

**AN ORDINANCE OPPOSING NEW JERSEY STATE SENATE BILL S-1836,
LEGISLATION BYPASSING LOCAL PLANNING**

WHEREAS, municipalities are required to establish a Municipal Master Plan with a combination of mandatory and optional elements including Goals and Objectives, Land Use, Circulation, Housing, Community Facilities, Downtown Economic Development, Historic Preservation, and Sustainability; and

WHEREAS, municipalities are also required to reexamine the Municipal Master Plan every 10 years to ensure that the master plan meets the community needs and is relevant as communities, evolve, grow, and change; and

WHEREAS, municipalities complete this effort at great cost and community input to ensure their community has a roadmap for growth; and

WHEREAS, a municipality is best suited to plan for and understand their community's needs, the existing infrastructure to address the municipality's public safety, health, traffic, and character and the ability to expand such infrastructure for desired growth; and

WHEREAS, there are many mechanisms for exceptions and variances to the local planning process; and

WHEREAS, municipalities have been diligently working to comply with the changes outlined in the passage of A-4/S-50 in 2024 that made substantial changes to the 4th Round of Affordable Housing obligations; and

WHEREAS, affordable housing construction has generally comprised between 10 – 20 % of a total development, but municipalities will end up constructing far more units during this current round of affordable housing; and

WHEREAS, recent legislative proposals that preempt the planning process by permitting the conversion of underutilized properties into mixed used developments, reducing the number of parking spaces required for new developments near transit, making Accessory Dwelling Units permissible, and most recently, legislation that enhances the ability of religious and nonprofit organizations to convert certain property to inclusionary developments with affordable housing undermine the careful planning process outlined in the Municipal Land Use Law; and

WHEREAS, this proposal, S-1836 is particularly egregious because the required percentage of affordable housing units is only 20% with the remaining 80% at market rate as more than 400 municipalities have adopted plans to fulfill their 4th Round Affordable Housing obligations far in advance of previous rounds; and WHEREAS, this legislation bypasses local planning for increased density and height, regardless of a municipality's ability to ensure safety; and

WHEREAS, a worthy project could, and should participate in the local planning and zoning process to engage with the public; and

WHEREAS, S-1836 permits the bypassing of the local planning process which is an egregious assault on municipal autonomy and local decision making.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the Borough of Wharton urges the legislature to defeat S-1836 and similar legislation that denies local autonomy in land use planning and ignores the well thought out master plan; and

BE IT FURTHER RESOLVED, that a copy of this resolution is forwarded to the Senator Anthony Bucco, Assemblywoman Aura Dunn, Assemblywoman Marisa Sweeney, Governor Mikie Sherrill, and the New Jersey State League of Municipalities.

Adopted: May 11, 2026

BOROUGH OF WHARTON

ATTEST:

**VINCENT BINKOSKI,
COUNCIL PRESIDENT**

**Cheryl Muzzillo,
Borough Clerk**