

PENNINGTON BOROUGH

PLANNING BOARD

BYLAWS

Adopted

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Pennington Borough Planning Board

Bylaws

ARTICLE I – GENERAL PROVISIONS

Section 1. Board Office

The office of the Planning Board shall be located at 30 N. Main Street, Pennington, NJ and the Land Use Administrator / Board Secretary shall be in charge of said office.

Section 2. Public Records

All Board records shall be kept by the Secretary and shall be available for public inspection during regular business hours of the Borough. Copies may be obtained, upon payment for the cost of duplication and/or electronically, as established by law, from the Land Use Administrator / Board Secretary.

ARTICLE II – ORGANIZATION

Section 1. Officers

The officers of the Board shall consist of a Chairperson and a Vice Chairperson.

Section 2. Chairperson

The Chairperson shall be elected from the Class IV members of the Board at the annual organization meeting held on the second Wednesday of January of each year or another date established by the Board in December of the previous year. The Chairperson shall serve for one year and be elected by a majority vote of those present and constituting a quorum.

The Chairperson shall:

- a. Preside at all meetings of the Board except as provided in Section 3.
- b. Rule on all questions of order, subject to appeal of the Board.
- c. Sign documents required to be executed on behalf of the Board.
- d. Appoint all committees of the Board.
- e. Exercise general supervision over the affairs of the Board and over its consultants.

Section 3 – Vice Chairperson

A Vice Chairperson shall be elected from among the Class IV members of the Board at the annual organization meeting held on the second Wednesday of January of each year or at another date as established by the Board in December of the previous year. The Vice Chairperson shall serve for one year and be elected by a majority of those present and constituting a quorum.

The Vice Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson or in the event of a vacancy in the office.

Section 4. Vacancies

In the event of a vacancy in the office of the Chairperson or Vice Chairperson, an election shall be held at the next regular meeting of the Board to fill the unexpired term of either office. At such election the Chairperson or Vice Chairperson, as the case may be, shall preside. If neither is available, the Land Use Administrator / Board Secretary shall preside.

In the event of a vacancy or absence of the Chairperson and Vice Chairperson, the Planning Board may appoint an Acting Chairperson from the Class IV members by a majority vote of those present and constituting a quorum.

Section 5. Land Use Administrator / Board Secretary

The Land Use Administrator / Board Secretary shall:

- a. Be in charge of the Board office during regular business hours.
- b. Maintain all records of the Board and be responsible for all correspondence.
- c. Send notices to members of Board meetings.
- d. Attend all meetings of the Board (unless excused by management), keep minutes and record actions of the Board.
- e. Perform other duties as may be assigned by the Chairperson of the Board.

Section 6. Attorney

The Board shall appoint a licensed professional attorney with competence in the area of land use and zoning by a majority vote at the annual organization meeting of the Board. The Board Attorney shall:

- a. Provide legal advice to the Board.
- b. Prepare resolutions for actions taken by the Board.
- c. Provide written legal opinions to the Board on questions submitted to him by the Board.
- d. Perform such other legal services as the Board may authorize.

Section 7. Planner

The Board shall appoint a licensed professional planner with competence in the area of land use and zoning by majority vote at the annual organization meeting of the Board. The Planner, as directed, shall:

- a. Provide advice to the Board pertaining to the Municipal Law Use Law and Borough Ordinances.
- b. Draft Master Plan changes and periodic reexamination reports.
- c. Draft zoning ordinance amendments and prepare zoning map revisions.
- d. Review and advise the Board on applications for site plan approval and zoning variance requests.

Section 8. Engineer

The Board shall appoint a licensed professional engineer with competence in civil engineering by majority vote at the annual organization meeting of the Board. The engineer to be voted on shall be the Borough Engineer as retained by the Borough Council. The engineer shall:

- a. Review and advise the Board on applications for **completeness review**, site plan approval and zoning variance requests when needed.
- b. Provide other advice on engineering related matters when requested by the Board.

ARTICLE III – MEETINGS

Section 1. Conduct of Meetings

All meetings shall be conducted in accordance with these Bylaws and Roberts's Rules of order.

Section 2. Regular Public Meetings

The regular public meetings of the Board shall be held as set forth in the annual meeting notice and shall begin at 7:30 p.m. via **electronic platform** and shall conclude by 11:00 p.m., unless a motion to continue for up to an additional 20 minutes is approved by a concurring vote of two-thirds of the members present and constituting a quorum.

Section 3. Special Meetings

A special meeting may be called by the Chairperson and shall be called if requested by three members of the Board. Notice of public special meetings shall be given to the public at least 48 hours prior to the meeting in accordance with the Open Public Meetings Act.

Section 4. Agenda

The Land Use Administrator / Board Secretary, at the direction of the Chairperson, shall prepare the agenda for all regular meetings and distribute it to the Board at least five (5) days prior to the meeting. The Secretary shall also prepare the agenda for special meetings and distribute it to the Board

members at least 48 hours prior to the meeting. The agenda shall also be available to the public and news media at least 48 hours prior to the meeting.

Section 5. Minutes

The Secretary shall provide for the taking and transcribing of the minutes of the meetings. Recordings shall be retained in accordance with regulations promulgated by the Bureau of Archives, Department of Education. The minutes of the meetings and any corrections adopted shall be signed by the Secretary and kept in the Board's office and placed on the Borough website. Copies of the minutes shall be distributed to members, consultants, and such other offices as the Board shall designate.

Section 6. Quorum

Five members of the Board shall constitute a quorum at any meeting.

Section 7. Voting

The concurring vote of a majority of those present and eligible to vote shall be necessary to pass on any matter upon which the Board as a whole must pass except as otherwise provided by law.

Members eligible to vote include those who have attended all meetings related to the matter or those who have listened to a recording of all previous meetings at which the matter was considered. The members shall certify in writing that he or she has listened to the recording of a previous meeting or meetings at which the matter was considered.

Alternates may participate in the discussion of any matter, but may only vote in the absence or recusal of a regular board member. Alternate 1 shall have priority for voting.

Section 8. Order of Business

The usual order of business at public meetings shall be:

- a. Call to Order
- b. Statement of adequate notice
- c. Roll call
- d. Open time for public comment (for which no opportunity for public comment is provided)
- e. Resolutions of memorialization
- f. Applications or Ordinances
- g. Work session, correspondence and other business
- h. Minutes of previous meeting or meetings
- i. Adjournment

Deleted Zoning Officer's Report

Section 9. Conflict of Interest

No member of the Board shall act on any matter in which he, she or a member of his or her immediate family has, either directly or indirectly, any personal or financial interest. No member shall

participate in or vote on, or in any way influence the other members of the Board in a particular application if such member or his or her immediate family has such a personal or financial interest.

The standards set forth above shall not in any way supersede, modify or waive the application of existing law regarding conflict of interest of public officials.

Section 10. Public Participation

All meetings at which official action is taken shall be open to the public and members of the public shall be afforded the right to speak on matters coming before the Board or official action, except as provided by the Open Public Meetings Act, Chapter 231, Laws of 1975. **Members of the public wanting to speak shall have a maximum of five (5) minutes.**

ARTICLE IV - COMMITTEES

Section 1. Standing Committees

Standing committees shall be appointed by the Chairperson. The following committees shall be created:

Application Review Committee deleted.

a. Master Plan/Ordinance Review Committee

The committees shall consist of 3 or 4 members.

The Master Plan/Ordinance Committee shall:

- a. Propose changes to the Master Plan and Site Plan/Zoning Ordinances to the Board.
- b. Review the text of any changes prepared by the Board's Planner and provide a recommendation to the Board to approve or modify any proposed changes.

Section 2. Special Committees

The Chairperson may also appoint such special committees as shall be necessary.

Section 3. Citizen Members

The Chairperson may request the Mayor to appoint citizen members to any committee of the Planning Board as shall be deemed advisable in order to assist the Board.

ARTICLE V – PROCEDURES

Deleted Application Review Committee from all items below and input current procedure.

Section 1. Guidelines for Applicants

Please see general instructions below.

Section 2. Application for Site Plan Approval or Zoning Variance

All initial submissions will be reviewed by the Land Use Administrator (LUA) to ensure the appropriate forms, checklists, plans and fees have been provided. If all the required information is not provided, the LUA will immediately send a letter to the applicant detailing additional information required and the application will be deemed incomplete until all items required are received. Upon the LUA's determination that all basic submission requirements have been met, the application will be sent to the Board Engineer and a completeness review will be prepared for consideration at the Board's next meeting. The Board will schedule a completeness hearing at their regularly scheduled meeting to review the recommendations of the Board Engineer, review any checklist waiver requests taking into account the recommendation of the Board Engineer, and either certify the application complete or deem it incomplete.

If the application is deemed incomplete, the LUA will send a letter noting the Board's determination and summarizing any additional information required for the Board to reconsider completeness. When additional information is submitted to remedy any deficiencies, this will be sent to the Board Engineer and an updated completeness review will be prepared and a new completeness hearing scheduled. Please keep in mind there is an additional application fee and escrow fee for resubmittals of an application. Immediately following the scheduling of a hearing, the LUA will send a letter to the applicant noting the date and time of the public hearing and the need to provide adequate public notice, including Zoom instructions.

For the initial application please submit:

One digital and one hard copy to Land Use Administrator, Board Engineer, Board Planner and the Board Attorney (contact information will be provided):

1. Application
2. Completed submission with checklist and waiver requests appropriate for the application type.
3. Plans, drawings or photos that support the application.

1 hard copy of:

1. Escrow agreement
2. W-9 form for escrow account
3. Request to tax collector of proof of payment of taxes
4. If necessary, request to tax assessor for certified list of Property owners within 200' of the site with a \$0.25 per name or \$10.00, whichever is greater, check payable to Pennington Borough.
5. If necessary, proof that the application has been filed with the Mercer County Planning Board and Soil Erosion Review Board.
6. Signed consent entry form.
7. Payment of application and escrow fees (separate checks payable to Pennington Borough).

Once a hearing date is assigned the applicant will submit to the Land Use Administrator:

1. Digital and hard copies of any revisions or additional items suggested by the Planning Board to the LUA and the Board professionals. All revisions should be identified and submitted at one time to avoid delays.
2. Notice of Hearing.

Once an application has been heard the applicant will:

1. Submit any additional or revised items requested by the Board.

2. Comply with any conditions of approval.

Section 3. Site Plan and Variance Approval

Following the approval of a site plan or variance request and completion of any outstanding conditions contained in the resolution of approval, the presiding Board Engineer, Chairperson and Secretary shall affix their signatures to the approved plan or variance application.

Section 4. Appeals from the Actions of Zoning Officials

Appeals to the Planning Board acting as a Board of Adjustment may be taken by any interested party. Each appeal shall be taken within the 20 days prescribed by the statute by filing a notice of appeal with the officer from whom the appeal was taken together with five (5) copies of said notice with the Land Use Administrator. Said notice of appeal shall specify the grounds for said appeal. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

ARTICLE VII - BOARD MEMBER TRAINING

All new board members are required to attend the basic land use training course within 18 months of appointment in order to remain a member of the Board pursuant to NJSA 40:55D-23.3. I

ARTICLE VI – AMENDMENTS

These Bylaws may be amended by a resolution duly adopted at any public meeting provided that notice of the proposed changes has been delivered to each member of the Board at least five (5) days prior to the meeting.

ARTICLE VII – SUSPENSION OF BYLAWS

The provisions of these Bylaws may be suspended by a two-thirds vote of the full membership of the Board.