

June 17th, 2019
Hawthorne, NJ

The Regular Meeting of the Zoning Board of Adjustment of the Borough of Hawthorne was held on the above date at 6:55 p.m. in the Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey, with the following present:

FLAG SALUTE

Chairman Hallock invited all present to join him in the Pledge of Allegiance.

“Adequate Notice of this meeting has been posted on the Municipal Bulletin Board, published in the legal newspaper of the Borough and a schedule, including date and time, provided to all persons entitled by law to same. “

ROLL CALL

Chair.....	Raymond Hallock
Vice Chair.....	John F. Gallagher
Board Member.....	David A. Schroter
Board Member.....	Scott Chamberlin
Board Member.....	Kevin Duffy
Board Member.....	Jack B. De Ritter
Board Member.....	Annamarie Sasso
Board Member (Alternate #1).....	Victor Cuttitta
Board Member (Alternate #2).....	Eleanor C. Wenzke - Absent

Also present was Board Attorney James Delia; Board Engineer Mike Kelly; Board Planner Joe Burgis; and Board Secretary Joan Herve.

BILLS:

Chairman Hallock entertained a motion to approve the bill list and forward it to the Treasurer for payment, moved by Gallagher, seconded by a De Ritter. On a roll call vote, all present voted yes. Motion carried.

Hawthorne Press for Legal Notices: \$42.90

APPROVAL OF MINUTES

Chairman Hallock entertained a motion to approve the minutes of the May 20th, 2019 Meeting moved by De Ritter, seconded by Gallagher. On a roll call vote, all present voted yes. Motion Carried.

OLD BUSINESS

53 Braen Avenue, LLC, 10 Sotnick Street (block 287, Lot 8)

As per the applicant and due to the Environmental Commission not able to review the application prior to this meeting, the hearing was tabled to the July 15, 2019 ZBA meeting without further notice. Applicant proposes to subdivide lot 8 and construct two-family dwelling on each lot; lot 8.01 19,388 s.f. (.045 acres), lot 8.02 26,168 s.f. (.060 acres). Site is located in the Residential, One (1)

Family (R-1) Zone. Variances & Waivers being sought; minor subdivision and use variances and any other variances deemed necessary.

Chairman Hallock entertained a motion to table this application to the July 15th, 2019 meeting, moved by De Ritter, seconded by Gallagher. On a roll call vote, all present voted yes. Motion Carried.

Vish Dev Star, LLC, 415 Wagaraw Road (block 19, lot's 5, 17,18,19,20 & 21)

Mr. Faasse, attorney for the applicant explained he will have testimony from Engineer, Mr. Riggs, Architect/Planner, Mr. Easse and traffic expert Louis Luglio.

Mr. Riggs outlined the new revised preliminary site plans dated 5/31/ 19. Exhibit 8I.

The Zoning Requirements B-1 Neighborhood Commercial for Retail Store as follows:

Description	Required	Proposed
Minimum Lot Area	5,000 s.f.	32,962 s.f.
Minimum Lot width		
Wagaraw Road	50 ft.	190.07 ft.
Lincoln Avenue	50 ft.	168.2225 ft.
Minimum Lot Depth	100 ft.	157.44 ft.
Minimum Front Yard Setback	10 ft.	46.1 ft.
Minimum Side Yard Setback One/ Both	10 ft. / 15 ft.	10.0 ft. / 134.7 ft.
Minimum Rear Yard Setback	25 ft.	25.0 ft.
Maximum Building Height Feet / Stories	25 / 2	21.5 / 1
Maximum Lot Coverage	50%	22.0%
Maximum Floor Area – Retail	5,000 Sq. ft.	<5,000 Sq. ft.
Maximum Floor Area – Total	7,500 Sq. ft.	4,148 Sq. ft.

Indicates changes

Zoning requirements Article XX Public Garage & Gasoline Stations Section 540-150 to 540-156

Description	Required	Proposed
Minimum Lot Area	14,000 s.f.	32,962 s.f.
Minimum Lot Frontage		
Wagaraw Road	100 ft.	190.07 ft.
Lincoln Avenue	100 ft.	168.2225 ft.
Minimum Lot Depth	75 ft.	157.44 ft.
Minimum Street Setback – Building	45 ft.	
Canopy		21.0' ft.
Kiosk		59.0' ft.
Minimum Street Setback – Pump Island	25 ft.	32.5 ft.
Minimum Side Yard Setback	20 ft.	>20 ft.
Minimum Rear Yard Setback	15 ft.	>15 ft.
Maximum Building Height Feet / Stories	15 / 1	
Retail Store		>15 Ft. / 1
Canopy		15 Ft / -1
Kiosk		10.0 / 1
Maximum Building Ratio	5%	
Retail Store only		12.6 %
Canopy only		9.5 %
Canopy \$ Retail Store		22.1%
Kiosk Only		0.1%
Indicates Variance Condition		*Indicated Pre-Existing Non-conforming Condition

Also discussed was the changes in the parking and driveways; parking requirement is reduced; 21 spaces needed they have 29 spaces on site. Northerly driveway on Lincoln shows 20 feet wide exit only. With the 2nd driveway closes to the intersection Passaic County asked for a right turn in and right turn out. Westerly side originally was 41 foot of existing driveway apron which was constructed by the County, they are proposing to leave it that way, however they are stripping off an area for the vacuum and the air pump. Eastern parking lot on Wagaraw they are proposing to make that an entrance only to make it easier for the fueling trucks to enter the site. County is requesting pedestrian assess for both sites, they provided assess off a Lincoln, however they are requesting for a waiver on the Wagaraw Road side as they feel it is not necessary. The County is also request to enlarge the trench drains, which they will comply. The County also asked them to widen the sidewalk from 4ft. to 5 ft. on the Wagaraw Road where they just installed as part of the Road improvement project; they are requesting to leave it as is.

Board Engineer, Mike Kelly stated the Minimum Side Yard, Retail Building; Section 540-152H (gas stations) requires a minimum side yard setback 20 feet to be provided. It should be noted the required side yard setback as per the B-1 Zoning requirements is 10 feet (one side) and 15 (combined. The retail building is proposed to be setback 10 feet from the north property line. He advised the Board they should determine the correct standard to be applied in this case. Applicant attorney stated at the April meeting they had testimony where they proposed a 5 foot setback and the board determined to stick with the B1 requirements. Mr. Kelly questioned what the applicant landscape plans are on the southwest corner of the site. Applicant proposes a 6 foot fence along that area, which they feel is an adequate buffer.

Board Planner, Mr. Burgis questioned the location of the air pump and vacuum adjacent to the exit driveway on Wagaraw Road remains a concern. The location presents a potential conflict for vehicles using these facilities and vehicles exiting the site. Mr. Riggs responded they feel there is sufficient driveway for entering and existing as it is more they 24 feet wide. Mr. Burgis discussed the timing of the generator's weekly testing procedure should not be set to be done in the evening or later at night. An afternoon setting is typically best and least disruptive, since a generator is quite loud when it is on. Applicant agreed.

Rakesh Naik managing member/owner of the LLC addressed the questions raised regarding the monitoring wells. Applicant explained there use to be a Mobile gas station at one point and there must have been some sort of leak, due to that Philips 66 has installed wells which they continued to monitor quarterly and reports have been coming in clean.

Louis Luglio traffic expert provided testimony with the flow of traffic entering and exiting the site. There are three existing driveways; one along Lincoln Ave at 33' and two along Wagaraw Road, 41' and 32' nearest the intersection. The proposed one-way existing driveway along Lincoln Avenue is 28'. The driveway cub widths are preferred for this land use and are consistent with the existing operations. The existing two-way driveway along Wagaraw Road nearest to the intersection is proposed to be a one-way entering the site to facilitate gas truck deliver. EXHIBIT T1 depicts the proposed site and surrounding traffic network. Gas Delivery truck would enter from Lincoln Avenue southbound and right turn in to the site. Enter from Wagaraw Road eastbound and left turn into the side at the existing driveway nearest the intersection. EXHIBIT T2 shows the turning templates for gas truck delivery vehicles. The current side is an active gas station with convenience store. During the traffic count program, the number of vehicles entering and exiting each driveway was also captured. This

information is compared to the Institute of Transpiration Engineers (ITE) Trip Generations manual (10th Edition), which is the industry standard, used to estimate generated trips for existing 4-pump positions and proposed 12-pump position development. The table below depicts the trip generation comparison for the existing gas station w/ convenience store, actual traffic counts, and the proposed expanded gas stations w/ convenience store.

Description/ITE CODE Land Use Code (LUC) 945	Units	Expected Units	WEEKDAY	Total Generated Trips		Total Distribution of Generated Trips			
				AM hour	PM hour	AM in	AM out	PM in	PM out
EXISTING Gasoline/Service Station w/ Convenience Store	Pumps	4.0	1,290	83	92	42	42	46	46
Traffic Counts at Existing Driveways (2/5/19)				63	96	28	35	45	51
PROPOSED Gasoline/Service Station w. Convenience Store	Pumps	12.0	3,870	249	276	125	125	138	138
DIFF.				166	184	83	83	92	92
NEW TRAFFICE ON THE ROADS W/56% PASS-BY				73	81	37	37	41	41

In conclusion the estimated 166 vph and 184 vph during the AM and PM peak hours, respectively, one 73 vph and 81 vph would be consider new vehicles on the roadways. The proposed development would not add a significant amount of new traffic. There was a lengthy discussion regarding making the southwest corner driveway a right turn only on Wagaraw Road. It was decided to keep it the way it has always been, vehicles can either make a left or right hand turn.

Architect/Planner, Mr. Easse - Gave an overview to the benefits of granting the variances substantially outweigh any potential detriments. He provided testimony regarding the proposed architectural characteristics for the building structure including building materials, color, lighting and signage. He also provided testimony as to the operation of the convenience store and type of goods and food, hot and cold that will be sold at the site. In his opinion, he feels the property is particular suited a presently existing non-conforming motor vehicle fueling facility and to construct retail, commercial structure.

Chairman Hallock opened the meeting to the public. He stated if anyone desired to be heard on this application, please raise your hand to be recognized, come forward to the microphone state your name and address.

Seeing none, Chairman Hallock closed the meeting to the public.

Chairman Hallock entertained a motion to approve the applicant Vish Dev Star, LLC. Moved by De Ritter to approve the use variance including all bulk variances the County deems necessary, seconded by Gallagher. On a roll call vote, all present voted yes. Motion carried.

A second motion was moved by Chamberlin to approve the site plan subject to County approval, seconded by Schroter. On a roll call vote, all present voted yes, with the exception of Hallock who voted no. Motion carried.

Attorney Delia added the application is concluded, a resolution will be on for next meeting, if there is any changes in the site plan the applicant will have to re-notice.

ADJOURNMENT

At 8:47 p.m. Chairman Hallock entertained a motion to adjourn the regular meeting, moved by Gallagher, seconded by Chamberlin. All in favor, “Aye”.

THE NEXT REGULAR MEETING OF THE ZONING BOARD OF ADJUSTMENT
WILL BE ON
~MONDAY, JULY 15, 2019 ~
WILL BEGIN AT 6:45P.M.

Respectfully Submitted,
Joan Herve, Secretary