

Recodified from N.J.A.C. 17:32-7.4 (c) through (g) and amended by R.2002 d.12, effective January 7, 2002.

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

Former N.J.A.C. 17:32-7.5, Public notification of Director of State Planning or Commission's review, recodified to N.J.A.C. 17:32-7.7.

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), amended the N.J.A.C. reference; in (c), substituted "summary" for "copy" preceding "of the petition".

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: Action on Petition for Initial Plan Endorsement and Amendments to the State Plan Policy Map.

See: 38 N.J.R. 1085(b).

5:85-7.6 Determination of the Executive Director and State Planning Commission

(a) In cases where the Executive Director determines that the initial petition is submitted in accordance with this subchapter, the Executive Director shall determine within 60 days after the conclusion of the State and Federal agency review period whether the petitioner's plan along with the proposed Planning and Implementation Agreement are consistent with the State Development and Redevelopment Plan. The Executive Director shall prepare a report containing detailed findings and conclusions concerning the consistency of the petitioner's plan and proposed Planning and Implementation Agreement with the State Development and Redevelopment Plan. The Executive Director shall provide notice of the report pursuant to N.J.A.C. 5:85-1.7(h) and forward the report to the petitioner, the State Planning Commission and post the report on the Office of Smart Growth website. If the Executive Director determines that the petitioner's plan and proposed Planning and Implementation Agreement are consistent with the State Development and Redevelopment Plan, the Executive Director shall recommend that the initial petition be approved by the State Planning Commission. If the Executive Director determines the petitioner's plan and proposed Planning and Implementation Agreement are inconsistent with the State Development and Redevelopment Plan, the Executive Director shall either recommend the necessary changes that should be required by the State Planning Commission to make the petitioner's plan and proposed Planning and Implementation Agreement consistent with the State Development and Redevelopment Plan or recommend that the initial petition be denied by the State Planning Commission.

(b) In cases where the Executive Director fails to submit a recommendation to the State Planning Commission concerning an initial petition that has been determined to have been submitted pursuant to this subchapter within the 60-day time period set forth in (a) above, the petitioner may request that the State Planning Commission take action on the initial petition.

(c) The State Planning Commission and any duly authorized subcommittee shall review the Executive Director's determination that the initial petition is complete and the determination as to whether the petitioner's plan and

proposed Planning and Implementation Agreement are consistent with the State Development and Redevelopment Plan. Within 60 days after receipt of the recommendation, the State Planning Commission shall affirm, revise or reverse the Executive Director's determination on the initial petition based on its determination whether the petitioner's plan and proposed Planning and Implementation Agreement are consistent with the State Development and Redevelopment Plan. If the Executive Director fails to submit a recommendation to the State Planning Commission concerning an initial petition that has been determined to have been submitted pursuant to this subchapter within the 60-day time period set forth in (a) above and a petitioner requests that the State Planning Commission take action on the initial petition pursuant to (b) above, the State Planning Commission and any duly authorized subcommittee shall review the Executive Director's determination that the initial petition is complete and the petitioner's plan and proposed Planning and Implementation Agreement and determine whether they are consistent with the State Development and Redevelopment Plan. The State Planning Commission shall take action on the initial petition within 90 days after receipt of the request from the petitioner that State Planning Commission review the initial petition. If the State Planning Commission determines that the initial petition has been submitted in accordance with this subchapter and the petitioner's plan and proposed Planning and Implementation Agreement are consistent with the State Development and Redevelopment Plan, the State Planning Commission shall approve the initial petition and authorize execution of the Planning and Implementation Agreement. If the State Planning Commission determines the initial petition is complete and the petitioner's plan and proposed Planning and Implementation Agreement are inconsistent with the State Development and Redevelopment Plan, the State Planning Commission shall either make the necessary changes so that the petitioner's plan and proposed Planning and Implementation Agreement are consistent with the State Development and Redevelopment Plan or deny the initial petition.

(d) The Executive Director of the Office of Smart Growth shall, within 30 days after State Planning Commission action as set forth in (c) above, notify the petitioner in writing of the State Planning Commission's determination, findings and recommendations regarding the petition.

(e) Within 45 days of the State Planning Commission determining whether the petitioner's initial petition is complete and consistent with the State Development and Redevelopment Plan, the Executive Director of the Office of Smart Growth shall provide public notice of said determination pursuant to N.J.A.C. 5:85-1.7(i).

New Rule, R.2002 d.12, effective January 7, 2002.

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

Former N.J.A.C. 17:32-7.6, Suspension or extension, recodified to N.J.A.C. 17:32-7.8.

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 (h), 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 the section.

5:85-7.7 Advanced petitions for plan endorsement

(a) A petitioner may seek endorsement by the State Planning Commission of any of its planning efforts in addition to those required to be submitted as part of its initial petition for plan endorsement. Such advanced petitions may include one or more planning efforts in addition to those required to be submitted as part of an initial petition. A petitioner may submit different petitions for advanced plan endorsement at different times. An advanced petition for plan endorsement may be submitted simultaneously with an initial petition for plan endorsement. An advanced 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. Proof that notice of the submission of the initial petition to 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);

3. A certified resolution from each governing body requesting advanced plan endorsement endorsing the advanced 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;

4. Copies of the minutes of each public meeting at which the advanced plan endorsement petition was reviewed and of the meeting at which the advanced 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;

5. 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 Endorsement Guidelines established by the State Planning Commission;

6. Ten copies, and one electronic copy, of the petitioner's plan, and proposed Planning and Implementation Agreement. For the area proposed for plan endorsement, the submission shall include all revisions to previously submitted master plans and any new or revised

adopted optional elements, any master plan reexamination reports adopted after any initial petition for plan endorsement was approved by the State Planning Commission, all new and any revisions to previously submitted capital improvement programs, all new and any revisions to previously submitted inventories of existing infrastructure, all new and any revisions to previously submitted natural resources inventories, any updates or revisions to monitoring reports submitted pursuant to N.J.A.C. 5:85-7.12, all new and any revisions to previously submitted other applicable supporting materials and any other applicable supporting materials for the advanced petition, including any materials identified in either the Plan Endorsement Guidelines that are relevant to the particular circumstances of the petitioner or the Plan Endorsement Contract entered into pursuant to (b) below;

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

8. If approval by another State agency of a plan being submitted for advanced plan endorsement is also being sought, then all information necessary for that agency to review that plan;

9. A list of the documents being submitted;

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

11. 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 advanced petition for plan endorsement, a petitioner shall enter into a Plan Endorsement Contract with the State Planning Commissioner. Upon receipt of a proposed Plan Endorsement Contract from a petitioner, the Executive Director of the Office of Smart Growth shall give notice of receipt of the draft 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 by posting the draft on the Office of Smart Growth website. The State Planning Commission shall not take action on a proposed Plan Endorsement Contract until at least 14 days after said notice has been given. The State Planning Commission shall only approve the proposed Plan Endorsement Contract if it results in an advanced petition that is consistent with the State Development and Redevelopment Plan.