

**Minutes Open Session
White Township Zoning Board of Adjustment
September 15, 2011**

There was a regular meeting of the White Township Zoning Board of Adjustment on Thursday, September 15, 2011. Present were Board Members: Don Weidlick, Joseph Magnini, James Cooper, Paul Mourry, Kyle Shoemaker, Myron Rasley, and Barry Wessner. Board Member Absent: Elaine Reichart. 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 7:32 p.m. He announced that notice of this meeting was given in compliance with the "Open Public Meetings Act."

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:

#452 SAMA Properties LLC, 188 CR 620, Block 28, Lot 2

Board Attorney Gold stated that the Applicant will need to be represented by an Attorney as they are an LLC. He stated that in reviewing the application there are several different ways that the Applicant can proceed with this application.

Sal Amato was present on behalf of the LLC and he stated that nothing has changed with the property since he purchased it. Board Attorney Gold reviewed the procedure and he stated that all testimony would be taken during the hearing, with proper notice being provided. Mr. Cooper questioned the status of an LLC and Board Attorney Gold stated that an LLC needs to be represented by an Attorney. He went on to state that the application is complicated and Mr. Amato should have the benefit of Counsel. Board Attorney Gold suggested that the Board deem the application incomplete, so that the statutory time clock for action, does not start.

Mr. Cooper made the motion to deem the application incomplete. Motion seconded by Mr. Rasley. Discussion on the motion: Board Secretary Schemm asked if the Applicant needs to provide any additional information or if there is any specific reason for deeming the application incomplete. Board Attorney Gold stated that the Applicant is not represented by an Attorney and Mr. Amato cannot represent the LLC. In a voice vote, all were in favor.

Board Attorney Gold reviewed the procedure and he stated that by deeming the application incomplete, the statutory time clock for action has not started, which will give the Applicant enough time to get the application in order.

MEMORIALIZING RESOLUTION:

#450 Michael Clemente, 13 Lommason Glen Road, Block10, Lot 27

Mr. Rasley made the motion to adopt the Resolution. Discussion on the motion: Board Attorney Gold stated that he sent the Resolution to Attorney Curry and he has not heard anything back. Motion seconded by Mr. Cooper. In a voice vote, all were in favor, except for Mr. Weidlick, who was not present at the Board's August meeting and is ineligible to vote on this matter.

MINUTES APPROVED:

The minutes of the August 18th, 2011 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. Wessner. In a voice vote, all were in favor, except for Mr. Weidlick, who was not present at the Board’s August meeting and is ineligible to vote.

PAYMENT OF BILLS: The following vouchers were submitted:

William Gold-Clemente	187.50
William Gold-General	375.00
William gold Amato	75.00
Hatch Mott-Garden State Landscaping	200.20

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

OTHER:

Mr. Cooper questioned the status of the Rodata litigation. Board Attorney Gold stated that he has not received the transcripts as of yet.

Mr. Wessner asked if the Board would receive the Zoning Officer’s records, if an Applicant were to appeal the Zoning Officer’s decision. Board Attorney Gold stated that the Zoning Officer’s written denial would trigger a 20 day appeal time to toll and the Board briefly discussed the procedure and he stated that the Board can request that the Zoning Officer attend a hearing and present his file. He also stated that the Board Professionals need to be sworn in during each hearing and provide their qualifications.

EXECUTIVE SESSION MINUTES:

Mr. Rasley made the motion to adopt the Executive Session Minutes for the August 18th meeting. Discussion on the motion: Board Attorney Gold stated that he could not recall the discussion regarding the Board jurisdiction and the procedure and the responsibilities of being a Board Member. The Board briefly reviewed what was discussed at that time. Motion seconded by Mr. Wessner. In a voice vote, all were in favor, except for Mr. Shoemaker and Mr. Cooper, who were not present and they abstained.

ADJOURNMENT:

In a motion made and seconded, the meeting was adjourned at 8:03 p.m. In a voice vote all were in favor.

Respectfully Submitted:

Alfia Schemm
Board Secretary