

BOROUGH OF MOUNTAIN LAKES

ZONING BOARD OF ADJUSTMENT

WELCOME to a public hearing of the Borough of Mountain Lakes Zoning Board. Your input can be helpful. This page outlines the procedures that the law requires us to follow. The Board has seven regular members and two alternate members. The alternate members can participate in the hearing discussion but only vote on an application in the absence of regular members.

AGENDA. The order of the meeting is set forth on the Agenda which is available and placed in the Council chamber and can be found online prior to the meeting. Sometimes cases on the Agenda may not be completed during the meeting. If the case you are interested in is not reached or completed, the Board Chair will announce a continuation date. A future notice to you in writing of the continuation date will not be required of the applicant.

PROCEDURES. A hearing is like a court proceeding. The Board sits as a quasi-judicial Board, its purpose is to potentially provide relief from the zoning requirements which cannot be satisfied. The applicant, who has the burden of proof, provides sworn testimony by expert or otherwise knowledgeable witness to support the application. The Board, its staff, and the public have the right to cross-examine these witnesses and, finally, to comment on the application. A tape recorder keeps a verbatim record of the proceedings. When you speak, please do so slowly and clearly, starting by stating your name and address.

CASES. Under the New Jersey Municipal Land Use Law, the following applications are heard by a Zoning Board:

- a. Appeals from a decision or order made by the Zoning Officer.
- b. Interpretations of the Zoning Map, Ordinance or other special questions.
- c. Requests for variance from bulk requirements, lot line setbacks, and certain other variances requested because of unusual property conditions.
- d. Requests to allow a use or structure that is not permitted in a zone and certain related types of variances.

A, B and C appeals require the approval of a majority of the members who hear the case. D appeals must have the affirmative votes of five members regardless of the number who hear the case.

When each case is called, the applicant (who can be represented by an attorney) will present the case and each of the applicant's witnesses in turn. Each witness will testify under oath.

PUBLIC QUESTIONS: Following the testimony of each witness, the Board and its professional staff will ask questions or seek clarifications. The Chair will then invite the public to ask questions of the witness. If you have any questions of the witness **(please hold your testimony or comments for later in the hearing)** please raise your hand. When the Chair calls you please

stand, state your name and address, and direct your questions to the witness. When the public has had the opportunity to complete its questions, the Chair will direct the applicant to call the next witness and the above procedures will recommence.

PUBLIC COMMENTS. When the applicant's case is completed, the public will be invited to offer relevant testimony, comments and factual information. Such testimony must be given under oath, administered by the Board Attorney. Your statements should be based upon your own personal knowledge, **not** the knowledge of someone else. The latter is "hearsay" and not permitted in a judicial setting. Petitions are another form of hearsay and will not be accepted.

The Chair closes the public portion of the hearing when public comments are completed or become repetitive.

WHEN YOU FOLLOW THE ABOVE PROCEDURES, YOUR THOUGHTS WILL HAVE THE MAXIMUM IMPACT ON THE BOARD'S DELIBERATIONS. THE ZONING BOARD THANKS YOU FOR YOUR INTEREST AND YOUR PARTICIPATION.