

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3, First Stage of the Master Plan for the Comprehensive Development of the Hackensack Meadowlands District, was repealed and new rules were adopted as Chapter 3, Administration, by R.2004 d.76, effective February 17, 2004.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

(d) Within 60 days of receiving the petition, the NJMC shall mail to the petitioner, and file with the OAL for publication in the Register, a notice of action on the petition which shall contain the information required by N.J.A.C. 1:30-4.2(c).

19:3-1.5 Rulemaking process

(a) Upon approval by the Commission for filing of a pre-proposal or proposal, and Commission authorization to hold a hearing, if deemed necessary, the NJMC staff shall submit a notice of proposal to the OAL for publication in the Register.

(b) A public hearing shall be conducted in accordance with N.J.A.C. 19:4-4.17.

(c) Upon conclusion of the public comment period, the matter shall be forwarded to the Hackensack Meadowlands Municipal Committee (HMMC) for their review.

(d) The HMMC shall review matters submitted to it by the NJMC and indicate its position in writing to the NJMC. Failure of the HMMC to state its position within 45 days of receipt of the matter shall be deemed to constitute approval of the proposed action of the NJMC.

(e) Upon review of the comments and recommendation by the NJMC staff, the Commission shall render a decision, and authorize the NJMC staff to file a notice of adoption with OAL for publication in the Register.

(f) The actions of the NJMC with respect to rulemaking shall become effective upon publication of the notice of adoption in the Register.

SUBCHAPTER 2. FLOOD INSURANCE

19:3-2.1 Purpose

The NJMC hereby expresses a positive interest in securing flood insurance coverage under the National Flood Insurance Program (NFIP) because of a clear danger of flooding and the resultant damage to property in the Hackensack Meadowlands District.

19:3-2.2 Required land use and control measures

(a) The NJMC shall review all permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement, including prefabricated and mobile homes, shall:

1. Be designed, or modified, and anchored to prevent flotation, collapse or lateral movement of the structure;

2. Use construction material and utility equipment that are resistant to flood damage; and

3. Use construction methods and practices that will minimize flood damage.

(b) The NJMC shall review all subdivision proposals and other proposed new development to assure that:

1. All such proposals are consistent with the need to minimize flood damage;

2. All public utilities and facilities, such as sanitary and storm sewers, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage; and

3. Adequate drainage is provided to reduce exposure to flood hazards.

(c) New or replacement water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems shall be located so as to avoid impairment of them or contamination from them during flooding.

19:3-2.3 Securing coverage under the National Flood Insurance Program

(a) The Executive Director of the NJMC shall be the person responsible for the implementation and coordination of the NFIP within the District.

(b) The Executive Director of the NJMC shall be the person responsible to furnish on request, from an appropriate Federal or State official or by a designated representative of the National Insurers Association, information for each structure constructed within the area of special flood hazard after flood insurance is made available in the community concerning its first floor elevation, and if there is a basement, the distance from the first floor to the bottom of the lowest opening where water flowing over the ground would enter said basement.

(c) The Executive Director of the NJMC shall be the person responsible for the preparation and submission to the Federal Flood Insurance Administrator (Administrator) an annual report concerning the activities of the District related to the NFIP.

(d) The Offices of the NJMC, located at One DeKorte Park Plaza, Lyndhurst, New Jersey, shall be the local repository where flood insurance and flood hazard maps will be available for public inspection.

(e) The NJMC hereby agrees to maintain in force land use and control measures that meet the requirements set forth in the regulations promulgated by the Federal Flood Insurance Administration. A copy of these land use and control measures may be found at N.J.A.C. 19:3, 19:4, 19:5 and 19:6.

(f) The NJMC will comply with the regulations of NFIP to:

1. Recognize and duly evaluate flood hazards in all official actions relative to land use in the areas having special flood hazards and to take such other official action as may be necessary to carry out the objectives of the program;

2. Assist the Administrator and/or the State of New Jersey if requested in delineating the limits of the areas having special flood hazards on available local maps of sufficient scale to identify the location of building sites;

3. Provide such information as the Administrator and/or the State of New Jersey may request concerning present uses and occupancy of the flood plain;

4. Cooperate with neighboring jurisdictions with respect to adjoining drainage areas and flood plains in order to prevent the aggravation of the flooding problem; and

5. Cooperate with Federal, State and local agencies and private firms that undertake to study survey maps and identify flood-prone areas.

(g) In addition to the above, the NJMC agrees to provide the following additional information as part of its application requesting eligibility under the NFIP:

1. A map of the District delineating its limits, which can be reproduced for publication;

2. A map of the District identifying local flood plains and showing the names of rivers, brooks, streams, creeks and other similar bodies of water that cause floods;

3. A summary of the history of flooding; and

4. Estimates relating to the flood-prone areas concerning:

i. Population;

ii. Number of one to four-family residences;

iii. Number of small businesses; and

iv. Number of other structures.

SUBCHAPTER 3. DISABILITY DISCRIMINATION PROCEDURE

19:3-3.1 Definitions

(a) The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

“ADA” means the Americans with Disabilities Act, 42 U.S.C. §§ 12101 et seq.

“Agency” means the New Jersey Meadowlands Commission.

“Designated decision maker” means the Executive Director of the New Jersey Meadowlands Commission or his or her designee.

19:3-3.2 Purpose

(a) These rules are adopted by the agency in satisfaction of the requirements of the ADA and regulations promulgated pursuant thereto, 28 C.F.R. 35.107.

(b) The purpose of these rules is to establish a designated coordinator whose duties shall include assuring that the agency complies with and carries out its responsibilities under the ADA. Those duties shall also include the investigation of any complaint filed with the agency pursuant to N.J.A.C. 19:3-3.5 through 3.8.

19:3-3.3 Required ADA notice

In addition to any other advice, assistance or accommodation provided, a copy of the following notice shall be given to anyone who inquires regarding the agency's compliance with the ADA or the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the agency:

AGENCY NOTICE OF ADA PROCEDURE

The agency has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from participation in, be denied the benefits of or be subjected to discrimination" in programs or activities sponsored by a public entity.

Rules describing and governing the internal grievance procedure can be found in the New Jersey Administrative Code, N.J.A.C. 19:3-3.1 et seq. As those rules indicate, complaints should be addressed to the agency's designated ADA Coordinator, as identified in N.J.A.C. 19:3-3.4, at the following address:

ADA Coordinator
New Jersey Meadowlands Commission
One DeKorte Park Plaza
Lyndhurst, New Jersey 07071

1. A complaint may be filed in writing or orally, but shall contain the name and address of the person filing it, and briefly describe the alleged violation. A form for this purpose is available from the designated ADA coordinator. In cases of employment related complaints, the procedures established by the Department of Personnel, N.J.A.C. 4A:7-1.1 et seq. will be followed where applicable.

2. A complaint shall be filed promptly within 20 days after the complainant becomes aware of the alleged violation.

3. An investigation, as may be appropriate, will follow the filing of a complaint. The investigation will be conducted by the agency's designated ADA Coordinator. The rules contemplate informal but thorough investigations, affording all interested persons and their representatives,

if any, an opportunity to submit evidence relevant to a complaint.

4. In most cases a written determination as to the validity of the complaint and a description of the resolution, if any, will be issued by the designated decision maker and a copy forwarded to the complainant no later than 45 days after its filing.

5. The ADA coordinator will maintain the files and records of the agency relating to the complaints filed.

6. The right of a person to a prompt and equitable resolution of the complaint filed hereunder will not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible Federal department or agency or the New Jersey Division on Civil Rights. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

7. The rules will be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the agency complies with the ADA and implementing Federal rules.

19:3-3.4 Designated ADA coordinator

(a) The designated coordinator of ADA compliance and complaint investigation for the agency is:

ADA Coordinator
New Jersey Meadowlands Commission
One DeKorte Park Plaza
Lyndhurst, New Jersey 07071

(b) All inquiries regarding the agency's compliance with the ADA and the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the agency should be directed to the designated coordinator identified in (a) above.

(c) All complaints alleging that the agency has failed to comply with or has acted in a way that is prohibited by the ADA should be directed to the designated ADA coordinator identified in this section, in accordance with the procedures set forth in N.J.A.C. 19:3-3.5 through 3.8.

19:3-3.5 Complaint procedure

A complaint alleging that the agency has failed to comply with the ADA or has acted in a way that is prohibited by the ADA shall be submitted either in writing or orally to the designated ADA coordinator identified in N.J.A.C. 19:3-3.4. A complaint alleging employment discrimination will be processed pursuant to the rules of the Department of Personnel, if those rules are applicable.

19:3-3.6 Complaint contents

(a) A complaint submitted pursuant to this subchapter may be submitted in or on the form set forth at N.J.A.C. 19:3-3.7.

(b) A complaint submitted pursuant to this subchapter shall include the following information:

1. The name of the complainant, and/or any alternate contact person designated by the complainant to receive communication or provide information for the complainant;
2. The address and telephone number of the complainant or alternate contact person; and
3. A description of manner in which the ADA has not been complied with or has been violated, including times and locations of events and names of witnesses if appropriate.

19:3-3.7 Complaint form

The following form may be utilized for the submission of a complaint pursuant to this subchapter:

Americans with Disabilities Act Grievance Form

Date: _____

Name of grievant:

Address of grievant:

Telephone number of grievant:

Disability of grievant:

Name, address and telephone number of alternate contact person:

Agency alleged to have denied access:

Department:

Division:

Bureau or office:

Location:

Incident or barrier:

Please describe the particular way in which you believe you have been denied the benefits of any service, program or activity or have otherwise been subject to discrimination. Please specify dates, times and places of incidents, and names and/or positions of agency employees involved, if any, as well as names, addresses and telephone numbers of any witnesses to any such incident. Attach additional pages if necessary.

Proposed access or accommodation:

If you wish, describe the way in which you feel access may be had to the benefits described above, or that accommodation could be provided to allow access.

A copy of the above form may be obtained by contacting the designated ADA coordinator identified at N.J.A.C. 19:3-3.4.

19:3-3.8 Investigations

(a) Upon receipt of a complaint submitted pursuant to this subchapter, the designated ADA coordinator will notify the complainant of the receipt of the complaint and the initiation of an investigation into the matter. The designated ADA coordinator will also indicate a date by which it is expected that the investigation will be completed, which date shall not be later than 45 days from the date of receipt of the complaint, unless a later date is agreed to by the complainant.

(b) Upon completion of the investigation, the designated ADA coordinator shall prepare a report for review by the designated decision maker for the agency. The designated decision maker shall render a written decision within 45 days of receipt of the complaint, unless a later date is agreed to by the complainant, which decision shall be transmitted to the complainant and/or the alternate contact person if so designated by the complainant.

SUBCHAPTER 4. PROFESSIONAL SERVICES CONTRACTS

19:3-4.1 Applicability

The provisions of this subchapter shall apply only to contracts for architectural, engineering and land surveying services that are in excess of the threshold amount set forth in N.J.S.A. 52:34-7 et seq. and subject to the procurement provision requirements of N.J.S.A. 52:34-9.1 et seq. Nothing in this subchapter shall preclude the NJMC from using procurement processes other than those prescribed herein if those processes have been approved by the Federal government or other State statute or if an emergency has been declared by the Executive Director of the NJMC.

19:3-4.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“Compensation” means the basis of payment by an agency for professional architectural, engineering, or land surveying services.

“Professional architectural, engineering and land surveying services” means those services, including planning, environmental, and construction inspection services required for the development and construction of projects, within the scope of the practice of architecture, professional engineering or professional land surveying as defined by the laws of this State or those performed by an architect, professional engineer or professional land surveyor in connection with his or her professional employment practice.

“Professional firm” means any individual, firm, partnership, corporation, association or other legal entity permitted by law to provide professional architectural, engineering, or land surveying services in this State.

19:3-4.3 Filing of current statements of qualification and supporting data

(a) A professional firm that wishes to be considered pre-qualified to provide professional engineering, architectural, or land surveying services to the NJMC may file a current statement of qualification and supporting data to the NJMC.

(b) Such statements may be filed at any time during the calendar year and shall be sent to the Executive Director. Such statements must conform to the regulations of the State Treasurer, adopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., with respect thereto.

(c) No statement which shall have been filed more than two years prior to the publication of an advertisement pursuant to N.J.A.C. 19:3-4.4 shall be deemed to be a current statement with respect to the qualifications of the firm which shall have filed such statement.

19:3-4.4 Solicitation of additional statements of qualification

(a) Prior to the solicitation of proposals pertaining to the procurement of professional architectural, engineering, or land surveying services, the NJMC shall publicly advertise its need for such services.

(b) The advertisement shall be by one or more of the following methods:

1. Newspapers;
2. Written notice to New Jersey professional societies covering the construction industry;
3. Direct mailings to firms pre-qualified with the NJMC requesting expressions of interest; or
4. Publicly advertised through electronic means.

(c) The advertisement shall include either a statement of the criteria by which the NJMC shall evaluate the technical qualifications of professional firms and determine the order of preference to be used in designating the firms most highly qualified to perform the services or identify such criteria by reference to the provisions of this subchapter. In addition, the advertisement shall include notice that professional firms wishing to be considered for selection as a potential provider of such services in connection with a proposed project must have submitted, or must promptly submit, to the NJMC a current statement of qualifications and supporting data as prescribed in N.J.S.A. 52:34-9.3. The advertisement shall also include a brief statement of the nature and scope of the services proposed for procurement by the NJMC.

19:3-4.5 Criteria for the selection of the most highly qualified professional firms

(a) In selecting the most highly qualified professional firms with which to contract for architectural, engineering or land surveying services, the NJMC, where applicable, shall consider the following criteria:

1. The experience and qualifications of the firm;
2. The availability of qualified and experienced personnel to complete the project;
3. The experience and capability of the firm and designated project team with respect to any special technologies, techniques, or expertise the project may require;
4. The experience of the firm and designated project team on projects of similar size and/or complexity;
5. The past performance of the firm;
6. Any potential conflicts of interest the firm may have in completing the project; and
7. Any other criteria specified in the NJMC's public advertisement of the project.

(b) In selecting and ranking the most highly qualified professional firms, the NJMC shall establish weights for the criteria applicable to each project. The NJMC may disqualify any firm determined to be unacceptably deficient in one or more of the applicable criteria, regardless of the firm's ranking or score on the remainder of the criteria.

(c) Based upon the criteria set forth in (a) above, the NJMC shall short-list the most highly qualified firms to the top three or more ranked firms. Each qualified firm on that list shall then, at the request of the NJMC, submit a fee proposal. The firms shall not be told of their ranking position at that time.

(d) The NJMC may select less than three firms if fewer firms respond to the solicitation or if fewer firms are deemed qualified.

19:3-4.6 Negotiation of final agreement

(a) Using the fee proposals submitted in accordance with N.J.A.C. 19:3-4.5(c) to provide a general guideline, the Executive Director, or the Executive Director's designee, shall negotiate a contract with the most technically qualified professional firm for architectural, engineering or land surveying services at compensation that the NJMC determines to be fair and reasonable. In making this determination, the NJMC shall take into account the estimated value of the services to be rendered and the scope, complexity, and professional nature thereof. Should the Executive Director, or the Executive Director's designee, be unable to negotiate a satisfactory contract with the professional firm considered to be the most qualified at a fee the NJMC determines to be fair and reasonable, negotiations with that professional firm shall be formally terminated. The Executive Director, or the Executive Director's designee, shall then undertake negotiations with the second most qualified professional firm. Failing accord with the second most qualified professional firm, the Executive Director, or the Executive Director's designee, shall formally terminate negotiations. The Executive Director, or the Executive Director's designee, shall then undertake negotiations with the third most qualified professional firm. Should the Executive Director, or the Executive Director's designee, be unable to negotiate a satisfactory contract with any of the selected professional firms, he or she shall select additional professional firms in order of their competence and qualifications and negotiations shall continue in accordance with this section until an agreement is reached.

19:3-4.7 Circumstances under which advertising is unnecessary

(a) Any contract under this subchapter may be made, negotiated, or awarded without advertising when:

1. The contract is to be made with the Federal or any State government or any agency or political subdivision thereof; or

2. The public exigency requires the immediate performance of the service.

SUBCHAPTER 5. REDEVELOPMENT AREAS

19:3-5.1 Intent and purpose

It is the intent and purpose of this subchapter to provide a specific framework for the identification of areas in need of redevelopment and to provide the necessary mechanisms to facilitate changes that would effectuate the revitalization of such areas, as authorized by N.J.S.A. 13:17-20 and 21.

19:3-5.2 Commission authorization

(a) Prior to any action taken by the NJMC pursuant to this subchapter, the NJMC staff shall request authorization from the Commission to conduct an investigation of areas that may potentially be deemed in need of redevelopment pursuant to the criteria of N.J.A.C. 19:3-5.7.

(b) This request shall include:

1. The block and lot number designation of the properties;
2. The existing zoning and land use of the properties;
3. A map showing the boundaries of the area to be investigated;
4. A description of all existing structures on each site; and
5. A statement indicating why the property may be in need of redevelopment.

(c) Such requests may result from petitions for the possible designation of areas as in need of redevelopment, per N.J.A.C. 19:3-5.3.

19:3-5.3 Petitions for the designation of redevelopment areas

(a) Any interested person may petition the NJMC to investigate the possible designation of an area as in need of redevelopment.

(b) All petitions for the designation of a site as a redevelopment area shall be filed with the NJMC, in writing, and signed by the petitioner. Such petition shall include the information required in N.J.A.C. 19:3-5.2(b) and the following:

1. The full name and address of the petitioner; and
2. 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 the designation of redevelopment areas.

(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).

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).

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.