

LEGISLATIVE HISTORY CHECKLIST  
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(Municipal planning board--  
membership)

NJSA: 40:55D-23

LAWS OF: 1994 CHAPTER: 158

BILL NO: A1590

SPONSOR(S): Zangari and others

DATE INTRODUCED: March 21, 1994

COMMITTEE: ASSEMBLY: Local Government

SENATE: Community Affairs

AMENDED DURING PASSAGE: Yes Amendments during passage  
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: May 16, 1994

SENATE: October 27, 1994

DATE OF APPROVAL: December 9, 1994

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:pp

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[FIRST REPRINT]  
ASSEMBLY, No. 1590  
STATE OF NEW JERSEY

INTRODUCED MARCH 21, 1994

By Assemblymen ZANGARI, ARNONE, T. Smith, Impreveduto,  
Pascrell, Connors, Moran, Suliga, Green, Jones, Kramer,  
Cohen, Kelly, Zecker, DiGaetano, Assemblywoman Heck,  
Assemblyman Romano, Assemblywoman Quigley, Assemblyman  
Dalton and Assemblywoman Gill

1 AN ACT concerning the membership of certain municipal  
2 planning boards and amending P.L.1975, c.291.

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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 the mayor's designee <sup>1</sup>in the absense of  
13 the mayor<sup>1</sup> or, in the case of the council-manager form of  
14 government pursuant to the Optional Municipal Charter Law,  
15 P.L.1950, c.210 (C.40:69A-1 et seq.) or "the municipal manager  
16 form of government law" (R.S.40:79-1 et seq.), the manager, if so  
17 provided by the aforesaid 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  
29 it.

30 Class IV--other citizens of the municipality, to be appointed  
31 by the mayor or, in the case of the council-manager form of  
32 government pursuant to the Optional Municipal Charter Law,  
33 P.L.1950, c.210 (C.40:69A-1 et seq.) or "the municipal manager  
34 form of government law" (R.S.40:79-1 et seq.), by the council, if  
35 so provided by the aforesaid ordinance.

36 The members of Class IV shall hold no other municipal office,  
37 position or employment, except that in the case of nine-member  
38 boards, one such member may be a member of the zoning board  
39 of adjustment or historic preservation commission. No member  
40 of the board of education may be a Class IV member of 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.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly ALG committee amendments adopted May 2, 1994.

1 planning board, except that in the case of a nine-member board,  
2 one Class IV member may be a member of the board of  
3 education. If there be a municipal environmental commission,  
4 the member of the environmental commission who is also a  
5 member of the planning board, as required by section 1 of  
6 P.L.1968, c.245 (C.40:56A-1), shall be a Class IV planning board  
7 member, unless there be among the Class IV or alternate  
8 members of the planning board both a member of the zoning  
9 board of adjustment or historic preservation commission and a  
10 member of the board of education, in which case the member  
11 common to the planning board and municipal environmental  
12 commission shall be deemed a Class II member of the planning  
13 board. For the purpose of this section, membership on a  
14 municipal board or commission whose function is advisory in  
15 nature, and the establishment of which is discretionary and not  
16 required by statute, shall not be considered the holding of  
17 municipal office.

18 b. The term of the member composing Class I shall correspond  
19 to [his] the mayor's or manager's official tenure, or, if the  
20 member is the mayor's designee <sup>1</sup>in the absense of the mayor<sup>1</sup>,  
21 the designee shall serve at the pleasure of the mayor during the  
22 mayor's 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 appointments; 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  
50 may, by ordinance, provide that the term of appointment of any  
51 class of member of the planning board appointed pursuant to this  
52 section shall commence on January 1. In any municipality in  
53 which the term of the municipal governing body commences on  
54 July 1, the governing body may, by ordinance, provide that the

1 term of appointment of any class of member appointed pursuant  
2 to this section commence on July 1.

3 (cf: P.L.1991, c.256, s.4)

4 2. This act shall take effect immediately.

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9 Permits mayor to appoint designee to serve on municipal planning  
10 board.

1       2. This act shall take effect immediately.

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STATEMENT

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6       Under current law, the mayor is the Class I member of the  
7 municipal planning board in most municipalities. Current law  
8 does not permit a designee named by the mayor to represent the  
9 mayor on the planning board.

10       This bill amends the "Municipal Land Use Law," P.L.1975,  
11 c.291 (C.40:55D-1 et seq.) to permit the mayor to name a  
12 designee to serve on the municipal planning board at the pleasure  
13 of the mayor during the mayor's official tenure.

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18       Permits mayor to appoint designee to serve on municipal planning  
19 board.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1590**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 2, 1994

The Assembly Local Government Committee reports favorably Assembly Bill No. 1590, with committee amendments.

Under current law, the mayor is the Class I member of the municipal planning board in most municipalities. Current law does not permit a designee named by the mayor to represent the mayor on the planning board.

This bill amends the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) to permit the mayor to name a designee to serve on the municipal planning board at the pleasure of the mayor during the mayor's official tenure.

The committee amended the bill to clarify that the designee named by the mayor can only act when the mayor is absent from the planning board during a meeting.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 1590

STATE OF NEW JERSEY

DATED: SEPTEMBER 12, 1994

The Senate Community Affairs Committee reports favorably Assembly Bill No. 1590 [1R].

This bill would amend the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), to permit a mayor to name a designee to serve on the municipal planning board whenever the mayor is unable to attend a meeting. Under the provisions of the bill, the designee would serve at the pleasure of the mayor during the mayor's official tenure. Current law does not permit a designee named by the mayor to represent the mayor on the planning board.