



State of New Jersey

DEPARTMENT OF STATE

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**New Jersey State Planning Commission
Minutes of the Meeting Held on January 10, 2018
State House Annex
Committee Room 10, 3rd Floor
125 West State Street, Trenton, New Jersey**

CALL TO ORDER

Chair McKenna called the January 10, 2018 meeting of the New Jersey State Planning Commission (SPC) to order at 9:49 a.m.

OPEN PUBLIC MEETINGS ACT

It was announced that notice of the date, time and place of the meeting had been given in accordance with the Open Public Meetings Act.

ROLL CALL

Members Present

John Eskilson, Public Member (via phone)
Roberta Lang, Designee for Douglas Fisher, Secretary, Department of Agriculture
Maureen Wagner, Designee for Lt. Governor Kim Guadagno, Department of State
Andy Swords, Designee for Richard Hammer, Commissioner, Department of Transportation
Shing-Fu Hsueh, Mayor, West Windsor, Public Member
Ginger Kopkash, Designee for Bob Martin, Commissioner, Department of Environmental Protection (via phone)
Charles McKenna, Chief Executive Officer, Schools Development Authority
Don Palombi, Designee for Charles Richman, Commissioner, Department of Community Affairs (via phone)
Edward McKenna, Chairman, Public Member (via phone)

Members Not Present

Ray Martinez, Chief Administrator, Motor Vehicle Commission
Thomas Michnewicz, Public Member (Resigned effective December 31, 2017)

Others Present

See Attachment A

PLEDGE OF ALLEGIANCE

Chair McKenna asked everyone to stand for the Pledge of Allegiance.

APPROVAL OF MINUTES

Chair McKenna asked for a motion to approve the Minutes of the August 14, 2017 special meeting. Commissioner Lang made the motion and it was seconded by Commissioner Charles McKenna. With no further discussion or questions, Chair McKenna asked for a roll call vote: Ayes: (9) John Eskilson, Roberta Lang, Maureen Wagner, Andy Swords, Shing-Fu Hsueh, Ginger Kopkash, Charles McKenna, Don Palombi, Ed McKenna. Nays: (0). Abstains: (0). The August 14, 2017 minutes were approved.

CHAIR'S COMMENTS

There were no comments from Chair McKenna at this time.

DIRECTOR'S REPORT

Director Scharfenberger reported that since the last State Planning Commission meeting the Office for Planning Advocacy has continued to work on a number of on-going projects. OPA is currently participating in a Joint Land Use Study for Naval Weapons Station Earle in Monmouth County. The study area consists of the property adjacent to the base which falls within the Townships of Colts Neck, Wall, Howell and Middletown and the Borough of Tinton Falls. There are eight additional municipalities considered within the military influence area and they include Atlantic Highlands, Highlands, Eatontown, Farmingdale, Freehold Township, Keansburg, Neptune and Ocean. The main focus of the study is to ensure that development around the base is compatible with the mission of the facility. This is particularly important to help avoid being caught in the next round of Base Realignment and Closures (BRAC) slated for 2019.

In September the BAC worked alongside EDA and Choose NJ on the second Amazon headquarter for the New Jersey proposal. We were contacted by municipalities from every part of the State and eventually narrowed the search down to four that met the criteria set down by Amazon. Of those it was decided that Newark had the strongest offering for the State submission to Amazon. Other municipalities were encouraged to submit proposals on their own. As of this meeting Amazon is still reviewing the nationwide submissions.

The Delaware Valley Regional Planning Commission (DVRPC) Board which OPA, DEP, DCA and DOT are apart adopted a Connections 2045 update to greater Philadelphia's long range plan on October 26, 2017. This plan covers the New Jersey counties of Mercer, Camden, Burlington and Gloucester. The Connections 2045 Plan identifies greater Philadelphia's vision for land use, the environment, economic development, equity and transportation. It also develops strategies to achieve regional goals, contains a fiscally constrained list of regional transportation investments and uses performance based planning to ensure efficient use of resources.

OPA continues to participate in the Fort Hancock Redevelopment Committee the most recent meeting held on January 8, 2018 provided an update on recent proposals from Middletown Township MAST, which is an advanced high school focused on biology and oceanography, and a number of private developers and business. One proposal from one of the local housing authorities would create affordable housing for veterans in a former barracks building.

The most recent Federal and State Brownfield interagency work group (IAWG) meeting was held on October 2, 2017 in Middlesex County. The two presenting municipalities were Perth Amboy and Highland Park. Also included in the meeting was a combined sewer overflow update from Perth Amboy and a tour of several brownfields sites.

The Lacey Township Plan Endorsement continues to progress through the review process. It is hopeful that all the agency revisions will be submitted to OPA shortly and a report will be ready to bring before the PIC in February.

Director Scharfenberger participated in several public forums in the last several months which included a panel at an event entitled "The Future of New Jersey Suburbs" held in May at Monmouth University. The organizers asked that OPA speak about repurposing corporate campuses, infrastructure needs and open space preservation among others. In November, Director Scharfenberger moderated a panel at the League of Municipalities for Sustainable New Jersey on grant funding for municipalities. The session focused on available funding that would help municipalities with projects that would increase resiliency and sustainability in times of limited public funding for capital projects.

The April 20, 2017 BRIT meeting featured Cape May County presenting their plans for the redevelopment of the Cape May Airport. The site is currently an interesting mix of uses, including municipal, manufacturing, retail, a museum in addition to the airport. The Evelon Building is slated for demolition this March, RFPs are going out this week, followed by several other vacant buildings and there are several brownfield areas that will need remediation. The cold weather has delayed road and utility repairs, but is expected to resume in the spring. The Cape May Brewery is currently negotiating to move into a larger space in the airport. The County also plans to build an amphitheater at the site.

Lastly, Director Scharfenberger thanked the member of the Commission, the administration and the State agencies for all of the support and assistance they provided to OPA on the various initiatives.

NEW BUSINESS

Election of Vice-Chair

Chair McKenna nominated John Eskilson to continue to serve as Vice-Chair and Commission Lang seconded the nomination. With no further nominations, Chair McKenna asked for a roll call vote: Ayes: (9) John Eskilson, Roberta Lang, Maureen Wagner, Andy Swords, Shing-Fu Hsueh, Ginger Kopkash, Charles McKenna, Don Palombi, Ed McKenna. Nays: (0). Abstains: (0).

State Planning Commission Subcommittee Reorganization

Chair McKenna moved that the Subcommittee membership remain the same at this time.

PIC Current Membership: John Eskilson, (Committee Chair), Doug Fisher, (Agriculture) Kim Guadagno, Lt. Governor (State), Bob Martin, (DEP), Richard Hammer, (DOT) Ed McKenna, Public

PDC Current Membership: John Eskilson, (Public), Doug Fisher, (Agriculture) Kim Guadagno, Lt. Governor (State), Chuck Richman, (DCA), Bob Martin, (DEP) Richard Hammer, (DOT), Edward McKenna, (Committee Chair)

With no objections, Chair McKenna asked for a roll call vote: Ayes: (9) John Eskilson, Roberta Lang, Maureen Wagner, Andy Swords, Shing-Fu Hsueh, Ginger Kopkash, Charles McKenna, Don Palombi, Ed McKenna. Nays: (0). Abstains: (0).

Resolution No. 2018-01 Approval of Annual Meeting Schedule of the State Planning Commission for 2018

Chair McKenna asked for a motion to approve Resolution No. 2018-01, Commissioner Lang made the motion and it was seconded by Commissioner Hsueh. With no further discussions or questions, Chair McKenna asked for a roll call vote: Ayes: (9) John Eskilson, Roberta Lang, Maureen Wagner, Andy Swords, Shing-Fu Hsueh, Ginger Kopkash, Charles McKenna, Don Palombi, Ed McKenna. Nays: (0). Abstains: (0). Resolution No. 2018-01 was approved.

PUBLIC COMMENT

Michele Donato, Attorney for Fairways at Lake Ridge Homeowners Association in Lakewood, commented that she was there to speak about Lakewood completing the conditions of Plan Endorsement and would like to address the issues of concern and that she requested that the Commission should not have allowed the Lakewood Township Plan Endorsement to move from Conditional to Final. She noted that the Commission did not take formal action, the action was done by staff, and feels that the endorsement should first be determined by the Commission after full review of all of the facts and all the documentation.

Ms. Donato explained that in 2016 the Commission issued a conditional Plan Endorsement for Lakewood Township and that the Plan Endorsement as with others issued by the Commission for other communities, contained a number of specific requirements. She noted that she and her associate were in attendance to address why those requirements have not been met and would like to be certain that the Commission, itself, takes action on whether or not that has taken place, after the full facts can be presented.

Ms. Donato introduced Rob Robison, a planner for the Homeowners Association to present some very specific information.

Rob Robison, nickname being Rob Robison, legal name is Frederick W. Robison a resident of the State of New Jersey commented that being in the room brought back memories of being on the State staff in the Whitman administration. He thanked the Commission for the opportunity to speak on the Lakewood Township Plan Endorsement. He noted that it was fair to say that they appreciate the importance of the planning process and appreciate the role of the Commission. He commented that he recognized through his many years as a city manager and a municipal planner that the Commission was not really the planning cops per say, but that the Commission is entitled to have confidence that the information that which it is making decisions on is both accurate and complete. He respectfully suggested that the decision to issue or what appears to have been the issuing of a Plan Endorsement to Lakewood is neither accurate nor complete. Again, noting that it was not a criticism of the State Commission staff or any of staff of the various State agencies because you can only deal with the information that has been provided to you.

Mr. Robison commented that he had a few examples in support of his plea that the Plan Endorsement either be withdrawn or withheld, indicating that that status of the endorsement was unclear. He explained that in following the website the original date that he saw for the issuance of the Plan Endorsement was October 30th. He wrote to the township administrator at that point to notify him and he was unaware; in fact on October 30th, the date on the website, the master plan had not been adopted, all the required ordinances had not been adopted and to date the required transportation study has not been adopted by the governing body. He trusted that this was just an administrative oversight, as now the date of Plan Endorsement was listed on the website as December 7, 2017. He noted that they felt there were a number of terms and conditions of the extension granted in August that have not been fully met. He feels that the date of Plan Endorsement is a very important date for a host of practical and legal reasons. His first question to the Commission was that if there is an endorsement and what was the date of the endorsement.

Mr. Robison further provided a few examples and noted that he felt it would be appropriate to have additional follow up meetings with the appropriate staff or Commission members regarding the shortcomings and the information provided.

First, Mr. Robison noted that there was a requirement of Lakewood Township to preserve certain lands surrounding tributaries as a part of the conditions of Plan Endorsement. He provided an indication of how the process works in Lakewood; the first reading of that ordinance was in June before the master plan had even been drafted, the second reading was after the master plan had been adopted. There were changes between the first and the second reading. It was the original ordinance that was sent back to the planning

board for the consistency review that is required by state law. He feels that we have the cart in front of the horse here, which is not the fault of the state agencies or the Commission. Incidentally, while the action of preserving the land around certain tributaries appears to have been addressed to some extent the master plan now allows for private developers to use that land which was set aside in the public interest in the credit of their open space requirements as they develop other properties. The net result is significantly higher density in actual areas where the property is physically being constructed. He expressed his trouble in understanding morally and legally how a developer can use publically owned lands to his benefit and to his profit.

Next, Mr. Robison noted that there was a requirement for a traffic study. He explained that there were significant efforts to suggest that the retained firm would be available for consultation with various community groups. As the project coordinator for the Fairways at Lake Ridge, a 1,125 home age restricted community; the requests to meet with the retained professional were not honored. Fairways at Lake Ridge is in the southwest portion of Lakewood, the only area remaining to be developed in the community, so the traffic impact and the study are relevant to us and those conducting the traffic study should reach out to us. He also commented that that the draft of the study that has not been approved by the township committee calls for a traffic light on an intersection with a road that the homeowners association owns and is not a public road. He thinks this ties directly into a significant development proposal in the southwest center of Lakewood.

He noticed that in the checklist and understands that not every element on the checklist is applicable to every Plan Endorsement application, that one of the typical items is a Conservation Plan and Natural Resource Inventory. In 1997, as a term and condition of the CAFRA permit to develop what is now the Fairways at Lake Ridge Homeowners Association and Eagle Ridge Golf Course a significant number of acres, which he believed the number to be 43 acres, had to be set aside as a deed restricted tree save area, which is an enforcement action and it is not included anywhere in the master plan. Similarly there is a requirement for a Recreation and Open Space Inventory, there are three privately owned golf courses covering hundreds of acres of land and not one of which is mentioned in the master plan. There is a requirement for the Resource Protection Ordinances, there was a request that even though the lands of the Eagle Ridge Golf Course are deed restricted that they be included in the protection ordinances and that was not done.

Chair McKenna commented that he was having difficulty hearing Mr. Robison and it was very possibly because a number of members that had called into the meeting. Chair McKenna asked what the status was of the Lakewood Township Plan Endorsement.

Director Scharfenberger responded because the deadline for the extension was approaching he had written a letter stating that Lakewood had met the criteria. He explained that there had been weekly phone calls with DEP and acknowledged that Ms. Kopkash did a great job of keeping on top of Lakewood to make sure that they kept up with the requirements that were set forth. Therefore, it was felt that they met the criteria that had been set forth. Commissioner Kopkash clarified that she made an effort to make sure the items that the DEP was most concerned were being met and that there were quite a number of items on the list and those were up to others to pursue. Director Scharfenberger concurred that Ms. Kopkash was charged with the DEP portion of Plan Endorsement.

Chair McKenna expressed that he was having tremendous difficulty hearing the presentation and apologized to Mr. Robison and Ms. Donato to not having the benefit of hearing the matter in person. He acknowledged the importance of the issue and offered an alternative attempt to make a judgment on the matter since he was at a disadvantage of not being able to hear what Mr. Robison was saying in its entirety. Chair McKenna suggested that he would prefer that the Commission address this matter at its next scheduled meeting as opposed to today when a number of members had called in and were having significant trouble hearing all of the presentation. Vice-Chair Eskilson also expressed that he was having

trouble hearing and requested that the matter be heard at the next meeting.

Chair McKenna asked the Commission members what their pleasure was, and again noted that he could not understand the basic premise that Mr. Robison is speaking without the benefit of hearing all his presentation and felt he was at a disadvantage.

Ms. Donato, commented that she very much appreciated Chair McKenna's position on this and we would be pleased to come back.

Chair McKenna, asked that Ms. Donato and Mr. Robison to revisit this issue with the Office for Planning Advocacy staff and then the Commission could schedule a time to address whatever issues may exist at that time, again stressing that it was only because of the difficulty in hearing everyone. Chair McKenna asked for a motion to adjourn the meeting.

Ms. Donato commented that her only concern was that they understood that Dr. Scharfenberger had already issued a letter indicating that the Plan Endorsement conditions and the PIA have been resolved and they are firmly committed to the fact that this is not case. She requested that there be a rescission of the Plan Endorsement with the understanding that we are going to come back coconsciously and address everything with you. Otherwise, she has a timing problem.

Chair McKenna commented that he would ask that Director Scharfenberger reach out to Ms. Donato as well as to Mr. Robison and try to address those issues separately. Chair McKenna questioned Director Scharfenberger if there was a timing issue involved. Director Scharfenberger questioned if he meant a timing issue as far as the next meeting? Chair McKenna responded that there are apparently some objections to the letter that you produced, can the OPA have conversations directly with the parties and report to us at the next meeting.

Director Scharfenberger commented that he would have to get the thoughts of the DAG and what can be done at this point. DAG DiPippo commented that she could not provide advice on the record and the discussion would have to take place separately. Director Scharfenberger noted that he would have to research what the options were after the meeting, rather than be inaccurate or not according to the regulations.

On that note, Chair McKenna commented that with the swearing in of the new governor he hoped that state planning takes an greatly elevated role in the future of the State and looks forward to working with Governor Murphy in that regard. He wished everyone a healthy and happy New Year.

Chair McKenna asked for a motion to adjourn.

Ms. Donato thanked Chair McKenna for the motion to adjourn, but expressed that she felt very uneasy about the idea that there was a decision dated December 7, 2017 and noted that she did not want to have to be forced to file an appeal. She commented that they support the Commission 100% in terms of its planning goals and it was one of the reasons that they attended the meeting. She stressed that she did not want to have an appeal period triggered when she knows that the Commission wants to do the right thing. She suggested that there be some kind of acknowledgement that the decision was not final and that there are issues that need to be presented, so that she was not then faced with what would be an obligation to appeal the decision of the Commission. Appealing was something that they did not really want to do because she feels that once the facts are presented the Commission will understand where they are coming from.

Commissioner Charles McKenna commented that based upon what he was hearing today it sounded like the Commission needed to look in to the matter. However, he noted that the board has made a decision

and did not know that based upon someone coming in and making allegations that he would be in a position to back off on the decision.

Ms. Donato commented that the Board did not make a decision; which she feels is the issue, the decision was done by staff and not even reported in the Director's report.

Commissioner Charles McKenna questioned if Ms. Donato and Mr. Robison could meet with staff and try to work something out.

Chair McKenna commented that there was no formal action on the agenda for the Commission to take at this time and it would be inappropriate at this moment. He noted that if Ms. Donato and Mr. Robison want to continue to deal with the Office for Planning Advocacy that would be fine and if and when they wanted to come back to Commission that was fine also. He explained that from what he was hearing there are legal issues that need to be researched and he was not prepared to engage in a conversation telephonically based on what he was hearing at the present time. Lastly, Chair McKenna commented that he understands and hears the concerns of Ms. Donato and Mr. Robison and acknowledged in the minutes. However, he felt there was not anything that the Commission can or should be doing at this moment.

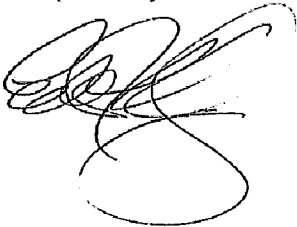
Ms. Donato expressed that she understood, but felt that Mr. McKenna's comment was generated by the statement from Mr. Ableman that indicated that action by this Commission was not necessary in order to say that the conditional Plan Endorsement had been satisfied. She noted that Township of Tom Rivers has very adamantly and carefully outlined these issues as well. She further commented that she was comfortable with idea that the Commission should be making the decision, which is one of the reasons why they appeared today, they don't think it should be something that should just be done by staff; there are some very major issues here. Lastly, noting that she would like to meet with staff on this, but there is confusion as to whether or not action by the Commission was necessary, which she believes is the case and that it should not just be done by a letter that hasn't been approved or reviewed.

Chair McKenna commented that the Commission would follow the advice of the Deputy Attorney General which would be presented to the Commission at the next meeting.

ADJOURNMENT

With no further comments from the Commission or the public, Chair McKenna asked for a motion to adjourn. The motion was made by Commissioner Lang and seconded by Commissioner Charles McKenna. All were in favor. The meeting was adjourned at 10:21 a.m.

Respectfully submitted,



Chair, New Jersey State Planning Commission

