

June 28, 2012

**RE: An Open Letter to the New Jersey State Senate
Opposing S-1534**

Dear Honorable Members of the New Jersey State Senate:

We are the elected Mayors of the following municipalities: **Bloomfield, Caldwell, Hackettstown, Hoboken, Jersey City, Lawrence Township (Mercer), Madison, Princeton Borough, Princeton Township, South Orange and West Long Branch.** We serve for the majority of the communities impacted by S-1534, which would exempt private colleges and universities from the provisions of the municipal land use law (MLUL.) The legislation is scheduled for your consideration on Thursday, June 28.

We **adamantly oppose** this legislation, which undermines and usurps local decision making and severely diminishes the role of our taxpayers.

Please vote no on S-1534.

From the outset let us say that as a host community of a private institution of higher education, we view our partnership with our schools as one of mutual benefit for the entire community. Schools are our partner in planning for our community, and the “town-gown” relationship is a key to our future growth.

However, that “partnership” must be an equal one. It is ironic that the bill description talks about equalizing private colleges and universities, since, in fact, the bill creates an unequal relationship between these institutions and their neighbors, our taxpayers.

Perhaps the most disturbing part of this legislation is the uneven playing field the bill would create between the institutions and the taxpayers of a community. Public scrutiny, involvement and complete transparency are essential to the planning process, and should not be diminished or hindered in any way. **The involvement of locally elected officials, appointed officials and residents can only improve, not diminish, projects.**

For instance, under S-1534 a private college or institution may seek to expand and increase enrollment, which could lead to an increase increased demand for parking and traffic demands on the surrounding community. A private college or institution could plan on building a new on-campus sports facility, which undoubtedly would have local impacts on traffic and quality of life issues for their neighbors. Of even greater concern, under this bill, the total exemption from local zoning regulation would arguably extend to any property acquired by a private college or institution, whether located on a central campus or some distance away, even in the middle of a residential neighborhood. Under S-1534, there is no certainty that projects such as these would receive the necessary public input and scrutiny. This is simply an unacceptable outcome.

S-1534 relies on a forty-year old court case involving Rutgers University and the Township of Piscataway, and tries to apply the findings in that decision, which were based on the unique circumstances in the case and a public institution. The application does not consider the implications to our individual communities. We are aware of the letter opposition to S-1534, submitted by the New Jersey Chapter of the American Planning Association (APA-NJ), and its description of the Rutgers v. Piluso case. For the sake of brevity, we will not repeat their arguments, but would call your attention to it, and note the unsound application of that case to private universities.

Further, S-1534 would establish a very troublesome precedent. While the bill itself applies only to the host municipalities of private colleges and universities, a very dangerous precedent could be established, allowing other non-profit institutions who similarly serve a “public mission” to argue that they should also be exempt from local zoning control. The logical extension of this could impact every community in this State.

Thus, on behalf our residents, **we urge you to vote no on S-1534.**

Very truly yours,

The Hon. Robert H. Conley, Mayor, Madison Borough
The Hon. Ann Dassing, Mayor, Caldwell Borough
The Hon. Maria DiGiovanni, Mayor, Hackettstown
The Hon. Chad Goerner, Mayor, Princeton Township
The Hon. Jerramiah Healy, Mayor, Jersey City
The Hon. James S. Kownacki, Mayor, Lawrence Township (Mercer)
The Hon. Raymond J. McCarthy, Mayor, Bloomfield Township
The Hon. Yina Moore, Mayor, Princeton Borough
The Hon. Alex Torpey, Village President, Township of South Orange Village
The Hon. Janet W. Tucci, Mayor, West Long Branch Borough
The Hon. Dawn Zimmer, Mayor, City of Hoboken