

TOWNSHIP OF UPPER DEERFIELD

RESOLUTION 11-227

**RESOLUTION OPPOSING S-2950 AND A-4128,
WHICH WOULD ALLOW FOR MODIFICATION TO LAND USE
APPROVALS BECAUSE OF CHANGED ECONOMICS**

WHEREAS, S-2950 and A-4128 provide a two-year window in which any development approval granted before 2006 or now in foreclosure or subject to a deed in lieu can apply for, and receive approval for, a use which is not permitted by ordinance, without the need for a use variance or otherwise complying with the zoning ordinance of the municipality; and

WHEREAS, a fundamental premise of land use law and sound planning is that land use decisions, including approvals of development applications and zoning, are made on the basis of the characteristics of the land, its environment, any unique characteristics, and what is in the best interest of the public, and not based on who happens to own the land; and

WHEREAS, S-2950 and A-4128 also establishes an expedited approval process, requiring the land use board to determine completeness of the application within 30 days, and then 60 days from the determination of completeness to rule on the application; and

WHEREAS, this time frame is insufficient considering what may be proposed, and it is inequitable to require an expedited process for a proposed “adaptive application” while other pending applications are accorded lower priority; and

WHEREAS, S-2950 and A-4128 put no standards in place for the local land use board to apply, other than proof that the approval is no longer economically viable, which is inadequately defined; and

WHEREAS, the lack of standards would expose any approval or denial by the municipality to possible legal challenge;

NOW, THEREFORE, BE IT RESOLVED by the Township of Upper Deerfield that enactment of S-2950 and A-4128 would usurp, undermine, and overturn local zoning by effectively rescinding all applicable zoning of the property, and provide no adequate public safeguards; and

BE IT FURTHER RESOLVED, the Governing Body of the Township of Upper Deerfield strongly opposes S-2950 and A-4128; and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the Governor of the State of New Jersey, Assemblyman Daniel R. Benson, Assemblyman Michael Patrick Carroll, Assemblywoman Celeste M. Riley, members of the Senate Community and Urban Affairs Committee, the members of the Assembly Housing and Local Government Committee, Senator Steven Oroho, Assemblyman Albert Coutinho and the New Jersey State League of Municipalities.

Moved By: John T. O'Neill, Sr.

Seconded By: John Daddario

VOTING

Bruce T. Peterson.
James P. Crilley
John L. Daddario
John T. O'Neill, Sr.
Scott Smith

<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
X			
X			
X			
X			
X			

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Township Committee of the Township of Upper Deerfield, in the County of Cumberland, at a meeting thereof held September 15, 2011.

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