

# TOWNSHIP OF LOWER

2600 Bayshore Road  
Villas, New Jersey 08251



Incorporated 1798

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THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE PUBLIC BODY AT ITS NEXT MEETING. THIS BOARD WILL NOT BE RESPONSIBLE FOR ANY MIS-STATEMENTS, ERRORS OR OMISSIONS OF THESE MINUTES, AND CAUTIONS ANYONE REVIEWING THESE MINUTES TO RELY UPON THEM ONLY AT THEIR OWN RISK.

## LOWER TOWNSHIP ZONING BOARD

A regularly scheduled meeting of the Zoning Board of Adjustment was held on May 3, 2012 at the Lower Township Municipal Building. The meeting was called to order at 7:00 P.M. by Chairman James Hanson. The Recording Secretary stated that adequate notice of said meeting was given in compliance with the Open Public Meetings Act of 1975.

**MEMBERS PRESENT:** Chairman James Hanson  
Ernest Utsch III  
Bruce Waterman  
Robert Sweeten  
Michael DiStefano  
Dianne Kelly  
Kristine Trusiak

**STAFF EXCUSED:** John Armbruster  
David F. Brand, Jr.  
Christopher Kobik  
Stephen Komar

**STAFF PRESENT:** Anthony J. Harvatt, II, Board Solicitor  
Shawn Carr, Acting Board Engineer  
William J. Galestok, Board Secretary  
Lisa A. Schubert, Recording Secretary

**STAFF EXCUSED:** Mark Sray, Board Engineer

CORRESPONDENCE:Handouts:

List of Board Solicitor vouchers dated May 1, 2012.

List of Board Engineer vouchers dated May 3, 2012.

The New Jersey Planner: March/April 2012 - Vol. 73, No. 2.

Mr. DiStefano made a motion to approve the minutes from the April 5, 2012 meeting. The motion was seconded by Mr. Sweeten. Motion carried.

Mr. Utsch made a motion to approve Board Engineer vouchers. The motion was seconded by Mr. Waterman. Motion carried.

Mr. Waterman made a motion to approve Board Solicitor vouchers. The motion was seconded by Mr. DiStefano. Motion carried.

Mr. Sweeten made a motion to approve the resolutions from the April 5, 2012 meeting. The motion was seconded by Mr. DiStefano. Motion carried.

1. Approval of Board Solicitor contract for 2012.

Mr. Galestok explained an email was received from the Township Solicitor regarding the contract. In the email, he suggested the Board Solicitor draw up their own contract for the Board to review and approve.

Mr. Galestok explained that his office typed up a contract and it was forwarded to the Board members for review.

Mr. Waterman made a motion to approve the Board Solicitor contract. The motion was seconded by Mr. Utsch. Motion carried.

2. The applicant is requesting a clarification of the Municipal Land Use Law, 40:55D-47e.f.g. as to whether an extension of the protection period may be granted by the Board to preserve the variances and allow building permits to be issued on the property or in the alternative may the Board grant a one-year extension in order for the applicant to apply for new variances for this project. Additionally, the applicant would like a clarification of the Permit Extension Act of 2008 and its application to this project, submitted by Neva & Leonard Sachar for the location known as Block 792, Lot 1.04, 656 Sunset Blvd.

Mr. Galestok explained that this is not totally an informal discussion. The applicant did apply for an extension.

Mr. Jon Sachar, Esq., represented the applicants.

Mr. Sachar explained that on Resolution #09-42, paragraph #4, it states, 'that the variance relief granted hereunder shall expire at the expiration of three years if not acted upon by applicant, his successors or assigns except as otherwise provided under the Municipal Land Use Law.' He asked what acted upon meant?

There was a discussion that it was already acted upon once the subdivision was filed. The variances would run with the land unless zoning changed.

Mr. Sachar explained that there are people who are interested in one lot. He explained their attorney, Mr. Dwyer, is looking for a letter clarifying the wording of the resolution.

The Board asked if the application was perfected when the subdivision was filed, why was there this discussion? Mr. Sachar explained they are seeking clarification of the resolution because it says, 'unless acted upon.'

Mr. Galestok read section 40:55D-47e.f.g. from the Municipal Land Use Book.

Mr. Leonard Sachar, applicant, was sworn in by Chairman Hanson.

Mr. Sachar explained that they are looking for something that says the variances will not expire in three years because the application was acted upon.

There was a discussion about doing a superceding resolution amending paragraph 4 of Resolution 09-42.

This portion of the hearing was opened to the public. There were no public comments. This portion of the hearing was closed to the public.

Mr. Waterman made a motion to approve a superceding resolution amending paragraph 4. the motion was seconded by Mr. Utsch.

VOTE:	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Mrs. Kelly	YES	Mrs. Trusiak	YES
	Chairman Hanson	YES		

Motion carried.

The superceding resolution will be prepared by the Board Solicitor for the Board to review and approve at the next scheduled meeting.

Mr. Waterman made a motion to adjourn at 7:20 P.M. The motion was seconded by Mr. Utsch. Motion carried.

Respectfully submitted,

Lisa A. Schubert,  
Recording Secretary

A verbatim recording of said meeting is on file in Township Hall.

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