

**Township of Washington  
BERGEN COUNTY, NEW JERSEY  
Planning Board Meeting  
Minutes  
December 18, 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, Golick, Murphy, Pinnick, Sabino (absent), Sears, Chairman Calamari, Councilman D'Urso (absent), Mayor Sobkowicz

Also in Attendance: Board Attorney Robert Wertalik; Board Secretary JoAnn Carroll

**Public Portion**

**Motion to Open:** Murphy, Golick

**No Public Comment**

**Motion to Close:** Dumaresq, Sears

**Approval of Planning Board Minutes:** Golick, Dumaresq

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

**Abstain:** Murphy

**Please Note: Mr. Leonardo Sabino has joined the meeting at this time.**

**Resolution: Jack and Georgette Youssef, 443 Webster Avenue, Block 4519, Lot 7:** approval of a new home construction project. **Read aloud by Board Secretary.**

**Motion on Resolution:** Golick Sabino

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

**Abstain:** Murphy

**Mr. & Mrs. Radoslaw Niewiarowski, 651 Colonial Boulevard, Block 3106, Lot 1:** application to open a Real Estate Agency in their home; home occupation.

**Ms. Niewiarowski:** introduced herself to the Board and stated she wants to open a Real Estate agency in her home; home occupation.

**Chairman Calamari:** stated that additional information was needed from the applicant which included a plan for parking and a floor plan with the dimensions of the office; Chairman Calamari stated it would be best if the applicant retained an architect.

**Mayor Sobkowicz:** asked if there was a business located at this house before.

**Ms. Niewiarowski:** stated yes, there was a chiropractor office in this house.

**Mayor Sobkowicz:** asked if the office space was still intact from the chiropractor; stated that the home business could not occupy more than 15% of the home.

**Ms. Niewiarowski:** stated the office space was still the same and that she had a building sketch with the dimensions of the office and the layout of the office space.

**Chairman Calamari:** stated the sketch needed to include the interior of the home showing the office space and Mr. Azzolina would need to review to make sure there was enough information; in addition, Chairman Calamari asked the applicant about the parking situation.

**Ms. Niewiarowski:** stated she did not have the dimensions of the parking; there are 3 spots for the office property only.

**Mayor Sobkowicz:** stated the applicant would have to prove that no more than 15% of the home is being used for her realty business.

**Ms. Niewiarowski:** stated that on the sketch it shows that no more than 15% of the home is being used for her business.

**Mayor Sobkowicz:** asked the applicant about her employees; full time/part time.

**Ms. Niewiarowski:** stated she would be the sole person in the office.

**Chairman Calamari:** asked the applicant to submit in writing what the Mayor has requested.

**Mr. Paul Azzolina, Board Engineer:** stated it appears the applicant has a good start on the information that is required.

**Mayor Sobkowicz:** asked what the hours of operation would be and how many clients per hour was she expecting as this affects parking.

**Ms. Niewiarowski:** stated that most of her clients are dealt with over the phone and via email; she needs the space to open her business.

**Chairman Calamari:** stated that the applicant had submitted three different proposed signs; stated he can tell with reasonable certainty that the 10" x 18" sign is the maximum size allowed and only one sign is allowed.

**Ms. Niewiarowski:** asked if the sign could be placed in the window facing Washington Avenue.

**Chairman Calamari:** stated he believed it could be placed in the window; Chairman Calamari suggested a post on the corner so people would be able to see the sign from both Washington and Colonial.

**Ms. Niewiarowski:** stated she understood the sign ordinance.

**Chairman Calamari:** stated the hearing would be continued on January 8, 2014.

**Ms. Niewiarowski:** asked if the Resolution could be ready on January 8<sup>th</sup>.

**Chairman Calamari:** stated that would be possible if all the information that has been requested is submitted.

**Mayor Sobkowicz:** stated the information needs to be submitted with enough time for the engineer to review.

**Mr. Azzolina:** stated he would work with the information submitted by the applicant and would contact the applicant to discuss.

**BP Products North America, Inc., Property Located at: 615 Washington Avenue, Block 3203, Lot 33:** revised plans submitted; soil movement permit.

**Mr. Dean Stamos, Ferraro & Stamos, Applicant's Attorney:** introduced himself to the Board.

**Mayor Sobkowicz:** asked if the residents were notified again.

**Mr. Stamos:** stated the residents were notified again and notice was made in the paper; Mr. Stamos stated that the BP application was before the Board on

May 29<sup>th</sup> at which time they received signage approval and tenant application to continue the use that is existing; during testimony, allegedly the tanks on the site would need to be replaced; the applicant is back at this time to receive approval for a major soil movement permit in relation to the tank replacement; plans for replacement of the tanks would improve the circulation on site for the island and the pumps; seeking an amendment to the site plan approval that reflects the new location of the pumps.

**Mr. Bill Vogt, L2A Land Design: was sworn in by Mr. Wertalik, Board Attorney.** Mr. Vogt introduced himself to the Board.

**Mr. Stamos:** stated Mr. Vogt was accepted by the Board as an expert at the last meeting.

**Mr. Vogt:** referred to the revised plans (**marked as exhibit A-1**); last revision date was November 20, 2013; only sheet changed is the second sheet, C-02; site improvement plan; the building has been painted; the acrylic banding has been placed around the building; pump islands and centers have been switched to BP panels; the pylon sign has been switched to a BP sign; the LED price panel has been switched as well; final items waiting on before the Christmas holiday are the installation of the bollards on either end of the building; on western side to prevent vehicles from driving along the building side and an 8 ft. fence which will surround approximately 2/3 of the property.

**Mr. Stamos:** stated that in terms of the fence, was there a fence already on the property.

**Mr. Vogt:** stated there was a fence on the property that was in fair condition, but the Board requested it be replaced which it will be.

**Mr. Stamos:** asked if it was for aesthetic purposes.

**Mr. Vogt:** stated a variance was received for the fence to be 8 feet in height where 6 ft. is required; Mr. Vogt further stated that there will be landscaping around all four sides of the property; the applicant would like to defer to the spring time at this date and time; the intent is to get the station up and running under phase 1 improvements so they can start doing business; before the Board this evening to replace the tanks and move the dispensers and the kiosk; by early next year the station should be open under the phase 1 parameters that were agreed upon at the last meeting.

**Mr. Stamos:** asked Mr. Vogt to discuss the tank replacement and relocation of the pumps.

**Mr. Vogt:** stated there are currently 3-6,000 gallon USTs for a total of 18,000 gallons of fuel; four dispenser islands and one kiosk which is located closer to

Washington Avenue; it is approximately 18 ft. 3 in. from the back of the island that is along Washington Avenue; under proposed conditions, they will remove three underground tanks and replace with 2- 15,000 gallon USTs for a total of 30,000 gallons; the dispenser islands have been spread out by ten feet so they are going to be 25 ft. spaced apart; the kiosk will be moved closer to the building; the purpose of spreading out the dispenser islands is to get more room for vehicles to come and go safely; couldn't space them any farther apart because it would impede the bay door of the facility; limited to pushing them closer to the residential properties to the west so they pushed the other islands closer to Cleveland Avenue.

**Mr. Stamos:** stated there was a question raised in Mr. Azzolina's report; asked if the larger tanks will have any effect on the amount of deliveries over the course of a week and/or a month.

**Mr. Vogt:** stated there would most likely be less deliveries because of the larger tanks; that is the intent of getting larger tanks; when the 6,000 tanks were installed there weren't any larger tanks; over the years, they have come a long way in becoming more economical.

**Mr. Stamos:** asked if the pavement/concrete mats would be replaced with new material.

**Mr. Vogt:** stated that in the proposed improvement plan, the beige colored areas would have a new concrete mat; the remainder of the site pretty much remains the same; agreed to any asphalt improvement of the property; they will relocate the emergency shut off valves; the kiosk will be closer to the existing building; the kiosk is approximately 4x6; pretty much the same size.

**Mr. Thomas Sears:** asked for confirmation that the shut off valve will be moved and put on the building.

**Mr. Vogt:** stated yes, the shut off valves will be placed on the buildings.

**Mr. Sears:** stated he believes the emergency shut off valves are currently located on the kiosk and wanted to know why they were now taken off the kiosk and moved to the building; Mr. Sears asked if there was another one inside the building.

**Mr. Vogt:** stated he had no indication that the shut off valves were on the existing kiosk.

**Mr. Sears:** stated he visited the site and observed the shut off valves were on the kiosk.

**Mr. Vogt:** stated that all proper codes have been followed for the shut off valves to be on the building.

**Mr. Sears:** asked if it would be locked at night.

**Mr. Vogt:** stated it is not locked.

**Mr. Sears:** stated that he would then have to go to the building to reach the valves.

**Mr. Vogt:** stated it is on the building per code and fire regulations; he can try to obtain more information; but he predominantly sees the valves on the building wall.

**Mr. Stamos:** asked Mr. Vogt to discuss the soil movement and quantities.

**Mr. Vogt:** referred to the drawing attached to the soil movement permit; **(marked as exhibit A-2)** it is entitled "soil movement" and dated 12/3/13; a very simple volume calculation to show the excavation numbers per the fill numbers; remove the three existing 6,000 tanks that would typically go beyond 2 ft. beyond the tanks plus the area to remove for the new tanks; total volume basically goes down to a depth of 14 ft.; the volume of cut is 592 cubic yards; under proposed conditions, they are going to fill in one area where the third tank was and fill in the areas where they excavated for the new tanks; the proposed infill is 532 cubic yards.

**Mr. Stamos:** asked if any of the old tanks would be reused.

**Mr. Vogt:** stated the tanks and materials would all be new.

**Mr. Stamos:** asked if the removal of the tanks would be done under the direction of an LSRP.

**Mr. Vogt:** stated yes; in May 2009 a law was passed, Remediation Act, where it allowed certain professionals to become a LSRPs (Licensed Soil Removal Professional) through the State and the DEP agency; these individuals have to take extensive testing with the DEP on top of the education and experience and licensing that they already have; they become listed as an LSRP; they can be looked up on the DEP website as well as with their own firms; these professionals are basically an extension of the DEP; follow all regulations and testing requirements; they are on site; devices with them to monitor the soil; they probe into the soil and get immediate readings if the soil is contaminated or clean; depending on the test result, they have the authority to remove that soil as an extension of the DEP; all their findings get reported back to the DEP and the municipality; findings sent to Health Officer and Engineer; all documents are public record; can be accessed through an OPRA; the LSRP will be on site during all of the excavation of the site.

**Mr. Stamos:** asked if this falls under the jurisdiction of the DEP and if the LSRP would be on site.

**Mr. Vogt:** stated the LSRP will be on site and they are a third party agency and are under contract by either the landowner or the applicant; but they are an extension of the DEP and report to the DEP.

**Mr. Sears:** asked why the vents for the tank are now being placed along Cleveland Avenue.

**Mr. Vogt:** stated the vents are being located in the landscaped island along Cleveland Avenue; they try to keep the vents as close to the tanks as possible; in a landscaped area covered by a bollard; they don't like to run lines long distances because if there is ever future work done at the site they would not want to compromise those pipes; usually located to the shortest distance to a landscaped area.

**Mr. Sears:** asked about the emissions from the pipes.

**Mr. Vogt:** stated the pipes stick up to 8.5' tall.

**Mr. Stamos:** asked if all the work will be done in compliance with all municipal code requirements.

**Mr. Vogt:** stated all the work would be done in compliance with all municipal code requirements; submission of just a portion of the tank replacement just to give the Board an idea of where the tanks were going and what their sizes were; a more comprehensive set will be submitted to the Building Department and Zoning for review; all Building and municipal codes are met.

**Mr. Stamos:** referred to comment #6 on page 3 regarding diesel; asked for confirmation that all diesel had been eliminated from the plans.

**Mr. Vogt:** stated that all diesel was eliminated; there are two spots on the Bohler plan that are related to diesel but there are none on the site.

**Mr. Leonardo Sabino:** asked what triggered the change to add diesel.

**Mr. Stamos:** stated there was only really one change; last time in front of the Board it was mentioned that after a certain number of years the tanks need to be replaced; with the replacement of the tanks there was a need to come before the Board again for a soil movement permit; the location of the pumps are antiquated and narrow.

**Mr. Sabino:** asked why the replacement of the tanks was not mentioned in the first set of plans.

**Mr. Stamos:** stated the engineering and planning work wasn't finished at that time.

**Mayor Sobkowitz:** confirmed there would be 2 -15,000 gallon tanks with a total of 30,000 gallons; how many fueling positions were there before.

**Mr. Vogt:** stated there were four dispensers with eight sides; they will be the same with the new plan.

**Mayor Sobkowitz:** asked if the water table would be affected due to the larger tanks.

**Mr. Azzolina:** stated there would be no effect to the water table due to the size of the tanks; the Bohler plans contain a buoyancy calculation to indicate that the tanks will be stable; they will be held in place so the water table is not affected.

**Mayor Sobkowitz:** stated that she received a letter in August from Getty Properties regarding the contaminants that were found in the ground and that they are continuing to work on it; Mr. Azzolina referenced a "no further action" letter in his report; Mayor Sobkowitz further stated that her concern was how the soil would be removed if it was found to be contaminated; she wouldn't feel comfortable without having a plan in place if the soil was contaminated; prefers the "hot loading" method instead of stockpiling the contaminated soil on the site.

**Mr. Vogt:** stated that all clean materials are used; certificates are passed on to the municipality.

**Mayor Sobkowitz:** stated that a plan needs to be in place; if the soil is contaminated and removed, who is the company contact person that the Township could contact.

**Mr. Stamos:** stated the discussion has gone well beyond what is in front of the Board at this time; it is a valid concern, but what the Mayor is discussing are regulations and enforcements that are in place by the DEP.

**Mayor Sobkowitz:** stated that she would like the name and phone number of the vendor.

**Mr. Stamos:** stated that all of that information will be provided when the permit applications are submitted.

**Mayor Sobkowitz:** stated the contact information needs to be given to the Township before the removal of any soil.

**Mr. Stamos:** stated that any soil to be removed for the site will not be stockpiled it will be "hot loaded"; contaminated soil is not stockpiled on the site.

**Mayor Sobkowicz:** asked for the all the information in the instance of moving contaminated soil using “hot loading” if need be.

**Mr. Vogt:** asked if the Township has trucking routes that need to be reviewed.

**Mr. Azzolina:** stated that trucking routes are approved by the Police Department; Lt. Gregg Hackbarth.

**Mr. Vogt:** stated the Mayor’s comments can be accommodated.

**Mr. Stamos:** stated the applicant agrees to no stockpiling of contaminated soil; vendor information will be provided prior to removal.

**Mr. Vogt:** stated he does not have that information right now but will provide once he does.

**Mayor Sobkowicz:** referred to item 4, of III, the Township’s Health Officer was copied on the letter received; the Health Officer may not have the qualifications that are needed to review the site; asked who would be the expert and who is responsible for paying the expert.

**Mr. Vogt:** stated the expert would be the LSRP; the LSRP would be fully licensed by the State; is an agent of the DEP; this person would be both the Township’s and BPs trained professional.

**Mayor Sobkowicz:** referred to the Cleveland Avenue side of the building; asked if BP was leaving it the way it is at this time or will there be a landscaping plan submitted.

**Mr. Vogt:** stated there would be no new shrubs on that side; there were some landscaping improvements on the back corner and along the back to fill in some areas; no proposed landscaping improvement in that area.

**Mr. Sears:** asked if that area would have to be dug up for the vent pipes.

**Mr. Vogt:** stated they can be dressed up with some landscaping.

**Chairman Calamari:** asked if there were any questions from the public.

**Mr. Alan Kenny, 554 Chestnut Street:** stated that 24-27 months earlier remediation was taking place at the BP site; asked what remediation had been done.

**Mr. Vogt:** stated that back in 1997 the DEP and the LSRP representative for Getty developed a plan to monitor the 5 monitoring wells on the property for the next 17 years; they pull samples 2x/year; they report back to the DEP; that is what is required of them and that is the extent of the remediation.

**Ms. Catherine Gattuso, 657 Clinton Avenue:** asked how long would it take to change the tanks.

**Mr. Vogt:** stated they usually keep the site closed for 1-2 months.

**Ms. Gattuso:** stated the letter she received mentioned lighting.

**Mr. Vogt:** stated the lighting would be the same; they will be moved with the islands; same height.

**Ms. Gattuso:** asked if the roof could be power washed and cleaned up.

**Mr. Vogt:** stated that site clean-up was agreed to on the property in general.

**Ms. Gattuso:** asked if the tanks will still be parallel to the street.

**Mr. Vogt:** stated they are at the same orientation.

**Ms. Gattuso:** asked if they were closer to the curb.

**Mr. Vogt:** stated just slightly on the Cleveland Avenue side.

**Mayor Sobkowicz:** asked how much closer to Cleveland Avenue would they be.

**Mr. Vogt:** stated approximately 2 feet closer.

**Mayor Sobkowicz:** asked if they were anticipating more customers than had been there before.

**Mr. Stamos:** stated he didn't believe so because they are not increasing the number of pumps; the larger tanks allow them to buy the gas more economically and will more than likely reduce the number of deliveries.

**Mr. Vogt:** stated there will not be an increase in the number of islands.

**Ms. Agnes Smith, 646 Valley Court:** stated she is confused by this application; wanted to confirm no diesel would be sold.

**Mr. Vogt:** confirmed that no diesel would be sold at the BP station.

**Ms. Smith:** stated the sign on the building stating "store" makes it sound like food is being sold there; stated she believed the light was going to be brought down; asked if there would be contamination from the vent pipes.

**Mr. Vogt:** stated there is specific restriction and there is no retail sale of any food on the site; what is approved has been installed; it doesn't say "store" or "service" on the building, it states "shop"; the lighting fixture is a PSE&G light and has nothing to do with BP; the venting has no detriment to the surrounding area; same height.

**Ms. Smith:** asked if the signage stating "shop" can be removed.

**Mr. Stamos:** stated the signage was already approved by the Board and no food items will be or can be sold.

**Chairman Calamari:** stated the restriction of food sales is clearly stated in the resolution already approved.

**Mr. Vogt:** stated they are not allowed to sell in a residential area; if they wanted to they would have to appear before the Zoning Board.

**Ms. Smith:** asked if fewer trucks would be coming to make deliveries; mentioned the park that is down the block from the gas station and if trucks would be coming down that street.

**Mr. Vogt:** stated that it was discussed at the last meeting that the park is several thousand feet down the road; all operations take place right at the intersection of Washington and Cleveland; fueling operations all remain the same; are appearing before the Board this evening to discuss the tank replacement.

**Ms. Smith:** asked how many USTs would be on site.

**Mr. Vogt:** stated there are currently three and they would be replaced with two.

**Ms. Marta Pulido, 649 Clinton Avenue:** stated her home is directly across the street from the gas station and what the chances would be that her soil is contaminated.

**Mr. Vogt:** stated there has been ongoing testing on the site since 1997; this testing was set up by the State, DEP and the owner, Getty Properties, and they have 5 monitoring wells on the property; they bring those results to the DEP 2x/year and they have reported their findings over the last 16 years.

**Mr. Pulido:** asked if it was possible her lot was contaminated and if the air was contaminated.

**Mr. Stamos:** stated there is no document that they receive for every single property surrounding the site; the property has been going through the proper remediation and monitoring; that in and of itself takes into consideration the surrounding properties.

**Mr. Vogt:** confirmed this statement.

**Ms. Pulido:** asked who she would contact if there was a problem with her property.

**Mr. Stamos:** stated the property owner and the operator are liable; they are liable to the DEP; the DEP would ensure there is no contamination; Ms. Pulido can contact the DEP and the Township also has information on the property; levels are below the permitted limits for contamination.

**Mayor Sobkowicz:** asked how the repair service area is coming along.

**Mr. Vogt:** stated there is an employee ready to do repairs.

**Mr. Bernard Golick:** stated, in his opinion, it was not a good idea to try to add diesel to the site; Mr. Golick further stated that the fuel tank size would double in capacity and wanted to know what standards need to be met with tanks that large.

**Mr. Stamos:** stated the tanks were not made by BP; they are standard industry size tanks.

**Mr. Vogt:** stated all the tanks that will be placed on the site have received all approvals necessary.

**Mr. Golick:** stated this is a residential area that the tanks will be placed in and asked if these tanks fit in a residential area.

**Mr. Vogt:** stated that all State and municipal codes will be met and the tanks do fit in this area.

**Mr. Golick:** asked if the venting will be impacted by these larger tanks.

**Mr. Vogt:** stated the venting is related to the dispensers that are on site and those are not changing.

**Mr. Sears:** asked if the pumps being placed on the site will be four distribution pumps.

**Mr. Vogt:** stated there will be three plus zero multi product fuel dispensers; they will dispense regular, middle grade and premium gasoline.

**Mr. Sears:** referred to the engineering report, page 3, item 7; there is a mention of a 1,000 gallon waste oil tank; only a 125 gallon tank in the back of the building; are they looking to increase the size of the tank.

**Mr. Azzolina:** stated the 1,000 gallon number is from the DEP correspondence; it doesn't appear to be a 1,000 gallon tank.

**Mr. Jin Yhu:** stated he is the new operator of the gas station; has operated gas stations for the better part of ten years; lives in Old Tappan; wanted to introduce himself to the Board and to the public present at the meeting; wanted to ensure the Township that he will run a station which is respectable; BP has helped out tremendously and is great with the upkeep of their properties.

**Mr. Ted Foundopoulos, 102 Honeysuckle Drive:** stated Mr. Yhu had signed on to operate the BP station; he will be working repairs with him; he would like to continue service to the community; will work with Mr. Yhu in a way the community has been accustomed to.

**Mr. Pete Yotnakparian, 622 Valley Court:** stated that he noticed today that the fences have come down and wanted to know when the new fence would be erected.

**Mr. Vogt:** stated the new fence would be up between now and Christmas.

**Mr. Nick Pavlou, 629 Valley Court:** asked if any defects were found with the existing pumps.

**Mr. Vogt:** stated he had no knowledge of that.

**Mr. Pavlou:** asked if there was any data to show a need for the increased size of the tanks.

**Mr. Stamos:** stated the pumps are not changing so the traffic amount will not change; the current tanks are better standard; there will be less deliveries to the site.

**Mr. Pavlou:** stated it was his concern that there has been a lot of remediation done and a lot of “stuff” has been released into the air for tanks that are working fine; stated this is a lot of risk to the soil remediation.

**Mr. Stamos:** corrected Mr. Pavlou that there is no soil remediation but soil movement and that it has been testified to that the tanks need to be replaced after a certain number of years and they are now at that time period.

**Mr. Pavlou:** asked why there have been changes since the last time BP was in front of the Board as to the need for the tank changes.

**Mr. Stamos:** stated that it has already been testified that the tanks need to be replaced and that was being worked on; BP is in front of the Board at this time for a soil movement permit.

**Mr. Pavlou:** asked if there would be diesel on the site.

**Mr. Stamos:** stated any idea of diesel on the site has been eliminated.

**Mr. Pavlou:** asked what is the projected shelf life left on the tanks.

**Mr. Stamos:** stated they were always scheduled to be removed in 2014.

**Mayor Sobkowicz:** stated she would like it stated in the resolution that all of the contact information asked for is given.

**Mr. Robert Wortalik:** stated he had already made a note to that effect.

**Mr. Golick:** asked what the word “shop” implies.

**Mr. Stamos:** stated the intention of what was approved was as a repair shop, not any type of food sales.

**Mr. Golick:** stated he found the sign offensive.

**Motion on this application:** Dumaresq, Sabino

**Chairman Calamari:** stated the motion was to approve this application; Board agreed.

**Roll Call Taken**

**Motion to Adjourn:** Sears, Sabino

**All Members present approve Motion to Adjourn.**

Respectfully submitted by:

JoAnn Carroll  
Planning Board Secretary  
January 15, 2014