

2-1 ESTABLISHMENT.

A Planning Board of nine (9) members is hereby established in the Borough of Bernardsville pursuant to The Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq. All members of the Planning Board, except for the Class II member set forth below, shall be Borough residents. The membership shall consist of the following four (4) classes:

Class I. The Mayor or the Mayor's designee in the absence of the Mayor.

Class II. One (1) of the officials of the municipality other than a member of the Governing Body, to be appointed by the Mayor; provided that if there be an Environmental Commission, the 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 deemed to be the Class II Planning Board member for purposes of this Code in the event that there be among the Class IV or alternate members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education.

Class III. A member of the Governing Body to be appointed by it.

Class IV. Other citizens of the Borough to be appointed by the Mayor.

(Ord. No. 581 § 2-1; Ord. No. 98-1149 § 1)

2-2 TERMS.

The term of the member composing Class I shall correspond to the Mayor's official tenure, or if the member is the Mayor's designee in the absence of the Mayor, the designee shall serve at the pleasure of the Mayor during the Mayor's 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 of office as a member of the Environmental Commission, whichever occurs first. The term of a Class IV member who is also a member of the Board of Adjustment or Board of Education shall terminate whenever he is no longer a member of such other body or at the completion of his Class IV term, whichever occurs first. The terms of all Class IV members first appointed under this Article shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four (4) years after their appointments; provided that the initial Class IV term of no member shall exceed four (4) years. Thereafter, the Class IV term of each such member shall be four (4) years. If a vacancy in any class shall occur otherwise than by expiration of the Planning Board term, it shall be filled by appointment, as above provided, for the unexpired term. No member of the Planning Board shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. Any member other than a Class I member, after a public hearing if he requests one, may be removed by the governing body for cause. (Ord. No. 581 § 2-2; Ord. No. 98-1149 § 1)

2-3 VACANCIES.

If a vacancy in any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term. (Ord. No. 581 § 2-3)

2-4 ORGANIZATION OF BOARD.

The Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV and select an Administrative Officer who may be either a member of the Planning Board or a municipal employee designated by it. (Ord. No. 581 § 2-4)

2-5 PLANNING BOARD ATTORNEY.

There is hereby created the office of Planning Board Attorney. The Planning Board may annually appoint, fix the compensation of, or agree upon the rate of compensation of the Planning Board Attorney who shall be an attorney other than the Municipal Attorney. (Ord. No. 581 § 2-5)

2-6 EXPERTS AND STAFF.

The Planning Board may also employ or contract for the services of experts and other staff and services as it may deem necessary. The Board shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the Governing Body for its use. (Ord. No. 581 § 2-6)

2-7 POWERS AND DUTIES GENERALLY.

The powers of the Planning Board shall be in accordance with N.J.S.A. 40:55D-23 et seq. and amendments and supplements thereto, and with the provisions of this chapter.

The Planning Board is authorized to adopt by-laws governing its procedural operation. It shall also have the following powers and duties:

2-7.1 To make and adopt and from time to time amend a Master Plan for the physical development of the Borough including its relationship to any areas outside its boundaries which in the Board's judgment bear essential relation to the planning of the Borough in accordance with the provisions of the ordinances and the Municipal Land Use Law of 1975, N.J.S.A. 40:55D-28. The Planning Board shall conduct periodic re-examination of the Master Plan and Development Regulations pursuant to N.J.S.A. 40:55D-89.

2-7.2 To administer the provisions of the Land Subdivision Ordinance and Site Plan Review Ordinance of the Borough in accordance with the provisions of those ordinances and the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

2-7.3 To participate in the preparation and review of programs or plans required by state or federal law or regulations.

2-7.4 To assemble data on a continuing basis as part of a continuous planning process.

2-7.5 To annually prepare a program of municipal capital improvement projects projected over a term of six (6) years, and amendments thereto, and recommend same to the Governing Body.

2-7.6 To consider and make a report to the Governing Body within thirty-five (35) days after referral as to any proposed development regulation submitted to it pursuant to the provisions of N.J.S.A. 40:55D-26a, and also pass upon other matters specifically referred to the Planning Board by the Mayor and Borough

2-7.7 When reviewing applications for approval of subdivision plats, site plans or conditional uses, to grant to the same extent and subject to the same restrictions as the Zoning Board of Adjustment:

a. Variances relating to a specific property, including a variance for a conditional use, from a strict application of any regulation in the Zoning Ordinance which would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of the property, by reason of exceptional situation or condition of such piece of property, so as to relieve such difficulties or hardship; provided, however that no variance shall be granted under this paragraph to allow a structure or use in a district restricted against such structure or use.

b. Direction pursuant to N.J.S.A. 40:55D-60b for issuance of permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32, provided same shall not conflict with the Floodplain and Watercourse Ordinance of the Borough.

c. Direction pursuant to N.J.S.A. 40:55D-60c for issuance of a permit for a building or structure not related to a street.

Whenever relief is requested pursuant to this subsection, notice of a hearing on the application for development shall include reference to the request for a variance or direction for issuance of a permit as the case may be.

2-7.8 To perform such other advisory duties as are assigned to it by ordinance or resolution of the Governing Body for the aid and assistance of the Governing Body or other agencies or officers.
(Ord. No. 581 § 2-7)

2-8 TIME FOR DECISION.

2-8.1 Under General Powers.

The time for decision on a development application shall be as specified in the Article herein for each activity, such as subdivision, site plan, and conditional use.
(Ord. No. 581 § 2-8.1)

2-8.2 Under Ancillary Powers.

Whenever the Planning Board is called upon to exercise its ancillary powers for granting of a variance as set forth in 2-7.7 of this Article, the Planning Board shall grant or deny approval of the application within ninety-five (95) days after submission by the developer of a complete application or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute approval of the application and a certificate of the Administrative Officer as to the failure of the Planning Board to act shall be issued on request of the applicant. (Ord. No. 581 § 2-8.2)

2-9 APPLICATIONS; PROCEDURES FOR FILING.

2-9.1 Applications for development, including all required documents to insure completeness, within the jurisdiction of the Planning Board pursuant to the provisions of N.J.S.A. 40:55D-37 et seq. shall be obtained from and filed with the Administrative Officer shall also inform the applicant of the steps to be taken to initiate applications and of the regular meeting dates of the Board.

2-9.2 For development of a minor subdivision, a complete application, including fifteen (15) copies of a sketch plat, shall be filed at least ten (10) days before the monthly meeting of the subdivision committee.

2-9.3 For development of other than a minor subdivision, a complete application, including fifteen (15) copies of a sketch plat, shall be filed at least fourteen (14) days before the monthly meeting of the Planning Board.

2-9.4 Any maps and documents subsequently required by the Planning Board shall be on file in the office of the Administrative Officer and available for public inspection at least tens (10) days before the date of the hearing or consideration pursuant to the provisions of N.J.S.A. 40:55D-10b.
(Ord. No. 581 § 2-9)

2-10 ENVIRONMENTAL COMMISSION.

Whenever the Environmental Commission has prepared and submitted to the Planning Board an index of the natural resources of the municipality, the Planning Board shall make available to the Environmental Commission an information copy of every application for development to the Planning Board. Failure of the Planning Board to make such informational copy available to the Environmental Commission shall not invalidate any hearing or proceeding. (Ord. No. 581 § 2-10)

2-11 RULES AND REGULATIONS.

The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 et seq.) shall apply. (Ord. No. 581 § 2-11)

2-12 REFERRALS.

The Planning Board shall accept the reference of any matter or class of matter before final action thereon by a Municipal Body or Municipal Officer having authority thereon pursuant to N.J.S.A. 40:55D-26.

2-12.1 Referrals from the Zoning Board of Adjustment shall be pursuant to Article 4 of this chapter.
(Ord. No. 581 § 2-12)