

**Minutes Open Session  
White Township Zoning Board of Adjustment  
February 20, 2014**

There was a regular meeting of the White Township Zoning Board of Adjustment on Thursday, February 20, 2014. Present were Board Members: Kyle Shoemaker, Donald Weidlick, Barry Wessner Alt #1, James Cooper, Elaine Reichart, Vincent Iacampo Alt #2, Myron Rasley, and Joseph Magnini. Board Member Absent: Paul Mourry. Also Present: Board Attorney William Gold and Board Secretary Alfia Schemm. Chairman Magnini led the Board in the pledge to the flag and he called the meeting to order at 7:35 p.m. He 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 James Cooper and Vincent Iacampo.

**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.

**NEW BUSINESS:**

**#457 Lisa J. VanHorn, Block 21, Lot 3-Completeness**

Alan Lowcher, Esq. was present on behalf of the Applicant. Board Attorney Gold stated that it has come to his attention that Don Weidlick is related to the Applicant and he will need to recuse himself from this application. Mr. Weidlick stepped down and sat in the audience.

Board Attorney Gold stated he has reviewed the submission and he feels that there is sufficient information to begin the hearing. He stated that the Board can always request additional information, once the hearing begins, if the Board feels that they need additional information. He recommended that the Board deem the application complete. The Board discussed the completeness procedure.

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

The Board then discussed whether there is a need for Board Professional review, whether it be the Board Engineer or the Board Planner.

Mr. Rasley made the motion to request that the Board Engineer review the submission and prepare a report and be present at the next hearing. Motion seconded by Mr. Shoemaker. Discussion on the motion: It was noted that the application is bifurcated and the Applicant will be presenting the Use Variance portion of the application first. Mr. Cooper stated that he feels that the Board Planner should be present instead of the Engineer. The Board continued to discuss the issue. In a voice vote, all were in favor, except for Mr. Cooper, who voted in opposition, as he feels that the Planner should be present instead of the Board Engineer.

Mr. Weidlick resumed his position on the Board.

**EXECUTIVE SESSION:**

In a motion made and seconded the Board voted to go into Executive Session to discuss the Rodata litigation. After a brief discussion, the Board agreed to defer Executive Session until the end of the evening.

**OTHER BUSINESS:**

**Other**

Mr. Wessner had a question regarding Board Attorney Gold's position on the Jack's Barn application and the procedure on the time in which to act and have outside agency approvals. Board Attorney Gold addressed the issue and stated that the Applicant needs to be diligent and act in good faith.

**MINUTES APPROVED:**

The minutes of the January 16, 2014 meeting were distributed to all Board Members prior to this evening's meeting.

Mr. Wessner made the motion to adopt the minutes. Motion seconded by Mr. Rasley. In a voice vote, all were in favor, except for Mr. Cooper, Mr. Iacampo, and Ms. Reichart, who were not present at the January meeting and are not eligible to vote on the matter

**OTHER:**

**Annual Report**

The Board went on to review whether there are any recommendations to make to the Governing Body, besides the 20 foot height recommendation for Accessory Structures. Ms. Reichart brought up the issue of the top soil remaining on the property, which was discussed with the Board. After a brief discussion it was agreed that Board Attorney Gold would revise the Annual Report to reflect only the 20 foot height recommendation for Accessory Buildings, for the Board's consideration at next month's meeting.

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

William Gold- General	\$450.00
William Gold- Van Horn	112.50

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

**EXECUTIVE SESSION:**

Mr. Rasley made the motion to go into Executive Session. Motion seconded by Ms. Reichart. In a voice vote, all were in favor. Mr. Shoemaker left for the evening.

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist;

**NOW, THEREFORE, BE IT RESOLVED** by the Zoning Board of Adjustment of the Township of White, Warren County, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Litigation.
3. It is anticipated at this time that the above stated subject matter will be made public at the conclusion of each individual specified subject matter.
4. This Resolution shall take effect immediately.

Date adopted: February 20, 2014

In a motion made by Mr. Cooper and seconded by Mr. Iacampo, all were in favor of coming out of Executive Session and resuming the regular meeting.

**ADJOURNMENT:**

In a motion made by Mr. Cooper and seconded by Mr. Iacampo, the meeting was adjourned at 8:35 p.m. In a voice vote all were in favor.

Respectfully Submitted:

Alfia Schemm  
Board Secretary