

**TOWNSHIP OF HILLSIDE  
COUNTY OF UNION, STATE OF NEW JERSEY**

**ORDINANCE NUMBER O-19-04**

**ORDINANCE AMENDING THE TOWNSHIP OF HILLSIDE TOWNSHIP CODE  
AT CHAPTER 188 (LAND USE) ARTICLE II ZONING §188-48 (ZONING  
BOARD OF ADJUSTMENT) OF THE “REVISED GENERAL ORDINANCES OF  
THE TOWNSHIP OF HILLSIDE**

**WHEREAS**, Ordinance G-112-77 was adopted by the Governing body and subsequently amended in its entirety by the Township Council on May 31, 1977 to amend the above referenced chapter of the Hillside Township Code; and

**WHEREAS**, the Township has an interest in ensuring that it is appropriately maintained and developed in an appropriate manner; and

**WHEREAS**, it is the goal of the Township of Hillside to both inform its constituents regarding Township business and to have transparency in government; and.

**NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Hillside, County of Union, State of New Jersey, as follows:**

1. Chapter 188 of the “Revised General Ordinance of the Township of Hillside, is hereby amended to read

Section (188-48) - A Zoning Board of Adjustment is hereby established pursuant to N.J.S.A. 40:55D-69 et seq., consisting of seven residents of the Township of Hillside appointed by the ~~Mayer~~ Township Council to serve for terms of four years from January 1 of the year of their appointment.

**B.**

The terms of the members first appointed shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four years after their appointment, provided that the initial term of no member shall exceed four years. Thereafter the term of each member shall be for four years. Nothing in this article shall, however, be construed to effect the term of any present member of the Zoning Board of Adjustment, all of whom shall continue in office until the completion of the term for which they were appointed.

**C.**

No member of the Zoning Board of Adjustment may hold any elective office or position under the municipality.

**D.**

A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.

**E.**

Alternative members of the Zoning Board.

[Added 9-19-1978 by Ord. No. G-130-78; amended 2-19-1980 by Ord. No. G-177-80]

**(1)**

The Mayor may appoint two alternate members of the Zoning Board who are residents of the Township of Hillside. Alternate members shall be designed by the Mayor at the time of appointment as "Alternative No. 1" and "Alternative No. 2." The term of each alternative member shall be for two years.

**(2)**

Alternative members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternative member. In the event that a choice must be made as to which alternative member is to vote, Alternative No. 1 shall vote.

**F.**

Officers. The Board of Adjustment shall elect a Chairman and Vice Chairman from its members and shall also select a Secretary, who may be either a Board member or another municipal employee.

**G.**

Board of Adjustment Attorney. There is hereby created the office of Attorney to the Zoning Board of Adjustment. The Zoning Board of Adjustment may annually appoint, fix the compensation of or agree upon the rate of compensation of the Zoning Board of Adjustment Attorney, who shall be an attorney other than the Municipal Attorney.

**H.**

Experts and staff. The Zoning Board of Adjustment may also employ or contract for and fix the compensation of such experts and other staff and services as it may deem necessary. The Board shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

**I.**

Rules and regulations. The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this article. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 et seq.) shall apply.

***\*All additions are denoted by underlines and excisions are denoted by strikethroughs***

**AND BE IT FURTHER ORDAINED** that all provisions of the Township of Hillside Code that are inconsistent with the provisions of this ordinance are repealed to the extent of such inconsistency.

2. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase. If any portion of this Ordinance, or its application to any person or circumstances, shall be adjudged or otherwise determined to be invalid, unconstitutional, void, or ineffective for any cause or reason, such determination shall not affect the remaining provisions of this Ordinance, and the application of such remaining provisions shall not be affected thereby and shall remain in full force and effect, and to this end, the provisions of this Ordinance are severable.

3. Conflicts. This Ordinance is not meant to repeal any provisions of the Code, other than those specified herein above, but to add to its requirements, and all Ordinances or parts thereof inconsistent or in conflict with the provisions of this Ordinance are repealed only to the extent of such inconsistency or conflict.

This Ordinance shall take effect 20 days after final passage and publication as provided by law.

*\*All additions are denoted by underlines and excisions are denoted by strikethroughs*

First Read and Introduction: January 22, 2019

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
X		DeAugustine	X				
		Epps		X			
		Hyatt		X			
		Mobley	X				
		Mondella	X				
	X	Cook, CVP	X				
		Freedman, CP	X				

Public Hearing: February 26, 2019

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
		DeAugustine	X				
	X	Epps	X				
		Hyatt	X				
		Mobley	X				
		Mondella	X				
X		Cook, CVP	X				
		Freedman, CP	X				

Final Adoption: February 26, 2019

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
		DeAugustine	X				
	X	Epps	X				
		Hyatt		X			
		Mobley	X				
		Mondella	X				
X		Cook, CVP	X				
		Freedman, CP	X				

Gerald Pateesh Freedman  
Gerald Pateesh Freedman, Council President

ATTEST:

Lorraine N. Messiah  
Lorraine N. Messiah, Township Clerk

Approved: \_\_\_\_\_

Dahlia O. Vertreese  
Dahlia O. Vertreese, Mayor

3/5/2019  
Date

Vetoed:

Returned to the Township Clerk with the following statement of objections:

Adverse action to the township's form  
of govt.