

# ASSEMBLY, No. 1298

## STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

**Sponsored by:**

**Assemblyman PETER J. BIONDI**

**District 16 (Morris and Somerset)**

**Assemblyman ALEX DECROCE**

**District 26 (Morris and Passaic)**

**Co-Sponsored by:**

**Assemblyman Bateman**

**SYNOPSIS**

Requires that notice of hearing on certain zoning changes be by certified mail only.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



A1298 BIONDI, DECROCE

2

1 AN ACT concerning notice of a hearing on certain changes to a  
2 municipal zoning ordinance and amending P.L.1995, c.249.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 2 of P.L.1995, c.249 (C.40:55D-62.1) is amended to  
8 read as follows:

9 2. Notice of a hearing on an amendment to the zoning ordinance  
10 proposing a change to the classification or boundaries of a zoning  
11 district, exclusive of classification or boundary changes  
12 recommended in a periodic general reexamination of the master  
13 plan by the planning board pursuant to section 76 of P.L.1975,  
14 c.291 (C.40:55D-89), shall be given at least 10 days prior to the  
15 hearing by the municipal clerk to the owners of all real property as  
16 shown on the current tax duplicates, located, in the case of a  
17 classification change, within the district and within the State within  
18 200 feet in all directions of the boundaries of the district, and  
19 located, in the case of a boundary change, in the State within 200  
20 feet in all directions of the proposed new boundaries of the district  
21 which is the subject of the hearing.

22 A notice pursuant to this section shall state the date, time and  
23 place of the hearing, the nature of the matter to be considered and  
24 an identification of the affected zoning districts and proposed  
25 boundary changes, if any, by street names, common names or other  
26 identifiable landmarks, and by reference to lot and block numbers  
27 as shown on the current tax duplicate in the municipal tax assessor's  
28 office.

29 Notice shall be given by: (1) serving a copy thereof on the  
30 property owner as shown on the said current tax duplicate, or his  
31 agent in charge of the property, or (2) mailing a copy thereof by  
32 certified mail [and regular mail] to the property owner at his  
33 address as shown on the said current tax duplicate.

34 Notice to a partnership owner may be made by service upon any  
35 partner. Notice to a corporate owner may be made by service upon  
36 its president, a vice president, secretary or other person authorized  
37 by appointment or by law to accept service on behalf of the  
38 corporation. Notice to a condominium association, horizontal  
39 property regime, community trust or homeowners' association,  
40 because of its ownership of common elements or areas located  
41 within 200 feet of the boundaries of the district which is the subject  
42 of the hearing, may be made in the same manner as to a corporation,  
43 in addition to notice to unit owners, co-owners, or homeowners on  
44 account of such common elements or areas.

45 The municipal clerk shall execute affidavits of proof of service

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 of the notices required by this section, and shall keep the affidavits  
2 on file along with the proof of publication of the notice of the  
3 required public hearing on the proposed zoning ordinance change.  
4 Costs of the notice provision shall be the responsibility of the  
5 proponent of the amendment.  
6 (cf: P.L.1995, c.249, s.2)

7

8 2. This act shall take effect immediately.

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STATEMENT

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13 This bill amends current law concerning the provision of a notice  
14 of a hearing on an amendment to a zoning ordinance proposing a  
15 change to the classification or boundaries of a zoning district.  
16 Under current law, when notice is not given by personal service,  
17 notice of the hearing must be given by both certified and regular  
18 mail to the affected property owners. This bill would remove the  
19 requirement of regular mail notice to affected property owners,  
20 thereby requiring that this notice be made only by certified mail  
21 when notice of the hearing is not accomplished by personal service.