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
NJBA supports 25% fee increase
NJBA opposes fees for pre-application conferences
• 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
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
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”.
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
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
“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
• 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