

Borough of Clementon

Planning/Zoning Board

August 10, 2017 Meeting Minutes

The August 10, 2017, meeting of the Clementon Planning/Zoning Board was called to Order by Chairman Feldman. It was announced that the meeting has been properly advertised and posted Pursuant to N.J.S.A. 10:4-6, The Open Public Meetings Act. The meeting was then opened with a salute to the flag and called to order by Chairman Feldman.

Roll call: Chairman Feldman, Member Saunders, Member Naurath, Solicitor Rhodes , Bill Fleming Churchill Engineering were present.

Absent: V.C. Kunkel, Secretary McKelvey, Mayor Weaver, Member Armbruster, Member Lofland, Member Kuns.

Chairman Feldman: We only have 3 voting members this evening. We are required to have 4 for Zoning and 9 for planning. Unfortunately we cannot hear the fence application this evening. Is anyone here for that?

Ms. Yoder responded.

Chairman Feldman: We don't have enough members to vote on this we will have to have you come back next month to be heard. You don't have to do anything.

Ms. Yoder: No more ads in the Courier or anything?

Chairman Feldman: No more ads, no more notifications. If anyone is here they know it is delayed until next month. Sorry about the delay. Thank You. We can't hear the mercantile either I am afraid. Same thing for you we will see you next month. Next is the Hideaway Town tavern.

Robert Wiltsee, Esq. Hoffman DiMuzio representing the applicant. This application is to expand a use variance where we would need 5 yes. I assume we can postpone this without further notice.

Chairman Feldman: Unless you want to discuss this. As far as the res judicata is concerned. As far as I am concerned it certainly is an issue. I am not too sure about the rest of the members. Do you want to tell me why it isn't?

Robert Wiltsee, Esquire, I would like your solicitor to comment if presenting this to three voting members is going to be legally effective.

Chairman Feldman: I think me in my quasi-judicial position can enforce res judicata or dismiss it.

Solicitor Rhodes: No it should be submitted to a board vote and I would suggest that you would address res judicata before going into making a decision. In fairness to the applicant you really need a voting board to do that.

Robert Wiltsee, Esquire: Again we are here and prepared. My understanding of the law is that we have to get past that res judicata issue with the whole board.

Chairman Feldman: That is correct, my thought was incorrect. You want to come back next month? You won't hold the board responsible for any delays?

Robert Wiltsee Esquire: We would waive any time requirements.

Chairman Feldman: Ok see you next month.

Public attendee requesting clarification on the res judicata issue and postponement of hearing.

Solicitor Rhodes explained that the applicant was before the board in the past and that he presented a similar type of application. Res judicata means if the application was different than the one in that past, the board can elect to decide that they already made their decision and they can't proceed. Until they prove that their application is different by law. We cannot hear that application. We postponed him until September 14, 2017 at which time the applicant can present his case. The board will then vote.

Meeting adjourned.