



TOWNSHIP OF MORRIS

50 WOODLAND AVENUE
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CONVENT STATION, NEW JERSEY 07961-7603
FAX NO. (973) 605-8363
WWW.MORRISTWP.COM

OFFICE OF THE
TOWNSHIP CLERK
(973) 326-7430

RESOLUTION NO. 111-21

RESOLUTION OUTLINING BEST PRACTICES FOR REDEVELOPMENT HEARINGS BEFORE THE TOWNSHIP COMMITTEE

WHEREAS, New Jersey's Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (LRHL) governs the practices of notices of applications and certain requirements for municipalities across the State of New Jersey; and

WHEREAS, in too many cases residents across the State of New Jersey have borne the burden of large-scale development that has negatively impacted the local environment, traffic, public infrastructure, and quality of life; and

WHEREAS, the Township of Morris in the County of Morris seeks to exemplify best practices as they relate to land use practices, making reforms and in some instances taking on the costs to notify residents with ample time to provide input;

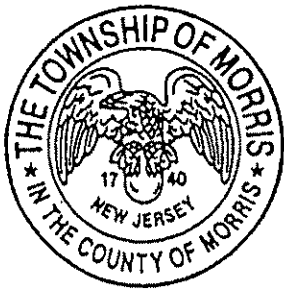
NOW, THEREFORE, BE IT RESOLVED, the Township Committee of the Township of Morris hereby expresses the consensus of its membership that the governing body should follow the guidelines below for future redevelopment proposals:

1. Prior to the introduction of a Redevelopment Plan, a public information session, if feasible, will be held. It will be hosted by the Planner, Township Engineer, and Township Administrator to discuss the draft Redevelopment Plan and seek commentary for consideration into the final plan.
2. Residents in the area of a proposed Redevelopment site to receive notice of an initial public hearing that is postmarked at least 21 days prior.
3. The Township of Morris to notify neighbors beyond the statutory 200ft requirement to ensure those in surrounding neighborhoods receive proper notice.
4. The Township of Morris to announce the public hearing of a Redevelopment project through a Municipal Messenger email in addition to the Township website and social media channels.
5. The Township of Morris to provide educational materials as well as a document of Frequently Asked Questions (FAQs) for residents to review upon public notice.
6. The governing body to carry to a subsequent hearing a final vote on the redevelopment (proposal) plan ordinance, to provide all governing body members sufficient time to consider resident feedback.

I, Dawn McDonald, Interim Deputy Township Clerk of the Township of Morris, Morris County, New Jersey, do hereby certify that the foregoing is a true copy of a resolution as adopted by the Governing Body at a Regular Meeting held on May 19, 2021.

Dawn McDonald

Dawn McDonald, RMC
Interim Deputy Township Clerk
Township of Morris, Morris County
State of New Jersey



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RESOLUTION NO. 112-21

RESOLUTION EXPRESSING THE CONSENSUS OF THE TOWNSHIP COMMITTEE TO AMEND THE POLICY OF THE TOWNSHIP'S LAND USE BOARDS TO PROVIDE FOR PUBLIC ACCESS OF LAND USE APPLICATIONS BY POSTING TO THE WEBSITE THE APPLICATION INFORMATION AS SOON AS FEASIBLE

WHEREAS, the Board of Adjustment of the Township of Morris and the Planning Board of the Township Morris are separate, independent bodies which conduct regular business meetings; and

WHEREAS, the Zoning Board of Adjustment function is to review departures from the Township's Zoning requirements. The Zoning Board's principal duties are to grant variances from the strict application of the zoning ordinance and to rule on "use" applications; and

WHEREAS, the Planning Board's function is to generate and update the community Master Plan in addition to functions involved in subdivision and site plan review, creation of the official maps and associated zoning ordinances; and

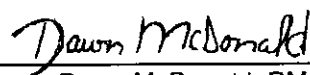
WHEREAS, members of the public have the opportunity to participate during the regular meetings of both respective boards to learn more details about applications, and ask questions regarding those applications during public comment periods; and

WHEREAS, posting application information as soon as feasible is crucial to providing residents with information on specific applications that are heard by each respective board so that they are better informed and prepared ahead of application hearings; and

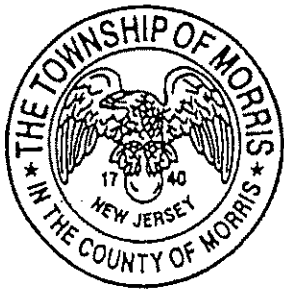
WHEREAS, posting application information once deemed complete by the Township of Morris will better inform residents on the projects being considered by the land use boards and better prepare them for upcoming hearings.

NOW, THEREFORE, BE IT RESOLVED, the Township Committee of the Township of Morris hereby updates Township Policy to provide residents pertinent land use application information when applications have been deemed complete by Township professionals in advance of hearings before the land use boards of the Township of Morris by posting the application information on the Township Website for public access

I, Dawn McDonald, Interim Deputy Township Clerk of the Township of Morris, Morris County, New Jersey, do hereby certify that the foregoing is a true copy of a resolution as adopted by the Governing Body at a Regular Meeting held on May 19, 2021.



Dawn McDonald, RMC
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RESOLUTION NO. 113-21

RESOLUTION SUPPORTING ENHANCING THE STATUTORY REQUIREMENTS GOVERNING LAND USE APPLICATIONS MADE FOR COMMERCIAL AND RESIDENTIAL USE BY EXPANDING THE 10 DAY NOTICE REQUIREMENT TO 21 DAYS FOR ADEQUATE NOTICE

WHEREAS, Title 40 of New Jersey State Code, Section 40:55D-12 governs the practices of notices of applications and certain requirements for municipalities across the State of New Jersey; and

WHEREAS, Section 40:55D-12 requires applicants to send written notice of a public hearing postmarked at least 10 days prior to the scheduled public hearing to owners of all real property within 200 feet in all directions of the property up for discussion at the hearing; and

WHEREAS, residents across the State of New Jersey have too often borne a burden of large-scale development that has negatively impacted the local environment, traffic, public infrastructure, and quality of life; and

WHEREAS, the residents across the State of New Jersey have been provided inadequate notice of development proposals, often receiving notice of a land use application just a day or two before the Public Hearing and in some cases after it has already taken place; and

WHEREAS, residents deserve adequate notice to review, research, and prepare in order to participate in public hearings pertaining to land use applications; and

WHEREAS, the New Jersey League of Municipalities voted in 2019 to support and encourage the introduction of a state bill amending Section 40:55D-12 to require applicants to send written notice of a public hearing postmarked at least 21 days prior to the scheduled public hearing; and

WHEREAS, the Township of Morris in the County of Morris seeks to exemplify best practices as they relate to land use practices, making reforms and in some instances taking on the costs to notify residents with ample time to provide input;

NOW, THEREFORE, BE IT RESOLVED, the Township Committee of the Township of Morris hereby endorses proposals in the New Jersey State Legislature to enhance protections of residents of Morris Township, and across the State of New Jersey, by increasing the 10 day notice requirement to 21 days for applications made by private and commercial entities for both residential and commercial use, and urges our elected representatives to introduce or support such measures.



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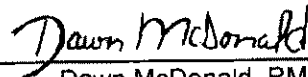
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RESOLUTION NO. 113-21

RESOLUTION SUPPORTING ENHANCING THE STATUTORY REQUIREMENTS GOVERNING LAND USE APPLICATIONS MADE FOR COMMERCIAL AND RESIDENTIAL USE BY EXPANDING THE 10 DAY NOTICE REQUIREMENT TO 21 DAYS FOR ADEQUATE NOTICE (CONTINUED)

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the NJ 25th Legislative District Representatives, Majority Leader of the NJ State Assembly, the President of the NJ Senate, the Governor of the State of NJ, the New Jersey State League of Municipalities, and Morris County municipalities.

I, Dawn McDonald, Interim Deputy Township Clerk of the Township of Morris, Morris County, New Jersey, do hereby certify that the foregoing is a true copy of a resolution as adopted by the Governing Body at a Regular Meeting held on May 19, 2021.



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RESOLUTION NO. 114-21

RESOLUTION SUPPORTING ENHANCING THE STATUTORY REQUIREMENTS GOVERNING LAND USE APPLICATIONS MADE BY EXPANDING THE 200FT REQUIREMENT FOR NOTICE TO 400FT

WHEREAS, Title 40 of New Jersey State Code, Section 40:55D-12 governs the practices of notices of applications and certain requirements for municipalities across the State of New Jersey; and

WHEREAS, Section 40:55D-12 requires applicants to send written notice of a public hearing that is postmarked at least 10 days prior to the scheduled public hearing to owners of all real property within 200 feet in all directions of the property up for discussion at the hearing; and

WHEREAS, applicants required to provide notice to neighboring properties are required to bear the burden of the costs of written notice to said property owners; and

WHEREAS, examples abound in which residents across the State of New Jersey have borne the burden of large-scale development that has negatively impacted the local environment, traffic, public infrastructure, and quality of life; and

WHEREAS, in too many cases residents across the State of New Jersey and in the County of Morris have faced the development of properties that are too large in scale, negatively impacting residents who reside in those communities; and

WHEREAS, residents are far too often provided short-notice of applications for developments made by commercial interests without having the opportunity to provide input due to the fact that only those who live within 200 ft of a property subject to an application are notified; and

WHEREAS, the 200 ft requirement is inadequate in providing proper notice to area residents as developments in municipalities impact quality of life far beyond 200 ft of the property; and

WHEREAS, the Township of Morris in the County of Morris seeks to exemplify best practices as they relate to land use practices, making reforms and in some instances taking on the costs to notify residents beyond the 200 ft requirement to ensure residents in the surrounding areas of applications have the opportunity to provide input and ask questions;

NOW, THEREFORE, BE IT RESOLVED, the Township Committee of the Township of Morris hereby endorses proposals in the New Jersey State Legislature to enhance protections of residents of Morris Township, and across the State of New Jersey, by increasing the 200 ft requirement to 400 ft for applications made by private, commercial entities for both residential and commercial use and urges our elected representatives to introduce or support such measures.



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RESOLUTION NO. 114-21

RESOLUTION SUPPORTING ENHANCING THE STATUTORY REQUIREMENTS GOVERNING LAND USE APPLICATIONS MADE BY EXPANDING THE 200FT REQUIREMENT FOR NOTICE TO 400FT (CONTINUED)

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the NJ 25th Legislative District Representatives, Majority Leader of the NJ State Assembly, the President of the NJ Senate, the Governor of the State of NJ, the New Jersey State League of Municipalities, and Morris County municipalities.

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RESOLUTION NO. 115-21

RESOLUTION SUPPORTING EFFORTS TO PREVENT MUNICIPALITIES FROM CREATING UNDUE BURDENS ON ADJOINING MUNICIPALITIES BY REQUIRING ADDITIONAL NOTICE AND DISCUSSIONS WITH NEIGHBORING MUNICIPALITIES TO PROVIDE INPUT ON PROPOSED DEVELOPMENT ON SHARED BORDERS

WHEREAS, residents across the State of New Jersey have been forced to bear the burden of large-scale development that has negatively impacted the local environment, traffic, public infrastructure, and quality of life; and

WHEREAS, the residents across the State of New Jersey and in the County of Morris have faced the development of properties that are too large in scale, negatively impacting residents who reside in those communities; and

WHEREAS, current statutory and other legal requirements have created hurdles to allow neighboring municipalities adequate opportunity to provide the input necessary to allow to provide input on developments that would immediately impact residents of adjoining towns; and

WHEREAS, development projects on lots adjoining neighboring towns can disrupt and neglect certain characteristics of each community; and

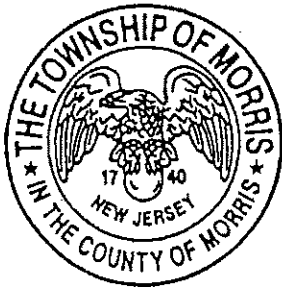
WHEREAS, these development projects can create an undue burden on neighboring municipalities and primarily impact residents who do not reside in the municipality where the development project is located.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Morris hereby endorses proposals in the New Jersey State Legislature that enhance the ability of municipalities to review and provide input on redevelopment projects that are situated in the immediate area of their border with neighboring municipalities to allow for greater collaboration, promote transparency, and drive more consistency across municipalities.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the NJ 25th Legislative District Representatives, Majority Leader of the NJ State Assembly, the President of the NJ Senate, the Governor of the State of NJ, the New Jersey State League of Municipalities, and Morris County municipalities.

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RESOLUTION NO. 116-21

RESOLUTION SUPPORTING S3688 TO PROVIDE FOR REGIONAL ECONOMIC IMPACT REPORT AND REVIEW BY AFFECTED MUNICIPALITIES FOR CERTAIN PROPOSED RETAIL WAREHOUSE DEVELOPMENTS

WHEREAS, residents across the State of New Jersey have been forced to bear the burden of large-scale development that has negatively impacted the local environment, traffic, public infrastructure, and quality of life; and

WHEREAS, the residents across the State of New Jersey and in the County of Morris have faced the development of properties that are too large in scale, negatively impacting residents who reside in those communities; and

WHEREAS, current statutory and other legal requirements have created hurdles to allow neighboring municipalities adequate opportunity to provide the input necessary on developments that would immediately impact residents of adjoining towns; and

WHEREAS, development projects on lots adjoining neighboring towns can disrupt and neglect certain characteristics of each community; and

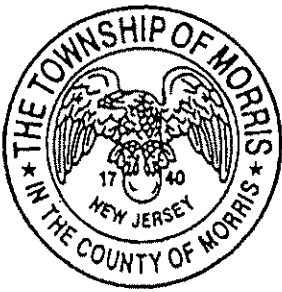
WHEREAS, these development projects can create an undue burden on neighboring municipalities and primarily impact residents who do not reside in the municipality where the development project is located; and

WHEREAS, warehouse sprawl occurring across the state threatens the preservation of open space, woodlands, and commercial developments struggling due to the ongoing COVID-19 pandemic; and

WHEREAS, S3688, introduced by Senators Steven Sweeney and Tory Singleton would require municipalities receiving certain applications for a warehouse development to inform adjoining communities and provide an economic impact report, at the prospective developer's expense; and

WHEREAS, S3688 would update the Municipal Land Use Law, to create an intermunicipal board to consider concerns raised by adjoining townships.

NOW, THEREFORE, BE IT RESOLVED, the Township Committee of the Township of Morris hereby endorses S3688 in the New Jersey State Legislature to enhance the ability of municipalities to review and provide input on proposed warehouse development projects that are situated in the immediate area of their border with neighboring municipalities to allow for greater collaboration, promote transparency, and drive more consistency across towns.



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RESOLUTION NO. 116-21

RESOLUTION SUPPORTING S3688 TO PROVIDE FOR REGIONAL ECONOMIC IMPACT REPORT AND REVIEW BY AFFECTED MUNICIPALITIES FOR CERTAIN PROPOSED RETAIL WAREHOUSE DEVELOPMENTS (CONTINUED)

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the NJ 25th Legislative District Representatives, Majority Leader of the NJ State Assembly, the President of the NJ Senate, the Governor of the State of NJ, the New Jersey State League of Municipalities, and all Morris County municipalities.

I, Dawn McDonald, Interim Deputy Township Clerk of the Township of Morris, Morris County, New Jersey, do hereby certify that the foregoing is a true copy of a resolution as adopted by the Governing Body at a Regular Meeting held on May 19, 2021.

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RESOLUTION NO. 117-21

RESOLUTION URGING THE NEW JERSEY STATE LEGISLATURE TO ADMINISTER PROVISIONS OF THE AFFORDABLE HOUSING ACT AND STAY FURTHER ACTION

WHEREAS, in 1975 the New Jersey Supreme Court in Mount Laurel I decreed that every municipality in New Jersey, "must, by its land use regulations, presumptively make realistically possible an appropriate variety and choice of housing. More specifically, presumptively it cannot foreclose the opportunity of the classes of people mentioned for low and moderate income housing and in its regulations must affirmatively afford that opportunity, at least to the extent of the municipality's fair share of the present and prospective regional need therefor" (*10 S. Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp.*, 67 N.J. 151, 174 (1975)); and

WHEREAS, in 1983, the Supreme Court in Mount Laurel II expanded the Mount Laurel doctrine, saying:

"Therefore, proof of a municipality's bona fide attempt to provide a realistic opportunity to construct its fair share of lower income housing shall no longer suffice. Satisfaction of the Mount Laurel obligation shall be determined solely on an objective basis: if the municipality has in fact provided a realistic opportunity for the construction of its fair share of low and moderate income housing, it has met the Mount Laurel obligation to satisfy the constitutional requirement; if it has not, then it has failed to satisfy it. Further, whether the opportunity is "realistic" will depend on whether there is in fact a likelihood-to the extent economic conditions allow-that the lower income housing will actually be constructed. Plaintiff's case will ordinarily include proof of the municipality's fair share of the regional need and defendant's proof of its satisfaction. Good or bad faith, at least on this issue, will be irrelevant." (*S. Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp.*, 92 N.J. 158, 220-22 (1983)); and

WHEREAS, the Supreme Court in Mount Laurel II suggested that builders' remedies should be used to force compliance by municipalities, reasoning that:

Experience has demonstrated to us that builder's remedies must be made more readily available to achieve compliance with Mount Laurel. We hold that where a developer succeeds in Mount Laurel litigation and proposes a project providing a substantial amount of lower income housing, a builder's remedy should be granted unless the municipality establishes that because of environmental or other substantial planning concerns, the plaintiff's proposed project is clearly contrary to sound land use planning. We emphasize that the builder's remedy should not be denied solely because the municipality prefers some other location for lower income housing, even if it is in fact a better site. (*S. Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp.*, 92 N.J. 158, 279-80 (1983)); and



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RESOLUTION NO. 117-21

RESOLUTION URGING THE NEW JERSEY STATE LEGISLATURE TO ADMINISTER PROVISIONS OF THE AFFORDABLE HOUSING ACT AND STAY FURTHER ACTION (CONTINUED)

WHEREAS, the New Jersey Legislature responded quickly to the Court's Mount Laurel decision by enacting the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., which created the Council on Affordable Housing ("COAH") which as the Court noted in Mount Laurel IV was designed to provide an optional administrative alternative to litigating constitutional compliance through civil exclusionary zoning actions." (*In re Adoption of N.J.A.C. 5:96 & 5:97 ex rel. New Jersey Council on Affordable Hous.*, 221 N.J. 1, 4 (2015); and

WHEREAS, COAH, pursuant to the authority granted to it by the Fair Housing Act, then adopted procedural and substantive rules which provided clear guidance to municipalities as to how they could meet their affordable housing obligation; and

WHEREAS, in its rules, COAH assigned a fair share number to each municipality and set forth various mechanisms that a municipality could use in order to satisfy that obligation; and

WHEREAS, the Township of Morris, like many other municipalities throughout the State of New Jersey, met its First and Second Round Affordable Housing Obligations through the COAH process; and

WHEREAS, COAH adopted the First Round Rules for the period from 1987 through 1993 and the Second Round Rules for the period 1993 to 1999 and then extended to 2004; and

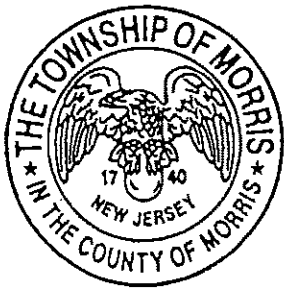
WHEREAS, COAH was obliged by the Fair Housing Act to adopt Third Round Rules to take effect in 2004, however, but never adopted rules that were acceptable to the Courts; and

WHEREAS, in 2015, the Supreme Court again stepped in, finding that COAH's failure to adopt Third Round Rules forced the Court to intervene; and

WHEREAS, the Supreme Court designated Mount Laurel judges in each of the fifteen court vicinages to hear all Mount Laurel cases; and

WHEREAS, instead of providing clear guidance like the COAH rules did, the Supreme Court in Mount Laurel IV set forth vague standards that have led to a complex system of non-uniform implementation; and

WHEREAS, as a result of the Supreme Court's decision in Mount Laurel IV, municipalities no longer were assigned fair share numbers, no longer had clear procedural and substantive rules to follow, and no longer had one tribunal to decide these issues, which meant that even the threshold issues of regional need and local fair share obligations had to be litigated before fifteen different Mount Laurel judges, and as a result, municipalities were forced to spend tens of thousands, and in some cases hundreds of thousands of dollars, to negotiate fair share numbers with the Fair Share Housing Center ("FSHC") and to gain court approval of settlement agreements negotiated with FSHC; and



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RESOLUTION NO. 117-21

RESOLUTION URGING THE NEW JERSEY STATE LEGISLATURE TO ADMINISTER PROVISIONS OF THE AFFORDABLE HOUSING ACT AND STAY FURTHER ACTION (CONTINUED)

WHEREAS, the Supreme Court in Mount Laurel IV concluded its opinion by encouraging the Legislature to once again assume responsibility in the area of affordable housing, saying:

"In conclusion, we note again that the action taken herein does not prevent either COAH or the Legislature from taking steps to restore a viable administrative remedy that towns can use in satisfaction of their constitutional obligation. In enacting the FHA, the Legislature clearly signaled, and we recognized, that an administrative remedy that culminates in voluntary municipal compliance with constitutional affordable housing obligations is preferred to litigation that results in compelled rezoning. (Citation omitted.) It is our hope that an administrative remedy will again become an option for those proactive municipalities that wish to use such means to obtain a determination of their housing obligations and the manner in which those obligations can be satisfied" (*In re Adoption of N.J.A.C. 5:96 & 5:97 ex rel. New Jersey Council on Affordable Hous.*, 221 N.J. 1, 34 (2015)); and

WHEREAS, it has been six years since the Mount Laurel IV opinion was issued and, to the detriment of each municipality in New Jersey and to the future viability of the State, the Legislature has taken no action to remedy the situation, by creating a state agency to replace COAH; and

WHEREAS, if the State Legislature fails to act, municipalities will once again face a burdensome, time-consuming and expensive process to obtain Fourth Round Mount Laurel compliance starting in 2025;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Morris in the County of Morris, State of New Jersey, that it does hereby urge the State Legislature to take immediate and decisive action to restore a viable administrative remedy that municipalities can use in satisfaction of their constitutional obligations to provide affordable housing.

I, Dawn McDonald, Interim Deputy Township Clerk of the Township of Morris, Morris County, New Jersey, do hereby certify that the foregoing is a true copy of a resolution as adopted by the Governing Body at a Regular Meeting held on May 19, 2021.

Dawn McDonald, RMC
Interim Deputy Township Clerk
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