

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2027

STATE OF NEW JERSEY

DATED: JUNE 5, 1997

The Senate Community Affairs Committee reports, without recommendation, Senate Bill No. 2027.

This bill would broaden the power of the county planning board in its review and approval of development applications for property situated within 500 feet of municipal boundaries.

Under current law, because zoning is a municipal prerogative, there is no mechanism whereby large developments situated near municipal boundaries can be examined for their consistency with land uses in neighboring municipalities. Counties are limited in their power to approve development applications to considering the impacts of those proposed developments on county roads and drainage facilities. These limitations have created an untenable situation in an increasing number of municipalities which are experiencing serious negative impacts as a result of large-scale development proposed in adjacent municipalities, over which they have no control.

While preserving the prerogative of municipal home rule, this bill would accord greater power to counties to review applications for major subdivision and major site plan approval in those areas situated within 500 feet of municipal boundaries according to criteria which counties would adopt by resolution or ordinance, as appropriate to their respective forms of government. These criteria include indices of environmental degradation, such as the impact of the proposed development on traffic congestion, crime, noise, and population density; the compatibility of the proposed development with neighborhood character in that portion of the neighboring municipality which abuts the proposed development; and the extent to which the proposed development would generate an increase in the need for municipal services in the adjacent municipality or municipalities.

In addition, the bill would require county planning board approval of all applications for use variances involving property situated within 500 feet of municipal borders. Any amendment to or revision of a zoning ordinance involving land situated within 500 feet of municipal borders would not take effect without the approval of the county planning board.

The bill also would expand the provision of existing law governing the municipal master plan concerning the inclusion of a policy statement as to how the municipal master plan is consistent with the

master plan of contiguous municipalities and the county master plan. Specifically, the bill would require the municipal master plan to include a statement explaining how the land use proposed for the area situated within 500 feet of municipal borders is consistent with the planning criteria adopted by the county pursuant to section 12 of the bill.

Finally, the bill would expand the notice provisions which govern the submission of development application materials under existing law to accommodate the expanded role of the county in development approval.