

13:18A-5

LEGISLATIVE HISTORY CHECKLIST

WASA 13:18A-5; 13:18A-8 (Pinelands--Management plan--adopt in phases)

LAWS OF 1980 CHAPTER 65

Bill No. A1812

Sponsor(s) Doyle and others

Date Introduced June 9, 1980

Committee: Assembly Agriculture and Environment

Senate Energy and Environment

Amended during passage Yes

xx Substituted for A1899
(not attached since
identical to A1812
(SCS-2nd OCR). Amendments
during passage denoted by
asterisks.

Date of Passage: Assembly June 16, 1980

Senate June 26, 1980

Date of approval July 10, 1980

Following statements are attached if available:

Sponsor statement Yes ~~xxx~~

Committee Statement: Assembly Yes ~~xxx~~

Senate Yes ~~xxx~~

Fiscal Note ~~xxx~~ No

Veto message ~~xxx~~ No

Message on signing Yes ~~xxx~~

Following were printed.

Reports Yes ~~xxx~~

Hearings Yes ~~xxx~~

974.90 New Jersey. Pinelands Commission.
R336 Draft comprehensive management plan
1980d for the Pinelands National Reserve and
Pinelands Protection Act. New Lisbon, 1980.

(over)

9/1/83

- 974.90 New Jersey. Pinelands Commission.
R336 New Jersey pinelands preservation
1980g area.comprehensive management plan.
New Lisbon, 1980.
- 974.90 New Jersey. Legislature. Senate. Energy
R336 and Environment Committee.
1980a Public hearing on implementation of the
"Pinelands Protection Act", held 2-6-80.
Pemberton, 1980.
- 974.90 New Jersey. Governor's Pinelands Review
R336 Committee.
1979 Planning and management of the New Jersey
pinelands. Trenton, 1979.
- 974.90 New Jersey. Governor's Pinelands Review
R336 Committee.
1978d Planning and management of the New Jersey
Pinelands: a draft report. Trenton, 1978.

CHAPTER 157 LAWS OF N. J. 1980

APPROVED June 23, 1980

SENATE COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 1812

[SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

INTRODUCED JUNE 23, 1980

AN ACT to amend the "Pinelands Protection Act," approved June 28, 1979 (P. L. 1979, c. 111).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 5 of P. L. 1979, c. 111 (C. 13:18A-5) is amended to
2 read as follows:

3 5. a. The commission shall consist of 15 members to be appointed
4 and qualified as follows:

5 (1) Seven residents of the State, appointed by the Governor,
6 with the advice and consent of the Senate, except as otherwise pro-
7 vided herein;

8 (2) Seven residents of the State, one resident each of the
9 counties of Atlantic, Burlington, Camden, Cape May, Cumberland,
10 Gloucester and Ocean, appointed by the board of chosen freeholders
11 of each such county; provided, however, that in any county operat-
12 ing under the county executive plan or county supervisor plan
13 pursuant to the provisions of the "Optional County Charter Law"
14 P. L. 1972, c. 154 (C. 40:41A-1 et seq.), such appointment shall be
15 made by the county executive or the county supervisor, as the
16 case may be;

17 (3) One member to be appointed by the Secretary of the United
18 States Department of the Interior.

19 Any appointments made prior to the effective date of this act by
20 the Governor or by any of the respective counties to the planning
21 entity established pursuant to the Federal Act shall be considered
22 appointments made to the commission, and no such gubernatorial
23 appointment shall be subject to the advice and consent of the
24 Senate.

25 b. Commission members shall serve for terms of 3 years; pro-
26 vided, however, that of the first members appointed by the Gov-
27 ernor, two shall serve 3 year terms, two shall serve 2 year terms
28 and three shall serve 1 year terms; and provided further, however,

29 that of the first members appointed by the respective counties,
30 such members appointed from Atlantic and Burlington counties
31 shall serve 1 year terms, such members appointed from Camden
32 and Cape May counties shall serve 2 year terms, and such members
33 appointed from Cumberland, Gloucester and Ocean counties shall
34 serve 3 year terms. Each member shall serve for the term of his
35 appointment and until his successor shall have been appointed and
36 qualified. Any vacancy shall be filled in the same manner as the
37 original appointment for the unexpired term only. The membership
38 of the entire commission shall include residents of the pinelands
39 area who represent economic activities, such as agriculture, in the
40 area, as well as residents of the State who represent conservation
41 interests.

42 c. Any member of the commission may be removed by the
43 appointing authority, for cause, after a public hearing.

44 d. Each member of the commission, before entering upon his
45 duties, shall take and subscribe an oath to perform the duties of
46 his office faithfully, impartially, and justly to the best of his
47 ability. A record of such oaths shall be filed in the Office of the
48 Secretary of State.

49 e. The members of the commission shall serve without compensa-
50 tion, but the commission may, within the limits of funds appro-
51 priated or otherwise made available for such purposes, reimburse
52 its members for necessary expenses incurred in the discharge of
53 their official duties.

54 f. The powers of the commission shall be vested in the members
55 thereof in office, and a majority of the total authorized membership
56 of the commission shall be required to exercise its powers at any
57 meeting thereof. No alternate or designee of any commission
58 member shall exercise any power to vote on any matter pending
59 before the commission.

60 g. The Governor shall designate one of the members of the
61 commission as chairman. The commission shall appoint an execu-
62 tive director, who shall be the chief administrative officer thereof.
63 The executive director shall serve at the pleasure of the commis-
64 sion, and shall be a person qualified by training and experience to
65 perform the duties of his office.

66 h. A true copy of the minutes of every meeting of the commission
67 shall be prepared and forthwith delivered to the Governor. No
68 action taken at such meeting by the commission shall have force
69 or effect until 10 days, exclusive of Saturdays, Sundays and public
70 holidays, after such copy of the minutes shall have been so deliv-
71 ered; *provided, however, that no action taken with respect to the*

72 adoption of the comprehensive management plan, or any portion
73 thereof, shall have force or effect until 30 days, exclusive of Sat-
74 urdays, Sundays and public holidays, after such copy of the minutes
75 shall have been so delivered. If, in said 10-day period, or 30-day
76 period, as the case may be, the Governor returns such copy of the
77 minutes with a veto of any action taken by the commission at such
78 meeting, such action shall be null and void and of no force and effect.

1 2. Section 7 of P. L. 1979, c. 111 (C. 13:18A-8) is amended to
2 read as follows:

3 7. The commission shall, on or before August 8, 1980, and after
4 public hearings held in the pinelands area and in other areas of
5 the State at places of its choosing, prepare and adopt a comprehen-
6 sive management plan for the pinelands area. *The portion or por-*
7 *tions of the comprehensive management plan applicable to the*
8 *preservation area shall be adopted on or before August 8, 1980.*
9 *The portion or portions of the comprehensive management plan*
10 *applicable to the protection area shall be adopted on or after No-*
11 *vember 14, 1980, but in no case later than December 15, 1980, and*
12 *shall take effect on the thirty-first day following adoption, except*
13 *as otherwise expressly provided in subsection h. of section 5 of*
14 *P. L. 1979, c. 111 (C. 13:18A-5).* Such plan shall be periodically
15 revised and updated, after public hearings, and shall include, but
16 need not necessarily be limited to:

17 a. A resource assessment which:

18 (1) Determines the amount and type of human development and
19 activity which the ecosystem of the pinelands area can sustain
20 while still maintaining the overall ecological values thereof, with
21 special reference to ground and surface water supply and quality;
22 natural hazards, including fire; endangered, unique, and unusual
23 plants and animals and biotic communities; ecological factors re-
24 lating to the protection and enhancement of blueberry, cranberry
25 and other agricultural production or activity; air quality; and
26 other appropriate considerations affecting the ecological integrity
27 of the pinelands area;

28 (2) Includes an assessment of scenic, aesthetic, cultural, open
29 space, and outdoor recreation resources of the area, together with a
30 determination of overall policies required to maintain and enhance
31 such resources; and

32 (3) Utilizes soil resources information from the National Co-
33 operative Soil Survey and the soil conservation districts in the
34 pinelands area.

35 b. A map showing the detailed boundary of the Pinelands Na-
36 tional Reserve, such map to delineate:

37 (1) Major areas within the boundary which are of critical
38 ecological importance;

39 (2) Major areas and resources adjacent to the boundary that
40 have significance to the ecological integrity of the Pinelands
41 National Reserve; and

42 (3) Areas of scenic, open space, cultural, and recreational
43 significance.

44 c. The map prepared pursuant to subsection c. of section 10 of
45 this act.

46 d. A land use capability map and a comprehensive statement
47 of policies for planning and managing the development and use
48 of land in the pinelands area, which policies shall:

49 (1) Consider and detail the application of a variety of land
50 and water protection and management techniques, including but not
51 limited to, zoning and regulation derived from State and local police
52 powers, development and use standards, permit systems, acquisi-
53 tion of conservation easements and other interest in land, public
54 access agreements with private landowners, purchase of land for
55 resale or lease-back, fee acquisition of public recreation sites and
56 ecologically sensitive areas, transfer of development rights, dedi-
57 cation of private lands for recreation or conservation purposes
58 and any other appropriate method of land and water protection
59 and management which will help meet the goals and carry out the
60 policies of the management plan;

61 (2) Include a policy for the use of State and local police power
62 responsibilities to the greatest extent practicable to regulate the
63 use of land and water resources in a manner consistent with the
64 purposes and provisions of this act and the Federal Act; and

65 (3) Recognize existing economic activities within the area and
66 provide for the protection and enhancement of such activities as
67 farming, forestry, proprietary recreational facilities, and those
68 indigenous industries and commercial and residential develop-
69 ments which are consistent with such purposes and provisions.

70 e. A coordination and consistency component which details the
71 ways in which local, State, and Federal programs and policies
72 may best be coordinated to promote the goals and policies of the
73 management plan, and which details how land, water, and struc-
74 tures managed by governmental or nongovernmental entities in the
75 public interest within the pinelands area may be integrated into
76 the management plan.

77 f. A public use component including, but not limited to, a detailed
78 program to inform the public of appropriate uses of the pinelands
79 area.

80 g. A financial component, together with a cash flow timetable
81 which:

82 (1) Details the cost of implementing the management plan, in-
83 cluding, but not limited to, payments in lieu-of-taxes, acquisition,
84 within 5 years of the effective date of this act, of fee simple or
85 other interests in lands for preservation or recreation purposes,
86 compensation guarantees, general administrative costs, and any
87 anticipated extraordinary or continuing costs; and

88 (2) Details the sources of revenue for covering such costs, in-
89 cluding, but not limited to, grants, donations, and loans from local,
90 State, and Federal departments and agencies, and from the private
91 sector.

92 h. A program to provide for the maximum feasible local govern-
93 ment and public participation in the management of the pinelands
94 area.

95 i. A program for State and local governmental implementation
96 of the comprehensive management plan and the various elements
97 thereof in a manner that will insure the continued, uniform, and
98 consistent protection of the pinelands area in accord with the pur-
99 poses and provisions of this act and the Federal Act, including:

100 (1) Minimum standards for the adoption, as required in section
101 11 of this act, of municipal and county plans and ordinances con-
102 cerning the development and use of land in the pinelands area,
103 including, but not limited to, standards for minimum lot sizes and
104 stream setbacks, maximum appropriate population densities, and
105 regulated or prohibited uses for specific portions of the pinelands
106 area; and

107 (2) Such guidelines for any State or local agencies as may be
108 prepared by the commission pursuant to section 12 hereof.

109 j. In conjunction with existing State programs and planning
110 processes, a plan to implement the provisions of the "Clean Water
111 Act" (PL 95-217) and the "Safe Drinking Water Act"
112 (PL 93-523) which pertain to the surface and ground water of the
113 Pinelands National Reserve;

114 k. The report transmitted to the commission by the Department
115 of Environmental Protection pursuant to section 22 of this act.

1 3. This act shall take effect immediately.

ASSEMBLY, No. 1812

STATE OF NEW JERSEY

INTRODUCED JUNE 9, 1980

By Assemblymen DOYLE, HURLEY, STEWART, HERMAN, MATTHEWS, RILEY, SCHUCK, D. GALLO, RAND, GORMLEY, Assemblywoman GLUCK, Assemblymen VILLANE, VANWAGNER, FLYNN, COSTELLO, McMANIMON, ORECHIO, MARKERT, CARDINALE, KOSCO, IMPERIALE, VISOTCKY, KAVANAUGH, LITTELL, MAGUIRE, ALBANESE, BENNET, Assemblywomen MUHLER, McCONNELL, Assemblymen ZANGARI, McENROE, DORIA, REMINGTON, DOWD, SAXTON, HARDWICK, SMITH, SNEDEKER, BASSANO, GIRGENTI, PELLECCIA, DALTON, ADUBATO, BARRY and Assemblywoman CURRAN

Referred to Committee on Agriculture and Environment

AN ACT to amend and supplement the "Pinelands Protection Act," approved June 28, 1979 (P. L. 1979, c. 111) and making an appropriation.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 3 of P. L. 1979, c. 111 (C. 13:18A-3) is amended to
2 read as follows:

3 3. As used in this act:

4 a. "Agricultural or horticultural purposes" or "agricultural or
5 horticultural use" means any production of plants or animals
6 useful to man, including but not limited to: forages or sod crops;
7 grains and feed crops; dairy animals and dairy products; poultry
8 and poultry products; livestock, including beef cattle, sheep, swine,
9 horses, ponies, mules or goats, and including the breeding and
10 grazing of any or all of such animals; bees and apiary products;
11 fur animals; trees and forest products; fruits of all kinds, including
12 grapes, nuts and berries; vegetables; nursey, floral, ornamental
13 and greenhouse products; or any land devoted to and meeting the
14 requirements and qualifications for payments or other compensa-

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

15 tion pursuant to a soil conservation program under an agency of
16 the Federal Government;

17 b. "Application for development" means the application form
18 and all accompanying documents required by municipal ordinance
19 for approval of a subdivision plat, site plan, planned development,
20 conditional use, zoning variance or other permit as provided in
21 the "Municipal Land Use Law," P. L. 1975, c. 291 (C. 40:55D-1
22 et seq.) for any use, development or construction other than the
23 improvement, expansion or reconstruction of any single-family
24 dwelling unit or appurtenance thereto, or the improvement, ex-
25 pansion, construction or reconstruction of any structure used
26 exclusively for agricultural or horticultural purposes; *provided,*
27 *however, that an application for a building permit shall not be*
28 *considered an application for development;*

29 c. "Commission" means the Pinelands Commission created by
30 section 4 of this act;

31 d. "Comprehensive management plan" means the plan prepared
32 and adopted by the commission pursuant to section 7 of this act;

33 e. "Council" means the Pinelands Municipal Council created
34 by section 6.1 of this act;

35 f. "Federal Act" means section 502 of the "National Parks and
36 Recreation Act of 1978" (P. L. 95-625);

37 g. "Major development" means any division or subdivision of
38 land into five or more parcels; any construction or expansion of
39 any housing development of five or more dwelling units; any
40 construction or expansion of any commercial or industrial use
41 or structure on a site of more than 3 acres; or any grading, clear-
42 ing or disturbance of any area in excess of 5,000 square feet for
43 other than agricultural or horticultural purposes;

44 h. "Pinelands area" means that area so designated by subsection
45 a. of section 10 of this act;

46 i. "Pinelands National Reserve" means the approximately
47 1,000,000 acre area so designated by the Federal Act and generally
48 depicted on the map entitled "Pinelands National Reserve Bound-
49 ary Map" numbered NPS/80,011A and dated September, 1978;

50 j. "Preservation area" means that portion of the pinelands area
51 so designated by subsection b. of section 10 of this act;

52 k. "Protection area" means that portion of the pinelands area
53 not included within the preservation area.

1 2. Section 7 of P. L. 1979, c. 111 (C. 13:18A-8) is amended to
2 read as follows;

3 7. The commission shall on or before [August 8, 1980] *December*
4 *31, 1980*, and after public hearings held in the pinelands area and
5 in other areas of the State at places of its choosing, prepare and
6 adopt a comprehensive management plan for the pinelands area.
7 Such plan shall be periodically revised and updated, after public
8 hearings, and shall include, but need not necessarily be limited to:

9 a. A resource assessment which:

10 (1) Determines the amount and type of human development and
11 activity which the ecosystem of the pinelands area can sustain
12 while still maintaining the overall ecological values thereof, with
13 special reference to ground and surface water supply and quality;
14 natural hazards, including fire; endangered, unique, and unusual
15 plants and animals and biotic communities; ecological factors relat-
16 ing to the protection and enhancement of blueberry, cranberry
17 and other agricultural production or activity; air quality; and
18 other appropriate considerations affecting the ecological integrity
19 of the pinelands area;

20 (2) Includes an assessment of scenic, aesthetic, cultural, open
21 space, and outdoor recreation resources of the area, together with a
22 determination of overall policies required to maintain and enhance
23 such resources; and

24 (3) Utilizes soil resources information from the National Co-
25 operative Soil Survey and the soil conservation districts in the
26 pinelands area.

27 b. A map showing the detailed boundary of the Pinelands Na-
28 tional Reserve, such map to delineate:

29 (1) Major areas within the boundary which are of critical
30 ecological importance;

31 (2) Major areas and resources adjacent to the boundary that
32 have significance to the ecological integrity of the Pinelands
33 National Reserve; and

34 (3) Areas of scenic, open space, cultural, and recreational
35 significance.

36 c. The map prepared pursuant to subsection c. of section 10 of
37 this act.

38 d. A land use capability map and a comprehensive statement
39 of policies for planning and managing the development and use
40 of land in the pinelands area, which policies shall:

41 (1) Consider and detail the application of a variety of land
42 and water protection and management techniques, including but not
43 limited to, zoning and regulation derived from State and local police
44 powers, development and use standards, permit systems, acquisi-

45 tion of conservation easements and other interests in land, public
46 access agreements with private landowners, purchase of land for
47 resale or lease-back, fee acquisition of public recreation sites and
48 ecologically sensitive areas, transfer of development rights, dedi-
49 cation of private lands for recreation or conservation purposes
50 and any other appropriate method of land and water protection
51 and management which will help meet the goals and carry out the
52 policies of the management plan;

53 (2) Include a policy for the use of State and local police power
54 responsibilities to the greatest extent practicable to regulate the
55 use of land and water resources in a manner consistent with the
56 purposes and provisions of this act and the Federal Act; and

57 (3) Recognize existing economic activities within the area and
58 provide for the protection and enhancement of such activities as
59 farming, forestry, proprietary recreational facilities, and those
60 indigenous industries and commercial and residential develop-
61 ments which are consistent with such purposes and provisions.

62 e. A coordination and consistency component which details the
63 ways in which local, State, and Federal programs and policies
64 may best be coordinated to promote the goals and policies of the
65 management plan, and which details how land, water, and struc-
66 tures managed by governmental or nongovernmental entities in the
67 public interest within the pinelands area may be integrated into
68 the management plan.

69 f. A public use component including, but not limited to, a detailed
70 program to inform the public of appropriate uses of the pinelands
71 area.

72 g. A financial component, together with a cash flow timetable
73 which:

74 (1) Details the cost of implementing the management plan, in-
75 cluding, but not limited to, payments in lieu-of-taxes, acquisition,
76 within 5 years of the effective date of this act, of fee simple or
77 other interests in lands for preservation or recreation purposes,
78 compensation guarantees, general administrative costs, and any
79 anticipated extraordinary or continuing costs; and

80 (2) Details the sources of revenue for covering such costs, in-
81 cluding, but not limited to, grants, donations, and loans from local,
82 State, and Federal departments and agencies, and from the private
83 sector.

84 h. A program to provide for the maximum feasible local govern-
85 ment and public participation in the management of the pinelands
86 area.

87 i. A program for State and local governmental implementation
88 of the comprehensive management plan and the various elements
89 thereof in a manner that will insure the continued, uniform, and
90 consistent protection of the pinelands area in accord with the pur-
91 poses and provisions of this act and the Federal Act, including:

92 (1) Minimum standards for the adoption, as required in section
93 11 of this act, of municipal and county plans and ordinances con-
94 cerning the development and use of land in the pinelands area,
95 including, but not limited to, standards for minimum lot sizes and
96 stream setbacks, maximum appropriate population densities, and
97 regulated or prohibited uses for specific portions of the pinelands
98 area; and

99 (2) Such guidelines for any State or local agencies as may be
100 prepared by the commission pursuant to section 12 hereof.

101 j. In conjunction with existing State programs and planning
102 processes, a plan to implement the provisions of the "Clean Water
103 Act" (P. L. 95-217) and the "Safe Drinking Water Act" (P. L.
104 93-523) which pertain to the surface and ground water of the
105 Pinelands National Reserve;

106 k. The report transmitted to the commission by the Department
107 of Environmental Protection pursuant to section 22 of this act.

1 3. Section 9 of P. L. 1979, c. 111 (C. 13:18A-10) is amended to
2 read as follows:

3 9. a. During the development of the comprehensive management
4 plan, the commission shall consult with appropriate officials of
5 local governments, including the council, and State or Federal
6 agencies with jurisdiction over lands, waters and natural resources
7 within the pinelands area, with interested professional, scientific,
8 and citizen organizations, and with any citizens advisory committee
9 which may be established by the Governor. The commission shall
10 review all relevant existing information and studies on the pine-
11 lands area including, but not limited to, the report of the com-
12 mittee created pursuant to Executive Order 56, issued May 28,
13 1977.

14 b. Upon the adoption thereof *by the commission* the compre-
15 hensive management plan shall be submitted to the Governor and
16 to the [Legislature] *presiding officer of each House of the Legisla-*
17 *ture on a day on which both Houses shall be meeting in the course*
18 *of a regular or special session.* The commission shall further
19 submit such plan to the Secretary of the United States Department
20 of Interior, as provided in the Federal Act. *The plan shall be*
21 *deemed adopted by the Legislature if, within 60 days of its sub-*
22 *mission to the Legislature, the Legislature does not pass a con-*

23 *current resolution stating in substance that the Legislature does*
24 *not favor the plan or any part thereof.*

25 *Any reference in this act to the adoption of the comprehensive*
26 *management plan, unless otherwise stated, shall mean adoption of*
27 *the plan by the Legislature.*

28 c. Subsequent to the adoption of the comprehensive management
29 plan, the provisions of any other law, ordinance, rule or regulation
30 to the contrary notwithstanding, no application for development
31 within the pinelands area shall be approved by any municipality,
32 county or agency thereof, and no State approval, certificate, license,
33 consent, permit, or financial assistance for the construction of any
34 structure or the disturbance of any land within such area shall be
35 granted, unless such approval or grant conforms to the provisions
36 of such comprehensive management plan; provided, however, that
37 the commission is hereby authorized to waive strict compliance
38 with such plan or with any element or standard contained therein,
39 upon finding that such waiver is necessary to alleviate extra-
40 ordinary hardship or to satisfy a compelling public need, is
41 consistent with the purposes and provisions of this act and the
42 Federal Act, and would not result in substantial impairment of
43 the resources of the pinelands area; and provided further, however,
44 that the commission shall, within 90 days of the effective date of
45 this act, and after public hearing thereon, adopt rules and regula-
46 tions which specify the standards for determining such extraordi-
47 nary hardship, compelling public need, consistency and substantial
48 impairment.

1 4. Section 13 of P. L. 1979, c. 111 (C. 13:18A-14) is amended to
2 read as follows:

3 13. Subsequent to the effective date of this act, the provisions
4 of any other law, ordinance, rule or regulation to the contrary not-
5 withstanding:

6 a. No State department, division, commission, authority, council,
7 agency or board shall grant any approval, certificate, license, con-
8 sent, permit or financial assistance for the construction of any
9 structure or the disturbance of any land within the pinelands area,
10 for other than agricultural or horticultural purposes prior to the
11 adoption of the comprehensive management plan; provided, how-
12 ever, that such grant may be made for such construction or distur-
13 bance within the protection area prior to such adoption if the com-
14 mission finds that such grant is necessary to alleviate extraordinary
15 hardship, or to satisfy a compelling public need, or is consistent
16 with the purposes and provisions of this act and the Federal Act,
17 and would not result in substantial impairment of the resources of

18 the pinelands area ; and provided further, however, that such grant
19 may be made for such construction or disturbance within the pre-
20 servation area if the commission finds that such grant is necessary
21 to alleviate extraordinary hardship or to satisfy a compelling
22 public need, and is consistent with the purposes and provisions
23 of this act and the Federal Act, and would not result in substantial
24 impairment of the resources of the pinelands area.

25 b. No application for a major development in the protection area
26 shall be approved by any municipality, county or agency thereof,
27 prior to the adoption of the comprehensive management plan ; pro-
28 vided, however, that such an application may be approved if the
29 commission finds that such approval is necessary to alleviate extra-
30 ordinary hardship or to satisfy a compelling public need, or is con-
31 sistent with the purposes and provisions of this act and the Federal
32 Act, and would not result in substantial impairment of the resources
33 of the pinelands area.

34 c. No application for development in the preservation area shall
35 be approved by any municipality, county, or agency thereof prior
36 to the adoption of the comprehensive management plan and the
37 approval, pursuant to section 11 of this act, of the master plan and
38 land use ordinances applicable to any such municipality, county,
39 or agency thereof ; provided, however, that such an application may
40 be approved prior to such adoption and approval if the commission
41 finds that such approval is necessary to alleviate extraordinary
42 hardship or to satisfy a compelling public need, and is consistent
43 with the purposes and provisions of this act and the Federal Act,
44 and would not result in substantial impairment of the resources of
45 the pinelands area.

46 d. Any approval, certificate, license, consent, permit, or financial
47 assistance granted in violation of this section shall be null and void
48 and of no force and effect at law or equity.

49 e. The commission shall, within 90 days of the effective date of
50 this act, and after public hearing thereon, adopt rules and regula-
51 tions which specify the standards for determining such extraordi-
52 nary hardship, compelling public need, consistency and substantial
53 impairment for the purposes of this section.

54 f. The executive director is hereby authorized and directed to
55 review all requests or applications for a commission finding pur-
56 suant to this section and to make such recommendations thereon
57 to the commission as he shall deem appropriate ; provided, however,
58 that the commission shall take final action on all such requests or
59 applications.

60 g. Nothing in this section shall prohibit the granting of any
61 State, county or municipal approval, certificate, license, consent or
62 permit for the construction of any single family residence upon any
63 existing lot in the protection area, provided that (1) the lot upon
64 which such residence would be constructed was owned, as of Feb-
65 ruary 7, 1979, by the person who would occupy such residence; and
66 (2) that sewage treatment facilities, within the capacity of an
67 existing sewage treatment plant, are available to service such
68 residence, or, where no such facilities are available, that such resi-
69 dence would be constructed upon a lot greater than 1 acre.

70 h. *Nothing in this section shall prohibit the granting of any*
71 *State, county or municipal approval, certificate, license, consent or*
72 *permit for any construction or disturbance of land in the protec-*
73 *tion area, provided that (1) the construction or disturbance is*
74 *undertaken in accordance with the terms of any preliminary or final*
75 *subdivision approval granted by any municipality pursuant to the*
76 *provisions of the "Municipal Land Use Law" P. L. 1975, c. 291 (C.*
77 *40:55D-1 et seq.) and (2) the approval was granted prior to June*
78 *28, 1979.*

1 5. Section 24 of P. L. 1979, c. 111 (C. 13:18A-25) is amended to
2 read as follows:

3 24. a. Nothing in this act shall be construed to authorize or per-
4 mit the exportation of any ground or surface waters from the pine-
5 lands area.

6 b. Nothing in this act shall be construed to authorize any regu-
7 lation of hunting, fishing, trapping or possession of wildlife, or
8 other recreational activities in the pinelands area, except as other-
9 wise provided in section 23 of this act or by Title 13 or Title 23 of
10 the Revised Statutes.

11 c. *Nothing in this act shall be construed to authorize the com-*
12 *mission to impose or collect any tax, fee or surcharge, except as*
13 *specifically provided in section 25 of P. L. 1979, c. 111 (C.*
14 *13:18A-26).*

15 d. *Nothing in this act shall be construed to authorize the com-*
16 *mission, in adopting and enforcing the comprehensive management*
17 *plan, to prohibit, delay, impose conditions upon, or otherwise inter-*
18 *fere with any construction or disturbance of land in the protection*
19 *area, if the construction or disturbance is undertaken in accordance*
20 *with the terms of any preliminary or final subdivision approval*
21 *granted by any municipality pursuant to the provisions of the*
22 *"Municipal Land Use Law" P. L. 1975, c. 291 (C. 40:55D-1 et seq.)*
23 *and if the approval was granted prior to June 28, 1979.*

1 6. (New section) The commission shall, within 90 days of the
2 effective date of this amendatory and supplementary act, revise the
3 official State planning maps prepared pursuant to subsection c. of
4 section 10 of P. L. 1979, c. 111 (C. 13:18A-11) to include the lot and
5 block number, as shown on the appropriate municipal tax map, of
6 each lot located on the boundary of the Pinelands National Reserve,
7 the pinelands area, the protection area, the preservation area, and
8 each area, district, center, or other region of the pinelands area
9 subject to specific restrictions pursuant to the comprehensive
10 management plan. The revised maps shall be transmitted and
11 published in the manner provided in the aforementioned subsection.

1 7. (New section) There is appropriated to the commission the sum
2 of \$75,000.00, to be used for grants to municipalities and counties
3 pursuant to the provisions of section 15 of P. L. 1979, c. 111 (C.
4 13:18A-16).

1 8. This act shall take effect immediately.

STATEMENT

This bill would amend and supplement the "Pinelands Protection Act" (P. L. 1979, c. 111) to (1) extend the deadline for the adoption of the comprehensive management plan from August 8, 1980 to December 31, 1980; (2) clarify the fact that building permits are not included in the category of "applications for development" subject to the restrictions of the act; (3) provide Legislative Oversight of the comprehensive management plan; (4) protect the vested rights of those persons who have secured preliminary or final subdivision approval in the protection area prior to June 28, 1979; (5) clarify the authority of the commission to impose or collect taxes, fees or surcharges; and (6) require that local lot and block numbers be depicted on the official State pinelands maps.

ASSEMBLY AGRICULTURE AND ENVIRONMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1812
with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 12, 1980

This bill would amend and supplement the "Pinelands Protection Act" (P. L. 1979, c. 111) to (1) extend the deadline for the adoption of the comprehensive management plan from August 8, 1980 to December 31, 1980; (2) clarify the fact that building permits are not included in the category of "applications for development" subject to the restrictions of the act; (3) provide Legislative oversight of the comprehensive management plan; (4) protect the vested rights of those persons who have secured preliminary or final subdivision approval in the protection area prior to February 8, 1979; (5) clarify the authority of the commission to impose or collect taxes, fees or surcharges; (6) require that local lot and block numbers be depicted on the official State pinelands maps; and (7) clarify the fact that the commission has no authority to adopt, implement or enforce a transfer of development rights program or other similar land use management or technique.

ASSEMBLY COMMITTEE AMENDMENTS TO
ASSEMBLY, No. 1812

STATE OF NEW JERSEY

ADOPTED JUNE 12, 1980

Amend page 8, section 4, lines 77-78, omit "June 28", insert "February 8".

Amend page 8, section 5, line 23, omit "June 28", insert "February 8".

Amend page 8, section 5, after line 23, insert new subsection e. as follows:

"e. Nothing in this act shall be construed to authorize the commission to adopt, implement, or enforce a transfer of development rights program, or any other similar land use management plan or technique."

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1812

STATE OF NEW JERSEY

INTRODUCED JUNE 9, 1980

By Assemblymen DOYLE, HURLEY, STEWART, HERMAN, MATTHEWS, RILEY, SCHUCK, D. GALLO, RAND, GORMLEY, Assemblywoman GLUCK, Assemblymen VILLANE, VANWAGNER, FLYNN, COSTELLO, McMANIMON, ORECHIO, MARKERT, CARDINALE, KOSCO, IMPERIALE, VISOTCKY, KAVANAUGH, LITTELL, MAGUIRE, ALBANESE, BENNET, Assemblywomen MUHLER, McCONNELL, Assemblymen ZANGARI, McENROE, DORIA, REMINGTON, DOWD, SAXTON, HARDWICK, SMITH, SNEDEKER, BASSANO, GIRGENTI, PELLECCIA, DALTON, ADUBATO, BARRY and Assemblywoman CURRAN

Referred to Committee on Agriculture and Environment

AN ACT to amend and supplement the "Pinelands Protection Act," approved June 28, 1979 (P. L. 1979, c. 111) and making an appropriation.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 3 of P. L. 1979, c. 111 (C. 13:18A-3) is amended to
2 read as follows:

3 3. As used in this act:

4 a. "Agricultural or horticultural purposes" or "agricultural or
5 horticultural use" means any production of plants or animals
6 useful to man, including but not limited to: forages or sod crops;
7 grains and feed crops; dairy animals and dairy products; poultry
8 and poultry products; livestock, including beef cattle, sheep, swine,
9 horses, ponies, mules or goats, and including the breeding and
10 grazing of any or all of such animals; bees and apiary products;
11 fur animals; trees and forest products; fruits of all kinds, including
12 grapes, nuts and berries; vegetables; nursey, floral, ornamental
13 and greenhouse products; or any land devoted to and meeting the
14 requirements and qualifications for payments or other compensa-

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

15 tion pursuant to a soil conservation program under an agency of
16 the Federal Government;

17 b. "Application for development" means the application form
18 and all accompanying documents required by municipal ordinance
19 for approval of a subdivision plat, site plan, planned development,
20 conditional use, zoning variance or other permit as provided in
21 the "Municipal Land Use Law," P. L. 1975, c. 291 (C. 40:55D-1
22 et seq.) for any use, development or construction other than the
23 improvement, expansion or reconstruction of any single-family
24 dwelling unit or appurtenance thereto, or the improvement, ex-
25 pansion, construction or reconstruction of any structure used
26 exclusively for agricultural or horticultural purposes; *provided,*
27 *however, that an application for a building permit shall not be*
28 *considered an application for development;*

29 c. "Commission" means the Pinelands Commission created by
30 section 4 of this act;

31 d. "Comprehensive management plan" means the plan prepared
32 and adopted by the commission pursuant to section 7 of this act;

33 e. "Council" means the Pinelands Municipal Council created
34 by section 6.1 of this act;

35 f. "Federal Act" means section 502 of the "National Parks and
36 Recreation Act of 1978" (P. L. 95-625);

37 g. "Major development" means any division or subdivision of
38 land into five or more parcels; any construction or expansion of
39 any housing development of five or more dwelling units; any
40 construction or expansion of any commercial or industrial use
41 or structure on a site of more than 3 acres; or any grading, clear-
42 ing or disturbance of any area in excess of 5,000 square feet for
43 other than agricultural or horticultural purposes;

44 h. "Pinelands area" means that area so designated by subsection
45 a. of section 10 of this act;

46 i. "Pinelands National Reserve" means the approximately
47 1,000,000 acre area so designated by the Federal Act and generally
48 depicted on the map entitled "Pinelands National Reserve Bound-
49 ary Map" numbered NPS/80,011A and dated September, 1978;

50 j. "Preservation area" means that portion of the pinelands area
51 so designated by subsection b. of section 10 of this act;

52 k. "Protection area" means that portion of the pinelands area
53 not included within the preservation area.

1 2. Section 7 of P. L. 1979, c. 111 (C. 13:18A-8) is amended to
2 read as follows:

3 7. The commission shall on or before [August 8, 1980] *December*
4 *31, 1980*, and after public hearings held in the pinelands area and
5 in other areas of the State at places of its choosing, prepare and
6 adopt a comprehensive management plan for the pinelands area.
7 Such plan shall be periodically revised and updated, after public
8 hearings, and shall include, but need not necessarily be limited to:

9 a. A resource assessment which:

10 (1) Determines the amount and type of human development and
11 activity which the ecosystem of the pinelands area can sustain
12 while still maintaining the overall ecological values thereof, with
13 special reference to ground and surface water supply and quality;
14 natural hazards, including fire; endangered, unique, and unusual
15 plants and animals and biotic communities; ecological factors relat-
16 ing to the protection and enhancement of blueberry, cranberry
17 and other agricultural production or activity; air quality; and
18 other appropriate considerations affecting the ecological integrity
19 of the pinelands area;

20 (2) Includes an assessment of scenic, aesthetic, cultural, open
21 space, and outdoor recreation resources of the area, together with a
22 determination of overall policies required to maintain and enhance
23 such resources; and

24 (3) Utilizes soil resources information from the National Co-
25 operative Soil Survey and the soil conservation districts in the
26 pinelands area.

27 b. A map showing the detailed boundary of the Pinelands Na-
28 tional Reserve, such map to delineate:

29 (1) Major areas within the boundary which are of critical
30 ecological importance;

31 (2) Major areas and resources adjacent to the boundary that
32 have significance to the ecological integrity of the Pinelands
33 National Reserve; and

34 (3) Areas of scenic, open space, cultural, and recreational
35 significance.

36 c. The map prepared pursuant to subsection c. of section 10 of
37 this act.

38 d. A land use capability map and a comprehensive statement
39 of policies for planning and managing the development and use
40 of land in the pinelands area, which policies shall:

41 (1) Consider and detail the application of a variety of land
42 and water protection and management techniques, including but not
43 limited to, zoning and regulation derived from State and local police
44 powers, development and use standards, permit systems, acquisi-

45 tion of conservation easements and other interests in land, public
46 access agreements with private landowners, purchase of land for
47 resale or lease-back, fee acquisition of public recreation sites and
48 ecologically sensitive areas, transfer of development rights, dedi-
49 cation of private lands for recreation or conservation purposes
50 and any other appropriate method of land and water protection
51 and management which will help meet the goals and carry out the
52 policies of the management plan;

53 (2) Include a policy for the use of State and local police power
54 responsibilities to the greatest extent practicable to regulate the
55 use of land and water resources in a manner consistent with the
56 purposes and provisions of this act and the Federal Act; and

57 (3) Recognize existing economic activities within the area and
58 provide for the protection and enhancement of such activities as
59 farming, forestry, proprietary recreational facilities, and those
60 indigenous industries and commercial and residential develop-
61 ments which are consistent with such purposes and provisions.

62 e. A coordination and consistency component which details the
63 ways in which local, State, and Federal programs and policies
64 may best be coordinated to promote the goals and policies of the
65 management plan, and which details how land, water, and struc-
66 tures managed by governmental or nongovernmental entities in the
67 public interest within the pinelands area may be integrated into
68 the management plan.

69 f. A public use component including, but not limited to, a detailed
70 program to inform the public of appropriate uses of the pinelands
71 area.

72 g. A financial component, together with a cash flow timetable
73 which:

74 (1) Details the cost of implementing the management plan, in-
75 cluding, but not limited to, payments in lieu-of-taxes, acquisition,
76 within 5 years of the effective date of this act, of fee simple or
77 other interests in lands for preservation or recreation purposes,
78 compensation guarantees, general administrative costs, and any
79 anticipated extraordinary or continuing costs; and

80 (2) Details the sources of revenue for covering such costs, in-
81 cluding, but not limited to, grants, donations, and loans from local,
82 State, and Federal departments and agencies, and from the private
83 sector.

84 h. A program to provide for the maximum feasible local govern-
85 ment and public participation in the management of the pinelands
86 area.

87 i. A program for State and local governmental implementation
88 of the comprehensive management plan and the various elements
89 thereof in a manner that will insure the continued, uniform, and
90 consistent protection of the pinelands area in accord with the pur-
91 poses and provisions of this act and the Federal Act, including:

92 (1) Minimum standards for the adoption, as required in section
93 11 of this act, of municipal and county plans and ordinances con-
94 cerning the development and use of land in the pinelands area,
95 including, but not limited to, standards for minimum lot sizes and
96 stream setbacks, maximum appropriate population densities, and
97 regulated or prohibited uses for specific portions of the pinelands
98 area; and

99 (2) Such guidelines for any State or local agencies as may be
100 prepared by the commission pursuant to section 12 hereof.

101 j. In conjunction with existing State programs and planning
102 processes, a plan to implement the provisions of the "Clean Water
103 Act" (P. L. 95-217) and the "Safe Drinking Water Act" (P. L.
104 93-523) which pertain to the surface and ground water of the
105 Pinelands National Reserve;

106 k. The report transmitted to the commission by the Department
107 of Environmental Protection pursuant to section 22 of this act.

1 3. Section 9 of P. L. 1979, c. 111 (C. 13:18A-10) is amended to
2 read as follows:

3 9. a. During the development of the comprehensive management
4 plan, the commission shall consult with appropriate officials of
5 local governments, including the council, and State or Federal
6 agencies with jurisdiction over lands, waters and natural resources
7 within the pinelands area, with interested professional, scientific,
8 and citizen organizations, and with any citizens advisory committee
9 which may be established by the Governor. The commission shall
10 review all relevant existing information and studies on the pine-
11 lands area including, but not limited to, the report of the com-
12 mittee created pursuant to Executive Order 56, issued May 28,
13 1977.

14 b. Upon the adoption thereof *by the commission* the compre-
15 hensive management plan shall be submitted to the Governor and
16 to the [Legislature] *presiding officer of each House of the Legisla-*
17 *ture on a day on which both Houses shall be meeting in the course*
18 *of a regular or special session.* The commission shall further
19 submit such plan to the Secretary of the United States Department
20 of Interior, as provided in the Federal Act. *The plan shall be*
21 *deemed adopted by the Legislature if, within 60 days of its sub-*
22 *mission to the Legislature, the Legislature does not pass a con-*

23 *current resolution stating in substance that the Legislature does*
24 *not favor the plan or any part thereof.*

25 *Any reference in this act to the adoption of the comprehensive*
26 *management plan, unless otherwise stated, shall mean adoption of*
27 *the plan by the Legislature.*

28 c. Subsequent to the adoption of the comprehensive management
29 plan, the provisions of any other law, ordinance, rule or regulation
30 to the contrary notwithstanding, no application for development
31 within the pinelands area shall be approved by any municipality,
32 county or agency thereof, and no State approval, certificate, license,
33 consent, permit, or financial assistance for the construction of any
34 structure or the disturbance of any land within such area shall be
35 granted, unless such approval or grant conforms to the provisions
36 of such comprehensive management plan; provided, however, that
37 the commission is hereby authorized to waive strict compliance
38 with such plan or with any element or standard contained therein,
39 upon finding that such waiver is necessary to alleviate extra-
40 ordinary hardship or to satisfy a compelling public need, is
41 consistent with the purposes and provisions of this act and the
42 Federal Act, and would not result in substantial impairment of
43 the resources of the pinelands area; and provided further, however,
44 that the commission shall, within 90 days of the effective date of
45 this act, and after public hearing thereon, adopt rules and regula-
46 tions which specify the standards for determining such extraordi-
47 nary hardship, compelling public need, consistency and substantial
48 impairment.

1 4. Section 13 of P. L. 1979, c. 111 (C. 13:18A-14) is amended to
2 read as follows:

3 13. Subsequent to the effective date of this act, the provisions
4 of any other law, ordinance, rule or regulation to the contrary not-
5 withstanding:

6 a. No State department, division, commission, authority, council,
7 agency or board shall grant any approval, certificate, license, con-
8 sent, permit or financial assistance for the construction of any
9 structure or the disturbance of any land within the pinelands area,
10 for other than agricultural or horticultural purposes prior to the
11 adoption of the comprehensive management plan; provided, how-
12 ever, that such grant may be made for such construction or distur-
13 bance within the protection area prior to such adoption if the com-
14 mission finds that such grant is necessary to alleviate extraordinary
15 hardship, or to satisfy a compelling public need, or is consistent
16 with the purposes and provisions of this act and the Federal Act,
17 and would not result in substantial impairment of the resources of

18 the pinelands area; and provided further, however, that such grant
19 may be made for such construction or disturbance within the pre-
20 servation area if the commission finds that such grant is necessary
21 to alleviate extraordinary hardship or to satisfy a compelling
22 public need, and is consistent with the purposes and provisions
23 of this act and the Federal Act, and would not result in substantial
24 impairment of the resources of the pinelands area.

25 b. No application for a major development in the protection area
26 shall be approved by any municipality, county or agency thereof,
27 prior to the adoption of the comprehensive management plan; pro-
28 vided, however, that such an application may be approved if the
29 commission finds that such approval is necessary to alleviate extra-
30 ordinary hardship or to satisfy a compelling public need, or is con-
31 sistent with the purposes and provisions of this act and the Federal
32 Act, and would not result in substantial impairment of the resources
33 of the pinelands area.

34 c. No application for development in the preservation area shall
35 be approved by any municipality, county, or agency thereof prior
36 to the adoption of the comprehensive management plan and the
37 approval, pursuant to section 11 of this act, of the master plan and
38 land use ordinances applicable to any such municipality, county,
39 or agency thereof; provided, however, that such an application may
40 be approved prior to such adoption and approval if the commission
41 finds that such approval is necessary to alleviate extraordinary
42 hardship or to satisfy a compelling public need, and is consistent
43 with the purposes and provisions of this act and the Federal Act,
44 and would not result in substantial impairment of the resources of
45 the pinelands area.

46 d. Any approval, certificate, license, consent, permit, or financial
47 assistance granted in violation of this section shall be null and void
48 and of no force and effect at law or equity.

49 e. The commission shall, within 90 days of the effective date of
50 this act, and after public hearing thereon, adopt rules and regula-
51 tions which specify the standards for determining such extraordi-
52 nary hardship, compelling public need, consistency and substantial
53 impairment for the purposes of this section.

54 f. The executive director is hereby authorized and directed to
55 review all requests or applications for a commission finding pur-
56 suant to this section and to make such recommendations thereon
57 to the commission as he shall deem appropriate; provided, however,
58 that the commission shall take final action on all such requests or
59 applications.

60 g. Nothing in this section shall prohibit the granting of any
61 State, county or municipal approval, certificate, license, consent or
62 permit for the construction of any single family residence upon any
63 existing lot in the protection area, provided that (1) the lot upon
64 which such residence would be constructed was owned, as of Feb-
65 ruary 7, 1979, by the person who would occupy such residence; and
66 (2) that sewage treatment facilities, within the capacity of an
67 existing sewage treatment plant, are available to service such
68 residence, or, where no such facilities are available, that such resi-
69 dence would be constructed upon a lot greater than 1 acre.

70 h. *Nothing in this section shall prohibit the granting of any*
71 *State, county or municipal approval, certificate, license, consent or*
72 *permit for any construction or disturbance of land in the protec-*
73 *tion area, provided that (1) the construction or disturbance is*
74 *undertaken in accordance with the terms of any preliminary or final*
75 *subdivision approval granted by any municipality pursuant to the*
76 *provisions of the "Municipal Land Use Law" P. L. 1975, c. 291 (C.*
77 *40:55D-1 et seq.) and (2) the approval was granted prior to ***[June***
78 *28]* *February 8*, 1979.*

1 5. Section 24 of P. L. 1979, c. 111 (C. 13:18A-25) is amended to
2 read as follows:

3 24. a. Nothing in this act shall be construed to authorize or per-
4 mit the exportation of any ground or surface waters from the pine-
5 lands area.

6 b. Nothing in this act shall be construed to authorize any regu-
7 lation of hunting, fishing, trapping or possession of wildlife, or
8 other recreational activities in the pinelands area, except as other-
9 wise provided in section 23 of this act or by Title 13 or Title 23 of
10 the Revised Statutes.

11 c. *Nothing in this act shall be construed to authorize the com-*
12 *mission to impose or collect any tax, fee or surcharge, except as*
13 *specifically provided in section 25 of P. L. 1979, c. 111 (C.*
14 *13:18A-26).*

15 d. *Nothing in this act shall be construed to authorize the com-*
16 *mission, in adopting and enforcing the comprehensive management*
17 *plan, to prohibit, delay, impose conditions upon, or otherwise inter-*
18 *fere with any construction or disturbance of land in the protection*
19 *area, if the construction or disturbance is undertaken in accordance*
20 *with the terms of any preliminary or final subdivision approval*
21 *granted by any municipality pursuant to the provisions of the*
22 *"Municipal Land Use Law" P. L. 1975, c. 291 (C. 40:55D-1 et seq.)*
23 *and if the approval was granted prior to ***[June 28]* *February***
24 *8*, 1979.*

25 **e. Nothing in this act shall be construed to authorize the com-*
26 *mission to adopt, implement, or enforce a transfer of development*
27 *rights program, or any other similar land use management plan or*
28 *technique.**

1 6. (New section) The commission shall, within 90 days of the
2 effective date of this amendatory and supplementary act, revise the
3 official State planning maps prepared pursuant to subsection c. of
4 section 10 of P. L. 1979, c. 111 (C. 13:18A-11) to include the lot and
5 block number, as shown on the appropriate municipal tax map, of
6 each lot located on the boundary of the Pinelands National Reserve,
7 the pinelands area, the protection area, the preservation area, and
8 each area, district, center, or other region of the pinelands area
9 subject to specific restrictions pursuant to the comprehensive
10 management plan. The revised maps shall be transmitted and
11 published in the manner provided in the aforementioned subsection.

1 7. (New section) There is appropriated to the commission the sum
2 of \$75,000.00, to be used for grants to municipalities and counties
3 pursuant to the provisions of section 15 of P. L. 1979, c. 111 (C.
4 13:18A-16).

1 8. This act shall take effect immediately.

ASSEMBLY AMENDMENTS TO
ASSEMBLY, No. 1812
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED JUNE 16, 1980

Amend pages 6-8, section 4, omit section 4 in its entirety.

Amend pages 8-9, sections 5-8, renumber sections 5 through 8, as sections 4 through 7, respectively.

Amend page 8, section 5, lines 15-24, omit subsection d. in its entirety; reletter subsection e., as subsection d.

STATEMENT

These amendments delete the provisions of Assembly Bill No. 1812 which would have protected the vested rights of those persons who had secured preliminary or final subdivision approvals in the protection area prior to February 8, 1979.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 1812

[SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: JUNE 23, 1980

The Senate Committee Substitute for A-1812 [2nd OCR] provides for a phased adoption of the comprehensive management by delaying the adoption of the portion or portions of the plan applicable to the protection area from August 8, 1980 to November 14, 1980, and by delaying the implementation of such portion or portions of the plan until December 15, 1980. This additional time would allow for additional public and legislative review of the plan. The plan would then be submitted to the United States Department of the Interior on or after December 15, 1980.

This substitute further provides that the Governor have 30 days, rather than 10 days, to review and disapprove of commission actions with respect to any portion of the comprehensive management plan.

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1812

STATE OF NEW JERSEY

INTRODUCED JUNE 9, 1980

By Assemblymen DOYLE, HURLEY, STEWART, HERMAN, MATTHEWS, RILEY, SCHUCK, D. GALLO, RAND, GORMLEY, Assemblywoman GLUCK, Assemblymen VILLANE, VANWAGNER, FLYNN, COSTELLO, McMANIMON, ORECHIO, MARKERT, CARDINALE, KOSCO, IMPERIALE, VISOTCKY, KAVANAUGH, LITTELL, MAGUIRE, ALBANESE, BENNET, Assemblywomen MUHLER, McCONNELL, Assemblymen ZANGARI, McENROE, DORIA, REMINGTON, DOWD, SAXTON, HARDWICK, SMITH, SNEDEKER, BASSANO, GIRGENTI, PELLECCIA, DALTON, ADUBATO, BARRY and Assemblywoman CURRAN

Referred to Committee on Agriculture and Environment

AN ACT to amend and supplement the "Pinelands Protection Act," approved June 28, 1979 (P. L. 1979, c. 111) and making an appropriation.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 3 of P. L. 1979, c. 111 (C. 13:18A-3) is amended to
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3 3. As used in this act:

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5 horticultural use" means any production of plants or animals
6 useful to man, including but not limited to: forages or sod crops;
7 grains and feed crops; dairy animals and dairy products; poultry
8 and poultry products; livestock, including beef cattle, sheep, swine,
9 horses, ponies, mules or goats, and including the breeding and
10 grazing of any or all of such animals; bees and apiary products;
11 fur animals; trees and forest products; fruits of all kinds, including
12 grapes, nuts and berries; vegetables; nursely, floral, ornamental
13 and greenhouse products; or any land devoted to and meeting the
14 requirements and qualifications for payments or other compensa-

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

15 tion pursuant to a soil conservation program under an agency of
16 the Federal Government;

17 b. "Application for development" means the application form
18 and all accompanying documents required by municipal ordinance
19 for approval of a subdivision plat, site plan, planned development,
20 conditional use, zoning variance or other permit as provided in
21 the "Municipal Land Use Law," P. L. 1975, c. 291 (C. 40:55D-1
22 et seq.) for any use, development or construction other than the
23 improvement, expansion or reconstruction of any single-family
24 dwelling unit or appurtenance thereto, or the improvement, ex-
25 pansion, construction or reconstruction of any structure used
26 exclusively for agricultural or horticultural purposes; *provided,*
27 *however, that an application for a building permit shall not be*
28 *considered an application for development;*

29 c. "Commission" means the Pinelands Commission created by
30 section 4 of this act;

31 d. "Comprehensive management plan" means the plan prepared
32 and adopted by the commission pursuant to section 7 of this act;

33 e. "Council" means the Pinelands Municipal Council created
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35 f. "Federal Act" means section 502 of the "National Parks and
36 Recreation Act of 1978" (P. L. 95-625);

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39 any housing development of five or more dwelling units; any
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43 other than agricultural or horticultural purposes;

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48 depicted on the map entitled "Pinelands National Reserve Bound-
49 ary Map" numbered NPS/80,011A and dated September, 1978;

50 j. "Preservation area" means that portion of the pinelands area
51 so designated by subsection b. of section 10 of this act;

52 k. "Protection area" means that portion of the pinelands area
53 not included within the preservation area.

1 2. Section 7 of P. L. 1979, c. 111 (C. 13:18A-8) is amended to
2 read as follows:

3 7. The commission shall on or before [August 8, 1980] *December*
4 *31, 1980*, and after public hearings held in the pinelands area and
5 in other areas of the State at places of its choosing, prepare and
6 adopt a comprehensive management plan for the pinelands area.
7 Such plan shall be periodically revised and updated, after public
8 hearings, and shall include, but need not necessarily be limited to:

9 a. A resource assessment which:

10 (1) Determines the amount and type of human development and
11 activity which the ecosystem of the pinelands area can sustain
12 while still maintaining the overall ecological values thereof, with
13 special reference to ground and surface water supply and quality;
14 natural hazards, including fire; endangered, unique, and unusual
15 plants and animals and biotic communities; ecological factors relat-
16 ing to the protection and enhancement of blueberry, cranberry
17 and other agricultural production or activity; air quality; and
18 other appropriate considerations affecting the ecological integrity
19 of the pinelands area;

20 (2) Includes an assessment of scenic, aesthetic, cultural, open
21 space, and outdoor recreation resources of the area, together with a
22 determination of overall policies required to maintain and enhance
23 such resources; and

24 (3) Utilizes soil resources information from the National Co-
25 operative Soil Survey and the soil conservation districts in the
26 pinelands area.

27 b. A map showing the detailed boundary of the Pinelands Na-
28 tional Reserve, such map to delineate:

29 (1) Major areas within the boundary which are of critical
30 ecological importance;

31 (2) Major areas and resources adjacent to the boundary that
32 have significance to the ecological integrity of the Pinelands
33 National Reserve; and

34 (3) Areas of scenic, open space, cultural, and recreational
35 significance.

36 c. The map prepared pursuant to subsection c. of section 10 of
37 this act.

38 d. A land use capability map and a comprehensive statement
39 of policies for planning and managing the development and use
40 of land in the pinelands area, which policies shall:

41 (1) Consider and detail the application of a variety of land
42 and water protection and management techniques, including but not
43 limited to, zoning and regulation derived from State and local police
44 powers, development and use standards, permit systems, acquisi-

45 tion of conservation easements and other interests in land, public
46 access agreements with private landowners, purchase of land for
47 resale or lease-back, fee acquisition of public recreation sites and
48 ecologically sensitive areas, transfer of development rights, dedi-
49 cation of private lands for recreation or conservation purposes
50 and any other appropriate method of land and water protection
51 and management which will help meet the goals and carry out the
52 policies of the management plan;

53 (2) Include a policy for the use of State and local police power
54 responsibilities to the greatest extent practicable to regulate the
55 use of land and water resources in a manner consistent with the
56 purposes and provisions of this act and the Federal Act; and

57 (3) Recognize existing economic activities within the area and
58 provide for the protection and enhancement of such activities as
59 farming, forestry, proprietary recreational facilities, and those
60 indigenous industries and commercial and residential develop-
61 ments which are consistent with such purposes and provisions.

62 e. A coordination and consistency component which details the
63 ways in which local, State, and Federal programs and policies
64 may best be coordinated to promote the goals and policies of the
65 management plan, and which details how land, water, and struc-
66 tures managed by governmental or nongovernmental entities in the
67 public interest within the pinelands area may be integrated into
68 the management plan.

69 f. A public use component including, but not limited to, a detailed
70 program to inform the public of appropriate uses of the pinelands
71 area.

72 g. A financial component, together with a cash flow timetable
73 which:

74 (1) Details the cost of implementing the management plan, in-
75 cluding, but not limited to, payments in lieu-of-taxes, acquisition,
76 within 5 years of the effective date of this act, of fee simple or
77 other interests in lands for preservation or recreation purposes,
78 compensation guarantees, general administrative costs, and any
79 anticipated extraordinary or continuing costs; and

80 (2) Details the sources of revenue for covering such costs, in-
81 cluding, but not limited to, grants, donations, and loans from local,
82 State, and Federal departments and agencies, and from the private
83 sector.

84 h. A program to provide for the maximum feasible local govern-
85 ment and public participation in the management of the pinelands
86 area.

87 i. A program for State and local governmental implementation
88 of the comprehensive management plan and the various elements
89 thereof in a manner that will insure the continued, uniform, and
90 consistent protection of the pinelands area in accord with the pur-
91 poses and provisions of this act and the Federal Act, including:

92 (1) Minimum standards for the adoption, as required in section
93 11 of this act, of municipal and county plans and ordinances con-
94 cerning the development and use of land in the pinelands area,
95 including, but not limited to, standards for minimum lot sizes and
96 stream setbacks, maximum appropriate population densities, and
97 regulated or prohibited uses for specific portions of the pinelands
98 area; and

99 (2) Such guidelines for any State or local agencies as may be
100 prepared by the commission pursuant to section 12 hereof.

101 j. In conjunction with existing State programs and planning
102 processes, a plan to implement the provisions of the "Clean Water
103 Act" (P. L. 95-217) and the "Safe Drinking Water Act" (P. L.
104 93-523) which pertain to the surface and ground water of the
105 Pinelands National Reserve;

106 k. The report transmitted to the commission by the Department
107 of Environmental Protection pursuant to section 22 of this act.

1 3. Section 9 of P. L. 1979, c. 111 (C. 13:18A-10) is amended to
2 read as follows:

3 9. a. During the development of the comprehensive management
4 plan, the commission shall consult with appropriate officials of
5 local governments, including the council, and State or Federal
6 agencies with jurisdiction over lands, waters and natural resources
7 within the pinelands area, with interested professional, scientific,
8 and citizen organizations, and with any citizens advisory committee
9 which may be established by the Governor. The commission shall
10 review all relevant existing information and studies on the pine-
11 lands area including, but not limited to, the report of the com-
12 mittee created pursuant to Executive Order 56, issued May 28,
13 1977.

14 b. Upon the adoption thereof *by the commission* the compre-
15 hensive management plan shall be submitted to the Governor and
16 to the [Legislature] *presiding officer of each House of the Legisla-*
17 *ture on a day on which both Houses shall be meeting in the course*
18 *of a regular or special session.* The commission shall further
19 submit such plan to the Secretary of the United States Department
20 of Interior, as provided in the Federal Act. *The plan shall be*
21 *deemed adopted by the Legislature if, within 60 days of its sub-*
22 *mission to the Legislature, the Legislature does not pass a con-*

23 *current resolution stating in substance that the Legislature does*
 24 *not favor the plan or any part thereof.*

25 *Any reference in this act to the adoption of the comprehensive*
 26 *management plan, unless otherwise stated, shall mean adoption of*
 27 *the plan by the Legislature.*

28 c. Subsequent to the adoption of the comprehensive management
 29 plan, the provisions of any other law, ordinance, rule or regulation
 30 to the contrary notwithstanding, no application for development
 31 within the pinelands area shall be approved by any municipality,
 32 county or agency thereof, and no State approval, certificate, license,
 33 consent, permit, or financial assistance for the construction of any
 34 structure or the disturbance of any land within such area shall be
 35 granted, unless such approval or grant conforms to the provisions
 36 of such comprehensive management plan; provided, however, that
 37 the commission is hereby authorized to waive strict compliance
 38 with such plan or with any element or standard contained therein,
 39 upon finding that such waiver is necessary to alleviate extra-
 40 ordinary hardship or to satisfy a compelling public need, is
 41 consistent with the purposes and provisions of this act and the
 42 Federal Act, and would not result in substantial impairment of
 43 the resources of the pinelands area; and provided further, however,
 44 that the commission shall, within 90 days of the effective date of
 45 this act, and after public hearing thereon, adopt rules and regula-
 46 tions which specify the standards for determining such extraordi-
 47 nary hardship, compelling public need, consistency and substantial
 48 impairment.

1 **[4. Section 13 of P. L. 1979, c. 111 (C. 13:18A-14) is amended
 2 to read as follows:

3 13. Subsequent to the effective date of this act, the provisions
 4 of any other law, ordinance, rule or regulation to the contrary not-
 5 withstanding:

6 a. No State department, division, commission, authority, council,
 7 agency or board shall grant any approval, certificate, license, con-
 8 sent, permit or financial assistance for the construction of any
 9 structure or the disturbance of any land within the pinelands area,
 10 for other than agricultural or horticultural purposes prior to the
 11 adoption of the comprehensive management plan; provided, how-
 12 ever, that such grant may be made for such construction or distur-
 13 bance within the protection area prior to such adoption if the com-
 14 mission finds that such grant is necessary to alleviate extraordinary
 15 hardship, or to satisfy a compelling public need, or is consistent
 16 with the purposes and provisions of this act and the Federal Act,
 17 and would not result in substantial impairment of the resources of

18 the pinelands area; and provided further, however, that such grant
19 may be made for such construction or disturbance within the pre-
20 servation area if the commission finds that such grant is necessary
21 to alleviate extraordinary hardship or to satisfy a compelling
22 public need, and is consistent with the purposes and provisions
23 of this act and the Federal Act, and would not result in substantial
24 impairment of the resources of the pinelands area.

25 b. No application for a major development in the protection area
26 shall be approved by any municipality, county or agency thereof,
27 prior to the adoption of the comprehensive management plan; pro-
28 vided, however, that such an application may be approved if the
29 commission finds that such approval is necessary to alleviate extra-
30 ordinary hardship or to satisfy a compelling public need, or is con-
31 sistent with the purposes and provisions of this act and the Federal
32 Act, and would not result in substantial impairment of the resources
33 of the pinelands area.

34 c. No application for development in the preservation area shall
35 be approved by any municipality, county, or agency thereof prior
36 to the adoption of the comprehensive management plan and the
37 approval, pursuant to section 11 of this act, of the master plan and
38 land use ordinances applicable to any such municipality, county,
39 or agency thereof; provided, however, that such an application may
40 be approved prior to such adoption and approval if the commission
41 finds that such approval is necessary to alleviate extraordinary
42 hardship or to satisfy a compelling public need, and is consistent
43 with the purposes and provisions of this act and the Federal Act,
44 and would not result in substantial impairment of the resources of
45 the pinelands area.

46 d. Any approval, certificate, license, consent, permit, or financial
47 assistance granted in violation of this section shall be null and void
48 and of no force and effect at law or equity.

49 e. The commission shall, within 90 days of the effective date of
50 this act, and after public hearing thereon, adopt rules and regula-
51 tions which specify the standards for determining such extraordi-
52 nary hardship, compelling public need, consistency and substantial
53 impairment for the purposes of this section.

54 f. The executive director is hereby authorized and directed to
55 review all requests or applications for a commission finding pur-
56 suant to this section and to make such recommendations thereon
57 to the commission as he shall deem appropriate; provided, however,
58 that the commission shall take final action on all such requests or
59 applications.

60 g. Nothing in this section shall prohibit the granting of any
 61 State, county or municipal approval, certificate, license, consent or
 62 permit for the construction of any single family residence upon any
 63 existing lot in the protection area, provided that (1) the lot upon
 64 which such residence would be constructed was owned, as of Feb-
 65 ruary 7, 1979, by the person who would occupy such residence; and
 66 (2) that sewage treatment facilities, within the capacity of an
 67 existing sewage treatment plant, are available to service such
 68 residence, or, where no such facilities are available, that such resi-
 69 dence would be constructed upon a lot greater than 1 acre.

70 h. *Nothing in this section shall prohibit the granting of any*
 71 *State, county or municipal approval, certificate, license, consent or*
 72 *permit for any construction or disturbance of land in the protec-*
 73 *tion area, provided that (1) the construction or disturbance is*
 74 *undertaken in accordance with the terms of any preliminary or final*
 75 *subdivision approval granted by any municipality pursuant to the*
 76 *provisions of the "Municipal Land Use Law" P. L. 1975, c. 291 (C.*
 77 *40:55D-1 et seq.) and (2) the approval was granted prior to ***[June***
 78 *28]* *February 8*, 1979.]****

1 ****[5.]**** **4.** Section 24 of P. L. 1979, c. 111 (C. 13:18A-25)
 2 is amended to read as follows:

3 24. a. Nothing in this act shall be construed to authorize or per-
 4 mit the exportation of any ground or surface waters from the pine-
 5 lands area.

6 b. Nothing in this act shall be construed to authorize any regu-
 7 lation of hunting, fishing, trapping or possession of wildlife, or
 8 other recreational activities in the pinelands area, except as other-
 9 wise provided in section 23 of this act or by Title 13 or Title 23 of
 10 the Revised Statutes.

11 c. *Nothing in this act shall be construed to authorize the com-*
 12 *mission to impose or collect any tax, fee or surcharge, except as*
 13 *specifically provided in section 25 of P. L. 1979, c. 111 (C.*
 14 *13:18A-26).*

15 ****[d.** *Nothing in this act shall be construed to authorize the com-*
 16 *mission, in adopting and enforcing the comprehensive management*
 17 *plan, to prohibit, delay, impose conditions upon, or otherwise inter-*
 18 *fere with any construction or disturbance of land in the protection*
 19 *area, if the construction or disturbance is undertaken in accordance*
 20 *with the terms of any preliminary or final subdivision approval*
 21 *granted by any municipality pursuant to the provisions of the*
 22 *"Municipal Land Use Law" P. L. 1975, c. 291 (C. 40:55D-1 et seq.)*

23 and if the approval was granted prior to ***[June 28]*** *February*
24 *8*, 1979.]**

25 ****[*e.]*** ****d.**** *Nothing in this act shall be construed to autho-*
26 *rize the commission to adopt, implement, or enforce a transfer of*
27 *development rights program, or any other similar land use man-*
28 *agement plan or technique.**

1 ****[6.]*** ****5.**** (New section) The commission shall, within 90
2 days of the effective date of this amendatory and supplementary
3 act, revise the official State planning maps prepared pursuant to
4 subsection c. of section 10 of P. L. 1979, c. 111 (C. 13:18A-11) to
5 include the lot and block number, as shown on the appropriate
6 municipal tax map, of each lot located on the boundary of the Pine-
7 lands National Reserve, the pinelands area, the protection area, the
8 preservation area, and each area, district, center, or other region
9 of the pinelands area subject to specific restrictions pursuant to the
10 comprehensive management plan. The revised maps shall be trans-
11 mitted and published in the manner provided in the aforesaid
12 subsection.

1 ****[7.]*** ****6.**** (New section) There is appropriated to the com-
2 mission the sum of \$75,000.00, to be used for grants to municipali-
3 ties and counties pursuant to the provisions of section 15 of P. L.
4 1979, c. 111 (C. 13:18A-16).

1 ****[8.]*** ****7.**** This act shall take effect immediately.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

JULY 11, 1980

JOE SANTANGELO

Governor Brendan Byrne has signed the following bills:

A-1812, sponsored by Assemblyman John Paul Doyle (D-Ocean), which amends the Pinelands Protection Act to extend the time by which the Pinelands Commission must adopt a Comprehensive Management Plan for the protection area.

Under the current law the plan for both the protection and the preservation areas must be adopted by the Commission by August 8, 1980.

Under the new bill the preservation area plan will be adopted by August 8, 1980, but the protection plan will be presented by November 14, 1980 and adopted no later than December 15, 1980. Once adopted the plan will become effective after 31 days, allowing interested persons to thoroughly review and comment on the plan and allowing the Legislature to respond to the adopted plan.

This bill also amends the Act to allow the Governor ten days to veto actions of the Commission and 30 days to veto the Comprehensive Management Plan. The bill, however, does not affect any of the provisions of the current law limiting development which would continue to be imposed.

"This legislation does not weaken our commitment to the saving of our Pinelands, but only gives more time for adoption of a plan for the outer area of the Pinelands," said the Governor.

A-1826, sponsored by Assemblyman Christopher J. Jackman (D-Hudson), makes payments from municipalities to the intermunicipal account established in the Hackensack Meadowlands Reclamation and Development Act, exempt from budget caps.

The intermunicipal account was devised to permit equitable distribution among municipalities of the financial benefits and liabilities resulting from the development of the Hackensack Meadowlands District. This would protect constituent municipalities against losses in existing ratables caused by condemnation of taxable real property for public use to the extent the loss is not offset by an increase in the true value of the remaining real property.

Adjustments will be made annually among the districts based on data such as changes in assessments, student enrollments and local school tax levies. Depending on the result of the calculations, municipalities either receive payments from the fund or make payments to it.