Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

http://www.bloomfieldtwpnj.com

Meeting: 06/13/22 07:00 PM

2022 RESOLUTION RESOLUTION OF SUPPORT

RESOLUTION: OPPOSING A-1294/S-2103 AND URGING THAT SUCH LEGISLATION NOT ADVANCE FURTHER

WHEREAS, local officials, because of their peculiar knowledge of local conditions, are in the best position to determine land use and zoning regulations; and

WHEREAS, this peculiar knowledge is used to develop a Municipal Master Plan, which is adopted with the goal of promoting the health, safety, and welfare of the public, and only after careful and thoughtful consideration by local officials for its compatibility and consistency with other state, county and regional plans, such as the State Development and Redevelopment Plan, the Coastal Area Facility Review Act, the Highlands Water Protection and Planning Act, the Pinelands Protection Act, the County Solid Waste Management Plan and Water Quality Management Plan; and

WHEREAS, the Municipal Master Plan guides the determination to designate land use and zoning districts, which help effectuate the careful development plans and goals outlined within the Master Plan; and

WHEREAS, the Municipal Land Use Law lays out a comprehensive system allowing for and detailing the process in which applicants for development may seek to deviate from these careful and deliberate land use and zoning regulations through the municipal planning board's review of a variance; and

WHEREAS, consideration of a land use variance is done by local officials, taking into account the variety of circumstances including the proposed deviation's impacts on the goals of the Master Plan; and

WHEREAS, the Local Redevelopment and Housing Law provides municipalities with substantial tools to support the redevelopment of blighted sites, including the creation of site specific redevelopment plans and numerous financial incentives; and

WHEREAS, legislation, A-1294/S-2103, has been introduced that would preempt local control over land use and zoning regulations, allowing certain qualifying office park and retail center properties to be permitted, as of right, to redevelop as a mixed-use development, not requiring a use variance; and

WHEREAS, A-1294/S-2103 requires a planning board approve an application for development to convert and eligible property to a mixed-used development unless the application causes "substantial detriment to the public good" and "substantially impair[s] the intent and purposes of the zone plan and zoning ordinance", a vague standard that may be difficult if not impossible to overcome; and

WHEREAS, A-1294/S-2103 may interfere with municipalities implementing alternative visions for the redevelopment of office park and retail center properties, including as industrial sites, parkland, or sites for needed infrastructure; and

WHEREAS, A-1294/S-2103 would interfere with existing and potential Redevelopment Plans that were specifically developed to address office park and retail center properties; and

WHEREAS, A-1294/S-2103 does not take into account conditions such as flooding and future climate risk that may impact the suitability of a site for mixed-use development; and
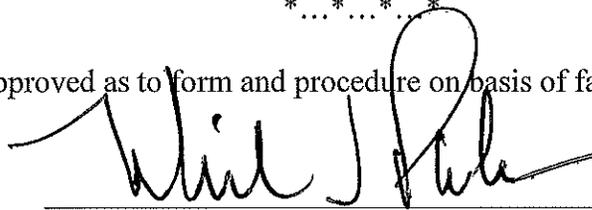
WHEREAS, this top-down approach, eliminating local land use planning regulations undermines the recognized benefits of municipal land use regulation, without providing the appropriate review for deviation as outlined within the Municipal Land Use Law.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Bloomfield in the County of Essex opposes this legislation, and urges our representatives to not advance further A-1294/S-2103; and

BE IT FURTHER RESOLED, that a copy of this Resolution be forwarded to Governor Murphy, Senate President Scutari, Assembly Speaker Coughlin, Senator Rice, Assemblywoman Tucker, Assemblyman Caputo, and the League of Municipalities.
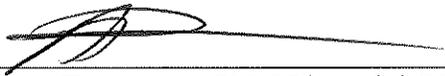
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Approved as to form and procedure on basis of facts set forth.

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Director of Law-Township Attorney

I do hereby certify that the funding will be legally appropriated per the above information for the purpose specified in the attached contract. Furthermore, it has been represented to me that the contracts have been processed in accordance with the applicable provisions of New Jersey Local Public Contract Law and the Code of the Township of Bloomfield.

_____
Temporary Chief Financial Officer

I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on June 13, 2022.

_____
Municipal Clerk of the Township of Bloomfield

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Mayor of the Township of Bloomfield

✓ Vote Record – Resolution			Yes/Aye	No/Nay	Abstain	Absent
☐ Adopt						
☐ Deny	Jenny Mundell		☑	☐	☐	☐
☐ Withdrawn						
☐ Table	Nicholas Joanow		☑	☐	☐	☐
☐ Not Discussed	Sarah Cruz		☑	☐	☐	☐
☐ First Reading						
☐ Table with no Vote	Wartyna Davis		☑	☐	☐	☐

☐ Approve	Ted Gamble		☑	☐	☐	☐
☐ Veto by Mayor						
☐ Discussion	Richard Rockwell		☑	☐	☐	☐
☐ Defeated	Michael J. Venezia		☑	☐	☐	☐
☐ Discussion No Vote						