

Preface

The Appellate Division rendered an opinion regarding Jersey City's Historic Preservation Ordinance. In response we have made a careful review of section 13:12 of this work, regarding Historic Preservation. In *Berardo v. City of Jersey City*, 476 N.J. Super. 341, 299 A.3d 844 (App. Div. 2023), the Appellate Division found that the delegation of HPC powers to an individual was ultra vires. Of course, the HPC was empowered to hire an expert to prepare a report. The Court went on to hold that N.J.S.A. 40:55D-70.2 was not intended to grant the Zoning Board jurisdiction to hear appeals of advisory "determinations of significance". The right of appeal does not arise until a demolition permit is actually denied.

In *Malanga v. Twp. of W. Orange*, 253 N.J. 291, 310, (2023) the Supreme Court found that the Township had improperly designated the site of its public library as an area in need of redevelopment. The court reminds us that the findings in N.J.S.A. 40A:12A-5(d) must provide substantial evidence that the existing conditions have a detrimental impact on the safety, health, morals, or welfare of the community. Based upon the active use of the existing library the Court found the evidence provided was lacking.

The success of this book has always been dependent on the contributions of the Local Government Bar, the Local Government Law Section of the State Bar and the New Jersey Institute of Local Government Attorneys. I welcome comments and criticisms of this work to keep it a useful source of reliable information in the field of municipal law.

I would like to thank Andrew Ball, Esq. and Michele Donato, Esq. for their review and comments on the section involving historic preservation.

DENNIS M. GALVIN
Freehold, New Jersey

March 24, 2024