

State Development and Redevelopment Plan – Public Information Meetings

On December 6, 2024, the New Jersey State Planning Commission published the Draft Preliminary State Development and Redevelopment Plan. This action launched the Cross-acceptance process, a statutorily mandated (15:30-3.1 (c)) public process for comparing and negotiating local, county, regional, and state agency plans with each other, and with the Draft Preliminary State Development and Redevelopment Plan.

The State Planning Commission will host a public meeting in the 21 counties between February 12 and April 16. The purpose of these public meetings is to educate the public on how the Cross acceptance process will work and to give members of the public, state, local, and county officials, and all other interested parties an opportunity to learn about, comment on, and discuss the proposed changes to the Draft Preliminary State Development and Redevelopment Plan. March and April dates have been announced. You can find the complete listing of dates, times, locations and even snow days at <https://www.nj.gov/state/bac/planning/> or at www.NJPO.org.

DATE/TIME	<u>LOCATION</u>
Mar. 10, 2025, 2-4 PM	Paterson
Mar. 11, 2025, 6-8 PM	Westampton Township
Mar. 13, 2025, 9:30-11AM	Toms River

Mandatory Courses for New Board Members Winter/Spring of 2025

All classes are virtual. You will need access to a computer for the entire five hours.

Monday, March 31	5:30 pm
Saturday, April 26	8:30 am
Saturday, May 31	8:30 pm
Monday, June 30	5:30 pm

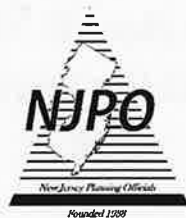
NJPO Lunch & Learn

Leadership from the Chair (April 25)

Mini Cox Symposium (May 16)
Ask land use attorneys any question!

Visit **www.NJPO.org** for registration

<u>DATE/TIME</u>	<u>LOCATION</u>
Mar. 13, 2025, 5-7 PM	Egg Harbor
Mar. 24, 2025, 6-8 PM	New Brunswick
Mar. 25, 2025, 6-8 PM	Sewell
Mar. 26, 2025, 2-4 PM	Cape May Court House
Mar. 28, 2025, 2-4 PM	Newton
Mar. 31, 2025, 6:30-8:30 PM	Freehold
Apr. 1, 2025, 12-2 PM	Hackensack
Apr. 9, 2025, 5-6:30 PM	Jersey City



THE NEW JERSEY PLANNING OFFICIALS
The Association of Planning Boards & Zoning Boards of Adjustment
Founded in 1938

The New Jersey Planner is the official membership publication of The New Jersey Planning Officials Inc., published six times a year for over 9,000 local planning and zoning board members, elected officials, and professionals. Membership inquiries invited. Founded in November 1938, NJPO is non-profit 501(c)3 tax-exempt organization and, since 1939, an affiliate of the NJ State League of Municipalities.

P.O. Box 7113
Watchung, NJ 07069
908-412-9592; FAX 908-753-5123
E-mail: njpo@njpo.org
<http://www.NJPO.org>

President: Thomas "T.C." McCourt
Vice President: Roger Steedle
Treasurer: John Papietro
General Counsel: Michele Donato, Esq.
Executive Director: Jason L. Kasler, AICP, PP

The opinions expressed in "The New Jersey Planner" are not those of New Jersey Planning Officials. Rather, they reflect the opinions of the authors themselves. Articles or information appropriate for The Planner should be submitted to the address listed above. Summaries of court decisions are intended only to guide and inform, not to serve as legally reliable interpretations of court opinions. Readers are urged to consult the full text of court decisions and rely upon legal counsel for interpretation.

A Legacy of Service New Jersey's Longest Serving Planning Board Member

In an era where community engagement and urban planning are more crucial than ever, one individual stands out for their extraordinary commitment to local governance.

Julius Lauber, Jr. serving for 63 years, has become a cornerstone of the Planning Board in the Borough of Franklin Lakes, New Jersey. This article explores his journey, contributions, and the impact of his work on the community.

While serving unselfishly for 63 years on the Planning Board (Chairman for 18 years, Vice Chairman for 27 years, and a member for the remainder), Julius served on many committees, coached several sports teams, served as President of the Passaic County Engineering Society and President of the Franklin Lakes Republican Club.

When asked what made him want to join the Planning Board, he replied, "My dad had been talking about it and I just liked what they were doing. They were building things and that was what I was good at."

Better said, his background in construction and as a Civil Engineer made him the ideal candidate to provide a hands on approach to town infrastructure problems.


Julius participated in the orderly growth of the Borough from a small town to the great place it is today by challenging the applicants to prepare the very best plans they could. He participated in numerous Master Plans that continue to define the character of the Borough.

Early in his tenure he oversaw the development of the IBM property in the 1960's that brought in a world-renowned company, substantial tax revenues and as important negated a major housing development. He was there when Becton Dickinson was developed and challenged the developer to make sure the building would not have a visual effect on surrounding properties. During his tenure he worked with seven mayors. As the Borough grew and faced problems of development Julius helped solve them in an equitable manner. He was there when the Mount Laurel decision was handed down in the 1970's and worked with the rules to meet the Borough's obligation but in a way that was not detrimental to the Borough. Apartment buildings were constructed but with careful consideration of density, setbacks and screening.

Urban Farms, the Borough's largest development, was administered during his time and Julius's input made it the great development it is. The development of the High Mountain Golf Course, a very large development, was accomplished in a manner that has not detracted from the beauty of the Borough. There are requirements for development that may seem small but are important such as requirements for building height being defined from existing grade, steep slope ordinances that limit uncontrolled building coverage, buffer zones and screening, all of which originated during Julius's time.

Julius and his wife Jan demonstrated their love for the town by riding around town and observing the developments. He would report to the Borough if he observed any inconsistencies. Jan was his "partner" and became an expert in understanding the Borough ordinances.

But maybe most important is that Julius as Chairman challenged board members to study and understand the




MASON, GRIFFIN & PIERSON, P.C.
Counsellors at Law | Since 1955
Resourceful. Responsive. Respected.

Over Sixty-five Years of Distinguished Legal and Municipal Experience

Affordable Housing Implementation • Open Public Records Compliance
Zoning & Land Use Litigation Defense • Sewer & Wastewater Management
Airport Regulations • Environmental Law
New Jersey Local Public Contracts Law

Edwin W. Schmierer, Esq., Local Government Practice Group
101 Poor Farm Road • Princeton, NJ 08540 • 609.921.6543 • www.mgplaw.com



*Environmental and Redevelopment Law,
Litigation & Climate Change Resiliency*

ANDREW M. BREWER, ESQ.
Partner

240 CEDAR KNOLLS ROAD, SUITE 301 TEL: (973) 912-9008
CEDAR KNOLLS, NJ 07927 DIRECT: (973) 912-6813
WWW.MFHLAW.COM E-MAIL: ABREWER@MFHENVLAW.COM



Matt Wanamaker, AICP, PP
Planning & Urban Design Division Manager
mwanamaker@pennoni.com

Pennoni
2 Aquarium Drive
Suite 320
Camden, NJ 08103
www.pennoni.com

T: 856-284-0062

applications. He led by example as he studied and understood the applications and could quote what was done on similar applications in the past. During one application, a question arose as to why a section of town had varying widths of roadways. Without missing a beat, Julius chimed in, "The developer walked the land with an excavator behind him, when there was a tree or something in the way, the road got smaller."

When it was time for him to step down as chairman in 1985, he did so without bitterness and worked with subsequent chairs just as hard as when he was the chair.

In summary, Julius had a major role in making Franklin Lakes the great town it is by his great knowledge of construction, hard work, attention to detail and most important his love for the town.

Julius Lauber, Jr.'s dedication to the Planning Board and the community of Franklin Lakes exemplifies the

importance of local governance. His unwavering commitment over 63 years serves as an inspiration to others in public service and sets a standard for future planning initiatives in New Jersey.

Jersey City residents can now receive food delivery via robots

If you live or work in downtown Jersey City, your next Uber Eats order may arrive via a sidewalk robot.

Now customers in Jersey City can choose a robot for their meal delivery. Before finalizing an order, customers have the option to decline the delivery robot and select a traditional courier instead.

As part of a multiyear partnership between Uber Eats and an autonomous vehicle startup company, Jersey City is set to be the first location on the East Coast to test robot food delivery.

Customers can use the Uber Eats app to track the robot's location in real-time and receive notifications upon its arrival. Once they are with the robot, they can tap "unlock" in the app to open the hatch and retrieve their order. According to Uber Eats, the robot will wait for up to 10 minutes at the delivery location, providing ample time for customers to collect their food.

Equipped with advanced software and cameras, these robots navigate city streets, and crosswalks, and avoid obstacles. According to the autonomous vehicle company, robots have a range of over 30 miles on a single charge, can travel at speeds of up to five miles per hour, and are designed to operate in all types of weather conditions.

BFJ Planning

PLANNING
URBAN DESIGN
ENVIRONMENTAL ANALYSIS
REAL ESTATE CONSULTING
TRANSPORTATION PLANNING

115 FIFTH AVENUE
NEW YORK, NY 10003
T. 212.353.7474
F. 212.353.7494
info@bfjplanning.com

www.bfjplanning.com

CHATHAM, NJ
contact: SUSAN FAYATE
T. 973.635.0904
s.fayate@bfjplanning.com

ricciplanning

Community Planning Consultants

Paul Ricci, AICP, PP
177 Monmouth Avenue
Atlantic Highlands, NJ 07716

908.642.0070 (p)
paul@ricciplanning.com

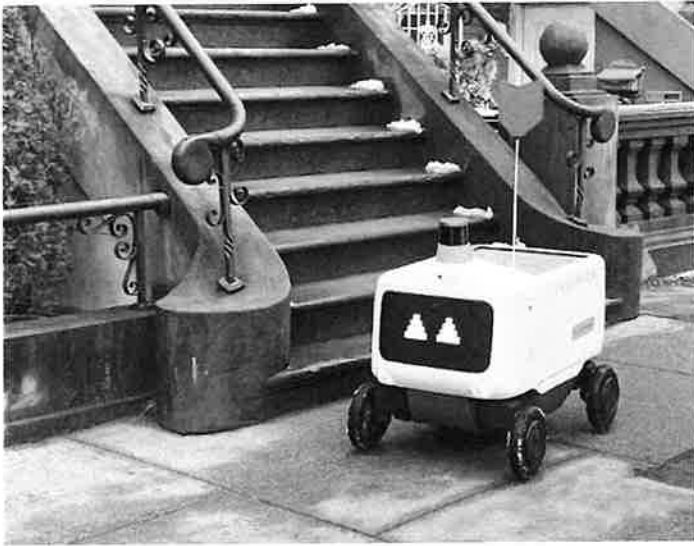
The trusted choice for business owners and professionals



Puharic
and Associates, Inc.
INSURANCE

LIABILITY
ERRORS
& OMISSIONS
WORKERS COMP
HEALTH
HOME & AUTO

PuharicAssociates.com Experience the difference, call today! 732.655.6200



The robot is roughly the size of a large suitcase, featuring six wheels and the capacity to carry up to 44 pounds of cargo in a specially designed hatch. The autonomous vehicle company has also emphasized privacy as the robot's cameras are programmed to blur faces and license plates.

Connecting Communities needs public input

The North Jersey Transportation Planning Authority (NJTPA) is updating its Long Range Transportation Plan, called *Connecting Communities*. This plan will set a vision for the future of transportation in the region and identify priority projects. The plan makes the region eligible for federal transportation funding. NJTPA staff are studying current trends and using computer models to predict changes up to the year 2050. This analysis will help shape the updated plan. The NJTPA Board is expected to adopt the plan in September 2025.

www.NJPO.org
Tel.: 908.412.9592

• Vol. 86 • No. 1 • Page 5 •
The New Jersey Planning Officials.

SINCE 1988

DAVISON
EASTMAN
MUÑOZ
PAONE
P.A.

RESPOND^{Law}
People • Property • Progress

COMMERCIAL REAL ESTATE
LAND USE • PERMITS • TITLE DISPUTES
RIPARIAN LAW • TIDELAND
ZONING & LITIGATION

Andrew J. Ball, Esq.
Alan L. Poliner, Esq.
Dennis M. Galvin, Esq.

732.462.7170 • RespondLaw.com

**PHILLIPS
PREISS**

Planning & Real Estate Consultants

**PHILLIPS
PREISS**

PHILLIPS
PREISS
GRYGIEL
LEHENY
HUGHES
NEC

PLANNING | LAND USE REGULATION | REAL ESTATE SERVICES

Hoboken, NJ | 201.420.6262 | www.phillipspreiss.com

ERIC M. BERNSTEIN & ASSOCIATES, L.L.C.
ATTORNEYS AT LAW

ERIC MARTIN BERNSTEIN, ESQ.


34 MOUNTAIN BLVD., BUILDING A
PO BOX 4922
WARREN, NEW JERSEY 07059

(732) 805-3360
Fax (732) 805-3346
embernstein@embaldaw.com
www.embaldaw.com

This plan is a comprehensive transportation plan that addresses future needs, prioritizes sustainability, accessibility, and innovation, and guides transportation investments in the region. The NJTPA is a metropolitan planning organization (MPO) that represents 13 counties in northern New Jersey.

Its board consists of elected officials from each county, representatives from state agencies, and other

stakeholders. MPOs are federally mandated to provide a forum for regional transportation planning.

The NJTPA is responsible for developing the plan and allocating federal transportation funds. They work with local partners and state agencies, distributing over \$3 billion annually. A long-range plan is required every four years to maintain eligibility for federal funding. 

Educational Enhancements



NJPO announces two Lunch and Learns

Leadership from the Chair

4.25.25

Topics include conducting effective meetings; interaction among board members, applicants and professionals; working with the land use administrator; managing the public; managing the board; by-laws; testimony; handling volatile issues.

Mini Cox Symposium

5.16.25

A lively, must-attend session for all board members, attorneys, municipal officials and other decision-makers who struggle with the complexities of the Municipal Land Use Law and local ordinances. A rare opportunity to hear interpretations from highly recognized NJPO attorneys who accept and answer attendees questions.

Register at njpo.org

Rutgers Contact Hours

AICP CM



Credits Available



Customized Solutions

Engineers • Architects • Planners
Inspectors • Landscape Architects • Surveyors
Environmental Scientists • Project Managers

877 627 3772 | colliersengineering.com

Accelerating Success





THOMAS PLANNING ASSOCIATES, LLC

Professional Planning and GIS Consultants

P. O. Box 363

Brielle, New Jersey 08730-0363

T. Andrew Thomas, P.P., President
(732) 556-6711 • andyplan@aol.com
thomasplanningassociates.com

HGA

HEYER, GRUEL & ASSOCIATES
COMMUNITY PLANNING CONSULTANTS

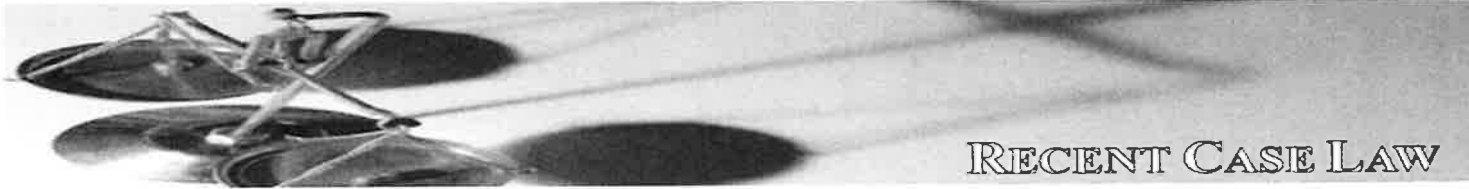
236 BROAD STREET, RED BANK, NJ 07701

TEL 732.741.2900 • FAX 732.741.2929

MAIL@HGAPA.COM • WWW.HGAPA.COM

LAND USE • URBAN DESIGN • SUSTAINABILITY
REDEVELOPMENT • AFFORDABLE HOUSING • OPEN SPACE





RECENT CASE LAW

Kaja v. Borough of W. Long Branch Planning Bd.

The developer was a property owner of a single-family home on a lot in a residential zone. He sought to subdivide the property into two non-conforming lots. His proposal was to renovate the existing structure and build a second home on the newly created lot. His planner argued that the proposal would create investment and housing variety asserting the variances were justified under N.J.S.A. 40:55D-70(c)(2).

The planning board members and the public expressed concerns about traffic and zoning plan impairment. The planning board found that he failed to satisfy the positive and negative criteria to support bulk variance relief and denied the subdivision request.

Trial court found planning board had substantial evidence to support its denial. The applicant appealed the decision arguing that the Board and trial court failed to properly assess the negative criteria. The Court upheld the trial court's decision and agreed plaintiff did not demonstrate the criteria necessary for a (c)(2) variance. Court concluded there was sufficient support in the record that plaintiff's proposed improvements did not advance the purposes of municipal land use and might be a detriment to the intent and purpose of the residential zoning ordinance.

Twp. of Jackson v. Getzel Bee, LLC.

Township of Jackson sought to acquire certain properties through eminent domain. The Township indicated that the use of eminent domain was to acquire the property for open space. However, the lots were intended to be utilized in a land-swap with a private developer,

The property owners challenged the condemnation, arguing the eminent domain lacked a proper public purpose and that the trial court erred in relying on *White Road HOA, LLC v. Township of Jackson*. The trial court had previously upheld the township's condemnation authority, relying on the ordinances and the *White Road* decision.

On appeal, the property owner argued that the township failed to demonstrate a valid public purpose for the condemnation, as required by the Eminent Domain Act. The property owner also argued that they were not precluded from challenging the condemnation. The court agreed with property owners, finding the township's condemnation lacked a stated public purpose, as the land was not intended for open space but rather as an asset for a land-swap. The court found that the record lacked support for the township's claimed purpose of constructing student dormitories. The court stressed that eminent domain required a clear public use for the property, which was absent in this case.

The court reversed the trial court's orders, concluding the township's condemnation was invalid due to the lack of a valid public purpose and the failure to adhere to statutory requirements.

Monarch Community v. Twp. of Montville

An applicant proposed a 165-unit senior housing facility on a property that had been a farm. The lot was in one of the township's single family residential zone that did not permit senior housing. The application sought c variances to build a three-story building. The project also required multiple variances for building height, lot overage, parking setbacks and building coverage. The Township design review committee approved the plan but the Board found respondent failed to prove that the use variances could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance. Board also referenced a nearly identical application, some years back, which was denied.

Trial court reversed the denial, finding the proposed use was "inherently beneficial" and the evidence did not support the Board's conclusion that the project was too large, too noisy and would create too much traffic.

The zoning board held a remand hearing and approved the application imposing over 30 conditions of approval and reserved its right to appeal the trial court's ruling. Board argued the trial court usurped the power of the planning board and that the Board properly applied the Sica balancing test. The Court rejected the argument finding that there was no credible argument to why the requested variances to allow senior housing would substantially deviate from the current zoning. The Court concluded that trial court correctly found the board acted unreasonably as the use was an undisputed inherently beneficial use.



**SURENIAN, EDWARDS,
BUZAK & NOLAN, LLC.**

Attorneys at Law

Edward J. Buzak, Esq.

150 River Road, Suite N-4 | Montville | NJ 07045

Tele: 973-335-0600 | Fax: 973-335-1145

www.Surenian.com

EJB@Surenian.com

BRACH | EICHLER LLC

Susan R. Rubright

Counsellor at Law

*Planning, Zoning, Environmental,
Municipal & Real Estate Law*

101 Eisenhower Parkway | Roseland, New Jersey 07068

t. 973.403.3157 | srubright@bracheichler.com

www.bracheichler.com

Westerhold v. Normandy Beach Assoc

The Normandy Beach Associates subdivided its oceanfront property and created Normandy Beach back in the early 1920s. This became a community of individually owned properties with the beach land owned by Normandy Beach. The subdivision plan created in 1925 did not explicitly include provisions for easements connecting the individual lots to the beach.

The homeowners owned two beachfront lots which they accessed the beach from their property until a fence was constructed after Superstorm Sandy and subsequent dune construction.

Homeowners constructed a walkover to cross over the dunes in 2018 and the township issued notices of violation. The walkover was removed and a wooden fence was erected between homeowners property and Normandy Beach property.

The homeowners claimed that an implied and express easement has been created and argued nuisance, trespass, inverse condemnation and fraud. Trial court found that an implied easement was created relying on historical use, property advertisements and deed restrictions. The homeowners obtained a permit to build a new dune walkover.

Normandy Beach argued there were genuine disputed issues of material fact concerning the claimed easement. The Court agreed and noted trial court's holding granting an implied easement relied upon several inferences that favored the homeowners and were not supported by undisputed material evidence. Nothing in the law required courts to find that a deed restriction implied that the property owner was receiving a compensatory benefit beyond what they paid for the property.

SB Bldg. Assoc. v. The Planning Bd. of the Borough of Milltown

SB Building Associates possesses a parcel of land in Milltown Borough that spans just over 22 acres. In October 2022, the Borough enacted an ordinance that amended the redevelopment plan for this property. This ordinance resulted in a 15 percent reduction in the number of residential units permitted on the site, while preserving the original allocation for Affordable housing. Additionally, it increased the open space requirements from four acres to eleven acres.





architects + engineers
community-centered solutions
you can plan on

862.207.5900 | www.h2m.com

- PLANNING
- ENGINEERING
- ENVIRONMENTAL SOLUTIONS



To learn more about T&M, please visit tandmassociates.com | 800.323.3647

FOLLOW US: 

Woolson Anderson Peach
A Professional Corporation • Attorneys at Law

Experience, Dedication, Resolve

Mark S. Anderson **Randall J. Peach**

Municipal and Board Representation
Zoning Applications and Litigation
Municipal Litigation
Employment Law

11 EAST CLIFF STREET • SOMERVILLE • NEW JERSEY • 08876
Telephone (908) 526-4050 • Fax (908) 450-1569 • www.WoolsonLaw.com

The property owner contested the ordinance's alignment with the municipality's master plan, as mandated by N.J.S.A. 40A:12A-7(d) and N.J.S.A. 40:55D-62(a). The trial court determined that the ordinance was largely consistent with the land use component of the master plan. The court highlighted that both the Municipal Land Use Law and the Local

Redevelopment and Housing Law permit such alterations if they are in accordance with the goals of the master plan. It also noted that the ordinance was backed by expert testimony and was not deemed arbitrary, capricious, or unreasonable. The trial court concluded that the changes were implemented to enhance environmental considerations and to preserve essential aspects of open space and affordable housing.

On appeal, the plaintiffs contended that the Planning Board and the borough should have offered more substantial justification for the changes. However, the court found that the language of the master plan allowed for a degree of flexibility. The appellate court upheld the trial court's ruling, agreeing that the plaintiffs failed to demonstrate sufficient grounds to invalidate the ordinance and that the ordinance was indeed in line with the objectives of the master plan.

Gloucester Solar I, LLC v. Twp. of Franklin Zoning Bd. of Adjustment

Gloucester Solar I filed an application for an interpretation of the Franklin Zoning Code. Gloucester Solar intended to build a commercial solar project in a business district and argued that the district should be considered an "industrial district". The applicant argued that permitted uses in the business district were industrial in nature and therefore permitted under the MLUL.

The Zoning Board argued that the ordinance restricted the zone to "light industrial" uses only, thereby prohibiting the solar facility. The trial court interpreted the business district zone as an industrial district under the MLUL, and therefore permitted the solar facility. The court relied on dictionary definitions of "industrial" and "industry" and emphasized the legislative intent to promote renewable energy.

On appeal, the zoning board argued that the court erred in its interpretation. The court concluded that the trial court erred in its interpretation. The court found that the MLUL specifically refers to "industrial districts" and does not include "light industrial" or mixed-use districts. The court found that the township's ordinance intended to limit the business district to mixed uses, not industrial. The court reversed the trial court's decision and remanded the case, affirming the Zoning Board's original determination.

PREFERRED PLANNING GROUP LLC



- ✓ Expert Professional Planning Testimony
- ✓ Zoning & Litigation Support
- ✓ 3d Models & Visual Simulation
- ✓ Master Plans & Redevelopment Studies
- ✓ Transportation & Fiscal Impact Analysis

Experts in RLUIPA & Inherently Beneficial Land Use

Donna Holmqvist, AICP/PP
Founder
201.773.1977

110 Chestnut Ridge Rd., Ste. 192
Montvale, NJ 07645
www.preferredplanninggroupllc.com



Alexander Dougherty MCRP, PP, AICP

Alex@DPDplanning.com

DPDplanning.com

☎ 973.803.3285

Hoboken for Responsible Cannabis, Inc. v. City of Hoboken Planning Bd.

Blue Violets, LLC obtained a conditional use application to operate a cannabis retail business in the City of Hoboken. Blue Violets submitted its application to the City of Hoboken Cannabis Review Board before a new ordinance restricting the opening of cannabis retailers in proximity to schools came into effect.

The parties accordingly disputed whether the Time of Application Rule should apply, which would entitle Blue Violets to have its application considered under the zoning regulations in effect at the time Blue Violets filed its conditional use application.

The trial court concluded that the Time of Application Rule did not apply, ruling that the application submitted did not constitute an "application for development" within the meaning of the Municipal Land Use Law. The trial court accordingly vacated the approval of Blue Violets' application.

On appeal, the court ruled that the Cannabis Review Board review of Blue Violets' application was part of the land development application process. Thus, the Time of Application Rule was triggered by Blue Violets submitting its application to the review board. The court reversed the trial court's judgment and reinstated the planning board's approval of Blue Violets' application. The court ruled that applying the Time of Application Rule to this application served the principles of the Rule, which protected land developers from changing zoning laws during the pendency of developers' applications to defeat those applications.

Breakwater Treatment & Wellness Corp. v. The City of Asbury Park

Breakwater Treatment and Wellness Corp. (Breakwater) sought to open a satellite treatment center in Asbury Park. Breakwater is a licensed medical cannabis business and applied for zoning approval and variances. Municipal officials contended that cannabis sales were banned.

Breakwater argued it deserved a hearing and submitted an application to the zoning board. The zoning board denied the application citing the municipality's cannabis sales ban. Breakwater stated that the denial was part of an unfair scheme that helped its competitors. As a result, Breakwater filed a lawsuit claiming violations of due process and equal protection under §1983. A Section 1983 claim is a civil lawsuit filed under federal law to enforce civil rights. It allows people to sue state and local government employees for violating their constitutional rights.

Asbury Park maintained that Breakwater did not specify a violated constitutional right, with which the court agreed. The court stated that even if there was a protected property interest, Breakwater didn't show that Asbury Park's actions "shocked the conscience," and that decisions such as controlling the sale of cannabis relate to legitimate government purposes and is not typically handled in federal court.

Taylor v. Zoning Bd. of the Twp. of Neptune

The Taylors owned property located within a Historic Zone District that originally featured two concrete walkways for access. After a hurricane damaged the property they replaced the original walkways with concrete pavers and added a third walkway. The township zoning officer claimed that these walkways violated three local ordinances. The property owner then requested a zoning permit to replace the walkways which was denied.

The following year, they submitted an application for a Certificate of Appropriateness (COA), seeking retroactive approval for the three existing concrete paver walkways. The Historic Preservation Committee determined that the walkways were historically inappropriate and did not comply with design guidelines. Consequently, the Board denied the application.

The plaintiffs argued that certain township ordinances were ultra vires and not sanctioned by the Municipal Land Use Law, asserting that the zoning board's interpretation of these ordinances was flawed. The court concluded that the plaintiffs did not prove that the ordinances conflicted with the MLUL and upheld the zoning board's decision, affirming that the board's interpretation regarding walkway limitations in the historic area was reasonable.

Bills to Watch

S4048/A5241

Historic Protection from Warehouses

This bill would prohibit any approving authority from approving a site plan for the construction of a large warehouse on property

located within 1,000 feet of a historic district. This bill defines both “large warehouse” and “historic district”. Under this bill a planning board with jurisdiction over a historic district may waive the provisions of the bill if a developer petitions the planning board for a waiver in a form and manner determined by the planning board.

S116/A2623

Permitting Certain Home Based Businesses as Accessory Uses

This act is intended to establish State guidelines for municipalities to follow in their treatment of home businesses, in order to carefully balance the interests of home businesses with the needs of the residential area in which they operate.

As amended, this legislation provides guardrails to ensure that the activity is compatible with the residential use, including the volume of visitors, prohibition of outside appearance of a home business including signage, no equipment in use that creates noise or odors, and the volume of deliveries is compatible with the area.

A municipality may by ordinance establish standards to apply to home businesses within residential districts but is limited to the volume of visitors, the volume of deliveries, and parking acceptable for home businesses in a residential area. The bill stipulates that a “home business within a residential zone shall be permitted as an accessory use, not requiring a use variance pursuant to section 57 of P.L.1975, c.291 (C.40:55D-70” with the following provisions:



- 1) the activity is compatible with the residential use of the property and surrounding residential uses;
- 2) the volume of employees, invitees, or guests who visit the home business is not in excess of what is compatible with residential use in the neighborhood;
- 3) there is no outside appearance of a home business including, but not limited to, parking, signs, or lights;
- 4) the volume of deliveries, or truck and other vehicular traffic, or parking, is not in excess of what is normally associated with residential use in the neighborhood;
- 5) the activity uses no equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, detectable by any neighbors;
- 6) the activity does not generate any solid waste or sewage discharge, in volume or type, that is not normally associated with residential use in the neighborhood;
- 7) the activity does not involve any illegal activity
- 8) the home business complies with the provisions of P.L.2022, c.92 (C.40A:10A-1 et seq.) which deals with liability and insurance.

High Bridge Recognized as a Transit Village

The New Jersey Department of Transportation (NJDOT) has officially recognized High Bridge Borough in Hunterdon County as a transit village. This designation grants the municipality priority access to specific funding opportunities and signifies the state's support for its redevelopment initiatives.

In its Transit Village District plan, the borough aims to maintain and promote a bikeable, walkable, and transit-oriented environment that revitalizes downtown and fosters a lively community. The High Bridge Rail Station, located on Main Street, serves as the western terminus of the NJ TRANSIT Raritan Valley Line.

The Transit Village Initiative offers municipalities grant opportunities to redevelop areas near train stations or other transit hubs, thereby encouraging economic development and increased public transportation usage. Additionally, the initiative provides valuable planning support. For the Fiscal Year 2025 Capital Program, the Department has allocated \$1 million in competitive funding for the 36 municipalities recognized as Transit Villages. In FY24, the governor and Legislature approved an extra \$1.6 million, enabling eight municipalities to receive grants, as reported by NJDOT.



SPOTLIGHT ON:

Cumberland County

Cumberland County is located on the Delaware Bay. As of the 2020 census, the county was the state's 16th-most-populous county with a population of 154,898. Its county seat is Bridgeton.

Delsa Drive In Movie Theatre

New Jersey's sole drive-in movie theater was established in 1949, ceased operations in 1987, and made a comeback in 2004. Situated in Vineland, it stands as the only drive-in theater in the state. The total number of drive-in theaters has dramatically decreased from more than four thousand to under four hundred in recent decades, primarily due to rising real estate prices and the growing appeal of the fast food sector. The Concession Stand plays a crucial role in covering the operational costs of the drive-in.

East Point Lighthouse East Point Lighthouse, constructed in 1849, is a functioning lighthouse located along the scenic Southern Bayshore in Cumberland County, New Jersey. Thanks to the dedication and stewardship of the Maurice River Historical Society, this lighthouse has been fully restored. Its beacon shines each night, continuing to



serve as an essential navigational aid, maintained by the United States Coast Guard.

New Jersey Motorsports Park

Occupying over 500 acres in Millville, Motorsports Park stands as the leading motorsports entertainment venue in the Northeast. Its strategic location near Philadelphia and New York City provides a variety of exciting attractions both on and off the track. The facility features two exceptional road courses, Thunderbolt and Lightning, along with Tempest Raceway, recognized as one of the premier outdoor karting facilities in the United States.

Wheaton Arts

Wheaton Arts and Cultural Center, originally established as Wheaton Village in 1968, is a nonprofit 501(c)(3) organization dedicated to fostering artistic engagement and audience participation through a dynamic exploration of creativity. This mission is pursued through the curation of collections and exhibitions, educational programs, culturally diverse public initiatives, artist residencies, and various opportunities for creative professionals. Over its five-decade history, WheatonArts has gained regional, national, and international acclaim for its distinctive

collections and programming. Central to the Center is the Museum of American Glass, which boasts the most extensive collection of glass produced in the United States. Situated in Millville, the birthplace of the nation's first glass industry, the Museum is one of only nine institutions in New Jersey accredited by the American Alliance of Museums.

Odd Names

The Palace of Depression, also referred to as Palace Depression, was an unconventional structure constructed from discarded materials in Vineland, New Jersey. It was created by the quirky George Daynor, a former gold miner from Alaska who experienced financial ruin during the Wall Street crash of 1929. This unique attraction was famously dubbed "The Strangest House in the World" and "Home of Junk," serving as a symbol of resilience in the face of the challenges posed by The Great Depression.

Wild & Scenic Maurice River

The Maurice River corridor is designated as a National Scenic and Recreational River, recognized for its exceptional natural beauty and significant ecological resources. This pristine Atlantic Coastal river plays a crucial role in the Atlantic flyway, providing clean waters and essential habitats for the migration of various species, including shorebirds, songbirds, waterfowl, raptors, rails, and fish.

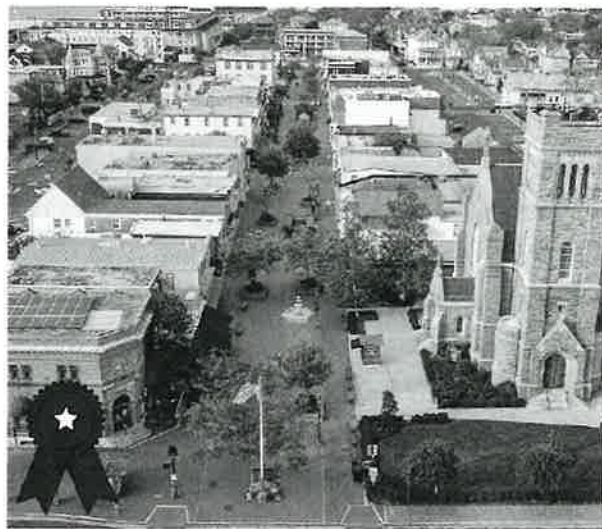
Additionally, it is home to rare and endangered species such as joint vetch, shortnose sturgeon, and striped bass, as well as a prehistoric settlement site. Historically, the Maurice River has been integral to fishing, boating, and oystering activities. It supports

New Jersey's largest population of wild rice and is home to 53 percent of the state's recognized endangered animal species, excluding marine mammals.

The river serves as a vital connection between the Pineland National Reserve and the Delaware Estuary, both of which hold national and international significance. The Maurice River also marks the western boundary of the Pinelands. The designated corridor encompasses the cities of Vineland and Millville, along with the townships of Maurice River, Commercial, and Buena Vista. Due to limited public access, the best vantage point to appreciate the river is from the bridge in Mauricetown, while boat access can be found at Millville's Fowser Road Boat Ramp or at a nearby marina.

Bridgeton

Step into the past and explore a city rich in history, where homes, taverns, and churches have stood for over 300 years and remain in use today. The essence of antiquity envelops you as you appreciate the allure of this genuinely historic town. Bridgeton boasts the largest historic district in the United States, featuring more than 2,200 homes and buildings listed on the National Historic Register of Places. It has been a witness to nearly every era of American history. As a year-round destination, Historic Bridgeton presents a diverse array of attractions to engage its visitors. Among the region's premier attractions is the Cohanzick Zoo, which operates year-round. Established in 1934, it holds the distinction of being the first zoo in the United States and continues to captivate audiences of all ages. The zoo is home to a variety of exotic animals, including two Bengal tiger cubs added in the winter of 2017.



Washington Street Mall, Cape May, NJ
*New Jersey Chapter of the American Planning Association
2021 Great Street*



**REMINGTON
& VERNICK
ENGINEERS**

856-795-9595

rve.com

Municipal Planning Services

- Site and land use planning
- Master planning
- Ordinance preparation and amendment
- Redevelopment
- Development review
- Affordable housing consultation
- Grant and loan coordination

Contact: Ashton Jones, PP, AICP, CFM
Ashton.Jones@rve.com

Excellence • Innovation • Service

2025 Edition.....Now Available

**New Jersey
Zoning & Land Use
Administration**

William M. Cox (1988-2010) & Stuart Koenig (2011-2012)

Revised and Updated By
Jonathan E. Drill & Lisa John-Basta

The Recognized Authority in the Field

This edition includes discussions of recent cases that may impact your practice, including:

- Senior Housing Ordinance Overturned
- The Time of Application Rule as Applied to Cannabis Review Boards
- Interpretation of the Electric Vehicle Statute

www.gannlaw.com/njzoning



2025 Edition.....Now Available

**New Jersey
Open Public
Records & Meetings**

Nelson Johnson, JSC (Ret'd) & John C. Connell

A Comprehensive Presentation

Completely revised to include the comprehensive 2024 statutory amendments; new discussions of counsel fees, proceedings before the Government Records Council, "commercial" record requestors, and agency website availability of records.

www.gannlaw.com/opra



Annual Subscription Includes
Print Edition & Online Access

We Know New Jersey Law

(973) 268-1200

www.gannlaw.com