

ASSEMBLY, No. 337

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Extends for three years expiration date of certain permits pursuant to “Permit Extension Act of 2008.”

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



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1 AN ACT concerning the extension for three years of certain permits
2 and approvals affecting the physical development of property
3 located within the State of New Jersey, and amending P.L.2008,
4 c.78.

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

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9 1. Section 3 of P.L.2008, c.78 (C.40:55D-136.3) is amended to
10 read as follows:

11 3. As used in this act:

12 "Approval" means, except as otherwise provided in section 4 of
13 this act, any approval of a soil erosion and sediment control plan
14 granted by a local soil conservation district under the authority
15 conferred by R.S.4:24-22 et seq., waterfront development permit
16 issued pursuant to R.S.12:5-1 et seq., permit issued pursuant to
17 "The Wetlands Act of 1970," P.L.1970, c.272 (C.13:9A-1 et seq.),
18 permit issued pursuant to the "Freshwater Wetlands Protection
19 Act," P.L.1987, c.156 (C.13:9B-1 et al.), approval of an application
20 for development granted by the Delaware and Raritan Canal
21 Commission pursuant to the "Delaware and Raritan Canal State
22 Park Law of 1974," P.L.1974, c.118 (C.13:13A-1 et seq.), permit
23 issued by the New Jersey Meadowlands Commission pursuant to
24 the "Hackensack Meadowlands Reclamation and Development
25 Act," P.L.1968, c.404 (C.13:17-1 et al.), approval of an application
26 for development granted by the Pinelands Commission and
27 determination of municipal and county plan conformance pursuant
28 to the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et
29 seq.), permit issued and center designations pursuant to the "Coastal
30 Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.),
31 septic approval granted pursuant to Title 26 of the Revised Statutes,
32 permit granted pursuant to R.S.27:7-1 et seq. or any supplement
33 thereto, right-of-way permit issued by the Department of
34 Transportation pursuant to paragraph (3) of subsection (h) of
35 section 5 of P.L.1966, c.301 (C.27:1A-5), approval granted by a
36 sewerage authority pursuant to the "sewerage authorities law,"
37 P.L.1946, c.138 (C.40:14A-1 et seq.), approval granted by a
38 municipal authority pursuant to the "municipal and county utilities
39 authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.), approval
40 issued by a county planning board pursuant to chapter 27 of Title 40
41 of the Revised Statutes, preliminary and final approval granted in
42 connection with an application for development pursuant to the
43 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.),
44 permit granted pursuant to the "State Uniform Construction Code
45 Act," P.L.1975, c.217 (C.52:27D-119 et seq.), plan endorsement

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 and center designations pursuant to the "State Planning Act,"
2 P.L.1985, c.398 (C.52:18A-196 et al.), permit or certification issued
3 pursuant to the "Water Supply Management Act," P.L.1981, c.262
4 (C.58:1A-1 et al.), permit granted authorizing the drilling of a well
5 pursuant to P.L.1947, c.377 (C.58:4A-5 et seq.), certification or
6 permit granted, exemption from a sewerage connection ban granted,
7 wastewater management plan approved, and pollution discharge
8 elimination system permit pursuant to the "Water Pollution Control
9 Act," P.L.1977, c.74 (C.58:10A-1 et seq.), certification granted
10 pursuant to "The Realty Improvement Sewerage and Facilities Act
11 (1954)," P.L.1954, c.199 (C.58:11-23 et seq.), certification or
12 approval granted pursuant to P.L.1971, c.386 (C.58:11-25.1 et al.),
13 certification issued and water quality management plan approved
14 pursuant to the "Water Quality Planning Act," P.L.1977, c.75
15 (C.58:11A-1 et seq.), approval granted pursuant to the "Safe
16 Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et al.), permit
17 issued pursuant to the "Flood Hazard Area Control Act," P.L.1962,
18 c.19 (C.58:16A-50 et seq.), any municipal, county, regional, or
19 State approval or permit granted under the general authority
20 conferred by State law or rule or regulation, or any other
21 government authorization of any development application or any
22 permit related thereto whether that authorization is in the form of a
23 permit, approval, license, certification, permission, determination,
24 interpretation, exemption, variance, exception, waiver, letter of
25 interpretation, no further action letter, agreement or any other
26 executive or administrative decision which allows a development or
27 governmental project to proceed.

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

35 "Environmentally sensitive area" means an area designated
36 pursuant to the State Development and Redevelopment Plan
37 adopted, as of the effective date of this act, pursuant to P.L.1985,
38 c.398 (C.52:18A-196 et al.) as Planning Area 4B
39 (Rural/Environmentally Sensitive), Planning Area 5
40 (Environmentally Sensitive), or a critical environmental site; the
41 Highlands Region as defined in section 3 of P.L.2004, c.120
42 (C.13:20-3) but shall not include any area designated for growth in
43 the Highlands regional master plan adopted by the Highlands Water
44 Protection and Planning Council pursuant to P.L.2004, c.120
45 (C.13:20-1 et al.); and the pinelands area designated in section 10 of
46 P.L.1979, c.111 (C.13:18A-11) but shall not include any growth
47 area designated in the comprehensive management plan prepared

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1 and adopted by the Pinelands Commission pursuant to section 7 of
2 the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-8).

3 "Extension period" means the period beginning January 1, 2007
4 and continuing through December 31, ~~2012~~ 2015.

5 "Government" means any municipal, county, regional, or State
6 government, or any agency, department, commission or other
7 instrumentality thereof.

8 (cf: P.L.2009, c.336, s.1)

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10 2. This act shall take effect immediately.

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STATEMENT

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15 Under this bill, the "extension period," as defined in the "Permit
16 Extension Act of 2008," P.L.2008, c.78 (C.40:55D-136.1 et seq.),
17 would be extended until December 31, 2015, rather than ending on
18 December 31, 2012, as provided for under current law.

19 Thus, under this bill, government approvals, as defined and
20 extended by the "Permit Extension Act of 2008," would continue to
21 be valid until at least December 31, 2015. However, in accordance
22 with the tolling provision provided in the "Permit Extension Act of
23 2008," no approval may be extended beyond six months after the
24 conclusion of the extension period. Therefore, under this bill, no
25 approval would be extended beyond June 30, 2016.