

TOWNSHIP OF MENDHAM

ORDINANCE 11-2009

**AN ORDINANCE AMENDING CHAPTER XV, ZONING BOARD
OF ADJUSTMENT, SECTION 15-12, EXPIRATION OF VARIANCE,
OF THE ORDINANCES OF THE TOWNSHIP OF MENDHAM**

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, as follows:**

SECTION 1. Chapter XV, Zoning Board of Adjustment, Section 15-12, Expiration of Variance, of the Ordinances of the Township of Mendham is hereby amended to read as follows:

15-12 EXPIRATION OF VARIANCE.

Any variance hereafter granted by the Zoning Board of Adjustment permitting the erection or alteration of any structure or structures, or permitting a specified use of any premises, shall expire by limitation unless such construction or alteration shall have commenced, or unless such permitted use has commenced, within one year from the date of the adoption of the Zoning Board of Adjustment resolution. The determination as to whether construction has commenced shall be made by the Township Engineer and/or the Township Construction Official. The running of the period of limitation hereby established shall be tolled from the date of the filing of an appeal from the decision of the Zoning Board of Adjustment to a court of competent jurisdiction until the termination in any manner of such appeal or proceeding.

Whenever any variance hereafter granted by the Zoning Board of Adjustment or the Planning Board is related to subdivision or site plan approval, such variance shall remain in effect so long as the related subdivision or site plan approval remains in effect.

An applicant may apply for, and the Zoning Board of Adjustment may grant, extensions on such variance approval for additional periods of one year but not to exceed a total extension of three years from what would otherwise be the expiration date, if the applicant proves to the reasonable satisfaction of the Zoning Board of Adjustment that the applicant was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the applicant applied promptly for and diligently pursued the required approvals. The applicant may apply for the extension either before or after what would otherwise be the expiration date of the variance approval. The extension shall begin on what would otherwise be the expiration date.

SECTION 2. All ordinances of the Township of Mendham that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION 4. This Ordinance shall take effect upon final passage and approval in accordance with law.

Introduced: April 13, 2009

Adopted: May 26, 2009

Effective: May 30, 2009

Attest:

TOWNSHIP OF MENDHAM , IN THE
COUNTY OF MORRIS

By _____

Ann L. Carlson, RMC

Frank V. Cioppettini, Jr.

Township Clerk

Mayor