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PUBLIC MEETING

before

ASSEMBLY SELECT COMMITTEE ON LAND USE AND PLANNING

Briefing by representatives of the State Planning Commission
on the State Development and Redevelopment Plan

December 22, 1988
Room 403
State House Annex
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Robert C. Shinn, Jr., Chairman
Assemblyman William E. Schluter
Assemblyman Anthony J. "Skip" Cimino
Assemblyman Harry A. McEnroe

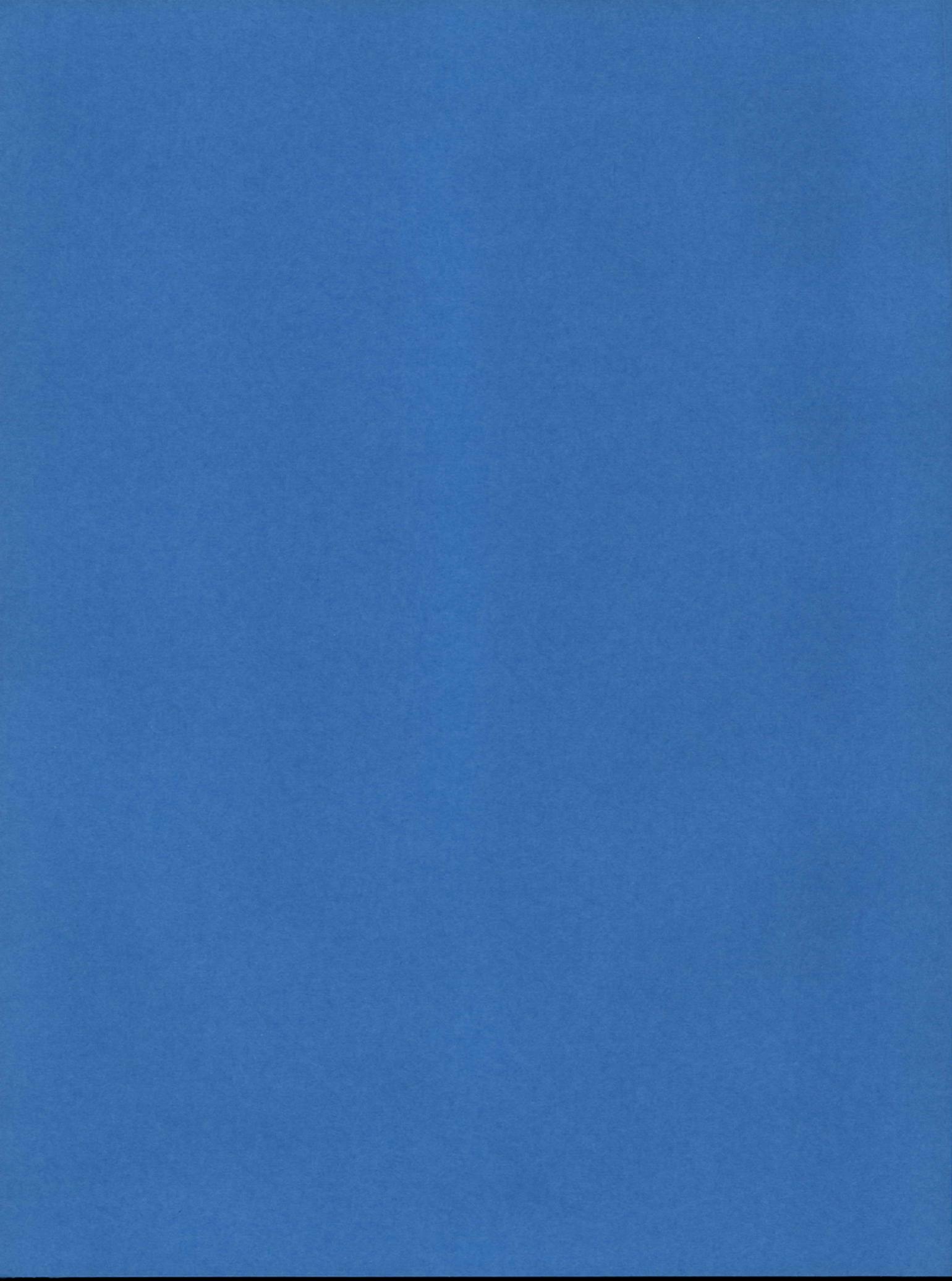
ALSO PRESENT:

Mark O. Smith
Office of Legislative Services
Aide, Assembly Select Committee on Land Use and Planning

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New Jersey State Legislature
ASSEMBLY SELECT COMMITTEE
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MEMORANDUM

December 14, 1988

TO: MEMBERS OF THE ASSEMBLY SELECT COMMITTEE ON LAND
USE AND PLANNING

FROM: ASSEMBLYMAN ROBERT C. SHINN JR., CHAIRMAN

SUBJECT: COMMITTEE MEETING - THURSDAY, DECEMBER 22, 1988

(Address comments and questions to Mark O. Smith, Committee Aide, at
609-984-7381.)

The Assembly Select Committee on Land Use and Planning will meet on
Thursday, December 22, 1988 at 10:00 a.m. in Room 403, State House Annex,
Trenton.

The committee will be briefed by representatives of the State Planning
Commission on the State Development and Redevelopment Plan. As you may be
aware, the Plan document subject to the cross-acceptance process will be adopted
by the Commission on Monday, December 19, 1988.

Following the briefing, time will be allowed for questions from the
committee. Limited public testimony may be taken should time allow.



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NOTE: Copies of "Communities of Place" Volumes I and II
are available through the New Jersey State Planning
Commission

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ASSEMBLYMAN ROBERT C. SHINN (Chairman): We are going to get started while we are waiting for a couple of our members to show. We've all got schedules today so we want to leave enough time in this process so we can have dialogue. And I guess the main thrust of our agenda and the only item on our agenda is getting a report on the State Plan and the status and an overview. We have Bill Mathesius, Planning Commission member and John Epling the Executive Director. So Bill, I'll turn it over to you.

C O U N T Y E X E C U T I V E B I L L M A T H E S I U S:
Thank you, Assemblyman. I appreciate the opportunity to be here. Chairman Gilbert, the Chairman of the Planning Commission has asked me to represent him and the Commission in bringing this Committee up to status and up to date as far as the State plan and the State Development and Redevelopment Plan for the State of New Jersey.

As you know, there have been a number of people who have contributed tremendously, and I count you, Assemblyman, as one of them who has had a vision we have shared with respect to a future of New Jersey.

John Epling who sits to my right, is the Executive Director of the State Planning Commission, and he will bring to you the current observations and the present status of the "Communities of Place" which is our name for what we consider to be the legacy of the next generation.

However, there are a couple of points that I'd like to make before Mr. Epling begins, and they relate primarily to what you have heard from many people throughout your and Assemblyman Schluter's service to the State, and to Assemblyman Cimino, and that is the concept and the idea of money.

Full and proper funding is the quintessential element of having a proper and appropriate plan. The need for county and municipal planning assistance is critical during the cross-acceptance process, and I'm here just to underscore that point.

I don't want to blur the need for full funding of this process by getting into the particulars of the plan which Mr. Epling will address.

Resolution 88-008 which has been approved unanimously by the State Planning Commission indicates our support for the legislation of the kind such as A-3544, the bill sponsored by you, Assemblyman Shinn, and co-sponsored by other members of this Select Committee. And we appreciate and endorse that idea.

You have offered a timely and critical element to the State Planning process, and I can tell you bluntly, without fear of contradiction, without equivocation, that without proper funding we will have a danger of not receiving adequate county and municipal participation during cross-acceptance.

And my point is -- and my only point at this point -- is don't starve the process. Don't starve the process. John DeGrove who is a recognized leader in land planning throughout the United States and who has analyzed growth management efforts in Hawaii, Vermont, Florida, Oregon, found that the foremost lesson to be learned, the lesson that emerges consistently through all successful and unsuccessful events, is tied directly to the funding process.

Accepting new State initiatives in growth management and new mandated requirements on local governments is always more successful if sufficient State dollars accompany the mandates.

Now, I read the papers as you do, and I'm as familiar with the public position of the State of New Jersey and the current problems it has with respect to funding. However, this plan is a legacy. That's why we call it "a legacy for the next generation and for future generations."

In Oregon, in 1975 that Legislature provided over \$4 million in 1975 dollars to local governments for their planning initiative. That's why they've been successful. The New Jersey State Planning Commission recognizes the importance of

the funding initiative that you have originated. We commend your efforts totally and fully. We encourage the Appropriations Committee to send your bill to the full Assembly and urge its expeditious enactment.

Without further-- That's my point. I appreciate the opportunity that you've given me, Assemblyman and members of the Committee, to make that point. Without further ado I'd like to introduce Executive Director John Epling who will bring you up to the particulars of the State Planning, "Communities of Place," and too, what we consider to be a legacy for the next generation. John.

J O H N W. E P L I N G: Thank you, Bill. And thank you, Mr. Chairman.

ASSEMBLYMAN SHINN: Is that microphone on, John, before you start? Is that red light on?

MR. EPLING: No, it isn't.

ASSEMBLYMAN SHINN: Just push that button.

MR. EPLING: There it is.

ASSEMBLYMAN SHINN: It will help.

MR. EPLING: I appreciate the opportunity to be with you today. I will try to make my remarks brief but to the point.

I'd like first to kind of walk you through, particularly, the first volume of the plan which has a lot of new material in it but is also, to some extent, a summary of all three volumes of the State Development and Redevelopment Plan. But I'd like to walk you through that and then finish up with what I feel are some of the major differences, if you will, between this draft, or this preliminary plan and the January draft which I think most of you received -- January 1988 draft.

First, we selected the name for the plan, "Communities of Place" because we felt that when you look at what the plans are trying to achieve, it can be summed up with -- regardless

of whether you're looking at economic development or conservation strategies, preservation or whatever -- it can be summed up with the notion that we're trying to protect the character and identity of the communities of New Jersey.

One of the things we've observed, and I think the State Legislature observed when it wrote the State Planning Act by citing the need to stop haphazard, sprawled development -- which is mentioned at least once, and several times in the Act -- is that haphazard and sprawled development tends to blur communities. You almost need a map in some cases now on some of our built-up areas, and areas that are building to know when you pass from one community to another. Open spaces are disappearing. Traffic routes are becoming so congested that you can't move.

And the notion of "Communities of Place" is that if we plan properly and -- to do so we don't have to limit economic growth. We don't have to go overboard on environmental conservation issues. What we need to do is to balance those concerns and come up with a plan that will protect these communities and yet allow them to continue to grow in an efficient way so that we can afford the infrastructure that's necessary to keep traffic moving, to process effluent so that we don't damage our ground and surface water supplies. So this whole notion of "Communities of Place," I hope, will as it becomes more known, embrace a lot of the concepts that we're promoting in the State Development and Redevelopment Plan.

We start off in Volume I with a discussion of some of the problems with the way we have grown. The decline of the urban centers over the last two decades has been tremendous while the State, actually in terms of total population, has grown significantly. And this is a discussion that begins on page seven.

Even more dramatic has been the reduction of the call off in urban employment in our major urban centers while the State's employment has risen dramatically.

We cite the problems of traffic congestion and the results of a recent DOT study, for instance, on Study Area 1 that says it will take five hours to get from New Brunswick to Trenton in the year 2005 if we don't do something major on that route. And this isn't the only route we're having problems with. Problems extend to South Jersey, Central Jersey, and North Jersey.

We cite the soaring housing prices; the actual relocation of some specific areas of a major corporations because they cannot find a location where their employees can find housing. We've got to find a way to deal with that.

We cite the loss of farmland. The deterioration of air quality and the entire State being a non attainment on ozone, in addition to the carbon monoxide problems we have in specific locations. And the fact that we have 150 or more sewer moratoriums in the State, many of them in areas of prime developable land in areas of the State where these facilities have simply become so overburdened that we've had to stop hook-ups to the systems. This alone can dramatically affect the economic growth of the State. When you look at all of these factors together we have not only environmental problems, but we have a number of growth problems as well.

So the plan is trying to put together over a period of the last two years during cross-acceptance and after cross-acceptance a plan which deals with all of these in some comprehensive and integrated way. You can think of it in terms perhaps of two years ago the first draft of the plan was sort of like a log, and we're sculpting that log and digging it out. It looks, perhaps, more like a rough-hew Indian canoe right now, but I can assure you by the time we finish with cross-acceptance we'll get municipal input, county input, that we'll have a boat that can win the Ivy League sculling contest.

But I want to emphasize the fact that this is a developing plan. It's an evolving and emerging plan. It's not

in concrete right now, and cross-acceptance is a critical part of that; and the bills come. We're right on target in regard for the need for funding.

On page ten we start with the statewide goals which are taken directly from the State Planning Act. They were elaborated upon a bit so that people could see the significance of those goals and how the plan treats them. In accordance with the Act, the State Planning Commission in the very early days of 1987 -- January through March and April -- looked at alternate growth and development strategies. We looked at what happens with the continuation trend of what the fiscal implications of continuation of trend type development would be.

We looked at an urban concentration scenario where what would happen if all the growth between now and the year 2010 were concentrated in urban centers. What would happen if that growth were concentrated in those centers and major corridors. And we looked at those three as kind of just hypothetical extremes along continuums. We found that -- like I think most people would suspect -- that the urban concentration approach would be the most efficient use of taxpayers monies in terms of having the infrastructure. We have to repair it. It's deteriorating. We have to repair it anyway. We can't let it keep deteriorating to nothing. And so you can expand that infrastructure at that same time you would repair it and maintain it a lot less expensively than you could get the new systems out in rural areas to accommodate development.

But while it was the least expensive in terms of public funds we also found that, you know, if you tried to force growth in those urban centers by regulatory heavy restrictions outside of those urban centers that you would force some of the population growth out of the State because it's simply not the market there at this time.

So we came out of that study, if you will, with some conclusions about what the plan is capable of achieving and what it's not. And one of the things we decided was that, first of all, the revitalization of urban centers is a separate problem from managing growth outside of those urban centers. You cannot push down growth out in rural areas and expect it to, automatically, if you will, pop up in the urban centers. It just won't work.

It might work at a smaller scale of planning. It might work in a metropolitan area where you've got one economic region or one economic entity. We're dealing in New Jersey with several economic entities and regions, and the transference of growth between those is not an exact science, as yet.

We also found that we would need to provide incentives. If you really want to revitalize a city you've got to provide the financial and other incentives to make it occur. And the plan lays out, I think -- in what we're calling, Tier 1, I will discuss in a moment -- a number of strategies and policies that will help address some of those incentives.

One of the comments we got back in response to the January draft-- You know we went through a fairly elaborate public solicitation of public comments, and comments from special interest groups and State agencies based on the January draft. And some of the comments reference the fact that, you know, what are you really trying to achieve; what's your vision of New Jersey? You've got a lot of policies, strategies, goals, objectives, standards, guidelines. What do you see in the year 2010?

And so the Commission spent some time and several of its retreats talking about some kind of vision that we could lay out so that people would understand what we're trying to achieve in all of this, and that's described in Volume One on

pages 12 through 16. Then we talk in very brief terms about what the State Plan can do. And if you'll notice that on page 16 that in none of those do you see the State Plan mentioned as a regulatory device as many have tried to characterize. We don't see it as a regulatory device.

We hope that a lot of the recommendations in the plan will be taken seriously by the State Legislature, by the 567 municipalities, 21 counties, regional agencies, and so forth. And that eventually these will find their way into a number of, not only regulatory, but nonregulatory programs to help it achieve its objectives.

Those objectives are layed out on pages 18 through -- well, on page 18, actually, they fit very well in the format. Those objectives as well were taken directly from the State Planning Act, at least the subject matter with which they deal. You listed in the State Planning Act certain areas where you required us to lay out objectives, and we did that on page 18.

Then pages 18 to 27, we found that in the public comments too, there wasn't a clear understanding of what our Growth Management System was. And so, on those approximately 10 pages, we tried to describe the plan in terms of a Growth Management System comprised of five parts.

In other words, the plan is not tiers. The plan is not standards; it's made up of five components. And we discuss, first of all, the management structure for the plan, and that is the tier system.

The tier system is in essence a very simple concept. All it is, is a geographic delineation of lands in the State which share certain common characteristics. Tier 1 are distressed cities. And we have a standard for what constitutes a distressed city and simple to identify on a map.

Tier 6 just deals with the supplement to get the idea across -- are agricultural lands, and we define what we need by

that, and map those on the map. And Tier 7 being environmentally sensitive areas we lay out the criteria for what constitutes environmentally sensitive area and map those.

So the tier system is simply a way of categorizing areas of the State in ways that we can then develop strategies and polices and guidelines to achieve whatever objectives relate to those specific areas. The Plan came up with a system of seven tiers. The map, incidentally, is the centerfold. It's not as pretty as some centerfolds, but we're proud of it. You may want to hang it up on the wall. You can see the seven tiers layed out. One of the tiers -- agricultural tiers broken out into two sub-tiers. But basically it's a system of seven tiers.

We then describe the second component of the system as a regional design system. This relates back to my earlier discussion of "Communities of Place." What we describe there is a hierarchy of central places. If you want to eventually stop sprawl and haphazard development then what you have to do is start getting more compactible; basically the antithesis. Where do you want that more compact development? We're recommending this hierarchy of five central places: cities, Newark, Camden, etc.; towns like Clinton, Vineland, and Newton; and what we're calling corridor centers which are mixed the use high intensity developments along the major corridors of the State. Hopefully high enough so that we can begin to look in five or ten years at much higher forms of public transportation than we can look at now because we don't have a density along these transportation corridors to justify it.

DOT has been working with us very closely on what densities you need and what types of mixed uses do you need? What's realistic to the plan for and what's not? I think we have a good system that municipalities and counties would be identifying those corridor centers and force cross-acceptance. So they will play the major role of where growth occurs in their areas and how it will occur.

We then-- The other two central places we're dealing with are called villages and hamlets. Both of those also will be identified in the cross-acceptance process. So you can see, at least as far as the preliminary plan is concerned, what we've done is laid out a framework for how growth should be planned to achieve the objectives of the State Planning Act without interfering or at least minimizing interference with municipal perogatives and county perogatives and exactly the location of that growth. But we did lay out the framework, and you'll find a discussion of that on pages 21 and 22.

The third component of the system is statewide strategies and policies. That's a rather large group of strategies and policies that would apply regardless of what tier a particular area of land may fall within. And they're broken up into comprehensive planning strategies and policies. The need for better funding of local planning is one of the strategies that we have. We talk about capital facility financing and development. We have a section on economic development, housing, natural and cultural resources, transportation, and areas of critical State concern; those being principally the three regional agencies the State has, Meadowlands, Pinelands, CAFRA, and our coordination with those regional agencies.

Then the fourth component of the New Jersey Growth Management System and monitoring and evaluation program. As some of you may know we've contracted with Urban Land Institute which has had a continuing interest nationwide in how you measure the impacts of growth management plans. It's not a-- The state of the art isn't there at the present time, but ULI and probably the Lincoln Institute have been leaders in the research in that field.

Anyway, we contracted with them to help us-- First of all, tell us when is it based upon the approach we're taking in New Jersey with cross-acceptance and the process we're using:

When is it appropriate to do impact assessments, or when is it proper to monitor and evaluate effects of the plan? And secondly, given that it can be done or it's better to be done at certain points in time than others, what are the variables that we look at? How should we shake that program so that we're really looking in a balanced way at all of the impacts of the plan, not just narrow impacts in one specific area?

So, we came up with a-- We feel like we need to monitor and evaluate the effectiveness of the plan in five areas? One is on the economy. What's the impact to the plan on economy.

Second, the impact of the plan on the fiscal structure both at the local and State levels. How much is it going to save us or cost us in infrastructure to implement the plan and not to implement the plan?

The third area is environmental. Is the plan and the strategies and policies that we're promoting really protecting some of the natural resources that you've asked us to protect in the State Planning Act or is it not?

The fourth area is what we call community life. Have we really had an impact? This is going to be very difficult to evaluate in the short run because a lot of the community life features -- whether you're talking about traffic congestion or the visual impacts of development that occurs, that is going to occur over a longer time. But we need to identify that and we need to identify a methodology to assess whether the plan is effective in affecting those or not.

And the last area is in intergovernmental coordination. Is the cross-acceptance process, for instance, this first time around. There's no model for it. It's never been done anywhere so we don't really know what we're doing, you might say. We set up what we think is a logical process. Well, we want to evaluate that. Does it work? Did municipalities and counties participate? Did they feel like

they had a major role to play in shaping the State plan? And have we really developed an integrated and coordinated State plan like you asked us to in the Act?

When we come out of this and adopt it, does it really represent an integration of State agency plans, local plans, county plans, and so forth? And that's one of the major major mandates that you gave to us. We can't walk away from the plan by -- this mandate by adopting a plan that basically nobody agrees with. So there's a tension built into this that we have to deal with.

So those are the five well-- And then cross-acceptance being the fifth item. We discussed the process in general, the comparison phase the counties and municipalities will go through comparing what we have, with what they have. They will be identifying the growth areas, the villages, the hamlets, the corridor centers. They will be correcting our tier maps where they have infrastructure -- planned to install infrastructure that we're not aware of. These may change some of the tier boundaries significantly.

They may have areas that they want to protect that we're not showing, so they may want to add delineation criteria. So we don't know all the things we're going to run into but they have a very broad role to play and a very good role to play in terms of shaping the final plan when it comes out.

So those are the five components: the management structure, the regional design system, statewide strategies/policies, monitoring and evaluation, and cross-acceptance. And I think among those-- When you look at all five of those and if you have a chance I hope you can run through it at leisure sometime during the holidays. I think you'll see that we tried to address a lot of the concerns of the people have had. As a result, in their review, comment on the January draft.

We then talk about plan strategies, and I think this is a critical part in understanding what the plan is really saying and what it is not. What the Plan says to the municipalities, when you identify these villages and corridor centers and you plan growth around your existing towns and so forth, it is critical that you look at the caring capacity of two systems. One is the infrastructure system that you have and you plan to have during the planning period. Is it sufficient to support not only the location where growth would occur, but the densities and intensities at which this growth would occur?

There's got to be a better relationship in municipal and county master planning between their zoning and master planning and where they say growth is to occur and where the facilities can and should be placed to serve that growth, transportation, water, sewer, etc. That simply has not been the case over the years, and that's one of the reasons we have a growing infrastructure deficit at the present time.

So we're asking them to use that as a criteria when they tell us during cross-acceptance where this growth should occur; what this intensity should be? Look at your infrastructure and capacity to support it. And also look at who's going to be paying for that infrastructure. That's a critical, critical point.

The second system is a natural resource system. In the absence of infrastructure they have to look at the densities, intensities and location of uses to make sure that they are not destroying the very amenities that are supporting that development, the groundwater supply, the surface water supply: Are they contributing to the carbon monoxide problem in terms of transportation, and so forth?

So we haven't taken it upon ourselves at this point to say that you should not do this or you should not do that. We have recommended that in the third volume, which you do not

have yet, a number of guidelines that in the absence of those kinds of analyses to support their own decisions on growth and where it should occur and so forth. We recommend some guidelines that we think will protect them.

If they've got as good a guideline, if they come up with something that's equally as effective in achieving the mandates of the State Planning Act which are described under those goals, objectives, and so forth, and as far as we're concerned, that's acceptable to us. We don't claim to be the repository of all wisdom on how municipalities should -- what's possible tools to use; that they've got an equally effective way to achieve the same goal than that could be included in the Volume Three, in the final plan, and that would be a reasonable alternative.

We then talk about enhancing implementation capability -- capacity. That is a-- We refrain from couching these things. You may want to take a quick look if you've got the volume before you. It's on page 31. We didn't want to cast these in the legislative -- like we were making legislative recommendations at this time. We wanted to cast them in terms of these are some needs that we see.

And first is an Infrastructure and Affordable Housing Trust Fund. During cross-acceptance we're going to be talking and working with a lot of people, get feed back from municipalities and counties. And we would come back, hopefully, to the Legislature with certain views and some ideas of sources of such a fund; how we would raise revenues or how you should raise revenues to fund it.

All of these we'll be going into in a lot more detail during and after cross-acceptance. We also are anxious to watch how certain of these items progress over the next year. We talk about how we have supported the Transplan and the Transfer of Development Rights and a number of other programs. We'd kind of like to see how they play out.

And the last section of Volume One is how the plan-- We felt that people weren't really understanding that-- The Commission has been so careful in trying to construct a plan that responds directly to provisions of the State Planning Act, and I don't think a lot of people understand that.

So, what we tried to do in the summary is say, "All right, the Act says this. Well, here's how the plan responds. The Act says this. This is how the plan responds." We tried to relate it so that at least you ladies and gentlemen would be confident that we didn't go off on our own and try to develop some weird mechanism. This evolves straight from the legislation that empowered the Commission to develop this plan. I think it's done a good job.

Let me just say, in final, that there are perhaps four or five major differences between this and the January draft. One is that in this preliminary plan we talk in terms of a rural development strategy rather than just conservation or agricultural land protection and that sort of thing, because what we found was that there was a lot in the January draft that dealt with issues, you know, fiscal issues, with economic development issues. It was more implicit than it was explicit.

And we felt that we needed to pull all of those things together into a rural development strategy so that you could see how they all fit together. I think we took a good stroke at it. It will come out of cross-acceptance, I'm sure. And I hope that you will advise us, too, of any improvements that you see. But I think we made a good first step in trying to help people to see what we're trying to achieve in rural areas.

We also expanded our housing strategies and policies to deal with more than just low- to moderate-income housing. We see the problem now much larger than just low- to moderate-income. We're certainly concerned about that. But we're running into critical problems in the middle income ranges now as well. So we've added quite a few policies and strategies on that.

We have added a new section on economic development. Again, we felt we had a lot of the economic issues dealt with, but they weren't as visible as they should have been. We added a new section there.

As I indicated, we added a new plan evaluation and monitoring the evaluation program in response to concerns that people had about the economic impacts of the plan and I tried to -- or at least a member of the Commission, Mr. Len Lieberman, tried to assure the Appropriations Committee that the Commission is as concerned about economic impacts as anybody. It's also concerned about a number of other impacts. We think we're developing a program that will deal with those in a realistic way. Other than that I'm about finished. I guess if Bill saw anything that I missed--

COUNTY EXECUTIVE MATHESIUS: Well, I did see two Assemblymen come in after I made my opening comments, and I'm pleased to see Assemblyman McEnroe and Assemblyman Cimino; two Assemblymen I have the highest regard for, despite their party affiliation. I initially made a pitch, gentlemen, about the money, and I asked that this Committee endorse the concept that we don't starve this process. That was the emphasis. I talked only about money. And I explained that John DeGrove, a recognized land use specialist who has impacted a number of states being involved in their land use planning and overall conceptual progress. Their progress in fact in Vermont, Florida, Oregon, that he has found that the major failing of a plan to develop appropriately or reasonable growth management has been the lack of funds.

And every successful effort has been supplemented by the funds for the local governments. And I emphasized as well, before you gentlemen came, Oregon in 1975 gave \$4 million to the local governmental agencies and entities and has derived from that a very excellent land use planning effort.

Now I kidded Assemblyman McEnroe and Cimino as being members of the other party. They are that but they are-- I do, in fact, hold both of you gentlemen in very high regard and am pleased that you're on this Committee because I think this Committee requires the most responsible among all of you, and I am pleased that this Committee is made up of responsible Assemblymen that do understand the process. The process-- You hear from everybody about money, appropriations, money. That is a key. It's a key here, and that was my pitch. And then I turned it over to John. I'm appearing for the Chairman, Mr. Gilbert who could not be here today. But I'd certainly be happy to respond to any questions, and I know John would as well.

ASSEMBLYMAN SHINN: One of the concerns that I have is as this process evolves, when you start cross-acceptance, in my view the Commission sort of takes a small step backwards and the counties conceptually or their appointed person to do cross-acceptance sort of comes into the picture and carries that process. What kind of information is going to flow from the Planning Commission to the counties in this cross-acceptance and what kind of data base do you give them to start their process with?

MR. EPLING: We're going to give them more detailed maps. The one inch to 2000 foot photoquads that have the tier delineations on them. And we also have sets of maps that have the criteria whether it's stream watersheds, developable land that we've measured; a lot of the factors that went into development of the tier system and the boundaries of the tiers will also be supplied to them. So they can double-check whether it's a habitat or whether there's a water impoundment or an aquifer that needs to be protected. Whatever the situation may be, they'll have maps from us to do that.

We just finished, incidentally, setting up a negotiation, remediation program for county planners. It was

just finished last week. It was a three-day session. Apparently it was very successful. The county planning directors that I talked with on Monday at our Commission meeting said it was one of the best sessions that they had attended. But we wanted to give them some feel for the kind of experience that they are going to be passing through, because again, it's a new thing and they need the skills to handle it.

Other than that, all of the technical reference documents, and there are volumes of them, will be available and given to each of the counties. And they will describe everything from the beginning, the conceptual base for the development of the plan, through population projections, employment, all the employment data we've got, housing data-- We paid for a study by Bob Burschell to answer the question, "Is there enough developable land shown in the plan to support the full range of development that's projected for the State the year 2010?" He found that there was. A copy of that will be given to them, and they can kind of check the results of his work with what they know in their counties.

There's going to be probably more information than they would be able to use. I think a lot of their time is going to be spent, you know, sitting at tables with municipalities trying to see where there are conflicts and where there are not. And what they agree with and what they don't. That gives you some overview.

ASSEMBLYMAN SHINN: Do you have-- Do you keep track of what the State Agricultural Development Board is doing in their Easement Program? Because I think they're very close to endorsing county programs, and it seems to me that that's sort of a footprint in the State Plan in the various ag areas. I wonder if you feel there's consistency relative to the State plan and the Easement Program that the SADC is operating from what is being considered as permanent easement purchase?

MR. EPLING: First of all, we have sort of built that group into that cross-acceptance process so we're going to be working with most of the county planning boards, agricultural boards, particularly in the area of Tier 6 and the delineation of it and where are the easements -- where they feel like the easements should be purchased and so forth. So we made a special effort to make sure that we coordinated with that group in each of the counties.

ASSEMBLYMAN SHINN: I think if you've looked at what they are trying to accomplish, it might be appropriate for the Planning Commission to review what they're considering, and endorse or comment on it, at least. Because I think it's really sort of a permanent footprint to what you're trying to achieve on a larger scale.

COUNTY EXECUTIVE MATHESIUS: I think, Assemblyman, the goals are very much the same. The methods of attaining those are a little bit different given, again, funding.

ASSEMBLYMAN SHINN: You had a comment in here relative to farmland, and you talk about between 1950 and 1985 New Jersey lost half of its farmland. In '85 and '86 the rate of loss almost doubled, and I assume that you're talking about actually titles that actually transferred--

MR. EPLING: Conversion.

ASSEMBLYMAN SHINN: You're not dealing with option land or anything like that. You're just dealing with transferred titles.

MR. EPLING: To non-agricultural uses.

ASSEMBLYMAN SHINN: Yeah.

MR. EPLING: We got that information from the Department of Agriculture.

ASSEMBLYMAN SHINN: And I don't think that pressure has gotten any lesser in the last--

MR. EPLING: No.

ASSEMBLYMAN SHINN: --'87 and '88 which--

MR. EPLING: Well, I might add on this point that some of the people have looked at this recent version, of the map which has been updated since the January version, and they see a little less green and a little less agricultural land. The fact of the matter is that each time we focus in, even more detail, and where the problems are that land no longer exists as environmental land and farmland. And that's why those areas have shrunk up since we started this process.

ASSEMBLYMAN SHINN: Do you have a ballpark idea of how many counties are going to be participating in cross-acceptance out of 21?

MR. EPLING: We've received four or five resolutions of county boards who have said that they intend to participate. They were unsolicited. We just sent letters out, I think the first part of this week or the latter part of last week, asking them to pass a resolution to participate, and on the basis of our receipt of that resolution, they would receive half of that \$20,000 that you may remember a long time ago was appropriated. They would get \$10,000 and we would enter into-- They would prepare work program and start the process.

I haven't heard that any county, myself -- I'm not aware that any of the Commissioners here -- that there is any county that has said it would not participate. But we're just starting the process of soliciting.

ASSEMBLYMAN SHINN: Any questions, Skip?

ASSEMBLYMAN CIMINO: Yes, thank you, Bob. Good morning. My apologies for being late this morning. John, what now becomes the timetable? Have you defined what the timetable will be for cross-acceptance?

MR. EPLING: This has already been mailed to the counties and municipalities. The Act says that the cross-acceptance process starts the date the county receives it.

What we did, a lot the county planning people felt that receiving it during Christmas would really set them back;

they'd lose several weeks of work. So we made January 9 the kickoff date, notwithstanding that they get it earlier. So it would be-- The six month comparison process would run from January 9 through July 9.

We define cross-acceptance longer than that however. And just so you'll see the difference-- They are supposed to send to us written reports on findings, recommendations, the growth area, and so forth, by July 9. We then would sit down and go through those reports. The Commission would identify what has to change in the State Plan; where they may want to sit down with a county or municipality and negotiate some inconsistencies that we think we'd like to see them change. We'll see how it works out. That's going to take a while.

Then we would come up with what we call an interim plan. That's the plan that would emerge from the cross-acceptance process. That interim plan would go to a minimum of six public hearings -- I suspect, we might hope more -- but a minimum of six is what the Act calls for.

Then 30 days after that last public hearing would be the completion of cross-acceptance. That would give municipalities and counties time during those public hearings to respond to how we reacted to the cross-acceptance process, if you see what I'm saying. We would then have to make revisions to what we get during those public hearings and come up with a final plan.

But we're-- A specific answer, it starts January 9. The comparison process is over July 9, although I'm hearing from more and more counties that they're going to need more than six months. I don't think we're going to be sticklers and yet at this point in time we want everybody to try and hit that July 9 deadline. We suspect it will take three to six months to resolve issues and that may be optimistic, depending on the size of the problem. So we're hoping by the first part of January of 1990 we would be able to adopt a plan.

ASSEMBLYMAN CIMINO: Thank you.

ASSEMBLYMAN SHINN: Assemblyman Schluter?

ASSEMBLYMAN SCHLUTER: Thank you, Mr. Chairman. I have several questions. One is to get the comment of County Executive Mathesius to the following: I agree with your position that funding is essential to make this program successful, and I'd just like to observe that a bill for \$7.35 million was introduced by Mr. Shinn and cosponsored by every member of this Committee. It was introduced on June 29. The State Government Committee gave it second reading -- or excuse me, passed it, approved it on July 14. Then it went to the Appropriations Committee.

I compare that with another piece of legislation which is identified as Assembly 3799 which is the bill which would impose an economic study under certain prescribed guidelines on the State plan. That was introduced on October 13. It didn't even get referred to the State Government Committee where most of these particular bills are referred. It got second reading from the Appropriations Committee. This was a smaller appropriation, mind you, but it was still on the subject.

It was approved by the Appropriations Committee December 12, and it was posted for a vote on December 19. So I'm saying by this little scenario that fast action can be attained, Mr. Mathesius. Now I'm wondering if you could use your considerable influence in statewide circles to see if we could get the same kind of fast action on the funding.

COUNTY EXECUTIVE MATHESIUS: I would certainly do whatever I could to-- Of course I'm not a PAC; I'm not a special interest. And I'm not a builder and I don't have the \$3 million that made prompt, quicker action. I'm a County Executive, and I have certain limitations, as you are well aware. But I would happy to use whatever influence I could to try to get us on an equal footing with the dramatically expedited effort that you referred to. Sometimes I'm accused

of being too direct. I don't know that to be true. But I do find that alarming that the speed by which something that may be considered, by some of the more cynical among us, as being an effort to sandbag the Commission. I personally think that's the case, and I'm heartedly against it. But I will certainly try to do whatever I can to fight off the natterings and the gnawings of those who are unhappy about a growth management program for the State of New Jersey, and do what I can to supply the funding by pleading and weeding and doing whatever I can. I appreciate your observations. They are, too, well taken.

ASSEMBLYMAN SCHLUTER: Thank you. Second question, Mr. Epling, these are excellent. How many of these are available and what is the plan for the Commission for distribution? Can legislators, can county officials call up and get these sent out almost at will? How many do you have printed?

MR. EPLING: We will receive by the end of this week the whole amount that we had printed which was 10,000 volumes.

ASSEMBLYMAN SCHLUTER: Ten thousand.

MR. EPLING: There's 10,000 of each volume and we've already-- Our first act was to get it to you ladies and gentlemen. So you should have gotten yours at the same time, basically, the Planning Commission got it, on Monday.

We're getting-- We've been asked for several hundred copies by a variety of interest groups and we're trying to supply them. They can distribute through their organizations. I think that's a good way. We're going to give the League a number of copies. We'll certainly supply as many as we can to you for your purposes. But we're trying to hit the major organizations and make sure they can get them out to the people, because a lot of them have these subcommittees and groups that are watching what we're doing. They need copies of it.

So that's kind of the first priority is to get to the associations and groups so that they can get it out. But we will have copies. I will save extra copies for you.

ASSEMBLYMAN SCHLUTER: Mr. Epling, when you see your supply dwindling, shout if you need more, if you need more money because I think the availability of this is very, very important to the success of the whole process.

MR. EPLING: I agree. And we decided some debate on whether we should charge for it. But we felt that would just stem the review. And so they're going to be free because we want to make sure the principal groups that have been involved have enough copies for themselves.

ASSEMBLYMAN SCHLUTER: The next item-- And these are brief, Mr. Chairman, I'm not going to take too much time.

ASSEMBLYMAN SHINN: Go ahead.

ASSEMBLYMAN SCHLUTER: Do you believe there is a-- Once cross-acceptance is started by municipalities with their counties, do you believe-- And incidentally it is presumed that the funding through 3544 would be to assist municipalities and counties to hire consultants-- Do you feel that there is enough talent, there are enough consultants out there to do justice to the process and to be available to all of the different entities which will be seeking these people out?

MR. EPLING: That's an interesting question and frankly one I hadn't thought of. I actually don't know. I would hope so. It's something I will look at if you'd like for me to get back. I honestly hadn't thought about it. It's an interesting point.

ASSEMBLYMAN SCHLUTER: It's an observation. There are good planners and there are good attorneys and there might be some municipalities in all good faith would say, "Well, I'll just give an extra contract to our attorney and let this person do it." And it might not do justice.

MR. EPLING: I understand. It's an interesting-- I had not-- Let me get back to you, if you will. I just had not thought about it.

ASSEMBLYMAN SCHLUTER: Because all the good ones are going to be snapped up fast. Mr. Shinn raised a question about the State Agricultural Development Committee. And they just reported last Wednesday -- last Thursday -- on their preliminary allocation of funds. - And I'm making this by way of observation.

The preservation of open space means the farmland, through the farmland easement program to possibly TDR and other is very, very fragile. We've even, since last Thursday received comments in the 23rd District which has got a lot of rural area -- Hunterdon, Warren, northern Morris -- that maybe some of the owners of farmland who were enthusiastic about the easement program, because they were not picked are going to be getting a little bit impatient and might be withdrawing.

We also hear about the possibility of farmers who have considerable land, seeing the State Plan as having a dampening effect on farm values -- property values -- and they might want to jump right away into selling it or optioning it to developers.

So I'm mentioning this as an observation, and I would hope that the Planning Commission keeps an eye on this factor and also on the funding through bond issues or recommending more permanent funding for the acquisition of agricultural easements. I see it as a problem.

MR. EPLING: We do, too. On page 31 on enhancing implementation capability, that's exactly one of the needs that we specify as a stable source of funding for open space and farmland preservation.

It's my personal feeling that -- and I think most of the Commissioners agree -- that you really need several tools. You need TDRs. You need more stable funding bases. I just

think you need-- Municipalities and counties need a lot more tools to accomplish what we're asking them to, what the Legislature has asked them to do. I don't think we should put it all in one basket, but certainly a stable funding source and TDRs are two of the tools that we think are critical.

ASSEMBLYMAN SCHLUTER: Thank you.

ASSEMBLYMAN SHINN: Assemblyman McEnroe.

ASSEMBLYMAN McENROE: Thank you, Mr. Chairman. I want to compliment my colleague, Mr. Schluter for his critique on how sponsorship and affiliation can assist in promoting legislation that may or may not be the appropriate consideration for the Legislature at the time, and thank Mr. Mathesius for his kind words about myself and Mr. Cimino. And of course, I know he means that for everyone on this Committee. And I do compliment you, Bill, for your long involvement in issues that relate directly to public policy and land management; these are forward-looking concerns, and I know you have taken a nonpartisan position on these issues. I think that's important, and it shows your leadership on the issue.

I do want to ask a few questions, and they really have developed in my mind from the debate we had both within my own party and on the floor at our last session relative to the funding of the economic study to the tune of \$300,000. Most of it was in response to considerations of the impact of the plan on South Jersey. I'm from the North, as they say, and I represent mostly an urban constituency. But there were genuine concerns, very sincerely, and provided by people on the floor and our caucus relating to the impact on South Jersey. The concern that transportation funding has been jeopardized. Future opportunities for growth in South Jersey will be limited. It's an understandable concern with owners of farmland. That's, I think, in a special category, that's being addressed. And, of course, those constituents are represented by able legislators.

But there is this gnawing concern and comment that the map hasn't changed; it's the same map. I'm glad to hear Mr. Epling comment that the map is continually being revised and updated relative to the various kinds of development in parts of the State.

But I want to be able to answer the questions responsibly of members within my own party, particularly, that are very concerned. To say that this is nothing more than a cosmetic approach to helping to develop the urban centers of our State, and the neglect of the South Jersey more rural interest and denying them the rightful opportunities that they see in their own future. Should they be concerned? What should can we do? What kind of program can we bring to them that will convince them that they're not correct in this?

COUNTY EXECUTIVE MATHESIUS: If I may start just to open the door to that answer. The map is easily-- It's easy to become fascinated with the map. And it's easy to hold the map up and say, "Look, nothing's changed," or "The changes are so minimal, and there's still a plan to do us in in the South. And we're really trying to revitalize northern cities at our expense."

We were weary of that consideration. And we thought, perhaps we should have no map. Perhaps it is misleading. And the feeling was, well, a map does exist for good or for bad and we do have an updated map. The answer to the map question is that it's a snapshot of what -- and an optimistic one at that -- at this point in time -- of what exists.

It is not a land use map. We have disclaimed the fact that this is the future of New Jersey. We say, this is what exists now. This is the bringing together of many common characteristics, as Mr. Epling referred to. Where you see green, that doesn't mean that that's land. There's quite a bit of development on that land. It may have a winking association with a furrow in the ground that has some beans coming out of it. But that's about all.

The map itself is representative of what exists in New Jersey in 1988, probably early in 1988. It is in no sense a land use map of the future.

The alternative to the question doesn't relate to the map. The alternative issue, as I see it, relates to are we going to be able to do what we want with our land which is our God-given right. And the answer is, since zoning was invented, no; that there will have to be considerations given to the greater of the community as opposed to each individual farmland owner, building owner, apartment owner, homeowner.

The degree to which -- to use a hard term -- selfishness, comes to the fore, to that degree it will have to be offset by a general understanding for the common good. It's very difficult to argue philosophy with a farmer who says, "Well, I worked this land for 40 years, and this is my bank, and I look forward to the time when I can make money on this investment by selling it to a developer." Hence, the concern that we have for people either quickly selling their land or optioning it off as Assemblyman Shinn has noted. That is a consideration and a very great concern to the Commission, to the staff. How does one prevent that?

Well, what we try to do is prevent that by what is set forth in that plan. There are people that are going to be unhappy about this plan, no matter what. There are the building interests who are unhappy about this plan. There are the agricultural interests that are unhappy about this plan for basically the same reason -- because it effects them.

There is no answer that is going to mollify them that I can see. That is why we are in pitched battle with those people who would like to do what they want with their land, and sell it to whom-- And purchase that land and do with that land what they want, which is what we call trend. And the middle trend of that triptych up there demonstrates what I think the

great bulk of the State of New Jersey and the economy of the State of New Jersey and the people of the State of New Jersey do not want -- by definition -- to sprawl.

The plan is against the trend. The trend, as we see it, does not invite a livable condition. It invites the kind of development we see along Route 1, strip development; the speculation that has been invited by our economy. And to answer you, particularly, Assemblyman McEnroe, I'm not sure there is an answer that is going to make people happy. There will be unhappy people. But for the community-- For the greater benefit of the community as a whole I believe that this plan takes a major first step and deserves the support, despite what we see as the people on the other side. John -- more particularity--

MR. EPLING: Let me add something to that. If you've got Volume I in front of you, look on page 25. There's a chart, preliminary population and employment projections. They are the population and employment projections for every county in the State done by, essentially, the Department of Labor. The Plan is not recommending anything different than what the regression would show for -- their population would be in the year 2010.

Then if you will go the next page, page 27, and look in the first column, item 5. These are things that we'll be asking the counties to do during cross-acceptance. And item five says, "State if the Plan's projected level of growth for the county is reasonable," -- that's the figure that you see back on the previous chart -- "If so, show how it will be accommodated in accordance to the Plan's strategies and policies." Those strategies and policies have to do with the pattern and location of growth, not whether or not it will occur, including delineation of new growth areas and the resulting new urban boundaries around existing towns, new

corridor centers, villages and hamlets. These growth areas and boundaries are not presently reflected on the plan map. "If not, state the basis for this determination." That is, if they don't agree that the projections are reasonable, state the basis for this determination and identify the locally preferred level of growth and how it would be accommodated in accordance with the plans policies.

Now, of course, they're going to have a shot at the plans, policies, and strategies anyway. So, you know, it's kind of -- in a sense, you can see a cat chasing his tail. What we're trying to effect here is say, "Fine, you can go." You have 20,000 people coming in -- 50,000 people. We're interested in how that occurs, where it occurs, densities occur.

So, I don't see anything in the plan on the surface that is going to say to anybody in South Jersey that they can't grow. That's been the result of a lot of misinformation promulgated by people that we can't keep--

COUNTY EXECUTIVE MATHESIUS: That is really a critical element that we are not making any effort to confine or constrain people who can present a reasonable plan as an alternative. And we're saying, "Go, tell us what you want to but tell us how you're going to accommodate it. Don't say you're just going to bring in 50,000 people and there's not going to be this, that, and the other thing to support that." That's critical. That's a critical support mechanism of this entire plan.

ASSEMBLYMAN McENROE: Could you just-- Could you if you would ask your staff if this is -- I think it is possible -- to look at the transportation funding levels just to determine whether there is any truth, whatever, in the concern that-- That specific area that they say a pattern of transportation funding that is not addressing what they feel should be their future needs, and that there are some limitations being imposed in anticipation of the State Plan somehow limiting the growth potential in South Jersey.

MR. EPLING: Let me give a--

ASSEMBLYMAN McENROE: Just one specific--
Transportation planning.

MR. EPLING: Could I give a short response to that?

ASSEMBLYMAN McENROE: Sure.

MR. EPLING: If you take infrastructure revenues of the State -- I think I told you this before -- and project to the year 2010 and then project the infrastructure expenditures of the State to the year 2010, you come up with a gap of expenditures over revenue of about 19.3 million. That was our best estimate a year or so ago. That's a 65% gap.

You have two ways to close the gap. We can raise the revenues, which is not a very popular or perhaps even a realistic thing to do when you look at what taxes are now. But that's one way to close the gap. The other is to reduce the need.

What the plan is proposing is that you locate growth in areas that you reduce that need. In other words, is there a legitimate point in saying we want what trend would say our transportation cost would be if, in following the plan those are several million or billion dollars less. That's all we're saying. You won't have the need for more. And that's statewide, not just South Jersey.

We're trying to reduce the need for new infrastructure funding that isn't necessary. You can do that by proper planning and proper location of planning; cutting down on sprawls from the major contributors to the cost of infrastructure.

So the plan has said nothing about anybody not getting transportation funding where they need it. But if we can reduce the needs, that's what we're trying to do.

ASSEMBLYMAN McENROE: Well, that's reasonable. I think that should be articulated to members of the Legislature that have that kind of concern. Just one comment: I'm impressed.

I certainly think both volumes, in my cursory review, indicate that the Commission's functioning well. The staff is doing fine. I think the report we've had today is excellent.

This is, in my view, nothing more than was anticipated. And the kind of difficult time I think many of us are experiencing, I think, could have been anticipated. I'm not at all disappointed in what I see as genuine progress in New Jersey in the past year in the planning process. I wish you well in your ambitious schedule that cross-acceptance will be finalized in July and that it will only be another year-and-a-half before we have a -- or a year or so before we have some final plan.

But in my view no matter what amount of time it takes it's going to be worth the effort. I just want to emphasize that I'm in no real hurry to see New Jersey managing its volume of growth and redevelopment in the proper way, as long as we know there's progress being made and there's recognition on the part of the public that this is a public policy issue that's second to none, in New Jersey's future. Thank you.

ASSEMBLYMAN SHINN: Skip?

ASSEMBLYMAN CIMINO: Mr. Chairman, thank you. I'd like to go back to County Executive Mathesius' remarks. I know through your offices as the Chairman, we have put this bill forward, and I know that it moved with alacrity through the State Government Committee because three members of this Committee happened to sit on the State Government and know the import of that. And Bill, I appreciate what you said. Quite frankly, in all of the dealings that I have with you over the years, your principles and the tenets of your belief have always transcended partisanship, and I appreciate what you've said.

I would ask, Mr. Chairman, that perhaps what the Committee ought to do in a bipartisan fashion, as well, with the County Executive is ask that, in fact, that this bill be

expeditiously posted now. Mr. Epling has said that we're moving into the cross-acceptance process. I think it would be unfortunate that if, in fact, counties and municipalities who need the money -- and we've all served at that level of government in one way or the other -- if, in fact, the process itself should be delayed because of the inability to have the funding that's necessary. I would hope that the Committee would address that concern to the Speaker; ask the Speaker when we come back in January to post the bill so that we could move it to the Senate and be hopeful of seeing the money go to the State Planning Commission, and to the counties, and the municipalities as needed.

COUNTY EXECUTIVE MATHESIUS: I would certainly endorse that I know that freeholders-- When Assemblyman Cimino was a freeholder he took a very active part in the planning of the county, and I know he speaks from the heart. I would certainly do what you think I should do, Skip, with respect to a Committee and what you gentlemen think would be the best approach, whether it be the Speaker or anybody else. I'd be happy to do that.

ASSEMBLYMAN SHINN: Okay. Do you have another, Bill?

ASSEMBLYMAN SCHLUTER: Did you want to comment on what Assemblyman Cimino--

ASSEMBLYMAN SHINN: I concur. I got a couple of notes here that go in that direction so at the appropriate time-- There were three things I thought would be appropriate. And again, I'd like to add that these documents are the kind of quality I think it takes to spread the confidence that you're doing the right kind of job; particularly, like the environmental maps identifying critical water areas, flood control, steeply sloped land, coastal areas-- I think they're an important part and really are the background of why the whole thing is necessary in the State to start with. And I think the attention you've given in Volume II deserves a

compliment. So, the documents I really think are high quality and the type of thing we like to see given to the counties. We can follow that through the cross-acceptance process and supply some monies to the counties and municipalities. That's going to determine the end result of this whole process, in my mind. If you don't put anything with it you're not going to get a result. If you put something with it, I think the result could be very positive.

I've looked at some of the poll data that some of the Commission's gathered, and one of the things that struck me-- And I-- A lot of legislators and freeholders tend to speak for municipalities, and I'm always surprised by what municipalities do and how they react in a county. The bottom line is, when someone gets in a voting booth, closes the curtain, and then votes on a spending bill, then you really have a poll that's meaningful; before you get to that point, it's strictly speculation. When a municipal taxpayer knows that the expenditure is going to hit his tax bill in the fall, then you get a real vote.

The significant part of the last few years to me is the State Agricultural Development Program and the \$50 million bond issue which I think goes back to 1981. From '81 to mid-'87, there was almost no activity. I think something like \$6 million spent out of the 50 were identified as potential of being spent.

When the 50/50 funding formula was changed to 80/20 in late '87 it incurred a tremendous onslaught of applications. In Burlington County alone, between '87 and '88 there was \$30-and-a-half between -- three of that was on the county ballot and 27-and-a-half was on the 12/7/89 municipal ballots. The end result of that in 1988 is a commitment of \$37 million. This is just one county, and these are basically taxpayer voters voting on bond issues that affect their tax bill fairly dramatically. I think it's a reaction to a process that they

deem that was reasonably fair, had a good chance of being implemented, and they were willing to fund it to an extent that amazed me -- some of the amounts of money. Single municipalities putting \$10 million questions on the ballots is pretty dramatic. They were some of the bigger towns.

So I think beyond the poll data that you gathered -- and I thought that was very positive -- I think there's an atmosphere that when people see farmland and open space eroding at a rapid rate, they're willing to put dollars forward even though it impacts their taxes, to fund an equitable program that will, I think, result in a significant amount of open space and ag land preserved on an ongoing basis.

So I think beyond the poll data there's a significant reaction that's supportive in open space and farmland preservation out there. It's our challenge to grab ahold of that and put it in the programs that will be implementable and digestible from the State aspect. Certainly, this is a vehicle to do that with.

The three things that I thought -- before we finish -- that we may want to consider, is endorsing the release of the State Plan by the State Planning Commission. I think the work product that I've seen and had a couple days to review has been -- I've been impressed. I think the big thing that, I guess, we're not getting across as I see it, is that this plan isn't a plan that's -- that this is what the plan is going, period, the end. This plan is a suggested plan that is totally dependent upon the municipalities' response to come into a final document. I think that's probably the message that's not understood or being said or being clarified. But I think some new emphasis on that aspect of the plan is appropriate.

I would like to pass a motion or suggest a motion that we request the consideration of A-3544 as soon as possible so it can be an intricate part of the cross-acceptance process from the Appropriations Committee. And also a motion to

Speaker Hardwick and I guess, Senate President Russo that requests that A-3544 be posted as quickly as possible so that the monies will be available to the municipalities and counties during the cross-acceptance process. Because we're coming into a little bit of a time problem now; being able to get this through the appropriations process, passed by the two houses of the Legislature, and signed by the Governor. The clock has started to run. So I think it's appropriate to put some more emphasis on that type of support I think is going to be very very dependent on the outcome of the process.

ASSEMBLYMAN McENROE: Whatever you would like--

ASSEMBLYMAN CIMINO: I'll move it, Mr. Chairman.

MR. SMITH (Committee Aide): Do you want me to draft a letter with the signature of the Committee? Is that what you're--

ASSEMBLYMAN SHINN: That would be fine. I would think we may have some time to take some public comment on what's transacted here. Have you finished what you planned to present to the Committee?

MR. EPLING: Yes, sir.

ASSEMBLYMAN SCHLUTER: I have one more question.

ASSEMBLYMAN SHINN: Sure, go ahead.

ASSEMBLYMAN SCHLUTER: Could I suggest that it be implicit in this motion or be amended to include that that other members of this Committee be asked their views and encouraged to agree with what we have agreed so that nobody can say, "Well, this is only four of eleven and therefore it's not a represented group"? I think if we leave it open for the other members to sign this letter and to have their position on this motion of Mr. Cimino, I think this would be helpful.

ASSEMBLYMAN CIMINO: That's fine with me. I think it's implicit, quite frankly, Mr. Chairman, inasmuch as every member of the Committee -- if I recall correctly -- is a cosponsor of your bill. That's fine with me. I have no problem with that.

ASSEMBLYMAN SHINN: Yeah. I--

ASSEMBLYMAN SCHLUTER: But also, and Mr.-- Excuse me. Also in the Chairman's statement that we approve the release -- we acknowledged and we approved the release of the report -- the preliminary draft report, which is not saying we approved the plan. We approved the release.

ASSEMBLYMAN McENROE: Mr. Chairman, it's critical that this be done as expeditiously as possible because you can't have a cross-acceptance procedure established and the first question coming from local government is, "Our hands are tied. We don't have the capability to even evaluate some of these proposals." So we have to have movement in the area of funding for the counties and regional authorities.

ASSEMBLYMAN CIMINO: It's really a State-mandate, State-pay issue. You know, we're almost mandating the counties and the municipalities to do it. We've all stood on the floor. I mean, we're all there in saying, "We don't want that to happen any longer." And we're fostering it off. So, I think that's why it's so expeditious that we have everybody move.

ASSEMBLYMAN SHINN: William.

COUNTY EXECUTIVE MATHESIUS: I just want to thank you for your enthusiasm. We appreciate it. We really do.

ASSEMBLYMAN SHINN: I think we've come a long way in this process. The Commission has this quality document. I'm very impressed with what you've produced and I think as it goes down to the county level and becomes involved in a cross-acceptance process I think that we've made a lot of progress in that area from where we started.

MR. EPLING: Thank you.

COUNTY EXECUTIVE MATHESIUS: We appreciate that.

ASSEMBLYMAN SCHLUTER: I have one question.

ASSEMBLYMAN SHINN: Sure.

ASSEMBLYMAN SCHLUTER: One question which I apologize for not raising before. Would you mind commenting on the notion which has been put in form of a proposal, a bill in the Senate with regard to prohibiting the denial of a DEP permit based on the conformance with the plan? In other words, if a municipality through cross-acceptance is not in accord with a plan and determines to go alone, there is a concern -- and sometimes this can get a lot of support -- that DEP will use that nonconformance -- noncompliance, whatever you want to call it, as a reason for denying a routine kind of permit such as stream encroachment, maybe sewer extension, or whatever. Could you comment?

COUNTY EXECUTIVE MATHESIUS: I would like to, if I might, Assemblyman. That's Senator Zimmer's bill. And I respect Senator Zimmer a great deal. However, I think his bill is misguided, and I think that it's something like, if we develop a State Plan which we are moving to do, and we don't have all the members of the team playing -- making the same play, you have what happens to the New York Giants: They have 11 people out there, and one person wants to run a pass play and the other 10 want to run a running play, then it's going to fall down. There's going to be a problem. It's only going to be a matter of luck that it works, if at all. If you don't lose the ball.

In this case we are trying to invite and involve the State agencies including the DEP which is, in itself, a morass of regulatory obfuscation. But we'd like to use that obfuscation to the best good if necessary. And that's part of the way to do it. To suggest that well, they're going to go against the plan because they want to issue a permit, I think, defeats a small part of the team concept that's going to be necessary to bring this off.

I'm speaking-- I'm against that bill. I spoke to Assemblyman Zimmer when I was horrified enough to hear about

it. I didn't think that he understood -- before I talked to him, the full -- the panoply of problems that it could cause. I tried to emphasize how it was something more than a simple bill. I think that I in that discussion -- and I was going to have a further discussion with him -- was able to convince him that it was not a matter to be treated as lightly as it seemed the bill treated it. It's one of those little-- Right now it's a charley horse in a running back.

ASSEMBLYMAN SCHLUTER: A what?

COUNTY EXECUTIVE MATHESIUS: A charley horse in a running back. You know, Herschel Walker hurts his leg a little bit. Maybe a turf toe or something. I would like to prevent it from being a knee injury or totally disability-- I don't want to get too much into the football analogies since my sadness with respect to the New Jersey Giants still manifests itself to this day. I have difficulty getting very distanced from it.

In any event, I am, personally, and we are as a Commission, against that bill even as we'd be against each of the agencies of the State which have to be part of this whole program departing for the sidelines.

ASSEMBLYMAN SHINN: Maybe the appropriate word would be "hamstring" not to be confused with "hamstrung," you know. (laughter)

COUNTY EXECUTIVE MATHESIUS: That could, indeed, be the appropriate word. Yes, sir.

ASSEMBLYMAN SHINN: At this time I'm sure there are some members of the public who may wish to comment. We try to allocate a little bit of time to take some comments, and we appreciate you taking time out of your busy schedule to come here and listen to what the Planning Commission had to say. So at this point, I guess we'll just simply do it if you raise your hand, identify yourself, whom you represent and we'll proceed. And thank you, Bill and John, for a good presentation.

COUNTY EXECUTIVE MATHESIUS: Thank you, Chairman.

MR. EPLING: Let me just say that Assemblyman McEnroe, I will follow up with the transportation question. I didn't want you to think that my answer was final.

ASSEMBLYMAN McENROE: Thank you very much, John. Mr. Chairman, I just want to comment. Just so I clarify my position and understand yours. On these volumes, I mean I support and I think it's well that the Committee consider supporting the release of the volume and encouragement that be reviewed. But I mean -- are we resolving to support the entire direction of this?

ASSEMBLYMAN SHINN: What I would like to do is just pass a motion by this Committee that we endorse-- What I'm suggesting is that we endorse the release by the Planning Commission of these documents--

ASSEMBLYMAN McENROE: Fine, okay.

ASSEMBLYMAN SHINN: --which I don't think we have to go any farther than that. I'm suggesting to Mark that he send the voting list around and get a feeling from the other members as to how they feel about the release that that wouldn't affect the motion of this group. I'm just polling the members present.

ASSEMBLYMAN McENROE: In other words, we're endorsing the release and the encouragement of the review of the two volumes. But we're not endorsing the report itself.

ASSEMBLYMAN SHINN: Exactly.

ASSEMBLYMAN McENROE: Okay, that's fine. I just don't think we can-- You know, we don't have the answers until we ask the questions, and we're going to ask substantial questions during the next six to eight months.

ASSEMBLYMAN SHINN: Sure.

ASSEMBLYMAN McENROE: Then I think we have a considerable time to review and digest and support hopefully a good feasible claim.

ASSEMBLYMAN SHINN: What I hope to see carried forward-- You know, we're not endorsing a plan; we're endorsing a concept. The plan is going to come out of cross-acceptance, hopefully, with support by the Legislature for the municipalities and counties that are going to put the work effort forward. And I noticed that the Commission allowed for that work scope submission back to the Commission. So I think the framework is set up in this plan so that they can review the work scope and appropriate an appropriate amount of money to that Commission.

So I think the Commission is a little ahead of the Legislature in the process. But I think it's important, and the clock's running is my concern. That we're going to have municipalities feeling that the Legislature is giving this gigantic mission with no consideration financially at all.

ASSEMBLYMAN McENROE: So we're supporting direction, and we're supporting the appropriate funding for the local municipalities.

ASSEMBLYMAN SHINN: Exactly.

ASSEMBLYMAN McENROE: Thank you.

ASSEMBLYMAN SHINN: Before we finish with some comments, if you know, you wish to make a motion, that's fine. Peter Furey, I think, was the first hand I saw.

P E T E R F U R E Y: Thank you, Mr. Chairman. If it would it be possible to have a representative of the Commission brought forward because the question I have bears on the testimony just made, or I can just make the question rhetorical. Maybe I'll proceed with the question.

Part of the difficulty and, I think, the source of the controversy from the farmland owners' point of view, which is what Mr. Schluter and yourself, Mr. Chairman, and, I think, Mr. McEnroe's comments from South Jersey bear upon, are the -- really where rub comes in in imposing the new rules on land use in areas where you want to restrict growth to prevent sprawl.

We have a Farmland Preservation Program which says to the landowner, "We will respect the land developing rights -- the development right value," however you want to phrase it, "by compensating you with public funds." And what I would like to know, basically, the answer to two questions, and if we could get those questions resolved, it may relieve some of the fear and the pressure and the controversy that's out in the local areas as far as this plan is concerned.

The first question is--

ASSEMBLYMAN McENROE: Mr. Chairman, can you ask Mr. Furey to identify whether he's here on behalf of an organization or representing yourself?

MR. FUREY: Oh, I'm sorry. Mr. Shinn identified me a little bit when I came up here. I am the Administrator of the New Jersey Farm Bureau. I've been in that position for six or seven years, and we represent most of the farmers in the State, 5000-member organization.

The first question is, is it the policy of this plan and of the Commission to support the concept of purchase of development rights, the easement purchase program? And the second question would be, does this policy then extend to all farmland owners within the areas to be designated as agriculture? The farmers fear that most of them are going to be left short, holding the bag; that their rights will be lost when the regulations come in to down zone the property to prevent sprawl. And only a small chosen few, as Mr. Schluter mentioned -- great disappointment in Hunterdon County to the announcement last week that the program is out of money and the panic to sell as one way of protecting or maintaining that equity.

Now if we can get an understanding up-front from the Commission that the reasonable fair market value rights will be protected one way or the other issuing some sort of a certificate, piggybacking on the agriculture preservation program that now exists, we'd feel a whole lot better.

ASSEMBLYMAN SHINN: As I read this document what I -- of course, the beauty is in the eyes of the beholder -- but what I see in this document is basically an endorsement of easement purchase combined with TDR to achieve the goals of the plan. John came back in the room. Did you hear the question, John?

MR. EPLING: (From audience) Yes.

ASSEMBLYMAN SHINN: Do you want to respond to that.

MR. EPLING: No, you were absolutely correct. We were looking to a number of tools, and it is not the State's -- it's not the prerogative of the State Planning Commission and the State Plan to set up a down zone or the TDRs or the easement purchase or whatever. And I encouraged it in my testimony before you to provide a number of tools for the municipalities. The plan has taken the position that they need those tools certainly for easement purchases which is critically needed. The money for easement purchases is critically needed. And we'd never-- The State Plan does not recommend the down zoning anywhere.

ASSEMBLYMAN SHINN: In my view I've always seen-- You know, you run through a series of questions and you come out with the only avenues that are available to achieve the goals. A) is, do you want to preserve farmland in New Jersey? If the answer to that is yes, then you go to B), how much does it cost? If the answer to that is \$5 billion or something that is beyond the scope of the Legislature to fund, then C), how do you do a combination program to assure the farmers that are leaving agriculture that attention by having their rights purchased or banked or, you know -- not make one farmer get compensated by loss of his development rights and a farmer next to him with the same type of soils and the same potential for agriculture standards just get zoned indefinitely with no compensation.

And I think the whole concept behind the Eight-Year Program was to provide a time frame by which you can implement a program to deal fairly with landowners. So I think there's one more ingredient in the concept embodied in the plan and it's TDR in that pattern.

So if you identify the area that has long-term agricultural potential then you put together the tools and in my mind -- and we've been together and looked at individual and municipal maps and towns like in our county, Chesterfield and Mansfield, you can go down the list -- have potential of long-term agriculture -- and it's a matter of bringing the resources together -- certainly the State bond issue, certainly more funding in that regard, certainly seeking some funding for TDR bank which is going to be another necessary ingredient.

And I think it's a matter of how many dollars you can put in each area and then how fast, how quickly you can roll the dollars that need to come back into farmers' pockets, really. Because when I just look at some of the numbers that were on our bond issues and I know you've looked at them-- You know \$37 million in two years is -- just from a county map standpoint -- not a small amount of money. It's amazed me.

So I think it's a combination process to get to a goal and just how you go through those steps. And I think this plan envisions it as a-- I don't know whether you-- I don't recall mentioning the State Ag Program, per se but in all of the discussions I've had with the Commission and John, and the staff, and Bill, it's been an endorsement of easement purchase. It's been a feeling that TDR is something that they're going to need long-term to make sure that you soften the effect of having one easement purchased and the next -- no money for the adjacent easement next door. I think what we've seen, geez \$196 million worth of applications in the SADC is phenomenal. And that's all happened in a 12-month period.

You know that's \$50 million that's been sitting around for six years really, unused, and all of the sudden, boy, all heck broke loose.

We've got a great potential. We've got farmers that are willing to participate. We've have farmers that will sign options for sale of development rights. We have farmers that went into eight-year programs voluntarily, and we have farmers that want to stay in New Jersey long term, which is good. I think it's a positive atmosphere.

MR. EPLING: Yes.

ASSEMBLYMAN SHINN: We have to, I guess, ease some of the fears that you pointed out that there is momentum in the Legislature and in the Commission and that certainly supported by the ag community that it not be a strict zoning plan.

And I see a strong movement in that area. Maybe I'm talking too much, John, but I just have some strong feelings in those areas. And I just see a good potential and probably some of the ag community -- certainly not all of it, but a good portion of it -- being more involved, I guess, in the process, and coming to grips with-- You know, cite specific situations and how much can really be achieved in a municipal setting and in a county setting and how much is left to achieve and where I'm going to be in this process, as we go through the steps. We're getting down to some of those discussions which I think really brings out the need for what we have to achieve and where we have to go to achieve it.

MR. FUREY: In closing, it's the fear that some landowners would be left out of being protected by those programs that sparks the resistance to the State Plan. Not farmer disinterest in farmland preservation, and not farmer disinterest in State planning. The equity is there. They feel that they could be lost in the shuffle, and that's why there has been this controversy. But if we have this momentum to

carry forward I think you'll see the farming industry -- the best parts of the farming industry fall right in suit. Thanks you, sir.

ASSEMBLYMAN SHINN: Thank you, Peter. Does anyone else wish to comment on the discussion this morning? (no response) Okay, again thank you for participating. We really appreciate the turnout. I know it's a difficult time of the year. Assemblyman McEnroe?

ASSEMBLYMAN McENROE: No.

ASSEMBLYMAN SHINN: Did you want to--

ASSEMBLYMAN McENROE: No, no, no.

ASSEMBLYMAN SHINN: --put something forward.

ASSEMBLYMAN McENROE: I wanted to wish you a Merry Christmas.

ASSEMBLYMAN SHINN: Oh, okay. Skip?

ASSEMBLYMAN CIMINO: Simply the same thing, Mr. Chairman. And if, in fact, we've got that resolution moving, that will be fine.

ASSEMBLYMAN McENROE: Yeah, yeah on the resolution, I'm sorry.

ASSEMBLYMAN CIMINO: I would like to move that.

ASSEMBLYMAN SHINN: I was looking for a motion. Okay.

ASSEMBLYMAN CIMINO: I'll move the resolution for you, Mr. Chairman.

ASSEMBLYMAN SCHLUTER: I'll second it so it's bipartisan.

ASSEMBLYMAN SHINN: Okay, and do you want to just read the context of what we're moving. I know we've all discussed it, but I think we ought to have some basic words.

MR. SMITH: The text I have down here is: "The Committee endorses the release of the preliminary State Development and Redevelopment Plan and encourages full participation in the cross-acceptance process, and expressed strong encouragement that Assembly Bill No. 3544 be expeditiously considered by the Appropriations Committees and the two houses of the Legislature."

ASSEMBLYMAN SHINN: Skip, you moved it?

ASSEMBLYMAN CIMINO: Yes.

ASSEMBLYMAN SHINN: And it was seconded by Bill? All right, call the roll.

MR. SMITH: Mr. Shinn.

ASSEMBLYMAN SHINN: Yes.

MR. SMITH: Mr. Schluter.

ASSEMBLYMAN SCHLUTER: Yes.

MR. SMITH: Mr. Cimino.

ASSEMBLYMAN CIMINO: Yes.

MR. SMITH: Mr. McEnroe.

ASSEMBLYMAN McENROE: Yes, with enthusiasm.

ASSEMBLYMAN SHINN: Okay, thank you all for coming out.

ASSEMBLYMAN CIMINO: Thank you.

ASSEMBLYMAN SHINN: I know it's a tough day, and we appreciate your response. We'll adjourn.

(MEETING CONCLUDED)



APPENDIX



NEW JERSEY

OFFICE OF STATE PLANNING



Cross-Acceptance Manual

May 27, 1988

State
Development
AND
Redevelopment
Plan

IX



NEW JERSEY

OFFICE OF STATE PLANNING

JOHN W. EPLING, DIRECTOR



Cross—Acceptance Manual

May 27, 1988

NEW JERSEY

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PREFACE

The State Planning Act recognizes the importance and interdependence of planning among municipal, county, regional and State agencies and legislative bodies. It also recognizes the need for their participation in preparing the State Development and Redevelopment Plan. The method which provides for participation is called cross-acceptance. As defined in the Act:

The term cross-acceptance means a process of comparison of planning policies among governmental levels with the purpose of attaining compatibility between local, county and State Plans. The process is designed to result in a written statement specifying areas of agreement or disagreement and areas requiring modification by parties to the cross-acceptance.

The purpose of this manual is to guide participants through the cross-acceptance process. In so doing the manual lays out the expected role of each participant, the expected product of cross-acceptance and provides specific instructions for negotiating entities to complete a cross-acceptance report. However, meaningful participation in cross-acceptance will require that in addition to this manual, the Cross-Acceptance Rule (N.J.A.C. 17:32), the State Planning Act (N.J.S.A. 52:18a-196 et. seq.) and the Preliminary State Development and Redevelopment Plan be read.



Chapter One

The Cross-Acceptance Process



1.1 INTRODUCTION

Thanks to economic growth, today's New Jersey has more jobs, better shopping and better housing than ever before.

Unfortunately, New Jersey is also experiencing other, less desirable consequences of growth -- like more traffic congestion, more pollution and more garbage. Farmland is diminishing and property taxes are going higher.

Alarmed at the prospect of more unplanned growth and development, New Jersey residents and businesses have agreed that something must be done to ensure that new development does not destroy our state's best assets -- its roads and job opportunities, its small towns and countryside.

The New Jersey State Planning Commission was created in 1986 when the Legislature and Governor Kean approved the State Planning Act. The Commission is required by the Act to prepare a State Development and Redevelopment Plan which will:

- o conserve the natural resources of the State
- o revitalize the State's urban centers
- o protect the quality of the environment
- o provide needed housing at a reasonable cost
- o provide adequate public services at a reasonable cost

- o promote beneficial economic growth, development and renewal
- o preserve and enhance the historic, cultural and recreational lands and structures in the State
- o ensure sound and integrated statewide planning coordinated with local and regional planning.

The Commission, with the municipalities and the counties, will be preparing the State Plan — a plan that will ensure our continuing prosperity while protecting our quality of life. This plan will provide for the needs of New Jersey residents — less traffic, job opportunities nearer to home, a cleaner environment, affordable housing and revitalized urban areas. Best of all, the plan will protect our state's economic well-being through wise utilization of our resources. As a result, New Jersey will remain attractive to employers.

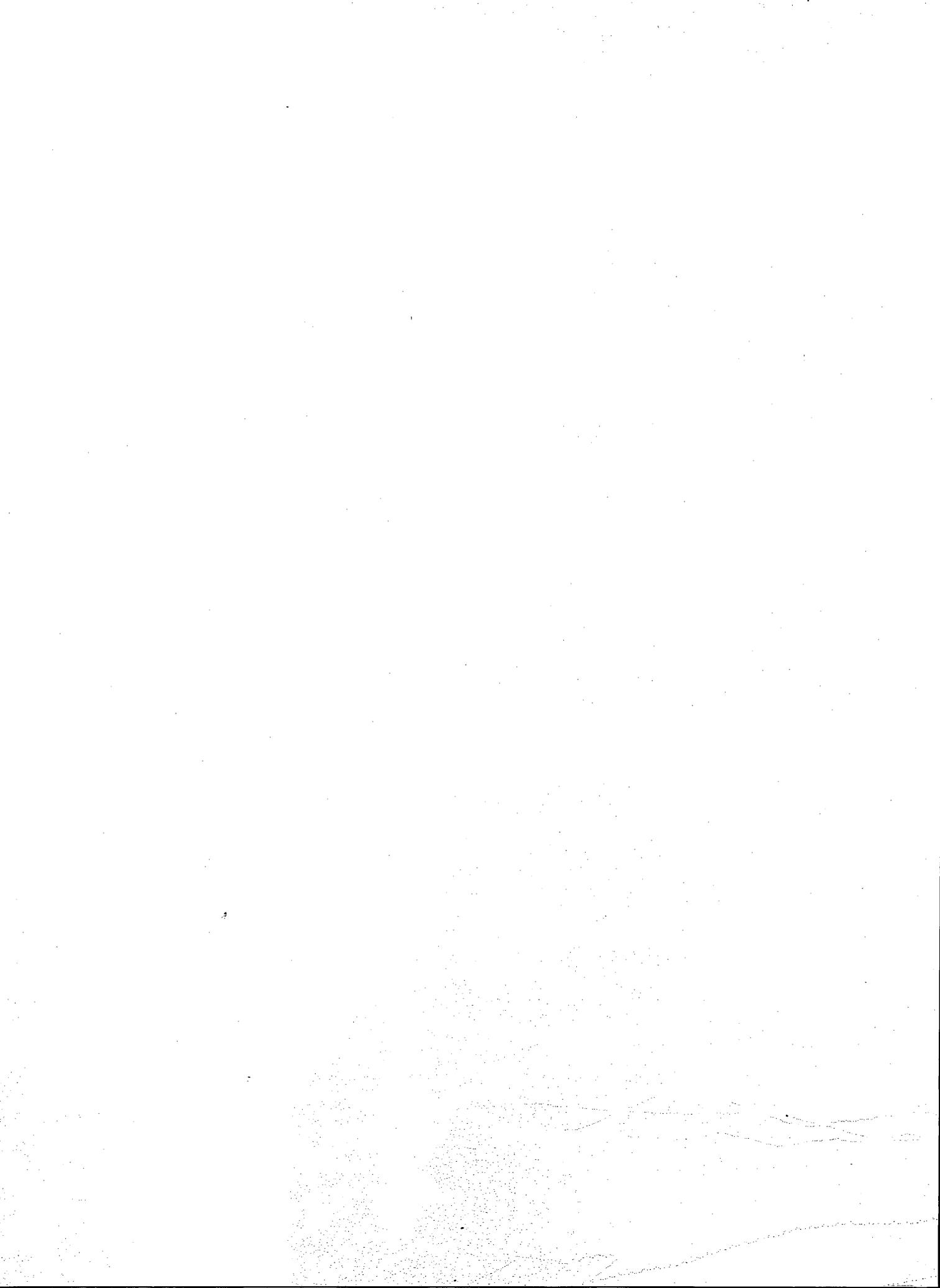
Resource management is something which corporate leaders enthusiastically undertake in their own businesses. Likewise, no business wants to operate in a state where the cities are in economic and social disarray, where the highways are becoming snarled with traffic, where jobs are at one end of those highways and expensive residences at the other, and where low and middle-income workers cannot afford adequate housing. The State Planning Commission will be applying "resource management" principles to statewide growth management.

The State Plan's growth management system responds to the State Planning Act's mandate on growth and limited growth areas by utilizing a set of seven subareas or tiers. The tier system arranges the State's social, economic and ecological structure into management categories. The categories are designed to achieve the Plan's goals and objectives as units of plan implementation.

The State's growth area consists of four tiers which constitute the urban and suburban areas. The limited growth area consists of three tiers which contain natural resources deserving protection and areas identified as environmentally sensitive.

Because planning profoundly affects the lives of all residents, the Commission will be making planning decisions in full consultation with local and county authorities.

Municipalities and counties will receive and review the Preliminary State Plan and are strongly urged to participate in a cross-acceptance process. Cross-acceptance, which is the process of comparing various governmental planning policies, is at the heart of the state planning process. Cross-acceptance is important because it is the process through which municipal, county and state land use and growth policies will be made compatible, not by state imposition, but rather through negotiation and cooperation.



1.2 PARTICIPANTS AND RESPONSIBILITIES

State Planning Commission and the Office of State Planning

The State Planning Act established the State Planning Commission and an Office of State Planning in the Department of the Treasury to develop a State Development and Redevelopment Plan. Among the responsibilities mentioned in the Act are: preparation of the draft Preliminary and draft final Plan; administration of the cross-acceptance process; provision of technical assistance; and adoption of the State Development and Redevelopment Plan.

Legislature

The State Planning Commission recognizes the important role that the New Jersey Senate and General Assembly has in the state planning process. The Commission encourages the Legislature to give due consideration to the draft Preliminary, and draft final Plan, and to the issues raised therein.

While the State Planning Act specifies a review process for counties, municipalities and the public, it did not enunciate a process for review and comment by the Legislature. A Legislative review process has been established to ensure coordination and cooperation in the preparation of the Plan among the members of the State Senate and the General Assembly, and their staffs, the State Planning Commission and the Office of State Planning. Each member of the New Jersey Legislature received the draft

Preliminary, and will receive the Preliminary, the draft final and the adopted State Development and Redevelopment Plan. After the Commission approves the Preliminary Plan, at-least one information meeting on the Plan will be scheduled before the Legislature. Following the preparation of a draft final Plan, the Commission will hold at least one meeting with the Legislature on the draft final Plan. Throughout the period of cross-acceptance, comments and suggestions offered by legislators will be considered by the Commission.

State Agencies

For county and municipal governments, the State Planning Act established cross-acceptance as the vehicle for achieving consistency and compatibility between the State Development and Redevelopment Plan and locals plans. There is no parallel process prescribed in the Act for establishing consistency and compatibility with other State agency plans. Nonetheless, the Act's requirement to "coordinate planning activities and establish statewide planning objectives..." is meaningful only if other State agency plans and actions affecting land use and development are compatible with the State Development and Redevelopment Plan.

Some State agencies are directly represented on the State Planning Commission, but others are not. A State agency review process has been established to ensure coordination and cooperation among all State agencies in the preparation of the Plan. On January 30, 1988, the State Planning

Commission authorized the Office of State Planning to distribute copies of the draft Preliminary State Development and Redevelopment Plan to each of the functional state agencies. Within forty-five days after receipt of the draft Preliminary State Development and Redevelopment Plan, each functional State agency transmitted to the Office of State Planning comments about, and recommendations for amendments to, the draft. These comments and recommendations, along with those received from the general public, were considered by the State Planning Commission in preparing the Preliminary Plan.

Counties

Following its approval by the State Planning Commission, copies of the Preliminary Plan are distributed to each county, municipality, and regional planning agency. Copies of the Preliminary Plan are also made available to the public and to other interested parties.

In conjunction with the Plan's distribution, the Office of State Planning will transmit to each county a request for either a Notice of Participation or a Notice of Waiver. A Notice of Participation is a duly adopted resolution of a county governing body authorizing participation of the county as the "negotiating entity" in the cross-acceptance process. A Notice of Waiver is a duly adopted resolution of the county governing body stating its intent to forfeit and waive its statutory authority to participate in cross-acceptance. Notices of participation or waiver will be transmitted

by each county to the Office of State Planning no later than forty-five (45) days after release of the Preliminary State Development and Redevelopment Plan.

In the event that a county transmits a Notice of Waiver, or fails to transmit a Notice of Participation, the State Planning Commission will designate a negotiating entity for cross-acceptance for each such county.

Each participating county or negotiating entity will undertake a six month review of their own development plans and regulations as well as those of the municipalities within their jurisdiction as they relate to the State Plan. The result of this review process will be a cross-acceptance report (see Chapter Two), to be submitted to the State Planning Commission. It will provide an analysis of the relative compatibility or incompatibility existing among the State, county and municipal plans.

The local perspectives of the county and municipal cross-acceptance process will further define the Preliminary Plan. From cross-acceptance, a draft final State Development and Redevelopment Plan will be prepared. The county and municipal cross-acceptance process will also establish an agenda for resolving differences between State and local plans and policies as the State's planning process continues through subsequent updates of the Plan.

Municipalities

Municipalities are required to participate in the cross-acceptance process. They must provide to the county (or other designated entity) a current copy of all master plans, land development regulations, and other

information required for the comparison of plans and programs as specified for the county cross-acceptance report. Municipalities are also required to provide official representation during cross-acceptance negotiations. They are encouraged to assist and to seek assistance from the county and the Office of State Planning throughout the planning process.

Each municipality has the right to file a separate municipal cross-acceptance report (see Chapter Two) with the State Planning Commission in the event that it is not satisfied with the report filed by the county. The municipal report must be filed not later than 30 days after the county report is filed with the State Planning Commission. Should a municipality fail to participate in the process, the municipality is deemed to have concurred with the final county report and to have waived its right under the State Planning Act to file a separate report.

General Public

Numerous opportunities for public participation will occur prior to and during cross-acceptance. There will be at a minimum:

- Three public presentations of the draft Preliminary Plan;
- Twenty-one public informational meetings -- one in each county;
- Public participation as outlined in each county's cross-acceptance work program;
- A public hearing in each county on its cross-acceptance report;
- and
- At least six public hearings on the draft final State Development and Redevelopment Plan.

Throughout the cross-acceptance process, the public may file comments directly with the State Planning Commission.

Perhaps the most important opportunity for participation comes during the first six months following the release of the Preliminary Plan. This is when negotiating entities will be preparing the cross-acceptance report. It is incumbent on each negotiating entity, whether a county or otherwise, to develop and implement a public information program that will provide ample opportunity for an open and informed discussion of the Plan. Each public information program is subject to the approval of the State Planning Commission.

1.3 DRAFTING THE FINAL PLAN

The cross-acceptance process is regarded by the State Planning Commission as part of the planning process not part of the implementation process. Cross-acceptance is a process which is unique to New Jersey; therefore, it is difficult to anticipate how long it will take. The State Planning Commission expects the process to take between 12 and 15 months from the date the Preliminary Plan is released. Cross-acceptance will be completed 30 days after the last of the six public hearings held by the State Planning Commission prior to adoption of the final State Development and Redevelopment Plan.

It is during this 12 to 15 month time period that the Preliminary Plan will evolve toward the final Plan. As cross-acceptance spans this time period it will pass through three phases:

- Phase I - Preparation of the cross-acceptance report.
- Phase II - Negotiations among the parties concerned.
- Phase III - Resolution of issues and preparation of the final State Development and Redevelopment Plan.

Phase I will center around the counties/negotiating entities as they conduct a cross-comparison of the State Plan with county and municipal plans, maps and regulations. This six month exercise will involve county officials, municipal officials and the general public in a dialogue that will result in a report, prepared by the county/negotiating entity, in the format found in Chapter Two. This report, which is forwarded to the State

Planning Commission, will be a description of the overall agreement/disagreement and compatibility/incompatibility of the county and municipal plans and regulations with each other and with the Preliminary Plan. The report can also contain recommendations for changes in the State Plan, proposed legislation or programs, or proposals for future studies. The objective of this first phase is to collect enough substantive information to start the dialogue necessary for the start of Phase II and the formulation of the draft final Plan.

Phases II and III will cover the remaining six to nine months. Phase II will begin with the formulation of a report by the Office of State Planning to the State Planning Commission. This report will be based on the 21 county reports and any municipal reports and will include proposed revisions, if any, to the Preliminary Plan and Map and summarize the findings, recommendations and objections contained in the county/municipal reports.

The staff report will also include recommendations for amendments to the provisions and maps of the Preliminary Plan and will describe any provision of existing state law, on the absence thereof, that poses an obstacle to achieving compatibility between state, county and municipal plans. It is expected that a period of negotiations will then ensue among the state, county and municipal participants. These negotiations will be an attempt to resolve any disagreements, incompatibilities or inconsistencies existing among the cross-acceptance parties.

With the information and resolutions gathered during phases I and II, the State Planning Commission will begin the task of preparing the final draft of the State Development and Redevelopment Plan -- phase III of the cross-acceptance process. This "draft final" Plan will be subject to at least six public hearings throughout the State. Based upon the findings of those hearings, the Commission will consider and adopt the State Development and Redevelopment Plan.

It is important to note that the cross-acceptance process does not end even here for it is required by the State Planning Act that the Plan be revised and readopted at least every three years following its original adoption.



Chapter Two

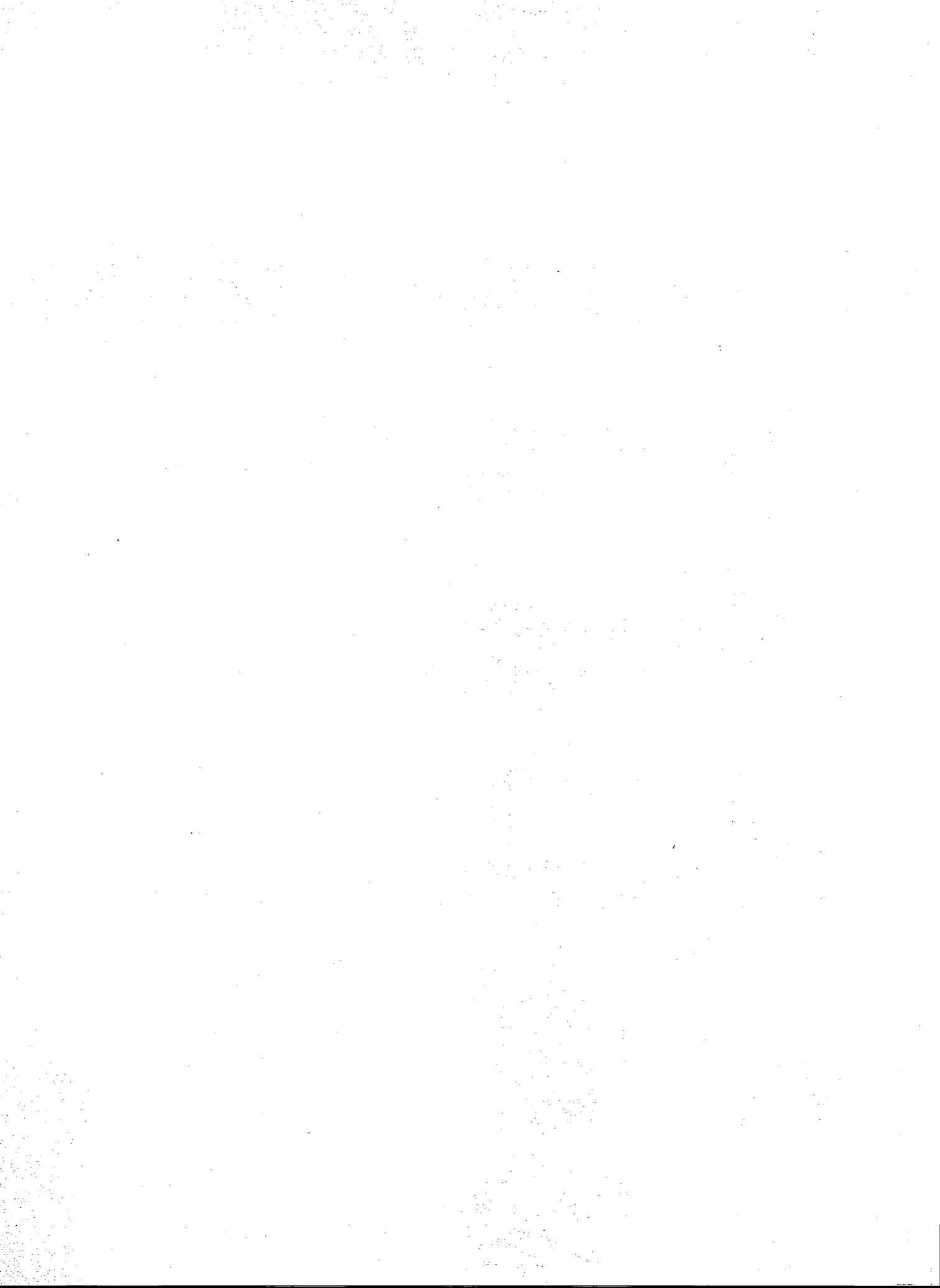
The Cross-Acceptance Report

2.1 INTRODUCTION

The purpose of this chapter is to guide official negotiating entities through the first six months of the cross-acceptance process as it relates to the Preliminary State Development and Redevelopment Plan. More specifically, this chapter provides step by step instructions for the preparation of a cross-acceptance report which will be submitted to the State Planning Commission at the end of the six month period commencing with the release of the Preliminary Plan. Subsequent negotiations among the three levels of government and appropriate revisions of the Preliminary Plan will continue beyond this six month period up until thirty days beyond the last public hearing prior to adoption of the final Plan.

The dates and work products found in this chapter are derived for the most part from the State Planning Act (N.J.S.A. 52:18A-196 et.seq.) and the State Planning Rule (N.J.A.C. 17:32). However, certain dates and tasks found in the chapter may be reasonably modified to fit a negotiating entity's particular needs. Before any such modifications are made, the negotiating entity must first check with the Office of State Planning for clarification and approval. All work programs are subject to the approval of the State Planning Commission.

All negotiating entities are eligible for a grant in aid to help offset the costs associated with the preparation of a final cross-acceptance report. Instructions and application forms are not included here but may be obtained separately from the Office of State Planning.



2.2 SUBMISSION OF PROPOSED WORK PROGRAM

No later than 45 days after the date of release of the Preliminary State Development and Redevelopment Plan, the county, if it is the negotiating entity, shall submit a proposed cross-acceptance work program to the Office of State Planning. The proposed work program should be based on the recommended work program and schedule found in Part 2.3 of this chapter and is subject to the approval of the State Planning Commission.

In the event that the negotiating entity is an entity other than the county, the negotiating entity shall submit a proposed cross-acceptance work program to the Office of State Planning within thirty (30) days of the date of designation. All other tasks, work products and deadlines shall be the same as those prescribed for the counties.

At a minimum the proposed cross-acceptance work program shall include the following:

- (1) An outline of the negotiating entity's methodology/approach including the nature, format and schedule of municipal meetings;
- (2) A description of a public information program indicating the negotiating entity's expected level of effort to provide an open and informed discussion of the Preliminary Plan. Indicate at a minimum the types of groups targeted (governmental and non-governmental), schedule of meetings, use of various information outlets and any other outreach efforts.
- (3) A time schedule for the completion of tasks and work products;

- (4) An outline of available staff or consultant resources to be committed to the cross-acceptance process. Include percentage of each individual's time and a short description of individual's or firm's expertise;
- (5) A request for technical assistance. If applicable, list those areas where it is felt that technical assistance will be required from Office of State Planning staff. Be specific as to type and amount of assistance requested.
- (6) A list of the "official" cross-acceptance representatives designated by each municipality within the county. The official representative(s) should have a strong working knowledge of municipal plans, ordinances and policies especially as they relate to such areas as planning, zoning, administration, housing, capital improvements, parks and recreation and the environment.

2.3 RECOMMENDED WORK PROGRAM AND SCHEDULE

The negotiating entity's cross-acceptance work program is to be based on the six month period commencing on the date of release of the Preliminary State Development and Redevelopment Plan (Day 1). Certain tasks may be rearranged or modified to meet a particular county's situation.

<u>TASK/WORK PRODUCT</u>	<u>DUE AT OFFICE OF STATE PLANNING</u>
1. <u>Notice of Participation or Waiver</u> - A model resolution is supplied for the governing body's adoption.	No later than Day 45
2. <u>Proposed Work Program</u> - As outlined in Part 2.2	No later than Day 45 (No later than 30 days after designation of alternate negotiating entity)
3. <u>Inventory Appropriate Data</u> - Collection and analysis of municipal and county master plans, regulations, studies and applicable documents. Note problem areas in terms of data availability.	(no product required)

4. County-Wide Public Information Meeting(s) - At least one between Day 45 and Day 90. Schedule to be prepared by the Office of State Planning and transmitted to the negotiating entity no later than Day 15.
- One or more meetings co-hosted by the county and the State Planning Commission where the Office of State Planning presents the Preliminary State Development and Redevelopment Plan to the constituent municipalities and the public.
5. Review of Preliminary Plan Maps - No later than Day 120
- Following the instructions in Part 2.5, Section IV, review and propose revisions to the Preliminary Plan Maps supplied by the Office of State Planning. Distribute the proposed revisions to the office of State Planning, the subject county if it is not the negotiating entity and municipalities. The maps must also be made available to the public.

6. Prepare Draft Cross-Acceptance

No later than Day

Report -

150

Prepare and distribute to the Office of State Planning, the subject county if it is not the negotiating entity, and municipalities, and make available to the public, a draft of the complete cross-acceptance report, Part 2.5, Sections I - V (including all maps). Municipalities are to be reminded at this time, by the negotiating entity, of their right to file a dissenting report (in the form outlined in Part 2.5, Section V) with the State Planning Commission. At least one public hearing should be held on the draft report.

7. Final Cross-Acceptance Report -

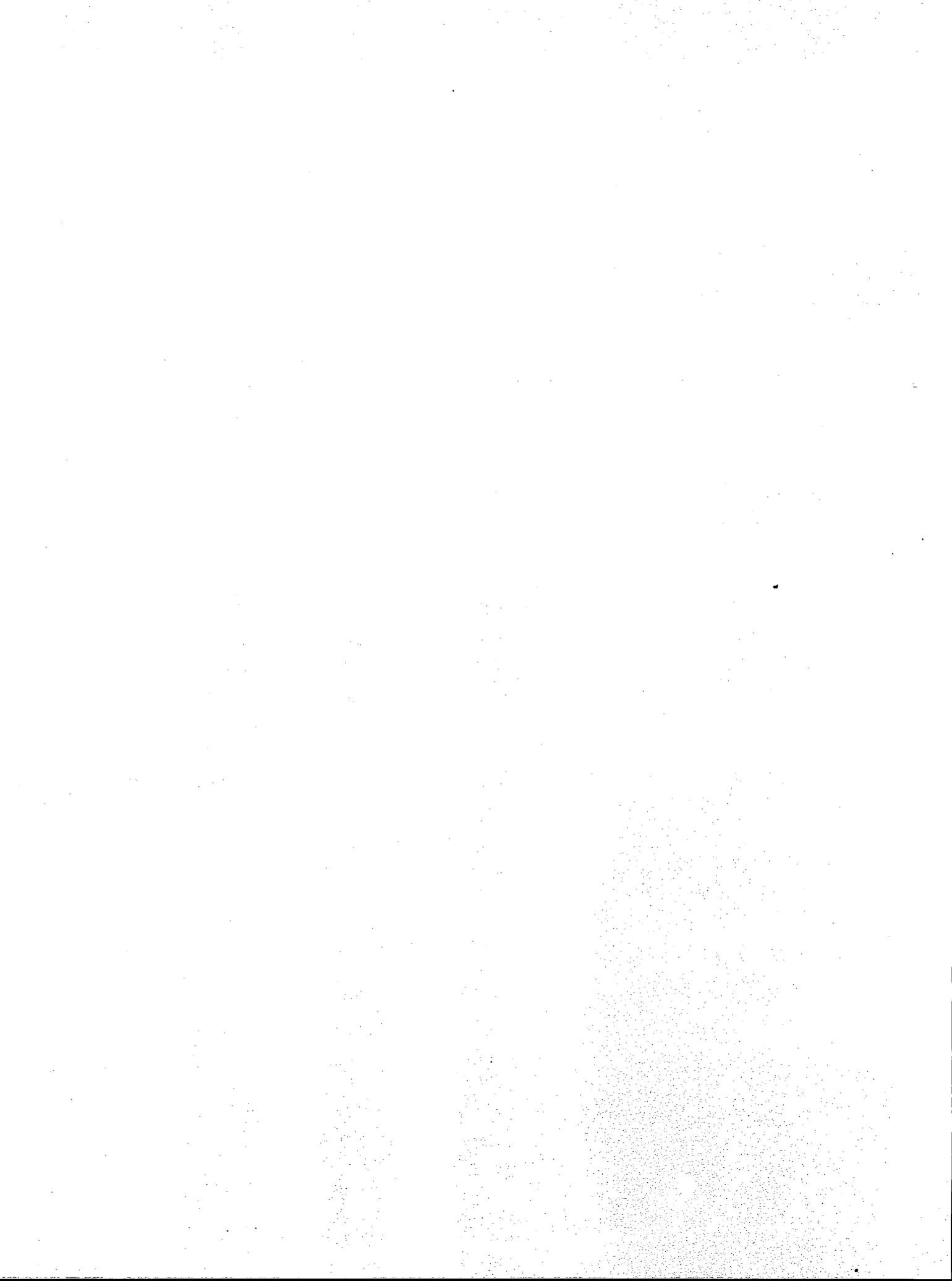
No later than Day

The final cross-acceptance report, prepared in accordance with Part 2.5 of this chapter, is authorized for transmittal by resolution of the county governing body (if the county is the negotiating entity) and is submitted to the State Planning Commission, the subject county if it is not the negotiating entity, municipalities and appropriate regional agencies. The final report shall also be made available to the public. If the negotiating entity is an entity other than the county, authorization to transmit the final cross-acceptance report to the State Planning Commission shall be given by the entity's own board or decision-making body, as established at the time they are designated the negotiating entity.

180

RECOMMENDED NEGOTIATING ENTITY WORK SCHEDULE

Day 1	45	90	120	150	180
o Notice of Participation or Waiver	o County-Wide Public Information Meetings	o Review of Preliminary Plan Maps	o Draft Cross-Acceptance Report	o Final Cross-Acceptance Report	
o Submission of Proposed Work Program			o Public Hearings on Draft Report	o County Resolution of Transmittal (if Negotiating Entity)	
o Inventory of Municipality/County Master Plans, Regulations, Studies, Documents.				o Submit Final Cross-Acceptance Report to State Planning Commission, County (if not Negotiating Entity), and Municipalities.	



2.4 INSTRUCTIONS FOR COMPLETING THE
CROSS-ACCEPTANCE REPORT

GENERAL

Agreement, Compatibility, Consistency

The cross-acceptance report requires a comparison of municipal and county plans and regulations with the goals, objectives, strategies, policies and standards found in the Preliminary State Development and Redevelopment Plan. The negotiating entity must determine the degree of agreement, consistency or compatibility that exists among the three levels of government.

The terms agreement and disagreement apply at the levels of goals, objectives and strategies and are to be used in their common understanding. For example: Do you agree or disagree with Goal 2, that adequate public services should be provided at a reasonable cost?

The terms consistent and inconsistent, compatible and incompatible apply at the policy and standard levels. For purposes of this report, "consistency" means that a policy or standard in a municipal, county or regional plan or regulation is substantially the same as the policy or standard in the Preliminary State Development and Redevelopment Plan. "Compatibility" means that a policy or standard in a municipal, county or regional plan or regulation is equally effective as the policy or standard contained in the

Preliminary Plan in achieving the pertinent State goal, objective or strategy. Therefore, a local plan or regulation can be inconsistent—for example, a lesser or greater set back requirement from a water body than that recommended by a standard in the Preliminary Plan—yet be compatible if the requirement found at the local level can be shown to achieve the policy to establish a stream corridor buffer area, the strategy for maintaining the integrity of stream corridors, the objective of protecting the quality of water resources and the goal of protecting natural resources.

Although the issue of a particular plan's or regulation's consistency or compatibility is subject to negotiation, the final decision will be made by the State Planning Commission.

Non-Applicability

There may be some instances where a State strategy, policy or standard is not applicable at the municipal or county level. This may be the result of a state policy that: (a) requires an action that is beyond the authority of a local government (such as an action that would be within the jurisdiction of a State agency); (b) pertains to a tier that is not present in the subject municipality or county; or (c) pertains to a condition or situation that does not exist in the subject municipality or county (such as coastal issues or scenic corridors). These strategies, policies and standards may be omitted from or included and commented on in the cross-acceptance report at the option of the negotiating entity. All goals and objectives are to be covered in the cross-acceptance report.

Non-applicable items should not be confused with those which are simply not addressed at the local level due to a present lack of State enabling legislation or because the local government has failed in the past to address these issues. These strategies, policies and standards are to be discussed in the cross-acceptance report as provided for in the instructions.

Sources

All determinations of agreement, consistency or compatibility are to be based on documentable sources. However, there may be cases where municipal or county sources are internally inconsistent. In those cases, the source of greatest authority, such as an ordinance or regulation versus a plan or policy statement, shall determine the municipal or county relationship to the State Plan. Where no one source outweighs another each source must be compared to the State Plan individually.

Throughout this manual the term "municipal/county plans and regulations" is used. This term is meant to be understood in its broadest sense and may include in addition to "plans and regulations," ordinances, maps, policy statements, programs, codes and any other appropriate document which would indicate a municipality's or county's relationship to the provisions of the State Plan.

Deadlines and Distribution

The Preliminary Plan Map Analysis, Section IV of the report, should be completed by Day 120 of the 180 day process. A draft of the entire cross-acceptance report, Section I - IV, should be completed by Day 150 with the final report completed by day 180, the end of the six month process. All three documents; the map analysis, the draft report and the final report are to be submitted by the appropriate deadline to the Office of State Planning, the subject county (if it is not the negotiating entity) and every municipality within the county. In addition, all documents must be made available to the public.

If an individual municipality chooses to submit a dissenting report (Section V), it must do so not later than 30 days after the negotiating entity files its report. The municipal report is to be filed with the Office of State Planning and the negotiating entity and be made available to the public.

Transmittal to the State Planning Commission

The final reports of each negotiating entity shall not be filed with the State Planning Commission until the county governing body, if the county is the negotiating entity, or the appropriate decision-making body has authorized the transmittal of the final report at a public hearing.

Individual municipal reports should likewise be approved by the municipal governing body.

REPORT OUTLINE

The cross-acceptance report has four basic sections: Summary, County Analysis, Municipal Analysis and Preliminary Plan Map Analysis. A fifth section pertains to the optional "dissenting" report which may be filed by a municipality.

Section I. SUMMARY

- A. Narrative
- B. Checklist
 - 1. Summary Checklist A
 - 2. Summary Checklist B
- C. Recommendations

Section II. COUNTY ANALYSIS

- A. Narrative
- B. Sources
 - 1. Agencies/Individuals
 - 2. Materials/Documents
- C. Checklist
 - 1. County Checklist A
 - 2. County Checklist B
- D. Areas of Disagreement, Inconsistency or Incompatibility

Section III. MUNICIPAL ANALYSIS

(one for each municipality)

- A. Narrative
- B. Sources
 - 1. Agencies/Individuals
 - 2. Materials/Documents
- C. Checklist
 - 1. Municipal Checklist A
 - 2. Municipal Checklist B
- D. Areas of Disagreement, Inconsistency or Incompatibility

Section IV. PRELIMINARY PLAN MAP ANALYSIS

- A. Narrative
- B. Maps

Section V. INDIVIDUAL MUNICIPAL REPORTS

(prepared by dissenting municipality)

THE REPORT

Section I. SUMMARY

- A. Narrative - Provide a general description of the overall agreement/disagreement and compatibility/incompatibility of the county and municipal plans and regulations with each other and with the Preliminary State Development and Redevelopment Plan. The narrative should describe any unique conditions in the county which would affect the future implementation of the State Development and Redevelopment Plan and specific problems encountered during the cross-acceptance process. The narrative should also summarize any public comments received by the negotiating entity during the cross-acceptance process. Include any written public comments as an attachment along with any responses made by the negotiating entity.
- B. Checklist - Complete Summary Checklists A and B, indicating the county's and each municipality's agreement or disagreement with the listed state goals, objectives and strategies and their compatibility or incompatibility with the listed state policies and standards. Instructions are found on the back of each checklist.

- C. Recommendations - Summarize recommendations resulting from the cross-acceptance process. Recommendations can take the form of proposed changes in the State Plan, proposed legislation or programs, or proposals for future studies. Include a discussion of each of the "Planning Issues" found in Chapter Four, Volume I of the Preliminary Plan.

Section II. COUNTY ANALYSIS

- A. Narrative - Provide a description of the overall agreement/disagreement and compatibility/incompatibility of the county plans and regulations with the Preliminary State Development and Redevelopment Plan.
- B. Sources -
1. Agencies/Individuals:
Provide a list of all county agencies and individuals, including names and titles, consulted during the cross-acceptance process.
 2. Materials/Documents:
Provide a list of all materials and documents, with appropriate dates of adoption or publication, utilized in the preparation of this report.
- C. Checklist -
Complete County Checklists A and B, comparing county plans and regulations to the Preliminary State Development and Redevelopment Plan. Instructions are found on the back of each checklist.

D. Areas of Disagreement, Inconsistency or
Incompatibility

1. In regard to the goals, objectives and strategies contained in the Preliminary Plan and listed on the County Checklists, provide a full discussion of any disagreement, the nature of the disagreement and recommendations for modification of the State and/or County plans. Identify any additional goals, objectives or strategies which should be included in the State Plan.

2. In regard to the policies contained in the Preliminary Plan and listed on County Checklist B, provide a full discussion of any inconsistencies between the policies of the Preliminary Plan and provisions of county plans and regulations, indicating whether:
 - a. Notwithstanding the inconsistency, compatibility exists because the provisions of the county plans or regulations are as effective as the policies contained in the Preliminary Plan in meeting the goals, objectives and strategies of the Preliminary Plan; or

- b. Compatibility should be achieved through the modification of the policies contained in the Preliminary Plan; or
 - c. Compatibility should be achieved through modification of county plans or regulations; or
 - d. Compatibility should be achieved through modification of both the Preliminary Plan and county plans.
9. In regard to the standards contained in the Preliminary Plan, and listed on County Checklist B, provide a full discussion of any inconsistencies between the standards of the Preliminary Plan and provisions of county plans and regulations, indicating whether:
- a. Notwithstanding the inconsistency, compatibility exists because the provisions of the county plans or regulations are as effective as the standards contained in the Preliminary Plan in meeting the policies of the Preliminary Plan; or
 - b. Compatibility should be achieved through the modification of the standards contained in the Preliminary Plan; or

- c. Compatibility should be achieved through modification of county plans or regulations;
or
- d. Compatibility should be achieved through the modification of both the Preliminary Plan and county plans.

Section III. MUNICIPAL ANALYSIS

PREPARE ONE ANALYSIS FOR EACH
MUNICIPALITY IN THE COUNTY.

- A. Narrative - Provide a description of the overall agreement/disagreement and compatibility/incompatibility of the municipality's plans and regulations with the Preliminary State Development and Redevelopment Plan.
- B. Sources -
1. Agencies/Individuals:
Provide a list of all municipal agencies and individuals consulted during the cross-acceptance process.
 2. Materials/Documents:
Provide a list of all materials and documents, with appropriate dates of adoption or publication, utilized in the preparation of this report.
- C. Checklist - Complete Municipal Checklists A and B, comparing municipal plans and regulations to the Preliminary State Development and Redevelopment Plan. Instruction are found on the back of each checklist.

D. Areas of Disagreement, Inconsistency or
Incompatibility

1. In regard to the goals, objectives and strategies contained in the Preliminary Plan and listed on the Municipal Checklists, provide a full discussion of any disagreement, the nature of the disagreement and recommendations for modification of the State and/or municipal plan. Identify any additional goals, objectives or strategies which should be included in the State Plan.
2. In regard to the policies contained in the Preliminary Plan and listed on Municipal Checklist B, provide a full discussion of any inconsistencies between the policies of the Preliminary Plan and provisions of municipal plans and regulations, indicating whether:
 - a. Notwithstanding the inconsistency, compatibility exists because the provisions of the municipal plans or regulations are as effective as the policies contained in the Preliminary Plan in meeting the goals, objectives and strategies of the Preliminary Plan; or

- b. Compatibility should be achieved through the modification of the policies contained in the Preliminary Plan; or
 - c. Compatibility should be achieved through modification of municipal plans or regulations; or
 - d. Compatibility should be achieved through modification of both the Preliminary Plan and municipal plans.
3. In regard to the standards contained in the Preliminary Plan and listed on Municipal Checklist B, provide a full discussion of any inconsistencies between the standards of the Preliminary Plan and provisions of municipal plans and regulations, indicating whether:
- a. Notwithstanding the inconsistency, compatibility exists because the provisions of the municipal plans or regulations are as effective as the standards contained in the Preliminary Plan in meeting the policies of the Preliminary Plan; or
 - b. Compatibility should be achieved through the modification of the standards contained in the Preliminary Plan; or

- c. Compatibility should be achieved through modification of municipal plans or regulations; or
- d. Compatibilty should be achieved through modification of both the Preliminary Plan and Municipal plans.

Section IV. PRELIMINARY PLAN MAP ANALYSIS

A. Narrative - In regard to the Preliminary Plan Maps, the negotiating entity shall, based on an assessment of municipal and county plans and regulations, and any findings, recommendations, or objections concerning the tier delineations on the Preliminary Plan Maps from municipal and county planning bodies, identify any inconsistencies between tier delineations and any maps contained in municipal and county plans and regulations, indicating whether:

1. the inconsistency is the result of a tier delineation which is based upon inaccurate or outdated information and should be resolved by redrawing the tier delineation based upon more accurate and up-to-date information, or
2. consistency should be achieved through modification of tier designation criteria contained in the Preliminary Plan, or
3. consistency should be achieved through modification of maps contained in, or provisions of, municipal or county plans and regulations.

B. Maps - Review the set of Preliminary Plan Maps provided by the Office of State Planning at a scale of 1:24,000 delineating the boundaries of the tiers established and defined in the Preliminary State Development and Redevelopment Plan, using the tier descriptions and designation criteria set forth in the Preliminary Plan. Perform the following exercises:

1. If necessary, propose revisions to the tier boundaries based on the discussions in Section IV A. 1, 2 or 3 above. Indicate the proposed revisions in red on the Preliminary Plan Maps.
2. Delineate, on the Preliminary Plan Maps, interim corridor centers and villages based on the criteria found in the Preliminary State Development and Redevelopment Plan.

Section V. INDIVIDUAL MUNICIPAL REPORTS

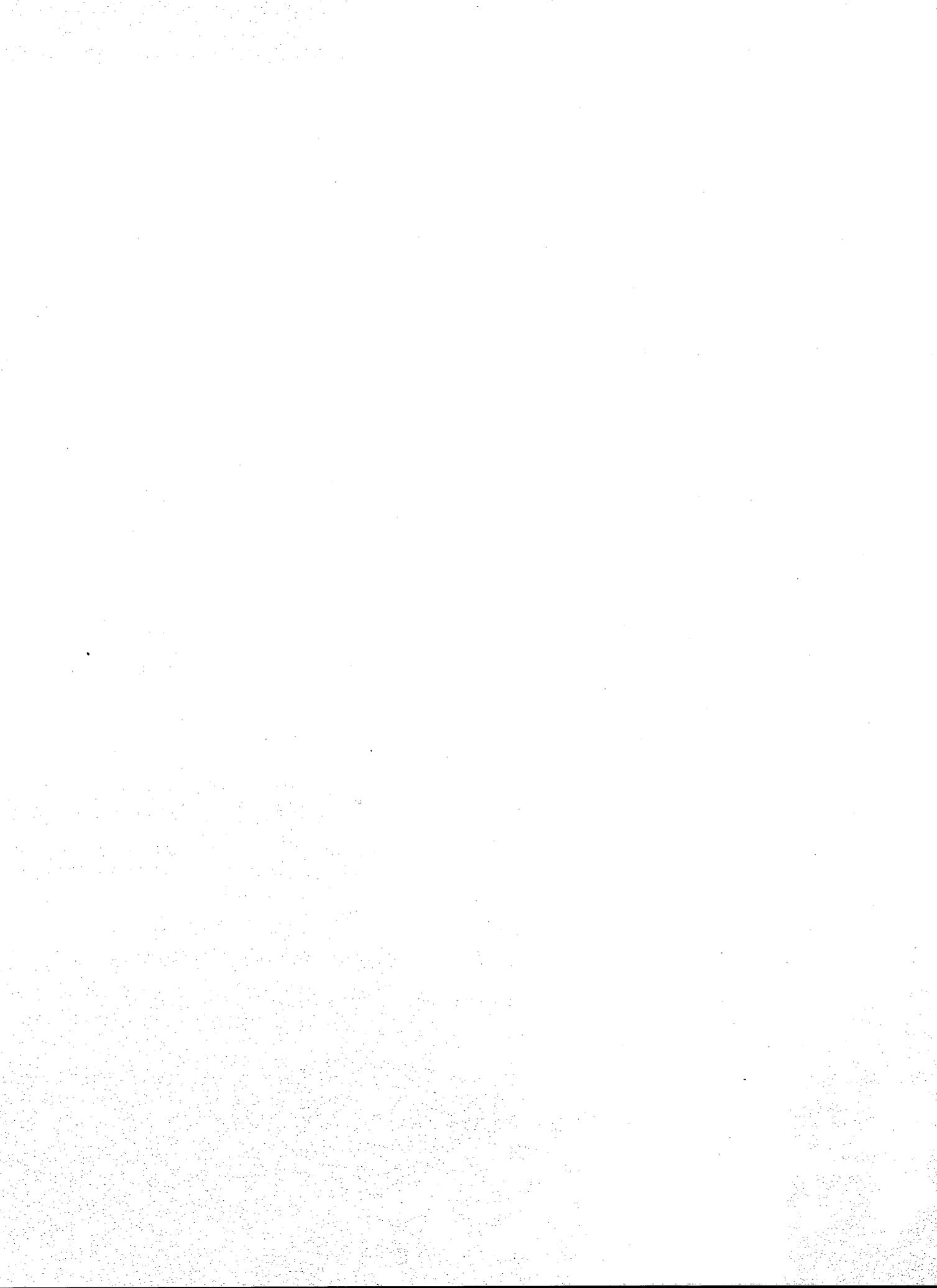
If a municipality is not satisfied with the cross-acceptance report, in whole or in part, prepared by the negotiating entity, the municipality may file a separate report with the State Planning Commission not later than 30 days after the negotiating entity files its final report. However, the municipality should notify the negotiating entity and the Office of State Planning as soon as possible of their intention to file a separate report. The report must:

1. Cite specific section(s) of the negotiating entity report with which the municipality disagrees.
2. Provide a full discussion of issues involved and the nature and extent of the disagreement.
3. Cite specific sources of information used to refute the findings of the negotiating entity.
4. Outline the municipality's involvement during the cross-acceptance process and any discussions held with the negotiating entity regarding the section(s) in question.
5. Provide a full discussion of efforts to rectify the disagreement with the negotiating entity and why it was unable to be resolved.

6. Provide suitable maps and graphics where appropriate.
7. Provide a summary of any public comments received by the municipality and the municipality's response. Attach any written public comments.

Municipal reports should be authorized for transmittal to the State Planning Commission by the local governing body.

Appendix



A.1 CHECKLISTS



INSTRUCTIONS
SUMMARY CHECKLIST A

Column A - List the goals and objectives in the same order they appear in the Preliminary State Development and Redevelopment Plan.

Column B - Indicate whether county plans and regulations, in general, agree or disagree with the listed goal or objective by placing an "A" (agree) or "D" (disagree) in the appropriate box.

Column C - Use this and each remaining column to list the names of all municipalities within the subject county in alphabetical order across the top row. As in column B indicate whether municipal plans and regulations, in general, agree or disagree with the listed goal or objective.

PROVIDE A DETAILED DISCUSSION OF DISAGREEMENTS IN SECTION II D OF THE COUNTY ANALYSIS OR SECTION III D OF THE MUNICIPAL ANALYSIS.

INSTRUCTIONS
SUMMARY CHECKLIST B

Column A - List the applicable strategies, policies and standards in the same order they appear in the Preliminary State Development and Redevelopment Plan.

Column B - Indicate whether county plans and regulations, in general, agree or disagree with the listed strategy by placing an "A" (agree) or "D" (disagree) in the appropriate box. Indicate whether county plans and regulations, in general, are compatible or incompatible with the listed policy or standard by placing an "O" (compatible) or "X" (incompatible) in the appropriate box. If county plans and regulations do not address the listed strategy, policy or standard write "N. AD." in the appropriate box.

Column C - Use this and each remaining column to list the names of all municipalities within the subject county in alphabetical order. As in column B indicate whether municipal plans and regulations, in general: (1) agree or disagree with the listed strategies; (2) are compatible or incompatible with the listed policies and standards; or (3) do not address the strategy, policy or standard.

**PROVIDE A DETAILED DISCUSSION OF
DISAGREEMENTS AND INCOMPATIBILITIES IN
SECTION II D. OF THE COUNTY ANALYSIS, OR
SECTION III D. OF THE MUNICIPAL ANALYSIS.**

INSTRUCTIONS
COUNTY CHECKLIST A

Column A - List the goals and objectives in the same order they appear in the Preliminary State Development and Redevelopment Plan.

Column B - Indicate the source(s) that was used to compare county plans and regulations with the goal or objective listed in column A. The source can be a document, such as a master plan, or an individual, in which case the title and agency must be cited. Sources can be abbreviated if necessary. A detailed listing of all sources must be supplied in Section II B.

Columns C and D - Indicate whether county plans and regulations as expressed by the listed source(s), are in agreement or disagreement with the goal or objective listed in column A by checking the appropriate box.

PROVIDE A DETAILED DISCUSSION OF DISAGREEMENTS IN SECTION II D.

INSTRUCTIONS
COUNTY CHECKLIST B

Column A - List the applicable strategies, policies and standards in the same order they appear in the Preliminary State Development and Redevelopment Plan.

Column B - Check this box if the strategy, policy or standard listed in column A is not addressed by county plans or regulations. If this box is checked skip to columns J, K, and L.

Column C - Indicate the source(s) that was used to compare county plans and regulations with the strategy, policy or standard listed in column A. The source must be a document such as a master plan. Sources can be abbreviated if necessary. A detailed listing of all sources must be supplied in Section II B.

Columns D and E - Indicate whether county plans and regulations, as expressed by the listed source(s), are in agreement or disagreement with the strategy listed in column A by checking the appropriate box.

Columns F,G,H and I - Indicate whether county plans and regulations, as expressed by the listed source(s), are consistent or inconsistent, compatible or incompatible with the policy or standard listed in column A by checking the appropriate box.

Columns J,K and L - If columns B,E,G or I are checked indicate whether the appropriate action for reconciliation would be modification of the state plan, modification of the county plan, or modification of both plans by checking the appropriate box.

PROVIDE A DETAILED DISCUSSION OF DISAGREEMENTS, INCONSISTENCIES, INCOMPATIBILITIES AND PROPOSED MODIFICATIONS IN SECTION II D.

INSTRUCTIONS
MUNICIPAL CHECKLIST A

Column A - List the goals and objectives in the same order they appear in the Preliminary State Development and Redevelopment Plan.

Column B - Indicate the source(s) that was used to compare municipal plans and regulations with the goals or objective listed in column A. The source can be a document, such as a master plan, or an individual, in which case the title and agency must be cited. Sources can be abbreviated if necessary. A detailed listing of all sources must be supplied in Section III B.

Columns C and D - Indicate whether municipal plans and regulations, as expressed by the listed source(s), are in agreement or disagreement with the goal or objective listed in column A by checking the appropriate box.

**PROVIDE A DETAILED DISCUSSION OF
DISAGREEMENTS IN SECTION III D.**

INSTRUCTIONS
MUNICIPAL CHECKLIST B

Column A - List the applicable strategies, policies and standards in the same order they appear in the Preliminary State Development and Redevelopment Plan.

Column B - Check this box if the strategy, policy or standard listed in column A is not addressed by municipal plans or regulations. If this box is checked skip to columns J, K and L.

Column C - Indicated the source(s) that was used to compare municipal plans and regulations with the strategy, policy or standard in column A. The source must be a document such as a master plan. Sources can be abbreviated if necessary. A detailed listing of all sources must be supplied in section III B.

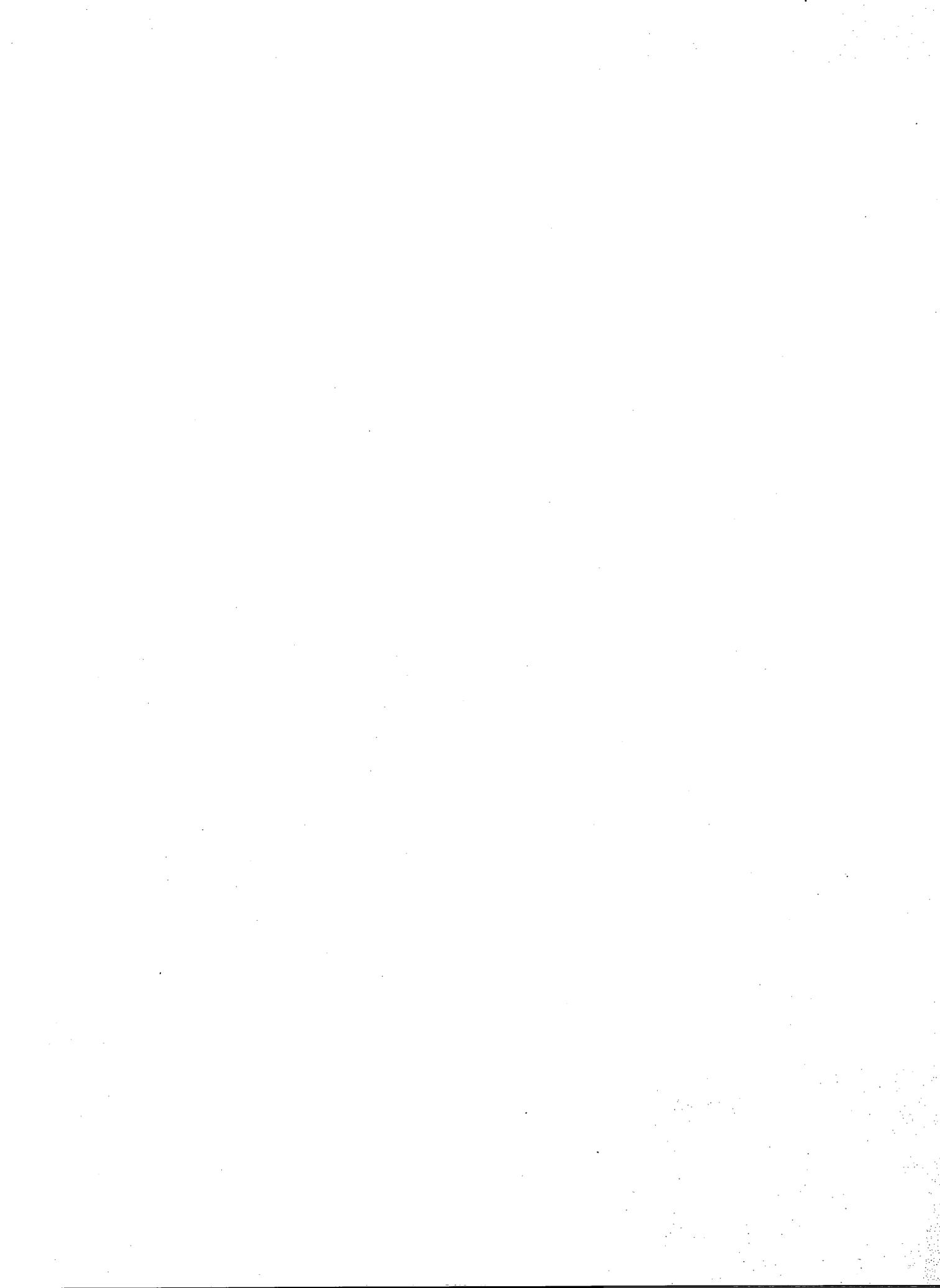
Column D and E - Indicate whether municipal plans and regulations, as expressed by the listed source(s), are in agreement or disagreement with the strategy listed in column A by checking the appropriate box.

Columns F, G, H, and I - Indicate whether municipal plans and regulations, as expressed by the listed source(s), are consistent or inconsistent, compatible or incompatible with the policy or standard listed in column A by checking the appropriate box.

Column J, K and L - If columns B, E, G or I are checked, indicate whether the listed appropriate action for reconciliation would be modification of the state plan, modification of the municipal plan, or modification of both plans by checking the appropriate box.

PROVIDE A DETAILED DISCUSSION OF DISAGREEMENTS, INCONSISTENCIES, INCOMPATIBILITIES AND PROPOSED MODIFICATIONS IN SECTION III D.

A.2 GLOSSARY



A.2 GLOSSARY

Compatibility - When a policy or standard in a local, county or regional plan or regulation is equally effective as the policy or standard contained in the Preliminary Plan in achieving the pertinent State goal, objective or strategy set forth in the Preliminary State Development and Redevelopment Plan.

Consistency - When a policy or standard in a local, county or regional plan or regulation is substantially the same as the policy or standard in the Preliminary State Development and Redevelopment Plan.

Cross-acceptance - The process of comparing the provisions and maps of local, county and regional plans and regulations with those of the Preliminary State Development and Redevelopment Plan and the dialogue which occurs among participants during and after this process to achieve compatibility or consistency between local, county, regional and State plans.

Days - Calendar days, unless otherwise specified.

Final Report - A written statement submitted by the negotiating entity to the State Planning Commission describing the findings, recommendations, objectives and other information as set forth in the Cross-Acceptance Manual, resulting from the comparison of plans by the negotiating entity.

Goal - A described state of affairs to which planned effort is directed. The goals of the plan are general statements of values derived from the State Planning Act of 1986 and public comments.

Negotiating entity - A county, or where a county has declined to participate in the cross-acceptance process, some other entity designated by the State Planning Commission to carry out cross-acceptance and prepare the cross-acceptance report.

Negotiation - The dialogue which occurs among participants during the period of cross-acceptance which could lead to a state of consistency or compatibility in their plans and regulations.

Objectives - A more specific articulation of a goal formulated in a manner which enables it to be the object of action.

Period of Cross-Acceptance - That period of time extending from the date of release of the Preliminary State Development and Redevelopment Plan by the Commission to 30 days beyond the last of the six public hearings held by the State Planning Commission pursuant to the Act.

Policy - A general rule for actions focused on a specific issue, derived from more general goals, objectives and strategies. Some policies can be implemented directly through institutional procedures or regulations, others require the establishment of more specific and extensive plans, programs, or standards.

Preliminary Plan Map - A graphic depiction of the boundaries of tiers, as defined in the Plan.

Standard - A criterion that defines the meaning of a policy by providing a way to measure its attainment. A standard is specified whenever a particular outcome is desirable or well-established.

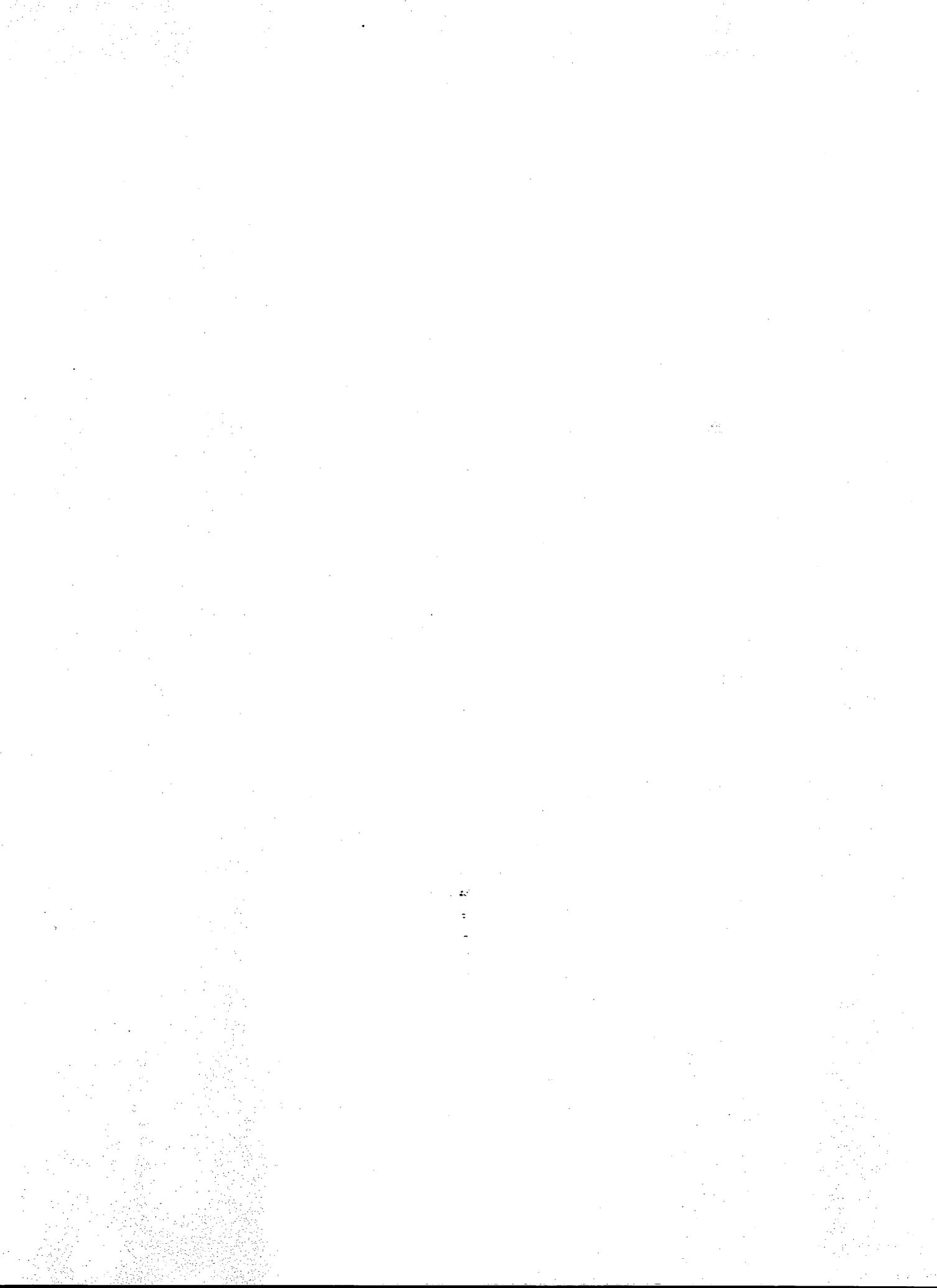
State Development and Redevelopment Plan - The document, and all maps, appendices, and other material included by reference adopted by the State Planning Commission as its plan for the development and redevelopment of the State, pursuant to its duties set forth in the Act.

Strategy - A general course of action, linking goals and objectives of the Plan with Plan Policies.

Tier - A geographic unit employed by the State Development and Redevelopment Plan to identify specific areas of the State to which strategies, policies and standards in the Plan have applicability.

A.3 CROSS-ACCEPTANCE RULE

67x



(a)

STATE PLANNING COMMISSION**Municipal and County Cross-Acceptance of State Development and Redevelopment Plan****Adopted New Rules: N.J.A.C. 17:32**

Proposed: November 2, 1987 at 19 N.J.R. 1971(b).

Adopted: January 30, 1988 by State Planning Commission, James G. Gilbert, Chairman.

Filed: February 25, 1988 as R.1988 d.121 with substantive and technical changes not requiring additional public notice (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 52:18A-203.

Effective Date: March 21, 1988.

Expiration Date: March 21, 1993.

Notice of the proposed new rules regarding municipal and county cross-acceptance of the State Development and Redevelopment Plan, was published on November 2, 1987 in the New Jersey Register at 19 N.J.R. 1971. In addition, a notice of the proposed new rules, together with a copy of the proposed new rules attached thereto, was mailed to each municipality and county in the State of New Jersey. Both notices invited written comments to be submitted on or before December 2, 1987. The comment period was subsequently extended until December 18, 1987.

Eight written comments were received and are available for inspection at the offices of the State Planning Commission at 150 West State Street in Trenton, New Jersey 08625.

Summary of Public Comments and Agency Responses:**Subchapter 1. General Provisions**

COMMENT: One county comment expressed concern that "vertically integrated" plans indicated that county and local plans would be subject to recommendations from regional and state plans. Another county comment expressed concern that the state planning process recognizes planners at the local and county level and planners at the state level on an equal basis, and that the process be allowed to work in either direction.

RESPONSE: "Vertically integrated" means that each level of the plan should reflect all other levels of plans and should be compatible. State and regional plans should not be construed as superior to county and local plans. The vertical integration is intended to operate in either direction—from local to county to regional to state and from state to regional to county to local.

COMMENT: Several commenters stated that public participation should be included, under the section of the rule on "Purpose and Authority," as a specific purpose of the rule. One commenter also suggested that municipal government be included as an "early and direct participant in the review and revision" of the Preliminary Plan, and be listed as a key participant throughout the rule.

RESPONSE: The Commission agrees that each of these are important participants in the state planning process, and has amended N.J.A.C. 17:32-1.2(a) to include both municipal and public participation as a specific purpose of the rule along with county participation, as originally written.

COMMENT: One commenter suggested that a definition for "days" be included in the rule, and that it should mean "calendar days" as is used by the Municipal Land Use Law and the Procedural Rules of the Council on Affordable Housing.

RESPONSE: The Commission agrees that this is a good suggestion and has incorporated it into the definitions section of the rule with the added note that in some places throughout the rule days may be stated to mean otherwise.

COMMENT: One commenter stated that the definitions of "goal," "objective," "strategy," "policy," and "standard" are confusing, and recommended that an example for each be included in the rule.

RESPONSE: The definitions which appear in the rule are purposely of a general nature because these definitions will remain in effect over the years as each three year revision of the State Development and Redevelopment Plan is prepared. The examples which the commenter proposed will be found in the plan document itself.

COMMENT: Several commenters, although not stated specifically, seemed to be confused over the definition of "compatibility."

RESPONSE: The definition of "compatibility" was missing a few words. The definition should read: "shall mean that a policy or standard

in a local, county or regional plan or regulation is equally effective as the policy or standard contained in the Preliminary Plan in achieving the pertinent State goal, objective or strategy set forth in the Preliminary State Development Plan. The rule has been amended to reflect this correction.

COMMENT: Two commenters suggested that the definition of "county" be modified to specify that where there is both a county executive and a freeholder board, the county executive should have the responsibility for carrying out the provisions of the State Planning Act. They also stated that other sections of the rule be amended to reflect this intention.

RESPONSE: The definition of county as originally written states that "the county governing body, or executive, as appropriate," would have responsibility for carrying out the requirements of the rule. The intention of the Commission is to allow each county the flexibility to decide how they intend to carry out the state planning process. However other sections of the rule will be amended to reflect the possibility that the county executive may be the appropriate party to take responsibility for the state planning process.

COMMENT: Several commenters raised questions about what an "implementation map" would be and who would be responsible for preparing it.

RESPONSE: Confusion between the "implementation map" and the "plan map," as originally defined in the rule proposal will be eliminated by deleting the term "plan map" and renaming the "implementation map" to "preliminary plan map," which indicates the preliminary nature of the map being prepared. The newly named "preliminary map" will be prepared by the State Planning Commission and the Office of State Planning in consultation with the counties. Once a generally correct map is prepared it will be the subject of cross-acceptance discussions and will be subject to change based upon those discussions.

COMMENT: Several commenters expressed concern over the amount of time available to complete the cross-acceptance process.

RESPONSE: The definition of "Period of Cross-Acceptance" explains the space of time which will be considered part of the cross-acceptance process, but does not state what must be accomplished during that timeframe. The misconception appears to be that all of the work of cross-acceptance must be completed within a six month timeframe. This is not the case. The major item which must be completed within six months is the county report. The continuing discussions which may occur after the county report is submitted take an additional six to nine months and is part of the "period of cross-acceptance." The definition of the "Period of Cross-Acceptance" should be amended to state that the time extends from "the date of release" of the Preliminary Plan, not the date of receipt. Additionally, the commenters are referred to the definition of cross-acceptance which states that it includes both the comparison of plans which result in a county report as well as the discussions which continue after the report is filed.

Subchapter 2. Preparation of Preliminary State Development and Redevelopment Plan

COMMENT: One commenter suggested that the title of N.J.A.C. 17:32-2.1, "Functional State Agency Review of a Draft Preliminary State Development and Redevelopment Plan," should be consistent with the text of the subsection which refers to the Draft Preliminary Plan.

RESPONSE: The commission agrees that this is a good suggestion and has amended the title to read: "the Draft Preliminary ... Plan."

COMMENT: Several commenters pointed out that N.J.A.C. 17:32-2.1(a) only authorizes the Office of State Planning to carry out the decisions of the State Planning Commission, but does not direct the Office to perform a specific duty.

RESPONSE: Although the Commission intended its authorization to be mandatory, they appreciate the concerns of the commenters and have changed the section to read: "the State Planning Commission shall [authorize] direct the Office of State Planning to ..."

COMMENT: Several commenters requested that the state agency comments filed with the Office of State Planning in response to the Draft Preliminary State Development and Redevelopment Plan be immediately available to the public.

RESPONSE: The Commission will make copies of comments available upon request as soon as is practicably possible.

COMMENT: Several commenters pointed out that the timetable for functional state agency review and public comments have different starting points. The former begins with "receipt" of the Draft Preliminary State Development and Redevelopment Plan, while the latter begins with the "date of release" of the Draft Preliminary Plan.

RESPONSE: The Commission has amended the rule to consistently refer to the "date of release." All previous references to "date of receipt"

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have been changed to "date of release." The official "date of release" will be established when the Commission passes a resolution to authorize release of the Draft Preliminary State Development and Redevelopment Plan and the Preliminary State Development and Redevelopment Plan.

COMMENT: Several commenters stated that the rule should state clearly that "supporting and background materials" will be available to the public. One commenter suggested that all maps, appendices, and other material included by reference, as per the definition of the State Development and Redevelopment Plan, be made available to the public.

RESPONSE: The Commission has amended N.J.A.C. 17:32-2.2(a) to make it clear that "supporting and background materials" will be made available to the public along with the Draft Preliminary State Development and Redevelopment Plan. Any additional information or materials which would not otherwise be provided to the state agencies for their review will be available upon request, depending upon the nature of the materials and whether or not they are easily reproduced.

COMMENT: One commenter suggested that copies of the Draft Preliminary State Development and Redevelopment Plan be available from the Office of State Planning for 60 days, as opposed to 45 days.

RESPONSE: Copies of the Draft Preliminary Plan will be available from the Office of State Planning for 45 days, however, additional copies will be available for inspection and copying at other locations, such as State depository libraries, and county administrative offices, after the 45 day period.

COMMENT: One commenter suggested that the rule state where, in addition to the Office of State Planning, copies of the Draft Preliminary State Development and Redevelopment Plan will be available.

RESPONSE: The Commission will announce where copies of the various documents will be available, however, it is not appropriate to attempt to provide a list of possible locations within this rule. The rule will govern the state planning process for the first State Development and Redevelopment Plan and subsequent plans which will be prepared every three years.

COMMENT: Several commenters questioned the purpose of the three public presentations which will coincide with the release of the Draft Preliminary State Development and Redevelopment Plan.

RESPONSE: The primary purpose of the presentations will be to present and explain the Draft Preliminary Plan to members of the public and officials who cannot be present at a Commission meeting when the plan is discussed. Public comments may be taken at these sessions, however, it is anticipated that these public presentations will be most useful as a forum to ask questions and receive clarifications. As noted in N.J.A.C. 17:32-2.2(c), written comments from the public will be taken for 60 days after the release of the Draft Preliminary Plan.

COMMENT: One commenter pointed out that the reference in N.J.A.C. 17:32-2.2(c) was incorrect.

RESPONSE: The Commission has amended this section to correct the reference, and it now reads: "in accordance with N.J.A.C. 17:32-2.2(a)."

COMMENT: One commenter suggested extending the time period for public comment following the release of the Draft Preliminary Plan to 75 days.

RESPONSE: The Commission feels that 60 days is sufficient time for public comment on the Draft Preliminary State Development and Redevelopment Plan. Additional opportunities for public comment will follow when the Preliminary State Development and Redevelopment Plan is released, and the Commission will accept written public comments throughout the state planning process.

COMMENT: Several commenters suggested that the rule specifically state that sufficient copies of the Preliminary State Development and Redevelopment Plan will be available to the public at the same time they are available to counties and municipalities.

RESPONSE: The Commission will make the Preliminary Plan available to interested persons upon request. In order to make this clear, N.J.A.C. 17:32-2.3(b) has been amended to read: "... authorize its transmittal to each county and municipality and to other interested persons and organizations."

COMMENT: One commenter suggested that upon release of the Preliminary State Development and Redevelopment Plan public comments be taken again prior to beginning the cross-acceptance process.

RESPONSE: The Commission must be governed not only by the rules which they establish herein, but also by their enabling legislation, the "State Planning Act." The Act specifically states that the six month time period during which counties must prepare reports will begin with the release of the Preliminary State Development and Redevelopment Plan. In addition, the commission feels that ample opportunity for public comment will be provided throughout the state planning process.

COMMENT: Several commenters stated that the term "due consideration" should be clarified to ensure that it includes revisions to the Draft Preliminary State Development and Redevelopment Plan.

RESPONSE: The Commission feels that "due consideration" clearly states that if revisions are necessary, they will take the appropriate action.

COMMENT: One commenter stated that the rule should include a paragraph which states that the Preliminary Plan will be available until such time as it is replaced by a revised plan.

RESPONSE: The Commission feels that such a paragraph is unnecessary because no limitations on the availability of the Preliminary Plan are included in the rule.

Subchapter 3. Procedures for Conducting Cross-Acceptance

COMMENT: Comments from several counties pointed out the need to receive the Cross-Acceptance Manual, which is to be prepared by the Office of State Planning, as soon as possible. One county suggested the manual be made available at the same time as the Draft Preliminary State Development and Redevelopment Plan is sent to the state agencies for review and comment.

RESPONSE: The Cross-Acceptance Manual will be sent to each county and municipality as soon as it is completed. The Commission anticipates the Manual will be available prior to the release of the Preliminary Plan.

COMMENT: Two commenters suggested that the timing for the financial assistance application, coinciding with the delivery of the Preliminary Plan would be too late to enable sufficient time to complete it.

RESPONSE: The Commission does not believe there will be a problem with the completion of a financial assistance application because it will be a simple form. The financial assistance form will not be competitively reviewed, and the assistance itself will be tied to completion of the county cross-acceptance report.

COMMENT: Several counties expressed concern with the 45 day time period in which to complete a notice of participation and a proposed work plan.

RESPONSE: The Office of State Planning will work closely with each of the counties to assist them in completing the requirements of the cross-acceptance process. The timeframe which has been established by this rule is tied to the State Planning Act's requirement that a county cross-acceptance report be completed within six months of release of the Preliminary Plan. The 45 day time frame is also specified within the State Planning Act. "Each county planning board shall ... unless it shall notify the Commission in writing within 45 days of the receipt of the preliminary plan that it waives this responsibility, ..." (N.J.S.A. 52:18A-202(b)). Receipt by the counties of the Cross-Acceptance Manual at an early stage should help alleviate the concerns which have been expressed.

COMMENT: One county asked whether a number of public meetings would be specified and who would sponsor them.

RESPONSE: The Commission will require at least two public meetings, the public informational meeting at the beginning of cross-acceptance and the public hearing at which the county final report is considered for transmittal to the State Planning Commission. In addition the work program which the county submits to the Office of State Planning must contain a plan for public participation in the cross-acceptance process. The county will have flexibility in designing a public participation program and may call upon the Office of State Planning for assistance.

COMMENT: One commenter questioned what criteria would be used by the State Planning Commission to choose a "negotiating entity" should a county decide not to participate in the state planning process. They also asked whether any appeal to the Commission's choice of a negotiating entity would be available to a municipality which might be dissatisfied with the designation.

RESPONSE: The Commission will designate a negotiating entity which is suited to carry out the provisions of the state planning process. The State Planning Act states that in the eventuality that a county chooses not to participate, the Commission "shall designate an appropriate entity, or itself, to assume this responsibility." This rule further states in N.J.A.C. 17:32-3.3(b) that the Commission "shall accept the recommendation of the county and designate the recommended entity, unless the Commission finds that the recommended designation would interfere with the practical application of the spirit and intent of the State Planning Act."

An appeal by a municipality of a negotiating entity would be inappropriate because the entity, whether a county or not, will be following the state planning process as set forth in this rule and in the Preliminary

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State Development and Redevelopment Plan. Should a municipality disagree with the final report of a county, or otherwise designated negotiating entity, the municipality may file its own cross-acceptance report as provided for in N.J.A.C. 17:32-3.12.

COMMENT: Several commenters stated that the details of the county work program should be specified by the State Planning Commission or the Office of State Planning.

RESPONSE: The Cross-Acceptance Manual will specify what must be included in the county work program.

COMMENT: Several commenters questioned the meaning of "officially approved" application for a cross-acceptance grant-in-aid in N.J.A.C. 17:32-3.4(b).

RESPONSE: The "official approval" in this section refers to approval by the designated negotiating entity. If a county chooses not to participate in the state planning process, the designated negotiating entity will be eligible for the financial assistance which would otherwise be available to the county.

COMMENT: One county questioned the meaning of "official representation" by a municipality regarding its participation in the cross-acceptance process.

RESPONSE: "Official representation" means that the person or persons participating in cross-acceptance discussions or other aspects of the state planning process on behalf of a municipality, as defined in this rule (see definition of "municipality" at N.J.A.C. 17:32-1.4), be recognized by that body as their representative.

COMMENT: Several commenters stated that N.J.A.C. 17:32-3.5(b), which explains that the Commission will "take whatever steps are appropriate to carry out the provisions of this Rule and the Act," was inappropriate language and was unnecessarily threatening. It was suggested that either the steps to be taken be specified or the paragraph be deleted.

RESPONSE: The Commission's intention is not to appear to threaten any party regarding their participation in the state planning process. It is not feasible at this time to know exactly what action or response the Commission may take, thus any listing of possible actions would almost invariably be incomplete and therefore misleading. Based upon the stated situation and the concerns raised by commenters, N.J.A.C. 17:32-3.5(b) has been deleted. The commenters are referred to N.J.A.C. 17:32-3.12(b) which states that if a municipality neither participates in the cross-acceptance process nor files a separate report, they will be deemed to have concurred and agreed in the final report and waiver their right to file a separate report. Additionally, the Commission believes it is unnecessary to make a statement dealing with the steps it may take, since its authority to take appropriate action is implicit in the State Planning Act.

COMMENT: Two commenters suggested that provision should be made for public comments at the public informational meetings to be held in each county following the release of the Preliminary State Development and Redevelopment Plan.

RESPONSE: The Commission fully intends for the public informational meetings to include the opportunity for public comment. A phrase has been added to N.J.A.C. 17:32-3.6 to read: "... and shall provide the opportunity for the public to ask questions and make comments."

COMMENT: Several commenters questioned when, exactly, the Office of State Planning would be providing technical assistance to each county.

RESPONSE: Advice and assistance to county and local planning agencies, as referred to in the State Planning Act, will be provided upon request. Other forms of technical assistance specifically related to the cross-acceptance discussions and other aspects of the state planning process will also be available upon request following the release of the Preliminary State Development and Redevelopment Plan.

COMMENT: Several commenters requested clarification regarding the preparation and availability of a map or maps which would accompany either the Draft Preliminary or Preliminary State Development and Redevelopment Plan or would be prepared as "factor maps" to the plan map.

RESPONSE: The Draft Preliminary and the Preliminary State Development and Redevelopment Plan will include a preliminary plan map, as defined in the amended definitions section of this rule. Other maps which may be useful to counties and municipalities during the state planning process may be prepared and made available.

COMMENT: Several commenters suggested strengthening the language of N.J.A.C. 17:32-3.8 dealing with public participation in the cross-acceptance process.

RESPONSE: The Commission believes that public participation is very important in the state planning process, however, they further believe that it has been sufficiently provided for throughout the rule. The work programs to be prepared by each county must include provision for public participation, and the Office of State Planning will assist each county in this effort if it is appropriate.

COMMENT: Several commenters stated that the language of N.J.A.C. 17:32-3.9 was unclear as to whether or not the State Planning Commission would be providing a draft map for review and revision by the negotiating entities, and further recommended that the Commission would be the best entity to prepare the initial map which would then be reviewed and revised.

RESPONSE: The Commission will prepare a preliminary plan map which will accompany the Draft Preliminary Plan in draft form, and ultimately will accompany the Preliminary State Development and Redevelopment Plan and will be subject to review and revision as a result of cross-acceptance discussions and the continuing state planning process.

COMMENT: One county commenter stated that discussions with the staff of the Office of State Planning had led him to believe that an unreasonable amount of detail would not be required during the comparison of plans, and that the Cross-Acceptance Manual would provide for this.

RESPONSE: The Cross-Acceptance Manual will specify the level of detail necessary in the comparison of plans. The Commission has endeavored to make the process as simple as possible while maintaining a comprehensive approach. As stated previously, technical assistance and advice will be available from the Office of State Planning.

COMMENT: One county asked for more specificity as to the format and methodology of the County Final Report.

RESPONSE: An outline and a methodology to be utilized in preparing the County Final Report will be included in the Cross-Acceptance Manual.

COMMENT: Two commenters pointed out that the County Report is referred to inconsistently as both a "final" report and a "formal" report.

RESPONSE: The rules have been amended to refer consistently to a "final" report.

COMMENT: Two commenters questioned what action the Commission would take if a county refused to transmit a final report after agreeing to participate in the process.

RESPONSE: The Commission has considered this possibility and should such an eventuality occur, it would initially engage in discussions to determine the reason for the refusal to transmit the document and seek to resolve the problem. The Commission would, of course, expect a county to take whatever action is necessary to carry out its obligation. Additionally, any financial assistance to the county would be withheld until a Final Report had been officially transmitted.

COMMENT: Several commenters questioned the availability of public access to the County Final Reports, Municipal Reports and the Office of State Planning Report on Cross-Acceptance.

RESPONSE: Upon official transmittal of each of these reports to the State Planning Commission, they will become part of the public record and be available upon request.

COMMENT: One county requested that the optional municipal reports be required to be filed with both the State Planning Commission and the appropriate county.

RESPONSE: The Commission agrees that this would be a good course of action and has amended N.J.A.C. 17:32-3.12 to add a sentence which reads: "The individual municipal report shall also be filed with the appropriate county or negotiating entity at the same time as it is filed with the State Planning Commission."

COMMENT: One county commenter stated that 30 days in which to file an individual municipal report would be insufficient time because they would need to review the county report and have an action taken by their own municipal governing body in order to file a report.

RESPONSE: The Commission believes that 30 days should be sufficient time if the municipality has participated in the cross-acceptance process from the beginning. According to the Cross-Acceptance Manual, the county must submit a draft report to each of its constituent municipalities 30 days prior to adopting a Final Report. A municipality should have a good understanding of what the county will be including in its report well in advance of the official transmittal of the Final Report.

COMMENT: One county comment suggested that the Office of State Planning Report on cross-acceptance take the form of a response document, responding to the County Final Reports, in order to ensure the

State Planning Commission would be apprised of all of the issues raised by the county reports. Further, the county suggested that the Office of State Planning report not be completed until after receipt of all the individual municipal reports, and that copies of the Office report be sent to each of the counties.

RESPONSE: The Office of State Planning Report, as per N.J.A.C. 17:32-3.13(a), will include a summary of the "findings, recommendations and objections contained in the reports of the negotiating entities and municipalities." As such, the report will not be completed until after a thorough review of all the County Final Reports and the individual municipal reports. Each county or negotiating entity, and those municipalities who file an individual report, will receive a copy of the Office of State Planning Report.

COMMENT: One county recommended that a mediation process be established to continue discussions on unresolved issues after the adoption of a final State Development and Redevelopment Plan, and further recommended that a section on conflict resolution be incorporated into this rule.

RESPONSE: The State Development and Redevelopment Plan will be revised every three years and the Commission fully anticipates that once the first State Plan is adopted, work will continue across all levels of planning in state in order to resolve outstanding issues for the next revision of the plan. Regarding conflict resolution, the process of cross-acceptance itself is a method of conflict resolution. The continuing dialogue is intended to reveal areas of disagreement or conflict and endeavor to resolve them.

COMMENT: One commenter questioned what document or documents would be the issue of the public hearings which will precede adoption of a State Development and Redevelopment Plan.

RESPONSE: The public hearings referred to in the rule, and required in the State Planning Act, N.J.S.A. 52:18A-202(c), will be for the purpose of receiving comments on a draft final plan which is to be prepared and distributed based on the cross-acceptance reports from counties and municipalities.

COMMENT: Two commenters stated that the Commission should consider the Office of State Planning Report on cross-acceptance and the comments received from the public hearings prior to adopting a State Development and Redevelopment Plan. They also asked how much latitude the Commission would have in amending the plan before adoption.

RESPONSE: The Commission will consider the Office of State Planning Report and the comments received at the public hearings prior to adoption of a final State Plan. Since the Commission is the body responsible for preparing and adopting the State Development and Redevelopment Plan, they will have sufficient latitude to make whatever amendments are appropriate based on testimony and cross-acceptance reports.

COMMENT: One county commenter stated that the rule should include procedures governing the review by state agencies of the State Plan and provide for a process to resolve conflicts of policies, programs, and projects between state agencies.

RESPONSE: The State Planning Commission, in addition to being responsible for preparing a State Development and Redevelopment Plan, is also responsible for facilitating cooperation and coordination among state agencies. The Commission, upon receipt of state agency reports will review them and engage in discussions with each of the state agencies toward resolution of any remaining inconsistencies.

This rule is meant to specify how the state planning process will be carried out at the county and municipal level. The Commission recognizes the importance of state agency coordination and expects the state agency review of the Draft Preliminary Plan, and the consequent amendments to the Draft prior to the release of a Preliminary Plan, will serve to avoid confusion about state agency positions during cross-acceptance.

COMMENT: One commenter suggested that the rules be amended to include the policy of the Commission to accept written comments from the public throughout the cross-acceptance process.

RESPONSE: The Commission recognizes the importance of public participation during the cross-acceptance process and encourages members of the public to be part of that process at the local level. However, should the public choose, the Commission will accept written statements throughout the process. A sentence stating this policy has been added to N.J.A.C. 17:32-3.8.

COMMENT: Many comments were received regarding whether copies of Commission documents and reports filed with the Commission by state and local agencies would be available to the public.

RESPONSE: The Commission and the Office of State Planning are subject to the "Right-To-Know" Law, N.J.S.A. 47:1A-1 et seq.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks *thus*; deletions from proposal indicated in brackets with asterisks *(thus)*).

CHAPTER 32 STATE PLANNING RULES

SUBCHAPTER 1. GENERAL PROVISIONS

17:32-1.1 Title and citation

This chapter shall be known and may be cited as N.J.A.C. 17:32, "State Planning Rules."

17:32-1.2 Purpose and authority

(a) This chapter is adopted by the State Planning Commission pursuant to N.J.S.A. 52:18A-203 in order to establish an orderly and efficient process for the preparation, adoption, and implementation of the State Development and Redevelopment Plan. In support thereof, it is determined that in order to fulfill the purposes and to satisfy the requirements of the State Planning Act, it is necessary and appropriate that:

1. The cross-acceptance process be structured so as to establish vertically integrated and compatible local, county, regional and State plans;

2. A process be established for State agency review of and comment upon the Preliminary State Development and Redevelopment Plan to assure the proper and timely consideration of State functional plans and regulations in the formulation of the State Development and Redevelopment Plan;

3. The counties participate in cross-acceptance and that the State Planning Commission take all reasonable steps to ensure county participation;

4. The detail and substance of the Preliminary State Development and Redevelopment Plan be enhanced by early and direct county "municipal and public" participation in the review and revision, if necessary, of the Plan and Implementation maps for the Preliminary State Development and Redevelopment Plan; and

5. The State Planning Commission prepare rules pursuant to authority granted by N.J.S.A. 52:18A-202 and 203 of the State Planning Act, which establishes detailed procedures for the participation of appropriate governmental units at all levels in the formulation and implementation of the State Development and Redevelopment Plan.

17:32-1.3 Applicability

This chapter shall apply to all activities and actions of municipal and county governments, the State Planning Commission, State agencies, and any negotiating entity designated by the Commission in the preparation, review and implementation of the State Development and Redevelopment Plan.

17:32-1.4 Definitions

The following terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise: "Compatibility" means that a policy or standard in a local, county or regional plan or regulation is equally effective "as the policy or standard contained in the Preliminary Plan" in achieving the pertinent State goal, objective or strategy set forth in the Preliminary State Development and Redevelopment Plan.

"Consistency" means that a policy or standard in a local, county or regional plan or regulation is substantially the same as the policy or standard in the Preliminary State Development and Redevelopment Plan.

"County" means any board, department, division, office, agency or other subdivision of the county duly authorized by the county governing body, or executive, as appropriate, to carry out the requirements of this chapter.

"Cross-acceptance" means the process of comparing the provisions and maps of local, county and regional plans and regulations with those of the Preliminary State Development and Redevelopment Plan and the dialogue which occurs among participants during and after this process to achieve compatibility or consistency between local, county, regional and State plans.

"Cross-Acceptance Manual" means a document prepared by the Office of State Planning for the purpose of guiding negotiating en-

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ties through the cross-acceptance process. The manual shall contain, at a minimum, a prototype work program and schedule, and a final report outline and instructions.

“Days” means calendar days, unless otherwise specified.”

“Final Report” means a written statement submitted by the negotiating entity to the State Planning Commission describing the findings, recommendations, objections and other information as set forth in the Cross-Acceptance Manual, resulting from the comparison of plans by the negotiating entity.

“Functional state agency” means the following Departments of the State of New Jersey and any division, office or other subdivision of such Departments:

1. Agriculture;
2. Banking;
3. Board of Public Utilities;
4. Commerce, Energy, and Economic Development;
5. Community Affairs;
6. Corrections;
7. Defense;
8. Education;
9. Environmental Protection;
10. Health;
11. Higher Education;
12. Human Services;
13. Insurance;
14. Labor;
15. Law and Public Safety;
16. Personnel;
17. Public Advocate;
18. State;
19. Transportation; and
20. Treasury.

“Goal” means a desired state of affairs to which planned effort is directed. The goals of the plan are general statements of values derived from the State Planning Act of 1986 and public comments.

“Implementation Map” means a graphic depiction of the boundaries of tiers, as defined in the Plan.”

“Municipality” means any board, department, division, office, agency or other subdivision of the municipality duly authorized by the municipal governing body, or executive, as appropriate, to carry out the requirements of this chapter.

“Negotiating entity” means a county, or where a county has declined to participate in the cross-acceptance process, some other entity designated by the State Planning Commission to carry out cross-acceptance.

“Negotiation” means the dialogue which occurs among participants during the period of cross-acceptance which could lead to a state of consistency or compatibility in their plans and regulations.

“Objective” means a more specific articulation of a goal formulated in a manner which enables it to be the object of action.

“Period of Cross-Acceptance” means that period of time extending from the date of “[receipt]” “release” of the Preliminary State Development and Redevelopment Plan by the “[negotiating entity]” “Commission” to 30 days beyond the last of the six public hearings held by the State Planning Commission pursuant to the Act.

“Plan Map” means that map contained in, or referenced within, the State Development and Redevelopment Plan, or drafts thereof, which describes an appropriate and desirable state of development of New Jersey at some future year.”

“Policy” means a general rule for action focused on a specific issue, derived from more general goals, objectives and strategies. Some policies can be implemented directly through institutional procedures or regulations, others require the establishment of more specific and extensive plans, programs, or standards.

“Preliminary Plan Map” means a graphic depiction of the boundaries of tiers, as defined in the Plan.”

“Regional” means a geographical area encompassing land in more than one county.

“Regional agency” means an agency which performs planning for land development for an area of the State encompassing land in more than one county.

“Standard” means a criterion that defines the meaning of a policy by providing a way to measure its attainment. A standard is specified whenever a particular outcome is desirable or well-established.

“State Development and Redevelopment Plan” means that document, and all maps, appendices, and other material included by reference adopted by the State Planning Commission as its plan for the development and redevelopment of the State, pursuant to its duties set forth in the Act.

“Strategy” means a general course of action, linking goals and objectives of the Plan with Plan Policies.

“Tier” means a geographic unit employed by the State Development and Redevelopment Plan to identify specific areas of the State to which strategies, policies and standards in the Plan have applicability.

SUBCHAPTER 2. PREPARATION OF PRELIMINARY STATE DEVELOPMENT AND REDEVELOPMENT PLAN

17:32-2.1 Functional state agency review of “[a]” “the” Draft Preliminary State Development and Redevelopment Plan

(a) At least 90 days prior to the initiation of the cross-acceptance process, the State Planning Commission shall “[authorize]” “direct” the Office of State Planning to distribute to each of the functional state agencies at least three copies of the Draft Preliminary State Development and Redevelopment Plan, together with three copies of supporting and background materials.

(b) Within 45 days after “[receipt]” “the date of release” of the Draft Preliminary State Development and Redevelopment Plan, each functional state agency shall transmit to the Office of State Planning comments about, and recommendations for amendments to, the Draft Plan.

17:32-2.2 Public comment on Draft Preliminary State Development and Redevelopment Plan

(a) “A reasonable supply of” “[C]” “copies of the Draft Preliminary Plan and supporting and background materials” will be available at the Office of State Planning for 45 days after the date of release, and will be available for inspection and copying thereafter at locations to be determined by the State Planning Commission.

(b) The Office of State Planning shall make at least three public presentations of the Draft Preliminary Plan within 10 working days after “[the date of release of the Draft.]” “adoption of a resolution by the State Planning Commission authorizing release of the Draft.”

(c) Any written comments and recommendations of the general public on the Draft Preliminary Plan distributed in accordance with N.J.A.C. 17:32-2.5-2.2(a) shall be submitted to the Office of State Planning no later than 60 days after the date of release of the Draft.

17:32-2.3 Approval of the Preliminary State Development and Redevelopment Plan and authorization to transmit for cross-acceptance

(a) As soon as practicable after receiving and considering comments on the Draft Preliminary State Development and Redevelopment Plan, the Office of State Planning shall submit copies of written comments, summaries of public meetings and staff recommendations for revisions to the Draft Preliminary Plan to the State Planning Commission.

(b) The State Planning Commission shall, after due consideration, approve a Preliminary State Development and Redevelopment Plan for cross-acceptance and authorize its transmittal to each county and municipality and to “[others as it deems appropriate:]” “other interested persons and organizations.”

SUBCHAPTER 3. PROCEDURES FOR CONDUCTING CROSS-ACCEPTANCE

17:32-3.1 Negotiating entities for county and municipal cross-acceptance

(a) With the distribution of the Preliminary State Development and Redevelopment Plan to the counties and municipalities, the Office of State Planning shall transmit to each county a copy of the

Cross-Acceptance Manual, an application form for financial assistance, and a request for either a Notice of Participation or a Notice of Waiver.

(b) Notices of Waiver or Participation shall be transmitted by each county to the Office of State Planning no later than 45 days after "[receipt by the county]" "release" of the Preliminary State Development and Redevelopment Plan.

1. A Notice of Participation shall be a duly adopted resolution of the governing body authorizing participation of the county in the cross-acceptance process.

2. A Notice of Waiver is a duly adopted resolution of the governing body stating its intent to forfeit and waive its statutory authority to participate in cross-acceptance.

(c) In the event that a county transmits a Notice of Waiver or fails to transmit a Notice of Participation within 45 days after "[its receipt]" "the date of release" of the Preliminary State Development and Redevelopment Plan, the State Planning Commission shall designate a negotiating entity for cross-acceptance for each such county.

17:32-3.2 Optional joint "[municipal]" "county" cross-acceptance agreements

The Office of State Planning shall encourage the governing bodies of the counties, especially those located within the purview of an existing regional planning agency or metropolitan planning organization, to enter into intergovernmental agreements for consolidated or coordinated participation in cross-acceptance. If a county notifies the Office of State Planning of that county's desire to enter into such an agreement or to involve a regional planning agency or metropolitan planning organization in cross-acceptance, the Office of State Planning shall provide, at the county's request, technical assistance in the preparation of appropriate intergovernmental agreements and designations of negotiating entities.

17:32-3.3 Designation of negotiating entity by the State Planning Commission in lieu of county participation

(a) In the event that a county advises the Office of State Planning that the governing body of the county has determined that the county will not participate in the cross-acceptance process, or fails to respond within the time period specified in N.J.A.C. 17:32-3.1, the State Planning Commission shall designate an appropriate entity to participate in cross-acceptance in the place of the non-participating county, after having first consulted with the entity to be designated and having secured that entity's commitment to participate in the cross-acceptance process.

(b) A county may request designation of a specific entity (including a joint program subject to an intergovernmental agreement) as the negotiating entity for that county within the 45 day notice period in N.J.A.C. 17:32-3.1.

1. The State Planning Commission shall accept the recommendation of the county and designate the recommended entity, unless the Commission finds that the recommended designation would interfere with the practical application of the spirit and intent of the State Planning Act.

17:32-3.4 Cross-acceptance work programs and grants-in-aid

(a) Within 45 days after receipt of the Preliminary State Development and Redevelopment Plan, each county serving as the negotiating entity shall submit to the Office of State Planning a proposed work program and, at the county's option, an application for a cross-acceptance grant-in-aid approved by the governing body.

(b) In the event that the negotiating entity is designated pursuant to N.J.A.C. 17:32-3.3, the negotiating entity shall submit to the Office of State Planning, within 30 days of the date of designation, a proposed work program and, at the entity's option, an officially approved application for a cross-acceptance grant-in-aid.

(c) In the event that the work program submitted to the Office of State Planning is determined to be inadequate in any way by the State Planning Commission, the Office of State Planning shall provide the negotiating entity with work program changes necessary to overcome the inadequacies and to ensure an effective and efficient cross-acceptance process.

17:32-3.5 Municipal participation in the cross-acceptance process

(a) Each municipality in the State shall participate in the cross-acceptance process by:

1. Providing to the negotiating entity the most up-to-date copies of municipal master plans, land development regulations and other information and materials necessary for an effective and efficient comparison of the State Plan with the plans and regulations of the municipality.

2. Participation through official representation at cross-acceptance meetings convened by the negotiating entity.

"[(b) If a municipality fails to participate, the State Planning Commission shall take whatever steps are appropriate to carry out the provisions of this chapter and N.J.S.A. 52:18A-196 et seq.]"

17:32-3.6 Public informational meetings in each County in regard to the Preliminary State Development and Redevelopment Plan

No later than 15 days after the distribution of the Preliminary State Development and Redevelopment Plan, the Office of State Planning shall transmit to each county, or the negotiating entity if known, a schedule for joint public informational meetings to be held in each county of the State. These meetings shall be held not less than 45 days and not more than 90 days after the date of distribution of the Preliminary State Development and Redevelopment Plan. The joint informational meetings shall be convened by the negotiating entity "[]" "and shall provide opportunity for the public to ask questions and make comments."

17:32-3.7 Technical assistance from Office of State Planning during negotiation of cross-acceptance

(a) During the cross-acceptance process, the Office of State Planning shall provide technical assistance to the negotiating entities in regard to the negotiating entities' review and revision, of any "[Implementation]" "Preliminary Plan" Maps and in regard to their comparison of goals, objectives, strategies, policies and standards contained in the Preliminary State Development and Redevelopment Plan with those contained in municipal and county plans and regulations.

(b) Technical assistance shall be in the form of the provision of reproducible base maps at a scale of 1:24,000, a cross-acceptance manual, advice and consultation on tier delineation and issues of comparison, and other assistance as may be requested by the negotiating entity which is within the capability and expertise of the Office of State Planning.

17:32-3.8 Public participation in the cross-acceptance process

Cross-acceptance shall be carried out in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. Due consideration shall be given by the negotiating entity to the desirability of, and the need for, public participation in the process and a plan for public participation shall be included in each negotiating entity's work program. "The State Planning Commission will accept written comments from the public throughout the cross-acceptance process."

17:32-3.9 "[Preparation]" "Review" of "[implementation]" "preliminary plan" maps by the negotiating entities during the cross-acceptance process

During the cross-acceptance process each negotiating entity shall review and revise or otherwise complete a set of "[Implementation]" "Preliminary Plan" Maps at a scale of 1:24,000, delineating the boundaries of the tiers established and defined in the Preliminary State Development and Redevelopment Plan and using the tier descriptions and designation criteria set forth in the Preliminary Plan. "The Preliminary Plan Map will be prepared by the Office of State Planning, on behalf of the State Planning Commission, and made available to each negotiating entity."

17:32-3.10 Comparison of the preliminary state development and redevelopment plan with local and county plans

(a) To ensure that the cross-acceptance process achieves maximum consistency and compatibility among all governmental levels, the negotiating entity shall compare municipal and county plans and regulations with the goals, objectives, strategies, policies, standards

ADOPTIONS

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and "[Implementation]" Preliminary Plan Maps of the Preliminary State Development and Redevelopment Plan.

(b) The negotiating entity shall, taking into account any findings, recommendations, or objections from local and county planning bodies concerning the goals, objectives and strategies contained in the Preliminary Plan, identify areas of agreement and disagreement and, in the event of disagreement, the nature of the disagreement and recommendations for modification. The entity also may identify any additional goals, objectives and strategies which should be included in the State Plan.

(c) The negotiating entity shall, based on an assessment of municipal and county plans and regulations, and any findings, recommendations, or objections concerning the policies of the Preliminary Plan from local and county planning bodies, identify any inconsistencies between the policies of the Preliminary Plan and provisions of local and county plans and regulations, indicating whether:

1. Notwithstanding the inconsistency, compatibility exists because the provisions of local and county plans or regulations are as effective as the policies contained in the Preliminary Plan in meeting the goals, objectives and strategies of the Preliminary Plan (see definitions of "consistency" and "compatibility"); or

2. Compatibility should be achieved through the modification of the policies contained in the Preliminary Plan; or

3. Compatibility should be achieved through modification of local or county plans or regulations.

(d) The negotiating entity shall, based on an assessment of municipal and county plans and regulations, and any findings, recommendations, or objections concerning the standards of the Preliminary Plan from local and county planning bodies, identify any inconsistencies between the standards of the Preliminary Plan and provisions of local and county plans and regulations, indicating whether:

1. Notwithstanding the inconsistency, compatibility exists because the provisions of the local and county plans or regulations are as effective as the standards contained in the Preliminary Plan in meeting the policies of the Preliminary Plan (see definitions of "consistency" and "compatibility"); or

2. Compatibility should be achieved through the modification of the standards contained in the Preliminary Plan; or

3. Compatibility should be achieved through modification of local or county plans or regulations.

(e) The negotiating entity shall, based on an assessment of municipal and county plans and regulations, and any findings, recommendations, or objections concerning the tier delineations on the "[Implementation]" Preliminary Plan maps from local and county planning bodies, identify any inconsistencies between tier delineations and any maps contained in local and county plans and regulations, indicating that:

1. The inconsistency is the result of a tier delineation which is based upon inaccurate or outdated information and should be resolved by redrawing the tier delineation based upon more accurate and up-to-date information; or

2. Consistency should be achieved through modification of the tier designation criteria contained in the Preliminary Plan; or

3. Consistency should be achieved through modification of maps contained in, or provisions of, local or county plans and regulations.

17:32-3.11 Negotiating entity reports

(a) Within six months of the date of "[receipt]" release of the Preliminary State Development and Redevelopment Plan, each negotiating entity shall prepare and file with the State Planning Commission a formal report of findings, recommendations and objections concerning the Plan in the form specified by the Office of State Planning in the Cross-Acceptance Manual and any amendments thereto.

(b) The final reports of each negotiating entity shall not be filed with the State Planning Commission until the governing body of each such county, or the designated negotiating entity, shall have authorized the transmittal of the "[Formal]" Final Report "[]" at a public hearing.

17:32-3.12 Individual municipal reports in regard to cross-acceptance

(a) If a municipality is not satisfied with the cross-acceptance report, in whole or in part, prepared by the negotiating entity, the municipality may file a separate report in the form specified by the Office of State Planning in the Cross-Acceptance Manual not later than 30 days after the negotiating entity for the county in which the municipality is located files its formal report of findings, recommendations and objections pursuant to N.J.S.A. 52:18A-202. The individual municipal report shall also be filed with the appropriate county or negotiating entity at the same time as it is filed with the State Planning Commission.

(b) Should a municipality fail to participate in the negotiation of cross-acceptance and/or fail to file an individual municipal report, the municipality shall be deemed to have concurred and agreed in the final report filed by the negotiating entity and to have waived its statutory right to file a separate report under N.J.S.A. 52:18A-202.

17:32-3.13 Office of State Planning Report on cross-acceptance

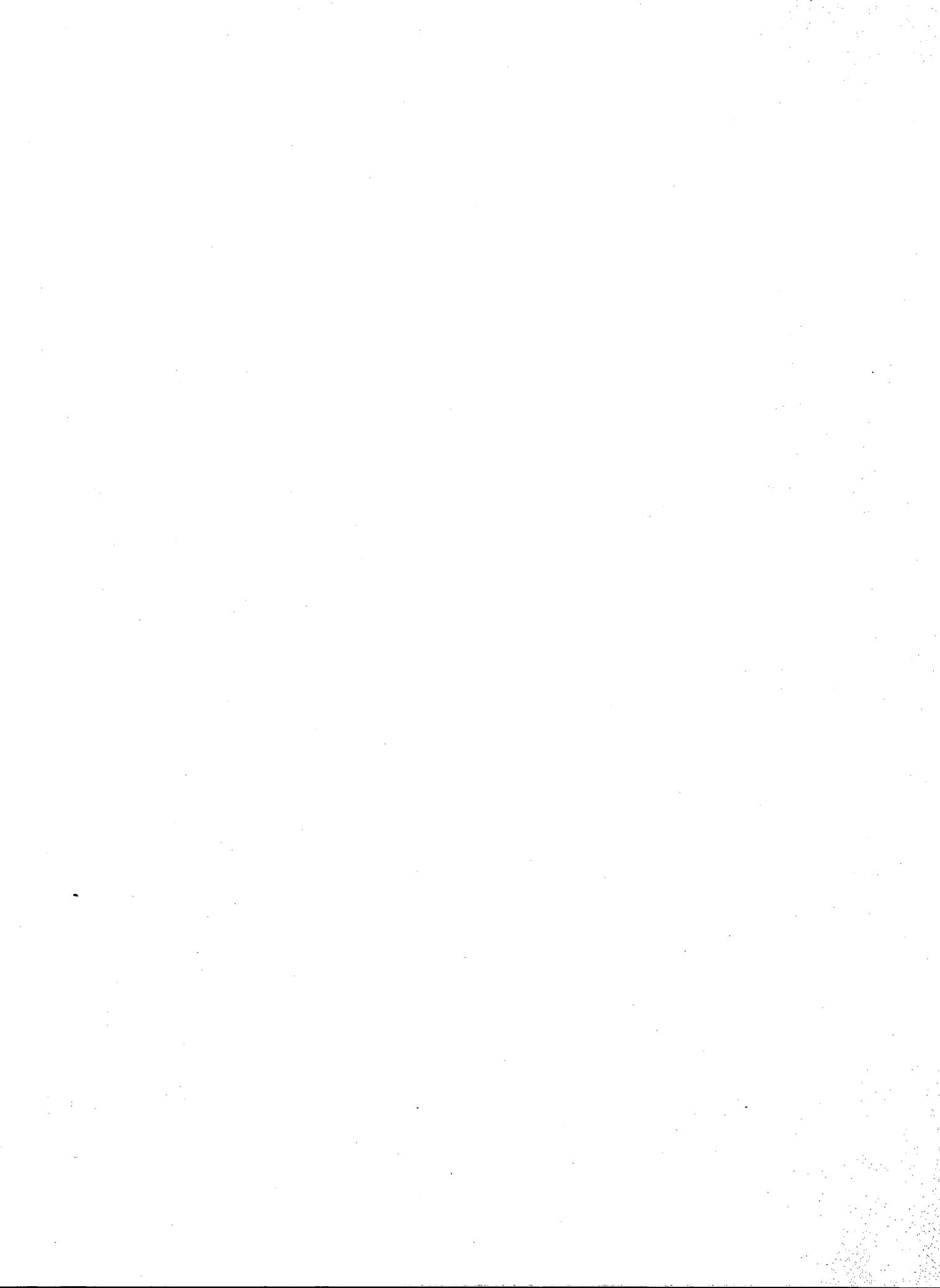
(a) As soon as practicable after the deadline for receipt of negotiating entity final reports, the Office of State Planning shall prepare and transmit to the State Planning Commission for its consideration a staff report on cross-acceptance which includes proposed revisions, if any, on the "[Preliminary]" Plan "[and Implementation]" Map "[s]" and which summarizes the findings, recommendations and objections contained in the reports of the negotiating entities and municipalities in a manner sufficient for the State Planning Commission to effectively and efficiently consider appropriate revisions to the Preliminary Plan.

(b) The report shall include recommendations for amendments to the provisions and maps of the Preliminary Plan and shall describe any provision of existing state law, or the absence thereof, that poses an obstacle to achieving compatibility between state, regional, county and municipal plans.

17:32-3.14 Adoption of the State Development and Redevelopment Plan

(a) Upon receipt of the cross-acceptance report required by N.J.A.C. 17:32-3.11, the State Planning Commission shall give due public notice and shall hold no fewer than six public hearings at geographically dispersed sites throughout the State.

(b) As soon as practicable thereafter, the State Planning Commission shall consider and adopt the State Development and Redevelopment Plan.



CROSS-ACCEPTANCE MANUAL

ERRATA

December 1, 1988

1. Table of Contents

Delete page number of Appendix

2. Pages 24, 27, 33, 34, 45, 46

Substitute "Preliminary Cross-Acceptance Map" for "Preliminary Plan Map".

3. Page 24

- a. Substitute "No later than Day 150" for "No later than Day 120". (Make appropriate change on Page 27)
- b. Substitute "Part 2.4" for "Part 2.5"

4. Page 25

- a. Insert "adjoining counties," after "Prepare and distribute to the Office of State Planning,"
- b. Substitute "Part 2.4, Section I-V" for Part 2.5, Section I-V".
- c. Substitute "Part 2.4, Section VI" for "Part 2.5, Section V".

5. Page 26

- a. Insert "adjoining counties," after ".... and is submitted to the State Planning Commission,"
- b. Substitute "Part 2.4" for "part 2.5".

6. Page 27

Insert "Adjoining Counties," after "Submit Final Cross-Acceptance Report to State Planning Commission..."

7. Page 32

- a. Delete entire first sentence under Deadlines and Distribution.
- b. Substitute "Sections I-V" for "Section I-IV"
- c. Substitute "(Section VI)" for "(Section V)".

8. Page 34

- a. Insert "Section V, GROWTH LEVEL ANALYSIS" after Section IV.
- b. Change Section V to Section VI.

9. Page 36

Delete entire last sentence.

10. Page 46

- a. In B.1, delete the words "in red".
- b. In B.2, delete the word "interim".
- c. In B.2, substitute a comma for the word "and" after "corridor centers" and insert "and hamlets" after "villages".
- d. Add the following sentence at end of B.2: "These delineations must conform with the analysis in Section V."

11. After Page 46

Insert New Section V., GROWTH LEVEL ANALYSIS as new page number 47. (See Attached)

12. Page 47.

Change page number to 50.

13. Page 48

- a. Insert "Municipal reports should also be submitted to the negotiating entity for the county and to each adjoining municipality". — as the final sentence.
- b. Change page number to 51.

14. Page 49

Delete page number.

15. Glossary

- a. Substitute "Preliminary Cross-Acceptance Map" for "Preliminary Plan Map".

Section V. GROWTH LEVEL ANALYSIS

The Plan provides projected levels of population and employment growth for each county and region in the State. The regions are general delineations of housing market areas, using county boundaries as the lowest level of delineation. (See accompanying chart).

The Plan recognizes that some communities may want more growth than is projected and others may want less growth. The Plan recommends that each county work with its municipalities during cross-acceptance. They should determine together if they can or should accommodate the Plan's projected growth, and, if not, decide the level of growth they would "prefer." In this respect, the counties are asked during cross-acceptance to identify sufficient amounts of developable land at appropriate densities and locations, vis-a-vis the Plan, to meet the appropriate level of growth. These amounts should be sufficient also to prevent monopoly land markets and to allow a reasonable degree of market choice. The location, intensities and other characteristics of growth specified should conform with Plan strategies and policies as they are negotiated during cross-acceptance.

Perform the following exercises:

1. State if the Plan's projected level of growth for the county is reasonable.
 - a. If so — show how it will be accommodated in accordance with Plan strategies and policies, regarding land use, housing, economic development, transportation, natural resource conservation, etc. Delineate vacant developable land within existing and new growth areas, and the urban boundaries around existing towns, new corridor centers, villages and hamlets (must conform with the mapping exercise in Section IV). Indicate appropriate densities within these areas to accommodate the projected growth levels.
 - b. If not — state the bases for this determination and identify the locally preferred level (more or less than that shown on the chart) and how it would be accommodated in accordance with Plan strategies and policies
2. Estimate, to the extent practicable, the cost of any additional infrastructure necessary to accommodate the level of growth identified in 1, a. or b. above. Indicate the anticipated funding for these costs, e.g. state, county, municipal or private.

PRELIMINARY POPULATION AND EMPLOYMENT PROJECTIONS*

<u>Region</u>	<u>1985 POPULATION</u>	<u>ADDITIONAL POPULATION (1985-2010)</u>	<u>2010 TOTAL POPULATION</u>	<u>1988 EMPLOYMENT</u>	<u>ADDITIONAL EMPLOYMENT (1988-2010)</u>	<u>2010*** TOTAL EMPLOYMENT</u>
NORTHEAST		14,800			157,000	
Bergen	841,200	62,800	904,000	454,800	127,900	582,700
Hudson	555,900	-48,600	507,300	233,200	5,700	238,900
Passaic	461,400	600	462,000	204,800	23,400	228,200
NORTHWEST		169,400			213,600	
Essex	845,700	-83,400	762,300	397,400	18,100	415,500
Morris	417,100	153,400	570,500	241,800	131,700	373,500
Sussex	119,600	66,100	185,700	29,800	14,700	44,500
Union	506,700	33,300	540,000	297,800	49,100	346,900
WEST CENTRAL		295,100			213,300	
Hunterdon	92,800	38,200	131,000	34,100	15,700	49,800
Middlesex	626,700	165,100	791,800	335,900	125,600	461,500
Somerset	210,300	75,100	285,400	124,500	62,700	187,200
Warren	85,200	16,700	101,900	32,500	9,300	41,800
EAST CENTRAL		265,600			135,500	
Morris	530,900	99,700	630,600	201,800	81,600	238,400
Ocean	380,000	165,900	545,900	102,600	53,900	156,500
SOUTHWEST		452,000			243,300	
Burlington	380,100	141,200	521,300	137,000	60,200	197,200
Camden	488,100	128,600	616,700	211,200	86,600	297,800
Gloucester	207,100	70,300	277,400	65,900	25,100	91,000
Mercer	317,700	111,900	429,600	186,800	71,400	258,200
SOUTH-SOUTHWEST		136,700			65,900	
Atlantic	205,100	78,100	283,200	129,900	41,700	171,600
Cape May	90,600	35,700	126,300	32,800	6,900	39,700
Cumberland	134,900	15,000	149,900	55,300	11,700	67,000
Salem	65,200	7,900	73,100	27,600	5,600	33,200
TOTAL	7,562,300	1,333,600	8,895,900	3,537,500	1,028,700**	4,566,200

* These projections were provided by the New Jersey Department of Labor and do not necessarily reflect Plan growth objectives (Targets). Plan Targets will be formulated after Cross-Acceptance.

** The total for this column is 100 jobs less than the total displayed due to rounding.

*** Employment projections were provided by the Department of Labor in a letter dated June 4, 1987. More recent projections of employment to the Year 2010 are not available.

