

ZONING BOARD OF ADJUSTMENT
MEETINGS AND HEARINGS PROCEDURES

This bulletin outlines the procedures that the Zoning Board follows in the conduct of its meetings and public hearings, including the procedures for interested parties and the general public. These procedures are established by law and are designed to protect the rights of all parties involved.

Meetings

The Zoning Board of Adjustment meets on a regular basis to conduct its business. The meeting schedule is posted on the Village's website at www.ridgewoodnj.net and posted on the bulletin board in Village Hall. The public is welcome to attend and observe all meetings of the Board. Minutes of all meetings are taken and posted on the Village's web site (www.ridgewoodnj.net). In addition, an electronic recording is taken of each meeting.

The Board typically allows a brief period during meetings for members of the public to submit comment, make suggestions or make requests to the Board. This period is reserved for subjects that are not currently pending before the Board, and *not* for comment on matters that are on the meeting agenda or planned for inclusion on a future agenda. If the Board is conducting a work session, but not a hearing, public comments or questions on agenda items may or may not be permitted, at the Board's discretion. In all cases, public comment on agenda items is limited to that portion of the meeting when the specific agenda item is being discussed.

Meeting Agendas

The order of events is guided by a printed agenda which is available before all meetings and which posted on the bulletin board in the entry lobby of Village Hall at least 48 hours before the meeting, and posted on the Village's website at www.ridgewoodnj.net (click on Agendas and Minutes on the upper right side of the home page). The Chairman has the right to alter the order of agenda items during the meeting. All items on the agenda may not be completed or even started during a given meeting, depending upon time constraints and other factors.

Hearings

Each public hearing is conducted in accordance with legally required procedures; these procedures are similar to a courtroom trial. The Chairman conducts the meeting similar to a judge, and the Board sits similar to a jury, deliberating and then voting to make a final decision.

Notice of the public hearing is provided to the newspaper and surrounding property owners by the applicant at least 10 days before the hearing. If the hearing is not completed before the end of a meeting, the Chairman will announce a continuation date for that hearing. In such event, written notice of the continuation will not be provided. To confirm a continuation date, please call the Zoning Board Secretary at 201-677-5500 extension 210 between 8:30 AM and 4:30 PM on normal weekdays.

Typically, the documents which are the subject of a hearing (development applications, plans and reports) are filed in the office of the Zoning Board at least 10 days before the hearing date. Members of the public may review these documents prior to the hearing at the Zoning Board office in Village Hall. Additional documents and testimony supplementing the filed documents may be presented at the public hearing.

Public Hearing Sequence

Step 1. Presentation of Applicant Witnesses and Exhibits: When an application is announced by the Chairman, the applicant or his/her attorney will come forward; explain the purpose of the hearing; make an opening statement; and call their first witness. The witness will be sworn in by the Board Attorney and then will give testimony in the matter under the direction of the applicant or applicant's attorney

Step 2. Cross Examination: Following the testimony, the Board and its professionals will ask questions and seek clarifications needed for a well-informed review of the application. Finally, the Chairman will open the hearing to the public, limited at that time to questions only/ and of that witness only.

Step 3. Additional Applicant Witnesses: After all questioning of a witness is completed, the applicant will call the next witness, and the cross examination process will be repeated.

Step 4. Board and/or Other Party Expert Witnesses: When all of the applicant's witnesses have been presented and all testimony and cross-examination is completed,

the Chairman will invite sworn testimony from the Board's expert witnesses, expert witnesses from objectors and other interested parties who have notified the Board of such intent, and the above procedures will again be repeated. The applicant also has the right of cross-examination.

Step 5. Public Testimony: After the completion of testimony by the applicant, the Board's experts and experts representing other parties, the general public will be invited to present testimony.

All witnesses provided by the applicant, other expert witnesses and the general public must be sworn and their testimony adequately supported by the evidence. All presentation of witnesses and cross examination is subject to the Chairman's discretion as to reasonable limitations of available time and number of witnesses, and as to cross examination of single or multiple witnesses at the same time. Irrelevant or unduly repetitious testimony will be excluded.

Step 6. Summation: The summation period of the hearing follows the completion of all testimony and cross examination. Only at this time will the Chairman open the meeting to members of the public for comments and opinions on the matter. The applicant or its attorney may also make a closing statement. Again, this step is subject to the Chairman's discretion and to reasonable limitations as to time and/or duration of comments.

Step 7. Decision: After all parties who wish to be heard on the matter have been heard, the hearing will be formally closed. The Board will then deliberate the matter in public, often at the same meeting; followed by a motion and vote. The Board's decision will be described in detail in a resolution to be adopted at a subsequent meeting. A brief notice of the final decision will be published in one of the Village's official newspapers, such as the Ridgewood News or the Bergen Record.

Public Participation - Questions and Comments During Hearings

In keeping with the meeting and public hearing procedures described above, it is important to understand that questions and comments by all parties, including members of the public, are subject to various rules and procedures, including the following:

1. Questions of witnesses are to be asked following each witness's testimony and are to be limited to that witness's testimony.

2. Open public comments or opinions on the application are only permitted at the end of the hearing, when directed by the Chairman.

3. At the appropriate time, anyone wishing to ask questions or make comments should raise their hand and wait to be recognized by the Chairman, at which time they are to come to the podium. Persons are to speak clearly into the microphone, so that their questions and comments will be recorded. All persons asking questions or making comments must state their names and addresses, and spell their names before proceeding.

4. All witnesses, including members of the public offering testimony, are to be sworn under oath by the Board Attorney.

5. Testimony must be supported by credible evidence and not based on hearsay. Hearsay is unverified, unofficial information gained or acquired from another person or source and not part of their direct knowledge or experience.

6. Written statements or letters from individuals who are not present, petitions or individuals speaking on anyone else's behalf are not permitted, since these are not able to be cross-examined. However, the signer of a petition or the writer of a letter may appear and testify. A member of the public may provide the Board secretary with a written copy of his/her remarks after speaking during public questions or public comments.

7. The applicant has the right to cross-examine any person who presents testimony, including members of the public.

8. Only the Chairman may decide who speaks at a given time. Comments called out from the audience are not condoned and will not be considered part of the record.

9. The applicant's attorney, or the Board's attorney, may object to statements, testimony or questions. Such objections should not be perceived as disrespectful or rude, but rather as a means of maintaining a proper record and procedures.

10. The Chairman has the right to close the public portion of a hearing if he/she feels that the audience is unruly or making comments that are not relevant to the application. The Chairman also has the right to have any member of the audience removed from the hearing room for the unruly display of meeting decorum.

When the procedures discussed above are followed, public input will have maximum impact on the Board's deliberations. Please note that all applications are judged on their individual merit. The Board cannot predetermine the outcome of an application before all testimony and exhibits are presented and all questions are addressed.

The information and guidelines provided in this bulletin are subject to any changes in the law and are subject to any procedures or deviations established by the land use boards to implement the municipal land use law in effect at the time.

(These guidelines are for the purpose of assisting interested parties in understanding and participating in the municipal land use process. Each application is unique and deviations from this outline may necessarily occur. Such deviations should not be considered a basis for an argument in any appeals of a decision rendered by the Board.)

Thank you for participating in the municipal land use process.