

Bond Case Briefs

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ZONING - NEW JERSEY

Township of Fairfield v. State, Dept. of Transp.

Superior Court of New Jersey, Appellate Division - April 10, 2015 - A.3d - 2014 WL 8514005

Township sought judicial review of final determination of the Director of the Division of Multimodal Services, Department of Transportation (DOT), granting a helistop “special use” license to the applicant.

The Superior Court, Appellate Division, held that:

- Sufficient evidence supported Director’s decision to grant helistop special use license, and
- Township was not entitled to a contested case-type hearing concerning the application.

Although helistops were banned in township by zoning ordinance, there was sufficient credible evidence to support Director of Transportation’s decision to grant application for a helistop special use license, where the Director had given careful consideration to township’s objections to the application and the board of adjustment’s resolution denying the use variance application, and contrary to the township’s contentions, the Director had conscientiously weighed the local interests, examined carefully whether the proposed aviation facility was compatible with surrounding land uses and consulted the local ordinances and authorities in making his licensing decision.

Director of Transportation did not abuse his discretion by deciding not to conduct a public informational hearing with respect to application for a helistop license, where the Director had explained in his decision that a hearing was not required because there were no material facts in dispute and the issues had been clearly framed by the submissions of the applicant’s and the board of adjustment’s attorneys.