

**ORDINANCE NO. 2024-03**

**ORDINANCE OF THE TOWNSHIP OF HOPE, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING ARTICLE I ENTITLED “PLANNING BOARD” OF CHAPTER 17 – LAND USE PROCEDURES – TO MERGE THE FUNCTIONS OF THE ZONING BOARD OF ADJUSTMENT INTO THE PLANNING BOARD TO CREATE A LAND USE BOARD PURSUANT TO N.J.S.A. 40:55D-25(c)(1)**

**WHEREAS**, the Township Committee of the Township of Hope believes it is in the best interest of the Township to merge the duties of the Zoning Board with the Planning Board; and,

**WHEREAS**, N.J.S.A. 40:55D-25(c)(1) expressly permits the combination of the two Boards to permit the Planning Board to assume the powers, duties and functions of the Zoning Board of Adjustment; and,

**WHEREAS**, the aforementioned statute requires that the Zoning Board be dissolved and its functions assumed by the Planning Board.

**BE IT ORDAINED** by the Township Committee of the Township of Hope in the County of Warren and State of New Jersey, that the Zoning Board of Adjustment and the Planning Board be merged into a combined Land Use Board as follows:

**SECTION I:**

Deletions to this Section shall be delineated by strikethrough text, ~~thusly~~.

Additions to this Section shall be delineated by underlined text, thusly.

Section 17-1 Planning Board is amended as follows:

**§ 17-1. Land Use Board.**

**§ 17-1.1. Establishment.**

There is hereby established, pursuant to N.J.S.A.

(a) The Hope Township Land Use Board, created pursuant to N.J.S.A. 40:55-25(c)(1), shall consist of nine (9) members of the following four (4) classes:

(1) Class I: the Mayor or the Mayor’s designee.

~~(2)~~ Class II: one (1) 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 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 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 both a member of the Zoning Board of Adjustment and a member of the Board of Education.~~

- (3) Class III: a member of the Township Committee to be appointed by the Township Committee.
- (4) Class IV members: six (6) other citizens of the municipality to be appointed by the Mayor. The members of Class IV shall hold no other municipal office. One (1) Class IV member may be a member of the Board of Education. ~~If there is a Municipal 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 Municipal 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.
- (5) Alternate members. Four (4) alternate members shall be appointed by the Mayor and shall meet the qualifications of Class IV members. Alternate members shall be designated at the time of appointment as “Alternate No. 1,” “Alternate No. 2,” “Alternate No. 3,” and “Alternate No. 4.” The terms of alternate members shall be for two (2) years, except that the terms of not more than two alternate members shall expire in the same year.

Alternate members may participate in all matters but may not vote except in the absence or disqualification of a regular member of any class.

## **SECTION II:**

Sections 17-2.1 through 17-2.5 are hereby deleted in their entirety.

## **SECTION III:**

Section 17-2.1. is hereby created to include the following:

References in the Code to the Zoning Board of Adjustment shall be read as if the term “*Planning Board acting as the...*” preceded it.

## **SECTION IV:**

If any part or parts of this Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this ordinance.

**SECTION V:**

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of the Township of Hope Code not inconsistent herewith are ratified and confirmed.

**SECTION VI:**

This Ordinance shall become effective following its final passage and publication as required by law.

**ATTEST:**

**TOWNSHIP OF HOPE**

\_\_\_\_\_  
Robin Keggan, Clerk

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Timothy C. McDonough, Mayor

Dated: April 10, 2024

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed by the Township Committee on the first reading at a meeting of the Township Committee of the Township of Hope, held on April 10, 2024, and will be considered for a second reading and final passage at a regular meeting of the Township Committee to be held on May 9, 2024 at the Municipal Building, located at 407 Great Meadows Road, Hope, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

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Robin Keggan, Municipal Clerk