

40:55-1.4

February 18, 1971

LEGISLATIVE HISTORY OF R.S.40:55-1.4
(Planning board members - alternates)

(1970 amendment)

*For materials
see copy 2+3*

Similar bills introduced (1965-1970)

1966 - A253 (Tanzman, Wilentz, Brigiani).
1969 - S215 (Tanzman and Sears).

1969 bill (S215) listed as "approved" in:

974.905 New Jersey League of Municipalities
L51 Legislative Bulletin

No.4 February 24, 1969 Page 2.

Also following comment in:

974.905 New Jersey Realtor
R286 February 1969.

Favor

This bill will provide for greater efficiency in the operation of municipal planning boards.

1.1970 - Ch.142 - S280.

Pre-filed by Tanzman and Sears.

No statement.

April 13 - Amended in Assembly (copy of original bill and amendment enclosed)

April 23 - Repassed in Senate.

July 17 - Approved.

This bill listed as "Approved" in:

974.905 League of New Jersey Municipalities
M95 Legislative bulletin

No.2 February 6, 1970, P.4

974.905 New Jersey Association of Realtor Boards
R286 New Jersey Realtor

Vol.12, No.2, February, 1970, p.3
With comment:

Favor

This bill will improve the procedure and speed up the operations of planning boards without cost to the taxpayer.

JH/BH
Enclosure

[OFFICIAL COPY REPRINT]

SENATE, No. 280

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1970 SESSION

By Senators TANZMAN and SEARS

AN ACT concerning municipal planning and amending section 4 of chapter 433 of the laws of 1953.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 4 of chapter 433 of the laws of 1953 (C. 40:55-1.4) is
2 amended to read as follows:

3 4. The governing body may by ordinance create a planning board
4 of not less than 5 nor more than 9 members. The members shall
5 consist of, and be divided into, for convenience in designating the
6 manner of appointment, the 4 following classes:

7 Class I—mayor.

8 Class II—one of the officials of the municipality to be appointed
9 by the mayor.

10 Class III—a member of the governing body to be appointed by it.

11 Class IV—other citizens of the municipality to be appointed by
12 the mayor.

13 When the board consists of less than 7 members Class II shall be
14 omitted. All members of the board shall serve without compensa-
15 tion, and the members of Class IV shall hold no other municipal
16 office, except that one of such members may be a member of the
17 zoning board of adjustment and one may be a member of the board
18 of education. The terms of the members composing Classes I and
19 III shall correspond to their respective official tenures. The term
20 of the member composing Class II shall terminate with the term of
21 the mayor appointing him. The term of one member of Class IV
22 first appointed shall expire at the end of each year beginning at the
23 end of the first year. Thereafter the term of each shall be the same
24 number of years as there are members of Class IV on the board. If
25 a vacancy in any class shall occur otherwise than by expiration of
26 term, it shall be filled by appointment as above provided for the

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

27 unexpired term. No member of the planning board shall be per-
28 mitted to act on any matter in which he has, either directly or in-
29 directly, any personal or financial interest. Members may, after a
30 public hearing, be removed for inefficiency, neglect of duty, or
31 malfeasance in office by the officer or body appointing them.

32 *The governing body may provide in the ordinance creating the*
33 *board for alternate members in Classes II, III, and IV. Such*
34 *alternate members shall not exceed one in Class II, one in Class III,*
35 *and 2 in Class IV. Alternate members of each class shall be ap-*
36 *pointed by the appointing authority for that class for terms to*
37 *expire at the same time as the terms of regular members of the*
38 *class, except that the terms of all alternate members of Class IV*
39 *shall expire at the end of each year. *~~[An alternate member of any~~*
40 *class may serve during the absence or disqualification of any reg-*
41 *ular member of the same class. In the event that 2 alternate members*
42 *of Class IV are appointed, they shall be designated by the chairman*
43 *as "Alternate No. 1" and "Alternate No. 2" and shall serve in*
44 *rotation during the absence or disqualification of any regular mem-*
45 *ber or members of Class IV.]** **An alternate member of any class*
46 *shall be entitled to sit with and participate as a member in any*
47 *hearing before the board. Alternate member of any class who has*
48 *attended the full hearing or hearings may participate in the board's*
49 *decision during the absence or disqualification of any regular*
50 *member of the same class. In the event that two alternate members*
51 *of Class IV are appointed, they shall be designated by the chairman*
52 *at "Alternate No. 1" and "Alternate No. 2" and shall participate*
53 *in the board's decision in rotation during the absence or disqualifi-*
54 *cation of any regular member or members of Class IV.**

1 2. This act shall take effect immediately.

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5 consist of, and be divided into, for convenience in designating the
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9 by the mayor.

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12 the mayor.

13 When the board consists of less than 7 members Class II shall be
14 omitted. All members of the board shall serve without compensa-
15 tion, and the members of Class IV shall hold no other municipal
16 office, except that one of such members may be a member of the
17 zoning board of adjustment and one may be a member of the board
18 of education. The terms of the members composing Classes I and
19 III shall correspond to their respective official tenures. The term
20 of the member composing Class II shall terminate with the term of
21 the mayor appointing him. The term of one member of Class IV
22 first appointed shall expire at the end of each year beginning at the
23 end of the first year. Thereafter the term of each shall be the same
24 number of years as there are members of Class IV on the board. If
25 a vacancy in any class shall occur otherwise than by expiration of
26 term, it shall be filled by appointment as above provided for the
27 unexpired term. No member of the planning board shall be per-

28 mitted to act on any matter in which he has, either directly or in-
29 directly, any personal or financial interest. Members may, after a
30 public hearing, be removed for inefficiency, neglect of duty, or
31 malfeasance in office by the officer or body appointing them.

32 *The governing body may provide in the ordinance creating the*
33 *board for alternate members in Classes II, III, and IV. Such*
34 *alternate members shall not exceed one in Class II, one in Class III,*
35 *and 2 in Class IV. Alternate members of each class shall be ap-*
36 *pointed by the appointing authority for that class for terms to*
37 *expire at the same time as the terms of regular members of the*
38 *class, except that the terms of all alternate members of Class IV*
39 *shall expire at the end of each year. An alternate member of any*
40 *class may serve during the absence or disqualification of any reg-*
41 *ular member of the same class. In the event that 2 alternate members*
42 *of Class IV are appointed, they shall be designated by the chairman*
43 *as "Alternate No. 1" and "Alternate No. 2" and shall serve in*
44 *rotation during the absence or disqualification of any regular mem-*
45 *ber or members of Class IV.*

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ASSEMBLY AMENDMENT TO
SENATE, No. 280

STATE OF NEW JERSEY

ADOPTED MARCH 9, 1970

Amend page 2, section 1, lines 39 to 45, after the word "year.", delete the present language and insert in lieu thereof the following:

"An alternate member of any class shall be entitled to sit with and participate as a member in any hearing before the board. An alternate member of any class who has attended the full hearing or hearings may participate in the board's decision during the absence or disqualification of any regular member of the same class. In the event that two alternate members of Class IV are appointed, they shall be designated by the chairman as 'Alternate No. 1' and 'Alternate No. 2' and shall participate in the board's decision in rotation during the absence or disqualification of any regular member or members of Class IV.'".