

**Minutes Open Session  
White Township Zoning Board of Adjustment  
May 17, 2012**

There was a regular meeting of the White Township Zoning Board of Adjustment on Thursday, May 17, 2012. Present were Board Members: Elaine Reichart, Donald Weidlick, Paul Mourry, Myron Rasley, Barry Wessner, Jim Cooper, Kyle Shoemaker, and Joseph Magnini. Also Present: Board Attorney William Gold and Board Secretary Alfia Schemm. Chairman Magnini led the Board in the pledge to the flag and he called the meeting to order at 7:33 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 opened the meeting to the public for non-agenda items. With there being no public comment, the meeting was closed to the public.

**MEMORIALIZING RESOLUTION:**

**#446 Quick Check Corporation, Block 62, Lots 4 & 5-Amended Site Plan**

Ms. Reichart stated her concern over the approved modifications to the dispensing islands as she has done some research and has made some telephone calls regarding the industry standards for the dispensing islands. She went on to state that Board Engineer Modzelewski also brought up his concerns, at last month's meeting, regarding the proposed approved modifications. She stated her concern over whether the Board was mislead and she asked whether the Board can revisit the issue. She stated that when it comes to these more complex issues, the Board should take their time in making decisions. Board Attorney Gold reviewed the time frames that the Board has in making decisions and adopting Resolutions. He stated that Board can defer making a decision and take more time if they felt it was needed. Ms. Reichart stated that she felt that the facts were misrepresented and she stated that the raised concrete island provide a level of protection. The Board continued to discuss the raised islands and the bollards and whether the Resolution reflects the action taken by the Board at last month's meeting.

Ms. Reichart made the motion to revisit the issue of the proposed modification to the dispensing islands as she felt that the Board was materially mislead. Board Attorney Gold clarified that Ms. Reichart is stating that the Resolution should not be adopted and that the application should be re-opened. With there being no second, the motion died. Chairman Magnini stated that any Board Member that is not comfortable in voting or needs more time should say so, so that the Board can discuss it and defer action if necessary.

Mr. Mourry made the motion to approve the Resolution as distributed. Motion seconded by Mr. Wessner. In a roll call vote, all favor, except for Mr. Shoemaker and Mr. Cooper who abstained and Ms. Reichart who voted in opposition.

**MINUTES APPROVED:**

The minutes of the April 19, 2012 meeting were distributed to all Board Members prior to this evening's meeting.

Mr. Mourry made the motion to adopt the minutes. Motion seconded by Mr. Rasley. Discussion on the motion: Chairman Magnini noted a spelling correction. In voice vote, all were in favor, of adopting the minutes as amended.

**PAYMENT OF BILLS:** The following vouchers were submitted:

William Gold- General	\$375.00
William Gold- Quick Check	337.50
William Gold-Litigation	787.50
Hatch Mott-McDonald-Quick Check	92.40
Bart Schott-Escrow Refund	275.00

Mr. Mourry made the motion to approve the vouchers. Motion seconded by Mr. Wessner. 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: May 17, 2012

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:**

Mr. Wessner stated that the Board Members should not take it personally, if someone appeals the Board's decision. Ms. Reichart stated that it becomes personal when members of the public make personal comments regarding the Board Members. Mr. Wessner stated that he thinks that the Board should take their time in making decisions. The Board also discussed accepting the testimony of the Applicant's professionals and requiring proof and /or data to back up testimony.

Board Secretary Schemm asked if someone else can second the motion to approve the vouchers, as Mr. Wessner is an Alternate this evening. Ms. Reichart seconded the motion. In a voice vote, all were in favor of paying the vouchers, except for Mr. Wessner, who is an Alternate this evening, and abstained.

**ADJOURNMENT:**

In a motion made and seconded, the meeting was adjourned at 8:12 p.m. In a voice vote all were in favor.

Respectfully Submitted:

Alfia Schemm  
Board Secretary