

40:55D-28
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2017 **CHAPTER:** 275

NJSA: 40:55D-28 (Requires municipal land use plan element of master plan to address smart growth, storm resiliency, and environmental sustainability issues.)

BILL NO: A4540 (Substituted for S2873)

SPONSOR(S) Muoio and others

DATE INTRODUCED: 1/30/2017

COMMITTEE: **ASSEMBLY:** Environment & Solid Waste

SENATE: ---

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** 6/22/2017

SENATE: 12/18/2017

DATE OF APPROVAL: 1/8/2018

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced version of bill enacted) Yes

A4540

SPONSOR'S STATEMENT: (Begins on page 5 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S2873

SPONSOR'S STATEMENT: (Begins on page 5 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RH/CL

P.L. 2017, CHAPTER 275, *approved January 8, 2018*
Assembly, No. 4540

1 AN ACT concerning smart growth, storm resiliency, and
2 environmental sustainability and amending P.L.1975, c.291.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 19 of P.L.1975, c.291 (40:55D-28) is amended to read
8 as follows:

9 19. Preparation; contents; modification.

10 a. The planning board may prepare and, after public hearing,
11 adopt or amend a master plan or component parts thereof, to guide
12 the use of lands within the municipality in a manner which protects
13 public health and safety and promotes the general welfare.

14 b. The master plan shall generally comprise a report or
15 statement and land use and development proposals, with maps,
16 diagrams and text, presenting, at least the following elements (1)
17 and (2) and, where appropriate, the following elements (3) through
18 (16):

19 (1) A statement of objectives, principles, assumptions, policies
20 and standards upon which the constituent proposals for the physical,
21 economic and social development of the municipality are based;

22 (2) A land use plan element

23 (a) taking into account and stating its relationship to the
24 statement provided for in paragraph (1) hereof, and other master
25 plan elements provided for in paragraphs (3) through (14) hereof
26 and natural conditions, including, but not necessarily limited to,
27 topography, soil conditions, water supply, drainage, flood plain
28 areas, marshes, and woodlands;

29 (b) showing the existing and proposed location, extent and
30 intensity of development of land to be used in the future for varying
31 types of residential, commercial, industrial, agricultural,
32 recreational, open space, educational and other public and private
33 purposes or combination of purposes including any provisions for
34 cluster development; and stating the relationship thereof to the
35 existing and any proposed zone plan and zoning ordinance;

36 (c) showing the existing and proposed location of any airports
37 and the boundaries of any airport safety zones delineated pursuant
38 to the "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-
39 80 et al.);

40 (d) including a statement of the standards of population density
41 and development intensity recommended for the municipality;

42 **[and]**

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 (e) showing the existing and proposed location of military
2 facilities and incorporating strategies to minimize undue
3 encroachment upon, and conflicts with, military facilities, including
4 but not limited to: limiting heights of buildings and structures
5 nearby flight paths or sight lines of aircraft; buffering residential
6 areas from noise associated with a military facility; and allowing for
7 the potential expansion of military facilities; and

8 (f) including, for any land use element adopted after the
9 effective date of P.L. , c. (C.) (pending before the
10 Legislature as this bill), a statement of strategy concerning:

11 (i) smart growth which, in part, shall consider potential locations
12 for the installation of electric vehicle charging stations,

13 (ii) storm resiliency with respect to energy supply, flood-prone
14 areas, and environmental infrastructure, and

15 (iii) environmental sustainability;

16 (3) A housing plan element pursuant to section 10 of P.L.1985,
17 c.222 (C.52:27D-310), including, but not limited to, residential
18 standards and proposals for the construction and improvement of
19 housing;

20 (4) A circulation plan element showing the location and types of
21 facilities for all modes of transportation required for the efficient
22 movement of people and goods into, about, and through the
23 municipality, taking into account the functional highway
24 classification system of the Federal Highway Administration and
25 the types, locations, conditions and availability of existing and
26 proposed transportation facilities, including air, water, road and rail;

27 (5) A utility service plan element analyzing the need for and
28 showing the future general location of water supply and distribution
29 facilities, drainage and flood control facilities, sewerage and waste
30 treatment, solid waste disposal and provision for other related
31 utilities, and including any storm water management plan required
32 pursuant to the provisions of P.L.1981, c.32 (C.40:55D-93 et al.). If
33 a municipality prepares a utility service plan element as a condition
34 for adopting a development transfer ordinance pursuant to
35 subsection c. of section 4 of P.L.2004, c.2 (C.40:55D-140), the plan
36 element shall address the provision of utilities in the receiving zone
37 as provided thereunder;

38 (6) A community facilities plan element showing the existing
39 and proposed location and type of educational or cultural facilities,
40 historic sites, libraries, hospitals, firehouses, police stations and
41 other related facilities, including their relation to the surrounding
42 areas;

43 (7) A recreation plan element showing a comprehensive system
44 of areas and public sites for recreation;

45 (8) A conservation plan element providing for the preservation,
46 conservation, and utilization of natural resources, including, to the
47 extent appropriate, energy, open space, water supply, forests, soil,
48 marshes, wetlands, harbors, rivers and other waters, fisheries,

1 endangered or threatened species wildlife and other resources, and
2 which systemically analyzes the impact of each other component
3 and element of the master plan on the present and future
4 preservation, conservation and utilization of those resources;

5 (9) An economic plan element considering all aspects of
6 economic development and sustained economic vitality, including
7 (a) a comparison of the types of employment expected to be
8 provided by the economic development to be promoted with the
9 characteristics of the labor pool resident in the municipality and
10 nearby areas and (b) an analysis of the stability and diversity of the
11 economic development to be promoted;

12 (10) An historic preservation plan element: (a) indicating the
13 location and significance of historic sites and historic districts; (b)
14 identifying the standards used to assess worthiness for historic site
15 or district identification; and (c) analyzing the impact of each
16 component and element of the master plan on the preservation of
17 historic sites and districts;

18 (11) Appendices or separate reports containing the technical
19 foundation for the master plan and its constituent elements;

20 (12) A recycling plan element which incorporates the State
21 Recycling Plan goals, including provisions for the collection,
22 disposition and recycling of recyclable materials designated in the
23 municipal recycling ordinance, and for the collection, disposition
24 and recycling of recyclable materials within any development
25 proposal for the construction of 50 or more units of single-family
26 residential housing or 25 or more units of multi-family residential
27 housing and any commercial or industrial development proposal for
28 the utilization of 1,000 square feet or more of land;

29 (13) A farmland preservation plan element, which shall include:
30 an inventory of farm properties and a map illustrating significant
31 areas of agricultural land; a statement showing that municipal
32 ordinances support and promote agriculture as a business; and a
33 plan for preserving as much farmland as possible in the short term
34 by leveraging moneys made available by P.L.1999, c.152 (C.13:8C-
35 1 et al.) through a variety of mechanisms including, but not limited
36 to, utilizing option agreements, installment purchases, and
37 encouraging donations of permanent development easements;

38 (14) A development transfer plan element which sets forth the
39 public purposes, the locations of sending and receiving zones and
40 the technical details of a development transfer program based on the
41 provisions of section 5 of P.L.2004, c.2 (C.40:55D-141);

42 (15) An educational facilities plan element which incorporates
43 the purposes and goals of the "long-range facilities plan" required to
44 be submitted to the Commissioner of Education by a school district
45 pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4);

46 (16) A green buildings and environmental sustainability plan
47 element, which shall provide for, encourage, and promote the
48 efficient use of natural resources and the installation and usage of

1 renewable energy systems; consider the impact of buildings on the
2 local, regional and global environment; allow ecosystems to
3 function naturally; conserve and reuse water; treat storm water on-
4 site; and optimize climatic conditions through site orientation and
5 design.

6 c. The master plan and its plan elements may be divided into
7 subplans and subplan elements projected according to periods of
8 time or staging sequences.

9 d. The master plan shall include a specific policy statement
10 indicating the relationship of the proposed development of the
11 municipality, as developed in the master plan to (1) the master plans
12 of contiguous municipalities, (2) the master plan of the county in
13 which the municipality is located, (3) the State Development and
14 Redevelopment Plan adopted pursuant to the "State Planning Act,"
15 sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.)
16 and (4) the district solid waste management plan required pursuant
17 to the provisions of the "Solid Waste Management Act," P.L.1970,
18 c.39 (C.13:1E-1 et seq.) of the county in which the municipality is
19 located.

20 In the case of a municipality situated within the Highlands
21 Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the
22 master plan shall include a specific policy statement indicating the
23 relationship of the proposed development of the municipality, as
24 developed in the master plan, to the Highlands regional master plan
25 adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).
26 (cf: P.L.2016, c.21, s.4)

27

28 2. This act shall take effect immediately.

29

30

31

STATEMENT

32

33 This bill requires that the land use element of a municipal master
34 plan include a statement of strategy concerning: smart growth,
35 including consideration of potential locations for the installation of
36 electric vehicle charging stations; storm resiliency with respect to
37 energy supply, flood-prone areas, and environmental infrastructure;
38 and environmental sustainability.

39 These issues are of special importance to New Jersey, as the
40 State is among the most ecologically diverse and densely populated
41 states in the country. The land use element of the municipal master
42 plan is adopted by local boards intimately involved with local land
43 use issues. These boards are uniquely situated to consider and
44 adopt a local strategy designed to address these issues in a practical
45 and effective manner.

A4540

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Requires municipal land use plan element of master plan to address smart growth, storm resiliency, and environmental sustainability issues.

ASSEMBLY, No. 4540

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED JANUARY 30, 2017

Sponsored by:

Assemblywoman ELIZABETH MAHER MUOIO

District 15 (Hunterdon and Mercer)

Assemblyman TIM EUSTACE

District 38 (Bergen and Passaic)

Assemblyman JAMES J. KENNEDY

District 22 (Middlesex, Somerset and Union)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman REED GUSCIORA

District 15 (Hunterdon and Mercer)

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

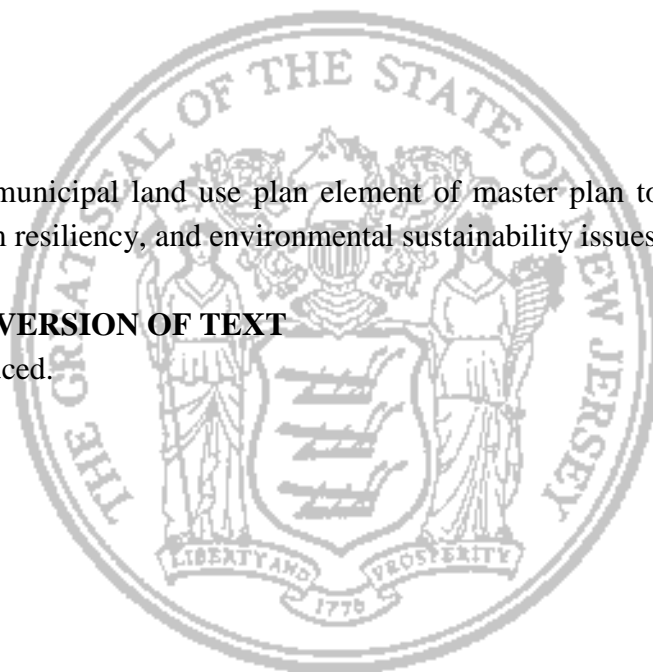
Assemblywoman Pinkin, Assemblymen Chiaravalloti and Coughlin

SYNOPSIS

Requires municipal land use plan element of master plan to address smart growth, storm resiliency, and environmental sustainability issues.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/19/2017)

1 AN ACT concerning smart growth, storm resiliency, and
2 environmental sustainability and amending P.L.1975, c.291.

3

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8 as follows:

9 19. Preparation; contents; modification.

10 a. The planning board may prepare and, after public hearing,
11 adopt or amend a master plan or component parts thereof, to guide
12 the use of lands within the municipality in a manner which protects
13 public health and safety and promotes the general welfare.

14 b. The master plan shall generally comprise a report or
15 statement and land use and development proposals, with maps,
16 diagrams and text, presenting, at least the following elements (1)
17 and (2) and, where appropriate, the following elements (3) through
18 (16):

19 (1) A statement of objectives, principles, assumptions, policies
20 and standards upon which the constituent proposals for the physical,
21 economic and social development of the municipality are based;

22 (2) A land use plan element

23 (a) taking into account and stating its relationship to the
24 statement provided for in paragraph (1) hereof, and other master
25 plan elements provided for in paragraphs (3) through (14) hereof
26 and natural conditions, including, but not necessarily limited to,
27 topography, soil conditions, water supply, drainage, flood plain
28 areas, marshes, and woodlands;

29 (b) showing the existing and proposed location, extent and
30 intensity of development of land to be used in the future for varying
31 types of residential, commercial, industrial, agricultural,
32 recreational, open space, educational and other public and private
33 purposes or combination of purposes including any provisions for
34 cluster development; and stating the relationship thereof to the
35 existing and any proposed zone plan and zoning ordinance;

36 (c) showing the existing and proposed location of any airports
37 and the boundaries of any airport safety zones delineated pursuant
38 to the "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-
39 80 et al.);

40 (d) including a statement of the standards of population density
41 and development intensity recommended for the municipality;

42 **[and]**

43 (e) showing the existing and proposed location of military
44 facilities and incorporating strategies to minimize undue
45 encroachment upon, and conflicts with, military facilities, including

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Matter underlined thus is new matter.

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3 areas from noise associated with a military facility; and allowing for
4 the potential expansion of military facilities; and
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21 classification system of the Federal Highway Administration and
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- 24 (5) A utility service plan element analyzing the need for and
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27 treatment, solid waste disposal and provision for other related
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33 element shall address the provision of utilities in the receiving zone
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38 other related facilities, including their relation to the surrounding
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46 endangered or threatened species wildlife and other resources, and
47 which systemically analyzes the impact of each other component

1 and element of the master plan on the present and future
2 preservation, conservation and utilization of those resources;

3 (9) An economic plan element considering all aspects of
4 economic development and sustained economic vitality, including
5 (a) a comparison of the types of employment expected to be
6 provided by the economic development to be promoted with the
7 characteristics of the labor pool resident in the municipality and
8 nearby areas and (b) an analysis of the stability and diversity of the
9 economic development to be promoted;

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17 foundation for the master plan and its constituent elements;

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42 be submitted to the Commissioner of Education by a school district
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46 efficient use of natural resources and the installation and usage of
47 renewable energy systems; consider the impact of buildings on the
48 local, regional and global environment; allow ecosystems to

1 function naturally; conserve and reuse water; treat storm water on-
2 site; and optimize climatic conditions through site orientation and
3 design.

4 c. The master plan and its plan elements may be divided into
5 subplans and subplan elements projected according to periods of
6 time or staging sequences.

7 d. The master plan shall include a specific policy statement
8 indicating the relationship of the proposed development of the
9 municipality, as developed in the master plan to (1) the master plans
10 of contiguous municipalities, (2) the master plan of the county in
11 which the municipality is located, (3) the State Development and
12 Redevelopment Plan adopted pursuant to the "State Planning Act,"
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19 Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the
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23 adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).
24 (cf: P.L.2016, c.21, s.4)

25

26 2. This act shall take effect immediately.

27

28

29

STATEMENT

30

31 This bill requires that the land use element of a municipal master
32 plan include a statement of strategy concerning: smart growth,
33 including consideration of potential locations for the installation of
34 electric vehicle charging stations; storm resiliency with respect to
35 energy supply, flood-prone areas, and environmental infrastructure;
36 and environmental sustainability.

37 These issues are of special importance to New Jersey, as the
38 State is among the most ecologically diverse and densely populated
39 states in the country. The land use element of the municipal master
40 plan is adopted by local boards intimately involved with local land
41 use issues. These boards are uniquely situated to consider and
42 adopt a local strategy designed to address these issues in a practical
43 and effective manner.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4540

STATE OF NEW JERSEY

DATED: MAY 18, 2017

The Assembly Environment and Solid Waste Committee reports favorably Assembly Bill No. 4540.

This bill would require that the land use element of a municipal master plan include a statement of strategy concerning: smart growth, including consideration of potential locations for the installation of electric vehicle charging stations; storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure; and environmental sustainability.

SENATE, No. 2873

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED JANUARY 9, 2017

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Requires municipal land use plan element of master plan to address smart growth, storm resiliency, and environmental sustainability issues.

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28 areas, marshes, and woodlands;

29 (b) showing the existing and proposed location, extent and
30 intensity of development of land to be used in the future for varying
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33 purposes or combination of purposes including any provisions for
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35 existing and any proposed zone plan and zoning ordinance;

36 (c) showing the existing and proposed location of any airports
37 and the boundaries of any airport safety zones delineated pursuant
38 to the "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-
39 80 et al.);

40 (d) including a statement of the standards of population density
41 and development intensity recommended for the municipality;

42 **[and]**

43 (e) showing the existing and proposed location of military
44 facilities and incorporating strategies to minimize undue
45 encroachment upon, and conflicts with, military facilities, including

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4 the potential expansion of military facilities; and
- 5 (f) including, for any land use element adopted after the
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- 10 (ii) storm resiliency with respect to energy supply, flood-prone
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7 characteristics of the labor pool resident in the municipality and
8 nearby areas and (b) an analysis of the stability and diversity of the
9 economic development to be promoted;

10 (10) An historic preservation plan element: (a) indicating the
11 location and significance of historic sites and historic districts; (b)
12 identifying the standards used to assess worthiness for historic site
13 or district identification; and (c) analyzing the impact of each
14 component and element of the master plan on the preservation of
15 historic sites and districts;

16 (11) Appendices or separate reports containing the technical
17 foundation for the master plan and its constituent elements;

18 (12) A recycling plan element which incorporates the State
19 Recycling Plan goals, including provisions for the collection,
20 disposition and recycling of recyclable materials designated in the
21 municipal recycling ordinance, and for the collection, disposition
22 and recycling of recyclable materials within any development
23 proposal for the construction of 50 or more units of single-family
24 residential housing or 25 or more units of multi-family residential
25 housing and any commercial or industrial development proposal for
26 the utilization of 1,000 square feet or more of land;

27 (13) A farmland preservation plan element, which shall include:
28 an inventory of farm properties and a map illustrating significant
29 areas of agricultural land; a statement showing that municipal
30 ordinances support and promote agriculture as a business; and a
31 plan for preserving as much farmland as possible in the short term
32 by leveraging moneys made available by P.L.1999, c.152 (C.13:8C-
33 1 et al.) through a variety of mechanisms including, but not limited
34 to, utilizing option agreements, installment purchases, and
35 encouraging donations of permanent development easements;

36 (14) A development transfer plan element which sets forth the
37 public purposes, the locations of sending and receiving zones and
38 the technical details of a development transfer program based on the
39 provisions of section 5 of P.L.2004, c.2 (C.40:55D-141);

40 (15) An educational facilities plan element which incorporates
41 the purposes and goals of the "long-range facilities plan" required to
42 be submitted to the Commissioner of Education by a school district
43 pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4);

44 (16) A green buildings and environmental sustainability plan
45 element, which shall provide for, encourage, and promote the
46 efficient use of natural resources and the installation and usage of
47 renewable energy systems; consider the impact of buildings on the
48 local, regional and global environment; allow ecosystems to

1 function naturally; conserve and reuse water; treat storm water on-
2 site; and optimize climatic conditions through site orientation and
3 design.

4 c. The master plan and its plan elements may be divided into
5 subplans and subplan elements projected according to periods of
6 time or staging sequences.

7 d. The master plan shall include a specific policy statement
8 indicating the relationship of the proposed development of the
9 municipality, as developed in the master plan to (1) the master plans
10 of contiguous municipalities, (2) the master plan of the county in
11 which the municipality is located, (3) the State Development and
12 Redevelopment Plan adopted pursuant to the "State Planning Act,"
13 sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.)
14 and (4) the district solid waste management plan required pursuant
15 to the provisions of the "Solid Waste Management Act," P.L.1970,
16 c.39 (C.13:1E-1 et seq.) of the county in which the municipality is
17 located.

18 In the case of a municipality situated within the Highlands
19 Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the
20 master plan shall include a specific policy statement indicating the
21 relationship of the proposed development of the municipality, as
22 developed in the master plan, to the Highlands regional master plan
23 adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).
24 (cf: P.L.2016, c.21, s.4)

25

26 2. This act shall take effect immediately.

27

28

29

STATEMENT

30

31 This bill requires that the land use element of a municipal master
32 plan include a statement of strategy concerning: smart growth,
33 including consideration of potential locations for the installation of
34 electric vehicle charging stations; storm resiliency with respect to
35 energy supply, flood-prone areas, and environmental infrastructure;
36 and environmental sustainability.

37 These issues are of special importance to New Jersey, as the
38 State is among the most ecologically diverse and densely populated
39 states in the country. The land use element of the municipal master
40 plan is adopted by local boards intimately involved with local land
41 use issues. These boards are uniquely situated to consider and
42 adopt a local strategy designed to address these issues in a practical
43 and effective manner.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 2873

STATE OF NEW JERSEY

DATED: JANUARY 30, 2017

The Senate Environment and Energy Committee favorably reports Senate Bill No. 2873.

This bill would require that the land use element of a municipal master plan include a statement of strategy concerning: smart growth, including consideration of potential locations for the installation of electric vehicle charging stations; storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure; and environmental sustainability.