

Hawthorne Planning Board Minutes of February, 2018 Regular Meeting

The February, 2018 regular meeting of the Hawthorne Planning Board was called to order on February 20, 2018 at 7:31 P.M. by Chairman Garner. After recital of the Pledge of Allegiance, Board Secretary William A. Monaghan, III called the roll. All members and alternates except Mr. DeAugustines and Mr. Ruta were present as well as John Yakimik, P.E., Board engineer, John Szabo, P.P., Board planner and Board attorney/secretary William A. Monaghan, III, Esq. Chairman Garner announced that notice of the meeting had been published and posted in accordance with the Open Public Meetings Act.

MINUTES

1. On a motion made by Ms. DiMattia and seconded by Mr. Matthews, the Board approved the minutes of the January regular meeting.
2. On a motion made by Vice Chairman Lucibello and seconded by Ms. DiMattia, the Board approved the minutes of the February work session.

CORRESPONDENCE – None

BILLS

1. A motion was made by Mr. Matthews, seconded by Vice Chairman Lucibello, and approved by a vote of 6-0 to approve payment of a bill of the Hawthorne Press for Invoice No. 991045 in the amount of \$45.24.

RESOLUTIONS

1. With regard to the application of **USA Transmission Depot, LLC**, a motion was made by Mayor Goldberg, seconded by Ms. DiMattia and approved by a vote of 5-0 to approve a resolution memorializing the action taken by the Board at its December 19, 2017 meeting.

CERTIFICATE OF COMPLIANCE PLAN REVIEW

1. With regard to the application of **Pizza Boss, LLC**, Charles Inserra, owner, appeared on behalf of the applicant. After being sworn, he testified that the applicant proposes to lease the subject premises as a pizzeria. The store was previously occupied by a delicatessen. Three employees including the owner would operate the business. Some table seating as well as deliveries would be available. No on-site parking is available or required. No exterior changes to the premises are proposed. A motion was then made by Mayor Goldberg, seconded by Mr.

Matthews and approved by a vote of 7-0 to grant the application for certificate of compliance plan review subject to preparation of a memorializing resolution by the Board attorney with the condition that the Board retains jurisdiction for a period of six months to review provisions for garbage pickup.

OLD BUSINESS – None

NEW BUSINESS

1. Pursuant to the provisions of the Municipal Land Use Law, the Board conducted a review of proposed Ordinance 2207-18, introduced by the Municipal Council on February 7, 2018 which prohibits businesses engaged in the sale of medicinal or recreational marijuana in all zoning districts in the Borough. Mayor Goldberg indicated that the proposal is made in anticipation of the possible legalization of marijuana by the State of New Jersey and concern for the public safety aspects of the sale or distribution of marijuana in proximity to residential areas and schools. Discussion took place regarding the advisability of distinguishing between recreational and medicinal marijuana and Mrs. Zakur expressed her opinion that medicinal marijuana should be treated differently than recreational marijuana and not included in the general prohibition in the proposed Ordinance. Borough Planner John Szabo offered his opinion that the proposed Ordinance could be found to be consistent with the Master Plan as well as the general purposes of the Municipal Land Use Law. A motion was then made, seconded and approved by a vote of 5-2 to recommend adoption of the proposed Ordinance as consistent with the Master Plan.
2. With regard to the application of **PPF SS 60 Goffle Road, LLC**, John Marmora, Esq. appeared as attorney for the applicant. He gave a brief overview of his client's application for site plan review and (c) variances for a public storage facility on the subject premises located in the I-1 Zone.

Mr. Monaghan confirmed the receipt of proof of service and publication of notice as required by the Municipal Land Use Law. He also noted the receipt of reports from the Board engineer, Board planner, Police Department, Fire Department and Environmental Commission.

Mr. Marmora called as his first witness Robert Freud, P.E., the applicant's site engineer. After being sworn, he indicated that he is a licensed professional engineer in the State of New Jersey with twenty years' experience. He is a principal with the firm of Dynamic Engineering and is familiar with the site in question. Based on his credentials and experience, he was offered and accepted as an expert witness.

Using an aerial photograph pre-marked as Exhibit A-4, Mr. Freud provided an overview of the subject site which is located in the I-1 Zone and is adjacent to a Dunkin Donuts store. The property, designated as Block 8, Lot 7 on the Borough Tax Map, consists of 1.3 acres on which there is an existing vacant structure which

was formerly a grocery store. There is a steep slope condition in the rear of the property beyond the existing paved area. At present, there is no onsite stormwater detention and all drainage from the site sheet flows onto Goffle Road.

Using a front perspective pre-marked as Exhibit A-1, Mr. Freud described the applicant's proposed 100,000 square foot three story and basement structure with a covered drop off area to be used as a public self-storage facility. He indicated that a flagpole will be added to the site plan. He also presented a front elevation drawing pre-marked as Exhibit A-3.

Mr. Freud then used a site plan rendering pre-marked as Exhibit A-5. He indicated that the proposed structure would have a footprint of 25,000 square feet. Due to the unique shape of the lot, the building would have a sawtooth shape to satisfy the applicable setback requirements. Landscaping would be provided along the front of the building. The applicant proposes to use the existing driveways at the site for access, with the northerly driveway as an entrance and exit and the southerly driveway as an exit only. A drive lane would be provided along the south side of the building for fire fighting access. A trash enclosure would be located in the rear of the building. Lighting would be provided on the perimeter of the building. Landscaping is proposed in the rear of the property to provide screening on the west and south sides of the building. Approximately five street trees are proposed.

Mr. Freud indicated that in order to meet setback requirements, the applicant will require steep slope disturbance variances. He stated that the applicant will limit the amount of disturbance by the use of retaining walls.

He described the signage proposed by the applicant which requires variance relief, but indicated that no free standing signs are proposed.

Mr. Marmora called as his next witness, Andrew Jafolla, P.E., the applicant's traffic engineer. After being sworn, he indicated that he is a licensed professional engineer in the State of New Jersey with ten years experience as a traffic operations engineer. He was offered and accepted as an expert witness with regard to traffic and parking. He advised the Board that his role on behalf of the applicant is to project parking requirements for the proposed use as a self-storage facility. Since the facility would have controlled access, the applicant provided gate data for other similar facilities which it operates. Mr. Jafolla indicated that he reviewed data for 248 days, which he stated is more than required by the standards of the Institute of Traffic Engineers for studies of this kind. Based on his study, he predicted an average of three vehicles entering and leaving during the morning hours and five vehicles entering and leaving during afternoon hours with an average length of stay of fifteen minutes. He offered his opinion that the predicted trip generation would not have a material impact on parking. He further opined that the number of parking stalls proposed by the applicant, seven for customers and two for employees, would be adequate based on the operational characteristics of the facility. Finally, he

indicated that the site plan provided adequate ingress, egress and circulation for vehicular traffic.

Mr. Marmora called as his next witness Stanley Bonilla, senior vice president of development for Safeguard Self Storage. After being sworn, he described the typical customers for the proposed facility as a mix of residential and local businesses. He confirmed that the average time of a customer visit is fifteen minutes. He described the operation of the facility and indicated that very few walk-in customers visit the facility to sign leases. He projected an occupancy rate of approximately 88% with May as the busiest rental month. In answer to a question, he does not anticipate significant business from college students.

Mr. Marmora called as his next witness Keenan Hughes, P.P., AICP. After being sworn, Mr. Hughes testified that he is a licensed professional planner in New Jersey and a principal with PPG, LLC. Based on his credentials and experience, he was offered and accepted as an expert witness in the area of planning. Mr. Hughes described the subject property as ripe for reinvestment. He stated that the applicant's proposal represented a benign, low intensity land use with no significant impact on traffic and little demand for municipal services. He reviewed the variances required by the applicant under the (c)(2) criteria in the MLUL, using the benefits v. detriments analysis.

With regard to impervious coverage, he noted the slight improvement from the proposed development and the benefit of the added landscaping. He noted that the Borough parking ordinance does not anticipate storage facilities.

With regard to steep slope disturbance, he suggested that the irregular shape of the building requires the shifting of the building toward the rear of the property but argued that there would not be a substantial impact on the steep slope area in the rear.

With regard to the proposed signage, he indicated that the blade sign was in lieu of a free-standing sign, and that the sign package would be esthetically pleasing.

He then offered his opinion that the proposed development would advance the purposes of the MLUL in that the location is appropriate for the proposed use and would meet a need for citizens in the area.

With regard to the negative criteria of Section 70(d) of the MLUL, he offered his opinion that no substantial detriment to the public good or impairment of the zone plan would result from approval of the required variances. He emphasized that the proposed use is permitted in the zone and suggested that the proposed development is consistent with the Master Plan as a low intensity use with minimal traffic impact. He concluded by indicating that the use is particularly appropriate for the site and that the magnitude of the requested parking variance is consistent with other similar facilities.

The Board then solicited comments from the Board's professionals. Board engineer John Yakimik stated that in his opinion, between 13 and 15 parking spaces would be adequate for the proposed use. He further indicated that revision of the plans to add parking spaces could impact stormwater management at the site. Board planner John Szabo questioned whether the proposed building is too large for purposes of the coverage variance.

The hearing was then opened for public comment. Clifford Bonhorst, an adjacent residential owner questioned the impact of the applicant's lighting plan on his property.

Discussion then took place between Board members and the applicant's representatives regarding possible revision of the plans to address some of the concerns raised by Board members and professionals including parking, building size and security issues. The applicant's representatives indicated that they would consider revisions of the proposal. A motion was then made, seconded and unanimously approved to adjourn the hearing to the March 20, 2018 regular meeting.

PUBLIC

The meeting was then opened for public comment without response.

The meeting was then adjourned at 9:50 P.M.

Respectfully submitted,

William A. Monaghan, III, Esq.
Board Attorney/Secretary