

Minutes Open Session
White Township Zoning Board of Adjustment
March 17, 2011

There was a regular meeting of the White Township Zoning Board of Adjustment on Thursday, March 17, 2011. Present were Board Members: Elaine Reichart, Joseph Magnini, Myron Rasley, James Cooper, Kyle Shoemaker, and Donald Weidlick (arriving at 7:45 p.m.) Paul Mourry and Michael Grossmann. Also Present: Board Attorney William Gold, Board Engineer Joseph Modzelewski, Board Planner Layton, and Board Secretary Alfia Schemm. Chairman Magnini led the Board in the pledge to the flag and he called the meeting to order at 7:32 p.m. He announced that notice of this meeting was given in compliance with the "Open Public Meetings Act."

OLD BUSINESS:

#448 Garden State Landscape Products LLC, Block 34, Lot 20

Wendy Berger, Esq. was present on behalf of the Applicant. Both Mr. Rasley and Mr. Cooper testified that they have read the transcript of last month's meeting. Mr. Shoemaker recused himself as his family's business does business with the Applicant. Mr. Cooper stated that he had a few questions to ask. Board Attorney Gold suggested that Mr. Cooper hold his questions at this time, as the witness may be able to provide the answers during tonight's testimony. Attorney Berger stated that they did have a meeting with the Board Professionals to review their proposal and she stated that the plans have been revised to reflect their comments and suggestions. Board Attorney Gold noted that the plans were not received by the Township at least 10 days prior to tonight's meeting as the statute requires and he is recommending that the Board take no action this evening, so not to run afoul of the statutory requirements.

Gregory Domalewski was present and he acknowledged that he is still under oath. He stated that revised plans were submitted, revision date March 7, 2011 and the following was submitted and marked as an Exhibit:

A-9 Plan, page 3 of 7, revised 3-7-11

A-10 Plan, page 4 of 7, revised 3-7-11

The Applicants went through Board Planner Layton's March 11th report and they stated that they will drill a well and provide two hose bibs, one at each driveway, for vehicle wash down and the water will also be used to service the office trailers. They stated that electric will now be brought to the site to replace the on-site generators, and it will service the trailer, the well and the site lighting. They also stated that the porta johns have now been eliminated from the plan and they are now proposing restrooms within the trailers, which will be serviced by a sanitary sewer holding tank, as the septic test pits indicate that the infiltration rates at the site are poor. They stated that they are working with the WCHD and they will put in a septic system if it is determined that they can, otherwise they will file with the DEP to get a permit to place tanks on the site. Ms. Reichart questioned the size of the holding tank. Attorney Berger stated that the tanks will be sized to meet their need. Board Engineer Modzelewski stated that the the WCHD and/or the DEP will review the issue and most likely a 1000 gallon tank would be required. The Applicants addressed the expansion of the gravel area to address the wood stockpile area and the re-location of the entrance trailer. (Mr. Weidlick arrived). The Applicants then addressed the proposed trees to be planted to provide some screening and they also agreed to plant additional trees. The Applicants stated that they are proposing Bin Blocks along the edges of the stockpiles for containment purposes.

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Ms. Reichart questioned the stock piles at the site vs. the stock piles notated on the existing conditions plan.

Richard Rodimer acknowledged that he was still under oath and he stated that the Existing Conditions Plan was done as per the survey date of 11-11-10 and prior to the stop work order. Ms. Reichart questioned the Township Ordinance and what is happening to the top soil that has been stripped from the site. Mr. Rodimer stated the topsoil was scraped to level the site for the improvements and they were going to mix that top soil with more top soil that is being brought in and they would sell it. Ms. Reichart stated that the native topsoil, per the Township Ordinance, should not leave the site and should be used and kept onsite for landscaping and berming. Board Engineer Modzelewski stated that the native topsoil will also be needed to reseed the site. The Applicants went on to state that they have reduced the signage so that it complies with the Ordinance. They then addressed the Board Engineer's report and the proposed fence, the parking, the Bin Blocks and hay bales for containment, the plan details and the drainage plans, the gravel and paving of the site, the hours of operation, storm water management and the operation and maintenance. Mr. Cooper questioned the "truck washing". The Applicants stated that they would just be washing the wheels, not the entire truck. The Board discussed the NJDEP NS point spreadsheet and the variable and no-variable items.

The hearing was then opened to the public.

Barry Wessner was sworn in and he asked if sludge will be brought in to make the topsoil. Mr. Rodimer stated that they do not use any form of sludge and sludge would not be brought onto the property.

The hearing was then closed to the public.

Chairman Magnini stated that they will take a short break. The hearing was recessed at 8:37 p.m. and it resumed at 8:43 p.m.

The Applicants continued to discuss the hours of operation and they stated that their business hours would be from 5 a.m. to 7 p.m. and they reviewed the lighting at the site.

Edward Potenta was then sworn in and he testified to his qualifications as an Engineer and Noise Expert. He then proceeded to review his noise analysis. He stated that he reviewed the Township Ordinance, looked at the adjacent uses, he spoke with the owner of the operation, and he reviewed the noise data for the equipment. He stated that he also reviewed data from other studies that he did. He reviewed the proposed noise that would be generated from the proposed operation. He stated that in looking at the worst case scenario, he does not see a need for berming or tree screening from the perspective of noise and they will comply with the state property line standards. The Board discussed the standards and Ms. Reichart asked if the Board had a copy of the analysis or report. Attorney Berger stated that due to the time constraints, they were not able to submit a written report. Engineer Potenta concluded by stating that they should be in compliance with the state regulations and additional screening or mitigation is not proposed. The Board continued to review the decibel reading of the equipment and the proposed operation and the state standards.

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Chairman Magnini opened the hearing for questions. With there being no questions, the hearing was closed to the public.

Attorney Berger stated that she understands that the Board has another application and she confirmed that the next hearing date is April 21st. Chairman Magnini asked if the Applicant has signed the agreement with Tilcon. Attorney Berger stated that they sent a letter stating that they will agree to enter into an agreement; however they have not seen the agreement as of yet.

Board Attorney Gold stated that no additional notice will be required and Attorney Berger stated that she will provide the Board with a copy of the transcript of tonight's hearing.

The Board then took a brief recess at 9:19 p.m. and the regular meeting resumed at 9:22 p.m.

Mr. Shoemaker resumed his position on the Board.

#449 Jason Chesla, Block 15, Lot 2

Eric Wasser Esq. was present on behalf of the Applicant. He stated that his client wishes to tear down his existing home and build a new house on his non-conforming lot.

Jason Chesla and Richard Pelizzoni were both sworn in and Engineer Pelizzoni described the existing lot and the existing conditions. He stated that the driveway will remain in the same location and they plan to install a septic system. He described the adjacent sub standard lots, the variances needed, and the plot plan that was submitted and marked as an exhibit:

A-1 Plot Plan, dated 1-18-11

The Applicants discussed the timeline involved to build the new house and demolish the old house. The following were submitted and marked as an exhibit:

A-2 Architectural Rendering

A-3 Three photos of the existing dwelling

Board Attorney Gold asked if the Applicant had to make an application to the Highlands Commission to obtain an exemption. The Applicants stated that they are exempt as they owned the property before August 10, 2004. Mr. Cooper asked if the Board should grant the relief, conditioned upon the Application obtaining verification from the Highlands. Attorney Gold suggested that the Board leave it to the Applicant to address the Highlands.

Mr. Cooper made the motion to grant the relief as requested. Motion seconded by Mr. Rasley. In a roll call vote, all were in favor, except for Ms. Reichart, who is an Alternate, and abstained.

Attorney Wasser thanked the Board and also the Board Secretary for her assistance.

OTHER BUSINESS:

Annual Report

Ms. Reichart stated that in reviewing the issue she now agrees with the Board's recommendations.

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Mr. Rasley made the motion to accept the Annual Resolution. Motion seconded by Mr. Mourry. In a voice vote, all were in favor, except for Mr. Grossman, who abstained.

MINUTES APPROVED:

The minutes of the February 17, 2011 meeting were distributed to all Board Members prior to this evening's meeting.

Mr. Grossmann made the motion to adopt the minutes. Motion seconded by Mr. Mourry. In a voice vote, all were in favor, except for Mr. Cooper and Mr. Rasley, who abstained.

PAYMENT OF BILLS: The following vouchers were submitted:

William Gold-Garden State	225.00
William Gold-General	375.00
William Gold-Litigation	412.50
Maser-Garden State Landscaping	1273.75
Hatch Mott McDonald-Clean Jersey Solar	585.20
Hatch Mott McDonald-Garden State	154.00

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

EXECUTIVE SESSION:

In a motion made and seconded, the Board went into Executive Session to discuss Litigation. In a voice vote, all were in favor.

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: March 17, 2011

In a motion made and seconded the meeting came out of Executive Session, and the regular meeting resumed. In a voice vote, all were in favor.

ADJOURNMENT:

In a motion made and seconded, the meeting was adjourned. In a voice vote all were in favor.

Respectfully Submitted:

Alfia Schemm
Board Secretary