

SUBTITLE C. NEW JERSEY MEADOWLANDS COMMISSION

CHAPTER 3

ADMINISTRATION

Authority

N.J.S.A. 13:17-1 et seq., specifically 13:17-6(i).

Source and Effective Date

R.2004 d.76, effective February 17, 2004.
See: 35 N.J.R. 4458(a), 36 N.J.R. 1033(a).

Chapter Expiration Date

Chapter 3, Administration, expires on February 17, 2009 except Subchapter 3, Disability Discrimination Procedure, is exempt as Federally required (42 U.S.C. §§12101 et seq).

Chapter Historical Note

Chapter 3, First Stage of the Master Plan for the Comprehensive Development of the Hackensack Meadowlands District, was adopted as R.1970 d.46, effective May 1, 1970. See: 1 N.J.R. 17(b), 2 N.J.R. 8(b), 2 N.J.R. 52(a). Subchapter 1, Revised Fee Schedule, implementing Stage I of the Master Plan was adopted as R.1970 d.118, effective September 25, 1970. See: 2 N.J.R. 95(b). Subchapter 1 was replaced by new Revised Fee Schedules as R.1973 d.334, effective November 30, 1973. See: 6 N.J.R. 39(a).

Pursuant to Executive Order No. 66(1978), Chapter 3, First Stage of the Master Plan for the Comprehensive Development of the Hackensack Meadowlands District, was readopted as R.1988 d.281, effective May 26, 1988. See: 20 N.J.R. 743(a), 20 N.J.R. 1467(b).

Public Notice: Routine program implementation. See: 25 N.J.R. 1010(a).

Pursuant to Executive Order No. 66(1978), Chapter 3, First Stage of the Master Plan for the Comprehensive Development of the Hackensack Meadowlands District, was readopted as R.1993 d.176, effective March 29, 1993. See: 24 N.J.R. 4503(a), 25 N.J.R. 1887(a).

Pursuant to Executive Order No. 66(1978), Chapter 3, First Stage of the Master Plan for the Comprehensive Development of the Hackensack Meadowlands District, was readopted as R.1998 d.77, effective January 5, 1998. See: 29 N.J.R. 3704(a), 30 N.J.R. 566(a).

Chapter 3, First Stage of the Master Plan for the Comprehensive Development of the Hackensack Meadowlands District, was readopted as R.2003 d.9, effective December 9, 2002. See: 34 N.J.R. 2539(a), 35 N.J.R. 258(a).

Chapter 3, First Stage of the Master Plan for the Comprehensive Development of the Hackensack Meadowlands District, was repealed and new rules were adopted as Chapter 3, Administration, by R.2004 d.76, effective February 17, 2004. See: Source and Effective Date.

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SUBCHAPTER 1. RULEMAKING

19:3-1.1 Rulemaking

The rules of the New Jersey Meadowlands Commission (NJMC), found in N.J.A.C. 19:3, 19:4, 19:5 and 19:6, and including the Official Zoning Map, may be amended, in whole or in part, from time to time, pursuant to the rules in this subchapter and N.J.S.A. 52:14B-4(f).

As amended, R.1983 d.254, effective June 20, 1983.
See: 15 N.J.R. 428(a), 15 N.J.R. 1039(c).

Text substantially amended. Fees increased.

Amended by R.1987 d.422, effective October 19, 1987.

See: 19 N.J.R. 1540(a), 19 N.J.R. 1913(c).

Substantially amended.

Amended by R.1990 d.70, effective February 5, 1990.

See: 21 N.J.R. 2949(a), 22 N.J.R. 557(b).

Fees increased.

19:3-1.2 Petitions for rulemaking

(a) An interested person may petition the NJMC to adopt a new rule, amend or repeal an existing rule, or amend the Official Zoning Map. Such petition shall be filed with the NJMC, in writing, and signed by the petitioner.

(b) The petition shall state the following clearly and concisely:

1. The substance or nature of the rulemaking that is requested;
2. The reasons for the request and the petitioner's interest in the request; and
3. The statutory authority under which the NJMC may take the requested action.

(c) Such petitions shall be sent by certified mail and shall be addressed to:

New Jersey Meadowlands Commission
One DeKorte Park Plaza
Lyndhurst, New Jersey 07071
Attention: Division of Land Use Management

(d) Any document submitted to the NJMC that is not in substantial compliance with this section shall not be deemed to be a petition for rulemaking requiring further agency action. The document shall be returned to the sender with a deficiency explanation.

(e) The review of a petition in substantial compliance with this section shall proceed in accordance with N.J.A.C. 19:3-1.4.

As amended, R.1983 d.254, effective June 20, 1983.

See: 15 N.J.R. 428(a), 15 N.J.R. 1039(c).

Text substantially amended. Fees increased.

Amended by R.1987 d.422, effective October 19, 1987.

See: 19 N.J.R. 1540(a), 19 N.J.R. 1913(c).

Substantially amended.

Amended by R.1988 d.281, effective June 20, 1988.

See: 20 N.J.R. 743(a), 20 N.J.R. 1467(b).

Added (a)9.

Amended by R.1990 d.70, effective February 5, 1990.

See: 21 N.J.R. 2949(a), 22 N.J.R. 557(b).

Fees increased.

Amended by R.1994 d.543, effective November 7, 1994.

See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

Amended by R.2003 d.43, effective January 21, 2003.

See: 34 N.J.R. 3072(a), 35 N.J.R. 444(b).

Rewrote the section.

Administrative correction.

See: 35 N.J.R. 629(a).

19:3-1.3 Contents of petition to amend Official Zoning Map

(a) Petitions to amend the Official Zoning Map that are submitted to the NJMC in accordance with N.J.A.C. 19:3-1.2 shall be accompanied by the following:

1. The full name and address of the petitioner;
2. When the petitioner is not the property owner, written consent of the property owner authorizing the petitioner to apply to the NJMC for the requested change to the Official Zoning Map;
3. A report, signed and sealed by a New Jersey-licensed Professional Engineer or Professional Planner, including the following:
 - i. A description of the rezoning being requested, including the location of the property, block, lot and municipality, existing zoning, and proposed zoning; and
 - ii. A statement explaining why the proposed zoning designation is more appropriate than the current zoning designation;
4. A location map, in triplicate, of the lots drawn to scale and showing the actual dimensions of the subject property and the vicinity. The map shall include:
 - i. The existing zoning and land uses of the subject and adjacent properties;
 - ii. The location of water courses, rights-of-way, traffic circulation, and points of ingress and egress; and
 - iii. Existing structures on the site;
5. A survey of the property for which the zone change is requested, signed and sealed by a New Jersey-licensed Professional Land Surveyor, identifying all easements of record; and
6. Other such information as may be required by the NJMC.

Repeal and New Rule by R.1990 d.70, effective February 5, 1990.

See: 21 N.J.R. 2949(a), 22 N.J.R. 557(b).

Amended by R.1994 d.543, effective November 7, 1994.

See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

Administrative change.

See: 33 N.J.R. 3454(a).

Amended by R.2003 d.43, effective January 21, 2003.

See: 34 N.J.R. 3072(a), 35 N.J.R. 444(b).

Rewrote the section.

19:3-1.4 Action on petition

(a) Upon receipt of a complete petition for rulemaking, the following shall occur:

1. The petition shall be dated, stamped, and logged by the NJMC staff; and

2. The NJMC staff shall, within 15 days of receipt of the petition, file with the Office of Administrative Law (OAL) for publication in the New Jersey Register (Register) a notice of the petition's receipt, in accordance with N.J.A.C. 1:30-4.1(c).

(b) The NJMC staff shall review the petition and prepare a preliminary analysis with recommendations that shall be submitted to the Commission and the Executive Director for their consideration and approval.

(c) In accordance with N.J.A.C. 1:30-4.2(a), the NJMC's action on a petition may include:

1. Denial of the petition, in which case the NJMC shall provide a written statement of its reasons to the petitioner and include such reasons in the notice of action;

2. Grant the petition and initiate a rulemaking proceeding within 90 days of the granting of the petition; or

3. Refer the matter for further deliberations, the nature of which shall be specified to the petitioner and included in the notice of action. The deliberations shall conclude within 90 days of such referral and, upon conclusion, the NJMC shall either deny the petition or grant the petition and initiate a rulemaking proceeding within 90 days. The NJMC shall mail the results of these further deliberations to the petitioner and submit the results to the OAL for publication in the Register.

(d) Within 60 days of receiving the petition, the NJMC shall mail to the petitioner, and file with the OAL for publication in the Register, a notice of action on the petition which shall contain the information required by N.J.A.C. 1:30-4.2(c).

As amended, R.1983 d.254, effective June 20, 1983.
See: 15 N.J.R. 428(a), 15 N.J.R. 1039(c).

Added "Certificate of Completion" and increased fee from \$50.00 to \$200.00.

Amended by R.1987 d.422, effective October 19, 1987.
See: 19 N.J.R. 1540(a), 19 N.J.R. 1913(c).

Fee raised from \$200.00 to \$500.00; added (c).
Amended by R.1990 d.70, effective February 5, 1990.
See: 21 N.J.R. 2949(a), 22 N.J.R. 557(b).

Stylistic changes.
Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).
Amended by R.2003 d.43, effective January 21, 2003.
See: 34 N.J.R. 3072(a), 35 N.J.R. 444(b).

Rewrote b.

19:3-1.5 Rulemaking process

(a) Upon approval by the Commission for filing of a pre-proposal or proposal, and Commission authorization to hold a hearing, if deemed necessary, the NJMC staff shall submit a notice of proposal to the OAL for publication in the Register.

(b) A public hearing shall be conducted in accordance with N.J.A.C. 19:4-4.17.

(c) Upon conclusion of the public comment period, the matter shall be forwarded to the Hackensack Meadowlands Municipal Committee (HMMC) for their review.

(d) The HMMC shall review matters submitted to it by the NJMC and indicate its position in writing to the NJMC. Failure of the HMMC to state its position within 45 days of receipt of the matter shall be deemed to constitute approval of the proposed action of the NJMC.

(e) Upon review of the comments and recommendation by the NJMC staff, the Commission shall render a decision, and authorize the NJMC staff to file a notice of adoption with OAL for publication in the Register.

(f) The actions of the NJMC with respect to rulemaking shall become effective upon publication of the notice of adoption in the Register.

SUBCHAPTER 2. FLOOD INSURANCE

19:3-2.1 Purpose

The NJMC hereby expresses a positive interest in securing flood insurance coverage under the National Flood Insurance Program (NFIP) because of a clear danger of flooding and the resultant damage to property in the Hackensack Meadowlands District.

19:3-2.2 Required land use and control measures

(a) The NJMC shall review all permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement, including prefabricated and mobile homes, shall:

1. Be designed, or modified, and anchored to prevent flotation, collapse or lateral movement of the structure;
2. Use construction material and utility equipment that are resistant to flood damage; and
3. Use construction methods and practices that will minimize flood damage.

(b) The NJMC shall review all subdivision proposals and other proposed new development to assure that:

1. All such proposals are consistent with the need to minimize flood damage;
2. All public utilities and facilities, such as sanitary and storm sewers, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage; and

3. Adequate drainage is provided to reduce exposure to flood hazards.

(c) New or replacement water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems shall be located so as to avoid impairment of them or contamination from them during flooding.

19:3-2.3 Securing coverage under the National Flood Insurance Program

(a) The Executive Director of the NJMC shall be the person responsible for the implementation and coordination of the NFIP within the District.

(b) The Executive Director of the NJMC shall be the person responsible to furnish on request, from an appropriate Federal or State official or by a designated representative of the National Insurers Association, information for each structure constructed within the area of special flood hazard after flood insurance is made available in the community concerning its first floor elevation, and if there is a basement, the distance from the first floor to the bottom of the lowest opening where water flowing over the ground would enter said basement.

(c) The Executive Director of the NJMC shall be the person responsible for the preparation and submission to the Federal Flood Insurance Administrator (Administrator) an annual report concerning the activities of the District related to the NFIP.

(d) The Offices of the NJMC, located at One DeKorte Park Plaza, Lyndhurst, New Jersey, shall be the local repository where flood insurance and flood hazard maps will be available for public inspection.

(e) The NJMC hereby agrees to maintain in force land use and control measures that meet the requirements set forth in the regulations promulgated by the Federal Flood Insurance Administration. A copy of these land use and control measures may be found at N.J.A.C. 19:3, 19:4, 19:5 and 19:6.

(f) The NJMC will comply with the regulations of NFIP to:

1. Recognize and duly evaluate flood hazards in all official actions relative to land use in the areas having special flood hazards and to take such other official action as may be necessary to carry out the objectives of the program;

2. Assist the Administrator and/or the State of New Jersey if requested in delineating the limits of the areas having special flood hazards on available local maps of sufficient scale to identify the location of building sites;

3. Provide such information as the Administrator and/or the State of New Jersey may request concerning present uses and occupancy of the flood plain;

4. Cooperate with neighboring jurisdictions with respect to adjoining drainage areas and flood plains in order to prevent the aggravation of the flooding problem; and

5. Cooperate with Federal, State and local agencies and private firms that undertake to study survey maps and identify flood-prone areas.

(g) In addition to the above, the NJMC agrees to provide the following additional information as part of its application requesting eligibility under the NFIP:

1. A map of the District delineating its limits, which can be reproduced for publication;

2. A map of the District identifying local flood plains and showing the names of rivers, brooks, streams, creeks and other similar bodies of water that cause floods;

3. A summary of the history of flooding; and

4. Estimates relating to the flood-prone areas concerning:

i. Population;

ii. Number of one to four-family residences;

iii. Number of small businesses; and

iv. Number of other structures.

SUBCHAPTER 3. DISABILITY DISCRIMINATION PROCEDURE

19:3-3.1 Definitions

(a) The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

“ADA” means the Americans with Disabilities Act, 42 U.S.C. §§ 12101 et seq.

“Agency” means the New Jersey Meadowlands Commission.

“Designated decision maker” means the Executive Director of the New Jersey Meadowlands Commission or his or her designee.

19:3-3.2 Purpose

(a) These rules are adopted by the agency in satisfaction of the requirements of the ADA and regulations promulgated pursuant thereto, 28 C.F.R. 35.107.