



# Borough of Park Ridge

53 Park Avenue  
Park Ridge, NJ 07656  
(201) 391-5673

## Land Use Office

Subdivision Application

Date: \_\_\_\_\_

For Office Use Only:

Date Submitted: \_\_\_\_\_

Application #: \_\_\_\_\_

Escrow: \_\_\_\_\_

Filing Fee: \_\_\_\_\_

### Please indicate the purpose of this application:

- Minor\* or Major Subdivision
- Minor\* or Major Subdivision Final Approval
- Amendment to Approved Minor\* / Major Subdivision

\*Minor subdivision is defined as a subdivision of land for the creation of three or fewer lots, provided that such subdivision does not involve a planned development, any new street or the extension of any off-tract improvement. Any proposed subdivision that does not fit the definition of Minor Subdivision, is classified as a Major Subdivision (Park Ridge Borough Code Chapter 87)

### Subject Property:

Block: \_\_\_\_\_ Lot: \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 Nearest Cross Streets: \_\_\_\_\_  
 Zone: \_\_\_\_\_

### Applicant Information:

Name of Applicant: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

### Is the above listed applicant:

- An individual
- A partnership
- A corporation
- Or other \_\_\_\_\_

*\*If partnership or corporation, state the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class, or at least 10% of the interest in the partnership*

**Applicant's Attorney:** \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Fax#: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**Applicant's Engineer:** \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Fax#: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**Applicant's Architect:** \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Fax#: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**Other Professional or Expert:** \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Fax#: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**To whom should correspondence and notices be sent?**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**If applicant is not the record owner of the land described above, state the applicant's legal interest:**

- Contract purchaser
- Contract tenant
- Attorney for record owner
- Or other \_\_\_\_\_

Description of Land proposed to be subdivided:

Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Street Address: \_\_\_\_\_

Nearest Cross Streets: \_\_\_\_\_

Zone District: \_\_\_\_\_

**Purpose of application: (Give detailed description of the existing conditions of the subject property as well as the proposed conditions for the proposed new lot.**

**Have there been any previous proceedings concerning the subject property before the Park Ridge Planning Board or Zoning Board of Adjustment? *If yes, please give details of proceedings and outcome and provide copies of applicable paperwork.***

**Has the application been submitted to the Bergen County Planning Board?**

**If yes, please give date, details and the status of the application:**

**If no, provide the reason why an application has not been submitted:**

**Are any modifications or waivers of site plan details requested? List the sections of the Subdivision Ordinance requiring subdivision details which are purposely omitted from your plan:**

**Please provide the peculiar conditions applicable to the premises which are the subject of this application or applicable to the proposed construction thereon, which render the omitted details unnecessary to properly evaluate the application:**

**Are any variances from the Zoning Ordinance being requested on the proposed new lots?**



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## Land Use Office

INSTRUCTIONS  
Planning Board

In order to expedite the processing of your application, the applicant should be careful to **fully comply** with the below instructions. The following items **must** be submitted prior to placement on a specific agenda date:

1. An applicant may represent themselves however corporate/commercial applications must be represented by an attorney.
2. **One (1)** original set and **fourteen (20)** copies of the application.\*
3. **One (1)** original signed and sealed set of any plans (diagrams, architectural renderings, site plans) and **fourteen (20)** copies.\*
4. **One (1)** original sealed updated survey and **fourteen (20)** copies.\*
5. **Payment in full** of all application fees \$\_\_\_\_\_ and escrow fees \$\_\_\_\_\_. Payments must be received in separate checks.
6. **Certificate from the Tax Collector** stating all taxes are paid up to date.
7. Notarized **Certification of applicant** form.
8. Notarized **Owners Affidavit** form.
9. You will receive an e-mail within 45 days of receipt of application indicating if your application is complete or incomplete.
10. Once complete, you will be scheduled for the next available meeting date. The Park Ridge Planning Board meets the 2<sup>nd</sup> Wednesday of every month and the Zoning Board of Adjustment meets on the 3<sup>rd</sup> Tuesday of every month.
11. A **certified list of property owners** within 200 feet of a subject site in the Borough of Park Ridge and must be obtained from the Director of Finance.
12. **Notice of Public Hearing** must be served upon all property owners within 200 feet of the property, including those in neighboring municipalities **AND** must appear in **The Bergen Record** or **The Ridgewood News** at least 10 days prior to the hearing. If **Notice of Public Hearing** is served in person, applicant must obtain a signature and a date from each property owner. All public service utilities listed on the service list must also be notified.
13. An **Affidavit of Publication** obtained from the newspaper and a signed **Certification of Service** must be submitted **at least two days prior** to hearing.
14. Any revised documents submitted on behalf of a pending application shall be submitted at least ten (10) days prior to the scheduled hearing.

\* **Additional copies of applications and plans may be required.**

SUBDIVISION AND SITE PLAN REVIEW

*87 Attachment 1*

**Borough of Park Ridge**

**Appendix A**

**Checklist for Development Applications  
[Added 11-13-1990 by Ord. No. 90-17]**

- A. All applicants before the Planning Board or the Zoning Board of Adjustment shall provide all the information set forth in Paragraphs (1) through (8) below and the required submission details, where applicable, set forth on the attached Submission Details. Failure to complete the general requirements and submission details may result in a determination of incompleteness by the approving authority.
- (1) Six copies of the appropriate application form(s), completely filled in. If any item is not applicable to the applicant, it should so be indicated on the application form(s).
  - (2) Certificate that taxes are paid, submitted at least 10 days before the public hearing on the matter.
  - (3) Receipt indicating that fees are paid.
  - (4) Twenty-four copies of any required plot plan, site plan or subdivision plan.
  - (5) Affidavit of ownership. If the applicant is not the owner, the applicant's interest in the land, e.g., tenant, contract/purchaser, lienholder, etc.
  - (6) If a corporation or partnership, list the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class, as required by N.J.S.A. 40:55D-48.1 et seq.
  - (7) Statement as to variances and/or waivers which are sought, together with a statement of reasons why the waivers or variances should be granted.
  - (8) A narrative statement shall accompany each revised submittal, identifying the modifications to the revised development application. The narrative shall also address any comments contained in the reports prepared by the Board's professional planning and engineering consultants.

B. Submission details shall be as follows:

	Subdivision			Site Plan	
	Minor	Preliminary Major	Final Major	Preliminary	Final
I. Plat Specifications.					
(1) Plat drawn at a scale of not less than 1 inch equals 50 feet	X	X	X	X	X

PARK RIDGE CODE

	Subdivision			Site Plan	
	Minor	Preliminary Major	Final Major	Preliminary	Final
(2) Plans shall be prepared in accordance with the Map Filing law and signed and sealed by a:					
(a) Professional engineer.		X	X	X	X
(b) Land surveyor.	X	X	X	X	X
II. General Information.					
(3) Name and address of owner and applicant. If the owner is a corporation, the name and address of the president and secretary shall be submitted with the application.	X	X	X	X	X
(4) Name, signature, license number, seal and address of engineer, land survey or, architect, professional planner and/or landscape architect, as applicable, involved in preparation of plat.	X	X	X	X	X
(5) Title block denoting type of application, title of development, Tax Map sheet, block and lot and street location.	X	X	X	X	X
(6) Date block containing the date of preparation. All subsequent revisions shall be noted and dated.	X	X	X	X	X
(7) A key map showing the location of the tract with reference to surrounding properties, existing streets and streams within 500 feet of the site.	X	X	X	X	X
(8) North arrow and scale.	X	X	X	X	X
(9) A schedule of required zone district requirements and compliance and/or noncompliance to the same.	X	X	X	X	X
(10) Signature blocks for Chairman, Secretary and Municipal Engineer.	X	X	X	X	X
(11) Monumentation as specified by Map Filing law.			X		
(12) Date of property survey.	X	X	X	X	X
(13) Metes and bounds description showing dimensions, bearings, curve data, length of tangents, raddii, arcs, chords and central angles for all center lines and rights-of-way and center-line curves on streets.	X		X		X
(14) Acreage of tract and all existing and proposed lot lines and lots, in square feet	X	X	X	X	X

**SUBDIVISION AND SITE PLAN REVIEW**

	Subdivision			Site Plan	
	Minor	Preliminary Major	Final Major	Preliminary	Final
(15) Names of all property owners within 200 feet of site along with their block and lot numbers.	X	X	X	X	X
(16) Zone boundaries within 200 feet of the site.	X	X	X	X	X
(17) Copy and delineation of any existing or proposed deed restrictions, easements or covenants or lands dedicated to public use. If none, a notation to that effect shall be placed on the map.	X	X	X	X	X
(18) List of required regulatory approvals or permits.	X	X	X	X	X
(19) List of variances and/or waivers required and/or requested.	X	X	X	X	X
(20) Payment of application fees.	X	X	X	X	X
(21) Tax Map block and lot number as approved by the Borough Tax Office.	X		X		
(22) History of previous actions or restrictions to the property.	X	X	X	X	X
(23) When approval is required by any other municipal, county, state or federal agency, such approval shall be certified on the plat or evidence shall be certified on the plat or evidence submitted that an application has been made for such approval.	X	X	X	X	X
<b>III. Natural Features.</b>					
(24) Existing and proposed contours with a contour interval of 1 foot for slopes of 3% or less, an interval of 2 feet for slopes of more than 3% but less than 15% and an interval of 5 feet for slopes of 15% or more. Existing contours are to be indicated by dashed lines and proposed contours are to be indicated by solid lines.		X	X	X	X
(25) Location of existing rock outcrops, high points, watercourses, depressions, ponds, marshes, wooded areas and other significant existing features, including wetlands, flood elevations of watercourses, ponds and marsh areas as determined by survey.		X	X	X	X

PARK RIDGE CODE

	Subdivision			Site Plan	
	Minor	Preliminary Major	Final Major	Preliminary	Final
(26) Location of trees 6 inches or more in diameter, as measured 1 foot above ground level, outside of wooded areas, designating species of each.		X	X	X	X
IV. Man-Made Features.					
(27) Size and location of existing and proposed structures with all setbacks dimensioned.	X	X	X	X	X
(28) Required setback lines.	X	X	X	X	X
(29) Location and dimensions of existing and proposed streets.	X	X	X	X	X
(30) Location of existing buildings and all other structures such as walls, fences, culverts, bridges, roadways, etc., on site and within 200 feet of site, with spot elevations of such onsite structures. Structures to be removed shall be indicated by dashed lines; structures to remain shall be indicated by solid lines.	X	X	X	X	X
(31) All distances as measured along the right-of-way lines of existing streets abutting the property to the nearest intersection with any other street	X	X	X	X	X
(32) Location plans and elevations of all proposed buildings and other structures, including elevation sketches and building height in feet and stories.				X	X
(33) Location, height, dimensions and details of all signs, either freestanding or affixed to a building. Where signs are not to be provided, a notation to that effect shall be indicated on the site plan.				X	X
(34) Location of all existing and proposed storm drainage structures, soil erosion and sediment control devices and utility lines, whether publicly or privately owned, with pipe sizes, grades and directions of flow, location of inlets, manholes or other appurtenances and appropriate invert and other elevations. The estimated location of existing underground utility lines shall be shown.	X	X*	X	X	X



SUBDIVISION AND SITE PLAN REVIEW

	Subdivision			Site Plan	
	Minor	Preliminary Major	Final Major	Preliminary	Final
(35) All proposed streets with profiles indicating grading; and cross sections showing width of roadway, location and width of sidewalks and location and size of utility lines.		X	X		
(36) The proposed use or uses of land and buildings. Floor space of all buildings and estimated number of employees, housing units, seating capacity or other capacity measurements, as required, shall also be indicated.			X	X	
(37) All means of vehicular ingress and egress to and from the site onto public or private streets showing the size and location of driveways and curb cuts, including the possible organization of traffic channels, acceleration and deceleration lanes, additional width and other traffic controls which may be required. Improvements such as roads, curbs, sidewalks and other design detail shall be indicated, including dimensions of parking stalls, access aisles, curb radii, direction of traffic flow and other conditions as may be required in the applicable codes.				X	X
(38) The location and design of any off-street parking areas or loading areas showing size and location of bays, aisles and barriers.				X	X
(39) The location of all existing and proposed water lines, valves and hydrants and all sewer lines or alternative means of water supply or sewage disposal and treatment. Plans and profiles of storm and sanitary sewers and water mains.		X	X	X	X
(40) The proposed location, direction of illumination, power and time of proposed outdoor lighting, including type of standards to be employed, radius of light and intensity in footcandles.			X	X	
(41) The proposed screening and landscaping and a planting plan indicating natural vegetation to remain and areas to be planted, type of vegetation to be utilized, plant height and mature height			X	X	

PARK RIDGE CODE

	Subdivision			Site Plan	
	Minor	Preliminary Major	Final Major	Preliminary	Final
(42) The existing and proposed stormwater drainage system as to conform with the following: a drainage basin designed to a 25-year storm; a detention basin designed to a 25-year storm plus 100-year emergency bypass. All plans shall be accompanied by a plan sketch showing all existing drainage within 500 feet of any boundary and all areas such as paved areas, grassed areas, wooded areas and any other surface area contributing to the calculations and methods used in the determination.		X	X	X	X
(43) Proposed final grades of all streets shall be shown to a scale of 1 inch equals 5 feet vertical and 1 inch equals 50 feet horizontal, on sheets 22 inches x 36 inches, and drawings shall include both plans and profiles and shall show elevations of all monuments referred to United States Coast and Geodetic Survey level bench marks, and such elevations shall be shown in feet and hundredths of feet			X		
(44) Written proof that the lands set aside or shown for easement, public use or streets are free and clear of all liens and encumbrances.	X	X	X	X	X

\*NOTE: As per Natural Resources Conservation Service regulations.

**CERTIFICATION OF PAYMENT OF TAXES**

**ADDRESS:** \_\_\_\_\_

<b>Date:</b> _____
<p>I, _____ Tax Collector of the Borough of Park Ridge, hereby certify that the property taxes on the property known as, Block (s) _____, Lot (s) _____, as shown on the Borough Tax Assessment Maps, have been paid through the _____ quarter and that the taxes on the aforementioned property are not past due nor are there any penalties, assessments, or interest due or outstanding as of this date.</p>
<p>_____ <b>Signature of Tax Collector</b></p>

**Please contact the Borough's Tax Collector Jessica Mazarella at 201-573-1800 x 513 or E-Mail [jmazarella@parkridgeboro.com](mailto:jmazarella@parkridgeboro.com) for this information.**

**CERTIFICATION OF APPLICANT**

**SUBJECT PROPERTY:** \_\_\_\_\_

I, (We,) the undersigned applicant(s) being duly sworn, upon my (our) oath(s) depose and say that the statement contained herein are true to the best of my (our) knowledge, information, and belief.

Signature of Applicant: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

Subscribed and sworn to me before this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**OWNER'S AFFIDAVIT/AUTHORIZATION – CORPORATE**

**STATE OF NEW JERSEY) ss:  
COUNTY OF BERGEN)**

\_\_\_\_\_, of full age, being duly sworn according to law, upon his/her oath deposes and says:

1. I am (office) \_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_ a corporation of the State of \_\_\_\_\_  
With its principal office at \_\_\_\_\_.
2. I am, by virtue of my office, authorized to bid said corporation to the representations and agreements contained in this affidavit.
3. Said corporation is the owner of premises in the Borough of Park Ridge known as \_\_\_\_\_ and also known as Block \_\_\_\_\_ Lot \_\_\_\_ on the current tax map.
4. Said corporation has authorized \_\_\_\_\_ to make the foregoing application to the Planning Board or the Zoning Board of Adjustment, on my (our) behalf, and I (we) agree to be bound by the decision of the Board, including all terms and conditions made a part thereof.
5. Said corporation has not authorized any other person to make such an application on its behalf.

Subscribed and sworn to me before this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
Notary Public

OWNER'S AFFIDAVIT/AUTHORIZATION – INDIVIDUAL

STATE OF NEW JERSEY) ss:  
COUNTY OF BERGEN )

\_\_\_\_\_, of full age, being duly sworn according to law, upon his/her oath deposes and says:

1. I (we) am (are) the owners of premises in the Borough of Park Ridge known as \_\_\_\_\_ and also known as Block \_\_\_\_\_ Lot \_\_\_\_ on the current tax map.
2. Complete below if application is made by other than owner(s):  
My (our) \_\_\_\_\_, is hereby authorized and empowered to make application to the Planning Board or the Zoning Board of Adjustment, on my (our) behalf, and I (we) agree to be bound by the decision of the Board, including all terms and conditions made a part thereof.

Subscribed and sworn to me before this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
Notary Public



## Borough of Park Ridge

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## Land Use Office

DATE: \_\_\_\_\_

Tax Office:

Kindly provide the undersigned within (7) days, a certified list of all property owners of record within 200 feet of the following:

STREET ADDRESS: \_\_\_\_\_

BLOCK: \_\_\_\_\_ LOT: \_\_\_\_\_

It is understood that the said list will be mailed, e-mailed or picked up at the Tax Office. A fee of \$10.00 will be paid either in cash or by a check made out to the Borough of Park Ridge.

Applicant Name: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

\_\_\_\_\_

Applicant E-Mail Address: \_\_\_\_\_

Applicant Phone Number: \_\_\_\_\_

**\*\*Please contact the Borough's Tax Collector Jessica Mazarella at 201-573-1800 x 513 or E-Mail [jmazarella@parkridgeboro.com](mailto:jmazarella@parkridgeboro.com) with any questions about this form.**

**NOTICE OF HEARING**  
**PARK RIDGE**  
**PLANNING BOARD**

Address of property requiring variance: (ADDRESS)

Please take notice that on (date) at 8:00 pm at the Council Chambers in the Municipal Building, 55 Park Ave, Park Ridge, NJ the Planning Board of the Borough of Park Ridge will hold a public hearing on the application of (applicant name) for (relief sought) and all variances that become apparent during testimony for the property designated as (Block and Lot and Address) on the Tax Map of the Borough. The applicants seeks to ( ).

All plans and maps associated with this application are on file with the Land Use Office and available for inspection Monday through Friday from 9:00 am – 4:00 pm. The office is located within the Municipal Building, 55 Park Ave. Park Ridge, NJ. All interested parties may appear at and participate in the hearing in accordance with the Planning Board.

(Owners)  
(Address)  
Park Ridge, NJ

**\*\* (SAMPLE PUBLICATION) TO BE PUBLISHED IN THE RIDGEWOOD NEWS OR THE RECORD.**



**CERTIFIED MAILING WITH RETURN RECEIPT REQUESTED DIRECTIONS**

If any of this information is not submitted, it WILL delay your hearing. If notice is improper, it will have to be completed again for the future hearing date.

The Notice of Public Hearing sample included in the application must be sent Certified Mail Return Receipt Requested at least ten (10) days prior to the scheduled hearing date.

**ERR - ELECTRONIC RETURN RECEIPT**

1. Addressee:  
HYDRA-RESEARCH SERVICE  
300 W. FORT WALTER BLVD. ST. LOUIS, MO 63103

2. Service Type:  
 Certified Mail  
 Registered Mail  
 Insured Mail

3. Delivery Confirmation:  
 Certified Mail  
 Registered Mail  
 Insured Mail

2. Area Office: 2118 6632 5680 2657 6567

Complete name and full address as written on the List of Property Owners within 200' from the Tax Assessor must be completed on both the green and white receipt and the white receipt must be stamped by the post office with the date sent.

**CERTIFIED MAIL RECEIPT**

POSTAGE: \$0.45 (IN Check Payment)  
\$2.95  
\$2.35 (desired)  
\$4.55 (desired)  
\$10.30

Reggie Redbird  
123 State St  
Normal IL 61761

The notice must be published in either The Bergen Record or The Ridgewood News at least ten **(10) days prior** to the scheduled hearing date.

The "Certification of Service" located in the application must be completed, signed, and notarized and submitted to the Land Use Office no less than one (1) day prior to the scheduled hearing date.

**NOTICE OF PUBLIC HEARING**

NOTICE OF HEARING: Planning Board

HEARING REQUESTED FOR

+++++

\_\_\_\_\_  
Address of property requiring hearing

ADDRESSED TO: \_\_\_\_\_  
\_\_\_\_\_

This is to notify you that the undersigned owner(s) of record of Lot: \_\_\_\_\_ in  
Block: \_\_\_\_\_ on the Borough Tax Assessment Map shall appear before the Park  
Ridge Planning Board on \_\_\_\_\_ 20\_\_\_\_ at 8:00pm in the  
Council Chambers of the Municipal Building, 55 Park Avenue, Park Ridge, for the  
purpose of seeking \_\_\_\_\_(subdivision, soil moving,  
variance(s) in order to \_\_\_\_\_.

The purpose of this Notice is to afford you the opportunity to appear, if you so desire, before  
the said Planning Board at the time and place designated above for the purpose of being  
heard with respect to this application.

All documents and maps relevant to this application are on file in the Land Use Office and  
may be seen Monday through Friday during normal business hours.

\_\_\_\_\_  
Applicant(s) signature

\_\_\_\_\_  
Address of Applicant(s)

\_\_\_\_\_  
Signature of person served Notice

**CERTIFICATION OF SERVICE**

**SUBJECT PROPERTY:** \_\_\_\_\_

I, \_\_\_\_\_ certify that on, \_\_\_\_\_, I mailed in the Post Office via Certified Mail, Return Receipt Requested, an envelope containing a copy of the Notice attached addressed to each of the persons on the attached list at the address as show.

I, \_\_\_\_\_ certify that on \_\_\_\_\_, I personally served a copy of the Notice attached addressed to each of the persons on the attached list as shown.

\_\_\_\_\_  
(signature)



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## Land Use Office PUBLIC HEARING PROCESS

### INTRODUCTION

New Jersey law dictates the public hearing process for both the Planning Board and the Zoning Board of Adjustment.

### APPLICATIONS

- Upon submission, each application is assigned a number.
- The Land Use Office has 45 days in which to deem an application complete; at which time an applicant will be given a hearing date.
- When the Chair calls an application, the applicant and/or attorney comes forward, and states their name(s) for the record. Please note, corporate entities must be represented by counsel.
- The applicant/attorney provides a brief overview of the proposal and calls their witnesses.
- Each expert witness states his/her name and occupation, is sworn in, and presents professional credentials to the Board.
- Once the witness' credentials are accepted by the Board, they may testify.
- The applicant's attorney will ask questions of each the expert witness to elicit their testimony.
- The Board and its professional staff will also ask questions of the witnesses.

### AGENDA

A printed Agenda shows the order in which items will be heard or discussed. The Chair may change the order. Should any items on the Agenda not get heard or require additional time, a continuation date is announced for any uncompleted applications. Generally, this announcement satisfies the Public Notice requirement. Agendas can be found on the Planning Board and Zoning Board of Adjustment website.

### THE CHAIRMAN

The Chair will open the meeting and make any announcements at this time. He may note changes in the agenda and announce new hearing dates for matters that are adjourned. The meeting will then be open to the public. At this time any person may address the Board about a matter **not** being addressed on the agenda. Matters listed on the agenda will be opened for discussion at the appropriate time during the meeting. If a member of the public has a general question or special issue that they want to bring to the attention of the Board, as long as it is not related to any item on the agenda, they may come forward at this time.

### PROCEDURE

The Planning Board and the Zoning Board of Adjustment are quasi-judicial bodies. The Boards operate similarly to, but not as strictly as a court of law. The Chair runs the proceedings as a judge might and the Board acts like a jury that votes on a final decision to approve or deny the relief being requested. The applicant provides testimony and will also have expert witnesses testify and introduce evidence in support of the case. During each presentation there will be an opportunity to **question the witness about his testimony**. At this time, the Board and the public are limited to **questions only**. After each witness has provided testimony and answered questions, the Chair will open the meeting to the public for **general comments and statements**. **This is the appropriate time for a member of the public to express an opinion about the application, or offer information or materials for the Board's consideration.**

### CROSS-EXAMINATION

The Board, its staff, and members of the public, have the right to cross-examine each witness after they have completed their testimony. The applicant, their professionals and others having legal rights can also be cross-examined. Thus, statements should be **supportable** and **factual**. The Board is legally required to act on an application based upon the findings of fact and the proofs according to law that are presented to them. **Although the Board may take public input into account, it cannot and does not act solely based on public support or opposition.** The Board cannot make decisions based upon financial considerations such as "ratables" or "tax" revenues.

Anyone wishing to speak or testify at a hearing must appear in person to allow all parties the opportunity to cross-examine. **Petitions are NOT admissible into evidence** and cannot be read at a hearing. Letters are only admissible if the author of the letter is present and willing to read it into the record themselves. The author of the letter is then subject to cross-examination.

## **PUBLIC QUESTIONS AND COMMENTS**

### **QUESTIONS**

- The Chair will open the meeting to the public after each witness has testified so that the members of the public have an opportunity to ask questions of each expert. Please remember that this time is limited to questions of that particular witness and it is not the time for 'general' comments.
- A member of the public may come to the microphone when acknowledged by the Chair. He/She will be asked to state his/her name and address for the record, and is then permitted to direct questions to the appropriate party.
- Expert witnesses only testify in their field of expertise.
- After public questions are completed, the Chair temporarily closes the hearing on this aspect of testimony.
- This process is repeated with each different expert witness.
- When all witnesses have been presented and the testimony is complete, the Board and its staff have the opportunity to ask any final questions.

### **COMMENTS**

- Just before the Board takes final action on the application, the Chair will once again open the meeting to the public. This is the appropriate time to offer general comment or opinion on the proposal, request special consideration and/or ask any final questions. This is probably the last opportunity for the public to speak on the application. Remarks may be directed 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 as they consider a land use application. Please note however, that the Chair 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 testimony. The Chair may also limit the time or number of questions or comments from one citizen in order to allow adequate time for other members of the public to comment. The goal of the Board is for the applicant as well as all residents and members of the public affected by an application to be heard.

These procedures are generally adhered to strictly during hearings on large or complex applications requiring many witnesses and a great deal of testimony. For smaller or less complicated applications, the Chair may, when appropriate, open the hearing for both questions and comments at the same time.

Anyone unsatisfied with the outcome of an application, has the right to appeal a decision, in Superior Court, within 45 days of adoption of the Board's resolution.

We hope that this evening and your participation in it, will prove to be a rewarding experience. We thank you for coming out to participate in this vital democratic process. If you have any other questions about the Board process, feel free to call the Land Use office at (201) 391-5673.

\*\*\*This information is for the purpose of assisting interested parties in understanding and participating in the municipal land use process. Each application is unique and deviations from the basic process necessarily occur. Such deviations should not be considered a basis for an argument in any appeal of a Board decision.

Questions regarding land use procedures should be directed to the Zoning Officer or Land Use Secretary at 201-391-5673