

ORDINANCE 227

AN ORDINANCE AMENDING ORDINANCE NO. 156 ENTITLED "AN ORDINANCE ESTABLISHING LAND USE DEVELOPMENT REGULATIONS AND RESTRICTIONS PURSUANT TO THE MUNICIPAL LAND USE LAW (CHAPTER 291, LAWS OF N.J. 1975); ESTABLISHING A ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD PURSUANT TO SAID LAW; AND REPEALING ALL PRIOR ORDINANCES RELATING TO ZONING AND PLANNING, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE TERMS AND PROVISIONS THEREOF IN THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY." SO AS TO CREATE A NINE-MEMBER PLANNING BOARD, INCORPORATE HEREIN ALL THE POWERS OF THE BOARD OF ADJUSTMENT AND TERMINATE THE EXISTING BOARD OF ADJUSTMENT, PURSUANT TO N.J.S. 40"55D-25(c) (CHAPTER 516, LAWS OF N.J. 1985).

BE IT ORDAINED by the Board of Trustees of the Village of Loch Arbour, in the County of Monmouth and State of New Jersey, that Ordinance No. 156, which is the Ordinance referred to in the title hereof, is hereby amended and supplemented as follows:

Section 1:

Section 404 A. (Board of Adjustment - Establishment; Composition;) is deleted in its entirety.

Section 2:

All provisions of Ordinance 156, and its successors, fixing the powers, duties, authority and jurisdiction, together with all fee schedules and procedures are, effective upon adoption of this Ordinance, transferred to the Planning Board of the Village of Loch Arbour pursuant to the authority of N.J.S. 40:55D-25(c).

Section 3:

Section 418 (Planning Board) is amended to read as follows:

418 Planning Board

A. Establishment.

There is hereby established pursuant to c. 291 P.L. 1975 in the Village of Loch Arbour, a Planning Board of 9 members consisting of the following four classes:

**Class I** - The President of the Board of Trustees.

**Class II** - One of the Officials of the Village of Loch Arbour, other than a member of the Board of Trustees, to be appointed by the President of the Board of Trustees.

**Class III** - A member of the Board of Trustees, to be appointed by it.

**Class IV** - Six other citizens of the Village of Loch Arbour, to be appointed by the President of the Board of Trustees.

The member of the Class IV shall hold no other Municipal office, position or employment, except That one member may be a member of the Historic Preservation Commission and one member may be a Member of the Board of Education. A 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 be among the Class IV or alternate member, a member of the Historic Preservation Commission 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.

B. Terms.

The term of the member composing Class I shall correspond with his official tenure. The terms of the member composing Class II 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 also a member of the Environmental Commission shall be for three years or terminate at the completion of his term of office as a member of the Environmental Commission, whichever occurs first.

The term of a Class IV member who is also a member of the

Board of Education, shall terminate whenever he is no longer a member of the Board of Education or at the completion of his Class IV term, whichever occurs first.

The terms of all Class IV members first appointed pursuant to this Ordinance shall be so determined that to the greatest practical extent the expiration of such term shall be distributed evenly over the first four years after their appointment as determined by resolution of the governing body, provided, however, that no term of any member shall exceed four years and further provided that nothing herein shall affect the term of any present member of the Planning Board, all of whom shall continue in office until the completion of the terms for which they were appointed. Thereafter, all Class IV members shall be appointed for terms of four years except as otherwise herein provided.

All terms shall run from January 1 of the year in which The appointment was made.

C. Vacancies.

If a vacancy of any Class shall occur otherwise than expiration of term, it shall be filled by appointment as above provided for the unexpired term.

D. The Planning Board shall also consist of two alternate members in Class IV who shall be appointed and serve pursuant to the terms of N.J.S.A. 40:55D-23.1.

E. Authority.

All applications for development and all powers granted to the Planning Board and zoning Board of Adjustment pursuant to N.J.S. 40:55D-25, et seq. and all powers granted to the Board of Adjustment pursuant to N.J.S. 40:55D-70, et seq. are hereby granted to the Planning Board. All authority previously granted to the Planning Board under Section 418 E. shall continue in their entirety, together with all authority granted by Ordinance No. 156 to the Board of Adjustment, same now Being vested in the Planning Board.

F. The Class I and III members shall not participate in the consideration of applications for development which involve relief pursuant to subsection d of Section 57 of P.L. 1975, c. 291 (C.40:55D-70).

Section 4. All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All parts of Ordinance No, 156 and its successors not inconsistent herewith are hereby ratified and confirmed.

Section 5. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

NOTICE

PUBLIC NOTICE is hereby given that the foregoing Ordinance was introduced at a meeting of the Board of Trustees of the Village of Loch Arbour in the County of Monmouth and State of New Jersey, on the 14<sup>th</sup> day of March, 1990 and was then read for the first time. The said Ordinance will be further considered for final passage by the Board of Trustees at Village Hall at 8:30 A.M. on the 29<sup>th</sup> day of May, 1990, at such time and place, or at any time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said Ordinance.