

40:55D-27

LEGISLATIVE HISTORY CHECKLIST

NJSA 40:55D-27

Laws of 1977 Chapter 49 (Zoning Boards--Inform Environmental Comms. On Use Of Open Areas).

Bill No. S1467

Sponsor(s) Beadleston

Date Introduced May 13, 1976

Committee: Assembly Energy & Natural Resources

Senate County & Municipal Government

Amended during passage ~~Yes~~ No

Date of passage: Assembly February 7, 1977

Senate June 14, 1976

Date of approval March 29, 1977

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note ~~Yes~~ No

Veto message ~~Yes~~ No

Message on signing ~~Yes~~ No

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

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SENATE, No. 1467

STATE OF NEW JERSEY

INTRODUCED MAY 13, 1976

By Senator BEADLESTON

Referred to Committee on County and Municipal Government

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 18 of P. L. 1975, c. 291 (C. 40:55D-27) is amended to
2 read as follows:

3 18. Citizens advisory committee; environmental commission.
4 a. After the appointment of a planning board, the mayor may
5 appoint one or more persons as a citizens' advisory committee to
6 assist or collaborate with the planning board in its duties, but
7 such person or persons shall have no power to vote or take other
8 action required of the board. Such person or persons shall serve
9 at the pleasure of the mayor.

10 b. Whenever the environmental commission has prepared and
11 submitted to the planning board *and the board of adjustment* an
12 index of the natural resources of the municipality, the planning
13 board *or the board of adjustment* shall make available to the
14 environmental commission an informational copy of every applica-
15 tion for development submitted to **the planning** *either* board.
16 Failure of the planning board *or board of adjustment* to make such
17 informational copy available to the environmental commission shall
18 not invalidate any hearing or proceeding.

1 2. This act shall take effect immediately.

STATEMENT

Environmental commissions created by municipalities are directed to keep indexes of all open areas within the municipality, obtain information on the proper use of such areas and recommend to the planning board plans and programs for the use of such areas. The Municipal Land Use Law provides that when an environmental commission has submitted the index to the planning board, the

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

board shall make available to the commission a copy of every application for development.

The Municipal Land Use Law provides, to a limited extent, that planning boards and zoning boards may exercise certain powers primarily the province of the other.

In order to preserve the integrity of open spaces within municipalities, this bill would provide that zoning boards, as well as planning boards, make available to environmental commissions information on the development and use of open areas.

REFERENCE USE ONLY

ASSEMBLY ENERGY AND NATURAL
RESOURCES COMMITTEE

STATEMENT TO
SENATE, No. 1467

STATE OF NEW JERSEY

DATED: NOVEMBER 9, 1976

Senate Bill No. 1467 would extend the provisions of section 18 of the "Municipal Land Use Law," P. L. 1975, c. 291 (C. 40:55D-27) to provide that whenever a municipal environmental commission, established pursuant to P. L. 1968, c. 245 (C. 40:56A-1 et seq.), prepares and submits an index of the community's natural resources (open areas) to the planning board, it shall also submit a copy to the zoning board of adjustment. Additionally, the bill provides that both the planning board and the board of adjustment make available to the environmental commission an informational copy of all applications for development submitted to such boards. Presently, the provisions of the amended section apply only to planning boards.

REFERENCE USE ONLY

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO

SENATE, No. 1467

STATE OF NEW JERSEY

DATED: JUNE 3, 1976

The sponsor's statement adequately explains the problem and purposes of this bill. As is noted in the sponsor's statement, the need to provide the same flow of information between environmental commissions and zoning boards of adjustment, as presently takes place between such commission and municipal planning boards, is made necessary by the increased powers of development regulation review and approval granted to zoning boards of adjustment under the Municipal Land Use Law.

Under section 2 of P. L. 1968, c. 245 (C. 40:56A-2), an environmental commission is required to prepare "an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands "for the purpose of making a determination as to their proper uses." In conjunction therewith and as otherwise necessary, the commission is authorized by section 6 of P. L. 1972, c. 35 (C. 40:56A-6) "to study and make recommendations concerning open space preservation, water resources management, air pollution control, solid waste management, noise control, soil and landscape protection, environmental appearance, marine resources and protection of flora and fauna."