

**CHAPTER 32
STATE PLANNING RULES**

Authority

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

Source and Effective Date

R.1998 d.120 effective February 4, 1998.
See: 29 N.J.R. 5055(a), 30 N.J.R. 860(a).

Executive Order No. 66(1978) Expiration Date

Chapter 32, State Planning Rules, expires on February 4, 2003.

Chapter Historical Note

Chapter 32, State Planning Rules, became effective with Subchapter 1, General Provisions; Subchapter 2, Preparation of Preliminary State Development and Redevelopment Plan, and Subchapter 3, Procedures for Conducting Cross-Acceptance, adopted as R.1988 d.121, effective March 21, 1988. See: 19 N.J.R. 1971(b), 20 N.J.R. 673(a). A Petition for Rulemaking was filed with the State Planning Commission on November 20, 1989. See: 22 N.J.R. 259(b), 22 N.J.R. 565(a). Subchapter 4, Procedures for Conducting the Negotiation Phase of Cross-Acceptance, was adopted as R.1990 d.336, and Subchapter 3 was amended and redesignated Procedures for Conducting the Comparison Phase of Cross-Acceptance, effective July 2, 1990. See: 22 N.J.R. 621(c), 22 N.J.R. 2033(a). Subchapter 5, Procedures for Conducting the Issue Resolution Phase of Cross-Acceptance was adopted as R.1991 d.457, effective September 3, 1991. See: 23 N.J.R. 1778(b), 23 N.J.R. 2654(a). Subchapter 6, Letters of Clarification; Subchapter 7, Voluntary Submission of Plans for Consistency Review, and Subchapter 8, Amendment of the Resource Planning and Management Map, were adopted as R.1992 d.253, effective June 15, 1992. See: 24 N.J.R. 1241(a), 24 N.J.R. 2287(a).

Pursuant to Executive Order No. 66(1978), Chapter 32, State Planning Rules, was readopted as R.1993 d.165, effective March 19, 1993. See: 25 N.J.R. 461(a), 25 N.J.R. 1886(c). The name of Subchapter 2, Preparation of Preliminary State Development and Redevelopment Plan, was changed to Preparation of a Preliminary State Development and Redevelopment Plan by R.1997 d.7, effective January 6, 1997. See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b). The name of Subchapter 5, Procedures for Conducting the Issue Resolution Phase of Cross-Acceptance, was changed to Procedures for Conducting the Final Review Phase of Cross-Acceptance by R.1997 d.7, effective January 16, 1997. See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

Pursuant to Executive Order No. 66(1978), Chapter 32, State Planning Rules, was readopted as R.1998 d.120, effective February 4, 1998. See Source and Effective Date.

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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."

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

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

3. The detail and substance of the Preliminary State Development and Redevelopment Plan be enhanced by early and direct county, municipal and public participation; and

4. 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 establish detailed procedures for the participation of appropriate governmental units at all levels in the formulation and implementation of the 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).

Deleted (a)2, relating to a review and comment process; and recodified (a)3 through (a)5 as (a)2 through (a)4.

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.

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

17:32-1.4 Definitions

The following terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Center" means a compact form of development with one or more cores and residential neighborhoods. Centers range in scale from an Urban Center, to a Regional Center, Town Center, Village, or Hamlet. Centers in Fringe, Rural and Environmentally Sensitive Planning Areas must be surrounded by a center boundary distinguishing the center from its environs. Centers in Metropolitan and Suburban Planning Areas and the Environmentally Sensitive/ Barrier Island Planning Area may have a center boundary, although a center boundary is encouraged in the Suburban Planning Area, where environs exist to be protected. Designated Centers endorsed by the State Planning Commission are eligible for priority assistance.

"Center boundary" means the line between a center and its environs. The boundary is defined by physical features, such as rivers, roads, or changes in the pattern of development or by open space or farmland.

"Comprehensive plan" means a document, including maps, to guide all aspects of development and preservation in a coordinated way for a given jurisdiction. It includes an inventory and analysis of current conditions in and around the area and plans and policies to guide future actions.

“Consistency” or “consistent” means that a municipal, county or regional plan, or regulation therein, is substantially the same as or has the same effect as the comparable provisions in the State Development and Redevelopment Plan. Said plan or regulation or provision has been reviewed for consistency pursuant to N.J.A.C. 17:32-7 and guidelines adopted by the State Planning Commission.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality or a center, generally including housing and access to public transportation.

“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.

“Critical environmental site” (CES) means an area generally less than a square mile which includes one or more environmentally sensitive features and is recognized by the State Planning Commission.

“Cross-acceptance” or “cross-acceptance process” means the process of comparing the provisions and maps of municipal, county and regional plans and regulations with the State Development and Redevelopment Plan and the dialogue which occurs among participants during and after this process to achieve consistency among plans.

“Cross-Acceptance Manual” means a document prepared by the Office of State Planning for the purpose of guiding negotiating entities 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.

“Cross-Acceptance 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.

“Days” means calendar days unless otherwise specified.

“Designated center” means a center that has been officially recognized as such by the State Planning Commission.

“Display ad” means a notification of a public meeting or hearing to be conducted by the Office of State Planning, or it can be a notification for a map amendment filed by any individual, organization or State agency. For public meeting or hearing, it shall contain the date of the meeting or hearing, the time of the meeting or hearing, the location of the meeting or hearing and the subject matter of such public meeting or hearing. For map amendment notifications, it shall contain the date of filing, by whom, and the subject matter of the filing. The advertisements must be of at least

four inches in width in a newspaper of general circulation in the jurisdictions to which the meeting, hearing or petition pertains.

“Endorsed plan” means a municipal, county or regional plan which has been approved by the State Planning Commission as a result of finding it consistent with the State Plan, pursuant to N.J.A.C. 17:32-7 and guidelines for plan endorsement adopted by the State Planning Commission.

“Environs” means the area outside the center boundaries.

“Environmentally sensitive features” means natural attributes or characteristics whose function as part of a natural system or landscape is considered integral or important. For example, a coastal dune and beach system is an environmentally sensitive feature as is an area of critical habitat or a stream corridor. Environmentally sensitive features are the criteria for mapping the Rural/ Environmentally Sensitive Planning Area, Environmentally Sensitive Area Planning Area, Environmentally Sensitive/Barrier Islands Planning Area and Critical Environmental Sites. Environmentally sensitive features of Statewide or regional significance may also be part of the criteria for identification of a Special Resource Area.

“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 and Economic Growth;
5. Community Affairs;
6. Corrections;
7. Defense;
8. Education;
9. Environmental Protection;
10. Health and Senior Services;
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.

“Historic and cultural site” (HCS) means a site of generally less than a square mile which includes features or characteristics that have inherent cultural, historic or aesthetic significance of local, regional or Statewide importance. Such features include, but are not limited to, historic sites and districts, greenways and trails, parks, dedicated open space, pre-historic and archaeological sites, scenic vistas and corridors, natural landscapes of exceptional aesthetic or cultural value.

“Identified center” means a place identified during cross-acceptance as having the attributes of a potential center.

“Interim State Development and Redevelopment Plan” means the document, including maps, appendices and other material included by reference, that reflects the changes made in the Preliminary State Development and Redevelopment Plan by the State Planning Commission pursuant to the State Planning Act, N.J.S.A. 52:18A-202.1.

“Master Plan” means a comprehensive plan for the development of a county or municipality used to guide development and development regulations. Master Plans are adopted by planning boards pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-28) and the County Planning Act (N.J.S.A. 40:27-1 et seq.).

“Minor map amendment” means an amendment to the State Plan Policy Map, which is less than 10 percent of the acreage of a planning area within a municipality but not exceeding 100 acres, or five percent of the area of a center, or, if an existing CES or HCS, less than 25 percent of the area but not exceeding 10 acres, or if a new CES or HCS of less than five acres or involving the deletion of an identified or proposed center.

“Municipal report” means a cross-acceptance report prepared by a municipality and filed with the Office of State Planning pursuant to N.J.S.A. 17:32-3.10.

“Municipal Strategic Revitalization Plan” see “Strategic Revitalization 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.

“Natural system” means regularly interacting and interdependent components of air, water, land and biological resources.

“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.

“Negotiation session” means a session during which the duly authorized representatives of the State Planning Commission and a negotiating entity, or municipality that has filed an individual municipal report, engage in a dialogue with the purpose of attaining compatibility regarding issues found in reports filed pursuant to N.J.A.C. 17:32-3.9 and 3.10.

“Node” means a concentration of facilities and activities, which are not organized in a compact form.

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

“Office of State Planning website” is www.njstateplan.com.

“Period of Cross-Acceptance” means that period of time extending from date of release of the Preliminary State Development and Redevelopment Plan by the Commission to 30 days beyond the last of six public hearings held by the State Planning Commission pursuant to N.J.S.A. 17:32-5.2a.

“Plan” means the legally adopted planning document submitted for endorsement, as well as the various plan elements, planning studies, and documentation used to prepare it.

“Plan endorsement” means the process undertaken by regional agencies, counties and municipalities to have master plans, municipal strategic revitalization plans, urban complex strategic revitalization plans, and regional strategic plans endorsed by the State Planning Commission.

“Plan endorsement agreement” is the agreement between a petitioner for plan endorsement and the State Planning Commission setting forth the obligations and responsibilities to further plan consistency and implementation.

“Planning area” means an area of greater than one square mile that shares a common set of conditions, such as population density, infrastructure systems, level of development, or environmental sensitivity. The State Plan sets forth Policy Objectives that guide growth in the context of those conditions. Planning areas are intended to guide the application of the Plan’s Statewide Policies, as well as guiding local planning and decisions on the location and scale of development within the planning area.

“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.

“Preliminary State Development and Redevelopment Plan” means the document, including maps, appendices, and other material included by reference, approved by the State Planning Commission as the basis for the Comparison Phase of cross-acceptance.

“Proposed center” means a place that is surrounded by a center boundary and meets center criteria and is included in either a negotiating entity or municipal cross-acceptance report.

“Regional” means an area encompassing land in more than one municipality, a county, or more than one county, that is bound together by shared characteristics and regional systems.

“Regional agency” and “regional entity” means an agency which performs planning for land development, infrastructure or capital investment planning for a region.

“Regional strategic plan” means a plan developed through a partnership of State, county, regional and municipal agencies for labor markets or other areas that defines the needs, opportunities, vision and regional objectives and strategies for land use, redevelopment, economic development, housing, public facilities and services, environmental protection and conservation, intergovernmental coordination and quality of community life.

“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 agency” and “State entity” means an agency of the State government, including authorities and cabinet departments, commissions, authorities and State colleges among others.

“State Development and Redevelopment Plan” (SDRP) or “State Plan” means the plan prepared and adopted pursuant to the State Planning Act.

“State entity” see “State agency.”

“State Planning Advisory Committee(s)” means a committee organized by the Office of State Planning pursuant to a resolution of the State Planning Commission consisting of individuals and interest group representatives to contribute to the formulation of an effective State Development and Redevelopment Plan through multi-disciplinary, structured discussions.

“State Plan Policy Map” (SPPM) or “Policy Map” means the geographic application of the State Plan goals and policies and the official map of these goals and policies. It includes planning areas, environs and centers, as well as other areas including critical environmental sites, historic and cultural sites, and the text for each planning area and its policy objectives. The Policy Map is comprised of 1:24,000 scale maps.

“Strategic revitalization plan” means a plan by a neighborhood, municipality, group of municipalities or an Urban Complex that assesses community strengths and weaknesses, defines overall physical and social strategies to promote regional efficiencies and cooperation, defines physical and social strategies for creating interjurisdictional coordination and cooperation, specifies physical and social strategies to target public investments for greatest efficiency and impact and satisfies applicable State agency application requirements to receive expedited consideration for State funding and technical assistance.

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

“Urban complex” means an Urban Center and two or more municipalities within the surrounding Metropolitan Planning Area that exhibit a strong intermunicipal relationship, based on socio-economic factors and public facilities and services, that is defined, integrated and coordinated through a Strategic Revitalization Plan. Urban complexes are nominated jointly by a county or counties and the affected municipalities and are coterminous with municipal boundaries but not necessarily with county boundaries.

“Urban complex strategic revitalization plan” means a Strategic Revitalization Plan that may substitute for individual municipal Strategic Revitalization Plans within their jurisdiction and that:

1. Describes the relationships that exist within the urban complex;
2. Identifies issues affecting the future growth and viability of the urban complex;
3. Assesses the strengths and weaknesses of the urban complex; and
4. Specifies strategies for regional and cultural cooperation and action.

“Utilities authority means local utility which is any sewerage authority created pursuant to the “Sewerage Authorities Law,” N.J.S.A. 40:14A-1 et seq.; any utilities authority created pursuant to the “municipal and county utilities authority law,” N.J.S.A. 40:14B-1 et seq.; or any utility, authority, commission, special district or corporate entity not regulated by the Board of Regulatory Commissioners under Title 48 of the Revised Statutes that provides for gas, electricity, heat, power, water or sewer service to a municipality or the residents thereof, or a Public utility which is any public utility regulated by the Board of Regulatory Commissioners and defined pursuant to N.J.S.A. 48:2-13.

Amended by R.1990 d.336, effective July 2, 1990.
See: 22 N.J.R. 621(c), 22 N.J.R. 2033(a).

Definitions of negotiation session and State Planning Advisory Committee added.

Amended by R.1992 d.253, effective June 15, 1992.
See: 24 N.J.R. 1241(a), 24 N.J.R. 2287(a).

Revised definitions “compatibility” and “consistency”.

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

Changed “Final cross-acceptance report” to “Cross-acceptance report”; inserted “Interim State Development and Redevelopment Plan” and “Preliminary State Development and Redevelopment Plan”; deleted “Functional state agency”, “Goal”, “Objective”, “Policy”, “Preliminary Plan Map”, “Standard”, “State Planning Advisory Committee(s)”, “Strategy”, and “Tier”; and amended several definitions.

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.

17:32-1.5 Technical assistance from the Office of State Planning during cross-acceptance

(a) During the cross-acceptance process, the Office of State Planning shall provide technical assistance to negotiating entities and municipalities as may be needed to fulfill their responsibilities under these rules.

(b) Technical assistance may be in the form of a cross-acceptance manual, advice and consultation on plan comparisons, assistance with population and employment projections and distribution, and other assistance as may be requested by the negotiating entity which is within the resources of the Office of State Planning.

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

17:32-1.6 Public participation during the cross-acceptance process

(a) Cross-acceptance is intended to be an open and thorough dialog that involves not only governments but the public at-large as well. The State Planning Commission considers an inclusionary approach to cross-acceptance critical to the success of the process. To that end, each negotiating entity shall provide meaningful opportunities for public participation during cross-acceptance and include a plan for public participation in the work program submitted to the Office of State Planning pursuant to N.J.A.C. 17:32-3.5. All applicable meetings and hearings during cross-acceptance shall be carried out in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.

(b) At a minimum, the public may participate in cross-acceptance through the following means:

1. Comments presented during the public comment period at the regular monthly meetings of the State Planning Commission and at any special public hearings conducted pursuant to these rules;

2. Submission of written comments to the State Planning Commission at any time up to 30 days after the last public hearing conducted pursuant to N.J.A.C. 17:32-5.2;

3. Written or verbal communication with municipal and/or county officials involved in cross-acceptance;

4. Public comment at negotiation sessions conducted pursuant to N.J.A.C. 17:32-4;

5. Comments presented at meetings of the various committees of the State Planning Commission as they relate to the work of those committees; and

6. Participation in advisory committees.

New Rule, R.1997 d.7, effective January 6, 1997.

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

SUBCHAPTER 2. PREPARATION OF A PRELIMINARY STATE DEVELOPMENT AND REDEVELOPMENT PLAN

Subchapter Historical Note

The name of Subchapter 2, Preparation of Preliminary State Development and Redevelopment Plan, was changed to Preparation of a Preliminary State Development and Redevelopment Plan by R.1997 d.7, effective January 6, 1997. See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

17:32-2.1 Revising the State Development and Redevelopment Plan

(a) Pursuant to the State Planning Act, N.J.S.A. 52:18A-199, the State Planning Commission shall revise and readopt the State Development and Redevelopment Plan every three years. In so doing, the Commission shall prepare and distribute a “preliminary plan” for cross-acceptance.

(b) The preparation, approval, and cross-acceptance of a preliminary plan pursuant to these rules notwithstanding, the current State Development and Redevelopment Plan shall continue to constitute the official State Development and Redevelopment Plan until such time as it is revised and readopted by the State Planning Commission in accordance with the State Planning Act and N.J.A.C. 17:32-5.4(b).

Repeal and New Rule by R.1997 d.7, effective January 6, 1997.

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

Section was “Functional state agency review of the Draft Preliminary State Development and Redevelopment Plan”.

17:32-2.2 Approval of the Preliminary State Development and Redevelopment Plan and authorization to transmit for cross-acceptance

(a) The State Planning Commission shall solicit comments and recommendations from all State agencies regarding possible revisions of the current State Development and Redevelopment Plan. The State Planning Commission shall also conduct an appropriate number of public meetings and information sessions and utilize such other public outreach mechanisms as are necessary to gather comments and recommendations regarding possible revisions of the current State Development and Redevelopment Plan.

(b) The State Planning Commission shall, after due consideration of any public comments and recommendations regarding the current State Development and Redevelopment Plan, approve a Preliminary State Development and Redevelopment Plan for cross-acceptance and authorize its transmittal to each county and municipal planning board, governing body and chief executive and to other interested persons and organizations.

Recodified from 17:32-2.3 and amended by R.1997 d.7, effective January 6, 1997.

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

Rewrote (a) and, in (b), inserted reference to public comment and recommendations and substituted "municipal planning board, governing body and chief executive" for "municipality". Former section was "Public comment on Draft Preliminary State Development and Redevelopment Plan".

17:32-2.3 (Reserved)

Recodified to N.J.A.C. 17:32-2.2 by R.1997 d.7, effective January 6, 1997.

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

**SUBCHAPTER 3. PROCEDURES FOR
CONDUCTING THE COMPARISON PHASE
OF CROSS-ACCEPTANCE**

17:32-3.1 Commencement of the comparison phase

The comparison phase of cross-acceptance shall commence on the official date of release, as established by the

State Planning Commission, of the Preliminary State Development and Redevelopment Plan.

New Rule, R.1990 d.336, effective July 2, 1990.

See: 22 N.J.R. 621(c), 22 N.J.R. 2033(a).

Amended by R.1997 d.7, effective January 6, 1997.

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

17:32-3.2 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 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 the official release of the Preliminary State Development and Redevelopment Plan.

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

2. 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.

(c) In the event that a county transmits a Notice of Waiver or fails to transmit a Notice of Participation within 45 days after the official date of release of the Preliminary State Development and Redevelopment Plan, the State Planning Commission shall, pursuant to N.J.S.A. 52:18A-202b and N.J.A.C. 17:32-3.4, designate an appropriate entity, or itself, to assume the responsibility of negotiating entity for cross-acceptance for each such county.