

## **Information for Attending/Participating in a Zoning Board of Adjustment Meeting**

Welcome to the regularly scheduled monthly meeting of the Plainfield Zoning Board of Adjustment (the Board). The Board is glad you are here and we can all benefit from your attendance and input. This bulletin summarizes the procedures that the New Jersey Municipal Land Use Law (MLUL) requires the Board to follow. Only Zoning Boards of Adjustment (not elected governing bodies such as The 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 MLUL, (NJSA 40:55D-1 et seq.) and contact the New Jersey Planning Officials at [www.NJPO.org](http://www.NJPO.org) or 908-412-9592 for further information. Approvals or denials of applications may be legally challenged in state courts. Therefore, it is very important that the process laid out in the MLUL be closely followed.

**Agendas:** An agenda for each meeting is available in the City Hall Planning Division Office, Room 202, at least one week before the meeting and can also be found on Plainfield’s website ([www.plainfieldnj.gov](http://www.plainfieldnj.gov)) click Planning Division). All meetings commence at 7:00 p.m. in the City Hall Library on the first Wednesday of each month, unless otherwise stated. A duly-elected chairperson runs each meeting.

### **Public Question and Comment:**

The public is invited to comment on all 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 may 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 the expert’s testimony. The public may comment on any aspect of the application during the public comment period at the close of the application. Verbal statements from the public should be supportable and not hearsay.

### **How Zoning Boards Work:**

The 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 Board are resident volunteers. They are appointed by the Mayor with the advice and consent of the Governing Body. Volunteers 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 with the Municipal Clerk as required by New Jersey Ethics laws.

### **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 (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. Expert witnesses will be sworn in before presenting 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, raise your hand. Please stand up when the chairperson calls on you. You must state your name and address and spell your name before asking a question or making appropriate comments. You will then be sworn under oath by the Board Attorney. Questions should be specific, direct, and concise. Questioners should wait for a specific response from the applicant's experts before continuing. The public may be limited to five minutes per person to ensure adequate time for all speakers for all applications.

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 New Jersey MLUL. Written statements from absentee public in favor of or opposed to the application cannot be accepted as the Board cannot cross-examine written statements; however, a member of the public may provide the secretary with 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 room 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. Minutes will be prepared and summarized by the Board secretary.

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, please call the Board Secretary at 908-753-3486, weekdays from 9:00 a.m. to 5:00 p.m.

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 [www.plainfieldnj.gov](http://www.plainfieldnj.gov) after the Board approves them, usually at the following month's meeting. The minutes are typically posted the day following their approval.

The information and guidelines provided in this bulletin are subject to changes in the MLUL and to any procedures or deviations established by the land use boards or courts to implement the effective municipal land use law.

(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 decision rendered by the Board). Thank you for participating in the municipal land use process.