

**WASHINGTON TOWNSHIP LAND USE BOARD**

***PUBLIC MEETING MINUTES***

**APRIL 9, 2008, 7:30 p.m.**

***CALL TO ORDER and PUBLIC NOTICE***

Chairwoman Kerry Kirk Pflugh called the meeting to order at 7:35 p.m. Ms. Pflugh said this is a regular meeting of the Land Use Board of the Township of Washington. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act in that a Notice was published in *The Star Gazette* and *Express Times*. Notice was posted on the municipal bulletin board in the Township Administration Building in Washington Township, New Jersey, and notice was filed with the Township Clerk.

***ROLL CALL***

Present: Mayor Dempski, Chris Cavazzini, Evan Howell, Bob Klingel, Kerry Pflugh, Jim Vergos, Committeeman Strunk, Efrem Zaret, Leonard Artigliere

Absent: Mark Rossi

Professionals: Steven Gruenberg, Esq.; William Gleba, P.E...

***APPROVAL OF MINUTES***

Motion to approve the minutes of March 26, 2008 was made by Jim Vergos and seconded.

Members in favor: Mayor Dempski, Chris Cavazzini, Evan Howell, Bob Klingel, Kerry Pflugh, Jim Vergos, Efrem Zaret

Members abstaining: Committeeman Strunk, Leonard Artigliere

The minutes of the meeting of 3/26/08 were approved.

***RESOLUTION***

***KENDRA***

The Kendra resolution was tabled until the next meeting.

***ANNOUNCEMENT***

Mr. Gruenberg announced that Lawrence Cohen, Esq., attorney for Max Spann/Heron Run, had requested adjournment of the application to 5/14. No paperwork has yet been submitted.

***ORDINANCES FOR COMMENT***

Lighting for gas stations. 24 hours

Ms. Pflugh requested comment from the Board members. Professionals have not reviewed ordinances in detail.

Leonard Artigliere commented on the ambiguity of convenience store language. The Board noted this is an opportunity to improve upon the language and clarify the intent of the ordinance.

Ms. Pflugh requested an extension of time to allow for more thorough review by members and Board professionals.

Ms. Pflugh suggested comment be held until New Business.

***COMPLETENESS***

***Keegan***, #2008-5, Block 78, Lot 14

Use variance to allow applicant to lease parking lot space and place a mobile hot dog truck.

No one appeared on behalf of the applicant.

Mr. Gleba, in his review dated 4/7/08, recommended application be declared incomplete.

Motion to declare this application incomplete was made by Efrem Zaret and seconded by Chris Cavazzini.

Members in favor: Mayor DempSKI, Chris Cavazzini, Evan Howell, Bob Klingel, Kerry Pflugh, Jim Vergos, Efrem Zaret, Committeeman Strunk, Leonard Artigliere

***Duncan***, #2008-6, Block 82, Lot 6

Applicants seek to build an addition to their home requiring setback variances from the side, rear and front yard requirements.

Kevin Benbrook, Esq., introduced himself on behalf of the applicant, Duncan. He said applicants wish to construct a small addition. The home is pre-existing and non-conforming based on a zone change.

Mr. Benbrook referenced the review by Mr. Gleba and indicated he would address the

items with a resubmission prior to public hearing.

Waivers for completeness are recommended.

Motion to grant completeness waivers per Finelli letter was made by Robert Klingel and seconded by Efrem Zaret.

Members in favor: Mayor Dempski, Chris Cavazzini, Evan Howell, Bob Klingel, Kerry Pflugh, Jim Vergos, Efrem Zaret, Committeeman Strunk, Leonard Artigliere

This matter is scheduled for public hearing 5/14.

### ***OLD BUSINESS***

Proposed procedures and checklists. Scarlett Doyle provided copies of what had been proposed. Mr. Gruenberg and Ms. Doyle will meet to discuss recommendations to the Board.

### ***NEW BUSINESS***

A. Mr. Gruenberg discussed the Board vulnerability regarding the inadequacy of the recording equipment. He noted a Court reporter could be called to sit. Fee is typically paid by the escrow accounts. Mr. Gruenberg recommended this approach. When there are situations when the Board needs to listen to tapes, the poor quality of the tapes is problematical. A viable transcript is important to the Board.

Leonard Artigliere discussed a videotape system that is installed in Morristown.

Robert Klingel noted that the fee could be onerous to applicants.

The Board agreed to get more information regarding keeping a better record.

**B. As to checklists**, there was recommendation from the Mayor regarding adopting changes via resolution rather than public meeting. Board seeks electronic format. Board will discuss further after receiving attorney and planner recommendations.

**C. As to the ordinance 08-08 proposed**, the ordinance was changed to remove the prohibitions regarding convenience stores. Convenience store is envisioned as an accessory use to the gas station. It was noted that #1 seems to be incompatible with the intention. Suggestion is made to remove the language after restaurant in #1. Convenience store would not allow for tables. There was considerable discussion as to definition.

Motion to recommend deletion of the language after "restaurant" was made by Robert Klingel and seconded by Leonard Artigliere.

The Board determined that the proposed Ordinance is consistent with the master plan.

Members in favor: Mayor Dempski, Chris Cavazzini, Evan Howell, Bob Klingel, Kerry Pflugh, Jim Vergos, Efrem Zaret, Committeeman Strunk, Leonard Artigliere

Abstain: Evan Howell

**D. Ordinance 07-08 amends ordinance allowing 24-hour operation of service stations with an approved lighting plan.** This is a conditional use standard. It was noted there have been many complaints as to current lighting and enforcement as to lighting plan is important. Operations converting to 24 hours per day must come to the Board with a plan for conditional use approval.

Motion recommending that ordinance 07-08 is consistent with master plan was made by James Vergos and seconded by Chris Cavazzini.

Members in favor: Mayor Dempski, Chris Cavazzini, Evan Howell, Bob Klingel, Kerry Pflugh, Jim Vergos, Efrem Zaret, Committeeman Strunk, Leonard Artigliere

Abstain: Evan Howell

Because William Gleba finds he has a conflict of interest related to the Garcia application, motion to appoint John Cilo to review the Garcia application was made by Leonard Artigliere and seconded by James Vergos.

Concerns were raised as to past performance concerns with John Cilo.

Members in favor: Mayor Dempski, Chris Cavazzini, Evan Howell, Bob Klingel, Kerry Pflugh, Jim Vergos, Efrem Zaret, Committeeman Strunk, Leonard Artigliere

Members opposed: Committeeman Strunk

### ***PUBLIC COMMENT***

Frank Cregan, 62 Merlin Drive, referenced ordinances the Board had reviewed. Mr. Cregan noted it seemed the door had been left open for eat-in facilities in the convenience store. He observed this is not the ordinance intention.

The Board noted the offending uses are prohibited with the new ordinances.

Mr. Cregan indicated he hoped this would eliminate the operation at the Sunoco station. He noted violations that the zoning officer seemed reticent to address.

### ***ADJOURNMENT***

The meeting was adjourned at 8:55 p.m.

These minutes were approved 4/30/08.

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Alice Oldford, Secretary to the Board

