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Michael Garofalo, Esq. Cautions Planning/Zoning Boards
To Use Proper Procedures

Sparta, NJ --- Land use issues are coming under heavy scrutiny by the courts, according to Michael Garofalo, Esq., an associate in the Sparta law firm of Laddey, Clark & Ryan. Garofalo was a member of the NJPO's (New Jersey Planning Officials) panel that recently reviewed and discussed a number of land use decisions.

In reviewing these decisions, Garofalo noted that the courts have admonished planning and or zoning boards for basing their conclusions on insufficient facts, failing to write their resolutions correctly or relying on vague, inaccurate or hearsay evidence. Garofalo cautions Boards to record property decisions and conditions in their County Clerk's Office either as a deed, restriction or easement. Well-drafted resolutions, including findings and conclusions that are reviewed by the Board's attorney, will support the local board's decision, advises Garofalo.

The court also found fault with local boards for arbitrary or inconsistent ad hoc decisions, deviating from their own rules or procedure (or not having any at all) and discussing substantive issues in closed door executive sessions rather than open public forums.

Garofalo also cautions Boards to be especially mindful of the processing of the multitude of new storm water regulations. Hearings should be conducted prior to adding them to the town's plans. Most importantly, all land-use issues should be dealt with professionally and boards must be responsible and consistent in their procedures and decision making.

Garofalo's practice at Laddey, Clark & Ryan, focuses on Municipal Law, Zoning and Planning; Municipal Court Defense and Real Estate. He is a former Franklin Borough Councilman and joined the firm in 2000.

NJPO is a non-profit, tax-exempt organization comprised of members of planning and zoning boards, elected officials and land use professionals in the state of New Jersey.

To learn more about Garofalo and Laddey Clark & Ryan, log on to its web site: www.lcrlaw.com.

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