

General Framework of Planning Regulations in the State of New Jersey:

The New Jersey County Planning Enabling Act of 1935 (C.40:27) empowers Counties in the State of New Jersey with the ability to establish County Planning Boards and charges those Boards with the responsibility of making and adopting a master plan for the “physical development of the county” (N.J.S.A. 40:27-2). The purpose of the plan is to establish a general frame of reference for use by the County and its municipalities in their respective land use decision making authorities in order to promote and sustain a balance between the natural and built environments. Per the statute, issues such as land preservation, public spaces, agriculture, transportation infrastructure, and land development can be included in the Plan, or can be adopted as separate elements of the overall plan. In addition to the master plan, Counties with County Planning Boards can also elect to adopt and establish an official county map, “showing the highways, roadways, parks, parkways, and sites for public buildings or works, under county jurisdiction” in order to “conserve and promote the public health, safety, convenience, and welfare. (N.J.S.A. 40:27-5). Collectively, the Master Plan and the Official Map represent the County government’s overall broad vision for the future development and redevelopment of the County, placing the County in the role of bringing a regional perspective to issues that cross municipal borders.

The County Planning Enabling Act also sets forth the jurisdiction and process of review of the County Planning Board over development proposals for subdivisions (N.J.S.A. 40:27-6.2), and site plans (N.J.S.A. 40:27-6.6), with the ultimate purpose of “assuring a safe and efficient county road system”. Included in these provisions are the ability for the County to require performance or maintenance guarantees, dedication of rights of way or easements, and coordination of the respective review processes with the municipal land use board(s).

In the State of New Jersey, the overwhelming majority of land use decision-making powers rest in the hands of the municipalities, as vested in them by the Municipal Land Use Law (N.J.S.A. 40:55D et seq). In contrast to the responsibilities of County Planning Boards, municipal planning and zoning boards are granted a broad scope of authority related to land use. The Municipal Master Plans, per N.J.S.A.40:55D-28, “shall generally comprise a report of statement and land use and development proposals”, with supporting documentation to address at a minimum: “1) A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based”; and 2) A land use plan element which includes the identification of the pertinent natural and built environments within the community with respect to the statement in item 1 above. There are also 10 other elements of a Master Plan that are recommended, when appropriate: housing; circulation; utility service plan; community facilities plan; recreation plan; conservation plan; economic plan; and historic preservation plan.

In addition to the requirements for municipal Master Plans, the Municipal Land Use Law also provides detailed directives on the authorities of the Planning Board and Zoning Boards and review of applications for subdivisions, site plans, variances, and related issues. The MLUL also provides specific

instances where coordination with the County Planning Board is required, including review of subdivisions, provision of local Master Plans and zoning ordinances to the County, and matters related to the County Agriculture Development Board.

Planning in Cape May County

The Cape May County Planning was established in 1954 by act of the Cape May County Board of Chosen Freeholders. Among the initial undertakings of the Planning Board were the study of the County's land use patterns and economy. Ultimately, this work resulted in the adoption of the first County Comprehensive Plan in 1962. "A second Comprehensive Plan, initiated partly in response to the growing need for a regional wastewater treatment system, was adopted in 1976 and updated in 1978. In 1985, a third abbreviated plan was adopted to address issues such as the proposed New Jersey State Development and Redevelopment Plan and the Pinelands Preservation Act. In 1996, the Plan was amended for the fourth time in response to such issues as the Freshwater Wetlands Act (1989), the Wellhead Protection Program (1991), and the first adopted New Jersey State Development and Redevelopment Plan (1992).

The fifth edition of the Comprehensive Plan was developed by County Planning Staff in 2002, and was written to update policy issues from previous Plans, as well as to address issues that emerged between 1996 and 2002. These subjects included the 2000 U.S. Census, and the adoption of the New Jersey State Development and Redevelopment Plan (SDRP) in 2001. The SDRP adoption occurred after an extensive process of "cross-acceptance" and negotiations by Counties and municipalities throughout the State.

The SDRP remained a driving force for Planning in the State of New Jersey throughout the 2000's, resulting in changes and coordination with a number of State policies and regulatory programs. The County Planning Department provided technical assistance and support to our local communities, many of which elected to engage in the Centers Designation, and subsequently Plan Endorsement processes. The State developed a new streamlined Draft State Strategic Plan in the early 2010's, but the landfall of Hurricane Sandy in late October, 2012 derailed this process. Based on the devastation of the storm, as well as the implications of the Federal Emergency Management Agency's update of the Flood Insurance Rate Maps, the State elected to abandon the Strategic Plan efforts and move towards creating a document founded in the concepts of resiliency and sustainability-based planning. As of the date of this publication, the 2001 State Development and Redevelopment Plan is still considered to be the "current" statewide guidance document.