

**THE BOROUGH OF RIVERTON
BURLINGTON COUNTY**

ORDINANCE NO. 2011 -12

AN ORDINANCE TO DISSOLVE THE RIVERTON ZONING BOARD OF ADJUSTMENT AND TO INCREASE THE MEMBERSHIP OF THE BOROUGH PLANNING BOARD TO PERMIT IT TO EXERCISE ALL LAND USE POWERS AS PERMITTED BY THE MUNICIPAL LAND USE LAW (N.J.S.A. 40:55D-1 *et. seq.*), INCLUDING THOSE PREVIOUSLY EXERCISED BY THE ZONING BOARD OF ADJUSTMENT

WHEREAS, N.J.S.A. 40:55D-25(c)(1) permits any Municipality with a population of 15,000 or less to create a nine-member Planning Board which will exercise all the powers of a Board of Adjustment, except the Class I and Class III Members of the Planning Board shall not participate in consideration of applications for development pursuant to Sub-Section D of Section 57 of Public Law 1975 Chapter 291 (N.J.S.A. 40:55D-(7)); and

WHEREAS, the existing Planning Board and Board of Adjustment have seen a significant decrease in matters involving their respective land use powers; and

WHEREAS, the Riverton Board of Adjustment and Riverton Borough Planning Board have both recommended that the Zoning Board of Adjustment be dissolved, and the Planning Board membership increased to nine members in order that all land use powers be exercised by a single board;

WHEREAS, the Mayor and Council desire to have the newly constituted Planning Board in place as of January 1, 2012;

WHEREAS, the Mayor and Council wish to identify the Riverton Tax Assessor as the Borough individual with responsibility for furnishing the list of property owners to the applicants as set forth in §22-26, in place of the Borough Clerk, which reflects the current practice.

NOW THEREFORE BE IT ORDAINED that Chapter 22 be amended and supplemented as follows:

I.

ARTICLE I
Planning Board

§ 22-1. Establishment; composition.

There is hereby created, pursuant to the Municipal Land Use Law, Chapter 291 of the Laws of New Jersey 1975, as amended and supplemented, a Planning Board of nine members. The membership shall consist of, for convenience in designating the manner of appointment, the four following classes:

- A. Class I: the Mayor.
- B. Class II: one of the officials of the municipality other than a member of the governing body, to be appointed by the Mayor.
- C. Class III: a member of the governing body, to be appointed by it.
- D. Class IV: six other citizens of the Borough, to be appointed by the Mayor. The members of Class IV shall hold no other municipal office.

§ 22-2. Terms; alternate members.

- A. No change.
- B. The Mayor may appoint to the Planning Board four alternate members who 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”, “Alternate No. 2”, “Alternate No. 3”, and “Alternate No. 4”. The terms of the alternate members shall be for two years except that the terms of the alternate members shall be such that the term of not more than one alternate member shall expire in any one year; provided, however that in no instance shall the terms of the alternate members first appointed exceed two years. A vacancy occurring otherwise than by expiration of a term shall be filled by the appointing authority for the unexpired period term only. No alternate member shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body 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 be given first choice with Alternate No. 2 and 3 in that order of priority.

ARTICLE II
Zoning Board of Adjustment

§ 22-8. Establishment; composition; vacancies.

- A. This Section is hereby repealed.
- B. This Section is hereby repealed.
- C. This Section is hereby repealed.

§ 22-9. Officers.

This Section is hereby repealed.

§ 22-10. Attorney.

This Section is hereby repealed.

§ 22-11. Experts and staff.

This Section is hereby repealed.

The term “Board of Adjustment” or “Board” shall be replaced with the term “Planning Board” in the following Sections:

- § 22-12. Rules and regulations.**
- § 22-13. Powers generally.**
- § 22-14. Appeals and applications.**
- § 22-15. Power to reverse or modify decisions.**
- § 22-16. Expiration of variance .**
- § 22-17. Powers granted by law.**
- § 22-18. Additional powers.**
- § 22-19. Time limit for decision.**

**ARTICLE III
Provisions Applicable to Planning Board**

Any reference to the “Zoning Board of Adjustment” or “Zoning Board” shall mean “Planning Board” in the following Sections:

- § 22-20. Conflicts of interest.**
- § 22-21. Meetings.**
- § 22-22. Minutes.**
- § 22-23. Fees.**

- § 22-24. **Hearings.**
- § 22-25. **Notice requirements for hearings.**
- § 22-26. **List of property owners furnished.**

Pursuant to the provisions of N.J.S.A. 40:55D-12(c), the Tax Assessor of the Borough of Riverton shall, within seven (7) days after receipt of a request therefor and upon receipt of payment of a fee of \$10, make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to Article III, § 22-25B, of this Chapter.

- § 22-27. **Decisions.**
- § 22-28. **Publications of decisions.**
- § 22-29. **Payment of taxes.**

ARTICLE IV **Appeals**

Any reference to the “Zoning Board of Adjustment” or “Zoning Board” shall mean “Planning Board” in the following Sections:

- § 22-30. **Appeals to Planning Board.**
- § 22-31. **Appeals from decisions involving variances.**
- § 22-32. **Other decisions.**

II. REPEALER, SEVERABILITY.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reasons, then the Borough Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Borough to meet the goals of the Ordinance.

III. This ordinance amendment as stated above shall take effect on January 1, 2012.

Robert Martin
Mayor

CERTIFICATE OF CLERK

I, Mary Longbottom, Municipal Clerk of the Borough of Riverton, in the County of Burlington and State of New Jersey do hereby **CERTIFY** that the following Ordinance was introduced and passed at a regular meeting of the Borough Council held October 12, 2011. This Ordinance was finally adopted at a regular meeting of the Borough Council held on November 9, 2011 after a Public Hearing.

Mary Longbottom
Municipal Clerk

RECORDED VOTE	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
KATELLA	_____	_____	_____	_____
BROWN	_____	_____	_____	_____
CAIRNS-WELLS	_____	_____	_____	_____
SMYTH	_____	_____	_____	_____
KINZLER	_____	_____	_____	_____
MYERS	_____	_____	_____	_____
MAYOR (TIE)	_____	_____	_____	_____