

TOWNSHIP OF ROCHELLE PARK  
ORDINANCE NO. 1015-10

AN ORDINANCE AMENDING THE GENERAL ORDINANCES  
OF THE TOWNSHIP OF TOWNSHIP OF ROCHELLE PARK  
TO ESTABLISH A JOINT  
PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT

**WHEREAS,** N.J.S.A.40:55D-25(c) authorizes municipalities having a population of 15,000 or less to establish, by Ordinance, a single nine-member Planning Board to exercise all the powers of the Planning Board and Board of Adjustment; and

**WHEREAS,** the Township Committee finds that the Township of Rochelle Park has a population of less than 15,000, and that the adoption of an Ordinance establishing a joint Planning and Zoning Board is in the best interests of the Township;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Rochelle Park as follows:

Section 1: Articles II and III of Chapter 185 are revised and replaced with the following:

**185.4 PLANNING BOARD/ZONING BOARD OF ADJUSTMENT**

**Establishment.**

A. Pursuant to N.J.S.A. 40:55D-25(c) as amended, there is hereby established in the Township a planning board/zoning board of adjustment. All powers and functions previously vested in the Planning Board and Zoning

Board of Adjustment are transferred and assigned to the Planning Board/Zoning Board of Adjustment.

**185.5 Membership and Terms of Office.**

A. The Planning Board Zoning Board of Adjustment shall consist of nine (9) regular members consisting of the following four (4) classes:

Class I. The mayor or the mayor's designee in the absence of the mayor.

Class II. One (1) of the officials of the Township other than a member of the Township council, to be appointed by the mayor.

Class III. A member of the Township council, to be appointed by it.

Class IV. Six (6) other citizens of the Township to be appointed by the mayor. The members of Class IV shall hold no other municipal office, except that one (1) member may be a member of the board of education.

B. The term of the Class I member shall correspond with his/her tenure in office as Mayor. The term of any mayor's designee shall be at the mayor's pleasure, during the mayor's tenure in office. The terms of the Class II and Class III members shall be for one (1) year or at the completion of their respective terms of office whichever occurs first.

C. The term of a Class IV member who is also a member of the board of education shall terminate whenever he/she is no longer a member of the Board of Education, or at

the completion of his/her Class IV term, whichever occurs first.

D. The terms of all Class IV members first appointed pursuant to this chapter shall be so determined that to the greatest practicable extent the expiration of such terms shall be evenly distributed over the first four (4) years after their appointment provided, however, that no term of any member shall exceed four (4) years. Thereafter, all Class IV members shall serve for a 4-year term. All terms shall run from January 1 of the year in which the appointment was made.

**185.6        Alternate Members.**

A. The mayor shall appoint two (2) alternate members to the board, which members shall meet the qualifications of Class IV members of the board. Alternate members shall be designated at the time of appointment by the mayor as "Alternate No. 1" and "Alternate No. 2." The terms of the alternate members shall be for two (2) years, except that the terms of the alternate members shall be such that the term of not more than one (1) alternate members shall expire in any one (1) year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two (2) years. A vacancy occurring otherwise than by expiration of term shall be filled by the mayor for the unexpired term only.

B. Alternate members may participate in the discussions of proceedings but may not vote except in the

absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. If a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

**185.7 Removal.** Any member other than a Class I member, after a public hearing if he/she requests one, may be removed by the governing body for cause. Cause for removal shall include, but is not limited to:

1. any cause creating a vacancy as set forth by N.J.S.A. 40A:9-12.1.

2. failure to attend seminars or continuing education courses as prescribed by the Township Committee.

3. any other good cause found by the Township Committee to require the removal of a member.

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

**185.9 Organization of Board.** The board shall elect a chair and vice chair from the members of Class IV and select a secretary who may be either a member of the board or a municipal employee designated by the board.

**185.10 Board Attorney.** There is hereby created the office of board attorney. The board may annually appoint and either fix the compensation of or agree upon the rate of

compensation of the board attorney who shall be an attorney other than the Township attorney.

**185.11 Experts and Staff.** The board may also employ or contract for the services of and fix the compensation of such experts and other staff and services as it may deem necessary. The board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the Township council for its use.

**185.12 Votes Required For Action.**

A. Unless otherwise provided by statute, on all actions other than a variance under N.J.S.A. 40:55D-70(d), an affirmative concurring vote of a majority of the members present and eligible to vote shall be required.

B. For variance applications under N.J.S.A. 40:55D-70(d), the Class I and Class III members shall not be entitled to vote, and the variance may only be granted by an affirmative vote of five (5) members of the board.

**185.13 Proposed Land Use; Inquiries; Time of Response.** Inquiries as to whether a proposed land use is permissible under the zoning ordinance or official Zoning Map may be submitted in writing to the board, which shall issue a written response within forty-five (45) days after the next meeting following receipt of the request or within such additional time as may be consented to by the inquirer.

**185.14 Subdivision and Site Plan Committee.** There may be appointed by the chairman of the board with the consent of a majority of the board a committee of at least

three (3) members of the board, which committee shall review all development applications in accordance with subsection 21A-11.2a of this chapter and perform such other duties as may be conferred on it by the board.

**POWERS OF THE PLANNING BOARD/ZONING BOARD OF  
ADJUSTMENT**

**185.15 Planning Powers of the Board.** The powers of the board shall include all powers granted to planning boards by the Municipal Land Use Law, 40:55D-1 et seq., and any amendments or supplements thereto, including but not limited to the following:

A. To make and adopt and from time to time amend a master plan for the physical development of the Township including any areas outside its boundaries, which in the board's judgment, bear essential relation to the planning of the Township , in accordance with the provisions of N.J.S.A. 40:55D-28.

B. To approve subdivision plats by resolution as a condition for the filing of such plats with the County Recording Officer and approval of site plans by resolution as a condition for the issuance of a permit for any development, except that subdivision or individual lot applications for detached one (1) or two (2) dwelling unit buildings shall be exempt from such site plan review and approval.

C. To approve conditional use applications in accordance with the provisions of the zoning regulations of this chapter pursuant to N.J.S.A. 40:55D-67.

D. To participate in the preparation and review of programs or plans required by State or Federal law or regulations.

E. To assemble data on a continuing basis as part of a continuous planning process.

F. To annually prepare a program of municipal capital improvement projects projected over a term of six (6) years, and amendments thereto, and recommend same to the Township council, pursuant to N.J.S.A. 40:55D-29.

G. To consider and make reports to the Township council within thirty-five (35) days after referral as to any proposed development regulations submitted to it pursuant to the provisions of N.J.S.A. 40:55D-26(a), and also pass upon other matters specifically referred to the planning board by the Township council pursuant to the provisions of N.J.S.A. 40:55D-26(b).

H. When reviewing applications for approval of subdivision plats, site plans, or conditional uses, to grant variances to the same extent and subject to the restrictions as provided by N.J.S.A. 40:55D-60.

I. To perform such other advisory duties as are assigned to it by ordinance or resolution of the Township council or other agencies or officers of the Township .

**185.16 Zoning Adjustment Powers of the Board.** The powers of the board shall include powers granted to the zoning boards of adjustment by the Municipal Land Use Law N.J.S.A. 40:55D-1 et seq. and any amendments or supplements thereto, including the following powers and duties:

A. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made by an administrative officer or agency based on or made in the enforcement of the zoning regulations of this chapter.

B. To hear and decide requests for interpretation of the map or zoning regulations of this chapter, or for decisions upon other special questions upon which such board is authorized by this chapter to pass.

C. To grant variances in accordance with the provisions of the Municipal Land Use Law, including but not limited to variances under N.J.S.A. 40:55D-70(c) and (d) as amended and supplemented.

D. It is further the intent of this chapter to confer upon the board as full and complete powers as may lawfully be conferred upon zoning boards of adjustment, including, but not by way of limitation, the authority, in connection with any case, action or proceeding before the board, to interpret and construe the provisions of this chapter, or any term, clause, sentence or word hereof, in accordance with the general rules of construction, applicable to legislative enactments.

**185.17 Additional Powers.** In addition to the powers specified above, the board shall have the power:

A. To direct issuance of a permit pursuant to N.J.S.A. 40:55D-34 for a building or structure in the bed of a mapped street or public drainageway, flood control basin, or public area reserved on the official map.

B. To direct issuance of a permit pursuant to N.J.S.A. 40:55D-36 for a building or structure not related to a street.

C. Pursuant to N.J.S.A. 40:55D-76(b) and (c) and in accordance with the terms thereof, the board shall have the power to grant site plan approval or conditional use approval whenever the proposed development requires approval by the board of a variance pursuant to N.J.S.A. 40:55D-70(d).

**185.18 Appeals From Decisions of Administrative Officers.**

A. Appeals may be taken by any interested party affected by any decision of an administrative officer of the municipality based on or made in the enforcement of the zoning ordinance of development map. Each appeal shall be taken within twenty (20) days by filing a notice of appeal with the officer from whom the appeal was taken, together with twelve (12) copies of the notice at the office of the board of adjustment. The notice of appeal shall specify the grounds for the appeal. The officer from whom the appeal is taken shall immediately transmit to the board all the papers

constituting the record upon which the action appealed from was taken.

B. Applications addressed to the original jurisdiction of the board without prior application to an administrative officer, shall be filed at the office of the board. Twelve (12) copies of the application shall be filed.

C. At the time of filing the appeal, the applicant shall pay the filing fee established by this chapter and file all plot plans, maps, or other papers required by virtue of any provision of this chapter or any rule of the board.

D. The applicant shall obtain all necessary forms from the secretary of the board. The secretary of the board shall inform the applicant of the steps to be taken to initiate proceedings and of the regular meeting dates of the board.

E. If the appeal or application for development is found to be incomplete, the applicant shall be notified in writing of the deficiencies therein by the board or the board's designee for the determination of completeness within forty-five (45) days of submission of such appeal or application or same shall be deemed to be properly submitted.

F. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board, after notice of appeal shall have been filed with him/her, that by reason of facts stated in the certificate, a stay would, in

his/her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by order of the board or the Superior Court of New Jersey on application or notice to the officer from whom the appeal is taken and for good cause shown.

**185.19 Annual Report.** The board shall file with the Township Committee the annual report required by N.J.S.A. 40:55D-70.1.

**GENERAL PROVISIONS AS TO MATTERS BEFORE THE PLANNING BOARD/ZONING BOARD OF ADJUSTMENT**

The Code of the Township of Rochelle Park is amended so that all references to the former planning board and/or zoning board of adjustment will refer to the new Planning Board/Zoning Board of Adjustment.

**185.20 Rehearing.** Any applicant or other interested person may, within 20 days after the publication of notice of the decision, move the board for a rehearing of the matter by filing an application in the form of a letter addressed to the board containing a brief statement of the grounds relied upon. If the motion is granted by the board, it shall fix a date for rehearing and shall require the moving party to give notice to all persons who participated in the original hearing or hearings, upon such terms as the board may deem adequate. The board may grant a rehearing on its own motion when unusual circumstances so require in the interest of justice.

**185.21 Vacation or Modification of a Decision.** At any time after the adoption of a resolution granting a variance, any person having an interest in such decision may move the board for an order vacating or modifying any term of condition of said decision by filing with the board a petition in the form of a letter setting forth the reasons therefor and the grounds relied upon. If the petition is granted, the board shall fix a date for hearing, and the movant shall give notice of such hearing in the same form and manner as required in the case of original petitions. The board, on its own motion, may in a proper case similarly order all parties in interest to show cause at a time and place fixed in the notice why the terms or provisions of any variance ought not to be vacated or modified.

**185.22 Expiration of Variance or Exception.** Any variance or exception from the terms of this chapter hereafter approved permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by variance, or unless such permitted use has been commenced, within one (1) year from the date of publication of the notice of the judgment or determination. The running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the board to a court of competent jurisdiction, until the termination of such appeal or

proceeding. For purposes of this subsection, the mere receipt of a building permit, without more, shall not be deemed to constitute actual commencement of construction or alteration.

**185.22 Time for Decision.** The board shall render its decisions in all matters in accordance with the time constraints established by the Municipal Land Use Law.

Section 2: All references to the Planning Board and/or the Zoning Board of Adjustment in any provision of the Revised General Ordinances of the Township of Rochelle Park shall apply to and be changed to refer to the Planning Board/Zoning Board of Adjustment established by this Ordinance.

Section 3: The Planning Board and Zoning Board of Adjustment in existence at the time of the adoption of this ordinance shall be abolished and disbanded upon the effective date of this ordinance, except as provided below. Any development application that is not certified to be complete pursuant to the Zoning Ordinance upon the effective date of this ordinance will be heard and determined by the Planning Board/Zoning Board of Adjustment established by this ordinance. Nevertheless, the existing Planning Board and Zoning Board of Adjustment will be authorized to continue to hold public hearings on and to render decisions on applications duly filed and certified to be complete before the effective date hereof pursuant to the Zoning Ordinance.

Section 4: All Ordinances or parts of Ordinances that are inconsistent with the provision of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 5: The provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional or invalid by any Court, the remaining parts of this Ordinance will remain in full force and effect.

Section 6: This Ordinance shall take effect upon passage and publication in accordance with N.J.S.A. 40:49-2(d),  
and copies shall be served on the County Planning Board and the  
municipal Tax Assessor within thirty (30) days of adoption.

ATTEST:

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VIRGINIA DE MARIA,  
Municipal Clerk

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OF THE TOWNSHIP OF TOWNSHIP OF ROCHELLE PARK  
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**WHEREAS,** N.J.S.A.40:55D-25(c) authorizes  
municipalities having a population of 15,000 or less to

establish, by Ordinance, a single nine-member Planning Board to exercise all the powers of the Planning Board and Board of Adjustment; and

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A. The Planning Board Zoning Board of Adjustment shall consist of nine (9) regular members consisting of the following four (4) classes:

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Class II. One (1) of the officials of the Township other than a member of the Township council, to be appointed by the mayor.

Class III. A member of the Township council, to be appointed by it.

Class IV. Six (6) other citizens of the Township to be appointed by the mayor. The members of Class IV shall hold no other municipal office, except that one (1) member may be a member of the board of education.

B. The term of the Class I member shall correspond with his/her tenure in office as Mayor. The term of any mayor's designee shall be at the mayor's pleasure, during the mayor's tenure in office. The terms of the Class II and Class III members shall be for one (1) year or at the completion of their respective terms of office whichever occurs first.

C. The term of a Class IV member who is also a member of the board of education shall terminate whenever he/she is no longer a member of the Board of Education, or at the completion of his/her Class IV term, whichever occurs first.

D. The terms of all Class IV members first appointed pursuant to this chapter shall be so determined that to the greatest practicable extent the expiration of such terms shall be evenly distributed over the first four (4) years after their appointment provided, however, that no term of any member shall exceed four (4) years. Thereafter,

all Class IV members shall serve for a 4-year term. All terms shall run from January 1 of the year in which the appointment was made.

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A. The mayor shall appoint two (2) alternate members to the board, which members shall meet the qualifications of Class IV members of the board. Alternate members shall be designated at the time of appointment by the mayor as "Alternate No. 1" and "Alternate No. 2." The terms of the alternate members shall be for two (2) years, except that the terms of the alternate members shall be such that the term of not more than one (1) alternate members shall expire in any one (1) year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two (2) years. A vacancy occurring otherwise than by expiration of term shall be filled by the mayor for the unexpired term only.

B. Alternate members may participate in the discussions of proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. If a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

**185.7        Removal.** Any member other than a Class I member, after a public hearing if he/she requests one, may be

removed by the governing body for cause. Cause for removal shall include, but is not limited to:

1. any cause creating a vacancy as set forth by N.J.S.A. 40A:9-12.1.

2. failure to attend seminars or continuing education courses as prescribed by the Township Committee.

3. any other good cause found by the Township Committee to require the removal of a member.

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**185.12 Votes Required For Action.**

A. Unless otherwise provided by statute, on all actions other than a variance under N.J.S.A. 40:55D-70(d), an affirmative concurring vote of a majority of the members present and eligible to vote shall be required.

B. For variance applications under N.J.S.A. 40:55D-70(d), the Class I and Class III members shall not be entitled to vote, and the variance may only be granted by an affirmative vote of five (5) members of the board.

**185.13 Proposed Land Use; Inquiries; Time of Response.** Inquiries as to whether a proposed land use is permissible under the zoning ordinance or official Zoning Map may be submitted in writing to the board, which shall issue a written response within forty-five (45) days after the next meeting following receipt of the request or within such additional time as may be consented to by the inquirer.

**185.14 Subdivision and Site Plan Committee.** There may be appointed by the chairman of the board with the consent of a majority of the board a committee of at least three (3) members of the board, which committee shall review all development applications in accordance with subsection 21A-11.2a of this chapter and perform such other duties as may be conferred on it by the board.

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by the Municipal Land Use Law, 40:55D-1 et seq., and any amendments or supplements thereto, including but not limited to the following:

A. To make and adopt and from time to time amend a master plan for the physical development of the Township including any areas outside its boundaries, which in the board's judgment, bear essential relation to the planning of the Township , in accordance with the provisions of N.J.S.A. 40:55D-28.

B. To approve subdivision plats by resolution as a condition for the filing of such plats with the County Recording Officer and approval of site plans by resolution as a condition for the issuance of a permit for any development, except that subdivision or individual lot applications for detached one (1) or two (2) dwelling unit buildings shall be exempt from such site plan review and approval.

C. To approve conditional use applications in accordance with the provisions of the zoning regulations of this chapter pursuant to N.J.S.A. 40:55D-67.

D. To participate in the preparation and review of programs or plans required by State or Federal law or regulations.

E. To assemble data on a continuing basis as part of a continuous planning process.

F. To annually prepare a program of municipal capital improvement projects projected over a term

of six (6) years, and amendments thereto, and recommend same to the Township council, pursuant to N.J.S.A. 40:55D-29.

G. To consider and make reports to the Township council within thirty-five (35) days after referral as to any proposed development regulations submitted to it pursuant to the provisions of N.J.S.A. 40:55D-26(a), and also pass upon other matters specifically referred to the planning board by the Township council pursuant to the provisions of N.J.S.A. 40:55D-26(b).

H. When reviewing applications for approval of subdivision plats, site plans, or conditional uses, to grant variances to the same extent and subject to the restrictions as provided by N.J.S.A. 40:55D-60.

I. To perform such other advisory duties as are assigned to it by ordinance or resolution of the Township council or other agencies or officers of the Township .

**185.16 Zoning Adjustment Powers of the Board.** The powers of the board shall include powers granted to the zoning boards of adjustment by the Municipal Land Use Law N.J.S.A. 40:55D-1 et seq. and any amendments or supplements thereto, including the following powers and duties:

A. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made by an administrative officer or agency based on or made in the enforcement of the zoning regulations of this chapter.

B. To hear and decide requests for interpretation of the map or zoning regulations of this chapter, or for decisions upon other special questions upon which such board is authorized by this chapter to pass.

C. To grant variances in accordance with the provisions of the Municipal Land Use Law, including but not limited to variances under N.J.S.A. 40:55D-70(c) and (d) as amended and supplemented.

D. It is further the intent of this chapter to confer upon the board as full and complete powers as may lawfully be conferred upon zoning boards of adjustment, including, but not by way of limitation, the authority, in connection with any case, action or proceeding before the board, to interpret and construe the provisions of this chapter, or any term, clause, sentence or word hereof, in accordance with the general rules of construction, applicable to legislative enactments.

**185.17 Additional Powers.** In addition to the powers specified above, the board shall have the power:

A. To direct issuance of a permit pursuant to N.J.S.A. 40:55D-34 for a building or structure in the bed of a mapped street or public drainageway, flood control basin, or public area reserved on the official map.

B. To direct issuance of a permit pursuant to N.J.S.A. 40:55D-36 for a building or structure not related to a street.

C. Pursuant to N.J.S.A. 40:55D-76(b) and (c) and in accordance with the terms thereof, the board shall have the power to grant site plan approval or conditional use approval whenever the proposed development requires approval by the board of a variance pursuant to N.J.S.A. 40:55D-70(d).

**185.18 Appeals From Decisions of Administrative Officers.**

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B. Applications addressed to the original jurisdiction of the board without prior application to an administrative officer, shall be filed at the office of the board. Twelve (12) copies of the application shall be filed.

C. At the time of filing the appeal, the applicant shall pay the filing fee established by this chapter and file all plot plans, maps, or other papers

required by virtue of any provision of this chapter or any rule of the board.

D. The applicant shall obtain all necessary forms from the secretary of the board. The secretary of the board shall inform the applicant of the steps to be taken to initiate proceedings and of the regular meeting dates of the board.

E. If the appeal or application for development is found to be incomplete, the applicant shall be notified in writing of the deficiencies therein by the board or the board's designee for the determination of completeness within forty-five (45) days of submission of such appeal or application or same shall be deemed to be properly submitted.

F. An appeal shall stay all proceedings in furtherance of the action appeal from, unless the officer from whom the appeal is taken certifies to the board, after notice of appeal shall have been filed with him/her, that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by order of the board or the Superior Court of New Jersey on application or notice to the officer from whom the appeal is taken and for good cause shown.

**185.19 Annual Report.** The board shall file with the Township Committee the annual report required by N.J.S.A. 40:55D-70.1.

**GENERAL PROVISIONS AS TO MATTERS BEFORE THE PLANNING BOARD/ZONING BOARD OF ADJUSTMENT**

The Code of the Township of Rochelle Park is amended so that all references to the former planning board and/or zoning board of adjustment will refer to the new Planning Board/Zoning Board of Adjustment.

**185.20 Rehearing.** Any applicant or other interested person may, within 20 days after the publication of notice of the decision, move the board for a rehearing of the matter by filing an application in the form of a letter addressed to the board containing a brief statement of the grounds relied upon. If the motion is granted by the board, it shall fix a date for rehearing and shall require the moving party to give notice to all persons who participated in the original hearing or hearings, upon such terms as the board may deem adequate. The board may grant a rehearing on its own motion when unusual circumstances so require in the interest of justice.

**185.21 Vacation or Modification of a Decision.** At any time after the adoption of a resolution granting a variance, any person having an interest in such decision may move the board for an order vacating or modifying any term of condition of said decision by filing with the board a petition in the form of a letter setting forth the reasons therefor and the grounds relied upon. If the petition is granted, the board shall fix a date for hearing, and the movant shall give notice of such hearing in the same form and

manner as required in the case of original petitions. The board, on its own motion, may in a proper case similarly order all parties in interest to show cause at a time and place fixed in the notice why the terms or provisions of any variance ought not to be vacated or modified.

**185.22 Expiration of Variance or Exception.** Any variance or exception from the terms of this chapter hereafter approved permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by variance, or unless such permitted use has been commenced, within one (1) year from the date of publication of the notice of the judgment or determination. The running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the board to a court of competent jurisdiction, until the termination of such appeal or proceeding. For purposes of this subsection, the mere receipt of a building permit, without more, shall not be deemed to constitute actual commencement of construction or alteration.

**185.22 Time for Decision.** The board shall render its decisions in all matters in accordance with the time constraints established by the Municipal Land Use Law.

Section 2: All references to the Planning Board and/or the Zoning Board of Adjustment in any provision of the

Revised General Ordinances of the Township of Rochelle Park shall apply to and be changed to refer to the Planning Board/Zoning Board of Adjustment established by this Ordinance.

Section 3: The Planning Board and Zoning Board of Adjustment in existence at the time of the adoption of this ordinance shall be abolished and disbanded upon the effective date of this ordinance, except as provided below. Any development application that is not certified to be complete pursuant to the Zoning Ordinance upon the effective date of this ordinance will be heard and determined by the Planning Board/Zoning Board of Adjustment established by this ordinance. Nevertheless, the existing Planning Board and Zoning Board of Adjustment will be authorized to continue to hold public hearings on and to render decisions on applications duly filed and certified to be complete before the effective date hereof pursuant to the Zoning Ordinance.

Section 4: All Ordinances or parts of Ordinances that are inconsistent with the provision of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 5: The provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional or invalid by any Court, the remaining parts of this Ordinance will remain in full force and effect.

Section 6: This Ordinance shall take effect upon

passage and publication in accordance with N.J.S.A. 40:49-  
2(d),

and copies shall be served on the County Planning Board and  
the

municipal Tax Assessor within thirty (30) days of adoption.

ATTEST:

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VIRGINIA DE MARIA,  
Municipal Clerk