

ASSEMBLY, No. 2879

STATE OF NEW JERSEY

INTRODUCED MAY 1, 1997

By Assemblyman WISNIEWSKI and Assemblywoman Friscia

1 AN ACT concerning certain duties of the New Jersey Transit
2 Corporation, supplementing Title 27 of the Revised Statutes and
3 amending P.L.1975, c.291.

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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. (New Section) Whenever the corporation receives notice of a
9 hearing on an application for development of property located within
10 200 feet of property owned by the corporation pursuant to section 7.1
11 of P.L.1975, c.291 (C.40:55D-12), it shall:

12 (a) attend the hearing of the municipal agency; and

13 (b) submit written comments to the municipal agency detailing any
14 potential impact of the application for development upon the property
15 owned by the corporation, and include information on the
16 corporation's current and anticipated future use of the property.

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18 2. Section 7.1 of P.L.1975, c.291 (C.40:55D-12) is amended to
19 read as follows:

20 7.1. Notice pursuant to subsections a., b., d., e., f., g. and h. of this
21 section shall be given by the applicant unless a particular municipal
22 officer is so designated by ordinance; provided that nothing contained
23 herein shall prevent the applicant from giving such notice if he so
24 desires. Notice pursuant to subsections a., b., d., e., f., g. and h. of
25 this section shall be given at least 10 days prior to the date of the
26 hearing.

27 a. Public notice of a hearing on an application for development
28 shall be given, except for (1) conventional site plan review pursuant to
29 section 34 of P.L.1975, c.291 (C.40:55D-46), (2) minor subdivisions
30 pursuant to section 35 of P.L.1975, c.291 (C.40:55D-47) or (3) final
31 approval pursuant to section 38 of P.L.1975, c.291 (C.40:55D-50);
32 provided that the governing body may by ordinance require public
33 notice for such categories of site plan review as may be specified by
34 ordinance; and provided further that public notice shall be given in the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 event that relief is requested pursuant to section 47 or 63 of P.L.1975,
2 c.291 (C.40:55D-60 or C.40:55D-76) as part of an application for
3 development otherwise excepted herein from public notice. Public
4 notice shall be given by publication in the official newspaper of the
5 municipality, if there be one, or in a newspaper of general circulation
6 in the municipality.

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

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

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

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

1 municipality.

2 e. Notice shall be given by personal service or certified mail to the
3 county planning board of a hearing on an application for development
4 of property adjacent to an existing county road or proposed road
5 shown on the official county map or on the county master plan,
6 adjoining other county land or situated within 200 feet of a municipal
7 boundary.

8 f. (1) Notice shall be given by personal service or certified mail to
9 the Commissioner of Transportation of a hearing on an application for
10 development of property adjacent to a State highway.

11 (2) Notice shall be given by personal service or certified mail to the
12 Executive Director of the New Jersey Transit Corporation of a hearing
13 on an application for development of property located within 200 feet
14 of property owned by the New Jersey Transit Corporation.

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

21 h. Notice of hearings on applications for approval of a major
22 subdivision or a site plan not defined as a minor site plan under this act
23 requiring public notice pursuant to subsection a. of this section shall
24 be given, in the case of a public utility, cable television company or
25 local utility which possesses a right-of-way or easement within the
26 municipality and which has registered with the municipality in
27 accordance with section 5 of P.L.1991, c.412 (C. 40:55D-12.1), by (1)
28 serving a copy of the notice on the person whose name appears on the
29 registration form on behalf of the public utility, cable television
30 company or local utility or (2) mailing a copy thereof by certified mail
31 to the person whose name appears on the registration form at the
32 address shown on that form.

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

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

41 (cf: P.L. 1991, c. 412, s.4)

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43 3. This act shall take effect immediately and shall apply to all
44 applications for development submitted after the effective date of this
45 act.

1 STATEMENT

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3 This bill requires the New Jersey Transit Corporation (the
4 corporation) to attend municipal agency meetings, such as local zoning
5 and planning board meetings, when certain applications for
6 development on the agendas of those boards have the potential to
7 impact corporation property. The bill also requires the corporation to
8 submit written comments on any application before a municipal agency
9 when the proposed project has the potential to impact corporation
10 property. The corporation would be required to include information
11 on the corporation's current and anticipated future use of its property
12 in the comments submitted.

13 In addition, the bill amends the "Municipal Land Use Law,"
14 P.L.1975, c.291 (C.40:55D et seq.), to provide that notice of a hearing
15 on an application for development of property located within 200 feet
16 of property owned by the corporation be given by personal service or
17 certified mail to the Executive Director of the corporation.

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22 Requires NJT to comment on certain local applications for
23 development.