

**RESOLUTION  
AUTHORIZING AN AMENDMENT TO THE PASSAIC  
COUNTY SUBDIVISION AND SITE PLAN RESOLUTIONS**

R-11-702  
9-27-2011

**WHEREAS** on June 13, 2011 the Board of Chosen Freeholders of the County of Passaic adopted Resolution R-11-442, authorizing a Public Hearing to consider adoption of an amendment to the Passaic County Subdivision and Site Plan Resolutions; and

**WHEREAS**, the Public Hearing was held on September 13, 2011 and no comments were received from the public; and

**WHEREAS**, it is now recommended that the Passaic County Subdivision and Site Plan Resolutions be amended as proposed in Resolution R-11-442, as attached and made a part hereof; and

**WHEREAS**, this matter was discussed at the Freeholder Planning and Economic Development Committee at its September 20, 2011 meeting and recommended to the full Board for approval;

**NOW, THEREFORE, BE IT RESOLVED** by the Passaic County Board of Chosen Freeholders that it hereby authorizes an amendment to the Passaic County Subdivision and Site Plan Resolutions as set forth above; and

**BE IT FURTHER RESOLVED** that, effective September 27, 2011, the Passaic County Subdivision and Site Plan Resolutions are and be hereby amended.

JRS/meg

This resolution was requested by:

*Anna James*

Reviewed by:

*[Signature]*

ANTHONY J. DE NOVA  
COUNTY ADMINISTRATOR

APPROVED AS TO FORM AND  
LEGALITY:

*William J. Pascrell III*  
WILLIAM J. PASCRELL, III  
COUNTY COUNSEL

RECORD OF VOTE

Freeholder	Y	N	NV	ABS	RES	SEC
Ciambrone	X					
Hannigan	X					X
James	X					
Lepore	X				X	
Marotta	X					
O'Connell	X					
Dir. Duffy	X					

Y=yes N=no NV=not voting  
ABS=abstain RES=moved SEC=seconded

Dated: September 27, 2011

**RESOLUTION  
AUTHORIZING A PUBLIC HEARING ON  
THE ADOPTION OF PASSAIC COUNTY SUBDIVISION  
AND SITE PLAN RESOLUTION AMENDMENTS**

**WHEREAS**, pursuant to NJSA 40:27-6.6, the governing body of any county having a county planning board may provide for the review of site plans, for land development along county roads or affecting county drainage facilities and for the approval of such development, for the purpose of assuring a safe and efficient county road system; and

**WHEREAS**, such review and approval shall be in conformance with procedures and standards adopted by resolution or ordinance as appropriate of the governing body; and

**WHEREAS**, pursuant to NJSA 40:27-6.2, the board of freeholders of any county having a county planning board shall provide for the review of all subdivisions of land within the county by said county planning board and for the approval of those subdivisions affecting county road or drainage facilities; and

**WHEREAS**, such review or approval shall be in accordance with procedures and engineering and planning standards adopted by resolution of the board of chosen freeholders; and

**WHEREAS**, the Passaic County Planning Board on May 19, 2011 adopted a resolution recommending consideration of amendments to the County's **Site Plan Resolution and Subdivision Resolution** (see copy attached); and

**WHEREAS**, these proposed amendments are in response to changes in technology and changes in State regulations since the

last time the Subdivision Resolution was amended on June 13, 2005 and the last time the Site Plan Resolution was amended on September 25, 2007, specifically the Highlands Water Protection and Planning Act; and

**WHEREAS**, an amendment to the County's Site Plan and Subdivision Resolution requires a Notice of a Public Hearing; and

**WHEREAS**, a proposed amendment to a resolution of the governing body establishing procedures and standards to govern the review and regulation of land development along county roads or affecting county drainage facilities shall be given by delivery or by certified mail to the Municipal Clerk, Secretary of the Planning Board and Secretary of the Board of Adjustment of each municipality in the county, at least 10 days prior to such hearing; and

**WHEREAS**, this matter was discussed at the Freeholders' Planning and Economic Development Committee on June 7, 2007 and recommended for approval;

**NOW THEREFORE BE IT RESOLVED** by the Board of Chosen Freeholders of the County of Passaic that it hereby authorizes holding a public hearing on September 13, 2011 on the adoption of Subdivision and Site Plan Resolution Amendments, in accordance with N.J.S.A. 40:27-6.6 and 6.2; and


**BE IT FURTHER RESOLVED** that the Clerk to the Board shall issue notice of the time and place by one publication in a newspaper of general circulation in the County and by the transmission by delivery or by certified mail, at least 10 days prior

to such hearing, of a notice of such hearing and a copy of the proposed Site Plan and Subdivision Amendments thereof to the Municipal Clerk and Secretary of the Planning Board and Secretary of the Board of Adjustment of each municipality in the County, in accordance with N.J.S.A. 40:27-6.6 and 6.2; and

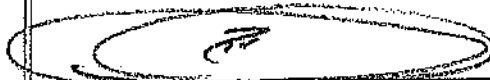
**BE IT FURTHER RESOLVED** that the hearing shall be held on September 13, 2011, at the Passaic County Administration Building, 401 Grand Street, Paterson, New Jersey, Room 220, at 5:30 P.M. as soon thereafter as the matter can be heard.

JRS/meg

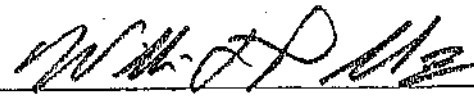
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\_\_\_\_\_

Reviewed by:

  
ANTHONY J. DE NOVA  
COUNTY ADMINISTRATOR

APPROVED AS TO FORM AND LEGALITY:

  
WILLIAM J. PASCRELL, III  
COUNTY COUNSEL

**RECORD OF VOTE**

Freeholder	Y	N	NV	ABS	RES	SEC
Ciambrone	Y					✓
Hannigan	Y					
James	Y				✓	
Lepore	Y					
Marotta	Y					
O'Connell	Y		X			
Dir. Duffy	Y					

Y=yes N=no NV=not voting  
ABS=abstain RES=moved SEC=seconded

Dated: June 13, 2011

PASSAIC COUNTY PLANNING BOARD  
RESOLUTION

WHEREAS, the Passaic County Board of Chosen Freeholders, in accordance with the requirements of the New Jersey County and Regional Planning Enabling Act, did in July 1970 adopt the Passaic County Subdivision Resolution and did in May 1988 adopt the Passaic County Site Plan Resolution to set forth the procedures, and engineering and planning standards, that the Passaic County Planning Board must use in its review of subdivisions and site plans which come under County Planning Board jurisdiction; and

WHEREAS, these resolutions have been updated and amended by the Passaic County Board of Chosen Freeholders on various dates to keep the Passaic County Subdivision Resolution and Passaic County Site Plan Resolution current with State and Federal regulations, as well as the standards set forth by certain professional organizations concerned with the review of development proposals; and

WHEREAS, the Passaic County Planning Board has determined that since the time of the latest amendments, changes in technology and changes in State of New Jersey regulations, specifically the August 2004 Highlands Water Protection and Planning Act, have made it necessary to amend the Passaic County Subdivision and Site Plan regulations as concerns processing requirements so as to be in conformance with current technology and the New Jersey Highlands Regional Master Plan, and more specifically the Passaic County Planning Board affirmatively seeks to specifically align its regulations with the policies, goals and provisions of the Regional Master Plan as applicable to the Highlands Preservation Area, in full accordance with the requirements of the Highlands Act; and

NOW THEREFORE BE IT RESOLVED that the Passaic County Planning Board recommends to the Passaic County Board of Chosen Freeholders that the Passaic County Board of Chosen Freeholders hold the necessary public hearing and consider the adoption of the following amendments to the Passaic County Subdivision Resolution which was most recently revised as R-05-298 on June 13, 2005:

Amend Section I (30) Complete Subdivision application, with the new language in bold, to read:

**(30) Complete Subdivision Application - A complete application for Passaic County Subdivision review shall consist of two Passaic County Development Review Application forms, two sets of folded plans not to exceed 9 inches by 14 inches, a PDF digital file of the plans on standard compact disc media, a digital file of the plans in a format that meets or exceeds the Highlands digital submission standards for any application within the Highlands Preservation Area, and any fee required from Section VII. Any revised plans submitted in response to a County Planning review shall include a cover letter indicating how each of the conditions was addressed.**

Amend Section II: PROCEDURE, A. GENERAL REGULATIONS (5), with the new language in bold, to read:

**(5) The action taken by the County Planning Board on all subdivisions shall be duly set forth in writing with a copy of said report to be submitted to the Local Planning Board or Board of Adjustment and the applicant. Said report shall set forth all conditions required for County approval and if disapproval, all reasons for said disapproval. Wherein any application for development of property located in the Preservation Area of the Highlands Region involves the ultimate disturbance of two acres or more of land, or a cumulative increase in impervious surface by one acre or more, a copy of the final County Report in the matter shall be provided to the Highlands Water Protection and Planning Council ("Highlands Council"). The County Planning Board shall provide final copies of such Reports in the same manner and within the same timeframe as set forth under the County Planning Act for delivery of such reports to the applicable municipal agencies (N.J.S.A. 40:27-6.7).**

**For projects located within the Preservation Area of the New Jersey Highlands Region, approval shall be withheld unless one of the following has been provided to the Passaic County Planning Board:**

(a) A certified resolution issued by the municipal land use board having jurisdiction in the matter indicating that the development application proposing the project has received approval of such local board and is authorized to proceed.

(b) A formal notice of public hearing, provided to the County in accordance with the requirements of the New Jersey Municipal Land Use Law (NJSA 40:55D-12) indicating that the proposed project is the subject of an application for development which has been filed with and is scheduled for consideration by the municipal land use board having jurisdiction in the matter.

(c) A Highlands Applicability Determination (HAD) issued by the NJDEP indicating that the proposed project is exempt from the requirements of the Highlands Act.

(d) A Highlands Preservation Area Approval (HPAA) issued by the NJDEP.

(e) A Highlands Regional Master Plan Consistency Determination issued by the Highlands Council indicating that the proposed project is consistent with the Highlands Regional Master Plan.

Pursuant to Section 17.c. of the Highlands Act (NJSA 13:20-17.c.): All final County Reports on applications for development that include property located in the Preservation Area of the Highlands Region, shall include the following language: "The Highlands Council may review, within 15 days of receipt of County Planning Board approval, rejection or approval with conditions, any application for development in the Preservation Area that involves the ultimate disturbance of two acres or more of land or a cumulative increase in impervious surface by one acre or more. Upon determination to exercise such authority, the Highlands Council shall transmit, by certified mail, written notice thereof to the person who submitted the application to the County Planning Board. Pending completion of review by the Highlands Council of any final Planning Board approval or approval with conditions of such an application for development, and the issuance of the Council's decision thereon, the applicant shall not proceed with the development."

NOW THEREFORE, BE IT FURTHER RESOLVED that the Passaic County Planning Board recommends to the Passaic County Board of Chosen Freeholders that the Passaic County Board of Chosen Freeholders hold the necessary public hearing and consider the adoption of the following amendments to the Passaic County Site Plan Resolution which was most recently revised as R-07-565 on September 25, 2007:

Amend Section I (26) Complete Site Plan Application, with the new language in bold, to read:

(26) Complete Site Plan Application - A complete application for Passaic County Site Plan review shall consist of two Passaic County Development Review Application forms, two sets of folded plans not to exceed 9 inches by 14 inches, a PDF digital file of the plans on standard compact disc media, a digital file of the plans in a format that meets or exceeds the Highlands digital submission standards for any application within the Highlands Preservation Area, and any fee required from Section VII. Any revised plans submitted in response to a County Planning review shall include a cover letter indicating how each of the conditions was addressed.

Amend Section II: Procedures, A. General Regulations 4., with the new language in bold, to read:

4. The County Planning Board shall notify, in writing, the appropriate municipal authority of its final action of approval or disapproval of the site plan. The specific grounds for denial of an application shall be set forth by the County in its response to the appropriate municipal authority having jurisdiction with a copy to the applicant. Wherein any application for development of property located in the Preservation Area of the Highlands Region involves the ultimate disturbance of two acres or more of land, or a cumulative increase in impervious surface by one acre or more, a copy of the final County Report in the matter shall be provided to the Highlands Water Protection and Planning Council ("Highlands Council"). The County Planning Board shall provide final copies of such Reports in the same manner and within the same timeframe as set forth under the County Planning Act for delivery of such reports to the applicable municipal agencies (N.J.S.A. 40:27-6.7).

For projects located within the Preservation Area of the New Jersey Highlands Region approval shall be withheld unless one of the following has been provided to the Passaic County Planning Board:

(a) A certified resolution issued by the municipal land use board having jurisdiction in the matter indicating that the project has received approval from the local board and is authorized to proceed.

(b) A formal notice of public hearing, provided to the County in accordance with the requirements of the New Jersey Municipal Land Use Law (NJSA 40:55D-12) indicating that the proposed project is the subject of an application for development which has been filed with and is scheduled for consideration by the municipal land use board having jurisdiction in the matter.

(c) A Highlands Applicability Determination (HAD) issued by the NJDEP indicating that the proposed project is exempt from the requirements of the Highlands Act.

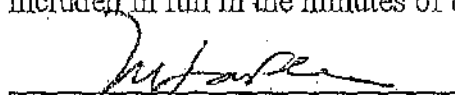
(d) A Highlands Preservation Area Approval (HPAA) issued by the NJDEP.

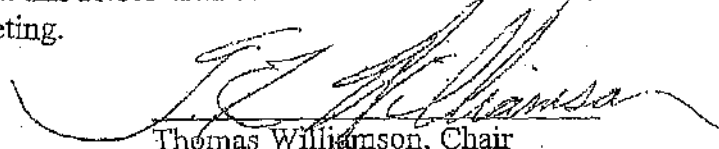
(e) A Highlands Regional Master Plan Consistency Determination issued by the Highlands Council indicating that the proposed project is consistent with the Highlands Regional Master Plan.

Pursuant to Section 17.c. of the Highlands Act (NJSA 13:20-17.c.): All final County reports on applications for development that include property located in the Preservation Area of the Highlands Region, shall include the following language: "The Highlands Council may review, within 15 days or receipt of County Planning Board approval, rejection or approval with conditions, any application for development in the Preservation Area that involves the ultimate disturbance of two acres or more of land or a cumulative increase in impervious surface by one acre or more. Upon determination to exercise such authority, the Highlands Council shall transmit, by certified mail, written notice thereof to the person who submitted the application to the County Planning Board. Pending completion of review by the Highlands Council of any final Planning Board approval or approval with conditions of such an application for development, and the issuance of the Council's decision thereon, the applicant shall not proceed with the development."

BE IT FURTHER RESOLVED that the Passaic County Planning Board advises the Board of Chosen Freeholders that, in conformance with the New Jersey County and Regional Planning Enabling Act, copies of the proposed updated and amended Passaic County Subdivision Resolution and Passaic County Site Plan Resolution must be given by delivery or by certified mail to the municipal clerk, secretary of the planning board and secretary of the board of adjustment of each municipality in the county at least 10 days prior to such public hearing.

AND BE IT FURTHER RESOLVED that this Resolution be added into the record and included in full in the minutes of the Meeting.

  
Michael La Place, Director  
Passaic County Planning Board

  
Thomas Williamson, Chair  
Passaic County Planning Board

5/19/11  
Date