

**Minutes Open Session
White Township Zoning Board of Adjustment
January 17, 2013**

There was a reorganization and regular meeting of the White Township Zoning Board of Adjustment on Thursday, January 17, 2013. Present were Board Members: Kyle Shoemaker, James Cooper, Elaine Reichart, Donald Weidlick (arriving at 7:34 p.), Barry Wessner Alt #1, Vincent Iacampo Alt #2, Paul Mourry, Myron Rasley, and Joseph Magnini. Also Present: Attorney William Gold and Secretary Alfia Schemm. Mr. Magnini led the Board in the pledge to the flag and he called the meeting to order at 7:35 p.m. He then announced that notice of this meeting was given in compliance with the "Open Public Meetings Act."

SWEARING IN:

Attorney Gold administered the oath of office to Paul Mourry.

REORGANIZATION:

Election of Chairman

Attorney Gold called for nominations for Chairman. Mr. Cooper made the motion to nominate Joseph Magnini for Chairman. Motion seconded by Mr. Shoemaker. Attorney Gold asked if there were any other nominations. With there being no other nominations, Mr. Cooper made the motion to close the nominations. Motion seconded by Mr. Rasley. In a voice vote, all were in favor of the nomination of Mr. Magnini as Chairman.

Election of Vice Chairman

Chairman Magnini made the motion to nominate James Cooper as the Vice Chairman. Motion seconded by Mr. Shoemaker. In a voice vote, all were in favor of the nomination of Mr. Cooper as Vice Chairman.

Appointment of Board Professionals

Mr. Cooper made the motion to appoint William Gold as the Board Attorney, Joseph Modzelewski of Hatch Mott McDonald as the Board Engineer, and Joseph Layton of Maser Consulting as the Board Planner, at their existing rates. Motion seconded by Mr. Rasley. In a voice vote, all were in favor.

Appointment of Board Secretary

Mr. Cooper made the motion to appoint Alfia Schemm as the Board Secretary. Motion seconded by Chairman Magnini. In a voice vote, all were in favor.

Designation of Meeting Date, Time and Place

Mr. Mourry made the motion to designate the meeting dates as the third Thursday of the Month, at 7:30 p.m., at the White Township Municipal Building, 555 CR 519, Belvidere, N.J. vote, all were in favor. Motion seconded by Ms. Reichart. In a voice vote, all were in favor.

Designation of Official Newspaper

Mr. Cooper made the motion to designate the Official Newspapers. Board Attorney Gold stated that he Official Newspapers are the same newspapers as the ones that have been designated by the Township Committee, as the newspapers to receive notices pursuant to the "Open Public Meetings Act." Motion seconded by Chairman Magnini. In a voice vote, all were in favor.

PAYMENT OF BILLS: The following vouchers were submitted:

William Gold- General	\$487.50
William Gold- Litigation	187.50

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

OTHER BUSINESS:

Annual Report

Board Attorney Gold asked that the Board review the Annual Report for the Board's consideration for next month

MINUTES APPROVED:

The minutes of the December 17th, 2012 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, except for Mr. Shoemaker, Mr. Cooper, and Mr. Iacampo, who were not present at the December meeting and they abstained.

Ms. Reichart made the motion to adopt the Executive Session minutes. Motion seconded by Mr. Mourry. In a voice vote, all were in favor, except for Mr. Shoemaker, Mr. Cooper, Mr. Iacampo, and Mr. Wessner, who were not present during the Executive Session.

EXECUTIVE SESSION:

Chairman Magnini made the motion to go into Executive Session. Motion seconded by Mr. Mourry. In a voice vote, all were in favor.

Board Attorney Gold clarified that only the Board Members that will participate in Executive Session are the Board Members that can participate in the hearing. Mr. Shoemaker, Mr. Cooper, Mr. Iacampo and Mr. Wessner recused themselves and left the meeting room.

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: Attorney/Client Privilege.
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: January 17, 2013

In a motion made by Chairman Magnini and seconded by Mr. Rasley, all were in favor of coming out of Executive Session and resuming the regular meeting.

OLD BUSINESS:

#445 Rodata, Block 48, Lot 6.02

Board Attorney Gold reviewed the Judge remand. Lyn Aaroe Esq. was present on behalf of the Applicant and he thanked the Board for agreeing to carry this matter to this month. He also addressed the Judge remand. Board Attorney Gold stated that the Board will only be reviewing

the number of trucks permitted and the issue of snow plowing. The Board Members discussed the testimony that was given in regards to the number of trucks and they also discussed the lack of testimony in regards to snow plowing.

Attorney Aaroe addressed his frustration with the process and he addressed non-confirming uses and the impacts of a contractors yard. Board Attorney Gold stated that the original application was for a determination of the Non-Conforming Use and a Use Variance. He stated that the Board dealt with the historic use of the property; however, the Applicant never pursued the Use Variance. He stated that Attorney Aaroe's arguments tonight are in support of a Use Variance. He stated that the Applicant can always apply for a Use Variance in the future if he feels that the site is suitable for other uses. He reminded Attorney Aaroe, as per the Judge, that his remarks were to be limited and directed only to any procedural issues.

Ms. Reichart made the motion to NOT amend the Board's Resolution. Discussion on the motion: Board Attorney Gold clarified the motion to reflect that based on the review of the testimony of the three witnesses, the finding that 8 trucks parked overnight is credible and that there was not sufficient credible evidence to support the use of snow plowing. Motion seconded by Mr. Mourry. Discussion on the second: Attorney Aaroe clarified that Mr. Hummer would be allowed to plow his own yard and that the limitation did not pertain to pickup trucks. In a roll call vote, all were in favor.

Board Attorney Gold stated that he would prepare an amended Resolution which will be adopted by the Board next month and then a copy will be forwarded to the Judge. He stated that the hearing will not be opened to the public, because it was only remanded to the Board for a clarification.

Mr. Wessner and Mr. Iacampo resumed their position on the Board.

OTHER:

Mr. Wessner asked if both he and Mr. Iacampo can get a hard copy of the Township Ordinances. The Board Secretary stated that she will ask the Township Clerk.

Mr. Mourry commented on an article in The Planner that addressed the procedure on how Board Members can alert the Board Chairman, of violations, so that he can then notify the Zoning Officer. The Board discussed with the Board Attorney the procedure and ensuring that Applicants get a fair hearing.

ADJOURNMENT:

In a motion made and seconded, the meeting was adjourned at 8:41 p.m. In a voice vote all were in favor.

Respectfully Submitted:

Alfia Schemm
Board Secretary