

A. The Zoning Hearing Board. The Zoning Hearing Board (“ZHB”) is a quasi-judicial administrative body that functions and performs its duties similar to a Court of law. The ZHB is charged under State law, and Court cases that have interpreted those laws, with receiving sworn testimony and evidence from witnesses that appear before the ZHB. The ZHB must then apply applicable State law and Court cases to the facts presented during the Public Hearing in reaching its conclusions and decision. The ZHB will publicly announce its oral decision after the receipt of all testimony and evidence in a case either at the conclusion of the Public Hearing or at a continued Public Hearing. The ZHB’s oral decision will be followed by the issuance of Fact Findings and Conclusions of Law set forth in a written Zoning Opinion. That written Zoning Opinion is filed within 45 days after the close of all testimony and evidence in the Appeal matter, or as agreed by all parties to an Appeal. All testimony and evidence presented during the Public Hearing is recorded stenographically in keeping with State law.

B. The Applicant. The Applicant in a Zoning Appeal matter is the individual or entity that has filed a Zoning Appeal Application with the ZHB requesting zoning relief from a requirement of the Township Zoning Ordinance. The Applicant has the burden of proof, that is, the burden of demonstrating under applicable standards set forth in State law, and in Court cases interpreting that law, that the Applicant is entitled to zoning relief.

C. An Objector or Interested Party. An “Objector” is an individual or entity that is opposed to the Applicant’s request for zoning relief. An “Interested Party” is an individual or entity that is interested in, but not necessarily opposed to, the Applicant’s request for zoning relief.

D. Brief Overview of Procedures at the Public Hearing. The Public Hearing will proceed in the following order:

1. Opening Statements. The Applicant and then the Objectors and Interested Parties, if they so choose, may make Opening Statements, that is, give some brief introductory remarks, regarding the Zoning Appeal matter, or their interest in, or opposition to, the Zoning Appeal.

2. Applicant’s Case. The Applicant will present its case first. The Applicant will present testimony and evidence by each of its witnesses on Direct Examination.

3. Cross Examination of Witnesses. After each witness, the ZHB Members may ask questions of the witness based upon testimony and evidence presented by the witness. After questions from the ZHB Members, the ZHB will open the hearing up to questions from the Objectors and Interested Parties on Cross Examination. Cross Examination is the time when Objectors and Interested Parties may ask questions of the witness based upon the testimony and evidence presented by the witness on Direct Examination. Questions on Cross Examination should relate to the testimony and evidence offered by the witness during Direct Examination. Questions should not be repetitive in nature.

4. Re-Direct Examination and Re-Cross Examination. The Applicant may then engage in Re-Direct Examination of the witness and, if so, the Objectors and Interested Parties may then engage in Re-Cross Examination, that is, ask questions of the witness based upon testimony and evidence given by the witness on Re-Direct Examination.

5. Objector's/Interested Party's Case. After the Applicant has finished presenting its case-in-chief, the ZHB will open the hearing up to the Objectors and Interested Parties to present their side of the case, that is, to offer testimony and evidence regarding their opposition to, interest in, or support of, the Applicant's zoning relief requests. After an Objector or Interested Party testifies, the Applicant will have the opportunity to cross examine the Objector or Interested party, that is, to ask him or her questions, based upon their presented testimony and evidence.

6. Closing Statements. After all testimony and evidence is concluded, the Applicant and each Objector and each Interested Party, if they so choose, may give a Closing Statement, that is, make brief concluding remarks summarizing the testimony and evidence presented at the hearing.

7. NOTE: (a) All witnesses must be sworn in before offering any testimony and evidence.

(b) If you are an Objector or Interested Party, please state your name and address for the ZHB and the stenographer so that it can be recorded, before asking your question or questions of a witness.