

40:55D-131

LEGISLATIVE HISTORY CHECKLIST
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(Permit extension act--amendment)

NJSA: 40:55D-131

LAWS OF: 1994 **CHAPTER:** 145

BILL NO: S1298

SPONSOR(S): Bennett and Haines

DATE INTRODUCED: June 20, 1994

COMMITTEE: **ASSEMBLY:** ---
SENATE: Natural Resources

AMENDED DURING PASSAGE: No Committee substitute for S1298/
S1140 enacted

DATE OF PASSAGE: **ASSEMBLY:** November 14, 1994
SENATE: October 27, 1994

DATE OF APPROVAL: November 30, 1994

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

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See newspaper clippings--attached:

"Whitman signs permit extension..." 12-2-94, Star Ledger.

"Whitman signs bill extending permits for 2 more years," 12-2-94, Asbury Park Press.

"Bill extending building permits is signed," 12-2-94, Bergen Record.

KBG:pp

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 1298 and 1140

STATE OF NEW JERSEY

ADOPTED OCTOBER 3, 1994

Sponsored by Senators BENNETT and HAINES

1 AN ACT concerning the extension of State and local permits, and
2 amending P.L.1992, c.82.

3

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

6 1. Section 2 of P.L.1992, c.82 (C.40:55D-131) is amended to
7 read as follows:

8 2. The Legislature finds and determines that:

9 a. There exists a state of economic emergency in the State of
10 New Jersey, which began on January 1, 1989, and is anticipated
11 to extend at least through [December 31, 1994] December 31,
12 1996, which has drastically affected various segments of the New
13 Jersey economy, but none as severely as the State's banking, real
14 estate and construction sectors.

15 b. The process of obtaining planning and zoning board of
16 adjustment approvals for subdivisions, site plans and variances is
17 difficult, time consuming and expensive, both for private
18 applicants and government bodies.

19 c. The process of obtaining the myriad other government
20 approvals, such as wetlands permits, sewer extension permits,
21 on-site wastewater disposal permits, stream encroachment
22 permits, highway access permits, and numerous waivers and
23 variances, is also difficult and expensive; further, changes in the
24 law can render these approvals, if expired or lapsed, impossible to
25 renew or to re-obtain.

26 d. The current economic crisis has wreaked devastation on the
27 building industry, and many landowners and developers are seeing
28 their life's work destroyed by the lack of credit and dearth of
29 buyers and tenants, due to uncertainty over the state of the
30 economy and high levels of unemployment.

31 e. The construction industry and related trades are sustaining
32 severe economic losses, and the lapsing of government
33 development approvals is exacerbating those losses.

34 f. Due to the current inability of builders to obtain
35 construction financing, under existing economic conditions, more
36 and more once-approved permits are expiring or lapsing and, as
37 these approvals lapse, lenders must re-appraise and thereafter
38 substantially lower real estate valuations established in
39 conjunction with approved projects, thereby requiring the
40 reclassification of numerous loans which, in turn, affects the
41 stability of the banking system and reduces the funds available
42 for future lending, thus creating more severe restrictions on
43 credit and leading to a vicious cycle of default.

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 g. As a result of the continued downturn of the economy, and
2 the continued expiration of approvals which were granted by
3 State and local governments, it is possible that thousands of
4 government actions will be undone by the passage of time.

5 h. Obtaining an extension of an approval pursuant to existing
6 statutory or regulatory provisions is both costly in terms of time
7 and financial resources, and insufficient to cope with the extent
8 of the present financial emergency; moreover, the costs imposed
9 fall on the public as well as the private sector.

10 i. Obtaining extensions of approvals granted by State
11 government is frequently impossible, always difficult, and always
12 expensive and no policy reason is served by the expiration of
13 these permits, which were usually approved only after exhaustive
14 review of the application.

15 j. It is the purpose of this act to prevent the wholesale
16 abandonment of approvals due to the present unfavorable
17 economic conditions, by tolling the expiration of these approvals
18 until such time as the economy improves, thereby preventing a
19 waste of public and private resources.

20 (cf: P.L.1992, c.82, s.2)

21 2. Section 3 of P.L.1992, c.82 (C.40:55D-132) is amended to
22 read as follows:

23 3. As used in this act:

24 "Approval" means any approval of a soil erosion and sediment
25 control plan granted by a local soil conservation district under
26 the authority conferred by R.S.4:24-22 et seq., waterfront
27 development permit issued pursuant to R.S.12:5-1 et seq., permit
28 issued pursuant to "The Wetlands Act of 1970," P.L.1970, c.272
29 (C.13:9A-10 et seq.), permit issued pursuant to the "Freshwater
30 Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et seq.),
31 approval of an application for development granted by the
32 Delaware and Raritan Canal Commission pursuant to the
33 "Delaware and Raritan Canal State Park Law of 1974," P.L.1974,
34 c.118 (C.13:13A-1 et seq.), permit issued by the Hackensack
35 Meadowlands Development Commission pursuant to the
36 "Hackensack Meadowlands Reclamation and Development Act,"
37 P.L.1968, c.404 (C.13:17-1 et seq.), approval of an application for
38 development granted by the Pinelands Commission pursuant to
39 the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et
40 seq.), permit issued pursuant to the "Coastal Area Facility
41 Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), septic approval
42 granted pursuant to Title 26 of the Revised Statutes, permit
43 granted pursuant to R.S.27:7-1 et seq. or any supplement thereto,
44 permit granted by the Department of Transportation pursuant to
45 Title 27 of the Revised Statutes or under the general authority
46 conferred by State law, approval granted by a sewerage authority
47 pursuant to the "sewerage authorities law," P.L.1946, c.138
48 (C.40:14A-1 et seq.), approval granted by a municipal authority
49 pursuant to the "municipal and county utilities authorities law,"
50 P.L.1957, c.183 (C.40:14B-1 et seq.), approval issued by a county
51 planning board pursuant to Chapter 27 of Title 40 of the Revised
52 Statutes, preliminary and final approval granted in connection
53 with an application for development pursuant to the "Municipal
54 Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.),

1 permit granted pursuant to the "State Uniform Construction
2 Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) permit or
3 certification issued pursuant to the "Water Supply Management
4 Act," P.L.1981, c.262 (C.58:1A-1 et seq.), permit granted
5 authorizing the drilling of a well pursuant to P.L.1947, c.377
6 (C.58:4A-5 et seq.), certification or permit granted, or exemption
7 from a sewerage connection ban granted, pursuant to the "Water
8 Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.),
9 certification granted pursuant to "The Realty Improvement
10 Sewerage and Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23
11 et seq.), certification or approval granted pursuant to P.L.1971,
12 c.386 (C.58:11-25.1 et al.), certification issued pursuant to the
13 "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et
14 seq.), approval granted pursuant to the "Safe Drinking Water
15 Act," P.L.1977, c.224 (C.58:12A-1 et seq.), stream encroachment
16 permit issued pursuant to the "Flood Hazard Area Control Act,"
17 P.L.1962, c.19 (C.58:16A-50 et seq.), any municipal or county
18 approval or permit granted under the general authority conferred
19 by State law, or any other government authorization of any
20 development application or any permit related thereto whether
21 that authorization is in the form of a permit, approval, license,
22 certification, waiver, letter of interpretation, agreement or any
23 other executive or administrative decision which allows a
24 development to proceed.

25 "Development" means the division of a parcel of land into two
26 or more parcels, the construction, reconstruction, conversion,
27 structural alteration, relocation or enlargement of any building or
28 other structure or facility, or of any grading, soil removal or
29 relocation, excavation or landfill or any use or change in the use
30 of any building or other structure or land or extension of the use
31 of land.

32 "Economic emergency" means the period beginning January 1,
33 1989 and continuing through to [December 31, 1994] December
34 31, 1996.

35 "Government" means any municipal, county, regional or State
36 government, or any agency, department, commission or other
37 instrumentality thereof.

38 (cf: P.L.1992, c.82,s.3)

39 3. Section 4 of P.L.1992, c.82 (C.40:55D-133) is amended to
40 read as follows:

41 4. a. For any government approval which expired or is
42 scheduled to expire during the economic emergency, that
43 approval is automatically extended until [December 31, 1994]
44 December 31, 1996, except as otherwise provided hereunder.
45 Nothing in this act shall prohibit the granting of such additional
46 extensions as are provided by law when the extensions granted by
47 this act shall expire.

48 b. Nothing in this act shall be deemed to extend or purport to
49 extend any permit issued by the government of the United States
50 or any agency or instrumentality thereof, or to any permit by
51 whatever authority issued of which the duration of effect or the
52 date or terms of its expiration are specified or determined by or
53 pursuant to law or regulation of the federal government or any of
54 its agencies or instrumentalities.

1 c. Nothing in this act shall be deemed to extend any permit or
2 approval issued pursuant to the "Pinelands Protection Act,"
3 P.L.1979, c.111 (C.13:18A-1 et seq.) if the extension would result
4 in a violation of federal law, or any State rule or regulation
5 requiring approval by the Secretary of the Interior pursuant to
6 Pub.L.95-625 (16 U.S.C. § 471 (i)).

7 d. This act shall not affect any administrative consent order
8 issued by the Department of Environmental Protection in effect
9 or issued during the period of the economic emergency, nor shall
10 it be construed to extend any approval in connection with a
11 resource recovery facility as defined in section 2 of P.L.1985,
12 c.38 (C.13:1E-137).

13 e. In the event that any permit extended pursuant to the
14 "Permit Extension Act," P.L.1992, c.82 (C.40:55D-130 et seq.)
15 was based upon the connection to a sanitary sewer system, the
16 permit's extension shall be contingent upon the availability of
17 sufficient capacity, on the part of the treatment facility, to
18 accommodate the development whose approval has been
19 extended. If sufficient capacity is not available, those permit
20 holders whose permits have been extended shall have priority
21 with regard to the further allocation of gallonage over those
22 permit holders who have not received approval of a hookup prior
23 to the enactment of the "Permit Extension Act." Priority
24 regarding the distribution of further gallonage to any permit
25 holder who has received the extension of a permit pursuant to the
26 "Permit Extension Act" shall be allocated in order of the
27 granting of the original approval of the connection.

28 f. This act shall not extend any approval issued under the
29 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.)
30 in connection with an application for development involving a
31 residential use where, subsequent to the expiration of the permit
32 but prior to January 1, 1992, an amendment has been adopted to
33 the master plan and the zoning ordinance to rezone the property
34 to industrial or commercial use when the permit was issued for
35 residential use.

36 g. In the case of any approval issued under the "Municipal
37 Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) which is
38 extended pursuant to P.L.1992, c.82 (C.40:55D-130 et seq.), a
39 municipality may disapprove such an extension of approval for
40 the period beyond January 1, 1996, if, subsequent to January 1,
41 1992, but prior to July 1, 1994, an amendment has been adopted
42 to the master plan and the zoning ordinance to change the use of
43 the property for which the approval was issued to a use different
44 from the use for which the approval was issued. A municipal
45 disapproval pursuant to this subsection shall be made prior to
46 June 30, 1995.

47 h. Nothing in this act shall be deemed to extend any permit
48 issued pursuant to the "Coastal Area Facilities Review Act,"
49 P.L.1973, c.185 (C.13:19-1 et seq.) that expires after
50 December 31, 1994 but prior to January 1, 1997, if the permit
51 was issued for a development located in the coastal area, as
52 defined pursuant to section 4 of P.L.1973, c.185 (C.13:19-4),
53 between the mean high water line of any tidal waters or the
54 landward limit of a beach or dune, whichever is most landward,

1 and a point 150 feet landward of the mean high water line of any
2 tidal waters or the landward limit of a beach or dune, whichever
3 is most landward.

4 (cf: P.L.1992, c.82, s.4)

5 4. This act shall take effect immediately.

6

7

8

9

10 Extends expiration date of certain permits until December 31,
11 1996.

SENATE, No. 1298

STATE OF NEW JERSEY

INTRODUCED JUNE 20, 1994

By Senator BENNETT

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25 renew or to re-obtain.

26 d. The current economic crisis has wreaked devastation on the
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28 their life's work destroyed by the lack of credit and dearth of
29 buyers and tenants, due to uncertainty over the state of the
30 economy and high levels of unemployment.

31 e. The construction industry and related trades are sustaining
32 severe economic losses, and the lapsing of government
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18 approval or permit granted under the general authority conferred
19 by State law, or any other government authorization of any
20 development application or any permit related thereto whether
21 that authorization is in the form of a permit, approval, license,
22 certification, waiver, letter of interpretation, agreement or any
23 other executive or administrative decision which allows a
24 development to proceed.

25 "Development" means the division of a parcel of land into two
26 or more parcels, the construction, reconstruction, conversion,
27 structural alteration, relocation or enlargement of any building or
28 other structure or facility, or of any grading, soil removal or
29 relocation, excavation or landfill or any use or change in the use
30 of any building or other structure or land or extension of the use
31 of land.

32 "Economic emergency" means the period beginning January 1,
33 1989 and continuing through to [December 31, 1994] December
34 31, 1995.

35 "Government" means any municipal, county, regional or State
36 government, or any agency, department, commission or other
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41 4. a. For any government approval which expired or is
42 scheduled to expire during the economic emergency, that
43 approval is automatically extended until [December 31, 1994]
44 December 31, 1995, except as otherwise provided hereunder.
45 Nothing in this act shall prohibit the granting of such additional
46 extensions as are provided by law when the extensions granted by
47 this act shall expire.

48 b. Nothing in this act shall be deemed to extend or purport to
49 extend any permit issued by the government of the United States
50 or any agency or instrumentality thereof, or to any permit by
51 whatever authority issued of which the duration of effect or the
52 date or terms of its expiration are specified or determined by or
53 pursuant to law or regulation of the federal government or any of
54 its agencies or instrumentalities.

1 c. Nothing in this act shall be deemed to extend any permit or
2 approval issued pursuant to the "Pinelands Protection Act,"
3 P.L.1979, c.111 (C.13:18A-1 et seq.) if the extension would result
4 in a violation of federal law, or any State rule or regulation
5 requiring approval by the Secretary of the Interior pursuant to
6 Pub.L.95-625 (16 U.S.C. § 471 (i)).

7 d. This act shall not affect any administrative consent order
8 issued by the Department of Environmental Protection in effect
9 or issued during the period of the economic emergency, nor shall
10 it be construed to extend any approval in connection with a
11 resource recovery facility as defined in section 2 of P.L.1985,
12 c.38 (C.13:1E-137).

13 e. In the event that any permit extended pursuant to the
14 "Permit Extension Act," P.L.1992, c.82 (C.40:55D-130 et seq.)
15 was based upon the connection to a sanitary sewer system, the
16 permit's extension shall be contingent upon the availability of
17 sufficient capacity, on the part of the treatment facility, to
18 accommodate the development whose approval has been
19 extended. If sufficient capacity is not available, those permit
20 holders whose permits have been extended shall have priority
21 with regard to the further allocation of gallonage over those
22 permit holders who have not received approval of a hookup prior
23 to the enactment of the "Permit Extension Act." Priority
24 regarding the distribution of further gallonage to any permit
25 holder who has received the extension of a permit pursuant to the
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27 granting of the original approval of the connection.

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30 in connection with an application for development involving a
31 residential use where, subsequent to the expiration of the permit
32 but prior to January 1, 1992, an amendment has been adopted to
33 the master plan and the zoning ordinance to rezone the property
34 to industrial or commercial use when the permit was issued for
35 residential use.

36 (cf: P.L.1992, c.82, s.4)

37 4. This act shall take effect immediately.

38
39 STATEMENT

40
41 This bill would amend the "Permit Extension Act," P.L.1992,
42 c.82 (C.40:55D-130 et seq.) by extending for one year the period
43 in which otherwise expired government approvals remain valid.
44 The "Permit Extension Act" automatically extended certain
45 government approvals which expired or were scheduled to expire
46 during the period beginning January 1, 1989 through December
47 31, 1994, until December 31, 1994. This bill would extend those
48 government approvals which are scheduled to expire during the
49 period beginning January 1, 1989 through December 31, 1995,
50 until December 31, 1995.

51
52
53
54 Extends expiration date of certain permits until December 31,
55 1995.

SENATE, No. 1140

STATE OF NEW JERSEY

INTRODUCED MAY 23, 1994

By Senator HAINES

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13 Jersey economy, but none as severely as the State's banking, real
14 estate and construction sectors.

15 b. The process of obtaining planning and zoning board of
16 adjustment approvals for subdivisions, site plans and variances is
17 difficult, time consuming and expensive, both for private
18 applicants and government bodies.

19 c. The process of obtaining the myriad other government
20 approvals, such as wetlands permits, sewer extension permits,
21 on-site wastewater disposal permits, stream encroachment
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23 variances, is also difficult and expensive; further, changes in the
24 law can render these approvals, if expired or lapsed, impossible to
25 renew or to re-obtain.

26 d. The current economic crisis has wreaked devastation on the
27 building industry, and many landowners and developers are seeing
28 their life's work destroyed by the lack of credit and dearth of
29 buyers and tenants, due to uncertainty over the state of the
30 economy and high levels of unemployment.

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11 government is frequently impossible, always difficult, and always
12 expensive and no policy reason is served by the expiration of
13 these permits, which were usually approved only after exhaustive
14 review of the application.

15 j. It is the purpose of this act to prevent the wholesale
16 abandonment of approvals due to the present unfavorable
17 economic conditions, by tolling the expiration of these approvals
18 until such time as the economy improves, thereby preventing a
19 waste of public and private resources.

20 (cf: P.L.1992, c.82, s.2)

21 2. Section 3 of P.L.1992, c.82 (C.40:55D-132) is amended to
22 read as follows:

23 3. As used in this act:

24 "Approval" means any approval of a soil erosion and sediment
25 control plan granted by a local soil conservation district under
26 the authority conferred by R.S.4:24-22 et seq., waterfront
27 development permit issued pursuant to R.S.12:5-1 et seq., permit
28 issued pursuant to "The Wetlands Act of 1970," P.L.1970, c.272
29 (C.13:9A-10 et seq.), permit issued pursuant to the "Freshwater
30 Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et seq.),
31 approval of an application for development granted by the
32 Delaware and Raritan Canal Commission pursuant to the
33 "Delaware and Raritan Canal State Park Law of 1974," P.L.1974,
34 c.118 (C.13:13A-1 et seq.), permit issued by the Hackensack
35 Meadowlands Development Commission pursuant to the
36 "Hackensack Meadowlands Reclamation and Development Act,"
37 P.L.1968, c.404 (C.13:17-1 et seq.), approval of an application for
38 development granted by the Pinelands Commission pursuant to
39 the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et
40 seq.), permit issued pursuant to the "Coastal Area Facility
41 Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), septic approval
42 granted pursuant to Title 26 of the Revised Statutes, permit
43 granted pursuant to R.S.27:7-1 et seq. or any supplement thereto,
44 permit granted by the Department of Transportation pursuant to
45 Title 27 of the Revised Statutes or under the general authority
46 conferred by State law, approval granted by a sewerage authority
47 pursuant to the "sewerage authorities law," P.L.1946, c.138
48 (C.40:14A-1 et seq.), approval granted by a municipal authority
49 pursuant to the "municipal and county utilities authorities law,"
50 P.L.1957, c.183 (C.40:14B-1 et seq.), approval issued by a county
51 planning board pursuant to Chapter 27 of Title 40 of the Revised
52 Statutes, preliminary and final approval granted in connection
53 with an application for development pursuant to the "Municipal
54 Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.),

1 permit granted pursuant to the "State Uniform Construction
2 Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) permit or
3 certification issued pursuant to the "Water Supply Management
4 Act," P.L.1981, c.262 (C.58:1A-1 et seq.), permit granted
5 authorizing the drilling of a well pursuant to P.L.1947, c.377
6 (C.58:4A-5 et seq.), certification or permit granted, or exemption
7 from a sewerage connection ban granted, pursuant to the "Water
8 Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.),
9 certification granted pursuant to "The Realty Improvement
10 Sewerage and Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23
11 et seq.), certification or approval granted pursuant to P.L.1971,
12 c.386 (C.58:11-25.1 et al.), certification issued pursuant to the
13 "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et
14 seq.), approval granted pursuant to the "Safe Drinking Water
15 Act," P.L.1977, c.224 (C.58:12A-1 et seq.), stream encroachment
16 permit issued pursuant to the "Flood Hazard Area Control Act,"
17 P.L.1962, c.19 (C.58:16A-50 et seq.), any municipal or county
18 approval or permit granted under the general authority conferred
19 by State law, or any other government authorization of any
20 development application or any permit related thereto whether
21 that authorization is in the form of a permit, approval, license,
22 certification, waiver, letter of interpretation, agreement or any
23 other executive or administrative decision which allows a
24 development to proceed.

25 "Development" means the division of a parcel of land into two
26 or more parcels, the construction, reconstruction, conversion,
27 structural alteration, relocation or enlargement of any building or
28 other structure or facility, or of any grading, soil removal or
29 relocation, excavation or landfill or any use or change in the use
30 of any building or other structure or land or extension of the use
31 of land.

32 "Economic emergency" means the period beginning January 1,
33 1989 and continuing through to [December 31, 1994] July 1, 1996.

34 "Government" means any municipal, county, regional or State
35 government, or any agency, department, commission or other
36 instrumentality thereof.

37 (cf: P.L.1992, c.82,s.3)

38 3. Section 4 of P.L.1992, c.82 (C.40:55D-133) is amended to
39 read as follows:

40 4. a. For any government approval which expired or is
41 scheduled to expire during the economic emergency, that
42 approval is automatically extended until [December 31, 1994]
43 July 1, 1996, except as otherwise provided hereunder. Nothing in
44 this act shall prohibit the granting of such additional extensions
45 as are provided by law when the extensions granted by this act
46 shall expire.

47 b. Nothing in this act shall be deemed to extend or purport to
48 extend any permit issued by the government of the United States
49 or any agency or instrumentality thereof, or to any permit by
50 whatever authority issued of which the duration of effect or the
51 date or terms of its expiration are specified or determined by or
52 pursuant to law or regulation of the federal government or any of
53 its agencies or instrumentalities.

54 c. Nothing in this act shall be deemed to extend any permit or

1 approval issued pursuant to the "Pinelands Protection Act,"
2 P.L.1979, c.111 (C.13:18A-1 et seq.) if the extension would result
3 in a violation of federal law, or any State rule or regulation
4 requiring approval by the Secretary of the Interior pursuant to
5 Pub.L.95-625 (16 U.S.C. § 471 (i)).

6 d. This act shall not affect any administrative consent order
7 issued by the Department of Environmental Protection in effect
8 or issued during the period of the economic emergency, nor shall
9 it be construed to extend any approval in connection with a
10 resource recovery facility as defined in section 2 of P.L.1985,
11 c.38 (C.13:1E-137).

12 e. In the event that any permit extended pursuant to the
13 "Permit Extension Act," P.L.1992, c.82 (C.40:55D-130 et seq.)
14 was based upon the connection to a sanitary sewer system, the
15 permit's extension shall be contingent upon the availability of
16 sufficient capacity, on the part of the treatment facility, to
17 accommodate the development whose approval has been
18 extended. If sufficient capacity is not available, those permit
19 holders whose permits have been extended shall have priority
20 with regard to the further allocation of gallonage over those
21 permit holders who have not received approval of a hookup prior
22 to the enactment of the "Permit Extension Act." Priority
23 regarding the distribution of further gallonage to any permit
24 holder who has received the extension of a permit pursuant to the
25 "Permit Extension Act" shall be allocated in order of the
26 granting of the original approval of the connection.

27 f. This act shall not extend any approval issued under the
28 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.)
29 in connection with an application for development involving a
30 residential use where, subsequent to the expiration of the permit
31 but prior to January 1, 1992, an amendment has been adopted to
32 the master plan and the zoning ordinance to rezone the property
33 to industrial or commercial use when the permit was issued for
34 residential use.

35 (cf: P.L.1992, c.82, s.4)

36 4. This act shall take effect immediately.

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39 STATEMENT

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41 This bill would amend the "Permit Extension Act," P.L.1992,
42 c.82 (C.40:55D-130 et seq.) by extending for 18 months the period
43 in which otherwise expired government approvals remain valid.
44 The "Permit Extension Act" automatically extended certain
45 government approvals which expired or were scheduled to expire
46 during the period beginning January 1, 1989 through December
47 31, 1994, until December 31, 1994. This bill would extend those
48 government approvals which are scheduled to expire during the
49 period beginning January 1, 1989 through July 1, 1996, until July
50 1, 1996.

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55 Extends expiration date of certain permits until July 1, 1996.

SENATE NATURAL RESOURCES, TRADE AND
ECONOMIC DEVELOPMENT COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 1298 and 1140

STATE OF NEW JERSEY

DATED: OCTOBER 3, 1994

The Senate Natural Resources, Trade and Economic Development Committee favorably reports a Senate Committee Substitute for Senate Bill Nos. 1298 and 1140.

This committee substitute would amend the "Permit Extension Act," P.L.1992, c.82 (C.40:55D-130 et seq.) by extending for 2 years the period in which otherwise expired government approvals remain valid. The "Permit Extension Act" automatically extended certain government approvals which expired or were scheduled to expire during the period beginning January 1, 1989 through December 31, 1994, until December 31, 1994. The substitute would extend, with certain exceptions, those government approvals which are scheduled to expire during the period beginning January 1, 1989 through December 31, 1996, until December 31, 1996.

The substitute provides that any approval issued under the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) which is extended pursuant to P.L.1992, c.82 (C.40:55D-130 et seq.), could be disapproved by a municipality for the period beyond January 1, 1996, if, subsequent to January 1, 1992, but prior to July 1, 1994, the municipality adopted an amendment to the master plan and the zoning ordinance to change the use of the property for which the approval was issued to a use different from the use for which the approval was issued. The substitute requires that such a municipal disapproval be made prior to June 30, 1995.

The substitute also limits the automatic extension of certain permits issued pursuant to the "Coastal Area Facilities Review Act," also known as CAFRA, P.L.1973, c.185 (C.13:19-1 et seq.). Specifically, the 2-year extension would not apply to any CAFRA permit which expires after December 31, 1994 but prior to January 1, 1997 (i.e., the two year extension period), if the permit was issued for a development located in the coastal area, as defined pursuant to section 4 of P.L.1973, c.185 (C.13:19-4), and between the mean high water line of any tidal waters, or the landward limit of a beach or dune, whichever is most landward, and a point 150 feet landward of the mean high water line of any tidal waters or the landward limit of a beach or dune, whichever is most landward.



OFFICE OF THE GOVERNOR NEWS RELEASE

**CN-001
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TRENTON, N.J. 08625

Release: IMMEDIATE
DEC. 1, 1994

Gov. Christie Whitman today signed legislation to extend for two years the life of permits obtained by developers. At the same time, the Governor said she would not consider any further extensions after the newly-enacted law expires.

The bill, S-1298, was sponsored by Sen. John Bennett, R-Monmouth.

The bill signed today extends the life of the permits to Dec. 31, 1996, a two-year extension.

In signing the bill, the Governor said:

"Although many sectors of the economy are showing strong signs of improvement, as evidenced by significant increases in the state's rate of job creation and predictions of economic growth for 1995, other sectors have lagged behind. For example, the real estate and construction sectors have yet to fully recover and many face further setbacks in light of escalating interest rates. Clearly, for these industries an economic hardship still exists."

THE GOVERNOR'S COMPLETE STATEMENT IS ATTACHED

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