

**Minutes Open Session
White Township Zoning Board of Adjustment
January 21, 2016**

There was a reorganization and regular meeting of the White Township Zoning Board of Adjustment on Thursday, January 21, 2016. Present were Board Members: Donald Weidlick, Barry Wessner Alt #1, James Cooper, Elaine Reichart, Paul Mourry, Myron Rasley, and Joseph Magnini. Board Member Absent: Kyle Shoemaker. Also Present: Attorney William Gold and Secretary Alfia Schemm. Ms. Schemm led the Board in the pledge to the flag and she called the meeting to order at 7:35 p.m. She then 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 Elaine Reichart and Barry Wessner.

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. Rasley. Attorney Gold asked if there were any other nominations. With there being no other nominations, the nominations were closed. In a roll call vote, all were in favor of the nomination of Mr. Magnini as Chairman.

Election of Vice Chairman

Mr. Cooper made the motion to nominate Myron Rasley as the Vice Chairman. Motion seconded by Chairman Magnini. With there being no other nominations, the nominations were closed. In a roll call vote, all were in favor of the nomination of Mr. Rasley as Vice Chairman.

Appointment of Board Professionals

Mr. Cooper made the motion to appoint the existing professionals at their existing rate of pay. Motion seconded by Mr. Rasley. Discussion on the motion: Chairman Magnini clarified the Board Professionals as: William Gold as the Board Attorney, Joseph Modzelewski of Hatch Mott MacDonald as the Board Engineer, and Joseph Layton as the Board Planner. In a roll call 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 Chairman Magnini. In a roll call 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. Motion seconded by Chairman Magnini. In a roll call vote, all were in favor.

Designation of Official Newspaper

Chairman Magnini noted that it was brought up at the Planning Board meeting that there may be a technical issue with the designation of the Official Newspaper. Board Attorney Gold stated the Board should follow the same newspaper designation as the Governing Body.

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.

OLD BUSINESS:

#460 Paul Sandhu, Block 62, Lot 16

William Edleston, Esq. was present on behalf of the Applicant. He stated that he was notified that the November hearing was not opened to the public prior to the vote being taken. Chairman Magnini and Board Attorney Gold apologized for not catching it at that time.

The hearing was then opened to the public.

Robert Mackey stated that he had questions, which were addressed during the hearing. He stated that he then realized a few days after the hearing, that it was not opened to the public, prior to the vote being taken. He did comment on the water runoff and the curbing of the site. He also again noted the deficiency in not opening the hearing to the public, prior to the vote being taken.

Mr. Wessner stated that he did have an additional comment in regards to utilizing someone else's property for ingress/egress. Board Attorney Gold reviewed the proposed stripping and signage. Mr. Wessner suggested that grass be planted and curbing be installed. Attorney Edleston stated that he would like to reserve the right to come back to the Board if their Engineer has an issue with the suggestion. Board Attorney Gold reviewed the proposed draft language that would be included in the Resolution that would address the issue. He then reviewed the action taken at the November meeting, which was for the granting of bulk variances and preliminary and final site plan.

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

Board Secretary Schemm noted that the Board acted on bulk variances, design waivers, and preliminary and final site plan at the November meeting.

Ms. Reichart made the motion to include Mr. Wessner's recommendation from this evening. Motion seconded by Mr. Wessner. Discussion on the motion: Board Secretary Schemm asked that the motion be clarified. Board Attorney Gold stated that the motion is to include Mr. Wessner's recommendation for grass planting and curbing, along with the bulk variances, design waivers, preliminary and final major site plan, as requested by the Applicant. Roll call vote, all were in favor, except for Mr. Rasley and Mr. Weidlick, who did not hear all of the testimony and are not eligible to vote on the matter.

NEW BUSINESS:

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

Chairman Magnini announced that this matter will not be heard this evening, as they are not ready to proceed. Board Attorney Gold stated that he has requested that Attorney Lavery renote for the February meeting. Mr. Wessner questioned the 120 day time clock that began after completeness was granted. Board Attorney Gold reviewed the time tables that have been set and he stated that the Court is reluctant to grant automatic approvals for an active application. Ms. Reichart questioned the time clock and the determination of completeness, when there are still outstanding completeness items to be addressed. Board Attorney Gold reviewed the process and procedures. Ms. Reichart stated her concern over the time running when the Applicants continued to request adjournments. The Board stated that the 120 days is the Applicant's protection from the Board delaying action.

MINUTES APPROVED:

The minutes of the November 19, 2015 meeting were distributed to all Board Members prior to this evening's meeting.

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

PAYMENT OF BILLS: The following vouchers were submitted:

William Gold- General	\$ 375.00
Hatch Mott & MacDonald -Cheema	735.00
Hatch Mott & MacDonald-Sandhu	1065.00
Hatch Mott & MacDonald-General	75.00
Hatch Mott & MacDonald -Van Horn	150.00
Hatch Mott & MacDonald- Cheema	2925.00
Hatch Mott & MacDonald-Sandhu	1455.00
Hatch Mott & MacDonald-Van Horn	180.00
NJPO	185.00

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

ADJOURNMENT:

In a motion made and seconded, the meeting was adjourned at 8:16 p.m. In a voice vote all were in favor.

Respectfully Submitted:

Alfia Schemm
Board Secretary