



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
STATE PLANNING COMMISSION
OFFICE OF SMART GROWTH
PO Box 204
TRENTON NJ 08625-0204

JON S. CORZINE
Governor

SUSUAN BASS LEVIN
Commissioner

BENJAMIN SPINELLI
Acting Executive Director & Secretary

Resolution No. 2007-04
Page 1 of 5

Date: June 20, 2007
Patron: John Eskilson

RESOLUTION

**ENDORISING THE PETITION FOR INITIAL PLAN ENDORSEMENT SUBMITTED BY THE
TOWNSHIP OF BRICK AND DESIGNATING BRICK AS A TOWN CENTER**

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, the Township of Brick submitted a petition to the State Planning Commission on February 15, 2006, pursuant to the provisions of N.J.A.C. 5:85-7.1 et seq., seeking Initial Plan Endorsement of its planning documents, along with the designation of the Brick Town Center; and

WHEREAS, the Petition, plans and supporting documents were received by the State agencies represented on the State Planning Commission pursuant to N.J.A.C. 5:85-7.5(c); and

WHEREAS, working cooperatively with State agencies, the Township of Brick proposes a Town Center of 1.1 square miles; and



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Page 2 of 5

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WHEREAS, the Township of Brick proposes to amend the State Plan Policy Map to align Planning Areas with the proposed center boundaries as well as existing development and natural resources, specifically to change 168 acres of land from Suburban Planning Area 2 to Environmentally Sensitive Planning Area 5; 1,145 acres of land from Environmentally Sensitive Planning Area 5 to Suburban Planning Area 2; and 389 acres of Suburban Planning Area 2, 764 acres of Environmentally Sensitive Planning Area 5 and 20 acres Environmentally Sensitive/Barrier Islands Planning Area 5B to the Parks layer in recognition of existing parks, and

WHEREAS, the net planning area changes amount to an additional 588 acres of Suburban Planning Area 2, 1,741 acres less of Environmentally Sensitive Planning Area 5, 20 acres less of Environmentally Sensitive/Barrier Islands Planning Area 5B, and an additional 1,173 acres of Parks; and

WHEREAS, the Township of Brick also proposes the designation of Critical Environmental Sites totaling 612 acres to cover areas of wetlands; and

WHEREAS, the Executive Director of the Office of Smart Growth deemed the Petition complete on March 14, 2006 and provided public notice of said determination pursuant to N.J.A.C. 5:85-1.7(i); and

WHEREAS, the Petition, plans, supporting documents and the map identifying the proposed boundaries were subject to a 45-day public comment period; and

WHEREAS, the Staff and Executive Director of the Office of Smart Growth reviewed the petition filed by the Township of Brick, as amended, the comments received by the State agency partners and the public and determined that the petition meets the requirements of N.J.A.C. 5:85-7.6 for Initial Plan Endorsement; and

WHEREAS, the Township of Brick has been a cooperative planning partner having entered into a Memorandum of Understanding and Action Plan agreement with the Office of Smart Growth to address consistency items in a specified and agreed-upon period of time; and

WHEREAS, the Staff and Executive Director of the Office of Smart Growth, in a report dated April 11, 2007 to the Plan Implementation Committee, found that the Township of Brick had met the criteria for the designation of the Brick Town Center and the planning area changes, and recommended that the State Planning Commission approve the petition and the revised Planning and Implementation Agreement (PIA) submitted by the Township of Brick as consistent with the State Plan; and

WHEREAS, on April 25, 2007, the Plan Implementation Committee reviewed and considered the petition for Initial Plan Endorsement of the Township of Brick, the State Plan Policy Map



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Resolution No. 2007-04
Page 3 of 5

Date: June 20, 2007
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Amendments, the designation of the Brick Town Center, the Planning and Implementation Agreement, the April 11, 2007 Report of the Staff and Executive Director of the Office of Smart Growth to the Plan Implementation Committee evaluating the petition, and the public comments made regarding the petition; and

WHEREAS, the Plan Implementation Committee concurred with the recommendations summarized in the April 11, 2007 report forwarded by the Staff and Executive Director of the Office of Smart Growth to the Plan Implementation Committee that the Petition was consistent with the State Plan and to designate a portion of Brick Township as a Town Center, to revise planning area boundaries and to create Critical Environmental Sites, subject to the Township finalizing and adopting its master plan and ordinances to provide for a mixed-use overlay zone, streetscape design, protection of riparian buffers and habitat; and

WHEREAS, the Township of Brick has taken a proactive approach to involving the community in the preparation of its various plans through a public participation process performed during the preparation of said plans; and

WHEREAS, the Township of Brick at the time of adoption will have successfully fulfilled the items contained in the Action Plan agreement including the adoption of an updated Master Plan; and

WHEREAS, the Township of Brick's plan is consistent with the goals, policies and strategies of the State Plan including Goal 1 to *Revitalize the State's Cities and Towns*, Goal 2 to *Conserve the State's Natural Resources and Systems*, Goal 3 to *Promote Beneficial Economic Growth*, Goal 5 to *Provide Adequate Public Facilities and Services at a Reasonable Cost*, Goal 6 to *Provide Adequate Housing at a Reasonable Cost*, and Goal 7 to *Preserve and Enhance Areas with Historic, Cultural, Scenic, Open Space and Recreational Value*; and

WHEREAS, the proposed Brick Town Center is consistent with the State Plan criteria for Town Centers as the Township is proposing center-based development that will promote a more compact built environment concentrating uses commonly needed on a daily basis by residents of the Town Center; and

WHEREAS, the State Planning Commission has considered the petition submitted by the Township of Brick, including the revised Planning and Implementation Agreement, the findings of the Staff and Executive Director of the Office of Smart Growth with regard to the petition, the recommendations of the Commission's Plan Implementation Committee with regard to the petition, and all of the comments and written correspondence submitted to the Office of Smart Growth and the State Planning Commission with regard to the petition; and



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Resolution No. 2007-04
Page 4 of 5

Date: June 20, 2007
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WHEREAS, the State Planning Commission has determined that the petition for Initial Plan Endorsement submitted by the Township of Brick, as revised, and including the revised Planning and Implementation Agreement, is consistent with the State Plan as required by N.J.A.C. 5:85-7.6(c); and

WHEREAS, the State Planning Commission has determined it appropriate to approve the amendment of the State Plan Policy Map to designate a portion of the Township of Brick as the Brick Town Center, the proposed planning area changes, as well as the delineation of Critical Environmental Sites within the Center, consistent with the boundaries depicted on the map attached to the Report prepared by the Staff and the Executive Director of the Office of Smart Growth; and

NOW, THEREFORE, BE IT RESOLVED, that, the State Planning Commission, pursuant to N.J.A.C. 5:85-7.6(c), hereby approves the petition for Initial Plan Endorsement submitted by the Township of Brick; and

BE IT FURTHER RESOLVED, that the State Planning Commission hereby affirms and adopts the Plan Endorsement Report of Township of Brick, dated June 8, 2007, prepared by the Staff and the Executive Director of the Office of Smart Growth, together with the map attached to the Report depicting the Brick Town Center, planning area changes, and Critical Environmental Sites; and

BE IT FURTHER RESOLVED, that the State Planning Commission hereby designates the Brick Town Center, the proposed planning area changes and Critical Environmental Sites; and

BE IT FURTHER RESOLVED, so that the State Planning Commission authorizes its secretary and principal executive officer, Benjamin L. Spinelli, to execute the attached Planning and Implementation Agreement; and

BE IT FURTHER RESOLVED, that, in implementing the endorsed plan of Brick Township, the Township is obligated to work on and complete the various items in the revised Planning and Implementation Agreement in a timely manner 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, in approving the petition for initial plan endorsement submitted by the Township, 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 the Township of Brick has either made substantial changes to its endorsed plans or substantially violated the terms of its Planning and Implementation Agreement so that the plans of the Township of Brick are no longer consistent with the State Development and Redevelopment Plan; and



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Resolution No. 2007-04
Page 5 of 5

Date: June 20, 2007
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BE IT FURTHER RESOLVED, that the State Planning Commission and the Township of Brick have entered into a mutual planning partnership by virtue of the Planning and Implementation Agreement, and therefore it is the obligation of the State agencies to provide the assistance to the Township of Brick specified in the Planning and Implementation Agreement consistent with statutory and regulatory requirements and to the extent of available resources; and

BE IT FURTHER RESOLVED, that this endorsement shall take effect upon the passage of the ordinances previously referred to; and

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 the Township of Brick and the Ocean County Board of Chosen Freeholders and Planning Board, the governing body of the Township of Brick, the Planning Board of the Township of Brick, the Commissioners and Secretaries of 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, June 20, 2007. Ayes: (13) Kenneth Albert, Robert Bowser, John Eskilson, Shing-Fu Hsueh, Elizabeth Semple, Jim Lewis, Monique Purcell, Marilyn Lennon, Debbie Mans, Edward McKenna, Lauren Moore, George Pruitt, Louise Wilson. Nays: (0). Abstains: (0).

Benjamin Spinelli, Acting Secretary
NJ State Planning Commission

Date: 6/20/07