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DIVISION OF PLANNING

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OFFICE OF THE MAYOR &
BUSINESS ADMINISTRATION

cc: council ✓
Pils
B.S. 3/7/08

March 4, 2008



Edward J. McKenna, Jr., Chair
New Jersey State Planning Commission
101 South Broad Street
PO Box 204
Trenton, NJ 08625-0204

RE: Completion of the Third State Development and Redevelopment Plan

Dear Chairman McKenna:

The Morris County Planning Board and staff have been active participants in the development of the State Development and Redevelopment Plan (State Plan) since 1988. We have successfully engage our municipalities in the planning process whereby municipal officials and planners have spent countless hours reviewing and commenting on the Preliminary Plan, attending negotiation sessions, and providing comments on three draft State Plans.

The Third Cross-Acceptance process initiated in April 2004 and began another massive effort by the County and its municipalities to produce the County Cross-Acceptance Report in the nine to twelve month time frame required by the Commission. After much delay by the Office of Smart Growth due to various circumstances, including the introduction of a revised Preliminary Plan map, Morris County and the other 20 counties completed their public hearings on the outcome of the Negotiation Phase on September 18, 2007. At that time, the Office of Smart Growth was to complete the drafting of the State Plan based on the negotiated agreements.

In October 2007, Morris County received, reviewed, and commented on two draft chapters of the State Plan. To our knowledge, no other draft chapters have been completed and all work on the State Plan has ceased. The County has not yet seen the draft State Plan map that incorporates the agreed upon changes.

In addition to the time, effort and monies invested by the County and its municipalities in Cross-Acceptance, other initiatives are taking place that require the statewide policy guide that is the New Jersey State Development and Redevelopment Plan. The lack of a current State Plan has caused other State Agencies to produce regulations and programs that will direct future growth and infrastructure investment in accordance with their specific narrow missions without consideration to other public interests. In particular, the Department of Environmental Protection has proposed significant revisions to

the Water Quality Management Planning Rules, which will direct future wastewater investment solely based on environmental conditions and changes to the Surface Water Quality Standards for the reclassification of Category One Waters for the Rockaway River and all its tributaries upstream of the Boonton Reservoir, which will impact redevelopment projects in the Designated Center of Dover, for example. In response to the Appellate Court decision, the Council on Affordable Housing has proposed revised Substantive Rules that more than double the number of affordable housing units required to be provided by 2018. Those municipalities seeking Substantive Certification will be required to plan for all of these units, which may include higher density zoning for inclusionary development. The revised Water Quality Management Planning Rules are scheduled to be adopted in May 2008 and the revised COAH Substantive Rules are to be adopted in June 2008.

The Highlands Council will be submitting the Highlands Regional Master Plan (RMP) to the State Planning Commission for Plan Endorsement within 60 days of the plan's adoption sometime in Spring 2008. It is highly unlikely that the revised State Plan will be adopted before the Highlands RMP is adopted. Will the State Planning Commission endorse the Highlands Plan with respect to its consistency with the 2001 New Jersey State Development and Redevelopment Plan? If not, how will the State Planning Commission endorse the Highlands RMP without the completion of an Interim Plan or Assessment Study as required by the State Planning Act (C.52:18A-196 et seq.)?

The delay in the completion of the State Plan will only allow the continuation of uncoordinated State Agency policies and regulations and local government planning as is evidenced by the inconsistent and potential conflicting rules and regulations proposed by the NJDEP and COAH. Counties and municipalities envision the State Plan as the guidance document not only for local government, but provide a clear direction for State Agencies policies, programs, and rules. We urge the State Planning Commission to make the completion and adoption of the revised State Plan the utmost priority of the Commission and the Office of Smart Growth.

Sincerely,



Raymond Zabihach
Director

cc. Hon. Jon S. Corzine, Governor
Commissioner Joseph Doria, DCA
Benjamin Spinelli, Executive Director, OSG
NJ County Planners
Morris County Mayors and Administrators