Information for Members of the Public

Andover Township Land Use Board

We hope to benefit from your attendance and participation. This summary will briefly outline the processes we follow.

The order of events will be guided by a printed agenda, which will be available to the public at the meeting. The Chair, as necessary, may revise the agenda. The Land Use Board has a policy of no new witnesses after 10:00 pm and no new testimony after 10:30 pm.

If the application is not completed in an evening, a continuation date will be announced, generally without further requirement of publishing a public notice, however the Chair will announce the next scheduled meeting date. Information about the status of the application or hearing schedule may be obtained by calling the Land Use Office at 973-383-4280 ext. 322.

The Land Use Board operates as a quasi-judicial body; meaning 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 an application. The Board Members have a legal obligation to follow the New Jersey Municipal Land Use Law (MLUL). All discussions, presentations of evidence, questions, and comments regarding a pending application must be done on the record and at the public hearing. Therefore, members of the public should not send letters, email 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 Hearing Procedures

When the Chair calls an application to be heard, 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. The Board will not hear applications that are not properly noticed or are deemed incomplete. All witnesses for the applicant will state their name, occupation and credentials. Each witness will then 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 are reports from the Board's Professionals, they may be read during or after testimony. At the completion of each witness' testimony, the Board and its Professionals may question the witness, after which, the Chair will open the meeting to the public for questions related to the testimony of the witness. (this procedure may be changed by the Chair, depending on the number of professionals and other witnesses that the applicant intends to have testify). Once the applicant has

completed their entire presentation and has presented all witnesses, 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 based on public support or opposition to an application. It also cannot make decisions based solely on "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, 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 the applicant's professionals and witnesses the Chair may open the meeting to the public (either after each of the applicant's professionals or after all of them have testified). At this time, the public is limited to asking questions only relating to the testimony presented by the witness(s). 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 people from the public, the attorney must present questions from them.

When the public has had adequate opportunity for questions, the Chair will close the meeting for questions from the public. 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 forward to the microphone, state your full name and address and spell your last name for the record. 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.

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 member of the public. Remember, this entire proceeding is being recorded as part of the public record as required by law. Please maintain a professional decorum and be respectful of all those that are speaking and please refrain from making excessive noise as this detracts from the quality of the recording.

Deliberations

After all of the testimony has been placed on the record, all of the Board and pubic questions have been answered, and all of the public has commented on the application, the Chair will close the meeting to the public and proceed to deliberations of the hearing. There are no further public questions or comments permitted during deliberations. The Board will discuss the merits of the application. A motion will be made to either approve or deny the application and may include conditions the applicant is required to satisfy during the permitting process. The motion will be seconded with additional discussion by the Board if necessary. A vote will be taken by the Board with the results announced.

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 on the Township's official website ww.andovertwp.org.

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 the Land Use Administrator at 973-383-4280 ext. 322.

Meeting Minutes

Meeting minutes are posted on the Township website www.andovertwp.org after the Land Use Board approves and adopts them, usually at the following month's meeting.