



The Planning and Zoning Board Public Hearing Process

Introduction

Welcome to a public hearing of the Township of Livingston Planning or Zoning Board! We hope to benefit from your attendance and participation. This document outlines the procedures that we follow.

The order of events will be guided by a printed Agenda, but may be changed by the Chair, as necessary. The Zoning Board and Planning Board observe an 11:00 p.m. time limit. The Zoning Board will hear no new witnesses after 10:30 p.m. The Planning Board does not start any new applications after 10:00 p.m. (This rule may be waived by an affirmative vote by a majority of the Board members then present and qualified).

If an application is not completed in an evening, we will announce a continuation date, generally without further requirement of Public Notice. Information about the status of an application or its hearing schedule may be obtained by calling the Planning Department at (973) 535-7954 ext 11.

The Planning Board and Zoning Board of Adjustment are *quasi-judicial bodies*, meaning that they operate similar to, but not as strictly as, a court of law. Thus, a 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 the legal obligation to follow the Municipal Land Use Law (MLUL) and 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 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, (if applicant is a corporation, they must be represented by an attorney) and will introduce himself/herself. The applicant/attorney will give an overview of the proposal and call their first witness. If there is an engineering review letter, the Board Engineer may read or summarize it first. All witnesses will state their name and occupation, be sworn in, and present their credentials to the Board. They will then give testimony as directed by the applicant's attorney. Expert witnesses only testify in their field of expertise. At the completion of each witness's testimony the Board and then

the public can ask questions of the witness. At the end of the applicant's presentations and before the Board votes on the application there is a time for members of the public to comment.

Testimony

The Board is compelled to act on an application based upon *findings of fact* and the *proofs according to law* that are presented during the public hearing. The Board does not decide on the basis of public support or opposition to an application. It also cannot make decisions based exclusively upon "ratables", 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.
- The Board, its staff, and the public, have the right to cross-examine witnesses.
- Petitions are not admissible into evidence but can be read into the record as 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 its professional staff have completed asking questions of a witness the Chair will open the meeting to the public, limited at this time to questions only, and only of that witness.

- This is a time for questions only and not for comments
- If you have a question, please raise your hand. When the Chair acknowledges you, come to the microphone.

- If the person(s) from the public are represented by an attorney, they must speak through the attorney.
- State your name and address for the record and direct your questions to the witness. Please also spell your name.
- When the public has had adequate opportunity for questions, the applicant/attorney will then 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 staff will ask any final questions.

Public Comments

Before the Board takes action on the application, the Chair will open the meeting to the public.

- This is the time to comment on the proposal, request some special consideration 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 microphone.
- State your name and address for the record. Please also spell your name. The court reporter or 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 maximum impact on the Board's deliberations.

To ensure an orderly meeting and allow adequate time for members of the public to be heard, the Chair may limit repetitive comments or what may be considered

irrelevant testimony, and may limit the time or number of questions or comments from any one citizen.

We hope that this public hearing and your participation in it will be a rewarding experience for you; and will assist the Board in making its decision. We thank you for coming out to participate in this vital process!

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