



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

SUSAN BASS LEVIN
Commissioner
EILEEN SWAN
*Executive Director
and Secretary*

Resolution No. 2007-02
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Date: February 21, 2007
Patron:

R E S O L U T I O N

ENDORSEMENT OF THE PETITION FOR INITIAL PLAN ENDORSEMENT OF THE SUSSEX COUNTY REGIONAL GROWTH PLAN

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

WHEREAS, in adopting a State Plan, the State Planning Commission has laid out goals, policies, and objectives for the use of land in the State of New Jersey (including the concept of Planning Areas and Centers as the organizing planning principles for achieving a more effective and efficient pattern of development in the State); and

WHEREAS, the State Planning Commission is empowered, pursuant to N.J.S.A. 52:18A-203 of the State Planning Act, to adopt rules and regulations to carry out and implement its statutory responsibilities and purposes, including establishing a process for the endorsement of municipal, county and regional plans that are consistent with the State Plan; and

WHEREAS, pursuant to its authority under N.J.S.A. 52:18A-203, the State Planning Commission has adopted regulations, set forth in N.J.A.C. 5:85-7.1 et seq., that establish procedures for filing of petitions with the State Planning Commission for the purpose of requesting Plan Endorsement in order that the State Plan and State Plan Policy Map can better serve to foster cooperation and coordination of planning activities between State agencies and county and local governments; and

WHEREAS, the State Planning Commission encourages municipalities, regions, and counties to demonstrate that their plans are consistent with the goals, policies and objectives of the State Plan, thereby rendering their plans eligible for Endorsement by the Commission; and

WHEREAS, on February 27, 2006, Sussex County submitted a petition for Initial Plan Endorsement of its County Strategic Growth Plan to the State Planning Commission; and

WHEREAS, the Sussex County petition for Initial Plan Endorsement of its County Strategic Growth Plan was deemed complete by the Executive Director of the Office of Smart Growth on April 19, 2006; and





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WHEREAS, the Petition, plans and supporting documents were sent to the State agencies represented on the State Planning Commission and were subject to a 45-day review period by the relevant State and Federal agencies pursuant to N.J.A.C. 5:85-7.5(c) and (d); and

WHEREAS, the Staff and Executive Director of the Office of Smart Growth and representative of all relevant state agencies reviewed the petition and supporting documentation filed by Sussex County; and

WHEREAS, ten of the twenty-three municipalities in Sussex County are located within the Highlands Region as defined by the Highlands Water Protection and Planning Act; and

WHEREAS, the State Development and Redevelopment Plan has established the Highlands Region as a Special Resource Area containing regional resources of state-wide significance; and

WHEREAS, the Highlands Water Protection & Planning Council is currently preparing a Regional Master Plan intended to protect and preserve the resources of the Highlands Region which shall have mandatory compliance in the portions of Sussex County within the Highlands Preservation Area and voluntary compliance for portions of Sussex County within the Highlands Planning Area; and

WHEREAS, the research and planning that will support the Highlands Regional Master Plan will be available to inform and support all planning efforts for the portions of Sussex County within the Highlands Region; and

WHEREAS, based upon review of the petition and supporting documents by the Office of Smart Growth, comments received from the relevant State agencies, the Highlands Water Protection and Planning Council and the public, negotiations with representatives of Sussex County and the terms of an agreed upon Planning and Implementation Agreement (PIA), it has been determined that the Petition and proposed PIA, as revised, meets the requirements of N.J.A.C. 5:85-7.1 et seq. for Initial Plan Endorsement; and

WHEREAS, the Staff and Executive Director of the Office of Smart Growth, in a report dated February 6, 2007 to the State Planning Commission, found that the Sussex County Strategic Growth Plan meets the criteria for initial plan endorsement, and recommended endorsement of the Petition and revised PIA as consistent with the State Plan subject to compliance with the terms and conditions of the revised PIA; and

WHEREAS, the Plan Implementation Committee conducted a public hearing on January 24, 2007 with regard to the petition for initial plan endorsement filed by Sussex County; and





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WHEREAS, the Plan Implementation Committee reviewed and considered the petition for Initial Plan Endorsement submitted by Sussex County, the revised PIA, the public comments received at the public hearing and a report from the Staff and Executive Director of the Office of Smart Growth to the Plan Implementation Committee evaluating the petition which has been revised since the public hearing to reflect the concerns of the Committee and the public; and

WHEREAS, the Plan Implementation Committee concurs with the recommendations summarized in the February 6, 2007 Report of the Office of Smart Growth that the Petition is consistent with the State Plan and recommends endorsement of the Petition by the State Planning Commission; and

WHEREAS, the Office of Smart Growth together with the State agencies further negotiated the PIA with Sussex County as a result of comments received from Plan Implementation Committee members, relevant state agencies, the Highlands Water Protection and Planning Council and from the public at the Plan Implementation Committee meeting on January 24, 2007; and

WHEREAS, Sussex County has agreed to the additional revisions of the draft Planning and Implementation Agreement as recommended by the Staff and Executive Director of the Office of Smart Growth; and

WHEREAS, the Endorsement of the Sussex Growth Plan is recognition of the consistency of the County's land use policies with the goals and policies of the SDRP. Endorsement of the County Sussex Growth Plan does not change the State Plan Policy Map in any way. Endorsement does not afford existing designated centers with any recognition or benefits beyond their pre-determined expiration dates, as determined in the State Planning Rules (N.J.A.C 5:85-7.11 et seq.). Furthermore, the Endorsement of the Sussex Growth Plan does not imply official recognition of any proposed future growth areas, and should not be construed to relay any of the benefits otherwise garnered by growth areas in the SDRP. Municipalities in Sussex County must demonstrate capacity for development in centers, as well as the community's overall consistency with SDRP through a petition for Plan Endorsement, and

WHEREAS, the Executive Director of the Office of Smart Growth has recommended approval of the Petition and revised PIA for the reasons set forth in the February 6, 2007 Report from the Executive Director and Staff of the Office of Smart Growth, and

WHEREAS, the State Planning Commission has considered the petition submitted by Sussex County, the revised Planning and Implementation Agreement, the February 6, 2007 Report from the Office of Smart Growth, the recommendations of the Commission's Plan Implementation Committee, comment from all relevant state agencies with regard to the petition, and all of the public comments received by the State Planning Commission with regard to the petition; and





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WHEREAS, the State Planning Commission has determined that the petition for initial plan endorsement submitted by Sussex County with supporting documents, and the revised Planning and Implementation Agreement, is consistent with the State Plan as required by N.J.A.C. 5:85-7.6(c);

NOW, THEREFORE, BE IT RESOLVED, that, the State Planning Commission, pursuant to N.J.A.C. 5:85-7.6(c), hereby endorses the petition for Initial Plan Endorsement of the Sussex County Strategic Growth Plan submitted by Sussex County for the reasons set forth in the February 6, 2007 Report prepared by Staff and the Executive Director of the Office of Smart Growth; and

BE IT FURTHER RESOLVED, that the State Planning Commission hereby authorizes its secretary and principal executive officer, Eileen Swan, to execute the attached Planning and Implementation Agreement; and

BE IT FURTHER RESOLVED, that endorsement of the Sussex County Strategic Growth Plan is contingent upon Sussex County fulfilling the terms and conditions contained in the attached Planning and Implementation Agreement and that Sussex County shall accordingly be obligated to work on and complete the various items in the Planning and Implementation Agreement within the prescribed time periods and to continue to carry out its plans in accordance with the goals, strategies and policies of the State Development and Redevelopment Plan; and

BE IT FURTHER RESOLVED, that Sussex County, in cooperation with the State Planning Commission and Highlands Council, will coordinate, reevaluate and, if necessary, amend its Strategic Growth Plan in consideration of the Regional Master Plan of the Highlands Water Protection and Planning Council when that plan is adopted and in the process of being endorsed by the State Planning Commission; and

BE IT FURTHER RESOLVED, that, in approving the petition for initial plan endorsement submitted by the Sussex County, it is understood that N.J.A.C. 5:85-7.13 provides that the endorsement may be revoked if the State Planning Commission determines that Sussex County has failed to fulfill the obligations contained in or substantially violated the terms of the Planning and Implementation Agreement; and

BE IT FURTHER RESOLVED, that the State Planning Commission and Sussex County have entered into a mutual planning partnership by virtue of the Planning and Implementation Agreement, and therefore it is the obligation of all relevant State agencies to provide the assistance to Sussex County to accomplish the tasks specified in the Planning and Implementation Agreement consistent with statutory and regulatory requirements and to the extent of available resources; and





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BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Governor, the Senate President, the Assembly Speaker, members of the Legislature representing Sussex County, the Sussex County Board of Chosen Freeholders and County Planning Board, the Highlands Water Protection & Planning Council, the governing body of each municipality in Sussex County, the Planning Board of each municipality in Sussex County, the Commissioners and Secretaries of all State Agencies and that notice of this decision be provided as set forth in N.J.A.C. 5:85-7.6(d) and (e).

Certification

This Resolution was adopted by the New Jersey State Planning Commission at its meeting held on Wednesday, February 21, 2007. Ayes: (9) Bernard McLaughlin, Kenneth Albert, Elizabeth Semple, Brent Barnes, Monique Purcell, Marge Della Vecchia, Debbie Mans, Edward McKenna, Thomas Michnewicz. Nays: (0). Abstains: (0).

Eileen Swan, Secretary
NJ State Planning Commission

Dated: February 21, 2007

