

Litigation Victory Overturns Livingston Zoning Ordinance

6/13/2018

The New Jersey Appellate Court issued an opinion on June 12, 2018 reversing a trial court in an action that challenged a Livingston zoning ordinance. Representing a group of residents affected by the ordinance, which would have allowed a massive property development on adjoining properties, Brach Eichler claimed that the municipality was required to provide individual notice to the property owners rather than just their normal notices published in the newspaper. The trial court upheld the ordinance and it was necessary to appeal. The court's decision reverses the trial court and invalidates the ordinance stopping the proposed development in its tracks.

The Appellate Court accepted the argument made on behalf of our client that the ordinance adopted by Livingston without giving personal notice to each of the members of the public affected, is void and of no legal effect.

This case is significant on both a local and statewide basis. The developer who obtained planning board approval based on the ordinance now must begin the process all over again since there is now no law that permits the development as previously approved. Personal notice of the proposed change must be given to all affected residents. The case also establishes an important right of the members of the public to receive the notice mandated by the state statute and the consequences that occur as a result of noncompliance.

As in any successful litigation, the result was a product of the coordinated efforts of the Brach Eichler litigation team. Led by Chair [Charles X. Gormally](#), the team included Member [Susan R. Rubright](#), Associate [Autumn M. McCourt](#), and Paralegals John Martin and Claudia Budris.