

40:27-6.6

LEGISLATIVE HISTORY CHECKLIST

NJSA 40:27-6.6 (County planning boards--approval of land development plans affecting county roads or drainage)
LAWS 1981 CHAPTER 50
Bill No. A246
Sponsor(s) Markert and others
Date Introduced Pre-filed
Committee: Assembly County Government
Senate County and Municipal Government
Amended during passage Yes ~~NO~~ Amendments during passage denoted by asterisks.
Date of Passage: Assembly May 1, 1980 Substituted for S894
Senate Jan. 26, 1981 (bill and Senate committee statement attached)
Date of approval Feb. 25, 1981

Following statements are attached if available:

Sponsor statement	Yes	NO (Below)
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

Sponsors' statement:

This bill amends P.L. 1968, c.285 (C.40:27-6.6) to give county planning boards the right to review site plans for land developments affecting county drainage facilities. The bill also permits the county engineer to develop county-wide standards for adequate drainage facilities and easements. A county planning board is authorized to review any site plan which might affect those standards.

6/22/81

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[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 246

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Assemblymen MARKERT, SCHWARTZ, RAND, Assemblywoman McCONNELL, Assemblymen KAVANAUGH, MATTHEWS, KERN, SMITH, GIRGENTI, PELLECCIA, HOLLENBECK, BROWN, EDWARDS, REMINGTON, Assemblywomen CURRAN, BURGIO, Assemblymen ORECHIO, MAGUIRE, OLSZOWY, Assemblywoman MUHLER, Assemblymen DOWD, GORMLEY, BASSANO, CHINNICI, WEIDEL, ALBANESE, T. GALLO, JANISZEWSKI, COSTELLO, BORNHEIMER, BARRY, HURLEY, FORTUNATO, FLYNN, ADUBATO, VILLANE, THOMPSON and Assemblywoman GARVIN

AN ACT to amend "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," approved September 6, 1968 (P. L. 1968, c. 285).

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

1 1. Section 8 of P. L. 1968, c. 285 (C. 40:27-6.6) is amended to
2 read as follows:

3 8. The **[board of chosen freeholders]** *governing body* of any
4 county having a county planning board may provide for the review
5 of site plans for land development along county roads *or affecting*
6 *county drainage facilities as provided in subsection e. of this section*
7 and for the approval of such development as hereinafter set forth
8 and limited for the purpose of assuring a safe and efficient county
9 road system. Such review and approval shall be in conformance
10 with procedures and standards adopted by resolution *or ordinance*

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

11 *as appropriate* of the **board of chosen freeholders** *governing*
 12 *body*. Notice of the public hearing on a proposed resolution *or*
 13 *ordinance* of the **board of chosen freeholders** *governing body*
 14 establishing procedures and standards to govern the review and
 15 regulation of land development along county roads *or affecting*
 16 *county drainage facilities as provided in subsection e. of this section*,
 17 and a copy of such resolution *or ordinance*, shall be given by de-
 18 livery or by certified mail to the municipal clerk, secretary of the
 19 planning board and secretary of the board of adjustment of each
 19A municipality in the county at least 10 days prior to such hearing.
 19B These procedures and standards shall be limited to:

20 a. The submission of a site plan, prior to the issuance of a
 21 municipal building permit, drawn in accordance with standards in
 22 the resolution *or ordinance* for any proposed land development*,
 23 *excluding single family residential development but** including
 24 proposed commercial, industrial, multi-family structures containing
 25 five or more units, or any other land development requiring off-
 26 street parking area or producing surface runoff in excess of stand-
 27 ards set forth in the site plan review and approval resolution *or*
 27A *ordinance* of the **board of chosen freeholders** *governing body*.

28 b. The requirement of dedication of additional right-of-way in
 29 accordance with the county master plan adopted by the county
 30 planning board or an official county map adopted by the **board**
 31 **of chosen freeholders** *governing body*. Where by reason of
 32 special or unusual conditions said total additional right-of-way is
 33 to be secured from just one side of an existing road, only one-half
 34 of the additional right-of-way may be required to be dedicated.

35 c. The requirement of physical improvements subject to recom-
 36 mendations of the county engineer relating to the safety and
 37 convenience, of the traveling public, including drainage facilities,
 38 or other highway and traffic design features as may be deemed
 39 necessary on such county road or roads in accordance with the
 40 engineering and planning standards established in the site plan
 41 review and approval resolution *or ordinance* of the **board of**
 41A **chosen freeholders** *governing body*.

42 d. The requirement of performance and payment guarantees and
 43 procedures for the release of same, maintenance bonds of not more
 44 than 2 years duration from the date of acceptance of improvements,
 45 cash contributions, and agreements specifying minimum standards
 46 of construction for required improvements. Procedures for, and
 47 limitations on the requirement of such guarantees or cash contribu-
 48 tions shall be governed by the provisions of this act.

49 e. *The requirement of adequate drainage facilities and easements*
50 *when, as determined by the county engineer in accordance with*
51 *county-wide standards, the proposed site plan will cause storm*
52 *water to drain either directly or indirectly to a county road or*
53 *through any drainage-way, structure, pipe, culvert or facility for*
54 *which the county is responsible for the construction, maintenance*
55 *or proper functioning.*

56 **Site plans for land development not along a county road that*
57 *include less than 1 acre of impervious surfaces are exempt from*
58 *county site plan review.**

1 2. This act shall take effect immediately.

ASSEMBLY COUNTY GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 246

STATE OF NEW JERSEY

DATED: APRIL 17, 1980

The purpose of this bill is to allow county planning boards to review site plans for land developments which affect county drainage facilities. P. L. 1968, c. 285 (C. 40:27-6.6) currently limits the review powers of a county planning board to only those instances when development is along a county road. The bill would also require the county engineer to develop county-wide standards for review of site plans which will cause storm water to drain directly or indirectly to a county road or through any drainageway, pipe, culvert or facility that the county constructed or maintained.

The Committee, at the request of the sponsor, amended the bill to prohibit a county planning board from reviewing a site plan affecting a county road which provides for a single family development or a development not along county roads which includes less than one acre of impervious surface.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY No. 246 and SENATE No. 894

STATE OF NEW JERSEY

DATED: NOVEMBER 24, 1980

The Senate committee voted to merge two identical bills, Senate Bill No. 894 and Assembly Bill No. 246. This was done with the consent of the respective sponsors.

The merged bill would expand the site plan review jurisdiction.

Currently, N. J. S. A. 40:27-6.6 permits county planning boards and agencies to review site plans along county roads. This bill would amend that section to permit review of site plans affecting county drainage facilities. Single residential development would be specifically excluded, as would be all site plans for land development not along county roads that include less than one acre of impervious surface. The county engineer would be required to develop county-wide standards for review of site plans which will cause storm water to drain directly or indirectly to a county road or through any drainage-way, pipe, culvert or facility that the county constructed or maintains. Such standards would be required to be established in the ordinance or resolution providing for such review.

The bill conforms the language of the statute to the provisions of the "Optional County Charter Law."

The Senate committee notes that in P. L. 1979, c. 216 (Senate Bill No. 1125) this committee amended the county planning law (in N. J. S. A. 40:27-6.1) to define "county planning board" to include county planning department, divisions, agencies or boards established by the administrative code in charter counties. Therefore, no amendment to this bill is necessary in that regard.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

FEBRUARY 25, 1981

KATHRYN FORSYTH

Governor Brendan Byrne signed the following bills today:

A-246, sponsored by Assemblyman John W. Markert (R-Bergen), which permits any county having a planning board to provide for the review and approval of site plans for land development affecting county drainage facilities.

County planning boards already have the power to provide for review and approval of site plans for land development along county roads.

An exception under A-246 is that site plans for land development not located along a county road which include less than one acre of impervious surface would not require approval. The bill also exempts single-family residential development.

A-687, sponsored by Assemblyman Albert Burstein (D-Bergen) which permits parents, school employees or state employees to transport children to and from school-related activities in a private vehicle with a capacity of 8 passengers or less without requiring the driver of the vehicle to be licensed as a school bus driver and without requiring that the vehicle meet the requirements of a school bus.

Current law has been interpreted as requiring all drivers and vehicles transporting children to meet school bus requirements. The driver must be licensed as a school bus driver, which entails a yearly physical, fingerprinting and written drivers test. The vehicle must have a fire extinguisher, a first aid kit, clear access to an exit for every child and all seats must be facing forward. In addition, a \$33 registration fee must be paid.

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NOTICE: THIS MATERIAL MAY BE PROTECTED BY
COPYRIGHT LAW (TITLE 17 U.S. CODE)

SENATE, No. 894

STATE OF NEW JERSEY

INTRODUCED JANUARY 24, 1980

By Senators FELDMAN and HERBERT

Referred to Committee on County and Municipal Government

AN ACT to amend "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," approved September 6, 1968 (P. L. 1968, c. 285).

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

1 1. Section 8 of P. L. 1968, c. 285 (C. 40:27-6.6) is amended to
2 read as follows:

3 8. The **[board of chosen freeholders]** *governing body* of any
4 county having a county planning board may provide for the review
5 of site plans for land development along county roads *or affecting*
6 *county drainage facilities as provided in subsection c. of this section*
7 and for the approval of such development as hereinafter set forth
8 and limited for the purpose of assuring a safe and efficient county
9 road system. Such review and approval shall be in conformance
10 with procedures and standards adopted by resolution *or ordinance*
11 *as appropriate* of the **[board of chosen freeholders]** *governing*
12 *body*. Notice of the public hearing on a proposed resolution *or*
13 *ordinance* of the **[board of chosen freeholders]** *governing body*
14 establishing procedures and standards to govern the review and
15 regulation of land development along county roads *or affecting*
16 *county drainage facilities as provided in subsection c. of this sec-*
17 *tion*, and a copy of such resolution *or ordinance*, shall be given by
18 delivery or by certified mail to the municipal clerk, secretary of
19 the planning board and secretary of the board of adjustment of
20 each municipality in the county at least 10 days prior to such
21 hearing. These procedures and standards shall be limited to:

22 a. The submission of a site plan, prior to the issuance of a
23 municipal building permit, drawn in accordance with standards in

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

24 the resolution *or ordinance* for any proposed land development,
 25 *excluding single family residential development but* including pro-
 26 posed commercial, industrial, multi-family structures containing
 27 five or more units, or any other land development requiring off-
 28 street parking area or producing surface runoff in excess of
 29 standards set forth in the site plan review and approval resolution
 30 *or ordinance* of the [board of chosen freeholders] *governing body*.

31 b. The requirement of dedication of additional right-of-way in
 32 accordance with the county master plan adopted by the county
 33 planning board or an official county map adopted by the [board
 34 of chosen freeholders] *governing body*. Where by reason of
 35 special or unusual conditions said total additional right-of-way is
 36 to be secured from just one side of an existing road, only one-half
 37 of the additional right-of-way may be required to be dedicated.

38 c. The requirement of physical improvements subject to recom-
 39 mendations of the county engineer relating to the safety and
 40 convenience, of the traveling public, including drainage facilities,
 41 or other highway and traffic design features as may be deemed
 42 necessary on such county road or roads in accordance with the
 43 engineering and planning standards established in the site plan
 44 review and approval resolution *or ordinance* of the [board of
 45 chosen freeholders] *governing body*.

46 d. The requirement of performance and payment guarantees and
 47 procedures for the release of same, maintenance bonds of not more
 48 than 2 years duration from the date of acceptance of improvements,
 49 cash contributions, and agreements specifying minimum standards
 50 of construction for required improvements. Procedures for, and
 51 limitations on the requirement of such guarantees or cash contribu-
 52 tions shall be governed by the provisions of this act.

53 e. *The requirement of adequate drainage facilities and easements*
 54 *when, as determined by the county engineer in accordance with*
 55 *county-wide standards, the proposed site plan will cause storm*
 56 *water to drain either directly or indirectly to a county road or*
 57 *through any drainage-way, structure, pipe, culvert or facility for*
 58 *which the county is responsible for the construction, maintenance*
 59 *or proper functioning.*

60 *Site plans for land development not along a county road that*
 61 *include less than 1 acre of impervious surfaces are exempt from*
 62 *county site plan review.*

1 2. This act shall take effect immediately.

STATEMENT

This bill gives county planning boards the right to review site plans for land developments affecting county drainage facilities.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO
SENATE, No. 894

STATE OF NEW JERSEY

DATED: FEBRUARY 4, 1980

Senate Bill No. 894 would expand the site plan review jurisdiction of county planning boards and agencies to include land developments affecting county drainage facilities, as well as those along county roads.

Currently N. J. S. A. 40:27-6.6 permits county planning boards and agencies to review site plans along county roads. This bill would amend that section to permit review of site plans affecting county drainage facilities. Single-family residential development would be specifically excluded, as would be all site plans for land development not along county roads that include less than one acre of impervious surface. The county engineer would be required to develop county-wide standards for review of site plans which will cause storm water to drain directly or indirectly to a county road or through any drainage-way, pipe, culvert or facility that the county constructed or maintains. Such standards would be required to be established in the ordinance or resolution providing for such review.

The bill conforms the language of the statute to the provisions of the "Optional County Charter Law."

The Senate committee notes that in P. L. 1979, c. 216 (Senate Bill No. 1125) this committee amended the county planning law (in N. J. S. A. 40:27-6.1) to define "county planning board" to include county planning department, divisions, agencies or boards established by the administrative code in charter counties. Therefore, no amendment to this bill is necessary in that regard.