

**TOWNSHIP OF STILLWATER  
SUSSEX COUNTY, NEW JERSEY**

**ORDINANCE NO. 2022-05**

**AN ORDINANCE MERGING ALL POWERS AND DUTIES OF THE  
STILLWATER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
INTO THE STILLWATER TOWNSHIP PLANNING BOARD AND  
CHANGING THE OFFICIAL NAME FOR THE PLANNING BOARD  
TO THE STILLWATER TOWNSHIP “LAND USE BOARD.”**

**WHEREAS**, N.J.S.A. 40:55D-25c expressly authorizes the Governing Body of a municipality with a population of less than 15,000 persons to merge all the powers of the municipal Zoning Board of Adjustment into its existing nine-member Planning Board; and

**WHEREAS**, the Governing Body of the Township of Stillwater has determined that the merging all of the powers and duties of the Stillwater Township Zoning Board of Adjustment into the existing none-member Stillwater Township Planning Board would result in significant benefits and efficiencies for the municipality, municipal staff, applicants and the community at large;

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

**SECTION 1**

Pursuant to N.J.S.A. 40:55D-25c(1), all powers and duties of the Stillwater Township Zoning Board of Adjustment shall be and hereby are merged into the Stillwater Township Planning Board, effective upon adoption of this Ordinance. Furthermore, the Stillwater Township Planning Board shall hereafter be renamed and referred to as the Stillwater Township “Land Use Board.”

**SECTION 2**

The Stillwater Township Code shall be amended as necessary to effectuate this Ordinance, including, but not limited to the following amendments:

**A.** Section 240-5 shall be amended to add the requirement of N.J.S.A. 40:55D-25c(1) that precludes Class I and the Class III members of the Land Use Board (formerly known as the Planning Board) from participating in the consideration of applications for development which involve certain requested relief pursuant to subsection d. of N.J.S.A. 40:55D-70 (also known as “d” variances).

The new requirements shall be included as added Subsection E which shall provide as follows:

“E. Class I and the 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. 40:55D-70d.”

**B.** Section 240-5 C shall be amended to reflect the increase from “two” Alternate Members to “four” Alternate Members. In addition, in order to establish staggered appointments, the following language shall be added at the end of Subsection C.

... “If necessary to stagger Alternate Member appointment expiration dates, for calendar year 2022, Alternate 1 and Alternate 3 shall be appointed for a term of two years each, while Alternate 2 and Alternate 4 shall be appointed for a term of just one year each. Thereafter, all Alternate Member appointments shall be made for terms of two years or to fill the unexpired term resulting from a vacancy.”

**C.** Section 240-12 shall be amended to confirm the Land Use Board’s assumption of all powers and duties of the Zoning Board of Adjustment in addition to its existing Planning Board powers and duties. The new Land Use Board powers and duties shall be included as new subsections which shall provide as follows:

“M. Assume all powers and duties that were formerly vested in the Township of Stillwater Zoning Board of Adjustment as set forth in Sections 240-24 through 240-30 of the Township Code.

N. All applications and appeals filed with the Zoning Board of Adjustment after January 1, 2022 shall be transferred to the Land Use Board on the effective date of this Ordinance. Pending applications or appeals that were filed with the Zoning Board of Adjustment that were filed prior to January 1, 2022 and that are ongoing shall continue to be heard by and shall be completed promptly by the existing Zoning Board of Adjustment. All such ongoing matters shall be completed no later than 90 days after adoption of this Ordinance.

O. The Land Use Board shall, at least once per year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report on its findings on Zoning Ordinance provisions which are the subject of variance requests and its recommendations for Zoning Ordinance amendment or revision, if any. The Land Use Board shall send copies of the report and resolution to the Governing Body.”

**D.** Section 240-24 through Section 240-30 and Section 240-43 of the Township Code shall be amended by replacing all references therein to the “Zoning Board of Adjustment” with references to the “Land Use Board.”

**E.** Section 240-19 through Section 240-23 of the Township Code shall be repealed as they provide for the establishment of the Zoning Board of Adjustment, but by operation of this Ordinance, the Zoning Board of Adjustment is longer operational in Stillwater Township.

### **SECTION 3**

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

### **SECTION 4**

All Ordinances or parts of Ordinances inconsistent with or contrary to the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 5**

This Ordinance shall take effect immediately upon its passage.

TOWNSHIP COMMITTEE OF STILLWATER TOWNSHIP

ATTEST:

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Lynda Knott, Township Clerk

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George E. Scott, Mayor

DATED:      Introduced: February 15, 2022  
                 Adopted: March 15, 2022