

ASSEMBLY, No. 2091

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1996

By Assemblyman CORODEMUS

1 AN ACT concerning the exemption of pending development projects  
2 from certain rules and supplementing P.L.1968, c.410 (C.52:14B-1  
3 et seq.).  
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5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
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8 1. As used in this act:

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

15 "Commence construction" means to begin on-site construction,  
16 including site preparation.  
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18 2. Upon the effective date of this act, a project for which an  
19 application for development has been deemed complete pursuant to  
20 section 5 of P.L.1984, c.20 (C.40:55D-10.3) shall be exempt from the  
21 provisions of any rule, or any amendment to a rule, adopted by a State  
22 agency subsequent to the date that the application for development is  
23 deemed complete.  
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25 3. Notwithstanding the provisions of section 2 of this act, a project  
26 shall not be exempted from a rule, or an amendment to a rule, adopted  
27 subsequent to the date the application is deemed complete if:

28 a. the exemption of that project would violate a mandatory  
29 requirement of an applicable federal law, rule, or regulation;

30 b. the project fails to commence construction within five years after  
31 adoption of the rule or the amendment to a rule;

32 c. the project suspends construction more than five years after  
33 adoption of the rule or the amendment to a rule, for a period of 18  
34 consecutive months or more; or

35 d. the developer of the project elects, at the developer's sole  
36 option, to be subject to the rule or the amendment to a rule. An  
37 agency shall not condition the grant or denial of any permit, approval,

1 or other benefit or burden upon an election by the project developer  
2 to be subject to any rule or amendment to a rule.

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4 4. This act shall take effect immediately and shall apply  
5 retroactively to all projects for which an application for development  
6 has been deemed complete prior to the effective date of this act.

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9 STATEMENT

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11 This bill would provide an exemption for development projects, for  
12 which submitted applications have been deemed complete under the  
13 "Municipal Land Use Law," from State regulations or amendments to  
14 State regulations that are adopted subsequent to the completion date.  
15 The preparation of plans for submission to a planning board involves  
16 costly design services and substantial environmental reviews. In light  
17 of the significant consideration and the determination by the planning  
18 board that the plans are deemed complete, an applicant and the  
19 planning board should be able to rely upon the regulations in place at  
20 the time.

21 Under the bill, a developer may opt to be covered by a subsequently  
22 adopted regulation or amendment to a regulation. The exemption  
23 provided under the bill would not apply if such an exemption from a  
24 State regulation or amendment to a State regulation would violate a  
25 federal law, rule, or regulation. It also would not apply if the project  
26 fails to commence construction within five years after adoption of the  
27 regulation or the amendment to a regulation, or if construction of the  
28 project is suspended more than five years after adoption of the  
29 regulation or the amendment of the regulation, for a period of 18  
30 consecutive months or more.

31 This bill would thus speed up the development process by limiting  
32 the State requirements that must be met to those in place at the time  
33 the application is deemed complete, other than State regulations that  
34 are required under federal law, rule, or regulation.

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39 Provides exemption from all new or amended State rules for projects  
40 deemed complete at time of adoption of rule or rule change.