

First Reading

INTRODUCED BY: Councilman Karcic					
SECONDED BY: Councilwoman Cavadas		AYE	NAY	ABSTAIN	ABSENT
COUNCIL					
FITZHENRY		X			
CAVADAS		X			
KARCIC		X			
SHEDY		X			
DEL RUSSO		X			
BOCCHINO		X			
PRONTI					
TOTAL					

Second & Final Reading

INTRODUCED BY: Councilman Fitzhenry					
SECONDED BY: Councilwoman Cavadas		AYE	NAY	ABSTAIN	ABSENT
COUNCIL					
FITZHENRY		X			
CAVADAS		X			
KARCIC		X			
SHEDY		X			
DEL RUSSO		X			
BOCCHINO		X			
PRONTI					
TOTAL					

ORDINANCE NO. 2344
BOROUGH OF NORTH ARLINGTON
BERGEN COUNTY, NEW JERSEY

**AN ORDINANCE TO AMEND CHAPTER 205 OF THE CODE OF THE
BOROUGH OF NORTH ARLINGTON ENTITLED "LAND DEVELOPMENT"**

WHEREAS, the Mayor and Council have determined that there is a need to amend Chapter 205 of the Code of the Borough of North Arlington entitled "Land Development"; and

WHEREAS, the Mayor and Council of the Borough of North Arlington have determined that there is a need to amend Chapter 205, Article II ("Planning Board") Section 7 entitled "Establishment" for the purpose of adding Alternate Members to the Planning Board membership; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of North Arlington, County of Bergen, State of New Jersey, that Chapter 205, Section 7 entitled "Establishment" and all amendments thereto are hereby repealed in their entirety and are replaced with the following:

§ 205-7. Establishment.

- A. The North Arlington Planning Board, created pursuant to N.J.S.A. 40:55D-23 et seq., shall consist of nine regular members and four alternate members.

B. The nine regular members of the Planning Board membership shall consist of the following four classes:

- (1) Class I: the Mayor or the Mayor's designee in the absence of the Mayor.
- (2) Class II: one of the officials of the municipality, other than a member of the governing body, to be appointed by the Mayor, provided that if there is a North Arlington Borough Environmental Commission (herein referred to as the "Environmental Commission"), the member of the Environmental Commission who is also a member of the Planning Board, as required by N.J.S.A. 40:56A-1, shall be deemed to be the Class II Planning Board member for the purposes of this chapter in the event that there is among the Class IV or alternate members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education
- (3) Class III: a member of the Borough Council to be appointed by the Borough Council.
- (4) Class IV members: 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 member may be a member of the Board of Adjustment. One Class IV member may be a member of the Board of Education. If there is an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board, as required by N.J.S.A. 40:56A-1, shall be a Class IV Planning Board member unless there are among Class IV members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education, in which case the member common to the Planning Board and the Environmental Commission shall be deemed a Class II member of the Planning Board. For the purpose of this section, membership on a municipal board or commission whose function is advisory in nature, the establishment of which is discretionary and not required by statute, shall not be considered the holding of municipal office.

C. Alternate Members.

- (1) There may be not more than four alternate members appointed to the Planning Board in the same manner as Class IV members, who shall be designated by the Mayor as "Alternate No. 1," "Alternate No. 2," "Alternate No. 3," and "Alternate No. 4."
- (2) Alternate members may participate in all matters but may not vote except in the absence or disqualification of a regular member of any class; provided, however, that alternate members shall not vote in place of Class I or Class III members with respect to variance relief under N.J.S.A. 40:55D-70d. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. Voting priority shall be based on the designated number of the alternate member, with Alternate No. 1 having first priority.

D. Terms.

- (1) The term of the member composing Class I shall correspond to the Mayor's official tenure or if the member is the Mayor's designee in the absence of the Mayor, the designee shall serve at the pleasure of the Mayor during the Mayor's 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, except for a Class II member who is also a member of the Environmental Commission. The term of a Class II or Class IV member who is

also a member of the Environmental Commission shall be for three years or terminate at the completion of their term of office as a member of the Environmental Commission, whichever comes first. The term of a Class IV member who is also a member of the Board of Adjustment or Board of Education shall terminate whenever he/she is no longer a member of such other body or at the completion of his/her Class IV term, whichever occurs first. Thereafter, the Class IV term of each such Class IV 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.

- (2) The terms of alternate members shall be for two years, except that of the alternate members first appointed, an equal number shall be appointed for two-year terms and one-year terms, said terms to run from January 1 of the year in which the appointment is made. Thereafter, all appointments shall be made for a term of two years.
 - (3) Nothing in this chapter shall, however, be construed to affect the terms of any present members of the Planning Board, all of whom shall continue in office until the completion of the terms for which they were appointed.
- E. If the Planning Board lacks a quorum because any of its members are prohibited by N.J.S.A. 40:55D-23 or N.J.S.A. 40:55D-23.1 from acting on a matter due to the member's personal or financial interest, regular members of the Board of Adjustment shall be called upon to serve, for that matter only, as temporary members of the Planning Board in order of seniority of continuous service to the Board of Adjustment until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest. If a choice has to be made between regular members of equal seniority, the Chairperson of the Board of Adjustment shall make the choice.
- F. The Planning Board shall organize annually by selecting from among its Class IV members a Chairperson and a Vice Chairperson. The Board shall also select a Secretary who may or may not be a member of the Board or a municipal employee, and create and fill such other offices as established by ordinance.
- G. The governing body shall make provisions in its budget and appropriate funds for the expenses of the Planning Board.
- H. The Planning Board may annually appoint a Planning Board Attorney and fix compensation or rate of compensation of an attorney at law of New Jersey other than the Municipal Attorney.
- I. The Planning Board 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, however, shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.
- J. No member of the Planning Board shall be permitted to act on any matter in which there is any personal or financial interest, either directly or indirectly. Any member other than a Class I member, after a public hearing, if requested, may be removed by the governing body for cause.

IT IS FURTHER ORDAINED that the remainder of Chapter 205 of the Code of the Borough of North Arlington shall remain in full force and effect; and

IT IS FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent herewith are hereby repealed; and

IT IS FURTHER ORDAINED that if any parts, sections, provisions, or the total of any of the above provisions are held to be invalid or unenforceable in any court, the findings or judgments of which court are applicable to the State of New Jersey, the balance and remainder of such provisions shall remain in full force and effect as an Ordinance of the Borough of North Arlington; and

IT IS FURTHER ORDAINED that this Ordinance shall become effective twenty (20) days after the adoption and publication according to law.

ATTEST: 
Kathleen Moore, Borough Clerk

APPROVED: 
Daniel H. Proniti, Mayor

DATED: March 10, 2022

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT AT A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF NORTH ARLINGTON HELD ON THURSDAY, February 10, 2022 THE ABOVE ORDINANCE WAS INTRODUCED AND PASSED ON ITS FIRST READING. SAID ORDINANCE SHALL BE TAKEN UP FOR FURTHER CONSIDERATION FOR FINAL PASSAGE AT A REGULAR MEETING OF THE MAYOR AND COUNCIL TO BE HELD IN THE EUGENE MADDEN SENIOR CENTER, REAR OF THE NORTH ARLINGTON HEALTH DEPARTMENT BUILDING, 10 BEAVER AVENUE, NORTH ARLINGTON, BERGEN COUNTY, NEW JERSEY ON March 10, 2022, 7:00PM OR AS SOON THEREAFTER AS THE MATTER CAN BE REACHED, AT WHICH TIME AND PLACE ALL PERSONS WHO MAY BE INTERESTED THEREIN SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAME. DURING THE WEEK PRIOR TO AND UP TO AND INCLUDING THE DATE OF SUCH MEETING, COPIES OF SAID ORDINANCE WILL BE MADE AVAILABLE AT THE BOROUGH CLERK'S OFFICE TO THE MEMBERS OF THE GENERAL PUBLIC WHO SHALL REQUEST SAME.

Kathleen Moore, RMC
Borough Clerk