

**Minutes Open Session
White Township Zoning Board of Adjustment
December 21, 2017**

There was a regular meeting of the White Township Zoning Board of Adjustment on Thursday, December 21, 2017. Present were Board Members: Donald Weidlick (arriving at 7:37 p.m.), Barry Wessner Alt #1, James Cooper, Elaine Reichart, Jack Shade, Paul Mourry (arriving at 7:39 p.m.), Kyle Shoemaker, and Myron Rasley. Also Present: Board Attorney Tara St. Angelo, 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 7:30 p.m. He then announced that notice of this meeting was given in compliance with the "Open Public Meetings Act." Board Attorney St. Angelo provided the oath of office to Mr. Shade.

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.

OLD BUSINESS:

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

Mike Selvaggi, Esq. was present on behalf of the Applicant. He stated that although they know that they cannot request a conceptual, they would like to get some feedback to address the concerns that have been raised. Also present Jasvinder Arjani. Mr. Cooper asked that there be no reference to testimony that was provided prior to the restart of the hearing at the October meeting.

Mr. Arjani presented an alternate site plan drawing, which was marked as an Exhibit:

A-8 Alternate Site Plan , dated 12-21-17

Mr. Arjani reviewed the modifications to the wall location, the location of the fuel pumps, and the proposed reduction to the size of the convenience store. The following was submitted and marked as an Exhibit:

A-9 Truck Turning Exhibit, dated 12-21-17

Mr. Arjani reviewed the circulation, which was discussed with the Board. Ms. Reichart questioned the safety of the circulation. Attorney Selvaggi stated that they have received DOT approval. The Board continued to discuss the proposal with the Applicants and the modifications being proposed. The Applicants stated that they will try and submit revised drawings for the Board's consideration at the January meeting.

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

Michael E. Belby was present and he reviewed where they left off at the November meeting. He stated that revised drawings have been submitted along with perc test results. The Board continued to review the issue.

Mr. Mourry made the motion to grant the relief requested. Motion seconded by Ms. Reichart. Discussion on the motion: The meeting was opened to the public. With there being no public comment, the hearing was closed to the public. Mr. Wessner stated a concern with setting a precedent. Board Attorney St. Angelo stated that it appears that when the building was constructed, the zoning was an acre and a half, which she felt could reinforce the variance. In a voice vote, all were in favor, except for Mr. Shade, who was not present to hear the testimony in November.

NEW BUSINESS:

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

Alan Lowcher, Esq. was present on behalf of the Applicant and he confirmed that their notice was carried from the November. He also confirmed that the Board Members present are eligible to hear

their Use Variance application. He went on to give a brief history of the property and the use of the bowling alley as a pre-existing non-conforming use. He described the proposed addition and he stated that they are requesting a waiver of site plan approval.

Dennis Smith was sworn in and he described the prior uses and their desire to offer food services. The following were submitted and marked as an Exhibit:

- A-1 Survey
- A-2 Photograph
- A-3 Photograph
- A-4 2 Photographs
- A-5 Warren County Health Department License

The Exhibits were reviewed and discussed along with the request for a Waiver of Site Plan. Board Engineer Modzelewski stated that drawings should be submitted to show lighting and striping. It was also suggested that a letter be provided by the Warren County Health Department in regards to water and septic.

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

Ms. Reichart made the motion to grant the approval. Motion seconded by Mr. Mourry. Discussion on the motion: The Board discussed the Waiver of Site Plan. Both Ms. Reichart and Mr. Mourry agreed to waive a formal site plan; however, a drawing will need to be submitted, as discussed this evening, addressing the striping and lighting. In a voice vote, all were in favor, except for Mr. Wessner, who is an Alternate this evening.

#469 Elham Valipay, Block 17.91, Lot 67

Mark Carter, Esq. was present on behalf of the Applicant. Elham Valipay was sworn in and she stated that she works with ASPCA and is a Certified Rescuer. She described the behavior and characteristics of feral cats. The following was submitted and marked as an Exhibit:

- A-1 Survey of the property.

She described the property, the installed fence, and the current structures on the property. She described the proposed uses of the existing buildings. Drawings and Photographs were described and displayed. She stated that she plans on working with other rescues/shelters, and she described the fund raising/donations and the standards in regards to fixing and vaccinating the cats. She went on to describe the rescue process and she reviewed the day to day operation of the proposed feral cat rescue/sanctuary, in regards to feeding, removal of litter waste, veterinarian visits, documentation of cats that are received, and the removal/disposal of deceased cats. She stated that she may like to set up a seminar to educate and help the Community. She went on to state that she would like to start with 10 to 15 cats. She described her property and onsite vehicle circulation. The Board discussed the fence that was already constructed, onsite vehicle circulation, Warren County Health Department approval, input from the Animal Control Officer, and reasonable limitations. Ms. Valipay stated that she has not accepted any feral cats as of yet, but she has been approached already and she has a feral colony in NYC that she would like to trap and bring to the property. The Board discussed what approvals would be needed and the additional information that needs to be provided, in regards to: input from the Zoning Officer regarding the fence, input from the Animal Control Officer, input from the Health Department in regards to the proposal and also the septic. It was agreed that this matter should be carried to the Board's January Meeting of January 18th. The Board suggested getting dimensions of the buildings, the enclosure area, and the location of the fence.

The hearing was opened to the public.

Robert Matarazzo stated that he and his wife will not be present at the next meeting; however, they would like to state their support for the proposal.

Laurie Tartaglia began to state her concerns. It was suggested that Ms. Tartaglia share her concerns at the January meeting.

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

The application is being carried to the January 18th meeting.

MINUTES APPROVED:

The minutes of the November 16, 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 Mr. Shade, who was not present at the November meeting.

ADJOURNMENT:

In a motion made and seconded, the meeting was adjourned at 9:05 p.m. In a voice vote all were in favor.

Respectfully Submitted:

Alfia Schemm
Board Secretary
1/13/18