

(d) Any petition submitted to the NJMC that is not in substantial compliance with (b) above shall be deemed incomplete petition. The document shall be returned to the petitioner with a deficiency explanation. The petitioner may address these reasons and resubmit.

(e) Upon receipt of a complete petition, the NJMC staff shall submit a request to the Commission in accordance with N.J.A.C. 19:3-5.2 for authorization to proceed with an investigation of the subject area.

(f) The NJMC reserves the right to include additional properties to be investigated that were not identified in the original petition.

19:3-5.4 Preliminary investigation

(a) Upon adoption of a resolution by the Commission authorizing an investigation, the NJMC staff shall conduct the investigation and prepare an "In Need of Redevelopment Report" (Report), which shall contain the following:

1. A description of the methods and resources used to assess the area;
2. A detailed description of the area, including, but not limited to, acreage, existing zoning, description of existing utility infrastructure, and other relevant characteristics;
3. A site analysis for each lot within the area, listing, at a minimum, ownership, size, and characteristics which support the designation of the area as in need of redevelopment; and
4. Findings comparing the listed characteristics of the area to each criterion of N.J.A.C. 19:3-5.7. NJMC staff shall determine whether the existing conditions of the area in question meet the criteria.

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

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

19:3-5.5 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 brown-field 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).

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.

19:3-5.14 Expansion of nonconformities

A request to expand an existing use or structure rendered nonconforming by a redevelopment plan shall require a variance, in accordance with the provisions of N.J.A.C. 19:4-4.14.

19:3-5.15 Amendments to redevelopment plan

(a) Amendments to an adopted redevelopment plan, as proposed by the NJMC staff or by any other interested party, may be brought before the Commission by the NJMC staff.

(b) Petitions for amendments to an adopted redevelopment plan shall be submitted in writing. A petition shall include:

1. The full name and address of the petitioner;
2. The block and lot number designation of the properties;
3. A statement indicating why the redevelopment plan should be amended; and
4. Such other information from a specific petitioner as may be deemed necessary by the NJMC staff.

(c) The NJMC staff shall review all petitions for amendments to an adopted redevelopment plan.

(d) If the NJMC staff determines that the petition does not meet the intent and purpose of the redevelopment plan, the petition shall not require further agency action. An appeal from the NJMC staff determination may be made in accordance with N.J.A.C. 19:4-4.19.

(e) If the NJMC staff determines that the petition lacks sufficient information on which to proceed, the petition shall be deemed incomplete. The document shall be returned to the petitioner with an explanation of the deficiencies. The petitioner may address these reasons and resubmit.

(f) Upon receipt of a complete petition, the NJMC staff shall proceed with a public hearing in accordance with N.J.A.C. 19:4-4.17 and the notice requirements of N.J.A.C. 19:3-5.5.

(g) Subsequent to the public comment period, the NJMC staff shall submit a recommendation to the Commission to either approve, deny, or modify the proposed amendments.

(h) Amendments to the redevelopment plan shall not impact the "in need of redevelopment" designation for the area in question.

(i) The amended redevelopment plan shall supersede all previous redevelopment plans for the area in question.

19:3-5.16 Period of validity

The redevelopment plan shall remain in effect until such time as the NJMC amends the redevelopment plan, adopts a new redevelopment plan, or proceeds with a rezoning in accordance with this chapter.