

1. Building permits and certificates of occupancy for project improvements constructed within the Fort Monmouth Project Area shall be issued by the appropriate code official of the host municipality, or by the New Jersey Department of Community Affairs, as per applicable laws and subject to the requirements of this subchapter.

2. The host municipality code official shall refer to the Authority for review by the Historic Preservation Advisory Committee all applications for building permits involving properties within the Fort Monmouth Project Area identified in the Programmatic Agreement as buildings required for preservation" or select historic properties, where the Authority mandatory conceptual review and site plan approval by the planning board are not required prior to the issuance thereof, and shall not issue such permit prior to receiving the results of that review.

19:31C-3.20 Site plan and subdivision applications; mandatory conceptual review

(a) The Authority shall be an interested party entitled to notice in connection with all hearings of any local planning board relating to applications for development of land within 200 feet of the boundary of the Fort Monmouth Project Area.

(b) The following concern applications for site plan and subdivision approval:

1. All non-exempt development or redevelopment within the Fort Monmouth Project Area shall require site plan and/or subdivision approval.

2. Applications for subdivision approval and site plan approval in connection with development within the Fort Monmouth Project Area shall be submitted to the planning board of the host municipality in which the development parcel is located, and where and to the extent required pursuant to the County Planning Law, *N.J.S.A. 40:27-1* et seq., to the County planning board, for review and approval.

3. The Authority shall be an interested party entitled to notice in connection with all local planning board hearings relating to applications for development of land within the Fort Monmouth Project Area.

4. An application for development within the Fort Monmouth Project Area may not be deemed complete by a planning board until the planning board has received the Authority's written determination as to the results of its mandatory conceptual review pursuant to (c) below.

5. It shall be a condition of each final site plan or subdivision approval granted by the planning boards that the developer shall have entered into a redevelopment agreement with the Authority or EDA as designated redeveloper for the project that is the subject of the application, unless the project is exempt from the requirement of a redevelopment agreement pursuant to *N.J.A.C. 19:31C-3.24(b)*.

6. Whenever a planning board shall make a land use decision pursuant to this subsection, a copy of the approved plans and of the memorializing resolution and all accompanying exhibits or reports incorporated by reference in the resolution shall be provided to the Authority, within not more than 10 working days following the adoption of the memorializing resolution.

(c) The following concern mandatory conceptual review (MCR) of site plan and subdivision applications by the Authority:

1. Prior to or simultaneous with submitting an application for subdivision or site plan approval to the planning board (or to the County planning board, if such submission is made prior to submission to the planning board), the application shall be submitted to the Authority for MCR.

2. The application for MCR shall consist of the following. Where the application involves a minor subdivision or minor site plan, the Authority, in its discretion and upon written request of the applicant, may waive one or more of the submission requirements in (c)2ii, iii, or iv below, where strict compliance therewith is impractical or not necessary in order for the Authority to perform the MCR.

i. A properly completed and signed Authority application form, which shall request the following information:

(1) The applicant's name and address;

(2) Identification and the location of the property that is the subject of the application, by municipal block and lot number if available, or by the Authority parcel designation;

(3) If the applicant is not the property owner, the property owner's name and address as well as the property owner's authorization for the application;

(4) What approvals the applicant seeks from the host municipality and/or the County;

(5) A brief description of the proposed development;

(A) For residential developments, the project description shall include a statement of how the project meets the affordable housing requirements set forth in *N.J.A.C. 19:31C-3.23*;

(B) If the proposed residential development does not satisfy the affordable housing requirements set forth in *N.J.A.C. 19:31C-3.23*, the application shall include a detailed explanation of the applicant's position as to economic feasibility and documentation in support thereof (including, but not limited to, a project pro forma and market studies);

(6) A list of all variances and design exceptions requested;

(7) A list of all buildings required for preservation or select historic properties as defined in the Programmatic Agreement, if any, included within or impacted by the project, and as to each whether any required NJSHPO referral has been made. Where NJSHPO referral is required, an application for MCR may be deemed incomplete in the absence of such referral;

(8) A list of all open space or other environmental features, if any, listed in the natural resources inventory which are included within or impacted by the project;

(9) The names and contact information of all professionals representing the applicant;

(10) If the applicant is seeking subdivision approval, a brief description of the parent parcel and of the proposed lots;

(11) A chronological list of all prior Authority actions taken or approvals granted, and land use approvals granted by the host municipality, if any, for the subject property;

(12) Any other supplemental information requested or required by the Authority; and

(13) Payment of the MCR application fee pursuant to *N.J.A.C. 19:31C-3.28(b)1* and the posting of the MCR escrow deposit pursuant to *N.J.A.C. 19:31C-3.28(b)2*;

ii. The complete subdivision approval or site plan approval application submitted or to be submitted to the host municipality (or to the County, as the case may be), together with any application submission requirement waiver requests submitted or to be submitted to the planning board by the applicant;

iii. The architectural elevations of the proposed project, if not already included in the application pursuant to the host municipality's regulations; and

iv. A written statement by the applicant as to the application's relationship to each of the evaluation criteria set forth in (c)5 below, including, where variances or design exceptions are requested, a brief statement of the grounds on which the applicant believes the variances or exceptions may be granted, and a brief description of the consequences to the applicant and property owner if the variances or exceptions are denied.

3. Upon receipt of a complete application, the Authority staff shall conduct the MCR. Such conceptual review by the Authority staff shall be completed within 45 days of the Authority's receipt of the complete application, or within such later time period agreed to by the applicant, unless accompanied by a request for a use-type variance, in which case the time periods applicable to the determination of a request for a use-type variance set forth in *N.J.A.C. 19:31C-3.21* shall apply.

4. The Authority staff shall review each application to determine whether one or more use-type variances or an amendment to the Reuse Plan may be required. If the Authority staff determines that a use-type variance or an amendment to the Reuse Plan is required, the planning board shall not have jurisdiction over the subdivision application or site plan application until the applicant obtains approval from the Authority for the required use-type variances or an amendment to the Reuse Plan.

5. In addition to determining whether use-type variances may be required, in conducting the MCR the Authority staff may evaluate the application for, and express the Authority's position as to, each of the following criteria, if and as applicable to the application under consideration:

i. The need and justification for, and desirability of, any bulk and area-type variances requested by the applicant or that the Authority identifies as being required;

ii. Adequacy of access to and egress from the subject property, the impact of the proposed project on the existing roadway system within the Fort Monmouth Project Area boundaries, the relationship of the proposed project to the existing municipal or County roadway system, and the need for roadway improvements, relocations or modifications;

iii. Availability and adequacy of water, sewer, gas, electric, and telecommunications utilities, potential impacts of the proposed project on existing utilities infrastructure within the Fort Monmouth Project Area, the relationship of the project to the existing municipal or other utilities systems, and the need for infrastructure improvements or modifications;

iv. The need for and existence or availability of easements in connection with access and utilities;

v. Architectural and aesthetic review; and

vi. Any other aspect of the project that, in the opinion of the Authority is relevant to the successful redevelopment of the Fort Monmouth Project Area, including, but not limited to, the potential impacts of the proposed project on future redevelopment within the Fort Monmouth Project Area.

6. Where an application involves buildings required for preservation or select historic properties as defined in the Programmatic Agreement, the Authority shall provide a copy of the application for MCR to the Historic Preservation Advisory Committee for its review pursuant to (d) below. The results of the Historic Preservation Advisory Committee's review shall be included or incorporated into the written report of the results of the Authority's MCR.

7. A copy of each application for MCR shall be provided to the Environmental Advisory Committee, for informational purposes. Where the application involves open space to be preserved or sensitive environmental features identified in the natural resources inventory, the Authority shall request that the Environmental Advisory Committee review the application pursuant to (e) below. The results of the Environmental Advisory Committee's review shall be included or incorporated into the written report of the results of the Authority's MCR.

8. The results of the Authority's MCR will be communicated to the applicant and the planning board in writing. Except to the extent the jurisdiction of the planning board is restricted as provided in (c)4 above with regard to use-type variances or a Reuse Plan amendment, the MCR does not in any way obviate or supersede site plan or subdivision approval by the planning board (or, where applicable, the County planning board).

9. If following the completion of the MCR the application is materially modified or revised, notice of such modifications or revisions shall be provided to the Authority, and the Authority, by written notice to the planning board and the

applicant, may require additional or supplemental conceptual review, if the Authority determines that such modifications or revisions materially and negatively alter the assumptions on which conceptual review was based.

(d) **The following concern the Authority's Historic Preservation Advisory Committee:**

1. The Authority's Historical Preservation Advisory Committee shall be the exclusive historic preservation commission, as established pursuant to section 21 of P.L. 1985, c. 516 (*N.J.S.A. 40:55D-107*), for all land use matters and approvals within the Fort Monmouth Project Area.

2. The Authority shall provide to the Historical Preservation Advisory Committee for its review a copy of each application for mandatory conceptual review that involves buildings required for preservation or select historic properties as defined in the Programmatic Agreement.

3. The Programmatic Agreement is not reproduced in this subchapter, but a current copy of the Programmatic Agreement shall be kept in the offices of the Authority.

4. The Historic Preservation Advisory Committee shall review the proposed project for consistency with the requirements of the Programmatic Agreement and any applicable preservation covenants required thereunder. The results of the Historic Preservation Advisory Committee's review may be incorporated in a resolution of the Committee or in the Committee's minutes, or in a written report of the Committee, at the Committee's discretion. The Historic Preservation Advisory Committee's review shall constitute part of and be coordinated with the timing of the Authority's mandatory conceptual review, so that the results and report thereof, if any, may be included or incorporated into the written report of the results of the Authority's mandatory conceptual review.

5. As required pursuant to *N.J.A.C. 19:31C-3.19(e)2*, the Historic Preservation Advisory Committee shall review and report on applications for building permits for properties identified in the Programmatic Agreement as buildings required for preservation or select historic properties, in all situations where the Authority mandatory conceptual review and site plan approval from the planning board are not required prior to issuance of the permit. The Authority shall report the results of the Historic Preservation Advisory Committee review of such permit application in writing to the host municipality code official who submitted the request for review, within 45 days of the Authority's receipt of the request. Failure of the Historic Preservation Advisory Committee to render a report within the 45-day period shall be deemed to constitute a report in favor of issuance of the permit and without the recommendation of conditions to the permit.

6. Meetings of the Historic Preservation Advisory Committee as part of the Authority's mandatory conceptual review of a project shall be conducted in accordance with the Senator Byron M. Baer Open Public Meetings Act, P.L. 1975, c. 231 (*N.J.S.A. 10:4-6 et seq.*).

(e) **The following concern the Authority's Environmental Advisory Committee:**

1. The Authority's Environmental Advisory Committee shall be the exclusive environmental commission, as established pursuant to P.L. 1968, c. 245 (*N.J.S.A. 40:56A-1 et seq.*), for all land use matters and approvals within the Fort Monmouth Project Area.

2. The Authority shall provide to the Environmental Advisory Committee an informational copy of each application for mandatory conceptual review. Where the application involves open space to be preserved or other environmental features to be preserved or protected as identified in the natural resources inventory, the Authority shall request the Environmental Advisory Committee's review of the application.

3. The natural resources inventory shall be prepared by the Authority staff, giving due consideration to the Reuse Plan and the natural resource inventories, if any, of the host municipalities, and approved by the FMERA Board. A current copy of the natural resources inventory shall be kept in the offices of the Authority.

4. The Environmental Advisory Committee shall review the proposed project for impacts upon the open space parcels and other environmental features to be protected or preserved as identified in the natural resources inventory (or prior to the completion thereof, in the Reuse Plan). The results of the Environmental Advisory Committee's review may be in-