

P.L. 2009, CHAPTER 336, *approved January 18, 2010*
Assembly, No. 4347

1 AN ACT concerning the extension of certain permits and approvals
2 affecting the physical development of property located within the
3 State of New Jersey, and amending P.L.2008, c.78.

4

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

7

8 1. Section 3 of P.L.2008, c.78 (C.40:55D-136.3) is amended to
9 read as follows:

10 3. As used in this act:

11 "Approval" means, except as otherwise provided in section 4 of
12 this act, any approval of a soil erosion and sediment control plan
13 granted by a local soil conservation district under the authority
14 conferred by R.S.4:24-22 et seq., waterfront development permit
15 issued pursuant to R.S.12:5-1 et seq., permit issued pursuant to
16 "The Wetlands Act of 1970," P.L.1970, c.272 (C.13:9A-1 et seq.),
17 permit issued pursuant to the "Freshwater Wetlands Protection
18 Act," P.L.1987, c.156 (C.13:9B-1 et al.), approval of an application
19 for development granted by the Delaware and Raritan Canal
20 Commission pursuant to the "Delaware and Raritan Canal State
21 Park Law of 1974," P.L.1974, c.118 (C.13:13A-1 et seq.), permit
22 issued by the New Jersey Meadowlands Commission pursuant to
23 the "Hackensack Meadowlands Reclamation and Development
24 Act," P.L.1968, c.404 (C.13:17-1 et al.), approval of an application
25 for development granted by the Pinelands Commission and
26 determination of municipal and county plan conformance pursuant
27 to the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et
28 seq.), permit issued and center designations pursuant to the "Coastal
29 Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.),
30 septic approval granted pursuant to Title 26 of the Revised Statutes,
31 permit granted pursuant to R.S.27:7-1 et seq. or any supplement
32 thereto, right-of-way permit issued by the Department of
33 Transportation pursuant to paragraph (3) of subsection (h) of
34 section 5 of P.L.1966, c.301 (C.27:1A-5), approval granted by a
35 sewerage authority pursuant to the "sewerage authorities law,"
36 P.L.1946, c.138 (C.40:14A-1 et seq.), approval granted by a
37 municipal authority pursuant to the "municipal and county utilities
38 authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.), approval
39 issued by a county planning board pursuant to chapter 27 of Title 40
40 of the Revised Statutes, preliminary and final approval granted in
41 connection with an application for development pursuant to the
42 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.),

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 permit granted pursuant to the "State Uniform Construction Code
2 Act," P.L.1975, c.217 (C.52:27D-119 et seq.), plan endorsement
3 and center designations pursuant to the "State Planning Act,"
4 P.L.1985, c.398 (C.52:18A-196 et al.), permit or certification
5 issued pursuant to the "Water Supply Management Act," P.L.1981,
6 c.262 (C.58:1A-1 et al.), permit granted authorizing the drilling of a
7 well pursuant to P.L.1947, c.377 (C.58:4A-5 et seq.), certification
8 or permit granted, exemption from a sewerage connection ban
9 granted, wastewater management plan approved, and pollution
10 discharge elimination system permit pursuant to the "Water
11 Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.),
12 certification granted pursuant to "The Realty Improvement
13 Sewerage and Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23
14 et seq.), certification or approval granted pursuant to P.L.1971,
15 c.386 (C.58:11-25.1 et al.), certification issued and water quality
16 management plan approved pursuant to the "Water Quality Planning
17 Act," P.L.1977, c.75 (C.58:11A-1 et seq.), approval granted
18 pursuant to the "Safe Drinking Water Act," P.L.1977, c.224
19 (C.58:12A-1 et al.), permit issued pursuant to the "Flood Hazard
20 Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.), any
21 municipal, county, regional, or State approval or permit granted
22 under the general authority conferred by State law or rule or
23 regulation, or any other government authorization of any
24 development application or any permit related thereto whether that
25 authorization is in the form of a permit, approval, license,
26 certification, permission, determination, interpretation, exemption,
27 variance, exception, waiver, letter of interpretation, no further
28 action letter, agreement or any other executive or administrative
29 decision which allows a development or governmental project to
30 proceed.

31 "Development" means the division of a parcel of land into two or
32 more parcels, the construction, reconstruction, conversion,
33 structural alteration, relocation or enlargement of any building or
34 other structure or facility, or of any grading, soil removal or
35 relocation, excavation or landfill or any use or change in the use of
36 any building or other structure or land or extension of the use of
37 land.

38 "Environmentally sensitive area" means an area designated
39 pursuant to the State Development and Redevelopment Plan
40 adopted, as of the effective date of this act, pursuant to P.L.1985,
41 c.398 (C.52:18A-196 et al.) as Planning Area 4B
42 (Rural/Environmentally Sensitive), Planning Area 5
43 (Environmentally Sensitive), or a critical environmental site; the
44 Highlands Region as defined in section 3 of P.L.2004, c.120
45 (C.13:20-3) but shall not include any area designated for growth in
46 the Highlands regional master plan adopted by the Highlands Water
47 Protection and Planning Council pursuant to P.L.2004, c.120
48 (C.13:20-1 et al.); and the pinelands area designated in section 10 of

1 P.L.1979, c.111 (C.13:18A-11) but shall not include any growth
2 area designated in the comprehensive management plan prepared
3 and adopted by the Pinelands Commission pursuant to section 7 of
4 the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-8).

5 "Extension period" means the period beginning January 1, 2007
6 and continuing through ~~July 1, 2010~~ December 31, 2012 .

7 "Government" means any municipal, county, regional, or State
8 government, or any agency, department, commission or other
9 instrumentality thereof.
10 (cf: P.L.2008, c.78, s.3)

11

12 2. This act shall take effect immediately.

13

14

15

STATEMENT

16

17 Under this bill, the "extension period," as defined in the "Permit
18 Extension Act of 2008," P.L.2008, c.78 (C.40:55D-136.1 et seq.),
19 would be extended until December 31, 2012, rather than July 1,
20 2010 as provided in current law.

21 Thus, under this bill, government approvals, as defined and
22 extended by the "Permit Extension Act of 2008," would continue to
23 be valid until December 31, 2012. In accordance with the tolling
24 provision provided in the "Permit Extension Act of 2008," no
25 approval would be extended beyond six months after the conclusion
26 of the extension period, or until June 30, 2013 under this bill.

27

28

29

30

31 _____
32 Extends expiration date of certain permits pursuant to "Permit
Extension Act of 2008."