

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

RESOLUTION NO. Z.B.-2017-11

Application ZB#2015-16

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF
THE SALT & LIGHT COMPANY, INC.
USE VARIANCE
BLOCK 118, LOT 20
IN THE NC
NEIGHBORHOOD COMMERCIAL ZONE DISTRICT
DISMISSAL WITH PREJUDICE**

Decided: June 1, 2017
Resolution Memorialized: June 1, 2017

WHEREAS, the Salt & Light Company, Inc., made application to the Florence Township Zoning Board of Adjustment seeking use variance approval to allow conversion of an existing 2.5 story brick building into eight one-bedroom apartment units that would be classified as “affordable housing”, at property located at 111 Norman Avenue, and known on the official Tax Map of the Township of Florence as Block 118, Lot 20;

WHEREAS, the applicant is the owner of the subject property and therefore has standing to bring this application before the Board;

WHEREAS, the applicant mailed and published notice of a hearing to be held at the Board’s regular meeting on December 5, 2016 concerning the applicant’s request for reconsideration of the Board’s July 2016 denial of the requested use variance;

WHEREAS, the applicant is represented by Patrick McAndrew, Esquire;

WHEREAS, by way of a writing from its counsel dated December 5, 2016, the applicant requested that the Board adjourn the public hearing on the application to the time and date certain of the Board's February 6, 2017 regular meeting, and consented to a concomitant extension of time for decision by the Board;

WHEREAS, by way of its Resolution 2017-05, the Board granted the applicant's adjournment request;

WHEREAS, by way of a writing from its counsel dated February 6, 2017, the applicant requested that the Board adjourn the public hearing on the application to the time and date certain of the Board's March 6, 2017 regular meeting, and consented to a concomitant extension of time for decision by the Board;

WHEREAS, by way of its Resolution 2017-06, the Board granted the applicant's adjournment request;

WHEREAS, the applicant has not appeared before the Board at its March, April or May meetings, and has not communicated any further requests for hearing adjournments;

WHEREAS, the Board has an obligation to maintain an orderly hearing docket and to take appropriate steps to avoid inadvertent default approval of pending applications;

WHEREAS, when, as in the present instance, an applicant has not prosecuted an application pending before the Board and the statutory time for decision on the application has nearly run, it is appropriate for the Board to dismiss such an application;

WHEREAS, typically, when an application has not been heard on its merits, it is appropriate for such a dismissal to be without prejudice to refiling of the application, however, this is an application seeking reconsideration of the Board's decision denying a use variance on the merits, and the 45 day time for appeal of a Board decision has long since run out (in fact, it has run again during the time since this action and the applicant's most recent communications with the Board);

NOW, THEREFORE, BE IT RESOLVED by the Florence Township Zoning Board of Adjustment in the County of Burlington and State of New Jersey that the application of the Salt & Light Company, Inc., seeking reconsideration of the Board's denial of a use variance to allow conversion of an existing 2.5 story brick building into eight one-bedroom apartment units that would be classified as "affordable housing", at property located at 111 Norman Avenue, and known on the official Tax Map of the Township of Florence as Block 118, Lot 20, be, and hereby is, **DISMISSED WITH PREJUDICE**, subject to the following conditions:

1. All taxes and escrow fees for professional review must be paid current and in full.
2. Publication of a brief notice of this decision in the official newspaper of the municipality within 10 days of the date hereof.

MOTION TO DISMISS APPLICATION WITH PREJUDICE:


Moved by : Patel
Seconded by : Lutz
In Favor : Cartier, Drangula, Lutz, Patel, Sovak, Zekas, Mattis
Opposed : None
Recused : None
Absent : Buddenbaum

MOTION TO ADOPT RESOLUTION:

Moved by : Cartier
Seconded by : Lutz
In Favor : Cartier, Drangula, Lutz, Patel, Sovak, Zekas, Mattis
Opposed : None
Abstained : None
Absent : Buddenbaum

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

Dated: 1 Jun 17


B. Michael Zekas, Chairman

CERTIFICATION

BE IT REMEMBERED that the within written Resolution was duly adopted at a regular meeting of the Florence Township Zoning Board of Adjustment held on June 1, 2017 and memorializes a decision taken by the Board on June 1, 2017.

Dated: 6/01/2017


Larry Lutz, Secretary