

SENATE, No. 1428

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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
9 month next following enactment of P.L. c. (C.) (pending
10 before the Legislature as this bill), the State Planning Commission
11 shall promulgate rules and regulations, pursuant to the
12 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
13 seq.), or, notwithstanding the limitations established in section 1 of
14 P.L.2011, c.215 (C.52:14B-3a) concerning the use of regulatory
15 guidance documents, shall publish a regulatory guidance
16 publication, pursuant to section 1 of P.L.2011, c.215 (C.52:14B-3a),
17 or both, to assist municipal planning boards and other agencies
18 when acting pursuant to the "Municipal Land Use Law," P.L.1975,
19 c.291 (C.40:55D-1 et seq.) on applications for the development of
20 warehouses, including but not limited to, structures intended to
21 serve as major distribution centers, large fulfillment centers, and
22 last miles fulfillment centers.

23 b. The commission shall produce the guidance publication, or
24 publications, as required pursuant to subsection a. of this section, in
25 a concise, plain language format, and shall incorporate examples of
26 questions and reports that are customarily to be asked of, or
27 requested from, a warehouse development applicant prior to the
28 issuance of development approvals in order to address potential
29 community benefits, including but not limited to, brownfield
30 remediation and environmental mitigation, job creation, income and
31 property tax creation, as well as concerns, including but not limited
32 to, traffic volumes, road safety, and environmental considerations.
33 The commission shall make the guidance publication, or
34 publications, available to the public on the Internet website of the
35 commission.

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

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

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

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

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

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

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

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

1 required to complete that course within 18 months of the date upon
2 which the course is first offered in order to retain membership on
3 that board.

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

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

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13 3. This act shall take effect immediately.

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STATEMENT

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

36 The bill also requires the Commissioner of Community Affairs
37 (commissioner) to incorporate the guidance document into the
38 course offered to officials with responsibilities to enforce the
39 MLUL. The commission would be required to notify the
40 commissioner upon completion of the guidance document, and upon
41 any updates.