



Township Council

c/o Township Clerk
Teaneck, NJ 07666

Meeting: 03/16/21 08:00 PM

Department: Township Clerk

Category: Amend

DOC ID: 6452

ORDINANCE (ID # 6452)

Ordinance No. 9-2021 AMENDING SECTION 2-110 OF ARTICLE XVII OF CHAPTER 2 OF THE CODE OF THE TOWNSHIP OF TEANECK RESPECTING PUBLIC PARTICIPATION AT MEETINGS OF THE PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #9-2021 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.

AMENDING SECTION 2-110 OF ARTICLE XVII OF CHAPTER 2 OF THE CODE OF THE TOWNSHIP OF TEANECK RESPECTING PUBLIC PARTICIPATION AT MEETINGS OF THE PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT

BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #9-2021 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.

HISTORY:

02/23/21 Township Council INTRODUCED

Councilwoman Romney-Rice inquired for explicit clarity as to what adjustment this ordinance makes. Councilman Kaplan specified the ordinance’s mechanisms for public participation - and confirmed that the ordinance does not prohibit public participation.

COMMENTS - Current Meeting:

Councilman Kaplan went over the purpose of this Ordinance. Councilwoman Romney-Rice reiterated his points.

RESULT:	ADOPTED BY CONSENT VOTE [6 TO 0]
MOVER:	James Dunleavy, Keith Kaplan
SECONDER:	Mark J. Schwartz, Deputy Mayor
AYES:	Schwartz, Orgen, Dunleavy, Rice, Kaplan, Pagan
ABSTAIN:	Elie Y. Katz

TOWNSHIP OF TEANECK
BERGEN COUNTY, NJ

ORDINANCE NO. 9-2021 AMENDING SECTION 2-110 OF ARTICLE XVII OF CHAPTER 2 OF THE CODE OF THE TOWNSHIP OF TEANECK RESPECTING PUBLIC PARTICIPATION AT MEETINGS OF THE PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TEANECK THAT ORDINANCE #9-2021 PASS UPON SECOND AND FINAL READING AND THAT THE TOWNSHIP CLERK IS HEREBY AUTHORIZED AND DIRECTED TO ADVERTISE THE SAME ACCORDING TO LAW AND TO PROVIDE THE APPROPRIATE NOTICES IN ACCORDANCE WITH LAW.

BE IT ORDAINED by the Council of the Township of Teaneck, Bergen County, New Jersey, as follows:

SECTION 1. Paragraph (i)(4) of Section 2-110, “Provisions applicable to Planning Board and Zoning Board of Adjustment

<<http://www.unicode360.com/print/TE0774?guid=13624763&children=true>>,” of Article XVII, Zoning Board of Adjustment” of Chapter 2, Charter/Administrative Code,” of the Code of the Township of Teaneck, is hereby amended to read as follows:

“(4) <<http://www.unicode360.com/print/13625207>> Public participation.

A. Applications before the Board

For matters on the agenda that have a specific public comment period or require a public hearing, including an application for development, adoption, revision or amendment of the master plan, an application for approval of an outdoor advertising sign submitted to the municipal agency as required pursuant to an ordinance adopted under subsection g. of section 29.1 of P.L. 1975, c. 291 (C. 40:55D-39) or a review undertaken by a planning board pursuant to section 22 of P.L. 1975, c. 291 (C. 40:55D-31), the public shall be heard only via testimony or comment during the specific applicable public testimony and comment periods.

B. Testimony

The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses. At the conclusion of the applicant’s presentation on an application for development, interested parties may be heard and present evidence and testimony subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.”

C. Good and Welfare

Each Board may permit the public to speak for a reasonable time, not exceeding five minutes per person, only on matters not on the agenda during a general public comment period. To ensure the due process rights of those giving testimony pursuant to section (B), and avoid the confusion of testimonial inclusion of public comments, no application should be paused to commence Good and Welfare without consent of the applicant and the board for good cause.

D. Matters on the agenda that do not have a specific public comment period

Each Board may permit the public to speak for a reasonable time, not exceeding five minutes per person, on matters on the agenda that do not otherwise have a specific public comment period during a general public comment period. The Board may establish a reasonable time limit for such public participation and should hold same during such portion of the meeting reserved for Good and Welfare, so as not to unduly interfere with public hearings on applications for development or other matters requiring a public hearing.

SECTION 2. Severability. In any section, sentence, clause or other portion of this ordinance, or the application thereof to any person or circumstances, shall be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance, and the remainder of this ordinance shall be deemed severable.

SECTION 3. Inconsistency. In the event of the inconsistency between the provisions of this ordinance and the provisions of any other ordinance, the provisions of this ordinance shall govern.

SECTION 4. Effective date. This ordinance shall take effect 20 days following passage and publication thereof following adoption as required by law.

ATTEST:

Doug Ruccione, Township Clerk

James Dunleavy, Mayor

Introduced: _February 23, 2021_

Adopted: _March 16, 2021__

Doug Ruccione
Township Clerk

Dr. James Dunleavy,
Mayor