

RESOLUTION 24-240

AUTHORIZING A REFERENDUM QUESTION TO BE PLACED ON THE NOVEMBER 2024 BALLOT SEEKING VOTER SENTIMENT ON COMBINING THE PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT INTO A SINGLE LAND USE BOARD

WHEREAS, the Borough of South Plainfield currently utilizes a Planning Board and a Zoning Board of Adjustment to exercise the powers and duties granted to each such board by the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.; and

WHEREAS, the Municipal Land Use Law permits a municipality to establish a single land use board with all of the powers of a planning board and zoning board of adjustment; and

WHEREAS, the Borough Council believes it would be beneficial to the Borough for both practical and economical reasons to establish a single land use board to have all powers granted by the Municipal Land Use Law; and

WHEREAS, the question of whether the Borough should establish a single land use board must be submitted to the electorate of the municipality and such submission requires a resolution requesting that the County Clerk to print on the official ballots to be used at the next general election a proposition as to whether a single land use board should be established to have all of the powers and duties of the Planning Board and Zoning Board of Adjustment, thereby eliminating the Planning Board and Zoning Board of Adjustment;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey as follows:

The Mayor and Council of the Borough of South Plainfield request that the Middlesex County Clerk print upon the official ballot to be used at the November 5, 2024 general election the following proposition:

To vote upon the public question printed below:

If you are in favor - push the button next to the word "yes".

If you are opposed - push the button next to the word "no".

Shall the Mayor and Council of the Borough of South Plainfield adopt an ordinance eliminating the Borough's Planning Board and Zoning Board of Adjustment and creating a single Land Use Board to have all powers and duties as granted by the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.?

The following interpretative statement shall accompany the aforesaid proposition:

The proposed ordinance would amend Chapter 515 of the Code of the Borough of South Plainfield titled "Development Review" to eliminate Articles IV, V, VI and VII and enact new articles to establish a single Land Use Board.

The Land Use Board would consist of the Mayor or the Mayor's designee in the absence of the Mayor (Class I); one of the officials of the municipality other than a member of the Governing Body to be appointed by the Mayor (Class II); a member of the Governing Body to be

appointed by it (Class III); and six (6) other citizens of the municipality to be appointed by the Mayor (Class IV). There would further be appointed up to four (4) alternate members to be appointed by the Mayor.

The Land Use Board would have and exercise all powers, duties and procedures as set forth by the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., for planning boards and zoning boards of adjustment.

A yes vote on the above question means that you want the Borough to amend its Code to eliminate the Planning Board and Zoning Board of Adjustment and combine the powers and duties of such boards in a single Land Use Board.

A no vote on the above question means that you do not want the Borough to amend its Code to eliminate the Planning Board and Zoning Board of Adjustment and combine the powers and duties of such boards in a single Land Use Board.

The South Plainfield Borough Clerk is hereby directed, after adoption of this Resolution, to forward a certified copy to the Middlesex County Clerk by not later than 88 days prior to the November 5, 2024 general election for placement on the official ballot.

If any word, phrase, clause, sentence, paragraph of this Resolution is held for any reason to be unconstitutional, or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Resolution.

This Resolution shall take effect immediately upon passage and publication in accordance with the law.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilwoman Faustini			X				
Councilwoman Mott			X				
Councilman Smith	X		X				
Councilman White			X				
Councilman Wolak		X	X				
Council President Bengivenga						X	
			5	0			
Mayor Anesh – TIE ONLY							

I do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the Mayor and Borough Council of South Plainfield Borough on July 8, 2024
Amy Antonides

Amy Antonides, RMC/CMC/CMR
Municipal Clerk – South Plainfield Borough