

ORDINANCE 2-2024

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

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:

25-7.4 Establishment of a Planning Board

- a. The Planning Board heretofore created is continued consisting of nine (9) regular and ~~two (2)~~ **four (4)** alternate members of the following four (4) classes:

Class I	The Mayor.
Class II	One (1) of the officials of the Township other than a member of the governing body, to be appointed by the Mayor.
Class III	A member of the Township Council to be appointed by it.
Class IV Regular Members	Six (6) other citizens of the municipality to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, except that one (1) member may be a member of the Zoning Board of Adjustment and one (1) may be a member of the Board of Education. A member of the Environmental Commission who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be a Class IV Planning Board member unless there be among the Class IV regular or alternate members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education, in which case the member of the Environmental Commission shall be deemed to be the Class II member of the Planning Board.

Class IV ~~Two-(2)~~ **Four (4)** other citizens of the municipality to be appointed by the Mayor. Alternate members shall meet the qualifications of Class IV regular members and shall be designated by the Mayor at the time of their appointment as "Alternate No. 1" and "Alternate No. 2", "**Alternate No. 3**" and "**Alternate No. 4**."

- b. The term of the member composing Class I shall correspond with his official tenure. The terms of the members composing Class II and Class III shall be for one (1) year or terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Commission. The term of a Class II (or Class IV) member who is also a member of the Environmental Commission shall be for three (3) years or terminate at the completion of his term as a member of the Environmental Commission, whichever comes first.
- c. All present Class IV members of the Planning Board shall continue in office until the completion of the terms for which they were appointed. The term of a Class IV member who is also a member of the Zoning Board of Adjustment or the Board of Education shall terminate whenever he is no longer a member of such other body or at the completion of his or her Class IV term, whichever comes first.
- d. The terms of Class IV regular members first appointed pursuant to this Ordinance shall be so determined that to the greatest practicable extent the expiration of such term shall be evenly distributed over the first four (4) years after their appointment; provided that the initial term shall not exceed four (4) years. Thereafter the term of each Class IV regular member shall be four (4) years. All terms shall run from January 1 of the year in which the appointment is made.
- e. The terms of the Class IV alternate members shall be two (2) years, except that the terms of the alternate members shall be such that the term of not more than ~~one-(1)~~ **two (2)** alternate members shall expire any one (1) year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two (2) years. All terms shall run from January 1 of the year in which the appointment is made.
- 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 No. 1" shall vote **first, followed by Alternate 2, 3 and 4 in numerical order.**
- g. If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term. Any member other than a Class I member may be removed by the governing body for cause but only after public hearing, if requested, and other requested procedural due process protection.
- h. Yearly, the Planning Board shall organize by selecting from among its Class IV 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 an employee of the Township.

- i. The governing body, after giving due consideration to budget requests that may be submitted by the Planning Board, shall make provisions in its budget and appropriate funds for the expenses of the Planning Board.
- j. The office of Planning Board Attorney is hereby created. The Planning Board may appoint to such office and fix compensation or rate of compensation of an attorney at law of New Jersey other than the Township Attorney.
- k. The Planning Board 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