

**Call to Order:**

The meeting was called to order at 7:00 p.m. by Chairman McLaughlin who read the following statement: "Notice of this meeting was given as required by the Open Public Meetings Act in the Annual Notice of Meetings. This notice was sent in writing to the Gloucester County Times on January 11, 2012. A copy was posted on the second floor bulletin board of Town Hall and a copy was given to the Township Clerk. "

The Board saluted the flag.

Roll call: Present – Ms. Beltrante, Mr. Carney, Mr. Fritz, Mr. Manfredi, Mr. Price, Mr. Salvadori, Mr. Fitzgerald, Mr. Kozak, Mr. McLaughlin. Absent – Mr. Sander, (excused), Ms. Pellegrini, (excused). Also present – Mr. Long, Solicitor, Mr. Sebastian, Council Liaison.

**Memorialization of Resolutions:**

1. #12-08 – App. #12-01 – Nicholas Strohl – Side Yard Variance Approved

Motion by Ms. Beltrante, seconded by Mr. Carney to adopt resolution 12-08. Roll call vote: Ayes – Ms. Beltrante, Mr. Carney, Mr. Fritz, Mr. Manfredi, Mr. Price, Mr. Kozak, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

2. #12-09 – App. #12-02 – Mark Lucier – Side, Front, & Height Variances Approved

Motion by Mr. Fritz, seconded by Mr. Price to adopt resolution #12-09. Roll call vote: Ayes – Mr. Fritz, Mr. Price, Ms. Beltrante, Mr. Carney, Mr. Manfredi, Mr. Kozak, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

**Public Portion:**

Motion passed to open the meeting to the public. There being none, motion passed to close the meeting to the public.

**Reports:**

1. Mr. Marmero's Memorandum: Zoning Board Jurisdiction

Mr. Long stated that the Board had asked Mr. Marmero to research and present a legal opinion concerning the Board's jurisdiction over easements, with regard to their ability to grant relief from those easements. He stated the memo from Mr. Marmero is self explanatory. The answer is that only the individuals or entities that created the easement or the agreeing parties can control the easement; so the Zoning Board does not have jurisdiction over an easement. If the Township granted the easement, then Council would be the one to make the decision.

With regard to the particular property in question, Mr. Sebastian commented that he believed it was intended to be a buffer, not an easement. Mr. Long stated that if it was truly meant to be a buffer, the deed can be amended to recognize it as a buffer and not an easement. He stated that the issue lies in the language of the deed; if it states, in black and white, that it's an easement, not a buffer, the Board does not have jurisdiction; however if the language in the deed is incorrect, then it should be amended to eliminate that wording.

Mrs. Farrell commented that the deed states there is a twenty-five foot buffer easement; however the plan states there is a twenty-five foot buffer strictly to prohibit access to Butler Drive. In addition, the final plan of lots, which is what is filed at the County, contain a point of disclosure that lists all of the properties in that development that do have restricted buffer easements; however the properties with reverse frontages along Butler Drive are not listed in that point of disclosure. Mr. Long replied that only makes it easier to have the deed amended to eliminate the word easement. Because the so called easement is not conveyed to anyone in this case, the property owner can go to the County Clerk and have the deed amended. There was some discussion as to whether the property owner would need documentation from the Township. Mrs. Farrell stated that she forwarded all the information to Mr. Fiore, the Township Solicitor, and she is waiting for his response as to the property owner's next step. Mr. Long stated that the property owner should take the necessary steps to correct her deed and after that she can submit an application to the Board for relief from the buffer.

Mr. Kozak inquired as to other residents in that area who may have applied for relief and were denied. Mr. Long replied that technically, an application for relief from an easement should not be submitted or accepted by the Board because they have no jurisdiction over easements. Mrs. Farrell commented that no one else from that particular area has ever submitted an application to the Zoning Board.

**Reports: (continued)**

2. Mrs. Farrell informed the Board that there weren't any applications scheduled for the meeting of March 6, 2012 and that the meeting would be cancelled. The next regular meeting is scheduled for March 20, 2012.

**Approval of Minutes:**

1. 02/07/12 regular meeting.

Motion by Mr. Carney, seconded by Mr. Price to approve the minutes from the February 7, 2012 regular meeting. Voice vote; all ayes, motion passed.

**Adjournment:**

The meeting was adjourned at 7:20 p.m.

These minutes are an extract from the meeting that was held on the above date and are not a verbatim account or to be construed as an official transcript of the proceedings. The tape of the meeting is stored in the office of the Board.

Ninette Orbaczewski  
Clerk Transcriber