

HOLLAND TOWNSHIP BOARD OF ADJUSTMENT

PUBLIC INFORMATION BULLETIN FOR

ATTENDANCE AT, AND PARTICIPATION IN, ZONING BOARD OF ADJUSTMENT MEETINGS

Welcome to the public hearing of the Holland Township Board of Adjustment (hereinafter the "Board"). The Board is glad you are here and welcomes your attendance, participation and input from which the Township and its residents can all benefit. This bulletin outlines, in summary fashion, the procedures which the New Jersey Municipal Land Use Law (the "MLUL") requires the Board to follow.

Only Zoning Boards of Adjustment, not elected governing bodies such as the Holland Township Committee, are charged by law with reviewing and determining all types of variance relief including "use" or "d" variances that allow a use normally forbidden in a zoning district. Approvals or denials of variances may be legally challenged, for instance in the New Jersey Superior Court, and as a result, it is critical that the processes set forth in the MLUL be satisfied.

Agendas: An agenda is available before all Board meetings. It is posted in the Holland Township Municipal Building, can be obtained from the Holland Township Planning Board / Board of Adjustment Secretary, and is also available on the Holland Township website, www.hollandtownship.org, click on "Boards & Commissions," "Zoning Board of Adjustment," and then current "Agenda."

Board Composition & Membership Requirements: Each application is reviewed in accordance with the New Jersey MLUL procedures. The Zoning Board is a quasi-judicial body, and the procedures employed by the Board are similar to those used in a courtroom. The chair-person conducts the meeting in a similar manner to a judge, whereas the Board is comparable to a jury that votes to make a final decision. All members of the Board are residents of Holland Township. Each Board member is a volunteer appointed by the Township Committee to serve the public interest without compensation. Board members are required to complete a New Jersey state-mandated training course, which is also available to the public. Each year, all Board members file financial disclosure statements required by the New Jersey Ethics Law with Holland Township's Municipal Clerk.

Public Questions & Comments: Members of the public may comment on applications before the Board. The timing of such comments depends on the nature and complexity of the application. Generally, less complex applications, such as where an applicant on a residential lot seeks permission to encroach into a side-yard setback in order to expand a family room, might require only one meeting and one public comment period.

More complex applications have public question periods after the testimony of each of the applicant's witnesses, and a general public comment period after the completion of the presentation of the application.

When asking a question regarding a specific witness's testimony, the public may ask questions only about that individual's testimony. The public may then comment on any aspect of the application at the close of testimony by the applicant's witnesses.

Application Procedure: When an application is announced by the chairperson, the applicant or his / her attorney comes forward. If the applicant is to provide testimony, he / she introduces him/herself, affirms that his / her testimony will be truthful (while being sworn under oath by the Zoning Board of Adjustment attorney, the Board's secretary, or a court stenographer) and then explains the nature of the application. If the applicant is represented by an attorney, the attorney presents the application and, where applicable, the order of the applicant's witnesses. If there are witnesses, each will be sworn in before presenting the testimony.

Following the testimony of each witness, the Board and its professionals will ask questions and seek clarifications needed for an informed review of the application. The chairperson will then ask if there are any questions from the public regarding the testimony of that witness.

If you have a question, raise your hand. When the chairperson calls on you, please rise and walk to the microphone. You will then be sworn under oath. Please speak clearly into the microphone. All witnesses must state their names and addresses and spell their names before asking a question or making appropriate comments. The public is limited to five minutes per person to ensure adequate time for all speakers for all applications.

Verbal statements from the public should be supportable and not hearsay.

The applicant has the right to cross-examine any members of the public who speak. Written statements or letters from individuals who are not present, petitions or speaking on anyone else's behalf are not permitted according to the MLUL. Written statements from the public in favor of or opposing the application cannot be accepted as the Board cannot cross-examine written statements; however, a member of the public may provide the Board's secretary with a written copy of his / her remarks after speaking.

Only the chairperson may decide who speaks at a particular time. Comments called out from the audience will not be considered part of the record.

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

The meeting is recorded by an audio system. Applicants often choose to augment the audio system by hiring a court reporting service at the applicant's expense.

Hearings which are not completed in one meeting may be further considered at future meetings. The chairperson will verbally announce that an application is being carried for further consideration to the next meeting. To confirm a continuation or re-scheduling of any meeting, you may call the Board's secretary at 908-995-0057, Wednesday through Thursday, between the hours of 9:00 AM and 12:00 Noon.

Meeting Minutes: Meeting minutes are posted on www.hollandtownship.org after the Board approves of them, which usually occurs at the following month's meeting. The minutes are posted on the Holland Township website shortly after the Board's approval.

Conclusion & Disclaimers: It is critical to note that each application is judged on its individual merits, and the Board cannot pre-determine the outcome of any application based on prior decisions. When you, as a member of the public, follow the procedures outlined above, your input

will have the greatest impact not only for you but for the Board during its consideration of the application.

This bulletin is meant to serve as a procedural framework for the public's participation before the Holland Township Board of Adjustment. This framework is not all encompassing and is subject to any procedures or modifications which may be implemented by the Board to satisfy any changes to the New Jersey Municipal Land Use Law. Again, each application is unique and deviations from this outline may necessarily occur. Such deviation(s) should not be considered a basis for an argument in any appeal of a decision rendered by the Board.

On behalf of the Township of Holland, and the Holland Township Board of Adjustment, thank you for participating in the municipal land use process.