

RESOLUTION
BARNEGAT TOWNSHIP PLANNING BOARD

RESOLUTION NO. P-2026-5

RESOLUTION AUTHORIZING EMERGENCY MEETING

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-9(b), permits a public body to hold a meeting with less than 48 hours' notice only when (1) the matter is of such urgency and importance that a delay for the purpose of providing adequate notice would likely result in substantial harm to the public interest; (2) the meeting is limited to discussion and action on that matter; and (3) the need for the meeting could not reasonably have been foreseen at a time when adequate notice could have been provided; and

WHEREAS, this time-sensitive requirement arose or was communicated on February 27, 2026, after the cancellation of the regular February 24, 2026, Planning Board meeting due to a blizzard where this referral ordinance was scheduled and at a time when providing the 48-hour notice required by the Open Public Meetings Act was not reasonably possible; and

WHEREAS, the Planning Board must consider and take formal action on referral ordinance 2026-5 an ordinance of the Township of Barnegat, County of Ocean State of New Jersey repealing and replacing Chapter 55-350 through Chapter 55-359 of the Township Land Use Code entitled Affordable Housing.

WHEREAS, the State of New Jersey has imposed a deadline of March 15, 2026, and failure to act prior to that deadline would jeopardize the municipality's immunity from exclusionary zoning litigation, jeopardize affordable housing compliance, and otherwise harm the public interest; and

WHEREAS, the matter is of such urgency and importance that the Board must meet immediately in order to comply with the State of New Jersey mandated timeline and protect the public interest; and

WHEREAS, the Board Secretary has provided the best notice possible under the circumstances, including posting on the municipal website, bulletin board, electronic distribution to newspapers, and any other means feasible; and

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Barnegat, by a vote of three-fourths ($\frac{3}{4}$) of the members present, that the Board hereby:

1. Declares that an emergency exists as defined under N.J.S.A. 10:4-9(b);
2. Authorizes an emergency meeting to be conducted on this date, limited solely to the matter described herein;
3. Confirms that adequate notice could not be provided due to a blizzard causing the cancellation of the regular February 24, 2026, and the timing of the State imposed requirement; and
4. Directs that this Resolution be read into the minutes of this emergency meeting.

Adopted this 2nd day of March 2026.

Glenn Swank, Vice Chairperson

Stacey M. Cole, Board Secretary