

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

March 3, 2011

SENATE BILL NO. 483
(Second Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 483 (Second Reprint) with my recommendations for reconsideration.

This legislation would expand the current standards governing eligibility for general development plan approvals, which allow for long-term vesting of preliminary and final site plan approvals. Under current law, these approvals are restricted to projects of 100 acres or more in size. This legislation would expand general development plan approval to any project that consists of at least 150,000 square feet of nonresidential floor area or at least 100 residential dwelling units.

While I support the sponsors' intent to expand the projects that will be eligible for general development plan approval, I believe that this legislation should be amended to allow for similar mixed-use projects to qualify for general development plan approval. Mixed-use development projects allow for a complementary mix of uses within a development, which tends to encourage efficient usage of land. These projects provide many benefits to the local community, such as maximizing use of public infrastructure, providing a variety of transportation options, and increasing neighborhood development.

Given the various societal benefits of these projects, I see no compelling reason why a mixed-use project should not be afforded the same benefits as single use projects under this bill. Accordingly, I am returning this legislation with my recommendation that this bill be amended to allow mixed-use projects to be authorized for general development plan approval,

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provided they are equivalent to the thresholds established for pure residential and commercial projects under this bill.

This legislation would also require that these newly eligible projects must be located in certain designated "smart growth areas" to qualify for general development plan approval. While there has been widespread support for this legislation, there has been substantial dispute regarding the appropriate definition of "smart growth area". I believe that the requirement that a project be located in a "smart growth area" is extraneous. Under this bill, municipalities would still retain discretion over appropriate land use within their borders, and general development plans merely serve to provide a discretionary vehicle to the municipality for development that is otherwise permissible. Given this municipal discretion, there is no compelling reason why general development plan approval should not be allowed in any municipality that believes such approval to be appropriate. As such, I am also returning this legislation with my recommendation that it be revised so that a general development plan approval may be awarded in any municipality, in order to ensure that a "smart growth area" limitation does not serve to forestall any development that is otherwise deemed appropriate by a host municipality.

Accordingly, I herewith return Senate Bill No. 483 (Second Reprint) and recommend that it be amended as follows:

Page 2, Title, Line 2: Delete "in Smart Growth areas"

Page 2, Section 1: Delete Section 1 in its entirety

Pages 2-4, Section 2: Delete Section 2 in its entirety

Page 4, Section 3, Line 39: Delete "3." and insert "1."

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Page 5, Section 3, Lines 1-2:

Delete ", located in a smart growth area,"

Page 5, Section 3, Line 6:

After "dwelling units" insert ", or consisting of a combination of square feet of nonresidential floor area and residential dwelling units, which when proportionately aggregated at a rate of 1,500 square feet of nonresidential floor area to 1 residential dwelling unit, are equivalent to at least 150,000 square feet of nonresidential floor area or 100 residential dwelling units,"

Page 5, Section 4, Line 19:

Delete "4." and insert "2."

Page 6, Section 4, Lines 41-42:

Delete "in a smart growth area"

Page 6, Section 4, Line 44:

After "units," insert "or consisting of a combination of square feet of nonresidential floor area and residential dwelling units, which when proportionately aggregated at a rate of 1,500 square feet of nonresidential floor area to 1 residential dwelling unit, are equivalent to at least 150,000 square feet of nonresidential floor area or 100 residential dwelling units,"

Page 7, Section 5, Line 16:

Delete "5." and insert "3."

Page 8, Section 5, Lines 28-29:

Delete "in a smart growth area"

Page 8, Section 5, Line 31:

After "units," insert "or consisting of a combination of square feet of nonresidential floor area and residential dwelling units, which when proportionately aggregated at a rate of 1,500 square feet of nonresidential floor area to 1 residential dwelling unit, are equivalent to at least 150,000 square feet of nonresidential floor area or 100 residential dwelling units,"

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Page 8, Section 6, Line 47:

Delete "6." and insert "4."

Respectfully,

/s/ Chris Christie
Governor

[seal]

Attest:

/s/ Jeffrey S. Chiesa

Chief Counsel to the Governor