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Malanga v. Township of West Orange

Supreme Court of New Jersey - March 13, 2023 - A.3d - 2023 WL 2467376

Taxpayer brought action to challenge township's designation of library as an area in need of redevelopment.

The Superior Court, Law Division, summarily dismissed the complaint. Taxpayer appealed, and the Superior Court, Appellate Division, affirmed. Taxpayer petitioned for certification to appeal, which was granted, and townships subsequently authorized the sale of the library to a private developer.

The Supreme Court held that:

- Township's sale of library to private developer did not render appeal moot;
- Evidence was insufficient to support finding that library suffered from "obsolescence," as a ground for township's designation of library as an area in need of redevelopment; and
- Evidence was insufficient to support determination that, as a result of any faulty arrangement or obsolete layout, library site was detrimental to the welfare of the community.

Township's sale of library to private developer did not render moot taxpayer's appeal challenging township's designation of library as an area in need of redevelopment under the Local Redevelopment and Housing Law (LRHL), where resolution designating the library site as an area in need of redevelopment was still in force, and, if the sale fell through, township would want the designation to remain in place.

Proper interpretation of Local Redevelopment and Housing Law (LRHL) standard for designating property for redevelopment was an issue of substantial public importance such that Supreme Court would address merits of taxpayer's allegedly moot appeal in action challenging township's designation of library as an area in need of development; library had been sold to a private developer after taxpayer appealed.

Proof that a property is not used in an optimal manner or that it could function better is not an independent basis for redevelopment under Local Redevelopment and Housing Law (LRHL) subdivision providing for a determination that a property is in need of redevelopment if it contained buildings which, by reason of "dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community."

Evidence was insufficient to support finding that library suffered from "obsolescence," as a ground for township's designation of library as an area in need of redevelopment; both consultant and the mayor recognized the Library was a functioning building, members of the community actively used it more than 150,000 times a year, and needed improvements and upgrades were not uncommon for older buildings and did not present code violations.

Evidence was insufficient to support determination that, as a result of any faulty arrangement or obsolete layout, library site was detrimental to the welfare of the community, and thus did not support township's determination that library was an area in need of redevelopment; while consultant stated that, because of its physical obsolescence and layout, the library could not add more computers or programming, and was not "up to the benchmark standard of modern libraries," benchmarks used did not clearly show how library compared to its peers or how its programming and the number of computers it had compared to other libraries, and needed repair work and mere references to asbestos did not establish actual detriment to the welfare of the community.

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