

GARDEN STATE CLE LESSON PLAN

A 1.0 CLE CREDIT COURSE

FREE DOWNLOAD LESSON PLAN AND EVALUTION

INTRO TO LAND USE AND PLANNING

WITH

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AND FEATURING

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Program Description

Intro to Land Use and Planning is a CLE calculated to initiate attorneys in the laws applicable to zoning and planning and will show the practitioner how to apply to zoning and planning boards. You'll learn about pitching your client's development plans, addressing the concerns of the objectors, using expert testimony, filing successful appeals, and mastering a wide array of legal, political, environment and economic issues.

I. INTRODUCTION

- **Garden State Continuing Legal Education**
- **Panelists**
[Michael MAGEE, Esq. and Robert Ramsey, Esq.]
- **Scope of Topic**
duration: 55 minutes-exclusive of introduction
materials: 6 pages

II. ZONING: THRESHOLD ISSUE

- **Risk of approval is diminished by applying in the proper zone for approval of a matching use**
- **Variations will be easier to obtain. Variations are guided by DEP etc. Site issues are easier within the proper zone**
- **If seeking commercial variance in residential zone tends to be tougher. But—like so many things in the law---it depends**
- **Some cities have a joint board, some separate. Terms are typically 2 or 3 years, usually there are 7 members and 2 alternates.**
- **Use variance requires 5 affirmative votes, most others only need a majority vote**

III. THE PROCESS

- **Hire a Professional Planner**
- **You need this expert for appeal and proof purposes**
- **Is this use an “inherently beneficial use”?**
- **Walmart example**
- **Traffic flow, income, population and other information has been studied by some clients**
- **What does the Planner think about success?**
- **Take the pulse of the Board, see what they might permit**
- **Residential tends to be tougher**
- **On approval, the appeal goes to the municipal body like the Mayor and Council.**
- **Objections will include traffic, noise, lighting, attracting of undesirable persons, etc.**
- **AMC example**

IV. THE ZONING BOARD MEMBERS

- **Satisfy the Board members concerns**
- **Watch for the 46th day for the appeal of the decision and then rest**
- **Residential and commercial approvals are on this agenda and the Zoning Board can well handle site plan approvals as part of the variance process**

V. THE PLANNING BOARD

- **Next step? Only sometimes, when requesting a site plan approval only --- without variance**
- **Get a first review/first reaction informally from the professionals in the municipality**

VI. EVIDENCE

- **Props like renderings**
- **Site visits with entire board on a bus, with experts and lawyers present, may help to visualize the project**

VII. APPEALS

- **Go from Planning Board directly to the County Assignment Judge**

VIII. PLAN APPROVAL

- **Requires a bond of 120% of total cost of the property**

IX. THE PLANNING BOARD

- **Walmart example**

X. DUE DILIGENCE REQUIREMENTS

- **Later arising environmental contamination per Phase I protocol, and sequalae**
- **Mathematics: is the project environmentally viable?**
- **Title issues, liens and clearing title at the agreed price**
- **Working with the Lenders**

XI. THE HAMILTON EXAMPLE:

- **Not Alexander Hamilton's Paterson, but the Hamilton Marketplace Mall**
- **Compare with Xanadu in Bergen County**
- **Essentially, Hamilton is stopping to shop rather than making the indoor mall a destination.**

XII. THE PRACTICE OF LAND USE LAW

- **Personally rewarding**
- **Attorneys get to see tangible results**
- **Speaker has 25 year relationships with some clients**
- **3-5 years to develop an expertise**