

Ordinance No. 2006- 14

**ORDINANCE DISSOLVING ZONING BOARD
OF ADJUSTMENT AND TRANSFERRING
POWERS OF ZONING BOARD OF
ADJUSTMENT TO PLANNING BOARD
PURSUANT TO N.J.S.A. 40:55D-25**

WHEREAS, it appears based on the findings of the Mayor and Council that the dissolution of the Zoning Board of Adjustment and transfer of its powers to the Planning Board will serve several important goals, including but not limited to reducing expenses, assuring continuity in land use decisions, eliminating confusion among applicants as to the proper seat of jurisdiction for land use decisions, and preventing "forum shopping" among applicants; and

WHEREAS, N.J.S.A. 40:55D-25c.(1) provides as follows:

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 the powers of a board of adjustment, but the Class I and the Class III members shall not participate in the consideration of applications for development which involve relief pursuant to subsection d. of section 57 of P.L. 1975, c.291 (C.40:55D-70);

and

WHEREAS, pursuant to the above ordinance, Allamuchy Township, as a municipality with a population of less than 15,000, may dissolve the existing Zoning Board of Adjustment and transfer its powers to the Planning Board, subject to the statutory limitation cited above that prohibits the Planning Board's Class I and Class III

members from participating in the consideration of applications involving "d" variances;
and

WHEREAS, the best interests of Allamuchy Township and its residents will be served by dissolving the Zoning Board of Adjustment and transferring its powers to the Planning Board; and good cause having been shown.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Allamuchy as follows:

1. Pursuant to N.J.S.A. 40:55D-25c.(1), the Allamuchy Township Planning Board (the "Planning Board") is hereby authorized to exercise, to the same extent and subject to the same restrictions, all the powers of a board of adjustment, with the exception that the Class I and Class III members of the Planning Board shall not participate in the consideration of applications for development which involve relief pursuant to N.J.S.A. 40:55D-70d, more commonly known as "d" variances.

2. As of the effective date of this ordinance, the Planning Board shall have all powers set forth at Sections 702 and 703 of the Township Code, subject to the restrictions set forth at N.J.S.A. 40:55D-25c.(1). Any and all land use applications that have not been deemed complete as of the effective date of this ordinance shall be heard by the Planning Board.

3. The Allamuchy Township Zoning Board of Adjustment (the "ZBA") shall continue to meet in the ordinary course only until such time as all applications pending before it on the on the effective date of this ordinance have been heard and formally acted upon. For purposes of this section, the term "applications" shall mean only those

applications that have been deemed complete prior to the effective date of this ordinance.

4. Upon the completion of its duties as set forth at Section 3 above, the ZBA shall be dissolved and Section 701 of the Township Code shall be deemed repealed and of no further force and effect. At that time, all funds budgeted to the ZBA that have not been expended shall be transferred to the Township's surplus.

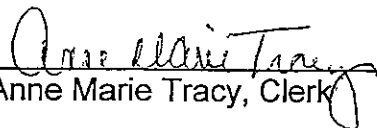
5. Upon the dissolution of the ZBA pursuant to Section 4 above, any and all references in the Allamuchy Township Code to the "Zoning Board," "Zoning Board of Adjustment" or the like shall be deemed to refer to the Planning Board. Any and all references to the Planning Board and Zoning Board of Adjustment, in the conjunctive or disjunctive, shall be deemed to refer solely to the Planning Board.

6. If any section, subsection or paragraph of this ordinance shall be declared to be unconstitutional, invalid, or inoperative, in whole or in part, by a court of competent jurisdiction, such section, subsection or paragraph shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect, and no such determination shall be deemed to invalidate the remaining provisions of this ordinance.

7. This Ordinance shall take effect as provided by law.

ATTEST:

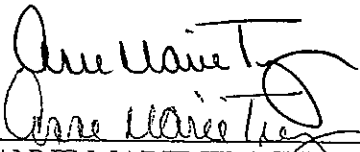
TOWNSHIP OF ALLAMUCHY


Anne Marie Tracy, Clerk

Robert Resker, Mayor

NOTICE

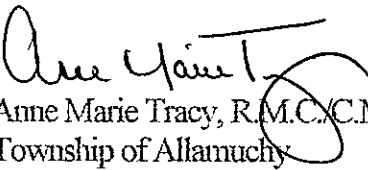
The aforesaid Ordinance was introduced on first reading by the Allamuchy Township Council at the regular meeting held June 20, 2006. The aforesaid Ordinance will be given final consideration at a regular meeting of the Township Council to be held on July 18, 2006 at the Municipal Building, 292 Alphano Road, Allamuchy, New Jersey, at 7:30 P.M. when the Township Council will consider final passage of said Ordinance.


ANNE MARIE TRACY, RMC/CMC
TOWNSHIP OF ALLAMUCHY

ORDINANCE # 2006-14

ORDINANCE DISSOLVING THE ZONING BOARD OF ADJUSTMENT AND
TRANSFERRING POWERS OF ZONING BOARD OF ADJUSTMENT TO
PLANNING BOARD PURSUANT TO N.J.S.A 40:55D-25.

Take notice, the foregoing Ordinance was introduced and passed on first reading by the Township Council of the Township of Allamuchy on June 20, 2006 at the regular meeting said Council held at Allamuchy Town Hall, Allamuchy, New Jersey and was given further consideration and finally passed at a regular meeting of the Allamuchy Township Council held July 18, 2006 at Allamuchy Town Hall, Allamuchy, N.J.


Anne Marie Tracy, R.M.C./C.M.C.
Township of Allamuchy