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## When Should You Merge Your Planning and Zoning Boards?



By Stuart Meck and Faculty Fellow & Swena Gulati, graduate student, Center for Government Services, Edward J. Bloustein School of Planning and Public Policy

**Y**ou've noticed that the development applications for your zoning board of adjustment have dropped a lot, and your board members are getting restless because of lack of anything to do. By contrast, your planning board seems to be doing a brisk business, with long agendas and meetings that go well into the night. Alternately, your two boards may not be busy at all, and board members are wondering why they were appointed. It may be time to consider merging the two boards.

The Center for Government Services was asked by Florham Park to look into the experience of New Jersey municipalities that have merged planning boards and zoning boards of adjustment. We decided the best way to do that was to ask the municipalities directly, since there was no published research on this issue. We were interested in the reasons for the mergers and whether the joining of the two boards turned out to be a good idea.

**Authority for Merger** Under N.J.S.A. 40:55D-25.c(1), in a municipality with a population of 15,000 or less, a nine-member planning board may function as a board of adjustment, if so provided by ordinance.

Of the 566 municipalities in New Jersey, there are 402 with a population of 15,000 or less, as of the 2000 census. Thus, 71 percent of the municipalities in the state are eligible by virtue of population size to merge planning and zoning boards.

It is possible to merge boards in all municipalities, however, regardless of population. N.J.S.A. 40:55D-25.c(2) authorizes any municipality of any size to have a combined board, but the ordinance is subject to voter referendum.

When a planning board and zoning board are merged, the Class I (mayor or mayor's designee) and Class III (member of the governing body) may not participate in the consideration of variances that involve use and certain height, density, and intensity measures. These are known as "d" variances.

In other words, when the combined board functions as a zoning board, its voting membership is reduced by two persons, who are or represent elected officials.

**Planning and Zoning Boards Distinguished** In New Jersey, a planning board and a zoning board have different roles. The planning board is responsible for preparing the master plan, advising on zoning map and text amendments, approving conditional use permits, planned



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developments, subdivisions, site plans, and bulk and certain other variances (known as "flexible c" variances) intended to permit flexibility.

The planning board may also be involved in the review of the capital budget and capital improvement program upon the governing body's request as well as making recommendations with respect to the official map and amendments to it. Finally, the planning board identifies and reviews areas that are proposed as being "in need of redevelopment" for purposes of preparing and implementing a redevelopment plan.

However, the granting of "d" variances in connection with any application for development, and appeals and interpretations of the local development regulations are the sole province of the zoning board. The zoning board also hears applications for buildings and structures in the beds of mapped streets, public drainageways, flood control basins, or reserved public areas. It is also charged with preparing an annual report on variance activity to the governing board and the planning board.

At bottom, the planning board deals with what is permitted, but the zoning board deals with what is not permitted. Moreover, the planning board is more engaged in long-range policy formulation and the rendering of advice to the governing body.

**Survey** We performed an online search to determine which municipalities describe their boards as merged or combined boards or land use boards. This search resulted in the identification of 12 communities in the state with such boards. We developed a questionnaire to find out what the experience of each municipality has been in the operation of a single board. We obtained data from 10 out of the 12 municipalities. We either e-mailed or spoke with the municipal administrator, the board secretary, or mayor.

#### Municipal Planning Board Mergers in New Jersey

Municipality	Population Census 2000	Date of Merger	Initiated By Whom	Applications for Development Reviewed Annually
Callfan Borough	1055	Late 1970s	Board Chalman	25-25
Wantage Township	10,387	December 2001	Governing body & planning & zoning board members	35-40
Pennington Borough	2,696	2001	Board Chairman / Mayor	4-5
East Hanover Township	11,393	2004-05	Administrator	43-58
Elk Township	3,514	Early 1970s	Not Known	29-30
Town of Booton	4,287	Late 1990s	Mayor	15-20
City of Woodbury	10,307	2003	Council members and/or Mayor	35-40
City of Northfield	7,725	1996	Mayor	30
Andover Township	6,033	2007	Not Known	Not Available
Medford Lakes Township	4,600	1987	Governing body & planning & zoning board members	3-6

We asked interviewees for the reasons for the merger. The most frequent (and logical) answer was that it was more efficient to have one board rather than two.

"While there were modest savings, primarily in attorney fees," said Mayor Tim Casey of Medford Lakes, "the principal rationale was just the practical efficiency of a single board [for a municipality] of our size, 4,600+."

As the table above shows, the impetus for merging the boards came from different groupings of officials, and no pattern stands out. There either was no report or study completed that addressed the pros and cons of the merger, or respondents could not locate such a report. The merged boards now appear to be reviewing two to four applications for development a month, but sometimes much fewer.

Other respondents cited a lack of an activity level that justified two boards. In the case of the City of Woodbury, said Brian Bosworth, board administrator, "The zoning board on occasion had a difficult time with attendance. The city also didn't have enough applications on many occasions for the zoning board."

## Merge Planning and Zoning Boards

Finally, as Mary Berres, board secretary in East Hanover Township, observed, mergers enhanced coordination and simplification of development reviews by virtue of a single contact.

Typical of the statement of benefits received was the response of Pennington Borough's administrator, Eugene Dunworth. He indicated that the merger yielded savings in time through fewer meetings and reduction in costs through the use of fewer professionals (one planner and one attorney). He estimated that annual savings were approximately \$20,000. However, other respondents were not able to assign actual number to cost savings.

Mayor Cy Wekilsky, of Boonton, also cited the reduction in the number of professionals as a benefit. Another benefit, he said, was the elimination of conflict between the two prior separate boards in regard to "difficult decisions."

Brian Bosworth, of Woodbury, commented that "The applicant doesn't have to jump from one board to another if there is an incorrect determination of which board to go to with an application." In Medford Lakes, said Mayor Tim Casey, "there never has been a time since merger when the decision has been questioned. For our fully developed town, it just made sense."

Only one respondent identified a disadvantage. "There is much more clerical work," reflected Brian Bosworth.

In summary, for the municipalities contacted, efficiency, cost savings through reduced number of professionals involved, reduced potential for conflict through misunderstandings between two boards, and a simplified development review process are the chief advantages. Respondents cited no strong disadvantages.

Thus, for communities that have few development applications or that have difficulty filling both boards with volunteers, a merged board is a wise choice to streamline planning and development review and foster strong working relationships among board members.

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Swena Gulati is in the urban planning program in the Edward J. Bloustein School of Planning and Public Policy at Rutgers, email: [swena@eden.rutgers.edu](mailto:swena@eden.rutgers.edu). Stuart Meck, FAICP/PP is a faculty fellow and Director of the Center for Government Services in the Bloustein School, email: [stumeck@rci.rutgers.edu](mailto:stumeck@rci.rutgers.edu).

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