

Chapter 202. Land Use Procedures

Article I. Planning Board

§ 202-11. Environmental Commission.

[Added 10-30-2001 by Ord. No. 01-46^[1]]

- A. Creation. The municipality of Montclair's Environmental Commission is hereby established pursuant to Chapter 245 of the Laws of 1968 (N.J.S.A. 40:56A-1 to 40:56A-12), as amended by Chapter 35, P.L. 1972.
- B. Members.
 - (1) The Commission shall consist of seven members appointed by the Township Council, one of whom shall also be a member of the Planning Board and all of whom shall be residents of the municipality of Montclair; the members shall serve without compensation, but, within budgetary limitations, they may receive reimbursement for actual expenses necessarily incurred in the performance of their duties. The Township Council shall designate one of the members to serve as Chairman and presiding officer of the Commission. The terms of the office of the first Commissioners shall be for one, two or three years, to be designated by the Township Council in making its appointments, and their successors shall be appointed for terms of three years and until the appointment and qualification of their successors. The first members of the Commission shall be appointed for the following terms:
 - (a) Two members for the one-year term expiring December 31, 2002;
 - (b) Two members for the two-year term expiring December 31, 2003;
 - (c) Three members for the three-year term expiring December 31, 2004.
 - (2) The Township Council may appoint not more than two alternate members to the Commission who shall be residents of the municipality of Montclair. Alternate members shall be designated at the time of appointment by the Township Council as "Alternate No. 1" and "Alternate No. 2." An alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first. The term of the alternate members shall be for two years. The first alternate members of the Commission shall be appointed for the following terms:

- (a) Alternate No. 1 for the two-year term expiring December 31, 2003;
 - (b) Alternate No. 2 for the one-year term expiring December 31, 2002.
 - (3) The Commission may establish in its discretion a nonvoting membership of associate members who will participate in meetings and activities of the Commission.
 - (4) The Township Council may remove any member, alternate member or advisory member of the Commission for cause, on written charges served upon the member and after the hearing thereon, at which the member shall be entitled to be heard in person or by counsel. A vacancy on the Commission occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. Failure to attend meetings for two consecutive months or two consecutive regular meetings without being excused by the majority of the authorized membership shall result in forfeiture of office by such member.
- C. Powers of Commission. The commission is established for the protection, development or use of natural resources, including water resources, located within territorial limits of the municipality of Montclair. The Commission shall have the power to conduct research into the use and possible use of the open land areas of the municipality and may coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print, and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its purposes, within budgetary limitations. It shall keep an index of all open areas, publicly or privately owned, including open marshland, swamps and other wetlands, in order to obtain information on the proper use of such areas and may from time to time recommend to the Planning Board plans and programs for inclusion in the Master Plan and the development and use of such areas. The Commission shall have the power to research, make application for and promote grants and other financial assistance programs which can provide funding to the Commission and/or the Township to fulfill the Commission's duties as set forth herein.
- D. Acquisitions by Commission. The Environmental Commission may, subject to the prior written approval of the governing body, acquire property, both real and personal, in the name of the municipality by gift, purchase, grant, bequest, devise or lease for any of its purposes and shall administer the same for such purposes subject to the terms of the conveyance or gift. Such an acquisition may be to acquire the fee or any lesser interest, development right, easement (including conservation easement), covenant or other contractual right (including a conveyance on conditions or with limitations or reversions) as may be necessary to acquire, maintain, improve, protect, limit the future use of, or otherwise conserve and properly utilize open spaces and other land and water areas in the municipality.
- E. Records and annual reports. The Environmental Commission shall keep records of its meetings and activities and make an annual report to the governing body. All meetings and conduct of business shall be subject to the Open Public Meetings Act., N.J.S.A. 10:4-1 et seq.
- F. Appropriations. The Commission may appoint such clerks and other employees and incur such expenses as it may from time to time require, providing the same shall be

within the limits of funds appropriated to it by the governing body or otherwise available to it.

- G. Studies and recommendations. The Environmental Commission shall have the power to study and make recommendations concerning open space preservation, water resources management, air pollution control, solid waste management, noise control, soil and landscape protection, environmental appearance, and protection of flora and fauna as well as any other appropriate topic upon which the Township Council seeks advice and study.

[1] *Editor's Note: This ordinance also provided for the redesignation of former § 202-11 as § 202-11.1.*