

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
BOARD OF ADJUSTMENT MINUTES  
OCTOBER 22, 2013**

New Board member (regular), Josephine Noone, was sworn in before the start of the meeting.

Chairman Vitalos led the members of the Board in the flag salute and read the Open Public Meetings Act into the Record.

**Roll Call:** Turner, Carroll, Durfee, Mangiacotti, Noone, Eller, Vitalos – 7 Present

**Absent:** Post, Aron

**Vacancy:** None

**Also Present:** Steve Gruenberg, Board Attorney  
Gene Weber, Board Engineer  
Chris Dochney, Board Planner  
Patricia Titus, Clerk

**MINUTES:**

**Regular Meeting – September 24, 2013**

Chairman Vitalos entertained additions or corrections to the minutes. No comments on the minutes. It was moved by Mangiacotti, seconded by Eller, that the minutes of the regular meeting held on September 24, 2013, be approved as presented.

Roll Call: Turner, Carroll, Durfee, Mangiacotti, Noone, Eller, Vitalos

Ayes: 5, Nays: 0, Abstained: 2(Carroll, Noone)

Motion carried

**RESOLUTIONS:**

There were no resolutions at this meeting.

**APPLICATIONS:**

Application #2-13 ADPP Enterprises, Inc. – Site Plan, Use Variance & Bulk Variances: public hearing  
Mark Peck represented the applicant. The applicant is seeking preliminary and final site plan approval with C and D variances. Presently, the site has a gas station and car wash. The last time the applicant was before the Board was in August. They are presenting a significant change in the plans. Have re-noticed due to the changes.

The car wash is being eliminated. The use variance is for two uses on one site; the C variance is for the existing condition if the gas pump canopy; and the design waiver is for the free standing sign. There are two professionals in attendance for testimony.

Attorney Gruenberg stated that two Board members in attendance tonight were not at the August meeting but have both listened to the audio of the August meeting and are allowed to participate.

Brian Shortino, Engineer, was sworn in and accepted as an expert in the field of professional engineering.

Exhibit A-1 – Landscape rendering revised 10/10/13

Mr. Shortino discussed the existing facility. They are proposing to demolish the car wash but keep the vacuums and building a 3200 sq ft convenience store. The gas and propane stations will remain. They are also proposing to install a new 27 ft high free standing sign and eliminate 4 current signs.

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The on-site traffic pattern was discussed: two 2-way driveways; 2-way around the site and 22 parking spaces on site. They would like to keep the existing dumpster enclosure. Impervious coverage is decreasing by 2%. Stormwater runoff will decrease. No changes to be made to the pumps, tanks or canopy.

Don Eller asked Board members if they had any opinion on barriers such as a fence on the southerly side or, for example, low shrubbery on the eastside. Frank Mangiacotti stated that he would like to see low shrubs on the eastside. Mr. Weber suggested more landscaping on the eastside also but around the building. Mr. Shortino stated that he would not want to reduce the width on the easterly side. Mr. Eller asked about sufficient space for snow. Mr. Shortino stated that he feels there is enough room for snow.

Sign details: The single pole sign would be 10 ft from ground with total height of 27.3 feet and 99.63 sq. ft. The sign will advertise gas, store, prices, propane. Mr. Eller feels the sign is too high. Mr. Peck noted that perhaps they could lower the height. Mr. Weber stated that he would not have an issue with the height if it was lowered by maybe 6 feet. Mr. Gruenberg stated that if the height was lowered by 4 feet it would be closer to compliance. Mr. Eller asked what the height of the store would be. Mr. Shortino replied 27 ft. Mr. Eller stated that he would like to see the bottom of the sign 8 feet with total height of 24 feet. He does not want the sign too low or higher than the building. Mr. Shortino stated that 24 feet may be too small. He would like 25 feet. Don noted that he does not want to see a taller than necessary sign.

Lighting: No change except additional lighting on the southerly side and on the building.

Exhibit B-1: Gene Weber's 10/21/13 review letter.

Exhibit B-2: pictures of site

Chris Dochney, Board Planner, asked if there would be a restaurant in the store. Mr. Shortino stated no but there would be tables. No further questions for the witness.

Frank Banish, Planner, was sworn in and accepted as an expert in the field of planning.

Mr. Banish discussed the variances and waiver.

Exhibit A-2: Property tax classification – August 2013.

Mr. Banish reviewed the exhibit. The canopy setback variance does not create a detriment. The plan proposes efficient use of the site. The upgrade supports the purpose of the MLUL. Zoning provides for the proposed uses. Feels the plan eliminates site traffic circulation confusion with better traffic flow. No detriment to the public. The plan has positive benefits. Attorney Gruenberg asked about testimony for the C variance and sign design waiver. Mr. Bannish stated that his testimony covers all three relief requests. No further questions.

Mr. Peck stated that they would like either 7.5 ft with max height of 24 ft or 8 ft with max height of 24.5 for the sign.

Public portion opened. No questions. Public portion closed. All in favor.

Attorney Gruenberg worded the D variance motion. D variances for 2 principle uses with non permitted use of a gas station. Moved by Eller, seconded by Noone to grant the D variance.

Roll Call: Turner, Carroll, Durfee, Mangiacotti, Noone, Eller, Vitalos

Ayes: 7, Nays: 0, Abstained: 0

Motion carried

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Attorney Gruenberg worded the C variance motion. Existing canopy of 22.5 ft instead of required 25 ft. Motion by Turner, seconded by Carroll to grant the C variance.

Roll Call: Turner, Carroll, Durfee, Mangiacotti, Noone, Eller, Vitalos  
Ayes: 7, Nays: 0, Abstained: 0

Motion carried

For preliminary/final site plan approval, applicant requests either 7.5 ft with max height of 24 ft or 8 ft with max height of 24.5 ft and square footage for design waiver. Conditions include Exhibit B-1 Review letter compliance, no separate restaurant within the store, 3 ft max shrubbery on easterly side with revised landscaping plan subject to professional review. Don Eller made the above motion but with 8 ft/24 ft max for the sign. Seconded by Durfee.

Roll Call: Turner, Carroll, Durfee, Mangiacotti, Noone, Eller, Vitalos  
Ayes: 7, Nays: 0, Abstained: 0

Motion carried

**NEW BUSINESS:**

2014 Budget – Same numbers as 2013 to be used. All in favor.

**COMMUNICATIONS:**

NJ Planner

**REPORTS:**

There were no reports at this meeting.

Mrs. Diaconu came forward to address the Board. Mr. Gruenberg read the letter she provided requesting fees be waived due to hardship. Mr. Gruenberg stated that the Board can waive fees but escrow invoices will be paid from the Board's budget. Motion by Eller, seconded by Noone to grant waiver for fees for this circumstance only and deem the application complete.

Roll Call: Turner, Carroll, Durfee, Mangiacotti, Noone, Eller, Vitalos  
Ayes: 7, Nays: 0, Abstained: 0

Motion carried

Attorney Gruenberg will prepare the notice and the clerk will help with the mailings. Public hearing set for November 26, 2013.

**REMARKS:** None

**ADJOURNMENT:**

Hearing no further business to come before the Board, a motion was made and seconded that the meeting be adjourned at 9:52 pm. All in favor.

Ayes: 7, Nays: 0  
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary