

**Minutes Open Session
White Township Zoning Board of Adjustment
April 19, 2018**

There was a regular meeting of the White Township Zoning Board of Adjustment on Thursday, April 19, 2018. Present were Board Members: Donald Weidlick, Barry Wessner, James Cooper, Elaine Reichart, Kyle Shoemaker, Paul Mourry, and Jack Shade. Also Present: Attorney Matt Lyons, Board Engineer Joseph Modzelewski, Board Planner Joseph Layton, and Board Secretary Alfia Schemm. Chairman Shade 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."

OPEN TO THE PUBLIC:

Chairman Shade 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

Michael Selvaggi, Esq. was present and he stated that they concluded their testimony at last month's meeting; however, the client is available for questions. He stated that they did receive a letter today from the Fire Department and they take no exception to any of their recommendations. He summed up that there has been a lot of give and take over the many hearings and that he believes that the present proposal is a better proposal than what was originally proposed. He reviewed the modifications and he stated that they are requesting a D-3 variance, along with bulk variances, and site plan approval. He stated that the proposal will be an improvement to the existing site conditions. He stated that Board Planner Layton did summarize the bulk variances in his January 12, 2018 report. Board Planner Layton stated that there were some signage modifications made at the last meeting, which the Board discussed. Mr. Mourry stated that he would like to make a motion, but asked if the bulk variances need to be summarized or if an approval could reference Board Planner Layton's January report. Attorney Lyons stated that the motion can reference Board Planner Layton's report and he noted the sign variance modifications and he confirmed that both Mr. Shade and Mr. Shoemaker have certified that they have listened to the audio of meetings that they have missed.

Mr. Mourry made the motion to grant the approvals (variances and site plan) as outlined in Board Layton's report and as modified and discussed this evening. Motion seconded by Mr. Cooper. Discussion on the motion: It was suggested that Board Modzelewski's report also be included in the motion, along with the merger of the lots. Mr. Mourry and Mr. Cooper agreed. In a roll call vote, all were in favor, except for Ms. Reichart, who voted in opposition.

#469 Elham Valipay, Block 17.91, Lot 67

Mark Carter, Esq. was present on behalf of Elham Valipay. He reviewed that it is his understanding that Ms. Valipay was prepared for a vote and the Board discussed the status of the application. There was a concern over the differences between a Sanctuary and a Business. Ms. Valipay addressed the history of her rescue and now her proposed sanctuary. There was also a concern that Ms. Valipay is on Face Book and the sanctuary is no longer a secret. Ms. Valipay stated that the Face Book page was her personal Face Book page, which she changed recently. She stated that she will modify the Face Book page to remove her address. Ms. Reichart questioned some of the photographs on the Face Book page, which Ms. Valipay addressed. Ms. Reichart stated that she was told that the Township ACO may no longer be using Ms. Valipay for TNR. The Board noted the testimony provided by Mr. Lagonera at the last meeting and that he is not present at this time to change his testimony. Ms. Reichart stated that he was supposed to be here this evening. The Board discussed where the cats would be coming from, the proposed operation, financing and fund raising, whether the proposal is a business and if that

would change the septic and well usage and requirements, and decommissioning. The Board Secretary stated that the Township ACO is on his way. The Board continued to discuss the operational concerns (sanitizing and disinfection for TNR, etc...) and the potential impact to the existing well and septic, whether a site plan is required, and the funding and financing of the sanctuary. The Board also discussed the fence and the status/options of the proposed application.

The Board took a brief recess so that Ms. Valipay can discuss her matter with her Attorney.

OTHER BUSINESS:

Annual Report

The Board discussed the status of the Annual Report and whether to include LED lighting and animal control/noise. Chairman Shade said that he could bring a lighting expert to a Board Meeting.

OLD BUSINESS:

#469 Elham Valipay, Block 17.91, Lot 67-continued

Robert Lagonera appeared and he acknowledged that he was still under oath. He stated that he is currently using another facility for TNR; however, he can still use Ms. Valipay's facility and would like to see her sanctuary functioning. Ms. Valipay stated that she may not want to do TNR at this time due to the added stress.

The Board took another brief break to allow Ms. Valipay an opportunity to speak with the Township ACO.

MINUTES APPROVED:

The minutes of the March 15, 2018 meeting were distributed to all Board Members prior to this evening's meeting.

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

COMPLETENESS:

#470 DeSapio Real Estate Development, LLC, Block 63, Lot 8

Board Engineer Modzelewski reviewed the matter. The Board Secretary stated that the application has not been bifurcated. The Board discussed the completeness.

Mr. Mourry made the motion to deem the application incomplete. Motion seconded by Mr. Wessner. In a voice vote, all were in favor. The Board requested that Board Planner Layton do a review.

OLD BUSINESS:

#469 Elham Valipay, Block 17.91, Lot 67-continued

Mr. Lagonera stated that based on his conversation with Ms. Valipay he would recommend that Ms. Valipay request a variance on the cat limitation to permit 20 cats and a variance on the height of the fence and withdraw the application for a sanctuary. He stated that there may not even be a Township Ordinance limiting the number of cats. The Board then went on to discuss the fencing.

Mr. Mourry made the motion to grant the fence variance. Motion seconded by Mr. Cooper. Discussion on the motion: the Board discussed whether a cat limitation would be enforceable if there was no Township limitation and they also discussed the amended application for only the fence variance. In a roll call vote, all were in favor. Mr. Cooper left for the evening.

OTHER BUSINESS:

Annual Report-Continued

The Board continued to discuss the Annual Report. Mr. Wessner questioned the enforcement of adopted Resolutions, which was discussed. Chairman Shade stated that he may be able to get some

lighting information/documentation to distribute to the Board. Ms. Reichart questioned whether the Board would want to consider any animal recommendations in the Annual Report.

ADJOURNMENT:

In a motion made and seconded, the meeting was adjourned at 9:07 p.m. In a voice vote all were in favor.

Respectfully Submitted:

Alfia Schemm
Board Secretary
5/15/18