

The Bylaws of the
Hudson County Planning Board



Amended by Resolution(s)
Adopted March 18, 2015

Hudson County Planning Board Bylaws

Article I

Objectives

- Section 1. The objectives of the Planning Board are to have, exercise and discharge the functions, powers and duties of a County Planning Board as provided by Chapter 251. Laws of 1935 as amended and supplemented (N.J.S.A. 40:27-1 et seq): in any other relevant legislation; pursuant to Freeholder - Resolution No. 610 adopted on September 27, 1962; and Article 6 Section 4 of the Hudson County Administrative Code.
- Section 2. The general objectives of the Board are to arrange for the orderly physical development of the County; engage in long-range planning related to the development and conservation of lands and resources within the County including, but not limited to, population studies, health, educational, welfare, environmental, drainage, protective, traffic and transportation facilities and services and plans thereto; coordinate local and regional planning activities and promote the public health, safety, convenience and general welfare; promote appropriate design guidelines and historic preservation; review and approve subdivision plats and site plans according to the standards and procedures in the Hudson County Land Development Regulations; assist the County Executive and administration with the preparation of the county's capital budget and capital program; and shall include any other planning objectives that tend to improve the quality of life of County residents.
- Section 3. The Board shall cooperate and communicate with, and seek the goodwill of all local municipalities to facilitate local, county, regional, and state planning.

Article II

Definitions

- Section 1. Unless otherwise specified, the "Board" means the Hudson County Planning Board.
- Section 2. Unless otherwise specified , "governing body" means the County Executive and the Board of Chosen Freeholders.
- Section 3. "Majority of the Board" means either an actual majority or 50% plus one (1) of all appointed Board members or those alternates designated to serve in their place.

the alternate member is designated to serve in place of a regular member who is disqualified from participating in the hearing of a particular case, the alternate member shall be designated to serve only with respect to such case.

c) alternate member who has been designated to sit in place of a regular member and who has participated in any hearing or matter coming before the board shall continue to act in place of such regular member until the final disposition of said matter by the Board.

d) When a regular member has been present and has participated in the first hearing on any matter, no alternate shall be designated to serve during the absence of such regular member during any adjourned or continued hearing or hearings on the same matter unless said alternate member was present as such first hearing or any prior adjourned or continued hearing on such matter.

Section 4. Members of the Board shall serve without compensation, but may be paid expenses incurred in the performance of their duties of office provided such expenses have been approved by the Planning Director.

Section 5. Failure of any citizen member of the Board to attend four consecutive meetings without notice to the Chairperson and adequate justification shall be cause of removal.

Section 6. A Board member who has an interest, direct or indirect, in any matter before the Board for consideration shall disqualify himself or herself during the consideration of such matter.

Section 7. Board members may be reprimanded or recommended for removal from office for neglect of duty or misconduct. The Chairperson may appoint a special committee pursuant to Article 9 Section 2 of these bylaws, which Committee shall be called a Hearing Committee, to hear and make a timely recommendation to the full Board as to the disposition of the matter. Such Hearing Committee may also be appointed by a majority of the Board. Once the committee has been appointed, the member being investigated shall be disqualified from participation in Board proceedings. Notice and an opportunity to be heard shall precede any action by the Board, but no formal proceeding is required. Members may appeal decisions of the Board to the Board of Chosen Freeholders.

b) Have custody and take care of all records, documents, maps, plans and papers of the Board, and provide for the care and custody of items for which no other provision is made; and provide public access to public records pursuant to the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.).

c) Attend all meetings and hearings of the Board; make a transcript of each hearing of the Board; keep minutes of the proceedings of each meeting (including work meetings) and hearing held by the Board, and enter therein such orders and resolutions as are adopted by the Board; take roll call votes and note the yes or nay of each member as he or she votes, the Chairperson being called last.

d) Cause to be mailed to each member of the Board, and to the Board's attorney, at her or his residence address within ten days after each meeting, a true copy of the minutes of all hearings and meetings.

e) Sign such resolutions or official documents as directed by the Chairperson; and perform such other duties as are normally those of a Secretary.

Section 9. The Secretary shall assign such parts of his or her duties as necessary or as directed by the Chairperson to Board members, to an Assistant Secretary, or shall request the Planning Director to assign staff for this purpose.

Article VI

Nomination and Election of Officers

Section 1. Nomination of officers shall be made by the Board at the annual organization meeting and the elections shall follow immediately thereafter.

Section 2. A candidate receiving a majority vote of the entire membership of the Board shall be declared elected and shall serve for one year or until her or his successor shall take office.

Section 3. Any vacancy occurring among the officers of the Board shall be filled by the affirmative vote of a majority of the Board. Any officer elected to fill a vacancy shall serve for the unexpired term of his or her predecessor in office.

Miscellaneous

- Section 9. Committee meetings may be called by the Board Chairperson or any committee Chairperson at any place and time mutually agreeable to those concerned.
- Section 10. Voting on resolutions, financial and personnel matters, etc. shall be by roll call and said vote shall be recorded in the minutes.
- Section 11. The voting procedure as to the adoption of resolutions memorializing action taken to grant or deny approval for site plan and subdivision applications shall be as follows:

As to resolutions memorializing approval: Only the members who voted for the action taken are eligible to vote upon the adoption of the memorializing resolution.

As to resolutions memorializing denial: Only the members who voted against approval are eligible to vote upon the adoption of the memorializing resolution.

As to all memorializing resolutions: A vote of a majority of the members eligible to vote present at the memorialization meeting is required for the resolution to be adopted.

If the memorialization meeting is attended by only one member eligible to vote, the resolution may be adopted upon the vote of that single member.

- Section 12. Electronic/digital participation of a member via Hudson County's Management Information Systems (MIS) may be allowed only in accordance with all of the following:

a) Electronic/digital participation of a member or members shall follow the same procedures and requirements irrespective of whether the meeting of the Board for which the electronic/digital participation is desired is a regular meeting, special meeting, annual organizational meeting, any combination thereof or for any other purpose/objective.

b) All members, including alternate members, shall be afforded an equal chance to participate electronically/digitally by the Board in that no preference shall be shown to contact, accommodate or otherwise favor any particular type or category of member or members, nor

majority vote of the members of the Board for approval.

If electronic/digital participation is allowed for only a portion of the meeting, the section(s) of the meeting for which electronic/digital participation will be allowed must be identified by Agenda item number and approximate time(s) to be considered, and the portion must include all of the Agenda items requiring a 2/3rds majority vote.

Members who have provided the required notice to the Board to be able to participate electronically/digitally at a meeting will receive a telephone call from a Board staff member approximately 2 hours prior to the start of the meeting with the necessary information to be able to connect via the Board's MIS. It is the sole responsibility of the member to provide the Board with an alternate contact telephone number if needed and to be available to accept this call.

e) A member participating electronically/digitally may never vote to grant or deny approval for a land use application (i.e., site plan approval, subdivision approval, site plan and subdivision approval).

A member participating electronically/digitally can vote to adopt the memorializing resolution which grants or denies approval for a land use application if the member would be eligible to vote on the memorializing resolution if physically present at the meeting.

f) A member participating electronically/digitally at a meeting is not eligible to vote on an Agenda item if a visual presentation is made at the meeting regarding the item to be voted upon. A visual presentation includes the introduction of printed/projected/computer-generated materials not already within the possession of the electronically/digitally participating member or any spoken testimony/commentary regarding printed/projected/computer-generated materials already within the possession of the electronically/digitally participating member where the speaker physically points out, marks or otherwise physically identifies any feature or element of the printed/projected/computer-generated materials.

g) A member participating electronically/digitally at a meeting is not eligible to vote on an Agenda item if,

that member is to be regarded the same as one physically present who leaves after a half hour. Just as a physically present member may be called away from the meeting for a period of time but return again, an electronically/digitally participating member may have a “gap” in attendance as well which should be treated the same as a physically present member who temporarily leaves the meeting room.

m) Participation by a member not physically present at a meeting cannot be considered as electronic/digital participation (and therefore will not qualify the member as in attendance at the meeting nor allow the member to vote on any Agenda item during the meeting) unless both of the following conditions are met:

1) The electronically/digitally participating member must be able to hear all of the members physically present at the meeting and any other electronically/digitally participating member(s) in real time.

2) All of the members physically present at the meeting and any other electronically/digitally participating member(s) must be able to hear the electronically/digitally participating member in real time.

n) No specific technology/equipment is required for valid electronic/digital participation. The transmission or exchange of visual information is not required for valid electronic/digital participation.

o) Members who validly participate electronically/digitally at a meeting in accordance with the requirements of this Article 7 Section 12 shall, for all other purposes of these bylaws, be considered as if they had been physically present at the meeting during the times of their electronic/digital attendance.

Section 13.

The Planning Director of the Hudson County Planning Board shall be able to amend, change and/or revise the Subdivision and Site Plan Review Application (located within “Appendix B: Application & Fee Schedule” of the Hudson County Land Development Regulations) from time to time, without any action by the Board of Chosen Freeholders of the County of Hudson, provided that said amendments, changes and/or revisions are not inconsistent with the Development Review Checklist For Subdivisions and Site Plan (located within “Appendix C: Application Checklist” of the Hudson

- a) Master Plan and Long Range Planning
- b) Subdivision and Site Plan
- c) Capital Improvements
- d) Budget and Finance
- e) Legislative and Municipal

Article X

Duties of Standing Committees

- Section 1. The Master Plan and Long Range Planning Committee shall review and recommend studies to be undertaken by the Division of Planning in the preparation and revision of the Master Plan; determine long range planning and policy positions; review long range planning projects; make recommendations to the Board concerning policy positions and Master Plan revision; make recommendations to the Board on all proposals for change to the Official County Map; and cooperate with other committees with common interests.
- Section 2. The Subdivision and Site Plan Committee and the County Planning Director shall review plats and plans submitted to the Board according to the standards, policies, and procedures in The Hudson County Land Development Regulations. The Committee and the Planning Director shall have the authority to make a preliminary jurisdictional determination on all applications submitted to the Board. The Committee and the Planning Director shall have the authority to deem applications complete for purposes of public hearing and shall make recommendations to the Board regarding action to be taken by the Board on such plats and plans. The Committee and the Planning Director shall have the authority to review, consider and administratively approve/deny or exempt (i) all minor subdivision applications and (ii) site plan applications not abutting a County road. The Committee and the Planning Director shall also have the authority to review, consider, and administratively approve applications for site plan approval of telecommunications installations.
- Section 3. The Capital Improvements Committee shall assist the governing body in the preparation of the capital improvements budget. The committee may develop, in consultation with County Departments the annual Capital Improvements Program to be recommended by the Board to the governing body.
- Section 4. The Budget and Finance Committee shall develop the Board's annual budgets to be recommended by the Board to the governing body; monitor budget expenditures; review, approve or reject requests for items not in the budget; review the provisions and liabilities of all contracts for outside services in conjunction with specific committees.
- Section 5. The Legislative and Municipal Committee shall review and make recommendations about court decisions and pending state, county and municipal

- Section 4. The case before the Board shall be presented in summary by the Chairperson or his or her designee, and parties in interest shall have the privilege of the floor. Questions may be asked by any Board member of any of those present; questions by the public shall be addressed to the Chair.
- Section 5. Each applicant may present qualified professional witnesses who shall provide expert testimony about the respective architectural, engineering, or planning impact of the proposed project. Expert witnesses shall provide their qualifications to the Planning Board based upon their years of experience, advanced educational degrees, or professional accreditation, including licenses and certifications. The Planning Board may at its own discretion accept the respective witnesses as experts. The applicant and each expert witness shall be given a sworn oath before he/she provides either factual information or professional opinions.
- Section 6. After each expert has presented his/her testimony, members of the general public shall be given up to five minutes to question and/or cross examine the applicant and his/her their professional expert witnesses. Members of the general public shall state their name, home address, and shall be given a sworn oath. The Planning Board chair may limit the line and length of questions by the general public to eliminate redundant testimony based upon a reasonable economy and efficiency of time.
- Section 7. No vote of the Board shall be taken during such hearing until after the public portion of the hearing has been closed. At the conclusion the testimony of the applicant and his/her respective witnesses, members of the general public shall be given up to five minutes to comment on the application. The members of the general public shall state their name, home address and shall be given a sworn oath before they are permitted to speak.
- Section 8. A transcript shall be made and a record kept of those speaking before the Board in all public hearings.

Article XIII

Operational Procedures

- Section 1. All papers pertaining to matters formally before the Board shall be maintained in its files in an orderly arrangement as prescribed in a memorandum on office procedure.
- Section 2. Access to the Board's records shall be governed by the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.) and copies shall be made available at the rates specified in N.J.S.A. 47:1A-2. Only members of the Board, the County Executive or his or her designees, the Board of Chosen Freeholders, and others specifically designated by the Board shall be permitted to remove papers from the files. A record shall be maintained in the files of all papers thus removed and by whom.

Article XV

Amendments

These bylaws may be amended at any regular meeting by a 2/3rds majority of the Board provided that:

- a) The proposed amendment has been submitted to the Board in writing and signed by a Board member at the last regular meeting, and has been made a part of the minutes of the last regular meeting, and;
- b) A written copy of said proposed amendment has been sent to each Board member and to the Board attorney no later than ten (10) days before the regular meeting of the Board at which the proposed amendment shall be voted upon.

It is hereby certified that at the regular meeting of the Hudson County Planning Board held on March 18, 2015 the foregoing resolution(s) was adopted with 8/7 members voting in the affirmative, 0 in the negative and 1/2 abstaining.



Massiel M. Ferrara, Board Secretary