

# WESTFIELD TOWNSHIP BOARD OF ZONING APPEALS

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Continued Public Hearing

KRATZER USE VARIANCE

July 25, 2013

7:30 pm

Chairman Schmidt welcomed the audience to the Westfield Township Board of Zoning Appeals. Chairman Michael Schmidt called the continuance of a public hearing for a use variance application requested by Tim and Linda Kratzer at 5669 Greenwich Road to order. Mr. Schmidt announced the last public portion of the hearing July 17, 2013 ended in executive session and this is a continuance of that meeting. We will now be going into deliberation with our legal counsel.

Mr. Schmidt announced at this point in time, we would like to have everyone vacate the building as we will be using the tables in this room to confer with our counsel. We do not know if it will be 1, 2, 3, or 10 hours. We will try to get a decision tonight. We will open the doors when we have reached a decision, if it is tonight and if it isn't tonight we will let you back in so you can hear when the continuance will be.

Chairman Schmidt asked for roll call: Kathleen LeMar, present; Wayne Moore, present; Kevin Daugherty, present; Lee Evans, present; Michael Schmidt, present.

Mr. Schmidt: Do I have a motion to go into executive session for deliberation with counsel? **Kevin Daugherty made a motion to go into executive session for deliberation with counsel, seconded by Wayne Moore. Roll call: Kathleen LeMar, aye; Wayne Moore, aye; Kevin Daugherty, aye; Lee Evans, aye; Michael Schmidt, aye.**

Upon legal counsel's advice

**Kathleen LeMar made a motion to go into executive session to discuss a pending legal matter, seconded by Wayne Moore. Roll call: Kathleen LeMar, aye; Wayne Moore, aye; Kevin Daugherty, aye; Lee Evans, aye; Michael Schmidt, aye.**

After 10:00 pm the board resumed the public hearing.

**Kevin Daugherty made a motion to come out of executive session, seconded by Kathleen LeMar. Roll call: Kathleen LeMar, yes; Wayne Moore, yes; Kevin Daugherty, yes; Lee Evans, yes; Michael Schmidt, yes;**

Chairman Schmidt asked if everyone was prepared to make a vote on the use variance. Kathleen LeMar, yes; Wayne Moore, yes; Kevin Daugherty, yes; Lee Evans, Michael Schmidt, yes.

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Wayne More made a motion to deny the use variance as submitted by Mr. & Mrs. Kratzer, seconded by Kevin Daugherty.

Michael Schmidt stated just to be clear: a yes vote would mean to deny the variance and a no vote would mean that you do not agree to deny it.

Roll call: Kathleen LeMar, NO; Wayne Moore, YES; Kevin Daugherty, YES; Lee Evans, NO; Michael Schmidt, YES.

3 YES 2 NO

Mr. Schmidt stated we will write our decision at a later date and time.

Attorney Forrest Thompson asked for a written decision of the board with statement of facts and offer proof as to the decision of the board.

Mr. Schmidt replied that is what we will be doing.

Mr. Schmidt asked should we set a date to do this Mr. Thorne. Kathleen will be on vacation for a month.

Mr. Thorne stated a draft can be made and a vote taken when Kathleen returns.

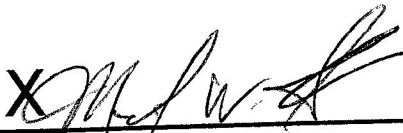
Discussion on when most members could meet

The board decided to meet Tuesday, July 30<sup>th</sup> at 7pm to write the decision with Assistant Prosecutors David Folk and Wm. L Thorne present.

Next application

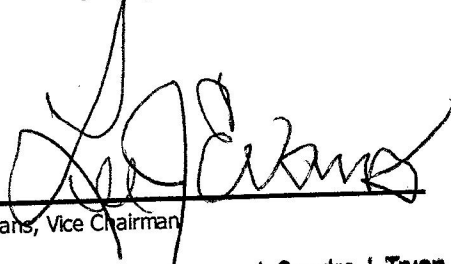
Aug 14<sup>th</sup> 7:30

Kevin Daugherty made a motion to adjourn, seconded by Wayne Moore. Unanimous



Michael Schmidt, Chairman

X



Lee Evans, Vice Chairman

I, Sandra J. Tryon, Fiscal Officer/Clerk  
Westfield Township, do hereby certify  
the foregoing is the original of the minutes  
adopted by said board on 7-25-13  
Sandra J. Tryon  
Fiscal Officer/Clerk, Westfield Township

Westfield Township Zoning Board of Appeals  
Kratzer Continuance of Public Hearing and Vote

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**WESTFIELD TOWNSHIP BOARD OF ZONING APPEALS**

X *Kathleen LeMar* X

Kathleen LeMar

Wayne Moore

X *Kevin Daugherty*

Kevin Daugherty

I, Sandra J. Tryon, Fiscal Officer/Clerk  
Westfield Township, do hereby certify  
the foregoing is ~~the~~ <sup>the original</sup> resolution adopted by said board on ~~7-25-13~~ <sup>7-25-13</sup> ~~minutes~~ <sup>the minutes</sup>  
Sandra J. Tryon *Sandra J. Tryon*  
Fiscal Officer/Clerk, Westfield Township

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