

ASSEMBLY, No. 1406

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1996

By Assemblyman GIBSON

1 AN ACT concerning the State Development and Redevelopment Plan,
2 amending and supplementing P.L.1989, c.332.

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

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7 1. Section 1 of P.L.1989, c.332 (C.52:18A-202.1) is amended to
8 read as follows:

9 1. The Legislature finds and declares that:

10 a. There are many concerns associated with the design and
11 implementation of the State Development and Redevelopment Plan
12 (hereafter referred to as the "Plan"), including:

13 (1) maintaining beneficial growth;

14 (2) improving environmental quality;

15 (3) assuring cost-effective delivery of infrastructure and other
16 public services;

17 (4) improving intergovernmental coordination;

18 (5) preserving the quality of community life; and

19 (6) redeveloping the State's major urban areas.

20 b. Each of these concerns is an important issue for further study
21 and each should serve as a measure of the efficacy of the Plan.

22 c. However, these concerns are not mutually exclusive and,
23 therefore, a balance among them must be achieved to maximize the
24 well-being for the State and its residents.

25 d. The process of cross-acceptance of the State Development and
26 Redevelopment Plan required under the "State Planning Act,"
27 P.L.1985, c.398 (C.52:18A-196 et seq.), is a process designed to elicit
28 the greatest degree of public participation in order to encourage the
29 development of a consensus among the many, sometimes competing,
30 interests in the State.

31 e. This consensus will be facilitated by the availability of sufficient
32 information concerning the impact the State Development and
33 Redevelopment Plan may have on particular regions and on the overall
34 economic well-being of the State.

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 f. The Plan evolves through three phases:

2 (1) the Preliminary Plan, which will serve as the basis for
3 cross-acceptance;

4 (2) the Interim Plan, which will reflect the changes occurring
5 during the cross-acceptance process; and

6 (3) the Final Plan, which [is to be implemented] shall be an
7 advisory plan only, after approval by the State Planning Commission.

8 g. A two-stage process shall be established to examine the
9 economic, environmental, infrastructure, community life, and
10 intergovernmental coordination impacts of the Plan. This procedure
11 shall consist of an assessment of the impacts of the Interim Plan and
12 an on-going monitoring and evaluation program after the Final Plan is
13 adopted.

14 h. The results of the Assessment Study shall identify desirable
15 changes to be incorporated into the Final Plan. These studies shall
16 describe the impacts of the policies and strategies proposed in the Plan
17 (hereafter referred to as the "Plan" impacts) relative to the impacts
18 that would likely occur without a Plan (hereafter referred to as
19 "Trend" impacts). In examining the impacts of Plan and Trend, any
20 significant regional differences that result shall be identified and
21 analyzed. Where appropriate, the study shall also distinguish
22 short-term and long-term impacts.

23 i. It is necessary to conduct an economic assessment of the Plan
24 and Trend impacts and to make the results of that assessment available
25 before adoption of the Final Plan. Work on the development of the
26 evaluation methodology and, where possible, the collection of data for
27 the assessment study shall commence upon enactment of this bill.
28 Some factors that shall be addressed during cross-acceptance include:

29 (1) Changes in property values, including farmland, State and local
30 expenditures and tax revenues, and regulations;

31 (2) Changes in housing supply, housing prices, employment,
32 population and income;

33 (3) Costs of providing the infrastructure systems identified in the
34 State Planning Act;

35 (4) Costs of preserving the natural resources as identified in the
36 State Planning Act;

37 (5) Changes in business climate; and

38 (6) Changes in the agricultural industry and the costs of preserving
39 farmland and open spaces.

40 (cf: P.L.1989, c.332, s.1)

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42 2. (New section) Notwithstanding any law, regulation rule or
43 order to the contrary, no State or local governmental entity shall:

44 (a) be required to adopt or revise any law, regulation, rule, order
45 or plan to implement, or to be consistent with, any goals, objectives or
46 planning recommendations that have been included in the Final State

1 Development and Redevelopment Plan approved pursuant to the
2 "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et seq.); or
3 (b) rely on, use or require consistency with the Final State
4 Development and Redevelopment Plan to approve or deny permits for
5 or funding of any project or program which otherwise meets criteria
6 under applicable laws or regulations.

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8 3. (New section) The provisions of the Final State Development
9 and Redevelopment Plan, to the extent they are inconsistent with any
10 action taken pursuant to any law, rule, regulation or order, including,
11 but not limited to, the "Municipal Land Use Law," P.L.1975, c.291
12 (C.40:55D-1 et seq.), are hereby superseded and shall be deemed to be
13 of no effect.

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15 4. (New section) Nothing in the Final State Development and
16 Redevelopment Plan shall be construed to expand or extend the
17 powers of any State or local governmental body or agency beyond the
18 powers specifically authorized for the body or agency pursuant to law.

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20 5. This act shall take effect immediately.

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22 STATEMENT

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24 This bill clarifies the Legislature's intent regarding the use of the
25 State Development and Redevelopment Plan by providing that the
26 Final State Development and Redevelopment Plan, which was adopted
27 on June 12, 1992 by the State Planning Commission pursuant to the
28 "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et seq.), shall
29 be an advisory document only. The bill further provides that no State
30 or local governmental entity shall be required to adopt, or revise, any
31 law, regulation, rule, order or plan to implement, or to be consistent
32 with, any goals, objectives or planning recommendations that have
33 been included in the Final Plan.

34 The bill also provides that whenever the provisions of the Final Plan
35 conflict with any action taken pursuant to any law, rule, regulation or
36 order, including, but not limited to, the "Municipal Land Use Law,"
37 P.L.1975, c.291 (C.40:55D-1 et seq.), the provisions of the Final Plan
38 are superseded and shall be deemed to be of no effect. In addition, the
39 bill provides that no State or local governmental entity shall use the
40 Final Plan to expand or extend its powers beyond the powers
41 authorized under other law.

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46 Makes the State Development and Redevelopment Plan an advisory
plan.