

BERGEN COUNTY, NEW JERSEY
Planning Board Meeting
Minutes
April 24, 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 , Mayor Sobkowicz

Approval of Planning Board Meeting Minutes for April 3, 2013:

Golick, Murphy

Roll Call Taken:

Messrs. Golick, Murphy, Sears, Chairman Calamari, Councilman D'Urso, Mayor Sobkowicz

Motion to Open Public Portion: Golick, Murphy

No Public Comment

Motion to Close Public Portion: Golick, Sears

New Business:

Township of Washington, NJ, 07676, 192 Hickory Street, Block 4417, Lot 27: application to subdivide this property, owned by the Township, into four contiguous parcels, which parcels are to be added to existing Lots 29, 39, 24 and 42 in Block 4417. The following variances are being requested: a. with respect to Lot 24 in Block 4417, a variance for proximity of accessory building to rear lot line from a requirement of 3 feet to 1.5 feet; b. with respect to Lot 39 in Block 4417, a variance for minimum street frontage from a requirement of 75 feet to 63.43 feet; c. with respect to Lot 42 in Block 4417, variances for proximity of accessory building to rear lot line from a requirement of 3 feet to 2.1 feet, minimum street frontage from a requirement of 75 feet to 57.85 feet, and minimum side yard from a requirement of 7,500 square feet to 6,046 square feet, and minimum side yard from a requirement of 10 feet to 9.5 feet.

Mr. Ken Poller, Township Attorney: identified himself and submitted the green registered receipt cards to the Board Secretary.

Mr. Paul Azzolina, Township Engineer: sworn in by Mr. Robert Wortalik, Planning Board Attorney.

Mr. Poller: discussed the application and stated the lot is a small, undersized triangular lot that borders four properties which are owned by the residents of the Township. Mr. Poller further stated that the Town has a right to sell the property and each of the neighboring owners wants a piece of this property. Negotiation has been going on for a long time and that no part of the triangular lot will be left. Mr. Poller further stated that this matter was presented to the Town Council, an ordinance was passed and contracts were signed with the four adjoining property owners who agreed to purchase if the land was subdivided.

Mr. Azzolina: walked the Board through the application stating that the area of the lot is 6200 square feet and that the lot would be divided somewhat equally between the four adjoining properties. He further stated that this is a minor subdivision which will be recreating four lots, not creating any new lots, simply adding to the land adjoining the triangular lot. Mr. Azzolina stated this area is a Class B zoning district, and discussed the size of the lots before and after the subdivision, existing non-conformities and variance conditions associated with the lots.

Chairman Calamari: asked if the resolution was passed and this application had the approval of the administration.

Mr. Poller: stated “yes” to both inquiries.

Chairman Calamari: asked if there were any questions from the public regarding this application.

No questions/comments from the public

Motion to Approve the Township of Washington, NJ 07676, 192 Hickory Street, Block 4417, Lot 27 application: Dumaresq, Pinnick

Roll Call Taken

Old Business:

Resolution: Mr. Steve Winick, Eye-Level Math and English Children’s Enrichment Center, Block 3402, Lot 18: approval to open a store in the Washington Town Center. Resolution read aloud by Board Secretary.

Motion to Adopt Resolution: Golick, Dumaresq

Roll Call Taken

Mayor Sobkowicz: explained to the public what type of business Eye-Level Math and English Children's Enrichment Center is.

Chairman Calamari: asked Paul Azzolina if he had received the revised Youssef plans.

Mr. Azzolina: responded that he had not, nor has he heard from them. He also stated that he had reached out to the architect who he was unable to reach.

Chairman Calamari: stated that the Youssef resolution is on hold.

Mayor Sobkowicz: asked if anyone on the Board had been over to look at the property.

Mr. Azzolina: stated that he hasn't been by the property recently but that the site had been cleaned up per the judge's orders.

New Business:

BP Products North America, Inc., Property Located at: 615 Washington Avenue, Block 3203, Lot 33: application to change signage to BP brand and paint the building. Site layout is to remain the same.

Mr. Constantine Stamos, Attorney for Applicant/BP: introduced himself to the Board and also introduced Mr. William Vogt, Engineering Consultant for applicant. Mr. Stamos submitted the green registered mail receipts to the Board Secretary.

Mr. Vogt: was sworn in by Mr. Robert Wertalik, Planning Board Attorney.

Mr. Stamos: discussed the application and stated that Getty is leasing many of their locations to BP. He further stated that there will be a change in the brand which will allow BP to update the pumps and clean up the property.

Mr. Vogt: provided his credentials to the Board.

Mr. Vogt: presented and referred to the application plans. He discussed the existing conditions of the property; stated that the ownership is still under Getty and that the land is just being ground leased to BP. Mr. Vogt further discussed the pumps, the free standing pylon sign on Washington Ave., the building itself, the removal and replacement of the ACM/signage, decreasing the amount of signage, installing two vinyl signs, four dispensers (2 in front, 2 in back), eight fueling positions, units are removed and the new BP units are replaced over them, no canopy on the site, lighting next to each pump, shoebox

fixtures, full painting to both the building and whatever items can be painted, not changing the footprint of the building, touch up of roofing problems (if any), operation same as it was when it was Getty, 1 gas station attendant, 2 mechanics, replacing the free standing Getty pylon sign, LED sign proposed which is a change from the manual price panel sign, night view of sign, Getty logo replacing BP logo, the new BP sign will be a 6x6 square and will be 20% smaller than the Getty sign now in place and the height of the BP sign will be 1ft. 4 inches taller than the Getty sign now on the site.

Mr. Stamos: asked if there would be a store on the property.

Mr. Vogt: stated that there will be no retail sales at all.

Chairman Calamari: asked for a further explanation between Getty and BP and what the relationship is with the operator of the station.

Mr. Vogt: stated that Getty owns the land and they have already switched out fourteen other locations. He further explained that BP forms an agreement with Getty and that BP makes an offer for the operator to stay, but if he does not pass inspection, the operator will be evicted.

Chairman Calamari: asked what the status of the operator was.

Mr. Vogt: stated that the existing operator checked out, he had good credit, the station was offered to him by BP, but the offer did not work out.

Chairman Calamari: stated that the operator of the station will have a major impact on the neighborhood and would the Board get to hear the application again once the operator is decided upon.

Mr. Wortalik, Board Attorney: stated “no”, once the application is ruled on there is nothing that is conditional upon the operator.

Mr. Vogt: stated that BP is responsible for the station/operator and if there is a problem the issue goes straight to BP.

Mr. Stamos: stated that BP and the operator have a contractual obligation to each other.

Chairman Calamari: asked if the operator is a businessman or a sub lessee of BP.

Mr. Vogt: stated that the operator is contracted to BP but not an employee of BP.

Mayor Sobkowicz: stated that a canopy was mentioned in a letter received.

Mr. Vogt: stated that there is no canopy and that the letter sent was in relations to signage only.

Mayor Sobkowicz: stated that there was drilling and sampling of the soil being done on the property.

Mr. Vogt: stated that the project would not continue if there was any contamination on the site.

Mr. Sears: asked who would be responsible for any spills and/or drilling on the property.

Mayor Sobkowicz: stated that she wants specific information regarding the drilling on the property.

Mr. Vogt: stated that he believes the drilling being done are pre-standard tests and will collect the information the Mayor requests.

Mayor Sobkowicz: asked questions regarding clean-up of the back of the building, upgrade of fencing on property and a landscaping plan.

Mr. Vogt: stated that the property will be fully cleaned up and that BP will fully comply with all of Mr. Azzolina's issues stated in his letter.

Mayor Sobkowicz: will there be an area where people can go to purchase items.

Mr. Vogt: stated that the office are is strictly for employees and for customers who are dropping their cars off for repair/service.

Mayor Sobkowicz: stated that she believes the sign is on the bright side for the neighborhood and should be smaller and further asked if a landscaping plan can be prepared for the Board.

Mr. Stamos: discussed Mr. Azzolina's letter, specifically items A-G, and stated that BP is willing to comply with all of these requests.

Mr. Vogt: concurred, stating that all items discussed would be complied with.

Mayor Sobkowicz: asked what the hours of operation would be.

Mr. Vogt: stated that typically in this industry the station would be open 24/7, but since this station is located in a residential zone it would not stay open all day, every day. Mr. Vogt further stated that the hours are planned for 5AM to midnight, but that BP would comply with the Town's ordinance for hours of operation.

Mr. Stamos/Mr. Vogt: both stated that BP would comply with paragraph 9 of Mr. Azzolina's letter regarding removing and replacing the concrete driveway.

Mayor Sobkowicz: reviewed the information that was discussed for the public that could not hear the testimony given.

Mr. Stamos: asked Mr. Vogt to discuss the size of the sign.

Mr. Vogt: discussed the different signs at other BP stations, sign presented is the smallest sign BP installs; compared Getty sign to proposed BP sign, size and illumination, view at night, significant reduction in size of sign; majority of site covered with asphalt and the landscape strip in the back.

Mr. Stamos: stated that he will upgrade the landscaping and work with the Board engineer.

Chairman Calamari: asked if a revised plan can be given to the Board Engineer before next Wednesday's meeting. Chairman Calamari further spoke regarding the environmental issue and stated that the Board was criticized when the station changed ownership that the Board did not go into the environmental aspects deeply enough. He further stated, that per Mr. Azzolina's letter, there are two new wells on the sight that are not accounted for on the plans and asked the Engineer to pursue further the two wells and supply the Board the evidence report from the company that serves as the engineering group of the property owner into evidence.

Mr. Vogt: stated that BP is responsible for problems on the property.

Mr. Stamos: stated that there is nothing wrong or illegal with testing the property. He sees this as a positive.

Chairman Calamari: asked Mr. Azzolina to bring the DEP letter to next week's meeting.

Mr. Azzolina: stated that he had the documents in his possession, but the cover letter stated the letter was confidential so he wasn't sure the information could be released.

Mr. Stamos: stated that no further action letter was needed.

Chairman Calamari: stated that he does not see why the DEP would not be public and the Board would need to see it in regards to this application.

Mr. Azzolina: discussed a mapping of the location and the wells not listed.

Mr. Vogt: stated that there are no new wells, and that the survey just didn't pick them up.

Chairman Calamari: asked if Mr. Vogt would be able to get information on the other two wells by next week's meeting.

Mr. Vogt: stated that he would be able to provide all the information requested by next week.

Chairman Calamari: asked that Mr. Vogt stay in close touch with the Board's engineer.

Mr. Bernard Golick: asked if there was any lifting equipment in the ground at this time/ground lifts.

Mr. Vogt: stated that there are three bays with two lifts in each bay and the third bay is an inspection area. Mr. Vogt further stated that the lifts are ground mounted and proceeded to show Mr. Golick the pictures directly.

Mr. Golick: asked if there were any lifts in the ground that could have been covered with concrete.

Mr. Vogt: stated that he would find out.

Mr. Stamos: asked for a letter from the Town's Health Officer to be placed in the file.

Chairman Calamari: directed the Board Secretary to get a letter from Dan Levy, the Town's Health Officer, with his comments.

Mr. Azzolina: stated that he attempted to contact Mr. Levy but could not reach him.

Mr. Sears: asked who the sole responsible party would be in regards to fines issues, clean up, etc.

Mr. Vogt: stated that the order of contact would be the operator, then BP, then Getty.

Chairman Calamari: opened up the meeting to the public for comments and/or questions.

Mr. David Millman, 638 Valley Court: discussed the certified letter received from the applicant, the glass paneled bay doors, brightness of sign, delivery trucks, truck size and the traffic safety.

Mr. Vogt: stated that the garage doors will still have glass panels, the Getty sign throws out light in all directions while the BP sign does not and can be controlled and dimmed and to the best of his knowledge, delivery trucks can only make their deliveries during peak hours during the hours of operation. He further stated that a left hand turn only can be made out of the station.

Mayor Sobkowicz: stated that she will have the safety officer investigate the traffic situation.

Mr. Stamos: stated, that for safety reasons, BP would have no problem with removing the tree from the corner.

Helen Fitzpatrick, 621 Valley Court: spoke regarding the look of the gas station, tree removal, trucks parked on the site, no replacement of trees in the past, fence, orange light, no mechanical work to be done on Sundays and no snack bar.

Mr. Vogt: stated that the orange light was not part of the gas station.

Chairman Calamari: asked that the property maintenance officer visit the site more often.

Mayor Sobkowicz: stated that a higher fence could be granted with a variance.

Ms. Agnes Smith, 646 Valley Court: spoke regarding employees working on the site and where they will be on the property, no possibility of food sales, landscaping, explanation of Getty/BP relationship and spoke regarding the previous operator.

Mr. Stamos: stated that the issue between Getty/BP and the operator is not relevant to the application before the Board.

Ms. Smith: stated that she believes the sign should be lower.

Mr. Vogt: stated that the sign is only lit during the hours of operation.

Mayor Sobkowicz: again, questioned the size of the sign.

Mr. Vogt: explained the illumination of the sign.

Exhibit A1: Photo Board, dated 4/24/13

Exhibit A2: Signage Plan, 4/24/13

Councilman D'Urso: spoke regarding the height of the sign, the BP gas station on Route 17 and the sign being lower at this site and that the site in Town is located in a residential zone with houses all around.

Mr. Eugene Dumaresq: stated that the BP sign is much more appealing than the Getty sign.

Mr. Thomas Pinnick: asked the difference in the illumination between the Getty sign and the proposed BP sign.

Mr. Vogt: referred to the sign at nighttime.

Chairman Calamari: stated that the Board will take the brightness of the sign under advisement.

Mr. Fred Goetz, 587 Washington Avenue: stated that he does not represent anyone in particular, but he will be discussing concerns of his various neighbors. He further stated that he welcomes BP into the town but wants them to understand that this is a residential area and he hopes BP will take this into consideration. Mr. Goetz further spoke regarding the LED sign, focused light, amount of lumens, hours of operation and deliveries.

(Unidentified Resident): spoke regarding trees on the property and the fence.

Mr. Vogt: stated that the property line will be staked and concerns will be taken care of on the applicant's property.

Mayor Sobkowicz: spoke regarding BP reconsidering the size and brightness of their sign.

Mr. Brian Murphy: asked what the candlelight power of the sign is.

Mr. Vogt: stated that he will provide this information and that he will compare the existing Getty sign to the proposed BP sign in regards to illumination.

Mr. Murphy: discussed controlled LED lighting, the benefits of what the different settings could be and feels this should be addressed.

Mr. Vogt: stated that a compromise could be made between the hours of operation and the brightness of the sign.

Mr. Vogt/Mr. Stamos: stated that the signs would be off during off hours and only the security lights would be on.

Mr. Nick Pavlou, 629 Valley Court: discussed the updating of the building, gutting and what would prevent the lowering of the sign.

Mr. Vogt: stated that there is an existing monopole which is bolted at the base. If the sign were to be lowered, the pole would have to be taken apart and the foundation may also have to be removed and that BP is proposing to currently reuse what is on the site.

Mayor Sobkowicz: asked what the color of the building will be.

Mr. Vogt: stated the building would be beige in color.

Mr. Stamos: reviewed what was discussed during the meeting and the information to be provided at the next meeting to be held on May 1st.

EBI Consulting letter dated March 5, 2013: letter is regarding Section 106 of the National Historic Preservation Act. EBI is seeking if the Planning Board would be interested in commenting on the proposed Verizon Wireless tower as it pertains to historic properties. In addition, the EBI has contacted the FCC regarding Section 106 and the filing thereof.

Chairman Calamari: stated that as far as he was aware, the Verizon tower would not be located on historical property.

Mr. Golick: suggested a letter be sent to EBI Consultants asking them for the exact information they are seeking.

Mayor Sobkowicz: asked the Board Secretary to compose a letter to EBI from the Board requesting clarification of the information they are seeking.

Dunkin' Donuts: sign submittal to Building Department differs slightly from sign presented to Planning Board. Review of new signage by Board.

Chairman Calamari: stated that the signage submitted with the approved Planning Board application differs from what is now being submitted to the Building Department.

Ms. JoAnn Carroll, Planning Board Secretary: stated that the Building Department will not sign off on the newly submitted signage plans until the Planning Board approves them.

Chairman Calamari: stated he would go to the Building Department directly and review the new sign on behalf of the Board.

Ms. Sandy Phillips, 321 Hudson Avenue: spoke regarding the Verizon cell tower and her opposition to it.

Councilman D'Urso: stated that the tower was moved to the other side of the property and that he is not a fan of the tower, but that it is a huge source of income for the Town. Councilman D'Urso further stated that Ms. Philips is entitled to receive any and all information from the town regarding environmental issues with the cell tower.

Chairman Calamari: politely asked the public still in attendance to leave so that the Board could go into a Closed Session pursuant to potential litigation.

Closed Session

Motion to Adjourn: Golick, Pinnick

All Members present in favor of Adjournment

Respectfully Submitted by:

JoAnn Carroll
Planning Board Secretary
April 30, 2013