

**TOWNSHIP OF WASHINGTON  
BERGEN COUNTY, NEW JERSEY  
Zoning Board of Adjustment  
Minutes  
Meeting Time: 8:00PM  
April 17, 2012**

**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:**

Asfar (absent), Gerhard, Merkle, Miras, O'Connell, Sonntag, Ullman, Werfel, Chairman Johnson

**Ongoing:**

**Sky Trading, LLC Appeal**

Applicant's closing statements. Applicant seeking to demolish an existing gas station facility located at Washington Avenue and Pascack Road, Block 3104, Lot 1 and will construct a 1,206 square foot building which will be utilized as a convenience store, install service islands for 4 fuel pumps covered by a canopy, and to complete additional site improvements.

**Mr. Bruce Whitaker, McDonnell and Whitaker, Applicant's Attorney** introduced himself to the Board. Mr. Whitaker further stated that his brief was sent to all Board members.

**Please note: Mr. Thomas Asfar has joined the meeting at this point.**

**Mr. Whitaker:** further discussed a typographical error regarding the front yard set-back; site plan, architectural plans; no further submissions made.

**Ms. Donna Baboulis, Board Attorney:** stated that is the case unless the Board has questions for Mr. Whitaker.

**Chairman Johnson:** stated he would like to have Mr. Whitaker make his summation and have the Board members ask questions if they have any and then move on to the CVS application at 9:00PM. Chairman Johnson further stated that this would give the Board a month's time to fully read Mr. Whitaker's brief, check the transcripts and deliberate and vote at the next

meeting. In addition, Chairman Johnson asked that the applicant's experts be in attendance at the next meeting.

**Mr. Whitaker:** highlighted the major aspects of the application and provided the reasoning for the variance relief that is being sought and the site plan approval being requested.

**Chairman Johnson:** asked if the Board had any questions for Mr. Whitaker.

**Ms. Laura Merkle:** asked if 18-wheelers would be getting diesel at the station, and that there is no stipulation about these trucks.

**Mr. Whitaker:** stated that such a stipulation would be made that 18 wheeler trucks would not be serviced at the station and a sign would be erected to that effect as well.

**Ms. Baboulis:** asked if the owner of the station had the ability to turn away trucks that were making deliveries outside of the approved time slot.

**Mr. Whitaker:** stated that the owner testified that he will have the ability to regulate with their supplier when they have to come and those will be the rules.

**Mr. Richard Miras:** asked for clarification regarding days of operation and the directional approach of the delivery trucks.

**Mr. Whitaker:** stated the days were Monday through Sunday and the trucks would be approaching from the east.

**Chairman Johnson:** stated that what is being discussed are proposed stipulations.

**Ms. Baboulis:** asked how the motions would proceed once the Board had deliberated.

**Mr. Whitaker:** stated the Board can vote on each separately but that it would be up to his client to determine if he would proceed with the project depending on what is approved and/or denied.

**Ms. Merkle:** asked for clarification regarding the traffic expert's testimony that this was based on the current traffic pattern not the changes proposed. Ms. Merkle further asked if it would not have a substantial negative impact on traffic.

**Mr. Whitaker:** asked Ms. Merkle to refer to Bertin Engineering report dated June 10, 2011.

**Sky Trading concluded for the evening and a brief recess was taken.**

**First Hartford Realty Corp. – 660-680 Pascack Road, Block 2110, Lots 6, 7, 8, 9, 10:** applicant seeks site plan approval, use variances, sign approval and major soil movement permit for the construction of a CVS Pharmacy.

**Mr. Carmine Alampi, Attorney for the applicant:** introduced himself to the Board.

**Mr. Tendai Richards, Attorney for the objectors:** introduced himself to the Board.

**Mr. Alampi:** discussed revised architectural plans, size of the largest apparatus used by the Township Fire Department, revised report by Mr. Dean and a tree exhibit submitted to the Board.

**Mr. David Caruso, Applicant's Engineer:** still under oath and introduced to the Board.

**Mr. Caruso and Mr. Alampi:** discussed the updated tree removal plan; 143 trees located on the site; proposed removal of 85 trees; saving as many trees as possible; dead and/or dying trees on the site; 11 trees on the site determined to be dead.

**Exhibit A-15: Tree Exhibit Plan (Before Roadway Improvements) by VHB dated 4/12/12 marked 4/17/12.**

**Exhibit A-16: Tree Exhibit Plan (After Roadway Improvements) by VHB dated 4/12/12/ marked 4/17/12.**

**Mr. Caruso and Mr. Alampi:** discussed the effect of the proposed County road widening and alignment; additional four trees would be removed due to the development of the curbing, the sidewalk, the pavement of the roadway, the intersection improvements and the roadway widening.

**Mr. Statile:** asked what the difference is between the original 85 trees that they removed and the total of 62 trees at this time.

**Mr. Caruso:** stated the site was re-graded so as not to provide too much more than six inches of fill over the existing trees, or cut out six inches of soil above the root system of those trees.

**Mr. Statile:** asked if the difference is the way the site is designed.

**Mr. Caruso:** stated it will be the way the site is graded.

**Mr. Statile:** confirmed that fewer trees were not found, but they are not taking out as many.

**Mr. Caruso:** stated they are not taking out as many.

**Mr. Statile:** asked who made the determination as to what was dead, rotten and dying.

**Mr. Caruso:** stated the determination was made by a member of his staff who went to the site to count the trees.

**Mr. Statile:** suggested the Board may want to have a forester to the site to confirm the findings. In addition, Mr. Statile stated that some of the trees might perish due to soil movement activities when the houses are demolished.

**Mr. Caruso:** stated that could happen.

**Mr. Michael Werfel:** asked if the Board was supposed to include the original survey, previously cut as part of the tree removal.

**Mr. Statile:** stated yes and the good result is his design, not that he missed trees.

**Mr. Michael Ullman:** asked if an arborist would be employed to protect the trees that are planning to be kept.

**Mr. Caruso:** stated he would speak with the applicant regarding this request because he knows how important the trees are to the Town.

**Mr. Statile:** stated he believed the Town ordinance contains a penalty provision so, if during construction, a tree or two gets whacked it will cost the developer 20-30 extra trees just because he didn't stay away from the trees.

**Mr. Caruso and Mr. Richards:** discussed the member of Mr. Caruso's staff not being an arborist; tree well construction; ponding in the tree wells; trees removed; amount of dead trees on property; circumstances of tree removal; evergreen screen; arborist consultation; removal of 43 live trees; keeping more trees than stated in the November submittal.

**Mr. Statile:** stated the he will not accept 2.5 inch trees and that the Board will receive a more robust landscape plan before the hearing is finished.

**Mr. Caruso and Mr. Richards:** discussed how much the water table will rise at the area the trees are being removed; no studies done to that effect; no study done; a lot of trees between the development and Northgate; no trees proposed being removed; existing and pre-existing conditions; Ransom Geotechnical Report; Exhibit A-5 Geotechnical Report from Ransom Engineering; amount of fill placed on the property; percolation tests done on the property; ground water; possible high water table; ground water does not necessarily equate to the area being environmentally sensitive; make the underlying soil structurally stable to support the building; compaction; truckloads of fill being brought to the site; traffic congestion due to these trucks; project geotechnical engineer to be on site; 12 boring holes on site; smaller matter/soil matter called "fines"; sieving of fines; DEP determination; Exhibit A-9 Drainage Memorandum;

retaining wall; swimming pool previously on site that was filled in; gravel added to small portion of the site; impervious level; public easement access; size of fire apparatus; meeting with County to discuss and design the traffic island at Pascack Road did not occur yet.

**Mr. Statile:** stated in his reports that he had issues with the turning template.

**Ms. Baboulis:** asked if the intent of the applicant was to receive approval by the Board and then go to the County.

**Mr. Caruso:** stated that approval was not sought prior to going to the County, but to make sure the site plan in the surface features are set prior to submitting to the County.

**Ms. Baboulis:** stated that the Board will not have the benefit of knowing what the County requires if the County is going to make a decision simultaneously with the Board.

**Mr. Caruso:** stated that he understood and, with Chairman Johnson's comments that the application would most likely be in front of the Board for the better part of a year, once the site plan is set, he will be able to make the submittal to the County and work through that and there will be more revisions to the site plan that will be put forth before the Board as well.

**Mr. Stanley Slachetka:** stated that the Board needed to understand that in evaluating the use variance application, the County may make a determination that prevents the fundamental components of the circulation from being executed by the applicant.

**Ms. Baboulis:** stated that there are unknowns that the Board is dealing with. One being the Board does not know what the County is going to do and the second the Board does not know what the DEP is going to do.

**Mr. Statile:** asked Mr. Alampi if the County has seen the schematic design.

**Mr. Alampi:** responded, yes, and that he is slowly meeting with the County. Once the Board states the curb alignments and such are sufficient, then he will be at the County.

**Mr. Statile:** asked if there had been any alterations in the driveways.

**Mr. Alampi:** stated no, that the County is waiting for the Mayor and the Council of the Township to support the plan. Mr. Alampi further stated that he is waiting for the review of the turning templates, the fire equipment, and when it reaches a point of consensus with his engineer, the Township's Fire Department and with Mr. Statile, then he will go to the County with the plan.

**Mr. Richards and Mr. Caruso discussed:** an investigation in order to see if the existing storm water structure on Washington Avenue where the stream

empties is stable enough to accept the discharge pipe proposed photographed from the site; investigation will be done toward the latter stages of the application; drain line adjustments; structural stability of the structures located on the northern side of Washington Avenue or on the southern side; saving of trees by changing some drainage pipe locations; revisions to be made once all comments are received.

**Ms. Linda Murphy, 675 McKinley Avenue:** spoke regarding the trees that were already missing before Mr. Caruso stated 85 trees on the site. In addition, Ms. Murphy stated concern regarding the loss of water to homeowner's wells because of the capture of it and then sending it to the municipal sewer system.

**Mr. Caruso:** stated that the grading, topography, the water flows from the northeast basically in a general correction down to the swale.

**Ms. Murhphy:** asked if this was underground.

**Mr. Caruso:** stated that he had not modeled the ground water, so he didn't know which way it flowed, but he did know that a portion of the water that will be collected in the system will be filtered, treated and then infiltrated to the soil below. In addition, Mr. Caruso stated that the storm water run-off is collected through a series of pipes and then dumped into the low area.

**Ms. Murphy:** wanted clarification of the effect of the ground water which runs towards the properties.

**Mr. Caruso:** stated that he hadn't considered this but would have his geotechnical engineers take a look at it.

**Ms. Grace Hogan, 898 Washington Avenue:** asked what the caliper of the eleven trees that were identified as dead or declining was.

**Mr. Caruso:** Two were between 12 and 14 inches, eight were between 24 and 36 inches and one was greater than 36 inches.

**Ms. Hogan:** asked what the caliper of the eight trees that were removed was.

**Mr. Caruso:** Three were 10-inch caliper trees; two were 8-inch caliper trees, a 36 inch caliper tree and a 6 inch caliper tree.

**Ms. Hogan:** asked if these trees where included in his total count.

**Mr. Caruso:** stated they were included.

**Chairman Johnson and Mr. Alampi:** discussed meeting schedule.

**Ms. Baboulis:** stated for the record that a date was offered, the room was available, the Board was willing to agree to that, but it's not acceptable to Mr.

Alampi. In addition, Ms. Baboulis stated that if the applicant were not to proceed, a letter would be needed to carry the application.

**Mr. Alampi:** stated on the record that he will extend the time for the review beyond the statutory frame and will extend it beyond the June 30<sup>th</sup> date.

**Chairman Johnson:** regarding Sky Trading, stated the Board Secretary will be handing out certifications to Board members which need to be signed stating that each member has either attended or listened to the tapes of all of the Sky Trading meetings. Board members will not be able to vote unless signed.

**Motion to Adjourn:** Ullman, Asfar

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

Respectfully submitted by:

JoAnn Carroll  
Zoning Board Secretary  
June 17, 2013