



From: NJLM - Municipal Clerks [mailto:njlm-clerks@cityconnections.com]
Sent: Monday, October 20, 2008 3:24 PM
To: Lashway, Lisa
Subject: Municipal Clerks from NJLM



LEAGUE ALERT

Municipal Clerk: Please forward to Mayor and Governing Body.

October 20, 2008

Re: I S-1303 & A-3062 - Inherently Beneficial Use

NJDEP's Local Government Guidebook

Re: II

Re: I S-1303 & A-3062 - Inherently Beneficial Use

Dear Mayor:

The League opposes S-1303 and A-3062, which defines “inherently beneficial use” and includes facilities that supply electrical energy produced from wind, solar or photovoltaic technologies.

We understand the intent of the bill, which is to promote alternate forms of energy. However, a statutory definition for the term “inherently beneficial use” is fraught with concerns for local governments and the planning process. If a use is deemed to be “inherently beneficial” it satisfies the positive criteria for a use variance under subsection d of section 70 of the MLUL, and could be located anywhere in a community.

The League has opposed past efforts to introduce a definition for “inherently beneficial use” because special interests have sought additional amendments to exempt their constituencies. If indeed a project is beneficial to the community, the applicant has the option to go through the normal regulatory process. No such change in the statute is necessary.

While the League supports the development of alternate energies, we believe that by defining in the statute “inherently beneficial use” for the purposes of these efforts sets a bad precedent.

The Senate bill, S-1303, was approved by the Senate Economic Growth Committee, and awaits a vote by the full Senate. Its Assembly companion, A-3062, sits with the Assembly Environment committee.

We suggest contacting your legislators and ask them to oppose these bills. Questions on this letter can be directed to Mike Cerra at mcerra@njslom.com or 609-695-3481 x120.

Very truly yours,

William G. Dressel, Jr.
Executive Director

RE: II NJDEP's Local Government Guidebook

The New Jersey Department of Environmental Protection has put together a guidebook designed to help local governments understand the programs and services of the DEP. Programs are listed by operational divisions and each link takes you to a page with the program's contact information, direct links to the program, a general description of its operational responsibilities and any permitting responsibilities or financial assistance it can provide.

You may visit this page at <http://nj.gov/dep/localgov/guidebook.html>.

If you have any questions about the Guidebook, DEP services, or to order copies, please call the DEP Office of Local Government Assistance at (609) 633-7700.

NJLM

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