

MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT

SPECIAL MEETING

Thursday, May 10, 2012

**Manchester Township Municipal Building
1 Colonial Drive, Manchester, NJ**

MINUTES OF MEETING

1. The meeting of the Manchester Township Zoning Board of Adjustment was called to order at 7:00 p.m. by Chairperson Linda Fazio.
2. This meeting had been duly advertised, filed and posted in accordance with the Open Public Meetings Act.
3. A Pledge of Allegiance and Salute to the Flag.
4. Roll Call:
Members Present: T. Umlauf, W. Cook, L. Fazio, K. Vaccaro, H. Glen

Members Absent: P. Salvia, J. Hankins, M. Dwyer

Also Present: C. Reid, Attorney
R. Mullin, Engineer

Mr. Reid stated he has a report. At the last meeting (4/26/12) for the Manchester Rehab there was a request from the objector's attorney to the presence of the Board Members that had been disqualified remaining at the hearing. At the time, considering the length of the application, how many meetings that had been had, and that it really wasn't going through the merits of the case he made a decision on the record to ask the Board Members to leave so that he could actually research the issue. He has done so and has submitted correspondence relating to it. It essentially summarizes the Board Members can be present at the hearing; they essentially have to be outside the presence of the Board. The idea of that is they don't want any communication between any of the disqualified Members or have any influence on any of the Members who are voting. Those Board Members can attend the meetings and sit in the general public. To err on the side of caution, don't sit in the front row. He doesn't believe sitting in the front row is necessarily wrong because it is part of the general public, but just to err on the side of caution. Mrs. Vaccaro asked that those members should be directed where to sit. She also stated that since the beginning of the hearings back in June 2011 no matter where the hearings were held has always sat in the front row. She believes Ms. John has perjured herself and was curious if there was any action the Board could take against her for that? Mr. Cook doesn't believe it could be considered perjury because she was not sworn in or testifying. Mr. Umlauf agrees with Mrs. Vaccaro's comments and would like Mr. Reid to look into what could be done, if something could be done it should be. Mrs. Vaccaro feels a public apology should be made to those Board Members. Mrs. Fazio stated that Ms. John may have not been aware who was stepping up & stepping down. Mr. Reid stated he is not aware of any action that could be taken. He also stated the Board needs to focus on the merits of the case, not all the things that are being brought up to distract them.

5. **Case 1278** Whiting Realty Partners, LLC Block 111 Lot 4
 103 Godwin Avenue, Suite 193 Routes 70 & 539
 Midland Park, NJ 07432 WTHD Zone

This application is for a use variance and preliminary & final site plan approval to construct a Dunkin' Donuts store (with drive-thru) and a 5,880 square foot STS vehicle maintenance and automotive repair facility. The Secretary stated that she received an email from Mr. Stanzione's office today. They are asking that this case be carried this evening due to it being a Use Variance and 5 affirmative votes is needed for an approval and the Board only has 5 members present tonight. They would rather have a meeting when there is a majority of the Board Members present. They did waive the time limits. Mr. Reid stated that for the record there were 7 members until recently, one of the members had a family issue and had to leave town and is still out of town and then another member at the 11th hour had a conflict where he could not be here. It's not as if the applicant is saying let's have a special meeting then not show up & decide against having the meeting, it was more the terms that were presented to the applicant.

This application was **CARRIED** to another Special Meeting date to be determined on motion by W. Cook and seconded by K. Vaccaro. All in favor. A waiver of time was given. New notice will be provided.

Invoice #1175 for Cafarelli & Reid in the amount of \$7530.00 for Case 1162 was approved for payment on motion by W. Cook and seconded by K. Vaccaro.

ROLL CALL VOTE: W. Cook, yes; K. Vaccaro, yes; T. Umlauf, yes; H. Glen, yes; L. Fazio, yes.

On motion by T. Umlauf and seconded by W. Cook the Board went into Executive Session at 7:20 p.m. All in favor.

On motion by W. Cook and seconded by T. Umlauf the Board came out of Executive Session at 8:10 p.m. All in favor.

Adjournment: The meeting was adjourned at 8:10 p.m. on motion by W. Cook and seconded by T. Umlauf. All in favor.

Respectfully submitted,

Darlene E. Garcia
Secretary