

Ordinance #2016-1168

**AN ORDINANCE PROVIDING FOR
THE ESTABLISHMENT OF A 9-MEMBER
MANVILLE BOROUGH PLANNING BOARD
AND FOR THE PLANNING BOARD TO ASSUME ALL OF THE
POWERS, DUTIES AND RESPONSIBILITIES
OF THE MANVILLE BOROUGH ZONING BOARD OF ADJUSTMENT**

STATEMENT OF PURPOSE

The purpose of this Ordinance is to (a) reconstitute the Manville Borough Planning Board as a nine-member board; (b) providing that the Borough Planning Board shall now assume all of the powers previously exercised by the Manville Borough Zoning Board of Adjustment, and (c) by abolishing the previously existing separate Borough Zoning Board of Adjustment.

WHEREAS, N.J.S.A. 40:55D-23.1 provides that the governing body of a New Jersey municipality may, at its option, create either a nine (9) member or a seven (7) member Planning Board; and

WHEREAS, the Borough of Manville pursuant to the Municipal Land Use Law, in 1976 established its Planning Board as a nine (9) member Planning Board by way of Manville Ordinance #1976-461 dated December 27, 1976; and

WHEREAS, a document entitled "Zoning and Land Use Ordinances of the Borough of Manville", dated April 1988, does not cite any specific ordinance subsequent to Ordinance #1976-461, but nonetheless makes reference to a seven (7) member Planning Board; and

WHEREAS, the governing body wishes to clarify any ambiguity as to whether the Manville Borough Planning Board shall be a nine (9) member board or a seven (7) member board by clearly establishing same as a nine (9) member board; and

WHEREAS, the Borough Board of Adjustment by ordinance have each been endowed with all of the statutory functions pertinent to each Board; and

WHEREAS, the provisions of N.J.S.A.40:55D-25c(1) provide that in a municipality, having a population of 15,000 or less, a nine member Planning Board, if so provided by Ordinance, shall exercise to the same extent and subject to the same restrictions, all of the powers of a Board of Adjustment; but the Class I and Class III members shall not participate in the consideration of applications for development which involve relief pursuant to subsection d of N.J.S.A.40A:55D-70; and

WHEREAS, the Borough of Manville has a population of less than 15,000 as established by the 2010 United States national census; and

WHEREAS, the governing body of the Borough of Manville has determined that it is in the best interests of the Borough of Manville to have the Planning Board hereafter act as a joint land use board, exercising all of the powers of the Board of Adjustment,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Manville, in the County of Somerset, State of New Jersey, as follows:

1. There is hereby established, pursuant to N.J.S.A. 40:55D-1 et seq. generally and N.J.S.A 40:55D-23 and 40:55D-23.1 specifically, in the Borough of Manville, a Planning Board of Nine (9) members and up to Four (4) alternates as set forth in the statute. The composition of the member by class and terms shall be as set forth in the statute.
2. As of the Effective Date of this Ordinance, the Powers of the Manville Borough Planning Board shall, in accord with N.J.S.A.40:55D-25c(1), include those of a Zoning Board of Adjustment, and the Manville Borough Planning Board shall exercise to the same extent and subject to the same restrictions, all the powers of a Board of Adjustment under applicable N.J. law;
3. Provided, however, that the Class I and the Class III members of the Manville Borough Planning Board shall not participate in the consideration of applications for development which involve relief pursuant to subsection d of N.J.S.A.40A:55D-70.
4. All prior Ordinances inconsistent with this Ordinance, including but not limited to any prior ordinance creating a Manville Borough Zoning Board of Adjustment, are hereby repealed to the extent of such inconsistency, and the Manville Borough Zoning Board of Adjustment is hereby abolished;
5. Severability: In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.
6. Effective Date: This Ordinance shall take effect as of February 29, 2016, after its passage and publication as required by law.

Borough of Manville,



Richard M. Onderko, Mayor

ORDINANCE #201 6-1168

FIRST READING:

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		SZABO	√			
√		ASHER	√			
	√	CAMACHO	√			
		KASSICK	√			
		MAGNANI	√			
		PETROCK				√
		MAYOR ONDERKO				

ADOPTED this 8th day of **February**, 2016.

Patricia A. Zamorski

Attest:

Patricia A. Zamorski, Borough Clerk

SECOND READING:

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
	√	SZABO	√			
		ASHER	√			
		CAMACHO	√			
		KASSICK	√			
		MAGNANI	√			
√		PETROCK	√			
		MAYOR ONDERKO				

ADOPTED this 22nd day of **February**, 2016

Patricia A. Zamorski

Attest:

Patricia A. Zamorski, Borough Clerk