

ORDINANCE 340-14

**TOWNSHIP OF LONG HILL,
COUNTY OF MORRIS, STATE OF NEW JERSEY,
INCREASING THE NUMBER OF MEMBERS ON THE TOWNSHIP PLANNING BOARD AND
AMENDING SECTION 171 OF THE TOWNSHIP LAND USE CODE ENTITLED “PLANNING
BOARD”**

STATEMENT OF PURPOSE: *to increase the number of regular members of the Planning Board to 9 with no alternates.*

WHEREAS, the Municipal Land Use Law (“MLUL”) provides that:

“The governing body may, by ordinance, create a planning board of seven or nine members” (N.J.S.A. 40:55D-23);

WHEREAS, the MLUL goes on to provide that:

“The members of Class IV shall hold no other municipal office, position or employment, except that in the case of nine-member boards, one such member may be a member of the zoning board of adjustment or historic preservation commission. No member of the board of education may be a Class IV member of the planning board, except that in the case of a nine-member board, one Class IV member may be a member of the board of education. If there be a municipal environmental commission, the member of the environmental commission who is also a member of the planning board, as required by section 1 of P.L.1968, c.245 (C.40:56A-1), shall be a Class IV planning board member, unless there be among the Class IV or alternate members of the planning board both a member of the zoning board of adjustment or historic preservation commission and a member of the board of education, in which case the member common to the planning board and municipal environmental commission shall be deemed a Class II member of the planning board. . . .” (N.J.S.A. 40:55D-23); and

WHEREAS, although N.J.S.A. 40:56A-1 requires that if there is an environmental commission, one member of it shall be a member of the planning board, William Cox points out in his treatise on *New Jersey Zoning & Land Use Administration* that:

“Although both N.J.S. 40:56A-1 and N.J.S. 45:55D-23 on their face make environmental commissioner membership on the planning board mandatory, the court held those statutes permissive in this regard, requiring only that if a member of the environmental commission was appointed to the planning board, it would be as a Class IV member, with certain exceptions.”; and

WHEREAS, the MLUL permits, but does not require, the appointment of alternate members of the Planning Board (N.J.S.A. 40:55D-23.1); and

WHEREAS, the Township Committee feels that the Planning Board will function more efficiently with nine regular members and no alternates;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, New Jersey that Section 170 of the Township Land Use Code is hereby amended as follows:

Section 1. Subsection 171.1 entitled “Establishment and Composition [of Planning

Board] is hereby amended to read as follows:

171.1 Establishment and Composition

There is hereby established pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., in the Township of Long Hill, a Planning Board of nine (9) members consisting of the following four (4) classes:

- a. Class I. The Mayor or the Mayor's designee in the absence of the Mayor.
- b. Class II. One (1) of the officials of the municipality other than a member of the Township Committee to be appointed by the Mayor, provided that if there is an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be deemed to be the Class II Planning Board member if there are both a member of the Board of Adjustment and a member of the Board of Education among the Class IV members.
- c. Class III. A member of the Township Committee to be appointed by it.
- d. Class IV. Six (6) other citizens of the municipality to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, position or employment, except that in the case of nine-member boards, one such member may be a member of the zoning board of adjustment or historic preservation commission. No member of the board of education may be a Class IV member of the planning board, except that in the case of a nine-member board, one Class IV member may be a member of the board of education. If there be a municipal environmental commission, the member of the environmental commission who is also a member of the planning board, as required by section 1 of P.L.1968, c. 245 (C.40:56A-1), shall be a Class IV planning board member, unless there be among the Class IV or alternate members of the planning board both a member of the zoning board of adjustment or historic preservation commission and a member of the board of education, in which case the member common to the planning board and municipal environmental commission shall be deemed a Class II member of the planning board. For the purpose of this section, membership on a municipal board or commission whose function is advisory in nature, and the establishment of which is discretionary and not required by statute, shall not be considered the holding of municipal office.

~~e. — Alternate Members. Alternate members shall be appointed by the Mayor and shall meet the qualifications of Class IV members. Alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1" and "Alternate No. 2." The terms of the alternate members shall be for two (2) years, except that the terms of the alternate members shall be such that the term of not more than one (1) alternate member shall expire in any one (1) year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two (2) years. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.~~

~~— An alternate member may, after public hearing if the member requests one, be removed by the Township Committee for cause.~~

~~— Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate~~

~~member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.~~

Section 2. The initial terms of the two new Class IV members first appointed under this ordinance shall be so determined that to the greatest practicable extent the expiration of the six Class IV members shall be distributed evenly over the next four years. Thereafter, the Class IV term of each such member shall be four years.

Section 3. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 4. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 5. This ordinance shall take effect January 1, 2015.

Attest:

Cathy Reese, RMC, CMR
Township Clerk

Guy Piserchia, Mayor

NOTICE

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, September 24, 2014, will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, October 29, 2014 at the Municipal Building, 915 Valley Road, Gillette, New Jersey when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Cathy Reese, RMC, CMR, Clerk

1st Reading and Introduction: [September 24, 2014](#)
1st Publication: [October 9, 2014](#)
Referral to Planning Board: [October 7, 2014](#)
Notice to County Planning Board Prior to Adoption: [October 7, 2014](#)
Notice to Clerks of Adjoining Municipalities (if required):
Notice to Affected Property Owners (if required):
2nd Reading and Adoption: [October 29, 2014](#)
2nd Publication:
Filing with County Planning Board: