

## A BRIEF GUIDE TO INFLUENCING ZONING BOARDS

Zoning Boards are quasi-judicial boards that can grant variances to applicants. A variance is permission to deviate from township ordinances which set guidelines for municipal development.

West Orange's Zoning Board is comprised of seven members. Each council member appoints an officer and the mayor appoints two officers for four year terms. There are also four alternates that stand ready to vote if an officer is unable to attend during a vote.

Applicants to the board are seeking either C or D variances. For a C variance, the applicant must prove that they will suffer a hardship if they are not granted relief from the ordinance. D variances - there are six different types of them- are more complex. The applicant needs to prove "special reasons" and show that the request will not cause substantial detriment to the public good and won't impair the intent and purpose of the town's master plan and zoning ordinance.

Approval for a D variance requires that five members of the zoning board vote for the variance.

A zoning hearing is run like a court room. In West Orange, Chairman Phil Neuer, presides over the meeting. The applicant presents its "witnesses" who are sworn in. Witnesses can be attorneys, land use experts, planners, traffic engineers, storm water engineers, etc. Their job is to make the case for the applicant.

After the witness presents their "testimony," board members may ask questions of the "expert" regarding the testimony. Then members of the public are permitted to ask questions of the expert. Only questions, not opinions, are permitted. Chairman Neuer runs a tight ship and will shut you down if he feels you are offering an opinion or making a general statement. While these meetings are on Zoom, if you'd like to ask a question, raise your hand on the Zoom feature when the chair opens the floor to the public and wait your turn. You will have three minutes to ask questions.

Some hearings are quick and over in one evening. Some take months. Once the applicant is through with their experts, an objector (either an individual or group of individuals) may present their case by presenting their experts. The chair must be alerted in advance of an objector's status and the objector(s) must be represented by an attorney. Again, both the board and the public may ask questions.

After all the experts have concluded their work, the chair will open the floor to public comment. This time, you may state your position in favor or against the application and elaborate on your opinion for up to three minutes. Adjacent neighbors to building projects are particularly important at this juncture as you will be the most impacted.

Finally, the chair will call for a vote.

Attending meetings, asking questions, learning about the application, and stating your opinion can influence the vote of board members. Your participation may determine the outcome of the safety and disturbance granted in your town. The zoning board's decisions may negatively impact the reason you moved to your home or to this town. If you wait for others to object on your behalf, it may be too late.