

**TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
ZONING BOARD OF ADJUSTMENT
March 20, 2012 Minutes
Meeting Time: 8:00PM**

Call to Order

Open Public Meetings Act Statement – 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. Asfar, Gerhard (Absent), Ms. Merkle, Messrs. Miras, O’Connell (Absent), Sonntag, Ullman, Werfel, Johnson

Ongoing Business:

Day Pitney: Motion to carry Cingular Wireless and Omnipoint Communications application open until August 31, 2012.

All Board members present approve motion.

Sky Trading, L.L.C. Appeal

Revised plans submitted on March 9, 2012. Applicant is seeking to demolish an existing gas station facility located at Washington Avenue & Pascack Road, Block 3104, Lot 1, and construct a 1,206 square foot building which will be utilized as a convenience store, install service islands for four fuel pumps covered by a canopy, and to complete additional site improvements.

Mr. Whitaker, Applicant’s Attorney, stated that the sole purpose of their appearance at this meeting was to have their witness, **Mr. Brian Shortino,** Applicant’s Engineer, discuss the revised plans only as it pertains to the modifications. Mr. Whitaker further stated that the revised plans that were submitted shows a reduction in the size of the building, elimination of the parking waiver, elimination of the variances as it pertains to the side yard setback, a reduction in the deficiency that exists in the rear yard setback, landscaping modifications and the dumpster. Mr. Whitaker stated that Mr. Shortino, would be discussing the lighting this evening as well.

Exhibit A-1, marked plan with a final revision date of 3/20/12, consisting of eight pages.

Exhibit B-1, marked Azzolina and Feury report received, dated 3/20/12.

Mr. Shortino: discussed the size of the building, increased rear yard and side yards, reduction of one side yard variance, revised canopy elevations, canopy

structure, building structure, colonial style building, landscaping incorporated behind the building, eight trees behind the building, growth of trees, dumpster area to remain in same location, dumpster area will be enclosed, reducing the intensity of the lighting as per Mr. Azzolina's suggestion and eight parking spaces.

A brief recess is taken at this point in the meeting.

Mr. Shortino: stated that he will and can be in compliance with all thirteen items listed on the last page of Mr. Azzolina's report. Mr. Shortino further discussed the relocation of the underground tanks, venting for the tanks, and the ingress and/or traffic patterns. Mr. Shortino stated that the applicant had agreed to have the fuel delivery truck make a right turn into the site from Washington Avenue. Mr. Shortino stated that he had failed to incorporate this into the revised plans and that he will correct this oversight.

Chairman Johnson: stated that he would like to receive a simple iteration of the changes because this case has been going on for a while and he would like to close the case this day. Chairman Johnson then asked Mr. Azzolina to review his letter that was received that same day.

Mr. Paul Azzolina, Township Engineer: discussed his report and in particular the landscape type, and the major components of the application which had been modified over the year since the date of his last report.

Chairman Johnson: asked if Mr. Azzolina's report basically was just a summary of all the changes that had been made to the plans since his last report.

Mr. Azzolina: responded "yes".

Chairman Johnson: asked, if in Mr. Azzolina's opinion, if there are any further recommendations.

Mr. Azzolina: stated that he still feels the lighting is intense for the proposed site and should be a primary concern to the Board because of adjoining houses. Mr. Azzolina further spoke regarding the stormwater calculations, runoff, seepage pits, the type of trees to be planted, large trees recommended to be planted in the rear, replacement of lower height plantings, dumpster location and the clean-up of the site. In addition, Mr. Azzolina discussed the fence and the opinion of some of the neighbors that the fence is their property, while the applicant feels that some parts of the fence are located on the applicant's property.

Ms. Donna Baboulis, Board Attorney: asked if Mr. Azzolina had a chance to review the Town's Fire Department report.

Mr. Azzolina: stated the he did review the Town's Fire Department report and that he feels the emergency door proposed on the rear elevation should be for emergency use only and that the door should be an alarmed type door.

A 15 minute recess is taken at this point in the meeting so Mr. Azzolina's report and the Town's Fire Department report can be reviewed by the Board and by the public if they so choose.

Mr. Michael Ullman: posed a question to Mr. Azzolina regarding the water retention and the requirements for a major development in relation to the requirements for a smaller development

Mr. Azzolina: stated there are three objectives regarding stormwater regulations and they are 1. Stormwater runoff quantity control, quality control and recharge, and that the application basically satisfied these reductions even though it need not theoretically do that. Mr. Azzolina further stated that there will be no surface drainage into the seepage pit.

Mr. Lee Klein, Board's Traffic Expert: posed a question regarding the decrease of the sidewalk from 5 feet to 4 feet and the how that affects the door swing.

Mr. Shortino: stated that the 4 foot sidewalk is sufficient for handicap accessibility and it encompasses the ADA requirement.

Mr. Klein: posed a question regarding the retaining wall

Mr. Shortino: stated that there is no real disturbance to the existing topography of the building

Mr. Klein: posed questions regarding the vent for the underground fuel tanks and the number of fueling positions which was presently at eight

Mr. Shortino: stated that eight stations creates a more efficient manner.

Mr. Klein: posed a question regarding the canopy

Mr. Shortino: stated that a canopy is not needed but that it does provide for a safer environment.

Mr. Klein: posed a question regarding the canopy lighting

Mr. Shortino: stated that the canopy lighting directs the light downwards and there is no spread horizontally.

Mr. Stan Slachetka, Board's Planner: posed a question regarding the doorway in the back of the building and the proposed landscaping.

Mr. Whitaker: stated that they would only be able to put in an exit door for emergency purposes only and it is not required by building code and that the landscaping will be modified with different caliper trees as Mr. Azzolina suggested.

Mr. Slachetka: posed a question regarding the amount of fuel stations

Mr. Shortino: stated that four islands consisting of eight fueling positions are more efficient for this site.

Mr. Whitaker: stated that the applicant has no objection to substituting evergreen trees, to replacing the yews with taller plants, to modifying the dumpster and shifting it to the NW corner of the site, to, if permitted, put the utilities underground. Mr. Whitaker further discussed the fence and its condition and placement, stormwater management, the sidewalk issue and the type of trees to be planted.

Chairman Johnson: turned the meeting over to the public for questions.

Mr. Whitaker: asked that the questions from the public be pertinent to what was testified that evening.

Ms. Linda Murphy, 675 McKinley Avenue, spoke regarding the dry wells, percolation, eroding underground of the storm drainage system, vent pipes, the addition of the water wells on the plan, set back in a parking lot; employee parking, designated delivery area, turning capacities

Ms. Rosa D'Ambra, 423 Colonial Boulevard, spoke regarding the site yard setback and rear yard setback.

Ms. Grace Hogan, 898 Washington Avenue, spoke regarding the fuel delivery truck.

Dorothy Alderson, 666 McKinley Avenue, spoke regarding the fuel delivery truck.

Ms. McGinnis, 680 Washington Avenue, spoke regarding the height of the building, the machines on the roof of the building and the noise they would emit and her fence.

Mr. Whitaker concluded his testimony and Chairman Johnson opened up the meeting for public comment.

Ms. Adlerson: sworn in by Ms. Baboulis. Ms. Alderson stated that she believes minimal cosmetic improvements could improve the site.

Ms. Mary Ann Orecchio, 665 McKinley Avenue: sworn in by Ms. Baboulis. Asked what the justification for disregarding the Township's Master Plan for having a convenience store in a residential area.

Ms. Grace Hogan, 898 Washington Avenue: sworn in by Ms. Baboulis. Spoke regarding non-conforming uses and asked the Board to make a sound decision based on the Municipal Land Use Law.

Ms. Rosa D'Ambra, 423 Colonial Boulevard: sworn in by Ms. Baboulis. Spoke regarding non-conforming uses.

Mr. Henry Cenicola, 29 Braeburn Drive: sworn in by Ms. Baboulis. Spoke regarding the safety and well-being of the residents of the Town, the vent pipes, underground storage tanks, dry wells and the seepage area.

Mr. David Snyder, 91 Windsor Circle: sworn in by Ms. Baboulis. Spoke regarding the possibility of a major biking accident if the application were to be approved.

Ms. Donna McGinnis, 680 Washington Avenue: sworn in by Ms. Baboulis. Spoke regarding the negative impact the proposed gas station/convenience store would have on her and her family.

Ms. Linda Murphy, 675 McKinley Avenue: sworn in by Ms. Baboulis. Spoke regarding wells, vent pipes, variances being requested, loading zone and the mechanicals on the roof.

Chairman Johnson: stated that the applicant's counsel will do his closings at the next meeting and then at the meeting thereafter, the Board will have deliberations and vote. In addition, Chairman Johnson stated that both Members and Alternates of the Board will be required to sign a certificate stating that they have either attended or listened to all the tapes for all the meetings relating to the Sky Trading application. If this certificate is not signed, they will not be able to vote on the matter. Chairman Johnson further stated that the Board should be ready to vote on the application at the May meeting.

Chairman Johnson: further stated that the applicant's experts should be at the meeting during deliberations. The April meeting is for deliberations and the May meeting is for voting on the application.

Mr. Ullman: asked if the minutes from this evening's meeting could be made available for the next meeting.

Ms. Grimaldi, Board Secretary: stated that Mr. Ullman could listen to a tape of the proceedings.

Ms. Baboulis: stated that Mr. Ullman could also read the transcripts which will be made available by Mr. Whitaker.

Motion to Adjourn: Merkle, Ullman

All Members in attendance approve adjournment.

Respectfully Submitted by:
JoAnn Carroll
Zoning Board of Adj. Secretary
April 15, 2013