

AN ORDINANCE AMENDING CHAPTER 126 (LAND USE), PART 2 (PLANNING BOARD), ARTICLE II (ESTABLISHMENT), SECTIONS 126-4 (COMPOSITION) AND 126-5 (TERMS OF OFFICE; VACANCIES) OF THE MUNICIPAL CODE OF THE TOWNSHIP OF BRIDGEWATER SO AS TO INCREASE THE PLANNING BOARD'S MEMBERSHIP FROM SEVEN (7) TO NINE (9).

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) permits municipal planning boards to have either seven (7) or nine (9) members; and

WHEREAS, the Municipal Land Use Law, in N.J.S.A. 40:55D-23(a), further permits that municipal planning boards may have either four (4) or six (6) Class IV public members depending on the size of said board, with one Class I member (mayor or mayor's designee), Class II member (official of the municipality other than a member of the governing body), and Class III member (member of the governing body) regardless of the size of the board; and

WHEREAS, pursuant to Section 126-4 of the Municipal Code of the Township of Bridgewater currently permits four (4) Class IV members; and

WHEREAS, it is the desire of the Mayor and Council of the Township of Bridgewater to amend this ordinance to expand this number to six (6) Class IV members, setting the total membership of the planning board at nine (9); and

WHEREAS, it is the further desire of the Mayor and Council of the Township of Bridgewater to clarify language in the current Municipal Code concerning the appointment of the Class I member; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Bridgewater, in the County of Somerset, State of New Jersey, that Chapter 126, Part 2, Article II of the Municipal Code of the Township of Bridgewater, County of Somerset, State of New Jersey, is hereby modified through this amendment to Section 126-4 and 126-5 entitled "Composition" and "Term of Office; Vacancies" as follows:

SECTION I.

Section 126-4 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

The Planning Board shall consist of ~~seven~~ **nine** members, who shall be divided into four classes for convenience in designating their manner of appointment, as follows:

- A. Class I: the Mayor **or the Mayor's designee in the absence of the Mayor.**
- B. Class II: one of the officials of the municipality other than a member of the governing body, to be appointed by the Mayor.
- C. Class III: a member of the governing body, to be appointed by it

D. Class IV: ~~four~~ six other citizens of the municipality, to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, except that one such member shall be a member of the Environmental Commission, as required by P.L. 1968, c. 245, § 1 (N.J.S.A. 40:56A-1).

SECTION II.

Section 126-5 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

The term of the member composing Class I shall correspond to his official tenure. The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first. The term of the Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of his or her term of office as a member of the Environmental Commission, whichever occurs first. The terms of all Class IV members first appointed under this article 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 Class IV term of no member shall exceed four years. **The Mayor shall designate the length of said term for all Class IV members first appointed under this article in a manner that effectuates the aforementioned purpose of distributing the terms of said member evenly over the four-year period.** Thereafter **After the initial appointment of a Class IV Member,** the Class IV term of each such member shall be four years. If a vacancy in any class shall occur otherwise than by expiration of the Planning Board term, it shall be filled by appointment as above provided for the unexpired term. Any member other than a Class I member, after a public hearing if he requests one, may be removed by the governing body for cause.

SECTION III. If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION IV. Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

SECTION V. This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law but, in no event, less than 20 days after its final passage by the Township Council and approval by the Mayor, where such approval is required pursuant to N.J.S.A. 40:69A-181(b).

Adopted: January 16, 2020
Effective: February 7, 2020