

**Minutes Open Session
White Township Zoning Board of Adjustment
January 19, 2012**

There was a reorganization and regular meeting of the White Township Zoning Board of Adjustment on Thursday, January 19, 2012. Present were Board Members: Kyle Shoemaker, James Cooper, Elaine Reichart, Donald Weidlick, Barry Wessner, and Joseph Magnini. Absent: Paul Mourry and Myron Rasley. Also Present: Attorney William Gold and Secretary Alfia Schemm. Secretary Alfia Schemm led the Board in the pledge to the flag and she called the meeting to order at 7:32 p.m. She 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 Barry Wessner and Elaine Reichart.

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 Ms. Reichart. 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. Weidlick. Chairman Magnini asked if there were any other nominations. With there being no other nominations, the nominations were closed. In a voice vote, all were in favor of the nomination of Mr. Cooper as Vice Chairman.

Appointment of Board Professionals

Chairman Magnini stated that he spoke with the Board Professionals and he would recommend that the Board reappoint the same Board Professionals at the same rate as last year.

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 Board Planner. Motion seconded by Ms. Reichart. Discussion on the motion: Mr. Shoemaker asked if Board Attorney Gold has a minimum charge for the year. Board Attorney Gold stated that his fee will be \$375.00 per meeting, without an annual retainer, as the Township would only pay the monthly voucher and not the retainer. In a voice vote, all were in favor.

Appointment of Board Secretary

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

Designation of Meeting Date, Time and Place

Mr. Cooper 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 Mr. Wessner. 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 the 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 Mr. Wessner. In a voice vote, all were in favor.

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.

NEW BUSINESS:

#452 SAMA Properties, 188 CR 620, Block 28, Lot 2

Richard Keiling Esq. was present representing the Applicant. Board Attorney Gold stated that he reviewed the notice and finds that it is in order and he went on to read into the record the notice that was published in the Star Gazette. He then reviewed the Applicant's request for an interpretation of the protected pre-existing structures and uses on the property that existed prior to April 1st, 1977. Attorney Keiling then went on to review the letter that was received by the Zoning Officer and the uses permitted in the "I" Zone. Also present were Sal Amato and Timothy Van Horn who were both sworn in.

Timothy Van Horn stated that he lived across the street from the subject property for a number of years and he has extensive knowledge of the property. The following was submitted and marked as an exhibit:

A-1 Survey Map, dated 10-20-04

He described, at great length, the various activities that took place on the property prior to Zoning being adopted in the Township.

The hearing was then opened to the public.

William Bachmann was sworn in and he questioned the location of the farming on the property then and now, which was discussed with Mr. Van Horn and the Board.

Board Attorney Gold then reviewed the letters sent by the Zoning Officer and the violations listed. The Board reviewed the items that were stored outside on the property prior to Zoning, with Mr. Van Horn. The Board then reviewed the items that were stored inside the buildings.

Mr. Bachmann questioned the activities taking place on the property.

Chairman Magnini asked if there were any further questions of Mr. Van Horn. With there being no other questions, Mr. Van Horn was excused.

Sam Amato then came forward and he stated that he purchased the property in 2003 and he described the structures and the uses on the property, at great length with the Board.

Mr. Bachmann questioned the uses and activities that have taken place on the property. Attorney Gold reviewed again the Applicant's application, which is for an interpretation of the protected pre-existing uses and activities prior to Zoning being established.

Attorney Keiling then presented some prior court cases that he felt supported their application. The Board continued to review the items and uses that are permitted and the items and uses that existed prior to Zoning, which would be protected, if they are not permitted today.

Mr. Cooper began to make a motion, when Mr. Bachmann asked if he can make his presentation.

William Bachmann stated that he is very aware of the activities that have taken place on the property over the past 30 years, which he briefly described. He stated that he would like to present some photographs, which were marked as an exhibit:

O-1 Photographs-taken in the past year

Mr. Bachmann went on to describe the photographs, which were discussed with the Applicants and the Board. He stated his concerns with the condition of the property over the past years, at great length. Attorney Keiling stated that he objects to the photographs that were taken by Mr. Bachmann trespassing on Mr. Amato's property. Mr. Bachman stated that he does not have a problem with the pre-existing uses and he has no objection to having anything stored inside the building.

Mr. Cooper made the motion to find that the testimony given by Mr. Van Horn is credible with respect to the uses that occurred back in 1977. Board Attorney Gold then went on to review the items and uses that he has listed from this evening's hearing. The Board also discussed the 2nd residence that was destroyed by a fire, which Board Attorney Gold stated that he would have to research. The Board continued to review the uses and items that pre-existed Zoning. Motion seconded by Mr. Shoemaker. Discussion on the motion: Mr. Cooper questioned the number of stored vehicles, which was briefly discussed. In a voice vote, all were in favor.

The Board reviewed that what they have done is establish a baseline for this property.

#453 Dennis Chamberlain, 662 Brass Castle Road, Block 16, Lot 15

Board Secretary Schemm stated that the Applicant has noticed for the Board's February meeting.

OTHER BUSINESS:

Annual Report

Mr. Cooper made the motion to defer the action on the Annual Report until next month. Motion seconded by Mr. Shoemaker. In a voice vote all were in favor.

MINUTES APPROVED:

The minutes of the October 20, 2011 meeting were distributed to all Board Members prior to this evening's meeting. Mr. Wessner noted a minor correction, of Rasley, instead of Race.

Mr. Wessner made the motion to adopt the minutes, as modified. Motion seconded by Mr. Weidlick. In a voice vote, all were in favor, except for Ms. Reichart and Mr. Cooper, who were not present and abstained.

OTHER:

Board Attorney Gold stated that the Rodato brief should be received shortly and then he will have 45 days to respond to the Brief.

PAYMENT OF BILLS: The following vouchers were submitted:

William Gold- General	\$862.50
William Gold- SAMA Properties	187.50

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

MINUTES APPROVED

Chairman Magnini made the motion to adopt the Executive Session minutes of October 20, 2011. Motion seconded by Mr. Wessner. In a voice vote, all were in favor, except for Ms. Reichart, Mr. Cooper, and Mr. Shoemaker, who were not present and abstained.

ADJOURNMENT:

In a motion made and seconded, the meeting was adjourned at 10:00 p.m. In a voice vote all were in favor.

Respectfully Submitted:

Alfia Schemm
Board Secretary