

**A RESOLUTION OF THE TOWNSHIP OF MOUNT OLIVE,
COUNTY OF MORRIS AND STATE OF NEW JERSEY URGING GOVERNOR CHRISTIE TO
VETO S-82/A-437 REGARDING THE TIME OF DECISION RULE**

WHEREAS, S-82 and A-437 are intended to modify the “time of decision” rule, which currently allows municipalities to change the zoning regulations during the pendency of an application for development; and

WHEREAS, the bills, if signed into law, would deem as complete the ordinances in effect at the time of an application and shall govern the review of that application, and any decision made following upon that review; and

WHEREAS, “the time of decision rule” is a judicially recognized principal that decisions are to be made on the basis of laws, ordinances and regulations in effect at the time the decision is rendered not upon application; 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; and

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; and

WHEREAS, application and zoning changes require public discussion and hearings, and S-82/A-437 would permit developers to “beat the clock” by filing applications and freezing the ability of local officials to act.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mount Olive, in the County of Morris and State of New Jersey that it hereby urges Governor Christie to veto A-4 and S-82, and any legislation which would eliminate the “time of decision” rule at the local level.

PHIL TOBEY
Mount Olive Township Council President

I HEREBY CERTIFY the foregoing to be a true copy of a resolution adopted by the Mount Olive Township Council at a duly convened meeting held on April 13, 2010.

LISA M. LASHWAY
Mount Olive Township Municipal Clerk