

# ASSEMBLY, No. 1303

## STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Assemblyman ALEX SAUICKIE**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**Co-Sponsored by:**

**Assemblywoman Reynolds-Jackson and Assemblyman Inganamort**

**SYNOPSIS**

Requires DEP to evaluate cumulative impact of stormwater when reviewing applications associated with warehouse and other high-density development projects.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 4/4/2024)**

A1303 SAUICKIE

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1 AN ACT concerning the evaluation of stormwater impacts from  
2 warehouse and other high-density development and  
3 supplementing Title 13 of the Revised Statutes.  
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5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
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8 1. a. As used in this section:

9 “Development” means the same as the term is defined in section  
10 3.1 of P.L.1975, c.291 (C.40:55D-4).

11 “High-density development” means a development proposed at a  
12 greater concentration of density or intensity of land use than  
13 authorized within the area, section, or sections, under the current  
14 master plan and development regulations.

15 “Stormwater” means the same as the term is defined in section 3  
16 of P.L.2019, c.42 (C.40A:26B-3).

17 “Warehouse” means a building that stores cargo, goods, or  
18 products of any type on a short-term or long-term basis for later  
19 distribution to wholesale or retail customers, and includes, but is  
20 not limited to, a distribution center, flex-warehouse, or any other  
21 type of warehouse.

22 “Watershed” means the same as the term is defined in section 3  
23 of P.L.1997, c.261 (C.58:29-3).

24 b. Notwithstanding any other law, or rule or regulation adopted  
25 pursuant thereto, to the contrary, whenever the Department of  
26 Environmental Protection reviews an application for a permit,  
27 authorization, or any other type of approval from the department  
28 that, if approved, would allow the development of a warehouse or  
29 other high-density development, the department shall evaluate the  
30 cumulative impact of stormwater that would result from the  
31 construction of the warehouse or other high-density development.  
32 When evaluating the cumulative impact of stormwater pursuant to  
33 this subsection, the department shall:

34 (1) consider the stormwater impacts that would result from the  
35 development on property located within: the municipality in which  
36 the development would be located; any adjoining municipalities,  
37 whether located in the same county as the proposed development or  
38 in an adjacent county; and the watershed in which the property is  
39 located; and

40 (2) ensure that stormwater shall be managed to, at a minimum:

41 (a) induce water recharge into the ground where practical;

42 (b) minimize offsite stormwater runoff in order to not impact  
43 property located in an adjacent municipality;

44 (c) maintain the integrity of stream channels for their biological  
45 functions, as well as for drainage; and

46 (d) to prevent, to the greatest extent feasible, an increase in  
47 nonpoint pollution in the watershed in which the proposed  
48 development would occur.

1       2. This act shall take effect immediately.

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STATEMENT

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6       This bill would require the Department of Environmental  
7 Protection (DEP) to evaluate the cumulative impact of stormwater  
8 when reviewing applications for permits, authorizations, or other  
9 approvals for applications that, if approved, would result in the  
10 construction of a warehouse or other high-density development  
11 project.

12       The DEP would be required to consider the stormwater impacts  
13 that would result from the development on property located within  
14 the municipality in which the development would be located, any  
15 adjoining municipalities, and the watershed in which the property is  
16 located. The DEP would also be required to ensure that stormwater  
17 be managed to, at a minimum: (a) induce water recharge into the  
18 ground where practical; (b) minimize offsite stormwater runoff in  
19 order to not impact property located in an adjacent municipality; (c)  
20 maintain the integrity of stream channels for their biological  
21 functions, as well as for drainage; and (d) prevent, to the greatest  
22 extent feasible, an increase in nonpoint pollution in the watershed in  
23 which the proposed development would occur.

24       The development of warehouses, and other high-density  
25 development, often results in environmental, land use, traffic,  
26 economic, fiscal, and social equity effects in municipalities adjacent  
27 to the one in which the development is located. The construction of  
28 such development facilities has, at times, resulted in significant  
29 negative regional impacts. This bill is intended to ensure that any  
30 stormwater resulting from intense development is carefully  
31 scrutinized, not only for its impacts on the municipality in which  
32 the development is located, but also adjoining municipalities and  
33 the watershed as a whole.