

FOR YOUR INFORMATION - THE PUBLIC HEARING PROCES

Introduction

Welcome to a public hearing of the Frankford Township Land Use Board. We hope you benefit from your attendance and participation. This flyer outlines the procedures that we follow.

The Land Use Board generally meets the 3rd and 4th Wednesdays of each month, but special meetings may be scheduled and regular meetings cancelled due to the amount of applications.

The order of events will be guided by a printed Agenda, but may be changed by the Chair as necessary. The Planning Board observes an 11:00 P.M. curfew, with no new applications heard after 10:00 P.M. and no new testimony heard after 10:30 P.M. If an application is not completed by that time, we will announce a continuance date, generally without further requirement of Public Notice. To confirm a rescheduling, please call (973) 948-7592 during regular business hours.

Procedures

The Land Use Board is a quasi-judicial body, meaning that it operates 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 applicant provides testimony and expert witnesses who will testify and introduce evidence in support of the case.

Cross-Examination

The Board, its staff, and you the public, have the right to cross-examine these witnesses and finally, at the appropriate time, comment on the wisdom of the proposal.

Applicants and their professionals also have the right to cross-examination. The Board is compelled to act on an application based upon the *findings of fact and the proofs according to law* that are presented. The Board does not act on the basis of public support or opposition to an application. It also cannot make decisions based upon "ratables", tax revenue 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.
- PETITIONS ARE NOT ADMISSABLE 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 ADMISSABLE IF THE AUTHOR IS PRESENT TO BE CROSS-EXAMINED.

A recorder and/or a court reporter keep a verbatim (word by word) record of the proceeding. If you wish to speak, first state your name and address; then speak clearly and loudly. Only the Chair may decide who speaks next, so wait to be called on.

Dockets

Applications are assigned an Application Number by the Land Use Board Administrator upon submission. When the Chair calls an application, the applicant will come forward, often represented by an attorney, and will be introduced. If there is a review letter, the Board Engineer and/or Planner may read that first. The applicant will give a brief overview of the proposal and call the first witness. 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 will only testify in their field of expertise.

Public Questions

The Board and its professional staff will then ask questions. Next, the Chair will open the meeting to the public questions and comments, only of that witness.

If you have a question, please raise your hand. When the Chair acknowledges you, come to the microphone.

- State your name and address for the record and direct your questions to the witness.

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 the 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 final action on the application, the Chair will once again open the meeting to the public.

- THIS IS THE TIME TO INTRODUCE EVIDENCE OF YOUR OWN, OR TO COMMENT ON THE PROPOSAL, REQUEST SOME SPECIAL CONSIDERATION OR ASK ANY FINAL QUESTIONS.

Same as before, 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. When called, please come to the microphone.

- STATE YOUR NAME AND SPELL IT. THE ATTORNEY WILL THEN SWEAR YOU IN. YOU ARE NOW CONSIDERED A WITNESS. AGAIN, PLEASE DIRECT YOUR REMARK TO A SPECIFIC PERSON OR TO THE BOARD.

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

- THE CHAIR ALSO HAS THE RIGHT TO CLOSE THE PUBLIC PORTION OF A HEARING IF THE AUDIENCE BECOMES UNRULY.

The Chair may also limit repetitive comments or irrelevant or immaterial testimony and, may also limit the time or number of questions or comments from any one citizen in order to allow adequate time for other members of the public.

Public records such as applications, maps, reports and minutes are available for inspection at the Land Use Board office during normal business hours. Agenda and minutes may be obtained at the Township's web site at www.frankfordtownship.com