

SENATE, No. 1287

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1996

By Senators CONNORS and Bubba

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

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

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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
33 government pursuant to the Optional Municipal Charter Law,
34 P.L.1950, c.210 (C.40:69A-1 et seq.) or "the municipal manager form

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 of government law" (R.S.40:79-1 et seq.), by the council, if so
2 provided by the aforesaid ordinance.

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

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

1 in which he has, either directly or indirectly, any personal or financial
2 interest. Any member other than a Class I member, after a public
3 hearing if he requests one, may be removed by the governing body for
4 cause.

5 c. In any municipality in which the term of the municipal governing
6 body commences on January 1, the governing body may, by ordinance,
7 provide that the term of appointment of any class of member of the
8 planning board appointed pursuant to this section shall commence on
9 January 1. In any municipality in which the term of the municipal
10 governing body commences on July 1, the governing body may, by
11 ordinance, provide that the term of appointment of any class of
12 member appointed pursuant to this section commence on July 1.

13 (cf: P.L.1994, c.158, s.1)

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15 2. This act shall take effect immediately.

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STATEMENT

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

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40 Requires mayor's designee on municipal planning board to be citizen
41 of United States and resident of municipality.