



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

CHARLES A. RICHMAN
Acting Commissioner

BEN SPINELLI
Executive Director & Secretary

**Ocean County Cross-acceptance III Public Hearing
New Jersey State Planning Commission
Minutes of the Meeting Held August 16, 2007
Ocean County Administration Building
Freeholder Meeting Room
101 Hooper Avenue
Toms River, New Jersey 08753**

WELCOME & INTRODUCTIONS

Ben Spinelli, Executive Director and Secretary, called the August 16, 2007 meeting of the New Jersey State Planning Commission (SPC) to order at 6:00 p.m. Mr. Spinelli thanked everyone for attending the meeting. He noted that the primary objective was to take public testimony about the State Development and Redevelopment Plan (State Plan) and related issues in Ocean County. He introduced the following representatives of the SPC: Marilyn Lennon of KeySpan Business Solutions and Brent Barnes, New Jersey Department of Transportation (NJDOT). SPC Chair Edward McKenna, Principal of McKenna, Du Pont, Higgins & Stone, arrived shortly afterwards. Mr. Spinelli also introduced staff attending on behalf of the Office of Smart Growth (OSG): Jung Kim, Principal Planner, and Lorissa Whitaker, Area Planner. Mr. Spinelli thanked Dave McKeon, Ocean County Planning Director, for helping to arrange this meeting.

OPEN PUBLIC MEETINGS ACT

Mr. Spinelli 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

Mr. Spinelli asked everyone to stand for the Pledge of Allegiance.

OVERVIEW OF OCEAN COUNTY CROSS-ACCEPTANCE & THE STATE PLAN

Mr. Spinelli provided an overview of the third round of the Cross-acceptance process. The presentation noted the various internal, interagency and staff-to-staff meetings that have taken

place to date, and the role of Ocean County as the negotiating entity on behalf of municipalities and the local public. Of the 21 counties, Ocean is the 17th in terms of conducting a public hearing, so this phase of the process is nearing its conclusion.

Mr. Spinelli explained the role of the State Plan Policy Map (SPPM) as a graphic depiction of the State Plan's goals and policies. He noted that the Planning Areas need to be viewed in consideration of New Jersey's diverse landscape, as natural resources exist in the Metropolitan Planning Area (PA1) and people live in the Environmentally Sensitive Planning Area (PA5). The State Plan guides state policies and investments, recognizing challenges such as property tax rates and commuting times.

Mr. Spinelli highlighted characteristics and issues that were raised in meetings with Ocean County, including affordable housing, traffic, redevelopment and the proposed Middlesex-Ocean-Monmouth (MOM) rail line. To deal with these challenges, New Jersey needs to change the way it plans for and develops land. Mapping issues for the County correlated with policy concerns, with the need to define areas for growth and for preservation in fast-growing areas such as Jackson Township.

Mr. Spinelli noted that the Preliminary State Plan Map does not reflect changes proposed from the staff-to-staff meeting. On both the policy and mapping issues, further opportunities exist for the public to provide input. A draft State Plan is scheduled to be released in the fall of 2007. To be adopted in late 2007 or early 2008, the State Plan will have a new format, following the elements of a local master plan per the Municipal Land Use Law (MLUL).

OCEAN COUNTY GENERAL COMMENTS

Dave McKeon, Ocean County Planning Director, reminded everyone to sign in and to fill out public comment cards if they wished to provide comment.

Mr. McKeon discussed the County's role as an intermediary and liaison in the Cross-acceptance process. As the County does not have the power to zone, its focus is mainly on regional issues. Mr. McKeon stated that the Cross-acceptance process kicked off in July 2004 with a SPC meeting in Ocean County, following which the County worked with municipalities and the public to produce a Cross-acceptance Report in January 2005. The County reached out again in 2006 when the introduction of new environmental information and mapping opened up the process. He stated that the new map from January 2007 depicts changes in Jackson Township and elsewhere in the County. He noted that the Pinelands area is a separate jurisdiction covered by the Pinelands Comprehensive Management Plan.

Mr. McKeon reiterated the County's concerns on the MOM line, highlighting the long-run potential to extend it all the way down to Atlantic City. He stated that the time is now for the service and that the County needs help from the state to push the project through. Mr. McKeon stated that there needs to be greater consistency between the Pinelands and State Plan sides of the map. He also mentioned affordable housing as a critical issue.

Mr. McKeon viewed the Plan Endorsement process, rather than Cross-acceptance, as the means of truly resolving some of the issues in the County. He noted that three municipalities have been endorsed by the SPC, with three currently in the Plan Endorsement process, and eight others having had at least a pre-petition meeting.

PUBLIC COMMENT

At 6:41 p.m., Mr. Spinelli opened the hearing for public comments.

Commenter 1: Frank Kenny of Toms River supported the OSG responses for mapping issues 11102 and 10004, but disagreed on 10006 and 10002. Mr. Kenny stated that Anchor Reef Marina needed to be included in the discussion because of the general lack of public waterfront access in the area. He stated that the Trust for Public Land was willing to broker a deal to keep the marina as a public open space and recreation facility.

Commenter 2: Helen Henderson, of the American Littoral Society, emphasized watershed capacity as a basis for planning, in particular the carrying capacity of Barnegat Bay. Ms. Henderson stated that the designation of coastal centers in 2000 was a mistake. She stated a holistic view of the natural environment was needed, in light of problems such as non-point source pollution. She viewed tools Transfer of Development Rights (TDR) and open space preservation as key solutions.

Ms. Henderson reiterated comments from her letters dated January 18, 2005 and May 17, 2005, noting that the Ocean County Cross-acceptance Report does not represent a step in the right direction. Large-scale growth areas do not reflect the region's carrying capacity, including water supply and quality, wetlands, forests and habitat. Ms. Henderson objected to the proposed conversion of large areas in Lakewood to PA1 and PA2 (Suburban Planning Area). She agreed with the staff response to defer this to Plan Endorsement but stated that this should not be an easy way for mapping changes.

Ms. Henderson objected to changes to PA2 in Jackson, Manchester, Toms River, Barnegat, Lacey and Little Egg Harbor, and again supported the deferment to Plan Endorsement.

Ms. Henderson stated that sewer service areas should not remain in PA3 (Fringe Planning Area), PA4 (Rural Planning Area) or PA5.

Commenter 3: Janet Scher, former Environmental Chair of the Lakewood Master Plan Advisory Committee, stated her concerns about development in Lakewood. Ms. Scher stated that the Township erroneously changed the zoning in the area near Crystal Lake Preserve from 2-acre parcels to higher density. She stated that the Township has acknowledged this as an error but has not corrected it.

More generally, Ms. Scher stated that the Township's Plan Endorsement petition needs to be looked at carefully and that a blanket PA1 designation is inappropriate. She stated that the community vision requirements have not been sufficiently addressed, with meetings neither advertised to the public nor open to public attendance. Ms. Scher stated that the Township needed to pay more attention to transit, including the bus station, in light of the traffic congestion. She also noted that development should focus on revitalizing the downtown and historic preservation rather than creating new growth areas. She stated that there is not enough capacity for the projected growth. She noted Cross Street and Thompson Grove as areas that should be protected rather than developed.

Commenter 4: Alison Lemke of the Lacey Rail Trail Environmental Committee discussed Lacey Township's application to build a road on the rail right-of-way, which was denied by the Department of Environmental Protection. Ocean County now has an easement to create a

greenway. Ms. Lemke recommended that the 50-foot width of the ROW should be considered for environmental designation.

Ms. Lemke stated that for Item 12203, there is a third area of mapping concern not shown in the GIS files nor addressed by the County or OSG. She stated that this area is known as Finninger's Farm and should not be PA2. She stated that this issue was brought up in her March 11, 2005 letter.

Commenter 5: Carol Murray stated that she was a fifth-generation Lakewood resident, residing on one of the few working farms left in the town. Ms. Murray was concerned that no section of the Township's master plan provided for less dense zoning. She stated that the Township made an erroneous change in the zoning on her property from 2-acre to 1-acre parcels. She stated that on an adjacent lot, a developer is seeking to build 21 houses on wetlands. Ms. Murray stated that many people have been ignored at local public hearings and they need outside help.

Commenter 6: Christine Abrams stated that she has been a resident of Lakewood since 1987. Ms. Abrams objected to proposed PA1 designations which would include wellheads. She expressed concern about the impacts of high impervious surface coverage on large recharge areas, affecting the Kirkwood-Cohansey aquifer and water supply. She noted that average base flows in local waterways are already low and will continue to decline with development.

Commenter 7: Noreen Gill, a 35-year Lakewood resident, was concerned about the increase in development and the variances that have allowed this to happen. Ms. Gill stated that while the Township expresses support for the widening of Route 9, it allows developers to build right by the highway. She stated that emergency vehicles do not take Route 9 and recounted her own experience where the ambulance had to use side roads to the hospital. She stated that more mass transit and less development were needed.

Commenter 8: Larry Simons chose not to speak.

Commenter 9: Gerri Ballwanz stated that there was a lack of transparency in meetings in Lakewood Township, in contrast to the new Plan Endorsement Guidelines' increased emphasis on transparency. She stated that a small-print public notice was insufficient. She stated that the Township has done nothing to discourage residential development near the rail tracks, presenting a potential obstacle to the MOM line. She felt that Lakewood also needed to protect the right-of-way along Route 9 via an ordinance. She stated that Lakewood should not be PA1, especially when a Regional Center designation could be considered. She criticized Lakewood for creating a redevelopment area in the Cedarbridge area when it is 240 acres of pristine land.

Commenter 10: Blanche Krubner, a resident of Jackson Township, supported changes to PA5 in Jackson but added that sewers should not extend into these PA5 areas. She stated that there was a significant difference between the proposed residential development and existing developments such as Great Adventure, the outlet mall, and light industrial sites, with the former land use having much greater impacts.

She believed that a critical area designation was insufficient to protect natural resources, including the area near Cedar Swamp Road which contains headwaters for the Metedeconk and Toms Rivers. She stated that there was no reason for PA2 in this area and that development would threaten already overtaxed water allocations. She stated that the functioning of entire

natural systems needs room to recover. She noted that water authorities' interests were not aligned with good planning as these authorities rely on bonds and water rates to grow.

Commenter 11: Josephine Sienkiewicz of Jackson Township expressed concerns about tree clearance and development in areas such as Route 527. She asked what kind of notice is provided for Planning Area changes.

Commenter 12: Lorraine Sansone of Lacey Township asked if the meeting was being recorded, which it was. Ms. Sansone stated that more attention should be given to wellhead protection areas, even if all PA2 that comprises wellheads cannot be changed to PA5. She stated that while Lacey's population density based on the 2000 Census is 302 people per square mile, this figure is deceptive due to the amount of land protected in the Pinelands and elsewhere. Ms. Sansone requested that golf courses be removed from PA5. She also expressed concern on the COAH housing of over 200 units (on Old Shore Road) proposed near the Oyster Creek nuclear facility.

Commenter 13: Peter Hibbard of the Ocean County Citizens for Clean Water expressed disappointment that no County freeholders were in attendance. Mr. Hibbard used the Ciba-Geigy site as an example for the need for broader watershed-based planning, noting that it is difficult to determine what Ciba-Geigy is responsible for when the site also contains pollutants from upstream such as MTBE. In watershed-based planning, not everything can be protected but there needs to be consideration for non-point source pollution. He stated that wells in Toms River were fed by headwaters that begin in Bordentown. Mr. Hibbard felt that planning in New Jersey was defensive, with capacity catching up to growth. He also noted that tree-cutting was leading to problems with carbon loading.

Commenter 14: Bernard Gutherz of Commodore Point LLC stated that he has property in Jackson Township which should be PA2 and sewer service area. The Township has already changed the area from ½-acre zoning to 3-acre zoning and that he was in litigation with the Township over COAH obligations. Mr. Gutherz requested the withdrawal of the proposed PA5 change, noting the property's road access and lack of environmentally sensitive features.

Commenter 16: (NOTE: Commenter 15 Greg Aurierra was out of the room when called and spoke after Commenter 16). Elaine Manion focused on Quad 90 of the State Plan Policy Map, urging for consideration of PA5. The largest project in Jackson Township covers 610 acres and will add over 5,000 people. Ms. Manion stated that there were many above- and underground streams. Two houses in the area need to constantly pump water from their basements due to the presence of this water. She stated that we owe it to future generations to save the water and therefore the area should be untouched.

Commenter 15: Greg Aurierra of the Ocean County Sierra Club stated that PA5 in Jackson Township was a good idea as the Metedeconk provides water for over 100,000 people. Mr. Aurierra stated that a fatal flaw in Cross-acceptance was analyzing things town by town rather than viewing the whole ecosystem and watershed. He noted that the rules for C1 designation not only outline buffer requirements but state that there should be no degradation of water quality. He felt that the state should enforce this clause. He also questioned why PA3 changed to PA5 would retain a sewer service area.

Commenter 17: Reverend Philip Petrovsky stated that Jackson Township was close to over-development and now faces a choice between quality of life versus developers' profits. He stated the developers shopped around DEP for permits until somebody gave them one. He

noted that developers such as Hovbilt used the threat of the courts to develop in an area that was once cranberry farm and still crucial to the health of Barnegat Bay. He described how the hydraulic pressure at his farm in the Castle section of Jackson has declined. There used to be plenty of shallow wells in the area that are now dry, requiring people to dig deeper for water. He also noted that the water is lower in headwaters for the Metedeconk.

ADJOURNMENT

Mr. Spinelli asked if there were any more public comments and there were none. He stated that there was still opportunity for people to submit written comments. He thanked everyone for attending and adjourned the hearing at 8:08 p.m.