

**WASHINGTON TOWNSHIP LAND USE BOARD**

***PUBLIC MEETING MINUTES***

**MAY 28, 2008, 7:30 p.m.**

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

Chairperson 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, Evan Howell, Jim Vergos, Efrem Zaret, Kerry Kirk Pflugh, Robert Klingel, Mark Rossi (late) Committeeman Strunk

Absent: Leonard Artigliere, Chris Cavazzini

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

***APPROVAL OF MINUTES***

Motion to approve the minutes of May 14, 2008 was made by Efrem Zaret and seconded by Jim Vergos.

Members in favor: Mayor Dempski, Jim Vergos, Efrem Zaret, Evan Howell

Members abstaining: Robert Klingel, Kerry Pflugh, Committeeman Strunk

The minutes of the meeting of 5/14/08 were approved.

***ANNOUNCEMENT***

***ADPP Enterprises, Inc.***, #2007-17, Block 30, Lot 6  
This application was deemed complete 12/12/07.

Robert J. Benbrook, Esq., introduced himself on behalf of the applicant. Mr. Benbrook said application was made for conditional use variance relief for a service station with a convenience store.

Ordinance was adopted allowing the use. Therefore, Mr. Benbrook is withdrawing application for conditional use variance.

Applicant will have to prove that it complies with the conditions according to Ms. Doyle.

Mr. Gruenberg confirmed no hearing had commenced and no testimony was taken.

Motion allowing applicant to withdraw without prejudice was made by Robert Klingel and seconded by Jim Vergos with all members in concurrence.

**J. Hackett**, #2004-26, Block 43, Lot 23

As to Hackett, Mr. Benbrook noted that since there are only 6 qualified voters, applicant has requested an adjournment in the hope of having 7 votes. Applicant Hackett will grant an extension of time to act.

This matter was adjourned to August 13

**RESOLUTIONS**

**Kendra**, #2007-01

Members eligible to vote: Leonard Artigliere, Robert Klingel, Mark Rossi, James Vergos, Efrem Zaret.

This matter was tabled.

**Wian**, #2008-12, Block 38, Lot 18.24

Members eligible to vote:

Mayor Dempksi, Evan Howell, Efrem Zaret, Leonard Artigliere, Mark Rossi

Motion to approve was made by Efrem Zaret and seconded by Dave Dempksi

Members in favor: Dave Dempksi, Evan Howell, Efrem Zaret

**Duncan**, #2008-06, Block 82, Lot 6

Motion to approve was made by Jim Vergos and seconded by Efrem Zaret

Members in favor: Jim Vergos, Dave Dempksi, Evan Howell, Efrem Zaret

**Heron Run**, #2005-01, Block 82, Lot 17

Amendments to conditions

Motion to amend conditions of the resolution granting preliminary major subdivision approval was made by Dave Dempksi and seconded by Jim Vergos

Members in favor: Jim Vergos, Dave Dempksi, Evan Howell

**COMPLETENESS ITEMS**

**Skyline Equipment** - #2008-14, Block 66, Lot 20.07

Applicant seeks final site plan approval. This matter was deemed incomplete on May 14, 2008.

Members recused: Mayor Dempski, Committeeman Strunk, Jim Vergos, Evan Howell

Donald Scholl, Esq., introduced himself on behalf of the applicant.

Waiver requests have been submitted. Applicant has had a review meeting with the Board professionals.

Mr. Decker was called to address waiver requests. He referenced the flood plain delineation and noted they had contacted NJDEP, who indicated flood plain would need to be verified. Because of the proximity of the building and new DEP regulations, delineation is required. Mr. Decker confirmed DEP must be satisfied, and calculations are in process.

Should applicant decide not to make application to NJDEP, location of the building would need to be altered. Applicant seeks permission to phase the project improvements if he is unable to have the building as proposed. NJDEP would allow this.

Mr. Scholl explained this would be a conditional approval handled in the developer's agreement.

Mr. Scholl noted Bill Gleba's letter recommended waivers for completeness only.

Motion to deem application complete made by Robert Klingel and seconded by Evan Howell

Members in favor: Efrem Zaret, Robert Klingel, Kerry Pflugh, Evan Howell

Mr. Wilson confirmed applicant could make site improvements based on preliminary approval. Developer's agreement would control the extent of improvements. No construction permit can be issued.

**Grodkiewicz** #2008-09, Block 64, Lot 8

Applicant seeks preliminary and final site plan approval + variance relief to construct a one-story addition to the existing building. In addition, applicant proposes to connect that building with a one-story building currently on the premises.

Mr. Lowcher, attorney for applicant, noted application for preliminary and final site plan should be deemed incomplete based on Bill Gleba's review letter. Professionals will meet with applicant's professionals to define issues.

Motion to deem the application incomplete was made by Jeff Strunk and seconded by Efrem Zaret.

Members in favor: Mayor Dempski, Evan Howell, Jim Vergos, Efrem Zaret, Robert Klingel, Committeeman Strunk

Members abstaining: Kerry Pflugh

**Warren Properties** #2008-02, Block 46, Lot 13

Applicant seeks preliminary and final site plan approval + variance for a sign.

Bruce Samuels, Esq., introduced himself on behalf of the applicant. Revised plans + additional information has been submitted.

Mr. Samuels addressed open items, i.e, definition of minor or major site plan. Mr. Samuels said no parking or impervious are being added. New lighting is being proposed. Escrow fee was calculated for preliminary and final major site plan. Mr. Samuels contended enough information has been provided.

Refusal of permit is an item on the checklist. No such request was made to the zoning officer. Mr. Samuels filed directly with the Board. Applicant was advised that any changes to the lighting require an appearance before the Board.

Mr. Gleba agreed this could be considered a minor site plan with variance.

Motion to deem the application complete was made by Jeff Strunk and seconded by Robert Klingel

Members in favor: Efrem Zaret, Robert Klingel, Mark Rossi, Jim Vergos, Evan Howell, Dave Dempski, Jeff Strunk

**Detrick** #2008-011, Block 15, Lot 5

Applicant seeks variance relief to install a 24' round above-ground swimming pool in the side yard whereas the ordinance provides swimming pools shall be located in the rear yard only.

Kerry Pflugh recuses herself.

Robert Klingel assumes chairman's role.

Review of Alice Oldford, Board Secretary recommends application be deemed complete.

Motion was made and seconded to deem the application complete.

Members in favor: Efrem Zaret, Jeff Strunk, Jim Vergos, Evan Howell, Dave Dempski, Robert Klingel

Mr. Detrick indicated he had noticed for a public hearing and delivered certified receipts and proof of publication for verification.

Mr. Gruenberg confirmed the certified receipts are in order. This matter is adjourned to June 11 with publication needed. Applicant is advised to make publication in the Board's alternate daily paper, the Express Times.

***PUBLIC HEARING ITEMS***

***Skyline Equipment*** - #2008-14, Block 66, Lot 20.07

Applicant seeks final site plan approval.

Based on the DEP issue which has been identified applicant seeks to phase the project. Phase II would consist of construction of the 2400 square foot building.

Mr. Scholl noted lighting must be clarified and agreed.

Mr. Wilson explained the sign illumination could be part of the night light testing should the Board determine this is appropriate. Applicant proposes lighting until 11 p.m. to improve visibility of the business. Twenty-four hour security lighting is permitted.

Applicant proposes to sell canoes and kayaks from inside the building.

Mr. Decker summarized the changes to the plans. He demonstrated the flood plain area and noted DEP approval would control the final location of the building.

Mr. Decker testified the plan substantially conforms to the approved preliminary plan.

Public comment was invited.

Liz Scovill, 5 Osprey Court, addressed the lighting noting there are areas where the lighting could be obtrusive.

Motion to close the public hearing was made by Robert Klingel and seconded by Efreem Zaret with all members in concurrence.

Mr. Wilson explained what the Board should consider, namely:

- Selling items indoors as permitted by ordinance. There would be no signs outside.
- Sign illumination allowed until 11 p.m.
- Phasing should be noted on plans. Board expressed concern as to the time frame for the DEP process. It was agreed that phasing may not be extended beyond one year.

Sales could be commenced when the site work is completed.

Mr. Rossi joined the meeting at 8:40 p.m.

Draft developer's agreement would be provided at the same time as the resolution. An acceptable form of developer's agreement would be a condition of approval.

Members eligible to vote: Efrem Zaret, Robert Klingel, Kerry Pflugh, Evan Howell.

Motion to approve as discussed with conditions and phasing was made by Robert Klingel and seconded by Evan Howell

Members in favor: Robert Klingel, Kerry Pflugh, Evan Howell

Members opposed: Efrem Zaret

### ***EXECUTIVE SESSION***

Motion was made and seconded to go into executive session to discuss litigation with all members in concurrence.

The Board went into executive session at 9:10 p.m.

### ***RETURN TO OPEN SESSION***

Motion was made and seconded to return to open session with all members in concurrence.

The Board returned to open session at 9:50 p.m.

### ***OLD BUSINESS***

Mayor Dempski indicated that the COAH Regulations were adopted with minor changes. According to Mayor Dempski, there are serious accuracy issues.

Mayor Dempski said Washington Township could consider not filing for the third round certification.

### ***NEW BUSINESS***

### ***PUBLIC COMMENT***

Mr. Garcia said he attended the meeting to hear the process. He asked how he would know when his application would be scheduled. The Board explained.

No members of the public wished to comment on any other items.

Fire District supported change to under ground fire protection tank ordinance.

***ADJOURNMENT***

Motion to adjourn was made and seconded.  
All members concurred.  
The meeting was adjourned at 10:00 p.m.