

NOTES

NOTE: To ensure an orderly meeting and allow adequate time for members of the public to be heard, the Chair may limit repetitive comments or irrelevant testimony. The Chair may also limit the time and number of questions or comments from any one citizen. Remember, this entire proceeding is being recorded as part of the public record required by law. Please refrain from making excessive noise as this detracts from the quality of the recording.

RIGHT OF APPEAL: If you are not satisfied with the Board's final decision, you have the right to file an appeal of the decision to the Superior Court, Law Division, at the Sussex County Courthouse in Newton, New Jersey. This appeal must be filed within 45 days from the first date of publication of the *Notice of Decision* in the New Jersey Herald and/or the New Jersey Sunday Herald.

MISCELLANEOUS: A copy of the complete land use application package is available for public inspection in the Land Use Office during regular business hours. You may contact Anne-Marie Wilhelm, Land Use Administrator, at 973-823-7020 Ext. 9408.

Office of Land Use

Anne-Marie Wilhelm
Land Use Administrator
Hardyston Township Municipal Building
and
Police Station Complex
149 Wheatsworth Road, Suite A
Hardyston, New Jersey 07419
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HARDYSTON TOWNSHIP



HEARING PROCEDURES:

PLANNING BOARD

AND

ZONING BOARD OF ADJUSTMENT

Welcome to a public hearing conducted by the Hardyston Township Planning or Zoning Board of Adjustment. We hope to benefit from your attendance and participation. This flyer will briefly outline the rules and procedures we follow.

The order of events will be guided by a printed agenda, which will be available to the public at the meeting. This agenda may be revised by the Chair as necessary. Both the Planning Board and the Zoning Board observe an 11:00 p.m. time limit. No new witnesses or testimony will be heard after 10:30 p.m.

If an application is not completed in an evening, a continuation date will be announced, generally without further requirement of public notice. Information about the status of an application or the hearing schedule may be obtained by calling the land use office.

The Planning Board and Zoning Board of Adjustment operate as *quasi-judicial bodies*; meaning that they operate similar to, but not as strict as a court of law. Thus, the hearing is similar to a court proceeding. The Chair runs the proceedings as a judge might and the Board could be likened to a jury that will vote on a final decision to approve or deny. The Boards and board members have a legal obligation to follow the Municipal Land Use Law (MLUL.) All discussions, presentations of evidence, questions, and comments with regard to a pending application must be done on the record and at the public hearing. Therefore, members of the public should not send letters, e-mail messages, or directly communicate with board members about an application outside of the public hearing. Any such communication could jeopardize whatever decision the Board makes.

GENERAL PROCEDURES

When the Chair calls an application, the applicant will come forward, often represented by an attorney, and introduce himself/herself. The application will be reviewed for correct public notice and completeness. Applications that are not properly noticed or are deemed incomplete will not be heard by the Board. All witnesses for the applicant will state their name, occupation, and credentials. They will be qualified and

sworn in by the Board Attorney. Expert witnesses may only testify in their field of expertise. The applicant/attorney will give an overview of the application, and testimony will be given as directed by the applicant's attorney. If there is an engineering review letter, the Board Engineer may read it during or after testimony. At the completion of each witness's testimony, the Board may question the witness, after which, the Chair will open the meeting to the public for questions related to the testimony of the witness. Once the applicant has completed their presentation, the Chair will again open the meeting for public comments.

TESTIMONY

The Board is compelled to act on an application based on the findings of fact and the proofs according to law that are presented during the hearing. The Board does not decide on the basis of public support or opposition to an application. It also cannot make decisions based solely on "rateables," tax revenues, or other financial considerations.

Anyone wishing to speak or testify at a hearing must appear in person to allow all parties their right to cross-examination. All speakers must identify themselves and provide their name and address for the record.

The Board, its staff, and the public all have the right to cross-examine witnesses.

Petitions are not admissible into evidence, since not all of the signing parties are present for cross-examination. They can, however, be read into the record as part of an individual's statement

Letters, with the exception of certain reports of public entities, are only admissible if the author is present to be cross-examined.

PUBLIC QUESTIONS

After the Board and professional staff have completed asking questions of a witness, the Chair will open the meeting to the public. At this time, the public is limited to asking questions only relating to the testimony presented.

This is a time for questions only and not for comments.

If you have a question, raise your hand, when the Chair acknowledges you, come forward to the microphone. State your full name and address for the record and spell your last name. If an attorney represents any person or group of persons from the public, questions from them must be presented by the attorney.

When the public has had adequate opportunity for questions, the Chair will close the meeting to the public. The applicant/attorney will call the next witness, and the above procedures will be repeated. When all witnesses have been presented and the testimony is complete, the Board and its professionals will ask final questions.

PUBLIC COMMENTS

Before the Board takes final action on the application, The Chair will again open the meeting to the public. This is the time to comment on the application or ask any final questions. Raise your hand and wait to be recognized by the Chair to speak. This will probably be your last opportunity to speak on this application before the Board takes a vote. When called, please come to the front by the microphone, state your name, spelling your last name, and your address. The Board Attorney will swear you in. You are now considered a witness. After you make your comments, the applicant, their professionals, the Board, and its professionals have the right to ask you questions, i.e., cross-examine you.

When you follow the above procedures, your contributions will have the maximum impact on the Board.