

WHEREAS, application has been made to the Hawthorne Planning Board by **Bergen Mobile Concrete, LLC** for site plan approval and bulk variance for property commonly known as 63-73 Goffle Road and also known as Block 9, Lot 11, 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 6, 2016 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. Site Plans (4 sheets) entitled, "Preliminary and Final Site Plan for Property at 63-73 Goffle Road, Borough of Hawthorne, Passaic County, New Jersey", prepared by Rigg Associates, P.A., dated August 3, 2016, revised August 5, 2016.

The plans consist of the following sheets:

<b>Drawing No.</b>	<b>Description</b>
1 of 4	Cover Sheet
2 of 4	Site Layout & Landscape Plan
3 of 4	Grading, Utility & Lighting Plan
4 of 4	Soil Erosion & Sediment Control Plan

2. Architectural Plans (5 sheets) entitled, "Proposed Alteration for: Bergen Mobile Concrete, 63-73 Goffle Road, Hawthorne, N.J.", prepared by Edward A. Easse, R.A., dated May 23, 2016, last revised July 27, 2016.

The plans consist of the following sheets:

<b>Drawing No.</b>	<b>Description</b>
A-01	Elevations
A-02	Ground & Second Floor Plan
A-03	Basement Floor Plan

3. Survey entitled "Topographic Survey Prepared of Property at 67 Goffle Road, Borough of Hawthorne, N.J., County of Passaic" prepared by Rigg Associates, P.A., dated July 11, 2016, revised August 5, 2016.
4. Specification sheet from C&W Manufacturing and Sales for dust control vacuum system.

WHEREAS, the Board heard testimony from Matthew Bishop. Mr. Bishop testified that he is the managing member and owner of the applicant. He testified that his company has been using mobile concrete mixers since 1995. The site plan was marked as Exhibit BMC-1. He operates a similar business in Elmwood Park. The nature of the proposed business is the sale of ready-mixed concrete using mobile truck mixers which drive to a job site and mix the concrete at the site. Each truck can produce 11 cubic yards of concrete in a load. He would operate three mobile mixers and one dump truck at the premises. Each mixer would back into the bins to be constructed at the rear of the property and load cement, sand and water into compartments on the mixer. Each bin would have an apron surrounded by a trench drain. He also has a sweeper to clean up any spillage not captured in the trench drains. Quarterly water testing would be performed on stormwater to monitor the PH of the drainage. Mr.

Bishop also described the process for loading cement into the compartments on the trucks. A pipe is attached to a bin on the truck for the loading of the cement. A specification sheet for the vacuum system used for the loading was offered and accepted as Exhibit BMC-2. Mr. Bishop also indicated that any excess materials collected from spillage are sent for recycling. The applicant would also maintain an office on the second floor of the building with two clerical employees. The normal hours of operation for the business would be 7:00 A.M. to 7:00 P.M. five days per week. Three truck drivers would work from the site. No retail sales would be conducted at the premises. Discussion took place regarding the County Planning Board condition that the site plan be revised to show the south driveway as ingress only and the north driveway as egress only. Board engineer Michael Kelly concurred with the County Board position. Discussion also took place regarding the need for a tire wash system for the mobile mixers and Mr. Kelly suggested as a condition of approval that the Board retain jurisdiction for eighteen months to review the necessity for a system.

WHEREAS, the Board heard testimony from Bruce D. Rigg, P.E., P.L.S., P.P., the applicant's engineer. Based on his numerous previous appearances before the Board, Mr. Rigg was offered and accepted as an expert witness. After being sworn, he testified that he prepared the site plan submitted in support of the application. The plan was last revised on August 5, 2016. The site plan was marked as Exhibit BMC-1. He indicated that the subject property is located on the east side of Goffle Road in the I-1 Zone. The front yard and side yard setbacks of the existing building are not proposed to change based on the site plan. Four bins and a silo would be erected in the rear of the existing building. Access to the interior of the building would be on the south side. In accordance with the discussion during Mr. Bishop's testimony, Mr. Rigg indicated that the site plan would be revised to change the ingress and

egress to one way in and out. With regard to parking, Mr. Rigg testified that under the applicable ordinance, ten on-site spaces would be required and ten spaces are provided on the plan. Mr. Rigg stated that the applicant proposes to remove the concrete wall in the front of the building but wishes to retain the existing sign and flagpole. The issue will need to be addressed with the County Planning Board since the applicant's research indicated that the street dedication was originally made to the Borough of Hawthorne, not to the County of Passaic. The only variance required for approval of the application is an existing condition, namely the front yard setback of the existing building, which the applicant does not propose to change. With regard to stormwater management, Mr. Rigg indicated that the site plan proposes a slight decrease in impervious coverage, but an additional seepage pit would be added. Some new lighting is proposed but is mainly building mounted. A soil movement application would be required for a cut of 275 cubic yards. Mr. Rigg indicated that all comments in Mr. Kelly's report dated September 29, 2016 would be addressed.

WHEREAS, the Board heard testimony from Edward A. Easse, R.A., P.P., the applicant's architect. Also based on his numerous previous appearances before the Board, he was offered and accepted as an expert witness as an architect. After being sworn, he testified that he prepared the architectural plans last revised July 27, 2016 and marked as Exhibit BMC-3. He indicated that the existing roof structure is proposed to be removed. Although an office is proposed for the second level, essentially the building will have one story with a height of twenty-five feet. No additional water runoff would be directed to Goffle Road. The silo to be constructed in the rear of the building would be thirty-four feet in height but would be shielded by the front wall of the building. Mr. Easse advised the Board that there are existing hose bibs on the building which could be used if necessary to wash truck tires. He also described the bins

to be constructed in the rear of the building to be used for loading the mobile mixers as enclosed on three sides with the open area on a concrete apron. Mr. Easse offered his opinion that the application represented the “recycling” of a vacant building and adapting the site to new technology.

WHEREAS, the Board engineer submitted a written report dated September 29, 2016.

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 applicant is the contract purchaser of the subject property which is located on the east side of Goffle Road in the I-1 Industrial Zone.
2. The applicant is seeking site plan approval to utilize the premises as a mobile concrete business. The applicant proposes to renovate the existing building on the site and construct storage bins and a silo in the rear exterior of the building for the loading of mobile concrete mixing trucks.
3. The applicant previously made a request to the Board of Adjustment for an interpretation based on the provisions of the Zoning Ordinance applicable to the I-1 Zone. After a public hearing, the Board of Adjustment made a determination that the applicant’s proposed use is permitted in the I-1 Zone.
4. Approval of the application requires the granting of a front yard setback variance. The variance condition is pre-existing and the applicant does not

propose any change to the setback. The Board finds that the variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning ordinance and zone plan.

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. Based on the testimony adduced and the conditions of approval included in this resolution, the requirements of the outdoor storage provision in the Borough Code (Section 540-119) have been met to permit outdoor storage of materials as proposed by the applicant.

7. Based on the lay and expert testimony on behalf of the applicant, as well as the comments and review by the Board engineer, the Board is satisfied that no dangerous, noxious, or hazardous air pollution or discharge of waste will occur as a result of the applicant's proposed operations on the premises. 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 6, 2016, 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 the **Bergen Mobile Concrete, LLC** for site plan

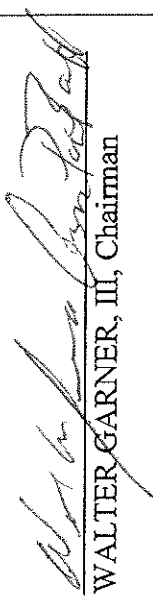
approval, variance and waivers be and hereby is granted subject to the following terms and conditions:

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 Passaic County Planning Board, 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. The applicant shall satisfactorily address all comments noted in the report of the Board engineer's report dated September 29, 2016.
5. Submission of revised plans to depict the south driveway as an entrance only and the north driveway as exit only, and to show the installation of a seepage pit to retain runoff from the building.
6. No retail sales will be permitted from the site.

7. The applicant will provide and maintain a dust cleaning system for the cement to be used as part of the applicant's operations including a vacuum system used for the loading of the mobile mixing trucks.
8. The Board reserves the right to require modifications and/or changes in the site lighting for a period of six months after installation.
9. The Board reserves the right to require a tire cleaning system to prevent the tracking of material offsite for a period of up to eighteen months after issuance of a Certificate of Compliance/Occupancy.
10. Any proposal by the applicant to use or lease the area at the northeast side of the site will require an application to the Board.
11. The Board has no objection to the existing flag pole and sign remaining in their current locations.
12. 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 17<sup>th</sup> day of January, 2017.

  
WALTER GARNER, III, Chairman