

SUBCHAPTER 5. PROCEDURES FOR ADOPTING THE FINAL PLAN

5:85-5.1 Commencement of Final Plan approval

Upon consideration of the formal reports of the negotiating entities and the State Planning Commission's negotiating committee, the draft Final State Development and Redevelopment Plan prepared by the negotiating committee and the Impact Assessment, the State Planning Commission shall prepare and approve for distribution a draft Final State Development and Redevelopment Plan, which will also include the draft Infrastructure Needs Assessment. The draft Final State Development and Redevelopment Plan shall be distributed at least 14 days in advance of the first public hearing to each negotiating entity, county and municipal planning board, mayor, board of chosen freeholders, county executive or county administrator, county and municipal clerk and to those interested persons and organizations who have registered with the Office of Smart Growth pursuant to N.J.A.C. 5:85-1.6(b). The draft Final State Development and Redevelopment Plan shall also be available at the Office of Smart Growth and on the Office of Smart Growth's website.

Amended by R.1997 d.7, effective January 6, 1997.
See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

Substantially amended section.

Amended by R.2003 d.336, effective August 18, 2003.
See: 35 N.J.R. 304(a), 35 N.J.R. 1990(a), 35 N.J.R. 3819(a).

Amended the N.J.A.C. reference.

Amended by R.2004 d.186, effective May 17, 2004.
See: 35 N.J.R. 4001(a), 36 N.J.R. 2490(c).

Rewrote and undesignated former (a) and deleted (b).

5:85-5.2 Required public hearings

(a) There shall be a minimum of six public hearings on the draft Final State Development and Redevelopment Plan in different locations throughout the State with notice provided pursuant to N.J.A.C. 5:85-1.7(b) and (c).

(b) The public hearings shall be convened by the State Planning Commission, or by a committee of the Commission designated for that purpose, whereupon comments will be taken on the draft Final State Development and Redevelopment Plan.

Amended by R.1997 d.7, effective January 6, 1997.
See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

Amended report and N.J.A.C. references.

Amended by R.2004 d.186, effective May 17, 2004.
See: 35 N.J.R. 4001(a), 36 N.J.R. 2490(c).

Substituted "draft Final" for "Interim" throughout; rewrote (a); deleted former (b) and (c) and recodified former (d) as new (b).

5:85-5.3 Municipal and county review and comment before adoption of Final State Development and Redevelopment Plan

Municipalities and counties may submit written comments to the State Planning Commission regarding the draft Final State Development and Redevelopment Plan and the draft Infrastructure Needs Assessment at any time up to 30 days

after the last public hearing conducted pursuant to N.J.A.C. 5:85-5.2.

Amended by R.1997 d.7, effective January 6, 1997.
See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

Amended report references.

Amended by R.2003 d.336, effective August 18, 2003.
See: 35 N.J.R. 304(a), 35 N.J.R. 1990(a), 35 N.J.R. 3819(a).

Amended the N.J.A.C. references throughout.

Amended by R.2004 d.186, effective May 17, 2004.
See: 35 N.J.R. 4001(a), 36 N.J.R. 2490(c).

Rewrote and undesignated former (a); deleted (b).

5:85-5.4 Adoption of the Final State Development and Redevelopment Plan

The State Planning Commission shall adopt a Final State Development and Redevelopment Plan, which includes the Infrastructure Needs Assessment, no sooner than 30 days and no later than 60 days after the last public hearing conducted pursuant to N.J.A.C. 5:85-5.2. Within 45 days of the State Planning Commission adopting the Final State Development and Redevelopment Plan, the Executive Director of the Office of Smart Growth shall provide notice of said adoption pursuant to N.J.A.C. 5:85-1.7(i).

Recodified from 17:32-5.5 and amended by R.1997 d.7, effective January 6, 1997.

See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

Substituted "final review phase" for "issue resolution phase". Section was "Public participation during the issue resolution phase of cross-acceptance".

Amended by R.2003 d.336, effective August 18, 2003.
See: 35 N.J.R. 304(a), 35 N.J.R. 1990(a), 35 N.J.R. 3819(a).

Amended the N.J.A.C. references throughout.

Amended by R.2004 d.186, effective May 17, 2004.
See: 35 N.J.R. 4001(a), 36 N.J.R. 2490(c).

Rewrote the section.

5:85-5.5 (Reserved)

Recodified to N.J.A.C. 17:32-5.4 by R.1997 d.7, effective January 6, 1997.

See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

SUBCHAPTER 6. (RESERVED)

SUBCHAPTER 7. PLAN ENDORSEMENT

Subchapter Historical Note

Public Notice: Plan Endorsement. See: 39 N.J.R. 2546(a), 3786(a).

Public Notice: Plan Endorsement. See: 40 N.J.R. 3322(a), 3322(b).

5:85-7.1 Introduction

(a) The State Planning Act includes the legislative finding that significant economies, efficiencies and savings in the development process would be realized by private sector enterprise and by public sector development agencies if the several levels of government would cooperate in preparing and adhering to sound and integrated plans. The Legislature

further observed that a State Development and Redevelopment Plan needed to be designed for use as a tool for assessing suitable locations for infrastructure, housing, economic growth and conservation. The Legislature emphasized the importance of providing local governments in this State with the technical resources and guidance necessary to assist them in developing land use plans and procedures, which are based on sound planning information and practice, and to facilitate the development of local plans, which are consistent with State and regional plans and programs. To achieve the desired sound planning, the State Planning Act mandates that the Office of State Planning (predecessor to the Office of Smart Growth) provide advice and assistance to regional, county and local planning units.

(b) The State Planning Act specifically authorizes and requires the Office of State Planning to provide planning service to other agencies or instrumentalities of State government, to review the plans prepared by them, and to coordinate planning so as to avoid or mitigate conflicts between plans.

(c) The State Planning Act also requires the Office of State Planning to develop and promote procedures to facilitate cooperation and coordination among State agencies, regional entities, and local governments with regard to the development of plans, programs and policies, which affect land use, environmental, capital and economic development issues.

(d) The goals, policies, targets and indicators of the State Plan have been designed to address the concerns of the need to maintain beneficial growth, improve environmental quality, insure cost-effective delivery of infrastructure and other public services, improve governmental coordination, preserve the quality of community life and redevelop the State's major urban areas. Implementation of the State Plan is expected to achieve a balance among these concerns and to maximize the well-being for the State and its residents.

(e) This Plan Endorsement subchapter delineates the process developed by the Office of Smart Growth (successor to Office of State Planning) to increase the degree of consistency among municipal, county, regional and State agency plans and the State Plan and to facilitate implementation of these plans.

5:85-7.2 Purpose and scope

(a) The purpose of this subchapter is to delineate procedural and substantive requirements of plan endorsement, including minimum submission requirements petitioner must meet in order to achieve plan endorsement and qualify for associated benefits; responsibilities of relevant State agencies in participating in plan endorsement; and responsibilities of the Office of Smart Growth in administering the plan endorsement process. A flow chart of the plan endorsement process is appended hereto at subchapter Appendix incorporated herein by reference. The Office of Smart Growth shall prepare Guidelines for petitioners seeking to pursue plan

endorsement. The Guidelines shall be posted on the Office of Smart Growth website at: <http://www.nj.gov/dca/osg> and shall be periodically updated.

(b) This subchapter applies to municipalities, counties, regional planning entities and other relevant planning entities seeking plan endorsement.

(c) The State Planning Commission may approve a petition for plan endorsement submitted by a petitioner based upon recommendations of the Office of Smart Growth, in consultation with relevant regional, State and Federal agencies and after consideration of public comment.

(d) State agencies shall provide State agency benefits upon an approval of plan endorsement as described in the document entitled "Plan Endorsement Benefits" and posted on the Office of Smart Growth website at: <http://www.nj.gov/dca/osg/>. Additional State agency benefits, as appropriate and feasible, shall be added to said document as they become available.

(e) State agencies shall make available certain State agency benefits, and planning assistance, agreed upon by the petitioner and relevant State agencies during the plan endorsement process, once the Office of Smart Growth has issued a Certificate of Eligibility.

5:85-7.3 Applicability

(a) Plans to which this subchapter applies and that may be considered for plan endorsement are:

1. Municipal master plans and supporting plan implementation mechanisms submitted by the municipal governing body pursuant to this subchapter;

2. County master plans and supporting plan implementation mechanisms, submitted by the county governing body pursuant to this subchapter. Municipalities within counties that have been granted plan endorsement shall only qualify for State agency benefits associated with plan endorsement upon receiving plan endorsement of said municipality;

3. Regional plans for two or more municipalities sharing a common resource or planning theme submitted jointly by the affected municipal governing bodies and pursuant to this subchapter, provided that each affected municipality individually submit master plans and supporting plan implementation mechanisms. Municipalities within regions that submit regional plans shall only qualify for State agency benefits associated with plan endorsement upon receiving plan endorsement of said municipality. Regional and municipal plan endorsement may be pursued concurrently;

4. Special resource area plans as defined in the State Development and Redevelopment Plan submitted by the relevant regional planning entity;