

# ASSEMBLY, No. 3348

## 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)**

**Assemblyman JOE DANIELSEN**

**District 17 (Middlesex and Somerset)**

**Assemblyman CODY D. MILLER**

**District 4 (Atlantic, Camden and Gloucester)**

**Co-Sponsored by:**

**Assemblyman Inganamort**

**SYNOPSIS**

Concerns regulatory guidance for local approving authorities on approval of warehouse development.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/22/2024)**

1 AN ACT concerning guidance for approval of warehouse  
2 development, supplementing P.L.1985, c.398 (C.52:18A-196 et  
3 al.), and amending P.L.2005, c.133.  
4

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

8 1. (New section) a. On or before the first day of the third month  
9 next following enactment of P.L. c. (C. ) (pending before the  
10 Legislature as this bill), the State Planning Commission shall  
11 promulgate rules and regulations, pursuant to the "Administrative  
12 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), or,  
13 notwithstanding the limitations established in section 1 of P.L.2011,  
14 c.215 (C.52:14B-3a) concerning the use of regulatory guidance  
15 documents, shall publish a regulatory guidance publication, pursuant  
16 to section 1 of P.L.2011, c.215 (C.52:14B-3a), or both, to assist  
17 municipal planning boards and other agencies when acting pursuant  
18 to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et  
19 seq.) on applications for the development of warehouses.

20 b. The commission shall produce the guidance publication, or  
21 publications, as required pursuant to subsection a. of this section, in  
22 a concise, plain-language format, and shall incorporate examples of  
23 questions and reports that are customarily to be asked of, or requested  
24 from, a warehouse development applicant prior to the issuance of  
25 development approvals in order to address potential community  
26 concerns, including but not limited to, traffic volumes, road safety,  
27 and environmental considerations. The commission shall make the  
28 guidance publication, or publications, available to the public on the  
29 Internet website of the commission.

30 c. Upon completion, and upon any update, to the guidance  
31 publication, or publications, produced pursuant to subsection a. of  
32 this section, the commission shall notify the Commissioner of  
33 Community Affairs in order to provide the commissioner with an  
34 opportunity to incorporate the new materials into the course offered  
35 to officials with responsibilities to enforce the "Municipal Land Use  
36 Law," P.L.1975, c.291 (C.40:55D-1 et seq.), as required pursuant to  
37 paragraph (4) of subsection a. of section 2 of P.L.2005, c.133  
38 (C.40:55D-23.3).

39 d. As used in this section:

40 "Warehouse" means a building that stores cargo, goods, or  
41 products of any type on a short-term or long-term basis for later  
42 distribution to wholesale or retail customers, and includes, but is not  
43 limited to, a distribution center, flex-warehouse, or any other type of  
44 warehouse.

**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       2. Section 2 of P.L.2005, c.133 (C.40:55D-23.3) is amended to  
2 read as follows:

3       2. a. The Commissioner of Community Affairs shall cause to be  
4 prepared and offered a basic course in land use law and planning  
5 within six months from the effective date of P.L.2005, c.133  
6 (C.40:55D-23.3 et al.) for current and prospective members and  
7 alternate members of local planning boards pursuant to section 14 of  
8 P.L.1975, c.291 (C.40:55D-23) and section 13 of P.L.1979, c.216  
9 (C.40:55D-23.1), zoning boards of adjustment pursuant to section 56  
10 of P.L.1975, c.291 (C.40:55D-69), and supplemental zoning boards  
11 of adjustment pursuant to section 1 of P.L.2019, c.225 (C.40:55D-  
12 69.2), and combined boards as authorized under law. The basic  
13 course to be prepared and offered pursuant to this section shall:

14       (1) consist of no more than five hours of scheduled instruction  
15 **【and shall】**;

16       (2) be structured so that a member may satisfy this requirement  
17 within one calendar day **【. The commissioner shall work】**;

18       (3) be developed in conjunction with the New Jersey Planning  
19 Officials in establishing standards for curriculum and administration  
20 of the course of study; and

21       (4) include a module specifically on warehouse development,  
22 incorporating the guidance publication, or publications, produced  
23 pursuant to section 1 of P.L. , c. (C. ) (pending before the  
24 Legislature as this bill).

25       b. On or after the first date on which a course in land use law  
26 and planning is offered, except as otherwise provided in section 3 of  
27 P.L.2005, c.133 (C.40:55D-23.4), a person shall not be seated as a  
28 first-term member or alternate member of a local planning board  
29 pursuant to section 14 of P.L.1975, c.291 (C.40:55D-23) or section  
30 13 of P.L.1979, c.216 (C.40:55D-23.1), a zoning board of adjustment  
31 pursuant to section 56 of P.L.1975, c.291 (C.40:55D-69),<sub>2</sub> or a  
32 combined board as authorized under law, unless the person agrees to  
33 take the basic course required to be offered under subsection a. of  
34 this section, which the person shall successfully complete within 18  
35 months of assuming board membership in order to retain board  
36 membership. A person shall not be seated as a regular member of a  
37 supplemental zoning board of adjustment established pursuant to  
38 section 1 of P.L.2019, c.225 (C.40:55D-69.2) unless the person  
39 agrees to take the basic course offered under subsection a. of this  
40 section and successfully completes the course within six months of  
41 assuming board membership.

42       c. Except as otherwise provided in section 3 of P.L.2005, c.133  
43 (C.40:55D-23.4), any person who is serving as a member or alternate  
44 member of a planning board or zoning board of adjustment or  
45 combined board as authorized under law on the first date on which a  
46 course in land use law and planning is offered shall be required to  
47 complete that course within 18 months of the date upon which the  
48 course is first offered in order to retain membership on that board.

1 d. A hearing or proceeding held, or decision or recommendation  
2 made, by a planning board or zoning board of adjustment shall not be  
3 invalidated if a member has participated in the hearing or proceeding  
4 or in the decision making or recommendation and that member is  
5 subsequently found not to have completed the basic course in land  
6 use law and planning required pursuant to P.L.2005, c.133  
7 (C.40:55D-23.3 et al.).

8 e. As used in this section:

9 "Warehouse" means a building that stores cargo, goods, or  
10 products of any type on a short-term or long-term basis for later  
11 distribution to wholesale or retail customers, and includes, but is not  
12 limited to, a distribution center, flex-warehouse, or any other type of  
13 warehouse.

14 (cf: P.L.2019, c.225, s.2)

15  
16 3. This act shall take effect immediately.

17  
18  
19 STATEMENT

20  
21 This bill directs the State Planning Commission (commission) to  
22 adopt rules and regulations, or publish a regulatory guidance  
23 document to assist municipal planning boards and other agencies  
24 acting pursuant to the "Municipal Land Use Law," P.L.1975, c.291  
25 (C.40:55D-1 et seq.), in considering applications for the development  
26 of warehouses, as defined in the bill. The bill directs the commission  
27 to produce the guidance publication in a concise, plain-language  
28 format, incorporating examples of questions and reports that would  
29 customarily be asked of, or requested from, a warehouse  
30 development applicant prior to the issuance of development  
31 approvals. These model questions and report requests are to address  
32 potential community concerns, including but not limited to, traffic  
33 volumes, road safety, and environmental considerations. The bill  
34 directs the commission to make the guidance publication available to  
35 the public on its Internet website.

36 The bill also requires the Commissioner of Community Affairs  
37 (commissioner) to incorporate the guidance document into the course  
38 offered to officials with responsibilities to enforce the "Municipal  
39 Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.). The  
40 commission would be required to notify the commissioner upon  
41 completion of the guidance document, and upon any updates.

42 Due to the rise of e-commerce, warehouse development has  
43 increased significantly in recent years, leading to concerns over the  
44 impacts of these facilities on nearby neighborhoods. This bill intends  
45 to enhance the ability of local approving authorities to sufficiently  
46 scrutinize warehouse developers prior to authorizing further  
47 warehouse construction in New Jersey communities.

**A3348 SAUICKIE, DANIELSEN**

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- 1       This bill would take effect immediately, and would require the
- 2       commission to produce the guidance publication by the first day of
- 3       the third month following enactment.