

40:55D-28

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2008 **CHAPTER:** 54

NJSA: 40:55D-28 (Authorizes municipal planning boards to adopt green buildings and environmental sustainability municipal master plan element)

BILL NO: A1559 (Substituted for S1788)

SPONSOR(S) Greenstein and others

DATE INTRODUCED: January 8, 2008

COMMITTEE: **ASSEMBLY:** Environment and Solid Waste
SENATE: Economic Growth

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** February 7, 2008
SENATE: June 12, 2008

DATE OF APPROVAL: August 5, 2008

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First reprint enacted)

A1559

SPONSOR'S STATEMENT: (Begins on page 5 of original bill) Yes

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

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S1788

SPONSOR'S STATEMENT: (Begins on page 5 of original bill) Yes

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

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

(continued)

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW

P.L. 2008, CHAPTER 54, *approved August 5, 2008*
Assembly, No. 1559 (*First Reprint*)

1 AN ACT concerning municipal master plans and amending
2 P.L.1975, c.291.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 ¹[1. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to
8 read as follows:

9 19. Preparation; contents; modification.

10 a. The planning board may prepare and, after public hearing,
11 adopt or amend a master plan or component parts thereof, to guide
12 the use of lands within the municipality in a manner which protects
13 public health and safety and promotes the general welfare.

14 b. The master plan shall generally comprise a report or
15 statement and land use and development proposals, with maps,
16 diagrams and text, presenting, at least the following elements (1)
17 and (2) and, where appropriate, the following elements (3) through
18 **[(14)] (15)**:

19 (1) A statement of objectives, principles, assumptions, policies
20 and standards upon which the constituent proposals for the physical,
21 economic and social development of the municipality are based;

22 (2) A land use plan element (a) taking into account and stating
23 its relationship to the statement provided for in paragraph (1)
24 hereof, and other master plan elements provided for in paragraphs
25 (3) through (14) hereof and natural conditions, including, but not
26 necessarily limited to, topography, soil conditions, water supply,
27 drainage, flood plain areas, marshes, and woodlands; (b) showing
28 the existing and proposed location, extent and intensity of
29 development of land to be used in the future for varying types of
30 residential, commercial, industrial, agricultural, recreational,
31 educational and other public and private purposes or combination of
32 purposes; and stating the relationship thereof to the existing and any
33 proposed zone plan and zoning ordinance; and (c) showing the
34 existing and proposed location of any airports and the boundaries of
35 any airport safety zones delineated pursuant to the "Air Safety and
36 Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et seq.); and (d)
37 including a statement of the standards of population density and
38 development intensity recommended for the municipality;

39 (3) A housing plan element pursuant to section 10 of P.L.1985,
40 c.222 (C.52:27D-310), including, but not limited to, residential

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:

¹Assembly AEN committee amendments adopted January 28, 2008.

1 standards and proposals for the construction and improvement of
2 housing;

3 (4) A circulation plan element showing the location and types of
4 facilities for all modes of transportation required for the efficient
5 movement of people and goods into, about, and through the
6 municipality, taking into account the functional highway
7 classification system of the Federal Highway Administration and
8 the types, locations, conditions and availability of existing and
9 proposed transportation facilities, including air, water, road and rail;

10 (5) A utility service plan element analyzing the need for and
11 showing the future general location of water supply and distribution
12 facilities, drainage and flood control facilities, sewerage and waste
13 treatment, solid waste disposal and provision for other related
14 utilities, and including any storm water management plan required
15 pursuant to the provisions of P.L.1981, c.32 (C.40:55D-93 et seq.).
16 If a municipality prepares a utility service plan element as a
17 condition for adopting a development transfer ordinance pursuant to
18 subsection c. of section 4 of P.L.2004, c.2 (C.40:55D-140), the plan
19 element shall address the provision of utilities in the receiving zone
20 as provided thereunder;

21 (6) A community facilities plan element showing the existing
22 and proposed location and type of educational or cultural facilities,
23 historic sites, libraries, hospitals, firehouses, police stations and
24 other related facilities, including their relation to the surrounding
25 areas;

26 (7) A recreation plan element showing a comprehensive system
27 of areas and public sites for recreation;

28 (8) A conservation plan element providing for the preservation,
29 conservation, and utilization of natural resources, including, to the
30 extent appropriate, energy, open space, water supply, forests, soil,
31 marshes, wetlands, harbors, rivers and other waters, fisheries,
32 endangered or threatened species wildlife and other resources, and
33 which systemically analyzes the impact of each other component
34 and element of the master plan on the present and future
35 preservation, conservation and utilization of those resources;

36 (9) An economic plan element considering all aspects of
37 economic development and sustained economic vitality, including
38 (a) a comparison of the types of employment expected to be
39 provided by the economic development to be promoted with the
40 characteristics of the labor pool resident in the municipality and
41 nearby areas and (b) an analysis of the stability and diversity of the
42 economic development to be promoted;

43 (10) A historic preservation plan element: (a) indicating the
44 location and significance of historic sites and historic districts; (b)
45 identifying the standards used to assess worthiness for historic site
46 or district identification; and (c) analyzing the impact of each

1 component and element of the master plan on the preservation of
2 historic sites and districts;

3 (11) Appendices or separate reports containing the technical
4 foundation for the master plan and its constituent elements;

5 (12) A recycling plan element which incorporates the State
6 Recycling Plan goals, including provisions for the collection,
7 disposition and recycling of recyclable materials designated in the
8 municipal recycling ordinance, and for the collection, disposition
9 and recycling of recyclable materials within any development
10 proposal for the construction of 50 or more units of single-family
11 residential housing or 25 or more units of multi-family residential
12 housing and any commercial or industrial development proposal for
13 the utilization of 1,000 square feet or more of land;

14 (13) A farmland preservation plan element, which shall include:
15 an inventory of farm properties and a map illustrating significant
16 areas of agricultural land; a statement showing that municipal
17 ordinances support and promote agriculture as a business; and a
18 plan for preserving as much farmland as possible in the short term
19 by leveraging monies made available by P.L.1999, c.152 (C.13:8C-
20 1 et al.) through a variety of mechanisms including, but not limited
21 to, utilizing option agreements, installment purchases, and
22 encouraging donations of permanent development easements; **[and]**

23 (14) A development transfer plan element which sets forth the
24 public purposes, the locations of sending and receiving zones and
25 the technical details of a development transfer program based on the
26 provisions of section 5 of P.L.2004, c.2 (C.40:55D-141) ; and

27 (15) A green buildings and environmental sustainability plan
28 element, which shall provide for, encourage, and promote the
29 efficient use of natural resources; consider the impact of buildings
30 on the local, regional and global environment; allow ecosystems to
31 function naturally; conserve and reuse water; treat storm water on-
32 site; and optimize climatic conditions through site orientation and
33 design.

34 c. The master plan and its plan elements may be divided into
35 subplans and subplan elements projected according to periods of
36 time or staging sequences.

37 d. The master plan shall include a specific policy statement
38 indicating the relationship of the proposed development of the
39 municipality, as developed in the master plan to (1) the master plans
40 of contiguous municipalities, (2) the master plan of the county in
41 which the municipality is located, (3) the State Development and
42 Redevelopment Plan adopted pursuant to the "State Planning Act,"
43 sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.)
44 and (4) the district solid waste management plan required pursuant
45 to the provisions of the "Solid Waste Management Act," P.L.1970,
46 c.39 (C.13:1E-1 et seq.) of the county in which the municipality is
47 located.

1 In the case of a municipality situated within the Highlands
2 Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the
3 master plan shall include a specific policy statement indicating the
4 relationship of the proposed development of the municipality, as
5 developed in the master plan, to the Highlands regional master plan
6 adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).
7 (cf: P.L.2004, c.120, s.60)]¹

8
9 ¹1. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to
10 read as follows:

11 19. Preparation; contents; modification.

12 a. The planning board may prepare and, after public hearing,
13 adopt or amend a master plan or component parts thereof, to guide
14 the use of lands within the municipality in a manner which protects
15 public health and safety and promotes the general welfare.

16 b. The master plan shall generally comprise a report or
17 statement and land use and development proposals, with maps,
18 diagrams and text, presenting, at least the following elements (1)
19 and (2) and, where appropriate, the following elements (3) through
20 **[(15)] (16)**:

21 (1) A statement of objectives, principles, assumptions, policies
22 and standards upon which the constituent proposals for the physical,
23 economic and social development of the municipality are based;

24 (2) A land use plan element (a) taking into account and stating
25 its relationship to the statement provided for in paragraph (1)
26 hereof, and other master plan elements provided for in paragraphs
27 (3) through (14) hereof and natural conditions, including, but not
28 necessarily limited to, topography, soil conditions, water supply,
29 drainage, flood plain areas, marshes, and woodlands; (b) showing
30 the existing and proposed location, extent and intensity of
31 development of land to be used in the future for varying types of
32 residential, commercial, industrial, agricultural, recreational,
33 educational and other public and private purposes or combination of
34 purposes; and stating the relationship thereof to the existing and any
35 proposed zone plan and zoning ordinance; and (c) showing the
36 existing and proposed location of any airports and the boundaries of
37 any airport safety zones delineated pursuant to the "Air Safety and
38 Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et seq.); and (d)
39 including a statement of the standards of population density and
40 development intensity recommended for the municipality;

41 (3) A housing plan element pursuant to section 10 of P.L.1985,
42 c.222 (C.52:27D-310), including, but not limited to, residential
43 standards and proposals for the construction and improvement of
44 housing;

45 (4) A circulation plan element showing the location and types of
46 facilities for all modes of transportation required for the efficient
47 movement of people and goods into, about, and through the

1 municipality, taking into account the functional highway
2 classification system of the Federal Highway Administration and
3 the types, locations, conditions and availability of existing and
4 proposed transportation facilities, including air, water, road and rail;

5 (5) A utility service plan element analyzing the need for and
6 showing the future general location of water supply and distribution
7 facilities, drainage and flood control facilities, sewerage and waste
8 treatment, solid waste disposal and provision for other related
9 utilities, and including any storm water management plan required
10 pursuant to the provisions of P.L.1981, c.32 (C.40:55D-93 et al.). If
11 a municipality prepares a utility service plan element as a condition
12 for adopting a development transfer ordinance pursuant to
13 subsection c. of section 4 of P.L.2004, c.2 (C.40:55D-140), the plan
14 element shall address the provision of utilities in the receiving zone
15 as provided thereunder;

16 (6) A community facilities plan element showing the existing
17 and proposed location and type of educational or cultural facilities,
18 historic sites, libraries, hospitals, firehouses, police stations and
19 other related facilities, including their relation to the surrounding
20 areas;

21 (7) A recreation plan element showing a comprehensive system
22 of areas and public sites for recreation;

23 (8) A conservation plan element providing for the preservation,
24 conservation, and utilization of natural resources, including, to the
25 extent appropriate, energy, open space, water supply, forests, soil,
26 marshes, wetlands, harbors, rivers and other waters, fisheries,
27 endangered or threatened species wildlife and other resources, and
28 which systemically analyzes the impact of each other component
29 and element of the master plan on the present and future
30 preservation, conservation and utilization of those resources;

31 (9) An economic plan element considering all aspects of
32 economic development and sustained economic vitality, including
33 (a) a comparison of the types of employment expected to be
34 provided by the economic development to be promoted with the
35 characteristics of the labor pool resident in the municipality and
36 nearby areas and (b) an analysis of the stability and diversity of the
37 economic development to be promoted;

38 (10) An historic preservation plan element: (a) indicating the
39 location and significance of historic sites and historic districts; (b)
40 identifying the standards used to assess worthiness for historic site
41 or district identification; and (c) analyzing the impact of each
42 component and element of the master plan on the preservation of
43 historic sites and districts;

44 (11) Appendices or separate reports containing the technical
45 foundation for the master plan and its constituent elements;

46 (12) A recycling plan element which incorporates the State
47 Recycling Plan goals, including provisions for the collection,

1 disposition and recycling of recyclable materials designated in the
2 municipal recycling ordinance, and for the collection, disposition
3 and recycling of recyclable materials within any development
4 proposal for the construction of 50 or more units of single-family
5 residential housing or 25 or more units of multi-family residential
6 housing and any commercial or industrial development proposal for
7 the utilization of 1,000 square feet or more of land;

8 (13) A farmland preservation plan element, which shall include:
9 an inventory of farm properties and a map illustrating significant
10 areas of agricultural land; a statement showing that municipal
11 ordinances support and promote agriculture as a business; and a
12 plan for preserving as much farmland as possible in the short term
13 by leveraging moneys made available by P.L.1999, c.152 (C.13:8C-
14 1 et al.) through a variety of mechanisms including, but not limited
15 to, utilizing option agreements, installment purchases, and
16 encouraging donations of permanent development easements;

17 (14) A development transfer plan element which sets forth the
18 public purposes, the locations of sending and receiving zones and
19 the technical details of a development transfer program based on the
20 provisions of section 5 of P.L.2004, c.2 (C.40:55D-141); **[and]**

21 (15) An educational facilities plan element which incorporates
22 the purposes and goals of the "long-range facilities plan" required to
23 be submitted to the Commissioner of Education by a school district
24 pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4) ; and

25 (16) A green buildings and environmental sustainability plan
26 element, which shall provide for, encourage, and promote the
27 efficient use of natural resources and the installation and usage of
28 renewable energy systems; consider the impact of buildings on the
29 local, regional and global environment; allow ecosystems to
30 function naturally; conserve and reuse water; treat storm water on-
31 site; and optimize climatic conditions through site orientation and
32 design .

33 c. The master plan and its plan elements may be divided into
34 subplans and subplan elements projected according to periods of
35 time or staging sequences.

36 d. The master plan shall include a specific policy statement
37 indicating the relationship of the proposed development of the
38 municipality, as developed in the master plan to (1) the master plans
39 of contiguous municipalities, (2) the master plan of the county in
40 which the municipality is located, (3) the State Development and
41 Redevelopment Plan adopted pursuant to the "State Planning Act,"
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45 c.39 (C.13:1E-1 et seq.) of the county in which the municipality is
46 located.

1 In the case of a municipality situated within the Highlands
2 Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the
3 master plan shall include a specific policy statement indicating the
4 relationship of the proposed development of the municipality, as
5 developed in the master plan, to the Highlands regional master plan
6 adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).¹
7 (cf: P.L.2007, c.137, s.59)

8

9 2. This act shall take effect immediately.

10

11

12

13

14 _____
15 Authorizes municipal planning boards to adopt green buildings
and environmental sustainability municipal master plan element.

ASSEMBLY, No. 1559

STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

**Assemblywoman LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)**

Co-Sponsored by:

**Assemblymen Diegnan, Gusciora, Assemblywoman Lampitt and
Assemblyman Conaway**

SYNOPSIS

Authorizes municipal planning boards to adopt green buildings and environmental sustainability municipal master plan element.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning municipal master plans and amending
2 P.L.1975, c.291.

3

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

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7 1. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to
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17 and (2) and, where appropriate, the following elements (3) through
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20 and standards upon which the constituent proposals for the physical,
21 economic and social development of the municipality are based;

22 (2) A land use plan element (a) taking into account and stating
23 its relationship to the statement provided for in paragraph (1)
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25 (3) through (14) hereof and natural conditions, including, but not
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28 the existing and proposed location, extent and intensity of
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30 residential, commercial, industrial, agricultural, recreational,
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33 proposed zone plan and zoning ordinance; and (c) showing the
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35 any airport safety zones delineated pursuant to the "Air Safety and
36 Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et seq.); and (d)
37 including a statement of the standards of population density and
38 development intensity recommended for the municipality;

39 (3) A housing plan element pursuant to section 10 of P.L.1985,
40 c.222 (C.52:27D-310), including, but not limited to, residential
41 standards and proposals for the construction and improvement of
42 housing;

43 (4) A circulation plan element showing the location and types of
44 facilities for all modes of transportation required for the efficient

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 movement of people and goods into, about, and through the
2 municipality, taking into account the functional highway
3 classification system of the Federal Highway Administration and
4 the types, locations, conditions and availability of existing and
5 proposed transportation facilities, including air, water, road and rail;

6 (5) A utility service plan element analyzing the need for and
7 showing the future general location of water supply and distribution
8 facilities, drainage and flood control facilities, sewerage and waste
9 treatment, solid waste disposal and provision for other related
10 utilities, and including any storm water management plan required
11 pursuant to the provisions of P.L.1981, c.32 (C.40:55D-93 et seq.).
12 If a municipality prepares a utility service plan element as a
13 condition for adopting a development transfer ordinance pursuant to
14 subsection c. of section 4 of P.L.2004, c.2 (C.40:55D-140), the plan
15 element shall address the provision of utilities in the receiving zone
16 as provided thereunder;

17 (6) A community facilities plan element showing the existing
18 and proposed location and type of educational or cultural facilities,
19 historic sites, libraries, hospitals, firehouses, police stations and
20 other related facilities, including their relation to the surrounding
21 areas;

22 (7) A recreation plan element showing a comprehensive system
23 of areas and public sites for recreation;

24 (8) A conservation plan element providing for the preservation,
25 conservation, and utilization of natural resources, including, to the
26 extent appropriate, energy, open space, water supply, forests, soil,
27 marshes, wetlands, harbors, rivers and other waters, fisheries,
28 endangered or threatened species wildlife and other resources, and
29 which systemically analyzes the impact of each other component
30 and element of the master plan on the present and future
31 preservation, conservation and utilization of those resources;

32 (9) An economic plan element considering all aspects of
33 economic development and sustained economic vitality, including
34 (a) a comparison of the types of employment expected to be
35 provided by the economic development to be promoted with the
36 characteristics of the labor pool resident in the municipality and
37 nearby areas and (b) an analysis of the stability and diversity of the
38 economic development to be promoted;

39 (10) A historic preservation plan element: (a) indicating the
40 location and significance of historic sites and historic districts; (b)
41 identifying the standards used to assess worthiness for historic site
42 or district identification; and (c) analyzing the impact of each
43 component and element of the master plan on the preservation of
44 historic sites and districts;

45 (11) Appendices or separate reports containing the technical
46 foundation for the master plan and its constituent elements;

1 (12) A recycling plan element which incorporates the State
2 Recycling Plan goals, including provisions for the collection,
3 disposition and recycling of recyclable materials designated in the
4 municipal recycling ordinance, and for the collection, disposition
5 and recycling of recyclable materials within any development
6 proposal for the construction of 50 or more units of single-family
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8 housing and any commercial or industrial development proposal for
9 the utilization of 1,000 square feet or more of land;

10 (13) A farmland preservation plan element, which shall include:
11 an inventory of farm properties and a map illustrating significant
12 areas of agricultural land; a statement showing that municipal
13 ordinances support and promote agriculture as a business; and a
14 plan for preserving as much farmland as possible in the short term
15 by leveraging monies made available by P.L.1999, c.152 (C.13:8C-
16 1 et al.) through a variety of mechanisms including, but not limited
17 to, utilizing option agreements, installment purchases, and
18 encouraging donations of permanent development easements; **[and]**

19 (14) A development transfer plan element which sets forth the
20 public purposes, the locations of sending and receiving zones and
21 the technical details of a development transfer program based on the
22 provisions of section 5 of P.L.2004, c.2 (C.40:55D-141) ; and

23 (15) A green buildings and environmental sustainability plan
24 element, which shall provide for, encourage, and promote the
25 efficient use of natural resources; consider the impact of buildings
26 on the local, regional and global environment; allow ecosystems to
27 function naturally; conserve and reuse water; treat storm water on-
28 site; and optimize climatic conditions through site orientation and
29 design.

30 c. The master plan and its plan elements may be divided into
31 subplans and subplan elements projected according to periods of
32 time or staging sequences.

33 d. The master plan shall include a specific policy statement
34 indicating the relationship of the proposed development of the
35 municipality, as developed in the master plan to (1) the master plans
36 of contiguous municipalities, (2) the master plan of the county in
37 which the municipality is located, (3) the State Development and
38 Redevelopment Plan adopted pursuant to the "State Planning Act,"
39 sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.)
40 and (4) the district solid waste management plan required pursuant
41 to the provisions of the "Solid Waste Management Act," P.L.1970,
42 c.39 (C.13:1E-1 et seq.) of the county in which the municipality is
43 located.

44 In the case of a municipality situated within the Highlands
45 Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the
46 master plan shall include a specific policy statement indicating the
47 relationship of the proposed development of the municipality, as

1 developed in the master plan, to the Highlands regional master plan
2 adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).
3 (cf: P.L.2004, c.120, s.60)

4

5 2. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill would amend the “Municipal Land Use Law”
11 (C.40:55D-1 et seq.) to allow a municipal planning board to include
12 in a municipality’s master plan a green buildings and environmental
13 sustainability plan element providing for, encouraging, and
14 promoting the efficient use of natural resources, considering the
15 impact of buildings on the local, regional and global environment,
16 allowing ecosystems to function naturally, conserving and reusing
17 water resources, treating storm water on-site and optimizing
18 climatic conditions through site orientation and design.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1559

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 28, 2008

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 1559.

This bill would amend the "Municipal Land Use Law" (C.40:55D-1 et seq.) to allow a municipal planning board to include in a municipality's master plan a green buildings and environmental sustainability plan element providing for, encouraging, and promoting the efficient use of natural resources and the installation and usage of renewable energy systems, considering the impact of buildings on the local, regional and global environment, allowing ecosystems to function naturally, conserving and reusing water resources, treating storm water on-site and optimizing climatic conditions through site orientation and design. This bill is not intended to modify or supersede the State Uniform Construction Code.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amendments to the bill expand the green buildings and environmental sustainability plan element to also provide for, encourage, and promote the installation and usage of renewable energy systems.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1559

STATE OF NEW JERSEY

DATED: MAY 8, 2008

The Senate Economic Growth Committee reports favorably Assembly Bill, No. 1559 (1R).

This bill amends the “Municipal Land Use Law” (C.40:55D-1 et seq.) to allow a municipal planning board to include in a municipality’s master plan a green buildings and environmental sustainability plan element providing for, encouraging, and promoting the efficient use of natural resources and the installation and usage of renewable energy systems, considering the impact of buildings on the local, regional and global environment, allowing ecosystems to function naturally, conserving and reusing water resources, treating storm water on-site and optimizing climatic conditions through site orientation and design. This bill is not intended to modify or supersede the State Uniform Construction Code.

SENATE, No. 1788

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MAY 8, 2008

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Burlington, Mercer, Monmouth and Ocean)

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Co-Sponsored by:

Senator Gordon

SYNOPSIS

Authorizes municipal planning boards to adopt green buildings and environmental sustainability municipal master plan element.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/13/2008)

1 AN ACT concerning municipal master plans and amending
2 P.L.1975, c.291.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
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7 1. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to
8 read as follows:

9 19. Preparation; contents; modification.

10 a. The planning board may prepare and, after public hearing,
11 adopt or amend a master plan or component parts thereof, to guide
12 the use of lands within the municipality in a manner which protects
13 public health and safety and promotes the general welfare.

14 b. The master plan shall generally comprise a report or
15 statement and land use and development proposals, with maps,
16 diagrams and text, presenting, at least the following elements (1)
17 and (2) and, where appropriate, the following elements (3) through
18 **[(15)] (16)**:

19 (1) A statement of objectives, principles, assumptions, policies
20 and standards upon which the constituent proposals for the physical,
21 economic and social development of the municipality are based;

22 (2) A land use plan element (a) taking into account and stating
23 its relationship to the statement provided for in paragraph (1)
24 hereof, and other master plan elements provided for in paragraphs
25 (3) through (14) hereof and natural conditions, including, but not
26 necessarily limited to, topography, soil conditions, water supply,
27 drainage, flood plain areas, marshes, and woodlands; (b) showing
28 the existing and proposed location, extent and intensity of
29 development of land to be used in the future for varying types of
30 residential, commercial, industrial, agricultural, recreational,
31 educational and other public and private purposes or combination of
32 purposes; and stating the relationship thereof to the existing and any
33 proposed zone plan and zoning ordinance; and (c) showing the
34 existing and proposed location of any airports and the boundaries of
35 any airport safety zones delineated pursuant to the "Air Safety and
36 Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et seq.); and (d)
37 including a statement of the standards of population density and
38 development intensity recommended for the municipality;

39 (3) A housing plan element pursuant to section 10 of P.L.1985,
40 c.222 (C.52:27D-310), including, but not limited to, residential
41 standards and proposals for the construction and improvement of
42 housing;

43 (4) A circulation plan element showing the location and types of
44 facilities for all modes of transportation required for the efficient
45 movement of people and goods into, about, and through the

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 municipality, taking into account the functional highway
2 classification system of the Federal Highway Administration and
3 the types, locations, conditions and availability of existing and
4 proposed transportation facilities, including air, water, road and rail;

5 (5) A utility service plan element analyzing the need for and
6 showing the future general location of water supply and distribution
7 facilities, drainage and flood control facilities, sewerage and waste
8 treatment, solid waste disposal and provision for other related
9 utilities, and including any storm water management plan required
10 pursuant to the provisions of P.L.1981, c.32 (C.40:55D-93 et al.). If
11 a municipality prepares a utility service plan element as a condition
12 for adopting a development transfer ordinance pursuant to
13 subsection c. of section 4 of P.L.2004, c.2 (C.40:55D-140), the plan
14 element shall address the provision of utilities in the receiving zone
15 as provided thereunder;

16 (6) A community facilities plan element showing the existing
17 and proposed location and type of educational or cultural facilities,
18 historic sites, libraries, hospitals, firehouses, police stations and
19 other related facilities, including their relation to the surrounding
20 areas;

21 (7) A recreation plan element showing a comprehensive system
22 of areas and public sites for recreation;

23 (8) A conservation plan element providing for the preservation,
24 conservation, and utilization of natural resources, including, to the
25 extent appropriate, energy, open space, water supply, forests, soil,
26 marshes, wetlands, harbors, rivers and other waters, fisheries,
27 endangered or threatened species wildlife and other resources, and
28 which systemically analyzes the impact of each other component
29 and element of the master plan on the present and future
30 preservation, conservation and utilization of those resources;

31 (9) An economic plan element considering all aspects of
32 economic development and sustained economic vitality, including
33 (a) a comparison of the types of employment expected to be
34 provided by the economic development to be promoted with the
35 characteristics of the labor pool resident in the municipality and
36 nearby areas and (b) an analysis of the stability and diversity of the
37 economic development to be promoted;

38 (10) An historic preservation plan element: (a) indicating the
39 location and significance of historic sites and historic districts; (b)
40 identifying the standards used to assess worthiness for historic site
41 or district identification; and (c) analyzing the impact of each
42 component and element of the master plan on the preservation of
43 historic sites and districts;

44 (11) Appendices or separate reports containing the technical
45 foundation for the master plan and its constituent elements;

46 (12) A recycling plan element which incorporates the State
47 Recycling Plan goals, including provisions for the collection,
48 disposition and recycling of recyclable materials designated in the

1 municipal recycling ordinance, and for the collection, disposition
2 and recycling of recyclable materials within any development
3 proposal for the construction of 50 or more units of single-family
4 residential housing or 25 or more units of multi-family residential
5 housing and any commercial or industrial development proposal for
6 the utilization of 1,000 square feet or more of land;

7 (13) A farmland preservation plan element, which shall include:
8 an inventory of farm properties and a map illustrating significant
9 areas of agricultural land; a statement showing that municipal
10 ordinances support and promote agriculture as a business; and a
11 plan for preserving as much farmland as possible in the short term
12 by leveraging moneys made available by P.L.1999, c.152 (C.13:8C-
13 1 et al.) through a variety of mechanisms including, but not limited
14 to, utilizing option agreements, installment purchases, and
15 encouraging donations of permanent development easements;

16 (14) A development transfer plan element which sets forth the
17 public purposes, the locations of sending and receiving zones and
18 the technical details of a development transfer program based on the
19 provisions of section 5 of P.L.2004, c.2 (C.40:55D-141); **[and]**

20 (15) An educational facilities plan element which incorporates
21 the purposes and goals of the "long-range facilities plan" required to
22 be submitted to the Commissioner of Education by a school district
23 pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4) ; and

24 (16) A green buildings and environmental sustainability plan
25 element, which shall provide for, encourage, and promote the
26 efficient use of natural resources and the installation and usage of
27 renewable energy systems; consider the impact of buildings on the
28 local, regional and global environment; allow ecosystems to
29 function naturally; conserve and reuse water; treat storm water on-
30 site; and optimize climatic conditions through site orientation and
31 design .

32 c. The master plan and its plan elements may be divided into
33 subplans and subplan elements projected according to periods of
34 time or staging sequences.

35 d. The master plan shall include a specific policy statement
36 indicating the relationship of the proposed development of the
37 municipality, as developed in the master plan to (1) the master plans
38 of contiguous municipalities, (2) the master plan of the county in
39 which the municipality is located, (3) the State Development and
40 Redevelopment Plan adopted pursuant to the "State Planning Act,"
41 sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.)
42 and (4) the district solid waste management plan required pursuant
43 to the provisions of the "Solid Waste Management Act," P.L.1970,
44 c.39 (C.13:1E-1 et seq.) of the county in which the municipality is
45 located.

46 In the case of a municipality situated within the Highlands
47 Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the
48 master plan shall include a specific policy statement indicating the

1 relationship of the proposed development of the municipality, as
2 developed in the master plan, to the Highlands regional master plan
3 adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).¹
4 (cf: P.L.2007, c.137, s.59)

5

6 2. This act shall take effect immediately.

7

8

9

STATEMENT

10

11 This bill would amend the “Municipal Land Use Law”
12 (C.40:55D-1 et seq.) to allow a municipal planning board to include
13 in a municipality’s master plan a green buildings and environmental
14 sustainability plan element providing for, encouraging, and
15 promoting the efficient use of natural resources and the installation
16 and usage of renewable energy systems, considering the impact of
17 buildings on the local, regional and global environment, allowing
18 ecosystems to function naturally, conserving and reusing water
19 resources, treating storm water on-site and optimizing climatic
20 conditions through site orientation and design. This bill is not
21 intended to modify or supersede the State Uniform Construction
22 Code.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE, No. 1788

STATE OF NEW JERSEY

DATED: MAY 19, 2008

The Senate Economic Growth Committee reports favorably Senate Bill, No. 1788.

This bill would amend the “Municipal Land Use Law” (C.40:55D-1 et seq.) to allow a municipal planning board to include in a municipality’s master plan a green buildings and environmental sustainability plan element providing for, encouraging, and promoting the efficient use of natural resources and the installation and usage of renewable energy systems, considering the impact of buildings on the local, regional and global environment, allowing ecosystems to function naturally, conserving and reusing water resources, treating storm water on-site and optimizing climatic conditions through site orientation and design. This bill is not intended to modify or supersede the State Uniform Construction Code.

As reported by the committee, Senate Bill No. 1788 is identical to Assembly Bill No. 1559(1R) which was also reported by the committee.