

**ELSINBORO TOWNSHIP
PLANNING BOARD**

Dave Faulhaber - Chairman 935-4472

Steve Cornman - Secretary 935-7593

Board Minutes

December 18, 2019

The Elsinboro Planning Board met in the Emergency Management Building at 6:30 PM. Members present were Chairman Dave Faulhaber, Vice Chairman Rich Kazunas, Secretary and Member Steve Cornman, Sean Elwell, Michael Khairzada, Frank Master, Kurt Kaufmann, Joe McAllister, Ken Brown, and Joe Robbins. Also present was Board Solicitor Marla Gaglione. One member of the public was present, Ann Richman.

Dave Faulhaber opened the meeting and read the sunshine law statement. The Chairman led the Board with the Pledge of Allegiance to the Flag.

Motion #1: Ken Brown made a motion to dispense with the reading and approve the minutes of the October 23, 2019 meeting. Joe McAllister seconded the motion. The motion carried by a vote of 9 ayes, 0 nays, and 0 abstentions.

The meeting was held to review and act upon application 2019-01. The applicant was not present for the meeting.

Motion #2: Ken Brown made a motion to reorganize the Combined Planning and Zoning Board to a Zoning Board of Adjustment for the purpose of reviewing and acting on Use Variance application 2019-01. Michael Khairzada seconded the motion. The motion carried by a roll call vote of 9 ayes, 0 nays, and 0 abstentions. The eligible voting members of the Board of Adjustment were Dave Faulhaber, Steve Cornman, Michael Khairzada, Frank Master, Kurt Kaufmann, Richard Kazunas, and Ken Brown.

The Board Solicitor Marla Gaglione updated the Board regarding the status of, and events surrounding, the application, including,

- The requirement that the application be acted on within the 120-day deadline or a default approval of the variance request would result.
- Following several requests to the applicant and her legal representative to formally request a continuance before the 120-day deadline expired, no formal request was provided.
- After being informed by the applicant's attorney that the application would need to be amended to reflect that the applicant had established a Limited Liability Corporation (LLC), no amendment to the application or details about the LLC were provided.
- After the applicant informed the Board that Adam Telsey would no longer be representing the applicant, no justification that would allow testimony on the application by the LLC without counsel was provided.
- While a legal notice was posted in the newspaper of record identifying the hearing date of December 18, 2019, notice to property owners within 200 feet of Block 39, Lot 15.03 was not provided. Other entities that needed to be informed of the request for a use variance request were not noticed as required.

Due to the 120 day deadline, the Board Solicitor recommended the Board act upon the application. Without a formal request for adjournment, the applicant not being present and proper notice not having been fulfilled the Solicitor recommended that if the Board were to deny the application it be done so without prejudice to permit the Applicant to reapply in the future.

**ELSINBORO TOWNSHIP
PLANNING BOARD**

Dave Faulhaber - Chairman 935-4472

Steve Cornman - Secretary 935-7593

Board Minutes

Motion #3: Mike Khairzada made a motion to open the hearing for public comment. Richard Kazunas seconded the motion. The motion carried by a unanimous vote.

Ann Richman addressed the Board regarding the fact that the property owners were not notified and someone who saw the legal advertisement in the South Jersey Times had informed her of the hearing on the use variance. No additional public comment was provided.

Motion #4: Mike Khairzada made a motion to close the public comment portion of the hearing. Frank Master seconded the motion. The motion carried by a unanimous vote.

Motion #5: Kurt Kaufmann made a motion to deny Use Variance application 2019-01 without prejudice. Steve Cornman seconded the motion. The Chairman asked for Board comments on the motion. No comments were provided. The motion carried by a roll call vote of 7 ayes, 0 nays, and 0 abstentions.

The Board Solicitor briefed the Board on Resolution 2019-03, "Resolution Regarding Application 2019-01 Carolyn Joyce; Applicant of Block 39, Lot 15.03" memorializing the Board's denial of the application.

Motion #6: Michael Khairzada made a motion to adopt Resolution 2019-03. Kurt Kaufmann seconded the motion. The Chairman asked for Board comments on the motion. No comments were provided. The motion carried by a roll call vote of 7 ayes, 0 nays, and 0 abstentions.

Motion #7: Michael Khairzada made a motion to return to a Combined Planning/Zoning Board. Richard Kazunas seconded the motion. The Chairman asked for Board comments on the motion. No comments were provided. The motion carried by a roll call vote of 7 ayes, 0 nays, and 0 abstentions.

The Board Solicitor provided the Board with continuing training as stipulated by the Township's agreement with the Municipal Joint Insurance Fund (JIF). This training was based on the booklet provided JIF and distributed to the Board members at the October 23, 2019 meeting. The training started at 6:55 and was completed at 7:30. An attendance sheet was completed as requested by JIF and forwarded to the Township Clerk's office that evening.

Motion #8: With no further business before the Board, Ken Brown made a motion to adjourn. Joe McAllister seconded the motion. The motion carried by a unanimous vote and the meeting was adjourned at 7:35 p.m.

Respectfully submitted,


Wm. Steve Cornman