

**Minutes Open Session
White Township Zoning Board of Adjustment
October 19, 2017**

There was a regular meeting of the White Township Zoning Board of Adjustment on Thursday, October 19, 2017. Present were Board Members: Donald Weidlick, Barry Wessner Alt #1, James Cooper, Elaine Reichart, Paul Mourry, Kyle Shoemaker, and Myron Rasley. Also Present: Board Attorney William Gold, Board Engineer Joe Modzelewski, and Board Secretary Alfia Schemm. Mr. Rasley led the Board in the pledge to the flag and he called the meeting to order at 7:32 p.m. He then announced that notice of this meeting was given in compliance with the "Open Public Meetings Act." Mr. Rasley announced that Chairman Joseph Magnini has provided his resignation letter for personal reasons and the Board will address that matter at the end of the meeting.

OPEN TO THE PUBLIC:

Mr. Rasley opened the meeting to the public. A member of the public was present; however, he wished to speak in regards to an agenda item. Board Attorney Gold stated that the public session is for non-agenda items and he will have an opportunity to speak during the hearing process. With there being no further public comment, the meeting was closed to the public

NEW BUSINESS:

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

Board Attorney Gold announced that the Applicant will not be present this evening; however, they are looking to be deemed complete this evening and to have a hearing scheduled for next month.

Mr. Cooper made the motion to deem the application complete. Motion seconded Mr. Mourry. In a voice vote, all were in favor. Board Attorney Gold stated that he will notify Attorney Lowcher.

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

Michael E. Belby was present and Board Attorney Gold summarized the Belby application.

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

Board Attorney Gold then addressed the scheduling for next month's meeting. The Board discussed possibly starting early at 7:00 p.m., but agreed to begin at 7:30 p.m. After a brief discussion it was agreed to schedule the Cheema application for 7:30 p.m., the Smith application for 9:00 p.m., and the Belby application for 9:30 p.m.

Dr. Belby stated that he will fax a copy of his notice to Board Attorney Gold for him to review. Several Board Members stated that they are patients of Dr. Belby. Board Attorney Gold stated that he will have to review the matter.

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. Ms. Reichart stated her concern that the Board just received Board Engineer Modzelewski's report and she asked if this matter could be deferred until the next Board meeting. The Board discussed the timeline and the procedure. Attorney Selvaggi stated that they did renote for tonight's meeting. Board Secretary Schemm noted a defect in the notice, which was reviewed. Board Attorney Gold stated that he felt that the notice was sufficient. He then went on to review his conversation with Attorney Selvaggi in regards to hearing this revised application, fresh and with a clean slate, beginning with the testimony provided this evening.

Ms. Reichart stated her concerns in regards to not having the prior testimony and documents on the record if the Board agrees to restart the testimony this evening and not following through with the Board's agreement to send their comments to the DOT. The Board discussed and debated the matter at great length.

Ms. Reichart made the motion to not restart the hearing on the application this evening, to keep the same case number and the prior documentation and testimony already provided, so to protect White Township in the case of litigation. Motion seconded by Mr. Wessner. Discussion on the motion: The Board continued to discuss the matter. Roll call vote: Weidlick-Abstain, Wessner -Yes, Cooper-No, Reichart-Yes, Mourry-No, Shoemaker-No and Rasley-No. The motion fails.

Mr. Cooper made the motion to restart the hearing on the application this evening with a new case number. Motion seconded by Mr. Mourry. Roll call vote: Weidlick-Yes, Wessner -Yes, Cooper-Yes, Reichart-No, Mourry-Yes, Shoemaker-Yes, and Rasley-Yes.

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

Attorney Selvaggi summarized the submitted application and he stated that the plans have been changed as required by the DOT.

Gurvinder Singh was sworn in and he stated that he manages the sites and he described the proposal to renovate the existing site.

Brian Shortino was sworn in and he provided his qualifications and experience as an Architect, Planner, and Engineer. He then went on to review the proposal for the gas station and convenience store. He described the revised plan submission. The following was submitted and marked as an Exhibit:

A-1 Partial Topographic Survey

Mr. Shortino described the existing site conditions and the proposal.

A-2 Landscape Survey, dated 10-19-17

Mr. Shortino described the colorized Exhibit and the proposed improvements. He stated that there are currently 4 driveways and are proposing to keep 3 driveways. He stated that they did receive DOT approval. The following was submitted and marked as an Exhibit:

A-3 Approval from the DOT, dated June 8, 2017.

The DOT letter was discussed. The following was submitted and marked as an Exhibit:

A-4 Truck Turning Exhibit, dated 6-2-16

The turning radius was discussed and Mr. Wessner stated that he would like to see the circulation plan for all truck turns coming in all driveways. Ms. Reichart stated that she would like to see a circulation plan for all types of traffic happening at the same time. She stated her concern with the lack of space and compressing all of the traffic into a limited space because not all of the space is being utilized. She stated her concern over safety. The Board continued to discuss the matter and the Applicants stated that they are not a "truck stop" as they are not proposing any tractor trailer parking and they do not have any "truck stop" facilities. The Board continued to state their concerns with congestion. Mr. Shortino addressed the proposed landscaping, parking, and current conditions vs. proposed conditions of pump locations and lighting. Ms. Reichart stated her concern over the intensity of the lighting for the safety of the workers. Mr. Shortino addressed the drainage and stormwater regulations. He also addressed: the height of the proposed canopy and the signage; the dimensions of the proposed convenience store; the retaining walls and fencing. The Applicant's stated that they will have a Planner provide testimony and they stated that they take no exception to anything in Board Engineer Modzelewski's report of 10-19-17, which they went on to review and discuss at great length. The Board continued to discuss and review the traffic circulation and ingress and egress. Ms. Reichart questioned the property lines and the Applicants addressed the deeds. Board Engineer Modzelewski addressed some of the items in his report pertaining to lighting, stormwater management (water quality/water recharge/water reduction), his General Comments, and Outside Agency Approvals. He stated that he will defer the landscaping to the Planner.

The hearing was opened to the public.

Robert Morgan and Karen Havens were both present and they questioned the truck traffic and their concerns with the ingress and safety getting in and out of the Haven's driveway.

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

Attorney Selvaggi stated that they will have their Engineer, Planner, and Architect present for next month. He stated that he will have to check the availability of their Traffic Consultants and they will provide the missing plan sheets.

Board Secretary Schemm asked if the reviewed plans should be submitted to the Board Planner and the Traffic Engineer. Board Engineer Modzelewski stated that he would suggest that the Traffic Engineer review the inside traffic circulation.

Ms. Reichart made the motion to request the Board Planner and Traffic Engineer at the next hearing. Motion seconded by Mr. Cooper. In a voice vote, all were in favor.

Board Secretary Schemm confirmed that the Applicant will submit the additional plan sheets. Board Attorney Gold stated that this matter is being carried to the Board's November 16th meeting, without further public notice.

PAYMENT OF BILLS: The following vouchers were submitted:

William Gold- General	\$ 165.00
William Gold-General	\$ 540.00

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

MINUTES APPROVED:

The minutes of the April 20, 2017 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.

The minutes of the November 17, 2016 meeting were distributed to all Board Members prior to this evening's meeting. Ms. Reichart asked that the minutes clearly reflect that a letter to the DOT would be sent by Board Attorney Gold and that written comments from the Board would be forthcoming. Mr. Copper had a copy of Board Attorney's November 21, 2016 letter and he read it into the record. Ms. Reichart asked that the minutes reflect the language in Board Attorney Gold's letter.

Ms. Reichart made the motion to adopt the minutes as amended. Motion seconded by Mr. Cooper. In a voice vote, all were in favor, except for Mr. Rasley, who was not present at the November meeting and abstained.

OTHER:

Board Attorney Gold stated that Mr. Magnini has resigned and the Board should decide whether they wish to move Mr. Rasley to the Chairman position and then elect a Vice Chairman.

Mr. Wessner made the motion to offer Mr. Rasley the Chairmanship and the Vice Chairmanship to Ms. Reichart. Discussion on the motion: the Board discussed the procedure. Roll call vote: Weidlick-Yes, Wessner -Yes, Reichart-Yes, Cooper-No, Mourry-No, Shoemaker-No and Rasley-No.

Mr. Cooper made the motion to elect Mr. Rasley as Chair. Motion seconded by Mr. Mourry. Roll call vote: Weidlick-Yes, Wessner -Yes, Reichart-Yes, Cooper-Yes, Mourry-Yes, Shoemaker-Yes, and Rasley-Yes .

Chairman Rasley made the motion to elect Mr. Cooper as Vice Chair. Motion seconded by Mr. Shoemaker. Roll call vote: Weidlick-Yes, Wessner -No, Reichart-No, Cooper-Yes, Mourry-Yes, Shoemaker-Yes, and Rasley-Yes .

Board Attorney Gold stated that he is taking a sabbatical beginning January 1, 2018. He stated that he would like to recommend Elizabeth Marshall, Esq., who is present this evening. Mr. Cooper questioned Ms. Marshall's on her experience and qualifications. Ms. Marshall stated that she currently works with Richard Keiling, Esq. Board Attorney Gold stated that that he is willing to vouch for Ms. Marshall's education and character and she is more than qualified to learn the rest. Mr. Wessner stated that this might be the time to go out to bid for all of the Board Professionals. Mr. Mourry asked if this is the time to consider a Land Use Board, which was discussed. The Board continued to discuss whether they wished to advertise for all the Board Professionals.

Mr. Wessner made the motion to advertise for all of the Board Professionals. Motion seconded by Ms. Reichart. Discussion on the motion: Board Attorney Gold commented on requiring the other Board Professionals to reapply for their positions. Roll call vote: Weidlick-No, Wessner -Yes, Reichart-Yes, Cooper-No, Mourry-No, Shoemaker-No, and Rasley-No.

Mr. Mourry made the motion to advertise for a Board Attorney. Motion seconded by Ms. Reichart. Roll call vote: Weidlick-Yes, Wessner -Yes, Reichart-Yes, Cooper-Abstain, Mourry-Yes, Shoemaker-Yes, and Rasley-Abstain.

The Board invited Ms. Marshall to apply and asked if Board Attorney Gold can prepare the advertisement.

ADJOURNMENT:

In a motion made and seconded, the meeting was adjourned at 10:35 p.m. In a voice vote all were in favor.

Respectfully Submitted:

Alfia Schemm
Board Secretary
11/14/17