

**RESOLUTION OPPOSING LEGISLATION THAT WOULD PREEMPT LOCAL PLANNING AND PERMIT CONVERSION OF CERTAIN OFFICE PARKS AND RETAIL CENTERS TO MIXED-USE DEVELOPMENTS**

**WHEREAS, New Jersey has long history of maintaining the principles of home rule, established in the state constitution, which has provided our residents with the most meaningful direct access to strong local governments; and**

**WHEREAS, municipalities bring a distinctive responsiveness and ability to shape policy to respond to the needs of communities; and**

**WHEREAS, local control and decision making reflective of the community empowers the residents and taxpayers of each municipality to carefully tailor local policies that reflect its unique geography, economy, needs, and priorities; and**

**WHEREAS, SCS-1408/A-2757 require municipal planning boards to permit the conversion of eligible properties, so-called “stranded assets” into mixed-use developments, effectively bypassing the existing variance procedure and preempting local zoning; and**

**WHEREAS, an eligible property is defined as an office park that is at least 50,000 square feet or a retail center of at least 15,000 square feet; and has a vacancy rate of at least 25% rate for at least 18 months immediately preceding the application; or has suffered an economic downturn over the immediately preceding 3 years, demonstrated by evidence of a quantifiable loss in revenue such that the developer’s expenses for the premises have exceeded revenues by at least 30% or more each year; and**

**WHEREAS, the committee amendments eliminated the 2-year sunset in the original bill, meaning that this would be a permanent preemption of local planning; and**

**WHEREAS, a mixed-use development, which may include the demolition of existing structures, that is subject to a preemptive conversion shall be considered a permitted use and not require a variance, provided that the development otherwise complies with zoning requirements in the municipality’s mixed-use zone; the application proposes at least two types of uses, one of which shall be residential, and no use shall be industrial; at least 20% of the residential units to be constructed shall be reserved as very-low-income housing, low-income housing, or moderate-income housing, at least 50% within each bedroom distribution are low-income units, at least 13% of the low income units are very-low income units; and must comply with the Uniform Housing Affordability Controls in N.J.S.A. 52:27D-301 et seq.; and**

**WHEREAS, the bill establishes the criteria to follow if there are multiple mixed-use zones and legislates mixed-use zones if the municipality does not have a mixed-use zone, likely to result in costly litigation; and**

**WHEREAS, SCS-1408/A-2757 is based on the unnecessary and unwarranted preemption of local master planning as currently any such application can be made through the variance process or a redevelopment process; and**

**WHEREAS, the criteria in the bill is ripe for litigation and -unintended consequences that could likely turn into a backdoor means to challenge approved affordable housing plans and expose municipalities to litigation; and**

**WHEREAS, this legislation and the erosion of local autonomy threatens to undermine home rule that is critical for local officials to adopt policies that are the most beneficial to the community and that our residents have long come to expect from their municipal government;**

**NOW, THEREFORE, BE IT RESOLVED, that the Borough of Wharton hereby urges the legislature to reject SCS-1408/A-2757 and preserve local autonomy in municipal planning; and**

**BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Senator Bucco, Assemblymembers Barranco and Dunn, Senate President Nicholas Scutari, Assembly Speaker Craig Coughlin, the Lieutenant Governor Tahesha Way, the Governor of the State of New Jersey Phillip Murphy, and New Jersey State League of Municipalities.**

**Adopted: April 14, 2025**

**BOROUGH OF WHARTON**

**ATTEST:**

**\_\_\_\_\_  
WILLIAM J. CHEGWIDDEN,  
MAYOR**

**\_\_\_\_\_  
Gabrielle Evangelista,  
Borough Clerk**