

SENATE, No. 3137

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED DECEMBER 10, 2009

Sponsored by:

Senator PAUL A. SARLO

District 36 (Bergen, Essex and Passaic)

SYNOPSIS

Extends expiration date of certain permits pursuant to “Permit Extension Act of 2008.”

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the extension of certain permits and approvals
2 affecting the physical development of property located within the
3 State of New Jersey, and amending P.L.2008, c.78.

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

7
8 1. Section 3 of P.L.2008, c.78 (C.40:55D-136.3) is amended to
9 read as follows:

10 3. As used in this act:

11 "Approval" means, except as otherwise provided in section 4 of
12 this act, any approval of a soil erosion and sediment control plan
13 granted by a local soil conservation district under the authority
14 conferred by R.S.4:24-22 et seq., waterfront development permit
15 issued pursuant to R.S.12:5-1 et seq., permit issued pursuant to
16 "The Wetlands Act of 1970," P.L.1970, c.272 (C.13:9A-1 et seq.),
17 permit issued pursuant to the "Freshwater Wetlands Protection
18 Act," P.L.1987, c.156 (C.13:9B-1 et al.), approval of an application
19 for development granted by the Delaware and Raritan Canal
20 Commission pursuant to the "Delaware and Raritan Canal State
21 Park Law of 1974," P.L.1974, c.118 (C.13:13A-1 et seq.), permit
22 issued by the New Jersey Meadowlands Commission pursuant to
23 the "Hackensack Meadowlands Reclamation and Development
24 Act," P.L.1968, c.404 (C.13:17-1 et al.), approval of an application
25 for development granted by the Pinelands Commission and
26 determination of municipal and county plan conformance pursuant
27 to the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et
28 seq.), permit issued and center designations pursuant to the "Coastal
29 Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.),
30 septic approval granted pursuant to Title 26 of the Revised Statutes,
31 permit granted pursuant to R.S.27:7-1 et seq. or any supplement
32 thereto, right-of-way permit issued by the Department of
33 Transportation pursuant to paragraph (3) of subsection (h) of
34 section 5 of P.L.1966, c.301 (C.27:1A-5), approval granted by a
35 sewerage authority pursuant to the "sewerage authorities law,"
36 P.L.1946, c.138 (C.40:14A-1 et seq.), approval granted by a
37 municipal authority pursuant to the "municipal and county utilities
38 authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.), approval
39 issued by a county planning board pursuant to chapter 27 of Title 40
40 of the Revised Statutes, preliminary and final approval granted in
41 connection with an application for development pursuant to the
42 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.),
43 permit granted pursuant to the "State Uniform Construction Code
44 Act," P.L.1975, c.217 (C.52:27D-119 et seq.), plan endorsement
45 and center designations pursuant to the "State Planning Act,"

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 P.L.1985, c.398 (C.52:18A-196 et al.), permit or certification
2 issued pursuant to the "Water Supply Management Act," P.L.1981,
3 c.262 (C.58:1A-1 et al.), permit granted authorizing the drilling of a
4 well pursuant to P.L.1947, c.377 (C.58:4A-5 et seq.), certification
5 or permit granted, exemption from a sewerage connection ban
6 granted, wastewater management plan approved, and pollution
7 discharge elimination system permit pursuant to the "Water
8 Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.),
9 certification granted pursuant to "The Realty Improvement
10 Sewerage and Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23
11 et seq.), certification or approval granted pursuant to P.L.1971,
12 c.386 (C.58:11-25.1 et al.), certification issued and water quality
13 management plan approved pursuant to the "Water Quality Planning
14 Act," P.L.1977, c.75 (C.58:11A-1 et seq.), approval granted
15 pursuant to the "Safe Drinking Water Act," P.L.1977, c.224
16 (C.58:12A-1 et al.), permit issued pursuant to the "Flood Hazard
17 Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.), any
18 municipal, county, regional, or State approval or permit granted
19 under the general authority conferred by State law or rule or
20 regulation, or any other government authorization of any
21 development application or any permit related thereto whether that
22 authorization is in the form of a permit, approval, license,
23 certification, permission, determination, interpretation, exemption,
24 variance, exception, waiver, letter of interpretation, no further
25 action letter, agreement or any other executive or administrative
26 decision which allows a development or governmental project to
27 proceed.

28 "Development" means the division of a parcel of land into two or
29 more parcels, the construction, reconstruction, conversion,
30 structural alteration, relocation or enlargement of any building or
31 other structure or facility, or of any grading, soil removal or
32 relocation, excavation or landfill or any use or change in the use of
33 any building or other structure or land or extension of the use of
34 land.

35 "Environmentally sensitive area" means an area designated
36 pursuant to the State Development and Redevelopment Plan
37 adopted, as of the effective date of this act, pursuant to P.L.1985,
38 c.398 (C.52:18A-196 et al.) as Planning Area 4B
39 (Rural/Environmentally Sensitive), Planning Area 5
40 (Environmentally Sensitive), or a critical environmental site; the
41 Highlands Region as defined in section 3 of P.L.2004, c.120
42 (C.13:20-3) but shall not include any area designated for growth in
43 the Highlands regional master plan adopted by the Highlands Water
44 Protection and Planning Council pursuant to P.L.2004, c.120
45 (C.13:20-1 et al.); and the pinelands area designated in section 10 of
46 P.L.1979, c.111 (C.13:18A-11) but shall not include any growth
47 area designated in the comprehensive management plan prepared

S3137 SARLO

4

1 and adopted by the Pinelands Commission pursuant to section 7 of
2 the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-8).

3 "Extension period" means the period beginning January 1, 2007
4 and continuing through ~~July 1, 2010~~ December 31, 2012 .

5 "Government" means any municipal, county, regional, or State
6 government, or any agency, department, commission or other
7 instrumentality thereof.

8 (cf: P.L.2008, c.78, s.3)

9

10 2. This act shall take effect immediately.

11

12

13

STATEMENT

14

15 Under this bill, the "extension period," as defined in the "Permit
16 Extension Act of 2008," P.L.2008, c.78 (C.40:55D-136.1 et seq.),
17 would be extended until December 31, 2012, rather than July 1,
18 2010 as provided in current law.

19 Thus, under this bill, government approvals, as defined and
20 extended by the "Permit Extension Act of 2008," would continue to
21 be valid until December 31, 2012. In accordance with the tolling
22 provision provided in the "Permit Extension Act of 2008," no
23 approval would be extended beyond six months after the conclusion
24 of the extension period, or until June 30, 2013 under this bill.