

**Minutes Open Session  
White Township Zoning Board of Adjustment  
June 16, 2016**

There was a regular meeting of the White Township Zoning Board of Adjustment on Thursday, June 16, 2016. Present were Board Members: Barry Wessner Alt #1, James Cooper, Paul Mourry, Elaine Reichart, Myron Rasley, and Joseph Magnini. Board Members Absent: Kyle Shoemaker and Donald Weidlick. Also Present: Board Attorney William Gold, Board Engineer Joseph Modzelewski, Board Planner Joseph 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 7:36 p.m. He announced that notice of this meeting was given in compliance with the "Open Public Meetings Act." A moment of silence was then held in honor of the victims of the Orlando shooting.

**OPEN TO THE PUBLIC:**

Chairman Magnini opened the meeting to the public. With there being no public comment, the meeting was closed to the public.

**NEW BUSINESS:**

**#463 Eric & Mariann Cliff, Block 77, Lot3**

Alan Lowcher, Esq. was present on behalf of the Applicants. The Board Secretary confirmed that notice was provided. Attorney Lowcher reviewed that the application is for a proposed addition to a pre-existing home that is the CC Zone. He stated that they meet all of the bulk standards.

Eric and Mariann Cliff were sworn in. Mr. Cliff reviewed that he had an accident several years ago and was looking for a home that would be on one floor. The following were submitted and marked as Exhibits:

- A-1 Aerial Photo of the property
- A-2 3 Photographs

The existing conditions were described. The following were submitted and marked as Exhibits:

- A-3 Site Plan and Zoning-Architect Drawing, prepared by Eric Trepkau, dated 4-2-16
- A-4 4 Photographs of the neighboring properties

The proposed addition was described. Mr. Cliff stated that they have been working on cleaning up the property. Board Attorney Gold clarified that the only variance being requested is for the proposed additions to the home and not the out buildings shown on the drawing. He also reviewed the Highlands correspondence that was submitted with the application.

Chairman Magnini opened the hearing to the public.

Rick Tardive was sworn in and he stated that the Applicant has cleaned up the property and he supports the application.

Chairman Magnini asked if there was any further public comment. With there being no further public comment, the hearing was closed to the public.

Attorney Lowcher then presented the proofs for the variance application.

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

Board Attorney Gold reviewed the procedure. He stated that the Resolution will be filed with the County once it is approved.

Board Attorney Gold then announced that the remainder of tonight's meeting will be split in half. The next matter will be the Cheema Oil application, which will be heard until 9:15 p.m. The Arnav application will begin shortly after that and will go until 10:30 p.m. He reviewed the procedure for the evening.

**OLD BUSINESS:**

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

Michael Selvaggi, Esq. was present on behalf of the Applicant. He stated that the plans were modified after last month's meeting. Also present Brian Shortino, who acknowledged that he was still under oath. The following was submitted and marked as an Exhibit:

A-8 Landscape Rendering, dated 6-16-16

Engineer Shortino reviewed the modifications addressed in Exhibit A-8, which are summarized in their June 6th letter. He stated that he reviewed Board Planner Layton's report of June 15, 2016 and the landscaping.

Board Attorney Gold swore in Board Engineer Joseph Modzelewski, Board Planner Joseph Layton, and Jessica Caldwell. Ms. Caldwell provided her qualifications and experience as a Planner. The Board questioned the signage. Board Planner Layton reviewed the Quick Check sign. The following were submitted and marked as an Exhibit:

B-1 Rendering of the Quick Check sign

B-2 Rendering of the Applicant's sign

Board Engineer Modzelewski's reviewed his report of 6-24-16, which was discussed with the Board and the Applicant at great length. The traffic circulation and the ingress and egress was discussed. Sending a recommendation letter to the DOT was also discussed. Board Engineer Modzelewski continued to review his report in regards to the signage.

With it being 9:18 p.m., the hearing concluded for the evening. Board Attorney Gold announced that this matter is being carried to the Board's July 21st meeting, without further notice.

The Board took a brief recess at 9:20 pm. Board Engineer Modzelewski left for the evening. The meeting resumed at 9:26 p.m.

**#464 Arnav Properties, Block 21, Lot 7.05**

Alan Lowcher, Esq. was present on behalf of the Applicant. Board Secretary Schemm confirmed that notice was provided. Attorney Lowcher stated that their application has two components: one being an Adult Medical Day Care Center and the other a Liquor Store. He stated that they would like to proceed with the Interpretation for the Liquor Store first, due to lateness of the evening. He stated that if they do not get a favorable Interpretation they will proceed with a Use Variance. He then described the existing strip mall and the type of liquor license they are pursuing and their proposed use of the liquor license.

Pankil Shah and Raghu Harinatham were both sworn in. Mr. Shah stated that he presently owns a liquor store in Irvington and he presently owns the subject property in White Township. He stated that he would like to open up a liquor store in two of his vacant units: 106 and 107. The following was submitted and marked as an Exhibit:

A-1 Floor Plan Layout

The Applicants reviewed the type of liquor license that is being acquired, the floor area of the proposed bar (with 6 stools) and liquor store, and the proposed hours of operation. The Board discussed if it can accept more restrictive hours of operation, if the Applicant is offering it.

The Applicants described the anticipated revenue and how they proposed to operate the Liquor Store/Bar.

James Kyle was sworn in and provided his qualifications as a Planner. He reviewed the definitions and described other facilities in the area. He stated that based on the floor area and the sales, that the bar area is subordinate to the proposed liquor store. Board Attorney Gold reviewed the Accessory Use definition in the Township Ordinance, which was discussed with the Board and the Applicant. Board Planner Layton stated his concerns over the liquor license limitations. The Board continued to discuss the issues. The following was submitted and marked as Exhibit:

A-2 Section of Subchapter 35-Dept. of Law and Public Safety  
The issues continued to be discussed.

The hearing was then opened to the public:

Kurt Kalmbach was sworn in and he stated that he owns the only Township liquor store license. He stated that in his opinion the bar is primary in the liquor license that the Applicant is acquiring and it has to be operative.

Linda Hendershot was sworn in and she stated that she was a former Municipal Clerk and she reviewed the different classes of liquor licenses.

Regina Baird was sworn in and she stated that she used to own a bar and she stated her concerns of what would happen if the business would to ever be sold. She asked why would the Township need to have two liquor stores next to one another.

Maria Knecht was sworn in and she stated her concern over the dangers of drinking in a bar.

Kurt Kalmbach stated that he has a petition. Board Attorney Gold reviewed the law and he stated that petitions are not admissible.

Donald Stout was sworn in he stated that he represents 207 homeowners, as he is the Vice President of the Homeowner's Association, and they are concerned with the well being of the citizens. Board Attorney Gold stated that only an Attorney can represent other people.

Josephine Stout was sworn in and she stated that many of the people that signed the petition are present this evening and they do not want a bar. She stated that she feels that the petition should hold some weight and she asked if everyone who is opposed to the proposal needs to stand up and testify. Board Attorney Gold stated that anyone who is present and wishes to comment or testify should.

Board Planner Layton reviewed the different liquor licenses and the primary and secondary uses. Board Attorney Gold stated that we are now at 10:35 p.m. Attorney Lowcher asked that the Board stay and make a decision. The Board discussed the procedure for the remainder of the evening.

Sharon Kathers was sworn in and she stated that she feels that the Applicant's business plan does not meet the liquor license that they are acquiring.

Joseph Reitano was sworn in and he commented on the ABC rules and regulations.

Ms. Hendershot talked about liquor licenses and the rules and regulations.

Linda Stettler was sworn in and she stated that it is very clear to her that the Applicant's business plan does not meet the needs of the liquor license that is being acquired.

Chairman Magnini asked if there was anyone else wishing to speak. With there being no further public comments, the hearing was closed to the public.

Board Planner Layton stated that he agrees with the findings of the Zoning Officer. He went on to review the differences in the liquor licenses. He stated that it is his interpretation that the liquor license that is being acquired is for a bar with a liquor store not a liquor store with a bar. Board Attorney Gold stated that the Board is to interpret the Township Ordinance.

Mr. Cooper made the motion to interpret the Applicant's application is for a bar with the liquor store. Motion seconded by Mr. Rasley. Discussion on the motion: Board Attorney Gold clarified the motion. In a roll call vote, all were in favor.

The use variance phase of the Applicant's application will be heard at the Board's July 21st meeting.

**MINUTES APPROVED:**

The minutes of the May 19, 2016 meeting were distributed to all Board Members prior to this evening's meeting.

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

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

William Gold- General	\$ 375.00
William Gold-Arnab	\$ 75.00
William Gold -Cheema	\$ 112.50
Maser-Cheema	\$ 764.75
Maser-Arnab	\$ 133.00
Hatch Mott MacDonald-Sandhu	\$1530.00
Hatch Mott MacDonald-Cheema	\$ 952.56
Hatch Mott MacDonald-Sandhu	\$ 76.50

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

**ADJOURNMENT:**

In a motion made and seconded, the meeting was adjourned at 9:46 p.m. In a voice vote all were in favor.

Respectfully Submitted:

Alfia Schemm  
Board Secretary

7/18/16