

Memorandum

To: All Interested Parties
CC:
From: Eileen Swan
Date: 05/23/06
Re: Notice of Extension of Consistency Review for CAFRA municipalities

Notice of Extension of Consistency Review for CAFRA municipalities

On April 19, 2006, the State Planning Commission approved the Policy Directive on the Plan Endorsement process for CAFRA Municipalities that had petitions that were deemed complete prior to March 15, 2006 and temporarily re-established coastal centers pursuant to the Department of Environmental Protection's (DEP) Coastal Zone Management Rules. The Policy Directive provides a six-month extension for the Office of Smart Growth (OSG) and the State agencies to work with the CAFRA municipalities to resolve consistency issues. Pursuant to the Policy Directive, the six-month time extension begins at the issuance the Consistency Report by the Office of Smart Growth. OSG issued Consistency Reports and Draft Action Plans as follows:

4/26/06:

Middle Township, Cape May County
Upper Township, Cape May County

5/23/06:

Egg Harbor Township, Atlantic County
Lower Township, Cape May County
Barnegat Township, Ocean County
Brick Township, Ocean County
Dover Township, Ocean County
Lakewood Township, Ocean County

The six-month extension is subject to agreement through a Memorandum of Understanding (MOU) between the petitioning municipality and the State Planning Commission. The timelines within the Draft Action Plan are also subject to agreement between the petitioning municipality and the State Planning Commission. Once agreement is reached regarding timelines within the Action Plan and the MOU is authorized by the petitioning municipality's governing body, the timelines within the Action Plan will be binding and non-negotiable.

Should the petitioning municipality choose not to enter into the MOU to resolve the consistency issues contained in the Consistency Report, the six-month extension shall become null and void, and the Office of Smart Growth will forward the Consistency Report to the State Planning Commission for review in accordance with N.J.A.C. 5:85-7.6. Furthermore, in the event that petitioning municipality fails to meet the timelines agreed to in the Action Plan, the petitioning municipality may be deemed to have defaulted in its obligations under the terms of the MOU, and the petitioning municipality's petition for Initial Plan Endorsement will be evaluated for consistency with the State Plan as of the date of such default.

The following documents are available on the Plan Endorsement page of the OSG website at <http://www.nj.gov/dca/osg/plan/endorsement.shtml>:

- Consistency Reports and Draft Action Plans for CAFRA municipalities subject to the SPC Policy Directive;
- Approved SPC Policy Directive;
- Certified Resolution on the Policy Directive;
- Requirements for Municipal Initial Plan Endorsement Consistency;
- Requirements for CAFRA Consistency; and
- Sample Memorandum of Understanding.

If you have any questions or concerns regarding this memo please contact Kathleen Pental at (609) 292-3744.