

N.J.A.C. 19:66-14.1

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New Jersey Administrative Code > TITLE 19K. CASINO CONTROL COMMISSION/CASINO REINVESTMENT DEVELOPMENT AUTHORITY > CHAPTER 66. CASINO REINVESTMENT DEVELOPMENT AUTHORITY TOURISM DISTRICT LAND DEVELOPMENT RULES > SUBCHAPTER 14. CONDUCT OF HEARINGS

§ 19:66-14.1 Hearings

- (a) Whenever a hearing is required pursuant to this subchapter, the Authority shall select a reasonable time and place for the conduct of the hearing and shall so advise the applicant.
- (b) All hearings shall be conducted in accordance with the requirements of the Act and the MLUL.
- (c) All public notices of hearings pursuant to this subchapter shall be the responsibility of the applicant and shall be provided in accordance with the requirements of the MLUL.
- (d) The Authority's land use hearing officer shall preside over all hearings conducted pursuant to this subchapter.
- (e) The Division may adopt and publish application checklists and other such forms as it deems necessary to conduct application completeness reviews and hearings on applications for development, with the current revision of such checklists and forms.
- (f) An applicant submitting an application shall submit four copies of all applications, checklists, plans, reports, exhibits, and any other data to be submitted as evidence during a hearing.
- (g) An application for development shall be deemed complete for purposes of commencing the applicable time period for action by the Authority when so certified by the land use administrator. In the event that the application is not certified complete within 60 days from the date of submission, the application shall be deemed complete for purposes of commencing the applicable time period for action unless the application lacks information indicated on the checklist promulgated by the Division and provided to the applicant and the land use administrator has notified the applicant, in writing, of the deficiencies in the application within 45 days of submission of the application. The applicant may request that one or more submission requirements be waived, in which event the land use administrator shall grant or deny the request, in writing, within 45 days.
- (h) Once an application has been deemed complete, the Authority shall comply with the time lines set forth in the MLUL to conduct hearings.
- (i) The land use hearing officer may direct the administration of oaths and compel the attendance of witnesses, the production of relevant papers, and inquire into and establish qualifications of the witnesses appearing.
- (j) Applicants, other than individuals or sole proprietorships, shall be represented by an attorney admitted to practice law in the State of New Jersey.
- (k) All testimony by witnesses at any hearing shall be given under oath, and every party of record at a hearing shall have the right to present evidence and to examine and to cross-examine witnesses on all relevant issues, but the hearing officer may impose reasonable limitations on the number of witnesses heard and on the nature and length of their testimony and cross-examination.
- (l) The Authority shall arrange for a transcript of the hearing, the cost of which shall be borne by the applicant. All exhibits accepted into evidence shall be properly identified, and provided to the Authority by the

applicant in an electronic format acceptable to the Authority. The transcript and exhibits shall be filed with the Authority and shall be a part of the public record.

- (m)** The land use hearing officer may continue the hearing from time to time as may be reasonably necessary, and may refer the matter for further investigation, as necessary. A copy of any reports resulting from the investigation shall become part of the public record. The public record shall be closed at the time of conclusion of the hearing. Within 60 days of the conclusion of the hearing conducted pursuant to this subchapter, the land use hearing officer shall issue a summary of his or her findings of fact and conclusions of law thereon, together with a recommendation for action, to the Authority governing body. At a regular meeting of the Authority, the governing body shall adopt a resolution approving, denying, or modifying the recommendation of the land use hearing officer, or referring the matter back to the hearing officer for further fact finding. Except as otherwise expressly provided in this chapter, such resolution shall constitute final agency action.
- (n)** The Division shall cause a Notice of Decision summarizing the action taken by the Authority on the application to be published in a newspaper of record.

Annotations

Notes

Chapter Notes

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