

**Minutes Open Session
White Township Zoning Board of Adjustment
January 18, 2018**

There was a reorganization and regular meeting of the White Township Zoning Board of Adjustment on Thursday, January 18, 2018. Present were Board Members: Donald Weidlick, Barry Wessner, James Cooper, Elaine Reichart, Kyle Shoemaker, Paul Mourry, and Jack Shade. Also Present: Attorney Tara St. Angelo, Engineer Joseph Modzelewski, Planner Joseph Layton, and Township Clerk Kathleen Reinalda. Ms. Reinalda led the Board in the pledge to the flag and she called the meeting to order at 7:30 p.m. She then announced that notice of this meeting was given in compliance with the "Open Public Meetings Act."

SWEARING IN:

Attorney St. Angelo administered the oath of office to Donald Weidlick, James Cooper, and Barry Wessner.

REORGANIZATION:

Election of Chairman

Attorney St. Angelo called for nominations for Chairman. Mr. Cooper made the motion to nominate Paul Mourry for Chairman. Motion seconded by Mr. Shoemaker. Discussion on the motion: Mr. Mourry declined the nomination.

Ms. Reichart made the motion to nominate Jack Shade for Chairman. Motion seconded by Mr. Wessner. Discussion on the motion: Mr. Cooper asked if other senior board members should be considered as Mr. Shade is a brand new board member. Several Board Members stated their support for Mr. Shade. With there being no other nominations, the nominations were closed. In a voice vote, all were in favor of the nomination of Mr. Shade as Chairman, except for Mr. Cooper who voted in opposition.

Election of Vice Chairman

Ms. Reichart made the motion to nominate Barry Wessner as the Vice Chairman. Motion seconded by Chairman Shade. Discussion on the motion: Mr. Shoemaker stated that he would like to nominate Mr. Cooper, if Mr. Cooper was interested. Mr. Cooper stated that he is not interested in the nomination. In a voice vote, all were in favor of the nomination of Mr. Wessner as Vice Chairman, except for Mr. Shoemaker who voted in opposition.

Appointment of Board Professionals

Mr. Cooper made the motion to appoint the existing professionals at their existing rate of pay. Motion seconded by Mr. Mourry. In a voice vote, all were in favor.

Appointment of Board Secretary

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

Designation of Official Newspaper

Mr. Mourry made the motion for the designation of the Official Newspapers, same as the Governing Body. Motion seconded by Mr. Cooper. In a voice vote, all were in favor.

OPEN TO THE PUBLIC:

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

MEMORIALIZING RESOLUTIONS:

#467 Michael E. Belby, Block 49, Lot 3

Mr. Cooper made the motion to adopt the Resolution. Motion seconded by Mr. Mourry. In a voice vote, all were in favor, except for Mr. Shade, who abstained.

#466 Dennis Jr. Smith, Block 7, Lot 12.01

Mr. Cooper made the motion to adopt the Resolution. Motion seconded by Mr. Mourry. In a voice vote, all were in favor, except for Mr. Shade who abstained.

OLD BUSINESS:

#469 Elham Valipay, Block 17.91, Lot 67

Mark Carter, Esq. was present on behalf of the Applicant. He stated that he had a conversation with Board Attorney St. Angelo where it has been determined that a variance is needed for the fence and they will request that variance via a letter.

Robert Lagonera, the White Township Animal Control Officer, was sworn in and the existing fence was discussed., with the Board. Ms. Reichart stated her concern over the razor wire. Elham Valipay stated that the Zoning Officer did deny her application for the fence due to the height. The Board then discussed whether Warren County Health Department approval/licensing is required along with a requirement for a Septic Upgrade. Mr. Lagonera stated that he did an inspection of the site and he has spoken to a few rescues operations in the area. He stated that he feels that the proposal will be a big benefit to the County as there is an issue with feral cats. He stated that he feels that the cats should come through Animal Control and should not be coming in from out of the area. He stated that the Animal Rescue/Shelters are continually found to be over their numbers. He stated that the cats will be vetted, spayed and neutered and unadoptable cats could be placed at the proposed facility. He reviewed his experience with feral cats and he stated that there are many volunteers that will assist with food and services. He stated that he would suggest that they begin with 50 cats with a maximum of 100 cats. The Board went on to discuss allowing Ms. Valipay to bring her own small NY colony to the proposed sanctuary. Mr. Lagonera discussed the vetting process. The following were submitted and marked as Exhibits:

A-4 Drawing

A-5 Zoning Denial

Mr. Lagonera addressed the potential noise and odor. Ms. Valipay stated that she will scan the Exhibits and email them to the Board Secretary. Board Attorney St. Angelo stated that an electronic copy of the Site Plan will be submitted and the Board will need to hear back from the WCHD regarding whether licensing will be required and whether a Septic upgrade will be needed.

The hearing was opened to the public.

Laura Tartaglia stated her concern over the proposed number of cats, noise, and odor as they like to sleep with windows open. She stated that they have recently seen some feral cats on their property and she stated her concern over what will happen if funding is lost, the dumping off of feral cats, and having to disclose the sanctuary if they ever choose to sell their home. She asked what will stop the next person from applying for the same type of facility. She went on to question the monitoring and inspections, which the Board discussed. Ms. Valipay stated that she lives at the property and she extended an invitation for an onsite visit. The Board also discussed bonding and a dismantling plan.

A member of the public was sworn in and he stated his concern over trying to keep the facility secret, as he has done research on the issue. He also stated his concern over the fence and the razor wire as it attracts attention. Mr. Lagonera stated that he did see some weak points that will need to be addressed. Ms. Valipay stated that she could plant screening landscape. Concerns were raised about the location of the facility being so close to the road and cats being dumped off. Mr. Lagonera stated that cameras can be placed on the property and rescue groups will supply food and help out. He also stated his admiration over the existing facilities and on site structures.

Todd Rudd was sworn in and he stated that has known Ms. Valipay for a number of years and has worked with her with cat rescues. He feels that she is very organized and very responsible. He stated that he understands the legitimate concerns, but he feels that Ms. Valipay will address them. He stated that he hopes that the Board has confidence in her and in her dedication in trying to help these poor animals. He offered his support.

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

Chairman Shade announced that this matter will be carried to the Board's February 15th Board Meeting.

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

Michael Selvaggi, Esq. was present on behalf of the Applicant and he reviewed where they had left off at the last meeting. He stated that they have their Planner and Architect this evening. He stated that they plan on having their Traffic Expert and Planner at the next meeting. Board Engineer Modzelewski confirmed that the Board wants to have their Traffic Expert review the latest submission. The Board then discussed the scheduling of the hearing and the concerns raised in the reports. Attorney Selvaggi stated that he hopes that the Board is not pre-judging the application as they acknowledge there are issues; however, they deserve a fair opportunity to address their proposal.

Jasvinder Arjani acknowledged that he was under oath and he reviewed the revisions. The following was submitted and marked as an Exhibit:

A-10 Colored Landscaped Rendering, dated 1-18-18

He stated that they have reduced the building size, they have moved the retaining wall, they have reduced the parking space variance from 3 spaces to 1 space. He also addressed the height of the retaining wall, the impervious coverage, the driveway modifications, the location of the fueling canopy and fueling pumps, the height and area of the canopy, the kiosk, the island, the free standing sign, the landscaping, and lighting. He stated they have tried to comply with all of the comments and are willing to address any other concerns. He then went on to address the proposed signage. The following was submitted and marked as an Exhibit:

A-11 3D Rendering, dated 1-18-18

Mr. Arjani addressed the Board's questions in regards to the Exhibit. It was noted that the retaining wall is out of scale. Ms. Reichart asked that the Fire Department be notified of the modifications. The Applicant's addressed the comments already made by the Mountain Lakes Fire Company in regards to the prior submission.

Brian Shotwell acknowledged that he was under oath and he reviewed Board Engineer Modzelewski's January 15, 2018 report, with the Board. He commented on the conditional use standards, the design standard waivers, the technical details, and the construction details.

The Board took a brief break at 9:20 p.m. The meeting resumed at 9: 23 p.m.

Mr. Shotwell continued to review Board Engineer Modzelewski's report, which was discussed with the Board. He commented that they would be able to provide information in regards to the tank installation, location of the disposal bed, schematic of septic system tanks, canopy lighting, landscaping, grading, line of sight, drafting corrections, construction details, storm water management, and the merger of the lots. The Board asked if the "lot" matter can be resolved prior to the next meeting. Mr. Shotwell then went on to review Board Planner Layton's report of January 12, 2018 and the site plan comments regarding: signage, landscaping and lighting. Mr. Wessner asked if they could provide a specific truck circulation exhibit for the next meeting.

Mr. Selvaggi asked that the eligible Board Members be up to date in terms of listening to the audio of missed testimony. Mr. Wessner questioned the traffic calculations and the anticipated volume. Mr. Mourry questioned the purpose of the painted island. Mr. Shade also questioned the width of the driveway. Mr. Selvaggi asked that he be advised of how much time they will have allocated to them for the February 15th meeting.

The hearing was opened to the public. No public commented noted.

OTHER:

Annual Report

The Board discussed whether there are any recommendations to make in the Annual Report. Ms. Reichart brought up LED Lighting. She stated that she can provide an email to the Board Secretary for distribution.

Other

Board Attorney St. Angelo asked that the Board Members present, to the Board Secretary, any questions ahead of time, so that they can be researched ahead of time and not delay a hearing.

MINUTES APPROVED:

The minutes of the December 21, 2017 meeting were distributed to all Board Members prior to this evening's meeting.

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

PAYMENT OF BILLS: The following vouchers were submitted:

Maser-Cheema Oil	34.00
Maser-Cheema Oil	850.00

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

ADJOURNMENT: In a motion made and seconded, the meeting was adjourned at 9:58 p.m. In a voice vote all were in favor.

Respectfully Submitted:

Alfia Schemm
Board Secretary

2/15/13