

## A word on State agency requirements

Once the local reviewing board approves a development proposal, a project must still comply with all county and State agency requirements. In many cases, final site plan approvals are conditioned on an applicant meeting all outside agency requirements and obtaining all necessary permit approvals.

Many rules implemented by the New Jersey Department of Environmental Protection, [Division of Land Resource Protection \(DLRP\)](#), and its more-recently created [Watershed and Land Management Program \(WLM\)](#), will have a direct and measurable impact on the layout, design, and feasibility of a project. Environmental site constraints (e.g., Freshwater Wetlands, Flood Hazard Areas, etc.), location (e.g., within the Coastal Zone Management Area, etc.), and any encroachments into regulated areas may affect the final design of the project.

In addition, several environmental land use, regulatory programs, and rules within DEP have been or are in the process of being modernized to respond to environmental justice and climate change concerns by considering risks such as the sea-level rise and chronic flooding. These updates also aim to facilitate climate resilience by supporting green infrastructure and strengthening air pollution rules to help reduce future greenhouse gas emissions, particularly in overburdened communities.

With these changes in mind, warehouse development applicants should be encouraged to request a pre-application conference with the DLRP at the conceptual stage of a project's site plan process to understand what permit approvals may be necessary, clarify design conflicts, determine regulatory compliance, and determine if any unforeseen regulatory issues might be discovered. The DLRP may also provide recommendations for design changes that would help to minimize disturbance in environmentally sensitive areas and help the project achieve compliance with the regulations.

The New Jersey Department of Transportation (NJDOT) is responsible for freight planning activities encompassing all modes of freight distribution, including [highway](#), [rail](#), [water](#), and [aviation](#). This includes the gathering of data on all modes, especially trucks, to inform NJDOT on the best use of resources for the maintenance of the state's road and bridge infrastructure. NJDOT manages and oversees numerous freight planning studies and research projects, such as the [2017 New Jersey Statewide Freight Plan](#), released and approved by FHWA under the current guidelines of the [Fixing America's Surface Transportation Act](#) (FAST) of 2016. NJDOT also collaborates with other transportation agencies on studies, projects, and other public and private initiatives, such as the [State Rail Plan](#) with NJ TRANSIT.

Applicants seeking traffic access to state roadways/highways and transportation infrastructure must submit applications for access to NJDOT. Access applications with fewer than 500 daily trips are considered minor, while those with more than 500 are considered major. Roadway designers should also consult the code to determine access requirements for design plans. Applicants should likewise, be encouraged to conduct a Lot Conformance Analysis as this study can determine the extent to which development will be limited by the NJDOT. This analysis is a study of the amount of traffic that will be permitted to access a state road from a site and which traffic movements will be allowed. It considers a number of factors including roadway speeds, amount of frontage along the roadway, size of the site, etc. Applicants can then

schedule an informal Pre-Application Meeting with NJDOT to confirm the results of the Lot Conformance Analysis and the allowable movements out of a site driveway and onto a state highway. There is no fee charged by the NJDOT for these meetings, all that is required is a conceptual layout plan and initial calculations from a traffic engineer.

In all cases, applicants should perform due diligence prior to submission of a subdivision and/or site plan application. This includes involving county planning, engineering, and the NJDOT early on, and before local permits are issued. Local approvals do not guarantee that county and state permits will be granted. Many developers make significant investments only to find out that a county and/or Minor or Major NJDOT Access Permit either cannot be granted quickly or accommodated. For further guidance and rules governing access to state roadways, see the [New Jersey State Highway Access Management Code](#). Anyone who needs to do business with NJDOT can do so from the [Doing Business website](#).

Municipalities can also seek guidance and technical assistance by pursuing or renewing petitions for [Plan Endorsement by the State Planning Commission \(SPC\)](#). Plan Endorsement is a voluntary review process with specific requirements designed to ensure consistency in achieving the goals and policies of the State Development and Redevelopment Plan. The endorsement process expands upon the minimum requirements of the MLUL by incorporating several planning priorities of increased State emphasis, including enhanced measures to address climate resilience, greenhouse gas emissions reduction, smart growth, Complete and Green Streets, sustainability, environmental justice, and social equity. Upon endorsement, the municipality may be entitled to financial and other incentives such as enhanced scoring for grant funding, low-interest loans, technical assistance, and coordinated regulatory review among the State agencies that will assist in making its endorsed plan a reality.

Other State agencies can assist with planning services such as Local Planning Services in the [Department of Community Affairs](#) and the [Department of Agriculture](#).