

Hawthorne Planning Board Minutes of March, 2018 Regular Meeting

The March, 2018 regular meeting of the Hawthorne Planning Board was called to order on March 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 Vice Chairman Lucibello, Mayor Goldberg and Ms. DiMattia were present as well as John Yakimik, P.E., Board engineer, Tom Behrens, 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 – None

CORRESPONDENCE – None

BILLS

1. A motion was made by Mr. Ruta, seconded by Mr. Matthews, and approved by a vote of 5-0 to approve payment of a bill of the Hawthorne Press for Invoice No. 991130 in the amount of \$17.94.

RESOLUTIONS

1. With regard to the application of **Pizza Boss, LLC**, a motion was made by Mrs. Zakur, seconded by Mr. Matthews and approved by a vote of 4-0 to approve a resolution memorializing the action taken by the Board at its February 20, 2018 meeting.

CERTIFICATE OF COMPLIANCE PLAN REVIEW

1. With regard to the application of **MME, LLC**, Matthew Mauriber and Anah Mauriber, owners, appeared on behalf of the applicant together with Edward A. Easse, R.A., the applicant's architect. After being sworn, they testified that the applicant proposes to lease approximately 2,200 square feet at the subject premises for the operation of a small residential moving company. Business is conducted by referral only, using one 24 foot box truck which would be parked in the rear of the premises. The rental space would be utilized for storage of moving supplies, not as a warehouse for customers' personal property. The owners would operate the business with no other employees. No exterior changes to the premises are proposed. A motion was then made by Mr. Matthews, seconded by Mrs. Zakur and approved by a vote of 6-0 to grant the application for certificate of compliance plan review subject to preparation of a memorializing resolution by the Board attorney.

2. With regard to the application of **The Good Life Transportation Company, LLC**, Michael Palumbo and Gary Dersarkissian, owners, appeared on behalf of the applicant. After being sworn, they testified that the applicant proposes to purchase the subject premises for the operation of a limousine business. One administrative employee would work in the office and five vehicles would be parked on the premises. Nine on-site parking spaces are available. All business is conducted via the internet. The second floor of the business would be used as a lounge for employees. No exterior changes to the premises are proposed. A motion was then made by Mrs. Zakur, seconded by Mr. Matthews and approved by a vote of 6-0 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 no vehicles are permitted to back into or out of the premises onto Goffle Road.

OLD BUSINESS

1. With regard to the application of **PPF SS 60 Goffle Road, LLC**, John Marmora, Esq., appeared as attorney for the applicant for the continuation of the hearing. Mr. Monaghan noted the receipt of revised plans from the applicant based on comments from the Board and its professionals, as well as receipt of proof of service of notice and publication regarding the additional variances resulting from the plan revisions.

Mr. Marmora then re-called Robert Freud, the applicant's site engineer, for additional testimony. Using Exhibit A-6, a color rendering of the revised site plan submitted by the applicant, he described the changes made to the applicant's proposal since the last hearing. He indicated that the portico had been extended toward the front of the site, resulting in a 9.7 foot front yard setback. Based on the movement of the proposed building, the plan now provides for eleven parking spaces in the front of the building and four spaces on the south side. The structure was re-designed to eliminate the saw tooth walls on the sides of the building and the walls are now proposed to be parallel to the side property lines. The vehicle circulation has been modified to one way with ingress at the north driveway and egress at the south driveway.

Using Exhibit A-7 showing building elevations, Mr. Freud advised the Board that the front portico has been extended and moved closer to the front property line, but is one story. The reconfiguration of the building also resulted in a drive aisle on the left side of the building for emergency vehicle access and trash removal. The footprint of the building is slightly larger but the number of storage units has decreased from 1012 as originally proposed to 930. Based on the increase in impervious coverage, underground detention is now required and provided for stormwater management. Mr. Freud then summarized the variances required under the revised proposal: impervious coverage, front yard and sideyard setbacks, number of required parking spaces, sign size and steep slope disturbance. He also indicated that additional landscaping in the form of a row of evergreens will be located near the steep slopes.

Mr. Marmora then called as his next witness Paul Grygiel, P.P., AICP. After being sworn, Mr. Grygiel testified that he is a licensed professional planner in the same firm as Keenan Hughes, who testified as the applicant's planner at the first hearing. Based on his credentials and experience, he was offered and accepted as an expert witness. He then gave his opinion regarding the variance relief sought by the applicant under the revised plan using the C(2) benefits v. detriments analysis in the MLUL. He stated that although the proposed building is now slightly larger, more parking is now provided and existing conditions on the site are being improved. He noted that the intrusion into the front yard setback is only the one-story portico. He offered his opinion that the setback variances can be justified by the low intensity of the proposed use and the overall improvement over current conditions on the property.

He summarized by stating that several purposes of zoning under the MLUL would be advanced by the proposal, including the esthetic benefit of the new building. He concluded that the project would further the objectives of the Borough Master Plan by re-developing the site with an attractive, low intensity use that would not result in any detriment to the public good or the zoning ordinance.

Mr. Marmora then advised the Board that his presentation on behalf of the applicant was concluded.

The hearing was then opened for public comment. Rayna Laiosa, Chairperson of the Borough Environmental Commission reviewed the applicant's stormwater management report and requested clarification from the applicant's engineer on several aspects of the plan. Board engineer John Yakimik advised the Board that his office would submit a separate report on the applicant's drainage proposal.

Hassam Sorour, owner of the Dunkin Donuts on the adjacent property, expressed concern about stormwater runoff onto his property which is at a lower elevation than the applicant's site. He also requested that the applicant consider revising the portico, which he felt obstructed the view of potential customers of his business.

Chairman Garner then polled Board members regarding the merits of the application. The consensus expressed by Board members was that the applicant's proposal would eliminate a blighted property with an attractive, low intensity use. Board members also expressed the opinion that the revisions of the plans to relocate the building created additional parking spaces and that the new variances required by the revisions could be justified by the increased parking. After discussion, a motion was made by Mr. Matthews, seconded by Mrs. Zakur and approved by a vote of 6-0 to grant the application for site plan approval, bulk variances and waivers subject to preparation of a memorializing resolution by the Board attorney incorporating all of the conditions set forth on the record and in the reports submitted by the Board professionals.

NEW BUSINESS – None

PUBLIC

The meeting was then opened for public comment without response.

The meeting was then adjourned at 9:30 P.M.

Respectfully submitted,

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