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District 14 (Mercer and Middlesex)

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Assemblywoman Pinkin, Assemblyman Calabrese, Assemblywoman Vainieri Huttle, Assemblymen Armato, Mazzeo, McKeon, Karabinchak, Houghtaling, Chiaravalloti and Assemblywoman McKnight

SYNOPSIS
Encourages local units to plan for electric vehicle charging infrastructure.

CURRENT VERSION OF TEXT
As amended by the General Assembly on May 23, 2019.

(Sponsorship Updated As Of: 6/11/2019)
A1371 [1R] KENNEDY, JOHNSON

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AN ACT encouraging local units to plan for electric vehicle charging infrastructure, and amending P.L.1975, c.291, and P.L.1992, c.79.

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

1. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to read as follows:

19. Preparation; contents; modification.

a. The planning board may prepare and, after public hearing, adopt or amend a master plan or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare.

b. The master plan shall generally comprise a report or statement and land use and development proposals, with maps, diagrams and text, presenting, at least the following elements (1) and (2) and, where appropriate, the following elements (3) through (16):

(1) A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based;

(2) A land use plan element

(a) taking into account and stating its relationship to the statement provided for in paragraph (1) hereof, and other master plan elements provided for in paragraphs (3) through (14) hereof and natural conditions, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodlands;

(b) showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, open space, educational and other public and private purposes or combination of purposes including any provisions for cluster development; and stating the relationship thereof to the existing and any proposed zone plan and zoning ordinance;

(c) showing the existing and proposed location of any airports and the boundaries of any airport safety zones delineated pursuant to the "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et al.);

(d) including a statement of the standards of population density and development intensity recommended for the municipality;

(e) showing the existing and proposed location of military facilities and incorporating strategies to minimize undue

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.
Matter enclosed in superscript numerals has been adopted as follows:

1Assembly floor amendments adopted May 23, 2019.
encroachment upon, and conflicts with, military facilities, including
but not limited to: limiting heights of buildings and structures
nearby flight paths or sight lines of aircraft; buffering residential
areas from noise associated with a military facility; and allowing for
the potential expansion of military facilities. [and]

(f) including, for any land use element adopted after the
effective date of P.L.2017, c.275, a statement of strategy
concerning:

(i) smart growth which, in part, shall consider potential
locations for the installation of electric vehicle charging stations,
(ii) storm resiliency with respect to energy supply, flood-prone
areas, and environmental infrastructure, and
(iii) environmental sustainability; and

(g) showing the existing and proposed location of public electric
vehicle charging infrastructure;

(3) A housing plan element pursuant to section 10 of P.L.1985,
c.222 (C.52:27D-310), including, but not limited to, residential
standards and proposals for the construction and improvement of
housing;

(4) A circulation plan element showing the location and types of
facilities for all modes of transportation required for the efficient
movement of people and goods into, about, and through the
municipality, taking into account the functional highway
classification system of the Federal Highway Administration [and],
the types, locations, conditions and availability of existing and
proposed transportation facilities, including air, water, road and rail,
and identifying existing and proposed locations for public electric
vehicle charging infrastructure;

(5) A utility service plan element analyzing the need for and
showing the future general location of water supply and distribution
facilities, drainage and flood control facilities, sewerage and waste
treatment, solid waste disposal and provision for other related
utilities, and including any storm water management plan required
pursuant to the provisions of P.L.1981, c.32 (C.40:55D-93 et al.). If
a municipality prepares a utility service plan element as a condition
for adopting a development transfer ordinance pursuant to
subsection c. of section 4 of P.L.2004, c.2 (C.40:55D-140), the plan
element shall address the provision of utilities in the receiving zone
as provided thereunder;

(6) A community facilities plan element showing the existing
and proposed location and type of educational or cultural facilities,
historic sites, libraries, hospitals, firehouses, police stations and
other related facilities, including their relation to the surrounding
areas;

(7) A recreation plan element showing a comprehensive system
of areas and public sites for recreation;

(8) A conservation plan element providing for the preservation,
conservation, and utilization of natural resources, including, to the
extent appropriate, energy, open space, water supply, forests, soil, marshes, wetlands, harbors, rivers and other waters, fisheries, endangered or threatened species wildlife and other resources, and which systemically analyzes the impact of each other component and element of the master plan on the present and future preservation, conservation and utilization of those resources;

(9) An economic plan element considering all aspects of economic development and sustained economic vitality, including (a) a comparison of the types of employment expected to be provided by the economic development to be promoted with the characteristics of the labor pool resident in the municipality and nearby areas and (b) an analysis of the stability and diversity of the economic development to be promoted;

(10) An historic preservation plan element: (a) indicating the location and significance of historic sites and historic districts; (b) identifying the standards used to assess worthiness for historic site or district identification; and (c) analyzing the impact of each component and element of the master plan on the preservation of historic sites and districts;

(11) Appendices or separate reports containing the technical foundation for the master plan and its constituent elements;

(12) A recycling plan element which incorporates the State Recycling Plan goals, including provisions for the collection, disposition and recycling of recyclable materials designated in the municipal recycling ordinance, and for the collection, disposition and recycling of recyclable materials within any development proposal for the construction of 50 or more units of single-family residential housing or 25 or more units of multi-family residential housing and any commercial or industrial development proposal for the utilization of 1,000 square feet or more of land;

(13) A farmland preservation plan element, which shall include: an inventory of farm properties and a map illustrating significant areas of agricultural land; a statement showing that municipal ordinances support and promote agriculture as a business; and a plan for preserving as much farmland as possible in the short term by leveraging moneys made available by P.L.1999, c.152 (C.13:8C-1 et al.) through a variety of mechanisms including, but not limited to, utilizing option agreements, installment purchases, and encouraging donations of permanent development easements;

(14) A development transfer plan element which sets forth the public purposes, the locations of sending and receiving zones and the technical details of a development transfer program based on the provisions of section 5 of P.L.2004, c.2 (C.40:55D-141);

(15) An educational facilities plan element which incorporates the purposes and goals of the "long-range facilities plan" required to be submitted to the Commissioner of Education by a school district pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4); and
A green buildings and environmental sustainability plan element, which shall provide for, encourage, and promote the efficient use of natural resources and the installation and usage of renewable energy systems; consider, encourage and promote the development of public electric vehicle charging infrastructure in appropriate locations, including but not limited to, commercial districts and areas proximate to public transportation facilities and transportation corridors; consider the impact of buildings on the local, regional and global environment; allow ecosystems to function naturally; conserve and reuse water; treat storm water on-site; and optimize climatic conditions through site orientation and design.

c. The master plan and its plan elements may be divided into subplans and subplan elements projected according to periods of time or staging sequences.

d. The master plan shall include a specific policy statement indicating the relationship of the proposed development of the municipality, as developed in the master plan to (1) the master plans of contiguous municipalities, (2) the master plan of the county in which the municipality is located, (3) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.) and (4) the district solid waste management plan required pursuant to the provisions of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) of the county in which the municipality is located.

In the case of a municipality situated within the Highlands Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the master plan shall include a specific policy statement indicating the relationship of the proposed development of the municipality, as developed in the master plan, to the Highlands regional master plan adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8). (cf: P.L.2017, c.275, s.1)

1. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to read as follows:

  a. The planning board may prepare and, after public hearing, adopt or amend a master plan or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare.

  b. The master plan shall generally comprise a report or statement and land use and development proposals, with maps, diagrams and text, presenting, at least the following elements (1) and (2) and, where appropriate, the following elements (3) through (17):

  1) A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based;
(2) A land use plan element
   (a) taking into account and stating its relationship to the statement
   provided for in paragraph (1) hereof, and other master plan elements
   provided for in paragraphs (3) through (14) hereof and natural
   conditions, including, but not necessarily limited to, topography, soil
   conditions, water supply, drainage, flood plain areas, marshes, and
   woodlands;
   (b) showing the existing and proposed location, extent and
   intensity of development of land to be used in the future for varying
   types of residential, commercial, industrial, agricultural, recreational,
   open space, educational and other public and private purposes or
   combination of purposes including any provisions for cluster
   development; and stating the relationship thereof to the existing and
   any proposed zone plan and zoning ordinance;
   (c) showing the existing and proposed location of any airports and
   the boundaries of any airport safety zones delineated pursuant to the
   al.);
   (d) including a statement of the standards of population density
   and development intensity recommended for the municipality;
   (e) showing the existing and proposed location of military
   facilities and incorporating strategies to minimize undue encroachment
   upon, and conflicts with, military facilities, including but not limited
   to: limiting heights of buildings and structures nearby flight paths or
   sight lines of aircraft; buffering residential areas from noise associated
   with a military facility; and allowing for the potential expansion of
   military facilities; [and]
   (f) including, for any land use element adopted after the effective
   date of P.L.2017, c.275, a statement of strategy concerning:
      (i) smart growth which, in part, shall consider potential locations
      for the installation of electric vehicle charging stations,
      (ii) storm resiliency with respect to energy supply, flood-prone
      areas, and environmental infrastructure, and
      (iii) environmental sustainability; and
   (g) showing the existing and proposed location of public electric
      vehicle charging infrastructure;
   (3) A housing plan element pursuant to section 10 of P.L.1985,
      c.222 (C.52:27D-310), including, but not limited to, residential
      standards and proposals for the construction and improvement of
      housing;
   (4) A circulation plan element showing the location and types of
      facilities for all modes of transportation required for the efficient
      movement of people and goods into, about, and through the
      municipality, taking into account the functional highway classification
      system of the Federal Highway Administration [and], the types,
      locations, conditions and availability of existing and proposed
      transportation facilities, including air, water, road and rail, and
identifying existing and proposed locations for public electric vehicle charging infrastructure;

(5) A utility service plan element analyzing the need for and showing the future general location of water supply and distribution facilities, drainage and flood control facilities, sewerage and waste treatment, solid waste disposal and provision for other related utilities, and including any storm water management plan required pursuant to the provisions of P.L.1981, c.32 (C.40:55D-93 et al.). If a municipality prepares a utility service plan element as a condition for adopting a development transfer ordinance pursuant to subsection c. of section 4 of P.L.2004, c.2 (C.40:55D-140), the plan element shall address the provision of utilities in the receiving zone as provided thereunder;

(6) A community facilities plan element showing the existing and proposed location and type of educational or cultural facilities, historic sites, libraries, hospitals, firehouses, police stations and other related facilities, including their relation to the surrounding areas;

(7) A recreation plan element showing a comprehensive system of areas and public sites for recreation;

(8) A conservation plan element providing for the preservation, conservation, and utilization of natural resources, including, to the extent appropriate, energy, open space, water supply, forests, soil, marshes, wetlands, harbors, rivers and other waters, fisheries, endangered or threatened species wildlife and other resources, and which systemically analyzes the impact of each other component and element of the master plan on the present and future preservation, conservation and utilization of those resources;

(9) An economic plan element considering all aspects of economic development and sustained economic vitality, including (a) a comparison of the types of employment expected to be provided by the economic development to be promoted with the characteristics of the labor pool resident in the municipality and nearby areas and (b) an analysis of the stability and diversity of the economic development to be promoted;

(10) An historic preservation plan element: (a) indicating the location and significance of historic sites and historic districts; (b) identifying the standards used to assess worthiness for historic site or district identification; and (c) analyzing the impact of each component and element of the master plan on the preservation of historic sites and districts;

(11) Appendices or separate reports containing the technical foundation for the master plan and its constituent elements;

(12) A recycling plan element which incorporates the State Recycling Plan goals, including provisions for the collection, disposition and recycling of recyclable materials designated in the municipal recycling ordinance, and for the collection, disposition and recycling of recyclable materials within any development proposal for the construction of 50 or more units of single-family residential
housing or 25 or more units of multi-family residential housing and
any commercial or industrial development proposal for the utilization
of 1,000 square feet or more of land;

(13) A farmland preservation plan element, which shall include:
an inventory of farm properties and a map illustrating significant areas
of agricultural land; a statement showing that municipal ordinances
support and promote agriculture as a business; and a plan for
preserving as much farmland as possible in the short term by
leveraging moneys made available by P.L.1999, c.152 (C.13:8C-1 et
al.) through a variety of mechanisms including, but not limited to,
utilizing option agreements, installment purchases, and encouraging
donations of permanent development easements;

(14) A development transfer plan element which sets forth the
public purposes, the locations of sending and receiving zones and the
technical details of a development transfer program based on the
provisions of section 5 of P.L.2004, c.2 (C.40:55D-141);

(15) An educational facilities plan element which incorporates the
purposes and goals of the "long-range facilities plan" required to be
submitted to the Commissioner of Education by a school district
pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4);

(16) A green buildings and environmental sustainability plan
element, which shall provide for, encourage, and promote the efficient
use of natural resources and the installation and usage of renewable
energy systems; consider, encourage and promote the development of
public electric vehicle charging infrastructure in locations appropriate
for their development, including but not limited to, commercial
districts, areas proximate to public transportation and transit facilities
and transportation corridors, and public rest stops; consider the impact
of buildings on the local, regional and global environment; allow
ecosystems to function naturally; conserve and reuse water; treat storm
water on-site; and optimize climatic conditions through site orientation
and design; and

(17) A public access plan element that provides for, encourages,
and promotes permanently protected public access to all tidal waters
and adjacent shorelines consistent with the public trust doctrine, and
which shall include a map and inventory of public access points,
public facilities that support access, parking, boat ramps, and marinas;
an assessment of the need for additional public access; a statement of
goals and administrative mechanisms to ensure that access will be
permanently protected; and a strategy that describes the forms of
access to satisfy the need for such access with an implementation
schedule and tools for implementation.

c. The master plan and its plan elements may be divided into
subplans and subplan elements projected according to periods of time
or staging sequences.

d. The master plan shall include a specific policy statement
indicating the relationship of the proposed development of the
municipality, as developed in the master plan to (1) the master plans of
contiguous municipalities, (2) the master plan of the county in which
the municipality is located, (3) the State Development and
Redevelopment Plan adopted pursuant to the "State Planning Act,"
sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.) and
(4) the district solid waste management plan required pursuant to the
(C.13:1E-1 et seq.) of the county in which the municipality is located.
In the case of a municipality situated within the Highlands Region,
as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the master plan
shall include a specific policy statement indicating the relationship of
the proposed development of the municipality, as developed in the
master plan, to the Highlands regional master plan adopted pursuant to
section 8 of P.L.2004, c.120 (C.13:20-8).

2. Section 76 of P.L.1975, c.291 (C.40:55D-89) is amended to
read as follows:

76. Periodic examination. The governing body shall, at least
every 10 years, provide for a general reexamination of its master
plan and development regulations by the planning board, which
shall prepare and adopt by resolution a report on the findings of
such reexamination, a copy of which report and resolution shall be
sent to the Office of Planning Advocacy and the county planning
board. A notice that the report and resolution have been prepared
shall be sent to any military facility commander who has registered
with the municipality pursuant to section 1 of P.L.2005, c.41
(C.40:55D-12.4) and to the municipal clerk of each adjoining
municipality, who may request a copy of the report and resolution
on behalf of the military facility or municipality. A reexamination
shall be completed at least once every 10 years from the previous
reexamination.

The reexamination report shall state:

a. The major problems and objectives relating to land
development in the municipality at the time of the adoption of the
last reexamination report.
b. The extent to which such problems and objectives have been
reduced or have increased subsequent to such date.
c. The extent to which there have been significant changes in
the assumptions, policies, and objectives forming the basis for the
master plan or development regulations as last revised, with
particular regard to the density and distribution of population and
land uses, housing conditions, circulation, conservation of natural
resources, energy conservation, collection, disposition, and
recycling of designated recyclable materials, and changes in State,
county and municipal policies and objectives.
d. The specific changes recommended for the master plan or
development regulations, if any, including underlying objectives,
policies and standards, or whether a new plan or regulations should be prepared.

e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

f. The recommendations of the planning board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts [land], [are] areas proximate to public transportation [and transit] facilities and transportation corridors [and public rest stops]; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.

(cf: P.L.2016, c.21, s.6)

3. Section 7 of P.L.1992, c.79 (C.40A:12A-7) is amended to read as follows:

7. a. No redevelopment project shall be undertaken or carried out except in accordance with a redevelopment plan adopted by ordinance of the municipal governing body, upon its finding that the specifically delineated project area is located in an area in need of redevelopment or in an area in need of rehabilitation, or in both, according to criteria set forth in section 5 or section 14 of P.L.1992, c.79 (C.40A:12A-5 or 40A:12A-14), as appropriate.

The redevelopment plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

1. Its relationship to definite local objectives as to appropriate land uses, density of population, [the development of public electric vehicle charging infrastructure in appropriate locations,] and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.

2. Proposed land uses and building requirements in the project area.

3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.

4. An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
(5) Any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities, (b) the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.).

(6) As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.

(7) A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan. Displaced residents of housing units provided under any State or federal housing subsidy program, or pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), provided they are deemed to be eligible, shall have first priority for those replacement units provided under the plan; provided that any such replacement unit shall not be credited against a prospective municipal obligation under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), if the housing unit which is removed had previously been credited toward satisfying the municipal fair share obligation. To the extent reasonably feasible, replacement housing shall be provided within or in close proximity to the redevelopment area. A municipality shall report annually to the Department of Community Affairs on its progress in implementing the plan for provision of comparable, affordable replacement housing required pursuant to this section.

(8) Proposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.¹

b. A redevelopment plan may include the provision of affordable housing in accordance with the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) and the housing element of the municipal master plan.

c. The redevelopment plan shall describe its relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.). The redevelopment plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area. When the redevelopment plan supersedes any provision of the development regulations, the ordinance adopting the redevelopment plan shall
contain an explicit amendment to the zoning district map included
in the zoning ordinance. The zoning district map as amended shall
indicate the redevelopment area to which the redevelopment plan
applies. Notwithstanding the provisions of the "Municipal Land
Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or of other law, no
notice beyond that required for adoption of ordinances by the
municipality shall be required for the hearing on or adoption of the
redevelopment plan or subsequent amendments thereof.

d. All provisions of the redevelopment plan shall be either
substantially consistent with the municipal master plan or designed
to effectuate the master plan; but the municipal governing body may
adopt a redevelopment plan which is inconsistent with or not
designed to effectuate the master plan by affirmative vote of a
majority of its full authorized membership with the reasons for so
acting set forth in the redevelopment plan.

e. Prior to the adoption of a redevelopment plan, or revision or
amendment thereto, the planning board shall transmit to the
governing body, within 45 days after referral, a report containing its
recommendation concerning the redevelopment plan. This report
shall include an identification of any provisions in the proposed
redevelopment plan which are inconsistent with the master plan and
recommendations concerning these inconsistencies and any other
matters as the board deems appropriate. The governing body, when
considering the adoption of a redevelopment plan or revision or
amendment thereof, shall review the report of the planning board
and may approve or disapprove or change any recommendation by a
vote of a majority of its full authorized membership and shall
record in its minutes the reasons for not following the
recommendations. Failure of the planning board to transmit its
report within the required 45 days shall relieve the governing body
from the requirements of this subsection with regard to the pertinent
proposed redevelopment plan or revision or amendment thereof.
Nothing in this subsection shall diminish the applicability of the
provisions of subsection d. of this section with respect to any
redevelopment plan or revision or amendment thereof.

f. The governing body of a municipality may direct the
planning board to prepare a redevelopment plan or an amendment
or revision to a redevelopment plan for a designated redevelopment
area. After completing the redevelopment plan, the planning board
shall transmit the proposed plan to the governing body for its
adoption. The governing body, when considering the proposed
plan, may amend or revise any portion of the proposed
redevelopment plan by an affirmative vote of the majority of its full
authorized membership and shall record in its minutes the reasons
for each amendment or revision. When a redevelopment plan or
amendment to a redevelopment plan is referred to the governing
body by the planning board under this subsection, the governing
body shall be relieved of the referral requirements of subsection e.

of this section.

(cf: P.L.2008, c.46, s.2)

4. This act shall take effect immediately.