

**CHAPTER 32**  
**STATE PLANNING RULES**

**Authority**

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

**Source and Effective Date**

R.1993 d.165, effective March 19, 1993.  
See: 25 N.J.R. 461(a), 25 N.J.R. 1886(c).

**Executive Order No. 66(1978) Expiration Date**

Chapter 32, State Planning Rules, expires on March 19, 1998.

**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 was readopted as R.1993 d.165. See: Source and Effective Date. See, also, section annotations for specific rulemaking activity.

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. GENERAL PROVISIONS**

- 17:32-1.1 Title and citation
- 17:32-1.2 Purpose and authority
- 17:32-1.3 Applicability
- 17:32-1.4 Definitions

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

- 17:32-2.1 Functional state agency review of the Draft Preliminary State Development and Redevelopment Plan
- 17:32-2.2 Public comment on Draft Preliminary State Development and Redevelopment Plan
- 17:32-2.3 Approval of the Preliminary State Development and Redevelopment Plan and authorization to transmit for cross-acceptance

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

- 17:32-3.1 Commencement of the comparison phase
- 17:32-3.2 Negotiating entities for county and municipal cross-acceptance

- 17:32-3.3 Optional joint county cross-acceptance agreements
- 17:32-3.4 Designation of negotiating entity by the State Planning Commission in lieu of county participation
- 17:32-3.5 Cross-acceptance work programs and grants-in-aid
- 17:32-3.6 Municipal participation in the cross-acceptance process
- 17:32-3.7 Public informational meetings in each county in regard to the Preliminary State Development and Redevelopment Plan
- 17:32-3.8 Technical assistance from Office of State Planning during negotiation of cross-acceptance
- 17:32-3.9 Public participation in the cross-acceptance process
- 17:32-3.10 Review of Preliminary Plan maps by the negotiating entities during the cross-acceptance process
- 17:32-3.11 Comparison of the preliminary state development and redevelopment plan with local and county plans
- 17:32-3.12 Negotiating entity reports
- 17:32-3.13 Individual municipal reports in regard to cross-acceptance
- 17:32-3.14 Completion of comparison phase of cross-acceptance

**SUBCHAPTER 4. PROCEDURES FOR CONDUCTING THE NEGOTIATION PHASE OF CROSS-ACCEPTANCE**

- 17:32-4.1 Commencement of the negotiation phase
- 17:32-4.2 State Planning Commission representation during the negotiation phase of cross-acceptance
- 17:32-4.3 County representation during the negotiation phase of cross-acceptance
- 17:32-4.4 Municipal representation during the negotiation phase of cross-acceptance
- 17:32-4.5 The negotiation process
- 17:32-4.6 Public participation in the negotiation phase of cross-acceptance
- 17:32-4.7 Completion of the negotiation phase of cross-acceptance

**SUBCHAPTER 5. PROCEDURES FOR CONDUCTING THE ISSUE RESOLUTION PHASE OF CROSS-ACCEPTANCE**

- 17:32-5.1 Commencement of the issue resolution phase of cross-acceptance
- 17:32-5.2 Required public hearings
- 17:32-5.3 County and municipal review and comment during the issue resolution phase of cross-acceptance
- 17:32-5.4 Public participation during the issue resolution phase of cross-acceptance
- 17:32-5.5 Completion of the issue resolution phase of cross-acceptance

**SUBCHAPTER 6. LETTERS OF CLARIFICATION**

- 17:32-6.1 Purpose
- 17:32-6.2 Eligibility
- 17:32-6.3 Procedures
- 17:32-6.4 Suspension or extension of time requirements
- 17:32-6.5 Tenure of clarifications

**SUBCHAPTER 7. VOLUNTARY SUBMISSION OF PLANS FOR CONSISTENCY REVIEW**

- 17:32-7.1 Purpose
- 17:32-7.2 Eligibility
- 17:32-7.3 Notification of petition filing
- 17:32-7.4 Procedures
- 17:32-7.5 Public notification of Director's or Commission's review
- 17:32-7.6 Suspension or extension of time requirements

## SUBCHAPTER 8. AMENDMENT OF THE RESOURCE PLANNING AND MANAGEMENT MAP

- 17:32-8.1 Resource Planning and Management Map
- 17:32-8.2 Purpose
- 17:32-8.3 Eligibility
- 17:32-8.4 Notification of petition filing
- 17:32-8.5 Procedures
- 17:32-8.6 Notification of disposition
- 17:32-8.7 Suspension or extension of time requirements

## 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."

### 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. A process be established for State agency review of and comment upon the Preliminary State Development and Redevelopment Plan to assure the proper and timely consideration of State functional plans and regulations in the formulation of the State Development and Redevelopment Plan;
3. The counties participate in cross-acceptance and that the State Planning Commission take all reasonable steps to ensure county participation;
4. The detail and substance of the Preliminary State Development and Redevelopment Plan be enhanced by early and direct county municipal and public participation in the review and revision, if necessary, of the Plan and Implementation maps for the Preliminary State Development and Redevelopment Plan; and
5. 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 establishes detailed procedures for the participation of appropriate governmental units at all levels in the formulation and implementation of the State Development and Redevelopment Plan.

### 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.

### 17:32-1.4 Definitions

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

"Compatibility" means that a policy or set of policies in a local, county, regional or State agency plan is equally effective as the comparable provisions contained in the State Development and Redevelopment Plan in achieving the pertinent goals, strategies, objectives, policies, criteria or definitions set forth in the State Development and Redevelopment Plan.

"Consistency" means that a policy or set of policies in a local, county, regional or State agency plan is substantially the same as the comparable provisions in the State Development and Redevelopment Plan.

"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.

"Cross-acceptance" means the process of comparing the provisions and maps of local, county and regional plans and regulations with those of the Preliminary State Development and Redevelopment Plan and the dialogue which occurs among participants during and after this process to achieve compatibility or consistency between local, county, regional and State 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.

"Days" means calendar days, unless otherwise specified.

"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, Energy, and Economic Development;
5. Community Affairs;
6. Corrections;
7. Defense;
8. Education;
9. Environmental Protection;
10. Health;
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.

“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.

“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 and regulations.

“Negotiation session” means a session during which the duly authorized representatives of the State Planning Commission and a negotiating entity, or a 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. 17:32-3.12 and 3.13.

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

“Period of Cross-Acceptance” means that period of time extending from the date of release of the Preliminary State Development and Redevelopment Plan by the Commission to 30 days beyond the last of the six public hearings held by the State Planning Commission pursuant to the Act.

“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.

“Regional” means a geographical area encompassing land in more than one county.

“Regional agency” means an agency which performs planning for land development for an area of the State encompassing land in more than one county.

“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 Development and Redevelopment Plan” means that document, and all maps, appendices, and other material included by reference adopted by the State Planning Commission as its plan for the development and redevelopment of the State, pursuant to its duties set forth in the Act.

“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.

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

“Tier” means a geographic unit employed by the State Development and Redevelopment Plan to identify specific areas of the State to which strategies, policies and standards in the Plan have applicability.

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”.

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

**17:32-2.1 Functional state agency review of the Draft  
Preliminary State Development and  
Redevelopment Plan**

(a) At least 90 days prior to the initiation of the cross-acceptance process, the State Planning Commission shall direct the Office of State Planning to distribute to each of the functional state agencies at least three copies of the Draft Preliminary State Development and Redevelopment Plan, together with three copies of supporting and background materials.

(b) Within 45 days after the date of release of the Draft Preliminary State Development and Redevelopment Plan, each functional state agency shall transmit to the Office of State Planning comments about, and recommendations for amendments to, the Draft Plan.

**17:32-2.2 Public comment on Draft Preliminary State  
Development and Redevelopment Plan**

(a) A reasonable supply of copies of the Draft Preliminary Plan and supporting and background materials will be available at the Office of State Planning for 45 days after the date of release, and will be available for inspection and copying thereafter at locations to be determined by the State Planning Commission.

(b) The Office of State Planning shall make at least three public presentations of the Draft Preliminary Plan within 10 working days after adoption of a resolution by the State Planning Commission authorizing release of the Draft.

(c) Any written comments and recommendations of the general public on the Draft Preliminary Plan distributed in accordance with N.J.A.C. 17:32-2.2(a) shall be submitted to the Office of State Planning no later than 60 days after the date of release of the Draft.

**17:32-2.3 Approval of the Preliminary State Development  
and Redevelopment Plan and authorization to  
transmit for cross-acceptance**

(a) As soon as practicable after receiving and considering comments on the Draft Preliminary State Development and Redevelopment Plan, the Office of State Planning shall submit copies of written comments, summaries of public meetings and staff recommendations for revisions to the Draft Preliminary Plan to the State Planning Commission.

(b) The State Planning Commission shall, after due consideration, approve a Preliminary State Development and Redevelopment Plan for cross-acceptance and authorize its transmittal to each county and municipality and to other interested persons and organizations.

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**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 with release of the Preliminary State Development and Redevelopment Plan by the State Planning Commission.

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

**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, an application form for financial assistance, 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 release of the Preliminary State Development and Redevelopment Plan.

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

2. A Notice of Waiver is a duly adopted resolution of the 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 date of release of the Preliminary State Development and Redevelopment Plan, the State Planning Commission shall designate a negotiating entity for cross-acceptance for each such county.

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

Text on negotiating entities for county and municipal cross-acceptance recodified from 3.1; on optional joint county cross-acceptance agreements to 3.3.

**17:32-3.3 Optional joint county cross-acceptance agreements**

The Office of State Planning shall encourage the governing bodies of the counties, especially those located within the purview of an existing regional planning agency or metropolitan planning organization, to enter into intergovernmental agreements for consolidated or coordinated participation in cross-acceptance. If a county notifies the Office of State Planning of that county's desire to enter into such an agreement or to involve a regional planning agency or metropolitan planning organization in cross-acceptance, the Office of State Planning shall provide, at the county's request, technical assistance in the preparation of appropriate intergovernmental agreements and designations of negotiating entities.

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

Text on optional joint county cross-acceptance agreements recodified from 3.2; on designating of the negotiating entity by the State Planning Commission to 3.4

**17:32-3.4 Designation of negotiating entity by the State Planning Commission in lieu of county participation**

(a) In the event that a county advises the Office of State Planning that the governing body of the county has determined that the county will not participate in the cross-acceptance process, or fails to respond within the time period specified in N.J.A.C. 17:32-3.1, the State Planning Commission shall designate an appropriate entity to participate in cross-acceptance in the place of the non-participating county, after having first consulted with the entity to be designated and having secured that entity's commitment to participate in the cross-acceptance process.

(b) A county may request designation of a specific entity (including a joint program subject to an intergovernmental agreement) as the negotiating entity for that county within the 45 day notice period in N.J.A.C. 17:32-3.1.

1. The State Planning Commission shall accept the recommendation of the county and designate the recommended entity, unless the Commission finds that the recommended designation would interfere with the practical application of the spirit and intent of the State Planning Act.

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

Text on designating of the negotiating entity by the State Planning Commission recodified to 3.3; on cross-acceptance work programs and grants-in-aid to 3.5.

**17:32-3.5 Cross-acceptance work programs and grants-in-aid**

(a) Within 45 days after receipt of the Preliminary State Development and Redevelopment Plan, each county serving as the negotiating entity shall submit to the Office of State Planning a proposed work program and, at the county's

option, an application for a cross-acceptance grant-in-aid approved by the governing body.

(b) In the event that the negotiating entity is designated pursuant to N.J.A.C. 17:32-3.3, the negotiating entity shall submit to the Office of State Planning, within 30 days of the date of designation, a proposed work program and, at the entity's option, an officially approved application for a cross-acceptance grant-in-aid.

(c) In the event that the work program submitted to the Office of State Planning is determined to be inadequate in any way by the State Planning Commission, the Office of State Planning shall provide the negotiating entity with work program changes necessary to overcome the inadequacies and to ensure an effective and efficient cross-acceptance process.

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

Text on municipal participation in the cross-acceptance process recodified to 3.6; on cross-acceptance work programs and grants-in-aid from 3.4.

**17:32-3.6 Municipal participation in the cross-acceptance process**

(a) Each municipality in the State shall participate in the cross-acceptance process by:

1. Providing to the negotiating entity the most up-to-date copies of municipal master plans, land development regulations and other information and materials necessary for an effective and efficient comparison of the State Plan with the plans and regulations of the municipality.

2. Participation through official representation at cross-acceptance meetings convened by the negotiating entity.

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

Text on public informational meetings in each county recodified to 3.7; on municipal participation in the cross-acceptance process from 3.5.

**17:32-3.7 Public informational meetings in each county in regard to the Preliminary State Development and Redevelopment Plan**

No later than 15 days after the distribution of the Preliminary State Development and Redevelopment Plan, the Office of State Planning shall transmit to each county, or the negotiating entity if known, a schedule for joint public informational meetings to be held in each county of the State. These meetings shall be held not less than 45 days and not more than 90 days after the date of distribution of the Preliminary State Development and Redevelopment Plan. The joint informational meetings shall be convened

by the negotiating entity and shall provide opportunity for the public to ask questions and make comments.

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

Text on technical assistance from the Office of State Planning recodified to 3.8; on public informational meetings in each county from 3.6.

**17:32-3.8 Technical assistance from Office of State Planning during negotiation of cross-acceptance**

(a) During the cross-acceptance process, the Office of State Planning shall provide technical assistance to the negotiating entities in regard to the negotiating entities' review and revision, of any Preliminary Plan Maps and in regard to their comparison of goals, objectives, strategies, policies and standards contained in the Preliminary State Development and Redevelopment Plan with those contained in municipal and county plans and regulations.

(b) Technical assistance shall be in the form of the provision of reproducible base maps at a scale of 1:24,000, a cross-acceptance manual, advice and consultation on tier delineation and issues of comparison, and other assistance as may be requested by the negotiating entity which is within the capability and expertise of the Office of State Planning.

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

Text on public participation in the cross-acceptance process recodified to 3.9; on technical assistance from the Office of State Planning from 3.7.

**17:32-3.9 Public participation in the cross-acceptance process**

Cross-acceptance shall be carried out in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. Due consideration shall be given by the negotiating entity to the desirability of, and the need for, public participation in the process and a plan for public participation shall be included in each negotiating entity's work program. The State Planning Commission will accept written comments from the public throughout the cross-acceptance process.

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

Text on review of Preliminary Plan maps recodified to 3.10; on public participation in the cross-acceptance process from 3.8.

**17:32-3.10 Review of Preliminary Plan maps by the negotiating entities during the cross-acceptance process**

During the cross-acceptance process each negotiating entity shall review and revise or otherwise complete a set of Preliminary Plan Maps at a scale of 1:24,000, delineating the boundaries of the tiers established and defined in the Preliminary State Development and Redevelopment Plan and using the tier descriptions and designation criteria set forth in the Preliminary Plan. The Preliminary Plan Map will be prepared by the Office of State Planning, on behalf of the State Planning Commission, and made available to each negotiating entity.

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

Text on comparison of State plan and local and county plans recodified to 3.11; on review of Preliminary Plan maps from 3.9.

**17:32-3.11 Comparison of the preliminary state development and redevelopment plan with local and county plans**

(a) To ensure that the cross-acceptance process achieves maximum consistency and compatibility among all governmental levels, the negotiating entity shall compare municipal and county plans and regulations with the goals, objectives, strategies, policies, standards and Preliminary Plan Maps of the Preliminary State Development and Redevelopment Plan.

(b) The negotiating entity shall, taking into account any findings, recommendations, or objections from local and county planning bodies concerning the goals, objectives and strategies contained in the Preliminary Plan, identify areas of agreement and disagreement and, in the event of disagreement, the nature of the disagreement and recommendations for modification. The entity also may identify any additional goals, objectives and strategies which should be included in the State Plan.

(c) The negotiating entity shall, based on an assessment of municipal and county plans and regulations, and any findings, recommendations, or objections concerning the policies of the Preliminary Plan from local and county planning bodies, identify any inconsistencies between the policies of the Preliminary Plan and provisions of local and county plans and regulations, indicating whether:

1. Notwithstanding the inconsistency, compatibility exists because the provisions of local and county plans or regulations are as effective as the policies contained in the Preliminary Plan in meeting the goals, objectives and strategies of the Preliminary Plan (see definitions of "consistency" and "compatibility"); or
2. Compatibility should be achieved through the modification of the policies contained in the Preliminary Plan; or
3. Compatibility should be achieved through modification of local or county plans or regulations.

(d) The negotiating entity shall, based on an assessment of municipal and county plans and regulations, and any findings, recommendations, or objections concerning the standards of the Preliminary Plan from local and county planning bodies, identify any inconsistencies between the standards of the Preliminary Plan and provisions of local and county plans and regulations, indicating whether:

1. Notwithstanding the inconsistency, compatibility exists because the provisions of the local and county plans or regulations are as effective as the standards contained in the Preliminary Plan in meeting the policies of the Preliminary Plan (see definitions of "consistency" and "compatibility"); or

2. Compatibility should be achieved through the modification of the standards contained in the Preliminary Plan; or

3. Compatibility should be achieved through modification of local or county plans or regulations.

(e) The negotiating entity shall, based on an assessment of municipal and county plans and regulations, and any findings, recommendations, or objections concerning the tier delineations on the preliminary plan maps from local and county planning bodies, identify any inconsistencies between tier delineations and any maps contained in local and county plans and regulations, indicating that:

1. The inconsistency is the result of a tier delineation which is based upon inaccurate or outdated information and should be resolved by redrawing the tier delineation based upon more accurate and up-to-date information; or

2. Consistency should be achieved through modification of the tier designation criteria contained in the Preliminary Plan; or

3. Consistency should be achieved through modification of maps contained in, or provisions of, local or county plans and regulations.

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

Text on negotiating entity reports recodified to 3.12; on comparison of State plan and local and county plans from 3.10.

#### 17:32-3.12 Negotiating entity reports

(a) Each negotiating entity shall prepare and file with the State Planning Commission a formal report, by a date set by the Commission, of findings, recommendations and objections concerning the Plan in accordance with the State Planning Act, N.J.S.A. 52:18A-202 and pursuant to the Office of State Planning Cross-Acceptance Manual and the County Cross-Acceptance Work Program approved pursuant to N.J.A.C. 17:32-3.5(a).

(b) Any negotiating entity report, or any parts thereof, not filed by the date set by the Commission, may, at the discretion of the State Planning Commission, be given consideration by the State Planning Commission or be an item of negotiation during the negotiation phase of cross-acceptance.

(c) Should a county fail to file a negotiating entity report, or any part thereof, in substantial compliance with this chapter, the county shall be deemed to be in agreement with the goals, objectives, strategies, policies, guidelines, maps or projections of the Preliminary State Development and Re-development Plan as they pertain to those parts of the report not filed or deemed not to be in substantial compliance.

(d) The final reports of each negotiating entity shall not be filed with the State Planning Commission until the

governing body of each such county, or the designated negotiating entity, shall have authorized the transmittal of the Final Report at a public hearing.

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

Text on individual municipal reports recodified to 3.13; on negotiating entity reports from 3.11; (a) deleted; (b) recodified to (d); new (a), (b) and (c) added.

#### 17:32-3.13 Individual municipal reports in regard to cross-acceptance

(a) If a municipality is not satisfied with the cross-acceptance report, in whole or in part, prepared by the negotiating entity, the municipality may file a separate report within a period of time specified by the Commission in the form specified by the Office of State Planning in the Cross-Acceptance Manual. The individual municipal report shall also be filed with the appropriate county or negotiating entity at the same time as it is filed with the State Planning Commission.

(b) In the event that a negotiating entity report is not filed with the State Planning Commission by the time specified by the Commission, a municipality may still file a separate report, comments or recommendations with the State Planning Commission and they will be given full consideration.

(c) Any municipal report not filed by the date specified by the State Planning Commission may, at the discretion of the Commission, be given consideration by the Commission or be an item of negotiation during the negotiation phase of cross-acceptance.

(d) Should a municipality fail to participate in the negotiation of cross-acceptance and/or fail to file an individual municipal report, the municipality shall be deemed to have concurred and agreed in the final report filed by the negotiating entity and to have waived its statutory right to file a separate report under N.J.S.A. 52:18A-202.

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

Text on Office of State Planning Report repealed; on individual municipal reports recodified from 3.12.

#### 17:32-3.14 Completion of comparison phase of cross-acceptance

The comparison phase of cross-acceptance shall conclude at a date specified by the State Planning Commission.

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

Text on adoption of the State Plan repealed; new text on completion of comparison phase added.

**SUBCHAPTER 4. PROCEDURES FOR  
CONDUCTING THE NEGOTIATION PHASE  
OF CROSS-ACCEPTANCE**

**17:32-4.1 Commencement of the negotiation phase**

(a) The negotiation phase of cross-acceptance shall commence on a date specified by the State Planning Commission. Any time thereafter, the State Planning Commission can convene a negotiation session with any county that has submitted a cross-acceptance report in accordance with N.J.A.C. 17:32-3.12, or any municipality that has submitted an individual report in accordance with N.J.A.C. 17:32-3.13.

(b) The State Planning Commission shall provide each county or municipality submitting a report pursuant to this chapter, an opportunity for a sufficient number of negotiation sessions as determined by the Commission's negotiating committee. The State Planning Commission shall provide a minimum of 45 days public notice in a newspaper of general circulation of an initial negotiation session with each county or municipality and appropriate notice of all subsequent negotiation sessions.

(c) All negotiation sessions referenced in N.J.A.C. 17:32-4.5 shall be open to the public.

**17:32-4.2 State Planning Commission representation during the negotiation phase of cross-acceptance**

(a) The State Planning Commission may authorize an appropriate committee to represent the Commission during the negotiation phase of cross-acceptance by a duly adopted resolution of the Commission.

(b) A minimum of three members of the authorized negotiating committee, and one member of the staff of the Office of State Planning, authorized by the Director, shall be present at any given negotiation session. Each negotiation session shall be chaired by the committee chairman or a duly authorized substitute.

(c) In the event that at least three members of the authorized committee are unable to attend a scheduled negotiation session, the Chairman of the State Planning Commission is authorized to appoint other members of the Commission to participate in the negotiation session.

(d) The Commission may, at its discretion, direct the committee to reconsider a determination as described in the periodic reports referenced in N.J.A.C. 17:32-4.5(c).

(e) All determinations made by the Commission's negotiating committee regarding revisions to the Preliminary State Development and Redevelopment Plan and as set forth in N.J.A.C. 17:32-4.7(a) shall be subject to the approval of the State Planning Commission in the form of an interim plan.

**17:32-4.3 County representation during the negotiation phase of cross-acceptance**

(a) Pursuant to N.J.S.A. 52:18A-202(b), the State Planning Commission shall negotiate plan cross-acceptance with each county planning board.

(b) A county planning board may, at its option, and by duly adopted resolution, appoint a committee from among its members and staff, including at least, but not limited to, two county planning board members, to represent the full board at negotiation sessions.

(c) All determinations made by the county planning board regarding the Preliminary State Development and Redevelopment Plan and as set forth in N.J.A.C. 17:32-4.7(a) shall be subject to the action of the county governing body. Failure to act within 45 days from when the determination was received, will presume the determination acceptable.

**17:32-4.4 Municipal representation during the negotiation phase of cross-acceptance**

(a) Municipalities that are involved in individual negotiation sessions pursuant to N.J.A.C. 17:32-4.1 shall be represented at those sessions by a committee duly authorized by the municipal governing body. A member of the county planning board or a member of its duly authorized negotiating committee shall also be present at these sessions.

(b) All determinations made at these sessions by the municipality regarding the State Development and Redevelopment Plan and as set forth in N.J.A.C. 17:32-4.7(a) shall be subject to the action of the local governing body. Failure to act within 45 days from when the determination was received, will presume the determination acceptable.

**17:32-4.5 The negotiation process**

(a) The purpose of the negotiation phase is to attain compatibility between local, county and State Plans.

(b) Negotiation sessions shall be conducted as follows:

1. Subsequent to pre-negotiation consultation among the staffs of the involved parties, the staff of the Office of State Planning will meet with the authorized representatives of the county planning board, to reach agreement on issues raised in county reports and municipal and public comments and to identify unresolved issues requiring negotiation between the negotiating committees of the State Planning Commission and the county.

2. The negotiating committees of the Commission and the county will meet to confirm agreements and to negotiate any unresolved issues identified in (b)1 above.

3. Municipalities that submit individual municipal reports, pursuant to N.J.A.C. 17:32-3.13, may choose to discuss and negotiate the issues presented in their report with the Commission's negotiating committee, with the appropriate county represented. Prior to such discussion and negotiations, municipalities shall meet with the staff of the Office of State Planning to identify unresolved issues and to recommend revisions to the Preliminary State Development and Redevelopment Plan requiring negotiation between the committee and the municipality.

(c) Agreements reached during negotiation sessions and any remaining disagreements shall be published by the Office of State Planning in periodic reports which shall be available to the general public at the Office of State Planning, county offices and State depository libraries. Further distribution shall be made to the Commission and the parties involved. Periodic public meetings shall be conducted by the Commission's negotiating committee for the purpose of taking comments on these reports. The committee shall provide a minimum of 10 days public notice in a newspaper of general circulation of these meetings.

#### **17:32-4.6 Public participation in the negotiation phase of cross-acceptance**

(a) The public may participate in the negotiation phase of cross-acceptance through the following means:

1. Recommendations of State Plan Advisory Committees;
2. Comments presented at monthly meetings of the State Planning Commission during the public comment period;
3. Communications with municipal and/or county officials involved in negotiations;
4. Written communication with the State Planning Commission, or the Office of State Planning;
5. Comments presented at periodic public meetings to be conducted by the State Planning Commission's negotiating committee, for the purpose of taking public comment on recommended changes to the Preliminary Plan published in periodic reports; and
6. Public comment at negotiation sessions.

#### **17:32-4.7 Completion of the negotiation phase of cross-acceptance**

(a) When the State Planning Commission's negotiating committee believes that the county and municipal negotiations have produced the highest degree of agreement among the negotiating parties, the Committee shall submit a summary of its findings, including a list of agreements and disagreements resulting from each negotiation session, to the State Planning Commission, the subject county and each county's respective municipalities.

(b) The Committee shall forward to the State Planning Commission, for its consideration and approval, an Interim State Development and Redevelopment Plan reflecting recommended changes to the Preliminary State Development and Redevelopment Plan resulting from the comparison phase, any negotiations conducted to that point, and any other relevant information and materials. The Committee shall also forward to the Commission for its consideration and approval, an Interim Implementation Report, Interim Infrastructure Needs Assessment, and an Interim List of Agreements and Disagreements.

(c) Subsequent to the approval of the Interim State Development and Redevelopment Plan, by the State Planning Commission, the Commission shall provide counties and municipalities an opportunity to negotiate any issues that were deferred in that county or municipality. Any such additional negotiations shall commence 30 days after receipt by each county and municipality of a copy of the Interim State Development and Redevelopment Plan and shall continue for a period not to exceed 150 days.

(d) The negotiation phase of cross-acceptance shall end at the conclusion of the negotiation sessions cited in (c) above.

Amended by R.1991 d.457, effective September 3, 1991.  
See: 23 N.J.R. 1778(b), 23 N.J.R. 2654(a).

Negotiation phase extended to 150 days after approval of State Development and Redevelopment Plan.

### **SUBCHAPTER 5. PROCEDURES FOR CONDUCTING THE ISSUE RESOLUTION PHASE OF CROSS-ACCEPTANCE**

#### **17:32-5.1 Commencement of the issue resolution phase of cross-acceptance**

(a) The purpose of the issue resolution phase is to allow review of, and accept comment on, the amended Interim Plan, Interim Implementation Report, Interim Infrastructure Needs Assessment, Interim Statement of Agreements and Disagreements, and the Impact Assessment of the Interim Plan, with the goal of formulating a final State Development and Redevelopment Plan.

(b) The issue resolution phase shall commence with the State Planning Commission's approval of any amendments to the Interim State Development and Redevelopment Plan reflecting the resolution of the deferred issues that were negotiated in accordance with N.J.A.C. 17:32-4.7(c). The amended Interim Plan may also reflect changes made by the Commission based on their consideration of the Impact Assessment of the Interim Plan prepared pursuant to N.J.S.A. 52:18A-196 et seq., and as amended January 12, 1990 by P.L. 1989, c.332. Concurrent with the release of the amended Interim Plan, the Commission shall also re-

lease, with appropriate amendments, the Interim Implementation Report, Interim Infrastructure Needs Assessment, and the Interim Statement of Agreements and Disagreements.

#### 17:32-5.2 Required public hearings

(a) There shall be one public hearing on the amended Interim State Development and Redevelopment Plan in each of the 21 counties. The State Planning Commission may, upon the request of two or more counties, conduct a multi-county hearing in lieu of a separate hearing in each such county. Pursuant to N.J.S.A. 52:18A-196 et seq., and as amended January 12, 1990 by P.L. 1989, c.332, the public hearings are to be held no sooner than 45 days after the release of the Impact Assessment of the Interim Plan.

(b) Pursuant to N.J.S.A. 52:18A-202c, the State Planning Commission shall give at least 30 days public notice of each hearing in advertisements in at least two newspapers which circulate in the area served by the hearing and at least 30 days notice to the governing body and planning board of each county and municipality in the area served by the hearing.

(c) The amended Interim State Development and Redevelopment Plan, Interim Implementation Report, Interim Infrastructure Needs Assessment, Interim Statement of Agreements and Disagreements, shall be distributed to county and municipal planning boards and other interested parties not less than 14 days prior to the public hearings.

(d) The public hearings shall be convened by the State Planning Commission, or by a committee of the Commission designated for that purpose, whereupon comments will be taken on the amended Interim State Development and Redevelopment Plan and the accompanying documents cited in (c) above.

#### 17:32-5.3 County and municipal review and comment during the issue resolution phase of cross-acceptance

(a) Counties and municipalities may submit written comments to the State Planning Commission regarding the effect of the amended Interim State Development and Redevelopment Plan, Interim Implementation Report, or Interim Infrastructure Needs Assessment on the agreements and disagreements reached during the negotiation phase of cross-acceptance, at any time up to 30 days after the last public hearing conducted pursuant to N.J.A.C. 17:32-5.2.

(b) Counties and municipalities may submit written comments to the State Planning Commission regarding the Impact Assessment of the Interim State Development and Redevelopment Plan at any time up to 30 days after the last public hearing conducted pursuant to N.J.A.C. 17:32-5.2.

#### 17:32-5.4 Public participation during the issue resolution phase of cross-acceptance

(a) The public may participate in the issue resolution phase of cross-acceptance through the following means:

1. Comments presented at public hearings conducted pursuant to N.J.A.C. 17:32-5.2;
2. Written or verbal communication with municipal and/or county officials involved in cross-acceptance;
3. 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;
4. Comments presented during the public comment period at monthly meetings of the State Planning Commission;
5. Comments presented at meetings of the various committees of the State Planning Commission as they relate to the work of that committee; and
6. Recommendations of State Planning Advisory Committees.

#### 17:32-5.5 Completion of the issue resolution phase of cross-acceptance

(a) The issue resolution phase shall end 30 days after the last public hearing conducted pursuant to N.J.A.C. 17:32-5.2.

(b) Pursuant to N.J.S.A. 52:18A-196 et seq., and as amended on January 12, 1990 by P.L. 1989, c.332, the State Planning Commission shall adopt a final State Development and Redevelopment Plan no sooner than 30 days and no later than 60 days after the last public hearing conducted pursuant to N.J.A.C. 17:32-5.2.

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### SUBCHAPTER 6. LETTERS OF CLARIFICATION

#### 17:32-6.1 Purpose

(a) For the State Development and Redevelopment Plan to serve as a useful guide to officials in both the public and private sectors in making planning and investment decisions, it must be well understood and accurately interpreted. The purpose of this subchapter, therefore, is to enhance this understanding and to assure that clarification of the State Plan reflect as closely as possible the intentions of the State Planning Commission in its approval of the Plan. This purpose is served by creating a process for these officials and the general public to obtain clarification of these provisions.