



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
OFFICE OF SMART GROWTH
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Governor

JOSEPH V. DORIA, JR.
Commissioner

BENJAMIN SPINELLI
Executive Director

September 30, 2008

The Honorable Jason J. Varano
Mayor, Township of Berkeley
627 Pinewald Keswick Road
P.O. Box B
Bayville, New Jersey 08721

Re: Berkeley Township Petition for Plan Endorsement – Visioning Waiver Request

Dear Mayor Varano:

The Office of Smart Growth (OSG) is in receipt of the materials that accompany Berkeley Township's request to waive the visioning step of Plan Endorsement. OSG feels it evident that some collaborative work has been done with the community to craft a vision for Berkeley Township's future as provided in the Berkeley Town Center Plan, Revised August 23, 2007. However, substantive changes to the Transfer of Development Rights (TDR) program have been proposed since the revision of this document. Therefore, OSG is willing to grant a *partial visioning waiver*.

The Plan Endorsement process requires that petitioning municipalities hold multiple public visioning workshops to develop their community's vision and two public hearings in which the vision statement derived from the workshops is presented to and commented on by the public. While work has been done to develop the vision, TDR is a sensitive issue in which it is imperative that the public has the opportunity to have their opinions heard. As such, we will require the Township to conduct at least one more public visioning session as to provide the public an additional opportunity to examine the proposed changes. As such, the Township will also be required to conduct the public hearings portion of the visioning step. This will require one public hearing before the Planning Board at which the revised vision statement is presented to the public and approved by the Board and one public hearing before the Township Council at which the revised vision is presented to the public and formally adopted. Naturally, the Planning Board's approval and the Council's adoption of the vision statement will be contingent upon public comment and, as such, modifications may be required.

In order to ensure full participation of all interested parties, the Township shall provide notice in accordance with the newly proposed State Planning Rules, pursuant to N.J.A.C. 5:85-1.7(j), which require at least 10 days advance notice.

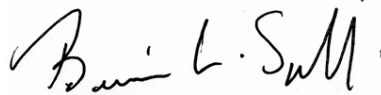
It has also been expressed by the Township's planning consultant, CMX, that for the Township to "undergo visioning again would be a costly and unreasonable burden." As OSG completely understands the financial stress that many municipalities are facing in light of recent events, OSG is offering our services to conduct the visioning at no cost to the Township, with the exception of costs incurred for the noticing requirements. However, prior to conducting such visioning, OSG and our State Agency partners request that a meeting be conducted with the Township and your consultants to review the proposed

changes. OSG and our State agency partners have not received the proposed revisions to the sending and receiving areas for the revised TDR program.

For more information on community visioning, please refer to the Plan Endorsement Community Visioning Standards at <http://nj.gov/dca/divisions/osg/docs/communityvisioningstandards.pdf>. Again, OSG is available for technical assistance with this process.

OSG will be in contact with you to coordinate a meeting to review the proposed changes. In the meantime, please feel free to contact Lorissa Whitaker, Principal Planner within OSG for Ocean County at (609) 633-6314 or via email at lwhitaker@dca.state.nj.us. We look forward to continuing to work with the Township as it pursues Plan Endorsement and further develops its TDR program.

Sincerely,



Benjamin L. Spinelli
Executive Director

BLS:lw

c: David Roberts, Planning Consultant, CMX
David McKeon, Planning Director, Ocean County
Karl Hartkopf, P.P., AICP, Planning Director, OSG
Lorissa Whitaker, Principal Planner, OSG
State Agencies (*via email*)
Berkeley Township Plan Endorsement File
Berkeley Township Smart Future Grant File 2005-99900-0066-04