

40:55-1.18a

December 28, 1970

LEGISLATIVE NOTES ON R.S. 40:55-1.18a
(Plat approved - Legal action)

Copy 2

No similar bills introduced, 1968-1970.

L. 1970, Chapter 64 - S684

Introduced March 16 by Rinaldo, McDermott.

Bill had statement (cop. enc.)

May 11 - Cond. Veto by Governor (cop. enc.)

May 11- Amended as recommended by Governor (cop. encl.)

RSL/PC

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SENATE, No. 684

STATE OF NEW JERSEY

INTRODUCED MARCH 16, 1970

By Senators RINALDO and McDERMOTT

Referred to Committee on County and Municipal Government

A SUPPLEMENT to the "Municipal Planning Act (1953)," approved
September 18, 1953 (P. L. 1953, c. 433, C. 40:55-1.1 et seq.).

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

1 1. In the event that any legal action is instituted by any political
2 subdivision, party or other entity during the 3-year period from
3 the date of preliminary approval of a plat or during any exten-
4 sion of said period pursuant to this act which bars or prevents
5 a developer or builder from proceeding with a subdivision ap-
6 proval or a project or a development and said developer or builder
7 is otherwise ready, willing and able to proceed with said subdivi-
8 sion approval or project or development, the running of the said
9 3-year period from the date of preliminary approval or any such
10 extension thereof shall be suspended during the period said legal
11 action is pending.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to amend the Planning Act to provide protection for a developer or builder during his period of tentative approval. This protection is available under this bill only when an outside deterrent such as an injunction or otherwise is present and prohibits the developer or builder from proceeding even though he may be ready, willing and able.

SENATE AMENDMENTS TO
SENATE, No. 684

STATE OF NEW JERSEY

ADOPTED MAY 11, 1970

Amend page 1, section 1, line 1, after the word "that", delete the word "any", and insert the word "a".

Amend page 1, section 1, lines 1 and 2, after the word "any", delete the words "political subdivision, party or other entity", and insert the words "State agency, political subdivision or other party, to protect the public health and welfare".

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

May 11, 1970

SENATE BILL NO. 684

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 684, with my objections for reconsideration.

This bill would amend and supplement the "Municipal Planning Act (1953)," to provide protection for a developer or builder during his period of tentative approval when a legal action is pending which prevents him from proceeding with the project or development.

I am in favor of the purpose of the bill, however, the language should be corrected so that the bill does not have a broader effect than intended.

I return the bill with the recommendation that the language be corrected as follows:

Section 1, Line 1: After the word "that" delete the word "any" and insert the word "a".

Section 1, Lines 1 and 2: After the word "any" delete the words "political subdivision, party or other entity" and insert the words "state agency, political subdivision or other party, to protect the public health and welfare".

Respectfully,

/s/ Raymond H. Bateman

ACTING GOVERNOR

Attest:

/s/ Jean E. Mulford

Acting Secretary to the Governor