



From: NJLM - Municipal Clerks [mailto:njlm-clerks@cityconnections.com]
Sent: Monday, March 08, 2010 3:50 PM
To: Lashway, Lisa
Subject: URGENT - Time of Decision Posted for Senate Vote

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William G. Dressel Jr.
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LEAGUE ALERT

Municipal Clerk: Please forward to Mayor and Governing Body.

March 8, 2010

**Re: URGENT LEGISLATIVE ALERT -
Time of Decision Posted for Senate
Vote**

Dear Mayor:

S-82, which would eliminate the time of decision rule at the municipal level, is posted for a Senate vote this Thursday, March 11. The development community has prioritized this legislation and is making every effort to fast-track its approval.

The "TIME OF DECISION" rule is one of the last tools left to local officials to control inappropriate development in a municipality. This court-approved principle allows development application decisions to be made on the basis of the laws, ordinances and regulations in effect at the time the decision is rendered. The Courts created this rule out of respect for the separate powers vested in legislative bodies. It provides towns the mechanism to correct errors or close previously unanticipated loopholes, in statutory or ordinance language. The rule has also permitted a municipality to give initial legislative consideration to serious and substantial land use planning concerns that, for

whatever reasons, had not been previously addressed in their ordinances.

This bill has been around for several years. However, the current economic crisis has given the builders an opportunity to argue that the 'time of decision' rule is a threat to recovery.

Please contact your State Senator and urge him or her to OPPOSE S-82. This may be the MOST egregious Land Use policy issue before the Legislature at this time and your Legislators need to hear from you ASAP!!

For more on this bill, please see our Dear Mayor letters of January 28, January 29, and February 4, February 22, and March 5, or contact Mike Cerra at mcerra@njslom.com or 609-695-3481 x120.

Very truly yours,

William G. Dressel, Jr.
Executive Director

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