

4:1C-22

LEGISLATIVE HISTORY CHECKLIST

NJSA: 4:1C-22

(Agricultural retention--mandates action on municipally approved programs)

LAWS OF: 1989

CHAPTER: 242

Bill No: A1409

Sponsor(s): Randall

Date Introduced: Pre-filed

Committee: Assembly: Economic Growth, Agriculture & Tourism

Senate: Natural Resources & Agriculture

Amended during passage: No

Date of Passage: Assembly: May 2, 1989

Senate: December 21, 1989

Date of Approval: January 2, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

SLJ

1 **AN ACT** concerning deadlines for municipally approved
2 programs and amending P.L. 1983, c. 32.

3

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

6 1. Section 14 of P.L. 1983, c. 32 (C.4:1C-21) is amended to
7 read as follows:

8 14. a. Any one or more owners of land which qualifies for
9 differential property tax assessment pursuant to the "Farmland
10 Assessment Act of 1984," P.L. 1984, c. 48 (C.54:4-23.1 et seq.),
11 and which is included in an agricultural development area may
12 petition the board for the creation of a municipally approved
13 program comprising that land; provided that the owner or
14 owners own at least the minimum acreage established by the
15 board. The petition shall include a map of the boundaries of the
16 municipally approved program and any other information
17 deemed appropriate by the board.

18 b. Upon receipt thereof, the board shall review this petition
19 for conformance with minimum eligibility criteria as established
20 by the committee and the board. If the board finds that the
21 criteria have been met, it shall immediately forward a copy of
22 the petition to the county planning board, the governing body of
23 any municipality wherein the proposed municipally approved
24 program is located, and to the planning board of each affected
25 municipality.

26 c. Within 60 days of receipt of the petition, the municipal
27 planning board shall review and report to the municipal
28 governing body the potential effect of the proposed municipally
29 approved program upon the planning policies and objectives of
30 the municipality.

31 d. The municipal governing body shall, after public hearing
32 and within 120 days of receipt of the report, recommend to the
33 board, by ordinance duly adopted, that the municipally approved

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 program boundaries be approved, conditionally approved with
2 proposed geographical modifications, or disapproved.

3 e. Upon receipt of a recommendation by the governing body
4 to approve the petition, the board shall forward the petition for
5 the creation of the municipally approved program and the
6 municipal ordinance approving the municipally approved
7 program to the county planning board. This action shall
8 constitute creation of a municipally approved program.

9 f. Upon receipt of a recommendation by the governing body
10 to conditionally approve the petition with proposed geographical
11 modifications, the board shall review the recommendation for
12 conformance with minimum eligibility criteria. If the board
13 finds that the criteria have been met and the the proposed
14 modifications encourage agriculture retention and development
15 to the greatest practicable extent, the petition shall be
16 forwarded and adopted pursuant to subsection e. of this section.

17 g. Upon receipt of a recommendation by the governing body
18 to disapprove the petition, the board shall take no further action
19 and the proposed municipally approved program shall not be
20 adopted.

21 h. If the governing body proposes modifications to the
22 petition which exclude any land from being included within a
23 municipally approved program, the owner thereof may request
24 that the board mediate on behalf of the landowner with the
25 municipal governing body prior to acting on the recommendation
26 thereof. The landowner may request mediation by the
27 committee with respect to any action taken by the board.

28 i. The provisions of this section to the contrary
29 notwithstanding, if [if] any municipal governing body fails to act
30 on a petition to create a municipally approved program within
31 [the time prescribed in] 180 days of the receipt by the municipal
32 planning board of the petition, regardless of whether or not the
33 municipal planning board has submitted a report pursuant to
34 subsection [d.] c. of this section, the board or the landowner may
35 appeal to the committee to intervene, and the committee may
36 approve or disapprove a petition for the creation of a
37 municipally approved program pursuant to the provisions of this
38 section.

39 j. The board shall advise owners of any land contiguous to the

1 proposed municipally approved program that a petition has been
2 received, solicit opinions concerning inclusion of this land and, if
3 the board deems appropriate, encourage the inclusion of the land
4 in the municipally approved program.

5 Any landowner not included in the municipally approved
6 program as initially created may, within two years following the
7 creation date, request inclusion, and upon review by the board
8 and municipal governing body, and a finding that this inclusion is
9 warranted, become part of the municipally approved program;
10 provided that the landowner enters into an agreement pursuant
11 to section 17 of this act for the remaining duration of the
12 municipally approved program.

13 (cf: P.L. 1983, c. 32, s. 14).

14 2. This act shall take effect immediately.

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LAND USE AND PLANNING

18

Agriculture

19

20 Mandates action on municipally approved agricultural retention
21 programs within 180 days.

1 approve or disapprove a petition for the creation of a
3 municipally approved program pursuant to the provisions of this
section.

5 j. The board shall advise owners of any land contiguous to the
7 proposed municipally approved program that a petition has been
received, solicit opinions concerning inclusion of this land and, if
the board deems appropriate, encourage the inclusion of the land
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and municipal governing body, and a finding that this inclusion is
13 warranted, become part of the municipally approved program;
provided that the landowner enters into an agreement pursuant
15 to section 17 of this act for the remaining duration of the
municipally approved program.

17 2. This act shall take effect immediately.

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STATEMENT

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23 This measure requires municipal governing bodies to act on
petitions to create municipally approved programs under the
"Agriculture Retention and Development Act" within 180 days,
25 regardless of whether or not the municipal planning board has
submitted its report, or, upon appeal, the State Agriculture
27 Development Committee will act on the petition instead.

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LAND USE AND PLANNING

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Agriculture

33 Mandates action on municipally approved agricultural retention
programs within 180 days.

ASSEMBLY ECONOMIC GROWTH, AGRICULTURE
AND TOURISM COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1409

STATE OF NEW JERSEY

DATED: FEBRUARY 1, 1988

The Assembly Economic Growth, Agriculture and Tourism Committee favorably reports Assembly Bill No. 1409.

This bill requires municipal governing bodies to act on petitions to create municipally approved programs under the "Agriculture Retention and Development Act" P.L. 1983, c. 32 (C. 4:1C-11 et seq.) within 180 days, regardless of whether or not the municipal planning board has submitted its report, or, upon appeal, the State Agriculture Development Committee will act on the petition instead.

This bill was pre-filed for introduction in the 1988 session pending technical review. As reported the bill includes changes required by technical review which has been performed.

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SENATE NATURAL RESOURCES AND
AGRICULTURE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1409

STATE OF NEW JERSEY

DATED: AUGUST 3, 1989

The Senate Natural Resources and Agriculture Committee favorably reports Assembly, No. 1409.

This bill requires municipal governing bodies to act on petitions to create municipally approved programs under the "Agriculture Retention and Development Act" P.L.1983, c.32 (C.4:1C-11 et seq.) within 180 days, regardless of whether or not the municipal planning board has submitted its report, or, upon appeal, the State Agriculture Development Committee will act on the petition instead.

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