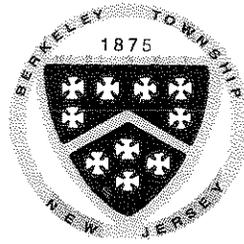


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BERKELEY

TOWNSHIP

January 4, 2010

Donna Rendeiro
Acting Executive Director
Office of Smart Growth
101 South Broad Street
PO Box 204
Trenton, NJ 08625-0204

**RE: Berkeley Township Plan Endorsement
Request for Extension on Adopted Action Plan
Transfer of Development Rights/ Wastewater Management Plan Action Items**

Dear Ms. Rendeiro:

As you know, the Township of Berkeley has adopted the Action Plan approved by the State Planning Commission on 16 September 2009 and filed an executed MOU with OSG. The Township has made an initial submission of Action Plan items on September 30, some of which included action items that were not due until October 30, 2009. However, we have been delayed in our TDR process due to the complexities of balancing the 500 estimated Sending Area Credits by the ambitious amount of preliminary Sending Areas identified on the mapping already provided to your office with the capacity of the Receiving Areas based upon a reasonable level of development for a town such as Berkeley. We have had to increase the number of Receiving Areas and undertake a more detailed level of analysis, including concept planning for Node C, in order to avoid reducing the size of the Sending Areas.

While the foundational analysis and balancing of Sending-Receiving credits in order to generate a Draft REMA has been going on, the Township's Planning Board has had to deal with two major subdivision applications involving properties in Sending Areas A and B. We have managed to work through those applications in a way that will have the least impact on those Sending Areas, but will likely require a modification of the final boundaries of Sending Area B in the TDR Plan Element. That application is scheduled to be decided on 21 January 2010.

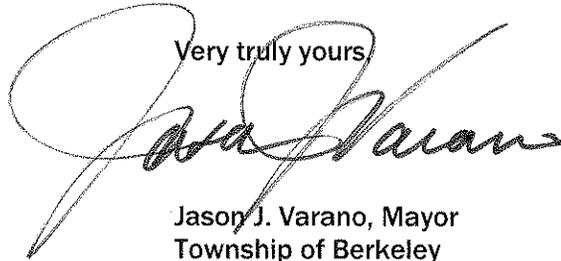
In order to demonstrate the extent to which we have been working with our subconsultant, Urban Partners, in good faith to try to finalize the REMA, Our Township Planner, David Roberts, attached the results of Jim Hartling's latest analysis to his letter to you of 24 December 2009, which was driven by the conceptual build-out scenarios done by CMX in November. Mr. Hartling and Mr. Roberts are now working on to schedule a meeting with the Sending Area property owners in mid January and do a full court press to finalize the TDR Plan Element and related documents by the end of February of 2010.

With regard to the Wastewater Management Plan action item, I am advised by Mr. Roberts that Rick Brown is evaluating the GIS layers for sewer service areas from NJDEP, Ocean County and those we submitted and trying to reconcile them. Mr. Roberts and Mr. Brown agreed to meet at NJDEP to try to hammer out the final boundaries, but the meeting has not yet been arranged. I am hopeful that it will take place in January and that we will have a better idea by then what, if any, other tasks are necessary on the Township's part to satisfy that action item the NJDEP's satisfaction.

Given the above, and based on a consultation between Mr. Roberts and Leigh Jones of your office, I would like to request on behalf of the Township an extension of the remaining Action Items to June 30, 2010 (i.e., 6 months). I seriously expect that we will have provided documents well in advance of that timeframe, but Leigh and I agreed that we should avoid the necessity of requesting a second extension.

Thank you for your attention to this request and best wishes to everyone at OSG and all of the Commissioners for a happy and healthy 2010!

Very truly yours

A handwritten signature in black ink, appearing to read "Jason J. Varano", written over the typed name below.

Jason J. Varano, Mayor
Township of Berkeley

DGR

c: David Roberts, CMX
Township Planner

Leonard Roeber, Esq., Township Administrator

Anthony Mazzella, Planning Board Chairman

Leigh Jones, AICP/PP, OSG