



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS
STATE PLANNING COMMISSION
OFFICE OF SMART GROWTH

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Governor

SUSAN BASS LEVIN
Commissioner

EILEEN SWAN
Executive Director & Secretary

**Atlantic County Cross-acceptance III Public Hearing
New Jersey State Planning Commission
Minutes of the Meeting Held January 29, 2007
Atlantic County Institute of Technology (ACIT)
5080 Atlantic Avenue
Mays Landing, New Jersey 08330**

WELCOME & INTRODUCTIONS

Eileen Swan, Executive Director and Secretary, called the January 29, 2007 meeting of the New Jersey State Planning Commission to order at 7:40 p.m. Ms. Swan proceeded to introduce the State Planning Commission (SPC) members in attendance. Marge DellaVecchia, State Agency Representative and Edward McKenna, Jr., Local Government Representative (public member) attended on behalf of the SPC. Ms. Swan then introduced Atlantic County Planning Department staff in attendance. John Peterson, Deputy Planning Director and Shawn Smith, Geographical Information Systems (GIS) Specialist attended on behalf of the Atlantic County Planning staff. Ms. Swan then introduced staff attending on behalf of the Office of Smart Growth (OSG) and OSG's State Agency partners. The following people were in attendance on behalf of OSG: Benjamin Spinelli, Chief Counsel; Barry Ableman, Principal Planner and Lorissa Whitaker, Area Planner. The following people were in attendance on behalf of OSG's State Agency partners: William S. Purdie, New Jersey Department of Environmental Protection (NJDEP); Roberta Lang, New Jersey Department of Agriculture (NJDA); and Susan Weber, New Jersey Department of Transportation (NJDOT).

OPEN PUBLIC MEETINGS ACT

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

PLEDGE OF ALLEGIANCE

Ms. Swan asked everyone to stand for the Pledge of Allegiance.

OVERVIEW OF ATLANTIC COUNTY CROSS-ACCEPTANCE & THE STATE PLAN

Benjamin Spinelli, Chief Counsel for OSG provided an overview of the third round of the Cross-acceptance process. Mr. Spinelli provided that Atlantic County was the first to conduct a public hearing for the third round of the Cross-acceptance process. This dialogue included a breakdown of the issues that were discussed at the internal, interagency and staff-to-staff meetings, as it relates to Atlantic County. Mr. Spinelli also discussed the revisions to the State Development & Redevelopment Plan (State Plan). Mr. Spinelli stressed the importance of the policies and goals of the State Plan. The recent Plan Endorsement revisions were also discussed.

ATLANTIC COUNTY CROSS-ACCEPTANCE REPORT PRESENTATION

John Peterson, Deputy Planning Director provided an overview of the third round of the Cross-acceptance process for Atlantic County. Mr. Peterson went on to acknowledge and thank the 17 participating municipalities, as there are 23 total municipalities within Atlantic County. Mr. Peterson addressed several issues that the County had concerns with, as it relates to the State Plan. The first issue brought up by Atlantic County addressed the Statewide Policy Issues document. Mr. Peterson provided that OSG and the SPC disagreed to 65% of the Statewide Policy Issues. Mr. Peterson stressed the disconnect between what county- and municipal-level governments want and what the State wants, therefore recommending that stronger inter-governmental communication occur.

The second issue raised by Atlantic County stressed that the State Plan was never intended to be a regulatory document. There are concerns that the State Plan Policy Map (SPPM) has made this document and process regulatory because of the links to certain State permitting offices and regulatory programs. Mr. Peterson stressed that the State Plan should be used as a guidance document to direct redevelopment and economic development.

The third issue raised by Atlantic County stressed that resource allocations are scarce for southern New Jersey, especially Atlantic County. Atlantic County stressed that the State Plan is an urban plan for urban areas. Mr. Peterson suggested that the State Plan should provide more flexibility to non-urbanized areas.

Mr. Peterson also acknowledged the efforts of OSG in that OSG recognizes the connection and significance between school-costs and land use. OSG has agreed that these issues will be addressed and identified in the new State Plan.

Atlantic County provided that the State needs to provide a set of rules for certain processes and adhere to them. Atlantic County was troubled by the July 19, 2006 SPPM changes, as well as to changes to the Cross-acceptance process.

Atlantic County then maintained that the State has yet to provide any benefits, whether these benefits are provided through funding or expedited review, for participating in or adhering to smart growth principles.

Lastly, Atlantic County is concerned with how infrastructure planning has been affected by having large portions of the County being within the jurisdiction of the Pinelands and within the Coastal Area Facilities Review Act (CAFRA). Mr. Peterson stressed that stronger inter-governmental cooperation needs to occur between the Pinelands Commission and the State Agencies involved in the permitting process, especially the NJDEP.

PUBLIC COMMENT

Commenter 1: Mr. Ralph Laks of Ralph Laks Builders provided comments specific to a project that his company is building in Buena Borough. Mr. Laks maintains that the property in question is, in fact, sewered and that the new map shows this area as being non-sewered. He believes that an error in digitizing has occurred. Mr. Laks provided that the project has received all of its approvals and has the go-ahead from the area's Municipal Utilities Authority (MUA).

Commenter 2: Mr. Larry Waetzman is a planner that represents Mr. Laks' company and project (Commenter 1). Mr. Waetzman stated that Buena Borough Center is no longer on the map. OSG provided that Buena Borough was designated in the 2001 State Plan as a proposed Town Center and that only SPC designated centers and endorsed plans will be identified in the new State Plan and SPPM. Mr. Waetzman went on to explain the sewer service area discrepancy along Wheat Road in Buena Borough (see Commenter 1 comments).

Commenter 3: Mr. Edward Einhorn spoke about a project that his company, Einhorn Construction, LLC, is undertaking and that the project is consistent with the economic development principles outlined in the State Plan.

Commenter 4: Mr. Matt Ecker spoke on behalf of Buena Borough. Mr. Ecker stated that the Borough needs to provide the State with updated mapping to reflect that the Borough is currently sewered and has public water. Those portions with infrastructure should be part of a center. Mr. Ecker will be providing more information. Also, Buena Borough may come through the Plan Endorsement process to designate a center.

Commenter 5: Mr. Robert A. Vettese spoke on behalf of the Town of Hammonton which is partially located within the Pinelands jurisdiction. Similar to Buena Borough, the Town is divided by the Pinelands boundary and the Town boundary, thus making infrastructure improvements difficult. Mr. Vettese suggested that the Pinelands boundary be expanded to fully incorporate town. Mr. Vettese also spoke about the former general aviation airport site. The Town of Hammonton would like to see sewer and water extended to the site. The Federal Government, the U.S. Department of Aviation and the Town are considering the designation of the site as a special zone known as the APCLI (Agricultural Production Compatible Light Industrial) Zone. Mr. Vettese also addressed the unique characteristics of Hammonton, as a south Jersey municipality because NJT buses and service, as well as major highways go through the Town.

Commenter 6: Mr. Bob Haviland from the City of Port Republic chose not to comment.

Commenter 7: Mr. Joe Johnston from Remington & Vernick spoke on behalf of Egg Harbor Township and Weymouth Township. Mr. Johnston had concerns about West Atlantic City in Egg Harbor Township. Mr. Johnston wanted to know if West Atlantic City is still a Planning Area 5 (PA-5) or has it been changed to Planning Area 1 (PA-1). Mr. Johnston also had concerns about Egg Harbor Township's center expiring in March of 2007. Ms. Swan responded in that the change is proposed to PA-1 but will not be completed until Cross-acceptance comes to an end. Mr. Johnston then spoke on Weymouth Township. Mr. Johnston wanted know why Weymouth Township, which has water and sewer, is in a proposed PA-5. He states that the municipality is fully built-out and doesn't understand why a fully built-out municipality with appropriate infrastructure has a proposed designation of PA-5. Mr. Spinelli responded in that Plan Endorsement would be the appropriate vehicle to make a change or designate a center.

Commenter 8: Mr. Dale Goodreau, Deputy Administrator for Egg Harbor Township spoke on behalf of the municipality to address the planning area designations in West Atlantic City. Ms.

Swan stated that all final decisions will be made by the SPC. Although, the West Atlantic City proposed change to PA-1 has been agreed to by the Mayor of Egg Harbor Township and OSG, all final decisions will be made by the SPC. Mr. Goodreau then raised the issue on Egg Harbor Township's current status and designation as a CAFRA center. The center will expire in March 2007. Ms. Swan responded that the 2001 State Plan will still be in effect when the CAFRA centers expire. Mr. Spinelli then raised the fact that the State Plan is not a zoning and that local zoning still applies and that the Township still must adhere to the NJDEP Coastal Zone Management Rules and the CAFRA rules. Therefore, the PA-5 designation will stand until the new State Plan is adopted. Mr. Bill Purdie of the NJDEP also responded in that all development in the CAFRA area will be subject to NJDEP's review.

Commenter 9: Mr. Ralph Avallone spoke about the economy recovery promised by the State to the citizens of Atlantic County when the casinos came to Atlantic City. These promises have not been delivered. Mr. Avallone spoke specifically about Buena Borough and that the Borough should be designated as a Transit Village in order to revitalize 5.5 miles of rail line. Mr. Avallone stated that Buena Borough has substantive certification through the Council on Affordable Housing (COAH). Mr. Avallone has a project that will provide economic recovery to the area that includes an age-restricted planned unit development (PUD). Mr. Avallone went on to state that the mapping created by OSG and the SPC will greatly impede the attempts to revitalize the area. Mr. Avallone went on to request, as a matter of public record, that Buena Borough be designated a PA-1 and eligible for a Transit Village designation.

Commenter 10: Ms. Jill Baxter from the Weymouth Township chose not to comment.

Commenter 11: The Honorable Carol Foster, Mayor of Corbin City raised issues related to the municipally-proposed map change. Corbin City would like to change the map amendment submitted by the municipality to incorporate the a new age-restricted housing development. The City will be using an Agricultural Overlay zone to incorporate the age-restricted housing development. Corbin City has many financial difficulties due to the costs associated with school-age children.

Commenter 12: Mr. Stuart Schanbacher of Iacobucci Homes spoke about the proposed age-restricted development in Corbin City (see Commenter 11). Mr. Schanbacher's company will be developing the age-restricted project on behalf of Corbin City. Mr. Schanbacher stated that 80% of the land is owned by the State in Corbin City. Mr. Schanbacher also addressed that language in the plan needs to keep thing flexible for communities such as Corbin City. Mr. Schanbacher went on to speak about the age-restricted development and that the project will include open space and a nature conservancy, as the land is currently within an Agricultural Zone.

Commenter 13: Mr. Yong Kong addressed the panel with the following questions: What is the difference between PA-5 and a Critical Environmental Site (CES)? Ms. Swan responded to the question by providing that a CES is a flag for developers and municipalities to know that a site may have environmentally sensitive constraints and/or features that may be tied to environmental regulation. Mr. Kong then asked: What features are related to a CES designation? Ms. Swan responded in that these features include Category 1 (C1) waterways, wetlands, critical habitat and/or Threatened & Endangered (T&E) species habitat.

STATE PLANNING COMMISSION (SPC) COMMENTS

Edward McKenna, Jr., SPC Local Government Representative, wanted to address the public to encourage local participation for the State planning process.

Marge DellaVecchia, SPC State Agency Representative, wanted to address the changes in the process. Ms. DellaVecchia believes that the State is making a pro-active effort to bring resources to municipalities and counties through stronger inter-governmental coordination. Ms. DellaVecchia also addressed the recent Appellate Court challenge to the third round rules for COAH. She proceeded to state that the court upheld the idea of a growth share methodology; however the data needs to be refined to maintain the integrity of the program.

ADJOURN

Ms. Swan adjourned the hearing at 9:00 p.m.