

TOWNSHIP OF BORDENTOWN

ORDINANCE NO. 2020-01

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF BORDENTOWN AND GRANTING TO THE PLANNING BOARD OF THE TOWNSHIP OF BORDENTOWN THE POWERS FORMERLY HELD BY THE BORDENTOWN ZONING BOARD OF ADJUSTMENT

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-25c, specifically allows municipalities having a population of 15,000 or less by Ordinance to grant to the Planning Board, to the same extent and subject to the same restrictions, all the powers of a Board of Adjustment operating within such a municipality; and

WHEREAS, the Township of Bordentown has a population of 15,000 or less; and

WHEREAS, it is the desire of the Bordentown Township Committee to reduce tax burdens on the Township taxpayers by eliminating the dual expenses of having two Boards; and

WHEREAS, it is further the desire of the Bordentown Township Committee to consolidate zoning matters into one body so that uniform and consistent zoning in accordance with the Municipal Land Use Law would be advanced within the Township; and

WHEREAS, when the Planning Board exercises the powers of the former Bordentown Township Zoning Board of Adjustment, any Class I and Class III member of said Planning Board shall not participate in the consideration of any applications for development which involve relief pursuant to subsection (d) of N.J.S.A. 40:55D-70; and

WHEREAS, any matters pending before the Township Zoning Board of Adjustment prior to March 1, 2020 and the adoption of this Ordinance shall be heard in accordance with N.J.S.A. 40:55D-72.1; and

WHEREAS, the Bordentown Township Municipal Code will require amendment to incorporate the changes as contemplated by this Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Bordentown, County of Burlington, and State of New Jersey as follows:

SECTION 1. As of March 1, 2020, the Zoning Board of Adjustment of the Bordentown Township is hereby abolished except that any applications then pending before said Zoning Board of Adjustment will continue to be heard in accordance with N.J.S.A. 40:55D-72.1.

SECTION 2. Any Class I and Class III member of the Planning Board shall not participate in the consideration of any applications of development which involve relief pursuant to subsection (d) of N.J.S.A. 40:55D-70.

SECTION 3. The purpose of this Ordinance is to grant the powers of the former Zoning Board of Adjustment to the Municipal Planning Board. To that extent, this Ordinance may not be all inclusive so that if there is any Ordinance, whether the same be a Municipal Land Use Ordinance or otherwise, which grants powers to the Municipal Zoning Board of Adjustment, said powers shall now lie with the Planning Board.

SECTION 4. Amendment of Chapter 25, Section 700 of the Bordentown Township Municipal Code entitled “Zoning Board of Adjustment and Planning Board”: All sections and references to the Zoning Board of Adjustment shall be deleted to the extent that any provisions thereof may now be redundant, and any powers, criteria and jurisdiction contained therein shall now lie with the Municipal Planning Board.

SECTION 5. Chapter 25, Section 700 of the Bordentown Township Municipal Code entitled “Zoning Board of Adjustment and Planning Board” shall be retitled "Planning Board" and any references to Zoning Board of Adjustment shall be deleted.

SECTION 6. Chapter 25, Section 704 of the Bordentown Township Municipal Code entitled “Establishment of a Planning Board” is hereby amended, pursuant to N.J.S.A. 40:55D-23.1 to provide for four alternate members. The revisions to this Chapter are as follows (changes in **boldface**):

- A. A Planning Board is hereby created consisting of nine regular and **four** alternate members of the following four classes:

Class IV-Alternate **Four** other citizens of the Township to be appointed by the Mayor. Alternate members shall be designated by the Mayor at the time of their appointment as “Alternate No. 1” Alternate No. 2” Alternate No. 3” and Alternate No. 4.”

SECTION 7. When necessary for the purposes of implementing this Chapter and the election to have the Municipal Planning Board exercise, to the same extent and subject to the same restrictions, all the powers of a Zoning Board of Adjustment, the term "Planning Board" shall be substituted for the term "Zoning Board of Adjustment" or equivalent in each and every instance where "Zoning Board of Adjustment" or equivalent appears in any Bordentown Township Ordinance, Resolution, rule, regulation or amendments thereto.

SECTION 8. Where the substitution of "Planning Board" for "Zoning Board of Adjustment" or equivalent results in an apparent duplication, redundancy, or conflict in any Ordinance, Resolution, rule or regulation, the same shall be liberally construed and interpreted in accordance with the intent and purpose of N.J.S.A. 55D-25c as adopted herein, whereby the Municipal Planning Board replaces and to the same extent and subject to the same restrictions exercises all the powers of the Zoning Board of Adjustment.

SECTION 9. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 10. Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 11. This ordinance shall take effect immediately upon adoption and publication according to law.

INTRODUCED: January 13, 2020
 ADOPTED: January 27, 2020

RECORD OF VOTE													
First Reading							Second Reading						
COMMITTEE	AVE	NAV	NV	AB	ORD	SEC	COMMITTEE	AVE	NAV	NV	AB	ORD	SEC
Holiday	✓						Holiday	✓					
Kostoplis	✓						Kostoplis	✓					
Mason				✓			Mason	✓					
Fuzy	✓						Fuzy				✓		
Benowitz	✓						Benowitz	✓					

✓ - indicates Vote AB - absent NV - not voting ORD - moved SEC - seconded
 I, MARIA CARRINGTON, Township Clerk, do hereby certify that this is a true copy of an ordinance adopted by the Township Committee of the Township of Bordentown on the 27th day of January, 2020.