

# LEGISLATIVE HISTORY CHECKLIST

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## *LAWS of 1999*

**CHAPTER:** 27

**NJSA:** 40:55D-25

(Planning boards with powers of boards of adjustment)

**BILL NO:** A2380(Substituted for S1308)

**SPONSOR(S):** Moran and Connors

**DATE INTRODUCED:** September 14, 1998

**COMMITTEE:**

**ASSEMBLY:** Local Government

**SENATE:**---

**AMENDED DURING PASSAGE:** No

**DATES OF PASSAGE:**

**ASSEMBLY:** November 23, 1998

**SENATE:** January 12, 1999

**DATE OF APPROVAL:** February 24, 1999

### THE FOLLOWING ARE ATTACHED IF AVAILABLE:

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**FINAL TEXT OF BILL:** Original

(Amendments during passage denoted by superscript numbers)

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**A2380**

**SPONSORS STATEMENT:** *Yes* (Begins on page 3 of original bill)

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *Yes*

**SENATE:** *No*

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

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# S1308

**SPONSORS STATEMENT:** *Yes (Begins on page 3 of original bill)*

Bill and Sponsor's Statement identical to A2380

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *No*

**SENATE:** *Yes*

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

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## GOVERNOR'S ACTIONS

**VETO MESSAGE:** *No*

**GOVERNOR'S PRESS RELEASE ON SIGNING:** *Yes*

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## THE FOLLOWING WERE PRINTED:

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**REPORTS:** *No*

**HEARINGS:** *No*

**NEWSPAPER ARTICLES:** *No*

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P.L. 1999, CHAPTER 27, *approved February 24, 1999*

Assembly, No. 2380

1 AN ACT concerning planning board powers in certain municipalities  
2 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 16 of P.L.1975, c.291 (40:55D-25) is amended to read  
8 as follows.

9 16. a. The planning board shall follow the provisions of this act and  
10 shall accordingly exercise its power in regard to:

11 (1) The master plan pursuant to article 3;

12 (2) Subdivision control and site plan review pursuant to article 6;

13 (3) The official map pursuant to article 5;

14 (4) The zoning ordinance including conditional uses pursuant to  
15 article 8;

16 (5) The capital improvement program pursuant to article 4;

17 (6) Variances and certain building permits in conjunction with  
18 subdivision, site plan and conditional use approval pursuant to article  
19 7.

20 b. The planning board may:

21 (1) Participate in the preparation and review of programs or plans  
22 required by State or federal law or regulation;

23 (2) Assemble data on a continuing basis as part of a continuous  
24 planning process; and

25 (3) Perform such other advisory duties as are assigned to it by  
26 ordinance or resolution of the governing body for the aid and  
27 assistance of the governing body or other agencies or officers.

28 c. (1) In a municipality having a population of **[10,000]** 15,000 or  
29 less, a nine-member planning board, if so provided by ordinance, shall  
30 exercise, to the same extent and subject to the same restrictions, all the  
31 powers of a board of adjustment; but the Class I and the Class III  
32 members shall not participate in the consideration of applications for  
33 development which involve relief pursuant to subsection d. of section  
34 57 of P.L.1975, c.291 (C.40:55D-70).

35 (2) In any municipality, a nine-member planning board, if so  
36 provided by ordinance, subject to voter referendum, shall exercise, to  
37 the same extent and subject to the same restrictions, all the powers of  
38 a board of adjustment; but the Class I and the Class III members shall  
39 not participate in the consideration of applications for development  
40 which involve relief pursuant to subsection d. of section 57 of  
41 P.L.1975, c.291 (C.40:55D-70).

**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 d. In a municipality having a population of 2,500 or less, the  
2 planning board, if so provided by ordinance, shall exercise, to the same  
3 extent and subject to the same restrictions, all of the powers of an  
4 historic preservation commission, provided that at least one planning  
5 board member meets the qualifications of a Class A member of an  
6 historic preservation commission and at least one member meets the  
7 qualifications of a Class B member of that commission.

8 e. In any municipality in which the planning board exercises the  
9 power of a zoning board of adjustment pursuant to subsection c. of  
10 this section, a zoning board of adjustment may be appointed pursuant  
11 to law, subject to voter referendum permitting reconstitution of the  
12 board. The public question shall be initiated through an ordinance  
13 adopted by the governing body.

14 (cf: P.L.1996, c.113, s.8)

15

16 2. This act shall take effect immediately.

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STATEMENT

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21 This bill would increase from 10,000 to 15,000 the maximum  
22 population for municipalities authorized to permit their nine-member  
23 planning boards, by ordinance and without a referendum, to exercise  
24 the powers of a board of adjustment.

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29 \_\_\_\_\_  
30 Increases maximum population of municipalities authorized to permit  
planning boards to have powers of board of adjustment.

# ASSEMBLY, No. 2380

## STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED SEPTEMBER 14, 1998

**Sponsored by:**

**Assemblyman JEFFREY W. MORAN**

**District 9 (Atlantic, Burlington and Ocean)**

**Assemblyman CHRISTOPHER J. CONNORS**

**District 9 (Atlantic, Burlington and Ocean)**

**Co-Sponsored by:**

**Senators Connors and Bryant**

**SYNOPSIS**

Increases maximum population of municipalities authorized to permit planning boards to have powers of board of adjustment.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/13/1999)**

A2380 MORAN, CONNORS

2

1 AN ACT concerning planning board powers in certain municipalities  
2 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 16 of P.L.1975, c.291 (40:55D-25) is amended to read  
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9 16. a. The planning board shall follow the provisions of this act and  
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13 (3) The official map pursuant to article 5;

14 (4) The zoning ordinance including conditional uses pursuant to  
15 article 8;

16 (5) The capital improvement program pursuant to article 4;

17 (6) Variances and certain building permits in conjunction with  
18 subdivision, site plan and conditional use approval pursuant to article  
19 7.

20 b. The planning board may:

21 (1) Participate in the preparation and review of programs or plans  
22 required by State or federal law or regulation;

23 (2) Assemble data on a continuing basis as part of a continuous  
24 planning process; and

25 (3) Perform such other advisory duties as are assigned to it by  
26 ordinance or resolution of the governing body for the aid and  
27 assistance of the governing body or other agencies or officers.

28 c. (1) In a municipality having a population of **[10,000]** 15,000 or  
29 less, a nine-member planning board, if so provided by ordinance, shall  
30 exercise, to the same extent and subject to the same restrictions, all the  
31 powers of a board of adjustment; but the Class I and the Class III  
32 members shall not participate in the consideration of applications for  
33 development which involve relief pursuant to subsection d. of section  
34 57 of P.L.1975, c.291 (C.40:55D-70).

35 (2) In any municipality, a nine-member planning board, if so  
36 provided by ordinance, subject to voter referendum, shall exercise, to  
37 the same extent and subject to the same restrictions, all the powers of  
38 a board of adjustment; but the Class I and the Class III members shall  
39 not participate in the consideration of applications for development  
40 which involve relief pursuant to subsection d. of section 57 of  
41 P.L.1975, c.291 (C.40:55D-70).

42 d. In a municipality having a population of 2,500 or less, the  
43 planning board, if so provided by ordinance, shall exercise, to the same

**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 extent and subject to the same restrictions, all of the powers of an  
2 historic preservation commission, provided that at least one planning  
3 board member meets the qualifications of a Class A member of an  
4 historic preservation commission and at least one member meets the  
5 qualifications of a Class B member of that commission.

6 e. In any municipality in which the planning board exercises the  
7 power of a zoning board of adjustment pursuant to subsection c. of  
8 this section, a zoning board of adjustment may be appointed pursuant  
9 to law, subject to voter referendum permitting reconstitution of the  
10 board. The public question shall be initiated through an ordinance  
11 adopted by the governing body.

12 (cf: P.L.1996, c.113, s.8)

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14 2. This act shall take effect immediately.

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#### STATEMENT

18

19 This bill would increase from 10,000 to 15,000 the maximum  
20 population for municipalities authorized to permit their nine-member  
21 planning boards, by ordinance and without a referendum, to exercise  
22 the powers of a board of adjustment.

ASSEMBLY LOCAL GOVERNMENT AND HOUSING  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2380**

**STATE OF NEW JERSEY**

DATED: AUGUST 14, 1998

The Assembly Local Government and Housing Committee reports favorably Assembly Bill No. 2380.

This bill would amend section 16 of P.L.1975, c.291 (C.40:55D-25) to increase from 10,000 to 15,000 the maximum population for municipalities authorized to permit their nine-member planning boards, by ordinance and without a voter referendum, to exercise the powers of a board of adjustment. Under current law, a municipality with a population of more than 10,000 is required to use the voter referendum process to have its nine-member planning board function as the board of adjustment for the municipality. This bill is intended to save a significant number of municipalities the expense of a voter referendum election when the governing body deems it appropriate to have the planning board perform the board of adjustment function. Without regard to planning board size, 77 municipalities have a population between 10,000 and 15,000 according to the 1990 federal decennial census and could potentially benefit from this bill.



**SENATE, No. 1308**

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**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

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INTRODUCED SEPTEMBER 17, 1998

**Sponsored by:**

**Senator LEONARD T. CONNORS, JR.**

**District 9 (Atlantic, Burlington and Ocean)**

**Senator WAYNE R. BRYANT**

**District 5 (Camden and Gloucester)**

**SYNOPSIS**

Increases maximum population of municipalities authorized to permit planning boards to have powers of board of adjustment.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/17/1998)**

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2 and amending P.L.1975, c.291.

3

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5 of New Jersey:

6

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15 article 8;

16 (5) The capital improvement program pursuant to article 4;

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18 subdivision, site plan and conditional use approval pursuant to article  
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20 b. The planning board may:

21 (1) Participate in the preparation and review of programs or plans  
22 required by State or federal law or regulation;

23 (2) Assemble data on a continuing basis as part of a continuous  
24 planning process; and

25 (3) Perform such other advisory duties as are assigned to it by  
26 ordinance or resolution of the governing body for the aid and  
27 assistance of the governing body or other agencies or officers.

28 c. (1) In a municipality having a population of **[10,000]** 15,000 or  
29 less, a nine-member planning board, if so provided by ordinance, shall  
30 exercise, to the same extent and subject to the same restrictions, all the  
31 powers of a board of adjustment; but the Class I and the Class III  
32 members shall not participate in the consideration of applications for  
33 development which involve relief pursuant to subsection d. of section  
34 57 of P.L.1975, c.291 (C.40:55D-70).

35 (2) In any municipality, a nine-member planning board, if so  
36 provided by ordinance, subject to voter referendum, shall exercise, to  
37 the same extent and subject to the same restrictions, all the powers of  
38 a board of adjustment; but the Class I and the Class III members shall  
39 not participate in the consideration of applications for development  
40 which involve relief pursuant to subsection d. of section 57 of  
41 P.L.1975, c.291 (C.40:55D-70).

42 d. In a municipality having a population of 2,500 or less, the  
43 planning board, if so provided by ordinance, shall exercise, to the same

**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 extent and subject to the same restrictions, all of the powers of an  
2 historic preservation commission, provided that at least one planning  
3 board member meets the qualifications of a Class A member of an  
4 historic preservation commission and at least one member meets the  
5 qualifications of a Class B member of that commission.

6 e. In any municipality in which the planning board exercises the  
7 power of a zoning board of adjustment pursuant to subsection c. of  
8 this section, a zoning board of adjustment may be appointed pursuant  
9 to law, subject to voter referendum permitting reconstitution of the  
10 board. The public question shall be initiated through an ordinance  
11 adopted by the governing body.  
12 (cf: P.L.1996, c.113, s.8)

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14 2. This act shall take effect immediately.

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STATEMENT

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19 This bill would increase from 10,000 to 15,000 the maximum  
20 population for municipalities authorized to permit their nine-member  
21 planning boards, by ordinance and without a referendum, to exercise  
22 the powers of a board of adjustment.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

**SENATE, No. 1308**

**STATE OF NEW JERSEY**

DATED: NOVEMBER 16, 1998

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 1308.

Senate Bill 1308 would increase from 10,000 to 15,000 the maximum population for municipalities authorized to permit their nine-member planning boards, by ordinance and without a referendum, to exercise the powers of a board of adjustment.

Current law also permits a municipality of any size with a nine-member planning board to adopt an ordinance, subject to voter referendum, to provide that its planning board shall exercise all of the powers of a board of adjustment.

The effect of this bill would be to allow those municipalities with a population of between 10,000 and 15,000 and with nine-member planning boards to authorize their planning boards to exercise the powers of a board of adjustment without conducting a voter referendum.

*Office of the Governor*  
**NEWS RELEASE**

PO BOX 004  
TRENTON, NJ 08625

CONTACT: Gene Herman  
609-777-2600

RELEASE: February 24, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

**A-1900**, sponsored by Assembly Members Joseph R. Malone, 3d (R-Burlington/Monmouth/Ocean) and Melvin Cottrell (R-Burlington/Monmouth/Ocean) and Senators Robert W. Singer (R-Burlington/Monmouth/Ocean) and Walter J. Kavanaugh (R-Morris/Somerset), imposes a continuing education requirement for certified shorthand reporters. Currently, certified shorthand reporters may renew their licenses by paying a renewal fee. The bill conditions the license renewals upon completion of continuing education courses. Under the bill, the State Board of Shorthand Reporting will set standards for continuing education requirements, including the content of seminars, the selection of instructors, and the number of credits. Shorthand reporters will be required to complete a continuing education program every two years as a condition of license renewal. The intent of the bill is to require certified shorthand reporters to keep abreast of changing technology and complicated ethical issues affecting the field.

**A-2380**, sponsored by Assembly Members Jeffrey W. Moran (R- Atlantic/Burlington/Ocean) and Christopher J. Connors (R- Atlantic/Burlington/Ocean) and Senators Leonard T. Connors (R- Atlantic/Burlington/Ocean) and Wayne R. Bryant (D- Camden/Gloucester), amends the Planning Board Act to increase the maximum population of municipalities that are authorized to permit their nine member planning boards to exercise the powers of a board of adjustment. Currently, the maximum population authorized for municipalities to exercise such powers is 10,000 residents. The bill raises the maximum population to 15,000 residents.