

13:1E-99.13a

LEGISLATIVE HISTORY CHECKLIST
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(Multifamily developments--
recycling)

NJSA: 13:1E-99.13a

LAWS OF: 1993 **CHAPTER:** 81

BILL NO: A1023

SPONSOR(S) McEnroe

DATE INTRODUCED: February 27, 1993

COMMITTEE: **ASSEMBLY:** Solid Waste

SENATE: Environment

AMENDED DURING PASSAGE: Yes Amendments denoted by
Third reprint enacted superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** March 16, 1992

SENATE: February 9, 1993

DATE OF APPROVAL: March 17, 1993

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

[THIRD REPRINT]
ASSEMBLY, No. 1023

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 27, 1992

By Assemblyman McENROE

1 AN ACT requiring the inclusion of recycling facilities in new
2 multifamily housing developments, amending P.L.1975, c.291
3 and supplementing Title 13 of the Revised Statutes.

4

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

7 1. Section 29 of P.L.1975, c.291 (C.40:55D-38) is amended to
8 read as follows:

9 29. Contents of ordinance. An ordinance requiring approval by
10 the planning board of either subdivisions or site plans, or both,
11 shall include the following:

12 a. Provisions, not inconsistent with other provisions of this
13 act, for submission and processing of applications for
14 development, including standards for preliminary and final
15 approval and provisions for processing of final approval by stages
16 or sections of development;

17 b. Provisions ensuring:

18 (1) Consistency of the layout or arrangement of the subdivision
19 or land development with the requirements of the zoning
20 ordinance;

21 (2) Streets in the subdivision or land development of sufficient
22 width and suitable grade and suitably located to accommodate
23 prospective traffic and to provide access for firefighting and
24 emergency equipment to buildings and coordinated so as to
25 compose a convenient system consistent with the official map, if
26 any, and the circulation element of the master plan, if any, and
27 so oriented as to permit, consistent with the reasonable
28 utilization of land, the buildings constructed thereon to maximize
29 solar gain; provided that no street of a width greater than 50 feet
30 within the right-of-way lines shall be required unless said street
31 constitutes an extension of an existing street of the greater
32 width, or already has been shown on the master plan at the
33 greater width, or already has been shown in greater width on the
34 official map;

35 (3) Adequate water supply, drainage, shade trees, sewerage
36 facilities and other utilities necessary for essential services to
37 residents and occupants;

38 (4) Suitable size, shape and location for any area reserved for
39 public use pursuant to section 32 of this act;

40 (5) Reservation pursuant to section 31 of this act of any open
41 space to be set aside for use and benefit of the residents of
42 planned development, resulting from the application of standards

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ASW committee amendments adopted March 9, 1992.

² Senate SEN committee amendments adopted May 18, 1992.

³ Senate floor amendments adopted January 25, 1993.

1 of density or intensity of land use, contained in the zoning
2 ordinance, pursuant to subsection c. of section 52 of this act;

3 (6) Regulation of land designated as subject to flooding,
4 pursuant to subsection e. of section 52 of this act, to avoid
5 danger to life or property;

6 (7) Protection and conservation of soil from erosion by wind or
7 water or from excavation or grading;

8 (8) Conformity with standards promulgated by the
9 Commissioner of Transportation, pursuant to the "Air Safety and
10 Hazardous Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et
11 seq.), for any airport hazard areas delineated under that act;

12 (9) Conformity with a municipal recycling ordinance required
13 pursuant to section 6 of P.L.1987, c.102 (C.13:1E-99.16);

14 (10) Conformity with the State highway access management
15 code adopted by the Commissioner of Transportation under
16 section 3 of the "State Highway Access Management Act,"
17 P.L.1989, c.32 (C.27:7-91), with respect to any State highways
18 within the municipality;

19 (11) Conformity with any access management code adopted by
20 the county under R.S.27:16-1, with respect to any county roads
21 within the municipality;

22 (12) Conformity with any municipal access management code
23 adopted under R.S.40:67-1, with respect to municipal streets;

24 (13) Protection of potable water supply reservoirs from
25 pollution or other degradation of water quality resulting from the
26 development or other uses of surrounding land areas, which
27 provisions shall be in accordance with any siting, performance, or
28 other standards or guidelines adopted therefor by the Department
29 of Environmental Protection; [and]

30 (14) Conformity with the public safety regulations concerning
31 storm water detention facilities adopted pursuant to section 5 of
32 P.L.1991, c.194 (C.40:55D-95.1) and reflected in storm water
33 management plans and storm water management ordinances
34 adopted pursuant to P.L.1981, c.32 (C.40:55D-93 et seq.); and

35 (15) Conformity with the model ordinance promulgated by the
36 Department of Environmental Protection and Department of
37 Community Affairs pursuant to section 2 of P.L. _____, c. _____
38 (C. _____) (now before the Legislature as this bill) regarding the
39 inclusion of facilities for the collection or storage of source
40 separated recyclable materials in any ²new² multifamily housing
41 development ²[within the municipality which requires approval of
42 a subdivision or site plan under this section]².

43 c. Provisions governing the standards for grading,
44 improvement and construction of streets or drives and for any
45 required walkways, curbs, gutters, streetlights, shade trees, fire
46 hydrants and water, and drainage and sewerage facilities and
47 other improvements as shall be found necessary, and provisions
48 ensuring that such facilities shall be completed either prior to or
49 subsequent to final approval of the subdivision or site plan by
50 allowing the posting of performance bonds by the developer;

51 d. Provisions ensuring that when a municipal zoning ordinance
52 is in effect, a subdivision or site plan shall conform to the
53 applicable provisions of the zoning ordinance, and where there is
54 no zoning ordinance, appropriate standards shall be specified in

1 an ordinance pursuant to this article; and

2 e. Provisions ensuring performance in substantial accordance
3 with the final development plan; provided that the planning board
4 may permit a deviation from the final plan, if caused by change
5 of conditions beyond the control of the developer since the date
6 of final approval, and the deviation would not substantially alter
7 the character of the development or substantially impair the
8 intent and purpose of the master plan and zoning ordinance.
9 (cf: P.L.1991, c.445, s.8)

10 2. (New section) The Commissioner of Environmental
11 Protection, in cooperation with the Commissioner of Community
12 Affairs ^{2,2} shall, within 90 days of the effective date of this act,
13 ¹[promulgate] adopt¹ a model ordinance ²[which municipalities
14 shall follow in adopting ¹, within 12 months of the adoption of the
15 model ordinance,¹ an ordinance]² requiring approval by the
16 planning board of either subdivisions or site plans, or both,
17 pursuant to paragraph (15) of subsection b. of section 29 of
18 P.L.1975, c.291 (C.40:55D-38), as provided herein. ³The
19 department shall submit the model ordinance to the Legislature
20 for review upon its adoption.³ ²A municipality shall adopt an
21 ordinance which is substantially similar to the model ordinance
22 within 12 months of the adoption of the model ordinance.² The
23 model ordinance shall set forth standards governing the inclusion,
24 in all ²new² multifamily housing developments which require
25 subdivision or site plan approval, of collection or storage
26 facilities which allow for the source separation of all recyclable
27 materials required by the district recycling plan adopted pursuant
28 to section 3 of P.L.1987, c.102 (C.13:1E-99.13). For the purposes
29 of this section, "multifamily housing" shall mean housing in which
30 three or more units of dwelling space are occupied, or are
31 intended to be occupied, by three or more persons who live
32 independently of one another.

33 3. This act shall take effect immediately.

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36

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38 _____
39 Requires inclusion of recycling facilities in new multifamily
housing developments.

- 1 an ordinance pursuant to this article; and
- 2 e. Provisions ensuring performance in substantial accordance
3 with the final development plan; provided that the planning board
4 may permit a deviation from the final plan, if caused by change
5 of conditions beyond the control of the developer since the date
6 of final approval, and the deviation would not substantially alter
7 the character of the development or substantially impair the
8 intent and purpose of the master plan and zoning ordinance.
9 (cf: P.L.1991, c.445, s.8)
- 10 2. (New section) The Commissioner of Environmental
11 Protection, in cooperation with the Commissioner of Community
12 Affairs shall, within 90 days of the effective date of this act,
13 promulgate a model ordinance which municipalities shall follow in
14 adopting an ordinance requiring approval by the planning board of
15 either subdivisions or site plans, or both, pursuant to paragraph
16 (15) of subsection b. of section 29 of P.L.1975, c.291
17 (C.40:55D-38), as provided herein. The model ordinance shall set
18 forth standards governing the inclusion, in all multifamily housing
19 developments which require subdivision or site plan approval, of
20 collection or storage facilities which allow for the source
21 separation of all recyclable materials required by the district
22 recycling plan adopted pursuant to section 3 of P.L.1987, c.102
23 (C.13:1E-99.13). For the purposes of this section, "multifamily
24 housing" shall mean housing in which three or more units of
25 dwelling space are occupied, or are intended to be occupied, by
26 three or more persons who live independently of one another.
- 27 3. This act shall take effect immediately.

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29
30 STATEMENT
31

- 32 This bill would require municipalities to amend their site plan
33 and subdivision ordinances to conform to a model ordinance
34 promulgated by the Department of Environmental Protection and
35 the Department of Community Affairs regarding the inclusion of
36 facilities for source separated recyclable materials in any
37 multifamily housing development which requires subdivision or
38 site plan approval within the municipality.
- 39 The bill requires the Commissioner of Environmental
40 Protection and the Commissioner of Community Affairs, within
41 90 days of the effective date of this act, to promulgate a model
42 ordinance which municipalities must follow in amending their site
43 plan and subdivision ordinances. The model ordinance shall set
44 forth standards governing the inclusion, in all multifamily housing
45 developments which require subdivision or site plan approval, of
46 facilities which allow for the source separation of all designated
47 recyclable materials required by the district recycling plan
48 adopted pursuant to the "New Jersey Statewide Mandatory
49 Source Separation and Recycling Act."
- 50 "Multifamily housing" is defined as any housing development in
51 which three or more units of dwelling space are occupied, or are
52 intended to be occupied by three or more persons who live
53 independently of one another.

ASSEMBLY SOLID WASTE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1023

STATE OF NEW JERSEY

DATED: MARCH 9, 1992

The Assembly Solid Waste Committee favorably reports Assembly Bill No. 1023 with committee amendments.

This bill would require municipalities to amend their site plan and subdivision ordinances to conform to a model ordinance promulgated by the Department of Environmental Protection and the Department of Community Affairs regarding the inclusion of facilities for source separated recyclable materials in any multifamily housing development which requires subdivision or site plan approval within the municipality.

The bill would require the Commissioner of Environmental Protection and the Commissioner of Community Affairs, within 90 days of the effective date of this act, to promulgate a model ordinance which municipalities must follow in amending their site plan and subdivision ordinances. The model ordinance shall set forth standards governing the inclusion, in all multifamily housing developments which require subdivision or site plan approval, of facilities which allow for the source separation of all designated recyclable materials required by the district recycling plan adopted pursuant to the "New Jersey Statewide Mandatory Source Separation and Recycling Act."

"Multifamily housing" is defined as any housing development in which three or more units of dwelling space are occupied, or are intended to be occupied by three or more persons who live independently of one another.

The committee amended the bill to require municipalities to adopt ordinances conforming with the model ordinance within 12 months of the adoption of the model.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 1023

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 18, 1992

The Senate Environment Committee favorably reports Assembly Bill No. 1023 (1R) with committee amendments.

Assembly Bill No. 1023 (1R), as amended, would require municipalities to amend their site plan and subdivision ordinances to conform to a model ordinance providing for the inclusion of facilities for source separated recyclable materials in any new multifamily housing development.

The bill would require the Commissioner of Environmental Protection and the Commissioner of Community Affairs, within 90 days of the effective date of this act, to promulgate a model ordinance which municipalities must follow in amending their site plan and subdivision ordinances. The model ordinance shall set forth standards governing the inclusion, in all new multifamily housing developments which require subdivision or site plan approval, of facilities which allow for the source separation of all designated recyclable materials required by the district recycling plan adopted pursuant to the "New Jersey Statewide Mandatory Source Separation and Recycling Act."

Municipalities would be required to adopt ordinances that conform to the model ordinance within 12 months of the adoption of the model ordinance.

"Multifamily housing" is defined as any housing development in which three or more units of dwelling space are occupied, or are intended to be occupied by three or more persons who live independently of one another.

The committee amendments clarify that the ordinances are only to apply to new construction and not any development needing subdivision or site plan approval. The committee also made several technical changes to the bill.