

SENATE, No. 579

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1996

By Senator SCHLUTER

1 AN ACT concerning historic places and amending P.L.1970, c.268.

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

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6 1. Section 4 of P.L.1970, c.268 (C.13:1B-15.131) is amended to
7 read as follows:

8 4. The State, a county, or a municipality, or [an] any agency or
9 instrumentality [of any] thereof, shall not undertake any project
10 [which] that will encroach upon, damage or destroy any area, site,
11 structure or object included in the Register of Historic Places without
12 application to, and the prior written authorization or consent of, the
13 Commissioner of Environmental Protection. The commissioner shall
14 solicit the advice and recommendations of the Historic Sites Council
15 in connection with any such application and [may] shall direct the
16 conduct of a public hearing or hearings thereon within 120 days of
17 receiving the application and prior to granting or denying authorization
18 or consent. Preference shall be given to holding the public hearing or
19 hearings in the municipality wherein the area, site, structure or object
20 included in the Register of Historic Places that would be affected by
21 the application is located, or in a municipality as close thereto as can
22 reasonably be arranged. The commissioner shall provide at least 10
23 days notice of any such public hearing to all affected local government
24 units, any agencies or instrumentalities thereof concerned with historic
25 preservation, and any recognized organization concerned with historic
26 preservation in the State and in the affected municipality. The
27 commissioner shall adopt, pursuant to the "Administrative Procedure
28 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
29 necessary to implement the public hearing and notice requirements of
30 this section.

31 The failure of the commissioner to authorize, consent or deny any
32 such application within 120 days of application therefor shall
33 constitute his consent thereto.

34 (cf: P.L.1970, c.268, s.4)

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 2. This act shall take effect immediately.

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STATEMENT

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6 This bill would require the Commissioner of Environmental
7 Protection to conduct a public hearing or hearings prior to making a
8 decision on an application by the State, a county, or a municipality, or
9 any agency or instrumentality thereof, to undertake a project that
10 would encroach upon, damage, or destroy any area, site, structure, or
11 object included in the State Register of Historic Places. Current law
12 provides that such public hearings may be held at the discretion of the
13 commissioner.

14 The bill would also require that any such public hearing be held
15 within 120 days of receiving the application. Preference would be
16 given to holding such hearings in the municipality wherein the historic
17 place affected by the application is located, or in a municipality as
18 close thereto as can reasonably be arranged.

19 Finally, the bill would require the commissioner to provide at least
20 10 days notice of the public hearing or hearings to all affected local
21 government units, any agencies or instrumentalities thereof concerned
22 with historic preservation, and any recognized organization concerned
23 with historic preservation in the State and in the affected municipality.

24 This bill would allow for needed local and public input before
25 decisions are made at the State level affecting historic preservation
26 efforts at the local level. The commitment of many communities to
27 historic preservation is readily evident in, for example, their creation
28 of historic districts and their recognition of historic sites within the
29 community. This commitment, which is encouraged by State law, and
30 the desire of such communities to implement wise planning and land
31 use policies, should not be compromised or thwarted by ill-informed
32 decision-making at the State level. This bill would improve the
33 decision-making process in that regard.

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39 Requires public hearing and notification to certain entities prior to
allowing encroachment upon historic places.