

**NOTICE OF INTRODUCTION
EAST AMWELL TOWNSHIP
ORDINANCE #18-02**

AN ORDINANCE OF THE TOWNSHIP OF EAST AMWELL TO DISSOLVE THE BOARD OF ADJUSTMENT AND VEST ITS POWERS IN THE PLANNING BOARD

WHEREAS, the Township of East Amwell currently has a Planning Board, pursuant to Section 92-14 of the East Amwell Township Code (the “EATC”), and a Board of Adjustment, pursuant to Section 92-13 of the EATC;

WHEREAS, pursuant to Section 92-14A of the EATC, the Planning Board has nine (9) members;

WHEREAS, N.J.S.A. 40:55D-25(c)(1) provides that a municipality that has a population of 15,000 residents or less and a nine member planning board, may, by ordinance, grant authority to its planning board to exercise, to the same extent and with the same restrictions, all the powers of a board of adjustment, but the Class I and Class III members of the planning board cannot participate in the consideration of applications for development that involve relief pursuant to subsection d. of N.J.S.A. 40:55D-70;

WHEREAS, the Township of East Amwell has less than 15,000 residents according to the most recent census and has a nine member planning board; and

WHEREAS, in an effort to improve efficiency and reduce costs, the Township Committee, pursuant to N.J.S.A. 40:55D-25(c)(1), desires, by and upon passage of this ordinance, (i) to grant authority to its Planning Board to exercise, to the same extent and with the same restrictions, all the powers of its Board of Adjustment, and (ii) to dissolve its Board of Adjustment.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of East Amwell, County of Hunterdon, and State of New Jersey, as follows:

1. The Board of Adjustment of East Amwell Township is hereby dissolved, effective upon passage of this ordinance.
2. Effective upon passage of this ordinance: (i) Section 92-13 of the EATC (Board of Adjustment) is repealed; and (ii) any reference to “Board of Adjustment” or “Zoning Board” in the EATC is repealed and excised from the EATC and, where relevant, replaced with a reference to “Planning Board.”
3. The Planning Board shall continue to exercise all powers granted to it as a planning board pursuant to N.J.S.A. 40:55D-25, other relevant statutory provisions and Section 92-14 of the EATC. In addition to those powers, effective upon passage of this ordinance, the Planning Board shall also exercise, to the same extent and with the same restrictions, all the powers of the Board of Adjustment of East Amwell Township; provided, however, that the Class I and Class III members of the Planning Board shall not participate in the consideration of applications for development that involve relief pursuant to subsection d. of N.J.S.A. 40:55D-70.

4. The number and class of the members of the Planning Board shall remain the same, except that, as permitted pursuant to N.J.S.A. 40:55D-23.1, Section 92-14B(3) of the EATC shall be amended to provide for two additional alternate members, designated at the time of appointment as "Alternate No. 3" and "Alternate No. 4," each of whom (i) must be a resident of East Amwell Township, (ii) must meet the qualifications of the Class IV members of the Planning Board, and (iii) shall be appointed by the Mayor of East Amwell Township. The terms of these two alternate members shall be two (2) years, provided that the initial term of Alternate No. 3 shall be one (1) year. The provisions set forth in N.J.S.A. 40:55D-23.1 and Section 92-14B(3) of the EATC applicable to Alternate No. 1 and Alternate No. 2 shall also apply to Alternate No. 3 and Alternate No. 4.

5. The EATC shall be amended to reflect the provisions of this ordinance. Until such amendments are made, the provisions of this ordinance shall supersede any provisions in the EATC that are inconsistent with the provisions of this ordinance.

6. If any provision in this ordinance is, or is held to be, invalid or unlawful, (i) such provision shall, if possible, be deemed amended to the extent necessary to make it valid and lawful, and (ii) such invalidity or unlawfulness shall not affect the validity of the remaining provisions of this ordinance.

7. This ordinance shall become effective immediately upon its final passage and publication as required by law.

By Order of the Township Committee,

Tim Mathews, Mayor

Attest: _____
Teresa R. Stahl, RMC/CMC
Municipal Clerk

Take notice that the above ordinance was duly passed on first reading at the regular meeting of the East Amwell Township Committee held on February 8, 2018, and will be considered for final adoption on second reading and public hearing at a regular meeting of the Committee to be held on March 8, 2018, at 7:30 p.m. at the Municipal Building, 1070 Route 202/31, Ringoes, NJ 08551.

PUBLISHED: February 15, 2018, Issue of the Hunterdon County Democrat

Teresa R. Stahl, RMC/CMC
Municipal Clerk