

**Minutes Open Session
White Township Zoning Board of Adjustment
October 15, 2015**

There was a regular meeting of the White Township Zoning Board of Adjustment on Thursday, October 15, 2015. Present were Board Members: Barry Wessner Alt #1, Kyle Shoemaker, James Cooper, Vincent Iacampo Alt #2, Paul Mourry, Elaine Reichart, and Joseph Magnini. Board Members Absent: Myron Rasley and Donald Weidlick. Also Present: Board Attorney William Gold, Board Engineer Joseph Modzelewski, and Board Secretary Alfia Schemm. Chairman Magnini led the Board in the pledge to the flag and he called the meeting to order at 7:38 p.m. He then 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, the meeting was closed to the public.

COMPLETENESS:

#462 Cheema Oil Corp., Block 39, Lot 10, Block 70.01, Lots 6 & 6.01

Michael Lavery, Esq. was present on behalf of the Applicant. Board Engineer Modzelewski reviewed his completeness report of 10-07-15. He went on to review the incompleteness issues in regards to the variance application and the site plan, which the Board discussed. He suggested that any revisions be provided at least two weeks prior to the meeting. The Board reviewed the options available to schedule a hearing.

Mr. Cooper made the motion to deem the application complete, as long as the incompleteness items are submitted at least two weeks prior to the meeting. Motion seconded by Mr. Mourry. Discussion on the motion: Board Attorney Gold reviewed that revisions are to be received at least two weeks prior to the meeting, in order to proceed. The Applicants and the Board then went on to review the waivers being requested. Mr. Cooper and Mr. Mourry amended their motion to include the granting of the waivers being requested. In a roll call vote, all were in favor.

NEW BUSINESS:

#460 Paul Sandhu, Block 62, Lot 69

William Edleston, Esq. was present on behalf of the Applicant. Mr. Cooper disclosed that he has worked with Attorney Edleston in the past and he has used the medical services of the Applicant's uncle. He confirmed that he feels that he can perform his duties as a Board Member, without conflict. Kyle Shoemaker recused himself and sat in the audience. Board Attorney Gold reviewed that there are six Board Members present. Also present Reza Hashemi and Pritpal S. Sandhu who were both sworn in. The Board noted that the Application was deemed complete on May 21, 2015; however, the Applicant requested several adjournments to revise the drawings. The Applicants and the Board agreed that the 120 day clock would begin this evening.

Engineer Hashemi provided his qualifications as an Engineer. Attorney Edleston summarized the proposed application and the requirement for a Use Variance. Board Engineer Modzelewski reviewed the Township Zoning Ordinance pertaining to Professional Offices vs. Medical Offices. The Board discussed whether an Interpretation should be considered and the notice was reviewed to see if the notice provided addresses an Interpretation. Board Attorney Gold determined that he does not feel that the notice provided addresses an Interpretation and he reviewed the Township Ordinance. The Applicants agreed to proceed with the Use Variance, reserving their rights to re-notice for an Interpretation if needed.

Engineer Hashemi displayed a rendered drawing of the plan, which was marked as an Exhibit:
A-1 Rendered drawing.

Engineer Hashemi reviewed the zoning and existing conditions at the site. The following was submitted and marked as an Exhibit:

A-2 Existing Condition, Sheet 2 of 5, Revised 9-02-15

Engineer Hashemi continued to describe the existing site conditions at great length. It was stated that the existing structure will be demolished and a new septic and well will be installed. The following was submitted and marked as an Exhibit:

A-3 10 Photographs

Engineer Hashemi reviewed and described the photographs. Mr. Wessner questioned the photographs on the back of the Photo Board. Engineer Hashemi stated that he will remove them. The following was submitted and marked as an Exhibit:

A-4 Site and Landscaping Plan, Sheet 3 of 5, Revised 9-02-15

Engineer Hashemi described the proposed building, which consist of 2 retail stores and 1 medical office. He reviewed the proposed sidewalk, dumpster, septic bed, well, 22 parking spaces, signage, and landscaping. The access easement was questioned. Board Attorney Gold suggested that the Board focus on the Use Variance at this point. Engineer Hashemi stated that he feels that the site is suitable for the proposal. He stated that the site is an appropriate location for a medical office and it will serve the general welfare. He stated that he sees no detriment to the public good and there is substantial impairment to the intent and purpose of the Township Zone Plan or Zoning Ordinance and there would be no detrimental impact to the adjacent properties. Attorney Edleston concluded that the site is particularly suited for a medical office

Mr. Cooper made the motion to grant the Use Variance. Motion seconded by Ms. Reichart. Discussion on the motion: Mr. Sandhu described the doctors that may have office hours at the proposed medical facility. In a roll call vote, all were in favor. Board Attorney Gold noted that the Applicant received six affirmative votes.

Attorney Edleston noted that there are several bulk variances being requested. The Applicants went on to review Board Engineer Modzelewski's latest report of October 13, 2015. They discussed the existing conditions and lot coverage. Board Attorney Gold asked if the Applicants have looked at acquiring additional land. The Board discussed the adjacent properties and the exiting easements. Board Attorney Gold stated that a copy of the easement should be submitted. The Board and the Applicant's continued to review what is being proposed in the easement area and it was agreed that the easement needs to be reviewed. The Applicants continued to review Board Engineer Modzelewski's report in regards to parking and the access barrier. It was noted that the Board should get documentation from DOT. Ms. Reichart stated her concern over the intensity of the site and she suggested constructing a smaller office, eliminating the retail, and expanding the medical. Mr. Sandhu stated they are proposing the other space to perhaps accommodate a therapy office; however, they want to keep their options open.

Mr. Cooper stated that he feels that the proposal is an improvement and the coverage is being reduced. He made the motion to grant the bulk variances. Discussion on the motion: Ms. Reichart stated that she thinks that the Board should know the terms of the easement. Board Attorney Gold agreed. Motion seconded by Mr. Iacampo. In a roll call vote, Mr. Mourry, Ms. Reichart, Mr. Wessner, and Chairman Magnini, voted in opposition. The motion dies. Board Attorney Gold clarified the motion with Attorney Edleston and the Board.

Ms. Reichart made the motion to suspend further discussion on the application, until the Board receives the easement information and she agreed that the prior denial was without prejudice. Motion seconded by Mr. Mourry. In a voice vote, all were in favor.

It was announced that this matter is being carried to the Board's November 19th Board Meeting, without further notice.

MINUTES APPROVED:

The minutes of the September 17, 2015 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 Mr. Mourry. In a voice vote, all were in favor.

PAYMENT OF BILLS: The following vouchers were submitted:

William Gold- General	\$ 375.00
William Gold-Sandhu	\$ 150.00
William Gold-Cheema	\$ 50.00
Hatch Mott MacDonald-Sandhu	\$1680.00
Hatch Mott MacDonald-Van Horn	\$ 945.00

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

OTHER:

Ms. Reichart reviewed the concern that she brought up at last month's meeting regarding the planning information that was included in the engineering document. She stated that perhaps it might benefit the Board to have one professional doing both Planning and Engineering. Board Engineer Modzelewski stated that he included some limited planning information, as he did not see a planning document from the Planner. He stated that he felt it was both fair to both the Board and the Applicant. Ms. Reichart stated that perhaps there should have been a recommendation to have the Board Planner involved. Board Attorney Gold reviewed the process in many other municipalities, where the Board Professionals attend every meeting. The Board discussed the process and Board Secretary Schemm stated that she only sends the application to the Planner, when she is directed by the Board. Board Attorney Gold stated that he feels that the White Township treats the Applicants fairly. Mr. Mourry stated that he likes the reports that are generated by Board Engineer Modzelewski and perhaps there needs to be a little bit of leeway. Board Secretary Schemm asked if the present Applications should be sent to Board Planner Layton.

Ms. Reichart made the motion to forward the applications to Board Planner Layton. With there being no second the motion failed.

ADJOURNMENT:

In a motion made and seconded, the meeting was adjourned at 10:03 p.m. In a voice vote all were in favor.

Respectfully Submitted:

Alfia Schemm
Board Secretary