

Q & A: Public Hearing Process

Q. *What is a public hearing?*

A. A public hearing is a formal process that enables interested parties, including community members and their representatives, to participate in the review of land use applications. The rules for public hearings are established by state law. A public hearing is conducted by the governing board, or the board may appoint any member or an independent attorney as a hearing officer.

Q. *Who are parties to the public hearing?*

A. The parties to the hearing are the Township, the applicant, any person affected by the application who has submitted a written statement of an intention to participate in the hearing, and any other person including civic or community organizations permitted to appear by the Board.

The Board will require that all people who wish to be considered parties personally enter their appearances in writing on forms provided by the Board for that purpose, at the time of the hearing. The forms are available for printing on the Township website:
www.whitemarshtwp.org

Anyone else who wishes to participate in the hearing but does not enter an appearance in writing may be permitted to question witnesses but will not have the right to present evidence or acquire any rights with respect to the appeal of any decision made by the Board.

Q. *What is the role of the hearing officer?*

A. The hearing officer presides at the hearing and has the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

Q. *What rights do parties have at the hearing?*

A. Parties who have entered their written appearance at the hearing have the right to be represented by counsel and the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

Q. *Is the public hearing like a trial?*

A. Formal rules of evidence such as those in a trial do not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded by the presiding officer, who conducts the hearing and rules on procedural issues.

Q. *Is a formal record kept of the hearing?*

A. Yes. The Board keeps a stenographic record of the proceedings. The appearance fee for a stenographer and the cost of the original transcript will be borne by the Board. The cost of additional copies shall be paid by the person requesting such copy or copies.

Q. *Will the Board make a decision at the close of the hearing?*

A. The Board may do so, but may postpone formal action on the application until a special meeting following the close of the hearing.