



**BOROUGH OF GLEN RIDGE
Board of Adjustment**

2021 Rules and Regulations of the Board of Adjustment

ARTICLE I - Organization & General Provisions

A. Title of the Board

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

B. Annual Meeting

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-69. The Chair shall also appoint a Secretary, who may or may not be a member of the 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 Chair may appoint such other officers or assistants and employ such experts or staff as it may deem necessary.

C. Duties of Officers

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.

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 Board.

In the absence of the Chair and Vice-Chair, the members of the Board of Adjustment present shall designate, by simple majority vote, a member of the Board to preside.

Secretary

1. 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.
2. 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.
3. 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.
4. 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 pertaining to their office.

D. Attendance

Regular attendance at meetings of the 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 themselves 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.

ARTICLE II –Meetings

A. 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 second Thursday of each month, or on such dates as shall be determined by the Board.

B. 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.

C. Meetings Open to Public

All regular and special meetings of the Board of Adjustment shall be open to the public.

D. Order of Business

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

1. Open meetings statement and roll call.
2. Approval of minutes of previous meeting.
3. Motions for adjournment of scheduled cases and other motions, if applicable.
4. Calendar of Hearings.
5. Communications.
6. Action on other new or unfinished business.
7. Adjournment.

E. Quorum

At all meetings of the Board, a quorum for the conducting of business shall consist of four 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.

F. Voting

1. 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.
2. The Secretary shall keep or cause to be kept minutes of each meeting of the Board, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact.

G. Qualification and Disqualification of Members of the Board

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 four members of the Board.

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.

ARTICLE III – Procedure for hearing applications or appeals

1. The applicant or appellant shall file the notice of their applications or appeal with the Secretary of the Board or the officer from thereof with the Secretary of the Board. The applicant or appellant shall perform all actions required by the form, which is to be furnished by the Board, and shall provide all the information requested on the form, together with any other information which may be required by the Board whether such information is called for by the form or not. All information shall be provided in hard copy as required, and electronically, in PDF.
2. Each application or appeal filed on the proper form with the required data shall be numbered serially and placed upon the calendar of the Board by the Secretary to be set for a public hearing.
3. At the time of the public hearing the applicant or appellant may appear on their own behalf or be represented by counsel or agent. The statement of the applicant or appellant shall be first, followed by that of the Building Inspector and any private citizen for or against the proposal, in that order. The applicant or appellant shall then be given an opportunity for rebuttal. At the close of the testimony of each witness the opposing party or their agent or counsel may cross-examine. Following such cross-examination it shall be in order for the Chair to accept questions from the floor. All questions or remarks from the floor must be directed to the Chair who may then refer them to the proper person. Members of the Board may interpose questions at any stage of the proceeding. Their questions are to be entertained before those from the floor.
4. A transcript of the testimony taken before the Board shall be made available to any interested party as defined by statute upon payment of the fee prescribed therefore. All requests for such copies shall be made to the Secretary not later than 7 days after the date on which the hearing is held. A deposit of \$50.00 shall accompany each request for such a transcript. A transcript or copy thereof shall be made available to each person fulfilling the requirements of this section not later than 17 days after the conclusion of the hearing, at which time the balance of the deposit in excess of the fee shall be repaid to such person or any deficit shall be paid to the Secretary. This fee shall be in addition to any other fee or costs imposed.
5. Whenever the Board imposes any condition with respect to the granting of an application or appeal such condition shall be set forth in the resolution stating the decision.
6. A copy of the resolution stating the action taken by the Board and signed by the Chair shall be forwarded to (1) the applicant or appellant, as the case may be, (2) the Building Inspector, (3) the Borough Administrator and any other interested municipal body.

ARTICLE IV – Fees

Application fees and list of property owners shall be in accordance with the Borough Fee Schedule.

ARTICLE V – Records

A file of all materials and decisions relating to each case shall be kept by the Secretary as part of the records of the Board.

ADOPTION

The foregoing rules and regulations were adopted by the Board of Adjustment of the Borough of Glen Ridge on January 14, 2021.

Erik I. DeLine

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Secretary to the Board