

WHEREAS, application has been made to the Hawthorne Planning Board by **Healing the Children New Jersey, Inc.** for site plan approval for property commonly known as 112 Fifth Avenue and also known as Block 174, Lot 25, on the Borough Tax Map, located in the I-1 Industrial Zone; and

WHEREAS, the applicant has submitted to the Board satisfactory proof of publication and service of notices of the application as required by law; and

WHEREAS, the Planning Board conducted a public hearing on said application on December 4, 2018 at which time the applicant offered expert and lay testimony in support of the application, the Board had the benefit of a report submitted by the Board engineer and the Board opened the hearing for comment by the public; and

WHEREAS, the applicant was represented by Darryl W. Siss, Esq.; and

WHEREAS, the Board, during the course of the public hearing, admitted into evidence and considered the following exhibits:

1. Plans (5 sheets) entitled, "Proposed Addition for Healing the Children, 112 5th Avenue, Hawthorne, New Jersey", prepared by Edward A. Easse, R.A., dated August 1, 2018.

The plans consist of the following sheets:

<u>Drawing No.</u>	<u>Description</u>
S-1	Proposed Site Plan, Zoning Schedule, Key Map
S-2	Property Owner List
A-1	Proposed and Existing Front Elevation
A-2	Elevations
A-3	Proposed First and Second Floor Plans

WHEREAS, the Board heard testimony from Denise Malski. She testified that she has served as office manager and development coordinator for the applicant since 1991.

She described the operations of the applicant as providing volunteer medical teams for humanitarian overseas missions to countries such as the Dominican Republic, Ecuador and Peru. Three employees work at the premises on weekdays in the present office space. When supplies are delivered, the space is extremely cramped with desks and medical supplies, making use of the office very difficult. The applicant's proposal would allow the first floor to be used entirely for supplies and assembly of the packages for use by the medical teams traveling abroad. The new second floor would be used entirely as office space. She indicated that the applicant owns the building and has attempted without success to sell the property. The applicant has also explored the possibility of renting other space for expansion, but the cost was not feasible. She also testified that the applicant has a verbal agreement with Churchill Furniture for the use of three parking spaces immediately adjacent to the applicant's property, but Churchill is not willing to formalize the arrangement.

WHEREAS, the Board heard testimony from Edward A. Easse, R.A., P.P., the applicant's architect and planner. Based on his numerous previous appearances before the Board, he was offered and accepted as an expert witness both as an architect and planner. After being sworn, he indicated that he prepared the plans submitted in support of the application. He described the subject site as an irregular lot located in the I-1 Zone which doesn't meet any of the bulk requirements for the existing building. He advised the Board that the proposal would not double the size of the building. He offered his opinion that the addition would not adversely impact the adjacent residential areas. Mr. Easse noted that the applicant is unable to create any on-site parking spaces based on the lot coverage and location of the existing structure. He also described how the construction could be accomplished without major disruption in the area.

WHEREAS, the Board engineer submitted a written report dated October 2, 2018.

WHEREAS, the Board opened the hearing for comment by the public at which time no members of the public requested the opportunity to speak.

WHEREAS, the Board, after considering the testimony and exhibits introduced at the public hearings, the arguments of counsel and the report and comments of the Board engineer, does hereby make the following findings of fact and conclusions of law:

1. The subject property is owned by the applicant and is located in the I-1 Industrial Zone.
2. The site is currently developed with a one story building with no on-site parking and is utilized for office and storage, which are permitted uses in the I-1 Zone.
3. The applicant proposes to construct a 511 square foot second story addition to be used solely as office space.
4. The Board finds that, based on the size of the subject property and the location of the existing structure, the applicant is unable to make any provision for on-site parking. The Board is satisfied, however, that restrictions on the approval, and the nature of the applicant's use will adequately address the lack of on-site parking and avoid negative impact on the adjacent residential area.
5. The applicant also requested waivers from some of the checklist requirements in the applicable ordinance as listed in the report of the Board engineer. Based on the opinion of the Board engineer as expressed at the hearing, the Board grants the waiver requests.

6. The Board further finds that approval of the proposed site plan can be granted without significant negative impact upon public health, safety and general welfare.

WHEREAS, at its meeting on December 4, 2018, the Board approved a motion granting the application subject to the preparation of a memorializing resolution:

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Hawthorne, that the application of **Healing the Children New Jersey, Inc.** for site plan approval, be and hereby is granted subject to the following terms and conditions:

1. Conformance with the plans submitted by the applicant and admitted as exhibits and more specifically described above.
2. The applicant shall be bound by all exhibits introduced, all representations made and all testimony given before the Board at the hearings held on this application.
3. The applicant shall be responsible for obtaining any other approvals or permits from any other governmental agencies as required by law, specifically including but not limited to the Hudson-Essex-Passaic Soil Conservation District, and the applicant shall comply with any requirements or conditions of such approvals or permits. In the event that review of the applicant's plans by any other governmental agencies requires changes which affect the terms and conditions of the Board's approval, the Planning Board retains jurisdiction to review the plans in light of the required changes.
4. Any future user of the property must demonstrate satisfactory compliance with applicable parking requirements.
5. The applicant is limited to use of 511 square feet of office space.

6. The applicant is limited to three full time employees.
7. Construction of the proposed addition shall take place off-site to the greatest extent practical.
8. The applicant shall post all fees and deposits as required by the Borough Code including any deficiencies in any escrow account prior to issuance of a building permit and prior to the issuance of a certificate of occupancy.

The undersigned, Chairman of the Planning Board of the Borough of Hawthorne, hereby certifies that the above is a true copy of a resolution adopted by said Board on the 22nd day of January, 2019.



~~WALTER GARNER, III, Chairman~~

ROBERT LUCIBELLO, VICE CHAIRMAN