

Borough of Matawan

Notice of Pending Ordinance

The ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Matawan, in the County of Monmouth, State of New Jersey, on March 1, 2016. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the regular meeting of the governing body in the Borough on March 15, 2015 at 7:00 o'clock pm. During the week prior to, up to and including the date of such meeting, copies of the full ordinance will be available at no cost during regular business hours at the Clerk's office for the members of the general public who shall request the same.

Karen Wynne, RMC
Municipal Clerk

ORDINANCE 16-02

AMENDING AND SUPPLEMENTING THE BOROUGH OF MATAWAN CODE CHAPTER 30 – LAND USE PROCEDURES SECTION 30-1.2 – ALTERNATE MEMBERS CONCERNING THE CONSTITUTION OF THE UNIFIED PLANNING BOARD - ZONING BOARD OF ADJUSTMENT

WHEREAS, the Borough of Matawan has an established Unified Planning Board, as a result of a transition from two separate boards, namely a Planning Board and a Zoning Board of Adjustment, to a Unified board; and

WHEREAS, the currently established Unified Planning Board functions under the authority of the New Jersey Municipal Land Use Law, NJSA 40:55D-23; and

WHEREAS, the New Jersey statutory authority for Unified Planning Boards, as contained in the Municipal Land Use Law, permits municipalities to establish alternate members of the Unified Planning Board in Matawan's instance; however, the establishment, composition, and designation of those members must meet the statutory criteria set forth in NJSA 40:55D-23.1; and

WHEREAS, the foregoing amendment is not intended to have any impact on the statutorily permissible position of "Mayor's Alternate", who only attends in the event of the absence of the Mayor; and

WHEREAS, the Borough of Matawan has historically identified the alternate members as alternates for various classes of members of the said Unified Planning Board and not named them consistent with the statutory authority of NJSA 40:55D-23.1 as alternates for Class IV members; and

WHEREAS, it is the desire of the Mayor and Council to revise the current ordinance, namely 30-1.2 as it concerns Alternate Members only, in order to comply with the requirements of NJSA 40:55D-23.1.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL AS FOLLOWS:

1. The provisions of Section 30-1.2 are amended to read as follows:

30-1.2 Alternate Members.

a. In addition to the regular members of the Unified Planning Board appointed pursuant to this section, there shall be appointed four alternate members ~~as follows~~ appointed by the Mayor. They shall be designated Alternate Number One, Alternate Number Two, Alternate Number Three, and Alternate Number Four.

1. ~~Class II: One (1) alternate member to be appointed by the Mayor.~~

2. ~~Class III: One (1) alternate member to be appointed by the Borough Council.~~

3. ~~Class IV: Two (2) alternate members to be appointed by the Mayor. The alternates shall be designated at the time of appointment by the Mayor as "Alternate Number 1" and "Alternate Number 2."~~

b. Alternate members shall serve in the absence or disqualification of the regular members of the Board. ~~of the Class to which the alternate is appointed. The alternate members of Class IV shall serve in rotation during the absence or disqualification of any member or members of Class IV.~~

c. Terms:

1. ~~Class II Alternate: a term expiring at the same time as the term of the regular member of Class II.~~

2. ~~Class III Alternate: a term expiring at the same time as the term of the regular member of Class III.~~

3. ~~Class IV Alternates: a term of two (2) years beginning on January 1 of the year in which such alternate is appointed, however, the terms of the alternate members shall be such that the term of not more than ~~one (1)~~ two (2) alternate members shall expire in any one (1) year; provided that in no instance shall a term of alternate members first appointed exceed two (2) years.~~

d. *Vacancy.* A vacancy ~~in any class~~ which occurs otherwise than by expiration of term shall be filled by appointment as above provided for the unexpired term only.

e. No alternate member shall be permitted to act on any matter in which he or she has either directly or indirectly any personal or financial interest. An alternate member may be removed by the Governing Body for cause. Removal can be made only upon a hearing which shall be public if the alternate member so requests.

f. 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 Number One" shall vote succeeded by Alternate Number Two, Alternate Number Three, and Alternate Number Four in order of precedence, if eligible to vote.

2. If any part of this Ordinance is deemed to be illegal or ineffective, the other provisions shall nonetheless remain in force.

This Ordinance shall take effect upon second reading and publication according to law.