

Borough of Flemington Planning Board
Rules on Citizen Input During Planning Board Meetings

Welcome to the public meeting of the Borough of Flemington Planning Board. The Board is glad you are here and we can all benefit from your attendance and input. This bulletin outlines the procedures the New Jersey Municipal Land Use Law (MLUL) requires the Planning Board to follow. The Borough of Flemington Planning Board is a consolidated board performing the functions of both a Planning Board and Zoning Board of Adjustment in accordance with the provisions of the Municipal Land Use Law N.J.S.A. 40:55D-1 et seq. The basic duty of any planning board and zoning board of adjustment is to oversee all land use regulations within a municipality. Since the Borough of Flemington was incorporated in 1910, the Borough of Flemington Planning Board continually faces the challenge of responsibly providing for the orderly development and redevelopment of the properties within the Borough to ensure the residential character of the Borough is preserved while properly balancing the need and desire to develop commercial and industrial uses.

The Borough of Flemington Planning Board reviews applications for site plan and subdivision approval and is empowered to make recommendations to the Borough of Flemington Governing Body regarding amendments to the zoning ordinances, official zoning map as well as capital improvement projects proposed within the Borough. The Planning Board hears appeals of Administrative Officer's decisions, grants variances from the requirements of the Borough of Flemington Zoning Ordinance (Chapter 26) and renders interpretations of the Borough of Flemington 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. The Borough of Flemington Planning Board also prepares and regularly reexamines and updates the Borough of Flemington Master Plan in accordance with the requirements of the Municipal Land Use Law. The most recent Master Plan reexamination was adopted during 2015. Copies of the Borough of Flemington Master Plan are available from the office of the Planning Board Secretary and Flemington Borough Clerk.

Meetings

The Borough of Flemington Planning Board's regularly scheduled public meetings are held on the 2nd and 4th Tuesday of the month at 7:00pm in the Council Chambers of the Borough of Flemington Municipal Building, 38 Park Avenue, Flemington, New Jersey unless otherwise provided for in accordance with the Open Public Meetings Act N.J.S.A. 10:4-6 et. seq.

Agendas

An agenda is available before all meetings. The agenda can be found on Borough website (www.historicflemington.com).

General Public Comments

At the beginning of each meeting there is a time period for general public comments on issues and procedures not dealing with applications currently in front of the board.

Public Question and Comment

Each application is reviewed in accordance with the New Jersey MLUL procedures. In many ways, the procedures are similar to courtroom procedures. 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 Planning Board are resident volunteers who are appointed by the Mayor and Council to 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 required by the New Jersey Ethics Law with the Municipal Clerk.

The public may ask questions comment on applications before the Board. No public questions are taken until after completeness determination and the application is noticed for public hearing. The timing of such comment depends on the complexity of the application. In general, less complex applications 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 that expert's testimony. The public may comment on any aspect of the application during the public comment period at the close of the application.

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 Planning 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. If there are expert witnesses, they and the applicant, if testifying as a witness, will be sworn in before presenting their testimony.

Following and during the testimony of each witness, the Board and professionals 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. When the chairperson calls on you, please approach the microphone. Please speak clearly into the microphone. All witnesses must state their names and addresses and spell their names before asking a question. The Planning Board reserves the right to swear you in under oath by the Board attorney. An attorney representing a group of objectors or interested parties may, on behalf of objectors, reasonably cross examine a witness provided a list of objectors is submitted verbally and then followed up by a written list for public record. Such persons shall participate in the proceedings only through their attorney.

Verbal statements from the public should be supportable and not hearsay.

At the close of the application, the chairperson will ask if there are any members of the public that would like to comment on the application. If you would like to comment, raise your hand. When the chairperson calls on you, please walk to the microphone. You will then be sworn under oath by the Board Attorney. Please speak clearly into the microphone. All witnesses must state their names and addresses and spell their names before asking a question or making appropriate comments.

The applicant and the Board have the right to cross-examine/question any members of the public who speak. Written statements, 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 the public in favor of or opposing the application cannot be accepted as the Board cannot cross-examine written statements; however, a member of the public may provide the secretary with a 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. Time frames may be adjusted as necessary to facilitate maximum participation.

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 display of meeting decorum.

The meeting is recorded using an audio and/or video 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 recording 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, call the Board office at 908-782-8840, weekdays from 8:30 a.m. to 4:30 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 and will not predetermine the outcome of an application.

Meeting Minutes

Meeting minutes are posted on www.historicflemington.com after the Board approves them, usually at the following meeting. The minutes are typically posted the day following their approval.

The information and guidelines provided in this bulletin are subject to any changes in the municipal land use law and are subject to any procedures or deviations established by the Borough of Flemington Planning Board to implement the municipal land use law in effect at the time. 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 shall not be considered a basis for an argument in any appeals of a decision rendered by the Board.

Thank you for participating in the municipal land use process.