

**TOWNSHIP OF ROCHELLE PARK**

**ORDINANCE NO. 1038-11**

**AN ORDINANCE PURSUANT TO N.J.S.A. 40:55D-25c REESTABLISHING A ZONING BOARD OF ADJUSTMENT IN AND FOR THE TOWNSHIP OF ROCHELLE PARK AND PROVIDING FOR ITS MEMBERSHIP AND POWERS, AMENDING, SUPPLEMENTING AND REPEALING CERTAIN PROVISIONS OF THE CODE OF THE TOWNSHIP OF ROCHELLE PARK IN ACCORDANCE THEREWITH, AND REQUESTING THAT THE CLERK OF THE COUNTY OF BERGEN PLACE UPON THE BALLOT AT THE NEXT GENERAL ELECTION A MUNICIPAL PUBLIC QUESTION TO DETERMINE THE SENTIMENT OF THE VOTERS AS TO WHETHER THE RECONSTITUTION OF SUCH ZONING BOARD OF ADJUSTMENT SHALL BE PERMITTED**

**WHEREAS**, Ordinance No. 1015-10 adopted on June 16<sup>th</sup>, 2010, this Body abolished the Board of Adjustment and consolidated its statutory power and authority with that of the Planning Board pursuant to N.J.S.A.40:55D-25c; and

**WHEREAS**, this Body has determined that some of the several goals sought to be achieved by that consolidation and particularly that of anticipated cost savings have not been fully met despite the earnest efforts of the Planning Board members; and

**WHEREAS**, this Body has further determined that certain applicants and particularly homeowners seeking simple variance relief could be attended to by a Zoning Board of Adjustment more efficiently;

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey that:

## **SECTION ONE**

Sections 185.15 through 185.22 of the Code of the Township of Rochelle Park are hereby repealed and replaced with the following:

## **SECTION TWO:**

The Planning Board of the Township of Rochelle Park as the same has been duly authorized by Ordinance No. 1015-10 adopted on June 16, 2010 shall continue to exercise those powers, duties, authority and jurisdiction hitherto granted to it only over any application or matter coming that has been fully and completely submitted to it as required by applicable laws, ordinances and its Rules and Regulations and certified to be complete by its Secretary on or before December 31, 2011, until such applications or such other matters have been fully completed,

until any possible appeals from the decisions on any applications or matters so having come or so coming before it by that date have been exhausted and any matters remanded to it from such appeals have been concluded and until any time limits have expired on any appeals from any decisions on applications so having come or so coming before it by that date or decisions on matters remanded to it. Any other applications or other matters which would have otherwise been within its jurisdiction but which are not so filed and certified by its Secretary to be complete as aforesaid by that date shall be within the sole jurisdiction of the Zoning Board of Adjustment of the Township of Rochelle Park in accordance with Chapter 185 of this Code as the same is amended and supplemented by this Ordinance.

### **SECTION THREE:**

A Referendum Question pursuant to N.J.S.A.40:55D-25c shall be submitted to the Clerk of Bergen County requesting that she print the same on the Ballot as it is to appear in the Township of Rochelle Park for consideration by the voters of this Township, as follows:

### **MUNICIPAL QUESTION**

Shall the reconstitution of the Zoning Board of Adjustment in and for the Township of Rochelle Park be approved?

### **EXPLANATORY STATEMENT**

On June 16<sup>th</sup>, 2010, the Zoning Board of Adjustment of the Township of Rochelle Park was abolished and its powers and duties were consolidated with the powers of the Planning Board of the Township of Rochelle Park. The stated purpose of that consolidation of authority was for cost savings and efficiency. The Township Committee has determined that not all of those goals have been met. In particular, the economy expected to be achieved has not resulted. Further, despite the earnest efforts of the Planning Board members, certain applicants

and particularly homeowners seeking simple variance relief have experienced some delays because of the often necessarily lengthy hearings required in complicated and highly technical site plan applications which now more frequently come before the Planning Board. As a consequence, the Township Committee has concluded that the Board of Adjustment should be reestablished.

**SECTION FOUR: Repealer:**

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

**SECTION FIVE: Severability:**

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

**SECTION SIX: Effective Date:**

This Ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.

ATTEST:

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VIRGINIA DE MARIA,  
Municipal Clerk