

City of Lambertville Planning Board & Board of Adjustment

INTRODUCTION

The purpose of this packet is to provide information requested by City 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”

PART ONE: How are planning decisions made in Lambertville?

1. What is the general planning for communities in NJ?

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 municipalities 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 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 are a planning board & board of adjustment necessary?

The role of the planning board & 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 board provides 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 & board of adjustment is to provide order to the process & to balance the desires of the developer (applicant) with the goals of the

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community, as reflected in the master plan, and the comments, if any, expressed in the general public.

3. What is the difference between a planning board & 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 the relevant details of the development proposal, such as size, location & 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 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 has 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 a 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

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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 & 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 applicant’s 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 that you would require 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 1 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.

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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 board, 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 at City Hall and are available to the public for review. Particularly, you will want to know if the proposal meets all the requirements of the zoning ordinance. If a proposal meets all 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 the comments from concerned citizens like you.