

40.55D-25

LEGISLATIVE HISTORY CHECKLIST
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(Municipal Planning Boards--
increase number of municipalities
where board may exercise powers)

NJSA: 40:55D-25

LAWS OF: 1994 **CHAPTER:** 186

BILL NO: A826

SPONSOR(S): Moran and Connors

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Local Government
SENATE: ---

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** November 14, 1994
SENATE: December 19, 1994

DATE OF APPROVAL: December 23, 1994

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

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

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

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

11 (2) Subdivision control and site plan review pursuant to article
12 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 (8) Variances and certain building permits in conjunction with
18 subdivision, site plan and conditional use approval pursuant to
19 article 7.

20 b. The planning board may:

21 (1) Participate in the preparation and review of programs or
22 plans 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. In a municipality having a population of [2,500] 10,000 or
29 less, a nine-member planning board, if so provided by ordinance,
30 shall exercise, to the same extent and subject to the same
31 restrictions, all the powers of a board of adjustment; but the
32 Class I and the Class III members shall not participate in the
33 consideration of applications for development which involve
34 relief pursuant to subsection d. of section 57 of P.L.1975, c.291
35 (C.40:55D-70).

36 d. In a municipality having a population of 2,500 or less, the
37 planning board, if so provided by ordinance, shall exercise, to the
38 same extent and subject to the same restrictions, all of the
39 powers of an historic preservation commission, provided that at
40 least one planning board member meets the qualifications of a
41 Class A member of an historic preservation commission and at
42 least one member meets the qualifications of a Class B member
43 of that commission.

44 (cf: P.L.1991, c.199, s.2)

45 2. This act shall take effect immediately.

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
- 2
- 3 **Permits additional municipal planning boards to exercise powers**
- 4 **of board of adjustment.**

ASSEMBLY, No. 826
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblymen MORAN and CONNORS

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

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

- 11 (1) The master plan pursuant to article 3;
12 (2) Subdivision control and site plan review pursuant to article
13 6;
14 (3) The official map pursuant to article 5;
15 (4) The zoning ordinance including conditional uses pursuant to
16 article 8;
17 (5) The capital improvement program pursuant to article 4;
18 (6) Variances and certain building permits in conjunction with
19 subdivision, site plan and conditional use approval pursuant to
20 article 7.

21 b. The planning board may:

- 22 (1) Participate in the preparation and review of programs or
23 plans required by State or federal law or regulation;
24 (2) Assemble data on a continuing basis as part of a continuous
25 planning process; and
26 (3) Perform such other advisory duties as are assigned to it by
27 ordinance or resolution of the governing body for the aid and
28 assistance of the governing body or other agencies or officers.

29 c. In a municipality having a population of [2,500] 10,000 or
30 less, a nine-member planning board, if so provided by ordinance,
31 shall exercise, to the same extent and subject to the same
32 restrictions, all the powers of a board of adjustment; but the
33 Class I and the Class III members shall not participate in the
34 consideration of applications for development which involve
35 relief pursuant to subsection d. of section 57 of P.L.1975, c.291
36 (C.40:55D-70).

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

38 2. This act shall take effect immediately.

39

40 style="text-align:center">STATEMENT

41

42 The purpose of this bill is to increase the number of
43 municipalities that may choose to have a nine-member planning

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 board exercise all the powers of a board of adjustment. Current
2 law, section 16 of P.L.1975, c.291 (C.40:55D-25), limits this
3 option to 106 municipalities that have a population of 2,500 or
4 less under the 1990 census. This bill also increases that
5 population limit to 10,000 or less, which would enable an
6 additional 238 municipalities to have their planning boards
7 exercise board of adjustment powers. This bill is necessitated by
8 the recently enacted "Local Government Ethics Law," P.L.1991,
9 c.29, which is expected to greatly reduce the number of qualified
10 persons, especially in small municipalities, willing to serve on
11 local boards.

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16 _____
17 Permits additional municipal planning boards to exercise powers
of board of adjustment.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 826

STATE OF NEW JERSEY

DATED: SEPTEMBER 29, 1994

The Assembly Local Government Committee reports favorably Assembly Bill No. 826.

Assembly Bill No. 826 increases the number of municipalities that may choose to have a nine-member planning board exercise all the powers of a board of adjustment. Section 16 of P.L.1975, c.291 (C.40:55D-25) currently limits this option to the 106 municipalities that have a population of 2,500 or less under the 1990 census. This bill also increases that population limit to 10,000 or less, which would enable an additional 238 municipalities to have their planning boards exercise board of adjustment powers. This bill is necessitated by the enactment of the "Local Government Ethics Law," P.L.1991, c.29, which the sponsors feel may greatly reduce the number of qualified persons, especially in small municipalities, willing to serve on local boards.

Assembly Bill No. 826 was pre-filed for introduction in the 1994-1995 legislative session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.