

**Minutes Open Session  
White Township Zoning Board of Adjustment  
November 16, 2017**

There was a regular meeting of the White Township Zoning Board of Adjustment on Thursday, November 16, 2017. Present were Board Members: Donald Weidlick, Barry Wessner Alt #1, James Cooper (arriving at 7:41 p.m.), 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."

**OPEN TO THE PUBLIC:**

Mr. Rasley 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:**

**#469 Elham Valipay, Block 17.91, Lot 67-Completeness**

Ms. Valipay was present and the Board reviewed her application. It was noted that the application is for a Use Variance and Ms. Valipay will have an attorney present to represent her. It was suggested that the application be deemed complete and notice be provided for next month.

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

Board Attorney Gold reviewed the hearing process and the notice that will be required.

**OLD BUSINESS:**

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

Lawrence Cohen Esq. was present on behalf of the Applicant. He reviewed where they had left off at the last hearing and he stated that they expect to have their Traffic Consultant and Planner at the next hearing. Mr. Cooper arrived. He stated that Engineer Brian Shortino and Architect Javinder Arjani are present this evening.

Mr. Shortino acknowledged that he was still under oath. He displayed an Exhibit which was submitted and marked:

A-5 Truck Exhibit

Engineer Shortino went on to describe the Exhibit which was discussed at great length with the Board. The Applicants stated that their Traffic Consultant will be present at the next meeting. The Board stated their concern over the proposal and trucks crossing over the center line. Engineer Shortino stated that their program is very conservative and he stated that a truck can make the right turn movement without crossing the center line. The Applicants and the Board continued to discuss the traffic circulation issues. Board Attorney Gold stated that it seems that there is a lot of activity/development being squeezed on a small section of the entire property. Engineer Shortino stated that site is being developed by industry standards, he thinks that the site is functional and safe, and they have received their DOT permits. The Board continued to state their concern over the overdesign of the site. The Applicants agreed to look at the proposal again.

Javinder Arjani was sworn in and he provided his qualifications as an Architect. The following was submitted and marked as an Exhibit"

A-6 Architectural Floor Plan

Mr. Arjani went on to describe the proposed convenience store, which will sell prepackaged foods, as there will be no cooking of food on site. He stated that the size is a standard size with no seating. The following was submitted and marked as an Exhibit:

A-7 Exterior Elevations

Mr. Arjani went on to describe the Exhibit and the proposed convenience store. He also addressed the landscaping plan. Ms. Reichart noted Board Planner Layton's November 2nd comments and she asked that the comments be incorporated into the revised plans and that the Board have the plans ahead of the meeting. She also asked that Board Planner Layton be in attendance at the next hearing.

It was announced that this matter is being carried to the Board's December 21st, 2017 meeting, without further public notice.

The Board then took a brief recess. The meeting resumed at 8:50 p.m.

**NEW BUSINESS:**

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

Michael E. Belby was sworn in. At the last meeting it was noted that there are Board Members that are patients of the Dental practice. Board Attorney Gold asked if Ms. Reichart and Mr. Mourry feel that they can hear the application without conflict. They both stated that they could.

Dr. Belby stated that he was before the Board in 1983 with a "D" variance to request permission to construct the Dental Office and in 2003 for an expansion of the Dental Office. He stated that he has sold his practice; however, he owns the building and property. The present Dentist would like to purchase the Dental Office Building; however, he does not want the Christmas Tree Farm on the additional property.

Engineer Modzelewski noted that he just saw the plans and he discussed the problem with the septic system for the Dental Office being on the new proposed lot. Dr. Belby discussed the permits for extending the sewer line. Engineer Modzelewski stated that any proposal approved by the Board should stand on its own. He also stated a concern with the intensification of the granted Use Variance with the proposed reduction of the lot, along with a variance for an undersized lot, since the zoning is 3 acres. Dr. Belby stated he would lose his farmland assessment for the Christmas Tree Farm if he had to reduce the remainder lot to comply with the current zoning. He also discussed the future use of the remainder property for a possible medical office. He addressed the Township's desire to preserve and continue the farming use. The Board discussed whether the subdivision could be reconfigured and the percing of the proposed new lot that proves that it could support development. Mr. Wessner also questioned whether the proposal meets the other standards, such as buffering. After a brief discussion, it was agreed to carry this matter, to December 21, without further public notice, to see if Dr. Belby could reconfigure the proposal.

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

The Board announced that this matter is being carried to the December 21st meeting, without further public notice.

**OTHER:**

Mr. Wessner questioned the status of the Bloch application. Board Secretary Schemm stated that they withdrew their application.

The Board then discussed the resumes received by the Board. Board Attorney Gold recommended that the Board have the new Attorney at the December meeting. Mr. Wessner asked if the files can be sent over to the new Attorney. The Board discussed retaining Tara St. Angelo.

Ms. Reichart made the motion to have Ms. St. Angelo at the December meeting and offer her the position, per her submission. Motion seconded by Mr. Mourry. Discussion on the motion: The Board discussed having both Attorney Gold and Attorney St. Angelo on board for the month of December.

The matter continued to be discussed. Board Attorney Gold stated that his end date could be December 31, 2017 and he will assist in the transition. He stated that he will reach out Attorney St. Angelo. In a voice vote, all were in favor.

Mr. Rasley stated that the December meeting will be his last meeting and he will be done as he is not requesting to be reappointed to the Board. Board Attorney Gold stated that he can reach out to Attorney Selvaggi to see if he would be willing to carry the Cheema application to the January meeting, allowing the Township Committee an opportunity to appoint Board Members, to fill the Board Member vacancies. The Board then discussed getting new Board Members up to speed on the Cheema application. Board Attorney Gold stated that he will reach out to Attorney Selvaggi and Attorney St. Angelo. Mr. Rasley stated that he has been on the Board for a very long time and he has been contemplating leaving for a while. He stated that he does have some medical issues.

**OPEN TO THE PUBLIC:**

The meeting was opened to the public.

Robert Mackey provided positive comments on Attorney Dieterly and Attorney St. Angelo and he feels that the Board is making a good decision in retaining Attorney St. Angelo. He also commented on being able to pull Board Members from the Planning Board if necessary.

With there being no further public comments, the meeting was closed to the public.

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

William Gold- Belby	\$ 54.45
William Gold-Smith	\$ 123.75
William Gold-General	\$ 416.25
Maser Consulting-Cheema	\$ 68.00

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

**MINUTES APPROVED:**

The minutes of the October 19, 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, except for Ms. Reichart, who abstained.

**ADJOURNMENT:**

In a motion made and seconded, the meeting was adjourned at 10:15 p.m. In a voice vote all were in favor.

Respectfully Submitted:

Alfia Schemm  
Board Secretary  
12/15/17