

Ordinance #2016-1167

**AN ORDINANCE PROVIDING FOR
THE MANVILLE BOROUGH PLANNING BOARD
TO ASSUME ALL OF THE
POWERS, DUTIES AND RESPONSIBILITIES
OF THE MANVILLE BOROUGH ZONING BOARD OF ADJUSTMENT**

STATEMENT OF PURPOSE

The purpose of this Ordinance is to provide for the Manville Borough Planning Board to act as a joint land use board, by (a) providing that the Borough Planning Board shall now assume all of the powers previously exercised by the Manville Borough Zoning Board of Adjustment, and (b) by abolishing the previously existing separate Borough Zoning Board of Adjustment.

WHEREAS, the Borough of Manville pursuant to the Municipal Land Use Law has heretofore established a nine (9) member Planning Board and a Zoning Board of Adjustment; and

WHEREAS, the Borough Planning Board and the Borough Board of Adjustment by ordinance have each been endowed with all of the statutory functions pertinent to each Board; and

WHEREAS, the provisions of N.J.S.A.40:55D-25c(1) provide that in a municipality, having a population of 15,000 or less, a nine member Planning Board, if so provided by Ordinance, shall exercise to the same extent and subject to the same restrictions, all of the powers of a Board of Adjustment; but the Class I and Class III members shall not participate in the consideration of applications for development which involve relief pursuant to subsection d of N.J.S.A.40A:55D-70; and

WHEREAS, the Borough of Manville has a population of less than 15,000 as established by the 2010 United States national census; and

WHEREAS, the governing body of the Borough of Manville has determined that it is in the best interests of the Borough of Manville to have the Planning Board hereafter act as a joint land use board, exercising all of the powers of the Board of Adjustment,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Manville, in the County of Somerset, State of New Jersey, as follows:

SECTION 1

1. As of the Effective Date of this Ordinance, the Powers of the Manville Borough Planning Board shall, in accord with N.J.S.A.40:55D-25c(1), include those of a Zoning Board of Adjustment, and the Manville Borough Planning Board shall exercise to the same extent and subject to the same restrictions, all the powers of a Board of Adjustment under applicable N.J. law;

2. Provided, however, that the Class I and the Class III members of the Manville Borough Planning Board shall not participate in the consideration of applications for development which involve relief pursuant to subsection d of N.J.S.A.40A:55D-70.
3. All prior Ordinances inconsistent with this Ordinance, including but not limited to any prior ordinance creating a Manville Borough Zoning Board of Adjustment, are hereby repealed to the extent of such inconsistency, and the Manville Borough Zoning Board of Adjustment is hereby abolished;
4. Severability: In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.
5. Effective Date: This Ordinance shall take effect as of February 15, 2016, after its passage and publication as required by law.

Borough of Manville,

A handwritten signature in cursive script that reads "Richard M. Onderko".

Richard M. Onderko, Mayor

ORDINANCE #201 6-1167

FIRST READING:

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		SZABO	√			
	√	ASHER	√			
		CAMACHO	√			
		KASSICK	√			
		MAGNANI	√			
√		PETROCK	√			
		MAYOR ONDERKO				

PASSED this 11th day of January, 2016.

Patricia A. Zamorski

Attest: Patricia A. Zamorski, Borough Clerk

SECOND READING:

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
	√	SZABO	√			
		ASHER	√			
		CAMACHO	√			
		KASSICK	√			
		MAGNANI	√			
√		PETROCK	√			
		MAYOR ONDERKO				

ADOPTED this 25th day of January, 2016

Patricia A. Zamorski

Attest: Patricia A. Zamorski, Borough Clerk