

# Proposed CMP Amendments P&I Committee

November 2017

# Rulemaking Process

- Rule proposal authorized by Commission on 7/14/17
- Rule proposal posted on the Commission's website and published in the NJ Register on 9/18/17
- Notice provided to the PMC, municipalities, counties and others on 9/12/17
- Public hearing held 10/4/17
- Written comments accepted through 11/17/17
- Adoption notice and public comments will be provided to the Commission for review and action on 12/8/17

# Application Fees

- Add specific fees for general development plans
- Reduce fees for solar energy facilities
- Eliminate need for applicants to submit sworn statements of construction cost estimates
- Increase most fees by 25%
- Update escrow provisions to include facilities, services and other “unusual expenditures” related to an application

# Public Comments Received

- NJBA supports 25% fee increase
- NJBA opposes fees for pre-application conferences

# Definitions

- Change the definition of “interested person” to “interested party” and clarify who has the right to formally participate in the Commission’s decision-making processes

# Public Comments Received

- NJBA supports the amendment
- PPA and others object to the amendment, believing that it will inappropriately limit the rights of individuals to participate in or appeal Commission decisions

# Application Procedures

- Eliminate requirement that towns/applicants submit names and addresses of people who “actively participate” on applications at Planning Board meetings
- Provide notice of the Commission’s actions on applications to:
  - individuals who have submitted comments to the Commission on an application
  - Individuals who have requested such notice on an application
  - Individuals who have registered to receive all Commission hearing and other notices

# Public Comments Received

- PPA and others request that submission of names and mailing addresses of participants at a municipal meetings continue to be required in order to provide the maximum opportunity for public participation
- NJBA supports elimination of requirements



# Notice and Mailing Procedures

- Define “mail” to include “email”
- Eliminate certified mailing requirements for the Commission and towns
- Eliminate requirement for applicants to post notices on properties
- Require the Commission to post notices on its website

# Public Comments Received

- NJBA supports use of email and elimination of certified mailing requirements
- NJBA supports elimination of requirement to post notices on properties
- NJBA asks that applicants be permitted to transmit information to the Commission via “overnight mail”.

# Exemptions

Clarify exemption for prescribed burning:

17. To control and reduce the threat of wildfire:

i. Prescribed burning; and

ii. Linear clearing of vegetation, including subsequent maintenance of that cleared area and vegetation, provided the linear clearing does not exceed six feet in width;

# Public Comments Received

- Numerous individuals and municipalities object to the need to submit applications for **maintenance** of existing fire breaks
- DEP, municipalities and private landowners and others object to the need to submit applications for clearing of fire breaks over six feet in width

# Waivers

- Shift responsibility for providing notice of public hearings on compelling public need waivers from applicants to the Commission

# Public Comments Received

- None

# Landfills

- Clarify the circumstances under which municipalities will not need to install impermeable caps on their closed landfills:
  - No leachate plume
  - OR
  - A leachate plume exists, but poses no significant ecological risk to wetlands

# Public Comments Received

- None



# Alternate Design Wastewater Systems

- “Graduate” the FAST technology from the septic pilot program and allow for residential use on 1.4 acre lots without further monitoring
- Rely on DEP septic management requirements
- Allow alternate design systems to be used for the expansion of or changes to existing nonresidential uses in the RDA, APA FA and infill areas

# Public Comments Received

- NJBA supports graduation of the FAST system from the pilot program
- Buena Vista Township supports use of advanced treatment systems for expansion and improvement of existing businesses

# Signs

- Delegate regulation of on-site signs to the municipalities (delete CMP standards)
- Give municipalities the ability to determine whether and where on-site signs using digital technology should be permitted
- Allow existing and new billboards in Regional Growth Areas and Pinelands Towns to use digital technology subject to certain conditions
- Prohibit old, nonconforming billboards in conservation areas from converting to digital technology

# Public Comments Received

- None