

From: NJLM - Municipal Clerks [mailto:njlm-clerks@cityconnections.com]
Sent: Tuesday, February 24, 2009 3:52 PM
To: Lashway, Lisa
Subject: From NJLM - Legislative Recap

LEAGUE ALERT

Municipal Clerk: Please forward to Mayor and Governing Body.

February 24, 2009

Re: Legislative Recap

Dear Mayor:

I write to advise you of two legislative developments from yesterday.

I. Inherently Beneficial Passes Senate

S-1303, which defines "...the term "inherently beneficial use" for the purposes of zoning use variance and specifically includes facilities that supply electrical energy produced from wind, solar, or photovoltaic technologies" passed the State Senate yesterday.

While the League supports the development of alternate energies, we believe that defining in statute "inherently beneficial use" for the purposes of these efforts sets a bad precedent. If a use is deemed to be "inherently beneficial" it presumptively satisfies the criteria for a use variance under subsection d of section 57 of the MLUL, (i.e., a nonconforming use.)

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 and democratic process. No such change in the statute is necessary.

Our attention now turns to the Assembly Housing and Local Government Committee, where the Assembly companion, A-3062, awaits a hearing. We suggest contacting the Committee members, as well as your Assembly representatives, and ask them to oppose A-3062 and S-1303. A listing of the committee is available at: <http://www.njslom.org/assembly-committee3.html>

For more information on this bill, see our Dear Mayor letter of February 10 or contact Mike Cerra at mcerra@njslom.com or 609-695-3481 x120.

II. A-3481/S-1336, Law Officers Appeal of Suspension

Legislation which provides certain protections for suspended law enforcement officers and firefighters to regain their pay status when appeals of termination are not resolved within 180 days passed both Houses of the Legislature and sent to the Governor for signature. We do not agree there is a need for legislative intervention that will supercede already existing statutes and regulations and the collective bargaining process.

Please urge the Governor to reject this unfunded state mandate on municipalities especially during these most difficult times.

See our **Dear Mayor letter of February 6th** for further details.

Thank You.

Very truly yours,

William G. Dressel, Jr.
Executive Director

NJLM
222 West State Street
Trenton, NJ 08608

▪