

PLANNING BOARD PROCEDURE

Welcome to the work session and public hearing of the South Amboy Planning Board! The Board is glad you are here and we can all benefit from your attendance and input. This bulletin outlines, in summary fashion, the procedures which New Jersey Municipal Land Use Law (MLUL) requires the Planning Board to follow. Only Planning Boards (not elected governing bodies such as a City Council) are charged by law with reviewing and determining all types of variances including use variances known as “d” variances. You may obtain a copy of the New Jersey Municipal Land Use Law, NJSA, 40:55D-1 et seq. and contact the New Jersey Planning Officials at www.NJPO.org or 908-412-9592 for further information. Approvals or denials of applications may be legally challenged (for instance, in New Jersey Superior Court). Therefore, it is very important that the process laid out in the MLUL be closely followed.

Agendas - An agenda is available before all meetings. It is posted in City Hall outside of the City Clerk’s Office and in the foyer at least 48 hours prior to the meeting and can be found on the City’s website www.southamboynj.gov by clicking Departments – Planning/Zoning Board – meeting archives.

Public Question and Comment - Each application is reviewed in accordance with the New Jersey MLUL procedures. The Planning Board is a quasi-judicial body and its procedures are similar to those used in a courtroom. The Chairperson conducts the meeting as a judge might and the Board is comparable to a jury that votes to make a final decision. All members of the Planning Board are residents/volunteers (Planning Board has elected officials although they are unable to vote on a variance application). The resident volunteers are appointed by the Mayor and serve in the public interest without compensation. Board members are required to complete a state-mandated training course, which is also available to the public. Each year, Board members file financial disclosure statements required by the New Jersey Ethics Law with the Municipal Clerk.

The public may comment on applications before the Board. The timing of such comment depends on the complexity of the application. In general, less complex applications have one public comment period. For example, an application in which a

resident seeks permission to encroach into the side yard setback of a residential lot to allow for an expanded family room, might have one public comment period. More complex applications have public question periods after each expert witness presents testimony, and a general public comment period after the completion of the presentation of the application. When asking a question regarding a specific witness's testimony, the public may ask a question only about that expert's testimony. The public may comment on any aspect of the application during the public comment period at the close of the application.

Completeness Review – Each application will first be reviewed at a public work session that begins at 6:30pm in the city Hall conference Room. The work session allows the Board to review the application for compliance with the requirements of a complete application. Public comment is not permitted at work sessions. The public business meeting follows at 7 p.m. The chairperson will open the public question and comment section for each application.

Application Procedure – When an application is announced by the Chairperson, the applicant &/or his/her attorney comes forward. If the applicant is to provide testimony, he/she introduces him/herself, affirms that his/her testimony will be truthful (after being sworn under oath by the Planning Board Attorney) and then explains the nature of the application. If the applicant is represented by an attorney, the attorney presents the application and, where applicable, the order of the applicant's expert witnesses. If there are expert witnesses, they will also be sworn in prior to presenting their testimony.

Following the testimony of each witness, the Board will ask questions and seek clarifications needed for an informed review of the application. The Chairperson will then ask if there are any questions from the public regarding the testimony. If you have a question or comment, raise your hand. When the Chairperson calls on you, please walk to the microphone. You will then be sworn under oath by the Board Attorney. Please speak clearly into the microphone. All witnesses must state their names and addresses and spell their names before asking a question or making appropriate comments. The public is limited to five minutes per person to ensure adequate time for all speakers for all applications. Verbal statements from the public should be supportable and not hearsay.

The applicant has the right to cross examine any members of the public who speak. Written statements or letters from individuals who are not present, petitions, or speaking on anyone else's behalf are not allowable according to the New Jersey MLUL. Written statements from the public in favor or opposing the application cannot be accepted as the Board cannot cross-examine written statements; however, a member of the public may provide the Secretary with a written copy of his/her remarks after speaking.

Only the Chairperson may decide who speaks at a given time. Comments called out from the audience will not be considered part of the record. The Chairperson has the right to close the public portion of a hearing if he/she feels that the audience is unruly or is making comments that are not relevant to the application. The Chairperson also has the right to have any member of the audience removed from the hearing for unruly behavior. The meeting is recorded using an audio system. However, the applicant may also choose to hire a court reporting service at his or her personal expense.

Hearings that are not completed at one meeting may be further considered at future meetings. The Chairperson will verbally announce that an application is carried to the next meeting. To confirm a continuation or rescheduling, call the Board office at 732-525-5932 weekdays during the hours of 9:00am -4:00pm.

When you follow the procedures discussed above, your input will have maximum impact on the Board's deliberations. Please note that all applications are judged on their individual merits. The Board cannot predetermine the outcome of an application.

Meeting Minutes – Minutes will be prepared and summarized by the Board Secretary. Meeting minutes are posted on the City's webpage www.southamboynj.gov after the Board approves them, usually after the following month's meeting.

The information and guidelines provided in this bulletin are subject to any changes in the municipal land use law and are subject to any procedures or deviations established by the land use boards to implement the municipal land use law in effect at the time. These guidelines are for the purpose of assisting interested parties in understanding and participating in the municipal land use process. Each application is unique and deviations

from this outline may necessarily occur. Such deviations should not be considered a basis for an argument in any appeals of a decision rendered by the Board.

Thank you for participating in the municipal land use process.