

**CHAPTER 32  
STATE PLANNING RULES**

**Authority**

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

**Source and Effective Date**

R.1998 d.120 effective February 4, 1998.  
See: 29 N.J.R. 5055(a), 30 N.J.R. 860(a).

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

Chapter 32, State Planning Rules, expires on February 4, 2003.

**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, State Planning Rules, was readopted as R.1993 d.165, effective March 19, 1993. See: 25 N.J.R. 461(a), 25 N.J.R. 1886(c). The name of Subchapter 2, Preparation of Preliminary State Development and Redevelopment Plan, was changed to Preparation of a Preliminary State Development and Redevelopment Plan by R.1997 d.7, effective January 6, 1997. See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b). The name of Subchapter 5, Procedures for Conducting the Issue Resolution Phase of Cross-Acceptance, was changed to Procedures for Conducting the Final Review Phase of Cross-Acceptance by R.1997 d.7, effective January 16, 1997. See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

Pursuant to Executive Order No. 66(1978), Chapter 32, State Planning Rules, was readopted as R.1998 d.120, effective February 4, 1998. See Source and Effective Date.

**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
- 17:32-1.5 Technical assistance from the Office of State Planning during cross-acceptance
- 17:32-1.6 Public participation during the cross-acceptance process

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

- 17:32-2.1 Revising the State Development and Redevelopment Plan
- 17:32-2.2 Approval of the Preliminary State Development and Redevelopment Plan and authorization to transmit for cross-acceptance
- 17:32-2.3 (Reserved)

**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
- 17:32-3.6 Municipal participation in the comparison phase of cross-acceptance
- 17:32-3.7 Regional agency participation in the comparison phase of cross-acceptance
- 17:32-3.8 Public informational meetings in each county in regard to the Preliminary State Development and Redevelopment Plan
- 17:32-3.9 Comparison of the Preliminary State Development and Redevelopment Plan with local and county plans and preparation of a cross-acceptance report
- 17:32-3.10 Individual municipal reports in regards to cross-acceptance
- 17:32-3.11 Completion of comparison phase of cross-acceptance
- 17:32-3.12 through 17:32-3.14 (Reserved)

**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 Completion of the negotiation phase of cross-acceptance and approval of an Interim State Development and Redevelopment Plan
- 17:32-4.7 Impact Assessment of the Interim State Development and Redevelopment Plan

**SUBCHAPTER 5. PROCEDURES FOR CONDUCTING THE FINAL REVIEW PHASE OF CROSS-ACCEPTANCE**

- 17:32-5.1 Commencement of the final review phase of cross-acceptance
- 17:32-5.2 Required public hearings
- 17:32-5.3 County and municipal review and comment during the final review phase of cross-acceptance
- 17:32-5.4 Completion of the final review phase of cross-acceptance and adoption of the State Development and Redevelopment Plan
- 17:32-5.5 (Reserved)

**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."

Amended by R.1997 d.7, effective January 6, 1997.  
See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

**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. The counties participate in cross-acceptance and the State Planning Commission take all reasonable steps to ensure county participation;
3. The detail and substance of the Preliminary State Development and Redevelopment Plan be enhanced by early and direct county, municipal and public participation; and
4. 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 establish detailed procedures for the participation of appropriate governmental units at all levels in the formulation and implementation of the State Development and Redevelopment Plan.

Amended by R.1997 d.7, effective January 6, 1997.

See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

Deleted (a)2, relating to a review and comment process; and recodified (a)3 through (a)5 as (a)2 through (a)4.

**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.

Amended by R.1997 d.7, effective January 6, 1997.

See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

**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 as effective as the comparable provisions contained 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 local, county and regional plans with 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.

"Cross-Acceptance 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.

“Days” means calendar days unless otherwise specified.

“Interim State Development and Redevelopment Plan” means that document, and all maps, appendices, and other material included by reference, approved by the State Planning Commission, that reflects revisions to the Preliminary State Development and Redevelopment Plan.

“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.

“Negotiation session” means a session during which the duly authorized representatives of the State Planning Commission and a negotiating entity, or 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. 17:32-3.9 and 3.10.

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

“Preliminary State Development and Redevelopment Plan” means that document, and all maps, appendices, and other material included by reference, that reflects proposed revisions to the current State Development and Redevelopment Plan and approved by the State Planning Commission for cross-acceptance, pursuant to its duties set forth in the State Planning Act.

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

“Regional agency” means an agency which performs public policy, land development, or capital investment planning for an area of the State encompassing land in more than one county.

“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 development and redevelopment of the State, pursuant to its duties set forth in the State Planning Act.

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”.  
Amended by R.1997 d.7, effective January 6, 1997.  
See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

Changed “Final cross-acceptance report” to “Cross-acceptance report”; inserted “Interim State Development and Redevelopment Plan” and “Preliminary State Development and Redevelopment Plan”; deleted “Functional state agency”, “Goal”, “Objective”, “Policy”, “Preliminary Plan Map”, “Standard”, “State Planning Advisory Committee(s)”, “Strategy”, and “Tier”; and amended several definitions.

### 17:32-1.5 Technical assistance from the Office of State Planning during cross-acceptance

(a) During the cross-acceptance process, the Office of State Planning shall provide technical assistance to negotiating entities and municipalities as may be needed to fulfill their responsibilities under these rules.

(b) Technical assistance may be in the form of a cross-acceptance manual, advice and consultation on plan comparisons, assistance with population and employment projections and distribution, and other assistance as may be requested by the negotiating entity which is within the resources of the Office of State Planning.

New Rule, R.1997 d.7, effective January 6, 1997.  
See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

### 17:32-1.6 Public participation during the cross-acceptance process

(a) Cross-acceptance is intended to be an open and thorough dialog that involves not only governments but the public at-large as well. The State Planning Commission considers an inclusionary approach to cross-acceptance critical to the success of the process. To that end, each negotiating entity shall provide meaningful opportunities for public participation during cross-acceptance and include a plan for public participation in the work program submitted to the Office of State Planning pursuant to N.J.A.C. 17:32-3.5. All applicable meetings and hearings during cross-acceptance shall be carried out in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.

(b) At a minimum, the public may participate in cross-acceptance through the following means:

1. Comments presented during the public comment period at the regular monthly meetings of the State Planning Commission and at any special public hearings conducted pursuant to these rules;
2. 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;
3. Written or verbal communication with municipal and/or county officials involved in cross-acceptance;
4. Public comment at negotiation sessions conducted pursuant to N.J.A.C. 17:32-4;
5. Comments presented at meetings of the various committees of the State Planning Commission as they relate to the work of those committees; and
6. Participation in advisory committees.

New Rule, R.1997 d.7, effective January 6, 1997.  
See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

## SUBCHAPTER 2. PREPARATION OF A PRELIMINARY STATE DEVELOPMENT AND REDEVELOPMENT PLAN

### Subchapter Historical Note

The name of Subchapter 2, Preparation of Preliminary State Development and Redevelopment Plan, was changed to Preparation of a Preliminary State Development and Redevelopment Plan by R.1997 d.7, effective January 6, 1997. See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

### 17:32-2.1 Revising the State Development and Redevelopment Plan

(a) Pursuant to the State Planning Act, N.J.S.A. 52:18A-199, the State Planning Commission shall revise and readopt the State Development and Redevelopment Plan every three years. In so doing, the Commission shall prepare and distribute a "preliminary plan" for cross-acceptance.

(b) The preparation, approval, and cross-acceptance of a preliminary plan pursuant to these rules notwithstanding, the current State Development and Redevelopment Plan shall continue to constitute the official State Development and Redevelopment Plan until such time as it is revised and readopted by the State Planning Commission in accordance with the State Planning Act and N.J.A.C. 17:32-5.4(b).

Repeal and New Rule by R.1997 d.7, effective January 6, 1997.  
See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

Section was "Functional state agency review of the Draft Preliminary State Development and Redevelopment Plan".

### 17:32-2.2 Approval of the Preliminary State Development and Redevelopment Plan and authorization to transmit for cross-acceptance

(a) The State Planning Commission shall solicit comments and recommendations from all State agencies regarding possible revisions of the current State Development and Redevelopment Plan. The State Planning Commission shall also conduct an appropriate number of public meetings and information sessions and utilize such other public outreach mechanisms as are necessary to gather comments and recommendations regarding possible revisions of the current State Development and Redevelopment Plan.

(b) The State Planning Commission shall, after due consideration of any public comments and recommendations regarding the current State Development and Redevelopment Plan, approve a Preliminary State Development and Redevelopment Plan for cross-acceptance and authorize its transmittal to each county and municipal planning board, governing body and chief executive and to other interested persons and organizations.

Recodified from 17:32-2.3 and amended by R.1997 d.7, effective January 6, 1997.  
See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

Rewrote (a) and, in (b), inserted reference to public comment and recommendations and substituted "municipal planning board, governing body and chief executive" for "municipality". Former section was "Public comment on Draft Preliminary State Development and Redevelopment Plan".

### 17:32-2.3 (Reserved)

Recodified to N.J.A.C. 17:32-2.2 by R.1997 d.7, effective January 6, 1997.

See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

## 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 on the official date of release, as established by the State Planning Commission, of the Preliminary State Development and Redevelopment Plan.

New Rule, R.1990 d.336, effective July 2, 1990.  
See: 22 N.J.R. 621(c), 22 N.J.R. 2033(a).  
Amended by R.1997 d.7, effective January 6, 1997.  
See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

### 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 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 the official release of the Preliminary State Development and Redevelopment Plan.

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

2. A Notice of Waiver is a duly adopted resolution of the county 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 official date of release of the Preliminary State Development and Redevelopment Plan, the State Planning Commission shall, pursuant to N.J.S.A. 52:18A-202b and N.J.A.C. 17:32-3.4, designate an appropriate entity, or itself, to assume the responsibility of negotiating entity for cross-acceptance for each such county.

(b) Neither the State Development and Redevelopment Plan nor its Resource Planning and Management Map is regulatory and neither should be referenced or applied in such a manner. It is not the purpose of this process to either “validate” or “invalidate” a specific code, ordinance, administrative rule, regulation or other instrument of plan implementation.

#### 17:32-6.2 Eligibility

(a) Any individual or organization, public or private, may petition the State Planning Commission for a letter of clarification regarding any goal, strategy, objective, policy, criterion or definition contained in the State Development and Redevelopment Plan.

(b) The State Planning Commission will not issue letters of clarification that involve the application of State Plan provisions to specific parcels of land or that seek to either “validate” or “invalidate” a specific code, ordinance, administrative rule, regulation or other instrument of plan implementation.

#### 17:32-6.3 Procedures

(a) The individual or organization shall submit the petition in writing to the Director of the Office of State Planning, who shall act as agent for the State Planning Commission in the administration of these rules, citing:

1. The exact provision of the State Development and Redevelopment Plan on which the clarification is being requested;
2. The nature of the provision that makes it unclear to the petitioner; and
3. As much detail as possible on the specific circumstances surrounding the potential application of the provision that makes its application of interest or concern to the petitioner.

(b) Except as provided in (c) below, the Director of the Office of State Planning shall provide a clarification in writing to the petitioner within 60 days of receipt of the petition.

(c) Where the purposes of these rules are served, the Director of the Office of State Planning may, prior to rendering a clarification to the petitioner, seek the counsel of the State Planning Commission, one of its duly authorized subcommittees, if any, a State department or the Office of the Attorney General, in which case the Director shall so inform the petitioner in writing within the 60 day period specified in (b) above and provide a clarification within 120 days of receipt of the petition.

(d) The Director of the Office of State Planning shall file monthly reports of such clarifications with the State Planning Commission.

(e) The Director of the Office of State Planning may consider “unofficial” requests for clarification of the Plan that may be submitted from time to time as “official” petitions for clarification if the Director determines that the request contains sufficient information to be processed in accordance with this subchapter.

#### 17:32-6.4 Suspension or extension of time requirements

(a) At the request of the Director of the Office of State Planning, the State Planning Commission may suspend or extend the time allowed for certain actions under these rules in the event that the number of requests for clarifications exceeds the resources of the Office of State Planning to process those requests in accordance with these rules.

(b) The Director of the Office of State Planning shall notify petitioners of any suspension or extension of time periods resulting from (a) above.

#### 17:32-6.5 Tenure of clarifications

Clarifications rendered by the Director of the Office of State Planning shall stand until the State Planning Commission adopts the next triennial revision of the State Development and Redevelopment Plan.

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

#### 17:32-7.1 Purpose

(a) The State Planning Act recommends but does not require that municipal and county plans be consistent with the State Development and Redevelopment Plan. During the cross-acceptance process, however, many government officials and citizens expressed concern, given the complexity of public plans and processes in general and of the State Plan in particular, about how agencies at each level of government would know whether their plans are consistent with the State Plan. It is the intention of the State Planning Commission, through the Office of State Planning, to assist all levels of government in achieving the highest possible degree of consistency with the State Plan. To that end, this subchapter outlines a voluntary review process which will analyze local, county, regional and State agency plans and provide findings and recommendations regarding the subject plan’s incorporation of the various provisions of the State Plan.

(b) Neither the State Development and Redevelopment Plan nor its Resource Planning and Management Map is regulatory and neither should be referenced or applied in such a manner. It is not the purpose of this process to either “validate” or “invalidate” a specific code, ordinance, administrative rule, regulation or other instrument of plan implementation.

(c) No municipal, county, regional or State agency should delay any decision making process due to a pending review of their plans by the Office of State Planning for consistency with the SDRP.

(d) For purposes of this subchapter, "consistency," as defined in N.J.A.C. 17:32-1.4, shall also include the notion of "compatibility," also defined in N.J.A.C. 17:32-1.4.

Amended by R.1993 d.367, effective July 19, 1993.  
See: 25 N.J.R. 1839(a), 25 N.J.R. 3238(c).

#### Case Notes

Unlike master development and redevelopment plans, ordinances are not required to be submitted for review by State Planning Commission. *Mount Olive Complex v. Township of Mount Olive*, 774 A.2d 704 (2001).

Department of Environmental Protection order directing staff to apply departmental policies and regulations in manner consistent and compatible with State Development and Redevelopment Plan to extent permitted by law was intra-agency statement not subject to formal rule-making process under Administrative Procedures Act. *New Jersey Builders Ass'n v. New Jersey Dept. of Environmental Protection*, 306 N.J.Super. 93, 703 A.2d 323 (A.D. 1997).

#### 17:32-7.2 Eligibility

(a) Any municipal or county governing body, commissioner or secretary of a State department, regional or interstate agency may petition the Office of State Planning for a review of the consistency between its plan and the State Development and Redevelopment Plan.

(b) The master plans of municipalities (including elements as defined in the Municipal Land Use Law), and counties (as defined in the County Planning Enabling Act), functional plans of State agencies, and the adopted comprehensive plans of regional and interstate agencies are eligible for review by the Office of State Planning under these rules. Codes, ordinances, administrative rules, regulations and other instruments of plan implementation are not eligible for review. Nothing in these rules shall be interpreted to mean, however, that the staff of the Office of State Planning and Commission may not provide technical assistance and advice to agencies at any level of government on matters falling under the mandates of the Commission or Office, as set forth in the State Planning Act, N.J.S.A. 52:18A-196 et seq.

Amended by R.1993 d.367, effective July 19, 1993.  
See: 25 N.J.R. 1839(a), 25 N.J.R. 3238(c).

#### 17:32-7.3 Notification of petition filing

(a) Municipalities shall provide public notice of their filing of a petition under this subchapter, in a newspaper of general circulation within the municipality, prior to their submission of a petition for consistency review. Notice shall also be sent to the petitioning municipality's planning board, to the planning board of the county within which the municipality is located and to the planning boards of adjoining municipalities.

(b) Counties shall provide public notice of their filing of a petition under this subchapter, in a newspaper of general circulation within the county, prior to their submission of a petition for consistency review. Notice shall also be sent to the petitioning county's planning board, to the planning boards of all municipalities within the subject county and to the planning boards of any adjoining counties.

(c) State agencies shall notify the 21 county planning boards of their filing of a petition under this subchapter prior to the agency's submission of a petition for consistency review and shall further cause notice of their petition to be published in the New Jersey Register.

(d) Regional and interstate agencies shall provide public notice of their filing of a petition under this subchapter, in a newspaper of general circulation within the New Jersey portion of their jurisdiction, prior to the agency's submission of a petition for consistency review. Notice shall also be sent to the planning boards of all New Jersey municipalities and counties within the agency's jurisdiction.

(e) All notifications required under this section shall contain, at a minimum, the following information:

1. The name and address of the person or organization filing the petition;
2. A description of the action being requested;
3. Where copies of the petition and supporting documentation can be examined; and
4. Instructions to forward comments on said petition to both the petitioner and the Office of State Planning.

(f) Newspaper notices may be published as a standard legal advertisement.

Amended by R.1993 d.367, effective July 19, 1993.  
See: 25 N.J.R. 1839(a), 25 N.J.R. 3238(c).

#### 17:32-7.4 Procedures

(a) Petitions for consistency review may be submitted to the Director of the Office of State Planning, no sooner than 60 days after adoption of the State Development and Redevelopment Plan by the State Planning Commission.

(b) A petition shall consist of the following:

1. A form, prepared by the Office of State Planning, fully completed and signed by the petitioner or a duly authorized official, with proof thereof, representing the petitioner. Said form shall contain the following:
  - i. The name and address of petitioner;
  - ii. A list of the documents being submitted;
  - iii. A certified copy of the resolution adopting the plan(s) being submitted; and

iv. Proof that the notification requirements of this subchapter have been met;

2. A resolution of the municipal or county governing body or regional or interstate agency, authorizing submission of the petition, or in the case of a State agency, a transmittal letter on letterhead from the departmental

Commissioner or Secretary requesting consideration of the petition; and

3. At least three copies of the municipal, county or regional master plan or State agency functional plan and all elements thereof.

(c) In cases where the Director of the Office of State Planning finds that the petition is not submitted in accordance with these rules, the Director shall inform the petitioner in writing within 30 days after receipt of the petition of the deficiencies in the petition. If a corrected petition is resubmitted, the petition will be considered in accordance with (d) below. If a corrected petition is not resubmitted within 30 days after receipt of the Director's notice, or is resubmitted incorrectly, the petition will be considered withdrawn and the petitioner so notified. No further action by the Director will be taken.

(d) In cases where the Director of the Office of State Planning finds that the petition is submitted in accordance with these rules, or is resubmitted correctly pursuant to (c) above, he shall, within 90 days of such a finding, review said plan(s) and prepare findings and recommendations regarding the degree to which the subject plan is consistent with the provisions of the SDRP, how effectively that has been done, and what steps can be taken by the petitioner to move the plan, in whole or in part, toward further consistency with the SDRP. The Director shall forward his report to the petitioner and the State Planning Commission.

(e) The petitioner may, within 60 days after receipt of the Director's report, request that the State Planning Commission, or its duly authorized subcommittee, review the Director's findings. Within 60 days after receipt of such a request, the State Planning Commission may act on said request; if the Commission does not act within 60 days, the Director's findings and recommendations regarding the petition will stand.

(f) The State Planning Commission may, at its discretion, review the findings and recommendations of the Director of the Office of State Planning regarding any petition filed under this subchapter. The Commission shall declare its intention to review the Director's findings and recommendations within 30 days of its receipt of the Director's report pursuant to (d) above. Within 60 days after receipt of the Director's report, the Commission may act to revise or reverse those findings and recommendations. If the Commission does not declare its intention to review the Director's findings and recommendations within the 30 day period, or having declared its intention to review, does not act within the 60 day period, the Director's findings and recommendations will stand.

(g) The Director of the Office of State Planning shall, within 30 days after State Planning Commission action, or nonaction, as set forth in (e) or (f) above, notify the petitioner in writing of the Commission's findings and recommendations regarding the petition.

Amended by R.1993 d.367, effective July 19, 1993.  
See: 25 N.J.R. 1839(a), 25 N.J.R. 3238(c).

#### 17:32-7.5 Public notification of Director's or Commission's review

(a) Within 30 days of their receipt of the Director's notification pursuant to N.J.A.C. 17:32-7.4(d) or (g), the petitioner shall provide public notice in the following manner:

1. Municipalities shall provide public notice in a newspaper of general circulation within the municipality. Notice shall also be sent to the petitioning municipality's planning board, to the planning board of the county within which the municipality is located and to the planning boards of adjoining municipalities.

2. Counties shall provide public notice in a newspaper of general circulation within the county. Notice shall also be sent to the petitioning county's planning board, to the planning boards of all municipalities within the subject county and to the planning boards of any adjoining counties.

3. State agencies shall notify the 21 county planning boards and shall further cause notice to be published in the next available New Jersey Register.

4. Regional and interstate agencies shall provide public notice in a newspaper of general circulation within the New Jersey portion of their jurisdiction. Notice shall also be sent to the planning boards of all New Jersey municipalities and counties within the agency's jurisdiction.

(b) All notifications required under (a) above shall contain, at a minimum, the following information:

1. The name and address of the person or organization that filed the petition;

2. A description of the action that was requested; and

3. A statement to the effect that the subject plan was reviewed by the Director of the Office of State Planning and/or the State Planning Commission and that copies of the subsequent findings and recommendations are available from the Office of State Planning and from the petitioner.

(c) Newspaper notices may be published as a standard legal advertisement.

Amended by R.1993 d.367, effective July 19, 1993.  
See: 25 N.J.R. 1839(a), 25 N.J.R. 3238(c).

#### 17:32-7.6 Suspension or extension of time requirements

(a) At the request of the Director of the Office of State Planning, the State Planning Commission may suspend or extend the time allowed for certain actions under these rules in the event that the number of requests for consistency reviews exceeds the resources of the Office of State Planning to process those requests in accordance with these rules.

(b) The Director of the Office of State Planning shall notify petitioners of any suspension or extension of time periods resulting from (a) above.

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

### 17:32-8.1 Resource Planning and Management Map

(a) The official map of the State Development and Redevelopment Plan is entitled the "Resource Planning and Management Map" (RPMM) and is comprised of a series of maps corresponding to the 1:24,000 scale United States Geological Survey (U.S.G.S.) 7.5 inch topographic quadrangle maps comprising the geographic area of the State of New Jersey.

(b) Each said quadrangle map is labelled "RPMM" and reflects at a minimum the following State Planning Commission approved delineations and information:

1. Planning areas;
2. Identified or designated centers;
3. Community development boundaries;
4. Population and employment allocations for each Center;
5. Critical Environmental Sites; and
6. The certification, signature, and appropriate initialing of revisions, if any, by the Secretary of the Commission.

(c) Any other graphic representation, at any scale, of delineations and other pertinent data contained on the Resource Planning and Management Map that is included in the State Development and Redevelopment Plan or any other document, is for illustrative purposes only and is not to be considered the official map of the State Plan as outlined in (a) and (b) above.

### 17:32-8.2 Purpose

(a) In most cases, the Resource Planning and Management Map reflects the intergovernmental consensus arrived at during the cross-acceptance process. While the cross-acceptance process provided sufficient data, coordination and dialogue to prepare an initial Map, new research, conditions and events may also suggest appropriate changes to the Map. The purpose of this subchapter, therefore, is to create a process for amending the Resource Planning and Management Map after adoption of the State Development and Redevelopment Plan in order to accommodate such newly discovered or newly important conditions, situations or knowledge that emerge as the State Plan is applied, as well as to update the Map as progress is made by municipalities and counties in their own planning.

(b) Neither the State Development and Redevelopment Plan nor its Resource Planning and Management Map is regulatory and it is not the purpose of this process to provide for amendments to the Map to reflect, or "validate," land use changes or to serve as a legal basis for making such changes. There is no site specific change of land use that is inherently inconsistent with the State Plan. To the extent that such a change of use may be inconsistent with another public entity's plan, code, ordinance or regulation formulated to be consistent with the State Plan, and as a result be disapproved by that entity, resolution of the issue resides with that public entity and the interested or aggrieved party.

(c) Individuals or organizations considering submitting a petition to the State Planning Commission to amend the Resource Planning and Management Map are encouraged to submit petitions for a letter of clarification pursuant to N.J.A.C. 17:32-6, where the petition to amend may involve a clarification of a provision of the State Development and Redevelopment Plan relative to the geographic area in question. Municipalities, counties and State agencies also are encouraged to voluntarily petition the Commission for review for consistency pursuant to N.J.A.C. 17:32-7, to obviate the need for numerous requests for letters of clarification and petitions to amend the Resource Planning and Management Map.

### 17:32-8.3 Eligibility

(a) Any State agency, county or municipal governing body, and private citizen or organization may submit a petition to the State Planning Commission to amend the Resource Planning and Management Map.

(b) The State Planning Commission may consider the following petitions:

1. Petitions to amend planning areas supported by new or updated capacity based planning information, as defined in the State Development and Redevelopment Plan, that would realign the boundary(ies) of planning areas;
2. Petitions to amend centers and growth allocations supported by new or updated capacity based planning information, as defined in the State Development and Redevelopment Plan, that:
  - i. De-designate, or otherwise eliminate, a center that was identified/designated in the State Plan, said petition including appropriate adjustments to population and employment allocations among centers;
  - ii. Identify or designate additional centers based on new or updated information, said petitions including appropriate adjustments to population and employment allocations;

iii. Identify, or adjust, the population and employment allocation among centers, maintaining the municipal and county population and employment levels, or ranges, identified in the State Plan; or

iv. Delineate, or adjust the delineation of, the "community development boundary" of a center(s), said delineation or adjustment accompanied by appropriate adjustments, if any, of the population and employment allocation among centers; and

3. Petitions to include new critical environmental sites on, or remove them from, the Resource Planning and Management Map based on new information related to the criteria for such sites found in the State Development and Redevelopment Plan.

#### 17:32-8.4 Notification of petition filing

(a) Municipalities shall provide public notice of their filing of a petition under this subchapter, in a newspaper of general circulation within the municipality, prior to their submission of a petition to amend the Resource Planning and Management Map. Notice shall also be sent to the planning board of the county within which the municipality is located and to the planning boards of adjoining municipalities.

(b) Counties shall provide public notice of their filing of a petition under this subchapter, in a newspaper of general circulation within the county, prior to their submission of a petition to amend the Resource Planning and Management Map. Notice shall also be sent to the planning boards of all municipalities within the subject county and to the planning boards of any adjoining counties.

(c) A private citizen or organization shall provide notice of their filing of a petition under this subchapter, in a newspaper of general circulation within the municipality effected by the petition, prior to their submission of a petition to amend the Resource Planning and Management Map. Notice shall also be sent to the planning boards of the subject municipality and county.

(d) State agencies shall provide notice of their filing of a petition under this subchapter, in a newspaper of general circulation within the county effected by the petition, prior to their submission of a petition to amend the Resource Planning and Management Map. Notice shall also be sent to the planning boards of the subject municipality and county.

(e) All notifications required under this section shall contain, at a minimum, the following information:

1. The name and address of the person or organization filing the petition;
2. A description of the action being requested;
3. Where copies of the petition and supporting documentation can be examined; and

4. Instructions to forward comments on said petition to both the petitioner and the Office of State Planning.

(f) Newspaper notices may be published as a standard legal advertisement.

#### 17:32-8.5 Procedures

(a) Petitions to amend the Resource Planning and Management Map may be submitted to the Director of the Office of State Planning, who shall serve as agent for the State Planning Commission in the administration of these rules, no sooner than 180 days after adoption of the State Development Plan by the State Planning Commission. Centers that are identified on the RPMM at the time of the adoption of the first SDRP, are exempt from the 180 day waiting period for the purposes of petitioning for their designation.

(b) A petition to amend the Resource Planning and Management Map shall include at a minimum:

1. Petitioner's name, address and telephone number, including the same information for the duly authorized agent, if any, who will represent the petitioner, with proof of authorization;

2. A statement describing the petitioner's interest in the land area under consideration, including, at a minimum:

- i. For a public entity, its public policy (planning and/or regulatory) interests;

- ii. For a private citizen or organization, his, her, or its financial, ownership or contractual interests and a description of any pertinent regulatory actions occurring during the immediate past five years or planned/anticipated in the next three years regarding the use of the property;

3. A statement describing:

- i. How the amendment promotes local, regional and State goals and objectives;

- ii. How the amendment will impact public sector decisions; and

- iii. The reason(s) why the amendment cannot await the triennial revision of the State Development and Redevelopment Plan;

4. A statement describing:

- i. How the proposed amendment is consistent with the provisions of the State Development and Redevelopment Plan and with municipal and county plans, citing the pertinent provisions in each plan; and

- ii. How the amendment helps the municipality and county to achieve consistency with the State Development and Redevelopment Plan;

5. Map(s), at a scale of 1:24,000 on drafting film and corresponding to U.S.G.S. 7.5 inch topographic quadrangle maps, delineating the geographic area that is the subject of the amendment and a sufficient amount of the vicinity to adequately identify the location and issues; and

6. Proper authorization and endorsement as follows:

i. For a municipality or county, the petition shall include a resolution of the governing body authorizing submission of the petition;

ii. For a State department, the petition shall include a transmittal letter on letterhead from the departmental Commissioner or Secretary requesting consideration of the petition;

iii. For a private organization, the petition shall include a certified copy of the authorization to submit the petition; and

iv. For a private citizen, at the discretion of the petitioner, the petition may include endorsements of the amendment by public and private organizations.

(c) In cases where the petition to amend the Resource Planning and Management Map is submitted by an entity other than the municipality or county within which the subject geographic area is located, the Director of the Office of State Planning shall forward one copy of the petition to the appropriate municipal and county planning board(s) for their review and comment. If no comment is received within 90 days after mailing said petition, the municipality and/or county shall be deemed to have no comment on the petition.

(d) The State Planning Commission may, at its discretion, appoint one or several subcommittees to hear and review petitions. Only the Commission may dispose of a petition, except as set forth in (f) below.

(e) The Director of the Office of State Planning shall ensure prompt review of the petition and submit both the petition and the Director's recommendation(s) to the State Planning Commission or its duly authorized subcommittee(s), if any.

(f) The Director of the Office of State Planning may disapprove petitions to amend the Resource Planning and Management Map under the following circumstances:

1. The petition is incomplete, contains false information or is improperly submitted;

2. The petition involves land areas that have been the subject of a previous petition submitted and disposed of in accordance with this subchapter within the previous three years;

3. The petition involves land areas that are actively under regulatory review at any level of government (active regulatory review includes the filing of an application under the Municipal Land Use Law, the County Planning Act or any other State, county or Federal permit process);

4. The petition requests an amendment that conflicts with the criteria set forth in the State Development and Redevelopment Plan;

5. The petition is based on an improper application of, or a misunderstanding of, the role of the State Development and Redevelopment Plan, as described in N.J.A.C. 17:32-8.2(b);

6. In the case of planning areas, the petition involves a land area smaller than one square mile in size; or

7. For reasons not anticipated in this rule but, in the judgment of the Director of the Office of State Planning, the petition conflicts with the purposes described in N.J.A.C. 17:32-8.2 for providing this amendment process, in which case the Director shall advise the State Planning Commission to act in emergency and subsequently, but with reasonable speed, promulgate appropriate amendments to these rules.

(g) In cases where petitions are disapproved pursuant to (f) above, the Director of the Office of State Planning shall inform the petitioner and the State Planning Commission in writing of the reasons therefor.

(h) All meetings of the State Planning Commission, or its duly authorized subcommittee(s), to consider petitions shall be conducted in accordance with the Open Public Meetings Act, and opportunity shall be provided to the public at all said meetings to comment on petition(s) being considered prior to action being taken.

(i) The State Planning Commission or the Director of the Office of State Planning shall consider the petition in accordance with this subchapter within a period of 120 days after receipt of the petition, or 210 days in the event a petition is forwarded for municipal or county comment pursuant to (c) above, or in a period of time established pursuant to N.J.A.C. 17:32-8.7.

#### 17:32-8.6 Notification of disposition

(a) The Director of the Office of State Planning shall, within 30 days after State Planning Commission action, notify the petitioner in writing of the Commission's disposition of the petition.

(b) Municipalities shall provide public notice of the disposition of their petition under this subchapter, in a newspaper of general circulation within the municipality, within 30 days of their receipt of the Director's notification pursuant to (a) above. Notice shall also be sent to the planning board of the county within which the municipality is located and to the planning boards of adjoining municipalities within the same 30-day time period.

(c) Counties shall provide public notice of the disposition of their petition under this subchapter, in a newspaper of general circulation within the county, within 30 days of their receipt of the Director's notification pursuant to (a) above. Notice shall also be sent to the planning boards of all municipalities within the subject county and to the planning boards of any adjoining counties within the same 30-day time period.

(d) A private citizen or organization shall provide notice of the disposition of their petition under this subchapter, in a newspaper of general circulation within the municipality effected by the petition, within 30 days of their receipt of the Director's notification pursuant to (a) above. Notice shall also be sent to the planning boards of the subject municipality and county within the same 30-day time period.

(e) State agencies shall provide notice of the disposition of their petition under this subchapter, in a newspaper of general circulation within the county effected by the petition, within 30 days of their receipt of the Director's notification pursuant to (a) above. Notice shall also be sent to the planning boards of the subject municipality and county within the same 30-day time period.

(f) All notifications required under (b), (c), (d) and (e) shall contain, at a minimum, the following information:

1. The name and address of the person or organization that filed the petition;
2. A description of the action that was requested; and
3. A description and date of the State Planning Commission's disposition of the petition.

(g) Newspaper notices may be published as a standard legal advertisement.

#### **17:32-8.7 Suspension or extension of time requirements**

(a) At the request of the Director of the Office of State Planning, the State Planning Commission may suspend or extend the time allowed for certain actions under these rules in the event that the number of requests for amendments to the Resource Planning and Management Map exceeds the resources of the Office of State Planning to process those requests in accordance with these rules.

(b) The Director of the Office of State Planning shall notify petitioners of any suspension or extension of time periods resulting from (a) above.