

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 3688

STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED MAY 20, 2021

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator TROY SINGLETON

District 7 (Burlington)

Co-Sponsored by:

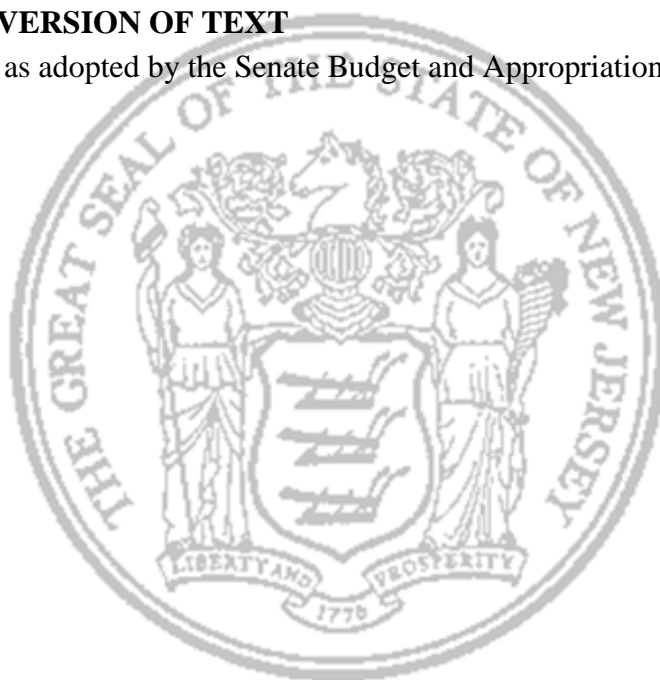
Senators Addiego and Turner

SYNOPSIS

Provides for regional economic and land use impact report and establishes review processes related to development of certain large warehouses; and requires related real property reassessments.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Budget and Appropriations Committee.



(Sponsorship Updated As Of: 12/2/2021)

1 AN ACT concerning the approval of certain large warehouse
2 development projects and related municipal land reassessment
3 concerns, supplementing and amending P.L.1975, c.291
4 (C.40:55D-1 et seq.); and supplementing chapter 4 of Title 54 of
5 the Revised Statutes.

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

9
10 1. (New section) The Legislature finds and declares that:

11 a. The development of new types of large warehouses within a
12 host municipality often result in land use, traffic, environmental,
13 economic, fiscal, and social equity effects beyond the boundaries of
14 the host municipality, and may adversely impact the overall region
15 in which the large warehouse is being proposed for development;

16 b. It is important for a host municipality to have an updated
17 master plan before the approval of a large warehouse in order for a
18 host municipality to identify suitable areas within the municipality
19 for commercial and economic development that does not conflict
20 with the municipality's need to protect farming areas, open space,
21 recreation areas, and areas of historic and cultural significance;

22 c. Additionally, it is critical for a municipality that has approved
23 the development of a large warehouse to re-assess all real property
24 in the municipality thereby helping to equalize the revenue
25 requirements within the municipality; and

26 d. Therefore, in the interest of Statewide public health, safety,
27 and welfare, it is essential to require each municipality to withhold
28 individual land use approvals of large warehouses until the potential
29 effects of the development of a large warehouse on the host
30 municipality, certain adjoining municipalities, and on the entire
31 region is assessed and approved.

32
33 2. Section 3 of P.L.1975, c.291 (C.40:55D-3) is amended to read
34 as follows:

35 3. For the purposes of this act, unless the context clearly
36 indicates a different meaning:

37 The term "shall" indicates a mandatory requirement, and the term
38 "may" indicates a permissive action.

39 "Administrative officer" means the clerk of the municipality,
40 unless a different municipal official or officials are designated by
41 ordinance or statute.

42 "Adjoining municipality" means a municipality that shares a
43 municipal boundary with another municipality.

44 "Agricultural restriction" means an "agricultural deed restriction

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 for farmland preservation purposes" as defined in section 3 of
2 P.L.1983, c.32 (C.4:1C-13).

3 "Agricultural land" means "farmland" as defined pursuant to
4 section 3 of P.L.1999, c.152 (C.13:8C-3).

5 "Applicant" means a developer submitting an application for
6 development.

7 "Application for development" means the application form and
8 all accompanying documents required by ordinance for approval of
9 a subdivision plat, site plan, planned development, cluster
10 development, conditional use, zoning variance or direction of the
11 issuance of a permit pursuant to section 25 or section 27 of
12 P.L.1975, c.291 (C.40:55D-34 or C.40:55D-36).

13 "Approving authority" means the planning board of the
14 municipality, unless a different agency is designated by ordinance
15 when acting pursuant to the authority of P.L.1975, c.291
16 (C.40:55D-1 et seq.).

17 "Board of adjustment" means the board established pursuant to
18 section 56 of P.L.1975, c.291 (C.40:55D-69).

19 "Building" means a combination of materials to form a
20 construction adapted to permanent, temporary, or continuous
21 occupancy and having a roof.

22 "Cable television company" means a cable television company as
23 defined pursuant to section 3 of P.L.1972, c.186 (C.48:5A-3).

24 "Capital improvement" means a governmental acquisition of real
25 property or major construction project.

26 "Circulation" means systems, structures and physical
27 improvements for the movement of people, goods, water, air,
28 sewage or power by such means as streets, highways, railways,
29 waterways, towers, airways, pipes and conduits, and the handling of
30 people and goods by such means as terminals, stations, warehouses,
31 and other storage buildings or transshipment points.

32 "Cluster development" means a contiguous cluster or
33 noncontiguous cluster that is not a planned development.

34 "Common open space" means an open space area within or
35 related to a site designated as a development, and designed and
36 intended for the use or enjoyment of residents and owners of the
37 development. Common open space may contain such
38 complementary structures and improvements as are necessary and
39 appropriate for the use or enjoyment of residents and owners of the
40 development.

41 "Conditional use" means a use permitted in a particular zoning
42 district only upon a showing that such use in a specified location
43 will comply with the conditions and standards for the location or
44 operation of such use as contained in the zoning ordinance, and
45 upon the issuance of an authorization therefor by the planning
46 board.

47 "Conservation restriction" means a "conservation restriction" as
48 defined in section 2 of P.L.1979, c.378 (C.13:8B-2).

1 "Contiguous cluster" means a contiguous area to be developed as
2 a single entity according to a plan containing a section or sections
3 to be developed for residential purposes, nonresidential purposes, or
4 a combination thereof, at a greater concentration of density or
5 intensity of land use than authorized within the section or sections
6 under conventional development, in exchange for the permanent
7 preservation of another section or other sections of the area as
8 common or public open space, or for historic or agricultural
9 purposes, or a combination thereof.

10 "Conventional" means development other than cluster
11 development or planned development.

12 "County agriculture development board" or "CADB" means a
13 county agriculture development board established by a county
14 pursuant to the provisions of section 7 of P.L.1983, c.32 (C.4:1C-
15 14).

16 "County master plan" means a composite of the master plan for
17 the physical development of the county in which the municipality is
18 located, with the accompanying maps, plats, charts and descriptive
19 and explanatory matter adopted by the county planning board
20 pursuant to R.S.40:27-2 and R.S.40:27-4.

21 "County planning board" means the county planning board, as
22 defined in section 1 of P.L.1968, c.285 (C.40:27-6.1), of the county
23 in which the land or development is located.

24

25 3. Section 3.1 of P.L.1975, c.291 (C.40:55D-4) is amended to
26 read as follows:

27 3.1. "Days" means calendar days.

28 "Density" means the permitted number of dwelling units per
29 gross area of land that is the subject of an application for
30 development, including noncontiguous land, if authorized by
31 municipal ordinance or by a planned development.

32 "Developer" means the legal or beneficial owner or owners of a
33 lot or of any land proposed to be included in a proposed
34 development, including the holder of an option or contract to
35 purchase, or other person having an enforceable proprietary interest
36 in such land. "Development" means the division of a parcel of land
37 into two or more parcels, the construction, reconstruction,
38 conversion, structural alteration, relocation or enlargement of any
39 building or other structure, or of any mining excavation or landfill,
40 and any use or change in the use of any building or other structure,
41 or land or extension of use of land, for which permission may be
42 required pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.).

43 "Development potential" means the maximum number of
44 dwelling units or square feet of nonresidential floor area that may
45 be constructed on a specified lot or in a specified zone under the
46 master plan and land use regulations in effect on the date of the
47 adoption of the development transfer ordinance or on the date of the

1 adoption of the ordinance authorizing noncontiguous cluster, and in
2 accordance with recognized environmental constraints.

3 "Development regulation" means a zoning ordinance,
4 subdivision ordinance, site plan ordinance, official map ordinance
5 or other municipal regulation of the use and development of land, or
6 amendment thereto adopted and filed pursuant to P.L.1975, c.291
7 (C.40:55D-1 et seq.).

8 "Development restriction" means an agricultural restriction, a
9 conservation restriction, or a historic preservation restriction.

10 "Development transfer" or "development potential transfer"
11 means the conveyance of development potential, or the permission
12 for development, from one or more lots to one or more other lots by
13 deed, easement, or other means as authorized by ordinance.

14 "Development transfer bank" means a development transfer bank
15 established pursuant to section 22 of P.L.2004, c.2 (C.40:55D-158)
16 or the State TDR Bank.

17 "Drainage" means the removal of surface water or groundwater
18 from land by drains, grading or other means and includes control of
19 runoff during and after construction or development to minimize
20 erosion and sedimentation, to assure the adequacy of existing and
21 proposed culverts and bridges, to induce water recharge into the
22 ground where practical, to lessen nonpoint pollution, to maintain
23 the integrity of stream channels for their biological functions as
24 well as for drainage, and the means necessary for water supply
25 preservation or prevention or alleviation of flooding.

26 "Environmental commission" means a municipal advisory body
27 created pursuant to P.L.1968, c.245 (C.40:56A-1 et seq.).

28 "Erosion" means the detachment and movement of soil or rock
29 fragments by water, wind, ice and gravity.

30 "Final approval" means the official action of the planning board
31 taken on a preliminarily approved major subdivision or site plan,
32 after all conditions, engineering plans and other requirements have
33 been completed or fulfilled and the required improvements have
34 been installed or guarantees properly posted for their completion, or
35 approval conditioned upon the posting of such guarantees.

36 "Floor area ratio" means the sum of the area of all floors of
37 buildings or structures compared to the total area of land that is the
38 subject of an application for development, including noncontiguous
39 land, if authorized by municipal ordinance or by a planned
40 development.

41 "General development plan" means a comprehensive plan for the
42 development of a planned development, as provided in section 4 of
43 P.L.1987, c.129 (C.40:55D-45.2).

44 "Governing body" means the chief legislative body of the
45 municipality. In municipalities having a board of public works,
46 "governing body" means such board.

1 "Historic district" means one or more historic sites and
2 intervening or surrounding property significantly affecting or
3 affected by the quality and character of the historic site or sites.

4 "Historic preservation restriction" means a "historic preservation
5 restriction" as defined in section 2 of P.L.1979, c.378 (C.13:8B-2).

6 "Historic site" means any real property, man-made structure,
7 natural object or configuration or any portion or group of the
8 foregoing of historical, archeological, cultural, scenic or
9 architectural significance.

10 "Host municipality" means the municipality where the
11 application for development of a large warehouse has been filed.

12 "Inherently beneficial use" means a use which is universally
13 considered of value to the community because it fundamentally
14 serves the public good and promotes the general welfare. Such a
15 use includes, but is not limited to, a hospital, school, child care
16 center, group home, or a wind, solar or photovoltaic energy facility
17 or structure.

18 "Instrument" means the easement, credit, or other deed
19 restriction used to record a development transfer.

20 "Interested party" means: (a) in a criminal or quasi-criminal
21 proceeding, any citizen of the State of New Jersey; and (b) in the
22 case of a civil proceeding in any court or in an administrative
23 proceeding before a municipal agency, any person, whether residing
24 within or without the municipality, whose right to use, acquire, or
25 enjoy property is or may be affected by any action taken under
26 P.L.1975, c.291 (C.40:55D-1 et seq.), or whose rights to use,
27 acquire, or enjoy property under P.L.1975, c.291 (C.40:55D-1 et
28 seq.), or under any other law of this State or of the United States
29 have been denied, violated or infringed by an action or a failure to
30 act under P.L.1975, c.291 (C.40:55D-1 et seq.).

31 "Land" includes improvements and fixtures on, above or below
32 the surface.

33 "Large warehouse" means a large facility meeting guideline
34 requirements as promulgated by the State Planning Commission,
35 pursuant to paragraph (1) of subsection a. of section 7 of P.L. , c.
36 (C.) (pending before the Legislature as this bill), and designed
37 predominantly for receiving and storing goods and materials before
38 they are sold, used, or redistributed.

39 "Local utility" means any sewerage authority created pursuant to
40 the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et
41 seq.); any utilities authority created pursuant to the "municipal and
42 county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et
43 seq.); or any utility, authority, commission, special district or other
44 corporate entity not regulated by the Board of Regulatory
45 Commissioners under Title 48 of the Revised Statutes that provides
46 gas, electricity, heat, power, water or sewer service to a
47 municipality or the residents thereof.

1 "Lot" means a designated parcel, tract or area of land established
2 by a plat or otherwise, as permitted by law and to be used,
3 developed or built upon as a unit.

4 (cf: P.L.2013, c.106, s.3)

5
6 4. Section 7.1 of P.L.1975, c.291 (C.40:55D-12) is amended to
7 read as follows:

8 7.1. Notice pursuant to subsections a., b., d., e., f., g. and, h. of
9 this section shall be given by the applicant unless a particular
10 municipal officer is so designated by ordinance; provided that
11 nothing contained herein shall prevent the applicant from giving
12 such notice if he so desires. Notice pursuant to subsections a., b.,
13 d., e., f., g. and, h. of this section shall be given at least 10 days
14 prior to the date of the hearing.

15 a. Public notice of a hearing shall be given for an extension of
16 approvals for five or more years under subsection d. of section 37
17 of P.L.1975, c.291 (C.40:55D-49) and subsection b. of section 40 of
18 P.L.1975, c.291 (C.40:55D-52); for modification or elimination of a
19 significant condition or conditions in a memorializing resolution in
20 any situation wherein the application for development for which the
21 memorializing resolution is proposed for adoption required public
22 notice, and for any other applications for development, with the
23 following exceptions: (1) conventional site plan review pursuant to
24 section 34 of P.L.1975, c.291 (C.40:55D-46), (2) minor
25 subdivisions pursuant to section 35 of P.L.1975, c.291 (C.40:55D-
26 47) or (3) final approval pursuant to section 38 of P.L.1975, c.291
27 (C.40:55D-50); notwithstanding the foregoing, the governing body
28 may by ordinance require public notice for such categories of site
29 plan review as may be specified by ordinance, for appeals of
30 determinations of administrative officers pursuant to subsection a.
31 of section 57 of P.L.1975, c.291 (C.40:55D-70), and for requests for
32 interpretation pursuant to subsection b. of section 57 of P.L.1975,
33 c.291 (C.40:55D-70). Public notice shall also be given in the event
34 that relief is requested pursuant to section 47 or 63 of P.L.1975,
35 c.291 (C.40:55D-60 or C.40:55D-76) as part of an application for
36 development otherwise excepted herein from public notice.

37 In addition, public notice shall be given by a public entity
38 seeking to erect an outdoor advertising sign on land owned or
39 controlled by a public entity as required pursuant to section 22 of
40 P.L.1975, c.291 (C.40:55D-31) or, if so provided by ordinance
41 adopted pursuant to subsection g. of section 29.1 of P.L.1975, c.291
42 (C.40:55D-39), by a private entity seeking to erect an outdoor
43 advertising sign on public land or on land owned by a private entity.

44 Public notice shall be given by publication in the official
45 newspaper of the municipality, if there be one, or in a newspaper of
46 general circulation in the municipality.

47 b. Except as provided in paragraph (2) of subsection h. of this
48 section, notice of a hearing requiring public notice pursuant to

1 subsection a. of this section shall be given to the owners of all real
2 property as shown on the current tax duplicates, located in the State
3 and within 200 feet in all directions of the property which is the
4 subject of such hearing; provided that this requirement shall be
5 deemed satisfied by notice to the (1) condominium association, in
6 the case of any unit owner whose unit has a unit above or below it,
7 or (2) horizontal property regime, in the case of any co-owner
8 whose apartment has an apartment above or below it. Notice shall
9 be given by: (1) serving a copy thereof on the property owner as
10 shown on the said current tax duplicate, or his agent in charge of the
11 property, or (2) mailing a copy thereof by certified mail to the
12 property owner at his address as shown on the said current tax
13 duplicate.

14 Notice to a partnership owner may be made by service upon any
15 partner. Notice to a corporate owner may be made by service upon
16 its president, a vice president, secretary or other person authorized
17 by appointment or by law to accept service on behalf of the
18 corporation. Notice to a condominium association, horizontal
19 property regime, community trust or homeowners' association,
20 because of its ownership of common elements or areas located
21 within 200 feet of the property which is the subject of the hearing,
22 may be made in the same manner as to a corporation without further
23 notice to unit owners, co-owners, or homeowners on account of
24 such common elements or areas.

25 c. Upon the written request of an applicant, the administrative
26 officer of a municipality shall, within seven days, make and certify
27 a list from said current tax duplicates of names and addresses of
28 owners to whom the applicant is required to give notice pursuant to
29 subsection b. of this section. In addition, the administrative officer
30 shall include on the list the names, addresses and positions of those
31 persons who, not less than seven days prior to the date on which the
32 applicant requested the list, have registered to receive notice
33 pursuant to subsection h. of this section. The applicant shall be
34 entitled to rely upon the information contained in such list, and
35 failure to give notice to any owner, to any public utility, cable
36 television company, or local utility or to any military facility
37 commander not on the list shall not invalidate any hearing or
38 proceeding. A sum not to exceed \$0.25 per name, or \$10.00,
39 whichever is greater, may be charged for such list.

40 d. Notice of hearings on applications for development involving
41 property located within 200 feet of an adjoining municipality shall
42 be given by personal service or certified mail to the clerk of such
43 municipality.

44 e. Notice shall be given by personal service or certified mail to
45 the county planning board of a hearing on an application for
46 development of property adjacent to an existing county road or
47 proposed road shown on the official county map or on the county

1 master plan, adjoining other county land or situated within 200 feet
2 of a municipal boundary.

3 f. Notice shall be given by personal service or certified mail to
4 the Commissioner of Transportation of a hearing on an application
5 for development of property adjacent to a State highway.

6 g. Notice shall be given by personal service or certified mail to
7 the State Planning Commission of a hearing on an application for
8 development of property which exceeds 150 acres or 500 dwelling
9 units. The notice shall include a copy of any maps or documents
10 required to be on file with the municipal clerk pursuant to
11 subsection b. of section 6 of P.L.1975, c.291 (C.40:55D-10).

12 h. Notice of hearings on applications for approval of a major
13 subdivision or a site plan not defined as a minor site plan under this
14 act requiring public notice pursuant to subsection a. of this section
15 shall be given: (1) in the case of a public utility, cable television
16 company or local utility which possesses a right-of-way or
17 easement within the municipality and which has registered with the
18 municipality in accordance with section 5 of P.L.1991, c.412
19 (C.40:55D-12.1), by (I) serving a copy of the notice on the person
20 whose name appears on the registration form on behalf of the public
21 utility, cable television company or local utility or (ii) mailing a
22 copy thereof by certified mail to the person whose name appears on
23 the registration form at the address shown on that form; (2) in the
24 case of a military facility which has registered with the municipality
25 and which is situated within 3,000 feet in all directions of the
26 property which is the subject of the hearing, by (I) serving a copy of
27 the notice on the military facility commander whose name appears
28 on the registration form or (ii) mailing a copy thereof by certified
29 mail to the military facility commander at the address shown on that
30 form.

31 i. The applicant shall file an affidavit of proof of service with
32 the municipal agency holding the hearing on the application for
33 development in the event that the applicant is required to give
34 notice pursuant to this section.

35 j. Notice pursuant to subsections d., e., f., g. and h. of this
36 section shall not be deemed to be required, unless public notice
37 pursuant to subsection a. and notice pursuant to subsection b. of this
38 section are required.

39 k. The administrative officer of a host municipality shall provide
40 notice of the receipt of an application for development of a large
41 warehouse, by personal service or certified mail to the clerk of each
42 adjoining municipality.

43 (cf: P.L.2005, c.41, s.3)

44

45 5. (New section) a. Whenever an applicant files an application
46 for development of a "large warehouse," the administrative officer
47 of the host municipality shall deliver to the clerk of each adjoining
48 municipality a notice of regional impact which shall include a copy

1 of the complete application for development. Delivery of the notice
2 of regional impact shall be made as soon as practicable after the
3 application for development is deemed complete, and shall suspend
4 any otherwise applicable time requirement, including the convening
5 of a hearing date related to the application. Any time provision
6 otherwise applicable to the application for development shall be
7 tolled until the date of a final decision on the regional impact of the
8 application for development.

9 b. (1) The governing body of an adjoining municipality, within
10 20 days after receipt of notice under subsection a. of this section,
11 may adopt a resolution of regional concerns and deliver a copy of
12 the resolution to the administrative officer and to the applicant.

13 (2) If the host municipality receives an application for
14 development of a large warehouse and does not share a border with
15 a county, the administrative officer shall notify the county planning
16 board and each adjoining municipality of the need for a regional
17 impact hearing before the county planning board pursuant to
18 subsection c. of this section.

19 (3) If the host municipality receives an application for
20 development of a large warehouse and does share a border with a
21 county, the administrative officer shall notify the State Planning
22 Commission and each adjoining municipality of the need for a
23 regional impact hearing before the State Planning Commission
24 pursuant to paragraph (2) of subsection a. of section 7 of P.L. ,
25 c. (C.) (pending before the Legislature as this bill).

26 c. A county planning board conducting a regional impact
27 hearing shall render a decision to allow or disallow a host
28 municipality to consider an application for development of a large
29 warehouse. The county planning board shall only render a decision
30 to allow the application for development of a large warehouse to be
31 considered by the host municipality upon the board's determination
32 that the applicant has made an affirmative showing that approval of
33 the application for development may be granted:

34 (1) without substantial detriment to the general welfare of an
35 adjoining municipality or the overall region;

36 (2) without substantial detriment to the economic and fiscal
37 impact of an adjoining municipality or the overall region; and

38 (3) without substantial impairment to the intent and purpose of
39 the master plan or zoning ordinance of an adjoining municipality.

40 d. An adjoining municipality which is aggrieved by a decision of
41 a county planning board made pursuant to subsection c. of this
42 section may submit an appeal in writing within 45 days of the
43 county planning board's final decision to the State Planning
44 Commission pursuant to paragraph (3) of subsection a. of section 7
45 of P.L. , c. (C.) (pending before the Legislature as this
46 bill).

- 1 6. (New section) Prior to consideration of an application for
2 development for a large warehouse by a county planning board or
3 the State Planning Commission, the host municipality shall prepare
4 and make available a regional economic and land use impact report.
5 The preparation of a regional economic and land use impact report
6 shall not be waived, and shall be completed and distributed no later
7 than the date on which a hearing of a county planning board or the
8 State Planning Commission is scheduled to first consider an
9 application for a large warehouse development.
- 10 a. A host municipality may contract with a private entity, other
11 than the applicant, or another public agency for the preparation of a
12 regional economic and land use impact report. The host
13 municipality and the private entity or other public agency shall
14 ensure that persons qualified by education, training, and experience
15 to conduct economic and fiscal analyses prepare the regional
16 economic and land use impact report.
- 17 b. The applicant shall pay the costs of preparing a regional
18 economic and land use impact report.
- 19 c. A regional economic and land use impact report shall include,
20 but not be limited to, all of the following:
- 21 (1) an assessment of the extent to which the proposed large
22 warehouse will capture a share of retail sales in the municipality,
23 adjoining municipalities, or the county;
- 24 (2) an assessment of how the construction and operation of the
25 proposed large warehouse will affect the supply and demand for
26 retail space in the municipality, and county;
- 27 (3) an assessment of how the construction and operation of the
28 proposed large warehouse will affect wages and benefits,
29 community income levels, and the demand for employment in the
30 municipality, adjoining municipalities, and the county;
- 31 (4) a projection of the costs of public services and public
32 facilities resulting from the construction and operation of the
33 proposed large warehouse and the incidence of those costs;
- 34 (5) a projection of the public revenues resulting from the
35 construction and operation of the proposed large warehouse and the
36 incidence of those revenues;
- 37 (6) an assessment of the effect that the construction and
38 operation of the proposed large warehouse will have on retail
39 operations in the same or neighboring counties;
- 40 (7) an assessment of the effect that the construction and
41 operation of the proposed large warehouse will have on the ability
42 of the municipality, adjoining municipalities, or the county to
43 implement the goals contained in its respective master plan,
44 including, but not limited to, local policies and standards that apply
45 to land use patterns, traffic circulation, affordable housing, natural
46 resources, including water supplies, open-space lands, noise
47 problems, and safety risks; and

1 (8) an assessment of the effect that the construction and
2 operation of the proposed large warehouse will have on average
3 total vehicle miles traveled by retail customers in the same or
4 neighboring counties.

5 d. Nothing in this section shall preclude a host municipality
6 from conducting additional studies of the effects of the construction
7 and operation of a proposed large warehouse.

8 e. A regional economic and land use impact report prepared
9 pursuant to this section shall be delivered to the county planning
10 board or the State Planning Commission, as applicable, and shall be
11 made available to any adjoining municipality, upon request.

12
13 7. (New section) a. The State Planning Commission shall have
14 the following duties:

15 (1) to promulgate and publish guidelines for determining what
16 constitutes a large warehouse and what constitutes a regional
17 concern for an adjoining municipality, with regard to the
18 development of a large warehouse in an adjoining municipality.
19 Regional concerns shall consist of:

20 (a) the general welfare of an adjoining municipality, as impacted
21 by traffic, noise, lights, odor, or environmental issues;

22 (b) conflicts with the master plan or zoning ordinance of an
23 adjoining municipality; and

24 (c) issues required to be included in a regional economic and
25 land use impact report under subsection c. of section 6 of P.L. ,
26 c. (C.) (pending before the Legislature as this bill).

27 (2) to conduct regional impact hearings and render decisions
28 regarding development approvals for host municipalities that share
29 a border with a county, upon receiving a notification in accordance
30 with paragraph (3) of subsection b. of section 5 of P.L. ,
31 c. (C.) (pending before the Legislature as this bill).

32 (3) to receive and hear appeals and render decisions regarding
33 host municipality development approvals of large warehouses, upon
34 an appeal filed in accordance with the provisions of subsection d. of
35 section 5 of P.L. , c. (C.) (pending before the Legislature
36 as this bill).

37 b. The State Planning Commission shall, within 45 days of a
38 hearing, render a decision to allow or disallow the application for
39 development of a large warehouse to be considered by the host
40 municipality. The State Planning Commission shall render a
41 decision to allow an application, pursuant to paragraphs (2) and (3)
42 of subsection a. of this section, if the commission determines that
43 the applicant has made an affirmative showing that approval of the
44 application for development may be granted:

45 (1) without substantial detriment to the general welfare of an
46 adjoining municipality or the overall region;

47 (2) without substantial detriment to the economic and fiscal
48 impact of an adjoining municipality or the overall region; and

1 (3) without substantial impairment to the intent and purpose of
2 the master plan or zoning ordinance of an adjoining municipality.

3 c. The State Planning Commission shall post on the
4 commission's Internet website the required guidelines as described
5 in paragraph (1) of subsection a. of this section.

6
7 8. 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 (17) hereof
26 and natural conditions, including, but not necessarily limited to,
27 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
46 nearby flight paths or sight lines of aircraft; buffering residential
47 areas from noise associated with a military facility; and allowing for
48 the potential expansion of military facilities;

- 1 (f) including, for any land use plan element adopted after the
2 effective date of P.L.2017, c.275, a statement of strategy
3 concerning:
- 4 (i) smart growth which, in part, shall consider potential
5 locations for the installation of electric vehicle charging stations,
6 (ii) storm resiliency with respect to energy supply, flood-prone
7 areas, and environmental infrastructure, and
8 (iii) environmental sustainability;
- 9 (g) showing the existing and proposed location of public electric
10 vehicle charging infrastructure; and
- 11 (h) including, for any land use plan element adopted after the
12 effective date of P.L.2021, c.6, a climate change-related hazard
13 vulnerability assessment which shall (i) analyze current and future
14 threats to, and vulnerabilities of, the municipality associated with
15 climate change-related natural hazards, including, but not limited to
16 increased temperatures, drought, flooding, hurricanes, and sea-level
17 rise; (ii) include a build-out analysis of future residential,
18 commercial, industrial, and other development in the municipality,
19 and an assessment of the threats and vulnerabilities identified in
20 subsubparagraph (i) of this subparagraph related to that
21 development; (iii) identify critical facilities, utilities, roadways, and
22 other infrastructure that is necessary for evacuation purposes and
23 for sustaining quality of life during a natural disaster, to be
24 maintained at all times in an operational state; (iv) analyze the
25 potential impact of natural hazards on relevant components and
26 elements of the master plan; (v) provide strategies and design
27 standards that may be implemented to reduce or avoid risks
28 associated with natural hazards; (vi) include a specific policy
29 statement on the consistency, coordination, and integration of the
30 climate-change related hazard vulnerability assessment with any
31 existing or proposed natural hazard mitigation plan, floodplain
32 management plan, comprehensive emergency management plan,
33 emergency response plan, post-disaster recovery plan, or capital
34 improvement plan; and (vii) rely on the most recent natural hazard
35 projections and best available science provided by the New Jersey
36 Department of Environmental Protection;
- 37 (3) A housing plan element pursuant to section 10 of P.L.1985,
38 c.222 (C.52:27D-310), including, but not limited to, residential
39 standards and proposals for the construction and improvement of
40 housing;
- 41 (4) A circulation plan element showing the location and types of
42 facilities for all modes of transportation required for the efficient
43 movement of people and goods into, about, and through the
44 municipality, taking into account the functional highway
45 classification system of the Federal Highway Administration, the
46 types, locations, conditions and availability of existing and
47 proposed transportation facilities, including air, water, road and rail,

- 1 and identifying existing and proposed locations for public electric
2 vehicle charging infrastructure;
- 3 (5) A utility service plan element analyzing the need for and
4 showing the future general location of water supply and distribution
5 facilities, drainage and flood control facilities, sewerage and waste
6 treatment, solid waste disposal and provision for other related
7 utilities, and including any storm water management plan required
8 pursuant to the provisions of P.L.1981, c.32 (C.40:55D-93 et al.). If
9 a municipality prepares a utility service plan element as a condition
10 for adopting a development transfer ordinance pursuant to
11 subsection c. of section 4 of P.L.2004, c.2 (C.40:55D-140), the plan
12 element shall address the provision of utilities in the receiving zone
13 as provided thereunder;
- 14 (6) A community facilities plan element showing the existing
15 and proposed location and type of educational or cultural facilities,
16 historic sites, libraries, hospitals, firehouses, police stations and
17 other related facilities, including their relation to the surrounding
18 areas;
- 19 (7) A recreation plan element showing a comprehensive system
20 of areas and public sites for recreation;
- 21 (8) A conservation plan element providing for the preservation,
22 conservation, and utilization of natural resources, including, to the
23 extent appropriate, energy, open space, water supply, forests, soil,
24 marshes, wetlands, harbors, rivers and other waters, fisheries,
25 endangered or threatened species wildlife and other resources, and
26 which systemically analyzes the impact of each other component
27 and element of the master plan on the present and future
28 preservation, conservation and utilization of those resources;
- 29 (9) An economic plan element considering all aspects of
30 economic development and sustained economic vitality, including
31 (a) a comparison of the types of employment expected to be
32 provided by the economic development to be promoted with the
33 characteristics of the labor pool resident in the municipality and
34 nearby areas and (b) an analysis of the stability and diversity of the
35 economic development to be promoted;
- 36 (10) An historic preservation plan element: (a) indicating the
37 location and significance of historic sites and historic districts; (b)
38 identifying the standards used to assess worthiness for historic site
39 or district identification; and (c) analyzing the impact of each
40 component and element of the master plan on the preservation of
41 historic sites and districts;
- 42 (11) Appendices or separate reports containing the technical
43 foundation for the master plan and its constituent elements;
- 44 (12) A recycling plan element which incorporates the State
45 Recycling Plan goals, including provisions for the collection,
46 disposition and recycling of recyclable materials designated in the
47 municipal recycling ordinance, and for the collection, disposition
48 and recycling of recyclable materials within any development

1 proposal for the construction of 50 or more units of single-family
2 residential housing or 25 or more units of multi-family residential
3 housing and any commercial or industrial development proposal for
4 the utilization of 1,000 square feet or more of land;

5 (13) A farmland preservation plan element, which shall include:
6 an inventory of farm properties and a map illustrating significant
7 areas of agricultural land; a statement showing that municipal
8 ordinances support and promote agriculture as a business; and a
9 plan for preserving as much farmland as possible in the short term
10 by leveraging moneys made available by P.L.1999, c.152 (C.13:8C-
11 1 et al.) through a variety of mechanisms including, but not limited
12 to, utilizing option agreements, installment purchases, and
13 encouraging donations of permanent development easements;

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

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

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

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

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

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

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

18 e. A host municipality upon receiving an application for a large
19 warehouse development in accordance with the provisions of
20 sections 5 through 7 of P.L. , c. (C. through) (pending
21 before the Legislature as this bill), and prior to approving such an
22 application, shall notify the planning board of the need to update the
23 master plan, unless the master plan was updated within the prior 12
24 months. If a host municipality's master plan was not updated
25 within the prior 12 months, the planning board of the host
26 municipality shall update the land use and development proposal
27 aspects, as described in subsection b. of this section, of the host
28 municipality's master plan in order to consider the number and
29 nature of variances that were granted in the prior 12 months.

30 (cf: P.L.2021, c.6, s.1)

31

32 9. (New section) If a municipality that has approved a large
33 warehouse development project pursuant to the provisions of
34 sections 5 through 7 of P.L. , c. (C. through) (pending
35 before the Legislature as this bill) has not performed a municipal-
36 wide revaluation or municipal-wide reassessment of all real
37 property in the municipality within the 60 months immediately
38 preceding the approval of the large warehouse development project,
39 the municipality shall perform such a municipal-wide revaluation or
40 municipal-wide reassessment of real property within the
41 municipality not later the 24th month next following that approval.

42

43 10. This act shall take effect immediately.