

**AN ORDINANCE BY PRINCETON
INCREASING THE NUMBER OF
ALTERNATE MEMBERS ON THE
ZONING BOARD OF ADJUSTMENT
AND AMENDING SECTION 10B-11 OF
THE “CODE OF THE TOWNSHIP OF
PRINCETON, NEW JERSEY, 1968”**

WHEREAS, the Princeton Mayor and Council wish to increase the number of alternate members on the Zoning Board of Adjustment from two alternates, as currently provided for in Princeton’s land use ordinance, to four alternates, as authorized by the Municipal Land Use Law at *N.J.S.A. 40:55D-69*;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of Princeton as follows:

1. Section 10B-11 of Princeton’s land use ordinance amended. Section 10B-11 in Article III, “Zoning Board of Adjustment” in Chapter 10B, “Land Use” of the “Code of the Township of Princeton, New Jersey 1968” is hereby amended to increase the number of alternate members on the Zoning Board of Adjustment from two to four, and shall read as follows (additions are underlined; deletions are in [brackets]”:

Sec. 10B-11. Zoning Board of Adjustment established; composition; terms; vacancies; disqualification of members; alternate members; officers.

(a) The Zoning Board of Adjustment heretofore created is continued and is hereby established pursuant to *N.J.S.A. 40:55D-1 et seq.*

(b) The Board shall consist of seven regular members and [two] four alternate members.

(c) Regular members shall be appointed by the Princeton Council for terms of four years each, computed from January 1 of the year of their appointment, except that full terms of regular members filled for the first time under this article shall be so fixed (for four or less years) and arranged so that, to the greatest practicable extent, the expiration of all terms of regular members will be distributed evenly over the first four years after the initial appointment under this chapter.

(d) Alternate members shall also be appointed by the Princeton Council, and their terms shall be two years each, computed from January 1 of the year of their appointment, except that of the appointments to alternate membership first made under this chapter, one shall be for a term of one year. They shall be designated by the Princeton Council at the time of their appointment as “Alternate No. 1,” [and] “Alternate No. 2, [.]” “Alternate No. 3” and “Alternate No. 4.”

(e) A vacancy occurring in either type of membership otherwise than by expiration of a term shall be filled for the unexpired term only.

(f) No regular or alternate members may hold any elective office or other municipal office in the Municipality, nor shall any members be permitted to act on any matter in which they have, directly or indirectly, any personal or financial interest.

(g) Alternate 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 alternate member. In the event that a choice must be made as to which alternate member is to vote, [Alternate No. 1 shall vote], alternate members shall vote in the order of their numerical designations.

(h) Officers. The Zoning Board of Adjustment shall elect a chair and a vice-chair from among its members and shall also select a secretary, who may but need not be a member of the Board.

(i) Except for members exempted by statute from this requirement, persons who serve as members or alternate[s] members of the Zoning Board of Adjustment shall be required to complete an approved basic course in land use law and planning within 18 months of their appointment in accordance with the provisions of N.J.S.A. 40:55D-23.3(b) and (c).

2. Repealer. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Borough of Princeton or Code of the Township of Princeton inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

3. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

4. Effective date. This Ordinance shall take effect upon its passage and publication as provided for by law.

STATEMENT OF PURPOSE: The purpose of this ordinance is to increase the number of alternate members on the Princeton Zoning Board of Adjustment. The Municipal Land Use Law (“MLUL”) allows municipalities to establish by ordinance a zoning board of adjustment with seven regular members plus up to four alternates. Princeton’s land use ordinance currently provides for a zoning board of adjustment with seven regular members and two alternates. The

Mayor and Council wish to increase the number of alternate members to four, the maximum allowed under the MLUL.

The foregoing ordinance was introduced at a meeting of the Mayor and Council of Princeton held on July 27, 2015 and will be further considered for final passage after a public hearing thereon at a meeting of said Mayor and Council to be held at the Princeton Municipal Complex, 400 Witherspoon Street on September 28, 2015 which begins at 7:00 p.m.

A handwritten signature in cursive script that reads "Kathleen K. Brzezynski".

Kathleen K. Brzezynski

Deputy Clerk