

(e) The State Planning Commission shall give priority consideration to petitions for endorsement involving county master plans, regional strategic plans and urban complex strategic revitalization plans, and municipal master plans submitted as a part of a county plan or subsequent to the endorsement of a county plan if the county supports the municipal master plan as consistent with the endorsed county plan, regional strategic plan or urban complex strategic revitalization plan, as a way of encouraging municipalities to participate in county plans, regional strategic plans or urban complex strategic revitalization plans for endorsement.

(f) Where an urban complex strategic revitalization plan is not possible, a municipal strategic revitalization plan is encouraged.

(g) After consulting with other State agencies, the State Planning Commission shall issue Plan Endorsement Guidelines as to the information that generally should accompany plan endorsement petitions in order to demonstrate that the petitioner's plan is consistent with the State Development and Redevelopment Plan. The State Planning Commission shall modify the information necessary to complete a petition for plan endorsement based on the type of plan being considered for endorsement and the characteristics of the area covered by the plan endorsement petition. The plan and supporting materials submitted for plan endorsement shall be reviewed by the State Planning Commission in its entirety in determining consistency with the State Development and Redevelopment Plan. The State Planning Commission shall periodically consult with municipalities, counties, regional entities, and State agencies to determine whether the Plan Endorsement Guidelines should be revised.

(h) Plans shall be endorsed only if they are internally consistent and demonstrate consistency with the State Development and Redevelopment Plan.

(i) All relevant plan endorsement documents enclosing initial and advanced petitions for plan endorsement and amendments to an endorsed plan shall be submitted to the State Planning Commission and Executive Director of the Office of Smart Growth, who shall serve as agent for the State Planning Commission in the administration of this subchapter.

(j) The State Planning Commission may, at its discretion, appoint one or several subcommittees to hear and review the petitions, but only the State Planning Commission may take final action on a petition for plan endorsement.

Amended by R.1993 d.367, effective July 19, 1993.
See: 25 N.J.R. 1839(a), 25 N.J.R. 3238(c).
Amended by R.2002 d.12, effective January 7, 2002.
See: 33 N.J.R. 1511(a), 34 N.J.R. 285(a).

Rewrote the section.
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.

5:85-7.3 Pre-petition meeting

Petitioners intending to seek plan endorsement are encouraged to request a pre-petition meeting with the Office of Smart Growth and appropriate State agencies. At least 30 days prior to the pre-petition meeting, the petitioners shall submit to the Office of Smart Growth a copy of existing master plans, including any adopted optional elements, any other adopted planning documents, including, in the case of a municipality, the adopted zoning map and any zoning schedule and any adopted capital improvement programs. The purpose of the pre-petition meeting is for the Office of Smart Growth and the other State agencies to give guidance to the petitioner as to what additional actions, if any, the petitioner will need to take to demonstrate that an initial or advanced petition for plan endorsement is consistent with the State Development and Redevelopment Plan. The pre-petition meeting is also an opportunity to discuss what items should be included in the Plan Endorsement Contract.

Amended by R.1993 d.367, effective July 19, 1993.

See: 25 N.J.R. 1839(a), 25 N.J.R. 3238(c).

Amended by R.2001 d.12, effective January 7, 2002.

See: 33 N.J.R. 1511(a), 34 N.J.R. 285(a).

Rewrote the 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).

In (e), substituted "meeting" for "hearing" following "conduct a public".

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.

5:85-7.4 Initial petitions for plan endorsement

(a) An initial petition for plan endorsement shall consist of the following:

1. A Plan Endorsement Application form, prepared by the Office of Smart Growth, fully completed and signed by the petitioner or a duly authorized official, representing the petitioner.
2. A list of the documents being submitted;
3. Proof that notice of the submission of the initial petition of the State Planning Commission and the Executive Director of the Office of Smart Growth has been provided pursuant to N.J.A.C. 5:85-1.7(d) or (f);
4. A certified resolution from each governing body requesting plan endorsement endorsing the initial petition being submitted and designating the official of the municipality, county or regional agency to submit the petition and execute the Planning and Implementation Agreement;
5. Copies of the minutes of each public meeting at which the initial plan endorsement petition was reviewed and of the meeting at which the resolution endorsing the initial petition was approved. The minutes shall include a summary of public comments and copies of written comments filed before, or presented at, the public meeting;

6. If any changes to the State Plan Policy Map are proposed, the current and proposed State Plan Policy Map boundaries shall be depicted on drafting film at a scale of 1:24,000 and corresponding to the United States Geological Survey (U.S.G.S.) 7.5 minutes topographic quadrangle maps or in digital files conforming to national standards of 1:24,000 scale accuracy and as provided in the Plan Endorsements Guidelines established by the State Planning Commission;

7. Ten copies, and one electronic copy, of the petitioner's plan, and proposed Planning and Implementation Agreement. The submission shall include for the area proposed for plan endorsement all current adopted master plans, including any adopted mandatory elements, any adopted capital improvement programs, an inventory of existing infrastructure, any zoning map and any zoning schedule, a natural resources inventory based on existing data, and any other applicable supporting materials for the initial petition including any materials identified in the Plan Endorsement Guidelines that are relevant to the particular circumstances of the petitioner;

8. A narrative description of public participation and planning coordination efforts used to prepare and adopt the plan, develop and submit the initial petition and the proposed Planning and Implementation Agreement;

9. Written documentation indicating good-faith efforts to include neighboring jurisdictions in the plan endorsement process; and

10. Regional petitions must include written documentation indicating good faith efforts to include all municipalities and counties within the region of participation in the regional plan and, where applicable, a list of municipalities and counties that would not or could not participate in the regional plan.

(b) Prior to filing an initial petition for plan endorsement, a petitioner may enter into a Plan Endorsement Contract with the State Planning Commissioner.

Amended by R.1993 d.367, effective July 19, 1993.

See: 25 N.J.R. 1839(a), 25 N.J.R. 3238(c).

Amended by R.2002 d.12, effective January 7, 2002.

See: 33 N.J.R. 1511(a), 34 N.J.R. 285(a).

Rewrote the section. Recodified (c) through (g) with amendments as N.J.A.C. 17:32-7.5.

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).

In (b), substituted "meeting" for "hearing" following "public" throughout 4, and substituted "and" for "or" following "copies," in 6.

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.

Petition for Rulemaking.

See: 36 N.J.R. 4328(a), 5458(a).

5:85-7.5 Determination of completeness and period of review

(a) Within 30 days of the receipt of an initial petition for plan endorsement, the Executive Director of the Office of Smart Growth shall inform the petitioner and the State Planning Commission, in writing, whether the initial petition is complete and complies with this subchapter.

(b) In cases where the Executive Director of the Office of Smart Growth finds that the initial petition is not complete or has not been submitted in accordance with this subchapter, the Executive Director shall inform the petitioner in writing within 30 days after receipt of the petition of the deficiencies in the initial petition. If a corrected petition is not resubmitted within 90 days after receipt of the Executive Director's notice, or is resubmitted incorrectly, the initial petition will be considered withdrawn without prejudice and the petitioner so notified. No further action by the Executive Director will be taken until a new or revised petition is submitted in accordance with N.J.A.C. 5:85-7.4. Notice of any such withdrawal shall be provided by the Office of Smart Growth to those interested persons and organizations who have registered with the Office of Smart Growth in accordance with N.J.A.C. 5:85-1.6(b) and posted on the Office of Smart Growth website.

(c) In cases where the Executive Director of the Office of Smart Growth finds that the initial petition is submitted in accordance with this subchapter, or is resubmitted correctly pursuant to (b) above, the Executive Director shall provide public notice in accordance with N.J.A.C. 5:85-1.7(h) and send copies of the initial petition, plan(s) and supporting documents to the State agencies represented on the State Planning Commission and any other relevant State or Federal agency.

(d) The relevant State and Federal agencies receiving copies of the initial petition as noted in (c) above shall provide comments to the Executive Director within 45 days.

(e) Within the State and Federal agency 45-day review period, the Office of Smart Growth may hold a public hearing in an appropriate jurisdiction to receive testimony on the initial petition with public notice provided pursuant to N.J.A.C. 5:85-1.7(b). The Office of Smart Growth shall hold a public hearing in an appropriate jurisdiction to receive testimony on the initial petition with public notice provided pursuant to N.J.A.C. 5:85-1.7(b) if it receives a written request for such a hearing from the petitioner, the governing body of a municipality or county which is not the petitioner or a total of at least 10 written requests from other governmental agencies, advocacy groups or individuals with a demonstrated interest in the petition within 10 days of the Office of Smart Growth providing public notice pursuant to (c) above that a completed initial petition has been submitted.

(f) The Executive Director of the Office of Smart Growth may request additional information and, at the discretion of the Executive Director, the 60-day review period set forth in N.J.A.C. 5:85-7.6(a) may be extended to 45 days after receipt of the requested information. Public notice of any such extension shall be provided to the petitioner, to those interested persons and organizations who have registered with the Office of Smart Growth in accordance with N.J.A.C. 5:85-1.6(b) and posted on the Office of Smart Growth website.