

**Minutes Open Session
White Township Zoning Board of Adjustment
May 19, 2011**

There was a regular meeting of the White Township Zoning Board of Adjustment on Thursday, May 19, 2011. Present were Board Members: Elaine Reichart, Joseph Magnini, James Cooper, Kyle Shoemaker, Barry Wessner, and Donald Weidlick. Board Members Absent: Mr. Mourry and Mr. Rasley. 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 7:32 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.

Mary Duckwerth questioned the status of the revised Clean Jersey Solar maps. Board Attorney Gold reviewed the process and he stated that the Board no longer has jurisdiction on this matter and Ms. Duckwerth should check with the Township Clerk to see if a revised map has been submitted. Chairman Magnini stated that the appeal was filed with the Township Committee and it isn’t that the Board does not care about the status of the application; however, the Board is no longer involved in the process.

Ms. Reichart discussed the communication process between the Board and the Township Committee. She asked if the Board should be formally updating the Township Committee after each meeting, instead of waiting for the annual report. Mr. Herb was present and he stated that this matter was brought up and the Township Committee stated that they wanted to hear formally how the entire Board feels. It was suggested that this issue be discussed later and not in the “Open to the Public” session.

With there being no further public comment or question, the meeting was closed to the public.

SWEARING IN:

Board Attorney Gold administered the oath of office to Barry Wessner.

MEMORIALIZNG RESOLUTIONS:

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

Mr. Cooper made the motion to adopt the Resolution. Discussion on the motion: The Board reviewed the revisions made to the Draft. Motion seconded by Mr. Weidlick. In a roll call vote, all were in favor except for Mr. Shoemaker and Mr. Wessner, who are not eligible to vote and abstained.

The Applicant was present and he questioned the next step. Board Attorney Gold stated that the Applicant needs to comply with the conditions of the Resolution.

NEW BUSINESS:

#450 Michael Clemente, Block10, Lot 27

Board Secretary Schemm stated that the Applicant is not present and notice has not been provided for this evening’s meeting.

#451 Bart Shott, Block 30, Lot 66

Bart Shott was sworn in and he testified that he wishes to build an Accessory Building which is larger than what is permitted by Ordinance. He stated that it will be used to store his own residential items. A 3 page document was submitted and marked as an exhibit:

A-1 3 page view submission

Board Attorney Gold reviewed the Ordinance and the structure that is proposed to be built. The Board discussed the topography and stormwater/drainage with the Applicant. Board Attorney Gold stated that the Board is not addressing any waiver of stormwater requirements and that the Applicant will need to comply to the stormwater regulations.

The hearing was opened to the public. With there being no public comment, the hearing was closed to the public.

Mr. Cooper made the motion to grant the variances as requested; however, he noted that the Board is not waiving any of the stormwater regulations that are required. Motion seconded by Ms. Reichart. In a voice vote, all were in favor.

Board Attorney Gold then advised the Applicant of the procedure.

MINUTES APPROVED:

The minutes of the April 21, 2011 meeting were distributed to all Board Members prior to this evening's meeting.

Mr. Cooper made the motion to adopt the minutes. Motion seconded by Ms. Reichart. In a voice vote, all were in favor, except for Mr. Wessner, who is ineligible to vote.

OTHER:

Ms. Reichart made the motion that the Board advise the Township Committee when significant issues arise and that the Board not wait to the end of the year to advise the Township Committee. Motion seconded by Mr. Cooper. Discussion on the motion: The Board discussed who will determine when issues are significant and how it will be communicated. Mr. Herb was present and he stated the Township Committee would like to hear from the Board and just not one Board Member. Chairman Magnini asked if the Board will receive a copy of the Township Resolution in regards to Clean Jersey Solar.

Ms. Reichart clarified the motion to indicate that the Board will advise the Township Committee of significant issues, by a vote of the majority of the Board. Motion seconded by Mr. Cooper. In a voice vote, all were in favor.

Ms. Reichart made the motion to request a copy of the Clean Jersey Solar Resolution adopted by the Township Committee. Motion seconded by Mr. Shoemaker. Discussion on the motion: Mr. Cooper stated that we should not request a copy, as the issue is out of the Board's hands, and any Township Resident can request a copy of the Resolution, if they are interested. Ms. Reichart stated that she spent a lot of time researching Clean Jersey Solar and she thinks that the Board should have a copy of the final outcome. In a voice vote, the motion did not pass.

PAYMENT OF BILLS: The following vouchers were submitted:

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| William Gold-Garden State | 1125.00 |
| William Gold-General | 375.00 |

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| William Gold-Litigation | 112.50 |
| William Gold-Quick Check | 75.00 |
| William Gold-Clean Jersey Solar | 262.50 |
| Hatch Mott-Garden State | 1540.00 |
| Hatch Mott-Quick Check | 693.00 |
| Hatch Mott-Clean Jersey Solar | 939.40 |
| Maser-Garden State Landscaping | 156.25 |
| Maser-Quick Check | 312.50 |

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

EXECUTIVE SESSION:

In a motion made by Ms. Reichart and seconded by Mr. Weidlick, 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 19, 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:

Board Attorney Gold asked if the Township Ordinance has ever been clarified in regards to Agricultural/structures/subdivisions, as many recommendations have been made. The Board stated that they do not believe any modifications/clarifications have been made to that particular Ordinance.

ADJOURNMENT:

In a motion made and seconded, the meeting was adjourned at 9:10 p.m. In a voice vote all were in favor.

Respectfully Submitted:

Alfia Schemm
Board Secretary