

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.