

SUBTITLE C. NEW JERSEY MEADOWLANDS COMMISSION**CHAPTER 3
ADMINISTRATION****Authority**

N.J.S.A. 13:17-1 et seq., specifically 13:17-6(i).

Source and Effective Date

R.2004 d.76, effective February 17, 2004.
See: 35 N.J.R. 4458(a), 36 N.J.R. 1033(a).

Chapter Expiration Date

Chapter 3, Administration, expires on February 17, 2009 except Subchapter 3, Disability Discrimination Procedure, is exempt as Federally required (42 U.S.C. §§12101 et seq).

Chapter Historical Note

Chapter 3, First Stage of the Master Plan for the Comprehensive Development of the Hackensack Meadowlands District, was adopted as R.1970 d.46, effective May 1, 1970. See: 1 N.J.R. 17(b), 2 N.J.R. 8(b), 2 N.J.R. 52(a). Subchapter 1, Revised Fee Schedule, implementing Stage I of the Master Plan was adopted as R.1970 d.118, effective September 25, 1970. See: 2 N.J.R. 95(b). Subchapter 1 was replaced by new Revised Fee Schedules as R.1973 d.334, effective November 30, 1973. See: 6 N.J.R. 39(a).

Pursuant to Executive Order No. 66(1978), Chapter 3, First Stage of the Master Plan for the Comprehensive Development of the Hackensack Meadowlands District, was readopted as R.1988 d.281, effective May 26, 1988. See: 20 N.J.R. 743(a), 20 N.J.R. 1467(b).

Public Notice: Routine program implementation. See: 25 N.J.R. 1010(a).

Pursuant to Executive Order No. 66(1978), Chapter 3, First Stage of the Master Plan for the Comprehensive Development of the Hackensack Meadowlands District, was readopted as R.1993 d.176, effective March 29, 1993. See: 24 N.J.R. 4503(a), 25 N.J.R. 1887(a).

Pursuant to Executive Order No. 66(1978), Chapter 3, First Stage of the Master Plan for the Comprehensive Development of the Hackensack Meadowlands District, was readopted as R.1998 d.77, effective January 5, 1998. See: 29 N.J.R. 3704(a), 30 N.J.R. 566(a).

Chapter 3, First Stage of the Master Plan for the Comprehensive Development of the Hackensack Meadowlands District, was readopted as R.2003 d.9, effective December 9, 2002. See: 34 N.J.R. 2539(a), 35 N.J.R. 258(a).

Chapter 3, First Stage of the Master Plan for the Comprehensive Development of the Hackensack Meadowlands District, was repealed and new rules were adopted as Chapter 3, Administration, by R.2004 d.76, effective February 17, 2004. See: Source and Effective Date.

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SUBCHAPTER 1. RULEMAKING**19:3-1.1 Rulemaking**

The rules of the New Jersey Meadowlands Commission (NJMC), found in N.J.A.C. 19:3, 19:4, 19:5 and 19:6, and including the Official Zoning Map, may be amended, in whole or in part, from time to time, pursuant to the rules in this subchapter and N.J.S.A. 52:14B-4(f).

19:3-1.2 Petitions for rulemaking

(a) An interested person may petition the NJMC to adopt a new rule, amend or repeal an existing rule, or amend the Official Zoning Map. Such petition shall be filed with the NJMC, in writing, and signed by the petitioner.

(b) The petition shall state the following clearly and concisely:

1. The substance or nature of the rulemaking that is requested;
2. The reasons for the request and the petitioner's interest in the request; and
3. The statutory authority under which the NJMC may take the requested action.

(c) Such petitions shall be sent by certified mail and shall be addressed to:

New Jersey Meadowlands Commission
One DeKorte Park Plaza
Lyndhurst, New Jersey 07071
Attention: Division of Land Use Management

(d) Any document submitted to the NJMC that is not in substantial compliance with this section shall not be deemed to be a petition for rulemaking requiring further agency action. The document shall be returned to the sender with a deficiency explanation.

(e) The review of a petition in substantial compliance with this section shall proceed in accordance with N.J.A.C. 19:3-1.4.

19:3-1.3 Contents of petition to amend Official Zoning Map

(a) Petitions to amend the Official Zoning Map that are submitted to the NJMC in accordance with N.J.A.C. 19:3-1.2 shall be accompanied by the following:

1. The full name and address of the petitioner;
2. When the petitioner is not the property owner, written consent of the property owner authorizing the petitioner to apply to the NJMC for the requested change to the Official Zoning Map;
3. A report, signed and sealed by a New Jersey-licensed Professional Engineer or Professional Planner, including the following:
 - i. A description of the rezoning being requested, including the location of the property, block, lot and municipality, existing zoning, and proposed zoning; and
 - ii. A statement explaining why the proposed zoning designation is more appropriate than the current zoning designation;

4. A location map, in triplicate, of the lots drawn to scale and showing the actual dimensions of the subject property and the vicinity. The map shall include:

- i. The existing zoning and land uses of the subject and adjacent properties;
- ii. The location of water courses, rights-of-way, traffic circulation, and points of ingress and egress; and
- iii. Existing structures on the site;

5. A survey of the property for which the zone change is requested, signed and sealed by a New Jersey-licensed Professional Land Surveyor, identifying all easements of record; and

6. Other such information as may be required by the NJMC.

19:3-1.4 Action on petition

(a) Upon receipt of a complete petition for rulemaking, the following shall occur:

1. The petition shall be dated, stamped, and logged by the NJMC staff; and

2. The NJMC staff shall, within 15 days of receipt of the petition, file with the Office of Administrative Law (OAL) for publication in the New Jersey Register (Register) a notice of the petition's receipt, in accordance with N.J.A.C. 1:30-4.1(c).

(b) The NJMC staff shall review the petition and prepare a preliminary analysis with recommendations that shall be submitted to the Commission and the Executive Director for their consideration and approval.

(c) In accordance with N.J.A.C. 1:30-4.2(a), the NJMC's action on a petition may include:

1. Denial of the petition, in which case the NJMC shall provide a written statement of its reasons to the petitioner and include such reasons in the notice of action;

2. Grant the petition and initiate a rulemaking proceeding within 90 days of the granting of the petition; or

3. Refer the matter for further deliberations, the nature of which shall be specified to the petitioner and included in the notice of action. The deliberations shall conclude within 90 days of such referral and, upon conclusion, the NJMC shall either deny the petition or grant the petition and initiate a rulemaking proceeding within 90 days. The NJMC shall mail the results of these further deliberations to the petitioner and submit the results to the OAL for publication in the Register.

19:3-5.5 Public notice

(a) Notice shall be provided for public hearings required in this subchapter as follows:

1. The NJMC staff shall obtain the list of property owners located within the area and within 500 feet of the perimeter of the area under investigation and shall provide notice, personally or by certified mail, to the property owners on such list. This list shall be certified by the municipal tax assessor(s). The NJMC shall be entitled to rely upon the information contained in such list. Failure to give notice to any owner not on the list shall not invalidate any hearing or proceeding; and

2. The notice shall be published in a newspaper of general circulation, available in each municipality in which the redevelopment area is located, once per week for two consecutive weeks. The last publication date shall not be less than 10 days prior to the public hearing.

19:3-5.6 Establishment of areas in need of redevelopment

(a) Subsequent to the public hearing and comment period, the Report may be amended to incorporate public comments.

(b) Upon completion of the Report, the NJMC staff shall submit a recommendation to the Commission stating whether or not the area, or any part thereof, should be deemed in need of redevelopment. The Commission shall determine by resolution whether the area, or any part thereof, is in need of redevelopment as defined in N.J.A.C. 19:3-5.7; and if so deemed, shall direct the NJMC staff to prepare a redevelopment plan.

(c) If the determination is made that the area, or any part thereof, is in need of redevelopment, the NJMC shall, within 10 days after the resolution is adopted, forward a copy of the resolution to each person who filed a written objection during the public comment period, provided the address of the objector was stated in the written objection. Such service shall be made by certified mail, return receipt requested.

(d) The determination of the Commission shall be binding and conclusive upon all affected persons.

19:3-5.7 Criteria for determination of need for redevelopment

(a) An area shall be deemed to be in need of redevelopment if it is determined that any of the following conditions exist:

1. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions;

2. The discontinuance of the use of buildings previously utilized for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable;

3. Land that is owned by the NJMC, or other public entities, or unimproved vacant land that has remained so for a period of 10 years prior to adoption of the resolution; or land that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital;

4. Areas with buildings or improvements that, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community;

5. Lack of proper utilization of areas, caused by the condition of the title, diverse ownership of the real property therein, or other conditions resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare;

6. Areas in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated;

7. Areas designated as an enterprise zone pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et seq., where the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to N.J.S.A. 40A:12A-5 and 40A:12A-6 for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of N.J.S.A. 40A:20-1 et seq.; or

8. Areas, with or without improvements, where there is historic evidence of illegal dumping activities; areas with evidence of soil, groundwater, or surface water contamination; areas that, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), are listed on the CERCLA database; Federal, State, county, or municipally designated brownfield areas; and/or areas on the New Jersey Known Contaminated Sites List per N.J.S.A. 58:10-23.16 and 23.17.

19:3-5.8 Redevelopment plan

(a) The redevelopment plan, as authorized by N.J.A.C. 19:3-5.6, shall include the following information:

1. An outline for the development, rehabilitation or redevelopment of the subject area, accounting for area-specific planning objectives relating to land uses; population density; traffic and public transportation improvements; public utilities; recreational and community facilities; and, other public improvements;

2. Proposed land uses and building requirements in the redevelopment area; and

3. The relationship of the redevelopment plan to the NJMC Master Plan.

(b) Upon completion of the draft redevelopment plan, a public hearing shall be held in accordance with N.J.A.C. 19:4-4.17 to afford an opportunity for public comment.

(c) The redevelopment plan shall be available for public inspection upon the issuance of the public notice in accordance with N.J.A.C. 19:3-5.5.

19:3-5.9 Relationship of redevelopment plan to NJMC Master Plan

All provisions of the redevelopment plan shall be either substantially consistent with the NJMC Master Plan, or designed to effectuate the Master Plan. However, the Commission may adopt a redevelopment plan, which is inconsistent with, or not designed to effectuate, the Master Plan, by affirmative vote of a majority of the members with the reasons for so acting set forth in the redevelopment plan and resolution adopting same.

19:3-5.10 Adoption of redevelopment plan

(a) Subsequent to the public hearing and comment period, the NJMC staff may amend the redevelopment plan to incorporate comments received during the public comment period.

(b) Upon completion of the redevelopment plan, the NJMC shall forward a copy of the redevelopment plan to the Hackensack Meadowlands Municipal Committee (HMMC) in accordance with N.J.S.A. 13:17-8(b). The HMMC shall review the redevelopment plan and indicate its position in writing to the NJMC. Failure to state its position within 45 days of receipt of the redevelopment plan shall constitute HMMC approval of the redevelopment plan. If the HMMC formally rejects the redevelopment plan, the NJMC may implement the redevelopment plan by a vote of 5/7 of the full membership of the Commission.

(c) Upon completion of HMMC review as set forth above, the NJMC staff shall submit a recommendation to the Commission on the redevelopment plan. The Commission, when considering the adoption of a redevelopment plan or revision or amendment thereto, may approve, disapprove, or modify

any recommendation proposed by the NJMC staff, and shall record in its minutes the reasons for not following the recommendations.

(d) The redevelopment plan shall become effective immediately upon adoption by formal resolution of the Commission.

(e) Public notice describing the redevelopment plan and identifying the area in question shall be filed with the Office of Administrative Law (OAL) for publication in the New Jersey Register.

Public Notice: Paterson Plank Road Redevelopment Plan Amendments and Route 3 East Redevelopment Plan.

See: 36 N.J.R. 2090(b), 2091(a).

Public Notice: Adoption of Secaucus Transit Village Redevelopment Plan.

See: 36 N.J.R. 2563(a).

Public Notice: Kearny Area Redevelopment Plan Amendment.

See: 36 N.J.R. 3941(a).

Public Notice: Belleville Turnpike Redevelopment Plan Amendment.

See: 37 N.J.R. 915(c).

Public Notice: Adoption of Meadowlands Golf Course Redevelopment Plan-Administrative Amendment

See: 37 N.J.R. 2897(b).

Public Notice: Adoption of Meadowlands Golf Course Redevelopment Plan-Substantive Amendment

See: 37 N.J.R. 4076(b).

Public Notice Credit: Adoption of Secaucus Transit Village Redevelopment Plan.

See: 38 N.J.R. 2894(a).

19:3-5.11 Applicability of redevelopment plan

(a) Only those standards specifically set forth in the redevelopment plan shall supersede applicable provisions of District Zoning Regulations, N.J.A.C. 19:4. When the redevelopment plan supersedes any provision of the District Zoning Regulations, the resolution adopting the redevelopment plan shall contain an explicit explanation of the reasons for deviating from the established regulations.

(b) The Official Zoning Map of the NJMC shall be amended to indicate the area to which the redevelopment plan applies.

19:3-5.12 Deviations from redevelopment plan

(a) Requests for a deviation from the bulk requirements or design standards shall be processed as a variance application in accordance with N.J.A.C. 19:4-4.14.

(b) Notwithstanding the provisions of N.J.A.C. 19:3-5.14, requests for a deviation from the permitted uses specified in a redevelopment plan shall require an amendment to the redevelopment plan in accordance with N.J.A.C. 19:3-5.15.

19:3-5.13 Amendments to redevelopment area boundary

Amendments to expand the boundaries of a redevelopment area shall be deemed a new redevelopment action and shall follow all procedures set forth herein.