

## RESOLUTION 2010-128

### **OPPOSING STATE LEGISLATION, S-82 AND A-437, WHICH WOULD AMEND THE TIME OF DECISION RULE, AND AGAIN RE-AFFIRMING THE TOWNSHIP'S SUPPORT OF THE N.J. LEAGUE OF MUNICIPALITIES' POSITION ON THIS ISSUE**

**WHEREAS**, in this current legislative session, S-82 and A-437 have been introduced to amend the Time of Decision Rule;

**WHEREAS**, past bills in the State Legislature have been introduced to modify the "time of decision" rule; and

**WHEREAS**, under these bills, the ordinances in effect at the time an application is submitted shall govern the review of that application, and any decision made following upon that review;

**WHEREAS**, "the time of decision rule" is a judicially recognized principle that decisions are to be made on the basis of laws, ordinances and regulations in effect at the time the decision is rendered; and

**WHEREAS**, courts have applied the "time of decision rule" to correct errors in zoning ordinances, thus giving local legislators the opportunity to correct legislative policy that had been found to be imperfectly expressed;

**WHEREAS**, the "time of decision rule" has permitted a municipality to give additional legislative consideration to serious and substantial land use planning concerns that, for whatever reason, had not been previously addressed in the ordinance;

**WHEREAS**, application and zoning changes require public discussion and hearing, and these bills would permit developers to "beat the clock" by filing applications and freezing the ability of local officials to act;

**WHEREAS**, this municipality has been a long time supporter of the time of decision rule and stands shoulder to shoulder with the League of Municipalities of New Jersey in opposition to any legislation watering it down; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, in the County of Ocean, and State of New Jersey, that it urges our State Legislators to oppose any bill that amends the Time of Decision Rule:

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to our 9<sup>th</sup>, 10<sup>th</sup>, and 30<sup>th</sup> District legislators here in Ocean County, the Governor, members of the Senate Community and Urban Affairs Committee and the Assembly Housing and Local Government committee, and the New Jersey State League of Municipalities.

Township Clerk shall send a certified copy of this resolution to each of the following:

- a) Governor Christie
- b) 9<sup>th</sup> 10<sup>th</sup> and 30<sup>th</sup> District Legislators
- c) Township Attorney
- d) Township Committee Office
- e) New Jersey League of Municipalities
- f) Purchasing
- g) Mayor
- h) Planning Board
- i) Zoning
- j) Engineer
- k) Comptroller

**CERTIFICATION**

I, Diane B. Ambrosio, Clerk of the Township of Ocean, County of Ocean, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Committee on the 11<sup>th</sup> day of March 2010.

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Diane B. Ambrosio, RMC  
Township Clerk