



Township of Hillsborough

PLANNING & ZONING DEPARTMENT

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A Guide to Planning Board and Board of Adjustment Meetings

1. THE BASICS

Introduction

All Board meetings are run by the respective Chairman. The Board must have a majority of its members present – 4 Board of Adjustment and 5 Planning Board – in order to proceed. The Board follows parliamentary procedure (*Roberts Rules of Order*) to conduct meetings in an efficient and orderly manner. All meetings are conducted in accordance with the Open Public Meetings Act (Chapter 231, P.L. 1975), commonly referred to as the “Sunshine Law.” The Boards and Board Members have the obligation to follow the Municipal Land Use Law (MLUL), and are compelled to act based on the findings of fact and proofs provided during the course of the public hearing. The Board of Adjustment and Planning Board function as quasi-judicial bodies, meaning they operate similar to a court of law. All discussions, presentations of evidence, questions and comments regarding a pending application must be conducted before the public except for certain matters related to litigation.

Board Jurisdiction

The majority of Board of Adjustment applications are from homeowners requesting relief from bulk standards in the Zoning Ordinance for such items as additions, pools, or patios. The Board of Adjustment also hears applications involving a use that is not permitted within a zone, applications requesting a Certificate of Non-Conformity, and appeals related to a Zoning Officer decision.

The Planning Board hears a variety of applications for the subdivision and development of properties where the use is permitted, and may involve ‘c’ bulk variances. Requests for conceptual or informal reviews of proposed developments are also heard by the Planning Board.

Board Professionals

The Board’s professional staff – the Township Planning Director, Board Attorney, and Board Engineer – review all development applications and advise the Board accordingly. The Board’s professionals do not represent the applicant.

Recordings

All Board meeting are recorded by more than one means. In addition to an audio recording, Board meetings are transcribed by the Board Court Reporter. Planning Board meetings are also recorded by the Board Videographer for subsequent posting to the Township’s website for access by the public.

2. A TYPICAL BOARD MEETING

The Agenda

The order of events will be guided by a printed agenda. The order is subject to change at the time of the meeting at the discretion of the Chairman. Meetings start at 7:30pm. No new business will be considered after 10:00 pm and no meeting shall extend past 10:30 pm unless agreed to by a majority of the Board members present. An application for adjournment will be addressed towards the start of the meeting to inform the public that the subject application will not be heard at that meeting. The Board can grant adjournment with or without additional notice depending on the circumstances.

Public Participation

All Board meetings are open to the public. Any person wishing to be heard must do so in person, on the record. Letters, with the exception of certain reports from public entities, are only admissible if the author is present to be cross-examined. Petitions are not admissible into evidence.

Speakers will be asked to come up to the microphone, identify themselves, spell their name and provide their address. Depending on the extent of the questions or comments, the speaker may be guided to be sworn in so that testimony can be provided. The Board, its staff, and the public have a right to cross-examine anyone providing sworn testimony. This is the case for all portions of the agenda.

The public will be given the opportunity to speak about any issue not on the agenda when the Chairman calls for any business from the floor.

Presenting the Application

An application involving a corporation is required to have legal counsel. The number of professionals associated with an application depends on the type of application and the relief being sought. A simple homeowner application may only require testimony from the applicant, but could also involve testimony from a professional or two such as an engineer or an architect. The overwhelming majority of Planning Board applications require testimony by numerous professionals led by the applicant's attorney. The attorney will customarily identify who will be called to provide testimony during their opening statement. This gives the Board and public a better sense of what information will be offered, and by whom.

Each professional witness will be sworn in and provide their credentials to the Board. Once accepted, the Chairman will call for testimony. Larger development applications such as a major subdivision or site plan, will involve testimony by a number of professionals, such as the applicant's civil engineer, operations manager, traffic engineer, and architect.

Exhibits

Some presentations will offer exhibits, which may consist of documents, renderings, plans, or photos provided to the Board by an applicant. The Chairman will direct the exhibit to be marked into evidence at which time the Board Court Reporter will label, date, and name the exhibit, prior to its description by a witness. The public may also inspect the exhibit.

3. QUESTIONS..?

When can the public ask questions about an application?

Once a witness has concluded testimony, the Chairman will turn to the Board and its professional staff for any questions on matters that have not been sufficiently addressed. After which the Chairman will call for questions from the public. The public will be limited to ask **questions** of each witness based on the testimony provided; this is not the time for general comments (see below). For example, one should not ask a civil engineer about an increase in traffic if it has already been established that a traffic engineer will be testifying later in the hearing.

Please be attentive to the questions being asked by fellow attendees and the answers given. It is not uncommon for more than one person in the room to have the same questions or concerns. It is important to note that more involved applications may require multiple hearings, but not all witnesses attend all meetings. If you feel your question has not been addressed, the time to ask your question is directly after the witness' testimony has been given, since that witness may not be returning.

When can the public make general comments about an application?

Once all of the applicant's witnesses have testified, the Chairman will again look to the Board and its professionals for any remaining comments. The Chairman will then do the same for the public. This is the appropriate time to offer any **comments** you may have. The comments do not need to be specific to any one witness.

When does the Board vote?

Once the Board is satisfied that all matters have been addressed, a member of the Board will make a motion to **approve or deny**. If that motion is seconded, the Chairman will call for a vote. If there are sufficient votes to support the motion, the application will either be approved or denied accordingly.

More involved applications may require multiple hearings in which case the Board will act to carry the application to a future date, with or without further notice. An application carried without further notice means the announcement of the date and time of the additional hearing by the Chairman *is* the notice. No additional mailings or advertisements in the newspaper needs to be provided.

For information about a specific meeting or application please feel free to contact the
Planning & Zoning Department at 908-369-4313.