

# SENATE, No. 2607

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 25, 2020

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Requires land use plan element of municipal master plan to include climate change-related hazard vulnerability assessment.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning municipal master plans, amending P.L.1975,  
2 c.291, and supplementing Title 13 of the Revised Statutes.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to  
8 read as follows:

9 19. Preparation; contents; modification.

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

14 b. The master plan shall generally comprise a report or  
15 statement and land use and development proposals, with maps,  
16 diagrams and text, presenting, at least the following elements (1)  
17 and (2) and, where appropriate, the following elements (3) through  
18 (17):

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

22 (2) A land use plan element

23 (a) taking into account and stating its relationship to the  
24 statement provided for in paragraph (1) hereof, and other master  
25 plan elements provided for in paragraphs (3) through **[(14)]** (17)  
26 hereof and natural conditions, including, but not necessarily limited  
27 to, topography, soil conditions, water supply, drainage, flood plain  
28 areas, marshes, and woodlands;

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

36 (c) showing the existing and proposed location of any airports  
37 and the boundaries of any airport safety zones delineated pursuant  
38 to the "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-  
39 80 et al.);

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

42 (e) showing the existing and proposed location of military  
43 facilities and incorporating strategies to minimize undue  
44 encroachment upon, and conflicts with, military facilities, including  
45 but not limited to: limiting heights of buildings and structures

**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 nearby flight paths or sight lines of aircraft; buffering residential  
2 areas from noise associated with a military facility; and allowing for  
3 the potential expansion of military facilities;

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

7 (i) smart growth which, in part, shall consider potential  
8 locations for the installation of electric vehicle charging stations,

9 (ii) storm resiliency with respect to energy supply, flood-prone  
10 areas, and environmental infrastructure, and

11 (iii) environmental sustainability; **[and]**

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

14 (h) including, for any land use plan element adopted after the  
15 effective date of P.L. , c. (pending before the Legislature as this  
16 bill), a climate change-related hazard vulnerability assessment  
17 which shall (i) consider environmental effects and extreme weather-  
18 related events associated with climate change, including, but not  
19 limited to, temperature, drought, and sea-level rise, and (ii) contain  
20 measures to mitigate reasonably anticipated natural hazards,  
21 including, but not limited to, coastal storms, shoreline erosion,  
22 flooding, storm surge, and wind, following best management  
23 practices recommended by the Federal Emergency Management  
24 Agency;

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

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

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

- 1       (6) A community facilities plan element showing the existing  
2       and proposed location and type of educational or cultural facilities,  
3       historic sites, libraries, hospitals, firehouses, police stations and  
4       other related facilities, including their relation to the surrounding  
5       areas;
- 6       (7) A recreation plan element showing a comprehensive system  
7       of areas and public sites for recreation;
- 8       (8) A conservation plan element providing for the preservation,  
9       conservation, and utilization of natural resources, including, to the  
10      extent appropriate, energy, open space, water supply, forests, soil,  
11      marshes, wetlands, harbors, rivers and other waters, fisheries,  
12      endangered or threatened species wildlife and other resources, and  
13      which systemically analyzes the impact of each other component  
14      and element of the master plan on the present and future  
15      preservation, conservation and utilization of those resources;
- 16      (9) An economic plan element considering all aspects of  
17      economic development and sustained economic vitality, including  
18      (a) a comparison of the types of employment expected to be  
19      provided by the economic development to be promoted with the  
20      characteristics of the labor pool resident in the municipality and  
21      nearby areas and (b) an analysis of the stability and diversity of the  
22      economic development to be promoted;
- 23      (10) An historic preservation plan element: (a) indicating the  
24      location and significance of historic sites and historic districts; (b)  
25      identifying the standards used to assess worthiness for historic site  
26      or district identification; and (c) analyzing the impact of each  
27      component and element of the master plan on the preservation of  
28      historic sites and districts;
- 29      (11) Appendices or separate reports containing the technical  
30      foundation for the master plan and its constituent elements;
- 31      (12) A recycling plan element which incorporates the State  
32      Recycling Plan goals, including provisions for the collection,  
33      disposition and recycling of recyclable materials designated in the  
34      municipal recycling ordinance, and for the collection, disposition  
35      and recycling of recyclable materials within any development  
36      proposal for the construction of 50 or more units of single-family  
37      residential housing or 25 or more units of multi-family residential  
38      housing and any commercial or industrial development proposal for  
39      the utilization of 1,000 square feet or more of land;
- 40      (13) A farmland preservation plan element, which shall include:  
41      an inventory of farm properties and a map illustrating significant  
42      areas of agricultural land; a statement showing that municipal  
43      ordinances support and promote agriculture as a business; and a  
44      plan for preserving as much farmland as possible in the short term  
45      by leveraging moneys made available by P.L.1999, c.152 (C.13:8C-  
46      1 et al.) through a variety of mechanisms including, but not limited  
47      to, utilizing option agreements, installment purchases, and  
48      encouraging donations of permanent development easements;

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

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

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

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

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

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

46 In the case of a municipality situated within the Highlands  
47 Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the  
48 master plan shall include a specific policy statement indicating the

1 relationship of the proposed development of the municipality, as  
2 developed in the master plan, to the Highlands regional master plan  
3 adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).  
4 (cf: P.L.2019, c.267, s.1)

5  
6 2. (New section) Upon request by a planning board, the  
7 Department of Environmental Protection shall provide technical  
8 assistance to a municipality preparing a climate change related  
9 hazard vulnerability assessment pursuant to subparagraph (g) of  
10 paragraph (2) of subsection b. of section 19 of P.L.1975, c.291  
11 (C.40:55D-28).

12  
13 3. This act shall take effect immediately.

14  
15  
16 STATEMENT

17  
18 This bill would require that the land use plan element of a  
19 municipal master plan include a climate change-related hazard  
20 vulnerability assessment. This assessment would consider  
21 environmental effects associated with climate change and extreme  
22 weather-related events including, but not limited to, temperature,  
23 drought, and sea-level rise, and contain measures to mitigate  
24 reasonably anticipated natural hazards, including, but not limited to,  
25 coastal storms, shoreline erosion, flooding, storm surge, and wind,  
26 following best management practices recommended by the Federal  
27 Emergency Management Agency.

28 Under current law, the land use plan element of a municipal  
29 master plan is required to include a statement of strategy  
30 concerning: (1) smart growth, including consideration of potential  
31 locations for the installation of electric vehicle charging stations;  
32 (2) storm resiliency with respect to energy supply, flood-prone  
33 areas, and environmental infrastructure; and (3) environmental  
34 sustainability. This bill would expand on these requirements, and  
35 apply to any land use plan element adopted after the date the bill is  
36 enacted into law.

37 The bill would also require the Department of Environmental  
38 Protection, upon request by a planning board, to provide technical  
39 assistance to a municipality preparing a climate change-related  
40 hazard vulnerability assessment required by the bill.