

Resident Guide to Public Hearings Before the Zoning Board of Adjustment

Overview:

Each application is reviewed in accordance with New Jersey Municipal Land Use Law (MLUL) procedures. The Board is quasi-judicial body and its procedures are similar to those used in a courtroom. The chairperson conducts the meeting as a judge might and the Board is comparable to a jury that votes to make a final decision. All members of the Board are resident volunteers and serve in the public interest without compensation. Each year Board members must file a financial disclosure statement which is required by the New Jersey Ethics Law with the Municipal Clerk.

The meetings are video-recorded and may be broadcast in a number of ways including via the Township's social media outlets including but not limited to youtube.com.

Residents Attending/Participating:

When an application is announced by the chairperson, the applicant or his/her attorney comes forward. If the applicant is to provide testimony, he/she introduces him/herself, affirms that his/her testimony will be truthful (while being sworn under oath by the Attorney) and then explains the nature of the application. If the applicant is represented by an attorney, the attorney presents the application and, where applicable, the order of the applicant's fact or expert witnesses. If there are witnesses, they will be sworn in before presenting their testimony.

The public may ask questions and provide comments on applications before the Board at the meeting. The timing of such questions and comments depends on the complexity of the application. In general, less complex applications may only have one witness or property owner give testimony which in turn will allow the public to ask questions and comment of that sole witness. More complex applications have public question periods after each witness presents testimony, and in general the public may comment after the completion of the presentation of the application. That is generally up to the Board chairperson if public questions and/or comments will be at the end of the application or after every witness.

If a member of the public wishes to ask a question, they may raise their hand and will be called up by the Board chairman. When the chairperson calls on you, please walk to the microphone. All members of the public will be asked to state their name and address for the record before asking questions.

The public may be limited in the amount of time per person to ensure adequate time for all members of the public to get a chance to ask questions. The same rules will apply for when the public is asked for comments and all members of the public who wish to make a comment will then be sworn under oath by the Board Attorney.

When asking a question regarding a witness's testimony, the public may only ask a question only about that expert's testimony.

The public may comment on any aspect of the application during the public comment period at the close of the application or as indicated by the Board chairman.

Only the chairperson may decide who speaks at a given time. Comments called out from the audience will not be considered part of the record.

The Board and/or applicant have the right to cross-examine any members of the public who may make comments.

The chairperson has the right to close the public portion of a hearing if he/she feel the audience in unruly or is making comments that are redundant or not relevant to the application. The chairperson also has the right to have any member of the audience removed from the hearing room for unruly behavior.

Verbal & Written Statements:

Written statements or letters from individuals who are not present, petitions, or speaking on anyone else's behalf are not allowable according to the MLUL. Written statements from the public in favor of or opposing the application cannot be accepted as the Board and/or applicant cannot cross-examine written statements; however, a member of the public may provide the secretary with a written copy of his/her remarks after speaking.