



TOWNSHIP OF CHESTERFIELD
BURLINGTON COUNTY, NEW JERSEY

Chesterfield Township Planning Board
Overview of Board and Procedures

The Board:

The Planning Board consists primarily of volunteer residents, and a Township official all appointed by the Mayor, a member of the Township Committee appointed by it, the Mayor (or the Mayor's designee). The Board is a "joint" board under the Municipal Land Use Law ("MLUL") and serves both Planning Board and Zoning Board functions. The Board typically meets the third Tuesday of every month at 7:00 p.m. at the Township Building. An annual meeting schedule is adopted and special meetings may be called.

Board Functions:

The majority of the Board activity is the hearing of applications, such as minor subdivisions, commercial site plans, simple setback variances (such as a deck or fence), use variances (proposing a use not permitted in the zone), and the like. In addition, the Board carries out the planning function of preparing and adopting the Master Plan and amendments thereto with the assistance of its Professional Planner, as well as referral of zoning ordinances and redevelopment designations and plans. It is the Board's chief goal to protect and improve the safety and welfare of the community with the objective achieving the most appropriate use of land throughout the Township.

Variances:

When considering variances, a simple definition would be the Board "adjusts zoning" for specific applications, circumstances and pieces of property. Buildings, structures and businesses of various types are limited to specific zones. These zones are regulated with respect to category, nature and extent of use, along with specific plot sizes, required building setbacks, lot coverage and other regulations. Because zoning variances may infringe on the rights of neighbors, an applicant is not entitled to a variance, but must meet criteria contained in the MLUL by satisfying specific legal standards of proof. This burden of proof is placed upon the applicant to demonstrate the requested relief is justified without substantial detriment to the zoning scheme or neighborhood. Some of the items considered by the Board when hearing a variance include special reasons, public benefits, negative criteria, and hardship.

Notice:

The MLUL requires that with respect to some (but not all) applications, notice shall be served on all property owners within 200' of the applicant's and must be either hand delivered or sent by Certified Mail. The law also requires this notice be published in a local newspaper. These forms of notification alert neighbors that a variance or other relief is being requested and advises them of the fact that all interested citizens will be assured an opportunity to witness the presentation of the application and be heard during the public comment period.

Formality:

A Board meeting that includes applications is a formal meeting where official action and determinations may be taken. Applicants and witnesses are sworn and the meeting is recorded. Experts are qualified, with the Board Chair determining and acknowledging same. Minutes are taken and summarized by the Board Administrator and posted on the Township website. Individuals have a choice of either presenting their own application before the Board or being represented by an attorney. All limited liability companies and/or corporations MUST be represented by an attorney.

The Planning Board, when considering applications, is conducting a quasi-judicial hearing, and its procedures are similar to those used in more formal courtroom proceedings. 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 ultimately volunteers and serve in the public interest without compensation. They are assisted in their deliberations by an attorney and the Township Professionals, whose opinions are considered by the Board in its deliberations. Board members are required to complete a state-mandated training course, which is also available to the public.

Completeness:

Completeness of an application is a matter of technical compliance with application checklists. If no waivers are requested, the Board Engineer will so advise, and the administrative official of the Board can issue a completeness determination. If waivers are requested, the Board Engineer will outline same in the review letter and may offer advise as to whether the waivers could, in their opinion, be granted. At the start of the hearing, the Board will first consider waivers and completeness. If a determination is made that a waiver should not be granted, the Board can determine whether the application remains incomplete or the item required can be addressed as a condition of approval.

Public Process and Participation:

This outlines, in summary fashion, the procedures which the MLUL requires the Board to follow. Only the Board (not the Township Committee) is charged by law with reviewing and determining applications for subdivision approval, applications for site plan approval, applications for bulk or use variances, and revisions to the Township Zoning Ordinance. 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 in the MLUL be closely followed.

Agendas:

An agenda is available before all meetings. It is posted in Municipal Building on the bulletin board at least 48 hours before the meeting and can also be found on the Township website.

General Procedures:

When the Chairperson calls an application, the applicant will come forward, often represented by an attorney, (if the applicant is a corporation, they must be represented by an attorney) and will introduce themselves. The applicant/attorney will give an overview of the proposal and call their first witness. All witnesses will state their name and occupation, be sworn in, and, if offered as an expert, present their credentials to the Board. An expert witness need only possess knowledge, skill, experience, training or education to be qualified. State licensure in the field is sufficient. Witnesses will give testimony directly or as solicited through questions from the applicant's attorney. At the completion of each witness's testimony, the witness is subject to questioning by the Board or public (as further set forth below). This process is repeated for each witness. The applicant may also submit exhibits for consideration by the Board to further support their application.

At the end of the applicant's direct presentation, the Board will then consider the professional review reports received on the application and any testimony or further input from its professionals. The Board may conduct general discussion and ask further questions of the applicant's witnesses and the professionals at this time.

The meeting will be opened by the Board for public comment, and the Chair may elect to limit public comment to five minutes per speaker. If a large number of people wish to speak during the public comment period, the Chair reserves the right to reduce that to three minutes to ensure that each person wishing to speak may be heard. Those providing comment are asked to avoid duplicative testimony and may note that they concur with certain prior public comment.

Anyone wishing to speak or testify at a hearing must appear before the Board either in person or via remote meeting technology in order to allow all parties their right to cross-examination. All speakers must identify themselves. Any person providing testimony during public comment shall be sworn.

The Board or an applicant may provide for a videographer, photographer, transcriber and/or court stenographer to be present to detail specifics related to an application. In such cases, the Planning Board will rely upon Chesterfield Township Code Chapter 34 to govern the activities.

Public Questions:

After the Board and its professional staff have completed asking questions of a witness the Chairperson will open the meeting to the public, limited at this time to questions only, and only of that witness.

1. This is a time for questions only and not for comments.
2. If you have a question, please raise your hand. When the Chairperson acknowledges you, come to the microphone.
3. If the person(s) from the public are represented by an attorney, they must speak through the attorney.
4. State your name (please also spell your name) and address for the record and direct your questions to the witness.

5. When the public has had adequate opportunity for questions, the applicant/attorney will then call the next witness and the above procedures will be repeated. When all witnesses have been presented and the testimony is complete, the Board and its staff will ask any final questions.

Public Comments:

Before the Board takes action on the application, the Chairperson will open the meeting to the public.

1. This is the time to comment on the proposal, request some special consideration or ask any final questions.
2. Raise your hand and wait to be recognized by the Chairperson to speak. This will probably be your last opportunity to speak on this application before the Board takes a vote. When called, please come to the microphone.
3. State your name (please also spell your name) and address for the record. The Board attorney will swear you in. You are now considered a witness. After you make your comments, the applicant, their professionals, the Board and its professionals have the right to ask you questions (i.e., cross-examine you).
4. Comments called out from the audience are not permitted and will not be considered part of the record.
5. The applicant also has the right to cross-examine any members of the public who speak, either for or against the application. Statements from the public should be supportable and not hearsay, such as petitions and general opinions lacking ties to the standard of review before the Board.
6. Attorneys representing opposing parties shall identify themselves, their firms and their clients. Please note – any objector(s) who are represented by an attorney at a hearing may present testimony, however, all questions and/or comments shall be through their attorney.

Petitions and Letters:

Petitions are not admissible into evidence but can be read into the record as an individual's statement. Letters, with the exception of certain reports of public entities, are only admissible if the author is present to be cross-examined.

Standards of Review:

The Board is compelled to act on an application based upon “findings of fact” and the “proofs according to law” that are presented during the public hearing in accord with the standards contained in the Township's Land Development Regulations. Specific standards of review as to the type of application, for example, for a bulk variance, will be set forth by the Board professionals in review letters or at the time of the meeting.

Deliberations:

After each applicant has completed the presentation of their application, which may include additional testimony intended to respond to issues raised during public comment, the Chairperson will close that portion of the meeting and proceed to deliberations portion of the hearing. There is no further public questions or comments permitted during deliberations.

1. The Board will discuss the merits of the application.
2. A motion will be made to either approve or deny the application and may include conditions the applicant is required to satisfy during the permitting process.
3. The motion will be seconded with additional discussion by the Board if necessary.
4. A vote will be taken of the Board with the final determination announced.

Conclusion and Post-Meeting Actions:

The above procedure will be followed for each application scheduled on the agenda.

The Chairperson has the right to pause or 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 display of meeting decorum that disrupts the public process.

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's Administrator.

Following formal action by the Board, usually at the next regularly scheduled meeting, the Board will adopt a resolution to memorialize its determination and the reasons therefore. If the application was approved, the resolution may contain conditions that must be met by the applicant in order to effectuate their approval.

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 a future meeting. To confirm a continuation or rescheduling, call the Board Administration weekdays from 8:30 a.m. to 3:30 p.m.

Adopted May 16, 2023