

WHEREAS, application has been made to the Hawthorne Planning Board by **Partner Construction Services Corp.** for site plan approval and bulk variances for property commonly known as 10 Washington Street and also known as Block 34.01, Lot 1, 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 April 4, 2017 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 (3 sheets) entitled, "Preliminary and Final Site Plan, 10 Washington Street, Tax Lot 1, Block 34.01, Borough of Hawthorne, Passaic County, New Jersey", prepared by AWZ Engineering, Inc., dated February 24, 2017.

The plans consist of the following sheets:

<u>Drawing No.</u>	<u>Description</u>
1 of 3	Cover Sheet
2 of 3	Site Development, Grading and Utility Plan
3 of 3	Construction Details

2. Architectural Plans (2 sheets) entitled, "New Loading Dock, 10 Washington Street, Hawthorne, N.J.", prepared by Guzzo & Guzzo Architects, L.L.C., dated February 20, 2017.

The plans consist of the following sheets:

<u>Drawing No.</u>	<u>Description</u>
P-1	Floor Plan & Site Plan
P-2	Exterior Elevations

3. Architectural Plans (2 sheets) entitled, "Clearview, 10 Washington Street", prepared by Clearview Architectural Metal & Glass, not dated, signed or sealed.
4. Soil movement and traffic circulation plan prepared by AWZ Engineering, Inc.

WHEREAS, the Board heard testimony from Adnan Khan, P.E. Mr. Khan testified that he is a licensed professional engineer in the State of New Jersey. He has bachelor's and master's degrees in engineering with 25 years experience in practice. He has appeared before numerous boards as well as in court proceedings as an expert witness. Based on his education, professional license and his experience, he was offered and accepted as an expert witness on behalf of the applicant. He indicated that he prepared the engineering plans submitted in support of the application. He reviewed the zoning requirements and indicated that construction of the loading dock would result in a sideyard setback of five feet where ten feet is required. The existing rearyard setback is five feet and the proposed construction would extend the non-conformity. Existing lot coverage of 99.13% where 50% is permitted would remain without change. Mr. Khan calculated the parking requirement as nine spaces and ten spaces are proposed on the plan. One van accessible handicapped space will be provided. The

proposed loading dock would consist of a concrete ramp with a trench drain. The property adjacent to the proposed five foot sideyard next to the loading dock is a railroad embankment. The proposed construction would not change traffic circulation on the site or truck access to the premises. Mr. Khan offered as Exhibit A-1 a soil movement and traffic circulation plan. Based on the amount of proposed soil movement, the plan can be reviewed by the Construction Official. In response to a question from Mr. Kelly, Mr. Khan indicated that a temporary construction easement from the adjoining railroad would be required for the construction of the proposed retaining wall. Mr. Khan also stated that there are no wetlands on the site and that the applicant can address all comments in Mr. Kelly's report. Mr. Kelly advised the Board that he had no objections to the applicant's waiver requests. He suggested that the Board retain jurisdiction to review the applicant's lighting plan for a period of six months as a condition of approval.

WHEREAS, the Board heard testimony from Joseph Pizzi, president of the applicant. Mr. Pizzi testified that the applicant proposes to occupy the premises as a warehouse and office for its business of supermarket maintenance and repair. One twenty-six foot truck and two service vans would be parked at the premises. Deliveries to the premises would be primarily via Federal Express and UPS with occasional tractor trailers. He indicated that the previous occupant received more frequent tractor trailer deliveries. The applicant has six full time employees but only one employee would work at the site. No products or equipment would be stored outdoors and no manufacturing would take place at the premises.

WHEREAS, the Board engineer submitted a written report dated March 13, 2017.

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 proposes to utilize the subject premises as an office and warehouse for its business providing construction services, maintenance and repair for supermarkets. An existing building is located on the site which is in the I-1 Zone.
2. The applicant is seeking site plan and bulk variance approval for the addition of a loading dock at the existing structure.
3. Approval of the application requires the granting of three bulk variances: a sideyard setback of five feet where ten feet is required, extension of the existing non-conforming rearyard setback of five feet where twenty-five feet is required, and maintaining lot coverage of 99.13% where a maximum of 50% is permitted. The property adjacent to the sideyard is a railroad embankment and the Board finds that no negative impact would result to the adjacent property owner. The loading dock will have the positive effect of providing some reduction of the visibility of delivery vehicles. The rearyard and coverage variances are existing conditions which will not significantly change as a result of the addition of the loading dock. The Board finds that the variances 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. Based on the testimony adduced at the hearing, the proposed use will be less intense with regard to truck traffic than the prior occupant. The Board also finds that adequate provision has been made for on-site parking.

4. 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.
5. The Board further finds that approval of the proposed site plan can be granted without significant impact upon public health, safety and general welfare.

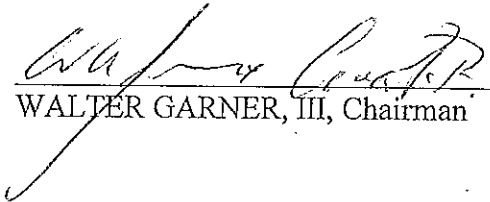
WHEREAS, at its meeting on April 4, 2017, the Board approved a motion granting the application subject to the preparation of a memorializing resolution:

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Hawthorne, that the application of the **Partner Construction Services Corp.** 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 March 13, 2017.
5. The Board reserves the right to require modifications and/or changes in the site lighting for a period of six months after installation.
6. 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.
7. No outside storage of products or equipment is permitted.
8. The applicant shall obtain any required temporary or permanent easements from the adjoining property owner as necessary in connection with the construction of the proposed retaining walls.
9. If necessary in connection with truck deliveries to the site, the applicant will provide appropriate control measures such as personnel to direct traffic and assist the delivery vehicle operators.

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 18th day of April, 2017.


WALTER GARNER, III, Chairman