

ORDINANCE 1-2024

AN ORDINANCE OF THE TOWNSHIP OF ABERDEEN, AMENDING AND SUPPLEMENTING CHAPTER XXV OF THE TOWNSHIP CODE REGARDING THE NUMBER OF ALTERNATE MEMBERS ON THE ZONING BOARD OF ADJUSTMENTS

WHEREAS, the Township of Aberdeen (the "Township") maintains Chapter XXV entitled "Land Development" of the Township Code, specifically Section VII therein entitled "Zoning Board of Adjustment and Planning Board;" and

WHEREAS, Chapter XXV of the Township's Code currently provides oversight and control of the Zoning Board of Adjustments for the Township; and

WHEREAS, the Township Council determined it is in the best interests of the Township residents to amend and supplement the Township Code to enact an increase from two alternate members to four alternate members;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Township of Aberdeen that:

Section 1. The aforementioned recitals are incorporated in their entirety, as if restated herein.

Section 2. Chapter XII of the Township Code, entitled "Zoning Board of Adjustment and Planning Board," be and is hereby amended and supplemented by deleting the text in ~~bold strikeout~~ and adding the text in bold underlined as follows:

25-7.1 **Establishment of the Board of Adjustment**

- a. A Zoning Board of Adjustment heretofore created is continued pursuant to N.J.S.A. 40:55D-69 et seq. consisting of seven (7) regular members and ~~two (2)~~ four (4) alternate members, each of whom shall be residents of Aberdeen Township and be appointed by the governing body. The members of the heretofore created Zoning Board of Adjustment are hereby reappointed to serve their respective terms. The term of each regular member shall be four (4) years and the term of each alternate member shall be two (2) years.
- b. Alternate members shall be designated at the time of their appointment as "Alternate No. 1", and "Alternate No. 2", "Alternate No. 3" and "Alternate No. 4". Alternate members may participate in the discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. 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 is to vote, "Alternate No. 1" shall vote.
- c. No member of the Zoning Board of Adjustment shall hold an elective office or position under the municipality.
- d. Any vacancy on said Board occurring other than by expiration of term shall be filled by appointment by the governing body of the municipality to serve for the unexpired term of the member whose term shall become vacant. A member may be removed by the governing

body for cause, but only after public hearing, if requested, and other requested procedural due process protections.

- e. Yearly, the Zoning Board of Adjustment shall organize by selecting from among its regular members a Chairman and a Vice Chairman. The Board shall also select a Secretary who may or may not be a member of the Board or a municipal employee.
- f. The governing body, after giving due consideration to budget requests that may be submitted by the Zoning Board of Adjustment, shall make provisions in its budget and appropriate funds for the expenses of the Zoning Board of Adjustment.
- g. The Office of Zoning Board of Adjustment Attorney is hereby created. The Board of Adjustment may annually appoint to such office and fix the compensation or rate of compensation of an attorney at law of New Jersey other than the municipal attorney.
- h. The Zoning Board of Adjustment may also employ or contract for and fix the compensation of such experts and other staff and services as it may deem necessary. The Board, however, shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

Section 3. Severability. If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause, or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 4. Repeal of Prior Ordinances. All ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. Effective Date. This ordinance shall take effect after final passage and publication as provided by law.

Introduced: January 18, 2024

Adopted: February 1, 2024

ATTEST:

Melissa Pfeifer
Municipal Clerk

Township of Aberdeen

By:

Fred Tagliarini
Mayor