

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

**ORDINANCE NUMBER O-19-10**

**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 ~~Mayor~~ 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]

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 READING AND INTRODUCTION: March 26, 2019**

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

**PUBLIC HEARING: May 28, 2019**

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

**FINAL ADOPTION: May 28, 2019**

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

6/12/19  
Date

Vetoed:

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

Ordinance is arbitrary and capricious  
Political Retribution and Retaliation to take Powers  
afforded the MAYOR under Faulkner Act, Newark  
filed by Mayor has triggered this Ordinance

**TOWNSHIP OF HILLSIDE  
RESOLUTION R-19-117**

**RESOLUTION OVERRIDING THE MAYOR'S VETO OF ORDINANCE ENTITLED "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**, an ordinance entitled "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" designated as ORDINANCE NUMBER 0-19-10 was introduced on March 26, 2019 and approved on May 28, 2019 by the Township Council of the Township of Hillside; and

**WHEREAS**, pursuant to N.J.S.A. 40:69A -41, the Mayor of the Township of Hillside may veto an ordinance approved by the Township Council by returning same to the Township Clerk within ten (10) days of the presentation of the ordinance to the mayor; and

**WHEREAS**, the Mayor of the Township of Hillside has returned Ordinance No. 0-19-10 to the Township Clerk on June 13, 2019 within the time period required by statute and accompanied by her notice of rejection of same; and

**WHEREAS**, the Township Council of the Township of Hillside, upon reconsideration thereof, seeks and hereby resolves to override the Mayor's veto of Ordinance No. 0-19-10 pursuant to the authority granted thereto under N.J.S.A. 40:69A-41; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Hillside, County of Union, State of New Jersey, does hereby override the veto of Ordinance No.: 0-19-10 by the Mayor of the Township of Hillside to the authority granted to the Township Council under N.J.S.A. 40:69A-41.

  
\_\_\_\_\_  
Gerald Pateesh Freedman, Council President

**ATTEST:**

I, Lorraine N. Messiah, Township Clerk of the Township of Hillside, County of Union, State of New Jersey, do hereby certify that this is a true copy of a Resolution adopted by the Township Council at a meeting duly held on, June 25, 2019.

  
\_\_\_\_\_  
Lorraine N. Messiah, Township Clerk

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				



Gerald Pateesh Freedman  
Gerald Pateesh Freedman, Council President

ATTEST:

Lorraine N. Messiah  
Lorraine N. Messiah, Township Clerk

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

Dahlia O. Vertreese 6/12/19  
Dahlia O. Vertreese, Mayor Date

Vetoed:

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

ordinance is arbitrary and capricious.  
Political Retribution and Retaliation to take Powers  
afforded the Mayor under Faulkner Act, lawsuit  
filed by the Mayor has triggered this ordinance.

**TOWNSHIP OF HILLSIDE  
RESOLUTION R-19-117**

**RESOLUTION OVERRIDING THE MAYOR'S VETO OF ORDINANCE ENTITLED "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**, an ordinance entitled "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" designated as ORDINANCE NUMBER 0-19-10 was introduced on March 26, 2019 and approved on May 28, 2019 by the Township Council of the Township of Hillside; and

**WHEREAS**, pursuant to N.J.S.A. 40:69A -41, the Mayor of the Township of Hillside may veto an ordinance approved by the Township Council by returning same to the Township Clerk within ten (10) days of the presentation of the ordinance to the mayor; and

**WHEREAS**, the Mayor of the Township of Hillside has returned Ordinance No. 0-19-10 to the Township Clerk on June 13, 2019 within the time period required by statute and accompanied by her notice of rejection of same; and


**WHEREAS**, the Township Council of the Township of Hillside, upon reconsideration thereof, seeks and hereby resolves to override the Mayor's veto of Ordinance No. 0-19-10 pursuant to the authority granted thereto under N.J.S.A. 40:69A-41; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Hillside, County of Union, State of New Jersey, does hereby override the veto of Ordinance No.: 0-19-10 by the Mayor of the Township of Hillside to the authority granted to the Township Council under N.J.S.A. 40:69A-41.

  
Gerald Pateesh Freedman, Council President

**ATTEST:**

I, Lorraine N. Messiah, Township Clerk of the Township of Hillside, County of Union, State of New Jersey, do hereby certify that this is a true copy of a Resolution adopted by the Township Council at a meeting duly held on, June 25, 2019.

  
Lorraine N. Messiah, Township Clerk

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				