

**Minutes Open Session
White Township Zoning Board of Adjustment
December 16, 2021**

There was a regular meeting of the White Township Zoning Board of Adjustment on Thursday, December 16, 2021. Present were Board Members: Donald Weidlick, Paul Mourry, Dennis Smith, James Finamore, James Cooper, Barry Wessner, Elaine Reichart, and Jack Shade. Absent: Kyle Shoemaker. Also Present: Board Attorney Tara St. Angelo and Board Engineer/Planner Paul Sterbenz. Chairman Mourry led the Board in the pledge to the flag and he called the meeting to order at 7:04p.m. He announced that notice of this meeting was given in compliance with the "Open Public Meetings Act." Ms. St. Angelo announced that masks/face coverings are required in the school building and she thanked everyone for complying.

OPEN TO THE PUBLIC:

Mr. Mourry opened the meeting to the public for non-agenda items. With there being no public comment, the hearing was closed to the public.

OLD BUSINESS:

#473 Skoog Holdings, LLC, Block 54.01, Lot 2

Dennis Smith recused himself (he resides within 200 feet) and he sat in the audience. Michael Selvaggi, Esq. was present on behalf of the Applicant. Jay Bohn, Esq. was present on behalf of Albert and Susan Krouse. Mr. Selvaggi stated that he will have Mr. Ferriero address the revision to the plans.

Mr. Ferriero acknowledged that he was still under oath and he reviewed the revisions that were made to the plans to address: the signage, the gate, the topography, berm, and fencing. Ms. Reichart questioned the marking on the plans, which depict the soils. It was confirmed that Ms. Reichart has signed a certification that she has listened to the audio of the November 18th meeting and has viewed the submitted exhibits.

Mr. Selvaggi then addressed the letter received by Mr. Bohn regarding Ordinance #160-127. Mr. Ferriero went on to review the conditions listed in Ordinance #160-127. Mr. Bohn had several questions regarding the conditional use conditions, parking/paving, the berms, and fencing. The Board reviewed and discussed the proposal, the recently adopted Master Plan, buffering, phasing/office, gate, and land preservation/deed restrictions.

Mr. Sterbenz then reviewed his December 10, 2021 report. Mr. Bohn stated that he had no questions; however, Mr. Bodolsky does have some comments.

Mr. Bodolsky acknowledged that he was still under oath. He then went on to state that he contacted DOT and he received an email today, which he reviewed. He concluded by stating that based on their proposal, he feels that it can comply and that the DOT standards do permit what has been depicted. He also suggested that the development should be oriented towards Route 46 and away from Sarepta Road and the existing residences. Mr. Shade stated his concern over the length of the driveway if the development were to be moved towards Route 46. He also asked if any of the adjacent neighbors are present. The following was submitted and marked as Exhibit:

K-12 Bodolsky/DOT email

The Board questioned what information was provided/disclosed to the DOT. Mr. Selvaggi stated that Mr. Bodolsky's testimony should be stricken as hearsay, the Exhibit should not be submitted, and the email does not support Mr. Bodolsky's opinion on what the DOT would allow. Ms. St. Angelo stated that the Board can weigh the exhibit and testimony based on tonight's discussion.

The hearing was opened to the public.

Ainsworth Morris Scott stated that he supports Mr. Skoog and his family and he urges the Board to base their decision on the facts.

Marley Santee stated that she has no objection to and supports the Skoog proposal, rather than a chain store or office complex, which would generate more traffic.

Dennis Smith stated that he would rather not see another fence and he is not in favor of the other proposed easement proposals. He stated that Mr. Skoog is an upstanding person and the Board should grant the relief that is requested.

Michael Scarpone stated that they were aware of the zoning when they purchased their property and Mr. Skoog had approached many of the neighbors to review his proposal. He stated that they were pleased when Mr. Skoog purchased the property, as the proposal is a smaller project, and that the remainder of the property is to be farmed. He stated that he has no issues with the proposal and he stated that Mr. Skoog is a perfectionist and takes other people's feelings into consideration. He stated that he is not in favor of a berm or fence. He stated that the objector's access proposal was evaluated by the Board Engineer and he asked that the Board approve the Skoog proposal.

Justin Nicholls stated that he knows Mr. Skoog and his family and Mr. Skoog has done a great job and is very pleased with him getting rid of brush, poison ivy, and he has planted trees.

Jack Bilger stated that they are very pleased with the proposal and design and it will be an asset to the Township. He stated that he does not support a gate.

Lou Nicolaysen supports the Skoogs as the proposal is low impact, low visibility and it is the best alternative.

Luigi DiCairano stated that he is advocate for responsible development. He would not want to be see a 40 foot office building, which would impact a lot of people. He stated that he challenged Mr. Skoog on the proposal and he is pleased with the answers that he received from Mr. Skoog. He stated that the proposal, is as responsible as could possibly be, given the circumstances.

Based on the time and the number of people that may still want to speak, the hearing was carried to the Board's January 20th meeting, without further notice. Ms. St. Angelo stated that she does not know if the experts are needed. It was noted that the meeting may be held in the school cafeteria. Ms. Reichart asked if Mr. Selvaggi, at the next meeting, could go into more detail on the Coventry Square Case. Mr. Weidlick asked if the meeting time could be extended for this evening. It was noted that Ms. St. Angelo is leaving for the evening and Mr. Gruenberg is present for the next application.

NEW BUSINESS:

#478 Christopher Pozarycki & Darren Muso, Block 34, Lot 24

Dennis Smith resumed his position on the Board. Steve Gruenberg is now present representing the Board. Alan Lowcher, Esq. was present on behalf of the Applicants and their request to modify the conditions of their prior approval and it was noted that the conditions were based on the testimony that was provided, by the Applicants, at their prior hearing. It was confirmed that notice was provided and Board has jurisdiction to hear the application. Mr. Lowcher stated that they are present to address the proposed change in the business operation and they are requesting a waiver of site plan.

Christopher Pozarycki was sworn in and he gave a brief history of their business and the impact of COVID on their business. He went on to testify to: the purchase of a liquor license; the staging of food/warming/plating in what was the Antique Store (which has now been eliminated); and the expansion of proposed hours and days (Wednesday and Thursday) of operation. The Board questioned the present operation and whether there have been any violations of the present resolution.

The hearing was opened to the public. With there being no public questions, the hearing was closed to the public.

John Hansen was sworn in and he provided his qualifications as an Engineer/Planner. He went on to present planning testimony and necessary proofs in regards to the expansion of a use variance (staging of food/warming/plating in what was the Antique Store). Mr. Sterbenz stated that he does not believe a site plan is needed as they are not proposing any site improvements, as all the improvements have already been made, and nothing would be effected by the proposal.

It was noted that there are no members of the public present.

Mr. Gruenberg reviewed the possible conditions of an approval: the prior antique store area will be for food staging with no seating; conditioned upon all outside governmental agency approvals; Days and Hours-Wednesday and Thursday closed by 9 p.m., Friday and Saturday closed by 11 p.m., and Sunday closed by 9 p.m.; subject to all other conditions of the prior approval. There was a question regarding the septic, which was addressed by Mr. Hansen.

Mr. Cooper made the motion to grant the requested approval, as discussed and agreed to this evening. Motion seconded by Mr. Shade. In a roll call vote, all were in favor.

PAYMENT OF BILLS: The following vouchers were submitted:

Gebhardt & Kiefer-Skoog	445.50
Gebhardt & Kiefer-Smith	577.50
Colliers Engineering- Pozarycki	193.75
Gruenberg-Pozarycki	181.50

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

MINUTES APPROVED:

The minutes of the November 18, 2021 meeting were distributed to all Board Members prior to this evening’s meeting.

Mr. Smith 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 was absent at the November meeting and abstained.

ADJOURNMENT: In a motion made and seconded, the meeting was adjourned at 9:54 p.m. In a voice vote all were in favor.

Respectfully Submitted:

Alfia Schemm
Board Secretary

1/17/22