

**BOROUGH OF HILLSDALE**  
**RESOLUTION 22119**

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**RESOLUTION OPPOSING A-1294/S-2103 and URGING THAT SUCH  
LEGISLATION NOT ADVANCE FURTHER**

**WHEREAS**, local officials, because of their peculiar knowledge of local conditions, are in the best position to determine land use and zoning regulations; and

**WHEREAS**, this peculiar knowledge is used to develop a Municipal Master Plan, which is adopted with the goal of promoting the health, safety, and welfare of the public, and only after careful and thoughtful consideration by local officials for its compatibility and consistency with other state, county and regional plans, such as the State Development and Redevelopment Plan, the Coastal Area Facility Review Act, the Highlands Water Protection and Planning Act, the Pinelands Protection Act, the County Solid Waste Management Plan and Water Quality Management Plan; and

**WHEREAS**, the Municipal Master Plan guides the determination to designate land use and zoning districts, which help effectuate the careful development plans and goals outlined within the Master Plan; and

**WHEREAS**, the Municipal Land Use Law lays out a comprehensive system allowing for and detailing the process in which applicants for development may seek to deviate from these careful and deliberate land use and zoning regulations through the municipal planning board's review of a variance; and

**WHEREAS**, consideration of a land use variance is done by local officials, taking into account the variety of circumstances including the proposed deviation's impacts on the goals of the Master Plan; and

**WHEREAS**, the Local Redevelopment and Housing Law provides municipalities with substantial tools to support the redevelopment of blighted sites, including the creation of site-specific redevelopment plans and numerous financial incentives; and

**WHEREAS**, legislation, A-1294/S-2103, has been introduced that would preempt local control over land use and zoning regulations, allowing certain qualifying office park and retail center properties to be permitted, as of right, to redevelop as a mixed-use development, not requiring a use variance; and

**WHEREAS**, A-1294/S-2103 requires a planning board approve an application for development to convert and eligible property to a mixed-used development unless the application causes "substantial detriment to the public good" and "substantially impair[s] the intent and purposes of the zone plan and zoning ordinance", a vague standard that may be difficult if not impossible to overcome; and

**WHEREAS**, A-1294/S-2103 may interfere with municipalities implementing alternative visions for the redevelopment of office park and retail center properties, including as industrial sites, parkland, or sites for needed infrastructure; and

**WHEREAS**, A-1294/S-2103 would interfere with existing and potential Redevelopment Plans that were specifically developed to address office park and retail center properties; and

**WHEREAS**, A-1294/S-2103 does not take into account conditions such as flooding and future climate risk that may impact the suitability of a site for mixed-use development; and

**WHEREAS**, this top-down approach, eliminating local land use planning regulations undermines the recognized benefits of municipal land use regulation, without providing the appropriate review for deviation as outlined within the Municipal Land Use Law.

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the Borough of Hillsdale in the County of Bergen opposes this legislation, and urges our representatives to not advance further A-1294/S-2103; and

**BE IT FURTHER RESOLED**, that a copy of this Resolution be forwarded to Senator Holly Schepisi, Assemblyman Robert Auth and Assemblywoman Deanne DeFuccio, Senate President Scutari, Assembly Speaker Coughlin, Governor Murphy, and the League of Municipalities.

Council member	Motion	Second	Yes	No	Absent	Abstain	Recuse
DeRosa, Anthony		X	X				
Escobar, John			X				
Horvath, Zoltan			X				
Lundy, Abby			X				
Pizzella, Frank					X		
Trochimiuk, Janetta	X		X				
Ruocco, John							

Adopted: June 14, 2022

Attest: Denise Kohan  
Denise Kohan  
Municipal Clerk

John J. Ruocco  
John J. Ruocco  
Mayor