

40:55D-125

**LEGISLATIVE HISTORY CHECKLIST**  
Compiled by the NJ State Law Library

(County development transfer bank--  
buffer zones around solid waste  
facilities)

**NJSA:** 40:55D-125.1

**LAWS OF:** 1994 **CHAPTER:** 151

**BILL NO:** A1266

**SPONSOR(S):** Shinn

**DATE INTRODUCED:** February 7, 1994

**COMMITTEE:** **ASSEMBLY:** Solid and Hazardous Waste

**SENATE:** Natural Resources

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:** **ASSEMBLY:** September 12, 1994

**SENATE:** October 20, 1994

**DATE OF APPROVAL:** December 2, 1994

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes

**SENATE:** Yes

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

KBG:pp

P.L.1994, CHAPTER 151, approved December 2, 1994  
1994 Assembly No. 1286

1 AN ACT concerning the purchase of development potential of  
2 buffer zones identified around solid waste facilities or sludge  
3 management facilities and supplementing chapter 55D of Title  
4 40 of the Revised Statutes.

5  
6 BE IT ENACTED by the Senate and General Assembly of the  
7 State of New Jersey:

8 1. a. The governing body of any county authorized pursuant to  
9 law to establish a development transfer bank, and which has  
10 funded that bank at least to the minimum extent required by law,  
11 may identify a buffer zone around any solid waste facility or  
12 sludge management facility located within the county, and the  
13 county development transfer bank, utilizing funds in that bank,  
14 may purchase or otherwise acquire the development potential of  
15 all or any part of the buffer zone, notwithstanding whether or not  
16 the municipality or municipalities within which the buffer zone is  
17 located has adopted a development transfer ordinance where  
18 authorized pursuant to law. The county development transfer  
19 bank may sell, exchange, or otherwise convey any such  
20 development potential purchased or otherwise acquired by the  
21 county development transfer bank, where authorized pursuant to  
22 law.

23 b. As used in this section:

24 "Development potential" means the same as that term is  
25 defined pursuant to section 3 of P.L.1989, c.86 (C.40:55D-115).

26 "Development transfer" means the same as that term is  
27 defined pursuant to section 3 of P.L.1989, c.86 (C.40:55D-115).

28 "Solid waste facility" means the same as that term is defined  
29 pursuant to section 3 of P.L.1970, c.39 (C.13:1E-3).

30 "Sludge" means the solid residue and associated liquid resulting  
31 from physical, chemical, or biological treatment of domestic or  
32 industrial wastewater.

33 "Sludge management facility" means any facility established  
34 for the purpose of managing, processing, or disposing of sludge.

35 "Wastewater" means residential, commercial, industrial, or  
36 agricultural liquid waste, sewage, or stormwater runoff, or any  
37 combination thereof, or other residue discharged to or collected  
38 by a sewerage system.

39 2. This act shall take effect immediately.

40

41

42

STATEMENT

43

44 This bill would provide that the governing body of any county  
45 authorized pursuant to law to establish a development transfer  
46 bank, and which has funded that bank at least to the minimum  
47 extent required by law, may identify a buffer zone around any

1 solid waste facility or sludge management facility located within  
2 the county, and the county development transfer bank, utilizing  
3 funds in that bank, may purchase or otherwise acquire the  
4 development potential of all or any part of the buffer zone,  
5 notwithstanding whether or not the municipality or municipalities  
6 within which the buffer zone is located has adopted a  
7 development transfer ordinance where authorized pursuant to  
8 law. The county development transfer bank may sell, exchange,  
9 or otherwise convey any such development potential purchased or  
10 otherwise acquired by the county development transfer bank,  
11 where authorized pursuant to law.

12  
13  
14  
15

---

16 Authorizes county development transfer banks to purchase  
17 development potential of buffer zones identified around solid  
18 waste or sludge management facilities.

ASSEMBLY, No. 1266

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 7, 1994

By Assemblyman SHINN

1 AN ACT concerning the purchase of development potential of  
2 buffer zones identified around solid waste facilities or sludge  
3 management facilities and supplementing chapter 55D of Title  
4 40 of the Revised Statutes.

5  
6 BE IT ENACTED by the Senate and General Assembly of the  
7 State of New Jersey:

8 1. a. The governing body of any county authorized pursuant to  
9 law to establish a development transfer bank, and which has  
10 funded that bank at least to the minimum extent required by law,  
11 may identify a buffer zone around any solid waste facility or  
12 sludge management facility located within the county, and the  
13 county development transfer bank, utilizing funds in that bank,  
14 may purchase or otherwise acquire the development potential of  
15 all or any part of the buffer zone, notwithstanding whether or not  
16 the municipality or municipalities within which the buffer zone is  
17 located has adopted a development transfer ordinance where  
18 authorized pursuant to law. The county development transfer  
19 bank may sell, exchange, or otherwise convey any such  
20 development potential purchased or otherwise acquired by the  
21 county development transfer bank, where authorized pursuant to  
22 law.

23 b. As used in this section:

24 "Development potential" means the same as that term is  
25 defined pursuant to section 3 of P.L.1989, c.86 (C.40:55D-115).

26 "Development transfer" means the same as that term is  
27 defined pursuant to section 3 of P.L.1989, c.86 (C.40:55D-115).

28 "Solid waste facility" means the same as that term is defined  
29 pursuant to section 3 of P.L.1970, c.39 (C.13:1E-3).

30 "Sludge" means the solid residue and associated liquid resulting  
31 from physical, chemical, or biological treatment of domestic or  
32 industrial wastewater.

33 "Sludge management facility" means any facility established  
34 for the purpose of managing, processing, or disposing of sludge.

35 "Wastewater" means residential, commercial, industrial, or  
36 agricultural liquid waste, sewage, or stormwater runoff, or any  
37 combination thereof, or other residue discharged to or collected  
38 by a sewerage system.

39 2. This act shall take effect immediately.

40

41

42

STATEMENT

43

44 This bill would provide that the governing body of any county  
45 authorized pursuant to law to establish a development transfer  
46 bank, and which has funded that bank at least to the minimum  
47 extent required by law, may identify a buffer zone around any

1 solid waste facility or sludge management facility located within  
2 the county, and the county development transfer bank, utilizing  
3 funds in that bank, may purchase or otherwise acquire the  
4 development potential of all or any part of the buffer zone,  
5 notwithstanding whether or not the municipality or municipalities  
6 within which the buffer zone is located has adopted a  
7 development transfer ordinance where authorized pursuant to  
8 law. The county development transfer bank may sell, exchange,  
9 or otherwise convey any such development potential purchased or  
10 otherwise acquired by the county development transfer bank,  
11 where authorized pursuant to law.

12

13

14

15

---

16 Authorizes county development transfer banks to purchase  
17 development potential of buffer zones identified around solid  
18 waste or sludge management facilities.

ASSEMBLY SOLID AND HAZARDOUS  
WASTE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1266

STATE OF NEW JERSEY

DATED: MAY 2, 1994

The Assembly Solid and Hazardous Waste Committee favorably reports Assembly Bill No. 1266.

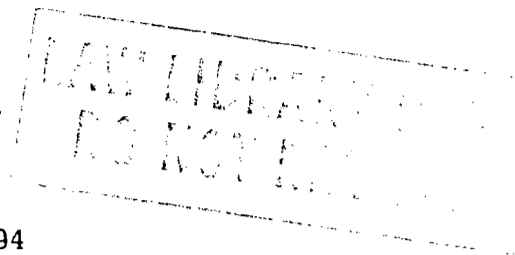
This bill would provide that the governing body of any county authorized pursuant to law to establish a development transfer bank, and which has funded that bank at least to the minimum extent required by law, may identify a buffer zone around any solid waste facility or sludge management facility located within the county, and the county development transfer bank, utilizing funds in that bank, may purchase or otherwise acquire the development potential of all or any part of the buffer zone, notwithstanding whether or not the municipality or municipalities within which the buffer zone is located has adopted a development transfer ordinance where authorized pursuant to law. The county development transfer bank may sell, exchange, or otherwise convey any such development potential purchased or otherwise acquired by the county development transfer bank, where authorized pursuant to law.

The "Burlington County Transfer of Development Rights Demonstration Act," P.L.1989, c.86, established a transfer of development potential program in Burlington County to determine the feasibility of implementing such a program on a statewide basis. Burlington County is currently the only county that is authorized to establish a development transfer bank.

SENATE NATURAL RESOURCES, TRADE AND  
ECONOMIC DEVELOPMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1266  
STATE OF NEW JERSEY



DATED: OCTOBER 3, 1994

The Senate Natural Resources, Trade and Economic Development Committee favorably reports Assembly Bill No. 1266.

This bill would provide that the governing body of any county authorized pursuant to law to establish a development transfer bank, and which has funded that bank at least to the minimum extent required by law, may identify a buffer zone around any solid waste facility or sludge management facility located within the county, and the county development transfer bank, utilizing funds in that bank, may purchase or otherwise acquire the development potential of all or any part of the buffer zone, notwithstanding whether or not the municipality or municipalities within which the buffer zone is located has adopted a development transfer ordinance where authorized pursuant to law. The county development transfer bank may sell, exchange, or otherwise convey any such development potential purchased or otherwise acquired by the county development transfer bank, where authorized pursuant to law.

The "Burlington County Transfer of Development Rights Demonstration Act," P.L.1989, c.86, established a transfer of development potential program in Burlington County to determine the feasibility of implementing such a program on a statewide basis. Burlington County is currently the only county that is authorized to establish a development transfer bank.