

## **Resident Information for Attending/Participating in a Planning or Zoning Board Meeting**

Welcome to the Branchburg Township Planning or Zoning Board. The Board is glad to have you here and we can all benefit from your attendance and input. This bulletin outlines, in summary fashion, the procedures the New Jersey Municipal Land Use Law (MLUL) requires the Boards to follow. Only Planning Boards (not elected governing bodies such as the Township Committee) are charged by law with reviewing and determining non-residential plans and subdivisions with non-use related variances known as "c" variances. The Zoning Board hears residential "c" variances, "d" (use) variances, appeals and ordinance interpretations. You may obtain a copy of the New Jersey Municipal Land Use Law, NJS 40:55D-1 et. Seq. by contacting the New Jersey Planning Officials at <http://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 and the MLUL be closely followed.

### **Agendas**

An agenda is available for all meetings. It is posted on our website [Branchburg.nj.us](http://Branchburg.nj.us), Document Center, Agendas & Minutes; on the website calendar ([Branchburg.nj.us](http://Branchburg.nj.us), calendar on the bottom right hand side) or by signing up for Govdelivery (also on our website). The agenda is available 48 hrs. prior to the meeting.

### **Public Question and Comments**

Each application is reviewed in accordance with the New Jersey MLUL procedures. In many ways, the procedures are similar to courtroom procedures. 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 both Boards are resident volunteers who are appointed by the Township Committee 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 to the Municipal Clerk as required by the New Jersey Ethics Law.

The public may question or comment on applications before the Board. The timing of such questions or comment depends on the complexity of the application. In general, less complex applications have one public period. More complex applications have public questions periods after each expert witness presents testimony, and a general public comment period after the completion of the presentation of the application. For example, the Chairperson will open the meeting to the public for questions after one expert witness testifies so that the public may ask a question directly related to their testimony. At the end of the application is when a member of the public can express their opinion of whether or not an application should be approved or denied along with their reasons why.

### **Application Procedure**

When an application is announced by the Chairperson, the applicant or his/her attorney comes forward to represent the case. If the applicant is to provide testimony, he/she introduces him/herself, affirms that his/her testimony will be truthful (while being sworn under oath by the 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 be sworn in before presenting testimony.

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Following the testimony of each witness, the Board members 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.

If you have a question, you must walk up to the microphone. You must clearly state your first and last name, spell your last name and provide your address for the record. In the event of a complex case, the public portion may be limited during question and comments.

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 of or opposing the application cannot be accepted as the Board cannot cross examine written statements.

Only the Chairperson may determine 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 the audience is being 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 a hearing for unruly display of meeting decorum.

The meeting is recorded using an audio system and a video system. However the applicant may choose to hire a court reporting service at his or her personal expense. Meeting minutes will be prepared and summarize by the Board Clerk.

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 another date. To confirm a continuation or rescheduling, call the Board Clerk at 908-526-1300 ext 152 weekdays from 8-4:30pm.

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**

Meeting minutes are posted on [Branchburg.nj.us](http://Branchburg.nj.us), Document Center, Agendas & Minutes, after the Board approves them. They are typically posted the day after approval. Draft minutes are not available to the public.