

INTRODUCTION

The purpose of this packet is to provide information requested by City of Lambertville Residents who attended a Public Forum in November of 1994 regarding how planning decisions are made in our community. The following questions and answers are an attempt to address some of the more common concerns.

* The "Planning Process" questions and answers were printed in the Beacon in February, 1995.

"THE PLANNING PROCESS"

PART ONE: HOW ARE PLANNING DECISIONS MADE IN LAMBERTVILLE?

1. What is the general planning for communities in New Jersey?

The New Jersey Municipal Land Use Law (MLUL) permits every municipality to have a "master plan" that outlines specific planning goals and recommended growth strategies for a community. According to the MLUL, it should "guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare." A master plan is prepared and adopted by the municipal planning board. It establishes a "vision" for the community upon which all future planning decisions are based. After the master plan has been adopted, it is implemented through the municipality's zoning ordinance which is drafted by the planning board but adopted by the governing body. Then, when development applications are submitted to a municipality, the planning board and the board of adjustment review the applications for compliance with the zoning ordinance. When variances, or waivers, are requested from the zoning ordinance, the MLUL dictates the general parameters upon which these variances can be granted. Public input is required by law at all of these phases of the planning process.

2. Why is a planning board and board of adjustment necessary?

The role of the Planning Board and the Board of Adjustment is to ensure that any development occurring in the community is consistent with the adopted goals of the community, as outlined in the master plan. Additionally, the boards provide a public forum so that any member of the public who wishes to comment on an application is given the opportunity to do so. Without a planning process, development in a community could be haphazard or even chaotic. The role of the planning board and board of adjustment is to provide order to the process and to balance the desires of the developer (applicant) with the goals of the community, as reflected in the master plan, and the comments, if any, expressed by the general public.

3. What is the difference between a planning board and a board of adjustment?

The MLUL sets forth the specific responsibilities of the planning board and the board of adjustment. Both boards can review two different types of development proposals: subdivisions and site plans. Subdivisions involve changes to property lines. Site plans involve changes to existing or proposed buildings or signs. Both a subdivision and a site plan plat should reveal all of the relevant details of the development proposal, such as size, location and type of building(s), the existing and proposed landscaping, parking provisions, the location of the subdivision line, etc.

The planning board is responsible for preparing and adopting the municipal master plan. The planning board reviews all development applications provided that they comply at least with the density, height, and permitted use standards of the zoning ordinance. For example, if a building exceeds the maximum height standard in the zoning ordinance, the planning board cannot review the application and it is forwarded to the board of adjustment. Similarly, if the proposed use is not expressly permitted in the zoning ordinance or if the density of the application exceeds the maximum standards, the planning board cannot review the application, and, again, it is forwarded to the board of adjustment. Finally, the planning board cannot review development applications (or improvements) for a one or two family house, regardless of whether the application is in compliance with the zoning ordinance. **The planning board reviews all other development applications, other than these exceptions.**

The board of adjustment reviews development applications that are not in compliance with the height, density and permitted use sections of the zoning ordinance. In these cases, the applicant is requested either a "use" or "d" variance from the board of adjustment. A use variance requires an affirmation vote from at least five board members, whereas other variances only require approval from a simple majority of board members present. The board of adjustment will also review an application for a one or two family house if it does not meet the zoning ordinance standards. If the proposed homes are in compliance with the zoning ordinance, no approvals are necessary and only a zoning and building permit is needed for construction.

4. Can the planning board or board of adjustment "just say no" to a development proposal?

No. The municipal zoning ordinance spells out the specific standards upon which development proposals are to be reviewed. If a development complies with all of the requirements or standards in a zoning ordinance, the development must be approved. This emphasizes the importance of carefully considered and well written zoning ordinances. If a development, however, does not comply with the zoning ordinance, the applicant can request a "variance" or waiver from the standard. In this case, the MLUL dictates the guidelines under which the variances can be approved or denied. If a variance is denied, a planning board or board of adjustment must outline in a resolution the specific reasons for disapproving it.

PART TWO: THE PLANNING PROCESS AND YOU!

1. What happens at a typical planning board or board of adjustment meeting?

Most boards open with a review of the previous meeting's minutes. Another regular agenda item is for boards to review new applications, if there are any, for their "completeness". Development applications are deemed "complete" if all of the items requested in the City's adopted checklist have been submitted. Depending upon the size of the development proposal, the checklist may indicate the necessity of such items as the location of buildings, trees and landscaping, and plans to accommodate existing and future storm water run off.

Once an application has been declared "complete", the MLUL sets the time frame for the boards to make decisions which, again depending on the nature of the application, 45 to 120 days. Usually, after an application is determined "complete", a public hearing is scheduled for the next regularly scheduled board meeting. Public hearings are a typical agenda item for both boards. During a public hearing, the boards listen to the applicants present their proposals and the general public is given an opportunity to comment on the proposal. Afterwards, the boards vote on the application.

2. How do I know if my proposal requires planning board or board of adjustment approval?

If you are planning improvements to your house, you will need a zoning and building permit. When you apply for these permits, the zoning officer will tell you if you need any specific board approval. Unless your improvements are in violation of the zoning standards, it is unlikely you would need a board's approval. If you are planning improvements to a non-residential building, either planning board or board of adjustment approval will likely be required. (See Part I regarding the difference between the planning board and the board of adjustment) When in doubt, the City zoning officer can advise you if your proposal requires approval from either the planning board or board of adjustment.

3. How can I effectively comment on an application before the planning board or board of adjustment?

If you are interested in an application that is being considered by either the planning board or the board of adjustment, it is advisable that you learn as much as you can about the application prior to the public hearing. Applications and plans are on file in the City Hall and are available to the public for review. Particularly, you will want to know if the proposal meets all of the requirements of the zoning ordinance. If a proposal meets all of the zoning requirements, the board's jurisdiction over the application is limited. However, regardless of whether variances are required, the boards will be evaluating the proposal based upon the intent of both the zoning ordinance and master plan, the presentation of the applicant, and comments from concerned citizens like you.

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PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT
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APPLICATION

There are three stages of the **APPLICATION**. A brief description of each stage is provided below. **Compliance is required.**

COMPLETENESS:

STAGE ONE:

1. Application must be filed on the forms provided, typed or printed legibly in ink, and signed by: 1) The owner of the property and, 2) The applicant (if not the same as the owner).

The original plus 15 copies of the application, 15 copies of all plans, 4 copies of the completed checklist and 2 checks [one for the application fee(s) and the other for escrow fee(s)**], made payable to the City of Lambertville, must be sent or delivered to the Board Secretary **21 days prior** to the date of the Board meeting. The Planning Board meets the first Wednesday of each month and the Zoning Board of Adjustment meets the last Thursday of each month.

2. All plans submitted must be drawn to a scale not less than one inch equal to one hundred feet (1"=100') [in conformance with the State of New Jersey "Map Filing Law"], on one of the four standard sheet sizes (8 1/2" x 42"; 24" x 36"; or 15" x 21") [in conformance with the City Ordinance, sec. 516.21].

3. The escrow fee(s) must be paid and the escrow agreement signed prior to the Board's determination of a complete application. [City Ordinance #88-28, adopted October 17, 1989, page 2, section 11 (5)]. A fee of \$15.00 shall be paid by the applicant at the time of submission for the publication of the Notice of Decision.

4. Tax Status Forms must be given to the Tax Collector, Bonnie Eick, before the time of application submission. Certification that the taxes have been paid to date must be received prior to appearance to the Board for completeness and will be verified for all subsequent meetings.

5. Property location forms must be given to the Tax Assessor, Richard Carmosino, before the time of the application submission. Certification of new block and lot numbers and/or street address must be received prior to appearance to the Board.

6. Any other documents not included with application and fee submission for which approval or review is sought, must be received 10 days prior to the hearing. [Article 1, section 107 (b)].

7. You will be notified by the Board secretary as to when you are scheduled to appear before the Board.

PUBLIC HEARING:

STAGE 2:

The applicant is required to supply an affidavit of service. Copies of certified mailings must be submitted 10 days prior to the Public Hearing, with any other documentation required and identified at the Completeness hearing.

Public Notice and Notice to Property Owners must include the following:

1. Property Identification
 - a. block and lot number
 - b. street address
2. Relief sought, i.e., variances as stated in the application.
3. Date, time and place of meeting where the Public Hearing will take place.
4. Place for public to review the application (City Hall, 18 York Street, Lambertville, New Jersey).

RESOLUTION:

STAGE 3:

The Board's attorney will prepare a written Resolution of the Board's findings which occurred at the Public Hearing. The Board votes on the Resolution.