

Minutes Open Session
White Township Zoning Board of Adjustment
April 21, 2011

There was a regular meeting of the White Township Zoning Board of Adjustment on Thursday, April 21, 2011. Present were Board Members: Elaine Reichart, Joseph Magnini, Myron Rasley, James Cooper, Kyle Shoemaker, Donald Weidlick, and Paul Mourry. Also Present: Board Attorney William Gold, Board Engineer Joseph Modzelewski, Board Planner Layton, and Board Secretary Alfia Schemm. Chairman Magnini led the Board in the pledge to the flag and he called the meeting to order at 7:32 p.m. He announced that notice of this meeting was given in compliance with the "Open Public Meetings Act."

OPEN TO THE PUBLIC:

Chairman Magnini read an "Open to the Public" Statement. He then opened the meeting to the public. With there being no public comment or question, the meeting was closed to the public.

OLD BUSINESS:

#448 Garden State Landscape Products LLC, Block 34, Lot 20

Wendy Berger, Esq. was present on behalf of the Applicant. Mr. Shoemaker recused himself and sat in the public. Attorney Berger reviewed the Board Members eligible to vote on this matter. She then went on to state that modifications have been made to the plan to address the Board and the Board Professional's comments. She stated that a new plan submission was submitted on April 11, 2011. The following was submitted and marked as an exhibit:

A-11 Site Layout Plan, revision date of 4-08-11, sheet 3 of 8.

Gregory Domalewski acknowledged that he was still under oath. He then reviewed the modifications to the plans, at great length with the Board, which addresses setbacks, fence location, additional pavement details, ADA parking stall locations, etc. The following was submitted and marked as an exhibit:

A-12 Grading, Drainage, Landscaping, Lighting Plan, revision 4-08-11, sheet 4 of 8

Engineer Domalewski then addressed the proposed additional trees and the addition of a septic system. He stated that the bin block detail has been added and the drainage was addressed. He stated that they have reviewed the Board Engineer's April 18th report and they will comply with the report. Also a report was received by Board Planner Layton. Engineer Domalewski stated that they have also prepared a revised Operations Manual. Ms. Reichart questioned the Manual and how much top soil has been moved and or removed and how much topsoil has been brought in, which was discussed with the Board.

Chairman Magnini opened the meeting to the public for questions of Engineer Domalewski. With there being no questions, the hearing was closed to the public, for questions of Engineer Domalewski.

Joseph Burgis was sworn in and he provided his qualifications as a Planner. He stated that he has reviewed the proposal and the submission and he then reviewed the existing land use, the surrounding development pattern, the Township Master Plan and Zoning Regulations and what their Statutory Burden is.

Planner Burgis displayed A-1 and he summarized the surrounding land uses and he reviewed the goals and objectives. The Board discussed the trailers and uses with the Applicant. Planner Burgis reviewed the positive and negative criteria for the requested Use Variance. The Board took a brief recess at 8:37 p.m. The hearing resumed at 8:42 p.m.

Planner Burgis addressed the anchoring of the trailers, so that they are permanently affixed to the ground. The Board continued to review the proposed outdoor uses.

Chairman Magnini then opened the hearing to the public, for questions of Mr. Burgis. With there being no public questions, the hearing was closed to the public.

Attorney Berger stated that they do have a log, which may address the question brought up in regards to the soil being brought in and brought out. She stated that they could calculate that figure and submit it to the Board Professionals. Ms. Reichart stated that the top soil should not have been removed and if it was removed it needs to be brought back to the site to be utilized on the site. She stated that the Board Professionals need to insure that this is done. Mr. Weidlick stated that he believes that the topsoil cannot leave the Township, not necessarily the site.

Richard Rodimer acknowledged that he was still under oath and he testified that the compost is made out leaves.

The Board then discussed the hours of operation with the Applicant. Patrick Sharkey reviewed the hours and whether lighting is necessary. The Board stated there concern with noise in the evening. The Applicant stated that they would like the operational hours to be sunrise to sunset.

Chairman Magnini opened the hearing to the public for questions. With there being no public questions, the hearing was then closed to the public.

Chairman Magnini then opened the hearing to the public for comments.

Robert Mackey was sworn in and he asked if anyone knows the trucking hours for the adjacent industrial properties, which the Applicant and the Board discussed.

Chairman Magnini asked if anyone else from the public had comments. With there being no other public comments, the hearing was closed to the public.

Board Attorney Gold stated that it is his understanding that the trucking and office hours of operation are 5 a.m. to 7 p.m. and the hours of processing of onsite materials will be sunrise to sunset.

Mr. Cooper made the motion to approve the application, grant the two variances and the waivers, with the trucking and office hours of operation to be from 5 a.m. to 7 p.m. and the hours for processing of onsite materials to be from sunrise to sunset. The compost will consist of nonhazardous materials. Mr. Mourry asked that the motion also include the submission of the top soil figures. Motion seconded by Mr. Rasley. In a roll call vote, all were in favor.

Mr. Shoemaker resumed his position on the Board. Both Mr. Layton and Mr. Modzelewski left for the evening.

NEW BUSINESS:

#450 Michael Clemente, Block 10, Lot 27-Completeness

Board Secretary Schemm stated that a portion of the Application is blank and she notified the Applicant that it needs to be completed. The Board agreed that they would hear the application, if the Board receives the missing information at least 10 days prior to the meeting and as long as notice is provided.

Mr. Cooper made the motion to schedule the application for the Board's May meeting, as long as the missing information is submitted and notice is provided. Motion seconded by Mr. Rasley. In a voice vote, all were in favor.

#451 Bart Shott, Block 30, Lot 66-Completeness

Board Attorney Gold summarized the Applicant's request.

Mr. Rasley made the motion to schedule the hearing for the Board's May meeting, as long as notice is provided. Motion seconded by Mr. Cooper. In a voice vote, all were in favor.

MEMORIALIZING RESOLUTIONS:

#449 Jason Chesla, Block 15, Lot 2

Mr. Cooper made the motion to adopt the Resolution. Motion seconded by Mr. Rasley. In a voice vote, all were in favor.

MINUTES APPROVED:

The minutes of the March 17, 2011 meeting were distributed to all Board Members prior to this evening's meeting.

Mr. Rasley made the motion to adopt the minutes. Motion seconded by Ms. Reichart. In a voice vote, all were in favor.

EXECUTIVE SESSION:

In a motion made and seconded, the Board went into Executive Session to discuss Litigation. In a voice vote, all were in favor.

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; **NOW, THEREFORE, BE IT RESOLVED** by the Zoning Board of Adjustment of the Township of White, Warren County, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Personnel and Litigation.
3. It is anticipated at this time that the above stated subject matter will be made public at the conclusion of each individual specified subject matter.
4. This Resolution shall take effect immediately.

Date adopted: April 21, 2011

In a motion made and seconded the meeting came out of Executive Session and the regular meeting resumed. In a voice vote, all were in favor.

OTHER BUSINESS:

Chairman Magnini briefly commented on what transpired at the Township Committee Meeting. It was noted that comments should be general and not be specific in the future.

Mr. Cooper made the motion that the Board enter into a contract with Board Attorney Gold for 2011. Motion seconded by Mr. Rasley. In a voice vote, all were in favor.

Mr. Cooper suggested that the Board send a Thank You letter to Mr. Grossmann for his many years of service.

PAYMENT OF BILLS: The following vouchers were submitted:

William Gold-Garden State	187.50
William Gold-General	2375.00
William Gold-Chesla	225.00
Maser-Garden State Landscaping	781.25

Mr. Rasley made the motion to approve the vouchers. Motion seconded by Mr. Cooper. In a voice vote, all were in favor.

ADJOURNMENT:

In a motion made and seconded, the meeting was adjourned. In a voice vote all were in favor.

Respectfully Submitted:

Alfia Schemm
Board Secretary