



**LEBANON BOROUGH  
LAND USE BOARD  
MINUTES  
Tuesday, April 9, 2024**

The Regular meeting of the Lebanon Borough Land Use Board was called to order by Chairman Saharic at 7:00 P.M.

The meeting was convened in compliance with the Open Public Meetings Act of 1975. Three local newspapers were notified, and a notice is posted at Borough Hall.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited by all.

**ROLL CALL:**

Members Present: Alexander Saharic, Dr. Chris Urchin, Joseph Hauck, Ron Lapacyski, Jim Newman, Rob Weingart, Marianne Mathewson and Councilman Sam Berger  
Absent: David Abeles, Mayor James J. Pittinger, Brad Wetzel  
Also present: Karen M Romano, Secretary, Jonathan Drill Esq., Brett Harris PA and Bob Brightly PE

**MINUTE APPROVAL:**

**Mr. Lapacyski moved, and Mr. Weingart seconded, a motion that Reorganization Minutes of March 2024.**

**The motion passed with the following roll call vote:**

**MEMORIALIZATION RESOLUTION 2024-01** **TOWN CENTER**  
**SITE PLAN EXTENSION**

**Mr. Hauck moved, with a second from Mr. Weingart, a motion memorializing Resolution 2024-01 Town Center**

**LEBANON BOROUGH LAND USE BOARD**

**LTC URBAN RENEWAL, LLC (SUCCESSOR IN INTEREST TO TOWN CENTER AT  
LEBANON, LLC) AND CODD LIV, LLC (OWNER OF LOTS 1.03 & 1.04 IN BLOCK 4)  
400 AND 500 CORPORATE DRIVE  
BLOCK 4, LOTS 1.03 AND 1.04**

**APPLICATION NO. 2021-03**

**RESOLUTION MODIFYING CONDITIONS #1 AND #12 OF RESOLUTION NO.  
2021-03 GOVERNING THE “TOWN CENTER AT LEBANON” FAMILY RENTAL  
INCLUSIONARY AFFORDABLE HOUSING DEVELOPMENT**

**RESOLUTION NO. 2024-01**

**WHEREAS**, LTC Urban Renewal, LLC (“**LTC**”) is the successor in interest to Town Center at Lebanon, LLC, which obtained from the Lebanon Borough Land Use Board (the “**Board**”) (previously known as the “Lebanon Borough Planning Board / Board of Adjustment”), sitting as a planning board in accordance with N.J.S.A. 40:55D-25c, preliminary site plan approval with “c(1)” and “c(2)” variances and exceptions from certain residential site improvement standards (the “**approvals**”) as memorialized in Board Resolution No. 2021-03 adopted on August 24, 2021 (“**Resolution No. 2021-03**”) to allow construction of a family rental inclusionary affordable housing development consisting of four (4) multifamily residential buildings containing a total of two hundred and eighty (280) rental units, of which 20% (56 rental units) will be deed restricted to remain affordable to low and moderate income households, along with related site improvements such as stormwater facilities, street improvements, parking and landscaping (the “**proposed inclusionary development**”) on an approximately 22.2-acre property consisting of two lots designated on the Borough of Lebanon (the “**Borough**”) tax maps as Block 4, Lots 1.03 and 1.04, and having post office addresses of 400 and 500 Corporate Drive (both lots together are referred to as the “**Property**”);

**WHEREAS**, LTC and CODD LIV, LLC (“**CODD**”), the current owner of the property, (jointly referred to as the “**applicants**”) jointly applied for, and obtained from the Board, the following relief: (1) Modification of condition #11 of Resolution No. 2021-03 (prohibiting all construction prior to obtaining final site plan approval) to allow water connections and meters and associated service lines to be installed, and (2) Modification of condition #12 of Resolution No. 2021-03 (requiring the applicant to obtain final site plan approval by August 24, 2023) to extend the

time within which the applicant must obtain final site plan approval to August 24, 2024, which relief is memorialized in Resolution No. 2023-01 (“**Resolution No. 2023-01**”) adopted by the Board on Marh 14, 2023;

**WHEREAS**, the applicants have jointly applied for modification of condition #1 of Resolution No. 2021-03 and for a further modification of condition #12 of Resolution No. 2021-03 to seek the following relief: (1) Modification of condition #1 (requiring that revisions be made to the preliminary site plans, preliminary architectural plans, and stormwater management report, with all revisions to the documents being made by, and the preliminary site plan being signed by, February 24, 2022) to extend the date by which the revisions have to be made and the preliminary site plans have to be signed to February 24, 2025; and (2) Modification of condition #12 of Resolution No. 2021-03 (requiring the applicant to obtain final site plan approval by August 24, 2023) to extend the time within which the applicant must obtain final site plan approval to August 24, 2025 (the “**modification application**”);

**WHEREAS**, the Board held a non-noticed public hearing on the application on March 12, 2024,<sup>1</sup> during which hearing the applicant was represented by Ryan O’Sullivan, Esq. (of Fox Rothschild, LLP) and the Board was represented by Jonathan E. Drill, Esq. (of Stickel, Koenig, Sullivan & Drill, LLC);

**WHEREAS, AFTER CONSIDERING THE APPLICATION, AND ALL DOCUMENTS IN THE RECORD, AND GIVING APPROPRIATE WEIGHT TO SAME, AND BASED ON ITS UNDERSTANDING OF THE APPLICABLE LAW, THE BOARD MAKES THE FOLLOWING FACTUAL FINDINGS AND LEGAL CONCLUSIONS FOR THE PURPOSE OF MEMORIALIZING IN A WRITTEN RESOLUTION IN ACCORDANCE WITH N.J.S.A. 40:55D-10g(2) ITS ACTION IN GRANTING THE MODIFICATION APPLICATION SUBJECT TO CONDITIONS AS SET FORTH BELOW:**

**A. FACTUAL FINDINGS**

1. **The Property, Zoning, Existing Features, and Surrounding Uses.** The property is an approximately 22.2-acre lot situated in the AH-4 zone (Affordable Housing – 4 zoning district) (formerly the R-MF-12 zone) with a street address of 400 and 500 Corporate Drive, which is a private road located on the property connecting Cokesbury Road and Route 22. The property is irregular in shape and includes some area on the south side of Corporate Drive between Corporate

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<sup>1</sup> N.J.S.A. 40:55D-12a requires that public notice be given for a hearing on a request to modify “significant” conditions “in any situation wherein the application for development for which the memorializing resolution [at issue] required public notice.” The Board believes that both conditions at issue here are important conditions but does not believe that the requested modifications are “significant” in terms of the statute so that public notice is not required. The Board notes that if the applicants had requested that either condition be eliminated or had the applicant requested that the time deadlines established in either conditions be extended for a cumulative total of 5 years (bringing the time within which to obtain final site plan approval beyond the total 5-years of statutory protection against zoning changes provided by N.J.S.A. 40:55D-12a), the Board would have found those condition modification requests to be significant, thereby requiring notice.

Drive and Route 22. The property was rezoned to allow affordable housing as part of an inclusionary residential multifamily development by Borough Ordinance 2020-08 which was adopted on October 21, 2020 as part of the Borough's compliance with its Third Round Mount Laurel affordable housing obligations, in compliance with a settlement agreement entered into between the Borough and Fair Share Housing Center ("FSHC") (the "Settlement Agreement") as well as a memorandum of settlement entered into between the Borough and Lebanon Town Center, LLC (the "MOS"), both of which were approved by the Superior Court of New Jersey, Law Division in an order entered on December 3, 2019 in litigation titled In re: Borough of Lebanon Compliance with Mount Laurel Third Round Affordable Housing Obligation, Docket No. HNT-L-321-15, after which a final judgement of compliance and repose was entered by the court in that litigation on May 20, 2021. (The Board takes "quasi-judicial" notice of the Settlement Agreement and the MOS as well as the court order and judgment.) The property is currently a farm field with a stream and associated stream corridor that bisects the property and forms the common boundary between lots 1.03 and 1.04 on the property. The property slopes towards the stream corridor on both lots 1.03 and 1.04. The slope is significant and requires a substantial amount of grading to accommodate the proposed development. The property is bounded to the north by I-78, to the east by an existing but vacant office building situated on Block 4, lot 1.05 with a street address of 600 Corporate Drive, to the west by an existing hotel, and to the south by Corporate Drive and existing office buildings fronting on the opposite side of Corporate Drive.

2. **The Preliminary Site Plan Approval and Conditions at Issue.** As set forth above, LTC Urban Renewal, LLC is the successor in interest to Town Center at Lebanon, LLC, which obtained from the Board the approvals, consisting of preliminary site plan approval with "c(1)" and "c(2)" variances and exceptions from certain residential site improvement standards, as memorialized in Board Resolution No. 2021-03 adopted on August 24, 2021, to allow construction of the proposed development which is a family rental inclusionary affordable housing development consisting of four (4) multifamily residential buildings containing a total of two hundred and eighty (280) rental units, of which 20% (56 rental units) will be deed restricted to remain affordable to low and moderate income households, along with related site improvements such as stormwater facilities, street improvements, parking and landscaping the approximately 22.2-acre property.

3. **The Conditions at Issue.** The conditions at issue here are #1 and #12 of Resolution No. 2021-03, and they provide as follows:

a. "1. **Revisions to Preliminary Site Plans, Preliminary Architectural Plans and Stormwater Management Report.** Revisions to the Preliminary Site Plans, Preliminary Architectural Plans, and Stormwater Management Report shall be made to incorporate the [] comments emanating in the [] letters and/or memos prepared by the [] Board professionals and/or as discussed by the Board on the record during the hearing on the Application, and to the satisfaction of the Board expert(s) who filed the report or testified, as well as to the satisfaction of the Borough Engineer and Borough Planner, with the revisions being made to all of the documents and the Preliminary Site Plans being signed no later than February

24, 2022 (which is six (6) months from the date the within resolution is adopted on August 24, 2021), and only after the revisions have been made to all of the documents. In the event that the applicant fails to revise the documents as required and/or fails to obtain signatures on the Preliminary Site Plans within said time period, or extension thereof as granted by the Board, the approvals granted in the within resolution shall expire and become automatically null and void. (The Board notes that, in the absence of the within time limitation condition, it would decline to grant conditional approvals and, instead, would continue the hearing on an application for no more than a six month period to provide the applicant with the opportunity to revise the site plans and documents and, failure by the applicant to resubmit same to the Board within that period or submission within that period but failure of the applicant to make all the required revisions, would result in denial of the application.) Any dispute(s) concerning satisfaction of any conditions related to the revisions of the site plans and documents may be brought to the Board for resolution by written letter application submitted by the applicant without the necessity for public notice but on written notice to the Borough Engineer and Borough Planner.”

b. “12. **Subject to Final Site Plan Review and Approval.** The approvals granted herein are subject to the applicant applying for and obtaining final site plan approval by August 24, 2022 (which is within one (1) year of the date of the adoption of the within resolution memorializing the grant of preliminary site plan approval on August 24, 2022). If final site plan approval is not obtained within said one (1) year period, or extension thereof as granted by the Board, the within preliminary approval with all related relief granted herein shall automatically expire and become null and void. (While there is no express provision in the MLUL authorizing such a limitation on the “life” of an approval, the New Jersey Supreme Court held in D.L. Real Estate Holdings v. Point Pleasant Beach Planning Board, 176 N.J. 126, 133-36 (2003), that it is permissible for municipalities to impose a “life” on an approval. The Court recognized the difference between the “life” of the approval and the period of protection against ordinance changes that are conferred on preliminary and final approvals and held that permitting a municipality to provide for the expiration of approvals “furthers the municipality’s ability to plan effectively. It prevents the possibility that a future tentative potential development, based on an earlier ... approval, would forever affect planning decisions concerning development in other areas.” Id. at 136).”

As set forth above, condition #12 was modified as memorialized in Resolution No. 2023-01 adopted on Marh 14, 2023 and currently provides:

“12. **Subject to Final Site Plan Review and Approval.** The approvals granted herein are subject to the applicant applying for and obtaining final site plan approval by August 24, 2023 (which is within two (2) years of the date of the adoption of the within resolution memorializing the grant of preliminary site plan

approval on August 24, 2021). If final site plan approval is not obtained within said one (1) year period, or extension thereof as granted by the Board, the within preliminary approval with all related relief granted herein shall automatically expire and become null and void. (While there is no express provision in the MLUL authorizing such a limitation on the “life” of an approval, the New Jersey Supreme Court held in D.L. Real Estate Holdings v. Point Pleasant Beach Planning Board, 176 N.J. 126, 133-36 (2003), that it is permissible for municipalities to impose a “life” on an approval. The Court recognized the difference between the “life” of the approval and the period of protection against ordinance changes that are conferred on preliminary and final approvals and held that permitting a municipality to provide for the expiration of approvals “furthers the municipality’s ability to plan effectively. It prevents the possibility that a future tentative potential development, based on an earlier ... approval, would forever affect planning decisions concerning development in other areas.” Id. at 136).”

4. **The Application.** As set forth above, the applicants (LTC and CODD) submitted the application to modify conditions #1 and #12 of Resolution No. 2021-03 in the following particulars: (1) Modification of condition #1 (requiring that revisions be made to the preliminary site plans, preliminary architectural plans, and stormwater management report, with all revisions to the documents being made by, and the preliminary site plan being signed by, February 24, 2022) to extend the date by which the revisions have to be made and the preliminary site plans have to be signed to February 24, 2025; and (2) Modification of condition #12 of Resolution No. 2021-03 (requiring the applicant to obtain final site plan approval by August 24, 2023) to extend the time within which the applicant must obtain final site plan approval to August 24, 2025 (which would be within four (4) years of the date of adoption of Resolution No. 2021-03 memorializing the grant of preliminary site plan approval on August 24, 2021).

4. **Standards for Considering the Request for Modification or Elimination of Conditions.** Our courts have held that a board has the power to modify and/or eliminate prior approval conditions upon a “proper showing of changed circumstances”, or upon “other good cause” warranting modification and/or amendment, or if “enforcement of the restrictions would frustrate an appropriate purpose.” Cohen v. Fair Lawn, 85 N.J. Super. 234, 237 (App. Div. 1964); Allied Realty v. Upper Saddle River, 221 N.J. Super. 407, 414 (App. Div. 1987), certif. denied, 110 N.J. 304 (1988); Sherman v. Harvey Cedars Board of Adjustment, 242 N.J. Super. 421, 429 (App. Div. 1990). N.J.S.A. 40:55D-12a recognizes the authority of a board to modify previously imposed conditions by requiring that public notice be given “for modification or elimination of a significant condition or conditions in a memorializing resolution in any situation wherein the application for development for which the memorializing resolution is proposed for adoption required public notice.” The court in Cohen, 85 N.J. Super. at 237-238, noted that even if a condition is agreed to by an applicant, it can be later modified or eliminated if its modification or elimination will not have an adverse effect on public health or safety. This is especially so where the underlying use serves the general welfare only, meaning that the condition was imposed to advance the general welfare but is not critical for

the survival of the underlying approval. Id. As to changed circumstances, our courts have held that a board should consider whether there have been changes in the neighborhood and, if so, the effect of those changes in terms of the condition under consideration. Russell v. Tenafly Board of Adj., 31 N.J. 58, 66 (1959). The Board believes that changed circumstances can also be a change in the law. Regarding “good cause”, our courts have held that a board should consider what its intent was in imposing the condition in the first instance and whether the proposal to modify or eliminate the condition is consistent with or contrary to that intent. Sherman, 242 N.J. Super. at 430. In this regard, our courts have held that a board is not limited to the four corners of the resolution to determine intent and can consider Board minutes of the underlying hearing, transcripts if available, and/or expert reports filed with the application. The object is to determine how significant the condition was to the Board at the time it was imposed and whether the proposal to modify or eliminate it is consistent or contrary to that intent. Id.

5. **Applicants’ Reasons for Modifying Conditions #1 and #12.** Sam Gershwin, the applicants’ managing member, testified that the reasons the applicants seek modification of conditions #1 and #12 of Resolution No. 2021-03 is because the applicants have entered into an agreement to convey a portion of the property located at the corner of Corporate Drive and Route 22 to the developers of a Wawa combined gas station and convenience store (the “**proposed Wawa development**”), which agreement is subject to and will require subdivision and site plan approval from the Board, and which will also require modification of the relief granted by the Board in approving the proposed inclusionary development as memorialized in Resolution No. 2021-03 in terms of lot size, impervious coverage and other bulk requirements. Mr. Gershwin explained that the applicants did not want to have make the revisions to the site plans and other documents required by condition #1 when the documents would have to be revised once again in the event that the Board grants the relief required to approve the proposed Wawa development.

6. **Good Cause Exists to Modify Conditions #1 and #12.** The Board finds that good cause exists to warrant modification of conditions #1 and #12 of Resolution No. 2021-03 for the following reasons. First, the Board notes that if it does not modify the conditions #1 and #12 to provide the applicants with more time to both make the required revisions to the site plans and other documents and to obtain final site plan approval, the preliminary approval will expire and become null and void which will cause the applicants to lose their water allocation from the Town of Clinton and to have to start the approval process from scratch, which is to no one’s benefit and to everyone’s detriment. Second, the Board notes that one of its intents in imposing conditions #1 and #12 is set forth in condition #12 itself and is to “further[] the municipality’s ability to plan effectively. It prevents the possibility that a future tentative potential development, based on an earlier ... approval, would forever affect planning decisions concerning development in other areas.” Third, the Board finds that a further intent in imposing the conditions which was to encourage the timely creation of the affordable units that will be produced by construction of the proposed development and the applicants are not sitting on their hands doing nothing. Fourth, the Board finds that the proposed inclusionary development is a large-scale development with many moving parts and the applicants have endured economic uncertainty resulting from the aftermath of the COVID-19 pandemic which have delayed the development from progressing forward. Fifth, the Board finds that modifying the conditions at issue to extend the time periods within which to revise the site plans and other documents and to obtain final site plan approval is consistent with the Board’s intents and purposes of imposing the conditions in the first instance provided, however, that the conditions set forth below are imposed and complied with. As to the time periods for the extensions, after discussion with the applicants’ representatives the likely periods of time that would be involved in having Wawa submit an application for subdivision and site plan approval for the proposed Wawa development, as well as an application to modify / amend the approvals granted for the proposed inclusionary development, the Board finds that the appropriate time extensions should run concurrently to August 24, 2025, which is two (2) one-year extensions of the time within which the applicants must obtain final site plan approval which brings the total time within which the applicants must obtain final site plan approval to four (4) years from the date Resolution 2021-03 (which memorialized the grant of preliminary site plan approval) was adopted on August 24, 2021.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD BY MOTION DULY MADE AND SECONDED ON MARCH 12, 2024 THAT THE MODIFICATION OF APPLICATION IS GRANTED SUBJECT TO CONDITIONS AS SET FORTH BELOW:**

**B. RELIEF GRANTED**

1. **Modification of Condition #1 of Resolution 2021-03.** Subject to the conditions set forth below, condition #1 of Resolution No. 2021-03 is modified as set forth

below.

2. **Modification of Condition #12 of Resolution 2021-03, as Modified in Resolution No. 2023-01.** Subject to the conditions set forth below, condition #12 of Resolution No. 2021-03, as modified in Resolution No. 2023-01, is further modified as set forth below.

C. **CONDITIONS**

1. **Conditions of Resolution No. 2021-03, as Modified by Resolution No. 2023-01, Remain in Full Force and Effect Except for Conditions #1 and #12.** All conditions set forth in Resolution No. 2021-03, as modified by Resolution No. 2023-01, remain in full force and effect except for conditions #1 and #12 which are modified as set forth below.

2. **Condition #1 as Modified.** Condition #1 of Resolution No. 2021-03 is hereby modified to provide as follows:

“1. **Revisions to Preliminary Site Plans, Preliminary Architectural Plans and Stormwater Management Report.** Revisions to the Preliminary Site Plans, Preliminary Architectural Plans, and Stormwater Management Report shall be made to incorporate the [] comments emanating in the [] letters and/or memos prepared by the [] Board professionals and/or as discussed by the Board on the record during the hearing on the Application, and to the satisfaction of the Board expert(s) who filed the report or testified, as well as to the satisfaction of the Borough Engineer and Borough Planner, with the revisions being made to all of the documents and the Preliminary Site Plans being signed no later than August 24, 2025, and only after the revisions have been made to all of the documents. In the event that the applicant fails to revise the documents as required and/or fails to obtain signatures on the Preliminary Site Plans within said time period, or extension thereof as granted by the Board, the approvals granted in the within resolution shall expire and become automatically null and void. (The Board notes that, in the absence of the within time limitation condition, it would decline to grant conditional approvals and, instead, would continue the hearing on an application for no more than a six month period to provide the applicant with the opportunity to revise the site plans and documents and, failure by the applicant to resubmit same to the Board within that period or submission within that period but failure of the applicant to make all the required revisions, would result in denial of the application.) Any dispute(s) concerning satisfaction of any conditions related to the revisions of the site plans and documents may be brought to the Board for resolution by written letter application submitted by the applicant without the necessity for public notice but on written notice to the Borough Engineer and Borough Planner.”

3. **Condition #12 as Modified.** Condition #12 of Resolution No. 2021-03, as modified by Resolution No.. 2023-01, is hereby further modified to provide as follows:

“12. **Subject to Final Site Plan Review and Approval.** The approvals granted herein are subject to the applicant applying for and obtaining final site plan approval by August 24, 2025 (which is within four (4) years of the date of the adoption of Resolution No. 2021-03 memorializing the grant of preliminary site plan approval on August 24, 2021). If final site plan approval is not obtained within said period, or extension thereof as granted by the Board, the within preliminary approval with all related relief granted in Resolution No. 2021-03 shall automatically expire and become null and void. (While there is no express provision in the MLUL authorizing such a limitation on the “life” of an approval, the New Jersey Supreme Court held in D.L. Real Estate Holdings v. Point Pleasant Beach Planning Board, 176 N.J. 126, 133-36 (2003), that it is permissible for municipalities to impose a “life” on an approval. The Court recognized the difference between the “life” of the approval and the period of protection against ordinance changes that are conferred on preliminary and final approvals and held that permitting a municipality to provide for the expiration of approvals “furthers the municipality’s ability to plan effectively. It prevents the possibility that a future tentative potential development, based on an earlier ... approval, would forever affect planning decisions concerning development in other areas.” Id. at 136).”

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**VOTE ON MOTION DULY MADE AND SECONDED ON MARCH 12, 2024:**

**THOSE IN FAVOR: ABELES, HAUCK, LAPCZYSKI, NEWMAN, SAHARIC, UCHRIN, WEINGART & MATHEWSON.**

**THOSE OPPOSED: NONE.**

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The within memorializing resolution was adopted on April 9, 2024 by the following vote of eligible Board members:

<u>Member</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
ABELES				X
HAUCK	X			
LAPCZYSKI	X			
NEWMAN	X			
SAHARIC	X			
UCHRIN				X
WEINGART	X			
MATHEWSON	X			

ATTEST: \_\_\_\_\_  
**Karen Romano**



Hours of Operation: Open 6 am to 10 pm 7 days a week      No Access      10 pm -6 am  
Office hours                      8am – 6 pm      Monday – Friday  
   9 am – 5 pm      Saturday and Sunday

Westside access after 8am

Exhibit A5 Rendering of Westside canopy.  
Board requested a canopy height sign on canopy.

Alex Chazkel presented an example Exhibit A6 the Cube Smart Lease.

No vehicle storage inside or outside.

Robert Clerico re-called to Testify.

Sheet 2 of 3 dated March 27, 2024.  
Presented westside canopy revision. Added 4 foot island to westside canopy area.

#### Relief

D1 Use Variance

C2 Impervious Coverage

#### Conditions

Site plan and professional review

- 1) Boswell engineering review dated 4/8/24
- 2) Kendra Lelie planner review dated 4/3/24

Add cameras to exterior of the building.

Covering the parking lot.

C2 Variance for Impervious coverage:

- 1) 54% impervious coverage shall remain.
- 2) 55 1000 square feet of pavement would remain.
- 3) must maintain pavement area In lights and parking lot.
- 4) Cover garbage area

Exhibit A7 site plan.

Chairman Saharic request a motion to approve the D1 Use Variance as stated.

**Mr. Hauck made the motion to approve the D1 Use Variance with a second from Mr. Weingart.**

**The motion passed with the following roll call vote:**

**Ayes: Saharic, Mathewson, Uchrin, Hauck, Weingart, Newman, Lapacyski**

**Nays: None**

**Absent: Abeles, Pittinger and Wetzel**

**Abstain:**

Chairman Saharic request a motion to approve the C2 Bulk Variance as stated.

**Mr. Hauck made the motion to approve the C2 Bulk Variance with a second from Mr. Weingart.**

**The motion passed with the following roll call vote:**

**Ayes: Saharic, Mathewson, Uchrin, Hauck, Weingart, Newman, Lapacyski**

**Nays: None**

**Absent: Abeles, Pittinger and Wetzel**

**Abstain:**

### **OPEN PUBLIC SESSION**

Chairman Saharic opened the floor for public questions. There being no comment the floor was closed.

### **MISCELLANEOUS:**

### **ADJOURN**

**Mr. Lapacuski moved, Mr. Hauck seconded a motion to adjourn, there being no further business to come before the Board.** The motion was passed by unanimous vote. The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

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Karen Romano  
Land Use Board Secretary

LBPB  
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