

Bond Case Briefs

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Montclair State University v. County of Passaic

Supreme Court of New Jersey - August 6, 2018 - A.3d - 2018 WL 3716020

State university brought action against county, seeking an order directing county to issue permits or declaring university exempt from local permitting requirements or approval for its desired road improvements, and city intervened.

The Superior Court dismissed the action. University appealed. The Superior Court, Appellate Division, reversed. City's petition for certification was granted.

The Supreme Court of New Jersey held that:

- University enjoyed qualified immunity from local land use controls;
- City and county raised legitimate public safety concerns for public traveling on county road; and
- As a matter of first impression, a state entity must reasonably address public safety concerns, if raised, to receive immunity.

State university was state entity that enjoyed qualified immunity from local land use controls with respect to management of its own land and property; university's board of trustees was statutorily granted broadly autonomous governmental powers, and university acted for state when, in furtherance of its overall statutory educational mission, it determined to improve its campus roads to better manage intra-campus traffic concerns.

City and county raised legitimate public safety concerns for public traveling on county road based on state university's planned changes to campus road intersecting with county road, and therefore for university to be immune from local land use regulations it must make showing and receive judicial determination that it has reasonably addressed safety concerns; city and county raised safety issue with planned curve and speed limit, and university was not legislatively authorized to act on issues of public safety on county roads.

Where a facially legitimate public safety concern is raised about a state entity's planned improvement to lands, which would have a direct impact on non-state-owned property, a showing by the entity that its planning has reasonably addressed the public safety concern, and a judicial finding as to the reasonableness of the action, are required to grant immunity to the entity from local land use regulations.