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JACKSON TOWNSHIP ORDINANCES RULED INVALID

MIDDLETOWN, NJ – Superior Court Judge Eugene Serpentelli, sitting in Toms River, ruled today that two Jackson Township land development ordinances are invalid. One ordinance required homebuilders to dedicate land for common open space. The other required builders to either construct a variety of recreation facilities or pay to provide recreation facilities elsewhere in the Township. Attorney Paul H. Schneider of Giordano, Halleran & Ciesla, representing the Shore Builders Association of Central New Jersey, argued that under State law, municipalities have no authority to impose these mandates or require the in lieu payments. Judge Serpentelli agreed.

“We are pleased Judge Serpentelli recognized that the Legislature has limited a town’s authority to impose these exactions, which exacerbate the already high price of housing in New Jersey,” expressed Schneider.

According to the Court’s opinion, the decision has State-wide implications, as many towns have similar ordinances. The Judge recognized that in the past builders made a business decision to make the payments rather than challenge the towns' authority. Nonetheless, the Court found no legal foundation for the exactions required by the challenged ordinances.

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