Rules and Regulations
Of The
Mount Laurel Township Zoning Board of Adjustment

The following terms used in these Rules and Regulations shall be deemed to respectively be defined as follows:

I
Definitions

Board: The Mount Laurel Township Zoning Board of Adjustment.

Ordinance: The Mount Laurel Township Zoning Ordinance unless the Context indicates otherwise.

II
Seal

There is hereby adopted as the official seal of the Board a circular seal with the words "Zoning Board of Adjustment" is extending from the left to the right across the top thereof and between concentric circles, and with the words "Mount Laurel Township" appearing in the central field thereof.

III
Meetings

1. Regular meetings of the Board shall be held (normally) on the first Wednesday of each month at 7:00 p.m. unless changed at the Boards Reorganization meeting or during the year.

2. All Regular, Adjourned or Special meetings of the Board shall be held in the Meeting Room Courtroom) at the Mount Laurel Municipal Center, except for special meetings called for by the Board.

3. The Chairperson shall preside at all meetings of the Board. In his absence, the Vice-Chairperson of the Board shall preside and in his absence, the senior member in service on the Board.

4. The Chairperson or, in his absence, the Acting Chairperson may dispense with the holding of a Regular meeting if no business shall have been set on the agenda, or due to inclement weather or for any
other valid reason. The Board Secretary shall provide notice of cancellation to the Board members and post the cancellation for the convenience and interests of the public.

5. The Board reserves the right, at any regular meeting, to alter the time of holding any subsequent regular meeting from that fixed by these rules pursuant to law.

6. The parliamentary procedure of the Board shall be governed by the rules adopted at the first meeting of each year, held in January, for the purpose of Reorganization Meeting. The Board will elect its officers at this meeting: Chairperson, Vice-Chairperson, Secretary, and Assistant Secretary in accordance with 40:J.S.A. 40:55D24. And professionals shall be appointed in compliance with Township Ordinance 2005-19 and in accordance with N.J.S.A. 19:44A-20.4 et seq.: Solicitor, Engineer, Planner, Traffic Engineer and Conflict Engineer. The Reorganization meeting may be a special meeting called for the purpose of organization. At the reorganization meeting, the Board shall prepare and publish a calendar of its Regular meetings, Designation of Official Newspapers and the Setting of Fees for persons requesting a schedule and notices pursuant to law.

7. Special meetings may be called by the Chairperson or upon request of two or more members provided that 48 hours notice is given to each member and the public pursuant to law.

8. Any meeting at which a quorum is not present may be adjourned to a future time by a majority vote of those members present.

9. Minutes of all meetings shall be kept by the Boards Secretary. Any person may obtain a copy of the minutes by paying the rate per page charged by the Township for other copying of documents.

IV
PRESENTATION

1. Any natural person may be heard on his own behalf.

2. Any spouse may be heard in his or her own behalf and on behalf of his or her Spouse having an interest by dower, curtesy, or as a tenant in common, by the entireties, or as a joint tenant in the property which comprises the subject matter then pending before the Board.

3. Court-appointed guardians, executors, administrators, receivers, and trustees, as well as all other similar fiduciaries may be heard in respect to their fiduciary interest
4. One of several partners may be heard in his own behalf and in behalf of his Partnership, but not on behalf of the individual interest of any partner.

5. In all other cases, no natural person shall appear, represent, or be heard in behalf of any other natural person, partnership, limited partnership, corporation, fiduciary, or unincorporated association, unless the said person desiring to appear is an attorney-at-law of the State of New Jersey, in good standing and then entitled to appear before the courts of New Jersey.

6. Nothing in these Rules shall prevent any competent person from being a witness or the conduct of a proceeding by an attorney-at-law from another State as in the case of the practice of law before the courts of New Jersey.

7. Every applicant is limited to one and a half-hours to present their case and that does include the public portion. If for any reason the applicant exceeds one and a half-hours, it will be continued to the next available Regular meeting or the Chairperson can poll the board members and majority votes to continue the hearing. A new application (public hearing) will not be initiated after 10:00 p.m. unless the Chairperson polls the board members and majority votes to continue the meeting.

V

PROCEDURES ON APPEALS AND APPLICATIONS FOR VARIANCES, INFORMATION TO BE SUPPLIED

1. An appeal from a decision of the Zoning Officer may be taken by any person aggrieved by the decision.

2. An appeal shall be considered only if the action taken by the Zoning Officer was taken within 20 days prior to the filing of the appeal application form with the Zoning Officer and the Board of Adjustment.

3. The Zoning Officer shall transmit to the Secretary of the Board all papers constituting the records upon which the action appealed from was taken.

4. The applicant shall provide all the information required on the appeal or variance application form as well as any additional information that may be required by the Board to aid in reaching a decision. An application shall not be deemed complete until the applicant provides all required information, documents, and fees as required by the Board's regulations, the Zoning Ordinance and other applicable Land Use Ordinances of the Township.
5. Where an appeal or application is filed, the applicant or appellant shall file with the Secretary eighteen (18) copies of the appeal or application which contain the following information:

a. The street address of residence of the applicant.

b. A statement as to whether a variance is sought, and a description of the location of the property by street address, side of the street on which it is located, and the location thereof by Block and Lot number on the Tax Map.

c. A statement of what the applicant desires to do which represents the need for a variance, interpretation, and/or appeal.

d. The name, street address, and state of residence of the owner of the property.

e. A statement of the variance, special exception, or conditional use history of the property as far as the petitioner knows the same.

f. A statement of the nature of the last occupancy of the property and the name of the last occupant.

g. A description of the land area, at least as to the frontage and depth in terms of feet.

h. A statement of the applicant's best estimate of what percentage of the land area is occupied by building or buildings.

i. A description of the principal building erected upon the premises in terms of height in feet and number of stories, the number of rooms it contains, and description of its setback in terms of the street or road name, and identification of the nearest right-of-way line thereof, and the setback from the latter in terms of feet.

j. A statement of facts showing that the Board's rules with respect to supplying copies of plans have been complied with.

k. The reason why the applicant rather than the owner has made the application (such as that he has contracted to purchase or rent the premises, if the variance can be obtained.)

l. In the case of a variance, a statement of those facts constituting the "hardship" or "special reason" which justifies the granting of a variance. (Applicants are advised that variances can be lawfully granted only when a "hardship" or a "special reason" exists which justifies the grant thereof, and that the quoted words have legalistic connotations.)
m. Every written application for a variance must be accompanied by identical copies of a certified survey of the property with respect to which the variance is sought. The survey shall indicate the direction of North, the scale thereof, the length of each side of the property, and, if a building exists thereon, the survey shall certify the location of the building on the land with front, side, and rear yard dimensions together with the actual and "prevailing setback dimensions".

n. If a new building is involved in the application for a variance, the applicant shall accompany his petition with eighteen copies of a plot plan, clearly indicating such a building thereon with all front, side, and rear yard dimensions together with "prevailing setback dimensions".

o. The Board's application must be accompanied by proof that taxes or assessments are not delinquent with respect to the subject property. A statement from the Tax Collector is preferable but receipts or other written proof can be submitted.

6. If the applicant is seeking subdivision, site plan, or conditional use approval in conjunction with an application for a variance for a use structure not permitted within the zone district ("D" type) under the terms of NJ.S.A. 40:55D-70 d., at the time of submission of said variance application, he shall submit the application, documents, and fees required by all applicable ordinances (i.e., Site Plans, Subdivision), the Zoning Board, and Site Plan Review Advisory Board of Mount Laurel to the Secretary of the Board who shall forthwith forward said documentation to proper Board for review as required by Ordinances. No application for subdivision, site plan or Conditional use approval in conjunction with a "D" type variance shall be deemed complete in the absence of such submissions.

The applicant may elect to submit a separate application for the variance and a subsequent application for any required approval of a subdivision, site plan, or conditional use. If a variance is approved, it shall be contingent upon all required subsequent approvals by the Board.

7. a. Upon receipt of a properly filed, complete appeal, or application not involving a site plan, subdivision, or conditional use, together with the required fees, the Secretary of the Board shall certify it as complete, assign it a Zoning Board number, and place it on the calendar for the Board hearing. Such applications or appeals shall be filed with the Secretary at least 17 days prior to a regular meeting of the Board, so that if complete, publication as required can be completed ten days prior to the scheduled meeting date. If application is Incomplete, the applicant shall be notified of the deficiencies in writing by the Boards Secretary.
b. In the event the application is for a site plan, subdivision, or conditional use approval in conjunction with a "D" type variance, the application shall be filed for review by the Board once it is determined the application is complete and the Board Professionals has reviewed the application at the Professional Staff meeting. The Board Secretary shall place the petition upon the calendar and advise the applicant of the date. If incomplete, the Secretary will advise the applicant in writing of the deficiencies. Applications for appeals may be filed with accompanying applications for variances, subdivisions, site plan and conditional use approvals.

8. Applications for subdivision, site plan or conditional use approvals, subsequent to the grant of a variance for the property shall be submitted with all fees, documents and application forms required by the Zoning Ordinance and Land Use Ordinances of the Township and applicable requirements of the Zoning Board of the Township. The Board Secretary shall review the application to determine whether or not it is complete. The Board Secretary shall place the application on the calendar and advise the applicant. If incomplete, the Secretary shall advise the applicant in of the deficiencies.

9. Filing of an appeal application form with the Zoning Officer and the Board shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board that by reason of the facts stated in the appeal application, a stay would in his/their opinion cause imminent peril to life or property. In this event, proceedings cannot be stayed other than by a restraining order granted by the Superior Court on application and on notice to the Zoning Officer and due cause shown.

10.a. The applicant shall give notice of the hearing to owners of all real property as shown on the current tax duplicate whether situated within or without the municipality, within 200 feet in all directions of the property in question, at least 10 days prior to the date set for the hearing. This requirement shall be deemed satisfied by notice to a condominium association, in case of any unit owner whose unit has a unit above it or below it, or a horizontal property regime, in the case of any co-owner whose apartment has an apartment above it or below it.

b. Notice shall be given by sending written notice thereof by certified mail to the last known address of the property owners as shown by the current tax duplicate or by personal service by handing a copy thereof to he said property owners or their agent in charge of this property. The applicant shall file an affidavit of proof of service of the notice with the application, together with the original receipts of mailing, and signature of service.

Service on a partnership need only be made on one partner. Service on a corporation may be made upon an officer or other person authorized by appointment or by law to accept service for this corporation.
11. Whenever the property in question is within 200 feet of a municipal boundary, the applicant shall give written notice to the clerk of the adjacent municipality in question by certified mail or personal service and file an affidavit of proof of notice, as per the requirements of paragraph 10 above.

12. Whenever the property in question is adjacent to an existing county road or proposed road shown on the official county map or on the county master plan, adjoining other county land or situated within 200 feet of a municipal boundary, the applicant shall give written notice to the County Planning Board by personal or certified mail and file an affidavit of proof of notice as per the requirements of paragraph 10 above.

13. Whenever the property in question is adjacent to a State highway, notice of the hearing shall be given by personal notice or certified mail to the Commissioner of Transportation, as per the requirements of paragraph 10 above.

14. Whenever the property in question involves development of more than 150 acres 500 dwelling units, notice shall be given as per the requirements of paragraph 10 above, to the Director of the Division of the State and Regional Planning in the Department of Community Affairs. Such notice shall include copies of all documents and maps required to be on file with the Board's Secretary.

15. The Applicant shall put a legal notice advertising the public hearing date and what type of variance(s) or other relief is being requested, in the Township designated newspapers (Central Record, Courier Post, and the Burlington County Times) at least (10) days prior to the public hearing date. An affidavit of publication is required to be submitted to the Board Secretary.

VI

PROCEDURES ON HEARINGS

1. At the time of the hearing, the applicant may appear in his/their own behalf or be represented by his/her counsel, unless it is a corporation, in which case, it must be represented by a New Jersey Attorney.

2. All witnesses shall testify under oath.

3. The applicant or his/her representative may make an initial statement outlining the nature of his request prior to introducing evidence.

4. The Board shall not be bound by the strict rules of evidence, but it may exclude irrelevant, immaterial, incompetent, or unduly argumentative or repetitious testimony or evidence.

5. An applicant or objector, or his/their agent or his/their attorney may submit a list of the persons favoring or opposing the application. Such list will be accepted as an exhibit if it contains nothing more than a brief statement of the position of the persons favoring or opposing the appeal or application, together with the signatures and addresses of the persons subscribing to such statement.
1. A decision shall be made within 120 days from the date of an application or appeal is certified as complete or within such further time as agreed to in writing by the applicant and the Board. With respect to a separate application for a site plan, subdivision, or conditional use approval the decision shall be made 45 or 95 lays or within such further time as agreed to in writing by the applicant and the Board. Failure of the Board to act within the time provided shall be treated as a decision favorable to the applicant or appellant.

2. The Board shall conduct its deliberations and vote on all matters in public session at the meeting in which evidence is concluded, unless the Board considers additional time for deliberation necessary.

3. An affirmative concurring vote of a majority of the members present shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Officer, to issue an interpretation of the map, to issue decisions on special questions, to grant a variance under N.J.S.A. 40:55D-70c. or to grant an applicant other relief pursuant to provisions of N.J.S.A. 40:55D-70d (D-type) may be granted by an affirmative vote of at least five members of the Board, and a permit pursuant to N.J.S.A. 40:55D-34 may only be granted by an affirmative vote of a majority of the full membership of the Board.

4. All deliberations of the Board shall be conducted and all its decisions shall be made at a meeting hat is open to the public. In the event a member of the Board has not been present during a hearing upon an application, the member shall be permitted to vote upon the application after he/she has listened to the hearing and certifies thereto in writing.

5. All decisions of the Board shall be made at a public meeting by motion made and second and by the Secretary polling the membership by a roll call vote. The motion which decides the issue shall be in the form of findings of fact and shall state the reasons for the findings by the Board. If conditions are imposed in the granting of a variance or in approving an application for subdivision, site plan, or conditional use approval, such conditions shall be included in the motion and will be noted in the written resolution.

6. Any minutes of the hearing taken by the Board's Secretary shall be a part of the public record of the Board. Any person may obtain a CD of a verbatim record from the meeting, or request the written minutes upon payment of the fee prescribed for copies.

7. A copy of the decision shall be mailed by the Board's Secretary within 10 days of the date of the decision to the applicant; if represented, to the applicant's attorney without separate charge; and to all who request a copy of the decision for a reasonable fee. A copy of the decision shall also be on file in the office of the Board's Secretary. The Board's Secretary shall make a copy of such filed decision available to any
interested party for a reasonable fee and available for public inspection at the Zoning Board office during normal business hours.

8. The Secretary of the Board shall arrange to have a brief notice of decision published in the official newspaper of the municipality, which the applicant submits a publication of decision fee.

9. Appeals to the Governing Body from any final decision are prohibited by ordinance or the Board may be taken within ten (10) days of the date of publication of the decision in accordance with N.J.S.A. 40:55D1 7, as amended.

VIII

RELAXATION OF RULES

These rules have been promulgated primarily to promote justice by providing for an ordered procedure. They may be relaxed by the Board whenever such relaxation promotes justice, provided, however, that rules limiting the time within which an appeal may be taken will not be relaxed. Neither shall the time for decision be enlarged unless consented to in writing by the applicant and the Board.

IX

RECORDS

1. A file of materials and decisions relating to each case shall be kept by the Board's Secretary as part of the Board.

2. All records of the Board shall be of public record.

X

FEES

1. All fees and escrows required by ordinance shall be paid by the applicant or appellant at the time of the filing of the application or appeal. Such fees and escrows as are required for site plan, subdivision or Conditional use applications are to be included when applicable, in addition to the necessary fees and escrows form (D) type variance applications. These fees are cumulative for all applications.

2. Copies of the Rules & Regulations of the Board including forms may be obtained from the Secretary of the Board upon payment of a fee of $5.00 or from the Mount Laurel Township website, www.mountlaurel.com.
XI

APPEALS, INTERPRETATION, CLASSES OF VARIANCES (DEFINITIONS)

1. "A" APPEALS where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by the Zoning Officer based on or made in the enforcement of the Zoning Ordinance.

2. "B" REQUESTS for interpretation of the Zoning Map or Ordinance or for decisions upon such other special questions upon which the Board is authorized to pass by ordinance.

3. "C" VARIANCES where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of other extraordinary and exceptional situation or condition of such piece of property, the strict application of a zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property. This category of variance application assumes the permitted "use" of the property.

4. "D" VARIANCES to grant in particular cases and for special reasons, a variance to allow departure from zoning regulations including, but not limited to, allowing a structure or use in a district restricted against such structure or use, but only by affirmative vote of a least five members of the Board.

5. No variance or other application may be approved unless such variance or other application can be approved without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance.

6. Refer to Section 154-103 of the Mount Laurel Township Zoning Ordinance for Fee Schedule.

XII

FORMS

There are adopted as approved forms for the purposes described and required forms are attached hereto.

XIII

AMENDMENTS OF RULES

1. These rules may be amended by an affirmative majority vote of the full membership of the Board.

2. The purpose amendment must be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken. In the event a member is absent, a copy of the
proposed amendment shall be mailed to the member not present, with notice that the Board will take action thereon at the next regular meeting or such further time as deemed necessary.

The foregoing Rules and Regulations are hereby adopted by the Board of Adjustment of the Township of Mount Laurel on May 25, 1999.

By-Law Amendment Adopted on 01/1/2002 Court Reporter abolished.  
By-Law Amendment Adopted on 08/27/2002 size of maps.  
By-Law Amendment Adopted on 01/05/2011, Work Session and Regular mtg. to commence at 7:00 P.M.  
By-Law Amendment Adopted on 01/09/2013, Work Session mtg. abolished.  
By-Law Amendment Adopted on 03/05/2014 Canceling Meeting by Chairperson or Acting Chairperson  
By-Law Amendment Adopted on 01/06/2016- New application will not be initiated after 10:00 P.M.