

RESOLUTION NO. 2020-6
WILLINGBORO TOWNSHIP ZONING BOARD OF ADJUSTMENT
ADOPTION OF RULES OF PROCEDURE

WHEREAS, the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-8, permits a zoning board of adjustment to adopt and amend reasonable rules and regulations, not inconsistent with the Municipal Land Use Law or with any applicable ordinance, for the administration of its functions, powers and duties; and

WHEREAS, the Willingboro Township Zoning Board of Adjustment (hereinafter “Board” or “WTZBA”) has determined that it is necessary to adopt certain rules of procedure pursuant to N.J.S.A. 40:55D-8, and whereas the WTZBA recognizes that the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, has promulgated emergency regulations, establishing standard protocols for remote public meetings held by a “local public body” during a Governor-declared emergency, codified as N.J.A.C. 5:39-1.1 through 1.7. The new law sets forth protocols that aim to ensure continuity of government operations and transparency in conducting public business when an emergency requires a governing body meeting to be held remotely.

NOW, THEREFORE, upon motion duly made and seconded and passed by a vote of _____ in favor and _____ opposed, **BE IT RESOLVED** by the WTZBA, County of Burlington, State of New Jersey, that the following rules of procedure shall govern all applications, proceedings, and/or matters before the Zoning Board of Adjustment:

1. Time Limitations. The Board shall be under no obligation to consider new testimony, new evidence or proofs or new matters after 10:00 pm. These time limits may be extended in the discretion of the Board Chair upon request and for good cause shown.
2. Parliamentary Procedure. Roberts Rules of Order, latest edition, shall be followed whenever a particular procedure or practice is not contemplated or set forth in these rules or the New Jersey Municipal Land Use Law.
3. Testimony.
 - a. For the Applicant: Statements, witness and expert testimony, cross examination and redirect are subject to reasonable limitations in the discretion of the Board Chair and Board Solicitor.
 - b. For the Objector: Statements, witness and expert testimony, cross examination and redirect are subject to reasonable limitations in the discretion of the Board Chair and Board Solicitor.
4. Remote Meetings. To the extent possible the Board will conduct any remote meetings consistent with the New Jersey Department of Community Affairs, Division of Local Government Services, March 23, 2020 and April 2, 2020, guidance documents and emergency regulations codified as N.J.A.C. 5:39-1.1 through 1.7.

5. Public Comment. The Board shall recognize public commentary on applications pending before the Board by interested parties appearing pro se or represented by an attorney, and each such interested party shall be subject to cross-examination. All such public commentary will be limited to five (5) minutes, which may be extended in the discretion of the Board Chair upon request and for good cause shown. Only relevant objections shall be considered by the Board and the Board shall not consider unreasonable, repetitive, irrelevant, or disorderly objections. The meeting is a quasi-judicial proceeding. Any questions or comments are to be limited to issues that are relevant to what the Board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times.
6. Continuances. All cases may be continued to another date certain, which generally shall be the next regularly scheduled meeting, unless otherwise determined by the Board. Generally, no further notice shall be needed to be given by the applicant in that event if announcement of the specific date of the continued hearing is provided, unless the Board Chair determines that notice be given.
7. Refusal to Consent to Continuance. Where a hearing on an application has not concluded by 10:00 pm, or such other time as extended by the Board Chair for good cause, and an applicant refuses to consent to a continuance, so that the presentation and anticipated Board vote can continue at a subsequent hearing date, so that objectors can be heard, and/or so the Board has sufficient opportunity to consider the matter, such refusal by the applicant shall be presumptively deemed “arbitrary and capricious” by the Board, and the applicant shall be at risk of a denial of the application for failure to sustain the burden of proof and failure to afford the Board an opportunity to reach an informed decision.
8. Letters & Petitions of Objection. Letters of objection or support and petitions shall not be admissible, though the writer of a letter or the signer of a petition may appear and testify. If unable to attend, a licensed attorney in the State of New Jersey may appear on behalf of the absent public member.
9. Dismissal Without Prejudice. The Board, on its own motion, may dismiss any action without prejudice if neither the applicant nor anyone on his or her behalf appears at the time set for the hearing of said application or for other good cause, including, but not limited to, an applicant refusing to consent to a continuance as detailed in paragraph #7 above.

The foregoing action was adopted and memorialized by the WTZBA on November 10, 2020 by a vote of _____ in favor, _____ opposed.

Reyan Frank,
Zoning Board Secretary