

**RULES AND REGULATIONS  
OF THE  
PRINCETON PLANNING BOARD  
Adopted 12/12/13**

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ARTICLE I

## General Provisions

Section 1.1 Origin and Powers. The Princeton Planning Board is an official agency of Municipality of Princeton created pursuant to N.J.S.A. Sec. 40:55D-23, et seq. by Township of Princeton Ordinance No. 2012-22, adopted December 27, 2012, effective January 1, 2013 and Borough of Princeton Ordinance 2012-19 adopted December 26, 2012, effective January 1, 2013. Pursuant to N.J.S.A. 40:43-66.64 Mayor and Council of the Municipality of Princeton by Resolution adopted Township Ordinance No. 2012-22 effective January 1, 2013. The provisions establishing the Planning Board are set forth in Sections 2-99 of the ordinance and are attached hereto as Attachment A. The Board possesses all the powers and duties granted by statute and by ordinance to a municipal planning Board.

Section 1.2 Definitions. Words and phrases defined by any statute or ordinance administered by the Board shall have the same meaning hereunder. For the purposes of these Rules and Regulations, unless otherwise required by the context:

- (a) "Board" means the Princeton Planning Board;
- (b) "Secretary" means the Secretary of the Board with the statutory functions assigned by the Municipal Land Use Law. See also Section 2.4;
- (c) "Director" or "Planning Director" means the Planner;
- (d) "Planning Office" means the Office of Planning within the Community Development Department;
- (e) "Planner" means the professional Planner serving the Board.
- (f) "Attachment A" is the ordinance establishing the Planning Board as adopted on January 1, 2013. If the ordinance provisions are subsequently amended Attachment A shall mean the ordinance provisions as hereafter amended.

Section 1.3 Principal Office. The office of the Board is located at Witherspoon Hall, 400 Witherspoon Street, Princeton, New Jersey 08540.

Section 1.4 Agent in Charge. The agent in charge of said office is the Secretary of the Board.

Section 1.5 Board Employees as Municipal Employees. Employees of the Board are municipal employees governed by the Princeton Municipal Personnel Policies and Practices Manual.

Section 1.6 Board Composition. The Planning Board consists of nine members with two alternates. The regular members are appointed and classified as set forth in the Princeton ordinance establishing the Board (Attachment A) Section 2-99A.

Section 1.7 Alternate Members. There shall be two alternate members. They shall be appointed and shall participate as set forth in the Princeton ordinance establishing the Board (Attachment A) Section 2-99B.

Section 1.8 Board Member Educational Course. All citizen Board members must complete a basic course in land use law and planning within 18 months of appointment to the

Board. Class I and Class III members are exempt from this requirement. A citizen member can request an exemption if the person is a licensed professional Planner in current licensing status or has attended a more extensive course in land use and planning within 12 months of compliance with the 18 month requirement.

Section 1.9 Construction of these Rules. These Rules and Regulations are intended to be descriptive and advisory, rather than to be prescriptive and directive. They must be interpreted liberally, and they also must be capable of reinterpretation and reevaluation when new and different circumstances arise.

## ARTICLE II Officers

Section 2.1 Chair. A Chair shall be elected from among its Class IV members (alternate members are not eligible) by the Board at the first or second regular public meeting of each year. The Chair as agent of the Board shall:

- (a) preside at meetings of the Board;
- (b) sign documents required to be executed on behalf of the Board by physical or facsimile signature;
- (c) exercise general supervision over the affairs of the Board;
- (d) appoint, with the concurrence of the Vice-Chair, all standing committees of the Board;
- (e) appoint, with the concurrence of the Vice-Chair, the members of a committee to nominate the officers of the Board for the ensuing year;
- (f) provide coordination between the Board and its professional staff;
- (g) with the Vice-Chair of the Board, in consultation with the Planning Director and the Assistant to the Planner, monitor the budgeted expenditures and where appropriate seek additional funding;
- (h) provide coordination with the chairs of other municipally created committees having land use responsibilities;
- (i) represent the Board's interest to the Mayor and Council;
- (j) perform such other functions as are delegated to the Chair of a municipal planning Board by any statute, by ordinance or by these rules and regulations.

Section 2.2 Vice-Chair. A Vice Chair shall be elected from its Class IV members (alternate members are not eligible) by the Board at the first or second regular public meeting of each year. The Vice-Chair shall perform the duties of the Chair during the absence or disqualification of the Chair.

Section 2.3 Planning Director. The Planning Director shall be in charge of the Planning Office and shall provide professional planning service to the Board and to the Municipality. In general this means providing services to the Board in connection with master plan and policy development and implementation; advising applicants and developers, preparing application reviews and testifying at hearings; participating in budget review and funding requests; and

providing public information and liaison, and coordination with other members of the Municipal staff. The Planner shall also perform such other duties as are assigned by the Chair or by the Board, by ordinance or by these Rules.

Section 2.4 Secretary. A Secretary shall be annually appointed by the Board. The Board Secretary may also be given the title Administrative Coordinator/Assistant to the Planner as determined by the municipality. The Secretary shall:

- (a) subject to the supervision of the Planning Director be in charge of the office operations of the Board;
- (b) maintain all official books of the Board;
- (c) draft proposed meeting agendas for the Chair's review and send agendas and other notices to members, staff, Municipal Clerk and subscribers;
- (d) prepare and distribute Sunshine Law notices (see Sections 3.6); and arrange for publication of Notices of Board Actions on applications;
- (e) attend all meetings of the Board, keep minutes of the proceedings and actions of the Board at all regular and special meetings, and after approval, record them in the official minute book of the Board, and arrange for the sound recording of the Board's regular and special meetings;
- (f) attend such meetings of standing committees of the Board as the Chair shall designate; and
- (g) perform such other duties as are assigned by the Chair or by the Board, by ordinance or by these Rules.

Section 2.5 Counsel. The Board shall annually appoint a law firm or an attorney-at-law of the State of New Jersey as counsel to the Board and a substitute attorney to serve in the event of the disqualification of the Board counsel. Board counsel shall:

- (a) provide legal advice to the Board and its members and its staff including advice as to conflict of interest issues;
- (b) provide representation and advice to the Board at hearings on applications and prepare Findings reflecting Board decisions on applications;
- (c) provide representation and render legal advice to the Board in connection with master plan adoptions and other hearings;
- (d) perform such other duties as are assigned by the Chair or by the Board, by ordinance or by these Rules.

### ARTICLE III Committees

Section 3.1 Standing Committees. The members of the standing committees shall be appointed by the Chair with the concurrence of the Vice-Chair. Except where otherwise noted all Board members and alternates shall be eligible to serve on all committees. A standing committee may, in the discretion of the Chair, include non-Board members, but such persons, if appointed, shall have no vote on committee business. The Chair and Vice-Chair shall be ex-officio members

of all committees. All meetings of standing and special committees shall be open to all Board members. To the extent practicable, all Board members shall be notified in advance of scheduled committee meetings. The following standing committees of the Princeton Planning Board are hereby created:

(a) Master Plan Committee -- Responsible for making recommendation to the Board regarding adopting and amending the Master Plan, in accordance with the Municipal Land Use Law, N.J.S.A. Sec. 40:55D-28, including its re-examination at least every ten years pursuant to N.J.S.A. Sec. 40:55D-89. The Master Plan may be amended from time to time as necessary or desirable. The Board Chair may appoint ad hoc subcommittees to consider individual elements of the Master Plan. Members: Five members of the Board.

(b) Subdivision Committee -- Responsible for classification and approval of minor subdivisions (not involving variances which are beyond the committee's jurisdiction) by unanimous vote of its members present and voting but not less than two votes. The Subdivision Committee shall also be responsible for other matters delegated to it by ordinance or by the Board or by these Rules. Members: Three members and one substitute member to be chosen from Class IV members and the Class II member (if the Class II member is the member serving on account of his or her membership on the Environmental Commission).

(c) Zoning Amendment Review Committee (ZARC) -- Responsible for initiating or reviewing suggestions for the amendments to the land use ordinances. Members: Five members of the Board.

(d) Procedures Committee -- Responsible for reviewing and making recommendations regarding these Rules and Regulations of the Board; procedures for hearing of applications; and related procedural issues. Members: Up to five members of the Board.

(e) Landscape Committee -- Responsible for reviewing landscaping plans for specific applications, and responding to special issues referred by the Board. Members: Five members of the Board.

Section 3.2 Committee Chair; Pro Tem Members. The Chair of the Board with concurrence of the Vice Chair shall designate the chair of each standing committee. All otherwise eligible (by class) Board members are designated as appointees of all standing committees for the purposes of serving on a pro tem basis in the event of the absence of a regular member of a committee. All meetings of standing and special committees shall be open to all Board members. To the extent practicable, all Board members shall be notified in advance of scheduled committee meetings.

Section 3.3 Special Committees. The Board or the Chair may from time to time authorize the creation of such special committees as it deems necessary. The members of such special committees shall be appointed by the Chair with the concurrence of the Vice Chair. To the extent practicable, all Board members shall be notified that a special committee has been established, the charge of the committee, and the names of the Board members who have been appointed.

Section 3.4 Citizens' Advisory Committees. The Board may, from time to time, request the mayor to appoint the members of one or more Citizens' Advisory Committees to assist the Board in its duties.

Section 3.5 Sunshine Compliance. All meetings of the Board and its committees shall be held in compliance with the Open Public Meetings Act. The Board Secretary shall provide required notices.

Section 3.6 Open Public Records Act. The records of the Board are subject to the Open Public Records Act. This includes written documents, drawings, maps, plans, photographs, microfilm, data processed documents, information stored or maintained electronically (including e-mails) or by sound-recording, that has been made, maintained or kept on file or that has been received by the Board in the course of its official business.

Section 3.7 Private Meetings/Correspondence. Board members, in their capacity as Board members or Board officers, shall not participate in private meetings, conversations or correspondence, with applicants or other interested individuals or groups, when the Board members are expected or requested to express their opinions on the merits of specific application proposals which have been or are about to be submitted to the Board. An exception to this is when the Board member is a duly appointed member of a standing or special committee of the Board for that purpose.

Section 3.8 After an application has been filed with the Board and until the time for appeal has expired; and if an appeal is filed, until all appeals have been concluded, substantive discussions about the application by Board Members shall only be as part of official Board proceedings.

Section 3.9 Email or Texting. Board members shall not engage in email discussions about applications or other matters which are or are about to be presented to the Board for Board action or about pending litigation involving the Board. This shall include texting or other forms of electronic communications.

#### ARTICLE IV Meetings

Section 4.1 Regular Meetings. The Board in general shall meet twice a month on the first Thursday and on the third Thursday of each month at 7:30 p.m., at Witherspoon Hall, 400 Witherspoon Street, Princeton, New Jersey, unless the meeting schedule or place is altered by the Board.

Section 4.2 Special Meetings. A special meeting may be scheduled when needed by the Chair; or on written request of any three members. Except in the case of an emergency meeting, adequate public notice shall be given.

Section 4.3 Adjournments. The Chair shall have the power to adjourn or cancel any meeting at any time before or after the scheduled hour if lack of a quorum, weather or other conditions justify such an action. Adjournments and cancellations in advance of the meeting should be announced, if possible, on local radio and television stations, as well as through electronic access when available.

Section 4.4 Quorum. Five members shall constitute a quorum of the Board. Members who are disqualified or must otherwise abstain shall not be counted for quorum purposes, except that a member who is disqualified to vote because of absence at a prior hearing may be counted for quorum purposes on a particular matter if no vote is to be taken at the meeting on that matter.

Section 4.5 Members of Zoning Board as members of the Planning Board. Section 40:55D-23.2 governs the situation in which one or more regular members of the zoning Board of adjustment may be called to serve as temporary members of the planning Board where necessary to achieve a quorum of the planning Board.

Section 4.6 Order of Business. The usual order of business at regular meetings subject to the discretion of the Chair, shall be:

- (a) Open Public Meetings Act Statement
- (b) Roll call
- (c) Approval of minutes including findings of fact
- (d) Announcements and reports
- (e) Ordinance referrals (see NJSA 40:55D-26a)
- (f) Other referrals (see N.J.S.A. Sec. 40:55D-26b)
- (g) Concept review applications
- (h) Development applications
- (i) Master Plan hearings
- (j) Special hearings
- (k) Adjournment

Section 4.7 Vote Necessary for Decision of the Board. Except if disqualified, each duly appointed and qualified member shall be entitled to one vote in all matters coming before the Board. Members must be present to vote; proxy votes are not permitted. The affirmative vote of a majority of those voting on the question (but not less than three votes) shall be necessary to approve an action. For this purpose members who abstain shall be treated as not voting. Motions for approval which fail shall be treated as an approved motion vote to deny.

Section 4.8 Recusal on Particular Matters. No member of the Board shall be permitted to act on any matter in which the member has, either directly or indirectly, any personal or financial interest. No member shall participate in, vote on or in any way influence the other members of the Board in a particular application if such member has:

- (a) any form of ownership or financial interest in the parcel of land that is the subject of the application or within 200 feet of the subject parcel;

(b) any form of contractual, employment, financial or economic agreement with the owner, contract purchaser, optionee, or lessee of the land that is the subject of the application; or with any objector who has appeared before the Board and made its position known; or

(c) any other interest or relationship which in the opinion of counsel under applicable law would be determined to be a disqualifying interest.

For purposes of this paragraph if the disqualifying interest is held by a member of the member's immediate family, it shall be as if the member held that interest. As used herein a "member's immediate family" shall include the member's spouse, children, step-children and any other person sharing the same household with the member (other than a tenant or employee of the member).

No member shall be disqualified from participating in a matter solely because of the member's contractual relationships as a customer of any business corporation, retail establishment or public utility relating to goods or services purchased, credit, time purchase or charge accounts, deposits, checking accounts or any other similar retail consumer-type economic agreements.

The standard set forth in these rules and regulations do not in any way repeal, expand or lessen the application of existing statutes, ordinances or court decisions which define and prohibit conflicts of interest of public officials. If any of the above standards are deemed to be more restrictive than generally applicable State standards, a violation under these rules which is not a violation of generally applicable State standards shall not be grounds for voiding the Board's action.

Where applicable the Conflict of Interest Policy adopted by Princeton Council on May 13, 2013 shall be followed for Board members who are elected officials or employees of the Municipality of Princeton.

When the applicant is an entity having owners, the "Owners List" which the applicant is required to file shall be circulated to the Board members in advance of the meeting with the meeting packet.

A member who has a conflict shall disqualify himself or herself before the commencement of the hearing on the subject application. See section 6.4(a)(2). The disqualified member shall leave the dais and either leave the meeting room or sit in the back of the meeting room. A disqualified Board member may not speak on behalf of a group or another individual, nor testify as a professional on behalf of an applicant or an objector. A disqualified Board member shall not be allowed to testify before the Board on the application unless the application adversely impacts the member's personal or financial interest.

A member who has a question about facts concerning his or her own personal situation relative to a potential conflict shall seek advice from the Board's attorney before the hearing on the application commences. If a member has been advised by the Board's attorney that he or she has a conflict situation warranting recusal refuses to do so, the Board may vote to require recusal.



The municipal clerk shall request that members annually complete and file the State required Disclosure Statement.

Section 4.9 Minutes.

(a) The Secretary shall take and transcribe minutes of all meetings of the full Board. The minutes shall include the formal actions of the Board, taken by motion or resolution, and selected comments, discussion and statements by the Board or members of the public relating to formal action or other matters for the purpose of clarifying the understanding or intention of the Board.

(b) The minutes of each meeting shall be signed by the Secretary.

(c) Unless a reading of the minutes of a Board meeting is requested by a majority of those present, the minutes may be approved without reading at any meeting provided the Secretary has delivered a copy thereof to each member of the Board at least forty-eight hours preceding the meeting at which such approval to be voted.

(d) In addition to the requirements of this Section, the record of proceedings at a public hearing by the Board shall be subject to the provisions of Section 6.4(f).

ARTICLE V  
Procedure

Section 5.1 Submission of Matters to the Regional Planning Board.

(a)(1) Referred Ordinance amendments. The Board shall issue a report and recommendation on ordinances referred to the Board by Mayor and Council within 35 days after the governing body's referral to the Board. The Board or the Chair may choose to refer proposed ordinances to the Zoning Amendment Review Committee for its report before the Board prepares its report and recommendation.

(2) Initiated ordinance announcements. Suggested ordinance amendments may be initiated by the Board or by its Zoning Amendment Review Committee. Proposed amendments to or requests to amend the land use ordinance of the municipality shall be directed to the Mayor and Council of Princeton.

(b) Review of capital projects. The Board shall review and make recommendations on capital projects referred to the Board by Mayor and Council or other public agencies within 45 days of the referral to the Board. The Board or the Chair may choose to refer proposed capital project to the Master Plan Committee for its report before the Board prepares its recommendations.

NOTE: The Board's review of items (a)(1) and (b) in this section is governed by the Municipal Land Use Law requirement ordinance(s) or

capital expenditures be substantially consistent with the Master Plan. The Board in its discretion may choose not to hear public comments on referred items since they will be the subject of public hearings by Mayor and Council.

(c) Subdivisions. Applications for the subdivision of land shall proceed in accordance with the Princeton Land Use Ordinance. Minor subdivisions not involving a variance shall be referred to the Subdivision Committee for classification and/or approval. All other subdivisions shall be referred to the full Board for action. No approval of preliminary plats of major subdivisions will be granted unless the subdivision has also received site plan review and approval. The scheduling of applications for preliminary subdivision approval shall be subject to Rule 6.1(e).

(d) Site Plans. Applications for site plan approval shall proceed in accordance with the Princeton Land Use Ordinance. Approval of site plans classified as minor shall proceed in accordance with ordinance procedures. All other site plan applications shall be referred to the Site Plan Review Advisory Board and then shall be scheduled for action by the full Board.

(e) Conditional Uses. Application for conditional use shall proceed in accordance with the Princeton Land Use Ordinances. The Board shall review such applications in accordance with the ordinance standards.

(f) Ancillary Zoning or Special Permit Powers. The Planning Board, in lieu of the Board of Adjustment and to the same extent and subject to the same restrictions as said Board, shall receive, review and act upon applications seeking "c" variances or the issuance of permits for lots not abutting a street (N.J.S.A. 40-55D-34 & 36), but only in conjunction with the Planning Board's review of applications for approval of subdivision plats, site plans, or conditional uses. The Planning Board shall have no jurisdiction to hear "d" variance applications or to grant relief within the special question or interpretation powers of the Board of Adjustment.

(g) Exceptions (Waivers) from Subdivision or Site Plan Articles. The Planning Board, when acting on applications for preliminary or minor subdivision approval or upon applications for preliminary site plan approval, shall have the power to grant such exceptions or waivers from the requirements of subdivision or site plan approval as may be reasonable and within the general purpose and intent of the provisions of the ordinance for subdivision or site plan review and approval, if the literal enforcement of one or more of such provisions is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. Application for submissional waivers may be granted by staff in accordance with the same procedures as apply to the granting of administrative review.

(h) Reservation of Public Areas. The Board before making any reservations of public area shall first refer the matter to Mayor and Council requesting its review and recommendations on the matter.

(i) Flood Plain Applications. Applications to permit filling or construction in the floodway or in the flood plain will be governed by the provisions of the Princeton Land Use Ordinance.

(j) Modifications of Approved Plans. Applications for modification of approved plans shall be submitted to the Planning Board and then referred to the Planning Director, the Land Use Engineer and to the Zoning Officer for comment. The Board may permit the proposed modification after review of the ordinance criteria as if it were a new application seeking relief. A public hearing, with public notice, shall be required if the original approval sought to be modified was granted after a public hearing.

(k) Time Extensions. Approvals for which the ordinances fix a time for obtaining a building or other permit may be extended by the Board after being satisfied that the ordinance standards for granting an extension have been satisfied. Upon application to the Board, the Board may, in its discretion, grant extensions to approved preliminary or final subdivision or site plans in accordance with the ordinance and statutory standards and within the limits permitted by the Municipal Land Use Law.

(l) Concept Review. It is desirable for the Board to review proposed developments at an early stage. Concept review is intended to provide an early opportunity for an exchange of ideas so that general site and design related issues can be identified and informally discussed before the developer has incurred the expense required to prepare detailed engineering plans. The Board encourages developers to utilize concept review.

Concept review shall be scheduled by the developer submitting a written request to the Secretary of the Board together with at least fifteen copies of a site survey, including topographical information and showing, in schematic form, the proposed development including lot lines, road layouts, circulation and parking, building locations, drainage basin locations, adjacent lots and buildings, and open space areas, if applicable. Alternative design arrangements may also be shown. The submission of site photographs is encouraged.

The Secretary of the Board shall forward a copy of the submission to the Planning Director, the Land Use Engineer and to the Zoning Officer with a request that they submit a report to the Board, including their comments on the proposed development. The materials shall also be submitted to the Site Plan Review Advisory Board and/or the Historic Preservation Commission, with a request that the Board or Commission designate one or more of its members to appear at the Planning Board's concept review hearing.

The Secretary of the Board shall as soon as practical place the matter on the agenda of the Board for concept review discussion at a regular or special meeting and shall notify the developer of the scheduled date. The developer shall at least one week prior to the meeting send an informal notice to the surrounding property owners (who under Princeton Land Use Ordinance would be entitled to a notice of public hearing) by regular mail advising them of the general nature of the proposed development and of the time and place at which the Board will conduct a concept review discussion. The Board shall attempt to conduct the concept review within 60 days of receipt of the developer's written request.

At the scheduled concept review discussion the Board shall review the lot layout and road network of the proposed development as it relates to the topography or other features of the site and to the Princeton Community Master Plan and may also discuss any other pertinent issues raised by the proposed development. The developer shall not be bound by any comments on the concept plan, and the Board shall not be bound by any such review. The minutes and recordings of the Board's discussion shall constitute the Board's record of the proceeding, and no formal report shall be issued by the Board. A copy of the minutes of the discussion, as approved by the Board, shall be sent to the developer and kept in the official file in the Planning Office. When a formal application is filed, a copy of these minutes may be distributed to the Land Use Engineer and the Zoning Officer for use in the completeness review. In addition, these minutes shall accompany the material being sent to Site Plan Review Advisory Board and/or the Historic Preservation Commission; and the Planning Board members when the application is scheduled.

(m) Preservation Plans Approval. Applications for historic preservation plan approval within the jurisdiction of the Board shall be processed in accordance with the procedures and standards of the Princeton Land Use Ordinance.

Section 5.2 Pre-application Inquiries. Where appropriate, persons wishing to file applications shall be encouraged to first meet with staff at which time staff shall advise them of the required forms, applicable rules, and applicable ordinance sections. Staff shall also provide an overview of the application process and of the applicant's responsibilities, when and where to file forms, and applicable master plan guidelines. If possible, potential problems raised by the proposed project shall be identified. A sample of applicable application forms shall be provided. A directory of personnel, title and function, office locations and phone numbers shall be made available to potential applicants. Persons planning to file an application shall be advised of the concept review process and encouraged to use it, particularly for major applications. Meetings shall be scheduled as soon as practicable with persons requesting a pre-application meeting.

Section 5.3 Case Management. To assist in the orderly processing of applications, a case management committee shall be established composed of the Planning Director, the Land Use Engineer, and the Zoning Officer. The committee shall be chaired by the Planning Director. In the application review process, the committee shall adopt a regular meeting schedule, assign responsibilities among the staff for follow-up and report preparation, and establish guidelines. Criteria for administrative review and waivers shall be suggested by the case management committee.

Section 5.4 Administrative approval. Applications for administrative approval shall be referred to the case management committee for action. If administrative approval is granted the committee shall report its action to the planning Board Secretary who shall advise the applicant and the appropriate staff members.

Section 5.5 Forms and Checklist. In addition to the checklist ordinated in the Princeton Land Use ordinance, the Planning Director, the Land Use Engineer, the Zoning Officer, or the Secretary, as the case may be, is authorized to furnish to applicants standard forms of applications and checklists of requirements. Failure to include any item or items in such

form or checklist shall not be construed as a waiver by the Board of any requirement of statute or ordinance, or of these Rules.

Section 5.6 Review for Completeness. Completeness shall be determined in accordance with the ordinance and the ordinance checklists. An applicant may request the administrative officer to do a non-binding pre-filing review of the submission to identify any missing information which is obvious from such a scan. The operational goal is that at least an abbreviated case management review of each application shall be held within 2 weeks of its initial filing. Applications which have been returned to the applicant as incomplete shall be subject to staff follow-up within 90 days to determine the status of the application.

Section 5.7 Appeals to Board from Subdivision Committee Action. Any applicant for minor subdivision approval, or any other person who feels aggrieved by the action of the Subdivision Committee, may appeal to the Board. Such appeal may be taken by filing with the Secretary of the Board a memorandum stating the reasons supporting the appeal. Twelve copies of the sketch plat of minor subdivision shall also be filed with the memorandum. The appeal must be filed within ten days of the date of the memorialization of the findings of fact. The filing of a timely appeal shall supersede the action of the Subdivision Committee and the Board shall consider the matter as a subdivision application, classified as minor, and referred to the Board for action. The Board shall act on the matter within 95 days following the filing of the appeal.

Section 5.8 Revisions.

(a) If the Board requires revisions of a preliminary subdivision plat, or of a site plan or building plans, prior to approval, it will return the plat, site plan or building plans to the applicant together with a statement identifying the revisions that are required and will continue consideration of the application to the next regular meeting of the Board. Such revisions shall be submitted to the appropriate administrative officer who shall review them as to compliance with the Board's requirements and report to the Board the administrative officer's recommendations for further consideration of the application.

(b) If the Board requires any substantial amendment in the layout of the improvements proposed by an applicant after the application has been the subject of a public hearing, an amended plat must be submitted, and if so determined by the Board, proceeded upon as in the case of an original plat.

ARTICLE VI  
Action by the Board

Section 6.1 Meeting Agendas.

(a) The Secretary of the Board shall be responsible for placing development applications on meeting agendas. When the administrative officer determines that an application is complete, he or she shall forward to the Board Secretary a certificate of completeness. For this purpose, "completeness" shall be determined as required by N.J.S.A. 40:55D-10.3.

(b) Except in cases where the time for action will otherwise expire or where there are other extenuating circumstances, an application shall not be placed on the agenda unless it is ready for a hearing. For this purpose "ready" means that all staff and committee reports which are regularly sent to the members of the Board in advance of the hearing have been received or will be available prior to the time that the meeting agenda is distributed to members of the Board.

(c) The Chair shall determine the order in which agenda items are to be heard at the meeting. In the event the time required to hear all timely and complete applications shall exceed the hearing time available at the meeting, applications shall be placed in the order in which the matter must be acted upon as established by the Municipal Land Use Law.

(d) The agenda of development applications to be heard at the Board's regular meetings shall be limited to three hours of scheduled hearings.

(e) In scheduling development applications involving multiple aspects, every effort shall be made so that all aspects of the application within the jurisdiction of the Board which require a hearing and decision shall be heard by the Board as part of one unified presentation. Hearings on applications for preliminary approval of major subdivisions will not be held unless the preliminary plat has received site plan review by the Site Plan Review Advisory Board (SPRAB) and a report or a waiver from SPRAB review is submitted thereon will be available prior to the Board's regular meeting. References to SPRAB review and reports in the prior sentence shall include site plans in Historic Districts where by ordinance the Historic Preservation Committee also discharges the functions of SPRAB. In addition to SPRAB, Shade Tree Commission, Traffic and Transportation Commission and Princeton Environmental Commission may provide its recommendations to the Planning Board within 14 days prior the scheduled public hearing.

(f) Applicants who have applied for preliminary and final subdivision or site plan approval shall have both items scheduled at the same meeting. However, where significant modifications or unusual conditions are being imposed on the preliminary approval, the Board in its discretion may withhold the granting of final approval.

(g) Meeting agendas shall be provided to Board members at least five working days prior to the scheduled meeting date. The Secretary shall provide a copy of the agenda to each applicant or, if represented, to its attorney, whose application has been listed on the meeting agenda.

(h) If there is insufficient time on the agenda of the regular meeting for an application to be placed on that agenda, or if a hearing is to be continued, then those applications shall be placed on the agenda of or continued to a special or regular meeting.

(i) The above regulations are intended as guidelines and may be varied with the approval of the Chair to accommodate emergency situations or administrative convenience.

## Section 6.2 Record of Time for Action

(a) The Secretary shall keep track of all development applications in compliance with the statutory requirements of the Municipal Land Use Law and the Princeton Ordinances.

(b) The Secretary shall on a regular basis advise Board members of newly filed applications that will be heard by the full Board or by the Subdivision Committee.

Section 6.3 Public Notice. Whenever public notice is required by statute or ordinance, or copies of an application or plat or of any notice are required to be served or filed in connection therewith, it shall be the responsibility of the applicant to assure compliance with all such requirements. Proof of publication and service of all papers and notices as required shall be filed with the Board with sufficient time in advance of the meeting at which the matter is scheduled to be heard so that they can be reviewed by the Secretary.

Section 6.4 Public Hearings

(a) At the commencement of each hearing on a development application the presiding officer shall read the information as shown on the agenda for each application and advise that a public hearing is being conducted. The usual order of the public hearing which for good cause may be varied by the Chair shall be as follows:

- (1) a statement by counsel or the Secretary as to whether a proper proof of publication and service of notice has been filed; and if the applicant is a corporation or partnership, a statement as to compliance with N.J.S.A. Sec. 40:55D-48.1 and acknowledgement by the applicant's attorney;
- (2) statements of abstention by any Board members who are recusing themselves, giving the reason for the recusal;
- (3) the presentation of the Planner's report;
- (4) the presentation of other staff reports;
- (5) the presentation from advisory groups providing a report to the Board: SPRAB, HPC, PEC, Shade Tree Commission, Traffic and Transportation Committee;
- (6) a presentation of the application by the applicant through its witnesses and questions and comments by the Board and its staff;
- (7) if there is an attorney(s) representing a group of objectors, the attorney shall have the opportunity to address the Board, cross examine applicant's witnesses and present witnesses;
- (8) opening the meeting to comments and questions by the public including the right to cross examine applicant's witnesses and present witnesses, except this shall not be a right available to members of the public represented by counsel and participating in item (7) above. The presiding officer shall establish reasonable time allotments; and close the public participation when appropriate;
- (9) statements of objection or support shall only be permitted if the writer is present to read the content into the record and be subject to cross-examination. Petitions shall not be admissible.

However, these communications shall be added to the Board's files (Section 7.2) with a notation "Not part of the hearing record."

(10) Board discussion including discussion on any motions regarding action on the application;

(11) calling the question and vote on motion by roll call or by show of hands.

(b) All testimony taken shall be given under an oath or affirmation. All physical exhibits made part of the record shall be marked for identification. After being marked all exhibits shall be the property of the Board and shall be retained in the Board's files until the expiration of the appeal time. Particular exhibits of special planning significance may be retained in the Board's permanent file. Models may be returned to the applicant after the conclusion of the hearing and the Board's vote, but models shall be retained by the applicant until the expiration of the appeal time or the end of any litigation.

(c) An individual applicant or any other individual party to the hearing may appear in person or by attorney. Corporate applicants or corporate objectors may only appear by attorney.

(d) Except where the writing is part of the applicant's submission written communications addressed to the Board in advance of the hearing will not be accepted or distributed. With the approval of Counsel to the Board legal memos submitted by objectors may be accepted and circulated to the Board in advance of the hearing.

(e) Any person, whether or not a resident of Princeton shall be permitted to be heard in any hearing before the Board. Testimony must relate to the subject matter of the hearing.

(f) The Board shall provide for the verbatim recording of the proceedings by electronic means and shall furnish a duplicate recording thereof, on request to any interested party at such party's expense. In lieu of the electronic recording of the proceedings, the Board may arrange for a shorthand reporter to be present to make a verbatim record. The Board shall not be obligated to pay for the preparation of a written transcript.

(g) The following Rules of Order shall apply to public hearings conducted by the Board:

(1) when a motion is presented and seconded, it is under consideration and no motion shall be received thereafter, except to adjourn, to lay on the table, to postpone, or to amend, until the motion is decided. These motions shall have preference in the order in which they are listed and the first two shall be decided without debate.

(2) The presiding officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed upon all members.



(3) Every member desiring to speak for any purpose whatsoever shall address the presiding officer, and upon recognition, shall confine himself or herself to the question under debate. Until all Board members wishing to speak have been recognized, a member may speak only once on the same subject except to clarify a matter of fact or explain a material part of his or her speech. All speakers must identify themselves on the record when speaking.

(4) A member once recognized shall not be interrupted when speaking unless it be to call him or her to order. If a member while speaking be called to order, he or she shall cease speaking until the question of order be determined by the presiding officer, and if determined to be in order, he or she shall be permitted to proceed.

(5) Any member may appeal to the Board from the decision of the presiding officer upon a question of order. The chair shall thereupon submit to the Board the question, "Shall the decision of the chair be sustained?" and the Board without debate shall decide by a majority vote.

(6) The Board member moving the adoption of a motion or resolution shall have the privilege of calling the question; provided, however, the question shall not be called until all Board members are given the opportunity to make one final statement.

(7) In the proper order of business, members of the public may address the Board upon recognition by the presiding officer. A person addressing the Board shall give his or her name and address in an audible tone of voice for the record, be sworn, and unless further time is granted by the Board, shall limit remarks to the time allotted by the chair. All remarks shall be addressed to the Board as a body and not to any member thereof. No person, other than members of the Board and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Board, without the permission of the presiding officer. No question shall be asked a Board member except through the presiding officer.

(8) To the extent not inconsistent herewith, Robert's Rules of Order shall govern the meetings and proceedings of the Board.

(9) Any of the Rules of Order may be suspended by unanimous consent of the Board members present.

#### Section 6.5 Board Decision

(a) Within 45 days after action on a development application is taken, the Board, then shall adopt a resolution in the form of findings of fact and conclusions of law prepared

by counsel, thereby memorializing the action of the Board. The Board's action shall be reflected in the minutes of the meeting at which the action is memorialized. Upon adoption of the findings, the Secretary shall prepare a written notice of the Board's action and arrange for its publication in the official newspaper and shall provide a copy thereof to (1) the applicant or, if represented, to its attorney, (2) the administrative officer with respect to the subject matter of the application, (3) the other staff members and chairs of committees who have been involved in the review of the application and (4) any other persons who have, in writing, requested a copy of the notice upon payment of a reasonable fee.

(b) The applicant may also cause notice of the Board's action to be published in the official newspaper of the municipality. Such publication shall not be earlier than the date the Board adopts the findings. In order for such publication by the applicant to be effective, the applicant shall be required to notify the Secretary of the Board within two days after the date of the publication advising the Secretary of the name of the newspaper and date on which the notice was published. A copy of the published newspaper notice shall also be filed with the Secretary.

(c) The time for appeal from the decision of the Board shall run from the first publication, whether made by the Secretary or the applicant. However, for purposes of any statute or ordinance requiring the Board to act within a specified time after the submission of a completed application, the Board shall be deemed to have acted as of the date of the meeting at which action was taken.

Section 6.6 Rehearing by the Board. The Board shall not have the right to re-open and re-hear a matter once its action is taken. However, if there are unusual circumstances, in the interest of justice, and with the consent of all interested parties, the Board may re-open and re-hear a matter.

Section 6.7 Appeals. All appeals from Board actions shall be to the Superior Court of New Jersey and within the time permitted by Statute or Rules of Court.

## ARTICLE VII Miscellaneous

Section 7.1 Public Records. Applications, plats and plans filed with the Board, and the minutes of the Board, shall be public records. Copies may be obtained by any interested person upon payment of the charges for duplication, pursuant to N.J.S.A. 47A:1A-1 et seq.

Section 7.2 Files. Files shall be kept concerning each matter coming before the Board for official action. Each such file shall include applications, maps and documents submitted to the Board, all correspondence received by or sent by the Board concerning the matter, and all official actions of the Board in the matter. (As to application exhibits see Rule 6.4(b).)

Section 7.3 Filing of Rules and Regulations. Copies of all Rules and Regulations adopted by this Board shall be filed with the Clerk of the Princeton and at the office of the Board

and posted on the Municipal website. Copies of the Rules and Regulations currently in effect shall be made available to any interested person at such charge, if any, as the Board may fix.

Section 7.4 Amendments. The Rules and Regulations of this Board may be amended at any public meeting of the Board, provided that notice of the meeting and a copy of the proposed amendments have been delivered to each member of the Board at least six days before the meeting.

Section 7.5 Annual Report. The Board may make an annual report of its activities to the Mayor and Council of Princeton. Such annual report shall be reproduced in a sufficient number of copies so that it can be made available to interested persons.

Section 7.6 Effective Date. These Rules and Regulations shall take effect upon their adoption.

## ATTACHMENT A

### **Sec. 2-99. Planning Board**

A. There is hereby established pursuant to N.J.S.A. 40:55D-1 et seq. in Princeton a Planning Board of nine members consisting of the following four classes:

(1) Class I: The Mayor, or the Mayor's designee in the absence of the Mayor.

(2) Class II: one of the officials of the municipality other than a member of the governing body to be appointed by the Mayor; provided that if there is a member of the Environmental Commission who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1 he shall be deemed to be the Class II Planning Board member if there is both a member of the Zoning Board of Adjustment and a member of the Board of Education among the Class IV members.

(3) Class III: a member of the governing body to be appointed by it.

(4) Class IV: six other citizens of the municipality to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, except that one member may be a member of the Board of Adjustment or the Historic Preservation Commission and one member may be a member of the Board of Education. A member of the Environmental Commission who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be a Class IV Planning Board member unless there be among the Class IV or alternate members of the Planning Board both a member of the Zoning Board of Adjustment or the Historic Preservation Commission and a member of the Board of Education, in which case the member of the Environmental Commission shall be deemed to be the Class II member of the Planning Board.

B. Alternates: In accordance with N.J.S.A. 40:55D-23.1, there are hereby created two alternate memberships to the Princeton Planning Board. Alternate members shall be appointed by the appointing authority for Class IV members and shall meet the qualifications for Class IV members of the nine-member Planning Board. Alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1" and "Alternate No. 2". The terms of the alternate members shall be for two years, except that the terms of the alternate members shall be such that the term of not more than one alternate member shall expire in any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two years. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

(1) No alternate member shall be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause.

(2) Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

(3) All regular and alternate members except the Class II member shall be residents of Princeton.

(4) Except as otherwise permitted class IV members and alternate members shall hold no other municipal office. For purposes of this section membership on a municipal board or commission whose function is advisory in nature, and the establishment of which is discretionary and not required by statute, shall not be considered the holding of municipal office.

(a) When any hearing before the planning board shall carry over to two or more meetings, a member or alternate member of the board who was absent for one or more of the meetings, who is otherwise eligible to vote, shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his or her absence from one or more of the meetings; provided, however, that such member has available a transcript or recording of the meeting from which he or she was absent and certifies, in writing, to the board that he or she has read such transcript or listened to such recording.

(b) Members of the planning board shall serve without compensation, but may be reimbursed for expenses authorized in advance and incurred in the performance of their duties.

(c) No member shall be permitted to act on any matter in which he or she has, directly or indirectly, any personal or financial interest.

(d) Except for members exempted by statute from this requirement, any person who serves as a member or alternate member of the planning board shall be required to complete an approved basic course in land-use law and planning within 18 months of his or her appointment.

### C. Terms.

(1) The term of the member composing Class I shall correspond with the Mayor's official tenure or if the member is the Mayor's designee in the absence of the Mayor, the designee shall serve at the pleasure of the Mayor during the Mayor's official tenure. The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first.

(2) The terms of all Class IV members first appointed pursuant to this chapter shall be so determined that to the greatest practicable extent, the expiration of such term shall be evenly distributed over the first four years after their appointment as determined by resolution of the Township Council; provided, however, that no term of any member shall exceed four years and further provided that nothing herein shall affect the term of any present member of the Planning Board, all of whom shall continue in office until the completion of the term for which they were appointed. Thereafter, all Class IV members shall be appointed for terms of four years except as

otherwise herein provided. All terms shall run from January 1 of the year in which the appointment was made.

(3) The term of any alternate member shall be two years, and their terms shall be staggered.

(4) Removal from office. Any member including an alternate member of the planning board, other than the class I member may be removed by the council for cause, after a public hearing, if he or she requests one.

(5) Vacancies. If a vacancy in any class of the planning board shall occur other than by expiration of the term, it shall be filled by appointment, as provided herein, for the unexpired term.

#### D. Organization of the Board

(1) The planning board shall elect a chairman and vice chairman from the members of Class IV, select a secretary who may or may not be a member or alternate member of the planning board or a municipal employee, and create and fill such other offices as established by ordinance. An alternate member shall not serve as chairman or vice chairman of the planning board.

(2) The planning board may annually appoint, fix the compensation of or agree upon the rate of compensation of the planning board attorney, who shall be an attorney other than the township attorney.

#### E. Members of board of adjustment serving as temporary members of the planning board.

(1) If the planning board lacks a quorum because any of its regular or alternate members is prohibited by subsection b. of section 14 of P.L.1975, c.291 (C.40:55D-23) or section 13 of P.L.1979, c.216 (C.40:55D-23.1) from acting on a matter due to the member's personal or financial interests therein, regular members of the board of adjustment shall be called upon to serve, for that matter only, as temporary members of the planning board in order of seniority of continuous service to the board of adjustment until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between regular members of equal seniority, the chairman of the board of adjustment shall make the choice.