

LEGISLATIVE HISTORY OF R.S.40:27-6.1 et seq.
(Buildings and Highways; permits, hearings, penalty,
enjoining construction)

L.1968 - chap.285 - S381
Jan.29 - Introduced by White.
June 3 - Passed in Senate
June 24 - Passed in Assembly.
Sept.6 - Approved, chap.285.
No statement on Bill.

Hearings

~~No additional material on this act was located in Hearings.~~

No hearings or reports were located on this bill.

GVB/EH

SENATE, No. 381

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1968

By Senators WHITE and SEARS

Referred to Committee on County and Municipal Government

AN ACT concerning county planning, authorizing county planning boards to exercise additional powers in relation to subdivision and improvement of lands, amending chapters 433 and 434 of the laws of 1953, chapter 162 of the laws of 1965, and sections 40:27-4, 40:27-5, 40:55-34 and supplementing chapters 27 and 55 of Title 40 of the Revised Statutes, and repealing section 40:27-7 of the Revised Statutes and chapter 412 of the laws of 1948.

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

1 1. As used in this act and in chapter 27 of Title 40 of the
2 Revised Statutes, unless the context otherwise requires:

3 "County master plan" and "master plan" means a composite
4 of the master plan for the physical development of the county,
5 with the accompanying maps, plats, charts and descriptive and
6 explanatory matter adopted by the county planning board pursuant
7 to Revised Statute 40:27-2;

8 "Official county map" means the map, with changes and addi-
9 tions thereto, adopted and established, from time to time, by
10 resolution of the board of chosen freeholders of the county pur-
11 suant to Revised Statute 40:27-5;

12 "Site plan" means a plan of an existing lot or plot or a sub-
13 divided lot on which is shown topography, location of all existing
14 and proposed buildings, structures, drainage facilities, roads,
15 rights-of-way, easements, parking areas, together with any other
16 information required by and at a scale specified by a site plan
17 review and approval resolution adopted by the board of chosen
18 freeholders pursuant to this act;

18A "Subdivision" means the division of a lot, tract, or parcel
19 of land into 2 or more lots, sites or other divisions of land

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

20 for the purpose, whether immediate or future, of sale or
 21 building development; except that where no new streets or roads
 22 are involved the following divisions shall not be considered sub-
 23 divisions within the meaning of this act: divisions of land for
 24 agricultural purposes where the resulting parcels are 3 acres or
 25 larger in size, divisions of land by testamentary or intestate
 26 provisions, or divisions of land upon court order; "subdivision"
 27 also includes resubdivision, and where appropriate to the context,
 28 relates to the process of subdividing or to the lands or territory
 29 divided.

30 "Subdivision application" means the application for approval
 31 of a subdivision pursuant to the "Municipal Planning Act (1953)"
 32 (P. L. 1953, c. 433) (C. 55-1.1 et seq.) as amended and supple-
 33 mented or an application for approval of a planned unit develop-
 34 ment pursuant to the "Municipal Planned Unit Development Act"
 35 (1967) (P. L. 1967, c. 61) (C. 40:55-54 et seq.)

1 2. Section 40:27-4 of the Revised Statutes is amended to read
 2 as follows:

3 40:27-4. *a.* Before adopting the master plan or any part [of it]
 4 *thereof* or any amendment thereof the board shall hold at least
 5 one public hearing thereon, notice of the time and place of which
 6 shall be given by one publication in a newspaper of general cir-
 7 culation in the county *and by the transmission by delivery or by*
 8 *certified mail, at least 20 days prior to such hearing, of a notice*
 9 *of such hearing and a copy of the proposed master plan, or part*
 10 *thereof or any proposed amendment thereof to the municipal clerk*
 11 *and secretary of the planning board of each municipality in the*
 12 *county.* The adoption of the plan or part or amendment thereof
 13 shall be by resolution of the board carried by the affirmative vote
 14 of not less than $\frac{2}{3}$ of the members of the board. The resolution
 15 shall refer especially to the maps and descriptive and other mat-
 16 ter intended by the board to form the whole or part of the plan
 17 or amendment and the action taken shall be recorded on the map
 18 and plan and descriptive matter by the identifying signature of
 19 the secretary of the board. An attested copy of the master plan or
 20 any amendments thereof shall be certified to the board of chosen
 21 freeholders, to the county park commission, if such exists, and
 22 to the legislative body of every municipality within the county.
 23 [As an aid toward the co-ordination of municipal plans with the
 24 county master plan, every municipality within the county having
 25 prepared a master plan shall file a copy of such master plan, or
 26 subsequent amendments thereof with the county planning board

27 within 60 days of the appointment of the county planning board
28 or within 30 days of the completion of such master plan.】

29 *b. In order to maximize the degree of co-ordination between*
30 *municipal and county plans and official maps, the county planning*
31 *board shall be notified in regard to the adoption or amendment of*
32 *any municipal master plan, official map or ordinance under the*
33 *“Municipal Planned Unit Development Act (1967).” A copy of*
34 *any such proposed plan, map or amendment shall be forwarded*
35 *to the county planning board for review and report at least 20*
36 *days prior to the date of public hearing thereon.*

37 *c. Within 30 days after the adoption of a zoning ordinance,*
38 *subdivision ordinance, master plan, official map, capital improve-*
39 *ment program, or amendments thereto, a copy of said document*
40 *shall be transmitted to the county planning board for its informa-*
41 *tion and files.*

1 3. Section 40:27-5 of the Revised Statutes is amended to read
2 as follows:

3 40:27-5. The board of chosen freeholders in any county after
4 receiving the advice of the county planning board is hereby em-
5 powered to adopt and establish and thereafter as often as the
6 board may deem it for the public interest, to change or to add to
7 an official county map, showing the highways, roadways, parks,
8 parkways, and sites for public buildings or works, under county
9 jurisdiction, or in the acquisition, financing or construction of
10 which the county has participated or may be called upon to par-
11 ticipated. Such map shall be deemed to have been established to
12 conserve and promote the public health, safety, convenience, and
13 welfare. Before acting thereon in the first instance and before
14 adopting any amendments thereto such board of chosen freehold-
15 ers, after notice of time and place has been given by one publi-
16 cation for each of 3 successive weeks in a newspaper of general
17 circulation in the county and after written notice to the [official
18 bodies and departments enumerated hereinunder] *county engineer,*
19 *county planning board, county park commission, if such exists,*
20 *and such other county officers and departments as the board*
21 *shall designate and to the municipal clerk and secretary of the*
22 *planning board of each municipality in the county, shall hold a*
23 *public hearing or hearings thereon at which such representatives*
24 *[of the county planning board, the county park commission, if*
25 *such exists, the county departments, the municipalities in the*
26 *county] entitled to notice and such property owners and others*
27 *interested therein as shall so desire shall be heard.*

28 Before holding any such public hearing such board of chosen
29 freeholders shall submit such proposed change or addition to the
30 county planning board for its consideration and advice and shall
31 fix a reasonable time within which such county planning board may
32 report thereon, not, however, less than 20 days; upon receipt of
33 such report from the county planning board or upon the failure
34 of such board to report within the time limit so fixed such board
35 of chosen freeholders may thereupon act upon the proposed change,
36 but any action adverse to the report of the county planning board
37 shall require the affirmative vote of the majority of all the mem-
38 bers of such board of chosen freeholders.

39 When approved in whole or part by the board of chosen free-
40 holders in any county, such county official map or part thereof
41 shall be deemed to be binding upon the board of chosen freeholders
42 of the county and the several county departments thereof, and
43 upon other county boards heretofore or hereafter created under
44 special laws, and no expenditure of public funds by such county
45 for construction work or the acquisition of land for any purpose
46 enumerated in section 40:27-2 of this Title shall be made except
47 in accordance with such official map.

48 Nothing herein prescribed shall be construed as restricting or
49 limiting the powers of boards of chosen freeholders from repairing,
50 maintaining and improving any existing street, road, viaduct,
51 bridge or parkway not shown on such official maps, which does
52 not involve the acquisition of additional land or of park commis-
53 sions as otherwise provided by law.

1 4. The board of freeholders of any county having a county
2 planning board shall provide for the review of all subdivisions
3 of land within the county by said county planning board and for
4 the approval of those subdivisions affecting county road or drain-
5 age facilities as set forth and limited hereinafter in this section.
6 Such review or approval shall be in accordance with procedures
7 and engineering and planning standards adopted by resolution
8 of the board of chosen freeholders. These standards shall be lim-
9 ited to:

10 a. The requirement of adequate drainage facilities and ease-
11 ments when, as determined by the county engineer in accordance
12 with county-wide standards, the proposed subdivision will cause
13 storm water to drain either directly or indirectly to a county road,
14 or through any drainageway, structure, pipe, culvert, or facility
15 for which the county is responsible for the construction, mainte-
16 nance, or proper functioning;

17 b. The requirement of dedicating rights-of-way for any roads
18 or drainageways shown on a duly adopted county master plan or
19 official county map;

20 c. Where a proposed subdivision abuts a county road, or where
21 additional rights-of-way and physical improvements are required
22 by the county planning board, such improvements shall be subject
23 to recommendations of the county engineer relating to the safety
24 and convenience of the traveling public and may include additional
25 pavement widths, marginal access streets, reverse frontage and
26 other county highway and traffic design features necessitated by
27 an increase in traffic volumes, potential safety hazards or impedi-
28 ments to traffic flows caused by the subdivision;

29 d. The requirement of performance guarantees and procedures
30 for the release of same, maintenance bonds for not more than 2
31 years duration from date of acceptance of improvements and agree-
32 ments specifying minimum standards of construction for required
33 improvements. The amount of any performance guarantee or
34 maintenance bond shall be set by the planning board upon the
35 advice of the county engineer and shall not exceed the full cost
36 of the facility and installation costs or the developer's proportion-
37 ate share thereof, computed on the basis of his acreage related
38 to the acreage of the total drainage basin involved plus 10% for
39 contingencies. In lieu of providing any required drainage ease-
40 ment a cash contribution may be deposited with the county to
41 cover the cost or the proportionate share thereof for securing
42 said easement. In lieu of installing any such required facilities
43 exterior to the proposed plat a cash contribution may be deposited
44 with the county to cover the cost of proportionate share thereof
45 for the future installation of such facilities. Any and all moneys
46 received by the county to insure performance under the provisions
47 of this act shall be paid to the county treasurer who shall provide
48 a suitable depository therefor. Such funds shall be used only for
49 county drainage projects or improvement for which they are
50 deposited unless such projects are not initiated for a period of
51 10 years, at which time said funds shall be transferred to the
52 general fund of the county, provided that no assessment of bene-
53 fits for such facilities as a local improvement shall thereafter be
54 levied against the owners of the lands upon which the developer's
55 prior contribution had been based. Any moneys or guarantees
56 received by the county under this paragraph shall not duplicate
57 bonds or other guarantees required by municipalities for municipi-
58 pal purposes.

59 e. Provision may be made for waiving or adjusting requirements
60 under the subdivision resolution to alleviate hardships which would
61 result from strict compliance with the subdivision standards
62 Where provision is made for waiving or adjusting requirements
63 criteria shall be included in the standards adopted by the board
64 of chosen freeholders to guide actions of the county planning
65 board.

66 Notice of the public hearing on a proposed resolution of the
67 board of chosen freeholders establishing procedures and engineer-
68 ing standards to govern land subdivision within the county, and
69 a copy of such resolution, shall be given by delivery or by certified
70 mail to the municipal clerk and secretary of the planning board
71 of each municipality in the county at least 10 days prior to such
72 hearing.

1 5. Each subdivision application shall be submitted to the county
2 planning board for review and, where required, approval prior
3 to approval by the local municipal approving authority. County
4 approval of any subdivision application affecting county road
5 or drainage facilities shall be limited by and based upon the rules,
6 regulations and standards established by and duly set forth in
7 a resolution adopted by the board of chosen freeholders. The
8 municipal approval authority shall defer taking final action on
9 a subdivision application until receipt of the county planning board
10 report thereon. The county planning board shall report to the
11 municipal authority within 30 days from the date of receipt of
12 the application. If the county planning board fails to report to
13 the municipal approving authority within the 30-day period, said
14 subdivision application shall be deemed to have been approved by
15 the county planning board unless, by mutual agreement between
16 the county planning board and municipal approving authority, with
17 approval of the applicant, the 30-day period shall be extended
18 for an additional 30-day period, and any such extension shall so
19 extend the time within which a municipal approving authority
20 shall be required by law to act thereon.

1 6. The county planning board shall review each subdivision
2 application and withhold approval if said proposed subdivision
3 does not meet the subdivision approval standards previously
4 adopted by the board of chosen freeholders, in accordance with
5 section 4 of this act. In the event of the withholding of approval,
6 or the disapproval of, a subdivision application, the reasons for
7 such action shall be set forth in writing and a copy thereof shall
8 be transmitted to the applicant.

1 7. The county recording officer shall not accept for filing any
2 subdivision plat unless it bears the certification of either approval
3 or of review and exemption of the authorized county planning
4 board officer or staff member indicating compliance with the pro-
5 visions of this act and standards adopted pursuant thereto, in
6 addition to all other requirements for filing a subdivision plat
7 including compliance with the provisions of "The Map Filing Law"
8 (P. L. 1960, c. 141). In the event the county planning board shall
9 have waived its right to review, approve or disapprove a sub-
10 division by failing to report to the municipal approval authority
11 within the 30-day period or the mutually agreed upon 30-day
12 extension period, as outlined in section 5 above, the subdivision
13 shall be deemed to have county planning board approval, and at
14 the request of the applicant, the secretary of the county planning
15 board shall attest on the plat to the failure of the county planning
16 board to report within the required time period, which shall be
17 sufficient authorization for further action by the municipal plan-
18 ning board and acceptance thereof for filing by the county record-
19 ing officer.

1 8. The board of chosen freeholders of any county having a
2 county planning board may provide for the review of site plans
3 for land development along county roads and for the approval of
4 such development as hereinafter set forth and limited for the pur-
5 pose of assuring a safe and efficient county road system. Such
6 review and approval shall be in conformance with procedures and
7 standards adopted by resolution of the board of chosen freeholders.
8 Notice of the public hearing on a proposed resolution of the board
9 of chosen freeholders establishing procedures and standards to
10 govern the review and regulation of land development along county
11 roads, and a copy of such resolution, shall be given by delivery
12 or by certified mail to the municipal clerk, secretary of the planning
13 board and secretary of the board of adjustment of each munici-
14 pality in the county at least 10 days prior to such hearing. These
15 procedures and standards shall be limited to:

16 a. The submission of a site plan, prior to the issuance of a municipi-
17 pal building permit, drawn in accordance with standards in the
18 resolution for any proposed land development including proposed
19 commercial, industrial, multi-family structures containing 5 or
20 more units, or any other land development requiring offstreet
21 parking area or producing surface runoff in excess of standards
22 set forth in the site plan review and approval resolution of the
23 board of chosen freeholders.

24 b. The requirement of dedication of additional right-of-way in
25 accordance with the county master plan adopted by the county
26 planning board or an official county map adopted by the board
27 of chosen freeholders. Where by reason of special or unusual con-
28 ditions said total additional right-of-way is to be secured from
29 just one side of an existing road, only one half of the additional
30 right-of-way may be required to be dedicated.

31 c. The requirement of physical improvements subject to recom-
32 mendations of the county engineer relating to the safety and con-
33 venience of the travelling public, including drainage facilities, or
34 other highway and traffic design features as may be deemed neces-
35 sary on such county road or roads in accordance with the engineer-
36 ing and planning standards established in the site plan review and
37 approval resolution of the board of chosen freeholders.

38 d. The requirement of performance and payment guarantees
39 and procedures for the release of same, maintenance bonds of not
40 more than 2 years duration from the date of acceptance of im-
41 provements, cash contributions, and agreements specifying mini-
42 mum standards of construction for required improvements.
43 Procedures for, and limitations on the requirement of such guar-
44 antees or cash contributions shall be governed by the provisions
45 of this act.

1 9. The municipal or other local agency or individual with author-
2 ity to approve the site plan or issue a building permit shall defer
3 action on any application requiring county approval pursuant to
4 section 7 of this act until the same shall have been submitted to
5 the county planning board for its approval of the site plan. The
6 county planning board shall have 30 days from the receipt of a
7 site plan to report to the appropriate local authority. In the event
8 of disapproval, such report shall state the specific reasons therefor.
9 If the county planning board fails to report to the municipal
10 approving or issuing authority within the 30-day period, said site
11 plan shall be deemed to have been approved by the county planning
12 board. Upon mutual agreement between the county planning board
13 and the municipal approving authority, with approval of the appli-
14 cant, the 30-day period may be extended for an additional 30-day
15 period.

1 10. The county planning board may by resolution vest its power
2 to review and approve subdivisions, pursuant to the provisions of
3 sections 4 through 6 of this act, and the power to review and
4 approve site plans pursuant to the provisions of sections 8 and 9
5 of this act with the county planning director and a designated
6 committee of members of said county planning board.

7 11. If said action is taken by the planning director and a com-
8 mittee of the board, said applicant may file an appeal in writing
9 to the county planning board within 10 days after the date of
10 notice by certified mail of the said action. Any person aggrieved
11 by the action of the county planning board in regard to subdivision
12 review and approval or site plan review and approval may file
13 an appeal in writing to the board of chosen freeholders within 10
14 days after the date of notice by certified mail of said action. The
15 county planning board or the board of chosen freeholders to which
16 an appeal is taken shall consider such appeal at a regular or spe-
17 cial public meeting within 45 days from the date of its filing.
18 Notice of said hearing shall be made by certified mail at least 10
19 days prior to the hearing to the applicant and to such of the
20 following officials as deemed appropriate for each specific case;
21 the municipal clerk, municipal planning board, board of adjust-
22 ment, building inspector, zoning officer, board of chosen freeholders
23 and the county planning board. The board to which appeal is taken
24 shall render a decision within 30 days from the date of the hearing.

1 12. In order that county planning boards shall have a complete
2 file of the planning and zoning ordinances of all municipalities in
3 the county, each municipal clerk shall file with the county planning
4 board a copy of the planning and zoning ordinances of the munici-
5 pality in effect on the effective date of this act and shall notify
6 the county planning board of the introduction of any revision or
7 amendment of such an ordinance which affects lands adjoining
8 county roads or other county lands, or lands lying within 200 feet
9 of a municipal boundary, or proposed facilities or public lands
10 shown on the county master plan or official county map. Such
11 notice shall be given to the county planning board at least 10 days
12 prior to the public hearing thereon by personal delivery or by
13 certified mail of a copy of the official notice of the public hearing
14 together with a copy of the proposed ordinance.

1 13. The county planning board shall be notified of any applica-
2 tion to the board of adjustment under Revised Statute 40:55-39
3 in such cases where the land involved fronts upon an existing
4 county road or proposed road shown on the official county map
5 or on the county master plan, adjoins the other county land or
6 is situated within 200 feet of a municipal boundary. Notice of
7 hearings on such applications shall be furnished by the appellant
8 in accordance with P. L. 1965, c. 162 (C. 40:55-53).

1 14. Any county planning board exercising the authority of
2 review and approval of land subdivision pursuant to the provisions

3 of chapter 27 of Title 40 of the Revised Statutes and chapter 412
4 of the laws of 1948 supplementary thereto is authorized to continue
5 to exercise such authority thereunder for the period of 1 year
6 after the effective date of this act or until the board of chosen
7 freeholders of the county adopts a resolution governing land sub-
8 division pursuant to this act, whichever occurs first.

1 15. Whenever a hearing is required before a zoning board of
2 adjustment or the governing body of a municipality in respect to
3 the granting of a variance or establishing or amending an official
4 municipal map involving property adjoining a county road or
5 within 200 feet of an adjoining municipality, and notice of said
6 hearing is required to be given, the person giving such notice
7 shall also, at least 10 days prior to the hearing, give notice thereof
8 in writing by certified mail to the county planning board. The
9 notice shall contain a brief description of the property involved,
10 its location, a concise statement of the matters to be heard and
11 the date, time and place of such hearing.

1 16. Section 10 of chapter 433 of the laws of 1953 is amended
2 to read as follows:

3 10. The planning board may prepare, and after public hearing,
4 adopt, and from time to time amend, a master plan for the physical
5 development of the municipality which generally shall comprise
6 land use, circulation, and a report presenting the objectives, as-
7 sumptions, standards and principles which are embodied in the
8 various interlocking portions of the master plan. The master plan
9 shall be a composite of the one or more mapped and written pro-
10 posals recommending the physical development of the municipality
11 which the planning board shall have adopted either as a whole or
12 severally after public hearing. Such master plan may include
13 proposals for various stages in the future development of the
14 municipality.

15 *A copy of any such proposed plan or amendment shall be for-*
16 *warded to the county planning board for review and such comment*
17 *thereon as the county board deems appropriate at least 20 days*
18 *prior to the date of public hearings thereon, and a copy of any*
19 *such plan or amendment adopted by the municipality shall be filed*
20 *with the county planning board within 30 days after its adoption.*

1 17. Section 7 of chapter 434 of the laws of 1953 is amended to
2 read as follows:

3 7. Upon receipt of the recommendation of the planning board
4 or after 45 days without such recommendation, the governing body
5 shall hold a public hearing on the proposed adoption of the official

6 map or amendment thereto and shall cause notice of the hearing
7 to be published in the official newspaper of the municipality or
8 in a newspaper of general circulation in the municipality, at least
9 10 days prior to the hearing. A map showing the proposal shall
10 be made available for public inspection in the office of the municipal
11 clerk during such period and the notice shall so state. At the public
12 hearing all interested parties shall be afforded an opportunity to
13 be heard, prior to the final vote upon the ordinance.

14 *A copy of any such proposed official map or amendment shall be*
15 *forwarded to the county planning board for review and such com-*
16 *ment thereon as the county board deems appropriate at least 20*
17 *days prior to the date of public hearing thereon, and a copy of any*
18 *such official map or amendment adopted by the municipality shall*
19 *be filed with the county planning board within 30 days after its*
20 *adoption.*

1 18. Section 14 of chapter 433 of the laws of 1953 is amended to
2 read as follows:

3 14. The governing body may by ordinance provide for the regu-
4 lation of subdivisions within the municipality by requiring the
5 approval of the governing body, by resolution, of all plats after
6 favorable referral by the planning board before such plats may
7 be filed with the county recording officer and may authorize and
8 empower the planning board to review plats in accordance with
9 regulations, requirements and standards established by the gov-
10 erning body and may further fix filing fees to be paid for by any
11 applicant for subdivision approval.

12 In any ordinance creating a planning board or in any amendment
13 or supplement thereto, provision may be made for the regulation
14 of subdivisions within the municipality by approval of the plan-
15 ning board acting in lieu of the governing body of all plats before
16 such plats may be filed with the county recording officer, provided
17 such ordinance regulating subdivisions establishes regulations,
18 requirements, and standards for plat approval by the planning
19 board. If such power of approval is granted to the planning board,
20 the procedures of the planning board under this act shall be
21 required in connection with such approval, and the signature of
22 the chairman of the planning board shall have the same force as
23 the signature of the mayor.

24 Any such ordinance may exempt from the requirement of local
25 municipal approval, subdivisions wherein the number of new lots
26 is less than a designated number, or plats that do not involve new
27 streets, or such other classes of subdivisions as such ordinance

28 shall designate. In all cases involving such exempted subdivisions,
29 the mayor or planning board chairman, as the case may be, and
30 the municipal clerk shall certify the exemption on the plat, deed,
31 or instrument to be filed with the county recording officer.

32 *Within 30 days after the adoption of any subdivision ordinance,*
33 *regulation or of any amendment thereto, a copy of said document*
33A *shall be transmitted to the county planning board for its informa-*
34 *tion and files.*

35 *Each subdivision application or site plan review application,*
36 *where required pursuant to section 8 of this act, shall be submitted*
37 *to the county planning board for review and approval prior to*
38 *approval by the local municipal approving authority.*

39 *The municipal approval authority shall defer taking action on*
40 *a subdivision until receipt of the county planning board report*
41 *thereon. The county planning board shall report to the municipal*
42 *authority within 30 days from the date of receipt of the application.*
43 *If the county planning board fails to report to the municipal ap-*
44 *proving authority within the 30-day period, said subdivisions shall*
45 *be deemed to have been approved by the county planning board*
46 *unless by mutual agreement between the county planning board*
47 *and municipal approving authority, with approval of the applicant,*
48 *the 30-day period may be extended for an additional 30-day period,*
49 *and any such extension shall so extend the time within which a*
50 *municipal approving authority shall be require by law to act*
51 *thereon.*

1 19. Section 40:55-34 of the Revised Statutes is amended to read
2 as follows:

3 40:55-34. No zoning ordinance or ordinance authorized under
4 The "Municipal Planned Unit Development Act (1967)" shall be
5 adopted, amended, or repealed until after public hearing thereon
6 by the governing body or board of public works, at which parties
7 in interest and citizens shall have an opportunity to be heard.
8 Said ordinance and notice of the time and place of hearing thereon
9 shall be published at least once in an official newspaper, if there
10 be one, or otherwise in a newspaper of general circulation in the
11 municipality, and such publication shall take place 10 or more days
12 prior to such hearing.

13 *Within 30 days after the adoption of any such ordinance or*
14 *amendment thereto, a copy of said document shall be transmitted*
15 *to the county planning board for its information and files.*

16 *The municipal clerk shall notify the county planning board of*
17 *the introduction of any revision or amendment of any such ordi-*

18 *nance which affects lands adjoining county roads or other county*
19 *lands, or lands lying within 200 feet of a municipal boundary, or*
20 *proposed facilities or public lands shown on the county master*
21 *plan or official county map. Such notice shall be given to the county*
22 *planning board at least 10 days prior to the public hearing thereon*
23 *by personal delivery or by certified mail of a copy of the official*
24 *notice of the public hearing together with a copy of the proposed*
25 *ordinance.*

1 20. Section 40:55-39 of the Revised Statutes is amended to read
2 as follows:

3 40:55-39. The board of adjustment shall have the power to:

4 a. Hear and decide appeals where it is alleged by the appellant
5 that there is error in any order, requirement, decision or refusal
6 made by an administrative official or agency based on or made
7 in the enforcement of the zoning ordinance.

8 b. Hear and decide, in accordance with the provisions of any
9 such ordinance, requests for special exceptions or for interpreta-
10 tion of the map or for decisions upon other special questions upon
11 which such board is authorized by any such ordinance to pass.

12 c. Where by reason of exceptional narrowness, shallowness or
13 shape of a specific piece of property, or by reason of exceptional
14 topographic conditions, or by reason of other extraordinary and
15 exceptional situation or condition of such piece of property, the
16 strict application of any regulation enacted under the act would
17 result in peculiar and exceptional practical difficulties to, or excep-
18 tional and undue hardship upon the owner of such property, to
19 authorize, upon an appeal relating to such property, a variance
20 from such strict application so as to relieve such difficulties or
21 hardship; provided, however, that no variance shall be granted
22 under this paragraph to allow a structure or use in a district
23 restricted against such structure or use.

24 d. Recommend in particular cases and for special reasons to
25 the governing body of the municipality the granting of a variance
26 to allow a structure or use in a district restricted against such
27 structure or use. Whereupon the governing body or board of public
28 works may, by resolution, approve or disapprove such recom-
29 mendation. If such recommendation shall be approved by the gov-
30 erning body or board of public works then the administrative offi-
31 cer in charge of granting permits shall forthwith issue a permit
32 for such structure or use.

33 No relief may be granted or action taken under the terms of
34 this section unless such relief can be granted without substantial

35 detriment to the public good and will not substantially impair the
36 intent and purpose of the zone plan and zoning ordinance.

37 *The county planning board shall be notified of any application*
38 *to the board of adjustment under Revised Statute 40:55-39 in*
39 *such cases where the land involved fronts upon a county road,*
40 *adjoins other county land or is situated within 200 feet of a municipi-*
41 *pal boundary. Notice of hearings on such applications shall be*
42 *furnished by the appellant in accordance with P. L. 1965, c. 162*
43 *(C. 40:55-53).*

1 21. Section 1 of chapter 162 of the laws of 1965 is amended to
2 read as follows:

3 1. Whenever a hearing is required in respect to planning, zoning,
4 approval of subdivisions, granting of variances or establishing
5 or amending an official map involving property situated within
6 200 feet of an adjoining municipality and notice of said hearing
7 is required to be given, the person giving such notice shall also,
8 at least 10 days prior to the hearing, give notice in writing of
9 such hearing by registered or certified mail to the clerk of such
10 municipality. The said notice of hearing shall contain a brief de-
11 scription of the property involved, its location and a concise
11A statement of the matters to be heard.

12 *Whenever a hearing is required before a zoning board of adjust-*
13 *ment or the governing body of a municipality in respect to the*
14 *granting of a variance or establishing or amending an official*
15 *municipal map involving property adjoining a county road or*
16 *within 200 feet of an adjoining municipality, and notice of said*
17 *hearing is required to be given, the person giving such notice shall*
18 *also, at least 10 days prior to the hearing, give notice thereof in*
19 *writing by certified mail to the county planning board. The notice*
20 *shall contain a brief description of the property involved, its loca-*
21 *tion, a concise statement of the matters to be heard and the date,*
22 *time and place of such hearing.*

1 22. Section 40:27-7 of the Revised Statutes and chapter 412 of
2 the laws of 1948 are repealed.

3 23. Sections 1 through 21 of this act shall take effect July 1, 1969
4 and section 22 shall take effect December 31, 1969.