

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 40:55D-23

(Planning Board--
terms of office)

LAWS OF: 1990

CHAPTER: 130

Bill No: S2587

Sponsor(s): McNamera

Date Introduced: April 26, 1990

Committee: Assembly: Municipal Government

Senate: County & Municipal Government

Amended during passage: No

Date of Passage: Assembly: November 19, 1990

Senate: October 1, 1990

Date of Approval: December 19, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

DO NOT
REPLY

1 AN ACT concerning municipal planning board membership and
2 amending P.L.1975, c.291.

3
4 BE IT ENACTED *by the Senate and General Assembly of the*
5 *State of New Jersey:*

6 1. Section 14 of P.L.1975, c.291 (C.40:55D-23) is amended to
7 read as follows:

8 14. Planning board membership. a. The governing body may,
9 by ordinance, create a planning board of seven or nine members.
10 The membership shall consist of, for convenience in designating
11 the manner of appointment, the four following classes:

12 Class I—the mayor or, in the case of the council-manager form
13 of government pursuant to the "Optional Municipal Charter
14 Law," P.L.1950, c.210 (C.40:69A-1 et seq.) or "The Municipal
15 Manager Form of Government Law" (Subtitle 5 of Title 40 of the
16 Revised Statutes), the manager, if so provided by the aforesaid
17 ordinance.

18 Class II—one of the officials of the municipality other than a
19 member of the governing body, to be appointed by the mayor;
20 provided that if there be an environmental commission, the
21 member of the environmental commission who is also a member
22 of the planning board as required by section 1 of P.L.1968, c.245
23 (C.40:56A-1), shall be deemed to be the Class II planning board
24 member for purposes of this act in the event that there be among
25 the Class IV or alternate members of the planning board both a
26 member of the zoning board of adjustment and a member of the
27 board of education.

28 Class III—a member of the governing body to be appointed by it,
29 except that no member for Class III shall be appointed to the
30 planning board if the governing body consists of only three
31 members.

32 Class IV—other citizens of the municipality, to be appointed by
33 the mayor or, in the case of the council-manager form of
34 government pursuant to the "Optional Municipal Charter Law,"
35 P.L.1950, c.210 (C.40:69A-1 et seq.) or "The Municipal Manager
36 Form of Government Law" (Subtitle 5 of Title 40 of the Revised
37 Statutes), by the council, if so provided by the aforesaid
38 ordinance.

39 The members of Class IV shall hold no other municipal office,
40 position or employment, except that in the case of nine-member

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 boards, one such member may be a member of the zoning board
2 of adjustment or historic preservation commission. No member
3 of the board of education may be a Class IV member of the
4 planning board, except that in the case of a nine-member board,
5 one Class IV member may be a member of the board of
6 education. If there be a municipal environmental commission,
7 the member of the environmental commission who is also a
8 member of the planning board, as required by section 1 of
9 P.L.1968, c.245 (C.40:56A-1), shall be a Class IV planning board
10 member, unless there be among the Class IV or alternate
11 members of the planning board both a member of the zoning
12 board of adjustment or historic preservation commission and a
13 member of the board of education, in which case the member
14 common to the planning board and municipal environmental
15 commission shall be deemed a Class II member of the planning
16 board. For the purpose of this section, membership on a
17 municipal board or commission whose function is advisory in
18 nature, and the establishment of which is discretionary and not
19 required by statute, shall not be considered the holding of
20 municipal office.

21 b. The term of the member composing Class I shall correspond
22 to his official tenure. The terms of the members composing
23 Class II and Class III shall be for one year or terminate at the
24 completion of their respective terms of office, whichever occurs
25 first, except for a Class II member who is also a member of the
26 environmental commission. The term of a Class II or Class IV
27 member who is also a member of the environmental commission
28 shall be for three years or terminate at the completion of his
29 term of office as a member of the environmental commission,
30 whichever occurs first. The term of a Class IV member who is
31 also a member of the board of adjustment or board of education
32 shall terminate whenever he is no longer a member of such other
33 body or at the completion of his Class IV term, whichever occurs
34 first. The terms of all Class IV members first appointed under
35 this act shall be so determined that to the greatest practicable
36 extent the expiration of such terms shall be distributed evenly
37 over the first four years after their appointment: provided that
38 the initial Class IV term of no member shall exceed four years.
39 Thereafter, the Class IV term of each such member shall be four
40 years. If a vacancy in any class shall occur otherwise than by
41 expiration of the planning board term it shall be filled by
42 appointment, as above provided, for the unexpired term. No
43 member of the planning board shall be permitted to act on any
44 matter in which he has, either directly or indirectly, any personal
45 or financial interest. Any member other than a Class I member,
46 after a public hearing if he requests one, may be removed by the
47 governing body for cause.

48 c. In any municipality in which the term of the municipal
49 governing body commences on January 1, the governing body

1 may, by ordinance, provide that the term of appointment of any
2 class of member of the planning board appointed pursuant to this
3 section shall commence on January 1. In any municipality in
4 which the term of the municipal governing body commences on
5 July 1, the governing body may, by ordinance, provide that the
6 term of appointment of any class of member appointed pursuant
7 to this section commence on July 1.

8 (cf. P.L.1985, c.516, s.7)

9 2. This act shall take effect immediately.

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12 STATEMENT

13
14 This bill allows a municipality whose governing body
15 commences its term of office on January 1 to appoint planning
16 board members to terms which shall also begin on January 1, and
17 to allow a municipality whose governing body commences its
18 term of office on July 1 to appoint planning board members to
19 terms which shall also begin on July 1.

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22 LOCAL GOVERNMENT

23
24 Allows municipalities to commence terms of planning board
25 members on same date as governing body's term commences.

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LOCAL GOVERNMENT

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24 Allows municipalities to commence terms of planning board
25 members on same date as governing body's term commences.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 2587

STATE OF NEW JERSEY

DATED: OCTOBER 11, 1990

The Assembly Municipal Government Committee reports favorably Senate Bill No. 2587.

Senate Bill No. 2587 allows a municipality whose governing body commences its term of office on January 1 to appoint planning board members to terms which shall also begin on January 1, and to allow a municipality whose governing body commences its term of office on July 1 to appoint planning board members to terms which shall also begin on July 1. This bill is identical to Assembly, No. 972, which was previously released from the committee.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 2587

STATE OF NEW JERSEY

DATED: MAY 17, 1990

The Senate County and Municipal Government Committee reports favorably Senate Bill No. 2587.

Senate Bill No. 2587 allows a municipality whose governing body commences its term of office on January 1 to appoint planning board members to terms which shall also begin on January 1, and to allow a municipality whose governing body commences its term of office on July 1 to appoint planning board members to terms which shall also begin on July 1.