

May 14, 2025

Pennington Planning Board  
30 North Main Street  
Pennington, NJ 08534



**Re: Summary of Proposed Completeness Process**

Dear Planning Board Members:

Below you will find a brief summary of the completeness determination process proposed for new applications for development submitted to the Board for review. Under the provisions of the New Jersey Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-10.3, the Board has 45 days from submission of an "application for development" to certify it complete or incomplete. The MLUL defines an "application for development" as "the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, cluster development, conditional use, zoning variances or direction of an issuance of a permit pursuant to section 25 or section 27 of P.L. 1975, c.291 (C.40:55D-34 or C.40:55D-36)."

To date, the Board has utilized the Application Review Committee (ARC) to review initial submissions and checklist waiver requests. This was largely an advisory function, as ultimately only the Board itself can consider and grant checklist waivers and determine an application to be complete. The change to our process proposed here would eliminate the need for the ARC and ensure that the Board Engineer can provide input on checklist waivers sought.

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 noting that the 45 day time period to determine completeness has not commenced.

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. That review will summarize the approval sought, any variances or design waivers applied for and will also summarize all checklist waivers sought. It will not go into detailed technical review of the subdivision or site plan standards at this point but will offer an opinion as to the appropriateness of checklist waivers sought, if any. Given that most of the checklist items are related to plan details, the Board Engineer is the appropriate professional to prepare such recommendations.

The Board will schedule a completeness hearing 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

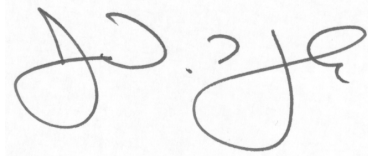
application is deemed incomplete, the LUA will immediately send a letter noting the Board's determination and summarizing any additional information required for the Board to reconsider completeness. When additional information is submitted to remedy any deficiencies, this will be sent to the Board Engineer and an updated completeness review will be prepared and a new completeness hearing scheduled.

Applications will be officially scheduled for public hearing by the Board upon its certification the application is complete, with that hearing ideally being scheduled at the conclusion of the Board's completeness hearing. 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. The LUA will forward the application materials to the Environmental Commission for preparation of advisory comments, if needed. Board professionals will at this point prepare technical review reports.

As we have discussed, utilizing this process will provide a predictable framework for the Board, applicants and the Board's professionals. When reviewing applications for completeness, the Board will have the benefit of written correspondence from the Board Engineer detailing relevant information and offering an opinion on the appropriateness of checklist waiver requests. It will also ensure that applicants can provide timely notice of public hearings and that information contained in the notice is accurate.

We look forward to discussing this with the Board on May 14<sup>th</sup>. Should you wish to discuss this or any other matter, please feel free to contact us via e-mail at [jkyle@kylemcmanus.com](mailto:jkyle@kylemcmanus.com) or by phone at 609-257-6706.

Sincerely,

A handwritten signature in black ink, appearing to read "J.T. Kyle", is displayed on a light gray background.

James T. Kyle, PP/AICP  
Borough Planner

Cc:

Ed Schmierer, Esq., Board Attorney (via e-mail)  
Brandon Fetzer, PE, Board Engineer (via e-mail)