

Bond Case Briefs

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ZONING - NEW JERSEY

Mahwah Realty Associates, Inc. v. Township of Mahwah

Superior Court of New Jersey, Appellate Division - April 15, 2013 - A.3d - 2013 WL 1500362

Under statute governing notice of a hearing on an amendment to zoning ordinance proposing a change to the classification or boundaries of a zoning district, it is only when a boundary change is proposed that the notice must identify such change by street names, etc.

Health club owner brought action against township, challenging ordinance that sought to include health and wellness centers and fitness and health clubs as principal permitted uses in general industrial and industrial park zones. Owner contended that the ordinance changed the “classification” of those zones, thereby requiring compliance with notice provisions.

The appeals court held that:

- Ordinance changed the classification of industrial zones, thus triggering statutory notice requirements; but
- Under statute governing notice of a hearing on an amendment to zoning ordinance proposing a change to the classification or boundaries of a zoning district, it is only when a boundary change is proposed that the notice must identify such change by street names, common names or other identifiable landmarks, and by reference to lot and block numbers.