

40:55D-69

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2004 **CHAPTER:** 105

NJSA: 40:55D-69 (Permits appointment of up to 4 alternate members to zoning boards)

BILL NO: A354 (Substituted for S1289)

SPONSOR(S): Johnson and Weinberg

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Housing and Local Government
SENATE: Community and Urban Affairs

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** February 5, 2004

SENATE: June 17, 2004

DATE OF APPROVAL: July 14, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) Original version of bill enacted

A354

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S1289

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 2004, CHAPTER 105, *approved July 14, 2004*
Assembly, No. 354

1 **AN ACT** concerning alternate members of municipal zoning boards of
2 adjustment and amending P.L.1975, c.291.

3

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

6

7 1. Section 56 of P.L.1975, c.291 (C.40:55D-69) is amended to
8 read as follows:

9 56. Zoning board of adjustment. Upon the adoption of a zoning
10 ordinance, the governing body shall create, by ordinance, a zoning
11 board of adjustment unless the municipality is eligible for, and
12 exercises, the option provided by subsection c. of section 16 of
13 P.L.1975, c.291 (C.40:55D-25). A zoning board of adjustment shall
14 consist of seven regular members and may have not more than **[two]**
15 four alternate members. All regular members and any alternate
16 members shall be municipal residents. Notwithstanding the provisions
17 of any other law or charter heretofore adopted, such ordinance shall
18 provide the method of appointment of all such members. Alternate
19 members shall be designated at the time of appointment by the
20 authority appointing them as "Alternate No. 1" and "Alternate No.
21 **[2.] 2,**" and, in the case of a municipality in which more than two
22 alternates have been appointed, "Alternate No. 1," "Alternate No. 2,"
23 "Alternate No. 3," and "Alternate No. 4," as appropriate. The terms
24 of the members first appointed under **[this act]** P.L.1975, c.291
25 (C.40:55D-1 et seq.) shall be so determined that to the greatest
26 practicable extent, the expiration of such terms shall be distributed, in
27 the case of regular members, evenly over the first four years after their
28 appointment, and in the case of alternate members, evenly over the
29 first two years after their appointment; provided that the initial term
30 of no regular members shall exceed four years and that the initial term
31 of no alternate member shall exceed two years. Thereafter, the term
32 of each regular member shall be four years, and the term of each
33 alternate member shall be two years. In any municipality in which
34 more than two alternates have been appointed, the terms of not more
35 than two alternate members shall expire in any one year. No member
36 may hold any elective office or position under the municipality. No
37 member of the board of adjustment shall be permitted to act on any
38 matter in which he has, either directly or indirectly, any personal or
39 financial interest. A member may, after public hearing if he requests
40 it, be removed by the governing body for cause. A vacancy occurring
41 otherwise than by expiration of term shall be filled for the unexpired

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

Matter underlined thus is new matter.

1 term only.

2 The board of adjustment shall elect a chairman and vice chairman
3 from its regular members and select a secretary, who may or may not
4 be a member of the board of adjustment or a municipal employee.

5 Alternate members may participate in all matters but may not vote
6 except in the absence or disqualification of a regular member.
7 Participation of alternate members shall not be deemed to increase the
8 size of the zoning board of adjustment established by ordinance of the
9 governing body pursuant to section 56 of P.L.1975, c.291
10 (C.40:55D-69). A vote shall not be delayed in order that a regular
11 member may vote instead of an alternate member. In the event that a
12 choice must be made as to which alternate member is to vote,
13 **[Alternate No. 1]** alternate members shall vote in the order of their
14 numerical designations.

15 (cf: P.L.1998, c.95, s.9)

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17 2. This act shall take effect immediately.

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22 Permits appointment of up to four alternate members to municipal
23 zoning boards of adjustment.

ASSEMBLY, No. 354

STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Assemblywoman LORETTA WEINBERG

District 37 (Bergen)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Co-Sponsored by:

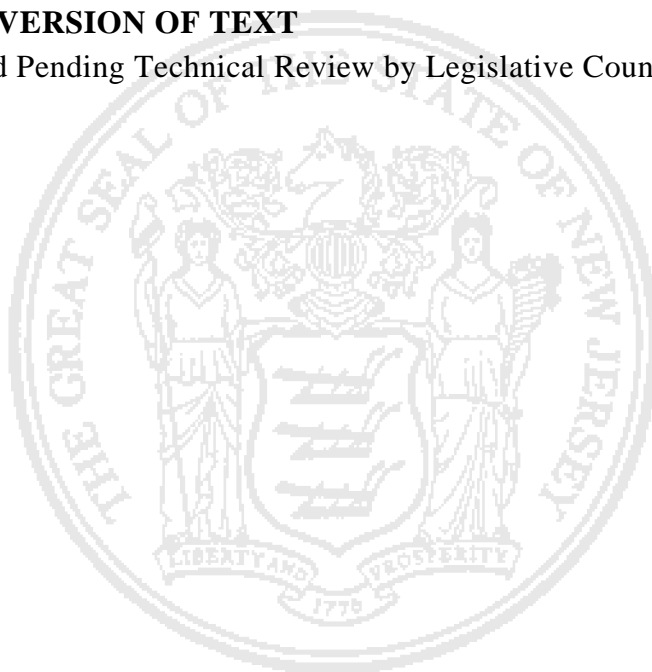
Assemblymen Fisher, Chiappone and Scalera

SYNOPSIS

Permits appointment of up to four alternate members to municipal zoning boards of adjustment.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 1/23/2004)

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21 **[2.]** 2," and, in the case of a municipality in which more than two
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38 matter in which he has, either directly or indirectly, any personal or
39 financial interest. A member may, after public hearing if he requests
40 it, be removed by the governing body for cause. A vacancy occurring
41 otherwise than by expiration of term shall be filled for the unexpired
42 term only.

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2 from its regular members and select a secretary, who may or may not
3 be a member of the board of adjustment or a municipal employee.

4 Alternate members may participate in all matters but may not vote
5 except in the absence or disqualification of a regular member.
6 Participation of alternate members shall not be deemed to increase the
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8 governing body pursuant to section 56 of P.L.1975, c.291
9 (C.40:55D-69). A vote shall not be delayed in order that a regular
10 member may vote instead of an alternate member. In the event that a
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13 **numerical designations.**

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STATEMENT

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21 This bill would permit municipal zoning boards of adjustment to
22 have up to four alternate members. The bill provides that in any
23 municipality in which more than two alternates are appointed, the
24 terms of not more than two alternates will expire in any one year. The
25 bill further provides that when a choice is to be made as to which
26 alternate member is to vote, alternate members will vote in the order
27 of their numerical designations.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 354

STATE OF NEW JERSEY

DATED: JANUARY 22, 2004

The Assembly Housing and Local Government Committee reports favorably Assembly Bill No.354.

This bill would permit municipal zoning boards of adjustment to have up to four alternate members. The bill provides that in any municipality in which more than two alternates are appointed, the terms of not more than two alternates will expire in any one year. The bill further provides that when a choice is to be made as to which alternate member is to vote, alternate members will vote in the order of their numerical designations.

This bill was prefiled for introduction in the 2004 session pending technical review. As reported, the bill includes changes required by technical review, which has been performed.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 354

STATE OF NEW JERSEY

DATED: JUNE 7, 2004

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 354.

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SENATE, No. 1289

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED MARCH 1, 2004

Sponsored by:

Senator PAUL SARLO

District 36 (Bergen, Essex and Passaic)

SYNOPSIS

Permits appointment of up to four alternate members to municipal zoning boards of adjustment.

CURRENT VERSION OF TEXT

As introduced.



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SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1289

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DATED: JUNE 7, 2004

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