

ASSEMBLY, No. 1019

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen CONNORS and MORAN

1 AN ACT concerning qualifications for planning board membership and  
2 amending P.L.1975, c.291.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 14 of P.L.1975, c.291 (C.40:55D-23) is amended to  
8 read as follows:

9 14. Planning board membership.

10 a. The governing body may, by ordinance, create a planning board  
11 of seven or nine members. The membership shall consist of, for  
12 convenience in designating the manner of appointment, the four  
13 following classes:

14 Class I--the mayor or the mayor's designee, who shall be a citizen  
15 and a resident of the municipality, in the absence of the mayor or, in  
16 the case of the council-manager form of government pursuant to the  
17 Optional Municipal Charter Law, P.L.1950, c.210 (C.40:69A-1 et  
18 seq.) or "the municipal manager form of government law"  
19 (R.S.40:79-1 et seq.), the manager, if so provided by the aforesaid  
20 ordinance.

21 Class II--one of the officials of the municipality other than a  
22 member of the governing body, to be appointed by the mayor;  
23 provided that if there be an environmental commission, the member of  
24 the environmental commission who is also a member of the planning  
25 board as required by section 1 of P.L.1968, c.245 (C.40:56A-1), shall  
26 be deemed to be the Class II planning board member for purposes of  
27 this act in the event that there be among the Class IV or alternate  
28 members of the planning board both a member of the zoning board of  
29 adjustment and a member of the board of education.

30 Class III--a member of the governing body to be appointed by it.

31 Class IV--other citizens who are residents of the municipality, to be  
32 appointed by the mayor or, in the case of the council-manager form of

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 government pursuant to the Optional Municipal Charter Law,  
2 P.L.1950, c.210 (C.40:69A-1 et seq.) or "the municipal manager form  
3 of government law" (R.S.40:79-1 et seq.), by the council, if so  
4 provided by the aforesaid ordinance.

5 The members of Class IV shall hold no other municipal office,  
6 position or employment, except that in the case of nine-member  
7 boards, one such member may be a member of the zoning board of  
8 adjustment or historic preservation commission. No member of the  
9 board of education may be a Class IV member of the planning board,  
10 except that in the case of a nine-member board, one Class IV member  
11 may be a member of the board of education. If there be a municipal  
12 environmental commission, the member of the environmental  
13 commission who is also a member of the planning board, as required  
14 by section 1 of P.L.1968, c.245 (C.40:56A-1), shall be a Class IV  
15 planning board member, unless there be among the Class IV or  
16 alternate members of the planning board both a member of the zoning  
17 board of adjustment or historic preservation commission and a member  
18 of the board of education, in which case the member common to the  
19 planning board and municipal environmental commission shall be  
20 deemed a Class II member of the planning board. For the purpose of  
21 this section, membership on a municipal board or commission whose  
22 function is advisory in nature, and the establishment of which is  
23 discretionary and not required by statute, shall not be considered the  
24 holding of municipal office.

25 b. The term of the member composing Class I shall correspond to  
26 the mayor's or manager's official tenure, or, if the member is the  
27 mayor's designee in the absence of the mayor, the designee shall serve  
28 at the pleasure of the mayor during the mayor's official tenure. The  
29 terms of the members composing Class II and Class III shall be for one  
30 year or terminate at the completion of their respective terms of office,  
31 whichever occurs first, except for a Class II member who is also a  
32 member of the environmental commission. The term of a Class II or  
33 Class IV member who is also a member of the environmental  
34 commission shall be for three years or terminate at the completion of  
35 his term of office as a member of the environmental commission,  
36 whichever occurs first. The term of a Class IV member who is also a  
37 member of the board of adjustment or board of education shall  
38 terminate whenever he is no longer a member of such other body or at  
39 the completion of his Class IV term, whichever occurs first. The terms  
40 of all Class IV members first appointed under this act shall be so  
41 determined that to the greatest practicable extent the expiration of  
42 such terms shall be distributed evenly over the first four years after  
43 their appointments; provided that the initial Class IV term of no  
44 member shall exceed four years. Thereafter, the Class IV term of each  
45 such member shall be four years. If a vacancy in any class shall occur  
46 otherwise than by expiration of the planning board term, it shall be

1 filled by appointment, as above provided, for the unexpired term. No  
2 member of the planning board shall be permitted to act on any matter  
3 in which he has, either directly or indirectly, any personal or financial  
4 interest. Any member other than a Class I member, after a public  
5 hearing if he requests one, may be removed by the governing body for  
6 cause.

7 c. In any municipality in which the term of the municipal governing  
8 body commences on January 1, the governing body may, by ordinance,  
9 provide that the term of appointment of any class of member of the  
10 planning board appointed pursuant to this section shall commence on  
11 January 1. In any municipality in which the term of the municipal  
12 governing body commences on July 1, the governing body may, by  
13 ordinance, provide that the term of appointment of any class of  
14 member appointed pursuant to this section commence on July 1.  
15 (cf: P.L.1994, c.158, s.1)

16

17 2. This act shall take effect immediately.

18

19

20

#### STATEMENT

21

22 The purpose of this bill is to clarify that a person serving as the  
23 mayor's designee to a municipal planning board must be a citizen of  
24 the United States and a resident of the municipality. The bill also  
25 clarifies the use of the phrase "other citizens of the municipality,"  
26 when referring to class IV appointments, to mean citizens of the  
27 United States who are residents of the municipality. This legislation  
28 ensures that persons serving on planning boards and making decisions  
29 affecting the expenditure of public monies have a vested interest in  
30 their communities through citizenship and residency. This legislation  
31 does not amend the law to require that a Class II member, who is an  
32 official of the municipality, be a citizen of the United States or a  
33 resident of the municipality. The Class II member's official position in  
34 the municipality as, for example, the municipal engineer or the  
35 environmental commissioner, gives that official a special perspective  
36 on the community which is valuable to the deliberations of the  
37 planning board.

38

39

40

41

42 \_\_\_\_\_  
43 Requires mayor's designee on municipal planning board to be citizen  
of United States and resident of municipality.