Rule 1:1  Organization, Officers, General Provisions

1:1-1  Title of the Board

The Title of the Board shall be: "The Planning Board of the Borough of Glen Ridge, New Jersey."

1:1-2  Annual Meeting: Officers

The annual meeting of the Board shall be held on the regularly scheduled January meeting of each year, at which time the Board shall elect from its members a Chair and a Vice-Chair in accordance with the requirements of N.J.S.A. 40:55D-24. The Board shall also appoint a Secretary, who may or may not be a member of the Planning Board or a municipal employee and at its option, a Board Attorney, all of whom shall serve for one year and until their successors have been appointed. The Board may appoint such other officers or assistants and employ such experts or staff as it may deem necessary in accordance with the requirements of N.J.S.A. 40:55D-24.

1:1-3  Chair

The Chair, subject to these rules, shall decide all points of order and matters of procedure governing the meetings, unless otherwise directed by a majority of the Board in session at the time. They shall have, subject to these rules and governing statutes, all the powers and perform all the duties normally appertaining to their office. They or their designee shall swear all witnesses giving testimony before the Board.

1:1-4  Vice-Chair

The Vice-Chair shall preside at all Board meetings and hearings in the absence of the Chair, unless the Vice Chair shall, either in person or by way of writing, relinquish the chair to a member of the Planning Board.

In the absence of the Chair and Vice Chair, the members of the Planning Board present shall designate, by simple majority vote, a member of the Planning Board to preside.
1:1-5 Secretary

(a) Subject to these rules and under the direction of the Chair, the Secretary shall conduct all official correspondence, compile the required records, maintain and keep in order the necessary files and indices, and generally perform the secretarial work of the Board. They shall notify the Municipal Clerk and the Officer charged with enforcement of the Zoning Ordinance of all meetings of the Board and shall provide them with a list of the matters scheduled for hearing at each meeting. They shall give all notices of meetings required to be given by the Open Public Meetings Law, the Municipal Land Use Law, or any other applicable law or ordinance.

(b) The Secretary of Board shall have the care and custody of all records, documents, maps, plans and papers of the Board, for which the care and custody of which no other provision is made by statute. When “yeas” and “nays” are taken, They shall call the roll in the order of the arrangement of the seats of the members, beginning first at their right, and the Chair shall be called last.

(c) They shall make record of, and keep on file, the minutes of the proceedings at each meeting or hearing held by the Board, and shall enter therein with the other proceedings, such resolutions and orders as are adopted, and a copy or synopsis of each report, petition, and other paper presented.

(d) They shall cause to be mailed to each member of the Board at their residence address, a true copy of the minutes of that meeting. They shall issue notices of meetings, and shall perform such other duties appertain to their office.

1:1-6 Technical Committees

The Chair, or in their absence the Vice Chair, shall have authority to appoint Technical Committees from the membership of the Board, provided that said Committee shall consist of less then a majority of the Board. A Technical Committee shall have the authority to make recommendations to the Planning Board regarding any application or issue before the Board. No action of a Technical Committee shall be binding upon the Planning Board.

Rule 1:2 Meetings

The regular meeting of the Board shall be held at the Municipal Building, Glen Ridge, New Jersey at 7:30 p.m. on the third Wednesday of each month, or on such dates as shall be determined by the Board.

1:2-2 Special Meetings

Meetings may be called by the Chair, or in their absence, by the Vice-Chair, at any time or upon the written request of two members, provided notice thereof be mailed or given to each member of the Board at least two days prior thereto, and to the public as required by the Open Public Meetings Law, P.L. 1975, c. 231.

1:2-3 Meetings Open to Public

All regular and special meetings of the Planning Board shall be open to the public.
Order of Business

The order of business at all meetings shall be as follows:

(a) Open meetings statement and roll call.
(b) Approval of minutes of previous meeting.
(c) Motions for adjournment of scheduled cases and other motions, if applicable.
(d) Calendar of Hearings.
(e) Communications.
(f) Action on other new or unfinished business.
(g) Reports.
(h) Adjournment.

Rule 1:3 Quorum and Voting

1:3-1 Quorum

At all meetings of the Board, a quorum for the conducting of business shall consist of five members. In the absence of a quorum, the members present may adjourn the meeting, and the hearing on any motion or petition, to another date.

1:3-2 Voting

In all matters, any action may be authorized by a majority of all votes cast, provided a quorum is present, except where specifically limited by the Municipal Land Use Law.

PART II RULES OF PRACTICE

Rule 2:1 Commencement of Action: Service and Filing of Papers

2:1-1 Commencement of Action

(a) Applications for Subdivision approval and Site Plan review.

1. An application for any relief shall be commenced in accordance with the filing procedures of Glen Ridge Code Chapter 16. All applications shall include a survey prepared by a licensed land surveyor showing the relief sought and the location of all structures on the subject property. Such applications shall forthwith be forwarded to the Secretary of the Planning Board.

2. Any maps or documents to be utilized as part of the application shall be on file and available for public inspection at least fifteen (15) business days before the date of the hearing, during normal business hours, in the Office of the Township Engineer.
3. The application form shall be filled out completely, and where necessary, supplemented by additional information in order to make it clear to the Board what relief is being sought. No action shall be considered complete until all applicable requirements of P.B. 2:1-1 and Ordinance No. 1050 have been complied with. If the Secretary, (or other designated official or committee), determines that an application is not complete, the applicant shall be advised of the specific deficiencies, and no hearing will be scheduled unless such deficiencies are corrected.

4. When an application is made for any relief relating to property upon which an existing structure exists, the applicant shall submit at the time of filing their application, a photograph showing said existing structure.

2:1-2 Copies to designate officials: Filing

One copy of every application shall be forward by the Secretary to the Building Inspector, and one copy to the Board’s Attorney. The Secretary shall also give notice to the Building Inspector and Attorney of the time for the hearing on the application. The original copy of that application shall be filed in the case docket of the Board.

Fifteen (15) hard copies of all documents shall be filed by the applicant, and one electronic copy in PDF of all documents shall be provided.

2:1-3 Docket Number

The Secretary shall assign to each new action a docket number, which number shall thereafter appear on all subsequent papers filed in the case.

Rule 2:2 Hearing Date

2:2-1 Hearing Date

As soon as any complete application is filed in accordance with the foregoing rules, the case shall be placed on the calendar. The applicant shall be notified of the time set for the hearing thereon.

2:2-2 Adjournment

The time for hearing may be adjourned from the time fixed thereof, for good cause, upon the motion of the applicant or other person interested in the action, or on the Board's own motion, provided, however, that where such adjournment would extend the statutory period within which the Board is required to act, the consent of the applicant shall be evidenced in writing or shall be made on the record.

Rule 2:3 Notice; Upon Whom Served; Time

2:3-1 Notice: Upon Whom Served

Notice shall be given to all persons and officials entitled thereto by the requirements of N.J.S.A 40:55D-12, and to all owners of real property as shown on the current tax duplicate, located within two hundred (200) feet in all directions of the property which is the subject of such hearing in accordance with N.J.S.A. 40:55D-12b.
2:3-2 - 1  Notice: Form

The Notice required to be served and published shall be in accordance with the requirements of N.J.S.A. 40:55D-12, et. seq., and Glen Ridge Code Chapter 16.

2:3-3  List of Owners Supplied by Clerk

The service of the Clerk of the municipality (or other authorized official) has furnished applicant with a list of the property owners entitled to notice pursuant to the provisions of N.J.S.A. 40:55D-12c, copy of the official certification and list shall be filed with the Board.

2:3-4  Proof of Service

The service of notices as herein above provided is a jurisdictional requirement, and proof of the service of all required notices in accordance with these rules shall be made by affidavit of the person or persons who actually served or mailed said notices as required by law.

Rule 2:4  Applications

2:4-1  Form

Every application shall be filed on the appropriate form provided to the applicant by the Board's Secretary.

2:4-2  By Whom Filed

Every application must be signed by the owner of the lands and premises to be affected, or by their duly authorized agent, and may be signed by any other person having an interest in the action.

2:4-3  Assistance

For the assistance of the applicant, the Board's Secretary may render such other assistance to the applicant as may be practicable.

2:4-4  Application: Contents

The applicant shall set forth in their application all facts upon which They will rely to establish their right to the relief sought.

2:4-5  Affidavit of Ownership

If the applicant is not the owner of the premises affected by the variance requested in the application, an affidavit or consent executed by the owner of the affected premises shall be filed with the Board consenting to the filing of the application, except as otherwise provided in P.B. 2:4-2.

Rule 2:5  Hearings

2:5-1  Appearances
At the hearing upon the application, the applicant, or any other party, shall appear in person, or may be represented by an Attorney-at-Law of New Jersey. Every corporation shall be represented by an Attorney-at-Law of New Jersey.

2:5-2 Oath

At the hearing, the applicant and all witnesses shall be sworn by the Chair or their designee before giving testimony.

2:5-3 Order of Presentation

(a) When the hearing is called to order, the Secretary shall read the contents of the application.

(b) The applicant shall then present, by their testimony and the testimony of their witnesses, or by such documentary evidence or exhibits as They may submit, proof of all facts upon which They relies to establish their right to relief sought in the application.

(c) Any other persons or experts interested in the action shall be heard, and may present any relevant testimony or evidence in support of the application.

(d) Any other persons interested in the action shall then be heard, may present any relevant testimony or evidence tending to show why the relief sought by the applicant should not be granted.

(e) Rebuttal testimony or evidence shall then be admitted in such order as the Chair shall designate

(f) All witnesses may be cross-examined by any member of the Board, the Board Attorney, or any interested person, subject to reasonable limitation set by the Chair.

2:5-4 Examination by Board: Testimony

The applicant and every other person appearing and presenting testimony at any hearing may be examined by any member of the Board or the Board Attorney for the purpose of eliciting any relevant information which may assist the Board in deciding the issue. Any member of the Board may testify as to any relevant matter of which They has personal or official knowledge for the purpose of amplifying the record, including facts ascertained from a viewing of the premises in question and the general area.

2:5-5 Closing of Hearing: Continuances

(a) When the applicant and all other interested persons have had an opportunity to be heard, the Chair may declare the hearing to be closed. Thereafter, no further evidence will be received in the action unless the matter is reopened in accordance with these rules.

(b) The applicant or any other interested person, prior to the closing of the hearing, may move the Board for a continuance of the hearing for the purpose of presenting further relevant evidence, which the Board, acting in its sound discretion, may either grant or deny.
(c) In cases where the Board feels that testimony or other evidence should be received in the public interest from any municipal, county, or state official, or from any other persons or experts to assist in rendering a just decision, the Board may, on its own motion, continue the hearing to another day certain for such purposes.

**Rule 2:6 Evidence**

2:6-1 Competent Evidence

Although formal rules of evidence are not enforced before the Board, every fact indispensably necessary to establish the applicant's right to the relief sought shall be proved by competent evidence, and no judgment shall be based upon the consideration of any facts or matters which are not in the record, unless they be such as to which the Board is entitled to take judicial notice. The Board may limit irrelevant, immaterial, or redundant testimony.

2:6-2 Documents and Exhibits

When any papers, documents or exhibits are admitted into evidence during a hearing, they shall be marked by the Secretary, and may be retained by the Board until entry of judgment, at which time they shall be returned by the Secretary to the person who offered them.

2:6-3 Judicial Notice

The Board may take judicial notice of the provisions of any ordinance of the municipality, any public statute of the State of New Jersey, and any officially reported judicial notice.

2:6-4 Burden of Proof

It is the Applicant's responsibility to supply competent and credible evidence to apprise the Board of the nature and degree of the zoning burden sought to be alleviated and to demonstrate that a proposed use will not impair the zone plan or be inconsistent with the purposes of zoning, and the burden of proof remains upon the applicant at all times.

2:6-5 Facts Pledged

Any facts set forth in the application which are not questioned or controverted at the hearing by any other person appearing, or by any member of the Board, may be deemed true for the purposes of the action.

**Rule 2:7 Dismissal of Actions**

2:7-1 Voluntary

Any applicant may at any time before the hearing, or at the hearing voluntarily withdraw their application, in which case, the action shall be dismissed without prejudice.

2:7-2 Nonappearance
When, at the time set for the hearing on any application, neither the applicant nor any one in their behalf appears, and no adjournment has been previously requested, the action may be dismissed without prejudice.

2:7-3 Infraction of Rules

For failure to comply with the provisions of the rules, the Board may dismiss the application.

2:7-4 Preliminary Reports

(a) In any case where, prior to consideration of any application by the Board, a report or recommendation is required by any public agency or employee of the municipality, such report shall have been received at least fifteen (15) business days prior to the time within which the Board must render its decision pursuant to Rule 2:7-1; otherwise, the appeal or application shall be dismissed without prejudice unless the applicant consents in writing to an extension of time.

(b) The Board may at any time request a written report on any particular matter from any officer, board, or agency in connection with a pending case, provided however, that a copy of any such report shall be made available to the applicant, who shall, if requested, have an opportunity to question the maker of such report as to any fact or conclusion therein contained.

(c) The Board may arrange to take the testimony of any expert witness employed by it or by any municipal employee or employee of the Board. The applicant shall have the right to cross-examine said witness.

2:7-5 Transfer of Actions

Whenever an application is filed with the Planning Board, which pursuant to the provisions of the Municipal Land Use Law ought to have been filed with the Zoning Board of Adjustment the Planning Board may, by resolution, cause said action to be transferred to the Zoning Board of Adjustment.

Rule 2:8 Judgment

2:8-1 Time for Entry

The Planning Board shall render a decision not later than 45 days after the date of the submission of a complete application to the Board, unless the applicant has consented in writing or on the record to an extension of time. Failure of the Board to render a decision within such 45 day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.

2:8-2 Form

The judgment of the Board shall be in the form of a resolution which shall be entered in the minutes of the Board and which shall contain a statement of the Board's findings of fact, conclusions of law, decision, and such orders, conditions and other provisions as the Board may deem necessary or desirable. A copy or the Board's resolution shall be furnished to the applicant or their attorney within ten (10) days from the date of passage of said resolution by the Board.
2:8-4 Conditions

The judgment of the Board granting or recommending any action, ordinance or relief sought, may add such conditions as the Board may impose in the public interest for the purpose of furthering any of the purposes of zoning. The Board may, when deemed necessary to the public interest, specifically provide in its judgment for the retention of jurisdiction over the action for a reasonable time, as therein specified, for the purposes of enabling it to vary the terms of any condition therein imposed, or for the purpose of imposing additional conditions in the public interest in the light of then existing circumstances.

2:8-5 Publishing Notice

The Board Secretary shall cause notice of the Board's action to be published once in the official newspaper of the municipality if required in accordance with the provisions of N.J.S.A. 40:55D-10.

2:8-6

Any and all action by the Planning Board shall be in accordance with the requirements of N.J.S.A. 40:55D-10

Rule 2:9 Motions

2:9-1 Rehearing

Any applicant or other interested person may, within 20 days after the entry of any decision, apply to the Board for a rehearing of the matter by filing an application in the form of a letter addressed to the Board containing a brief statement of the grounds relied upon. If the application is granted by the Board, it shall fix a date for rehearing and shall require the moving party to give notice to all persons who participated in the original hearing or hearings, upon such terms as the Board may deem adequate. The Board may grant a rehearing on its own motion when unusual circumstances so require in the interest of justice.

Rule 2:10 Master Plan Development and Adoption

2:10-1 Notice

Notice regarding a hearing on application for development or adoption of a master plan shall be in accordance with the requirements of N.J.S.A. 40:55 D-11,12,13,14 and 15.

2:10-2 Hearing

Hearing in connection with the adoption of a master plan shall be conducted in accordance with the requirements of P.B. 2:5 and 2:6. All other actions by the Planning Board in connection with the requirements of such additional sections of these rules of practice and procedure as shall be applicable.

Rule 2:11 Zoning Ordinance Review

2:11-1 Notice
Upon referral to the Planning Board of proposed zoning ordinance or any amendments thereto by the governing body, the Planning Board shall consider said proposed zoning ordinance or amendment thereto at its next regular scheduled meeting, except in such cases where a special meeting shall be called in accordance with the requirements of P.B. 1:2-2.

2:11-2 Hearing

Hearings in connection with the consideration of a zoning ordinance or amendment shall be conducted in accordance with the requirements of P.B. 2:5 and 2:6. All other actions by the Planning Board in connection with the conduct of said hearings shall be in accordance with the requirements of such additional sections of these rules, practice and procedure as shall be applicable, the Municipal Land Use Law and Glen Ridge Code Chapter 16.

2:11-3 Action by the Planning Board

The Planning Board shall make and transmit to the governing body within 35 days after referral, a report of its action, including if necessary, recommendations concerning the proposed zoning ordinance or amendment thereto.

2:11-4 Applicability

For the purpose of this section, the term zoning ordinance or amendment thereto shall include any proposed development regulation, revision, or amendment including a zoning ordinance, a subdivision ordinance, site plan ordinance, official map ordinance, or other municipal regulations for the use and development of land or amendment thereto adopted and filed pursuant to the Municipal Land Use Law.

Rule 2:12 Qualification and Disqualification of Members of the Board

2:12-1 Qualification to Act

(a) Whenever a hearing is continued over two or more sessions, or the Board has reserved decision on any matter, any member of the Board, even though they did not sit upon the hearing of the action, may nevertheless, participate in the decision of the case but only if, they have read or listened to the entire record of the proceedings and has certified, on the record that they have done so.

(b) This rule shall in no way be construed as authorizing any hearing to be held before less than five members of the Board.

2:12-2 Disqualification of Member

(a) Any member of the Board shall disqualify himself from sitting on the hearing of any matter in which they have a disqualifying interest such as, but not limited to, the following situations:

1. Where they own property located within 200 feet of the property affected by the action.

2. The applicant is related within the third degree of consanguinity to the member or is the husband or wife of any person so related.
3. The applicant or their attorney is the employer, employee, or partner of the member, or is a corporation in which the member is a shareholder or has other financial interest.

4. Where they have any other direct or indirect personal or pecuniary interest in the proceeding.

(b) Any member so disqualifying himself shall not sit with the board during the hearing, shall not participate in any executive session or conference nor participate in the determination of the case in question.

(c) When a member fails to disqualify himself, any interested party may move the Board for an order of determination that such member is or was disqualified to act and may, even after entry of judgment, seek the vacation of the judgment and rehearing or other appropriate relief. The motion shall contain a statement of facts upon which it is based, and action it may deem appropriate.

Rule 2:13 Record of Testimony

2:13-1 Stenographic or Other Record Transcripts

In accordance with the provisions of N.J.S.A. 40:55D-10f, the Board shall provide for the verbatim recording of all bearings by either a stenographer, or by mechanical or electronic means. A transcript or duplicate recording in lieu thereof shall be furnished to any interested party at their expense.

Rule 2:14 Moot questions: Advisory Opinions

2:14-1 Prohibition

(a) The Board shall not hear an action based upon and presenting a question which is moot, or becomes moot, or hypothetical or render any decision in such an action.

(b) The Board shall not render any advisory opinion to any person or persons provided however, that this rule shall not be construed as prohibiting the Board from submitting recommendations or advice to the governing body in accordance with the applicable provisions of the Zoning Ordinance or any statute.

2:14-2 Communications

Any communication purporting to be a petition asking for a modification or change in the Zoning Ordinance or for any other relief shall be regarded as a mere notice of intention to seek such relief until a formal application is filed in the manner required by these rules.

Rule 2:15 Subpoenas

2:15-1 Issuance

The Board, by its subpoena issued under its seal and under the hand of its Chair or Vice-Chair and Secretary or Assistant Secretary, as the case may be, may compel the attendance and testimony of witnesses, and the production of books, papers, documents or tangible things related
to any matter or subject within the Board's powers of inquiry. The issuance of a subpoena may be requested by the applicant or any other interested person.

2:15-2 Service

Any such subpoena may be served by the Sheriff, Under-Sheriff or Deputy, or any person 18 or more years of age. Service of a subpoena shall be made by delivering a copy thereof to the person named, or as otherwise permitted by law.

2:15-3 Failure to Comply

If a person under such subpoena shall refuse or fail to appear or refuse to be examined or to answer any proper question, or to produce any books, papers, documents or tangible things, in accordance with the subpoena, the Board may apply to the Superior Court for an order to compel him to do so.

Rule 2:16 False Testimony

2:16-1 Perjury

Any person who shall willfully give false testimony under oath in the course of any hearing held before this Board shall, in accordance with the provisions of the County and Municipal Investigations Law (N.J.S.A.2A:67A-1 et seq.), be guilty of perjury.

PART III MISCELLANEOUS PROVISIONS

Rule 3:1 Relaxation of Rules

3:1-1 Where Rules May be Relaxed

For good cause shown, or where the strict application of any rule would work surprise or injustice, the Board may relax the requirement of such rule, except the provisions of Rule 1:3-2, Rule 2:3-3, Rule 2:6-1 and Rule 2:6-4.

Rule 3: 2 Meaning of Certain Terms

3:2-1 Person: Interested Person

Whenever in these rules reference is made to “any person,” “any interested person,” ”any person interested in the action” or the like, such term refers to any "interested party" as defined in N.J.S.A. 40:55 D-4.

Rule 3:3 Application of Certain Laws

3:3-1 Laws Applicable

The provisions of the County and Municipal Investigations Law shall be applicable to proceedings before this Board and the Board may exercise all of the powers conferred by said act. These rules are adopted pursuant to the provisions of N.J.S.A. 40:55D-1 et. seq., subject generally to the provisions of Chapter 55D of Title 40 of the Revised Statutes of New Jersey.
Rule 3:4  Removal of Member

3.4-1  Grounds: Recommendation

Regular attendance at meetings of the Planning Board is expected of all members. No member should miss more than two consecutive regularly scheduled meetings of the Board, or four meetings total during any one calendar year, or whenever a member of this Board shall absent himself from meetings of the Board, without just cause, for a period deemed detrimental to the conduct of Board business. The Board may recommend to the governing body of the municipality in writing that such member be removed in accordance with the provisions of N.J.S.A. 40:55D-1, et. seq.

Rule 3:5  Citation of Rules & Decisions

3:5-1  Citation

(a) These rules shall be cited as “P.B. 1:1-1” etc. indicating that the rule is a Planning Board Rule.

(b) Decisions of the Planning Board shall be cited as "Matter of X", X being the name of the principal applicant.

Rule 3:6  Amendments

3:6-1  Amendments

Amendments to these rules may be made by the Board at any regular meeting, provided notice of such amendment has been given in writing to each member of the Board at least three days prior to such meeting in no case, however, shall any rule as amended be applicable to any action commenced prior to the adoption of such amendment where the application thereof to such action would result in surprise, hardship or injustice to the petitioner or other interested persons.

3:7  Inconsistencies

In the event that any portion of these rules are in conflict with or inconsistent with any of the terms of Glen Ridge Code Chapter 16 or the Municipal Land Use Act (N.J.S.A. 40:55D-1, et. seq.), said rule is hereby repealed to the extent that it is in conflict or inconsistent with said Ordinance or Statute. In case any provision of these rules shall be held invalid in any Court, or the same shall be in conflict with the above cited Ordinance or Statute, the invalid or conflicting section shall not affect any other article, section or provision of these rules.

Part IV  APPEALS FROM THE DECISIONS OF THE HISTORIC PRESERVATION COMMISSION

Rule 4:1

In accordance Glen Ridge Code Section 15.32., "Borough of Glen Ridge Borough Historic Preservation Ordinance" Section 220(B)2 states "If the (Historic Preservation) Commission has approved the application with conditions, has denied the application, or if the applicant wishes further review, the application shall be referred to the Planning Board."
4:1-1

The Planning Board shall make its determination as provided in Glen Ridge Code Section 15.32.

4:1-2

If an applicant wishes further review of the Commission’s ruling, an application for a hearing shall be filed conformance with Rule 2:4 APPLICATIONS within six (6) months of the ruling by the Historic Preservation Commission.

4:1-3

A hearing on the application for further review shall be held in accordance with the provisions in Rule 2:5 HEARINGS.

4:1-4

The Planning Board shall make the final determination as to whether the application complies with the Historic Preservation Ordinance. In its deliberation, the Board shall not be bound by any report or recommendation of the Historic Preservation Commission.

4:1-5

The Board shall complete its review within 45 days after the application is complete in accordance with Rule 2:8-1 TIME FOR ENTRY.

4:1-6

Upon completion of the action, the Board shall notify the Borough of Construction Official of the Board’s decision.

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Erik I. DeLine

Erik I. DeLine AICP/PP
Secretary