

**Township of Washington  
BERGEN COUNTY, NEW JERSEY  
Planning Board Meeting  
Minutes  
October 2, 2013**

**Call to Order:** In compliance with the Open Public Meetings Act of the State of New Jersey, notification of this meeting has been published in the Ridgewood News, our official newspaper in the Township of Washington, notice has been advertised on the official Township of Washington website, and posted on the bulletin board at Town Hall.

**First Order of Business:** Salutation to the Flag

**Roll Call Taken:**

Messrs. Dumaresq (absent), Golick, Murphy, Pinnick, Sabino, Sears, Chairman Calamari, Councilman D'Urso (absent), Mayor Sobkowicz

**Approval of Planning Board Minutes from September 11, 2013:**

Sabino, Sears

**Ayes:** Golick, Pinnick, Sabino, Sears, Chairman Calamari, Mayor Sobkowicz

**Abstain:** Murphy

**Public Portion:**

**Motion to Open:** Murphy, Sears

**Roll Call Taken**

No Public Discussion

**Motion to Close:** Pinnick, Sabino

**Roll Call Taken**

**Ongoing Business: Resolution: BTC Holdings 417 LLC, Washington Town Center, 249 Pascack Road, Washington Town Center:** approval of change of ownership application; continuing business as a movie theater. **Resolution read aloud by Board Secretary.**

**Motion to Approve:** Sabino, Pinnick

**Ayes:** Golick, Pinnick, Sabino, Sears, Chairman Calamari, Mayor Sobkowicz

**Abstain:** Murphy

**BP Products North America, Inc., property located at 615 Washington Avenue, Block 3203, Lot 33:** Board discussion.

**Chairman Calamari:** stated that a letter was received from Mr. Dean Stamos dated September 24, 2013, regarding the BP service station on Washington Avenue; the application was already approved by the Planning Board for signage changes and some other minor changes; those plans that were received were forwarded to the Building Department; the Building Department received a new set of plans from a different engineering firm which are different from the approved plans; the new plan has a major issue, which is the installation of diesel tanks and a diesel dispenser at the location; Chairman Calamari contacted Mr. Robert Wertalik, Board Attorney and Mr. Paul Azzolina, Board Engineer, regarding the addition of diesel tanks representing the expansion of a non-conforming use; obviously, selling diesel fuel would include cars and most certainly any size trucks from vans to tractor trailers; Mr. Wertalik and Mr. Azzolina both agreed with Chairman Calamari's opinion; Mr. Stamos asked that the previous resolution be amended; Chairman Calamari is of the opinion that the Planning Board does not have the authority to approve or disapprove the expansion of a non-conforming use, and it should be turned over to the Zoning Officer; Mr. Wertalik agreed and felt it best to receive Board approval to send a letter to Mr. Stamos with the Board's decision.

**Mayor Sobkowicz:** stated that on the second set of plans submitted, the Building Inspector noted that the kiosk was moved from one island to another; tank remediation is going to be done now and not in the spring; the applicant would have to come back in front of the Planning Board because there are major changes being made; the changes may be for the better, but the applicant would still have to come in front of the Board.

**Chairman Calamari:** stated that he had instructed the Board Secretary, JoAnn Carroll, to not distribute the new plans to the Planning Board because there is no application for those specific plans.

**Vice Chairman Golick:** stated that he, as a Board Member, feels the addition of diesel fuel is a significant change to the site plan which was previously submitted; the changes should be handled in the proper manner.

**Mr. Leonardo Sabino:** asked why the original plans did not include the diesel tanks.

**Chairman Calamari:** speculated that when the diesel tanks were denied at Sky Trading, perhaps BP saw this as an opportunity to sell diesel; Chairman Calamari feels it is a zoning matter at this time and not a Planning Board

matter; if the Board were in agreement, he would instruct Mr. Wortalik to send a letter to Mr. Stamos.

**Mr. Brian Murphy:** asked for and received confirmation that Sky Trading was not selling diesel; Mr. Murphy wanted to be assured that handing over this application to the Zoning Board was the correct move.

**Mayor Sobkowicz:** stated the application should be reviewed by the Zoning Officer to determine the expansion of use.

**Chairman Calamari:** stated if the Zoning Officer rules it is not an expansion of use, then the application would come back to the Planning Board; if he rules it is an expansion and turns them down, then they could appeal to the Zoning Board.

**Mr. Robert Wortalik, Board Attorney:** agreed with Chairman Calamari's statement.

**Vice Chairman Golick:** asked how the residents would feel about diesel being sold at the BP station.

**Mr. Wortalik:** stated the residents would be entitled to notice of that fact in the usual way.

**Chairman Calamari:** stated he would ask the Board Engineer whether the changes were major or minor and if a new application would need to be submitted; Chairman Calamari stated that the Mayor feels these changes are major.

**At this point in the meeting, the members of the Planning Board unanimously agreed that Mr. Wortalik should send a letter to Mr. Stamos regarding the conclusions of the above discussion. Roll Call Taken.**

**Please Note: Mayor Sobkowicz has left the meeting at this point.**

**Vice Chairman Golick:** asked if the matter was closed or if the Board could inform the applicant in the letter that he cannot have diesel.

**Chairman Calamari:** stated the applicant would be informed that the issue is a zoning matter and why it is a zoning matter.

**Mr. Wortalik:** stated that he will lay out a foundation why jurisdictionally it is a zoning matter and suggest what their next step would be.

**Mr. Sabino:** asked if all work on the property needs to cease.

**Chairman Calamari:** stated that work can continue based on the old plans; Chairman Calamari asked if it will be stated that the Planning Board will hand the matter over to the Zoning Board or if it will be stated that BP can pursue the option of appearing before the Zoning Board.

**Mr. Wortalik:** stated that in the letter it will state that BP can pursue the option of appearing before the Zoning Board.

**Motion to Adjourn:** Pinnick, Sabino

**All Board members present approve motion to adjourn.**

Respectfully submitted by:

JoAnn Carroll  
Planning Board Secretary  
October 3, 2013