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**PUBLIC NOTICES**

**LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
NEW JERSEY STATE BOARD OF ARCHITECTS  
NEW JERSEY STATE BOARD OF PROFESSIONAL ENGINEERS  
AND LAND SURVEYORS  
NEW JERSEY STATE BOARD OF PROFESSIONAL PLANNERS**

**N.J.A.C. 13:27-7.3, 13:40-7.3, and 13:41-4.3**

**Notice of Receipt of Petition for Rulemaking**

**Preparation of Site Plan**

Petitioner: New Jersey Chapter of the American Society of Landscape Architects

**Take notice** that on April 4, 2013, the New Jersey State Boards of Architects, Professional Engineers and Land Surveyors, and Professional Planners received a petition for rulemaking from Richard W. Gaeckle, Esq., counsel for petitioner, the New Jersey Chapter of the American [page=1191] Society of Landscape Architects (NJASLA), a professional organization that is a chapter of the American Society of Landscape Architects national organization.

The petitioner requests an amendment to the current rules at N.J.A.C. 13:27-7.3, 13:40-7.3, and 13:41-4.3, which comprise what is commonly and collectively known as the Site Plan Rule (Site Plan Rule). The petitioner seeks to have the Site Plan Rule amended to permit landscape architects to locate proposed buildings and their relationship to the site and the immediate environs as part of a site plan. Under the current rule, only architects or engineers may locate proposed buildings and their relationship to the site and immediate environs on a site plan. Additionally, the petitioners seek a new rule permitting landscape architects, as well as architects and engineers, to include the grading of land and water forms, natural drainage and determination or related impacts, assessments, and problems of land disturbance including erosion and sedimentation, blight, or other hazards as part of the preparation of a site plan.

The petitioner believes that the proposed amendments are not only consistent with, but are explicitly permitted by, N.J.S.A. 45:3A-2, the enabling statute for the practice of landscape architecture. The petitioner submits that the proposed location and arrangement of "tangible objects" must be read to include buildings. Noting that the statute specifically discusses the

purpose of landscape architectural services as addressing the settings, approaches, and environment for structures and improvements, the petitioner argues that it would be difficult to address such site concerns without the ability of a landscape architect to depict the proposed location of "tangible objects" such as buildings. The petitioner also notes that prior to the 2008 amendments to the enabling statute, landscape architects were permitted to depict the "general" location of existing utilities, buildings, or structures on a site plan, as well as the general layout of a conceptual site plan for a multiple building project showing development elements and the relationship to the site and immediate environs. The petitioner believes that the Legislature, in amending the enabling act, intended to bring the practice of landscape architecture squarely within the permissible scope of N.J.A.C. 13:27-7.3(a), allowing landscape architects to include the location of proposed buildings and their relationship to the site and immediate environs on a site plan. The petitioner submits that the legislative history relating to 2008 amendments of the enabling statute support this position.

With respect to the new rule sought by the petitioner, the petitioner believes that it is beyond debate that functions of grading, natural drainage, land disturbance, erosion and sedimentation, blight, or other hazards fall squarely within the permissible scope of the practice of landscape architects, engineers, and architects. However, petitioner's membership has reported instances where local officials have refused to accept site plans from landscape architects where grading and natural drainage has been included because such authority is not specifically granted to landscape architects in the Site Plan Rule.

The full text of the petitioner's suggested amendments follow:

N.J.A.C. 13:27-7.3(a), 13:40-7.3(a), and 13:41-4.3(a) shall be amended to include "landscape architect" as a permitted professional as follows (additions in boldface, deletions in brackets):

The location of proposed buildings and their relationship to the site and the immediate environs: By an architect, [or] engineer [.] **or landscape architect.**

N.J.A.C. 13:27-7.3, 13:40-7.3, and 13:41-4.3 shall be amended to include a new rule as follows:

**The grading of land and water forms, natural drainage and determination of related impacts, assessments, and problems of land disturbance including erosion and sedimentation, blight, or other hazards: By an architect, engineer or landscape architect.**

In accordance with N.J.A.C. 1:30-4.2, the Board shall subsequently mail to the petitioner, and file with the Office of Administrative Law, a notice of action on the petition.