

**O: 2014-09**

**AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND CHAPTER 360 ENTITLED “PLANNING BOARD” OF THE CODE OF THE TOWN OF PHILLIPSBURG AND TO REPEAL SECTIONS 360-13 THROUGH 360-16 OF THE CODE OF THE TOWN OF PHILLIPSBURG AND TO ENACT A NEW CHAPTER 360 DISSOLVING THE ZONING BOARD OF ADJUSTMENT AND MERGING ITS FUNCTIONS INTO THE PLANNING BOARD TO CREATE A LAND USE BOARD PURSUANT TO N.J.S.A. 40:55D-25(c)(1)**

**WHEREAS**, the Town Council of the Town of Phillipsburg believes it is in the best interest of the Town to merge the duties of the Zoning Board with the Planning Board; and

**WHEREAS**, N.J.S.A. 40:55D-25(c)(1) expressly permits the combination of the two Boards to permit the Planning Board to assume the powers, duties and functions of the Zoning Board of Adjustment, and

**WHEREAS**, the aforementioned statute requires that the Zoning Board be dissolved and its functions assumed by the Planning Board.

**NOW THEREFORE BE IT ORDAINED** by the Town Council of the Town of Phillipsburg in the County of Warren and State of New Jersey, as follows:

**Section 1.** Section 360-1 (Establishment; composition) of Article I (Planning Board) is amended as follows:

360-1(B):

Class II: one of the officials of the municipality, other than a member of the governing body, to be appointed by the Mayor.

360-1(D):

Class IV: six other citizens of the municipality to be appointed by the Council. The members of Class IV shall no hold no other municipal office, except that one member 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.

360-1 (E). **Alternate Members.**

(a) There is hereby established pursuant to N.J.S.A. 40:55D-23.1 four (4) alternate members of the planning board. Alternate members shall be appointed by the mayor, and shall meet 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 (2) years, except that the terms of the alternate members shall be such that the term of not more than two alternate members shall expire in any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two (2) years. A vacancy occurring otherwise than by expiration of term shall be filled by the mayor for the unexpired term only.

(b) 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.

**Section 2.** Section 360-2(C) is amending by deleting “the Board of Adjustment or” from said section.

**Section 3.** This Ordinance shall repeal Sections 360-13 through 360-16 entitled “Zoning Board of Adjustment” to dissolve the Zoning Board of Adjustment and vest the Planning Board with the powers and duties and functions of the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-25(c)(1).

**Section 4.** Sections 360-17 through 360-24 shall have the terms “Board of Adjustment” or “Board” replaced with the term “Planning Board.”

**Section 5.** If any part or parts of this Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this ordinance.

**Section 6.** All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of the Town of Phillipsburg Code not inconsistent herewith are ratified and confirmed.

**Section 7.** This Ordinance shall become effective following its final passage and publication as required by law.

**ATTEST:**

**TOWN OF PHILLIPSBURG**

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VICTORIA L. KLEINER,  
Acting Municipal Clerk

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HARRY L. WYANT  
Mayor

DATED: