

## McVicker, Wendy

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**From:** Scharfenberger, Gerard  
**Sent:** Thursday, November 13, 2014 12:38 PM  
**To:** McVicker, Wendy  
**Subject:** FW: PUBLIC COMMENT ON PERMIT EXTENSION ACT

-----Original Message-----

**From:** Jean Public [<mailto:jeanpublic1@yahoo.com>]  
**Sent:** Wednesday, November 12, 2014 4:58 PM  
**To:** Scharfenberger, Gerard  
**Cc:** [INFO@TAXPAYER.NET](mailto:INFO@TAXPAYER.NET); [MEDIA@CAGW.ORG](mailto:MEDIA@CAGW.ORG); [INFO@NJ TAXES.ORG](mailto:INFO@NJ TAXES.ORG)  
**Subject:** PUBLIC COMMENT ON PERMIT EXTENSION ACT

RE NJAC5:85-7.21 WHICH APPEARED IN THE NEW JERSEY REGISTER ON MONDAY OCTOBER 20, 2014 AT 40 N.J.R. 2106.

I AM WRITING TO OPPOSE ALL PERMIT EXTENSIONS FROM THE DUE DATE PRESENTLY SET. I SEE NO REASON TO CONTINUE TO ALLOW PERMIT EXTENSIONS TO GO ON FOR DECADES AND THEY SEEM TO GO ON AND ON AND ON. I BELIEVE WHEN A NEW REGULATION IS PUT INTO EFFECT THAT SHOULD AFFECT TRANSACTIONS FROM THAT DATE FORWARD.

I OPPOSE ALL PERMIT EXTENSIONS. THOSE INTERESTED SHOULD REAPPLY AT THE DATE THEY EXPECT TO TAKE ACTION, NOT HAVE AN OLD ACTION FROM DECADES AGO APPLY.

GOING BACK TO 2007 MAKES NO SENSE AT ALL. THIS COMMENT IS FOR THE PUBLIC RECORD. PLEASE RECEIPT SO THAT I KNOW YOU HAVE RECEIVED THIS PUBLIC COMMENT ON THE NJ REGISTER PROPOSAL.  
JEAN PUBLIC [JEANPUBLIC1@YAHOO.COM](mailto:JEANPUBLIC1@YAHOO.COM), FLEMINGTON NJ

November 25, 2014

Gerry Scharfenberger  
Office of Planning Advocacy  
Department of State  
P.O. Box 820  
Trenton, New Jersey 08625

**RE: Proposed Amendment: N.J.A.C. 5:85-7.21**

Dear Mr. Scharfenberger:

The New Jersey Builders Association (“NJBA” or “Association”) submits the following comments regarding the proposed amendments to N.J.A.C. 5:85-7.21 Period of Endorsement. The NJBA applauds the State Planning Commission (SPC) for issuing the above referenced proposal as it proactively furthers the State’s long-term economic growth, job creation, and revenue generation.

The most recent iteration of the Permit Extension Act of 2008, P.L. 2008, c. 78, which extends a number of defined “approvals”, including plan endorsements and center designations pursuant to the “State Planning Act”, is scheduled to soon expire on December 31, 2014. The NJBA strongly supports and urges the SPC to expeditiously adopt the proposed amendment, which would extend for an additional three years any plan endorsements, center designations, or other approvals pursuant to N.J.A.C. 5:85-7.21(a-e) that were approved prior to September 6, 2008 (i.e. the enactment date for the 2008 Permit Extension Act). The Association notes that the proposed extension also would apply to Pinelands Commission’s certification of a municipality’s master plan and land use ordinances, urban complex strategic revitalization plans and corridor plans, including any centers, cores or designated nodes therein. 46 N.J.R. 2107.

The SPC recognizes that the State of New Jersey remains in a recovery phase from the recession and, as such, measures, including the subject proposal, are indeed necessary from the Administration to facilitate that process on a statewide and consistent basis. The Summary provides an accurate picture of the economic realities that the development community continues to face and highlights the impacts on the local municipal level. Specifically, the NJBA concurs with the following statements:

“Nevertheless, due to, among other things, the recession and its lingering impacts, the reality for many municipalities is that development and redevelopment projects have been delayed. Accordingly, *despite the best efforts of the private sector and government at all levels, development and redevelopment previously contemplated has not come to fruition at the pace once anticipated.*” 46 N.J.R. 2106. (Emphasis added.)

NJBA

Proposed Amendment: N.J.A.C. 5:85-7.21

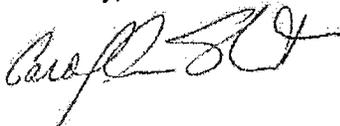
Page 2 of 2

The referenced proposal is of critical importance to the Association as NJBA members have relied upon the State Plan, the plan endorsement process and center designations to guide where future development and redevelopment activities may take place and in fact are welcome. The NJBA is concerned that if the center designations and plan endorsements were to lapse and given municipalities' ongoing financial and resource constraints, the re-establishment of plan endorsement and center designation may be viewed at the local level as a lower fiscal priority in comparison to providing more immediate services for constituents. Therefore, the Association appreciates the SPC's proposal as it serves a dual purpose: supports municipalities by removing the burden of making such a choice and eliminates the prospect of significant uncertainty for the development and business communities.

The NJBA agrees with the SPC's assessment of the overall consequences upon the economy if a lapse to the period of endorsement were to occur: "Failure to maintain plan endorsement and center designation status would thus frustrate economic development and re-development, thereby perpetuating the economic circumstances that have, in recent years, delayed economic growth in some areas." 46 N.J.R. 2106. Further, not only would the loss of designated centers and plan endorsements create great uncertainty for both the regulated community and municipalities, but also would inhibit access to additional "tools" that support the development process, i.e. "facilitate smart growth in myriad ways including eligibility for economic incentives and triggering of land use standards." 46 N.J.R. 2106.

The NJBA extends its appreciation to the State Planning Commission and the Christie Administration for the issuance of a timely and necessary regulatory proposal that would successfully prevent unnecessary burdens on municipalities, as well as the development and business communities.

Sincerely,



Carol Ann Short, Esq.  
Chief Executive Officer

**New Jersey**

**Year 2014**

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**Louis C. Joyce**  
Salem County



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*Visit us on the web at [NJCountyPlanners.org](http://NJCountyPlanners.org)*

December 1, 2014

Edward J. McKenna, Jr., Chairman  
NJ State Planning Commission  
NJ Business Action Center, Office for Planning Advocacy  
Department of State  
P.O. Box 820  
Trenton, NJ 08625-0820

Re.: Proposal to Extend Period of Approvals for Endorsed Plans and Designated Centers  
NJ Register October 20, 2014 ( 46 N .J .R. 2105-2107)

Dear Chairman McKenna:

The New Jersey County Planners Association is supportive of the NJ State Planning Commission's proposal to advance an amendment to Subchapter 7 of the State Planning Act (N.J.S.A. 52: 18-196 et seq.) concerning the period of time associated with the plan endorsement and center designations granted by the State Planning Commission. The proposed amendment will extend the validity of plan endorsements and center designations approved by the Commission prior to September 2008 for an additional three (3) years beyond the current expiration date of December 31, 2014.

This amendment will thereby delay the significant cost-related impacts that would be borne by affected municipalities associated with undertaking a new and additional Plan Endorsement Process in order to retain the benefits of center designation.

The County Planners Association supports the center-based growth concepts in the State Development and Redevelopment Plan. Pursuit of center designation and plan endorsement by local municipalities have required considerable time and expense that needs to be acknowledged and not potentially wasted through the expiration of the centers and endorsed plans.

Extending center designation facilitates the continued alignment between the County Master Plans and the State Development and Redevelopment Plan. It allows potential economic development projects within designated centers to continue to have priority access to incentives available through the NJ Economic Opportunities Act. F

We urge the Commission to expeditiously act to extend the centers and endorsed plan as proposed.

Respectfully Submitted,

Louis C. Joyce, PP, AICP  
President 2014

Contact: New Jersey County Planners Association  
c/o LCJPP, LLC  
PO Box 225, Alloway, NJ 08001  
Tel: (609) 501-6388 Fax: (856) 935-2341  
e-mail: [lcj50@yahoo.com](mailto:lcj50@yahoo.com)



## SOMERSET COUNTY PLANNING BOARD



County Administration Building  
20 Grove Street  
P.O. Box 3000, Somerville, New Jersey 08876-1262  
(908) 231-7021 • Fax (908) 707-1749  
PlanningBd@co.somerset.nj.us  
www.co.somerset.nj.us

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December 1, 2014

Edward J. McKenna, Jr., Chairman  
NJ State Planning Commission  
NJ Business Action Center, Office for Planning Advocacy  
Department of State  
P.O. Box 820  
Trenton, NJ 08625-0820

Re.: Proposal to Extend Period of Approvals for Endorsed Plans and Designated Centers  
NJ Register October 20, 2014 (46 N.J.R. 2105-2107)

Dear Chairman McKenna:

The Somerset County Planning Board is supportive of the NJ State Planning Commission's proposal to advance an amendment to Subchapter 7 of the State Planning Act (N.J.S.A. 52:18-196 et seq.) concerning the period of time associated with the plan endorsement and center designations granted by the State Planning Commission. As referenced in the New Jersey Register of October 20, 2014, the amendment will extend the validity of plan endorsements and center designations approved by the Commission prior to September 2008 for an additional three (3) years beyond the current expiration date of December 31, 2014. It will thereby delay the significant cost-related impacts that would be borne by affected municipalities associated with undertaking the Plan Endorsement Process in order to retain the benefits of center designation.

The County Planning Board is a strong supporter of the center-based growth concepts in the state Development and Redevelopment Plan. Through our active role in supporting municipalities in their pursuit of center designation and plan endorsement, we have become fully aware of the time and expense these efforts entail.

Furthermore, the Somerset County Investment Framework, which was adopted as an element of the Somerset County Master Plan in April 2014 and replaces the County's 1987 Land Use Management Map, uses designated centers for identifying Priority Growth Investment Areas. The County Investment Framework is modeled after the Criteria-based approach for identifying areas where investments that support growth and preservation are prioritized as described in the Draft Final State Strategic Plan. Extending center designation facilitates continued alignment between the County Master Plan and the State Development and Redevelopment Plan. In addition, it allows potential economic development projects within previously designated centers to continue to have priority access to incentives available through the NJ Economic Opportunities Act.

Thank you for your consideration.

Sincerely,

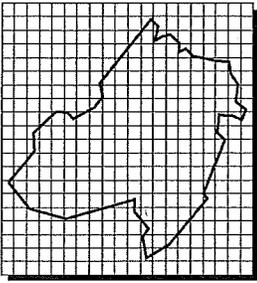
Walter C. Lane, PP/AICP  
Director of Planning

c: Somerset County Board of Chosen Freeholders  
Somerset County Planning Board Members  
Gerard Scharfenberger, Director, NJ Office for Planning Advocacy  
Mayors and Planning Board Chairs, Somerset County Municipalities

- Mission Statement -

The County of Somerset is committed to excellence and innovation in public service, promoting the well-being of all residents and communities by providing effective, efficient and responsive leadership.

*Somerset County Is An Equal Opportunity Employer*



# MORRIS COUNTY PLANNING BOARD

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W. Randall Bush, Esq.  
*First Assistant County Counsel*  
Christine Marion, P.P.  
*Planning Director*  
(973) 829-8120  
FAX (973) 326-9025  
EMAIL: [cmarion@co.morris.nj.us](mailto:cmarion@co.morris.nj.us)

December 5, 2014

Gerry Scharfenberger  
Office for Planning Advocacy, Department of State  
P.O. Box 820  
Trenton, New Jersey 08625

DEC 11 2014 RCVD

**RE: Proposal Number; PRN 2014-179, Proposed Amendment to N.J.A.C. 5:85-7.21 to extend the period of approvals for Plan Endorsements and Center Designations.**

Dear Mr. Scharfenberger:

On behalf of the Morris County Planning Board, I would like to express support for the State Planning Commission's proposed amendment to Subchapter 7 of the State Planning Act (N.J.S.A 52:18-196 et seq.). The proposed amendment to N.J.A.C. 5:85-7.21 will extend the validity of plan endorsements and center designations approved by the Commission prior to September 6, 2008 for a period of three years, extending approval from December 31, 2014 to December 31, 2017. There are six designated centers in Morris County: Town of Dover, Lincoln Park Borough, Mendham Borough, Mount Arlington Borough, Netcong Borough and Morristown.

These municipalities received State Plan center designation after undertaking a lengthy process and incurring the associated expense required to secure this designation. They remain "communities of place" as characterized in the State Plan, where growth and revitalization may be focused. Despite recent economic advances, regional economic growth remains below expectations, with subsequent impacts on local development goals. This situation will only be exacerbated by the removal of center designation, adding uncertainty for businesses that are considering economic development and redevelopment in these communities.

The Morris County Planning Board continues to support municipal efforts to achieve local growth and development goals, and, subsequently, the Board also supports State Planning Commission's proposal to extend approval of associated center designations which our municipalities worked so diligently to attain.

Sincerely,

Christine G. Marion, PP/AICP  
Planning Director

cc: Joseph Falkoski, Chairman, Morris County Planning Board  
Deena Leary, Director, Morris County Planning & Public Works  
Hon. James P. Dodd, Mayor, Town of Dover  
Hon. David A. Runfeldt, Mayor, Lincoln Park Borough  
Hon. Neil J. Henry, Jr., Mayor, Mendham Borough  
Hon. Timothy P. Dougherty, Mayor, Morristown  
Hon. Arthur R. Ondish, Mayor, Mount Arlington Borough  
Hon. Joseph Nametko, Mayor, Netcong Borough



## STATEMENT

### State Planning Commission Rule Proposal to Extend Center Designations Proposed Amendment: N.J.A.C. 5:85-7.21

December 17, 2014

137 West Hanover  
Street  
Trenton, NJ  
08618  
(609) 393-0008  
Tel.  
(609) 393-1189 Fax  
[www.njfuture.org](http://www.njfuture.org)

Contact: Chris Sturm, 609-393-0008, ext. 114  
Megan Callus, 609-393-0008, ext.314

Thank you for the opportunity to comment on the proposed Amendment to the State Planning Rules N.J.A.C. 5:85-7.21 Period of Endorsement, Proposal Number: PRN 2014-179.

The current proposal would extend the period of approvals for plan endorsements and center designations granted by the State Planning Commission prior to Sept. 6, 2008, by an additional three years beyond their otherwise applicable expiration dates.

New Jersey Future recommends that the State Planning Commission revise its proposed amendment to grant one-year extensions to centers in coastal areas. During this period, the commission should assist municipalities with updating their center designations using robust risk assessments that identify areas that are safe from future flooding and appropriate for State Plan Center designation.

The State Planning Commission's purpose is to guide development and provide resources to areas that are best suited to grow. According to 52:18A-196 section C of the State Planning Act, "It is of urgent importance that the State Development Guide Plan be replaced by a State Development and Redevelopment Plan *designed for use as a tool for assessing suitable locations for infrastructure, housing, economic growth and conservation*" (emphasis added). Since centers were envisioned to be the location for much of New Jersey's growth, it is critical that they are located in areas that can accommodate that growth and not be inundated by rising tides and storms.

Since the original center designations were granted, our understanding of coastal vulnerability has changed. Hurricane Sandy reminded us that many coastal areas experience repeated flooding. As climate change accelerates sea level rise and the

severity of storms, flood risks are increasing.<sup>1</sup> Consequently, many coastal centers contain areas at high risk for flooding and substantial damage to land, homes and businesses.

As one example, New Jersey Future performed a risk-assessment analysis for Little Egg Harbor Township, which contains Mystic Island, a State Plan-designated center. The assessment included two future scenarios, both of which are based on sea-level-rise projections developed by the Department of Earth and Planetary Sciences at Rutgers University.<sup>2</sup> The first scenario is based on sea-level rise projections for 2050 and describes the extent to which the municipality will be subject to flooding during high-tide conditions.<sup>3</sup> The second scenario evaluates the impact of sea-level rise by 2050 combined with a 1-percent storm; *i.e.*, a storm that has a 1-percent probability of occurrence in any given year (roughly equivalent in severity to the inundation from Hurricane Sandy in Ocean County and northern New Jersey<sup>4</sup>). The assessment concluded that 31 percent of the township's total land area will likely be inundated under 2050 sea-level-rise projections and 36 percent of the municipal land area is likely to be inundated in 2050 in the event of a 1-percent storm.

For the Mystic Island designated center, under a 2050 1-percent-storm scenario, our analysis shows that 52 percent of the total acreage within the center will likely be inundated by water. A map of the Mystic Island Center, showing areas projected to be flooded under the 2050 1-percent storm scenario, is attached. Extending the period of endorsement for these and other coastal centers will place state government support and resources in hazardous locations that are likely to be flooded.

Given these results, which are similar to those in other coastal communities, it is inadvisable to allow the boundaries of these centers to remain as they are currently

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<sup>1</sup> Sweet, W., C. Zervas, S. Gilland, J. Park, 2013: Hurricane Sandy inundation probabilities today and tomorrow [in "Explaining Extreme Events of 2012 from a Climate Perspective"]. Bull. Amer. Meteor. Soc., 94, S17-S20.

<sup>2</sup> "A Geological Perspective On Sea-Level Rise and Its Impacts Along the U.S. Mid-Atlantic Coast", K. G. Miller, R.E. Kopp, B.P. Horton, J.V. Browning, A. C. Kemp, AGU Publications, Department of Earth and Planetary Sciences, Rutgers University, 5 Dec. 2013. According to the Miller and Kopp [ec note: First mention here; maybe more detail?] report, the predicted sea level elevation for 2030 is .82'; for 2050 it is 1.48' and for 2100 it is 3.48'. For the purpose of this analysis the central value, 1.48', was added to the current-day MHHW (see footnote #4).

<sup>3</sup> Since it's roughly equivalent to a conventional mortgage term, the 2050 scenario was determined to be a reasonable planning horizon for the purpose of the detailed assessment of exposure value.

<sup>4</sup> The risk assessment seeks to provide the best practical estimate of future risks. A more complete description of the methodology and assumptions can be found in the full reports, which are available upon request from New Jersey Future. It's important to note that as a consequence of sea-level rise, a storm with a 1-percent-probability of occurring today will, by 2050, have a 10 percent likelihood of occurring in any year.

delineated and to continue to steer future development into flood-prone locations. Instead, the State Planning Commission should seize the opportunity to apply lessons from Hurricane Sandy and help New Jersey communities become better prepared for future storms.

As an alternative to the current proposed amendment, New Jersey Future recommends that the State Planning Commission extend center designations in coastal areas for a one-year period. During this time, the commission should assist municipalities in performing risk assessments, including mapping areas likely to be flooded today and in 2050. These assessments should identify areas and populations that will be at risk. The corresponding maps should guide revisions to center boundaries.

Understanding that not all areas are affected by flooding associated with sea-level rise and being cognizant of the economic circumstances resulting from the recession of 2010, we recommend that centers outside of the CAFRA region be granted the three-year extension as proposed.

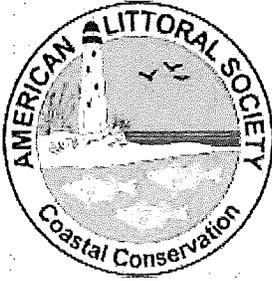
To offset the costs of updating center boundaries in coastal areas, Post-Sandy Planning Assistance Grants should be provided to coastal municipalities seeking to update their center boundaries, to allow them to conduct risk assessments and identify locations where future development should be promoted. Under the current Department of Community Affairs grant program, municipalities are eligible for grants up to \$30,000 to engage professional planners to evaluate the impacts of Hurricane Sandy on relevant community features. Additional grants are also available to allow towns to prepare, modify or replace plans for local neighborhoods or specific areas within the municipality (i.e. Redevelopment or Rehabilitation Plans, Economic Development Plans and Strategies, Historic District Plans and Open Space/Recreation Plans).

Following the risk assessment, conversations with the community should take place to refine center boundaries. Whereas current boundaries would allow expedited growth in areas at risk for flooding and during storm conditions, new boundaries would ensure development and infrastructure investments (including those designed to last for many decades) are focused in locations that can safely sustain greater levels of growth and are compatible with the changing environment.

Adjusting center boundaries and endorsed plans to reflect vulnerability to flooding today and in the future ensures that the State Planning Commission is appropriately

assisting municipalities, directing future growth and resources in areas most appropriate for development.





## AMERICAN LITTORAL SOCIETY

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18 Hartshorne Drive, Suite 1, Highlands, NJ 07732-4033  
Phone: 732-291-0055 6 Fax: 732-291-3551 6 [www.littoralsociety.org](http://www.littoralsociety.org)

Rule Proposal: State Planning Commission Plan Endorsement Period of Endorsement  
Proposed Amendment: N.J.A.C. 5:85-7.21

December 19, 2014

Dear Mr. Scharfenberger,

Thank you for the opportunity to comment on the proposed Amendment to the State Planning Rules N.J.A.C. 5:85-7.21 Period of Endorsement, Proposal Number: PRN 2014-179 which would extend the period of approvals for plan endorsements and center designations or other approval governed by subsections (a) through (e) approved by the Commission prior to September 6, 2008 an additional three years beyond its otherwise applicable expiration date.

The American Littoral Society is a coastal conservation organization with offices in Sandy Hook, Barnegat Bay, and the Delaware Bayshore regions. We work to preserve open space, improve water quality, save threatened and endangered species and their habitats and restore ecosystems. Recently, we have worked to prevent inappropriate development and encourage compliance with smart growth principles, especially post Superstorm Sandy, which exposed the vulnerability of so many of our communities.

Please accept these comments on behalf of the Society regarding the above referenced rule proposal. The Littoral Society recommends that:

The State Planning Commission work with municipalities to redraw center boundaries that reflect current conditions. Centers should be reflective of community needs as well as preserve critical environmental habitat for threatened and endangered species as well as take into account water supply and water quality issues such as ground water recharge and storm water management. Therefore, we suggest that instead of a blanket extension of centers that the State Planning Commission work within the Plan Endorsement process to assist municipalities to update center designations, consistent with t

Post - Superstorm Sandy, the incredible vulnerability of our coastal communities was exposed. The storm made clear that current development patterns that have resulted from the state's land use policies as well as municipal land use decisions are putting people and property in harm's way. It is the State's responsibility to identify and make known places that are hazardous, and inappropriate for intensive promotion of growth. The State Planning Commission should work to update State Planning policies, documents and maps to reflect what communities have learned about vulnerability, at great cost, and take steps to avoid. Centers should be redrawn or eliminated taking into account vulnerability from sea level rise and climate change through risk assessment.

Instead of reflexively re-adopted long standing policies, the State Planning Commission needs to examine current and projected land use patterns and respond to these issues: how to rebuild and build resilient communities, reducing risk from future storms; integrating restoration of declining habitats and protection of remaining natural resources; improving and integrating water quality protection measures into both future development and redevelopment, as well as aggressively working to address and reduce current pollution inputs to coastal waters. The state needs to include this information in updated state level planning documents and use this information to guide further development.

Lastly, the State Planning Commission needs to rely on updated information available in the Water Supply Master Plan, Water Quality Management Rules and County Plans, State and County Hazard Mitigation Plans and other Statewide planning documents that could influence the opportunities to build sustainable and resilient communities. More specifically, the States Rules on Coastal Management (NJAC 7:7, 7:7E) establish regulatory requirements for the adoption of coastal centers which include mandatory exclusion of wetlands, threatened and endangered species habitat and other environmentally sensitive areas from within the boundaries of designated centers; similar requirements exist within the Water Quality Management Planning Rules (NJAC 7:15). Other policies prohibit the extension of infrastructure under certain circumstances. The State Planning Commission should be establishing a process which requires the consideration and integration of these regulatory requirements before the establishment of any centers. To not do so is to invited regulatory conflict as future applicants attempt to move projects through required regulatory reviews, under the expectation that since they are in a center all growth is promoted; there is a long, and unfortunate history of regulatory conflict and litigation to validate this concern. The State Planning Commission should be working to minimize such conflicts, not exacerbate them.

Given the above it is inadvisable to allow the boundaries of these centers to remain as they are currently delineated, unexamined and continue to steer future development into highly sensitive and flood prone areas as well as environmentally sensitive areas. Instead the State Plan Commission should seize the opportunity to apply lessons from Hurricane Sandy and help New Jersey communities become better prepared for future storms and protect natural resources.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Dillingham', with a long horizontal flourish extending to the right.

Tim Dillingham  
Executive Director