

Bond Case Briefs

Municipal Finance Law Since 1971

ECONOMIC DEVELOPMENT ZONES - NEW JERSEY

Hillsborough Properties, L.L.C. v. Township of Hillsborough

Superior Court of New Jersey, Appellate Division - June 23, 2015 - Not Reported in A.3d - 2015 WL 3843409

Trial court issued an order invalidating the Township of Hillsborough's twenty-five-acre minimum lot size for Economic Development Zones, finding that such a minimum lot size was arbitrary, capricious, and unreasonable. The court ordered the Township to amend its zoning ordinance to establish a minimum lot size of five acres. Township appealed.

The appeals court agreed that the trial court correctly determined that the twenty-five-acre minimum lot size was not reasonable when considered in light of the purposes of the zone and the lot sizes established for similar uses in the Township's other zoning districts.

However, the appeals court agreed with the Township that the trial court erred by ordering it to adopt a five-acre minimum lot size for the ED Zone. The appeals court remanded to the Township's Planning Board to review the lot sizes for the other non-residential districts and determine, in the first instance, the minimum lot size less than twenty-five acres that would reasonably achieve the purpose and goals of the zone.