulation, at N.J.A.C. 5:85-7.21(g) permits previously approved Center designations by municipalities with expiration dates on or before December 31, 2019, to remain in effect until June 30, 2020, and;

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order No. 103 (2020) ("EO 103"), declaring the existence of a Public Health Emergency and a State of Emergency in the State of New Jersey due to the COVID-19 pandemic, and;

WHEREAS, EO 103, authorized state agencies to "waive, suspend, or modify any existing rule, where the enforcement of which would be detrimental to the public welfare during [the] emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary," and;

WHEREAS, on April 15, 2020, the State Planning Commission modified N.J.A.C. 5:85-7.21(g) via Resolution #2020-07, under the authority granted by EO 103, to extend the center expiration deadline and/or endorsed plan expiration date of any center with an expiration date on or before December 31, 2019, to a date not greater than 180 days following the termination of EO 103, and;

WHEREAS, on June 4, 2021, Governor Murphy signed into law P.L.2021, c.103 and issued Executive Order No. 244 (2021), which terminated the Public Health Emergency declared in EO 103, and;

WHEREAS, P.L.2021, c.103 set a revised expiration date for all extensions (including State Plan Center designations, pursuant to N.J.A.C. 5:85-7.21) of January 11, 2022, and;

WHEREAS, on January 11, 2022, Governor Murphy signed Executive Order No. 280 (2022) ("EO 280"), re-declaring a Public Health Emergency and declaring that the State of Emergency declared in EO 103 remains in full force and effect, and;

WHEREAS, on January 11, 2022, Governor Murphy signed Executive Order No. 281 (2022) (“EO 281”), declaring that “[t]he administrative orders, directives, and waivers issued by any Executive Branch departments and agencies in whole or in part based on the authority under the [Emergency Health Powers Act, N.J.S.A. 26:13-1 et seq.] to respond to the previously declared Public Health Emergency presented by the COVID-19 outbreak that are provided in the Appendix to [EO 281] shall remain in full force and effect unless otherwise modified or revoked by the Executive Branch department or agency,” and;

WHEREAS, the rule modification to N.J.A.C. 5:85-7.21(g) was, by way of its inclusion in the Appendix of EO 281, extended through EO 281, and;

WHEREAS, on March 4, 2022, Governor Murphy signed Executive Order No. 292 (2022) (“EO 292”), terminating the Public Health Emergency declared in EO 280, but maintaining the existence of a State of Emergency in New Jersey, and;

WHEREAS, EO 292 further declared that actions taken by any Executive Branch department or agency “in whole or in part to respond to the Public Health Emergency presented by the COVID-19 outbreak, and extended pursuant to [EO 281] . . . including but not limited to any Administrative Orders, Directives, and Waivers, remain in full force and effect . . . until revoked or modified by the department or agency head, or until the State of Emergency is no longer in effect,” and;

WHEREAS, to date, the State of Emergency has not been revoked, and;

WHEREAS, the State Planning Commission wishes to modify its previous modification of N.J.A.C. 5:85-7.21(g), to impose a center expiration date and/or endorsed plan expiration date of July 1, 2022, for those municipalities with a center expiration date and/or endorsed plan expiration date on or before December 31, 2019, that have expressly indicated their intention in writing, to allow their centers and/or endorsed plans to expire, and;

WHEREAS, the State Planning Commission wishes to modify its previous modification of N.J.A.C. 5:85-7.21(g), to impose a center expiration date and/or endorsed plan expiration date of March 31, 2023, for those municipalities with a center expiration date and/or endorsed plan expiration date on or before December 31, 2019, that has not expressly indicated their intention in writing, to allow their centers and/or endorsed plans to expire, and;

WHEREAS, upon due consideration, the State Planning Commission has determined that this further modification of N.J.A.C. 5:85-7.21(g) would not be detrimental to the public.

NOW THEREFORE BE IT RESOLVED, that the State Planning Commission authorizes the termination on July 1, 2022, of Center Designations subject to previous permit extensions, for municipalities who have expressly indicated in writing, their intention to allow State Planning Commission designations to lapse, attached hereto as Exhibit A.

NOW THEREFORE BE IT FURTHER RESOLVED that the State Planning Commission authorizes the termination on March 31, 2023, of all other Center Designations subject to previous permit extensions, in municipalities that are attached hereto as Exhibit B.

NOW THEREFORE BE IT FURTHER RESOLVED that the State Planning Commission authorizes the publication of the Notice of Modification of Temporary Rule (attached hereto as Exhibit C) be published in the New Jersey Register for filing, and;

NOW THEREFORE BE IT FURTHER RESOLVED that the State Planning Commission authorizes the Executive Director to take all actions necessary to effect this resolution, including, but not limited to, providing immediate notification to affected municipalities and State agencies.

I hereby certify that this resolution was
duly adopted by the State Planning Commission
at its meeting on June 1, 2022

A handwritten signature in black ink, appearing to read "Donna A. Rendeiro". The signature is written in a cursive style with a period at the end.

Donna A Rendeiro, Secretary
State Planning Commission
Dated: June 1, 2022

**STATE PLANNING COMMISSION
RESOLUTION #2022-05, EXHIBIT A**

MUNICIPALITIES WITH CENTERS THAT WILL EXPIRE ON JULY 1, 2022

1. Township of Southampton (Burlington County)
2. City of Bridgeton (Cumberland County)
3. Township of Lawrence (Cumberland County)
4. Borough of Hightstown (Mercer County)
5. Township of Robbinsville (Mercer County)
6. Township of Cranbury (Middlesex County)
7. Township of East Brunswick (Middlesex County)
8. Borough of Lincoln Park (Morris County)
9. Borough of Mendham (Morris County)
10. Township of Eagleswood (Ocean County)
11. Borough of Bloomingdale (Passaic County)
12. Borough of Totowa (Passaic County)
13. Borough of Elmer (Salem County)
14. Borough of Far Hills (Somerset County)
15. Township of Franklin (Somerset County)
16. Borough of South Bound Brook (Somerset County)
17. Borough of Hopatcong (Sussex County)
18. Township of Sandyston (Sussex County)
19. Borough of Andover (Sussex County)
20. Borough of Branchville (Sussex County)
21. Township of Montague (Sussex County)
22. Borough of Washington (Warren County)

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MUNICIPALITIES WITH CENTERS THAT WILL EXPIRE ON MARCH 31, 2023

1. Borough of Ridgefield (Bergen County)
2. Beverly (Burlington County)
3. Burlington City (Burlington County)
4. Burlington Township (Burlington County)
5. Cinnaminson (Burlington County)
6. Chesterfield (Burlington County)
7. Delanco (Burlington County)
8. Delran (Burlington County)
9. Edgewater Park (Burlington County)
10. Florence (Burlington County)
11. Palmyra (Burlington County)
12. Riverside (Burlington County)
13. Riverton (Burlington County)
14. Willingboro (Burlington County)
15. Avalon (Cape May County)
16. Cape May Point (Cape May County)
17. North Wildwood (Cape May County)
18. Ocean City (Cape May County)
19. Stone Harbor (Cape May County)
20. West Wildwood (Cape May County)
21. Wildwood City (Cape May County)
22. Wildwood Crest (Cape May County)
23. Gloucester City (Camden County)
24. Commercial Township (Cumberland County)
25. Maurice River (Cumberland County)
26. Millville (Cumberland County)
27. Vineland (Cumberland County)
28. Flemington (Hunterdon County)
29. Borough of Hopewell (Mercer County)
30. Princeton (Mercer County)
31. Borough of Metuchen (Middlesex County)
32. Borough of Milltown (Middlesex County)
33. Township of South Brunswick (Middlesex County)

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- 34. Asbury Park (Monmouth County)
- 35. Atlantic Highlands (Monmouth County)
- 36. Borough of Englishtown (Monmouth County)
- 37. Freehold Borough (Monmouth County)
- 38. Borough of Manasquan (Monmouth County)
- 39. Township of Neptune (Monmouth County)
- 40. Red Bank (Monmouth County)

- 41. Dover (Morris County)
- 42. Morristown (Morris County)
- 43. Borough of Mount Arlington (Morris County)
- 44. Netcong (Morris County)

- 45. Brick (Ocean County)
- 46. Little Egg Harbor (Ocean County)
- 47. Ocean Township (Ocean County)
- 48. Plumsted (Ocean County)
- 49. Seaside Heights (Ocean County)
- 50. Stafford (Ocean County)
- 51. Tuckerton (Ocean County)

- 52. Borough of Haledon (Passaic County)
- 53. Borough of Wanaque (Passaic County)

- 54. Salem City (Salem County)
- 55. Woodstown (Salem County)

- 56. Bedminster (Somerset County)
- 57. Bernardsville (Somerset County)
- 58. Bound Brook (Somerset County)
- 59. Manville (Somerset County)
- 60. North Plainfield (Somerset County)
- 61. Rocky Hill (Somerset County)
- 62. Warren Township (Somerset County)
- 63. Borough of Watchung (Somerset County)

- 64. Sparta (Sussex County)
- 65. Borough of Stanhope (Sussex County)

- 66. Township of Hope (Warren County)
- 67. Township of Washington (Warren County)

STATE OF NEW JERSEY
STATE PLANNING COMMISSION
NOTICE OF MODIFICATION OF TEMPORARY RULE
PURSUANT TO EXECUTIVE ORDERS NOS. 281 AND 292 (MURPHY)
Modification of Temporary Rule adopted by the State Planning Commission
Date: June 1, 2022

Authority: N.J.S.A. App.A:9-45 & App. A:9-47; Executive Order No. 103 (Murphy)("EO 103"); Executive Order No. 281; Executive 292. Effective Date:

This is a modification of a temporary rule of the State Planning Commission at N.J.A.C. 5:85-7.21(g) Section 6 of EO 103, issued in response to the COVID-19 pandemic, authorized agency heads to waive/suspend/modify any existing rule, where the enforcement of the rule would be detrimental to the public welfare during the emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary. Pursuant to that authority, and with the approval of the Governor and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health, the State Planning Commission temporarily modified its rules to allow expiring Commission-designated Centers to remain as designated Centers.

Section 3 of EO 281 provided that certain administrative orders, directives, and waivers, issued by any Executive Branch departments and agencies under EO 103 and the Emergency Health Powers Act to respond to the COVID-19 outbreak and set forth in an appendix to the EO, shall remain in full force and effect unless otherwise modified or revoked by the Executive Branch department or agency. EO 292 terminated the Public Health Emergency but declared that the Executive Branch agency administrative orders, directives, and waivers that had not already been revoked would remain in full force and effect until revoked or modified by the department or agency head, or until the State of Emergency is no longer in effect. After due consideration, the State Planning Commission has determined that the temporary rule should be modified as it is no longer necessary and enforcement of the rule in its original form would no longer be detrimental to the public. Accordingly, the rule at 5:85-7.21(g) shall now be amended as follows:

(g) Centers in municipalities that are subject to extensions, pursuant to Executive Orders 103 and 292 and State Planning Commission Resolution #2020-07 that have expressed written desire not to pursue Plan Endorsement will expire on July 1, 2022. All other Centers that are subject to extensions, pursuant to Executive Orders 103 and 292 and State Planning Commission Resolution #2020-07 will expire on March 31, 2023.

I find that revocation of the temporary rule modification above is necessary because enforcement of the temporary rule is no longer detrimental to the public welfare during this state of emergency.



Thomas K. Wright
Chairman

June 1, 2022