TOWNSHIP OF VERONA, NEW JERSEY
RULES OF THE PLANNING BOARD
Adopted APRIL 23, 2026

Preamble: The purposes of and powers of the Planning Board of the Township of Verona (the "Board") arise from the Municipal Land Use Law of the State of New Jersey (the "MLUL,"). Additionally, the Board is governed by the Ordinances of the Township of Verona ("Ordinances" or "Ordinance"), as amended, Chapter 55: Land Use Procedures; Chapter 466: Subdivision of Land; Chapter 150: Zoning; and Chapter 430: Site Plan Review.

N.J.S.A. 40:55D-8 provides in relevant part that a planning board "shall adopt and may amend reasonable rules and regulations, not inconsistent with this act or with any applicable ordinance, for the administration of its functions, powers and duties…" Verona Code Chapter 55-7 provides that "The Planning Board is authorized to adopt bylaws governing its procedural operation."

The following Rules of the Planning Board of the Township of Verona ("Rules") supplement prevailing New Jersey law and Verona's Ordinances. Wherever a conflict occurs between the Rules and New Jersey law or an Ordinance, the latter shall control.

PART I: RULES GOVERNING INTERNAL AFFAIRS

Rule 1.1. Officers, Employees, Annual Meeting
1:1-1. Annual Meeting, Election of Officers
1:1-2. Appointment of Secretary
1:1-3. Appointment of Board Attorney
1:1-4. Appointment of Planner
1:1-5. Appointment of Engineer

Rule 1:2. Duties
1:2-1. Chairperson
1:2-2. Vice-Chairperson
1:2-3. Secretary

Rule 1:3. Meetings
1:3.1. Regular Meetings/Work Sessions 1:3-2. Special Meetings
1:3-3. Quorum
1:3-4. Voting
1:3-5. Absent Members
1:3-6. Absent Members; Unexcused 1:3-7. Rules Violations
1:3-8. Potential Conflicts 1:3-9. Order of Business
1:3-10. Open Meetings
1:3-11. Communication Outside of Open Meetings

Rule 1:4 Committees
1:4-1. Standing Committees
1:4-2. Committee Composition
1:4-3. Special Committees

PART II: APPLICATION AND HEARINGS
Rule 2:1. Commencement of Action
2:1-1. Filing
2:1-2. Filing Requirements: Informal Reviews
2:1-3. Assignment of Numbers: Complete and Incomplete Applications
2:1-4. Assignment of Hearing Date; Notice

Rule 2:2. Procedure for Hearing Applications
2:2-1. Appearance By Parties
2:2-2. Swearing of Persons Giving Testimony
2:2-3. Order of Presentation
2:2-4. Closing of Hearing Continuances
2:2-5. Evidence
2:2-6. Burden of Proof
2:2-7. Dismissal Without Prejudice
2:2-8. Reports From Departments
2:2-9. Testimony From Board-Employed Expert Witnesses

PART III: DECISION MAKING
Rule 3:1. Post Hearing Procedures
3:1-1. Decision Making, Resolution; Time
3:1-2. Contents of Resolution; Publication
3.1-3. Failure to Render Decision Within Statutory Time Limit
3:1-4. Effectiveness of Decisions; Additional Filings

PART IV: MISCELLANEOUS
Rule 4:1. Fees, Record of Proceeding and Miscellaneous Matters
4:1-1. Transcript of Proceedings
4:1-2. Costs for Special Meetings
4:1-3. Subpoena
4:1-4. Perjury
4:1-5. Payment of Taxes
Rule 4:2. Amendments
4:2-1. Amendments

PART I: RULES GOVERNING INTERNAL AFFAIRS

Rule 1:1. Officers, Employees, Annual Meeting

1:1-1. Annual Meeting; Election of Officers. At the Board's first meeting following January 1st of each year, the Board shall elect from its members a Chairperson and Vice-Chairperson. The Chairperson and Vice-Chairperson shall be elected from the Class IV membership but shall not be an alternate member. These officers shall serve for the duration of calendar year and until their successors have been duly elected.

1:1-2. Appointment of Secretary. At the Board's first meeting following January 1st of each year or at

any other time deemed by the Board to be appropriate, the Board shall select and appoint a Secretary. The Secretary may be a municipal employee, but may not be a member or alternate member of the Board. The Secretary shall serve for the calendar year and until a successor has been appointed.

1:1-3. Appointment of Board Attorney. At the Board's first meeting following January 1st of each year or at any other time deemed by the Board to be appropriate, the Board shall select and appoint a member of the New Jersey bar, who is familiar with zoning and planning matters, as Attorney for the Board and shall fix compensation for the Attorney (within the amount prescribed by the Governing Body). The Board Attorney shall serve for the duration of the calendar year and until a successor has been appointed.

1:1-4. Appointment of Planner. At the Board's first meeting following January 1st of each year or at any other time deemed by the Board to be appropriate, the Board may appoint and fix compensation (within the amount prescribed by the Governing Body) for a Planner. The Planner shall serve for the duration of calendar year and until a successor has been appointed.

1:1-5. Appointment of Engineer. At the Board's first meeting following January 1st of each year or at any other time deemed by the Board to be appropriate, the Board may appoint and fix compensation (within the amount prescribed by the Governing Body) for a professional Engineer. The Engineer shall be licensed by the State of New Jersey. The Engineer shall serve for the duration of the calendar year and until a successor has been appointed.

In the absence or incapacity of the Secretary, or other person designated by the Board, the Engineer may serve as the Board's designee for the declaration of completeness of an application for development.

1:1-6. Appointment of Other Experts and Staff. At the Board's first meeting following January 1st of each year or at any other time deemed by the Board to be appropriate, the Board may appoint and fix compensation (within the amount prescribed by the Governing Body) for experts, other staff and services.

Rule 1:2. Duties

1:2-1. Chairperson. The Chairperson shall preside at all meetings and hearings of the Board, decide all points of order and matters of procedure governing meetings or hearings, and perform all the duties normally appertaining to the office as required by the Ordinance and these Rules. A vote by 2/3rds of the Members in attendance at a meeting and being eligible to vote on a matter in question may overturn the decision of the Chairperson other than a decision to approve or deny an application.

1:2-2. Vice-Chairperson. The Vice-Chairperson shall preside at all Board meetings and hearings in the absence or disqualification of the Chairperson and shall have all powers of the Chairperson under such circumstances.

If both the Chairperson and Vice-Chairperson are not in attendance at a meeting, the longest tenured Class IV member in attendance shall open the meeting and shall entertain a motion from the Board to appoint a Chairperson to preside over that meeting. The nominated member shall preside over the meeting upon a vote of the Board approving the nomination.

1:2-3. Secretary. The Secretary, under the direction of the Chairperson, shall be the Board's designee for the declaration of the completeness of an application for development and generally perform the secretarial work of the Board, including, but not limited to the following:

(a) Conduct all official correspondence; compile the required records; keep and maintain, in order, the necessary files and indices with respect to the operation of the Board; give all notice of meetings required to be given by the Open Public Meetings Act ("OPMA"), the MLUL or any other applicable law or ordinance.

(b) Attend all meetings of the Board; have custody and take care of all records, documents, maps, plans and papers of the Board; provide for the care and custody of items for which no provision is made otherwise by statute; take roll call votes and note on the official record the yea, nay or abstention of each member as he or she votes.

(c) Make or provide for a transcription record of the proceedings of each hearing of the Board in accordance with the MLUL and these Rules and keep minutes of the proceedings of each meeting and hearing held by the Board.

(d) Cause to be mailed or otherwise transmitted to each member of the Board, to his other residence or electronic address, and to the Board Attorney, copies of all submissions made by applicants at least one week prior to the hearing date and a true copy of the minutes of meetings at least one week prior to adoption.

(e) Perform such other duties as come before the Secretary in the normal course of Planning Board business.

1:2-4. Board Attorney. In addition to attending all public meetings of the Board and preparing resolutions on the Board's behalf, the Board Attorney shall prosecute and defend litigation and appeals on behalf of the Board.

1:2-5. Board Engineer. The Board Engineer shall review and report on the applications and other matters pending before the Board at the Board's direction. The Engineer shall attend Board meetings unless otherwise instructed.

Rule 1:3. Meetings

1:3-1. Regular Meetings. Regular meetings of the Board are to be held in the Township ballroom located at 880 Bloomfield Avenue unless proper public notice indicates otherwise. Meetings shall be scheduled monthly on the fourth Thursday of every month at 7:00 p.m. except November and December. In lieu of the November and December meetings, the Board will hold a regular meeting on the first Thursday of December.

The first regular meeting after January 1st of each year will constitute the annual reorganization meeting of the Board. The reorganization meeting shall occur annually on the fourth Thursday of January. At the reorganization meeting, the Board shall consider and vote upon a meeting schedule for the year which (a) shall be published in accordance with the OPMA as soon thereafter as is practicable and (b) shall state that formal action may be taken at any or all such meetings. The time and place of any or all meetings may be changed, if necessary, subject to OPMA requirements, by direction of the Chairperson or by vote of the Board. Notice of meetings that are canceled due to exigent circumstances or the lack of a quorum shall be published by the Board Secretary (or designee) in a conspicuous place stating the reason for the cancellation, the fact that all pending matters will be heard at the Board's next scheduled meeting, and provide the next meeting's date, time and place.

The Board will not hear a new application nor conduct new business or begin any new witness's testimony after 10:00 p.m. The Board will not take testimony after 10:30 p.m. The time limits set forth herein may be extended upon vote of at least 2/3rds of the members hearing any such application.

1:3-2. Special Meetings. Special meetings, as permitted by law, may be called by the Chairperson or, in his/her absence, by the Vice-Chairperson, at any time or upon the written request of two members, provided that notice of the special meeting shall be subject to OPMA requirements and be given to the public as required by the MLUL and the Ordinances.

1:3-3. Quorum. At all meetings of the Board, a quorum for the conduct of any business shall consist of five (5) members. In the absence of a quorum, the meeting will be cancelled and the hearing on any application, motion or all other Board business requiring a quorum, to the next regular meeting date.

1:3-4. Voting.
(a) In all matters, actions may be authorized by a majority of the members present at the meeting who are eligible to vote on such matter.
(b) If a motion to approve an application receives a majority of yes votes, the application shall be deemed approved.
(c) If a motion to approve an application does not receive a majority of yes votes, the application shall be deemed denied.
(d) If a motion to deny an application does not receive a majority of yes votes, the Chairperson shall entertain a motion to approve the application.
(e) Abstentions are disfavored except for good cause. An abstention shall not be deemed as an assent or a dissent to the vote. An abstaining member shall not vote on the memorialization of the Resolution.

1:3-5. Absent Members. When any hearing before the Board continues from meeting to meeting, a member of the Board who was absent for one or more of the meetings or who was not a Board member when the hearing began shall be eligible to vote on the matter upon which the hearing is conducted, notwithstanding his or her previous absence, provided that the Board member certifies, in writing, to the Board that he or she has read the transcript or listened to a recording of the portion of the meeting pertaining to the application for which he or she was absent.

1:3-6. Absent Members; Unexcused. A Board member who fails to attend three regularly scheduled meetings in the preceding twelve (12) months, in the absence of a reasonable and accepted excuse for the last such absence, shall be notified that the Board may consider and recommend termination of the member from the Board at its next regularly scheduled meeting. The determination of the acceptance of any excuse for absence shall be made by the Chairperson or, in his or her absence, by the Vice-Chairperson. If a recommendation of termination from the Board is warranted, the Chairperson (or Vice-Chairperson, as appropriate) shall direct the Board Attorney to submit a complaint to the Governing Body which shall then determine the matter.

With the exception of an exigent circumstance that prevents it, a member has the affirmative obligation to notify the Chairperson and Secretary by email of an anticipated absence at the earliest practicable time. The determination of the reasonableness for any excuse for absence shall be made by the Chairperson.

1:3-7. Rules Violations. Where the Board determines that a violation(s) of these Rules is of sufficient magnitude, it may admonish a member and recommend termination from the Board employing the procedure set forth in Rule 1:3-6.

1:3-8. Potential Conflicts. No member shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest. No member should act on any matter if the circumstances could reasonably be interpreted to show that the member might depart from his or her sworn duty of impartiality.

A member has the affirmative duty and obligation to notify the Chairperson and the Board Attorney of the potential for a conflict before the application or a potentially-conflicting matter is heard by the Board. Conflict of interest determinations will be made in accordance with the MLUL, the common law, the Local Government Ethics Law (N.J.S.A. 40A:9-22.1, et seq.) and the Ordinances. Whenever reasonably possible, the reason for a disqualification shall be stated.

1.3-9. Order of Business. The order of business of all regular meetings of the Board will be as follows:

(a) Call to order
(b) Statement of compliance with OPMA
(c) Roll call
(d) Approval of minutes of previous meetings
(e) Old business
    (1) Memorialization of resolutions
    (2) Reports/updates from subcommittees
    (3) Cases begun at a previous meeting(s)
(f) New business
    (1) Hearing of new cases
(g) Action on other business
(h) Comments/correspondence and adjournment

The Chairperson, or in the Chairperson's absence, the Vice- Chairperson, may alter this sequence by public announcement at a meeting.

1:3-10. Open Meetings.

(a) The Board's meetings will be held in accordance with the MLUL and the OPMA. All regular meetings, special meetings, and hearings of the Board shall be open to the public. The public shall be afforded an opportunity to comment on development applications that are before the Board at the conclusion of the applicant's case in chief. Public comments shall be limited to four minutes each. On all other matters, the public may be afforded the opportunity to comment at the discretion of the Board.

b) In the exercise of its authority to act on applications, The Board is constrained to consider only the evidence, statements and other expressions or opinions presented in support of and against such matters only at Board meetings.

(c) Board members must avoid any circumstance in which a bias prevents fair consideration of the evidence presented at a hearing or from which any prejudgment or preconception of an application may be inferred.

(d) Executive sessions of the Board, authorized by the MLUL and OPMA for the purpose of discussing and studying any appropriate matters to come before the Board, may be closed to the public.

(e) Routine administrative matters, such as scheduling issues and non-substantive typographical or grammatical changes to Board draft minutes, may be handled electronically among a quorum. Additionally, draft resolutions and Board members' proposed edits to draft resolutions, may be circulated electronically in advance of public meetings, but all votes on resolutions must occur only at public meetings.

1:3-11. Communications Outside of Open Meetings

(a) Board members shall not comment publicly, on social media or otherwise, on pending applications except during a Board meeting properly noticed pursuant to the OPMA.

(b) Once an application is submitted to the Board, no Board member shall, in any manner or forum, engage in any discussion or communicate in any manner with a member of the public about the substance and or the merits of the application before the Board except during a public Board meeting.

(c) With respect to all matters other than submitted and pending applications, nothing shall preclude Board members from discussing the work of the Board among themselves or with members of the public, provided such discussions do not involve a quorum of the Board.

Rule 1:4. Committees

1:4-1. Standing Committees. There shall be the following standing committees of the Board:

(a) Master Plan Review and Implementation
(b) Architectural Review
(c) Site Plan and Subdivision Review
(d) Landscape and Environmental Review
(e) Zoning Review

1:4-2. Committee Composition. The standing committees shall not comprise more than an effective majority of the Board. The Board shall annually appoint the members of each committee for a one (1) year term. Vacancies shall be filled at or by the next regular session of the Board. Not more than one alternate member may serve on any standing committee.

1:4-3. Special Committees. Special committees may be established by a vote of the majority of the full membership of the Board. The Chair shall appoint the members of such committee, who shall serve for a term to be determined by the Board when it acts to establish such committee.

PART II: APPLICATION AND HEARINGS

Rule 2:1. Commencement of Action

2:1-1. Filing. An applicant shall commence an application for subdivision approval, site plan review, conditional use approval or any other relief on which the Board has jurisdiction, by filing with the Secretary an original application in accordance with the Ordinance check-list requirements.

2:1-2. Filing Requirements: Informal Reviews.

(a) Upon request, the Secretary will provide an applicant, either in hardcopy or electronic PDF format, with application forms and a check-list of required submissions. The applicant shall file the application with the Secretary in accordance with the "Subdivision Ordinance" or "Site Plan Ordinance,"

whichever is appropriate, and in accordance with the timing and check-list requirements of the applicable Ordinance. Application forms shall be completed and shall supply any and all other information and data that may be required for the relief sought by the applicant. All applications shall be filed on the forms provided by the Secretary. All application material shall additionally be submitted electronically. All statutory time periods for action by the Board commence to run only upon the filing of an application deemed complete by the Secretary.
(b) At the request of an applicant, the Board or its designee may grant an informal review of a conceptual plan for development. The applicant shall not be required to submit any fees for such an informal review and no party shall be bound by the results of or any discussion regarding such a review.

2:1-3. Upon the Secretary's receipt of an application, the application shall be assigned a number, which shall thereafter appear on all subsequent papers filed in the matter. The application will be considered following receipt of the application, application fee and escrow funds. The Secretary and if appropriate, the Engineer, shall review the application for its completeness, in accordance with the definition of a "complete application" as set forth in N.J.S.A. 40:55D-10.3. In the event the application is found to be incomplete, the applicant shall be notified by the Secretary within forty-five (45) days of the filing of such application. Such notification shall be in writing (via letter or email, if an email address has been provided) and shall set forth the reasons that the application is incomplete. In the event of a failure to notify the applicant in writing that the application is incomplete within the forty-five (45) day period, the application shall be deemed complete.

2:1-4. Assignment of Hearing Date; Notice. As soon as a complete application is filed with the Secretary in accordance with the appropriate Ordinances, the case shall be assigned a hearing date, with public notice, if required, in accordance with N.J.S.A. 40:55D-12, and the applicant shall be notified. The applicant shall be responsible to advertise and notify all those entitled to notice under the MLUL. If public notice is given, as required by the MLUL, and is deemed inadequate at the time of the hearing, the application will be considered incomplete, notwithstanding an earlier certification of completeness, until the applicant has given proper statutory notice.

Rule 2:2. Procedure for Hearing Applications

2:2-1. Appearance By Parties. At the time of the hearing on the application, the applicant, or any other party, shall appear in person or such persons or entities may be represented by an attorney-at-law admitted to practice in the State of New Jersey.
Every corporation, limited liability company, or partnership appearing before the Board shall be represented by an attorney-at-law admitted to practice in the State of New Jersey.

2:2-2. All persons, including proposed experts and members of the public giving testimony at the hearing shall be sworn before giving any testimony.

2:2-3.
(a) When a matter is called by the Chairperson, the applicant or its attorney shall present the testimony of its witnesses. Experts shall be qualified as such through the presentation and acceptance of their credentials. Documentary evidence or exhibits upon which the applicant intends to rely to establish the right to the relief sought in the application shall be presented and marked for identification. Any such documentary evidence or exhibits presented during a presentation not previously submitted to the Secretary shall be provided digitally to the Secretary as soon as practicable following the meeting at

which they were presented.

(b)Should an application not be completed at a meeting and should an applicant wish to materially supplement or modify the documentary evidence presented to the Board during the application the applicant must submit the supplemental or modified evidence in hard copy and digitally at least ten days prior to the next scheduled hearing date.

(c) Apart from direct examination, the Chairperson will direct the order of all questioning of witnesses, including the cross-examination of witnesses produced by the applicant. The Chairperson shall allow Board members and other interested parties to ask questions of the witnesses having testified, and may permit reasonable cross-examination by an attorney representing an objector and/or by the public in attendance. The applicant shall have the right to cross-examine any witnesses.

(d) Where a group of interested parties is represented by an attorney, the attorney shall present to the Chairperson a list of the persons represented and their addresses. Such persons shall participate in the proceedings only through their attorney. Where a group of interested parties is not represented by an attorney, such group shall participate in the proceedings through one spokesperson.

(e) At the time the applicant has submitted all evidence or support for the application, any interested person or the attorney for any such person may then offer documentary or other evidence upon which said person will rely in objection. All witnesses testifying on behalf of any such objection is subject to reasonable cross-examination by the applicant or, if the applicant is represented by an attorney, the applicant's attorney, and the Chairperson shall allow the Board or any members of the public to ask questions of such witnesses.

(f) After all evidence has been presented to the Board in support of and in opposition to the relief sought by the applicant, the Chairperson shall then open the floor to the public, to allow any member of the public to make any statement relative to the application before the Board. Such member of the public shall identify himself or herself. Each member of the public shall be allowed four minutes for statements.

(g) Any member of the Board may offer evidence before the Board as to any relevant matter of which he or she has personal or official knowledge, for the purpose of amplifying the record, including facts ascertained from a viewing of the premises in question and the general area.

(h) The Board shall have the right to rely upon its professionals. The Board may call those persons or other municipal officials to testify as to particular facts concerning any application.

2:2-4. When the applicant and all interested persons have had a reasonable opportunity to be heard, the Chairperson shall determine if the hearing shall be closed. The applicant, or any other interested person, may request from the Board a continuance of the hearing for the purpose of presenting further relevant evidence. The Board, acting in its sole discretion, may either grant or deny that request. In cases where the Board feels that testimony or other evidence should be received in the public interest from any municipal, county, or state official or from any other persons to assist the Board in rendering a just decision, the Board, on its own motion, may continue the hearing to another date certain for such purposes.

The Board, in considering a request to continue any hearing, will consider the effect of the MLUL time limits for decision and the prejudice, if any, to the applicant. If the hearing is not to be continued, the Chairperson shall declare the hearing to be closed and no further evidence will be received or considered in the matter.

2:2-5. Evidence. Formal rules of evidence are not enforced before the Board. However, no decision shall be based upon any facts not proved or on matters which are not in the record, unless they be such items

of which the Board is entitled to take judicial notice. When any documents or exhibits are admitted into evidence during a hearing, they shall be marked and shall be retained by the Board as part of the permanent file. After the Board has rendered its decision and the time for the filing of any appeal has expired, the Board's Secretary may return any such exhibits or documents to the person who offered them upon his/her written request, provided the same are not essential for or material to the resolution.

Letters, emails, or petitions in support of or in objection to an application shall not be admissible as evidence unless the author of the correspondence or at least one signatory to a petition is present and testifies. Any evidence presented, whether by testimony or by documents and exhibits presented at the hearing, which are not questioned or controverted by any other person appearing or by any member of the Board, may be deemed to be true by the Board in its decision-making process and findings of fact.

2:2-6. Burden of Proof. The burden of proof is on the applicant. The applicant is responsible to supply competent and credible evidence so that the Board can determine the nature and degree of the relief sought by the applicant. The applicant must establish to the Board's satisfaction that it is, pursuant to statutory and Ordinance provisions, entitled to the relief being sought.

2:2-7. In addition to the dismissal of inactive applications allowed under the Ordinances, the Board on its own motion may dismiss any matter, without prejudice, if neither the applicant, nor anyone on its behalf, appears at the time set for the hearing of the application. The Board, on its own motion, may dismiss, without prejudice, any application for failure to comply with the provisions of the appropriate Ordinance. Any applicant, at any time before the commencement of the hearing, may voluntarily withdraw its application, in which case, the application shall be dismissed, without prejudice.

2:2-8. Reports from Departments. The Board, on its own motion, may at any time request a written report on any particular matter from any department within the Township in connection with a pending case. The Board shall mark the reports into evidence. A copy of every report received by the Board shall be made available to the applicant, who shall, if it so requests, have an opportunity to question the maker of such report as to any fact or conclusion contained therein. The Board may also refer any application to any appropriate agency for its review and report provided that the applicant shall be notified of such action and shall be informed of when such agency will hold its meeting on the referral so the applicant may arrange to be present. Should the Board request such a report or make such a referral, such action shall not extend the period of time within which the Board shall act, unless consent for an extension of time has been granted by the applicant.

2:2-9. The Board, on its own motion, may arrange to take the testimony of any expert witness it employs or retains.

PART III. DECISION MAKING

Rule 3:1. Post Hearing Procedures

3:1-1. The Board may grant such relief as it deems appropriate and in keeping with the intent and purpose of the appropriate Ordinances. The relief granted may be different in kind or degree from that requested in the application. The Board's Resolution shall contain a statement of the Board's findings of fact and its conclusions of law, the Board's decision, and any conditions imposed under the relief granted or other provisions as the Board may deem appropriate and necessary. The Board, when necessary to

protect the public interest, may specifically provide in its Resolution for the retention of jurisdiction over the matter for a reasonable time. The purposes of such retention of jurisdiction include enabling the Board to vary the terms of any conditions therein imposed or to impose additional conditions, in the public interest, at an open public meeting, in light of the then-existing circumstances,

Decisions rendered by the Board shall be adopted in the form of a motion duly seconded and adopted by a quorum of the Board, as required by N.J.S.A. 40:55D-10(g), including occasions where an application is denied because a motion to approve the application did not receive the required number of votes. The Resolution memorializing the Board's decision shall be adopted within forty-five (45) days of that meeting. The memorializing Resolution shall be adopted upon a majority vote of the members of the Board who voted in favor of the action previously taken. If the memorializing Resolution is not adopted within forty-five (45) days of the Board's action, any interested party may apply to the Superior Court in summary manner to compel the Board to reduce its findings and conclusions to a writing within a stated time.

Municipal action shall be deemed to have taken place at the original meeting where the vote was actually taken and not on the date at which the memorializing Resolution is adopted, except that the date of the adoption shall constitute the date of decision for the required mailing of a copy of the Board's decision to the applicant and for the placing of a publication of the Board's decision with the official newspaper of the Township and published on the Township website. The Board will publish a brief notice of every final decision of all matters or may direct the applicant to do so.

3:1-2. Contents of Resolution; Publication. A copy of the Board's Resolution shall be furnished to the applicant and, if applicable, the attorney representing the applicant within ten (10) days from the date of the Board's adoption.

The Secretary shall publish a statement that the Resolution was memorialized in the official newspaper(s) of the Township.

3:1-3. The failure of the Board to render a decision within the time period set forth in the MLUL for the application before it, or within such other time as may be consented to either in writing or on the record at the hearing of the Board by the applicant, shall constitute a favorable action and the applicant shall request an appropriate certificate pursuant to the appropriate statutory requirement.

3:1-4. The actions taken by the Board and the decisions made by it shall be effective pursuant to appropriate Ordinance and statutory provisions. Where required by appropriate statutory provisions, it shall be the applicant's duty to make the filings with the County Recording Officer. In the case where the Board in the exercise of its ancillary powers has granted a variance to the applicant, that variance shall be valid and subsisting in accordance with the MLUL and Ordinances.

PART IV. MISCELLANEOUS

Rule 4:1. Fees, Record of Proceeding and Miscellaneous Matters

4:1-1. Transcript of Proceedings. In accordance with N.J.S.A. 40:55D-10[f], the Board shall provide for the verbatim recording of its proceedings. A duplicate recording shall be furnished to any interested party upon request and payment of the actual cost of preparation. Requests for copies of the verbatim

record should be made to the Secretary within a reasonable time after the hearing date.

4:1-2. Costs for Special Meetings. Should an applicant request that the Board consider an application at other than a regular meeting of the Board, the applicant, in addition to any fees required to be paid, shall pay the fee as specified by the Ordinance fee schedule for a special meeting.

4:1-3. Subpoena. Pursuant to N.J.S.A. 40:55D-10[c], The Chair-person or Vice-Chairperson or designee presiding at a hearing may issue subpoenas to compel the attendance of witnesses and the production of relevant evidence. Upon failure of a person or entity under such subpoena to comply with its requirements, in accordance with N.J.S.A. 2A:67A-3 (the County and Municipal Investigations Law), the Board may apply to the Superior Court for an order to compel attendance and production.

4:1-4. Any person who willfully gives false testimony under oath during a Board hearing is guilty of perjury.

4:1-5. Payment of Taxes. The applicant, at the time of filing the application for development, shall file with the Board a certificate of the Tax Collector that the taxes and assessments against the subject property have been paid to current. If taxes or assessments on the property that is the subject of the application are unpaid, the applicant may proceed with the application, but if the application is approved, the applicant may not rely on the approval until such time as taxes and assessments are paid in full and the municipal tax collector issues a certification of payment. If the tax collector does not issue a certificate of payment within 30 days of the date of passage of the Resolution of approval (which Resolution shall contain as a condition that the applicant pay all due taxes and assessments) the Board's approval will be deemed expired and the applicant will have no rights regarding such approval.

4:2-1. Amendments. The Board may, from time to time, amend any part or parts of these Rules at any meeting, provided notice of such amendment has been given in writing to each member of the Board at least three days prior to such meeting.