

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40:55D-52

(Municipal Land Use--
add "commercial cluster"
to provisions)

LAWS OF: 1985

CHAPTER: 93

Bill No: S2518

Sponsor(s): Russo

Date Introduced: Dec. 6, 1984

Committee: Assembly: /////

Senate: /////

Amended during passage: Yes

Amendments during passage
denoted by asterisks

Date of Passage:

Assembly:

Jan. 3, 1985

Senate:

Dec. 17, 1984

Date of Approval: March 26, 1985

Following statements are attached if available:

Sponsor statement: Yes

Attached: Assembly amendments,
adopted 12-27-84 (w/statement)

Committee statement: Assembly

No

Senate

No

Fiscal Note:

No

Veto Message:

No

Message on Signing:

~~No~~ Yes.

Following were printed:

Reports:

No

Hearings:

No

93 85
3-26-85
[OFFICIAL COPY REPRINT]

SENATE, No. 2518

STATE OF NEW JERSEY

INTRODUCED DECEMBER 6, 1984

By Senator RUSSO

(Without Reference)

AN ACT to amend the "Municipal Land Use Law," approved
January 14, 1976 (P. L. 1975, c. 291).

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

1 ***[1.** Section 3 of P. L. 1975, c. 291 (C. 40:55D-3) is amended to
2 read as follows:

3 3. For the purposes of this act, unless the context clearly indi-
4 cates a different meaning:

5 The term "shall" indicates a mandatory requirement, and the
6 term "may" indicates a permissive action.

7 "Administrative officer" means the clerk of the municipality,
8 unless a different municipal official or officials are designated by
9 ordinance or statute.

10 "Applicant" means a developer submitting an application for
11 development.

12 "Application for development" means the application form and
13 all accompanying documents required by ordinance for approval
14 of a subdivision plat, site plan, planned development, conditional
15 use, zoning variance or direction of the issuance of a permit pur-
16 suant to section 25 or section 27 of this act.

17 "Approving authority" means the planning board of the munici-
18 pality, unless a different agency is designated by ordinance when
19 acting pursuant to the authority of this act.

20 "Board of adjustment" means the board established pursuant to
21 section 56 of this act.

22 "Building" means a combination of materials to form a con-

**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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly amendments adopted December 27, 1984.**

23 construction adapted to permanent, temporary, or continuous occu-
24 pancy and having a roof.

25 “Capital improvement” means a governmental acquisition of
26 real property or major construction project.

27 “Circulation” means systems, structures and physical improve-
28 ments for the movement of people, goods, water, air, sewage or
29 power by such means as streets, highways, railways, waterways,
30 towers, airways, pipes and conduits, and the handling of people
31 and goods by such means as terminals, stations, warehouses, and
32 other storage buildings or transshipment points.

33 “*Commercial cluster*” means an area to be developed as a single
34 entity according to a plan containing commercial or industrial
35 buildings or units which have a common or public parking area or
36 a common or public open space area, or both, as well as common
37 delivery of utilities and other site services as appurtenances thereto.

38 “Common open space” means an open space area within or re-
39 lated to a site designated as a development, and designed and in-
40 tended for the use or enjoyment of residents and owners of the
41 development. Common open space may contain such comple-
42 mentary structures and improvements as are necessary and ap-
43 propriate for the use or enjoyment of residents and owners of
44 the development.

45 “Conditional use” means a use permitted in a particular zoning
46 district only upon a showing that such use in a specified location
47 will comply with the conditions and standards for the location or
48 operation of such use as contained in the zoning ordinance, and
49 upon the issuance of an authorization therefor by the planning
50 board.

51 “Conventional” means development other than planned develop-
52 ment.

53 “County master plan” means a composite of the master plan
54 for the physical development of the county in which the munici-
55 pality is located, with the accompanying maps, plats, charts and
56 descriptive and explanatory matter adopted by the county planning
57 board pursuant to R. S. 40:27-2 and R. S. 40:27-4.

58 “County planning board” means the county planning board,
59 as defined in section 1 of P. L. 1968, c. 285 (C. 40:27-6.1), of the
60 county in which the land or development is located.]*

1 ***[2.]*** *1.* Section 40 of P. L. 1975, c. 291 (C. 40:55D-52) is
2 amended to read as follows:

3 40. Effect of final approval of a site plan or major subdivision.
4 a. The zoning requirements applicable to the preliminary approval
5 first granted and all other rights conferred upon the developer

6 pursuant to section 37 of this act, whether conditionally or other-
 7 wise, shall not be changed for a period of two years after the date
 8 of final approval; provided that in the case of major subdivision
 9 the rights conferred by this section shall expire if the plat has
 10 not been duly recorded within the time period provided in sec-
 11 tion 42 of this act. If the developer has followed the standards
 12 prescribed for final approval, and, in the case of a subdivision, has
 13 duly recorded the plat as required in section 42 of this act, the plan-
 14 ning board may extend such period of protection for extensions of
 15 one year but not to exceed three extensions. Notwithstanding any
 16 other provisions of this act, the granting of final approval termi-
 17 nates the time period of preliminary approval pursuant to section
 18 37 of this act for the section granted final approval.

19 b. In the case of a subdivision or site plan for a planned unit
 20 development or planned unit residential development or residential
 21 cluster or *commercial cluster* of 50 acres or more or conventional
 22 subdivision or site plan for 150 acres or more, the planning board
 23 may grant the rights referred to in subsection a. of this section for
 24 such period of time, longer than two years, as shall be determined
 25 by the planning board to be reasonable taking into consideration
 26 (1) the number of dwelling, *commercial or industrial* units and non-
 27 residential floor area permissible under final approval, (2) economic
 28 conditions and (3) the comprehensiveness of the development. The
 29 developer may apply for thereafter, and the planning board may
 30 thereafter grant, an extension of final approval for such additional
 31 period of time as shall be determined by the planning board to be
 32 reasonable taking into consideration (1) the number of dwelling,
 33 *commercial or industrial* units and nonresidential floor area permis-
 34 sible under final approval, (2) the number of dwelling, *commercial*
 35 *or industrial* units and nonresidential floor area remaining to be
 36 developed, (3) economic conditions and (4) the comprehensiveness
 37 of the development.

1 3. This act shall take effect immediately.

SPONSOR'S STATEMENT

This bill amends the "Municipal Land Use Law," P. L. 1975, c. 291 (C. 40:55D-1 et seq.). Section 40 of P. L. 1975, c. 291 (C. 40:55D-52) is entitled "Effect of final approval of a site plan or major subdivision"; subsection b. of section 40 provides for the approval of staged development in certain instances, i.e., planned unit developments, planned unit residential development, residential clusters of 50 acres or more or conventional subdivision or site plans

for 150 acres or more. No counterpart for the staged development of commercial properties is included specifically in the "Municipal Land Use Law." This would appear to be an oversight, since the staged development of commercial and industrial improvements fosters master planning of major sites in a way that benefits both the development and the municipality alike.

By amending section 3 of P. L. 1975, c. 291 (C. 40:55D-3) to include among the defined terms in the statute the term "commercial cluster" and by including "commercial cluster" among those developments deemed appropriate under the statute for staged development in subsection b. of section 40 of P. L. 1975, c. 291 (C. 40:55D-52), this objective would be achieved.

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OK
JAD

XIV-18/cy
12/20/84

Same as A. 2949 2d OCR of '84

ADOPTED
12-27-84

Assembly Amendments
(Proposed by Assemblyman Doyle)
to

Senate Bill No. 2518 (Typed Copy)
(Sponsored by Senator Russo)

Amend:

Page	Sec.	Line	
1-2	1	1-60	Omit this section in its entirety.
2	2	1	Omit "2." insert "1."
23	2	19-21	Omit "unit" on line 19, omit line 20, omit "cluster or commercial cluster" on line 21 and insert "development" After "more" omit "or" insert ",,"
23	2	22	After "150 acres or more," insert "or site plan for development of a nonresidential floor area of 200,000 square feet or more,"
23	2	26	Omit ",commercial or industrial"
23	2	32-33	Omit ",commercial or industrial"
23	2	34-35	Omit ",commercial or industrial"
3	3	1	Omit "3." insert "2."

STATEMENT

These Assembly amendments make this bill identical to A. 2949 2d O.C.R. of 1984. These amendments provide for the approval of staged development in the case of a subdivision or site plan for any development of 50 acres or more and a site plan for the development of a nonresidential floor area of 200,000 square feet or more.

WEDNESDAY, MARCH 27, 1985

Other bills signed by the Governor are:

S-296, sponsored by Senator Wayne Dumont, R-Warren, which prohibits municipalities from assessing construction permit fees on the installation or alteration of solar energy heating or cooling systems.

S-1143, sponsored by Senator Wynona Lipman, D-Essex, to appropriate \$423,484 to provide one time State grants to loan agencies that are recipients of Federal Community Services block grants. The bill restricts the grants to those agencies whose funding cycle begins on October, November or December and requires them to move the starting date of their fiscal year to January 1.

S-1365, sponsored by Senator John Russo, D-Ocean, to provide that county welfare agencies shall handle interstate child support petitions and proceedings.

S-1923, sponsored by Senator Donald DiFrancesco, R-Union, to increase the membership of the State Board of Pharmacy from eight to nine members by adding another registered pharmacist.

S-1969, sponsored by Senator John Caufield, D-Essex, to increase the membership of the Fire Safety Commission from 19 to 20 members by adding a representative of the New Jersey State Association of Fire Districts.

S-2244, sponsored by Senator Thomas Cowan, D-Hudson, to change the date on which election officials may begin distributing absentee ballots from the 25th day prior to the primary or general election to the 40th day prior to those elections.

S-2518, sponsored by Senator John Russo, D-Ocean, to permit planning boards to grant for a period longer than two years the right to approve master plans for large commercial undertakings.